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

----- X
In the Matter of

LONGVIEW FARMS
(2006-39)

Lattintown Road at Holmes Road
Section 20; Block 1; Lots 1 & 3.35
AR Zone

----- X

EXTENSION REQUEST

Date: September 3, 2020
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: THOMAS M. DEPUY

----- X

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

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CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. We'd like to welcome you to
the Town of Newburgh Planning Board meeting of
the 3rd of September. We have five items of
business and one Board business discussion.

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

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. WARD: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MS. DeLUCA: Present.

MR. CORDISCO: Dominic Cordisco,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Town of
Newburgh.

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

CHAIRMAN EWASUTYN: Thank you. At this

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point we'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the
Pledge.

(Pledge of Allegiance.)

MR. WARD: Please turn off your phones
or put them on vibrate.

CHAIRMAN EWASUTYN: Our first item of
business this evening is Longview Farms. They're
asking for an extension request. It's located on
Lattintown Road and Holmes Road. It's in an AR
Zoning District. It's being represented by Tom
Depuy.

MR. DEPUY: Yes. We're back in front of
the Board to ask for another extension. We're
down to one final legal issue, which there was --
Care Corporation has filed bankruptcy. That's
coming through the courts. At that time Mr.
Hankins, who owns the rest of the land, has the
mortgage on it, he will foreclose on it and that
will finally get the title cleared for him so we
can finish the project.

I thought we were close. I sent you an
e-mail asking about how many copies to submit and
everything. It got held up. We're hoping to be

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LONGVIEW FARMS

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submitting in for final approval.

CHAIRMAN EWASUTYN: Tom, it's been such a long time. Some Board Members are new. How many lots will then be available once --

MR. DEPUY: I believe it's 27 when we're done.

Like we had agreed to before, once we come back in front of you, we'll have another public hearing because it's been so long that, you know, we'll get the mailings out and everything and have another public hearing.

CHAIRMAN EWASUTYN: Pat Hines, do you want to speak to us on this?

MR. HINES: No. They've been pursuing the extensions all along. We're all aware of the legal issues that were involved. I think once those are complete, they'll be able to move forward.

CHAIRMAN EWASUTYN: Jerry Canfield, do you have anything to add?

MR. CANFIELD: No. Nothing additional.

CHAIRMAN EWASUTYN: Dominic Cordisco?

MR. CORDISCO: Just to clarify, if I may. If I understand you correctly, there's

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LONGVIEW FARMS

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essentially two proceedings that are outstanding. One would be the bankruptcy and then there would be the foreclosure?

MR. DEPUY: The foreclosure. Yes.

MR. CORDISCO: So the foreclosure hasn't happened yet and can't happen until the bankruptcy has concluded?

MR. DEPUY: Yes.

MR. CORDISCO: Understood. So that will be some additional time.

MR. DEPUY: Yes.

CHAIRMAN EWASUTYN: Board Members, any comments?

MR. GALLI: No additional.

MR. WARD: No additional.

CHAIRMAN EWASUTYN: Would someone move for a motion to grant the six-month extension for Longview Farms?

MR. GALLI: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

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LONGVIEW FARMS

MR. MENNERICH: Aye.

MR. EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Dominic, you'll prepare a resolution so we'll have that for our record?

MR. CORDISCO: Yes.

MR. DEPUY: 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 13th day of September 2020.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

TRINITY SQUARE
(2006-52)

Route 52
Section 60; Block 2; Lot 4.1
B Zone

----- X

EXTENSION REQUEST

Date: September 3, 2020
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
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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TRINITY SQUARE

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CHAIRMAN EWASUTYN: Our second item of business is Trinity Square. It's also here tonight for an extension request. It's located on Route 52. It's in the B Zone. It's being represented by Darren Doce of Vincent J. Doce Associates.

MR. DOCE: Good evening. My name is Darren Doce and I'm here to request another extension for the Trinity Square project.

