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

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In the Matter of

SERVISS SUBDIVISION  
(2019-10)

Easterly side of Union Avenue  
Section 34; Block 1; Lot 25.2  
R-2 Zone

----- X

PUBLIC HEARING  
FOUR-LOT SUBDIVISION

Date: October 3, 2019  
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  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.  
PATRICK HINES

APPLICANT'S REPRESENTATIVE: JAMES A. DILLIN

----- X

MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845) 541-4163

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CHAIRMAN EWASUTYN: Good evening,  
ladies and gentlemen. I'd like to welcome you to  
the Town of Newburgh Planning Board meeting of  
the 3rd of October. We have four agenda items  
and two board business items.

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

MR. GALLI: Present.

MS. DeLUCA: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. DICKOVER: Rob Dickover, Counsel to  
the Planning Board, present.

MS. CONERO: Michelle Conero,  
Stenographer.

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

CHAIRMAN EWASUTYN: At this time I'll  
turn the meeting over to John Ward.

MR. WARD: Please stand to say the  
Pledge.

(Pledge of Allegiance.)

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

CHAIRMAN EWASUTYN: The first item of business this evening is the Serviss Subdivision. It's a four-lot subdivision located on the easterly side of Union Avenue in an R-2 Zone. It's being represented by James Dillin.

At this point I'll ask Frank Galli to read the notice of hearing.

MR. GALLI: "Town of Newburgh Planning Board, Notice of Hearing. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town law for the application of Serviss Four-Lot Subdivision (2019-10) for a four-lot subdivision on the easterly side of Union Avenue in the Town of Newburgh, designated on Town tax maps as Section 34, Block 1, Lot 25.2. The project proposes three new residential building lots accessed from Union Avenue. Two of the lots will share a common driveway. The lots are proposed to be served by on-site subsurface sanitary disposal systems and connected to the Town of

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Newburgh potable water system. The public hearing will be held on the 3rd day of October 2019 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By the order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated September 16, 2019. Publish one time only, no later than September 23, 2019."

CHAIRMAN EWASUTYN: Pat Hines, would you introduce the meeting and the purpose of a public hearing?

MR. HINES: The purpose of the public hearing is for the Board to hear from members of the public regarding concerns or issues, or to bring matters to the Board's attention which the Board may not be aware of. The applicant's representative will give a presentation. The Chairman of the Planning Board will ask those who wish to speak to raise their hand. When acknowledged, please step forward, give us your name, spell it for the stenographer. We are taking a stenographic record of these meetings.

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Also, give us your address so the Board knows your perspective on the project. Address your comments and questions to the Board and not to the applicant or their representative. If a question can be easily answered, the Board may ask one of the consultants or the applicant's consultant to provide you with that answer. The Chairman may request the applicant or the consultant to address a comment or a concern. If there is a detailed explanation required or if additional information is required, then that information may be provided at a later date.

CHAIRMAN EWASUTYN: Thank you.

MR. DILLIN: James Dillin, land surveyor, representing Harry Serviss, the owner and applicant.

Harry owns 98 acres on the easterly side of Union Avenue. It's in the R-2 District.

What we're proposing along the easterly side of Union Avenue, in the southerly corner here, is three single-family residential lots served by public water. We have designed septic systems by our engineer.

Lots 1 and 2 are half acre lots. Lot 4

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is a remaining lot which is approximately 96  
ares, not for residential purposes at this time.

We did eliminate having three driveways  
along Union Avenue where we combined lots 2 and 3  
to share a common entrance, so we didn't have an  
additional driveway along Union Avenue. We did  
get a letter from the highway superintendent  
about approval for the driveway entrances as they  
are.

That's really it. Thank you.

CHAIRMAN EWASUTYN: For those of you in  
the audience, what we'd like to do is have  
everyone have an opportunity first to speak, and  
then if someone has additional questions, we'll  
call the second round. Just please raise your  
hand, give your name and your address. We'll  
start it.

MS. LOBIG: Good evening. Judith  
Lobig, L-O-B-I-G. The 98 acres has been before  
the Board before for a timber harvest, and then  
it did go to the Town Board, as well as Orange  
County, requesting that it be put into the  
Agricultural district, that it was not going to  
be developed. Here we are a year later and we're

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already subdividing. I know that they are within their rights to do that.

My request of the Board, and you as well as the -- not the Planing Board, Code Compliance, is the same owner has put up a house on an adjacent lot that has been occupied for well over a year. There has been an expiration of the building permit. The property has been occupied, physically occupied, for well over a year. I'm just hoping that with this project now, that someone please monitor and make sure things are done according to the Code of the Town.

CHAIRMAN EWASUTYN: Thank you, Judith. Jerry Canfield was scheduled to be here this evening --

MS. LOBIG: I see he's not here.

CHAIRMAN EWASUTYN: -- but something came up unexpectedly.

MS. LOBIG: I had been down looking for other information, which is when I came across the fact that the building permit expired back in December of last year. I brought it to the clerk's attention. They were going to take care

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of it. It's in the file now currently, as of the 12th of July, still no permit. The envelop was returned as undeliverable with the letter saying that the permit had expired. It's right down the road from you guys. Right across the street from me at 1285 Union Avenue. They know they are there. They know they're living in the house. They know the permit has expired.

I've complained about what's happening with the sewage. There were two mobile home campers. I went down complaining, wanting to know where the sewage from them is being dumped.

They're burning. I understand it is a farm. The odor, no one -- you can't sit out in your yard. You can't enjoy anything because you never know when. It starts in the evening and runs for days. It smells rancid, garbage, manure. I have no idea what they're burning.

I'm just hoping with these homes, that things are done and you follow code.

MR. GALLI: You said there was no CO on the house?

MS. LOBIG: I was there in April looking to find out about the sewage from the



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2 campers that were there. They have physically  
3 been living in the house since at least the fall  
4 of last year. Then I was back on the 12th of  
5 July to find out what happened with the complaint  
6 about the sewage. As I'm looking -- I did a FOIL  
7 request. Going through the paperwork is the  
8 envelop marked and the letter which went to the  
9 address of record, which is 86 Fox Hill Road, as  
10 undeliverable. You know they're there. You know  
11 they're working. Put a stop order. Why are they  
12 in the house? Code says they can't be in the  
13 house. That's my complaint.

14 This is now going to be right across  
15 the street from me. I want to make sure it's  
16 done -- my property values are going down because  
17 of what happened to the previous lot. Nobody is  
18 going to want to buy my house with the spell that  
19 goes on.

20 MR. DOMINICK: You said you talked to  
21 the clerk. Was that the Town clerk or the Code  
22 Compliance clerk?

23 MS. LOBIG: Code Compliance. Both times  
24 it was Code Compliance and both times it was  
25 after I had filed a FOIL request to look at

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SERVISS SUBDIVISION

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certain documents.

CHAIRMAN EWASUTYN: Pat, would you make note to contact Jerry Canfield tomorrow?

MR. HINES: Yes.

MS. LOBIG: Could someone just get back with me? That's another issue, is when you do file a complaint with Code Compliance, nobody ever gets back to you to let you know if there's been any resolution. I understand that they're busy. I'm well aware.

MR. HINES: I'll speak to Jerry tomorrow. That's Jerry's department, not the Planning Board.

MS. LOBIG: I understand. Thank you.

CHAIRMAN EWASUTYN: Ma'am.

MS. KISSAM: Good evening. What happened to the microphone?

CHAIRMAN EWASUTYN: My apology. We can put the mic on. They didn't have one available for the center. I can put on these if you can't hear us.

Frank, hit the red switch.

MS. KISSAM: I just -- usually there is one.

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CHAIRMAN EWASUTYN: It was supposed to be here but it isn't here. We have the use of this now.

MS. KISSAM: Okay. Well if you can hear me, --

CHAIRMAN EWASUTYN: I can hear you.

MS. KISSAM: -- I'll just proceed.

Regarding SEQRA. Has a SEQRA determination been issued by this Board already, or is it appropriate for such determination to be issued in terms of -- in consideration of the fact that this is a property in the Agricultural district? Has the Board issued a SEQRA determination?

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: Yes, a SEQRA determination had been issued by the Board prior to scheduling of the public hearing.

MS. KISSAM: And what is that determination?

MR. HINES: They issued a negative declaration on the project.

MS. KISSAM: And what is the basis for the negative declaration?

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MR. HINES: They reviewed the environmental assessment form and determined that there would be no significant impacts. The fact that the property is in an Ag district doesn't cause the project to be a Type 1 action unless they disturb greater than 2.5 acres. This proposed project is under the 2.5 acre threshold, so it's an Unlisted action under SEQRA.

MS. KISSAM: How many lots have been -- would be approved tonight for development?

MR. HINES: How many lots?

MS. KISSAM: I mean we are subdividing. How many lots have we now subdivided in the original parcel?

MR. HINES: In recent history that I know of, this is a four-lot subdivision, three of which will be new residential lots.

MS. KISSAM: I have not had a chance to look at all the documents. What is the acreage of the lot that is not being subdivided -- that is not being developed at this point?

MR. HINES: The remaining balance parcel is 96 plus or minus acres.

MS. KISSAM: In other words, the fourth

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lot is 96?

MR. HINES: Correct.

MS. KISSAM: How can we avoid the problem of segmentation if the owner comes back and wants to develop additional parcels? Segmentation is not allowed under SEQRA, presumably.

CHAIRMAN EWASUTYN: What they are saying now is -- do you want to speak of the note that's on the map for the residual parcel?

MR. DILLIN: As far as the Ag note?

CHAIRMAN EWASUTYN: As far as the note that's --

MR. GALLI: The note on the plan saying they can't develop it at this time.

MR. HINES: There's a note on the balance parcel that says not for residential purposes at this time.

MS. KISSAM: At this time.

