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MEETING HELD AT THE TOWN HALL AND VIA ZOOM

TOWN BOARD MEETING
of the Town Board of the Town of Newburgh
held at 1496 Route 300 in said township at
7:02 p.m. on Monday, the 14th of February 2022

PRESENT Gilbert J. Piaquadio, Supervisor
Scott M. Manley, Deputy Supervisor
Elizabeth J. Greene, Councilwoman
Paul R. Ruggerio, Councilman
Anthony LoBiondo, Councilman

ALSO PRESENT Lisa M. Vance-Ayers, Town Clerk
Mark C. Taylor, Town Attorney
Patrick Hines, Town Engineer
David Smith, Town Planning
Consultant

REPORTED BY: Michelle L. Conero
Court Reporter
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

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2 MS. VANCE-AYERS: The time is
3 now 7:02 and we're here for our
4 regularly scheduled Town Board
5 meeting. The first item on the
6 agenda is roll call.

7 Mrs. Greene.

8 MS. GREENE: Here.

9 MS. VANCE-AYERS: Mr. Ruggiero.

10 MR. RUGGIERO: Present.

11 MS. VANCE-AYERS: Mr. Manley.

12 MR. MANLEY: Here.

13 MS. VANCE-AYERS: Mr. LoBiondo.

14 MR. LOBIONDO: Here.

15 MS. VANCE-AYERS: Mr. Piaquadio.

16 SUPERVISOR PIAQUADIO: Here.

17 MS. VANCE-AYERS: The next item
18 is the Pledge of Allegiance followed
19 by a Moment of Silence.

20 (Pledge of Allegiance and
21 Moment of Silence.)

22 MS. VANCE-AYERS: Any changes to the
23 agenda?

24 SUPERVISOR PIAQUADIO: Good
25 question. Patrick, this is

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2 (inaudible) already?

3 MR. HINES: Yes. That's just
4 the hard copy I printed out. There
5 were colored maps. I decided to
6 print one out for everyone.

7 SUPERVISOR PIAQUADIO: That
8 being said, there are no changes.

9 MS. VANCE-AYERS: So now we're
10 up to item 5, our public hearing.

11 SUPERVISOR PIAQUADIO: So Lisa,
12 has this public hearing been properly
13 advertised?

14 MS. VANCE-AYERS: This meeting
15 has been posted on the Town website
16 since February 3, 2022. It was
17 posted in Town Hall lobby on January
18 25, 2022. It was advertised in The
19 Mid-Hudson Times on February 3, 2022
20 and in The Orange County Post on
21 January 28, 2022. This complies with
22 all of the requirements for a public
23 hearing under New York State Law.

24 SUPERVISOR PIAQUADIO: Very
25 good, Lisa. Thank you.

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2 Bob, it's being recorded now,
3 too?

4 MR. ROBERT PIAQUADIO: Yes.

5 SUPERVISOR PIAQUADIO: Okay.

6 Super.

7 So we're going to make a motion
8 to open this public hearing.

9 MS. GREENE: So moved.

10 MR. MANLEY: Second.

11 MS. VANCE-AYERS: Mrs. Greene?

12 MS. GREENE: Yes.

13 MS. VANCE-AYERS: Mr. Ruggiero?

14 MR. RUGGIERO: Yes.

15 MS. VANCE-AYERS: Mr. Manley?

16 MR. MANLEY: Yes.

17 MS. VANCE-AYERS: Mr. LoBiondo?

18 MR. LOBIONDO: Yes.

19 MS. VANCE-AYERS: Mr. Piaquadio?

20 SUPERVISOR PIAQUADIO: Yes.

21 I'm going to ask Mark Taylor,
22 our Town Attorney, to give us a brief
23 explanation on this public hearing,
24 and then we're going to ask Dave
25 Smith also.

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2 Go ahead, Mark.

3 MR. TAYLOR: Thank you, Mr.
4 Supervisor.

5 The Town of Newburgh is subject
6 of a zoning map which is pursuant to
7 its comprehensive plan. There are
8 five residential districts and three
9 commercial districts in the Town, and
10 the Town is divided up among those
11 districts.

12 The zoning code also
13 establishes certain overlay
14 districts. The topic of tonight is a
15 local law which would amend the
16 zoning code to add an additional
17 overlay district.

18 Now, overlay districts are
19 typically areas which overlie the
20 base zoning districts and provide for
21 an additional use within the area of
22 the overlay district. For example,
23 we have a professional overlay
24 district where professional offices
25 are allowed in certain residential

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2 areas. In one case, the airport
3 overlay district, actually an
4 additional regulation with respect to
5 elevations is established.

6 Tonight's local law is one
7 which would establish a hamlet or
8 mixed use overlay district in East
9 Coldenham area. This part of the
10 presentation is to address four
11 aspects of the code, one which is the
12 mapped area and comprehensive plan
13 background which is addressed in the
14 code, and that will be addressed by
15 Dave Smith. We're going to provide a
16 brief summary of the use, a brief
17 summary of the base regulations which
18 have to do with yards, lot area and
19 the like, and finally a brief summary
20 of the special regulations which
21 apply to the use which is addressed
22 with the local law.

23 With that, I'm going to turn it
24 over to Dave Smith who is here via
25 Zoom to discuss both the

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2 comprehensive plan and then the map
3 area that the local law would
4 establish the district on.

5 MR. SMITH: Thank you, Mark.

6 Mr. Supervisor, Members of the
7 Board, can you hear me?

8 SUPERVISOR PIAQUADIO: Yes. We
9 can hear you well.

10 MR. SMITH: Excellent.
11 Excellent.

12 Good evening. For the record,
13 Dave Smith, principal with Planning &
14 Development Advisors, Planning
15 Consultant to the Town of Newburgh.

16 Going back in history a little
17 bit, I helped with the preparation of
18 the Town's comprehensive plan update,
19 and that's part of my presentation
20 tonight.

21 Mark had given you some opening
22 remarks about the zoning, and I think
23 it's important to note that your
24 zoning is supposed to be in
25 compliance with your comprehensive

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2 plan.

3 So the issue that the Board is
4 considering at this point is this
5 hamlet overlay. And specifically
6 going back into the Town of Newburgh
7 comprehensive plan, and this document
8 can be found on the Town's website,
9 and on page 3-47 of the comprehensive
10 plan update there is a specific
11 discussion of what was then called
12 hamlet area design. It talked about
13 the importance of hamlets within the
14 Town of Newburgh. I think as part of
15 that process, the comprehensive plan
16 update process, it was recognized
17 that there isn't necessarily one town
18 center for the Town of Newburgh but
19 that it had a number of -- I think we
20 classified there were fourteen
21 different hamlets spread throughout
22 the Town. Each of them has their own
23 unique identity and characteristics.
24 As part of the comprehensive plan, it
25 was to help strengthen those hamlet

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2 areas and allow them to develop or
3 have the potential for additional
4 development that's sensitive to their
5 specific area and their specific
6 location.

7 And in particular, in this one
8 specific reference, East Coldenham is
9 referenced as a potential area that
10 could benefit from a design study
11 that would incorporate kind of a
12 larger area than what's currently
13 being considered by the current
14 zoning. But I think it's important
15 that as part of the comprehensive
16 plan update process, hamlet and
17 hamlet area designs were an important
18 element.

19 With that, there's discussion
20 about, later on in the action section
21 which is on page -- just flipping
22 through -- page 61 -- 3-61 of the
23 comprehensive plan, it does talk
24 about, with hamlets, hamlet design
25 overlay district possibilities. So

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2 with the implementation component of
3 the comprehensive plan, there was a
4 specific reference to creating zoning
5 that may allow for this particular
6 type of use or uses to occur within
7 the Town at selective locations.

8 Now, as one of the follow-up
9 documents to the comprehensive plan,
10 the Town of Newburgh also had a
11 follow up, and this is the Town of
12 Newburgh design guidelines. This
13 document is also available on the
14 Town's website. It was created a
15 couple years after the comprehensive
16 plan update.

17 I'm going to reference on page
18 64 the design guidelines. There's a
19 specific section, it talks about
20 hamlet area and open space design.
21 The design guidelines handbook was
22 created in an effort to help the
23 Town, particularly the Planning
24 Board, deal with design-related
25 issues, because there were some

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2 concerns at the time that perhaps
3 design and development wasn't being
4 focused on in as much detail as
5 perhaps it should be. So this hamlet
6 area and open space design chapter
7 also recognizes the at least fourteen
8 hamlets within the Town of Newburgh,
9 and it goes through and it has
10 certain topic headings, including
11 gateway design, design gateways to
12 promote and preserve hamlet identity
13 for people entering the hamlet area.
14 It has another design component
15 called design of community focal
16 points which may be an open space, it
17 may be a water feature, it may be
18 community buildings like a school or
19 a post office. It has a third design
20 component related to design of open
21 space, given that the Town of
22 Newburgh has some fairly substantial
23 open space areas, but how do you
24 incorporate that as part of an
25 overall development component so that

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2 you're preserving open spaces in
3 critical areas and allowing
4 development to occur where it's most
5 appropriate. And then lastly, the
6 design components under the hamlet
7 area design include a design for
8 pedestrian and vehicular safety. I
9 think this is part of the other
10 aspect of the zoning is how do you
11 integrate this development and make
12 it more walkable, or sustainable I
13 guess in some of the new terminology
14 that people use with respect to land
15 use development.

16 As you look at the proposed
17 zoning, and I think Mark is going to
18 get into this maybe in a little bit
19 more detail, but there are some
20 significant sections in the code --
21 in the proposed code that deal with
22 these design issues, site design,
23 buffers and screening, off-street
24 parking and loading. There's a fair
25 bit of detail on building

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2 architectural design standards and
3 amenities, building in mass, roof
4 design, lighting, materials and
5 colors, pedestrian and bicycle
6 access, landscaping, dealing with
7 public places and the different type
8 of uses.

9 So the -- I think as part of
10 the evaluation -- the initial
11 evaluation of the proposed zoning, I
12 think it's very much in keeping with
13 the goals and objectives that the
14 Town outlined initially as part of
15 their comprehensive plan update, and
16 then further defined and refined as
17 part of their design guidelines
18 booklet that helps assist the Town
19 with design-related issues.

20 So Mr. Supervisor, that
21 provides a brief background of kind
22 of the Town's planning process with
23 respect to hamlets, and hamlet
24 design, and the incorporation of
25 zoning and design aspects.

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2 I would encourage anybody who
3 hasn't had a chance, the two
4 documents I referenced are both
5 available on the Town's website, and
6 certainly they could provide a very
7 good resource going forward.