This project is a 10,919 square foot retail/office building. It was approved as seven units. One of the units has a drive-through. It's located on Route 52 just in front of the Storage Stop site. It's going to share an access with the Storage Stop parcel.

It was approved in 2007. In 2010 we surrendered the conditional final and went back to preliminary. Since that time the applicant has appeared periodically to request extensions.

I have Joseph with me today. He's the applicant.

CHAIRMAN EWASUTYN: Do you have anything to say at this point?

MR. COCCHI: This was a piece of land

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that we bought with our parents. The money our parents worked very hard for. We've been paying the taxes because when we were ready to break ground, the economy had gotten so bad that everybody told us that we have to wait. Now in our seventies we're kind of afraid to do it ourselves, so we have it -- we have it with a realtor who has two different clients that are interested. One is waiting to sell a piece of his property. We won't be able to do it without the approvals. Even though we took a big loss, you know, we just feel that our parents' work was in vain with the money they left us if we just make it go down the tubes. We've been struggling to pay the taxes. To finally at least get a buyer who will take the approvals and do what we had originally planned to do. That's about it.

CHAIRMAN EWASUTYN: There may be some minor updating to the site plan --

MR. COCCHI: Sure.

CHAIRMAN EWASUTYN: -- based upon today's requirements.

MR. COCCHI: I'm aware of that. Yes.

CHAIRMAN EWASUTYN: Comments from Board

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TRINITY SQUARE

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Members?

MR. GALLI: No additional.

MR. MENNERICH: None.

MR. WARD: No.

MR. DOMINICK: Nothing.

CHAIRMAN EWASUTYN: All right. Would someone make a motion to grant a six-month extension for Trinity Square located on Route 52?

MS. DeLUCA: So moved.

MR. BROWNE: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Motion carried.

MR. COCCHI: Thank you, guys.

CHAIRMAN EWASUTYN: I wish you all the

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TRINITY SQUARE

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best.

(Time noted: 7:07 p.m.)

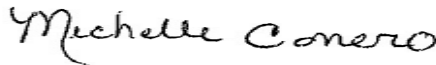
C E R T I F I C A T I O N

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 13th day of September 2020.



MICHELLE CONERO

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

----- X
In the Matter of

GARDNER RIDGE
(2002-29)

Gardnertown Road near Gidney Avenue
Section 75; Block 1; Lot 4.12
R-3 Zone

----- X

SITE PLAN - MODIFIED ACCESS

Date: September 3, 2020
Time: 7:08 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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CHAIRMAN EWASUTYN: Item number 3 this evening is Gardner Ridge. It's located on Gardnertown Road near Gidney Avenue. It's a modified access for the site plan. The site plan was first before us in 2002. It's in an R-3 Zone. It's being represented by Darren Doce again with Doce Associates.

MR. DOCE: When we last appeared the project access was going to be off of North Plank Road, adjacent to -- opposite Chestnut Lane. Through the WPA -- there was an easement they were going to receive from WPA. Since that time we've gone back to Central Hudson to see -- to reaffirm that they would honor their previous approval of an access crossing their Central Hudson gas easement. They refused to honor that past agreement. Also, WP Acquisition, where we have the easement through their property, has refused to file a right-of-way, the right-of-way that we received to access the parcel, which is sort of forcing us now back to -- the parcel has frontage along Gardnertown Road. It's forcing our access back to Gardnertown Road.

We met Phil Grealy at the site. He's

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the Traffic Consultant for the project. We discussed an access point which would include realigning Creek Run Road to a 90 degree at Gardnertown Road, some widening of Gardnertown Road in that area to provide some turning lanes, and then clearing along both sides of Gardnertown Road to the west to provide the required sight distances.

I realize this is just like a picture or a concept of what we want to do. With the Planning Board's okay, we will proceed with engineering plans of the roadway improvements, updating the traffic study, and then there will be some minor revisions to the engineering on site to accommodate the new access road.

