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

----- X  
In the Matter of

BRITAIN WOODS  
(2022-17)

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

----- X

PUBLIC HEARING  
DEIS, SITE PLAN & SPECIAL USE PERMIT

Date: August 1, 2024  
Time: 7:50 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
KENNETH MENNERICH  
LISA CARVER  
STEPHANIE DeLUCA  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ  
and ZACH SZABO

----- X

MICHELLE L. CONERO  
Court Reporter  
845-541-4163  
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: The next item  
3 of business is Britain Woods, project  
4 number 22-17. It's a public hearing on  
5 the DEIS, site plan and special use  
6 permit. It's located on 442 Little  
7 Britain Road/New York State 207. It's in  
8 an R-3 Zoning District. It's being  
9 represented by Engineering & Surveying  
10 Properties.

11 Before we have Mr. Mennerich read  
12 the public hearing notice, I'll refer to  
13 Dominic Cordisco, Planning Board Attorney,  
14 to discuss the action before us this  
15 evening.

16 MR. CORDISCO: Tonight's public  
17 hearing is on the draft environmental  
18 impact statement for the Britain Woods  
19 project. The Board had previously  
20 adopted a positive declaration, which  
21 means that the project, as proposed, has  
22 the potential for significant environmental  
23 impacts.

24 The Board had also previously held  
25 a public scoping session. The scoping

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session was a public hearing that resulted in a final scope which basically would become the outline for the draft environmental impact statement. The applicant then submitted a draft of their DEIS to the Board which has to address all the items that were identified in the scope. That went through several revisions before the Board accepted it as complete. By accepting it as complete, what that really means is that it's adequate to commence public review.

Tonight's public hearing is for the public to comment on the draft environmental impact statement. By accepting the document, the Board was not agreeing with the applicant as far as the project as it's proposed or agreeing that certain mitigation measures would be adequate for the project. The Board has a process in front of it where all comments that

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are made at the public hearing tonight or submitted in writing will have to be addressed by the applicant in what's called a final environmental impact statement. That will be a document that gets submitted to the Board in the future by the applicant, and then the Board will consider that as the response to comments.

The applicant is not under any obligation to respond to comments tonight. They may do so to answer simple questions if that is helpful for the process. The purpose of tonight's public hearing is really for the public to make their comments to the Board so that the Board can consider the public's viewpoints regarding the project as it's proposed and mitigation measures as proposed.

CHAIRMAN EWASUTYN: At this time we'll have Ken Mennerich read the notice of hearing.

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MR. MENNERICH: "Notice of hearing, draft environmental impact statement and site plan/special use permit. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing on the draft environmental impact statement pursuant to Section 6 NYCRR part 617 (SEQRA) and Section 274-A of the New York State Town Law on the application of Britain Woods multi-family site plan, project 2022-17. The project proposes a residential development consisting of 256 multi-family units on a 48 plus or minus acre total parcel of property. 1.5 plus or minus acres of the property is located within the City of Newburgh, with the balance of the parcel being located in the Town of Newburgh. The City of Newburgh parcel will be utilized as the project's access point and contains proposed stormwater management

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facilities and an emergency access drive. The project proposes to construct 258 units with 10 separate structures on the site. A clubhouse/recreational structure is proposed. The project proposes interconnection to the Town of Newburgh municipal water and sewer system. The project proposes to have 583 parking spaces, 330 of which are proposed to be garage spaces. A stormwater pollution prevention plan (SWPPP) has been prepared. The project is located in the Town's R-3 Zoning District. The project is located off of Little Britain Road/New York State Route 207. The project site is designated on the Town's tax maps as Section 97; Block 1; Lots 32.1, 32.2, 32.3 and 40.1 and on the City of Newburgh tax maps as Section 41; Block 1; Lots 2 and 3. The project is a Type 1 action under SEQRA and a draft environmental impact statement has been prepared. A public hearing

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will be held on the 1st day of August  
2024 at the Town Hall Meeting Room,  
1496 Route 300, Newburgh, New York at  
7 p.m. or as soon thereafter, at which  
time all interested persons will be  
given an opportunity to be heard  
regarding the draft environmental  
impact statement and site plan.  
Copies of the draft environmental  
impact statement can be viewed in the  
offices of Town of Newburgh Town Clerk  
and the Newburgh Free Library, North  
Plank Road branch, 181 South Plank Road,  
Suite 2, Newburgh, New York 12550.  
Online versions of the document can be  
viewed at the Town's website,  
[www.townofnewburgh.org](http://www.townofnewburgh.org) or [www.eppc.com](http://www.eppc.com).  
Written comments regarding the DEIS  
will be received up to ten days after  
the close of the public hearing. By  
order of the Town of Newburgh  
Planning Board. John P. Ewasutyn,  
Chairman, Planning Board Town of  
Newburgh. Dated 7 June 2024."

2 The City of Newburgh Office of  
3 Corporation Counsel has sent a letter  
4 to the Town of Newburgh Planning  
5 Board regarding City of Newburgh  
6 comment letter number 4 for the  
7 project named Britain Woods Multi-  
8 Family, project 2022-17. This  
9 document will be included in the  
10 minutes of this meeting.

11 CHAIRMAN EWASUTYN: Thank you.  
12 Ross Winglovitz.

13 MR. WINGLOVITZ: Good evening.  
14 Ross Winglovitz with Engineering &  
15 Surveying Properties. I'm here with Zach  
16 Szabo, the project engineer. We're here  
17 on behalf of Farrell Building Company who  
18 is the applicant for the project.

19 The public notice was very detailed,  
20 so I'll try to keep my presentation to a  
21 minimum.

22 The site is 48 acres. So everybody  
23 understands the location -- I see a lot of  
24 familiar faces from our hearing at the  
25 Local 17 eighteen months ago. The Local 17

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entrance, 207, Little Britain Road.  
Our proposed main entrance into the project would be at the top of the hill, across from the open field by Local 17.

Access into the site. The secondary access is in the City of Newburgh, actually, on the east end of the property. This is emergency access only and will not be a full-service entrance.

As the notice said, there are eleven structures, ten of them are residential and one is the clubhouse. There are a total of 258 apartments, 110 one-bedroom, 148 two-bedroom.

There's a mix of garages within the buildings onsite, separate structures, as well as the parking to service the use.

Drainage for the site is collected in two areas. This is the top of the hill here. The one here is in a low spot opposite of a 30-inch culvert

2 that goes to the pond under 17. The  
3 other primary area is on the east  
4 end, an area that flows to the pond  
5 in the City of Newburgh.

6 Sewer. There will be a force  
7 main for the project. Sewer will be  
8 collected by gravity throughout.  
9 There will be a pump station. The  
10 pump station will pump sewer back up  
11 207, up Old Little Britain Road to  
12 Unity Place. It's about 3,300 feet  
13 for the sewer force main.

14 Water is available a few hundred  
15 feet down the road from the project.  
16 We'll be connecting to that water main  
17 and extending it down 207 into the site.

18 The architecture for the project.  
19 The applicant had originally had a  
20 much more modern architecture I would  
21 say. The Board had voiced some concerns.  
22 They came back with more of a modern  
23 farmhouse look with grays and blacks  
24 to keep it more earth tone colors and  
25 less visibility for the project. All

2 of these are in the DEIS, several  
3 different versions, as well as photo  
4 renderings from different areas of  
5 the site were also presented in there.

6 The units themselves will be  
7 about 800 to 1,000 square feet for  
8 the one bedrooms. The two bedrooms  
9 will range up to about 1,250.