MR. HINES: Any future use of the parcel would have to come back to this Board. If that occurred within three years, it would be considered a major subdivision under the New York State Town Law. The applicant has represented to

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the Board that it is their only intent to do this right now, and they intend to maintain the rest as the farm.

MS. KISSAM: Maintain the rest as what?

MR. HINES: An agricultural use.  
That's not in perpetuity by any means.

MS. KISSAM: That's what I'm concerned about. So if they came back to the Board three years and one day after this timeline that you just referred to, could they then continue to subdivide the remaining --

MR. HINES: They can come back sooner than three years, it would just be considered a major subdivision and need County Health Department approval.

MS. KISSAM: How does this affect the agricultural designation?

MR. HINES: On the balance parcel I don't believe it does as long as there's the required acreage. There may be a rollback tax on the portion of the property that is going to be residential.

MS. KISSAM: Thank you very much.

CHAIRMAN EWASUTYN: The gentleman in

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the back.

MS. KISSAM: Oh, one additional question. When was the neg dec issued, please?

CHAIRMAN EWASUTYN: Pat, do you have that date?

MR. HINES: I don't have that. Mr. Dickover may have that.

MR. DICKOVER: September 5, 2019.

MS. KISSAM: You mean this past week? The 5th?

MR. HINES: A month ago.

CHAIRMAN EWASUTYN: September 10th.

MR. DICKOVER: 5th.

CHAIRMAN EWASUTYN: I apologize. September 5th.

MS. KISSAM: I would like to make an observation. The timeline for challenging a negative declaration, the statute of limitations is thirty days I believe, or thereabouts. By scheduling this public hearing now, essentially a month after you made your determination, you are preventing the public, or any member of the public, from challenging your negative declaration because the statute of limitations

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has ended maybe yesterday, today or tomorrow.

CHAIRMAN EWASUTYN: Rob, is a negative declaration a final decision as it would be when we approve the project, let's say tonight? When does the clock start with an Article 78? Is it on the negative declaration or is it the final approval?

MR. DICKOVER: Wise attorneys would start their action within thirty days of the negative declaration under the fear that the statute of limitations might actually start with that date.

CHAIRMAN EWASUTYN: Right.

MR. DICKOVER: The issue is up in the air. I think I would reserve my opinion for a private memo to the Board on that question rather than answering in public tonight.

I remind the Board of the matter of Kittredge versus the Town of Liberty, which is a Third Department decision which has been on the record for quite some time, which requires this Board to make an environmental determination prior to the scheduling of a public hearing. That is what this Board has done. It's procedure



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has been correct.

MS. KISSAM: Well, okay. Just one final comment if I may. By having made your determination prior to the public hearing, you have basically discounted the public's opinions and facts, or something of that nature, because you have made your determination prior to hearing the public. This, of course, is the only public meeting that I understand is required. I think that that's unfortunate. Having said that, I'll say no more.

CHAIRMAN EWASUTYN: Thank you. The gentleman.

MR. SIEGFRIED: First of all, thank you. That was perfect, what she just said there. You guys made your decision before.

We're dealing with someone, Animal. You guys all know Animal, who knows how to work the laws and the system in Orange County.

CHAIRMAN EWASUTYN: Your name?

MR. SIEGFRIED: Arthur Siegfried, 21 Floral Drive, Newburgh, New York.

I stood before you last year and I told you exactly that this was going to happen, and a

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couple years ago I told you exactly this was going to happen in the exact same spot.

I don't know what your determination was, but last year at this time I brought the DEC in. I took the DEC on a tour of this area. They were blown away. They were blown away by that area, the things that were done in that area, that could possibly be done in that area, the damage that does to the wetlands off of Union Avenue by Walnut that has grown over 300 percent in the last few years. The wetlands have grown over 300 percent. We are very lucky we had a drought this year. This last year the water almost ran onto Union Avenue and flooded out those houses right across on Kroll Acres -- right across from Kroll Acres.

I also showed them 1224 Union Avenue. The gentleman who lives there decided to bulldoze down the wetlands and fill them in so he could have his own parking spot.

I've taken them all over and they've seen the area. They do not recommend you do this. I don't know where you're getting your information from but I've had them here, and they

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were here with the press. I believe you were there that day. She'll tell you exactly what they said. Stop. You're causing irreversible damage to this area and you could possibly destroy these homes.

We went up to the Goshen meetings where you guys kind of, almost like Pontius Pilate, washed your hands of this. When you do that and send it up to Goshen, that tells Goshen that you guys don't have any problem with it, so they approved it. That's why we're in a mess now.

They clearcut that area and everything is gone. They didn't do what you guys wanted to, a tree here and there. They just destroyed that area.

Animal sat there and told us last year we're not going to be building any houses here. I told you he was going to do it. Once this is done, they're going to plan on doing it again and again and again, growing until it's all done. It's just a way for them -- he knows how to work the system to get around the tax laws. This is the best way to benefit him to get a project done that shouldn't be done, and it's getting done

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this way.

Not only that, the Town can't absorb this. Once again, you've got lands -- they're on wetlands. He wants to bring in water from the ground from the Town and put it into the septic system. That's going to raise your water level in that area on top of that. That's basic geology. That's water table. You guys should know this. He's going to flood out that area with more water. That area is going to affect her land and also cross over and affect all those other lands, and finally end up down at Walnut and affect all the people down there.

I don't know when the last time anyone actually physically was out there looking at all this or actually had the DEC walk around with them, or the Army Corp of Engineers. With me it was a year and they were blown away. They couldn't believe all these things going on.

I know the Town wants to plan and build. I don't have a problem with that. That's your guys' job. You're being paid to do this well. Hopefully you're doing a good job. We all can't do this every day. That's your job.

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What I'm seeing is like -- I asked you a couple years ago about a plan, John, and you said the plan was over ten years old. The plan failed because there's disasters happening all over Newburgh. Just building new homes for people is putting a patch on something. That's short-term fixes and it's creating long-term problems of the destruction of land, overcrowding roads, the school system.

My God, I went to Gardnertown School. I'm in the house where my parents grew up. If I had kids they wouldn't be able to go to Gardnertown. They'd have to take a lottery to see if they can go there. My parents raised the money in school fares, and their neighbors, to build the additions to that place.

Nobody is taking the time to really plan what's going on in the Town of Newburgh. I know you guys are busy and you have your lives and this is a secondary job. My God, the Town is being destroyed. I'm watching it every day being destroyed. I'm watching the water come right up.

I moved down to Florida for awhile. Florida is destroyed. They destroyed the

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wetlands there. When it rains almost -- if you buy a house you have to go out in the rainy season when it's raining to know where to buy your home or else you're going to have this much water on the street and the waste is going to sweep right into your front door. It's a similar situation here.

My neighbors are here tonight. They could tell you that we've had a water issue since you guys put in Town water. You raised the whole water level for this whole area. We kept putting it back in with the septic system and it flooded out our two houses, our two yards.

You guys sixty years ago asked for an easement on our property to build a ditch for road water. Sixty years ago and you haven't come back and fixed it. I've been here twenty times a year for the last ten years begging you to fix it. The water now runs under the driveway. It destroyed the driveway, now it's cracking the foundation of my house. You guys are going to pay for that. I'm giving you a volunteer time to do it now, to go out there and look at that on top of this. Go out there now and fix everything

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before you get sued and have costs on top of that.

You're going to have major problems like that all over the Town. So I mean you guys need to fix this tonight and stop this.

A half acre? Are you guys kidding me. A house like that pumping out water in a half acre is going to flood that area. That area is soaking wet. I used to hang out there when I was a little kid. I know all these woods. I have stomped through every single woods in the Town of Newburgh from being a cub scout, boy scout, slept all over them, camped all over them. That's wetlands. If you start putting homes on it like that, you're causing a big disaster.

I need you guys to act tonight for the Town of Newburgh and think for the future and not just for this little home project. This is going to grow. You guys know Animal. He's going to make it grow. He knows how to do it and he knows how to get around it to do it. He knows the laws, he knows the loophole and he knows the people.

Sorry I had to come here and get like

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this. It's like I'm tired. You know, like I keep coming here. This is what I told you last year and the year before. It's happening and I'm like why aren't you guys doing it. You see it. Thank you.

CHAIRMAN EWASUTYN: Thank you.

MR. SIEGFRIED: Just saying, enough for me but that's what the Town wants. You hear it. That's what they want. They want you guys to do that.

CHAIRMAN EWASUTYN: Additional questions or comments from the public?

Judith, let me see if someone else has anything.

Ma'am.

MS. McCARTNEY: Karen McCartney, I live on Cindy Lane which is an offshoot of the Foxwood neighborhood.

I came in here at 7:03 so I don't think I missed too much. The question was, and I apologize if this has already been answered, where is the access to these new homes? Off where?

MR. DILLIN: Off Union Ave, two



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driveways.

MS. McCARTNEY: Can you show me like where Chapel Road is in relation?

MR. DILLIN: I have a vicinity map here if you want to look.

MS. McCARTNEY: Sure.

MR. DILLIN: I don't know if I have that road. This is Union Avenue.

MS. McCARTNEY: So I'm trying to find out where my property is in relation to this. Where is Chadwick Lake? Can you show me that? This is 300 here.

MR. DILLIN: Yup.

MS. McCARTNEY: So Foxwood comes off.

MR. GALLI: Do you know where the Thruway goes over?

MS. McCARTNEY: So I must be in here somewhere. Where is the property?

MR. DILLIN: The property is over here in this corner.

MS. McCARTNEY: Okay. So the access is off of Union Avenue?

MR. DILLIN: Yes.

MS. McCARTNEY: So this is the question

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that I have. A year or so ago we got the notice about the timber project and that there were going to be 1,000 trees, I believe, that would be taken down in a certain period of time. My understanding was they were going to be taken down pretty low. The property behind me looks like a giant monster went through and went like this. Trees are ripped up. Not sawed at the bottom, ripped and torn. It looks like a disaster zone back behind me and all through.

