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

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In the Matter of

BRITAIN WOODS  
(2022-17)

442 Little Britain Road (NYS Route 207)  
Section 97; Block 1; Lots 32.1, 32.2,  
32.3 & 40.1  
R-3 Zone

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PUBLIC SCOPING SESSION FOR DEIS

Date: December 15, 2022  
Time: 6:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
KAREN ARENT  
JAMES CAMPBELL  
KENNETH WERSTED  
MEGHAN LoCICERO

APPLICANT'S REPRESENTATIVES: ROSS WINGLOVITZ &  
STANLEY SCHUTZMAN

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

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CHAIRMAN EWASUTYN: Good evening, everyone. The Town of Newburgh is holding a public scoping session this evening. Dominic Cordisco, Planning Board Attorney, will review the meeting of the scoping session and how we reached that point this evening.

Before we start the meeting officially, we'll have a roll call vote of who is present and the role that they serve on the Planning Board and also the Town of Newburgh.

Let's started with a roll call vote with Stephanie DeLuca.

MS. DeLUCA: Present.

MR. DOMINICK: Present.

MS. LoCICERO: Meghan LoCicero, Drake, Loeb, Attorneys for the Board.

MR. WARD: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

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MR. HINES: Pat Hines with MHE Engineering, the engineers and planners for the Planning Board.

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

MR. WERSTED: Ken Wersted, Creighton Manning Engineering, Traffic Consultant.

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

CHAIRMAN EWASUTYN: At this point I'll turn the meeting over to Dominic Cordisco.

MR. CORDISCO: Please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

MR. CORDISCO: If you would kindly silence your cellphones or put them on vibrate, that would be very much appreciated.

CHAIRMAN EWASUTYN: Ken Mennerich will read the notice that I believe all of you received in the mailing.

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We'll introduce the meeting by going through that notice.

MR. MENNERICH: "Notice of public scoping session, Britain Woods. Please take notice that the Town of Newburgh Planning Board, as the lead agency, has scheduled a public scoping session pursuant to the State Environmental Quality Review Act and its regulations, 6 NYCRR Part 617 (collectively SEQRA), for the project described below. The scoping session will be held in the Laborers Local 17 Meeting Room, 451 Little Britain Road, Newburgh, New York on Thursday, the 15th day of December 2022, at 6 p.m. or as soon thereafter as the matter may be heard. The purpose of the scoping session is to consider public and agency comments on the Draft Scope for the environmental review of the proposed Britain Woods residential use development north of New York

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State Route 207 and 1,800 feet east of Old Little Britain Road. The project is sponsored by Britain Woods of Newburgh, LLC, 100 Summit Lane Drive, Suite 235, Valhalla, New York 10595. The project is a proposed 258-unit apartment complex, a 4,958 square foot clubhouse, 17,316 square foot of tennis and pickleball court space, and a pool with a washroom facility on six existing tax parcels consisting of approximately 48 acres. The parcels are known as SBL", Section, block and Lot, "#41-1-2, 41-1-3 and 97-1-32.1, 32.2, 32.3 and 40.1." On October 6, 2022 the Planning Board, acting as SEQRA lead agency, issued a positive declaration for this Type 1 Action, finding that the project may have potential significant adverse environmental impacts and that a Draft Environmental Impact Statement must be prepared. At this scoping session

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the Planning Board will consider all verbal and/or written statements from all persons and agencies interested. The purpose of this scoping session is to discuss the potential significant adverse environmental impacts which must be evaluated in the DEIS. A final scope as approved by the Planning Board will become the outline of the DEIS."

CHAIRMAN EWASUTYN: Thank you.  
Dominic.

MR. CORDISCO: Welcome, everyone, to the scoping session for the Britain Woods project. A scoping session is the first public hearing in a process where the Planning Board is undertaking an environmental review for this proposal. This project requires approval from the Town of Newburgh Planning Board as well as various other agencies. The Town of Newburgh Planning Board is serving as lead agency for the

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environmental review. The Town of Newburgh Planning Board has already determined that this project has the potential for one or more significant environmental impacts. It's an important key distinction because that provides the Planning Board and the public with a process that is meant to identify the potential environmental impacts as well as proposed mitigation and alternatives that the Board can consider as the process moves forward.

There's a document that's called an EIS, that's an Environmental Impact Statement, that will be prepared. It hasn't been prepared yet, but it will be prepared by the applicant and will be reviewed by the Board and then made available to the public for public comment and also during the public hearing. That process happens later.

What's happening right now is a

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scoping session which is essentially input from the public as to what environmental concerns that the general public may have regarding this project. This public hearing which is about to commence and turn over to you will be for the purpose of identifying to the Planning Board what concerns that you may have that should be evaluated during this process. It's not necessarily a question and answer period. It's also not very helpful, to be quite honest, to have just general objections or concerns regarding the plan, because -- you can certainly note those, but having something specific in your concerns helps focus the Board and scope out what the environmental review is going to require to be evaluated as the process moves forward.

There is a draft environmental scope -- excuse me. There is a draft



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scope that's available on the Town's website under the meetings link for tonight's meeting, as well as a copy of the plans that have been submitted to date, and that draft scope is there for public comment. If you have comments regarding the scope tonight, then you can certainly make them, but if you also want to submit written comments, the Board will also be accepting written comments until December 20th. You can send them in by mail or by e-mail. The notice is provided therein.

There is no limitation on the number of minutes that you can speak tonight, but we are asking that you not be repetitive. If someone gets up and makes a great comment regarding, say for instance, traffic and you think that you also share that concern, you can simply note that you share that concern. We want to make sure that we provide ample

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time for everyone to be able to speak, and we ask that everyone be given an opportunity to speak before you speak again. So we'll try to get through everyone if we can.

That pretty much sums it up.

CHAIRMAN EWASUTYN: Thank you.

At this point we'll turn it over to Engineering & Surveying Properties. They represent the applicant, and the project before us is designed by them.

MR. WINGLOVITZ: Good evening. Ross Winglovitz with Engineering & Surveying Properties. We are the civil engineers for the project. I'm here with Stan Schutzman who is counsel. We represent, in this case, Farrell Building Company who is the applicant for the project before you.

The location of the project is on New York State Route 207. We're currently sitting here at the Laborers Union, right across the

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street from where the main entrance to the project will be. Stony Brook is on the north side of the property, the City of Newburgh on the east, and then vacant land on the west side of the property.

A few of you had a question earlier. There was an application before this Board some fourteen years ago or so which included this Hofka Realty piece. That is not part of the application that is before the Board. This piece is not controlled by the applicant or the landowner, so that's not part of the property.

Access to the site. Again, the main access is across from the Laborers Local 17. That will be the main entrance. The secondary entrance is going to be provided within the City of Newburgh. This is the City/Town line. There will be a second entrance that will come out to 207 within the City. That will be

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reviewed by the City as part of their plan and site plan review process. That's located right across from EMS Plumbing, at that location.

The site itself is 48 acres, roughly. There are six different tax lots that make up the property.

The proposal is for 258 units. There's 110 one-bedrooms, 74 one-bedroom and den, and 74 two-bedrooms is the basic mix right now.

There are internal roads that will service the buildings. There are basically two loops that have been created, one off of a roundabout here that goes up towards the back, towards Stony Brook and to the top of the hill, and then another loop road that goes out to the east that connects back into the City.

In total there are, let's see, eleven buildings. Somebody asked me earlier the size. I think they are about 9,000 to 11,000 depending on

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the two different building types as far as the building footprint.

Parking. There are 330 garage spaces that are being proposed as part of this. Farrell Communities has other rental housing developments in Orange County and throughout the Hudson Valley, one on Gardnertown Road. What they found is there's a very high demand for people who want to be in an apartment but want to have a spot. They provided 330 garage parking spaces as well as traditional surface parking to service these units.

Sewer for the project will be via the City of Newburgh sewer treatment plant. There's an agreement between the Town and the City for sewer capacity. There's two potential connection points that we're going to be studying, one is to the existing City system that's in front of the property on the east

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side, the other would be through a connection up to Old Little Britain Road, into the sewer system there as an alternative.

Water. This is within the water district. Water would be via an extension from Old Little Britain Road to the property. Some of the previous applications discussed the potential interconnection with Stony Brook Condominiums to improve flow and pressure for both developments. That's something we would be willing to look at as well as part of the project.

Drainage from the site. This is a large hill here. Everything flows actually towards us here, where we are at the Laborers Union building here. There will be stormwater ponds. Right now we're just showing three of them located near the front of the property along 207. That will capture the stormwater, treat the

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stormwater and release it at a slower rate. We're required by law not to increase the peak rate of runoff and also treat the water quality.

As Dominic had noted, there's a scoping document that was really the subject of this hearing. It's probably a 13-page document that's on the Town's website. Just briefly to go over it, what's going to be studied so far, the outline includes potential impacts to land resources, so grading, erosion, any potential impacts to surface water, so contaminated water runoff from stormwater or erosion. Plants and animals will be studied. Aesthetic resources, what this project will look like from different viewpoints. Historical and archeological resources. There's some old kilns that are down here. They were on the other project. They're actually not on this property, they're adjacent.

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We'll have to actually look at any archeological impacts this could have and the historic impacts that the project may have.

Traffic. There's been a lot of input from the Town Board, from the DOT, from this Board and the City of Newburgh regarding traffic concerns for the project. There will be several intersections studied as part of the project, especially the main entrance and access and whether or not a left-turn lane will be required. That's something that will be studied in this report.

Water and sewer capacities, gas and electric location and how they're going to service the site.

Physical impacts -- not physical. Fiscal impacts. So we'll do an analysis to determine how much tax will be paid, what is the cost of these new units on the municipality.

And then lastly but not least,



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community services, fire, police and ambulance protection, how those organizations will be able to service the site, what the potential impacts on them may be.

That's just a brief outline of what's in the document. We welcome any additional comments that the public may have. There is a stenographer here to take your comments, and I'll be glad to answer questions regarding knowledge of the project. As John said, it's not a back and forth, or Dominic. I like to explain things so you understand it, that's why I kind of flipped it back, to help people get oriented as to where you are.

A lot of the comments we usually get are where is this project in relation to me. Hopefully I answered some of your questions earlier today. I'd be glad to answer any more as we go forward.

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Thank you.