8 I'd be happy to answer any
9 questions.

10 Actually, I'm going to turn it
11 back over to Mark to continue the
12 presentation. Thank you.

13 MR. TAYLOR: As I referenced
14 previously, there is a map portion of
15 property -- or the zoning code
16 amendment and there are eight
17 properties involved, all on the
18 southern side of Route 17K, two to
19 the west of Arbor Drive, including a
20 large vacant parcel, and the
21 remaining two to the east of Arbor
22 Drive. The ones to the west of Arbor
23 Drive are zoned R-1/Residential.
24 That is primarily a single-family
25 residential zoning. There are other

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2 uses that are permitted in the zone.
3 Just bear with me for a second. I'm
4 sorry, my vision is getting worse.
5 Those include conversion of existing
6 buildings, (inaudible), membership
7 clubs, places of worship, substance
8 abuse/rehabilitation homes, community
9 residences for the disabled
10 (inaudible) on Orange Lake and the
11 Hudson Valley (inaudible), public
12 utility structures and two-family
13 homes.

14 To the eastern side of Arbor
15 Drive, the zoning is B, which is a
16 commercial district. B stands for
17 Business. In that district existing
18 single-family dwellings and
19 two-family dwellings are permitted,
20 municipal buildings, membership clubs
21 are permitted subject to site plan
22 review by the Planning Board. Uses
23 include retail stores and personal
24 service stores, (inaudible) and
25 fitness facilities, business,

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2 professional and research offices and
3 banks, eating and drinking places,
4 indoor amusement establishments,
5 motor vehicle service stations,
6 garages, washes and rental agencies,
7 conversion -- excuse me, convenience
8 stores with or without gasoline
9 filling stations, hotels and motels,
10 shopping centers, theaters, places of
11 worship, business parks, public
12 utility structures, affordable
13 housing, senior citizen housing,
14 mini-malls, veterinarian offices,
15 nursery schools for pre-school
16 children. In the R-1 District
17 schools and colleges are also allowed
18 as that is subject to the educational
19 facility district overlay district.

20 Those tables are available on
21 the Town's website in the Town Zoning
22 Code -- appendixes to the Town Zoning
23 Code.

24 So those are the uses that are
25 currently allowed in the areas

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2 subject to the overlay district. The
3 map is now up on the Zoom screen
4 showing the proposed boundaries of
5 the overlay district.

6 Within the overlay district
7 there are essentially two elements of
8 use that would be allowed. One is
9 the hamlet mixed use center. That
10 contemplates buildings with first
11 floor commercial uses and second
12 floor residential uses. Commercial
13 uses that would be allowed in the
14 zone are stores, shops, offices,
15 personal service stores or uses,
16 health club or fitness facilities,
17 restaurants, convenience stores,
18 banks, daycare centers and nursery
19 schools for pre-school children and
20 similar commercial establishments.
21 There's a maximum building size which
22 is established which is 16,000 square
23 feet.

24 The residential units would be
25 allowed at a density of one unit per

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2 1,250 square feet of ground floor
3 area.

4 The use could include, in
5 addition, if an applicant proposes to
6 donate parkland or recreational area
7 to the Town of 10 acres or more, a
8 bonus housing multiple-family housing
9 use in addition to the mixed use.

10 UNIDENTIFIED SPEAKER: What
11 does that mean?

12 MR. TAYLOR: That means that
13 buildings could contain multiple
14 dwellings up to a maximum number of
15 forty, and the number of units up to
16 forty would depend on the donation of
17 parkland based on a ratio or
18 calculations tied to the usable area
19 of parkland. In other words,
20 developable area would only be
21 counted in determining the number of
22 units allowed, developable area in
23 parkland that was proposed to be
24 donated, and the Town Board would
25 have to approve that donation.

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2 Mr. Supervisor, I don't know if
3 you want me to respond to --

4 SUPERVISOR PIAQUADIO: No. I
5 think there will be a point for
6 questions. This was a quick
7 explanation, more or less. Then you
8 can ask all the questions you want
9 shortly.

10 MR. TAYLOR: So the density
11 calculation would be based on 4.5
12 units per acre of usable area in the
13 proposed park or recreation area.

14 So those are the two uses,
15 including bulk regulations that the
16 hamlet would have would establish a
17 minimum 10 acre lot size for use.
18 There would be a minimum lot width of
19 300 feet and a minimum lot depth of
20 300 feet, a minimum front yard of 60
21 feet and a rear yard of 60 feet, a
22 minimum side yard of 50 feet, and
23 both side yards would have to total
24 100 feet. Habitable floor area per
25 dwelling unit would be at least 1,000

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2 square feet. The building coverage
3 maximum would be 25 percent of the
4 lot area. The building height
5 maximum would be 35 feet. I should
6 note there is a provision in the
7 specific regulations which would
8 allow the Planning Board to increase
9 that height to 45 feet of
10 non-habitable area if the applicant
11 were proposing peaked roofs, a clock
12 tower or steeples or something along
13 that line as part of the development.
14 That would be up to the Planning
15 Board's discretion to do so. The
16 maximum lot surface coverage would be
17 50 percent of the total area of the
18 site. So that would include, for
19 example, parking areas and the like.

20 With respect to the specific
21 design or regulations that apply to
22 the hamlet center use, there is a
23 buffer and screening requirement.
24 Basically the buffer and screening
25 requirement is that which applies to

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2 the business zone. The business
3 zoning requires, for proposed
4 residential uses, a minimum of 50
5 foot buffer area, 20 feet of which
6 could be (inaudible) closest to the
7 boundary line residential zone having
8 to be vegetative and screened.

9 Off-street parking and loading
10 facilities would be dependent upon
11 the area of commercial and
12 residential.

13 Proponents of a specific site
14 proposal, drive-through windows will
15 be allowed on the side and rear of
16 the buildings.

17 There's specific regulations
18 which address the storage, loading
19 and docking areas. They can be
20 located on building architectural
21 design standards. There are building
22 height and massing standards. That's
23 where (inaudible) is included. There
24 are design standards, there are
25 lighting standards, there are

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2 material and color standards, there
3 are provisions with respect to
4 pedestrian and bicycle access.

5 Specifically in respect to this
6 area, there's a provision that says
7 that a provision should be made for
8 connection of sidewalks to the
9 intersection of Route 17K with East
10 Coldenham School.

11 There should be walking trails
12 provided as well in the plans.

13 There are street scape
14 landscaping requirements.

15 There are additional
16 requirements but I don't see the
17 sense of my going through the laundry
18 list further. If there are questions,
19 we can certainly address them.

20 SUPERVISOR PIAQUADIO: Thank
21 you, Mark.

22 MR. TAYLOR: Mr. Supervisor,
23 just procedurally where the Board is
24 at, it has indicated its intent to
25 act as lead agency. It has not

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2 declared itself lead agency.
3 Certainly as part of that review the
4 Board may consider additional
5 environmental impacts or require a
6 further study of certain
7 environmental impacts. For example,
8 it might request that its engineers
9 prepare a maximum build-out scenario
10 for the area that is subject to the
11 hamlet zoning and then consider what
12 the traffic would be at that maximum
13 build out compared to what would be
14 or could be generated at a maximum
15 build out with the underlying zoning.

16 The Board is not proposing to
17 act tonight. There will be a
18 transcript of this public hearing put
19 up on the Town's website. The Board
20 will be considering comments for a
21 period of ten days -- a minimum
22 period of ten days following posting
23 of that transcript report and
24 entertain whether to proceed further
25 with design language and whatnot.

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2 I just wanted to clarify where
3 the Board is procedurally.

4 SUPERVISOR PIAQUADIO: Thank
5 you, Mark.

6 Before we open to the public, I
7 just wanted to mention this project,
8 in my mind, is a mixed use as they
9 call it, residential and retail
10 combined. It's supposed to make it
11 convenient to go to local stores and
12 whatnot, be right there. There would
13 also be residential units there.

14 In this particular case there's
15 10 acres behind the property that
16 will be given to the Town for
17 parkland if we so approve the
18 project. (Inaudible) 10 acres used
19 for nothing else ever.

20 There were two, maybe three
21 informational meetings that went on
22 last year by Zoom. I don't know how
23 many of you actually took part in
24 that, but we have that all
25 documented, the questions that came

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2 up. I mean the Town is like really
3 doing their homework. But we don't
4 want to put something in the
5 neighborhood if they don't want it.
6 That's why we want to hear from you
7 tonight.

8 So whoever comes up to the mic,
9 and unfortunately you have to come
10 right up here in order to be on
11 television. If you come to the mic,
12 just give us your name and address
13 and your question and we will either
14 answer it or get back to you.

15 I don't know who wants to be
16 first.

17 Hey Bobby, can you make sure
18 the mic is turned on here? It is
19 turned on. Got it. Okay.

20 Someone has to be first. Mrs.
21 Gonyea, the floor is yours.

22 MS. GONYEA: First of all, I
23 want to get my bearings on the
24 relation of this discussion to the
25 actual documents that we approved

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2 about fifteen years ago. When the
3 first discussion of the master plan
4 came up -- the first rendition of the
5 master plan came up and the creation
6 of the hamlets, there were two or
7 three of the hamlets that were
8 elucidated as having purpose, but
9 East Coldenham wasn't elucidated. It
10 was always to come up at another
11 time. Is this indeed that other
12 time?

13 It was a long time ago, Mark.

14 MR. TAYLOR: As Mr. Piaquadio
15 eluded to, there is an older property
16 in the area that has approached the
17 Town with respect to implementing
18 what was at least contemplated as a
19 potential avenue with the
20 comprehensive plan.

21 Now, Mr. Smith did not mention
22 the fact that following the adoption
23 of the comprehensive plan there is a
24 process undertaken that did involve a
25 public informational meeting for

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2 residents of Colden Park which
3 involved studying that particular
4 hamlet. There was a draft document
5 that was produced by the Town's
6 consultants, but never formally
7 adopted or accepted by the Town
8 Board, which did discuss the
9 possibility of mixed use as one
10 avenue of addressing both the
11 pedestrian friendly nature of
12 hamlets, and connectivity with
13 existing residential areas, and the
14 other Town objective of providing
15 housing which is one of the
16 comprehensive plan objectives.

17 MS. GONYEA: However, it did
18 not elucidate the intent and purpose
19 of the use of hamlet in terms of East
20 Coldenham. Is this indeed that
21 process now?

22 MR. TAYLOR: Actually, that
23 particular draft did --

24 MS. GONYEA: It did get
25 approved?

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2 MR. TAYLOR: Correct. This is
3 certainly an avenue of (inaudible).
4 It doesn't -- is it the only possible
5 avenue? No. It is an avenue of
6 possible implementation that the
7 Board is considering.

