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

----- X

In the Matter of

VERIZON WIRELESS - CRONOMER HILL
(2024-22)

248 North Plank Road
Section 34; Block 2; Lot 21
B Zone

----- X

SITE PLAN & SPECIAL USE PERMIT

Date: August 1, 2024
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
LISA CARVER
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: SCOTT OLSON

----- X

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

2 CHAIRMAN EWASUTYN: Good evening,
3 ladies and gentlemen. The Town of
4 Newburgh Planning Board would like to
5 welcome you to their meeting of the 1st
6 of August 2024. This evening we have
7 seven agenda items. Item number 6 is a
8 public hearing.

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

11 MR. DOMINICK: Present.

12 MS. DeLUCA: Present.

13 MR. MENNERICH: Present.

14 CHAIRMAN EWASUTYN: Present.

15 MS. CARVER: Present.

16 MR. WARD: Present.

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

19 MS. CONERO: Michelle Conero,
20 Stenographer.

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

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

2 CHAIRMAN EWASUTYN: At this point
3 we'll turn the meeting over to Stephanie
4 DeLuca.

5 (Pledge of Allegiance.)

6 MS. DeLUCA: We also ask that you
7 silence your phones or turn them off.
8 Thank you.

9 CHAIRMAN EWASUTYN: The first item
10 this evening is Verizon Wireless -
11 Cronomer Hill, project number 24-22.
12 It's an initial submission for a site
13 plan and special use permit for a new
14 wireless tower. It's located on North
15 Plank Road in a B Zone. It's being
16 represented by Tectonic Engineering.

17 MR. OLSON: Scott Olson from Young/
18 Sommer. Good evening.

19 This is our first meeting. It
20 seems I'm here every two to three years.
21 I think that just shows you it's kind of
22 a job that never finishes.

23 One of the reasons we're here is
24 because of capacity. I continue to say
25 capacity, capacity. The sites that are

2 in this area that are providing service
3 to this general target area don't have
4 enough capacity to reach the area and
5 properly serve those folks. That's why
6 we're here.

7 We looked to try to see about co-
8 location on existing towers, but that was
9 not feasible. So are proposing a new
10 tower, approximately 120 feet tall or so
11 off of North Plank Road.

12 We have the typical application
13 material for you, the radiofrequency
14 analysis, the site selection analysis,
15 the site plan. That's all there for the
16 Board's review.

17 I don't think Mr. Musso's firm is
18 representing the Board anymore. I assume
19 you have a radiofrequency consultant.

20 CHAIRMAN EWASUTYN: Dominic Cordisco
21 will speak on that.

22 MR. CORDISCO: The Town has engaged
23 the services of Douglas Fishman.

24 MR. OLSON: I presume he will be
25 provided with the application materials

2 and review them, kind of in a similar
3 manner that --

4 MR. CORDISCO: One of the steps for
5 the Board to consider tonight would be
6 referring it to Mr. Fishman for his
7 review.

8 CHAIRMAN EWASUTYN: There are two
9 parts to it now. Mike Musso would also
10 look at the structural analysis. I'll
11 let MHE, Pat Hines, speak on that.

12 MR. HINES: The Town's new tower
13 consultant does not provide that service.
14 My office is able to provide that
15 structural review, so we'll do that.

16 MR. OLSON: That's fine. Not a
17 problem at all.

18 We're just in the very initial
19 phase of this, obviously. With all prior
20 applications before this Board, we've
21 always done a balloon test so that we can
22 then do the simulations. We've always
23 relied upon the Board's input for
24 locations.

25 I think the methodology we used was

2 we will provide a list of locations that
3 we think are appropriate for the balloon
4 test. If I recall correctly, we have
5 public notice requirements for that test.
6 I think that's the case here. I think
7 it's seven to fourteen days, if memory
8 serves. Before we get there, we'll give
9 you a list. Obviously Mr. Fishman can
10 look at that list. If you have any
11 additional locations, because you know
12 the Town much better than we do. We're
13 going to try to identify all the relevant
14 areas, including historical locations and
15 that sort of stuff, to make sure you have
16 the proper information before you to
17 review.

18 If we could, we would like to at
19 least provide that information to you so
20 that you can consider it and Mr. Fishman
21 can consider it.

22 CHAIRMAN EWASUTYN: Is the Board in
23 agreement?

24 MR. DOMINICK: Yes.

25 MS. DeLUCA: Yes.

2 MR. MENNERICH: Yes.

3 CHAIRMAN EWASUTYN: Yes.

4 MS. CARVER: Yes.

5 MR. WARD: Yes.

6 MR. OLSON: I'll have our consultant
7 at Tectonic know.

8 That's kind of where we are right now.
9 I'm certainly happy to answer any questions
10 that you may have. I don't want to take up
11 too much time. You obviously have a long
12 agenda.

13 CHAIRMAN EWASUTYN: Any questions from
14 the Board Members?

15 MR. DOMINICK: The balloon test, I
16 was going to touch on that, but you did.
17 When would you probably do that, even
18 though we're going into the fall schedule
19 with leaf drop? What would your ideal
20 target be?

21 MR. OLSON: Leaf drop down here
22 probably occurs around early November
23 when you hit final leaf-off conditions.
24 Even though it's leaf on, we would like
25 to do it sooner rather than later. We

2 didn't come up with dates. Probably
3 within the next month or so. Maybe
4 longer, depending on how quickly the
5 Board can review what we've provided.

6 MR. DOMINICK: Thank you.

7 CHAIRMAN EWASUTYN: Are there any
8 additional questions from Board Members?

9 (No response.)

10 CHAIRMAN EWASUTYN: I'll turn the
11 meeting over to MHE, Pat Hines.

12 MR. HINES: Our first comment just
13 notes it's a new wireless tower on the
14 east side of Route 32. Just for
15 reference, it's between the two Paffendorf
16 Road access points. It's across the
17 street, between those two. There's an
18 existing building on the site.

19 The project is subject to the shot
20 clock. We are recommending the Town
21 authorize my office to submit it to the
22 Town's wireless consultant to begin that
23 review.

24 There are numerous cargo containers
25 on the site. Those should be evaluated

2 with regard to use of cargo containers
3 in the Town of Newburgh. I gave you
4 the code section to check that against.

5 The structure is 124 feet high
6 with the arrays located at 120 feet
7 on that pole.

8 I do know that the Building
9 Department submitted a comment to the
10 Board that there is a 200-foot, 199-
11 foot monopole at the Cronomer Valley
12 Fire Department location. They
13 wanted to make sure that it wasn't
14 possible to co-locate there, and, if
15 so, why not. I don't know if that's
16 in the analysis.

17 MR. OLSON: I believe that's the
18 AT&T tower. We have that in the
19 analysis because we knew of it.
20 Obviously it's relatively close. When
21 Mr. Fishman looks at the analysis, we
22 think he will agree that it just doesn't
23 provide the service. It's too close
24 -- too far west of the site that we're
25 talking about. That's in the analysis.

2 We contemplated that.

3 MR. HINES: I'm hoping it provides
4 Verizon service to this building. Right
5 now my phone doesn't work.

6 MR. CORDISCO: AT&T isn't much
7 better.

8 MR. HINES: We're suggesting that
9 the Board declare its intent for lead
10 agency. We will circulate that once the
11 Board does that.

12 CHAIRMAN EWASUTYN: Can I have a
13 motion from the Board to declare our
14 intent for lead agency and circulate, and
15 also to refer this to the Orange County
16 Planning Department.

17 MR. MENNERICH: So moved.

18 MR. DOMINICK: Second.

19 CHAIRMAN EWASUTYN: I have a motion
20 by Ken Mennerich. I have a second by
21 Dave Dominick. Can I have a roll call
22 vote starting with John Ward.

23 MR. WARD: Aye.

24 MS. CARVER: Aye.

25 CHAIRMAN EWASUTYN: Aye.

2 MR. MENNERICH: Aye.

3 MS. DeLUCA: Aye.

4 MR. DOMINICK: Aye.

5 MR. CORDISCO: Mr. Ewasutyn, if I
6 may, I just want to cover the shot clock.
7 For new tower applications, as you know,
8 it's 150 days. It is going to require a
9 balloon test. I was just wondering if
10 you would be willing to acknowledge the
11 shot clock would be suspended while that
12 balloon test is being conducted.

13 MR. OLSON: We will absolutely --
14 so not the answer maybe you're looking
15 for. It's so early in the process. We
16 will absolutely work with the Town. I
17 mean, we've extended these before. I
18 don't want to table it right now because
19 my client just has a problem with that
20 generally. I can tell you, I work with
21 this Board, this Board is a good Board to
22 work with. You're not trying to slow
23 anything down. If and when we get to the
24 150-day period, I'm telling you we will
25 extend it as necessary to give the Board

2 the appropriate time.

3 MR. CORDISCO: I think it's
4 important to put it on the record at this
5 point, especially since the balloon test
6 is something that hasn't yet been
7 submitted and is essential for the
8 Board's evaluation of the application. I
9 think acknowledging that, we're creating
10 our record.

11 MR. OLSON: That's totally fine. I
12 can agree that pending the conduct and
13 having the balloon test completed, yes,
14 we can certainly table that shot clock.
15 I think it's going to happen in the next
16 month. I anticipate we would at least
17 extend it by a month or so. That's
18 typically what happens in these types of
19 things. We're happy to work with the
20 Town.

21 MR. CORDISCO: That's satisfactory.
22 Thank you.

23 MR. OLSON: Have a nice evening.

24

25 (Time noted: 7:08 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 16th day of August 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

LAWRENCE FARMS & BIANCO LOT LINE CHANGE
(2023-12)

North of Colandrea Rd, East of Frozen Ridge Rd
Section 6; Block 1; Lots 66.21 & 66.32
AR Zone

----- X

LOT LINE CHANGE

Date: August 1, 2024
Time: 7:08 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
LISA CARVER
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CONOR McCORMACK

----- X

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

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CHAIRMAN EWASUTYN: The Planning Board's second item of business this evening is Lawrence Farms and Bianco Lot Line Change, project number 23-12. It's a lot line change located north of Colandrea Road, east of Frozen Ridge Road. It's in an AR Zone. It's being represented by Colliers Engineering & Design.

MR. McCORMACK: Good evening. Conor McCormack from Colliers Engineering & Design.

I can give the Board a recap since this project was last in front of them. Again, the project is just a lot line modification between two existing lots to clean up the property line to better follow an existing fence line and to alleviate an access issue between the two properties.

The only substantial change since the last time is the project received ZBA variances at the June meeting.

Other than that, nothing has

2 changed on the project.

3 We received MHE's comment letter.
4 We're hoping to answer any questions that
5 the Board has.

6 CHAIRMAN EWASUTYN: Questions from
7 any Board Members?

8 MS. DeLUCA: No.

9 MR. DOMINICK: No.

10 CHAIRMAN EWASUTYN: At this point
11 we'll turn the meeting over to Pat Hines
12 with MH&E.

13 MR. HINES: The project was last
14 before the Board a year ago in July. At
15 that time it was referred to the ZBA.
16 They have received the required ZBA
17 variances for front yard setback and lot
18 coverage.

19 As noted by the applicant's
20 representative, our previous comments
21 identified that the lot line change was
22 to address an access issue. The driveway
23 for this parcel is on the adjoining lot.
24 This lot line change will alleviate that.

25 Lot line changes are Type 2 actions

2 under SEQRA, requiring no further review
3 by the Board.

4 I believe that the Planning Board
5 is in a position to grant the lot line
6 change if no other substantive comments
7 are made.

8 CHAIRMAN EWASUTYN: Comments from
9 Dominic Cordisco, Planning Board Attorney.

10 MR. CORDISCO: As Mr. Hines
11 mentioned, this is a Type 2 action.

12 It is ready for approval. There
13 are no special conditions associated with
14 this lot line change.

15 CHAIRMAN EWASUTYN: Having heard
16 from MH&E and Dominic Cordisco, Planning
17 Board Attorney, would someone move for a
18 motion to approve the Lawrence Farms and
19 Bianco lot line change.

20 MR. WARD: So moved.

21 MS. CARVER: Second.

22 CHAIRMAN EWASUTYN: I have a motion
23 by John Ward and I have a second by Lisa
24 Carver. Can I have a roll call vote
25 starting with Dave Dominick.

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MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Thank you.

MR. McCORMACK: Thank you.

(Time noted: 7:12 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 16th day of August 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

NEWBURGH SELF-STORAGE
(2024-06)

1420 Route 300
Section 60; Block 3; Lot 22.222
IB Zone

----- X

SITE PLAN

Date: August 1, 2024
Time: 7:12 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
LISA CARVER
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CONOR McCORMACK
and DANIEL WHITNEY

----- X

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

2 CHAIRMAN EWASUTYN: Item 3 this
3 evening is the Newburgh Self-Storage,
4 project 24-06. It's a site plan. It's
5 located on Route 300 in an IB Zone. It's
6 being represented by Colliers Engineering
7 & Design.

8 MR. McCORMACK: Hello. Me again,
9 Conor McCormack.

10 Again, this is another project
11 that's been in front of the Board more
12 recently a couple times. I can give the
13 Board a quick recap.

14 Essentially the project is looking
15 to redevelop the existing lot that is
16 Showtime Cinema. The project is located
17 on tax lot 60-3-22.22. It has frontage
18 on Route 300. There's also a secondary
19 access to Route 52. The parcel is 8.3
20 acres in size located in the IB Zone.
21 It's subject to Planning Board review.

