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

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In the Matter of

SARVIS, LLC  
(2016-09)

1 Balmville Road & 2 Stern Drive  
Section 84; Block 5; Lots 33 & 34  
R-3 Zone

----- X

LOT LINE CHANGE

Date: June 16, 2016  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
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CHAIRMAN EWASUTYN: Ladies and gentlemen, it's 7:00 and I'd like to introduce you to the Town of Newburgh Planning Board meeting of the 16th of June. There are four items on the agenda this evening.

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

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

CHAIRMAN EWASUTYN: The Planning Board has consultants that work with the Planning Board and for the Town. I'll ask that they introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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

MR. HINES: Pat Hines, McGoey, Hauser & Edsall Consulting Engineers, the engineering and

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SARVIS, LLC

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planning consultants for the Board.

MR. WERSTED: Ken Wersted, Creighton,  
Manning Engineering, traffic consultant.

CHAIRMAN EWASUTYN: Okay. At this time  
I would like to -- if you'd leave the door open,  
I think it would be better to have the air  
circulating. Thank you.

At this time I'll turn the meeting over  
to Dave Dominick.

MR. DOMINICK: Please stand for the  
Pledge of Allegiance.

(Pledge of Allegiance.)

MR. DOMINICK: If you have cell phones,  
please leave them on vibrate or silent. Thank  
you.

CHAIRMAN EWASUTYN: The first item on  
the agenda is Sarvis. It's a lot line change  
located on Balmville Road and Stern Drive. It's  
in an R-3 Zone and it's being represented by  
Talcott Engineering, Charles Brown.

MR. BROWN: Thank you, John.

This is a lot line between two parcels,  
Balmville Road -- it's on North Street at the  
intersection of Balmville Road. Sarvis's lot

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SARVIS, LLC

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actually fronts North Street and Balmville Road.  
The other lot fronts Stern Drive and North  
Street.

The purpose of the lot line is to -- a  
driveway was constructed to service the Sarvis  
residence. It is to get that on Sarvis's  
property.

The lots are split between the City and  
the Town of Newburgh, however I made the  
application to the Town because more than ninety  
percent of the appraised value and the taxes are  
paid to the Town. The City doesn't really  
recognize any of the structures on those lots, it  
considers them a vacant piece of property.

I've shown all the setbacks per the  
Town. Neither building -- one building, the  
LeDeux property, has a front yard setback on  
North Street per the Town of Newburgh zoning.  
However, City of Newburgh, the front yard setback  
is only fifteen feet, and we do make that.

This is a unique one for me. I'm  
looking to see if we can get this thing to move  
forward.

CHAIRMAN EWASUTYN: Pat Hines, Planning

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SARVIS, LLC

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Consultant?

MR. HINES: We looked at this. We had this situation once before with the Wal-Mart building with the Town lines running through that. This is the first subdivision we've had for a residential lot.

We discussed at work session the fact that the municipal line crosses both of the parcels, and we believe that both the Town and City of Newburgh will have to approve the project. As the applicant's representative said, the majority of the improvements are located in the Town of Newburgh but the majority of the lot line change area that is changing is located in the City of Newburgh.

I'll defer to Mike Donnelly on the pre-existing nonconforming portion of that lot in the City of Newburgh and whether that needs referral to our ZBA or their zoning board.

MR. DONNELLY: I think that's for the City. If the City takes the position that they don't feel the need to approve it, they'll send us a letter. If it's conforming in the City, that's the City's call and not ours.

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SARVIS, LLC

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MR. HINES: It's conforming in the City.

The action the Board could consider tonight would be to declare it's intent for lead agency, which would start that coordinated review between the Town and the City. If the City objects, this Board could either assert that or defer to the City as lead agency. But the action you can take tonight is to start that process. It will save a month.

MR. DONNELLY: If you pay a visit to them and report back to us as to whether they require approval, we'll know where to go.

MR. BROWN: Procedurally you notify them of your intent to be lead agency and I'll make contact with them?

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: Can you prepare a standard letter, as you would to the ZBA, that you could present to Charles Brown and he could then present to the City?

MR. DONNELLY: Do you want to do it?

MR. HINES: I'll do that with the lead agency circulation.

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SARVIS, LLC

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CHAIRMAN EWASUTYN: I'll move for a motion from the Board to declare our intent for lead agency for the Sarvis lot line change.

MR. DOMINICK: I'll make the motion.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

Thank you.

MR. BROWN: So there's no variances required from the Town?

MR. DONNELLY: No.

MR. HINES: No.

MR. BROWN: Thank you very much.

(Time noted: 7:03 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 30th day of June 2016.

*Michelle Conero*

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MICHELLE CONERO



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

----- X

In the Matter of

LANDS OF MANN  
(2015-09)

East Road  
Section 2; Block 2; Lot 22.1  
RR Zone

----- X

TWO-LOT SUBDIVISION

Date: June 16, 2016  
Time: 7:04 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: NOT PRESENT

----- X

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LANDS OF MANN

CHAIRMAN EWASUTYN: Our second item of business is the Lands of Mann. It's a two-lot subdivision located on East Road in an RR Zone. It's being represented by Heritage Land Surveying.

MR. HINES: I don't see Darren here.

CHAIRMAN EWASUTYN: We'll table this for now. The surveyor isn't present.

(Time noted: 7:04 p.m.)

(Second call: 7:17 p.m.)

CHAIRMAN EWASUTYN: Is Darren Stridiron here?

(No response.)

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That hereinbefore set forth is a  
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blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 30th day of June 2016.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X

In the Matter of

NYC DEP DELAWARE AQUEDUCT REPAIR  
(2011-15)

Rondout-West Branch Tunnel  
Section 8; Block 1; Lots 15.2 & 22.2  
B/AR Zone

----- X

SITE PLAN UPDATE

Date: June 16, 2016  
Time: 7:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: PHIL SIMMONS

----- X

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CHAIRMAN EWASUTYN: We'll go on to the third item on the agenda, and that's the New York City DEP Delaware Aqueduct Repair. It's a site plan update. It's the Rondout-West Branch Tunnel and it's located on Route 9W.

Gentlemen.

MR. SIMMONS: My name is Phil Simmons, I work with DEP's Bureau of Engineering, Design and Construction. I'm here with George Schmitt who works with the same bureau, and Dan Michaud is with our Bureau of Water Supply.

Basically we'll take you briefly through the status of our project that we started back in 2012 and we'll discuss a couple of minor field changes that are forthcoming, as well as a couple of changes that are probably a little bit more than minor field changes, so we can get some guidance and make certain if you need submissions in the future, that we can get you the information you need.

I would like to -- we do have a roll call.

CHAIRMAN EWASUTYN: I'll take one.

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MR. SIMMONS: I'll give a copy to the Stenographer.

MR. SIMMONS: With that, I'll turn it over to George who will walk us through the changes.

MR. SCHMITT: I'll give an update on the project. We are finished with our shaft phase. The shaft on the Newburgh side is about 850 feet deep. We have a new contractor who came on board last July and he's only recently started mobilization on the site because we had to wait for the first contractor to demobilize. The new contractor is on site now.

We have a couple photos. There's an aerial photo here. This is the original property where we developed under the first phase and now the second phase. The City has purchased this additional property, and one of the reasons why we did purchase this property was now to take all the excavation material from the shaft, and instead of trucking it out to 9W we're going to be able to place it on this property. There's a big swale that's going to get filled in. Actually, it removes about 30,000 truck trips

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along Route 9W.

This is just another aerial view. This is pretty much straight down the top of the shaft. This is what the site looks like now.

One of the changes -- minor changes we're looking to propose is the original SWPPP plan had two main ponds up in the southwest corner of the new property, and then under the new site plan approval -- that was from last year -- we are looking to modify these two ponds. This pond is being raised by three feet to avoid any blasting rock in this area, and this second pond is looking to be modified to two smaller ponds. The bigger purpose of that is to create more of a flatter area. Our contractor has proposed to put more staging here for materials needed to excavate and build the tunnel.

MR. SIMMONS: If I could interject. All of this will happen within the original area of disturbance. So we haven't expanded, we're just rearranging within the limits.

MR. SCHMITT: One of the things we're looking for is some guidance as to whether or not to resubmit a revised SWPPP for this or treat it

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as a minor field modification.

MR. SIMMONS: Again, for the actual stormwater pollution prevention plan pieces, there will be some minor changes as far as the grading will change. We'll have a standard stormwater pollution prevention plan modification that will pass through you and through Mr. Hines. So we do know we do have to submit a minor change for that.

For the actual site plan, we'll leave it to your guidance. If you would like us to submit a full site plan modification, we can. If you consider it a minor field change, we'll submit what pieces you need.

CHAIRMAN EWASUTYN: In listening to you talk, I might make a suggestion to the Board that we schedule this for a consultants' work session, at which point there could be a meeting of the minds and the details could be looked at more carefully.

MR. SCHMITT: We do have -- the plans we have not finalized. This area which is not shown on either of these two drawings, this area here to the north, that's phase 3 of the SWPPP.



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The contractor is looking to make what we feel is a significant modification. We will present that as it's own revised plan for that. But that's probably, I'd say, at least a couple months away.

Our last item that we want to talk about is within the shaft here, I believe our site plan showed initially a crane that was going to service that work. Right now the contractor has come back to us and they are proposing to use basically a stand-alone hoist.

This is a picture of a salt mine in upstate New York where we feel this is a close enough rendering of what this hoist is going to look like. It's significant in size. It's over 100 feet tall. Again, we were looking for guidance with regard to any height restrictions on this type of structure being used in lieu of the main crane that we had on the previous portion of the work.

CHAIRMAN EWASUTYN: That would lower the --

MR. SCHMITT: That's going to lower everything. As part of the system, it's basically a big frame. There will be multiple

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hoist cables to multiple drums. They will use one main drum that will be lifting all the rock out of the tunnel in a big, I think it's a 20-yard bucket. It's almost like a railroad train car coming up out of the shaft. That hoist is pretty big. There's a separate personnel hoist, and then there's an area in the middle to run down supplies in and out of the tunnel.

MR. GALLI: You'll be eliminating the crane?

MR. SCHMITT: They will have a crane as a standby crane because they're required to have that by OSHA. Everything that's going to feed the shaft in the tunnel will be through this main hoist.

MR. GALLI: Is that a separate hoist?

MR. SCHMITT: Just for clarification, this is not our hoist. This is what one of our folks found upstate in a salt mine in, I think it's Geneseo. This was our best guess. We have a shop drawing here of our hoist.

MR. GALLI: Is it concrete?

MR. SCHMITT: No. It's a steel frame. I'm not sure yet as to whether or not they're

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NYC DEP

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putting a skin around it. We haven't -- we can follow up with those details, obviously.

Again, the purpose of it is the interliner pipe that we're bringing down into the tunnel is in 40-foot sections. They propose to drive a truck up and then they're going to pick the pipe up and send it vertically down the shaft. That's why they need a hoist of this size.

MR. MENNERICH: Once the project is finished --

MR. SCHMITT: All temporary structures, everything comes down at the end.

CHAIRMAN EWASUTYN: Comments from Jerry Canfield, Pat Hines?

MR. HINES: We are going to need the revised stormwater pollution prevention plan.

If we're going to set it up for a consultants' work session, either June 28th or July 26th are the dates that those are scheduled.

MR. SCHMITT: Okay. We'll have to get back to you. I think June 28th would be okay with us.

MR. HINES: We would be interested in

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the second change that you didn't describe to us more so than the initial ones.

MR. SCHMITT: That one may have to be put off again. The contractor has not finalized it with us yet so we have not seen the full. As soon as we do --

MR. HINES: The timing of the initial changes that you did describe, is that immediate need to be done or is it something --

MR. SCHMITT: Somewhat immediate, yes.

MR. SIMMONS: The minor change we'll need to work with you to get in the near future, so in the next month or two. The larger change will probably be six months away before they actually start work. So we'll try and coordinate to be here on the June 28th, and we'll coordinate -- who should be contacted directly to --

MR. HINES: If we're going to schedule it, we'll schedule it tonight. It would be 1:00 here on the 28th. Then I would be able to report back to the Board at their July 7th meeting.

MR. SCHMITT: Okay. Our last item is the part of the site development on this new property where we had the site plan approval from

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last year on the property that -- the Bell property north of the site here, the EA I believe indicated approximately five blasts per rock. We found that the top of the rock within the sedimentation pond here and along the access road is anywhere six to eight feet higher than what was expected on the borings. When they did the initial borings I think they did the depth of borings that we needed at the time we purchased the property. Now we went in there and did more borings and found the top of rock in certain areas, specifically the northern end of the pond and along the access road. We expect that the number of blasts is going to increase for that. We talked about we're going to propose to modify the EA that was for that part of the site plan approval. It probably would be more on the order of forty to fifty blasts. We told the contractor to make those blasts smaller to reduce the impact with the neighbors. It probably could be reduced, the number of blasts, but we feel it's better to have more blasts but a smaller impact.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. SCHMITT: Jerry, we reached out to

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NYC DEP

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you about that I think a couple weeks ago.

