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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
IB Zone

----- X

AMENDED SITE PLAN

Date: June 3, 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: STEPHEN GABA, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: RICK GOLDEN,
MEGHAN TAYLOR, JENNIFER LUCAS

----- X

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

1
2 CHAIRMAN EWASUTYN: Good evening,
3 ladies and gentlemen. The Town of
4 Newburgh Planning Board welcomes you to
5 our meeting of June 3, 2021. This evening
6 we have five agenda items. Of those five,
7 three are public hearings.

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

10 MR. GALLI: Present.

11 MR. MENNERICH: Present.

12 CHAIRMAN EWASUTYN: Present.

13 MR. BROWNE: Present.

14 MR. DOMINICK: Present.

15 MR. WARD: Present.

16 MR. GABA: Present.

17 MS. CONERO: Michelle Conero,
18 Stenographer.

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

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

25 CHAIRMAN EWASUTYN: At this time

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we'll turn the meeting over to Cliff Browne.

MR. BROWNE: Please rise.

(Pledge of Allegiance.)

MR. BROWNE: Please turn your phones to silent or on vibrate. Thank you.

CHAIRMAN EWASUTYN: Our first item of business this evening is Resorts World Hudson Valley, Planning Board application 21-11. It's here before us for amended site plan and ARB approval. It's located in an IB Zone. It's being represented by JMC Planning, Engineering, and also Rick Golden, Attorney for the applicant.

MR. GOLDEN: Thank you, Mr. Chairman. As you know, we have submitted an amended site plan for the Board's approval. I wanted to -- and we have our consultants here, ready to answer any questions that anyone has.

I did want to go over a few of the issues, some of which were raised

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during the work session and some others.

With respect to the sidewalk, we discussed earlier in the work session about the possibility of binding that for the Town Board, which we're fine with. I think that's an appropriate position to the resolution.

With respect to the timeframe for the sidewalk and the host community benefit agreement that has been agreed by the Town, it provides that the sidewalk shall be installed within one year. The only real exception to that is if it's delayed by Department of Transportation in their permitting process. They're very behind times. We will continue to do that as long as we're not holding it up, then it may slip by the one year time, but that's only because the DOT approval is needed.

MR. HINES: One year, Rick?

MR. GOLDEN: I'll find out in a second. I don't have it right in front of me, the host community benefit agreement.

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MS. TAYLOR: Rick, it's upon operation.

MR. GOLDEN: Upon full operation.

CHAIRMAN EWASUTYN: For the record ma'am, your name?

MS. TAYLOR: I'm sorry. Meghan Taylor, Resorts World.

MR. GOLDEN: It's upon full operation, which is when it's opened up without any sort of COVID restrictions, et cetera. There's a specific start date and it's going to be one year from there. We can submit to the Town Board -- I mean the Planning Board, it hasn't been executed yet, the approved host community benefit agreement which has various provisions. If you want to reference that in the resolution, you'd be able to do so. I'll send a specific copy to Mr. Gaba.

Ken's memo with respect to traffic, there are two items that I want to comment on. Other than that, we're fine with revising the plan in accordance with his comments. He went over those

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earlier, as you know, and we have gone over those. We're fine with all of those comments.

The only two that I want to discuss is, one, item 6, with respect to the connection to the adjacent property owner. We don't yet have the approval of on that property owner, so we would ask -- we can cover this by a plan note when we submit the revised plans to be signed, is that the portion that's shown in the plans that's not on our property, that will be subject to the approval of or permission of the adjacent property owner.

CHAIRMAN EWASUTYN: For the record, who is the adjacent property owner?

MR. GOLDEN: I don't have their name before me right now.

MR. HINES: It's a corporation called M-A-L-J-A Corporation.

MR. GOLDEN: Thank you.

And item 7 on Ken's memo, we are not proposing any signs with respect to

1
2 the parking. We don't think that it's
3 necessary. There may be too much signage
4 out there. So what we're proposing to do
5 is start without it. If we need anything,
6 it will be a directional sign which is not
7 something that requires site plan
8 approval, it requires approval from the
9 building inspector. If you want to put a
10 condition in there that should the
11 building inspector determine that parking
12 signs are needed, we would apply for
13 permission of the building inspector to go
14 ahead and get the directional signs for
15 parking.

16 With respect to Pat's memo, one
17 issue that he raised was the filing of the
18 local law. We have been informed that the
19 Secretary of the State has received that
20 local law, but as of today it has not been
21 filed. They do expect to have it filed by
22 the beginning of next week. Any kind of
23 condition that you have for your approval,
24 whether that be conditioning the whole
25 approval or conditioning that we don't get

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any building permits issued until the that's been filed, how ever your attorney wants to word that, that's fine with us as far as a resolution condition.

There were a couple of new items that came up since our last meeting, and they both deal with the generator and transformer. We had discovered just less than a week ago that there is an existing gas line, a pressurized gas line in that area, so we may need to go ahead and adjust the location of that transformer and generator to accommodate so there's no conflict with the pressurized gas line. We would propose that there be a note put on the plans simply saying it can be adjusted in order to coordinate with the existing pressurized gas line. So we would ask that to be able to be added to the plans as a plan note.

And finally, there was a meeting today that we had with the building inspector. He suggested that there be bollards at the fencing for the generator

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and transformers, which we think is a good idea. We're going to put those bollards on the plans.

Also, upon looking at that and hearing about that suggestion, we're also suggesting that we put some bollards by the armored car addition. We'll put those on the plans, unless there is an objection by the Planning Board to that.

Those are the only comments I have. We're certainly open to answering any questions that the Planning Board or its consultants have.

CHAIRMAN EWASUTYN: I think for a matter of record let's go one more time through the ARB. Your name is?

MS. LUCAS: My name is Jennifer Lucas.

CHAIRMAN EWASUTYN: Thank you, Jen.

MS. LUCAS: So these are the proposed elevations. Does anybody want to see photos of the existing building for reference?

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CHAIRMAN EWASUTYN: Board
Members?

MR. GALLI: No.

MR. MENNERICH: No.

MR. BROWNE: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: No.

MS. LUCAS: So we are planning to do a paint application on the existing split faced concrete block as well as the signage and painting of the existing canopy. That is, as far as the facade goes, the only changes.

We had also submitted a single-line drawing elevation with the proposed RTU screening the mechanical units on the roof to comply with the code -- the Town code as well. They would be matching the facade of the building. They're set back. We also have a roof plan designating where those locations would be. We started to gang some of the RTUs together in order to make that happen.

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As far as the armored car enclosure, that's the one addition that we're putting on the building as well.

CHAIRMAN EWASUTYN: Comments or questions from Board Members?

MR. GALLI: On the generator bollards, are you going to put them behind the landscape or in front of the landscape?

MS. LUCAS: The bollards?

MR. GOLDEN: Do you have a preference?

MR. GALLI: I was just curious.

MR. GOLDEN: We would suggest putting them behind the landscaping so you won't see them. The trees are going to act as a barrier as well.

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

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing.

CHAIRMAN EWASUTYN: Dave

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Dominick?

MR. DOMINICK: Nothing.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No.

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to our consultants. Ken Wersted with Creighton, Manning Engineers who reviewed the traffic. Ken.

MR. WERSTED: Thank you. We looked at the updated site plans that had added the addition of the bus parking to the rear of the site and also the sidewalk along Route 300. We had detailed a number of suggestions on the bus location and parking layout which are included in my memo. I won't go into those details. If the bus service does become routine, there may be a need to look at whether that's operating adequately, if we need to move it closer to the building, et cetera. I believe that the bus stop location will also help influence a clockwise -- counterclockwise pattern in which buses

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would come in from Route 300, circulate around the north, come around to the bus parking and then circulate back around the south side and then out to Route 300. I know using Meadow Hill Road was a concern of the Town Board. I think this operation will help mitigate those concerns.

We had some other comments about striping on the crosswalk which I had talked to your engineer this afternoon and they were updating that. The sidewalk extension from Mavis Tire, Mr. Golden, I agree, it sounds reasonable that you would construct what you can until you get permission for the rest of it on the other property. The plan shows that it's only connecting with the Mavis site down to the ring road of the mall. We had suggested an alignment through the adjacent landscaped island to get it to connect all the way to the corner of the building.

