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

----- X
In the Matter of

CHADWICK WOODS
(2019-02)

174 Route 300
Section 14; Block 1; Lot 51
RR Zone

----- X

FIVE-LOT SUBDIVISION

Date: February 15, 2024
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JAMES MARTINEZ

----- X

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

2 CHAIRMAN EWASUTYN: Good evening,
3 ladies and gentlemen. The Planning
4 Board of the Town of Newburgh
5 welcomes you to their meeting of the
6 15th of February 2024. We have four
7 items on the agenda this evening.

8 At this time we'll call the
9 meeting to order with a roll call
10 vote.

11 MR. DOMINICK: Present

12 MS. DeLUCA: Present.

13 MR. MENNERICH: Present.

14 CHAIRMAN EWASUTYN: Present.

15 MR. BROWNE: Present.

16 MR. WARD: Present.

17 MR. CORDISCO: Dominic Cordisco,
18 Planning Board Attorney.

19 MS. CONERO: Michelle Conero,
20 Stenographer.

21 MR. HINES: Pat Hines with MHE
22 Engineering.

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

25 CHAIRMAN EWASUTYN: At this time

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we'll turn the meeting over to Jim Campbell.

MR. CAMPBELL: All rise for the Pledge.

(Pledge of Allegiance.)

MR. CAMPBELL: Please put your cellphones on silent.

CHAIRMAN EWASUTYN: Our first item of business this evening is Chadwick Woods, project number 19-02. It's a five-lot subdivision located on Route 300 in an RR zone. It's being represented by Engineering & Surveying Properties.

MR. MARTINEZ: Good evening. James Martinez with Engineering & Surveying Properties.

We were last before the Board, I believe in May of 2023. We were waiting for the tree clearing ordinance law. Since then we had the tree survey conducted and we've submitted a tree preservation plan, which is here.

2 We also conducted hydrant
3 testing and submitted water pressure
4 calculations for each of the houses.

5 Skimming through MHE's review
6 memo quickly. Comment number 1, we
7 will immediately clear trees for
8 sight distance for the driveways.

9 The water services are supposed
10 to be 1.5 inches. We will verify and
11 make sure all the notes on the plans
12 say 1.5. There are a couple instances
13 where it says 1. They are 1.5.

14 We can add a driveway pull off
15 for lot 5, if that would be in
16 compliance for the 2020 fire code. I
17 know we have one on the other common
18 driveway. We can always add one to
19 this, if need be, along with any
20 other requirements.

21 We will add a note to the plans
22 stating the limits of disturbance
23 will be marked by orange construction
24 fence.

25 We'll mark the trees to be

2 removed.

3 We are requesting conditional
4 final approval on this.

5 CHAIRMAN EWASUTYN: Jim Campbell,
6 are you satisfied with the pull off
7 for fire based on the fire code?

8 MR. CAMPBELL: I believe each
9 driveway should have a turnaround and
10 each one should have a turn out.

11 MR. MARTINEZ: Okay.

12 MR. CAMPBELL: If you can,
13 dimension them. A turn out should be
14 at least 50 foot long. Also,
15 dimension the turnaround.

16 That's all I have.

17 CHAIRMAN EWASUTYN: Pat Hines
18 with MH&E.

19 MR. HINES: The applicant's
20 representative just touched on our
21 comments.

22 There will be a need for a
23 common driveway access and maintenance
24 agreement times two.

25 The project did receive approval

2 for three houses on a common driveway
3 for lots 1, 3 and 4, and then lots 1
4 and 5 -- lot 2 and 5 are sharing a
5 common driveway.

6 They need to change the water
7 service, as was mentioned, the size
8 of those.

9 They'll need coverage under the
10 DEC stormwater permit program prior
11 to stamping the plans.

12 It disturbs greater than 1 acre,
13 less than 5. The erosion and
14 sediment control plan meets that
15 requirement.

16 There is going to be a
17 requirement for tree preservation
18 security. There's a section in the
19 code. They did do sample plots.
20 They did three sample plots and
21 extrapolated those across the site.
22 They do need to put the orange
23 construction fencing up as part of
24 that code as well.

25 The septic systems have been

2 revised as per our previous comments.

3 That's all we have on it right
4 now. I think each of those could be
5 a condition of approval, if the Board
6 so desires.

7 CHAIRMAN EWASUTYN: Pat, just a
8 general comment. These are driveways.
9 Correct?

10 MR. HINES: They are common
11 driveways.

12 CHAIRMAN EWASUTYN: Common driveways
13 entering onto a county or a state road,
14 is there a requirement that they have
15 a stop sign?

16 MR. HINES: No. There was a
17 requirement for tree clearing in the
18 DOT memo. We're suggesting that notes be
19 added to the plans identifying that
20 that tree clearing has to be
21 accomplished as well.

22 CHAIRMAN EWASUTYN: Comments from
23 Board Members?

24 MR. DOMINICK: Nothing.

25 MS. DeLUCA: Nothing.

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MR. MENNERICH: No.

MR. BROWNE: Nothing more.

MR. WARD: No.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney, can you give us conditions for approval?

MR. CORDISCO: Yes. The conditions would be outlined as just mentioned by Mr. Hines.

I'm not sure if you mentioned the need for the highway work permit before building permits are issued.

Obviously the common driveway access agreements have to be provided.

Coverage under the DEC stormwater will also need be provided, as well as the security for the tree preservation law.

The Board had previously adopted a neg dec on April 6th of 2023. You already held your public hearing.

The appropriate action to consider tonight would be granting both preliminary and conditional

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final subdivision approval subject to the conditions as mentioned by Mr. Hines and myself.

CHAIRMAN EWASUTYN: Having heard from Dominic Cordisco, Planning Board Attorney, and Pat Hines with MH&E to grant preliminary and conditional final approval, would someone please move for that motion.

MR. DOMINICK: I'll make the motion.

MS. DeLUCA: Second.

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

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion

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carried.

MR. MARTINEZ: Thank you.

(Time noted: 7:05 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 24th day of February 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

CAMP INTEGRITY
(2023-22)

576 Rock Cut Road
Section 11; Block 1; Lot 61
R-1 Zone

----- X

SITE PLAN/SPECIAL USE PERMIT

Date: February 15, 2024
Time: 7:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: MARK DAY,
JOSEPH DOCETI

----- X

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

2 CHAIRMAN EWASUTYN: The Planning
3 Board's second item this evening is
4 Camp Integrity, project number 23-22.
5 It's a site plan and special use
6 permit. It's located on Rock Cut
7 Road in an R-1 Zone. It's being
8 represented by Day & Stokosa Engineering.