8 SUPERVISOR PIAQUADIO: Ms.
9 Gonyea, also I think Scott Manley
10 actually has that report from way
11 back when.

12 MS. GONYEA: Maybe I'll look at
13 it.

14 SUPERVISOR PIAQUADIO: Maybe
15 you'll look at it. We'll get it to
16 you.

17 MS. GONYEA: Thank you, Mark.
18 Can I continue?

19 All right. My major concern
20 has to do with the closeness of the
21 multi-purpose area so very close to
22 the school. I think anyone who
23 drives up and down Route 17K and
24 passes the high school and knows the
25 confusion as a result of Dollar

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2 General being directly across from
3 one of the schools in our school
4 district might relate to this.

5 Now, we have easily had the
6 State put in probably four or five
7 additional traffic lights as we pass
8 from Newburgh into Montgomery, and
9 some of them are in very close
10 quarters of each other. This would
11 put, in my mind, a need for a
12 different kind of traffic control.
13 So that is an issue I would like to
14 see addressed. I would like to know
15 what the answer to that is. And if
16 indeed it is not -- if anybody sees
17 it as a question, that it could be
18 studied.

19 The business about parklands in
20 exchange for additional acreage, I'm
21 not sure where the particular parcel
22 of property was but it was on that
23 side of Colden Park that was deemed
24 too marshy to put roads through.
25 Indeed would that still be the case,

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2 because no work has been done there
3 to drain those marshes, nor, in my
4 opinion, being environmentally
5 concerned, should there be. So I am
6 aware that there are many people who
7 live in our area that want to
8 preserve that nature. So whether you
9 exchange that -- if you exchange with
10 the builder, you're still going to
11 infringe on what was previously found
12 to be not good land to build on or
13 access into. So I think that's
14 important to consider.

15 Also the height issue. If it
16 says 35 feet, it means 35 feet, not
17 45 feet. So what are you going to do
18 about that? I don't care if it's a
19 pretty cupola, it's still 45 feet.
20 That needs to be dealt with with air
21 traffic control. Has that been done?

22 I think that's enough for now.
23 I'm sure other people might have
24 adjacent conversation.

25 SUPERVISOR PIAQUADIO: Again,

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2 we're here to listen. We're not going
3 to answer every question.

4 MS. GONYEA: I understand that.
5 I see it's being noted so I hope to
6 see it come up in literature. Thank
7 you.

8 SUPERVISOR PIAQUADIO: Thank
9 you.

10 Anyone else next? This lady
11 here. Again, just let us know where
12 you live and your name to put in the
13 record.

14 MS. MILLER: I'm familiar with
15 the traffic buildup coming out of the
16 Montgomery facility --

17 SUPERVISOR PIAQUADIO: You
18 might have to come a little closer to
19 the mic. They're not going to hear
20 you.

21 MR. ROBERT PIAQUADIO: Excuse
22 me. I see there's people on Zoom
23 raising their hand. If they want to
24 tell them that they'll be after --

25 SUPERVISOR PIAQUADIO: After

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2 the in-person, then we're going to go
3 to Zoom.

4 MR. ROBERT PIAQUADIO: Just so
5 they know.

6 SUPERVISOR PIAQUADIO: Okay.

7 I'm sorry. Go ahead.

8 MALE VOICE: Your name and
9 address, please?

10 MS. MILLER: I'm Kathy Miller,
11 I'm at 20 Pierces Road.

12 My only question is is it true
13 they're putting a casino in the
14 Newburgh Mall? Because I'm here to
15 object. When I was out in Montgomery
16 I was the only person that showed up
17 at the meeting there. A developer
18 came and was going to put a casino
19 over there and --

20 SUPERVISOR PIAQUADIO: Can I
21 mention one thing? I don't want to
22 cut you off. This public hearing has
23 to do with the overlay of residential
24 and commercial at Colden Park.
25 That's the only reason we're speaking

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2 here. It's being recorded. There's
3 a stenographer. So I appreciate your
4 comments. This is not the casino
5 meeting. This is the meeting --

6 MS. MILLER: Okay. Is there
7 going to be a meeting for that over
8 here --

9 SUPERVISOR PIAQUADIO: Those
10 meetings were already held. The
11 Planning Board has held them and --

12 MS. MILLER: Okay. I just want
13 to know who approved it, because I
14 think it's ridiculous and it's a
15 death sentence, for not just the Town
16 but for the city.

17 To talk about (inaudible), it's
18 about timing. Got one for the
19 Newburgh Animal Control because we
20 were promised it back in 2000 and it
21 was a rat trap back then. Holes in
22 the walls. It hasn't been done and,
23 you know, all this talk about
24 building.

25 My last remark is the steeples

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2 in Newburgh. Newburgh has more
3 steeples than anywhere. They're
4 known as -- my brother-in-law gave me
5 the book about that. They're known
6 as the City of Steeples. You just
7 don't know what you have if you're
8 putting a casino in the Town.

9 SUPERVISOR PIAQUADIO: All
10 right. Thank you for your comments.

11 Does someone else want to speak
12 -- come forward, identify yourself --
13 on this topic? We've got three at
14 once. You first.

15 MR. SKAHEN: My name is Tim
16 Skahen, I'm at 49 Westwood Drive in
17 Colden Park. I just have a couple of
18 questions.

19 One was on the discrepancy
20 between 45 feet -- between the main
21 plan and the bonus plan. The main
22 plan talks about two-story buildings
23 there. How you get to 45 feet with a
24 two-story building I'm not sure.
25 When you talk about the bonus plan,

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2 does that two-story limit also apply?
3 In other words, it sounds like those
4 are apartment houses you're talking
5 about.

6 MR. TAYLOR: Those are subject
7 to the 35 foot (inaudible) the
8 Planning Board's ability to raise the
9 35 to 45 as it has with the mixed use
10 buildings (inaudible) want to include
11 some sort of architectural feature.

12 MR. SKAHEN: Okay. So that's
13 also a two story --

14 MR. TAYLOR: 35 is a typical
15 two story.

16 MR. SKAHEN: The second thing
17 was there was a plan presented a
18 couple of years ago for the section
19 of land that went from Racquet Road
20 and a piece of this where the bar was
21 on the back between Pilot and
22 Windwood, and there was a fairly
23 large proposal for that. I don't
24 know if that ever got fully approved.
25 It was a zoning change and -- is that

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2 related in any way to this? Would it
3 be the same kind of thing?

4 MR. TAYLOR: If you pull up the
5 map --

6 SUPERVISOR PIAQUADIO: Bobby,
7 can you pull that map up?

8 MR. TAYLOR: Some of the
9 parcels fronting on Route 17K may be
10 the front portion of that property.
11 The rear portion is not proposed to
12 be incorporated within this zoning
13 amendment, although I have to tell
14 you the owner of that property has
15 expressed interest in what's being
16 proposed here.

17 MR. SKAHEN: He was on that
18 presentation a couple years ago.

19 MR. TAYLOR: No zoning
20 amendment has been considered with
21 respect to the balance of that
22 property, no.

23 SUPERVISOR PIAQUADIO: Bobby,
24 can you get the map up?

25 MR. ROBERT PIAQUADIO: Dave

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2 Smith --

3 MR. SMITH: Yup.

4 SUPERVISOR PIAQUADIO: There it
5 is.

6 MR. TAYLOR: So some of
7 those --

8 MR. SKAHEN: I'm sorry. I know
9 nobody can see it. That was going to
10 be basically here. At one point it
11 was going to be the casino or
12 something like that.

13 MALE SPEAKER: There's been a
14 lot of proposals.

15 MR. SKAHEN: Yeah. That was
16 basically back in here from Pilot or
17 whatever on. They were going to put
18 a light there. It was kind of a
19 mixed use proposal. I thought a
20 casino. It sounds almost like what
21 you're proposing here but it seems
22 unconnected.

23 MR. TAYLOR: Except for the
24 area in the front which you can see
25 is within the boundaries, no rezoning

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2 has been proposed for that property.

3 As I mentioned, among the uses
4 that are allowed in the business
5 district are senior housing and
6 affordable housing. So potentially
7 the owner could propose those in
8 conjunction with business uses that
9 are permitted.

10 MR. SKAHEN: Okay. Thank you.

11 SUPERVISOR PIAQUADIO: Thank
12 you, sir.

13 We had two others jump up at
14 the same time. Do you want to come
15 forward? There you go.

16 Vito, just your address and
17 name.

18 MR. DICESARE: Vito Dicesare, 3
19 Arbor Drive, Colden Park. I've been
20 there since `71.

21 Is this also for statements as
22 well as questions?

23 SUPERVISOR PIAQUADIO: Absolutely.

24 MR. DICESARE: Let me start
25 with the quality of life in Colden

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2 Park has deteriorated significantly
3 with the advent of additional places
4 that have been put in, including
5 Pilot.

6 I'd like to just address a few
7 things.

8 SUPERVISOR PIAQUADIO: Vito,
9 before you do, do you want to step
10 closer to the microphone? Maybe pull
11 it down a little bit.

12 MR. DICESARE: Thank you. I'll
13 use my principal voice.

14 The size of a building somehow
15 seems to be in question. We have a
16 two-story building across at the
17 entrance of Colden Park and that's
18 supposed to be two stories. What is
19 placed upon the ground, it's now
20 three stories. Part of why I say
21 this is that what you put into the
22 height development of your
23 apartments, and that's what they'll
24 be, will have a significant impact.
25 I can no longer see a sunset any

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2 more, and the quality of life there
3 is bad. There's traffic overflowing
4 from that. I don't know how that was
5 approved as a two-story and I don't
6 know who gave the recent upgrade to
7 it.

8 I'll come back to the first and
9 basic thing. I'm against this
10 development. As it is now, you can
11 not get past from 84 to Colden Park
12 and pass there without significant
13 traffic delays. The corner of Rock
14 Cut and Stone Castle is just bad.
15 It's an accident waiting to happen.
16 A couple of farms as it is now.
17 People, without question, every
18 single day when someone is trying to
19 make a left turn to go down past
20 Cumberland Farm on that side, they're
21 driving up on the sidewalk and on the
22 road by, I guess it's -- I'm going to
23 say the sunflower farm, or whatever
24 it is. That's just an accident
25 waiting to happen.

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2 The number of people that
3 you're trying to put that could be
4 allowed in this development, that's
5 what I -- I consider the term hamlet.
6 This is an oxymoron. This is an
7 obscene definition. A hamlet is a
8 tiny village of six or eight houses
9 without a central structure. Has
10 anyone even looked at the definition?
11 This is just basically a mixed use,
12 business/residential/apartment
13 situation. That's not a hamlet. I
14 don't know who came up with that
15 terminology, but it's not a hamlet.

16 Colden Park was a residential
17 area. It got its first -- that's why
18 I went through the first part of
19 this. The house on the end, that was
20 a house turned into an office
21 building, now it's a law firm. That
22 was a house supposed to be built.

