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

In the Matter of

HILLSIDE LAND DEVELOPMENT
(22-27)

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

SITE PLAN

Date: February 2, 2023
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HIDES
JAMES CAMPBELL
JACALYN DeVALOE

APPLICANT'S REPRESENTATIVE: RYAN FELLENER
JOE BRUNNING
PAUL HOFFNER

REPORTED BY: Patrick DeGiorgio, Court Reporter

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

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CHAIRMAN EWASUTYN: The Town of Newburgh Planning Board would like to welcome everyone here this evening for the meeting of the 2nd of February, 2023.

This evening we have four items on the agenda. At this point I would call the meeting to order with a roll call vote starting with Stephanie DeLuca.

MS. DeLUCA: Present.

MR. DOMINICK: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWN: Present.

MR. WARD: Present.

MR. CORDISCO: I'm Dominic Cordisco, Planning Board attorney.

MR. HIDES: Pat Hides with MHE Engineering.

THE COURT REPORTER: Patrick DeGiorgio, stenographer.

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

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MS. DeVALOE: Jacalyn DeValoe,
landscape architect.

MR. MILLS: Colin Mills, HDR
Engineering, town wireless consultant.

CHAIRMAN EWASUTYN: Thank you.
At this point we will turn the meeting
over to John Ward.

MR. WARD: Please stand to say
the Pledge.

(Pledge of Allegiance)

MR. WARD: Please turn off your
phones or keep them on silent. Thank
you.

CHAIRMAN EWASUTYN: Our first
item of business this evening is
Hillside Land Development, a site
plan, located on 24 Jeanne Drive, it's
an IV zone. It's being represented by
Fellenzer Engineering in Middletown,
New York.

MR. FELLEZZER: Thank you, Mr.
Chairman. My name is Ryan Fellenzer
with Fellenzer Engineering. With me
tonight is Joe Brunning from our

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office, and the applicant, Paul Hoffner, Hillside Land Development.

We are proposing a 26,000 square foot warehouse at 24 Jeanne Drive.

The applicant had prior approval of this warehouse in 2008 I believe it was for a 24,000 square foot approval.

We are now proposing a slightly larger warehouse at 26,000 plus or minus square feet. The property is mostly the same as what the original approval consisted of in terms of the wetland and stormwater layout. The minor difference that we have here is that it's two entrances. There's one entrance on the planned east side. We show a 24-foot wide driveway with approximately 15 parking spaces for employees and loading area zone in the rear.

Just an update from our previous meeting, that we are currently in the process of getting an updated wetland delineation as well as a tree survey

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as part of the new tree ordinance that the town has. We are going to get an arborist involved and get that to Karen's office to review.

At this point I would just like to turn it over to Joe Brunning who is going to review the technical updates from this application.

MR. BRUNNING: So we got comments last time from MHE and one of the comments was about wetland service. So we show a calculation and area on the site plan and we are under the 10th of an acre allowance of disturbance at .08 acres. We have provided a curbing detail for the parking lot. The building height will be at 28 feet, under the 30-foot requirement for the aerial access driveway. We will send over the site plan for comments to the fire department or code enforcement on the fire hydrant location. We show a water service connection and details

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for the sprinklers that are going to be required in the warehouse. We have added the Town of Newburgh water sewer notes to the plan. We have, as shown, an updated stormwater plan which shows a stormwater pond along the storm tank units for underground storage. And a draft SWP has also been included in this submission. A final one will be included at a later date. And we will schedule a percolation and testing for the septic field as soon as the weather permits that to happen. And we have revised our gray plan from the original submission in order to disturb less of the wetland impact. For the ARB approval that will happen at a future date and we will provide a landscaping and tree preservation plan with an arborist that we will get involved and approval from Karen as well.

So those are all the comments from the last time that we were here.

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Thank you.

MR. FELLEZZER: We would love to get the board's comments and an update on Pat's technical comments for this latest submission.

CHAIRMAN EWASUTYN: Any board members for comments? Stephanie DeLuca.

MS. DeLUCA: Yes. I was just wondering about the buffer area butting up against the property. Can you tell me something about that?

MR. BRUNNING: We will provide a buffer on the sides of the property as well, tree landscaping buffer.

MR. HIDES: She is talking about the stormwater pond, there's a residential project proposed to the rear.

MR. BRUNNING: Whatever is not being preserved will be preserved and also do a buffer around it.

MR. FELLEZZER: To answer the question, there's an existing buffer

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towards the rear of the pond. The majority of the property has been cleared, but we are maintaining as much as we can around the stormwater pond and that the tree survey will tell us more, exactly what will remain and what will be removed for the construction of the stormwater pond. There is a buffer that will lead to the residential property concerned.

MS. DeLUCA: Thank you.

CHAIRMAN EWASUTYN: Dave Dominick, any comment?

MR. DOMINICK: We talked in the workshop about the height and our landscape architect is going to talk about that. What are you going to do so it's not so massive or industrial?

MR. BRUNNING: One of the comments we got before is we will provide a tree line along Jeanne Drive and then also provide some screening around the front of the building and there will be the buffer on both sides

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of the property.

MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: Ken
Mennerich, comments?

MR. MENNERICH: You did get
Karen's comments on the project;
right?

MR. BRUNNING: Yeah, I believe
we received them the other day.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Cliff Brown,
anything?

MR. BROWN: Nothing.

MR. WARD: With the building
itself, with the ARB and design
looking instead of just a box, whether
it's painted or whatever it is.

MR. FELLENER: We will provide
an elevation if you would like of the
front of the building just to get an
idea of what it's going to look like
and add that to the plan in the next
submission.

MR. WARD: Yes, but not just

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Plain Jane looking.

MR. FELLENER: We want to comply with the landscape regulation as well. It will be a good looking building. It's not going to be a building that's out of the character of the community.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Comments from Jim Campbell, code compliance?

MR. CAMPBELL: No comments at this time.

CHAIRMAN EWASUTYN: Jacalyn from Karen's office?

MS. DeVALOE: So it's really just the comments that we sent to you that the tree inventory does need to be done, need to identify all the specimen trees, protected trees, significant trees, what trees are going to be protected, preserved, undisturbed, to be removed or disturbed. Trees that are dead, diseased or damaged also need to be

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identified. Trees that are inventoried must be tagged, tagged with metal tags according to the inventory which must be shown on the site plan and make sure the nails are tight. We want to make sure there's definitely going to be screening on the south side of the property near the stormwater basin and the stormwater pond and the proposed residential things there. We really would like to see some kind of seed mix such as Ernst on the slopes of the pond. You just have lawn there. Same with like the rest of the site. At some point it was cleared, it was part of the wooded area around it so we consider using like a low mow or meadow seed mix as a lawn alternative such as an Eco-Turf mix with Microclover, a Fescue clover mix. It will do a lot more ecologically. It will be lower maintenance. It will be just better all around.

