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

----- X
In the Matter of

HILLSIDE LAND DEVELOPMENT
(2022-27)

24 Jeanne Drive
Section 34; Block 2; Lot 66
IB Zone

----- X

180-DAY EXTENSION REQUEST

Date: December 21, 2023
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163
Michelleconero@hotmail.com

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. The Town of Newburgh Planning Board is holding their meeting of December 21, 2023. This evening we have eight agenda items.

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

MS. DeLUCA: Present.

MR. DOMINICK: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. WARD: Present.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

MR. HINES: Pat Hines with MHE Engineers.

MS. CONERO: Michelle Conero, Stenographer.

MR. CAMPBELL: Jim Campbell, Town of Newburgh Code Compliance.

MR. WERSTED: Ken Wersted,

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Creighton Manning Engineering,
Traffic Consultant.

CHAIRMAN EWASUTYN: At this
point we'll have Stephanie DeLuca
lead the meeting.

(Pledge of Allegiance.)

MS. DeLUCA: I ask that you
silence your cellphones please.
Thank you.

CHAIRMAN EWASUTYN: The first
item of business this evening is an
extension request for 180 days. The
applicant is Hillside Land Development,
project number 22-27. It's located
in an IB Zone on Jeanne Drive.

Mr. Mennerich will read the request.

MR. MENNERICH: It's a letter from
Fellenzer Engineering, LLC dated December 7,
2023 to the Town of Newburgh Planning
Board, 21 Hudson Valley Professional
Plaza, Newburgh, New York, attention
Mr. John Ewasutyn, Planning Board
Chairman. The subject is Hillside
Land Development, project 2022-27,

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Jeanne Drive, Newburgh, New York,
Fellenzer Engineering project 19-049.
"Dear Mr. Chairman, Hillside Land
Development is requesting a 180-day
extension of the resolution of
approval dated June 15, 2023. The
applicant is actively pursuing
fulfillment of the conditions of
approval, such as securing the
required fees, bonds and filing of
the stormwater maintenance agreement
with the Orange County Clerk's office.
Please consider this extension request
at your next Board meeting. Please
reach out if there are any questions.
Sincerely, Ryan D. Fellenzer, PE,
Project Engineer."

CHAIRMAN EWASUTYN: Questions
or comments from Board Members. John
Ward?

MR. WARD: No comments.

MR. BROWNE: No comments.

CHAIRMAN EWASUTYN: No comments.

MR. MENNERICH: No comments.

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MR. DOMINICK: No questions.

MS. DeLUCA: No comments.

CHAIRMAN EWASUTYN: Would someone make a motion to grant the 180-day extension for Hillside Land Development?

MS. DeLUCA: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by Stephanie DeLuca. I have a second by Cliff Browne. Can I have a roll call vote starting with John Ward.

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Motion carried.

(Time noted: 7:04 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 4th day of January 2024.

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

LONGVIEW FARM
(2006-39)

Barbara Drive Extension & Holmes Road
Section 20; Block 2; Numerous Lots
AR Zone

----- X

180-DAY EXTENSION REQUEST

Date: December 21, 2023
Time: 7:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: THOMAS DePUY

----- X

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CHAIRMAN EWASUTYN: The second item of business this evening is also an extension request for 180 days. It's Longview Farm, project number 06-39. It's in an AR Zone. It's on Barbara Drive Extension and Holmes Road.

Mr. Mennerich.

MR. MENNERICH: This letter is from T.M. DePuy Engineering & Land Surveying, PC, dated December 6, 2023, to Honorable John Ewasutyn, Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York 12550, regarding Longview Farm, Town of Newburgh job 2006-039. "Dear Mr. Chairman, on behalf of the owners, we request a one-year extension of the resolution of final subdivision approval for Longview Farm. The resolution is dated June 15, 2023 and listed a general condition that final drawings be submitted within 180 days of approval. We are still working on

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several specific conditions listed in the resolution, therefore have not yet been able to finalize drawings for signature. Thank you. Very truly yours, Thomas M. DePuy, PE, LS."

CHAIRMAN EWASUTYN: Questions or comments from Board Members. John Ward?

MR. WARD: No comment.

MR. BROWNE: Nothing else.

CHAIRMAN EWASUTYN: No comment.

MR. MENNERICH: Nothing.

MR. DOMINICK: No comment.

MS. DeLUCA: No comment.

CHAIRMAN EWASUTYN: Would someone make a motion then to grant the 180-day extension for Longview Farm?

MR. WARD: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Ken Mennerich. Can I have a roll call vote starting with John Ward.

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MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Motion
carried.

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

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IN WITNESS WHEREOF, I have hereunto
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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

MKJC REALTY, LLC
(2023-11)

New York State Route 32
Section 35; Block 3; Lot 3.22
B Zone

----- X

SITE PLAN

Date: December 21, 2023
Time: 7:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: CHARLES BAZYDLO
and JOHN O'ROURKE

----- X

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CHAIRMAN EWASUTYN: The third item of business this evening is MKJC Realty. It's a site plan located on New York State Route 32 in a B Zone. It's being represented by Lanc & Tully.

MR. BAZYDLO: Good evening, Members of the Board. My name is Charlie Bazydlo. I'm counsel for the applicant on this project. I'm here with John O'Rourke from Lanc & Tully. Mr. Queenan is under the weather, so he is not here.

I believe we're at a point where the Board will be able to act on the project.

Just by way of a quick reminder, this is a 10,000 square foot retail/office building on Route 32. It's a small strip mall project. It's been before the Board a couple of times now. I believe we have now worked through all the questions your consultants have had. Mr. Queenan

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had turned in a response to comment letter earlier in the month that I believe addressed all of the Board's comments. We have Mr. Hines' last review letter. I think there are a number of, sort of, minor technical points that we can address that hopefully the Board can make conditions of the project.

Not to take up too much of the Board's time, the location is in a commercial zone off of Route 32, so we would ask the Board to waive the public hearing on the project, considering the neighborhood and the nature of the project, hopefully consider a neg dec on the project and grant an approval conditioned upon the comments from Mr. Hines.

CHAIRMAN EWASUTYN: Any questions. or comments from Board Members. John Ward?

MR. WARD: No comments.

MR. BROWNE: Nothing more at

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this time, John.

MR. MENNERICH: No questions.

MR. DOMINICK: Nothing further.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: Nothing.

CHAIRMAN EWASUTYN: We'll refer now to Ken Wersted with Creighton Manning. He's our Traffic Consultant.

MR. WERSTED: We reviewed this project. All of our previous comments have been addressed. They mostly focused on the internal circulation and way finding. Our previous comments have been addressed by the applicants through the previous submissions.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance?

MR. CAMPBELL: More of just reminders. Soils. We did previously mention that you will need a geo-technical evaluation before a building permit is issued.

Also, the signs require ARB.

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CHAIRMAN EWASUTYN: Pat Hines
with MH&E?

MR. HINES: We have a couple
clean-up items. Our previous comments
were addressed.

We commented on the 100-percent
expansion area for the septic system.
That's been labeled, but it moved
within 10 feet of the property line.
That will have to be tweaked over a
little bit.

We'll need a stormwater facilities
maintenance agreement as a requirement
for the approval.

We have a comment on the stormwater
pollution prevention plan. We just
want to have identified where that will
reach a natural water course. There's
some concern with the sizing of the
pipe on the neighboring property.

There will need to be an easement
for the bio-retention facility
proposed on the adjoining property in
the common access drive.

2 Any approval should identify
3 that the fence for the self-storage
4 area will be moved onto its own lot
5 and not extending onto this one.

6 DOT approval for connection to
7 the Town water system is required.

8 There's an existing monument
9 flagpole that continues to be
10 depicted on DOT property. They moved
11 the sign off, but the existing
12 structure is still on DOT property.
13 That should be removed.

14 I do concur that these are
15 technical comments. The project has
16 addressed our comments sufficiently
17 where we would recommend a negative
18 declaration.

19 CHAIRMAN EWASUTYN: Dominic
20 Cordisco, Planning Board Attorney?

21 MR. CORDISCO: Procedurally the
22 Board is in a position to consider a
23 negative declaration at this time.

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

2 negative declaration for MKJC Realty?

3 MR. DOMINICK: I'll make a
4 motion.

5 MR. MENNERICH: Second.

6 CHAIRMAN EWASUTYN: I have a
7 motion by Dave Dominick. I have a
8 second by Ken Mennerich. Can I have
9 a roll call vote starting with John
10 Ward.

11 MR. WARD: Aye.

12 MR. BROWNE: Aye.

13 CHAIRMAN EWASUTYN: Aye.

14 MR. MENNERICH: Aye.

15 MR. DOMINICK: Aye.

16 MS. DeLUCA: Aye.

17 CHAIRMAN EWASUTYN: It's
18 discretionary with site plans if the
19 Planning Board wants to hold a public
20 hearing or waive the public hearing.
21 I'll start polling with John Ward.

22 MR. WARD: No.

23 MR. BROWNE: No.

24 CHAIRMAN EWASUTYN: No.

25 MR. MENNERICH: No.

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MR. DOMINICK: No.

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board waived the public hearing for MKJC Realty's site plan.

Dominic Cordisco reminded me that we have completed ARB approval for the building. At some particular time we will have to approve the signage.

Pat Hines, Dominic Cordisco, at this point, can you give us conditions for approval?

MR. CORDISCO: Yes. They would include the items that have been specified in Mr. Hines' comment letter. Those include the fact that there's a stormwater facilities maintenance agreement that's required. The easement for the bio-retention facility located offsite will also be provided. The relocation of the fence. DOT approval for connection

2 to the Town's water system. Also,
3 ARB is needed for the signage prior
4 to any construction.

5 CHAIRMAN EWASUTYN: Does any
6 Board Member have anything to add?

7 MR. HINES: Securities --

8 MR. CORDISCO: Securities.

9 MR. HINES: -- for landscape,
10 stormwater.

11 MR. WARD: No.

12 MR. BROWNE: Just the comment
13 that the second floor of this would
14 be storage. That's going to end up
15 being a Code Compliance enforcement
16 issue. If something does go up
17 there, it's not legal.

18 MR. BAZYDLO: Got you.

19 CHAIRMAN EWASUTYN: Ken Mennerich?

20 MR. MENNERICH: Nothing.

21 MR. DOMINICK: Nothing.

22 MS. DeLUCA: It was addressed.

23 Thank you.

24 CHAIRMAN EWASUTYN: Having
25 heard the conditions of approval

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presented by Dominic Cordisco,
Planning Board Attorney, for MKJC
Realty, would someone move for a
motion to approve that subject to
those conditions?

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a
motion by John Ward and a second by
Dave Dominick. Can I have a roll
call vote starting with John Ward.

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. BAZYDLO: Very good. Thank
you.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 4th day of January 2024.

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

39 NORTH PLANK ROAD - PROPOSED STARBUCKS
(2023-14)

39 North Plank Road
Section 75; Block 1; Lot 13.1
B Zone

----- X

SITE PLAN

Date: December 21, 2023
Time: 7:13 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: STEVEN WILSON
and JEFFREY LEVY

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: The
3 Planning Board's fourth item of
4 business this evening is 39 North
5 Plank Road. It's a proposed
6 Starbucks, application 23-14. It's
7 in a B Zone. It's being represented
8 by?

9 MR. WILSON: Steve Wilson with
10 Bohler.

11 Good evening. Since we last
12 saw you, we appeared before the Town
13 Board at a workshop, as was requested
14 by this Board, to review the water
15 tank painting and basically what it
16 was going to look like. This
17 illustrates the results of that
18 discussion. There was a minor change.
19 Previously it said, "Mid Valley Mall,
20 Newburgh, New York." The Town Board
21 had requested we change it to "Town
22 of Newburgh." That was the change
23 that was made. They seemed quite
24 comfortable with everything else
25 related to the water tank painting

2 and cleanup.

3 CHAIRMAN EWASUTYN: Can you
4 discuss the colors that the Town
5 Board is suggesting?

6 MR. WILSON: Just like it's
7 shown here, this kind of light blue,
8 in terms of the tank itself, which
9 all the antennas and everything would
10 be designed to blend with that as
11 well. The lettering is a darker blue.
12 You can see the lines are a different
13 color there. They seemed to be pretty
14 comfortable with that color scheme.

15 CHAIRMAN EWASUTYN: I guess it
16 would be a separate action to do ARB
17 approval?

18 MR. CORDISCO: Correct.

19 MR. BROWNE: John, before we
20 get into that, a comment on that.

21 You're not showing us the panels
22 on there, how they're going to be
23 sticking out, raised, and what the
24 letters are going to look like, if
25 they'll be round, under the panels,

2 how that is going to appear.

3 MR. WILSON: It's the intent
4 that all the antennas would be
5 painted the same color as the tank
6 itself so it's kind of a unified look.

7 MR. BROWNE: Even though the
8 arrays are one, two, three feet off
9 the tank? You're going to have --
10 how can I say, a projection, a
11 sticking out? It's not going to be
12 flat and uniform the way we're seeing
13 it?

14 MR. WILSON: I think the idea
15 is not to have -- Jeff, maybe you can
16 -- Jeffrey, he's the site manager
17 there. He talked to the Town Board
18 about this.