9 MR. DAY: Good evening. We're
10 here tonight to basically bring the
11 Board up to to date on what we've
12 done. We've made changes --

13 CHAIRMAN EWASUTYN: For the
14 record, Mark, can you give your name
15 please?

16 MR. DAY: It's Mark Day, Day &
17 Stokosa.

18 As the Board knows, Camp
19 Integrity is located on Rock Cut
20 Road. It is a summer camp.

21 The proposal in front of the
22 Board tonight is to convert one of
23 the existing buildings, which is
24 right now a tennis -- a building with
25 tennis courts in it, we want to

2 convert it into a facility for
3 specialized equipment which is for
4 training personnel for rescue in
5 turbines that are out to sea.

6 This project basically will
7 occupy one of the existing buildings.

8 We've proposed to revise the
9 driveway entrance and convert some of
10 the tennis courts into a parking
11 area.

12 Pretty much everything else is
13 going to remain the same.

14 There is a breezeway that serves
15 the two buildings now that connects
16 them. We are going to remove that in
17 order to create a fire separation
18 between these two spaces.

19 We are proposing parking down in
20 the tennis court area.

21 Really that's pretty much the
22 limit of the changes.

23 There are some septic systems on
24 the site which we are investigating.

25 There is an existing water

2 supply domestic that serves the site.
3 We have reached out to the Orange
4 County Health Department to get a
5 determination as to whether this
6 needs to be looked at as a public
7 water supply. Right now we're
8 thinking no because we're not adding
9 a connection.

10 We certainly are going to have
11 to address some of the septic system
12 issues. That's forthcoming. We had
13 a plan, but then it snowed. We're
14 waiting for that to go away.

15 That's pretty much it.

16 CHAIRMAN EWASUTYN: Comments or
17 questions from the Board Members as
18 far as the illustration and renderings
19 that are against the easel?

20 Can you put them up?

21 MR. DAY: Do you guys want to
22 pass them around? It might be easier
23 to look at.

24 MR. DOMINICK: Mark, just a
25 question. You said you're going to

2 use the tennis courts for parking?

3 MR. DAY: Yes.

4 MR. DOMINICK: Are you going to
5 pave over them and have an access
6 driveway to them?

7 MR. DAY: Right now people park
8 on them. We are going to widen the
9 pavement between the two buildings.
10 Right now it's paved. We don't think
11 we need to pave it. We're going to
12 stripe it, but we don't think we need
13 to pave it.

14 MR. DOMINICK: That's all I had.

15 MS. DeLUCA: Just out of
16 curiosity, if you don't mind, would
17 you explain -- it looks like a pool
18 here.

19 MR. DAY: It is a pool. There's
20 actually a bunch of different things
21 going on there. This is like a
22 recovery -- correct me if I'm wrong,
23 this is like a recovery -- it's
24 almost like a boat, if you will. The
25 pool is for recovery. There's an

2 overhead crane. There's also
3 different training mechanisms.
4 There's a boat. There's all kinds of
5 different things they'll be trained
6 for. This system is set up to train
7 for various scenarios.

8 MS. DeLUCA: Okay.

9 MR. BROWNE: You're training to
10 recover people that might get --

11 MR. DOCETI: Yes. It's a life
12 safety mechanism for -- not the wind
13 turbines, but around the areas for
14 life safety as far as watercraft.
15 It's a helicopter -- simulated
16 helicopter rescue that pulls the
17 people out of the ocean. They also
18 teach fire safety, first aid. All
19 the safety issues for being on the
20 sea.

21 CHAIRMAN EWASUTYN: For the
22 benefit of Michelle Conero, can I
23 please have your name?

24 MR. DOCETI: My name is Joseph
25 Doceti from Educational and Cultural

2 Trust Fund. I have a card.

3 MR. BROWNE: I'm really curious.
4 For a safety rescue class, which
5 seems like it could be a national
6 type draw for participants, it seems
7 odd to me that it would be located
8 here. Why was this facility -- this
9 location chosen for this?

10 MR. DOCETI: We own the camp.

11 MR. BROWNE: Okay.

12 MR. DOCETI: We own the camp.
13 We also own the property next to it.
14 Instead of building another building
15 onto the 20 other acres that we have,
16 we had an existing building with
17 tennis courts that we don't use as
18 much anymore. It's a perfect size
19 for this facility.

20 MR. BROWNE: When you say we,
21 you are an educational group?

22 MR. DOCETI: All right. So
23 we're Local 3. We're the
24 electricians union in New York City.
25 We bought the camp for the union and

2 for the kids for the union to go to
3 that camp. We also do training. We
4 have various facilities. We teach in
5 schools in Manhattan to give the
6 electricians, the apprentices
7 associate's degrees. We do all sorts
8 -- we have hands-on in Long Island
9 City that teaches wiring, basic
10 wiring, welding. We have different
11 facilities for teaching. The
12 educational part of the Local 3
13 entity is training for life safety.

14 MR. BROWNE: Thank you. I
15 appreciate that.

16 MR. DOCETI: These are for
17 anybody that wants to work at the
18 windmills or in the water, that we
19 could train them for life safety.

20 MR. BROWNE: Thank you.

21 MR. DOMINICK: Also, your camp
22 is seasonal. This will be in the off
23 season when you guys train?

24 MR. DOCETI: Correct. The camp
25 is three months. This would be the

2 balance. We're not going to intermingle.

3 MS. DeLUCA: Interesting. Thank
4 you.

5 MR. MENNERICH: Will there be
6 more than one of those setups in that
7 building?

8 MR. DAY: No. This is it. If
9 you look at that one board we have,
10 you can see it fits in this building.
11 The building we're talking about is a
12 pre-engineered building. If you can
13 see it, the rafters and frames, it's
14 going to just fit in there.

15 MR. DOCETI: There are basically
16 only twelve people at a time for the
17 two-week program going through.

18 CHAIRMAN EWASUTYN: How many
19 gallons of water does that pool hold?

20 MR. DAY: I think this is around
21 -- I think there's 9,000 in this.

22 CHAIRMAN EWASUTYN: It's how deep?

23 MR. DAY: I think it's five feet
24 deep. We're going to actually be
25 meeting with the company that

2 produces this. The company, they're
3 going to be here at the end of the
4 month to go through their equipment
5 and part of our design for the
6 interior of the building. If we get
7 any new information, we'll let you
8 know.

9 CHAIRMAN EWASUTYN: Can I step
10 back for a second?

11 MR. DAY: Sure.

12 CHAIRMAN EWASUTYN: I'd like to
13 make a suggestion that you put a 1.5
14 inch overlay on the existing driveway,
15 and you also pave the parking lot.