CHAIRMAN EWASUTYN: We're at a point now in the meeting where we'll receive public comment. What we'd like is if you'd raise your hand, give your name and your address and speak slowly, because Michelle Conero is the stenographer and that will help her with her accuracy on the minutes. So again, if you have a -- if you don't mind, if you can move forward somewhat when you make your comments and raise your hand. The meeting is yours now.

MR. GALLAGHER: Good evening. Matt Gallagher, 409 Little Britain Road.

A question for either party. Was this fully proposed in 2008? Was it denied? If so, why was it denied?

MR. WINGLOVITZ: It was just withdrawn as far as I know. It never proceeded. 2009 it happened.

MR. GALLAGHER: 2009. Okay.

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MR. HINES: At that time the project moved forward past this point and began the environmental impact statement process. Due to economic considerations I believe, the applicant withdrew the project. They lost interest or there was no market. It went away by default.

MR. GALLAGHER: So a formal EIS was not submitted before?

MR. CORDISCO: That's correct. The project did not result in a denial. It was not fully reviewed before it was withdrawn.

In addition to that, the project itself at that time was larger than the current proposal because it included more property.

CHAIRMAN EWASUTYN: We'll take you first, please.

MR. VALDINA: Frank Valdina representing the Goodwill Fire District, 1 South Plank Road, Newburgh.

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I have a couple of questions and some concerns. The first question is is the entrance going to be a controlled access?

MR. HINES: It's not proposed to be a gated community.

MR. VALDINA: Not a gated community, so therefore there's no concern as far as fire apparatus getting onto the site.

The other was one of the concerns indicated one water line connection. As far as I know there's only an 8-inch line on Old Little Britain Road. I'm concerned with the water capacity for fighting fires.

The main entrance has a circle there. It doesn't indicate the diameter. Again, the concern has to do with fire ladders for having access conveniently to the site on a rapid response.

You mentioned connecting the sewer on Old Little Britain Road. I

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don't believe there's any sewer on  
Old Little Britain Road.

MR. HINES: The closest gravity  
sewer would be in Unity Place off of  
Old Little Britain Road.

MR. VALDINA: That's on the  
other side. That's on the north  
side. Right?

MR. HINES: Mm'hm'.

MR. VALDINA: Okay. That's  
basically my main concerns. They had  
to do with firefighting, of course.

CHAIRMAN EWASUTYN: Thank you.  
The lady standing in the back,  
your name and address?

MS. KARTIS: Susan Kartis. I'm  
at 156 High Point Circle in Stony  
Brook.

I'm very concerned because the  
Farrell Community over on Gardnertown  
is not on a State road. When we exit  
out of Stony Brook we're on a State  
road, 17K. There is a sign up that  
says New York State law, do not block

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the side road. All the time they block the side road.

In addition, we have a lot of people that are coming out of the City to work in stores, they're on eBikes, they're walking. It's very poorly light. That whole corridor is an accident waiting to happen.

What provisions do you foresee, because 207 also is a State road. With a lot of developments what happens is they build, build, build, build and they do not have the existing infrastructure of roads to support that many people. I'm just curious to know what your plans are and could anything be done, you know, to 17K to make it, what I consider it should be made, safer?

CHAIRMAN EWASUTYN: Ken Wersted is our Traffic Consultant. The applicant also has a traffic consultant. Ken Wersted will talk to you about the coordinated review with

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the New York State DOT. Because they are a permitting agency, at some point in time they will either deny or permit the project subject to. Ken Wersted can speak much more effectively than I can.

Ken.

MR. WERSTED: Thank you, John.

Because the project is on a State highway, the applicant will need to get a permit from DOT to say this is where my driveway, my entrance is going to go, here's how big it is, here's the components of it, et cetera. The Planning Board will review the overall impact of the project. To make those determinations, the applicant, through their engineer, will study roughly eight intersections around this project, going up 207, going out Old Little Britain Road, kind of spreading out as a web from this intersection. They'll look at

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traffic that's existing there today, they'll look at traffic that's going to be there in the future before the project is complete, taking into account growth in traffic but also other projects that might be in the area. From there they'll estimate how much traffic their project will generate. They'll add those together and they'll compare it as kind of a before and after, here's what traffic is going to be like in the future without this project, here's what traffic is going to be like in the future with the project. The difference between those represents the impact of the project.

Now, depending on what the impacts are, they'll be responsible for mitigating those impacts as well. The Town over the past, I don't know, ten, fifteen years or so has been looking at different projects in different areas and looking at the



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pedestrian and the bicycle kind of infrastructure around there.

There was a project on 17K, the most recent one is BJs. You'll note that there are no sidewalks to get to BJs, but BJs was required to put in a sidewalk. As different projects kind of come online over time, the goal is to implement that sidewalk infrastructure, perhaps to a point where DOT could then come in and say well, we have a lot of missing pieces here, let's just go and fill those gaps in.

MS. KARTIS: So that would be under the jurisdiction of the State, not the Town?

MR. WERSTED: It's a little bit of both. Years ago, let's say twenty years ago, the State wasn't interest in maintaining sidewalks. That philosophy has changed as more and more people are looking to leave their house and walk somewhere,

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whether it's to get somewhere, shop or just to enjoy, you know, exercise walking around. They've also adopted more of a complete streets perspective, meaning the road isn't there just for cars, it's there for cars, bikes, pedestrians. Maybe not horses, but those other means of travel, you know, through there. With that change in perspective, they need to look at those different users who might be on that road. The Town has seen that evidence. If you were to look at Target, you see a path on 17K in the grass. So there's evidence that people are walking through there.

MS. KARTIS: They are.

MR. WERSTED: As these projects come before the Board, we're looking for those opportunities to make some of those connections and fill in some of the gaps in that infrastructure.

MR. VARGETTO: They're also

2 walking on 17K, not just the grass.

3 CHAIRMAN EWASUTYN: I  
4 understand your question. I would  
5 like to understand your question. We  
6 will hear your question. The lady  
7 has the floor right now.

8 MR. VARGETTO: I'm sorry.

9 CHAIRMAN EWASUTYN: Not sorry.  
10 This is your living room, so, you  
11 know, you've got all the time.  
12 Relax.

13 MS. KARTIS: If I may suggest  
14 that the Town also consider lighting  
15 17K. In the morning, now that it's  
16 dark, I'll go out to get coffee and  
17 it's so poorly lit. People are  
18 walking and people are on eBikes  
19 going up to Restaurant Depot, because  
20 I see their eBikes up there. It's  
21 really very scary to think that  
22 someone could be hit there.

23 MR. WERSTED: Particularly on a  
24 night like tonight where it's  
25 raining, it's dark. I had to drive

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past this place twice just to find it.

MS. KARTIS: 17K, I call it the boulevard of death. It's kind of like a little graveyard humor, but it really needs some attention. That sign is up, do not block the side road, and everybody blocks the side.

Thank you for hearing me. I appreciate it.

MR. WERSTED: Thank you. Just to finish the point of the study. Once the study is complete and the improvements are identified, that's not only reviewed by the Planning Board but it's also reviewed by the DOT. If there are improvements on their road, the applicant takes an additional step of not only getting a permit for their driveway, but they also have to get a permit to construct those improvements, and that goes through a design review process to make sure if they have to

2 put a traffic light up, it's got the  
3 right colors, it's in the right  
4 position, the timing is correct. So  
5 that's included as part of the review  
6 process.

7 MS. KARTIS: Thank you.

8 CHAIRMAN EWASUTYN: The  
9 gentleman who wanted to speak.

10 MR. VARGETTO: That's fine.  
11 Thank you.

12 MR. GILMAN: Just a couple of  
13 questions. I don't know if this was  
14 mentioned --

15 CHAIRMAN EWASUTYN: Your name  
16 and your --

17 MR. GILMAN: Of course. Alberto  
18 Gilman with The Mid-Hudson Times.

19 Two questions. Just thinking  
20 about light and sound, actually.  
21 Because the project appears to have  
22 trees in the back on the far  
23 left-hand side, is there a proposed  
24 sound and light test proposed,  
25 because you buffer the Stony Brook

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Condominiums and because those apartments may have sound or light coming from the proposed building on that far left-hand side? Is that light or sound study proposed?

For both entranceways, as Mr. -- referring back to what Mr. Wersted said, trying to find this place, I also had difficulty. Does the State or the Town propose looking at the entranceways in terms of the lighting there, like per se kind of similar to a runway where you're leading them in so that way they don't get lost or they find the entranceways a little easier? Kind of just talking about that lighting infrastructure.

Thank you.

CHAIRMAN EWASUTYN: Let's first start with Ross Winglovitz. You've heard the question by Alberto Gilman with The Mid-Hudson Times.

MR. WINGLOVITZ: So yes, there will be -- as part of aesthetic

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resources there's an evaluation of the lighting that's proposed. I don't believe there's noise proposed. We typically don't propose it when the uses are similar, residential to residential and so forth.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect, any questions or comments in reference to Mr. Gilman's comment?

MS. ARENT: I do not have any comments at this time. We will make sure that it's adequately screened, so that will help with any lighting. There won't be lighting trespass. It will help with the glare coming from the lights.

MR. WERSTED: Some of those aspects will be part of the site plan review process. Right now we're studying the environmental impacts, and any street lighting proposed bringing you into the development will be part of the detailed site

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plan process.

MR. HINES: The Town also has a relatively new Tree Preservation Ordinance. This project will be subject to that. There is certainly an emphasis for the developer to reduce tree clearing on the project to the extent practical.

CHAIRMAN EWASUTYN: The lady in the front.

MS. GALLAGHER: Erika Gallagher, 409 Little Britain Road.

I live in this white house. It's an 1860s farmhouse that this would be in front of.

Currently I've got a couple concerns. The first is traffic. Within the last ten years that we've lived here, and I realize that on your draft you mention looking at traffic from the last five years. Within the last ten years there have been four near fatalities or fatal accidents just from our house, our



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driveway to this driveway at the Laborers Union. The last accident happened last week. So this is a catastrophe of a road. I will not walk on this road because it is so unsafe. I cannot imagine adding 500 more cars to this area. In good conscience I can't imagine doing that.

The second issue I have is blasting. I'm specifically concerned with our house. We have a fieldstone foundation. Again, our home is from the 1800s. The property adjacent, another property adjacent to that is also a historic home. The property over here, this is a historic home as well, although they took their -- they took the house down to the foundation, but this also has stone foundation walls. What is blasting going to do to our foundation walls?

