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

----- X

In the Matter of

MADDOX, LLC
(2010-21)

North Plank Road
Section 35; Block 3; Lot 21
B Zone

----- X

PUBLIC HEARING
TWO-LOT COMMERCIAL SUBDIVISION

Date: March 3, 2011
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
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED
MEGAN TENNERMANN

APPLICANT'S REPRESENTATIVE: JAMES DILLIN

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of March 3, 2011.

At this time I'll call the meeting to order with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. WARD: Present.

MR. BROWNE: The Planning Board has professional experts that provide reviews and input on the business we have before us, including SEQRA determinations as well as code and planning details. I would ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh Code Compliance Supervisor.

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MADDOX, LLC

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MR. HINES: Pat Hines with McGoey,
Hauser & Edsall Consulting Engineers.

MR. COCKS: Bryant Cocks, Planning
Consultant.

MS. ARENT: Karen Arent, Landscape
Architectural Consultant.

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

MR. BROWNE: At this time I'll turn the
meeting over to Joe Profaci.

MR. PROFACI: Please join us in a
salute to the flag.

(Pledge of Allegiance.)

MR. PROFACI: Please, if you have any
electronic communication devices, switch them
off. Thank you.

MR. BROWNE: This evening we have
before us three public hearings. Each one is a
different type. The first one is a two-lot
commercial subdivision, the second is a
conceptual two family, and the third is an
amended site plan.

I would ask Mike Donnelly to please
give us a brief dissertation on the purpose of a

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public hearing.

MR. DONNELLY: The purpose of a public hearing, when held before the Planning Board, is to give you, the public, the opportunity to speak to the Board and bring to the attention of the Board your concerns and your perspective on the projects. Obviously these projects are not new. In one case, one of these projects has been before the Board since 1999 and a lot of work and investigation has been done. The Board has had reports from its various consultants. There may be things that the Board has missed, and those that live near those projects or live in the community are the ones who are most likely to be able to bring those things to the attention of the Board, and that's what we're here for tonight.

When each matter is called, the Chairman will ask the representatives of that applicant to address the public and give a brief overview of the project. Thereafter, the Chairman will ask those in the public who wish to speak, to please raise your hand so that you can be recognized. When you do, I would ask you

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MADDOX, LLC

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could you please stand up and come forward so we can hear you better. First, give your name, spell it if you would for our Stenographer so we get it down correctly. If you would, give us your address or the vicinity where you live so that the Board has some idea what your perspective is. The Board is more interested in your comments but it will entertain questions if they can be reasonably answered, either by applicant's representatives or by one of the consultants for the Planning Board.

MR. BROWNE: Thank you.

The first item of business is Maddox, LLC. It's a public hearing on a two-lot commercial subdivision being represented by James Dillin.

I would ask Ken Mennerich to read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of Maddox, LLC for a

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two-lot subdivision on premises North Plank Road, Section 35; Block 3; Lot 21.0. Said hearing will be held on the 3rd day of March 2011 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated February 4, 2011."

MR. BROWNE: I would also ask Frank Galli to give the report on the publications.

MR. GALLI: The notice of publication was published in The Mid-Hudson Times on February 4th, in The Sentinel newspaper on February 8th. The applicant mailed out fifteen notices, eleven were accepted, one was undeliverable. Everything is in order.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Thank you.

Mr. Dillin, would you give your presentation, please.

MR. DILLIN: Thank you. I represent Maddox, LLC. They're the owners of 5.1 acres located in the B Zone on the southwesterly side

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of North Plank Road.

The application is to subdivide a 1.1 acre parcel around an existing building that exists now. The building contains 1,900 square feet of various uses that are permitted within the zone.

This application was before the Board three or four months ago. We had to obtain a variance for the front of the building because we sit too close to North Plank Road. That was granted. And a time period to build our proposed new parking lot, which is existing but is in disrepair. We're going to rebuild it and we're going to be putting curbs in. We're also going to be putting in a new State entrance which is going to be approved by State of New York DOT, and we're going to access into that new parking lot.

Everything else is existing. Sewer, water is all private. That's the application.

CHAIRMAN EWASUTYN: As Mike Donnelly had said earlier, now is the time, if there's anyone here this evening who has any questions or comments about the presentation that was given by

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Mr. Dillin, would you please raise your hand, give your name and your address. We have a Stenographer here, so no matter what happens throughout the course of the evening, be considerate of the fact that she's taking minutes. Speak slowly so we can have a record of this.

So again, anyone tonight who has any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Okay. At this time there's no one in the audience who has any questions or comments for the two-lot subdivision before us, so I'll turn to our consultants for their final review and comments.

Jerry Canfield, Code Compliance Officer for the Town of Newburgh. Jerry?

MR. CANFIELD: We have nothing outstanding.

CHAIRMAN EWASUTYN: Thank you.

Pat Hines, Drainage Consultant for the Town of Newburgh?

MR. HINES: We're awaiting submission of a final erosion and sediment control,

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stormwater pollution prevention plan for the site. It is a redevelopment site so they don't have to meet the hundred percent requirements of DEC. It's smaller than the DEC threshold but the Town's stormwater ordinance is more stringent than the DEC's, so they are going to have to do some stormwater management water quality improvements on the site. I've discussed that with their engineer and he's given me an idea of what they're going to do on the site, and it will be able to be accomplished on the site.

DOT approval for the access drive is a requirement.

Curbing for the new parking lot will be required throughout. We just want to make sure that that's clear on the plan. Right now the DOT entrance drive curbing is very clear. We want it called out the entire parking lot will also be curbed. That's all we have.

CHAIRMAN EWASUTYN: Do you understand that, Mr. Dillin?

MR. DILLIN: I understand it exactly. We haven't modified the plan because we were still going over the stormwater. I agree with

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MADDOX, LLC

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everything that's been said.

CHAIRMAN EWASUTYN: Thank you.

Bryant Cocks, Planning Consultant?

MR. COCKS: My only outstanding comment is the submission of a revised EAF just confirming that there are no threatened or endangered species on the site.

MR. DILLIN: We did submit that. We did a new EAF and delivered it but I think it was after your review letter. So it's been amended.

CHAIRMAN EWASUTYN: We do have them in the office.

MR. COCKS: No problem.

CHAIRMAN EWASUTYN: Before I turn to the Board Members for their final comments, any questions from those in the audience?

(No response.)

CHAIRMAN EWASUTYN: Frank Galli, Planning Board Member?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

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MADDOX, LLC

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CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No further questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No additional.

CHAIRMAN EWASUTYN: Since there's no further comment from the public, I'll move for a motion to close the public hearing on the two-lot subdivision for Maddox, LLC.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by Ken Mennerich. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: There being no discussion, I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

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At this point I'll turn to the Planning Board Attorney, Mike Donnelly, to give us conditions of final approval that will be spelled out in the resolution. Mike Donnelly.

MR. DONNELLY: The approval will be final subdivision. You will need, as conditions, a sign-off letter from Bryant Cocks for the items mentioned in his memo of February 25th, one from Pat Hines that addresses the items in his memo of February 25th having to do with the stormwater pollution plan. The third condition ties into the need for a highway work permit from the New York State Department of Transportation. They had granted a conceptual approval but a work permit will be required. We make reference in condition number 4 to the variance granted by the Zoning Board of Appeals on August 26th of 2010, and make specific reference to its conditions and requirements, particularly the one that requires completion of the parking lot on or before September 30, 2011. No financial security is required. We will have our standard general conditions.

CHAIRMAN EWASUTYN: Thank you. Any

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questions from the Board Members?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant conditional final approval for the Maddox, LLC two-lot subdivision subject to the resolution presented by our Attorney, Mike Donnelly.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by John Ward. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

MR. DILLIN: Thank you.

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

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

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7 I, Michelle Conero, a Shorthand
8 Reporter and Notary Public within and for
9 the State of New York, do hereby certify
10 that I recorded stenographically the
11 proceedings herein at the time and place
12 noted in the heading hereof, and that the
13 foregoing is an accurate and complete
14 transcript of same to the best of my
15 knowledge and belief.
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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X

In the Matter of

LOT 20 - HICKORY SHADOW
(2011-03)

Merritt Lane
Section 7; Block 3; Lot 20
AR Zone

----- X

PUBLIC HEARING
CONCEPTUAL TWO-FAMILY SITE PLAN &
ARCHITECTURAL REVIEW BOARD

Date: March 3, 2011
Time: 7:09 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
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED
MEGAN TENNERMANN

APPLICANT'S REPRESENTATIVE: HAMILTON STAPLES

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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2 MR. BROWNE: The next item of business
3 we have is lot 20 - Hickory Shadow. This is
4 another public hearing, a conceptual two-lot --
5 conceptual two-family site plan, and it's being
6 presented by Ham Staples.

7 I would again ask Ken Mennerich to read
8 the notice of hearing.

9 MR. MENNERICH: "Notice of hearing,
10 Town of Newburgh Planning Board. Please take
11 notice that the Planning Board of the Town of
12 Newburgh, Orange County, New York will hold a
13 public hearing pursuant to Section 276 of the
14 Town Law on the application of lot 20 - Hickory
15 Shadow for the conversion of a single-family
16 dwelling to a two-family dwelling on premises
17 Merritt Lane across from Jessica Court, Section
18 7; Block 3; Lot 20. Said hearing will be held on
19 the 3rd day of March 2011 at the Town Hall
20 Meeting Room, 1496 Route 300, Newburgh, New York
21 at 7 p.m. at which time all interested persons
22 will be given an opportunity to be heard. By
23 order of the Town of Newburgh Planning Board.
24 John P. Ewasutyn, Chairman, Planning Board Town
25 of Newburgh. Dated February 4, 2011."

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2 MR. GALLI: The notice of hearing was
3 published in The Mid-Hudson Times on February 4th
4 and in The Sentinel on February 8th. The
5 applicant mailed out eleven notices, five came
6 back okay, three were non-deliverable. The
7 notices are in order.

8 CHAIRMAN EWASUTYN: We do have
9 available one seat up here, and I believe there's
10 several closer up front. For those of you who
11 are standing and would like to sit, I welcome you
12 to come forward. There's also a chair by that
13 table that could be pulled out if someone wants
14 to sit there. Dave, there's a seat up here if
15 you'd like to sit. There's just one.

16 Mr. Staples, would you give your
17 presentation, please.

18 MR. STAPLES: Good evening, Members of
19 the Board, Mr. Chairman and Consultants. This
20 application is an application from the original
21 Hickory Shadow subdivision located on Merritt
22 Lane in the Merritt Lane realignment. It was an
23 existing lot of 2.24 acres.

24 There were two existing structures that
25 were left that used to be the old Cosman apple

1 processing facility that was on the property when
2 Hickory Shadow purchased it.

3 The proposed site plan for this is to
4 take the existing barn structure, renovate that
5 into a new two-family dwelling consisting of two
6 structures with an existing garage here that
7 stores tractors and farm implements for the
8 surrounding agricultural productions for the
9 nearby property.
10

11 Basically there will be an existing
12 modification to the two-story -- the new
13 two-story structure. The structure on this side,
14 the taller building, that's existing, two
15 stories, concrete block, that will be renovated
16 into board and baton siding. That will be a one-
17 dwelling unit there. The other side is an
18 existing foundation, which that would have a new
19 proposed one-story structure with the same facade
20 and stone work on the lower level, the garages.

21 That's the east elevation and this is
22 the west elevation.

23 MR. WERSTED: Mr. Chairman, can we ask
24 the speaker to speak up some. It's harder to
25 hear on this side of the room.

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MR. DONNELLY: What is the size of the building?

MR. STAPLES: The size of the building is -- in square footage or length?

MR. DONNELLY: Square footage.

MR. STAPLES: In square footage, we have the existing one-story structure would be 2,986 square feet, the two-story structure is 1,627 square feet. The existing garage is about 4,600 square feet to the west.

There will be a new paved entrance with parking to the west elevation. There will be four new parking spaces provided for that structure. There's existing parking on the paved area in front of the existing garage building where the farm implements and tractors are stored. In that vicinity there.

CHAIRMAN EWASUTYN: At this time we'll open the meeting to the public, if there's anyone that has any questions or comments.

MS. D. JOY FABER: Yes, I do.

CHAIRMAN EWASUTYN: Would you please raise your hand and give your name and your address.

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2 MS. D. JOY FABER: My name is Ms.
3 Faber, D. Joy Faber, I'm at 33 Merritt Lane. I'm
4 the adjacent property next to this proposal.

5 I'm totally against this discussion
6 because I was informed that this was a conversion
7 from a single-family dwelling into a
8 multi-dwelling unit. The structure currently, as
9 you said, is used as a barn, so there are no
10 people living there. There are no windows to
11 accommodate a family. It's not a family
12 dwelling.

13 The current property on the farm that
14 he mentioned, the Cosman farm area, has several
15 acres of undeveloped property that has yet to be
16 explored. So I think that there's some options
17 that can be utilized. The current structures in
18 the Stonebrook Estates area are all single-family
19 dwellings of modest homes, not quite as
20 substantial as he's proposing here.

21 I wish that the Town would take into
22 consideration all of the existing options that
23 are available that would not only add character
24 to the single-family home development that we
25 currently live in.

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CHAIRMAN EWASUTYN: Mr. Staples, would you like to respond to that?

MR. STAPLES: Only the question with regard to the windows. There are -- if Ms. Faber would like to look, there are --

MS. D. JOY FABER: I wasn't questioning the windows for the proposal. The notification that I received said it was a conversion from a single-family dwelling. That gives the impression that a single-family dwelling already exists there. That's not the case. It is a barn. There are no windows to substantiate people living in a dwelling. It's a barn. It is not a single-family dwelling as it currently exists.

MR. STAPLES: We didn't do the notice.

CHAIRMAN EWASUTYN: Michael?

MR. DONNELLY: Well, I don't know why the notice said that, but two-family dwellings are permitted in this zone. Whether it's a conversion or not, two-family homes are allowed. It's in the AR Zoning District.

MS. D. JOY FABER: I'm aware of that.

MR. HINES: It may be that it was

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2 already approved as a single-family residential
3 lot during the major subdivision process and it's
4 before you again for a duplex.

5 MR. DONNELLY: That does explain it.

6 CHAIRMAN EWASUTYN: Additional comments
7 from the public?

8 MS. D. JOY FABER: I'd like to know
9 what would be the approval process in addition to
10 this meeting here today?

11 CHAIRMAN EWASUTYN: This would be the
12 approval process after the close of the hearing.
13 ARB was looked at, architectural review. The
14 architectural review of the rendering that you
15 see there has been approved. You'll hear from
16 our consultants as far as their reviewing
17 process. If it had not been a permitted use in
18 the area, then it would have had to have gone
19 before the ZBA for some type of use variance or
20 area variance. That wasn't necessary. In the AR
21 area, the agricultural area of the Town of
22 Newburgh, there's a minimum requirement as far as
23 lot area for a two-family dwelling, and this
24 meets those standards.

25 I'll have Bryant Cocks, our Planning

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2 Consultant, talk to you about the zoning and the
3 requirements.

4 Bryant.

5 MR. COCKS: For a two-family dwelling
6 in the AR zone, the minimum lot requirement is
7 100,000 square feet and proposed is 129,000
8 square feet. The lot width, the lot depth and
9 all the setbacks are met on this development, so
10 this is really an allowable use in the zone. As
11 mentioned, it was approved as a one-family
12 dwelling unit as part of the larger subdivision
13 which included all the single-family homes.
14 That's why it was noticed as a single-family
15 conversion to a two-family.

16 MS. D. JOY FABER: I'm sorry. Could
17 you repeat that? I couldn't hear that.

18 CHAIRMAN EWASUTYN: Bryant, why don't
19 you stand up and talk.

20 MR. COCKS: As mentioned before, it was
21 noticed as a single-dwelling unit to a two-family
22 dwelling unit because, as with the rest of the
23 houses in the subdivision, they are single-
24 families. A single-family home was approved on
25 the site, so this building would have been

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knocked down and a single-family home would have
been put up there. Now it's a conversion to make
it a two-family home, which is an allowable use
in the zone. This lot is large enough to house a
two-family lot.

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MS. D. JOY FABER: The notification
that I received, this made the impression that
there was an existing single-family dwelling on
that lot, which is not the case. Whether the
land or the zoning laws can permit that, it
doesn't exist there. I was given the impression
that you're converting something else. There
isn't a single-family dwelling on that location,
whether it's zoned for that or not.

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MR. DONNELLY: I'm sorry about what
sounds confusing to you. The rationale for the
hearing notice was that the Planning Board had,
in the recent past, approved this for a single-
family home.

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MS. D. JOY FABER: How recent of the
past was that? How far back?

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MR. DONNELLY: Two years ago.

24
MR. STAPLES: 2006.

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MR. DONNELLY: Time flies. Therefore,

1 while there's not a single-family home there, it
2 is a single-family lot that's now being converted
3 to a two-family home lot. Though it may not seem
4 that way to you, that was the purpose of the
5 notice the way it's stated. In either event,
6 both a single-family home and a two-family home
7 are allowed in the zoning district. As you've
8 heard, it meets the bulk requirements for that
9 use.
10

11 MS. D. JOY FABER: Well for the record,
12 I wish communications would have been a little
13 more clear, especially when Mr. Staples, whom I
14 see quite often, it would have been a bit of a
15 courtesy if he could have extended the courtesy
16 to me, the next lot holder, to inform me of the
17 decision.

18 CHAIRMAN EWASUTYN: Ma'am, I noticed
19 you were raising your hand. You would give your
20 name and address, please.

21 MS. ALBERTA FABER: My name is Alberta
22 Faber. I live at 33 Merritt Lane also. Are they
23 going to build additionally two-family lots --
24 two-family houses on any of the additional lots?

25 CHAIRMAN EWASUTYN: Mr. Staples, do you

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have future plans for any of the additional lots?

MR. STAPLES: At this point I do not.

At this point I do not.

CHAIRMAN EWASUTYN: Please. Again, as we said earlier, we're all sitting in each other's living room and I'd like to have the spirit of cooperation and understanding while we're all together. It works so well that way. Please. Thank you.

MR. STAPLES: If I can, Mr. Chairman. I don't even believe that any of the other subdivided lots meet the requirement, the square footage requirement, so --

CHAIRMAN EWASUTYN: Thank you.

MS. D. JOY FABER: I find that hard to believe because Mr. Staples has built a number of properties in this development and I'm sure that he's well aware of the zoning requirements as I am not. I'm a resident. I work hard for a living. I'm a single woman with a mother living in my house and I've been adversely impacted by the construction process that Mr. Staples has been doing to my -- to the adjacent property. There are several acres of land in this

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2 development. He has built a house immediately
3 behind my house which could have been staggered
4 to the left just a bit to allow entry into each
5 other's homes without bright lights going into
6 each other's windows. That was ignored. Now I'm
7 being adversely impacted again with an existing
8 barn, that was an eyesore previously, that now
9 he's converting it to a two-family structure, and
10 I'm totally opposed to it. I want that on the
11 record.

12 CHAIRMAN EWASUTYN: Thank you. At this
13 point I'll turn to Jerry Canfield, Code
14 Compliance Officer.

15 MR. CANFIELD: I just have a question
16 for Mr. Staples. The existing structure, what is
17 in it now and what is it used for?

18 MR. STAPLES: Which structure?

19 MR. CANFIELD: The structure that
20 you're going to convert.

21 MR. STAPLES: There are two structures.
22 There's an existing garage --

23 MR. CANFIELD: That you had explained
24 there was farm equipment in.

25 MR. STAPLES: Farm equipment.

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MR. CANFIELD: That will continue being used for farm equipment?

MR. STAPLES: Yes.

MR. CANFIELD: Okay. And the structure to be converted, what's in that?

MR. STAPLES: This structure here, the two story and the proposed one story, that is going to be a dwelling unit. That's completely dwelling unit upstairs.

MR. CANFIELD: What's in it now?

MR. STAPLES: Right now there's farm equipment and the existing cooler. In the basement of the single story there's farm equipment as well.

MR. CANFIELD: So when it's converted the basement or the garage areas will be garage areas for the residents? There will be no more --

MR. STAPLES: No.

MR. CANFIELD: -- agricultural use for the building?

MR. STAPLES: They're not garage areas. The parking up here is for that. That would be probably personal storage in the basement.

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MR. CANFIELD: Are there garage doors there now?

MR. STAPLES: Yeah. They've been there since the building was built in the late 1800s.

MR. CANFIELD: Will they remain there?

MR. STAPLES: Yes.

MR. CANFIELD: But it will not be for parking?

MR. STAPLES: The parking for the dwelling units are up here, the proposed parking to the west.

MR. CANFIELD: Okay. That's all I have, John. Thank you.

MR. GALLI: John, I have a question on that. I thought at one of the meetings when we discussed the parking, the gentlemen representing you, and it wasn't you, I asked about the garages for the tenants and he said all but one garage was going to be for the tenants to park in, and the one underneath the two-story structure that had the farm equipment with the big doors, he said that one there was going to remain for the farm equipment. The one to the right with the barn door, the sliding barn door, was going to

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remain for the farm equipment and the other three were going to be for the tenants. That's what we were told.