16 MR. DOCETI: That's not an issue.

17 CHAIRMAN EWASUTYN: My concern
18 is not today, but two, three years,
19 as vehicular traffic comes and goes,
20 and even, for that matter, any trucks
21 that may have to come and go. Let's
22 start out with a good base, so to
23 speak.

24 MR. DOCETI: Sure. That's not
25 an issue with us.

2 CHAIRMAN EWASUTYN: Any other
3 comments?

4 MR. BROWNE: Back to the plan.
5 To me it looks good at this point.

6 CHAIRMAN EWASUTYN: So the more
7 education your union people have, the
8 greater the opportunities for work in
9 the field, I would assume?

10 MR. DOCETI: It's not only the
11 work in the field. Like I said, with
12 the trade that we have, it's all life
13 safety. We want to teach them to be
14 safe and, you know, to make it home.

15 MR. WARD: The carpenters union
16 has their headquarters out in Vegas
17 for the training center. I've seen
18 it and it's excellent for the people
19 that go get trained this way. It's
20 very good, what you're doing. I
21 appreciate that.

22 MR. DOCETI: Thank you.

23 CHAIRMAN EWASUTYN: Jim Campbell,
24 Code Compliance.

25 MR. CAMPBELL: At the last meeting

2 we discussed about aerial access. I
3 didn't see any changes or anything to
4 address that.

5 MR. DAY: Aerial access to what?
6 I'm sorry.

7 MR. CAMPBELL: Fire apparatus.

8 MR. DAY: I mean, what are you
9 accessing? The roof? It's a metal
10 building. There's no access. There's no
11 windows or anything in it. I'm not
12 sure why you would go on a roof.

13 MR. CAMPBELL: To ventilate and
14 stuff like that.

15 MR. HINES: It's not just to go
16 on the roof. It's to position the
17 fire apparatus, the aerial fire
18 apparatus. The building is higher
19 than 30 feet. Any structure higher
20 than 30 feet needs a 26-foot wide
21 aerial access to get the ladder
22 trucks into the site. Even if they
23 are not accessing the roof, they may
24 be spraying water through the roof.

25 MR. DAY: It's an 18-foot eave.

2 We wouldn't gain access that way?

3 MR. HINES: No. It's access for
4 the fire truck, not necessarily the
5 firefighters.

6 MR. DOCETI: The fire trucks.

7 MR. HINES: The fire truck parks
8 there and puts the ladder truck up.

9 MR. DAY: You're saying the
10 vehicular access?

11 MR. HINES: Yes.

12 MR. DAY: There's a road going
13 down and you'd be able to access it.

14 MR. HINES: The Fire Code,
15 Appendix D, which Mr. Campbell is
16 referring to, has the directions
17 that are required. Once the building
18 is over 30, it's 26-foot wide.

19 MR. CAMPBELL: I think it could
20 be achieved by modifying the parking
21 spaces to be able to get the truck up
22 close enough and in line with the
23 building. I think that handicap spot
24 is in the way of getting a truck in.

25 MR. DAY: We can relocate that.

2 MR. HINES: You only need one
3 side.

4 MR. CAMPBELL: Access to one
5 side.

6 MR. DAY: We can move that.
7 That's easy enough.

8 CHAIRMAN EWASUTYN: Pat Hines
9 with MH&E.

10 MR. HINES: The project received
11 it's necessary variances for pre-
12 existing non-conformities on the
13 site.

14 The breezeway will be closed
15 off, separating this building from
16 the one to the west with a code
17 compliant fire system.

18 We did send this to Orange
19 County Planning Department on
20 November 17th. I don't believe we
21 got a response back from them.

22 We did send it to Orange County
23 Department of Public Works. After I
24 wrote this comment I did contact them
25 and they provided me with their

2 December letter that said they have
3 no issues with the access road.

4 The site details we requested
5 have been placed on the plans.

6 The septic system. When is that
7 going to happen?

8 MR. DAY: Like I said, we were
9 going to do it this past week. We
10 had scheduled to do the deeps and
11 then we got snow again there and it
12 kind of shut everything down.

13 MR. HINES: I'm sure this
14 facility is served by the existing
15 septic. I'm thinking it's more of a
16 septic repair outside the scope of
17 this approval with the twelve people.

18 MR. DAY: There are restrooms in
19 this building and they are served by
20 a septic back here, but we don't know
21 anything about it. We're going to
22 add bathrooms inside here. We want
23 to just discuss it with the Board of
24 Health. If it's something they say
25 no, we're aware of what you're doing,

2 then we're okay.

3 The other issue is there's an
4 existing well house. Right now it's
5 not considered a public water supply.
6 I think it's -- it's public, but it's
7 non-transient, so we're not adding
8 connections. I just want to get
9 their blessing that it doesn't change
10 this.

11 MR. HINES: I don't have an issue.
12 If the Board wants to consider it a
13 septic repair in the future, working
14 through the Building Department
15 rather than holding up this approval
16 for an Orange County approval that
17 could be nine months out.

18 CHAIRMAN EWASUTYN: Jim Campbell,
19 are you okay with that?

20 MR. CAMPBELL: Yes, as long as
21 they make the changes for the aerial
22 access.

23 CHAIRMAN EWASUTYN: While we're
24 taking a break, I'll raise a question.
25 It's discretionary for the Planning

2 Board as to whether they do or they
3 don't want a public hearing on a site
4 plan, this being an example. I'll
5 poll the Board Members starting with
6 John Ward.

7 MR. WARD: No.

8 MR. BROWNE: No.

9 MR. MENNERICH: No.

10 MS. DeLUCA: I'm okay.

11 MR. DOMINICK: No.

12 CHAIRMAN EWASUTYN: Myself no.

13 Let the record show that the
14 Planning Board waived the public
15 hearing for Camp Integrity.

16 At this point I'll turn to
17 Dominic Cordisco, Planning Board
18 Attorney.

19 MR. CORDISCO: The timeframe for
20 the County Planning Department has
21 timed out, given the fact that the
22 referral had been made and no response
23 was received within thirty days.

24 The Board could consider taking
25 action under SEQRA in connection with

2 this project at this time.

3 CHAIRMAN EWASUTYN: When you say
4 take action, can you be more --

5 MR. CORDISCO: It hasn't been
6 classified as a Type 2 action.

7 MR. HINES: I don't believe it's
8 a Type 2 action. It would be an
9 Unlisted action. I think a negative
10 declaration would be in order based
11 on the scope of the work outside the
12 building. Most of the work is inside,
13 internal to the existing structure.

