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

----- X

In the Matter of

RESORTS WORLD HUDSON VALLEY
(2021-11)

1401 Route 300
Section 60; Block 3; Lot 41.21
AR Zone

----- X

INITIAL APPEARANCE
AMENDED SITE PLAN

Date: May 6, 2021
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KENNETH WERSTED
GERALD CANFIELD
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVES: MEGHAN TAYLOR,
RICHARD GOLDEN, ANTHONY GUCCIONE, JENNIFER LUCAS

----- X

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

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CHAIRMAN EWASUTYN: The Town of Newburgh would like to welcome everyone here this evening for the Planning Board meeting of the 6th of May. We have nine items on the agenda this evening.

At this time we'll open the meeting for a roll call vote.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. CORDISCO: Dominic Cordisco,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

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

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

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

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Consultant.

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

MR. WARD: Please turn down your phones or put them on vibrate, please.

CHAIRMAN EWASUTYN: Our first item this evening is Resorts World Hudson Valley. It's application 21-11. It's located on Route 300, 1401 Route 300. It's in an IB Zone. It's an initial appearance for amended site plan. It's being represented by --

MS. TAYLOR: Hi, Mr. Chairman. Meghan Taylor.

CHAIRMAN EWASUTYN: Meghan --

MS. TAYLOR: Meghan Taylor.

CHAIRMAN EWASUTYN: You're associated with whom?

MS. TAYLOR: Resorts World.

CHAIRMAN EWASUTYN: Do you have a business card?

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MS. TAYLOR: I do. Absolutely.

CHAIRMAN EWASUTYN: Would you please give it to the stenographer?

MS. TAYLOR: Of course.

CHAIRMAN EWASUTYN: Thank you, Meghan. Would you make your presentation?

MS. TAYLOR: Absolutely. Absolutely. Am I okay to stand here for everybody? Perfect.

Thank you so much for the time this evening. You're going to hear from a lot of our consultants on our team, but I just wanted to give a quick overview of the project. We are proposing the Resorts World Hudson Valley project which is going to really transform the Newburgh Mall into an entertainment destination, we hope, at the close of our project. We're proposing to lease approximately 90,000 feet of the Newburgh Mall, mainly in the Bon Ton -- former Bon Ton space, the anchor store in the mall.

We are going to -- we are proposing to develop and operate a video gaming

1 machine facility. The facility would
2 consist of approximately 1,300 VGA machines,
3 about 55,000 square feet of gaming floor and
4 Resorts World's signature entertainment
5 lounge, Bar 360.
6

7 Resorts World Hudson Valley is also
8 going to look to collaborate with
9 neighboring tenants and local businesses
10 through various co-marketing opportunities
11 to really help in the full revitalization of
12 the whole mall.

13 The project will be -- at the close
14 will be -- is estimated to create 200 to 225
15 full-time jobs with an average annual salary
16 of about \$74,000 including salary and
17 benefits, about 200 construction jobs. We
18 are negotiating right now with PLA. We will
19 be using mainly union labor, local labor.
20 We just hired a national local construction
21 management firm as well.

22 It is going to be about a
23 \$32,000,000 total project cost we
24 anticipate. We are not seeking any tax
25 abatements or other state subsidies for the

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project.

We're really looking forward to working with you and the team on this exciting project.

Now I'm going to hand it over to Rick Golden to talk a little bit more specific about the process.

CHAIRMAN EWASUTYN: Thank you, Meghan.

MS. TAYLOR: You're welcome.

MR. GOLDEN: Good evening, Mr. Chairman, Members of the Board, Consultants of the Town Planning Board. Thank you for having us here this evening on the agenda.

We're here before this Planning Board because of the change in use in that area of the mall, and also there are some small site plan elements to it. There's a bump out for the armored car that's required by New York State regulations. Also we have a generator and a couple of transformers that are separated from the building in the back.

As you're aware, the Town Board is

1
2 doing the SEQRA review of this project
3 because it also required a zoning text
4 amendment. That zoning text amendment is
5 really just to say that malls -- to add
6 malls having more than 500 parking spaces,
7 so large malls, that this would be an
8 additional use that would be allowed within
9 the mall. So it's a zoning context of an
10 additional permitted use within the mall.

11 We have here tonight the civil
12 engineer as well as the architect who will
13 talk about those elements. We also have
14 available to answer any questions you have
15 Phil Grealy for traffic issues.

16 We want to really just ask two
17 things tonight in addition to explaining the
18 project to you. One is to ask that you refer
19 this matter to the Orange County Department
20 of Planning under GML 239-M, and also that
21 you make a determination with respect to a
22 public hearing. We would request that the
23 discretionary public hearing is not really
24 necessary because of the slight changes that
25 are being done to the existing mall. But if

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you decide to go ahead and have a public hearing, we would strongly request that you set it for the May 20th Planning Board meeting.

Unless you have further questions from me, I'll pass it on to Anthony Guccione of JMC Engineers who will take you through the site plan.

CHAIRMAN EWASUTYN: Any questions from Board Members on the presentation from Meghan Taylor or the Attorney, Rick Golden?

MR. GALLI: Not as of yet.

MR. GOLDEN: Thank you.

MR. GUCCIONE: Good evening. My name is Anthony Guccione, I'm an associate principal with JMC, and I'd just like to briefly take you through the site plan for the project.

This is an overall property survey of the site. The property line is outlined is green. The Thruway is at the top of the page, 300 is at the bottom. This portion in gold is the portion that Meghan mentioned, the 90,000 square feet that would be

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reoccupied by the gaming facility.

I'm going to take you now to a blow-up of the northern portion of the site. This is the site plan that we submitted. The site improvements are very minimal. There's only a couple. First, as Rick had mentioned, is this little bump out on the building. It's 31 feet by 20 feet and it's to house an armored car so they can bring cash safely to and from the facility.

Second is a generator here. That's about 57 feet long and 14 feet wide. It's proposed to be screened by a chain-link fence 6 feet high and privacy slats in there, and then a bunch of evergreen trees are proposed around there. Some arborvitae trees to screen that.

The final one is these other boxes. They are proposed transformers just for electric service for the building. It might be two, it might be three. We're still working with Central Hudson to get the actual number. Conservatively we've shown three.

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That's really the extent of the site improvements. I can answer any questions or I can turn it over to Jennifer to go over the elevations of the building.

CHAIRMAN EWASUTYN: Jennifer, do you have a business card for Michelle?

MS. LUCAS: I do not have one with me right now.

My name is Jennifer Lucas, I am representing the William Talbert architectural team for the project.

The changes to the exterior of the building are mainly paint to the existing exterior block. It will be upgraded and repaired as necessary. We will be keeping the existing block as frame around. The existing block in here will be painted. So it will be just a paint application, custom, that will be applied.

The entry remains the same. That will also be painted.

We have one sign above the entry as well as the Resorts World sign over here. That will be backlit with LEDs, completely

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concealed.

So like Anthony said, we only have the armored car entry that will be added to the building. That is very minor.

Other than that, we aren't proposing any other exterior changes other than the generator and transformers that are going in.

CHAIRMAN EWASUTYN: Questions for Ms. Lucas from the Board?

MR. GALLI: No additional yet.

MS. DeLUCA: None yet.

MR. MENNERICH: No.

MR. BROWNE: Nothing.

MR. LUCAS: Thank you very much.

Did you want to see any photos of the existing building?

CHAIRMAN EWASUTYN: Why not. Or yes, please.

MS. LUCAS: So this is our location. Of course the Jennifer Convertible, old Bon Ton store. This is a photograph from above, Google Maps.

This is the existing view where the

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generator and transformer are going to go. You can see we have some plows back there as well as storage for sand and gravel.

This is the existing loading dock that will be repaired.

This is the existing pump station, and then also the existing transformer in the back of the building.

MR. GALLI: Jennifer, is there going to be a sign on the inside of the mall on the building?

MS. LUCAS: Yes, there will be. We do have interior renderings. Since this was site plan review, we were going to keep it brief.

Of course this is the existing exterior photograph from the outside. We will be improving and repairing that quite a bit.

CHAIRMAN EWASUTYN: You know what would be good, Jennifer. If you now show the facade the way you did and we can relate to --

MS. LUCAS: Sure. As you can see,

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we're keeping the block and we're painting in between. Then, you know, painting the existing canopy as well as the block on the other side of the doors.

MS. TAYLOR: One of the important things to note, too, is we were trying to choose a design that really simply enhanced the mall as it is. We wanted to make sure that the hues and the tones and colors we were choosing really blended in with the rest of the mall. We were really trying to again enhance the exterior, not necessarily have our portion of the mall completely stand out against the rest of the mall. Trying to make as it aesthetically pleasing as possible.

MR. GOLDEN: If I might add one other issue that was brought up in your consultant's comments about buses. Resorts World is not planning on sponsoring, or guiding, or coordinating with any entity to try to have bus --

MS. TAYLOR: Charter bus.

MR. GOLDEN: -- charter bus service

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to the facility. Obviously we can't stop it if some senior citizen group wanted to, some Town to sponsor their own bus to come. But we have no plans whatsoever at this point in time to go ahead and have any kind of charter bus service that's run by Resorts World. If the Board wanted to talk about how we might accommodate any buses that come, we can also talk about that. We have our traffic engineer. There is space in the back to put, you know, one or two buses that might come at any one time.

CHAIRMAN EWASUTYN: And who might that be, the traffic engineer?

MR. GOLDEN: Mr. Phil Grealy. Dr. Phil Grealy.

There are some traffic issues, so I don't know -- Phil, do you want to talk about that generally?

DR. GREALY: Absolutely. Good evening, Mr. Chairman, Members of the Board, members of the public. Phillip Grealy, Colliers Engineering & Design, formerly Maser Consulting.

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2 We prepared a traffic and parking
3 evaluation for the site. Since our study was
4 done this past February, we were able to
5 make adjustments for pre-COVID, pre-pandemic
6 conditions because of the history that we
7 have in terms of traffic data for the
8 corridor and at the mall driveways. As you
9 know, we've been involved with a lot of the
10 projects over the years and we have actual
11 counts from 2019 at the mall. So luckily we
12 have enough history here to know what's
13 going on.

