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

- - - - - X
In the Matter of

A AMERICAN GRANITE
(2023-02)

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

- - - - - X

SITE PLAN

Date: May 18, 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
JACALYN DeVALUE
STARKE HIPP

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: Good evening, ladies and gentlemen. The Town of Newburgh Planning Board would like to welcome you to the meeting of the 18th of May 2023. This evening we have eight items on the agenda. The final item on the agenda, number 8, is Unity Place Warehouse, and that's a continuation of a public hearing. All other matters that are on the agenda this evening are not before us for a public hearing.

At this point we'll call the meeting to order with a roll call vote.

- MR. GALLI: Present.
- MS. DeLUCA: Present.
- MR. DOMINICK: Present.
- MR. MENNERICH: Present.
- CHAIRMAN EWASUTYN: Present.
- MR. BROWNE: Present.
- MR. WARD: Present.
- MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.
- MR. HINES: Pat Hines with MHE

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Engineers.

MS. CONERO: Michelle Conero,
Stenographer.

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

MR. HIPPE: Starke Hipp with
Creighton, Manning Engineering.

MS. DeVALUE: Jacalyn DeValue,
assistant to Karen Arent Landscape
Architect, Landscape Architectural
Consultant for the Town of Newburgh.

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

MR. GALLI: Please rise for the
Pledge.

(Pledge of Allegiance.)

MR. GALLI: If you have a
cellphone, please put it on vibrate
or turn it off.

CHAIRMAN EWASUTYN: The first
item of business this evening is A
American Granite, project number
23-02. It's here for a site plan.

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It's located on 179 South Plank Road in a B Zone. It's being represented by Jonathan Millen.

Jonathan.

MR. MILLEN: Good evening. So what we're proposing here is that the owners -- the person who rents this facility will be considered the applicant. They would like to have storage of granite in the back right here.

We went before the Zoning Board of Appeals and they agreed that the setbacks were something that could be approved because of the fact that the theater behind is up at a much higher level. This area here behind this diner, there's very little people --

UNIDENTIFIED SPEAKER: Sir, I'm sorry about the interruption. I don't mean to be annoying or anything. A lot of us really can't even see what's going on right here. I wish he would, you know, put up a

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screen or something bigger so
everybody --

MR. MILLEN: Does this concern
you?

UNIDENTIFIED SPEAKER: -- the
ones that are closer will be able to
see it.

MR. MILLEN: I'm asking you,
does this project concern you?

UNIDENTIFIED SPEAKER: This is
our Town. Everything concerns me.

UNIDENTIFIED SPEAKER: This is
our Town. Everything on these papers
concerns us. Absolutely.

MR. MILLEN: Okay. But for a
public hearing, it's the people
within a certain distance of the
property line that are --

UNIDENTIFIED SPEAKER: And what
is that certain distance?

MR. MILLEN: 500 feet.

UNIDENTIFIED SPEAKER: 500
feet. Our school and property taxes
are going to go up with everything

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you build in this Town.

MR. MILLEN: I'm not building anything, sir.

UNIDENTIFIED SPEAKER: Anyway, it would be advisable, I think in the future, if you call another meeting, for everybody to see, because hardly anybody can see that.

People in the back, can you see that? Of course not.

MR. MILLEN: Okay. Well, perhaps everybody can see it now.

This blue area here, this is American Granite & Marble. They're located on Route 52. They produce granite and marble. They would like to be able to store the granite and marble outdoors. We have proposed this section in blue where they would be able to store this granite and marble.

We went before the Zoning Board of Appeals, because it doesn't meet the minimum setbacks, and they agreed

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that it would be okay if we went ahead with that.

The site plan proposes that we'll be building an enclosed structure here for the storage of granite slabs and marble slabs.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: There was a public hearing held at the Zoning Board of Appeals. There was no issue with the Zoning Board of Appeals public comments.

I have no additional comments on the application.

There's no construction of any buildings or anything going on with this property. It's storage, outdoor storage behind their building on Route 52.

MR. MILLEN: That's correct.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No further comments.

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CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Nothing further.

MR. MENNERICH: No.

MR. BROWNE: No comments.

Everything was addressed.

MR. WARD: No comments.

CHAIRMAN EWASUTYN: We'll wait one moment for Pat Hines with MHE, our design person, to speak on the project.

