

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

In the Matter of

HILLSIDE LAND DEVELOPMENT
(22-27)

24 Jeanne Drive
Section 34, Block2, Lot 66
Zone: IB

SITE PLAN/ARB

Date: June 15, 2023
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOSEPH BRUNNING

REPORTED BY: Patrick DeGiorgio, Court Reporter

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

1 CHAIRMAN EWASUTYN: The Planning
2 Board would like to welcome everyone
3 to their meeting of June 15th, 2023.
4 This evening we have four items, four
5 agenda items and one board business
6 item. The last two are public
7 hearings. So at this point we will
8 call the meeting to order with a roll
9 call vote.

10 MR. GALLI: Present.

11 MS. DeLUCA: Present.

12 MR. DOMINICK: Present.

13 MR. MENNERICH: Present.

14 CHAIRMAN EWASUTYN: Present.

15 MR. WARD: Present.

16 MR. CORDISCO: Dominic Cordisco,
17 Planning Board attorney.

18 MR. HINES: Pat Hines with MH&E
19 Engineers.

20 THE COURT REPORTER: Patrick
21 DeGiorgio, court reporter.

22 MR. CAMPBELL: Jim Campbell,
23 Town of Newburgh code compliance.

24 MR. SARGENT: Mark Sargent,
25 Creighton Manning Engineering.

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CHAIRMAN EWASUTYN: At this point we will turn the meeting over to Pat Hines.

MR. HINES: Please rise and stand for the Pledge of Allegiance.

(Pledge of Allegiance)

MR. HINES: If anyone has a phone, please put it on silent or vibrate.

CHAIRMAN EWASUTYN: The Planning Board's first item this evening is Hillside Land Development, Project Number 22-27. It's before us this evening for a site plan and ARB review. It's located on 24 Jeanne Drive. It's in an IB Zone and being represented by Fellenzer Engineer.

MR. BRUNNING: Good evening. My name is Joseph Brunning, engineer, and I'm representing Fellenzer Engineering tonight for Hillside Land Development.

This is for the warehouse building on Jeanne Drive. We addressed comments from the engineer for the SWPPP and the tree

1 preservation plan along with other
2 site plan comments. We also addressed
3 other comments from the last meeting
4 regarding the landscaping plan and
5 tree preservation plan. We also
6 submitted the ARB application. I'm
7 here to answer any questions.

8 CHAIRMAN EWASUTYN: We will open
9 the meeting up. Jim Campbell, code
10 compliance, any comments or questions?

11 MR. CAMPBELL: No, I do not.

12 CHAIRMAN EWASUTYN: Mark Sargent
13 with Creighton Manning Engineering,
14 any questions or comments?

15 MR. SARGENT: We had written a
16 letter asking for more detail or
17 revision to the truck turning template
18 and we would like to ask you to carry
19 that a little further into the site.

20 MR. BRUNNING: Yeah, I saw that.

21 MR. SARGENT: And just
22 demonstrate that the trucks can get
23 all the way in and out and shows a
24 complete path. Verify the design
25 vehicle. There was some discussion

1 about the trucks you had shown,
2 especially box trucks. Obviously you
3 want to get all of your trucks in and
4 out.

5 MR. BRUNNING: Yes.

6 CHAIRMAN EWASUTYN: Start with
7 board members. John Ward.

8 MR. WARD: On that subject, what
9 trucks will be going in, box trucks,
10 tractor-trailer trucks?

11 MR. BRUNNING: For the work
12 vehicle would be box trucks, on
13 average one tractor-trailer delivery
14 truck a day.

15 CHAIRMAN EWASUTYN: Ken
16 Mennerich, any questions?

17 MR. MENNERICH: No questions.

18 MR. DOMINICK: No questions.

19 MS. DeLUCA: No questions.

20 MR. GALLI: No additional
21 comments from me.

22 CHAIRMAN EWASUTYN: Do you want
23 to talk with us or discuss with us the
24 ARB plans for it?

25 MR. BRUNNING: The architect

1 that did the rendering for us filled
2 this out. For the exterior finish
3 will be hardy board -- siding and the
4 metal signing. Iron gray, color gray,
5 slate with accent trim around the
6 windows and doors. The roofing will
7 be gables. Part shingle, part metal
8 roofing in front and metal roofing on
9 the sides. The color will be dark
10 gray and black. For the door it would
11 be a black metal door frame. And
12 that's pretty much it.

13 CHAIRMAN EWASUTYN: Any comments
14 from board members?

15 MR. GALLI: Did you bring in
16 samples of the materials with you?

17 MR. BRUNNING: No, I don't have
18 any.

19 CHAIRMAN EWASUTYN: Pat Hines
20 with MH&E.

21 MR. HINES: In response to Mark
22 Sargent's comment at the work session
23 it looks like the first two parking
24 spots, you can see them there in the
25 rendering, if those be could

1 eliminated and moved down farther on
2 the opposite side of the parking lot,
3 it may go a long way in helping your
4 truck movements through there. There
5 looks like there's room between the
6 proposed septic system and the end of
7 the parking lot.

8 We did review the revised
9 Stormwater Pollution Prevention Plan
10 and found that to be acceptable.
11 There's been an expensive redesign of
12 that throughout the review.

13 A stormwater facilities
14 maintenance agreement must be executed
15 upon any condition. We need a final
16 calculation of the significant trees
17 to be removed. You updated the tree
18 removal plan. I think you are okay
19 under the 75 percent there. We just
20 need to have a calculation shown
21 there.

22 MR. BRUNNING: For the number of
23 trees?

24 MR. HINES: Yeah, trees to be
25 removed. Specifically the significant

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trees under the ordinance.

MR. BRUNNING: Okay.

MR. HINES: Our previous comments have been addressed and the board should discuss whether or not you are going to have a public hearing.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board attorney.

MR. CORDISCO: Nothing further other than the fact I think at this time the public hearing is at the discretion of the board.

CHAIRMAN EWASUTYN: Poll the board members to see if they want to have a public hearing on Hillside Land Development.

MR. GALLI: Due to the nature of the location on Jeanne Drive as being all commercial, I don't think at this time we will need a public hearing on this.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: I agree.

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MR. DOMINICK: I agree.

MR. MENNERICH: I agree.

MR. WARD: Agree.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board under their discretion which they do have for site plans waive the public hearing for Hillside Land Development.

Pat Hines, Dom Cordisco, do you want to talk to us about a SEQR determination?

MR. CORDISCO: Yes. At this point given the fact that all substantive comments have been addressed apart from the items that have been laid out by Mr. Hines, it would seem appropriate that the board consider a negative declaration at this time.

CHAIRMAN EWASUTYN: Poll the board members. Frank Galli.

MR. GALLI: For a negative dec?

CHAIRMAN EWASUTYN: Yes.

MR. GALLI: Yes.

MS. DeLUCA: Yes.

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MR. DOMINICK: Yes.

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board declared a negative declaration under SEQR for Hillside Land Development, site plan located at 24 Jeanne Drive in the IB Zoning District. Mr. Cordisco, what's next?

MR. CORDISCO: If the board is interested, you could consider a conditional approval resolution at this time. The conditions would include coverage under the New York State DEC general permit for SPDES or construction-related discharges as well as the stormwater facilities maintenance agreement must be executed. Mr. Hines' outstanding comments also have to be addressed.

MR. HINES: And Mark Sargent's comments. We would need security for landscaping.

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CHAIRMAN EWASUTYN: Would this action also include ARB approval?

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: Jim Campbell, do you have anything to add at this point?

MR. CAMPBELL: Just part of the ARB we never did anything with the signs.

CHAIRMAN EWASUTYN: So they would have to come back at a later date for signage.

Okay, so having heard conditions of approval from Dominic Cordisco, the Planning Board attorney, will someone make a motion to grant approval for both site plan and ARB for Hillside Land Development?

MR. DOMINICK: Make a motion.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick, second by Frank Galli. Can I have a roll call vote starting with Frank Galli

MR. GALLI: Aye.

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MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you.

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

In the Matter of

VANTAGE CONSTRUCTION
(23-03)

South side of Kings Hill Road at
Montgomery Town Line
Section 11, Block 1, Lot 66.21
Zone: R-1

4 LOT MINOR SUBDIVISION

Date: June 15, 2023
Time: 7:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN NOSEK
ANDY BELL

REPORTED BY: Patrick DeGiorgio, Court Reporter

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

1 CHAIRMAN EWASUTYN: The
2 Planning Board's second item of
3 business this evening is Vantage
4 Construction, Project Number 23-03.
5 It's a four lot line subdivision
6 located on the south side of Kings
7 Hill Road at the Montgomery town line.
8 It's an R1 Zoning District and it's
9 being represented by Nosek Engineer.

10 MR. NOSEK: Good evening, board
11 members. John Nosek, Nosek
12 Engineering. I'm representing Mr.
13 Bell of Vantage Construction.

14 MR. BELL: I'm Andy Bell.

15 MR. NOSEK: We have proposed a
16 four lot residential subdivision with
17 a total of five lots. This map is
18 pretty much the same map that the
19 board has seen previously subject to a
20 number of changes so I'll just very
21 briefly go through the changes.

22 The lower wetland shown here has
23 been determined by the DEC to be not
24 hydraulically connected to the much
25 larger DEC wetland down below so we

1 sent the town a correspondence from
2 Mike Fraatz and hence the plans have
3 been changed to show it as a federal
4 wetland. We're nowhere near it with
5 any sort of construction. For clarity
6 and consistency it's been designated
7 as a federal wetland.

8 We also shifted some of the
9 driveway locations around to improve
10 site distances as required. We
11 provided a proposed common driveway
12 easement on the plan for lots 3 and 4.
13 We also did prepare what is referred
14 to as a basic SWPPP or a simple SWPPP
15 because the total area of disturbance
16 does exceed one acre so we added that
17 plan which has all the basic SWPPP
18 components required for DEC stormwater
19 related issues.

20 We also went out and had all
21 these significant trees located with a
22 tree reference table shown on the plan
23 designating the type of trees and the
24 size of the tree diameter along with
25 the location of the trees and the

1 number of trees consistent with the
2 numbering on the plan. I want to
3 point out I believe we have no problem
4 saving all the trees and I think there
5 is one that would have to be taken
6 down for a septic on one of the lots,
7 so we certainly can show that on the
8 plan and provide mitigation,
9 restoration. I'm not sure exactly
10 what we need to do. I know the
11 ordinance is relatively new. We did
12 provide that.

13 There was a bunch of other minor
14 type of changes that were done, but I
15 believe those were the major items for
16 the town engineer's review comments.

17 CHAIRMAN EWASUTYN: Jim
18 Campbell, code compliance, any
19 questions or comments?

20 MR. CAMPBELL: I have none.

21 CHAIRMAN EWASUTYN: Mark
22 Sargent, Creighton Manning.

23 MR. SARGENT: No comment.

24 CHAIRMAN EWASUTYN: Comments
25 from board members, Frank Galli.

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MR. GALLI: No additional.

MS. DeLUCA: No comments.

MR. DOMINICK: Nothing.

MR. MENNERICH: Nothing.

MR. WARD: No comments.

CHAIRMAN EWASUTYN: At this point we will turn the meeting over to Pat Hines with MH&E.

MR. HINES: So we looked at the revised driveway locations and we are suggesting that the driveways for Lots 1 and 2 be located within that 50-foot strip to be a future road at some time. Actually the one driveway on Lot 1 crosses into what would be that roadway so that would be an issue in the future. I think a shared driveway there with reverter clauses that Mr. Cordisco can explain better than I that allows that to become a roadway in the future and I think that would be an improvement to the site.

Common driveways access or maintenance agreements for each of the lots would be required.

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Coverage under the DEC stormwater program that you mentioned, it is an erosion and sediment control plan and we will issue a municipal authorization upon approval.

The location of the driveway should be signed off by the highway superintendent.

The tree preservation plan if you are removing one tree, it's not an issue. You can remove up to 50 percent of the trees in a residential subdivision. You are fine there.

We have not declared our intent for lead agency and this does have to go to the Town of Montgomery and county planning due to the proximity of the town line. Orange County Planning referral is required as I just mentioned. And we did receive the e-mails from Mr. Fraatz, the DEC wetlands biologist stating that the wetlands are not under their jurisdiction and you are not impacting any of the federal wetlands on the

1 site. There was a hundred foot buffer
2 previously shown and that led us to
3 believe that was DEC wetlands, but
4 that has proven not to be the case.

5 So I think the board can declare
6 its intent for lead agency and
7 circulate to the Orange County
8 Planning 239.

9 CHAIRMAN EWASUTYN: Dominick,
10 Cordisco, Planning Board attorney, can
11 you discuss with us some of the access
12 and maintenance agreements?

13 MR. CORDISCO: Yes. Eventually
14 upon approval is with the -- you will
15 have shared common driveways and so we
16 are going to need maintenance
17 agreements for those. The ones that
18 would have access out to the
19 additional lots should also
20 acknowledge the fact that that may
21 become a larger drive that accesses
22 that additional lot in the future and
23 so it becomes a private road or a town
24 road, even potentially in connection
25 with any future development that may

1 occur there, so as a result we want to
2 include language in the maintenance
3 agreement that acknowledges that those
4 easements will distinguish if there is
5 a road in that location.

6 MR. NOSEK: We have no objection
7 to that. Is that something that is
8 done as a condition of approval or is
9 that submitted by the attorney now? I
10 want to make sure I have that.

11 MR. CORDISCO: It can be
12 submitted now, but it would be
13 certainly a condition.

14 In addition to Mr. Hines'
15 suggestions I would add that this
16 project given to its proximity to the
17 Town of Montgomery should also be
18 referred to the Town of Montgomery for
19 any comment.