The internal site is going to remain the same. There will be minor changes due to the road going in. The stormwater might have to be modified, which is located east of the access road.

I have Phil Grealy with me tonight if there are any questions that he could answer.

But like I said, this is a picture. We're going to provide the full engineering,

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submit it so that we can proceed to -- toward a public hearing.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

MR. WARD: With the roadway going there, it's cutting through -- you're going to need a lot of retaining wall all the way through.

MR. DOCE: Yeah. We're following the contour. We will need a slight retaining wall I think along this south side of the roadway. This is the only frontage to the parcel. We can't get through the way we had previously planned because the people aren't honoring the past agreements that we had worked out with them.

MR. BROWNE: Darren, going forward I'd like to see how you're going to improve that old entrance that you were planning to use on 32. Right now it's a real eyesore. We had comments over the years about how bad that area is. I'd like to see some kind of rendering on that as you go forward.

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MR. DOCE: We don't have control over that parcel. That's WPA's parcel.

MR. BROWNE: Son of a gun.

MR. DOCE: We had an easement worked out with them to access through there. We were going to improve it, but --

MR. BROWNE: In that case, good luck.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: I guess the only concern I have too was as you were talking about the entrance onto Gardnertown Road and the site, how you're remediating that. What are you going to do with that as far as going up -- continuing up the hill? Can you explain that a little bit?

CHAIRMAN EWASUTYN: Darren, why don't we introduce Phil Grealy. Phil Grealy is the traffic consultant for the project. Dr. Grealy.

DR. GREALY: Good evening, Mr. Chairman, Members of the Board. Good to see everyone. Philip Grealy, Maser Consulting.

We have a little history with this property. The original traffic study was done back in 2002. It was updated in 2016. Darren has given you all the background on why we are where

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we are.

Specific to your question on sight distance; as part of this, and again this has to be engineered further in terms of profiles, and site lines, and clearing limits. But for the realignment of Creek Road, so you're not looking back over your shoulder trying to look at people coming down the hill, you will come in at a 90-degree angle. This is all Town right-of-way in here, so there will be clearing of trees and vegetation to get a sight line. The sight distance coming out of the project will also require some clearing and grading. This section of Gardnertown Road will be widened. As you're approaching the signal today, you know how you have two lanes approaching the signal? That two-lane section will extend back through this intersection. There will be a provision of a short left-turn lane for people turning onto Creek. And then coming down the hill there would be a left-turn lane to turn into the project.

The clearing for the sight distance. If you know about where the emergency gate is to the current apartments there, so we have to have

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sight distance all the way back to that point. In order to do that there will be clearing along the edge of the roadway here and along this section here.

MS. DeLUCA: Okay.

DR. GREALY: The roadway will be widened. It will probably be widened a little bit on both sides because we have to cut on this side and we have to fill on this side. To get that third lane, you're basically adding about eleven to twelve foot of width.

MS. DeLUCA: Thank you.

MR. GALLI: You have to move the utility poles and everything?

DR. GREALY: Yeah. Not all of them but there are some that will have to be relocated. We're trying to position this so we can kind of work around some of those. With the grading that has to be done in this area, your elevation of the whole profile here is going to come up to meet grade. So yes.

MR. GALLI: That's Town property that Creek Run Road is going to straighten out into or --

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DR. GREALY: Yeah. It's my understanding --

MR. GALLI: It doesn't belong to the apartments?

DR. GREALY: No. We surveyed that and I believe the outcome was that the Town right-of-way is actually pretty wide right through there. It was probably because of the grading that was done with the original road construction, which we're going to have to modify that. There is room to work in there. And then the widening and the work on our side of course is all along our frontage. We control that.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Phil, just tapering off of what Stephanie said. When you talk about widening, I believe on the west side you have marshy land and so forth, and then on the eastern side you have pretty heavily wooded brush, high elevation. That's where you're going to bring in and widen those two lanes coming from Gardnertown into Gidney or vice versa?