10 The clubhouse is located here.  
11 That will have a pool, pickleball  
12 courts, tennis, an outdoor playground.  
13 Inside will be an exercise and a  
14 community room and so forth for the  
15 residents.

16 An EIS has been prepared, which  
17 is what Dominic was talking about.  
18 That's this document. That's a result  
19 of the input from the Board, the  
20 consultants and all of your comments  
21 from that December meeting. The  
22 Board adopted the scope, and this  
23 document was prepared based on that.

24 Several different studies, stormwater,  
25 traffic, geo-technical, SHPO, which

2 is Historic Preservation, and so  
3 forth were all contacted and/or  
4 studied as part of this document that  
5 was available. There was no impact  
6 on historic or archeological structures.

7 For aesthetic resources there  
8 was a viewshed analysis that was  
9 provided.

10 There was no impact on endangered  
11 species.

12 Land resources. There was a  
13 discussion on geology. There is some  
14 rock at the top of the hill here and  
15 at the entrance over here that we'll  
16 need to look at either modifying the  
17 buildings slightly or the grading  
18 slightly to avoid rock removal to the  
19 greatest extent we can.

20 I think that's it.

21 CHAIRMAN EWASUTYN: Thank you.

22 We'll be opening up for the  
23 public hearing. We're going to ask  
24 that you raise your hand, give your  
25 first name and the initial of your

2 last name and if you're a resident of  
3 the Town of Newburgh. Keep it as  
4 general as that. Everyone will have  
5 an opportunity to speak. You'll  
6 all have a turn and then there will  
7 be a second turn. What I'm really  
8 suggesting is, once you have spoken,  
9 allow others to speak. Once we've  
10 completed that opportunity, we'll go  
11 back to residents who have additional  
12 comments or concerns. For now, would  
13 you raise your hand, give your first  
14 name, the initial of your last name  
15 and where you reside as far as the  
16 Town or such.

17 The gentleman in the back raised  
18 his hand first.

19 MR. JOSEPH S.: Thank you for  
20 the opportunity. My name is Joseph  
21 -- just the initial of the second name?

22 MS. CARVER: Yes.

23 MR. JOSEPH S.: S. The reason  
24 I'm here is I read the 140 pages in  
25 the parking lot on my computer. We

2 had a project similar to it about  
3 twelve years ago and I was a  
4 representative of Stony Brook. I  
5 still am at Stony Brook.

6 I have a couple of quick questions.

Utilites

7 1.1 Number one, in that project presentation,  
8 which was rejected, there was a notice  
9 that the sewer and water of Stony Brook  
10 was to be cut into or utilized. I just  
11 want to make sure that that's not going  
12 to happen in this case. It doesn't appear  
13 so, but I want to make that clear.

14 MR. WINGLOVITZ: That's not proposed  
15 as part of this.

16 MR. JOSEPH S.: Thank you very much,  
17 sir.

Project  
Descrip

18 1.2 The second thing is, there was an  
19 emergency exit. If you look at the  
20 map, contiguous to the top left part  
21 of it there was an emergency exit.  
22 The gentleman apparently has constructed  
23 another emergency exit on the Newburgh side.  
24 Is that correct?

25 MR. WINGLOVITZ: Correct.

2 Mr. JOSEPH S.: So that's not an  
3 issue.

Aesthetics

4 1.3

5 Okay. The third issue that I have  
6 -- this is just me now. I'm not saying  
7 Stony Brook. Reading the report that was  
8 rendered, it said that the pictures were  
9 taken and that the units -- your units  
10 would be seen from the Stony Brook units  
11 through the foliage. Can you describe  
12 what that means? I mean, I know what it  
means. How much?

13 MR. WINGLOVITZ: John, do you want  
14 me to get into it?

15 CHAIRMAN EWASUTYN: Please. Thank  
16 you.

17 MR. JOSEPH S.: The reason I ask  
18 that -- I apologize. We have a community  
19 that's completely guarded by foliage,  
20 trees, whatever you want to call it.  
21 We're very proud of that. I think it  
22 keeps our property values high since  
23 we're in a city environment. Not you  
24 personally, but any project, we need the  
25 answer on that one.

2 MR. WINGLOVITZ: Absolutely. So as  
3 part of the initial review process there  
4 was a viewshed analysis proposed and  
5 where the viewpoints would be from. The  
6 Board was concerned about that view.

7 MR. JOSEPH S.: Thank you.

8 MR. WINGLOVITZ: The two viewshed  
9 analyses, one from each -- not the  
10 public's use, but each of the streets in  
11 Stony Brook, because that's all we can  
12 get to, we're not in people's backyards,  
13 those were viewsheds 5 and 6. There was  
14 a rendering done showing that the foliage  
15 in the front for the most part will  
16 screen it, but in leaf-off conditions  
17 you'll be able to see the buildings  
18 through the trees.

19 The Town has a buffer requirement  
20 along there that will have to be met as  
21 far as keeping as much vegetation as we  
22 can and then supplementing that vegetation.

Aesthetics

23 1.4

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25

MR. JOSEPH S.: You wouldn't consider  
putting more vegetation in there in order  
to do better screening?

2 MR. WINGLOVITZ: That can be for  
3 the record and we can address that.

4 MR. JOSEPH S.: I'd like to.

5 The final thing is, and this is not  
6 my comment, this was from a lot of people  
7 I talked to over the last few years.

8 They're worried about -- I've been around  
9 this community for a long time. Route

Traffic

10 1.5

11 207, Little Britain Road, a lot of  
12 concern. Maybe not me, I don't drive it

13 that much, but 207 is a little two-lane  
14 road, as you know. You're an expert. I

15 know coming out of Stony Brook, we have  
16 150 some odd units, it's really

17 troublesome because we don't have a  
18 traffic light. Even if we had a traffic

19 light, it's very dangerous. I'm  
20 wondering what your comment is on ingress

21 and egress of this community with 250  
22 units. It's a little scary for me.

23 Thank you, sir.

24 MR. WINGLOVITZ: One of the things  
25 I forgot in my presentation, I'm

surprised Ken didn't give me the evil

2 eye, was as part of our traffic analysis,  
3 we need to widen 207 in front of the site  
4 and install a dedicated left-turn lane  
5 into the property so that we can get our  
6 traffic out of the way of the through  
7 traffic in this direction so that people  
8 can safely turn in. That was part of the  
9 recommendations of the study. It was  
10 concurred with by the DOT that that  
11 left-turn lane improvement would have to  
12 be installed for safe access into the  
13 site and out of the site.

Traffic

14 1.6 MR. JOSEPH S.: What about going  
15 the other way?

16 MR. WINGLOVITZ: Those are right  
17 turns in. Those are not limited turns.  
18 We won't back up traffic with right turns  
19 into the site. Left is always the  
20 problem with traffic. You're crossing  
21 traffic.

22 MR. JOSEPH S.: I see.

23 MR. WINGLOVITZ: There were similar  
24 issues here. One of the reasons it's  
25 emergency only is because it's a better

2 location.

3 MR. JOSEPH S.: Thank you very much.

4 CHAIRMAN EWASUTYN: Additional  
5 questions?

6 MR. MATT G.: Good evening. Matt  
7 G., 409 Little Britain Road, also known  
8 as viewshed 3. Thank you for the chance  
9 to speak.

10 I have a couple of concerns that  
11 I'll wait until after everybody has a  
12 chance. I wanted to read something into  
13 the record on some observations we had  
14 with the traffic study.