20 CHAIRMAN EWASUTYN: Having heard
21 from Mr. Cordisco referring this to
22 the Town of Montgomery, the board can
23 make a motion to declare its intent
24 for lead agency and to circulate to
25 the Orange County Planning Department.

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Will someone make that motion?

MR. MENNERICH: Motion.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich, second by Stephanie DeLuca. Can I please have a roll call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: You will work with Pat Hines as far as circulation?

MR. NOSEK: Yes, that's no problem. The one question I have, are we required to have a public hearing and if you feel that the plans are complete enough to open up to the board, it means that we could potentially schedule a public hearing on this application?

CHAIRMAN EWASUTYN: Dominic

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Cordisco, could you speak on that?

MR. CORDISCO: Yes. This board's practice is to consider the environmental impacts prior to scheduling the public hearing. So starting the SEQR process tonight by circulating for lead agency, we will see if there's any comments or concerns that are raised by the others involved, interested agencies and then they will put us on the agenda when this is appropriate for consideration and make a SEQR determination. They do that prior to scheduling a public hearing.

MR. NOSEK: Thank you. I have to connect with you on that, Pat, for circulation?

MR. HINES: Yes.

MR. NOSEK: Thank you very much.

MR. BELL: Thank you for your consideration.

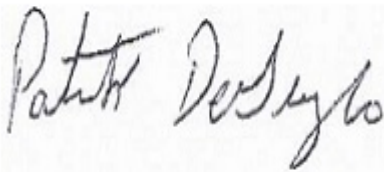
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STATE OF NEW YORK)

) ss:

COUNTY OF ORANGE)

I, PATRICK M. DeGIORGIO, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that the foregoing is a true and accurate record of the minutes having been stenographically recorded by me and transcribed under my supervision to the best of my knowledge and belief.


X _____
PATRICK M. DeGIORGIO

Dated: June 22, 2023

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

In the Matter of

LONGVIEW FARM
(06-39)

Barbara Drive Extension and Holmes Road
Section 20, Block 2, Lots Numerous
Zone: R-1

PUBLIC HEARING
27 LOT SUBDIVISION

Date: June 15, 2023
Time: 7:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: THOMAS DEPUY
RICHARD SHULKIN

REPORTED BY: Patrick DeGiorgio, Court Reporter

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

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CHAIRMAN EWASUTYN: The Planning Board's third item of business is Longview Farm, Project Number 06-39. It's a public hearing on a 27 lot subdivision. It's located on Barbara Drive Extension and Holmes Road. It's an AR Zone being represented by Tom DePuy.

At this time Mr. Mennerich will read the Notice of Hearing.

MR. MENNERICH: Notice of Hearing, Town of Newburgh Planning Board.

Please take notice that the Town of Newburgh Planning Board, Orange County, New York will hold a public hearing pursuant to Section 276 on the New York State Town Law on the application of Longview Farm, 27 lot subdivision, Project 2006-39.

The project involves a 27 lot subdivision including three stormwater management lots and associated roadway dedication parcels. A combined project size is 87.8 plus or minus

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acres. The proposed lots vary in size from 1.7 to 6.4 plus or minus acres.

The project will access off of Holmes Road, Dara Drive, Barbara Drive and Merritt Lane. The lots will be served by individual on site wells and subsurface sanity sewer disposal systems. Roadways are proposed to be dedicated to the Town of Newburgh. A stormwater management plan has been prepared and a drainage ditch will be established for the maintenance of stormwater improvements. The project is proposed to be developed in phases. The project is located in the town's AR Zoning District. The project consists of three tax parcels known on the Town of Newburgh tax maps as Section 20, Block 1, Lot 140 and Section 7, Block 3, Lot 21. The project also involves lot line changes with adjoining tax lots including Tax Lot Parcel 20-1-3.1, 20-1-3.32, 20-1.3.33 and 20-1-3.34.

A public hearing will be held on

1 the 15th day of June, 2023 at the Town
2 Hall Meeting Room, 1496 Route 300,
3 Newburgh, New York at 7 p.m. or as
4 soon thereafter as can be heard. At
5 which time all interested persons will
6 be given an opportunity to be heard.

7 By the order of the Town of
8 Newburgh Planning Board, John P.
9 Ewasutyn, Chairman, Planning Board
10 Town of Newburgh, dated 5 May, 2023.

11 CHAIRMAN EWASUTYN: Thank you,
12 Mr. Mennerich. Pat Hines with MH&E
13 will review with the public the
14 history of the project and where we
15 are tonight.

16 MR. HINES: This project has
17 been before the Planning Board since
18 2006. It got preliminary approval in
19 2008. It received a conditional final
20 approval in substantially the same
21 form as it is today in 2009. Due to
22 the economy at that time, the town
23 allowed projects to drop back to
24 preliminary approval to rescind their
25 conditional final approval. There

1 used to be a time that conditional
2 final was only valid for a certain
3 time period. New York State law
4 changed in light of the economics at
5 the time to allow them to get more
6 approvals. Between that time this
7 project lapsed lack to its preliminary
8 approval. It's before the board
9 tonight for a final public hearing due
10 to the time that lapsed between 2009
11 and today. The board thought it was
12 appropriate to hold a new public
13 hearing in order to allow any new
14 neighbors that weren't aware that this
15 project was still ongoing to have a
16 chance to review and comment on the
17 project.

18 The project, as I said, is in
19 substantially the same form as it was
20 when it got the conditional final in
21 2009. This board chose to do a
22 revised or a new State Environmental
23 Quality Review Act. It recirculated
24 for lead agency. One of the changes
25 in that was that the bats -- the site

1 was identified as containing potential
2 habitats for protected bat species so
3 the lead agency for SEQR was
4 recirculated. We did not hear back
5 from any of the agencies. The board
6 subsequently to that adopted a SEQR
7 consistency over a new negative
8 declaration identifying a similar
9 review as was previously undertaken
10 back in 2008 during the original
11 review.

12 The project is before the board
13 tonight to seek comments from the
14 public regarding the project. We ask
15 that you give your name and your
16 address so the board has a perspective
17 of where you are speaking from.
18 That's where the project is at. Again
19 the project has been under review for
20 over a decade now, maybe more than
21 that. Actually more than that.

22 MR. CORDISCO: Two decades
23 almost.

24 MR. HINES: I had a brown
25 mustache when this started. We are

1 here tonight to hear from the public
2 to get your input.

3 CHAIRMAN EWASUTYN: Dominic
4 Cordisco, Planning Board attorney, do
5 you have anything to add?

6 MR. CORDISCO: Nothing to add.
7 I'm certainly happy to address any
8 questions or concerns that are stated
9 by the public.

10 CHAIRMAN EWASUTYN: Tom DePuy,
11 would you please.

12 MR. DEPUY: Yes. As is noted in
13 the public hearing, basically we are
14 subdividing this large piece of
15 property into 27 lots. Barbara Drive
16 would be extended all the way through
17 into Merritt Lane. Dara Drive will be
18 extended through and meet up with --
19 well, Summer Drive will be extended
20 through and meet up with Dara Drive.
21 We will leave Dara Drive in here and
22 then we are going to make drive A Dara
23 Drive as requested from the previous
24 public hearing so the people don't
25 have to change their addresses here

1 and they won't have to change their
2 addresses here. So basically the lots
3 will have individual wells and septic.
4 We had updated the stormwater to
5 include green infrastructure which
6 wasn't a requirement at the time of
7 the previous approval, but we went
8 back and did an analysis and we do
9 have some rain gardens and
10 bio-retention proposed on the site.
11 And basically the stormwater is going
12 to collect everything.

13 We are going to have some
14 stormwater ponds down in this area.
15 We have some stormwater beaches down
16 here that dump into existing ponds and
17 everything is going to be piped to
18 those areas and pre-development and
19 post-development analysis conducted on
20 all them along with the water quality
21 volumes that are now required. I
22 think that's basically it.

23 CHAIRMAN EWASUTYN: As Mr.
24 Cordisco said and Mr. Hines, we will
25 open this up to the public. Anybody

1 from the public can come up. Please
2 speak slowly. Give your name and
3 address. We have a stenographer here
4 so for his benefit it makes it easy to
5 take notes. It's open to the public.

6 MR. TODISCO: Jerry Todisco, I
7 live at 3 Holmes Road. I'm wondering
8 can you confirm that these
9 developments are going to be part of
10 the Marlboro School District? If so,
11 and I'm assuming there will be some
12 children in this development, what
13 kind of impact will that have on the
14 Marlboro School District and are they
15 aware of this plan?

16 CHAIRMAN EWASUTYN: We report to
17 BOCES probably every two or three
18 years as to the proposed projects
19 before us in the area. This project
20 was reported to BOCES. BOCES I
21 believe the headquarters is in Nassau
22 or Suffolk County so they are aware of
23 the project as they plan for future
24 investment in the school district.

25 MR. TODISCO: When was that?

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When were they notified?

CHAIRMAN EWASUTYN: They were notified within the last two years.

MR. CORDISCO: One of the essential elements that the school district has to undertake is evaluating what the future of the school children will be like in the community. So they routinely get information from the town and from the county regarding potential development so that they can gauge what their population is going to be.

MR. TODISCO: So they don't need to have any approval or have any say?

MR. CORDISCO: That's correct. In fact, it actually goes further than that. It's not permitted for the Planning Board to actually approve or deny projects based on potential impacts in school districts. It's been litigated and that's the case law of New York.

CHAIRMAN EWASUTYN: Questions or

1 comments?

2 MS. TODISCO: Hi. I'm Heather
3 Todisco. I live at 3 Holmes Road as
4 well. I was curious if we could
5 implement any more safety regulations
6 in the neighborhood like lowering the
7 speed limit on Holmes Road? Because
8 Frozen Ridge and Carter both have
9 lower speed limits than Holmes
10 currently does. And also the
11 intersection of Holmes and Lattintown
12 currently has one stop sign. I was
13 wondering if we could make that like a
14 three-way stop sign. We have had
15 several drunk driving accidents on our
16 front yard so we kind of like to limit
17 the amount of time that we have to
18 call the fire department to come and
19 help take somebody off of our land.

20 CHAIRMAN EWASUTYN: Good
21 question. Mark Sargent from Creighton
22 Manning, can we speak about a
23 three-way stop sign?

24 MR. SARGENT: An engineering
25 study would have to be done to see if

1 that is a reasonable recommendation.
2 That's certainly a reasonable question
3 and it will require an engineering
4 study.

5 CHAIRMAN EWASUTYN: Can someone
6 speak on the speed limit on the town
7 road?

8 MR. SARGENT: Same issue.
9 Generally to change the speed limit
10 you need to do an engineering study
11 and there is a jurisdictional issue
12 there. Approval to change it on a
13 town road I believe is a town
14 jurisdiction, not a county thing. The
15 county is not involved, but you have
16 to study it.

17 MR. HINES: Those requests
18 having to go through the Town Board to
19 control speed limits and Vehicle and
20 Traffic Law so that is a suggestion
21 that you contact the Town Board. You
22 make that suggestion and they could
23 either authorize those studies or
24 otherwise undertake that.

25 MR. TODISCO: Does that also

1 apply for the new development, the new
2 roads coming in? Maybe put a stop
3 sign at Summer Drive, is that part of
4 the plan?

5 CHAIRMAN EWASUTYN: Pat Hines?

6 MR. HINES: That will be a T
7 intersection. That's a stop
8 intersection by default, I believe.

9 MR. SARGENT: Is that internal
10 to the development?

11 MR. HINES: That is now where it
12 touches the existing town road at
13 Holmes and what is now known as Summer
14 Drive.

15 MR. SARGENT: That should be a
16 stop sign.

17 UNIDENTIFIED SPEAKER: There is
18 a stop sign there already.

19 CHAIRMAN EWASUTYN: Excuse me,
20 I'd like to keep order to the meeting.
21 With all due respect, if people start
22 talking from all different directions
23 then we lose the...

24 MR. CORDISCO: And the
25 stenographer doesn't know who is

1 talking either. One at a time please.

2 CHAIRMAN EWASUTYN: Sir.

3 MR. McLOUGHLIN: My name is Pete
4 McLoughlin.

5 CHAIRMAN EWASUTYN: Speak louder
6 please.

7 MR. McLOUGHLIN: Pete
8 McLoughlin. I live at 16 Harcourt
9 Cossman Drive just a road off of
10 Lattintown. My concern is why are
11 there are so many ingress roads? Why
12 are there so many accessible roads?
13 It seems like presently we have a
14 really nice situation to be honest
15 with you. We have one road in and it
16 loops around and one road out. We
17 already have some of our own neighbors
18 trying to pass. I can't imagine
19 increased traffic going that fast. I
20 am just wondering with the two that
21 are south of Harcourt Cossman, why
22 that wouldn't be enough ingress roads
23 for this development?

24 CHAIRMAN EWASUTYN: Tom DePuy,
25 you designed this. Let's hear what

1 you have to say.

2 MR. DEPUY: Yes. None of these
3 really act as a cut off. That was
4 always a concern. Basically we are
5 extending Barbara Drive down here. I
6 think it will not feather any more
7 traffic this way, you can probably
8 sneak out this way, and it's the same
9 way here. It's kind of a convoluted
10 layout so there's no real direct cut
11 off situation. We will have a few for
12 lots on this, but now we have it
13 accessed out in other directions.
14 It's a pro/con thing. We are giving
15 you more accesses out and less traffic
16 in some instances.

17 MR. HINES: If this project was
18 in the design phase when your
19 residence was being constructed and it
20 was part of the overall layout of all
21 those lots together, this one ended up
22 in some litigation for a very long
23 time, but the idea was to provide
24 multiple points of access throughout
25 that area as part of many subdivisions

1 that were being undertaken in the 2006
2 to 2009 era up there.

3 MR. DEPUY: Part was emergency
4 access too. If you had only one in
5 and out that could cause a problem.

6 MR. McLOUGHLIN: Can I ask for
7 further clarification on something?
8 The road that goes to Merritt, am I to
9 understand that backs up to Frozen
10 Ridge or no?