14 So the purpose of our traffic and
15 parking study was really to make sure that
16 the facility could accommodate what we
17 anticipate in terms of traffic loading and
18 parking spaces and utilization.

19 As Mr. Golden indicated, we are not
20 proposing charter buses to be here. There
21 is an existing bus stop just outside the
22 entrance -- the common entrance to the mall
23 area, just to the south of Bon Ton or
24 Jennifer Convertibles. So that is the
25 municipal bus stop, and that will remain.

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2 But we are not anticipating any bus --
3 charter bus utilization. That would
4 actually probably reduce some of the auto
5 trips that we projected because we based it
6 on the occupancy and the usage.

7 In terms of just in general, and I
8 think your consultant will weigh in on it,
9 the traffic generation in terms of peak
10 times, similar to what the mall area would
11 generate when it was more vibrant; in terms
12 of parking, our peak parking demand really
13 occurs later in the evening. We did a full
14 parking evaluation both weekday and Friday
15 and Saturday, and we can accommodate that.

16 Other than that, I think, you know,
17 it's a pretty straightforward application.

18 We're going to use the existing
19 access points.

20 There was one question that came up
21 at the Town Board public hearing. It was a
22 question about the northerly access
23 intersection which aligns with the Towne
24 Center across the street, whether or not
25 that would need a traffic signal. We looked

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2 at the traffic volumes and the numbers
3 there, and it doesn't warrant a signal. We
4 will be providing that information in a
5 response back to the Town Board. But it was
6 evaluated. We would plan to monitor that in
7 the future to make sure that with any
8 additional loading, that it wouldn't be
9 needed. But it's not needed now.

10 CHAIRMAN EWASUTYN: For the record
11 and for the public, when you say it doesn't
12 warrant it, what does that mean?

13 DR. GREALY: Okay. So in order to
14 install a traffic signal, the Manual of
15 Uniform Traffic Control Devices identifies
16 certain traffic levels over the course of
17 the day, over certain hours of the day, in
18 order for you to install a traffic signal.
19 You can't just go and install a traffic
20 signal at any location. Based on those
21 volume warrants, the volumes are not at a
22 level that would justify putting in a
23 signal.

24 CHAIRMAN EWASUTYN: Thank you.

25 Comments for Mr. Grealy, Board

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Members?

MR. GALLI: Would you handle parking lot striping and that kind of stuff?

CHAIRMAN EWASUTYN: It's an open discussion.

MR. GALLI: Are you going to be cleaning up the parking lot as well as striping the blacktop?

MS. TAYLOR: I can answer that. So we will be -- we're going to be leasing the space that we're in. We do not own the mall, nor do we own the parking lot. We are actively working with the owner of the mall to enhance the parking lot that's there now and really create a better environment for everyone. Not just us but all the other tenants in the mall. There have been talks about fully redoing the parking lot and re-striping as well. I don't have an exact timeline for you. It is something that is being talked about and actively sought.

MR. GALLI: The second question I had was the security. Right now the only time I think the mall has high security is

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maybe Black Friday, Christmas and stuff.
Are you going to be changing that to
year-round security on the outside? I know
you'll have cameras and lights. Are you
going to be manually, like a person or
people or --

MS. TAYLOR: So we have -- again,
we talked to the owner too. What we're
trying to do is make sure that our security
is essentially complimenting theirs and
we're duplicating efforts. We anticipate
having a regular patrol on the exterior of
the building throughout the hours of
operation that we will be operating. And
there will be cameras outside in the parking
lot as well.

MR. GALLI: That's 8 a.m. to 4
a.m.; correct?

MS. TAYLOR: No. Right now we're
talking about closure at midnight.

MR. GALLI: I think in the thing it
said 4 a.m.

MS. TAYLOR: As per our license we
are able to operate twenty hours, but in the

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beginning we're talking about really going to midnight.

MR. GOLDEN: That was put in the EAF for purposes of studying the maximum amount that might happen even though we don't anticipate using those hours. We needed to have the Town Board go ahead and study that in case we needed to expand it in the future.

MR. WARD: What would your hours be?

MS. TAYLOR: So either 8 a.m. to midnight or 10 a.m. to midnight.

MR. WARD: Thank you.

MS. TAYLOR: You're welcome.

MR. GOLDEN: That's starting.

MS. TAYLOR: Starting, correct.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: My questions were answered. Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I was curious. Where the generator is, you're putting in a fence and landscaping. Could that be

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extended to include the transformers so they're not --

MR. GOLDEN: It can be.

MS. TAYLOR: I think so, yeah. If that would be what the Board --

MR. GUCCIONE: Screening.

MS. TAYLOR: Screening.

MR. GUCCIONE: Sure.

MR. MENNERICH: Thanks.

MR. HINES: I think it was the screening and the fence; correct?

MR. MENNERICH: The fence, too. For security.

MS. TAYLOR: Not a problem.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: So far I'm okay with the answers to the questions, except I want to echo the concern over the condition of the parking area and the roads around it. Having lived here for an era almost, the owner of that property has not taken care of that property for years and years. I think it would be good if somehow you could incorporate some kind of a thing with your

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owner and your lease to maintain that.

MS. TAYLOR: We agree. We agree completely.

MR. BROWNE: Obviously we can't force that, but --

MS. TAYLOR: Absolutely. We're on the same page. We understand the current condition of that parking lot and it's not what we want our proposed guests to be viewing as they're walking in as well.

MR. GOLDEN: And it's a new owner.

MS. TAYLOR: Yes, it will be a new owner.

MR. BROWNE: Thank you.

MR. DOMINICK: A question for Anthony, and Meghan maybe. I believe we discussed at workshop that the generator is diesel. Any talk of why not getting that gas?

MS. LUCAS: Can I answer that?

MS. TAYLOR: Please.

MS. LUCAS: So it needs to be a diesel generator because the utility cannot -- the utility company -- per New York State

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Gaming regulations there can not be a utility attached to it to be cut off. It has to be fully functional as a standalone unit per New York.

MR. DOMINICK: Thank you. I also echo what Ken said about extending the fencing and privacy slats to the transformers.

MS. TAYLOR: Understood. Yup.

MR. WARD: Are you increasing the lighting for the parking lot in that area?

MS. TAYLOR: So we could. We did not have plans to do so right now but it's absolutely something that we could take a look at.

MR. WARD: It wouldn't hurt, --

MS. TAYLOR: Yup.

MR. WARD: -- especially over there.

And we've had previous projects for sidewalks out on Route 300, say. Being leasing the property, we've had projects where you talk to the owner and work it out that you can extend the sidewalk from

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Buffalo Wild Wings over on 300, Mavis Tire.
If you could possibly see about that.
That's what we've been trying for for
pedestrian safety.

And also --

MS. TAYLOR: So Mr. Ward, can I
just ask a question on that? I know where
you're talking about from Buffalo Wild
Wings. So are you saying --

MR. WARD: I'm saying two things.
Sorry about that.

MS. TAYLOR: That's okay.

MR. WARD: Route 300, we have a
sidewalk out in front of Mavis Tire.

MS. TAYLOR: Yup.

MR. WARD: To continue it out
towards McDonald's, alright.

MS. TAYLOR: Okay.

MR. WARD: Then possibly it would
help everybody to have a crossover from the
parking lot to Buffalo Wild Wings or
whatever. You know, in the parking lot, a
little cross over there. When we had Mavis
Tire, the project then, they mentioned well

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the owner of the mall won't work with them.

MS. TAYLOR: Understood.

MR. WARD: Now I think they'll work with you. You know what I'm saying?

MS. TAYLOR: I'd love to have that conversation. Absolutely. Definitely.

MR. WARD: Thank you.

MS. TAYLOR: You're welcome.

CHAIRMAN EWASUTYN: Any further questions from Board Members?

(No response.)

CHAIRMAN EWASUTYN: We'll start off with Dominic Cordisco, Planning Board Attorney, to discuss with us the text change and the position that the Planning Board not being able at this time procedurally to grant any kind of approvals. We'll ask Dominic Cordisco to speak with us on the discretionary position that the Planning Board has with site plans to waive a public hearing, and we'll poll the Board Members at this point to make that decision.

Of course the other action is just a procedural action, as Mr. Golden had

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mentioned, to refer this under 239-M to the Orange County Planning Department.

Dominic, can you bring us along on the procedure?

MR. CORDISCO: Yes. This Board's jurisdiction over this project is quite limited, as you just mentioned. There is a site plan amendment which was for the physical improvements to the site, which are including the garage predominantly as well as the generator area. The Town Board is the SEQRA lead agency, so the Town Board is conducting its environmental review and will be making determinations in connection with that. The Town Board is also considering the zoning text amendment which would allow this particular use -- if adopted by the Town Board, would allow this particular use as a use that would be permitted within this facility.

So as I said, the Planning Board's jurisdiction is limited to the site plan amendment for the physical changes to the site as well as the architectural elements

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that have been proposed by the applicant.

The site plan amendment is subject to a discretionary public hearing. The Board could decide to have a public hearing or it can decide to waive it. Bear in mind that the public hearing for this Board's purposes would not be as to whether or not concerns regarding the use or concerns regarding environmental issues which are really within the purview of the Town Board. It would be, as I said, in connection with the site plan amendment and, to some extent, the Architectural Review Board process, although there's not a public hearing per se for architectural review elements if that was the only thing that was before you.

Because the Town Board has not yet made any determinations, this Board, while it cannot make a decision as to the overall application, it can take certain procedural steps. One of those procedural steps would be the referral to the County Planning Department. This application meets the requirements to be referred to the County

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2 Planning Department. As I said, it's in
3 connection with the site plan amendment
4 elements. This Board can also decide
5 procedurally whether or not to hold a public
6 hearing. I note that the Town Board has
7 already held a public hearing in connection
8 with the overall project. That's really it
9 where the Board is at this particular time.

10 There is an adjoiners notice that
11 is required by the code. So the adjoiners
12 notice is a mailing that gets sent out after
13 an applicant's first appearance. So that
14 can be coordinated. Typically Mr. Hines
15 coordinates that as well.