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On the east property line you showed Norway Spruces with Maples. Evergreens seem to be struggling on commercial sites where the soil isn't right and it's compacted and especially now that we have climate change coming, so evergreen trees are experiencing more diseases that they normally get in warmer climate so they are -- a lot of companies don't really know what to do about that right now. We would like to see deciduous trees, especially species that are found in nearby wooded areas have been doing well. We like to see them planted closely together about 15 on center so that they will form a better buffer between properties.

Screening, a good buffer between the property should occur within probably 10 years of planting and they will be more ecologically out of control than the evergreens.

Another thing that we want to

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express is that the planting details shows four inches the mulch. A lot of times when we do inspections we find that mulch has been butted right up against the trunk of the trees so we would really like to see that the detail work, show that mulch will not be -- no mulch six inches from the base of the trees and shrubs. The mulch will damage the trees over time.

Also you have to take the warranty notes and landscape bond notes on the page for the -- that are the town standard.

The other thing, dense hew, you don't want to show that. Highly susceptible to deer browsing. It's a short growing shrub. It's not going do anything to soften the facade of the warehouse building. We gave a couple of options for shrubs that will grow on the north side. There's a line of trees shown to remain along the west property line. Given the

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proposed gradings the trees sits south of the 406 (inaudible) and you can't grade that close to trees without doing damage to the trees. And yes, we would like to see street trees generally made of tree species such as Red Maples 40 feet on center. If there's going to be -- there has to be good planting in front of the buildings and the facade, it's not going to be a box. If it's a box it has to be hidden. If it's something architecturally a little nicer we want to see stuff that is going to be tall to bring down the scale of the building, but also place it in way that's complimentary to the architecture of the building. Thank you.

CHAIRMAN EWASUTYN: Okay.

MR. FELLEZZER: After reviewing the comments we agreed with them. Once we have the tree inventory completed that will also give us a lot

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of information on that. Boundaries between the residential zone and we will work with your office on the exact type of species that you would like for the buffer number and size of the property in the front. We don't have any issues with that.

CHAIRMAN EWASUTYN: Pat Hides of McGoey, Hauser & Edsell.

MR. HIDES: We commented on the wetland delineation being dated on the site. You did address that an update will be provided. We noted that the grading plan had been significantly revised and reduce the wetland impacts. We did not receive a draft SWP. I don't have it.

MR. FELLENER: It might have been a reference to the stormwater plan.

MR. HIDES: We did get a revised plan. I don't have the report that goes with it. We are waiting for the sanitary sewer design. There's been a

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wall added to the plans to accommodate the grading at the loading dock area.

MR. BRUNNING: Yeah, over at the edge of the parking lot there's going to be a retaining wall to have enough room for the water pump.

MR. HIDES: If we can get some details on that, top and bottom elevations of the wall. There are some comments on the water design to meet town water requirements that we have there. We did note that the bulk table has been revised to show 28 feet. The tree preservation plan we have already talked about. The Planning Board, we circulated for lead agency on 7 December and we received one response from the Parks Recreation Historic Preservation, so the Planning Board tonight can declare itself the lead agency for the SEQR review of the project. That's all we have.

CHAIRMAN EWASUTYN: Will someone make a motion to declare lead agency,

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for the Town of Newburgh Planning Board declare lead agency for Hillside Land Development?

MR. DOMINICK: Motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick, second by John Ward. Roll call vote starting with Stephanie DeLuca.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWN: Aye.

MR. WARD: Aye.

MR. HIDES: There was some discussion about the look of the building. This board does serve as the architectural review board. An architectural review submission is required as part of this approval process.

MR. FELLEZZER: No problem. In terms of this application, would a

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public hearing be required? And if so, would that be scheduled at this meeting or a subsequent meeting?

CHAIRMAN EWASUTYN: Public hearings for the site plans are discretionary by the Planning Board. Generally speaking we will first have to complete SEQR before we can take that into consideration.

MR. FELLEZZER: Thank you.
Understood.

CHAIRMAN EWASUTYN: Thank you.

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

In the Matter of

VERIZON WIRELESS
(22-18)

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

CELL TOWER

Date: February 2, 2023
Time: 7:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HIDES
JAMES CAMPBELL
COLIN MILLS

APPLICANT'S REPRESENTATIVE: SCOTT OLSON, ESQ.

REPORTED BY: Patrick DeGiorgio, Court Reporter

MICHELLE L. CONERO
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CHAIRMAN EWASUTYN: Our second item of business this evening is Verizon Wireless. There's a new cell tower being proposed on Pressler Road in an AR Zone and is being represented by Tectonic Engineering.

MR. OLSON: Good evening, I'm Scott Olson, attorney from Young Sommer. It's been a couple months I think since we've been here, but we have been kind of busy. As you know we conducted the balloon test in December. Tectonic completed the visual analysis based upon that balloon test. We responded to HDR's completeness memo that was delivered to the board on the 17th or so of last month. I know you have a whole bunch of information before you.

Just to summarize quickly, the visuals like I said are there. I think they do a very good job at showing that this 120-foot tower, while it will be visible from certain

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locations, it has to be, but it's fairly well concealed within that four mile diameter that we looked at based on topography and vegetation. The pictures, I think that we looked at 24 locations, seven of which the tower would be visible from. But of those seven, even though they are visible a lot of times you are looking through trees or it's just above the tree line along Pressler Avenue or a few locations where it's a little more visible than others, but that's kind of the nature of the structure. So that's in the record now.

We provided the additional radiofrequency information that HDR asked for. We did a supplemental height justification showing what the height coverage would be at 96 feet, a 96-foot antenna center line instead of 116 that we are looking at. Once this board gets to the point of having a public hearing I'll have the ARB

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engineer here and he can go through with you in detail if you have any questions. What he told me and what the maps show is that there is a decrease if you went down to 20 feet lower, you are basically going to lose out on certain coverage areas. That's there.

We provided an FAA analysis that shows that we do not need any painting, marking or lighting and we provide the RF emissions study that shows that we are in full compliance with the FCC requirements in terms of exposure to the general public.

So that's just a summary of what we have done and submitted to you. I'm happy to answer any questions that you may have.

CHAIRMAN EWASUTYN: Mr. Olson, we will turn it over now to Colin Mills who is representing us along with Mike Musso, our communications advisors.

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MR. MILLS: Good evening, Mr. Chairman, members of the board. HDR recently received the filing which was in response to as Mr. Olson said to the September 20th initial application completeness review memo. We have taken an inventory of the materials that has been provided and we compared that to what was requested in our memo. In general terms the applicant appears to have checked many of the boxes that needed to be checked with us and any additional questions or clarifications that we might have during as we go through our technical review will be resolved with the applicant submitted through e-mail and its agents.

As Mr. Olson indicated, a balloon test was completed on Saturday, December 10th. It was noticed ahead of time with the temperature requirements and it was conducted following town requirements.