MR. CANFIELD: Yes. I did have a conversation with Leif regarding that.

Just one question also. Our department received an inquiry about putting up a temporary structure for maintenance of vehicles, a maintenance shop.

MR. SCHMITT: Yup.

MR. CANFIELD: If I could suggest that you include that.

MR. SCHMITT: As part of this? We can submit their entire layout that they have for their temporary structure. Again, everything is a temporary structure in the shaft area that's going to support the tunnel as part of that resubmission.

MR. GALLI: How much further down do you have to dig?

MR. SCHMITT: We have to go down another 25 to 30 feet and then do what they call a bail out. Where the shaft is pretty much straight down they're going to make it wider to allow for the equipment to go down and turn into the tunnel. That will probably start in late

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August/early September. They have to get the support system up in place to support the operation first. The boring machine which will do the bulk, will do 95 percent of the tunnelling, will not be here until springtime next year. We'll be tunnelling by August, September of next year.

That's really a full update on where we stand with the excavation of the tunnel itself.

MR. DOMINICK: Are you pretty much on schedule?

MR. SCHMITT: Yes. Again, the second contractor just started. Right now we're tracking like 80 something days -- 80 days ahead of the shutdown date that we had anticipated. So they have about three months of float right now prior to that shutdown we planned for.

CHAIRMAN EWASUTYN: John Ward, any questions?

MR. WARD: How deep are you now?

MR. SCHMITT: It's 845 feet and the total depth is about 882, I think it is, where we're going to be at the tunnel line.

MR. WARD: How does this affect the

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shaft for you having the workers going down?

MR. SCHMITT: Right now the shaft has a cover on it. There's been no work in the shaft since the end of April. The previous contractor who had the contract to build the shafts, they closed everything up and put a concrete cover over the shaft. They demobilized from the site. Within the last six weeks or so a new contractor has started mobilizing his equipment on site.

MR. GALLI: Just one question on the blasting. Is the new blasting going to affect the shaft at all?

MR. SCHMITT: The blasting that we're referring to is site work blasting. It's not the blasting within the tunnel. Again, that will probably start in late August/early September. It will be similar in nature to the shaft blasting. Obviously as we move along the tunnel the impact will be less and less up on the surface. They're expected to go I think about 600 feet in with the blasting in order to take the pieces, bring them down the shaft. They have to bring them down piece by piece and build it together. The TDM is about 650 feet long. We



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have to get that all in place and then the machine will start boring by itself and it just tows everything behind it.

CHAIRMAN EWASUTYN: Any additional questions from Board Members?

MR. MENNERICH: On the tunnel itself, is that going to be twenty-four hour a day operation?

MR. SCHMITT: It's set for twenty-four, five days a week. I believe it calls for Saturday to do maintenance, which it probably will depend if the contractor needs to do maintenance. For an operation like this I would say they would work at least one Saturday a month, that would be my guess, just to do maintenance on the equipment. Again, it's a hassle to get everything up and down the shaft while they're actively working and tunnelling because the rock bucket is constantly going up and down the shaft.

CHAIRMAN EWASUTYN: Any further questions?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a

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motion to set a Planning Board consultant meeting  
for the 28th of June at 1:00.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion  
carried.

Thank you, gentlemen.

(Time noted: 7:17 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 30th day of June 2016.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

GARDNERTOWN COMMONS  
(2016-03)

Gardnertown Road and Creek Run Road  
Section 75; Block 1; Lot 21  
R-3 Zone

----- X

PUBLIC HEARING

Date: June 16, 2016  
Time: 7:18 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: STANLEY SCHUTZMAN

----- X

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

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CHAIRMAN EWASUTYN: The next item we have this evening is Gardnertown Commons, it's a public hearing, in an R-3 zone. It's being represented by JMC Planning & Landscaping.

I'll ask that Ken Mennerich read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to the Municipal Code of the Town, Chapter 185-48, Section 274 of the Town Law, and 6 NYCRR Part 627 (SEQRA) on the application of Gardnertown Commons Multiple Residential Senior Housing Project, project number 2016-03. The project is located off of Gardnertown Road, west of Creek Run Road, designated on Town tax maps as Section 75; Block 1; Lot 21. The project proposes 161 market rate rental apartment units of which 20 are designated as senior housing in accordance with the requirements of the Town of Newburgh Code, Section 185-48. The site is a 31.62 plus or

1  
2 minus acre parcel of property in the R-3 Zoning  
3 District. The public hearing will be held on the  
4 16th day of June 2016 at the Town Hall Meeting  
5 Room, 1496 Route 300, Newburgh, New York at 7  
6 p.m. at which time all interest persons will be  
7 given an opportunity to be heard. By order of  
8 the Town of Newburgh Planning Board. John P.  
9 Ewasutyn, Chairman, Planning Board Town of  
10 Newburgh. Dated 23 May 2016."

11 CHAIRMAN EWASUTYN: Thank you. At this  
12 time I would like to turn to Mike Donnelly,  
13 Planning Board Attorney, and he'll discuss with  
14 you the purpose of a public hearing.

15 MR. DONNELLY: Good evening everyone.  
16 This is not a new project. It actually received  
17 its first approval in 2006 and a series of  
18 amended approvals over the years.

19 Number two, the Board will not be  
20 taking action tonight. Only the public hearing  
21 will be held.

22 The purpose of the public hearing is  
23 for you, the members of the public, to bring to  
24 the attention of the Planning Board issues or  
25 concerns that you have that the Planning Board

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2 and its consultant team may not have recognized  
3 yet themselves. After the applicant gives their  
4 presentation of the current proposed amendments  
5 to the plan, the Chairman will ask those that  
6 wish to address the Board to raise your hand in  
7 order to be recognized. When called upon, we'd  
8 ask you to stand up. If you would step forward,  
9 it would help us to be able to hear you. Give us  
10 your name and spell it, if you would, for our  
11 stenographer so we get it down correctly, and  
12 tell us where you live in relation to the  
13 project. If you have questions and they can be  
14 easily answered, and I'd ask you to direct your  
15 questions to the Board, the Chairman will direct  
16 the question to either one of the applicant's  
17 representatives or to one of the Town's  
18 representatives. The Chair would like to hear  
19 from everyone who wishes to speak at least once  
20 before we go back around, so be mindful of that  
21 when you're asking to have a chance to speak.

22 MS. BENDER: Could I ask real quick --  
23 Deidre Bender. I would just like to be able to  
24 see that so the gentlemen don't have to repeat  
25 everything they're saying.

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CHAIRMAN EWASUTYN: Can you turn that?

MR. SCHUTZMAN: Good evening, Members of the Board, Consultants, ladies and gentlemen. My name is Stanley Schutzman, I'm a local attorney and I'm here on behalf of the applicant which is Farrell Building Company, Inc. I'm going to be turning over the meeting to the applicant's consultant. We have engineering consultants, traffic consultants and architectural consultants to specifically detail what's being proposed here.

In a nutshell, as the Chair has stated, we're looking for an amended site plan with respect to the merger of five lots to cover the planned construction of 164 residential units of which 20 would be designated for senior housing under the existing Town Code.

As part of the amended site plan -- there is an existing site plan approval currently that the applicant has which is for the existing approval of 104 residential units.

In addition to the engineering that we'll go through tonight, there are also two ancillary matters in terms of sewer. There's an



1  
2 outside user agreement that had been approved by  
3 the Town Board. That agreement would be amended,  
4 assuming approval by the Planning Board, to  
5 increase the number of units from the existing  
6 104 approved to the 164 units requested.

7           There was also an existing developer's  
8 agreement with respect to certain off-site  
9 improvements that will be discussed here tonight.  
10 With respect to that agreement, the applicant has  
11 requested some very minor revisions, not  
12 affecting anything substantively, only affecting  
13 the issue of how that cost is expensed and made,  
14 because the Town is currently holding \$200,000  
15 toward that expense from some existing commercial  
16 users.

17           So other than those minor cash flow  
18 issues, nothing substantive would be changed in  
19 the developer's agreement or the outside user  
20 agreement.

21           With that said, I'd like to turn the  
22 meeting over to the engineering consultant that  
23 we have.

24           MR. BALDINUCCI: Good evening, Chairman  
25 and Members of the Board. My name is Umberto

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Baldinucci, I'm with JMC. We're the civil engineers for the Gardnertown Commons project.

The site is located at the intersection of Gardnertown Road and Creek Run Road. The site, as indicated, is proposing a total of 164 rental apartment units and the site is 19.77 acres in size.

Also indicated, the site currently has approval to build 104 townhouse units which were centrally located within the site. A total of 17 buildings were proposed with the previous application.

Access to the site is opposite Maurice Lane. The private roadway will loop around the existing site to provide access.

In addition to the townhouse units, the applicant is proposing a clubhouse building with a pool -- a clubhouse with pool areas, a tennis court and recreation areas along the western portion of the site.

With the amended site plan the applicant is proposing a total of 9 buildings, four 20-unit buildings, four 16-unit buildings and a proposed 20-unit building which is going to

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be occupied as the senior component of this application.

Access to the site will continue to be opposite Maurice Lane, and a looped roadway system will provide access to the units.

With the rental apartment units we're also proposing a clubhouse with a pool area, tennis court and a dog run enclosure along the western portion of the site as previously proposed. We're supplementing this recreation area with an open space/recreation area centrally located within the site and adjacent to the apartment rental units.

A total of 329 parking spaces are proposed with this application. 29 of these parking spaces -- 28 of these parking spaces are handicap accessible.

In comparison to the approved plan, the applicant has maintained and improved the building setbacks along the property line. Along the southern property line we've increased the building setback separation from the original 50 foot separation to 72 feet. We also reduced the amount of buildings that are proposed with the

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site along this southern property line.

The proposed landscaping plan has been -- the proposed landscaping plan that we prepared is consistent with what was originally approved. We increased and relocated the landscaping to accommodate the new buildings and -- the new buildings and locations. The existing buffer will be maintained along the perimeter of the property and will be supplemented with a mixture of deciduous and evergreen trees. This will supplement the buffer that's -- the buffer that we had.

JMC has prepared a stormwater pollution prevention plan which analyzed the points of runoff discharges present at the site. We located three design points, three points of discharge on the site. The first design point is located at the southwest corner of the site, the second design point is located at the northeast corner of the site at the intersection of Gardnertown Road and Creek Run Road, and the last and third point of stormwater discharge is located at the southeast corner of the site adjacent to the Stillman and the Manning

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property.

Under the conditions we are proposing two extended detention basins which will provide water quality and also attenuate the peak rates of runoff that will be proposed -- that will be present with this development.

The last -- the third design point, design point number 3 adjacent to the two residential properties, will be eliminated. Runoff from this design point has been relocated or diverted into the stormwater management area which basically discharges at the design point number 2.

MR. HINES: Umberto, could you put up the colorized one? I think it helps the public a little better to show them where those ponds are proposed.

MR. BALDINUCCI: Stormwater management area number 1, stormwater management area number 2.

In addition to keeping the existing drainage which is present at the site, we also relocated two wetlands that are located along the western portion -- in the western portion of the

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site. We located these wetlands and have no impacts and are not proposing any impacts to these Federal wetlands.

Lastly, the proposed site will be served with Town water and Town sewer. The storm -- the water infrastructure and the sewer infrastructure will be extended into the site from the intersection of Gardnertown Road and Maurice Lane. And also we'll have one more connection at that location. The second connection will be provided at the Creek Run Road location.

Our sewer system, as per the approved plan, will discharge into the Town sewer system which is present at Creek Run Road.

This concludes the site presentation. I'd like to have Marc Petrero discuss the traffic improvements at this time.

MR. PETRORO: Good evening. My name is Marc Petrero from JMC. I'm here to discuss the traffic analysis that was prepared for the project.

The traffic study that was prepared for the project was dated May 10, 2016. The

1 intersections that were studied for this study  
2 were the intersection of Gardnertown Lane and  
3 Maurice Lane as well as the site driveway, and  
4 also the intersection of Gidney Avenue and  
5 Gardnertown Road which is located to the  
6 northeast of the property.  
7

8 Traffic counts were conducted at these  
9 intersections on May -- sorry, March 2016 from  
10 the times of 7 to 9 a.m. as well as 6 to 4 p.m.  
11 on a weekday. The existing peak hour volumes at  
12 these intersections, we used these volumes to  
13 project out volumes to a design year of 2019.

