

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

In the Matter of

VANTAGE CONSTRUCTION
(23-3)

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

PUBLIC HEARING - 5 LOT MINOR SUBDIVISION

Date: October 5, 2023
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
DAVID DOMINICK
KENNETH MENNERICH
STEPHANIE DeLUCA
JOHN A. WARD
CLIFFORD BROWNE

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

APPLICANT'S REPRESENTATIVE: JOHN NOSEK and
ANDY BELL

REPORTED BY: Patrick DeGiorgio, Court Reporter

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CHAIRMAN EWASUTYN: Good evening. The Town of Newburgh Planning Board would like to welcome you to the meeting of October 5th. We have five agenda items this evening and four business items.

At this time I will call the meeting to order with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. DOMINICK: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. WARD: Present.

MR. CORDISCO: Dominic Cordisco, Town of Newburgh Planning Board attorney.

MR. HINES: Pat Hines with MH&E Engineering.

MR. CAMPBELL: Jim Campbell, Town of Newburgh Code Compliance.

CHAIRMAN EWASUTYN: At this time

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I will turn the meeting over to Frank Galli.

MR. GALLI: Please rise for the Pledge.

(Pledge of Allegiance)

MR. GALLI: Please put your phones on silent.

CHAIRMAN EWASUTYN: Dominic Cordisco, the planning board attorney, will speak now. The first item is a public hearing and Dominic will introduce the procedure.

MR. CORDISCO: Yes. This is in connection with the Vantage Construction five-lot subdivision for four new residential homes. We would invite the applicant's representative, John Nosek, to provide a brief overview of the project and then the board will take public comment and if you would choose to speak, please stand up, step forward and provide your name for the stenographer. We will take comments one at a time and

1 we will work through all the comments
2 in the room and see if there's an
3 opportunity for additional comments if
4 necessary.

5 CHAIRMAN EWASUTYN: Okay. So
6 the first item on the agenda this
7 evening as was discussed by Dominic
8 Cordisco is Vantage Construction.
9 It's a public hearing for a five-lot
10 minor subdivision. It's located in an
11 R-1 Zone. It's being represented by
12 Nosek Engineering and Mr. Mennerich
13 will read the Notice of Hearing.

14 MR. MENNERICH: Notice of
15 Hearing, Town of Newburgh Planning
16 Board. Please take notice that the
17 Planning Board of the Town of
18 Newburgh, Orange County, New York will
19 hold a public hearing pursuant to
20 Section 276 of the New York State Town
21 Law on the application of Vantage
22 Construction, a five-lot subdivision,
23 project 2023-03. The project involves
24 a proposed five-lot subdivision of a

1 93 plus or minus acre parcel of
2 property. Four new single family lots
3 are proposed with a large balance
4 parcel of 83 plus or minus acres
5 remaining. All residential lots are
6 proposed to be served by individual
7 wells and subsurface sanitary sewer
8 disposal systems. Two common
9 driveways are proposed to serve the
10 residential lots. Access to the lots
11 will be from the common driveways off
12 of Kings Hill Road. The project is
13 located in the town's R-1 Zoning
14 District. The project site is known
15 on the Town of Newburgh tax maps as
16 Section 11, Lot 1, Lot 66.21. A
17 public hearing will be held on the 5th
18 day of October 2023 at the Town of
19 Newburgh Town Hall Meeting Room, 1496
20 Route 300, Newburgh, New York at 7
21 p.m. or as soon thereafter as can be
22 heard at which time all interested
23 persons will be given an opportunity
24 to be heard. By order the Town of

1 Newburgh Planning Board, John P.
2 Ewasutyn, Planning Board Chairman,
3 Town of Newburgh, dated 8 September,
4 2023.

5 MR. NOSEK: Good evening, John
6 Nosek, Nosek Engineering, the engineer
7 for this project. With me is Andy
8 Bell, the owner of Vantage
9 Construction. What we are looking to
10 do is we are proposing to subdivide
11 four lots plus the remaining lot
12 parcel of approximately 83.2 acres,
13 four new single family residential
14 lots. All four will have access onto
15 Kings Hill Road with combined
16 driveways to limit the number of curb
17 cuts onto Kings Hill Road. These lots
18 will be serviced by individual
19 subsurface septic systems. We have
20 done our soils testing, our perk tests
21 and our test bits and individual
22 wells.

23 So that's pretty much what we
24 are looking to do. There's no plans

1 for the remaining parcel at this time.
2 There are some federal wetlands on the
3 property that are shown here and are
4 shown here (indicating) and we are not
5 proposing any construction or
6 development even anywhere within
7 probably 300 or 400 feet of those
8 wetlands. That's pretty much it.

9 CHAIRMAN EWASUTYN: We'll open
10 the meeting for comment. Your name
11 and address?

12 MR. GLASS: My name is William
13 Glass. I live at 48 Maidstone Drive.
14 I border the property. Maidstone
15 Drive runs north south parallel to
16 Rock Cut Road. So my first question
17 is how is it that you putting up --
18 how far away is it from Maidstone
19 Drive where my property is? That's
20 what I would like to know.

21 MR. NOSEK: So this property
22 line -- let me put this back to the
23 overall piece. The closest lot to
24 your lot would be this lot right here

1 which I believe is Lot Number 1 and
2 then 2 and then 3 and 4 are on the
3 other end of the property. This is
4 Maidstone Drive right here. I don't
5 know which lot is you. The closest
6 lot to you would be Lot Number 1. So
7 if we flip this over to get a larger
8 view of Lot Number 1, you can see that
9 we are proposing the home very close
10 to the setback line furthest from the
11 property line. So this is all fairly
12 wooded in through here so you probably
13 won't even see the home.

14 MR. GLASS: How far away
15 distance-wise would it be from
16 Maidstone Drive?

17 MR. NOSEK: It's a couple
18 hundred feet.

19 MR. GLASS: How about the rest
20 of the property? I mean you bought 93
21 acres. I suppose you spent some money
22 on 93 acres, you have to recoup it
23 with the construction of four lots, so
24 what's -- there must be some kind of

1 plan if you are building four lots if
2 you have 83 remaining acres.

3 MR. NOSEK: There are no plans
4 to do anything with the remaining
5 land. Possibly maybe another home at
6 some point, but there's no plans to do
7 anything with the remaining property.

8 MR. GLASS: Originally there was
9 -- we were told that they were putting
10 up a hundred homes and putting in a
11 septic and whole water treatment
12 system and everything. Whatever
13 happened to that?

14 MR. NOSEK: I'm not aware of any
15 of that. I'm here to represent Mr.
16 Bell. There are no plans to do
17 central water or sewer or major
18 development for that parcel.

19 MR. GLASS: Okay. Thank you.

20 CHAIRMAN EWASUTYN: In the back.

21 MS. MANIA: Sharon Mania,
22 Maidstone Drive. Was anything done
23 checking to see if your wells will
24 affect our wells?

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MR. NOSEK: Wells are --

(interrupted)

MS. MANIA: I'm the second house in so that first house is right next to me.

MR. NOSEK: So this well, again, if you look at the property, is proposed at the far end of the lot and then there's Lot Number 2's well and then Lots 3 and 4 of course are on the other end of the property. So even with Lot Number 1, I don't know exactly where your well is, but we are at least 250 feet to our property line and whatever distance would be towards -- from your property line to your well, I'm not sure which lot you are.

MS. MANIA: I'm the second one right there.

MR. NOSEK: So this is your well right here. So you are probably about 350 feet away from our well from the closest well to you, to your well.

MS. MANIA: When guys were

1 coming and checking everything, they
2 told us they were going to do
3 something and see if those wells would
4 affect our wells. Nothing was done.

5 MR. NOSEK: No hydrologic study
6 has been performed, but given four
7 lots on the amount of acres, this is
8 not really a major subdivision, it's a
9 minor subdivision. We are only
10 looking to do -- the land lends itself
11 to do a much bigger development.
12 Hence the question of potential future
13 development, we are only looking to
14 build four homes at this time.

15 MS. MANIA: My yard backs to the
16 property. There's two stone walls
17 behind the property. Are they going
18 to take those down?

19 MR. NOSEK: I don't think so.

20 MS. MANIA: Along those stone
21 walls are a row of trees that are a
22 buffer between your property and ours.

23 MR. NOSEK: Correct.

24 MS. MANIA: Are they going to

1 cut those trees down?

2 MR. NOSEK: I would assume that
3 the owner of this lot would want the
4 buffer privacy just as much as you
5 would so I would say no.

6 MS. MANIA: But you don't know
7 definitely?

8 MR. NOSEK: Right.

9 MS. MANIA: I'm done.

10 CHAIRMAN EWASUTYN: First
11 gentleman with the short sleeved
12 shirt.

13 MR. SMITH: Sean Smith, 60 Kings
14 Hill Road. I live right across the
15 street from the second home on the
16 left side there. Why are these homes
17 built just off the road? You have all
18 this acreage, why don't they push them
19 down more or into the property line?

20 MR. NOSEK: The zoning in this
21 particular one is an RA-1 which is a
22 40,000 square foot lot size and we are
23 well above that with all these lots,
24 so there's not really any reason to

1 make them bigger. They are above the
2 minimum zoning requirement for the
3 town.

4 MR. SMITH: I don't know if that
5 answered my question. Why aren't they
6 set back more from Kings Hill Road?

7 MR. NOSEK: Sorry, set back from
8 Kings Hill Road. There might be a
9 better answer. 3 and 4 are here, so
10 if you look at 3 and 4 you can see
11 that the proposed homes are a couple
12 hundred feet back from the road. As
13 far as Lots 1 and 2, the soils are
14 better in these spots here where we
15 tested, so if we have to get to the
16 septic systems by gravity by the house
17 that means the house has to be pushed
18 up further in order to be able to get
19 the septic there. We meet all the
20 minimum requirements per state code.

21 MR. SMITH: That doesn't exist
22 if you pushed it deeper into the
23 property off of Kings Hill?

24 MR. NOSEK: It's possible that

1 the lots could be set back there.
2 They don't have to be there.
3 Especially the house on Lot 2 could
4 easily probably be brought back
5 another 30 or 40 feet. I don't think
6 Mr. Bell has an objection to that
7 necessarily. It all boils down to the
8 customer and who's buying and where
9 they prefer to have their home as long
10 as they have a minimum setback.

11 MR. SMITH: What are the timing
12 of the builds?

13 MR. NOSEK: Probably maybe next
14 summer.

15 MR. BELL: What was the
16 question?

17 MR. NOSEK: The timing of the
18 build.

19 MR. BELL: Probably commence
20 fairly quickly actually.

21 MR. SMITH: He said next summer.
22 You said quickly.

23 MR. BELL: He and I had never
24 entered into that question.

1 MR. NOSEK: It will take months
2 to get the map finalized and then you
3 go into the winter.

4 MR. WARD: Excuse me, could the
5 gentleman in the front give his name
6 to the stenographer?

7 MR. BELL: I'm Andy Bell, owner
8 of the property, Vantage Construction.

9 MR. SMITH: Do you have any idea
10 what size homes are being built,
11 square footage?

12 MR. BELL: Right now the market
13 is bearing 2,500, 2,750 to 3,000
14 square foot colonials. That's
15 typically what the market is asking
16 for right now. That's probably where
17 we are going to go.

18 MR. SMITH: Similar to the
19 Forest Ridge type of home that's off
20 of Rock Cut Road?

21 MR. BELL: Yeah, that flavor,
22 yes.

23 MR. SMITH: And why the split
24 driveways again cut into two houses?

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Is that an efficiency thing?

MR. BELL: It's a shared driveway.

MR. NOSEK: It's a shared driveway. What it does is essentially it makes one entrance instead of two so it's double width of a normal driveway. There's two that are shared. Instead of having four curb cuts onto Kings Hill Road there's only two and then they split off after they come.

MR. BELL: It's really about safety honestly.

MR. NOSEK: And it was requested by the board and the consultants.

MR. SMITH: I'm sure you all know that it's like a speedway right there, that stretch pretty much from Plains to Rock Cut. This is a question for the board. Would you consider speed bumping with these homes going up as well when talking about safety? We live next door to

1 each other. It's a racetrack whether
2 it's a motorcycle or a truck or car.
3 Dump trucks are coming in there that
4 are not supposed to be there, they
5 come in empty and they leave full and
6 they still come up through Rock Cut.

7 UNIDENTIFIED SPEAKER: They are
8 not supposed to be there at all.

9 MR. SMITH: Exactly.

10 MR. CORDISCO: Excuse me, as I
11 said earlier, it's one at a time. We
12 cannot keep up with all the comments.

13 UNIDENTIFIED SPEAKER: Sorry.

14 MR. CORDISCO: On the question
15 of speed bumps on the highway,
16 unfortunately that's something that
17 this board just does not have any
18 jurisdiction over whatsoever. We
19 can't require it, we can't change it.

20 MR. SMITH: Associating what is
21 happening here in the spirit of
22 safety, can that transfer over to the
23 highway department?

24 MR. CORDISCO: If you would let

1 me finish speaking. That's a request
2 that could be made to the town board.
3 The likelihood of speed bumps on a
4 town road is not something I've ever
5 heard them do. There are other speed
6 calming measures that could be
7 considered by the town board in
8 connection with that. That's above
9 our pay grade and it's not something
10 that this board has jurisdiction over.

11 MR. SMITH: Would you support
12 something like that knowing it's
13 something we started to discuss?

14 MR. CORDISCO: I'm just the
15 planning board attorney.

16 MR. SMITH: I'm asking you the
17 question. You didn't answer the
18 question so I'm directing the question
19 right back to you. So no one knows?

20 UNIDENTIFIED SPEAKER: I have a
21 question.

22 CHAIRMAN EWASUTYN: Excuse me.
23 That's what Dominic just got done
24 saying.

1 MR. SMITH: Is there a
2 landscaped plan between Kings Hill and
3 these homes? Right now again they are
4 wooded, trees separating. I know this
5 isn't to say let's knock down or
6 anything like that, but is there any
7 kind of landscape plan outside of the
8 split driveway?

9 MR. BELL: As part of the permit
10 process and CO process we are
11 responsible to rake and seed.
12 Typically a consumer will approach us
13 towards the end of the job and there's
14 a landscaping plan that is put into
15 place, but there is nothing that is
16 scheduled to my knowledge that's a
17 requirement in the town.

18 MR. NOSEK: Just to add onto
19 that. If you look on the map here,
20 there's an area on each lot which
21 tries to as much as possible hold the
22 house, the well area, the septic area
23 of what we determine the disturbance
24 limits so to avoid just clear cutting

1 a two-acre lot. And so we have agreed
2 to leave as much as these lots
3 undisturbed as possible. If you look
4 at this one here, you will see this
5 whole area is pretty much undisturbed
6 so we want to try to preserve as many
7 of the trees as possible. The town
8 has a tree ordinance. We complied
9 with it. We went out and looked at
10 all the significant trees per the town
11 code and with the exception of one
12 tree that needs to come down, all the
13 rest of those trees we noted on the
14 plans will not be disturbed.

15 MR. SMITH: Basically these get
16 built when somebody buys the property?

17 MR. BELL: When the market
18 bears. It could be spring, it could
19 be 10 years after that.

20 MR. SMITH: This could go on for
21 a couple years?

22 MR. NOSEK: Potentially it
23 could, yes.

24 CHAIRMAN EWASUTYN: Gentlemen in

1 the back.

2 UNIDENTIFIED SPEAKER: I'm 39

3 Kings Hill Road.

4 MR. DOMINICK: Your name, sir?

5 UNIDENTIFIED SPEAKER: Where are

6 you putting those two houses down

7 between the cow pond?

8 MR. CORDISCO: Excuse me, if you

9 could supply your name for the record?

10 UNIDENTIFIED SPEAKER. The right

11 of way down?

12 MR. CORDISCO: Your name?

13 MR. SANTARELLI: Michael

14 Santarelli, S-A-N-T-A-R-E-L-L-I.

15 MR. CORDISCO: Thank you.

16 MR. NOSEK: Is this the pond

17 that you are referring to down here?