In addition to that, the sidewalk coming down from Route 300, we suggested there be a ramp up at the top for anybody

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continuing to walk down 300, they'll be able to get down to the road and continue. Then as the sidewalk wraps down around the driveway coming down towards the parking lot, a ramp there coming to the site.

The other comments have all been addressed. That was the extent of my comments.

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

MR. HINES: Our first comment just identifies that the Town Board served as lead agency and has issued a negative declaration for the project. The Planning Board may wish to adopt that negative declaration as closing out their SEQRA review as well.

The second comment identifies the changes to the plans which have been addressed, including the transformer pads within the generator fenced and landscaped enclosure, the bus loading dock, the sidewalks and the interconnect between the adjoining properties.

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The City of Newburgh flow acceptance letter has been received today, which is a requirement that the Board have in hand prior to issuing any approvals. So that has been received.

We noted the Department of State filing is required.

The mechanical units have been depicted to be screened in the architectural plans.

So with that, we don't have any other outstanding comments.

CHAIRMAN EWASUTYN: Steve Gaba with Drake, Loeb, comments?

MR. GABA: There are a number of special conditions that have been discussed this evening. If the Board were to act to vote to approve, they should be incorporated into any approval resolution.

The other outstanding issue is that although the Town Board has submitted the local law changing the zoning to the Secretary of State for filing, apparently it hasn't been filed yet. I don't believe

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the Board could approve outright a use for which the zoning has not yet been changed. However, this Board could adopt the resolution approving the project on condition that the local law go into effect as being filed with the Secretary of State.

CHAIRMAN EWASUTYN: Pat Hines, do you have anything to add to the comments by Steve Gaba with Drake, Loeb?

MR. HINES: No, but I did take notes of the conditions that were discussed by Mr. Golden and the various comments. I'll work with Dominic and Mr. Gaba to assist the Board with completing a resolution.

CHAIRMAN EWASUTYN: For the benefit of the Planning Board and those in the audience, can someone walk us through the conditions of approval for the amended site plan and ARB?

MR. HINES: So the notes I have are bonding of the sidewalk improvements. The sidewalk be constructed within one

1
2 year of full operation. The note that the
3 interconnect with the, I'll call it the
4 Buffalo Wild Wings parcel, the parcel to
5 the north, be constructed on the site and
6 coordinated with the adjoining property.
7 Bollards be added at the generator and the
8 armored car. A condition that the filing
9 with the Department of State be confirmed.
10 That's all I have. Ken Wersted's comments
11 as well. I'm sorry.

12 MR. GOLDEN: Mr. Chairman, the
13 only thing I would wish to add is with
14 respect to the sidewalk and the one year,
15 that it be added to in accordance with the
16 host community benefit agreement agreed by
17 the Town, because that allows for some
18 flexibility if the Department of
19 Transportation is the one that is delaying
20 the installation. Thank you.

21 CHAIRMAN EWASUTYN: Mr. Gaba, are
22 you in agreement with that?

23 MR. GABA: I have no problem with
24 that at all. That would be fine.

25 CHAIRMAN EWASUTYN: Having heard

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the conditions for approval for the amended site plan and ARB presented by Pat Hines with McGoey, Hauser & Edsall and the addition made by Rick Golden, the attorney for the applicant, would someone move for that motion?

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion made by John Ward. I have a second made by Dave Dominick. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried. Congratulations.

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MR. GOLDEN: Thank you very much for your time and attention.

MR. GABA: Mr. Chairman, I'm sorry, there is just one other thing.

Mr. Golden had asked that there be a provision, a note I believe it was, added to the plan regarding locating the generator in such a way as to accommodate the gas line.

MR. GOLDEN: The location could be adjusted so as to coordinate with the existing pressurized gas line so that it may be adjusted.

MR. GABA: Just to put it on the record that note will be included.

CHAIRMAN EWASUTYN: That's fine.

MR. HINES: We can typically address minor changes like that as field changes. Either way.

(Time noted: 7:15 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 16th day of June
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

CLEARING & GRADING

Date: June 3, 2021
Time: 7:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: STEPHEN GABA, ESQ.
PATRICK HINES
KENNETH WERSTED

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 second item of business is the Hadid Site Plan. It's for a clearing and grading. It's located on 34 Susan Drive in an R-1 Zone. It's being represented by Engineering & Surveying Properties.

MR. WINGLOVITZ: Good evening. For the record, Ross Winglovitz, Engineering & Surveying Properties, here on behalf of the Hadids. I believe they're not available for this evening's meeting. They could not be here.

We had received comments at the last meeting in May during our initial presentation. I made a number of clarifications in our response and revised the plans.

We did receive Pat's new comments. It looks like we still have work to do. We'd be glad to discuss any of that, I don't think we have a specific problem with any one of them, and any other concerns the Board may have.

The Hadids have a technical

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engineer to take a look at that fill,
which seems to be one of the biggest
issues obviously, the stability of that
material.

CHAIRMAN EWASUTYN: Questions
from Board Members. Frank Galli?

MR. GALLI: We discussed at the
workshop quite a bit about how much fill
was on the site and how much you were
taking out, how do we really know what's
underneath it. Pat's comments I think
addressed all of that as far as -- you're
right, you've got a lot of work to do.

MR. WINGLOVITZ: We have pre-topo
and we have obviously the existing
topography. So we're able to do that. We
had an issue with the data that created
some conflict in our numbers that we
discovered. We think it's around 400
yards that were placed. We're going to
get an updated survey from the surveyor of
record for the project.

CHAIRMAN EWASUTYN: Ken
Mennerich?

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MR. MENNERICH: Since we had permission to visit the site from the neighbor's lot, most of the Board -- all the Board Members I think visited. It really is unsightly.

The problem is this thing has been developed without coming to the Planning Board in the beginning when it should have been.

At least my opinion is that it's way too high, the dirt that's there now, the elevation of it, the effect of the view of the river is impacted for the neighbors.

The geotechnical concerns that Pat will bring up and has already been brought up is a major concern.

MR. WINGLOVITZ: Understood.

CHAIRMAN EWASUTYN: For the record, we received a cover letter and photos from the neighbors to the south showing their concerns and the changes to the property. We also received a letter on behalf of the neighbors to the south

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from attorneys, local attorneys. For the record we'll enter that in.

Cliff Browne?

MR. BROWNE: Just some comments in following up. This is a clear example as to why we have codes and zoning codes in place. To my mind this is clearly a situation that happened that had no regard for the neighbor, or for the code, or for the law. My opinion, and this is not the Board's, this is my opinion at this point, is that we should be receiving a plan of the original grading, to proceed from that point and not try to force fit this plan into something. So my opinion is that essentially this whole thing should be scrapped, taken back down to the original grade and start from that point. We may want to just do that from a drawing standpoint and see where it goes. At this point I think this is clearly --

CHAIRMAN EWASUTYN: In violation.

MR. BROWNE: Yes.

MR. WINGLOVITZ: Understood. I

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don't think we realized that there was a grading and filling issue. We had dug for the pool. Obviously they got a stop work order and have been trying to remedy that.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: First, when I went to visit the site, I do appreciate the Maniscalchi family giving me access to the property next door to the south of the applicant to look at the project. This is an enormous project, there's no doubt about it. It's unsightly and a mess. It really is. I echo what Ken said and what Cliff said. I take Cliff's personal opinion and I share that with him. We need to start over. It's definitely in violation.

CHAIRMAN EWASUTYN: Thank you. John Ward?

MR. WARD: There's a lot on this plan that you don't see in person. You have rocks that fell down that's along the property line.

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At the same time, it's a visual impact all the way throughout, where if it came in front of us we would have known a lot that way.

I said it last time, the last meeting, in reference to the fill, it wasn't engineered to be compressed to be safe for any retaining wall or whatever. It was just poured in there. Thank you.

MR. WINGLOVITZ: Thank you.

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

MR. HINES: We have numerous comments on the original plan and the responses. I don't know if the Board wants to hit all of them. I think the applicant's representative has acknowledged them.

I think the applicant has heard from the Board that there's a desire to start over, I guess, and address the plan. We need some more information.

I do concur with the Board's opinion that this does impact the

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neighborhood, the adjoining properties.

I know they have my comments. I have concerns about the long-term stability of the fill, placement of retaining walls on the fill. I mean the pool is located in an area that has over nine feet of fill. The issue with whether that pool is going to stay constructed as it is is an issue.