Traffic  
DTS

15 1.7 Regarding intersection line of  
16 sight, there was a figure that was added  
17 since the last public hearing. It's  
18 called figure 3-6B. It's where the  
19 applicant demonstrates that with some  
20 shaving away of the earth and bedrock,  
21 they can establish a 360-foot line of  
22 sight for oncoming traffic for people  
23 making a left out of the neighborhood.

24 Departure distribution from the  
25 site, according to appendix figure 10,

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suggests that 79 percent of traffic

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leaving this site will be making a left

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turn onto Route 207. As the representative

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said, left is always the problem. The

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applicant has submitted that the sight

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distance from the main entrance will

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be sufficient for a left-turning

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vehicle from the neighborhood emerging

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on Route 207 eastbound, as shown in

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their figure 3.6B. They claim by

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removing that grade, a 3.5 foot high

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driver's eye vantage point will be

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able to see 360 feet of approaching

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traffic. By using the posted speed

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limit of 45 miles-per-hour on the

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A-A-S-H-T-O or AASHTO chart for

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stopping sight distance, that aligns

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with 360 feet as a requirement.

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We would like to note that the

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traffic study did not assess the

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prevailing speed on Route 207. 45

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miles-per-hour is likely an insufficient

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design input to assure safe operation

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at the proposed intersection. However,

2 even with the speed input of 45  
3 miles-an-hour, the applicant has only  
4 included in the figure a portion of  
5 the AASHTO chart for criteria. The  
6 third column called design intersection  
7 sight distance is seen on every other  
8 AASHTO chart that I could find online  
9 associated with every other project I  
10 could review. It specifies distances  
11 of a greater margin to help ensure  
12 that the intersection operates smoothly.  
13 In this case, to ensure that the  
14 Route 207 traffic would not be required  
15 to make sudden decisions to avoid  
16 traffic conflicts with the complex.  
17 That distance at the posted speed  
18 limit is 500 feet. That grows by another  
19 55 feet for every additional 5 miles-per-  
20 hour. The bare minimum approach of 360  
21 feet stopping distance appears even more  
22 inappropriate as the proposed intersection  
23 has unfavorable curvature affecting the  
24 left-lane turnout.

25 The references I found for the

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Federal Highway Safety Administration

3

quote a Kihlberg and Tharp study

4

showing that crash rates increased 35

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percent for highway segments with

6

curved intersections over highway

7

segments with straight intersections.

8

The FHA also maintains a web page

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dedicated to intersection design to

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account for aging population. As of

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2021, more than half the cars in

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America were operated by people over

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60 which they find affects increased

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perception-reaction time. We have a

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link to that material here. I can

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leave a copy of this with the Board.

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There are also two seasonal

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factors that merit consideration when

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evaluating sight distances that are

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not discussed in the DEIS. During

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the winter months, westbound 207

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drivers that are approaching the

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proposed intersection will have the

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sun directly in their eyes during the

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afternoon. As our attachment shows,

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and I'll hand this out, as an example,

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4 p.m. on the solstice the sun was at

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a 12-degree elevation dead ahead.

5

There are no trees there to block the

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sun. There is no canopy to provide

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any coverage from that.

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Also during the winter months

Project  
Descrip -  
Operation

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1.8

the applicant states that private

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snow removal services will be

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responsible for clearing the entrance.

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The DEIS has no mention of where that

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cleared snow will be placed. Common

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observation in the Town of Newburgh

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suggests that the snow will likely be

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pushed to berms on either side of the

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entrance which tends to create an

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obstacle for intersection sight distance.

19

You also have the added complexity of

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private snow removal, trying to keep

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an entrance clean as New York State

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DOT is coming by on Route 207, pushing

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more snowfall right back on the

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entrance. It would be good to hear

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how they plan on handling that.

Traffic  
DTS

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It seems apparent to us that the Planning Board may wish to require further improvements to the sight distance requirements, citing driver safety is a primary concern. The increased potential for line-of-sight challenges and unfavorable curvature at this location also suggests that the Board should reconsider the risk and reward of allowing the proposed eastern entrance to continue as emergency only. Commonsense suggests that if the applicant would make the western entrance by the pool a right only -- right turn only onto 207 and direct traffic heading towards the city to use the eastern entrance, then the eastbound traffic would not only be crossing onto 207 at a straight intersection without direct afternoon sun, but also within a posted 35 mile-an-hour speed limit. Again, the applicant claims that 79 percent of the departures will turn left.

2

Please also consider that a reinstatement of the eastern entrance

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would allow eastbound drivers

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arriving at the complex to execute

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their left turns off of 207 with

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full line of sight of traffic from

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Wisner and within a lower 35 mile-an-hour

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zone.

10

We have one more concern that I'll

11

read as quickly as I can about the

Traffic  
DTS

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traffic projections. The scoping document,

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Section F, Subsection D, asked for a

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determination of peak traffic hours

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to be used in various analyses. The

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applicant determined a morning peak of

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7:30 to 8:30 a.m. and an afternoon peak

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of 4:00 to 5:00 p.m. This was based on

19

ATR data taken from Tuesday, April 25,

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2023. It should be noted that ATR counts

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on that day were not only the lowest

22

numbers of the Monday through Friday, but

23

the daily totals indicate both Tuesday

24

and Wednesday were of notably lower

25

volume. On those days Route 207 was

2           undergoing road work that had  
3           modified and restricted traffic flow.  
4           It was down to one lane. If the morning  
5           peak determination was taken from  
6           Monday, Thursday or Friday, it would be  
7           clear from the data that the morning  
8           traffic continues to swell through  
9           noon, making 11 a.m. to noon the peak  
10          morning hour on 207. The 11 a.m. numbers  
11          for every weekday other than Tuesday  
12          were substantially higher than the 7  
13          to 8 a.m. Tuesday numbers. Similarly,  
14          the Tuesday afternoon numbers at the  
15          peak of 4 to 5 p.m. are obviously  
16          less than the corresponding Monday,  
17          Thursday or Friday afternoon numbers  
18          due to the road work.

19                 It appears from appendix F, the  
20          traffic data, that this outlier peak  
21          information was the basis for all  
22          calculations of the existing, the no  
23          build and the build traffic scenarios.  
24          We believe that the selection and use  
25          of these numbers, the lowest possible

2

available during that week, was in

3

bad faith and that the Board should

4

review the ATR data to help choose a

5

more suitable baseline for the traffic

6

analysis. Accepting this study as is

7

would represent approval of bad data.

Traffic

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1.11

Table 3.6.2B in the DEIS, which

DTS

9

is also table C-3 in appendix F,

10

regarding the Old Little Britain and

11

Little Britain Road intersection, the

12

applicant claims to accomplish a level

13

of service improvement for build with

14

signal two grades above the no build

15

scenario, and they are referencing a

16

notional signal at that intersection.

17

The New York State DOT project

18

881570 for that possible signalization

19

or roundabout is still in development

20

and has not been approved. If a State

21

initiated improvement is being claimed

22

for the benefit in the build scenario,

23

shouldn't it also be accounted for in

24

the no build scenario or does the DEIS

25

imply that the applicant will ensure

2 the controls are installed on Old  
3 Little Britain and Little Britain  
4 even if the State doesn't?

Traffic  
DTS

5 1.12 Is it possible to request a New  
6 York State DOT consultant be present  
7 at a public hearing on this topic so  
8 that we could hear their considerations  
9 about roundabout versus signalization  
10 if they decide to go forward?