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I was there personally and went around with the Tectonic representatives to confirm the visibility and view points as well as assess potential other view points and we made a field call to request additional photographs which we did and we stopped at a couple different places including (inaudible). After the balloon test we worked directly with Tectonic to identify which photographs should be developed and it turned out to be most of them. And as Mr. Olson indicated, these are relatively limited compared to the total number of viewpoints.

Simulation scenarios we requested included preliminary and conventional monopoles in both (inaudible) and ground photos, both with and without co-locations to provide the board with a number of representations of what the tower might look like. We also requested (inaudible).

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Other things that were addressed by the applicant included the submittal of the visual resources evaluation which documents tests and methods employed before both the photo captures in the field and simulations rendered and attachments.

Also as indicated, we have received an RFS justification report as well as the engineering necessity case which is the selection of the site and why that was chosen in terms of coverage and capacity needs for Verizon.

It's also noted here that the completeness of the responses of these documents is being reviewed. As mentioned before any additional comments or questions you might have will be brought up to the applicant.

We also noted that there were revisions to the drawings with the relocation of the access road off of the proposed -- the proposed access

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road off of the utility corridor outside of the easement. We are looking at that as well.

And then we received an RF emissions report. It was noted of the structural analysis. However, we have a structural certification letter from the initial filing as well as from some additional comments from the engineering firm, Tectonic.

We also had several other kind of catch-all categories and a completeness memo that was a smaller request for clarifications that seem to be responded to by the applicant. So we are looking overall for those things.

The next steps for us is to do a deeper technical review of the filings and we are preparing a memo which includes an overview of what the application is to summarize all of the components as well as looking at covering capacities and assessing the

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justification provided to us by the applicant. Whether or not conformance with radiation requirements by the FCC are met, understanding that alternate sites, site analysis and try to understand this was relative to the site as well as reviewing individual resource evaluation, structural components and then we will provide a summary of our findings as well as any recommendations for the board to consider moving forward.

CHAIRMAN EWASUTYN: Colin, when do you expect to have a summary of your review and a complete list of that review?

MR. MILLS: For the technical memo submittal we would probably be able to have that completed, allowing for time for questions and responses to go through about approximately two weeks meetings from now.

CHAIRMAN EWASUTYN: Two meetings from now brings us to what date?

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MR. HIDES: March 2nd.

MR. MILLS: We will have it submitted in advance of March 2nd.

CHAIRMAN EWASUTYN: When you say "we will have it submitted in advance," just so the board knows that they have time to read it, that would be in the window of how many days approximately?

MR. MILLS: The week prior.

CHAIRMAN EWASUTYN: Excuse me?

MR. MILLS: The week prior. Probably at least 10 days.

CHAIRMAN EWASUTYN: Are you then suggesting to the board that we reschedule the Verizon application for the -- what's the date on that, Pat?

MR. HIDES: March 2nd.

CHAIRMAN EWASUTYN: March 2nd, is that what you are recommending to the board?

MR. MILLS: If that's what the board would like to do, yes.

CHAIRMAN EWASUTYN: Mr. Olson,

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are you okay with that?

MR. OLSON: Yes, Mr. Chairman.

CHAIRMAN EWASUTYN: Any further
comment?

MR. OLSON: No. Thank you.

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

In the Matter of

THE ENCLAVE
(22-25)

Route 300 & Gardnertown Road
Section 34; Block 1; Lots 46, 52.12 & 53.5
Zone: R-3

MULTI-FAMILY SITE PLAN

Date: February 2, 2023
Time: 7:30 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ALEXANDER MAIN, ESQ.,
ROSS WINGLOVITZ and NICHOLAS MINOIA

REPORTED BY: Patrick DeGiorgio, Court Reporter

MICHELLE L. CONERO
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Newburgh, New York 12550
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CHAIRMAN EWASUTYN: The next item of business is The Enclave. It's located on Route 300 and Gardnertown Road. It's a multi-family site plan. It's in the R-3 Zone and it's represented by Engineering & Survey Properties, PC.

MR. MAIN: Good evening, everyone. My name is Alexander Main. It's finally nice to speak to you all. I'm an associate attorney at J & G Law over in Walden subbing in for John Cappello tonight. We understand that the board will making a SEQR determination tonight and I'm here with Nick Minoia, Steve Weinstein, Ross Winglovitz and Rubin Bock.

MR. WINGLOVITZ: Good evening, Ross Winglovitz. We were last before you end of November, beginning of December regarding lead agency coordination for the project. The board circulated their intent to be lead agency and the time frame has run

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early in January. We are before you tonight to affirm lead agency and get a determination regarding SEQOR and moving forward under SEQOR for the Environmental Impact Statement.

We did see Pat's comments. We feel we can address these in an expanded EAF. We'll leave that obviously to the board's discretion as to what they think is the best alternative based on Pat's findings of potential environmental impacts.

We also are in receipt of Karen Arent, landscape architect's, comments. I'll be glad to review those as the board feels is appropriate.

CHAIRMAN EWASUTYN: Pat Hines, do you want to comment? Do you have a comment review letter?

MR. HINES: Yes. We issued the comment review letter that states that we circulate for lead agency on the 6th of December. In response to that

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we received a no impact letter from the Office of Parks, Recreation and Historic Preservation. None of the other agencies responded so it would be appropriate tonight for you to declare yourself lead agency as no one objected to your Notice of Intent.

Our second comment identifies broad brush potential environmental impacts including a lack of existing sewer service at the site, the presence of federal wetlands, traffic impacts at the New York State Route 300 and surrounding intersections, soil erosion sediment control, a 100-year flood plain on the site, in compliance with the tree preservation ordinance, a disturbance of greater than 10 acres which by definition triggers a Type 1 Action. Impacts to Quassaick Creek including the street crossing. Impacts associated with potential blasting. The board doesn't have any information regarding that

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yet. The potential impacts to threatened or endangered species. The long form EAF identified habitat for Indiana bats, a federally endangered species. We also noted that the wetland delineation on the maps is dated 2004 and I believe that that should be updated to determine if any changes to those wetland boundaries have occurred since 2004. I would suggest that we review the Part 2 of the EAF this evening. I have gone through it and made some suggestions. As a requirement of SEQR we do need to address the impacts by analyzing them through the use of the Part 2.

CHAIRMAN EWASUTYN: You have the floor so to speak.

MR. HINES: I have the Part 2 in front of me. The first category is impact on land. Proposed action may have involve construction on or physical alteration of the land surface of the proposed site. We

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suggested that to be a yes. The first bullet under that is proposed action may involve construction on land with depth to the water table is less than three feet. We identify that as a moderate to large impact. Again, if the board disagrees with any of my comments, please jump in.

Proposed action may involve construction on slopes of 15 percent or greater. That is also the case and we identified that as a moderate to large impact. Proposed action may involve construction on land where bedrock is exposed or generally within five feet of the surface. We are identifying that as a potential large to moderate impact if blasting is to occur.

Proposed action may involve the excavation and removal of a thousand tons of natural material. We put that as a no or small impact.

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construction that continues for greater than one year. We identify that as small impact as the project probably will go on for more than a year.