11 MR. DEPUY: No, it does not.

12 CHAIRMAN EWASUTYN: Additional
13 questions or comments?

14 MR. DONN: Jim Donn, I'm
15 representing the Nielsen property on
16 Far Horizons Drive. Just wondering
17 has there been any kind of engineering
18 study on the water? There are going
19 to be 27 new wells and septic.
20 That's one question that I have. And
21 the other is that that area at the top
22 near Far Horizons Drive is a refuge
23 for a lot of wildlife. We have
24 turkeys, deer, fox, a lot of wildlife
25 using that area. I'm just questioning

1 what's the plan on that upper border
2 to the Nielsen and the Hisary
3 properties as far as removing of trees
4 and foliage?

5 CHAIRMAN EWASUTYN: Tom, you
6 want to speak about wildlife and
7 endangered species?

8 MR. DEPUY: Yes. Waterwise we
9 had drilled test wells in accordance
10 with the Orange County Health
11 Department rules and regulations. We
12 went through that process and we had
13 to drill several test wells and pump
14 them out and test them. As far as the
15 wildlife, a lot of this area was
16 cleared back when they stripped the
17 apple orchards out. So it's pretty
18 much shrub growth through there.
19 Other than the bats, that's the only
20 endangered species and we have a
21 limitation on what we can clear under
22 the requirements with the DEC.

23 MR. HINES: Can you discuss the
24 lot sizes? It's a one acre zoning and
25 your smallest is 2.6.

1 MR. DEPUY: Yes. Our smallest
2 is 2.6 and we're up to almost eight
3 acres. So there's going to be a lot
4 of green space left and it's not like
5 we are post-stamping them all the way
6 through there. There's a lot of green
7 area left and it allows wildlife, and
8 I hate to say this, that will come
9 down and eat your nice bushes and
10 everything and that's what's going to
11 happen. The deer will be there. We
12 have the same problem in our
13 neighborhood. The habitat will change
14 slightly, but it won't have any big
15 impact on what's there now.

16 CHAIRMAN EWASUTYN: Has the
17 county or did the county review the
18 septic locations?

19 MR. DEPUY: Yes. They had
20 reviewed all the septic locations, all
21 the well locations and we meet their
22 criteria.

23 MR. HINES: The project has an
24 existing approval from Orange County
25 Health Department for the wells and

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septic.

MR. DEPUY: Yes.

CHAIRMAN EWASUTYN: For the record, the homes being proposed is how many bedrooms?

MR. DEPUY: Three to four bedrooms.

CHAIRMAN EWASUTYN: And the design for septic?

MR. DEPUY: They are all for four.

MR. DEROSA: Nick DeRosa, 5 Summit Drive. Just to answer any of these questions where Summer Drive meets Holmes there's a stop sign there already. Can I ask a favor? We were here at the previous meeting and I wasn't noticed. Can I just ask that all those comments that were transcribed at that meeting be incorporated by reference into this so we don't have to go through the same thing? Can you do that?

CHAIRMAN EWASUTYN: Give us two or three examples because -- may I say

1 something? Keep in mind there are
2 those here this evening, probably many
3 of them here this evening who weren't
4 here the last time so at least give
5 them the benefit of the doubt to know
6 what you are suggesting.

7 MR. DEROSA: As to what we
8 suggest, we talked about the name of
9 Summer Drive, we talked about that
10 culvert which is kind of a little
11 bridge. Mr. Hines talked about that,
12 about what was going to be done with
13 that. We talked about the maintenance
14 of the road. We are responsible for
15 that section that's not paved and if
16 there's going to be a lot of
17 construction vehicles going in and
18 out, Mr. DePuy said there could be
19 some kind of arrangement where that
20 could be maintained. I think that was
21 basically -- especially the name of
22 the street. That was basically what
23 we talked about. There are other
24 people here as well. That's what my
25 wife and I spoke about. So that's

1 what I'm asking that be incorporated,
2 that record be incorporated into this
3 one so we don't have to do it again.

4 CHAIRMAN EWASUTYN: Tom DePuy?

5 MR. DEPUY: What's that?

6 CHAIRMAN EWASUTYN: Ken

7 Mennerich was saying it's part of the
8 record and that you would make that
9 part of your condition for the final
10 approval.

11 MR. DEPUY: Yeah. I don't have
12 a problem with that. We'll go back
13 through those comments too. I have a
14 couple notes here too of stuff that I
15 want to make sure it gets in.

16 CHAIRMAN EWASUTYN: Additional
17 questions?

18 MR. FRUMTELLA: Clemzio
19 Frumtella (phonetic) from Holmes Road.
20 I live in front of the Christmas tree
21 farm. My question involves the safety
22 of that method of egress from Barbara.
23 I've lived in the area for quite a
24 long time. If I'm not mistaken it's
25 three roads, it's Barbara, Hillcrest

1 distance visibility.

2 MR. DEPUY: We had looked at it.
3 It's right at the limit. I think you
4 need to reduce the speed limit. That
5 was a Town Board issue and that was
6 discussed a long time ago. That would
7 be the solution. You have to petition
8 the Town Board to have them do that.
9 There's nothing that this subdivision
10 can do.

11 MR. FRUMTELLA: In my view it's
12 too dangerous as it is. Something
13 should be done. If we use Barbara and
14 if that requires we go above the board
15 or seek a different method to make it
16 safer, we would all be for that. It's
17 just too dangerous as it is. I've
18 seen the changes over the years. We
19 have added developments. We saw
20 property sold off many years ago,
21 apple orchards have become
22 developments, we have a farm,
23 landscaping service behind me.
24 Traffic on Holmes Road has increased
25 dramatically over the years. So in

1 terms of safety something should be
2 done. Again, it's not the board's
3 responsibility, but the speeding on
4 this road, motorcycles, the legal and
5 illegal four-wheelers, three-wheelers,
6 two-wheelers. Our road has become the
7 wild west. It's not your fault at
8 all. We will be talking to the police
9 department about enforcing our road
10 and making our road safer for our
11 children and our pets.

12 MR. CORDISCO: Once again we
13 would recommend that you speak
14 directly to the Town Board on these
15 issues. This board simply doesn't
16 have jurisdiction over the issues that
17 you are mentioning, especially in
18 regards to existing conditions. As it
19 relates to the subdivision, as Mr.
20 Hines pointed out, it's been a
21 longstanding plan since 2006 for this
22 particular layout. And so this board
23 has limited jurisdiction even over
24 making the changes in connection with
25 this proposal that is before us.

1 MR. FRUMTELLA: I just find it
2 difficult approving it without those
3 changes, that's all.

4 MR. TODISCO: What do you have
5 jurisdiction over in this project?

6 CHAIRMAN EWASUTYN: Fair
7 question. Pat Hines, Dominic
8 Cordisco.

9 MR. HINES: I'll lateral it
10 down. Sounds like a legal question to
11 me.

12 MR. CORDISCO: So this is the
13 Planning Board. And in my opinion, my
14 professional opinion and I've been
15 practicing in this area for longer
16 than this project has been pending, it
17 is -- the name planning board is
18 actually a little bit misleading to
19 the general public because it makes it
20 sound as if this board is actually
21 planning projects and this is true in
22 New York State. This is just the name
23 that was given to this particular
24 municipal body. I can talk on this
25 for a very long time, so at some point

1 you are going to have to kick me and
2 stop me. This is what I do. But the
3 board has limited jurisdiction. What
4 I mean by that is that they review
5 applications that come before it.
6 Whether it's for site plan, for
7 commercial development or subdivisions
8 or creation of new lots for new homes.
9 And the board's jurisdiction really is
10 to compare the proposal against the
11 town's code, that's a major part of
12 what they do. So for instance, the
13 zoning in this area would actually
14 allow lots to be as small as one acre,
15 but the majority of these lots are
16 around two acres in size. So that's
17 one of the things that the board looks
18 at is does this comply with all the
19 various different zoning, dimensional
20 requirements that are here? That is
21 an essential part of it. The board
22 also has jurisdiction under the
23 Environmental Quality Review Act to
24 look at broad based items in
25 connection with water, wastewater, you

1 know, endangered species and things
2 like that to make sure that the
3 proposal is mitigating those impacts
4 to the extent that they can. But
5 apart from that, this board and
6 planning boards in general don't
7 design projects. That's what I meant
8 by kind of being, oh, we are going to
9 the Planning Board meeting so we must
10 be planning. It's really a planning
11 review board. That's my opinion.
12 Maybe not everybody shares that
13 opinion, but that's how I have seen it
14 over the last several decades.

15 CHAIRMAN EWASUTYN: Does that
16 help you somewhat?

17 MR. TODISCO: Yes, I appreciate
18 that. This is my first meeting. I
19 only found out about the development.
20 Recently we moved in after it was
21 approved. I was trying to get an
22 understanding how it can impact us.

23 CHAIRMAN EWASUTYN: Pat Hines
24 had mentioned for our benefit, just
25 for what you got done saying, for the

1 benefit of new residents in the area
2 we should hold the public hearing.

3 This wasn't mandatory, was it?

4 MR. CORDISCO: This public
5 hearing was discretionary. The
6 project had technically met the code
7 requirements of having the mandatory
8 public hearing, and of course that was
9 in 2007 I believe. So it was a long
10 time ago and certainly there are
11 certainly new residents and new
12 concerns that you may have in the
13 area. The difficulty is as I said
14 this board doesn't necessarily -- we
15 can't make the changes in connection
16 with lowering the speed limit for
17 instance. It's just not something
18 that is within this board's
19 jurisdiction.

20 CHAIRMAN EWASUTYN: Questions or
21 comments from anyone?

22 MR. BENTO: Kevin Bento, 12
23 Holmes Road right at the beginning of
24 Summer Drive and Holmes. Yeah, we
25 were at the last meeting and a lot of

1 good topics came up. I just wanted to
2 get Tom's description of the
3 stormwater management retention ponds
4 and how they are going to be
5 maintained and who maintains them?
6 The district that is going to be
7 created?

8 MR. DEPUY: Basically we are
9 going to have a pond in this area
10 here. We also have some stormwater
11 treatment facilities here and here
12 that will discharge this existing
13 pond. When we do these analysis we do
14 a pre and post. Basically why this
15 pond is so big is we are trying to
16 return the runoff to the original
17 predevelopment so it doesn't cause any
18 downstream flooding. So all this
19 water is collected and contained in
20 this pond and released over time.
21 That water runs down and goes
22 underneath Lattintown Road. As far as
23 the district, it will be a town
24 district and it will be a taxed
25 district and the lots within this

1 subdivision will be subject to that
2 tax. You are exempt from it. We kept
3 you out. We kept everything that was
4 in Section 1 out too. You won't be
5 involved in that tax district at all.
6 Only the new lots would be encumbered
7 by the new tax district for the
8 maintenance of the water.

9 MR. GALLI: Who maintains that
10 currently?

11 MR. HINES: The town currently
12 has 11 drainage districts in
13 residential subdivisions and they have
14 a landscaping contractor that we bid
15 it in three-year terms and the town
16 has a landscaping contractor to
17 perform the operation, maintenance,
18 the lawn mowing and inspection and
19 review of each of those districts.
20 They are currently mowed every two
21 weeks during the summer and we get
22 those reports from that landscape
23 contractor. That contract is expiring
24 at the end of this year and it will be
25 bid out again. Should this project

1 receive approval it will have 12
2 districts under that contract.

3 MR. BENTO: I don't mean the
4 mechanics of it, but who maintains the
5 actual mechanics of the system? Is
6 that the DPW?

7 MR. HINES: It is that drainage
8 district contractor. Should some
9 major repair be done, that could be
10 done by DPW. All the work would be
11 charged back to that. Really there's
12 just like an outlet control structure,
13 catch basin with various size
14 orifices, and it acts as a bathtub but
15 it fills up and drains out slow.

16 MR. BENTO: There's no moving
17 parts?

18 MR. HINES: There's no moving
19 parts to this thing. It's all gravity
20 and hydraulics.

21 MR. CORDISCO: And just to
22 reiterate, it's the town that
23 maintains it and the cost is borne
24 solely by them.

25 MR. BENTO: I wasn't concerned

1 about that. The reason why I'm
2 sensitive to it we live in a house --
3 I don't even know if you call it a
4 drainage issue, the retention pond
5 there overflows.

6 MR. HINES: The outlet controls
7 are not there currently.

8 MR. BENTO: Tom, on the back of
9 my property there's something that's
10 going in that's related to this
11 drainage district. Do you know what
12 I'm talking about?

13 MR. DEPUY: Right in here
14 (indicating)?

15 MR. BENTO: Yes, the back of my
16 property.

17 MR. DEPUY: There's a small sand
18 filter there because there was a
19 certain area that we couldn't catch
20 for the main thing, so we have a
21 little drainage that runs into a small
22 sand filter that discharges into that
23 small stream.

24 MR. BENTO: Is that the runoff
25 from Summer Drive?

1 MR. DEPUY: Yes. This little
2 small piece of Summer Drive, you get
3 to the pond, the tree property. It's
4 a water quality plan that they have
5 today so we had to stick a small sand
6 filter system in there.