23 This will definitely change the
24 quality.

25 First of all, no one is going

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2 to be walking to stores from Colden
3 Park. Not from there. We don't even
4 know what's there. It basically
5 seems to be almost a subset or a
6 segregated village per se. Senior
7 citizens would not be able to really
8 walk there. Colden Park, they
9 wouldn't walk there. There's only
10 one place I know in Orange County
11 where people walk as a subset.

12 So I question what type of
13 individuals and what kind of
14 circumstances you're expecting to
15 live here. That's my first. So the
16 quality of life just with congestion.

17 I won't get into the water
18 runoff. I won't talk about taxes.

19 But my question would be are
20 there any tax circumstances that
21 these people will get as tax
22 incentives? As a superintendent of
23 school I saw all kinds of tax
24 incentives and deferments for
25 businesses, and as soon as those

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2 incentives left, the business left
3 and the taxpayers picked up the rest.

4 You have water and sewer. I
5 get notices all the time about the
6 water quality in the Town of
7 Newburgh, and it's substandard. I
8 don't know how many years that's been
9 going on.

10 I know we have a separate sewer
11 system that needs upgrading.

12 My question is has that been
13 looked at as far as the financial
14 impact on the residents? Additional
15 people need water. Additional people
16 need water and sewer. You have more
17 people going back and forth.

18 Recently it was known that both
19 the Town and the City of Newburgh
20 have received numerous sex offenders.
21 I have no idea what the situation is
22 going to be, but that depends on the
23 quality and whether or not these are
24 rental apartments, condominiums that
25 people buy, et cetera. That's a

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2 concern as a former superintendent.
3 That's about safety.

4 Children walk to Colden School.
5 I don't know what the impact on the
6 school district will be. I don't
7 know if there will be children there.

8 A mixed zone. If it's just
9 businesses there's no problem with
10 the school district. If you have
11 children and they're not paying taxes
12 or they're senior citizens paying
13 less, that's an impact on my school
14 taxes.

15 So I started with I really
16 don't think that this is a good
17 thing. I don't think it's named
18 right. I think it should be named
19 exactly what it is. It's a zoning
20 variance mixed zone usage, and it
21 does not benefit the people of Colden
22 Park. Thank you.

23 SUPERVISOR PIAQUADIO: Just a
24 second, before you sit down.

25 MR. DICESARE: Sure.

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2 SUPERVISOR PIAQUADIO: You're
3 standing there, the Norman Rockwell
4 speaking at Town Hall. Do you see the
5 person?

6 MR. DICESARE: Yes.

7 SUPERVISOR PIAQUADIO: (Inaudible).
8 Thank you.

9 Whoever is next, name and
10 address.

11 MR. CAPORICCIO: James Caporiccio,
12 5 Arbor Drive. I have a property in
13 Colden Park as well. My family has
14 been in Colden Park. We're originals.

15 A few points I just wanted to
16 clarify. I'm not too keen on legal
17 jargon. So the possibility to
18 increase the 45 feet, anything above
19 35 feet would not be usable space?
20 Okay. So that turns these -- this
21 letter we got in the mail seems like
22 we're going to get two-story
23 structures. That term seeds into
24 three-story structures.

25 There was another comment on

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2 limitations on colors, materials,
3 things of that nature. Would a
4 (inaudible) structure be required or
5 without that variance would they have
6 the ability to go to a three-story
7 structure?

8 MR. TAYLOR: The mixed use
9 proposal is for there to be ground
10 floor commercial and second floor
11 residential. There's no provision
12 for a third floor. The 35 foot
13 limitation applies to the residential
14 dwellings. With (inaudible)
15 permission, it would increase to 45
16 feet with respect to residential
17 dwellings.

18 MR. CAPORICCIO: So that would
19 allow the first floor commercial
20 space at two stories, a residential
21 above it?

22 MR. TAYLOR: No. It's ground
23 floor, second floor.

24 MR. CAPORICCIO: Another
25 question in regards to the donation

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2 of 10 acres. That would allow up to
3 forty units. That's over multiple
4 buildings?

5 MR. TAYLOR: Potentially, yes.

6 MR. CAPORICCIO: Just because
7 it contradicts the 60,000 square foot
8 maximum if we're looking at 1,000
9 square foot per unit.

10 MR. TAYLOR: The 60,000 maximum
11 applies to the usage.

12 MR. CAPORICCIO: Okay. And then
13 I'm assuming this would be a separate
14 hearing obviously, but would this set
15 precedent for lot, I think it's
16 88-25-22 behind what is now -- behind
17 Westwood or -- I apologize. At this
18 current juncture, I don't even --
19 does this involve an easement for any
20 type of access to that property?

21 MR. TAYLOR: Could you just
22 point out --

23 MR. CAPORICCIO: I believe,
24 from what I saw on the tax map, this
25 is lot 22.

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2 MR. TAYLOR: That's outside the
3 proposed boundaries for this overlay
4 district. As I mentioned to the
5 other gentleman, the owners of that
6 property do have an interest --
7 expressed an interest in --

8 MR. CAPORICCIO: But once we
9 set a precedent for hamlet zoning in
10 the Coldenham district, that's pretty
11 much a given. It would be a separate
12 hearing?

13 MR. TAYLOR: Yeah. Each area
14 would be subject to a hearing.
15 Zoning is a legislative act.
16 Precedent doesn't apply to
17 legislative acts.

18 MR. CAPORICCIO: Okay. And
19 then you mentioned the 50-foot buffer
20 with 20 foot being the true buffer --
21 30 feet with 20 of that being allowed
22 to be drivable. Would that also be
23 allowed to be a parking lot?

24 MR. TAYLOR: I'm sorry, I would
25 have to flip pages to find it. I

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2 can't give you that answer.

3 MR. CAPORICCIO: Okay. And
4 then the other concern was loading/
5 unloading areas, docks,
6 drive-throughs of that nature would
7 be allowed on the sides of these
8 structures. Would it be allowed on
9 the side of structures backing
10 existing dwellings?

11 MR. TAYLOR: If a proposal had
12 a side yard facing existing
13 buildings, that's a possibility. It
14 would be something for the Board to
15 consider.

16 MR. CAPORICCIO: So we had one
17 regarding a warehouse in the past and
18 part of that would have been the bulk
19 of the lighting, loading bays, all
20 that being on the opposite side of
21 the property than the current
22 residences.

23 SUPERVISOR PIAQUADIO: One
24 thing I want to say, too, is what
25 we're doing really at this public

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2 hearing is the concept of the
3 overlay. As far as what's going to
4 go where, that's going to be Planning
5 Board stuff.

6 MR. CAPORICCIO: I understand
7 that. If it's allowed in the hamlet
8 zoning. I know that with the
9 previous warehouse provision that the
10 owner went for, it was included that
11 there would be specific lighting
12 situations and loading areas away
13 from the residences. I think that's
14 -- I mean obviously the major
15 concerns here are going to be
16 traffic, additional commercial with
17 tax issues with that, and then buffer
18 zones for everybody in the
19 development. Those are our major
20 issues.

21 That's all I have. Thank you.

22 SUPERVISOR PIAQUADIO: Thank
23 you so much.

24 MR. COWEN: Ian Cowen, 27
25 Windwood. Like all my neighbors

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2 said, we all have the same concerns.

3 One thing that wasn't brought
4 up that I'm very concerned about is
5 the (inaudible). We're talking about
6 building apartments. We're talking
7 about giving up acres of land for
8 environmental use which has already
9 been zoned not usable to begin with.
10 Kind of in my mind it sounds like,
11 you know, one hand washes the other
12 kind of thing.

13 So is there actually going to
14 be a park there? Are people going to
15 be able to go there? Is there going
16 to be something or is this just
17 unusable space that they're donating
18 that they can't use anyway to build
19 more apartments?

20 And are we going to have any
21 restrictions on what these apartments
22 go for? Are these going to be
23 Section 8 housing? Are they going to
24 be, you know, government subsidized
25 housing that's going to affect all of

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2 our property values, our school
3 systems and all this stuff?

4 So those are my main concerns
5 that weren't brought up.

6 SUPERVISOR PIAQUADIO: I
7 appreciate it. Thank you.

8 Anyone else we have? Here we
9 go, Mr. Brew.

10 MR. BREW: Andrew Brew of 5
11 Westwood Drive, Town of Newburgh.

12 Along my property line, in
13 Colden Park, Westwood Drive, there's
14 a stream running through there. With
15 heavy rains the stream overflows the
16 curbing, overflows the street and
17 water is up to the very top and
18 flowing right over the road which is
19 eroding it. Okay.

20 Number two, the most important
21 thing is -- this is going back a
22 little bit in history. On November
23 13, 2020 the hamlet zoning is
24 intended to enhance the quality of
25 the surrounding community it serves.

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2 East Coldenham community.

3 Item number 7, it is a valuable
4 tool in elevating the use of the
5 (inaudible) in the neighborhood that
6 are deteriorating and undesirable. I
7 take offense of that. Okay. I got a
8 pretty decent home. To say that my
9 home or any home in Colden Park,
10 Holiday Park, or even as far as
11 Fleetwood. Home is a man's castle.

12 SUPERVISOR PIAQUADIO: Mr.
13 Brew, this Town Board never said
14 that. That had to be at an
15 informational meeting. Right?

16 MR. BREW: I don't know. But
17 anyway, the bottom line is, okay,
18 there are some people within Colden
19 Park that don't have the necessary
20 funding to take care of their
21 property. Because of the seniors at
22 the property, some of those seniors,
23 that's all they've got is Social
24 Security, okay. They don't have the
25 money to improve their property.

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2 They do the best they can. But to
3 say that -- listen, as I read it,
4 that's just what threw me like a
5 knife. It's wrong to say that.

6 MR. TAYLOR: I'm not sure what
7 document you're referring to. That's
8 not something the Town --

9 MR. BREW: I know that. But
10 this is coming from the developer.
11 That's where it's coming from.

12 MR. TAYLOR: I understand.

13 MS. GREENE: I agree with you.
14 The houses and everything -- I've
15 known Mr. Brew a long time. His
16 daughter was my deputy receiver of
17 taxes. I've known you a long time.
18 The houses out there and the people
19 that are out there are great people.

20 MR. BREW: And they deserve --
21 the terminology that was used is
22 wrong, okay. It's like everybody is
23 supposed to have enough money
24 constantly to keep their places up,
25 but some people don't have that. To

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2 make comments like this, and it's
3 coming -- the proposal for the
4 developer, they're saying everything
5 to make it look nice and flowery for
6 everybody concerned, but that's not
7 the case.

8 MS. GREENE: Mr. Brew, I know
9 everybody on this Board, none of them
10 feel that way or would even say
11 something like that about Colden
12 Park. I know them all.

13 SUPERVISOR PIAQUADIO: Mr.
14 Brew, do you have something other
15 than that?

16 MR. BREW: That's it. Thank
17 you.

18 SUPERVISOR PIAQUADIO: All
19 right. Come on up.

20 MR. MURPHY: First of all, I'm
21 horrible at public speaking and I get
22 very nervous and I lose track of what
23 I'm trying to say.