The proposed action may result in increased erosion, whether from physical disturbance of vegetation or removal, we identified that as a potential large -- a moderate to large impact. Proposed action be located in a coastal hazard area, and the project is not located in that area so we checked that as a no.

The second item is impact on geologic features: Proposed action may result in the modification or destruction of or inhibit access to any unique or unusual land forms on the site. There are no unique or unusual land forms on the site. So that was a no.

Impact to surface water: The proposed action may affect one or more

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wetlands or other surface water bodies, and we checked that as a yes. Obviously there is a stream crossing and Quassaick Creek kind of forms the eastern boundary of the site.

The proposed action may create a new water body. That is a no.

Proposed action may result in an increase or decrease of over 10 percent or more, or more than a 10-acre disturbance to a surface water body. That's a no.

Proposed action may involve dredging of more than 100 cubic yards. That was a no.

Proposed action may involve construction within or adjoining a fresh water or titled wetland or the bed and banks of any water body. We identified that as a moderate to large impact. The project does cross federal wetlands and requires a crossing of Quassaick Creek for the access road.

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Proposed action may create turbidity in a water body, either from upland erosion, runoff or disturbance of bottom sediments as identified and the Quassaick Creek crossing exists so we identified that as a moderate to large impact.

Proposed action may include construction of one or more intakes, that's a no.

Proposed action may include construction of one or more outpour or discharge of waste water and surface water, that's a no.

Proposed action may cause soil erosion or otherwise create a source of stormwater discharge that may lead to facilitation or degradation of receiving water bodies and we identified that as a moderate to large impact.

Proposed action may affect quarter quality of any water bodies within or downstream of the proposed

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action. We also identified that as a moderate to large impact. Proposed action may involve the application of pesticides or herbicides. We identified that as a no or small impact.

Proposed action may require construction of new or existing waste water treatment facilities and we identified that as a no. Currently the project before the board is proposing to connect to a possibly proposed sewer collection system, so no treatment is currently proposed.

Impacts on ground water:

Proposed action results in new or additional uses of groundwater or may have potential to induce contaminants in ground water. We identify that as no. The project is proposed to hook or connect to the existing municipal water system.

Impacts on flooding: Proposed action may result in development on

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land subject to flooding. We checked that as a yes as there is a hundred year flood plain upon the project associated with Quassaick Creek. We identified items A through B under that as potentially large impacts, they have to do with the flood plain being on the site.

The proposed action may change the flood water flows that may contribute to flooding. We also identified that as a moderate to large impact.

There is no dam proposed on the site so we checked that as a no.

Impacts to air: Proposed action may include a state regulated air emission source. We identified that as a no and it does not exceed any of the bulleted items under that.

Impacts to plants or animals: Proposed action may result in a loss to flora or fauna. We checked that as a yes. The first item underneath that

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has to do with affecting New York State or federally endangered species. The EIF identified habitat for Indiana bats, so we identified that as a large to moderate impact.

The second item is proposed action may result in reduction or degradation of any habitat used by any rare, threatened or endangered species as listed by New York State or the federal government. We identified that as a yes. The project impacts greater than 10 acres of potential habitat for the protected bat species.

The other items under that are no until you get to H. The proposed action requires the conversion or more than 10 acres of forest, grassland or other regional or locally important habitat. Again, the action will remove greater than 10 acres of forest so we checked as a moderate to large.

Under impacts to agricultural resources: We identified that as a

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no. There is no agricultural activity on the site. It's completely wooded at this point.

Impact to aesthetic resources:
The land use of the proposed actions are obviously different from or in sharp contrast to current land use patterns between the proposed project and a scenic or aesthetic resource. We identified that as a no. I don't know of any scenic or aesthetic resources on the project site.

Impacts on historic or archeological resources: We identified that as a no based on the no impact letter received during the lead agency circulation from SHPO.

Impacts on open space: The proposed action may result in loss of recreational opportunities. We identified that as a no as there are currently no recreational opportunities on the site.

Number 12 is the critical

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environmental areas. The project is not located within a critical environmental area. The town does have one, but it's outside that area.

Impacts on transportation: We identified as a yes. Projected traffic may exceed capacity of existing roadway network. We are all aware of the issues of the intersection right outside of the building here. Some projects are already contributing money to mitigate that intersection. So we identified the traffic issues there as moderate to large. The other bulleted items under that are not exceeded.

Impacts on energy: We identified that as a no as it doesn't exceed any of the thresholds or bulleted items underneath it.

Impact on noise, odor and light: We checked that as no. None of the bulleted items underneath are exceeded.

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Impacts on human health: We also identified that as a no and none of the items under there warrant any significant impacts.

Consistency with community plans: The project is consistent with the underlying zoning as the use is permitted on the site with Planning Board review and Town Board approval.

Consistency with community character: Is the project inconsistent with existing community character? We identified that as a no as it's compliant with the underlying zoning, unless anyone takes exception to that.

That is the last page of the document. So several items were identified as moderate to large and I'll let Dominic jump in here and explain the ramifications of that.

MR. CORDISCO: In making a determination of significance, either a negative declaration where there's a

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finding that there's no significant impacts associated with the project or alternatively a positive declaration where you are identifying the fact that there is a potential for at least one significant environment impact. All it takes is one. And so Mr. Hines has suggested that there are several areas where there's a moderate to large impact associated with the project and so if the board concurs with that, the board would be within its jurisdiction to require the preparation of the Environmental Impact Statement for this project. By doing so, you provide a thorough analysis for the project and all of its various different impacts. You also expand the ability for the public to participate in that process because of the public scoping session which is now mandatory for projects as well as the public hearing on the Draft Environmental Impact Statement.

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But another important aspect of this is that the EIS process, the pos dec process does provide the board with the ability to require the applicant to look at alternatives. For instance, one of the alternatives could easily be how the project connects to sewer. The current proposal is that the sewer be connected to the site through the action or participation of third parties which may or may not occur so there may be other alternatives for sewer to be provided to this site, but that would be needed to be seen and evaluated as part of the review. The EIS process provides the board the ability and requirement to look at alternatives to the project.

CHAIRMAN EWASUTYN: Open up now to discussion for board members. Position on declaring a positive declaration on The Enclave as presented to us by Pat Hines of

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McGoey, Hauser & Edsell, an interpretation of the process by the Planning Board attorney Dominic Cordisco. Stephanie DeLuca?

MS. DeLUCA: I'm going to pass for a minute.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I believe it's warranted on this project. I take Pat and Dominic's advice for recommendation.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I concur.

CHAIRMAN EWASUTYN: Cliff?

MR. BROWN: I also concur.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: Yes.

CHAIRMAN EWASUTYN: Pat Hines and Dominic Cordisco summarized it. At this point we should declare

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ourself lead agency. Will someone make that motion?

MR. WARD: So moved.

MR. BROWN: Second.

CHAIRMAN EWASUTYN: Motion by John Ward, second by Cliff Brown. I'll have a roll call vote starting with Stephanie DeLuca.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWN: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Dominic, do you want to summarize this for us?