14 CHAIRMAN EWASUTYN: Having heard
15 from Pat Hines from MH&E, would
16 someone move for a motion to declare
17 a negative declaration for Camp Integrity?

18 MR. BROWNE: So moved.

19 MS. DeLUCA: Second.

20 CHAIRMAN EWASUTYN: I have a
21 motion by Cliff Browne. I have a
22 second by Stephanie DeLuca. Can I
23 have a roll call vote starting with
24 Dave Dominick.

25 MR. DOMINICK: Aye.

2 MS. DeLUCA: Aye.

3 MR. MENNERICH: Aye.

4 CHAIRMAN EWASUTYN: Aye.

5 MR. BROWNE: Aye.

6 MR. WARD: Aye.

7 CHAIRMAN EWASUTYN: Back to
8 Dominic Cordisco, Planning Board
9 Attorney. The conditions for final
10 approval?

11 MR. CORDISCO: The conditions
12 would include addressing the comments
13 of Mr. Hines. I'm not sure that
14 there's anything else that's outstanding.

15 MR. HINES: There is an
16 architectural -- the educational
17 facility, my comment 7, does require
18 architectural review. I think
19 everyone has seen the building. That
20 section of the code, 185-24, does
21 actually reference subject to
22 architectural review.

23 CHAIRMAN EWASUTYN: I'm not
24 quite sure what the facade is going
25 to look like.

2 MR. DAY: It's not changing.

3 How can I describe the blandest
4 building you've ever seen?

5 MR. DOCETI: A metal building
6 with a metal seam roof.

7 MR. DAY: It's a pre-engineered
8 building that's kind of a very normal
9 color and there's very limited doors.

10 MR. HINES: I just wanted to
11 check the box on the approval.

12 CHAIRMAN EWASUTYN: There is an
13 ARB form. If you could complete that
14 form, just for the records.

15 MR. DAY: Will do.

16 CHAIRMAN EWASUTYN: Are you okay
17 with that, Jim Campbell? Do you have
18 one with you?

19 MR. CAMPBELL: Yes.

20 CHAIRMAN EWASUTYN: We can make
21 the motion subject to completing the
22 ARB form to the satisfaction of the
23 Building Department.

24 MR. CORDISCO: Yes.

25 MR. DOCETI: Here's a picture of

2 the building, if you want to see it.

3 CHAIRMAN EWASUTYN: If you can
4 bring it up, sure. Why not.

5 MR. DOCETI: It's just a metal
6 building, standing seam roof.

7 CHAIRMAN EWASUTYN: That's nice
8 and clean.

9 MR. WARD: It's like a pole barn.

10 MR. DOCETI: Basically.

11 CHAIRMAN EWASUTYN: Do you have
12 a good memory?

13 MR. DOCETI: I can't remember.

14 CHAIRMAN EWASUTYN: One more
15 time, do you have a good memory?

16 MR. DOCETI: Somewhat.

17 CHAIRMAN EWASUTYN: Courtesy of
18 the Planning Board, when the facility
19 is up and running, would you think to
20 invite us, sort of a grand opening,
21 and showing us --

22 MR. DOCETI: I offered that the
23 last time we met. I gave a card out
24 that they can call me, we can tour
25 it. John Estes is onsite all year

2 around.

3 CHAIRMAN EWASUTYN: There was
4 confusion, because I had spoken to
5 someone in your office and I said,
6 when I spoke to them, that I thought
7 I heard someone say that there was
8 someone present onsite all the time.
9 I'm not going to belabor that. They
10 said no, that's not the case. We
11 kind of got into a seven-minute
12 conversation and it wasn't really
13 necessary.

14 That being said, when it's up
15 and running --

16 MR. DOCETI: Yes.

17 CHAIRMAN EWASUTYN: I appreciate
18 that.

19 MR. DOCETI: A hundred percent.
20 I'll remember that.

21 MR. CORDISCO: The conditions
22 would be to address the outstanding
23 engineering comments, as well as
24 those of the building inspector, and
25 revise the plans as needed accordingly.

2 There also would be a standard
3 condition regarding outdoor fixtures
4 and amenities, that only that which
5 is shown on the plan can be
6 constructed and in those locations.

7 The Board would also be granting
8 Architectural Review Board approval
9 subject to the submission of the
10 application form and the narrative as
11 to the limitation of use.

12 This particular use is being
13 approved for this site as described
14 in the application, so if there was
15 ever a change in the use or an
16 expansion of the use, the applicant
17 would need to seek an amended approval
18 from the Board.

19 CHAIRMAN EWASUTYN: Any questions
20 or comments from Board Members or
21 Consultants?

22 MR. DOMINICK: I think we
23 discussed this briefly in workshop.
24 Was there any signage to your
25 building, either on the building or

2 out front?

3 MR. DOCETI: There was a sign
4 for Camp Integrity out in front of
5 the building. There was a comment
6 made that it was blocking the view,
7 that someone had a hard time coming
8 out. We took down that sign and
9 we're going to just turn it straight.
10 We don't really need to advertise for
11 business, but we can turn that
12 straight, just so it's along the
13 fence and it's not interfering with
14 the driveway at all.

15 MR. DOMINICK: Which will only
16 say Camp Integrity?

17 MR. DOCETI: Yeah. It's only
18 Camp Integrity at Redwood.

19 MR. DOMINICK: Thank you.

20 CHAIRMAN EWASUTYN: Okay. We
21 had discussion from the Planning
22 Board Attorney as far as the
23 preliminary and final approval for
24 the site plan and special use permit.
25 We had discussion. Would someone

2 move for a motion to approve the site
3 plan and special use permit?

4 MR. DOMINICK: I'll make the motion.

5 MR. WARD: Second.

6 CHAIRMAN EWASUTYN: I have a motion
7 by Dave Dominick. I have a second by
8 John Ward. Can I have a roll call vote
9 starting with John Ward.

10 MR. WARD: Aye.

11 MR. BROWNE: Aye.

12 CHAIRMAN EWASUTYN: Aye.

13 MR. MENNERICH: Aye.

14 MS. DeLUCA: Aye.

15 MR. DOMINICK: Aye.

16 CHAIRMAN EWASUTYN: Motion
17 carried. Best of luck. Congratulations.

18 MR. DAY: Thank you very much.

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20 (Time noted: 7:25 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 24th day of February 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

GREEN LEAF CANNABIS DISPENSARY
(2024-03)

1400 Route 300
Section 60; Block 3; Lot 43
IB Zone

----- X

SPECIAL USE PERMIT

Date: February 15, 2024
Time: 7:25 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOSEPH MORRIS

----- X

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

2 CHAIRMAN EWASUTYN: The Planning
3 Board's third item this evening is
4 Green Leaf Cannabis Dispensary. It's
5 an initial appearance for a special
6 use permit. It's located on Route
7 300 in an IB Zone. It's being
8 represented by AFR Engineering.