DR. GREALY: Well say coming down the hill, as you're coming down, before you get to

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Creek, we'll widen in round numbers roughly six feet on either side of the roadway. So there will be some grading. There will be some filling along the right side of the road as you're coming down the hill. There will be some cut on the left side of the road to get that extra width. Then when we get down to the intersection, you're basically going to match into the three-lane section that exists from Creek Road up to the signal today. So if you look at that cross section, you're basically carrying that cross section back up the hill and then you have to taper back. So there will be some widening basically through this entire stretch. It will go from a couple of feet widening to a full lane widening because it has to taper.

MR. DOMINICK: And it's a tight snake, so to speak, in that area.

DR. GREALY: Right.

MR. DOMINICK: Okay. Thank you.
That's all I have.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: I have nothing additional on the concept plan.

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CHAIRMAN EWASUTYN: Just for conversation, to refresh the concept before us this evening would be how many one-bedroom units, and how many two-bedroom units, and how many senior units?

MR. DOCE: Senior units, 36. 108 non-senior units for a total of 144 units. The one bedrooms would be 36 one bedrooms out of that 108, and the remainder would be two bedrooms.

CHAIRMAN EWASUTYN: Thank you.
Pat Hines?

MR. HINES: We took a look at the concept plan and had some comments.

The first comment has to do with the change in the access location from Route 32 to Gardnertown Road. We're looking for the sight distance, as well as Ken Wersted had comments regarding that. He identified the need for a grading plan. The access road is coming out in close vicinity to the 100-year floodplain, so that will have to be addressed with any grading in there.

A floodplain development permit would be required.

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Grading of the emergency access road also needs to be taken into account. It's very steep at the location of that. I don't believe that's changing. It was always in that vicinity. It moved a little bit up the hill.

MR. DOCE: No. That's remaining in the same spot. The grading is as per Tom's original plan that was submitted a few years ago.

MR. HINES: So our next comment had to do with explaining why the loss of the access to the State highway, which was done regarding the agreements.

The previous plans had water and sewer running out to North Plank Road. There will be revisions needed to the entire plan for water and sewer. I'm assuming those are going to go out down the access road and in. We'll need to review those as well. There may be a need to loop the water main. I don't know if there's a pressure difference issue there. We'll take a look at those detailed plans.

These plans don't show it so clearly, but the widening -- the Town, as you may be aware, is replacing the, I'll say, culvert but

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maybe bridge over Gidneytown Creek. I want to make sure you take a look at those plans, too. They're fairly well defined and they've been bid, so that project is going to be constructed relatively soon. That needs to be taken into account with the widening.

We just noted that the stormwater ponds were in the vicinity of the access road previously. I don't know if you're further west of them.

MR. DOCE: We're just to the west.

Yeah.

MR. HINES: Those are the comments we had.

Ken Wersted had some comments as well. He was looking for the sight distances, an updated traffic analysis to identify the impacts associated with the relocated driveway, and then a grading profile at the revised intersection.

You did mention that it is controlled by the Town, not private property. We'll be looking for a survey map that shows that actually being the case.

The Planning Board will take a look at

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-- they were preserving that land when
Gardnertown Commons was built to provide that
buffer. The impacts of that clearing will have to
be addressed as well.

CHAIRMAN EWASUTYN: A question came up
during the work session. Eventually you'll need
the Town Board's approval for the senior units.

MR. DOCE: Right. We were before them
but they can't finalize it until we have a neg
dec.

CHAIRMAN EWASUTYN: Dominic, do you
have anything to add?

MR. HINES: The project had, at one
point, a negative dec.

MR. DOCE: Maybe the previous project
but not this one.

MR. HINES: There may be a need for a
SEQRA consistency review. I remember this went to
public hearing because we heard from the folks on
Maurice Drive eight or ten years ago.