MR. CORDISCO: Based on the moderate to large impacts identified in Part 2 of the EAF, the board would be authorizing the preparation and issuance of Notice of Positive Declaration. That would be the next step. That notice goes out to all of the involved and interested agencies

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and then this will also indicate that scoping will occur, but that will be followed by a separate notice as no scope has been submitted at this time.

CHAIRMAN EWASUTYN: Alex, are you okay with all of this?

MR. MAIN: Yes.

CHAIRMAN EWASUTYN: You okay with all of this?

MR. WINGLOVITZ: Understood. We have been down this road before on this project. The previous pos deck was the subdivision, so I somewhat anticipated this.

CHAIRMAN EWASUTYN: Anything else?

MR. CORDISCO: We need to take a motion.

CHAIRMAN EWASUTYN: Motion to adopt the positive declaration?

MR. CORDISCO: Correct.

CHAIRMAN EWASUTYN: Can someone make a motion to adopt the positive declaration for The Enclaves?

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MR. DOMINICK: I make a motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by
Dave Dominick and a second by John
Ward. Please have a roll call vote
starting with John Ward.

MR. WARD: Aye.

MR. BROWN: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. WINGLOVITZ: Thank you very
much. Karen's comments we will take a
look at to do what we can to
incorporate those into the plan. She
has some good suggestions as always.
We look forward to working with her
and the board in developing the plan.
Thank you.

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

In the Matter of

OVERLOOK FARMS
(19-23)

5417 Route 9W
Section 9; Block 1; Lots 10, 11, 56.21 & 56.22
Zone: R-3/B

SITE PLAN

Date: February 2, 2023
Time: 7:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ANTHONY GUCCIONE
PETER GAITO, JR.

REPORTED BY: Patrick DeGiorgio, Court Reporter

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

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CHAIRMAN EWASUTYN: The last item of business this evening is Overlook Farms. It is a site plan located on Route 9W. The Zone is R-3/B. It's being represented by JMC.

MR. GUCCIONE: Good evening. My name Anthony Guccione and I'm with JMC. I would just like to give an update on the Overlook Farms community project.

We submitted some updated documents to your board prior to this meeting. We are continuing to coordinate with the Army Corps of Engineers for the relocation of the water course at the front of the property. In response to working with the Army Corps, we moved the retail building about nine feet further from 9W. We removed a row of parking that was here on this side and made the retaining wall. This allowed us to maintain more of a natural water course -- the natural course of the

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water course and increase that green space which was requested by the Army Corps of Engineers. We are getting very close with them. That's reflected as the larger green space here.

We prepared a tree preservation plan in accordance with the town's new Tree Preservation and Protection Ordinance that was recently adopted. We have all the existing trees at the site surveyed. All the trees over 10 inches in diameter and breast height. We had them identified by an arborist for condition, species, size. That was all documented on the plan that was in the package that was submitted. We prepared the calculations in accordance with the ordinance and came up with a replacement number of trees. We have about 2.8 times the required number of replacement trees proposed on the tree mitigation plans that we prepared for the project. If you

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would like, I could go into that in a little more detail, I would be happy to do that.

We add some landscape screening. There was a public hearing on that requesting that screening has been provided. We are continuing to coordinate with the New York State Department of Transportation on the improvements on 9W. We are about to submit a Stage 2 application for the D.O.T. tomorrow. We will continue to follow through with that.

The submission we made were responses to the recent comment, the last comment that we had gotten from MHE and Creighton Manning. They responded. We just received a couple of new comments. We will whittle down the comments and we will be happy to respond to those in writing as well. We will be happy to answer any questions.

We have the project architect

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here, Peter Gaito. Mark and Stan are here as well.

CHAIRMAN EWASUTYN: Start with architecture.

MR. GAITO: Peter Gaito, Jr. So as an overview, there's two building sizes, very similar style. We have the clubhouse and retail building. And these are the buildings. These are the building types and as you know the sites are sloping gradually down to Route 9W, so we are taking the position of the serpentine road weaving with the roads working with the land. One side of the building is two stories and the other side is built into the hill and there's a ground floor and half the building starting forward.

The buildings themselves, I have some samples I brought the last time, some siding, some physical materials. This is generally what they are going to be. Some siding colors, we have

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window colors, roof colors. The actual samples are right there (indicating).

This is going to be the same composition of materials for all three buildings. For the built residential, for the clubhouse as well as the retail building. This is sort of a simple vernacular form. There's some red, there's some off white and some balconies on some of them on the taller side and landscaping all around. The other building type is very similar, except there's a garage section, just in the center section of the residences so three per side, garage door each side as well. Just from this section here and the rest of the vernacular design is similar. Inside the garages you are going to have charging units for the cars as well as charging stations throughout this site on all levels. Definitely this side in here as well.

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The clubhouse is similar. So the clubhouse is a similar looking field to a community aspect for all the buildings. This is a front approach. There's a side view and then this is the rear. Here is the side facing the pool. And then the plan on this is sort of simple. Just a simple L shape with a pool and an outdoor deck here and the pond is to my left. So it's kind of a large open mixed space with a kitchen, this section here and adjacent connecting exercise room with a little playground connected to that which also connects to the pool, it's an all fenced in pool. The aspect of the pool. There's the house. Outside storage, mechanical room and some bathrooms and outdoor showers.

The retail building is also very similar in look and feel. The retail building -- this is the same idea. Some vernacular forms replicating the

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clubhouse and the residential, same color pallet and it's broken up. There's one big monolithic front which allows different variations of shadows and some overhang area and the retail section here.

MR. HINES: That's the 9W frontage?

MR. GAITO: Yes. Same color pallet, same materials, same everything as the clubhouse and the residences. Everything is fully screened. Mostly screened. Just from a rendering aspect here, the JMC site plans shows the screening area around everything, all buildings. So that's essentially what we are talking about.

MR. HINES: We talked at the work session and we had some discussions about the sewage treatment plant and the use of the containers and the look of that.

MR. GAITO: That's a great point. What happened was that there

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was a long transition, but to catch you up to speed, the site plan will show right behind the retail section up here, the containers themselves will be painted a dark green and they are only nine feet tall. And if you look at the landscaping around it, all four sides it's a mix of evergreen trees, not deciduous, evergreens, and they are starting at eight-foot tall at planting. A mix of arbor vitae and some other evergreens in there. They will be at least starting at eight and going up to 10 to 12 feet tall. Before we screen and set back, there will be layers of screening, an access road, screening again, the containers which are nine feet tall and around all four sites. This disappears. It looks like a bunch trees and green. Rather than dress it up, it actually shrunk, got smaller and more compact and it's screened with evergreens.

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CHAIRMAN EWASUTYN: Comments
from board members. John Ward?

MR. WARD: It's not enclosed at
all, just shrubs or trees?