Traffic  
DTS

11 1.13 Final point. Growth traffic  
12 projections are still shown for 2026  
13 even though the project cannot be  
14 completed any earlier than 2027. We're  
15 asking the Board to ensure that the  
16 growth and therefore the build numbers  
17 are adjusted appropriately while the  
18 DEIS is still in review.

19 In light of the concerns mentioned,  
20 I request that the Board keep the public  
21 hearing open so we may review and discuss  
22 more appropriate traffic analysis and  
23 proposed solutions.

24 MR. HINES: Can I have a copy of  
25 that for the Stenographer?

2 MR. MATT G.: Here is the AASHTO.

3 The third column, that's for the  
4 design, not just the minimum stopping  
5 distance.

6 This shows the sun and elevation  
7 data.

8 That's traffic approaching the site  
9 right there.

10 CHAIRMAN EWASUTYN: Additional  
11 questions or comments?

12 MR. DAVID B.: I'm going to sound  
13 like a third grader after that. I also  
14 reviewed the report --

15 CHAIRMAN EWASUTYN: Could I have  
16 your name?

17 MR. DAVID B.: I apologize. David  
18 B., Town of Newburgh.

19 CHAIRMAN EWASUTYN: Thank you.

20 MR. DAVID B.: After reviewing the  
21 report, some of my concerns, traffic. I

Traffic  
DTS

22 1.14 know in the report it did mention a  
23 possible traffic light at Old Little  
24 Britain Road and Little Britain Road in  
25 the Town of Newburgh. I didn't see any

2

mention of the other intersection in the City of Newburgh. I think that's Little

3

Britain Road and maybe the end of Wisner

4

5

Avenue where the Rite Aid is. That's a

6

three-way stop sign. If a majority of

7

the traffic is going to take a left out,

8

they're going to head right to that

9

intersection. That's concerning.

Land Use & Zoning

10

1.15

Another concern is the distance

11

between the developments. Yes, it's an

12

aesthetic thing. It's also a safety

13

concern for many of the residents in

14

Stony Brook. Right now the only thing we

15

have to worry about are coyotes and

16

bears. A whole other development can be

17

concerning to older residents.

Plants & Animals

18

1.16

My last concern, and I didn't see

19

anything in this in the report, I know

20

there was a wildlife study done. There

21

was no mention of Bald Eagles. Harrison

22

Pond is right off the map. That is a

23

feeding pond for the Bald Eagles. I can

24

see the pond in the wintertime. They're

25

there every spring. There was a comment

1

2

about runoff or watershed and it pointed

3

to the pond. That just increases my

4

concern.

5

That's it.

6

CHAIRMAN EWASUTYN: The individual

7

in the back.

8

MS. CAROL J.C.: Good evening,

9

everyone. All well stated. Thank you

10

very much.

11

I just have a question -- a

12

clarification. Did I hear that --

13

CHAIRMAN EWASUTYN: Can you give

14

your name?

15

MS. CAROL J.C.: I'm sorry. Carol

16

J.C., Town of Newburgh.

17

CHAIRMAN EWASUTYN: Thank you.

Project  
Descrip

18

1.17

MS. CAROL J.C.: 256 multi-family

19

units, is that what I heard?

20

MR. WINGLOVITZ: 258.

21

MS. CAROL J.C.: I'm sorry. Is

22

that what I heard?

23

MR. WINGLOVITZ: 258.

24

MS. CAROL J.C.: 258?

25

MR. MENNERICH: The notice said

2 256, Ross.

3 MR. WINGLOVITZ: It's a typo.

4 MS. CAROL J.C.: Which is it, 256  
5 or 258?

6 MR. WINGLOVITZ: 258.

7 MS. CAROL J.C.: Okay. So you  
8 indicated 141 one-bedroom and then 148  
9 two-bedroom?

10 MR. WINGLOVITZ: 110 one-bedroom  
11 and 148 two-bedroom.

12 MS. CAROL J.C.: So 110 one-bedroom  
13 and 148 --

14 MR. WINGLOVITZ: Two-bedroom.

15 MS. CAROL J.C.: -- two-bedroom?  
16 Okay. I thought I heard something else.  
17 That was the clarification I needed  
18 answered. Thank you.

19 CHAIRMAN EWASUTYN: Thank you.

20 The lady in the front.

21 MS. ERIKA GALLAGHER: Erika  
22 Gallagher, 409 Little Britain Road.

23 I know how you like efficiency, so  
24 I wrote all my thoughts down.

25 Before I start, let me not forget

2 to mention, thank you for the opportunity  
3 to address the report. I hope the Board  
4 will consider keeping these hearings open  
5 to public comment as things progress.

6 To say the report is replete with  
7 errors would be an absolute understatement.  
8 If one of my students had submitted this,  
9 I would have handed it back to them and  
10 told them to try again, this time taking the  
11 assignment seriously. While I fully  
12 expect Mr. Winglovitz' team to manipulate  
13 the figures, I'm surprised to the degree  
14 they have done so here.

15 Considering both Mr. Winglovitz and  
16 the current building company do not  
17 reside in the Town or the City of  
18 Newburgh, it's understandable they  
19 would have a less vested interest in  
20 the ramifications of this project and  
21 are focused solely on profit. I believe  
22 the quality of your work is a testament  
23 of your character and your values.

24 Frankly, the lack of care and  
25 consideration that has gone into completing

2 and reviewing this document demonstrates  
3 a lack of care or concern, both for the  
4 Town residents and for this Board's time.

5 While a more comprehensive list of  
6 errors will be submitted in writing to  
7 the Planning Board, to do that now we'd  
8 be here all night. I'll focus tonight  
9 on the more egregious errors relating  
10 to safety.

11 Let me be honest in saying I'm  
12 angry with the cavalier nature in  
13 which the traffic portion of the  
14 study has been completed. Considering  
15 the concerns that several neighbors  
16 had raised initially during the public  
17 meeting back in December of 2023, besides  
18 the fact that this report does not  
19 contain the last five accidents that took  
20 place this year, the most recent occurring  
21 this past Friday, and one accident the week  
22 before Thanksgiving that ended in fatality.  
23 Understand these accidents happened on a  
24 stretch of road not measured in miles but  
25 in feet and between where the two entrances

Traffic  
DTS

1.18

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Traffic  
DTS

1.19

to this complex are being suggested.  
Furthermore, the data selected to represent the average daily flow of traffic is based on a day our road was partially closed for pothole filling and is not indicative at all of the normal traffic volume. In statistical analysis, data points like this are called outliers and are typically discarded from the dataset unless they're specifically being studied. Within analysis, context is everything. Context is what helps you obtain a full and accurate picture. The more context you have, the more complete your picture is.  
While I would never expect you, the Planning Board, to know of every road closure going on, I think you need to reconsider your standards for traffic study submissions so that errors like using outlying data points as the foundation for a study are more apparent.

Traffic  
DTS

2

1.20

Along those lines, for planning purposes I think it's important that we also look at the worst-case scenario, not even the average case of volume of traffic. By considering the worst case, you leave yourself room to grow by padding in a buffer to your solution. It's something that is especially critical when you're talking about adding 500 cars to a road that's already overleveraged.

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I want to also focus on the word cavalier. In the aviation industry, we are crucified in the news media when there is any type of aircraft incident. I bring this up because as I try and step out of the world that I'm familiar with into yours, I wonder why you haven't taken more care in this study. To put it statistically, you could crash an entire aircraft full of people everyday and not even come close to the number of traffic-related deaths that happen in this

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country, yet each one of those, by plane or by car, is no less valuable than another. Much in my world of aviation, there are usually many factors and parties involved that contribute to an accident long before the event ever occurs. This moment here is the start of one.

