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

----- X
In the Matter of

VERIZON WIRELESS
(2022-18)

Pressler Road
Section 4; Block 2; Lot 43
AR Zone

----- X

INITIAL APPEARANCE
NEW CELL TOWER

Date: August 4, 2022
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
COLLIN MILLS

APPLICANT'S REPRESENTATIVE: SCOTT OLSON

----- X

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

1 VERIZON WIRELESS

2 CHAIRMAN EWASUTYN: Good
3 evening, ladies and gentlemen. The
4 Planning Board would like to welcome
5 you to the meeting of the 4th of
6 August. We have six items on the
7 agenda this evening. Two of those
8 items are public hearings.

9 At this time we'll call the
10 meeting to order with a roll call
11 vote.

12 MR. GALLI: Present.

13 MS. DeLUCA: Present.

14 MR. MENNERICH: Present.

15 CHAIRMAN EWASUTYN: Present.

16 MR. WARD: Present.

17 MR. CORDISCO: Dominic
18 Cordisco, Planning Board Attorney.

19 MS. CONERO: Michelle Conero,
20 Stenographer.

21 MR. HINES: Pat Hines with MHE
22 Engineering.

23 MR. MILLS: Collin Mills with
24 HDR Engineering.

25 CHAIRMAN EWASUTYN: At this

1 V E R I Z O N W I R E L E S S

2 time I'll turn the meeting over to
3 John Ward.

4 MR. WARD: Please stand to say
5 the Pledge.

6 (Pledge of Allegiance.)

7 MR. WARD: Please turn off your
8 phones or on vibrate. Thank you.

9 CHAIRMAN EWASUTYN: The
10 Planning Board's first item on the
11 agenda is Verizon Wireless,
12 application 22-18. It's an initial
13 appearance for a new cell tower
14 located on Pressler Road in an AR
15 Zone. I believe it's AR and RR, but
16 that's okay. It's being represented
17 by Tectonic Engineering. We'll open
18 the meeting up at this point.

19 MR. OLSON: Good evening. My
20 name is Scott Olson, I'm an attorney
21 with Young, Sommer in Albany, New
22 York. I'm here to represent Verizon
23 Wireless.

24 Obviously this is our initial
25 presentation. What we're looking to

1 V E R I Z O N W I R E L E S S

2 do is install a new cell tower off of
3 Pressler Road in the north portion of
4 Town.

5 The tower we're proposing is
6 about 120 feet tall with a 4-foot
7 lightning rod on top. It will be
8 within a 50 by 50 corral, a secure
9 compound. You probably can't see it
10 but you should have these plans
11 available to you.

12 My finger is going along
13 Pressler Road right now. We come off
14 Pressler Road and within the
15 compound. We're trying to tuck it up
16 back towards the power lines. I'm
17 not sure if you're familiar with
18 that. The power lines run right
19 around here. We'll be several
20 hundred feet off of that.

21 I would say they're large
22 structures. We cannot put our
23 antennas on those structures. In the
24 past sometimes they would do that.
25 They have new policies now that we

1 V E R I Z O N W I R E L E S S

2 would only be allowed to, if we were
3 on there, access them one time a
4 year. That doesn't work for our
5 network, or any one of those
6 networks. That's what we're trying to
7 do right now.

8 We provided an application with
9 a whole bunch of information, an EAF.
10 We've given you a viewshed map, I
11 think it's exhibit 7 of the
12 application. It shows you where we
13 think the tower will be located and
14 where it should be screened from.

15 We did not provide you with any
16 type of other visual analysis because
17 we needed to come to the Town and
18 seek your input before we have the
19 balloon test. The balloon test is
20 how we prepare that visual simulation
21 for you to look at. That's one of
22 the reasons why we're here tonight,
23 to get that process started.

24 I know that Collin is here. I
25 spoke with Mike Musso earlier in the

1 V E R I Z O N W I R E L E S S

2 week and he agreed that's something
3 we can certainly discuss.

4 I can talk longer but I don't
5 think that's necessary tonight.
6 Unless you have any questions, I'm
7 happy to answer them.

8 CHAIRMAN EWASUTYN: Thank you.
9 The Planning Board is represented by
10 a Telecommunications Consultant.
11 He's here. His name is Collin Mills.

12 Collin, can you describe the
13 project.

14 MR. MILLS: So as part of the
15 application review process we review
16 all the supplied information that
17 Young, Sommer has provided on behalf
18 of Verizon. We will provide a
19 completeness memo to the Planning
20 Board. We have an inventory of
21 what's submitted and we talked about
22 the supplemental information needs
23 based on our review, which will
24 include a balloon test and visual
25 assessment, as indicated and

1 V E R I Z O N W I R E L E S S

2 discussed, as required by Town Code.
3 We also reviewed drawings and
4 identifying any potential questions.

5 At this point we would require
6 going forward with the balloon test
7 in the future and developing points
8 of view to have photo simulations
9 developed for the viewshed analysis,
10 visual resources evaluation.

11 CHAIRMAN EWASUTYN: Pat Hines
12 with McGoey, Hauser & Edsall, would
13 you like to add anything?

14 MR. HINES: Sure. At this
15 point the project is going to be
16 required to send out the adjoiners'
17 notices within a 500-foot radius,
18 which is a procedure the Board has to
19 notify neighbors of a potential
20 project before them.

21 The access road is located in
22 the Town of Plattekill in Ulster
23 County, so there will need to be
24 coordination with the Town of
25 Plattekill regarding that. Pressler

1 V E R I Z O N W I R E L E S S

2 Road in that area is a Plattekill
3 Town road. I will discuss that with
4 the Town of Plattekill when I'm there
5 Tuesday night to get some guidance on
6 where they want to go with that and
7 what kind of application process they
8 require there.

9 Our other comment is HDR is
10 doing the technical review. I
11 believe that they have initially
12 identified some deficiencies in the
13 application which will have to be
14 addressed by the applicant prior to
15 moving the application forward.

16 CHAIRMAN EWASUTYN: Dominic
17 Cordisco with Drake, Loeb.

18 MR. CORDISCO: Thank you, Mr.
19 Chairman. As Pat noted, the
20 adjoiners' notices should be sent out
21 at this time.

22 The Town of Plattekill is also
23 a potential involved agency. Because
24 they may have their own approvals
25 over any improvements to the access

1 V E R I Z O N W I R E L E S S

2 drive connection, I would recommend
3 at this time that the Board would
4 make the 239-NN referral to the Town
5 of Plattekill to start that process
6 and engage with the Town of
7 Plattekill early on.

8 The project also would require
9 referral to the County Planning
10 Department, but I would not recommend
11 referring it to County Planning at
12 this time because there's been no
13 visual EAF addendum included as part
14 of the application and any of the
15 other technical items that would be
16 forthcoming in Mr. Mills' memo
17 regarding the application.

18 I do believe that it would be
19 appropriate at this time for the
20 Board to deem the application to be
21 incomplete. That's an important step
22 for a telecommunications facility
23 regarding completeness or
24 incompleteness because the FCC shot
25 clock rules are very specific

1 V E R I Z O N W I R E L E S S

2 regarding a new tower. The Board is
3 to make a decision regarding the
4 application within 150 days of its
5 submission, unless of course the
6 application remains incomplete. Mr.
7 Olson of course acknowledged the fact
8 that they have work to do in
9 connection with the visual analysis,
10 so I don't expect any objection
11 there. Nonetheless, it would be
12 important for the record for the
13 Board to determine the application
14 incomplete at this time.

15 You should also consider a
16 discussion regarding the visual EAF
17 addendum, and also the requirements
18 for the balloon test. The code of
19 the Town of Newburgh has very
20 specific requirements regarding the
21 noticing of the balloon test. It has
22 to be noticed in the newspaper I
23 believe at least twice before the
24 balloon test, and the balloon test
25 itself has to be conducted on a

1 VERIZON WIRELESS

2 Saturday when more people will be
3 able to see it during the day. The
4 other thing about the balloon test is
5 that it might be helpful to do it
6 later in the fall when it's more of a
7 leaf-off condition. I think the
8 timing of that should be discussed
9 between the Board and the applicant.

10 CHAIRMAN EWASUTYN: Thank you.

11 Mr. Olson?

12 MR. OLSON: Thank you. We
13 certainly expect to prepare --
14 conduct a balloon test and then
15 prepare the visuals based on that.

16 In terms of doing it in the
17 fall, the only issue that we have
18 with that is the timing. We'd have
19 to wait five months, give or take.
20 We're in August. September --
21 November usually is when you have all
22 the leaves down. We would really
23 prefer to have it done sooner rather
24 than later. It's still a leaf-on
25 condition. I could talk to our

1 V E R I Z O N W I R E L E S S

2 visual folks to see what they can do
3 to kind of account for that. I'm not
4 sure what they can do. So far over
5 the last fifteen, twenty years I've
6 never had the issue come up. It's
7 always been timed in such a way to
8 avoid it. It's funny you mention it
9 because I was talking to Mike saying
10 that's a potential issue.

11 MR. CORDISCO: If I may make a
12 suggestion in this regard. So as
13 part of your next submission it might
14 be helpful to the Board to identify
15 potential vantage points of where you
16 would be taking photographs during
17 the balloon test, and that might be
18 helpful to identify whether or not
19 there would be an obscuring of the
20 view as a result of -- right now
21 we're talking theoretically about
22 leaf-off conditions. Leaf-on, leaf-
23 off conditions based on your vantage
24 points might not be as important.

25 MR. OLSON: That's very

1 V E R I Z O N W I R E L E S S

2 possible based on the topography.

3 MR. CORDISCO: Correct.

4 MR. OLSON: That could change a
5 lot of things.

6 MR. CORDISCO: I think the
7 Board would be in a position to
8 respond to that if there was a
9 proposed protocol for that study and
10 identifying the places where we're
11 going to be taking photographs of the
12 balloon once it's up.

13 MR. OLSON: We can certainly
14 provide a list. The first thing we
15 do is check to see if there are any
16 visually sensitive resources in the
17 area, things like historic
18 properties, and they obviously have
19 to be looked at. That's what we
20 first do. We also provide additional
21 locations. I'll have our consultant
22 do that in the next week or so. I
23 can also provide it to HDR if you
24 would like me to. I'm sure they'll
25 probably be involved with some of

1 VERIZON WIRELESS

2 that.

3 CHAIRMAN EWASUTYN: I think
4 coordination between our consultants
5 and your team would benefit the
6 Planning Board as a whole.

7 MR. OLSON: I'm happy to do
8 that.

9 CHAIRMAN EWASUTYN: So if I
10 understand the discussion this
11 evening, under 239-NN we will be
12 referring this. Pat Hines will be
13 working with the Town of Plattekill.
14 At this point we'll also do the
15 adjoiners' notices shortly
16 thereafter.

17 We're going to deem the
18 application incomplete because of
19 lack of visual information.

20 MR. CORDISCO: As well as
21 additional technical items that will
22 be forthcoming from the HDR memo.

23 CHAIRMAN EWASUTYN: Thank you.

24 Can I have a motion from the
25 Planning Board to agree and

1 VERIZON WIRELESS

2 acknowledge those issues that were
3 just presented by our Attorney,
4 Dominic Cordisco with Drake, Loeb?

5 MR. GALLI: So moved.

6 MR. WARD: Second.

7 CHAIRMAN EWASUTYN: I have a
8 motion by Frank Galli. I have a
9 second by John Ward. May I please
10 have a roll call vote.

11 MR. GALLI: Aye.

12 MS. DeLUCA: Aye.

13 MR. MENNERICH: Aye.

14 CHAIRMAN EWASUTYN: Aye.

15 MR. WARD: Aye.

16 CHAIRMAN EWASUTYN: Thank you,
17 Mr. Olson.

18 MR. OLSON: Thank you. Have a
19 nice evening.

20 MR. MENNERICH: Could I ask one
21 question?

22 CHAIRMAN EWASUTYN: Sure.

23 MR. MENNERICH: The access
24 driveway is coming between two
25 transmission lines it looks like.

1 V E R I Z O N W I R E L E S S

2 What correspondence have you had with
3 Central Hudson?

4 MR. OLSON: Right now not much
5 because we usually wait until we get
6 along the lines where the Planning
7 Board or municipality is fairly
8 content with the application to make
9 sure we know we're dealing -- the
10 location is going to be possibly
11 acceptable, otherwise we'd be
12 dragging these people out there.
13 It's so hard to get Central Hudson
14 out there anyway. If we start
15 dragging them out there and things
16 change -- we're going to wait until
17 we have a more finalized plan.