MR. MILLEN: It's about a half mile from the intersection of Dairy Queen at the light. You make a left at the light where the Dairy Queen is and go down about a half mile and it's on the right-hand side.

CHAIRMAN EWASUTYN: Dominic Cordisco, our Planning Board Attorney, will speak on behalf of this application.

MR. CORDISCO: My understanding is that, as the Board is aware, this matter required variances that have now been issued by the Zoning Board

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of Appeals, as this matter had been previously referred to the Zoning Board of Appeals to obtain variances for the outside storage of materials as proposed. As I said, those variances have been granted. The Zoning Board of Appeals had a mandatory public hearing for this particular project, which is required for all matters before the Zoning Board.

The site plan amendment that's before this Board has a public hearing component that is optional. The Board may decide to hold a public hearing for this particular site plan amendment or may decide to waive it.

I should note that this particular project also is of such a minor nature that it is not subject to the State Environmental Quality Review Act. It is what's considered to be a Type 2 action under SEQRA, so no further environmental review is

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required.

CHAIRMAN EWASUTYN: Okay.

Having heard from Dominic Cordisco,
Planning Board Attorney, it's up to
the Planning Board, it's
discretionary, as to whether they
want to hold a public hearing or
waive the public hearing.

I'll poll the Board Members.
Frank Galli?

MR. GALLI: No additional.

They already had a public hearing at
the ZBA. There are no additional
buildings going up or building going
on. It's just for additional storage
outside, around the back of their
building. You can't see it from the
road.

CHAIRMAN EWASUTYN: Stephanie
DeLuca?

MS. DeLUCA: No. I don't see
the need for it.

MR. DOMINICK: No need. I
agree with Frank.

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MR. MENNERICH: I agree also.

CHAIRMAN EWASUTYN: No need.

MR. BROWNE: Waive it.

MR. WARD: Waive it.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board has the discretion to waive the public hearing on this site plan, being A American Granite. The majority of the Board Members waived the public hearing.

At this point I'll turn back to Dominic Cordisco, Planning Board Attorney, to provide the Board with conditions of approval.

MR. CORDISCO: My understanding is that there are no specific conditions that are outstanding for this particular project. The standard conditions are that the final plans have to be presented and all fees be paid, unless Mr. Hines has any additional comments.

MR. HINES: I do not. We have

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no outstanding comments on this.

UNIDENTIFIED SPEAKER: I'd --

CHAIRMAN EWASUTYN: Having heard --

MR. CORDISCO: This is not a public hearing.

UNIDENTIFIED SPEAKER: I'm not talking about a public hearing. It is very hard to hear for some of us.

CHAIRMAN EWASUTYN: We'll speak louder than.

UNIDENTIFIED SPEAKER: Or turn the volume up. Either way.

CHAIRMAN EWASUTYN: Having heard from Planning Board Attorney Dominic Cordisco, would someone make a motion to approve the site plan for A American Granite?

MR. WARD: So moved.

MR. GALLI: Second.

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

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Ward.

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Motion
carried.

(Time noted: 7:10 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
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 5th day of June 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

ROCKET SUBDIVISION
(2023-10)

397 Candlestick Hill Road
Section 6; Block 1; Lot 59
AR Zone

- - - - - X

TWO-LOT SUBDIVISION

Date: May 18, 2023
Time: 7:10 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
JACALYN DeVALUE
STARKE HIPPIE

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 second item of business this evening is the Rocket Subdivision, project number 23-10. It's an initial appearance for a two-lot subdivision. It's located on 397 Candlestick Hill Road. It's in an AR Zoning District. Again this is being presented by Jonathan Millen.

MR. MILLEN: Thank you. By the way, my name is Jonathan Millen. I'm a licensed land surveyor in the Town of Newburgh.

What we're proposing here -- all of the Board Members have a copy of this. I'll hold this up. We're proposing to take this entire piece and separate it into two parcels. The parcel in blue is the proposed parcel. The parcel in green is the existing parcel.

There are two existing residences, one-family residences, on this lot.

The septic design would take

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place upon tentative approval to save the cost of designing the septic tanks beforehand. We'd like to know whether or not the Board will approve this now.

Both of these residences do not meet the minimum setbacks existing. We're not proposing any development that would affect these, and there's nothing in the lot lines that can be changed.

We are seeking variances, as a matter of protocol, for these parcels for their minimum setbacks.