7 MR. BENTO: It discharges and
8 runs underneath?

9 MR. DEPUY: Yeah, it runs
10 underneath.

11 MR. BENTO: Can you describe the
12 soil mediation that is on the plans as
13 well?

14 MR. DEPUY: Basically when we
15 were developing all this orchard area,
16 we had done -- back in the day they
17 used to use leaded arsonic as an
18 herbicide/pesticide. We had to go
19 back through and we tested all the
20 soils in the area and we had found
21 several hot spots where they used to
22 load up the equipment and also where
23 they used to clean it. That stuff had
24 all been dug out and properly buried
25 and vaulted. The rest of the area was

1 right on the limit of acceptable lead,
2 so what we ended up doing is we did a
3 pilot study. We went in and took
4 areas and we tilled it and basically
5 we Roto tilled it down about two feet
6 and we went back and retested it.
7 What we did was we Roto tilled so we
8 didn't have any little concentration
9 on the surface and basically diluted
10 it, mixing it up. The requirement is
11 when you build the house, you build
12 the house, that's going to be
13 disturbed so that leached arsenic will
14 disappear because you grind it up.
15 The septic is the same thing. That is
16 going to be dug up. We actually call
17 for an extra foot of topsoil on top of
18 that. The rest of the lots all have
19 to be tilled in order to get rid of
20 that.

21 MR. BENTO: Anything that's
22 disturbed has to be tilled?

23 MR. DEPUY: Yes.

24 MR. BENTO: Who does that?

25 MR. DEPUY: It's in the lot,

1 it's actually in the deed
2 restrictions. We had a thing where
3 the Building Department enforced it
4 and when we went down to the end we
5 were doing a well and septic search
6 and you had to have a certification
7 map and the soils had to be remediated
8 at the time. That's how it's done.
9 That's the mechanism to make sure that
10 it gets done. It's actually a deed
11 restriction on the deed.

12 MR. HINES: It's also going to
13 be a condition of any approval prior
14 to any Certificate of Occupancy that
15 be certified. The Health Department
16 actually regulates what we are
17 speaking of right now, as part of
18 their approval, they require a
19 remediation plan.

20 MR. BENTO: Is the entrance to
21 Summer going to change drastically?

22 MR. DEPUY: We are bringing it
23 up to town spec. It's a little narrow
24 as we are coming in there, but it will
25 meet the town spec and it's pretty

1 much about the same. I think a little
2 more curve coming out and that will be
3 about it.

4 MR. TODISCO: There's a mention
5 about a pre-test and post-test for the
6 ponds. When does the post-test get
7 completed and if the post-test shows
8 that if at any point there is flooding
9 in that area because of climate change
10 that is making the weather more crazy,
11 what are the repercussions as to what
12 is the next step should there be
13 flooding in five years, 10 years?

14 MR. DEPUY: There's nothing I
15 can do about climate change. However,
16 when we did these -- it's all
17 analysis. It's pre-development and
18 post-development. We had based it on
19 there had been recently new rain
20 records that was issued by NOAA back
21 from all the hurricanes that we have
22 had. So each area actually has
23 identified amount of inches for a
24 hundred year flood. So basically what
25 you do is you take the area as it

1 sits, a shrub area, you get less
2 runoff and then when you develop the
3 road you get more impervious so you
4 get more runoff. You analyze those
5 two things and do what they call a
6 hydraulic overlay. That tells you how
7 much water you have to contain. That
8 water is contained and released over
9 time. It's an analysis based on
10 existing stormwater runoff and rain
11 data that's been recently updated.
12 Updated with all the hurricanes that
13 we had back in 2010, 2012.

14 CHAIRMAN EWASUTYN: Pat Hines,
15 do you want to add to that?

16 MR. HINES: I think I concur
17 with that. The new regulations
18 require them to analyze the short
19 duration high during intensity storm
20 events as well. They are modeling the
21 one year, 10 year and 100 year storm
22 events through those systems in order
23 to make sure.

24 MR. TODISCO: The hundred year
25 storm events are now occurring --

1 (interrupted)

2 MR. HINES: The models have been
3 adjusted for those increased
4 rainfalls.

5 MR. DEPUY: It used to be -- in
6 this area it used to be eight inches.
7 Some places are using 8.7 and 8.8
8 because of the recent analysis. It's
9 actually identified very closely to
10 very small areas throughout the whole
11 county.

12 CHAIRMAN EWASUTYN: Additional
13 comments or questions from the public
14 that haven't spoken?

15 MR. DEMONTE: Nick Demonte
16 (phonetic), 22 Harcourt Cossman. I
17 want to go on record, I have the same
18 concerns as my neighbor Pete here.
19 Why we needed so many egresses on that
20 one development? We have one right
21 now. This has been preapproved so
22 many years ago before I even built my
23 house, there's nothing that can be
24 changed about it. With all the
25 construction that's been going on and

1 all the additional traffic will they
2 be repaving our development? Our
3 roads haven't been done since they
4 have been there. With all this extra
5 construction and everything else they
6 are going to get beat up which they
7 already are as far as getting them
8 repaved.

9 CHAIRMAN EWASUTYN: Pat Hines?

10 MR. HINES: That would be under
11 the purview of the highway
12 superintendent. They have a
13 maintenance plan for all the town
14 roads. When they come up in that plan
15 they will address those roadways.
16 Certainly you can contact the highway
17 superintendent if you have specific
18 concerns there.

19 MR. DEMONTE: One comment about
20 the fence that is going to go around
21 the stormwater management, I guess
22 it's the surrounding drainage
23 district, is that going to go around
24 all the retention ponds?

25 MR. HINES: Yes. The town had a

1 requirement that any stormwater basin
2 that has permanent pools within it be
3 fenced. We have a typical detail of a
4 split rail fence with a black wire
5 mesh on it so it kind of blends in and
6 gives it a country look.

7 MR. DEMONTE: I had a
8 subdivision up in Rhinebeck and they
9 were very specific about the fence
10 around the retention ponds. On the
11 plans, Tom, I think you have a chain
12 link fence specified on it.

13 MR. DEPUY: It's a split rail.

14 MR. HINES: Split rail with a
15 black mesh.

16 MR. DEPUY: That's what we'll
17 end up with. I'll look at the detail.

18 CHAIRMAN EWASUTYN: If there's
19 no further questions -- sir.

20 MR. PALMERONE: Vincent
21 Palmerone. Previously at the previous
22 meeting I mentioned my western border
23 with the project. Water was bleeding
24 out the hillside affecting my property
25 and Tom mentioned that he would look

1 at it. What does that mean you'll
2 look at it?

3 MR. DEPUY: That was one of the
4 comments I wanted to bring up to you,
5 Pat. We had discussed the behind
6 lots, 24, 25 and 26. We are going to
7 propose a current drain down through
8 here. What's happening is those old
9 orchards had French drains running
10 through them. They are bleeding out.
11 We have run into that before. We will
12 cut a curtain drain in there and then
13 we will direct that water down to this
14 wet area down here so it won't seep
15 back onto your property. We will put
16 a note, we will put it right in the
17 record that is what we are doing.

18 MR. HINES: We will need a note
19 in the detail on the plan.

20 MR. PALMERONE: And also I
21 brought up my the fact that my
22 entrance to my property comes out into
23 the cul-de-sac. You mentioned that
24 you want to drop that grade, that
25 elevation one foot. I already have a

1 steep entrance into that cul-de-sac.
2 That is going to negatively affect me.

3 MR. DEPUY: That's right here.
4 I think when we went by your driveway
5 we could do probably more of a
6 six-inch drop.

7 MR. PALMERONE: Whatever you do,
8 six inches, two inches, that is going
9 to negatively affect me.

10 MR. HINES: The bulb of the
11 cul-de-sac is not going to be
12 regraded. It's the center.

13 MR. DEPUY: Right, so there's
14 area there to make up the difference.
15 Right now they had spread it out to
16 flatten it.

17 MR. PALMERONE: Are you saying
18 the western part of the cul-de-sac,
19 the grade is not going to change?

20 MR. DEPUY: No, I don't think it
21 will. It will remain the same. We
22 will bring that right out to that
23 dropped area.

24 MR. HINES: I think the
25 cul-de-sac proposes to revert to the

1 adjoining owners.

2 MR. DEPUY: Yes, it does. It
3 reverts to the adjoining owners.

4 MR. PALMERONE: That's on the
5 eastern side. I'm speaking of the
6 western side.

7 MR. DEPUY: I know when I was
8 out there I looked at it, that there
9 was an area that was paved wider. We
10 will grade it out to the lower roads
11 so it won't really affect the grade on
12 your driveway.

13 MR. PALMERONE: You are saying
14 it's not going to affect it or you are
15 thinking that?

16 MR. DEPUY: I'm making that
17 statement right now.

18 MR. PALMERONE: Another thing I
19 would like to bring up is work hours.
20 I don't think anybody in here that is
21 affected by this project wants to hear
22 tailgates banging, beep, beep, beep,
23 delivering equipment at 6 a.m., at 6
24 p.m., at 8 p.m. What are the work
25 hours that affect this project?

1 CHAIRMAN EWASUTYN: Jim Campbell
2 who is code compliance for the
3 Building Department.

4 MR. CAMPBELL: Different hours
5 depending on the type of work and how
6 close they are to the residents. For
7 earth moving and stuff I believe it's
8 7 to 6, something like that, but they
9 are defined hours in the code.

10 MR. PALMERONE: Does that
11 include the delivery of equipment or
12 just the operation?

13 MR. CAMPBELL: The operation of
14 equipment. The construction
15 activities that fall under the
16 different category. I don't know if
17 delivery of the equipment falls into
18 that category, either category.

19 MR. HINES: And it has different
20 limitations on weekends. The times
21 are different.

22 MR. PALMERONE: So can we get
23 delivery of the equipment to fit in
24 the work hours? We don't have the --
25 it's 6:30 in the morning.

1 MR. CAMPBELL: We can't change
2 the code. The town has a specific
3 code. I can't. I can only enforce
4 what's on paper.

5 CHAIRMAN EWASUTYN: All the way
6 in the back.

7 MS. DEROSA: Alyssa DeRosa, 5
8 Summer Drive. I'm wondering what the
9 time frame is for this project to
10 commence? Is it going to be done in
11 phases? Where it's going to start,
12 what geographic order?

13 CHAIRMAN EWASUTYN: You want to
14 talk about the phases?

15 MR. DEPUY: You are on Phase 1.
16 So we are going to develop this area
17 in here which will take Summer in and
18 then up into there and then the next
19 phase would be what was called Drive A
20 which is going to be Summer up to here
21 and part of Barbara and then Phase 4
22 is out here. Basically Section 1, I
23 don't know what the plan is. Any idea
24 when the construction will start?
25 Once we get approval. Three or four

1 months after approval.

2 CHAIRMAN EWASUTYN: Anyone else?

3 MR. LARocca: Pete LaRocca, one
4 more comment. My comments related to
5 the ingresses to this neighborhood.
6 What I'm basically hearing is this was
7 already approved. My question is why
8 -- I'm a newer resident, 10 years, in
9 fact. I was one of the persons who
10 purchased out of this litigation so
11 I'm well aware of everything that went
12 on at the time I purchased about 10
13 years ago. I question how as a newer
14 resident that I didn't know about
15 this? Why I have to adhere to this
16 original plan if I didn't live there
17 and the fact that the original
18 development plan has been altered?
19 It's been altered. Some of these
20 homes during the litigation, some of
21 the lots sold for a lot less money. A
22 lot less because of the litigation.
23 And some of the homes being put on
24 those lots are not in line with the
25 original development so I accept that.

1 I take responsibility. I was here
2 only 10 years. I didn't know about
3 this. I'm sitting here now. I can
4 accept that. I don't understand why
5 if we are adhering to the original
6 plan and telling me, hey, you are late
7 in so many words, I can take that, but
8 I don't understand why someone in the
9 development that's happened as we move
10 along didn't adhere to the original
11 plan? And now you are telling me that
12 you don't want to hear about maybe
13 blocking off ingress. I question
14 that.

15 CHAIRMAN EWASUTYN: Dominic
16 Cordisco, do you want to speak on
17 that?

18 MR. CORDISCO: A subdivision of
19 this size, it gets approval in two
20 stages. The first stage is called
21 preliminary approval. This project
22 received preliminary approval in 2008
23 and then in 2009 it actually received
24 final approval. It could have been
25 built out at that time, but it wasn't.

1 But it could have been. So as Mr.
2 Hines explained earlier, back in 2009
3 when the real estate bubble popped,
4 the project at that point had
5 conditional final approval. It could
6 have been built. Conditional final
7 approval has certain time frames
8 associated with it. In 2009 you had
9 to file a plat to satisfy all of the
10 conditions within 360 days of
11 receiving conditional final approval.
12 They weren't able to do that. They
13 surrendered their final approval and
14 the board at that time reissued the
15 preliminary approval. Basically
16 allowed them to step back to a lower
17 level of approval. Preliminary
18 approval doesn't mean that it's
19 preliminary in the sense that it's
20 subject to a lot of change afterwards.
21 What it means is that preliminary
22 approval is a mechanism to allow other
23 agencies then to commence their review
24 such as the Department of Health or
25 the State Department of Environmental

1 Conversation or any other agency that
2 would have jurisdiction over
3 subdivisions and they would commence
4 their review. Because those agencies
5 don't want to see applications until
6 they reach the level of conformance
7 with town design. Preliminary
8 approval is something that's an
9 important milestone in the process.
10 When an applicant achieves preliminary
11 approval it actually attaches legal
12 rights to the applicant so the
13 applicant has something that is of
14 value and a legal entitlement to
15 proceed with the plan that it was
16 designed. Like I said, this case not
17 only -- they have preliminary approval
18 now, but it also had final approval in
19 the past. So the board -- this layout
20 has been before the board for a very
21 long time and because it already has
22 preliminary approval the board's
23 jurisdiction over ability to make
24 changes to how it's laid out is very
25 restricted. This public hearing is a

1 public hearing on proposed final plat.
2 It's to give people an opportunity to
3 comment on any issue that the board
4 may not be aware of and also anything
5 that has changed in the interim.

6 MR. LARocca: So the five lots
7 that were sold to individual
8 developers during litigation you
9 approved. These houses do not match
10 the houses in neighborhood.