18 MR. MENNERICH: Thank you.

19

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

21

22

23

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25

1 VERIZON WIRELESS

2

3

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

4

5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 19th day of August 2022.

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Michelle Conero

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MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD
----- X
In the Matter of

NEWBURGH COMMERCE CENTER/SCANNELL
(2022-21)

124 Route 17K
Section 95; Block 1; Lot 58
IB Zone

----- X

AMENDED SITE PLAN

Date: August 4, 2022
Time: 7:13 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
COLLIN MILLS

APPLICANT'S REPRESENTATIVE: CHARLES UTSCHIG

----- X

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

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 CHAIRMAN EWASUTYN: The
3 Planning Board's second item on the
4 agenda this evening is Newburgh
5 Commerce Center/Scannell. It's
6 application 22-21. It's an amended
7 site plan located on Route 17K in an
8 IB Zone. It's being represented by
9 Chuck Utschig of Langan Engineers.

10 MR. UTSCHIG: Good evening, Mr.
11 Chairman, Members of the Board. For
12 the record, my name is Chuck Utschig
13 with the firm of Langan Engineering.

14 We're seeking an amendment to
15 our existing site plan approval
16 specifically relating to the
17 driveway. If you'll recall, the
18 original design and the current
19 approved design has one entry lane
20 and two exiting lanes. We presented
21 that design to DOT, they had some
22 concerns, they asked us to go back,
23 eliminate one of the exiting lanes.
24 The current configuration is one
25 entering lane, one exiting lane and a

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 center island that's flush, just
3 painted.

4 The original driveway width was
5 45 feet. We've reduced it down to 40
6 feet, although our friends at DOT
7 would like it to be no more than 35
8 feet. So we're in a bit of a back
9 and forth.

10 We have reviewed this with
11 Chief Gallagher. I had an
12 opportunity to see him last night and
13 show him the plan. I was hoping to
14 have something from him written. I
15 can report what happened at the
16 meeting. He was comfortable with
17 this configuration. He really didn't
18 want to see the lanes get any
19 narrower. He was comfortable with
20 the way we currently represent it.
21 Again, that's a 15 foot wide lane in,
22 a 15 foot wide lane out, and a 10
23 foot striped island. He specifically
24 did not want that raised so there's
25 that maneuverability. The goal here

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 is if for some reason something is
3 broken down in either the in or out
4 lanes, there's still enough room for
5 a fire truck to navigate their way
6 in. If you recall, there's a single
7 access into the site. We want to
8 make sure that that ability exists.

9 That's our request. There
10 really is no impact on traffic. Any
11 impact is on our site. I think our
12 traffic guy said that it may result
13 in one extra truck waiting a little
14 bit longer to exit if there's a truck
15 making a left. Really no impact.
16 Whatever impact there is, it's on our
17 site. So it's a pretty
18 straightforward request for what we
19 perceive to be kind of a minor
20 adjustment in our plan.

21 I'd be glad to answer any
22 questions you might have.

23 CHAIRMAN EWASUTYN: Thank you.

24 Questions from Board Members?

25 MR. GALLI: No additional.

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 MS. DeLUCA: No.

3 MR. MENNERICH: No.

4 MR. WARD: No.

5 CHAIRMAN EWASUTYN: Pat Hines
6 with McGoey, Hauser & Edsall.

7 MR. HINES: Sure. Our first
8 comment is that this is just a
9 revision to the site plan. The site
10 plan has not been stamped approved
11 yet. There were existing conditions
12 that needed to be resolved. It's
13 still an open site plan before the
14 Board.

15 DOT has rejected the dual
16 exiting lanes. With that, I know you
17 now have a 40 foot wide access drive.
18 What if DOT is not going to give on
19 that 5 feet? We almost look like we
20 may be doing this again.

21 MR. UTSCHIG: So our
22 conversations with DOT, and we
23 explained to them the situation, was
24 that they were interested in hearing
25 from the fire chief and this Board.

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 We're hoping that if our proposed
3 changes, which it appears that the
4 fire chief is okay with, and if you
5 are, we add some credibility to our
6 argument that it should stay at 40
7 feet wide. There is an outside
8 chance that DOT comes back and says
9 no, we can't have it that wide. I
10 think what it would look like then is
11 probably two 15-foot lanes and a 5-
12 foot striped aisle. We think with
13 the Board's acknowledgement this is
14 an acceptable change, the fire chief
15 is supporting it, we would like to
16 take our chances in convincing DOT.

17 CHAIRMAN EWASUTYN: Frank,
18 would you read this into the record
19 from our traffic consultant.

20 MR. GALLI: This letter is
21 dated July 31, 2022 to Board Chairman
22 Mr. John Ewasutyn, review for
23 Newburgh Commerce Center, 124 New
24 York State Route 17K, Town of
25 Newburgh. It gives the project

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 number. "Dear Mr. Ewasutyn, we have
3 received the Newburgh Commerce Center
4 site plan application package last
5 revised July 26, 2022 prepared by
6 Langan Engineering in response to New
7 York State DOT comments. We have no
8 additional comments at this time. If
9 there's any -- if you have any
10 questions about the above comments,
11 please do not hesitate to contact our
12 office. Starke Hipp, PE, Project
13 Engineer, Creighton, Manning
14 Engineering."

15 CHAIRMAN EWASUTYN: That's from
16 our traffic consultant.

17 MR. GALLI: He was fine with it.

18 CHAIRMAN EWASUTYN: Is the
19 Board satisfied at this point with
20 the change in the access drive?

21 MR. GALLI: I am.

22 MS. DeLUCA: Yes.

23 MR. MENNERICH: Yes.

24 MR. WARD: Yes.

25 CHAIRMAN EWASUTYN: Let the

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 record show that the Board is
3 satisfied.

4 We're waiting for comments from
5 the Orange Lake Fire Department?

6 MR. GALLI: Winona.

7 MR. UTSCHIG: Winona Lake.

8 MR. HINES: It's the Orange
9 Lake Fire District.

10 CHAIRMAN EWASUTYN: Pat Hines,
11 do you have anything to add at this
12 time?

13 MR. HINES: No. DOT approval
14 will continue to be a condition of
15 approval.

16 We did note that there's no
17 change in the drainage or utility
18 layouts.

19 We did discuss at work session
20 whether the change was substantial
21 enough to require a recirculation to
22 County Planning. The Board felt that
23 the change is minor, the access is in
24 the same location, generally the same
25 width, just changing of the lanes.

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 As Mr. Utschig mentioned, any of the
3 traffic impacts would be on their
4 site. Should additional trucks not
5 be able to get out, they will stack
6 and cue on their site, not the State
7 highway.

8 With that, we don't have any
9 additional comments.

10 CHAIRMAN EWASUTYN: Dominic
11 Cordisco, you raised a question about
12 may or may not needing a public
13 hearing. Would you discuss that?

14 MR. CORDISCO: Yes. This is an
15 amendment to an approved site plan.
16 A public hearing on this application
17 would be discretionary with the
18 Planning Board. You did have a
19 public hearing on the original plan.
20 I think one of the procedural steps
21 that you could take tonight is making
22 a decision as to whether or not this
23 would trigger the need to have a
24 second public hearing.

25 CHAIRMAN EWASUTYN: John Ward,

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 your thoughts on that?

3 MR. WARD: I don't think we
4 should have a public hearing because
5 many of the residents talked about
6 traffic. They were concerned with
7 backing up on 17K where this will
8 back up on their property.

9 CHAIRMAN EWASUTYN: Thank you.
10 Ken Mennerich?

11 MR. MENNERICH: I agree with
12 John.

13 CHAIRMAN EWASUTYN: Stephanie?

14 MS. DeLUCA: Agreed.

15 MR. GALLI: I agree.

16 CHAIRMAN EWASUTYN: Let the
17 record show that the Planning Board
18 waived, it should actually be the
19 third public hearing on the
20 application before us this evening
21 which is Newburgh Commerce Center/
22 Scannell.

23 What's the action this evening?

24 MR. CORDISCO: The Board should
25 consider adopting the revised

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 negative declaration under SEQRA that
3 would reflect the changes in site
4 access so that those could be relied
5 on by the New York State Department
6 of Transportation. That's similar to
7 the process that you undertook when
8 BJ's Wholesale Club went through the
9 same process.

10 If the Board was satisfied with
11 adopting a revised negative
12 declaration, you could also authorize
13 a revised approval resolution that
14 would reflect the current plans. All
15 other conditions would remain the
16 same. I'm not sure that there would
17 be any additional new conditions
18 associated with this. It's just the
19 conditions that are in the process of
20 being satisfied would continue to
21 apply.

22 MR. UTSCHIG: Understood.

23 CHAIRMAN EWASUTYN: So would
24 someone make for a motion to adopt a
25 revised SEQRA as far as the original

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 negative declaration with the minor
3 changes before us evening?

4 MR. WARD: So moved.

5 MS. DeLUCA: Second.

6 CHAIRMAN EWASUTYN: I have a
7 motion by John Ward. I have a second
8 by Stephanie DeLuca. May I please
9 have a roll call vote.

10 MR. GALLI: Aye.

11 MS. DeLUCA: Aye.

12 MR. MENNERICH: Aye.

13 CHAIRMAN EWASUTYN: Aye.

14 MR. WARD: Aye.

15 CHAIRMAN EWASUTYN: Mr.

16 Cordisco, the original resolution of
17 approval is still in fact in place?

18 MR. CORDISCO: It is, but we
19 would amend it to reflect the fact of
20 the current plans. When they go to
21 pull the building permit, it would be
22 based on the current plans that have
23 been presented to the Board.

24 MR. GALLI: Do we need a letter
25 in there from the fire district?

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 CHAIRMAN EWASUTYN: I think
3 that would be good.

4 MR. CORDISCO: Yes.

5 MR. MENNERICH: How about the
6 suggestion that the Planning Board is
7 in agreement?

8 CHAIRMAN EWASUTYN: Dominic
9 Cordisco, would you prepare a letter
10 for our files so the Planning Board
11 at this point is in agreement with
12 the proposed change to the access
13 drive?

14 MR. CORDISCO: This would be a
15 letter to the DOT or to --

16 MR. UTSCHIG: That would help
17 us. If the Board is so inclined to
18 do that, that would be great.

19 CHAIRMAN EWASUTYN: Is the
20 Board inclined to do that?

21 MR. GALLI: Yes.

22 MS. DeLUCA: Yes.

23 MR. MENNERICH: Yes.

24 MR. WARD: Yes.

25 CHAIRMAN EWASUTYN: Okay. So

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 then that being said, a letter will
3 be prepared to be sent to the DOT by
4 the Planning Board Attorney Dominic
5 Cordisco that the Planning Board is
6 in favor with the current changes to
7 the access drive and that the amended
8 resolution would reflect these changes.

9 MR. CORDISCO: Yes. We'll do
10 both.

11 CHAIRMAN EWASUTYN: Can I have
12 a motion for that?

13 MR. GALLI: So moved.

14 MR. MENNERICH: Second.

15 CHAIRMAN EWASUTYN: Motion by
16 Frank Galli. Second by Ken Mennerich.
17 May I please have a roll call vote.

18 MR. GALLI: Aye.

19 MS. DeLUCA: Aye.

20 MR. MENNERICH: Aye.

21 CHAIRMAN EWASUTYN: Aye.

22 MR. WARD: Aye.

23 CHAIRMAN EWASUTYN: I guess
24 that's it.

25 MR. UTSCHIG: Thank you very

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 much.

3

4 (Time noted: 7:24 p.m.)

5

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

7

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

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

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

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

20

21

22

Michelle Conero

23

MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD
----- X
In the Matter of

BRITAIN WOODS
(2022-17)

442 Little Britain Road
Section 97; Block 1; Lots 32.1, 32.2,
32.3 & 40.1
R-3 Zone

----- X

258 UNIT MULTI-FAMILY
INITIAL APPEARANCE

Date: August 4, 2022
Time: 7:25 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

APPLICANT'S REPRESENTATIVES: ROSS WINGLOVITZ,
PETER GAITO & STANLEY SCHUTZMAN

----- X

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

1 B R I T A I N W O O D S

2 CHAIRMAN EWASUTYN: The
3 Planning Board's third item of
4 business this evening is Britain
5 Woods. It's an initial appearance
6 for a 258-unit multi-family site plan
7 located on 442 Little Britain Road/
8 New York State 207. It's in an R-3
9 Zone. It's being represented by
10 Engineering & Surveying Properties.