MR. STAPLES: As a clarification, that's not for tenants' parking. Tom probably said that.

MR. GALLI: That's what we understood. That's what I thought we understood.

MR. STAPLES: We provided parking here. We provided four spaces --

MR. GALLI: You did.

MR. STAPLES: -- for the apartments.

MR. GALLI: We asked about the garages also, and we were told the garages would be for the tenants.

MR. STAPLES: The garages are going to be used for my personal storage. Part of my personal car collection is going to be stored there.

MR. GALLI: We weren't told that.

MS. D. JOY FABER: I have a question. Could you give me more details. Are they apartments or are they homes?

MR. STAPLES: They're actually very

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large. One is -- there's one which is 2,986 square foot.

MS. D. JOY FABER: Are they homes or apartments?

MR. STAPLES: Well this is one structure which would be a two-family use. So that will have 2,986 square feet which makes up one dwelling unit. The second dwelling unit makes up 1,627 square feet.

MS. D. JOY FABER: Of apartments or homes?

CHAIRMAN EWASUTYN: Ham, let's simplify it. I think what she's trying to say is can you tell me the amount of bedrooms in these units and describe the functional use of it? Simple.

MR. STAPLES: The 2,986 square foot is three bedrooms and this is -- the 1,627 is two bedrooms.

MS. D. JOY FABER: Three bedrooms as apartments or are they going to be individual units?

MR. PROFACI: Are you renting or are you selling this property?

MR. STAPLES: Renting.

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MS. D. JOY FABER: You're putting a two-story rental unit with apartments next to my home in this development that has all single-family homes in this development. Is that correct?

MR. STAPLES: Yes. It's a permitted use. Yes.

MS. D. JOY FABER: And in addition to that your personal car collection. Is that correct?

MR. STAPLES: Possibly. It's personal storage.

MS. D. JOY FABER: I think you just mentioned you were going to put your personal cars that you own for your recreational use in that dwelling as well and build new apartments. That will be how many apartments, sir? I just want to be clear.

MR. STAPLES: There's not -- there's two dwelling units.

MS. D. JOY FABER: But how many apartments?

MR. STAPLES: One three-bedroom and one two.

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MS. D. JOY FABER: Two apartment units?

MR. STAPLES: Yes.

MS. D. JOY FABER: Thank you.

MR. STAPLES: I have a copy of the floor plan if you'd like to see it.

MS. D. JOY FABER: I would love to see the floor plan.

MR. STAPLES: Can I put the floor plan up there?

CHAIRMAN EWASUTYN: Sure.

MR. STAPLES: Here is the 2,986 square foot one. It consists of a kitchen, dining room, living room with three bedrooms. This dwelling unit is larger than most of the houses in that subdivision.

MS. D. JOY FABER: That really makes me feel much better now that you explained it to me. Thank you for bringing that to my attention.

MR. STAPLES: This dwelling unit is 1,600 some square foot, two-bedroom apartment. There's a great room, kitchen, bathroom and two bedrooms.

MS. D. JOY FABER: May I get copies?

MR. STAPLES: I can give them to you.

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Absolutely.

MS. D. JOY FABER: Thank you. I appreciate your time.

CHAIRMAN EWASUTYN: That's what we're here for.

At this point I'll turn to Pat Hines, our Drainage Consultant.

MR. HINES: I have a couple of comments and I need some clarification on what was just said. First is that the two driveways proposed will need approval from the highway superintendent, and I'll let some of the other consultants comment on that.

The septic system for this lot I believe was originally approved by the Health Department for four bedrooms. The plans that I have before me are for four bedrooms. The applicant just stated there's going to be five bedrooms which would be inconsistent with the original approval for the septic system.

MR. STAPLES: I made a mistake. It's a den and two bedrooms. It's four bedrooms total. Correct.

MR. HINES: Because the septic system

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is only designed and approved for four bedrooms.
So that remains that way.

MR. STAPLES: There's also an approved
septic.

MR. HINES: That septic system has been
removed from the plan?

MR. STAPLES: Yes.

MR. HINES: Based on our previous
comments, there was an additional septic system
shown on the site. It supported some use with an
existing garage. That would be too many units on
the site to be approved. Mr. Staples'
representative has removed any reference to that
previously approved septic system. So we have a
four-bedroom septic system approval from the
County. Any changes to that would require
re-approval by the Orange County Health
Department.

Our final comment is that we did not
review the septic systems because this was part of a
major subdivision. The Orange County Health
Department reviewed the septic systems. I did confirm
it is a four-bedroom design. This site can't
support more than four bedrooms under its current

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County approval.

That's all we have.

CHAIRMAN EWASUTYN: Jerry, do you want to add anything based upon Pat Hines' comments? Jerry Canfield.

MR. CANFIELD: Yes. Thank you. In light of Pat's comments, the applicants should be aware that your certificate of occupancy, should this project be approved and should you secure a building permit and get through the CO process, it will be restricted to just as you're stating, what the Orange County Department of Health approved for the septic design. So these apartments will be restricted to have two bedrooms each -- or, excuse me, as you submitted. If at a future point in time there is a third -- or fifth bedroom, excuse me, that's found, you could be subject to removal of your C of O.

MR. STAPLES: Yeah.

MR. CANFIELD: You just need to be aware of that.

MR. STAPLES: If I could clarify, Pat. The Orange County Health Department did approve two septic fields for this lot. That's why Tom

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2 put it on the plat. The septic field that's
3 here, it was approved by the Health Department.

4 MR. HINES: Understood. But you can
5 not have that other septic system serving another
6 use on the site. That's why your consultant
7 removed it, because it looked, when you reviewed
8 the plans, that there was a proposed four-bedroom
9 duplex and then some other use that would use
10 sanitary sewer in the other structure, which is
11 why that's been removed. Any change to the
12 septic system on the site or the bedroom count
13 would require re-approval by the Health
14 Department.

15 CHAIRMAN EWASUTYN: Thank you.

16 Comments from Board Members. Frank
17 Galli?

18 MR. GALLI: No additional.

19 MR. BROWNE: No. Thank you, Pat, for
20 the explanation.

21 MR. MENNERICH: No questions.

22 MR. PROFACI: The farm equipment that's
23 going to be stored in the other structure, in the
24 other barn -- it is a barn; right?

25 MR. STAPLES: Yes. Yes.

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MR. PROFACI: What is that going to be used for, the farm equipment?

MR. STAPLES: We keep agricultural operations on 7-3-12 and the surroundings of this lot. We grow seasonal crops there. In the past two years we've grown corn. We also have another property further up on Merritt Lane where corn is grown as well. So those tractors are stored in this garage.

MR. PROFACI: So then they are used?

MR. STAPLES: Yes. Yes.

MR. PROFACI: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: The three garages that you're saying you're storing cars in, we were told -- basically I thought it was told there was going to be storage. We were concerned about a driveway going to those garages. Is there any plan on there for that?

MR. STAPLES: There are two driveway permits that were approved by the highway superintendent. This driveway in here, which is exactly existing, this is actually paved up to the one garage. The other driveway from here was

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2 also approved by the highway superintendent. So
3 this lot has two driveway permits that are
4 approved by the highway superintendent. This
5 will be continued to be utilized here.

6 MR. WARD: Okay.

7 CHAIRMAN EWASUTYN: Any additional
8 comments from the public before we move to --

9 MS. D. JOY FABER: I have just one. I
10 hate to take up all of the time on this
11 discussion. Which of the driveways will be used
12 by the residents that are supposed to live in
13 this area?

14 MR. STAPLES: This driveway here.

15 MS. D. JOY FABER: The one adjacent to
16 my property?

17 MR. STAPLES: Yes. Your house is here
18 and this will be the driveway that's used.

19 MR. HINES: Mr. Staples, can you
20 clarify that? It was my impression that the
21 larger unit was going to access from the other
22 driveway based on the stairs and the layout of
23 the door. There's a stairway leading out of the
24 south side.

25 MR. STAPLES: There is a stairway here,

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but it's my intention to have the occupants of this use this parking lot.

MR. HINES: How do they get to the door then?

MR. STAPLES: There's a sidewalk to go right around back to this building.

MR. HINES: There is not.

MR. STAPLES: Well, if there's not a sidewalk shown, there will be a sidewalk that will go to that porch.

MR. HINES: Okay.

MR. STAPLES: We're not showing parking down here. I mean the septic field --

MR. HINES: It was relayed to the Board last time by your consultant that that's where the parking for the other unit was going to be.

MR. STAPLES: I apologize.

MR. HINES: And the stairs lead you to believe that, and the door location on the architectural plans leads me to believe that.

MR. STAPLES: I mean if you want me to put parking down there, I have no problem putting parking there if you want me to.

MR. HINES: I think we need to tell the

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public what you intend to do.

MR. STAPLES: What I intend to do is provide these parking spaces. If you want me to take those stairs out, I'll take the stairs out but there's grade there.

CHAIRMAN EWASUTYN: I think at this point it might make more sense to adjourn the public hearing to a later date, at which point you could come back with your final revised plans as far as the amount of bedrooms, the driveways and the detail that seems to be lacking at this point.

MR. STAPLES: Okay.

CHAIRMAN EWASUTYN: I don't have a -- Michael, can you give me, please, the --

MR. DONNELLY: When we next meet?

CHAIRMAN EWASUTYN: -- meeting dates for April?

MR. DONNELLY: You meet on April 7th and 21st.

CHAIRMAN EWASUTYN: Okay. I'll move for a motion from the Board to adjourn the public hearing for the conceptual two-family and site plan for Hickory Shadow for the -- 7th of April

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did you say, Mike?

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: For the 7th of
April.

MR. PROFACI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by
Joe Profaci. I have a second by John Ward. Any
discussion of the motion?

MR. GALLI: Just so the public knows,
you will not receive another notice. They will
not be required to mail out another notice for
the hearing. Get the date and copy it down of
what night it is.

MR. PROFACI: April 7th.

UNIDENTIFIED SPEAKER: What time?

MR. GALLI: 7:00 also. All we're doing
is keeping the public hearing open to the
following hearing, so they don't have to
re-notice it. Please make note of it so you
know.

CHAIRMAN EWASUTYN: I have a motion by
Joe Profaci. I have a second by John Ward. I
had discussion by Frank Galli. Any further

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discussion?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for
a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

MR. STAPLES: So you want me to submit
those revisions?

CHAIRMAN EWASUTYN: I think based upon
the comments that are unanswered right now and
the details that need to be shown on the maps, we
need to coordinate that.

MR. STAPLES: Okay. Very good.

(Time noted: 7:36 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: March 14, 2011

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

----- X

In the Matter of

GOLDEN VISTA
(1999-33)

Meadow Hill Road
Section 60; Block 1; Lot 9
R-3 Zone

----- X

PUBLIC HEARING
AMENDED SITE PLAN & ARCHITECTURAL REVIEW BOARD

Date: March 3, 2011
Time: 7:37 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
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED
MEGAN TENNERMANN

APPLICANT'S REPRESENTATIVE: STANLEY SCHUTZMAN, KIRK
ROTHER & PAUL GOING

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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MR. BROWNE: The next item of business is Golden Vista. It's a public hearing for an amended site plan being presented by Kirk Rother.

Once again I would ask Ken Mennerich to read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to the Municipal Code of the Town of Newburgh, Chapter 185-57 Section K, Section 274 and 6 NYCRR Part 617, which is SEQRA, on the application of Golden Vista for a site plan for an affordable housing development. The project site is located off of Meadow Hill Road in the Town of Newburgh, designated on Town tax map as Section 60; Block 1; Lot 9.1. The public hearing will be held on the 3rd day of March 2011 at the Town of Newburgh Town Hall, 1496 New York State Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard regarding the site plan proposed. The site is proposed for 161 multi-family units with 18 affordable units on

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2 18.25 acres in the R-3 Zoning District. By order
3 of the Planning Board of the Town of Newburgh.
4 John P. Ewasutyn, Chairman, Planning Board Town
5 of Newburgh. Dated February 4, 2011."

6 MR. GALLI: The notice of hearing was
7 published February 4th in The Mid-Hudson Times,
8 February 8th in The Sentinel. The applicant
9 mailed out 270 notices. 240 came back okay, 20
10 were undeliverable. All the notices and
11 hearing -- everything is in order.

12 CHAIRMAN EWASUTYN: Mr. Schutzman,
13 would you give your presentation, please.

14 MR. SCHUTZMAN: Thank you, Members of
15 the Board, members of the public.

16 CHAIRMAN EWASUTYN: It's very important
17 at this point -- as the gentleman said, he would
18 like to hear. So it's very important at this
19 point that we try and not make any sounds that
20 would distract from the presentation, and then at
21 that point, as Mike Donnelly had said earlier,
22 when the applicant and his representatives have
23 completed their presentation, those that have any
24 questions or comments, please raise their hand,
25 give their name and their address, speak slowly.

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2 If we could somehow sit here naturally without
3 applauding, boo'ing, yelling, it would be really
4 great. Okay. Thank you.

5 MR. DONNELLY: Would it be helpful if I
6 -- because of the interest in this project -- I
7 see that none of you left after the other public
8 hearings, so we assume you're here for this one.
9 I wanted to just make a few comments so you see
10 in perspective where this is. The Planning Board
11 is a body that works under two very important
12 documents that the Town issues. The first is
13 called a master plan. The master plan is a
14 document in which the Town announces what it
15 wants in the Town and what its objectives are for
16 which its going to zone. So it will state in a
17 general sense the sections of the Town that will
18 have housing, or industry, or retail, and some
19 description of the level of density. Then there
20 are a number of objectives that the Town wishes
21 to achieve. One of the objectives of the master
22 plan, it's objective number 9, is for the zoning
23 ordinance, which must follow the master plan, to
24 provide opportunities for housing of different
25 types, and in particular to create opportunities

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2 for housing that the workforce that works for the
3 Town can afford to live in, because absent that,
4 at least as of a few years ago when property
5 values were high, it would be very difficult for
6 people that worked at the wages that the Town
7 employees work at to own homes within the Town.
8 The zoning ordinance then carries forth that
9 objective, and there's a section that provides,
10 and it's under the heading affordable housing,
11 for a methodology that allows for the creation of
12 that opportunity. So important is that objective
13 that the ordinance actually gives a density
14 bonus, meaning if you provide affordable units in
15 your development you can have more units than you
16 would if you did not provide them.

17 UNIDENTIFIED SPEAKER: That's not what
18 I was told.

19 MR. DONNELLY: There's a hierarchy of
20 who is allowed to occupy these units if an
21 approval is granted here. First, the highest
22 level of priority, of course, is residents of the
23 Town of Newburgh, then Town of Newburgh
24 employees. The next level is employees of the
25 school districts in the Town of Newburgh. D, the

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2 next hierarchy is other persons employed in the
3 Town of Newburgh. E is other residents of Orange
4 County. F is relatives of residents of the Town
5 of Newburgh, and then finally all others.

6 There's a mathematical formula which
7 required the applicant to go to the Town Board
8 first. The applicant did go to the Town Board
9 and received approval to have affordable units in
10 this development. That approval was granted back
11 in June. The applicant was required to obtain
12 payroll details from the Town and to insert that
13 information into a mathematical formula that is
14 included in the ordinance. That will then
15 determine the selling prices of the units, the
16 income level of those who will live there, and
17 what the monthly payments would be. So just to
18 give you a rough idea of what that means with
19 those plug-ins on this development, for a family
20 size of one person, meaning a single person, the
21 maximum income for an eligible family would be
22 \$48,738 and the maximum sale price of the unit
23 would be \$121,000. Just as you go up the scale
24 from a one-family unit to a two, to a three, to a
25 four, with a four-unit home the salary level is

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2 \$77,981, the sale price is \$194,952. Then the
3 idea of the rental income, at the low level it
4 would be \$1,015 a month, meaning at the
5 one-person family, and for the four-person family
6 the rent is \$1,624. The maximum bedroom size for
7 the four family is two bedrooms.

8 Mr. Schutzman may tell you more about
9 the history of this project. You should know it
10 received approval for a greater number of units
11 than is currently proposed, though they were
12 senior units, some years ago. The project has
13 gone through quite a bit of study over time but
14 the current proposal is for a 161 multi-family
15 project with 18 affordable units that will be
16 within the confines of the parameters that I just
17 outlined to you.

18 CHAIRMAN EWASUTYN: Thank you, Mr.
19 Donnelly.

20 Mr. Schutzman, would you give your
21 presentation, please.

22 MR. SCHUTZMAN: It looks like our
23 notice was successful in bringing you all in
24 tonight. Mr. Donnelly's very detailed and
25 thorough speech took away about two-thirds of

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what I wanted to say in my beginning.

Just to reiterate if I could. The issue of this workforce housing is really a matter that's already been legislated by the Town Board. The Town Board or its designated committee is charged with responsibility for the supervision, administration, the monitoring of whatever is deemed to fall within this 18-unit workforce category.

MR. PIRGER: Excuse me, sir.

CHAIRMAN EWASUTYN: There will be a time in the meeting.

MR. PIRGER: No. There is a time right now. That was sold primarily for senior housing. Now they're trying to blow this other nonsense in on me, otherwise I would not have sold it. Say whatever the hell you want to say.

CHAIRMAN EWASUTYN: Thank you.

Mr. Schutzman.

MR. SCHUTZMAN: Thank you very much.

MR. PIRGER: Enough.

MR. SCHUTZMAN: So going back to it. This is -- the administration of this will fall to the Town Board and/or its designated

1
2 committee. This is an annual thing. The Board
3 or its committee will annually monitor to see
4 that a person who was afforded the opportunity to
5 become part of the workforce housing, the local
6 police, fire, teachers, Town employees, Town
7 residents, that that certification still stands.
8 If that person who has qualified for that unit
9 all of a sudden -- if the limitation happened to
10 be \$60,000 of income for the particular year in
11 question, all of a sudden has \$100,000 of income,
12 then what normally happens in other surrounding
13 jurisdictions is that that person is given an
14 opportunity to move out of the unit so somebody
15 else with \$60,000 then can come in to the unit.
16 So this is a continuing process that is
17 undertaken by the Town Board, not the Planning
18 Board, in terms of the monitoring of this on the
19 assumption that it's approved.

20 Just a quick comment to the gentleman's
21 statement if I may. There are no land title
22 restrictions whatsoever with respect to requiring
23 any designated housing on this lot. There's no
24 requirement that senior housing be put. There's
25 no requirement of anything else. So if the

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gentleman has some documentary evidence, I'd ask that he produce it right now.

MR. PIRGER: I wish to hell I had my damn letter in my pocket.

MR. SCHUTZMAN: Okay. I just note, Mr. Chairman, that the title land records are very clear in what I just said.

MR. PIRGER: It was sold specifically for senior housing.

MR. SCHUTZMAN: Going back to the history --

CHAIRMAN EWASUTYN: Your comment is well taken at this point. We would like to have a sense of order to the meeting as described earlier. Please.

MR. SCHUTZMAN: So if I may take a minute just to explore a little bit of the history so you're all up to speed. This application for development of the site was originally presented in 1999. That's why you'll see on the agenda a 199 9-33 project number. It took ten years for the developer to get approval for his senior housing project. There was an intervening sewer moratorium and other

1 situations. Finally, in 2009 the Planning Board
2 approved, and we have conditional final site plan
3 approval right now, to build 188 senior units on
4 this site. In the process of exploring the
5 economics of that, the owner determined that he
6 wanted to go back and solicit the Town Board and
7 Planning Board in terms of building market value
8 units. That is, could he eliminate the senior
9 restriction so that he could build market value
10 to achieve the most value. In the process of
11 going back to the Town Board, the Town Board
12 approved a resolution in June of last year
13 authorizing the developer to resubmit to the
14 Planning Board an amended site plan application
15 calling for the development and construction of
16 161 units, a similar footprint to that which was
17 approved with respect to the 188 units, and
18 providing the increased density bonus to allow
19 the developer to have to put in 18 workforce
20 units.
21

22 When the resolution was approved in
23 June of last year, the way the zoning code was
24 written, the Town Board gave the developer
25 approval to come back and present 164 units

1
2 total. From that point in June until we came
3 back to the Planning Board in the fall, the
4 zoning code was amended, which reclassified some
5 of the usable area which resulted in a further
6 reduction of the units that could be built. So
7 instead of the approval that we got from the Town
8 Board to come back to the Planning Board and
9 discuss a project of 164 units, the intervening
10 zoning amendment reduced us down another several
11 units, which is why tonight we're here before you
12 with a presentation to promote 161 units.

13 When we came back to the Planning Board
14 last fall, the Planning Board had requested that
15 the applicant do a further traffic study and redo
16 the plans to show that with different traffic,
17 and some additional amenities, and a little
18 tweaking of the footprints because of the reduced
19 units, that the traffic study -- a new traffic
20 study be done. This was done and presented to
21 the Planning Board and its consultants, and the
22 Planning Board Consultants have been -- their
23 concerns have been satisfactorily addressed with
24 respect to traffic.