16 CHAIRMAN EWASUTYN: Before we
17 introduce Pat Hines who reviewed the
18 project, and Ken Wersted with Creighton,
19 Manning who reviewed the traffic, I'm going
20 to poll the Board Members to see -- again,
21 it's discretionary -- if they want to hold a
22 public hearing or if they want to waive the
23 public hearing, because what we'd be waiving
24 is the site plan. Since the changes in the
25 site plan are nominal, again I'll poll the

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Board Members starting with Frank Galli.

MR. GALLI: Considering the Town Board is holding a public hearing and they are lead agency, they took the lead role in it and had their public hearing, or are having their public hearing, and ours is only minimal with only the building, looking at the exterior, what color it is, you know, the generator out back and the little addition for the car on the side, and cleaning up the parking lot, I mean we really have no further say on that particular project as we normally would on other projects. The Town is taking control of all that for us, so I don't feel we should have a public hearing just to see if they're going to stripe the parking lot, paint the color red or green or blue, or screen the back of the generator. So I say no.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: I concur with Frank.

CHAIRMAN EWASUTYN: Ken Mennerich?

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MR. MENNERICH: I concur to waive it.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Based on the minimal changes and the location of the project, I would waive the requirement for a public hearing.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I concur as well to waive the public hearing.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I agree to waive it.

CHAIRMAN EWASUTYN: Okay. Let the record show that the -- and myself, I move to waive it -- that the Planning Board, which has the discretionary power, the majority has decided to waive the public hearing considering the fact that there are nominal changes to the actual site plan.

So I'll take a roll call vote on that starting with Frank Galli.

MR. GALLI: No public hearing.

CHAIRMAN EWASUTYN: Would someone move for that motion?

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MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Dave Dominick. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: After hearing from Pat Hines and Ken Wersted, further action would be to refer this to the Orange County Planning Department under 239-M.

I think the other minor waiver that we have on this, Pat, would be on the topo?

MR. HINES: Yeah. We would suggest that the Board also waive the requirement for topography on the site as there are no changes in elevations or grades.

CHAIRMAN EWASUTYN: Why don't we take that action up now. Having heard from

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Pat Hines of McGoey, Hauser & Edsall recommending to the Board that we waive the requirements for topo based upon the nominal changes to the site, would someone move for that motion?

MR. BROWNE: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Cliff Browne. I have a second by Ken Mennerich. May I please have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Pat, would you continue on.

MR. HINES: Sure. A lot of my comments have been touched on by the Board or the applicant's representatives.

We're just noting that the project

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is here as an amended site plan/change of use.

We discussed the Town Board being lead agency for the project.

We did note, as Mr. Grealy noted, during the Town Board's public hearing a question arose regarding the Meadow Hill Road northern access drive, which was discussed by the applicant's representative.

Our comment 4, and it's more for the public than the Board just to make sure. The Town of Newburgh has a project, the Meadow Hill South Relief Sewer, which is going to install a new sewer line from Meadow Hill south, across the Thruway and also crossing this parcel. That project has been publicly bid and awarded and there will be construction activity on the site associated with the Town of Newburgh's sewer project, not associated with this project. I just wanted to bring that to the Board's attention. There will be equipment operating on the site not involved with this site plan or this applicant. Just kind of a

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public notice that that's happening in case there are any questions on what's happening there.

There's a need for a flow acceptance letter. The EAF identifies the potential increase in hydraulic loading from the site of 6,000 gallons per day. I will work with the applicant's representative to secure that flow acceptance letter.

We talked about the architectural review. I did have one question that we didn't discuss with the architectural review, and that is the potential for new roof units. I would assume those are going to be upgraded. The Town's architectural code requires those to be screened. We didn't discuss that but it is a requirement that they be screened.

We talked about the signage chart. Jerry Canfield's office has already reviewed that and found that to be acceptable.

The topography waiver we talked about.

We talked about screening of the

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generator and the transformer units.

So that is the extent of our comments. We will coordinate the submission of the County Planning 239 and we'll work with the applicant on the adjoiners notice.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Nothing additional.

As Pat mentioned, I did review the signage. It does comply with the new signage regulation pertaining to shopping centers.

CHAIRMAN EWASUTYN: Thank you.

Ken Wersted with Creighton, Manning Engineers?

MR. WERSTED: Mr. Chairman, I produced two comment letters. One was dated April 30th on behalf of the Planning Board covering some site plan issues, and on behalf of the Town Board I issued a March 17th letter revolving more around traffic and parking studies. Is there one in particular you'd like me to focus in on?

CHAIRMAN EWASUTYN: I think we'll

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focus in on the action before us now, the Planning Board.

MR. WERSTED: Okay. Relative to site plan issues, we didn't find that there's much change to the site.

As part of the parking study they identified that there's about 80 percent of parking spaces available now. If the project is completed, about 7 to 13 percent of the spaces would be available. So there's going to be a large parking demand at the north side of the mall. With most of that traffic coming in from the Route 300 direction, the front side of the mall is going to be in high demand, therefore it may be necessary to have some additional signing that says additional parking, you know, to come around back. It may be prudent to have employees be instructed to park in the back and utilize some of those spaces in the rear which aren't readily going to be available to be seen from Route 300.

I think the applicant had touched on the pavement condition and the striping.

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Relative to bus parking, even though the applicant isn't sponsoring any direct busing to the site, there could be a senior group or an outside entity that charters their own bus and says hey, charter company bring us to the Newburgh Mall. So I think it would be a good idea to have some type of plan on where that bus should drop off people, whether that bus would be allowed to stay. If they are allowed to stay, where would they stay on site.

The traffic study did note that there could potentially be about 15 percent of employees or ridership using transit. The existing bus stop right now is simply just a sign. We would suggest that they maybe talk to Orange -- Transit Orange and see if there needs to be a shelter or if there's an expected increase in ridership there.

And then John Ward had touched on the sidewalk. Previously we've had applicants adjoining the property continue a sidewalk and bring it down. Obviously they

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met the property line with the mall. We think it's desirable to have that sidewalk continue further south across part of this frontage.

That was the extent of our comments.

CHAIRMAN EWASUTYN: Any questions or comments from Board Members?

MR. GALLI: No additional, John.

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Would someone make a motion to refer this to the Orange County Planning Department?

MR. WARD: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Stephanie DeLuca. May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Meghan, you'll work with Pat Hines' office as far as the informational letter.

MS. TAYLOR: Yes. Myself and Rick Golden. Yes. Between the two of us.

MR. HINES: John, would it be appropriate for the Board to consider the conceptual approval for this project at this time?

CHAIRMAN EWASUTYN: Dominic, we talked about that.

MR. CORDISCO: So this is in connection with a favorable report that is a procedural step for the Planning Board to consider. It's derived from the Town Code Section 185-57. What the code says is that the Planning Board shall review the sketch plan and related documents and shall render either a favorable report or an unfavorable report to the applicant. A favorable report shall in no way imply immediate or eventual approval status, it's merely intended to convey to the applicant a relative assurance

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that the development as conveyed is basically conforming to the master plan of the Town and its implementing land use regulations with or without suggested modifications.

CHAIRMAN EWASUTYN: Thank you, Dominic.

Would someone move for a motion to move for a favorable report for the sketch plan on Hudson Valley -- Resorts World Hudson Valley, project number 21-11?

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Dave Dominick. May I have a roll call vote, please.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: I think that covers all of the items this evening. Thank you for your time.

MR. GOLDEN: Thank you.

MS. TAYLOR: Thank you.

(Time noted: 7:35 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of May 2021.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

DORRMANN SUBDIVISION
(2021-03)

Weaver Road
Section 11; Block 1; Lot 93
AR Zone

----- X

TWO-LOT SUBDIVISION

Date: May 6, 2021
Time: 7:35 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KENNETH WERSTED
GERALD CANFIELD
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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CHAIRMAN EWASUTYN: Our second item of business this evening is Dorrman Subdivision, project number 21-03. It's a two-lot subdivision located on Weaver Road in and AR Zone. It's being represented by Talcott Engineering.

MR. BROWN: Thank you, Mr. Chairman. This project was before the Board before. It was referred to the Zoning Board for variances for the accessory structures in the front yard.

We now show the wetlands as flagged and surveyed.

We did secure the variances from the Zoning Board.

I sent out today two filed maps. Map 9323 is the one that creates Weaver Lane -- Weaver Drive, I'm sorry. At that time we were owners of the property so it was a deal between him. There is no maintenance agreement on file. We checked that.

The proposed driveway easement, the Stewart property has -- they have rights to egress, but there was no description of

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that. We went 26 feet because that included the entire driveway that's there now. We can certainly go to 25 feet.

Other than that, I think we're good to go for a public hearing.

CHAIRMAN EWASUTYN: Any comments from Board Members before we turn this to Jerry Canfield and Pat Hines?

MR. GALLI: Not at this time.

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. BROWNE: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: I have nothing.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: As Mr. Brown just stated, we did receive two filed maps regarding this. I think Dominic will need some time to take a look at those.

There's an existing storage trailer depicted to be removed. That will be a condition of approval, that it has to be

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removed before the maps are signed. It's an existing zoning issue.

We're suggesting the well be depicted on the large scale plan. It is depicted on the inset but not on the large scale plan for lot 2.

MR. BROWN: Okay.

MR. HINES: Again, the next comment has to do with the access easements which are being reviewed.

We would recommend that the Planning Board issue a waiver for topography on the large balance parcel. Topography has been shown on the area of the lot to be impacted where the house, well and septic, as well as the access roads are proposed.

We submitted this to Orange County Planning and received a Local determination with no issues.

Based on the information submitted, we would recommend a negative declaration for the two-lot subdivision.

A public hearing is required. The Board may wish to set that at an available

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date.

CHAIRMAN EWASUTYN: Let's first move for a motion to waive the public hearing on the topo. The reason being, Pat Hines?

MR. HINES: We're going to waive the topo.

CHAIRMAN EWASUTYN: Excuse me. Waive the topo.

MR. HINES: The reason being that the balance parcel is rather large, portions of it are wetland areas, I believe to the rear, and they have shown the appropriate topo and grading in the areas of the lot proposed to be impacted.