24 I have three things I'd like to
25 say.

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2 MALE SPEAKER: Just give us
3 your name, sir.

4 MR. MURPHY: I'm sorry. My
5 name is Tom Murphy, I live at 13
6 Fleetwood Drive.

7 I just want to point out where
8 that is on the map. Right about
9 here.

10 I didn't receive any
11 information about this development.
12 I learned about it on Facebook and --
13 this hearing was talked about on
14 Facebook. I think I should've gotten
15 one.

16 There's one road that goes into
17 Colden Park, Arbor Drive. There's a
18 lot of people underneath me that
19 haven't received any information
20 about this either -- about this
21 matter.

22 The other thing I'd like to say
23 is I drive by Pilot every day. 5:00
24 in the morning, the traffic lights
25 backup. There's tractor trailers

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2 sleeping on the shoulder of the road
3 -- shoulder of the entrance ramps
4 because the Pilot gets overfull, so I
5 guess they say you can't sleep here
6 so we're going to put you out onto --
7 you know, get lost, go somewhere
8 else, and they sleep on the shoulder
9 of the road. We have three tractor
10 trailers, that creates a dangerous
11 traffic situation because the cars
12 are trying to get out and get on the
13 ramp (inaudible). So that's another
14 thing I wanted to say. Pilot is
15 really affecting that intersection.
16 The tractor trailers run the red
17 light from Pilot or on 17K. They
18 slow all the cars coming down and it
19 just creates jams.

20 The third thing is I take my
21 son, since he's five years old -- I
22 actually taught him how to ride a
23 bicycle at East Coldenham Elementary
24 School. I taught him at that
25 intersection you cannot trust that a

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2 car is going to stop. Almost every
3 time the light turns red, three or
4 four cars go right through that red
5 light. I said you're not going to
6 win. Even though you've got the
7 right of way, you're not going to win
8 if you get hit by a car. 55
9 miles-an-hour, 60 miles-an-hour I
10 would say those cars are going
11 through those intersections, trying
12 to beat the next light, trying to
13 just -- it's pretty crazy sometimes.

14 That's what I wanted to say.

15 SUPERVISOR PIAQUADIO: Thank
16 you.

17 MALE VOICE: I can tell you one
18 thing, sir. I wouldn't have my kids
19 on that highway.

20 MR. MURPHY: We walk our bikes
21 across the road.

22 MALE VOICE: I would stay right
23 in Colden Park.

24 (Inaudible conversation.)

25 SUPERVISOR PIAQUADIO: Okay.

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2 Thank you.

3 Do we have anyone else in the
4 house? Come on up.

5 MR. BISSINGER: Good evening,
6 everybody. My name is Charles
7 Bissinger, I live at 43 Windwood.

8 One of my main concerns with
9 any kind of development going in up
10 there, especially when they're
11 talking about a mix of commercial and
12 residential, is is there going to be
13 enough parking spaces up there for
14 the residents, their guests, the
15 employees, the deliveries and the
16 shoppers? One of my main concerns is
17 if people don't park, they start
18 parking on Arbor Drive. There's only
19 one artery into Colden Park and out
20 of Colden Park. If cars are parked
21 on Arbor Drive, that's blocking our
22 emergency exit and entrance. So
23 whatever goes in is going to have to
24 have adequate enough parking to keep
25 our area safe.

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2 MALE VOICE: Especially on
3 Halloween.

4 MALE VOICE: Not to interrupt,
5 but that's already happening.

6 SUPERVISOR PIAQUADIO: Here's
7 one thing we can't do. We can't
8 speak out because there's a
9 stenographer. If you talk, she don't
10 know what to do, how to put down who
11 said what. You'll have a turn to ask
12 again.

13 Go ahead. That's it?

14 MR. BISSINGER: My concern is
15 we stay safe. Thank you.

16 SUPERVISOR PIAQUADIO: Thank
17 you. I appreciate that.

18 Anyone else who hasn't already
19 spoke once inhouse?

20 (No response.)

21 SUPERVISOR PIAQUADIO: Okay. I
22 see no one else inhouse that wants to
23 speak again.

24 Bobby, we can go to Zoom. I'm
25 going to ask those at home, we

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2 certainly want to hear from you.
3 Again, you can identify yourself,
4 your name and address. In other
5 words, we want to hear from you but
6 we don't have to hear the same thing
7 over and over. Everything has been
8 recorded. The stenographer is going
9 to record it. If everyone wants to
10 keep saying traffic, traffic,
11 traffic, that's fine but we get it.

12 Do you want to open it up to
13 somebody, Bobby.

14 MR. ROBERT PIAQUADIO: I'll
15 start with Danny. I'm going to ask
16 him to unmute.

17 MR. KELLY: Good evening,
18 everybody. My name is Dan Kelly, I
19 live in Colden Park on Sandalwood
20 Drive. Can you hear me?

21 SUPERVISOR PIAQUADIO: Yes.

22 MR. KELLY: Three issues.
23 First off, zoning shouldn't be done
24 in a spotted fashion. You should be
25 looking at the whole of the area

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2 rather than these two particular
3 lots.

4 But with that said, across from
5 Racquet Road, that lot, I think we
6 should all be grateful for the owner
7 who took the time and the money to
8 tear what was there down. He did us
9 all a big favor.

10 Secondly, on that lot it's
11 zoned business. Most certainly this
12 is a better use than a lot of
13 business uses that could go into
14 that. So I really have no objections
15 there for this overlay on that lot.

16 My main objection to that lot
17 is it's also zoned for adult use.
18 Across the street is also zoned for
19 adult use. That should be changed.
20 Those two adult uses close to the
21 school should be removed.

22 I know you don't want to hear
23 about traffic, but across the street
24 from that particular lot is zoned
25 interchange business. To mix the

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2 two, clearly traffic is just going to
3 be overwhelming. So if you're going
4 to have an overlay like this, put it
5 across the street also, this way you
6 would have some type of continuity.

7 My other comment would be
8 across from Coldenham School, that
9 lot which is now zoned residential,
10 just let sleeping dogs lie. The
11 people in Colden Park are not going
12 to benefit from a multi-business use
13 there. We would prefer just to have
14 residential there. It's not going to
15 overwhelm the area and it's not going
16 to overwhelm our water systems or our
17 streams.

18 So those are my only comments.
19 Thank you.

20 SUPERVISOR PIAQUADIO: Thank
21 you very much.

22 Bobby, can we go to the next
23 one?

24 MR. ROBERT PIAQUADIO: Darren
25 Weber.

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2 MR. WEBER: Hi, everyone. Good
3 evening. My name is Darren Weber, I
4 work for the owner of Stewart
5 Commons, LLC which owns several lots
6 across the street from Racquet Road
7 that Danny was just talking about.

8 Danny, you're welcome for
9 taking down those buildings. It was
10 an eyesore. It was about time that
11 that was taken care of. We're happy
12 that that's done.

13 My question, it kind of echoes
14 on what Danny was saying. I'm just
15 curious how the overlay district was
16 determined and why some parcels are
17 included and why some are not? For
18 example, 30.1 and 30.2 which we own
19 is included but 25. -- 25.22, 26, 31
20 and 32 are not included. 31 and 32
21 just seems like, you know, that's a
22 no brainer. If you're going to have
23 the overlay district go all the way
24 down to Pilot, you know, why wouldn't
25 those be included? But they weren't.

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2 So that's pretty much my question,
3 why weren't -- why does that area
4 stop abruptly and it's not including
5 some of the other parcels?

6 SUPERVISOR PIAQUADIO: I don't
7 know if we're going to answer your
8 question but we'll take your comment
9 and get back to you.

10 MR. WEBER: We don't know why
11 this stops where it does?

12 SUPERVISOR PIAQUADIO: Well,
13 why does the line stop --

14 MR. WEBER: How was it
15 determined to include the parcels
16 that it includes?

17 MR. TAYLOR: As I mentioned
18 earlier, we were approached by -- the
19 Town Board was approached by a
20 property owner with respect to their
21 particular property. We then
22 referred the matter to the Town's
23 Consultant Planner, Mr. Smith, who is
24 onboard to actually look at what
25 would be the appropriate area to

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2 potentially include within the hamlet
3 overlay zone. All of the parcels
4 that are included in the overlay zone
5 have frontage on 17K. I believe the
6 eastern ends of the parcels that were
7 in the B district boundary. After
8 you finish we can ask Mr. Smith with
9 respect to his recommendation as far
10 as the boundaries go.

11 MR. ROBERT PIAQUADIO: Do you
12 want to speak to Dave Smith now?

13 SUPERVISOR PIAQUADIO: Let's
14 let Dave comment on that.

15 MR. SMITH: I'm sorry. Did you
16 want me to provide a response?

17 MR. TAYLOR: If you don't mind,
18 Dave.

19 MR. SMITH: Okay. So just
20 looking, as Mark mentioned, the
21 properties in the proposed area all
22 front on 17K. I think part of what we
23 were looking at is if you'll see in
24 the graphic there are these -- you
25 know, a V. Those related to vacant

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2 properties. I think part of what the
3 zoning district is intended is that
4 those properties are underutilized,
5 and so that's why they were included
6 along with the balance of the
7 property to the west of Arbor Drive.
8 There was no -- at least on my part,
9 there was no reflection of ownership.
10 It was just looking at the parcel
11 size, looking at the land use
12 activity and understanding that there
13 may be some value in allowing for
14 this type of zoning to occur where
15 you've got the access to 17K and you
16 also have the vacancies and the
17 underutilized aspect of the
18 properties.

19 SUPERVISOR PIAQUADIO: Thank you,
20 Dave.

21 MR. WEBER: What about lots 31
22 and 32 which are right next to that
23 that have 17K frontage?

24 MR. SMITH: That's up to the
25 Board if they want to include those.

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2 That's part of the purpose of having
3 tonight's public hearing, is to get
4 input from the public and to say
5 perhaps you should include more or
6 less area as part of the proposed
7 zoning.

8 MR. WEBER: Okay. Thank you.

9 MR. SMITH: You're welcome.

10 SUPERVISOR PIAQUADIO: Thank you.

11 Bobby, can we go to somebody
12 else?

13 MR. ROBERT PIAQUADIO: Mr.
14 Smith, if you could stop sharing the
15 screen.

16 So I'm going to say anyone who
17 knows how to raise their hand on
18 Zoom, please do it now so it speeds
19 up the process. But the next would
20 be Nancy Tuttle, I'll ask to unmute
21 if she wants to speak.