18 There is a pond that is encompassed

19 within the wetland area.

20 MR. BELL: Are you talking about

21 the pond that you can see from Kings

22 Hill Road?

23 MR. SANTARELLI: Yes.

24 UNIDENTIFIED SPEAKER: That is

1 not on the property.

2 MR. SANTARELLI: My property
3 goes right down to that right behind
4 me.

5 MR. NOSEK: Where are you on
6 Kings Hill Road?

7 MR. SANTARELLI: 39. I'm on
8 here (indicating).

9 MR. NOSEK: Santarelli, here,
10 this is you. So this line borders the
11 property line so if you let me flip
12 this over because that's the lot you
13 would be most concerned with I'm sure,
14 this is your lot right here. So these
15 are our proposed houses back down in
16 here.

17 MR. SANTARELLI: How are you
18 going to get in and out with my
19 property?

20 MR. NOSEK: This is the combined
21 driveway right here. One goes here
22 and the other goes here.

23 MR. SANTARELLI: That's down at
24 the end of the property line, where?

1 MR. NOSEK: As far as that point
2 here, I can give you a distance. 160
3 feet is to that property line. As far
4 as to where the actual house is
5 proposed there, it's probably like
6 somewhere between 250 and 300 feet.

7 MR. SANTARELLI: That's right by
8 the stone wall. They come down from
9 the field.

10 MR. NOSEK: Here where the
11 wetland area is.

12 MR. SANTARELLI: We're there for
13 60 years now.

14 MR. NOSEK: We are nowhere near
15 that really. I can only show it
16 partially, but this the actual wetland
17 and the pond is probably somewhere
18 down in here. You can see quite a
19 distance here. Probably more like 400
20 feet, somewhere in there from the
21 home.

22 CHAIRMAN EWASUTYN: Is there
23 anyone here who hasn't spoken and
24 would like to speak?

1 MR. MANIA: My name is Chris
2 Mania. I'm on Maidstone Drive. So
3 you have a big opening for four
4 houses, two and two, that's where you
5 plan to put the road in in the future?

6 MR. NOSEK: I didn't hear you.
7 Two homes, two homes.

8 MR. MANIA: And what's in
9 between?

10 MR. NOSEK: In here?

11 MR. MANIA: You put the road in
12 for the other lots in the future?

13 MR. NOSEK: If that's possible.

14 MR. MANIA: You sell these, make
15 some money and then build.

16 MR. NOSEK: That's his question.

17 MR. MANIA: You don't plan to
18 buy and let it sit there and do
19 nothing.

20 MR. BELL: I'm not sure what I'm
21 doing with that property. It depends.
22 I could sell it. I could put a home
23 on it and stay there myself. I might
24 turn it into a farm. Because that's

1 what it was originally. Or it could
2 be 23 lots some day. I'm not sure.

3 MR. MANIA: As far as the
4 traffic -- (interrupted)

5 MR. BELL: If I had a plan right
6 now I would tell you that because
7 there's no reason not to.

8 MR. MANIA: As far as the
9 traffic goes on Kings Hill it's
10 dangerous. Are you required to put
11 turning lanes in?

12 CHAIRMAN EWASUTYN: It's not a
13 requirement?

14 MR. MANIA: For safety sake.

15 MR. NOSEK: Put what in?

16 MR. MANIA: Turn lanes. Widen
17 the road and turn into the property
18 without holding up traffic.

19 MR. CORDISCO: Just so we can be
20 clear -- once again, there really
21 cannot be -- (interrupted)

22 MR. BELL: Which road are you
23 talking about?

24 MR. MANIA: Kings Hill.

1 MR. BELL: Turning lane on Kings
2 Hill Road?

3 MR. NOSEK: We have adequate
4 sight distance. As far as the amount
5 of traffic, I mean for four homes we
6 are not talking hundreds of vehicles.
7 Maybe 10 trips a day, 12.

8 MR. MANIA: There's plenty of
9 traffic. Trucks going through.
10 There's lots of traffic. You can use
11 that road to cut over instead of going
12 the other way. It's going to be
13 dangerous, I'm telling you that.
14 Water lines, they are going in front
15 of the house, the wells?

16 MR. NOSEK: The water lines go
17 from the well casing into the house.

18 MR. MANIA: Where are the wells
19 being drilled?

20 MR. NOSEK: One here, one here,
21 one here and one here (indicating).

22 MR. MANIA: And the septic
23 system?

24 MR. NOSEK: Yes. This is a

1 septic, 1, 2, 3 and 4 each on their
2 own lot.

3 MR. MANIA: And no septic tanks?

4 MR. NOSEK: Septic tanks?
5 Septic tank here, septic tank here,
6 septic tank here and a septic tank
7 here (indicating).

8 MR. MANIA: I'm concerned about
9 runoff. Thank you.

10 CHAIRMAN EWASUTYN: Pat Hines
11 who represents the town itself will
12 speak on that subject.

13 MR. HINES: The subsurface
14 sanitary sewer disposal systems were
15 reviewed by my office and they comply
16 with the state standards, 75A, so each
17 of them have an appropriate size
18 system for the number of bedrooms that
19 are proposed.

20 This project will require
21 disturbing approximately one acre so
22 it will require a stormwater permit
23 from the D.E.C. prior to construction
24 which will consist of an erosion and

1 sediment control. The disturbance
2 does not exceed the thresholds of the
3 D.E.C. or the town's stormwater
4 management code to require stormwater
5 runoff quantity control. It's a very
6 small amount of disturbance based on
7 the size of the watershed that it's
8 in. They are more than likely built
9 one at a time and the disturbed areas
10 will be revegetated, either landscape
11 or grass lawns so it does not require
12 a stormwater management report.

13 MR. MANIA: Were any test holes
14 dug to see how deep the shale is?

15 MR. NOSEK: Yes. We did soils
16 testing. There was one where we were
17 a little bit shallow here and we slid
18 the system down and the test pits are
19 on the plan. I don't have the sheet
20 with me.

21 MR. MANIA: How about the
22 foundations being built?

23 MR. NOSEK: All the test pits we
24 did for the septic systems which are

1 fairly close to the homes are six-foot
2 plus deep. A minimum of six.

3 MR. MANIA: What about the
4 basements, is there a concern for the
5 shale in the foundation? Do you plan
6 on blasting?

7 MR. NOSEK: Definitely not. No
8 plans for blasting.

9 MR. BELL: We don't blast
10 anymore. The town would have to --
11 (interrupted)

12 MR. NOSEK: We don't envision
13 that happening based on the soils.

14 MR. MANIA: That's it. Thank
15 you.

16 CHAIRMAN EWASUTYN: Gentleman in
17 the back.

18 MR. ZOUTIS: William Zoutis, 64
19 Kings Hill Road. I live right across
20 the street from one of the proposed
21 driveways. I guess you finally
22 decided that you are going to share
23 driveways and have one driveway for
24 two houses?

1 MR. NOSEK: That was a request
2 of the planning board.

3 MR. ZOUTIS: Exactly where? Is
4 that going to be across from my
5 driveway? If you can show me.

6 MR. NOSEK: This is pretty much
7 at the high point.

8 MR. BELL: Which house is yours?

9 MR. ZOUTIS: 64.

10 MR. MANIA: I'm not sure. I
11 don't know where 64 is.

12 MR. ZOUTIS: This is Maidstone
13 over here, so I'm on this side, the
14 second house.

15 MR. SMITH: I'm his neighbor.
16 Do you mind if I look as well?

17 MR. NOSEK: The driveways are at
18 the high point of the road which
19 provides the septic systems in both
20 directions. If you know, if you knew,
21 because you live there, if you try to
22 come down here this way, you lose the
23 car coming this way, if you try to go
24 there, you lose the car coming from

1 there. So you have sight distance in
2 both directions.

3 MR. ZOUTIS: Where is my
4 driveway?

5 MR. NOSEK: I'm not sure where
6 your driveway is.

7 MR. BELL: Which lot?

8 MR. ZOUTIS: The Town of
9 Montgomery line, Pete's house and my
10 house.

11 MR. BELL: Where is that
12 telephone pole?

13 MR. ZOUTIS: This is kind of
14 across the street.

15 MR. BELL: You know where the
16 penetration is now where we go into
17 the field?

18 MR. ZOUTIS: Yes.

19 MR. BELL: Where is your house
20 compared to that?

21 MR. ZOUTIS: Here (indicating).

22 MR. BELL: This is about in the
23 same spot.

24 MR. ZOUTIS: So we are going to

1 be facing each other?

2 MR. BELL: You said you're right
3 here. It looks likes it's off about
4 20, 30, 50 feet.

5 MR. ZOUTIS: It's fun pulling
6 out of my driveway. It's dangerous.

7 MR. NOSEK: It's dangerous at
8 that spot.

9 MR. ZOUTIS: That's my point to
10 the town. This is dangerous.

11 MR. HINES: The highway
12 superintendent has reviewed the
13 driveway locations and they were
14 actually modified and that's one of
15 the reasons we requested the driveways
16 to be combined was to limit the number
17 of curb cuts onto Kings Hill Road.

18 MR. ZOUTIS: I get that. But
19 between the illegal truck traffic that
20 doesn't belong on the road to begin
21 with that the town doesn't enforce,
22 and I have had the police up there
23 many times, spoken to two chiefs and
24 they don't do a damn thing.

1 MR. HINES: So that's an
2 enforcement issue outside the scope of
3 this board.

4 MR. ZOUTIS: I'm voicing my
5 concerns. I'm just trying to figure
6 out where I can take it. It's crazy.
7 I almost got creamed pulling out of my
8 driveway because they come across 50
9 miles an hour and now we are adding
10 more fuel to the fire. I don't have a
11 problem with the houses. I think it's
12 a blessing. To be honest with you, it
13 gets rid of slop hunters, it gets rid
14 of dumpers. Except for the slop
15 hunters who go beagle hunting -- do
16 you have somebody in your crowd that
17 goes beagle hunting out there? They
18 pull up and take out their dogs and
19 right across the street from my house
20 I could see and they are there with
21 shotguns and dogs and I'm right across
22 the street and I come out and I say
23 what?

24 MR. BELL: Was that this year?

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MR. ZOUTIS: Yes.

MR. BELL: There's only one person permitted to hunt up there right now.

MR. ZOUTIS: You better keep him off there.

MR. BELL: He's not permitted. He's a deer hunter.

MR. MANIA: No, these guys are rabbit hunters. I've seen that truck out there several times working.

MR. BELL: I don't know who they are.

MR. ZOUTIS: I believe one's a red and a white truck also. There were two trucks.

MR. BELL: My truck is red.

MR. ZOUTIS: Well, they don't know how to hunt. So as far as the traffic control, who do I take that up with?

MR. GALLI: The town board.

MR. CORDISCO: The town board. The town board has several meetings a

1 month. At regular town board meetings
2 they also accept open public comment
3 on any issue that you want to bring to
4 their attention. This is something
5 that it is within their jurisdiction
6 to consider in terms of any kind of
7 safety measures that could be imposed
8 out there.

9 MR. ZOUTIS: I think if the town
10 police would do their job. I don't
11 have a problem at all with what you
12 guys are doing. I'm for it.

13 MR. CORDISCO: You have to
14 understand what the planning board
15 does is the planning board reviews
16 applications like this for
17 subdivisions where an applicant is
18 proposing consistent with zoning to
19 allow a subdivision of their property.
20 That's the limit of their jurisdiction
21 to make sure that the project itself
22 meets zoning, that the houses are
23 properly laid out with the septic,
24 wells. There's very little additional

1 things that the planning board could
2 or would require in connection with
3 this. Existing traffic on that road
4 is not something that -- (interrupted)

5 MR. ZOUTIS: It is.

6 MR. CORDISCO: I understand it's
7 an issue for you.

8 MR. ZOUTIS: It is from Plains
9 Road to Rock Cut and you all know it.

10 MR. CORDISCO: You are not
11 hearing me. This board cannot by law
12 do anything about it.

13 MR. ZOUTIS: You can't tell me
14 it's light traffic. It isn't.

15 MR. CORDISCO: I didn't. I
16 didn't disagree with you.

17 MR. ZOUTIS: Don't mind me, I'm
18 wound up.

19 MR. CORDISCO: I'll try not to
20 get wound up as well.

21 MR. ZOUTIS: I'll go to the town
22 board I guess. We are all neighbors,
23 we should get together like we tried
24 to the first time and do something

1 with this.

2 MR. SEELIG: My name is Adam
3 Seelig. That's S-E-E-L-I-G. I'm at
4 54 Kings Hill across from the opening.
5 Is there any guess on how this will
6 impact our taxes? Is that going to
7 push them up or are our taxes going to
8 stay the same? If you are putting
9 those kind of houses there I can only
10 see the property values of our houses
11 going up. I'm just curious because
12 I'm already paying a lot as it is.

13 MR. CORDISCO: I understand the
14 concern. But you should know that the
15 planning board cannot take as a matter
16 of law into account any impact
17 positive or negative in connection
18 with taxes when it gets reviewed by a
19 particular application. Personally
20 doing land use law for decades now, I
21 cannot imagine that these four homes
22 would have a significant impact on
23 existing tax rates. Significant
24 meaning something that's truly

1 noticeable one way or the other. But
2 like I said, this has been litigated
3 and there's clear case law in New York
4 that the board itself whether your
5 taxes go up or down is simply not a
6 factor in the decision-making. Since
7 it's not a factor in the
8 decision-making it's not something
9 that could even be evaluated truly.

10 MR. SEELIG: Thank you.

11 CHAIRMAN EWASUTYN: Sir.

12 MR. FEDDER: Bill Fedder,
13 Rockwood Drive. Just a general
14 question. Once a plan is approved,
15 how much leeway is there to remove a
16 building after it's noted on the
17 property? Is it a new owner? If
18 someone buys an empty lot from this
19 developer, can they move the home or
20 is it fixed?

21 CHAIRMAN EWASUTYN: Pat Hines?

22 MR. HINES: What is fixed on the
23 plans are the locations of the wells
24 and the septic systems, the sanitary

1 sewer disposal systems. The house
2 locations can vary within the building
3 envelope, the allowable setback areas,
4 front yard, rear yard, side yard.
5 Those are indicated on the plan. I
6 believe this gentleman is a developer
7 and actually builds the houses. He
8 has a little more control over that.
9 There is flexibility on the lot
10 although the systems have to drain
11 gravity to the sanitary sewer disposal
12 systems which will limit where you can
13 move the houses. This plan shows the
14 lot is buildable, that there is at
15 least one method of constructing those
16 but there is some flexibility in the
17 house sites once the individual owners
18 choose to get a building permit.

19 MR. NOSEK: One additional
20 comment that might ease the concerns
21 of the residents on Maidstone, there
22 really isn't much room on lot 1. As
23 soon as you start to go closer to the
24 property line you are infringing upon

1 septic setback and you are almost
2 going to a point where you are seeing
3 grade or downhill septic. There's
4 really not much flexibility to where
5 that home is going to go. It pretty
6 much has to go here.

7 MR. BELL: He's talking about
8 the gravity situation for the septic
9 so we don't have to put a pump
10 station.

11 MR. NOSEK: It's possible that
12 these two lot owners might want to
13 move their home up more. I don't
14 think they would because it is much
15 more private back here. On this lot
16 there's not really much area to
17 relocate the house. It has to be over
18 this way (indicating).

19 MR. SMITH: So when the building
20 commences whether it's four at a time,
21 three, two at a time, one at a time,
22 equipment is coming in, is the
23 equipment going to be within those
24 properties? Nothing is going to be on

1 the side of the road, this, that or
2 the other? Nothing in our driveways
3 and stuff like that?

4 MR. NOSEK: No. The equipment
5 has to get in and out during the
6 course of the day, that's one thing.
7 No equipment will be parked on a
8 public highway. They will remain on
9 site until the job is completed.