There is an issue to have two dwelling units, although these are one dwelling units, two units on a lot that is less than 100,000 square feet in size. We have addressed this to some extent and have an alternate plan where we are taking some portion over here and will have 66,000 square feet for this parcel as opposed to 100,000 square feet. However, the

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shape of the parcel, you can see there's frontage here that's not being used. The other house is way in the back here. This is kind of a clustered situation here. We're going to request that the Board send us to the Zoning Board of Appeals to determine whether or not they would approve this area requirement for 100,000 square feet to 66,000. Of course we would request the variances for the setbacks, but, as I mentioned, they're existing and nonconforming, so there's nothing we're proposing that would affect that at all.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance, do you have anything to add to this presentation?

MR. CAMPBELL: Being that it's a subdivision, you will lose your rights as far as the setbacks.

MR. MILLEN: I understand that.

MR. CAMPBELL: You'd have to go for side yard setbacks on both of

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those houses.

MR. MILLEN: Right. I understand that.

MR. CAMPBELL: Also the lot area, as you already mentioned, and the lot width.

MR. MILLEN: Right. Well, yes. We would request a lot width variance as well.

MR. CAMPBELL: And you would probably need that on both lots.

MR. MILLEN: Right.

MR. CAMPBELL: If we get to that point, you'd have to make sure you have emergency vehicle access on the long driveway. You've got to get over the hurdles first.

MR. MILLEN: Okay.

CHAIRMAN EWASUTYN: Pat Hines with MHE?

MR. HINES: My memo identifies the lot deficiencies, as Mr. Campbell just identified.

The adjoiners' notices will

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have to be sent out within ten days of this meeting.

Future septic system designs will be required, should the project return from the ZBA.

There's also a section of the subdivision ordinance, 163-18 H, regarding length to width ratio that you need to take a look at as well.

MR. MILLEN: Right. We did look at that. Under the circumstances, we're talking about this length. It's a 2.5 to 1, I understand, ratio, which would mean this line being 530 feet, we need a minimum width of 212. We're probably looking at a width, we're going to request for both lots, that would be in the area of 160 feet or so. Hopefully they'll take that into account. The layout of the lot, I think, lends itself to -- you know, the ratio, I think, is a little exaggerated. We'd like to request the Zoning Board of Appeals to hear

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our plea for a variance.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: No comments.

MR. BROWNE: Nothing at this point.

CHAIRMAN EWASUTYN: No comment.

MR. MENNERICH: No questions.

MR. DOMINICK: Nothing.

MS. DeLUCA: No.

MR. GALLI: Nothing additional.

MR. CORDISCO: At this point it would be appropriate to refer this matter to the Zoning Board of Appeals for the variances that have been mentioned by both Mr. Campbell and Mr. Hines.

CHAIRMAN EWASUTYN: Will the Board motion to approve a letter being prepared by Dominic Cordisco, Planning Board Attorney, to be forwarded to the ZBA to schedule this matter before the Zoning Board of Appeals?

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MR. GALLI: So moved.

MS. DeLUCA: Second.

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

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Motion carried.

MR. MILLEN: Okay. Thank you for your time.

(Time noted: 7:17 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 5th day of June 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

THE ENCLAVE
(2022-25)

Route 300 & Gardnertown Road
Section 34; Block 1; Lots 46, 52.12 & 53.5
R-3 Zone

- - - - - X

FINAL SCOPE

Date: May 18, 2023
Time: 7:18 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
JACALYN DeVALUE
STARKE HIPPIE

APPLICANT'S REPRESENTATIVES: ROSS WINGLOVITZ and
JOHN CAPPELLO

- - - - - X

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

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CHAIRMAN EWASUTYN: The third item of business this evening is The Enclave, project number 22-25. It's before us this evening for a final scope. It's located on Route 300 and Gardnertown Road in an R-3 Zone. It's being represented by Ross Winglovitz of Engineering Properties.

At this point, before Ross makes his presentation, Dominic Cordisco, Planning Board Attorney, will introduce the steps and where we are with this project.

MR. CORDISCO: So the Planning Board has decided, for The Enclave project, to require an environmental impact statement. That's a lengthy environmental review associated with looking at and identifying all of the potential environmental impacts and what could or should be done to mitigate those impacts. That process involves a number of documents. They're at the very beginning of this

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process, because they provided a scope for the environmental review, and the scope basically sets forth all the various different things that will have to be included in the environmental review as the project moves forward.