11 MR. CORDISCO: Match them in
12 architecture?

13 MR. LARocca: In size and in
14 style.

15 MR. CORDISCO: The Planning
16 Board doesn't oversee that element of
17 the quality or the type of homes.

18 MR. LARocca: I think the
19 original development did. When the
20 original development did oversee
21 certain standards and specs to build
22 the house in that neighborhood.

23 CHAIRMAN EWASUTYN: I believe
24 those were restrictions that the
25 developer at the time to protect his

1 interest put those restrictions on
2 them. There wasn't any restriction
3 from the Planning Board.

4 MR. HINES: We didn't improve
5 any restrictive covenance on any of
6 those subdivisions in the area.
7 Sometimes developers will put them in
8 the deed.

9 MR. LAROCCA: I was not aware of
10 that.

11 CHAIRMAN EWASUTYN: What
12 happened back in those days, let's go
13 back to maybe 2004, that will predate
14 2006, there was a -- let's talk about
15 the Planning Board. 2004 the Planning
16 Board would hold three meetings a
17 month. One meeting was exclusively
18 for single family homes and there
19 could be as many as nine to 11 items
20 on the agenda. The second meeting of
21 the month was strictly for commercial
22 development and the third meeting of
23 the month was for public hearings.
24 And developers were very hot to get an
25 approval to build, and to add value to

1 their subdivisions they would put deed
2 restrictions on there, architectural
3 restrictions which would give them
4 something to sell and get them the
5 money that they wanted. I could
6 digress for awhile. I could remember
7 in one part of the town where
8 something very similar happened and
9 the public showed up on this public
10 hearing and a sort of quiet part of
11 the town and the developer was saying
12 that he was going to be putting up
13 homes that would be valued at 550 to
14 \$600,000, kind of similar to your
15 development. And everybody was in
16 favor of it. And there were some
17 residual lots that remained. Several
18 years later the market crashed and
19 another developer came in and he
20 bought up these lots and we hold
21 another public hearing. The neighbors
22 were opposed to the project. Why?
23 Because they bought homes for 550 to
24 \$600,000 and now the market dictated
25 that he was putting up homes for 200

1 and \$250,000. I think back then, I
2 won't mention the developer, he was
3 looking to protect his interests by
4 putting these deed restrictions.
5 Similarly speaking as the gentleman
6 spoke for Far Horizons Drive which was
7 an apple orchard owned by the Hepworth
8 family, the developers of that project
9 bought the 40 acres, they put in a
10 town road, it is the widest and
11 probably the most interesting town
12 road, but there are many, many deed
13 restrictions placed on Far Horizons
14 Drive even as far as the upper lots
15 not being able to put up homes to
16 block their view of the Hudson River.
17 There was a peak period of time where
18 developers were getting big money. In
19 order to get big money they offered a
20 product that would keep value in the
21 neighborhood. I think that's what
22 happened here.

23 MR. LARocca: I was not aware
24 about the town restrictions, just the
25 developer restrictions.

1 CHAIRMAN EWASUTYN: The only
2 thing that was mentioned earlier, Pat
3 Hines may have mentioned it or not,
4 the Planning Board has the option --
5 Pat, you speak to that. I talk too
6 much as far as ARB.

7 MR. HINES: Any project that has
8 greater than 10 lots in a subdivision
9 is subject to the town's architectural
10 review. This board acts as the
11 architectural review board as well.
12 The idea behind that for residential,
13 we saw two commercial projects
14 earlier, but for residential is to
15 stop the cookie cutter Levittown
16 looking houses where all the houses
17 look the same. Oftentimes in large
18 subdivisions with large lots like
19 this, that is deferred to the Code
20 Enforcement Department to make sure
21 that they are not cookie cutter
22 houses, to make sure they don't all
23 look the same and have different
24 architectural features. That is in
25 our code and sometimes the Planning

1 Board will do it and sometimes they
2 will defer that to the code
3 enforcement officer just to make sure
4 that every house isn't the same color,
5 the same size and the same look. That
6 is in the town's code under the
7 Architectural Review Board.

8 MR. CORDISCO: That will apply
9 to these homes.

10 CHAIRMAN EWASUTYN: Let's stay
11 on that topic for a moment. You are
12 proposing for better homes. Can you
13 give us a general understanding as to
14 the square footage of these homes
15 somewhat?

16 MR. DEPUY: 2,800 to 3,000.
17 2,700 to 3.

18 MR. HINES: Mr. Shulkin, please
19 introduce yourself.

20 MR. SHULKIN: My name is Richard
21 Shulkin. The developer still is
22 obligated to use the same septic
23 design field and the footprint of the
24 building has to be in a specific area
25 as that plan.

1 MR. HINES: The wells and
2 septics are defined by the county
3 approval. They cannot be relocated.
4 The buildings must remain in the
5 building envelope. We don't have a
6 code that says they must be built as
7 shown. Right now they are shown as
8 generic boxes on the site and the
9 individual homes will have a different
10 footprint. Oftentimes in order to
11 make the septic work, the houses have
12 to be located in the general area so
13 that the septic can be downhill and
14 you don't impact the well location.
15 The county approval defines those well
16 and septic locations so they cannot be
17 relocated.

18 CHAIRMAN EWASUTYN: I just want
19 to say, Mr. Palmerone, you have a
20 stunning house.

21 MR. PALMERONE: I do.

22 CHAIRMAN EWASUTYN: And why I
23 say that is I did walk the property,
24 most of that acreage, and I hope you
25 don't mind, but a part of my

1 responsibility for being active in
2 having the town's best interest I did
3 drive up your driveway, it's a
4 stunning home. Any time you want to
5 give it away, I'm a young kid looking
6 for an opportunity. It's a stunning,
7 stunning home, stunning.

8 MR. PALMERONE: And I have a
9 stunning, stunning tax bill too. May
10 I ask a question to Tom? If the
11 developers thoughts to sell off these
12 lots or are they going to actually
13 build it?

14 MR. DEPUY: At this point the
15 intention is to build them.

16 CHAIRMAN EWASUTYN: Why don't
17 you ask the question. It's a good
18 question. What's your thought behind
19 that?

20 MR. PALMERONE: Just being nosy.

21 CHAIRMAN EWASUTYN: It's a good
22 question.

23 UNIDENTIFIED SPEAKER: I have to
24 continue on that being nosy. What
25 style houses are you planning on

1 building? Joe and I have -- obviously
2 the other neighbors have a vested
3 interest what you build there. It
4 directly reflects on our homes, our
5 neighborhood, our house values, the
6 Town of Newburgh's image and
7 reputation.

8 MR. DEPUY: I would say that the
9 look of the homes would be similar to
10 what you have. In general the market,
11 the real estate market in the last
12 five years, the houses are smaller.
13 People are not going for the 32, 3,500
14 square foot homes. The families are
15 getting smaller. So the exterior look
16 of the house would be similar, but in
17 general they will be smaller.

18 CHAIRMAN EWASUTYN: Any
19 additional questions or comments from
20 the public?

21 MR. PALMERONE: Will there be
22 natural gas brought into the
23 subdivision?

24 MR. DEPUY: No, I don't believe
25 so.

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CHAIRMAN EWASUTYN: Final questions from the public? Comments? At this point I'll turn it over to Jim Campbell, code compliance. Questions or comments?

MR. CAMPBELL: I do not.

CHAIRMAN EWASUTYN: Mark Sargent with Creighton Manning.

MR. SARGENT: No comments.

CHAIRMAN EWASUTYN: I'll turn it over to the board members, Frank Galli.

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Stephanie DeLuca.

MS. DeLUCA: Nothing.

CHAIRMAN EWASUTYN: Dave Dominick.

MR. DOMINICK: Nothing further. I just want to comment and thank the public for coming out tonight. I do encourage you as a group, as neighbors, to look at the town's website for when the next Town Board meets to address some of the speeding

1 and stop sign issues to them, pursue
2 it that way. I appreciate your
3 comments tonight.

4 CHAIRMAN EWASUTYN: Ken
5 Mennerich.

6 MR. MENNERICH: It was nice for
7 the participants tonight for us not to
8 hear that they didn't get an
9 announcement. Thank you for coming.

10 CHAIRMAN EWASUTYN: Thank you
11 for being patient. Dominic mentioned
12 this, we are responsible. We do put
13 in our time, but we have a limited
14 amount of authority. We really do.
15 Again, I think the neighborhood is a
16 beautiful neighborhood. The homes
17 that are in that neighborhood are
18 beautiful. From the Planning Board's
19 perspective, we have a lot of public
20 hearings on warehouses. Nobody wants
21 a warehouse. We have a lot of public
22 hearings on apartment buildings.
23 Nobody wants apartment buildings. And
24 not to offset your value of your
25 neighborhood from where we sit, it's

1 nice for a change to have someone
2 wanting to building single family
3 homes. I say that all the time. It's
4 changing times. It really is.

5 MR. WARD: I would like to thank
6 the public for coming out. We are
7 listening to every comment. I would
8 like to make a point of all the
9 comments from the previous public
10 hearings be additional with tonight's
11 meeting. This way everyone knows they
12 had their say. And for the gentleman
13 here, if you look it up, the Town of
14 Newburgh has guidelines and if you
15 want to educate yourself, you can see
16 we have a standard, say a parking lot,
17 how high the lights are, residential,
18 different things like that. I
19 recommend that. Thank you.

20 CHAIRMAN EWASUTYN: At this
21 point let's speak with Pat Hines with
22 MH&E.

23 MR. HINES: I generated two
24 comment letters with some outstanding
25 items that must be addressed. Some of

1 which were incorporated in the
2 comments from the public hearing held
3 I think six weeks ago now. I'm going
4 to suggest to the board that I forward
5 the public hearing transcripts from
6 tonight to Jim Campbell regarding the
7 many enforcement issues and vehicle
8 and traffic issues that we have heard.
9 He's aware of those and I don't have
10 an issue doing that. He can be aware
11 of those as well and he can take
12 action if he so desires. Again, the
13 Town Board is the one that will change
14 those vehicle and traffic regulations,
15 speed limit and stop signs and such.
16 I have a list of potential conditions
17 of approval that I can go over if the
18 board so desires.

19 CHAIRMAN EWASUTYN: Please.

20 MR. HINES: We have the original
21 conditional final approval. Most of
22 those are still pertinent. The
23 agriculture radiation notes and
24 requirements to implement that on each
25 lot should be incorporated into the

1 resolution.

2 Any condition that no CO be
3 issued until a certification of that
4 compliance is issued.

5 We will require security for the
6 roadway, the landscaping street trees,
7 stormwater and erosion and sediment
8 control. And I'm adding that the
9 notorious culvert Summer Drive be
10 secured with bonding as well.

11 We are suggesting that the
12 landscape street tree plan is reviewed
13 by Karen Arent. It's kind of cookie
14 cutter and has trees every 40 feet
15 whether they should go there or not.
16 They only contain two species. A
17 final review by Karen Arent, the
18 town's landscape architect should be
19 received.

20 Town board approval for the road
21 names must be received and along with
22 that the condition that Dara and
23 Summer, the existing houses don't
24 cause their addresses to change.

25 It will need a stormwater SPDES

1 permit from the DEC.

2 A drainage district must be
3 formed with the Town Board approval.

4 The highway superintendent
5 should sign off on the proposed
6 curbing. There's an alternate curb
7 proposed on the plan. That's a
8 remnant of two highway superintendents
9 ago. We need the current highway
10 superintendent to concur with that
11 asphalt. I think the engineer called
12 them country curbs. And there's a
13 detail on the plan that the highway
14 superintendent should sign off on.

15 ARB approval and/or deferral to
16 the Building Department is required.
17 I've added the curtain drain in detail
18 to address Mr. Palmerone's comments as
19 Mr. DePuy added in compliance with our
20 technical review comments. For
21 tonight there were two sets of them.
22 That's the conditions that I have.

23 CHAIRMAN EWASUTYN: Dominick
24 Cordisco.

25 MR. CORDISCO: I could not

1 summarize that list of conditions
2 better than that. In addition to
3 that, the obligation to pay all fees
4 including recreation fees for a new
5 subdivision. I would suggest that all
6 existing conditions of preliminary
7 approval be pulled forward. Many of
8 which capture some of the items that
9 Mr. Hines mentioned, but should be
10 updated as well.

11 CHAIRMAN EWASUTYN: Any further
12 comments from board members?

13 MR. GALLI: No additional.

14 MS. DeLUCA: No.

15 MR. DOMINICK: No comments.

16 MR. MENNERICH: Nothing.

17 MR. WARD: No additional
18 comments.

19 CHAIRMAN EWASUTYN: The first
20 action before us would be to -- will
21 someone make a motion to close the
22 public hearing on the Longview Farm 27
23 lot subdivision?

24 MR. GALLI: So moved.

25 MR. MENNERICH: Second.

1 CHAIRMAN EWASUTYN: Motion by
2 Frank Galli and second by Ken
3 Mennerich. Roll call vote starting
4 with Frank Galli.
5 MR. GALLI: Aye.
6 MS. DeLUCA: Aye.
7 MR. DOMINICK: Aye.
8 MR. MENNERICH: Aye.
9 CHAIRMAN EWASUTYN: Aye.
10 MR. WARD: Aye.
11 CHAIRMAN EWASUTYN: Motion
12 granted. For the record, the
13 condition of approval is subject to
14 the conditions mentioned by Pat Hines
15 with MH&E and Planning Board attorney
16 Dominick Cordisco. Any other
17 conditions?
18 MR. CORDISCO: No. I just
19 remind the board that you reaffirmed
20 your previous declaration, so there's
21 no further action for this board to
22 take in connection with the
23 environmental review.
24 CHAIRMAN EWASUTYN: Will someone
25 move for a motion to approve the 27

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lot subdivision following the conditions that were offered by Pat Hines with MH&E and Dominick Cordisco who is our Planning Board attorney?

MS. DeLUCA: So moved.