10 MR. MANIA: There's plenty of
11 room there to keep the equipment way
12 off the highway at all times.

13 MR. SMITH: Thank you.

14 CHAIRMAN EWASUTYN: Gentleman in
15 the back.

16 MR. ZOUTIS: Bill Zoutis, Kings
17 Hill Road. As far as when you are
18 building, are there going to be
19 certain days and hours? Because we
20 get no peace and quiet up there. What
21 used to be a nice country road is now
22 trucks all day going back and forth,
23 Monday through Saturday. Are they
24 going to be working Sundays too?

1 CHAIRMAN EWASUTYN: Jim Campbell
2 who is the code enforcement, code
3 compliance department, building
4 department will speak to you as far as
5 the permitted hours of operation.

6 MR. CAMPBELL: In the code
7 section they have multiple sessions
8 depending on the work being done.
9 During the initial stage when they are
10 doing site prep when 1,500 feet of the
11 residence they are limited to 7:30
12 a.m. to 6 p.m., and that's Monday
13 through Friday. Actually Monday
14 through Saturday. No Sundays or
15 holidays. Normal construction
16 activities which would be building the
17 house would be 7:00 a.m. to 7 p.m.

18 MR. SMITH: What days?

19 MR. CAMPBELL: Every day.

20 MR. ZOUTIS: Every day, whether
21 they are shingling or shooting nails
22 we will hear it?

23 MR. CAMPBELL: That's the town
24 code.

1 MS. MANIA: Even on a Sunday?

2 MR. CAMPBELL: Yes.

3 CHAIRMAN EWASUTYN: Gentleman
4 here.

5 MS. MANIA: I have a question
6 regarding what the estimated dollar
7 value of these homes that you are
8 building?

9 MR. CORDISCO: Bear in mind the
10 applicant can choose to answer that
11 question, but it's not relevant to the
12 planning board's review.

13 MS. MANIA: He must have an
14 answer to one.

15 MR. BELL: I really don't know.
16 I have a pretty good idea, but I'm not
17 going to make a statement as to what
18 the dollar value is on each home.
19 Some customers approach us and they
20 need square footage and they have
21 maybe a mother-in-law living with
22 them, so they apply for a grant and
23 they get some money to do that and we
24 ask the board for a variance and we

1 have a situation as per. So it's
2 never -- you can't dictate that. You
3 don't know what's going to happen.

4 MR. MANIA: So you are not
5 building these homes on spec?

6 MR. BELL: We could spec a home
7 there. We could. Typically I have
8 four lots, I will spec one, sell one,
9 sell another. I might sell a lot.
10 Probably not, but I think we are going
11 to build them. That's our focus right
12 now.

13 CHAIRMAN EWASUTYN: Last
14 question.

15 MR. SMITH: What does spec mean?

16 CHAIRMAN EWASUTYN: What does
17 spec mean?

18 MR. BELL: What?

19 MR. SMITH: What does spec mean?

20 MR. NOSEK: Speculation. When a
21 builder builds a house with his own
22 money and puts it on the market and
23 asks the real estate people to come in
24 and to sell it for him. It's

1 speculative.

2 MR. SMITH: What's the time with
3 no major issues? When you first come
4 in there and start breaking ground and
5 finishing it all up, roundabout?

6 MR. BELL: Typically we are
7 running a minimum five months, seven
8 months typically.

9 MR. SMITH: Thank you.

10 CHAIRMAN EWASUTYN: Are there
11 any further questions?

12 MR. IMMEL: I do have something.

13 CHAIRMAN EWASUTYN: State your
14 name?

15 MR. IMMEL: Tom Immel from
16 Karpolet Lane. I'm the one with the
17 white big garbage -- 55 gallon drum
18 for a mailbox because I'm on that real
19 bad turn. I would like to know where
20 my driveway and that new driveway is
21 going to be? You know what I'm
22 talking about, the bad driveway?

23 MR. BELL: You're talking about
24 the driveway that goes up the hill?

1 MR. IMMEL: No. I'm down here
2 (indicating). If you could turn that
3 around so I could see it.

4 MR. NOSEK: There is the front
5 of the road here, it's over this way.

6 MR. IMMEL: That's mine. I
7 don't believe it's there. I believe
8 it's more this way. I think my
9 driveway is over here. I think this
10 is really bad here. I know everybody
11 has bad spots, but I got the worst
12 one. I can't even put a mailbox there
13 because every two weeks somebody is
14 running it over. I have to use a
15 garbage can. This is my concern here.

16 MR. NOSEK: The sight distance
17 going this way is very good. It is
18 limited, but on this side of the road
19 it comes down.

20 MR. IMMEL: On paper it doesn't
21 look so bad, but in person it looks
22 pretty rough. That's my main concern
23 right there.

24 CHAIRMAN EWASUTYN: At this

1 point I'm going to turn the meeting
2 over to the planning board members.
3 John Ward?

4 MR. WARD: I'd like to say thank
5 you for showing up. The traffic and
6 everything else, definitely get in
7 touch with the town board. All of you
8 unite to do this. They are the ones
9 you have to talk to. Because of this
10 we changed the driveways because of
11 less traffic going in with the
12 driveways. Thank you very much for
13 coming.

14 CHAIRMAN EWASUTYN: Cliff
15 Browne?

16 MR. BROWNE: I really don't have
17 anything else to add. John said it
18 all. The main issue is the traffic.
19 That is an issue that we as a board
20 can't do anything with it. The best
21 approach in the end is go to the town
22 board and as a group insist that you
23 get something done. We can't do a
24 thing with it.

1 MR. SMITH: I don't understand
2 why you don't help push the ball
3 across with that. It's like you get
4 to a certain point and say well, it's
5 up to you guys to take it to the next.
6 I just don't understand the
7 disconnection in this. That's it.

8 MR. CORDISCO: I'll explain.
9 Each board of the town is independent.
10 This board is entirely independent
11 from the town board and it doesn't
12 have the same functions as the town
13 board or the Zoning Board of Appeals.
14 Each board gets to have its own
15 jurisdiction and makes its own
16 decisions regarding this.

17 MR. SMITH: I understand that.
18 In this instance it's definitely
19 connected. Maybe something will
20 change in the future.

21 MR. BROWNE: The applicant has
22 fulfilled all the requirements and all
23 the obligations that he's required to
24 do. I want to go on further as far as

1 the driveways and so on. So from our
2 perspective they are pretty well
3 finished up. A little bit more to go,
4 some more bits here and there, but
5 from a planning standpoint everything
6 is pretty much in place. Thank you.

7 MR. MENNERICH: I think that the
8 audience ought to be aware that the
9 town is devolved from the new
10 comprehensive plan and they have
11 public sessions where problems like
12 this should be brought forth. So
13 that's another venue that you could
14 use. Bring your concerns in front of
15 the town board.

16 MR. SMITH: My point is it's
17 intertwined directly.

18 MR. MANIA: It seems like you
19 guys are giving them permission to
20 make the road worse. That's what you
21 guys are doing up there.

22 CHAIRMAN EWASUTYN: Pat, who has
23 the authority under the town to
24 inspect the -- (interrupted)

1 MS. MANIA: It's not the point
2 who has the authority. You guys are
3 letting this go through knowing it's
4 dangerous. You guys all knows it.

5 MR. BROWNE: We are letting it
6 go through because he has all the
7 compliance -- (interrupted)

8 MR. SMITH: I understand that.
9 But you are still putting the other
10 people in danger.

11 MR. BROWNE: No, no, listen to
12 me. He has a right. He has the right
13 to do what he's doing. That's his
14 right. He owns the property. He has
15 the right to improve it. That's his
16 right. He has complied with all the
17 rules, all the regulations. Hundreds
18 of regulations that are required of
19 him to do this job. So that's where
20 we are. That's what we are obligated.
21 We are obligated to approve this when
22 he is finished with his job assuming
23 it meets all the requirements, all the
24 code. Our code, county codes, state

1 code, federal code. All of it. Not
2 just because, oh, we want to or it's
3 allowed. We are required to.

4 MR. SMITH: I hear you. If you
5 live there and experience it, then you
6 have this opinion right over on this
7 side -- no, not this side. That's not
8 the right thing to say. You would
9 have the same opinion that we are
10 voicing right now.

11 MR. BROWNE: I personally have
12 lived on roads just like that, the
13 same or worse, and you have to do what
14 you have to do.

15 MR. SMITH: What does that mean?

16 MR. BROWNE: That means that you
17 have to live with the circumstances or
18 you have to take action to correct it
19 and change it or modify it.

20 MR. SMITH: That's where you
21 stop right there. It's up to us to
22 bring it to the next jurisdiction?

23 MR. BROWNE: Yes. This board
24 can't.

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CHAIRMAN EWASUTYN: Dave

Dominick?

MR. DOMINICK: Nothing further other than what has already been said. I want to thank the public that came out. I live on a street that has a similar situation. We got together as a neighborhood and just went over to the police station and we talked to the town board to try to resolve it. That's the best place that I'll tell you folks. You that spoke here this evening, get together and get your other neighbors and spouses and significant others and just go there as a group to get action. Keep at it. Keep at it, you know, and it would be resolved and adequately resolved quickly. Thank you.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: I just also want to reiterate what everybody here has mostly said. We hear -- I hear your

1 concerns. And especially if you have
2 children, families, etcetera that
3 have, you know -- thankfully I don't
4 know if there has been any major
5 accidents. Hopefully there won't be,
6 but we do hear you. I would like to
7 echo what Dave has already said, keep
8 at it. Keep at it. Thank you.

9 CHAIRMAN EWASUTYN: Frank Galli?

10 MR. GALLI: There was a comment
11 about the lot not being cleared of all
12 trees. Once the homeowner actually
13 buys the house they can clear whatever
14 they like to clear. They are not
15 required to certain regulations. I
16 don't know if a new tree preservation
17 where they have to get permission to
18 clear cut. If they want to chop down
19 a tree or two they can just like you
20 can.

21 MS. MANIA: Even if it's on a
22 property line?

23 MR. GALLI: Even on a property
24 line. As long as it's on their

1 property. You can do the same on your
2 property if you wanted to. Most
3 people don't because they want the
4 privacy. I haven't seen too many
5 homes where they chop right to the
6 line.

7 The second one is traffic. I've
8 been to many town board meetings where
9 Pete Calvano has been there
10 complaining about Kings Hill Road and
11 stuff like that, so the town board is
12 aware of it. Most of the time he goes
13 there by himself. If you get a group
14 together like they said, maybe you can
15 get some better results for the
16 traffic.

17 And then the taxes in the town.
18 The last few years the taxes have been
19 stable in the town. They have done a
20 lot of development in the town. The
21 taxes haven't gone up. I particularly
22 live on a road where they put up a 17-
23 lot subdivision across the street from
24 me. It's increased the value of my

1 home probably 150,000. Not that I'm
2 selling it, and the town only
3 reassesses it so often so you are
4 probably going to be paying what you
5 are paying now. Hopefully it stays
6 that way unless they completely do a
7 new reassess. It will increase the
8 value of your home. Usually when new
9 homes come in and people keep them
10 clean, it keeps the neighborhood
11 clean. Believe me, it works. Thank
12 you.

13 CHAIRMAN EWASUTYN: Pat Hines of
14 McGoey Hauser & Edsall?

15 MR. HINES: Our previous
16 comments have been addressed. Again,
17 the board can recommend the sharing of
18 the driveways to limit the number of
19 curb cuts out of Kings Hill Road and
20 the applicant has complied with that.
21 The plans were submitted to the
22 highway superintendent who reviewed
23 the driveway locations. I believe he
24 was with you, John, when he did it.

1 MR. NOSEK: He went out
2 afterwards.

3 MR. HINES: They have been
4 approved by the highway
5 superintendent. The water and sewer
6 facilities are in compliance with the
7 codes. They will need a stormwater
8 permit for the erosion and sediment
9 control. They will need to pay
10 recreation fees times 4. Otherwise,
11 we don't have any outstanding comments
12 on the project.

13 CHAIRMAN EWASUTYN: Last
14 question of the evening. Go ahead.

15 MR. MANIA: One last question.
16 Is there a silt fence along the road
17 on the property?

18 MR. DOMINICK: Yes. There's an
19 erosion and sediment control plan that
20 has been prepared and part of the
21 enforcement of that is through that
22 permit they need to get from the
23 D.E.C. for the one- to five-acre
24 disturbance on a residential project.

1 There's a system in place to ensure
2 that that's in place. Limits of
3 disturbance have been shown on these
4 plans. Those are enforceable on the
5 original developer. That should be
6 the limits of disturbance on the plan.
7 My office does periodic inspections
8 working with the building department
9 on projects that have the D.E.C.
10 permit. The town is actually
11 regulated under that permit so there's
12 an inspection process during the
13 construction phase.

14 MR. MANIA: The shale, are they
15 required to use water to keep the dust
16 down?

17 MR. HINES: Dust control is part
18 of the D.E.C. permit. Not even just
19 hammering the shale, but dust control
20 is part of the D.E.C. permit.

21 CHAIRMAN EWASUTYN: Thank you
22 for attending the meeting. Traffic is
23 a major concern throughout the town.
24 We hear this being raised many times

1 so it's not like we haven't heard it.
2 As far as saving trees, there's no
3 requirement in the code to buffer
4 residential projects from other
5 residential projects. There is a
6 requirement of a commercial zone and a
7 residential zone that have an adequate
8 buffer between properties, but there's
9 no requirement for residential zones.

10 Would someone move for a motion
11 to close the public hearing on the
12 subject property, which is a five-lot
13 subdivision on Kings Hill Road?

14 MR. GALLI: So moved.

15 MS. DeLUCA: Second.

16 CHAIRMAN EWASUTYN: Motion by
17 Frank Galli, second by Stephanie
18 DeLuca. Any discussion? Roll call
19 vote starting with John Ward.

20 MR. WARD: Aye.

21 MR. BROWNE: Aye.

22 CHAIRMAN EWASUTYN: Aye.

23 MR. MENNERICH: Aye.

24 MR. DOMINICK: Aye.

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MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Motion carried. At this point we will turn the meeting over to Dominic Cordisco who will discuss the resolution for final approval.

MR. CORDISCO: Yes. Given that the applicant has satisfied all technical requirements that are related to this subdivision, my recommendation would be to consider the resolution that would adopt both a preliminary and conditional final approval for this five-lot subdivision with four new residential homes. The conditions would include the need to provide a common driveway maintenance agreement for the two common driveways as well as coverage under the stormwater permit for erosion and sediment control and the payment of \$8,000 in recreation fees for the four new lots or whatever fee is in place

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at the time.

MR. BELL: 3 per you said?

MR. CORDISCO: 4.

MR. HINES: \$2,000 per lot.

MR. BELL: \$2,000 per lot?

MR. HINES: \$2,000 per lot.

CHAIRMAN EWASUTYN: Any questions or comments from board members?

MR. WARD: No additional questions.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. DOMINICK: Nothing.

MS. DeLUCA: No.

MR. GALLI: No.

CHAIRMAN EWASUTYN: Would someone move for a motion to approve the resolution subject to the conditions that Dominic Cordisco, the planning board attorney, just spoke of?

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: Second?

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MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli, second by Ken Mennerich. Can I have a roll call vote starting with John Ward?

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Motion carried. Thank you.

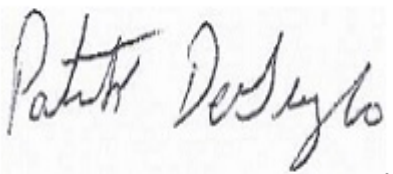
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STATE OF NEW YORK)

) ss:

COUNTY OF ORANGE)

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

X 
PATRICK M. DeGIORGIO

Dated: October 18, 2023

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

In the Matter of

FABULOUS EVENTS
(22-23)

NYS Route 32 & Crab Apple Court
Section 34; Block 2; Lots 25.2, 54, 74,
76, 77

Zone: B

SITE PLAN

Date: October 5, 2023
Time: 7:50 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN QUEENAN

REPORTED BY: Patrick DeGiorgio, Court Reporter

MICHELLE L. CONERO
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1 CHAIRMAN EWASUTYN: The planning
2 board's second item of business this
3 evening is Fabulous Events. It's a
4 site plan located on Route 32 and Crab
5 Apple Court. It's a B Zone and it's
6 being represented by Lanc & Tully.