22 As part of the proposed development,
23 we're looking to reuse the existing
24 Showtime Cinema building, add additional
25 storage units throughout the site.

2 We're also pulling up a lot of
3 existing pavement to make the site
4 greener. In total there's going to
5 be 61,310 square feet of storage.
6 The redeveloped parcel will be 63,400
7 square feet. There's also a small
8 774 square foot office space.

9 Additionally, there's going to
10 be parking, eight spaces.

11 There are utility improvements.

12 There will be general landscaping
13 and beautification of the site.

14 The project received its variances
15 for the height of the existing building.

16 It's located at an existing
17 signalized intersection out to the
18 State highway.

19 Again, any questions the Board
20 has, I'd be happy to answer.

21 CHAIRMAN EWASUTYN: Ken Wersted
22 with Creighton Manning.

23 MR. WERSTED: We reviewed the
24 project. All of our previous comments
25 have been addressed.

2 As a whole, the project is self-
3 storage, which means put a lot of stuff
4 in and come and visit it once a month or
5 once every six months. As a whole, it is
6 not a large traffic generator. Arguably
7 it would generate less traffic than the
8 actual movies, albeit different timeframes.

9 CHAIRMAN EWASUTYN: Comments from
10 Board Members. John Ward?

11 MR. WARD: When you were at the
12 last meeting I asked, in reference to the
13 entrance coming in from Route 300, for a
14 stonewall and more landscaping. I think
15 it's small. There should be more
16 landscaping in there and the wall should
17 be extended. If you go down Route 300,
18 you'll see how the stonewalls are by
19 Buffalo Wild Wings and down the line.
20 The coordination, we're trying to follow
21 it through. If you can, dress up a
22 little buffer on that.

23 Your ARB, we need more detail,
24 please.

25 MR. McCORMACK: Anything specific

2 as far as the detail for the ARB
3 submission?

4 MR. WARD: Basically it just showed
5 colors. We don't know what items it is,
6 where they're going. It wasn't normal
7 for what we're used to.

8 CHAIRMAN EWASUTYN: We need a good
9 visual rendering.

10 MR. McCORMACK: Understood. A
11 visual rendering. Would you need material
12 samples brought in?

13 MR. DOMINICK: Yes.

14 MR. McCORMACK: Okay.

15 MR. WARD: Thank you.

16 CHAIRMAN EWASUTYN: Lisa Carver?

17 MS. CARVER: I just have a question.
18 When you say you're going to make the
19 site greener, you're going to be digging
20 up the pavement and planting grass? Is
21 that what you're doing?

22 MR. McCORMACK: There is some
23 pavement that will be ripped up. As part
24 of it, it will be tilled so it's not
25 compacted so the stormwater runoff will

2 be allowed to infiltrate. Most of it is
3 at the rear of the site. There's a large
4 impervious area back here that we no
5 longer need.

6 Additionally, behind building H,
7 the parking lot extends there. That's
8 getting removed as well.

9 MS. CARVER: I just wanted to
10 understand.

11 MR. McCORMACK: This main island
12 here, you can call it, that has buildings
13 A and B. That's a significantly
14 landscaped area that will be added.

15 MS. CARVER: Thank you.

16 CHAIRMAN EWASUTYN: Ken Mennerich?

17 MR. MENNERICH: On the building,
18 there's a form that has to be filled out
19 for the ARB that is helpful to the Board.

20 MR. McCORMACK: The application, I
21 thought I saw that and submitted it. Are
22 you talking about the application or is
23 there a separate form?

24 CHAIRMAN EWASUTYN: It's part of
25 the application. I think what Ken

2 Mennerich is saying is the night that we
3 go through the ARB approval, to have that
4 also with you.

5 MR. McCORMACK: The night -- I
6 missed that.

7 CHAIRMAN EWASUTYN: The ARB list
8 that's part of the application, --

9 MR. McCORMACK: Okay.

10 CHAIRMAN EWASUTYN: -- we should
11 have examples of that the night of the
12 meeting.

13 MR. McCORMACK: We'll give you a
14 bullet point.

15 MR. HINES: The form identifies the
16 actual materials and colors by name,
17 similar to what you would put on a
18 presentation board for those materials.
19 That helps the Building Department know
20 in the future what materials this Board
21 approved.

22 CHAIRMAN EWASUTYN: Stephanie DeLuca?

23 MS. DeLUCA: As far as just to tag
24 off of Lisa, the entranceway from Route
25 300 where the light is, is that also

2 going to be paved or repaved?

3 MR. McCORMACK: Let me pull up the
4 landscaping plan. I think that's the
5 best plan for this question.

6 MR. HINES: Number P-7.

7 MR. McCORMACK: Thank you.

8 MR. HINES: Only because we had it
9 out during work session.

10 MR. McCORMACK: Are you asking if
11 this section is to be repaved?

12 MS. DeLUCA: As you're coming in
13 from that area.

14 MR. McCORMACK: Right now it's not
15 proposed to be repaved, at least milled
16 and paved, just because it was so close
17 to the DOT access and we didn't want to
18 disturb an existing State highway access.

19 MS. DeLUCA: All right.

20 CHAIRMAN EWASUTYN: Are you saying
21 it's going to be milled and paved or it
22 won't be milled and paved?

23 MR. McCORMACK: Right now the limit
24 of asphalt repair is up to about where
25 that first existing island is.

2 MS. DeLUCA: Okay.

3 CHAIRMAN EWASUTYN: Those repairs
4 would be milling and paving?

5 MR. McCORMACK: For the remainder
6 of the site, yes, unless there are areas
7 where we're raising the grade.

8 CHAIRMAN EWASUTYN: You spoke
9 earlier. You've been here before. Would
10 you identify yourself?

11 MR. WHITNEY: I'm Dan Whitney with
12 the ownership.

13 The areas around the buildings out
14 in the larger parking lot, we are doing
15 some regrading there. That will be taken
16 up and repaved.

17 Like we said earlier, we want to
18 try to avoid going too close to the DOT
19 road. I think we know what that type of
20 stuff will trigger. Everything else will
21 be milled and paved or sealcoated. We
22 want it to be nice when we're finished
23 with it. It will be repaired and taken
24 care of.

25 CHAIRMAN EWASUTYN: Will it be

2 milled and paved or will it be seal-
3 coated? There's a world of difference.
4 I think for the longevity of the project,
5 the entire site should be milled and
6 paved.

7 MR. WHITNEY: It depends on the
8 condition of the asphalt.

9 CHAIRMAN EWASUTYN: It depends upon
10 the condition of the approval.

11 MR. WHITNEY: On the condition of
12 approval if we mill and pave it?

13 CHAIRMAN EWASUTYN: Right.

14 MR. WHITNEY: It's existing asphalt,
15 isn't it?

16 CHAIRMAN EWASUTYN: How old is the
17 asphalt?

18 MR. WHITNEY: That I don't know.

19 CHAIRMAN EWASUTYN: I think that's
20 essential. Asphalt has a life to it.

21 MR. WHITNEY: Sure.

22 CHAIRMAN EWASUTYN: I would say
23 that if it's the existing asphalt from
24 the existing movie theater, then it may
25 be time to upgrade it.

2 MR. WHITNEY: Yeah. If the Board
3 feels inclined, we can mill and pave that
4 area.

5 CHAIRMAN EWASUTYN: Good conversation.

6 MR. WERSTED: John, if I could add
7 a note. Probably within 75 feet of the
8 exit lane towards the signal, there's a
9 loop in the pavement. If they do mill
10 that down, they'll likely rip that up and
11 the signal will need some additional
12 repairs.

13 CHAIRMAN EWASUTYN: They'll stay
14 back from that.

15 MR. McCORMACK: We'll mill and pave
16 the majority of the site, avoiding some
17 of the areas that would cause concerns to
18 DOT. Is that sufficient for the Board?

19 CHAIRMAN EWASUTYN: I think that's
20 what he's saying.

21 MR. McCORMACK: Okay.

22 CHAIRMAN EWASUTYN: Dave Dominick?

23 MR. DOMINICK: I want to echo John
24 Ward with the landscaping. We're trying
25 to beautify the site.

2 Sir, you said the same thing, you
3 have to do it right. Let's do it right
4 from the beginning and add more
5 landscaping on the 300 frontage.

6 If you could, Conor, give us a
7 rendering or a view from 300 looking
8 eastward into the property so we know
9 what that's going to look like from a
10 visual standpoint.

11 MR. WHITNEY: We can show a photo
12 so you can actually see what it's going
13 to look like.

14 MR. DOMINICK: I echo what the
15 Chairman said. You need to repave that
16 entire complex. I walked that last week
17 and it's just a patch job.

18 MR. WHITNEY: We were going to go
19 through and do it as we see. We don't
20 want potholes. We don't want that kind
21 of stuff. We have people driving U-Hauls
22 in there.

23 MR. DOMINICK: As the Chairman
24 said, there's a big difference between
25 sealing, which is just paving over it,

2 and putting a new surface. It needs a
3 new surface.

4 MR. WHITNEY: Sure. Easy enough.

5 CHAIRMAN EWASUTYN: Pat Hines with
6 MH&E.

7 MR. WARD: I have one more question.
8 With the ARB, signage is part of ARB.
9 You have to come in with where you're
10 going to put the signs and calculate
11 it with the Town code and all that.

12 MR. WHITNEY: That's easy enough.

13 Just to ask a question. We'll do
14 the material board. You guys looked at
15 the rendering or the elevations. Were
16 there any particular issues with what
17 we're proposing or was it just the fact
18 that it was missing some of those
19 material callouts?

20 MR. WARD: It's what we require, to
21 know the detail of what it is.

22 MR. WHITNEY: There's no particular
23 issue with the way it looked, it was just
24 material callouts?

25 MR. WARD: It was small. It didn't

2 show all the details, what the buildings
3 are out front. Like Dave and I were
4 saying, the stonewall. Show a visual so
5 we know what it's going to look like,
6 what you plan.

7 MR. WHITNEY: Of course. That's
8 easy enough.

9 CHAIRMAN EWASUTYN: Any additional
10 questions from Board Members?

11 (No response.)

12 CHAIRMAN EWASUTYN: I'll turn the
13 meeting over to Pat Hines with MH&E.

14 MR. HINES: We note that the
15 project did receive the required variance
16 for the height of the existing structure.

17 We circulated a notice of intent
18 for lead agency on July 1st. No
19 objections have been received, so the
20 Board can declare itself lead agency for
21 the project.

22 The project, as we were discussing,
23 is subject to ARB approval, including
24 signage.

25 The project was circulated to the

2 Orange County Planning Department on
3 June 28th, so that box has been
4 checked.

5 A stormwater facilities maintenance
6 agreement will be required to be
7 executed with the Town and filed with
8 the County for the long-term operation
9 and maintenance of the new stormwater
10 facilities.

11 Coverage under the DEC's
12 stormwater construction permit is
13 required. That's required prior to
14 stamping of the plans.

15 We did review a stormwater
16 pollution prevention plan for the
17 redevelopment of the site. We noted
18 about 1.5 acres of impervious surfaces
19 were being converted back to pervious
20 surfaces.

21 Health Department approval for
22 the water main extension with hydrants
23 would be required.

24 We did receive comments from the
25 jurisdictional fire department. The

2 Building Department received those.
3 They request a Knox Box access
4 control system for each of the gates.
5 They also wanted the fence on the
6 Route 52 side relocated so that the
7 existing hydrant is on the storage
8 building side of the slide gate.

9 MR. WHITNEY: We have no issue with
10 any of that.

11 MR. HINES: I received those from
12 the Building department. They are not
13 here tonight.

14 There will be a need for security
15 and inspection fees for the stormwater
16 management, erosion and sediment control,
17 as well as landscaping on the site.

18 The Planning Board may wish to
19 discuss whether or not a public hearing
20 will be held for the redevelopment of
21 this site.

22 That's the extent of our comments.

23 We were going to recommend a
24 negative declaration, but I don't know
25 if the Board wants to do that with the

2 lack of the architectural review and such
3 that we were talking about.

4 I don't see any significant
5 environmental impacts flowing from the
6 redevelopment of the site.

7 CHAIRMAN EWASUTYN: Dominic Cordisco,
8 Planning Board Attorney.

9 MR. CORDISCO: I think the first step
10 for the Board to determine is whether or
11 not you want to hold a public hearing
12 which is discretionary on this matter.
13 If you decide to waive the public hearing,
14 which you may do, you should provide a
15 reason and rationale for doing so.

16 CHAIRMAN EWASUTYN: I'll poll the
17 Board Members if they want to have a
18 public hearing. We'll start with John Ward.

19 MR. WARD: I don't think so because
20 I don't see any impact with any residents
21 around it.

22 CHAIRMAN EWASUTYN: Lisa Carver.

23 MS. CARVER: I don't feel one is
24 required. I think, if anything, it's
25 going to be less of an impact with the

2 traffic. I don't think that the building
3 is going to cause an impact with the
4 residents either.

5 CHAIRMAN EWASUTYN: Okay. Ken
6 Mennerich.

7 MR. MENNERICH: I agree with what
8 the Board Members have been saying.

9 I think it would be nice to have
10 those visual presentations to know what
11 the impact is going to be to the public.
12 I don't know if that can be handled in an
13 expedited manner.