25 With me tonight I have Paul Going who

1
2 is our traffic consultant in case the Board or
3 the public should have any questions with respect
4 to that analysis. And with me tonight I have
5 Kirk Rother who is the engineer on the project. I
6 think that most of this is probably more of an
7 engineering presentation in light of whatever
8 comments the Board may have or questions the
9 public may have.

10 So at this moment I guess I'll turn it
11 back to the Chair.

12 CHAIRMAN EWASUTYN: Again, the
13 presentation is completed. I appreciate
14 everyone's --

15 MR. PIRGER: We got a bunch of crap
16 from an idiot.

17 MR. SCHUTZMAN: May I say one last
18 thing?

19 CHAIRMAN EWASUTYN: Please.

20 MR. SCHUTZMAN: It should also be known
21 that the workforce aspect of this does not
22 require any subsidies in terms of the Government
23 giving the developer any money. No tax credits.

24 MR. PIRGER: The hell with the God damn
25 Government.

1
2 MR. SCHUTZMAN: The basis of the
3 reductions given to the people who qualify for
4 the workforce housing, the discounts that are
5 offered, some of which Mr. Donnelly touched on in
6 terms of what you might deem to be market value,
7 which is again the numbers he was talking about,
8 that comes out of the owner's pocket. The reason
9 an owner does that under the existing code is
10 that he gets a density bonus and he's allowed to
11 build a little bit more.

12 MR. PIRGER: Right, more.

13 MR. SCHUTZMAN: So they balance between
14 the owner giving a subsidy to those of you who
15 would qualify for these 18 units versus having to
16 be able to build some additional units. So I
17 just wanted to make sure that I confirm that
18 there are no tax subsidies and no tax credits
19 involved with this project.

20 Thank you very much.

21 CHAIRMAN EWASUTYN: Kirk Rother, will
22 you, for the audience, give them a conceptual
23 view of the project. Could you also mention how
24 many bedrooms -- one-family bedroom units there
25 are proposed, how many two-family bedroom units

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are proposed and the concept of the plan before them?

MR. ROTHER: Sure. Good evening. Kirk Rother, I'm the engineer for the project.

I'll touch on those few points. I'll keep it very brief. Just so the public is aware, this plan that's on this easel right here is the approved senior citizen plan. This has all site plan approval from this Planning Board.

This is the plan that's before the Board with the site plan amendment. You can see the two plans are very similar. This has 11 buildings, 188 units for a total of 333 bedrooms. This has 11 buildings, 161 units for a total of 274 buildings (sic). On this plan there's 44 one-bedroom units, there's 117 two-bedroom units.

This here is a rendering of what we anticipate the building will look like. That is a 16-unit building. There's also 12-unit buildings. This might be too heavy for that easel. This will be the front facade as viewed from the entrance road coming into the site.

CHAIRMAN EWASUTYN: Can I make a suggestion?

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MR. ROTHER: Sure.

CHAIRMAN EWASUTYN: As if this was a boxing match, which I hope it isn't, can you sort of walk up and down with the easel so those in the back can have a general idea as for a flash card or something. Walk throughout the audience.

MR. ROTHER: I would have went on a diet if I'd known I had to do this. Can everybody see?

UNIDENTIFIED SPEAKER: The garage is right here?

MR. ROTHER: No.

UNIDENTIFIED SPEAKER: Where are the garages?

MR. ROTHER: There are no garages

CHAIRMAN EWASUTYN: We'll get into the question and answer period.

UNIDENTIFIED SPEAKER: I was just looking at the thing.

UNIDENTIFIED SPEAKER: Can you repeat the number of one bedrooms?

MR. ROTHER: There's 44 one-bedroom units, 117 two-bedroom units. Of the total 161 units proposed, 18 of them have to meet the

1
2 Town's affordable housing criteria. These are
3 two-story buildings. There's no proposed
4 garages. It's just one-floor units upstairs and
5 downstairs. For example, in the 16-unit
6 building, 8 units on the first floor, 8 units on
7 the second floor. The 12-unit building is the
8 same way.

9 UNIDENTIFIED SPEAKER: Why don't you
10 give us the benefit of the doubt and bring it
11 over this way.

12 CHAIRMAN EWASUTYN: Kirk, they would
13 like further circulation.

14 MR. GALLI: In the back.

15 MR. ROTHER: Just to give the public an
16 idea of where we are here on the property, this
17 is Meadow Hill Road, Meadow Hill Elementary
18 School. Over on this side is Meadow Winds. Down
19 on the bottom here is Sycamore Drive with single-
20 family residences.

21 There's one primary stormwater
22 management pond located in the northeastern
23 corner of the property, the same location as was
24 shown on the senior citizen project. The
25 majority of the water goes to that area. The

1 rest of this water goes into a recently improved
2 drainage infrastructure on Meadow Hill road, it's
3 a 48-inch diameter pipe, quite significant, more
4 than adequate to handle the flows.
5

6 Because we have fewer bedrooms, our
7 demands on water and sewer are less than what was
8 shown on the approved senior project by roughly
9 6,000 gallons.

10 I think those are the high points.

11 MR. HINES: Water and sewer are out the
12 back?

13 MR. ROTHER: Water, sewer goes out
14 through Meadow Winds. Water and sewer is a loop
15 from Meadow Hill to Meadow Winds.

16 UNIDENTIFIED SPEAKER: Say that again.

17 MR. ROTHER: Mr. Hines just asked me
18 about the water and sewer connections. The sewer
19 connection for this project connects into the
20 sewer in Meadow Winds. The water supply for this
21 project will provide a loop from the water main
22 in Meadow Hill Road, through our site to the
23 water main in Meadow Winds, which is a generally
24 desirable scenario. We want to create as many
25 water loops as we can.

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MR. DOUGHERTY: Where is your egress for the vehicles?

CHAIRMAN EWASUTYN: Okay. Again, I say there's a point to where we address the public as presented earlier in the meeting. We could do that at this time, but what did we say at the beginning of the meeting?

MR. DOUGHERTY: I'm looking at it.

CHAIRMAN EWASUTYN: What did we say at the beginning of the meeting?

MR. DOUGHERTY: You want me to talk now?

CHAIRMAN EWASUTYN: I'm saying you have to give your name and address.

MR. DOUGHERTY: I didn't know whether you were ready.

CHAIRMAN EWASUTYN: I'm ready to accept you.

MR. DOUGHERTY: My name is James Dougherty, D-O-U-G-H-E-R-T-Y. Thank you very much. I'll ask the question first of all. The environmental impact that you guys had on this, on the original, have you resubmitted an environmental impact?

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2 MR. ROTHER: I wasn't personally
3 involved in the environmental impact statement of
4 the first application but we did resubmit a long
5 environmental assessment form.

6 MR. DOUGHERTY: And where is this
7 environmental impact? Did you send it to the
8 Board?

9 MR. DONNELLY: The environmental study
10 was done in the year 2000. It was not an
11 environmental impact study, it was an
12 environmental assessment form with back-up data
13 submitted that led to the issuance of a negative
14 declaration on March 16, 2000. When this
15 proposal was made, there was a study done from a
16 traffic point of view, and some of the
17 engineering issues like stormwater, water and
18 sewer that compared the impacts of the project as
19 presented and approved with what is proposed now.
20 After those impacts were studied in that form, a
21 reaffirmation of the negative declaration was
22 issued this past February, February 3rd.

23 MR. DOUGHERTY: Have they mitigated
24 everything that was negative?

25 MR. DONNELLY: I don't believe that any

1
2 significant adverse impacts were identified as
3 being on the site at all.

4 MR. DOUGHERTY: And yet we have -- the
5 land use people had a meeting here the other day
6 saying that the traffic patterns and stuff that
7 we have on Meadow Hill Road are overextended
8 already before you even bring this project in.

9 MR. DONNELLY: I wasn't here at that
10 meeting. I'm not a traffic engineer.

11 MR. DOUGHERTY: Maybe the Planning
12 Board should have access to that meeting, what we
13 just had, and talk to the land use people and say
14 hey listen, what kind of impact are we going to
15 have and not having a private traffic guy say
16 okay, yeah, we ain't got no problem with this
17 traffic.

18 CHAIRMAN EWASUTYN: James, at this
19 particular point I'll turn to Ken Wersted, our
20 Traffic Consultant, and he could explain to the
21 public, for those of you who weren't there the
22 other night. Frank Galli, Ken Mennerich and
23 myself had been present that evening.

24 MR. DOUGHERTY: Good.

25 CHAIRMAN EWASUTYN: Ken Wersted, our

1
2 Traffic Consultant who represents the Planning
3 Board in the Town of Newburgh, will educate the
4 public. We have with us also this evening Megan
5 Tenner who is with the Orange County Planning
6 Department. David Church who was a
7 representative at that meeting was also there.
8 So we'll do a coordinated explanation and review
9 what James is discussing this evening.

10 MR. DOUGHERTY: Thank you.

11 CHAIRMAN EWASUTYN: Ken Wersted,
12 please.

13 MR. WERSTED: Thank you, Mr. Chairman.
14 The proposed project obviously evolved from when
15 it was presented ten years ago from a senior
16 housing project into a non-age restricted
17 project. The key difference in terms of traffic
18 is that an age-restricted project tends to
19 generate less traffic because of the older
20 population. A lot more are retired, a lot of
21 them will make their trips outside the peak
22 hours. So the traffic generation from a senior
23 housing project tends to be quite a bit less than
24 a non-age restricted development. When the
25 proposal had come back to the Planning Board with

1
2 that non-age restricted criteria to it, we had
3 done an initial assessment to say well, what is
4 the difference going to be between the older
5 project and the newer.

6 Relative to traffic, the older project
7 was obviously going to generate less than the
8 current project would. So we had requested that
9 the applicant prepare a traffic impact statement
10 to evaluate what that difference would be and its
11 affect on the area roadways. They have since
12 prepared that study. We confirmed that this
13 project would generate approximately 80 to 100
14 additional trips onto the area roadways, whereas
15 the previous project as a senior housing would
16 have generated between 25 and 30 trips in the
17 peak hours.

18 CHAIRMAN EWASUTYN: Please, I say to
19 you, due courtesy. Let's listen to what he has
20 to say and hold back from the moans and groans.
21 Please.

22 MR. WERSTED: So the process which the
23 applicant took was to go out and document the
24 existing traffic on Meadow Hill Road and in that
25 area, and then to estimate how much the future

1 traffic without the project, meaning it's going
2 to take some time to actually build this and have
3 people move in. So it's not going to be open this
4 year. It probably won't be open next year.

5 Sometime in the future, and I think 2012 may have
6 been the year for it, but they estimated how much
7 that future traffic is before this is opened, and
8 that provides a baseline for a before condition,
9 then they take the amount of housing units, and
10 obviously it's non-age restricted. They, through
11 other studies published by The Institute of
12 Transportation Engineers, estimated how much
13 traffic this project would generate, and then
14 they basically just added on top and that gives
15 you the before and after traffic conditions.

16 They can then go through the analysis and look at
17 how much the delays are different between the
18 before and after, and basically compile that into
19 a study. So that information was all prepared.

20 We had reviewed it. We had basically agreed with
21 a lot of the assumptions, but there were some
22 other assumptions that we didn't agree with. One
23 in particular was their assumption that the
24 Brighton Green project hadn't been constructed
25

1 yet when indeed there is more -- it's not fully
2 complete yet but they do have a substantial
3 amount open. So that was one of the assumptions
4 that we had them go back and re-look at.
5

6 The other couple of assumptions had to
7 do with other developments in the area. They did
8 take into account The Marketplace, which
9 obviously was started six years ago and I think
10 had been intended to be open by now but certainly
11 they've only put up a sign and cut down some
12 trees. That hasn't been built yet but their
13 traffic study does include that.

14 So looking at the two differences, most
15 of the traffic from the -- from this project is
16 going to head down the hill towards Route 300.
17 There isn't very much that's going to head
18 towards Patton Road and go out Lakeside towards
19 Route 17K, in that direction. That's also true
20 of the existing traffic that's on Meadow Hill
21 Road. A lot of that all comes out from those
22 neighborhood streets. They, for the most part,
23 only have one direction to get out to come to
24 Meadow Hill and go either east or west, although
25 most of it heads towards the east. There are

1
2 some neighborhoods, some roadways that can
3 actually go up to Route 52 and, through the
4 series of street connections, you could also take
5 Fletcher Drive down to Route 17K. For the most
6 part, when you look at the traffic at Patton Road
7 and Meadow Hill and you look at the traffic say
8 in the middle, you actually gain about 300 trips
9 between those two intersections. So that's where
10 all the residences in that area all come out to
11 Meadow Hill and then head to the east. And then
12 from there, obviously going down the hill you
13 have some traffic from the mall and Stop & Shop
14 and so forth.

15 So all of that traffic has been -- is
16 looked at. They had responded to our comments,
17 basically addressed those.

18 We had some other issues with the
19 timing that was at the traffic signal at Route
20 300 and Meadow Hill Road. They've addressed
21 those issues.

22 Now obviously we're here to hear about
23 any other concerns that the public might have in
24 that area.

25 CHAIRMAN EWASUTYN: James, you had an

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2 opportunity to speak. I think one thing that
3 wasn't mentioned earlier in the evening is we
4 have to keep that protocol. Those people had an
5 opportunity to speak, that was your opportunity,
6 and then we'll allow others the first
7 opportunity. If need be, we'll go through a
8 second round. So we'll take the lady behind
9 James.

10 MS. OLIVERA: My name is Mary Olivera,
11 I live on 59 Meadow Hill Road, about three houses
12 down from where that entrance is going to be. I
13 don't know what kind of matrix you used to come
14 up with the numbers on traffic, because when I
15 stand right in front of my driveway to make a
16 turn to go into my driveway, I can barely go in
17 there because there are cars and cars and cars.
18 When I go to pick up my mail, if I'm not careful
19 I'll probably end up at St. Luke's because of the
20 traffic. At one of our Town Board meetings I
21 suggested we change the name from Meadow Hill
22 Road to Meadow Hill Highway because of the
23 traffic there. Sometimes people go by -- I bet
24 you anything if we had somebody measuring the
25 speed, it hits 55.

1
2 My neighbor's friend is -- lucky for
3 her she put a fence and rocks, and they're
4 replacing them like every so often because cars
5 end up in her yard. The traffic is one issue.

6 The issue with the water coming down
7 from that particular area is another big issue,
8 and I suffer the consequences because it goes
9 into my basement and it drains into where my
10 boiler and my water supply is.

11 You know, I'm all for affordable
12 housing. We appreciate the Town workers, the
13 police, because they work very hard. But I think
14 Meadow Hill Road is already overcrowded and we
15 have other locations that we can utilize to build
16 this project. Right now Meadow Hill Road is too
17 much. In Town we have over 2,000 houses that are
18 empty. Brighton, whatever it is, the name of
19 that development, there are many homes. I looked
20 the other day on foreclosures Newburgh, and on
21 our street alone there are about four houses in
22 foreclosure. Maybe the better position here is
23 to look into getting individuals those homes that
24 are in foreclosure rather than build more and
25 mess up our environment where the wildlife -- we

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have the deers going all over the place and we barely can walk on our streets.

We don't have sidewalks on Meadow Hill Road, so people walk on the side of the road.

I mean we moved here because we wanted a country feeling, and right now it's almost like living in New York City between the speed, the garbage that people throw on my property and all my neighbors' properties.

I think this needs to be re-thought. I know that you guys are going to take a vote here tonight, and I hope that every single person in this room stands up and speaks because if you don't speak tonight, this will be approved and we'll have to suffer the consequences.

The study that was done ten years ago is too far back. We need another one.

Thank you so much.

CHAIRMAN EWASUTYN: Kirk, would you like to speak to the issue as far as drainage and how drainage has been studied and how drainage will be handled on this site?

MR. ROTHER: This is a pre-developed drainage map. This is Meadow Hill Road, Sycamore

1 Drive. This is our site. Right now -- this is
2 the Meadow Hill Elementary School. A portion of
3 this over here is Meadow Winds. Right now there
4 are primarily two drainage basins. This area on
5 the top drains toward Meadow Hill Road.
6

7 There are houses on the other side of
8 the street you said.

9 UNIDENTIFIED SPEAKER: Wait a minute
10 here.

11 MS. OLIVERA: That's a dry creek. When
12 it rains the water runs down like if it was a
13 river.

14 CHAIRMAN EWASUTYN: Sir, sir.

15 MR. PIRGER: I have to say something
16 for a fact.

17 CHAIRMAN EWASUTYN: You don't have to
18 say something.

19 MR. PIRGER: I am the owner of that, 86
20 Meadow Hill Road.

21 CHAIRMAN EWASUTYN: Be polite and let
22 him finish his presentation.

23 MR. PIRGER: My yard is God damn
24 garbage.

25 CHAIRMAN EWASUTYN: Keep a sense of

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order.

MR. PIRGER: God damn water.

CHAIRMAN EWASUTYN: Be polite to Mary, be polite to James, be polite to those people who raised questions and we would like to give them an answer.

Please.

MR. ROTHER: So on our side of Meadow Hill Road the Town recently made -- I say recently. I'm not sure how long ago.

MR. HINES: Eight years ago.

MS. OLIVERA: Three years. It doesn't work.

CHAIRMAN EWASUTYN: Mary, let him finish his presentation.

MR. ROTHER: What we see on Meadow Hill Road, on our side of Meadow Hill Road, is a pretty large drainage pipe. It's a 48-inch pipe which is quite substantial. This water runs into that pipe right now, and it's going to continue to do so. I have a post-development map here which I can dig out if you want to see it.

As part of the drainage analysis we have to do a pre and post-developed comparison.

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2 We can't increase the rate of runoff in our post-
3 developed condition. So we've gone through that
4 analysis. The Town's engineer has reviewed it.
5 It has to abide by the New York State DEC SPDES
6 permit criteria. We've shown that -- this
7 analysis here that we show, it points west. We
8 have no increase in the rate of runoff. We're
9 going to take our runoff now and put it directly
10 into that pipe. There's not going to be any
11 surface water runoff. We have proposed catch
12 basins. We're proposing a catch basin that's
13 going to be built right on top of that 48-inch
14 pipe.

15 Now I know just from going out here it
16 seems there's probably drainage concerns on
17 Sycamore as well. Anybody from Sycamore? I note
18 behind the houses on Sycamore there's a drainage
19 ditch. It looks like it's not in the greatest
20 shape right now. It's kind of overgrown and
21 meanders a little bit. Where the cul-de-sac on
22 Sycamore is there's a corrugated metal pipe
23 that's been cut in half. Somebody, I guess,
24 built it into the bank so it captures the water
25 and prevents it from running down into the

1
2 cul-de-sac on Sycamore Drive. The bottom half of
3 the site is generally what runs into that ditch.
4 It flows down to the east and then around the
5 corner to the end of Sycamore Drive. We're going
6 to capture all of this runoff and put it into a
7 new drainage system that's just inside our
8 property, again all catch basins and pipe, and
9 release it right in the corner of the property
10 where that swale currently releases and goes down
11 to the adjacent property owner. So for those
12 residents that are on Sycamore Drive, as far as
13 the surface water that's running off from our
14 site, you should see a significant decrease
15 because we're going to capture all of it --
16 virtually all of it and put it into a system of
17 catch basins and pipe it into our stormwater
18 management pond and have one outlet in the corner
19 of the property.

20 CHAIRMAN EWASUTYN: Pat Hines is our
21 Drainage Consultant.

22 Pat, would you take the opportunity to
23 follow Kirk's presentation?

24 MR. HINES: My office has reviewed
25 several rounds of drainage studies on this over

1
2 the past decade. It's gone through many
3 revisions due to updating of the Town's
4 stormwater regulations and the DEC's stormwater
5 regulations. Over time both regulations have
6 become more and more stringent. Initially they
7 only dealt with water quantity. They are now
8 requiring you to deal with water quality
9 improvements also.

10 As Mr. Rother mentioned, there's a
11 large detention pond facility being constructed
12 on the northeast portion of the site which will
13 serve for both water quality control through
14 biological process, functioning as a natural
15 pond, and will meter the water out to below pre-
16 development rates by use of an outlet control
17 structure with various size orifices to discharge
18 in various size storms so that the down gradient
19 properties are protected.

20 In the 1999 version we probably had one
21 size orifice that controlled the 25-year storm
22 event. In the decade since then, you now have to
23 control various size storm events starting at the
24 1-year storm event up to the 100-year storm
25 event.

1
2 My office reviewed these numerous
3 reports culminating in the final report that was
4 signed off on six weeks ago or so and have found
5 it to be in compliance with the Town's
6 regulations and the DEC's regulations.

7 The Town of Newburgh has issued an
8 MS-4, municipal stormwater system permit, and
9 they have applied for coverage under the DEC's
10 permit, which I believe you have gained in the
11 last several days.

12 So the drainage on the site has been
13 reviewed multiple times and it has been developed
14 over the years to comply with the various
15 regulations as they have been adopted by the
16 various agencies.

17 CHAIRMAN EWASUTYN: The gentleman with
18 his hand up.

19 MR. BOVINO: I wanted to go back to the
20 person who spoke --

21 CHAIRMAN EWASUTYN: Can you please, for
22 the record --

23 MR. BOVINO: My name is James Bovino, I
24 live on Maggie Road, 1132 Maggie Road.

25 B-O-V-I-N-O.

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I would like to go back to the man who was talking about traffic. We're talking 161 units.