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

MR. GALLI: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you.

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

In the Matter of

KINGDOM HALL
(22-31)

33 Old Little Britain Road
Section 97, Block 3, Lot 13
Zone: R3

PUBLIC HEARING - SITE PLAN

Date: June 15, 2023
Time: 8:30 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN MONTAGNE
JOSHUA MODGLIN

REPORTED BY: Patrick DeGiorgio, Court Reporter

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

1 CHAIRMAN EWASUTYN: The final
2 item on the agenda this evening is
3 Kingdom Hall, Project Number 22-31.
4 It's a public hearing on the site plan
5 located on 33 Old Little Britain Road
6 in the R3 Zone District. It's being
7 represented by Greenman-Pedersen. Mr.
8 Mennerich will read the Notice of
9 Hearing.

10 MR. MENNERICH: Notice of
11 Hearing, Town of Newburgh Planning
12 Board.

13 Please take notice that the
14 Planning Board of the Town of
15 Newburgh, Orange County, New York will
16 hold a public hearing pursuant to
17 Section 274-a of the New York State
18 Town Law on the application of Kingdom
19 Hall, Project 2022-31.

20 The project involves the
21 proposed construction of a 4,992
22 square foot religious facility located
23 on 6.8 plus or minus parcel of
24 property. The project is proposed to
25 be served by a connection to town

1 water in a nonsite subsurface sanitary
2 sewer disposal system. 74 passenger
3 vehicle parking spaces are proposed.

4 The site contains an existing
5 structure which is proposed to be
6 removed. The site is located at 33
7 Old Little Britain Road in the town's
8 R3 Zoning District. The site is known
9 on the Town of Newburgh's tax maps as
10 Section 97, Block 3, Lot 13.

11 A public hearing will be held on
12 the 15th day of June, 2023 at the Town
13 Hall Meeting Room, 1496 Route 300,
14 Newburgh, New York at 7 p.m. at which
15 time all interested persons will be
16 given the opportunity to be heard.

17 By order of the Town of Newburgh
18 Planning Board, John P. Ewasutyn,
19 Chairman Planning Board Town of
20 Newburgh dated 18 May, 2023.

21 CHAIRMAN EWASUTYN: Thank you.
22 For the record could you state your
23 name?

24 MR. MONTAGNE: John Montagne
25 with Greenman-Pedersen. With me is

1 Joshua Modglin with JW Congregation
2 Support.

3 MR. MODGLIN: Josh Modglin with
4 JW Congregation Support representing
5 the owner.

6 CHAIRMAN EWASUTYN: Please
7 begin.

8 MR. MONTAGNE: We are here
9 before the town tonight for a public
10 hearing. We have been before the
11 board a few times now. As it was
12 noted, the project is a new religious
13 facility on 33 Old Little Britain Road
14 next to the existing facility.

15 The building is a standard
16 Kingdom Hall design. One story. It
17 has some gables on it. Simple
18 construction method, wood frame.

19 The project, I'm going to switch
20 to the site plan now. The intent of
21 the design is to come off of the point
22 on the road with the best visibility
23 for sight distance, approximately
24 across the street from the other
25 driveway that accesses off this

1 section of Little Britain Road. It
2 will come into the site through the
3 woods. There is a clearing in there.
4 We'll have a stone gate at the
5 entranceway on either side and will
6 come into an area where handicap and
7 some parking is in front of the
8 building and the rest of the parking
9 is off to the left of that.

10 It's a fairly simple lot.
11 Single circulation around it. Four
12 light poles on the lot itself.
13 There's a good amount of the existing
14 tree vegetation on the site that is
15 being retained and there's additional
16 landscaping that will be in there,
17 shade trees, shrubs, and the islands.

18 The septic system is to the
19 backside of the building. It is
20 tucked into the woods. You see
21 stormwater practices. It's just the
22 opposite of that. It's down the hill
23 to the east of the building of the
24 parking area. Again, that also will
25 be surrounded by woods.

1 As was noted, the stormwater
2 practice was modified to have a
3 bio-filtering system in it, so the
4 main portion of this whole area is a
5 bio-filter to clear the water and then
6 there's a small retention area below
7 that that manages the stormwater and
8 from comments from Pat Hines' office
9 we will put a black chain-link fence
10 on that. It will be a powder coated
11 black chain-link fence as opposed to
12 the town's standard split rail because
13 we are up in the woods. It's just
14 easier for us for maintenance on that.

15 There will be a manual slide
16 gate that is at the entrance to the
17 site. That will also be all black. I
18 know there were comments from the
19 landscape architect consultant that
20 wanted to make sure that the fence
21 blended in and was black.

22 We looked at the comments from
23 the landscape architect and on soils
24 and additives and other things that
25 they recommended we add. We had

1 included all those notes on the
2 drawings now to address your comments.
3 We have addressed all the other
4 comments on the plat material
5 selection and so forth.

6 To address Mr. Hines' office
7 comments, we have included on the
8 latest set of drawings and we will
9 share that with him the water system.
10 We talked about the fact that we need
11 a stormwater maintenance agreement.
12 We agreed to that. We are looking for
13 the template for that so we can create
14 it.

15 I believe after we get final
16 approval from the Planning Board we
17 will go ahead and request or analyze
18 the stormwater coordination with the
19 town.

20 I think that pretty much wraps
21 up where we are at.

22 CHAIRMAN EWASUTYN: Like in
23 similar cases with public forums, if
24 anyone has any questions or comments
25 please raise your hand and give your

1 name and your address.

2 MS. TESMAN: Patrizia Tesman, 85
3 D'Alfonso Road in Newburgh. Thank you
4 for that description. I will ask
5 everyone to indulge me for just a
6 quick moment for a preamble to try to
7 demonstrate where I'm coming from with
8 my questions.

9 I'm a life-long resident of
10 Newburgh. I've lived 42 of my 47
11 years at 85 D'Alfonso Road. My
12 parents owned the home first. I own
13 it now. My parents live across the
14 street. My neighbors have lived there
15 for 20 plus years.

16 We love our neighbors across the
17 way and are very excited that they are
18 building another facility. I think
19 it's very important to acknowledge a
20 few things and I appreciate the
21 board's description from the previous
22 public hearing because I think I came
23 in here with a different perspective
24 of questions so I'm going to change
25 them up slightly. My preamble is

1 living in this area which is a
2 crossroad of the Town of New Windsor,
3 the City of Newburgh, the Town of
4 Newburgh for the entirety of my life,
5 it is a cut through on D'Alfonso Road
6 to get to multiple areas within the
7 Town of New Windsor, Newburgh and the
8 City of Newburgh. Additionally I've
9 watched the corridor of 300 go from
10 having no Walmart to a Walmart Super
11 Store, the current Crystal Run
12 Healthcare from being the former
13 Flannery Animal Hospital to the
14 facility that it is now. Where Home
15 Depot and Kohl's currently sit was our
16 beloved Lloyd's, our super store
17 before Walmart. Continuing down,
18 Palmerone Farms where we bought our
19 Christmas trees is now Starbucks,
20 Chili's, etcetera, and across the way
21 where that beautiful office building
22 is used to be an elementary school.
23 That corridor not to mention all the
24 great changes the town made in
25 conjunction with the Highway

1 Department to help with the congestion
2 of 84 and 87, etcetera, and the mall
3 where I met my husband in when we were
4 teenagers is now a casino. It is
5 insanely busy in this area. 17K is
6 busy with BJ's and Target. I say all
7 of this with pride in my heart because
8 it is wonderful to see the growth of
9 the Town of Newburgh.

10 But now I'm going to get to my
11 point. Living here, watching, and I
12 think the couple before had really
13 intense stories about traffic on their
14 road. It is mayhem, that's the
15 easiest way to describe it. I think
16 that anyone using the existing Kingdom
17 Hall, the one down the road, they
18 understand the traffic and the danger
19 for themselves coming in and out of
20 that facility. People are so
21 impatient nowadays. We watch them get
22 frustrated at the top of our hill
23 because they are cutting through and
24 then by the time people are crossing
25 over into the existing facility, it is

1 anger, aggression. We have seen
2 people get caught on the rock on the
3 corner. We had a car accident where a
4 person got frustrated from coming off
5 of 207, slammed into my husband's car
6 in my driveway. My uncle's house
7 which is three houses in has had his
8 wall destroyed twice. This is just
9 from general traffic.

10 The 207 component is what drives
11 this. When you think about Old Little
12 Britain Road coming off 300 and people
13 trying to cut into the Town of New
14 Windsor and the City of Newburgh they
15 are backing up accessively today. Now
16 you are adding an additional spot
17 which is one in, one out. That's not
18 only dangerous for those of us that
19 live there and travel there, it's
20 dangerous for through traffic and it's
21 extremely dangerous for the people
22 that are going to use that facility.

23 My first question, and I know I
24 said preamble, so I apologize, I
25 appreciate the note on the town code

1 and the zoning. I think it's
2 important to understand as a resident
3 when we say that the board's
4 responsibility is to enforce town code
5 and zoning and not actually
6 participate in the planning and design
7 approval, how frequently is the town
8 code and zoning updated? When was the
9 last time you did an impact study to
10 take into account all of the growth
11 that I mentioned, plus let's all be
12 honest, Westchester County would love
13 our traffic problem, but they are all
14 moving here, so now we are no longer
15 just a small community where we have
16 less traffic. What does our zoning
17 plan and compliance look like as it
18 relates to the growth we experience as
19 a community? That's question one. I
20 do have a second question.

21 CHAIRMAN EWASUTYN: The town is
22 going through a comprehensive plan
23 update. The town will hold, I believe
24 either in three or four locations in
25 the town, a public hearing on the

1 comprehensive plan. They will be
2 looking for input from the public.
3 I'm not certain, but I believe
4 sometime in July the first public
5 hearing will be at a location on
6 Lattintown Road, but the town to
7 answer your question is reviewing
8 their comprehensive plan.

9 MS. TESMAN: Can you tell me the
10 last time as a follow up to my first
11 question that was reviewed, what year?

12 CHAIRMAN EWASUTYN: I believe
13 2007. Is that right, Pat?

14 MR. HINES: Yes. There was an
15 update then. The last time it was
16 completely rewritten was 1995 with a
17 2007 update. Zoning changes can flow
18 out of that revised updated
19 comprehensive plan. That's the
20 catalyst.

21 CHAIRMAN EWASUTYN: Dominic
22 Cordisco can speak to you more
23 effectively having been involved with
24 planning and the DEC.

25 MR. CORDISCO: The comprehensive

1 plan is basically a road map as to
2 what the development and what the town
3 should look like hopefully over time.
4 It's a really important process for
5 the type of comments that you are
6 raising tonight are really aimed at
7 what does our town look like now and
8 what should it look like in the future
9 because existing zoning exists and
10 development occurs that's consistent
11 with that and then things get built
12 out over time and the thing is that
13 the communities do change. So that's
14 why it's an important part of that
15 process. It's overseen by the Town
16 Board. Participating in that process
17 is very important.

18 MS. TESMAN: Absolutely. I
19 appreciate that. I think none of us
20 expected to have the growth in this
21 county that we have seen in a post-
22 COVID universe. We had a mass exodus
23 out of the city. We are seeing a lot
24 of people coming here. That's
25 important. I love seeing the growth

1 of Newburgh. I'm a City of Newburgh
2 girl who lives in the Town of
3 Newburgh. I love all of it. I'm not
4 opposed to it. I just want to make
5 sure we are being smart about it
6 because the bottom line of it is the
7 danger factor. It's very scary to
8 cross the street. I mentioned my
9 parents live across the street. They
10 have grandchildren that want to go
11 across the street. It can take tons
12 of time to get out of our driveway
13 each day. It is dangerous turning out
14 of our driveway.

15 I know we are going to talk
16 about this in a different meeting, but
17 the second question, the top of the
18 hill with the stop sign. When we talk
19 about traffic, can someone advise me
20 as to what the traffic impact study
21 looks like and when it occurred?

22 CHAIRMAN EWASUTYN: The full
23 answer to that there was not a traffic
24 impact study done. There wasn't a
25 need for a traffic impact study. Mark

1 Sargent with Creighton Manning can
2 speak on traffic in general. That's
3 their specialty.

4 MR. SARGENT: We did review the
5 application initially. Had a few
6 comments. Traffic was not a
7 significant concern. You understand
8 the operations of a facility like
9 that, recurring every day, normally
10 repeated a couple times a week. And
11 there's nothing that stood out to us
12 that was unusual so we did have some
13 technical comments on the driveway and
14 some signs related to access, but not
15 the trip generation and the amount of
16 traffic did not rise to the level
17 where there was not a traffic study.

18 MS. TESMAN: When was that done?

19 MR. SARGENT: This spring,
20 within the last several months.

21 MS. TESMAN: How long did you
22 look at our growth?

23 MR. SARGENT: We did not do a
24 study. We reviewed the application
25 within the last week.

1 MS. TESMAN: Understood. When
2 you say an impact study is not
3 warranted because of the use of the
4 facility which I totally understand.
5 I lived there a long time. The
6 facility that's existing right now is
7 typically utilized on a Saturday.
8 This is -- please be clear, this is
9 not about the facility at all. This
10 is 100 percent about the safety of
11 people that drive that road, live on
12 that road and utilize both of these
13 facilities. So when you think about
14 the traffic component of it and it
15 only being one day a week, I believe
16 that's Saturdays, that is the absolute
17 most insane time for any travel at any
18 part of our area, ever. Like from the
19 minute you wake up until the minute
20 you go to bed. So I would like to
21 request, I don't know if I'm out of
22 bounds by doing it, a proper traffic
23 study to really understand what's
24 happening there. I don't think it's
25 fair to anyone to add 74 more parking

1 spaces and 74 more cars entering and
2 exiting one particular spot. That is
3 an extremely congested, busy and quite
4 chaotic area of town.

