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

----- X

In the Matter of

VERIZON WIRELESS  
(2022-18)

Pressler Road  
Section 4; Block 2; Lot 43  
AR Zone

----- X

NEW CELL TOWER

Date: March 2, 2023  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: SCOTT OLSON

----- X

MICHELLE L. CONERO  
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(845) 541-4163

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. The Planning Board would like to welcome you to their meeting of the 2nd of March 2023.

At this time I'll call the meeting to order with a roll call vote.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. DOMINICK: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. WARD: Present.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

MR. HINES: Pat Hines with MHE Engineering.

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

MR. MILLS: Colin Mills, HDR Engineering, Wireless Consultant.

CHAIRMAN EWASUTYN: At this point, we'll turn the meeting over to Frank Galli.

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MR. GALLI: Please rise for the Pledge.

(Pledge of Allegiance.)

MR. GALLI: Please silence your cellphones.

CHAIRMAN EWASUTYN: We have six items this evening on the agenda. The first item is Verizon Wireless. It's a new cell tower. It's located on Pressler Road. The zoning in that area is AR. It's being represented by --

MR. OLSON: Good evening. Scott Olson, Young Sommer, for Verizon Wireless.

Since we were here last, we received a copy of HDR's tech memo. Obviously the Planning Board has it. Obviously we're going to put a written response into the record responding to their issues. We have a couple of issues with some things we'll have to talk about. I don't know if that's for tonight or not,

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but I don't want to steal Colin's thunder. I'm sure he's got a fair amount to talk about. If the Planning Board would like, I can certainly raise the issues now, talk after, or raise them offline. Whatever you'd like.

CHAIRMAN EWASUTYN: Dominic, your opinion?

MR. CORDISCO: I think the issues and the technical items could be deferred at this point. I think the broader issue is the submission of the additional materials that were necessary to bring this application to a point where it could be deemed complete by the Board.

MR. OLSON: Absolutely. We certainly feel that the application is, at this stage, complete with the submission of the visual analysis that was provided. Certainly complete enough to allow for comment from the public at a public hearing.

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Thank you.

CHAIRMAN EWASUTYN: Colin, do you have anything you'd like to say at this point?

MR. MILLS: I'd like to kind of -- as Mr. Olson referenced, we have submitted our technical review and our tech memo, so I would like to present a little bit of that for the record, for the Board and the public.

Our technical review memo takes a look at all the application materials submitted by the applicant to date. We put our memo out in different sections to kind of try to paint the whole story of our understanding of the application package and summarize down the technical aspects of it.

We have sections at the very beginning. We talk about the application overview. As has been brought up, it's a 120-foot tall, new conventional monopole structure with

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Verizon as the primary applicant.  
It's in a residential area off  
Pressler Road.

We then inventoried the  
application filings, which included  
the original application filing as  
well as the supplemental filings  
received at the end of January,  
February. We kind of just  
inventoried all the documentation  
thereof. A lot of the supplemental  
information was submitted in response  
to what we call our completeness  
memo, which is an initial review of  
the application materials. The  
application was incomplete due to a  
need to complete a visual resources  
evaluation and conduct a balloon  
float test, which is where you float  
a balloon at the tower height and  
then assess visibility from the  
surrounding area by looking for the  
balloon floating. The applicant  
would turn photographs from that in

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to a simulation of what the tower might look like from the location. We note that that has since been completed and was provided in the supplemental filings.

We also look at the reason that the applicant, in this case Verizon, is seeking to increase their towers, whether it's a coverage or a capacity need. We understand Verizon is seeking to increase its coverage of its network in this area, especially around Pressler, Fostertown, East Roads, in that part of the Town of Newburgh. We also understand there's a need to relieve some capacity off of nearby towers, notably what Verizon's system calls the Balmville tower and -- I'm drawing a blank. They're on Quaker -- Quaker Street and that area.

We believe that the needs outlined in terms of coverage capacity by the applicant are

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substantiated by the data they provided and the information they've attested to.

We also looked at the existing sites, the Verizon cell sites, as well as the site selection process. So Verizon looked at different locations throughout the area they're trying to fill the gap. We assessed that in comparison to what the code deems the priority of site selection is, which is to co-locate on an existing structure followed by industrial and commercial properties, residential being last. This is a residential neighborhood, so additional due diligence is required here. In that sense, there were no other locations the applicant identified in the area that would solve their coverage gaps and capacity needs. Based on our understanding of the area, site recognizance and the application



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materials, we find that as well.

We also look at the nonionizing micro-magnetic radiation, which is basically the energy emitted by the antennas, and whether it's compliant with the FCC. We note the applicants have provided a report that documents that the site will be designed to be in compliance. Obviously it doesn't exist yet. It has to be modeled and predicted.

One comment we have here, which is in our findings and recommendations at the end, is that we'd like to see a couple of revisions to this report, just to provide a little additional information about if the tower is fully occupied by like -- the tower is designed to have Verizon and three others. If it's being utilized by numerous co-locators, that was one of our recommendations.

Then we talked -- the meat and potatoes was really the visual

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analysis, which is what was missing from the original application. The applicant did float a balloon, as required by Town Code. It was noticed appropriately. I was out in the field during the balloon test personally to confirm visibility in that area -- I should say near the site. Based on that analysis, we then worked with the applicant team to identify photos, to have simulations created. Out of all the locations that were visible from there, the applicant did make photo simulations of those.

We note here that we requested that a cell tree design be provided as a photo simulation, just as another option for the Board to consider.

That's kind of the big part of it.

We looked at ecological and cultural resources as well.

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We also noted that there's structural components that will be addressed at a later point. It can't be fully addressed at this stage of the process.

Then we have our findings and recommendations.

That is substantially the report. It's quite detailed.

They also requested six waivers to the Town Code, which many of them are about insurance and indemnification. We recommend the Town Board or Planning Board Attorney review those waivers.

We do note that there's a waiver to request not to have to provide one certified report. At the Board's discretion, we recommend that that one could be waived.

The other one, which is about the topographic analysis, we note that the applicant has agreed to perform that as a condition of the

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site plan special use permit approval. So at the Board's discretion, we also would recommend that.

With that said, that is my attempt at making a quick overview of a rather lengthy tower report.

Any questions from the Board?

CHAIRMAN EWASUTYN: Any questions from Board Members?

MR. GALLI: No.

MS. DeLUCA: No.

MR. DOMINICK: No.

MR. BROWNE: Aye.

MR. WARD: No.

CHAIRMAN EWASUTYN: Dominic Cordisco, do you have anything to add at this point?

MR. CORDISCO: Just to reiterate that this is an application that was incomplete previously because it was missing the visual impact analysis and balloon test. That was conducted in accordance with the Board's

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requirements. The results of the balloon test and the visual impact analysis have now been submitted, together with a number of other items, as Colin has provided in his overview.

As a result, my recommendation would be that the Board would now declare this application complete. It's an important procedural milestone for the application, because, under the SEC rules, the Board is supposed to complete its review and render a decision within 150 days of this point on a new tower proposal. Nonetheless, the application submitted by the applicant appears to be complete at this time with some issues that are details that could be resolved as the Board continues its review.

CHAIRMAN EWASUTYN: Any discussion on the comments from Dominic Cordisco, Planning Board Attorney?

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(No response.)

CHAIRMAN EWASUTYN: Would someone make a motion to deem the application complete for Verizon Wireless and to set it for a public hearing for the 6th of April?

MR. DOMINICK: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by Stephanie DeLuca. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: Can I have a roll call vote starting with John Ward?

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Mr. Olson, you'll work with Pat Hines as far as

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the mailing.

MR. OLSON: Absolutely. Yes.

CHAIRMAN EWASUTYN: Anything you'd like to add at this point?

MR. OLSON: No. We'll provide our response to the tech memo and work with Pat on the public hearing mailing.

CHAIRMAN EWASUTYN: Thank you.

MR. OLSON: Thank you. Have a nice night.

Sorry. One more. The public hearing is most likely in April?

CHAIRMAN EWASUTYN: April 6th.

MR. OLSON: The 6th meeting. Thank you.

(Time noted: 7:14 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 17th day of March 2023.