MR. PIRGER: More units.

MR. BOVINO: At minimum two cars, maybe three depending on if they have adult children, you know. And you're saying it's only going to increase it by 80 trips? 80 trips in the peak hour?

CHAIRMAN EWASUTYN: Ken, would you stand.

MR. BOVINO: I can't believe -- I find that hard to believe. We're talking about 450 cars.

MR. WERSTED: The peak hours basically reflect those peak times in the morning, peak times in the afternoon when people are heading out. They're heading to work and in the afternoon when they're all heading home. If you were to stand on the road and count traffic all the way throughout the day for twenty-four hours, you're going to see that there isn't very much traffic overnight, in the morning it increases and then it tapers down.

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UNIDENTIFIED SPEAKER: You don't live there.

MR. BOVINO: You're aware there's buses going into the school?

MR. WERSTED: Correct. That's why it increases in the morning and comes down.

MR. BOVINO: You're talking just 80 trips.

MR. WERSTED: Let me finish. Let me finish. The traffic increases in the morning when everyone from these neighborhoods are going to work. The traffic then comes down. I'm not saying it comes down to what it's like overnight but it comes down, and then it continues to increase throughout the afternoon. You're going to have a peak when the school lets out. You've got parents coming to the school picking up children, you've got buses that are leaving to send children out on the school buses, and then you have a peak when all the residents in this area come back home from work. Throughout the evening that volume continues to come down as you would expect overnight. That's how the traffic --

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MR. PIRGER: Wait. Wait. Excuse me.

MR. WERSTED: That's how the traffic operates overnight.

UNIDENTIFIED SPEAKER: No, it doesn't.

CHAIRMAN EWASUTYN: Again, he's a licensed PE in the field. He's explaining to you the studies that were made, the methodologies that are being presented, and I ask you to be considerate of his presentation. Whether you agree or disagree with him, --

MR. PIRGER: I have to say one thing.

CHAIRMAN EWASUTYN: -- he's still responding to James' question. James raised a question on the amount of trips. He didn't agree with the amount of trips. Ken Wersted is addressing that. Please, again, be considerate of your neighbors also.

MR. WERSTED: That analysis methodology looks at those peak periods throughout the day.

Now, to estimate the impact from the project we need to know how much traffic comes from this project in that peak hour. So the Institute of Transportation Engineers, they go out and they look at hundreds of these types of

1 sites, count how many units are in it, count how
2 much traffic comes in and out of it and comes up
3 with an equation to reflect that. What we find
4 is that developments of almost any size may have
5 two cars, they may have three cars, but the
6 people who live there do not all leave and come
7 back in exactly the same hour. Some people leave
8 to work in the city so they leave early. Some
9 people work closer by and they don't need to
10 leave at 6 o'clock or 7 o'clock in the morning.
11 When you tally up all of these units and you
12 count how much traffic comes in and out, in a
13 single hour it's not, you know, 164 times two
14 because there's two cars. There are hundreds of
15 studies to support this and --

17 MR. BOVINO: Have you done a count on
18 how many cars go through there right now?

19 MR. WERSTED: Yes. A count was done
20 back in 1999.

21 (Audience commenting.)

22 CHAIRMAN EWASUTYN: You're being rude.
23 You're being rude. James, James. You asked a
24 question. He's going to follow you from the
25 original study. James raised a question as far

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2 as environmental impacts. We're answering it
3 based upon the original study. We'll give you
4 figures based upon the current study. So again,
5 if you take the time to listen and be
6 considerate, then we might all learn something.
7 We can learn from your questions, we can learn
8 from his answers. Please.

9 MR. WERSTED: Obviously the project did
10 a study back in 1999 when it was originally
11 proposed. Because we had identified that the
12 traffic from this project would be more between
13 the old senior housing project and the current
14 one, we had requested that the applicant go out
15 and do another study, so they had done that.
16 They had gone out and done traffic counts in
17 2010. So people are talking about this older
18 study but there's a current study done for this
19 project.

20 CHAIRMAN EWASUTYN: The representative
21 from Atlantic who did the traffic study, would
22 you please give your name.

23 MR. GOING: My name is Paul Going, I
24 work for Atlantic Traffic Design.

25 CHAIRMAN EWASUTYN: You may have to

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speaking louder.

MR. GOING: My name is Paul Going, I work for Atlantic Traffic Design Engineers. We're a consultant for the developer. We did the traffic study that was reviewed by Ken. We studied traffic on November 18th of 2010 from 7 a.m. to 9 a.m. and then later in the evening from 4 p.m. to 6 p.m.

UNIDENTIFIED SPEAKER: What day of the week was that?

MR. GOING: Thursday.

UNIDENTIFIED SPEAKER: Can you say the time again?

MR. GOING: I'm sorry. To answer that question first, we did not put any R tubes down.

UNIDENTIFIED SPEAKER: Why not?

MR. GOING: We did manual counts to get the turning movements. That's consistent with industry standards.

UNIDENTIFIED SPEAKER: Industry doesn't live here, we do.

UNIDENTIFIED SPEAKER: What were the times?

MR. GOING: We studied from 7 a.m. to 9

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a.m. and then 4 p.m. to 6 p.m.

UNIDENTIFIED SPEAKER: Where?

MR. GOING: One day, which was November 18th.

UNIDENTIFIED SPEAKER: Where?

MR. GOING: Our person stood at Pacer Drive and Meadow Hill Road across from the school. We counted --

CHAIRMAN EWASUTYN: I think let him finish his presentation. We all have opinions as to where, how and why, and we're going through that now. Please.

MR. GOING: We counted at three locations. We counted on Meadow Hill Road at Pacer Road. We counted that location because it's very close to where the proposed driveway is. We also counted at Patton Road and Meadow Hill Road, and we counted at Meadow Hill Road and Route 300.

UNIDENTIFIED SPEAKER: What was the count?

MR. GOING: Hold on.

UNIDENTIFIED SPEAKER: Was that on a Sunday, sir?

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MR. GOING: No. It was on a Thursday. There was a total of about 500 vehicles per hour in the --

UNIDENTIFIED SPEAKER: 500 vehicles an hour?

MR. GOING: We counted two hours. You take the worst hour. We counted a total of four hours.

MR. SCHUTZMAN: Finish the answer to the question and then the Chair will direct.

MR. GOING: The answer to the question is we counted four hours, two hours in the morning and two hours in the evening.

UNIDENTIFIED SPEAKER: Again, that was from 7 a.m. --

CHAIRMAN EWASUTYN: Ma'am, please. We'll address you by raising your hand. We have to keep a sense of order. Again, we're losing that sense. We're not being polite to one another and we just can't continue on like this for it to be a learning experience. Please.

MR. PIRGER: Deal with a lot of nonsense.

CHAIRMAN EWASUTYN: We responded to

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James' question. The gentleman in the back.

MR. SCHWARZBECK: My name is Dick Schwarzbeck, I live at 30 Bridle Path, Meadow Hill for forty-four years. I'm a retired State Police investigator.

Just to give you an idea, okay, yesterday I was going down to Patton Road, so I pulled out onto Pacer by the Meadow Hill School at 2:00. I couldn't believe it because I had to wait for eighteen cars to go by me. That was yesterday. That's at 2:00 in the afternoon. We don't need this apartment -- low-income apartment in the Town of Newburgh, okay. We don't need it in Meadow Hill.

The impact on the school, because all these cars are going to be going to Meadow Hill School, and then you're going to -- in five years that place is going to look like a ghetto, I guarantee it.

MR. PIRGER: For a fact.

CHAIRMAN EWASUTYN: The gentleman here.

MR. O'NEIL: My name is Jim O'Neil, I live at 63 Meadow Hill Road. I moved in in the year 2000, and it was somewhat of a peaceful

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2 neighborhood at the time.

3 You said you're counting cars two hours
4 in the morning and two hours in the afternoon.

5 You don't bother coming by overnight when people
6 are going out to get their brown bags down at the
7 stores on the end of the road, and you don't have
8 to put up with the rude people. When I'm trying
9 to turn into my driveway, the rude people that
10 just blow you off and go around you over the
11 double solid yellow line. Not only

12 inconsiderate, but you also didn't count the
13 people that exceed the speed limit. I told the
14 police department about this. I said you're
15 going to wind up with egg on your face some day
16 after some kid, a child at the school gets run
17 down and killed. Since then there's been a car
18 that got flipped over on its roof on top of the
19 school grass. Now the alarm signs went up and
20 they put three speed bumps out there which have
21 pavement around the sides of them. People
22 regularly drive around them. There's no control
23 of the speed limit. If you had this -- if you
24 only had that many cars traveling that road and
25 they all adhered to the speed limit, it might be

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2 permissible. You know, everybody deserve a break
3 in America. When they go 65 miles-an-hour and
4 run you off the road and swear at you, and if
5 that isn't bad enough they throw junk out the
6 windows.

7 Now there's also animals. You're
8 talking about the environmental impact statement.
9 Have you ever take notice of the animals that get
10 killed there?

11 MR. PIRGER: In front of my house in
12 particular.

13 MR. O'NEIL: The people are going so
14 fast and there's a turn there. Oh, well I didn't
15 see it. Well, you can't see it in the dark.

16 MR. PIRGER: At 100 miles an hour.

17 MR. GOING: I understand there are
18 excessive speeds out there. From my point of
19 view --

20 MR. O'NEIL: And the Town does not
21 patrol the area. They stay out of it. They stay
22 away from it. It's bad news.

23 CHAIRMAN EWASUTYN: Let him have a
24 chance to speak to your question.

25 MR. GOING: It's a problem with

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enforcement, as you just said yourself.

CHAIRMAN EWASUTYN: This lady here, the first lady.

MS. KAVANAGH: My name is Theresa Kavanagh and I live at 1 Surrey Place in Meadow Hill. I've lived in Meadow Hill since its inception, for forty-seven years. I've grown up there and I have raised my family there. My children attended Meadow Hill School there and I have lived and worked, as my husband has, in this community. I respect Jim's concerns, Mary's concerns, Dick's concerns and all of our concerns. I'd like to ask the Planning Board and those of you who are working on these projects, do you ever travel on Meadow Hill Road? Have you seen what Jim is incurring to us? They have installed speed bumps. People just drive 40, 50. They just drive over them. If you don't feel like driving over them --

MR. PIRGER: Drive around them.

MS. KAVANAGH: What about our environment? What about when it's the last piece of land in our community that is our country. It's our last piece of bit of land that --

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2 MR. PIRGER: My God damn backyard.

3 MS. KAVANAGH: -- we can look at for
4 our natural environment. Hasn't our area already
5 changed so much in ten years that ten years ago
6 when this was approved and looked upon as a
7 senior housing thing, what has happened in our
8 community in the past ten years. It's grown even
9 more so. The Marketplace, the condos on Meadow
10 Hill Road. What are we doing to our land, and
11 our water, and our students at Meadow Hill School
12 where people -- parents are trying to cross.
13 When I went to Meadow Hill School you crossed the
14 road and went to Meadow Hill School and you
15 didn't even have a crossing guard. You didn't
16 even need your parents. What about our students?
17 What about us who want to walk in our community
18 and exercise and respect our nature and our yards
19 and our -- all of it. There's so much more to
20 this than just what's going to be there and that
21 there's a project. I respect the Planning
22 Board's assessments but I also have to ask you,
23 have you driven on Meadow Hill Road lately? Have
24 you ever gone up and down there? All of you.
25 Thank you.

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2 KAREN: Hi. I'm Karen, I live in
3 Meadow Winds. As opposed to your wonderful day
4 of testing out the traffic, November 19th was a
5 superintendent's day. There was no school.
6 You're not going to get the traffic that you
7 have. I'm just giving you an example. Listen.
8 I leave my house every morning, okay. I take my
9 kids to Neversink. It takes me twenty-five
10 minutes from Neversink to get to Dairy Queen.
11 Try to get over to Gardnertown. It took me
12 forty-five minutes today to go from Neversink
13 down to Temple Hill School with all the traffic
14 around Meadow Hill. All the traffic. So you
15 better get your dates straight. Do a thing
16 during the day. Why don't you do it Wednesday
17 from 6:00 in the morning until 12:00 in the
18 afternoon and you'll see the traffic going back
19 and forth.

20 MR. GOING: We did it Thursday.

21 KAREN: There was no school.

22 MR. GOING: School was in session.

23 KAREN: What day?

24 MR. GOING: The 18th.

25 KAREN: There was no school. My kids

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go to school.

MR. GOING: The 18th of November.

KAREN: There was no school. There was no school.

MR. GOING: There were a great many cars coming in and out of the school.

KAREN: It was a superintendent's conference. The kids were not in school. The teachers were in school.

MR. PIRGER: Presidents day.

KAREN: You have to understand that there's a lot of kids that go to school there and it takes an average parent to go from one place to another additional time. It's a very busy place.

CHAIRMAN EWASUTYN: The lady next to you.

MS. GRAINGER: My name is Laura Grainger, I live in Meadow Winds also. I'm going to get away from traffic for just a little bit. My question is in 1999 that was approved for --

MR. PIRGER: Senior housing.

MS. GRAINGER: -- senior housing.

MR. SCHUTZMAN: 2009.

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MS. GRAINGER: Excuse me. 2009. And then it was approved for --

UNIDENTIFIED SPEAKER: 1999.

MR. SCHUTZMAN: In 1999 the first application was submitted which was approved ten years later in 2009, two years ago.

MR. PIRGER: For senior housing.

MR. SCHUTZMAN: Correct.

MS. GRAINGER: And then it's now been approved for multi-dwellings?

MR. SCHUTZMAN: That's what we're here to seek.

MS. GRAINGER: That's what you're here for. With 18 low --

MR. SCHUTZMAN: Workforce housing. Not low income. It's defined by statute.

MS. GRAINGER: If that goes, great. When the regular one bedrooms or two bedrooms aren't selling very well because they cost more than the rent or whatever it is, are we going to be back here getting angry that now we want 112 lower income housing because you're not selling?

MR. PIRGER: More tax dollars for the Town.

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MS. GRAINGER: My concern is to --

MR. DONNELLY: Let me attempt to answer that. This Board doesn't fix that number, the Town Board does. If you mean here in this room if that ever happened, it wouldn't be --

MS. GRAINGER: With the Town. With the Town. I mean in general with the Town. That's my concern is if those sell, great. But the others don't sell great, are we all going to have to be back here again because they're proposing that it all become that?

MR. DONNELLY: I'll tell you in my view it's unlikely because the sales can't occur until it's built. Once it's built there's no utility this for developer to --

MS. GRAINGER: Town of Highland had that issue and it was -- there it was senior citizens. It didn't sell so now they're trying to sell it to anybody that wants it. So it happens.

MR. DONNELLY: I can't tell you the applicant could --

MS. GRAINGER: I'm sorry.

MR. DONNELLY: It is possible that any

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2 applicant can request an amendment at a future
3 date. You're envisioning an amendment after the
4 project is built, and I think that would be
5 unlikely but it is possible.

6 MS. GRAINGER: Can somebody tell me
7 what R3 -- the verbiage for what R3 is?

8 CHAIRMAN EWASUTYN: Michael, do you
9 want to pull that up?

10 MS. GRAINGER: Just in general.

11 MR. DONNELLY: You want to know what
12 uses are allowed?

13 MS. GRAINGER: Yes, please.

14 MR. DONNELLY: R3 allows single-family
15 dwellings, it allows multiple dwellings, one-
16 family attached dwellings, garden style
17 dwellings, cluster developments, affordable
18 housing, membership clubs, places of worship,
19 nursery schools, schools, substance abuse
20 rehabilitation centers, funerals --

21 MR. PIRGER: Right. More God damn
22 nonsense we've got to worry about.

23 MR. DONNELLY: -- funeral homes,
24 cemeteries, public utility structures and rights-
25 of-way, senior citizen housing, two-family

1 dwellings and certain accessory uses. All of
2 those uses are allowed in the R3 zoning district.
3

4 CHAIRMAN EWASUTYN: Does that answer
5 your question?

6 MS. GRAINGER: Yes. Thank you.

7 CHAIRMAN EWASUTYN: I would like for
8 Mike Donnelly to just give the public an
9 understanding as to the bodies that we're
10 discussing this evening as far as the Town Board
11 being a legislative body and the Planning Board
12 being an administrative body. I'll let Mike bring
13 the public along on that.

14 MR. DONNELLY: As I stated at the
15 beginning, I mentioned the master plan and the
16 zoning ordinance. I was just reading from a
17 portion of the zoning ordinance. The ordinance
18 takes the concepts and ideas from the master plan
19 and its objectives and puts them into a nuts and
20 bolts set of laws, rules, tables and so forth
21 that then govern how development can occur in the
22 Town. The Town Board enacts the master plan. It
23 usually does so with the help of the committee
24 and public hearings. The master plan has been
25 updated relatively recently in this Town. The

1 Town Board, your elected officials, then enact
2 the zoning code, what I read from. Those are the
3 rules. The Planning Board's role, when an
4 application is made, is to look at the code and
5 find out is the use allowed, is the density, the
6 number of units in the case of residential
7 housing, or the size of buildings in the
8 commercial or retail world, whether they fit in
9 that rule book, calling it that. Do they meet
10 setbacks, is lot coverage what's required and so
11 forth. The Planning Board also looks at is there
12 adequate provision for drainage. It looks at
13 where the driveways connect, is there sight
14 distance, are there adequate roadways to carry
15 traffic as we've been discussing here tonight.
16 It also determines whether or not there are any
17 significant adverse environmental impacts that
18 flow from the project, and, if there are, it must
19 require the appropriate level of study of those.
20 The Planning Board's job is not to say this is
21 the right development or the right use for a
22 particular site. That's decided in the master
23 plan and the zoning code. The Planning Board's
24 job is to make sure that what is proposed fits
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2 that code, that master plan and that rule book,
3 that it meets those requirements, and that if
4 there are significant adverse environmental
5 issues that flow from the project, that they're
6 appropriately mitigated, as the law calls it, or
7 minimized, that they're addressed and somehow
8 taken care of as far as they can be, not that
9 they can be prevented completely. The Planning
10 Board doesn't decide what uses are allowed in the
11 zone. That's in the rule book that the Town
12 Board enacts. An applicant can come forward with
13 any of the proposals they want. It's not the
14 Planning Board's role to say we don't want multi-
15 family housing, we want a cemetery, or a drug
16 treatment center, or single-family homes. That's
17 the property owner's right. They read the rule
18 book and they're allowed to come forward with the
19 proposal they want. The Planning Board makes
20 sure it fits the code and the impacts are
21 minimized.

22 CHAIRMAN EWASUTYN: The gentleman in
23 the back with the white coat.

24 MS. AVERY LAZARUS: Avery Lazarus, 23
25 Brighton Drive, Unit 1806. We've been in Meadow

1 Hill twenty-eight years. I was born, went to
2 Meadow Hill School. My father lives at 6 Jodphur
3 Lane, Meadow Hill. We're both residents of the
4 area. Thank you for the clarification on that.

5
6 I think there's unequivocally
7 environmental ramifications with having a
8 development of that size put into this
9 neighborhood. Whether it's been studied or
10 theorized or whatever the case is, it's horrible
11 as it is now. Trash is everywhere on the side of
12 the road. There's cars that come up and down
13 that road at probably double the speed limit
14 daily, all the time, nonstop.

15 And quite frankly, speaking to
16 something that you said has nothing to do -- only
17 has to do with environmental things, I don't have
18 a background as an environmentalist or anything
19 like that, but I've been in finance many years.
20 I actually read some study over the past two
21 weeks dealing with different universities,
22 University of Michigan, George Washington
23 University. They've done a number of studies
24 dealing with the implications of having low-
25 income housing in a residential community,

1 suburban community. There's probably been one
2 out of ten that have been a positive thing. When
3 you dig deeper, most of the facts -- the research
4 is backed by a real estate development company.
5 The gentleman presenting things to you is doing a
6 nice job but he's paid to be here. The engineer
7 is paid to be here. I'm not being paid right
8 now. I'm a resident of the area and I'm
9 concerned. Whether it be environmental issues
10 that are going to impact the property value of
11 what's coming up or whether it be economic, the
12 bottom line is in the near future -- things are
13 not good with the economy right now. Anything
14 that's going to hurt the real estate value, which
15 is mostly what people have left, you're hurting
16 people's pockets. When the money is gone, when
17 the currency and dollar means nothing and all
18 they have left is the real estate or what little
19 investment they have, I don't think it's the
20 right thing.

21
22 I have to ask you gentlemen, and I
23 don't know, maybe some of you ladies and
24 gentlemen live in the area, maybe you're in
25 Meadow Hill. I don't know. You haven't said so.

1
2 If in fact you do, do you want this? And if you
3 don't live in the area, if it were in your area,
4 would you want this?