MR. DOCE: Yeah.

MR. HINES: We'll have to take a look
at those impacts. Certainly that neg dec may need
to be updated based on the scope of the changes.

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MR. CORDISCO: In connection with that, Mr. Chairman, as far as SEQRA is concerned, and given the fact there was a prior neg dec, and of course as Dr. Grealy had mentioned a traffic study going back to 2002, when I did not have any gray hair and was a young attorney working at DEC.

CHAIRMAN EWASUTYN: I think he said it was revised in 2016.

MR. CORDISCO: Yes, that's correct. But with the change in access now, as well as any other changes to the project, and also how they compare to what was previously evaluated but not constructed. I think where I was going is it would be helpful I think for the Board if there was some comparative analysis of what was previously evaluated and was the basis for the negative declaration and what is currently proposed, and any updates as necessary. Often times that could be presented in a chart form so you go by impact. You go by water, sewer, traffic and you break it down and show what was previously evaluated and what is being proposed now. That allows the Board to evaluate and

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decide whether or not there is anything that's significant or things that require further review at that time. It provides a concise document for not only the Board to consider but the public to consider as well. As you mentioned, likely an additional public hearing as a result of not only the time elapsing but the significance of these changes that are being proposed.

That's my recommendation, Mr. Chairman. I think it would be helpful for the Board's processing in consideration under SEQRA to evaluate the changes and the updates. Some things may be out of date. For instance, in 2002 and in subsequent years there were -- you know, Indiana Bats was not an endangered species. Indiana Bats are now an endangered species. Now it would be a failure on the Board's part not to consider potential significant environmental impacts to things of that nature, you know, that were not looked at before but should be looked at now.

MR. DOCE: Okay.

CHAIRMAN EWASUTYN: Would someone make a motion to approve the concept for the modified access for Gardner Ridge?

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MR. DOMINICK: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick. Second by Cliff Browne. Can I have a roll call vote starting with Frank Galli?

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Dominic, for the record can we have a record that we could put in the file the Board agreed with the modification of the access drive? A resolution?

MR. CORDISCO: A resolution granting concept approval. Yes, sir.

CHAIRMAN EWASUTYN: Thank you.

MR. DOCE: Thank you.

(Time noted: 7:24 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of September 2020.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

BUILDING BLOCKS CHILDCARE CENTER EXPANSION
(2020-10)

248 Lakeside Road
Section 51; Block 10; Lot 11.1
B Zone

----- X

AMENDED SITE PLAN

Date: September 3, 2020
Time: 7:24 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ASHLEY TORRE

----- X

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

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CHAIRMAN EWASUTYN: Our fourth item of business this evening is Building Blocks Childcare Center Expansion. It's an amended site plan. It's located on 248 Lakeside Road in a B Zone. Ashley Torre, Esquire is representing the applicant.

MS. TORRE: Good evening. So we had submitted, since the last time we were before you, an amended plan. What we did was add some pavers around the building that's going to be converted into the childcare use.

We also have noted that the handicap signs would be fixed and all of the concrete yield stops in the parking will be replaced with new ones. I know that was something the Board asked for as well.

We did receive the Orange County Department of Planning response back that it was a Local determination.

Unless there's any questions, anything you want to go over, we would ask for the Board to consider approval tonight.

CHAIRMAN EWASUTYN: Pat Hines, do you want to bring us along, please?

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MR. HINES: Sure. My first comment stated that the Orange County Planning comments were required. We did receive those with a Local determination.

I concur with the applicant's representative that the changes that were requested have been made.

I'll defer to Dominic, but I believe it's a Type 2 action under SEQRA.

You previously waived the public hearing, so the Board would be in a position to take action.

CHAIRMAN EWASUTYN: Dominic?