7 MR. QUEENAN: Good evening
8 everyone. I'm John Queenan with Lanc
9 & Tully, engineer for the project. We
10 are back before you again with
11 hopefully our final version of the
12 site plan for Fabulous Events.

13 The last time that I appeared
14 before the board we were in a position
15 that the plan was referred to the
16 Orange County Planning Department and
17 there was discussion regarding the
18 timing of that letter. We were able
19 to secure that letter a little bit
20 earlier. I believe the board took the
21 matter up at the last planning board
22 meeting in September where a negative
23 declaration was granted. The public
24 hearing was waived for this project.

1 We are back in front of you tonight
2 with our resubmission which addressed
3 all the prior consultant comments that
4 we had received at the time. We are
5 before you tonight for consideration
6 of conditional final approval.

7 CHAIRMAN EWASUTYN: Pat Hines of
8 McGoey, Hauser & Edsall?

9 MR. HINES: As Mr. Queenan has
10 stated, our previous comments from the
11 7 September meeting were addressed. A
12 stormwater facilities maintenance
13 agreement will be required. A D.O.T.
14 permit for access and utilities will
15 be required. They did add notes on
16 the plans regarding tree cutting time
17 frames to protect the bat species
18 habitat on the site. We discussed at
19 the work session that the use should
20 be specifically identified in the
21 plans. This is not approved as a
22 warehouse although it looks like a
23 warehouse. It is more of a retail use
24 in the applicant's party rental

1 business with storage. That will kind
2 of frame the use of the building for
3 the future.

4 I have a couple comments on the
5 tree preservation plan. The plan has
6 been prepared. The trees identified,
7 but there's a calculation for
8 percentage in the B Zone. It's fairly
9 generous for the percent removal. I
10 think the plans are compliant. We
11 just don't have the calculation.

12 I will require a D.E.C.
13 construction stormwater permit which
14 we will request be in place prior to
15 stamping the plan as a checks and
16 balance.

17 I had a comment regarding the
18 lack of a hydrant on the site and I
19 know Jim Campbell's office will
20 comment on that. I believe there will
21 be a need for an on-site hydrant which
22 will require health department
23 approval, but it could be considered a
24 condition if so desired.

1 MR. QUEENAN: There is a note on
2 the plan that does generally say that
3 the warehouse is not allowed. Did you
4 want that expanded upon?

5 MR. HINES: I ask that you
6 incorporate it into the resolution as
7 well.

8 CHAIRMAN EWASUTYN: Jim
9 Campbell, do you want to speak further
10 on the need for an additional hydrant?

11 MR. CAMPBELL: It was determined
12 that an on-site hydrant towards the
13 rear of the building will be required
14 due to the building size and
15 commodities in the building.

16 MR. QUEENAN: Based on I'm
17 assuming the fire code. We do have a
18 hydrant and the building will be fully
19 sprinklered.

20 MR. CAMPBELL: Okay.

21 MR. QUEENAN: I know that the
22 code allows for an increase of 50
23 percent of the distance from the
24 existing hydrant along the frontage.

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MR. CAMPBELL: I don't like to say this but I would have to discuss this with my supervisor. He is the one that gave me the determination. And that won't happen until at least Tuesday.

MR. QUEENAN: If we have to provide it, sure. The way I looked at it.

CHAIRMAN EWASUTYN: Comments from board members? John Ward?

MR. WARD: Do you have anything to do with the ARB?

MR. QUEENAN: We did present a rendering and we did we submit that rendering.

MR. WARD: How about the sign?

MR. QUEENAN: I don't have anything on the sign. We just show the location of it, the general size of it. With respect to the exact specs of the sign, we don't have it as of yet.

MR. WARD: That's part of the

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ARB. Thank you.

CHAIRMAN EWASUTYN: Cliff
Browne?

MR. BROWNE: I have nothing
further.

CHAIRMAN EWASUTYN: Ken
Mennerich?

MR. MENNERICH: When you did the
ARB, did you submit the form that
showed all the materials and colors?

MR. QUEENAN: Yes. I think
there was a list on the rendering of
the colors and materials.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Dave
Dominick?

MR. DOMINICK: John, the color,
of the exterior is brown?

MR. QUEENAN: Yes.

MR. DOMINICK: And we had talked
about that a little bit. Is it still
going to be brown?

MR. QUEENAN: No. We went back
and lightened it up. It was a dark

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brown.

MR. DOMINICK: Light brown?

MR. QUEENAN: Exactly.

MR. DOMINICK: Thank you.

MS. DeLUCA: I was going to ask the same thing about the coloring. I didn't see the updated version of it. That's why I'm asking.

MR. QUEENAN: Yeah, it was updated. Same general idea.

MR. DOMINICK: When did you turn that in?

MR. QUEENAN: A couple months ago.

MR. MENNERICH: That was with the updated color?

MR. QUEENAN: Yes.

MR. GALLI: Make it part of the approval. Get it over to the town.

CHAIRMAN EWASUTYN: Get it over to the town or get it over to the planning board?

MR. GALLI: Town planning board.

CHAIRMAN EWASUTYN: What we are

1 giving consideration to this evening,
2 and Dominic Cordisco will speak on
3 that, is site plan approval subject to
4 conditions and Dominic Cordisco will
5 take that further as far as ARB.

6 MR. CORDISCO: Yes. In
7 connection with the ARB, it seems the
8 consensus for the board and not having
9 the plans in front of us tonight, my
10 recommendation would be that you defer
11 the ARB approval until such time we
12 have had the opportunity to review
13 those plans and discuss them and make
14 further adjustments to them and we
15 request the applicant to do so.
16 Without them in front of you, my
17 recommendation this evening is to
18 defer that to another evening, but
19 nonetheless I think the board will
20 also review the conditions given
21 previously and waive a discretionary
22 public hearing and you also completed
23 the SEQOR process for this project to
24 consider the additional site plan

1 approval. Conditions have already
2 been touched on by Mr. Hines to a
3 large extent. I have them down as a
4 stormwater maintenance agreement to be
5 recorded for the project. They also
6 need to obtain coverage under the
7 D.E.C. stormwater general permit for
8 the project. There are tree clearing
9 restrictions as well as clean up items
10 as well as tree preservation plan
11 adjustments that need to be made as
12 per Pat's comments, so addressing his
13 outstanding engineering comments I
14 believe could be a condition of any
15 approval. There would also be
16 contained in the resolution itself a
17 limitation on the use. To make it
18 clear as described by the applicant
19 it's not a warehouse use and if there
20 is a change in use proposed
21 contemplated in the future you will
22 have to come back before this board
23 for approval. There is also the open
24 issue as to whether or not a hydrant

1 is going to be required in the rear of
2 the building. If that is required
3 then that will trigger the need for
4 Orange County Health Department
5 approval for the water main extension.
6 We can provide that if it is required
7 by the code enforcement officer. So
8 that's how I would suggest that we
9 address that item. If the
10 determination is made locally that
11 it's not required then obviously they
12 won't have to go to the health
13 department to get that approval. I
14 think that about covers it.

15 MR. HINES: There's security.

16 MR. CORDISCO: In connection
17 with the signage that I was
18 considering part of the ARB, so my
19 recommendation to the applicant is
20 that we do submit or resubmit however
21 the case may be the architectural
22 renderings in detail of the project.
23 It would also be helpful to have as
24 much signage details if we could.

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MR. QUEENAN: D.O.T., one more.

MR. HINES: And also security for the stormwater, landscaping and tree preservation security and inspection.

MR. CORDISCO: Stormwater, landscaping and inspection?

MR. HINES: And inspection and the tree preservation requires security.

MR. CORDISCO: Right.

CHAIRMAN EWASUTYN: Any additional questions or comments from board members? Starting with John Ward.

MR. WARD: No.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. DOMINICK: No.

MS. DeLUCA: Nothing.

MR. GALLI: No comments.

CHAIRMAN EWASUTYN: Having heard the conditions that were presented by Dominic Cordisco, planning board

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attorney, and also by Pat Hines with
MH&E to grant conditional site plan
approval for the Fabulous Events
subject to a later presentation for
the ARB and also signage, will someone
make a motion to approve?

MR. DOMINICK: I make a motion.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Motion by
Dave D0minick and a second by John
Galli. Can I please have a roll call
vote starting with John Ward?

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Thank you.

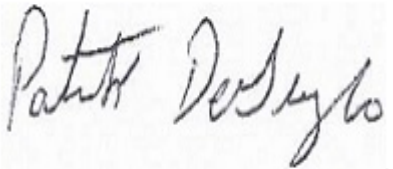
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STATE OF NEW YORK)

) ss:

COUNTY OF ORANGE)

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

X 
PATRICK M. DeGIORGIO

Dated: October 18, 2023

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

In the Matter of

MONARCH WOODS SENIOR HOUSING
(19-28)

Monarch Drive
Section 103; Block 7; Lot 18
Zone: B

MULTI-FAMILY SENIOR HOUSING
SITE PLAN

Date: October 5, 2023
Time: 8:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ
MIKE MAHAR

REPORTED BY: Patrick DeGiorgio, Court Reporter

MICHELLE L. CONERO
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CHAIRMAN EWASUTYN: The third item of business this evening is Monarch Woods Senior Housing, a multi-family senior housing site plan located on Monarch Drive in an R Zone represented by Engineering & Surveying Properties. Pat, what's the correct zone? I don't believe it's an R Zone.

MR. HINES: No, it's a B Zone.

CHAIRMAN EWASUTYN: Thank you.

MR. WINGLOVITZ: Good evening, Ross Winglovitz with Engineering & Surveying Properties. I'm here with Mike Mahar. I represent the ownership. We were before this board for several years and the town board regarding zoning because this is a use that requires town board authorization as well as this board for site plan and special use permit. Last August the board granted a negative declaration and preliminary site plan approval to allow us to go out and get our outside agency approvals including

1 have aerial access 26-foot wide
2 parallel to the face of the building
3 no greater than 30 feet away. The
4 access roads in the rear are just fire
5 apparatus access which only needs to
6 be 20 feet for those.

7 I think that's the majority of
8 the comments. We did do the tree
9 inventory back in the spring before
10 the code was changed so we did the
11 tree inventory for the entire property
12 at that time. So we have the entire
13 property covered with that.

14 Pat noted a few issues with it
15 and we will have to look at it. I
16 think it has to do with the diameter
17 of the tree.

18 MR. HINES: Yes.

19 MR. WINGLOVITZ: We will have to
20 work that out with the board. What we
21 are here for tonight is to ask the
22 board to grant final approval to this
23 modified site plan based on the fact
24 that it meets all fire codes and we

1 have all the permits that would be
2 required for preliminary approval.

3 CHAIRMAN EWASUTYN: Jim
4 Campbell, you raised the issue.

5 MR. CAMPBELL: Could you supply
6 something that shows what you are
7 showing in that pink area, some
8 dimensions and stuff that shows that
9 26 feet?

10 MR. WINGLOVITZ: Sure. Those
11 aisles are 26-foot wide. Parking
12 spaces are eight feet deep.

13 MR. CAMPBELL: And the distance
14 from the aisle?

15 MR. WINGLOVITZ: 28 feet.

16 MR. CAMPBELL: Show us that.

17 MR. WINGLOVITZ: Absolutely. I
18 could do a little figure up and label
19 those areas up and give you the
20 dimensions.

21 CHAIRMAN EWASUTYN: Starting out
22 with questions from board members.
23 John Ward?

24 MR. WARD: When you applied to

1 the D.O.T., does that include the
2 bank.

3 MR. WINGLOVITZ: Yes, the
4 initial traffic study that we sent
5 them included the bank and that was
6 the same study that this board neg-dec
7 back last year. We did provide
8 correspondence to them in a response
9 to their initial comments. Basically
10 after removal of the bank there would
11 only be three more left turns in the
12 peak a.m. hour and six in the peak
13 p.m. hour. All a senior project that
14 would create at that intersection.

15 MR. WARD: They basically still
16 push for a left turn?

17 MR. WINGLOVITZ: Yes. From what
18 I understand the new formula used for
19 left turn lanes is very, very
20 restrictive.

21 CHAIRMAN EWASUTYN: Cliff
22 Browne?

23 MR. BROWNE: That was my only
24 concern at this point. I don't know

1 what else to do right now. We have to
2 do something with it.

3 CHAIRMAN EWASUTYN: Ken
4 Mennerich?

5 MR. MENNERICH: Do you have a
6 time frame that you can think it will
7 get resolved?

8 MR. WINGLOVITZ: With the D.O.T.
9 we no longer require their approval.
10 We will send back to them a revised
11 plan indicating that based on this
12 there's no permits.

13 CHAIRMAN EWASUTYN: Dave
14 Dominick?

15 MR. DOMINICK: Still have the
16 generator; correct?

17 MR. WINGLOVITZ: Still have the
18 generator.

19 MR. DOMINICK: Nothing further.

20 CHAIRMAN EWASUTYN: Stephanie
21 DeLuca?

22 MS. DeLUCA: I have nothing
23 further. Thank you.

24 CHAIRMAN EWASUTYN: Frank Galli?

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MR. GALLI: Can Pat read into the record what we have from Ken Worsted? Did we get a comment from Ken?

MR. HINES: We did. I actually have that right in front of me.

MR. GALLI: If you could read that into the record.

MR. HINES: I'll give you the Readers Digest version of it. I don't know if it was Ken's intent for me to read the whole thing. He states he didn't recall seeing this in April, but generally agreed the left turn lane wouldn't be the applicant's responsibility. The threshold for left turn lanes is very low. The response you provided, meaning Ross, below is the same that he would have provided had he been responding to the D.O.T.'s comment. That being said, the incremental increase in traffic throughout the town may not rise to the level of the particular project

1 being the clear trigger for
2 improvements and the D.O.T. doesn't
3 have the funds to make improvements to
4 in quotes, "most existing conditions
5 situations." So from a long-term
6 perspective we expect there will be a
7 slow degrading of the intersection
8 operations until it hits a critical
9 point where there's enough complaints
10 and funding to improve the issue. A
11 transportation improvement district
12 like Wallkill would help. They add to
13 the pot by those who don't otherwise
14 trigger the improvement. A D.O.T.
15 improvement is no longer needed. Have
16 they seen the latest plan? And then
17 he states he won't be at the meeting
18 tonight, but did want to send this
19 comment out. So I think he's
20 suggesting that he did get something
21 from the D.O.T. acknowledging the
22 removal of the emergency access drive
23 and the lack of permit jurisdiction
24 and see what they have to say about

1 that turn lane again.

2 MR. GALLI: That's all I have.

3 CHAIRMAN EWASUTYN: Can you work
4 along those lines even though you feel
5 it's not necessary?

6 MR. WINGLOVITZ: Yeah. I don't
7 know what kind of response I will give
8 to him, but I will definitely comment
9 to them. The plan has been revised.
10 The permit is no longer necessary and
11 I'll get them to confirm.

12 CHAIRMAN EWASUTYN: Pat, while
13 we have you talking with us, do you
14 want to go through your final
15 comments?

16 MR. HINES: Sure. My first
17 comment states why they're here. Site
18 plan approval to eliminate the
19 emergency access drive. The approval
20 that you issued did have a requirement
21 for a D.O.T. permit so that would have
22 to be revised eventually.

23 Second comment is that Ken
24 Worsted's comments regarding the left

1 turn lanes out of Monarch Drive should
2 be received which I just read. The
3 emergency access lane to rear of
4 Building 2 is now proposed. I cited
5 the code section regarding the width
6 of that. I'll defer to Jim Campbell's
7 office regarding those fire code
8 issues. The fire access road being
9 greater than 150 feet is also a Jim
10 Campbell issue.

11 And I have three comments
12 regarding the tree preservation issue
13 that generally a couple of trees that
14 would have met the threshold for
15 specimen trees, we have three types of
16 trees, significant, protected or
17 specimen and some of the trees that
18 are specimen trees which are fully
19 protected aren't listed in the chart
20 as appropriate and I give examples of
21 a couple of those trees. The town
22 board recently adopted changes,
23 increasing in the size of those
24 specimen trees to a 24-inch diameter.