5 CHAIRMAN EWASUTYN: The gentleman
6 there.

7 MR. STACEY LAZARUS: Stacey Lazarus, 6
8 Jodphur Lane. Ever since I moved into Meadow
9 Hill I've been employed by the Newburgh Enlarged
10 City School District. I want to address this
11 issue mathematically. I might need some
12 information to make sure I'm dealing with the
13 right numbers. The philosophy behind affordable
14 housing is people need to make below a certain
15 income to live there. I'm a teacher. I love
16 firemen, I love policemen, I love teachers.

17 UNIDENTIFIED SPEAKER: They make a lot
18 of money.

19 MR. STACEY LAZARUS: If I were to be a
20 new teacher and I made, I don't know what the
21 number was, I think you said like \$49,000 to have
22 a house.

23 CHAIRMAN EWASUTYN: Bryant, what was
24 the number?

25 MR. COCKS: Approximately 48.

1
2 MR. STACEY LAZARUS: Okay, 48. If I'm a
3 new teacher and I start at \$45,000 --

4 UNIDENTIFIED SPEAKER: Less than 48.

5 MR. STACEY LAZARUS: Do I have to make
6 48 or less than 48?

7 UNIDENTIFIED SPEAKER: Less.

8 MR. STACEY LAZARUS: Okay. So if I'm
9 making 45, I'm making less than 48, I can move in
10 there. But then how many years do I get to live
11 there before I become transient and I have to
12 move out? So are we creating a transient
13 community in our own backyard? Could somebody
14 answer that? How many years is the average
15 person going to live there before their salary
16 forces them out?

17 MR. GALLI: If you're talking school
18 teachers, it might not be long because they all
19 might be unemployed according to the Government.

20 MR. STACEY LAZARUS: Let's do a fireman
21 or policeman. How many years does the average
22 person get to live in affordable, low-income
23 before they have to move out?

24 CHAIRMAN EWASUTYN: Megan Tenner is
25 with the Orange County Planning Department. She

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may be able to causally address your question.

MS. TENNERMANN: First; Michelle, I forgot to introduce myself at the beginning of the session. Megan Tennermann, T-E-N-N-E-R-M-A-N-N.

Mr. Lazarus, on average a person will live in affordable housing, and I would actually like to go back and define that but I'm going to answer your question first, for approximately three years, which is the average that people live in any rental unit.

An affordable housing unit can be any price at all as long as it is affordable to a person, and that is determined by thirty percent of that person's gross salary. Workforce housing is defined as housing that is affordable to someone who is making between 80 and 100 percent of the area median income and is spending no more than 30 percent of their gross income on their housing. That would include their rent, if they are renters, and their utilities. If they're homeowners that would include their mortgage, their taxes and any associated costs, their utilities, their garbage pick-up. Whatever isn't

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covered under your taxes.

MR. STACEY LAZARUS: Thank you for that clarification. So in our neighborhood, which is made up of houses that people purchase, we are now creating an environment where, as you say, the normal person is going to live there three years, which is similar to a rental community. Is that -- am I --

MS. TENNERMANN: For the rental units I expect that to be about the average case, yes.

MR. STACEY LAZARUS: Thank you.

CHAIRMAN EWASUTYN: Lori, you had an opportunity and I have to acknowledge other people. That's just -- the gentleman in the back.

MR. MARTIN: My name is Donovan Martin, I live at 49 Hibbing Way. My question to the Planning Board is how is this going to impact the schools in all? I have young children that are going to the schools now and I have kids that are grown up. Most of us all do. I think we do. My question is these 161 units, how have you guys -- and I would like the Board to answer this question. How have you seen the future in five

1 years for these kids? They have already
2 overcrowded classrooms right now. What is your
3 answer to that when you're building these units
4 and other units within the Town as well? Can
5 anyone -- I need someone to answer that question.
6

7 MR. DONNELLY: The Planning Board
8 reports all of its activities, all of its
9 applications and approvals to the school
10 district. School districts are required to plan
11 for the future. They also have their own plans
12 where they look at undeveloped portions of the
13 Town, what is the density of development that is
14 allowed, and they're always in the loop. Other
15 states require developers to pay to meet the
16 increased demand they place. New York does not
17 allow that. So the tax revenue that the new
18 residents will pay is in theory the method that
19 pays for increased school building size if
20 required.

21 MR. MARTIN: I don't mean to cut you
22 off. You said the tax revenue that the new
23 dwellers --

24 MR. DONNELLY: When the people live
25 there they'll pay taxes. Then the owner of the

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2 property pay taxes or their tax payments are made
3 through their rent. Either way, this is a
4 taxable property. This is not a tax free --

5 MR. MARTIN: But not per person. It's
6 just the person who owns the unit. So he or she
7 -- that could be fixed at a certain number. I
8 understand that. For us that number can
9 constantly grow and change to where --

10 MR. DONNELLY: The property is taxed
11 just like any property.

12 MR. MARTIN: But we're single-family
13 homes. Our property is taxed on us as
14 individuals. You're telling me this is going to
15 be taxed on just that developer which generally
16 stays at a fixed price for X amount of years.

17 MR. DONNELLY: The assessment is more
18 sophisticated than that. They look at is it an
19 income-producing property, they look at --

20 MR. MARTIN: It never grows as much as
21 ours grows. Can you tell me I'm wrong on that?

22 MR. DONNELLY: I'm not going to tell
23 you because I'm not the tax assessor, but it
24 certainly goes up over time.

25 CHAIRMAN EWASUTYN: The lady in the

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back.

MS. OSTRANDER: My name is Susan Ostrander, I live at 4 Saddle Place in Meadow Hill. I've been there for twenty years. I'm not going to talk about the traffic.

This is a two-part question. The first part is you're talking about density in the Town. Planning Board, don't you think you're allowing the Town to get top heavy? You have The Marketplace potentially coming up, you just put Brighton Green in. Meadow Winds has been there for awhile. Now you're allowing Shop Rite to move from North Plank Road to over behind Cosimo's on Route 300. I don't know about anybody else in here, but it takes me twenty to twenty-five minutes to get from Meadow Hill Road to Wal-Mart on a Sunday morning if I have to do my food shopping. I think you really need to look at how you're allowing the Town to just continue to move everything over to our side.

Now, billions and billions of dollars were just spent on this 300 exchange. Yes, it is really nice, but now you're going to be adding 161 units, roughly 80 to 100 cars per day again.

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2 I think that's very low. I think you're talking
3 300 to 400 more. We're never going to be able to
4 get across 300. I leave my house at a quarter to
5 6 every morning for work. And we did have an
6 issue with the lights on 300. It used to take me
7 seven minutes to get from Meadow Hill Road to the
8 Thruway. Wayne Booth has addressed those issues,
9 the lights have gotten better, but I believe you
10 people are allowing the Town to be top heavy.

11 Why aren't you forcing Shop Rite to
12 rebuild on North Plank Road and leave those
13 people over there shopping? Why are you going to
14 have a Wal-Mart, a Shop Rite, an Adams, a Stop &
15 Shop all on this side of Town? The only thing
16 over there is Price Chopper. It's not making any
17 sense to me.

18 CHAIRMAN EWASUTYN: Megan wanted to
19 respond to part of your question.

20 MS. TENNERMANN: I would like to let
21 you know that I know some folks in the room were
22 at the round table session on Tuesday night this
23 week. There is a study that's being done right
24 now, the Newburgh area transportation and land
25 use study, and that is looking at issues such as

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2 congestion on 300 and 17K, and it's generally
3 looking at road traffic and how we get around in
4 the Town of Montgomery, the Town of Newburgh, the
5 City of Newburgh, the Town of New Windsor, Town
6 of Cornwall and all the villages that are in
7 those towns. If you would like more information
8 about the Newburgh area study, if you would go to
9 our website at orangecountygov.com to the
10 planning department page. Whatever documents are
11 completed are posted on that site. The person
12 who is running that study, and I'm sorry, it's
13 not me, I don't have all of the information at my
14 fingertips, but the person who is running that
15 study is our deputy commissioner, his name is
16 John Simanski, and he will have the information
17 for you.

18 MS. OSTRANDER: The other part to my
19 question --

20 CHAIRMAN EWASUTYN: We really didn't
21 finish the first part.

22 MS. OSTRANDER: -- is who is going to
23 monitor these -- who is going to force these
24 people out after their four years is up if their
25 salaries are too high?

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2 CHAIRMAN EWASUTYN: Before we go to
3 that, that was a good question you raised as far
4 as why don't we tell Shop Rite to stay where Shop
5 Rite would be, and I'll have Mike Donnelly
6 explain that to you. The Planning Board, and
7 that's where most people need to understand, we
8 don't have the authority to say to someone this
9 is what we like, this is what we don't like. We
10 don't have the authority to say to Shop Rite stay
11 on North Plank Road, don't come over to Route
12 300.

13 MS. OSTRANDER: Who has the authority,
14 sir? Who?

15 CHAIRMAN EWASUTYN: They have the right
16 under -- I'll let Mike Donnelly explain one more
17 time.

18 MR. DONNELLY: This is -- without
19 trying to be flippant about it, it's America.
20 When someone owns property, they are permitted to
21 do what they wish with their property consistent
22 with zoning laws. If the Town felt, and I'm not
23 saying the elected Town Board, that it wanted to
24 encourage particular types of stores, meaning
25 retail uses, or a particular type of housing in

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2 an area of the Town, then it can incentivize that
3 by zoning for that use in that area. But if a
4 property owner doesn't want to use his property
5 for that purpose, he doesn't have to. If a
6 property owner wants to use his property, he's
7 allowed to use it for any use that's in the
8 ordinance. That may not lead to the development
9 that you or me or somebody else would like, but
10 that's how we do it. Property owners have
11 rights. We can limit them. We can certainly
12 control them by stating what uses are allowed in
13 those places where the Town Board says they're
14 allowed.

15 MS. OSTRANDER: So basically by the
16 time we get to this part it's already a done
17 deal. This is just formality.

18 MR. DONNELLY: Let me try to answer it
19 this way: The use is a done deal. The Town
20 Board has already decided that the use is here.
21 The workforce housing density bonus is a done
22 deal. The Town Board approved that back in June.
23 What is not a done deal is whether or not the
24 details of this site plan, how it is laid out,
25 whether the drainage is adequate and whether it

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2 meets the requirements of the ordinance, have
3 been met. Once those things are, then it's the
4 duty of the Planning Board to approve the
5 project.

6 I could answer the second question
7 which is who enforces.

8 MS. OSTRANDER: I can't hear you.

9 CHAIRMAN EWASUTYN: What Sue is saying
10 is she's respectful of Mr. Donnelly responding to
11 her questions. What she's also saying is the
12 people in the audience with her are speaking too
13 loud and she can't hear. We had a gentleman
14 early on who said speak up, I would like to be
15 heard -- I would like to listen to what you're
16 saying. Again, a fellow neighbor is getting a
17 response to her question. Be polite enough to
18 have her get that answer.

19 MR. DONNELLY: The Town of Newburgh
20 code says, in response to your question, the Town
21 Board or its designated housing committee, if
22 such is appointed, and I don't believe there is
23 one but the Town Board could appoint one, shall
24 be responsible for the administration of the
25 affordable housing requirements of this section

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2 as well as the promulgation of rules and
3 regulations as may be necessary to implement such
4 requirements. I think there's also a section --
5 I guess that's the one I was looking at. There's
6 a certification -- here it is. The Town Board or
7 its accepted committee shall certify as eligible
8 all applicants for rental or sale of affordable
9 units and shall annually re-examine or propose to
10 be re-examined each occupant family's income. So
11 it is the Town Board or the committee they
12 appoint that screens both initial occupants of
13 the homes and does an annual income
14 certification.

15 CHAIRMAN EWASUTYN: The lady next to
16 Sue.

17 MS. BOVINO: My name is Maureen Bovino,
18 I live at 11 --

19 CHAIRMAN EWASUTYN: What's your first
20 name?

21 MS. BOVINO: -- Maggie Road. That's in
22 Meadow Winds. My question is are these single-
23 family homes, apartments, are they going to be
24 sold? How are they going to be presented?

25 CHAIRMAN EWASUTYN: Stan.

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2 MR. SCHUTZMAN: Well, you see from the
3 picture there are a number of buildings. None of
4 them are single-family homes.

5 MS. BOVINO: Townhomes, condos?

6 MR. SCHUTZMAN: In connection with the
7 rendering, you can see how they're laid out. The
8 top rendering I believe is a 12-unit building and
9 the bottom one is --

10 MS. BOVINO: Condominiums or townhomes?

11 MR. SCHUTZMAN: The owner's intention
12 right now is to try to sell out the units on a
13 per sale basis.

14 MS. BOVINO: As a condo or a townhome?
15 That's my question. Apartments?

16 MR. SCHUTZMAN: Right now there's been
17 no decision other than his desire is to sell. I
18 want to be very clear about this. The owner
19 reserves the right that if, as this is being
20 built, the economics of the situation are such
21 that sale is not a possible opportunity, then he
22 reserves the right to rent.

23 CHAIRMAN EWASUTYN: Please, please,
24 please. I really don't understand why as
25 neighbors you wouldn't allow Maureen, who has

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2 been here as long as you have, who has asked for
3 the courtesy to express herself, why you wouldn't
4 allow her that opportunity.

5 Maureen, please.

6 MS. BOVINO: Okay. I live on Maggie
7 Road which was sold as condominiums. In the last
8 five years we had a lot of foreclosures on Maggie
9 Road. The owners of the condominiums, because
10 they can't afford to stay there, they decide
11 they're going to rent them out. By them renting
12 them out to people, they do not take care of that
13 condominium whatsoever. We had drug problems on
14 Maggie Road, we had cops on there, we had selling
15 of crack cocaine, marijuana. It has now been
16 known as drug city over on Maggie Road, and it's
17 really terrible. Now you want to put 18 low-
18 income homes over here --

19 MR. PIRGER: In my backyard.

20 MS. BOVINO: - which is right up Maggie
21 Road which we're going to see.

22 The other issue we have on Maggie Road
23 is drainage. I don't care how many pipes you put
24 in there, water is going to run down the hill. If
25 you drive up Maggie Road you will see the water

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2 comes up from underneath the blacktop. Now it's
3 wintertime and it's now an ice skating rink and
4 it went down.

5 Nobody watched that building very
6 closely or what he did. I don't know what's
7 going to happen to this development also.

8 I would really like the Town to
9 reconsider putting this type of a development in.
10 Like the people have said, it is becoming
11 overpopulated in this area. I know the Town can
12 put some kind of restrictions on building. I see
13 it done in other towns where you don't put this
14 type of development there. Thank you.

15 CHAIRMAN EWASUTYN: Maureen, the one
16 thing I think we may be able to speak to you
17 about is as far as inspections. That may or may
18 not have occurred in the housing area that you're
19 living now. I'll have Pat Hines, our Drainage
20 Consultant, speak to you as far as the bonding
21 and the inspection fees that are associated with
22 new construction today and how that's
23 coordinated.

24 MR. HINES: The Town Board has adopted
25 procedures that would require a project such as

1 this to bond all the improvements, the water, the
2 sewer, the roadways, even the stormwater
3 management, and now the erosion and sediment
4 control and the landscaping. What's been
5 developed over the last several years is a very
6 good system of checks and balances where the
7 developer is reimbursing the Town for the
8 inspections of the projects, all components of
9 the project. Previously, and certainly Meadow
10 Winds was an experience for the Town, had some
11 growing pains there obviously. Coming out of
12 that the Town has been very proactively requiring
13 numerous inspections for all the various
14 utilities. It's been pretty progressive on that.
15 Everything is bonded, everything is now inspected
16 and reviewed by either Town personnel or
17 consultants working, paid for by the developers
18 for the Town.

20 MS. BOVINO: A lot of the bonds were
21 already released to Teicher and now West Meadow
22 Winds Road is shot. Nobody can go up and down
23 that road. The Town was only able to call in one
24 bond for East Meadow Winds, and now it's only
25 that portion of the road. The other bond -- the

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2 other bonds cannot be used for the roads, so they
3 want to make everybody that lives in Meadow Winds
4 pay for those roads because the Town did not make
5 sure that those roads were done to the way they
6 were supposed to be done, along with the drainage
7 in that area, too. A lot of people have a lot of
8 problems there. Now it's become our problem
9 because the Town is now out of it. Teicher went
10 bankrupt and the homeowners that live in Meadow
11 Winds have the problem.

12 MR. HINES: I'm familiar with that.
13 Again, there have been numerous procedures
14 implemented since those issues have arisen.

15 CHAIRMAN EWASUTYN: The gentleman in
16 the front, please. I'm acknowledging people.

17 MR. KINSLEY: My name is Tim Kinsley, I
18 live at 55 Meadow Hill Road. I've lived there
19 since 1976 and I've seen Meadow Hill grow to its
20 capacity.

21 My property value is what I'm thinking
22 about. What's the property value going to be in
23 five years or ten years when you're putting 161
24 townhomes or apartments in and my property is
25 worth about \$300,000? What's the property value

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2 going to be when you put these in? That's the
3 only question I've got.

4 MR. PIRGER: I agree with you, sir.

5 CHAIRMAN EWASUTYN: Mike Donnelly, as
6 far as values.

7 MR. DONNELLY: I don't think I can
8 answer your question, but what I can tell you is
9 that unless what is presented or what appears
10 from an application to show some kind of overall
11 physical change in the environment, that property
12 values -- zoning always impacts property values,
13 sometimes positively, sometimes negatively. The
14 individualized change to property values is an
15 improper item of consideration for a Planning
16 Board. It's just not --

17 UNIDENTIFIED SPEAKER: In other words
18 you don't care about us.

19 MR. DONNELLY: I didn't say that.

20 MR. KINSLEY: If you're going to put
21 these houses in, or apartments, that's what
22 they're saying, they're saying Vista apartments.
23 We own one-family houses, right? Everybody here
24 owns a one-family house?

25 MR. PIRGER: It's supposed to be Golden

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Vista retirement.

MR. KINSLEY: Now it's worth probably double what you paid for it, sometimes five times what you paid for it, the people that have been here thirty, forty, fifty years. So that's my biggest concern. What's the property value going to be if you put this in?

MR. DONNELLY: I can't answer your question.

CHAIRMAN EWASUTYN: This gentleman wanted to say something.

MR. PRYCE: My question has --

CHAIRMAN EWASUTYN: Your name?

MR. PRYCE: Cassius Pryce, I live at 7 Alix Drive. Based on what this gentleman is saying, you're proposing putting low-income housing behind my house. I moved to Meadow Winds eight years ago from New York City. I only come up here because of the country feeling. Now I have to look out my backyard at this monstrosity that he don't know if he's going to use it as a condominium, a townhouse or rental to low-income people.

Now, the average taxes in Meadow Winds

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2 is from \$6,500 to \$10,000. \$10,000. There are
3 some people up there paying \$11,000 for taxes,
4 and you're going to put this --

5 MR. PIRGER: Monstrosity.

6 MR. PRYCE: This is ridiculous. I
7 guess we're at the wrong meeting because this is
8 already approved. Am I correct? There is
9 nothing in order to stop this?

10 CHAIRMAN EWASUTYN: Cassius, as far as
11 your question, and we keep going back to that,
12 and I'll ask Megan to give a clearer definition.
13 There's no low-income housing being proposed
14 here. You may not want to listen to her again but
15 out of fairness and politeness.

16 Would you please go through the general
17 definition.

18 MR. PRYCE: I don't mean to be rude,
19 sir. I understood everything that she said.
20 Based on what this gentleman is saying, if he can
21 not sell those homes, which as you can see right
22 now most homes in Newburgh cannot be sold at this
23 time, he's going to rent them. That's where the
24 problem is going to come it, when he starts
25 renting these units to whomever wants to rent

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2 them. We already have issues in Meadow Winds.
3 You're telling me I'm paying X amount of dollars
4 for taxes and I can not be comfortable in my
5 neighborhood and I have to worry about him
6 putting this up back there. This is ridiculous,
7 sir.

8 MR. DONNELLY: The code allows both
9 sales or rentals, and both of them follow the
10 same priority list that I gave you. In other
11 words, first it would go to Newburgh residents,
12 Town employees, school district employees, so on
13 and so forth.

14 MR. PRYCE: Just to finish, sir. In
15 2002, or whenever Teicher started that
16 development up there, did you guys take into
17 consideration the prices that Teicher was
18 charging for those homes up there? Folks were
19 paying \$450,000 for homes up there back in 2003,
20 4 and 5. Now those homes are worth less now. He
21 is going to further devalue our homes and we're
22 still paying the same amount of taxes. Does that
23 make sense? How does that make sense, sir?

24 MS. GAYDOS: My name is Margaret
25 Gaydos. I grew up in Meadow Hill my whole life.

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2 I currently live in Orange Lake. I really want to
3 say to everybody here that it's great that all of
4 you came out for this.

5 I'm going to say to Mr. Donnelly and
6 Mr. Ewasutyn that they have been very patient in
7 listening to everybody, but I'm going to
8 reiterate that the crux of the problem here lays
9 with your elected officials, not with these
10 gentlemen. The elected officials have made up
11 all the Zoning Board's rules and all of those
12 things. I am a regular attendee at the Town Board
13 meetings. If there are ten people there's a lot.
14 I would like to see everybody here at the next
15 Town Board meeting and let your elected officials
16 know that you're not happy with this. This
17 gentleman went through the process and was -- got
18 everything that he was supposed to do based on
19 what the elected officials let him do. So it's
20 not these gentlemen that we should have the beef
21 with. They've been very patient in listening to
22 everybody. We all understand our frustration.
23 Meadow Hill Road is a speedway.