*Michelle Conero*  
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MICHELLE CONERO



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

----- X  
In the Matter of

LONGVIEW FARM  
(2006-39)

Barbara Drive Extension and Holmes Road  
Section 20; Block 1; Lots - Numerous  
AR Zone

----- X

27-LOT SUBDIVISION

Date: March 2, 2023  
Time: 7:14 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: THOMAS DePUY

----- X

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CHAIRMAN EWASUTYN: The Planning Board's second item of business this evening is Longview Farm, application number 06-39. It's a 27-lot subdivision located on Barbara Drive Extension and Holmes Road. It's located in an AR Zone. It's being represented by Tom DePuy.

MR. DePUY: Well, we were coming in front of the Board tonight to request to set a public hearing on April 6th, which was the agreement at the last meeting. That's our request.

CHAIRMAN EWASUTYN: Okay.  
Dominic Cordisco.

MR. CORDISCO: At the work session there was some discussion as to the status of this application, and it wasn't clear during the work session as to whether or not the prior approval had lapsed in connection with this application. This application received conditional final approval in 2008, and then, due

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to the fact that it was running up against limitations on final approvals at that time, the application stepped back into preliminary approval. Mr. Hines shared with me some correspondence from 2019 that shows that there were regular applications made to submit a request for an extension. There was some discussion, which I think is somewhat relevant but maybe perhaps not fully on point, because when this application has now come back before the Board for consideration again of moving forward to a point of conditional final approval, the Board determined to recirculate for lead agency to reestablish itself as lead agency, and also to hear any concerns from any interested and involved agencies. The Board did that. That was at the last meeting.

The difficulty is is that one of the agencies that received the

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notice was the County Planning Department. The County Planning Department has raised a number of comments and concerns regarding the project. The goal of recirculating for lead agency was to provide additional information for the Board so that the Board could evaluate whether or not there were new or changed impacts over time, since 2008 and now, which is fifteen years ago. The purpose of that would be to ultimately lead to a point where the Board would be in a position to either reaffirm its prior negative declaration or issue a positive declaration based on new information, if that was to be the case.

So what we have is a process now where we have comments from the County Planning Department where they want to do their full 239 review.

My recommendation would be to refer this matter to the County with

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an explanation of what I had just laid out, the fact that the Board was recirculating for lead agency because of the amount of time that had lapsed since the original approval in 2008.

We're in an interesting position, because if you refer something to the County for its 239 review, according to the statute, the County has thirty days to provide their comments to the Board before the Board can take any further action under SEQRA. Typically this Board would have reaffirmed its SEQRA determination, if that's what was appropriate, and then scheduled a public hearing. It seems as though that's potentially premature at this point, to schedule a public hearing for the April 6th meeting, because we have an interested agency, an involved agency, being the County Planning Department, that has expressed concerns over the project.

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My recommendation at this point would be that the Board can now confirm its status as lead agency. It may want to consider referring the application fully to the County Planning Department with an explanation of the procedural history of this project.

All that said, it appears that the application has not expired as with what we had previously discussed. We still have an agency out there that has jurisdiction over the project and has the desire to provide comments to the Board.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

MS. DeLUCA: No.

MR. DOMINICK: No.

MR. BROWNE: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: I have no additional

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comments. We can certainly expedite the submission to the County, working with Mr. DePuy's office.

MR. DePUY: A question. Why can't we set the public hearing and leave it open if there's an issue?

MR. CORDISCO: This Board's practice on subdivisions is to complete the SEQRA process before scheduling the public hearing, and the goal here was to provide information for the Board to have in connection with possible reaffirmation of its prior SEQRA determination.

MR. DePUY: So if they have thirty days and we get the stuff to them tomorrow, wouldn't that thirty days be up before the 6th of April?

MR. HINES: Yes, it would, but then the Board would be in a position to make a SEQRA determination at that time and then schedule your public hearing. I think that's the process

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we're discussing.

CHAIRMAN EWASUTYN: Then there's also the publication, the lead time for the publication to go out. That's timing also.

MR. CORDISCO: I would recommend that this matter be placed on the April agenda after the referral is made.

MR. DePUY: Okay. When is the -- is there a second meeting in April?

CHAIRMAN EWASUTYN: Yes, there is. There's one on the 6th, which means one would be on the 20th.

MR. DePUY: Would that give us time to have the public hearing on the 20th?

CHAIRMAN EWASUTYN: I think, if I understand what everyone is saying, we would have to make a SEQRA determination at an actual meeting before we can schedule it for a public hearing. If we feel that we have correctly everything back by the



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20th of April, it would be at that point we can make a SEQRA determination and schedule it thereafter for a public hearing.

Am I --

MR. CORDISCO: That's correct. That would be the cleanest and would be providing for the County, which has expressed a request to review and comment on the project. The project has been around for ten years.

MR. DePUY: Right. So have I.

MR. CORDISCO: And myself as well. I was younger, thinner and less gray.

CHAIRMAN EWASUTYN: Having heard from our Attorney, Dominic Cordisco, would someone make a motion to reconfirm our status for lead agency and circulate Longview Farm to the Orange County Planning Department?

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a

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motion by Frank Galli. I have a second by John Ward. May I please have a roll call vote starting with Frank Galli?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Would someone make a motion to set this for the meeting of the 20th of April for a discussion?

MR. HINES: Weren't we going to do the 6th of April?

CHAIRMAN EWASUTYN: The 6th? We won't hear back by then.

MR. HINES: If I get it out tomorrow or Monday, we will.

CHAIRMAN EWASUTYN: We'll do it for the 6th of April. I stand corrected.

Would someone move for a motion

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to set this for the agenda on the 6th  
of April?

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a  
motion by Frank Galli. I have a  
second by John Ward. May I please  
have a roll call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

MR. DePUY: Thank you.

CHAIRMAN EWASUTYN: Sorry for  
the delay.

MR. HINES: Tom, can you call  
me tomorrow to coordinate the  
submission?

MR. DePUY: Yes.

(Time noted: 7:22 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 17th day of March 2023.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X  
In the Matter of

MOFFAT PROPERTIES  
(2022-14)

224 & 226 New York State Route 17K  
Section 32; Block 29; Lots 64 & 65  
IB Zone

----- X

SITE PLAN

Date: March 2, 2023  
Time: 7:22 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: NEIL SANDER

----- X

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

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CHAIRMAN EWASUTYN: The Planning Board's third item of business is Moffat Properties, a site plan. It's located at 224-226 New York State Route 17K. It's in an IB Zone. It's being represented by Independence Engineering.

MR. SANDER: Good evening, ladies and gentlemen. Good to see you all again.

We were last here in November discussing the application for this new 1,200 square foot building at 224 Route 17K. At that time there were a number of outstanding comment letters that we were requested to address, specifically MHE provided a technical review comment letter, a SWPPP comment letter. We received a comment letter from KALA Landscaping. We are back to demonstrate how we have met all of the requests that your Town professionals have put forward.

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First of all, the changes that have been made to the plan. The building has been shifted back another 35 feet away from the highway.

We cleared out the area as the 35-foot landscape buffer as requested.

The basin has been enlarged somewhat to make sure we meet the additional water quality requirements.

We've also added the pump station. Because the sewer main along Route 17K is under pressure, we have added a pump station to get that into the public system.

At the time there were a number of issues that we needed to address in order to get a negative declaration and move forward to the public hearing. One of those was getting a conceptual approval from DOT. We did receive that and brought it to Pat.

We also needed to address the Town Landscape Ordinance and Tree

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Preservation Ordinance, which we prepared a landscape plan, hired a local RLA as requested. I will get that to the Board. I will ask Mr. Justin dates to speak to his plan.

And then there are some additional technical requirements for stormwater that we're still working out with MHE.

CHAIRMAN EWASUTYN: Justin, good to see you. Do you want to discuss with us your landscape plan and the comments you received from our landscape consultant?

MR. DATES: Sure. Justin Dates with Colliers Engineering & Design.

I'll start with one of the comments that was required for the Town Code for the Tree Preservation Plan. If anybody knows this site, the former Garden Center here, most of where the project is going to be developed is already developed. There's the benefit of not that many



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trees having to be removed to create the footprint that Sunbelt is going to utilize.