19 MR. LEVY: The panels --

20 CHAIRMAN EWASUTYN: For the
21 record, your name?

22 MR. LEVY: Jeffrey Levy.

23 There are panels that are not
24 only on the blue part of the tower,
25 but also on the green legs. The

2 panels will be painted to match those
3 colors to really blend in. The
4 lettering may be tightened up
5 depending on the position of the
6 panels, but the lettering will be
7 full size. Actually, the tower is a
8 little taller than this. That's what
9 Sherwin Williams does. The lettering
10 will tighten up, this will tighten up
11 and this will be bigger. Basically
12 the panels will just blend in from
13 that distance. I mean, right now, as
14 you've seen it, nothing blends. This
15 will be cohesive and everything will
16 blend into it.

17 MR. DOMINICK: I think what Cliff
18 Browne is saying is your graphic
19 doesn't depict what's actually there.
20 The writing, Mid- Valley Mall, Town
21 of Newburgh, et cetera, and the
22 panels, it's not going to look as
23 clean as that.

24 MR. LEVY: It will look a little
25 tighter. You'll see panels at the

2 end. The name will be -- you'll see
3 it. You're going to see it a lot
4 better than you see the faded red
5 that's there today. I mean, this is
6 a multi-part painting process. It
7 gets a complete cleaning, it gets a
8 complete zinc coat, three coats of
9 paint on top of it. It's a very
10 expensive system to put up. It gets
11 designed to work with the panels so
12 they can be painted the same colors.

13 MR. WILSON: The intent is not
14 to put the antennas over the lettering.

15 MR. LEVY: No. We'll know where
16 the panels go because we'll mark them
17 as they come off. The lettering will
18 be set up so that it can be
19 pronounced, bold, and really nice
20 looking.

21 CHAIRMAN EWASUTYN: The Town
22 Board was satisfied and approved this
23 concept?

24 MR. LEVY: The only change they
25 asked me for was the change from

2 "Newburgh, New York" to "Town of
3 Newburgh." They liked the look. They
4 were very pleased with what we've come
5 up with. I mean, we didn't want just
6 a boring, one color water tower. We
7 wanted it to blend in with the area.
8 With the legs backed into the trees,
9 it will look good. This color is
10 almost an -- they call it an emerald
11 green. I don't know where they get
12 that from. This is called blue air.

13 MR. DOMINICK: Will that be
14 lettered on both sides?

15 MR. LEVY: No. You won't see
16 much from the backside because all
17 the trees and stuff are there. This
18 will be facing the Thruway.

19 MR. HINES: Route 84.

20 MR. LEVY: Yeah, 84. Just like
21 it is. I call that the Thruway.
22 Just like it is painted today, only
23 you'll be able to see it. We're, of
24 course, adding "Town of Newburgh" to
25 the bottom.

2 CHAIRMAN EWASUTYN: Any additional
3 questions or comments from Board
4 Members?

5 MR. WARD: My other is, with
6 the panels, you're definitely going
7 to paint the panels?

8 MR. WILSON: That's right.

9 MR. WARD: Just for the record.
10 Thank you.

11 CHAIRMAN EWASUTYN: Do you want
12 to start talking with Creighton
13 Manning? We have Ken Wersted. We
14 looked at the traffic impacts. Can
15 you discuss that with us?

16 MR. WERSTED: We requested at
17 the last meeting, or last review,
18 that they provide some type of
19 traffic assessment, given that the
20 project is taking away some parking
21 and adding a trip generator. They
22 did provide that.

23 They did address a number of
24 our site plan comments.

25 Relative to the traffic, they

2 estimated how much the Starbucks
3 would generate based on industry
4 standards at approximately 225 trips
5 in the morning peak hour, which is
6 the busy time for the facility, and
7 about 100 trips in the afternoon. We
8 noted that those are complimentary to
9 the plaza because a lot of the shops
10 aren't open, not generating as much
11 traffic in the morning, which is when
12 Starbucks will be at its peak. In
13 the afternoon, as Starbucks' traffic
14 dies down, the plaza ramps up with
15 those businesses.

16 The site itself has two
17 signalized access points and another
18 unsignalized. A lot of the traffic
19 for the project will be generated
20 from cars that are already driving by
21 on the road. It isn't necessarily
22 all new trips coming to the facility.
23 A significant portion of it are
24 people who are on their way to work
25 and say I'm going to get coffee and

2 come in and out of this place.

3 With those things in mind, we
4 agree that there isn't going to be an
5 overall impact in the surrounding
6 area or the neighboring roads.

7 We did look at the site plan.
8 They did address a Planning Board
9 comment from last time, which was put
10 a sidewalk along portions of the
11 site. They did provide that from the
12 Route 32 signalized intersection to
13 the west.

14 Steve, if you have a site plan
15 that might show basically from the
16 signal towards the car wash to the west.

17 MR. WILSON: The signalized
18 entrance is right there.

19 MR. WERSTED: I did note that
20 the sidewalk looked like it was all
21 along the mall's property. It's a
22 bit far from the travel way. It's
23 nice to have that buffer, but it
24 might feel a little bit out of place
25 for someone who is walking through

2 there. I wanted to know, is that to
3 avoid a DOT permit or is there a
4 preference to have that on the
5 property?

6 MR. WILSON: It was a
7 combination of things. We are in an
8 unusual position here to have such a
9 wide landscape feature to deal with.
10 We wanted to pull it as far away from
11 the road as we could. Yes, we wanted
12 to not have to deal with DOT for a
13 permit for the sidewalk when we had
14 the room on our property to do it.

15 MR. WERSTED: Okay.

16 MR. WILSON: It still allows
17 connection to offsite properties
18 where it is. If there's future
19 linkages, they'll be able to hook up
20 to it.

21 MR. WERSTED: I think we have
22 to at least connect it to the
23 shoulder of the road, otherwise
24 people will probably naturally
25 continue to walk down the shoulder,

2 not realizing the sidewalk is there
3 for their use.

4 We have encountered a situation
5 previously where we had a project
6 that was coming up very quick. They
7 had a much quicker schedule than what
8 we anticipated DOT would have for a
9 sidewalk. The Board entertained
10 conditioning the sidewalk upon or
11 giving it a timeframe. You could get
12 your CO and open, but you had to
13 complete the sidewalk within a
14 certain amount of time afterwards.
15 That might be -- I won't speak for
16 the Board. That may be something
17 they want to talk about or consider.
18 Obviously this is a small building.
19 It's probably not going to take a
20 long time to construct. DOT, their
21 reviews can vary.

22 MR. WILSON: What do you mean
23 when you say kind of connect it to
24 the shoulder?

25 MR. WERSTED: Right now the

2 sidewalk just ends at the property
3 line and it's 16 feet away from the
4 shoulder. In front of the car wash,
5 anybody who is walking down the road
6 is there on the shoulder of the road.
7 When they get to the property line,
8 there's no connection over to that
9 sidewalk. It's kind of out of their
10 sight.

11 MR. WILSON: You're talking
12 about up at this end?

13 MR. WERSTED: Correct. Once
14 you get down to the driveway,
15 obviously it ties right into the
16 asphalt and the curb. So we have
17 that comment.

18 There were a couple minor
19 comments around the drive-through
20 area.

21 There is some striping proposed
22 in front of the KFC. Are they in
23 agreement with that? Have you
24 approached them?

25 MR. WILSON: Yes. It's all

2 owned by DLC. It's the same owners.
3 Yes, it will be fine.

4 You asked about signage for the
5 drive-through, to basically make sure
6 we encourage both lanes. I don't
7 think that's a problem, adding that
8 sign as well.

9 MR. WERSTED: For the Board's
10 elaboration, the drive-through allows
11 you to queue up in two lanes. Those
12 two lanes merge before you approach
13 the menu board. If there are two or
14 three cars on one side of the
15 division, people might just tend to
16 continue to queue up behind them, and
17 then the last person might pull up
18 and seem like they're cutting ahead.
19 I think a sign or something there,
20 just to encourage using both the
21 drive-through lanes would be
22 appropriate.

23 The connection from the
24 building was provided. There's a
25 sidewalk and a crosswalk over to KFC,

2 a sidewalk and crossing through the
3 parking lot all the way to the main
4 building. Anybody who is working in
5 the plaza or doing a multi-stop trip
6 will have the ability to park, visit
7 another store, walk over here, get
8 coffee, et cetera.

9 CHAIRMAN EWASUTYN: Any outstanding
10 comments on what was just discussed?

11 MR. WILSON: I've got to look
12 further about the connection and
13 bringing the sidewalk into the public
14 right-of-way and the DOT permit that
15 would be involved. I guess if it can
16 be not a condition. If there could
17 be some timeframe post CO as a condition,
18 that sounds like that would be
19 something that could be worked out so
20 we're not held up by DOT review.

21 CHAIRMAN EWASUTYN: Jim Campbell,
22 Code Compliance?

23 MR. CAMPBELL: The additional
24 hydrant discussed at the last meeting
25 is not depicted on the plans.

2 Also, just a reminder that the
3 signage will require ARB.

4 MR. WILSON: Yes. The only
5 other comment -- the hydrants, we
6 missed that.

7 The only other comment I had
8 was from your landscape architect.
9 We have actually gone through and
10 pretty much added -- I have revised
11 the landscape plans, if the Board
12 would like a copy. The simple answer
13 is, we addressed all the comments
14 except one that I want to discuss
15 with the Board. Most of the comments
16 were -- I can go through them
17 individually. Generally most of the
18 comments were either change some
19 plantings and/or change the species
20 and/or increase the amount of
21 plantings. We have gone through and
22 this plan reflects all of those
23 changes. I can walk through each one
24 if the Board would like. There's a
25 series of notes that they want added

2 to the landscape plan. Those we
3 didn't see a problem with either.

4 The only comment we're
5 requesting a little relief from was
6 the landscaping that was requested up
7 here. In their comments they did
8 request we pull back the guardrail
9 because it's really not needed now
10 with this wide landscaped area and it
11 is sufficient. The grade doesn't
12 dictate the need for a guardrail.
13 The guardrail currently sits there.
14 We pulled about 60 feet of it out.
15 We're only asking -- they had asked
16 for five Honey Locust in this area.
17 We're requesting you limit that to
18 two. The sight lines to the liquor
19 store are not great. We want to
20 maintain that visibility. They kind
21 of sit far back from the road, up on
22 a hill. It's not a great view.
23 We're just asking -- we're on board
24 with a couple trees there to kind of
25 improve that aesthetic. If we can

2 just limit it to two, that would be
3 greatly appreciated. That was the
4 only thing in the comment letter we
5 did not address.

6 CHAIRMAN EWASUTYN: I'll poll
7 the Board Members on that. John Ward,
8 are you in favor?

9 MR. WARD: Yes.

10 MR. BROWNE: Yes. It's reasonable.

11 CHAIRMAN EWASUTYN: I'm in agreement.

12 MR. MENNERICH: I'm in agreement.

13 MR. DOMINICK: I'm in agreement.

14 MS. DeLUCA: Yes.

15 MR. WILSON: Thank you.

16 CHAIRMAN EWASUTYN: Pat Hines
17 with MHE.

18 MR. HINES: Our previous comments
19 have been addressed.

20 I was at the Town Board meeting
21 when Mr. Levy did his presentation.
22 I'm glad to hear that the arrays are
23 going to be painted to match the
24 tower. At that meeting you were
25 advising us it was going to be kind

2 of tenant-driven. I think in this
3 resolution, if the Board adopts it
4 for ARB and it does require that, I'm
5 a little more comfortable. It didn't
6 sound like you had that worked out.
7 That's an important fact, that the
8 tenant arrays, when they are put back
9 up there, are painted to match.

10 The Town has a wireless consultant
11 that we utilize. They have given a
12 proposal addressed to both the Building
13 Department and the Planning Board. I
14 know you, Mr. Levy, and I have had
15 conversations with Mr. Musso on the
16 phone. The Town has requested a
17 proposal from his office, it's in
18 the area of \$8,000, to assist the
19 Town in the process of the solar
20 array removal and putting back and
21 painting of the tower. I don't know
22 if you're in a position tonight to
23 commit to authorizing that. It would
24 be through the Building Department
25 and it would allow the Town's

2 consultant to work with your office
3 and the painting contractors. There
4 probably are some permits needed for
5 removal and reinstallation. That's
6 the intent of that.

7 MR. LEVY: We're good with that.

8 CHAIRMAN EWASUTYN: For the
9 record, your name?

10 MR. LEVY: My name is Jeff levy
11 again.

12 We are good with that. We can
13 either contract with them directly or
14 the Town can.

15 MR. HINES: It would be you
16 fund it. He would work for the Town.

17 MR. LEVY: He would work for
18 the Town and we would pay for it?

19 MR. HINES: Correct.

20 MR. LEVY: Okay. Not a problem.
21 At \$8,000. Correct?

22 MR. HINES: Correct.

23 MR. CORDISCO: That's his proposal.

24 MR. HINES: That's his proposal
25 to the Town.

2 The only other issue is the
3 hydrant wasn't added. That hydrant
4 is going to need Health Department
5 approval, if you add a hydrant to the
6 water system. It shouldn't be a
7 heavy lift.