The applicant had prepared an initial draft scope which the Planning Board then reviewed, made some changes to, and then held a public hearing on that draft scope. That public hearing was previously held and has now been closed. The Planning Board, at this point, is looking to identify and finalize the scope at its discussion tonight so that the project could then go forward with looking at and completing the various different studies that are being required by the Planning Board with public input. Once the applicant prepares those studies, they will be included in

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what's called a draft environmental impact statement. The applicant will then submit that draft to the Planning Board. The Planning Board will compare that draft to what was set forth in the final scope to determine whether or not there's been enough information for the public to review. Usually that process takes one or two drafts of a draft environmental impact statement before it's ready for public review. Once the Planning Board deems that DEIS, the draft environmental impact statement, to be ready for public review, the Planning Board will then advertise to the public that there will be a public hearing on that DEIS, and there will be a second opportunity for the public to comment on that project. That's an important public hearing, because anyone who has concerns regarding that project, it's important that they come forward

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and speak at that public hearing,
because concerns have to be addressed
by the applicant and by the Planning
Board in a final document called a
final environmental impact statement.
That public hearing is not yet. It's
not tonight. It will happen at some
point in the future as the applicant
moves forward through the process.
It will be an important opportunity
for the public to speak on the
project at that time.

UNIDENTIFIED SPEAKER: Will the
public be notified about that hearing?

MR. CORDISCO: Yes, they will.

UNIDENTIFIED SPEAKER: You guys
are talking about the environmental
impact that it's going to have. What
about the societal impact that that
development is going to have?

MR. CORDISCO: Let me stop you
right now and say, again, this is not
a public hearing. I just finished
saying that this is not a public

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hearing. I appreciate the fact that you have questions or comments that you want to make. When the Planning Board has the public hearing on this project, your questions regarding societal impacts, or anything else that you want to comment on, would be appropriate that night.

UNIDENTIFIED SPEAKER: Okay.

But --

MR. CORDISCO: They are -- let me finish, because this is not a public hearing. It's not a back and forth. It's not an opportunity for me to answer your questions. I advise the Planning Board, and this is not a public hearing.

UNIDENTIFIED SPEAKER: Got you.

MR. CORDISCO: Thank you.

CHAIRMAN EWASUTYN: Ross Winglovitz.

MR. WINGLOVITZ: Good evening. Ross Winglovitz, Engineering & Surveying Properties, here with John

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Cappello, JG Law. I got that right.

We were here before you last month. There was a public hearing on the draft scoping document that was prepared by our office and reviewed by the Town and amended based on comments of the Town Planning Board Members and the Town's Consultants.

We did receive Ken Wersted's summary of the Planning Board's public hearing comments and his recommendations for inclusion of additional traffic information to be provided in the environmental impact statement. We don't have any issue with adding those items to the scope that has been prepared. We would ask the Board to move forward with the inclusion of those items.

I'd be glad to discuss anything else the Board may have.

CHAIRMAN EWASUTYN: Starke Hipp with Creighton Engineering, can you further the conversation on Ken

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Wersted's addition to what was the original scope?

MR. HIPPE: Yes. So Ken Wersted from our office, Creighton, Manning Engineering, he reviewed the public comments made during the public hearing, as well as the written comments provided.

In regards to traffic, he provided recommendations or comments that the scoping document include a study of weekend data as well as weekday data so that we can make a determination on if peak traffic could occur on weekends. If so, then the traffic study would need to look at Saturday or Sunday data.

In addition to that, we would be adding observations of the Gardnertown Farm equine center. They would need to coordinate with the operators of the site to identify a weekend when they're hosting an event, if there is a calendar that

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they could look at. We recommend they communicate with the operators and conduct observations at that intersection, just to make sure that those observations are included in the traffic study portion of the DEIS.

I think one of the other comments that came up from, I believe it was from the written comments, was a discussion about the other residential roadways that are along the main roadway. The DEIS does include a study of Debra Place and those residential roadways that were listed, Horton Lane, Toms Lane, Laurie Lane. They're all kind of a similar configuration, which they're upwards of maybe ten or fifteen residential houses, but they're a dead end. Debra Lane is similar to that configuration and that density. Studying Debra Lane will allow us to make a determination about those other lanes without studying each and

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every single intersection along the roadway.

