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

- - - - - X
In the Matter of

MOFFAT PROPERTIES
(2022-14)

224 & 226 Route 17K
Section 32; Block 29; Lots 64 & 65
IB Zone

- - - - - X

SITE PLAN

Date: November 3, 2022
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
JACALYN DeVALUE

APPLICANT'S REPRESENTATIVE: NEIL SANDER

- - - - - X

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

1 M O F F A T P R O P E R T I E S

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
6 3rd of November. This evening we
7 have two agenda items.

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

11 MR. GALLI: Present.

12 MS. DeLUCA: Present.

13 MR. MENNERICH: Present.

14 CHAIRMAN EWASUTYN: Present.

15 MR. BROWNE: Present.

16 MR. DOMINICK: Present.

17 MR. WARD: Present.

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

20 MS. CONERO: Michelle Conero,
21 Stenographer.

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

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

1 MOFFAT PROPERTIES

2 MS. DeVALUE: Jacalyn DeValue
3 with Karen Arent Landscape Architect,
4 Landscape Architect Consultant for
5 the Town of Newburgh.

6 CHAIRMAN EWASUTYN: At this
7 time we'll turn the meeting over to
8 Dominic Cordisco.

9 (Pledge of Allegiance.)

10 MR. CORDISCO: If you would
11 please silence your cellphones or put
12 them on vibrate.

13 CHAIRMAN EWASUTYN: The first
14 item on the agenda this evening is
15 Moffat Properties. It's a site plan
16 located on Route 17K in an IB Zone.
17 It's being represented by Independence
18 Engineering.

19 Let the record state that at
20 this point in the meeting the
21 applicant isn't here, so we'll go on
22 to the second item of business.

23 (Time noted: 7:03 p.m.)

24 (Time resumed: 7:28 p.m.)

25 CHAIRMAN EWASUTYN: Our next

1 MOFFAT PROPERTIES

2 item of business is Moffat Properties.
3 It's a site plan located at 224 and
4 226 New York Route 17K in an IB Zone.
5 It's being represented by Independence
6 Engineering.

7 MR. SANDER: Good evening.
8 Good to see you all again. When we
9 were here last time, in August I
10 believe, we had just received the
11 comments on the application from the
12 engineer, the traffic engineer and
13 landscape architect. We have
14 reviewed those comments and taken
15 them into account.

16 The primary change to this plan
17 from our last presentation is that
18 the entire facility has been moved
19 approximately 50 feet to the north.
20 That preserves the 35-foot landscape
21 buffer along Route 17K without any
22 interference whatsoever. We have
23 added some landscaping in that
24 buffer. I know that Ms. Arent has
25 made some additional comments looking

1 MOFFAT PROPERTIES

2 for some additional screening. We
3 don't object to any of the comments
4 in her letter. We'll work with her
5 office directly on how much screening
6 and where it needs to be.

7 We received a clean letter from
8 the traffic engineer.

9 At this time we still have not
10 received comments from DOT. The
11 application was submitted in June.
12 As of last week they had the
13 application and they were reviewing
14 it, but we have not received comments.

15 We did receive two letters from
16 Mr. Hines earlier this week. We
17 don't have any objections to his
18 comments in that letter.

19 CHAIRMAN EWASUTYN: At this
20 point we'll turn the meeting over to
21 comments from Planning Board Members.
22 Frank Galli?

23 MR. GALLI: Do you guys have a
24 landscape architect on board?

25 MR. SANDER: We don't but we

1 MOFFAT PROPERTIES

2 can.

3 MR. GALLI: You might want to
4 consider that.

5 Did you look at the new tree
6 preservation law?

7 MR. SANDER: I just received it
8 yesterday. I've been on the road. I
9 did receive it. I have not read it.

10 MR. GALLI: You might want --
11 after you read that, you might want
12 to hire a landscape architect.

13 MR. SANDER: We do have a tree
14 survey underway based on the Town's
15 initial letter. They recommended we
16 do a tree survey along the first 500
17 feet on the eastern boundary.

18 MR. GALLI: After you read that
19 there may be some changes. It just
20 went into effect.

21 MR. HINES: It is really hot
22 off the press, and that's why I took
23 the liberty of sending it to all the
24 engineers that appear before this
25 Board. It will impact some

1 MOFFAT PROPERTIES

2 properties. I think that you're
3 almost the first test case, although
4 you don't have final approval. I
5 think you're going to have to take a
6 look at that and give us a plan that
7 addresses it. You are in the IB
8 Zone, so it gives you a little more
9 flexibility than some of the other
10 zones, but we're going to have to
11 address that regulation that the Town
12 Board just saw appropriate to enact.

13 MR. SANDER: So even though we
14 filed this application prior to that
15 being enacted --

16 MR. HINES: There was no
17 grandfathering provision. There was
18 discussion of potentially -- if it
19 was, it would have been a neg dec,
20 which you also don't have. The Town
21 Board rejected those comments that
22 were received and felt that it was
23 important enough to implement it
24 immediately.

25 MR. SANDER: Okay.

1 MOFFAT PROPERTIES

2 MS. DeLUCA: No questions.

3 MR. MENNERICH: No.

4 MR. BROWNE: Since you have no
5 problem with the comments from Mr.
6 Hines' office or Karen Arent's
7 office, we're good for that part.

8 The tree preservation thing is
9 going to be major. Get on that.

10 CHAIRMAN EWASUTYN: Dave Dominick?

11 MR. DOMINICK: I have the same
12 concerns as Cliff and Frank.

13 CHAIRMAN EWASUTYN: John Ward?

14 MR. WARD: On the landscaping
15 plan, just if you could put it on the
16 plan, the stone wall in the front.

17 MR. SANDER: Yes. We did add
18 that stone wall, basically right
19 along the right-of-way line.

20 MR. WARD: Thank you.

21 MR. HINES: I don't think we
22 saw a plan with it on there yet. I
23 think you concurred with it.

24 MR. SANDER: It is here on the
25 most recent site plan from the 24th.

1 MOFFAT PROPERTIES

2 CHAIRMAN EWASUTYN: Jackie,
3 what's the recommended height for the
4 stone wall?

5 MS. DeVALUE: 30 inches.

6 MR. SANDER: I believe we
7 called it out at 24.

8 CHAIRMAN EWASUTYN: Jackie, do
9 you want to add anything?

10 Jackie is with Karen's office.
11 She's also a landscape architect.

12 MS. DeVALUE: Most of our
13 concerns were addressed in our memo
14 that we dated October 28th.

15 We did discuss during the work
16 session that rather than just having
17 the survey done in that 500 foot
18 area, that it should be done for the
19 whole site.