8 MR. WILSON: We can add it.

9 MR. HINES: That's all we have.

10 CHAIRMAN EWASUTYN: Dominic
11 Cordisco, Planning Board Attorney?

12 MR. CORDISCO: The Board, at
13 this point procedurally, would be in
14 a position to consider a negative
15 declaration for the project.

16 It was referred to the County
17 Planning Department for their review,
18 but no response has been received and
19 the time has elapsed for them to
20 comment.

21 MR. HINES: It's a Type 2.

22 MR. CORDISCO: Is it Type 2?

23 MR. HINES: I'm fine with a neg
24 dec.

25 MR. CORDISCO: I think with --

2 MR. HINES: The water tower.

3 MR. CORDISCO: -- the water
4 tower and also the sidewalks, --

5 MR. HINES: Okay.

6 MR. CORDISCO: -- it's good to
7 provide that to the County Health
8 Department, and the DOT as well.

9 MR. WILSON: Also, we reached
10 out -- maybe I should have forwarded
11 it to Pat. We reached out to the
12 county planner directly, Victoria,
13 and she said she didn't have any
14 comments. I guess they never
15 formally responded to you.

16 MR. HINES: That has timed out.

17 MR. CORDISCO: The Town has
18 also received a sewer flow acceptance
19 letter from the City of Newburgh.

20 Once again, I think you're in a
21 position to adopt a negative
22 declaration tonight.

23 CHAIRMAN EWASUTYN: Can I have
24 a motion from a Board Member to
25 declare a negative declaration for 39

2 North Plank Road, the proposed
3 Starbucks site plan?

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. Can I have a
9 roll call vote starting with John
10 Ward.

11 MR. WARD: Aye.

12 MR. BROWNE: Aye.

13 CHAIRMAN EWASUTYN: Aye.

14 MR. MENNERICH: Aye.

15 MR. DOMINICK: Aye.

16 MS. DeLUCA: Aye.

17 CHAIRMAN EWASUTYN: As in an
18 earlier application, it's a discretionary
19 power that the Planning Board has for
20 if they would like to have a public
21 hearing or waive the public hearing.

22 I'll start with John Ward.

23 Would you like to have a public
24 hearing?

25 MR. WARD: No.

2 MR. BROWNE: No.

3 CHAIRMAN EWASUTYN: Waive the
4 public hearing.

5 MR. MENNERICH: Waive the public
6 hearing.

7 MR. DOMINICK: Waive the public
8 hearing.

9 MS. DeLUCA: Waive the public
10 hearing.

11 CHAIRMAN EWASUTYN: Steve, I
12 don't remember if we actually went
13 through and granted ARB approval for
14 the site plan.

15 MR. WILSON: I don't think so,
16 because we submitted the application
17 and the elevation was included in the
18 package. I have them up here as well.

19 CHAIRMAN EWASUTYN: Do you have
20 enough material that we could review
21 that and act on that this evening?

22 MR. WILSON: This is the west
23 elevation. It's basically the drive-
24 through side of the building.

25 This is the north elevation.

2 This is the elevation basically
3 facing the mall.

4 The south elevation, the front
5 of the building.

6 This is the east elevation, the
7 non drive-through side of the building.

8 CHAIRMAN EWASUTYN: Questions
9 from Board Members. Stephanie DeLuca?

10 MS. DeLUCA: I don't think so.
11 No comments.

12 CHAIRMAN EWASUTYN: Do you have
13 a solid idea, Stephanie, as to the
14 colors?

15 MS. DeLUCA: It reminds me of
16 coffee mocha colors. It's fine.

17 MR. DOMINICK: No questions on
18 the ARB. I have another question
19 when we get past that.

20 MR. MENNERICH: I'm okay with
21 the ARB.

22 MR. BROWNE: The ARB is good.

23 MR. WARD: The ARB is good.

24 CHAIRMAN EWASUTYN: Would
25 someone make a motion then to grant

2 ARB approval to Starbucks, subject to
3 them filling out the necessary part
4 of the application that lists the
5 colors?

6 MR. DOMINICK: So moved.

7 MR. MENNERICH: Second.

8 CHAIRMAN EWASUTYN: I have a
9 motion by Dave Dominick. I have a
10 second by Ken Mennerich. I'll start
11 with a roll call vote with John Ward.

12 MR. WARD: Aye.

13 MR. BROWNE: Aye.

14 CHAIRMAN EWASUTYN: Aye.

15 MR. MENNERICH: Aye.

16 MR. DOMINICK: Aye.

17 MS. DeLUCA: Aye.

18 CHAIRMAN EWASUTYN: Steve, you
19 started to say?

20 MR. WILSON: I was going to
21 say, did we do ARB on the tower or
22 was that needed?

23 CHAIRMAN EWASUTYN: That's a
24 good question. I spoke to Dominic
25 Cordisco, and I believe we should.

2 MR. CORDISCO: That's correct,
3 especially in light of the specificity
4 of the colors, so to ensure that the
5 repainting of the tower is done in
6 conformity with the ARB approval.
7 Also, the Board has been treating
8 this application as a unified site
9 plan for the mall. That's part of it.

10 CHAIRMAN EWASUTYN: Can you give
11 us the language then for granting ARB
12 approval for the tower?

13 MR. CORDISCO: I would note in
14 the resolution that the ARB approval
15 would be granted for both the
16 building and the tower, if that's the
17 Board's desire.

18 CHAIRMAN EWASUTYN: Are you all
19 right with that. John Ward?

20 MR. WARD: Yes.

21 MS. BROWNE: Yes.

22 MR. MENNERICH: Yes.

23 MR. DOMINICK: Yes.

24 MS. DeLUCA: Yes.

25 CHAIRMAN EWASUTYN: What do we

2 have that's outstanding now?

3 MR. WILSON: The only question
4 I have is the lot line consolidation
5 that we included with the application,
6 does that require separate Board action?

7 MR. CORDISCO: We could include it.

8 MR. HINES: That's fine.

9 MR. CORDISCO: That's an item that
10 would be approved as part of this
11 overall resolution.

12 MR. WILSON: I just wanted to
13 be clear. That's the lot line we are
14 basically abolishing.

15 CHAIRMAN EWASUTYN: Would someone
16 make a motion in the resolution that
17 the applicant is willing to have Mike
18 Musso review the application in
19 coordination with the Building
20 Department?

21 MR. CORDISCO: Yes. There's a
22 standard condition regarding the fact
23 that all fees have to be paid and
24 escrows have to be maintained. We
25 would note this as an additional

2 escrow expense because it relates to
3 the repainting of the cell tower -- I
4 mean, the water tower.

5 CHAIRMAN EWASUTYN: Also with
6 the understanding that we're not
7 granting ARB approval for the signage
8 at this time.

9 MR. WILSON: We can come back
10 for that, yes, if the Board is not
11 comfortable. Yes.

12 MR. HINES: The signage is
13 depicted on the building. Is that
14 the signage?

15 MR. WILSON: That's it.

16 CHAIRMAN EWASUTYN: It's
17 standard signage. Okay. Good. So
18 that won't be necessary.

19 MR. WILSON: Okay.

20 MR. CAMPBELL: Just a caveat
21 that I don't have the sizes for the
22 signs. They have to comply with the
23 code, the sign code.

24 MR. WILSON: It was shown in
25 the site plan documents. Our

2 interpretation was there wasn't a
3 variance required. We thought we
4 were under what was allowed.

5 MR. CAMPBELL: In the past they
6 have approved the colors and
7 everything and just the sizes and
8 everything need to conform.

9 MR. CORDISCO: Yes, we can note
10 that in the resolution.

11 MR. WILSON: Basically the
12 medallions on the building are 25
13 square feet.

14 MR. CAMPBELL: I think you're
15 allowed three-quarters of a square
16 foot per lineal foot.

17 MR. WILSON: One square foot
18 per lineal foot exactly. Our
19 interpretation is 48 square feet are
20 allowed. The Starbucks' medallion is
21 19.5 square feet and the lettering
22 that says drive-through is 4.8 square
23 feet. The signage per the side of
24 the building is 24.4 square feet,
25 which is well below the 48 we

2 interpreted by code.

3 MR. CAMPBELL: Just as long as
4 we put the caveat not to exceed the
5 code limits.

6 MR. WILSON: That would be
7 fine. We're not looking for a
8 variance for that.

9 CHAIRMAN EWASUTYN: Dominic
10 Cordisco, can you go through the
11 conditions of approval.

12 MR. DOMINICK: John, I have a
13 question.

14 CHAIRMAN EWASUTYN: Okay.

15 MR. DOMINICK: Steve, given
16 what Ken Wersted said, and for the
17 sake of pedestrian traffic and, more
18 importantly, pedestrian safety, I
19 just want to reiterate the connection
20 of your sidewalk with the Foam & Wash
21 sidewalk.

22 MR. WILSON: We're going to
23 bring it down to -- I guess the plan
24 is we're going to veer it down to
25 bring it down into the right-of-way.

2 MR. DOMINICK: Correct.

3 MR. WILSON: Right now we're up
4 here. We're just going to feather it
5 back towards the street.

6 MR. DOMINICK: 32 being so
7 heavily traveled, the safety of the
8 pedestrians, giving them a direction
9 to stay on the sidewalk.

10 MR. WILSON: Thank you.

11 CHAIRMAN EWASUTYN: Any more
12 questions or comments from Board
13 Members?

14 (No response.)

15 CHAIRMAN EWASUTYN: Dominic
16 Cordisco, the conditions of approval?

17 MR. CORDISCO: The conditions
18 that I would suggest would include,
19 obviously, the repainting of the
20 tower within the timeframe specified
21 by the applicant, that it's going to
22 be happening in the summer of 2024,
23 which was the timeframe that was
24 indicated.

25 Also, as Mr. Wersted suggested

2 earlier, the Board has, in the past,
3 allowed projects to proceed and
4 actually receive a certificate of
5 occupancy while the application
6 process and construction of sidewalks
7 was included as a condition of that
8 approval and had to be completed
9 within one year of the certificate of
10 occupancy.

11 MR. HINES: There was security.

12 MR. CORDISCO: I was just about
13 to say, there was security as
14 required by that as well. If the
15 applicant doesn't want to post the
16 security, they always have the option
17 of completing it prior to the
18 certificate of occupancy.

19 There would also be landscaping
20 security.

21 MR. HINES: No stormwater.

22 MR. CORDISCO: There is no
23 stormwater.

24 Obviously the DOT permit as well.
25 County Health Department.

2 There are the other standard
3 conditions associated with your
4 approvals.

5 CHAIRMAN EWASUTYN: Any additions
6 or comments from Board Members. John
7 Ward?

8 MR. WARD: No comments.

9 MR. BROWNE: Nothing. I just
10 appreciate all the improvements you
11 made over the course of the application.

12 MR. WILSON: Thank you very much.

13 CHAIRMAN EWASUTYN: No comment.

14 MR. HINES: The DOT permit is
15 tied to the sidewalk only. There's
16 no other permit needed.

17 MR. WILSON: Only for the work
18 in the right-of-way.

19 MR. HINES: I just wanted to
20 make sure it wasn't held up. That's
21 a sidewalk issue.

22 MR. WERSTED: There may be a
23 little bit of work with the striping,
24 the right in/right out.

25 MR. WILSON: The way we have it

2 now, we're staying on our property
3 with it.

4 CHAIRMAN EWASUTYN: No comment.

5 MR. MENNERICH: No questions.

6 MR. DOMINICK: No.

7 Steve, thanks for taking our
8 comments and putting them together.
9 Nice job.

10 MR. WILSON: Thank you. Thank
11 you very much.

12 MS. DeLUCA: The same here.

13 CHAIRMAN EWASUTYN: Thank you.

14 The water tower was --

15 MR. WILSON: I understand. Yes.

16 CHAIRMAN EWASUTYN: Thank you.
17 It's a benefit to everyone.

18 MR. WILSON: Yes, it is.

19 CHAIRMAN EWASUTYN: Having
20 heard the conditions of approval
21 presented by Planning Board Attorney
22 Dominic Cordisco, could --

23 MR. WILSON: Just one more. Is
24 there a condition about the lot
25 consolidation?

2 MR. CORDISCO: It will be
3 included as part of the resolution.

4 MR. WILSON: I just wanted to
5 make sure. Thank you.

6 CHAIRMAN EWASUTYN: We had a
7 comment. We heard the conditions of
8 approval from Dominic Cordisco,
9 Planning Board Attorney, for the
10 proposed Starbucks.

11 Would someone move to make that
12 approval subject to those conditions?

13 MR. DOMINICK: So moved.

14 MR. WARD: Second.

15 CHAIRMAN EWASUTYN: I have a
16 motion by Dave Dominick. I have a
17 second by John Ward. I'll start a
18 roll call vote with Stephanie DeLuca.

19 MS. DeLUCA: Aye.

20 MR. DOMINICK: Aye.

21 MR. MENNERICH: Aye.

22 CHAIRMAN EWASUTYN: Aye.

23 MR. BROWNE: Aye.

24 MR. WARD: Aye.

25 CHAIRMAN EWASUTYN: Motion

2 carried.

3 MR. WILSON: Thank you very
4 much. Have a good holiday.

5

6 (Time noted: 7:44 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 4th day of January.