The plan will be prepared in conjunction with the project surveyor. We located all the existing trees 10-inch or larger around the perimeter of the site where they're concentrated. The gray area that you see on this plan shows the no disturbance zone for the preservation area. All the trees in that area will be preserved. We had about just over 2,000 inches of trees that were surveyed, live ones. We did not count the dead in that calculation. That's about 156 trees in total that were surveyed. We're looking to remove 18 just in conjunction with the extensive grading really on the southeast side of the site here and just along the perimeter in locations. There were some areas where the drip line or

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root zone of the tree went into the graded areas. That typically, when impacted, we expect a decline in that tree, it would not survive, so we show notes as to be removed.

There are some wetlands areas here along our southeastern property line. Trees within that, we're not looking to remove any of those or create any disturbance to that wetland. The project does not propose any wetland disturbance. We're just looking to maintain that.

Based on the removal rate, it's only about 8.8 percent. Quite low. It does not need any kind of reforestation.

We then prepared a landscape plan for the project site. 17K is on your left. The entrance is right here. We did look to plant and provide screening along 17K. We have a mixture of Evergreen trees, Hollies, White Pines and some Green

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Giant Arborvitaes. We also have some deciduous trees, canopy-type level, Maples, Canuks. Canuks tend to hold their leaves into the winter months. Again, it's some level of screening even though it is a deciduous tree. Then we have some understory shrubs, some Red Dogwood, Vernums and Hydrangea. Some flowering shrubs underneath in that buffer area.

As we move into the site, the building itself is just under, I think, 200 feet to our western corner here.

MR. SANDER: It's about 172.

MR. DATES: 172.

CHAIRMAN EWASUTYN: What was that?

MR. SANDER: 172.

MR. DATES: So it is setback a little but further than that existing building that you see out at the site.

The elevation change from the road to finish floor is around 7 feet or so. It sits up a little bit

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higher.

With the parking in front, we proposed a staggered row of Inkberries, which is a broad leaf evergreen, that we put along the parking, again to help screen some of the parked cars along that area. Then we introduced some other flowering shrubs, Spirea, some more Hydrangeas, and also a few more canopy trees or shade trees, and Maples up on top there. That's the proposed makeup of the landscape plan.

I can go through Karen's letter right now, or if you want to have any questions, I could field those as well.

CHAIRMAN EWASUTYN: Why don't we wait until the public hearing, and then we can summarize it at the public hearing.

MR. DATES: Okay.

CHAIRMAN EWASUTYN: Do you want

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to make mention of the fact that you're showing a stonewall along the front of the property?

MR. DATES: Thank you. Yes. We do have a section of stonewall that we introduced on the eastern side of the entrance there. We're looking to do more, which I can go into detail if the Board would like.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: Can we see the rendering of the building?

MR. SANDER: We have a lot of renderings here. Let's skip right to the end here. This is actually a photograph of an existing Sunbelt Rentals. This is in Lake Forest. Is that correct? You can see the color scheme that's going to be on the building, neutral grays, neutral browns. The only accent is going to be the green, the Sunbelt Rentals, and the yellow logo.

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MR. DOMINICK: Is that the only signage you have?

MR. SANDER: There is a monument sign proposed along the frontage of the building. That's going to be worked architecturally into the stonewall. Basically the footer is going to have a veneer similar to the type of stonewall that's along the frontage of the site, or will be.

We also have elevations of this particular building, the one that's being proposed. You can see the same color scheme, browns and grays with some green accents.

This is an aerial view of a rendering of what it's going to look like. This is a wet pond, so there will be standing water in the front.

MR. GALLI: Did you go through the signage process form? In the frontage for the sign that you have?

MR. SANDER: That's actually to

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be done by the tenant. That's not part of this application.

CHAIRMAN EWASUTYN: So then we'll be, at some point, granting site plan approval and at a later date someone will come forward for signage approval?

MR. SANDER: That's correct.

MR. DOMINICK: What type of fence is around that pond?

MR. SANDER: What type of fence is around the pond. We're proposing split rail. Being in the front as it is, we'd rather have something aesthetic than chain link.

CHAIRMAN EWASUTYN: Stephanie DeLuca, comments?

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I'm good.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I'm fine. Thank you.

CHAIRMAN EWASUTYN: Jim Campbell?

MR. CAMPBELL: At the work

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session I just mentioned about the signage. We're curious to get sizes and stuff.

CHAIRMAN EWASUTYN: Did you mention the handicap also?

MR. CAMPBELL: Also in the handicap zebra, you're missing a no parking sign.

MR. SANDER: Okay.

CHAIRMAN EWASUTYN: Pat Hines with McGoey, Hauser & Edsall?

MR. HINES: We had given some previous comments. A lot of those have been addressed.

We have some procedural. The City of Newburgh flow acceptance letter will be required.

We did receive the engineering report for the pump station which does identify the hydraulic loading now, so we can process that through the City of Newburgh.

We were also waiting for the final determination on the discharge



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location for the stormwater management facility which is now conveying flow to the west of the existing stream on the site where previously it was going to the east. That's an improvement on the site. The reason that's an improvement is that flow from the site will then not be tributary to the City of Newburgh's watershed and will remain in the watershed with the stream on the property.

FAA approval is required. The applicant has identified they've made a submission there, but it is relatively close to the airport and the associated runways in that area.

An ARB submission is required, which we discussed a little bit tonight.

The Tree Ordinance, I didn't have that in my impact but we will review that. Mr. Ward did show me his copy. I'll work with Justin on

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the review of that.

The fence around the stormwater pond, we requested that be labeled. It's split rail with a wire mesh? That's typically what the Board likes to see.

MR. SANDER: I believe we just labeled it split rail.

MR. HINES: Typically they like the black vinyl coated mesh. It's a requirement for stormwater ponds on sites. It's not only an aesthetic issue, but a safety issue. If that detail can be improved.

We have some comments on the water supply for the structure. It is connecting to the Town system.

We did previously comment on the sewer line being a force main.

We did receive a revised stormwater pollution prevention plan in response to our previous comments, and we are finishing the review of that. The technical review is being

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completed.

We also received DOT's conceptual approval, which was an important hurdle. So we have that in our files.

We are comfortable, if the Board is, issuing the negative declaration on the project, and then you could consider the public hearing.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney?

MR. CORDISCO: That would be correct. You would then be in a position to then schedule a public hearing.

CHAIRMAN EWASUTYN: Any further comments from the Board?

(No response.)

CHAIRMAN EWASUTYN: Would someone make -- it's a two-part motion. One, to declare a negative declaration for Moffat Properties, and part of that also would be to set this for a public hearing on April

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6th.

MR. BROWNE: So moved.

MR. DOMINICK: Second.

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

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

MR. SANDER: Thank you very much.

(Time noted: 7:36 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 17th day of March 2023.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X  
In the Matter of

33 OLD LITTLE BRITAIN ROAD KINGDOM HALL  
(2022-31)

33 Old Little Britain Road  
Section 97; Block 3; Lot 13  
R-3 Zone

----- X

SITE PLAN

Date: March 2, 2023  
Time: 7:36 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN MONTAGNE

----- X

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

2 CHAIRMAN EWASUTYN: The Planning  
3 Board's fourth item of business is 33  
4 Old Little Britain Road Kingdom  
5 Hall. It's a site plan. It's  
6 located on 33 Old Little Britain  
7 Road. It's in an R-3 Zone. It's  
8 being represented by Greenman-  
9 Pedersen.

10 MR. MONTAGNE: Good evening,  
11 everyone. John Montagne with  
12 Greenman-Pedersen. Good to be back  
13 here again.

14 What we're here to do tonight  
15 is just to update you on our progress  
16 of advising and advancing the  
17 engineering and design on the site.  
18 I'm going to just talk briefly about  
19 some of the main topics that were in  
20 the engineer's review letter.

21 One of the first ones was the  
22 need for a lighting and landscaping  
23 plan. We have produced those and  
24 provided those to the Board for  
25 review.

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There was discussion about the entrance configuration for the site. We have looked at that. We have modified our drainage plan in that area to accommodate the existing drainage structure that's out there, make sure that there's conveyance along the road.