20 MR. SANDER: Okay. I'll
21 discuss that with my surveyor and my
22 client.

23 CHAIRMAN EWASUTYN: Jim
24 Campbell with Code Compliance?

25 MR. CAMPBELL: No additional

1 MOFFAT PROPERTIES

2 comments at this time.

3 CHAIRMAN EWASUTYN: Pat Hines
4 with McGoey, Hauser & Edsall?

5 MR. HINES: We did receive
6 County Planning comments. They were a
7 Local determination, but we typically
8 like the applicant to address each of
9 those comments.

10 A City of Newburgh flow
11 acceptance letter will be required.
12 I made a note that we will submit
13 that to them. They may have comments.
14 That's going to generate them asking
15 for the stormwater pollution
16 prevention plan. As we discussed,
17 your discharge is tributary to
18 Washington Lake.

19 MR. SANDER: May I, before we
20 move on from the flow acceptance
21 letter, would you be the person to
22 talk to about how much pressure we
23 need to put into a pump to get the
24 pressure --

25 MR. HINES: I can facilitate

1 MOFFAT PROPERTIES

2 that discussion. It's not very high
3 pressure. It's a gravity main that
4 goes under pressure by default during
5 high flows. We may have to even have
6 the Sewer Department do some testing
7 out there.

8 MR. SANDER: Okay.

9 MR. HINES: We certainly want
10 your pump to win. We can talk about
11 that. The flow acceptance letter is
12 from the City. The Town of Newburgh
13 is the owner and operator of the
14 collection system. The City of
15 Newburgh provides treatment for the
16 flow. There's an intermunicipal
17 agreement that requires their
18 approval for any connections.

19 We did have the revised SWPPP
20 and did provide you with the
21 comments. There are still numerous
22 comments on the SWPPP that need to be
23 addressed.

24 We did note that the stormwater
25 facilities have been located further

1 MOFFAT PROPERTIES

2 in from 17K based on Karen's review.

3 They'll need a stormwater
4 facilities maintenance agreement as a
5 condition of approval.

6 The DOT review, we haven't seen
7 much from them and don't have a
8 concept approval from them yet I
9 don't believe.

10 MR. SANDER: We had an e-mail
11 from them last week saying they have
12 our application and our traffic study
13 and it's under review.

14 MR. HINES: Typically this
15 Board waits until we hear from them
16 as an involved agency, that they're
17 okay, before we issue a SEQRA
18 determination. It's important to get
19 at least that concept from them.

20 I worked with the Sewer
21 Department. You should have received --

22 MR. SANDER: I did.

23 MR. HINES: -- the plans. We
24 pulled that out for you and sent that.

25 I gave you the copy of the

1 MOFFAT PROPERTIES

2 Town's water and sewer notes.

3 The Planning Department gave an
4 interesting comment. I didn't think
5 it was an issue at first. The FAA
6 certification, we had some -- I think
7 your building is low enough to not be
8 an issue. I think the no hazard
9 determination from the FAA is going
10 to be required. If you drove by
11 there, Toyota has lights on it.
12 Those weren't initially planned and
13 caused a significant delay in their
14 project until they worked that out.
15 We're suggesting you give them that
16 elevation survey. They come fairly
17 rapidly if there is no hazard.

18 MR. SANDER: We had actually
19 done due diligence on that about a
20 year ago. Because nothing on the
21 site was going to be over 40 feet, it
22 was determined we didn't need FAA.

23 MR. HINES: We'd like to hear
24 from them. You're right across the
25 street from the runway.

1 MOFFAT PROPERTIES

2 That's the extent of our
3 comments at this point.

4 It seems like, during the work
5 session and in discussions with the
6 Board, they're not in a position to
7 issue that neg dec under SEQRA yet.
8 There are enough open items that
9 they're looking for those to be
10 addressed.

11 MR. SANDER: Okay.

12 CHAIRMAN EWASUTYN: Okay.
13 Maybe at a future date you could
14 prepare some renderings of what the
15 building will look like.

16 MR. SANDER: Certainly. I can
17 e-mail them to you.

18 CHAIRMAN EWASUTYN: I mean
19 don't e-mail them to me. At a future
20 date make a submission of so many
21 sets that the Planning Board Members
22 could look at.

23 MR. HINES: It does require --
24 as a commercial building it requires
25 architectural review. This Board

1 MOFFAT PROPERTIES

2 serves as the Architectural Review
3 Board. We will need renderings and
4 photographs and such of the facility.

5 MR. SANDER: We do have those.
6 We can provide that.

7 MR. HINES: There is an
8 architectural review form that's
9 required as well. I believe it's on
10 the Town website. You fill out the
11 actual products that are going to be
12 utilized to assist the Code Department
13 in the future.

14 CHAIRMAN EWASUTYN: Jim
15 Campbell with Code Compliance, can
16 you further that conversation as far
17 as the requirements?

18 MR. HINES: For ARB.

19 MR. CAMPBELL: Actually, no, I
20 can't.

21 CHAIRMAN EWASUTYN: Okay. We'll
22 work as a group to put everything
23 together.

24 MR. SANDER: Okay.

25 CHAIRMAN EWASUTYN: Thank you.

1 MOFFAT PROPERTIES

2 MR. SANDER: So I guess we're
3 not going to be setting a public
4 hearing date then?

5 CHAIRMAN EWASUTYN: No. As Pat
6 Hines said, there are landscape plans
7 we'd like to see formalized, there
8 are other comments from Pat Hines'
9 review that needs to be formalized.
10 Once we have all that information and
11 the Board is satisfied with it, then
12 we'll be in a position to declare a
13 negative declaration and set a public
14 hearing.