MR. GAITO: It's a
self-contained unit. There's trees
around it, outside of it. It's like a
little preformed box that is all
sealed up and then there's a little
space and screens in front of that.

MR. WARD: My other question and
I said it every time, with your peaks
on your buildings, if you can put some
type of accent. It looks plain, a box
with a triangle on it. Some type of
-- other projects in the town you have
it. Gardnertown you have an accent on
the peak. It looks a hundred percent
nicer than a plain box. I've said it
every meeting.

MR. GAITO: We looked at it. I
do remember that. We tried some out.
What we thought would be appropriate I
show here, but you are talking about

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some of the peaks here?

MR. WARD: Yes.

MR. GAITO: What we can do is some sort of bracketing if that's what you are thinking about. A bracket in front of that space, but kind of dresses up the top.

MR. WARD: You can put a wood strip just as an accent.

MR. GAITO: Sure, we can do that. Absolutely.

MR. WARD: Thank you.

MR. GAITO: Absolutely.

CHAIRMAN EWASUTYN: Cliff Brown?

MR. BROWN: To look at the architectural, I'm kind of struggling what kind of concept you are trying to show there. Personally, I'm looking at it and I don't like it. To me it's not appealing at all. I don't know, I don't know what you are trying to -- I don't know what concept or what you are trying to show there with these buildings once you look at them.

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Typically most places that I've seen doing this kind of work you have a theme, you have something. I don't see anything there. I don't like it. I think it's ugly. Sorry.

MR. GAITO: I've been in front of a lot of boards over the years, and I've never heard that phrase. This stems of the colors from a white farmhouse and red barn. Upstate New York, that's the general theme. You were looking for a theme. The theme is an homage to white farmhouses and accessory red barns on the property. The shadow which represents the space, the distance as the barns are not actually connected to the white farmhouse. That's appropriate for upstate New York. With the shadow in play, with the gray and the reds and off whites, they all offset nicely. So the changes of the seasons and color of the trees.

MR. BROWN: So you are trying to

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capitalize on a farm/barn appearance?

Is that what you are saying?

MR. GAITO: It's not capitalizing. It's an homage to the farm aspect that has been a part of New York for a long time. It's just all over the place. That's generally the theme. Rather than a plain one unified color box, we are trying to break up the massing, we are trying to individualize as opposed to one boxcar, army barracks up on the hill look. We didn't want to do that. We break it up with the roof forms, the individuality of the colors to break down the scale that you might see otherwise.

MR. BROWN: Do you have a projection of what you would be seeing from 9W looking up?

MR. GAITO: This building is about 900 feet away from 9W. What you would see, if I still have that one, this is the view from across the

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street. As you can see as you go farther up the hill visually you are not going to see this. Unless you live here, this will be just sort of cottages up on the hill. The retail you will see closer to Route 9W, this is set back. The clubhouse is here in terms of the angle and screening, you won't see that at all. By the time you get past the pond it will just fade into little tiny dots.

MR. BROWN: So the barn looking thing at the bottom, on the bottom of the easel, the barn looking thing down there --

MR. GAITO: This here?

MR. BROWN: No, on the floor.

MR. GAITO: Here?

MR. BROWN: Yes, right there.

Okay. I still don't care for it, but that's okay.

CHAIRMAN EWASUTYN: The clubhouse will be constructed at one point early on in the project, later

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on in the project?

MR. GAITO: Early on. Same time as the rest of the construction.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: The middle section there, that's the end view?

MR. GAITO: Thank you for bringing that up. This is the end view coming down the hill. It's a two-story section that's here, working with terrain, a serpentine road coming down and this is the view as if you are walking up the side of the house.

MR. MENNERICH: How come it doesn't show up as red?

MR. GAITO: This one, let's see. We wanted a darker gray with some red accents in there to kind of shelter the roof a little bit better. Because there's more screening there too, we probably -- too much of a gray pop, if I look out your window and saw this red coming too close to you so we sort

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of quieted it down on the sides. We left the greenery to itself. It hugs the roofline a little bit and rises up and over the roofline.

MR. MENNERICH: The other question I have, you showed the view where the garages were in front of the units?

MR. GAITO: They are at the bottom of the units.

MR. MENNERICH: At the bottom of the units?

MR. GAITO: Yes.

MR. MENNERICH: Are they on all buildings?

MR. GAITO: No, just on some of them. Most of the buildings up on the hill have them. The ones without them are the ones close to the pond. So there's three big buildings close to the pond, they do not have them, but everything going up the hill have garages too.

MR. MENNERICH: They will be

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visible from 9W, but so far back you probably won't even notice them?

MR. GAITO: Yes. And I think most of them -- some face up the hill anyway and that distance, correct, it will be fine.

MR. MENNERICH: Thank you.

MR. DOMINICK: Ken was asking about the garages, you mentioned -- you said that garages would have EV charging stations?

MR. GAITO: Yes.

MR. DOMINICK: All the garages have EV charging stations?

MR. GAITO: Yes.

MR. DOMINICK: How many garages?

MR. GAITO: These would have the garages (indicating). So it's two per building.

MR. DOMINICK: How many per -- overall just regular parking spots throughout the complex would have charging stations?

MR. GAITO: That's a good

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question. I just had this conversation today with the client to confirm. The building is here, so at least two or three per section. Of course we will have a couple of spider arms they call them. One would serve four cars at a time and placed in different sections, and in each of these different road sections too, so maybe two per, outdoor sections.

MR. DOMINICK: So there's 16 residential buildings, so two per building?

MR. GAITO: We are working on that right now with the vendor. Essentially at least maybe two or three per.

MR. DOMINICK: Any in the retail space?

MR. GAITO: Absolutely. We're working this out. These might be more of the more regular, it would be on one side versus throughout, but absolutely here and definitely a

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couple at the clubhouse too.

MR. DOMINICK: On that map can you just point out where is the storage septic tanks?

MR. GAITO: Right there (indicating). The approach here, this whole island is screened. This is not the most updated. Screening here and screening on all sides here. This whole peninsula around here is screened this way. There's evergreens, evergreens, evergreens here. The far end of the parking lot, there is an access road to service these tanks.

MR. DOMINICK: On that retail shop you won't be able to see them?

MR. GAITO: No.

MR. DOMINICK: Based upon your initial calculations of the tree size and size of the containers?

MR. GAITO: Yes. Here are the stores. Just to go look at the trees in the background. The closest store

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you may see through the base of the trunk, the groundscape, but the idea is evergreens will come close to the ground anyway. It's not going to change seasonal.

MR. DOMINICK: Just going back to your elevation of 9W looking into the complex. You won't be able to see it from 9W at that angle?

MR. GAITO: No. It will be tucked in right here behind this group of trees. It would be right in here. It's the length of that plus the distance over here.

MR. DOMINICK: And then finally John Ward was asking since your initial appearance about the roof and dressing up the outside. Make sure we get that on the next set of plans.

MR. GAITO: Yes. What came out was an applique to the surface, but I think if we pull it off you will still have the same affect, like just a typical bracket.