I know the applicant's representative has my comments. I can talk about any one of them if the Board wants. I think there's a lot of work to do. I think the applicant's representative has heard the Board's opinion. There may be some additional mitigation. I think there is additional mitigation required somewhere in between complete removal and what the Board can find acceptable.

MR. WINGLOVITZ: Understood.

CHAIRMAN EWASUTYN: Okay. You have your work to do.

MR. WINGLOVITZ: Thank you very

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much.

MR. HINES: I did want to mention one of the responses stated that they didn't feel a public hearing was necessary. Your code, Chapter 83, does allow for between 1,500 yards and 3,000 yards a discretionary public hearing. Over 3,000 yards it's a required public hearing. I think the Board, we talked at work session, may be looking towards that public hearing at some point if this continues.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:22 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 16th day of June
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

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: June 3, 2021
Time: 7:22 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: STEPHEN GABA, ESQ.
PATRICK HINES
KENNETH WERSTED

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 third item of business this evening is Maher - Cocoa Lane Subdivision. It's a public hearing for a two-lot subdivision located on Cocoa Lane in an R-2 Zone. Again it's being represented by Engineering & Surveying Properties.

Ken Mennerich will read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of Maher - Cocoa Lane, project 2021-09, for a two-lot subdivision located on 50 Cocoa Lane in the Town of Newburgh, designated on Town tax maps as Section 34; Block 2; Lot 71.34. The project involves a two-lot subdivision of a 5 plus or minus acre parcel of property. One of the lots contains an existing single-family residential structure. The

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proposed lot will have an access driveway from Weyants Lane. The proposed lot is a 1.98 plus or minus acre parcel. The proposed lot will be served by an on-site well and an on-site subsurface sanitary disposal system. The project is located in the Town's R-2 Zoning District. A public hearing will be held on the 3rd day of June 2021 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 5 May 2021."

CHAIRMAN EWASUTYN: Thank you.
Ross.

MR. WINGLOVITZ: Good evening.
Again for the record, Ross Winglovitz, Engineering & Surveying Properties, here with Mike Maher, the owner and applicant.

As Ken had mentioned in the notice, the proposal is to subdivide a 5-

1 acre parcel that Mike owns into two lots.
2 The existing house will be on lot 1, the 3
3 acres. That gets its access from Cocoa
4 Lane. The second lot, lot 2, is
5 approximately 2 acres, 1.98 to be exact.
6 That has access on Weyants Lane. Mike has
7 met with the highway superintendent and
8 submitted that information regarding
9 approval of that access point.
10

11 We have done testing for a septic
12 system on site and are showing a proposed
13 well in conformance with the zoning as
14 well as the lot size is in conformance
15 with the zoning.

16 We did get a copy of the petition
17 regarding the deed restriction, or the
18 filed map note. Mike has retained an
19 attorney, and one of the first things that
20 they did note is that his deed actually
21 refers to a different filed map dated
22 7/19/1993 that is the subject of what that
23 note was from an original subdivision. So
24 Mike has reached out to his title company,
25 on advice of counsel, to see if we can get

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a copy of that map.

We're going to be glad to take comments but we're going to ask the Board obviously to stay any action and hold the hearing for two weeks until we can locate that and properly answer that question regarding the note for the subdivision of this parcel.

CHAIRMAN EWASUTYN: At this point in the meeting, it's open to the public, raise your hand, give your name and your address. For the benefit of all of us here, I think there's one main point that we're here to discuss, so would someone -- more people can talk about it, but I think if someone here would speak on that point for the record and they feel satisfied that we're in the process of trying to address the letter that we received with the signatures that was e-mailed to all the Planning Board Members, no differently was it e-mailed to the applicant for the benefit of the communication.

So is there anyone here this

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evening who would like to, if you don't mind, speak on behalf of your signature on that letter?

Would you please give your name and your address. Thank you.

MR. GREENER: David Greener, 80 Weyants Lane. I'm concerned about the ecosystem. It seems to be wetlands over there. I live right next door to where the proposed driveway is going. I get a lot of runoff here. I'm concerned if that's going to be altered in any way.

CHAIRMAN EWASUTYN: Good point. The lady in the back.

MS. LINDENBERGER: Karen Lindenberger, 74 Weyants Lane. My property is right against where they want to make the driveways. It's a big drop. It's wet down there. I'm very concerned about that.

But also, I have -- I'm constantly smelling septic as it is, so I have a big concern about building more.

And also, coming from Weyants

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Lane, I don't understand why they can't come from Cocoa if they're -- if the address is going to be on Cocoa, why does it have to enter from Weyants? I have concern about that and the privacy.

CHAIRMAN EWASUTYN: Would you like to respond to that, drainage and the possibility of a septic system that may need to be upgraded?

MR. WINGLOVITZ: Sure. Regarding the drainage, the first comment was from a neighbor here regarding drainage. Basically runoff flows from their property to the west, actually onto my client's property. It will be intercepted by the driveway. There's a swale on the uphill side that will take it to the rear where it will be discharged into the wetland.

In regard to the wetland, a delineation has been performed and a report has been provided for the Board. We're not disturbing any wetlands. The wetland line is shown on the map. It follows roughly the lot line here and it's

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just to the west of the house.

The lot does not have frontage on Cocoa. The existing lot does. The new lot only has frontage on Weyants Lane, hence why the access is from that road. Plus it's a public road. Cocoa is a private road.

CHAIRMAN EWASUTYN: Comments along the same line -- not the same line but that may not have been looked at?

The gentleman in the back.

MR. DEMARCO: Steve DeMarco, 51 Cocoa Lane. I have 5 acres. I also own the property to the right of property number 3, which my property is number 2 on your map. So I have 10 acres invested in Cocoa Lane.

The map that I referred to, at the closing I asked the specific question. "Sound Associates hereby warrants", blah, blah. you can not subdivide those properties. I asked that question, can you subdivide these properties, because I have a big investment here. They said no,

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you can't. And the reason why, and the Town Board approved this years ago, is because it is wet. Cocoa Lane, when he subdivided those properties he said you can subdivide the properties into smaller lots up above. The bottom 5 acres, the Town and County only wanted five homes there.

We invested there. That's a contract. All right. That's our future. And everybody that bought pieces of property that surrounded our 25 acres of land also have a contract. Now you're going to go around and say well somebody wants to subdivide. Let's put another house here. I have 5 acres, can I put three houses next to me? Can I put another house there? All of a sudden the community is changed. If I wanted to live next to a bunch of houses I'd go to Hyview Terrace. This is what we agreed to. This is what we thought we were going to have for as long as we're here. So I think the Planning Board -- and your name is on this

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map, by the way -- needs to do the right thing for the people. This is a contract that we signed years ago for long term. It shouldn't be changed now.

CHAIRMAN EWASUTYN: Steve Gaba, Planning Board Attorney, advice for us at this point?

MR. GABA: I'm not sure what the gentleman is referencing as far as the document that he's holding there or contracts or anything along those lines. If there is a note on the subdivision plat of the property applicant that says that it can't be further subdivided, then that note is binding. If the note either doesn't refer to this lot or if there are notes on other subdivision plats, et cetera that don't apply to this property, then they wouldn't have any impact on the right to subdivide this particular lot. Perhaps those other properties can be further subdivided but it wouldn't impact this one. I think that's what's going to be looked into by

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the applicant, reported back to the Board, and we'll discuss it further at the next public hearing. We'll see where we stand or where they stand legally.

CHAIRMAN EWASUTYN: One more comment, Steve.

MR. DEMARCO: The map, and I think all the Board Members have a copy of note 10. It specifies properties 1 through 5. The property you're talking about is property number 4.

MR. GABA: I don't have the complete subdivision plat. All I have is the note, as I understand it.

MR. HINES: We'll task the applicant with providing us those filed maps so we can research that. We only got what you sent us as note 10. That's why this public hearing will be held open, as that's researched.

MR. DEMARCO: This map from 1987?

MR. HINES: We don't have that right now. We tasked the applicant with

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providing us the information on those
filed maps.

CHAIRMAN EWASUTYN: The lady who
raised her hand. Did I see a -- the
gentleman. I apologize.