CHAIRMAN EWASUTYN: Having heard from Pat Hines with McGoey, Hauser & Edsall, would someone then move to waive the topo for the Dorrman Subdivision?

MR. MENNERICH: For the portion of the lot that's not being developed.

CHAIRMAN EWASUTYN: For the portion of the lot that's not being developed.

MR. BROWNE: So moved.

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MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion from Cliff Browne. I have a second by Ken Mennerich. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And the next two actions combined would be to declare a negative declaration and to set this for a public hearing for the 3rd of June.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Second by Ken Mennerich. May I please have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And Mr. Brown,
you're familiar with working with Pat Hines'
office for the notice of hearing?

MR. BROWN: Yes, I am.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:41 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 15th day of May 2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

SERVISS TWO-LOT SUBDIVISION
(2021-07)

1298 Union Avenue
Section 14; Block 1; Lot 48
AR Zone

----- X

INITIAL APPEARANCE
TWO-LOT SUBDIVISION

Date: May 6, 2021
Time: 7:41 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KENNETH WERSTED
GERALD CANFIELD
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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CHAIRMAN EWASUTYN: Our third item of business this evening is the Serviss Two-Lot Subdivision, project number 21-07. It's an initial appearance for a two-lot subdivision. It's located on 1298 Union Avenue in an R-2 Zone. It's being represented by Talcott Engineering also.

MR. BROWN: Thank you. This is a very large parcel, 40 acres -- 40.5 acres. The proposal is -- it has an existing house on it, Town water and a septic. The proposal is to create one new building lot, also to be serviced by Town water and septic.

The driveway would come up Union Avenue, which is a Town road in this area.

We would like to ask, because it is such a large parent parcel, that the topography and adjoining physical features and structures be limited to 300 feet from the property line of the proposed lot. Again, the same reasoning as the last one, we're not affecting anything outside of that area. That's it.

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CHAIRMAN EWASUTYN: Jerry Canfield,
do you have any comments at this time?

MR. CANFIELD: No. No comments.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Comments from the
highway superintendent should be received
regarding the location of the driveway.

We're suggesting a relocation map
be provided which shows additional detail,
1 inch equals 2,000 scale.

The bulk table should identify that
the project is served by Town water. The
bulk table is correct, it is served by Town
water. The bulk table varies based on
whether or not it has water -- municipal
water or sewer, or one or the other.

The location of the water service
should be depicted.

We have a comment on the driveway
grades and appropriate culverts.

The subdivision of this parcel from
the parent parcel, there's currently a 50-
foot wide strip. This subdivision will
utilize 25 feet of that strip which will

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prevent any future roadway access. As you mentioned, it is a 40-acre parcel. It does have another access point, but --

MR. BROWN: We would actually like to move the driveway to center it on that new property line and provide a cross easement between the two parcels so in the event --

MR. HINES: That will address that comment. I just think it makes good planning to leave that 50-foot strip into that larger parcel available.

MR. BROWN: I agree.

MR. HINES: The tax records identify that a corporation and an LLC own the property and the application is signed by an individual.

MR. BROWN: I verified. You're correct on that.

MR. HINES: We'll need that updated as well.

It will require a County Planning referral. The property is within 300 feet of the New York State Thruway, on the

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opposite side of Union Avenue.

The application requires depicting all houses within 200 feet. I think Mr. Brown requested that the houses to the rear of the parcel be waived, but there are houses very close to the proposed lot 2. Probably actually on all sides. We're suggesting in order to assist at the public hearing, that level of detail be shown at a minimum.

Did you suggest 300 feet to the Board --

MR. BROWN: Yes.

MR. HINES: -- of that lot? It helps during the public hearing process so people can pick out their house and driveway locations and such.

We talked about the shared driveway and the potential there for three driveways in a row which you just addressed.

We're suggesting you coordinate with the water department regarding the size of the lateral due to the length of the driveway into what is essentially a flag

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lot.

We've provided you with the water system notes which were updated for your use.

This will require an adjoiners notice and a County Planning referral. We may want to have the County Planning referral wait until a more detailed driveway plan is shown showing access to the larger lot as well.

CHAIRMAN EWASUTYN: What would your recommendation be to the Board?

MR. HINES: I would hold off on County Planning until we get these comments addressed.

CHAIRMAN EWASUTYN: Would you suggest that the Planning Board waive the requirements of topo but yet show topo within 300 feet of the proposed new home?

MR. HINES: Yes, I would. It's a rather large lot. It would be quite an effort to topo 40 acres for the impact of a very small portion of the lot.

CHAIRMAN EWASTUYN: Having heard

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from Pat Hines, would then someone move to waive the topo but yet defining it within 300 feet of lot number 2 as it's contiguous to the existing properties?

MR. GALLI: So moved.

MR. BROWNE: Second.

MR. HINES: Topo and planometrics. We're looking for the house and driveway locations as well within that 300 feet.

CHAIRMAN EWASUTYN: I have a motion from Frank Galli. I have a second from Cliff Browne. May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: For the benefit of myself and maybe Planning Board Members, I can only speak for myself, is there any way where you could put some kind of minor

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sign or stake letting us know where this proposed driveway is for this new lot?

MR. BROWN: Yes.

CHAIRMAN EWASUTYN: I think I know where it is. Rather than guessing.

MR. BROWN: Yes, I will. The Highway Department has actually asked us to show each side of the 10-foot driveway centered -- which would be centered on, again, the proposed lot line.

CHAIRMAN EWASUTYN: Thank you.

MR. BROWN: We'll do that. Thank you.

(Time noted: 7:48 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 15th day of May 2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

MALMARK SUBDIVISION
(2020-15)

72 Lattintown Road
Section 9; Block 3; Lot 2
AR/R-3 Zone

----- X

FIVE-LOT SUBDIVISION

Date: May 6, 2021
Time: 7:48 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KENNETH WERSTED
GERALD CANFIELD
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: ZACHARY PETERS

----- X

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

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CHAIRMAN EWASUTYN: Our fourth item of business this evening is the Malmark Subdivision. It's a five-lot subdivision located on 72 Lattintown Road. It's in both an AR Zone and an R-3 Zone. It's being represented by Zachary Peters.

MR. PETERS: Yes.

CHAIRMAN EWASUTYN: Thank you.

MR. PETERS: So good evening again. Zachary Peters from Mercurio-Norton-Tarolli-Marshall Engineers & Surveyors for the applicant.

We were last before the Board I believe in February. We've been before the Board a couple times to present the proposed subdivision. It's five lots on Lattintown Road.

I think the items that were outstanding the last time we were here was the Board had asked us to reach out to the highway superintendent to review the proposed driveways, which we did stake the locations. I actually met with him out there in the field. He had a couple of

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comments which we have since addressed. I believe he had issued a sign-off letter on that.

The only other major item, or minor item ultimately, is that there are a couple of existing encroachments from the neighboring parcels that have crept over the property line. The non-permanent ones are going to be removed. There are a couple for an existing driveway and a shed for the neighbor that the owner is going to grant easements for to allow those to remain. So they're working out the exact extents of those but it's not going to be anything major. It's right along the edge of the property line here.

I think the only other thing that we need to move forward with at this point would be getting to the Health Department because it is going to require their review and approval for the proposed wells and sewage disposal systems.

CHAIRMAN EWASUTYN: Comments from Board Members?

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MR. GALLI: No additional.

MS. DeLUCA: No additional.

MR. MENNERICH: No.

MR. BROWNE: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Jerry Canfield,
Code Compliance?

MR. CANFIELD: Nothing.

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

MR. HINES: We're looking for a
copy of the highway superintendent's sign
off. I don't have that. I know in your
cover letter you --

CHAIRMAN EWASUTYN: I did send that
out. Okay.

MR. HINES: I must have missed it
then.

There are a couple comments
outstanding, including addressing the
encroachments, which we just did.

The internal metes and bounds lines
need to be shown.

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Driveway access and maintenance agreements will be required prior to final approval.

They should also address cross grading across those easements for the driveways as there's a requirement that the lots be able to cross grade to construct their individual driveways appropriately.

A notice of intent for stormwater coverage will be required, and we will issue that at the appropriate time.

It is a major subdivision containing five lots less than 5 acres in size, so County Health Department approval is required for the wells and the septics. They need preliminary approval to get to that.

We circulated lead agency on February 4th -- this Board declared lead agency on February 4th. We circulated on February 11th. No agencies have taken exception, so the Planning Board can declare itself lead agency for the project.

Based on that, we would recommend a

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negative declaration for the project.

The project requires a public hearing, and we take no exception to the Planning Board scheduling that after it considers a SEQRA determination.

CHAIRMAN EWASUTYN: Dominic Cordisco?

MR. CORDISCO: Nothing further.

CHAIRMAN EWASUTYN: All right. Would someone move for a motion to confirm the lead agency status for the Town of Newburgh Planning Board?

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward and a second by Dave Dominick. May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: For convenience; Zachary, can you please e-mail Dominic Cordisco, Pat Hines and Jerry Canfield the sign-off letter from the Town Highway Department?

MR. PETERS: Absolutely.

CHAIRMAN EWASUTYN: The next action would be to declare a negative declaration on the Malmark Subdivision, project number 20-15, a five-lot subdivision, and to schedule it for a public hearing for the 3rd of June.

MR. GALLI: So moved.

MS. DeLUCA: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: As we said in
the earlier statement, you'll work with Pat
Hines --

MR. PETERS: Yes.

CHAIRMAN EWASUTYN: -- thank you --
on the mailing.

MR. PETERS: Thank you.

(Time noted: 7:54 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 15th day of May 2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

BARTON SITE PLAN & LOT LINE CHANGE
(2020-08)

Auto Park Place & Unity Place
Section 97; Block 2; Lots 27.32, 40 & 47
IB Zone

----- X

INITIAL APPEARANCE
SITE PLAN & LOT LINE CHANGE

Date: May 6, 2021
Time: 7:54 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KENNETH WERSTED
GERALD CANFIELD
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: ZACHARY PETERS

----- X

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

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2 CHAIRMAN EWASUTYN: Our fifth item
3 of business this evening is the Barton site
4 plan and lot line change. It's located on
5 Auto Park Place and Unity Place in an IB
6 Zone. It's an initial appearance for a site
7 plan and lot line change. It's being
8 represented again by Zachary Peters from the
9 firm Mercurio-Norton-Tarolli-Marshall.