We've also proposed now a bracketed stonewall entrance on either side of the main entrance coming in. That will be our primary entrance design. That's shown here, the brackets on either side. Our intent is that there would not be a freestanding pylon sign anymore. There would be mounting on the face of that entrance wall.

We've also noted that we're requesting that the Board consider to allow us to have small up-lights shining on to those faces. The main reason for that is a lot of the activity for this facility is in the



2 evening hours during the weekdays and  
3 on weekends and on Sundays. Because  
4 of that, we want adequate lighting  
5 and visibility.

6 In addition to that, one of the  
7 requirements was to make sure that we  
8 did a tree survey. We have hired an  
9 arborist who went out and did a  
10 detailed tree survey. That was  
11 followed up by our land surveyor who  
12 picked up all of the tree locations.  
13 There was a summary in the  
14 application material that was  
15 submitted of all of the trees. If you  
16 go by now, you can see there are  
17 ribbons on all of the trees that  
18 qualify, with the name of the species  
19 on that tree.

20 We then calculated in our  
21 grading plan the clearance  
22 requirements for the project and our  
23 percentage of clearing of any trees  
24 that are of the size that are  
25 required. We are considerably below

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the threshold for clearing. It's a very large, wooded site. As you can see on here, this is all wooded right now. This outline here is what we would need to clear, and everything else we intend to maintain.

On those plans you'll see there's a table that identifies every one of the trees that we flagged in the field, which ones, their character, their quality, their species and whether they're being removed or not. That's on the submitted material. I don't know that anybody has had a chance to review that yet, but we have that information.

One of the other things that was requested is information about the water supply. We are proposing to bring a 6-inch water line in off of the municipal water line that's out in Old Little Britain Road. That is being brought in because there's

2 also a requirement for sprinklering  
3 this building. This building is  
4 under 5,000 square feet. There will  
5 be a 6-inch water line brought in.

6 We've calculated the septic  
7 system sizing for this. It's under  
8 1,000 gallons. It's 660 gallons per  
9 day, and that is a standard system  
10 that would be reviewed at the Town  
11 level, so we don't have to go to the  
12 DEC or at that level.

13 The lighting plan that we  
14 presented does show that we have  
15 lighting foot candle patterns that  
16 are the minimum standard with no  
17 offsite overspill. The only area  
18 that you really have any lighting  
19 that will affect anything would be  
20 right at the entrance. Everything  
21 else is contained, and we have a tree  
22 canopy all the way around.

23 The same with the landscape  
24 plan. We have modified the islands  
25 inside the parking lot to meet the

2 minimum standards for landscaping.  
3 Our landscape plan uses all native  
4 landscape material. Our trees will  
5 be Maples and Pin Oaks, and our  
6 ground cover shrubs will be all  
7 native materials.

8 The last thing that I wanted to  
9 show was just what the building  
10 elevations will look like. As I  
11 said, the building is under 5,000  
12 square feet. It's 4,990 square feet.  
13 It's a very simple design. It has a  
14 stone entrance, features at the  
15 entrance, the peak. The rest of the  
16 building is to match that. The total  
17 height, it's about 22 feet to the  
18 peak. It's not a very high building.  
19 It's single story. This is the main  
20 entrance. That's the front entrance  
21 on the one side and here's the back.  
22 The color scheme is pretty conducive  
23 to what we have at other facilities.

24 That's our update at this time.  
25 I would be happy to answer any other

2 questions.

3 CHAIRMAN EWASUTYN: John, thank  
4 you.

5 Frank Galli?

6 MR. GALLI: The sidewalk. I  
7 noticed that you took the sidewalk  
8 out in between the two facilities.

9 MR. MONTAGNE: The way that  
10 these facilities work is that the  
11 congregations come and they use the  
12 space. It just happens to be  
13 coincidental that there's another  
14 facility next door. In most cases we  
15 don't have that scenario. We took a  
16 look at what it would take to combine  
17 these two or to link the two and  
18 whether or not there's really a need  
19 for it. First of all, there's not  
20 really a need. Second of all,  
21 because we can't put the sidewalk in  
22 the right-of-way, there would be the  
23 need to do additional clearing and  
24 grading in front of the property. If  
25 you look at the way that the grading

2 on the site works, it is fairly steep  
3 along the front of the property. As  
4 you drive down that road, you can see  
5 how it goes up to where the old house  
6 was. Trying to get a sidewalk -- the  
7 other thing that was noted at the  
8 last meeting is that the current  
9 property line goes to the center line  
10 of the road. We're now going to  
11 dedicate that 25-foot offset from  
12 that, so our property line now comes  
13 back up to that treeline. In order  
14 to do a sidewalk beyond that, we  
15 would have to take additional trees  
16 and do more grading. There really  
17 just isn't a need for that kind of  
18 connection. That's why we don't have  
19 that.

20 CHAIRMAN EWASUTYN: Stephanie DeLuca?

21 MS. DeLUCA: Can I see the other  
22 picture of the renderings?

23 MR. MONTAGNE: Sure.

24 MS. DeLUCA: I was just curious.  
25 Over on the side of the building --

2 that, yes. What is that?

3 MR. MONTAGNE: On the end of  
4 the building, which I can show you on  
5 here, as you come into the site, on  
6 the backside of the building, that's  
7 just where the mechanical enclosures  
8 are. That's just a fenced enclosure  
9 to screen the mechanical equipment.

10 MS. DeLUCA: Air conditioning?

11 MR. MONTAGNE: Air conditioning.

12 MS. DeLUCA: Thank you.

13 MR. MONTAGNE: It should be  
14 noted, too, that that really faces  
15 back towards the backside of the  
16 site. At the bottom of the hill is  
17 Central Hudson's facility.

18 CHAIRMAN EWASUTYN: Dave Dominick?

19 MR. DOMINICK: I had the same  
20 concern Frank did about the sidewalk.  
21 John, you answered it. I have no  
22 further questions.

23 CHAIRMAN EWASUTYN: Cliff Browne?

24 MR. BROWNE: I'm good. I  
25 appreciate the explanation on the

2 sidewalk. Thank you.

3 MR. MONTAGNE: You're welcome.

4 CHAIRMAN EWASUTYN: John Ward?

5 MR. WARD: I'm good. Thank you.

6 CHAIRMAN EWASUTYN: Jim Campbell  
7 with Code Compliance?

8 MR. CAMPBELL: Regarding the  
9 signage, are you looking to do both  
10 rock walls or --

11 MR. MONTAGNE: At this time  
12 we're thinking that, because of the  
13 way the wall sits.

14 MR. CAMPBELL: I would get your  
15 design in, because you're allowed one  
16 monument sign and that may have to be  
17 referred for a variance.

18 MR. MONTAGNE: Okay. We're not  
19 really technically even a monument  
20 sign. I think we have to get some  
21 clarification on that.

22 MR. CAMPBELL: We need to see  
23 what you're doing to determine what  
24 it is.

25 MR. MONTAGNE: We'll get on



2 that. The first thing we wanted to  
3 do was make sure that the Board was  
4 okay with the idea of having the  
5 bracketed stonewalls and using that  
6 to do our sign. It's not dissimilar  
7 from what's down the street on the  
8 other facility where the sign is  
9 mounted.

10 CHAIRMAN EWASUTYN: Pat Hines  
11 with McGoey, Hauser & Edsall?

12 MR. HINES: Unfortunately I  
13 didn't get a copy of the submission  
14 from you. I did receive it and  
15 looked at it at work session tonight.  
16 I don't believe Mr. Cordisco or Mr.  
17 Wersted got it either.

18 MR. MONTAGNE: My apologies. I  
19 thought we were supposed to submit it  
20 to the Town and it would be distributed.

21 MR. HINES: That being said, I  
22 had reviewed some of it at the work  
23 session. I think one of the steps in  
24 the process we have to do is to send  
25 it to County Planning. That's an

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action we can take tonight, would be to submit this to County Planning. There are two reasons for that. You're in close proximity to the New Windsor Town line. Also, the area around the project is owned by the City of Newburgh and it's their reservoir. I'm suggesting we take the opportunity to refer it to County Planning, and in that thirty-day review time I will make sure we do our technical review.