MR. DOERRE: Sure. Good evening.
My name is John Doerre. I live with my
wife Deborah at 34 Cocoa Lane in Newburgh.
The lot we're discussing this evening
adjoins the northern border of my
property.

My wife and I moved here in 2003
after living in Washingtonville since
1986. Our goals in finding a new home
were a larger amount of property, privacy,
a great neighborhood and the knowledge
that what existed wasn't going to be
modified. This describes Cocoa Lane. The
owners before us explained that the five
lots that made up the Sound Associates
subdivision could not be subdivided due to
very poor drainage in the area. The
entire subdivision sits at the base of a
hill. The previous owners referred to a

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clause or a warrant on the survey map filed with the Town of Newburgh and the County of Orange. No one has read this yet. "Sound Associates hereby warrants that lots 1 through 5 shown hereon shall not be subdivided. Such warrant shall run with the land and shall appear in each deed of transfer." I don't find shall to be ambiguous. Sound Associates did put this warrant on the map because they were wonderful people who like large lots. They were required to put the warrant on the map to prevent future owners of the property from dividing the property into smaller lots and creating additional drainage issues. Carving out a convoluted property line around the stream and building access on Weyants Lane does nothing to address the prime reason for not allowing subdividing, which is drainage. I'm unaware of any physical changes that have occurred since the time the warrant was written that would address the drainage issue in the area and

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suddenly allow one of these lots to be subdivided. We're still at the base of a hill, a stream still runs through the lots, and Cocoa Lane hasn't physically changed.

I reviewed the County tax map for 2021. As of today, today, lots 1 through 5 are still referred to on the map as Sound Associates subdivision. I reviewed the last recorded sale on the 50 Cocoa Lane property. The County site indicates a sale on 12/7/2000 with the seller listed as Sound Associates, the same entity that warranted the land shall not be divided.

I hold no animosity towards Mr. Maher. He's a good neighbor. Several years ago we had a medical emergency at my home. He and his wife were both on the local ambulance corp and responded within two minutes and assisted a friend who was visiting and showed signs of a heart attack. That defines being a neighbor.

What also defines being a neighbor is being cognizant of your

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neighbors and making decisions that are consistent with the same rules everyone else lives by. The rule that has existed on Cocoa Lane since its beginning in the '80s is lots 1 through 5 can't be subdivided. It's in writing and Mr. Maher is well aware of it.

My wife and I are strongly opposed to the attempt to circumvent the standard that's been in place for decades which will potentially diminish our property value while at the same time will result in a large profit for Mr. Maher at the expense of our neighborhood.

I know my concern has been echoed by at least 25 other residents who live on Cocoa Lane. Their signatures are on the letter that you have.

I'm requesting the Planning Board review the documents I show that there be no subdividing of the property and not issue any permits for construction of a second house at 50 Cocoa Lane.

Thank you.

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CHAIRMAN EWASUTYN: Having heard that from several residents, realizing that's the track in front of us, one more time I'll turn to Planning Board Attorney, Steve Gaba, with the understanding that this public hearing will be continued on the 15th day of July. Okay. And Pat Hines will let you know that it won't be in the official newspaper but it's being stated now.

Pat Hines.

MR. HINES: There will be no -- since it's been projected out to a date certain, you won't receive another notification. The Planning Board has indicated that they'll take no action tonight and the hearing will remain open until their second meeting in July, which is the 15th. While you received notice for this, and you all received adjoiners notices, there will be no notification. Your notification is tonight that it will continue. It will be posted on the agendas which are available on the Town's

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website.

CHAIRMAN EWASUTYN: In summary, one more time we'll turn to Steve Gaba to summarize tonight's meeting.

MR. GABA: Sure. The issue that's really come to the forefront of this application is whether there is a note on the subdivision plat creating the lot at issue saying that there's no further subdivision permitted. If that note is on there and it does apply to this lot, then no further subdivision is permitted and the Board will not be granting subdivision approval. If, however, the note does not refer to this lot or has some other meaning, and we'll have to take a look at what the recorded plat says, then further subdivision is possible. But it's kind of an either/or thing right now. We don't know -- we have some idea based on what the neighbors have said, but we don't know for certain what's on that plat. Once we have it, we'll investigate it and everyone will get a

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chance to see it and comment on it and the Board will make a determination.

CHAIRMAN EWASUTYN: We'll make a motion for the Planning Board to continue the Maher - Cocoa Lane Subdivision for July 15th. Will someone make that motion?

MR. BROWNE: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

MR. WINGLOVITZ: Thank you.

(Time noted: 7:37 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 16th day of June
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

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: June 3, 2021
Time: 7:38 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: STEPHEN GABA, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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CHAIRMAN EWASUTYN: The second public hearing tonight, which is the fourth item on the agenda, is the Dorrman Subdivision.

At this point I'll ask Mr. Mennerich to read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of Dorrman Two-Lot Subdivision, project 2021-03, for a two-lot subdivision located on 34 Weaver Road in the Town of Newburgh, designated on the Town's maps as Section 11; Block 1; Lot 93. The project involves a two-lot residential subdivision of a 30.3 plus or minus acre parcel of property. Lot 2 is proposed to contain a single-family residential structure on 24.5 acres. All lots will be served by individual wells and subsurface sanitary sewer disposal

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2 systems. Access to the lots will be via
3 Weaver Road. The project is located in
4 the Town's AR Zoning District. A public
5 hearing will be held on the 3rd day of
6 June 2021 at the Town Hall Meeting Room,
7 1496 Route 300, Newburgh, New York at 7
8 p.m., at which time all interested persons
9 will be given an opportunity to be heard.
10 By order of the Town of Newburgh Planning
11 Board. John P. Ewasutyn, Chairman,
12 Planning Board Town of Newburgh. Dated 7
13 May 2021."

14 MR. BROWN: Thank you. I'm
15 Charles Brown, engineer for the applicant.

16 This is, as the notice said, a
17 just under 30-acre parcel. It contains an
18 existing residence, single-family, that's
19 served by a well and on-site septic.

20 The proposal is to cut that into
21 two lots to provide an additional building
22 lot which will also be serviced by a well
23 and on-site septic.

24 The lot will be accessed from
25 Weaver Road which is a private road.

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It's in the AR District.

The lots are quite large. The lot with the existing house is 4.8 acres. The proposed lot is 24.5 acres.

We're here to answer any questions and address any concerns from the Planning Board.

CHAIRMAN EWASUTYN: Questions or concerns from the Planning Board?

MR. GALLI: I have no additional.

MR. MENNERICH: No questions.

MR. BROWNE: Nothing.

MR. DOMINICK: No.

MR. WARD: Nothing.

CHAIRMAN EWASUTYN: At this point we'll open the meeting to the public. Questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Let the record show that there were no public comments or questions in reference to the Dorrman Subdivision.

Pat Hines with McGoey, Hauser & Edsall, you had the opportunity to review

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this.

MR. HINES: We had previously provided the applicant's representative with comments regarding the location of the septic system for the proposed house.

We're suggesting the well location be shown on the detailed blow-up plan for lot 2.

We requested the wetland delineation information. There are Federal jurisdictional wetlands on the 30 plus or minus acre parcel. The development is all on upland areas, not regulated by the Army Corp of Engineers.

There is an easement agreement under review by Mr. Gaba and Mr. Cordisco's office that will need to be a condition of approval.

With that, we have no outstanding comments. That's just kind of a history.

The Planning Board, if it was going to consider approval, can condition it on showing the location of the well, the approval from the Drake, Loeb office

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for the easement, and payment of any fees.

MR. BROWN: We did add the well. It's on this map. The agreement is under review.

Dominic Cordisco came back with a couple of minor comments on the easement. It has been revised. It is now at the attorney for the recipient, Stewart, for their review and signature.

CHAIRMAN EWASUTYN: Steve Gaba with Drake, Loeb who is here tonight on behalf of Dominic Cordisco.

MR. GABA: We have no comments on this application.

CHAIRMAN EWASUTYN: One more time for the record; Pat, would you give us the conditions of approval --

MR. HINES: Sure.

CHAIRMAN EWASUTYN: -- for the Dorrman Two-Lot Subdivision?

MR. HINES: The conditions would be approval of the easement between the applicant and the adjoining property now or formerly Stewart. I'll just confirm

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that the well location is depicted on the blow-up plan. And then there's recreation fees based on the additional lot.