I'm also concerned that you've got two water mains that go through

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this area that I believe in your past November 3rd minutes you talked about the fact that those water mains supply -- they're the sole source of the City of Newburgh water, or -- yeah, City of Newburgh water supply. They sit fairly close to the surface. Blasting can damage those lines. You've already had schools shut down because of the water main break that was on Ellis Avenue and Little Britain Road. I can't imagine, you know, doing lots of blasting to level this property and doing damage that's going to shut down schools and possibly jeopardize the City of Newburgh residents' water supply. That seems very -- I don't know. It seems like poor planning.

The third problem I have is policing. Our property currently abuts the City of Newburgh. The property next door to us is Corwin Court. That's over here. There's

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the bank, the federal credit union.  
This used to be the former Liberty  
Dialysis facility. This is a law  
firm. This is the new barbecue  
joint. This building that used to be  
the Liberty Dialysis facility sits  
vacant. There is currently a number  
of prostitution and drug trafficking  
that's going on in this parking lot.  
I know that because my chicken coop  
sits right over the fence. I can see  
when all of these people are  
trafficking drugs and doing who knows  
what in their cars. The Town of New  
Windsor is very good about getting  
their police force to that area and  
is very responsive. The City is not  
as responsive with their policing  
because they're short staffed and  
they have a ton of work -- they have  
their work cut out for them. Quite  
frankly, because this is in the Town,  
this is known as sort of like the  
South 40. No one sees this as the

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Town of Newburgh. How is the Town going to police this area?

The other concern I have is light pollution. I realize that a lot of you had a hard time finding this building, but the flip side of that is currently where we live, the bank has been robbed twice in the last decade, the bank -- the last time it was robbed they chose to upgrade their lighting, and rightly so, but they now have lighting all in this Corwin Court area. They've upgraded to LED lights. They shine directly in my guest bedroom and into my bedroom. It is like the second sun in the middle of the night. You could read a newspaper clearly because of the amount of light pollution flowing from their parking lot into my house. We're on a hill. I'm specifically concerned about the fact that this entire neighborhood, you're going to cut down two-thirds

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of the trees. I can't imagine that there isn't going to be light pollution coming into now my front of the house and my side. I'm specifically concerned about the light pollution, the noise pollution.

Here, the laborers, every weekend they rent out the pavilion that you might have seen over by the parking lot. They host all sorts of celebrations. Every weekend we are subjected to listening to very loud music from probably 4 in the afternoon until 9 at night. Sometimes even later.

So between the noise and the light pollution, an apartment complex of this size directly across from us, surrounded by historic properties is really quite concerning.

CHAIRMAN EWASUTYN: We'll take what I believe to be the three -- well, as far as interested agencies, on the document itself it does list

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the Town of Newburgh Police Department as an interested agency, and it does list the City of Newburgh Police Department as an interested agency. They're not a permitting agency the way we spoke of earlier the DOT is, but they're an interested agency. They will be receiving information pertaining to this project.

I think we'll start, if you don't mind, with your first question. We'll ask Ross Winglovitz and Jim Campbell, who represents the Code Compliance Department, as far as regulations with blasting.

Do you want to speak on blasting?

MR. WINGLOVITZ: On blasting. So as part of the project's scope we have analyzed impacts on land. The reason for that is to determine if there's a need for blasting. There will be a geo-technical investigation

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that will be done for the project.  
They'll identify if there's a need  
for blasting. If there's a need for  
blasting, then there will be a  
further analysis of where that would  
be, how close in proximity to any  
residences, and there's usually  
blasting protocols that are required  
as part of that to mitigate any  
potential impacts to neighboring  
properties.

CHAIRMAN EWASUTYN: What is the  
protocol?

MR. WINGLOVITZ: What is the  
protocol?

CHAIRMAN EWASUTYN: What is the  
protocol?

MR. WINGLOVITZ: It depends.  
It's usually notification. They can  
do monitoring at your property line  
depending on how close it would be to  
the house. They can do monitoring on  
our property line, monitoring on your  
property line to make sure that

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vibration levels that will have an impact aren't exceeded. That's typical protocol.

CHAIRMAN EWASUTYN: It was actually discussed during the beginning of what now is the draft scope, the closeness of the water lines to the surface. As it was raised during Ms. Gallagher's conversation, what's the concern with that?

MR. WINGLOVITZ: So the City of Newburgh had the same concern as part of their comments. We have met with them and they've actually submitted a revised letter. The City's water lines from the City plant come down 207, they cross the property. There's an easement across this property actually. The City, right now we've authorized them -- they're not exactly sure where they are because they're pretty old. We've authorized them to go out and locate



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those so they can identify where they are and how deep they are in regard to this crossing to make sure that whatever we do there mitigates any potential impacts to the water lines that the City has.

MR. CORDISCO: Mr. Winglovitz, while you're up there, Ms. Gallagher had mentioned light pollution. Could you discuss what the lighting plan will entail and how that's designed, what efforts you would be making to minimize that?

MR. WINGLOVITZ: Two parts. There's an aesthetic resource section that will look at the impacts of lighting to potential neighbors, but there's also the technical component of that that Ken referred to as there will be a lighting plan. Basically we have to show where the light poles will be, how they'll be shielded and to ensure that fugitive light off the property is mitigated.

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You're pretty far away.  
There's woods in between.

That will be studied as part of the analysis for the site and part of the site plan details to confirm. You get into lighting colors. I don't know what the bank used. A lot of times people use a bright white light, a high temperature LED. That's something we try to stay away from. A lower temperatured, warmer light, shielded fixtures throughout the project. They have to be night sky compliant so we don't have fugitive light.

MR. GALLAGHER: A relevant question on that. For at least four months out of the year the woods are not a light barrier. It's all deciduous trees on the other side of the road. Along the lines of the term fugitive light, does the Town have code requirements limiting fugitive light?

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MR. CORDISCO: As part of the environmental review, the goal will be to have what's called -- they have to do an analysis of their lighting plan that looks at the lumens and the light level. The light level is supposed to be zero light level coming off of the property. Correct me if I'm wrong. So what would be evaluated as part of that will be the type of fixture, also the height of the fixture as well as the relative height of surrounding properties. The lighting plan actually looks like an eccentric circle as far as the lumens that come off of it. At the point where the plans have been developed, there will be another public hearing and those plans will be made available to the public. You'll have an opportunity to review those and comment on those at the time.

MR. HINES: The Town also has

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design guidelines which address lighting on projects such as this. This project will be required to have what's referred to more as pedestrian scale lighting, not shopping mall scale, 33 foot high poles. They're limited to 16 feet or less. We're not going to have the bank type lighting allowed on this project.

CHAIRMAN EWASUTYN: Ma'am.

MS. ZHUNIO: Tanya Zhunio --

CHAIRMAN EWASUTYN: Can you stand up and speak louder so the stenographer can hear you?

MS. ZHUNIO: Tanya Zhunio from the house of 288 Little Britain Road.

My concern is just the entrance, the main entrance. Just a little more explaining of like where would it be exactly and how close would it be to our driveway and our entrance?

There's already traffic on that road, like others have said. My

2 mother herself has been in a car  
3 accident for waiting to get into her  
4 driveway, rear ended. So I just want  
5 to know how would it affect our  
6 entrance?

7 Traffic wise there's always  
8 speeding there. So just to see where  
9 about.

10 From looking at the map, we're  
11 kind of in the middle of there, and  
12 the driveway is like right next to  
13 us.

14 CHAIRMAN EWASUTYN: Can you  
15 just roughly point out where you  
16 believe your location is?

17 MS. ZHUNIO: So she said the  
18 bank and the barbecue place is kind  
19 of around here. We're kind of across  
20 -- kind of diagonal. I'm assuming  
21 maybe this way.

22 MR. WINGLOVITZ: There's a  
23 commercial building there?

24 MS. ZHUNIO: No.

25 MR. WINGLOVITZ: So this is

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that EMS Plumbing & Heating here.

MS. ZHUNIO: So we're right there then.

MR. WINGLOVITZ: There's the bank.

MS. ZHUNIO: Yup.

MR. WINGLOVITZ: So the secondary access is going to be just to the east of your property. Basically your driveway looks like it slightly encroaches onto this property. It would be probably 75 feet east of your existing driveway access point.

MS. ZHUNIO: Thank you.

CHAIRMAN EWASUTYN: Ms. Gallagher, let's first see if there are any additional questions.

For those of you who haven't had the opportunity. The gentleman.

MR. STELLWAG: Mark Stellwag, 484 Little Britain Road.

Just a couple points. A matter of clarification. Mr. Chairman, at

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the beginning you mentioned that we were all notified of the meeting. I was not notified. I did not receive a letter in the mail. For any future correspondence, if it could be mailed to me. I believe my brother also, who is at 480, did not receive notification of the meeting.

CHAIRMAN EWASUTYN: I'll let Pat Hines speak on how we get the names for the notification.

MR. HINES: There's a process where we, my office, sends a form to the assessor and the assessor generates that list of properties within 500 feet. I don't know why you didn't receive one. I don't know if you were on the list. We can check that. Certainly for future notification we'll have --

MR. STELLWAG: Please. I know people to the west of me, further away from the project, received notification. As far as the assessor

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goes, he hasn't missed getting us a tax bill in years.

MR. HINES: He's a she.

MR. STELLWAG: The retention pond at the western -- southwestern corner that abuts my family's property, what precautions will be taken so it doesn't impose an integrity of our property? There is a hill there on that line.

CHAIRMAN EWASUTYN: Ross Winglovitz.

MR. WINGLOVITZ: That's kind of a placeholder there now. There will be a pond in that general location. There will be a stormwater analysis that's done for the property and then the pond will be sized based on that stormwater analysis. There's certain criteria that we need to meet as far as the height of any retaining structures. It can't be more than 14 feet, the amount of water we can retain. There's a grading plan that's prepared. It will be reviewed by the



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Town Engineer's office as part of the detailed site plan process.

MR. STELLWAG: And is there an overflow release valve for volume?

MR. WINGLOVITZ: Yes. There's an emergency spillway that's built into the design of the structure.

MR. STELLWAG: I think my last question would be -- again, everyone touched on the traffic. This is the Wal-Mart mile coming out of the City of Newburgh. The traffic is pretty heavy. We've asked to get the speed limit reduced to 40 at some points and it's been declined for that.