11 MR. WINGLOVITZ: Good evening.
12 For the record, Ross Winglovitz,
13 Engineering & Surveying Properties.
14 I'm here on behalf of Farrell
15 Building Company who is the contract
16 purchaser for the property. I'm here
17 with Peter Gaito, the architect, and
18 Stan Schutzman, counsel for Farrell.

19 This is a property that's been
20 before the Board before. I'm
21 standing this way so I have my good
22 ear on this side. This had been in
23 front of the Board before in early
24 2000. Ginsberg Development
25 Corporation controlled all the

1 BRITAIN WOODS

2 properties including the Hawk View
3 Realty Property just to the west of
4 the site. There was a proposal on
5 this property for 388 units. That
6 project was pos dec'd and did not
7 proceed, to my knowledge, after that
8 point.

9 Farrell entered into contract
10 on the property and has retained
11 myself, Peter and Stan to move
12 forward with development of the
13 property under the R-3 Zoning for
14 multi-family.

15 There's a total of eight
16 buildings on about 48 acres. We've
17 done a net area calculation for the
18 site, deducting steep slopes,
19 wetlands, so forth, and worked with
20 Peter to come up with a layout of
21 those eight buildings. Peter is
22 going to talk a little bit more about
23 the layout and the building style
24 that was the choice between him and
25 Farrell as far as what they were

1 BRITAIN WOODS

2 looking to accomplish with the
3 property.

4 There are two access points to
5 the site, both on 207.

6 Water and sewer will be public.
7 We'll be connected to the Town
8 system.

9 Other than that, I want to hand
10 it over to Peter and let him talk a
11 little bit about the buildings, the
12 site, and go from there.

13 CHAIRMAN EWASUTYN: Peter, for
14 the record, your name and company?

15 MR. GAITO: Peter Gaito, Gaito
16 & Associates Architects. Hello,
17 again Board, Chair. Nice to see you
18 again.

19 In essence, the site has
20 contributing topography. The highest
21 point is where my hand is, the
22 center. It dips down lower and
23 cascades on the site this way.

24 There's a wetland area towards
25 207 which we're staying away from.

1 B R I T A I N W O O D S

2 We chose to keep this point of
3 entry -- these points of entry
4 because it allowed also the visual
5 access up and down 207 with the
6 greatest safety and security. We
7 were thinking about that as well.

8 Essentially what happened is we
9 developed a plan to have a
10 circumventing road for safety,
11 security based on circulation of
12 emergency vehicles as well, and
13 working with Ross's team to develop a
14 project that works with the vehicular
15 as well as the pedestrian pathways to
16 connect the buildings. If you're
17 over here, you don't have to drive
18 around, you can cut through a little
19 pathway in the woods and such and get
20 to them.

21 The site right now is very
22 heavily wooded. Our intention is to
23 keep as much of that as possible,
24 keeping a nice buffer along 207 and
25 carving out a little bit where we

1 B R I T A I N W O O D S

2 need to.

3 The essential setup is by the
4 geography and the way the buildings
5 are laid out, it's served by three
6 villages within the site. One
7 grouping, another grouping in the
8 center at the highest point, another
9 grouping sliding along towards the
10 other side as well.

11 Each building is going to have
12 indoor parking, parking in front and
13 a little one-story garage across the
14 street. It's little gathering
15 spaces. These buildings themselves
16 will also have the garage and
17 recycling, bicycle sheds, that sort
18 of thing.

19 In between we're going to try
20 -- in addition to keeping the land as
21 natural as possible, we're having
22 flattened areas for the buildings and
23 some areas in between. This green
24 color you see here is more of a
25 passive recreation area in between

1 B R I T A I N W O O D S

2 the buildings we're trying to
3 provide. It is a hilly site and you
4 want to have some areas for passive
5 activities.

6 The buildings you'll see in a
7 minute are actually two story here
8 and three story in the back. They're
9 working with the terrain. The
10 approach is two stories and it kind
11 of walks up to the lower level. It's
12 a lower level on the ground floor.

13 Essentially it's a residential
14 aspect. The larger building are in
15 the middle, really the center
16 knuckle. There also is a community
17 space within the building itself.

18 We're providing a non-
19 residential unit to use for community
20 events, just to provide an extra
21 amenity for the property.

22 The main amenities, besides the
23 site, the natural trees and pathways
24 and passive recreation, there is
25 going to be a clubhouse there towards

1 B R I T A I N W O O D S

2 the front, pickleball, tennis courts,
3 the pool and the general mixed use
4 space inside there as well.

5 We have a parking area adjacent
6 to the lot which we think is sort of
7 overflow and big enough to
8 accommodate all the cars needed. We
9 are looking -- we saw the comments
10 for accommodations for parking on the
11 other side as well, which makes
12 sense. We're looking to incorporate
13 that on the clubhouse side.

14 Again, the sidewalks in case
15 the kids are all around the property,
16 all around the roads. The yellow are
17 paths.

18 The other comment about
19 connecting to the road we can
20 certainly accommodate.

21 Again, the spine of these is
22 really working with the terrain for
23 both vehicular traffic, steepness,
24 and then pedestrians will be able to
25 walk up there. It's not straight up

1 B R I T A I N W O O D S

2 a mountain. It's a natural point as
3 you carve out and then zigzagging
4 around as you see between there.

5 A typical small building is
6 essentially -- it's a walkout, the
7 lower level being in the hill. The
8 main floor which is the first floor
9 on top here.

10 Parking, parking, parking in
11 front. The spaces are directly in
12 front of the building coming in to
13 different units.

14 Upstairs from there and
15 downstairs you can access the lower
16 floor, again typical, just space over
17 the garage at this level.

18 The longer building I'll show
19 you. There's a special space in
20 between there. The longer building
21 essentially is in essence a similar
22 use. Again, it's broken on an angle
23 to break up the monotony of a
24 simulated box structure. It's a
25 little push and pull with the

1 B R I T A I N W O O D S

2 entrances and the balconies on some
3 of the units, living rooms and such.
4 Also the bend helps to work with the
5 terrain in terms of driving naturally
6 around the site and accessing it.

7 So again, this blue is
8 representative of the one-story
9 garage opposite overflow parking,
10 extra parking for the units. There's
11 parking accessible from the main
12 entrance right directly in front of
13 each of the apartments as well, and
14 then there's parking inside each
15 unit.

16 MR. GALLI: Is that a main
17 hallway?

18 MR. GAITO: Yes, that would be
19 a main hallway.

20 The upstairs, just to show you.
21 Semi walkout downstairs. This is the
22 first floor. The second floor is
23 going to have sort of this community
24 space. Approach it from both sides,
25 proper fire exits and stairs and

1 B R I T A I N W O O D S

2 such. Also you'll be able to access
3 the main space for whoever wants to
4 use it, rent it, community features
5 as needed.

6 MR. GALLI: Where are the
7 elevators?

8 MR. GAITO: There are no
9 elevators. You don't need it. It's
10 essentially a one-story building, up
11 one level, down to the lower level.

12 The clubhouse is fairly modest
13 for what it is. Again, we approach,
14 this side, this side. Either way,
15 you're off of the main drop-off area.
16 Central this will bring you back to
17 the rotunda we saw before. Drop off
18 in front of the building. A little
19 exercise area. We'll have a kids
20 outdoor gym, a play area connected
21 but secured, some community spaces
22 and offices, rental room, and then
23 access to an outside deck and a pool.

24 Generally speaking, this is a
25 first sort of shot I'll show you.

1 BRITAIN WOODS

2 We're thinking the color palette is
3 going to be something in the white
4 and gray range. Natural accents.
5 This is a heavily wooded site. We're
6 going to keep as many trees as
7 possible. I reference that with the
8 tones, the entrances, perhaps the
9 garage doors, and keep a lightness
10 and crispness to the buildings but
11 also have familiar materials and
12 colors to create a very handsome home
13 so people can be proud of it.

14 MR. GALLI: How wide are the
15 driving lanes?

16 MR. GAITO: Good question.
17 They are 23 feet. 23 across.

18 MR. HINES: 26.

19 MR. GAITO: 22?

20 MR. GALLI: 26, Pat?

21 CHAIRMAN EWASUTYN: 22.

22 MR. GALLI: 22?

23 MR. HINES: 26. They're
24 dimensioned at 26 on the plan. The
25 driving lanes?

1 BRITAIN WOODS

2 MR. WINGLOVITZ: The main drive
3 aisles will be 26.

4 MR. GAITO: I'm sorry.

5 MR. GALLI: Go back to that
6 other picture. So you have the
7 garages opposite. It looks to me like
8 a storage unit, one big storage unit
9 and the garage doors. The sidewalk
10 is on that side also. I see them
11 walking on the sidewalk. I imagine
12 that's a sidewalk.

13 MR. HINES: That dimension
14 there is 36 where the garages are.
15 From the sidewalk to the face of the
16 garage is 36 feet.

17 MR. GALLI: Is there a sidewalk
18 -- is that supposed to be an apron
19 where the guy is walking on this side?

20 MR. GAITO: Correct.

21 MR. GALLI: It looks like a
22 sidewalk.

23 MR. GAITO: It's just the way
24 it's represented. Some designation
25 as you approach a vehicular area.

1 BRITAIN WOODS

2 MR. GALLI: The garages on the
3 inside are individually --

4 MR. GAITO: Correct. They're
5 assigned per unit. Two assigned per
6 apartment with a space outside.

7 MR. GALLI: What is the size of
8 the garages?

9 MR. GAITO: I'm not sure
10 they'll fit an SUV. So they're 26
11 feet deep and almost 10 wide -- 12
12 wide.

13 MS. DeLUCA: What is the height
14 of the building?

15 MR. GAITO: It's a two-story
16 building on this side. We're going
17 to keep the 9 foot ceilings in the
18 structure. 9 foot ceilings again.
19 20, 22, 24, 25 tops at the highest
20 point.

21 CHAIRMAN EWASUTYN: Ken
22 Mennerich, do you have any questions?

23 MR. MENNERICH: At some point I
24 guess we'll see more detail as far as
25 the colors. It does look kind of

1 BRITAIN WOODS

2 commercial/industrial type of view
3 from this, as was mentioned already.

4 MR. GAITO: The garages?

5 MS. DeLUCA: The whole thing.

6 MR. MENNERICH: The whole
7 thing. It looks like it could be
8 warehouses.

9 MR. GAITO: So yeah, obviously
10 this is the first rendering. We'll
11 get into it. I'll have the full set
12 of drawings, colors, patterns. The
13 idea is not to have it overly
14 detailed or a copy of something
15 that's built somewhere else. That's
16 not the intention. It is the
17 intention to make it residential,
18 clearly I appreciate that comment,
19 but not a commercial feel. I think
20 the further renderings will show --

21 MR. GALLI: That's not a good
22 rendering.

23 MR. GAITO: Thank you.

24 MR. GALLI: My personal
25 opinion. I've seen you come up with

1 B R I T A I N W O O D S

2 better renderings.

3 MR. GAITO: This is our first
4 shot. The printer is a little bit
5 washed.

6 MR. GALLI: Not one of your
7 better ones.

8 MR. GAITO: This is washed out.
9 You'll see much better.

10 MR. WINGLOVITZ: The
11 architectural detail as far as the
12 SEQRA process, there will be much
13 more time for Peter to develop
14 drawings. We can vet them with the
15 Board as far as colors.

16 CHAIRMAN EWASUTYN: Recently we
17 looked at a project in the Town of
18 Newburgh that was approved. They
19 came back with what I'll call a very
20 large drop box for deliveries from
21 Federal Express, Amazon, UPS. There
22 are connections with wifi. They
23 leave the box, the residents would be
24 notified. It would minimize a lot of
25 delivery trucks going through the

1 B R I T A I N W O O D S

2 development itself. Is it possible
3 to consider that?

4 Is it possible to consider a
5 few points where there would be self-
6 charging stations since electric
7 cars, if not today, may be tomorrow
8 more dominant? We have had a few
9 cases where individuals now have
10 electric and cars are looking for
11 points of service. If you could give
12 that consideration for this.

13 MR. WINGLOVITZ: Yes.
14 Absolutely. We can incorporate that
15 into the plan.

16 MR. GAITO: Yes. I spoke about
17 that at other projects. We're
18 certainly doing that. This one as
19 well.

20 It's a good point about the
21 Amazon. Technology is becoming a big
22 part of it. There are package rooms
23 in each building. In terms of a
24 central drop off, we can investigate
25 that.