15 MR. HINES: We can't set the
16 public hearing until the SEQRA review
17 is closed out.

18 MR. SANDER: So specifically
19 what do we have to do to close out
20 the SEQRA review? Is it the
21 landscaping?

22 MR. HINES: The tree ordinance,
23 the landscaping, my comments and DOT,
24 at least a concept approval. We
25 don't need a permit, obviously, but

1 MOFFAT PROPERTIES

2 DOT saying we're okay with this and
3 how it's going to function. We've
4 had situations in past years where
5 people told us they were doing well
6 with DOT and, lo and behold, that
7 wasn't the case. DOT sent some
8 letters and they were back before the
9 Board after getting final approval
10 and moving the driveway.

11 MR. SANDER: Okay.

12 CHAIRMAN EWASUTYN: Dominic
13 Cordisco, do you have anything to add
14 to that?

15 MR. CORDISCO: No. I mean other
16 than to reemphasize the fact that a
17 plan in connection with the tree
18 preservation law will be important
19 for the negative declaration. We
20 have an entirely new process and
21 requirements in connection with that.
22 The Board is going to have to look at
23 that closely before making a SEQRA
24 determination.

25 MR. SANDER: Okay.

1 M O F F A T P R O P E R T I E S

2 CHAIRMAN EWASUTYN: Thank you.

3 MR. SANDER: Thank you.

4

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

6

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

8

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

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

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

19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 13th day of November 2022.

21

22

23

24

25

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

BRITAIN WOODS
(2022-17)

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

- - - - - X

258 MULTI-FAMILY
DRAFT SCOPE REVIEW

Date: November 3, 2022
Time: 7:03 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
JACALYN DeVALUE

APPLICANT'S REPRESENTATIVES: ROSS WINGLOVITZ
and STANLEY SCHUTZMAN

- - - - - X

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

1 BRITAIN WOODS

2 CHAIRMAN EWASUTYN: Our second
3 item of business is Britain Woods.
4 It's a proposed 258 multi-family
5 project. We're here to discuss the
6 draft scope. It's located on 442
7 Little Britain Road (Route 207).
8 It's in an R-3 Zone. It's being
9 represented by Engineering &
10 Surveying Properties.

11 MR. WINGLOVITZ: Good evening.
12 Ross Winglovitz, Engineering &
13 Surveying Properties on behalf of the
14 applicant, Farrell Builders. Also
15 with us this evening is counsel, Stan
16 Schutzman, representing the applicant.

17 The Board had an early meeting
18 in October and pos dec'd the project.
19 Based on that we prepared a draft
20 scoping document and submitted it for
21 this evening's meeting for
22 consideration and modification in
23 setting of a public hearing, potentially,
24 regarding the draft scope.

25 We did receive comments from

1 BRITAIN WOODS

2 McGoey & Hauser's office. I'll be
3 glad to -- I'll let Pat go over those.

4 The other thing I wanted to
5 report is that we did have a meeting,
6 Dominic was there, on Tuesday, the
7 1st, with the City of Newburgh. They
8 had provided two letters, one was a
9 lead agency response and an initial
10 review letter that was provided to
11 this Board. We reviewed the review
12 letter regarding sewer, water,
13 traffic, access to the site, what
14 improvements were on the site and so
15 forth -- on the City portion of the
16 site. Dominic can report. They had
17 a couple of things that seemed like
18 they had been incorporated into Pat's
19 comments regarding the potential to
20 use this as an emergency access only
21 into the site, and also a potential
22 to relocate the stormwater pond.

23 The stormwater pond, the
24 concern is being the only improvement
25 other than the road in the City, we'd

1 BRITAIN WOODS

2 have to enter some kind of MS-4
3 agreement for them to oversee the
4 operation and maintenance of that.
5 Not oversee it but it would be in
6 their jurisdiction. We will look at
7 potentially relocating that. There
8 is the potential to do that.

9 They're also concerned about
10 the pond just to the northeast of the
11 site, to show that. There are
12 certain buffers that may apply if
13 that's within 100 feet of the
14 property.

15 I think that's it.

16 CHAIRMAN EWASUTYN: All right.
17 Dominic, is there anything in
18 particular that Ross said that you'd
19 want to further?

20 MR. CORDISCO: That was, again,
21 really a general overview of the
22 comments. There were some specific
23 technical concerns, as Ross
24 mentioned. Some of them have ended
25 up in Mr. Hines' review memo for

1 BRITAIN WOODS

2 tonight.

3 My understanding is that the
4 portion of this property that has
5 access and stormwater also is in an
6 area that has the City's sole water
7 supply. There are two lines, a
8 30-inch line and a 24-inch line,
9 which serves the entire City of
10 Newburgh with water, as well as a
11 12-inch sewer main that's under
12 pressure at that location. I think
13 that they're actually nestled fairly
14 close together. According to the
15 City's engineers, they're fairly
16 close to the surface. The takeaway
17 from that is that they were going to
18 work with Mr. Winglovitz to identify
19 the depth of those lines and their
20 specific locations so that they could
21 be taken into consideration as the
22 review of this plan moves forward.

23 MR. WINGLOVITZ: The other
24 complication is the sewer. This is a
25 City sewer line, this is not a

1 BRITAIN WOODS

2 typical Town connection point to the
3 City sewer system, so this would be
4 an unmetered -- potentially an
5 unmetered connection point. If this
6 is a viable location for connection,
7 and I say viable because there are
8 some concerns about downstream
9 capacity that they want us to
10 analyze, they would want this
11 metered. It would probably affect
12 how -- I don't know how the existing
13 agreement is between the Town and the
14 City, but it may affect how that
15 reads. I don't know if there's
16 anything that needs to be modified in
17 that or somehow an additional
18 agreement or whatever because of the
19 connection points the Town currently
20 has with the City and this would be a
21 separate connection. I know Pat as
22 well as the City asked us to look at
23 alternate connection points. We will
24 evaluate that as an alternative in an
25 environmental impact statement.

1 BRITAIN WOODS

2 MR. CORDISCO: That is correct.
3 There was a discussion with the City
4 staff that indicated that they would
5 require a sewer meter rather than
6 calculating the potential sewer usage
7 based on the amount of water that's
8 used. In particular they wanted a
9 meter for sewer as well.

10 MR. HINES: Right now all of
11 our flows to the City are metered
12 through two points where it enters
13 the City system, either at North Dix
14 Avenue, I think, and down on 17K by
15 where Quassaick Creek crosses there's
16 a meter point. The City's engineer
17 did elude to the fact that he had
18 significant concerns about the
19 capacity of that sewer line. They
20 have existing issues with that as
21 well as the invert siphon under
22 Quassaick Creek downstream.