I guess, Ken, what considerations are given to line of sight for that one main entrance into this property, because knowing this area, there's not great vision coming out of that driveway there now?

MR. WERSTED: So they look at a couple of things. The first is the intersection sight distance, as you

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pull out of the driveway, looking to the left and looking to the right. Then there's -- if you're on 207 stopped waiting to turn left, there's that sight distance looking forward. There's also sight distance of you stopped there and somebody behind you coming up behind you. It's called stopping sight distance. So they look at all those aspects. They also look at the speed. If you're on a 30 mile-an-hour road, the distances that you need for sight distance are shorter than you need on a higher speed road. They'll factor in the prevailing speeds on that as well. They compare that to national standards that DOT uses for any state road. We also apply those to Town roads, et cetera. So that will be part of the traffic impact study that's prepared.

MR. STELLWAG: I believe coming out -- if you're looking to the left

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or east coming out of the project,  
the line of sight will be limited.  
At a 45 mile-an-hour speed limit,  
there's very little time to correct  
any mistakes that you make. If they  
can give consideration to that,  
please, we'd ask the committee.

That's all that I have. Thank  
you very much.

CHAIRMAN EWASUTYN: Is there  
anyone else in the audience who  
hasn't had the opportunity? The lady  
in the back.

MS. D'ALFONSO: Nancy  
D'Alfonso, 12 Pat Road. We agree  
with not getting notifications. We  
got a letter. We're in the middle of  
Pat Road. Neighbors past us, nobody  
got letters. I really think our  
whole development up there, Pat,  
Scenic and D'Alfonso, should all  
have. I don't know, you know, the  
logistics of sending it out to  
everybody, but hardly anybody sees

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anything in the paper anymore about  
Town meetings or public meetings.  
It's just the impact of, like we're  
saying, people that use that area to  
go to the Adam's and all the places  
up in there.

Coming out just tonight trying  
to get here, I can't tell you how  
long it took us just to get out of  
Little Britain Road onto 207 to come  
here. It's like that. 5:00 is a  
nightmare. Traffic goes past  
D'Alfonso Road and it's backed up  
far.

A little more notification so  
all the neighbors could possibly  
attend. There's hardly any showing  
here tonight because nobody knew  
about it. Literally we made some  
copies and threw them in some of the  
neighbors' mailboxes that we thought  
they might come out. I think with  
the weather they just haven't shown.  
It's got to be better notification.

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It does impact -- you know, Stony Brook got notified.

UNIDENTIFIED SPEAKER: Not everybody.

MS. D'ALFONSO: It's hit and miss. It's like why did I get it and my neighborhood next door to me didn't get it. They say 500 feet. I believe we're probably more than 500 feet away. I'm hoping we're more than 500 feet away, thanks to Mr. Stillwag's property. That's just, you know, an additional comment on that.

MR. HINES: That 500 feet flows from the Town Code. We utilize that for public hearings and for other site plans and subdivisions. We utilized that same distance for this project.

MS. D'ALFONSO: I believe we're more than 500 if we have your property behind us.

MR. CORDISCO: If you're more

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than 500 you wouldn't receive the notice under the Town's requirements. We are bound by the Town Code requirements that say these particular people within this criteria have to receive notice.

In addition to that, there are technically no notice requirements for a scoping session, but the Board did treat this as a public hearing to make sure that notices were sent out to at least those who received them. Your comment is well noted.

MR. HINES: You should have actually received two notices, because we did an initial -- we did the initial notice --

MS. D'ALFONSO: We did. We got the first notice and then we got the second notice about the public hearing. What I'm just saying is like my next door neighbor didn't get a notice. So if I'm that close and I got a notice --

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MR. HINES: It could be a piece of your property is within the 500. The assessor draws the line. It sounds like --

MS. D'ALFONSO: Without having really a local newspaper, because I don't consider The Times Herald Record being a local newspaper anymore, you don't see any --

MR. HINES: We actually use The Mid-Hudson Times. We don't use The Times Herald Record.

MS. D'ALFONSO: Right.

MR. CORDISCO: Your best place for information is actually probably the Town's website. The Town maintains a website including upcoming meetings. You can click on the Planning Board meetings and see the agendas.

MS. D'ALFONSO: We'll do that, but I'm saying just the neighborhood in general. Nobody sees these things, you know.

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CHAIRMAN EWASUTYN: Ma'am.

MS. URBAN: My name is Ginny Urban, I'm at 72 High Point Circle in Stony Brook. I'm at the top, the end unit.

You mentioned that there will be a buffer between Stony Brook and this complex. Do you know how wide that would be? Will it still be wooded? Will we be able to see it?

MR. WINGLOVITZ: Currently the setback from that building closest to Stony Brook is 50 feet is what is shown on the plan.

MS. URBAN: Wow. Okay. Is there a proposed timeline for this if all the roadblocks get passed quickly? What's the proposed timeline?

MR. CORDISCO: So this is the beginning of this process. There are a number of procedural challenges that the -- and engineering challenges that the applicant will have to address. The next step for



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them, after the scope is adopted, will be for them to complete their engineering and their proposals regarding how they're attempting to mitigate their environmental impacts, and then they'll submit what's called a draft environmental impact statement to the Board. It will be a document that includes both the text of all -- a summary of all the measures that they're proposing as well as detailed plans. The Board will review that, typically there will be revisions to that document before it's made available to the public, and then there will be notice again to the public once that document is ready for public review. At that point there will be a second public hearing. That's an important public hearing, because unlike this public hearing which is meant to identify issues that might be evaluated during the process, that's

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a public hearing where you actually can and should express your opinions about various different aspects of the project because that informs the Board's decisionmaking that happens after that.

MS. URBAN: Okay.

CHAIRMAN EWASUTYN: To answer your question, is there a timeline that we can say?

MR. CORDISCO: I'm sorry. I didn't answer that. I apologize. I didn't answer your question. What's the timeframe. With an EIS process it typically takes at least a year in terms of all the different steps that have to be followed. That's if, you know, everything is addressed and the project moves, you know, quickly through the process. So best case is a year, I would say to someone, and potentially longer if there are issues that require more evaluation or alternatives to be worked through.

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MS. URBAN: Okay. So I mean will there still be some woods there? Are you talking just a fence? 50 feet is nothing.

MR. WINGLOVITZ: We don't know at this time until we do the detailed design. I think the Board hears your concern and they are probably going to ask us to look at that and see what we can do.

MS. URBAN: Thank you.

MR. WERSTED: If I can add, Ross. It may be helpful, as part of one of these sections, to include a site plan that also shows the bordering neighbors and how close Stony Brook is. The buildings themselves. The sketch plan that's provided just really shows the edge of the property but nothing beyond that, so it's hard to tell how far away is that building, how far away are the Gallaghers across the street. Having that may help address some of

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the comments that have come up.

CHAIRMAN EWASUTYN: I know you're waiting. I say that with respect.

Any further questions from someone who hasn't had the opportunity to speak?

This gentleman.

MR. VARGETTO: Sal Vargetto, 457 Little Britain Road.

CHAIRMAN EWASUTYN: Can you speak a little bit louder for the stenographer?

MR. VARGETTO: Sal Vargetto, 457 Little Britain Road.

In regards to the letters being out, the tax assessor should do a little bit of a better job. Maybe extend that 500 feet to under maybe 1,000, 2,000 feet. Because of the amount of traffic that's going to be coming in here with this many people, I kind of think that people a little bit past D'Alfonso Road and a little

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further down. These are my neighbors. I haven't met them but they live where the lights are flashing from the barbecue place and all. There's a lot of traffic here. I find myself coming in from work and waiting, which it is what it is, but we're going to get a lot of traffic. I think maybe some other people, just to extend it out a little bit, I don't want to say enjoy but probably come and hear what's going on, possibly maybe even mention something that might be helpful. Not that the engineers don't already know, they went to school for it. Maybe bend an ear of something. It might bring something up to them.

CHAIRMAN EWASUTYN: Pat Hines, again you mentioned earlier as far as the code and what's required. Can you speak on that one more time?

MR. HINES: As Mr. Cordisco mentioned, this part of the process

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doesn't necessarily require the mailing that was done. The Board felt that it would be good for the neighbors to know.

MR. VARGETTO: Maybe more. I appreciate that.

MR. HINES: We utilized the section of the Town Code for a public hearing and public notices where it's 500 feet, similar to the initial notices we sent out, just because we typically hear from some projects this a done deal. The Town did the initial notice so all the neighbors know within 500 feet there's a prospective project before them. The applicant could do some additional notices. Uniquely the Town doesn't require certified mailings because --

MR. VARGETTO: I got you.

MR. HINES: -- we did that big a perimeter. When we did the regular mailings certified mail, it often upset people and they didn't know why

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they were getting them. We found that the regular mail -- the Town physically mails them. The applicant prepares them, they're brought to Town Hall and the personnel at Town Hall physically mail them. It's not a big expense to add to the distance. We met the requirements of the law and probably then some. I'll defer to the applicant if they, in the future, decide they want to do more.

MR. VARGETTO: I appreciate it. Thank you.

MR. CORDISCO: Just to follow up on that discussion, the Board -- this Planning Board reviews applications but they don't set the rules associated with it. That's set by the Town Board. The Town Board sets the laws for the Town. For public hearings, for instance, the rule is 500 feet, to notify property owners within 500 feet. That was used in this instance subject to

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perhaps, you know, some irregularities or, you know, issues that had been pointed out tonight. It would be arbitrary for this Board to say well, instead of 500 feet we're going to make the applicant notify everyone within 1,000 feet, or whatever number that would be. We just simply don't have that -- that's a legislative function that this Board doesn't have.

MR. VARGETTO: I appreciate it. Thank you very much.

CHAIRMAN EWASUTYN: Thank you. Any additional questions or comments?

(No response.)

CHAIRMAN EWASUTYN: The comments are all over with? That's right, Ms. Gallagher. How could I forget you.

MS. GALLAGHER: I'm going to second my neighbors' comments. There have been countless times where we've



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almost been rear ended turning right into our driveway. We've had to continue on because -- to avoid that collision, and actually turn around in Corwin Court.