Those were our three recommendations to be included in the traffic study portion of the DEIS.

CHAIRMAN EWASUTYN: Comments from Board Members as far as the discussion we're having now on traffic. Frank Galli?

MR. GALLI: Nothing additional. He went over everything that had to be done.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: I believe I just have a comment, if I may.

CHAIRMAN EWASUTYN: Sure.

MS. DeLUCA: It concerns the access road that looks to be built over a swamp area. I was just wondering if there was any other way that that could be mitigated?

The other question I had, too, I don't know if this was in the form or not, but I was just -- I wasn't

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here during 2006 when this project first came into existence. Again, I was just wondering if you could possibly describe or compare -- indicate the differences, comparisons between the sewer from the prior project to this current one and what will be the impact on the property and the surrounding area.

MR. CAPPELLO: I would say those are certainly good comments. We will work with your attorney to see if they are not already listed in the scope, to make sure they are in the scope, and then the responses and the analysis will be in writing in the EIS so you'll have the opportunity to, along with the Board and the public, review that. We would certainly include those items. We have the stenographic record. If they are not already mentioned in the scope, we will particularly work with your attorney to make sure they are.

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MS. DeLUCA: Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: As far as traffic, I think Ken and Starke's team have addressed that at this point in the process. I'm quite happy with that.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I agree that the traffic as in the scope with the additions that Ken brought up is complete for the traffic.

CHAIRMAN EWASUTYN: I agree with Ken Mennerich.

MR. BROWNE: Yes. I think all of the additional comments are good and they be included, obviously. The scope is extensive and very good. Thank you.

MR. WARD: I agree with that.

I'd like to say thank you to the public for their input at the scoping session. Thank you very much.

CHAIRMAN EWASUTYN: Pat Hines with MHE?

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MR. HINES: We had provided comments previously on the scope, and the scope addresses each of our comments that we previously prepared.

We did discuss at the work session an addition under G community, to add a discussion regarding compliance with the Town's design guidelines. That specifically had to do with potentially preserving stonewalls that exist on the site.

CHAIRMAN EWASUTYN: KALA, Jackie, do you have anything to add to this?

MS. DeVALUE: We had comments on the scoping document that were issued on April 14th, and those were regarded adding a foot candle analysis, a glare mitigation plan including depth to bedrock, potential impacts of excavation on the establishment of vegetation and mitigations for that, to make sure about the disturbances to vegetation and to

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ensure that new vegetation thrives. Also, include inventory mapping and identifying existing plant communities and vegetation types, including the tree survey based on the new tree preservation protection local law, potential impacts and tendencies of invasive species and what you're going to do to prevent that, and using plant communities that are generally typical to the area to make sure that they can survive.

Another thing. Under potential impacts, concerning the impact of light and glare in the evening on the site. Glare seems to be a big problem for a lot of people. That isn't necessarily -- that's not necessarily going to be addressed by a typical photometric plan.

Also, include strategic locations of trees and plant materials that will shade buildings, shade

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parking lots and reduce the overall heat index.

CHAIRMAN EWASUTYN: Comments from Board Members again?

MR. GALLI: No additional.

MS. DeLUCA: Nothing additional.

MR. DOMINICK: Nothing further.

MR. MENNERICH: Nothing more.

CHAIRMAN EWASUTYN: Nothing.

MR. BROWNE: Nothing more.

MR. WARD: Nothing.

CHAIRMAN EWASUTYN: At this point I'll turn the meeting over to Dominic Cordisco, Planning Board Attorney.

MR. CORDISCO: Thank you, Mr. Chairman.

One of the suggestions I would like to make to the Board for your consideration is the section regarding alternatives for the project. Right now the alternative section of the environmental impact statement requires the applicant to

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evaluate different alternatives. One of those alternatives is the no-build alternative. In other words, if nothing was to actually happen on this property. That will be evaluated in terms of its environmental and fiscal impacts.

Another alternative that's been included in the scope is one where there's an onsite wastewater treatment plant to serve the project.

There's another alternative for an onsite pump station with a force main to connect to the Town sewer.

The two latter alternatives both require Town Board input and require, essentially, public utility or public sewer service for the project. My suggestion to the Board would be to have, as an important point of reference, a plan that does not involve public sewer for this particular project. For instance, if it's not technically feasible, or for

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whatever reason the Town Board determines not to extend the public sewer to this particular property, then having an understanding of what the property would look like without public sewer service would be helpful, I think, in the process. That's my recommendation.