1 The ones I mentioned there and some
2 others are greater than that. So I
3 did a little bit of clean up on the
4 tree preservation plan as well.

5 CHAIRMAN EWASUTYN: Dominic
6 Cordisco, Town of Newburgh Planning
7 Board attorney?

8 MR. CORDISCO: Yes. The
9 question before the board is whether
10 or not you want to consider granting
11 conditional final approval at this
12 time with conditions and items that
13 Mr. Hines has said or highlighted, or
14 if you would prefer to see a response
15 from the applicant, and potentially a
16 response from the D.O.T. understanding
17 that no response might be forthcoming
18 from the D.O.T.? But that I think is
19 the question before the board. The
20 applicant did receive last August
21 preliminary approval for this project
22 which remains valid and in place. So
23 there is an existing approval for it.
24 Pat's comment is that the preliminary

1 approval did include that condition
2 regarding the emergency access and
3 D.O.T. approval. Since the applicant
4 has revised the plans, my suggestion
5 would be rather than amending the
6 preliminary approval, take that out,
7 that you consider conditional final
8 based on plans at the time as they are
9 at that time.

10 The other item that the board
11 could consider tonight is whether or
12 not you would like to have a public
13 hearing on the proposed final plan for
14 the project?

15 CHAIRMAN EWASUTYN: John Ward,
16 would you be willing to move forward
17 granting final approval subject to
18 Ross working with the D.O.T. and
19 getting a response letter from the
20 D.O.T. as well as the left turn lane?

21 MR. WARD: Yes.

22 MS. DeLUCA: I do too.

23 CHAIRMAN EWASUTYN: Cliff
24 Browne?

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MR. BROWNE: Yes, I agree.

CHAIRMAN EWASUTYN: Ken

Mennerich?

MR. MENNERICH: Yes, I agree.

CHAIRMAN EWASUTYN: Dave

Dominick?

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: Stephanie

DeLuca?

MS. DeLUCA: Yes.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: Does the D.O.T. have a time limit like Orange County Health? They could drag their feet for years. You never get a timely response from them or sometimes they don't respond at all.

MR. CORDISCO: Sometimes no response is a response.

MR. GALLI: I'm just asking.

MR. MANIA: 60 days I would say.

MR. GALLI: I don't know it if -- notify D.O.T.?

MR. HINES: I think we can have

1 Ken engage with them too to get an
2 answer from them verbally. That would
3 be a way to go.

4 MR. GALLI: I'm okay with it.
5 I'm just questioning the time line.

6 MR. HINES: Ken Worsted.

7 MR. GALLI: It's not fair.

8 CHAIRMAN EWASUTYN: Does the
9 board want to have a second public
10 hearing on this and what would be the
11 reason?

12 MR. WARD: No.

13 MR. BROWNE: No.

14 CHAIRMAN EWASUTYN: Ken
15 Mennerich?

16 MR. MENNERICH: No.

17 CHAIRMAN EWASUTYN: Dave
18 Dominick?

19 MR. DOMINICK: I don't think
20 it's necessary.

21 CHAIRMAN EWASUTYN: Stephanie
22 DeLuca?

23 MS. DeLUCA: I think it is
24 necessary because some of the changes

1 that have been made.

2 CHAIRMAN EWASUTYN: Frank Galli?

3 MR. GALLI: Considering the
4 changes I don't think we would need a
5 public hearing. The one that would
6 really affect the project is the
7 waiting for D.O.T. So I'm okay with
8 not having a public hearing.

9 MR. HINES: Ross, the pickle
10 board court is new too? There was
11 some minor tweaking in that.

12 MR. WINGLOVITZ: Yes. It's
13 right next to the pool. It's
14 recreational.

15 CHAIRMAN EWASUTYN: Let the
16 record show that the planning board
17 decided not to have a second public
18 hearing and at this point we are
19 turning it over to Dominic Cordisco,
20 the planning board attorney. We still
21 at some point in time will have to do
22 ARB approval?

23 MR. CORDISCO: Yes.

24 MR. WINGLOVITZ: Yeah, there

1 were plans submitted as part of the
2 process.

3 CHAIRMAN EWASUTYN: That would
4 be a condition of approval. Dominic
5 Cordisco?

6 MR. CORDISCO: There's a number
7 of conditions that were spelled out in
8 the preliminary approval resolution
9 and they would be carried forward with
10 the exception obviously of the D.O.T.
11 permit requirement. There is also the
12 fact that the project also receive
13 variances from the Zoning Board of
14 Appeals regarding the size of the
15 units and so any conditions that are
16 set forth by the Zoning Board of
17 Appeals will be carried forward as
18 part of any conditional or final
19 approval resolution.

20 The applicant has to obtain
21 coverage of the D.E.C. general permit
22 for stormwater. They also have to
23 prepare and submit a stormwater
24 facilities maintenance agreement to

1 the town for the town board's
2 approval. They have to deliver
3 performance security in connection
4 with the stormwater. There's also the
5 obligation to obtain a water extension
6 from the Orange County Department of
7 Health for the water main. They have
8 to obtain approval from the Town of
9 Newburgh Water Department for potable
10 water and fire flow connections. They
11 also have to obtain approval from the
12 engineer's office and code and
13 building departments regarding the
14 design of a fire protection system.
15 There's an inspection fee for the
16 water main extension. There's also a
17 complete set of plans that has to be
18 provided for water storage and fire
19 pump design drawings have to be
20 submitted as well as the cost estimate
21 for the water mains. Likewise there
22 is performance security sewer
23 extension, and approval also is
24 required for the sewer department for

1 the sewer connection. Likewise again
2 there will be a cost estimate required
3 for that.

4 The board is deferring to the
5 Architectural Review Board's approval
6 at this time so the applicant will
7 need to reappear and make a submission
8 prior to as the current architectural
9 renderings as well as the
10 Architectural Review Board application
11 form that hasn't already been
12 submitted with details.

13 The standard conditions
14 regarding the outdoor fixtures and
15 amenities can only be built as shown
16 on the plan and also the applicant has
17 to abide by all communication measures
18 that were contained in the negative
19 declaration. They have to address any
20 outstanding engineering comments that
21 have been made to date.

22 Am I missing something?

23 MR. HINES: Landscape, security
24 and I believe there was an Army Corps

1 permit that was probably received.

2 Tree preservation and security.

3 MR. CAMPBELL: Confirm about the
4 area access and fire access roads?

5 MR. HINES: Those are in my
6 final.

7 MR. CORDISCO: The code
8 enforcement officer regarding aerial
9 access.

10 CHAIRMAN EWASUTYN: Do any
11 planning board members have anything
12 to add or have any questions? Having
13 heard the conditions subject to a few
14 minor items that we addressed
15 presented by the Planning Board
16 attorney Dominic Cordisco for a
17 multi-family senior housing project on
18 Monarch Drive in the B Zoning
19 District, will someone move for a
20 motion to grant that condition?

21 MR. WARD: Aye.

22 CHAIRMAN EWASUTYN: Motion by
23 John Ward.

24 MR. DOMINICK: Second.

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CHAIRMAN EWASUTYN: Second by
Dave Dominick. Can I please have a
roll call vote starting with John
Ward?

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Thank you.

MR. CORDISCO: Just one other
quick reference point. This isn't so
much a planning board condition, but
the condition of the town board's
approval with that authorized as
senior density as certain conditions
that were laid out in the letter, all
of those conditions have to be
commented on as well.

MR. WINGLOVITZ: Thank you.

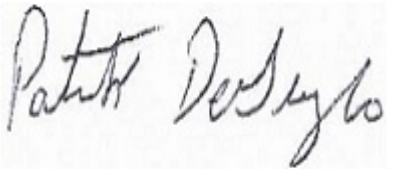
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STATE OF NEW YORK)

) ss:

COUNTY OF ORANGE)

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

X 
PATRICK M. DeGIORGIO

Dated: October 18, 2023

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

In the Matter of

TARBEN II SUBDIVISION
(21-18)

Tarben Way
Section 47; Block 1; Lot 39.2
Zone: AR

2 LOT SUBDIVISION

Date: October 5, 2023
Time: 8:25 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: KEN LYTLE

REPORTED BY: Patrick DeGiorgio, Court Reporter

MICHELLE L. CONERO
P.O. Box 816
Dover Plains, New York 12522
(845) 541-4163

1 CHAIRMAN EWASUTYN: The fourth
2 item of business this evening is
3 Tarben II Subdivision located on
4 Tarben Way in an AR Zone and being
5 represented by Ken Lytle.

6 MR. LYTLE: Good evening. First
7 of all I want to apologize for the
8 last meeting. I was at a job site.

9 The last time we were here we
10 had been sent off to the Board of
11 Health. The Board of Health we got
12 additional testing in the field. We
13 got an e-mail back from them and they
14 had a bunch of technical comments they
15 wanted me to do, address the pumps
16 that we were doing. I received Pat
17 Hines' comments regarding the right of
18 way back of the property. There's a
19 comment from Pat Hines regarding the
20 attorney regarding the access for the
21 easement that's on the property. We
22 discussed that as to what we need and
23 what should we want for that. Taking
24 the previous subdivision, that's how

1 we got the warning of that.

2 MR. HINES: The issue with that
3 note is it references for future town
4 road and to be a future town road the
5 town would have to be able to obtain
6 fee ownership of the underlying
7 property, and that being an easement
8 would make it very difficult now
9 having two owners of that easement to
10 make that a town road. That kind of
11 threw a red flag down that's saying
12 that's never really going to be a town
13 road if these residential lots are
14 developed and the people don't give up
15 ownership of the underlying roadway to
16 the town for dedication.

17 MR. LYTTLE: That's how we got
18 that.

19 MR. HINES: The previous
20 subdivision had one lot and now we are
21 chopping that into two pieces with two
22 separate owners involved. I don't
23 know what that wording says in there.
24 That just caught my attention. Now

1 two property owners have to give up
2 property for them to ever become a
3 town road. I can see an adjoining
4 property coming in and saying but it
5 says it's a town road.

6 MR. CORDISCO: My suggestion
7 would be for them to provide further
8 detail in connection with that
9 reference for them to say that if this
10 area has been identified and a prior
11 subdivision plat as a potential future
12 town road, but the ownership is
13 currently easement ownership and being
14 left -- it raises a question if you
15 take it off completely because then
16 the question if anybody who might be
17 reviewing it in the future might say
18 what happened between this plat and
19 that plat? And it provides an
20 opportunity for them to explain what
21 the current status of the ownership of
22 that area would be rather than just
23 taking it off completely.

24 MR. LYTTLE: Add additional roads

1 clarifying that upon future town roads
2 the new owners will automatically have
3 to give that property along those
4 lines.

5 MR. CORDISCO: Yes, I think we
6 can come up with language eventually
7 in connection on that. I'm not sure
8 it should exactly say that. I'm just
9 saying it was previously identified
10 and understanding what the current
11 ownership structure of it would be now
12 perhaps be enough said on the topic.
13 We don't have to preside over that,
14 just for them to explain what
15 happened.

16 MR. LYTTLE: Okay. Pat also had
17 a comment regarding the end of the
18 cul-de-sac.

19 MR. HINES: We should call that
20 out because that remains.

21 MR. LYTTLE: Right. The driveway
22 again, we added a culvert, showing the
23 grading, showing the ditch and showing
24 the sloping of the lot, of the

1 driveway lot.

2 MR. HINES: The grading for that
3 driveway is also a concern due to the
4 flag lot, the narrowness of the pole
5 for lack of a better term on the flag
6 lot. There may be a need for an
7 easement on that new lot. You would
8 want to see that. And then Orange
9 County Health Department approval is
10 required because this was a part of a
11 subdivision before.

12 MR. LYTTLE: Now we are waiting
13 for comment. The county e-mailed me
14 yesterday.

15 CHAIRMAN EWASUTYN: Pat, the
16 matter of business this evening is
17 that you will prepare the adjoiners
18 notice?

19 MR. HINES: Correct. The first
20 step in the process as being your
21 first appearance before the board, the
22 adjoiners notices must be sent out and
23 I will prepare those. I think you
24 know the drill.

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CHAIRMAN EWASUTYN: Ken

Mennerich?

MR. MENNERICH: On the location map it doesn't really show Tarben Way. Do you think you could give a later version of that?

MR. LYTLE: Yes, it will show the three lots.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Any additional comments from board members?

MR. GALLI: No comment.

MS. DeLUCA: No.

MR. WARD: No.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: Thank you.

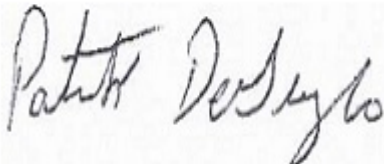
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STATE OF NEW YORK)

) ss:

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


X

PATRICK M. DeGIORGIO

Dated: October 18, 2023

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

In the Matter of

CPC of the WMM-USA, INC.
(20-03)

5208 Route 9W
Section 24; Block 2; Lot 22.12
Zone: B

SITE PLAN

Date: October 5, 2023
Time: 8:30 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: FRANKLIN ESTRELLA, RA
ISMAEL TRINIDAD

REPORTED BY: Patrick DeGiorgio, Court Reporter

MICHELLE L. CONERO
P.O. Box 816
Dover Plains, New York 12522
(845) 541-4163

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CHAIRMAN EWASUTYN: The last agenda item this evening is CPC of the WMM-USA, Inc. located on Route 9W in a B Zone.

MR. ESTRELLA: Franklin Estrella. I'm the superseding architect for the project to submit the site plan.

MR. TRINIDAD: Ismael Trinidad. I'm the representative from the church.

MR. ESTRELLA: I'm now making a different presentation as presented to you before to address the issue of your concern. I don't know if you have a copy of this agenda, you probably do. So they are issues of concern to the board. To appease some of those concerns what we are presenting to you today is that we are going to comply with all of the requirements that are listed here. Unfortunately dealing with the utility company, and you mentioned before some

1 of the time that it takes for them to
2 get anything done. I'm frustrated,
3 but I'm not giving up. We submitted
4 everything that they asked for to
5 approve everything that is on our
6 property, but unfortunately there is
7 an easement agreement that would not
8 allow us to put the fence on top of
9 the gas line which makes sense. The
10 weight of that wall was proven to them
11 that it will not be causing a
12 dangerous condition for the utility
13 company. We signed an affidavit
14 stating that we will remove the wall
15 if it needed to be removed. In order
16 to get them to agree they asked us to
17 get a site plan indicating where the
18 pipe is in relationship to the wall.
19 So that's the main hurdle that we have
20 right now. Everything else can be
21 done. D.O.T. approval, once we take
22 the fence out and continue with the
23 fence, there will be no need to do it.
24 The fire department will be easy.

1 It's all exposed all around the
2 building. The building can be reached
3 by the fire trucks in every direction.
4 The height of the building is only two
5 stories, so we don't foresee any
6 problem there. The only problem we
7 have in there that is holding us up is
8 submitting a final presentation to the
9 board is that that wall that was built
10 was built without a permit
11 unfortunately. It's in the easterly
12 route of the gas lines. Aside from
13 that, we should be able to comply with
14 everything else that you have
15 addressed before.

16 The reason for this variance is
17 that we are noncompliant with the
18 number of parking spaces and there was
19 a distance on the front yard that does
20 not meet the minimum requirement.
21 Aside from that, I don't see anything
22 on the documents that we need to
23 discuss tonight. If you have
24 anything, I'm open.

1 CHAIRMAN EWASUTYN: Frank Galli?

2 MR. GALLI: You show us the
3 outside of the building and the wall
4 and all that stuff. What's inside?
5 What's the set up? Is it like an
6 auditorium? Is it church pews?