The other thing that I don't know if the traffic survey could study is is the number of people -- so the road, there's a hill, a small hill, it crests and then the road sort of dips and turns and bends a little bit and then goes uphill again. In those two lanes the number of people who will pass -- swerve into oncoming traffic to pass a car that's going too slow with no visibility is astounding. It truly -- the number of times that happens is --

MR. GALLAGHER: Daily.

MS. GALLAGHER: -- daily.

Mr. Wersted, to your point, the Gallaghers are 60 feet from the building closest to us. That's it.

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CHAIRMAN EWASUTYN: Let me understand. When you do a traffic study can you reach out to the jurisdictional police department to get a history of accidents? If someone could speak on that.

MR. WINGLOVITZ: Yup. The traffic -- the transportation portion of the document includes an accident analysis in the area of the site. That will be done as part of the project.

MR. GALLAGHER: Is the area 500 feet or 1,000 feet or 2,000?

MR. WINGLOVITZ: I'm going to defer to Ken because he's the expert on this.

MR. WERSTED: It would be focused on Old Little Britain Road, Route 207. There's about eight intersections going from 207, Wisner, coming down 207 to Old Little Britain Road, going up Old Little Britain Road to D'Alfonso, to Unity Place. It

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would encompass all of those areas. The Town and/or the City, because we're in different jurisdictions, typically their accident reports eventually will get to the State level. They go into the database. The applicant's engineer can obtain that. So that information will come together and then they'll look through -- it won't reveal a car passing over the double yellow line, but if there's any conversations that they can have with the local police department to hear about the complaints. Unless that resulted in an accident, it won't show up there, those near misses, the things that you see on your front porch that don't necessarily make it into the paperwork. I think that's part of what we can look at with the Town and the City police.

CHAIRMAN EWASUTYN: Frank.

MR. VALDINA: Ken answered my

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question. There are numerous accidents on Little Britain Road and Old Little Britain Road. As was mentioned, there was a serious one just last week. There are numerous accidents at that intersection right now without the increase in traffic.

CHAIRMAN EWASUTYN: The gentleman there.

MR. STELLWAG: I was going to make the same point. I was wondering if you had an idea of the number of accidents. That was right near my house. There are a number of accidents there. We have to change our path to get home some nights because they have to clean up the mess. The traffic that it causes, they're backed up on Old Little Britain and Little Britain Road. As long as they take that into consideration, the traffic.

CHAIRMAN EWASUTYN: Is there anyone here this evening who hasn't

2 had the opportunity to speak that  
3 would like to speak?

4 (No response.)

5 CHAIRMAN EWASUTYN: Okay. At  
6 this point I'll turn to Planning  
7 Board Members. Stephanie DeLuca.

8 MS. DeLUCA: Thank you, first  
9 of all, for your input. It's  
10 valuable. I echo some of your  
11 concerns as well. Being from the  
12 Town itself and growing up in this  
13 area, I also have a major concern  
14 about the traffic, the amount of  
15 traffic. I just feel that we're  
16 beginning to box ourselves in with  
17 the amount of traffic that's  
18 occurring.

19 I didn't quite hear the comment  
20 that was made about the water. I was  
21 just curious. Maybe later on I can  
22 talk with Pat about that concerning  
23 the water connection. Those are my  
24 concerns.

25 MR. DOMINICK: Thank you,

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everybody, for coming out here. I took some great notes. Great comments from you. We were hoping more of your neighbors could come, that's why we moved from the Town Hall to this building, it's larger. I think weather played an important factor in that as well.

Traffic, lighting, crime, it's all on my list here. As a resident, like Stephanie said, born and raised here, we love our Town, we want to preserve it and protect it as well. I appreciate the feedback.

MR. WARD: I want to thank everyone --

MR. STEVENS: Can I ask a question?

CHAIRMAN EWASUTYN: May I say something? Let's continue on with the order at hand. The Planning Board Members are now stating their comments. When they're done, if you'd give your name and address,

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we'll address you.

MR. STEVENS: It has to do with the time of this meeting.

CHAIRMAN EWASUTYN: Excuse me?

MR. STEVENS: It has to do with the time of this meeting.

CHAIRMAN EWASUTYN: Okay. Again, let's complete the action before us.

MR. WARD: I want to thank everybody for showing up and coming here and telling us your views of everything. I've been in your seat before. I know what's going on and everything else.

I recommend looking at the Town website, keep yourself educated with it, knowing when everything is happening. Neighbors, you can talk to your neighbors, whatever it is, this way you know what's going on.

I'd like if we could, Jim, the buffer code for the building between the property.

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MR. CAMPBELL: What?

MR. WARD: The Building Code, how much space -- how many feet is the distance for the buffer?

MR. CAMPBELL: I don't have that information in front of me.

MR. HINES: Because the uses are similar, this is a residential use, the Town buffer code doesn't kick in. It's just a setback. If this was a commercial building, then the Town has those codes. Commercial against residential has that buffer code. Because this is in a residential zone and a residential use, the Town buffer ordinance doesn't kick in. Certainly we heard the comments, and the applicant's representative has heard them.

MR. WARD: With the new Tree Preservation Act, that's basically helping out for a buffer throughout the site. It's basically controlling clearing and grading. At least if



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you're going to have a site, it's not cleared all the way down, you have protection. Thank you.

MR. MENNERICH: I'd like to thank everybody that came out. The weather, the way it was tonight, it would be very easy to have stayed home. I also appreciate the fact that everybody listened and responded to questions so that we got the most out of it. There wasn't a lot of arguing back and forth. It was a very good meeting. Thank you.

CHAIRMAN EWASUTYN: I share the same comments as Ken Mennerich.

The gentleman, would you give your name and address, please.

MR. STEVENS: Robert Stevens, 463 Little Britain Road.

My question was this meeting I believe was at 7:00. Was that true originally? Was it changed to 6:00?

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: This meeting was

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always at 6:00 when it was established. It's been noticed at 6:00 on the Town's website.

MR. STEVENS: All the paperwork that I received in the mail?

MR. HINES: Yes.

MR. STEVENS: Okay.

CHAIRMAN EWASUTYN: We're at a point in the meeting that Dominic Cordisco will summarize where we are moving forward.

MR. CORDISCO: Yes. So the Board had previously determined to accept written comments either by mail addressed to the Planning Board at the Town Hall or by e-mail to the Chairman. Those comments have to be in by close of business on December 20th. That could be comments from anyone that's here or anyone that you know that might be interested in the project and would have comments on the project for the Board to consider.

The Board has in front of it

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right now a draft scope. There have been a number of suggestions tonight that the Board may want to consider revisions to the scope. The Board will then take it up at a public meeting at the Board Chairman's discretion as to when that would be scheduled for the consideration of further revisions and the adoption of the final scope.

After the final scope is adopted, it does get sent around to all of the involved agencies. It will also get posted on the Town's website. The next steps beyond that would be for, as I mentioned earlier, the applicant to do their detailed engineering and their analysis and conduct the studies that have been required of them in the scope.

CHAIRMAN EWASUTYN: Just for clarification, Mr. Cordisco said -- I don't have the final say. What I do is I just kind of facilitate and

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coordinate the activity. I would defer then to my consultants to find out if it's ready to set as an agenda item. My authority is limited. I depend upon others to direct the Planning Board as a group as to what our next step would be. I just want to make that clear for the record.

MR. CORDISCO: If there are no further public comments, then the Board would be in a position to have a motion to close the public scoping session for the Britain Woods project.

CHAIRMAN EWASUTYN: Can I have a motion, please?

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Dave Dominick. May I please have a roll call vote starting with Stephanie DeLuca.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

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MR. WARD: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

(Time noted: 7:10 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 19th day of December 2022.

*Michelle Conero*

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MICHELLE CONERO

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

- - - - - X  
In the Matter of

INTRODUCTORY LOCAL LAW NO. 8 OF 2022  
AMENDING CHAPTER 185 ENTITLED "ZONING" OF  
THE CODE OF THE TOWN OF NEWBURGH  
CANNABIS-RELATED USES

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BOARD BUSINESS

Date: December 15, 2022  
Time: 7:20 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
KAREN ARENT  
JAMES CAMPBELL  
KENNETH WERSTED  
MEGHAN LoCICERO

- - - - - X

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

2 CHAIRMAN EWASUTYN: We have  
3 three items to discuss this evening.  
4 We'll let Dominic Cordisco discuss  
5 with us the cannabis use in the Town  
6 of Newburgh.

7 MR. CORDISCO: So the Town  
8 Board has introduced a local law that  
9 would create cannabis dispensary use  
10 within the Zoning Code. This is not  
11 for medical marijuana, this is for  
12 the retail sale of cannabis products  
13 at existing facilities or allowed in  
14 particular zones. It would be  
15 subject to site plan approval as well  
16 as special use permit approval with  
17 certain bulk area requirements that  
18 are also provided in the draft.

19 The Town Board has referred  
20 this to the Planning Board for your  
21 review and report as to whether or  
22 not it's consistent with the zoning  
23 and also consistent with the  
24 comprehensive plan.

25 The criteria is found in the

2 Zoning Code regarding zoning  
3 amendments. It's Chapter 185-60.  
4 The process is for the report of the  
5 Planning Board. The Board can make a  
6 report on a proposed amendment. The  
7 factors that you are to consider are  
8 whether or not the proposed amendment  
9 is consistent with the aims and  
10 principles embodied in the Zoning  
11 Code as far as the districts are  
12 concerned, and whether the areas and  
13 establishments in the Town will be  
14 directly affected by such change, in  
15 what way they would be affected, and  
16 the indirect implications of any such  
17 change and its affect on other  
18 regulations, and whether or not the  
19 proposed amendment is consistent with  
20 the Town's comprehensive plan. I'm  
21 sorry for the wording of that. That  
22 comes from the Town Code. I tried to  
23 summarize it as best as I could.

24 MR. MENNERICH: There's a lot  
25 of detail. I didn't realize there



2 were so many different applications  
3 with the five different facilities  
4 that are involved and three zoning  
5 things. It seems like it's a very  
6 complete, comprehensive list of the  
7 things that need to be considered.

8 MR. HINES: A lot of it was  
9 dictated by the State law that's  
10 allowing the licensing of these  
11 facilities. It didn't give the local  
12 municipalities much flexibility. To  
13 not adopt this law would allow it in  
14 almost every zone. We thought it was  
15 important that we establish this  
16 ordinance.