CHAIRMAN EWASUTYN: Ross Winglovitz?

MR. WINGLOVITZ: So the alternative that includes the onsite sewer treatment plant I thought addressed that. You're talking about an alternative without any kind of central sewer, whether it be public or private?

MR. CORDISCO: That's correct. An onsite wastewater treatment plant also requires Town Board consent for the formation of that particular project -- for that particular amenity. If there's no Town Board support for extension of the public sewer to this particular property, it

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still could be developed. The question is what does that development look like without central sewer services.

MR. WINGLOVITZ: In the alternative?

MR. CORDISCO: In the alternative.

Correct.

MR. WINGLOVITZ: Okay. Not a problem.

CHAIRMAN EWASUTYN: Okay.

Dominic Cordisco, while we have your experience before us, the action tonight would be to find the scope suitable for adoption. There have been some additional comments. Can you assist us in making a motion that would cover the additional comments for adopting the suitability of the scope?

MR. CORDISCO: Yes. My recommendation is that the Board consider the adoption of the final scope as presented and as amended based on the discussions tonight. That final scope would be prepared by

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the applicant and reviewed by the Board's Consultants to ensure that it accurately and fully encapsulates all of the comments discussed tonight. Once that's been confirmed, it will be circulated to all the lead -- all of the other involved agencies and interested agencies, and it will also be placed on the project's website and the Town's website as well.

CHAIRMAN EWASUTYN: Okay. Any questions or comments based upon the discussion we've had with Planning Board Attorney, Dominic Cordisco?

(No response.)

CHAIRMAN EWASUTYN: Would someone make a motion to adopt the scope, subject to the conditions and points raised by Planning Board Attorney, Dominic Cordisco?

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a

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second by Stephanie DeLuca. May I
please have a roll call vote starting
with John Ward?

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Motion
carried.

MR. WINGLOVITZ: Thank you very
much.

(Time noted: 7:34 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 5th day of June 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

POSITIVE DEVELOPERS WAREHOUSE
(2022-16)

36 Racquet Road
Section 86; Block 1; Lots 26.31
IB Zone

- - - - - X

SITE PLAN - WAREHOUSE

Date: May 18, 2023
Time: 7:34 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
JACALYN DeVALUE
STARKE HIPPI

APPLICANT'S REPRESENTATIVES: ROSS WINGLOVITZ and
JAMES MARTINEZ

- - - - - X

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

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CHAIRMAN EWASUTYN: The fourth item of business this evening is Positive Developers warehouse. It's a site plan - warehouse located on 36 Racquet Road. It's in an IB Zoning District. It's project number 22-16. It's being presented by Ross Winglovitz with Engineering & Surveying Properties.

MR. WINGLOVITZ: Good evening. Ross Winglovitz, Engineering & Surveying Properties. I'm here with James Martinez, the project engineer, also with Engineering & Surveying Properties.

Since we were last before you with the concept plan, we have developed a detailed design plan, including grading, stormwater, well location, fire tank sizing.

We've also developed a part 3 environmental assessment form which includes the traffic study.

We've also completed the tree

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inventory and the tree plan.

We are here to discuss any comments the Board may have at this point in the process.

CHAIRMAN EWASUTYN: I'm going to call on Starke Hipp from Creighton, Manning Engineering to discuss the traffic study that was completed for the project before us.

MR. HIPPE: So our office completed a review of the project. Ken's follow-up comments had nothing really regarding the traffic study itself.

He did have some comments regarding the truck turning movements at Racquet Road and 17K and the realignment of that roadway. It will require the relocation of the traffic pole or utility pole and coordination with the DOT for the permitting process for the work within the right-of-way.

There's also the preparation of

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a plan for a left-turn lane. That work would be done, again, as part of the highway work permit process.

I think there was some discussion about how those improvements would be paid for. We discussed that a bit at the work session. I think there should be a discussion between the applicant and the Board on how that would be facilitated.

MR. WINGLOVITZ: So based on the size of the project, it's approximately 40,000 square feet, our client has advised us that he cannot support the construction of a three-quarter of a million dollar left-turn lane with one 40,000 square foot project.