22

23

24

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

CURALEAF - NEWBURGH
(2021-34)

8 North Plank Road
Section 80; Block 5; Lot 15
B Zone

----- X

AMENDED SITE PLAN

Date: December 21, 2023
Time: 7:44 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: PETER D'AGOSTINO

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: The Board's
3 fourth item of business this evening
4 is Curaleaf - Newburgh, application
5 21-34. It's an amended site plan
6 located in a B Zone. It's being
7 represented by?

8 MR. D'AGOSTINO: Peter
9 D'Agostino with Tenax Strategies on
10 behalf of Curaleaf. Thank you, Mr.
11 Chairman.

12 As I mentioned, Peter
13 D'Agostino with Tenax Strategies.
14 Good evening, Board and Chairman.

15 You may remember, we were
16 before you on October 19th where we
17 presented the special permit and
18 amended site plan relative to the
19 additional use of adult use retail
20 sales at this location. It currently
21 operates as a medical dispensary.

22 During that meeting, the Board
23 had asked us to come back with two
24 things. One was a letter from the
25 landlord certifying or confirming

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that the parking that was currently for the diner is the exclusive use of Curaleaf. You may remember we had that discussion. We provided that letter to the Board previously.

Additionally, the Board had asked us -- a question came up as to how we were going to sign to let customers know that the parking was exclusive to Curaleaf. There was some existing signage there for the diner. We sent the Board an updated site plan. The locations of the parking signs are now depicted on the note. We now depicted one by the front sign here, and then there's a little concrete area that was pre-existing. There are signs located in that island, for sake of a better term. We depicted those signs on the site plan. We've also provided -- I have a color copy, if the Board would like to see it. We also provided a sign detail to show -- I think people

2 are familiar with them. They're kind
3 of like an 8.5 by 11 type sign that
4 has the exclusive parking.

5 Those were the two comments the
6 Board asked us to come back with.

7 Additionally, the Board did
8 motion to send it to the County. I
9 believe we haven't received any comments
10 back, and that time has expired.

11 We're before the Board tonight
12 to see if they would schedule a public
13 hearing for the special permit.

14 CHAIRMAN EWASUTYN: Thank you.

15 MR. D'AGOSTINO: Thank you, Mr.
16 Chairman.

17 CHAIRMAN EWASUTYN: Comments from
18 Planning Board Members. John Ward?

19 MR. WARD: No comments. Thank
20 you for upgrading the signs.

21 MR. D'AGOSTINO: Thank you, sir.

22 MR. BROWNE: Nothing more, John.

23 CHAIRMAN EWASUTYN: No comment.

24 MR. MENNERICH: No questions.

25 MR. DOMINICK: Nothing.

2 MS. DeLUCA: No comment.

3 CHAIRMAN EWASUTYN: Jim Campbell,
4 Code Compliance.

5 MR. CAMPBELL: I don't know if
6 it's related to this. You submitted
7 for a rooftop sign. I don't know if
8 you were part of that.

9 MR. D'AGOSTINO: No. That's not
10 related to this approval. Thank you.

11 MR. CAMPBELL: Okay. That's
12 all I have now.

13 CHAIRMAN EWASUTYN: Ken Wersted
14 with Creighton Manning.

15 MR. WERSTED: We didn't have
16 any additional comments on this.

17 We commented on the previous
18 project. As long as those changes to
19 the driveway are completed, we're
20 satisfied.

21 CHAIRMAN EWASUTYN: Pat Hines
22 with MH&E.

23 MR. HINES: We circulated to
24 County Planning on November 17th.
25 That's now timed out.

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We did receive a copy of the landlord letter identifying the parking. It also identified the shared dumpster arrangement. That's been documented in that letter.

I believe this is a Type 2 action, Dominic, but I'll defer to you.

MR. CORDISCO: It is.

MR. HINES: There is no SEQRA required.

It does require a public hearing because it's a special use permit.

CHAIRMAN EWASUTYN: Okay. Dominic Cordisco, do you have anything to add?

MR. CORDISCO: I think the Board would be in a position at this point to schedule the public hearing.

CHAIRMAN EWASUTYN: Can we have a motion from the Board to schedule a public hearing for the 18th day of January 2024?

MR. MENNERICH: So moved.

MR. WARD: Second.

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CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by John Ward. Can I have a roll call vote starting with Stephanie DeLuca.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: You'll work with Pat Hines on the mailing for the public hearing.

MR. D'AGOSTINO: Yes, Mr. Chairman. Thank you, Mr. Chairman and Members of the Board. We appreciate your time.

(Time noted: 7:50 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 4th day of January 2024.

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

ALVAREZ & JASON
(2023-26)

12 Berry Lane
Section 35; Block 3; Lot 20
R-1 Zone

----- X

SITE PLAN

Date: December 21, 2023
Time: 7:50 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JONATHAN MILLEN

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

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CHAIRMAN EWASUTYN: The sixth item of business this evening is Alvarez and Jason. It's an initial appearance for a site plan located on 12 Berry Lane in an R-1 Zone. It's being represented by Jonathan Millen, LLS.

MR. MILLEN: What we're proposing here is a two-family. Mr. Alvarez has already made an improvement to the house.

This is the garage and the driveway here in the front. This is a view from the other direction.

We're also proposing a completely new septic system. We had a collapsed system from before.

One of the issues we have yet to resolve is that the neighboring adjacent parcel has all of the septic system on this gentleman's property.

We're seeking permission to have a two-family residence here.

This is an existing nonconforming

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situation, particularly the offset from the front setback. This has been here for sometime.

Also, I should note that while there's the requirement for a minimum width of 200 feet for the lot, we're measuring across the front line, which is 169 feet. Generally speaking, the lot is about 200 feet wide.

CHAIRMAN EWASUTYN: Can you speak to the Board as to what variances might be required for the application?

MR. MILLEN: Yes. We need a variance for the front yard setback. We would need a variance for the minimum lot width. The biggest variance we're going to need --

CHAIRMAN EWASUTYN: Can you elaborate and give more detail? Go ahead.

MR. MILLEN: Yes.

CHAIRMAN EWASUTYN: Pat, what

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are we missing on the plan?

MR. HINES: The bulk table that was provided is for the single-family residence use in the R-1 Zone.

MR. MILLEN: Right.

MR. HINES: You need to update that bulk table for the two-family use, which are different than that. It was difficult for us to go through and determine which variances you were going to require. Typically when we approve those, the front yard setback, I believe, is 50. I think you have maybe 0.

MR. MILLEN: Right.

MR. HINES: I don't know what you have. That's why we need that bulk table updated, so Dominic can write an appropriate referral.

MR. MILLEN: Yes. Essentially the minimum lot width, as I mentioned, is 200 feet for the two-family development. We only have 169 feet. As I mentioned, that is because we're

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measuring across the front of the house. If the house was setback to 50 feet, we would have the 200 feet lot width.

The area requirement is 100,000 square feet and we have -- let's see. We have 1.039 acres right now.

MR. HINES: 45,267 square feet.

MR. MILLEN: Yes, sir. I understand we have the wrong bulk table. That's my fault for not checking that.

Essentially, with respect to the requirements, you have 100,000 square feet. We're going to ask for a variance from the 45,000 square feet we have now.

We have the front setback, which we really can't do much about.

Other than that, essentially we would be able to meet all the other requirements.

CHAIRMAN EWASUTYN: Jim Campbell, Code compliance, did you have an

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opportunity to look at this?

MR. CAMPBELL: Yes. I'm going to believe you may need an additional variance, because habitable floor area for a dwelling unit is 1,500 square feet per dwelling unit.

MR. MILLEN: Right.

MR. CAMPBELL: That we would need some sort of floor plan or something showing how you're breaking that floor plan up inside.

The accurate numbers for what you're going for for a variance.

MR. MILLEN: We will do that.

MR. CAMPBELL: That's all I've got.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney, would you like to have -- what would you like to have before you draft the referral letter to the Zoning Board of Appeals?

MR. CORDISCO: I think, Mr. Millen, would you like to be able to

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revise this plan and resubmit it?

MR. MILLEN: Yes.

MR. CORDISCO: That way we can confirm the variances that are needed. The danger is if we proceed with a letter at this point, if you're incorrect or we didn't make the proper referral to the ZBA, you may have to come back.

MR. MILLEN: I understand.

MR. BROWNE: What's the circumstance with the neighbor's septic system on that property? Is that going to impact anything with the proposal?

MR. MILLEN: Well, he only approached the owner about doing something about it. The owner of this property is being very nonreactive with respect to that. We have to weigh what legal issues we can bring to bear in order to force him to either -- well, he's encroaching with his driveway and his

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shed, not to mention the septic system. He has a very small parcel, so I don't know. It's a mess.

CHAIRMAN EWASUTYN: Any additional questions or comments from Board Members?

MS. DeLUCA: No.

MR. DOMINICK: No.

MR. MENNERICH: No.

MR. BROWNE: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: So revise your site plan and resubmit.

MR. MILLEN: Yes.

MR. HINES: John, I think I'm going to wait on the adjoiner's notice until we get that revision so we can send out the revised plan.

CHAIRMAN EWASUTYN: Any other questions, John?

MR. MILLEN: No.

CHAIRMAN EWASUTYN: Thank you. Have a happy holiday.

(Time noted: 7:56 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 4th day of January 2024.

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

BRITAIN WOODS
(2022-17)

442 Little Britain Road (NYS Route 207)
Section 97; Block 1; Lots 32.1, 32.2, 32.3 & 40.1
R-3 Zone

- - - - - X

DRAFT DEIS/COMPLETENESS

Date: December 21, 2023
Time: 7:57 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ
and PETER GAITO

- - - - - X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

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CHAIRMAN EWASUTYN: The seventh item of business this evening is Britain Woods. It's before us tonight as a Draft DEIS and for completeness. It's located on 42 Little Britain Road in an R-3 Zone. It's being represented by Engineering & Surveying Properties.

MR. WINGLOVITZ: Good evening. For the record, Ross Winglovitz, Engineering & Surveying Properties. I'm here with Peter Gaito, architect for the project.

This project is subject to an environmental impact statement. There was a public scoping session held December 15th of last year. It was a year ago. The scoping document was issued on January 18th. After that time we worked with Peter's office to prepare a site plan, architecture, a plan for a clubhouse, layout, water studies, sewer studies, all the requirements of the scoping

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document. We prepared and submitted a draft environmental impact statement in mid October.

We are in receipt of comments from Mr. Hines and Mr. Wersted. We don't have any specific issues with any of the comments. We're ready, willing and able to make the revisions.

We also got comments from the New York State DOT as well on the traffic study that was submitted to them early on, because, obviously, this being a State highway and all the affected intersections being State highways, intersections, we're going to need their input.

I'd be glad to discuss any comments the Board has or any highlights that Pat or Ken might want to bring up.

CHAIRMAN EWASUTYN: We'll start out with Ken Wersted, Creighton Manning Engineers.

MR. WERSTED: Thank you, John.

2 Ross, did you forward those DOT
3 comments? I don't recall receiving them.

4 MR. WINGLOVITZ: I don't remember.
5 It was received November 3rd. I'll
6 send them to you.

7 MR. WERSTED: I'll take a look.
8 It's not coming to my memory right
9 now.

10 As we reviewed the draft DEIS
11 with the thought of completeness in
12 mind, there were a couple of pieces
13 that were missing.

14 For the benefit of the public,
15 DOT is looking at an improvement at
16 the intersection of Route 207 and Old
17 Little Britain Road. They've engaged
18 a consultant to evaluate that and
19 look at some design options for that.

20 As it relates to the project,
21 there is a section in the DEIS that
22 talks about other related projects in
23 the area. None were known, I think,
24 at that time. We only learned about
25 it a couple weeks ago. I gave you

2 some information. You can add it to
3 that.

4 Relative to the section on
5 vehicle and pedestrian access, there
6 are some small references to sight
7 distances in a couple of spots. I
8 think we need to show what those
9 sight distances are for the primary
10 and secondary access points and
11 incorporate that into the report.

12 In terms of other nearby
13 significant developments, in that
14 particular section there is the
15 warehouse proposed at Unity Place and
16 Old Little Britain Road. That should
17 be incorporated.

18 Relative to mitigation measures,
19 it also applies to the same intersection
20 of Old Little Britain Road and 207. You
21 evaluated a couple of different options
22 there. I think we need to get a more
23 firm recommendation on what to propose
24 there and a commitment on what will
25 happen there. In light of what's

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going on with DOT, if their funding were to dry up and they don't pursue the project for some reason, I think we'll need some commitment from the applicant to continue to look at those.

MR. WINGLOVITZ: There were two options, adding an additional turn lane at that intersection or a light.

MR. WERSTED: The turning movement counts should be included in the appendices. That wasn't there.

There was the reference to the -- just basically a detailed traffic comment was my last one.

That was the extent of what we had for completeness.

CHAIRMAN EWASUTYN: Do you want to add to that?

MR. WINGLOVITZ: No. Just to summarize, the DOT, one of the things they're looking for is a left-turn lane analysis. They're indicating they believe that this intersection meets the warrants for a left-turn lane.

2 CHAIRMAN EWASUTYN: Jim Campbell,
3 Code Compliance?

4 MR. CAMPBELL: Nothing at this
5 time.

6 CHAIRMAN EWASUTYN: Comments from
7 Board Members. John Ward?

8 MR. WARD: With the City of
9 Newburgh, have you gotten any answers
10 on favoring with the City of Newburgh
11 for the utilities going through and
12 everything else?