9 MR. MORRIS: My name is Joe
10 Morris. I'm actually the general
11 contractor working to get through the
12 process of the special permit and the
13 construction of the facility, if
14 we're given permission.

15 I received a letter yesterday
16 from MHE Engineering that there were
17 some errors in the existing survey.
18 They're in the process of being
19 corrected today. I sent the letter
20 to AFR to make the modifications as
21 part of our conversation today as
22 well. We're in the process of fixing
23 what wasn't on the original plan.

24 CHAIRMAN EWASUTYN: Before we
25 turn the meeting over to our

2 consultants, starting with Pat Hines,
3 can you give us a little idea as to
4 what you're proposing to do, what the
5 product is like, how it's sold?
6 Stephanie DeLuca has a question as
7 far as where the waste goes. Let's
8 understand the facility.

9 MR. MORRIS: So there's an
10 existing vacant space in the building
11 -- in the rear of the building opposite
12 Route 300. It's approximately --
13 it's 2,450 square feet where the
14 facility will go. The entrance is
15 going to be to the rear of the
16 building, so there won't be any
17 facing on the street at all.

18 Currently there are dumpsters
19 for this building. There is a
20 restaurant and ax throwing place in
21 this corner right here.

22 The requirements for disposal of
23 expired cannabis and everything else
24 is basically to disable it. They
25 suggest you mix it with coffee

2 grounds or some substance that's not
3 going to make it usable to somebody
4 to go dumpster diving. What we'll do
5 also is, we'll secure the dumpster so
6 once things are put in there, it will
7 be secured. When the refuse comes,
8 it will be able to be dumped.
9 Essentially what's required is just
10 to make it disabled.

11 Within the building plans, which
12 we're premature on, there is
13 essentially a separate entrance that
14 goes to a mantrap where people are
15 screened before going into the
16 facility. They're ID'd and
17 everything else. They go in, there's
18 a retail counter and then there's a
19 separate exit. It's in one way,
20 screened, out another way. There's
21 no commingling of entrances. There's
22 a security vault that's in the plans.
23 There's a separate entrance for the
24 vault that's, again, secured. All
25 the material is barcoded. The POS

2 system is linked to the OCM office in
3 Albany. Everything is very tightly
4 controlled. There are cameras
5 everywhere. They screen for age.
6 IDs are taken for private purchase,
7 and that's registered because there's
8 limits on how much people are allowed
9 to buy each day. All that stuff is
10 very definitively controlled.

11 CHAIRMAN EWASUTYN: So then how
12 would someone know when they -- I
13 mean, this isn't a great question
14 because you do everything online.
15 Assuming, how would someone know that
16 they are driving around to the rear
17 of the building to find the retail
18 outlet? How does that work? I don't
19 think I ever realized it was in the
20 rear.

21 MR. MORRIS: The plan for
22 signage, I think we're premature on
23 that. Currently there's a pylon sign
24 in the front of this facility that's
25 actually under zoning review because

2 it's not compliant right now. They
3 changed the rules on the sign. On
4 this side of the building there's
5 space available for signage, and then
6 obviously in the rear there would be
7 signage to come into the space. Once
8 the pylon situation is fixed, there
9 will be a pylon sign that essentially
10 says Green Leaf is in this location.
11 We'll have to figure out some way to
12 direct people to the back. We're
13 limited in the number of square
14 footage of signs we're allowed and
15 things like that. There's the online
16 presence, social media, different
17 things that they're going to do.
18 It's not that big of a building.
19 They'll see Hannoush or Mattress
20 Firm. They'll kind of work their way
21 back there anyway.

22 CHAIRMAN EWASUTYN: Questions
23 from Board Members?

24 MR. DOMINICK: Given that the
25 entrance is in the back, I would like

2 you to increase the lighting in the
3 parking lot and probably alongside of
4 the building.

5 MR. MORRIS: In the existing
6 plan there are six lights that are
7 going to go on the building itself
8 that are going to illuminate that
9 part of the parking lot. The back of
10 the building is probably twenty feet
11 wide in terms of the parking lot.
12 Maybe twenty-five. We'll put some
13 elevated light structures on the
14 building that will go into the
15 parking lot.

16 Are you talking about the back
17 part of the parking lot?

18 MR. DOMINICK: That whole lane.

19 MR. MORRIS: That's going to
20 require some effort. Yes.

21 MR. DOMINICK: In addition to
22 what you just said.

23 MR. MORRIS: This essentially
24 has been unused up to this point in
25 this building. It's a totally

2 different scenario.

3 CHAIRMAN EWASUTYN: Ken Mennerich?

4 MR. MENNERICH: Is there a
5 parking lot in the back where this
6 other door is going to go?

7 MR. MORRIS: This area is about
8 twenty-five feet wide. Theoretically
9 we could do a handful of herringbone
10 parking spots along the back fence of
11 the property. There's also room --
12 there's some rock debris and
13 different things that are back there
14 that will give us about another ten
15 feet. There could be ten maximum,
16 probably herringbone style here.
17 This parking lot would be the primary
18 use.

19 MR. MENNERICH: Will you have a
20 sidewalk to go from the parking on
21 the side to the back?

22 MR. MORRIS: There would be a
23 sidewalk that goes along this side of
24 the building, and then we would have
25 to do probably some zebra stripes to

2 cross the existing parking lot to
3 make it safe.

4 MR. MENNERICH: Thank you.

5 MR. BROWNE: I need to see the
6 plan more detailed. Obviously the
7 words are great, but we need to see
8 it on paper and drawn out to code and
9 all that.

10 MR. MORRIS: I mean, building
11 plans or just -- this is just the
12 plot plan.

13 MR. BROWNE: The layout plan.
14 The building itself, what's going on
15 the inside, that's a whole different
16 thing.

17 MR. MORRIS: You want to see
18 more detail for the parking lot?

19 MR. BROWNE: The plan. The
20 whole thing.

21 The signage. You need to work
22 out the signage details and how
23 that's going to work out, what you're
24 allowed to have, what you're going to
25 do, where it's going to go. Right

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now it's --

MR. MORRIS: The signage is not addressed.

MR. WARD: You're saying about parking and everything else. Like Cliff says, we need it established what the parking spots are, how many in the back, what you're supposed to have, and the lighting. You need more lighting than you're talking about on the building. I don't feel it's going to cover for safety back there.