14 The no build condition, which is the  
15 future condition in 2019 without the project, to  
16 come up with -- to project those volumes a  
17 general growth rate was used per year as well as  
18 consideration of the volumes generated from the  
19 Gardner Ridge Development that is currently  
20 proposed. Utilizing those volumes, that  
21 represents the no build condition without the  
22 development in the future. To project the future  
23 condition with the proposed development, the  
24 industry standard publication from the Institute  
25 of Transportation Engineers was utilized to

1 project the traffic generated by the project.  
2  
3 The project is anticipated to generate 84 trips  
4 in the a.m. and 108 trips in the p.m. hour.  
5 These trips are total trips, so it equals  
6 entering and exiting trips. One trip is one  
7 vehicle. If one vehicle enters in the property  
8 and then leaves the property, that's a total of  
9 two trips. To provide a conservative analysis  
10 for the study, no credit was taken for the senior  
11 component of the application. The traffic study  
12 was reviewed by the Town's traffic consultant,  
13 Creighton, Manning, and he had provided a review  
14 letter and it was found to be acceptable.

15 The development's proposed improvements  
16 are consistent with what was previously proposed  
17 at the intersection of Gardnertown Road and  
18 Gidney Avenue.

19 The approved plan for the intersection  
20 of Gidney Avenue and Gardnertown Road. The  
21 roadways, Gidney along this road, and this going  
22 up to Route 32, and then here's Gardnertown Road,  
23 is proposed to be widened with this application,  
24 with this plan, to provide a left-turn lane here  
25 as well as separate left and right-turn lanes.



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There was also a traffic signal proposed here as well as part of the approved plan. The road was widened on the inside of the curve here and had some grading proposed to provide for this widening, as well as a retaining wall on neighboring property.

The proposed improvement plan is consistent with the previously approved plan, however the widening is no longer proposed on the inside part of the curve, it is actually on the outside of the curve, reducing the encroachment on the neighboring properties, reducing the need for a retaining wall.

We still have proposed the left-turn lane here as well as the separate left and right-turn lane here. There's a traffic signal proposed as well. As stated in Creighton, Manning's letter, these improvements will increase capacity and decrease delays at the intersection, thereby mitigating the project's impacts.

Additionally, I just want to -- this is what was submitted to the Board. There was a meeting that our office had with the Town

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2 Engineer, Town Superintendent, Mr. Hines as well  
3 as Mr. Wersted regarding refinement to the  
4 proposed plan to reduce the impervious at this  
5 intersection as well as refine the traffic signal  
6 design. Instead of doing -- proposing a span  
7 wire setup traffic signal, which is what's shown  
8 here, it would eliminate this traffic signal pole  
9 on this neighboring property and provide a mast  
10 arm here as well as a mast arm here, reducing the  
11 impact on the neighboring property.

12 That's it for the traffic aspects of  
13 the project. I will hand it over to the team  
14 architect.

15 MR. DIESING: Good evening, everyone.  
16 My name is Jay Diesing with Mauri Architects.  
17 I'll go over the building design and the  
18 architectural aspects of the project with you.

19 As the folks from JMC pointed out,  
20 there are nine residential buildings proposed on  
21 the site and a clubhouse building on the west  
22 side.

23 So the residential buildings, these  
24 four buildings toward the entrance to the  
25 property, are 16-unit buildings, two-story

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buildings, eight units per floor. These four buildings towards the back of the site are basically the same, eight units per floor. Because of the topography of the site, it drops off in the back so we're able to get another four units which walk out to a lower grade area in the back. We worked with the topography to get a couple more units.

The senior building is building 7 down here, again a 20-unit building that has 10 units per floor, it's two stories.

The clubhouse is at this end of the site. It's about 4,000 square feet. I can go over the plan of the clubhouse and then a little bit more about the architectural features of the apartment buildings.

The clubhouse building, like I said, is about 4,000 square feet. It has an indoor exercise area, indoor lounge for residents, small kitchen for community functions, and some administrative offices for management of the complex. There is a 20 by 50 in-ground pool in the back surrounded by a patio. It's a little bit of a change. Over the last couple weeks

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we've been massaging the design of the building so it's not in your packets here that you're reviewing tonight. We've added a cabana building in the back that provides covered seating, and toilet rooms outside, and a pool equipment area. Along with that there are some outdoor barbecue areas and gas fired firepits for residents to use the area and relax.

Looking at the residential buildings, this is a typical two-story or three-story apartment building. The buildings are clad with a stone veneer at the base of the building, and that extends up to window sills and some entrance accents. Then the buildings have vinyl siding with some accent areas of vinyl shake siding. There are some metal accent roofs at the entrances, and the main roof of the building is an architectural style shingle.

You can also see on this elevation there are garages. There's 48 garages proposed with the project. So they're basically for rent, not attached to a unit. A resident can choose to rent or not rent a garage.

All the buildings are kind of a mixture

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of one, two or three-bedroom apartment units.  
There is 84 one-bedroom units, 72 two-bedrooms  
and 8 three-bedroom units.

Again, 48 garages sprinkled throughout  
the site.

That's basically an overview of the  
building and the architecture. I look forward to  
any questions.

CHAIRMAN EWASUTYN: As Mike Donnelly  
had said at the introduction to the meeting;  
first and foremost, would you raise your hand.  
Michelle Conero is here, she's the Stenographer.  
We'll be recording the minutes, so please speak  
slowly. As Mike had said earlier, everyone will  
have an opportunity to speak. First if you  
spoke, then let's go through a complete  
introduction to the public so everyone can have  
their chance, and then we'll go around again for  
a second comment.

Again, we'll open the meeting to the  
public. The gentleman in the back.

MR. STILLMAN: William Stillman,  
S-T-I-L-L-M-A-N, 42 Creek Run Road. I'm adjacent  
to the property.

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While all of my neighbors are adversely affected by the proposed development, I have the dubious distinction of being surrounded by it by virtue of the fact that I'm in the southeast corner of the project.

As a result, while property values will certainly fall for everyone in the neighborhood, I expect mine to plummet, likely below the amount of my current mortgage, making me effectively a prisoner in my own home.

While this situation is already sufficiently troubling to me, I'm acutely concerned with damage to my home, especially to the stone foundation and irreplaceable stone retaining wall surrounding what was once a tennis court in my side yard due to the inevitable blasting required for excavation of the site.

As I rely on a well near the back of my property, I'm additionally concerned of damage to my water supply, both from the disruption of the water table to paving and grading on the site, and also due to the use of chemical fertilizers, insecticides, herbicides and snow melting materials.

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As I have expressed my concerns over these and other items to the Planning Board in writing, but have not received any response, in my opinion the Town Planning Board has neglected it's responsibility of protecting the quality of life of Town residents. This project presents potentially significant impacts to my property, the community and the environment, and therefore the negative declaration should be rescinded and a further environmental review conducted.

Thank you.

CHAIRMAN EWASUTYN: Will there be any blasting at the site?

MR. BALDINUCCI: With this development --

(Indiscernible comments.)

CHAIRMAN EWASUTYN: Excuse me. Again, the purpose of the meeting is to allow all of us to speak, but the purpose of the meeting also is that we be polite during this conversation.

Thank you.

MR. BALDINUCCI: With this development we don't anticipate any blasting. If blasting is required, we will, as the Town requires, be

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required to get a permit and coordinate with the  
Town with their requirements. We don't  
anticipate but --

CHAIRMAN EWASUTYN: This gentleman.

MR. MALKE: My name is Kevin Malke,  
that's M-A-L-K-E. I live on the corner of Fifth  
Avenue and Taft Avenue, basically right at the  
end of the easement there.

My question is, and I don't see  
anything on here, about the foundations. Are  
they going to have footings on the buildings?  
What are you going to be doing there? I own the  
property right there. I've been clearing a small  
area next to my house. It is all rock there.  
Once you get down, you hit rock fairly quickly.  
You're going to hit a lot of rock in there.  
You're not going to be blasting, you're going to  
be hammering? Are you going to be -- what are  
the hours you're going to be hammering and how  
much are you going to hammer with that 25 foot  
retaining wall on the inside of the property?  
How far does that footing go down? How far the  
footings of the buildings go down? Are they  
slabs? I don't see any detail of that on your



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plan, so I was just curious if you could elaborate.

MR. BALDINUCCI: You indicate a 25 foot retaining wall?

MR. MALKE: On this plan there was a retaining wall. The one that was on the --

MR. BALDINUCCI: We have a slight retaining wall here. It's not 25 foot.

MR. MALKE: Did I misread the dimensions? It's all rock there. A road called Stony Run, there is all rock there. I'm having a problem --

MR. DIESING: We don't anticipate a 25 foot wall.

MR. MALKE: Are there going to be footings on these buildings? Are they going to be slab foundations? If there are going to be footings, will there be basements? If you're going into the ground very far you have to hammer.

My concern is, one, what the plan is for the foundations and whether or not there's footings and basements. Two, if you are hammering, what are the working hours? I have a

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one year old and I live right there. If you're hammering at 7:00 in the morning, which is the typical construction start time, it's going to be quite annoying.

MR. DIESING: I guess to answer the first couple of questions, the buildings will have footings. The buildings aren't going to have basements. You're looking at probably a crawl space. Typically a footing is down four feet below grade level for frost protection. That's as deep as basically we would go. If we hit rock and it's solid bedrock like is being mentioned here, it's one of the best things to put a building on. If we don't have to take the rock out and we can use that rock as a foundation for the building, that's excellent.

MR. MALKE: So you want to hammer for the crawl space area and build on top of it?

MR. DIESING: Hopefully. In the crawl space we need to get plumbing in, there are structural elements. Enough would need to be taken out to get that in. As far as bearing footings, that's great.

MR. MALKE: If you do, that's hammered;

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right?

MR. DIESING: Potentially. It depends on what kind of rock it is, how much needs to be taken out. I'm not -- I don't know that there has been a lot of borings done yet to find the depth of the rock. Is it boulders or solid bedrock? Those are things that need to be explored. Typically, yes, hammering.

CHAIRMAN EWASUTYN: Jerry Canfield, the hours of operation that are permitted for construction in the Town of Newburgh?

MR. CANFIELD: There is a noise ordinance that the Town has of six days a week, I believe it's 7 to 7 p.m., the hours of operation. If the contractor or developer is required or requests additional hours, it's an application that must go before the Zoning Board of Appeals.

MR. MALKE: So if there's hammering it's starting at 7?

MR. DIESING: It's up to the contractor really. It's permitted to start at 7.

CHAIRMAN EWASUTYN: The gentleman in the back.

MR. MUSCARELLA: Nick Muscarella,

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M-U-S-C-A-R-E-L-L-A. I'm adjacent to this property. I'm going to be -- I've got a couple of questions that I'd like to know about.

First of all, the water runoff. It doesn't show it on any plans or anything else, but my property is four feet below that property that you have there. Your basement is going to be just above me a little bit. Is that water -- where is that water going?

MR. DIESING: James, he can answer that.

CHAIRMAN EWASUTYN: Please.

JAMES: This is your property. The stormwater basin -- the stormwater management area, the discharge will be located -- will be through an outlet control structure which will discharge into the existing wetlands area and travel through the existing wetlands that are currently at the site and the stream that's located there.

MR. MUSCARELLA: I've lived there for forty-five years. I've seen this property develop into all kinds of different things. I've walked that property because I'm a nature person.

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I've walked it for many years. There is a lot of rock in there and a lot of water in there. A lot of houses up on Taft Avenue, they all got water in their basements. I have people in the neighborhood that have water. There's a lot of underground streams in there. When they start disturbing all this land, what is it going to do for us?

The other thing I want to bring up is blasting. The last time the Town blasted and put sewer lines in they damaged my house. We had no meters. There's no way they're going to be able to put sewer lines in there without blasting, and water lines.

The other thing is I've asked many times, we've been here -- this neighborhood has been there for over fifty years. You're going to bring in something that's going to bring an element of people that we're not familiar with, okay. I want a fence up. I've asked many times, even in the past project, to put a fence up to protect me and the noise that's going to come from this area.

Let me ask you a question. You talked

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about the bottom basin. How does that water go?  
Is it going into the stream? Does that feed into  
the stream?

MR. BALDINUCCI: This water basin here.  
This water basin -- right now you have stormwater  
-- under existing conditions you have stormwater  
that travels along this pathway, hits Creek Run  
Road, runs along Creek Run Road and traverses  
Creek Run Road at a culvert location which is  
located right at the intersection of Gardnertown  
Road.

MR. MUSCARELLA: That water runs across  
Creek Run right into the creek down there.

MR. BALDINUCCI: So the basin traverses  
into the wetlands and discharges into the  
wetlands. With the proposed conditions, we're  
basically piping our proposed flows to this  
proposed culvert location and discharging at the  
same location.