13 MR. WINGLOVITZ: Yes. We've
14 had two or three workshops with the
15 city.

16 The utilities John is talking
17 about are in this location here.
18 This is the water and sewer that goes
19 back and forth to the treatment
20 plant. They'd prefer us not to cross
21 it. They'd prefer us, if we do have
22 to cross it, not to have a full
23 service crossing and to have an
24 emergency access only. If we do have
25 to cross it, they're going to want it

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structurally spanned. The utilities in this location are very old. They're concerned about traffic crossing those on a regular basis. We'll be having another meeting with them probably in January.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing more at this point. Those are the major issues.

MR. WINGLOVITZ: I guess just bringing up that thought regarding this being an emergency entrance versus a full-service entrance, is there any feeling from the Board one way or another on that? We proposed it currently as a full service, but I think everything would function -- especially the fact that we're going to probably end up with a left-turn lane at the main entrance, everything would function if this was an emergency access.

MR. HINES: I would think that

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should be more fleshed out as an alternative so the traffic numbers and comparisons could be made of what happens if that is an emergency access.

MR. WINGLOVITZ: Okay. That makes sense.

CHAIRMAN EWASUTYN: Ken Mennerich, any questions or comments?

MR. MENNERICH: Not at this time.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Not at this time.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: I have one other comment about the traffic. I know that there's been an additional project not very far down the road. Was any of that taken into consideration in terms of the flow of traffic?

MR. WINGLOVITZ: The Unity Place project?

MS. DeLUCA: No, it's not Unity Place. It's down further.

CHAIRMAN EWASUTYN: It's called Stonegate.

2 MS. DeLUCA: Thank you. That's
3 the one.

4 MR. WINGLOVITZ: I don't believe
5 it was. I'll have to ask them.

6 MS. DeLUCA: I was just wondering
7 if that would impact the traffic even
8 more.

9 MR. WINGLOVITZ: Are you familiar
10 with the project?

11 MR. WERSTED: I'm not familiar
12 with it. I don't recall seeing it in
13 the traffic study. Along with Unity
14 Place, that can be incorporated.

15 CHAIRMAN EWASUTYN: It's a New
16 Windsor project. I'm not quite sure
17 of the numbers. Don't quote me on
18 it. It could be approximately 104
19 rental units. It's just about
20 completed at this time.

21 Pat Hines with MHE.

22 MR. HINES: I'll hit the high
23 points. I have numerous comments.

24 The transportation section,
25 which I know Ken just talked about,

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references fair share infrastructure.
That might be a nice thing to say.
If we can't get those intersections
approved, a fair contribution sitting
in the bank doesn't get your project
moved forward. We have to have that
further explained. Once you find out
from DOT what they're going to do
there, it will help.

We note that the Town of Newburgh
parcels are to be consolidated into a
single tax parcel. As discussed at
work session, the City of Newburgh
parcel is out there. We're going to
look to have some method of having it
permanently tied to this project
should someone decide not to pay
taxes on their emergency access road
and stormwater pond, which then that
parcel could be detached from the
project. A further discussion of how
that's going to be prevented from
happening and some connection to the
rest of the project should be

2 discussed.

3 The section on bedrock, you did
4 test borings and pits, but there's a
5 lack of discussion on what you found
6 there and the competency of the
7 bedrock, the type of geology and such
8 found there. I think that should be
9 further clarified, a little more
10 information. If blasting is required,
11 how that's going to happen.

12 I know you've got a letter of
13 no impact from SHPO regarding
14 cultural resources. I just want to
15 clarify that you do now have
16 water and sewer running past what
17 I'll call the kiln sites there. I
18 don't know if SHPO knew that.
19 I'm sure they got the site plan, but I
20 don't know if they have the utility
21 plan. I want to confirm that they
22 don't have an issue with that.

23 Also, your mitigation says you're
24 going to put them in the same trench.
25 My office has recently submitted

2 plans to the Health Department that
3 were rejected for having those in the
4 same trench.

5 MR. WINGLOVITZ: I've done it
6 before.

7 MR. HINES: We've done it
8 before also. Recently, not so much.

9 MR. WINGLOVITZ: It's a new regime.

10 MR. HINES: That may change that.
11 With the ten-foot separation, you'll
12 have two trenches there.

13 While we were doing the scope for
14 this project, the tree preservation
15 ordinance was not in effect. It has
16 since come into effect. Rather than
17 re-scope this project, we're suggesting
18 that that should be added to the DEIS
19 at this time. Again, the tree
20 preservation ordinance isn't supposed
21 to be viewed as an afterthought. It's
22 supposed to be taken into consideration
23 with the design, if there's some
24 significant protected or -- there are
25 three types of trees that are

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protected, significant and I've forgot
the other ones. Those should be
addressed at this point, realizing it
wasn't in the original scope but has
been adopted in the year since we
scoped it.

I think the alternative section
should be explained further. The
scope identifies comparison to a
concept site plan. A tabular
comparison to quantify the impacts.
We just need a little more detail on
those alternatives, as well as if the
City of Newburgh -- that alternative
should be further addressed.

MR. WINGLOVITZ: I understand.

MR. HINES: The impacts of the
City of Newburgh water and sewer
easement. We were looking for more
of the depths and what's going on
there, how you're going to mitigate
that. There's no reference in the
report right now bridging those.
That should be further clarified.

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We have some technical items in there to be cleaned up as well.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney, can you advise the Planning Board as to the stage we're at right now with the action before us?

MR. CORDISCO: Yes. The Board has been reviewing the draft of the draft environmental impact statement and has received comments from the Board's consultants. Any additional comments that the Board may have, the applicant will need to resubmit the draft and that will start another review before the Board to see whether or not the responses are adequate. The purpose of this stage of the review is not whether or not the Board is in agreement with what's being proposed, but it's whether or not the applicant is providing information consistent with the scope which was adopted last year such that

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the material can be presented to the public and that there's sufficient information for the public to evaluate and comment on the project. Once you get to a completed DEIS, there will be a public hearing on this project.

At this particular point, my recommendation to the Board is to deem the submission that's been made to date to be incomplete. The applicant will resubmit, addressing the outstanding comments.

CHAIRMAN EWASUTYN: Having heard from Planning Board Attorney Dominic Cordisco, would someone move for that motion, to deem the DEIS incomplete at this time and for the applicant to resubmit based upon the comments that were made.

MR. DOMINICK: I'll make the motion.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a

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motion by Dave Dominick. I have a second by Stephanie DeLuca. Can I have a roll call vote starting with John Ward.

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Motion carried.

MR. WINGLOVITZ: Thank you.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 4th day of January 2024.

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

GARDNER RIDGE
(2002-29)

Gardnertown Road near Gidney Avenue
Section 75; Block 1; Lot 4.12
R-3 Zone

----- X

PUBLIC HEARING

Date: December 21, 2023
Time: 8:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: THOMAS OLLEY,
PHILIP GREALY and DANIEL RICHMOND

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

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CHAIRMAN EWASUTYN: The eighth item on the agenda this evening is Gardner Ridge. It's here tonight for a public hearing.

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

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 274-A of the New York State Town Law on the application of Gardner Ridge, a multi-family/senior housing project, project number 2002-29. The project involves the proposed construction of a 144-unit, multi-family residential project with a senior housing component. The project has received a bonus density for the senior component from six dwelling units per acre to nine units per acre. The proposed project will provide for thirty-six senior

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housing units in a dedicated senior housing structure. Market rate units are proposed in other structures on the site. The project access will be from Gardnertown Road in the vicinity of Creek Run Road. Improvements to Gardnertown Road at the access drive are proposed. An emergency access point is also proposed at Gardnertown Road, west of the proposed access drive. The project will be served by connections to the Town of Newburgh water and sewer systems. A stormwater pollution prevention plan has been developed for the project. The project is located on a 32.4 plus or minus acre parcel of property which fronts on Gardnertown Road. The project site is located in the Town's R-3 Zoning District. The property is known on the Town tax maps as Section 75, Block 1, Lot 4.12. A public hearing will be held on the 21st day of December 2023 at the Town Hall

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Meeting Room, 1496 Route 300,
Newburgh, New York at 7 p.m. or as
soon thereafter as can be heard, at
which time all interested persons
will be given an opportunity to be
heard. By order of the Town of
Newburgh Planning Board. John P.
Ewasutyn, Chairman, Planning Board
Town of Newburgh. Dated 17th
November 2023."

CHAIRMAN EWASUTYN: One more
time for the record. This is a
public hearing on Gardner Ridge, as
was presented by Ken Mennerich in the
notice. It's in an R-3 Zone and it's
being represented tonight by Tom Olley.

MR. OLLEY: Yes. Thank you,
Mr. Chairman.

As Mr. Mennerich read, the proposed
project is a 144-unit apartment complex
that will feature 108 market rent units
and 36 age-restricted senior apartments.

It will be located in five buildings
-- five residential buildings. Each

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will be fully sprinklered buildings.
It will be primarily a two-story
building. There are two buildings --
three buildings that will have a three-
story component facing to the east
where the buildings will be built
into the hillside.

We're proposing an access road
that will come into the project just
to the west of Creek Run Road, go off
and circle around the top of the
hill.

Three of the building units
will face to the east, looking out
towards the Gidneytown Creek and in
the direction of the
Mid-Valley Mall. Two other units
will back towards Maurice
Lane.

The senior apartment will be on
the north end of the project, and
that will be also a multi-story
building with an interior lobby and
an elevator to serve those units.

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Each of the units will be two-bedroom units.

The buildings will have -- each of the market rate buildings will have twelve garages as part of the building design.

The parking for the senior apartment will all be surface parking.

One of the things that we will incorporate with this, because we have the garages, we can provide for level 1 or level 2 charging stations for electric vehicles within the buildings. We're also proposing additional level 3 charging, electric vehicle charging stations around the site to accommodate that change in the motoring preferences of the residents.

The lighting throughout the project is going to be low level. The poles will be only twelve feet high. It will be period-style lighting. They're not going to be like the acorn type of

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lights that are over at Farrell, which is up the road and across the road. These will be downcast lights so that the light isn't sprayed out in all directions.

As I said, each of the buildings will be fully sprinklered.

There will be a water main that will go through the project, loop back onto Gardnertown Road, tying into Creek Run Road.

The sewage from the project will be collected onsite and will have a sewer line that ties into the existing Town collection system near the intersection of Creek Run Road.

The storm drainage system has been designed to incorporate the green infrastructure, such things as -- one of the things we were very conscious about was reducing the impervious area. Obviously the garages allow us to reduce the amount of parking spaces that we need outside.

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There will be not deed but lease restrictions that will require the tenants to maintain that as garage space, not storage space. It can't be converted to living space.

One of the other features is these three units will have a three-story face to the rear which actually is designed to work into the hillside and allowed us to eliminate additional building coverage on the site.

There will be no disturbance within the floodplain of the Gidneytown Creek.

There will be less than one-tenth of an acre of wetland disturbance in order to construct the senior apartments.

I'll turn things over to Dr. Phil Grealy to talk about the traffic and the roadway improvements associated with the project.

DR. GREALY: Good evening. Philip. Grealy from Colliers Engineering &

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Design. We've done the traffic studies and analysis.

Just to give you a brief summary, as a result of that, the studies have been done over several years, actually. The most recent is from last year. We've been working with the Town and the Town's consultant addressing comments. We've identified in our study various improvements that would be implemented and funded by the applicant in terms of access-related improvements, some signal modifications at the Gidney/Gardnertown signal, and some major sight distance improvements in the vicinity of where the access is and at Creek Run Road. We had looked at several different alternatives based on input from the highway superintendent and the town engineer. We made adjustments to those.

Just for orientation purposes, this is Gardnertown Road, this is the signal at Gidney, Creek Run Road, our

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proposed access location. There's also an emergency access location shown which would serve the development.

As part of the project we would be widening Gardnertown Road. As you're coming down the hill, we'd create a left-turn lane turning into the project. That would allow traffic to flow past that point.

In terms of the Creek Run Road intersection, as you know, coming out of there has limited sight distance. This whole area would be cleared to create sight line improvements so you cannot only see coming out of Creek Run Road, but as you're coming down the hill, you would be able to see traffic all the way down towards the signalized intersection.

There would be some signal timing adjustments here, some realigning of Creek Run Road, widening along the entire section. You would end up with a left-turn lane for anyone turning

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into the project. That through traffic could continue and not be impeded.

The major improvements are related to sight distance.

There would be drainage improvements.

This entire section of road would be resurfaced and re-striped.

Along the site frontage there are drainage improvements to capture the runoff. During poor conditions that would all be captured and improve the drainage situation.

Those are the highlights of what the recommendations from the report were.

Again, these improvements would all be completed by the applicant at their cost.

Thank you.

MR. OLLEY: Just two things that dawned on me that I didn't mention. There is a seventh building on the project that is a recreation building. That will provide some meeting space and some community space, along with

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a pool.

The second thing is that we've incorporated internal sidewalks so that there is circulation from all of the residential buildings to that recreation building. Also connecting for any community bus or school bus service, we will provide a sidewalk down to the intersection with Gardnertown Road.