1 BRITAIN WOODS

2 CHAIRMAN EWASUTYN: John Ward?

3 MR. WARD: Ditto on the
4 stations. People in the apartments,
5 they're not going to be home getting
6 their packages.

7 How many units per building?

8 MR. WINGLOVITZ: How many units
9 per building?

10 MR. GAITO: It depends.

11 MR. WINGLOVITZ: The larger
12 buildings are 40 units and the
13 smaller buildings are 22.

14 MR. HINES: Building 4 is 49.

15 MR. WARD: How many buildings
16 total?

17 MR. WINGLOVITZ: Eight
18 buildings total.

19 MR. WARD: All right. Going
20 back to the buildings themselves.
21 You've got residents in the area.
22 The buildings you're showing us have
23 no character. I'd like to see if
24 you're going to develop something,
25 not like a warehouse look coming in.

1 B R I T A I N W O O D S

2 I was shocked to see the garages on
3 the other side. Like Frank said, it
4 looked like a sidewalk there. I
5 haven't seen garages apart from the
6 apartments for years. That's a long
7 time ago. If you can, do something
8 with the peak and everything else to
9 correct that, please.

10 MR. GAITO: Maybe it was a
11 quick shot. It does have a gable
12 roof. You couldn't tell from there.
13 It's going to be a mini-version of
14 whatever the buildings end up to be.
15 It will be of the same family, the
16 same character, the garages.

17 The garage, that came about --
18 that's a good question. Market
19 studies seem people are asking for
20 indoor spaces. Rather than have a
21 ton of spaces inside, if we have
22 sensitive little buildings that are
23 cute little versions of the
24 residential might be a good way to
25 accomplish that.

1 BRITAIN WOODS

2 MR. WARD: Another thing. Down
3 by the traffic circle, when you come
4 out to 207, what we've been doing
5 with projects like this is having a
6 gazebo there. When they go down the
7 sidewalks and they have children or
8 somebody waiting for a ride going to
9 work or something, just to get out of
10 the snow, rain.

11 MR. GAITO: Like a gazebo or a
12 wait area?

13 MR. WINGLOVITZ: A bus shelter
14 type of situation. Absolutely it
15 could be incorporated here. As a
16 private community the bus is not
17 going to come up in here.

18 MR. WARD: No.

19 MR. GAITO: That's a good point.

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

22 MR. HINES: Our first comment
23 just notes that the project is 258
24 units on a 48 plus or minus acre
25 parcel.

1 BRITAIN WOODS

2 As Mr. Winglovitz mentioned,
3 this project was before the Board in
4 2014, at least this lot was, with an
5 adjoining lot that totaled 67 acres
6 at the time. They're now looking at
7 just under 48 acres. In December of
8 2004 the Planning Board issued a
9 positive declaration under SEQRA,
10 identified potential impacts as
11 traffic, transportation, potential
12 impacts to neighborhood character and
13 impacts to historic sites. The
14 submitted EAF does identify this site
15 to be sensitive for archeological
16 resources. At the time I believe the
17 parcel next door had a historic house
18 on there. That is no longer there.
19 I think it was subject to a large
20 fire years and years ago.

21 The applicant has taken out the
22 environmental and constrained areas
23 per the code. In addition, they took
24 out the roughly 1.5 acres of land
25 that is in the City of Newburgh.

1 BRITAIN WOODS

2 One of the access points to
3 Route 207 is in the City of Newburgh.
4 We'll have to work through the
5 approval process for that and
6 coordinate with the City of Newburgh
7 regarding the use of that parcel for
8 access and stormwater management
9 only. That will flow through the
10 lead agency circulations and the 239
11 circulations that will be required.

12 I don't think you made an
13 application to the City of Newburgh
14 for anything.

15 MR. WINGLOVITZ: Not yet.

16 MR. HINES: We'll have to find
17 out from them.

18 There is no accessible parking
19 in the vicinity of the clubhouse.
20 That should be looked at.

21 There's jurisdictional wetland
22 areas depicted. We would like to see
23 a copy of that jurisdictional wetland
24 delineation.

25 There's sidewalks in the

1 B R I T A I N W O O D S

2 interior of the site but they
3 terminate at the clubhouse and do not
4 extend to the State highway. As Mr.
5 Ward just stated, the school buses
6 will not go into the private areas.
7 There should be a provision for
8 sidewalks out to the State highway.

9 We will coordinate with your
10 office regarding the adjoiners'
11 notice.

12 The Board could consider a
13 notice of intent for lead agency at
14 this point to circulate to the other
15 interested and involved agencies for
16 the State Environmental Quality
17 Review.

18 I did take some notes while you
19 were speaking. Previously this
20 project I believe was getting sewer
21 service by an interconnect to the
22 Stony Brook Condominium complex.

23 MR. WINGLOVITZ: There were
24 discussions with Stony Brook. I
25 thought that was water, from what I

1 B R I T A I N W O O D S

2 understand. Sewer I believe was a
3 connection through here. There was a
4 question regarding it's a Town sewer
5 but it goes into the City. There's a
6 siphon and there was concerns about
7 siphoning under the creek here.

8 MR. HINES: There will also be
9 some issues -- the interconnect for
10 the City sewer will make it difficult
11 to meter sewage. Currently a
12 majority of the Town's sewer is
13 tributary to the City of Newburgh and
14 comes through two points that are
15 metered, the pump station or near the
16 old Brookside Drive, for lack of a
17 better location. That could
18 potentially be an issue that will
19 need to be addressed.

20 Previously there was an
21 interconnect for emergency access to
22 Stony Brook. You do have two points
23 of access so that may not be an
24 issue.

25 I don't know that the project

1 BRITAIN WOODS

2 is in the sewer district. That's
3 something we need to determine.

4 MR. WINGLOVITZ: I have to check.

5 MR. HINES: Especially the fact
6 the only connection to the City of
7 Newburgh, I would think that it is
8 not the sewer district. We'll need
9 to address that moving forward.

10 That's the extent of our
11 comments on the concept plan.

12 The Board could consider the
13 lead agency circulation and we also
14 will do the adjoiners' notices.

15 CHAIRMAN EWASUTYN: Thank you.

16 Dominic Cordisco with Drake,
17 Loeb, our attorney.

18 MR. CORDISCO: Nothing further.
19 That covers the procedural actions
20 that the Board can take tonight.

21 CHAIRMAN EWASUTYN: So Pat, we
22 would circulate our intent for lead
23 agency, we would send out the
24 adjoiners' notices. Anything else?

25 MR. HINES: That's the only

1 B R I T A I N W O O D S

2 thing I think we can do tonight.

3 CHAIRMAN EWASUTYN: Would the
4 Board make for a motion to accomplish
5 those two suggestions?

6 MR. GALLI: So moved.

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

9 MR. WARD: Second.

10 CHAIRMAN EWASUTYN: Second by
11 John Ward. Can I please have a roll
12 call vote.

13 MR. GALLI: Aye.

14 MS. DeLUCA: Aye.

15 MR. MENNERICH: Aye.

16 CHAIRMAN EWASUTYN: Aye.

17 MR. WARD: Aye.

18 CHAIRMAN EWASUTYN: Motion
19 carried.

20 MR. WINGLOVITZ: Thank you very
21 much.

22

23 (Time noted: 7:47 p.m.)

24

25

1 BRITAIN WOODS

2

3

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

4

5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 19th day of August 2022.

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Michelle Conero

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MICHELLE CONERO

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

----- X
In the Matter of

HUDSON ASSET
(2022-10)

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

----- X

PUBLIC HEARING
TWO-FAMILY/ARB

Date: August 4, 2022
Time: 7:47 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
JOHN A. WARD

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

1 HUDSON ASSET

2 CHAIRMAN EWASUTYN: The
3 Planning Board's fourth item of
4 business this evening is Hudson
5 Asset, project number 22-10. It's a
6 public hearing for a two-family and
7 ARB. It's located on Union Avenue in
8 an R-2 Zone. It's being represented
9 also by Engineering & Surveying
10 Properties.

11 At this time Mr. Mennerich will
12 read the notice of hearing.

13 MR. MENNERICH: "Notice of
14 hearing, Town of Newburgh Planning
15 Board. Please take notice that the
16 Planning Board of the Town of
17 Newburgh, Orange County, New York
18 will hold a public hearing pursuant
19 to Section 276 of the Town Law on the
20 application of Hudson Asset
21 Subdivision Two-Family, project
22 2022-10. The project is a proposed
23 two-lot subdivision located at Union
24 Avenue. The project is located on an
25 8.4 plus or minus acre parcel of

1 HUDSON ASSET

2 property on the west side of Union
3 Avenue. The project proposes two
4 lots, a 2.03 plus or minus acre lot
5 and a balance of 6.4 plus or minus
6 acres. Each of the lots is proposed
7 to have two-family homes constructed.
8 Site access will be via a common
9 driveway. The lots will be served by
10 on-site septic systems and
11 connections to the Town of Newburgh
12 municipal water system. The lot is
13 known on the Town tax maps as Section
14 34; Block 1; Lot 25.15. The project
15 is located in the Town's R-2 Zoning
16 District. The public hearing will be
17 held on the 4th day of August 2022 at
18 the Town Hall Meeting Room, 1496
19 Route 300, Newburgh, New York at 7
20 p.m. or as soon thereafter as may be
21 heard, at which time all interested
22 persons will be given an opportunity
23 to be heard. By order of the Town of
24 Newburgh Planning Board. John P.
25 Ewasutyn, Chairman, Planning Board

1 HUDSON ASSET

2 Town of Newburgh. Dated 13 July
3 2022."

4 CHAIRMAN EWASUTYN: Ross, please.

5 MR. WINGLOVITZ: Good evening.

6 Ross Winglovitz, Engineering &
7 Surveying Properties. I'm here with
8 Mike Mahar representing Hudson Asset
9 Homes, the owner of the property and
10 the applicant.

11 The proposal before the Board
12 this evening is a two-lot subdivision
13 of tax parcel 34-1-25.15. It's about
14 an 8.5 acre property on Union Avenue.
15 It backs up to the Thruway.

16 What is proposed is one -- lot
17 1, which is approximately 2 acres,
18 and lot 2, 6.4 acres. Both will
19 share a common driveway from Union
20 Avenue. The driveway access point
21 has been reviewed by the Highway
22 Department and found to be
23 satisfactory. A common drive will
24 come into the site, cross over the
25 old farm lane where it will split to

1 HUDSON ASSET

2 service each of the two units.

3 Each building is proposed to be
4 a duplex, a three-bedroom duplex, a
5 total of six bedrooms in each
6 building.

7 Septic systems have been
8 designed at the rear of the site.

9 The buildings will be served by
10 public water from the water main in
11 Union Avenue. There will be a water
12 service on either side of the
13 driveway that will service the
14 buildings. We just recently
15 completed yesterday the pressure
16 testing. I didn't know it was one of
17 Pat's comments. The pressure testing
18 was satisfactory. We'll get you the
19 calculations regarding the pressures
20 at the building and any need to
21 upgrade the water service to the
22 building, if there is any.

23 Architecturally the Board, as
24 part of a duplex review and approval,
25 at the last meeting was looking for a

1 HUDSON ASSET

2 color rendering. Mike's architect
3 provided this today. This was a
4 black and white elevation that we had
5 provided previously. It's natural
6 earth tone colors, grays and lighter
7 grays, which are pretty popular
8 today.

9 MR. HINES: Ross, that
10 architectural, there's only one door
11 facing the front and the other is on
12 the side?

13 MR. WINGLOVITZ: Yes. So one
14 door is on this side and one door is
15 in the front.

16 MR. HINES: The Town two-family
17 code requires the structure to look
18 like a single-family residence. It
19 doesn't have the two front door look
20 to it.

21 MR. WINGLOVITZ: That's the
22 front elevation. No door. Window,
23 door on the side and door on the
24 front here.

25 CHAIRMAN EWASUTYN: At this

1 HUDSON ASSET

2 point in the meeting, if there's
3 anyone in the audience that has any
4 questions or comments, please give
5 your name and your address. Sir.

6 MR. TOLBERT: My name is
7 Gregory Tolbert, I reside at 1287
8 Union Avenue, the property next to
9 the common drive that they're talking
10 about.

11 My concern is the property
12 line. Will it cross over to my lot,
13 which is the big lot right here?

14 MR. WINGLOVITZ: You can come
15 up to the board.

16 MR. TOLBERT: I believe it's
17 right here. I think this is it.
18 Yeah. You said the common drive is
19 here; right?

20 MR. WINGLOVITZ: Yes. The
21 common driveway is probably about 100
22 feet from your property where it will
23 come in, curve down the hill, cross
24 the existing. So the entrance here,
25 curving down towards the rear. On

1 HUDSON ASSET

2 the other side of the ditch, the
3 ditch line. It's on the other side
4 of that.