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MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: I agree with John, I think it would really dress up the building some. If I may, can I see the color pallet of the buildings again?

MR. GAITO: Yes.

MS. DeLUCA: Like Cliff, I was very unsure about the color pallet itself, and I wasn't a big fan of it either. I'm sitting here trying to think of what other color would be appropriate. I understand your theme, but I just wasn't sure.

MR. GAITO: Yes. There's not much to look at. Most of it is white and grays. Mostly white and gray with a couple of dots of red on the ends of the buildings.

MS. DeLUCA: So then going back to his point as far as dressing it up a little bit, I think it would make it

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a little bit more appealing, yeah.

CHAIRMAN EWASUTYN: John, are you satisfied that he will provide all of what we need and he won't need to come back again?

MR. WARD: Yes.

CHAIRMAN EWASUTYN: John is trusting that you will satisfy us.

MR. GAITO: Okay.

CHAIRMAN EWASUTYN: Pat Hines, do you want to bring us along on procedure now?

MR. HINES: Yes. We generated some comments. The bulk of the comments I tried to highlight the conditions of approval and the outstanding items from outside agencies and other submittals that the board will be looking for prior to signing the plans.

My first comment has to do with the flood plain in the front. They provided an analysis from Leonard Jackson Associates who is the

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preeminent flood plain engineer in the area, at least in southeast New York. He's been working with the Army Corps in getting that approved through them. And it will also need a flood plain development permit from the town.

If the board wants, I can get on some of the conditions that would be appropriate. New York State D.O.T. approval for the access drive. That is typically -- I think we have the concept, Phase 1 concept approval. Prior to the issuance of the building permit, the actual permit should be in hand. An ARB form should be submitted. I would suggest that those forms be submitted along with them for the Building Department's use. I think the plans need to be updated to show the location of the EV charging stations that we just talked about. Approval from the Orange County Health Department for the water system. Approval from DEC for the sewage

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treatment plan, the SPDES permit that's required. Architectural review we just talked about, but that would be a requirement whether it happens tonight or in the future. A stormwater facilities maintenance agreement must be filed and approved by the Town Board. Approval from the Army Corps of Engineers and DEC for the wetland. The Army Corps will approve the wetlands and DEC wants to issue a water quality certification prior to the Army Corps issuing that. They are going to need a five-acre waiver based on their stormwater plan from the Town Board. They will require securities for stormwater and erosion sediment control as well as securities for the landscaping on the site. I think there should be an input from the jurisdictional fire department or code department regarding the type of gates and the keys for those gates. Right now

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there's kind of a chain link gate.
The fire department may want something different than that and they may also want the key for their access control system. A flood plain development permit is required. I think that is the outside agency approval to meet the conditions.

CHAIRMAN EWASUTYN: Dominic Cordisco, you were talking earlier about granting a preliminary approval and a conditional final approval.

MR. CORDISCO: Yes, that's correct. In addition to Pat's list, I have in my notes that the project is also going to require Town Board approval for the senior housing component and although the tree preservation plan has been submitted, it is my understanding that has not been reviewed by the town's landscape architect so that should be in compliance with any comments or revisions that are required.

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MR. HINES: I skipped over that.
That's my technical comments.

CHAIRMAN EWASUTYN: Questions
from board members?

MR. BROWN: It looks like we
talked about the retail was pushed
back nine feet and a concrete wall was
put in, retaining wall for the flood
plain issue.

MR. HINES: Yes. On the most
recent plans due to comments from the
Army Corps of Engineers and the need
to expand that channel, the building
was pushed back and some parking was
lost by the proposed retaining wall
and now will be along the front.
There was some talk about that in the
working session.

MR. BROWN: The retaining wall,
how high is it and what's the
visibility from the highway? How will
it appear?

MR. GUCCIONE: So that was --
that is just right here, in this

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location right here. There was some
mall parking here. There's still
plenty of parking that's required for
retail. We have three extra spaces.
167 are required. We have 170 for
retail. As far as the wall, it's
here. It's going to be natural. Some
vegetation in front. It will slope
down and slope back up on this edge
and then just to catch grade we had to
push that back. Basically what the
Army Corps was looking for is the
water course kind of comes naturally
into here and naturally into here.
Instead of pushing it down quicker
they wanted to have a more natural
smoother transition coming through
here. That's why we opened this up
here with the wall. I don't have the
exact height of the wall. It's not
all that high. I think it's about
four or five feet in here. In working
with a geotechnical engineer we will
have some natural boulders in there

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that will dissipate the energy from the water as it comes out from under the culvert and then comes into the wall and there will be a lot of large stones at the base of the wall to protect that. It will look very natural. It will be heavily landscaped. It will look more like a natural stream is what the Army Corps was looking for us to go for. A little less engineering, but a little more natural.

MR. WARD: We are looking for curb appeal.

MR. GUCCIONE: It's a standard Town of Newburgh stone wall along with the frontage with the landscaping and then you go to a natural screen bed and it will be facilitated with what types of species along the edge of the stream and that will provide additional storage for the flood plain.

MR. WARD: Thank you.

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CHAIRMAN EWASUTYN: Any other discussion from the board? The action before us this evening is to grant preliminary and conditional final site plan approval subject to the comments of Pat Hines and those presented by Dominic Cordisco, the Town Board's approval and also for Karen's office to review the tree preservation survey that was done. And also to agree to approve the architectural subject to the applicant following up with the requirements of John Ward. To approve it though we will see something of that one more time at a later date and if we have to we will rescind that approval if we are not satisfied with it.

MR. HINES: The other thing at the work session, we haven't seen the signage.

CHAIRMAN EWASUTYN: What are we doing with the signage?

MR. GAITO: I know it was

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discussed. The signage is really -- for the entry signage was something simple, the landscaping on the entrance. This is going to be a bus stop so I'm not sure how much signage is here.

MR. HINES: That is actually going to flip flop. That's the most recent.

MR. GAITO: Yeah, that's the most recent. Some sort of signage on the retail side facing Route 9W. That's the signage that we have so far.

MR. GUCCIONE: On the way up the hill going up here when you get to this area here, there's a sign for the residential saying that the residential is straight ahead with the name of the development. We moved that back and adjusted these a little bit in response to comments from Creighton Manning who we wanted to make sure we had adequate sight

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distance.

CHAIRMAN EWASUTYN: I think
Dominic Cordisco has a suggestion
concerning signage.

MR. CORDISCO: With reference to
the signage, there should be some
details regarding the signage that
would obviously be compliant with the
town's code and variances and certain
requirements. The other comment that
I was going to suggest actually went
to the chairman's earlier comment was
in connection with the construction of
the clubhouse. My suggestion would be
a note should be added to the plan
indicating that the clubhouse will be
constructed as part of the initial
phase of construction.

MR. GUCCIONE: Just to clarify,
with the residential, retail will go
first?

MR. CORDISCO: Yes.

MR. GUCCIONE: That was intended
to be early on.