5 CHAIRMAN EWASUTYN: Comment
6 noted. Additional questions or
7 comments?

8 REVEREND IRONS: I'm Reverend
9 Dr. Fontella Irons. I'm the pastor at
10 Moulton Memorial Baptist Church
11 located at 54 Old Little Britain Road
12 directly across the street from the
13 proposed site.

14 So I thought about this and I'm
15 speaking from a perspective of not
16 only the impact on my church, but the
17 surrounding -- the immediate community
18 and sort of almost -- it's funny
19 because the speaker before read my
20 mind. My office sits practically
21 right at Dewey Drive and Old Little
22 Britain Road and the traffic routinely
23 backs up to my office because there's
24 no signal at Old Little Britain Road
25 and Little Britain Road. So it seems

1 to me that any kind of development on
2 this parcel would require a kind of
3 rethinking about that intersection and
4 how that intersection could best suit
5 the neighborhood and those who travel
6 through with a real signal there.
7 That's one thing. I recognize -- just
8 based on what was already said,
9 clearly this isn't within your
10 purview, but it's needed. Any kind of
11 change, anything that would add more
12 traffic to this area and I was also
13 surprised to hear that no traffic
14 study had been done. I'm routinely
15 sitting in my office watching traffic
16 not move. I don't want you to think
17 that Baptist pastors just look out the
18 window all the time, but it is true
19 that the traffic just sits for a long
20 period of time because mostly of that
21 problem down the road.

22 I just want to say that that
23 might be something if you could think
24 about that. And then the other thing,
25 it's a short list, three things. That

1 was one -- I'm sorry, four things.

2 The other part is this. I'm
3 wondering, if I'm looking at this
4 properly, and please correct me, is
5 that entrance right at Dewey?

6 MR. MONTAGNE: No. The existing
7 facility's entrance as you come around
8 the turn is here. The old home that's
9 up in the woods sits right here. This
10 is just up around the bend.

11 REVEREND IRONS: Then the
12 entrance is not at the intersection of
13 Old Little Britain Road and Dewey
14 Drive, the street across?

15 MR. MONTAGNE: It is. So this
16 is a private drive.

17 MR. HINES: Dewey Drive is a
18 town road.

19 MR. MONTAGNE: You are talking
20 about the main road here?

21 MR. HINES: Yes.

22 MR. MONTAGNE: I thought you
23 were talking about this.

24 REVEREND IRONS: I meant Dewey.
25 The main entrance is at Dewey and Old

1 Little Britain Road. Then it curves
2 and then you go down to the other one,
3 okay. Because the road there, the
4 entire road is entirely narrow and it
5 constantly backs up. I'm wondering if
6 there could be any thought whatsoever
7 to taking some of the frontage, maybe
8 on the undeveloped side, maybe
9 possibly widen the road a little bit
10 to create room for a left turn lane?
11 Is that -- how would that help?
12 Because traffic backs up. It would
13 help to keep even in that little
14 stretch. In an ideal world that
15 left-turn lane would go from Dewey to
16 D'Alfonso if that were possible. It
17 would help to keep traffic flowing
18 somewhat even though it still backs up
19 recognizing that that spot is a school
20 bus stop already. Is there any
21 possibility that any frontage along
22 that little stretch could be taken to
23 widen the road to create a left-turn
24 lane?

25 CHAIRMAN EWASUTYN: That's a

1 conversation for Mark Sargent and Pat
2 Hines to discuss. It's a town road.
3 Let's put that on the table for them.

4 MR. HINES: The intersection in
5 question is actually a state highway.
6 That intersection is on the state's
7 radar for a traffic signal. This
8 board has another project before it
9 which is currently preparing an
10 environmental impact statement and
11 that project is going to trigger the
12 need for that traffic light that you
13 are all discussing. That will become
14 part of that project traffic
15 mitigation. It's currently in the
16 initial stages of its environmental
17 review. In the near future there's
18 going to be a traffic light installed
19 there. It's outside the scope of what
20 the Town of Newburgh would do. It's
21 on DOT's radar, but they are funding
22 it, it could be five or 10 years out
23 before they do it. The other project
24 before the board should it come to
25 fruition most likely will trigger the

1 traffic light and they will become the
2 entity that does that. This project,
3 even if it was putting out 75 vehicles
4 all at once, in the scope of the
5 amount of traffic there is not large
6 enough to trigger an improvement of
7 that intersection to be put on this
8 project alone. The background traffic
9 is so high, it's not going to change
10 any of the levels of service. I'll
11 defer to Mark Sargent.

12 MR. SARGENT: That's a fair
13 statement, Pat. There's a rule of
14 thumb that if the project generates
15 less than a hundred trips in one hour
16 there's no significant impact. Above
17 that is when you would start studying
18 it and determine if there's a level of
19 impact, you could mitigate it to widen
20 the road and do something. Generally
21 as a rule of thumb, less than a
22 hundred is absorbed and doesn't
23 generally have an impact. Doesn't
24 require a study.

25 REVEREND IRONS: The other part

1 of the question then?

2 CHAIRMAN EWASUTYN: What road
3 widening you are talking about?

4 REVEREND IRONS: Yes.

5 CHAIRMAN EWASUTYN: Back to the
6 original question. Who has the
7 authority to ask the applicant to
8 widen the road?

9 REVEREND IRONS: With the idea
10 being lessening the congestion going
11 east and west and creating a left-turn
12 lane.

13 MR. SARGENT: It would be to
14 mitigate an impact, an identified
15 impact. The applicant isn't
16 responsible to mitigate an existing
17 condition, but to mitigate an impact
18 created by the project. That would be
19 something that the board -- there's
20 nothing technically that suggests this
21 project is creating a need for that
22 turn.

23 REVEREND IRONS: Is that because
24 you didn't do a traffic impact study?

25 MR. SARGENT: We wouldn't do

1 one. The board wouldn't do one nor
2 would we do one. Because the scale of
3 the development didn't rise to the
4 level where one would be needed.

5 REVEREND IRONS: So I see we're
6 like ships passing through the night.
7 I see what's happening. The
8 development in and of itself is one
9 thing, but to the experience in terms
10 of traffic is another thing. I don't
11 know who mitigates this ground.

12 CHAIRMAN EWASUTYN: What you are
13 trying to piece together is the
14 cumulative impact of all the traffic
15 in the area. The fine line, and I
16 shouldn't be speaking of this because
17 I don't know, but the fine line of
18 asking the developer now to mitigate
19 everything that is happening here
20 isn't doable. They could talk about
21 -- (interrupted)

22 MR. GALLI: Fair share.

23 CHAIRMAN EWASUTYN: Fair share
24 contributions. Let's talk about that,
25 Frank.

1 MR. GALLI: Fair share where
2 Walgreens was on Route 32, you have
3 Walgreens, you had Key Bank, you had
4 Orange County Trust in that
5 intersection right there, they all had
6 their fair share contribution when
7 they built with the understanding that
8 they had to contribute to make the
9 road properly wide, left turn, right
10 turn, down to the corner, Gardnertown
11 Road, stuff like that. In the case
12 here, your church, if their
13 congregation was there and they all
14 went into a fair share agreement and
15 then they could all chip in and pay
16 for that. The matter of fact is he's
17 the last one in so everyone expects he
18 would pay for it.

19 REVEREND IRONS: No, we
20 wouldn't.

21 MR. GALLI: He's lucky then. As
22 Pat says, the traffic light has been
23 in effect, but the DOT never has any
24 money, the state never has any money
25 so they are waiting for someone to

1 talking about, you can approach the
2 Town Board. The Town Board can
3 request the DOT to do a traffic study.
4 They most recently just did one on
5 Route 17K and 300 where they
6 petitioned the DOT to perform a
7 traffic study. Similarly you could
8 can request the Town Board.

9 REVEREND IRONS: I just have one
10 more.

11 MR. MONTAGNE: Can I add one
12 thing to that? The other thing too as
13 was mentioned was the comprehension
14 plan has to be -- in the comprehension
15 plan there's typically a section on
16 there that looks at the community's
17 traffic and growth of traffic and from
18 a larger perspective looks at what are
19 some of the options or improvements to
20 the town. The Town Board's on that
21 and ask them that as part of the
22 study.

23 REVEREND IRONS: Thank you. I
24 have one more issue. I think this
25 should be truly you guys. I may be

1 wrong. Should the proposed
2 development move forward, I'm just
3 wondering what will be the appropriate
4 type of fencing or covering to protect
5 from debris along the road as they go
6 through the process? What will that
7 look like?

8 MR. MONTAGNE: During
9 construction?

10 REVEREND IRONS: Yes.

11 MR. MONTAGNE: As most projects
12 in town anything that disturbs over an
13 acre we are required to do a
14 Stormwater Pollution Prevention Plan.
15 Included in that are things like dust
16 control or other things that are
17 potential impacts during the
18 construction.

19 MR. HINES: Housekeeping is one
20 issue that's addressed there.

21 MR. GALLI: Things on the
22 highway.

23 MR. MONTAGNE: Tracking out onto
24 the road, mud and dirt. On top of
25 that there's a weekly inspection

1 requirement. A certified inspector
2 comes and does a weekly inspection to
3 make sure that it is maintained
4 throughout the construction process.

5 REVEREND IRONS: Does that mean
6 when you are starting the tree removal
7 process there will be fencing at a
8 certain height?

9 MR. MONTAGNE: There probably
10 will not be any fencing during tree
11 removal. Tree removal itself doesn't
12 create a lot of dust. Most of the
13 clearing is back off of the site
14 itself. There will be silt fence and
15 other things that will be put down the
16 slope to prevent against erosion.
17 It's a small construction site.
18 Relatively it's a small building, one
19 story high construction and the
20 management practices are spelled out
21 there.

22 REVEREND IRONS: So then if I'm
23 reading your drawing correctly, the
24 shaded area, those along the front
25 that remains green?

1 MR. MONTAGNE: Yes. This is the
2 road that comes in. This is the
3 existing woods that all remain. This
4 is where the existing house is and
5 little driveway that comes up through
6 there so there will be some clearing
7 up there because we have to get that
8 house out of there. This will all be
9 green space. The site itself is up
10 behind the old house. The old house
11 is here, so this is behind that. It
12 will be set back.

13 REVEREND IRONS: Your traffic
14 will exit out of that driveway?

15 MR. MONTAGNE: Yes.

16 REVEREND IRONS: Did you give
17 any thought at all making that a no
18 left turn?

19 MR. MONTAGNE: Unless we had
20 done a full traffic study and had a
21 large impact like Walmart, Home Depot,
22 that kind of impact on travel, it
23 wouldn't really be on a small town
24 road like this, a need to restrict for
25 a right in or right out situation.

1 CHAIRMAN EWASUTYN: Do you want
2 to comment on that further, Mark
3 Sargent?

4 MR. SARGENT: I agree with that
5 statement. Not necessary to restrict
6 access in this case. A right in or
7 right out.

8 REVEREND IRONS: Thank you.

9 CHAIRMAN EWASUTYN: Ma'am in the
10 back.

11 MS. TESMAN: I want to ask a
12 follow-up question regarding the
13 access. Is there any potential in the
14 design to have an additional -- I'm
15 assuming, so please if I am wrong
16 correct me. If there's a relation
17 between the existing facility and this
18 new facility as far as ownership, is
19 there any potential way that traffic
20 could go into that parking lot to have
21 access to 207? As I understand it
22 making an access point from this back
23 end into 207 doesn't appear to be
24 possible, but if you could divert
25 traffic off of Old Little Britain Road

1 as much as possible that would make a
2 significant safety change for everyone
3 involved. Even restricting a left-
4 hand turn in my honest opinion living
5 there my whole life is not going to
6 make the difference. It's the
7 right-hand turn onto Old Little
8 Britain that goes into Route 207. Is
9 there any way to have it go onto other
10 access points that the exiting
11 facility has?

12 CHAIRMAN EWASUTYN: What's the
13 topography like between this Building
14 B and the existing Building A, what is
15 the topography like?

16 MR. MONTAGNE: I was going to
17 make that statement. You've been in
18 that area, you know what happens.
19 This is actually further up into the
20 site than where the road is now. The
21 grade change between those is probably
22 a 30-foot elevation change on a very
23 short distance, so 30 plus. So to
24 physically make a road would be
25 difficult. We had looked at just the

1 idea of doing an ADA compliant ramp
2 system. That would end up being a
3 crazy switchback trying to make that
4 happen.

5 MR. MODGLIN: And if I can touch
6 on a few points. The current facility
7 is a double auditorium with more
8 seats. It's a single auditorium more
9 or less. The traffic isn't
10 comparable. But it's still traffic.
11 That's fine. Number 2, this was kind
12 of an interesting thing because the
13 fact that they are right next to each
14 other wasn't planned. We needed
15 another one. We had a search area and
16 it just happened that they were right
17 next to each other. As soon as we saw
18 they were next to each other everyone
19 started thinking how could we
20 coordinate that? The driveways,
21 everything else it didn't seem
22 feasible cost-wise to address the
23 immediate need. Who knows what the
24 future holds because we also have our
25 constituents on that same road.

1 MS. TESMAN: Just a follow up to
2 that statement about the facilities.
3 Are they used the same day?

4 MR. MODGLIN: The congregations
5 assigned haven't been really worked
6 out for the schedule. Generally it
7 will be a Tuesday, Wednesday, Thursday
8 evening and then it's up to the
9 congregation to decide if it's
10 convenient for the individuals
11 attending whether it's Saturday or
12 Sunday. Generally they lean towards
13 Sunday until the schedules are
14 inconvenient and then they will make
15 some change. It's not really
16 established yet, but generally
17 speaking.

18 MS. TESMAN: That ties into even
19 if you could grade it during the same
20 day it will only create congestion
21 within the parking lots. I get it.
22 Thank you for that.