All summer long and all the way into the fall, way before 8:00 in the morning, which I believe was the start time, way into the early evening hours the logging truck went back -- I understand it was approved. The trucks pulled through. Way before, I'm talking at like 6:00 in the morning. When I get up to go for a run in the morning, I'm listening to logging trucks at 6:00 in the morning all summer. That I believe was a violation of the timeframe.

The second thing is approximately two weeks ago, and I had called the DEC on this, I had my back screen door open and I heard almost like yelling or screaming. This is after the

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logging trucks were still doing whatever they were doing, or clearing was being done, whatever. I thought oh, my gosh, what's going on. I went on my back deck and there was a fire. It looked like forty, fifty feet like this burning. Scared the heck out of me. I really wish I had taped it on my cell phone, but I'm kind of not that kind of person who does that. I went back in, I thought oh, my gosh. I heard people so I thought it's not a wildfire. I thought whoa, I can't believe you can burn something that tall when we have a drought and everything is dry, and the mountain across the river is burning. Twenty minutes later the same thing, another one a little smaller. I called the DEC the next day. I should have called that night but I didn't. I asked about a burn permit, whether we were not allowed to burn. The man at DEC was very nice and he said if it was manned and there was somebody there you were allowed to burn. To me that just -- it can't be right where you look at one leaf and if you have a cigarette you can burn down forty acres.

What I'm seeing is a pattern of sort of

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abuse of the privilege of being able to do what you want with your land. I understand the owner bought this property and had the logging permit, built his home, put in a Hops field, did all this. This to me seems like you're infringing on another violation and someone is going to get away with cutting corners and going beyond.

The front part of my property is all wetlands. I share a driveway with my neighbor like this because of the wetlands. The wetlands are next to me. That's one of the reasons why I was very concerned if this is wetlands that's being built on or how close the wetlands are and if there's the appropriate buffer.

MR. DILLIN: We're showing wetlands on the map.

MS. McCARTNEY: DEC should really --

MR. DILLIN: I believe the property you're talking about, the activity is an adjoining lot to the north.

MS. McCARTNEY: It what?

MR. DILLIN: It's an adjoining lot to the north.

MS. McCARTNEY: I mean there's a giant

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house --

MR. DILLIN: That's where the activity is, this other lot.

MS. McCARTNEY: That's a main -- it seems like if you live there you hear it. It is like a big construction zone. It upsets me and frightens me that our Town is being raped. I don't know how much you're really doing about it. I'm not criticizing your job. I just feel like we need to be a little more prudent with our land before we start looking like a parking lot in Paramus. Thank you.

MS. TOLBERT: Good evening, everyone. My name is Alechia Tolbert. Me and my husband are just recently new to the community. We purchased the home at 1287 Union Avenue which is directly across the street where I believe -- forgive me if I'm not knowledgeable in less than two years here -- that entrance where the development is going to be. It's going to meet my entrance head on into my driveway.

MR. DILLIN: It's just driveways. I'm not sure exactly where you are.

MS. TOLBERT: I'm on Union Avenue,

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1287.

UNIDENTIFIED SPEAKER: She's right  
across.

MR. DILLIN: You put a shale driveway  
in?

MS. TOLBERT: I have the long  
driveway.

MR. DILLIN: Are you across from there?

MS. TOLBERT: Yes.

MR. DILLIN: That's where one of the  
driveways is going to come out.

MS. TOLBERT: My concern is all the  
construction. It is an environment, the  
pollution and the noise, and will that -- are you  
all going to widen that street of Union Avenue?  
All that traffic. It's already noisy right now.  
It's so bad. Sometimes I think that it's going  
to affect my home. Sometimes I'm afraid to leave  
because I think, you know, the woods is on fire  
and it's going to come to my new home, you know.  
I just wanted to voice my concern.

What is the plan for the entrance, the  
coming and going on Union Avenue in the  
subdivision?

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MR. DILLIN: It's just a private entrance driveway.

MS. TOLBERT: But you know all the traffic that's going to be coming. You said residential buildings. How many floors of residential buildings? How many units?

MR. DILLIN: There's three single-family dwellings. We actually cut off one of the driveways. We have two driveways coming out instead of three.

MS. TOLBERT: The traffic is going to be coming out on Union Avenue?

MR. DILLIN: Just like a driveway like yours.

UNIDENTIFIED SPEAKER: That is a pretty big driveway.

MS. TOLBERT: The thing is that we are homeowners and we put a lot of value into purchasing our home.

MR. DILLIN: I'm just saying it's just a driveway.

MS. TOLBERT: It's not just a driveway because there's going to be high traffic. Let's be honest. It's a high traffic driveway. If you

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have X amount of subdivisions residential -- I believe you said three residential buildings.

MR. DILLIN: There's only two coming out of the one.

MS. TOLBERT: How many units are going to be in this?

MR. DILLIN: It's three.

MR. HINES: There's three houses proposed in this application.

MS. TOLBERT: Just three?

MR. HINES: Three new houses.

MS. TOLBERT: On the paperwork that's across the street from me on the entrance of the lots it says four-lot subdivision plus three residential buildings.

MR. HINES: Yes.

MS. TOLBERT: Buildings and homes are two different things.

MR. HINES: It's only zoned for single-family houses.

MS. TOLBERT: So what's going to happen when --

CHAIRMAN EWASUTYN: Excuse me, excuse me. There's someone speaking. I think you



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should lower your tone and allow her not to have to strain her voice to raise her point. Please.

Alechia, go ahead.

MS. TOLBERT: Thank you. I believe Judith and the young lady over here was talking about what would happen after -- forgive me, I'm not knowledgeable about this community. I love this community because I've been here -- exactly two years yesterday we closed on our house. If they could come back and add on and it's going to get bigger and bigger and bigger, the value of our property will go down. I think it's not fair for that to happen to Newburgh. Newburgh is a beautiful Town and I love Newburgh. Even though I'm new here, I love it. I love my home and I love my acre of land. I don't feel that anyone on Union Avenue and nearby should be threatened by that and have to worry about it. That's all I have to say.

MR. GEMMA: My name is Nicholas Gemma and I live on Gardnertown Road. I'm just listening to all the complaining and everything that's going on, and all the building.

We got -- I don't know. Gardnertown

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Road is -- the Gardnertown Commons or Gardnertown houses they just built, didn't you guys complain about that?

Okay. I don't know if you know what's happening here but I used to complain about my neighbors all the time. Well, that gentleman, his name was Farrell, which you all know him, he bought all the property in back of my house which you guys don't know. He's going to put condos all back there. You know where I'm talking? In back of Gardnertown Church, all right. Condos are going to be all there by that gentleman.

Now, I complained and complained about my neighbors and I'm sorry I did. You guys are complaining. You're going to get the same thing because that gentleman up there on 1298 Union Avenue, that's what you're complaining about, he's going to sell his property to the same guy. You complain about three houses. You're going to have 300 condos up there and I'm going to have 400 in back of my house. Does anybody know this? No. It's happening because they already started. I live at 495 Gardnertown Road, a dead end in back of the church. They just bought all that

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property, Mr. Farrell. Mr. Farrell wants to buy Mr. Serviss's property. Well, that's all. I said enough. You're talking three houses. You're going to have hundreds of houses. Hundreds.

CHAIRMAN EWASUTYN: Is there anyone here this evening who would like to speak who hasn't spoken yet? The lady in the back.

MS. RUTKOWSKI: Georgeann Rutkowski, R-U-T-K-O-W-S-K-I, 3 Tulip Lane. We just purchased our home in August.

MS. KISSAM: Can you speak up?

MS. RUTKOWSKI: We just purchased our home on August 19th. We left Beacon after 32 years because of the overdevelopment. 32 years of raising our family. We came to Tulip Lane. It was a quiet, nice area, bugs. Now to find out all of this is going on. I'm really, really going to be sad that I moved here if this goes forward.

CHAIRMAN EWASUTYN: Sir.

MR. MCCARTNEY: Michael McCartney, 19 Cindy Lane. My first thing is a question. What is the sense of having an Agricultural district if we're going to allow development on it?

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That's a question. Can anyone answer that?

CHAIRMAN EWASUTYN: It's not a Planning Board matter.

Pat, do you want to answer it?

MR. HINES: The Agricultural district has to do with a tax rate that they do. The underlying land is zoned based on the Town of Newburgh's Zoning Ordinance. The impacts of the Ag district are more for the applicant or the owners of the property's taxable status. It comes with the protection for the agricultural uses that they have on there, such as exemption for fires and other activities that they can do there based on the New York State Agricultural Protection Laws. The underlying zoning remains. He will probably be subject, as I said earlier, to a rollback tax for paying back X numbers of years of the tax benefits he had for the Agricultural exemption. That is not a zoning Agricultural district. It's not a zoning district, it's a tax district --

MR. McCARTNEY: Okay.

MR. HINES: -- through the County.

MR. McCARTNEY: Let me revert to some

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facts. I've lived here for 21 years. I've had a very nice, flat backyard that my developer put in at that time. It's been dry. Last year or two years ago you approved harvesting trees. Harvesting being the key word. This summer my yard has been soaked all summer long. Soaked. Take a sponge, put it in water, leave it in water, just leave it there. That's what my yard has been like.

To go back to the gentleman in the back who talked about the water problems. We've got a water problem that I never had before when harvesting trees was allowed. That's a problem that Newburgh needs to deal with. If these houses are going to increase that water problem, the Town of Newburgh needs to deal with that prior to approving them, even though I understand right now that this meeting is kind of mute because you've already approved these buildings, okay. That's one thing.

MS. KISSAM: You haven't already approved them, have you?

CHAIRMAN EWASUTYN: What's that?

