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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD
----- X
In the Matter of

POPPY LANE
(2021-26)

North of Lester Clark Road
Between 114 & 118 Lester Clark Road
Section 6; Block 1; Lots 113, 114 & 115
AR Zone

----- X

CONTINUATION - PUBLIC HEARING

Date: April 21, 2022
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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

1 P O P P Y L A N E

2 CHAIRMAN EWASUTYN: The Town of
3 Newburgh Planning Board would like to
4 welcome everyone to their meeting of
5 April 21, 2022. At this point we're
6 going to make for a roll call vote.

7 MR. GALLI: Present.

8 MS. DeLUCA: Present.

9 MR. MENNERICH: Present.

10 CHAIRMAN EWASUTYN: Present.

11 MR. BROWNE: Present.

12 MR. DOMINICK: Present.

13 MR. WARD: Present.

14 MR. CORDISCO: Dominic
15 Cordisco, Planning Board Attorney.

16 MS. CONERO: Michelle Conero,
17 Stenographer.

18 MR. HINES: Pat Hines with MHE
19 Engineering.

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

22 CHAIRMAN EWASUTYN: At this
23 point we'll turn the meeting over to
24 Dave Dominick.

25 MR. DOMINICK: Please stand for

1 P O P P Y L A N E

2 the Pledge of Allegiance.

3 (Pledge of Allegiance.)

4 MR. DOMINICK: Please silence
5 your cellphones or put them on
6 vibrate. Thank you.

7 CHAIRMAN EWASUTYN: The first
8 item of business this evening is
9 Poppy Lane. It's a continuation of a
10 public hearing. It's located north
11 of Lester Clark Road in an AR Zone.

12 We have the opportunity to have
13 Ross Winglovitz who is with
14 Engineering & Surveying Properties
15 who would like to discuss that with
16 us this evening. Ross.

17 MR. WINGLOVITZ: Yes. I just
18 want to bring the Board up to date.
19 We had proposed that we would take
20 the stormwater down Lester Clark Road
21 to an existing cross culvert. We
22 completed the survey for that. We
23 had originally submitted a concept
24 plan based on aerial photos. We
25 completed the survey for that. We're

1 P O P P Y L A N E

2 working on the design.

3 I would ask if the Board could
4 adjourn until May so that we can
5 finalize that design and get that in
6 for Mr. Hines and your highway
7 superintendent to review.

8 CHAIRMAN EWASUTYN: Okay.
9 Would it be satisfactory if the Board
10 moved to continue the public hearing
11 on the 19th of May?

12 MR. WINGLOVITZ: Yes.

13 CHAIRMAN EWASUTYN: Would
14 someone make a motion to continue the
15 public hearing?

16 MR. DOMINICK: I'll make a
17 motion.

18 MR. WARD: Second.

19 CHAIRMAN EWASUTYN: I have a
20 motion by Dave Dominick. I have a
21 second by John Ward. Can I please
22 have a roll call vote.

23 MR. GALLI: Aye.

24 MS. DeLUCA: Aye.

25 MR. MENNERICH: Aye.

1 P O P P Y L A N E

2 CHAIRMAN EWASUTYN: Aye.

3 MR. BROWNE: Aye.

4 MR. DOMINICK: Aye.

5 MR. WARD: Aye.

6 MR. WINGLOVITZ: Thank you.

7 CHAIRMAN EWASUTYN: Is there
8 anyone in the audience this evening
9 who had intended to hear about Poppy
10 Lane? So now you understand that
11 it's being continued to the 19th of
12 May. There won't be any discussion
13 this evening.

14 MR. WINGLOVITZ: No discussion
15 at this time. That's fine.

16

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

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POPPY LANE

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 29th day of April 2022.

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

NEWBURGH COMMERCE CENTER/SCANNELL
(2021-21)

124 Route 17K
Section 95; Block 1; Lot 58
IB Zone

----- X

CONTINUATION - PUBLIC HEARING
SITE PLAN & ARB

Date: April 21, 2022
Time: 7:05 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVES: MARK WILSON,
DAVID EVERETT & CHARLES UTSCHIG

----- X

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

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 CHAIRMAN EWASUTYN: The second
3 item of business this evening is
4 Newburgh Commerce Center/Scannell.
5 It's a continuation of a public
6 hearing and a site plan and ARB
7 located on Route 17K in an IB Zone.
8 It's being represented by --

9 MR. WILSON: Mark Wilson.

10 CHAIRMAN EWASUTYN: -- Mark
11 Wilson. Do you want to wait until
12 that's displayed? It's your floor.

13 MR. WILSON: Thank you,
14 Mr. Chairman. We've been in front of
15 the Planning Board several times now
16 so I'm going to keep our update
17 brief. We've been in front of the
18 Planning Board in September of 2021,
19 December of 2021, in January and
20 twice in March with the last being on
21 the 17th for the last public hearing.

22 At the last public hearing the
23 Planning Board approved our
24 application for a clearing permit and
25 then continued the public hearing for

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 site plan approval which brings us
3 here tonight.

4 On the 7th of March we
5 resubmitted our site plan approval
6 civil set, a Town response letter to
7 both the landscape architect and also
8 the town engineer, a no hazard letter
9 from the FAA, as well as our second
10 stage submission to New York State
11 DOT for the Permit 33 application, as well as
12 updated visual renderings of our
13 building and site plan.

14 So with that being said, our
15 goal tonight, we have four of them,
16 would be, one, to close the public
17 hearing for the site plan if the
18 Planning Board is amenable. The
19 second would be approval of the
20 grading permit. The third would be
21 approval of the site plan with
22 conditions to address the Town's
23 civil -- excuse me, engineer's
24 comments in the memo that he gave to
25 us. Then also number four would be

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 to obtain approval from the
3 Architectural Review Board, if the
4 Planning Board or Architectural
5 Review Board is ready to do so.

6 So with that being said, I
7 won't go super in depth about our
8 building because we had done so in
9 the past, but we would like to answer
10 any questions that the public may
11 have up to this point.

12 CHAIRMAN EWASUTYN: Does anyone
13 here this evening have questions or
14 comments on the continuation of the
15 public hearing? Raise your hand and
16 give your name and your address.

17 MR. KANE: Michael Kane,
18 128 Route 17K. I don't think there's
19 any stopping this fiasco, but I would
20 just like to say that if you are all
21 representatives of the Town of
22 Newburgh, I think not -- what I
23 believe is that that property could
24 have went to the people of the Town
25 of Newburgh in a better way. You

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 could have made a park, something the
3 Town people need. Not more traffic.
4 Not more trucks. A park or a
5 drive-in movie theater. A park,
6 senior housing. Anything would have
7 been better than forty bays of
8 tractor trailers.

9 As it is, the traffic is
10 horrendous. It's only going to get
11 worse.

12 Like I said, there's probably
13 no stopping this project, but I just
14 wanted to voice my opinion.

15 CHAIRMAN EWASUTYN: Thank you.

16 MR. ECKERT: Good evening.
17 2304 Kayla Court. My name is Conor
18 Eckert with the Orange County
19 Partnership. I'm here speaking in
20 support of this project, closing the
21 public hearing and conditional site
22 plan approval.

23 The work you've done to
24 mitigate any potential impacts of
25 this project is admirable. The

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 amount of due diligence you've
3 exercised is great and it protects
4 the community.

5 The sooner this project can
6 start, the sooner new jobs can be
7 created. The best thing that could
8 happen in the community, new jobs and
9 new investments certainly helps push
10 the community forward and continues
11 to move us forward in the wake of the
12 COVID pandemic. Thank you.

13 CHAIRMAN EWASUTYN: Thank you.

14 Any additional questions or
15 comments on the application before us
16 this evening?

17 (No response.)

18 CHAIRMAN EWASUTYN: So then we
19 will continue on. Planning Board
20 Member Frank Galli, any questions or
21 comments?

22 MR. GALLI: No additional.

23 CHAIRMAN EWASUTYN: Stephanie
24 DeLuca?

25 MS. DeLUCA: No.

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 CHAIRMAN EWASUTYN: Ken Mennerich?

3 MR. MENNERICH: No.

4 CHAIRMAN EWASUTYN: Cliff

5 Browne?

6 MR. BROWNE: No.

7 MR. DOMINICK: No.

8 MR. WARD: No.

9 MR. WILSON: Would we, at this
10 time, be able to do the Architectural
11 Review Board?

12 CHAIRMAN EWASUTYN: I think
13 this would be a good time to display
14 the visuals.

15 MR. WILSON: All righty.

16 CHAIRMAN EWASUTYN: I never
17 heard that expression, all righty.
18 Dave, you should learn every now and
19 then how to increase your monologue.

20 MR. EVERETT: I'll take note of
21 that, Mr. Chairman, in the future.

22 MR. WILSON: We've got to keep
23 it light.

24 CHAIRMAN EWASUTYN: You're
25 aging. He's got the right tone.

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 John, are you listening, also?

3 MR. CAPPELLO: Hold that
4 thought about the senior housing.

5 CHAIRMAN EWASUTYN: I thought
6 that was interesting. I made a note
7 of that, actually, too.

8 Go ahead.

9 MR. WILSON: Wonderful. So you
10 guys all received a packet of
11 different materials. Included in
12 those packets are the revised
13 renderings of the building in which
14 you'll see views from the neighboring
15 property, from the driveway, from the
16 entrance of the building as well as
17 from 17K. Also included was a floor
18 plan and elevations. Also, the paint
19 samples of what you'll see on the
20 precast panels of the building. We
21 also have material samples of the
22 sound wall as well as the clear
23 anodized storefront up on the front
24 desk if you care to look at those. I
25 know we brought those out in the

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 past.

3 Really what I want to bring up
4 tonight is that we've taken into
5 consideration all of the comments
6 throughout the past meetings. We've
7 really tried to take into
8 consideration all of your requests,
9 including the color of the building.
10 We really kept it to earth tones, as
11 you can see on our visual renderings
12 as well as your paint samples.

13 It's pretty simple. Overall
14 it's a very good looking building.
15 We've used different styles in the
16 building of architecture, especially
17 in the reveals with the horizontal
18 lines to try to break up the
19 building. It will make a nice curb
20 appeal.

21 Other things that you can
22 consider in these visual renderings
23 are the landscaping. One thing that
24 really hit home to us was the need
25 for a nice landscaping buffer in

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 between the road, the neighboring
3 properties and our building. I think
4 you'll find that our landscaping is
5 quite robust and above and beyond
6 what the Planning Board and the Town
7 would request.