I'll just turn it over to Dan Richmond, the attorney for the project, to talk about procedural issues

MR. RICHMOND: We're looking forward to opening the public hearing and hearing the public's comments. I think the major revisions the Board has sought in the past, along with the highway department and the engineering consultant. We'd like to open the public hearing and respond to any questions that may be asked.

CHAIRMAN EWASUTYN: Okay. For the record, the purpose of a public

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hearing is to hear comments from the people in the audience. We suggest that you raise your hand, you give your name and your address. We also suggest that everyone who has a question or a comment be heard first. If there's anyone who has additional questions or comments, then we'll have another round. So again, anyone here in the audience who has any questions or comments, give your name and your address.

The gentleman in the back.

MR. GREENE: Donald Greene. My address is 36 Chapel Road, Newburgh.

I'm here as vice chairman of the Cronomer Valley Fire District Board of Commissioners. This project is within our district. It's unique because two of the engineers I've worked with for many, many years in my DOT job.

We have objections and concerns about this project. Not about the

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project itself. Our feeling from the very beginning is the access should have been on 32 by Chestnut Lane. This is a greater distance that we have to travel to this for a call. Dwellings like this do create additional calls. A lot of them, we call them culinary disasters, unattended cooking and other things.

Knowing the grade of the road. We look at an intersection in the middle of a hill, and that can create additional calls with accidents. We definitely have concerns.

The time of getting there, because, you know, from the Cronomer Valley Firehouse we have to go down, we have a light at Chestnut Lane, we have the light at Gidney Avenue, we have the additional light, we come up the hill. What we've been doing is sending an apparatus this way, down Gardnertown Road. It is a little bit of a haul.

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Now we hear about electric cars. Not that we don't know they're coming, but I think we all know what the problems of electric cars are. That's another concern.

We want to state our concerns are getting there with the traffic and the calls and the possibility of additional car accidents in the area.

Just for a little information, this year we responded to over 500 calls. The other problem is of the 500 calls, 200 of those calls were to other fire departments. We only had 300. The problem is, I think everybody should know it, getting volunteers. The thing is, you can't always count on mutual aid being there to help you. The thing is, we're lucky. We're one of the lucky ones. We're able to get out all the time. We've gone to other departments, other districts and we're the only one that shows up. Like I say, this

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is a concern. At one time you could say, and now you can't do it, call the City of Newburgh. If we read the paper, Newburgh has one ladder truck on duty and one engine. They have to call in. The thing is, we're depending that we have to do a hundred percent of the protection. I'll be perfectly honest, if down the road things don't get better, you're going to see paid firemen and then your taxes are going to really go up.

Those are our concerns with this project.

CHAIRMAN EWASUTYN: Phil Grealy, any comments on that?

DR. GREALY: In terms of response times, we did look at that. Some of these improvements are the signal modifications, et cetera. I forget all the numbers, but we looked at the response times. We understand the concern of increased distance.

The access to Route 32 that was

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originally looked at is no longer available because they don't have frontage there and there's no right of access. That was looked at in detail.

In terms of the improvements that we're making along Gardnertown Road, that would provide a turn lane. A lot of the accidents that we see these days are rear-end accidents where people are stopping to make the turn and there's no turn lane provided. We're providing that turn lane.

This section of Gardnertown Road, especially in the winter, has some issues. We're improving that. We're going to be putting in a new drainage system to capture the runoff that creates some of the issues there.

We feel that this will actually be safer than it is today in terms of that type of accident.

The other accidents that we found in the study were sight distance

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accidents coming out of Creek Run Road, people not being able to see. As I indicated before, we are clearing an area to improve that sight line, not only for our people leaving, for people coming out of Creek Run Road as well as motorists just traveling along Gardnertown Road.

At the end of the day, I think the improvements that we're making here will offset many of those other concerns that you've raised.

The response time is something we did do an evaluation of. It didn't look like that much of a change, but we understand the concern. It's an increased distance. We're trying to make sure traffic flows through here so we don't impact that.

MR. GREENE: One thing that would be an improvement is if we could get a traffic actuator to control the light at Chestnut Lane. Right now we come down 32, people are making -- want to

2 make a left, or people coming the
3 other way. We're stuck. We can't go
4 any place, they can't go any place.
5 That might be a consideration.

6 DR. GREALY: You're talking
7 about a preemption?

8 MR. GREENE: Yes.

9 DR. GREALY: We will look at that.
10 If the DOT is amenable to that --

11 MR. GREENE: We already have
12 the unit on the apparatus.

13 DR. GREALY: It's just installing it
14 at that signal. Okay. Thank you.

15 CHAIRMAN EWASUTYN: Any other
16 additional comments?

17 This gentleman.

18 MR. BAIRD: My name is Ronald
19 Baird. I live at 8 Maurice Lane.

20 Do you guys have the topo map?

21 MR. OLLEY: Yes. This is your
22 property?

23 MR. BAIRD: My property is up
24 here.

25 My concern, so you see I'm in a

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bowl. Right now there's a lot of runoff that comes off of this ridge. The property right here is like a pond. I've got pictures. My house is surrounded by water. The problem is, I'm at the bottom. I can't make a move anywhere. When you put the buildings in here with gutters and driveways and blacktop, if it runs west, eventually my septic system isn't going to work anymore. I need some kind of drainage that's going to move all this water here and take it east.

MR. OLLEY: What we've designed in the system is that all of the -- well, from these two buildings, from the midline going forward, everything goes to the east. On the back portion of this building, we've actually -- Pat made us -- Mr. Hines made us aware of your situation there. We're providing to pick up the roof drainage from that portion of the building and

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bring it around so that we actually wind up decreasing the area that contributes to your property as far as the runoff.

MR. BAIRD: This is a driveway right here?

MR. OLLEY: The driveway is out here. That's some fill to create the pad for the buildings and the driveways.

MR. BAIRD: Okay. So nothing is going to be running down this way?

MR. OLLEY: Only what's from vegetated areas. So from the curb line along the parking and the roadway, there will be the slopes, the grass seeded slopes and landscaped slopes that will naturally drain back that way, but none of the impervious surface will head that way.

MR. BAIRD: Thank you.

MR. OLLEY: As I said, Mr. Hines made us aware of your concerns.

MR. BAIRD: Thank you.

MR. FETTER: Bill Fetter, Rockwood

2 Drive.

3 A couple of questions. Going
4 westbound on Gidneytown Road --
5 Gardnertown Road, will it be a left
6 turn onto Creek Run Road? Will there
7 be a left-turn lane? Is that going
8 to be added or no?

9 DR. GREALY: Let me pull up
10 this drawing.

11 MR. FETTER: Coming from Gidney
12 Avenue.

13 DR. GREALY: What we were asked
14 to do was extend the widening. We're
15 widening the road through this area.
16 Right now the way this is striped is
17 to increase the stacking towards the
18 signal. However, the width will be
19 here where we could provide a short
20 left-turn lane, but that would be up
21 to the highway superintendent. The
22 widening is there. It's a question
23 of how this would be striped, whether
24 or not you would provide stacking for
25 one or two cars through here.

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MR. FETTER: The second question. Today I was scouring the site plan. Mailboxes, will they be at the recreation center? Are they going to be in some centralized area that people will be able to walk to and not walk in the road?

MR. OLLEY: We have three -- I believe it's three gang mailboxes that will serve generally two buildings each. The senior buildings will have mailboxes within the lobby since that's an elevator building. More or less, we'll have one of the mailbox pedestals in between two buildings along the sidewalk so that people can just walk over from their unit and grab their mail.

MR. FETTER: Thank you.

CHAIRMAN EWASUTYN: This gentleman.

MR. MOULTON: Jonathan Moulton, 728 Dogwood Hill Terrace in Newburgh.

The sight lines for Creek Run Road, who will be responsible for

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maintaining the hillside? You can't see. Those cars coming down the hill, they fly down that hill. It's very dangerous there. Who is going to make sure that sight line remains open?

DR. GREALY: This whole area here that's shaded is where the trees are being removed and vegetation installed, low-growth vegetation. That's part of the right-of-way of the Town, okay. At this point what we're proposing to reinstall in that area would be low ground cover that wouldn't induce new growth in that area.

In terms of maintenance agreements, that's something that would be worked out with the Town, if they require us to do some form of maintenance. The plan is to redevelop that area so that you won't get that high growth.

MR. MOULTON: You can't see right now. You can't see. That's so

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dangerous there. That alone -- if you guys could clear that up, that alone would make it safer there.

DR. GREALY: Yes.

MR. MOULTON: Widening the road and maybe changing the traffic light. That's very dangerous there as it is. Cleaning that up would be a significant improvement to the safety there. You make that turn off Creek Run Road, --

DR. GREALY: You can't see.

MR. MOULTON: -- you can't see. People fly down that hill. I've had a number of near misses. It's dangerous. By removing all of that would make it much safer.

MR. HINES: We've even had discussions in the field, and the highway superintendent was there, about restricting left turns out. That's on the table, too.

MR. MOULTON: A left turn out of Creek Run Road is not illegal, but I won't do it.

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DR. GREALY: There's very few vehicles that do that.

MR. MOULTON: You've got to be crazy to do that.

CHAIRMAN EWASUTYN: Does anyone else have any questions or comments? This gentleman.

MR. DEBERRY: My name is Robert Deberry, 16 Maurice Lane.

Going back as far as the Planning Board meeting that took place in May of 2002, there were only 139 condominiums, townhouses, not apartments, proposed. It was said that based on the square footage, it had to be reduced. There were other meetings between the Planning Board and the Zoning Board, and that was reduced to 122 units. At that time the biggest concern from most of the Board Members and a lot of the people who attended the meeting was traffic. Traffic was a concern and ultimately rejected this plan with the entrance

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off of Gardnertown Road. It was rejected for the site based on 122 units. Now there's 20 plus more units. There's going to be 144 of them, which means more traffic. This was 22 years ago. Traffic has drastically increased in that 22-year span.

Not only that, you've got the Farrell community which added approximately 150 to 165 units.

Now you've got this condensed number of units in a small area. The traffic that was a concern a long time ago has now increased and is still a concern.

At another meeting with revised plans, one of the previous engineers on the project had stated that they were talking to the adjacent property owner, which is the property that's across the street from Ethan Allen, Chestnut Lane. He was proposing a bridge for his property development.

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The engineer said that if that guy did not build a bridge, that the Gardner Ridge project would build a bridge. That bridge has been built. I'd like to know why that bridge is not considered at this point in time. I know he said earlier they don't have access to it, but the bridge was built. The Town and the previous engineer both said that that bridge would be the access for less number of units. Now it's more units and they are proposing the same problem. that was initially brought up in 2002.

There are other concerns too, but I'd like to address this one first since that seems to be a lot of the issue with everyone else as well.

DR. GREALY: So the traffic studies. There are senior units in here now, which is a different traffic pattern. That's part of this. I don't know the equation for calculating the increase when you

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have senior units, but there is some increase in units that's allowed.

From a traffic standpoint, the traffic generation that we analyzed was based on all regular units. There was no credit taken for senior units. For peak hour traffic, senior units are less.

In terms of the access out, the original plans didn't have these types of improvements that we're talking about. We're making improvements to accommodate the increased traffic. The traffic studies did include all of Farrell's traffic from that development and all the other developments in the area. The analysis is based on current data. It's not based on 2002.

In terms of access out to 32, the bridge you're talking about next to the Central Hudson property there that comes in, there's no right-of-access from this property out through that

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property. I guess in the past the previous owner, or the person that was allowing that, that's been denied. There is no right-of-access to that point. Way back when there were plans to develop that property, I believe it was probably in their interest to try to create something to get this property to pay for their improvements. That's no longer on the table.

MR. DEBERRY: The project, as far as I remember back at that time with the Planning Board, I reviewed the minutes, it was always addressed for 55 and older senior housing. It wasn't for anybody and everybody. It was always addressed as senior housing. The traffic to that site would still be the same, basically. Now it's going to be improved to something different.

The other thing, too, is I don't understand how the zoning

2 could change

3 from condominiums and townhouses that
4 were privately owned to rental units.

5 DR. GREALY: I'm not the attorney.

6 MR. HINES: There's been no change
7 in the zoning. These lots were always
8 R-3 zoned. The Town does have a senior
9 density bonus in the R-3 zone that is
10 permitted. They've applied to this
11 Board for it. It was referred to the
12 Town Board. The Town Board referred
13 it back to this Board for review.
14 Ultimately the Town Board will have
15 to approve the senior density bonus.
16 That's only allowed in the R-3 Zoning
17 District. This parcel has been zoned
18 R-3 since the 2002 application.

19 MR. RICHMOND: Daniel Richmond,
20 counsel from the law firm of Zarin &
21 Steinmetz, 81 Main Street, White
22 Plains, New York.

23 I just wanted to point out that
24 the law doesn't allow the Board to
25 distinguish between rental or condo.

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It's an impact analysis, as Phil explained. We've shown our traffic impacts are going to be minimal or offset by the improvements we're making. As Tom explained, we have a lot of landscaping and low-level lighting.