22 MS. TUTTLE: Hi. I'm Nancy
23 Tuttle, I live at 16 Westwood. You
24 have a 50-foot buffer zone. I live
25 -- my backyard would butt up against

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2 the development. I'm just wondering,
3 that buffer, it being 50 feet, 30 of
4 it could be grassland or whatever and
5 20 of it -- up to 20 feet would be
6 considered like roadway or whatever.
7 Are there any rules that state that
8 fencing has to be put in, because I'd
9 like to protect my backyard and I
10 really don't want anyone looking over
11 into my backyard? I would like to
12 maintain my privacy.

13 SUPERVISOR PIAQUADIO: I think
14 on that one, again we'll take it
15 under consideration. Again, it's
16 going to be a Planning Board thing,
17 if it ever gets to the Planning
18 Board.

19 MS. TUTTLE: I would like my
20 backyard to remain private. I think
21 I speak for the rest of the neighbors
22 that are going to be bordering this
23 development. Thank you.

24 SUPERVISOR PIAQUADIO: Do we
25 have any separation between retail

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2 and residential in the code
3 currently?

4 MR. TAYLOR: Yes. As I
5 mentioned, this is basically
6 implementing those requirements, but
7 the requirements that apply aren't
8 restrictive for residential
9 (inaudible). The Board could
10 consider including a fencing
11 requirement if it feels it's
12 appropriate.

13 SUPERVISOR PIAQUADIO: They're
14 showing me here that your residence
15 is where the park area would be. We
16 pulled it up on the screen. What was
17 your address again, please?

18 MS. TUTTLE: 16 Westwood.

19 SUPERVISOR PIAQUADIO: 16
20 Westwood. You wouldn't have -- the
21 development wouldn't be by you. It
22 would be the land donated to the Town
23 for parkland. It would stay
24 untouched.

25 MS. TUTTLE: That's good to

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2 hear. Thank you.

3 SUPERVISOR PIAQUADIO: All
4 right. Someone else we've got,
5 Bobby?

6 MR. ROBERT PIAQUADIO: Chris
7 Tigh. If they want to speak they can
8 unmute.

9 MR. TIGH: Hello. Can you hear
10 -- okay, good. Chris Tigh, 64
11 Westwood Drive.

12 Mark, a question for you, and I
13 apologize if this has been addressed.
14 It's been a little hard to hear
15 what's going on in the room on Zoom.
16 But regarding that 45 foot height
17 restriction -- I should say the 35
18 foot, and it could be determined, if
19 I understood right, that the Planning
20 Board could make an exception to go
21 higher. Does the Town Board have the
22 ability, if it passes the zoning, to
23 absolutely restrict that number to 35
24 feet so that exceptions cannot be
25 made?

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2 MR. TAYLOR: Depending on the
3 materiality of the change, it
4 potentially would require a second
5 public hearing. But yes, it
6 certainly could restrict the 35 feet.

7 Now, property owners do have
8 the ability to apply for variances
9 from the Zoning Board of Appeals from
10 almost any bulk requirement.

11 Certainly they could apply for a
12 variance from any height limitation.
13 We see it frequently in the Town.

14 MR. TIGH: Would the same be
15 true if they were to go for say a
16 density bonus? The Town Board
17 wouldn't necessarily have the ability
18 to restrict them now for going for
19 that sort of thing. That's something
20 that is strictly up to the Planning
21 Board. Do I understand that right?

22 MR. TAYLOR: There are two uses
23 which allow density bonuses. Those
24 are for senior and for affordable.
25 Neither of those is permitted in the

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2 R-1 District.

3 MR. TIGH: Okay.

4 MR. TAYLOR: There's no
5 provision that would allow density
6 bonuses for mixed use proposals and
7 there's no provision to increase the
8 cap for the parkland bonus housing.

9 MR. TIGH: Okay. In the master
10 plan there is reference to -- prior
11 to any potential zoning change, a
12 study potentially being done to do
13 that sort of thing. I just -- I
14 don't know that this is a question.
15 I think I just want to point out that
16 that is something that is actually in
17 the master plan and the Board might
18 want to consider, if it does move
19 forward, that.

20 And likewise, that being said,
21 would it be wise to conduct some sort
22 of traffic study in conjunction with
23 this? If not, would that be a
24 question for the Planning Board to
25 compel a potential developer to do

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2 maybe a traffic study that might be
3 above and beyond or would they be
4 strictly limited to what's required
5 by law?

6 MR. TAYLOR: Well, in my
7 presentation I mentioned the fact
8 that once the Town Board assumes the
9 lead agency, and certainly can, in
10 the environmental review process it
11 certainly can consider potential
12 traffic impacts of the zoning
13 amendment and commission basically
14 what would be the maximum build out
15 under the hamlet zoning versus
16 maximum build out under what's
17 permitted presently. As part of a
18 site specific review, certainly
19 traffic is always a consideration,
20 and it's typically the Planning Board
21 which is the agency in that process.
22 It would be up to them to determine
23 whether to require or what level of
24 traffic study to require in
25 connection with the specific

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2 proposal. It would be up to the
3 Planning Board in connection with any
4 particular application.

5 MR. TIGH: Okay. And regarding
6 the zoning, and again I do apologize
7 because it was a little hard to hear
8 on this end everything that was said.
9 But Mark, if I heard you right, doing
10 this kind of overlay does not create
11 a precedent for other zoning around
12 the Town, similar zoning?
13 Specifically what I'm thinking of is
14 would that allow a project like Pilot
15 to do or request something more than
16 they already have on their site
17 because the zoning was allowed?

18 MR. TAYLOR: No. Zoning,
19 again, is a legislative act. It does
20 not create precedent. It's a
21 discretionary act by the Town Board.
22 That is not an administrative
23 decision or anything along those
24 lines. It's discretionary on the
25 Board's part as to whether to enact

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2 legislation or not. So there is no
3 precedent created by a zoning
4 amendment which applies to a specific
5 area.

6 SUPERVISOR PIAQUADIO: I see
7 your hand up. We have to go through
8 this before we get back to some
9 people twice. Just standby, please.

10 MR. TIGH: I just have one more
11 quick question. Again Mark, this was
12 touched on before. Someone mentioned
13 something about spot zoning. Could
14 you just speak to that a little bit,
15 regarding whether or not something is
16 in fact spot zoning like this?

17 MR. TAYLOR: Certainly when
18 only one property or property is
19 involved in a zoning amendment, it is
20 open to a potential challenge due to
21 the principle of spot zoning.
22 Although there is some precedent with
23 respect to if the rezoning or zoning
24 amendment is contemplated in the
25 comprehensive plan as to whether or

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2 not it constitutes spot zoning or
3 not.

4 In this case you have eight
5 separate properties which are the
6 subject of the potential zoning
7 amendment which extend to Colden
8 Park. I think any sort of challenge
9 to this particular amendment as spot
10 zoning would have a difficult hurdle
11 to jump over to reach a conclusion
12 that it was spot zoning.

13 MR. TIGH: Okay. That was my
14 last question. Thank you, Mark.

15 SUPERVISOR PIAQUADIO: Thank
16 you very much.

17 We have Edith.

18 MR. ENG: Hi. This is Edith's
19 husband, Paul Eng. We live in 11
20 Holiday Park. Can you hear me?

21 SUPERVISOR PIAQUADIO: We can
22 hear you.

23 MR. ENG: So we moved here
24 about a year ago from New Windsor in
25 Knox Village. We moved here because

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2 it was a better quality of life. We
3 moved because right next to us there
4 was a girl that was murdered because
5 -- I don't know what the -- what the
6 reasons were. But someone broke into
7 her window and shot up the whole
8 apartment. We were twenty feet away
9 from that.

10 What you're describing in this
11 mixed use zoning, it could mean that
12 there could be more apartment
13 buildings being built in this area.
14 Substance abuse rehabilitation across
15 from the school, across from
16 neighborhoods. It could mean
17 different businesses, bars,
18 restaurants. That could mean, you
19 know, rowdy crowds. That could mean
20 a lot of different things.

21 We also have issues in this
22 neighborhood with water issues, soil
23 erosion from the land that's supposed
24 to be allocated to be zoned. There's
25 a hill that they plowed where it

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2 allows the water to flow right down
3 towards our properties, and there's
4 basically standing water there year
5 around. The outside area is
6 basically unusable because there are
7 mosquitoes and other insects that are
8 undesirable. So having this area
9 zoned for a parking lot or a business
10 will allow for more soil erosion and
11 more water to go into our properties.
12 So I was wondering if you could talk
13 to that.

14 SUPERVISOR PIAQUADIO: I think
15 we can take your comments under
16 consideration. Again, we're not here
17 to answer every question but it will
18 be answered at the end if this
19 project moves forward.

20 I mean there is a thing called
21 MS-4 about how much water you can
22 discharge off your property. Right,
23 Pat? He's the engineer. That will
24 be addressed going forward. Any
25 property will be. Right?

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2 MR. HINES: Yes. During the
3 Planning Board review process they
4 would evaluate any drainage impacts.

5 SUPERVISOR PIAQUADIO: Thank
6 you.

7 Does somebody else have their
8 hand up?

9 MR. ROBERT PIAQUADIO: We've
10 got Craig.

11 MR. SKALA: This is Craig. I
12 also live in Holiday Park. I'm 13
13 Holiday Park. I'm Paul's neighbor.
14 I've been in here for 32 years and
15 it's been quiet. My grand kids can
16 ride their bicycle up and down the
17 driveway and even out into the road.

18 Now, the development appears to
19 be going right up along the east side
20 of Holiday Park. Is this going to
21 become through traffic off of 17K
22 into the development? I mean that's
23 not what I bought into 32 years ago
24 when I bought into the house, to be
25 -- I'm in a little cul-de-sac, dead

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2 end, nice and quiet like I like it.
3 I don't want it to be the Indy 500
4 when rush hour kicks in to go in and
5 out of the development.

6 SUPERVISOR PIAQUADIO: Craig,
7 as far as I know there's no
8 interconnect between Colden Park and
9 this piece of land.

10 MR. TAYLOR: Holiday Park.

11 SUPERVISOR PIAQUADIO: Holiday
12 Park.

13 MR. SKALA: Okay.

14 MR. ROBERT PIAQUADIO: I see
15 Clay had their hand up before. I'll
16 see if they want to --

17 MR. CLAY: That was just me
18 hitting the wrong thing, Gil. Thank
19 you.

20 MALE SPEAKER: Another
21 gentleman put his hand up.

22 MR. ROBERT PIAQUADIO: He
23 already spoke. We want to get
24 through everyone.

25 SUPERVISOR PIAQUADIO: We'll

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2 get back to you with your hand up.