17 MR. CORDISCO: That's absolutely  
18 correct.

19 CHAIRMAN EWASUTYN: As far as  
20 receiving a site plan application,  
21 would it be a standard requirement  
22 that they make an attachment of their  
23 State license?

24 MR. CORDISCO: That's correct.

25 MR. HINES: It's often a

2 condition of approval maybe, at a  
3 minimum.

4 CHAIRMAN EWASUTYN: Do we do it  
5 beforehand, Dominic?

6 MR. CORDISCO: It would be a  
7 condition of the approval. If  
8 someone was proposing to have say a  
9 cannabis retail facility, it's called  
10 a retail dispensary, they can make a  
11 proposal. The Planning Board would  
12 be reviewing that application, but of  
13 course they could not satisfy all the  
14 conditions. Let's assume that they  
15 achieve both site plan and special  
16 use permit approval, any condition of  
17 that approval would also include the  
18 full licensing from New York State  
19 prior to final sign off on the site  
20 plan.

21 CHAIRMAN EWASUTYN: Okay.

22 MR. CORDISCO: Similar in a  
23 sense to alcohol consumption as well.

24 As Pat said, without the  
25 adoption of this, then there would be

2 no restrictions on where these  
3 facilities could be located within  
4 the Town.

5 One important distinction here  
6 is that the Town Board is proposing  
7 to make this a special use permit use  
8 for cannabis, so the Board will have  
9 increased authority over ensuring  
10 that the proposed use is also  
11 consistent with the surrounding  
12 neighborhoods.

13 MR. HINES: In speaking to Mark  
14 Taylor this afternoon at another  
15 meeting, he did ask or he mentioned  
16 that the State has come up with some  
17 new, like last week, clarifications  
18 on this so that the exclusion -- the  
19 distances from residential uses in  
20 your IB and B Zones are not going to  
21 be permitted. This code before you  
22 right now has a distance between  
23 other residential uses. The State  
24 has said that's not going to be  
25 permitted. There's some

2 clarification on how the measurements  
3 from, I forget the wording but  
4 government -- kind of churches and  
5 government buildings are -- it's not  
6 property line, it's front door to  
7 front door. It's written more for an  
8 urban type setting than --

9 MR. WARD: How about schools?

10 MR. HINES: School are similar.  
11 It's the front door of their  
12 facility. It's 500 feet from their  
13 front door in, it's not to the  
14 school. That's just been a recent  
15 clarification.

16 Mark said there are some minor  
17 changes and he wanted you to be aware  
18 of it. This will get tweaked a  
19 little bit.

20 CHAIRMAN EWASUTYN: They did  
21 make mention of 500 feet, 750 feet.

22 Other questions from Members?

23 MR. WERSTED: I have a comment.  
24 I guess on page 2 it lists out off-  
25 street parking requirements. The top

2 of page 3, cannabis micro-business  
3 facility is noted one per four seats  
4 or per 40 square feet. That reads  
5 more like a restaurant, like people  
6 are sitting down using it as you  
7 would at the cannabis on-site  
8 consumption premises. That  
9 requirement there seems a little out  
10 of place. I would think, based on  
11 the category or the description of  
12 that business, being engaged in  
13 cultivation of cannabis in an area of  
14 less than 10,000 square feet and to  
15 act as a licensed distributor,  
16 manufacturer and retailer, it feels a  
17 little bit more like employees are  
18 there, not customers sitting down.  
19 You do have the "or as required by  
20 the Planning Board for premises  
21 demonstrating greater parking space  
22 needs." You have that caveat still  
23 there to say change it and require  
24 what you think you need in there.  
25 That first one per four seats seemed

2 out of place to me.

3 MR. HINES: Or 40 square feet.  
4 You could end up with a lot of  
5 parking at a facility. A facility  
6 this big would have a lot of parking.

7 MR. DOMINICK: Aren't they  
8 treating it like those hookah bars?

9 MR. WERSTED: I think that  
10 would be --

11 MR. HINES: On premises  
12 consumption.

13 MR. WERSTED: That would be  
14 on-site consumption. That's kind of  
15 a different category.

16 MR. CORDISCO: This is for  
17 cultivation but also, you know,  
18 distribution and sale as well,  
19 including retail sales. It's kind of  
20 like Angry Orchard but not.

21 MR. WERSTED: Even smaller than  
22 probably Angry Orchard. More of a  
23 microbrewery type of home brew  
24 premises.

25 MR. WARD: Does this cover like

2 a vehicle? In New York City they've  
3 got vans riding around.

4 MR. HINES: I believe that's  
5 illegal. They do have those driving  
6 around.

7 MR. CORDISCO: They're illegal.  
8 There's currently no enforcement  
9 against those.

10 CHAIRMAN EWASUTYN: Ken Mennerich  
11 raised, just in general, the  
12 understanding.

13 Dominic and Pat Hines, since  
14 we're kind of hitting on that topic  
15 now as it relates to parking, can we  
16 go through the uses that are laid out  
17 in this new local law and just spend  
18 a minute talking about them?

19 MR. CORDISCO: Would you like  
20 me to do that? So the amendments  
21 include creating new definitions for  
22 various different types of  
23 facilities. There's a cannabis  
24 distribution facility. That's a use  
25 that's licensed by the State of New

2 York to distribute cannabis products  
3 to licensed cannabis retail  
4 dispensaries. It is not for retail  
5 sales.

6 There's a cannabis medical  
7 dispensary. The use is licensed by  
8 New York State to dispense or  
9 distribute medical marijuana.

10 There's a cannabis micro-  
11 business premises, which we were just  
12 discussing, which is engaged in the  
13 cultivation of cannabis but in an  
14 area that's less than 10,000 square  
15 feet, and it can also then act as a  
16 distributor, manufacturer and  
17 retailer for what's been cultivated  
18 on site.

19 There's a cannabis on-site  
20 consumption premises. That's a use  
21 that's licensed to sell cannabis  
22 products for on-site consumption.

23 There's a cannabis processing  
24 facility, and that is a use that's  
25 licensed to process cannabis



2 products. Processing may include  
3 extraction, compounding, blending,  
4 infusing or other forms of  
5 manufacturing cannabis products.

6 A cannabis retail dispensary,  
7 and that's a use for sales for retail  
8 for off-premises consumption.

9 As Ken had mentioned, there is  
10 also a section regarding off-street  
11 parking requirements for the various  
12 different uses.

13 There are a number of other  
14 provisions related to restrictions  
15 that would be placed within the  
16 Zoning Code for the review of site  
17 plans and special use permit  
18 applications for cannabis facilities.  
19 So for instance, in proposed  
20 185-48.92, no approval or permit  
21 shall be granted to cannabis on-site  
22 consumption or cannabis retail  
23 dispensaries proposed to be located  
24 within 500 feet of any playground or  
25 recreational facility owned and

2 operated by a homeowners association  
3 or similar organization serving a  
4 community or residents, and there are  
5 a number of provisions that are  
6 similar to that.

7 As Pat had mentioned, there may  
8 be tweaks, as Mr. Taylor mentioned,  
9 in connection with current  
10 requirements coming from New York  
11 State.

12 CHAIRMAN EWASUTYN: Questions,  
13 comments?

14 MR. WARD: No.

15 CHAIRMAN EWASUTYN: What's our  
16 next step?

17 MR. CORDISCO: Typically if the  
18 Board does not have any concerns, you  
19 have in the past authorized me to  
20 send a letter to the Town Board  
21 indicating essentially a favorable  
22 report. If you have concerns, then  
23 it would be good to identify those in  
24 writing so that the Town Board could  
25 consider them as they continue to

2 review this proposed local law.

3 CHAIRMAN EWASUTYN: Does anyone  
4 have any concerns or comments?

5 MS. DeLUCA: Honestly, this is  
6 the first I'm seeing this packet and  
7 everything else. I apologize for  
8 that. I would really like to have a  
9 little bit more time to digest it all  
10 and consider some of the details.  
11 That's for me personally. I'd like  
12 to put it on hold.

13 CHAIRMAN EWASUTYN: There's a  
14 public hearing coming up on the 27th  
15 on this.

16 MS. DeLUCA: On the 27th?

17 MR. HINES: We don't have a  
18 meeting before that. The Town really  
19 doesn't have a lot of flexibility.  
20 This has been dictated by the State.  
21 There's kind of an urgency to get  
22 this done at the Town Board level  
23 because they're starting to license  
24 these premises.

25 MR. CORDISCO: This would

2 provide additional oversight by the  
3 Town. If it's not adopted, then what  
4 Pat is suggesting could happen would  
5 be facilities get licensed and would  
6 not be subject to these restrictions  
7 if the Town Board does not adopt this  
8 code.

9 MS. DeLUCA: Gotcha.

10 MR. HINES: There would be an  
11 opportunity to personally comment at  
12 the public hearing for the Town.

13 CHAIRMAN EWASUTYN: Again,  
14 that's on the 27th.

15 MS. DeLUCA: Okay. Thank you.

16 CHAIRMAN EWASUTYN: It's not  
17 like I'm looking to force feed  
18 anyone. I was aware of the date of  
19 the 27th. We just received this  
20 within the last twenty-four hours.

21 MS. DeLUCA: Okay.

22 CHAIRMAN EWASUTYN: We're doing  
23 our due diligence.

24 MR. MENNERICH: The letter,  
25 Dominic, would you include what Ken

2 is talking about on the parking?

3 MR. CORDISCO: I certainly  
4 could if that's what the Board would  
5 like me to do. I'll say whatever  
6 you'd like. I'm just the attorney.

7 MR. MENNERICH: It seems like --

8 MR. WERSTED: I can provide a  
9 written comment.

10 MR. MENNERICH: -- it's a point  
11 that's been raised and it should be  
12 passed on to the Town.

13 MR. CORDISCO: I will get my  
14 letter out tomorrow or Monday at the  
15 latest.

16 MR. WERSTED: Okay.

17 CHAIRMAN EWASUTYN: Having  
18 heard the addition that Ken Mennerich  
19 just mentioned as it was delivered to  
20 us by Ken Wersted in his presentation,  
21 are there any other additions?

22 (No response.)

23 CHAIRMAN EWASUTYN: Dominic,  
24 will you continue?

25 MR. CORDISCO: If at this point

2 the Board would, by motion, authorize  
3 me, as Planning Board Attorney, to  
4 send a favorable report consistent  
5 with the requirements of the Zoning  
6 Code regarding amendments to the Town  
7 Board, then I will prepare that and  
8 make sure that the Town Board  
9 receives it prior to their public  
10 hearing on December 27th.