7 MR. ESTRELLA: It's a church.

8 MR. GALLI: Churches have
9 different things.

10 MR. ESTRELLA: The second floor
11 was originally -- I had a CO for a
12 dance hall.

13 MR. GALLI: Do you have anything
14 that shows what it looks like on the
15 inside?

16 MR. ESTRELLA: I have a copy of
17 the dance hall.

18 MR. GALLI: Do you have a layout
19 plan of the inside?

20 MR. ESTRELLA: Yes, I do. As a
21 matter of fact, I have all the plans
22 ready on file. There's a few things
23 that are missing.

24 MR. GALLI: I think you ought

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to turn them into the building department as soon as possible.

MR. ESTRELLA: We were told until we get a variance we were not supposed to do that.

MR. GALLI: I don't know how to handle that, John.

CHAIRMAN EWASUTYN: Generally speaking the building department will not review plans until the site plan has been approved.

MR. CAMPBELL: They were basically told to get a site plan approval first.

MR. GALLI: That's the main question I had. Of course the wall looks beautiful. To build it without a permit would have saved you a lot of aggravation and time, but that's besides the point. That's the only question that I really had.

MR. ESTRELLA: Lack of orientation and lack of knowledge. Not an excuse, but that's what

1 happened. Good intentions, but did it
2 wrong.

3 CHAIRMAN EWASUTYN: Stephanie
4 DeLuca?

5 MS. DeLUCA: Personally I grew
6 up in the area. I think that the
7 building, the outside the building
8 looks beautiful, color scheme
9 everything is wonderful. However, I
10 wouldn't know what the building is
11 because I don't recall there being a
12 sign. So maybe we ought to look at
13 that. That would be my input.

14 MR. ESTRELLA: I have the same
15 comment. It doesn't have a character
16 yet. You know, people do volunteer
17 work. I'm a church person too.
18 That's what happens. A lot of errors.
19 A lot of work was done incomplete
20 because it's all based on what you
21 need today and what you have to do as
22 a whole. And the plans that goes
23 along with it. But I still say it's
24 not an excuse. It could be done

1 partially, one thing at a time until I
2 get it done right. That would be my
3 approach.

4 MS. DeLUCA: Okay.

5 CHAIRMAN EWASUTYN: Will you at
6 some point in time as a requirement
7 for site plan approval be presenting
8 your signage for the building?

9 MR. ESTRELLA: We can do that,
10 yes. I don't have anything in mind
11 just to let you know.

12 CHAIRMAN EWASUTYN: At some
13 point in time and it should be part of
14 the process that we do a signage
15 approval, 1, wanting to know what the
16 sign would be, and 2, that you see
17 that the square footage and size of
18 the signage is within what's required
19 by the code. If it is, fine. If not,
20 you would have to refer to the Zoning
21 Board of Appeals. Jim Campbell can
22 speak further on that.

23 MR. CAMPBELL: The town has
24 about 45 pages of code dealing with

1 signs. I would peruse them. I don't
2 know them off the top of my head, but
3 there are a lot.

4 MR. ESTRELLA: Okay.

5 MR. HINES: The project as part
6 of the approval, and that's my fifth
7 comment there, that it will need
8 architectural review and signage is
9 part of the architectural review
10 process with the board.

11 MR. ESTRELLA: That is correct.

12 CHAIRMAN EWASUTYN: Dave
13 Dominick?

14 MR. DOMINICK: A couple things.
15 This layout, is that a current layout?

16 MR. ESTRELLA: That's what is
17 there. It was always there. It was
18 approved by the building department.
19 It was approved by the board.

20 MR. DOMINICK: And the firm
21 before you, I had asked them if they
22 were going to keep a sign outside.
23 There's an old rustic sign in the
24 southwest corner.

1 MR. ESTRELLA: That's going to
2 go.

3 MR. DOMINICK: Well, that's what
4 he said.

5 MR. ESTRELLA: That will go.

6 MR. DOMINICK: Finally, the
7 entire building is a church, house of
8 worship?

9 MR. ESTRELLA: Church, house of
10 worship.

11 MR. DOMINICK: What's on the
12 north side where all the windows are
13 covered up with brown paper? What's
14 in there?

15 MR. ESTRELLA: I have some
16 pictures here. In the back?

17 MR. DOMINICK: No, in the front.
18 Front left side north corner, large
19 windows covered up with brown paper.
20 They've always been covered.

21 MR. ESTRELLA: That's the entry
22 point. That's the entry with the
23 brown paper. That is where all the
24 glass area is.

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MR. DOMINICK: Okay.

MR. ESTRELLA: That's the main entry. They are not using it. They don't have enough members. The building is too big for what they have in terms of membership.

MR. DOMINICK: I was just curious why it was covered up and hiding everything.

MR. ESTRELLA: Because they aren't using it at all and they have a lot of people trying to break in and they actually broke the glass a couple of times. If you look at that plan, it has capacity for 124 people, sitting, actually fixed sitting. That's what they use. The other floor they started working and then they stopped. They work with volunteers and they work with some contractors, but mostly volunteers. So we will have to go back and retrieve everything that they have done. I may be wrong, change it and by the time we

1 get approval then we make the
2 corrections and have an inspection
3 done.

4 MR. DOMINICK: Thank you.

5 CHAIRMAN EWASUTYN: Ken
6 Mennerich?

7 MR. MENNERICH: Just some
8 clarification on the gas pipe line and
9 the wall and how they are located in
10 the easement. The wall is built in
11 the easement?

12 MR. ESTRELLA: Yes. Within the
13 property line, but within the
14 easement.

15 MR. MENNERICH: And the location
16 of the pipe, that's easy to find;
17 right? That can be marked out where
18 the pipe is?

19 MR. ESTRELLA: Yes. That's
20 exactly what the utility company asked
21 for us to do, to mark it and to
22 identify it on the plan.

23 MR. MENNERICH: If a contractor
24 needs to dig, they have a system you

1 can call in. They have to mark it
2 out.

3 MR. ESTRELLA: They told us to
4 get a surveyor and do the marking.
5 It's in writing. That's what we did.
6 We are paying for it. One mention on
7 this wall is that this wall is a block
8 system. There is no mortar cement
9 joining the block. I can show you
10 quickly. This is very straight-
11 forward. It could be actually pushed
12 out and it will go away. It's very
13 strong, but it's not sealed. It's not
14 tight to the ground. It doesn't have
15 a footing. It doesn't have any of
16 that.

17 MR. MENNERICH: I guess I'm
18 thinking if they want you to mark it
19 out where the pipe is to see where it
20 is in relation to your wall?

21 MR. ESTRELLA: Yes.

22 MR. MENNERICH: So if they have
23 to repair the pipe or something, you
24 will know if the wall has been

1 impacted?

2 MR. ESTRELLA: They already
3 know. They already got the survey.
4 They got the survey with the wall and
5 superimposed all of the gas line so
6 they know where it meets and where it
7 doesn't meet and there are locations,
8 very few, but there are locations
9 where the wall meets the gas line.

10 MR. MENNERICH: So what are they
11 asking you to do then if you already
12 have that?

13 MR. ESTRELLA: Three months I'm
14 waiting, no response. We, the church,
15 will have to make a decision if we
16 want to prolong it or just remove the
17 wall and call it a day. That's a
18 decision we have to make because it's
19 taking too long. I've been at it for
20 six months already and all we got was
21 a letter back, no objection, get this,
22 get that, go do it, and no response
23 for another two or three months.

24 MR. MENNERICH: But the last

1 letter they told you they had no
2 objections if you got this
3 information?

4 MR. ESTRELLA: No, that's not
5 what they said. They said give it to
6 us and we will make a decision. We
7 did that. We are still waiting for
8 the decision. One way or the other
9 it's going to get resolved. It can't
10 go on forever. If we have to remove
11 it, we will remove it.

12 MR. MENNERICH: Okay. Thank
13 you.

14 CHAIRMAN EWASUTYN: Cliff
15 Browne?

16 MR. BROWNE: I don't have
17 anything additional. I think the wall
18 is part of the major issue at this
19 point.

20 CHAIRMAN EWASUTYN: John Ward?

21 MR. WARD: With the wall, when
22 you were told it was on the gas line,
23 how far were you with the wall
24 building it?

1 MR. ESTRELLA: The wall hasn't
2 been built completely. It's just a
3 portion of it that is built.

4 MR. WARD: What I'm saying is I
5 feel it's a liability even on the
6 planning board if we approve anything.
7 I'm asking you professionally if
8 Central Hudson comes out and marks
9 where the gas lines are, if you moved
10 your wall back or remove it is the
11 best scenario. The wall shouldn't be
12 on there no matter how you look at it.
13 If there's an emergency, they are
14 going to take down the wall. That's
15 not really a -- that is a liability if
16 something blows up.

17 MR. ESTRELLA: I agree with you.
18 If I were you I would have the same
19 position. They are making the
20 judgment based on the information we
21 gave them. The problem is when? If
22 they tell us no, we remove it. Call
23 it a day. So they are not giving us
24 the time frame and I know you are

1 going to get tired and so are we. So
2 we got to make a decision quickly. If
3 they don't say something quick, we are
4 just going to remove it. And quick
5 means two, three weeks. I have my set
6 of plans ready to submit to you.

7 CHAIRMAN EWASUTYN: Pat, do you
8 want to summarize tonight's meeting?

9 MR. HINES: Sure. As Mr.
10 Estrella said, I have the bullet
11 points showing the site plan showing
12 all site improvements. The utility
13 company's approval for the wall and
14 other improvements that are within the
15 right away. Sign off from D.O.T. for
16 the access road and other improvements
17 within the D.O.T. right of way. An
18 evaluation of the location of the
19 fence in compliance with the Town of
20 Newburgh code and comments from the
21 jurisdictional fire department should
22 be received.

23 The site has received an asphalt
24 pavement overlay which when this

1 project was previously before the
2 board there was a lot of discussion
3 regarding patching or in-fill and I
4 believe that the owners have gone in
5 and completely overlaid the parking
6 lot.

7 MR. ESTRELLA: Not completely.

8 MR. HINES: A large extent of
9 it. It certainly looks better than it
10 did. We have a detail requiring
11 pavement striping. I don't know if
12 the striping complies with the town's
13 detail.

14 MR. ESTRELLA: No, it has to be
15 redone.

16 MR. HINES: Further review will
17 be undertaken once we receive your
18 plan and ARB approval will be
19 required. Did I hear you mention that
20 you are seeking referral to the ZBA
21 for the front yard setback and parking
22 count at the beginning of your
23 presentation?

24 MR. ESTRELLA: No. I said that

1 those were the deficiencies that
2 brought us to get a variance.

3 MR. HINES: So you got those
4 variances?

5 MR. ESTRELLA: I'm seeking the
6 right information from the right
7 people. I understood that it was
8 given, that it was issued. I don't
9 have a piece of paper that says that.

10 MR. HINES: That's the same
11 reason I'm asking the question. This
12 has a history and I don't recall this
13 going to the ZBA. That's something
14 that is going to be determined, your
15 status before the ZBA. The change of
16 use from the retail to your current
17 proposed use would trigger the loss of
18 the grandfathering of any parking and
19 both setback requirements. If you
20 have not received those, you will be
21 looking to this board for a referral
22 for those, but we need to determine
23 that.

24 MR. ESTRELLA: I understood that

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it was done, but I don't have proof.

MR. HINES: We can figure that out later.

MR. ESTRELLA: I was hoping to find that out here today.

MR. HINES: This isn't the right board. We certainly can dig through the history and determine that.

MR. ESTRELLA: Okay.

CHAIRMAN EWASUTYN: Dominic Cordisco, do you have anything?

MR. CORDISCO: Nothing further.

CHAIRMAN EWASUTYN: Thank you.

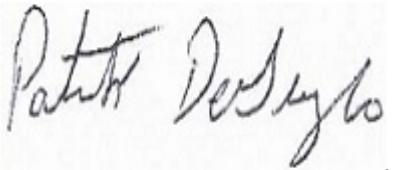
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STATE OF NEW YORK)

) ss:

COUNTY OF ORANGE)

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

X 
PATRICK M. DeGIORGIO

Dated: October 18, 2023

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

In the Matter of

DARRIGO SOLAR FARM

(PB#2019-24)

Requesting a six-month (180 day)
extension from October 5, 2023 to
April 5, 2024

Date: October 5, 2023
Time: 8:50 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: (NONE)

REPORTED BY: Patrick DeGiorgio, Court Reporter

MICHELLE L. CONERO
P.O. Box 816
Dover Plains, New York 12522
(845) 541-4163

1 CHAIRMAN EWASUTYN: This evening
2 we have four board business items.
3 Mr. Mennerich will read the request
4 for a six-month extension for Darrigo
5 Solar Farm.

6 MR. MENNERICH: Letter dated 25,
7 September 2023 to the Town of Newburgh
8 Planning Board, John P. Ewasutyn,
9 Chairman and Planning Board members.
10 This is from Jeffrey Lease,
11 representative from the Darrigo Solar
12 Farm regarding Darrigo Solar Farm, 84
13 Lakeside Road, Newburgh, New York.
14 Town of Newburgh project 2019-24.

15 "Dear Chairman Ewasutyn and
16 Planning Board members. The existing
17 extension expires 6 October, 2023. I
18 request a final six-month extension to
19 exercise permits and complete the work
20 described in the approval.

21 Outstanding are the following
22 items: 1, landscaping adjustments for
23 Patton and I-84 approved by Karen
24 Arent. 2, storm sewer bond and

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landscape bond.

We have chosen a contractor in our assembling costs and materials. Ultimately this contractor will be the party pulling the permits."

Sincerely Jeffrey Lease,
representative of Darrigo Solar Farm.

CHAIRMAN EWASUTYN: Pat, what will be the date from -- the adjourn date that was noted? Six months total?

MR. HINES: So we have October 5th, 2023 to April 5th, 2024 on the agenda for an 180-day extension from tonight.

CHAIRMAN EWASUTYN: It will be from October 5th, 2023 to when?

MR. HINES: April 5th, 2024.

CHAIRMAN EWASUTYN: Will someone make a motion to grant the six-month extension subject to the dates that were just mentioned?

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

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CHAIRMAN EWASUTYN: Motion by
Ken Mennerich and second by Stephanie
DeLuca. Can I have a roll call vote
starting with John Ward?

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Motion
carried.

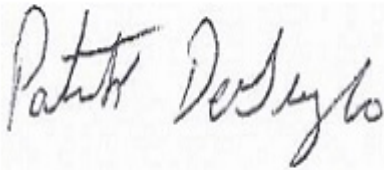
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STATE OF NEW YORK)

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X _____
PATRICK M. DeGIORGIO

Dated: October 18, 2023

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

In the Matter of

POLO CLUB

(PB#2018-12)

Requesting a six-month (180 day)
extension from October 5, 2023 to
April 5, 2024

Date: October 5, 2023
Time: 8:55 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: (NONE)

REPORTED BY: Patrick DeGiorgio, Court Reporter

MICHELLE L. CONERO
P.O. Box 816
Dover Plains, New York 12522
(845) 541-4163

1 CHAIRMAN EWASUTYN: The next
2 item of business we have this evening
3 is Polo Club requesting a six-month,
4 180-day extension from October 5th
5 through April 5th, 2024. Dominic
6 Cordisco, planning board attorney,
7 will speak on this.

8 MR. CORDISCO: Yes. So on
9 September 27th, 2023 a letter was sent
10 from Robert Stout of Whiteman,
11 Osterman & Hanna on behalf of the
12 contract purchaser, Robert C. Douglas
13 Group, requesting an extension of the
14 existing approval for the Polo Club.
15 However, this was originally placed on
16 the agenda for today for consideration
17 because the site plan approval
18 although also is coming up for
19 expiration is not due to expire until
20 November 15th, 2023. But we heard
21 today from the current owner and
22 actually the applicant of the project
23 that indicated that they were unaware
24 that this request was being made, that

1 they are the owner, the applicant, and
2 they intend to make their own request
3 for an extension which certainly could
4 be considered at a later planning
5 board meeting. So my recommendation
6 to the board is because this request
7 is coming from a contract purchaser
8 and from the owner and the applicant
9 and that they intend to submit their
10 own written request, my suggestion
11 would be that the board should table
12 this to a future meeting until such
13 time that the owner and applicant can
14 make their own request.