MR. MUSCARELLA: One other question  
that hasn't been answered here. What about the  
contaminated soil issue? That was from day one.  
Now they're doing more excavation work here.  
There's going to be more soil being disturbed.

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What are their plans to remove the soil? Can anybody answer that?

MR. DIESING: We prepared a cut and fill -- the cuts and the fill that we're going to be proposing with the site and we have a -- we're proposing a balanced project.

MR. MUSCARELLA: When you start disturbing chlordane, as a bordering house to that am I going to be affected with the vapors and the contaminated soil? I'm going to be breathing that.

MR. MALKE: Actual chemical contamination?

MR. MUSCARELLA: Yeah.

CHAIRMAN EWASUTYN: Kevin, let one person speak at a time.

MR. MUSCARELLA: It was supposed to be contaminated with chlordane, and when you were doing the project for the condo you were supposed to remove, I think, nine to ten inches of soil or more. The last one that you said, when we were in here you said you were going to dig it, cover it and put it back, okay. That was your words.

MR. VILLAREALE: If I can, Mr.

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Chairman. My name is Diego Villareale, I'm also with JMC. I just want to point out two things that you were running by regarding the stormwater management system. I just want to touch on it very quickly, the way these systems are designed. The way the property is, there's a drainage divide which runs through it. The majority of the property runs to the east and runs to the west. The runoff from all of these impervious areas, the way this system is designed right now, it's intended to capture all of that runoff. Runoff is not designed -- the system is not designed where it's going to sheet flow onto adjacent properties. The intention is everything gets captured, everything gets put into stormwater management basins where the water is treated, and it's released at a very slow rate.

When you talk about one of these design points where the wetland is located and there's water running through that property, the intention is not to increase the amount of water that's there right now. That's the design of these stormwater management basins. We're able to collect it, hold it in one central location



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and then release it very slowly over a long period of time so that we don't increase runoff to this specific location. That's one of the requirements by not only the Town, the State requires us to meet the existing condition.

MR. MUSCARELLA: The property that I showed you just down there --

MR. VILLAREALE: Yes.

MR. MUSCARELLA: -- that is four-and-a-half feet lower.

MR. VILLAREALE: Understood.

MR. MUSCARELLA: Now when you dig a big hole and put water in there, am I going to get water in my yard?

MR. VILLAREALE: Again, everything that's being constructed with these impervious areas here is being collected and conveyed to this stormwater management system. That's the intention of the plan, and that's what's under review by the Town staff as well.

Then just to hit on the other point regarding the contaminated soils, it's consistent with what was proposed before. Contaminated soils, what are the affected soils will be

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collected, stockpiled, redistributed and capped on site in accordance with the environmental recommendations.

MR. MUSCARELLA: I thought it was supposed to be burned.

MR. VILLAREALE: It's not contaminated in that nature.

CHAIRMAN EWASUTYN: At this point I would like to turn to Pat Hines, our Drainage Consultant who worked with the project from the early days. So we'll go back and forth. Let's talk about the contaminated soil.

MR. HINES: And that's been in my comments, my most recent comments of May 19th for the applicant. It's actually a unique situation here. When the project was last before the Board in 2010 and '11 it was a proposed subdivision. That would require regulation by the Health Department. When there is a subdivision the Health Department requires remediation of formerly contaminated or reputedly contaminated agricultural soils.

The project right now is not a subdivision and would not require that level.

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The Board is continuing to require the remediation, that it's just a good idea for the applicant to address those issues. As part of the environmental review, the Board is consistent with the previous findings requiring the former agricultural soil, impacted soils, to be mitigated consistent with the Health Department regulations.

MR. MUSCARELLA: He just said they are going to dig it.

MR. HINES: They're going to bury it on site.

MR. MUSCARELLA: Bury it on site and they're going to cap it?

MR. HINES: That's what the requirement of the Health Department was back when the Health Department was involved.

MR. MUSCARELLA: DEC approves it then?

MR. HINES: The Health Department regulates that.

MR. MUSCARELLA: Don't the DEC --

MR. HINES: The DEC does not regulate the former agricultural soils. It's the Health Department. Only in a subdivision. It's just a

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flaw in the Health Department Law.

MR. MUSCARELLA: You're changing a whole plan here. This is completely different than what was proposed.

MR. HINES: It's the same soils and same requirements.

MR. MUSCARELLA: But you're also moving a lot more than what was originally --

MR. HINES: Actually, the footprints are not substantially different. They're actually the same. The disturbed areas are within the original limits of disturbance.

The Board is requiring that. The Health Department would no longer require it because it's not a subdivision. We're aware of it, the applicant's representatives are aware of it, the project sponsor is aware of it. So it is being addressed consistent with the Health Department requirements.

MR. MUSCARELLA: I would just wish somebody from the Town would take a look at my property and the distance between the wall and their property to see that. I don't think it's a big deal for somebody to come over and show you.

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There's a big difference.

MR. HINES: I agree with that. My firm's role is to protect the residents of the Town through the Planning Board. That's the purpose of this public hearing. I am hearing your comments tonight, I am taking notes, and during the review process we will take a look at that.

I have told the current engineers -- these engineers are new to the project. The previous engineers are no longer involved. I did, early on in the project, identify the drainage along the properties to the south as an issue. We heard it in 2006, we heard it in 2010. I did alert them while they were doing their stormwater redesign. The regulations have changed and become more stringent. Their stormwater ponds have increased in size because of the water quality improvements that are now required. That is being addressed. I hear you and I will take a look at it.

MR. MUSCARELLA: Just one other thing and I'll let everybody else talk. Are they going to allow -- is the Town going to allow them to do

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Section 8 housing?

CHAIRMAN EWASUTYN: Nick, that's a topic I don't think we can discuss because it's a topic that --

UNIDENTIFIED SPEAKER: Why not?

CHAIRMAN EWASUTYN: It's not a Planning Board -- Mike Donnelly will speak.

MR. DONNELLY: It's not something the Planning Board has any jurisdiction over and it's not something the Town regulates.

MR. MUSCARELLA: Thank you very much.

CHAIRMAN EWASUTYN: This gentleman.

MR. JONES: My name is Dan Jones, I live at 11 Christie Road, the corner of Christie Road and Hill Run.

Along with Mr. Stillman, I also feel it's going to impact the value of our house. And we also -- we already lost enough value on our houses in that development.

I've been living there about seventeen years now. I bought the house because I wanted to live in a residential housing community, not a residential apartment community.

Along with living there for seventeen

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years, we have a tremendous problem with the water system already in there. You can count fifteen patches alone just on Creek Run Road, just on Creek Run Road, and that is not in the whole development.

How many times our water is constantly shut off because the water system just can't, flat out, handle it. If you go throughout the whole entire development you could probably quadruple that. It's just ridiculous. It's five times a year that the water gets shut off. With this big huge project, it's only going to impact that even more.

My other question is they made provisions to make Gardnertown going to Gidney a lot better. What about the people flying across Creek Run from Gardnertown over to Taft? The traffic that flies through there is absolutely ridiculous. To my amazement, I'm surprised nobody has been killed on that road to this day. There's been no provisions on that.

As far as everything else goes with the gentleman that just spoke with the environmental impact, I'm also opposed to that because it is

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going to be an environmental impact one way or another. They could do everything they can. I've been in construction for thirty years. I know how it works. They do the best they can but things just slip through the cracks. That's just the bottom line.

Once again, like the poor gentleman that just spoke, his house gets ruined, who is going to pay for that? Anybody going to pay for that?

Our water system is strained, our sewer system is strained and you're going to put this project in there. I don't think we need it, and I don't think we deserve it, and I oppose it.

CHAIRMAN EWASUTYN: The gentleman in the back.

MR. SCHORNO: Good evening. My name is Scott Schorno, I live at 133 Gardnertown Road. I live up the road from the complex and I wanted to address -- Marc talked about the traffic patterns. My family has lived here for close to ninety years.

It's interesting, the last time that we had a Board meeting on this property we talked



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about the traffic patterns. That's a couple years ago. For any of you that live in the area, I think what we have to do is open the aperture a little bit when we talk about the traffic patterns. I live here. I have to exit from my house to get to work. I can tell you that, you know, Marc, you addressed a very small component of the traffic flow; right? So let's just talk about the bottom of Gardnertown where it meets Gidney. If we put a light there, okay. So let's talk about what's going on on North Plank Road, or the traffic on Gidney Avenue coming across Gardnertown. We would have to literally synchronize all of the lights across that entire spectrum in order to optimize the traffic.

For anyone that lives in this area, North Plank Road coming off of the Newburgh/ Beacon Bridge, that traffic going out, it's -- during peak periods it is bumper to bumper to the point where it is becoming a safety issue with our -- with the Town of Newburgh.

The other day I tried to go right at the bottom of Gardnertown because the traffic was so backed up going left across Gidney. I was

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just going to Price Chopper and it took me twenty minutes, and the reason is because as you proceed towards Price Chopper you have to make a left into the parking lot. It's one lane. So the people that were trying to go left into Price Chopper, they couldn't get across, maybe two cars, before the light changed. So that traffic started to back up all the way to Gardnertown. And then the traffic coming up Gidney Avenue, it just backed up. It backed up for a quarter of a mile. Then you go out to North Plank Road, all the way from 9W all the way up to Gardnertown, every day it's backed up. So then I go up Gardnertown to 300. Now, for any of you that live there, the traffic coming up 300 is bumper to bumper all the way out to North Plank Road. Then I try and go to 52, right. That's the other exit. The same thing. Prime hours, bumper to bumper.

So, you know, Marc, with all due respect, you know, evaluating that intersection, putting one light there will not address the traffic patterns that we're dealing with, okay.

Now, the other thing is let's look at

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some of the demographics. So you said 80 trips in the morning, yet we've got 329 parking lots -- parking spaces. Statistically that makes no sense, unless all of those people are retired and they don't have to leave for work in the morning.

The other thing is if you live on Gardnertown Road, what's the percentage of children that will live in this facility that will have to get busing? You know, I live here. Every morning the buses stop. That's a large quantity of people that we're going to have to address, having the one entrance and exit there for 329 parking spaces. So, you know, that isn't as big a concern.

So I think as we think about this, it looks like a very nice facility, but when you really study our traffic demographics and trying to exit from any main artery, there's going to be significant issues.

And fine, you know, the study goes out to 2019. What happens after 2019? I mean for any of us that have lived here over the last few years, we're seeing traffic patterns double. So 2019, this facility is built, what do we do then

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in 2019 when we can't get out of our driveways?  
Who is going to pay and who is going to redesign  
and reengineer all the roads to address that?  
So, you know, that is my concern.

I live here, I commute every day, I  
deal with this. So the study that was done here,  
in all due respect, is not adequate and we really  
need to open the aperture and look at a five-mile  
radius and all the arteries surrounding this  
piece of property and the impacts that it will  
have.

CHAIRMAN EWASUTYN: Ken Wersted is our  
traffic consultant, Scott. We'll talk about  
what's reasonable, what's under the scope that  
we're permitted to ask someone to study. He  
speaks for you.

Ken Wersted, Scott's questions.

MR. WERSTED: Scott, your reference  
about opening the aperture really gives you a  
really high-level look at a much broader area.  
Typically those studies are Town sponsored or the  
municipal agencies, the county and state level,  
and they tend to look at those larger areas, even  
whole sections of towns, particularly where

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2 there's a lot of land that has the potential to  
3 be developed. It doesn't necessarily look at one  
4 parcel, it looks at several parcels, any of the  
5 projects that are on the books at that time, but  
6 also large tracts of land that have the potential  
7 to be developed. So you could have 10 or 15, 20,  
8 30 acres that is zoned for residential but maybe  
9 it's only being used by one house or a couple of  
10 houses, or maybe it's being used for agricultural  
11 purposes. Those larger studies will look at the  
12 fact or look at the options that that property is  
13 zoned for and then project out if this were  
14 developed as housing, what traffic does it  
15 generate, where does it go, what impacts does it  
16 have on that surrounding roadway network. So  
17 those are those large scale, you know, planning  
18 studies that are typically done for several years  
19 out, and also project out traffic volumes in 10  
20 or 15 or 20 years.

21 Certainly when they're doing traffic  
22 improvements, bridges, large infrastructure like  
23 that, they will look out at 10, 20, 30 years.

24 The state and the agencies who are  
25 constructing these improvements don't want to

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build an improvement and in 5 years find out it's not working. They want to build it out so that it accommodates those traffic volumes out in 20, 30 years. So that's the kind of -- that's the large kind of overview.

When we get into a project specific size, the focus is much more in tune with the neighborhood. It's not the Town area side of things. So that's why the project is looking at that intersection specific right next to it.