10 MR. PETERS: I have the owner, Ron
11 Barton, here tonight as well, if there are
12 any questions that I can't answer.

13 This is three existing parcels on
14 Auto Park Place, Unity Place. Two of them
15 are developed and the other one is vacant at
16 the moment.

17 In terms of what we're proposing
18 for the lot line change, it's sort of a give
19 and take between the parcels, mainly to add
20 a little bit more usable area to the vacant
21 parcel here. There's going to be a land
22 swap between all three of the parcels.
23 Ultimately they'll all change in size but
24 what is proposed meets all the bulk zoning
25 requirements.

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2 In terms of the site plan, what
3 they are looking to do is add an
4 approximately 21,000 square foot addition on
5 the back of the existing showroom, and that
6 is going to be for the parts and service for
7 this dealership. It's at an existing site
8 now. They're going to move over here and
9 add this on to the existing building.

10 We were here I think four or five
11 years ago, I think maybe, for an updated
12 site plan. This is something similar. The
13 addition is proposed. It's an already
14 cleared area. It's basically just all
15 grass. There's going to be some minor
16 grading associated with the bumping out of
17 this building and the pavement around there.
18 Ultimately it's very limited in what the
19 proposed development is going to be.

20 I do have some preliminary
21 elevations and a floor plan of the addition
22 if the Board wants to see those.

23 CHAIRMAN EWASUTYN: Comments from
24 Board Members?

25 MR. GALLI: No additional.

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MS. DeLUCA: No.

MR. MENNERICH: What is the space going to be used for where the people are being moved from?

MR. PETERS: Where they are now?

MR. MENNERICH: Yes.

MR. PETERS: I'm not sure.

MR. BARTON: I don't have -- I'm not going to use it, Ken. It will be rented out or the building will be sold. So we're actually taking -- going from a 43,000 square foot building to a 20,000 which is what's needed for the Chevrolet Cadillac. Back in the day we had -- in the day of Oldsmobile and everything else, all of the service was done in that facility. So it's been underutilized.

The other reason for doing this is to get all my customer touch points together. Right now my parts customers have to go into a different building. It's awkward at best. We can streamline it and we can get them all together. We think that this is the best plan for the future.

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MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Zachary, the height of the proposed retaining wall in the rear?

MR. PETERS: I think it's going to end up being approximately 12 to 15 feet. There's going to be some additional detail provided on that. It's basically going to grade into the bank that's there now and then tie into the existing grade around where the proposed property line is, or just behind the proposed property line.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Thank you for the explanation.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: Ronnie, at one point you had come to us because the two lines had to be split up. Is that still possible in the future?

MR. BARTON: I don't believe so. That was, it's going on six years now. Cadillac had hired Johan de Nysschen and he was going to take Cadillac in a different

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2 direction. He didn't want Cadillac
3 affiliated with any other brand, even to the
4 point where there's multi brand stores out
5 there, General Motors, that have taken the
6 Cadillac sign off the front of the building.
7 We procrastinated and they ultimately
8 changed that decision. But he did not want a
9 Cadillac sign with a Chevrolet sign on the
10 front of the building. He was with Cadillac
11 for three years and did a lot of good, but
12 in this particular case, knock on wood, we
13 didn't do some of the things that they were
14 pushing us to do because it would have been
15 disastrous.

16 MR. DOMINICK: Thank you.

17 MR. WARD: No comment.

18 CHAIRMAN EWASUTYN: Dominic
19 Cordisco, we discussed the mixed use. Jerry
20 said this is a mixed use site plan. Does
21 this have any direct impact on the BJ's
22 site?

23 MR. CORDISCO: We did discuss that
24 during the work session. When the BJ's
25 application came forward, you know, this was

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included in connection with that to allow for the parking in front of the building. As I understand it, no changes are proposed to the BJ's site plan as a result of this particular application.

I think it's important to note on the record that they were linked for the purposes of BJ's application at that time. Given that no changes are proposed to the BJ's site, this will not require an amendment to the existing BJ's approval.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance, are you in agreement?

MR. CANFIELD: I do have a question. Ron, I think on the back of the building there's a bump out. This addition, will that just incorporate that bump out?

MR. BARTON: It will, yeah. That bump out is a waste oil tank that heats the building from the oil that we take out of the customers' cars. That actually gets moved within the building. That room becomes something else.

MR. CANFIELD: Okay. That's all I

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have, John.

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

MR. HINES: Our first comment has to do with the shopping center with auto dealership which we just discussed. I just wanted to clarify that it was not an impact to this project, which we just did.

The next comment just identifies the lot line changes.

An Orange County Planning referral is required but we'll need more detailed plans before we do that referral.

I also questioned the use of the addition which was discussed as a service center. I think that should be labeled on the plans as to the use so that it complies with the zoning. It just says proposed addition.

There are some existing drainage structures that appear to be impacted by the 18,000 square foot addition, and those will need to be addressed on future plans, along with stormwater management on that site.

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We're suggesting that the Planning Board declare its intent for lead agency.

I don't know if you're going to provide hydrants on the site, but that would entail the Health Department review for a water main extension with hydrants. We're suggesting we circulate that to them now while you work out the details so it will save that process. We would circulate this to that agency. I don't know of any other involved agencies.

So the Planning Board could declare its intent for lead agency, and again further review of the project will be undertaken once we get detailed plans. This may be one to consider a concept approval for the commercial site plan.

CHAIRMAN EWASUTYN: Dominic Cordisco, can we then move for a favorable consideration of the concept plan for the Barton site plan?

MR. CORDISCO: Yes. If the Board is satisfied, certainly the Board could provide its review and its favorable report

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on the site plan and sketch plan at this time.

CHAIRMAN EWASUTYN: Would someone move for a motion for that?

MR. DOMINICK: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominic. I have a second by Frank Galli. May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Okay. Would someone make a motion to declare and circulate our intent for lead agency?

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by -- John Ward?

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MR. WARD: Yes.

CHAIRMAN EWASUTYN: Thank you. May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Pat, are we having any discussion as far as the lot line change at this time, one way or the other?

MR. HINES: I think they have been combined together as one application and one SEQRA review, so they should follow that same track.

CHAIRMAN EWASUTYN: Thank you.

MR. PETERS: Thank you.

(Time noted: 8:03 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 15th day of May 2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

MAHER - COCOA LANE SUBDIVISION
(2021-09)

Cocoa Lane
Section 34; Block 2; Lot 71.34
R-2 Zone

----- X

INITIAL APPEARANCE
TWO-LOT SUBDIVISION

Date: May 6, 2021
Time: 8:03 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

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CHAIRMAN EWASUTYN: Our sixth item of business this evening is the Maher - Cocoa Lane Subdivision, project number 21-09. It's an initial appearance for a two-lot subdivision located on Cocoa Lane in an R-2 Zone. It's being represented by Engineering Properties.

MR. WINGLOVITZ: Good evening. I'm representing the applicant, Ross Winglovitz with Engineering & Surveying Properties. Mike Maher is with us, the applicant, this evening.

What we're proposing is a two-lot subdivision of Mike's property. It's a 5-acre lot on Weyants Lane. This is Mike's existing house. What we're looking to do is provide a new lot with an access to Weyants Lane to a driveway that accesses the house in the rear with a proposed septic.

We have done soils testing and a detailed septic design.

Everything complies with zoning.

I'd be glad to go over your comments.

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The wetlands were delineated by Mike Nowicki and located by Jonathan Millen, Mike's surveyor. We can get the plan to Jonathan to prepare a realty subdivision plan for metes and bounds for everything if the layout is acceptable.

As I walked in this evening, Mike handed me a copy of the highway superintendent's approval of the driveway location. I'll provide that with our future submission.

I'd be glad to discuss any comments you might have.

CHAIRMAN EWASUTYN: We'll start with comments from Board Members. Frank Galli?

MR. GALLI: Ross, on your application, when you fill them out, on number 6 you usually put like Orange Lake and then Wallkill School District on them all. Just be careful because that is in Cronomer Valley and Newburgh School District. I noticed it on three or four of your applications. I don't know if it's a

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boilerplate you're using. Not that it makes a lot of difference, but --

MR. WINGLOVITZ: It should be correct.

MR. GALLI: That's all I had.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. BROWNE: Nothing.

MR. DOMINICK: No.

MR. WARD: No additional.

CHAIRMAN EWASUTYN: Just out of curiosity, Cocoa Lane is a private road?

MR. WINGLOVITZ: A private road, yes.

CHAIRMAN EWASUTYN: And the Highway Department has jurisdiction over a private road?

MR. WINGLOVITZ: No. They would have jurisdiction over the proposed driveway on Weyants Lane.

CHAIRMAN EWASUTYN: Thank you. That clarifies that.

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Jerry Canfield?

MR. CANFIELD: I have nothing.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We reviewed the concept plan. A survey sheet depicting the metes and bounds of all internal lot lines should be provided, especially the lot line proposed follows what looks like a center line of a swale or small stream on the site. It rather kind of jogs back and forth following that stream. If you can get us Mike Nowicki's wetland delineation or a letter from him certifying his wetland delineation. There is no impact to the wetlands on the site but just to complete the file.

We mentioned the highway superintendent's review of the Weyants Lane access.

The notes for the septic system just need to be revised to submit an as-built survey and certification from the design professional prior to the certificate of occupancy.

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And then you have the Eljen proprietary system there. I think that sand -- the ASTM sand gradation needs to be on there for use of that product.

MR. WINGLOVITZ: Not a problem.

CHAIRMAN EWASUTYN: Dominic Cordisco?

MR. CORDISCO: At this point the Board could schedule the matter for a public hearing.

Do we have any other involved agencies?

MR. HINES: No. We haven't done a SEQRA determination.

MR. CORDISCO: Yes. So a SEQRA determination prior to that in connection with the potential negative dec for the application if you're satisfied.

CHAIRMAN EWASUTYN: Are you prepared to advise the Board to declare a negative declaration? Do you want to see the wetland delineation information?