MS. KISSAM: You haven't already

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approved this subdivision?

CHAIRMAN EWASUTYN: This is Michael's conversation and we're listening.

MR. McCARTNEY: The second thing is I'm not sure how long ago, 30 years ago, there was a street called Maplewood, which is still in existence off of 300, and everyone there was on wells. The Town of Newburgh at that time approved the development called Foxwood. Those wells, all of a sudden, a year, two years after the houses were built, are nonexistent. The Town of Newburgh had to provide water because the wells were no good any longer. They were polluted or they were dried up. So there's a water problem, and there's wetlands here that we're talking about that you need to look at, you need to think about prior to approving this happening. Those are two facts that I wanted to bring up. Thank you.

CHAIRMAN EWASUTYN: Pat, the disturbance of land on this subdivision?

MR. HINES: It's .9 acres total disturbance on the project. This project will be connected to the Town's potable water system and

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doesn't have wells.

MR. McCARTNEY: You're missing my points. The fact of the matter is if you build the houses there, the water that is there now, which is wetlands, is going somewhere. The fact of the matter is that water does not stay on .9 acres. Water doesn't stay there. Water travels. We all know that, okay. The fact of the matter is that Foxwood is above Maplewood. The wells on Foxwood -- on Maplewood were destroyed because you -- not you but previous boards, approved a development that should not have been approved because it destroyed wells for people who were living there. Water moves. .9 acres is not a problem, okay. The fact of the matter is that there's water there now and there's water that moves. The fact of the matter is that Newburgh has a water problem and a wetlands problem which is in this area and it needs to be dealt with. If that means that whoever this person is does not get his four homes, so be it.

Harvesting trees, I'm sure -- I would bet -- I would bet my 401K that more than 1,000 trees were harvested. If anyone would like to

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take that up --

CHAIRMAN EWASUTYN: Pat, your office inspected that clearing and grading?

MR. HINES: Yes.

MR. McCARTNEY: When I called to complain about the amount of trees that were being taken down, I was told to call Mr. Serviss myself. Whoever's office I spoke to at that time, they were throwing that back to me, okay. They did not watch what was taken out and they did not service it properly.

CHAIRMAN EWASUTYN: Michael, McGoey, Hauser & Edsall was the firm that inspected the harvesting of trees.

MR. HINES: Yes. Working for the Town of Newburgh, we were monitoring the harvest on that site. That being said, after the logger left I am aware that the applicant continued outside of the timber harvest to remove trees and to clean up the tops and such on this site, but that comes along with his agricultural use of the property. That kind of use is exempt from our Zoning Ordinance.

The timber harvest was complete. We



1 inspected it during and we reviewed the site  
2 after and there were no issues. We closed that  
3 project out. The applicant did continue to do  
4 activities on his property.  
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6 MR. McCARTNEY: Harvest more?

7 MR. HINES: Cut some trees, yes. He  
8 has that Ag exemption. He has that Ag exemption  
9 on the site and he has the ability to do certain  
10 things.

11 MR. McCARTNEY: Again it goes back to  
12 is it agricultural or is it development. Which  
13 are we going to zone this puppy?

14 MR. HINES: Again you're confusing that  
15 zoning with the Ag district. The Ag district is  
16 separate and independent of the underlying zoning  
17 on the site. This Board has to do with the  
18 underlying zoning, the R-2 Zone that allows  
19 certain uses by right in the Code. The  
20 Agricultural district is separate, managed by the  
21 County and the New York State Ag and Markets.  
22 It's two different -- they call it a district but  
23 it's not a zoning district, it's more of a taxing  
24 and a farmland protection regulation by the State  
25 of New York, not the Town of Newburgh.

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CHAIRMAN EWASUTYN: Anyone else who has any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: All right. Then we'll do one more round. Judith.

MS. LOBIG: I want to reiterate, because I do live directly across, I have a well. I also have a septic. I had my septic cleaned approximately two months ago. They could not pump it down as they should have because it's popping up in the ground, because of the water table, because of what's going on already across the street and further up the road.

CHAIRMAN EWASUTYN: Thank you.

MS. LOBIG: I've had to have one wall of my foundation replaced, reblocked because of the damage from the water. The wall in my garage was caving in. These are the things. They do happen, it does cause problems.

CHAIRMAN EWASUTYN: Thank you.

MS. LOBIG: I'm concerned. I'm concerned. I'm hooked to the Town but I use my well. I have a garden, I have a pool. I utilize the well. I don't want it destroyed. I've been

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in my house for 38 years and have not had problems like I'm having now.

CHAIRMAN EWASUTYN: Additional questions or comments from the public? Art.

MR. SIEGFRIED: I'd like to bring up a couple little things. When you said it was only just a little piece, it's a little piece here, a little piece there, a little piece here, which is everywhere. It's like if I bought a pizza and said just a little nibble. If everyone here took a little nibble, the pie is gone. It's the same thing with the property.

I didn't know that they were building that behind Gardnertown Methodist Church. That's wetlands. That's where the DEC was freaking out last year. That goes all the way -- that wetlands was a small little pond when I was a little boy. I used to ride my bike down and play in that area. That completely is covered, that area. That's how big that's gotten. I really don't know.

This is a drought year so it's not going to be as bad as it was last year. Last year it was maybe three feet away from Union

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Avenue. You could just go down there and see that. They saw that.

Another thing I want to bring up is the lack of planning by you guys. We're getting 30 percent of our water, roughly, from the Town of Newburgh, Chadwick Lake. Is that right, about 30 percent?

CHAIRMAN EWASUTYN: I have no idea.

MR. SIEGFRIED: How much are we buying from New Windsor right now? Are We still buying from New Windsor because we're off the aqueduct?

CHAIRMAN EWASUTYN: Pat, do we buy anything from New Windsor?

MR. HINES: I don't believe so right now.

MR. SIEGFRIED: Didn't the aqueduct turn us off for awhile because they were doing repair work?

MR. HINES: No.

MS. SIEGFRIED: We're getting the rest of our supply from the aqueduct; right? We didn't buy any water at all from New Windsor or anyone this year? All of our water only came from Chadwick Lake and the aqueduct, those two

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places?

MR. HINES: I don't know the answer to that question.

MR. SIEGFRIED: You don't know the answer to that question?

MR. HINES: Yes, I don't know the answer to that question.

MR. SIEGFRIED: Okay. Well, we are. We have a perfect opportunity now to plan something for Newburgh. Chadwick Lake stream runs through that property and it's almost the size of Chadwick Lake itself. Actually, it's almost a duplicate of it. All the water that runs out of Chadwick runs right down here. Right across the street from behind these houses is woods that almost goes behind Kroll, it goes all the way behind Westwood, it goes behind all your homes up there and it goes all the way across the street from Chadwick Lake. The stream runs right there.

The Town can spend some money and buy that land and build a second reservoir so we don't have to import water from other people. Because it's wetlands, you'll be protecting the

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wetlands and making a bigger wetlands, and you'll have a place for this runoff water to go and we won't be relying on other people for our water. Between buying water from other people and getting it from the aqueduct, we're at the mercy of these people for water.

          This is what the Planning Board is supposed to do. You're supposed to plan so we don't have to get water from other people. We shouldn't be on the aqueduct. We shouldn't be buying it from other people.

          The schools. I live in Westwood Park. It's right by this area. You're talking about traffic. I know she's worried about it because the homes on here that are single-family homes are being rented out to multiple families. We had one at the corner of our neighborhood, right at the corner, Westwood Park and Union Avenue, on Floral Drive and Union Avenue for years. We had multiple families living in a one-family home. This is going up and down Union Avenue. Nothing is being done about it. At one point I think we had four, five, six cars there every day. When you leave this neighborhood you have to prepare

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yourself because you're going to almost get  
smacked every day in a car accident. People come  
flying down that hill. It's a blind hill. You  
can not seeing coming up to the top of the hill.  
So every day when I come out, I really have to be  
really sharp because I'm going to have to either  
gun it or slam on my brakes or else die. Those  
are my options. So it's even more of that. No  
one is watching even something as simple as that.

I also want to know, as long as I'm  
here and mentioning this, you guys are listening,  
when is someone going to come out and look at the  
damage that was done to this house, 21 Floral  
Drive? Sixty years ago you were given an  
easement to let the water from the roads run  
through the property. An entire ditch was built  
on this property. It goes through two sizes of  
pipes. The property is a straight line this way,  
a straight line across and then it goes straight  
and then cuts back. That was built entirely on  
that property to divert road water and other  
people's water onto that property. You haven't  
come back in sixty years. I've been coming here  
every year begging to have it fixed. It has

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destroyed the driveway, it's destroyed the foundation of the house and the house. I'd like to know when someone can possible come out, on top of all this, and take a look at the damage you guys have done.

Hopefully I think that's it. I think I got everything.

There's so much in the Town going on right now and so much I see that I'm just blown away by, especially the house I'm really worried about, and this development and the reservoir. These three things, all right. Reservoir, fix the damage you did to the house and, come on, chill out man. Think before you act. Thanks.

CHAIRMAN EWASUTYN: Additional questions or comments from the public?

MR. SIEGFRIED: Can I get an answer? I didn't get an answer.

CHAIRMAN EWASUTYN: Answer to? A lot of the questions that you raised --

MR. SIEGFRIED: When will someone come out and look at the damage that was caused?

CHAIRMAN EWASUTYN: Art, that's not a Planning Board matter. The matters that you're



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discussing, whether the Town build another Chadwick Lake, that's a Town Board decision. The drainage easement that was established sixty years ago, now that that needs to be cleaned and maintained is a Town Board issue. We've said this to you numerous times, that there's a misconception when people say the Planning Board, the Planning Board. The Planning Board is responsible for following the Code. The Planning Board doesn't establish the Code. The Town Board establishes the Code.