14 At this point I guess I don't think
15 we need to have a public hearing.

16 CHAIRMAN EWASUTYN: Stephanie DeLuca.

17 MS. DeLUCA: I tend to agree with
18 my fellow Board Members as far as the
19 impact that it would have. It may not
20 have an environmental impact, but I think
21 it would affect just the general
22 population, I think that's already been
23 covered, as far as the change of use.

24 CHAIRMAN EWASUTYN: Dave Dominick.

25 MR. DOMINICK: I think we should

2 waive it based upon this site currently
3 is a business going to another business,
4 however with a different use. Based upon
5 our traffic advisor, Ken Wersted, he said
6 there would be a significant decrease in
7 traffic to and from the site. Drop some
8 stuff off, leave it, come back in a
9 couple months, couple years later for it.

10 The applicants also said that they
11 would greenscape it for us, enhance that
12 area, which is what it needs.

13 For those reasons, I don't think a
14 public hearing is necessary.

15 CHAIRMAN EWASUTYN: Let the record
16 show that the Planning Board waived the
17 public hearing because we felt it was in
18 balance with the existing neighborhood
19 and there were no direct environmental
20 impacts. The public hearing is waived.

21 Dominic Cordisco, the next motion?

22 MR. CORDISCO: Yes. Mr. Hines has
23 suggested that you may want to consider a
24 negative declaration, acknowledging the
25 fact that the Board has requested

2 additional details regarding the ARB as
3 well as the signage. Nonetheless, you
4 could consider adoption of a negative
5 declaration at this time.

6 CHAIRMAN EWASUTYN: Would someone
7 make a motion to declare a negative
8 declaration for the Newburgh Self-Storage,
9 project number 24-06, located on Route
10 300 in an IB Zone, subject to the
11 conditions that they'll be resubmitting
12 additional ARB renderings.

13 MS. CARVER: So moved.

14 MR. MENNERICH: Second.

15 CHAIRMAN EWASUTYN: I have a motion
16 by Lisa Carver. I have a second by Ken
17 Mennerich. I'll ask for a roll call vote
18 starting with John Ward.

19 MR. WARD: Aye.

20 MS. CARVER: Aye.

21 CHAIRMAN EWASUTYN: Aye.

22 MR. MENNERICH: Aye.

23 MS. DeLUCA: Aye.

24 MR. DOMINICK: Aye.

25 MR. CORDISCO: Mr. Chairman, the

2 Board could consider at this time site
3 plan approval with a waiver of the -- a
4 deferment, rather, of the ARB approval
5 for the facade as well as the signage.

6 CHAIRMAN EWASUTYN: How would that
7 work? They would come back and resubmit?

8 MR. CORDISCO: Correct.

9 CHAIRMAN EWASUTYN: Why would we
10 grant the site plan approval now when
11 they'll still be coming back to complete
12 the action?

13 MR. CORDISCO: With the adoption of
14 the negative declaration and also the
15 waiver of the public hearing, there's a
16 62-day time period for the Board to make
17 a decision regarding the overall site
18 plan or risk default approval. Either
19 the applicant can extend that timeframe
20 or supply that information within the
21 next 62 days, or the Board could consider
22 conditions of approval tonight.

23 CHAIRMAN EWASUTYN: So the conditions
24 of approval would be, one more time?

25 MR. CORDISCO: They have to provide

2 a stormwater facilities maintenance
3 agreement with the Town, they have to
4 obtain coverage under the DEC
5 construction stormwater permit. They
6 also have to get approval from the Orange
7 County Health Department for the water
8 main extension as well as for the hydrant
9 relocation. Final comments should be
10 received from the fire department and
11 posting of security and inspection fees
12 for stormwater management and landscaping.

13 CHAIRMAN EWASUTYN: Having heard
14 from Planning Board Attorney Dominic
15 Cordisco with Drake, Loeb to grant site
16 plan approval subject to the conditions
17 that were presented for the Newburgh
18 Self-Storage, would someone move for that
19 motion.

20 Excuse me?

21 MR. CORDISCO: He was asking a
22 question.

23 MR. WARD: I'm asking with what I
24 asked for the wall and the entrance and
25 landscaping, how does that affect the

2 site plan approval?

3 CHAIRMAN EWASUTYN: Good question.
4 Dominic Cordisco.

5 MR. CORDISCO: One of the conditions
6 could be addressing all outstanding
7 comments from the Board's consultants
8 as well as mentioned by the Board at
9 tonight's meeting.

10 CHAIRMAN EWASUTYN: Having made a
11 motion, having had additional
12 conversation in addition to that motion,
13 would someone move for a motion for
14 Newburgh Self-Storage, to grant approval
15 subject to the conditions and the
16 additional condition of landscaping.

17 MR. MENNERICH: So moved.

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

20 MS. CARVER: Second.

21 CHAIRMAN EWASUTYN: I have a second
22 by Stephanie DeLuca.

23 MS. CARVER: Lisa.

24 CHAIRMAN EWASUTYN: Lisa Carver.
25 Excuse me. Can I have a roll call vote

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starting with Dave Dominick.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

MR. McCORMACK: Thank you.

(Time noted: 7:32 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 16th day of August 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

17K VINEYARDS & SPIRITS
(2024-21)

274 Route 17K
Section 86; Block 1; Lot 12
IB Zone

----- X

AMENDED SITE PLAN CHANGE OF USE

Date: August 1, 2024
Time: 7:32 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
LISA CARVER
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

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

----- X

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

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CHAIRMAN EWASUTYN: The next item is 17K Vineyards & Spirits. It's an initial submission for an amended site plan and change of use. It's located on 274 Route 17K in an IB Zone. It's being represented by Floyd Johnson.

(No representative appeared.)

MR. DOMINICK: I'll check the hall.

(Pause in the meeting.)

CHAIRMAN EWASUTYN: Let the record show that for item number 4 the applicant wasn't present.

(Time noted: 7:33 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 16th day of August 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

JJSK, INC. - RETAIL CANNABIS DISPENSARY
(2024-23)

165 South Plank Road
Section 60; Block 3; Lot 18
IB Zone

- - - - - X

SITE PLAN & SPECIAL USE PERMIT

Date: August 1, 2024
Time: 7:33 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
LISA CARVER
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JOSEPH SAFFIOTI

- - - - - X

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

2 CHAIRMAN EWASUTYN: I'll move on to
3 item number 5, JJSK, Inc. It's a retail
4 cannabis dispensary, project number
5 24-23. It's an initial submission for a
6 site plan and a special use permit. It's
7 located at 165 South Plank Road in an
8 IB Zone. It's being represented by
9 Joseph M. Saffioti, Esquire.

10 MR. SAFFIOTI: Good evening, Board
11 Members. This is an existing site on 52.
12 There are three stores in the building.
13 The center store is Picture It Framed.
14 My client has a lease, subject to
15 approval, to lease that space for this
16 store.

17 My client applied to the State of
18 New York and has received a license to
19 operate the retail cannabis store at this
20 location. It is site specific.

21 We know that during our initial
22 reviews there was a question as to the
23 distance from the store to the County
24 park. I discussed the matter with Mark
25 Taylor who provided e-mail correspondence,

1
2 which I provided to the Board Members,
3 stating that the distance requirement
4 runs from the store entrance to the
5 entrance to the park which is on
6 Powder Mill Road, well beyond the 500
7 feet.

8 The existing site is undersized.

9 We received Pat Hines' comments.
10 We referred those to our engineer to
11 update the plan.

12 We know that we will need several
13 area variances for the site.

14 As far as the building itself, on
15 the site plan we have provided for
16 site lighting on the building to
17 illuminate the parking lot, a fenced-in
18 dumpster enclosure with lock provisions
19 so that it will be secure. Not that
20 any product would be disposed into
21 the site. It all would be rendered
22 unusable before we put it in the
23 dumpster. There's almost no trash
24 provided with this usage.

25 Under the State regulations there

2 would be an onsite security guard. I
3 understand there's like an air lock
4 entrance where you can enter one way
5 and go out the other way. Every
6 person entering the store would be
7 checked to be sure that they are at
8 least 21 years old to meet the State
9 law. They would be double checked at
10 any purchase at the checkout counter.

11 There would be a store area with
12 a storage room and an office inside
13 the space.

14 The existing parking lot has 31
15 spaces available. We know we need 40
16 based on the building size. We would
17 need an area variance for that.

18 There are some side yard -- I
19 believe two side yards. Let me see
20 Pat's comments. The variances that
21 we would need a referral to the
22 Zoning Board of Appeals to obtain are
23 area variances for lot area, lot
24 width, front yard setback, rear yard,
25 side yard and parking.

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It is an existing structure.
There's not much else that we can do
on the site other than dress it up,
make it presentable.

Any questions that the Board has,
we would be glad to answer.

CHAIRMAN EWASUTYN: Questions from
Board Members. John Ward?

MR. WARD: Not at this time.

CHAIRMAN EWASUTYN: Lisa Carver?

MS. CARVER: You don't have a sign
designed yet?

MR. SAFFIOTI: The existing signage
would be reused. There's a sign above
the store and on the freestanding placard
on 52. Those sign locations, my client's
logo would be put on those. We can
provide detail on those.

MS. CARVER: Thank you.

MR. SAFFIOTI: There will be no new
signage.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: The entrance to the
parking lot there is wide open space.

2 There's no curbing in that area. Is
3 there any possibility there could be some
4 curbing that would define the driveway to
5 that area?

6 MR. SAFFIOTI: The difficulty on 52
7 is the parking spots to the deli in front
8 back almost immediately out. To restrict
9 the entrance to the site on 52 would be
10 very difficult and probably affect our
11 parking calculation.

12 I do note that all the existing
13 commercial spaces in that area are free,
14 open spaces. There is no curbing on 52
15 so to speak. We recognize the Board's
16 concern, but you have to balance the
17 parking needs and the size of the site.
18 I think it would be difficult to do that.

19 CHAIRMAN EWASUTYN: Stephanie DeLuca?

20 MS. DeLUCA: This doesn't pertain
21 so much to the site. If I may, I was
22 just wondering for the record if we could
23 have some of that information in regards
24 to the New York State law and the
25 acceptance of it be put into the record.

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Do you know what I mean?

MR. CORDISCO: No. I'm sorry. If you could provide some more clarification.

Speaking generally, the Town Code has provisions in the Zoning Code in connection with cannabis-related uses. That is driven, in large part, by New York State law and New York State regulations as well.

There is currently a proposed zoning amendment that the Town Board is considering to bring the current code into conformity with changes that have happened in the State law as well. That's a separate matter. At an appropriate time the Board will take it up for consideration. Right now we're dealing with the code that you have.

There are no changes that are being proposed in the modifications that would affect this project, as I understand it, in terms of the evaluation to the County park.

One additional item that did come

1
2 up during the Board's review during the
3 work session was the distance of this
4 proposed facility, this proposed
5 dispensary, to Tarsio Lanes, which is
6 less than 480 feet door to door, measured
7 roughly using Google Maps. The reason
8 why that has come up as a potential issue
9 is that the Town Code section relating to
10 the distance of 500 feet to a community
11 facility also includes a facility that
12 provides recreational opportunities that
13 are primarily for children or adolescents.

14 MR. SAFFIOTI: I'll have to have my
15 client's engineer do an actual distance
16 study to determine from the side of the
17 building where our entrance is to Tarsio.

18 To touch on your point about the
19 regulations, this industry and its usage
20 is heavily regulated by New York State.
21 There are barcodes on every product
22 that's sold. The inventory is highly
23 controlled. The State regulations are
24 pretty intense for the operation of this
25 business.

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MR. CORDISCO: If I may, Mr. Saffioti, to conclude my thought in connection with Tarsio Lanes is that I don't think it's up for this Board to decide whether or not Tarsio Lanes qualifies as a facility. It does certainly provide recreational opportunities to children and adolescents. Certainly my son has attended birthday parties at Tarsio Lanes.

MR. SAFFIOTI: I understand. We'll check the distance.

MR. CORDISCO: My suggestion would be, in order to avoid this issue coming up in the future, that we could include that as either a potential variance or an interpretation in the referral to the Zoning Board of Appeals for the variances that you do need.

MR. SAFFIOTI: That's fine. That would be fine. Again, I don't know if it's within 500 feet or not.

MR. CORDISCO: We would say that in

2 the referral letter. It appears to be
3 close. Whether or not it's a facility
4 that qualifies within that list of
5 restrictions I think would be more
6 appropriate for the Zoning Board of
7 Appeals.

8 MR. SAFFIOTI: All right. We'll be
9 glad to address that with the ZBA.

10 CHAIRMAN EWASUTYN: Dave Dominick?

11 MR. DOMINICK: You mentioned that
12 you wanted -- there's not much you can do
13 just to dress up the outside and so
14 forth. What I would like to see, since
15 you do have to stripe it, okay, to meet
16 parking requirements, et cetera, that the
17 entire surface, the entire lot be
18 repaved, resurfaced, because it is
19 heavily used. The deli has increased in
20 traffic there. It's also a patch job.
21 There are many holes after winter, then
22 it gets re-patched and then there's many
23 holes again. I think if we can start out
24 with a solid base, we wouldn't have that
25 problem.

2 MR. SAFFIOTI: I'll ask my client
3 to discuss it. They only are a tenant in
4 the building. They would have to discuss
5 it with the property owner. If it's
6 necessary for the parking lot, we would
7 be glad to do that.