MR. HINES: I know the gentleman who did the wetland delineation and I have

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taken his delineation. I think it should be filed with the Board to be complete. My comments are kind of procedural and clean up in nature. I do not have a problem with the Board declaring a negative declaration.

CHAIRMAN EWASUTYN: Okay. And you'll make it a point of getting us all a copy of the sign-off letter from the Town Highway Department?

MR. WINGLOVITZ: Yes.

CHAIRMAN EWASUTYN: Thanks. Okay. Having heard from Dominic Cordisco, Planning Board -- Jerry Canfield, do you have anything to add?

MR. CANFIELD: Nothing.

CHAIRMAN EWASUTYN: Having heard from Dominic Cordisco, Planning Board Attorney, and Pat Hines with McGoey, Hauser & Edsall, it was suggested that we can declare a negative declaration for the Maher - Cocoa Lane Subdivision, two-lot subdivision. We'll set the -- it's a long night -- the 3rd of June for a public hearing. Would someone make that motion?

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MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Frank Galli. May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Just for the record, right now we have four public hearings scheduled for the 3rd of June.

MR. CORDISCO: That sounds like a good night to go on vacation.

CHAIRMAN EWASUTYN: I'll bet you a buck you're going to take that off.

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

(Time resumed: 8:24 p.m.)

CHAIRMAN EWASUTYN: Moving backwards for a second, although it's common practice, we didn't mention it. The mailing

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that will be going out for the Cocoa Lane subdivision, that will contain both the informational letter and the public hearing notice. Correct?

MR. HINES: I would attempt to do two separate mailings, knowing that there's a month apart, to comply with the notice requirements.

CHAIRMAN EWASUTYN: Good. I'm glad we spoke on that.

MR. HINES: I was going to do that with Ross tomorrow.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 8:25 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 15th day of May 2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

HADID SITE PLAN
(2021-10)

34 Susan Drive
Section 46; Block 5; Lot 21
R-1 Zone

----- X

INITIAL APPEARANCE
CLEARING & GRADING

Date: May 6, 2021
Time: 8:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

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CHAIRMAN EWASUTYN: The seventh item of business this evening is Hadid. Am I pronouncing that correctly?

MR. HADID: Yes.

CHAIRMAN EWASUTYN: The Hadid site plan. It's an initial appearance for a clearing and grading. It's located on 34 Susan Drive in an R-1 Zone. It's being represented by Engineering Properties.

MR. WINGLOVITZ: Good evening. For the record, Ross Winglovitz with Engineering & Surveying Properties. I'm here with Mr. and Mrs. Hadid this evening for an application for a grading and clearing permit for their property on Susan Drive.

The Hadids had proceeded with a pool permit, over a year ago I believe it was, to install an inground pool. I don't think part of it was clear. At that time the fill was needed to do that. They did bring in fill. It was cleanfill from a 9W project. I think that was investigated by the Building Department and the Department of Health. So it was a locally sourced

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material, not the stuff that they were shipping up out of New York City. The fill amounted to 1,125 cubic yards. We had originally estimated in our grading permit to the Building Department 1,500. One of the questions that one of Jerry's guys had was can you give us a better number. We were able to get an aerial topography from 2014 and compare it to the current topography -- we can provide that for Pat -- to come up with the volume of fill that was placed between 2014 and this topography which was completed in December -- early December/late November of last year.

One of the questions that Jerry's group had too was regarding the septic. There was a septic location that was shown. We were unable to verify that septic, so the Hadids asked us to go ahead with a new design for a septic. We did testing. There was excellent soil. This is a proposed new design for the septic system. We can certainly provide the additional information Pat is asking for regarding the line from

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the septic tank to the field.

There is a small encroachment of the fill shown on the northern property, lands of Schuyler. We do have a letter from the Schuylers, and I'll submit that with the response letter to these comments, indicating they're aware of it, they knew about it and they had no problem with the placement of the fill on their property. That was from Barry Schuyler, the neighbor to the north.

We talked about the source of the fill.

Pat had some concerns, rightfully so, regarding the slope. We'll look at grading that back to provide a more acceptable slope so that there's stability.

Regarding access to the septic, they will get permission from the Schuylers. We can actually get them to amend their letter to talk about that to get to the septic system. That's how we actually got there to do testing.

The house is a three-bedroom

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residence. That's what the tax record said, and I confirmed that with the Hadids.

The volume of fill, again, was 1,125 yards based on our calculation.

I would be glad to answer any questions or comments you have. The Hadids are here if there's any question.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance. Your office referred this to the Planning Board which is part of the application process. Can you talk about that?

MR. CANFIELD: The threshold that requires this application to go to the Planning Board is over 1,500 cubic yards. We believed that it was more than 1,500 cubic yards that was brought in.

If I may, I'd like to defer to Pat because this is his expertise and he has some very technical comments.

CHAIRMAN EWASUTYN: Pat Hines with McGoey, Hauser & Edall.

MR. HINES: I observed the site. Actually, I went out there with Mr. Canfield

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and we reviewed it from the road prior to them making application. We just wanted to clarify that this is a clearing and grading application. We did not receive a clearing and grading application. Again, it was kind of addressed as a site plan. I think we need that clearing and grading application to complete this project before the Board.

MR. WINGLOVITZ: Pat, there was one submitted to Jerry's office back in January, which was the basis of the referral.

CHAIRMAN EWASUTYN: And that's my error. Jerry did make a copy of that and it's in our files.

MR. HINES: Okay. We had comments on the septic system which we heard about just recently from Ross. You couldn't tell whether it was constructed or proposed. We've now heard that it's proposed. I have some comments on that, including the slope of the pipes to the septic system regarding velocity based on the proposed slopes.

The grading identifies an encroachment onto the neighboring

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properties. I'll defer to Dominic, what we need for the impacts to the property to the north.

We requested the source of the fill material be identified. Any information you have regarding that should be provided.

We have concerns of the stability of the slope at the grades which it is currently depicted, and we are suggesting that a geo-technical design professional provide information regarding the long-term stability of those slopes. It is very steep. There's in excess of 20 foot of fill placed in portions of this residential lot.

I think this is a candidate for the Planning Board Members to go take a look at. It's a significant volume of fill that has been placed in a residential neighborhood on relatively small lots. The houses are very close. The lots may be large but they're long and narrow and they're relative close to each other. There are what I would consider impacts to the neighboring properties. There's fill in place right up

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against property lines.

There's a proposed drainage swale along the property to the north. It will be very difficult to install that.

I have concerns regarding the long-term stability of the slopes that are existing against the properties to the south. I think that needs to be addressed by the applicant's representative.

We talked about the size of the structure regarding a septic design.

We would like, as Ross said, the pre-fill topography and the post topography for comparison of those, the volume of the fill and just the impacts. We reviewed the Google Earth maps and you can see the significant volume of fill that was placed on the Google Earth. We just gave you the volumes of fill for the clearing and grading ordinance.

The public hearing for this volume of fill is optional, if it is in fact what Mr. Winglovitz has identified.

We're going to want some cross

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sections and some calculations to depict the amount of fill. I have a concern whether it was compacted in place. There may be impacts to the future pool that's going to be constructed on this fill. We don't have the topo -- preexisting topo to compare the amount of fill that has impacts to the pool.

I think the Board should take a look at this and the potential impacts to the neighborhood. It's been placed. It's there now. The Board should take a look at whether it should be a permitted activity on this site.

CHAIRMAN EWASUTYN: Okay. Questions and comments from Board Members?

MR. GALLI: Pat, I did go out to the site. I didn't walk in the backyard, of course, because it's private property. I couldn't see any kind of stonewall in the back holding up the dirt. I don't know if there's one proposed. It looked like the pool was already constructed on the site.

The other question I would have is if it is all constructed and they do

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continue with what they're doing, I hope they're going to put a fence up in the backyard before the slope goes to nothing.

MR. HINES: I have concerns regarding the long-term stability of the slopes that are on this site.

MR. GALLI: It did look kind of funny on each side of the neighbors because so much in the back was high and then you have the neighbor's house that it goes in. I did see it.

Like I said, I have a concern about a stonewall. I think we had that problem up at Pinnacle with the stonewall issue and whatever happened with the compaction and the stonewall didn't holdup. Whatever that was. I just think it ought to be addressed on this site also. We don't know if it was compacted properly or just dumped in there.

That's my concern I have on it, John.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: I was out there just

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this afternoon and took pictures from the backyard. It's very, very steep. It's very, very -- it doesn't look supported well enough. They have some stones set in place but the backdrop that goes down is very insufficient I would say. Even the height of the mound, so to speak, or the wall is -- it does obstruct any of the view. I don't know if that's important for this matter but it's -- yeah. I would say that needs some looking at.

CHAIRMAN EWASUTYN: Okay. So if I understand what Stephanie DeLuca is saying, and based upon the comments that Pat Hines has made, there needs to be some supporting documentation for what was, what is and how that was constructed, just as a matter of conversation.

Ken Mennerich?

MR. MENNERICH: It sounds like it was built and wasn't engineered. It's being engineered after the fact. I don't know if that's the case, but --

MR. WINGLOVITZ: There was a

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building permit issued for the pool. I know that the contractor brought in the fill. There wasn't any specific engineering oversight at that time. There was a stop work order, and several months later here we are.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Just based on Pat's concerns, typically if Pat raises those kinds of concerns and that detail, that level, it's a real concern that really has to be addressed thoroughly as he laid out.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I have to echo Pat's comments. It's something we should look at, a project of this size in a residential area.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I agree with Pat and Frank, what Frank said about the previous project. We've had bad experience. We don't need that. Do it structurally the right way.

CHAIRMAN EWASUTYN: Okay. Dave

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Dominick, Planning Board Attorney, would you like to add anything at this time?

MR. CORDISCO: Yes. Thank you.

I'm sorry. In connection with the encroachment, I would recommend to the Board that we get information as to whether or not -- I'm assuming that that fill was placed on the neighbor's property or is spilling over onto the neighbor's property. Is that the nature of the encroachment?

MR. WINGLOVITZ: Correct.