8 In addition to that, we've also
9 added several hundred feet of sound
10 wall which acts both as sound
11 mitigation but also as a visual
12 barrier for most of those neighboring
13 properties. You'll see that on the
14 south and southeast sides of the
15 building.

16 With that being said, I think
17 we've described our building several
18 times in front of this Board and have
19 gone through many questions. At this
20 time, if you do have any other
21 questions about the architecture of
22 the building or what you'll find on
23 our property, I'm happy to answer
24 those for you now.

25 MR. BROWNE: The architecture

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 on the sound wall, is that the same
3 on both sides, your side and the
4 neighbor's side?

5 MR. WILSON: Correct. It's
6 that one color you'll see right in
7 front of you there. It's a single
8 tone gray sound wall. That piece of
9 material, the sound wall is actually
10 filled in which helps with the sound
11 mitigation.

12 MR. BROWNE: I see on the
13 rendering you have it looks like
14 these support columns going up. I
15 assume that's --

16 MR. WILSON: I think that's
17 just the reflection of the sun.
18 They're actually the same color as
19 the sound wall. It's just the
20 shadowing of the actual wall.

21 MR. BROWNE: The yellow all the
22 way down is symmetrical? That's a
23 shadow?

24 MR. WILSON: It is. So the
25 shadow is on the inside of the wall.

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 Say the sun was coming, it wouldn't
3 hit the inside face of the wall.

4 MR. BROWNE: What's that going
5 over top of it?

6 MR. WILSON: That is the same
7 sound wall. It's the same color.
8 That's just the top of the fence.

9 MR. BROWNE: It looks like
10 different material to me.

11 MR. WILSON: It may look
12 different in the renderings, but I
13 can assure you that it will be all
14 the same material. It should all be
15 the same color. That's what we're
16 planning for. I apologize if it does
17 not look that way in the visual
18 renderings.

19 MR. BROWNE: Thank you.

20 MS. DeLUCA: This might sound
21 like a silly question, but none of
22 the material will cause any
23 reflection off it?

24 MR. WILSON: No. It should
25 not.

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 MS. DeLUCA: I was thinking
3 about the proximity of the airport
4 and other things. Okay.

5 MR. WILSON: No. It will be a
6 precast concrete which will not
7 provide any reflection.

8 MS. DeLUCA: Got you.

9 MR. WARD: What's the height of
10 the sound barrier?

11 MR. WILSON: That's a good
12 question. Chuck, do you know?

13 MR. HINES: It's actually two
14 different heights. I think it's 12
15 foot along the driveway and higher
16 along the back.

17 CHAIRMAN EWASUTYN: 16 feet.

18 MR. UTSCHIG: I think it's 12
19 and 13 or 12 and 14. If you give me
20 a second, I can look it up. I'm
21 pretty sure those are the two
22 heights.

23 MR. WARD: I remember something
24 like that.

25 Thank you for the ten-year

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 visual with the landscaping.

3 MR. WILSON: Absolutely.

4 CHAIRMAN EWASUTYN: You
5 received a reply from the FAA?

6 MR. WILSON: Yes.

7 CHAIRMAN EWASUTYN: Are they
8 recommending or suggesting something?

9 MR. WILSON: No. It was a no
10 hazard letter. I do have a copy of
11 it if you'd like to see it.

12 CHAIRMAN EWASUTYN: I made a
13 copy. Everyone has copies, just for
14 the record.

15 Jim Campbell, do you have any
16 questions or comments on the ARB?
17 You'll be working with that in your
18 capacity with the Town.

19 MR. CAMPBELL: No. We got the
20 color swatches. I can hold it up.

21 MR. MENNERICH: Could you just
22 indicate what the colors will be on
23 the bays where the tractors and
24 trailers will back in?

25 MR. WILSON: Sure. So although

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 this isn't colored, I can do my best
3 to depict what it will look like.
4 The primary color of the whole
5 building is that Agreeable Gray paint
6 sample that you have. Then the
7 accent colors will consist of the
8 corporate color, the Gondola Gray.
9 So really almost all of this back
10 wall will be that Agreeable Gray.
11 It's not as colored as the front and
12 entryway precast panels.

13 MR. MENNERICH: Where the
14 accent colors are?

15 MR. WILSON: Yes. If you see
16 this line across the top, those will
17 all be accented with regard to
18 colors.

19 MR. MENNERICH: Okay. Thank
20 you.

21 MS. DeLUCA: What is the
22 direction of the lighting, because
23 I'm thinking of the neighbors behind?
24 Is that focused downward?

25 MR. WILSON: Yes. And dark sky

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 compliant.

3 MS. DeLUCA: Thanks.

4 CHAIRMAN EWASUTYN: Dave Dominick?

5 MR. DOMINICK: No. It's a
6 great job. Very clean looking
7 building. Very well done. I
8 appreciate it. And thank you for
9 incorporating our comments in the
10 final rendering.

11 MR. WILSON: Thank you.

12 CHAIRMAN EWASUTYN: Do you want
13 to move on to the site plan comments
14 that were made by Pat Hines of
15 McGoey, Hauser & Edsall?

16 MR. WILSON: That would be
17 great.

18 MR. HINES: Sure. The
19 applicants have addressed the
20 majority of our previous comments.

21 As we discussed at work
22 session, the stormwater discharge
23 from the site has been brought across
24 Route 17K to the airport side heading
25 in an easterly direction and then

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 back across to discharge at the
3 existing stream crossing of 17K.
4 There may be a need for a stream
5 disturbance permit depending on how
6 close that discharge is to the
7 stream. That will be a condition of
8 approval as the Board is heading
9 forward.

10 We're asking that they look at
11 the discharge from the roadway so
12 that there's a single catch basin at
13 the entrance drive. That will also
14 be under the purview of DOT as
15 they're reviewing that.

16 A stormwater facilities maintenance
17 agreement will be required.

18 Securities for the stormwater
19 improvements and landscaping as well
20 as cost estimates for the water and
21 sewer.

22 DOT approval is outstanding. I
23 know that there's been several
24 submissions to them. The applicant
25 is still pursuing the two-way exits,

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 a left and a right-turn lane at the
3 exit. DOT hasn't approved that yet.
4 The plans before this Board now show
5 that. Any changes to that would
6 require a resubmission to the Board
7 if DOT does change that.

8 Orange County Health Department
9 approval for a water main extension
10 is required.

11 My number 8 is the stickler for
12 tonight, the City of Newburgh flow
13 acceptance letter. We submitted it
14 to the City of Newburgh. They
15 answered back a while later looking
16 for a copy of the plans and the
17 SWPPP. They haven't issued their
18 letter. Unfortunately this Board
19 can't take action without the City of
20 Newburgh flow acceptance letter in
21 hand. It's part of the inter-municipal
22 agreement
23 that no final approvals will be
24 issued.

25 And then DOT is a condition of

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 final approval.

3 The majority of our comments
4 are addressed.

5 Procedurally, though, the City
6 of Newburgh flow acceptance letter is
7 an issue. Normally those come back
8 in twenty-four hours or so, but they
9 asked for additional information on
10 this one.

11 CHAIRMAN EWASUTYN: Pat, Mark
12 had started out by saying he had four
13 items that he was hoping to
14 accomplish. The second item was
15 grading approval. Can you elaborate
16 on what he's looking for for grading
17 approval?

18 MR. HINES: They had previously --
19 this Board entertained a clearing and
20 grading permit for the site. That
21 was issued for clearing of the trees.
22 I believe that -- so if they have
23 site plan approval, it covers the
24 grading permit as a matter of course
25 for that approval. I don't know if

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 -- I think the Board could schedule
3 this out two weeks and issue an
4 approval once we get the City of
5 Newburgh flow acceptance letter with
6 conditions. They may be looking for
7 an actual permit to commence grading
8 of the site. I don't have an issue
9 with that. It would be a
10 modification to the previously issued
11 clearing and grading permit. You
12 already had a public hearing on that.
13 The initial one was issued just for
14 cutting of the trees. I think the
15 Board could be in a position tonight
16 to issue an actual grading permit so
17 they could commence grading of the
18 site while they wait for final site
19 plan approval.

20 CHAIRMAN EWASUTYN: Dominic
21 Cordisco?

22 MR. CORDISCO: It's possible.
23 Certainly there's been an application
24 for a clearing and grading permit.
25 The clearing was previously approved.

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 My question would be what
3 conditions of the approval would be
4 attached to the grading aspect of
5 this? I know for site plan approval
6 there's a stormwater facilities
7 maintenance agreement. It might not
8 be necessary for the grading since --

9 MR. HINES: Normally it would
10 require security in the amount of
11 \$3,500 per acre, which may have
12 already been posted for the tree
13 clearing. So it will basically give
14 them a two-week jump start for the
15 grading.

16 MR. EVERETT: Can I make a
17 suggestion? Would it be possible to
18 just incorporate the conditions from
19 your cutting permit which seemed to
20 deal with all of those issues?
21 You've got nine conditions there. We
22 could just incorporate those into
23 this one, if that made sense to you
24 folks.

25 MR. CORDISCO: It does as far

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 as that goes. I think the question
3 is whether or not -- what
4 implementation of that stormwater
5 pollution prevention plan is
6 necessary associated with the grading
7 and ground disturbance. The clearing
8 of the trees was just for cutting the
9 trees and no stumping.

10 MR. HINES: The SWPPP is
11 acceptable to our office. A
12 municipal authorization would be
13 required so that they would have
14 coverage under the stormwater
15 pollution -- the DEC's pollution
16 permits. That would be an additional
17 requirement, that coverage under that
18 permit be issued.

19 MR. EVERETT: That was one of
20 the conditions of the previous
21 permit.

22 MR. CORDISCO: Correct.

23 MR. HINES: So that's been
24 granted?

25 MR. EVERETT: No. It was just

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 a condition that the applicant shall
3 obtain coverage under the general
4 permit.

5 MR. HINES: Because your last
6 clearing and grading permit didn't
7 involve grading.

8 MR. EVERETT: Just cutting
9 trees.

10 MR. HINES: It was just for the
11 cutting of trees. That wasn't
12 issued. That could now be issued.

13 CHAIRMAN EWASUTYN: Okay.
14 Let's pull it all together. It's
15 going to be what we memorialize soon.
16 So everyone understands what is being
17 discussed, one more time, Dominic.