I didn't see the drainage. I don't know if any Members have the drainage report either, but I'll need copies of that.

CHAIRMAN EWASUTYN: The way the process works is electronic copies are sent to Ken Wersted and Pat Hines. Pat Hines also receives a paper set. They would come directly from you. The Planning Board does not distribute to their consultants. That's just not the procedure.

2 MR. MONTAGNE: I wasn't aware  
3 of that.

4 MR. HINES: There's that  
5 thirty-day timeframe we have for  
6 County Planning.

7 MR. MONTAGNE: I know.

8 CHAIRMAN EWASUTYN: Excuse me.  
9 Dominic Cordisco, Planning Board  
10 Attorney, also, excuse me Dominic,  
11 gets an electronic copy.

12 MR. MONTAGNE: Dominic, do you  
13 need a copy of the stormwater report  
14 and all of that, too? They're rather  
15 large files.

16 MR. CORDISCO: Those I don't  
17 need. The basic plan set and any  
18 correspondence or other items. I do  
19 not review the stormwater plans.

20 MR. MONTAGNE: Okay.

21 CHAIRMAN EWASUTYN: I believe  
22 the action tonight would be to  
23 declare ourselves lead agency.

24 MR. HINES: Yes. We did do  
25 that circulation.

2 MR. CORDISCO: You can confirm  
3 it tonight.

4 CHAIRMAN EWASUTYN: Dominic  
5 Cordisco, Planning Board Attorney,  
6 has just mentioned we'll confirm our  
7 lead agency status and circulate to  
8 the Orange County Planning  
9 Department. Can I have a motion for  
10 that?

11 MR. WARD: So moved.

12 MR. GALLI: Second.

13 CHAIRMAN EWASUTYN: I have a  
14 motion from John Ward. I have a  
15 second from Frank Galli. Can I have  
16 a roll call vote starting with Frank  
17 Galli?

18 MR. GALLI: Aye.

19 MS. DeLUCA: Aye.

20 MR. DOMINICK: Aye.

21 CHAIRMAN EWASUTYN: Aye.

22 MR. BROWNE: Aye.

23 MR. WARD: Aye.

24 MR. CORDISCO: If I may add,  
25 those referrals should also include

2 the Town of New Windsor and the City  
3 of Newburgh as well. That's covered  
4 by your existing motion.

5 CHAIRMAN EWASUTYN: Thank you.

6 You'll work with Pat Hines as  
7 far as the distribution. Sorry for  
8 the delay.

9 MR. MONTAGNE: That's okay. We  
10 still have the thirty days, as you  
11 said.

12 CHAIRMAN EWASUTYN: Thank you.  
13 Any other questions?

14 MR. MONTAGNE: I think we're  
15 good. Thank you for your time.

16 The next meeting would be then  
17 April 6th for a continuation? Will  
18 we have the County back by that time?

19 MR. HINES: It may be the  
20 meeting after that. Normally we wait  
21 to hear back from the County and  
22 schedule you. You'll work with the  
23 Chairman on that.

24 MR. MONTAGNE: And then do we  
25 need a public hearing notice, I guess

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is the other question? We're trying to figure out our schedule.

MR. HINES: I'll defer to the Chairman. Public hearings are optional. Considering the location, the Board typically does hold them.

CHAIRMAN EWASUTYN: I think we'll wait until we receive our submittals for the meeting of the 20th, at which point we'll make a decision as to whether or not we'll have a public hearing. For now we'll pencil 33 Old Little Britain Road Kingdom Hall for the meeting of the 30th of April.

MR. HINES: It would be the 20th.

CHAIRMAN EWASUTYN: The 20th. Excuse me. I wrote 20 and said 30.

MR. MONTAGNE: Very good. Thank you all very much for your time.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 17th day of March 2023.

*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

O'DONNELL SITE PLAN  
(2022-03)

New York State Route 52  
Section 47; Block 1; Lot 48  
B Zone

----- X

SITE PLAN

Date: March 2, 2023  
Time: 7:50 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MICHAEL O'DONNELL

----- X

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



2 CHAIRMAN EWASUTYN: The  
3 Planning Board's fifth item of  
4 business this evening is the  
5 O'Donnell Site Plan. It's located on  
6 New York State Route 52 in a B Zone.  
7 It's being represented by Jonathan  
8 Cella.

9 MR. O'DONNELL: Good evening.  
10 Unfortunately Jonathan Cella couldn't  
11 make it for some reason. I'm not  
12 sure what it is. He did send an  
13 e-mail to the Chairman. I can read  
14 it if you'd like.

15 CHAIRMAN EWASUTYN: Okay. When  
16 did he send that?

17 MR. O'DONNELL: Today. Today  
18 is the 2nd; right? So there you go.

19 MS. O'DONNELL: I'm not getting  
20 service.

21 MR. DOMINICK: Your name, for  
22 the record?

23 MR. O'DONNELL: My name is  
24 Michael O'Donnell. This is my wife,  
25 Sherry.

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"Chairman, unfortunately I will be unable to attend tonight's meeting due to unforeseen scheduling conflicts. We greatly appreciate that you distributed the consultants' comments early, which we have reviewed.

The proposed driveway is located where there is an existing curb cut driveway apron for the future commercial driveway. Approval of this location has been coordinated with the New York State DOT. We will provide more documentation.

The plans will be updated such that the Town water connection notes only appear in one place, and Town sewer connection notes will also be added. The size of the water and sewer services connections to the existing municipal line in New York State Route 52 will be provided on the plans.

I believe we provided an ARB

2 presentation at the last Planning  
3 Board meeting that was attended for  
4 this application. Should this  
5 presentation have been preliminary,  
6 please let us know so that we can  
7 schedule a further meeting in the  
8 future.

9 New York State DEC wetland  
10 notes will be added to the plans.

11 Parking lot details will be  
12 updated. The proposed parking lot  
13 grading will be adjusted. The  
14 perimeter of the parking lot will be  
15 presented such that there is a  
16 difference where proposed curbing  
17 will be installed.

18 We feel that the outstanding  
19 comments are minor in nature. We  
20 would greatly appreciate if the Town  
21 Planning Board issued a negative  
22 declaration, and would also like to  
23 request a public hearing to be  
24 scheduled after one more submission  
25 to and review from Mr. Hines."

2 I can answer any questions that  
3 you might have. Obviously we started  
4 this with Charlie Brown who  
5 unfortunately passed away, so  
6 Jonathan Cella had taken over.

7 The proposed grading of the  
8 site has been added. To do this he  
9 had to slightly alter the parking lot  
10 geometry and building location for  
11 that reason.

12 The impacts to the DEC and  
13 adjacent areas remain the same.

14 There's no change to the New  
15 York State DOT driveway access, and  
16 the driveway is in the approved  
17 location.

18 The concept of the building  
19 will remain the same with the front  
20 facing New York State Route 52 and  
21 the overhead doors on the rear of the  
22 building.

23 Renderings previously submitted  
24 represent the front of the proposed  
25 building and the landscaping.

2 The parking lot is only curbed  
3 on the front of the building, so I  
4 would say the front and east side of  
5 the building now, and the rest of the  
6 site flows off the parking lot, away  
7 from the building. The parking lot  
8 stalls are per Town standards. The  
9 drive aisles between the parallel  
10 rows of parking stalls are 24 feet.

11 The general concept of the  
12 building will be the same with the  
13 overhead doors in the rear, the 5-  
14 foot concrete sidewalk in the front  
15 of the building along Route 52.

16 The landscaping was coordinated.

17 So now I can answer what I can,  
18 any questions.

19 CHAIRMAN EWASUTYN: We'll start  
20 with John Ward. Questions?

21 MR. WARD: You have retail, you have  
22 office space. Is it going to be --  
23 can you explain what --

24 MR. O'DONNELL: Well, we're  
25 going to have an office for ourselves

2 and the storage in the back. So, you  
3 know, we're proposing four units.  
4 So, you know, we don't really know  
5 exactly what we're going to get for  
6 renters. We wanted to keep it the  
7 same for each unit. So, you know,  
8 retail or mainly office with storage  
9 in the back. The garage doors are  
10 really for our equipment or trucks to  
11 get in to the building.