23 I think you have your work cut
24 out to convince them to connect.

25 MR. WINGLOVITZ: Yeah. I had

1 BRITAIN WOODS

2 reached out about a year ago and I
3 asked about capacity issues and they
4 didn't identify any. In their memo
5 and in the recent conversations they
6 definitely were concerned about the
7 potential capacity issues downstream.
8 That was identified I think for the
9 previous application on this project
10 as well. We'll have to figure out
11 how to address it.

12 CHAIRMAN EWASUTYN: Pat, I
13 could be wrong, of that 2,000,000
14 gallons that started the clock for
15 what we're now putting into it, do
16 you know how many of those gallons
17 have been exhausted at this point?

18 MR. HINES: I don't, but I just
19 saw the recent billing. The Town is
20 sending approximately 2,000,000
21 gallons a day. We're right at the
22 first allotment of 2,000,000. We
23 have 2,000,000 more gallons of
24 capacity that is owed to the Town. A
25 lot of that has been allocated for

1 BRITAIN WOODS

2 projects but it just hasn't come to
3 fruition. The City has a
4 spreadsheet. When we get the City
5 authorization letters, flow
6 acceptance letters, they have a list
7 of projects that are held to that.
8 Currently our flows are just under
9 2,000,000 gallons a day.

10 CHAIRMAN EWASUTYN: Pat, do you
11 want to speak?

12 MR. HINES: Sure. I provided
13 some comments on the initial draft
14 with some things that I would suggest
15 needed to be filled in.

16 I think blasting is a
17 significant issue on the site
18 potentially, and we would like to see
19 some test borings and a map depicting
20 a grading plan and a map depicting
21 the blasting.

22 MR. WINGLOVITZ: The only thing
23 I wanted to add to that comment is we
24 will typically try to do test pits, --

25 MR. HINES: That's fine.

1 BRITAIN WOODS

2 MR. WINGLOVITZ: -- get more
3 information, you know. It will
4 depend on the depth. There will be
5 some significant cuts and fills here
6 because this site has got some
7 topography. So based on what, what
8 I'll end up doing, once we get the
9 grading, I'll circulate a plan to you
10 and say this is what we're looking to
11 do based on what we've come up with.
12 If we can get it via backhoe, we'll
13 do it via backhoe.

14 MR. HINES: The land resources.
15 There was a statement in 3-A that
16 said focusing on steep slopes and
17 erodible soil. We want that to focus
18 on the whole site.

19 I prefer to see a list of
20 appendices that are going to be
21 included in the DEIS specifically
22 identified so there's no question on
23 what appendices and reports are going
24 to be required. I listed the ones
25 we're looking for, the geo-tech, the

1 BRITAIN WOODS

2 SWPPP, wildlife surveys, water
3 pressure and hydraulic analysis,
4 sanitary sewer design and reports,
5 traffic studies, a cultural resources
6 analysis.

7 We did note on number 5, under
8 planning and zoning, the recent tree
9 preservation ordinance that has been
10 adopted by the Town of Newburgh and
11 now is in effect and needs to be
12 addressed. That will need to be
13 addressed in the DEIS with the
14 requirements of that ordinance.

15 We're looking to have it
16 expanded on the mitigation measures
17 for any archeological issues on the
18 site. It just kind of said
19 mitigation measures. We're looking
20 for that analysis to be expanded.

21 MR. WINGLOVITZ: There was a
22 phase 1-B and phase 1-B addition that
23 was done for the site in a previous
24 application. We'll be taking a look
25 at that to see if there are

1 BRITAIN WOODS

2 additional studies that need to be
3 done based on -- if we're disturbing
4 different areas than were previously
5 disturbed, we'll look at that.

6 MR. HINES: There should be an
7 alternative analysis for the water
8 supply as well. The project
9 currently isn't served by Town water.
10 The expansion of that water system
11 should be analyzed.

12 Just some clean-up items that
13 we had there.

14 We noted the City of Newburgh's
15 deficiencies, both in their letter
16 and my telephone conversation with
17 Jason Morris, regarding the
18 infrastructure.

19 We're suggesting to add a flora
20 and fauna wildlife section,
21 threatened and endangered species.

22 The impact to the Quassaick
23 Creek watershed. There's a very
24 active group involved in the
25 Quassaick Creek watershed and the

1 BRITAIN WOODS

2 conservation of that. They've done
3 some detailed studies. I think the
4 City eluded to that --

5 MR. WINGLOVITZ: That was
6 brought up.

7 MR. HINES: -- it being
8 tributary to the Quassaick Creek
9 watershed at the City line.

10 The single access point the
11 City talked about. It does require
12 two access points based on the code.
13 I think Jim was going to take a look
14 at that as well.

15 The traffic study, I know Ken
16 Wersted will comment on that. We
17 suggested, and it would be up to the
18 Board, that 207/Temple Hill in the
19 vicinity of the Flannery Vet hospital
20 and then the intersection of 300 and
21 Old Little Britain at the Cosimos,
22 Kohl's, Route 300 there be added to
23 the study.

24 That was the extent of our
25 comments at this point, but certainly

1 BRITAIN WOODS

2 we will be addressing additional
3 comments during the public hearing.
4 Those were our kind of broad brush
5 deficiencies that we noted.

6 CHAIRMAN EWASUTYN: Jackie with
7 KALA Architects, comments at this
8 time?

9 MS. DeVALUE: We'd like to make
10 sure that the landscaping is really
11 getting considered as to what the
12 people are looking at out of their
13 windows, to be able to preserve as
14 many trees as possible.

15 We noticed that there are many
16 paths on the plan, but we would
17 really like them to be considered by
18 someone who walks the site and just
19 really decides based on what's out
20 there where the paths should go and
21 not just put them where what looks
22 nice based on a plan and not having
23 been out there.

24 Then a consideration is that
25 the large bio-retention areas, there

1 BRITAIN WOODS

2 might be some consideration on making
3 smaller ones. We are going to be
4 looking into cases of maintenance
5 where the maintenance will not have
6 to be done within a lower channel but
7 rather at the beginning where the
8 water comes in so the maintenance
9 perhaps will not be as much of a
10 concern.