18 MR. CORDISCO: To go back to
19 Mark's original comments as you heard
20 earlier, there are a number of
21 procedural steps that you can or
22 perhaps should not take tonight.

23 You had your clearing and
24 grading public hearing last month and
25 then the clearing permit was granted.

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 You previously, before that, had
3 adopted a negative declaration under
4 SEQRA, so SEQRA has been satisfied.
5 You've had your site plan public
6 hearing tonight. We do not have the
7 sewer flow acceptance letter from the
8 City of Newburgh. Pursuant to the
9 inter-municipal agreement with the
10 City, unfortunately the project would
11 not be right for granting a
12 conditional site plan approval.

13 However, you can take
14 additional actions tonight. You
15 could vote to modify the existing
16 clearing and grading permit
17 resolution to also include grading.
18 I think that would be the simplest
19 way to proceed in connection with
20 that. We would prepare a modified
21 resolution that makes it clear that
22 grading would also be included.

23 The other action that you could
24 take tonight, if you're satisfied
25 with the presentation, is granting

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 ARB approval.

3 CHAIRMAN EWASUTYN: Okay.

4 Mr. Cordisco, would then the first
5 action be to close the public hearing
6 on the Newburgh Commerce Center/
7 Scannell?

8 MR. CORDISCO: With one
9 additional comment. As Pat had
10 mentioned, there is typically a very
11 quick turnaround time for the City of
12 Newburgh to respond in that request
13 for the flow acceptance letter.
14 There is a provision in your Town
15 code that requires the Board to make
16 a decision on site plan applications
17 within 45 days of closing the public
18 hearing. I would ask the applicant
19 to waive that timeframe, not
20 anticipating that 45 days would be
21 needed but we don't want to be in a
22 position where we would have to deny
23 the application because we don't have
24 a sewer flow acceptance letter within
25 that 45 days.

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2 CHAIRMAN EWASUTYN: Are you in
3 agreement with that?

4 MR. WILSON: Yes.

5 MR. EVERETT: Yes, we're in
6 agreement with that.

7 MR. CORDISCO: Bear in mind
8 it's a technical requirement. I'm
9 not anticipating that it would take
10 that long, but I would not be doing
11 my job if I wasn't advising the Board
12 of the potential for an obligation
13 that you would have of having to make
14 a decision within 45 days.

15 So yes, the first step would be
16 to close the public hearing with that
17 understanding with the applicant that
18 the 45 days would not apply.

19 CHAIRMAN EWASUTYN: For the
20 benefit of all of us sitting here,
21 and doing it in an organized manner,
22 would someone move for a motion to
23 close the public hearing with the
24 understanding that the applicant was
25 in agreement to waive the 45-day

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 decision period?

3 MR. MENNERICH: So moved.

4 MR. BROWNE: Second.

5 MR. GALLI: Second.

6 CHAIRMAN EWASUTYN: I have a
7 motion by Ken Mennerich. I have a
8 second by, was that Cliff Browne?

9 MR. BROWNE: Yeah. Or Frank.

10 CHAIRMAN EWASUTYN: Or Frank.

11 Okay. We'll stick with Cliff Browne
12 for now. Can I have a roll call vote
13 starting with John Ward.

14 MR. WARD: Aye.

15 MR. DOMINICK: Aye.

16 MR. BROWNE: Aye.

17 CHAIRMAN EWASUTYN: Aye.

18 MR. MENNERICH: Aye.

19 MS. DeLUCA: Aye.

20 MR. GALLI: Aye.

21 CHAIRMAN EWASUTYN: Okay. Then
22 Pat Hines and Dominic Cordisco, can
23 you give us the language for
24 modifying the clearing permit to now
25 allow grading on the site?

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2 MR. CORDISCO: Yes, sir. The
3 Board would be making a motion to
4 authorize the amendment to the
5 previously issued clearing permit to
6 now include clearing and grading
7 subject to the filing of the MS-4
8 acceptance form with the Town and
9 also the filing of the notice of
10 intent with the New York State
11 Department of Environmental
12 Conservation in connection with the
13 stormwater general permit.

14 MR. GALLI: John, I just have a
15 question on that.

16 CHAIRMAN EWASUTYN: Please.
17 Thank you.

18 MR. GALLI: Pat, will the DOT
19 change the entrance at all to affect
20 any type of the grading?

21 MR. HINES: No. The DOT may
22 restrict the turning in and out, but
23 this site only has one point of
24 access. The access road will need to
25 remain larger than a standard access

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2 road to provide additional access for
3 emergency services.

4 MR. GALLI: Okay.

5 CHAIRMAN EWASUTYN: Are there
6 any additional questions based upon
7 modifying the clearing permit to
8 allow for grading based upon the
9 presentation we just had from Dominic
10 Cordisco, Planning Board Attorney?
11 Other than Frank's comment, anyone
12 else?

13 MS. DeLUCA: No.

14 MR. MENNERICH: No.

15 MR. DOMINICK: No.

16 CHAIRMAN EWASUTYN: Okay.

17 Would someone then move to approve
18 the modifying of the existing
19 clearing permit
20 to now cover the grading permit?

21 MR. GALLI: So moved.

22 MR. WARD: Second.

23 CHAIRMAN EWASUTYN: I have a
24 motion by Frank Galli. I have a
25 second by John Ward. May I please

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 have a roll call vote starting with
3 John Ward.

4 MR. WARD: Aye.

5 MR. DOMINICK: Aye.

6 MR. BROWNE: Aye.

7 CHAIRMAN EWASUTYN: Aye.

8 MR. MENNERICH: Aye.

9 MS. DeLUCA: Aye.

10 MR. GALLI: Aye.

11 CHAIRMAN EWASUTYN: I guess the
12 last action -- well, there are two
13 actions. There's one after the one
14 that we're going to put on the table
15 now. Would someone move to grant ARB
16 approval for Newburgh Commerce
17 Center/Scannell?

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

20 MR. WARD: Second.

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

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2 MR. GALLI: Aye.

3 MS. DeLUCA: Aye.

4 MR. MENNERICH: Aye.

5 CHAIRMAN EWASUTYN: Aye.

6 MR. BROWNE: Aye.

7 MR. DOMINICK: Aye.

8 MR. WARD: Aye.

9 CHAIRMAN EWASUTYN: And would
10 someone make a motion to set this for
11 the meeting of May 5th for what will
12 hopefully be final approval?

13 MR. GALLI: So moved.

14 MS. DeLUCA: Second.

15 CHAIRMAN EWASUTYN: I have a
16 motion by Frank Galli. I have a
17 second by Stephanie DeLuca. May I
18 please have a roll call vote.

19 MR. GALLI: Aye.

20 MS. DeLUCA: Aye.

21 MR. MENNERICH: Aye.

22 CHAIRMAN EWASUTYN: Aye.

23 MR. BROWNE: Aye.

24 MR. DOMINICK: Aye.

25 MR. WARD: Aye.

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2 MR. UTSCHIG: Thank you very
3 much.

4 MR. EVERETT: Could I ask a
5 question about the flow acceptance
6 letter? What is the language in the
7 agreement with the City of Newburgh?
8 Does it say the Planning Board can't
9 grant any approvals or just final
10 approval?

11 MR. HINES: Final approval.

12 MR. EVERETT: Isn't final
13 approval when the Chairman signs the
14 plans? I mean if the Board were to
15 give conditional approval, there's
16 really no approval that affects the
17 flow into the City of Newburgh until
18 the plans are signed and a building
19 permit is issued.

20 MR. HINES: I don't have that
21 document in front of me, but we have
22 never issued a conditional final
23 approval without that in hand.

24 MR. EVERETT: I guess what I'm
25 saying is that you could issue a

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 conditional site plan approval --

3 MR. HINES: I don't know what
4 the exact language says in the
5 inter-municipal agreement, but we
6 have as a policy at a minimum -- I
7 don't know what the language says,
8 but we --

9 MR. EVERETT: They're not
10 granting any approval basically.

11 MR. HINES: We don't grant any
12 conditional or final approvals.

13 MR. EVERETT: Okay. That's
14 fine. Just curious. Thank you.

15

16 (Time noted: 7:30 p.m.)

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NEWBURGH COMMERCE CENTER / SCANNELL

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 29th day of April 2022.

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

MONARCH WOODS SENIOR HOUSING
(2019-28)

Monarch Drive
Section 103; Block 7; Lot 18
Section 47; Block 1; Lot 46
B Zone

----- X

SITE PLAN

Date: April 21, 2022
Time: 7:30 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ
& JOHN CAPPELLO

----- X

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

1 MONARCH WOODS SENIOR HOUSING

2 CHAIRMAN EWASUTYN: The third
3 item of business this evening is
4 Monarch Woods Senior Housing. It's a
5 site plan located on Monarch Drive in
6 a B Zone. It's being represented by
7 Engineering & Surveying Properties.

8 MR. WINGLOVITZ: Good evening.
9 For the record, Ross Winglovitz,
10 Engineering & Surveying Properties.
11 I'm here with John Cappello, counsel
12 for the applicant, and the applicant,
13 Mike Mahar, regarding Monarch Woods
14 Senior Housing.

15 We were before you at the end
16 of February regarding this
17 application. We had been to the Town
18 Board and to the ZBA, worked through
19 a bunch of zoning issues with Pat
20 over the last year and-a-half, and
21 then submitted a complete plan set
22 for the February meeting. At that
23 meeting there were several comments
24 which we've done our best to address
25 with this resubmission.

1 MONARCH WOODS SENIOR HOUSING

2 I would be glad to go over
3 Pat's comments and see how we --
4 we've done our best to address these.
5 The first one is regarding the height
6 of the building. There were several
7 comments regarding the height. If
8 you remember, John had presented this
9 to the ZBA because there was a
10 question during the zoning review how
11 do we interpret height, because that
12 section of the code kind of leaves it
13 up to interpretation. That Board
14 decided it was the Planning Board's
15 purview for that. The project that
16 we're presenting is a three-story
17 building, very similar to all the
18 senior housing projects that you have
19 looked at before. We submitted some
20 evidence of other projects that this
21 Board has approved with very similar
22 architecture.