MR. CORDISCO: That's correct. The Board would be in a position to grant approval tonight if you don't have any additional concerns or comments. I'm not aware of any special conditions that would apply to this existing structure. I'm not even sure if there would be a landscaping requirement because I'm not aware of anything --

MR. HINES: This doesn't meet that threshold. There are no outstanding conditions. I have no other technical comments. There's no

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landscaping, stormwater.

MR. CORDISCO: There are no outstanding comments. Apart from paying the required fees, there would be no special conditions.

MR. HINES: We usually have that one that says you can only build what's shown on the plans. In this case it's 90 percent built -- 99 percent built.

MR. CORDISCO: Yes. And that the use would be limited to the uses described in the application. That's part of the standard site plan approval resolution.

CHAIRMAN EWASUTYN: Any further comments from the Board Members?

MR. GALLI: No.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Jerry Canfield, your office has been reviewing the upgrades to what was a garage and now will be used --

MR. CANFIELD: Yes. At the last meeting I brought to the applicant's representative's attention some of the code requirements in the building permit process that will need to be addressed.

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I also spoke with the owner who is here this evening as well. They're agreeable. They've already started working on those items. We have nothing additional.

CHAIRMAN EWASUTYN: Dominic, would you give us conditions for approval for Building Blocks Childcare Center?

MR. CORDISCO: Yes, Mr. Chairman. The conditions would be that the use would be consistent with the application only and that the fees be paid prior to the site plan being signed by the Chairman.

CHAIRMAN EWASUTYN: Would someone make a motion to approve the Building Blocks Childcare Center amended site plan?

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: John Ward, was that?

MR. WARD: Yes.

CHAIRMAN EWASUTYN: I have a motion by John Ward. A second by Frank Galli. Can I have a roll call vote starting with Dave Dominick in the back.

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MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. BROWNE: Aye.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Thank you.

MS. TORRE: Thank you very much. Have a
good evening.

(Time noted: 7:28 p.m.)

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Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

BALDWIN FAMILY TRUST TWO-LOT SUBDIVISION
(2020-12)

Highland Terrace
Section 9; Block 3; Lot 40.22
R-3 Zone

----- X

INITIAL APPEARANCE
TWO-LOT SUBDIVISION

Date: September 3, 2020
Time: 7:28 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: BRIAN WATTS

----- X

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

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2 CHAIRMAN EWASUTYN: Our fifth and final
3 agenda item of business this evening is the
4 Baldwin Family Trust Two-Lot Subdivision. It's an
5 initial appearance for a two-lot subdivision
6 located on Highland Terrace in an R-3 Zone. It's
7 being represented by Day & Stokosa Engineering.

8 MR. WATTS: Good evening. The best for
9 last. Brian Watts from Day & Stokosa Engineering
10 appearing on behalf of the applicant.

11 He's seeking a simple two-lot
12 subdivision of an existing parcel of 8.23 acres
13 in the R-3 Zoning District. It's bordered by the
14 R-1 District on the east side of the property.

15 There are currently two areas of road
16 frontage along Highland Terrace. He's seeking to
17 subdivide in the middle of the second area
18 frontage, straight back, and construct two
19 residential homes with individual septic and
20 municipality water.

21 Right now we meet all bulk regulations,
22 so we are not seeking any variances at this
23 point.

24 That's the extent of the application.

25 CHAIRMAN EWASUTYN: Thank you. Pat

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Hines, you had an opportunity to review the subdivision?

MR. HINES: We did. There's a bold line shown at the entrance. I just don't know what that is.

MR. WATTS: There's a line here. That came in with the base survey. I believe that to be essentially a drafting typo, if you will, from the surveyor. I will have that --

MR. HINES: I couldn't for the life of me figure that one out. That will be removed.

We just have some standard comments. The highway superintendent needs to weigh in on the driveways.

There's an existing garage to be removed. That should have a note that a permit from the building department is required prior to that removal.

I believe my office provided you with standard notes. They should have.