11 MR. WINGLOVITZ: You're talking
12 about the two big ponds. Right?

13 MS. DeVALUE: Yes.

14 MR. WINGLOVITZ: We drew them
15 nice and big, otherwise our client
16 wants us to put a building there.

17 CHAIRMAN EWASUTYN: A field
18 change of course.

19 Jim Campbell with Code
20 Compliance?

21 MR. CAMPBELL: With the Fire
22 Code, Appendix D, there is an
23 exception for projects over 100
24 requiring two access points, but
25 there is an exception if everything

1 BRITAIN WOODS

2 is sprinklered.

3 MR. WINGLOVITZ: So we would
4 still have the two access points.
5 One would be an emergency access
6 only, if that was a preferred
7 alternative that the Board wanted.
8 Everything will be sprinklered.
9 Basically the multi-family
10 residential section of the code.

11 MR. HINES: The previous
12 rendition of this plan, circa 2008,
13 had an emergency access to Stony
14 Brook, if I recall.

15 MR. WINGLOVITZ: They were
16 trying to get one through here.

17 MR. HINES: It wasn't going
18 well I don't think. That was a
19 provision of that project.

20 MR. WINGLOVITZ: You think
21 Stony Brook had a provision?

22 MR. HINES: No. Ginsberg was
23 looking --

24 MR. WINGLOVITZ: I remember.

25 MR. HINES: -- to get that

1 BRITAIN WOODS

2 access. It was shown on the plans,
3 but I don't know that the back and
4 forth with Stony Brook was going very
5 well for Ginsberg.

6 MR. WINGLOVITZ: I had looked
7 at this site for Ginsberg back in
8 2012. I remember part of that
9 discussion was that access point.

10 MR. CAMPBELL: I do have a
11 question. You're over 200 units so
12 there are two access points required.

13 MR. WINGLOVITZ: Sorry, Jim?

14 MR. CAMPBELL: You're over 200
15 units so two access points are
16 required. Access roads.

17 CHAIRMAN EWASUTYN: Dominic
18 Cordisco, Planning Board Attorney?

19 MR. CORDISCO: In the draft
20 scope there's a section regarding
21 alternatives. The section only
22 provides for the no build
23 alternative, no action alternative,
24 which means obviously the project
25 wouldn't move forward.

1 BRITAIN WOODS

2 There were some clear requests
3 from the City of Newburgh in
4 connection with the project. One you
5 touched on, converting that one
6 access point to an emergency access
7 only, and also pulling all of the
8 stormwater facilities out of the City
9 of Newburgh. I think that the Board
10 should consider whether or not that
11 would be an alternative that would be
12 studied as part of an EIS. In the
13 absence of that, if the applicant is
14 agreeing to make those changes, then
15 it's not necessarily an alternative,
16 it's a reduced scope project. I
17 think it has to be either/or because
18 the City has identified, you know,
19 issues that they have that are
20 technical in nature that could change
21 aspects of this project.

22 MR. WINGLOVITZ: I don't know
23 that we're willing to commit -- I
24 guess I'm willing to commit to
25 studying it. I don't know how the

1 BRITAIN WOODS

2 traffic analysis is going to work
3 out, if that's something from just a
4 pure traffic capacity standpoint or
5 it will need to be full service. Pat
6 mentioned it as an alternative. I
7 would like to leave it that way so we
8 can take a look at it and provide
9 some information, meaningful
10 information as to whether it makes
11 sense to do it that way. It will
12 depend on the water potentially, the
13 crossing. If it's significantly
14 compromised, maybe that's more
15 important that it be emergency only.
16 There's going to be a lot of
17 discovery information that I think
18 we'll need to provide in order to
19 make any kind of commitment on that.

20 MR. CORDISCO: I take no issue
21 with that. I think the only issue is
22 is that the scope itself would need
23 to be amended to include an
24 additional alternative that would
25 encapsulate these different concepts

1 BRITAIN WOODS

2 so they can be evaluated.

3 MR. WINGLOVITZ: We had noted
4 that, I think in Pat's comment, where
5 he had that as an alternative.

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

9 MR. WARD: No comments.

10 CHAIRMAN EWASUTYN: Dave Dominick?

11 MR. DOMINICK: Not at this time.

12 MR. BROWNE: Nothing more at
13 this point.

14 MR. MENNERICH: No.

15 MS. DeLUCA: Nothing.

16 MR. GALLI: Nothing.

17 CHAIRMAN EWASUTYN: Procedurally
18 Dominic, can you introduce the Board
19 to the steps to follow now?

20 MR. CORDISCO: So the Board has
21 received a proposed scope from the
22 applicant. You're reviewing it
23 tonight. There are provisions under
24 the State Environmental Quality
25 Review Act regulations that provide

1 BRITAIN WOODS

2 certain steps that have to be adhered
3 to in connection with the scope. One
4 of the most important parts of this
5 is to allow for public comment. The
6 Board's practice in the past has been
7 to hold a public scoping session
8 which is treated as a public hearing
9 in the Town of Newburgh. One of the
10 procedural requirements would be to
11 decide if the Board is comfortable
12 setting that scoping session and the
13 manner of how that would be noticed
14 tonight.

15 The other thing is that scoping
16 does have a recommended timeframe
17 associated with it where the Board is
18 supposed to conclude the process by
19 adopting a final scope, which means
20 that you have to have the scoping
21 session and then you also have to
22 consider the comments and then adopt
23 a final scope within 60 days,
24 essentially, of today, because today
25 would be the start of the clock

1 BRITAIN WOODS

2 because today is the first day that
3 you're reviewing the proposed draft
4 scope. 60 days would take us out to
5 January 3rd.

6 My recommendation would be, if
7 the Board is comfortable, to set a
8 scoping session within that timeframe.

9 CHAIRMAN EWASUTYN: Would
10 everyone be satisfied to set the
11 public scoping session for the 15th
12 of December?

13 MR. GALLI: Yes.

14 MS. DeLUCA: Yes.

15 MR. MENNERICH: Yes.

16 CHAIRMAN EWASUTYN: Yes.

17 MR. BROWNE: Yes.

18 MR. DOMINICK: Yes.

19 MR. WARD: Yes.

20 CHAIRMAN EWASUTYN: All right.
21 Having that as our baseline; Dominic,
22 can you elaborate further on that as
23 far as -- and Pat Hines -- who will
24 be noticed? Will we re-notice people
25 within 500 feet?