MR. DEBERRY: There's another issue with the grading plan. You don't have to put it back up. It does show the new grade extending towards the property line. You can't establish new grades without clear cutting the natural vegetation. Any kind of buffer zone has to be removed in order to construct these homes. That's not something you can just -- you can't establish new grades without cutting down the trees that are there. There's a lot of new grades shown behind the building, between the property line and Maurice Lane and the new construction.

As far as the low-level lighting,

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meaning they're only 12 feet high, this land behind Maurice Lane, the elevations are huge. It's a huge difference. The difference between my house and the end, the elevation that's basically at ground level in the front of the building, there's a 75-foot difference between those buildings. 75 feet plus the 12-foot light. The 12-foot light doesn't mean anything because these lights are going to be shining.

That parking lot, that was not on the last set of drawings. Now I have a parking lot behind my house that's elevated with a retaining wall. That elevated retaining wall is going to bring the headlights of the vehicles up to a point where now they're going to be shining directly into my building on the second floor. Low-level lighting and buffer zones aren't going to help me. A six-foot privacy fence and shrubs aren't going to help me

2 either.

3 I just don't understand how
4 they can change this from what was
5 previously approved to something
6 going back to the original
7 design which was
8 disapproved. It's
9 something to be concerned with. I'm
10 not the only one that's worried about
11 it. The Farrell community has lights
12 that light up everything. The
13 highway department has lights that
14 light up everything to the west side
15 of Maurice Lane. Now we're going to
16 have lights on this side. Maurice Lane
17 will be surrounded by everything.

18 The buildings themselves. I
19 know the buildings are pretty looking.
20 Are there going to be sidewalks and
21 rear doors, floodlights on these
22 buildings? Are they going to be on
23 24/7? That's another issue people
24 have to deal with.

25 As far as the widening of the

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road, Farrell community had an original set of drawings that showed retaining walls to widen Gidney. That never happened. I don't know if the approval for all the road work that was done was done prior to the change of plans and it was done as a revision later on, after the approvals. I'm afraid the same thing happens here. They're talking about widening Gardnertown Road. When the economy tanks and the developer wants to save some money, he's going to cut costs. He's going to cut them on the roadway improvements.

DR. GREALY: The widening will be along our frontage. We control that. Any of those improvements would be a condition of approval in this case. The improvements that we're proposing to make will be done for this development. That will be a condition of approval from any Boards in this Town.

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MR. HINES: There would be a requirement of the Town to have security in place to assure those happen as well.

MR. DEBERRY: There was something I read in the meeting minutes from the last meeting about school buses. They said there's a loop road inside. Farrell has a loop and the buses stop on Gardnertown Road. You're going to have school buses at the bottom of that hill at a dangerous intersection, because the school buses -- privately owned school bus companies, if they don't want to go into the site, they don't go into the site. To say the buses can come in there and loop around, it's not accurate. They don't do that in Farrell.

UNIDENTIFIED SPEAKER: That traffic gets bad through there.

CHAIRMAN EWASUTYN: Excuse me. Excuse me. We have one person

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speaking. We have acknowledged that person. You'll have your time to speak.

MR. DEBERRY: That's pretty much all I wanted to cover.

I don't have a lot of control over other questions as far as the architecture itself. They are towering buildings, especially when you're upgrade. If they were all flat and adjacent to another area that was flat, it wouldn't be an issue. These things are going to be blocking out the sun most of the day for the houses on Maurice Lane.

Thank you.

CHAIRMAN EWASUTYN: Thank you.

MR. STEVE COPPING: My name is Steve Copping. I live at 14 Maurice. I'm Bob's neighbor.

Like he was saying, at 5:00, you hit that S turn at 5:00 when the buses are running, the school buses and stuff like that, it's backed up almost to the top part of the second

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curve, and that's just now how it is. You're adding all this other stuff coming in where that road is in the first turn right there. You're trying to dump that onto there where you have Creek Run coming down and the upper traffic coming down from the other place. It's going to be a nightmare. It's going to be an absolute nightmare. I don't care if you widen it. You're just going to spread it out. It's really not going to stop the backflow of traffic, especially with adding something else coming in like that.

The other concern that I had was when Bob and I were looking over the prints together, they're talking about blasting up there to remove stone and things like this. You know, our houses are all on septic. We all have that issue to worry about, our foundations to worry about. We're on wells. A lot of our

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houses are still on wells. A few of the houses along our street do have city water. Is all that going to be looked into before they start doing this kind of thing?

CHAIRMAN EWASUTYN: Pat Hines with MH&E.

MR. HINES: We had tasked the applicant with identifying the areas where blasting would be. They did extensive geo-technical work. The plans were actually revised to raise portions of the site which were previously lowered, as Mr. Olley identified. Approximately 1.3 acres -- Tom, correct me if I'm wrong -- are proposed to potentially have blasting. It's not very deep blasting. It's five and six feet, I believe.

MR. OLLEY: That is correct. Blasting is the last resort.

MR. HINES: They are going to use mechanical methods. The Town has a code which controls blasting. I

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also provided Mr. Zarin's office --

MR. RICHMOND: Dan Richmond.

MR. HINES: The project attorney, he wasn't here, it was one of the representatives from his office. We provided him with a blasting protocol and a well monitoring protocol that we've used on other parcels. They are looking at that.

MR. RICHMOND: We understand. We're going to follow that template.

MR. HINES: We're aware of the issues regarding blasting. There will be strict compliance with the Town code. Probably there will be a request to monitor those houses that are on wells to get some background data on them, as long as you allow them to do that. They will put probes in your wells to get background information as to how they function and the water levels to determine if there are any post

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impacts from the blasting. We're aware of those concerns and we've discussed them with the applicant.

MR. DEBERRY: I do have one additional question. Robert Deberry again.

I heard it stated earlier that the site is over 30 acres. I thought the original site size was approximately 23.5 acres. Was additional property acquired for this?

MR. OLLEY: The site is 23.5 acres, roughly.

MR. DEBERRY: I was just asking because I believe it was stated it was over 30 earlier.

MR. MENNERICH: It says 23.4 in the notice.

MR. DEBERRY: Maybe I misheard. Thank you.

MR. BRANDON COPPING: I'm Brandon Copping. My legal address is 522 Sharon Drive in Memphis, Tennessee, but I'm currently staying

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with my parents at 14 Maurice Lane.

I just wanted to make an additional clarification. The monitoring of the wells, does that also include the septic tanks? I know, at least for ours, we get it monitored, checked and pumped regularly that it is in good condition. I believe they have been told not to do such things as drive heavy things over it. I want to make sure that those are monitored as well to make sure it's not a risk of collapse or anything such as that.

MR. HINES: I'm not aware of a method to monitor a septic system. Septic systems are above the bedrock. The issues with blasting have to do with vibration within the bedrock. That's why we monitor wells that are typically installed in bedrock. Septic systems are above the bedrock and soil.

MR. BRANDON COPPING: I just

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wanted to make sure. If anything were to happen to that septic tank, would there be recourse?

MR. HINES: There's always recourse with blasting. I'll leave it to the attorneys. There is strict liability associated with blasting. There will be monitoring. There will be both seismographic and air monitoring required for any blasting.

MR. BRANDON COPPING: Thank you.

DR. GREALY: There was one traffic question you had about the backups. One of the recommendations from our study and observing what happens out there in the rush hour -- in this case we actually studied all day long, but the key focus is on morning and afternoon rush hour periods. We keep track of school buses, vehicle mix. One of the recommendations here was to modify the timing at the traffic signal to reduce the queues. Part of the

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reason you get the queues is the timing of the signal. We've evaluated that. We've made that recommendation. That's going to be part of our conditions of approval.

The turn lane is being provided so that we, in addition, don't block any traffic that needs to be heading down the hill towards the signal.

MR. BRANDON COPPING: May I just ask a quick follow-up question? Does that also include monitoring continuing down Gidney to the light at Route 32? I do notice most of the traffic that goes down Gardnertown also continues left onto that light at Gidney which does not have turn lanes or protected lefts.

DR. GREALY: The traffic study did evaluate that signal also. There were recommendations for that whole corridor.

MR. OLLEY: Mr. Chairman, if I might, I would like to quickly address

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the questions about the grading, the lighting and vegetation removal.

Very quickly with the lighting.

We presented the Board with a lighting analysis using the light fixtures that are being proposed at the elevations that they would be installed. As I said, they're full cutoff luminaire, so the light is directed more downward. What we were able to demonstrate is that we have no light trespass from the project onto the site. The luminaire is actually mounted in the hood of the light fixture and it casts downward.

The houses that face Maurice, there will be no rear access. There will be no sidewalks back there. These buildings are situated 60 to 70 feet off the property line. 40 feet of that vegetation will be preserved as is. There won't be any disturbance of that, only about 25 feet of it behind for the purpose of constructing

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the building.

We've also put together a very extensive landscaping plan that is under review by the Town's consultant, landscape architect consultant. That will supplement any of those areas that may need some additional screening. We're working with the landscape consultant presently to address each of her comments, which have been very extensive. She's doing a very thorough review of that.

With regard to the sidewalks. Yes, the buses would stop at the intersection with Gardnertown Road. We are providing a sidewalk all the way down there. Newburgh School District would prefer not to. There are certain circumstances that they will come into the site. For most of the instances they want to pick up on the public streets. We have no say on that. That's the school district's policy.

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MS. DEBERRY: Mary Deberry. I live on 16 Maurice, the very last house in the cul-de-sac, if you really consider it a cul-de-sac.

The vegetation, the architecture for it, I'd like to know what's going in. Is it going to be something that is going to stay green year-round so we have also a buffer?

MR. OLLEY: It's a combination of both evergreen and deciduous plantings.

MS. DEBERRY: We need tall evergreens in there.

As my husband Robert had said, the building and his notation of like 75 feet high where your buildings are, the ones that are by Maurice Lane, those two, they're going to be sitting up so much higher. It's going to be like a tower next to us. My concern is the sun comes up from the east, which is about where you're standing, right where your hand is,

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and it goes across that whole complex and sets up over that way. These tall buildings are going to be shadowing the sun pretty much half the day or more before we're able to get some sunlight into our yards. I do gardening. I plant in my yard. I'm concerned about the sun and the use of our yard with no sun.

MR. OLLEY: These buildings will only be two-story buildings. They're not going to be towering buildings. The code limits the height to 35 feet. They'll be roughly 20 feet. They're not going to be towering buildings there. Yes, they do sit approximately 20 feet above your property, your back property line. The sun, as you say, actually travels from the intersection of Gidneytown and -- Gidney Avenue, I'm sorry, and Gardnertown Road and runs this way. Your house would be potentially

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shadowed only in the very early morning as the sun is coming up, as the sun travels in that east to west arc in the south.

MS. DEBERRY: Can I show you on the map? I'm a nature person, so every day I look out my window and I look out -- where is our house?

MR. OLLEY: Right there.

MS. DEBERRY: Okay. I look out my window every morning on the second floor. I look out the window. The sun comes up about over here and it comes slowly across this way and sets over this way. You have the hill, this whole steep hill, and then the buildings on top of it. That's my concern.

MR. HINES: Tom, you did a tree survey on the site for compliance with the tree ordinance.

MR. OLLEY: Yes, we did.

MR. HINES: Did they note the height of the trees? I think they

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are probably higher than the 35-foot buildings.

MR. OLLEY: They are. The significant trees that were located, many of them are 60, 70 feet tall. I don't have a height on these. One of the trees near there is a 25-inch diameter Black Oak. Another one is almost a 30-inch -- 28.5-inch Tulip Tree. Those are very significant trees that are 60 plus feet.

CHAIRMAN EWASUTYN: The gentleman in the front.

MR. GILMAN: A couple of questions, if I may, for the traffic consultant actually.

CHAIRMAN EWASUTYN: Can I have your name?

MR. GILMAN: Sure. My name is Alberto Gilman. I represent The Mid-Hudson Times.

For the traffic consultant, is the size of the road doable for large snowplows that travel through that

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complex?

To the engineer, do you account for any additional runoff with snow, because, depending upon how the loop wraps around, runoff in the springtime when the snow melts, does that drain into the creek or does that drain somewhere else?

For the attorney, if I may ask as well, with the senior density bonus -- for the attorney for the Town as well, does the senior density bonus remain going forward permanently or is there any sort of option to change it to market rate housing?

Those are my two questions.
Thank you.

DR. GREALY: Relative to traffic, the roads are designed to accommodate all service vehicles and emergency vehicles.

MR. OLLEY: With respect to the runoff, we look at different intensities of storm events. Specifically we

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look at the one-year, the ten-year and the hundred-year storm events. We design for a rainfall of about 8.5 inches in 24 hours. That is far more than you would get in a snow melt. That would be the equivalent of 8 feet of snow. So we look at that. We detain the water on the site so that we maintain the same rate of discharge as the predevelopment conditions. Virtually the entire site comes right back down to the Gidneytown Creek. We're providing a series of stormwater management basins that will provide for the attenuation of the stormwater runoff.

To answer the question on the roads, all of the internal roads are 26 feet wide to provide for fire access, which actually accommodates any of the snowplows.

What we did with looking at the turning movements is we took the largest truck that Cronomer Valley

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has, the 110-foot ladder truck which has tremendous overhangs, and we ran that through the site in a computer model to show that all of the turns could be made without driving over curbs, sidewalks or anything like that.

MR. GILMAN: Thank you.