MR. WATTS: It wasn't attached to the e-mail copy but it might be on the original.

MR. HINES: Yes. I will get you those. If I don't, please remind me and I'll have my

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office send you those standard notes that are required.

The approval block does need to be there. It just needs a blank small block. Our approval stamps are probably one inch by two inch. You have this big, huge block on the sheet.

The EAF submitted identifies potential habitat for protected bat species. We're suggesting that be addressed by a tree clearing note consistent with the DEC's and the U.S. Fish & Wildlife's tree clearing for protection of the bats. That is, I believe, October 1st through March 31st.

MR. WATTS: March.

MR. HINES: Whatever that note is.

We didn't see any significant environmental impacts and would suggest the Board be in a position to issue a negative declaration.

We discussed at work session the possibility of setting this up for a public hearing the first meeting in October, which is October 1st.

CHAIRMAN EWASUTYN: Thank you. Comments from Board Members?

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MR. GALLI: No additional.

MR. MENNERICH: There are no other outside agencies?

MR. HINES: There are no other outside agencies.

MR. MENNERICH: Okay.

MR. WARD: No additional.

CHAIRMAN EWASUTYN: Dominic?

MR. CORDISCO: Yes. Since there are no outside agencies, there's no requirement to circulate for lead agency, the Board would be in a position to consider a negative declaration at this time.

CHAIRMAN EWASUTYN: Brian is your first name?

MR. WATTS: Yes.

CHAIRMAN EWASUTYN: Brian, Pat Hines will supply you with the -- there's a letter that will be going out, an informational letter, along with the public hearing notice. That will cover people within 500 feet of the application. Pat Hines will work with the assessor's office to provide you also with that list. Pat Hines will explain to you reaching out to Charlene Black as

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far as submitting the mailing and the envelopes and how they have to be prepared.

Pat, you don't need anything else from Brian at this point?

MR. HINES: No. We can discuss that offline, the whole procedure, rather than typing it into the minutes.

I will contact you or you can contact my office and we'll get you the necessary form to explain the process. We don't do certified mailings. We do first class postage but the Town does the physical mailing of them. You prepare them and the Town physically mails them. We can discuss that.

MR. WATTS: That sounds agreeable. Absolutely.

CHAIRMAN EWASUTYN: Ken, do you have anything?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: I would make a point, I think -- I'm not sure if I supplied an additional copy of the plans to the highway department. I would ask you to take that responsibility --

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MR. WATTS: That's fine.

CHAIRMAN EWASUTYN: -- of reaching out to them.

All right. Would someone move for a motion to declare a negative declaration and set this for a public hearing for the 1st of October?

MR. WARD: I'll make the motion.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: John Ward made the motion. Ken Mennerich seconded. We'll have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Thank you.

MR. WATTS: Thank you very much.

(Time noted: 7:34 p.m.)

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

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Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

LOCAL LAW ZONING AMENDMENT - FIFTH AVENUE & ROUTE 52
GAS LAND PETROLEUM
(2020-07)

----- X

BOARD BUSINESS

Date: September 3, 2020
Time: 7:34 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

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CHAIRMAN EWASUTYN: Under Board Business this evening we're going to discuss that we received from Rider, Weiner & Frankel, Attorneys for the Town of Newburgh, a referral of Local Law amending Chapter 185 entitled Zoning of the Code of the Town of Newburgh and Zoning Map of the Town of Newburgh to rezone property at Fifth Avenue and South Plank Road from an R-3 to the adjacent B Zoning District.

This request is coming from Gas Land Petroleum. There's an existing gas station located on this property that is currently zoned R-3. It seems like the highest and best use for the property would be a B Zoning use.

Pat Hines?

MR. HINES: This property is contiguous to a B Zone across Fifth Avenue. It is a commercial use. It has been for many years. When it was before you we had suggested that it needed a use variance if it was going to proceed with the expansion as it would lose its existing protections. The applicants have chosen, rather than go that route, to petition the Town Board to change the underlying zoning. It is contiguous.