It's clear since our last meeting that statistics do not have a name or a face, otherwise safety might have been a bit more paramount. Statements like the one Mr. Winglovitz makes on page 70 of the DEIS stating the limited amount of traffic to be generated by the project is not anticipated to significantly impact the number of crashes in the future is outrageous given the proposal to add an intersection to an area with limited sight distance on a blind curve.

I can recall with perfect clarity the faces of all the people in these accidents we responded to because

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they happened in front of our home.  
The girls in the middle of the night  
ten years ago that collided with the  
rock face opposite our house that  
required the jaws of life and for  
them to be medi-vac'd off of our  
front lawn. The man who fell asleep  
at the wheel in the middle of the  
afternoon and drove into our front  
yard before overcorrecting, crossing  
traffic and then bouncing off the  
guardrail, going back into the rock  
face on the edge of our property.  
The mother and passenger headed to  
run holiday errands in the calm of  
the morning whose car collided with  
another oncoming vehicle. While you  
were likely giving thanks and  
preparing for an upcoming holiday, we  
were consoling a grieving family,  
three children and assisting the  
Town's police department and the  
family's private investigator. These  
are just three examples in a list of

2 many.

3 In aviation there's a saying  
4 that our regulations were written in  
5 blood. It's because in order to be  
6 -- for a change to be made, somebody  
7 had to die.

8 As far as I can tell, the Board  
9 retains Mr. Cordisco's services to  
10 keep them out of litigation. What  
11 I'm telling you is you're not looking  
12 far enough down the road. With the  
13 proposal as it currently stands,  
14 you're also talking about stopping a  
15 school bus full of children on the  
16 road at the same point and asking  
17 kids to then cross oncoming traffic  
18 during peak hours. What could  
19 possibly go wrong?

20 The idea of adding 500 more cars  
21 to this road is not only dangerous,  
22 it is emphatically reckless and  
23 downright careless.

24 Some of the best lessons are  
25 ones that we can learn vicariously.

2 I encourage you to take a cue from  
3 my world and the saga currently  
4 playing out in the aviation industry  
5 to understand just how much the public  
6 values their safety.

7 As of today we have 415 signatures  
8 on a petition opposing the build of this  
9 complex, which I would invite you to read.

10 We need to do better for the  
11 residents who live in and around this  
12 community and travel it daily to the  
13 folks who are just visiting for the  
14 day.

15 CHAIRMAN EWASUTYN: Additional  
16 questions or comments?

17 MS. SUSAN K.: My name is Susan K.  
18 and I do reside in Stony Brook. I was at  
19 your meeting at the union hall about  
20 eighteen months ago.

Traffic  
DTS

21 1.21 I just would like to echo my  
22 concerns about the traffic. Since I'm in  
23 Stony Brook, it's half the population.  
24 Getting out onto State Route 17K is like  
25 taking a walk on the boulevard of death.

2 I've seen accidents occur there, and  
3 that's half the population of what you  
4 are proposing.

5 I ask you to be -- respectfully,  
6 I ask you to be very, very cautious in  
7 moving forward with this project.

8 258 units, unless you have a very  
9 elaborate infrastructure of roads, and  
10 maybe you do, maybe it's coming, I don't  
11 know, but I am very much opposed to this  
12 for this area.

13 We'll be landlocked with two State  
14 roads that are going to be just constant  
15 traffic and dangerous.

16 Thank you.

17 CHAIRMAN EWASUTYN: Additional  
18 questions or comments? The gentleman.

19 MR. DOUGLAS S.: Douglas S., Town  
20 of Newburgh.

21 I just wanted to add more to what  
22 the fellow up there said about the

Plants &  
Animals

23 1.22 Eagles. Is the Board aware that there's  
24 a deer population on their property?

25 There's wild turkeys in that property and

1

2

there's occasionally a bear that runs

3

through there. It is a wildlife refuge

4

right now. From what I understand,

5

Scenic Hudson and the Orange County Land

6

Trust might be looking at that property

7

to maybe put it onto -- add it to the

8

Snake Hill Preserve. I don't know if

9

that's true or not, but I heard that.

10

I just don't understand why you

11

have to build that many houses in there

12

and just ruin a perfect -- there's got to

13

be other places you can put that project

14

that doesn't affect the wildlife.

15

Thank you.

16

MR. MARK S.: Mark S., Town of

17

Newburgh.

18

First, if I could just get some

19

clarification on some of the comments.

Project  
Descrp

20

1.23

It's been a little while. I'm not sure

21

which Member of the Board mentioned that

22

the main entrance was going to be on a

23

one-acre lot in the Town. I've since

24

heard on the western end of the property

25

would be the main entrance there.

2 MR. WINGLOVITZ: Correct.

Project  
Descrp

3 1.24

4 MR. MARK S: I also heard that  
5 there are ten structures, residential  
6 structures on the property. Is that  
correct?

7 MR. WINGLOVITZ: Correct.

8 MR. MARK S.: Why do I see eleven  
9 on the picture, plus the clubhouse? I  
10 was never good at math, but I'm counting  
11 eleven.

12 MR. WINGLOVITZ: Correct. It is  
13 eleven plus the clubhouse.

14 MR. MARK S.: Eleven plus the  
15 clubhouse.

Exec  
Summary

16 1.25

17 Okay. A quick question. You  
18 mentioned that Farrell is the developer  
of this project?

19 MR. WINGLOVITZ: Correct.

20 MR. MARK S.: Are they still in the  
21 area? They sold their property, their  
22 office building. I heard, I guess,  
23 they're moving down to Florida. Moving  
24 out of New York State.

25 MR. WINGLOVITZ: As far as I know

2 they are still intending on building the  
3 project.

4 MR. MARK S.: I just would like to  
5 echo, again it's no surprise, the traffic  
6 study with misleading numbers. Thank you  
7 for doing the homework on that. The day  
8 when the road was closed to one lane,  
9 they were counting the vehicles passing.  
10 That's not unusual.

11 The gentleman on the far left, I'm  
12 sorry, I don't know your name, you  
13 mentioned twice in the previous  
14 presentations that you walked the site  
Traffic 15 1.26 and saw the potholes. Has any Member of  
16 the Board stood at that entrance and  
17 looked at the traffic go by and the line  
18 of sight that you would have coming out  
19 of there?

20 CHAIRMAN EWASUTYN: I'm familiar  
21 with the site.

22 MR. MARK S.: If you're coming out,  
23 again a left-hand turn heading east is  
24 not going to do anything for you. It's  
25 the people pulling out heading east or

2 west. Once you get out of the 30  
3 miles-an-hour, they're gunning it and  
4 going above 45, as the gentleman pointed  
5 out. There's not much time or not much  
6 vision coming around that corner.  
7 There's a real danger there. I don't  
8 care what a traffic study says. I'm a  
9 simple folk. I see that. I just know  
10 what my eyes see. There's not a lot of  
11 time there at that 45 mile-per-hour plus  
12 speed limit. There are going to be  
13 problems there.

14 We sit at the other end of the  
15 property. We're by the intersection I  
16 was referencing before, Old Little  
17 Britain and Little Britain. The horns on  
18 the weekend and during the week, the  
19 accidents they have, it's ridiculous.