CHAIRMAN EWASUTYN: Having heard conditions of approval presented by Pat Hines with McGoey, Hauser & Edsall for the two-lot subdivision for Dorrman located on Weaver Road, would someone move for that motion?

MR. DOMINICK: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by Ken Mennerich. Can I have a roll call vote starting with Frank Galli.

MR. BROWNE: Should we close the public hearing first?

CHAIRMAN EWASUTYN: Good point. Good point. First I'll move for a motion to close -- thank you -- close the public hearing for the Dorrman Two-Lot Subdivision located on Weaver Road.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: We had a motion before us, and that was to approve the two-lot subdivision. I believe that was made by Dave Dominick and Ken Mennerich. Correct? We had comment from Cliff Browne to close the public hearing. By the recommendations of Pat Hines with McGoey, Hauser & Edsall, can we then move forward one more time with the approval for the two-lot subdivision on Weaver Road.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

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MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you,
Cliff.

MR. BROWN: Thank you.

(Time noted: 7:45 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 16th day of June
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 Zones

----- X

PUBLIC HEARING
FIVE-LOT SUBDIVISION

Date: June 3, 2021
Time: 7:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: STEPHEN GABA, ESQ.
PATRICK HINES
KENNETH WERSTED

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 fifth item and last item of business this evening is the Malmark Subdivision. It's project number 20-15. It's a public hearing on a five-lot subdivision located on 72 Lattintown Road in an AR and R-3 Zone. It's being represented by Zach Peters I believe.

MR. PETERS: Yes.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of Malmark Five-Lot Subdivision, project 2020-15, for a five-lot subdivision located at 72 Lattintown Road in the Town of Newburgh, designated on the Town's tax maps as Section 9; Block 3; Lot 2. The project involves a five-lot residential subdivision on an 8.3 plus or minus acre parcel of property. Four of the proposed

lots will be served by common driveways. Lot 1 and 2 will share a driveway. Lot 3 and 4 will share a driveway located on the northern most portion of the parcels. Lot 5 will have access to an individual driveway from Lattintown Road east of Carter Avenue. Four of the lots are proposed for individual on-site wells. Lot number 5 is proposed to be connected to the Town's potable water system. All lots are proposed to be served by on-site subsurface sanitary sewer disposal systems. The project is located in the Town's R-3 and AR Zoning Districts. A public hearing will be held on the 3rd day of June 2021 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 7 May 2021."

CHAIRMAN EWASUTYN: For the

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record, we received a letter dated May 10, 2021 from Joanne Russo of 74 Lattintown Road. That letter was presented to all Planning Board Members and to the applicant. Thank you.

MR. PETERS: My name, again for the record, is Zachary Peters from Mercurio-Norton-Tarolli-Marshall. We're the engineers for the project.

As the Board recalls and the notice mentioned, this is a five-lot residential subdivision on Lattintown Road. It is primarily within the R-3 Zoning District.

The four lots, lots 1 and 2 share a common driveway, lots 3 and 4 share a common driveway on the northerly portion of the site along this section of Lattintown Road.

Lots 1 through 4 will be served by on-site wells. The lots will be served by on-site sewer systems.

Due to the scope of the project, it does require a review by the Department

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of Health, which we're currently going to be working with them to get their comments.

We did meet -- as the Board recalls at the last meeting, we had a meeting with the highway superintendent to review the proposed driveways. He had a few minor comments which we had previously addressed. He had actually issued a sign-off letter that we circulated prior to this meeting.

CHAIRMAN EWASUTYN: At this point we'll open the meeting to the public for any questions or comments.

The gentleman in the back.

MR. HUGHES: Thank you for recognizing me, Chairman. If you'll bear with me a few moments, there's a whole bunch of stuff here that's not real good.

MR. GALLI: Your name?

MR. HUGHES: My name is Animal Hughes. I live in Middlehope.

All of these driveways here they're proposing to crap up.

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A building that's been there for 200 years that's got a well right close to it, and the building over here that's got a well right close to it. We need to think about what we're doing for the future here. He's going to pull in water to one of these lots. Have him run that water line right on the back end of that and feed all these other lots that will be developed once this starts, and pull the low pressure water off of Lattintown Road so that we can have water. The thing that runs down from the water treatment plant to the corner here is high pressure water. You can't tap into that.

But now going in the order of severity here, this man is proposing all these driveways. From where you're sitting, the hill goes down this way and it's on a big snot of shale. Underneath it there's bedrock. It's been a farm for 400 years. Everything around here. You can imagine down below. Why would anybody drill a well in that. Let's use our

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heads. It costs a lot of money to drill a well. There's five of them here. Why don't we spend a little money on the border and bring a pipe out to Lattintown Road for the future and put a T on it where we can accommodate everybody's need and get water to the houses and then move all these septic tanks back away from the neighbors. We got to stop pissing in each other's wells.

So I would urge this Board to take stock and inventory of what we're really dealing with here. When I tell you the severity of what's in that ground -- they just stopped farming there when all of this started to be drawn. There's a lot of bad stuff here. It can be remedied if you bring in that pipe and go along the border to serve everybody on this corner and bring it out to the road. You can have low pressure water and accommodate everybody's need at the same cost. Five wells are expensive. What it would cost to run that pipeline and to avoid putting

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a well in what we know is contaminated with farming fluids and pesticides for the last 400 years. Thank you.

CHAIRMAN EWASUTYN: Additional questions or comments from the public?

The gentleman.

MR. BAYARD: My name is Bruce Bayard. I live at 72 Lattintown Road with my wife Cheryl Bayard. Our next door neighbor on the same family compound is Joanne Russo at 74 Lattintown Road.

I appreciate Mr. Hughes speaking for us on this. One of our other concerns is that we have driveways going in exactly to the south of our property, 30 feet from our home. In the springtime, in the spring melt and in the spring rains, we have a water issue of wet soil. When we've had excessive rains, we have flooding in our cellars. If you put in a driveway, what is it, 50 feet wide, all these driveways, that is been one hard pack. Where is that water going to drain off to but right to our property line, 25,

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30 feet from the foundation of a 150 year old house. I believe it's going to undermine our driveways. It's going to undermine the foundations of our homes.

What I'm also concerned about is the possible overcrowding of the area and the drainage of septic into our shallow well that we've had there at least for 110 years. The water that we get from that is very good water. It's not the sulphur water that everybody has had to put up with in this area for so many years.

We're concerned with contamination in our well. We're concerned with the undermining of our infrastructure, of our property and our foundations.

I can't think of any more that I need to say on this. I just ask -- you know, I had listed in the letter that I had drafted for this Board that possibly less homes would resolve the issues that I'm having, and to find a place -- find a way to guarantee us that our well is not

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going to be contaminated or the Russo well is not going to be contaminated, plus the water damage that I'm speaking of.

That's about all I can think of right now.

CHAIRMAN EWASUTYN: Zach Peters, would you like to address Bruce's comments?

MR. PETERS: Sure. As I said before, in regards to the wells and septic, that will be subject to review by the Department of Health. We did complete preliminary soils testing out there for the sewer systems which indicated they were all in accordance with the Department of Health regulations in terms of separation -- subsurface separations and percolation tests. Again, that will be reviewed by the Department of Health. They also require joint testing with their office to go back out on the site.

The wells and sewers, we did have locations of the wells up here on 72 and 74 Lattintown. The proposed systems meet

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or exceed the required separations that the Health Department has.

In terms of the driveway, as the gentleman said, the slope of -- this portion of the field does slope down from the south towards the north. With the grading of the driveway I don't think it would be an issue. We could incorporate a diversion swale or some sort of diversion along the lower side of the driveway that would direct runoff. Ultimately everything from that site works its way back down to this small stream that runs through the rear. It wouldn't be a big deal to divert that to take away some of that runoff concern, if that would be agreeable to the Board.

CHAIRMAN EWASUTYN: Additional comments?

Sir.

MR. MEYERSON: Mr. Chairman and Members of the Board, my name is Malcolm Meyerson. I own Malmark Construction. I'd like to address some of the comments

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because I reviewed the letter that was sent to me that the gentleman mentioned, both through the engineering firm of Mercurio-Norton-Tarolli-Marshall as well as having it dropped off in my mailbox. I live at 36 Sloane Road in Newburgh. I'd like to add a few more details to what Zach said so that it will clarify some of the concerns.