23 What you probably haven't seen,
24 I don't think, and one of the things
25 we realized is we had presented some

1 MONARCH WOODS SENIOR HOUSING

2 renderings to the Town Board when we
3 had done public informational
4 meetings as part of the process for
5 the designation for the senior
6 zoning. We provided those as well as
7 -- this is our site. It's a very
8 typical three-story building, pitched
9 roof. Part of the height is
10 necessary to provide an aesthetically
11 pleasing roof peak. We provided this
12 view as well as the rear elevation
13 that you would see from the
14 neighboring residents in the package,
15 some of the elevations from Lakeside.
16 The recently constructed Farrell
17 senior project, very similar, three
18 story, little porches, several gables
19 facing the parking area, as well as
20 Stewart Woods. So it's very
21 consistent with what has been
22 proposed for senior housing in the
23 Town of Newburgh.

24 The zone here specifically
25 permits building heights of up to 50

1 MONARCH WOODS SENIOR HOUSING

2 feet. The zoning does permit hotels.
3 This building massing is very similar
4 to a hotel. We think this provides a
5 much more attractive roof line. To
6 comply with the lower height, 35
7 feet, we could do a flat building --
8 a flat roof, I'm sorry. We kind of
9 just showed that to you in a
10 demonstration of the view. That was
11 included in your packet. We think
12 that that's problematic and not
13 attractive and not consistent with
14 the area.

15 Another consideration we had
16 regarding the building, and I'm sure
17 it was brought up at the Town Board
18 informational meetings, the
19 relationship of the residents to the
20 building. The Town Board requested
21 that we provide an 8-foot high solid
22 fence along the rear property line to
23 provide additional screening. That's
24 been added to the plan.

25 Also, one of the things we

1 MONARCH WOODS SENIOR HOUSING

2 noted in our response was that the
3 code actually contemplates buildings
4 of greater than 40 feet. It actually
5 specifically requires additional
6 setbacks when we do exceed that. So
7 this plan and the zoning that was
8 applied here, the setbacks, was based
9 on the proposed height of 46.5 feet.
10 The setbacks along this residential
11 zone had to increase in order to
12 accommodate the height. We think
13 that the zoning addresses the height
14 and actually provides mitigation
15 specifically addressing that.

16 We've also prepared this color
17 rendering to kind of demonstrate
18 where we tried to save existing
19 vegetation around the site in order
20 to help buffer the view of the
21 building. I think that was it as far
22 as additional information we provided
23 on the height of the building.

24 Is there anything you wanted to
25 add to that, John?

1 MONARCH WOODS SENIOR HOUSING

2 MR. CAPPELLO: No.

3 CHAIRMAN EWASUTYN: Ken
4 Mennerich had a comment at the work
5 session. He had suggested that you
6 provide some kind of line-of-sight
7 visual. He doesn't remember
8 receiving it. Did you ever submit
9 that?

10 MR. WINGLOVITZ: Where would
11 the Board like to see that from?
12 From 52 or from the neighboring --

13 MR. MENNERICH: I think it was
14 at the November 4th meeting. If you
15 look as cars are coming east on Route
16 52 --

17 MR. WINGLOVITZ: Coming from
18 here, Ken?

19 MR. MENNERICH: Yes. And then
20 the other was some kind of view for
21 the residents on Monarch Drive. I'm
22 not sure exactly how you could do
23 that.

24 MR. WINGLOVITZ: Something from
25 the public street probably.

1 MONARCH WOODS SENIOR HOUSING

2 MR. MENNERICH: Yeah.

3 MR. WINGLOVITZ: Absolutely we
4 can do that.

5 MR. MENNERICH: When you
6 mentioned the height of the buildings
7 where you had to make adjustments on
8 the setbacks from the property lines,
9 did that take into account that
10 there's going to be a development in
11 your bottom right corner there,
12 Patton Ridge? There's going to be
13 all houses in there. It's an R-3
14 Zone.

15 MR. WINGLOVITZ: Yup. So that
16 would require -- so based on the
17 height of the building is the
18 setback. This is only a one-story
19 building. This is the clubhouse. So
20 this is the three-story building.
21 That's what's required there.

22 MR. MENNERICH: Thank you.

23 MR. WINGLOVITZ: Thank you.

24 MR. MENNERICH: I'm sorry.

25 CHAIRMAN EWASUTYN: There is

1 MONARCH WOODS SENIOR HOUSING

2 nothing to be sorry about. That's
3 the purpose of having a discussion.

4 MR. WINGLOVITZ: Pat had a few
5 more comments. We did commit to the
6 emergency generator. We provided a
7 note on the plan. That was a request
8 of the Board. We'll have an
9 emergency standby generator at the
10 clubhouse for a place of shelter.

11 We provided fencing around the
12 stormwater pond. I know Pat's firm
13 is looking at the stormwater
14 pollution prevention plan.

15 The County 239 referral was
16 done. We coordinated that with Pat's
17 office. I think we have another few
18 days before their time has run.

19 CHAIRMAN EWASUTYN:
20 Unfortunately I erred. We did
21 receive the County response, I think
22 it was today. In the haste of
23 getting it done, I thought I had
24 scanned it in, made a PDF attachment
25 and sent it out to everyone. John

1 MONARCH WOODS SENIOR HOUSING

2 being John, I'm always missing a beat
3 one way or the other. What I can say
4 in open honesty was it was a Local
5 determination. The comments were of
6 a general nature.

7 They would like to see that you
8 work towards having some kind of
9 availability of public
10 transportation.

11 There were some comments about
12 maybe making it more people friendly
13 and sidewalks on the outside of the
14 property.

15 It was a Local determination.
16 I'll do my best tomorrow to make sure
17 I get everyone a copy of that.

18 MR. WINGLOVITZ: We'll address
19 that for the Board at our next
20 submission point by point.

21 CHAIRMAN EWASUTYN: Normally I
22 would have a copy here, but as a
23 senior, I'm getting very absent
24 minded.

25 MR. WINGLOVITZ: DOT emergency

1 MONARCH WOODS SENIOR HOUSING

2 access, we hadn't submitted anything
3 to them, Pat, because there's no
4 traffic on this road. At this point
5 we were hoping to address that after
6 preliminary site plan as part of the
7 approval process.

8 We need a water main extension
9 approval as well. We'll address both
10 of those at that time if that's okay.

11 There's no traffic at that
12 location. It's emergency access
13 only. If you'd like to get something
14 before preliminary site plan or
15 before a public hearing, let me know.
16 That may be difficult. There's a
17 long lead time. We'll start on that.

18 Fire access roads. Pat was
19 concerned that these -- the access
20 roads that are behind the building
21 that were discussed with the fire
22 department need to be 26 feet.

23 MR. HINES: The fire department
24 has signed off on the way they are.

25 MR. WINGLOVITZ: We're good.

1 MONARCH WOODS SENIOR HOUSING

2 MR. GALLI: Which is how many
3 feet?

4 MR. WINGLOVITZ: 20 feet wide.

5 Water main extension. Again,
6 at preliminary approval we'll prepare
7 a Health Department application for a
8 water main extension for the site.
9 If there are any concerns about flows
10 and pressures, we can do it sooner,
11 but I don't know that there is any in
12 this area.

13 The highway superintendent for
14 the access drive. We did provide a
15 copy on April 8th. I think a couple
16 of Pat's comments referenced the
17 access point and drainage in here, so
18 I will -- I was going to suggest that
19 we set up a meeting with maybe Pat's
20 office and the highway superintendent
21 just to go through those and make
22 sure everybody is comfortable. If
23 there's anything else we need to do
24 there, we will certainly address it
25 now.

1 MONARCH WOODS SENIOR HOUSING

2 The City of Newburgh flow
3 acceptance letter, we provided that
4 to Pat earlier this week. His
5 referral to the City.

6 There was a question about
7 accessible parking space symbols.
8 We'll work that out with Pat's
9 office.

10 MR. HINES: It's just a
11 drafting issue I believe.

12 MR. WINGLOVITZ: The dumpster
13 enclosure. We are only showing a
14 single location with a double
15 dumpster in it. My understanding --
16 Mike, correct me if I'm wrong -- is
17 that basically the garbage will be
18 collected inside the buildings and
19 the staff will take it to here. It's
20 not the public that will be bringing
21 it to here. We think that's large
22 enough for what we're proposing.

23 CHAIRMAN EWASUTYN: How does
24 that actually work? Stephanie, you
25 can ask him.

1 MONARCH WOODS SENIOR HOUSING

2 MS. DeLUCA: I had the same
3 question.

4 MR. WINGLOVITZ: We have
5 central locations in the building.
6 It's probably brought to the basement
7 and then staff for the apartments
8 will take it and empty it into the
9 dumpster and it will be picked up by
10 a hauler.

11 MR. GALLI: There's going to be
12 staff on site all the time?

13 MR. MAHAR: Well, I'm assuming
14 -- obviously preliminarily. We're
15 going to be looking at, more than
16 likely, the daytime aspect of it.

17 CHAIRMAN EWASUTYN: For the
18 record, can you give your name?

19 MR. MAHAR: Mike Mahar, Cocoa
20 Lane, Newburgh. With the property
21 the way it is and the basement, we're
22 going to have -- because of the
23 garage parking we're going to have
24 access to have an area down there for
25 that. The staff will be able to take

1 MONARCH WOODS SENIOR HOUSING

2 care of that.

3 MR. GALLI: Are there going to
4 be any compactors? I notice one of
5 the developments has a compactor
6 where they can literally pick it up
7 inside and compact it and then bring
8 it to the dumpster.

9 MR. MAHAR: I haven't gone that
10 far into it yet.

11 MR. GALLI: Okay.

12 MR. WINGLOVITZ: We can get you
13 more information on that with our
14 next submission.

15 MR. HINES: It looked rather
16 small with the two dumpsters. There
17 needs to be provisions for recycling
18 with 100 units.

19 MR. WINGLOVITZ: Yup. We'll
20 take a look and give a comprehensive
21 response to you to see if there's
22 anything else we need. Something
23 like this I would vary the pickup
24 schedule. If it's limited to the
25 location, obviously we can pick up

1 MONARCH WOODS SENIOR HOUSING

2 three times a week if we need to as
3 opposed to having more dumpsters
4 across the site.

5 The site lighting plan. Pat
6 noted that there is lighting proposed
7 around the outside. There,
8 obviously, will be building mounted
9 lighting that's required by building
10 code.

11 There are no specific site
12 improvements other than these two
13 little patios at the rear. We
14 matched some lower landscape lighting
15 for those areas.

16 MR. HINES: I just envision
17 that being an issue at the public
18 hearing, so if you would be able to
19 address that.