8 MR. DOMINICK: Thank you.

9 MR. WARD: What Ken was saying
10 about the entrance, say 52 and the other
11 road --

12 MR. SAFFIOTI: Meadow Avenue. We
13 could look at curbing on Meadow.

14 MR. WARD: You could do an island
15 to establish an entrance or exit.

16 MR. SAFFIOTI: On 52?

17 MR. WARD: Both. Both you can do.
18 What I'm saying is, establish -- I know
19 you're saying the deli and everything
20 else. It's an open road. I'm not
21 looking at other sites up the road. If
22 they came in front of us, we'd be saying
23 the same thing. What I'm trying to say
24 is establishing a thruway. If you did on
25 both areas some type of curb with an

2 island or establish it that you have a
3 radius to go in, not that it's a free for
4 all. You have cars parked behind the gas
5 station. It takes up parking there.
6 You've got a lot going on in that area.

7 MR. SAFFIOTI: It's a small site.
8 We understand.

9 MR. WARD: Yes.

10 MR. SAFFIOTI: We'll have to have
11 the engineer look at it to see how that
12 would impact the traffic flow with the
13 parking in front of the building.

14 MR. WARD: We've had other projects
15 come in front of us with the same
16 situation, but they had a traffic flow.
17 They had the curb coming in off of the
18 highway, a State highway. That's what
19 I'm trying to say.

20 MR. SAFFIOTI: We can look at it.
21 I know there's only, I believe, 37 feet
22 from 52 to the front of the building.

23 The parking spots that are in front
24 I think are 15 or 18 feet long. You
25 don't have much maneuverability.

2 We are having the striping plan
3 redone to meet the consultant's comments.
4 We'll have them look at it to see if it's
5 feasible. My client is balancing out
6 that we only have 31 parking spots. It
7 may be difficult to do that without
8 losing more parking.

9 MR. WARD: That's a lot of parking.

10 MR. SAFFIOTI: The code requires
11 40. We're trying to meet the code as
12 much as we can. To put in curbing on 52
13 would be difficult in my opinion. I'm
14 not an engineer. We would have to have
15 it evaluated. I don't know if it's
16 possible to not lose a substantial amount
17 of parking in front of the deli.

18 MR. WARD: We're trying to control
19 the parking and going in and out.

20 MR. SAFFIOTI: I understand. We
21 may be able to do it with, like I said,
22 curbing. Striping to limit the
23 entrances, painted curbs, so to speak, to
24 try to limit the flow and provide for in
25 and out flow. We'll have the engineer

2 look at it and get back with a revised
3 plan.

4 CHAIRMAN EWASUTYN: I think you
5 should speak to the owner of the
6 property. Under the local law, for a
7 special use permit there's a provision
8 for continued maintenance of the exterior
9 of the building. The existing parking
10 lot, if you go by there, this morning
11 after the heavy rains, there are large
12 areas of ponding holding water. I think
13 in order to make that whole area
14 functional, you should speak to the
15 landlord. We'll likely make that a
16 condition of approval, that that be
17 resurfaced.

18 MR. SAFFIOTI: We'll definitely
19 address it.

20 CHAIRMAN EWASUTYN: Thank you.

21 Pat Hines with MH&E.

22 MR. HINES: We reviewed the plan.
23 The bulk table that was submitted
24 identified the use as a shopping center.
25 We don't believe that's the use. I think

2 the use is more column D-2, individual
3 retail stores. A cannabis retail
4 dispensary is identified as a special use
5 under that section of the code.

6 I did identify the variances that
7 will be required. If you want, I can go
8 through those now as a list.

9 CHAIRMAN EWASUTYN: Please, for the
10 record.

11 MR. HINES: Lot area, 40,000 square
12 feet is required where 26,556 is
13 provided. Lot width, 150 feet is
14 required, 137.7 feet is provided. The
15 front yard setback, my comment said 50,
16 but it's on a State highway. The front
17 yard setback is 60 on State highways
18 where 31.7 is provided. Rear yard
19 setback, 60 feet required, 36.7 provided.
20 Side yard setback, one side yard, 50 feet
21 is required, 8.9 feet is provided. Both
22 side yards, 100 feet is required, 84.4
23 feet are provided. Mr. Saffioti
24 mentioned the parking. There was no
25 parking calculation on the plan.

2 Parking, 40 spaces are required, 31 are
3 provided.

4 My comment 9, based on the number
5 of parking spaces required, compliance
6 with Code Section 185-13 D(9)(b) needs to
7 be addressed. I believe a variance will
8 be required for that regarding 5 percent
9 of the parking lot internal needs to be
10 landscaped for parking lots that have
11 greater than 12 spaces. I think they'll
12 need a variance for that as well.

13 CHAIRMAN EWASUTYN: Dominic Cordisco,
14 you had mentioned something as part of the
15 referral to the Zoning Board of Appeals,
16 that there should be an interpretation.
17 Do you want to speak on that?

18 MR. CORDISCO: That was in
19 connection with the distance to Tarsio
20 Lanes, which appears to be less than 500
21 feet door to door. Based on confirmation
22 of that, we would recommend that the ZBA
23 consider a variance for an interpretation
24 that that's not a qualifying facility
25 under the code restrictions.

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MR. SAFFIOTI: Okay.

CHAIRMAN EWASUTYN: Would someone make for a motion for Dominic Cordisco to prepare a referral letter to the Zoning Board of Appeals subject to the bullets that were just presented between Pat Hines of MH&E and Dominic Cordisco, Drake, Loeb, Planning Board Attorney.

MR. DOMINICK: I'll make the motion.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a 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.

MS. CARVER: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Pat, at this time, until we hear back from the Zoning Board of Appeals on the variances, we won't refer to the Orange County Planning

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Department?

MR. HINES: Right. I think there may be some site plan changes forthcoming based on the access issues we discussed. We will hold off on that.

What we do need is the adjoiners' notice must be sent out. I'll work with Mr. Saffioti's office to provide those notices and the mailing list.

I would like to send a courtesy copy of the plans, when they come back with the revised access, to the DOT. It's a Type 2 action under SEQRA, so the DOT wouldn't necessarily be involved. We typically send them projects that front on their right-of-way as well to see if they have any comments or concerns.

MR. SAFFIOTI: We will address all the Board's comments. We are having our engineer revise the plans and we'll resubmit.

In the interim, we'll proceed with the ZBA to see if we can obtain the variances and reappear before this Board.

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CHAIRMAN EWASUTYN: Thank for your
time.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 16th day of August 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
Section 97; Block 1; Lots 32.1, 32.2, 32.3 & 40.1
R-3 Zone

----- X

PUBLIC HEARING
DEIS, SITE PLAN & SPECIAL USE PERMIT

Date: August 1, 2024
Time: 7:50 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
LISA CARVER
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ
and ZACH SZABO

----- X

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

2 CHAIRMAN EWASUTYN: The next item
3 of business is Britain Woods, project
4 number 22-17. It's a public hearing on
5 the DEIS, site plan and special use
6 permit. It's located on 442 Little
7 Britain Road/New York State 207. It's in
8 an R-3 Zoning District. It's being
9 represented by Engineering & Surveying
10 Properties.

11 Before we have Mr. Mennerich read
12 the public hearing notice, I'll refer to
13 Dominic Cordisco, Planning Board Attorney,
14 to discuss the action before us this
15 evening.

16 MR. CORDISCO: Tonight's public
17 hearing is on the draft environmental
18 impact statement for the Britain Woods
19 project. The Board had previously
20 adopted a positive declaration, which
21 means that the project, as proposed, has
22 the potential for significant environmental
23 impacts.

24 The Board had also previously held
25 a public scoping session. The scoping

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session was a public hearing that resulted in a final scope which basically would become the outline for the draft environmental impact statement. The applicant then submitted a draft of their DEIS to the Board which has to address all the items that were identified in the scope. That went through several revisions before the Board accepted it as complete. By accepting it as complete, what that really means is that it's adequate to commence public review.

Tonight's public hearing is for the public to comment on the draft environmental impact statement. By accepting the document, the Board was not agreeing with the applicant as far as the project as it's proposed or agreeing that certain mitigation measures would be adequate for the project. The Board has a process in front of it where all comments that

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are made at the public hearing tonight or submitted in writing will have to be addressed by the applicant in what's called a final environmental impact statement. That will be a document that gets submitted to the Board in the future by the applicant, and then the Board will consider that as the response to comments.

The applicant is not under any obligation to respond to comments tonight. They may do so to answer simple questions if that is helpful for the process. The purpose of tonight's public hearing is really for the public to make their comments to the Board so that the Board can consider the public's viewpoints regarding the project as it's proposed and mitigation measures as proposed.

CHAIRMAN EWASUTYN: At this time we'll have Ken Mennerich read the notice of hearing.

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MR. MENNERICH: "Notice of hearing, draft environmental impact statement and site plan/special use permit. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing on the draft environmental impact statement pursuant to Section 6 NYCRR part 617 (SEQRA) and Section 274-A of the New York State Town Law on the application of Britain Woods multi-family site plan, project 2022-17. The project proposes a residential development consisting of 256 multi-family units on a 48 plus or minus acre total parcel of property. 1.5 plus or minus acres of the property is located within the City of Newburgh, with the balance of the parcel being located in the Town of Newburgh. The City of Newburgh parcel will be utilized as the project's access point and contains proposed stormwater management

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facilities and an emergency access drive. The project proposes to construct 258 units with 10 separate structures on the site. A clubhouse/recreational structure is proposed. The project proposes interconnection to the Town of Newburgh municipal water and sewer system. The project proposes to have 583 parking spaces, 330 of which are proposed to be garage spaces. A stormwater pollution prevention plan (SWPPP) has been prepared. The project is located in the Town's R-3 Zoning District. The project is located off of Little Britain Road/New York State Route 207. The project site is designated on the Town's tax maps as Section 97; Block 1; Lots 32.1, 32.2, 32.3 and 40.1 and on the City of Newburgh tax maps as Section 41; Block 1; Lots 2 and 3. The project is a Type 1 action under SEQRA and a draft environmental impact statement has been prepared. A public hearing

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will be held on the 1st day of August
2024 at the Town Hall Meeting Room,
1496 Route 300, Newburgh, New York at
7 p.m. or as soon thereafter, at which
time all interested persons will be
given an opportunity to be heard
regarding the draft environmental
impact statement and site plan.
Copies of the draft environmental
impact statement can be viewed in the
offices of Town of Newburgh Town Clerk
and the Newburgh Free Library, North
Plank Road branch, 181 South Plank Road,
Suite 2, Newburgh, New York 12550.
Online versions of the document can be
viewed at the Town's website,
www.townofnewburgh.org or www.eppc.com.
Written comments regarding the DEIS
will be received up to ten days after
the close of the public hearing. By
order of the Town of Newburgh
Planning Board. John P. Ewasutyn,
Chairman, Planning Board Town of
Newburgh. Dated 7 June 2024."

2 The City of Newburgh Office of
3 Corporation Counsel has sent a letter
4 to the Town of Newburgh Planning
5 Board regarding City of Newburgh
6 comment letter number 4 for the
7 project named Britain Woods Multi-
8 Family, project 2022-17. This
9 document will be included in the
10 minutes of this meeting.

11 CHAIRMAN EWASUTYN: Thank you.
12 Ross Winglovitz.

13 MR. WINGLOVITZ: Good evening.
14 Ross Winglovitz with Engineering &
15 Surveying Properties. I'm here with Zach
16 Szabo, the project engineer. We're here
17 on behalf of Farrell Building Company who
18 is the applicant for the project.

19 The public notice was very detailed,
20 so I'll try to keep my presentation to a
21 minimum.

22 The site is 48 acres. So everybody
23 understands the location -- I see a lot of
24 familiar faces from our hearing at the
25 Local 17 eighteen months ago. The Local 17

2 entrance, 207, Little Britain Road.
3 Our proposed main entrance into the
4 project would be at the top of the hill,
5 across from the open field by Local
6 17.

7 Access into the site. The
8 secondary access is in the City of
9 Newburgh, actually, on the east end
10 of the property. This is emergency
11 access only and will not be a full-
12 service entrance.

13 As the notice said, there are
14 eleven structures, ten of them are
15 residential and one is the clubhouse.
16 There are a total of 258 apartments,
17 110 one-bedroom, 148 two-bedroom.

18 There's a mix of garages within
19 the buildings onsite, separate
20 structures, as well as the parking to
21 service the use.

22 Drainage for the site is collected
23 in two areas. This is the top of the
24 hill here. The one here is in a low
25 spot opposite of a 30-inch culvert

2 that goes to the pond under 17. The
3 other primary area is on the east
4 end, an area that flows to the pond
5 in the City of Newburgh.

6 Sewer. There will be a force
7 main for the project. Sewer will be
8 collected by gravity throughout.
9 There will be a pump station. The
10 pump station will pump sewer back up
11 207, up Old Little Britain Road to
12 Unity Place. It's about 3,300 feet
13 for the sewer force main.

14 Water is available a few hundred
15 feet down the road from the project.
16 We'll be connecting to that water main
17 and extending it down 207 into the site.

18 The architecture for the project.
19 The applicant had originally had a
20 much more modern architecture I would
21 say. The Board had voiced some concerns.
22 They came back with more of a modern
23 farmhouse look with grays and blacks
24 to keep it more earth tone colors and
25 less visibility for the project. All

2 of these are in the DEIS, several
3 different versions, as well as photo
4 renderings from different areas of
5 the site were also presented in there.