3 MR. ROBERT PIAQUADIO: David
4 Bayne.

5 SUPERVISOR PIAQUADIO: David.
6 Are you there, David?

7 MR. ROBERT PIAQUADIO: They're
8 not unmuting.

9 SUPERVISOR PIAQUADIO: They've
10 got to unmute if --

11 MR. ROBERT PIAQUADIO: If they
12 don't want to talk they don't have to
13 unmute.

14 SUPERVISOR PIAQUADIO: Okay.
15 We'll go to the next.

16 MR. ROBERT PIAQUADIO: Donette.

17 SUPERVISOR PIAQUADIO: Okay,
18 Donette.

19 MS. SMITH: Hi. I actually
20 didn't put my hand up to say
21 anything. But since you called on
22 me, okay. Gosh.

23 How much do you guys know about
24 this so far? Do you know like the
25 number of units? How many are going

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2 to be designated for seniors or low
3 income?

4 MR. TAYLOR: As far as the
5 zoning goes, there's no provision
6 with respect to designation of units
7 as senior.

8 MS. SMITH: Okay. So we're not
9 sure about that.

10 So the issue about the 35 feet
11 versus 45 feet, I just don't
12 understand why. If something was
13 already planned where the first level
14 was going to be mixed -- I'm sorry,
15 retail commercial and the second
16 level was going to be residential and
17 it's planned and it's 35 feet, why
18 now 45 feet? What's the purpose? If
19 it's not going to be more housing
20 there and it's not going to be more
21 stores, what is it for? Signs?
22 What's going to go there?

23 MR. TAYLOR: The purpose was to
24 afford the ability to incorporate
25 architectural elements that were not

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2 occupied but to potentially add to
3 the appearance of the project. For
4 example, a clock tower or a steeple
5 or something like that.

6 MS. SMITH: So to interrupt the
7 view basically, right? Like the
8 folks are saying, like they want to
9 see their sunset and things like
10 that. But if it's, you know, going
11 that much further really for no
12 purpose other than to, you know, hurt
13 the quality, really, for the people
14 who are there already, then why do
15 it? You know, if it was going to
16 benefit everyone in some way, you
17 know, maybe they might want to
18 consider that. But, you know, it
19 sounds like it's kind of
20 questionable. That's all.

21 SUPERVISOR PIAQUADIO: The
22 height fact that we've heard several
23 times, I'm going to go to sleep
24 thinking about the height.

25 MS. SMITH: Well, you know,

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2 that's part of the job, Gil. You
3 know, sometimes we have to hear
4 things we don't want to hear.

5 SUPERVISOR PIAQUADIO: Do you
6 have anything else other than the
7 height?

8 MS. SMITH: No. That's it.
9 Thank you.

10 SUPERVISOR PIAQUADIO: Thank
11 you.

12 MR. ROBERT PIAQUADIO: I'll
13 just say that we have to go through
14 everyone to make sure --

15 SUPERVISOR PIAQUADIO: Unless
16 they physically put their hand up.

17 MR. ROBERT PIAQUADIO: I'm
18 going to ask them to unmute, wait
19 about five seconds. If they don't
20 unmute, we'll move on.

21 There's Peter Zalikowski.

22 (No response.)

23 MR. ROBERT PIAQUADIO: John
24 Bauza.

25 MR. BAUZA: I have no

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2 questions.

3 MR. ROBERT PIAQUADIO: We have
4 Beth.

5 (No response.)

6 MR. ROBERT PIAQUADIO: There's
7 a lot on the list here.

8 BETH: I have no questions.

9 MR. ROBERT PIAQUADIO: Go
10 ahead, if you want to go back to
11 Danny.

12 SUPERVISOR PIAQUADIO: Let's go
13 back. He's had his hand up for
14 awhile.

15 MR. KELLY: Hi. I'm sorry.
16 I'll be quick.

17 Nancy Tuttle had asked about
18 development behind her property. You
19 had mentioned that that would be
20 parkland. I don't have that
21 indicated on my -- the map that I
22 have. Is there a map available that
23 has the parkland or that 10-acre
24 donation indicated on it?

25 MR. TAYLOR: I believe as part

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2 of their conceptual presentation
3 which Supervisor Piaquadio mentioned
4 the owner of that parcel made during
5 the three Zoom presentations, there
6 was a conceptual plan presented.
7 Certainly we can ask that they
8 provide that plan for folks to view
9 and present it publically to the
10 nearby residents.

11 MR. KELLY: I think that would
12 be important.

13 And I'll be real quick. The
14 rear buffer lands, I've noticed like
15 on the Darrigo property and across
16 from the Newburgh Mall, the stripping
17 of trees is just ridiculous. Is
18 there an amendment that the Town
19 Board or a law that you could pass
20 prohibiting that type of stripping of
21 the trees and actually leaving the
22 natural buffer? In other words, if
23 there's a 50-foot buffer, leave a 50-
24 foot natural buffer with the old
25 growth trees rather than just have

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2 the machines that go in there and can
3 remove 10 acres in a day.

4 But that's all I have. Thank
5 you.

6 SUPERVISOR PIAQUADIO: Thank
7 you.

8 MR. ROBERT PIAQUADIO: Peter
9 Zalikowski unmuted. Did you have a
10 question, Peter?

11 I'll give him a chance to
12 unmute.

13 (No response.)

14 MR. ROBERT PIAQUADIO: Carl
15 Kaplan, a chance to unmute.

16 (No response.)

17 MR. ROBERT PIAQUADIO: There's
18 a Dean Doce. No. Okay. Dean Doce,
19 is that --

20 SUPERVISOR PIAQUADIO: That's
21 Darren Doce, one of the engineers.

22 MR. ROBERT PIAQUADIO: Charles
23 Thorn, if you have a comment you can
24 unmute.

25 MS. THORN: Hi, guys. Hi.

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2 This is Kristine, Charles Thorn's
3 wife. Thank you so much for all the
4 comments. Thanks to my neighbors for
5 coming out. We love our
6 neighborhood. It's been very
7 interesting --

8 SUPERVISOR PIAQUADIO: Kristine, if
9 we can have your address for the
10 record.

11 MS. THORN: Sure. We're at 4
12 Westwood Drive.

13 Like Mr. Brew said, we are in
14 the area where the water flows.
15 That's an issue.

16 I'm concerned about the
17 environment. Concerned about quality
18 of life.

19 I just -- I hoped this would
20 benefit our neighborhood, but
21 everything that I'm seeing or
22 hearing, it doesn't seem like it will
23 benefit our neighborhood. So that's
24 all.

25 It's just been very interesting

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2 listening to everybody. Basically I
3 don't have any questions, just wanted
4 to say thank you to everybody who has
5 commented.

6 SUPERVISOR PIAQUADIO: Thank you.

7 MR. ROBERT PIAQUADIO: There's
8 someone named Zoom User. If they
9 would like to -- if they want to
10 comment, they can unmute.

11 (No response.)

12 SUPERVISOR PIAQUADIO: Who else
13 you got, Bobby?

14 MR. ROBERT PIAQUADIO: We have
15 Kim. If you want to unmute, now is
16 the chance.

17 KIM: I didn't have any questions.

18 SUPERVISOR PIAQUADIO: Thank you, Kim.

19 MR. ROBERT PIAQUADIO: Kerry.

20 KERRY: I just have one
21 question. Since there's a school
22 involved, what role does the school
23 district have to play in this? Is
24 there any type of requirement? I
25 heard like substance abuse counseling

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2 center mentioned. Is the school
3 district going to be involved at all?

4 SUPERVISOR PIAQUADIO: I know
5 the school district was involved in
6 the informational hearings.

7 MR. TAYLOR: Just to clarify
8 that reference, that is allowed in
9 the current zoning. It's not
10 something that is part of this zoning
11 amendment.

12 MS. KERRY: Oh, no. I
13 understand. I was just wondering if
14 the school district has to be
15 involved at all?

16 SUPERVISOR PIAQUADIO: We give
17 them an opportunity just like
18 everyone else. We'll definitely keep
19 them informed. We've been in touch
20 with them, like I said, at the
21 informational hearings which took
22 place last year.

23 KERRY: Thank you.

24 SUPERVISOR PIAQUADIO: Bobby.

25 MR. ROBERT PIAQUADIO: Lauren

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2 Mandel, if you'd like to speak you
3 can unmute.

4 (Technical interruption - echoing.)

5 SUPERVISOR PIAQUADIO: The two
6 are too close together.

7 MS. MANDEL: Sorry. I'm at 7
8 Rockwood Drive in Newburgh. So after
9 the public hearing, what happens
10 next? When is there a determination
11 made after this hearing is over?

12 SUPERVISOR PIAQUADIO: One
13 thing our Board does is not move too
14 fast. We will accumulate all the
15 answers to all these questions and
16 then there will be a Town Board
17 decision if we want to move forward
18 or not. (Inaudible) public hearings,
19 the Town Board level and the Planning
20 Board level. That's basically where
21 we're at.

22 MS. MANDEL: I had a hard time
23 hearing you. I'm sorry. What did
24 you say? Mr. Piaquadio, I didn't
25 hear what you said. After the

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2 hearing is over, what happens next?

3 SUPERVISOR PIAQUADIO: We would
4 wait and answer the questions, then
5 it would be up to the Board if they
6 want to move forward, if they think
7 it's in their best interest or not,
8 after they've heard everyone's
9 comments, and then it would go from
10 there whether we move forward with
11 it. I couldn't give you a date. As
12 I said, we don't move too fast
13 sometimes.

14 MS. MANDEL: Okay.

15 SUPERVISOR PIAQUADIO: It would
16 be in the future sometime.

17 MS. MANDEL: Okay.

18 SUPERVISOR PIAQUADIO: Thank
19 you.

20 MS. MANDEL: And I would just
21 also just like to say for the record
22 that I appreciate that the meeting is
23 on Zoom. Although the sound quality
24 is poor, at least you guys are
25 trying. So thank you.

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2 SUPERVISOR PIAQUADIO: Thank you.

3 MR. ROBERT PIAQUADIO: We have
4 Nick Minoia. If you have any
5 comments you can unmute.

6 MR. MINOIA: No comments.
7 Thank you.

8 ROBERT PIAQUADIO: Aubrey and
9 Evie, if you have any comment you can
10 unmute.

11 AUBREY AND EVIE: No comment.

12 MR. ROBERT PIAQUADIO: We have
13 Dorothy.

14 DOROTHY: No comment. Thank
15 you.

16 MR. ROBERT PIAQUADIO: Mary.
17 Mary L.

18 MS. OLIVERA: Thank you very
19 much. I want to thank you for you
20 guys doing this meeting on Zoom.
21 It's very helpful to see what's going
22 on.

23 When, more or less, is it that
24 you would have an answer for all of
25 the residents that are here posing

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2 their questions? We all want to know
3 the outcome of this hearing. Thank
4 you.

5 SUPERVISOR PIAQUADIO: Thank you.
6 It will probably be at least two
7 months out, I think if we done things
8 quickly, we would have an answer.