12 MR. WARD: That was a question  
13 at workshop. I'll pass it to Jim for  
14 that.

15 MR. CAMPBELL: At the last  
16 appearance you were supposed to  
17 submit a narrative of what the use  
18 is. You were also supposed to submit  
19 like a sample floor plan or something  
20 so we could narrow down what the use  
21 is to make sure that it fits in this  
22 zone.

23 Also, the outdoor storage. Is  
24 there going to be outdoor storage?  
25 If not, we'd like to see a note on

2 the plan.

3 MR. O'DONNELL: Okay.

4 MR. CAMPBELL: And then some  
5 information about your signage.

6 MR. O'DONNELL: Okay.

7 MR. CAMPBELL: Your proposed  
8 signage.

9 MR. O'DONNELL: I know on the  
10 detail it showed on the plan, the  
11 third plan, lighting and landscaping.  
12 There is a monument for a sign.

13 Are you asking about the  
14 building also or --

15 MR. CAMPBELL: All signage.  
16 You know, typically a lot of  
17 buildings like yours, they'll do like  
18 four of the same signs across.

19 MR. O'DONNELL: Okay.

20 MR. CAMPBELL: Tenants come in  
21 and just put a plate -- change out  
22 the plate.

23 MR. O'DONNELL: Okay.

24 MR. CAMPBELL: We can make sure  
25 all the signage and everything

2 conforms.

3 MR. O'DONNELL: Okay. I think  
4 it kind of coordinates. The sign  
5 monument is going to -- well, along  
6 with the wall -- the stonewall, it's  
7 going to kind of be aesthetically the  
8 same.

9 MR. CAMPBELL: I didn't see the  
10 detail on that.

11 MR. O'DONNELL: It's not on the  
12 site plan. It's on the lighting and  
13 landscape plan, the wall and the  
14 sign. I think it's on page 2.

15 MR. WARD: Thank you.

16 CHAIRMAN EWASUTYN: Cliff Browne?

17 MR. BROWNE: My main question  
18 was the use based on what we're  
19 looking at. I believe we have to  
20 wait and see the resubmission and the  
21 drawings, what's actually happening.

22 MR. O'DONNELL: Okay. Like you  
23 said, a narrative.

24 MR. CAMPBELL: A narrative and  
25 a sample floor plan of what you're



2 proposing. Something --

3 MR. O'DONNELL: Okay.

4 MR. CAMPBELL: -- to help us  
5 determine.

6 CHAIRMAN EWASUTYN: Dave Dominick?

7 MR. DOMINICK: Nothing further.

8 It's been asked. Mike has explained  
9 it.

10 CHAIRMAN EWASUTYN: Stephanie DeLuca?

11 MS. DeLUCA: Nothing further.

12 Thank you.

13 CHAIRMAN EWASUTYN: Frank Galli?

14 MR. GALLI: Jim, does the usage  
15 -- when he provides a narrative and  
16 it gives you the usages, is it going  
17 to change the design of the building  
18 possibly, or the parking or --

19 MR. CAMPBELL: If it gets  
20 deemed it's more of a warehouse than  
21 an office or something like that,  
22 then it's not allowed.

23 MR. GALLI: So we know it's not  
24 warehousing, which he's not  
25 proposing. If it's like retail,

2 office? In other words, if he had  
3 his office in section 1 and then  
4 Dollar Store, I'll just say, in  
5 section 2, would the parking  
6 calculations have to all change for  
7 that? I mean is it something you  
8 need to know up front?

9 MR. O'DONNELL: If I may --

10 MR. CAMPBELL: There would be  
11 differences.

12 MR. O'DONNELL: I don't mean to  
13 cut you off. I remember the original  
14 design was to -- the parking would  
15 accommodate any retail if it came to  
16 that. So I know Charlie Brown had  
17 addressed that from the beginning.

18 MR. GALLI: We don't want you  
19 to get caught in the middle of coming  
20 back and all of a sudden you have to  
21 change your whole building.

22 MS. O'DONNELL: It's been a  
23 very long process.

24 MR. GALLI: Just get that  
25 narrative over to Jim ASAP so we can

2 determine what it is.

3 CHAIRMAN EWASUTYN: Mr. Cordisco,  
4 at this point we acknowledge that  
5 we're lead agency?

6 MR. CORDISCO: That's correct.

7 MR. HINES: Actually, it hasn't  
8 timed out yet.

9 CHAIRMAN EWASUTYN: It hasn't  
10 timed out.

11 MR. HINES: This was last  
12 before us on February 3rd. The lead  
13 agency circulation was sent out  
14 February 8th. We're short a couple  
15 days.

16 MR. CORDISCO: Was it February  
17 of last year?

18 MR. HINES: No. We did the  
19 County Planning referral and such,  
20 and then they had -- Charlie  
21 obviously passed away. It was just  
22 this February when we -- I just  
23 checked that. I know the County  
24 Planning went out early, the  
25 circulation. It was literally a year

2 ago -- in June we did County Planning  
3 and then we declared lead agency and  
4 sent it out on February 8th.

5 MR. CORDISCO: I saw in my  
6 notes they were before the Board a  
7 year ago this past January as well,  
8 January 2022.

9 CHAIRMAN EWASUTYN: Any other  
10 discussion?

11 MR. HINES: You know what?  
12 Time out here. You're correct, now  
13 that I'm looking at the dates.  
14 You're good. It was '22. Sorry  
15 about that.

16 MR. CORDISCO: Between the two  
17 of us. I try to keep notes.

18 MR. HINES: I have the actual  
19 letters here and I'm looking at them.  
20 I forgot what year it is.

21 MR. CORDISCO: In that case,  
22 you can confirm your status as lead  
23 agency and begin to think about other  
24 actions.

25 CHAIRMAN EWASUTYN: Would

2 someone make a motion to confirm our  
3 status as lead agency for the  
4 O'Donnell Site Plan on Route 52?

5 MR. DOMINICK: So moved.

6 MR. WARD: Second.

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

11 MR. WARD: Aye.

12 MR. BROWNE: Aye.

13 CHAIRMAN EWASUTYN: Aye.

14 MR. DOMINICK: Aye.

15 MS. DeLUCA: Aye.

16 MR. GALLI: Aye.

17 CHAIRMAN EWASUTYN: At what  
18 point are we now in the review  
19 process for the O'Donnell Site Plan?

20 MR. CORDISCO: There are some  
21 items that are outstanding in  
22 connection with this. There will be  
23 the narrative regarding the use,  
24 which sounds like it's forthcoming.

25 My notes indicate that there

2 was an outstanding review from OPRHP,  
3 and I don't see anything in the file  
4 in connection with that. That's the  
5 State Historic Preservation Office.  
6 I haven't seen anything in connection  
7 with that.

8 The Board would be in a  
9 position to decide whether or not a  
10 public hearing is required for this  
11 project.

12 CHAIRMAN EWASUTYN: Okay. I'll  
13 poll the Board Members. It's  
14 discretionary, based upon the code,  
15 whether or not the Planning Board  
16 would hold a public hearing for a  
17 site plan in the matter of the  
18 O'Donnell Site Plan. John Ward?

19 MR. WARD: No.

20 MR. BROWNE: No.

21 CHAIRMAN EWASUTYN: Dave Dominick?

22 MR. DOMINICK: No.

23 MS. DeLUCA: No.

24 MR. GALLI: No.

25 CHAIRMAN EWASUTYN: Myself no.

2 Let the record show that of the  
3 six Board Members this evening, we  
4 waived the public hearing for the  
5 O'Donnell Site Plan.

6 We're not in a position, until  
7 we get what we need, to declare a  
8 negative declaration and set a public  
9 hearing.

10 MR. CORDISCO: Correct. The  
11 public hearing was waived. There are  
12 some outstanding items that would be  
13 needed for SEQRA purposes. Also, as  
14 acknowledged during the work session,  
15 the project also requires ARB  
16 approval as well. Architectural  
17 renderings have to be submitted for  
18 the Board's consideration.