20 I think the one gentleman from the  
21 Goodwill Fire Department is here to speak  
22 on their behalf of all the accidents that  
23 they have to attend to there with the  
24 current traffic, not another 258 units  
25 down the street.

2 I understand the zoning law, and  
3 this falls underneath the zoning law. I  
4 respect that.

5 Thank for the work that you do.  
6 It's a very difficult job. Some of the  
7 things you have the foresight to see. I  
8 think the traffic is going to be the main  
9 problem here and the line of sight.

10 Again, thank you. Hopefully you  
11 give that consideration.

12 CHAIRMAN EWASUTYN: Any additional  
13 questions or comments?

14 MR. JOHN C.: John C., I'm a  
15 resident of Pat Road. I'm the chairman  
16 of the Board of Fire Commissioners for  
17 the Goodwill Fire District.

18 Going through the DEIS, I apologize,  
19 it finally came across my desk this  
20 past weekend. I've been trying to  
21 catch up quickly. You have to remember,  
22 we're all volunteers, too. We don't  
23 have all day to work on this.

24 The first thing, just things  
25 that come to mind, they show six

2 accidents at the intersection of Old  
3 Little Britain Road and Little Britain  
4 Road since February 2020. I just  
5 quickly thumbed through the records  
6 and found out that you forgot 3/18/2022,  
7 8/18/2023, 5/14/2022, 6/3/2023, 5/25/2024.  
8 The list goes on and on. Eight accidents  
9 in this period. DOT does not have --  
10 does not appear to have the correct count.  
11 I know that's what your study was based on.

12 We've been waiting for a traffic  
13 light at that intersection since I was  
14 chief in 1983. We still don't have it.

15 The accidents, they end up in  
16 people's yards, cars are flipped  
17 over, they end up on the side of the  
18 road, down in the gutter. Yes, some  
19 people were at that intersection where  
20 somebody was killed. It affects the  
21 firefighters, too. They go home and  
22 feel the same pain. I know Pat can  
23 attest to that. He's been at it a  
24 long time.

25 The traffic isn't the only thing

Project  
Descrip

2 we're worried about. We look at the  
3 1.28 site plan. Some of the areas, I  
4 don't know if I'm going to get a  
5 ladder truck in. I don't know how  
6 we're going to access some of the  
7 back of the buildings. These are  
8 just a few of the things.

Traffic  
DTS

9 Going back to traffic. You say  
10 1.29 it's not going to have -- on departure  
11 and on arrival, no traffic at all on  
12 D'Alfonso Road. Give me a break. I  
13 can sit in that traffic for fifteen  
14 or twenty minutes trying to get onto  
15 207 sometimes. It all depends on the  
16 time of day. You look at a one-hour  
17 segment at the time period where you  
18 have your maximum traffic pattern. I  
19 find any time from 12 to 3 in the  
20 afternoon being your afternoon peak.  
21 Your morning ends at 12. 300 to 600  
22 cars. Come on.

23 Anyhow, what I'm going to ask  
24 for is if we can get an extension. I  
25 know we have a ten-day period where

2 we can reply after the hearing is  
3 closed. I'd like to respectfully  
4 request a thirty-day extension of  
5 that, that way we can reply properly  
6 in writing.

7 CHAIRMAN EWASUTYN: Additional  
8 questions? I think the lady in the back.

9 MS. CAROL J.C.: I just wanted to  
10 add a comment. I did write a letter to  
11 your office regarding the increase in  
12 garbage on 207, trash. It's coming out  
13 of the bank, Heritage Bank. I notice  
14 that there's been an increase of trash  
15 being thrown on the side of the road as  
16 well as on 17K. I had pointed that out,  
17 the increase of trash coming from Aldi's  
18 on down, blowing onto 17K. It's an  
19 eyesore.

20 Please just take into account the  
21 increase in numbers. An increase in  
22 homes will also continue to increase the  
23 trash that is being thrown on the sides  
24 of the road and that's being blown on the  
25 sides of the road.

2 CHAIRMAN EWASUTYN: Carol, when did  
3 you write this letter? When did you  
4 submit it?

5 MS. CAROL J.C.: Back months ago.  
6 I'm from Stony Brook. I'm a resident of  
7 Stony Brook.

8 CHAIRMAN EWASUTYN: Thank you.

9 MR. HINES: Did you send it to the  
10 Town or the Planning Board? That may  
11 have gone to the Town Board.

12 MS. CAROL J.C.: It went to the  
13 Town. I have to look it up on my phone.

14 CHAIRMAN EWASUTYN: I think if we  
15 had it -- I'll check the file, but  
16 offhand --

17 MR. HINES: It may have gone to the  
18 Town Board.

19 MS. CAROL J.C.: I wrote it to the  
20 Town.

21 The trash is increasing. It's  
22 continuing. It's an eyesore.

23 Thank you.

24 CHAIRMAN EWASUTYN: Any additional  
25 questions or comments?

2 MR. DAVID B.: David B again from  
3 Stony Brook.

Traffic 4 1.30

5 I reviewed the report. There was  
6 something about how there would be no  
7 traffic affected on D'Alfonso. I find  
8 that very hard to believe. Any of the  
9 250 residents, if they are going to  
10 Aldi's, Target, Adam's, anything on 17K,  
11 they're going from their entrance, taking  
12 the right and they are going down  
D'Alfonso.

13 UNIDENTIFIED SPEAKER: It's bad  
14 enough as it is now.

15 CHAIRMAN EWASUTYN: Thank you.

16 Any further last questions and  
17 comments from the public? Please.

18 MR. MATT G.: Short questions. No  
19 statements.

20 The first main --

21 CHAIRMAN EWASUTYN: Just for the  
22 record --

23 MR. MATT G.: I'm sorry. Matt G.,  
24 409 Little Britain Road.

Utilites 25 1.31

The force main is proposed to head

1

2

up towards Unity. Once that's in place,

3

is that -- the portion offsite will be

4

owned by the public. Correct? It would

5

be a public utility?

6

MR. WINGLOVITZ: It will be offered

7

to the Town. Whether they take it or

8

not --

Utilites

9

1.32

MR. MATT G.: If they don't take

10

it, does Farrell continue to be obligated

11

to maintain it?

12

MR. WINGLOVITZ: Farrell would be,

13

yes. The owner of the project.

Utilites

14

1.33

MR. MATT G.: So if you have .8, .9

15

miles offsite of the force main going to

16

Unity and the builder leaves Town, goes

17

bankrupt, if this pipe starts to leak,

18

break in people's front yards on Little

19

Britain Road, who foots bill to

20

decommission or to fix this thing? It

21

sounds like it's uncertain. Is that a

22

true statement?

23

MR. WINGLOVITZ: If the Town is

24

going to take it or not, that's

25

uncertain. That's always up to them.

2 MR. MATT G.: It would be nice to  
3 know by the final environmental impact  
4 study, if we could know who is going to  
5 be responsible for all that pipe filled  
6 with all that stuff.

7 The sewage well that would be the  
8 basin for the force main, could you point  
9 out, Mr. Winglovitz, about where on the  
10 site that would be located?

11 MR. WINGLOVITZ: Here.

Utilities 12 1.34 MR. MATT G.: Is it true, did I  
13 understand correctly from the report,  
14 that the capacity of that physically  
15 would not account for twenty-four hours  
16 of gravity drain?