 This is my 27th subdivision after 35 years of building starting in 1986. The concern about contamination; as Zach mentioned, the public needs to understand that just like the Planning Board follows zoning laws to make sure decisions are not arbitrary, this project, because it involves wells and septic systems, follows the strict rules of the Orange County Health Department. They review everything that's presented, soil logs, perc tests. In addition, they also review the requirements concerning distances between wells and septic systems, not just on this project but also belonging to next door

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neighbors. The flow of the water on this project is pretty easy to see, not from where you're sitting but this map has what's called topo lines on it. Each of these lines is a 2-foot difference in elevation. When you look at the lines, the flow right now in what is now a cornfield is going like that. In anticipation of water coming in that direction, it's actually going this way.

These two shared driveways, two driveways with four lots, which is actually something the highway superintendent wanted after he reviewed our initial presentation, these individual driveways are 13 feet -- proposed to be 13 feet wide. They're going to be in a shared driveway agreement which gets handed to the Planning Board Attorney to review to make sure it's a good document for the people who are living there. Along each of these driveways is proposed a swale that goes something like that. It takes any water coming in this direction,

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two sets of swales, and cuts off water and leads it down into this natural decline towards the stream.

Unlike the cornfield that is here, the one thing you should understand is when these houses are built and lawns are put in, those lawns, in terms of absorbing water, will do a much better job than an open field with just cornstalks in it.

The four lots that have proposed houses, the distance between these two existing houses here on a 50-foot scale is 190 feet. This proposed house and this proposed house on lots 1 and 2, here, here, here, here, that house is 190 feet away, the same distance as these two. As you go this way, it becomes 270 feet. These houses are conducive with the neighborhood. We're not talking about a warehouse. We're not talking about a gasoline station. It's residential homes that are built next to residential homes.

So again, when this project is

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developed, these considerations are addressed so that your concerns are addressed properly. The septics, the wells go through a very rigorous Health Department review. I've been through that 26 times.

The housing itself, like every house I build, a building inspector follows the building code and enforces each segment of it as he does an inspection.

So while the impression you may have is that this is done with no thought process, it's actually quite the opposite. This is a very strictly regulated process, and that's the whole purpose of a public hearing, so that when you raise your concerns, they're addressed properly.

Some of your concerns are wells. What you may not understand is these wells that are proposed are drawing out of an aquifer. Some people think that the well they have is a straw that goes down into a big pool of water sitting underneath them.

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No. Aquifers are cracks in the rock's system underneath the earth. You can have two houses next to each other, within 100 feet, and one well can go down 100 feet and hit a huge amount of water and another well 100 feet away goes 500 feet deep. So there's not really a direct relationship of every house having straws that are pulling water out of the same pool. That doesn't exist. It's imaginary. You have cracks and aquifers all over the place. Again, part of the rules of the Health Department is that for a house to be acceptable for a CO, a certificate of occupancy, you have to show that it has potable water and you have to produce a minimum of 5 gallons per minute. That's it.

I can answer any questions you have. I know you're concerned.

Interestingly, one of the comments in the letter was about the view being taken away. It's ironic. Where I live at 36 Sloane Road, I built my house

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there twelve years ago and we have a beautiful view of the Hudson River and a big forested area to the right. A month and-a-half ago somebody who bought that lot to the right, they cut all the trees down, which is outrageous. Clear cutting should be forbidden, period. And my wife got very upset and she said look at what that person is doing, they took our view away. I said to her actually our view changed but you have to understand something. We don't own that view. We enjoyed it for the twelve years we're here. We had the opportunity to buy that lot but I didn't want to spend \$200,000 to buy that lot to guarantee my view. I said to her point blank, based on my experience, the people buying the lot, as long as they follow the zoning and the building code, they have a right to use it the way the rules are set up, and that's the way it is. If you don't have rules, everything becomes arbitrary and you have favoritism. Some people get treated

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different than others. That's why we have rules.

I would like to answer any questions you have if it's okay with the Board. Any questions from the Board, I'll give you straight, honest answers.

CHAIRMAN EWASUTYN: The gentleman in the back.

MR. FETTER: Bill Fetter from Rockwood Drive. Can I address the applicant or the Board?

The question is --

CHAIRMAN EWASUTYN: You raised a question. Any questions you have you can address to the applicant.

MR. FETTER: Is a major subdivision subject to Part 5 analysis by the Health Department? Will they be?

MR. MEYERSON: My hearing is bad. What did you say?

MR. FETTER: Drinking water standards. New York State drinking water standards Part 5. Will the wells be testified for Part 5 requirements?

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MR. PETERS: There's testing requirements but not a full Part 5 analysis.

MR. MEYERSON: Understand that as part of getting the CO we have to take a water sample to an independent lab.

MR. FETTER: That's what I'm asking. These people should know that.

MR. MEYERSON: They have to ensure that it has no coliform or E.coli.

MR. FETTER: There are many things to be concerned with at this point, more than -- such as led and the like.

MR. MEYERSON: That's the Health Department rule. I can't change it.

CHAIRMAN EWASUTYN: Pat Hines, do you want to comment on that?

MR. HINES: This is, as was just mentioned, a major subdivision. It's five lots, all of which are less than 5 acres, requiring review and approval by the Health Department of the potable water supply and septic system. If it was four lots, that review would fall under the

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Planning Board/Building Department review.
So this project, after it receives preliminary approval, wants to go to the Health Department for the review of the septic systems and wells.

I believe that the Health Department will require one of the wells to be installed, as part of the major subdivision review, and tested during their review of the project. Typically they do 10 percent of the site. This being only four of the lots, they will most likely require one of the lots have the well drilled and tested along with the review of the septic systems. So that adds a check and balances rather than a local approval because of the size of the lots. The Health Department will review it.

MR. FETTER: You may be able to provide the neighbors with the suite of exams that's going to be done by the Health Department, the Health Department requirements. It's probably not mandated

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to dispute that information. It would be part of the record, wouldn't it?

MR. MEYERSON: What Mr. Hines said, I'm used to that. As I mentioned before, I've done 26 subdivisions before this. I've tried hard to retire three times, and it doesn't work. So I do one or two houses a year in Newburgh. Most of my previous subdivisions have been wells and septic. When they're large subdivisions, always the Health Department requires that one of the lots is chosen --

MR. FETTER: I realize that. The people that are concerned here need to be aware of that.

MR. MEYERSON: They do, I think it's a 24-hour water pumping test to see what the volume is and the pressure. That tells them right away whether the aquifer, or whatever they're drilling into, is compatible for that type of a subdivision. It's a requirement that I'm used to, but I'm happy to do that. I have to drill five wells anyway.

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MR. HUGHES: What does it cost you to drill five wells?

CHAIRMAN EWASUTYN: For the record, your name?

MR. HUGHES: Animal Hughes, Middlehope.

MR. MEYERSON: There no set answer. I'll give you a range.

MR. HUGHES: You said you did 26 subdivisions.

MR. MEYERSON: I could've done 1,000 subdivision and the answer is the same. When you drill a well -- my house, for example, on Sloane Road is 500 feet deep. That's like crazy. When you drill a well you have to take steel casing 6 inches and put it down to the --

MR. HUGHES: Don't belabor the time clock, please. What's the answer?

MR. MEYERSON: A well can go from 100 to 500 feet. The general answer is you're looking at a super bargain at \$4,000 to up around \$6,000.

MR. HUGHES: Let's say 5,500

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times five. Wouldn't it behoove you to put a line in the ground and have Town water to all of your --

MR. MEYERSON: The first thing I did before buying the property was to make inquiries. I had gone to my engineering firm and I thought well, I'm so lucky, here's a fire hydrant right next to the first property on Lattintown. Then I go around the corner and there's another fire hydrant right at about here. Excuse me. Here. And I said why don't we just tap into it and I'll run a long line right up the center and then run it. The response was because of the pressure of that line --

MR. HUGHES: That's not so, sir. That's not so. Low pressure is on the road around the back.