MR. CORDISCO: Without getting ahead of myself or recommendations to the Board, I think the initial question is whether or not the neighbor consents to the placement of that fill on their property. I think that will help guide the Board as to what, if anything, should be done in connection with the encroachment. Typically encroachments are matters between private individuals. But nonetheless, we're here for a clearing and grading permit and I want to be sure and cautious with the Board as to recommending, you know, an approval for a

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clearing and grading permit that shows an encroachment on the neighbor's property. The important factor in that will be whether or not the neighbor consents to the placement of that fill.

MR. WINGLOVITZ: And I have that consent. I'll provide it. In short it says the Hadids had come to us prior to beginning the project and asked for our agreement regarding spread of some of the topsoil on our property to improve both properties. We agreed completely and we're not at all opposed to the project. I'll provide a hard copy for the Board's file.

MR. CORDISCO: Thank you. I appreciate that.

The other matter that's already been mentioned tonight is a public hearing is discretionary for a clearing and grading permit.

CHAIRMAN EWASUTYN: I think it's too early to make that decision until we have the information to support the action one way or the other.

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MR. CORDISCO: Understood.

CHAIRMAN EWASUTYN: Thank you. If the Board agrees -- I think there's a lot of supporting documentation we need before we can consider that. Okay?

MR. WINGLOVITZ: Thank you very much.

(Time noted: 8:24 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 15th day of May 2021.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

POLO CLUB
(2018-12)

Route 300 & Jeanne Drive
Section 39; Block 1; Lots 1 & 2.12
R-3 Zone

----- X

242-UNIT MULTI-FAMILY WITH SENIOR
SITE PLAN

Date: May 6, 2021
Time: 8:25 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
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ,
DAVID WEINBERG & JAYNE DALY

----- X

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

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CHAIRMAN EWASUTYN: The eighth item of business this evening is the Polo Club. It's 242 units. It's a multi-family with seniors site plan. It's located on Route 300 and Jeanne Drive. It's in an R-3 Zone. This project also is being represented by Engineering & Surveying Properties.

MR. WINGLOVITZ: Good evening. For the record again, Ross Winglovitz with Engineering & Surveying properties. I'm here with David Weinberg and Jayne Daly, the applicant and counsel.

We were before you, I think it was April, looking for -- maybe late March. We had gotten a SEQRA determination. A findings statement was issued. One of the outstanding items was a 239 review from the County. Pat quickly sent that off. We did finally get comments from that. We responded to those comments in a detailed response letter to the Board for this meeting. It's dated April 19th. We'd be glad to discuss any of them with you. We think that we basically covered everything

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we could in a thorough process that the Board conducted as part of the SEQRA and site plan review.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney, I think the response from the Orange County Planning Department was that we have a majority vote on this.

MR. CORDISCO: There was mandatory comment in connection with the wastewater treatment plant, which actually was the end result of the Board's SEQRA determination. So your findings statement is already requiring it. You're already complying with it. This particular comment does not need a supermajority vote to override it because we're not going against the County's recommendation.

CHAIRMAN EWASUTYN: Thank you. So then the action, Dominic, before us this evening?

MR. CORDISCO: SEQRA has been completed. Procedurally this application is ready for approval. There would be a

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conditional approval in connection with the various different outside agency approvals that are also required for the project.

I'm unaware exactly if the applicant is seeking approval tonight because the site plan approval does kick in a clock for getting a building permit. There's a two-year timeframe with the possibility of a one-year extension, and that also is the end of that process. So if the applicant is ready to proceed to that step, then the Board could consider a conditional approval.

CHAIRMAN EWASUTYN: Ross, are you looking for a conditional approval or preliminary approval?

MR. WINGLOVITZ: Conditional approval if the Board is so inclined.

CHAIRMAN EWASUTYN: Even I know I said more than I should. Obviously you didn't eat dinner tonight so you're hungry.

Pat Hines, Jerry Canfield, your recommendation?

MR. HINES: I have identified in my

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comment 3 numerous outside agency approvals which would be conditions of any approval this Board grants, as well as any recreation -- payment of any recreation fees and other fees associated with the site plan.

The approvals I've identified are the New York State Department of Transportation for access and utilities, the Orange County Department of Health for water main extensions with hydrants, the U.S. Army Corp of Engineers federal wetlands permit and mitigation approval, the Town Board's final approval of the senior bonus density. I believe they referred it back. I think there's a final approval from the Town Board once the Planning Board is done.

MR. WINGLOVITZ: That's my recollection.

MR. HINES: Yes.

MR. WINGLOVITZ: Actually, no. They did act because we had to get the SEQRA done.

MR. HINES: And they did act.

MS. DALY: I have a copy of the

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letter they sent.

MR. HINES: As long as it's final.
I didn't know if there was a referral back.

MS. DALY: No.

CHAIRMAN EWASUTYN: May I make a suggestion? I think -- again, I'm not contradicting your wishes. Can we summarize this between now and the meeting of the 20th as to what the conditions are for granting this conditional final approval, that way the Planning Board -- I mean there's a lot being said here. It is approximately 8:30 in the evening. We've been talking about business for the last four hours. For the benefit of all parties and for the benefit of the possibility, there's always a possibility, of a future challenge, can we dot all of our Is and cross our Ts?

MR. WINGLOVITZ: Absolutely.

CHAIRMAN EWASUTYN: So why don't we work on that. We'll set this up for -- I'll ask the Board to move for a motion to set this up for the meeting of the 20th for conditional final approval.

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MR. BROWNE: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Cliff Browne. I have a second by John Ward. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: I think it makes good planning sense.

MR. WINGLOVITZ: Sure.

CHAIRMAN EWASUTYN: It's not that far away. Thank you.

MR. WINGLOVITZ: Thank you.

(Time noted: 8:32 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 15th day of May 2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

MONARCH WOODS SENIOR COMMUNITY
(2019-28)

Monarch Drive
Section 103; Block 7; Lot 18
Section 47; Block 1; Lot46
B Zone

----- X

LOT LINE CHANGE - MULTI-FAMILY SENIOR HOUSING -
SITE PLAN

Date: May 6, 2021
Time: 8:32 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
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

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CHAIRMAN EWASUTYN: The last and final item this evening is the Monarch Woods Senior Community. It's a lot line change and a multi-family senior housing site plan. It's located on Monarch Drive in a B Zone. It's being represented by Engineering Properties.

MR. WINGLOVITZ: Again good evening. For the record, Ross Winglovitz, Engineering & Surveying Properties, here with Mike Maher representing the applicant.

We were last before you a little while ago, it was January of `20 or December of `19 ,for what is today a proposed senior project on the corner of 52 and Monarch Drive.

We have a total of 100 units. What we're proposing is two large buildings facing each other with an internal parking lot, a boulevard access to Monarch Drive and a proposed pad site at the corner of 52 and Monarch.

At that time the Board had referred us to the Town Board. We had to kind of

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hold things because of COVID. Mike did get organized last fall and we had a bunch of public informational meetings, invited the neighbors. The Town Board subsequently issued a determination that this was an acceptable site under your senior ordinance, and we're back in front of you tonight regarding the application and another referral, at this point to the ZBA, regarding the area of the units and the clarification on the height. Looking at the bulk tables, under senior there actually doesn't identify a maximum height. We were going to go in front of ZBA, since we're going to be there regarding the square footage of the units, we wanted to also discuss the height with them and as to whether or not the 35 even applied to this particular project. Under senior zoning there actually is no bulk table that follows it in the code.

I'd be glad to discuss any comments Pat has or the Board has. Our wish is to get to the ZBA.

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CHAIRMAN EWASUTYN: First we'll start out with Planning Board Members, any comments they may have.

MR. GALLI: I just had one. The concern of are you going to the Zoning Board to increase the size of the apartments for any particular reason or --

MR. WINGLOVITZ: Yeah. Mike has done a lot of market research and he's trying to provide some office space in those units for residents. I think that's going to sell if they are slightly larger.

CHAIRMAN EWASUTYN: For the record, your name?

MR. MAHER: I'm sorry. Mike Maher. Because I work from home, the way it seems to go going, we're looking to have 36 of the units with additional space for a desk area. No other bedrooms or rooms will be included. In the same footprint we're able to whittle out 36 apartments to have anywhere from 80 to 100 square foot of extra area to put a desk for those individuals that wish to work from home or can work from home.

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MR. GALLI: It wouldn't be all the units?

MR. MAHER: No. It's only 36 out of the 100.

MR. GALLI: That's all I had, John.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No. I guess I was concerned about the height, which was brought up during our work session, and the reason for the --

MR. WINGLOVITZ: These are three-story buildings and we're providing a nice peak on the roof. In order to do that and not have a flatter roof, we need to get to 46.5 feet based on the architect's calculations. Hotels in this zone are permitted, I think it's 50 feet I believe. So it's not inconsistent with other similar uses in the zone. We are actually going to ask the ZBA as to whether or not there is a maximum height criteria. We looked at the code again and there is no specific height for the senior use.

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MS. DeLUCA: Okay.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Was any of the height increase due to the fact that the garages were put in under the units?

MR. WINGLOVITZ: Yup. That was another part of it. It actually exposed a lot more foundation. It's an average calculation when you look at the height. That did increase the height calculation. So yeah, we did incorporate that. Again, it was one of the comments that the Board had initially was could we look at providing any parking under the buildings. Mike did go back to the architect and we were able to incorporate parking underneath the buildings to reduce the surface parking. So it did impact it.

CHAIRMAN EWASUTYN: Thank you.

Cliff Browne?

MR. BROWNE: I want to kind of direct it to Jerry. With the comment on the height and the zoning code not calling something out specifically, can you

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elaborate on that any for me?

MR. CANFIELD: What Ross is saying, I believe, is he wants to go to the Zoning Board for an interpretation, not necessarily a variance. He's looking for an interpretation from the Zoning Board on the height.

MR. WINGLOVITZ: In regard to the height, yes.

CHAIRMAN EWASUTYN: Dominic Cordisco?

MR. CORDISCO: My recommendation would be, if the Board is prepared to make a referral, that you make the referral for an interpretation and/or a variance if a variance is required, that way if the Board determines that, you know, sorry you can't build senior housing that goes up to the stratosphere, you know, because there's no limitation, then you can at least attain your variance at that time without having to be re-referred.