24 I will also tell you as a retired
25 police officer for the Town of Newburgh, the

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2 speed bumps that are on that road are illegal on
3 public highways. Okay. The Town got around that
4 by saying that we'll put a walkway access over
5 the roads to Meadow Hill school, and that's a lot
6 of BS. So the speed bumps are not speed bumps,
7 folks.

8 UNIDENTIFIED SPEAKER: They're speed
9 humps.

10 MS. GAYDOS: They're illegal on public
11 highways. Speed bumps are only allowed on
12 private property.

13 I'm happy to see everybody here but I
14 really want to see everybody at the next Town
15 Board meeting. Thank you.

16 CHAIRMAN EWASUTYN: The gentleman with
17 the yellow shirt.

18 MR. GIDDENS: My name is Ralph
19 Giddens --

20 MR. PIRGER: -- hello Ralph.

21 MR. GIDDENS: -- and I live at 118
22 Meadow Hill Road for thirty-five nice years.
23 What you're not taking into account here, aside
24 from the price point and the devaluation of the
25 homes, is the sense of community. You can't put

1 a price on that regardless of where you live.
2
3 These are all my neighbors. I went knocking on
4 doors and I was greeted by everyone I spoke to
5 because we are neighbors. We are a community of
6 single-family homeowners, not transients because
7 of your paycheck, not transients because you're
8 down on your luck and you get a boost and you can
9 now move on. We've got roots here. My time on
10 this earth is coming to a close. But look
11 around. You've got young families here. They're
12 talking about their future. Let their future be
13 what my past was, a sense of family.

14 I know you guys can't do anything with
15 respect to -- Mr. Donnelly has been very clear on
16 that. I would suggest that perhaps you change
17 the notification process so that when it comes
18 before the Town Board where they can do
19 something, that's when the people get notified
20 about a public use. Not now. Thank you.

21 CHAIRMAN EWASUTYN: Ralph, thank you.
22 As far as the notices and the requirements, again
23 in fairness to the owner of the property, in
24 fairness to the residents, I'll have Mike
25 Donnelly speak to you as far as what the

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boundaries are and how that's to be presented.
Please, Ralph, let him speak and then you can.

MR. GIDDENS: It's just the timing, Mr. Chairman.

CHAIRMAN EWASUTYN: I understand that.

MR. GIDDENS: I know that's probably the way it's proposed in the law as it stands. I'm sure we did everything by the law. The point is perhaps we should change that.

MR. PIRGER: The law.

CHAIRMAN EWASUTYN: I think as Margaret had said earlier, and Margaret understands, we are not the body of government that could change laws. We had found several years ago in reference to what you're discussing, quality of life, we had found as a Planning Board, as the Town was beginning to grow and uses were beginning to intensify, that we needed something beyond the current zoning and subdivision regulations. We approached the Town Board and the Town Board approved and adopted and now we have a working tool. I could have Karen Arent speak about that, what we call design guideline standards wherein the Town's comprehensive plan,

1 which was adopted several years ago, there were
2 thirteen or fifteen hamlets that were identified.
3 Yes, we do believe in sidewalks. Yes, we do
4 believe in a sense of community. The only new
5 tool that we have to sort of identify -- I'll
6 have Karen, if you don't mind, stand. Karen
7 doesn't ordinarily speak that loud, so please be
8 patient.
9

10 Karen, give your credentials and how
11 you represent the Board.

12 MS. ARENT: I'm a landscape architect.
13 I review plans to make sure they -- on this
14 project I reviewed it to make sure that it's
15 going to be -- it's going to be well screened
16 from the neighborhood community, that wherever
17 possible the trees are preserved. We're looking
18 at the street scape to make sure that the view of
19 this project is as nice as it can be from the
20 street scape.

21 The Town did adopt design guidelines.
22 The guidelines are standards that each new
23 development must meet in order to make it fit in
24 with the Town so it looks like it's Newburgh and
25 not anywhere U.S.A. So we take great care in

1 trying to make the new development fit in as much
2 as possible.
3

4 CHAIRMAN EWASUTYN: Karen, if you could
5 speak on the subject of landscaping, securities,
6 inspections and how long something will be
7 inspected for its life until it gets established.

8 MS. ARENT: One of the -- as Pat said
9 before, one of the big things that came out of
10 the past development was that even though we
11 required landscaping and screening and
12 everything, if somebody didn't do what they were
13 supposed to, what's the sense of going through
14 all the time and effort on this piece of paper.
15 So the Town adopted the rules for landscaping
16 that whatever landscaping is shown on the plan,
17 the applicant comes up with a cost estimate. I
18 review the cost estimate to make sure it's
19 accurate and then the Town collects a bond for
20 that amount. Every year or twice a year, and
21 before a C of O is issued for a building, I
22 review the landscaping and the architecture of
23 the building to make sure it's in accordance with
24 what was presented to this Board and approved,
25 then I tell Jerry that it's okay, the project is

1 ready for a C of O inspection. The reason why we
2 go through all of this is because in the past
3 people wouldn't put things in topsoil. One
4 project they even tried planting in six inches of
5 soil on top of asphalt. So we make sure that
6 what's put in lives so that -- and it's for two
7 years, not just one. So we make sure. And on
8 this project it's going to be screened from the
9 neighboring properties. The Town has a buffer
10 code, it's a forty-foot landscape buffer with a
11 variety of deciduous, evergreens and shrubs.
12

13 CHAIRMAN EWASUTYN: The lady with her
14 hand up, please.

15 MS. WURSTER: My name is Lynn Wurster,
16 I live at 66 Meadow Hill Road. I've lived in
17 Meadow Hill, we bought our house about eleven
18 years ago. We've decided -- when we bought the
19 house we decided to remodel it instead of moving
20 out of the neighborhood, believing that was going
21 to be a nice neighborhood to live in.

22 I do have to tell you I respectfully
23 ask the Planning Board to ask them to go back for
24 a traffic -- another traffic survey. I live at
25 the corner of Meadow Hill Road and Paddock. I

1 work from home. I'm fortunate enough to work for
2 a company that I work from home. My home office
3 views that road all day long. That traffic is
4 horrible. Since we have lived there there's been
5 three cars turned over in our yard. One went
6 through our fence, one turned over on that corner
7 road where I had to call the police, and then
8 another one came across my front yard into the
9 yard next to me. People speed on that road. I
10 have to be honest with you, that traffic survey
11 is not -- it cannot be valid because they didn't
12 even look at Paddock and Meadow Hill. The
13 majority of the traffic that comes up that road
14 goes into Meadow Hill to Paddock. The survey --

15 MR. PIRGER: The majority.

16 MS. WURSTER: The survey didn't take
17 into consideration that buses start at like 1:00,
18 1:30 on that road going up to Meadow Hill. The
19 survey -- I respect that the laws -- I understand
20 all that. I'm asking as a citizen of the
21 community. I have two young children. Like I
22 said, we moved into a community. Since I moved
23 in I put a fence up so they don't go into the
24 road. When we moved there the traffic was not
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that bad, and that was eleven years ago.

I continue to put money into my home. My taxes have doubled because I decided to add on to my home, and I could have moved -- I could have moved to Washingtonville. I could have moved anywhere and I'd pay the same amount of taxes. I pay as much taxes as the Meadow Winds people. I respectfully understand that and I chose to add on to my home. I'm asking you to look at the traffic because it's not valid. You please have to consider the people that are living on that road. The garbage -- everything everybody said here is valid.

I think the two main points -- I understand you guys are not the approvers and this is already approved, but it's got to be approved for the right reasons, and the environment and the traffic is not -- it's really -- I don't think there was due diligence put into it.

One other comment I will make and then I'll end is whether it's low-income housing or people with a certain income, whether they have increased traffic on that road or not, a lot of

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people walk on that road, Meadow Hill Road. I'm surprised people have not been killed on that road.

Aside from that, again I live on the corner of Meadow Hill Road. I can't tell you the number of people that walk across my yard. I don't think that's -- it's my property. If someone falls they're going to sue me. I don't know. I've called the Town, they tell me people have the right to walk on the edge of the road. Okay. What else am I going to do. Again, I respect that.

If that goes in will the Town put in sidewalks, because how do people walk on that road.

MR. PIRGER: Who's going to maintain the sidewalks? Not the homeowner I hope.

MS. WURSTER: I'm just asking the question to the Board and asking that you please reconsider the traffic survey, please.

CHAIRMAN EWASUTYN: Joe Profaci.

MR. PROFACI: I would like to thank you for what you just said. It was said very eloquently and we're definitely going to take

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that into consideration.

I want to dispel one thing that you said, though. This project is not approved.

MS. WURSTER: Okay.

MR. PIRGER: It better not get approved.

MR. PROFACI: Despite what you may think or what this group may think, this project has not been approved.

MR. PIRGER: Nor should it be.

MR. PROFACI: Is it approvable? Yes, because it's in a zone which allows this type of development.

The purpose of having all of you folks in here tonight is to do exactly what you're doing, is to tell us where the problems lie that we don't know about, or we haven't seen, or haven't been brought sufficiently to our attention. We will now go back and take all of your comments, look at them again with respect to every study that's been done on this project to date, and see what we can do to mitigate. That is the extent of what this Planning Board can do.

She's not here anymore, but Margaret

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2 Gaydos was absolutely right. We are not a
3 legislative board. We don't make the law, we
4 only enforce what the law is. Our only -- the
5 only thing we can do to help you folks out is to
6 mitigate, and that's what we hope. We want to
7 hear specific things that can be done, that you
8 believe can be done to mitigate the issues.

9 MS. WURSTER: Thank you.

10 CHAIRMAN EWASUTYN: The gentleman next
11 to Lynn.

12 MR. JOHNSON: My name is Tom Johnson,
13 I'm at 8 Paddock. I could reiterate obviously
14 the same comments about the trash, traffic, the
15 runoff, the erosion of the land on the property
16 that I own.

17 One of the main comments I just want to
18 kind of bring overall is there seems to be a lack
19 of accountability between the departments of
20 trying to get maybe a joint meeting together
21 between this Board here and the Town.

22 Whereas the points were made about the
23 notices going out, they were probably done
24 appropriately to what's in the law, but, you
25 know, how old is the law? How ancient is this

1
2 information? Everything is being done to code or
3 to law and to what's in black and white but you
4 obviously see the concerns and the points that
5 are being made here. I just think that at this
6 point, as you just pointed out, if this is not an
7 approved situation, we should kind of stop where
8 it is right now and see if we can regroup and see
9 what else needs to be done to consider this the
10 appropriate way.

11 CHAIRMAN EWASUTYN: Okay. I think at
12 this particular point in the evening I'm going to
13 acknowledge all those that have their hands up.
14 I think we've heard the issues that are before
15 us, and for consideration to those who haven't
16 spoke who have something new to say or would like
17 to say something, we'll hear their statement
18 and --

19 MR. PIRGER: You know what I'm going to
20 say.

21 CHAIRMAN EWASUTYN: -- you'll have your
22 opportunity and then we'll close the public
23 hearing. We'll move forward from the front row
24 going back, and let's be considerate.

25 The gentleman here.

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2 MR. POWER: My name is Ken Power, I
3 live on 20 Meadow Court right across from the
4 nursing home. My question is what is being
5 planned on water delivery to that area after this
6 development goes in? We've had nothing but
7 problems with water pressure. Is there something
8 being built with new pumps so we can get better
9 water pressure up there? There are some times of
10 the day I have running water, sometimes it's a
11 trickle.

12 CHAIRMAN EWASUTYN: Pat.

13 MR. HINES: I can address that. As part
14 of the project, and early on being aware of the
15 water pressure issues, especially where you are,
16 you're closet to the tanks there, this project
17 involves an interconnection between the Meadow
18 Winds project and the water main on Meadow Hill
19 Road, which was asked for early on in the
20 development to improve those conditions of water
21 flow and pressure in the area. That will now
22 connect you to the water tanks in the Meadow
23 Winds/Lawrence Farm development, and that is a
24 benefit to the water system as a whole. That
25 interconnect will provide additional flow and

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pressure through there.

MR. POWER: Okay. Those tanks that I have on the side of my house, are they being used for water now or are they just storing water?

MR. HINES: They're storing water but they're connected to the system.

MR. POWER: I almost got flooded out because a valve failed. I had twelve inches of water in my yard. So, you know, is that going to be considered into this project?

MR. HINES: I'm not aware of that. I'll make a note of it and discuss it with the water personnel.

MR. POWER: They had trouble finding somebody to go in and shut the water off. They were cleaning the tank and they couldn't find anybody to shut the water off. That's why I almost got flood out.

MR. HINES: They were cleaning the tank with the water on?

MR. POWER: Excuse me?

MR. HINES: They were cleaning the tank with the water on?

MR. POWER: They were flushing the

1 tank. The valve did not operate correctly and
2 there was nobody there watching it.
3

4 But, you know, my first question was as
5 far as the water pressure. We've had nothing but
6 trouble with that since we've been here. I had
7 Town water put into my house and we were supposed
8 to use half-inch line coming off of the water
9 that was on our street. When the water
10 department came up, they made us put in three-
11 quarter inch line, made us change it, and gave us
12 a half-inch water meter. You know, it sort of
13 was ridiculous at the time, but that may be one
14 reason why I don't have proper water pressure.
15 The thing is everybody has to have the same
16 problem as far as water delivery up there.

17 MR. HINES: They are. That's one of
18 the reasons why we asked for the interconnect
19 through.

20 MR. POWER: Thank you.

21 CHAIRMAN EWASUTYN: We'll go across.
22 The gentleman here.

23 MR. SCHAUT: My name is Mike Schaut, 74
24 Meadow Hill Road. I'm new to the community,
25 about three years. I deal with the water

1
2 problems, I deal with the garbage in front of my
3 yard. Just treat this as it's your backyard.
4 When you look at this, treat it like it's your
5 backyard.

6 MS. TIRADO: Good evening. Vanessa
7 Tirado. I live on 89 Lakeside Road. Let me
8 reiterate what Margaret Gaydos indicated. We have
9 to show up at our elected officials' meetings,
10 which is the third and first Mondays of the
11 month.

12 My question also has to deal with
13 water. I know our water infrastructure is being
14 taxed as we speak. There's more development
15 going on in the Town of Newburgh with these type
16 of homes, and also with The Marketplace mall and
17 other infrastructures that are coming in on a
18 commercial level. That is going to be impacting
19 not only your homes and the homes in the
20 immediate area and this development but the
21 surrounding area where we all have homes. I think
22 that's a question that has to be addressed as
23 well as all the other questions -- the concerns
24 that the people have, traffic, trash,
25 environment, which one lady spoke about the

1 environment. We all are chipping away at our
2 environment. That's why I moved up here twenty
3 years, and people have lived up here. I've seen
4 a lot of changes in Newburgh. Some good, some
5 not so good. Yes, I've been here to complain
6 with this very Board on several occasions because
7 of those changes that they made.
8

9 So I'm saying to all of you stay
10 strong, start writing your elected officials
11 today, let them know you came here, you don't
12 approve of this and what it is you exactly don't
13 approve of and how we can change it. If he does
14 have a right to build, maybe it can be scaled
15 down, maybe it doesn't have to be the low-income
16 housing, townhouses. I don't know. You're all
17 taking a vested interest in our Town. This is
18 not particularly my backyard but I say the Town
19 of Newburgh is my backyard and that's why I'm
20 here. I'm glad to see all of you here taking an
21 interest in this. That's all I have to say.

22 CHAIRMAN EWASUTYN: This lady.

23 MS. JOHNSON: Dana Johnson, I live at 8
24 Paddock Place. I wanted to again ask for the
25 traffic survey. I'm a teacher at Meadow Hill

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GOLDEN VISTA

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School. I don't know if you're aware of this but Meadow Hill is on a split session. We have about 36 buses that show up twice in the morning, at 7:25 and again at 8:15. We have over 200 children that are picked up twice in the afternoon, at 2 -- by parents with cars. Parents pick up 200 children at 2:15 and then again at about 3:00. 200 children picked up twice in the afternoon and then again 2:00, about 36 buses are coming in, and then again at 3:15 again leaving around that time. It's double the impact for Meadow Hill School on Meadow Hill Road.

CHAIRMAN EWASUTYN: Okay. I think it's understandable at this point that at the close of the meeting this evening we'll address the issue of a revised traffic report based upon road locations that were mentioned this evening. So as Mr. Profaci said earlier, the purpose of a public hearing is to hear the concerns of the public, to listen to areas that were noted that may not be identified or need some additional study. So I think the Board is necessary and responsible to respond.

MR. HINES: John, you want to check

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2 that date and make sure school was in session on
3 the 18th there.

4 CHAIRMAN EWASUTYN: Please. Thank you.

5 UNIDENTIFIED SPEAKER: Can that be with
6 a machine that they set up?

7 CHAIRMAN EWASUTYN: Again, one thing
8 I'd like to make clear is the methodology that's
9 used, whether it's a hand counter or a machine,
10 unless you're experienced to say that one is
11 better than the other, you're making a general
12 assumption as a layperson. I'm not picking on
13 you or what but that's where we leave it up to
14 the licensed professionals because it's -- again,
15 you could shake your head. It's the licensed
16 professionals, whether you believe in them or
17 not, that it's their license and their
18 credentials. So again, you can make fun but I'll
19 leave that up to the professionals to establish.

20 You had an opportunity to speak. Now
21 we're finalizing and going around.

22 Tom, I understood but you did speak.
23 I'm looking to summarize this now. Please, Tom.

24 The lady in the back who hasn't spoken.

25 MS. WARE: My name is Janine Ware, I

1
2 live at 75 Meadow Hill Road. I live across the
3 street from these two. I'm a college student and
4 I travel at 8:00 in the morning. I leave from my
5 house at 8:15 to get to school by 9:00, and I go
6 to OCCC so it's across town. It takes awhile for
7 me to get there.

8 Garbage is -- I always have to pick up
9 the garbage outside of the yard. It's annoying
10 but -- it's a really, really annoying problem.

11 A couple of years ago we had to keep
12 replacing our mailboxes because people speed in
13 and out and they hit mailboxes and everything is
14 going on. Recently somebody was speeding and
15 went in my neighbor's hedges. It happened to be
16 a teenager and it was craziness. People are
17 flying up and down the road.

18 Me and my sister grew up here. We grew
19 up here together. It's just like now everybody
20 has to put fences up and nobody can be safe
21 anymore. Nobody can play out in the front yard
22 without a car coming and making loud noises and
23 things going on.

24 If you say this is not in effect as of
25 now, what can we do to derail this so it won't

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2 happen? It's not obviously safe anymore. I want
3 to grow up and have a family and live here. I
4 can't do that because there's too many cars out
5 here. There's crazy people. People drink.
6 People drive and drink. I don't understand. What
7 can we do to stop it from happening? My
8 neighbors over here, they have four kids and they
9 all live in the same house and we all want to
10 have barbecues, come across the street. You have
11 to wait ten, twenty minutes to cross the street.
12 It's ridiculous. I only live, I don't know, a
13 hundred meters across from her house. I don't
14 know what the -- you know, I can't safely cross
15 the street and I can't converse with other people
16 if there's so much traffic going on.

17 I want to know, please let me know,
18 what can we do to stop all this traffic and not
19 try to build this?

20 I do know people who live in Brighton
21 Green, up the street from me, and she walks. She
22 walks to works, which is at Stop & Shop. Before
23 -- awhile ago she did get hit and she was out of
24 work for awhile. Now, she lives by herself. How
25 could she pay for that? She couldn't.

1
2 Unemployment, fine. She had a cast on her hand
3 because -- she can't walk. She only has walking,
4 she doesn't have a car. She only lives in
5 Brighton Green. She can't do anything. I went
6 up there and picked her up and took her to work.
7 When I'm not working I'm going to school. Hi
8 Alice, how are you doing, take her from her house
9 to her job. I'm a teenager, I don't have time to
10 go pick up some other lady. How can you help us?

11 CHAIRMAN EWASUTYN: To answer your
12 question, we can't derail the project.

13 MS. WARE: Why? You just said it
14 wasn't a done deal.

15 MR. PIRGER: It ain't a done deal.

16 CHAIRMAN EWASUTYN: Because in a
17 practical sense, and I would like -- without
18 having a foundation, I'll let Mike Donnelly speak
19 upon that, you can't arbitrarily stop a project.

20 Mike, please.

21 MR. DONNELLY: I think I tried to
22 mention before, this use is allowed and the
23 workforce density has been approved. The
24 Planning Board's role, I think Mr. Profaci tried
25 to explain it as well, is to make sure that it

1
2 meets the zoning requirements and that the
3 impacts that it creates, be they drainage
4 problems or traffic problems, are addressed and
5 mitigated, is the word we use, to the maximum
6 extent practical.

7 I think you've heard from the Board
8 based upon the concerns raised this evening,
9 they're going to inquire further and look further
10 into how those things can be addressed.