6 The units themselves will be
7 about 800 to 1,000 square feet for
8 the one bedrooms. The two bedrooms
9 will range up to about 1,250.

10 The clubhouse is located here.
11 That will have a pool, pickleball
12 courts, tennis, an outdoor playground.
13 Inside will be an exercise and a
14 community room and so forth for the
15 residents.

16 An EIS has been prepared, which
17 is what Dominic was talking about.
18 That's this document. That's a result
19 of the input from the Board, the
20 consultants and all of your comments
21 from that December meeting. The
22 Board adopted the scope, and this
23 document was prepared based on that.

24 Several different studies, stormwater,
25 traffic, geo-technical, SHPO, which

2 is Historic Preservation, and so
3 forth were all contacted and/or
4 studied as part of this document that
5 was available. There was no impact
6 on historic or archeological structures.

7 For aesthetic resources there
8 was a viewshed analysis that was
9 provided.

10 There was no impact on endangered
11 species.

12 Land resources. There was a
13 discussion on geology. There is some
14 rock at the top of the hill here and
15 at the entrance over here that we'll
16 need to look at either modifying the
17 buildings slightly or the grading
18 slightly to avoid rock removal to the
19 greatest extent we can.

20 I think that's it.

21 CHAIRMAN EWASUTYN: Thank you.

22 We'll be opening up for the
23 public hearing. We're going to ask
24 that you raise your hand, give your
25 first name and the initial of your

2 last name and if you're a resident of
3 the Town of Newburgh. Keep it as
4 general as that. Everyone will have
5 an opportunity to speak. You'll
6 all have a turn and then there will
7 be a second turn. What I'm really
8 suggesting is, once you have spoken,
9 allow others to speak. Once we've
10 completed that opportunity, we'll go
11 back to residents who have additional
12 comments or concerns. For now, would
13 you raise your hand, give your first
14 name, the initial of your last name
15 and where you reside as far as the
16 Town or such.

17 The gentleman in the back raised
18 his hand first.

19 MR. JOSEPH S.: Thank you for
20 the opportunity. My name is Joseph
21 -- just the initial of the second name?

22 MS. CARVER: Yes.

23 MR. JOSEPH S.: S. The reason
24 I'm here is I read the 140 pages in
25 the parking lot on my computer. We

2 had a project similar to it about
3 twelve years ago and I was a
4 representative of Stony Brook. I
5 still am at Stony Brook.

6 I have a couple of quick questions.
7 Number one, in that project presentation,
8 which was rejected, there was a notice
9 that the sewer and water of Stony Brook
10 was to be cut into or utilized. I just
11 want to make sure that that's not going
12 to happen in this case. It doesn't appear
13 so, but I want to make that clear.

14 MR. WINGLOVITZ: That's not proposed
15 as part of this.

16 MR. JOSEPH S.: Thank you very much,
17 sir.

18 The second thing is, there was an
19 emergency exit. If you look at the
20 map, contiguous to the top left part
21 of it there was an emergency exit.
22 The gentleman apparently has constructed
23 another emergency exit on the Newburgh side.
24 Is that correct?

25 MR. WINGLOVITZ: Correct.

2 Mr. JOSEPH S.: So that's not an
3 issue.

4 Okay. The third issue that I have
5 -- this is just me now. I'm not saying
6 Stony Brook. Reading the report that was
7 rendered, it said that the pictures were
8 taken and that the units -- your units
9 would be seen from the Stony Brook units
10 through the foliage. Can you describe
11 what that means? I mean, I know what it
12 means. How much?

13 MR. WINGLOVITZ: John, do you want
14 me to get into it?

15 CHAIRMAN EWASUTYN: Please. Thank
16 you.

17 MR. JOSEPH S.: The reason I ask
18 that -- I apologize. We have a community
19 that's completely guarded by foliage,
20 trees, whatever you want to call it.
21 We're very proud of that. I think it
22 keeps our property values high since
23 we're in a city environment. Not you
24 personally, but any project, we need the
25 answer on that one.

2 MR. WINGLOVITZ: Absolutely. So as
3 part of the initial review process there
4 was a viewshed analysis proposed and
5 where the viewpoints would be from. The
6 Board was concerned about that view.

7 MR. JOSEPH S.: Thank you.

8 MR. WINGLOVITZ: The two viewshed
9 analyses, one from each -- not the
10 public's use, but each of the streets in
11 Stony Brook, because that's all we can
12 get to, we're not in people's backyards,
13 those were viewsheds 5 and 6. There was
14 a rendering done showing that the foliage
15 in the front for the most part will
16 screen it, but in leaf-off conditions
17 you'll be able to see the buildings
18 through the trees.

19 The Town has a buffer requirement
20 along there that will have to be met as
21 far as keeping as much vegetation as we
22 can and then supplementing that vegetation.

23 MR. JOSEPH S.: You wouldn't consider
24 putting more vegetation in there in order
25 to do better screening?

2 MR. WINGLOVITZ: That can be for
3 the record and we can address that.

4 MR. JOSEPH S.: I'd like to.

5 The final thing is, and this is not
6 my comment, this was from a lot of people
7 I talked to over the last few years.
8 They're worried about -- I've been around
9 this community for a long time. Route
10 207, Little Britain Road, a lot of
11 concern. Maybe not me, I don't drive it
12 that much, but 207 is a little two-lane
13 road, as you know. You're an expert. I
14 know coming out of Stony Brook, we have
15 150 some odd units, it's really
16 troublesome because we don't have a
17 traffic light. Even if we had a traffic
18 light, it's very dangerous. I'm
19 wondering what your comment is on ingress
20 and egress of this community with 250
21 units. It's a little scary for me.

22 Thank you, sir.

23 MR. WINGLOVITZ: One of the things
24 I forgot in my presentation, I'm
25 surprised Ken didn't give me the evil

2 eye, was as part of our traffic analysis,
3 we need to widen 207 in front of the site
4 and install a dedicated left-turn lane
5 into the property so that we can get our
6 traffic out of the way of the through
7 traffic in this direction so that people
8 can safely turn in. That was part of the
9 recommendations of the study. It was
10 concurred with by the DOT that that
11 left-turn lane improvement would have to
12 be installed for safe access into the
13 site and out of the site.

14 MR. JOSEPH S.: What about going
15 the other way?

16 MR. WINGLOVITZ: Those are right
17 turns in. Those are not limited turns.
18 We won't back up traffic with right turns
19 into the site. Left is always the
20 problem with traffic. You're crossing
21 traffic.

22 MR. JOSEPH S.: I see.

23 MR. WINGLOVITZ: There were similar
24 issues here. One of the reasons it's
25 emergency only is because it's a better

2 location.

3 MR. JOSEPH S.: Thank you very much.

4 CHAIRMAN EWASUTYN: Additional
5 questions?

6 MR. MATT G.: Good evening. Matt
7 G., 409 Little Britain Road, also known
8 as viewshed 3. Thank you for the chance
9 to speak.

10 I have a couple of concerns that
11 I'll wait until after everybody has a
12 chance. I wanted to read something into
13 the record on some observations we had
14 with the traffic study.

15 Regarding intersection line of
16 sight, there was a figure that was added
17 since the last public hearing. It's
18 called figure 3-6B. It's where the
19 applicant demonstrates that with some
20 shaving away of the earth and bedrock,
21 they can establish a 360-foot line of
22 sight for oncoming traffic for people
23 making a left out of the neighborhood.

24 Departure distribution from the
25 site, according to appendix figure 10,

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suggests that 79 percent of traffic leaving this site will be making a left turn onto Route 207. As the representative said, left is always the problem. The applicant has submitted that the sight distance from the main entrance will be sufficient for a left-turning vehicle from the neighborhood emerging on Route 207 eastbound, as shown in their figure 3.6B. They claim by removing that grade, a 3.5 foot high driver's eye vantage point will be able to see 360 feet of approaching traffic. By using the posted speed limit of 45 miles-per-hour on the A-A-S-H-T-O or AASHTO chart for stopping sight distance, that aligns with 360 feet as a requirement.

We would like to note that the traffic study did not assess the prevailing speed on Route 207. 45 miles-per-hour is likely an insufficient design input to assure safe operation at the proposed intersection. However,

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even with the speed input of 45 miles-an-hour, the applicant has only included in the figure a portion of the AASHTO chart for criteria. The third column called design intersection sight distance is seen on every other AASHTO chart that I could find online associated with every other project I could review. It specifies distances of a greater margin to help ensure that the intersection operates smoothly. In this case, to ensure that the Route 207 traffic would not be required to make sudden decisions to avoid traffic conflicts with the complex. That distance at the posted speed limit is 500 feet. That grows by another 55 feet for every additional 5 miles-per-hour. The bare minimum approach of 360 feet stopping distance appears even more inappropriate as the proposed intersection has unfavorable curvature affecting the left-lane turnout.

The references I found for the

2 Federal Highway Safety Administration
3 quote a Kihlberg and Tharp study
4 showing that crash rates increased 35
5 percent for highway segments with
6 curved intersections over highway
7 segments with straight intersections.
8 The FHA also maintains a web page
9 dedicated to intersection design to
10 account for aging population. As of
11 2021, more than half the cars in
12 America were operated by people over
13 60 which they find affects increased
14 perception-reaction time. We have a
15 link to that material here. I can
16 leave a copy of this with the Board.

17 There are also two seasonal
18 factors that merit consideration when
19 evaluating sight distances that are
20 not discussed in the DEIS. During
21 the winter months, westbound 207
22 drivers that are approaching the
23 proposed intersection will have the
24 sun directly in their eyes during the
25 afternoon. As our attachment shows,

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and I'll hand this out, as an example, 4 p.m. on the solstice the sun was at a 12-degree elevation dead ahead. There are no trees there to block the sun. There is no canopy to provide any coverage from that.

Also during the winter months the applicant states that private snow removal services will be responsible for clearing the entrance. The DEIS has no mention of where that cleared snow will be placed. Common observation in the Town of Newburgh suggests that the snow will likely be pushed to berms on either side of the entrance which tends to create an obstacle for intersection sight distance. You also have the added complexity of private snow removal, trying to keep an entrance clean as New York State DOT is coming by on Route 207, pushing more snowfall right back on the entrance. It would be good to hear how they plan on handling that.

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It seems apparent to us that the Planning Board may wish to require further improvements to the sight distance requirements, citing driver safety is a primary concern. The increased potential for line-of-sight challenges and unfavorable curvature at this location also suggests that the Board should reconsider the risk and reward of allowing the proposed eastern entrance to continue as emergency only. Commonsense suggests that if the applicant would make the western entrance by the pool a right only -- right turn only onto 207 and direct traffic heading towards the city to use the eastern entrance, then the eastbound traffic would not only be crossing onto 207 at a straight intersection without direct afternoon sun, but also within a posted 35 mile-an-hour speed limit. Again, the applicant claims that 79 percent of the departures will turn left.

2 Please also consider that a
3 reinstatement of the eastern entrance
4 would allow eastbound drivers
5 arriving at the complex to execute
6 their left turns off of 207 with
7 full line of sight of traffic from
8 Wisner and within a lower 35 mile-an-hour
9 zone.

10 We have one more concern that I'll
11 read as quickly as I can about the
12 traffic projections. The scoping document,
13 Section F, Subsection D, asked for a
14 determination of peak traffic hours
15 to be used in various analyses. The
16 applicant determined a morning peak of
17 7:30 to 8:30 a.m. and an afternoon peak
18 of 4:00 to 5:00 p.m. This was based on
19 ATR data taken from Tuesday, April 25,
20 2023. It should be noted that ATR counts
21 on that day were not only the lowest
22 numbers of the Monday through Friday, but
23 the daily totals indicate both Tuesday
24 and Wednesday were of notably lower
25 volume. On those days Route 207 was

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undergoing road work that had modified and restricted traffic flow. It was down to one lane. If the morning peak determination was taken from Monday, Thursday or Friday, it would be clear from the data that the morning traffic continues to swell through noon, making 11 a.m. to noon the peak morning hour on 207. The 11 a.m. numbers for every weekday other than Tuesday were substantially higher than the 7 to 8 a.m. Tuesday numbers. Similarly, the Tuesday afternoon numbers at the peak of 4 to 5 p.m. are obviously less than the corresponding Monday, Thursday or Friday afternoon numbers due to the road work.

It appears from appendix F, the traffic data, that this outlier peak information was the basis for all calculations of the existing, the no build and the build traffic scenarios. We believe that the selection and use of these numbers, the lowest possible

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available during that week, was in bad faith and that the Board should review the ATR data to help choose a more suitable baseline for the traffic analysis. Accepting this study as is would represent approval of bad data.

Table 3.6.2B in the DEIS, which is also table C-3 in appendix F, regarding the Old Little Britain and Little Britain Road intersection, the applicant claims to accomplish a level of service improvement for build with signal two grades above the no build scenario, and they are referencing a notional signal at that intersection.

The New York State DOT project 881570 for that possible signalization or roundabout is still in development and has not been approved. If a State initiated improvement is being claimed for the benefit in the build scenario, shouldn't it also be accounted for in the no build scenario or does the DEIS imply that the applicant will ensure

2 the controls are installed on Old
3 Little Britain and Little Britain
4 even if the State doesn't?

5 Is it possible to request a New
6 York State DOT consultant be present
7 at a public hearing on this topic so
8 that we could hear their considerations
9 about roundabout versus signalization
10 if they decide to go forward?