Alechia had a concern about the driveways. The Highway Department went out and inspected the location of the driveway and is permitting the driveway to be where it is. You can say that's sort of a coordinated review. It's not like we said okay, here's a driveway, put the driveway in. The Highway Department looked at it.

If the Town decides at some point in time they want to float a bond, or whatever the mechanism is to widen that road, that's a Town Board decision, it's not a Planning Board decision.

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What we're looking at tonight is, back to what Pat has said in reference to what Nicholas had asked, we're looking at the Code regulations, the Zoning regulations. It's not within our window --

MR. SIEGFRIED: When I came here last year you guys sent us to the Town Board meeting and we went. They washed their hands of it and blamed it on you. They said you're responsible, the Planning Board. The Planning Board is responsible for planning Newburgh. Last year we went from here --

CHAIRMAN EWASUTYN: Arthur, can we end the conversation, because the Planning Board is not responsible for adopting the Zoning. That's a Town Board action. The Planning Board is not responsible for that.

Sandra.

MS. KISSAM: I have a question. Who is responsible for determining whether the Serviss property is being utilized in a manner consistent with the Ag district? Who is responsible for checking that out?

CHAIRMAN EWASUTYN: Pat Hines?

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MR. HINES: I believe New York State Ag and Markets has the jurisdiction over that.

MS. KISSAM: I'm not talking about jurisdiction per se. I'm talking about who is responsible for walking the property and determining whether it is being used in a manner that's consistent with the Ag district designation?

MR. HINES: My answer to you was the New York State Ag and Markets regulations.

MS. KISSAM: Is there a local chapter?

MR. HINES: They have regional offices, yes.

MS. KISSAM: Is there a regional office in Goshen?

MR. HINES: I don't know where they are. I have no idea where their regional offices are. That is the agency.

MS. KISSAM: I'll accept what you're saying but I find it hard to believe that you're not aware of where a regional office would be since you're dealing all the time with land usage.

MR. HINES: Not agricultural districts.

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MS. KISSAM: Pardon me?

MR. HINES: Not agricultural districts.  
That's not a local municipality function.

MS. KISSAM: You are aware that even  
though they have an Ag designation, they are  
subject to Town zoning for the subdivision  
proposal.

MR. HINES: Absolutely.

MS. KISSAM: So you have some sense of  
how an Ag district --

MR. HINES: I do, I just don't know the  
address of New York State Ag and Market's  
regional office. I'm sure they're online.

MS. KISSAM: Thank you.

CHAIRMAN EWASUTYN: The gentleman in  
the back.

MR. PARKER: Robert Parker, 22 Floral  
Drive. I might have gotten a little confused  
here, and it's off the point of this.

Back to your statements. We're not  
sure where we get our water from now? Are we  
buying it? Are we not buying it? The gentleman  
didn't know.

CHAIRMAN EWASUTYN: That's a Town Board

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matter. It's not a --

MR. PARKER: You're the Town Board.

CHAIRMAN EWASUTYN: We're the Planning Board. We're the Planning Board. Whatever the Town has negotiated, if they have negotiated --

MR. PARKER: Let me interject for a second. Planning boards do plans; correct?

CHAIRMAN EWASUTYN: No.

MR. PARKER: You oversee plans?

CHAIRMAN EWASUTYN: Correct.

MR. PARKER: So when you're overseeing the plans you should know where we're getting our water from.

MR. HINES: Just to clarify that, we have established water supplies, but because of an issue with the Delaware Aqueduct potentially being -- the Catskill Aqueduct being shutdown, there is an issue where New York City wants certain municipalities off of their aqueducts for a period of time. They have done extensive work coordinating with various municipalities for interconnection.

The question was are we buying water from the Town of New Windsor right now. I don't

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know today if we're buying water from Town of New Windsor. There is an arrangement for an interconnect that has been provided for. At some point, when those aqueducts are shutdown, there will be an intermunicipal transfer of water for a period of time. The question was are we doing it right now. I don't know the status of that right now.

MR. PARKER: But shouldn't you know?

MR. HINES: No. Long term they're going to be back on the Delaware Aqueduct and the Chadwick Lake water supply.

MR. PARKER: Thank you very much for your time. There's an election coming up.

CHAIRMAN EWASUTYN: Any final questions from the audience? Nicholas.

MR. GEMMA: I have one. I'm just worried and concerned. I told you I used to complain. I was a complainer, like people complaining about 1298 Union Avenue. Look what I got. My neighbor sold his property to the richest guy that you know around here. He bought the property in back of Ice Time. You know those over there, Ice Time. The condos back there.

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That guy is building there. The guy who bought the property by my house, all the property, he bought that. That's what's going to come, condos. If I was that Mr. Whatever his name is, Serviss, up there, I would sell my property too. Compromise with him. Holy mackerel. That's all I've got to say.

Can you imagine, 150 acres of condos. I think there's 38 acres in back of me they sold. His name is Farrell. You know all know who he is because he donates money and dirt and everything else to the Town. You let him do whatever he wants. I know. I know. I don't know what we're going to do if he buys that too because he's interested in it. I heard it. We're in trouble. That's all I know.

CHAIRMAN EWASUTYN: Final questions from the public? Ma'am.

MS. McCARTNEY: I just have one general statement. I'm a local teacher in the Newburgh District. Part of my responsibility is planning my lessons for my students. I would encourage the Planning Board, the Town Board, every board to be proactive in their planning and look ahead

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instead of having reactive management. When I look at how the woods have been destroyed, and then we hear well they took the trees down, some were here and he did it afterwards, whatever, it's gone, it's done. You seem to be reacting instead of proactive management. Just a suggestion.

CHAIRMAN EWASUTYN: At this time I'll turn it over to Planning Board Members. Frank Galli?

MR. GALLI: Sandra, I have a phone number for you, if you'd like, for the office.

MS. KISSAM: Yes.

MR. GALLI: The Syracuse office covers Orange County. It's 315-487-0852. If you want the Albany main office --

MS. KISSAM: In other words, they are responsible for --

MR. GALLI: Orange County.

MS. KISSAM: -- determining whether the property is being used as it was intended for?

MR. GALLI: That's correct. If you want the main number, it's out of Albany, it's 518-457-5459.



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MS. KISSAM: Thank you. Do you have a name of an individual?

MR. GALLI: I don't. I just looked it up for you. I just Googled it for you.

MS. KISSAM: It always helps to ask for someone.

MR. GALLI: I didn't call them in the middle of our Board meeting.

MS. KISSAM: I just thought -- do you have like the director of the Syracuse office?

MR. GALLI: It didn't say a name. It just had what counties they were involved in and the phone number.

MS. KISSAM: This is the office that administers agricultural districts?

MR. GALLI: That's what it said.

MS. KISSAM: Thank you.

MR. GALLI: You're welcome.

I just have a comment. People, we've all been in the Town a long time. People own their properties. We've had neighbors live next to us that don't keep their houses up, you call the Town, the Town comes out, they can't do anything about it. Your other neighbor keeps

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their property like garbage.

Mr. Gemma back there mentioned how he has to put up with stuff. I have to put up with my neighborhood every day, with houses around me. He knows what I'm speaking about. We've all been here a long time, we've all put up with different situations.

Unfortunately people own their property and they have a right to develop it if they do it within the means of the law. The Planning Board has to make sure they follow the law of what the plan calls for. That's our job. We don't handle Town Board water issues as far as who we buy it from, who we don't buy it from and issues like that. We're given the facts on the plan, we hear from the public. Some things might come up that we don't know about, flooding maybe that Pat has to look at, drainage and things like that, and that's what we handle.

Unfortunately a lot of stuff that we heard tonight is handled by the Town Board. When you go to the Town Board, Mr. Siegfried, and I go to most of the Town Board meetings, they don't say it's the Planning Board's problem, go back to

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them. I've never heard them say that. A lot of issues --

MR. SIEGFRIED: I got --

CHAIRMAN EWASUTYN: Again, I don't want to get into a debate back and forth. I don't think that's polite and professional.

MR. GALLI: That's all.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: I have nothing to say right now.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No comment.

MR. DOMINICK: First I want to thank you. This is your Town and your community where you raise your families, and I really appreciate your comments tonight.

Pat, can you just explain to Judith, because her concern was about laws, regulations, following the guidelines, making sure -- just kind of just go over that briefly, just to reinforce Code Compliance, their job and so forth?

MR. HINES: Some of the issues we heard tonight were Code Compliance related issues that

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are outside the scope of the Planning Board. Normally we would have the Code Compliance official here but he had a personal matter to take care of tonight so he wasn't able to be here. We do have a stenographic record of what everyone said. I will speak to him tomorrow regarding those Code Compliance issues.

The Planning Board, as stated, is an administrative review board. We have the Town Code that the Planning Board is bound to follow. There was zoning -- underlying zoning on this property that allows certain uses with Planning Board approval.

This project has been before the Planning Board for several months, has gone through several iterations of the plans. Initially the plans showed a filling in of .06 acres of Federal wetlands. The Planning Board, we issued comments saying we believe the project could be redesigned to avoid that. The applicants took a look at that, they relocated a septic system and avoided the wetlands fill.

We did a review of the stormwater on the site. It doesn't meet the thresholds to

1  
2 require a DEC permit for that. They stayed under  
3 the 1 acre of disturbance on the site. They  
4 actually reduced the disturbance further by  
5 eliminating the potential fill of an isolated  
6 Federal wetland.

7           The wetlands on the site are regulated  
8 by the Army Corp of Engineers. They are what's  
9 called Federal jurisdictional wetlands, not DEC  
10 regulated wetlands. DEC only regulates wetlands  
11 that are 12.4 acres or larger and are mapped on  
12 their maps. DEC wetlands have a 100 foot buffer  
13 associated with them. Federal wetlands, which  
14 these are, do not have that 100 foot buffer.