CHAIRMAN EWASUTYN: I think that's a good recommendation. It benefits the

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applicant also, if it goes in one direction or the other.

Is the Board in agreement?

Then the referral would be for the interpretation of the bulk schedule for height or a variance from the ZBA for a height that isn't allowed in that zone. Is the Board in agreement with that?

MR. HINES: They also need a referral for my comment number 4 for the unit size.

CHAIRMAN EWASUTYN: Thank you. I'm waiting to come around to you, since Dominic had the floor.

At this point we'll refer to Jerry Canfield, Code Compliance.

MR. CANFIELD: That's it. We talked about the height.

The jurisdictional fire department has been given the plans. We're waiting for their comments.

As more details become available, then we'll review the technical.

The buildings will be required to

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be sprinklered.

MR. WINGLOVITZ: I was thinking maybe for this specific use it's probably good to have a meeting with yourself and the fire department to take a look at this and make sure we've addressed your concerns, or what we can do to address your concerns. I think it makes a lot of sense.

MR. CANFIELD: That's all I have.

MR. DOMINICK: John, John and I have questions on the project.

Ross, just switching gears, in your initial appearance I recommended a generator but I still don't see that. Can you explain a little bit about a back-up generator?

MR. WINGLOVITZ: Have you considered that, Mike?

MR. MAHER: We did. Obviously we'll have elevators in there. We'll need something of a back up to supply the elevators and the hallways and such in case of a power outage there.

MR. DOMINICK: Not only that, but I think you need to supply the site as well.

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You're dealing with an elderly clientele, the residents, who might become disoriented, scared. Some also probably have medical devices that need power. So for their safety and well-being I think a generator is warranted on the entire site.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I'll ditto on what Dave just said about the generator.

Providing you're going higher with the buildings, we'd like to -- the height of the buildings, we'd like to see if there's any visual impact from wherever, building to building.

MR. WINGLOVITZ: Sure. We can provide as part of the SEQRA process, you know, an analysis of that height. There's renderings that Mike has had prepared as part of the presentation we made to the public and to the Town Board for different view sheds. We can supplement that with additional information as necessary.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Any additional

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comments from our consultants?

MR. HINES: A couple procedural. We declared -- the Town Board did refer this back to you for review. We declared our intent for lead agency back in January of 2020 and we circulated in February of 2020. At that time there were no variances required so we did not notify the ZBA. We will have a follow up with that. We talked about it at work session. I will circulate the lead agency information to the ZBA at this time to clean that up as they are now an involved agency as well.

We just noted the two variances, the building height and the square footage. I will note that the square footage is 140 feet -- an increase of 140 square feet for the 700 square foot units and 160 square feet for the 900 square foot units. It's a little bigger than the 80 that was stated.

The rest of the comments are kind of clean-up items which they can address.

The traffic study, I know Ken Wersted had a couple traffic comments. I

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don't know if the Board is going to request a traffic study. DOT did not answer back on the lead agency circulation, although in February of 2020 it was pretty interesting times so they may have all been working from home.

You did a market analysis I believe at the Town Board.

MR. WINGLOVITZ: We did.

MR. HINES: If you can provide that to the Planning Board for their files and their use. It may answer some of their questions.

Section 185-148(d) has the senior housing. There's numbers 1 through 5. We would just like each of those addressed. They should become notes on the plans so they become enforceable as well. Some of them require deed restrictions which will have to be submitted for review.

A flow acceptance letter will be required prior to any approvals. We can start that process sooner than later.

We talked about the emergency

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access. I know you're working with the jurisdictional fire department. There is the one-way in boulevard entrance. I didn't know if there was a way to provide emergency access into the bank from Monarch Drive if something occurred on that boulevard. It's not the greatest alternative but it may provide an additional access point for emergency access through the bank should it be needed. They're large buildings with an older population.

MR. WINGLOVITZ: When I saw your comment, that's why I suggested we get together and meet. We did, at one point, look at emergency access. We don't meet the code requirement for it. I think we're underneath the number of units and the square footage that requires the secondary access. We can certainly look at that.

CHAIRMAN EWASUTYN: Okay. So if I understand you, we this evening will confirm the Planning Board as lead agency?

MR. HINES: I'm going to defer to Dominic on that. You can circulate. We have

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another involved agency.

CHAIRMAN EWASUTYN: That's why I put that on the table.

MR. CORDISCO: That's a very good question. So when you circulated, as Pat had mentioned, in February of 2020 -- 2020; right?

MR. HINES: Yes.

MR. CORDISCO: It's been a whole year. But in any event, the Zoning Board of Appeals was not identified as an involved agency at the time because the variances were not identified. The Board is already conducting a coordinated review. You've gotten no objections to your coordinated review from the other involved agencies. It's not really a process that you can undo at this time. There's no procedure in SEQRA that says once you started this you could now back away or revert to an uncoordinated review. Now we have another agency that technically also has approval authority over the project, and that's the Zoning Board of Appeals.

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My recommendation would be in your referral that you should also include the prior lead agency circulation and indicate that the Town Planning Board is serving as lead agency, and provide the Zoning Board with the opportunity to provide any comments in connection with that.

I'm unaware of any circumstances where the Zoning Board has sought to be lead agency, but nonetheless they need to be brought under the umbrella of the coordinated review that's being conducted by the Planning Board.

CHAIRMAN EWASUTYN: That being said, so the action this evening would be for the Planning Board to confirm that the Planning Board is lead agency for the Monarch Woods multi-family senior housing site plan?

MR. CORDISCO: Yes, sir. And also make the referral to the Zoning Board if the Board so chooses to do so.

CHAIRMAN EWASUTYN: Let's take one action at a time. Would someone move for a

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motion to confirm that the Planning Board is lead agency for the Monarch Woods senior community housing site plan?

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Frank Galli. May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: It's late in the evening. I'll let someone verbatim speak about the variances. One would be an interpretation of the bulk schedule for the height of the units and the other one would be for an actual variance. The other one would be the unit size. I think in the case of the unit size, we should mention the quantity of the units that would be of that

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size. Correct?

MR. CORDISCO: Yes, sir.

CHAIRMAN EWASUTYN: I'll let someone else speak on that.

MR. CORDISCO: Mr. Chairman, so the referral to the Zoning Board of Appeals would be for either an interpretation that there is no height requirement for a senior use, or, in the alternative, the consideration of a variance where a 35 foot maximum building height is provided and 46.5 feet is proposed for the structures.

Then in connection with the maximum size for the one-bedroom senior units, it's listed in the code as being 700 square feet and two-bedroom senior units as 900 square feet. The applicants are requesting the one-bedroom units be 840 square feet and the two-bedroom units be 1,060 square feet. I'm sorry, I don't know the number of those units off --

MR. WINGLOVITZ: 36.

MR. MAHER: 36 total. I'm not sure of the split.

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MR. WINGLOVITZ: 36 total.

CHAIRMAN EWASUTYN: Okay.

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: Having heard from Planning Board Attorney Dominic Cordisco as far as a referral letter that will be sent to the Zoning Board of Appeals, would someone move for that motion to approve it?

MR. WARD: So moved.

CHAIRMAN EWASUTYN: Motion by John Ward.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a second by Cliff Browne. May I please have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: That concludes

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the nine items under the agenda.

(Time noted: 8:48 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 15th day of May 2021.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

APPOINTMENT OF COUNSEL RE:

KADNAR v. KADNAR

----- X

BOARD BUSINESS

Date: May 6, 2021
Time: 8:48 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD
SIOBHAN JABLESNIK

----- X

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

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CHAIRMAN EWASUTYN: I'd like to have Dominic Cordisco at this time address the Board as far as selecting counsel. Dominic.

MR. CORDISCO: Thank you.

The Town has been named in a lawsuit brought by Jan Kadnar. It's not just one Jan Kadnar. There's two Jan Kadnars. The Board can probably remember that name because in February of this past year you approved a two-lot subdivision of a lot that was purportedly owned by Jan Kadnar. The application was proposed by Jan Kadnar Senior. Jan Kadnar Senior is now a defendant in a lawsuit being brought by his son, who is also named Jan Kadnar, who is suing his father claiming that the application to the Planning Board was a forgery and that it should be declared null and void, that he did not give his permission for his father to subdivide, and also importantly list the properties for sale.

There's not really any wrongdoing

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that's alleged against the Town. The Town is named in this lawsuit only in connection with the forgery, as I mentioned.

If the son is successful in the lawsuit, what they are seeking for in relief is the undoing of the subdivision which was already approved by this Board and filed with the county clerk's office.

So at this point there's not a great deal of exposure or issues for the Town per se. But since the Town Planning Board was named as a defendant, you have to appear, through counsel, in the proceeding and participate as appropriate when it's appropriate.

Mark Taylor, on behalf of the Town, had asked if my firm would be available to defend the Planning Board in connection with this lawsuit, and we are certainly able to do that.

We would ask that this Board authorize us to appear and defend the Planning Board in connection with this lawsuit.

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MR. GALLI: Where was that one?

CHAIRMAN EWASUTYN: That was a two-lot subdivision on Pressler Road. It's on the east side of Pressler Road.

MR. HINES: I think it was more than two.

MR. CORDISCO: It was originally a five-lot subdivision.

CHAIRMAN EWASUTYN: They're contesting the most recent one.

MR. CORDISCO: That's correct.

CHAIRMAN EWASUTYN: It started out as five lots, and then so on and so forth.

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: Would someone make a motion to have the law firm of Drake, Loeb, PLLC represent the Planning Board in this action?

MR. DOMINICK: I'll make a motion.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by Cliff Browne. May I please have a roll call vote.

MR. GALLI: Aye.

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BOARD BUSINESS

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: The most pleasant of action this evening is would someone move for a motion to close the Planning Board meeting of the 6th of May.

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Second by Stephanie DeLuca. May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

(Time noted: 8:52 p.m.)

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

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

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

I further certify that I am not
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by blood or by marriage and that I am in no way
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hereunto set my hand this 15th day of May 2021.

Michelle Conero

MICHELLE CONERO