UNIDENTIFIED SPEAKER: That didn't answer the question.

CHAIRMAN EWASUTYN: Please, please. Again --

MR. WERSTED: He might have had a few more questions that I'll get to.

In reference to the traffic volumes and 80 trips coming and going but there being 300 parking spaces, those studies are based on similar developments. What we find is that not all the residents who own cars at a development like this will come and go at the same time. You don't have an entire neighborhood deciding all right, it's 7:00 a.m., I have to go to work and

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everybody leaves. So it is broken up over the course of several hours.

What they do with a development like this is look at the traffic over several hours. Certainly you have people who probably have to work down in New York City, they're leaving much earlier. You have people who might not have to be at work until 9:00 or 10:00. Traffic is going to vary. So the traffic volume studies that are done of these projects is all summarized by the Institute of Transportation Engineers, and they have collected studies, probably I would say about 300, and they take that average for this size development and determine how much traffic is coming and going. So logically you would think that oh, there's two people per house, there's two parking spaces, et cetera, it's got to generate 300 and some odd trips. The evidence shows it's only 80 to 100 trips during those peak hours. So it may seem counterintuitive but it is based on a logical course of study.

MR. SCHORNO: I thank you, Ken. I appreciate the -- I appreciate that summary.

The fact remains, however, that, you

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2 know, adding a light -- one light at the bottom  
3 of Gardnertown Road with Gidney Avenue and not  
4 synchronizing the traffic across Gidney out to  
5 North Plank Road will not address, will not  
6 address this issue. A light -- because if -- if  
7 you have a light there and it's green, right, and  
8 you can go and you can go left, if the traffic  
9 pattern out on North Plank Road is not green  
10 releasing the traffic, we will have gridlock. I  
11 live that now, right.

12           And, you know, think about our  
13 demographic growth. 2019 their study goes out  
14 to. I can guarantee you that our traffic  
15 patterns are going to double again.

16           I would just ask the Board, this is not  
17 -- this is a commonsense issue for any of us that  
18 live in the Town of Newburgh. You know, we can  
19 not afford to just look at this and add one light  
20 and assume that that will address this problem.  
21 This will become a safety issue if we can not get  
22 ambulances, police. Our roads are not wide  
23 enough if we have a critical situation.

24           Thank you.

25           MR. WERSTED: To add on to that, we do



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have a traffic study that's looking, I believe, at Gidneytown Road and North Plank Road as part of the Gardner Ridge project. I don't have that material with me. They are looking at those intersections near Chestnut and that.

I appreciate the comments and I can look into it more relative to synchronizing the lights and the impact on North Plank Road.

MR. SCHORNO: Thank you very much. I'd appreciate that.

I would recommend we have a follow-up meeting and that we include that study as part of this discussion so we can understand what the reality of our traffic system will be.

CHAIRMAN EWASUTYN: The gentleman in the front -- the woman standing. Go ahead. Let the woman speak.

MS. STEWART: My name is Phyllis Stewart, I'm a resident at 64 Gardnertown Road.

Could you show me on the map, this gentleman here, where exactly that is, 64 Gardnertown, right at Maurice?

MR. BALDINUCCI: Maurice is right there.

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MS. STEWART: So I'm right here.

I moved to Gardnertown almost five years ago this coming November. In moving there I thought I had chose an excellent place to live. It was that up until the point that I saw the signs there two weeks ago that they're going to build a development of 160 units.

On the side of my property there's a stream of water coming from the -- all the residents on Maurice Lane, all their water comes on the side of my house, through a little opening which crosses underneath the street over to that so-called wetland. I call it a sinkhole. It's not a wetland. I can look out the window when it rains and I know for sure it's going to be a pond over there. There's going to be a pond on the side of my house. There's going to be a pond over by Maurice Lane also. As far as water and draining, there's a flood issue there.

Senior citizen housing. I would not put my mother, grandmother or any senior citizen there. Reason being, the airport. Stewart Airport. I can count, at least on a Wednesday or Thursday evening, at least twenty planes fly

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directly in the path of that so-called wetland. They're going to be where the property is. All you hear is noise. There's two houses, I don't know how they can take it. I mean the planes are right on top of your house. We know that the fuel and all the refuse from the planes can cause cancer.

Not only that, at the corner of Maurice Lane and Gardnertown, which is my neighbor here, school buses stop there every morning. To put a light down the hill, up and around that curve, which people fly through there like a bat out of hell most of the time. I'm surprised there hasn't been someone killed there. I agree with this gentleman in the back there. That's very detrimental.

The traffic will be horrendous. Senior citizens will go out of their minds. It would be detrimental to the neighborhood, to the community, and I'm definitely against it.

Property value will go down. Property value will go down. Most definitely.

This gentleman here at 133, again I'm at 64. I can look out of my window at that

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wetland, snow, rain, any kind of weather format,  
I can see turkeys, wild turkeys. Used to be deer  
there when I moved. There's no longer deer. I  
guess they put down something for that.

But it is a wetland. It should be left  
alone. There should be no housing on either side  
of that particular property.

The particular project is a disaster  
waiting to happen.

CHAIRMAN EWASUTYN: Pat, would you like  
to address the concern?

MS. STEWART: The flooding and the  
traffic.

CHAIRMAN EWASUTYN: The traffic we've  
discussed.

MS. STEWART: The flooding please.

Can I add this? I'm sorry. Can I add  
this? When I first moved there some of my  
neighbors requested from the Town of Newburgh to  
put a sewer drain there, maybe two, maybe one on  
Maurice and maybe one on Gardnertown Road, to  
help with the water drainage because it is -- any  
one of you could visit my house, knock on the  
door when it rains and say Phyllis, where is the

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pond. I'll be glad to show you. I mean it's ridiculous. If you put more housing there, can you imagine, it's going to be a river, and my property is gone. So the Town is going to take care of that I guess for me?

You know we need those sewer drains.

We need more than one light.

It's just -- it's just a disaster waiting to happen, and I don't want to see that happen as a taxpayer.

MR. HINES: I will take a look at the infrastructure and the road there. I know we looked at that when there was a subdivision on Maurice Lane. It may be one of the houses you're referring to. We'll take a look at that in the field when we're looking at the other drainage issue.

MS. STEWART: Please feel free to knock on my door. 64. I'm out there all the time.

CHAIRMAN EWASUTYN: This gentleman here.

MR. COX: My name is Robert Cox, I live on Blue Jay Drive. I live in the vicinity of where Gardnertown comes out on Gidney for the

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better part of fifty-five years.

Coming out of Blue Jay now -- I don't know if we can put the -- right now Blue Jay comes off on that turn there.

First of all, I see they -- I heard a little bit about they're going to take the inside of that turn out and widen that to make it pass through for the traffic going by. Now they're saying they're going to make that to the other side, to the pond side. Anybody that lives around that vicinity, they know every winter there's probably at least ten accidents on that turn. Hamilton's house right there has been run into. They put guardrails up. It's been going on for years and years. They finally put some arrows up there. Now that turn is going to be even more sharp with people coming from McDonald's up around Gidney Avenue. That's one thing.

The other thing is when you go through that traffic light, there's a bridge right there that goes over the stream, Gidneytown Creek there. They've been having problems with that stream, I know at least two major problems in the

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last two years or three years. They put eye beams in. I don't know if they have to redo the whole bridge or whatever. It's not wide enough to handle both lanes -- three lanes going both ways comfortably. I mean if you're coming down Gardnertown and you want to take a right on Gidney Avenue, if the cars are backed up just a little bit, three cars, you can't get by. That means they're going to have to widen that bridge. I don't honestly think -- I think there is a problem with the bridge, but you'll have to check into that also.

The other thing as far as the traffic itself, adding more traffic, when I come out of Blue Jay Drive and try to go on Gidney Avenue there, between 3:30 and 6:00 I can't even get out of that. If there's going to be a light there it's going to be backed up further. Anybody knows around work let out time, cars coming down Gidney Avenue or Gardnertown Road back right up to the top of the hill. Coming the other way, they're from the light by McDonald's all the way back up Gidney Avenue and around that turn. Like I said, whether it's 80 cars or 8 cars or 8 trips

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or whatever, they're coming that way. It should be less than that. 80 less probably. There's too much traffic in that whole area and the area can't handle it, it's only two lanes. Like I say, I think it would be even more dangerous widening that turn to the other side, towards the pond.

That pond -- when I was a kid I lived in that area. We used to go fishing there and swim in there. It's more of a swamp now. It's not even a pond anymore.

I think also the runoff from this development might not be too bad now. I've done a little bit of development and once you clear the trees and all the shrubs, that water is going to come down the hill and it's going to be a pretty big retention pond, and it's going to go into the swamp area I guess. I'm not sure.

The other thing is I see they only have one outlet for their sewer down on Creek Run. Is the sewer line for the Town big enough to handle that?

UNIDENTIFIED SPEAKER: No.

CHAIRMAN EWASUTYN: Pat Hines.



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MR. HINES: The sewer lines are adequate. They're designed in accordance with DEC standards.

MR. COX: To handle 160 apartments?

CHAIRMAN EWASUTYN: The gentleman in the back.

MR. FORD: Eric Ford. Twenty-four years ago I came with my lovely wife from the Bronx, from a highrise, 38 stories and 41 on the other side. A family member was a fireman at my local district. He said when I moved out it was the best thing I ever did. When I moved in there were the Farrells, Muscarellas. The same people on my left, right and in front of me when I bought my house, they're still there. Eight years ago I did developments to my house. Everybody -- I had somebody come through and say man, you just moved in the neighborhood, this is beautiful. I said I've always lived here. Me and my wife said we can't buy what we have here. The buildings on this road, those people were here. They watched my son be born, they watched him grow. Their son was my newspaper boy. If I wanted this I would have stayed in the Bronx. I

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say that because it's the first time I really feel like I'm from the Town of Newburgh. People see me in the store. I wear my Bronx cap, Bronx shirt all the time. People say you're from the Bronx. Yeah.

This development makes absolutely no sense. Ten years ago if they came in here and told me you were going to build 28 single-family homes in this area I would have said good luck, have a nice day, that's fun. This is not that. This is not even close to that.

I watched this man clearing his road the other day, his piece of land.

20 units for senior citizens. Come on now.

329 parking spaces, 48 garages. The numbers are a little different to me. I don't know the new math but the old math says 329 and then there's another 48, something's not right here. These numbers keep juggling and keep changing. That's what happens with these developments. There are developments like this in other parts. I'm not going to throw names out. We only need to go to New Windsor to see a

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couple of them. This is not going to turn out well.

CHAIRMAN EWASUTYN: I think -- did you speak?

MS. SCHRAEDER: No.

CHAIRMAN EWASUTYN: I apologize.

MS. SCHRAEDER: Crystal Renee Schraeder, S-C-H-R-A-E-D-E-R. We live at 1 Maurice Lane. Put the other one up, please.

Their entrance, my house. You know what comes through here? There's four school buses starting at 6:20 in the morning. My son is special needs I adopted twelve years ago. He's on the small bus. Guess what? You've got to hope that those cars stop, because a lot of them don't. I'm not as eloquent as Mr. Stillman. I'm writing as I'm listening.

This is where I live. All this here now in the winter, beautiful. The snow, the trees, this and that. I hunt, I fish, I do all that. Okay. No impact on the wetland? My deer are gone. I don't hear my spring peepers anymore. I am a biology major, keep that in mind. There's no frogs, no snapping turtles, no

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wild turkeys running around, tapping at the tires as you're coming up Gardnertown Road.

So I've got to deal with that getting out of my driveway. You have the people coming up here. There's two blind corners. What you don't really see is not this. This is not what you really see. When they come up around this corner, this is blind, you can't see. This is blind, you can't see. Think twice about that. You could widen it, you could do whatever.

Then you want to talk about the storm drains. Our street does not have storm drains. I have brand new construction, five years. Five years. I have septic in the front. So they get to get Town sewer where I've got to get pumped out constantly. Why is that? Why is that? In the back, my neighbors down the road, they have to pump out to the back to get the water out of their basements because they're flooded. You know where it comes? Right here to me, okay. right here to Ms. Phyllis, comes across here. And there is water coming across the road. Ms. Knott, if she was here, Ms. Dottie will tell you -- okay, Ms. Dottie is here -- we are flooded.

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We thought about putting up one of those slides like on the pool so we can go up and go into the water. That's how much water we have. I have pictures. I let my builder know I wasn't happy about it. I let the Town know I wasn't happy about it. This goes back from the first storm. We moved in in July and we had the Hurricane whatever that came through. That's when I found out the real deal.

Quickly I'll go through this. I told you about my son, I told you about the buses.