15           That being said, this project has now  
16 avoided all impacts to the Federal wetlands.  
17 There is no grading proposed of those. We did  
18 require that the wetlands be mapped, and they are  
19 delineated on there. They were mapped by a  
20 wetlands biologist and surveyed on the plans so  
21 that this project avoids those impacts.

22           The septic systems have been designed  
23 in compliance with Public Health Law 75-A which  
24 are the regulations pertaining to subsurface  
25 sanitary sewer systems. The applicant's engineer

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has done extensive deep testing. We had them do further testing in order to relocate the septic system on lot 1 up gradient on the site. That system now has to be pumped, but it did provide for elimination of the impacts to the wetlands.

The Planning Board took a look at this project. Originally it had three driveways proposed to Union Avenue, each of the lots having an independent driveway. During that review process we recommended -- the Board recommended that the driveways be reduced where two of the lots would share a driveway. The Board is aware of the issues along Union Avenue. Most of those are probably a speed enforcement issue, not a Planning issue when you see the traffic out there. The driveways have been reduced to two rather than three in order to eliminate an extra driveway cut there.

The project is provided with municipal water. Lot 3 is located well away from the road, so we recommended that the service lateral be provided with a larger diameter, and that has been shown on the plans.

The applicant has been very responsive

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to our technical comments and input from the Board during the process. I know it's your first night here but this project has been under review, I would say six or seven months before the Board with multiple iterations of the plans to get them in the state they are.

MR. DOMINICK: Thank you.

MR. HINES: I hope that addresses what you wanted me to.

MR. DOMINICK: I think it did. Thank you.

Just going off what Frank said, I think there's a little misunderstanding here of what the word Planning Board means. This body, this group doesn't sit here and look at that Town map and say oh, there's a spot here, I think we could put a house, or a farm, or a shopping center, or a mall. No, no, no. That's not what we do. We come up here and we represent you, and the Town, and the applicant and make sure that applicant follows the code and the law as provided by New York State and the Town. That's what we do.

I am on Gardnertown Road, or 300, in traffic with you guys. I know that. But we can

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not stop somebody from following the law. We're here to see that the law is met and enforced.

MR. WARD: I want to say thank you for coming. At the same time, I've been in your shoes many times. I'm a Town of Newburgh resident and I know exactly where you're coming from. That's how come I'm here.

The bottom line is we have to go by what we see. We go by the code of laws and we do the best we can.

I don't know if any of you have seen the comprehensive plan for the Town, or the guidelines. Look at that. That's when projects come, we give them what they are supposed to do before they even see us. Educate yourself that way and it helps everybody. When you come in, you know exactly what it is. I've been there.

So thank you very much for coming.

CHAIRMAN EWASUTYN: The last comment, Sandra Kissam.

MS. KISSAM: I feel compelled to make a few observations. With complete respect for your remarks, the fact is that in many parts of the Zoning Code I have read, not recently but I have



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been reading the Zoning Code over the years. Many years ago when Kirkpatrick was supervisor I was actually given the opportunity to work with folks that were working on the master plan, which included members of the Planning Board at that time and others.

There are many places in the Zoning Code and in the plan, the Town plan where Members of the Planning Board have discretionary approval or can have options. For example, the multiple housing option is something that the Planning Board has to approve, it's not an automatic. It's not an automatic.

MR. HINES: The Town Board has that approval. It goes to the Planning Board, referred to the Town Board and back for that kind of use.

MS. KISSAM: All right. I don't want to split hairs.

Also, the Planning Board can make a very important determination, which is the SEQRA determination, and this means that you can give the developer a pass or insist that he do a full-blown study. That is a very powerful tool for

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encouraging, or discouraging, or seeking changes to a proposed project. Actually, the Planning Board has considerable jurisdiction over and can make professional judgments that can definitely discourage or encourage specific proposals, specific projects.

I do not agree that you are just following the law. There are many places in the Code where you have discretion and you can determine how you want things to proceed.

I just wanted that to be in the minutes. Thank you.

CHAIRMAN EWASUTYN: Arthur, we're finished at this point.

MR. SIEGFRIED: It's one little thing.

CHAIRMAN EWASUTYN: Arthur, we're finished at this point.

I'll move for a motion to close the public hearing on the four-lot subdivision for Serviss.

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli.

MR. WARD: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

Pat Hines, I'll ask you to refer to us any questions or comments for Rob Dickover to put in the final resolution for approval.

MR. HINES: I issued you a technical review memo for tonight's meeting. My first comment was that a response from the highway superintendent should be received. A couple days ago, after I wrote these comments, we did receive the sign off from the highway superintendent for the two driveways.

The shared driveway for lots 2 and 3 will require a common driveway access and maintenance agreement which will be required to be submitted to Mr. Dickover's office for review

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and approval.

The plans do contain a roadway dedication parcel to the Town of Newburgh for a 25 foot strip from the center line of Union Avenue to the property. That will be for highway purposes, so should the Town of Newburgh in the future wish to do improvements on Union Avenue, this applicant has offered a dedication of that 25 foot strip.

Those would be the outstanding conditions I'm aware of.

CHAIRMAN EWASUTYN: Rob Dickover, would you go through the conditions for approval in the resolution?

MR. DICKOVER: This will be a resolution for preliminary and final subdivision for Harry Serviss. The application is for a four-lot subdivision, three of which are planned for residential use. The fourth one will remain vacant.

The resolution will describe the property, it's location, the zoning district within which it is located, as well as the plans as last revised. It will recite the history of

1 the application, the date of application, the  
2 date of public hearing being opened and closed.  
3 It will recite the environmental determination of  
4 this Board, which was a negative declaration  
5 issued on September 5, 2019.  
6

7 This application was referred to the  
8 Orange County Planning Department for it's review  
9 and report pursuant to General Municipal Law 239.  
10 That department has not provided a report of it's  
11 findings at this time and their time to do so has  
12 expired.

13 The findings for this would be that the  
14 property can be used safely for building  
15 purposes, without danger to health or peril from  
16 fire, fluid or other mass.

17 It will recite an approval subject to  
18 the following conditions: A common driveway  
19 easement and maintenance agreement satisfactory  
20 to the Planning Board Attorney must be submitted  
21 and approved before the plans are signed. That  
22 instrument must be recorded and a copy of the  
23 document, as recorded together with the final  
24 receipt, must be filed with the Building  
25 Department as a condition of the approval.

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There is also an offer of dedication required for a strip of land along Union Avenue. That document will need to be presented for Planning Board Attorney approval as well as that of the Town Attorney.

Similarly with respect to the common driveway agreement, the instrument will need to be recorded and a copy of it, as recorded with the filing receipt, to be filed with the Building Department as a condition of the approval.

This being a subdivision, there is also a contribution to the Town for park and recreational facilities in lieu of providing those on site. The contribution is at the cost of \$2,000 for each lot created of which there are three new lots, and so the contribution for parkland would be \$6,000.

The general conditions are the same, appropriate mylars, a sufficient number of those being presented to the Chairman for approval.

I believe those are the conditions, Mr. Chairman.

CHAIRMAN EWASUTYN: Any additional comments from Planning Board Members or Pat

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SERVISS SUBDIVISION

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Hines?

MR. HINES: I have nothing additional.

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Having heard the conditions for preliminary and final approval presented by Rob Dickover, Attorney for the Planning Board, would someone make a motion to approve this?

MR. GALLI: So moved.

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

MR. BROWNE: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: I'm going to abstain.

CHAIRMAN EWASUTYN: I'm sorry?

MS. DeLUCA: I'm going to abstain.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Oppose.

MR. WARD: Oppose.

CHAIRMAN EWASUTYN: Let's see. One,

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SERVISS SUBDIVISION

72

two, three -- it was opposed. You can't move forward.

(Time noted: 8:12 p.m.)

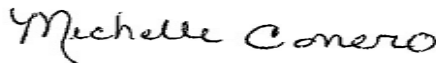
C E R T I F I C A T I O N

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 18th day of October 2019.



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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

4 MARINERS COURT  
(2019-20)

4 Mariners Court  
Section 121; Block 1; Lot 4  
R-1 Zone

----- X

INITIAL APPEARANCE  
AMENDED SUBDIVISION

Date: October 3, 2019  
Time: 8:12 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  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.  
PATRICK HINES

APPLICANT'S REPRESENTATIVE: DAVID NIEMOTKO

----- X

MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845) 541-4163

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CHAIRMAN EWASUTYN: The next item of business we have this evening is Mariners Court. It's on 4 Mariners Court, it's in the R-1 Zoning District. It's an amended subdivision being represented by David Niemotko.

MR. NIEMOTKO: My name is David Niemotko, I'm an architect. I own my own firm. We do architectural and site planning.

This project is for myself. My wife and I have purchased already lot number 4 of the Anchorage development. It's composed of about 18 to 20 lots that exist. The lot that we purchased is accessed off of Mariners Court which is part of that overall subdivision.

What we're asking of the Board is to allow us access from River Road onto the property as opposed to the current plan which has access off of Mariners Court. The reason why we're asking that is to capitalize and use the property in it's best known form, and that's to view the Hudson River. If we access it from Mariners Court, the front of the house would face the Hudson and the back would face River Road. If we're allowed to access it from River Road, the

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front of the house would face River Road and the back of the house would face the Hudson, and we would appreciate that very much.

We did hire a surveyor. We did outline and design the property. We are not changing the septic or well locations, or the design that was previously approved by the Town. We're just changing the access road.

I located the access drive in this location. I'm pointing to the map. It's somewhat in the middle of the next two driveways on River Road. To the east, we are approximately 220 feet from the center of that driveway. To the west, we're approximately 170 feet from the next driveway. So we tried to locate it in the center, not to impact River Road any more so than it is.