11 CHAIRMAN EWASUTYN: We'll take  
12 a vote on that starting with Dave  
13 Dominick.

14 MR. CORDISCO: You would need a  
15 motion and a second.

16 CHAIRMAN EWASUTYN: Okay. A  
17 motion and a second.

18 MR. DOMINICK: I'll make the  
19 motion.

20 MR. WARD: Second.

21 CHAIRMAN EWASUTYN: I have a  
22 motion by Dave Dominick. I have a  
23 second by John Ward. May I have a  
24 roll call vote starting with John  
25 Ward.

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MR. WARD: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Thank you.

MR. CORDISCO: I'll make sure  
that gets done with a copy to the  
Board. Thank you very much.

(Time noted: 7:32 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 19th day of December 2022.

*Michelle Conero*  
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MICHELLE CONERO



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

- - - - - X  
In the Matter of

CORTLAND COMMONS  
(2017-11)

Field Change/Change of Use

- - - - - X

BOARD BUSINESS

Date: December 15, 2022  
Time: 7:32 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
KAREN ARENT  
JAMES CAMPBELL  
KENNETH WERSTED  
MEGHAN LoCICERO

- - - - - X

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

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CHAIRMAN EWASUTYN: Cortland Commons, which I think we're all familiar with, is a project on 9W across from Overlook Farms. Pat Hines is going to discuss with us a letter from JMC. JMC was the original designer of that project. What's going on there is -- retail isn't retail. Drive-thrus aren't drive-thrus.

MR. HINES: The Cortland Commons project has the two buildings. It has basically a strip mall here and then it had a fast food with a drive-thru. I was surprised, but they're saying that they can't find a tenant for the fast food with the drive-thru. They want to convert that to retail. Apparently they have a retail tenant interested in that.

They have two restaurant uses, a jerk chicken -- a Jamacian jerk place and another restaurant that wants to locate in the strip mall use

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without the benefit of the drive-thru.

The reason they're asking is that changes the use from fast food to retail. It's taking up a couple of restaurants in here.

They have to modify the septic system as well. This previously had a grease trap and this was all non-kitchen, non-restaurant. They have to amend their County Planning approval to put the grease trap with the restaurant uses that are proposed here and remove it from this facility.

The square footage is the same. They're moving this 2,500 square foot of fast food basically into these two facilities here and this is going to become retail. The parking doesn't change but the use of the building changes. It's going to be a retail that has a drive-up window that no one is going to use, but they have a tenant that wants that free-standing

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structure. I said that's a little more than I can approve as a field change, and I suggested that the Board take a look at it.

The parking count stays the same because of the flipping -- the restaurant square footage stays the same.

MR. WARD: This is the project they had the problem with the stone in the back?

MR. HINES: They were forever jackhammering. They've come a long way. Now that they've gotten over the stone, they've made great progress.

MR. DOMINICK: They have the stonewall up, sidewalks in.

MR. HINES: I was surprised that they couldn't find a user for the fast food. There's no interest, they said, at that location.

MR. MENNERICH: Ready Coffee.

MR. HINES: This is way too big

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for Ready Coffee. It's 2,500 square feet.

CHAIRMAN EWASUTYN: So they would present an amended site plan?

MR. HINES: The change in the site plan itself is the same. The buildings are going to look the same. The footprints of the buildings are up. It's more of a change of use than the structure -- moving it across the site. The parking count stays the same because the uses stay the same.

It's a little brew pub. It's a 27-seat brew pub is the proposal here, and the Jamacian jerk restaurant.

CHAIRMAN EWASUTYN: What's a pub? What do you mean by pub?

MR. HINES: What's a pub. A pub is like a small bar. I don't know that there's a --

CHAIRMAN EWASUTYN: It's not just beer. It's mixed drinks or

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whatever?

MR. HINES: I think this is going to be a beer -- it's a microbrewery, kind of make their own beer. It kind of seems small with 27 seats.

MR. CORDISCO: Pretzels.

CHAIRMAN EWASUTYN: It's popular these days.

MR. WARD: Is it take out and all that?

CHAIRMAN EWASUTYN: Is the Board in favor of that? Any concerns?

(No response.)

CHAIRMAN EWASUTYN: What do we have to do now?

MR. HINES: If you want to authorize it as a field change, I can relay that on to Jim's office.

MR. CORDISCO: I think on the minutes, if the Board would have a motion to authorize this to be addressed through the Building

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Department.

My one concern, however, would be to make sure that the plan that is now going to be the plan is also updated and signed so that we have a current site plan that shows the actual uses of the site rather than an approved site plan that's inconsistent with what's being built, just so that the record is complete and future amendments aren't working off of a plan that was approved but then never constructed to that plan.

MR. HINES: Going through my head, they're really eliminating this building as a fast food use because of the change in the septic system. They're giving up -- the flow from the restaurant is going over here. It's kind of a permanent change on the site that they're committing to.

MR. WERSTED: Would they make any changes to the drive-thru? Would they close it off?

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MR. HINES: They're not proposing any changes. It's already constructed I think.

CHAIRMAN EWASUTYN: Dominic?

MR. CORDISCO: So I would suggest a motion to authorize this as a field change be dealt with through the Building Department subject to the submission of a proposed final plan that matches the actual uses --

MR. HINES: This plan would do it.

MR. CORDISCO: -- so the Town's files would be complete and consistent between the Planning Board and the Building Department.

CHAIRMAN EWASUTYN: Having heard the conditions for accepting the field change for Cortland Commons comments that was presented and is part of the record by Planning Board Attorney Dominic Cordisco, would someone move for a motion for that.

MR. WARD: So moved.



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MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Stephanie DeLuca. May I have a roll call vote.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. WARD: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 19th day of December 2022.

*Michelle Conero*  
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MICHELLE CONERO

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

- - - - - X  
In the Matter of

- MARIJUANA DISPENSARY
- DAIRY QUEEN (Route 52)

- - - - - X

BOARD BUSINESS

Date: December 15, 2022  
Time: 7:40 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
KAREN ARENT  
JAMES CAMPBELL  
KENNETH WERSTED  
MEGHAN LoCICERO

- - - - - X

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

2 CHAIRMAN EWASUTYN: As you  
3 realize how my mind works, and you  
4 know me better than I do because I  
5 don't know how it works, across from  
6 the Dairy Queen there's a place  
7 that's been there for years that  
8 sells snowplows and everything.  
9 During the winter they park their  
10 business vehicles at the Dairy Queen.  
11 Recently that owner put up a new  
12 building on 17K near Dempsey Pipe.

13 MR. HINES: Maple Avenue.

14 CHAIRMAN EWASUTYN: Maple  
15 Avenue. Thank you. Conversation on  
16 the street now is he won't be moving  
17 his business into that new location,  
18 that it's being leased out for eight  
19 times or five times the owner's  
20 current mortgage. It's going to be  
21 used for a marijuana dispensary.

22 MR. CORDISCO: The Dairy Queen  
23 or --

24 CHAIRMAN EWASUTYN: The one  
25 right across the street from there.

2 So did they run it by the Town of  
3 Montgomery? I don't know. This is  
4 the rumor on the street.

5 MR. MENNERICH: I always  
6 wondered why that wasn't moved. They  
7 had a sign.

8 MR. WARD: The building with  
9 the old truck. Right? They have an  
10 old truck out front?

11 MR. HINES: Yes, they have an  
12 old truck out front.

13 CHAIRMAN EWASUTYN: Just in  
14 conversation, everyone was kind of  
15 hearing that the Dairy Queen may be  
16 purchased by a Popeyes.

17 MR. HINES: Ken and I went to a  
18 meeting with the proposed Popeyes at  
19 the site. They have a rather ambitious  
20 plan, thinking they are going to get  
21 full turning movements out. We kind  
22 of warned them that DOT is going to  
23 look at it under a microscope.

24 There's two lots. The Dairy  
25 Queen sits on one and there's one

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they use for the overflow parking.  
They're going to use both of those.  
It's kind of shoehorned in. It will  
be a challenge on the site for them.

(Time noted: 7:43 p.m.)

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

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

That hereinbefore set forth is a true  
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I further certify that I am not  
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*Michelle Conero*

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MICHELLE CONERO

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

- - - - - X  
In the Matter of

CHADWICK LAKE  
CRITICAL ENVIRONMENTAL AREA REGULATIONS

- - - - - X

BOARD BUSINESS

Date: December 15, 2022  
Time: 7:43 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
KAREN ARENT  
JAMES CAMPBELL  
KENNETH WERSTED  
MEGHAN LoCICERO

- - - - - X

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

2 CHAIRMAN EWASUTYN: The last  
3 item we have is a letter from Ken  
4 Lytle. We'll have Jim Campbell talk  
5 on this because it's in reference to  
6 the RR Zoning and something that's  
7 written in the Code.

8 Jim, do you want to bring us  
9 along on this?

10 MR. CAMPBELL: I think it  
11 basically has to do with the critical  
12 environmental areas around Chadwick  
13 Lake which states that it needs to  
14 come before this Board. I think in  
15 the e-mail from Mark Taylor, he's  
16 trying to streamline some sort of  
17 process to get people through.

18 As a Building Department we  
19 rarely enforced it. We really didn't  
20 even know it was there. When it came  
21 up, we questioned it and asked if we  
22 really want to open this can of  
23 worms, but it's open.

24 MR. HINES: One of the driving  
25 -- I guess the proposed gas station/



2 deli kind of brought it to our  
3 attention when we started looking at  
4 the critical environmental area  
5 regulations.

6 MR. CAMPBELL: There's another  
7 one off of 300 that they're doing a  
8 proposed accessory building, and that  
9 came up as -- that's an item that's  
10 going to come before this Board. The  
11 environmental area covers a big area.

12 MR. HINES: It's the Chadwick  
13 Lake critical environmental area  
14 which was established in the early  
15 '90s through the DEC critical  
16 environmental area process. It's  
17 mapped. It goes up 32 to kind of  
18 Mill Street, across Mill Street, over  
19 to Mountain Brook, is it, and down  
20 Mountain Brook to 300. It's that  
21 whole chunk of watershed there. It  
22 used to have a little more teeth when  
23 critical environmental areas were  
24 Type 1 Actions, although your code  
25 continues to say that. Any action in

2 the critical environment area is Type  
3 1.