11 Final point. Growth traffic
12 projections are still shown for 2026
13 even though the project cannot be
14 completed any earlier than 2027. We're
15 asking the Board to ensure that the
16 growth and therefore the build numbers
17 are adjusted appropriately while the
18 DEIS is still in review.

19 In light of the concerns mentioned,
20 I request that the Board keep the public
21 hearing open so we may review and discuss
22 more appropriate traffic analysis and
23 proposed solutions.

24 MR. HINES: Can I have a copy of
25 that for the Stenographer?

2 MR. MATT G.: Here is the AASHTO.

3 The third column, that's for the
4 design, not just the minimum stopping
5 distance.

6 This shows the sun and elevation
7 data.

8 That's traffic approaching the site
9 right there.

10 CHAIRMAN EWASUTYN: Additional
11 questions or comments?

12 MR. DAVID B.: I'm going to sound
13 like a third grader after that. I also
14 reviewed the report --

15 CHAIRMAN EWASUTYN: Could I have
16 your name?

17 MR. DAVID B.: I apologize. David
18 B., Town of Newburgh.

19 CHAIRMAN EWASUTYN: Thank you.

20 MR. DAVID B.: After reviewing the
21 report, some of my concerns, traffic. I
22 know in the report it did mention a
23 possible traffic light at Old Little
24 Britain Road and Little Britain Road in
25 the Town of Newburgh. I didn't see any

2 mention of the other intersection in the
3 City of Newburgh. I think that's Little
4 Britain Road and maybe the end of Wisner
5 Avenue where the Rite Aid is. That's a
6 three-way stop sign. If a majority of
7 the traffic is going to take a left out,
8 they're going to head right to that
9 intersection. That's concerning.

10 Another concern is the distance
11 between the developments. Yes, it's an
12 aesthetic thing. It's also a safety
13 concern for many of the residents in
14 Stony Brook. Right now the only thing we
15 have to worry about are coyotes and
16 bears. A whole other development can be
17 concerning to older residents.

18 My last concern, and I didn't see
19 anything in this in the report, I know
20 there was a wildlife study done. There
21 was no mention of Bald Eagles. Harrison
22 Pond is right off the map. That is a
23 feeding pond for the Bald Eagles. I can
24 see the pond in the wintertime. They're
25 there every spring. There was a comment

2 about runoff or watershed and it pointed
3 to the pond. That just increases my
4 concern.

5 That's it.

6 CHAIRMAN EWASUTYN: The individual
7 in the back.

8 MS. CAROL J.C.: Good evening,
9 everyone. All well stated. Thank you
10 very much.

11 I just have a question -- a
12 clarification. Did I hear that --

13 CHAIRMAN EWASUTYN: Can you give
14 your name?

15 MS. CAROL J.C.: I'm sorry. Carol
16 J.C., Town of Newburgh.

17 CHAIRMAN EWASUTYN: Thank you.

18 MS. CAROL J.C.: 256 multi-family
19 units, is that what I heard?

20 MR. WINGLOVITZ: 258.

21 MS. CAROL J.C.: I'm sorry. Is
22 that what I heard?

23 MR. WINGLOVITZ: 258.

24 MS. CAROL J.C.: 258?

25 MR. MENNERICH: The notice said

2 256, Ross.

3 MR. WINGLOVITZ: It's a typo.

4 MS. CAROL J.C.: Which is it, 256
5 or 258?

6 MR. WINGLOVITZ: 258.

7 MS. CAROL J.C.: Okay. So you
8 indicated 141 one-bedroom and then 148
9 two-bedroom?

10 MR. WINGLOVITZ: 110 one-bedroom
11 and 148 two-bedroom.

12 MS. CAROL J.C.: So 110 one-bedroom
13 and 148 --

14 MR. WINGLOVITZ: Two-bedroom.

15 MS. CAROL J.C.: -- two-bedroom?
16 Okay. I thought I heard something else.
17 That was the clarification I needed
18 answered. Thank you.

19 CHAIRMAN EWASUTYN: Thank you.

20 The lady in the front.

21 MS. ERIKA GALLAGHER: Erika
22 Gallagher, 409 Little Britain Road.

23 I know how you like efficiency, so
24 I wrote all my thoughts down.

25 Before I start, let me not forget

2 to mention, thank you for the opportunity
3 to address the report. I hope the Board
4 will consider keeping these hearings open
5 to public comment as things progress.

6 To say the report is replete with
7 errors would be an absolute understatement.
8 If one of my students had submitted this,
9 I would have handed it back to them and
10 told them to try again, this time taking the
11 assignment seriously. While I fully
12 expect Mr. Winglovitz' team to manipulate
13 the figures, I'm surprised to the degree
14 they have done so here.

15 Considering both Mr. Winglovitz and
16 the current building company do not
17 reside in the Town or the City of
18 Newburgh, it's understandable they
19 would have a less vested interest in
20 the ramifications of this project and
21 are focused solely on profit. I believe
22 the quality of your work is a testament
23 of your character and your values.

24 Frankly, the lack of care and
25 consideration that has gone into completing

2 and reviewing this document demonstrates
3 a lack of care or concern, both for the
4 Town residents and for this Board's time.

5 While a more comprehensive list of
6 errors will be submitted in writing to
7 the Planning Board, to do that now we'd
8 be here all night. I'll focus tonight
9 on the more egregious errors relating
10 to safety.

11 Let me be honest in saying I'm
12 angry with the cavalier nature in
13 which the traffic portion of the
14 study has been completed. Considering
15 the concerns that several neighbors
16 had raised initially during the public
17 meeting back in December of 2023, besides
18 the fact that this report does not
19 contain the last five accidents that took
20 place this year, the most recent occurring
21 this past Friday, and one accident the week
22 before Thanksgiving that ended in fatality.
23 Understand these accidents happened on a
24 stretch of road not measured in miles but
25 in feet and between where the two entrances

2 to this complex are being suggested.

3 Furthermore, the data selected
4 to represent the average daily flow
5 of traffic is based on a day our road
6 was partially closed for pothole
7 filling and is not indicative at all
8 of the normal traffic volume. In
9 statistical analysis, data points
10 like this are called outliers and are
11 typically discarded from the dataset
12 unless they're specifically being
13 studied. Within analysis, context is
14 everything. Context is what helps
15 you obtain a full and accurate picture.
16 The more context you have, the more
17 complete your picture is.

18 While I would never expect you,
19 the Planning Board, to know of every
20 road closure going on, I think you
21 need to reconsider your standards for
22 traffic study submissions so that
23 errors like using outlying data points
24 as the foundation for a study are
25 more apparent.

2 Along those lines, for planning
3 purposes I think it's important that
4 we also look at the worst-case
5 scenario, not even the average case
6 of volume of traffic. By considering
7 the worst case, you leave yourself room
8 to grow by padding in a buffer to your
9 solution. It's something that is
10 especially critical when you're talking
11 about adding 500 cars to a road that's
12 already overleveraged.

13 I want to also focus on the word
14 cavalier. In the aviation industry,
15 we are crucified in the news media
16 when there is any type of aircraft
17 incident. I bring this up because as
18 I try and step out of the world that
19 I'm familiar with into yours, I wonder
20 why you haven't taken more care in
21 this study. To put it statistically,
22 you could crash an entire aircraft
23 full of people everyday and not even
24 come close to the number of traffic-
25 related deaths that happen in this

2 country, yet each one of those, by
3 plane or by car, is no less valuable
4 than another. Much in my world of
5 aviation, there are usually many
6 factors and parties involved that
7 contribute to an accident long before
8 the event ever occurs. This moment
9 here is the start of one.

10 It's clear since our last meeting
11 that statistics do not have a name or
12 a face, otherwise safety might have been
13 a bit more paramount. Statements like
14 the one Mr. Winglovitz makes on page 70
15 of the DEIS stating the limited amount of
16 traffic to be generated by the project
17 is not anticipated to significantly
18 impact the number of crashes in the
19 future is outrageous given the
20 proposal to add an intersection to an
21 area with limited sight distance on a
22 blind curve.

23 I can recall with perfect clarity
24 the faces of all the people in these
25 accidents we responded to because

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they happened in front of our home.
The girls in the middle of the night
ten years ago that collided with the
rock face opposite our house that
required the jaws of life and for
them to be medi-vac'd off of our
front lawn. The man who fell asleep
at the wheel in the middle of the
afternoon and drove into our front
yard before overcorrecting, crossing
traffic and then bouncing off the
guardrail, going back into the rock
face on the edge of our property.
The mother and passenger headed to
run holiday errands in the calm of
the morning whose car collided with
another oncoming vehicle. While you
were likely giving thanks and
preparing for an upcoming holiday, we
were consoling a grieving family,
three children and assisting the
Town's police department and the
family's private investigator. These
are just three examples in a list of

2 many.

3 In aviation there's a saying
4 that our regulations were written in
5 blood. It's because in order to be
6 -- for a change to be made, somebody
7 had to die.

8 As far as I can tell, the Board
9 retains Mr. Cordisco's services to
10 keep them out of litigation. What
11 I'm telling you is you're not looking
12 far enough down the road. With the
13 proposal as it currently stands,
14 you're also talking about stopping a
15 school bus full of children on the
16 road at the same point and asking
17 kids to then cross oncoming traffic
18 during peak hours. What could
19 possibly go wrong?

20 The idea of adding 500 more cars
21 to this road is not only dangerous,
22 it is emphatically reckless and
23 downright careless.

24 Some of the best lessons are
25 ones that we can learn vicariously.

2 I encourage you to take a cue from
3 my world and the saga currently
4 playing out in the aviation industry
5 to understand just how much the public
6 values their safety.

7 As of today we have 415 signatures
8 on a petition opposing the build of this
9 complex, which I would invite you to read.

10 We need to do better for the
11 residents who live in and around this
12 community and travel it daily to the
13 folks who are just visiting for the
14 day.

15 CHAIRMAN EWASUTYN: Additional
16 questions or comments?

17 MS. SUSAN K.: My name is Susan K.
18 and I do reside in Stony Brook. I was at
19 your meeting at the union hall about
20 eighteen months ago.

21 I just would like to echo my
22 concerns about the traffic. Since I'm in
23 Stony Brook, it's half the population.
24 Getting out onto State Route 17K is like
25 taking a walk on the boulevard of death.

2 I've seen accidents occur there, and
3 that's half the population of what you
4 are proposing.

5 I ask you to be -- respectfully,
6 I ask you to be very, very cautious in
7 moving forward with this project.

8 258 units, unless you have a very
9 elaborate infrastructure of roads, and
10 maybe you do, maybe it's coming, I don't
11 know, but I am very much opposed to this
12 for this area.

13 We'll be landlocked with two State
14 roads that are going to be just constant
15 traffic and dangerous.

16 Thank you.

17 CHAIRMAN EWASUTYN: Additional
18 questions or comments? The gentleman.

19 MR. DOUGLAS S.: Douglas S., Town
20 of Newburgh.

21 I just wanted to add more to what
22 the fellow up there said about the
23 Eagles. Is the Board aware that there's
24 a deer population on their property?
25 There's wild turkeys in that property and

2 there's occasionally a bear that runs
3 through there. It is a wildlife refuge
4 right now. From what I understand,
5 Scenic Hudson and the Orange County Land
6 Trust might be looking at that property
7 to maybe put it onto -- add it to the
8 Snake Hill Preserve. I don't know if
9 that's true or not, but I heard that.

10 I just don't understand why you
11 have to build that many houses in there
12 and just ruin a perfect -- there's got to
13 be other places you can put that project
14 that doesn't affect the wildlife.

15 Thank you.

16 MR. MARK S.: Mark S., Town of
17 Newburgh.

18 First, if I could just get some
19 clarification on some of the comments.
20 It's been a little while. I'm not sure
21 which Member of the Board mentioned that
22 the main entrance was going to be on a
23 one-acre lot in the Town. I've since
24 heard on the western end of the property
25 would be the main entrance there.

2 MR. WINGLOVITZ: Correct.

3 MR. MARK S: I also heard that
4 there are ten structures, residential
5 structures on the property. Is that
6 correct?

7 MR. WINGLOVITZ: Correct.

8 MR. MARK S.: Why do I see eleven
9 on the picture, plus the clubhouse? I
10 was never good at math, but I'm counting
11 eleven.

12 MR. WINGLOVITZ: Correct. It is
13 eleven plus the clubhouse.

14 MR. MARK S.: Eleven plus the
15 clubhouse.

16 Okay. A quick question. You
17 mentioned that Farrell is the developer
18 of this project?

19 MR. WINGLOVITZ: Correct.

20 MR. MARK S.: Are they still in the
21 area? They sold their property, their
22 office building. I heard, I guess,
23 they're moving down to Florida. Moving
24 out of New York State.

25 MR. WINGLOVITZ: As far as I know

2 they are still intending on building the
3 project.

4 MR. MARK S.: I just would like to
5 echo, again it's no surprise, the traffic
6 study with misleading numbers. Thank you
7 for doing the homework on that. The day
8 when the road was closed to one lane,
9 they were counting the vehicles passing.
10 That's not unusual.

11 The gentleman on the far left, I'm
12 sorry, I don't know your name, you
13 mentioned twice in the previous
14 presentations that you walked the site
15 and saw the potholes. Has any Member of
16 the Board stood at that entrance and
17 looked at the traffic go by and the line
18 of sight that you would have coming out
19 of there?