5 MR. TOLBERT: That was my
6 concern.

7 MS. TOLBERT: I'm the wife and
8 I'm also the resident of 1278 Union
9 Avenue. I'm concerned there's a
10 space there that ends on Union
11 Avenue. The space -- I wanted to
12 know the dimensions of the space and
13 where the common way is going to be,
14 that it doesn't go over any of our
15 property line.

16 CHAIRMAN EWASUTYN: Ross, did
17 you hear that question?

18 MR. WINGLOVITZ: No.

19 MS. TOLBERT: The question is
20 the common drive, it's very close to
21 our survey line.

22 MR. WINGLOVITZ: It is not.
23 That's what I was just explaining to
24 your husband.

25 MS. TOLBERT: Well according to

1 HUDSON ASSET

2 our certified survey when we closed
3 on the house, I don't know if --

4 MR. WINGLOVITZ: You see that
5 ditch that's shown on your survey?
6 It's on the other side of that.

7 MS. TOLBERT: Right. When you
8 physically go there and you look at
9 it, like I said, it's the stream and
10 there's a lot of wetlands. My
11 concern as a resident is how are the
12 trucks and stuff going to get back
13 there to build? You've got to go
14 past -- if this is our -- this is our
15 end of the property. The stream is
16 here. Before the stream comes he has
17 a little piece of property. What is
18 that dimension for that common way?
19 What is the size?

20 MR. GALLI: That's the width of
21 the road, Ross?

22 MS. TOLBERT: Right. When big
23 trucks come in --

24 MR. WINGLOVITZ: The common
25 drive will be 12 feet wide.

1 HUDSON ASSET

2 MS. TOLBERT: My concern is,
3 like I said, is that if it's going to
4 be sufficient or not for space
5 because they are going to be big,
6 large trucks. They have to go to the
7 side of us, a long way to get to the
8 back of those lots.

9 MR. GALLI: What's the width of
10 a cement truck?

11 MR. WINGLOVITZ: It's got to go
12 on a State highway, so 8 feet wide.

13 MS. TOLBERT: A lot of it is
14 wetlands.

15 MR. WINGLOVITZ: The wetlands
16 have been delineated on the plan. I
17 think it actually shows on your
18 survey as well. We're on the other
19 side of that wetland. We're on the
20 north side of that wetland. There's
21 15 feet between your property line
22 and the wetland, and then we're on
23 the opposite side of the wetland.

24 MS. TOLBERT: Have you visited
25 that spot?

1 HUDSON ASSET

2 MR. WINGLOVITZ: No.

3 MR. HINES: If you've been back
4 there, and we have -- I have walked
5 that. There's a large wetland area
6 behind your house but there's an old
7 road that crosses. There's a culvert
8 and an old road that crosses that.
9 We had made a recommendation that
10 they utilize that rather than go
11 through the wetlands. There's a
12 crushed culvert, a 24 inch diameter
13 culvert that needs to be replaced as
14 part of this project. They're going
15 to use that as the driveway crossing
16 rather than impact the wetlands on
17 either side.

18 MS. TOLBERT: That was our
19 concern. Thank you.

20 MS. SMITH: I'm Crystal Smith,
21 I live at 1293 Union Avenue. The
22 properties, they're going to be
23 duplexes. Are they going to be
24 rentals? Are they going to be sold
25 individually, one person buys one

1 HUDSON ASSET

2 side, kind of like a town home? What
3 are they proposing to do with the
4 houses? Are they going to rent them?

5 MR. WINGLOVITZ: I'll defer to
6 Mike.

7 MR. MAHAR: Mike Mahar, 50
8 Cocoa Lane. They'll be rentals, two
9 three-bedroom rentals on each
10 property.

11 MS. SMITH: So you're putting
12 two three-bedroom rentals in a
13 community of owner-occupied homes
14 which is going to change the
15 aesthetic of the people that live
16 there. That's a concern.

17 CHAIRMAN EWASUTYN: It is a
18 permitted use in that zone.

19 MS. SMITH: I understand that,
20 but it is a concern because, as you
21 know, you get some good tenants, you
22 get some bad tenants. You know, it's
23 a concern of ours.

24 CHAIRMAN EWASUTYN: Additional
25 questions or comments from the

1 HUDSON ASSET

2 public?

3 MS. LOBIG: Judith Lobig, 1285
4 Union Avenue. I just wondered if any
5 plans have been talked about what
6 will happen with the remainder of
7 that larger lot? Is there a plan to
8 further subdivide or --

9 MR. WINGLOVITZ: The Board, as
10 part of the process, asked us to do a
11 plan showing what could happen.
12 There could be an additional two lots
13 there. There's no proposal at this
14 time to do that. We had to do that
15 to demonstrate from a planning
16 perspective what could be done.

17 MS. LOBIG: Reiterating
18 Crystal's issue, it's mostly single-
19 family homes. It's going to affect
20 everybody's property values again by
21 putting in those. That's the
22 concern. Thank you.

23 MR. WINGLOVITZ: Thank you.

24 CHAIRMAN EWASUTYN: Additional
25 questions or comments from the

1 HUDSON ASSET

2 public?

3 (No response.)

4 CHAIRMAN EWASUTYN: Planning
5 Board Members. Frank Galli?

6 MR. GALLI: No additional.

7 MS. DeLUCA: No additional.

8 MR. MENNERICH: No questions.

9 MR. WARD: No.

10 CHAIRMAN EWASUTYN: All right.
11 Having heard from the public, at this
12 point we'll close the public hearing
13 on the proposed Hudson Asset two-
14 family. We'll continue the review of
15 the ARB and the site plan itself.

16 Do you want to go through the
17 ARB process?

18 MR. WINGLOVITZ: The ARB, we
19 would be looking for approval for the
20 duplexes. As Mike indicated, they
21 are three-bedroom units, each with a
22 single car garage.

23 There's only one front entrance
24 per building, one side entrance per
25 building. It maintains the

1 HUDSON ASSET

2 appearance of a single-family home.

3 Again, the colors are grays and
4 light grays. Architectural shingles.

5 CHAIRMAN EWASUTYN: Is the
6 Board in favor of the rendering
7 proposed this evening?

8 MR. GALLI: Yes, I'm fine with
9 it.

10 MS. DeLUCA: Yes.

11 MR. MENNERICH: Provided the
12 form is filled out.

13 CHAIRMAN EWASUTYN: Ken
14 Mennerich said provided the ARB form
15 is filled out as far as colors and
16 materials.

17 MR. WINGLOVITZ: We can get
18 those to you. Absolutely.

19 CHAIRMAN EWASUTYN: John Ward?

20 MR. WARD: It looks nice.

21 CHAIRMAN EWASUTYN: Would
22 someone make a motion then to approve
23 the ARB rendering for Hudson Asset
24 subject to the ARB form being
25 completely filled out.

1 HUDSON ASSET

2 MR. GALLI: So moved.

3 MS. DeLUCA: Second.

4 CHAIRMAN EWASUTYN: I have a
5 motion by Frank Galli. I have a
6 second by Stephanie DeLuca. Can I
7 please have a roll call vote.

8 MR. GALLI: Aye.

9 MS. DeLUCA: Aye.

10 MR. MENNERICH: Aye.

11 CHAIRMAN EWASUTYN: Aye.

12 MR. WARD: Aye.

13 CHAIRMAN EWASUTYN: Dominic
14 Cordisco, can you give us conditions
15 for approval for the Hudson Asset
16 site plan?

17 MR. GALLI: You didn't close
18 the public hearing.

19 CHAIRMAN EWASUTYN: I did make
20 a motion for that.

21 MR. CORDISCO: We discussed it
22 but didn't make the motion.

23 CHAIRMAN EWASUTYN: Can I have
24 a motion to close the public hearing
25 on the Hudson Asset application

1 HUDSON ASSET

2 before us this evening.

3 MR. MENNERICH: So moved.

4 MR. WARD: Second.

5 CHAIRMAN EWASUTYN: I have a
6 motion by Ken Mennerich. I have a
7 second by John Ward. May I please
8 have a roll call vote.

9 MR. GALLI: Aye.

10 MS. DeLUCA: Aye.

11 MR. MENNERICH: Aye.

12 CHAIRMAN EWASUTYN: Aye.

13 MR. WARD: Aye.

14 CHAIRMAN EWASUTYN: Motion
15 carried.

16 Dominic Cordisco, can you give
17 us conditions of approval for Hudson
18 Asset, application number 22-10?

19 MR. CORDISCO: Yes. For this
20 two-lot subdivision the highway
21 superintendent has already signed off
22 on the driveway location. That would
23 be the only specific condition that
24 I'm aware of, apart from the general
25 conditions that would apply.

1 HUDSON ASSET

2 MR. HINES: My office will be
3 looking for a stamped survey plan.
4 We don't have a survey. We have
5 stamps on the plan, Ross, but we
6 don't have one of your surveyors
7 stamping it.

8 The ARB approval and the water
9 pressure analysis needs to be
10 provided. We'll address that if
11 there's any issues with that. That
12 has to do with the pressure in the
13 area and the length of the lateral
14 servicing the proposed houses and the
15 sizing of those. We'll work with
16 Ross and the Water Department to
17 determine the size of those laterals.

18 There needs to be a common
19 driveway access and maintenance
20 agreement.

21 CHAIRMAN EWASUTYN: Having
22 heard conditions of approval for
23 Hudson Asset, project number 22-10,
24 we have a sign off from the highway
25 superintendent, we'll require a

1 HUDSON ASSET

2 stamped survey and we'll need a
3 common driveway maintenance
4 agreement. We need coordination with
5 the Water Department as far as water
6 lines and water pressure.

7 MR. HINES: Yes. The size of
8 the laterals. Yes.

9 CHAIRMAN EWASUTYN: Having
10 heard those conditions, would someone
11 move for that motion.

12 MR. WARD: So moved.

13 MR. MENNERICH: Second.

14 CHAIRMAN EWASUTYN: I have a
15 motion by John Ward. I have a second
16 by Ken Mennerich. May I please have
17 a roll call vote.

18 MR. GALLI: Aye.

19 MS. DeLUCA: Aye.

20 MR. MENNERICH: Aye.

21 CHAIRMAN EWASUTYN: Aye.

22 MR. WARD: Aye.

23 CHAIRMAN EWASUTYN: Motion
24 carried. Thank you.

25 MR. WINGLOVITZ: Thank you.

1 HUDSON ASSET

2 (Time noted: 8:02 p.m.)

3

4

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

6

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

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

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

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

19

20

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22

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25

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

14 MARINO DRIVE/AFONSO
(2022-11)

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

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: August 4, 2022
Time: 8:02 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
JOHN A. WARD

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

1 14 MARINO DRIVE / AFONSO

2 CHAIRMAN EWASUTYN: The fifth
3 item of business before the Planning
4 Board this evening is 14 Marino
5 Drive. It's application number
6 22-11. It's a public hearing on a
7 two-lot subdivision.

8 Ken Mennerich will read the
9 notice of hearing.

10 MR. MENNERICH: "Notice of
11 hearing, Town of Newburgh Planning
12 Board. Please take notice that the
13 Planning Board of the Town of
14 Newburgh, Orange County, New York
15 will hold a public hearing pursuant
16 to Section 276 of the Town Law on the
17 application of Afonso, 14 Marino
18 Drive, project 2022-11. The project
19 involves a two-lot subdivision and
20 lot line change located at 14 Marino
21 Drive in the Town of Newburgh. The
22 project consists of a 8.2 plus or
23 minus acre parcel consisting of two
24 tax map parcels. The subdivision
25 will create a new 2-acre parcel

1 14 MARINO DRIVE / AFONSO

2 proposed for a single-family
3 residential use with an on-site well
4 and septic. Lot 2 will contain a
5 single-family home served by an
6 existing well and septic. Lot 2 will
7 be 2.45 plus or minus acres. The lot
8 line change parcel will support one
9 single-family residence with a
10 proposed on-site well and septic
11 system with revised access to the
12 cul-de-sac. The lots are known on
13 the Town tax maps as Section 2; Block
14 1; Lots 16 and 23.2. The project
15 site is located in the Town's RR
16 Zoning District. A public hearing
17 will be held on the 4th day of August
18 2022 at the Town Hall Meeting Room,
19 1496 Route 300, Newburgh, New York at
20 7 p.m. or as soon thereafter as can
21 be heard, at which time all
22 interested persons will be given an
23 opportunity to be heard. By order of
24 the Town of Newburgh Planning Board.
25 John P. Ewasutyn, Chairman, Planning

1 14 MARINO DRIVE / AFONSO

2 Board Town of Newburgh. Dated 13
3 July 2022."

4 CHAIRMAN EWASUTYN: Darren.

5 MR. DOCE: Good evening. I'm
6 Darren Doce representing Joseph
7 Afonso.

8 We're proposing a two-lot
9 subdivision of a 4.5 acre parcel that
10 contains an existing single-family
11 dwelling. It's located at 14 Marino
12 Drive. A 2-acre parcel will be
13 subdivided from the 4.5 acre parcel
14 that's proposed to have a single-
15 family home with an individual well
16 and sewage disposal system.