15 CHAIRMAN EWASUTYN: Will someone
16 move for a motion to table the current
17 request before us for a six-month
18 extension for the Polo Club?

19 MR. GALLI: So moved.

20 MS. DeLUCA: Second.

21 CHAIRMAN EWASUTYN: And waiting
22 to hear from the owner and applicant.
23 I have a motion by Frank Galli and
24 second by Stephanie DeLuca. Can I

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have a roll call vote starting John
Ward?

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

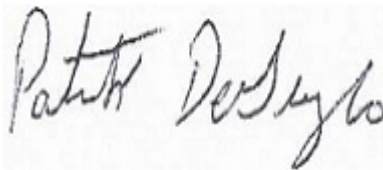
MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Motion
carried.

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STATE OF NEW YORK)
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PATRICK M. DeGIORGIO

Dated: October 18, 2023

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

In the Matter of

DISCUSSION

City Scope request for proposal as
Wireless Telecommunication Facilities
Consultant

Date: October 5, 2023
Time: 9:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: (NONE)

REPORTED BY: Patrick DeGiorgio, Court Reporter

MICHELLE L. CONERO
P.O. Box 816
Dover Plains, New York 12522
(845) 541-4163

DISCUSSION

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CHAIRMAN EWASUTYN: The third item of business this evening and a discussion, I'll have Pat Hines speak on this.

MR. HINES: Awhile back, Mike Musso from HDR Engineers had indicated, and he's obviously the town's wireless consultant and has been for many years, has indicated that their firm was not going to provide those services to the town and he had recommended four consultants that provide that type of service to other municipalities. Mike has been continuing to work for the town both for the planning board and the code enforcement office even as late as today providing a task order to assist the town with the Mid-Valley Mall project.

Based on Mike's representation and I had some conversations with him a few months ago asking were you looking to get out of this and he said

1 yeah, we are, so I put together a
2 request for proposal on behalf of the
3 Town of Newburgh, the planning board
4 and code enforcement office and
5 submitted those to the four firms that
6 Mike had recommended would provide
7 similar services. Only one of the
8 firms, City Scape, submitted a
9 proposal which I know you folks have
10 gotten copies of. They work a little
11 different than Mike Musso's office
12 would. They are based out of state.
13 They do provide services for other
14 municipalities in Orange County and
15 certainly southeast New York. My firm
16 works with them in several
17 municipalities. The Town of Monroe
18 comes to mind and is identified in
19 there. They provide services on a
20 lump sum basis for their reviews, both
21 for the planning board and code and
22 they gave me a schedule of those fees.
23 They are certainly qualified. They do
24 not wish to attend your meetings.

DISCUSSION

4

1 They have a rather significant fee to
2 attend your meetings based on their
3 travel. Well, they will come to your
4 meetings, but it will cost you about
5 \$1,500 to attend a meeting. They do
6 provide these services to other
7 municipalities without attending a
8 meeting unless they are requested.
9 They are the only ones that did
10 respond. I think some others didn't
11 respond because there was the
12 structural engineering component that
13 Mike Musso's company always provided
14 so we kind of provided the same menu
15 of service they do. I think some of
16 the ones he suggested do not have
17 structural engineers on staff. If I
18 was writing again today I may take
19 that out and my office can certainly
20 provide structural engineering
21 services, but this again was the only
22 one responsive to the RFP we put out.

23 So it's up to the board. I
24 don't know the current status of Mike

1 Musso. I was surprised that he sent
2 that task order for the Mid-Valley
3 Mall. Certainly he's been involved
4 with that one and it will save a lot
5 of learning curve rather than bringing
6 someone else in. So I think we should
7 confirm with Mike Musso that he is not
8 looking to have an extended long-term
9 relationship with the town. If the
10 board wants to consider accepting his
11 proposal or wants to put it out again,
12 it's certainly up to this board and
13 the town and code enforcement. I have
14 not heard from code enforcement, but I
15 did provide copies to them as well.

16 CHAIRMAN EWASUTYN: Jim
17 Campbell, do you have anything to add?

18 MR. CAMPBELL: Jerry has not
19 discussed this with me.

20 CHAIRMAN EWASUTYN: John Ward?

21 MR. WARD: I read it and I see
22 no problem with it.

23 CHAIRMAN EWASUTYN: Cliff
24 Browne?

1 MR. BROWNE: I'm a little
2 concerned. Personally I don't like
3 the approach from a distance-type
4 situation. I just have difficulty in
5 seeing how it will work for us
6 effectively. I'd like to possibly get
7 some feedback from the other towns in
8 the area that do use them and see what
9 kind -- how they have worked with
10 them, how it works for them.

11 For what Mike Musso's company
12 has provided for us, basically even
13 this last tower down here on Pressler
14 Road, they are there, they are out
15 there, they are on site. They are
16 physically there providing the input
17 to us for what we want to have. I
18 just have a hard time comprehending
19 how this can be done effectively from
20 a distance. I don't know, are the
21 other towns happy with them?

22 MR. HINES: One of the things I
23 did put in there and they did include
24 was I asked for samples of a co-locate

1 comment letter and a new tower letter
2 which was in the packet. It seemed
3 fairly thorough their review. It's up
4 to the board. I was merely the
5 catalyst asking for the proposal.

6 MR. BROWNE: Following up on
7 Pat's comment about taking out the
8 structural engineer part. If his firm
9 is qualified to do that type of
10 analysis, I would personally suggest
11 that we would set out again with that
12 component. That's my opinion.

13 CHAIRMAN EWASUTYN: I'm in favor
14 of what Cliff Browne just mentioned,
15 if we take out the structural
16 component with the understanding that
17 MH&E will review and take that
18 responsibility on behalf of the
19 planning board. I'm in favor of Cliff
20 Browne's suggestion. Ken Mennerich?

21 MR. MENNERICH: Pat, the other
22 companies that didn't send something,
23 did any of them communicate with you?

24 MR. HINES: One of them called

1 and said I can't meet the structural
2 component and I asked him if he felt
3 comfortable to submit it and put that
4 down in their proposal to the town and
5 they did not.

6 MR. MENNERICH: I guess I'm
7 getting mixed signals because
8 Dominic's summary of the information
9 and also your input is that they are a
10 qualified company, they have reputable
11 professionals working for them.

12 MR. CORDISCO: The purpose of my
13 review was to compare the level of
14 services that they were providing
15 compared to HDR, but there's one
16 important difference is that they
17 obviously skewed their proposal to not
18 attend the meetings and to address Mr.
19 Browne's comment, it would be a change
20 in how the board functions to pursue
21 that application to be referred to
22 City Scape if that's who you select,
23 to review them and by written
24 comments, but the charge actually for

1 attending a meeting by Zoom is \$1,500
2 and that's a lump sum fee. To
3 actually come in person is \$3,000 as
4 their lump sum fee and that's because
5 they are coming from Florida.

6 MR. MENNERICH: I guess the
7 thing I find in listening to these
8 reviews is better put down in paper
9 and summarized rather than being
10 discussed in a meeting.

11 MR. CORDISCO: Yes.

12 MR. MENNERICH: We get a lot of
13 discussion at the meeting and then we
14 never get the darn reports on some of
15 these ones that are delayed. I just
16 think this might be a more efficient
17 way of getting them done. You know,
18 if you want to take the structural
19 out, that's fine.

20 MR. CORDISCO: Right now the
21 town doesn't have any pending
22 applications for wireless
23 communication facilities. We have
24 been for quite some time at Pressler

1 Road. It appears from what as near as
2 I can tell Mr. Musso wants to continue
3 at some level a relationship with the
4 town and that perhaps closing out
5 items that he's familiar with. That
6 might be an important clarification.

7 One other thing while we are
8 sitting here talking, one other factor
9 to consider that would weigh towards
10 rather having a local consultant is
11 that when Verizon proposed the new
12 tower that the town does require a
13 balloon test and HDR is directly
14 involved with that. You can't do that
15 from Florida, so someone has to be
16 here. Whether that's the applicant's
17 consultants that are doing it, but
18 someone else has to make sure they are
19 meeting all the requirements and the
20 protocols for that balloon test. So
21 it's a complicated situation.

22 MR. MENNERICH: That would be a
23 problem.

24 MR. CORDISCO: And you are

1 somewhat limited by the fact that you
2 only got one response.

3 CHAIRMAN EWASUTYN: Dave
4 Dominick?

5 MR. DOMINICK: I agree
6 partially with Ken that this would be
7 more efficient. However, I'm
8 concerned that we are an in-person
9 committee and we need to have someone
10 in-person to be here to talk with the
11 applicant. My other concern is Mike's
12 continued involvement in any
13 overlapping involvement that he still
14 has, especially with the punch order
15 he sent out to us earlier. He's
16 pretty down the road with that
17 company. What happens with that issue
18 moving forward and with City Scape if
19 they are the ones or whoever replaces
20 them? That seems like the only
21 outstanding action we have that would
22 involve this type of service.

23 MS. DeLUCA: After hearing all
24 of your comments, some of which I feel

1 I'm taking a little bit from each you.
2 I'm still thinking things through. I
3 do like the aspect of having something
4 more local, you know, to have access.

5 CHAIRMAN EWASUTYN: Frank Galli?

6 MR. GALLI: The other three
7 companies that we sent them to, are
8 any of them closer?

9 MR. HINES: Certainly closer
10 than Florida. I believe this company
11 also operates out of Washington D.C.
12 I don't know that it will hurt. We
13 can certainly keep this one on and ask
14 again. Two of them I heard nothing
15 from.

16 MR. GALLI: Like if we need him,
17 who pays his fees? Do the wireless
18 communications pay everything?

19 MR. HINES: The applicant.

20 MR. GALLI: I'm asking for
21 planning for a budget. If they had to
22 come up here for \$3,000, it would be
23 on Verizon?

24 CHAIRMAN EWASUTYN: Speak softly

1 because there is this issue, and
2 Dominic will explain it, based on this
3 time clock issue. And even with the
4 last -- the one that we are talking
5 about now, Verizon, the attorney
6 questioned the billing and that
7 billing exceeded by about 50 percent
8 the original quote. The records I saw
9 talked percentages rather than dollar
10 amount. Knowing what I think Dominic
11 will speak about is going to want to
12 start paying.

13 MR. CORDISCO: I think you also
14 have to justify the amount. \$1,500
15 for attendance at a Zoom meeting where
16 the discussion might be at best a half
17 an hour. That might be hard to
18 justify.

19 MR. GALLI: Personally I think
20 we ought to send it out, revisit
21 without the structural.

22 MR. BROWNE: You guys all know
23 me. I'm all over the country. Quite
24 often when I'm at a customer location

1 I'll say why does he spend the money
2 to have me come out? Typically the
3 comments are like, well, we know we
4 can, but we like to have somebody here
5 to actually talk to them and get input
6 and get responses back and forth. A
7 lot of people like to have that
8 personal interaction and from my
9 perspective I think that's important.
10 So that's one of the ways where I'm
11 coming from. I can understand for
12 myself I like that. When Mike was
13 here, he did a lot of talking, but I
14 could pick his brain. I could ask him
15 all kinds of technical questions and
16 he just gave us the answers. Remotely
17 you don't get that kind of
18 interaction. That's where I'm coming
19 from. Just my personal opinion.

20 MR. GALLI: What's the turn
21 around time to revisit, Pat, three
22 months?

23 MR. HINES: No. Three weeks to
24 a month. We have to give people a

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chance.

MR. GALLI: I think not having a lot of telecommunication applications, like every second planning board meeting, we have time to rebid it, send it out for rebid. If cost is a factor like John says, questioning 50 percent, whatever that billing is and stuff like that, I think we should give it a second shot and we should do our due diligence on trying to get maybe something in person or something more reasonable without the structural part of it.

MR. HINES: One of the things that limits the people that are going to submit proposals and we always did it with Mike Musso's company is do not represent or did not represent any of the carriers. We included that in the request for proposals, that we are looking for a consultant that doesn't work for Verizon or AT&T or Sprint on a regular basis. That may be an

1 eliminating factor on how many people
2 reply. These people state they only
3 work for the municipality. Mike
4 Musso's group did not -- I don't know
5 if that's why they did not work for
6 wireless carriers. And he has a very
7 big company. He's a nationwide
8 company, HDR. So that may be an
9 eliminating factor too. I think
10 clearly that cleans the reviews up
11 that you don't want a consultant
12 working both sides of the table with
13 the same company.

14 MR. GALLI: It's a tough
15 decision.

16 MR. HINES: I don't think it
17 hurts to ask again. I was shocked we
18 only got one back.

19 CHAIRMAN EWASUTYN: What was
20 just said, a disclosure statement if
21 we were to work with someone who has
22 or still might be with a carrier, does
23 that have any weight or merit?

24 MR. CORDISCO: They would have

1 to comply the same way other boards
2 comply. Disclosing any potential
3 conflicts and also potentially
4 recusing themselves and finding a
5 replacement. Being a consultant if
6 there's a conflict that's not
7 solvable.

8 CHAIRMAN EWASUTYN: So for now I
9 think the board is in agreement that
10 we would like to send out another
11 proposal, but we won't ask for their
12 services to cover the structural
13 review.

14 MR. WARD: Yes.

15 MR. BROWNE: Agreed.

16 CHAIRMAN EWASUTYN: Okay.

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DISCUSSION

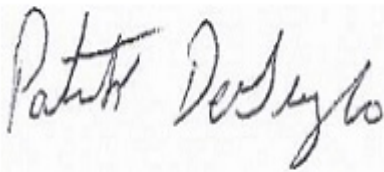
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STATE OF NEW YORK)

) ss:

COUNTY OF ORANGE)

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X _____
PATRICK M. DeGIORGIO

Dated: October 18, 2023

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

In the Matter of

MATRIX LOGISTICS CENTER - ROUTE 300
(PB#20-17)

EV Charging Stations (Tesla)

Date: October 5, 2023
Time: 9:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: RAYMOND AQUINO, P.E.
DOMINIQUE ALBANO, ESQ.

REPORTED BY: Patrick DeGiorgio, Court Reporter

MICHELLE L. CONERO
P.O. Box 816
Dover Plains, New York 12522
(845) 541-4163

1 CHAIRMAN EWASUTYN: The last
2 item of business we have is Matrix
3 Logistics Center, Route 300. This is
4 in reference of a conversation for the
5 now existing EV charging stations for
6 Tesla. For the record, could we
7 please have your name?

8 MS. ALBANO: My name is
9 Dominique Albano from Whiteman,
10 Osterman & Hanna. I'm here to
11 represent the project for this matter
12 and I don't know where you would like
13 to start with this discussion.

14 MR. HINES: I did bring the
15 plans so maybe I could throw that up
16 to help with discussions. This issue
17 came up recently. The building
18 department is looking to close out
19 some 23 building permits on the site.
20 Mr. Aquino has been under a little bit
21 of stress from his tenant I believe.
22 Tesla has become the tenant of Matrix
23 in the larger building on the Matrix
24 Route 300 site. There are smaller

1 buildings here. This is a 927,000
2 square foot facility that has Tesla as
3 their tenant.

4 When Tesla came there, certainly
5 being the company they are, they
6 wanted electrical vehicle chargers on
7 the site. 20 electrical vehicle
8 chargers have been installed in this
9 front parking lot which is the first
10 parking lot into -- the first right --
11 actually it's the second right. It's
12 the second right into this large
13 parking area. Two of the accessible
14 spots right here share a charger and
15 then there's 18 other ones put in that
16 area there. They were installed
17 without benefit of site plan review,
18 building permit. Whatever happens
19 here tonight to follow up with the
20 building department to receive
21 building permits and electrical
22 inspections.

23 I think some of the board
24 members may have gone out and seen

1 them. They are not the typical giant.
2 They don't look like the chargers that
3 are Tesla chargers that we see at
4 Cosimo's. These are a little smaller,
5 more discrete. What they did do is
6 also put concrete wheel blocks in
7 front of them. Previously these were
8 right on the curb lines, so to protect
9 those 20 concrete wheel stops they'll
10 put it in front of them which
11 certainly make sense.