20 CHAIRMAN EWASUTYN: I'm familiar
21 with the site.

22 MR. MARK S.: If you're coming out,
23 again a left-hand turn heading east is
24 not going to do anything for you. It's
25 the people pulling out heading east or

2 west. Once you get out of the 30
3 miles-an-hour, they're gunning it and
4 going above 45, as the gentleman pointed
5 out. There's not much time or not much
6 vision coming around that corner.
7 There's a real danger there. I don't
8 care what a traffic study says. I'm a
9 simple folk. I see that. I just know
10 what my eyes see. There's not a lot of
11 time there at that 45 mile-per-hour plus
12 speed limit. There are going to be
13 problems there.

14 We sit at the other end of the
15 property. We're by the intersection I
16 was referencing before, Old Little
17 Britain and Little Britain. The horns on
18 the weekend and during the week, the
19 accidents they have, it's ridiculous.

20 I think the one gentleman from the
21 Goodwill Fire Department is here to speak
22 on their behalf of all the accidents that
23 they have to attend to there with the
24 current traffic, not another 258 units
25 down the street.

2 I understand the zoning law, and
3 this falls underneath the zoning law. I
4 respect that.

5 Thank for the work that you do.
6 It's a very difficult job. Some of the
7 things you have the foresight to see. I
8 think the traffic is going to be the main
9 problem here and the line of sight.

10 Again, thank you. Hopefully you
11 give that consideration.

12 CHAIRMAN EWASUTYN: Any additional
13 questions or comments?

14 MR. JOHN C.: John C., I'm a
15 resident of Pat Road. I'm the chairman
16 of the Board of Fire Commissioners for
17 the Goodwill Fire District.

18 Going through the DEIS, I apologize,
19 it finally came across my desk this
20 past weekend. I've been trying to
21 catch up quickly. You have to remember,
22 we're all volunteers, too. We don't
23 have all day to work on this.

24 The first thing, just things
25 that come to mind, they show six

2 accidents at the intersection of Old
3 Little Britain Road and Little Britain
4 Road since February 2020. I just
5 quickly thumbed through the records
6 and found out that you forgot 3/18/2022,
7 8/18/2023, 5/14/2022, 6/3/2023, 5/25/2024.
8 The list goes on and on. Eight accidents
9 in this period. DOT does not have --
10 does not appear to have the correct count.
11 I know that's what your study was based on.

12 We've been waiting for a traffic
13 light at that intersection since I was
14 chief in 1983. We still don't have it.

15 The accidents, they end up in
16 people's yards, cars are flipped
17 over, they end up on the side of the
18 road, down in the gutter. Yes, some
19 people were at that intersection where
20 somebody was killed. It affects the
21 firefighters, too. They go home and
22 feel the same pain. I know Pat can
23 attest to that. He's been at it a
24 long time.

25 The traffic isn't the only thing

2 we're worried about. We look at the
3 site plan. Some of the areas, I
4 don't know if I'm going to get a
5 ladder truck in. I don't know how
6 we're going to access some of the
7 back of the buildings. These are
8 just a few of the things.

9 Going back to traffic. You say
10 it's not going to have -- on departure
11 and on arrival, no traffic at all on
12 D'Alfonso Road. Give me a break. I
13 can sit in that traffic for fifteen
14 or twenty minutes trying to get onto
15 207 sometimes. It all depends on the
16 time of day. You look at a one-hour
17 segment at the time period where you
18 have your maximum traffic pattern. I
19 find any time from 12 to 3 in the
20 afternoon being your afternoon peak.
21 Your morning ends at 12. 300 to 600
22 cars. Come on.

23 Anyhow, what I'm going to ask
24 for is if we can get an extension. I
25 know we have a ten-day period where

2 we can reply after the hearing is
3 closed. I'd like to respectfully
4 request a thirty-day extension of
5 that, that way we can reply properly
6 in writing.

7 CHAIRMAN EWASUTYN: Additional
8 questions? I think the lady in the back.

9 MS. CAROL J.C.: I just wanted to
10 add a comment. I did write a letter to
11 your office regarding the increase in
12 garbage on 207, trash. It's coming out
13 of the bank, Heritage Bank. I notice
14 that there's been an increase of trash
15 being thrown on the side of the road as
16 well as on 17K. I had pointed that out,
17 the increase of trash coming from Aldi's
18 on down, blowing onto 17K. It's an
19 eyesore.

20 Please just take into account the
21 increase in numbers. An increase in
22 homes will also continue to increase the
23 trash that is being thrown on the sides
24 of the road and that's being blown on the
25 sides of the road.

2 CHAIRMAN EWASUTYN: Carol, when did
3 you write this letter? When did you
4 submit it?

5 MS. CAROL J.C.: Back months ago.
6 I'm from Stony Brook. I'm a resident of
7 Stony Brook.

8 CHAIRMAN EWASUTYN: Thank you.

9 MR. HINES: Did you send it to the
10 Town or the Planning Board? That may
11 have gone to the Town Board.

12 MS. CAROL J.C.: It went to the
13 Town. I have to look it up on my phone.

14 CHAIRMAN EWASUTYN: I think if we
15 had it -- I'll check the file, but
16 offhand --

17 MR. HINES: It may have gone to the
18 Town Board.

19 MS. CAROL J.C.: I wrote it to the
20 Town.

21 The trash is increasing. It's
22 continuing. It's an eyesore.

23 Thank you.

24 CHAIRMAN EWASUTYN: Any additional
25 questions or comments?

2 MR. DAVID B.: David B again from
3 Stony Brook.

4 I reviewed the report. There was
5 something about how there would be no
6 traffic affected on D'Alfonso. I find
7 that very hard to believe. Any of the
8 250 residents, if they are going to
9 Aldi's, Target, Adam's, anything on 17K,
10 they're going from their entrance, taking
11 the right and they are going down
12 D'Alfonso.

13 UNIDENTIFIED SPEAKER: It's bad
14 enough as it is now.

15 CHAIRMAN EWASUTYN: Thank you.

16 Any further last questions and
17 comments from the public? Please.

18 MR. MATT G.: Short questions. No
19 statements.

20 The first main --

21 CHAIRMAN EWASUTYN: Just for the
22 record --

23 MR. MATT G.: I'm sorry. Matt G.,
24 409 Little Britain Road.

25 The force main is proposed to head

2 up towards Unity. Once that's in place,
3 is that -- the portion offsite will be
4 owned by the public. Correct? It would
5 be a public utility?

6 MR. WINGLOVITZ: It will be offered
7 to the Town. Whether they take it or
8 not --

9 MR. MATT G.: If they don't take
10 it, does Farrell continue to be obligated
11 to maintain it?

12 MR. WINGLOVITZ: Farrell would be,
13 yes. The owner of the project.

14 MR. MATT G.: So if you have .8, .9
15 miles offsite of the force main going to
16 Unity and the builder leaves Town, goes
17 bankrupt, if this pipe starts to leak,
18 break in people's front yards on Little
19 Britain Road, who foots bill to
20 decommission or to fix this thing? It
21 sounds like it's uncertain. Is that a
22 true statement?

23 MR. WINGLOVITZ: If the Town is
24 going to take it or not, that's
25 uncertain. That's always up to them.

2 MR. MATT G.: It would be nice to
3 know by the final environmental impact
4 study, if we could know who is going to
5 be responsible for all that pipe filled
6 with all that stuff.

7 The sewage well that would be the
8 basin for the force main, could you point
9 out, Mr. Winglovitz, about where on the
10 site that would be located?

11 MR. WINGLOVITZ: Here.

12 MR. MATT G.: Is it true, did I
13 understand correctly from the report,
14 that the capacity of that physically
15 would not account for twenty-four hours
16 of gravity drain?

17 MR. WINGLOVITZ: Correct. It has a
18 backup generator required.

19 MR. MATT G.: Natural gas?

20 MR. WINGLOVITZ: That hasn't been
21 selected yet.

22 MR. MATT G.: Continuous fuel
23 running a generator could be problematic
24 if there's a big storm that takes out
25 power for a week or two and somebody is

2 relying on propane or gas and that runs
3 short. A generator also becomes a single
4 point of failure after the power grid.
5 I'd just like to know if it's possible to
6 spitball. If the generator breaks,
7 twenty-five hours goes by, where is that
8 stuff going? I'll leave that question
9 for consideration.

10 Blasting. The report still indicates
11 that blasting should be kept to a minimum
12 or not even required. If it is determined
13 that blasting is required for the entrance,
14 because we're a site located close to that,
15 is there any mechanism that we would get
16 notified that blasting has been determined
17 to be appropriate and when that would
18 happen?

19 The correlated question to that is
20 whether or not the agency to be doing
21 that would be willing to, at the Planning
22 Board's direction, if you saw fit to
23 require it, put some sensors at neighboring
24 sites. I feel like there could be a burden
25 of proof. If I call up the day after

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blasting and say, my goodness, I've got three cracked windows, they don't know that those windows weren't cracked the day before. It would be nice if we could do a little science to figure out what was actually there.

MR. HINES: That would be a requirement for blasting. That would be a requirement should blasting occur. That's required by the Town code.

MR. MATT G.: Outstanding. Thank you.

During the construction, three years. The main entrance, that's going to be construction in and out for three years, probably minimum, if things go according to schedule.

You mentioned street sweeping as required to help keep 207 free of debris. The last thing we want right now is people popping tires on nails and stuff like that. Who determines the frequency of that street sweeping and what is the recourse of any board or group if street

2 sweeping is not occurring during the
3 build?

4 MR. HINES: That can be addressed.
5 The project will have a stormwater
6 pollution prevention plan and a permit
7 from the DEC with inspections performed
8 by the Town, paid for by the applicant.

9 MR. MATT G.: Thank you.

10 Lastly, for the landscape plan, I
11 forget which attachment but they showed
12 all the trees they plan on installing.
13 There's a section of the overall site
14 plan that was missing. It was
15 specifically the section that would show
16 the southeast corner of building 8, which
17 is the closest to our viewpoint. It
18 would be nice if we could see that in PDF
19 uploaded with the rest of the DEIS just
20 to kind of see what nature curtain is
21 proposed along that southeast side of
22 building 8.

23 That's it. Thank you.

24 CHAIRMAN EWASUTYN: At this time
25 I'm going to turn to our consultants for

2 a short comment on what they heard this
3 evening. Ken Wersted.

4 MR. WERSTED: The gentleman
5 wanted --

6 MR. JOHN C.: I just have one more
7 statement. For those that -- John C., 13
8 Pat Road.

9 For those that have lived in the
10 neighborhood for a long time, the Town
11 allowed blasting in the stone quarry that
12 sits down adjacent to this. A lot of us
13 did incur foundation cracks because of
14 the blasting. It's just a point of
15 interest.

16 CHAIRMAN EWASUTYN: Now we'll turn
17 it over for a final statement from our
18 consultants. Ken Wersted.

19 MR. WERSTED: Through this process
20 the applicant has prepared these
21 materials. I won't take Dominic's
22 thunder away, but we're now at a point
23 where we are going to review these all
24 for technical assumptions, their
25 findings, their results and analyze those

2 conditions and provide our comments.

3 The City of Newburgh has provided a
4 number of comments that we'll have to
5 address. The public has provided
6 comments. The consultants will go
7 through and provide our own.

8 We are acutely aware of their
9 proposal for the sight distance there and
10 we're looking into that as well. If this
11 was a single-family house, that might be
12 acceptable. This isn't a single-family
13 house. This is hundreds of apartments.
14 Having an acceptable entrance in and out
15 is going to be critical.

16 Relative to the intersection of Old
17 Little Britain Road and Route 207, I did
18 reach out to the consultant that is
19 working with DOT. Give or take six
20 months to ten months ago, DOT was
21 reviewing that intersection and having
22 their consultant analyze the options for
23 it. They did look at a roundabout which
24 didn't seem feasible based on their
25 analysis. They did look at a traffic

2 signal. They did look at turning lanes.
3 The consultant has summarized their
4 findings and provided it to DOT. That
5 report is now in DOT's hands. They
6 haven't taken any action on it. It's
7 been in their hands since March. Their
8 consultant is anxious to finish that
9 project. It will be my correspondence
10 with the town supervisor to also have him
11 prompt DOT to look into that and see if
12 that can spur along that analysis and
13 finish out that part.

14 Previously they had anticipated
15 that they would put the project out to
16 bid in the spring of next year and it
17 would be constructed by the fall. I
18 don't know what that timeline is like
19 anymore. As part of this process, we
20 will certainly look at that and look at
21 what the repercussions are. If DOT were
22 to fail to complete that project, what
23 implications that might mean for the
24 applicant.

25 Again, as we go through all the

2 technical details, we'll provide our list
3 of comments and share that with the
4 Board. It will become part of the
5 record.

6 CHAIRMAN EWASUTYN: Pat Hines with
7 MH&E.

8 MR. HINES: My office is reviewing
9 various technical details of the DEIS and
10 we will be providing written comments
11 that will have to be addressed by the
12 applicants.

13 We're reviewing the stormwater
14 pollution prevention plan for stormwater
15 management, erosion and sediment control,
16 the utilities, the water, the sewer
17 extension, things like the pump station
18 that was addressed. We're doing a review
19 of the design currently and it will be
20 reviewed in the future.

21 The blasting and the geo-tech
22 reports are under review.

23 The wildlife, flora and fauna
24 reports are under review by people in my
25 office that have that expertise.

2 There was a tree preservation plan
3 for compliance with the Town's Tree
4 Preservation Ordinance which we are doing
5 a detailed review on. It was submitted.
6 They complied with the requirement to
7 provide that. Now we're doing a
8 technical review of that.