11 CHAIRMAN EWASUTYN: We can't do
12 anything to control people throwing trash out of
13 their cars. You know that.

14 UNIDENTIFIED SPEAKER: If the traffic
15 is so bad would you be able to derail the project
16 because the traffic is way too much for that
17 road?

18 CHAIRMAN EWASUTYN: Right now the
19 traffic studies that have been shown don't
20 qualify for that kind of mention. We will review
21 the traffic study based upon different areas that
22 you recommended. We'll ask our consultants to
23 advise us on what further studies they would want
24 from the applicant and -- why don't we approach
25 that now.

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Ken Wersted. Thank you.

MR. WERSTED: There were a couple issues raised in regards to traffic. One is the speed, which I think it probably changed over the years. Probably two, three years ago the road was pretty potholed and patched, so many times speeds were probably a little lower. Once you come through and repave it, speeds can actually pick up.

We do have traffic counts and speed counts from a number of years ago. If we were to redo those now we would have a basis to compare kind of a couple years ago with, you know, something current.

There's also been a number of discussions about cars going off the road around the curved section, people driving around the speed bumps. Those are all aspects that we can expand on and have the applicants further analyze and look at that.

The traffic counts that took place during certain hours, obviously it included school traffic and included the buses coming and going from the school. We can look at traffic

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2 throughout the twenty-four hours a day and
3 demonstrate the traffic at midnight is lower than
4 it is at 2:00 in the afternoon, and 9:00, and
5 that information can be provided and help support
6 some of the claims that, you know, the public is
7 addressing.

8 CHAIRMAN EWASUTYN: Can they do both?
9 Can they have a monitoring device along the road
10 and also do a hand count?

11 MR. WERSTED: Certainly. The issue
12 between the two is when you get to an
13 intersection you can't put tubes across the road
14 and have it tell you how many cars are turning
15 left and how many are turning right. You have
16 to --

17 MR. PIRGER: Put it in front of my
18 house.

19 MR. WERSTED: The counters that go
20 across the road simply count the number of people
21 going east and the number of people going west.
22 That still can provide a lot of useful
23 information. It's impractical to have someone
24 stand out there for twenty-four hours a day. It's
25 much easier to have a traffic counter that's

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unmanned to be able to record those. There are pros and cons to both of those, and we can address both of those situations.

CHAIRMAN EWASUTYN: Ralph, I know you had a chance to speak. We're going to close it out now.

MR. PIRGER: Wait a minute.

CHAIRMAN EWASUTYN: You'll have your last say.

MR. PIRGER: Wait a God damn minute.

CHAIRMAN EWASUTYN: Ken Mennerich has something to say.

MR. MENNERICH: Ken, one other question. Are there other traffic calming methods that might be applicable to that Meadow Hill Road area?

MR. WERSTED: It is somewhat difficult. The road is very much straight. I would classify it as a collector road. You have all these neighbors that are -- have a lot of connectivity in between. There's lot around the neighborhoods but when it comes to the other neighborhoods you have fewer choices. You've got I-84 --

CHAIRMAN EWASUTYN: Please, please.

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2 MR. WERSTED: That neighborhood pretty
3 much has to come out to Meadow Hill Road to go
4 anywhere else in the Town. So those neighbors
5 all funnel themselves out to Meadow Hill Road.

6 MR. MENNERICH: I realize that. I see
7 in other locations where roads have been put in
8 with all way stop signs. You know, are there
9 intersections along there where instead of being
10 a long straight road where they can go as fast as
11 they want, there can be three-way stop signs or
12 four-way stop signs?

13 UNIDENTIFIED SPEAKER: No, no, no.

14 CHAIRMAN EWASUTYN: Again, he's trying
15 to respond to your concerns. He has some
16 questions on what he listened to and he has a
17 right, no different than you do, to express those
18 thoughts. Please.

19 MR. WERSTED: There are a number of
20 different traffic calming techniques and devices,
21 if you will. Some of them are better at
22 diverting traffic off of a road and to other
23 roads and some are better at managing speeds.
24 Obviously the speed bumps out there aren't
25 necessarily designed to divert people off of

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Meadow Hill Road but designed to address the speed issue. So there are a number of items that may be applicable, some that may not be applicable.

CHAIRMAN EWASUTYN: Okay. The gentleman here, you have your last statement. Thank you.

MR. PIRGER: Thank you. Get the hell out of the way, will you. My name is Thomas Pirger for those of you that don't know who I am. I'm the poor boy that lives here, and I sold this mess to these clowns to do what they want to try to do with it, and it was sold as retirement housing, not low-income or whatever. It's nonsense.

Now, we were just discussing a traffic problem. There are more cars that come off of Route 52. Meadow Hill Road is a shortcut so they haven't got to deal with Route 52 and getting on 300. They get on Meadow Hill, Monarch Drive, blow by Meadow Hill, run down Meadow Hill, get on 300, 84 to the Thruway or whatever. But it's nonsense. We're dealing with a bunch of nonsense. They're taking traffic studies when

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2 the school kids are coming home, whatever else is
3 going on, but they're not there in the a.m. and
4 they're not there in the p.m. during rush hour
5 when all these clowns are running Meadow Hill
6 Road. You got no idea how Damn many cats, dogs,
7 skunks, possums I've had to scape off the damn
8 road because these assholes can't drive. That's
9 a God damn fact. Ain't no bullshit. I don't see
10 how this can be allowed to happen.

11 I thought they had it setup with the
12 Town of Newburgh where you can't build a home
13 unless you're building a home on an acre or
14 better. One home per acre. So how many homes is
15 that? 5 or 17 maybe. They're trying to get 161
16 God damn units in there, and this was approved by
17 this God damn Town. I worked for you idiots for
18 twenty-two God damn years. And I'm keeping my
19 voice under control because I ain't called you
20 what I want to call you yet.

21 MR. PROFACI: I would appreciate it if
22 you would stop using those words, okay. I would
23 appreciate if it you'd stop using the Lord's name
24 in vain. Thank you very much.

25 MR. PIRGER: Pardon me, Lord.

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MR. PROFACI: Yes, sir. Thank you very much. You sold the God damn property -- now I'll say it. You sold the God damn property and you got the God damn money, and where did it go? Okay. You didn't give a God damn shit when you sold it, okay. All right. Please leave.

MR. PIRGER: No way in hell.

MR. PROFACI: Please leave. Do not treat -- do not treat another person in the way you treated that gentleman and push him around.

MR. PIRGER: He ain't no damn gentleman.

CHAIRMAN EWASUTYN: I think at this point we'll acknowledge the one lady in the back and then we'll move to close the hearing. Thank you.

MS. COLOMBO: I just want something clarified. You guys are known as Golden Vista. Who is Meadow Hill Holding that sent these letters out to all of us?

MR. SCHUTZMAN: The corporate owner of the property.

MS. COLOMBO: The corporate owner of the property?

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MR. SCHUTZMAN: It's a corporation that owns the property.

CHAIRMAN EWASUTYN: Is your name Sharon?

MS. COLOMBO: No. My name is Margie.

CHAIRMAN EWASUTYN: Okay. You never introduced yourself.

MS. COLOMBO: Okay. Margie Colombo, 93 Meadow Hill Road. It's a corporation that owns the property?

MR. SCHUTZMAN: Meadow Hill Holdings, LLC is a New York limited liability corporation. They're incorporated under the laws of the State of New York.

MS. COLOMBO: Who are they? Have they done any other developments in this area or any place in New York? Because they are not registered in Orange County. So where are they registered?

MR. SCHUTZMAN: I don't know what you mean when you say registered in Orange County. There's a State filing in Albany.

MS. COLOMBO: Are they listed there?

MR. SCHUTZMAN: Absolutely.

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MS. COLOMBO: Thank you.

MR. SCHUTZMAN: Check it under the New York Secretary of State website.

CHAIRMAN EWASUTYN: At this point I'm going to move for a motion from the Board to close the public hearing.

UNIDENTIFIED SPEAKER: There's one more.

MS. LANCASTER: My name is Mary Lancaster, I live at 73 Meadow Hill Road and I would really appreciate it if the Board would consider putting some type of speed -- some type of count up there for the automobiles because there is way too much traffic up there. You don't even take into consideration all these cars are going down Meadow Hill down to 300. Sometimes we're in a line that has to wait two or three lights before we even get out on 300.

Also, there have been many accidents where cars have been crossing from Stop & Shop over to the back entrance to the mall when they try to cut across while the cars are coming down Meadow Hill. Is there going to be a traffic light put there now, too? What are we going to

1
2 do? We can't even get off of our street with all
3 of this traffic. We would really, really
4 appreciate it if you would take it into
5 consideration to downsize this project more than
6 half for the traffic. We are overwhelmed up there
7 on Meadow Hill.

8 This is a beautiful community that I
9 moved into eleven years ago and I'm really sorry
10 to see it change to this effect. None of you
11 would want to be in my house right now with the
12 traffic that goes on there, the garbage on the
13 front lawn, the flooding that we had three years
14 ago before the Town finally came in and cleared
15 it up, for the dirty water that we get through
16 our faucets up there. I'm telling you there's a
17 lot more you need to consider than letting that
18 project go through. Please consider us, the
19 residents, up there on Meadow Hill. We're
20 individuals and taxpayers and we have a lot of
21 concern up there. Please take it into
22 consideration.

23 CHAIRMAN EWASUTYN: Mary, I think they
24 hired you. You did a very nice job.

25 At this point I'd like to acknowledge

1
2 your being here. I would like to appreciate the
3 fact that you were -- are a well presented group
4 of people. You spoke clearly. I think you even
5 have great manners. At this point we're closing
6 it out.

7 Go ahead so you don't go home
8 disappointed.

9 MS. COSGROVE: My name is Sharon
10 Cosgrove, 114 Meadow Hill Road. I live with my
11 family. I'm neighbors with all these folks. I
12 have the same concerns, the water, the traffic
13 and all that sort of stuff.

14 I'm very happy that you're taking into
15 consideration redoing the survey of the amount of
16 traffic that comes through.

17 I would like to know what should our
18 next step be? How can you guide us as a
19 community? We would like to stop this project.
20 What do you think is our next step?

21 CHAIRMAN EWASUTYN: Sharon, you can't
22 stop the project. I think we said that at the
23 very beginning. What you can really do, and
24 Margaret Gaydos said it, you can take an active
25 role with the Town to have the Town eventually

1
2 consider their master plan, their zoning as it
3 relates to the Town in general. We can't
4 arbitrarily and capriciously stop a project based
5 upon what they're allowed to do because the
6 residents feel that they don't want it in their
7 neighborhood.

8 There's another point to this that
9 we're going to discuss real briefly. I'm not
10 looking to leave anyone on a sour note. There
11 was a study that had been done by the Orange
12 County Planning Department as to how rental units
13 are needed in Orange County.

14 I'll let Megan talk to you about that.
15 Megan will also talk to you about something you
16 may or may not want to hear but it's sort of a
17 reality of life, how people like Megan, who is a
18 professional, like Bryant Cocks, who is a
19 professional, who is of a certain age that they
20 would like to have a rental unit to live in. So
21 there's this idea -- can you visualize someone
22 like Megan as your neighbor? Can you visualize
23 someone like Bryant Cocks as your neighbor? You
24 can say to me John, that's a lot of smoking guns.
25 This is the reality of the big picture.

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Please, if you don't mind.

MS. TENNERMANN: Not at all. In 2007 the County -- you know what, I'm going to go back and just address John's last point here. I was a substitute teacher several times at Meadow Hill Elementary School. I drive on Meadow Hill on a fairly regular basis. I babysat for a family in this audience. I'm guessing I don't frighten you all that much. Is that correct?

UNIDENTIFIED SPEAKER: No.

MS. TENNERMANN: I qualify for these affordable units. I am the face of affordable housing. I've lived in my current rental unit for the last three years. I have made repairs when my landlord has been unable to get to them. I am active in my community and I'm active in your community. I would like you all to think about me the next time you all get into a tizzy about drug dealers and prostitutes living in your neighborhood and ruining --

MR. PIRGER: We don't mind the prostitutes. We don't want drug dealers.

CHAIRMAN EWASUTYN: We're closing. This is a summary now. This is a summary. This

1
2 will be the final meeting. Now we'll ask them to
3 address the concerns that you had.

4 MS. TENNERMANN: I had one additional
5 thing regarding the housing study. In 2007
6 Orange County, along with Dutchess and Ulster,
7 completed a housing -- a regional housing needs
8 assessment. In 2010 the Town of Newburgh needed
9 to construct, not just rehabilitate existing
10 housing stock, but construct 143 new units to be
11 owned as affordable units, and I'm -- I forgot to
12 look up the rental number but I'm going to say 89
13 rental units to be constructed, not just the
14 rehabilitation, not the -- not taking anything
15 else into account. Just that's what needed to be
16 built in the Town of Newburgh as of last year.

17 CHAIRMAN EWASUTYN: Thank you. At this
18 point I'll move for a motion from the Board to
19 close the public hearing on the amended site plan
20 for Golden Vista.

21 MR. GALLI: So moved.

22 MR. MENNERICH: Second.

23 CHAIRMAN EWASUTYN: I have a motion by
24 Frank Galli. I have a second by Ken Mennerich.
25 Any discussion of the motion?

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(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

If we could have some quiet, I would like to do a summation on the points that we'll consider now to be addressed. Sir, sir, sir. The meeting is still in order. Ma'am, ma'am. Ma'am, the meeting is still in order.

MR. HINES: I called her over. Sorry, John.

CHAIRMAN EWASUTYN: Let's finish the meeting. Let's have a sense of order. We will take a break for the benefit of our Stenographer who is working diligently, and for all of us.

We'll highlight some of the points now. I would say to you that they're not in concrete because, again, we're absorbing all the information that you're giving us. We'll talk

1
2 about this as being a draft and we'll finalize
3 that in the course of, you know, the next week or
4 two. I can't be specific. It's not that I'm
5 avoiding you but we're collecting thoughts. So
6 we'll process as much as we can now and sort of
7 bullet those points.

8 Ken Wersted. Thank you.

9 MR. WERSTED: Sure. To summarize the
10 comments that I've heard and the next steps for
11 the Planning Board and the applicant in reference
12 to traffic, a couple of the issues that came up
13 were identifying the number of vehicles and
14 verifying the amount that's out there, and also
15 verifying the speeds that are out in that area.
16 The other aspect seems to be accidents along the
17 road, particularly in the area of the curves
18 where the roadway transitions down the hill. So
19 I think those are points that we can discuss with
20 the applicant in terms of coming back to us with
21 updated figures for those items.

22 CHAIRMAN EWASUTYN: I think -- again
23 I'm not going to pick out individuals. Lynn had
24 made some questions of maybe identifying a few
25 other intersections that haven't been identified.

1 I think we ought to drop back, take those
2 intersections and identify them so we have a
3 clearer picture that we know we've looked at as
4 far as any need for mitigation. That's something
5 I'm not going to sit down and say it's A, it's B,
6 it's C, but we will direct our consultants to
7 look at additional, whether it was Pacer or such
8 that was addressed. I don't have it memorized
9 but you can trust in the fact -- you want to
10 laugh. You want to leave this room laughing. You
11 can trust in the fact that you can trust us.
12 Okay. But you can. I think we're a sincere
13 group of people. If you ever had the opportunity
14 to travel around Orange County, and I think
15 Megan will say that, I believe we're the only
16 Board in Orange County that's represented by the
17 code compliance officer, by a drainage
18 consultant, by a planning consultant, by a
19 landscape architect and a traffic consultant.

21 Early on in the process we begin to
22 look at each other to identify where the problems
23 might be with any project and ask the applicant
24 to begin looking at them. It's not we like this
25 or we don't like this or what about that. We're

1 professional in what we do because we work for
2 you. We do try to serve you. We really do. I
3 wouldn't kid you about that. I have no reason
4 to. I consider it an honor to work for you.
5 This isn't about me, but when people call and
6 they want to talk about projects, I always say,
7 because I work for you, my job as a Planning
8 Board Chairman, I'm a waiter. Simple as that. I'm
9 here to serve the people to the left of me, to
10 the right of me, the consultants and the public.
11 I'll help you as an applicant with what we have
12 to do as far as establishing the recipe to bring
13 it to everyone so we can discuss it. That's how
14 we work for you. It's as simple as that.

15
16 Thank you.

17 MR. PIRGER: Excuse me, sir. One more
18 thing and I'm out of here.

19 CHAIRMAN EWASUTYN: Why don't we take a
20 ten-minute break.

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22 (Time noted: 9:51 p.m.)
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C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: March 14, 2011

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

----- X

In the Matter of

M&T BANK
(2010-23)

Route 9W and Chestnut Lane
Section 79; Block 3; Lot 20
R-1/O Zone

----- X

SITE PLAN

Date: March 3, 2011
Time: 10:05 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
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: DAVID CLOUSER

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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M&T BANK

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MR. BROWNE: Our next item of business is M&T Bank. It's a site plan being presented by Clouser & Associates.

MR. CLOUSER: I have plans that are easier for handling. They're the same plans you have. Andy is going to present the new submittal.

CHAIRMAN EWASUTYN: Andy, would you, for the record, give your full name.

MR. WILLIGHAM: Sure. Andrew Willingham.

As the Board knows, the last meeting was mostly about just getting some conceptual comments from the Board and the consultants.

This time we came back with a full design, full details and everything, the site lighting, drainage, grading, signage. We really made an effort to try to address all the consultants' comments.

At this point we would like to really start proceeding to that next level. M&T is pretty anxious to move this forward.

CHAIRMAN EWASUTYN: Do you want to walk us through how you revised your site plan?

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2 MR. WILLIGHAM: The changes from last
3 time we were here, we spoke with M&T. Originally
4 we had some more parking in this area and this
5 area and decided that all that parking really
6 wasn't necessary, so we removed ten parking
7 spaces. There was some concern about the parking
8 in the front of the building and the design
9 guideline for the Town, so we added a stonewall
10 and some pretty extensive landscaping across the
11 front.

12 We included lighting, all down-cast
13 shielded lighting with lower light levels
14 according to the guidelines.

15 We moved the dumpster towards the back
16 to get it away from the back door.

17 We made some changes to the two
18 different entrances based upon the comments from
19 the consultants regarding the issues along
20 Chestnut. This is now a right-turn only out here
21 and this is a one-way only in. This will be the
22 main entrance here, intended to attract
23 customers. I think that really is the majority
24 of the changes.

25 CHAIRMAN EWASUTYN: Okay. So at this

1 point we'll turn to our consultants to discuss
2 the project before us. Jerry Canfield, Code
3 Compliance?
4

5 MR. CANFIELD: I did not submit any
6 written comments but I had a conversation with
7 Bryant earlier with respect to his comments on
8 the front yard setback. Bryant had indicated
9 that you would be moving the building back. Is
10 that correct?

11 MR. WILLINGHAM: Right. We have 58 and
12 we need 60. So we're just going to push the
13 building back 2 feet to get the 60.

14 MR. CANFIELD: Okay. That was the only
15 issue that I had. I have nothing further, John.

16 CHAIRMAN EWASUTYN: Thank you.

17 Pat Hines, Drainage Consultant?

18 MR. HINES: They've addressed all our
19 previous comments, and the narrative was helpful
20 following along.

21 The stormwater management on the site
22 has been addressed.

23 The removal of the ten parking spaces
24 has reduced the amount of impervious surface on
25 the site.

1
2 They've incorporated two rain gardens
3 for some green infrastructure to go along with
4 their lead certification, and we find that
5 acceptable on the site. The appropriate details
6 have been added to the plan.

7 We just defer to Karen to take a look
8 at the plantings of those.

9 We're looking for a note to be added to
10 the plans regarding an annual certification that
11 the rain gardens are functioning as designed and
12 properly maintained. The Town is an MS-4
13 community and we have that responsibility to
14 follow up post-construction practices.

15 There's the need to design a new septic
16 system. The existing one is going to be
17 abandoned. The current weather conditions aren't
18 conducive for septic system design but things are
19 improving in that area so hopefully they'll be
20 doing that in the near future.

21 Temporary water and sewer have been
22 addressed to the trailer by utilizing the
23 proposed new septic tank as a pump system for the
24 temporary trailer until that is put in. A note
25 has been added to the plans stating they will

1
2 provide the building department with a contract
3 from a septic hauler to periodically pump that
4 tank, similar to what we did at the Wal-Greens/
5 Key Bank facility there.

6 With that, I think once the septic
7 system design is complete, we'll be done with our
8 technical review.

9 CHAIRMAN EWASUTYN: Bryant Cocks,
10 Planning Consultant?

11 MR. COCKS: The only zoning issue was
12 the applicant indicated that there would be two
13 pylon on signs on Route 9W. You guys are going
14 to try to go for a variance. I think you guys
15 said you were trying to save on time. I think the
16 ZBA will probably take anywhere from three to
17 four months. I don't know if it would be prudent
18 to consolidate the signs. I think you said the
19 one was -- had the daily messages, the boards
20 that light up and you put the daily messages on
21 there.