19 MR. O'DONNELL: Okay. All right.

20 CHAIRMAN EWASUTYN: There's no  
21 further action this evening.

22 MR. O'DONNELL: Thank you. I  
23 appreciate it.

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25 (Time noted: 8:04 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 17th day of March 2023.

*Michelle Conero*  
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MICHELLE CONERO



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

----- X  
In the Matter of

A AMERICAN GRANITE & MARBLE  
(2023-02)

179 South Plank Road  
Section 60; Block 3; Lot 14.2  
B Zone

----- X

SITE PLAN

Date: March 2, 2023  
Time: 8:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JONATHAN MILLEN

----- X

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

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CHAIRMAN EWASUTYN: The sixth and final item on this evening's agenda is A American Granite & Marble. It's a site plan located at 179 South Plank Road in the B Zone. It's being represented by Jonathan Millen.

MR. MILLEN: Good evening, everyone. I'm Jonathan Millen with ACES Land Surveying, representing A American Granite.

Essentially we have a site plan here that proposes an area for the storage of the granite slabs that they work on inside.

We recognize that the ordinance or the zoning calls for a 10-foot setback for this. We're proposing a 1.5 foot setback.

I will mention, I have some pictures with me, but as you come from this direction, the height of the property behind, which is the theater, is about 8 feet higher than

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the area here, so there wouldn't be any real view with respect to that. This is the parking lot from the theater. As you can see, this would be where the storage unit would be, right in the southeast corner of the property, right here. As you're looking this way, there's very little disturbance. The fact that it's going to be only 1.5 foot off of the property line, I don't think it's going to impact the use or the general appearance.

From this side -- we're proposing putting in some landscaping along this side to block the view, which would be this view right here. Again, here's the trailer. The section here would be the granite storage. We're going to propose putting in some trees along this side and that side that meets the current zoning requirement.

CHAIRMAN EWASUTYN: I'll turn

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to Code Compliance. Jim Campbell,  
Mr. Millen's interpretation.

MR. CAMPBELL: I believe it's  
going to need a zoning variance.

MR. MILLEN: Yes.

MR. CAMPBELL: Yes.

CHAIRMAN EWASUTYN: Is it one  
variance, Pat Hines, or two?

MR. HINES: I identified two on  
the plan, a side yard and a rear  
yard. Section 185-30, Outdoor  
Storage, requires that 10-foot side  
and rear yard. They're currently  
proposing the rear yard at 1.4 feet  
where 10 feet is required, and a side  
yard is proposed at 7.1 feet where 10  
feet is required.

We have sent out the adjoining's  
notices.

We also did a County referral  
already.

It now needs to go to the ZBA.

CHAIRMAN EWASUTYN: Having  
heard from Pat Hines, would someone

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make a motion to authorize Dominic Cordisco, Planning Board Attorney, to prepare a letter to the ZBA noting the two variances that are required and to refer it to the ZBA?

MR. WARD: So moved.

MS. DeLUCA: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

MR. MILLEN: All right. Thank you very much for your time. I appreciate it.

CHAIRMAN EWASUTYN: Jonathan, if you have time to speak to your client, we have escrow money for an

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application that you had on Lakeside Road.

MR. MILLEN: Yes.

CHAIRMAN EWASUTYN: You sent a letter to the ZBA saying he won't be moving forward with it.

MR. MILLEN: That's right.

CHAIRMAN EWASUTYN: The Planning Board is suggesting you send a letter to the Planning Board stating the same thing and a release of the balance of the escrow money.

MR. MILLEN: Okay. Yes, sir. Will do.

(Time noted: 8:10 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  
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I further certify that I am not  
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IN WITNESS WHEREOF, I have hereunto  
set my hand this 17th day of March 2023.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X  
In the Matter of

TREE PRESERVATION ORDINANCE

Discussion

----- X

BOARD BUSINESS

Date: March 2, 2023  
Time: 8:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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



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CHAIRMAN EWASUTYN: We have four items this evening under Board Business for discussion. We have the Tree Preservation Ordinance. Cliff Browne will take the lead on discussing that topic.

MR. BROWNE: On the Tree Preservation Ordinance, at the last meeting we had a short discussion on the appropriateness as far as who would be reviewing this type of an application, et cetera. After thinking about it after the meeting, I sent out a note to John, our Chairman, and he forwarded that to other folks and suggested that we discuss it this evening to set up a process, make it more formal as far as who would be doing the review for the tree preservation, so that from a Board standpoint we would have a better feel for it. Also from an applicant's standpoint, they would know what direction they have to go

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in.

My personal opinion is that we should have MHE, Pat Hines, review the tree preservation data that comes in. To me it seems more appropriate, mainly because when I think about it, I think of the tree preservation kind of activity as foundational work for any kind of a project, whereas Karen's position as far as the landscaping review is like a finished product type of thing where her office is concerned with the final appearance of everything and not so much with the initial foundational work, if you will. Also noting that Pat also has a degree in forestry which makes him an ideal candidate for that type of activity.

My personal opinion is that we should, as a Board, forward that type of consulting activity to Pat Hines. That's my opinion.

CHAIRMAN EWASUTYN: Okay.

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Conversation. John Ward?

MR. WARD: I think it's a good idea for Pat to do it, because basically he knows the sites and the plans of what has to be coordinated. Then with the trees, he knows exactly where the buildings, or whatever it is, to preserve the trees.

CHAIRMAN EWASUTYN: Okay. Dave Dominick?

MR. DOMINICK: I agree with John and Cliff. I think Pat's the ideal candidate.

The only caveat to that is do we need to put any type of time limit on that, or is there some type of calendar once a project comes in for that part of the process? I just put that out for discussion.

CHAIRMAN EWASUTYN: I'm not quite following you. The time limit would be for Pat Hines to review it and comment back?

MR. DOMINICK: Correct. His

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track record has always been on time and quick turnaround. I didn't know if we needed to include anything like that with this type of recommendation. I just brought that up for discussion.

CHAIRMAN EWASUTYN: Good point. John Ward, do you have an opinion on that?

MR. WARD: I don't think that -- every project is different. You can't put a time limit on it. Once it's in process, it's going to be focused. I wouldn't worry about that. I know where you're going with it, but you shouldn't put a time limit on it.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No. I agree.

Also, what I was thinking earlier when I went through this thinking process was that currently Pat's office handles pretty much all the data input that we get for the tree harvesting applications. It's a

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very similar situation, identifying all the species, the size, the data. He already analyzes all that kind of work for us.

CHAIRMAN EWASUTYN: Okay. Stephanie DeLuca, talking about time limits.

MS. DeLUCA: About time limits? Okay. Well as far as the time limits go, I agree with John Ward as far as you can't -- each project is unique. I don't know what kind of time limit that would be. That, to me, would be an open-ended one more for your discernment on that. Give him the bag of aluminum nails to make sure it's done properly.

I also was wondering, too, if you would be working in conjunction with Jim Presutti at all or --

MR. GALLI: Karen is the landscape architect.

MS. DeLUCA: I know, but --

CHAIRMAN EWASUTYN: I think why

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she's referencing Jim Presutti is  
because Jim --

MS. DeLUCA: Established the  
plan. I didn't know. I mean, that's  
another hat you're wearing.

MR. HINES: He would be a  
resource for me. I work with him all  
the time with my hours here at Town  
Hall. He would be available. It's  
not like he would be a consultant of  
mine. That would not be appropriate.

MS. DeLUCA: I didn't know if  
one more thing to add into your hats.  
You do things very well.

MR. HINES: We would review  
those as a matter of course, like we  
do with all the other submissions. We  
would meet the same deadlines as we  
do for our technical comments.

The applicants are on a  
learning curve right now. It's new  
to them, too. I think identifying  
the process will assist the  
applicants in getting this done as

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they become more and more familiar.

The Town Board is considering some changes to the ordinance already, because it is new and things like sample plots rather than every tree on some sites. When you start counting trees on some of these sites, the numbers get astronomical. We are taking that into account as we are familiarizing ourselves with this ordinance.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: I agree. If Pat can review it as he's reviewing the rest of the plans. As long as the applicant gets it in on time, which I think we notified them the issue is not going away and they have to address it right away. I think I'm okay with just Pat handling it.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney?

MR. CORDISCO: No comments, sir.