Then you have the one who says oh, I think I made a wrong turn. I asked the Town before to put up a sign here and here letting them know this is basically a dead end. Don't come on our street. Don't turn in my driveway. Okay. I don't need my kid getting hit by a car while he's on his bike. My driveway is nice and long. That's my worst fear. I put up a yellow thing so they can't turn in. Guess what? They go up as far as they can and pull back out. That's my property. Someone knocked over the thing around my mailbox trying to make it look nice. My property value is going down even

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without this being built. Without this being built.

I talked about the water, the impact, the septic.

As far as putting a light down there, that is totally crazy. That is really, really crazy because now you're going to have all these people coming up and coming down. What about us trying to get out? If this is across from me, we're not going to be getting out in the morning. I don't care what time you go to work. I don't care what time you come home. This is backed up. 5:30, do your little check there. Come, you can sit at my house and watch how many cars go up and down. My husband comes off of 84, comes down Taft, he can't get out. You're trying different ways already without this being built. Without that being built. You can't even get into your own house. From 84 it takes you 25 minutes to get home. That's crazy. Think twice about this because this here is going to be a mess.

CHAIRMAN EWASUTYN: The lady in the back.

MS. BENDER: Deidre Bender, 1 Stony Run

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Road. First of all, I'd like to know how much the apartments are going for?

And you say they're like one, two, three-bedroom apartments. If you had -- there's at least 160 units. If you had only two people in them, that's 320 people. If you had three people in each unit, that would be 480 people. Four people in each unit, let's say, on the average, would be 640 extra cars, congestion.

I won't beat a dead horse with the traffic. The one traffic light, you have one going left, one going right. That's not going to do anything for us.

The sewer bond bill. I've lived here for eighteen years. It started at 75, it went down to maybe now 35, 25. I want to know how much it's going to go back up to supply that unit of housing?

I want to know who is going to move into those? How much are those rentals going for, please? Then you're going to find out how -- what kind of people are moving in.

The senior citizen complex is a joke. 20 units and we're calling it the Senior Citizen

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-- Gardnertown something something Senior Citizen. I'm surprised. When I saw 20 in our letter I was like totally shocked.

Next time we have a meeting, I got a letter but I know most of my people in my neighborhood didn't even get one. Why, I have no idea. The whole complex, this whole area from here all the way down to Price Chopper should have gotten this letter because we -- everybody should have been here instead of just us.

And really, that one light is not going to do it.

I'd like to know how much the apartments are going to go for, please?

Let's see how many people are going to go in each one of them.

MR. SCHUTZMAN: I can answer that. The economies of scale. These will be luxury apartments. It's the intention, and that's what was put into the narrative and also into the proposal, that we say market rate apartments. That's meant to designate that we'd like to get the highest value possible, and that's what goes into the construction.



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UNIDENTIFIED SPEAKER: Market rate, is that the same thing as low income?

MR. SCHUTZMAN: No. Market rate means you try to achieve the highest market value possible, what the market will bear. That's what's meant by market rate. It's not meant to be these other things.

UNIDENTIFIED SPEAKER: Lower income or middle income?

MR. SCHUTZMAN: I'm sorry. What?

UNIDENTIFIED SPEAKER: Would that be lower income or middle income?

MR. SCHUTZMAN: High income.

UNIDENTIFIED SPEAKER: Then buy houses.

UNIDENTIFIED SPEAKER: Those houses aren't designed for high income.

CHAIRMAN EWASUTYN: Pat, as far as the mailing list, how is that derived?

MR. HINES: The Town of Newburgh has a process. The assessor generates a mailing list that the applicant's representative has to mail out to. For a site plan such as this, the mailings are within a 500-foot radius of the property line. So the assessor generates that

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list and then that list is given to the applicant.

MS. BENDER: I think we can -- can we vote on this, that that is not enough? That's absolutely ridiculous.

MR. HINES: That's the regulations.

MS. BENDER: The commonsense, we have to increase that number, obviously. Like it should go -- just like the gentleman said before me, it's affected all the way to Price Chopper. It's affected all the way to this police station.

MR. HINES: In addition to the mailing list, the legal notices are posted and the property is also required to be posted, which the applicants have confirmed that the notices are -- 11 by 17 copies of the legal notices are posted on the site. That's a step above what most municipalities do. 500 feet is consistent with most municipalities. It can be changed by the Town Board, but currently the regulation is 500 feet.

MS. BENDER: Thank you.

CHAIRMAN EWASUTYN: The gentleman standing.

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MR. FARRELL: James Farrell,  
F-A-R-R-E-L-L, Stony Run Road for forty-six  
years.

I don't want to go over what a lot of  
people have said. I agree with a lot of what I  
heard tonight.

Basically I'm not in support of what  
they are doing here. Like Eric said, if it was  
going to be similar to the neighborhood we have  
in that kind of area, that would be something  
different because it will be a neighborhood  
that's the same. But this is not even close to  
the same now.

I have a question. Number one, the  
letter that I got, I did get, it says 31 acres.  
Isn't this 19.7 acres?

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

MR. HINES: That is an error in the  
letter.

MR. FARRELL: Serious. Okay. Just  
saying. Errors happen. There's an error.

MR. HINES: My office generated that  
letter and I did find tonight that that acreage

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is incorrect. It is 17.9.

MR. FARRELL: I'm just saying everybody makes mistakes. So bear that in mind.

Here's a point I'd like to make. It kind of like covers what a lot of people were saying here. I've looked a lot at the zoning. Basically I get confused by most of what I see because it's so tricky. Tricky in the sense that, you know, you change it from a subdivision, from what it was, so now you don't have to comply with the Health Department. Tricky like that.

Zoning. The purpose of zoning is to prevent overcrowding and overintense use of the land. That's in our Town Zoning Code. Preserve integrity and stability of the community and economic value of the land. Prevent and reduce traffic congestion. Promote safe, efficient circulation of pedestrian and vehicle traffic. Somebody mentioned about somebody getting hurt, killed. Sometimes I think that's me because I walk on Creek Run Road and people go by at 50 miles-an-hour and I get mad. My point to that is I have to avoid Creek Run Road.

I can tell you, with your traffic

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studies people are going to divert from or through Creek Run, Taft and what not to get to that place because they're not going to want to go down the hill to the traffic jam. They'll be coming through our neighborhood and coming through fast. One of you guys probably knows why they have a 30 mile-an-hour speed limit in residential areas. Because if you get hit at 30 you have a good chance of living. If you get hit at 40, 50, you're probably gone. That's the safety issue with the speed limits.

All right. And the other thing, the site plan review. The purpose was development and use of the land will be a harmonious relationship with existing permitted use of the contiguous land and the adjacent neighborhood. This is not that with our neighborhood. I don't mean any disrespect to the Board, I know what kind of work you guys do on behalf of the Town, but I think that these things are things that are right in the Zoning Code also, besides all of the, you know, bonuses, the triggers and stuff that can get you more heartless. I don't think that any of that is appropriate in this site, and

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I think people made good points tonight.

MR. SCHRAEDER: Steven Schraeder,  
S-C-H-R-A-E-D-E-R. I live at 1 Maurice Lane.  
I've been there five years.

We first became aware of this when we  
looked at and noticed there was an unreadable  
sign and went across with the phone to take a  
picture to see what the heck it said. 500 feet,  
I think that's us and Phyllis. You went one for  
two on that. What about everybody else? Really  
my intention was to make copies of it for the  
people, put it in people's mailboxes, but, you  
know, life gets in the way and there's other  
things to do.

I think you're talking about senior  
housing, you call it, 20 units for 160. That's a  
shell game to me, you know. Just a big con.

You're talking about the bottom of  
Gardnertown into Gidney. The bridge overpass,  
whatever, that's held together by a Band-Aid.  
They can't even do repairs on it, or they do a  
little bit here and there because where is  
everyone going to go?

The water. We're flooded constantly.

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We get flooding from up the block, we get flooding from the Town. Lots of luck. This is a mistake.

CHAIRMAN EWASUTYN: The gentleman here.

MR. CORDES: Mike Cordes, C-O-R-D-E-S. I live on 173 Gardnertown Road, about half a mile west of the site.

Obviously we didn't get a letter because we're not within 500 feet, but I happened to notice the sign. I happened to notice the sign on the site when I was running. I run a lot. Some of you might have seen me around Town. I've nearly gotten killed at the end of Creek Run Road because people come out of there and if they're making a right they don't look to the right, they look to the left because they want to get through that intersection at the end of Gardnertown.

My personal opinion is I think these improvements would not even take care of the traffic problems we have now, let alone 160 other families.

My main concern with this is about quality of life and quality of the community.

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These apartments are going to be rental units. There's going to be no people living in them that actually owns the property. I think strong communities require some ownership.

So like one of the other gentlemen said, if they were looking at building a subdivision and building houses for people to buy I would be all for. I think this is going to make a mess of our community and kill our property values.

CHAIRMAN EWASUTYN: This gentleman here.

MR. MORROW: Brian Morrow, M-O-R-R-O-W. I live at 45 Creek Run Road. I'm the first house you see when you come down Creek Run Road on the left-hand side.

Basically I'll be facing the back of that building, right at the base of it. I'll be looking up at it. I grew up in that house. I'm thirty-six years old. I bought the house from my parents. I have two young children, two young girls.

A big thought that I'm having is we have a lot of crime as it is. You're going to



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put a lot of people into this area. We have law enforcement to handle this? Are you going to add cops? Can that be answered?

CHAIRMAN EWASUTYN: Do I have the answer? I don't have the answer to that.

Would anyone have the answer to that?

(No response.)

CHAIRMAN EWASUTYN: It's a comment that we'll take down and note. We don't have an answer for that.

MR. MORROW: Just a thought I was having. I live in a beautiful area. We all do. They're all my neighbors. I've been there a long time. A lot of you have been there a long time. You're going to take away what little bit of greenage, what little bit of life we have there.

My wife was in the street with a baby deer in front of my house, trying to get it out of the road. That deer wouldn't have lasted two seconds with an extra 100 cars coming down the road. My kids are loving it. It's part of life. It's the community we live in. It's a good thing. I just feel like this would ruin it. Thank you.

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MR. PARKINSON: Leland Parkinson,  
P-A-R-K-I-N-S-O-N. I live at 83 Gardnertown Road  
which is on the north side there by the pool and  
the clubhouse. That's all nice.

I've got a couple of issues. One is  
the water drainage that we already spoke about.  
They're going to dump it into the existing  
wetland. That wetland is at the back of my house  
that I already have a problem with.

Two, the traffic situation. Anybody  
can tell you when the buses are there, between  
the hours of 3:30 -- let's say 3:30 and 6:00 at  
night I have to sit to wait to make a left-hand  
turn into my driveway, I'm the first house on  
that road, because of the traffic backed up down  
at Gidney and Gardnertown.

That bridge is horrendous. I work for  
a highway department. That bridge that's at the  
bottom there, that's got to be fixed. There's  
already an inch drop off from your yellow line to  
the white line. It's a sinkhole waiting to  
happen. Somebody is going to go in there.

Now the traffic study. I work for a  
highway department. Now unless I missed it, we

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usually use traffic counters which are rubber hoses that run across the road, or we use people that stand there with a pad. I've never seen anybody out there. I've never seen those rubber hoses there. You're going to tell me you're going to put 160 units in there and only 80 people are going to go in and out? Come on, people. Wake up.

I moved to Newburgh eleven years ago. I didn't want to move to Newburgh. My family heard I was moving to Newburgh and they went (gesturing). I said wow, wow, wow. It's in the Town. They said oh, okay, that's great. They came up, saw my property, they're like this is wonderful. You're going to dump those in there. I might as well pack up now and move to the City of Newburgh.

UNIDENTIFIED SPEAKER: You won't get the money you paid for the house.

CHAIRMAN EWASUTYN: Ken, how was traffic counted at the intersections?

MR. WERSTED: Marc will be able to explain exactly what they used. There's a variety of methods.

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MR. PETRORO: You can do it multiple ways. The tube method is actually not good for counting intersections themselves. It's only mainly to get traffic on a certain roadway in both directions. You can do it using people.

What we used for this situation is we setup camera equipment that was there. The camera was there the whole day, and it was specifically between the hours of 7 and 9 and 4 to 5. We had video in our office of the traffic situation.

UNIDENTIFIED SPEAKER: What was the count?

MR. PARKINSON: Maybe they should have moved it up in front of the town garage and saw the backup of the line of cars.

CHAIRMAN EWASUTYN: Has anyone looked at the bridge at any particular time, the road construction and the condition of the current bridge?

MR. PETRORO: I believe, Pat.

MR. HINES: The Town has a project to address that bridge. I'm working right now with a grant from DOT. It's in the process. Jim

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Osborne had mentioned that when we were at the technical work session with the highway department. That is being addressed.