17 MR. WINGLOVITZ: Correct. It has a  
18 backup generator required.

19 MR. MATT G.: Natural gas?

20 MR. WINGLOVITZ: That hasn't been  
21 selected yet.

Utilities 22 1.35 MR. MATT G.: Continuous fuel  
23 running a generator could be problematic  
24 if there's a big storm that takes out  
25 power for a week or two and somebody is

1

2

relying on propane or gas and that runs

3

short. A generator also becomes a single

4

point of failure after the power grid.

5

I'd just like to know if it's possible to

6

spitball. If the generator breaks,

7

twenty-five hours goes by, where is that

8

stuff going? I'll leave that question

9

for consideration.

Land

10

1.36

Blasting. The report still indicates

11

that blasting should be kept to a minimum

12

or not even required. If it is determined

13

that blasting is required for the entrance,

14

because we're a site located close to that,

15

is there any mechanism that we would get

16

notified that blasting has been determined

17

to be appropriate and when that would

18

happen?

19

The correlated question to that is

20

whether or not the agency to be doing

21

that would be willing to, at the Planning

22

Board's direction, if you saw fit to

Land

23

1.37

require it, put some sensors at neighboring

24

sites. I feel like there could be a burden

25

of proof. If I call up the day after

2 blasting and say, my goodness, I've  
3 got three cracked windows, they don't  
4 know that those windows weren't  
5 cracked the day before. It would be  
6 nice if we could do a little science  
7 to figure out what was actually there.

8 MR. HINES: That would be a  
9 requirement for blasting. That would be  
10 a requirement should blasting occur.  
11 That's required by the Town code.

12 MR. MATT G.: Outstanding. Thank  
13 you.

14 During the construction, three  
15 years. The main entrance, that's going  
16 to be construction in and out for three  
17 years, probably minimum, if things go  
18 according to schedule.

19 You mentioned street sweeping as  
20 required to help keep 207 free of debris.  
21 The last thing we want right now is  
22 people popping tires on nails and stuff  
23 like that. Who determines the frequency  
24 of that street sweeping and what is the  
25 recourse of any board or group if street

Project  
Descrip

1.38

2 sweeping is not occurring during the  
3 build?

4 MR. HINES: That can be addressed.  
5 The project will have a stormwater  
6 pollution prevention plan and a permit  
7 from the DEC with inspections performed  
8 by the Town, paid for by the applicant.

9 MR. MATT G.: Thank you.

Aesthetics 10 1.39

11 Lastly, for the landscape plan, I  
12 forget which attachment but they showed  
13 all the trees they plan on installing.  
14 There's a section of the overall site  
15 plan that was missing. It was  
16 specifically the section that would show  
17 the southeast corner of building 8, which  
18 is the closest to our viewpoint. It  
19 would be nice if we could see that in PDF  
20 uploaded with the rest of the DEIS just  
21 to kind of see what nature curtain is  
22 proposed along that southeast side of  
23 building 8.

23 That's it. Thank you.

24 CHAIRMAN EWASUTYN: At this time  
25 I'm going to turn to our consultants for

2 a short comment on what they heard this  
3 evening. Ken Wersted.

4 MR. WERSTED: The gentleman  
5 wanted --

6 MR. JOHN C.: I just have one more  
7 statement. For those that -- John C., 13  
8 Pat Road.

9 For those that have lived in the  
10 neighborhood for a long time, the Town  
11 allowed blasting in the stone quarry that  
12 sits down adjacent to this. A lot of us  
13 did incur foundation cracks because of  
14 the blasting. It's just a point of  
15 interest.

16 CHAIRMAN EWASUTYN: Now we'll turn  
17 it over for a final statement from our  
18 consultants. Ken Wersted.

19 MR. WERSTED: Through this process  
20 the applicant has prepared these  
21 materials. I won't take Dominic's  
22 thunder away, but we're now at a point  
23 where we are going to review these all  
24 for technical assumptions, their  
25 findings, their results and analyze those

2 conditions and provide our comments.

3 The City of Newburgh has provided a  
4 number of comments that we'll have to  
5 address. The public has provided  
6 comments. The consultants will go  
7 through and provide our own.

8 We are acutely aware of their  
9 proposal for the sight distance there and  
10 we're looking into that as well. If this  
11 was a single-family house, that might be  
12 acceptable. This isn't a single-family  
13 house. This is hundreds of apartments.  
14 Having an acceptable entrance in and out  
15 is going to be critical.

16 Relative to the intersection of Old  
17 Little Britain Road and Route 207, I did  
18 reach out to the consultant that is  
19 working with DOT. Give or take six  
20 months to ten months ago, DOT was  
21 reviewing that intersection and having  
22 their consultant analyze the options for  
23 it. They did look at a roundabout which  
24 didn't seem feasible based on their  
25 analysis. They did look at a traffic

2 signal. They did look at turning lanes.  
3 The consultant has summarized their  
4 findings and provided it to DOT. That  
5 report is now in DOT's hands. They  
6 haven't taken any action on it. It's  
7 been in their hands since March. Their  
8 consultant is anxious to finish that  
9 project. It will be my correspondence  
10 with the town supervisor to also have him  
11 prompt DOT to look into that and see if  
12 that can spur along that analysis and  
13 finish out that part.

14 Previously they had anticipated  
15 that they would put the project out to  
16 bid in the spring of next year and it  
17 would be constructed by the fall. I  
18 don't know what that timeline is like  
19 anymore. As part of this process, we  
20 will certainly look at that and look at  
21 what the repercussions are. If DOT were  
22 to fail to complete that project, what  
23 implications that might mean for the  
24 applicant.

25 Again, as we go through all the

2 technical details, we'll provide our list  
3 of comments and share that with the  
4 Board. It will become part of the  
5 record.

6 CHAIRMAN EWASUTYN: Pat Hines with  
7 MH&E.

8 MR. HINES: My office is reviewing  
9 various technical details of the DEIS and  
10 we will be providing written comments  
11 that will have to be addressed by the  
12 applicants.

13 We're reviewing the stormwater  
14 pollution prevention plan for stormwater  
15 management, erosion and sediment control,  
16 the utilities, the water, the sewer  
17 extension, things like the pump station  
18 that was addressed. We're doing a review  
19 of the design currently and it will be  
20 reviewed in the future.

21 The blasting and the geo-tech  
22 reports are under review.

23 The wildlife, flora and fauna  
24 reports are under review by people in my  
25 office that have that expertise.

2           There was a tree preservation plan  
3           for compliance with the Town's Tree  
4           Preservation Ordinance which we are doing  
5           a detailed review on. It was submitted.  
6           They complied with the requirement to  
7           provide that. Now we're doing a  
8           technical review of that.

9           We continue to coordinate with the  
10          City of Newburgh as well as Dominic's  
11          office regarding aspects of the project  
12          that are in the City of Newburgh. They  
13          have requested things like sidewalks  
14          along their portion of the project.  
15          We'll discuss with the Planning Board  
16          sidewalks along the rest of the project.

17          The City of Newburgh has concerns  
18          regarding stormwater management that our  
19          office is also reviewing, impacts to  
20          Harrison Pond, compliance with the DEC  
21          regulations regarding stormwater, erosion  
22          and sediment control.

23          Should the project move forward,  
24          there will be requirements to enter into  
25          agreements with the Town of Newburgh

2 regarding long-term operation and  
3 maintenance of any stormwater  
4 improvements under the Town's stormwater  
5 management code. Those will have to be  
6 filed with the County. They remain a  
7 requirement of the project.

8 During the project construction,  
9 the Town does have oversight over the  
10 erosion and sediment control as well as  
11 the installation of the utilities.