MR. MORRIS: This is totally unaddressed. It has to get fixed.

MR. WARD: There's blacktop behind there?

MR. MORRIS: There is blacktop.

MR. WARD: Where you're talking about putting the parking spots, it's not blacktopped.

MR. MORRIS: I think if you have lights on the -- it's a one-story building.

2 MR. WARD: I know the building.

3 MR. MORRIS: I think that would
4 be adequate to shine here. This area
5 is probably -- is definitely not
6 covered.

7 MR. WARD: You're talking about
8 parking where the entrance is?

9 MR. MORRIS: On the opposite
10 side of the entrance. Not in front
11 of the building.

12 MR. WARD: Is it blacktop there?

13 MR. MORRIS: Yes.

14 MR. WARD: Okay. You're talking
15 signage. You've got banners all over
16 the front already.

17 The dumpster, on previous
18 projects, when you talk about you're
19 going to protect it and nobody can
20 get in there, how are you going to do
21 that with the dumpster?

22 MR. MORRIS: With a lock.

23 MR. WARD: At the same time, is
24 it going to be -- it's an individual
25 dumpster?

2 MR. MORRIS: We can put it in a
3 different location. It can go in
4 this corner which is adjacent to the
5 building, separate from the other
6 dumpsters.

7 MR. WARD: Is it going to be
8 fenced in?

9 MR. MORRIS: We could fence it.

10 MR. WARD: I'm talking for
11 security. I don't care about what
12 they put in there.

13 MR. MORRIS: They're going to
14 try to get into it. There's no
15 doubt. Even if it's unusable.

16 MR. HINES: That's a relative
17 term.

18 MR. MORRIS: The dumpster will
19 be secured.

20 CHAIRMAN EWASUTYN: We don't
21 want any stoned cats running around.

22 MR. MORRIS: With the pizza
23 restaurant, there's a lot of rats
24 around there.

25 MS. DeLUCA: What are your

2 hours? Do you have hours offhand?

3 MR. MORRIS: I'm not privy to
4 that right now. I'll get that answer.

5 MS. DeLUCA: Okay.

6 MR. CORDISCO: To be honest, it
7 should be shown on the plan.

8 MR. MORRIS: The hours of operation?

9 MR. CORDISCO: Correct.

10 MR. MORRIS: Okay.

11 CHAIRMAN EWASUTYN: Jim Campbell,
12 Code Compliance, we'll start with you.

13 MR. CAMPBELL: I just want to
14 make note that I did do a circumference,
15 a 500 foot circumference, and there
16 are no children-oriented businesses
17 or anything like that. Currently
18 there are no --

19 CHAIRMAN EWASUTYN: Libraries?

20 MR. CAMPBELL: -- libraries and
21 stuff like that within the 500. The
22 1,000 foot circumference, there are
23 no other like businesses.

24 CHAIRMAN EWASUTYN: How would
25 you, today or at a later date,

2 address signage? How can we address
3 that?

4 MR. CAMPBELL: What Joe mentioned,
5 I was unaware that you're working on
6 the pylon sign. It must be with Mr.
7 Mattina.

8 MR. MORRIS: We submitted that.
9 The meeting is on the 22nd for Zoning.

10 MR. CAMPBELL: You would just
11 need to submit plans.

12 MR. MORRIS: Basically the pylon
13 right now is 18 feet tall. It's
14 supposed to be 18 feet from the
15 property line. It's currently 6
16 feet. The pylon has been there for,
17 I don't know, a long time. We're
18 trying to get a variance for that.
19 If not, the landlord is going to have
20 to make an adjustment.

21 CHAIRMAN EWASUTYN: Pat Hines
22 with MH&E.

23 MR. HINES: The project is
24 before you under Chapter 185-48.9,
25 which is cannabis-related uses.

2 That's probably the most recent
3 addition to your zoning.

4 We just noted the plan doesn't
5 have a stamp of the design
6 professional that prepared it.

7 MR. MORRIS: I should have made
8 thirteen copies. I made that
9 mistake. I only did one stamped
10 copy. I'll make sure on the
11 resubmission it's taken care of.

12 MR. HINES: We need a cumulative
13 parking calculation. The narrative
14 that was submitted said there's lots
15 of parking on the site. There's also
16 lots of uses on the site. Your
17 design professional needs to take a
18 look at the uses and plug in the
19 parking calculations to show what
20 works in addition to the parking
21 requirements for your use.

22 We talked about signage. Part
23 of the regulation is that no signage
24 on the site can display your product
25 or any paraphernalia.

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MR. MORRIS: No marijuana leaves.

MR. HINES: No marijuana leaves,
no paraphernalia. That's in that
section.

There's a code section specific
to the use. There's section 1
through 5, one of which is lighting.
I think the Board has some concerns
over lighting and the ability -- your
clients are most likely going to park
in that back lot, which isn't very
well lit.

The security, the lighting, the
dumpsters are all in that section.
We need each of those addressed on
the plan by notes.

I think a narrative report
should be provided.

The location in the building
right now, we were all guessing where
it was. That should be boxed out and
shown, the square footage and such of
the use.

The facility has to have a valid

2 license from New York State. I don't
3 know if we have that yet.

4 MR. MORRIS: I'll get a copy of
5 that.

6 MR. HINES: That needs to be
7 submitted to the Board. If that
8 license is revoked or expired, the
9 use is terminated through the Board.

10 This is a special use. It will
11 eventually need a public hearing.

12 Submission to Orange County
13 Planning Department is required, but
14 we're going to need those lighting
15 details, signage details, the stamped
16 plans that we're talking about now
17 prior to referring it to County
18 Planning.

19 Adjoiners' notices will be
20 required. I will prepare the
21 adjoiners' notices and provide the
22 mailing list. I don't know if you
23 want that to go to AFR, which is what
24 we did now, or if you have a contact
25 and you'll be responsible for that.

2 MR. MORRIS: I'm responsible for
3 that. I have a mailing list for the
4 variance for Zoning. I could utilize
5 that or --

6 MR. HINES: That will be the
7 very same one. I need to get you the
8 notice. There's a separate notice
9 that has to get mailed out as well.
10 If you can give me your information,
11 I can work with you on that.

12 The dumpster enclosure should be
13 shown on the site.

14 Methods of disposing of the
15 product should be depicted, which you
16 just discussed.

17 I think those details need to be
18 added to the plans prior to the Board
19 being able to submit to County Planning.

20 MR. MORRIS: Okay.

21 CHAIRMAN EWASUTYN: Dominic
22 Cordisco, Planning Board Attorney.

23 MR. CORDISCO: Nothing further
24 at this time.

25 I believe the applicant is going

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to resubmit and address the outstanding comments.