CHAIRMAN EWASUTYN: Would

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someone make a motion to appoint McGoey, Hauser & Edsall, under the Tree Preservation Ordinance, to review applications for that ordinance as our consultant?

MR. GALLI: I approve MHE.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have an approval by Frank Galli. I have a second by John Ward. May I please have a roll call vote starting with Frank Galli?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

(Time noted: 8:16 p.m.)



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

----- X  
In the Matter of

FLOTARD

Section 14; Block 1; Lot 21.42

Chadwick Lake Critical Environmental Area

----- X

BOARD BUSINESS

Date: March 2, 2023  
Time: 8:16 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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CHAIRMAN EWASUTYN: The second item of business this evening is Flotard. I'll have Pat Hines present that.

MR. HINES: Sure. We have projects that are appearing before the Building Department for various building permits that are located in the Chadwick Lake Critical Environmental Area which was established in 1987 by the Town Board as a critical environmental area for protection of the reservoir systems and its environs, as it states in the DEC regulations there.

Zoning Section 185-22-C(c) has a process where any land management activities in the Chadwick Lake Critical Environmental Area shall be required to submit a plan for approval to the Planning Board, and then it has a list of what's to be reviewed. The total site area of disturbance is not to exceed 20

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percent, and specific measures for soil erosion and sediment control.

We've worked with the Building Department, the Planning Board and the Town Attorney to discuss this process and are trying to streamline it as much as possible and comply with this section of the Town Code.

We did receive the first application to the Building Department. It's located at Section 14; Block 1; Lot 21.42. I received a soil erosion/sediment control plan from the applicant's representative. In applying this ordinance, I gave them comments to identify the maximum amount of disturbed area, the amount of area proposed, as well as some comments on the erosion and sediment control plan. We feel that this plan as submitted, dated January 13, 2023, last revised February 8, 2023, meets the requirements of the section of the code and would request the

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Planning Board issue that approval so that the project can proceed through the Building Department.

CHAIRMAN EWASUTYN: Dominic Cordisco, under SEQRA this is what type of an action?

MR. CORDISCO: This is a Type 2 action.

CHAIRMAN EWASUTYN: And for the benefit of the Planning Board, what is a Type 2 action?

MR. CORDISCO: A Type 2 action is an action that requires no additional environmental review.

CHAIRMAN EWASUTYN: Would someone make a motion -- Pat Hines, do you want to bring that up one more time? I'm sorry.

MR. HINES: The Planning Board would be issuing its approval in accordance with Section 185-22-C(c) for the erosion and sediment control plan. The project involves the construction of a residential garage

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within the Chadwick Lake Critical Environmental Area. It's on Gunsch Estates Road. The applicant's name is Flotard, F-L-O-T-A-R-D.

CHAIRMAN EWASUTYN: Having heard from Pat Hines on the item before us, would someone move for that motion?

MR. DOMINICK: So moved.

MR. GALLI: Second.

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

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

(Time noted: 8:20 p.m.)

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*Michelle Conero*  
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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD

----- X  
In the Matter of

TRINITY SQUARE  
(2006-53)

Request for a Six-Month Extension From  
March 2, 2023 until September 2, 2023

----- X

BOARD BUSINESS

Date: March 2, 2023  
Time: 8:20 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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



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CHAIRMAN EWASUTYN: At this point we'll have Dave Dominick read the request for an extension.

MR. DOMINICK: I can't see it.

MR. GALLI: "John P. Ewasutyn, Planning Board Chairman, Town of Newburgh Planning Board, 21 Hudson Valley Professional Plaza, Newburgh, New York 12550, re: Anthony Crocci Junior, Trinity Square Site Plan, South Plank Road/New York State Route 52, Section 60; Block 2; Lot 4.1, Application number 2006-53. Dear Mr. Ewasutyn, at the September 1, 2022 Planning Board meeting a six-month extension of the preliminary approval for the Trinity Square project was granted. The six-month extension will expire March 2, 2023. Mr. Crocci requests that his application be placed on the Board Business portion of the March 2, 2023 Planning Board meeting and ask for an additional six-month extension of the

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preliminary approval. If you have any questions or comments, please feel free to contact our office. Thank you for your time and consideration. Sincerely, Darren C. Doce."

CHAIRMAN EWASUTYN: Discussion from Board Members based upon the request?

(No response.)

CHAIRMAN EWASUTYN: Would someone then make a motion to approve the request for the extension of Trinity Square based upon the dates in the letter of February 21, 2023 for six months?

MR. BROWNE: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by Cliff Browne. I have a second by Stephanie DeLuca. Can I have a roll call vote starting with Frank Galli?

MR. GALLI: Aye.

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MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

(Time noted: 8:23 p.m.)

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

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*Michelle Conero*

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

----- X  
In the Matter of

OVERLOOK FARM  
(2019-23)

Clearing & Grading - Tree Cutting

----- X

BOARD BUSINESS

Date: March 2, 2023  
Time: 8:23 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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CHAIRMAN EWASUTYN: Item number four is Overlook Farm, a clearing and grading application. I'll leave that up to Dominic Cordisco, Planning Board Attorney, to discuss that.

MR. CORDISCO: Yes. The Overlook Farm project submitted a clearing and grading permit application as part of its prior submission packages made sometime ago. It was made before the public hearing on this project. The public hearing was held last August of 2022. During that public hearing, it was acknowledged by counsel for the applicant that the project would also be seeking clearing and grading permit approval from the Town. The applicant is now requesting that the Board consider granting a clearing approval, clearing only, because they are looking to remove certain trees on the site that would otherwise be subject to bat timing restrictions

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that would go into effect on April 1st. So the applicant, at this point, is requesting approval from the Town to remove those trees, but not to commence any other site work and no grading of the site at this time.

The Board, in the past, has considered such requests and has granted them on a number of other applications.

There are fees and restoration bonds required as part of your standard conditions of approval.

The only work that would be allowed at this time would be the removal -- actually, clear cutting of the trees.

CHAIRMAN EWASUTYN: Discussion from Board Members?

MR. GALLI: Dominic, just to be clear, right now there are a lot of apple trees and fruit -- whatever is on the site. They can cut them

2 regardless? They don't need permits  
3 to cut those trees?

4 MR. CORDISCO: That's correct.  
5 Those trees fall within the  
6 agricultural exemption.

7 MR. GALLI: It's basically the  
8 larger trees on the perimeter?

9 MR. CORDISCO: That's correct.  
10 The trees required for the development.

11 This particular application has  
12 also demonstrated compliance with the  
13 Town's recently adopted Tree  
14 Preservation Law where they are  
15 replacing 2.8 times the amount of trees  
16 that are being removed from the site.

17 MR. GALLI: Thank you.

18 MR. CORDISCO: These are trees  
19 that need to be removed now in order  
20 for the project to move forward.

21 MR. GALLI: Thank you.

22 CHAIRMAN EWASUTYN: Would  
23 someone make a motion to approve the  
24 clearing application only for  
25 Overlook Farm, project number 19-23?

2                    MR. DOMINICK:    I'll make a  
3                    motion.

4                    MS. DeLUCA:    Second.

5                    CHAIRMAN EWASUTYN:    I have a  
6                    motion by Dave Dominick.    I have a  
7                    second by Stephanie DeLuca.    May I  
8                    please have a roll call vote starting  
9                    with John Ward?

10                   MR. WARD:    Aye.

11                   MR. BROWNE:    Aye.

12                   CHAIRMAN EWASUTYN:    Aye.

13                   MR. DOMINICK:    Aye.

14                   MS. DeLUCA:    Aye.

15                   MR. GALLI:    Aye.

16                   CHAIRMAN EWASUTYN:    Very good  
17                   meeting.    Would someone make a motion  
18                   to close the Planning Board meeting  
19                   of the 2nd of March 2023?

20                   MR. GALLI:    So moved.

21                   MS. DeLUCA:    Second.

22                   CHAIRMAN EWASUTYN:    I have a  
23                   motion by Frank Galli.    I have a  
24                   second by Stephanie DeLuca.    Can I  
25                   have a roll call vote starting with



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John Ward?

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

(Time noted: 8:26 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 17th day of March 2023.

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