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It makes sense. It is a business use. It's on a State highway.

CHAIRMAN EWASUTYN: Jerry Canfield, as Code Compliance official from the Town, are you --

MR. CANFIELD: I agree, especially with what Pat said.

In addition to across Route 52, the lot to the west of it is also commercial. It was a dentist's office. So yeah, it makes sense. It really does.

CHAIRMAN EWASUTYN: Board Members. Dave Dominick?

MR. DOMINICK: No, I have no objection.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No, I don't have any objection.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No objection.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No objection.

CHAIRMAN EWASUTYN: Do you want to bring us along?

MR. CORDISCO: Thank you, Mr. Chairman.

1 The procedure in connection with an amendment to
2 a zoning map is laid out in Town Code 185-60
3 Section B(2), because this affects a change in
4 the map rather than a change to the text. The
5 Town Board had referred this proposed zoning map
6 amendment to the Planning Board for your
7 consideration and report. There are four factors
8 which you are specifically asked to comment on.

10 The first is whether or not the use
11 permitted by the proposed change would be
12 appropriate in the area concerned. I think you've
13 already discussed that tonight and found that
14 there's no objection to the proposed uses given
15 the fact it's adjacent to existing commercial,
16 not only across the street but also directly
17 adjacent as well.

18 The second consideration is whether
19 adequate public school facilities and other
20 public services exist or can be created to serve
21 the needs of any additional residences likely to
22 be constructed as a result of the change. This
23 one is really not applicable because you're
24 actually going from an R-3 District to a B
25 District for this one particular parcel which is

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already improved with the facility.

The third one is whether the proposed change is in accord with any existing or proposed plans in the vicinity. I'm not aware of anything in the Town's comprehensive plan or any other plans that would recommend against this particular change. In fact, the plan itself for this particular property is consistent with the proposed change because the applicant, Gas Land, is seeking to make improvements to its existing property, and in order to do so they need this technical zoning map amendment in order to proceed with their plans.

The last consideration is whether the proposed amendment is likely to result in an increase or a decrease in the total zone residential capacity of the Town and the probable effect thereof. Again, it is taking away a small parcel of residentially zoned property, but the property is not developed for residential use. It's already developed as a gas station, and so the likelihood that this property would ever be converted to a residence is probably not existent. It's not really applicable either.

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If it's satisfactory to the Board, I would prepare a letter on my letterhead indicating that the Board had no objections and addressing each one of these particular comments as I just laid out for you tonight.

CHAIRMAN EWASUTYN: Is the Board in favor?

MR. GALLI: Yes.

MR. MENNERICH: Yes.

MR. WARD: Aye.

MS. DeLUCA: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

Let the record show we are in favor.

Dominic, if you have the time tomorrow --

MR. CORDISCO: This will be done tomorrow.

CHAIRMAN EWASUTYN: -- can you speak to Mr. Ward-Willis and let him know that we voted favorably on the change and that you're referring that on?

MR. CORDISCO: Not only will I do that,

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I'll do the letter and he will get a copy of it as well so he's aware.

CHAIRMAN EWASUTYN: Thank you.

MR. CORDISCO: This is important because it allows the Town Board to move forward with its consideration.

CHAIRMAN EWASUTYN: We should finish up with the resolution for the RAM Hotel.

We're waiting for the resolution on the senior housing project on Lakeside Road, that we approve that amendment.

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: We have no further business. Would someone make a motion to close the Planning Board meeting of the 3rd of September?

MR. GALLI: So moved.

MS. DeLUCA: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

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MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. BROWNE: Aye.

MS. DeLUCA: Aye.

(Time noted: 7:40 p.m.)

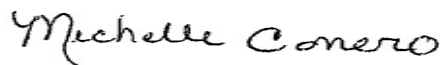
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