1 BRITAIN WOODS

2 MR. HINES: That's what we
3 suggested at the work session. I
4 don't think it's required for public
5 scoping, to publicly notice, but it
6 really defeats the purpose if no one
7 knows other than people who read
8 legal notices.

9 MR. WINGLOVITZ: We have that
10 list.

11 MR. HINES: Was it 322 or did
12 it go down to 170? It was a large
13 list.

14 MR. WINGLOVITZ: It's a large
15 list.

16 MR. HINES: I think there's
17 only one parcel within 500 feet in
18 the City of Newburgh, it's that 207
19 Realty property which will be added.
20 I think that should be sent out ten
21 days prior as well, along with the
22 legal notice and the environmental
23 notice bulletin.

24 MR. CORDISCO: Yes. It should
25 also be published in the newspaper

1 BRITAIN WOODS

2 the same way as a public hearing
3 notice would be published. It
4 shouldn't be treated any differently
5 than a public hearing notice would
6 be, my recommendation to the Board.

7 Also, we'll have to take a look
8 at and coordinate on an appropriate
9 location. Given the size and scope
10 of this particular project, with the
11 surrounding residential uses, there
12 might be significant public interest
13 in the project. This room is rather
14 limited in its capacity. Mindful of
15 making sure that we comply with the
16 Opening Meetings Law requirements, if
17 we're beyond capacity of this room,
18 then you run the risk of having to
19 stop the meeting and then re-noticing
20 it even further out at a different
21 location that could accommodate a
22 larger capacity crowd. As a result,
23 my recommendation now is that we
24 actually find a space that could
25 handle a larger crowd anticipating

1 BRITAIN WOODS

2 that, that way we would avoid any
3 delay or frustration. I'm sure
4 there's nothing more frustrating for
5 the public to come out to a meeting
6 and then be told we don't have the
7 capacity to fit everyone in the room
8 so the meeting has to be rescheduled
9 to another time.

10 CHAIRMAN EWASUTYN: We'll call
11 on others tomorrow to help find a
12 location and you'll be notified of
13 that location.

14 I think the Board is
15 considering to start the public
16 scoping session at 6:00 in the
17 evening.

18 MR. CORDISCO: Two other
19 considerations, if I may.

20 CHAIRMAN EWASUTYN: Please.

21 MR. CORDISCO: One would be
22 that the scheduling of this scoping
23 session for December 15th at 6 p.m.
24 at a location to be determined is
25 subject to the applicant providing a

1 BRITAIN WOODS

2 revised scope that addresses the
3 comments that have been made so far
4 tonight by the Board's consultants
5 and subject to the Board's
6 consultants' review and confirmation
7 that those changes have been made.
8 My suggestion would be that would be
9 done sooner rather than later, given
10 the fact that there would be public
11 notices that would need to be sent in
12 order to meet the timeframes for
13 meeting on the 15th.

14 My last recommendation would be
15 in connection with written comments,
16 it would be helpful if the scoping
17 session public notice also provided a
18 provision regarding the submission of
19 written comments. For a DEIS there
20 is a mandatory requirement that there
21 be ten days for the receipt of
22 written comments. That provision
23 does not apply to a scoping session.
24 Given the amount of time that's being
25 provided here between now and

1 BRITAIN WOODS

2 December 15th, my suggestion to the
3 Board would be to limit written
4 comments to a period of within five
5 days. That they would have to be
6 received within five days.

7 CHAIRMAN EWASUTYN: The close
8 of the fifth day would be what date?

9 MR. CORDISCO: That would be
10 December 20th. So the written
11 comments would have to be received by
12 the Town by close of business on
13 Tuesday, December 20th.

14 CHAIRMAN EWASUTYN: Anything
15 from the Board Members?

16 MR. GALLI: No additional.

17 MS. DeLUCA: No.

18 MR. MENNERICH: No.

19 MR. BROWNE: No.

20 MR. WINGLOVITZ: A quick
21 question. So for the notices, we'll
22 basically follow the Town's public
23 hearing --

24 MR. HINES: I'll do the notice.

25 MR. WINGLOVITZ: You'll do the

1 BRITAIN WOODS

2 notice. We have to do the mailings?

3 MR. HINES: Yes.

4 MR. WINGLOVITZ: I should post
5 the property as well?

6 MR. HINES: Yes. It would make
7 sense. In the Town we do post the
8 properties. It wouldn't hurt to post
9 the notice in compliance with the
10 other sections of the Town Code.

11 MR. WINGLOVITZ: Pat will do
12 the paper.

13 MR. CORDISCO: This notice
14 would also get sent to all the
15 involved and interested agencies, and
16 SEQRA as well, along with a copy of
17 the scope that gets sent to them.

18 MR. WINGLOVITZ: We'll plan to
19 get the scope back to you within a
20 week and then we'll have plenty of
21 time if there's any final tweaks.

22 MR. HINES: Again, this is just
23 a draft scope. This is going to
24 address our initial comments. There
25 will more than likely be more.

1 BRITAIN WOODS

2 MR. WINGLOVITZ: It all works
3 for us. We appreciate everything.

4 We will see you on the 15th if
5 not earlier. Thank you.

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

7

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

9

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

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

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

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 14th day of November 2022.

22

23

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25

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

PILOT

Proposal to add EV charging stations

- - - - - X

BOARD BUSINESS

Date: November 3, 2022
Time: 7:40 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
JACALYN DeVALUE

- - - - - X

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

1 P I L O T

2 CHAIRMAN EWASUTYN: We'll have
3 a general discussion. Jim Campbell
4 with Code Compliance is going to
5 bring up a proposal for Pilot.

6 Jim, talk to us. Why don't you
7 bring that up and what the steps
8 would be.

9 MR. CAMPBELL: So Pilot is
10 proposing to put a charging station
11 in the front. It would be in front
12 of the building, between 17K and the
13 building.

14 Basically they're looking to do
15 -- the way I take it, it is similar
16 to Cosimo's, in front of Cosimo's for
17 Tesla. The RVs would be right here,
18 this is 17K.