We have identified a right turn into Racquet Road as a problematic area that is really brought about by this project, because trucks will now be making a right turn into Racquet Road, which there are no larger

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trucks making a right turn into Racquet Road now, other than a water delivery to Gold's every now and then. That really necessitates the need to improve that right turn in.

We are proposing that we would perform that right-turn movement in. We would be petitioning the DOT as part of the permit process. They may very well ask us to perform the left-turn lane.

What we're asking is that if the Board would refer us to the DOT, we will have those discussions with them regarding what would be required by them, whether it be just the right-turn improvement or the full left-turn lane, or we can come up with some kind of an agreement where we would set up a fund, such as we did for Gardnertown Road here, that would be for future improvement of that left-turn lane. The left-turn lane is required now under the

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existing conditions. We're not creating or tripping the threshold that requires that left-turn lane. That's why we ask if we could be referred to the DOT and we'd have the discussions with them. Ultimately they're going to tell us what we've got to do.

CHAIRMAN EWASUTYN: Who has authority over the areas that you're discussing?

MR. HIPPE: The DOT has the authority over 17K.

CHAIRMAN EWASUTYN: Comments from Board Members as far as the discussion we're having with the applicant and our traffic consultant. Frank Galli?

MR. GALLI: Did you talk to your applicant about a fair share agreement?

MR. WINGLOVITZ: Yes.

MR. GALLI: He's against that also?

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MR. WINGLOVITZ: No, he's not against that. It would be something -- we're going to need to get a permit from the DOT. Even if the Board agrees to a fair share, when we go for the permit from the DOT for a right turn in, they might tell us you have to do the left turn anyway, then that fair share is no longer going to be feasible. If that's the decision of the DOT, that they're not going to permit us to do anything there without the full left-turn lane, I don't believe my client is going to go forward. A fair share would be something he would be interested in, if there's some way we can structure it.

Gardnertown Road, we knew there were other people involved, so there were a number of players identified who contributed to it. Right now, as Pat mentioned in his comments, and I think Starke in his, we're the only

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approval that's before the Board at this time specifically impacting that intersection.

MR. GALLI: That's it, John, for me.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No. No further questions.

MR. DOMINICK: I think a left-turn lane would be ideal, Ross. That's a --

MR. WINGLOVITZ: I go to Gold's Gym at 5:00 at night, or 5:30.

MR. DOMINICK: There's high traffic volume with the gym during the peak times, dinnertime, morning time. You have school, weather. The sun rises in the east, sets in the west, you know. We get road glare. Hopefully we can get a left-turn lane in.

MR. WINGLOVITZ: Understood.

MR. MENNERICH: I have nothing

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to add.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney, how does one establish a fair share contribution?

MR. CORDISCO: It's typically done through an agreement with the Town Board as part of a developer's agreement. The amount and the mechanism in terms of timing, you know, when that money becomes due or gets placed into an account that gets set aside for improvements that are going to happen that others are also going to contribute into, would be a matter for the Town Board to best determine based on where the project may be at that time compared to other things that might be needed in the area or other projects that might be proposed in the area.

The way this Planning Board has dealt with that particular issue in the past is to identify that as one

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of the necessary steps that an applicant would have to go through, which is to see if the Town Board wants a developer's agreement, and finalize that process with the Town Board.

CHAIRMAN EWASUTYN: Thank you.
Cliff Browne?

MR. BROWNE: Going to the DOT, currently is there a basis now, a traffic study of the flows and all that that would affect DOT? There would have to be. Has that already been done as far as the amount of traffic and all that kind of stuff?

MR. WINGLOVITZ: Yes.

MR. BROWNE: So you will have that data to go to?

MR. WINGLOVITZ: Yes.

MR. BROWNE: I think that seems appropriate to me.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Either or, that intersection is a nightmare, whether

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it's trucks or not. It's only going to get worse.

Your traffic study, you did it what hours? Peak hours? What was the study on that?

MR. WINGLOVITZ: Yes. So it was done based on the peak hour traffic on 17K and how it coincided with the peak hour traffic from our project, which is mornings from 7 to 9 and the evenings from 4 to 6. Those were the times studied and projected for the traffic movements through the intersection.

MR. WARD: I'm ditto'ing what Dave said in reference to sun and everything there. There are major accidents there, whether there's trucks or not. There will be stacking on Racquet Road coming out. That's another story.

Thank you.

CHAIRMAN EWASUTYN: Comments from Jim Campbell, Code Compliance?