In addition to that, our sight distances are well above the AASHTO requirements. To the west we have a sight distance of over 300 feet. To the east we have a sight distance on River Road of over 400 feet. For a 40 mile-per-hour road, AASHTO's requirement is 195 feet of sight distance. We far exceed that.

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You'll notice on the top of the page there's a sight distance here that was located by our surveyor. That's the most optimum location because it's 650 feet to the west, 425 feet to the east. I chose not to locate the driveway there, only because it would be very close to a neighbor's driveway. In trying to balance out the project and locating it in a good condition and a good design, I thought the best optimum use of the property would be to locate it closer or more in the center of the two nearest drives.

I appreciate Pat's review of the project.

The grading is not impacting the other neighbors.

Again, we're not impacting the previously approved location of the well or septic, or it's design.

We just, again, are asking to locate the drive off of River Road.

CHAIRMAN EWASUTYN: Pat, do you want to review this with us?

MR. HINES: I just gave the Board a little history. Some of us were here when this

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came in, the original subdivision. There was significant public input regarding access to River Road.

This project, as the Board may recall, or some of the Board Members may recall, was also associated with a proposed marina facility on the eastern portion of this property, the Anchorage project. This was the residential subdivision portion of that.

It states the applicants are before the Board to eliminate the driveway from Mariners Court. One of the requirements of the original subdivision was that the driveways be constructed -- the entrance driveways be constructed when Mariners Court was put in. There are some retaining walls and such on Mariners Court to provide access to this. The concern was there was extensive grading throughout all 21 of the lots that were kind of intertwined and dependent on each other. There was a note on the map requiring any change to the grading be submitted for review.

The gist of that comment is there was a lot of public input when this was a 21-lot

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subdivision. A lot of it had to do with boat traffic. Actually, the Town Board put restrictions on towing of boats from the Balmville side of River Road to the proposed Anchorage project, and they had to come down towards Albany Post Road. I guess it's River Road, but from 9W.

We're suggesting that during the public hearing for this amended subdivision, you may get some comments regarding that. A public hearing is required for the amended subdivision.

We'll need a map. Should this project move forward, we'll need a map suitable for filing to supercede the previous subdivision.

I did note that the sight distance that was depicted was not located for the driveway. I think we should show that because the highway superintendent is going to have to weigh in on this as well, should this project proceed and the driveway be permitted there. If we can get the sight distance at the actual driveway location.

We did note in our comments the wells and septic are in the original locations approved by the Health Department, so there's no

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further review. Had they been changed this would have to go to the Health Department as well. The wells and septics are in the same location.

Again, the applicant is looking to take advantage of the view. I believe the house site is moving slightly up in elevation as well.

MR. NIEMOTKO: Yes, it is. It's minor.

MR. HINES: It's within the building envelop but the house was moved a little to the west in order to take advantage of the topography on the lot and the river views.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: No.

MS. DeLUCA: No.

MR. BROWNE: Nothing.

CHAIRMAN EWASUTYN: Pat, is there a need to declare our intent for lead agency?

MR. HINES: I believe we can declare our intent for lead agency. It is an Unlisted action and there are no other involved agencies.

Again, the grading on the site, it's probably less grading. Because of the change, you're not fighting the grade coming up the hill

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from Mariners Court, you're utilizing the grade to the house that's been moved further west.

There are two retaining walls proposed in order to minimize the grading as well, and those are shown on the plans.

We would recommend a negative declaration. There has been a short form EAF provided for the Board's use.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to declare our intent for lead agency, declare a negative declaration and to set -- was it the 7th of November?

MR. HINES: The 7th. You're going to declare yourself lead agency for an Uncoordinated review, not your intent.

CHAIRMAN EWASUTYN: Declare ourselves lead agency for Uncoordinated review, declare a negative declaration, and to set November 7th for a public hearing.

MR. WARD: So moved.

MR. DOMINICK: Second.

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



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MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

David, you'll work with Pat Hines' office as far as the informational letter and the public hearing notice, how to arrange that through Charlene Black at the Town Hall for the mailing.

MR. NIEMOTKO: Absolutely.

MR. HINES: If you give me a call, we have a process. It's not certified mail. You first class -- stuff, stamp, first class mail and bring it to the Town Hall. We'll work with you on that. Give my office a call.

MR. NIEMOTKO: I work with McGoey, Hauser & Edsall quite a bit. It's not a problem.

CHAIRMAN EWASUTYN: Thank you, David.

MR. NIEMOTKO: Thank you very much.

(Time noted: 8:20 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 18th day of October 2019.

*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 - AMENDED SITE PLAN  
(2019-21)

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

----- X

INITIAL APPEARANCE  
AMENDED SITE PLAN

Date: October 3, 2019  
Time: 8:20 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  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.  
PATRICK HINES

APPLICANT'S REPRESENTATIVE: BRANDON PETRELLA

----- X

MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
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(845) 541-4163

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CHAIRMAN EWASUTYN: The third item of business this evening is Gardnertown Commons. It's an amended site plan. It's an initial appearance. It's located on Gardnertown Road in an R-3 Zone. It's being represented by Mauri Architects.

MR. PETRELLA: Good evening. I'm Brandon Petrella. We're here today to seek an amendment to the previously approved site plan.

The owner has elected to maintain the project themselves. They would like to build a 600 square foot maintenance accessory shed. The idea behind that, obviously, is to store like a skid steer, something to manage the snowfall, and other miscellaneous handheld and mechanical equipment to maintain the planters and landscape beds on the site in a clean and easy manner.

The shed is to be located on the west side of the site, immediately north of the senior building. The accessory structure will be inside of all the existing setbacks.

We don't intend to connect any water or sewer to this building. There will be electric, no heat.

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We're going to maintain the same aesthetic as the rest of the building. We don't want an eyesore. I'm sure you're all familiar with the buildings. I think the look of them is very pleasing. That's the intent also of the shed. It matches the same aesthetic, vinyl siding, asphalt shingles.

This particular project, in order to access the shed we have omitted a single parking spot. We actually had one above the threshold, so we're actually at the zoning threshold at this point. That I think is acceptable.

We modified the landscaping. We haven't moved -- we've moved trees but we haven't eliminated any kind of tree or shrub. They've all been relocated to allow the building to sit into the site.

Other than that, it's a pretty simple amendment.

CHAIRMAN EWASUTYN: Do you want to go through the architectural with us, just so we -- that would be part of the action also.

MR. PETRELLA: This building will follow the same aesthetic as the apartment

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buildings themselves. We will use vinyl siding. There will be white aluminum fascia. There is some PVC white painted trim, shaker style panel, overhead doors and man doors, double hung windows on the sides that face the rest of the apartment structure, and there will be an asphalt shingle hip roof.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No.

MR. BROWNE: Are those shrubs you're showing going to be there?

MR. PETRELLA: Those are decorative. The plantings that were originally proposed in the area we have rearranged around the building. No planting has been eliminated.

MR. DOMINICK: I think your overall project looks magnificent.

You said you'll have electric but no heat?

MR. PETRELLA: No heat. The building won't even be insulated. It's just wood framed,

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open wood stud.

MR. DOMINICK: The second thing, you said you had trees but you relocated them?

MR. PETRELLA: That's correct. We have a single tree that was actually in that location. That tree has been moved a little eastward on the site. It's a small scale here, I apologize. There were fourteen different types of shrubs in this area. Both have been relocated to the sides of the building. A single tree located basically where the building is sited has now moved easterly in this direction.

MR. DOMINICK: Thank you.

MR. WARD: My question is going to Pat on this one. Do you understand where he moved that?

MR. HINES: No. To answer Mr. Ward's question, I didn't see on this plan where the trees were relocated. I saw --

MR. PETRELLA: That was not included on this plan. There was a series of 11 by 17 short sketches. I believe it was the back sheet. I have a copy. I did notice that that was one of your comments.

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MR. HINES: I've got nothing showing me it's relocated.

MR. PETRELLA: On the third sheet.

MR. HINES: I have them here. I guess I see some landscaping, but I don't know -- I looked at the original landscape plan --

MR. PETRELLA: I see what you're saying.

MR. HINES: -- and there's no indication that these number of trees were moved or how they're accounted for. I think that should be identified.

Then just noticeably, there's none along the back wall, which you also don't show any windows or any architectural features.

MR. PETRELLA: That's correct.

MR. HINES: There was a concern at this project. We heard from neighbors from the residential area along the side there. During the work session the Board was talking about -- not knowing that you had already relocated them -- to relocate those along the back to provide some aesthetic screening of this structure from the potential rear lots of the neighbors on Stone



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-- did we figure out what the name was? Stone Road?

MS. DeLUCA: Stony Run.

MR. PETRELLA: I think we can definitely accommodate that. I don't think there's any issue with moving some of that landscaping to the back.

MR. HINES: If we could just get a count of the ones that are moved and confirm that it's the same number there. I'm speaking a little bit for the Board. We did talk about this at work session.

MR. PETRELLA: That's not a problem whatsoever. We can certainly clarify that.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Pat, do you have any additional questions?

MR. HINES: We noted they did eliminate one parking space. They still have the required parking spaces by Code.

This project is a Type 2 action, 4,000 square foot -- less than 4,000 square foot commercial, so there are no SEQRA requirements for review.

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You just did the architectural review.  
That landscaping issue.

The project is an amended site plan and it is subject to a public hearing, however the Board has the ability to waive that requirement in your Code.

CHAIRMAN EWASUTYN: I'll poll the Board Members to see if they want to have a public hearing. Frank Galli?

MR. GALLI: No.

MS. DeLUCA: No.

MR. BROWNE: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Would someone read into the record why they decided not to have a public hearing?

At this time the Planning Board finds that the new construction is in harmony with the existing buildings. The potential for any adverse impact as far as to the residents to the south I believe --

MR. PETRELLA: Southwest.