20 MR. WINGLOVITZ: A couple
21 comments about the water main. We'll
22 coordinate that with Pat's office.

23 Details for stormwater.

24 Comment 17 regarding the
25 drainage. The pond here outlets to

1 MONARCH WOODS SENIOR HOUSING

2 this wetland. I did go there this
3 evening. I don't think it's going to
4 be a problem. We can look at it. We
5 can add a level spreader. There are
6 actually two drainage swales here.
7 There's one that runs along the road
8 and then there's actually a berm and
9 then there's a swale behind that
10 that's on our property. That's going
11 to basically direct the water down to
12 the intersection and the culvert
13 that's down there. We can take a
14 look at that, a level spreader or
15 whatever may be needed. I think it's
16 --

17 MR. HINES: That may address
18 comment 18 as well. There's just no
19 defined swale there where that
20 discharge is. I want to make sure
21 it's not heading back out onto
22 Monarch Drive.

23 MR. WINGLOVITZ: That is it.

24 CHAIRMAN EWASUTYN: And this is
25 it. I have a question here, also.

1 MONARCH WOODS SENIOR HOUSING

2 Can you provide a line of sight
3 rendering and have that available for
4 the meeting of the 5th so the
5 Planning Board would have an
6 understanding of what they could be
7 approving based upon the height of
8 the buildings?

9 MR. WINGLOVITZ: Will we just
10 bring it in on the 5th? Do we need
11 to have it in advance?

12 CHAIRMAN EWASUTYN: I'll ask
13 Ken Mennerich to make that decision.

14 MR. MENNERICH: If you can
15 bring it that night, that's fine.

16 MR. WINGLOVITZ: I think we can
17 talk to the architect about having
18 that done.

19 CHAIRMAN EWASUTYN: Dave Dominick?

20 MR. DOMINICK: Ross, can you
21 explain for clarity in your
22 presentation. Just now you said the
23 clubhouse will have generator
24 service. Is that the only building
25 that will have emergency backup

1 MONARCH WOODS SENIOR HOUSING

2 service, the clubhouse?

3 MR. WINGLOVITZ: Typically,
4 yeah.

5 MR. MAHAR: No. We're looking
6 at the option, like we discussed
7 earlier, to have the buildings
8 themselves serviced by it. The
9 mechanical aspect has not been done
10 as far as the entire buildings yet.
11 The load factor we can't figure as
12 far as the sizing goes what we're
13 going to power up. The idea is to
14 power up the buildings as much as
15 possible --

16 MR. WINGLOVITZ: We're going to
17 do everything if we can.

18 MR. MAHAR: -- besides the
19 clubhouse.

20 MR. DOMINICK: Okay. Thanks
21 for clearing that up. That was my
22 main focus from the beginning of this
23 project, to have all of the buildings
24 where the tenants reside to have
25 backup service if the main power goes

1 MONARCH WOODS SENIOR HOUSING

2 out for the health, safety and
3 welfare of each tenant.

4 MR. WINGLOVITZ: Yes. My
5 client is shaking his head yes, it's
6 a yes.

7 CHAIRMAN EWASUTYN: Jim
8 Campbell, do you have anything you'd like to
9 add?

10 MR. CAMPBELL: Nothing to add
11 at this time.

12 CHAIRMAN EWASUTYN: I think the
13 Board discussed during the work
14 session that they are trying to find
15 a comfort point with a 46.5 foot
16 building, and so the line of sight is
17 something that we feel would be
18 beneficial.

19 Ken Mennerich has something to
20 say.

21 MR. MENNERICH: Just another
22 quick item. The dog run area, I
23 noticed that the details on that said
24 there would be a chain link fence
25 around that?

1 MONARCH WOODS SENIOR HOUSING

2 MR. WINGLOVITZ: Yup.

3 MR. MENNERICH: The idea of the
4 dog area, it's not someplace where
5 you just drop your dog off and leave,
6 is it?

7 MR. WINGLOVITZ: No. They're
8 very social areas. I've been putting
9 them in every project we do. There's
10 benches there, there's little things
11 for the dogs to run through and jump
12 over. Very interactive. People go
13 there and they'll talk to their
14 neighbors. We build them in every
15 project. Projects that were already
16 built that didn't have them, we added
17 them.

18 MR. MENNERICH: The concept of
19 using slats in the chain link fence,
20 would that be --

21 MR. WINGLOVITZ: For the dog
22 run area?

23 MR. MENNERICH: Yeah. Towards
24 52.

25 MR. WINGLOVITZ: We've got a

1 MONARCH WOODS SENIOR HOUSING

2 significant wooded buffer here. It
3 would be a dawn to dusk type of
4 operation. It's not going to be in
5 the night. If you're worried about
6 noise from the dogs, there's not
7 going to be. I think we have a
8 significant buffer. I think the fact
9 that it's a dawn to dusk type of
10 thing, it's not going to be lit at
11 night.

12 MR. MENNERICH: Okay. Thank
13 you.

14 MR. WINGLOVITZ: Thank you.

15 MR. WARD: My question was how
16 far are the setbacks?

17 MR. WINGLOVITZ: At which
18 location?

19 MR. WARD: Say the houses on
20 the bottom.

21 MR. WINGLOVITZ: From here?

22 MR. WARD: Yes.

23 MR. WINGLOVITZ: The building
24 here is set back at least 75 feet,
25 which is the additional required

1 MONARCH WOODS SENIOR HOUSING

2 setback due to the height. It looks
3 like the buildings -- the homes on
4 the other side are roughly about 75
5 feet back as well from the property
6 line.

7 MR. WARD: More details I'd
8 like to know in reference to storing
9 the garbage. I know down in New York
10 they have the rooms. For sanitary
11 reasons, fire reasons, if you can,
12 establish how big it is and how
13 they're going to transport the
14 garbage to the dumpster, please.

15 MR. WINGLOVITZ: Yup.

16 CHAIRMAN EWASUTYN: All right.
17 So what we have to work toward is the
18 meeting of the 5th, have some visual
19 line of sight so whatever the
20 decision finally is that the Planning
21 Board makes, they have a reason and
22 foundation why they made that
23 decision.

24 Michael, are you okay with
25 that?

1 MONARCH WOODS SENIOR HOUSING

2 MR. MAHAR: Yes.

3 CHAIRMAN EWASUTYN: John?

4 MR. CAPPELLO: I have my
5 Agreeable Gray suit on today.

6 CHAIRMAN EWASUTYN: You look so
7 much better without a mask.

8 MR. WINGLOVITZ: You're
9 supposed to say all righty.

10 CHAIRMAN EWASUTYN: Let's work
11 on that. We're making a decision and
12 we need to have a reason and
13 foundation.

14 Frank?

15 MR. GALLI: Are we setting up a
16 public hearing yet?

17 CHAIRMAN EWASUTYN: I think
18 we'll set the public hearing when we
19 make a final decision on what we're
20 visually approving on the 5th. Is
21 that my understanding? Or are we
22 looking to set a public hearing now?
23 I'll ask the Board. Frank?

24 MR. GALLI: I thought we were
25 setting it tonight just to then see

1 MONARCH WOODS SENIOR HOUSING

2 it.

3 MR. HINES: We haven't made a
4 SEQRA determination yet. If we were
5 going to do that -- I don't know if
6 you want to wait for the building
7 height to set that. That's up to the
8 Board.

9 MR. GALLI: That's fine. So
10 May 5th, we can set it then. Okay.
11 I'm fine with that.

12 CHAIRMAN EWASUTYN: Is
13 everybody in agreement?

14 MR. GALLI: Yes.

15 MS. DeLUCA: Yes.

16 MR. MENNERICH: Yes.

17 MR. BROWNE: Yes.

18 MR. DOMINICK: Yes.

19 MR. WARD: Yes.

20 MR. WINGLOVITZ: Thank you.

21

22 (Time noted: 7:52 p.m.)

23

24

25

1 MONARCH WOODS SENIOR HOUSING

2

3

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

4

5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 29th day of April 2022.

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Michelle Conero

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MICHELLE CONERO

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

- - - - - X
In the Matter of

SAFE HAVEN SELF STORAGE
(2022-04)

14 Crossroads Court
Section 95; Block 1; Lot 74
IB Zone

- - - - - X

SITE PLAN

Date: April 21, 2022
Time: 7:52 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ
& JOHN CAPPELLO

- - - - - X

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

1 S A F E H A V E N S E L F S T O R A G E

2 CHAIRMAN EWASUTYN: The fourth
3 item of business this evening is Safe
4 Haven Self Storage. It's located on
5 14 Crossroads Court in an IB Zone.
6 It's also being represented by
7 Engineering & Surveying Properties.

8 MR. WINGLOVITZ: Good evening.
9 Ross Winglovitz, Engineering &
10 Surveying Properties. John Cappello,
11 counsel for the project. We were
12 here before you a few months ago
13 regarding this application.

14 A curve ball came up with Pat
15 and it came back to us. The question
16 was regarding the disposition of this
17 parcel. On the original survey that
18 was provided by my client they did
19 indicate that they owned that. I
20 think it was a mistake when they
21 ordered it. They only ordered the
22 survey for the main building, not
23 realizing that when they took title
24 to it, or maybe it was a
25 typographical error, they didn't have

1 SAFE HAVEN SELF STORAGE

2 the survey ordered for what was the
3 parking lot. It's a standalone lot
4 by itself. We've had that surveyed
5 and added to the project.

6 What the proposal is is
7 actually to combine this now so it
8 will all be one lot. It won't be a
9 parking lot without a home. It will
10 actually be connected to the building
11 parcel. We'll delete the lot line
12 between the parking lot and the
13 building.

14 With all of this parking and
15 not a lot of parking required for
16 this use, what we're proposing is to
17 fence in a large portion of the
18 property. We would use that for
19 outdoor storage of boats and
20 recreational vehicles as permitted by
21 code, with the exception of the fact
22 that the RV storage here, it's an
23 existing parking lot. We want to not
24 just ignore it, that weeds grow up
25 through it. We'd like to use it for

1 SAFE HAVEN SELF STORAGE

2 RV storage. We would fence it in.
3 The problem becomes that it's RV
4 storage which is in the front yard.
5 There's a public street that goes to
6 the Orange County Transfer Station.

7 So in addition to the variances
8 that Pat had noted initially
9 regarding the setback, and our change
10 of use kicks in some different bulk
11 requirements that were previously
12 part of this project, we would also
13 be adding a variance request to allow
14 us to do outdoor storage in an
15 existing parking area on the west
16 side of the property. That's kind of
17 the bigger picture.