12 We are coordinating with other  
13 outside agencies in this DEIS process,  
14 numerous, the DOT, the DEC, SHPO,  
15 Historic Preservation, the City of  
16 Newburgh. County Planning will  
17 ultimately review the project. There are  
18 a lot of other agencies reviewing the  
19 DEIS as well as the Planning Board as the  
20 lead agency, kind of the gatekeeper of  
21 the environmental review. There are  
22 numerous agencies that have the DEIS and  
23 will respond with comments. We are doing  
24 that technical review at this time and  
25 will be providing the Board comments that

2 the applicant will have to address.

3 CHAIRMAN EWASUTYN: Thank you.

4 I'll take comments from Board  
5 Members. Dave Dominick?

6 MR. DOMINICK: First I'd like to  
7 thank everyone for their comments. I  
8 took a lot of notes. I also think,  
9 myself personally speaking, we share some  
10 parallel things.

11 Sight distance is one thing we  
12 talked about also in our workshop  
13 session, how to improve that or what  
14 options we have for sight distance for  
15 the entrance.

16 The other would be what's the  
17 overall solution to 207/Little Britain  
18 Road, whether it's the traffic light, the  
19 stuff Ken Wersted mentioned.

20 Also, the other option that came  
21 out tonight was, Ross, maybe look at the  
22 feasibility of switching the entrances,  
23 the main entrance and the emergency exit.  
24 You're at a slower speed limit as said,  
25 greater sight distance. That might solve

2 a couple problems if that could be  
3 somehow incorporated into this project.

4 Again, thank you, everyone, for  
5 your concerns.

6 CHAIRMAN EWASUTYN: Stephanie DeLuca?

7 MS. DeLUCA: I also would like to  
8 thank you for coming out as well. The  
9 information that you provided was, again,  
10 invaluable.

11 I just want to say that I'm so  
12 sorry that you had to go through that.  
13 It must have been a horrendous thing to  
14 do.

15 Anyway, traffic is a major concern  
16 for this project. It always has been.  
17 We hope to see how we are going to be  
18 able to negate that.

19 Thank you again.

20 CHAIRMAN EWASUTYN: Ken Mennerich?

21 MR. MENNERICH: I appreciate the  
22 depth of the reviews that people brought  
23 to our attention tonight. Thank you.

24 CHAIRMAN EWASUTYN: Lisa Carver?

25 MS. CARVER: I think what we heard

2 tonight was very thorough, very well put,  
3 and I thank you also.

4 I think, like Dave mentioned, we  
5 are looking. We looked at the sight  
6 problem. We looked at the intersection  
7 which really should have a light because  
8 that does get backed up. These are  
9 things that we're looking at. We don't  
10 really have control over DOT, but we can  
11 work with them.

12 We hear what you're saying and  
13 we'll do what we can.

14 CHAIRMAN EWASUTYN: John Ward?

15 MR. WARD: I want to say thank you  
16 very much for your input. We are  
17 listening to you.

Traffic

18 1.40

19 I'm suggesting to reevaluate the  
20 traffic study with the numbers, with the  
21 accident reports, everything and see what  
22 happens, not that it's in a work zone and  
23 there is only one lane. Make it accurate  
24 with the timing and everything else. A  
25 school year, maybe during that. Not the  
summer when it's slow.

Aesthetics

2 1.41

Another thing. If you can possibly for Stony Brook, give more of a buffer over in that area.

Project  
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5 1.42

Last was with the City of Newburgh. They were suggesting a sidewalk. I'm suggesting a sidewalk in the Town of Newburgh along 207 for pedestrian safety. Thank you. It's a State highway.

10

11 CHAIRMAN EWASUTYN: Dominic Cordisco  
12 with Drake, Loeb, Planning Board Attorney.

13 MR. CORDISCO: Thank you, Mr. Ewasutyn.

14 As I mentioned at the outset, this stage  
15 in the process was for the public to  
16 comment on the draft environmental impact  
17 statement. That document had been  
18 deemed adequate at this point for  
19 public review, but by no means was it  
20 necessary for the project to meet the  
21 requirements of the Planning Board as  
22 well as all the other interested and  
23 involved agencies, as Mr. Hines and  
24 Mr. Wersted had mentioned.

25 The public hearing portion of this

2 project requires that there be a minimum  
3 of a ten-day written comment period  
4 allowed. You also have a request --  
5 two requests, actually. One request  
6 to keep the public hearing open and  
7 another request to extend the written  
8 public comment period for thirty days  
9 to allow for additional written comments  
10 to be submitted. Both of those actions  
11 are written the discretion of the Board.

12 CHAIRMAN EWASUTYN: Your recommendation  
13 to the Planning Board as it relates to the  
14 public hearing? If the public hearing was  
15 closed, the extension of written comments  
16 for thirty days, your advice to the  
17 Planning Board?

18 MR. CORDISCO: My advice would be  
19 to extend the written comment period for  
20 thirty days. It's a reasonable request.  
21 The person who made it noted that there  
22 are volunteers involved and there's a  
23 significant amount of material to review  
24 and to provide comments on.

25 CHAIRMAN EWASUTYN: Then the action

2 would be to close the public hearing and  
3 to extend written comments for thirty  
4 days?

5 MR. CORDISCO: Yes, sir.

6 CHAIRMAN EWASUTYN: Having heard  
7 from our Planning Board Attorney, would  
8 someone move to close the public hearing  
9 and to extend the written comment period  
10 for thirty days?

11 MR. MENNERICH: So moved.

12 CHAIRMAN EWASUTYN: I have a motion  
13 by Ken Mennerich. Do I have a second?

14 MS. CARVER: Second.

15 CHAIRMAN EWASUTYN: I have a second  
16 by Stephanie -- I keep doing that. Were  
17 you ever on the left side? I apologize.  
18 It's a long day. We all work. Lisa  
19 Carver. Can I have a roll call vote  
20 starting with Dave Dominick.

21 MR. DOMINICK: Nay.

22 CHAIRMAN EWASUTYN: Stephanie DeLuca?

23 MS. DeLUCA: No. I would keep it  
24 open.

25 CHAIRMAN EWASUTYN: Ken Mennerich?

2 MR. MENNERICH: Yes.

3 CHAIRMAN EWASUTYN: Myself yes.

4 John Ward?

5 MR. WARD: No.

6 CHAIRMAN EWASUTYN: Let the record  
7 show that the Planning Board didn't have  
8 a majority vote to close the public  
9 hearing.

10 Do we reschedule the public hearing  
11 or do we leave it open?

12 MR. CORDISCO: It should be  
13 scheduled for another date certain. It's  
14 up to the Board whether you want to have  
15 that continuation at your August meeting,  
16 which would be August 15th, or if you  
17 would like to schedule that for sometime  
18 thereafter.

19 CHAIRMAN EWASUTYN: Allowing the  
20 time to do the study, why don't -- I  
21 think we have a meeting on the 5th of  
22 September.

23 MR. HINES: Yes.

24 MR. CORDISCO: Yes, sir.

25 CHAIRMAN EWASUTYN: Would someone

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make a motion to have a continuation of  
the public hearing on the 5th of  
September.

MR. DOMINICK: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion  
by Dave Dominick. I have a second by  
Stephanie DeLuca. Can I have a roll call  
vote starting with John Ward.

MR. WARD: Aye.

MS. CARVER: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried.

(Time noted: 8:55 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 16th day of August 2024.

*Michelle Conero*  
\_\_\_\_\_  
MICHELLE CONERO