17 Mr. Afonso also owns the
18 adjoining parcel to the north. We're
19 proposing a lot line change to give
20 that parcel fee access to Marino
21 Drive. A single-family home is
22 proposed for that lot -- that
23 existing tax parcel with an
24 individual well and sewage disposal
25 system.

1 14 MARINO DRIVE / AFONSO

2 All the comments, the Board's
3 comments and the consultants'
4 comments, I believe were addressed
5 prior to last month's meeting.

6 The highway super has reviewed
7 the drive locations and signed off on
8 those.

9 That's basically the proposal.
10 Again, I can answer any questions or
11 address any comments.

12 CHAIRMAN EWASUTYN: Is there
13 anyone in the audience tonight that
14 has questions or comments? Please
15 give your name and your address.

16 MR. PRESLER: William Presler,
17 24 Coventry Lane and also 23 Coventry
18 Lane which is west -- just east of
19 it, which I'm looking to buy too.
20 Both parcels. I own 24 now.

21 One, the roadway from Marino
22 Drive, where is it in reference to
23 the stonewall? May I come up?

24 MR. DOCE: Yes. The property
25 line is -- this is the property line.

1 14 MARINO DRIVE / AFONSO

2 The driveway would be in this area
3 off of the cul-de-sac.

4 MR. MARINO: Okay. And Marino?

5 MR. DOCE: Marino Drive, the
6 cul-de-sac is here.

7 MR. PRESLER: It would be right
8 here?

9 MR. HINES: The stonewall is
10 depicted on the plan there.

11 MR. PRESLER: Where would the
12 runoff go? That's number one.

13 Number two -- you can answer
14 it.

15 MR. DOCE: Well there's an
16 existing catch basin here. It would
17 direct the runoff to the roadway so
18 it enters there.

19 MR. PRESLER: So this and this
20 are the two houses I'm talking about.
21 Okay. Now, the runoff won't come
22 down here any how?

23 The septic and wells are here
24 and here. So with you drilling new
25 wells, putting a new septic higher

1 14 MARINO DRIVE / AFONSO

2 than my elevation, what will -- how
3 will it affect me? That's the next
4 question.

5 MR. DOCE: Most of the
6 development on the parcel -- the
7 contours fall to the west, not
8 towards -- where the developed
9 portion is -- this does flow this
10 way, but the development is going
11 to --

12 MR. PRESLER: But where would
13 the septic be?

14 MR. DOCE: The septic on this
15 house? Right here.

16 MR. HINES: The septic that
17 he's depicting there is, I'll say the
18 west side of the hill from the
19 residence where you are. The house
20 is sitting at the high point on the
21 lot. The septic goes to the west
22 towards Ulster County. The well is
23 in the front of the lot in between
24 the house and --

25 MR. PRESLER: The wells affect

1 14 MARINO DRIVE / AFONSO

2 my house and my other house.

3 MR. HINES: The underlying
4 zoning takes into consideration the
5 fact that these houses will be on
6 wells and septics, which is why the
7 lot sizes are delineated the sizes
8 that they are. If you calculate the
9 amount of runoff at 42 inches average
10 rainfall over the entire site during
11 the year, it well exceeds the amount
12 of water that would be used by a
13 single-family house, which is why the
14 lot sizes are larger in this area of
15 the Town, because of the wells and
16 septics. It's a minimum of 2-acre
17 zoning. These lots comply with that.

18 MR. PRESLER: Okay. My next
19 question is, and the biggest question
20 is, the Thruway is here.

21 MR. DOCE: Correct.

22 MR. PRESLER: Taking a lot of
23 the trees down, it's already loud,
24 now it will get louder. What can be
25 done to help with the traffic? I

1 14 MARINO DRIVE / AFONSO

2 know nothing can be done with the
3 traffic, but the noise is getting
4 really bad since they worked on the
5 Thruway and the edge of this property
6 on the Thruway. What will happen
7 when all the trees are taken down for
8 the two houses?

9 MR. DOCE: We're not -- we're
10 only proposing removing trees in
11 approximately maybe a quarter of an
12 acre.

13 MR. PRESLER: For now, but
14 you're also --

15 MR. DOCE: The Thruway is well
16 below.

17 MR. PRESLER: And you're
18 looking at -- well, not well below.

19 MR. DOCE: There's quite a
20 slope from here to here.

21 MR. PRESLER: And you're
22 looking at actually possibly using
23 this as another house?

24 MR. DOCE: No.

25 MR. HINES: That lot size will

1 14 MARINO DRIVE / AFONSO

2 not support another subdivision.

3 MR. PRESLER: The 8 acres?

4 MR. HINES: It's not 8. The
5 resulting lot, or tax lot 16 that
6 you're indicating there, is less than
7 4 acres. The underlying zoning is 2-
8 acre zoning. That lot could not be
9 further subdivided under the existing
10 zoning,

11 MR. PRESLER: Sorry. I had a
12 stroke a year ago.

13 What can be done for the noise
14 that will be coming from, one, the
15 roadway.

16 Two, I'm really concerned on
17 the runoff, because right now if we
18 get bad rains, from the wall -- the
19 rock wall on our property, both our
20 properties, we get runoff. So what
21 is that -- what can be done to help
22 with that, because the road and the
23 driveway is pretty close to the edge
24 of the property line?

25 MR. HINES: So the grading for

1 14 MARINO DRIVE / AFONSO

2 the driveway is directing the runoff
3 to the cul-de-sac in the vicinity of
4 your property line. There's a
5 proposed grading plan there that has
6 the runoff going to the cul-de-sac
7 and the closed pipe drainage system
8 there. The extent of development on
9 this lot does not exceed the
10 requirements for a drainage study.
11 Again, it's only a single-family
12 house on 2 acres of land, so the Town
13 code would not require a stormwater
14 management plan because of the size
15 of the lots and the minimal amount of
16 impervious coverage.

17 MR. PRESLER: Even though
18 they're adding to Marino Drive?

19 MR. HINES: Excuse me?

20 MR. PRESLER: They're adding
21 parcels to Marino Drive.

22 MR. HINES: Yes.

23 MR. PRESLER: So that is --
24 that doesn't --

25 MR. HINES: There's only one

1 14 MARINO DRIVE / AFONSO

2 new parcel. The lot you're
3 indicating, tax lot 16, is an
4 existing lot. It just has a
5 landlocked issue that's being
6 addressed by the lot line change
7 here. So it's an existing lot. It's
8 not a new lot. It's getting a little
9 larger and providing access. The
10 other lot that's being subdivided is
11 further to the -- further down Marino
12 Drive from the cul-de-sac. It's
13 further south.

14 MR. PRESLER: It's where they
15 park their equipment right now.

16 MR. DOCE: There's two existing
17 tax parcels. We're only creating one.

18 MR. PRESLER: Which is this one?

19 MR. DOCE: This one.

20 MR. PRESLER: And this is
21 already --

22 MR. DOCE: That's where Afonso
23 lives.

24 MR. PRESLER: That's the
25 existing house.

1 14 MARINO DRIVE / AFONSO

2 MR. DOCE: This was an existing
3 lot that could be built on.

4 MR. PRESLER: So one here, one
5 here or -- what's this?

6 MR. HINES: The orange lot is
7 currently developed.

8 MR. DOCE: It's this one.

9 MR. PRESLER: So it's there and
10 there.

11 MR. DOCE: This is vacant.
12 This is the existing vacant parcel.
13 We're not creating that parcel.
14 That's an already existing buildable
15 lot.

16 MR. HINES: It wouldn't be
17 buildable because it doesn't have
18 access. You're providing access.

19 MR. DOCE: We're providing
20 access.

21 MR. PRESLER: Okay. Again, the
22 problem is the road being on -- just
23 at the top of my property, which is
24 about 100 feet down to my well and my
25 house. I'm really concerned on

1 14 MARINO DRIVE / AFONSO

2 runoff with the road. I just don't
3 understand, you know, the way the
4 road is going in.

5 MR. DOCE: It's the driveway.

6 MR. PRESLER: That's my biggest
7 concern. Again, I live on 24. 23
8 I'm looking at but I don't know. I
9 just want to know where I stand in
10 three years.

11 CHAIRMAN EWASUTYN: Dominic
12 Cordisco, do you want to speak on
13 that one way or the other?

14 MR. CORDISCO: As Pat pointed
15 out, this is single-family residences
16 on large lots. They are permitted
17 uses on those lots. They do not
18 trigger the need for additional
19 stormwater controls in this area.
20 These are specific requirements by
21 State law that either thresholds are
22 met or they are not met. So as a
23 result, they're met for this
24 particular project. Apart from the
25 initial development, very similar to

1 14 MARINO DRIVE / AFONSO

2 other developments throughout this
3 area, no additional stormwater and
4 runoff controls are required by law.

5 MR. PRESLER: So with salt and
6 everything going into my well,
7 there's nothing I can do about it or
8 protect myself?

9 MR. CORDISCO: Not as part of
10 this Planning Board process. I mean
11 if there was to be a contamination
12 issue, which in my opinion it would
13 be highly unlikely as a result of the
14 use of this road, the issue would be
15 between private landowners at that
16 time. I recognize that's not the
17 answer that you would like to hear,
18 but this Planning Board has limited
19 amount of authority and review. For
20 instance, if an application comes
21 before it that meets the code and
22 that also meets the technical
23 requirements, they don't have a great
24 deal of discretion to require certain
25 measures that perhaps you would like

1 14 MARINO DRIVE / AFONSO

2 to see in connection with stormwater
3 runoff.

4 MR. PRESLER: Well because of
5 the different -- the location versus
6 both wells being lower, not equal,
7 lower, you know, shouldn't something
8 be able -- shouldn't we be able to
9 get something that guarantees or
10 helps with everybody understanding
11 that we will not have a problem in
12 two years, three years, four years,
13 bad winters? You know, we all have
14 bad winters. Now we have a private
15 road that we have to upkeep, Marino.
16 This part would have to be privately
17 up kept. The amount of salt and
18 everything that would be put on, you
19 know --

20 MR. HINES: There's no roadway
21 extension here. The existing roadway
22 is a Town road. The only thing
23 coming off of here is a driveway off
24 the cul-de-sac.

25 MR. PRESLER: A long driveway

1 14 MARINO DRIVE / AFONSO

2 that actually goes on our -- the
3 stonewall, or close to the stonewall.

4 MR. HINES: It's 20 feet off
5 your stonewall, the property line.

6 MR. PRESLER: So 20 feet is
7 enough to say okay, our wells won't
8 be protected?

9 MR. HINES: A properly
10 constructed well would not be
11 affected by surface runoff. A
12 properly constructed well would be a
13 minimum of 40 foot of casing grouted
14 into bedrock. It takes the surface
15 runoff issue out of the equation.

16 MR. CORDISCO: If I might add
17 as a personal matter, I think it
18 would be highly unlikely to use an
19 excessive amount of salt on a
20 driveway. Salt is expensive.

21 MR. PRESLER: I would disagree
22 with you. In the last two years we
23 used extensive salt on our roadway,
24 which is Coventry Lane.

25 MR. CORDISCO: I appreciate

1 14 MARINO DRIVE / AFONSO

2 that. I certainly don't want to
3 disagree with your experience.

4 MR. PRESLER: I know you're not
5 going to do anything, but I also
6 would like to be on notice that the
7 Thruway, the noise is getting louder
8 and louder. This will increase the
9 noise from the roadway. Thank you.

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

13 (No response.)

14 CHAIRMAN EWASUTYN: At this
15 point I'll turn to Planning Board
16 Members. Frank Galli?

17 MR. GALLI: As far as the noise
18 from the Thruway, I think anybody
19 that would build a house up there
20 would probably want to put some
21 mitigation to cut down on the noise
22 themselves.

23 MR. PRESLER: Believe me, they
24 will.

25 MR. GALLI: That part of it I

1 14 MARINO DRIVE / AFONSO

2 think will take care of itself. If
3 the noise is that bad and they build
4 a house there, I'm sure they're going
5 to do something on their own.
6 Everything else meets code.