MR. PARKINSON: Thank you.

MS. KANE: Catherine Kane, Martin Kane, K-A-N-E. Creek Run Road.

You were working on that bridge back a year or two ago when we had the big crash down. You decided to hire someone that would come in and take the animals away. They didn't just take them away, they killed them. I watched them trap them and kill them. Why would the Town do that?

MR. HINES: I have no idea what you're talking about.

MS. KANE: That's what they did. I called the DEC and everything about it. They didn't just take them away. They trapped them and killed them. I wanted an answer about that but I never got one.

No one likes change. We don't want this here. For one, you look at Stewart Avenue. There's a big development that went in over at Stewart Avenue. There's another one going in on the other side of the area that's developed by

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Grainger, all up in there. I mean when are we going to stop building in Orange County?

When 911 came through there was a cap that stopped because so many people were building 4 million dollar, or whatever the cost was. We put a cap on it. Where did that cap go? Why are we still building and building to take away our wetlands and our animals that's here, the greenery? The old mighty dollar. When does it stop?

So I mean we've had enough development going on in Orange County. I think it's time to stop.

CHAIRMAN EWASUTYN: Is there anyone here this evening who hasn't had the opportunity to speak?

Would you give your name and your address, the gentleman in the back.

MR. BACON: Thank you, Mr. Chairman. James Bacon, I'm the attorney for Mr. Stillman. I appreciate that the Board allowed me an opportunity to look at the site plans before the meeting. I had hoped to get an opportunity to look at the file because I had some questions.

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So my question is is the file available for our review?

CHAIRMAN EWASUTYN: If you would make a FOIL request. You left a voice message on the phone with me the other evening in reference to the information that you wanted. I did return your call, did I not?

MR. BACON: Yeah. Oh, yeah.

CHAIRMAN EWASUTYN: You called around 3:30 in the afternoon. I think that's what the message said. I'm in the office every evening. I always return calls. I returned your call. I suggested to you that you make a FOIL request. Mr. Stillman made that FOIL request the following day. So in the case of looking at the file, the same procedure is the procedure, you can make a FOIL request.

MR. BACON: All right. Do you think it might be possible to take a look at the file tomorrow or is that --

CHAIRMAN EWASUTYN: I think, again, the proper procedure to follow is to make a FOIL request. I can't go beyond that.

MR. BACON: All right. Just so I

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understand correctly, tonight is a public hearing on the amended site plan. From looking at the past minutes, I just want to understand, it appeared that the Board took a vote to re-adopt the last negative declaration on May 19th. I just wanted to make sure my understanding of that was correct. I believe that after this process, then it goes to the Town Board for them to review the compliance with the senior citizen housing provision. I just wanted to make sure I understood that correctly.

CHAIRMAN EWASUTYN: Mike Donnelly.

MR. DONNELLY: I think both of those are correct, May 19th, and it does need to go to the Town Board for the density issue. Yes.

MR. BACON: Very good. And I was wondering if a study had been done on the number of school kids that will come about as a result of the project, if that sort of came up during the meeting?

CHAIRMAN EWASUTYN: Pat, was that listed in the EAF?

MR. HINES: The number of school children are not in the EAF.



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CHAIRMAN EWASUTYN: Mike, do you want to speak on school age children?

MR. DONNELLY: We've had a number of projects and a number of instances where that issue has come up. My memory is that Townwide in the apartment complex it's 1.4, that number sticks in my head, per unit.

MR. BACON: So if I looked in the file something is probably not in the file for that?

MR. DONNELLY: Pat told you it's not in the EAF. I don't know beyond that.

MR. BACON: I do have a copy of the EAF. I appreciate getting a copy of that.

A lot of the people talked about the pesticides, the contamination on the site. Does the applicant know when a clean-up plan or how -- when that's going to be released, where a site plan might be able to be reviewed by the public about how the soil is going to be dealt with and the timing of that?

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: That is an outstanding comment I have to the applicant right now, to address that. It must be addressed. The Town,

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the Planning Board and the applicant are aware of it. It's not the entire site, if I recall back from the 2006 study. There were isolated areas where they did extensive laboratory testing of the surface soils and identified what they called hot spots at the time. Those areas are the ones to be addressed.

MR. BACON: Another question was generally when a site like this is purchased, the applicant does a phase 1 environmental review of what's contained on the site. I was wondering if the applicant had done that, and, if they had done that, if they had shared it with the Town?

MR. HINES: That has not been shared with the Town. I would assume, like you said, that they would have done that prior to purchasing the property.

MR. BACON: If I was their attorney I would have recommended it.

MR. HINES: If I was representing them I would've also.

MR. BACON: Is that something that the Town is going to request, that be turned over to them?

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CHAIRMAN EWASUTYN: Mike, is that a requirement?

MR. DONNELLY: It's not a requirement of our code. We do have an EAF. We could have asked for it as part of that. This project has been around since 2006, and almost all of those issues were handled at that time.

MR. BACON: All right. And then I noticed, looking at the two site plans, that the amount of wetlands had changed. Again without looking at the file I don't know this, but was there a supplemental wetland study that -- by a certified wetland delineator that looked at the wetland?

MR. HINES: Yes. The applicants had Mike Nowicki, who is a very reputable wetland scientist, evaluate the wetlands on the site, and that evaluation is depicted on the current plans. Those reports were submitted.

MR. BACON: In terms of the Army Corp of Engineers coming out, they didn't come out to check the --

MR. HINES: There was not a JD on this, no. Because they are not disturbing any of the

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wetlands, they weren't meeting that threshold. They chose avoidance rather than getting a permit or mitigating.

MR. BACON: With regard to Mr. Stillman, I know it's ten years ago but he had submitted a report concerning the wildlife on the site. I was wondering if there had been any follow up on that issue? Some issues were identified by Dr. Kiviat in that letter.

MR. HINES: There has been no recent work on that. In the history there has been those studies performed, the 2006 era.

MR. BACON: In terms of the bedrock on the site and, you know, there was some commentary tonight about the footings and what might happen there. Does the applicant know when they may be conducting soil borings so that the engineering department might have a better idea about where exactly the bedrock is and what that might entail to deal with it?

CHAIRMAN EWASUTYN: Jerry, what's the standard for blasting in the Town of Newburgh, if they were to blast?

MR. CANFIELD: The Town of Newburgh has

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a blasting code, it's Chapter 66 of the Municipal Code. You can look at it online. There are requirements for permitting licensing blasters and blasting permit requirements. There's hours of operation, there's also thresholds for the insurances. It's all depicted in the Chapter 66 in the Municipal Code.

MR. BACON: Again, does the applicant know when they might be conducting the soil borings --

MR. BALDINUCCI: It would be upcoming. It hasn't been done yet. It's planned.

MR. BACON: I notice in the EAF it mentioned an archeological site. I tried to find out more about that through the internet. I couldn't do that. Could the applicant explain what the archeological site was that was identified in the EAF or what type of mitigation is planned?

MR. BALDINUCCI: I don't think we indicated this is an archeological site. It's not.

MR. BACON: Where it is is in the tax map at the bottom of the EAF there's a list of

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where you have the DEC environmental mapper and you locate it. It's identified as an archeological site.

MR. BALDINUCCI: I would have to review the EAF to give you an answer.

MR. BACON: All right. And Mr. Chairman, I would say that in terms of SEQRA, obviously this Board knows what it's obligations are. We think that there's a number of potentially significant impacts here that need to be analyzed, including impacts to community character, and obviously a lot of environmental impacts. We would ask that the Board rescind the negative declaration and allow the public to have input and a broader consideration of the potential impacts of this project.

CHAIRMAN EWASUTYN: Thank you, Mr. Bacon.

Any final questions before we close the public hearing? Nick.

MR. MUSCARELLA: Nick Muscarella, Stony Run Road. This is the third time I'm here. First it was going to be condos, then we had to do a subdivision because they couldn't sell

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condos, now because they're putting apartments in. Apartments aren't going to be rented in the next couple years. Is it going to be a mall or something else? Let's be realistic. How many times can they keep changing this thing? We go through this thing every time. I'm just asking the Planning Board to take a real good look at this. With your conscience would you want this in your backyard? Thank you.

CHAIRMAN EWASUTYN: Kevin.

MR. MALKE: Earlier I made just quick comments. I didn't get into my background. I grew up on 25 Stony Run Road. I moved in there in 1990. I know Brian Morrow, I know the Farrells. I moved back when I retired from the Marine Corp medically in 2011 and decided this is the area I want to move back to because I knew this neighborhood, I knew what it was like, I knew the people that still lived there, like the Farrells, the Hatchers, the Berkowitz at the time, the Vanstrandens. I know all these people.

I have a four year old daughter and a one year old son and I live right on the corner of North Dix and Taft Avenue. The traffic study,

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it looked at that intersection. I didn't hear anybody reference the amount of traffic. I don't know about any of you guys, when I get off coming off 84, either I'm coming up from the city or I'm coming 84 from the east, I get off exit 8 because if I go to exit 10 I'll never get off it. If I'm coming west I get off exit 8 because I'll never get off at exit 10 to get to my house. So I come up Taft Avenue. I live right on the corner with two young kids. If we're going to have 160 more vehicles or 160 more apartments, all those vehicles flying up Taft Avenue that currently go around 50 miles-an-hour past my house. Not only that, God forbid something happens to one of my children, or the children playing in the neighborhood across the road, or the type of people that would move in there, 80 something. You have three -- was it 8 three-bedroom apartments? Obviously it's not family oriented. It's more somebody with a roommate or somebody living by themselves. God forbid if something were to happen to my children based upon the transient status of an apartment complex where people aren't there long term, it's in and out,



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the kind of people -- you know, I don't know what kind of background checks get done on an apartment complex like that. God forbid something happens to my kid, Brian's kid, somebody's kids. This is really not just a safety issue just for traffic, it's a safety issue for my family, my children, the future of this Town. These are the kids that are going to grow up and take over this Town.

To bring this kind of thing in here, especially the zoning issues that Mr. Farrell brought up, I really think that -- I came into this place, I just wanted to know what was going on because I didn't really have an opinion one way or another. Just listening to the concerns, I don't see any way I could be in any way, shape or form comfortable with this complex going in in my backyard.

CHAIRMAN EWASUTYN: This gentleman hasn't spoken.

MR. LITTLE: Maurice Little, I live on 21 Blue Jay Drive. I don't know if it was about a year ago they had a culvert replacement they were saying for Gidney and Gardnertown in my

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backyard. They put some stakes out and were doing surveying or whatever. I wanted to know, was that part of this development doing that culvert replacement?

MR. HINES: I don't know the answer.

CHAIRMAN EWASUTYN: I don't have the answer.

MR. LITTLE: Anyway, when I bought this house fifteen years ago I bought it with the intentions of like the neighborhood, just homes. I didn't want to see a development. I came from the Bronx and I lived on the 21st floor. So I'm trying to get away from that and raise my family. I don't want no trouble.

160 -- what was it, allotted for like 106 originally? We don't want to see the 106, we don't want to see the 160, because we're worried about the safety.

There's going to be violence. Once you bring in more people in a development like that you're going to have problems. They don't want to say if it's Section 8 or not but we know Section 8 is going to be in there. With Section 8, let's face it, there's going to be problems.

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This is our neighborhood that we live in. We don't want that.

I'm a retired NYPD officer as well. If somebody comes around my way, God forbid them.

Listening to everybody speak, we're concerned and we oppose this. We don't need this development.

I was going to move in another place and when I saw the development near the home I didn't take it. That's why we oppose it. We just oppose it.

CHAIRMAN EWASUTYN: Dan.

MR. JONES: I just want to say again -- I just want to reference on the fact of the note being sent out to 500 feet away. To me, I know that's -- with all due respect, that was what was in the guidelines, but if we would have all been notified about this in 2006, we probably wouldn't be here today even talking about this development because obviously the people that love this development and live around the area that we're talking about do not want this and do not appreciate what's going on here. With all due respect, I do believe that the 500 feet has to be

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analyzed and expanded a lot further than 500 feet. I know I didn't get no letter. I didn't see a letter and I read every piece of mail I get and I keep everything I get if I need.

With that being said, as far as the signs go, I drive down Creek Run Road all the time to go shopping at Price Chopper, go over to McDonald's, up to North Plank Road or whatever the case may be. I only saw these signs a couple days ago. That's the only reason why I'm here. I found out a couple days ago. Not a couple of years ago or not ten years ago. So that is, with all due respect, ridiculous. Once again, if everybody would have been informed about this back in 2006, which I didn't know anything about, and I know the people that I talked to that are here, I'm not going to mention any names, they didn't hear anything about it, we would have been having this conversation back in 2006 and, once again, we would have all opposed it because obviously that's the general consensus here. Nobody wants this.