18 I'll go through Pat's comments
19 briefly. The variances we talked
20 about.

21 We need to, I guess, update the
22 application. I would have gotten
23 that today but our client is on
24 holiday. We would have had that for
25 you.

1 SAFE HAVEN SELF STORAGE

2 Updated adjoining notices
3 because that's been added. I think
4 there's not too many additional
5 people. I think it's the County and
6 maybe Stewart Airport.

7 Pat notes about the variance
8 required for the parking of the RVs.

9 There is actually also a
10 landscape buffer requirement. This
11 is all existing pavement. We would
12 be looking for a variance on that as
13 well for the landscaping along Orr
14 Avenue.

15 Details of fencing, we can
16 provide those. I would not want to
17 provide opaque fencing unless there
18 was a specific area where we wanted
19 to shield. I just want to make sure
20 before we propose something that that
21 wasn't something that the Board would
22 be looking for.

23 CHAIRMAN EWASUTYN: What are
24 you considering?

25 MR. WINGLOVITZ: Chain link.

1 SAFE HAVEN SELF STORAGE

2 CHAIRMAN EWASUTYN: What are
3 you considering?

4 MR. WINGLOVITZ: A chain link
5 fence.

6 CHAIRMAN EWASUTYN: Would it be
7 plastic coated in a certain color?

8 MR. WINGLOVITZ: Yeah. Vinyl
9 probably.

10 CHAIRMAN EWASUTYN: Black?

11 MR. WINGLOVITZ: Probably
12 black.

13 CHAIRMAN EWASUTYN: What color
14 would you --

15 MR. WINGLOVITZ: Black would be
16 the most -- the least intrusive and
17 the least visible.

18 CHAIRMAN EWASUTYN: And the
19 height of that again would be?

20 MR. WINGLOVITZ: I haven't
21 talked to my client specifically. Do
22 we note it? 6 foot high.

23 CHAIRMAN EWASUTYN: Jim
24 Campbell, is that okay as far as
25 building codes?

1 SAFE HAVEN SELF STORAGE

2 MR. CAMPBELL: As far as
3 building codes there's no issue. I'm
4 just reviewing the Town code.

5 CHAIRMAN EWASUTYN: All right.

6 MR. WINGLOVITZ: Pat noted that
7 there's a significant underground
8 storage system. This is probably an
9 opportunity to have it checked,
10 cleaned. We will provide a report
11 like we would do for any other
12 facility. I think that is what
13 you're looking for. That can be
14 done.

15 CHAIRMAN EWASUTYN: Pat, is
16 there a requirement in general with
17 these chambers that -- when I think
18 of a chamber, I think of the ones --

19 MR. HINES: The Town has that
20 process where you always hear me say
21 stormwater facilities maintenance
22 agreement. Part of that agreement is
23 the requirement to submit an annual
24 report. We don't hear from them
25 much. As a regulated MS-4, my office

1 SAFE HAVEN SELF STORAGE

2 and Jim Osborne, together we
3 periodically send out notices to
4 comply with our MS-4 requirements to
5 the people that have stormwater
6 facility maintenance agreements,
7 reminding them that they owe us a
8 report.

9 CHAIRMAN EWASUTYN: That
10 includes the chambers as well?

11 MR. HINES: Yes. Whatever
12 facilities they have, whether they're
13 underground or aboveground or
14 bio-retention. We get a pretty good
15 response when we send the reminders
16 out, but we get nothing unless we
17 send the reminders out.

18 CHAIRMAN EWASUTYN: Thank you.

19 MR. WINGLOVITZ: Signage on the
20 site. I'll have to contact my client
21 regarding what they want to do for
22 proposed signage. Were you more
23 talking about what's existing there?

24 MR. HINES: Yeah. There's a
25 lot of signage on that building. I

1 SAFE HAVEN SELF STORAGE

2 don't know what's going to happen
3 with it. I guess that will come down
4 with your architectural review.

5 MR. WINGLOVITZ: I know their
6 goal was not to make any changes to
7 the exterior of the structure.
8 That's like etched glass or
9 something.

10 MR. HINES: You might have to
11 pick something other than Safe Haven
12 Storage.

13 MR. WINGLOVITZ: We will find
14 that out.

15 There is a note about National
16 Grid Gas Service. That came from the
17 survey. We'll correct that.

18 The 239 referral, we appreciate
19 that the Board would make that
20 referral. We'll provide Pat with any
21 necessary copies he needs to do that.

22 There were a few comments from
23 Creighton, Manning, most of which I
24 think indicated that our traffic
25 generation would be less than what

1 SAFE HAVEN SELF STORAGE

2 was projected.

3 Comment 3 talks about the
4 access to the boats and how is that
5 going to be handled. My
6 understanding is it's handled by the
7 individual owners who will have
8 access to the lot to be able to get
9 in and park their boat in their
10 designated spot, or RV as it may be.

11 Also, Ken had indicated about
12 this gate, was this to be used. My
13 intention was that was for emergency
14 access only. We have a good fire
15 access here. We didn't want to
16 totally close that off. It's not, in
17 my opinion, to be used as part of the
18 operation.

19 That's it. I don't think
20 there's anything else.

21 CHAIRMAN EWASUTYN: Dominic
22 Cordisco, can you discuss with us the
23 referral letter to the Zoning Board
24 of Appeals?

25 MR. CORDISCO: Yes. We

1 SAFE HAVEN SELF STORAGE

2 discussed it last month -- the last
3 time that they appeared. No referral
4 was made because the plans needed to
5 be revised. At this point it would
6 be appropriate to refer this matter
7 to the Zoning Board of Appeals for
8 consideration of variances relating
9 to the front yard setback, the
10 building height and also lot coverage
11 as I understand.

12 MR. HINES: So there are two
13 additional that were raised with the
14 new plan, the RV parking in the front
15 yard setback in accordance with
16 Section 185-35-B and then the
17 landscaping of the front yard,
18 185-35-F.

19 MR. CORDISCO: Yes. I saw
20 those in your comments as well. I
21 was going to include those.

22 CHAIRMAN EWASUTYN: Would
23 someone make a motion to have Dominic
24 Cordisco prepare a referral letter to
25 the Zoning Board of Appeals for the

1 S A F E H A V E N S E L F S T O R A G E

2 Safe Haven Self Storage?

3 MR. WARD: So moved.

4 MR. DOMINICK: Second.

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

10 MR. GALLI: Aye.

11 MS. DeLUCA: Aye.

12 MR. MENNERICH: Aye.

13 CHAIRMAN EWASUTYN: Aye.

14 MR. BROWNE: Aye.

15 MR. DOMINICK: Aye.

16 MR. WARD: Aye.

17 MR. HINES: The 239 referral,
18 John?

19 CHAIRMAN EWASUTYN: We can do
20 that now even though it's going
21 before the ZBA. Correct?

22 MR. HINES: Yes.

23 CHAIRMAN EWASUTYN: Would
24 someone make a motion to authorize
25 Pat Hines then to circulate for the 239

1 SAFE HAVEN SELF STORAGE

2 referral?

3 MR. GALLI: So moved.

4 MS. DeLUCA: Second.

5 CHAIRMAN EWASUTYN: I have a
6 motion by Frank Galli. I have a
7 second by Stephanie DeLuca. May I
8 please have a roll call vote.

9 MR. GALLI: Aye.

10 MS. DeLUCA: Aye.

11 MR. MENNERICH: Aye.

12 CHAIRMAN EWASUTYN: Aye.

13 MR. BROWNE: Aye.

14 MR. DOMINICK: Aye.

15 MR. WARD: Aye.

16 MR. CAPPELLO: Can I just
17 clarify, Pat. Would that include the
18 239 for the variances?

19 MR. HINES: No. That's a
20 different person that does those. I
21 think Siobhan does those in the
22 Zoning office.

23 MR. CORDISCO: We'll get that
24 referral letter out.

25 MR. WINGLOVITZ: Thank you.

1 S A F E H A V E N S E L F S T O R A G E

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3 (Time noted: 8:02 p.m.)

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S A F E H A V E N S E L F S T O R A G E

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 29th day of April 2022.

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

CURALEAF - NEWBURGH
(2021-34)
8 North Plank Road
Section 80; Block 5; Lot 15
B Zone

----- X

SITE PLAN

Date: April 21, 2022
Time: 8:02 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE,
PHILIP GREALY & MARSHALL ROSENBLUM

----- X

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

1 CURALEAF - NEWBURGH

2 CHAIRMAN EWASUTYN: Our fifth
3 item this evening is Curaleaf -
4 Newburgh. It's a site plan and ARB
5 approval. It's located on North
6 Plank Road in a B Zone. It's being
7 represented by Darren Doce.

8 MR. DOCE: Good evening. I'm
9 Darren Doce. I'm here tonight with
10 Marshall Rosenblum, the project
11 architect, and Phil Grealy, our
12 traffic consultant.

13 Just to update you on what's
14 occurred since the March -- the last
15 meeting we were here in March. City
16 of Newburgh has granted the sewer
17 flow acceptance. DOT has agreed to
18 the layout of the project access
19 drives.

20 In February we were granted the
21 variances. There were two variances
22 required from the Zoning Board of
23 Appeals. We received those in
24 February.

25 Then one change that the Board

1 CURALEAF - NEWBURGH

2 had requested was we soften the curb
3 at the entrance drive to make left
4 turns a little easier, make the left
5 turn into the site a little more
6 fluid.

7 That summarizes where we stand
8 right now, what's occurred since the
9 March meeting.

10 CHAIRMAN EWASUTYN: Questions
11 from Board Members?

12 MR. GALLI: No additional.

13 CHAIRMAN EWASUTYN: Stephanie?

14 MS. DeLUCA: Come back to me.
15 I do have a couple of them. I'll
16 wait.

17 CHAIRMAN EWASUTYN: Ken?

18 MR. MENNERICH: On the arrows
19 for where the cars are traveling,
20 some of these arrows don't make sense
21 to me based on the in and out flow of
22 the way it's set up. Can I show you?