19 MR. GALLI: For cars only?

20 MR. CAMPBELL: Yes. That's
21 what it looks like.

22 MR. WARD: How many?

23 MR. CAMPBELL: It looks like
24 four.

25 This was a preliminary. The

1 P I L O T

2 question came up if they needed to
3 appear before this Board. We told
4 them that they did because we have
5 all the equipment up front. Now
6 they're also talking about canopies
7 over these spots. It's a significant
8 change to the parking lot. They are
9 losing one parking space. It's four
10 charging spaces but losing one spot.

11 MR. WARD: When you turn in, is
12 it on the right side?

13 MR. CAMPBELL: As you turn in,
14 on the right, yes. If you're
15 driving, there would be a drive lane
16 to go to the RVs right there.
17 Somewhere in here.

18 MR. BROWNE: Are these generic
19 chargers or Tesla?

20 MR. CAMPBELL: I don't know.

21 MR. GALLI: EV On The Go. It's
22 probably generic. It says EV On The
23 Go in the corner. They're generic.

24 MR. DOMINICK: I think that's
25 the same outfit as Wal-Mart or Stop &

1 P I L O T

2 Shop.

3 MR. GALLI: I don't know. It's
4 not Tesla.

5 MR. HINES: There's EVs at Stop
6 & Shop? We don't know that.

7 MR. MENNERICH: Stop & Shop,
8 did they come to get a building
9 permit?

10 MR. CAMPBELL: Yes, they did
11 get a building permit. Those were
12 single stanchion things. These are
13 actually equipment like Tesla has in
14 front of Cosimo's and what Rivian is
15 going to have for high capacity.

16 MR. MENNERICH: If seems like
17 this is more of an impact on the site.

18 MR. CAMPBELL: Like I said, it's
19 the front yard.

20 MR. DOMINICK: Jim, is there
21 any ordinance about canopies in the
22 front yard?

23 MR. CAMPBELL: It would be
24 considered an accessory structure.
25 They're not supposed to be in the

1 P I L O T

2 front yard. They may need a variance
3 on that.

4 MR. WARD: Does it have any
5 visual affect with traffic?

6 MR. CAMPBELL: No, it shouldn't
7 affect traffic at all.

8 MR. HINES: You're going to see
9 it from 17K.

10 MR. WARD: I'm saying visual --

11 MR. CAMPBELL: Road blockage or
12 sight lines, no. I don't think any
13 more than the fireworks.

14 CHAIRMAN EWASUTYN: Dominic or
15 Pat Hines, a question. These parking
16 stalls, they're not really -- they're
17 still parking stalls that are
18 available to everyone and anyone, are
19 they not?

20 MR. CORDISCO: I'm smiling.
21 You can't see that I'm smiling. We
22 have those units at Cosimo's that are
23 reserved for Tesla, but people park
24 in them all the time, you know,
25 especially if other parking spaces

1 P I L O T

2 near Cosimo's entrance are full --
3 are occupied. On that point, like
4 the ones at Cosimo's say it's
5 reserved for electric vehicle
6 charging for Tesla.

7 MR. BROWNE: Does that take
8 away from their parking count?

9 MR. CORDISCO: It does.

10 MR. HINES: We had Rivian do
11 that analysis to the rear of Cosimo's
12 to make sure the unified site plan
13 had enough parking.

14 MR. GALLI: One thing about
15 Cosimo's, they're usually full all
16 the time.

17 CHAIRMAN EWASUTYN: People
18 charging?

19 MR. GALLI: They're always
20 charging at Cosimo's.

21 MR. CORDISCO: It's a smart
22 business move. I think people
23 traveling on the Thruway or on 84,
24 they stop in and get some pasta
25 fazool and charge their car.

1 P I L O T

2 MR. GALLI: The car is happy,
3 the people are happy.

4 MR. CORDISCO: The vehicles,
5 the maximum range is only 300 miles
6 under a best-case scenario. If you're
7 going from here to Boston, you're not
8 going to make it, you know. Or you
9 might just about make it. You'll
10 need to stop.

11 MR. HINES: What do you do if
12 you don't? You have to have a bucket
13 of electricity.

14 MR. CORDISCO: Be like Fred
15 Flintstone.

16 MR. CORDISCO: Looking ahead
17 fifteen years, twenty years from now,
18 there may be parking spaces to
19 address your question. I think right
20 now they are occupying spaces for the
21 majority of the vehicles like we all
22 drive because, you know, we all tend
23 to drive gas-powered vehicles still.

24 MR. GALLI: Maybe now when we
25 look at parking spaces we should look

1 P I L O T

2 at them as a separate additional
3 outside the normal.

4 MR. CORDISCO: Which is what
5 you did for Rivian as well.

6 MR. HINES: We did that with
7 Rivian and Tesla. We waived the
8 review at Wal-Mart. They came and
9 made an application. I think we
10 waived it. At that point it was
11 newer technology. The brand specific
12 ones certainly are kind of locked.
13 The Tesla and Rivian are for Tesla
14 and Rivian.

15 CHAIRMAN EWASUTYN: Is there a
16 standard that the Building Department
17 looks for? Let's say as an example
18 you say I want to see two charging
19 stations in your project, I want to
20 see four charging stations?

21 MR. HINES: We don't have that
22 in our zoning right now.

23 CHAIRMAN EWASUTYN: So they
24 could be built, put in place any way
25 they want?

1 P I L O T

2 MR. HINES: I think they are
3 subject to your review and the
4 parking count.

5 CHAIRMAN EWASUTYN: What does
6 your review encompass? Does it
7 encompass bollards? What does it
8 encompass?

9 MR. CAMPBELL: Our review would
10 be of the Building Code. Part of it
11 is bollards for impact protection. A
12 lot of it is the aspect that you review.

13 CHAIRMAN EWASUTYN: What review?

14 MR. CAMPBELL: Your review.
15 The Planning Board's review.

16 MR. GALLI: Canopies, front yard.

17 MR. CAMPBELL: Like I said, that
18 would be classified as an accessory
19 structure.

20 MR. HINES: We haven't seen a
21 canopy yet.

22 MR. CAMPBELL: We have no idea
23 what they were proposing. Like I
24 said, this is all I have seen.

25 CHAIRMAN EWASUTYN: When we ask

1 P I L O T

2 for 204 on the subject project, they
3 would have to then show on their site
4 plan details as to how that's going
5 to be constructed.