MR. RICHMOND: The intent is for the senior housing to be deed restricted.

CHAIRMAN EWASUTYN: Any additional questions from the public? I see a hand. Bill, those who haven't spoken yet.

(No response.)

CHAIRMAN EWASUTYN: At this point, Bill.

MR. FETTER: Bill Fetter, Rockwood Drive.

Will the roads be dedicated to the Town?

MR. OLLEY: No, they will not be.

MR. FETTER: They're private roads. So the Town won't be plowing

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those roads?

MR. OLLEY: That is correct.

MR. FETTER: Most of us, when we were kids and had to go to school, we went to the corner and stood out in the weather until the bus came. That's not the way it is today. Usually there's a line of cars with kids sitting in them, waiting for the bus to come. Is the new access road wide enough to handle a row of SUVs and other people coming in and out of the community without backing up onto --

MR. OLLEY: The width of the access road is about the width of three parking spaces. There is room to pass vehicles if somebody stopped, if there were vehicles queued up on the side.

MR. FETTER: Are all the units two bedrooms or just the senior bonus housing?

MR. OLLEY: All of the units

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are two bedroom.

MR. FETTER: No three bedrooms?

MR. OLLEY: No.

MR. FETTER: The western buildings,
are there decks on the back of those
buildings?

MR. OLLEY: No, there are not.

MR. FETTER: No exterior decks
with lighting.

Most importantly in my mind, is
there a developer in mind, because I
know once you get approval, you're
going to be begging to be able to cut
the trees down because the bats are
coming. I don't know how many pieces
of property we have in the Town that
the trees have been cleared and it's
three, four, five years that they're
still naked. You know, yes, we have
the tree protection thing, but that
doesn't do any good if the trees are
gone. Is there a developer?

(No response.)

MR. FETTER: Silence is a good

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enough answer. Thank you.

MR. OLLEY: We don't have -- the project is being developed by a developer. We don't have a specific builder yet. We're a long way from that point. We still have work to do with the Planning Board and some other approvals that will come after the public hearing, Health Department approval for modifying the previously approved water system. It's a ways off for the onsite construction. We will work within the timeframes that the DEC requires for the tree removal and we'll work with the Town on the stormwater prevention plan, which also has some limitations on how much can be cleared at a given time.

MR. FETTER: If I could add one additional question to that. Will all the retention/detention basins be constructed so, as such, the land is not subject to erosion without the water being trapped before going into

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the creek?

MR. OLLEY: Yes.

MR. FETTER: Will that be a condition of approval?

MR. HINES: That's a standard procedure.

MR. OLLEY: That's really about the third step that happens. The first step is very preliminarily clearing, getting silt fence installed to protect the areas. Once the clearing of those areas happens, then those stormwater management facilities need to be built. They may not be finalized, but they will be built to provide the temporary sedimentation controls that are better needed to protect the floodplain and the creek and any surrounding properties.

MR. FETTER: That's prior to clear cutting?

MR. OLLEY: That is, yes. There will be some clear cutting of

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those areas to allow for the construction of those.

MR. FETTER: Understood.

MR. OLLEY: It's a moving area. There's a moving 5-acre limitation that will -- the developer, the builder has to re-vegetate as he moves forward or provide final stabilization.

MR. RICHMOND: I would just add to what Tom said. We did do a market analysis in connection with this which showed a significant demand for this project. We don't anticipate a significant lag time between project site disturbance and the development of the project.

MR. FETTER: That hasn't proven to be the case elsewhere in Town.

MR. RICHMOND: I'm not sure if those are residential projects of this caliber.

CHAIRMAN EWASUTYN: Any additional comments from the public?

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MR. MOULTON: John Moulton,
Dogwood Hills.

About the sight lines on Creek Run Road. I would support not allowing a left-hand turn out of there. I don't know, it's probably for the Highway Department, but that would be, I think, a smart thing to do concurrent with this project. Having those trees removed on the hill and the vegetation kept under control, it will alleviate a dangerous situation there. Setting this up, as these gentlemen have demonstrated, I think it will make it safer to make that right-hand turn out of Creek Run. It actually will make it safer.

CHAIRMAN EWASUTYN: If there are no other questions or comments from the public, I'll turn it over to our Traffic Consultant, Ken Wersted with Creighton Manning.

MR. WERSTED: Thank you, John.

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As the project number will suggest, this project has been around since 2002. It's progressed, stalled, went away and finally has come back.

We met extensively a couple years ago with Central Hudson about that access over on Route 32. As Mr. Grealy had pointed out, the access and the ability to get from the site across someone else's property has changed and it's just no longer an option. This was never the preferred location. It was always the Route 32 side. This is what the developer was left to come back with.

Through those conversations there's been an extensive look at how Creek Run Road intersects Gardnertown Road and how these two roads would come together. The first alternative was they were aligned opposite each other, realigning Creek Run into a four-way. In conversations with the highway superintendent, he was very

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concerned about being able to keep the road clear, particularly in the inclement weather, therefore it was decided to leave it where it is but do some improvements down there to alleviate some of the sight distance issues when you pull out. As Mr. Grealy said, there's not a lot of traffic turning left to go back up the hill, back to the west where they would have come from if they were on Creek Run. The proposal, as it stands, is the best option that was available to the project.

We've reviewed the traffic study. It met all the typical DOT and traffic engineering standards.

We reviewed the trip generation, the sight distance analysis. The mitigation, we believe, will mitigate impacts from the project.

I think the biggest improvement here is namely going to be that sight distance viewshed improvement and

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being able to see up that hill and just not have to guess whether there's a car coming down the hill or not. It's not too bad now when there are no leaves on the trees. In the spring, summer, fall, it's definitely a challenge.

Thank you.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance.

MR. CAMPBELL: Nothing to add.

CHAIRMAN EWASUTYN: Pat Hines with MH&E.

MR. HINES: I have some comments. Just to follow up on the fire department's comments, I know they mentioned the preemption at Chestnut. I think it would make sense, if you're going to put it there, to put it at all three of the lights, otherwise they're going to hit other lights. That may serve their purposes a little more.

MR. BROWNE: Could you expand

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on what that means, what you just said?

MR. HINES: There are devices that you can install on traffic control signals that will give emergency vehicles the green. If they have the red, it cycles through and allows them to pass through. Apparently their vehicles are equipped with the equipment now. It would be only adding them to the signals.

If you could take a look at all three of those, it might be helpful.

Our first comment is, the plans have been resized pursuant to meetings with the highway superintendent. We had some pretty high-level, crowded meetings out there with the highway superintendent and, I don't know, five or six traffic engineers at any one time. They've come up with the plan that was discussed in the field. The changes to the plan with the

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Creek Run Road elimination of the four-way have increased the excess material by 5,000 cubic yards. Again, that sounds like a big number, but on a project like this, over the construction time, it's not a big number.

Health Department approval for the water main is required.

Compliance with the Town's senior housing code must be documented.

Deeds and covenants must be filed regarding the senior housing.

Cost estimates for tree preservation, landscaping and stormwater must be submitted.

My sixth comment has to do with my conversations with Mr. Baird and his house there. I passed those on to the applicant to make sure that the amount of water tributary to there is reduced to the greatest extent possible.

We did receive Orange County Planning Comments. They were advisory

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in nature. The Board has those.

The tree preservation plan, there's an option in there to either pay a restoration fee or plant new trees. Both of those are on the plans. We just need to know where the applicant is heading with that.

MR. RICHMOND: I think that's going to be dependent on our conversations with KALA. As the Board is aware, we got some comments from your landscape architect or consultant. We're eager to work with her to come up with a final landscape plan with a final number. How many trees we are able to plant on the site will be the result of conversations we have with her and the Board.

MR. HINES: While you work with her, specifically keep an eye on between Maurice Drive. If there's a need to plant trees, plant them there.

MR. OLLEY: We heard that loud

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and clear.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: I would like to say thank you to the public for coming out. We appreciate your input.

In reference to buses going into the property, I asked that. At the time you said the buses were able to. Now you're telling me they're not. I'm proposing to have a gazebo at the end of the driveway and Gardnertown Road. If it's on the same side of the sidewalk, you don't have to worry. If it's on the opposite side, put a crosswalk.

Another thing. This day and age with Amazon and packages, a lot of places are leaving your packages in a mailbox type setup. Most of the projects we've had, they've been setting up somewhere that they can put the stuff in instead of going on the site and losing their packages.

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Thank you.

MR. RICHMOND: Thank you.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I don't have anything more to add at this point. Most of the questions have all been answered and covered quite well.

Thank you.

CHAIRMAN EWASUTYN: I have no comments.

MR. MENNERICH: I have no comments.

I thank the public for coming and expressing their views.

MR. DOMINICK: I have a couple of comments.

First, thanks to the public. I appreciate your input, especially coming out tonight.

I was also going to echo what John Ward said, some type of shelter for the kids. You said the buses were coming through the development. We learned tonight they're not. Let's have a gazebo of some type.

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Tom, I appreciate you working with Pat and addressing Mr. Baird's water issue. I can only imagine what water problem you had this past week.

Finally. Tom, if you guys can work, I know you said this, with Karen to increase and make a robust buffer for the residents on Maurice Lane, trees, evergreens, really get some more shading or screening in there to protect their privacy.

MR. OLLEY: We'll do that.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: I also want to thank the public for coming out as well. We had some great input. Very well thought out. Very good concerns. You brought a lot of things to light. They were answered, I thought, very thoroughly, if not now but will be in the future in working with you.

I don't have any other comments other than that because everyone else

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has taken what I want to say.

Thank you again.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney.

MR. CORDISCO: The next procedural step would be for the Board to consider closing the public hearing.

CHAIRMAN EWASUTYN: Having heard from the Planning Board Attorney, Dominic Cordisco, would someone make a motion to close the public hearing?

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Stephanie DeLuca. Can I have a roll call vote starting with John Ward.

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

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MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board closed the public hearing.

MR. CORDISCO: The Board may also wish to consider preliminary approval. Since the project requires the Town Board's approval regarding the bonus density for the senior units, it's been this Board's practice, on similar projects, to grant or consider granting preliminary approval, and then that provides the opportunity for the Town Board to determine, and ultimately grant, if they choose to do so, the senior bonus, and then the project comes back for conditional final approval.

MR. RICHMOND: If I could add some clarification. Would you be issuing a SEQRA negative declaration in connection with that and take that initial step?

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MR. HINES: We did that at the last meeting.

MR. RICHMOND: You issued a negative dec?

MR. HINES: You wouldn't have got your public hearing scheduled.

MR. RICHMOND: If you could verify that. I want to be sure, because I don't recall that at the last meeting.

CHAIRMAN EWASUTYN: Okay.

MR. RICHMOND: I believe you were waiting for the GML.

MR. CORDISCO: That is correct. Thank you. Yes.

MR. HINES: Normally we wouldn't have scheduled it.

MR. RICHMOND: The GML has now been resolved.

MR. CORDISCO: Mr. Richmond is correct. The County Planning Department had provided comments requesting additional information, and this was for your November 16th

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meeting. Since that time the County Planning Department has revised their letter and has provided a recommendation of a local determination for this Board. The negative declaration would be the appropriate next step.

CHAIRMAN EWASUTYN: Having had conversation on the SEQRA requirement, can someone move for a motion to declare a negative declaration on the Gardner Ridge site plan?

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a second by Dave Dominick. Can I have a roll call vote starting with John Ward.

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

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MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Motion
carried.

Dominic Cordisco, one more
time, can you direct the Board as far
as granting preliminary approval?

MR. CORDISCO: My recommendation
would be for the Board to consider
preliminary approval at this time.
This will be preliminary site plan
approval.

One of the primary conditions
of that approval will be to obtain
the approval of the Town Board in
connection with the senior housing
units that are proposed, as well as
all of the conditions that have been
outlined in Mr. Hines' review memo,
bearing in mind that many of the
conditions would not need to be
satisfied until the project comes
back from the Town Board, if and when
they do, and then seek a conditional
final approval at that time. Most of

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the conditions would not be satisfied until then.

CHAIRMAN EWASUTYN: Questions or comments from the Board Members as far as preliminary approval?

MS. DeLUCA: No.

MR. DOMINICK: No.

MR. MENNERICH: None.

MR. BROWNE: None.

MR. WARD: No.

CHAIRMAN EWASUTYN: Would someone make a motion to grant preliminary approval to the Gardner Ridge project.

MR. WARD: So moved.

CHAIRMAN EWASUTYN: I have a motion by John Ward. Do I have a second?

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a second by Ken Mennerich. Can I have a roll call vote starting with John Ward.

MR. WARD: Aye.

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MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Motion
carried.

MR. RICHMOND: Thank you very
much, Mr. Chairman and Members of the
Board. We appreciate your time and
wish you a happy holiday.

I would like to thank the
members of the public for all coming
out. If you have further concerns,
please get in touch with us as we're
willing to work with all of you.

CHAIRMAN EWASUTYN: Thank you.

Would someone make a motion to
close the Planning Board meeting of
December 21, 2023.

MS. DeLUCA: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a
motion by Stephanie DeLuca. I have a

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second by John Ward. May I have a
roll call vote starting with John Ward.

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

(Time noted: 9:22 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 4th day of January 2024.

Michelle Conero

MICHELLE CONERO