9 We continue to coordinate with the
10 City of Newburgh as well as Dominic's
11 office regarding aspects of the project
12 that are in the City of Newburgh. They
13 have requested things like sidewalks
14 along their portion of the project.
15 We'll discuss with the Planning Board
16 sidewalks along the rest of the project.

17 The City of Newburgh has concerns
18 regarding stormwater management that our
19 office is also reviewing, impacts to
20 Harrison Pond, compliance with the DEC
21 regulations regarding stormwater, erosion
22 and sediment control.

23 Should the project move forward,
24 there will be requirements to enter into
25 agreements with the Town of Newburgh

2 regarding long-term operation and
3 maintenance of any stormwater
4 improvements under the Town's stormwater
5 management code. Those will have to be
6 filed with the County. They remain a
7 requirement of the project.

8 During the project construction,
9 the Town does have oversight over the
10 erosion and sediment control as well as
11 the installation of the utilities.

12 We are coordinating with other
13 outside agencies in this DEIS process,
14 numerous, the DOT, the DEC, SHPO,
15 Historic Preservation, the City of
16 Newburgh. County Planning will
17 ultimately review the project. There are
18 a lot of other agencies reviewing the
19 DEIS as well as the Planning Board as the
20 lead agency, kind of the gatekeeper of
21 the environmental review. There are
22 numerous agencies that have the DEIS and
23 will respond with comments. We are doing
24 that technical review at this time and
25 will be providing the Board comments that

2 the applicant will have to address.

3 CHAIRMAN EWASUTYN: Thank you.

4 I'll take comments from Board
5 Members. Dave Dominick?

6 MR. DOMINICK: First I'd like to
7 thank everyone for their comments. I
8 took a lot of notes. I also think,
9 myself personally speaking, we share some
10 parallel things.

11 Sight distance is one thing we
12 talked about also in our workshop
13 session, how to improve that or what
14 options we have for sight distance for
15 the entrance.

16 The other would be what's the
17 overall solution to 207/Little Britain
18 Road, whether it's the traffic light, the
19 stuff Ken Wersted mentioned.

20 Also, the other option that came
21 out tonight was, Ross, maybe look at the
22 feasibility of switching the entrances,
23 the main entrance and the emergency exit.
24 You're at a slower speed limit as said,
25 greater sight distance. That might solve

2 a couple problems if that could be
3 somehow incorporated into this project.

4 Again, thank you, everyone, for
5 your concerns.

6 CHAIRMAN EWASUTYN: Stephanie DeLuca?

7 MS. DeLUCA: I also would like to
8 thank you for coming out as well. The
9 information that you provided was, again,
10 invaluable.

11 I just want to say that I'm so
12 sorry that you had to go through that.
13 It must have been a horrendous thing to
14 do.

15 Anyway, traffic is a major concern
16 for this project. It always has been.
17 We hope to see how we are going to be
18 able to negate that.

19 Thank you again.

20 CHAIRMAN EWASUTYN: Ken Mennerich?

21 MR. MENNERICH: I appreciate the
22 depth of the reviews that people brought
23 to our attention tonight. Thank you.

24 CHAIRMAN EWASUTYN: Lisa Carver?

25 MS. CARVER: I think what we heard

2 tonight was very thorough, very well put,
3 and I thank you also.

4 I think, like Dave mentioned, we
5 are looking. We looked at the sight
6 problem. We looked at the intersection
7 which really should have a light because
8 that does get backed up. These are
9 things that we're looking at. We don't
10 really have control over DOT, but we can
11 work with them.

12 We hear what you're saying and
13 we'll do what we can.

14 CHAIRMAN EWASUTYN: John Ward?

15 MR. WARD: I want to say thank you
16 very much for your input. We are
17 listening to you.

18 I'm suggesting to reevaluate the
19 traffic study with the numbers, with the
20 accident reports, everything and see what
21 happens, not that it's in a work zone and
22 there is only one lane. Make it accurate
23 with the timing and everything else. A
24 school year, maybe during that. Not the
25 summer when it's slow.

2 Another thing. If you can possibly
3 for Stony Brook, give more of a buffer
4 over in that area.

5 Last was with the City of Newburgh.
6 They were suggesting a sidewalk. I'm
7 suggesting a sidewalk in the Town of
8 Newburgh along 207 for pedestrian
9 safety. Thank you. It's a State
10 highway.

11 CHAIRMAN EWASUTYN: Dominic Cordisco
12 with Drake, Loeb, Planning Board Attorney.

13 MR. CORDISCO: Thank you, Mr. Ewasutyn.
14 As I mentioned at the outset, this stage
15 in the process was for the public to
16 comment on the draft environmental impact
17 statement. That document had been
18 deemed adequate at this point for
19 public review, but by no means was it
20 necessary for the project to meet the
21 requirements of the Planning Board as
22 well as all the other interested and
23 involved agencies, as Mr. Hines and
24 Mr. Wersted had mentioned.

25 The public hearing portion of this

2 project requires that there be a minimum
3 of a ten-day written comment period
4 allowed. You also have a request --
5 two requests, actually. One request
6 to keep the public hearing open and
7 another request to extend the written
8 public comment period for thirty days
9 to allow for additional written comments
10 to be submitted. Both of those actions
11 are written the discretion of the Board.

12 CHAIRMAN EWASUTYN: Your recommendation
13 to the Planning Board as it relates to the
14 public hearing? If the public hearing was
15 closed, the extension of written comments
16 for thirty days, your advice to the
17 Planning Board?

18 MR. CORDISCO: My advice would be
19 to extend the written comment period for
20 thirty days. It's a reasonable request.
21 The person who made it noted that there
22 are volunteers involved and there's a
23 significant amount of material to review
24 and to provide comments on.

25 CHAIRMAN EWASUTYN: Then the action

2 would be to close the public hearing and
3 to extend written comments for thirty
4 days?

5 MR. CORDISCO: Yes, sir.

6 CHAIRMAN EWASUTYN: Having heard
7 from our Planning Board Attorney, would
8 someone move to close the public hearing
9 and to extend the written comment period
10 for thirty days?

11 MR. MENNERICH: So moved.

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

14 MS. CARVER: Second.

15 CHAIRMAN EWASUTYN: I have a second
16 by Stephanie -- I keep doing that. Were
17 you ever on the left side? I apologize.
18 It's a long day. We all work. Lisa
19 Carver. Can I have a roll call vote
20 starting with Dave Dominick.

21 MR. DOMINICK: Nay.

22 CHAIRMAN EWASUTYN: Stephanie DeLuca?

23 MS. DeLUCA: No. I would keep it
24 open.

25 CHAIRMAN EWASUTYN: Ken Mennerich?

2 MR. MENNERICH: Yes.

3 CHAIRMAN EWASUTYN: Myself yes.

4 John Ward?

5 MR. WARD: No.

6 CHAIRMAN EWASUTYN: Let the record
7 show that the Planning Board didn't have
8 a majority vote to close the public
9 hearing.

10 Do we reschedule the public hearing
11 or do we leave it open?

12 MR. CORDISCO: It should be
13 scheduled for another date certain. It's
14 up to the Board whether you want to have
15 that continuation at your August meeting,
16 which would be August 15th, or if you
17 would like to schedule that for sometime
18 thereafter.

19 CHAIRMAN EWASUTYN: Allowing the
20 time to do the study, why don't -- I
21 think we have a meeting on the 5th of
22 September.

23 MR. HINES: Yes.

24 MR. CORDISCO: Yes, sir.

25 CHAIRMAN EWASUTYN: Would someone

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make a motion to have a continuation of
the public hearing on the 5th of
September.

MR. DOMINICK: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a 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.

MS. CARVER: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried.

(Time noted: 8:55 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 16th day of August 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

FOREST RIDGE - LOT 47
(2024-24)

County Road 23
Section 125; Block 1; Lot 47
R-1 Zone

----- X

TWO-FAMILY SITE PLAN & ARB

Date: August 1, 2024
Time: 8:55 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
LISA CARVER
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ZACH SZABO

----- X

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

2 CHAIRMAN EWASUTYN: The final
3 Board business item this evening is
4 Forest Ridge - lot 47, located on
5 County Road 23 in an R-1 Zone.

6 MR. SZABO: Zach Szabo,
7 Engineering & Surveying Properties.
8 I'm here for the applicant, Forest
9 Ridge - lot 47, a two-family
10 application.

11 This is a lot that was part of a
12 larger subdivision, as you recall,
13 Forest Ridge. The applicant is in
14 the process of purchasing the property.
15 The original application included a
16 four-bedroom single-family home.
17 They are looking to provide a two-
18 family home with the Board's approval.
19 We're here for that.

20 The entrance to the site and to
21 the two-family home has been approved
22 by the DPW. We have that letter and
23 we can provide that.

24 At this time this is what we're
25 proposing and would like to move forward

2 with.

3 CHAIRMAN EWASUTYN: At this time
4 I'll turn the meeting over to Pat.

5 MR. HINES: This was originally
6 part of the Mountain Lake Subdivision.
7 It was approved as a single-family
8 residential lot. It has sufficient lot
9 area to support a two-family home.

10 The bedroom count is the same as
11 the four-bedroom, single-family home.
12 It's now going to be a four-bedroom
13 duplex, two and two.

14 The plans identify the well and
15 septic location from the 2008 filed map.
16 I don't want the Building Department to
17 have to go chase down a 2008 filed map.
18 We would like to have those approved
19 septics designed --

20 MR. SZABO: We can provide that.

21 MR. HINES: -- or new septic
22 designs consistent with those. I think
23 that makes sense.

24 The location of the wells and
25 septics hasn't changed, so I don't

2 believe it needs to go back to County
3 Planning. They are the same design flow,
4 design locations. They remain valid.

5 The driveway permit from Orange
6 County, we will need that.

7 The only change I see here, and I
8 don't know what was on it, I didn't pull
9 the 2008 plan, but the front yard setback
10 on a County road is 60 feet. You're
11 currently showing 50 feet. I think you
12 might be bumping the house back 10 feet
13 to comply with that. I don't know what
14 was shown on the 2008. Maybe it was
15 missed. It's a 60-foot front yard
16 setback. I gave you the section of the
17 code at that location.

18 There's a two-family section of the
19 code that requires that the building --
20 architectural entrance details for the
21 unit are required. It has to look like a
22 single-family house. Two-family houses
23 are subject to architectural review.
24 We'll need details of that that show it's
25 like one front door. Oftentimes there's

2 a front door in the front and the other
3 entrance on the side, or there's a main
4 entrance and they split off. It has to
5 look like a single-family house.

6 The project does require a public
7 hearing for a two-family house.

8 We discussed at work session that
9 it does not need to go to County
10 Planning. It's exempt as a single-family
11 or two-family home.

12 I think the Board would be in a
13 position to schedule the public hearing
14 at this point.

15 I don't know that SEQRA action --

16 MR. CORDISCO: It's a Type 2.

17 MR. HINES: I'm sorry. So there's
18 no SEQRA action required. There is a
19 public hearing required.

20 MR. CORDISCO: And adjoiners'
21 notices.

22 CHAIRMAN EWASUTYN: Questions from
23 Board Members. Dave Dominick?

24 MR. DOMINICK: Nothing further.

25 CHAIRMAN EWASUTYN: Stephanie DeLuca?

2 MS. DeLUCA: Nothing.

3 MR. MENNERICH: Nothing.

4 CHAIRMAN EWASUTYN: Lisa Carver?

5 MS. CARVER: No questions.

6 MR. WARD: No.

7 MR. HINES: Dominic reminded me of
8 the adjoiners' notices. They can be sent
9 simultaneously with the public hearing
10 notice.

11 CHAIRMAN EWASUTYN: Will we have
12 enough time to circulate the adjoiners'
13 notice, circulate it for a public hearing
14 and complete all this for the meeting of
15 the 15th of August?

16 MR. HINES: I don't believe, no.

17 CHAIRMAN EWASUTYN: Would someone
18 move for a motion to set Forest Ridge -
19 lot 47 on County Road 23, project number
20 24-24, for a public hearing on the 5th of
21 September.

22 MR. MENNERICH: So moved.

23 MS. DeLUCA: Second.

24 CHAIRMAN EWASUTYN: I have a motion
25 by Ken Mennerich. I have a second by

2 Stephanie DeLuca. Can I have a roll call
3 vote starting with Dave Dominick.

4 MR. DOMINICK: Aye.

5 MS. DeLUCA: Aye.

6 MR. MENNERICH: Aye.

7 CHAIRMAN EWASUTYN: Aye.

8 MS. CARVER: Aye.

9 MR. WARD: Aye.

10 MR. HINES: The reason we can't do
11 that is the newspaper publication dates
12 make that impossible.

13 CHAIRMAN EWASUTYN: That's fine.

14 Would someone move for a motion to
15 close the August 1st meeting for the
16 Planning Board.

17 MS. DeLUCA: So moved.

18 MR. WARD: Second.

19 CHAIRMAN EWASUTYN: I have a motion
20 by Stephanie DeLuca. I have a second by
21 John Ward. Can I please have a roll call
22 vote starting with Dave Dominick.

23 MR. DOMINICK: Aye.

24 MS. DeLUCA: Aye.

25 MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

(Time noted: 9:02 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 16th day of August 2024.

Michelle Conero

MICHELLE CONERO