CHAIRMAN EWASUTYN: -- southwest, will

1  
2 be mitigated with trees and screening. The  
3 Planning Board feels that at this particular time  
4 they have done their best to minimize any  
5 potential impacts ,so we waived the public  
6 hearing.

7 Is the Board in agreement?

8 MR. GALLI: Yes.

9 MS. DeLUCA: Yes.

10 MR. BROWNE: Yes.

11 MR. DOMINICK: Yes.

12 MR. WARD: Yes.

13 CHAIRMAN EWASUTYN: So at this point  
14 the action before us is to grant ARB approval and  
15 approval of the amended site plan. Correct, Pat?

16 MR. HINES: Yes.

17 CHAIRMAN EWASUTYN: Rob Dickover, can  
18 you go through the conditions for this action?

19 MR. DICKOVER: This would be an amended  
20 site plan and ARB approval for Gardnertown  
21 Commons.

22 We'll recite the nature of the  
23 application. We'll recite the construction of  
24 the maintenance shed, removal of one parking  
25 space but still being in compliance with the

1  
2 parking requirement. I'll refer to the  
3 property's location by section, block and lot  
4 number as well as the zoning district. I'll  
5 recite the application's plans and drawings by  
6 land revision date. I'll recite the history of  
7 the application, a public hearing having been  
8 waived this date by motion of the Board. I'll  
9 recite that this is a Type 2 SEQRA action, no  
10 further environmental review being required.

11 Pat, is there a 239 requirement on  
12 this?

13 MR. HINES: No. This one does not.

14 MR. DICKOVER: We'll recite that a 239  
15 referral was not required. We'll recite the  
16 findings of the Board approving the amended site  
17 plan as well as the architectural renderings as  
18 presented to the Board on this date. We'll  
19 recite that all prior site plan conditions from  
20 the previous approval will still need to be  
21 complied with. We'll recite an Architectural  
22 Review Board approval, approving only the  
23 construction of that which has been presented to  
24 the Board this evening.

25 I believe that would be the extent of

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them, Mr. Chairman.

CHAIRMAN EWASUTYN: Having heard the conditions of approval presented by Planning Board Attorney Rob Dickover, I'll move for a motion to grant final approval to the amended site plan for Gardnertown Commons, and also ARB approval.

MS. DeLUCA: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Stephanie DeLuca. I have a second by John Ward. Roll call vote starting with John Ward.

MR. WARD: Aye.

MS. DOMINICK: Aye.

MR. BROWNE: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried. Thank you.

MR. PETRELLA: Thank you.

(Time noted: 8:31 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 18th day of October 2019.

*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

LAKESIDE APARTMENTS/SENIOR HOUSING  
(2019-06)

Lakeside Road  
Section 86; Block 1; Lots 39.22 & 39.23  
IB Zone

----- X

INITIAL APPEARANCE  
AMENDED SITE PLAN

Date: October 3, 2019  
Time: 8:31 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  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.  
PATRICK HINES

APPLICANT'S REPRESENTATIVE: BRENDON PETRELLA

----- X

MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845) 541-4163

1  
2 CHAIRMAN EWASUTYN: The fourth item  
3 of business this evening is Lakeside  
4 Apartments/Senior Housing amended site plan.  
5 It's an initial appearance for an amended  
6 site plan, located on Lakeside Road in an IB  
7 Zone. It's being represented by Mauri  
8 Architects.

9 MR. PETRELLA: Brandon Petrella from  
10 Mauri Architects. These are the same owners  
11 who had the same proposal before you. The  
12 shed is the same structure. It will be  
13 located on the north side of the site, just  
14 to the west of building 3 in the back near  
15 the small walking path that is located in  
16 this area here.

17 Once again, the same architectural  
18 aesthetic to match the buildings that are  
19 being built there. The same use.

20 CHAIRMAN EWASUTYN: Okay. In this case  
21 you show where the shrubbery has been located;  
22 correct?

23 MR. PETRELLA: Yes.

24 CHAIRMAN EWASUTYN: Do you want to go  
25 through the renderings on this one more time?



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MR. PETRELLA: This one is very similar to what you had just seen. There are some slight deviations just because of how it's sited.

The man door is located on one side of the building -- of the apartment building. The side that does face the apartment building now has three sets of double hung windows. All other materials are the same, asphalt shingles, hip roof, aluminum and PVC trim siding, shaker style doors. I think I mentioned it but vinyl shaker siding.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: No additional.

MS. DeLUCA: No.

MR. BROWNE: Are the colors the same on that one as the previous one?

MR. PETRELLA: They are the exact same.

MR. BROWNE: Same materials?

MR. PETRELLA: Both apartment complexes share a similar palette.

MR. DOMINICK: Electric, no heat?

MR. PETRELLA: Exactly. No services except electric.

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CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Brendan, the difference between this application and Gardnertown Commons, this is within 500 feet so we can't take any action tonight under 239-M of the Municipal Law. You'll coordinate with Pat Hines and we'll send it to the Orange County Planning Department.

MR. PETRELLA: Correct.

CHAIRMAN EWASUTYN: I think that's all we can do at this point.

MR. HINES: That is all we can do.

Did you ever try to start a snowblower when there's no heat? Now you can plug them in.

MR. PETRELLA: Fortunately that's not my problem.

MR. HINES: It's a Type 2.

CHAIRMAN EWASUTYN: You'll work with Pat Hines.

MR. HINES: Rob Dickover is reminding us we need to declare ourselves lead agency and declare a Type 2 as of my comment 1.

CHAIRMAN EWASUTYN: I'll move for a

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motion from the Board to declare ourselves lead agency and go into the record that this is a Type 2 action. Do I have a motion from anyone?

MR. WARD: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: Motion from John Ward. A second from Cliff Browne. I'll ask for a roll call vote starting with John Ward.

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. BROWNE: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. PETRELLA: Thank you.

(Time noted: 8:35 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 18th day of October 2019.

*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

ELM FARM  
(2000-09)

Request to be placed on the Consultants' Workshop  
meeting agenda on October 29, 2019

----- X

BOARD BUSINESS

Date: October 3, 2019  
Time: 8:35 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.  
PATRICK HINES

----- X

MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845) 541-4163

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ELM FARM

102

CHAIRMAN EWASUTYN: We have two items of business this evening. I'll mention the first one.

Elm Farm was scheduled for a work session in September, the last Tuesday of that month. They weren't able to make that and they asked that it be rescheduled for October.

Pat, I believe that date is the 29th?

MR. HINES: Correct.

CHAIRMAN EWASUTYN: We'll move for a motion to set --

MR. HINES: -- at 1 p.m.

CHAIRMAN EWASUTYN: -- Elm Farm for a 1:00 consultants' work session on the 29th of October. Do I have a motion for that?

MR. GALLI: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

(Time noted: 8:36 p.m.)

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

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certify:

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*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

LONGVIEW FARM/SUMMER KIM CORP  
(2006-39)

Request for a Six-Month Extension from  
October 3, 2019 until April 3, 2020

----- X

BOARD BUSINESS

Date: October 3, 2019  
Time: 8:36 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  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.  
PATRICK HINES

----- X

MICHELLE L. CONERO  
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CHAIRMAN EWASUTYN: At this point I'll have Dave Dominick read the extension letter for Longview Farm/Summer Kim Corp. They're requesting a six-month extension from the 3rd of October through the 3rd of April.

MR. DOMINICK: We received a letter dated September 17, 2019 from T.M. DePuy Engineering and Land Surveying located in Middletown, New York. It was addressed to Honorable John Ewasutyn, Town of Newburgh Planning Board, reference Longview Farm/Summer Kim Corp, Sections 1 and 2, Town of Newburgh J #2006-039. Dear Mr. Chairman, on behalf of the Summer Kim Corp and Kyra Corp, we wish to request to be placed on your October 3, 2019 Planning Board agenda to for another extension of the approval on the referenced project. The current extension expires on October 16, 2019. The following is an update:

The small sliver of land that separates Summer Drive from Longview Farm subdivision to the Taylor Way subdivision, research indicates it has never been

1 transferred to the Town. Robert Hankin  
2 has reached out to Joseph Palmerone. Mr.  
3 Palmerone recalls signing the deed and  
4 indicated he would sign a new deed so the  
5 transfer can happen.  
6

7 With respect to the lands of Summer  
8 Kim (SBL 20-1-140), which represents the  
9 majority of the subdivision, it is presently  
10 in foreclosure. Mr. Hankin is in the process  
11 of taking full ownership and clearing the  
12 title.

13 The land of Kyra Corp (SBL 20-1-1),  
14 is presently in a bankruptcy procedure in  
15 California under Kim Staples' name which is  
16 being released. Mr. Hankin is in the process  
17 of foreclosing on that property to take full  
18 ownership and clear title.

19 These complications have caused a  
20 need for multiple extension requests involved  
21 in this subdivision. Mr. Hankin has been  
22 diligently working to clean up these issues.

23 We believe we are close to  
24 resolution of these issues and will ask to be  
25 placed on the agenda to obtain final approval

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of the subdivision.

Thank you. Very truly yours,  
Thomas M. DePuy, PE/LS. A courtesy copy  
went to Michael Donnelly of Dickover,  
Donnelly, Donovan & Biagi; Pat Hines of  
McGoey, Hauser & Edsall Consulting Engineers;  
and Mr. Robert Hankin of Summer Kim Corp.

CHAIRMAN EWASUTYN: Would someone make  
a motion to grant the extension as read into the  
minutes by Dave Dominick?

MR. GALLI: So moved.

MS. DeLUCA: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

I'll move for a motion to close the

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Planning Board meeting of the 3rd of October.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli and a second by John Ward. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:40 p.m.)

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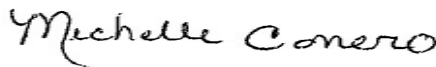
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---

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