22 MR. CLOUSER: That's an existing sign.
23 It's used almost as a community message sign
24 there now. That's going to be removed. There
25 will be two free-standing signs that will kind of

1
2 mark the access entrance. We're trying to
3 emphasize the 9W access more so than the Chestnut
4 Lane access, so the bigger sign is there. The
5 code allows one free-standing, and that's the
6 reason we're going for a variance. We made out a
7 draft application to the ZBA and I would like to
8 pursue that.

9 MR. COCKS: I just wanted to make you
10 aware of the timing.

11 My other comment was just to provide
12 the signage chart because with the allowable and
13 proposed signage and the size of each of the
14 proposed signs, it will probably save you some
15 time in front of the ZBA if you have that laid
16 out ahead of time.

17 As discussed with the lighting, you're
18 currently showing twenty-foot high lights around
19 the outside edge of the parking and fifteen-foot
20 high lights on the interior of the parking.
21 There's also lights on the building that are
22 approximately twenty feet high.

23 MR. WILLINGHAM: They're under the
24 canopy.

25 MR. COCKS: Under the canopy?

1
2 MR. WILLINGHAM: Yeah. Those are the
3 only lights on the building. There's the free-
4 standing parking at twenty feet, which we thought
5 that complied with the guidelines actually.
6 That's how we read it. And then there's the
7 smaller twelve or fifteen footers near the
8 building and entrance.

9 MR. COCKS: That does comply. It is
10 kind of vague on what's the size of the parking
11 lot lights and what constitutes the parking lot
12 lights. The Board can discuss this but I think
13 twenty feet on the outer ring will probably save
14 a couple light poles and reduce the amount of
15 cost and the amount of lighting on the site
16 overall. The Planning Board can discuss that.

17 Also, is there any kind of site
18 furniture? I saw that there were some benches
19 that are proposed. If you could just have that
20 on the site plan, not just the landscape plan, so
21 the building department knows what's going on.

22 Because you are going to the ZBA, the
23 Planning Board can't make a SEQRA determination.
24 I think you eluded to that in your cover letter.

25 MR. DONNELLY: Actually, somebody has

1
2 got to be the lead agency, and there has to be
3 SEQRA compliance probably before the ZBA acts
4 because this is a commercial site. It wouldn't
5 hold us up. Or they could handle it on an
6 uncoordinated basis. What some applicants have
7 done where they have a sign issue is have the
8 site plan reviewed with a conforming sign and
9 simultaneously pursue the variance so that you
10 wouldn't hold up the review of the site plan.
11 It's just a suggestion. If you think you can do
12 them in the same tract, it doesn't matter.

13 MR. WILLINGHAM: Yeah. That's a great
14 idea.

15 CHAIRMAN EWASUTYN: So we're going to
16 hold off approval of the --

17 MR. DONNELLY: They can remove the
18 second sign and process this as a conforming
19 application. If you have the variance, then you
20 can come back with a quick amendment. If the
21 timing was right you might catch up before this
22 Board acted. You wouldn't be in a position where
23 the Board couldn't act if you didn't have the
24 variance.

25 MR. CLOUSER: That would be very

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helpful.

MR. DONNELLY: I think if there's no other issue, you could take action under SEQRA.

MR. WILLINGHAM: That's typically a three to four-month process with the Zoning Board?

MR. DONNELLY: Their volume is down a little but I wouldn't guess.

MR. CANFIELD: John, excuse me, a question to Mike. If they were to remove the second signage component, they could proceed.

MR. DONNELLY: Correct.

MR. CANFIELD: That's what you said?

MR. DONNELLY: They could come back and seek a quick amendment.

MR. CANFIELD: Also another point. You had mentioned the directional signage. They're exempt and they don't count as a second pylon. Entrance ingress and egress, under three square feet is exempt, so --

MR. WILLINGHAM: Right. Right. From the total area. Okay.

MR. CANFIELD: Yes.

CHAIRMAN EWASUTYN: Karen Arent,

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Landscape Architect?

MS. ARENT: There's a planter shown only three feet away from the sidewalk. Do you think --

CHAIRMAN EWASUTYN: Can you speak up?

MS. ARENT: There are planters in the concrete pavers that are vertical to the building. They're only three feet away from the curb. Do you think that's enough walk space for people or will people trip on the --

MR. WILLINGHAM: We're modifying that to some extent. We're modifying that.

MS. ARENT: Good. The stonewall out front, there's no label on it.

MR. WILLINGHAM: That was part of our --

MS. ARENT: It has to be labeled.

MR. WILLINGHAM: -- copying issue. It was supposed to look like a stonewall, and it will on future plans.

CHAIRMAN EWASUTYN: Can you give us an idea as far as the width and height of the stonewall?

MR. WILLINGHAM: It's two feet wide and

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three feet tall.

MS. ARENT: And can you put a note on that stonewall that it will match the local indigenous stones in the area? We're trying to get all the stonewalls to match.

Then on the notes that I forwarded to you are notes about the clearing limit line and how to protect the existing trees.

We went over signage.

There are some trees that are in the right-of-way for the entrance. They need to be removed off of Chestnut Lane. The trees in the corner, the site triangle --

MR. WILLINGHAM: Okay.

MS. ARENT: -- up to the north of the site.

MR. WILLINGHAM: Trees that we're planting?

MS. ARENT: Yes. They're big growing trees and there's a hill right there, so you're going to block sight lines. They should be taken off the plan. I wrote them out on the comments.

I want to let you know the shrub beds in the lawn areas on the north and south side of

1
2 the building, it's not necessary to put them in
3 unless you feel that it's part of your design
4 intent. It looks really nice right now, the
5 existing trees and lawn. I just want to let you
6 know Town of Newburgh doesn't require all the
7 shrubs, just in case you don't want to put them
8 in.

9 In your center island you have a Sweet
10 Bay Magnolia. It's very small growing in this
11 area. It grows very big down south but it only
12 grows like eight to ten feet tall. You probably
13 might want to consider something that's not so
14 bushy and more tall. Just specify the exact type
15 of Juniper because Junipers can be vertical, they
16 can be horizontal, they can grow really tall.
17 Some of the plants I outlined on here are kind of
18 wild looking, so you might want to -- you might
19 want to choose a different species.

20 And then to specify the quantity and
21 types of plants in the rain gardens. Even though
22 it's called a rain garden, they're usually very
23 dry and it's designed so that it's very well
24 drained. All the water drains out within
25 twenty-four hours. Instead of having wet loving

1
2 plants it should be a plant that tolerates wet
3 feet but likes dry conditions.

4 And then there's other warrantee
5 information on my comments that needs to be
6 provided.

7 CHAIRMAN EWASUTYN: Ultimately Karen,
8 they have to present a cost estimate?

9 MS. ARENT: Yes. You have to present a
10 cost estimate of landscape costs for the entire
11 project. Any correspondence with cost estimating
12 we request have the Town of Newburgh project
13 number on it so it doesn't get lost in the
14 shuffle, and also so that your bond has that
15 project number so we can -- when it comes time to
16 release the bond we'll know exactly where your
17 money is. The bond is there for two years to
18 make sure all the plants live and do well.

19 CHAIRMAN EWASUTYN: Pat Hines, would
20 you -- I don't know if that's the case now but
21 are there any requirements that have to be
22 presented to Jim Osborne in reference to any
23 performance securities for the site?

24 MR. HINES: Not for this site, no.

25 CHAIRMAN EWASUTYN: So you don't have

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to be the clearing house for that.

MR. DONNELLY: John, back to SEQRA for a moment. The building is under 4,000 square feet. It's a Type II. I misspoke before.

CHAIRMAN EWASUTYN: Thank you.

Ken Wersted, Traffic Consultant. I know you had a field inspection with Jim Osborne and Darrell Benedict. If you want to address that with us this evening.

MR. WERSTED: I believe it was in December that Jim Osborne and Darrell Benedict and I had a field meeting at the project site to look at the issue of cueing on Chestnut Lane as it relates to the eastern most driveway to the bank. The issue there being that the driveway is so close that when cars cue up they'll block the driveway and traffic either coming from Route 9W -- from the east side of Route 9W on Chestnut Lane. Any vehicles attempting to make a left turn into that first driveway will back up cars onto 9W. So the recommendation was to eliminate the driveway or restrict access from Chestnut Lane. That has been addressed on the most recent plan.

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The remaining comments that I had are fairly minor relative to the signing in that area. I did note that some of the signs right at the exit, particularly the stop sign, do not enter, could be combined onto the same sign post. I was somewhat -- I somewhat misspoke in that in looking at the MUTCD there are suggestions on how to combine those signs and illustrate the issue. The regulations suggest that if you do have a back-to-back sign, you don't want the sign on the back to be larger than the stop or the yield sign because it takes away from the shape which helps inform the driver what the sign means, particularly stop and yield signs. It is not a shall condition, meaning it's not you have to do it or you can't do it. It's a should condition as it's described in the MUTCD. So they recommend that you either use a larger stop sign or don't mount the other sign on the back of it. I basically defer to Darrell Benedict and what he would like to see out there given that it's exiting out onto a Town road.

The other issue that we identified out there is on the downhill approach from Chestnut

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M&T BANK

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Lane there is a slight curve, and from Jim Osborne and Darrell's comments it is not uncommon to have vehicles attempting to stop at the back of the cue and actually go off on the shoulder. So there's a potential that signs right at the driveway may be hit from time to time, namely probably throughout the winter. So I would suggest that you meet with Darrell and review those sign locations and get his advice on the placement of those.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Just a question. There's no restriction on the 9W entrance from either direction?

MR. WERSTED: Correct. From the Route 9W entrance. You can make a left or right in from 9W.

MR. BROWNE: In and out?

MR. WERSTED: Correct. In and out.

MR. BROWNE: Okay.

CHAIRMAN EWASUTYN: Ken Mennerich?

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MR. MENNERICH: I have no questions.
It looks like the items that were brought up the
last time we were here have been handled.

CHAIRMAN EWASUTYN: Thank you.
Joe Profaci.

MR. PROFACI: Nothing additional.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Everything is good.

CHAIRMAN EWASUTYN: Mike Donnelly?

MR. DONNELLY: At the last meeting I
recall we discussed an issue as to whether or not
the bank use itself is permitted. The minutes
should reflect that that has been resolved and
the use is permitted.

CHAIRMAN EWASUTYN: Bryant, I believe
we received -- under 239-M of the Municipal Law
we received a response back from the Orange
County Planning Department.

MR. COCKS: Yes. It was, I believe,
November 5th of 2010. They did a Local
determination. They just had a couple comments
on better site design practices including rain
gardens and some of the items that were discussed
here. So I believe the applicant has addressed

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M&T BANK

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those comments.

CHAIRMAN EWASUTYN: Mike Donnelly, can you give us conditions for final approval for the M&T Bank site plan located on Route 9W and Chestnut Lane?

MR. DONNELLY: It is a Type II, so no further SEQRA review is needed. We have a Local determination.

Pat, do we need a sign-off letter from you?

MR. HINES: Yeah. I'm waiting to finalize the septic design.

CHAIRMAN EWASUTYN: Bryant, you don't have one?

MR. COCKS: I'm going to need to check the removal of the one sign.

MR. DONNELLY: We need that as well. Karen, you do.

So we need three sign-off letters from the items touched on in their memos. I'm sorry, I didn't know we were moving this fast on this one. I'm doing this on the fly.

We need a landscape security. Is the inspection fee \$2,000?

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MS. ARENT: It depends. I think so, yes.

MR. DONNELLY: Okay. That's what I'm going to put.

Stormwater?

MR. HINES: Inspection only.

MR. DONNELLY: Inspection only.

MR. HINES: \$2,000.

MR. DONNELLY: There is no other security required; right?

MR. HINES: Correct.

MR. DONNELLY: Sewer main, water main, Town road?

MR. HINES: None of that.

MR. DONNELLY: Outdoor fixtures and amenities. We have a standard condition that says you can not build anything that is not shown on the plans. That includes fixtures, HVAC equipment and anything else. If it's not on the site plan, you can't build it.

Pat, you mentioned two things we need. We need to see a septic system hauler contract before the plans are signed that's in place.

MR. HINES: That can probably be before

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M&T BANK

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building permit.

MR. DONNELLY: Before building permit.

Okay.

Also we have the temporary trailer. We had a condition in the other bank one that required the sequencing of when that had to be removed. I forget how we did it. We had a certain number of days after the CO and building within which the trailer needed to be removed.

MR. CANFIELD: Usually it's thirty, sixty or ninety days after the issuance of the C of O. So they move in and then --

MR. DONNELLY: Right. What's the realistic period for the applicant?

MR. CLAUSER: As soon as possible.

MR. DONNELLY: This is the issue: After your CO is issued for the new building, how long do you need to clear out the trailer? The trailer has to be removed.

MR. CLOUSER: Sixty days.

MR. DONNELLY: Those are the conditions.

CHAIRMAN EWASUTYN: And then you understand that the plans cannot be signed until

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2 all the conditions have been approved, until the
3 Town Board approves the landscape bond amount.
4 You'll speak to Karen Arent as far as presenting
5 that. Eventually you'll have to speak with Mark
6 Taylor, the Town Attorney, as far as how that
7 bond is going to be written, the performance of
8 it. So there's a lot of checks and balances
9 after that conditional resolution that you'll
10 have to follow in order to get the plans signed.

11 Having heard the conditions for
12 conditional final site plan approval for M&T Bank
13 presented by Attorney Mike Donnelly, I'll move
14 for that motion.

15 MR. WARD: So moved.

16 MR. MENNERICH: Second.

17 CHAIRMAN EWASUTYN: I have a motion by
18 John Ward. I have a second by Ken Mennerich.
19 Any discussion of the motion?

20 (No response.)

21 CHAIRMAN EWASUTYN: I'll move for a
22 roll call vote starting with Frank Galli.

23 MR. GALLI: Aye.

24 MR. BROWNE: Aye.

25 MR. MENNERICH: Aye.

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M&T BANK

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MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: So carried.

The action tonight does not include ARB approval, so at a later date you'll make that submission and we'll cover the ARB approval. Thank you.

As a matter of the record, you can't rent out the trailer during that sixty-day period.

(Time noted: 10:25 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: March 14, 2011

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

----- X
In the Matter of

DILEMME & SONS, INC.
(2006-02)

Rescindment of Conditional Final Site Plan Approval
and Reversion Back to Conditional Preliminary Approval

----- X

BOARD BUSINESS

Date: March 3, 2011
Time: 10:25 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
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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MR. BROWNE: We have some Board Business to discuss.

The first item is Dilemme & Sons, Incorporated. The applicant is requesting to rescind their conditional final site plan approval, which expires on March 20, 2011, and revert back to conditional preliminary approval.

CHAIRMAN EWASUTYN: Mike, do you want to discuss that with us as far as what we'll be stating on this resolution?

MR. DONNELLY: Yes. As you know, our site plans, our final site plans have a two-year duration with a possible extension of one additional year, but the three years is the maximum duration of a final site plan approval. This applicant is saying they don't want their final, they want to go back to preliminary approval.

I think we've done that in the past. I don't think we need a formal resolution. I think it's sufficient that we note in our minutes that that occurred

CHAIRMAN EWASUTYN: Do we set a date as

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to when they should reapply for an extension?
There's always that area they do or they don't.
What do you recommend?

MR. DONNELLY: I forget what we did in
the --

CHAIRMAN EWASUTYN: I think we were
talking about a year.

MR. DONNELLY: There's no duration in
the code, and I think it says that you can notify
the applicant. If you're going to contact them,
why don't we say we want a report from them at
the end of the year as to whether or not they
intend to move forward, if that makes sense.

Bryant, you're going to write a letter?

CHAIRMAN EWASUTYN: I'll move for a
motion from the Board to grant -- to rescind the
conditional final approval for Dilemme & Sons and
to grant preliminary approval subject to them
applying a year from this date for an extension
of that preliminary approval.

MR. PROFACI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by
Joe Profaci. I have a second by John Ward.

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DILEMME & SONS, INC.

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Discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a
roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Yes myself. So
carried.

(Time noted: 10:28 p.m.)

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

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7 I, Michelle Conero, a Shorthand
8 Reporter and Notary Public within and for
9 the State of New York, do hereby certify
10 that I recorded stenographically the
11 proceedings herein at the time and place
12 noted in the heading hereof, and that the
13 foregoing is an accurate and complete
14 transcript of same to the best of my
15 knowledge and belief.
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23 DATED: March 14, 2011
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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X
In the Matter of

MNP INSTITUTIONAL SUPPLY CO., INC.
Formerly FCB Properties
(2007-18)

Granting of Conditional Final Site Plan Approval

----- X

BOARD BUSINESS

Date: March 3, 2011
Time: 10:28 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
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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2 MR. BROWNE: The next item is MNP
3 Institutional Supply Company, LLC, formerly
4 FCB Properties, project 2007-18.

5 The applicant received the sewer
6 flow acceptance letter from the City of
7 Newburgh dated February 24, 2011. The
8 applicant was before the Planning Board at
9 the February 17, 2011 meeting and the
10 Planning Board could not grant conditional
11 final site approval before the letter was
12 received.

13 CHAIRMAN EWASUTYN: Mike, at this point
14 the action I think is to grant conditional final
15 site plan approval, is it not?

16 MR. DONNELLY: It is. The only reason
17 you couldn't do it on February 17th was the sewer
18 flow letter. So the conditions are the same.
19 There were sign-off letters from both Pat and
20 Karen that were required, an approval of the road
21 names by the Town Board, a DOT use and occupancy
22 permit for the parking on DOT lands, reference to
23 the ZBA approval, a drainage easement running to
24 the Town that's been delivered to me and I
25 forwarded it to Mark Taylor. It has to be

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2 approved by him. The merger of the tax map
3 parcels and appropriate recording of an
4 instrument that infers that they remain a single
5 parcel in perpetuity. I frankly forget what we
6 did on ARB approval, whether they submitted and
7 reapproved or --

8 MR. HINES: They want to find a tenant.

9 MR. DONNELLY: Okay. So that's
10 reserved until later. That's what I thought but I
11 wasn't sure.

12 A landscape security and inspection fee
13 is required.

14 Do you know what the inspection fee
15 would be, Karen?

16 MS. ARENT: It most likely is \$2,000.

17 MR. DONNELLY: We also need a
18 stormwater and a Town road security and
19 inspection fee. There's also a requirement of an
20 offer of dedication for the roadway if they
21 haven't done that already. The standard
22 condition regarding outdoor fixtures and
23 amenities.

24 CHAIRMAN EWASUTYN: Any questions from
25 our consultants? Any additions?

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MR. HINES: Mike, you did say consolidating those lots?

MR. DONNELLY: Yes. Into a single tax map parcel.

CHAIRMAN EWASUTYN: Any comments from Board Members?

MR. GALLI: No additional.

MR. BROWNE: Nothing.

MR. MENNERICH: No.

MR. PROFACI: No, John.

MR. WARD: No.

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant conditional final site plan approval -- I don't know what to call this. We'll call it formerly FCB Properties, project number 2007-18, which is now -- I think it's important to use the number -- MNP Institutional Supply Company, LLC.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ken Mennerich. Any discussion of the motion?

(No response.)

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CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

(Time noted: 10:31 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: March 14, 2011

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

----- X
In the Matter of

TRINITY SQUARE
(2006-53)

Extention of Preliminary Site Plan Aproval

----- X

BOARD BUSINESS

Date: March 3, 2011
Time: 10:32 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
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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2 MR. BROWNE: The last item of business
3 is Trinity Square, project 2006-53. The
4 applicant is requesting an extension of
5 preliminary site plan approval which will expire
6 on March 16, 2011. The extension will run
7 through September 16, 2011.

8 CHAIRMAN EWASUTYN: Then there will be
9 a motion to grant that extension for the site
10 plan for Trinity Square to September 16, 2011?

11 MR. PROFACI: So moved.

12 CHAIRMAN EWASUTYN: I have a motion by
13 Joe Profaci.

14 MR. WARD: Second.

15 CHAIRMAN EWASUTYN: A second by John
16 Ward. Any discussion of the motion?

17 (No response.)

18 CHAIRMAN EWASUTYN: I'll move for a
19 roll call vote starting with Frank Galli.

20 MR. GALLI: Aye.

21 MR. BROWNE: Aye.

22 MR. MENNERICH: Aye.

23 MR. PROFACI: Aye.

24 MR. WARD: Aye.

25 CHAIRMAN EWASUTYN: Myself. So

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carried.

For some of you who know Warner Drake, who was the chairman of the Planning Board when I came on many, many years ago, he has a son who had been on the police force. He's married to Brenda Drake who is on the ZBA. They were at the Associations of Towns for the training programs and he came down with a very high fever, they had to leave early, and my understanding is he's been in the hospital, St. Luke's, ever since with a collapsed lung and -- two collapsed lungs.

MR. HINES: I think he's on a ventilator.

CHAIRMAN EWASUTYN: I'm going to hope that between now and our next meeting they'll be stabilizing his condition. I will get a card and we will make an attempt to further that.

I thank you all for your time and patience this evening.

I would like to move for a motion to close the Planning Board meeting of March 3, 2011.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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TRINITY SQUARE

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CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ken Mennerich. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

(Time noted: 10:34 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: March 14, 2011