MR. HINES: So I'll jump in here. I was involved in those discussions prior to this with the town engineer and the water department. The line along Lattintown Road north of Holmes Road is a

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transmission main which is not allowed to have connections to it, and therefore the portion of the property that is in the AR Zone is not in the Town's water district and does not have rights to connect to the Town's water system. Based on that, the portion of the property that's in the R-3 Zone is in the R-3 Zone because it is in the water district and has rights to connect to the water. So the northern portion of the lots -- actually, all the lots that are in the AR Zone do not have rights to connect to the water system. Discussions were held with the Town and it was determined they would not be allowed to connect to the Town water system because they are outside the water district. The Town of Newburgh receives its water supply from the City of New York, which, by agreement, is only allowed to provide water within the water district. Those outside connections would require substantial approvals and changes to the Town's agreement with the City of

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Newburgh. So it would be a very monumental task to extend the water mains out into a portion of the Town not in the water district. So those discussions were held and that's where the direction to the applicant was given.

CHAIRMAN EWASUTYN: Thank you.

MR. HUGHES: Thank you for those comments. It seems like it's time to write some more paper and get moving into the next century.

CHAIRMAN EWASUTYN: Bruce.

MR. BAYARD: I can appreciate his professional and educational presentation. He's had many years of experience. I've lived there for 40 years. I'm concerned about the quality of our life. I'm concerned about a 26 foot paved road right on the border of my property with two drainage ditches in it. What happens to drainage ditches but they collect water, they breed mosquitoes. Now you're going to drain that water down past the Russo's house, down into a creek.

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MR. MEYERSON: It's --

MR. BAYARD: I don't want two drainage ditches on the side of my property with weeds and cattails and whatever else growing out there, and the stink of the mud.

I'm still concerned about the runoff and the undermining of my property and my house.

CHAIRMAN EWASUTYN: Pat Hines, do you want to comment on that?

MR. HINES: Sure. I would concur with everything that the developer represented except for the fact there were swales shown on the driveways. So based on the comments that were received in the letter, and it was good to receive them early, I sent them to the applicant's representative, and as well included in my comments recommendations that the engineer take a look at providing a drainage system, a swale for lack of a better term, along the northern property line to convey the water to that stream which traverses

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the northeast portion of the site. Mr. Peters did state that he would take a look at that. There could be a provision that that there could be a curtain drain type drainage system that wouldn't be an open ditch as you just described. I'll leave that to the applicant's representative to design in order to mitigate the runoff from the site and the concerns that were identified.

I do also concur with the fact this is now a plowed field, and that once it is re-vegetated there will be less runoff from the vegetated than the plowed field at this time. After receiving your letter I did reach out to the applicant's representative and asked that he address that, take a look at that.

This project came before the Planning Board early on as a sketch plan. I believe it contained a private road which was designed with a cul-de-sac. It would have been a 20-foot wide paved road a with a 50-foot diameter cul-de-sac at

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the end and a whole bunch of additional grading. We worked with the applicant and requested that they evaluate the use of the shared driveways which are only 13 feet each, not 26 feet. 13 feet wide driveways but shared to eliminate the amount of impervious surfaces on the site. So the applicant did come back, based on suggestions and comments from my office and this Board, with the shared driveway concept to reduce that. So we did task them with looking at that.

One of my comments is if this project comes back from the Health Department, that drainage along that common property line be addressed. There are ways to do it that aren't an open swale. I think they are here listening to you tonight. A curtain drain type system that has positive drainage but no surface water could be installed along that property line.

MR. BAYARD: I can appreciate that. Let's say in three years after your

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project is finished and my parking area and my driveway and the foundation of that farmhouse that we live in is suddenly breaking down, or even our well becomes contaminated, who do I talk to about that? Do I call you and say look, I have to drill a new well for \$6,000 and at my age I don't have \$6,000? Who am I going to talk to? Am I going to talk to the Town Board who some of you just left your job? Who do I talk to? Who would I sue?

MR. MEYERSON: So here's where we are. This process is designed to try to anticipate, as well as possible, what is happening now and in the future. You have terms like hundred year flood, which now we see with climate change don't always work. So can anybody, myself or people on the Board, give you a hundred percent guarantee, after all of our due diligence and design, that absolutely you're never going to have a problem with your house? If I said you'll never have a problem I would be a liar, okay. What we try to do

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is take the conditions we have, the best methods available now, anticipate something possibly worse and design for the possibly worse. If in three, five, ten years from now, no matter what we did, it doesn't work as well as we wanted it to, that's something that nobody could ever guarantee to you. I don't know how you could ask for a guarantee. Who would you go see? No idea.

MR. BAYARD: So here we sit today and I'm talking to you gentlemen and I'm talking to you and over here --

MR. MEYERSON: That's why --

MR. BAYARD: This is why I'm here is to present the fact that you're building something next to my property that may undermine my lifestyle. I'm 70 years old next year. In five years, 75, I'm not going to be functioning well. I'm on a fixed income already. If you're going to violate that property of ours and have me have to do something about it, and what are the prices going to be in five

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years --

CHAIRMAN EWASUTYN: Let me stop you for a second. We understand your concerns.

I'm going to turn to Steve Gaba, Planning Board Attorney with Drake, Loeb, to elaborate further.

MR. GABA: Sure. Well, as with any plan for development of land, this Board's obligation and the developer's obligation is to come up with a design that gives no indication, or at least very, very little indication that there will be adverse impacts to neighboring properties. Some are unavoidable as far as that goes.

In regard to drainage, the plan that he's come up with, it's more an engineering issue than a legal one but I'll take it on faith that the plan he's ultimately going to come up with does not show any indication of the things you are concerned about are actually going to occur. As the applicant says, there could

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be no promise that there won't be a hundred year storm or Hurricane Irene blows through, or something like that, and water from the property he's developing run offs and has impacts on yours. That doesn't mean he's done anything wrong in coming up with a design that doesn't indicate that it's going to damage your property. He said may damage your property. Well, I suppose in the sense that there's an outside, outside, outside, outside chance, like I said Hurricane Irene or something, yes, that's true. In the more practical sense, the plan that he's going to come up with in order to get it approved is going to have to show, within a reasonable degree of engineering certainty, that there won't be adverse impacts from the water to your property. If he can do that, he's got an approvable plan. That's the best you're going to get from anyone.

MR. BAYARD: That's what I'm getting here. I witnessed in

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2 Washingtonville, along the Moodna Creek,
3 what did they build, five, six houses down
4 there. Some planning board said okay, you
5 go and do that. FEMA just came in about
6 five years ago and tore those houses out
7 of there and paid the people for those
8 houses because the creek flooded too many
9 times. Okay. I can't believe that we sit
10 here today and these things aren't going
11 to happen in five years.

12 CHAIRMAN EWASUTYN: I think we
13 addressed that. Again, it was answered.

14 MR. BAYARD: There's nothing you
15 can do about it.

16 CHAIRMAN EWASUTYN: We're
17 addressing it to mitigate the potential
18 adverse impacts as greatly as we can. We
19 can't go beyond that.

20 MR. HUGHES: What are the
21 roadways going to be constructed of?

22 MR. MEYERSON: It's actually in
23 the shared driveway agreements that we'll
24 be handing in to the Planning Board
25 Attorney. They're going to have a 4-inch

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bank run base. They're going to have crushed item 4 gravel on top. The beginning of each of those shared driveways will have an asphalt apron where it enters on to the Town road as required. When the run of bank -- bank run and crushed gravel are compacted, then, just like my paperwork says, it hasn't been handed in, we have a tandem truck loaded with 22 tons of weight go over it and be inspected as it's going over the road.

MR. HUGHES: Could we be a little bit smarter than the hill and aim the driveways toward your subdivision and have a swale --

CHAIRMAN EWASUTYN: We've designed it. We've discussed it.

MR. HUGHES: I was addressing this gentleman here.

CHAIRMAN EWASUTYN: I know, but Pat Hines discussed what -- is going to discuss what's going to be looked at as far as a future curtain drain. We're not going to go back and forth.

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MR. HUGHES: I'm not going back and forth. That question hasn't been answered yet.

CHAIRMAN EWASUTYN: Final question. What's your question?

MR. HUGHES: I already asked the man the question.

CHAIRMAN EWASUTYN: And your response?

MR. HUGHES: Can we tip those driveways towards your subdivision, away from these people's homes, yes or no? It's not a --

MR. MEYERSON: The people's homes, you're talking about here?

MR. HUGHES: The people that live there now. North of your project. If you tilted the road towards your subdivision and put the swale along that property edge, 52 feet --

MR. MEYERSON: These two 13-foot proposed driveways, you're using the word tilting. I'm using the word they are going downhill.