9 MS. OLIVERA: Thank you so much.

10 MR. ROBERT PIAQUADIO: So we
11 have iPhone, we'll start with them,
12 and also iPhone 2. iPhone or iPhone
13 2, if you would like to comment you
14 can unmute.

15 (No response.)

16 MR. ROBERT PIAQUADIO: There's
17 another iPhone. If they want to
18 speak.

19 (No response.)

20 SUPERVISOR PIAQUADIO: Who else
21 we got, Bobby?

22 MR. ROBERT PIAQUADIO: Anyi
23 Beras. Any comment, you can unmute.

24 MS. BERAS: No comment.

25 MR. ROBERT PIAQUADIO: Giovanni

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2 Lugo, if you have a comment you can
3 unmute.

4 MR. LUGO: Hello. Good
5 evening. Can you guys hear me?

6 SUPERVISOR PIAQUADIO: We can
7 hear you.

8 MR. LUGO: All right. So I
9 just had a quick question. So as far
10 as the decision that's going to be
11 made by you guys after this hearing,
12 how do we, the residents, get
13 notified? Do we get a letter?

14 SUPERVISOR PIAQUADIO: It would
15 be a Town Board agenda item. You
16 would really have to just look at the
17 home page and check the agenda items.
18 We're not going to -- we may do a
19 mailing if we're moving forward or
20 whatever. You should maybe sign up
21 for those e-mails,
22 townofnewburgh.org, and sign on to
23 the newsletter if it's easier for
24 you.

25 MR. LUGO: All right. Thank

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2 you.

3 SUPERVISOR PIAQUADIO: Anything
4 else, Giovanni?

5 (No response.)

6 MR. ROBERT PIAQUADIO: We have
7 Lavern. If you have a comment or
8 question, you can unmute.

9 LAVERN: Just real quick. I
10 just hope that you guys really take
11 into consideration about the true
12 meaning of what you're trying to do
13 is to improve the quality of life in
14 the neighborhood and look at it as a
15 whole versus as individually, like
16 individual sections on Route 17K,
17 because whatever you put there is
18 going to impact everyone in the
19 community. It's going to impact the
20 children and the seniors that are
21 here. And to just look at it as
22 putting a restaurant, like someone
23 said, or a bar or something like
24 that, or another truck stop or a
25 commercial state or whatever there --

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2 commercial unit is going to impact us
3 all negatively. Everybody just wants
4 to have a better life, a better
5 community. Just take it into
6 consideration and not have like a big
7 free for all so anyone can come and
8 give the money and you'll just let
9 them build whatever they want to
10 build there, you know. It needs to
11 be something that's going to help the
12 children and help the community.
13 Thanks.

14 SUPERVISOR PIAQUADIO: Thank
15 you. Thank you for your comments.

16 Bob.

17 MR. ROBERT PIAQUADIO: Kathy G,
18 if you have a comment or question you
19 can unmute.

20 KATHY: Yes. My name is Kathy
21 and I'm from 4 Arbor Drive. My
22 husband has some concerns about
23 building behind us. How far of a
24 distance will the buildings be behind
25 us?

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2 Also, the privacy. Like Nancy
3 Tuttle said earlier, will we have
4 that privacy? We wouldn't want
5 people who are living behind us to be
6 overlooking the back, you know, at
7 our home. Will there be something
8 blocking the view? That's it.

9 SUPERVISOR PIAQUADIO: I think,
10 once again, that was brought up
11 before. I think we had mentioned to
12 the person that brought it up, there
13 was no construction behind them
14 whatsoever. The view from your house
15 and the buffer will definitely be
16 taken into consideration now that you
17 brought it up again.

18 MR. ROBERT PIAQUADIO: She
19 muted herself, so --

20 SUPERVISOR PIAQUADIO: Okay.

21 MR. ROBERT PIAQUADIO: I think
22 we have -- there's a Vince. I'll try
23 to unmute them but that might be
24 Vincent Doce.

25 SUPERVISOR PIAQUADIO: Another

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2 engineer.

3 MR. ROBERT PIAQUADIO: Okay. I
4 think that is everyone.

5 SUPERVISOR PIAQUADIO: Is that
6 everyone on Zoom? I wonder if
7 everyone would have come out tonight
8 if we didn't do the Zoom. Would they
9 all be here?

10 Mrs. Gonyea. Mrs. Gonyea, a
11 second now. We're going to go to
12 Mrs. Gonyea because you had a
13 question when Mark was speaking.

14 MS. GONYEA: The definition of
15 (inaudible).

16 SUPERVISOR PIAQUADIO: Okay.
17 We're going to -- hang on there,
18 principal. Hang on one second. You
19 had your hand up first. Now we're
20 going to doubles. Do you want to
21 come up and ask us?

22 MR. CAPORICCIO: James
23 Caporiccio. So obviously a traffic
24 study is pretty standard with this.
25 At what point would that be done?

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2 Would it be done before the vote was
3 taken on the hamlet zoning or for
4 specific -- I believe you mentioned
5 kind of worse-case scenario.

6 SUPERVISOR PIAQUADIO: I think
7 we would have to be environmental
8 lead agency.

9 MR. TAYLOR: Typically with a
10 rezoning the Planning Board doesn't
11 get into great detail with respect to
12 project specific impacts because it
13 doesn't know what's actually going to
14 be constructed. It sounds just like
15 framework for development. The Board
16 can, as part of its environmental
17 review, it doesn't have to but it can
18 authorize the maximum build out study
19 with respect to the potential traffic
20 impact of what could be built under a
21 normal scenario, a zoning amendment
22 and what could be built without the
23 zoning amendment. So it will be the
24 Board's determination, once it
25 assumes lead agency, as to whether to

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2 do that or not.

3 With respect to specific
4 projects, the Planning Board, acting
5 as lead agency, does review traffic
6 impacts, and certainly frequently it
7 asks for traffic studies for anything
8 that's not like a minor project.

9 MR. HINES: One of the
10 important things is that each of
11 these parcels fronts on Route 17K, so
12 the New York State Department of
13 Transportation will also be an
14 involved agency during the Planning
15 Board review process, and they will
16 be requesting similar traffic
17 studies.

18 MR. CAPORICCIO: Then the
19 second part of that is would the
20 Planning Board or the Board consider
21 a study into the value impact on the
22 homes in the neighborhood? I believe
23 there's 160 homes in Colden Park,
24 we've got Holiday Park, we've got
25 Fleetwood in very close proximity.

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2 If, you know, a forty-unit apartment
3 dwelling is built, I believe that
4 should be taken into account, what
5 that's going to do. We have a senior
6 neighborhood. The impact on, you
7 know, the value of their homes at
8 this stage in their life. This could
9 potentially set people back decades.

10 SUPERVISOR PIAQUADIO: They're
11 good comments. Until we become lead
12 agency I can't really say what
13 studies we're going to do. We didn't
14 get to that point.

15 Thank you for your comments.

16 Vito, if you can make it short.

17 MR. DICESARE: Absolutely.

18 Thank you for the reference to the
19 drawing. The fact he has hair. I'm a
20 senior citizen now. I accept that.

21 Two quick questions. The
22 first, why would the Town consider
23 being the lead agency? What was the
24 motivation? And I've seen a lot of
25 these types of things done in a lot

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2 of circumstances. What are the
3 advantages and disadvantages of you
4 becoming the lead agency?

5 SUPERVISOR PIAQUADIO: Vito,
6 when we say lead agency, it has to do
7 with environmental impacts. We're
8 the ones that are going to make this
9 overlay so we should be the ones to
10 say let's do a study on this, let's
11 do a study on that.

12 MR. DICESARE: Normally the
13 Town doesn't do that. Normally
14 someone who is going to profit by
15 construction and development is the
16 person that comes in and asks that.
17 None of the citizens here have asked
18 for rezoning. We like it the way it
19 is, residential. That's number one.
20 And we like the areas that are there
21 the way they are, other than the
22 adult situation which has not
23 necessarily ever been included in
24 hamlets in the true definition.
25 Maybe some place (inaudible).

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2 So the first question is why
3 would you do that and why would you
4 not consider giving that
5 responsibility over to someone who
6 comes and petitions you so that there
7 is an extra person involved to pick
8 up the burden? That was my first
9 question.

10 My second question is based on
11 everything I've heard tonight, I have
12 seen no advantage for the residents
13 of Colden Park. We have no access --
14 the park that's going to be
15 developed, or the recreation area, no
16 one is going to walk to any of these
17 places, and all I've heard is
18 negatives.

19 My question would be why would
20 the Town consider this circumstance
21 based on what we see as just
22 negatives other than tax revenue?

23 Those are my two questions.

24 SUPERVISOR PIAQUADIO: Thank
25 you.

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2 Anyone else?

3 (No response.)

4 SUPERVISOR PIAQUADIO: Seeing
5 none, I'm going to ask for a motion
6 to close this public hearing.

7 MS. GREENE: So moved.

8 MR. RUGGIERO: I'll second it.

9 MS. VANCE-AYERS: Any discussion?

10 (No response.)

11 MS. VANCE-AYERS: Mrs. Greene?

12 MS. GREENE: Yes.

13 MS. VANCE-AYERS: Mr. Ruggiero?

14 MR. RUGGIERO: Yes.

15 MS. VANCE-AYERS: Mr. Manley?

16 MR. MANLEY: Yes.

17 MS. VANCE-AYERS: Mr. LoBiondo?

18 MR. LOBIONDO: Yes.

19 MS. VANCE-AYERS: Mr. Piaquadio?

20 SUPERVISOR PIAQUADIO: Yes.

21 I'm going to ask for a motion
22 for a recess, five minutes.

23 MR. MANLEY: So moved.

24 MR. RUGGIERO: I'll second that.

25 MS. VANCE-AYERS: Any discussion?

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2 (No response.)

3 MS. VANCE-AYERS: Mrs. Greene?

4 MS. GREENE: Yes.

5 MS. VANCE-AYERS: Mr. Ruggiero?

6 MR. RUGGIERO: Yes.

7 MS. VANCE-AYERS: Mr. Manley?

8 MR. MANLEY: Yes.

9 MS. VANCE-AYERS: Mr. LoBiondo?

10 MR. LOBIONDO: Yes.

11 MS. VANCE-AYERS: Mr. Piaquadio?

12 SUPERVISOR PIAQUADIO: Yes.

13 Thank you, everyone, for coming
14 out and on Zoom.

15 MS. GREENE: And happy
16 Valentine's Day. It's almost over.

17

18 (Whereupon, the hearing was
19 concluded at 8:53 p.m.)

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2
3 C E R T I F I C A T I O N

4
5
6 I, MICHELLE CONERO, a Notary Public
7 for and within the State of New York, do
8 hereby certify:

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 22nd day of February 2022.

18
19
20
21 *Michelle Conero*

22 _____
23 MICHELLE CONERO
24
25