MR. MORRIS: Thank you. The parking lot, it's in relatively poor condition. Is there going to be an expectation that it gets repaved?

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: I think what will most likely happen is the Planning Board Members are going to do a site inspection of the site and then they'll have more educated comments for the next time you're here.

MR. MORRIS: Okay.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:41 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 24th day of February 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

UNITY PLACE WAREHOUSE
(2021-29)

Old Little Britain Road & Unity Way
Section 97; Block 2; Lots 14.1 & 19.12
IB Zone

----- X

CLEARING & GRADING

Date: February 15, 2024
Time: 7:42 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: JOHN CAPPELLO,
ELIOT SPITZER & RAYMOND YANNONE

----- X

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

2 CHAIRMAN EWASUTYN: The fourth
3 and final item of business this
4 evening is Unity Place Warehouse.
5 It's before us for a clearing and
6 grading permit. It's located on the
7 northwest corner of Old Little
8 Britain Road and Unity Way. It's in
9 an IB Zone. It's being represented
10 by Brooker Engineering.

11 MR. CAPPELLO: Good evening,
12 everyone. John Cappello, J&G Law.
13 I'm here with the project sponsor,
14 Eliot Spitzer, and our contractor,
15 Ray Yannone.

16 I'm sure the Board recalls this
17 is the Unity Place Warehouse project.
18 We were before the Board for probably
19 a year or so pursuing the approvals
20 for the warehouse that's going to be
21 located on the parcel. We did receive
22 approval after public hearings.

23 There was a clearing and
24 grading permit application submitted
25 with all the documents. Now, as

2 we're going forward, we're in the
3 process of addressing all the
4 conditions. We've submitted and
5 hopefully will be on the Town Board's
6 agenda fairly soon for the outside
7 user agreement, the stormwater
8 agreement. We are processing an
9 application with the Health
10 Department. That's one we're not
11 sure we're going to have.

12 As you're aware, there are trees
13 here. One of these years on March
14 31st I'm going to go outside at
15 midnight and watch all the Indiana
16 Bats flying. The DEC requires that
17 after March 31st, no cutting of
18 trees. If we don't get in and cut
19 the trees before March 31st, we would
20 be delayed until October 31st from
21 cutting any trees.

22 We met with the Town on several
23 other issues and we mentioned this
24 issue. We were directed to come
25 back before the Planning Board for

2 the clearing and grading permit to
3 actually do the cutting.

4 This is a map that's shown.
5 There are approximately 190 trees to
6 be cut. The areas are on the plan.
7 It's 4.59 acres of clearing. We did
8 not include the portion of the lot
9 that we acquired. That won't be
10 cleared at this time, unless we get
11 all of our approvals and proceed
12 through the site plan approval. We
13 wanted to keep it under 5 acres, so
14 hopefully the Board would then
15 consider waiving a public hearing.
16 If we cleared this, this would give
17 us area, even after we have -- if we
18 got all the approvals in May to be
19 able to do work, that would allow us
20 to get work done here and just
21 address this parcel after October
22 31st for any clearing.

23 We did have a letter from Mr.
24 Hines. We understand there's security
25 in the amount of \$3,500 per acre. We

2 wanted to clarify if that's based on
3 the approximate 5 acres. That would
4 be no problem submitting.

5 We anticipate fairly soon
6 thereafter we'll be submitting the
7 full landscape bond that's required
8 to have the map signed, which is more
9 akin to, I think, 70,000 or something.
10 We're prepared to do that.

11 Since this was not one that was
12 noticed for all the various public
13 hearings, it was not noticed for
14 clearing and grading, the Board will
15 have to make a determination.
16 Anything over an acre, it's in your
17 discretion. If it's over 5 acres,
18 there's no discretion, a hearing is
19 required.

20 We believe we're not changing
21 anything pursuant to the approved
22 plans that went through the whole
23 SEQRA review.

24 We'll follow all the guidelines
25 in the SWPPP that's already been

2 reviewed.

3 We would hope that the Board
4 would waive the public hearing,
5 because the closer you get to March
6 31st, it's like, you know, buying
7 toys at Christmastime, the prices go
8 up, the contractors are harder to
9 find to cut the trees. We're hoping
10 to start as soon as possible.

11 With that, I have Mr. Spitzer
12 and Mr. Yannone if you have any
13 questions.

14 CHAIRMAN EWASUTYN: Pat Hines
15 with MH&E.

16 MR. HINES: Mr. Cappello gave a
17 very concise detail of the plan.

18 We did request a plan showing
19 the trees to be removed. That has
20 been provided.

21 Originally the clearing and
22 grading permit that was submitted
23 identified 6 acres of clearing, which
24 is the gist of my comment that said
25 it requires a public hearing. That

2 area has been reduced to 4.6 acres,
3 so it is below the threshold
4 requiring a public hearing. The
5 public hearing is discretionary.

6 I think the important point is
7 that SEQRA has been completed on the
8 project. You issued a negative
9 declaration stating there would be no
10 significant environmental impacts,
11 and that negative declaration was
12 performed on the grading plan for the
13 whole site. I think that checks one
14 of the big boxes here regarding
15 impacts.

16 The security was mentioned.
17 Typically we require \$3,500 per
18 disturbed acre. There is a tree
19 preservation bond that has been
20 identified by Karen's office at
21 \$4,500 which should be posted.

22 The public hearing is
23 discretionary and up to the Board.

24 That's where we're at with it.
25 We understand that time constraints

2 for the bat species are driving this
3 and numerous projects before the
4 Board. We experience this every
5 February and March.

6 We don't have any specific
7 issues with the clearing and grading
8 as identified as it's under the 5
9 acres, but it's certainly under the
10 Board's purview to address whether or
11 not to hold a public hearing.

12 CHAIRMAN EWASUTYN: Jim Campbell,
13 Code Compliance.

14 MR. CAMPBELL: Nothing additional.

15 CHAIRMAN EWASUTYN: We'll start
16 out by discussing the public hearing.
17 It is discretionary for a clearing
18 and grading permit for the Planning
19 Board to waive the public hearing if
20 they are clearing under 5 acres of
21 land. It's been stated in
22 conversation this evening that it
23 will be less than 5 acres of land.

24 We'll poll the Board Members now
25 to see if they want to have a public

2 hearing or to waive the public
3 hearing. I'll start with John Ward.

4 MR. WARD: No.

5 MR. BROWNE: I would waive the
6 hearing based on the fact that we had
7 previous hearings. It's my opinion
8 that everything had been pretty well
9 hashed out at that previous hearing.