7 Nothing else besides that,
8 John.

9 CHAIRMAN EWASUTYN: Thank you.
10 Stephanie DeLuca?

11 MS. DeLUCA: I was going to
12 address the noise level and just to
13 -- I don't know if there could be any
14 assurances as far as making sure --
15 as far as what gets cut in building
16 that lot. Just ensuring that there
17 would be some sort of buffer as far
18 as the trees are concerned. I don't
19 know.

20 MR. DOCE: We do show a
21 clearing area right here. We're not
22 disturbing maybe 30 feet. We don't
23 show it as a buffer but we have no
24 plans of disturbing that right now.
25 What happens in the future --

1 14 MARINO DRIVE / AFONSO

2 MS. DeLUCA: Okay.

3 MR. DOCE: You also have the
4 house between the Thruway and his
5 house.

6 MS. DeLUCA: That's true.

7 CHAIRMAN EWASUTYN: Ken Mennerich?

8 MR. MENNERICH: No questions.

9 CHAIRMAN EWASUTYN: John Ward?

10 MR. WARD: Like I just said, 30
11 feet, if you could possibly look at
12 it and expand it a little more just
13 to help the situation there for a
14 buffer, and keep as much vegetation
15 there.

16 When it comes to drainage with
17 the driveway, you said you had a
18 basin down on the bottom. That
19 should help the water no matter what.

20 MR. DOCE: The driveway drains
21 toward the road. There is a catch
22 basin within 20 feet at the end of
23 the cul-de-sac that all the runoff on
24 the cul-de-sac enters.

25 MR. WARD: Thank you.

1 14 MARINO DRIVE / AFONSO

2 CHAIRMAN EWASUTYN: Okay.
3 Having no further questions or
4 comments from the public, I'll move
5 for a motion -- someone move for a
6 motion to close the public hearing on
7 the 14 Marino Drive/Afonso two-lot
8 subdivision.

9 MR. GALLI: So moved.

10 MR. MENNERICH: Second.

11 CHAIRMAN EWASUTYN: I have a
12 motion by Frank Galli. I have a
13 second by Ken Mennerich. May I
14 please have a roll call vote.

15 MR. GALLI: Aye.

16 MS. DeLUCA: Aye.

17 MR. MENNERICH: Aye.

18 CHAIRMAN EWASUTYN: Aye.

19 MR. WARD: Aye.

20 CHAIRMAN EWASUTYN: Motion
21 approved.

22 Dominic Cordisco, can you give
23 us conditions for approval in the
24 final resolution?

25 MR. CORDISCO: Yes. I actually

1 14 MARINO DRIVE / AFONSO

2 would defer to Pat Hines to see if
3 there was anything specific.

4 MR. HINES: We do not have any
5 outstanding comments on this. There
6 are no securities required. There's
7 no landscaping or roadway improvements.

8 CHAIRMAN EWASUTYN: Is there a
9 rec fee associated with this?

10 MR. CORDISCO: There would be.

11 CHAIRMAN EWASUTYN: What's the
12 dollar amount for the rec fee?

13 MR. HINES: There's only one
14 new lot created, so it's \$2,000.

15 CHAIRMAN EWASUTYN: You'll note
16 that in the resolution, Dominic?

17 MR. CORDISCO: Yes.

18 CHAIRMAN EWASUTYN: One more
19 time do you want to give us the
20 conditions of approval?

21 MR. CORDISCO: Yes. The
22 approval will be conditioned on the
23 applicant submitting all necessary
24 copies of the plans to be signed,
25 including mylars, to the Town of

1 14 MARINO DRIVE / AFONSO

2 Newburgh Building Department within
3 180 days of the date of this
4 approval. A full set of the plans to
5 be signed shall be submitted
6 simultaneously to MHE. The plat
7 shall not be signed until MHE has
8 reported to the Chair that all
9 conditions in the resolution required
10 to be satisfied before the plat can
11 be signed have in fact been
12 satisfied. The approval is further
13 conditioned upon the applicant
14 delivering, prior to the signing of
15 the plat, proof in writing that all
16 fees, engineering, planning, legal
17 and otherwise, in regards to this
18 project have been fully paid. The
19 plat shall not be signed until proof
20 satisfactory to the Chair has been
21 presented showing that all such fees
22 have been paid and escrow deposits
23 made.

24 CHAIRMAN EWASUTYN: Would
25 someone want to make a motion to

1 14 MARINO DRIVE / AFONSO

2 approve the final resolution for the
3 14 Marino Drive/Afonso subdivision?

4 MR. MENNERICH: So moved.

5 CHAIRMAN EWASUTYN: I have a
6 motion by Ken Mennerich. Can I have
7 a second?

8 MR. GALLI: Second.

9 CHAIRMAN EWASUTYN: Second by
10 Frank Galli. Can I please have a
11 roll call vote.

12 MR. GALLI: Aye.

13 MS. DeLUCA: Aye.

14 MR. MENNERICH: Aye.

15 CHAIRMAN EWASUTYN: Aye.

16 MR. WARD: Aye.

17 CHAIRMAN EWASUTYN: Motion
18 carried. Thank you.

19

20 (Time noted: 8:25 p.m.)

21

22

23

24

25

1 14 MARINO DRIVE / AFONSO

2
3 C E R T I F I C A T I O N
4

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 19th day of August 2022.
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21 *Michelle Conero*

22 _____
23 MICHELLE CONERO
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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X
In the Matter of

DAN LEGHORN FIRE ENGINE CO.
(2022-19)

Lakeside Road & Gardnertown Road
Section 51; Block 10; Lots 1, 10 & 11.2
B & R-1 Zones

----- X

INITIAL APPEARANCE
LOT LINE CHANGES

Date: August 4, 2022
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
STEPHANIE DeLUCA
KENNETH MENNERICH
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

APPLICANT'S REPRESENTATIVE: RYAN SMITHEM

----- X

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

1 DAN LEGHORN FIRE ENGINE CO.

2 CHAIRMAN EWASUTYN: The sixth
3 item of business this evening and
4 Board Business would be discussion of
5 the proposed tree ordinance.

6 We'll finish first with item
7 number 6, and that's the Dan Leghorn
8 Fire Engine Company lot line change.
9 It's an initial appearance for a lot
10 line change located on Lakeside Road
11 and Gardnertown Road in a B and R-1
12 Zoning District.

13 It's being represented by, you
14 are?

15 MR. SMITHEM: Ryan Smithem,
16 Engineer for the applicant from
17 Mercurio-Norton-Tarolli-Marshall.

18 As the Chairman said, the
19 project involves two lot line
20 changes, a total of three parcels
21 located along New York State Route
22 52, Lakeside Road and Gardnertown
23 Road.

24 The northerly most parcel
25 contains an existing single-family

1 D A N L E G H O R N F I R E E N G I N E C O .

2 residence. It's served by a
3 driveway, private water and sewer
4 connections.

5 The center parcel in orange
6 here contains an existing training
7 facility owned by the Dan Leghorn
8 Fire Company that's operated by
9 Orange Lake Fire District.

10 The southerly parcel labeled in
11 purple is the location of the Dan
12 Leghorn Fire Company house and
13 associated outbuildings.

14 The lot line change for Orange
15 Lake parcel A is located on the
16 northerly side of the existing
17 training facility and is intended to
18 be added to the existing
19 single-family dwelling which will
20 clear a small encroachment of the
21 driveway on the larger parent parcel
22 here.

23 The remainder, the second lot
24 line change will create a smaller lot
25 that contains just the training

1 D A N L E G H O R N F I R E E N G I N E C O .

2 facility for the fire district, while
3 the remainder of the lot will be
4 added on to the fire company's
5 existing lot itself.

6 CHAIRMAN EWASUTYN: Thank you.

7 Pat Hines with McGoey, Hauser &
8 Edsall.

9 MR. HINES: We discussed this
10 at work session, the transfer of
11 property from the fire company to the
12 fire district. The balance of the
13 parcel, which is owned by the fire
14 company, will be transferred to
15 another lot owned by the fire
16 company. Normally lot line changes
17 are pretty straightforward.

18 The only issue is that the
19 single-family residential structure
20 that is gaining property has
21 deficient zoning bulk requirements
22 for two front yard setbacks and total
23 lot area. Unfortunately, under the
24 Town Code that lot loses its
25 grandfathering protection for those.

1 D A N L E G H O R N F I R E E N G I N E C O .

2 A ZBA approval is required for that
3 lot due to the existing bulk table
4 deficiencies. The Lakeside Road
5 frontage is 46 feet where 50 feet is
6 required. The Gardnertown Road
7 frontage is 12 feet where 50 is
8 required. The lot size in the R-1
9 Zone is 40,000 square feet where
10 30,886 is proposed. It will need
11 referral to the ZBA because of that.

12 Otherwise we have no
13 outstanding comments regarding the
14 lot line change. We will have to
15 send out adjoining's notices. There
16 is no requirement for a public
17 hearing, although the ZBA will have
18 that requirement.

19 CHAIRMAN EWASUTYN: Okay. So
20 then we'll follow the standard
21 procedure. Pat Hines will prepare
22 the adjoining's notice, the applicant
23 will send them out.

24 The Board will move to have
25 Dominic Cordisco prepare a letter to

1 DAN LEGHORN FIRE ENGINE CO.

2 the Zoning Board of Appeals in
3 reference to the need for two front
4 yard variances, one being Lakeside
5 Road which is currently 46 feet,
6 required is 50; one being Gardnertown
7 Road which is 12 feet and the
8 required is 50.

9 Is the Board in agreement with
10 this?

11 MR. GALLI: Yes.

12 MS. DeLUCA: Yes.

13 MR. MENNERICH: Yes.

14 CHAIRMAN EWASUTYN: Yes.

15 MR. WARD: Yes.

16 CHAIRMAN EWASUTYN: All right
17 then. Dominic, would you prepare
18 that?

19 MR. CORDISCO: Yes. There is
20 one additional for the lot size. I
21 was typing it but I think I missed a
22 couple numbers. It's 40,000 feet
23 required for the lot size and 30 --

24 MR. HINES: 886.

25 MR. CORDISCO: 886. Thank you.

1 DAN LEGHORN FIRE ENGINE CO.

2 Is proposed.

3 CHAIRMAN EWASUTYN: Thank you.

4 MR. SMITHEM: Thank you very
5 much.

6 (Time noted: 8:30 p.m.)

7

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

9

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

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

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

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 19th day of August 2022.

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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

LOCAL LAW ADDING CHAPTER 172
TREE PRESERVATION PROTECTION

- - - - - X

BOARD BUSINESS

Date: August 4, 2022
Time: 8:30 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

- - - - - X

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

1 B O A R D B U S I N E S S

2 CHAIRMAN EWASUTYN: Under Board
3 Business we're going to discuss that
4 we received a letter from Mark
5 Taylor, Town Attorney, and it's in
6 reference to a revised local law
7 adding Chapter 172 entitled Tree
8 Preservation Protection to the Code
9 of the Town of Newburgh.

10 We'll have an open discussion
11 at this moment. We received a review
12 comment letter on the proposed local
13 law from Karen Arent, her company is
14 KALA, she's our Landscape Architect,
15 and she raised some points that she
16 would like to have as part of the
17 records and sent to the Town Board.

18 Dominic Cordisco also would
19 like to discuss one or two items.

20 MR. CORDISCO: Yes. In
21 addition to Karen's comments, which
22 are about the implications of the
23 current draft of the Tree
24 Preservation Law and how that would
25 trigger certain requirements for

1 B O A R D B U S I N E S S

2 applicants to go through, I also
3 noted that the current draft would
4 essentially go into affect as soon as
5 it's adopted. It does not
6 grandfather, exempt any projects at
7 all. So for instance, if there are
8 projects that are pending before the
9 Planning Board and the Tree
10 Preservation Law was to go into
11 effect in September, anything that's
12 currently pending before the Board
13 would have to basically be redesigned
14 to accommodate the Tree Preservation
15 Law. That might be the intent of the
16 Town Board, I don't know what their
17 intent would be, but the Planning
18 Board might want to consider making a
19 recommendation that at some point
20 certain types of projects should be
21 exempt from the Tree Preservation
22 Law. For instance, a project that's
23 received perhaps preliminary
24 approval, you know, which has already
25 gone through the process and has been

1 BOARD BUSINESS

2 designed and undergone a significant
3 amount of engineering and review
4 might warrant being exempt. You can
5 have a spectrum of all sorts of
6 projects. You can have ones that have
7 received approval but haven't
8 actually had filed plats yet on one
9 end of the spectrum. If that's all
10 you wanted to exempt. The Town could
11 exempt any project that has already
12 made an application to the Board, or
13 somewhere in between. I defer to this
14 Board as to what recommendation you
15 would like to make, but I would
16 encourage you to think about making a
17 recommendation regarding how this
18 will impact pending projects.