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MR. HUGHES: Away from the other residents.

MR. MEYERSON: Yeah. Here's your topo. These two driveways are going this way. The swales, the grass -- what you have now is actually going to be lessened by these two driveways that direct everything in that direction. Right now the bulk of the water on this project, just like it shows, is going this way, not that way. By adding those two driveways which in effect are like cutoffs with swales next to them with the grass, you're actually lessening greatly water coming in that direction. You're aiming the water that way. The driveways are going downhill that way. So when you say tilt them towards the subdivision, they're within the subdivision going downhill, away from the house.

MR. HUGHES: If you put them a little bit this way, away from their property, it would serve the purpose and everybody walks away a winner.

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CHAIRMAN EWASUTYN: We're not going to bicker this back and forth, with all due respect.

Pat Hines, do you want to comment on that so we can move to close the public hearing?

MR. HINES: Included in my comments tonight I tasked the applicant's representative with addressing drainage along the driveways. They're going to have to design it as we see fit, and we will review it with the Town Code.

CHAIRMAN EWASUTYN: Thank you. Any further comments from the public? The lady in the back.

MS. BAYARD: My name is Cheryl Bayard. I just have one question. My property is 72 Lattintown. Do I own that property next door since it's called 72? How is that 72 when mine is 72?

MR. MEYERSON: What did you say your name was?

MS. BAYARD: Cheryl Bayard. My house is 72. My property --

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MR. MEYERSON: You're right here,
so --

MR. GALLI: Your property is
listed as 72 also?

MS. BAYARD: How can it be 72
also?

MR. HINES: I think she's saying
her property is listed as 72 as well.

MS. BAYARD: It is. How is that?

MR. MEYERSON: Actually, I don't
know. That was what was on the purchase
agreement. It's irrelevant because what
happens is --

MR. HINES: It was probably the
nearest 911 address at the time.

MR. MEYERSON: That was probably
it. What happens is the Building
Department, when this becomes a
subdivision, they assign each individual
house their own address. So even if
there's two 72s, it's not going to happen
forever.

CHAIRMAN EWASUTYN: The lady in
the back.

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MS. RUSSO: Joanne Russo, 74 Lattintown Road. I'd like to come up there if Mr. Meyerson would move away from there. I don't want to be where he is.

MR. MEYERSON: Okay. You want me to go away? Sure. Go ahead.

MS. RUSSO: One of my concerns was about the water, but you kind of hashed that around a lot.

I am concerned about the driveways being there and the runoff.

My other concern is, or my other question is -- and now I've got to change my glasses. Okay. This is Lavery, and I think this is Kiernan's property, which has a driveway that comes from here all the way back to Mr. Kiernan's house. I was kind of surprised that it ended up -- that you ended up putting the driveways over here instead of running along an existing driveway which would mitigate a lot of the runoff from the driveways. I know you've proposed gravel, but probably in the future these people will most

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likely blacktop their driveway which then we have more runoff. My driveway is blacktopped. I have seen in these really, really heavy rainstorms we've had the water runoff, the slope of this field onto my driveway. Luckily I haven't had a problem since I put in a drain along my driveway, but that doesn't mean that it won't happen in the future.

My other question and concern is our driveway was past here a little bit. I'm 72. I've lived in this house growing up and then I got married and moved over here. So I've been driving in and out of my driveway for about 54 years. When this hill -- this is the stop sign over here on Lattintown, then it kind of picks up here, and then this is a straight-a-way and up the hill. People drive like crazy up that hill and down that hill, which is a problem for us getting out of our driveway which is over here. These driveways are going to be kind of difficult to get in and out of because there's a lot of trees

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and things here. They're not going to be able to see going up the road as far as coming down a little bit better. I would think they would be safer driveways on this side because when they come around the corner they're not going all that fast and they don't get -- step on the gas until they get over here and then take off. It's been a problem with cars, motorcycles, those big tanker trucks with the water in it. They just go flying up and down this road.

I think that gentleman over there mentioned a cul-de-sac. Is that what you said? Something about making it a shared driveway with a cul-de-sac?

MR. GALLI: That was the old plan.

MS. RUSSO: Oh, okay. All right.

MR. MEYERSON: I can answer your question.

CHAIRMAN EWASUTYN: Let's first start by two things. One, the Highway Department approved the location of those

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driveways.

MS. RUSSO: I did read something, but I don't think that Highway Department guy has gone in and out of that driveway.

CHAIRMAN EWASUTYN: We're not judging other people. That's not the purpose of the hearing.

The second thing is have you noted the sight distance visibility at that location? What is the sight distance visibility looking to the north, looking to the south?

MR. MEYERSON: We presented originally four driveways here versus here. Four driveways. Four driveways. Ultimately, based on the speed limit of the road and the sight distance, what happens is whatever you pick as a driveway location, a pin is put there that represents where, when you drive out with a car, you can actually see in both directions. That becomes the beginning of what's called sight distance for that speed limit. Even though it looks like

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when you come around this turn, that that's a better location, it's actually, for sight distance, not looking that way. The end result -- when this was reviewed by the highway superintendent, his objective of course would be to minimize traffic from the subdivision, which is why he recommended two combined driveways rather than four individual ones. That position here versus here gives you the best sight distance in terms of clear, unobstructed views. That's why it ended up like that.

MS. RUSSO: I don't know. You should go stand next to that pole there and look up and down the road.

MR. MEYERSON: All I can tell you is that's the method they used, so it's not an arbitrary decision. Maybe I missed something but Zach will tell you, whatever gives you the best distance of sight.

MR. PETERS: I'll just summarize for the Board and address your question, ma'am. As Mr. Meyerson said, we looked at

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the sight distance on the southerly portion of this side of the site. What ends up happening is there's a slight crest in the hill south of here. Sight distance is limited on this portion of the property which is why the driveways were shifted to the north. As we discussed previously, I did meet out at the site with the highway superintendent to review those prior to him issuing the recent letter.

CHAIRMAN EWASUTYN: At this point I'm going to turn the meeting over to Planning Board Members for their comments. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Cliff?

MR. BROWNE: Nothing more.

MR. DOMINICK: Nothing.

MR. WARD: I want to say thank you to everybody all around. It was very

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educational, knowing what the problems are.

But like you were saying with the driveway and not seeing uphill, if you could clear the trees a little bit for better visual, as what she was saying, you can't see because of trees.

MR. MEYERSON: Yeah.

MR. WARD: If you could look into that when you do the driveways.

MR. MEYERSON: Definitely. The objective is to have the safest in terms of what you can see. If there are trees in the Town right-of-way, which with the Town's permission I'm allowed to trim to increase the distance, it's an automatic obviously. You could put it in writing. That's fine.

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

MR. HINES: Sure. My first comment is that it's a major subdivision and County Health Department approval will

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be required. They will not review projects until they receive preliminary approval from the Planning Board.

My third comment -- second comment, the letter from the neighbors was identified, submitted to the applicant's representative, and we requested they evaluate the installation of a swale along the northern portion of the driveway on lot 4 conveying water to the surface water course on lot 4 which we had a long discussion on.

Common driveway access and maintenance agreements will be required to be submitted to the Planning Board Attorney's office for review.

We requested a copy of the highway superintendent's approval letter which we have since received.

We also identified that several of the neighbors identified the request for screening in their letter, and this Board's policy is to not require screening between residential properties. There's

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no provision in the code. Residential to residential, this Board typically does not address screening.

CHAIRMAN EWASUTYN: Having no further comments, I'll move for a motion to close the public hearing on Malmark Subdivision, project number 20-15, for a five-lot subdivision. Would someone make that motion?

MR. GALLI: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Cliff Browne. Can I have a roll call vote, please.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: As recommended by Pat Hines, in order for us now to refer this to the Orange County

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Health Department, we need a motion to grant preliminary approval for the Malmark Subdivision. Would someone make that motion?

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried. Thank you.

That being said, that's the last item of business on the Planning Board agenda for the 3rd of June. Would someone make a motion to close the Planning Board meeting?

MR. GALLI: So moved.

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MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ken Mennerich. Can I please have a roll call vote.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

(Time noted: 8:30 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 16th day of June
2021.

Michelle Conero

MICHELLE CONERO