12 Matrix is looking tonight to
13 have the board consider this as a
14 potential field change. They are
15 installing them. Many of us have seen
16 them. It's kind of a -- I think it's
17 the nature of their tenant. I was
18 surprised they only wanted 20.

19 They did give us a detailed blow
20 up of the site. There are 442
21 constructed car parking spots between
22 this type of vehicle parking and here
23 on the site. Again they put in 20
24 which is 4.5 percent of the parking

1 now which are those EV chargers. They
2 are installed. Matrix has put service
3 bags on top of them right now because
4 they don't have approval for them from
5 this board or the building department.
6 I think they are looking for the
7 board's consideration to do this as a
8 field change as an as built
9 constructed conditions.

10 MS. ALBANO: Just one thing to
11 add. In the zoning code under Section
12 185-58C it permits the building
13 inspector to determine whether an
14 alteration needs to be presented to
15 the planning board for site plan or
16 amended site plan approval. So
17 whatever alterations that are done,
18 it's at your discretion to determine
19 if it requires an amended site plan.

20 MR. HINES: I am not the
21 building department.

22 MR. CAMPBELL: If you were to
23 submit a building permit, I don't know
24 if you have or not, you would be

1 referred to this board.

2 MS. ALBANO: Okay.

3 MR. HINES: The other issue is
4 the approval resolution and you may
5 speak to that, but that approval
6 resolution, that is specific language
7 that's only shown on this plan being
8 constructed so that's why you are here
9 also.

10 MR. CORDISCO: His plan wasn't
11 that plan.

12 CHAIRMAN EWASUTYN: Frank Galli?

13 MR. GALLI: I did drive up to
14 the site. I actually, like Pat, took
15 the wrong turn and I had to drive
16 around the whole building and turn
17 around and come back down. Anyway,
18 personally if you take the backhoe, I
19 guess they have a hose under there
20 with a nozzle, but they look like
21 bollards. They are not cumbersome.
22 They are not overpowering. They look
23 like you pull up to a place that has a
24 bollard in front of a building. I

1 said they used the US Building Green
2 Council Standard which is 5 percent.
3 You're a little short here at 4.5
4 percent. My other question is is 20
5 enough? Is 20 enough for 422 spots?
6 Question 2 is what about Building 1,
7 the first building as you go in which
8 has zero charging stations?

9 MS. ALBANO: As per the US Green
10 Building standard, I believe that are
11 related to -- if you are applying for
12 an immediate certified building. On
13 that percentage doesn't apply for this
14 building so we are not applying for
15 certification and Tesla they are a
16 reliable source. These are the amount
17 needed for a site. They are leading
18 the industry in electric vehicles and
19 based on their past involvement or
20 other tenants in other buildings, this
21 is what has been acceptable for them.

22 MR. DOMINICK: Can another brand
23 use this charger?

24 MS. ALBANO: Yes. I believe

1 Tesla is the one that is promoting a
2 more universal charger and I think
3 other companies are trying to adapt to
4 their standard. I don't know the
5 exact specifics of the charger itself,
6 but that's what I've been told.

7 MR. AQUINO: If I could speak.
8 Ray Aquino and I'm with Matrix. I'm
9 not the expert on EV chargers, but
10 from what I read, it is possible to
11 use a lot of these chargers for many
12 different cars. I think Tesla has
13 also a proprietary type of cable.

14 MS. ALBANO: Yes. There's also
15 attachments. I don't have an
16 electrical vehicle. I wish I did. I
17 don't know if anybody here does.
18 There are attachments that you could
19 get for different ports. Just like
20 you have for your phone.

21 MR. WARD: Like an adapter?

22 MS. ALBANO: Yes, it's an
23 adapter.

24 MR. AQUINO: I don't know that

1 these are intended for the public.
2 This is something that Tesla wants.
3 So as far as the standard that we use
4 on the Route 17K project, I use that
5 as a point of reference to try to come
6 up with a reasonable number of
7 chargers. Again, Dominique was
8 correct in saying that U.S. Green
9 Building Council, that's a lead
10 standard. If you want a design to get
11 your building lead certified, that's
12 their recommendation for the chargers.
13 This comes out to about 4 and a half
14 percent I believe on the plan of the
15 total spaces.

16 MR. DOMINICK: My second part of
17 the question, if we are talking about
18 the entire site around Building 1, the
19 smaller building which I know is not
20 part of Tesla, but it's part of the
21 compound.

22 MR. AQUINO: I would say that we
23 are not here for Building B tonight.
24 It's all part of the Building A's C of

1 O. Building B does not have a tenant
2 beyond Walgreens right now. They were
3 trying to sublease to other people and
4 currently this is not in the plan.
5 They don't have a sublease for that
6 building. So I would assume that when
7 the tenant comes in there they may or
8 may not want their own EV chargers.

9 MR. DOMINICK: If a tenant does
10 move into the first building,
11 Walgreens, will they have to come back
12 if they want charging stations?

13 MR. HINES: Yes.

14 MR. DOMINICK: Thank you.

15 MR. CORDISCO: The scenario
16 right now is because these are already
17 built. They do require a building
18 permit and not in use because they
19 don't have a building permit and
20 what's before the board is whether or
21 not you are comfortable referring this
22 matter to the building department
23 which is their common practice.

24 MR. AQUINO: We have, correct me

1 if I'm wrong, Jim, we have given the
2 department all the paperwork that has
3 been requested to date for these? I
4 think something was submitted earlier
5 this week. I wasn't directly
6 involved.

7 MR. CAMPBELL: I'm not
8 cataloging paperwork, the papers that
9 are being delivered. I do believe
10 when David gets an updated sheet of
11 what's outstanding.

12 MR. AQUINO: Yes. For minute to
13 minute with the code compliance
14 department to try to get the CO which
15 I think benefits everybody.

16 MR. HINES: I was copied on an
17 e-mail that transmitted building
18 permit applications to the building
19 department. I am 99 percent sure you
20 did submit a building permit
21 application for these.

22 MR. MENNERICH: How many weeks
23 ago were these installed?

24 MR. AQUINO: I don't have that

1 answer. I'm not sure.

2 MR. MENNERICH: I don't have any
3 problems with it being considered a
4 field change with the building
5 department. I drove through there a
6 few weeks ago and I didn't see them,
7 but I might not have been looking in
8 the right place. Based on the other
9 ones I've seen around town, they don't
10 take up much space.

11 MR. AQUINO: No, they don't.
12 They are not very intrusive. We are
13 not creating any new spaces. Which
14 are typically things that sometimes
15 trigger a requirement for an amended
16 site plan.

17 CHAIRMAN EWASUTYN: I think
18 another example is, I think we spoke
19 on that, are you going to put in solar
20 panels in one of your buildings and
21 the response was we don't have plans
22 to, but we are going to wire the
23 building if, in fact, we want solar.
24 So my only question to you is who and

1 when did you decide, because obviously
2 there's PVC pipe in place, there's
3 electric in place, so this has been
4 thought out early on in the approval
5 process, in the site plan process.
6 You can't have these charging stations
7 without having wire and PVC. Can you
8 bring me along on the miracle in front
9 me?

10 MR. AQUINO: We always design
11 our buildings to accept future solar
12 on the roof. This is something
13 strictly that Tesla came to us and
14 said they wanted as a new tenant.

15 CHAIRMAN EWASUTYN: But the
16 building is already in place. So
17 where and when did you put in all the
18 wiring after the building was in
19 place?

20 MR. AQUINO: We would have to
21 run conduits out to these chargers.

22 CHAIRMAN EWASUTYN: When was
23 that done?

24 MR. AQUINO: I'm not sure on

1 that, John. I wasn't directly
2 involved. It must have been done when
3 we put the chargers in which obviously
4 started maybe after we did our work
5 for Tesla which probably started in
6 July.

7 CHAIRMAN EWASUTYN: Were you
8 aware of that at the time, your
9 office?

10 MR. CAMPBELL: I was not aware
11 of that, no.

12 CHAIRMAN EWASUTYN: I'm not
13 frowning on the subject because
14 everything feels like it's valid. I'm
15 just saying from a person that has
16 some field experience in running PVC
17 and wiring, this was already in play.

18 MR. DOMINICK: There's no saw
19 cuts anywhere.

20 CHAIRMAN EWASUTYN: Yeah, it was
21 already in play.

22 MR. AQUINO: Maybe in the lawn
23 or behind the pavement. I can only
24 guess at that.

1 MR. DOMINICK: No, that's crab
2 grass and weeds right now.

3 CHAIRMAN EWASUTYN: I'm fine
4 with it. I'm missing a few pieces to
5 the whole puzzle. Many times the
6 conversation will go around that it's
7 tenant-driven. Again, I understand
8 what you are doing. So it's a way of
9 saying it's not my idea, it's their
10 idea, but we wound up initially
11 speaking with you and not them and the
12 likelihood of us ever speaking with
13 them isn't too probable. I think just
14 for our own education and benefit it's
15 always good to have the information up
16 front rather than later on part and
17 parcel to something that has already
18 been created. We offer the courtesy
19 of having people come forward looking
20 for a field change and sometimes that
21 field was short changed because it's
22 already been in play.

23 MR. AQUINO: Okay.

24 CHAIRMAN EWASUTYN: Cliff

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Browne?

MR. BROWNE: Yeah, a couple things along the same line. First, from my perspective this type of request change is pretty much man-driven so I would expect this to happen more in the future. From the idea of having the code compliance handle it, I don't have a problem with that, but I do have a big problem with what John was just discussing and you should know better than to allow this to happen before coming to the code compliance to see what needs to be done or should be done. Like John just mentioned, we hear this quite often from your operation as well as others, tenant-driven. Fine. If you go to a tenent, this is the change, I have to get permission for this. That's a given. It shouldn't have to be coming after the fact. I'm just putting it out there.

MR. AQUINO: That was never our

1 intention.

2 CHAIRMAN EWASUTYN: At the last

3 meeting in conversation something like

4 this came up and I said to them, yeah,

5 we, meaning the planning board,

6 received a telephone call from an

7 outfit out in California that

8 represents Tesla and they wanted to

9 know what the requirements would be

10 because in the spring they are going

11 to come here to talk about putting in

12 EV charging stations. That

13 conversation that I had with that

14 individual then as to what is before

15 us, it was a real conversation. I

16 know -- again, that's on me. Dave

17 Dominick like all of us and Dominic

18 Cordisco is working on a letter to the

19 town board based upon a comprehensive

20 plan to address this very important

21 subject that is before us because even

22 based upon percentages we are trying

23 to establish a foundation as to what

24 is meaningful to ask of an applicant

1 when we are still walking on water
2 with this whole matter. That's all.
3 Anything else?

4 MR. WARD: My question is do you
5 have any plans future-wise to act
6 anymore? Is there any more wires in
7 there that you will have pop up and
8 have more and if you do, do you have
9 any plans where you are going to put
10 them? If that's the case, would they
11 have to come back here?

12 MR. HINES: This is an
13 accommodation we are talking about
14 tonight.

15 MR. AQUINO: Yes, we have no
16 plans to put any more chargers in that
17 are in now. There's nothing that I'm
18 aware of that I've been told that are
19 in the ground for future chargers out
20 there. So what you see is what you
21 get.

22 MR. WARD: On what John said,
23 basically we have been doing Matrix
24 for a long time, for over the last two

1 or three years. Now that you have one
2 in front of us, it's like be honest
3 with it all, go forward, make sure you
4 are on top of them. I'm not pointing
5 the finger to you, but what I'm saying
6 is it's embarrassing. That's what I'm
7 trying to say. It shouldn't happen.

8 MR. AQUINO: I understand. We
9 did put them on the permit application
10 initially and a permit was approved
11 and then we were told we needed a
12 permit for the chargers. So our
13 intent was never to avoid any type of
14 responsibility for permits. I don't
15 think that procedurally we did it the
16 right way.

17 MR. CAMPBELL: Let me clarify
18 that a little bit. A building permit
19 was issued for interior alterations.
20 The application came in for the
21 chargers and the sheet that they had
22 was part of the interior application
23 permit. Our sheet did not match their
24 sheet that they submitted. The

1 chargers were added after the fact of
2 our dated drawing.

3 CHAIRMAN EWASUTYN: Which in
4 some ways isn't your doing because you
5 are not part of what they are speaking
6 of.

7 MR. AQUINO: Right, I'm not in
8 charge of permits, but there is some
9 kind of a history here and confusion
10 and I apologize for that.

11 CHAIRMAN EWASUTYN: Dominic
12 Cordisco, anything else?

13 MR. CORDISCO: Just to
14 reiterate, the board essentially has
15 two options. They can tell Matrix and
16 Tesla that they have to apply for an
17 amended site plan approval and that
18 would require obviously allocation and
19 going through all the steps that an
20 amended application would go through.
21 Or the board could defer this matter
22 to the building department for
23 processing.

24 CHAIRMAN EWASUTYN: Will someone

1 move to accept the 20 EV charging
2 stations being shown on the Tesla site
3 plan as a field change?

4 MR. GALLI: So moved.

5 MR. MENNERICH: Second.

6 CHAIRMAN EWASUTYN: I have a
7 motion by Frank Galli, a second by Ken
8 Mennerich. Can I have a roll call
9 vote starting with John Ward?

10 MR. WARD: Aye.

11 MR. BROWNE: Aye.

12 CHAIRMAN EWASUTYN: Aye.

13 MR. MENNERICH: Aye.

14 MR. DOMINICK: Aye.

15 MS. DeLUCA: Aye.

16 MR. GALLI: Aye.

17 MR. AQUINO: Thank you.

18 MS. ALBANO: I do have one
19 question. I also represent the Polo
20 Club. I thought it was tabled to the
21 next meeting so I didn't have a chance
22 to speak. When you say a motion to
23 table it for six months, what does
24 that mean exactly?

1 CHAIRMAN EWASUTYN: I don't
2 think we said that.

3 MR. AQUINO: Then I misheard.

4 MR. CORDISCO: It was a motion
5 to table the request for a six-month
6 extension. That was the substance of
7 Mr. Stout's letter, a six-month
8 extension. We really should hear from
9 the owner or the applicant to confirm
10 that since they own it and they are
11 the applicant that they want a six-
12 month extension.

13 MS. ALBANO: Okay.

14 MR. CORDISCO: I expect that
15 they fully intend to ask for a
16 six-month extension. Just that board
17 rather than acting on someone who is
18 not the owner and applicant.

19 MS. ALBANO: I'm not arguing
20 with that. I'm just trying to
21 understand. So from this point six
22 months after we hear from the owner to
23 apply then we -- (interrupted)

24 MR. CORDISCO: No. I would

1 anticipate that the owner/applicant
2 and representative will submit
3 something in writing.

4 MR. HINES: Yes, before the next
5 two meetings.

6 MR. CORDISCO: Yes. Probably
7 before the November 12th, I believe,
8 deadline. The board will consider
9 requests in the normal course of
10 business once they receive that.

11 MS. ALBANO: So you think they
12 are going to submit their own request
13 for the extension and not require us
14 to go through it on their behalf?

15 MR. CORDISCO: Right.

16 MS. ALBANO: Thank you so much.

17 CHAIRMAN EWASUTYN: Can I have a
18 motion to close the public hearing?

19 MR. GALLI: So moved.

20 MS. DeLUCA: Second.

21 CHAIRMAN EWASUTYN: Motion by
22 Frank Galli, second by Stephanie
23 DeLuca. Can I have a roll call vote
24 starting with John Ward?

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MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

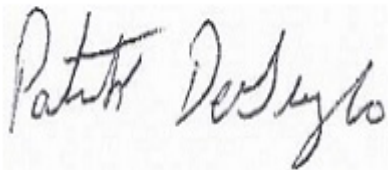
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STATE OF NEW YORK)

) ss:

COUNTY OF ORANGE)

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



X _____
PATRICK M. DeGIORGIO

Dated: October 18, 2023