10 CHAIRMAN EWASUTYN: Okay. I
11 would waive the public hearing
12 subject to the conditions that we
13 have held a public hearing -- we've
14 held more than one public hearing on
15 this site plan in the course of
16 approximately the last two years.
17 Yes, I would waive it.

18 MR. MENNERICH: I also think we
19 should waive it.

20 MS. DeLUCA: Same here. Waive.

21 MR. DOMINICK: I agree to waive
22 it based upon what fellow Board
23 Members said as well.

24 CHAIRMAN EWASUTYN: Having
25 polled the Board Members, there's a

2 majority to waive the public hearing
3 on the clearing and grading.

4 We'll forward move. Dominic
5 Cordisco, Planning Board Attorney.

6 MR. CORDISCO: The first matter
7 that I would suggest that the Board
8 consider would be a determination of
9 consistency with the Board's prior
10 negative declaration for this
11 project. As Mr. Cappello pointed
12 out, the application did not include
13 a clearing and grading permit
14 application at that time, but it's
15 certainly consistent with the overall
16 levels of disturbance that have been
17 not only proposed but approved for
18 this site.

19 The Board adopted a negative
20 declaration on November 17th of 2022.
21 You could find tonight that this
22 proposed clearing and grading is
23 consistent with your prior negative
24 declaration.

25 CHAIRMAN EWASUTYN: Are there

2 any other conditions than posting of
3 securities?

4 MR. CORDISCO: Yes. I can go
5 through those as well.

6 The standard conditions for a
7 clearing and grading permit include
8 compliance with all the requirements
9 of Chapter 83, which is the clearing
10 and grading chapter within the Town
11 Code.

12 Also, the applicant has to
13 comply with all of the mitigation
14 measures included in the November 17,
15 2022 SEQRA negative declaration.

16 A performance guarantee in the
17 amount of \$3,500 per acre. That's
18 not reduced to 4.59, it's actually
19 for 5 acres, which would need to be
20 filed.

21 MR. CAPPELLO: I can't do the
22 math anyway.

23 MR. CORDISCO: There's also an
24 additional inspection fee deposit in
25 the amount of \$3,500.

2 There's the tree preservation
3 performance security that's been
4 mentioned. The recommended amount
5 there was \$4,500.

6 The bat clearing restrictions
7 are between April 1st and October
8 1st. The question that sometimes
9 comes up is does March 31st count.
10 Yes, March 31st counts. It's
11 actually from April 1st to October
12 1st currently.

13 You also have to obtain coverage
14 under the general permit for
15 stormwater discharges if you are
16 disturbing any of the soil. If
17 you're just cutting the trees, you
18 don't have to get coverage under the
19 stormwater general permit.

20 You have to comply with all of
21 the requirements in Chapter 172 of
22 the Town Code, which is tree preservation.

23 Also, if there is going to be
24 any tree clearing within 1,500 feet
25 of any residence, there are additional

2 restrictions on the hours that that
3 can be conducted. It's between 7:30
4 in the morning and 6 p.m. at night.
5 Also, there's no site work on Sundays
6 or public holidays.

7 Lastly, all engineering fees and
8 other escrows have to be paid in
9 connection with that.

10 CHAIRMAN EWASUTYN: John, it's
11 our understanding they'll be dropping
12 the trees.

13 MR. YANNONE: Yes.

14 CHAIRMAN EWASUTYN: For the
15 record, you are?

16 MR. CAPPELLO: Ray Yannone.

17 Ray, do you want to introduce
18 yourself.

19 MR. YANNONE: Raymond Yannone,
20 Storm King Building Company.

21 CHAIRMAN EWASUTYN: I like your
22 new building.

23 MR. YANNONE: Thank you.

24 CHAIRMAN EWASUTYN: I think it's
25 clever.

2 MR. YANNONE: It's my last
3 office. Thank you.

4 CHAIRMAN EWASUTYN: Dominic,
5 should we actually state that the
6 Board finds their determination of
7 consistency, that it meets the
8 negative declaration that was --

9 MR. CORDISCO: Yes. All this
10 activity would have taken place if
11 they weren't seeking a separate
12 clearing and grading. It's more of a
13 question of timing than actual impacts.

14 CHAIRMAN EWASUTYN: Let's start.
15 Would Someone move for a motion for a
16 determination of consistency with the
17 original negative declaration for the
18 Unity Place site plan? Would someone
19 move for that?

20 MR. DOMINICK: So moved.

21 MR. BROWNE: Second.

22 CHAIRMAN EWASUTYN: I have a
23 motion by Dave Dominick. I have a
24 second by Cliff Browne. Can I have a
25 roll call vote starting with John

2 Ward.

3 MR. WARD: Aye.

4 MR. BROWNE: Aye.

5 CHAIRMAN EWASUTYN: Aye.

6 MR. MENNERICH: Aye.

7 MS. DeLUCA: Aye.

8 MR. DOMINICK: Aye.

9 CHAIRMAN EWASUTYN: Would
10 someone move for a motion to grant
11 the clearing and grading permit
12 subject to the conditions that were
13 presented by the Planning Board
14 Attorney?

15 MR. MENNERICH: So moved.

16 MS. DeLUCA: Second.

17 CHAIRMAN EWASUTYN: I have a
18 motion by Ken Mennerich and a second
19 by Stephanie DeLuca. Can I have a
20 roll call vote starting with John Ward.

21 MR. WARD: Aye.

22 MR. BROWNE: Aye.

23 CHAIRMAN EWASUTYN: Aye.

24 MR. MENNERICH: Aye.

25 MS. DeLUCA: Aye.

2 MR. DOMINICK: Aye.

3 MR. CAPPELLO: Thank you very
4 much.

5 MR. SPITZER: Thank you.

6 MR. CAPPELLO: Good evening,
7 everyone.

8 CHAIRMAN EWASUTYN: Would
9 someone move for a motion to close
10 the Planning Board meeting of the
11 15th of February 2024.

12 MS. DeLUCA: So moved.

13 MR. DOMINICK: Second.

14 CHAIRMAN EWASUTYN: I have a
15 motion by Stephanie DeLuca. I have a
16 second by Dave Dominick. Can I
17 please have a roll call vote.

18 MR. DOMINICK: Aye.

19 MS. DeLUCA: Aye.

20 MR. MENNERICH: Aye.

21 CHAIRMAN EWASUTYN: Aye.

22 MR. BROWNE: Aye.

23 MR. WARD: Aye.

24 (Time noted: 7:55 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 24th day of February 2024.

Michelle Conero

MICHELLE CONERO