4 It goes as small, as Jim said,  
5 as a deck or small accessory  
6 building. We're looking to comply  
7 with that law but kind of streamline  
8 it.

9 Jim's office will send it to my  
10 office. They'll have to do an  
11 erosion and sediment control plan at  
12 a minimum. The larger projects would  
13 have to do an actual site plan, but  
14 more of a Building Department level  
15 plan, and we would then sign off on  
16 it. Ultimately it needs the Board's  
17 decision.

18 Mark Taylor suggested it could  
19 be handled under Board business,  
20 similar to the way you handle Board  
21 business. He didn't want to dictate  
22 the process but he suggested that. I  
23 was okay with it. The Building  
24 Department would collect the escrow  
25 to cover the consultant fees for

2 reviewing that ENS plan.

3 That's where we're at with it.  
4 I don't know how comfortable the  
5 Board is with that suggestion, but  
6 that's what we're here to talk about.

7 MS. DeLUCA: I have a minor  
8 question aside from that. It  
9 mentioned on there something about  
10 sono tube.

11 MR. HINES: That's a piece of  
12 cardboard for footings.

13 MS. DeLUCA: Thank you.

14 MR. HINES: Just a round tube  
15 that keeps the concrete until it's  
16 hard.

17 MS. DeLUCA: Thank you.

18 MR. MENNERICH: I kind of  
19 wonder how much of that stuff is put  
20 in in different locations and nobody  
21 even knows it.

22 MR. HINES: It's happened in  
23 the past.

24 MR. CAMPBELL: A lot.

25 MR. HINES: Any addition to a

2 residential house in that area would  
3 have been subject to this. It was  
4 only as we did a little critical  
5 environmental area history with  
6 myself and Jim's office.

7 MS. DeLUCA: Are there certain  
8 restrictions as far as -- I mean  
9 first it's a deck and then it's a  
10 garage and then --

11 MR. HINES: Any building permit.

12 MR. CAMPBELL: Any construction  
13 it states.

14 MR. HINES: The idea is to  
15 protect the Chadwick Lake reservoir,  
16 where some of your drinking water  
17 comes from.

18 MR. CAMPBELL: To look to  
19 streamline it and make the process  
20 easier for a deck or a small shed or  
21 something like that.

22 MR. HINES: Something that  
23 normally wouldn't meet the site plan  
24 threshold.

25 MS. DeLUCA: Okay.

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MR. HINES: Mark is suggesting that it does need a Planning Board approval. The regulation states Planning Board approval. Certainly if you ran someone with a deck through your Planning Board review process currently, they'd be paying application fees and escrow. It may end up costing more than the deck at some point.

MR. CORDISCO: The way the process, if I understand it correctly, would work is that the initial application would come in to the Building Department, it would also be reviewed by your office, Pat, and then, you know, depending on the size and scope of the project, then you would be making a recommendation to the Planning Board as to whether or not it's something of a di minimis nature or if it's something that would require more further review, including like a site plan review.

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It's very similar to the Town of Cornwall. The Town of Cornwall has visual -- in the mountain zone in Cornwall, for properties that are up on the mountainside, it does have that the planning board has the ability to require special permits for any construction within the mountain zone. Many times an applicant will come in and say I'm replacing my deck, for instance, on my property. Technically that falls within that code. Does it mean a full application to the board or is it something that, you know, might not be seen from anywhere, and they can demonstrate that you can't see it, and then in which case the board's consultants review it, it's discussed with the board and then the board authorizes the building department to treat and process it. That way it's done at a regular meeting. There's an evaluation of it

2 but it's a little bit more informal  
3 than a full application process which  
4 costs money. There's an application  
5 fee, there's escrow, and of course  
6 there's costs that go to an applicant  
7 to actually prepare those plans. So  
8 in situations like that in Cornwall,  
9 which could also happen here, which I  
10 think is what Mark Taylor is  
11 suggesting, that for these  
12 insubstantial applications there  
13 would be a record before the Planning  
14 Board of authorizations, for  
15 instance, so that the Building  
16 Department knew it could continue to  
17 process. If, however, it's something  
18 that's more substantial or the Board  
19 is of the opinion that what's being  
20 proposed is not consistent with that  
21 informal process, you could then  
22 determine that a full site plan  
23 application would be required. You  
24 would have that discretion on a case-  
25 by-case basis. It's seems a

2 reasonable approach to deal with and  
3 would not impose a significant  
4 requirement on someone that's  
5 proposing to do a deck where the cost  
6 of getting the approval for the deck  
7 might be more expensive than actually  
8 constructing the deck.

9 CHAIRMAN EWASUTYN: Are you  
10 okay with that, Jim?

11 MR. CAMPBELL: I'm okay with  
12 that, yeah.

13 CHAIRMAN EWASUTYN: Okay. And  
14 then we will eventually, as minor as  
15 it may sound, absorb the cost of the  
16 conversation that we will have when  
17 you bring it forward to us, because  
18 again I will be without proceeds to  
19 -- unless we take it out of what  
20 we'll call for now a consultants'  
21 fund.

22 MR. HINES: There will be an  
23 account at the Building Department  
24 which I will charge my time to.

25 CHAIRMAN EWASUTYN: Okay, fine.



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That's great.

MR. CORDISCO: I'll waive my  
time.

CHAIRMAN EWASUTYN: No. Fair  
is fair.

MR. CAMPBELL: We have to come  
up with some sort of dollar value.

MR. HINES: An initial deposit.

(Time noted: 7:50 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 19th day of December 2022.

*Michelle Conero*  
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MICHELLE CONERO

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

- - - - - X  
In the Matter of

SUMMARY OF THE PUBLIC SCOPING SESSION  
FOR BRITAIN WOODS  
(2022-17)

- - - - - X

BOARD BUSINESS

Date: December 15, 2022  
Time: 7:50 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
KAREN ARENT  
JAMES CAMPBELL  
KENNETH WERSTED  
MEGHAN LoCICERO

- - - - - X

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

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CHAIRMAN EWASUTYN: In summary of the public scoping we had this evening, the comments from the public, Dominic had some additions that he wants to have looked at in the scope.

Dominic.

MR. CORDISCO: Just while it's all fresh in everyone's memory and mind, a couple of quick things that I thought might be appropriate revisions to the scope.

So Matt Gallagher was the first speaker. He asked the question about what happened to the prior project. I think it would be helpful for the scope -- for the project itself to identify the procedural history of prior proposals for that site so that members of the public who are interested or remember can understand what happened there. If it's all right with the Board, I'd like to make that suggestion to Mr.

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Winglovitz to revise the scope in that connection.

Frank Valdina asked about the 8-inch water line in Little Britain Road and whether or not that was sufficient for firefighting purposes. I'm not sure that that's in the scope, or perhaps it should be.

MR. HINES: The water utilities are in there. It could be specifically mentioned. That's why the project previously had the loop through Stony Brook, and it may need that again.

MR. CORDISCO: Right. Then in connection with Susan Kardis, I believe who was in Stony Brook, she was asking about different types of access on 17K. Essentially you got into a complete streets discussion with her. I was wondering whether or not it would be helpful to identify a complete streets discussion in the scope for improvements to the road

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network.

MR. WERSTED: I think it's worth it. It may not result in any changes to the project, but her focus was on a different road that this one isn't even on. There could be some commonality of neighbors on 207 finding that people are walking and biking on 207.

MR. WARD: With her comments, basically when she said dark and all, they did say 207 being dark and everything else. It does relate to it. She was said it's dark on 17K.

MR. CORDISCO: And there was also the comment from Erika Gallagher regarding her suggestion for ten years of accident data. I was wondering if that was something that the Board or Ken had any suggestions in connection with, because it sounded as if there were a number of commentators who were concerned about the number of accidents in this area.

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MR. WERSTED: I think if we go to seven years. We typically do three or five years. If we do seven, then that will give us a pretty broad spectrum. They're developing rates to compare. Whether you took three, five or seven, you're annualizing that and comparing it to statewide averages.

MR. HINES: If you add too many years you might knock the average down.

MR. WERSTED: It depends on if it was better back then.

CHAIRMAN EWASUTYN: Sure.

MR. CORDISCO: That was it for my comments in connection with this.

The Board had received a scope prior to the November 3rd meeting. You discussed the scoping session at the November 3rd meeting and set it for now, for December 15th. Technically the Board has 60 days to finalize the scope. You're within

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your time period now.

I would suggest a conversation with Ross Winglovitz to make these revisions, as well as anything else that he deems appropriate as a result of the public comments tonight, as well as the submission back to the Board at the earliest opportunity so that you could consider adopting that when you see fit.

CHAIRMAN EWASUTYN: Is everyone satisfied with that? Any additional?

MR. WARD: How does it work with the City of Newburgh and all?

MR. CORDISCO: The City did send in additional comments. They sent in a second letter where they raised a number of general concerns regarding the project for water and sewer, but they also had a number of other very specific comments in connection with changes that they requested be made. I thought they were all reasonable from my



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perspective and didn't change the overall intent of the scope, and also weren't surprising given their prior comments. I provided a copy of that letter to Ross so that he could consider it in his next revision as well.

CHAIRMAN EWASUTYN: We'll send it to the Planning Board Members also.

MR. CORDISCO: Certainly.

MR. WARD: When they were talking about the second driveway going out, I thought that was going through the City of Newburgh.

MR. HINES: It is.

MR. WARD: That's why I'm asking.

CHAIRMAN EWASUTYN: The City of Newburgh really isn't too much in favor.

MR. HINES: They suggested that become an emergency access. They had concerns initially about the stormwater management facilities

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being in the City of Newburgh,  
putting them on the hook to be a  
regulated MS-4 for something that  
they have very little approval  
authority over.

MR. CORDISCO: Yes. That  
second means of access also crosses  
over their water and sewer lines.

CHAIRMAN EWASUTYN: I think it  
went well.

Can I have a motion to close  
the Planning Board meeting of the  
15th of December.

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a  
motion by Ken Mennerich and a second  
by Stephanie DeLuca. May I please  
have a roll call vote.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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(Time noted: 7:54 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 19th day of December 2022.

*Michelle Conero*

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MICHELLE CONERO