23 MR. DOCE: Sure.

24 MR. MENNERICH: Maybe I don't
25 have the latest.

1 CURALEAF - NEWBURGH

2 MR. DOCE: This is the
3 entrance.

4 MR. MENNERICH: I've got the
5 same thing I think. These arrows
6 here --

7 MR. DOCE: Well, this is a two-
8 way through here.

9 MR. MENNERICH: This way and it
10 goes around here. Why would they
11 come back this way? I don't
12 understand that.

13 DR. GREALY: Some traffic does
14 cross access with the diner.

15 MR. MENNERICH: There's going
16 to be --

17 DR. GREALY: So that's going to
18 be maintained.

19 MR. MENNERICH: All right. Thanks.

20 CHAIRMAN EWASUTYN: Darren, a
21 brief discussion. I noticed today
22 that there was a table set up outside
23 the building. I was driving by. It
24 seems like the people line up outside
25 the building. Is something being --

1 CURALEAF - NEWBURGH

2 is it because of the weather or is it
3 a standard operating procedure to
4 dispense something outside the
5 building? Is this part of the daily
6 operation?

7 MR. DOCE: Not that I'm aware
8 of.

9 MR. ROSENBLUM: I saw it. It
10 was like a tent. I think it was a
11 tent canopy. I think it was some
12 kind of a special introduction.

13 MR. HINES: Free samples?

14 MR. ROSENBLUM: Yes, sir. I
15 don't really know. I think it was
16 some kind of a program.

17 MR. GALLI: Isn't that the
18 owner back there?

19 MR. DOCE: That is the diner
20 owner, not Curaleaf.

21 MR. DOMINICK: That was
22 yesterday, John, or today?

23 CHAIRMAN EWASUTYN: That was
24 today.

25 Cliff Browne?

1 CURALEAF - NEWBURGH

2 MR. BROWNE: No.

3 CHAIRMAN EWASUTYN: Dave Dominick?

4 MR. DOMINICK: No.

5 MR. WARD: The container is
6 still on the property in the back?

7 MR. DOCE: Yes.

8 MR. WARD: My question is it's
9 not on the plan. If the plans go
10 through, the container can't be on
11 it.

12 MR. DOCE: Right. At the
13 initial meeting I know we were told
14 that that was in violation and had to
15 be removed. There's no plan to keep
16 that there. They're aware that that
17 has to be removed.

18 MR. BROWNE: Is there a plan to
19 remove it?

20 MR. DOCE: They'd have to
21 remove that container.

22 MR. ROSENBLUM: It doesn't
23 belong in a parking space.

24 CHAIRMAN EWASUTYN: Dominic,
25 can we make that one of the

1 CURALEAF - NEWBURGH

2 conditions for site plan approval?

3 MR. CORDISCO: Absolutely. I
4 would also recommend that a note be
5 added to the plan to state that the
6 trailer is going to be removed, that
7 way if it's not, it can be an
8 enforcement issue at that time.

9 MR. ROSENBLUM: It's a pod, not
10 a trailer. They're going to remove
11 it.

12 CHAIRMAN EWASUTYN: What else
13 do we have? Marshall, do you want to
14 go through the ARB renderings of it?

15 MR. ROSENBLUM: Thank you.
16 Yes.

17 CHAIRMAN EWASUTYN: You're
18 welcome.

19 MR. ROSENBLUM: This is the
20 existing Curaleaf. What will happen,
21 the offices will remain. This will
22 become display. They have a
23 television. The sales will be in the
24 new addition. Sales, secure storage
25 and packaging. A very simple layout.

1 CURALEAF - NEWBURGH

2 As you know, the drive goes
3 right around the building and
4 continues out.

5 As far as the -- just the
6 signage first. This is the existing
7 Curaleaf sign. It was approved for
8 the building and it now sits, if you
9 will, on the top of the building.
10 This is, by my judgment, about 16
11 square feet on the perimeter. What
12 we're proposing is about -- with the
13 lettering, about 12 square feet.
14 It's a reduction. It's integral to
15 the building. What was discussed
16 with the sign company, it hasn't been
17 done yet, is, I'll call it a low
18 reflectance green. It's that color,
19 again with the EIFS background and
20 the same finishes. No change in the
21 colors. These chips represent, other
22 than the sand texture, very closely
23 what is on the building right now.
24 So it would be a very clear, simple
25 extension of the building with the

1 CURALEAF - NEWBURGH

2 same finishes, the same height, same
3 parapet. We're Removing the
4 illuminated sign from the top and
5 putting a sign with the lettering
6 that is flush against the, if you
7 will, block wall, glowing, internally
8 lit with just a low glow. A much, if
9 you will, classier application. I
10 sized the proportion that I thought
11 would go well with the building.
12 That's about it.

13 We're replacing the former
14 entrance with aluminum and glass, the
15 same size, same opening, same
16 location, and a new door at that
17 location. The colors remain. That's
18 essentially the building.

19 CHAIRMAN EWASUTYN: Just for
20 the record, when you say the colors
21 remain, can you elaborate on what
22 those colors are?

23 MR. ROSENBLUM: These are EIFS
24 with the sand texture. The basic
25 colors. These are labeled on this

1 CURALEAF - NEWBURGH

2 which you may retain. For the face
3 of the building, underneath the
4 underside of the canopy it has a
5 slightly different tint to it.
6 There's some darker accents there at
7 the top and on the shading. When you
8 get to the edges and all of the
9 openings are the off-white cream
10 color. What's shown on my
11 application in the --

12 CHAIRMAN EWASUTYN: ARB?

13 MR. ROSENBLUM: -- In the
14 actual application is the synthetic
15 -- the face applied brick that gives
16 it a finished look around the back
17 would continue. It's really just an
18 enlarged version of what's there and
19 removing the signage that -- I'm
20 happy now to do something a little
21 bit more sophisticated on the front
22 of the building.

23 CHAIRMAN EWASUTYN: Comments
24 from Board Members. Frank Galli?

25 MR. GALLI: No additional.

1 CURALEAF - NEWBURGH

2 MR. MENNERICH: The sign is
3 better on there.

4 MS. DeLUCA: Yes. There's only
5 one entrance, exit?

6 MR. ROSENBLUM: This is
7 approved by the Department of Health.
8 We have one entrance, three exits.
9 So this is an exit, this is an exit,
10 and then we have another one around
11 the side. So three.

12 MS. DeLUCA: Are there
13 deliveries and things -- are there
14 deliveries and things that -- I don't
15 know how the whole operation works.

16 MR. ROSENBLUM: This is a
17 secure entrance. There's a guard
18 here. These doors are electronically
19 controlled. Again, this is a
20 dispensary for a controlled
21 substance. It may change in the
22 future, but at the present time it's
23 governed by New York State Department
24 of Health and the regulations.

25 The exits are a fire exit here,

1 CURALEAF - NEWBURGH

2 fire exit here, and this is also an
3 exit. The traffic goes around the
4 building right now. It functions
5 well.

6 MS. DeLUCA: Again, just out of
7 curiosity, the deliveries --

8 MR. ROSENBLUM: They never
9 changed. In other words, the
10 location of the access is exactly the
11 same.

12 MS. DeLUCA: Okay.

13 MR. ROSENBLUM: Double aisle
14 right here. Without the drive-thru
15 we were able to maintain the
16 clearances so they could pull up,
17 unload, cars could still go through.

18 The deliveries now are going to
19 become less frequent now that they
20 have a much larger storage area
21 rather than this closet over here and
22 the vault which was very
23 constraining.

24 MS. DeLUCA: Thank you.

25 CHAIRMAN EWASUTYN: Ken Mennerich?

1 CURALEAF - NEWBURGH

2 MR. MENNERICH: No questions.

3 CHAIRMAN EWASUTYN: Cliff Browne?

4 MR. BROWNE: No.

5 CHAIRMAN EWASUTYN: Dave Dominick?

6 MR. DOMINICK: No. It looks

7 very clear. Very nice job.

8 MR. ROSENBLUM: Thank you.

9 MR. WARD: Nice job.

10 CHAIRMAN EWASUTYN: Jim

11 Campbell, Code Compliance, is it

12 acceptable with the signage and the

13 color renderings?

14 MR. CAMPBELL: They're

15 downsizing the sign so it all should

16 work.

17 CHAIRMAN EWASUTYN: Pat, is

18 there anything outstanding at this

19 point?

20 MR. ROSENBLUM: I heard some

21 rather colorful comments when we

22 first showed what they were putting

23 on the building.

24 MR. HINES: The use of the

25 building right now is a pharmaceutical --

1 CURALEAF - NEWBURGH

2 MR. ROSENBLUM: It's a
3 pharmaceutical dispensary.

4 MR. HINES: I heard you say it
5 may change.

6 MR. ROSENBLUM: In the future
7 New York State may authorize
8 something else, but this right now
9 and for the -- for this application
10 there's no change.

11 MR. HINES: That's what you're
12 here for, is that current use, the
13 pharmaceutical use. It's not for
14 recreational and/or on-site
15 consumption.

16 MR. ROSENBLUM: I could not
17 imagine that this building could
18 accommodate recreational.

19 MR. HINES: My point is that
20 would be considered a change of use.
21 I do know that the Town may be
22 looking at regulations pertaining to
23 the, I'll call it recreational use
24 and on-site consumption that is
25 currently envisioned in the State.

1 CURALEAF - NEWBURGH

2 MR. ROSENBLUM: Absolutely.

3 MR. HINES: We're here
4 entertaining the similar use that's
5 here now. Any other use on the site
6 would need to come back as a change
7 of use and maybe a change in zoning.

8 We have the City of Newburgh
9 flow acceptance letter.

10 I know there's correspondence
11 with the DOT and you have a
12 conceptual approval. Prior to a
13 certificate of occupancy, the highway
14 work permit must be issued. I think
15 that will be the Building Department
16 handling that.

17 We did have 239 with a Local
18 referral. I think they had a comment
19 about a bus route. We don't control
20 bus routes, they do. We'll keep that
21 going.

22 I don't know if we waived the
23 public hearing yet.

24 CHAIRMAN EWASUTYN: I don't
25 think we did act on that. I'll poll

1 CURALEAF - NEWBURGH

2 the Board Members now.

3 Frank, do you want to have a
4 public hearing?

5 MR. GALLI: No.

6 CHAIRMAN EWASUTYN: Stephanie?

7 MS. DeLUCA: No.

8 MR. MENNERICH: No.

9 MR. BROWNE: No.

10 MR. DOMINICK: I don't believe
11 it's necessary. No.

12 MR. WARD: No.

13 CHAIRMAN EWASUTYN: Let the
14 record show that the Planning Board
15 has discretion under site plan
16 approval to waive the public hearing.
17 The Planning Board did act in favor
18 of waiving the public hearing.