6 MR. CAMPBELL: Yes. Which
7 parking spaces are going to be --

8 MR. GALLI: And the equipment.

9 CHAIRMAN EWASUTYN: And the
10 equipment. There would have to be
11 details.

12 MR. CAMPBELL: Besides this, I
13 think they are going to be like Stop
14 & Shop, single stanchion, small
15 equipment.

16 MR. BROWNE: Did they supply a
17 visual for you?

18 MR. CAMPBELL: This is it.

19 CHAIRMAN EWASUTYN: They were
20 inquiring as to would it need to come
21 before the Planning Board. That's
22 all. So since now it's becoming a
23 rather popular -- I don't know if we
24 really have all the information that
25 we would need in the code to use as a

1 P I L O T

2 guideline.

3 MR. HINES: That's not unusual.
4 It's difficult for zoning to keep up
5 with technology. Zoning changes much
6 slower than technology does. There
7 was a time when we didn't have a
8 wireless code and people were popping
9 up cell towers.

10 CHAIRMAN EWASUTYN: Jackie, do
11 you have anything to add or any
12 experience with them?

13 MS. DeVALUE: Cell towers?

14 MR. HINES: Car charging stations.

15 MS. DeVALUE: No. I don't know
16 much about them.

17 CHAIRMAN EWASUTYN: Jim, I
18 guess you'll go back to, Wayne is his
19 name?

20 MR. CAMPBELL: I did not speak
21 with anybody.

22 CHAIRMAN EWASUTYN: You have
23 the e-mail.

24 MR. CAMPBELL: Joe Mattina
25 already told me he was going to need

1 P I L O T

2 Planning Board because with all the
3 canopies and stuff they were
4 proposing.

5 CHAIRMAN EWASUTYN: Okay. So
6 then he has to come up with what was
7 the approved number of parking
8 stalls, what was required, what is
9 being proposed as part of his site
10 plan application?

11 MR. CAMPBELL: Mm'hm'.

12 CHAIRMAN EWASUTYN: I'm asking.
13 I guess, right, Frank?

14 MR. GALLI: Yes. He'll have to
15 give us that information when he submits.

16 CHAIRMAN EWASUTYN: Dominic?

17 MR. CORDISCO: Nothing further.

18 CHAIRMAN EWASUTYN: All right.
19 We'll make an effort to reach out for
20 some kind of guidelines.

21 MR. HINES: The Town Board is
22 looking at the master plan right now,
23 which is probably something that
24 could be similar to this. As
25 technology comes up, they may want to

1 P I L O T

2 address it with a statement in there.

3 CHAIRMAN EWASUTYN: I think
4 most certainly we should have a
5 foundation and a basis for it.

6 MR. HINES: They could put in
7 there whether they want it to count
8 towards parking or deduct from your
9 parking.

10 MR. CORDISCO: You could have a
11 scenario where chargers are able to
12 charge more than just one brand of
13 car. That would count towards
14 parking. Others, perhaps not.

15 MR. HINES: If they are proprietary.

16

17 (Time noted: 7:49 p.m.)

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P I L O T

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 14th day of November 2022.

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

VERIZON WIRELESS
(2022-18)
Pressler Road

Balloon Test

----- X

BOARD BUSINESS

Date: November 3, 2022
Time: 7:49 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
JACALYN DeVALUE

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1 VERIZON WIRELESS

2 CHAIRMAN EWASUTYN: So right
3 now we don't know when the balloon
4 test is?

5 MR. CORDISCO: For the Verizon
6 new tower application on Fostertown,
7 we did receive an e-mail right before
8 the meeting that the balloon test
9 scheduled for this Saturday --
10 scheduled and noticed for this
11 Saturday has been postponed by the
12 applicant because of the forecast of
13 winds. They intend to hold the
14 balloon test on Monday, which would
15 be the rain date, the weather date
16 for that event, however they were
17 going to reevaluate that based on
18 weather as they get closer to Monday.

19 My only comment in connection
20 with this is if it goes out past that
21 date, then it should be re-noticed
22 with a new date picked by the Board.
23 There may be some delay there.

24 In addition to that, I would
25 recommend that the Town place a

1 VERIZON WIRELESS

2 notice on its website to let anyone
3 interested know that the date is
4 being postponed from Saturday to
5 Monday.

6 MR. GALLI: So we can hold
7 them up until we get the balloon
8 test?

9 MR. CORDISCO: The application
10 remains incomplete. The shot clock
11 is not running.

12 MR. GALLI: I was reading that
13 article in the town magazine John
14 gave us. They don't have as much
15 power as I thought they had. They're
16 trying to run over us. According to
17 that article, you can't just run over
18 us.

19 MR. CORDISCO: That's correct.
20 The application remains incomplete
21 because this is an essential part of
22 their application.

23 Of course, if you recall, when
24 the conversations were originally
25 happening in September, they didn't

1 VERIZON WIRELESS

2 want to wait for leaf-off conditions.
3 If it's windy on Saturday, then it is
4 going to be leaf-off conditions
5 because there are not many leaves
6 left at this point.

7 CHAIRMAN EWASUTYN: And the
8 only other minor change is I think
9 the clocks go back this weekend.

10 MR. CORDISCO: They do.

11 CHAIRMAN EWASUTYN: It may be
12 darker. I think the hours that were
13 noted in the first e-mail noticed
14 from 7 to something. It's going to
15 be a little bit limited later in the
16 day.

17 All right. Would someone make
18 a motion to close the Planning Board
19 meeting of the 3rd of November?

20 MR. GALLI: So moved.

21 MS. DeLUCA: Second.

22 CHAIRMAN EWASUTYN: I have a
23 motion by Frank Galli. I have a
24 second by Stephanie DeLuca. May I
25 please have a roll call vote.

1 VERIZON WIRELESS

2 MR. GALLI: Aye.

3 MS. DeLUCA: Aye.

4 MR. MENNERICH: Aye.

5 CHAIRMAN EWASUTYN: Aye.

6 MR. BROWNE: Aye.

7 MR. DOMINICK: Aye.

8 MR. WARD: Aye.

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10 (Time noted: 7:53 p.m.)

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1 VERIZON WIRELESS

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

4

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

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

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

15 IN WITNESS WHEREOF, I have hereunto
16 set my hand this 14th day of November 2022.

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Michelle Conero

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MICHELLE CONERO

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