I agree with both gentlemen that came from the Bronx. If I wanted to live in the Bronx

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I would have moved to the Bronx. Once again, I bought a house in a residential housing community because I want to live in a residential housing community, not a residential apartment community. If I wanted to live in an apartment area I would have went and got an apartment. I agree with the gentleman that said so. It's going to do nothing but have a disastrous impact on everybody in this area. Not even just in this area, even up the road on North Plank going towards 300. The traffic is horrendous. Horrendous.

And once again, they did a minor study on the end of Gardnertown and Gidney but they did nothing showing anything about Creek Run, they showed nothing going further up Gardnertown, they showed nothing going past McDonald's going up North Plank. Just drive it Monday through Friday a couple times and then you'll see exactly what I'm talking about. I moved here seventeen years ago. It used to take two minutes to get there. Now it takes, like the one gentleman said, twenty, and it's two miles away. Really I could walk there faster than I can drive there sometimes. But I can't carry all my groceries

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home walking.

With that being said, once again if I would have known about this in 2006, or even in 2010 for that matter, like I am now, I strongly oppose this. Once again, it's going to kill the value of our houses. They can sit there and say they're going to be high luxury apartments if they want, and I'm fine with that. Who is kidding who? If people had the money they're going to buy a nice house, they're not going to buy a nice apartment.

CHAIRMAN EWASUTYN: We're ready to close the public hearing. Is there anyone here this evening that hasn't spoken?

This gentleman here.

MR. DEBERRY: It's not so much a question. My name is Bob Deberry, I live on Maurice Lane.

I wanted to point out that the development behind Maurice Lane, Gardnertown Ridge, Gardiner Ridge, the acreage determined the number of units that were on that site. I think they were approved at the time for 121. This one here has got less acreage than that site and they

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are pushing for approval on 160. I would like to know how that works. Not I would like to know. I want to point out I think that's something that should be looked into. If the square footage of the property determines the number of units, why is the one with the smaller square footage capable of sustaining more houses?

CHAIRMAN EWASUTYN: Pat.

MR. HINES: The Town Code requires that environmentally constrained property, steep slopes, wetlands and floodplains, be deducted and are not allowed to be utilized. The situation that you just mentioned, that site had slopes in excess of 25 percent. It had floodplain areas associated with the stream and had some wetland areas that were also deducted. That's the reason the unit count is different when the lot size is larger.

MR. DEBERRY: Okay. The other thing was in regard to the traffic study, I know they did the counts, but is the terrain, the change in grade along Gardnertown taken into consideration as well?

When you travel eastward on Gardnertown

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Road towards Gidney, you come down a steep hill. My wife was involved in an accident at the end of Taft. I've seen countless other cars involved in accidents. If you increase the amount of traffic, I just think the topography needs to play an important part in that as well, not just the number of cars.

MR. WERSTED: The grades are factored in to the analyses. It does play a role in the study.

MR. DEBERRY: They talked about on-site stone. With respect anything related to off site. Everybody was complaining about flooding conditions along Gardnertown. There's a natural berm along the edge of the property now, along Gardnertown, that holds the water back, on site or off site. I would think if they're going to make improvements to this and create a landscape buffer, they're going to create more of a berm. The only way water is going to travel to and from the site would be the entrance road itself. I don't see anything on these drawings about off-site drainage. I think that should be something that should be considered as well.



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MR. HINES: Their stormwater report addresses the drainage from the site. We heard comments and we're going to investigate the Maurice drain culvert. That water drains from those areas onto the site. We're going to make sure that those culverts are adequate to convey that water through. Maybe there could be an issue. We're going to take a look at that based on the comments we heard.

MR. DEBERRY: Probably diagonally across from the town highway department entrance somebody excavated to get water to flow off Gardnertown Road. I don't know who did it, if the Town did or a private owner did. Somebody excavated it to get that water to flow. I just see if they do the landscape berm there it's going to fill back in.

MR. HINES: The landscape buffer they're talking about is the naturally occurring vegetation.

MR. DEBERRY: Not a berm that's built up?

MR. HINES: It's an attempt to preserve the natural materials.

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MR. DEBERRY: On-site lighting around the loop roads inside this development, is it going to be lit up like the Price Chopper parking lot?

MR. HINES: The Town has lighting standards. It's pedestrian style lighting. They're required to have 16 foot or lower. It's not the Price Chopper lights. The Town has design guidelines that they're required to meet. A project of this type will have pedestrian scale lighting.

MR. DEBERRY: The detention pond at the lower end, which is pretty much adjacent to Creek Run Road, they talk about piping the water down to an existing culvert. That has got to be a small culvert.

MR. HINES: That culvert is proposed to be upsized during this project --

MR. DEBERRY: Upsized.

MR. HINES: -- by the applicant.

MR. DEBERRY: I'll sit.

CHAIRMAN EWASUTYN: I'm about ready to close --

MS. SCHRAEDER: Can I say one thing?

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CHAIRMAN EWASUTYN: Sure.

MS. SCHRAEDER: Are they still doing The Loop across the street from the Newburgh Mall? I think that fell through; right? Why can't they take that over to The Loop and they can have all the space they want.

CHAIRMAN EWASUTYN: Okay.

MS. SCHRAEDER: It's already cleared out. It's already cleared out.

CHAIRMAN EWASUTYN: I don't think you had a chance to speak.

MR. GRANT: Jim Grant, 1 Dusty Road. I think there's more cons against this project than there are pros. Use your heads, guys. Nobody wants it. It's more cons against this damn thing. I think you should just let it go.

MS. BLOOMER: Celeste Bloomer, I live on 66 Winona Avenue, so obviously I didn't get a note. Thanks to whoever put up the signs to come here tonight.

I think when you look at your traffic study again, please consider Fifth Avenue and Winona Avenue. We are cut throughs. They go 60, 70, 80 miles-an-hour. You take your life in your

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hands getting your mail. If anything ever happens on Gardnertown Road, forget it. We can not cross the street.

Comments were made about the rock. It sort of scared me a little bit that you didn't know too much about the rock. I've been moving rocks for over forty years. Anybody that comes to my house knows there's rock. There's rock in the basement. There will be blasting.

And someone mentioned the police covering it. How are the volunteer firemen going to cover this? I mean, really, that's an issue. We may have to have paid firemen now. It's something to think about.

CHAIRMAN EWASUTYN: At this point I'm going to -- I thank the public. I'm going to turn the meeting over to the Planning Board Members before we close the hearing.

We'll start with Frank Galli.

MR. GALLI: I think we heard all of your concerns and comments and we'll take them into consideration.

Personally I do live in the neighborhood. I've been there quite awhile,

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thirty-five years. I know your concerns and stuff. We'll take them into consideration and see what's going to happen.

CHAIRMAN EWASUTYN: Ken.

MR. MENNERICH: I appreciate everybody's comments. Many of the items we heard were repeated, so those are the items we're going to have to focus on.

CHAIRMAN EWASUTYN: Dave Dominick.

MR. DOMINICK: Thank you for coming out tonight. It just shows how strong your community is and your neighborhood. We appreciate that.

What you said tonight was very valuable. We're definitely going to take that into consideration. You raised a lot of good points.

Just curious, how many people live on Gardnertown Road?

(Showing of hands.)

MR. DOMINICK: How many on Maurice Lane?

(Showing of hands.)

MR. DOMINICK: Creek Run?

(Showing of hands.)

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MR. DOMINICK: Elsewhere?

(Showing of hands.)

CHAIRMAN EWASUTYN: John Ward.

MR. WARD: I'm a Town of Newburgh resident, I've been there in your shoes. I know what it is. We're here to establish for the Town of Newburgh, no matter what it is. We hear the issues about the traffic. We know that.

Another thing that wasn't established is pull off for school buses. With other projects we've had situations for children, you have gazebos or something for safety for the children.

Other issues, like the bridge. Like Pat said, you could look into maybe widening the road there. No matter what the situation, that is narrow when the traffic backs up, whether the project is there or not. So that's the way I feel.

CHAIRMAN EWASUTYN: Any final comments from our consultants? Ken Wersted, Traffic Consultant?

MR. WERSTED: No. I think the residents gave us a lot of good info to go about some of

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the other areas that may be seeing more cut-through traffic than anybody anticipated or obviously desires. We'll have to look into and talk with the police to see if they have any issues that they've raised, and with the town engineer to see if they have any issues.

CHAIRMAN EWASUTYN: Pat Hines, Planning Consultant and Drainage Consultant.

MR. HINES: We'll be following up on the drainage issues.

We would like to get a handle on the blasting of the rock on the site, and most likely task the applicant with providing us with test borings as appropriate.

We'll follow up on the rest of the issues that I took notes on. I'll probably be getting a hold of some of the residents. Maurice Drive, Mr. Muscarella, we'll get a hold of you and take a look.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance.

MR. CANFIELD: Just one comment. With respect to the volunteer fire department coverage, the drawings have been sent to the

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jurisdictional fire department, which is the Goodwill Fire Department. They have made some comments with respect to accessibility internally in the site which the traffic consultants are reviewing.

UNIDENTIFIED SPEAKER: I meant the number of people. They're always looking for volunteers.

MR. CANFIELD: That's why we send them the projects, so they're aware of anything that's coming. Any concerns they have we expect that they bring to us.

CHAIRMAN EWASUTYN: Mike Donnelly, Planning Board Attorney.

MR. DONNELLY: Nothing.

CHAIRMAN EWASUTYN: The point we are in the process now?

MR. DONNELLY: You need the follow-up information, the Town Board has to act, so you can't take any action tonight.

CHAIRMAN EWASUTYN: At this point I'll move for a motion to close the public hearing on Gardnertown Commons.

MR. GALLI: So moved.



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CHAIRMAN EWASUTYN: I have a motion by Frank Galli. Do I have a second?

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Thank you.

(Time noted: 9:14 p.m.)

(Time resumed: 9:18 p.m.)

MR. HINES: I provided the Board earlier this week with a SEQRA consistency determination document for the project that was just before us, the Gardnertown Commons. Myself and Mike Donnelly would suggest the Board adopt that as the written narrative for the SEQRA consistency following up on the negative dec that was done in 2006, again in 2010 and now on May 19th of this year.

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MR. DONNELLY: You're ratifying what you already determined on May 19th.

CHAIRMAN EWASUTYN: I'll move for a motion to accept the consistency determination agreement presented by Mike Donnelly for the Gardnertown Commons.

MR. GALLI: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion --

MR. MENNERICH: Discussion. In light of what we heard tonight, is it the appropriate time to do that?

MR. DONNELLY: Well, you may. If you feel the answers to some of these questions result in your rescinding it later you can. However, you did find it in May and you shouldn't leave it open. If you're more inclined not to take action -- this is just the written version of what your conclusion was.

MR. HINES: If during the investigation of the comments the Board feels there was a substantive change that would warrant re-opening SEQRA, you always have that ability.

MR. MENNERICH: Okay.

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CHAIRMAN EWASUTYN: We have a motion by Frank Galli, a second by Dave Dominick. We had discussion. Any further discussion?

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

Any additional business?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to close the Planning Board meeting of the 16th of June.

MR. GALLI: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

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MR. MENNERICH: Aye.  
MR. DOMINICK: Aye.  
MR. WARD: Aye.  
CHAIRMAN EWASUTYN: Aye.  
(Time noted: 9:30 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 30th day of June 2016.

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

RESTAURANT DEPOT  
(2015-33)

Field Change

----- X

BOARD BUSINESS

Date: June 16, 2016  
Time: 9:16 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

----- X

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

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CHAIRMAN EWASUTYN: Pat, you wanted to memorialize the changes for Restaurant Depot.

MR. HINES: At the work session I showed the Board a set of plans that is last revised, looks like June 10th of this year.

Restaurant Depot, which is under construction, have come up with a site plan modification whereby they want to eliminate the two-and-a-half foot to three-foot high segmented block retaining wall that was located between their project and the New York State Thruway ramp. During the valued engineered construction portion of it they felt that the stormwater is all directed to that segmented block wall and it would be better to grade that wall out and install a rip-rap slope in that area to allow the water to sheet flow rather than concentrate it over the wall. We think it's a good change. I showed the Board at work session and we would recommend that be approved as a field change based on the plan submitted by Larry Marshall's office.

MR. GALLI: I'll make a motion.

MR. MENNERICH: Second.

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CHAIRMAN EWASUTYN: I have a motion by Frank Galli, I have a second by Ken Mennerich to consider this to be a field change.

I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself aye. So carried.

(Time noted: 9:18 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 30th day of June 2016.

*Michelle Conero*

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MICHELLE CONERO