19 MR. HINES: And then I didn't
20 see an approval from the Zoning
21 Board, but I'm assuming that was
22 completed?

23 MR. DOCE: Yes, it's completed.
24 I don't have -- the resolution isn't
25 typed up yet, but it was approved in

1 CURALEAF - NEWBURGH

2 February.

3 MR. CAMPBELL: February 24th.

4 MR. HINES: So based on that,
5 we don't have any outstanding
6 comments.

7 CHAIRMAN EWASUTYN: Dominic
8 Cordisco, can you give us the
9 conditions of approval for site plan
10 and ARB approval for Curaleaf -
11 Newburgh?

12 MR. CORDISCO: Yes. The
13 conditions would include obtaining
14 DOT approval. You have concept
15 approval already. You would need to
16 obtain a permit from the DOT for the
17 highway work that's going to be done.

18 MR. HINES: So at building
19 permit or CO. I don't want to hold
20 them up for signing of the maps.

21 MR. CORDISCO: Okay.

22 MR. HINES: They have that
23 concept approval. We normally defer
24 that to later. They're going to need
25 to know who their contractor is and

1 CURALEAF - NEWBURGH

2 such for that.

3 MR. CORDISCO: Understood. In
4 connection with any other permits or
5 approvals they would need, they would
6 have to obtain those. I'm not
7 thinking of anything off the top of
8 my head. The Board had previously
9 determined that this was a Type 2
10 action under SEQRA, so there's
11 nothing further in connection with
12 that. I think that we discussed
13 earlier tonight that a note would be
14 added to the plan that said that the
15 pod or storage -- I don't want to
16 call it a trailer because I
17 understand it's not a trailer. The
18 storage that's taking up space in the
19 parking lot will be removed.

20 Would it be reasonable to say
21 that it would be removed upon or
22 prior to receiving a building permit?

23 CHAIRMAN EWASUTYN: I think we
24 ought to make it prior to signing of
25 the site plans. We're not going to

1 CURALEAF - NEWBURGH

2 leave that in the hands of the
3 Building Department to squabble back
4 and forth. We discussed it enough at
5 the meeting. That's it. It has to
6 get done.

7 Does the Board agree?

8 MR. GALLI: Yes.

9 MS. DeLUCA: Yes.

10 MR. MENNERICH: Yes.

11 CHAIRMAN EWASUTYN: Yes.

12 MR. BROWNE: Yes.

13 MR. DOMINICK: Yes.

14 MR. WARD: Yes.

15 MR. CORDISCO: And payment of
16 fees. This is a site plan amendment
17 for an existing site. There are no
18 other special conditions.

19 MR. HINES: And there are no
20 securities.

21 MR. ROSENBLUM: I'm given to
22 understand they may need that.

23 CHAIRMAN EWASUTYN: Let's go
24 back and forth on this for a few more
25 weeks, okay. Number one, you're

1 CURALEAF - NEWBURGH

2 talking to a gentleman in the back
3 and I have no idea who he is.

4 For the record, can you please
5 give your name and --

6 MR. ZACHARIA: Yes, sir.

7 CHAIRMAN EWASUTYN: If you're
8 part of -- you become part of the
9 session. Thank you.

10 MR. ZACHARIA: My name is
11 Yiannakis Zacharia. I'm the owner of
12 Alexis Diner. I have the property
13 next door where the Curaleaf is.

14 CHAIRMAN EWASUTYN: Okay. And
15 your interest in this pod, moving it,
16 not moving it, is based upon your
17 needs or someone else's needs?

18 MR. ZACHARIA: No, sir. I
19 guess they put it there for storage.
20 What I suggested to Marshall is that,
21 which they said themselves, it would
22 be done as soon as they finish the
23 building. That's why they asked for
24 an extension of the building.

25 CHAIRMAN EWASUTYN: They never

1 CURALEAF - NEWBURGH

2 asked for an extension on the pod.

3 Let's go on the record.

4 MR. ZACHARIA: Okay. That I
5 don't know.

6 MR. DOCE: They never had
7 permission to have that pod.

8 CHAIRMAN EWASUTYN: Right. So
9 we're taking -- I apologize, but
10 we're taking up time and beating on
11 something that the Board is in favor
12 of seeing it removed. John Ward
13 mentioned it several times.

14 MR. CORDISCO: Mr. Chairman, I
15 think it's as simple as the Board
16 adding it as a condition. It either
17 has to be removed in order to get a
18 signed site plan or it stays and
19 there's no signed site plan.

20 CHAIRMAN EWASUTYN: All right,
21 Darren?

22 MR. DOCE: All right. I do not
23 want to hold up the signing of the
24 site plan for the pod.

25 CHAIRMAN EWASUTYN: Or holding

1 CURALEAF - NEWBURGH

2 up the meeting.

3 MR. DOCE: Right.

4 CHAIRMAN EWASUTYN: All right.

5 So having heard the conditions of
6 approval presented by Planning Board
7 Attorney Dominic Cordisco, would
8 someone move for a motion to grant
9 site plan approval and ARB approval
10 for Curaleaf - Newburgh?

11 MR. WARD: So moved.

12 MR. GALLI: Second.

13 CHAIRMAN EWASUTYN: I have a
14 motion by Frank Galli -- excuse me.
15 I have a motion by John Ward and a
16 second by Frank Galli. May I please
17 have a roll call vote.

18 MR. GALLI: Aye.

19 MS. DeLUCA: Aye.

20 MR. MENNERICH: Aye.

21 CHAIRMAN EWASUTYN: Aye.

22 MR. BROWNE: Aye.

23 MR. DOMINICK: Aye.

24 MR. WARD: Aye.

25 CHAIRMAN EWASUTYN: Thank you.

1 C U R A L E A F - N E W B U R G H

2 MR. DOCE: Thank you.

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

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1 CURALEAF - NEWBURGH

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

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 29th day of April 2022.

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Michelle Conero

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MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD
----- X
In the Matter of

T-MOBILE - VALLEY VIEW DRIVE
(2005-48)

Valley View Drive
Section 15; Block 1; Lot 10
R-1 Zone

----- X

SPECIAL USE PERMIT

Date: April 21, 2022
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
KENNETH MENNERICH
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

1 T - M O B I L E - V A L L E Y V I E W D R I V E

2 CHAIRMAN EWASUTYN: The last
3 item on the agenda this evening, and
4 Pat Hines is covering for Mike Musso,
5 is a special use permit.

6 MR. HINES: The Town's wireless
7 code requires recertification and
8 reissuance of special use permits at
9 a five-year interval for your
10 wireless communication facilities.
11 The applicants have submitted an
12 application, I think first to the
13 Code Department which then gets
14 referred to this Board.

15 Mike Musso, the Town's and
16 Planning Board's tower consultant,
17 has reviewed that and determined that
18 application to be complete, however I
19 believe it requires a public hearing
20 for the recertification.

21 Mike Musso's comments are that
22 the application is complete. He's
23 touched on each of the requirements,
24 1 through 8 of the recertification,
25 including identifying the RF

1 T - M O B I L E - V A L L E Y V I E W D R I V E

2 emissions are only at 1.75 percent of
3 the standard. His conclusion is,
4 based on HDR's review of the
5 submittals, the T-Mobile request
6 meets the code for requirements for
7 recertification. The Planning Board
8 can entertain issuance on the
9 recertification special use permit
10 per the code. I believe there's a
11 public hearing requirement in that
12 code.

13 CHAIRMAN EWASUTYN: Yes, there
14 is.

15 MR. BROWNE: Is there a way of
16 waiving that?

17 CHAIRMAN EWASUTYN: No.

18 MR. HINES: Because it's a
19 special use.

20 CHAIRMAN EWASUTYN: It's
21 written in the code. If it wasn't
22 for that requirement, then this would
23 go straight through the Building
24 Department.

25 All right. Would someone make

1 T - M O B I L E - V A L L E Y V I E W D R I V E

2 for a motion to set this for the 19th
3 of May for a public hearing.

4 MR. GALLI: So moved.

5 MR. WARD: Second.

6 CHAIRMAN EWASUTYN: I have a
7 motion by Frank Galli. I have a
8 second by John Ward. May I please
9 have a roll call vote.

10 MR. GALLI: Aye.

11 MS. DeLUCA: Aye.

12 MR. MENNERICH: Aye.

13 CHAIRMAN EWASUTYN: Aye.

14 MR. BROWNE: Aye.

15 MR. DOMINICK: Aye.

16 MR. WARD: Aye.

17

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

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1 T - M O B I L E - V A L L E Y V I E W D R I V E

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

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6

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

9

10

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

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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.

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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

ORANGE LAKE MOTEL - U-HAUL RENTALS
(2021-17)

427 South Plank Road
Section 47; Block 1; Lot 39.2
AR Zone

----- X

BOARD BUSINESS

Date: April 21, 2022
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
KENNETH MENNERICH
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

1 ORANGE LAKE MOTEL - U-HAUL RENTALS

2 MR. GALLI: John, I have one
3 question. From when I was away,
4 Orange Lake Motel, did they want a
5 sign or they don't want a sign?

6 MR. HINES: No sign.

7 MR. GALLI: There's a sign up.

8 MS. DeLUCA: There's a sign.

9 MR. HINES: They specifically
10 said there was no signage.

11 MR. GALLI: That's what I thought.

12 MS. DeLUCA: It says U-Haul
13 Rentals. I've got it.

14 CHAIRMAN EWASUTYN: Let's see
15 it.

16 Jim, would you mind reminding
17 the owner that the sign wasn't
18 permitted or would you rather not?

19 MR. CAMPBELL: I have no
20 problem.

21 CHAIRMAN EWASUTYN: Would you
22 remind them. Thank you.

23 Can I have a motion to close
24 the Planning Board meeting of the
25 21st of April?

1 O R A N G E L A K E M O T E L - U - H A U L R E N T A L S

2 MR. GALLI: So moved.

3 MR. MENNERICH: Second.

4 CHAIRMAN EWASUTYN: I have a
5 motion by Frank Galli. I have a
6 second by Ken Mennerich. Can I
7 please have a roll call vote.

8 MR. GALLI: Aye.

9 MS. DeLUCA: Aye.

10 MR. MENNERICH: Aye.

11 CHAIRMAN EWASUTYN: Aye.

12 MR. BROWNE: Aye.

13 MR. DOMINICK: Aye.

14 MR. WARD: Aye.

15

16 (Time noted: 8:25 p.m.)

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ORANGE LAKE MOTEL - U-HAUL RENTALS

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 29th day of April 2022.

Michelle Conero

MICHELLE CONERO