23 CHAIRMAN EWASUTYN: Additional
24 questions or comments from the public.

25 MS. STITELER: Dayna Stiteler,

1 24 Williams Avenue. In reference to
2 the traffic, would it be possible in
3 the current facility on Unity, would
4 it be possible to have the cars leave
5 at different times? Because the last
6 time I was there, the traffic was
7 backed up from 300 and 17K all the way
8 up 17K on to Unity Way and it blocked
9 BJ's parking. Is it possible to have
10 them leave at different times instead
11 of all at once? That creates a big
12 problem.

13 MR. MODGLIN: It would be when a
14 meeting ends it's up to the individual
15 of course when they leave. I don't
16 know. We can't really manage that.
17 Again, we want the safety of our
18 congregants. Being backed up like
19 that is for very special events, very
20 rare, funerals or something similar to
21 that. Honestly this again this
22 facility is kind of being represented
23 and managed separate from that one.
24 So we can relate the concerns to them.

25 MS. STITELER: Another question.

1 Why are you building another facility?
2 There's one in the town. It's not
3 considered for taxes, you are tax
4 free?

5 MR. MODGLIN: It's a nonprofit
6 organization.

7 MS. STITELER: Why are you
8 building another one?

9 MR. MODGLIN: We don't build due
10 to trying to grow from the building,
11 we build because the growth is already
12 here. There's just a large increase
13 of individuals who are here, have been
14 baptized here, there's growth in the
15 area, but there's also people moving
16 in that was also mentioned from
17 post-COVID. Actually that's where a
18 lot of things happened, post-Covid. A
19 lot of things shifted a little bit.
20 We really try not to build new ones
21 honestly. They are costly. We try to
22 do studies that utilize and encourage
23 individuals to attend other locations.
24 The growth is already here that we
25 have to.

1 MS. STITELER: Unity Place, Old
2 Little Britain, you have one on 32.
3 You have the old 84 Diner plus the
4 hotel behind that. All these are
5 tax-free. How much more are you going
6 to bill to the town? I'm concerned
7 about my taxes.

8 MR. MODGLIN: I can't speak for
9 other facilities. Some of them are
10 used for different purposes. This is
11 for meetings, a place of worship. The
12 one on Unity Place is a large meeting
13 hall, that's held once or twice a year
14 for individuals to come within a
15 certain range and the other facilities
16 are more utilized for support
17 services. So I can't really speak to
18 the growth of the area. As the
19 neighbor already mentioned --
20 (interrupted)

21 CHAIRMAN EWASUTYN: Dominic
22 Cordisco, Planning Board attorney will
23 speak to you on that.

24 MR. CORDISCO: I understand the
25 concern. It's a legitimate concern as

1 far as what impact there is on the
2 town's tax base and things along that
3 line. But it's also illegal for the
4 Planning Board to base any decision
5 that it makes based on whether or not
6 someone is going to be paying taxes or
7 not. They are limited to only looking
8 at the site plan elements. So whether
9 this project results in real estate
10 taxes being paid or not, it is
11 actually against the law for this
12 board to take that into consideration.

13 MS. STITELER: I understand
14 that. It was also rumored that your
15 facility in Warwick -- has that been
16 completed yet?

17 MR. MODGLIN: Is this connected
18 to this project?

19 MS. STITELER: How? It was
20 rumored when that facility was
21 completed that the 84 Diner and hotels
22 that you have would be put back on the
23 market. And that hasn't happened yet.
24 Do you know when it will happen?

25 MR. MODGLIN: That's a different

1 use of a facility so I'm not sure
2 about that.

3 MS. STITELER: One other
4 question for the Town Board. Are you
5 going to repave Old Little Britain
6 Road? That's getting a little bit
7 bad.

8 CHAIRMAN EWASUTYN: I'll have
9 Pat Hines speak to that. There's a
10 similar question with Longview Farms,
11 the gentlemen sitting in the back, was
12 wondering about his development. It's
13 been years since it's been paved. Pat
14 Hines will talk to you about something
15 called the TIP Program.

16 MR. HINES: That road falls
17 under the jurisdiction of the Highway
18 Department. The Highway Department
19 has a multi-year plan addressing the
20 planning of the paving of the roads
21 based on their budgeting. I'm not
22 aware of where that road falls.
23 That's under the highway
24 superintendent's decision of what
25 maintenance there will be. If there

1 are specific concerns you can give his
2 office a call. He's pretty responsive
3 to the residents.

4 MS. STITELER: It will increase
5 traffic so it's difficult.

6 CHAIRMAN EWASUTYN: Difficult to
7 what?

8 MS. STITELER: It's already
9 quite bumpy and needs repair.

10 CHAIRMAN EWASUTYN: Anything
11 further? Any further questions or
12 comments from the public?

13 REVEREND IRONS: Do you know
14 when the construction will start, if
15 everything moves along, do you know
16 when it will start?

17 MR. MODGLIN: Our goal would be
18 within the month, six weeks.

19 REVEREND IRONS: Of today?

20 MR. MODGLIN: When we find a
21 site.

22 REVEREND IRONS: How close are
23 you to finding a site?

24 MR. MONTAGNE: That's up to the
25 board.

1 REVEREND IRONS: How close are
2 they?

3 CHAIRMAN EWASUTYN: Very close.

4 REVEREND IRONS: So we can see
5 construction this summer? Clearing
6 this summer?

7 CHAIRMAN EWASUTYN: Once all the
8 conditions of approval are met for the
9 site plan, then they put in an
10 application and I'll let Jim Campbell
11 speak on that.

12 MR. CAMPBELL: Once they get a
13 site plan and a decision and
14 resolution they will file for a
15 building permit and go through that
16 process. It's another stage of
17 review.

18 REVEREND IRONS: So then by
19 August will they be clearing do you
20 think?

21 MR. CAMPBELL: That all depends
22 on how quick all the approvals come.

23 REVEREND IRONS: Thank you.

24 CHAIRMAN EWASUTYN: Comments
25 from board members. Frank Galli.

1 MR. GALLI: Nothing additional.

2 CHAIRMAN EWASUTYN: Stephanie
3 DeLuca.

4 MS. DeLUCA: I just want to
5 thank you for your persistence and
6 your patience and some excellent
7 questions. I think that does -- those
8 questions have helped us to get a
9 better picture of the process. I
10 appreciate you asking the questions.

11 MR. GALLI: I do have a
12 question. So when you get your final
13 approvals you will come back to the
14 ZBA for signage?

15 MR. MONTAGNE: That's correct.

16 CHAIRMAN EWASUTYN: Dave
17 Dominick.

18 MR. DOMINICK: Thank you for
19 coming out. Two questions. First for
20 the lady in the back there, thank you
21 for your presentation, it was very
22 good.

23 We did ask when the applicant
24 initially came here about connecting
25 the two properties, same question and

1 we understand that about the elevation
2 and topography.

3 Just to follow up with what the
4 pastor said, Pat, would a future
5 larger project, you know, in that area
6 go into the left-hand turn lane or go
7 under that study of that project?

8 MR. HINES: Yes. It's currently
9 preparing that environmental impact
10 statement. Those mitigation levels
11 will flow from that. Certainly that
12 intersection is going to be requiring
13 significant improvement.

14 MR. GALLI: Thank you.

15 CHAIRMAN EWASUTYN: Ken
16 Mennerich.

17 MR. MENNERICH: No questions.

18 MR. WARD: No comment. Thank
19 you very much for coming up.

20 CHAIRMAN EWASUTYN: Mark Sargent
21 with Creighton Manning, is there
22 anything you want to add or educate
23 the public on?

24 MR. SARGENT: No, Mr. Chairman,
25 no comment.

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CHAIRMAN EWASUTYN: Mark Sargent, his office Creighton Manning Engineers have reviewed for the Planning Board, there's a lot of projects that he's seen in the Town of Newburgh going back to 1998, 1999.

As Frank Galli has said, the fair share contribution, in certain cases there's studies that are asked to be made on these major projects. Walmart being one that there was money held in place. I believe the dollar amount which is important was on or about \$5,000. To look at the project a year later to see what the impacts occurred from the project and so in magnitudes like that we do look forward to seeing if there is anything else that could be implemented. I think fair share contribution -- we have something like that right now. Will someone speak to that on Gardnertown Road and Route 300?

MR. HINES: The town has several large projects in the vicinity of this

1 building right here and that has been
2 identified as concerning the
3 intersection and the light at the
4 corner of Gardnertown and Route 300.
5 Each of those projects their approval
6 contains a condition that they
7 negotiated a developers agreement and
8 a contribution towards a left-turn
9 lane at these intersections. Those
10 projects are orders of magnitude,
11 larger than the 4,000 square foot or
12 5,000 square foot facility that's used
13 on it not on an everyday basis. I
14 heard the gentleman in the back
15 talking about 3,500 square foot houses
16 they are building. It is not much
17 larger than that. There are SEQR,
18 State Environmental Quality Review
19 issues identified, this board has the
20 ability to require that kind of
21 mitigation where they all contribute.
22 This project is not at that scope to
23 be responsible for improvements what
24 everyone knows is an existing concern.

25 Traffic like this, I will tell

1 you that that intersection is
2 operating at a level of service F or
3 E. They have actually worse than
4 that. Adding this project to it is
5 not going to change that level of
6 service. It's just that bad at times
7 that you can't make it worse than a
8 failing grade. That's one of the
9 reasons. It's just beyond the scope
10 of this project. When this board can
11 it they do implement those mitigation
12 measures on the larger scale projects.

13 CHAIRMAN EWASUTYN: Dominic
14 Cordisco, anything to add to that?

15 MR. CORDISCO: No. That was
16 well said.

17 CHAIRMAN EWASUTYN: If there's
18 no further questions or comments from
19 the public, will someone move for a
20 motion to close the public hearing on
21 the Kingdom Hall, Project Number 22-31
22 on the site plan?

23 MR. MENNERICH: So moved.

24 MR. DOMINICK: Second.

25 CHAIRMAN EWASUTYN: Motion by

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Ken Mennerich, a second by Dave Dominick. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: The action before us tonight I believe we have done an ARB approval. Do you want to finalize that further? And you will submit part of the site plan approval, you will complete the ARB forms. You may have. You should complete that form.

MR. MONTAGNE: We used hardy board with stone masonry on the front. We created the gable look. We have different exterior finish packages. What has been selected is more of a stream, a blue color to it. We tried to create a little bit of an offset with the front section as well as with

1 the colors so we don't have straight
2 lines anywhere, even when you have an
3 auditorium which is a straight line.
4 We have as I think it was brought up
5 in a previous meeting, we do have a
6 fence in the back that is done by an
7 architect which is more of a final
8 planning type fence. It's a privacy
9 fence to hide the HVAC. It itself
10 will be on the south side or away from
11 the street anyway. It will be
12 shielded by the street and so the
13 congregants don't see it as they walk
14 in. We have a 10-foot wide sidewalk
15 along the front with some landscape
16 away from the building, but in front
17 of the building. You will see a bunch
18 of cars on the side. This is more of
19 a standard package.

20 CHAIRMAN EWASUTYN: Frank Galli,
21 any comments?

22 MR. GALLI: No additional
23 comments.

24 CHAIRMAN EWASUTYN: Stephanie
25 DeLuca.

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MS. DeLUCA: Nothing.

MR. MENNERICH: Is it much different than the existing?

MR. MONTAGNE: The existing is brick with a white pattern and a little bit more of a complex roof than the gable that we have here. I would say this is a little bit more modernized, but also simple.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Nothing.

CHAIRMAN EWASUTYN: We will take one action at a time. Will someone make the motion to approve the ARB for Kingdom Hall subject to completing the ARB form?

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli and second by Stephanie DeLuca. Can I please have a roll call vote starting with Frank Galli?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

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MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Pat Hines, Dominic Cordisco, could you please give us conditions of approval?

MR. HINES: We have a comment letter dated the 9th for tonight's meeting. That response to that comment letter would be a condition there are landscape and stormwater securities to be required. The ARB is noticeably missing. The signage, I believe they need to go to the ZBA for their proposed signage and then will need to come back here for the ARB and approval of that signage on their site plan. The plans need to be submitted without that sign right now. They can't be processed with that signage to meet code. A stormwater permit will be required prior to stamping of the plans. A stormwater maintenance facility agreement will need to be executed. I know you have requested

1 the highway superintendent's comments
2 on your access drive. He's aware of
3 that. I don't think he's been there
4 yet. He did note that the piping of
5 the upsize to be 15 inches per the
6 town code. The submission of the ARB
7 form. That's the extent of the
8 comments that we have.

9 CHAIRMAN EWASUTYN: Dominic
10 Cordisco, anything in addition?

11 MR. CORDISCO: Nothing else.

12 CHAIRMAN EWASUTYN: Having heard
13 the conditions of the approval for
14 Kingdom Hall located on Little Britain
15 Road, will someone make a motion to
16 approve the site plan subject to those
17 conditions?

18 MR. WARD: So moved.

19 CHAIRMAN EWASUTYN: Motion by
20 John Ward. Second?

21 MS. DeLUCA: Second.

22 CHAIRMAN EWASUTYN: Second by
23 Stephanie DeLuca. Roll call vote
24 starting with John Ward.

25 MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Thank you
very much.

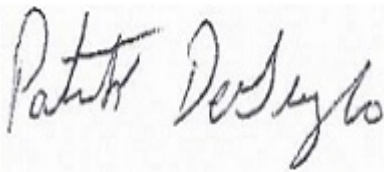
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STATE OF NEW YORK)

) ss:

COUNTY OF ORANGE)

I, PATRICK M. DeGIORGIO, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that the foregoing is a true and accurate record of the minutes having been stenographically recorded by me and transcribed under my supervision to the best of my knowledge and belief.


X _____
PATRICK M. DeGIORGIO

Dated: June 22, 2023