19 CHAIRMAN EWASUTYN: At what
20 point do you think they should be
21 grandfathering in projects?

22 MR. GALLI: Well, after
23 appearing for the initial appearance
24 they wouldn't be grandfathered in.
25 Anything that's been pretty well

1 BOARD BUSINESS

2 engineered and sent to the County,
3 anything that's been sent out for
4 lead agency already, I think projects
5 that are that far along for the
6 engineering part of it I think should
7 be exempt.

8 MR. HINES: One of the steps in
9 the process oftentimes is
10 grandfathering at the closure of the
11 SEQRA process, if there's been a neg
12 dec or a final environmental impact
13 statement. As Dominic said, there's
14 a whole spectrum.

15 MR. GALLI: It's pretty
16 expensive to do the re-engineering
17 and stuff like that.

18 MR. CORDISCO: And having to do
19 a tree survey and redesigning to
20 accommodate the Tree Preservation
21 Law.

22 MR. GALLI: I'm okay starting
23 at that point. Anything before that,
24 they should follow the law.

25 CHAIRMAN EWASUTYN: Stephanie

1 BOARD BUSINESS

2 DeLuca?

3 MS. DeLUCA: I guess I'm just
4 wondering whether we want to have it
5 done immediately. I'm not
6 understanding why they feel that
7 that's necessary.

8 MR. CORDISCO: It could have
9 been an omission.

10 MS. DeLUCA: I'm sorry?

11 MR. CORDISCO: It could have
12 been an omission where it wasn't
13 something that was considered. The
14 way local laws work in New York is
15 once they're adopted by the Town
16 Board, it gets sent to the Department
17 of State in Albany, and then as soon
18 as it gets sent to the Department of
19 State it applies and it's the law of
20 the land unless there are certain
21 things that are specifically written
22 in there to say how it's going to be
23 implemented.

24 MS. DeLUCA: Okay. There are
25 quite a few projects, large projects

1 BOARD BUSINESS

2 that have already undergone -- I
3 think I would have to agree with
4 Frank.

5 CHAIRMAN EWASUTYN: Ken Mennerich?

6 MR. MENNERICH: I think the
7 negative dec is a good point. Once
8 it receives a negative dec. Certainly
9 by the time it got toward preliminary
10 approval it should be grandfathered.
11 I think the negative dec.

12 MR. HINES: Or closure of the
13 SEQRA process.

14 CHAIRMAN EWASUTYN: I agree
15 with Frank Galli and the other Board
16 Members with SEQRA.

17 MR. WARD: I agree with what
18 Pat said with the SEQRA. At the same
19 time, with this law that they're
20 proposing and all this, like
21 Stephanie said, it has been going on
22 a year-and-a-half, two years. It's
23 not like one project they are trying
24 to stop.

25 MR. HINES: The Town Board

1 BOARD BUSINESS

2 already had one public hearing on it.
3 I provided some comments, concerns at
4 that point. They were addressed and
5 that's why it's back having a public
6 hearing again, because there were
7 substantive changes to the
8 regulation. That process was
9 probably nine months, ten months ago
10 when that public hearing was held.

11 MS. DeLUCA: Now they're having
12 another --

13 MR. HINES: Now they're having
14 another public hearing. When you
15 make a change -- after the public
16 hearing, if you change the law
17 substantially, significantly, there's
18 a requirement to re-advertise. This
19 is actually the second public hearing
20 on this law that's coming up.

21 MS. DeLUCA: Okay.

22 CHAIRMAN EWASUTYN: So Dominic,
23 you'll write a letter to the Town
24 Board discussing our recommendation
25 that projects that completed SEQRA,

1 BOARD BUSINESS

2 received a negative declaration will
3 not be required to go back in time,
4 and that the memo received from our
5 landscape architect will be part and
6 parcel of that submission?

7 MR. CORDISCO: Yes.

8 Technically zoning amendments
9 pursuant to Town Code Section 185-60
10 trigger the need for the Planning
11 Board, and there's some specific
12 criteria. So rather than me making
13 it up, I would prefer to go through
14 these criteria and have feedback from
15 the Board on some of these items so
16 that I can make sure I capture the
17 intention of the Board.

18 So concerning a proposed
19 amendment to the text of the Zoning
20 Code, which is essentially what this
21 would be, is whether such change is
22 consistent with the aims and the
23 principles embodied in the Zoning
24 Law. I don't make these questions.
25 So that is actually a simplified

1 B O A R D B U S I N E S S

2 version of what it actually says. I
3 mean I think they are asking is it
4 consistent with the aims of zoning.

5 MR. GALLI: I think so.

6 MR. CORDISCO: The second one
7 is -- maybe I can answer this one.
8 It says which areas and
9 establishments in the Town would be
10 directly affected by such change. I
11 think the answer to that is any
12 wooded area is going to be affected
13 by the change.

14 The indirect implications of
15 such change. I mean I think the
16 direct implication of the change is
17 that there's going to be more tree
18 preservation in the Town. I'm not
19 sure there's -- an indirect
20 implication of it might be that there
21 would be correspondingly less land
22 for development, right, because this
23 is -- the effect of this Tree
24 Preservation Law is certainly
25 elevating the priority of trees in

1 BOARD BUSINESS

2 terms of requiring a certain area on
3 every potential subdivision or site
4 plan that will have to be either
5 preserved or require even off-site
6 mitigation for removal of trees.

7 MR. HINES: There's kind of a
8 three-tier hierarchy. It's either
9 preserve, replace, or there's a
10 financial contribution to planting
11 trees elsewhere in the Town. So it
12 has that kind of hierarchy in the
13 ordinance. It doesn't say you can't
14 cut the trees. If you do, you have to
15 mitigate by planting or mitigate by
16 kind of paying into a tree planting
17 bank, kind of a land bank.

18 MR. MENNERICH: All of which
19 result in increased costs of
20 development of land.

21 MR. CORDISCO: My question to
22 you as a Board is do you want me to
23 say that in my letter?

24 MR. GALLI: It's the truth.
25 Not that it's bad or good, but it's

1 BOARD BUSINESS

2 the truth.

3 MR. CORDISCO: Yeah.

4 CHAIRMAN EWASUTYN: One of the
5 things that is affected by it also,
6 and Pat Hines could speak about that,
7 now that we're an MS-4 regulated
8 community and retention basins and
9 bioretention basins need a certain
10 amount of land area. Trees fall
11 within that land area.

12 MR. HINES: There's always a
13 balance of the cost of land.
14 Oftentimes you'll see developers
15 putting under-parking storage as land
16 is more expensive. The cheaper land
17 or when projects aren't as expensive,
18 they can develop a large stormwater
19 management facility. Again, that
20 takes up acreage and acreage costs
21 money. As land becomes more
22 expensive, developers often look to
23 putting storage and stormwater
24 improvements under the parking lot to
25 reduce the footprint and the cost of

1 B O A R D B U S I N E S S

2 impacts to the land. We see that
3 balance when we see projects. A lot
4 of times in certain areas of the Town
5 land is very expensive or more
6 expensive than other areas of the
7 Town. You can see that in the
8 stormwater management plans.

9 MR. CORDISCO: One thing that
10 we haven't really highlighted is that
11 the primary responsibility for
12 implementing this Tree Preservation
13 Law section is actually going to fall
14 on the Planning Board because any
15 application for site plans, special
16 use permits, subdivisions is going to
17 require the preparation of a tree
18 analysis on the site as well a plan
19 to address the loss and removal of
20 those trees. That has to be done as
21 part of your approval process.

22 MR. GALLI: That brings us back
23 to a full-time landscape architect
24 type of thing.

25 MR. HINES: I believe it's the

1 BOARD BUSINESS

2 Town's intent to have a certified
3 arborist do those reviews for the
4 Town but through your process.

5 CHAIRMAN EWASUTYN: This would
6 be Jim that would do it?

7 MR. HINES: No. Jim can't do
8 it because he's an employee. It
9 would be someone trained like Jim but
10 there would be an outside consultant.
11 There's a two-year follow up. It's
12 similar to your landscaping where
13 there's follow up for inspections and
14 review. There will be the need for
15 long-term escrow to see this through.
16 I think there is a two-year follow up
17 for planting and review. If they are
18 trying to save the trees and they
19 ultimately do die, there's that look
20 back.

21 MR. GALLI: The bonding would
22 last longer before the release?

23 MR. HINES: There would be a
24 separate security for this in the
25 ordinance.

1 B O A R D B U S I N E S S

2 CHAIRMAN EWASUTYN: I think
3 initially part of the application
4 package would require an escrow
5 deposit to have someone begin to
6 check this out and review it.

7 MR. HINES: Uniquely, because
8 it needs to be done very early in the
9 process in order to -- you can't go
10 do your design, lay it on a piece of
11 paper and then say I'm going to do my
12 tree preservation and identify
13 significant trees and what they call
14 specimen trees. The developers are
15 going to have to take a look at it
16 prior to putting in their buildings
17 and parking and stormwater facilities
18 and then say all right, let's go do
19 the tree survey. The earlier in the
20 process, the easier it will be, the
21 less impact it will have on their
22 future design than if they come in
23 and say here's my building footprint,
24 my limits of disturbance, now I have
25 to look at the trees.

1 B O A R D B U S I N E S S

2 CHAIRMAN EWASUTYN: Our current
3 application package will have to be
4 revised to note that in the
5 application package.

6 MR. HINES: Yes.

7 MR. CORDISCO: Yes.

8 MR. HINES: It should be a
9 heads up. Certain developers we see
10 often. Someone coming in may say
11 here's my plan and there's six
12 specimen trees in the building
13 footprint. That may have an impact
14 on the project.

15 MR. MENNERICH: Especially if
16 it's a million square foot warehouse.

17 MR. HINES: Especially if it's
18 a million square foot warehouse.
19 Again, it depends on the lot size.
20 In the ordinance it's a certain
21 percentage of the trees you're
22 allowed to remove based on the
23 footprint of your project and the lot
24 size.

25 MR. WARD: How does this affect

1 BOARD BUSINESS

2 the grading and cutting?

3 MR. HINES: In theory it should
4 affect the grading. You should
5 design your project -- under this
6 ordinance, design your project around
7 saving first the specimen trees and
8 then the significant trees. There's a
9 financial balance the developer can
10 look at and say okay, I can't change
11 that but I'm going to pay into this
12 fund that's going to plant trees
13 elsewhere in the Town.

14 MR. CORDISCO: There will be an
15 impact on developers who are
16 designing plans even before the
17 application process because they're
18 going to -- if they were wise they
19 would have to take the time and the
20 effort to go out and survey the trees
21 and figure out what it is that they
22 would have to be doing, otherwise
23 they'll run into a buzz saw later on.

24 MR. HINES: No pun intended.

25 CHAIRMAN EWASUTYN: What item

1 BOARD BUSINESS

2 are we on now, Dominic? You're
3 covering what item that remains?

4 MR. CORDISCO: The last one is
5 whether or not the proposal is
6 consistent with the master plan for
7 the Town. The thing about the master
8 plan is there's a number of different
9 competing recommendations and goals
10 in the master plan. I think that
11 there's clearly support for this in
12 the master plan.

13 MR. WARD: Definitely.

14 CHAIRMAN EWASUTYN: So you'll
15 prepare an outline from the Planning
16 Board to the Town Board?

17 MR. CORDISCO: Yes, I will.
18 That will go out in the next day or
19 so.

20 MR. HINES: There's a bit of
21 urgency because of the timing of the
22 public hearing. I know they have
23 Karen's comments and are going to
24 address those before the public
25 hearing notices.

1 BOARD BUSINESS

2 CHAIRMAN EWASUTYN: Good.

3 Would someone move for a motion to
4 close the Planning Board meeting of
5 the 4th of August.

6 MR. GALLI: So moved.

7 MS. DeLUCA: Second.

8 CHAIRMAN EWASUTYN: I have a
9 motion by Frank Galli. I have a
10 second by Stephanie DeLuca. Can I
11 please have a roll call vote.

12 MR. GALLI: Aye.

13 MS. DeLUCA: Aye.

14 MR. MENNERICH: Aye.

15 CHAIRMAN EWASUTYN: Aye.

16 MR. WARD: Aye.

17

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

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1 BOARD BUSINESS

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

4

5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 19th day of August 2022.

18

19

20

21

Michelle Conero

22

MICHELLE CONERO

23

24

25