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MR. CORDISCO: There doesn't need to be a clubhouse for there to be retail.

CHAIRMAN EWASUTYN: We heard from Pat Hines, Dominic Cordisco, the Planning Board attorney. Will someone move for preliminary approval and conditional final approval along with ARP approval for Overlook Farms?

MS. DeLUCA: So moved.

CHAIRMAN EWASUTYN: Motion by Stephanie DeLuca. Do I have a second?

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Second by Ken Mennerich. I will ask for a roll call vote starting with John Ward.

MR. WARD: Aye.

MR. BROWN: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Motion granted.

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MR. GUCCIONE: In the letters we had requested if the board could approve a clearing and grading permit so they could get going on some of that while we get those conditions addressed.

CHAIRMAN EWASUTYN: Those are actually your opening statement that then led into the comments. And I had lightly -- every now and then I read submittals, I make a habit of it, but in some cases I do. I mentioned that to Pat Hines. Pat, do you have any comments on that?

MR. HINES: That would require a separate public hearing. In other words, the public hearing was not advertised as a clearing and grading permit and site plan. A clearing and grading permit requires a separate approval. Having advertised it appropriately I think the board would be in a better position. That didn't occur.

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MR. CORDISCO: It's a separate application.

MR. HINES: Yes.

MR. GUCCIONE: We did file that application at one point.

CHAIRMAN EWASUTYN: Did you file that with the Planning Board or did you file it with the Building Department?

MR. GUCCIONE: I think the Building Department.

MR. HINES: The Building Department would receive those first in the process. That may be the disconnect. I'm 99 percent sure the public hearing was for --

MR. GUCCIONE: The project itself?

MR. CORDISCO: Just the site plan.

CHAIRMAN EWASUTYN: Yes.

MR. GUCCIONE: I will check our records and confirm that. Thank you.

CHAIRMAN EWASUTYN: Pat Hines

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made it clear. It's the Building Department -- again, we are talking about two different things, our team is correct. It wasn't part of the public hearing on the site plan and somehow that didn't happen. If it was a separate application, then that would begin with the Building Department and the Building Department would then forward that to the Planning Board. Thank you.

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

In the Matter of

UNITY PLACE WAREHOUSE
(21-29)

Northwest Corner of Old Little Britain Road
and Unity Way

Date: February 2, 2023
Time: 8:30 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: None

REPORTED BY: Patrick DeGiorgio, Court Reporter

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

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CHAIRMAN EWASUTYN: Let's go back to two items that we had this evening. We discussed at the meeting the Unity Place site plan. Pat Hines, do you want to comment on that?

MR. HINES: During the public hearing portion of the Unity Place Warehouse project, the City of Newburgh weighed in with some comments, the applicant's representatives took a shot at addressing them and the City of Newburgh Engineering Office through their Corporation Counsel sent another comment letter. I had suggested that possibly the applicant and City of Newburgh meet to discuss those comments and the city kind of deferred it back to the Town of Newburgh Planning Board as you are the agency reviewing the plans, so they suggested that if a meeting was going to be held, that it be arranged through the Town of Newburgh. I offered to do

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that. If the board is okay with that,
I'll put that meeting together on the
site at the Washington Lake Outlet,
but I would need the board to
authorize that?

CHAIRMAN EWASUTYN: Who would be
present?

MR. HINES: I would assume that
the city engineer, the applicant's
engineer and myself and whoever those
other groups want to bring.

MR. CORDISCO: My understanding
is that John Cappello wishes to attend
the meeting.

CHAIRMAN EWASUTYN: Didn't we
have the original dialog with him at
that point? I think it would be
appropriate just to continue on.

MR. HINES: If they are bringing
counsel I would recommend we have
counsel there.

MR. CORDISCO: I'm happy to
attend.

CHAIRMAN EWASUTYN: Will you

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notify us as to when this meeting is going to be?

MR. HINES: Yes. I will keep you notified.

CHAIRMAN EWASUTYN: Will someone make a motion to authorize Pat Hines to prepare a letter to the City of Newburgh Corporation Counsel for the Planning Board to authorize the meeting that is being discussed?

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by John Ward, second by Dave Dominick.

MR. HINES: Is there an original e-mail just to keep it going a little faster?

CHAIRMAN EWASUTYN: An e-mail?

MR. HINES: Yeah, set it up for e-mails.

CHAIRMAN EWASUTYN: An e-mail? That's fine. We have a motion by John Ward. I think we have a second by Dave Dominick. Any further

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discussion? Roll call starting with
Stephanie.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWN: Aye.

MR. WARD: Aye.

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

In the Matter of

TARGET PLAZA/T-2076
(2022-30)

50 Route 17K
Section 97; Block 2; Lot 7.21

Date: February 2, 2023
Time: 8:40 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: NONE

REPORTED BY: Patrick DeGiorgio, Court Reporter

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CHAIRMAN EWASUTYN: The only other item of business that we have is we received a letter from Kimberly Horn, the architectural firm representing the Target Plaza in Newburgh and it's in reference to lighting. How do you want to manage this? Any suggestions?

MR. CAMPBELL: I would believe if you feel that it's not an amended site plan requirement, or to be seen by anybody, this board I would -- I can bring it back to the inspector that reviewed the application and see where we can go from here.

CHAIRMAN EWASUTYN: If the board were to consider it to be not an amended site plan, I think the board would be more than willing to authorize Pat Hines to review the lighting plan as proposed for the new lights. Does that make sense?

MR. MENNERICH: Yes.

MS. DeLUCA: Yes.

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MR. HINES: Yes. They have an open application that it could be done.

MR. CAMPBELL: I will bring that back to my department.

MR. MENNERICH: With the lighting levels in the parking lot.

MR. HINES: Yes. Making sure what they are proposing complies with the town. The town code has lighting standards.

CHAIRMAN EWASUTYN: Could someone give me some language, give the board some language that we make that as part of the minutes?

MR. HINES: The board is authorizing the submission of the lighting plan for review by my office in conjunction with the Building Department. Upon satisfactory review it will not need an amended site plan.

CHAIRMAN EWASUTYN: Everyone fine with that?

MS. DeLUCA: Yes.

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MR. WARD: Yes.

CHAIRMAN EWASUTYN: Can someone
make a motion?

MR. WARD: Motion.

MR. BROWN: Second.

CHAIRMAN EWASUTYN: Motion by
John Ward, second by Cliff Brown. Can
I have a roll call vote starting with
Stephanie DeLuca?

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWN: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: For now we
know that most of us will be here for
the next meeting and will have a
better understanding after our meeting
of the 16th who will be present for
the meeting at the 2nd of March.
That's kind of important at this time.
Anything else?

MR. CORDISCO: No.

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CHAIRMAN EWASUTYN: Will someone
make a motion to close the Planning
Board meeting of the 2nd of February?

MS. DeLUCA: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: A motion by
Stephanie DeLuca, second by Ken
Mennerich. Roll call vote.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWN: Aye.

MR. WARD: Aye.