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MR. CAMPBELL: No comments regarding traffic.

CHAIRMAN EWASUTYN: At this point I'm going to turn it over to Pat Hines with MHE.

MR. HINES: I know Ross has a copy of our comment letters.

We're looking for the highway superintendent's comments regarding the location of the two access drives.

We have a comment on the tree preservation plan. You counted the trees and identified the ones to be removed, but there needs to be that next step of addressing the mitigation and replacement of the trees in compliance with the current ordinance. I know Karen Arent's office has also commented on that. There was a suggestion at work session of possibly setting up a consultants' work session to evaluate that under this project, as well as several others. The Board can

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determine that.

There's a stormwater management facility that needs to be fenced. All stormwater facilities and permitted pools must be fenced.

The project proposes to connect to the existing force main within Racquet Road, so a City of Newburgh flow acceptance letter is required.

There's an extensive retaining wall along one of the property lines. We're looking for the top and bottom elevations of that wall to be identified.

I had a comment regarding one of the drainage pipe runs that could be significantly shortened.

MR. WINGLOVITZ: There's a hotspot, so we're separating out the hotspot water from the non-hotspot water.

MR. HINES: The project requires a County Planning referral. I believe the project is in a satisfactory

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state that it can be sent to the County for the 239 referral.

The stormwater plan is under review by our office.

Details of the sewer and sanitary pump station will be needed.

A comment on the underground stormwater storage and the infiltration, ex-filtration, that calculation and proving that out.

The project is also subject to ARB by this Board in the future.

CHAIRMAN EWASUTYN: Jackie, do you want to talk a little bit more on the inventory that was prepared for the Tree Preservation Law?

MS. DeVALUE: Yes.

CHAIRMAN EWASUTYN: We'll also, most likely Ross, move to set this up for a consultants' meeting on the last Tuesday of the month, which I believe is the 30th.

MR. HINES: That would be the fifth Tuesday. Typically we do it on

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the fourth Tuesday. It would be the 23rd.

CHAIRMAN EWASUTYN: Jackie will speak in a moment. For the benefit of yourself and for the Planning Board, the new Tree Preservation Law, there needs to be a greater understanding of the next step.

MR. WINGLOVITZ: Are we the first ones?

MR. HINES: You're one of the first.

MS. DeVALUE: There's been a bunch.

So first of all, the plans are pretty difficult to read. They need to be better to determine both in the chart and on the plan itself what's going to be removed and what's going to stay.

The other thing being, as given the zoning designation for this property, you are allowed to remove 75 percent of the total significant

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trees. You are at 89 percent given the additional 64.3 inches that we determined have to be added based on your grading plan and based on the calculations set forth. For restitution as set forth by the current Tree Preservation Law, you're going to need about 117 replacement trees. Now, you have an option to do a combination of replacement trees and paying back to the Town, but we'd really like to see also in the chart, aside from more clarification on what's being removed, what your mitigation or restitution plan is going to be for those extra trees that require that. So like we're going to pay this much out to the Town for this one or we're going to replant this many trees for this one and so forth. That's really the major part of our concern for this.

Additionally, soil specification notes need to be added to the plans,

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and the warranty notes.

Those are our major comments.

CHAIRMAN EWASUTYN: Comments from Board Members on the discussion?

MR. GALLI: No additional.

MS. DeLUCA: Nothing.

MR. DOMINICK: No.

MR. MENNERICH: Nothing.

CHAIRMAN EWASUTYN: So the second -- excuse me. The fourth Tuesday of the month is the 23rd?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Would someone make a motion to set Positive Developers Warehouse for a consultants' meeting on the 23rd of this month to have further discussion on the Tree Preservation Law?

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: That was Frank Galli. Who was the second?

MR. WARD: Me.

CHAIRMAN EWASUTYN: Can I

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please have a roll call vote starting
with Frank Galli?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. HINES: John, that will be
at 1:00.

CHAIRMAN EWASUTYN: The 23rd at
1:00.

MR. HINES: I want to make sure
Karen's office can make that.

MS. DeVALUE: I'll check our
calendar.

CHAIRMAN EWASUTYN: We have a
motion. We'll close it out. Cliff
Browne, do you approve?

MR. BROWNE: Yes.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Aye.

CHAIRMAN EWASUTYN: For the
same agenda item before us this
evening, there are two parts. Can I

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have a motion to further this to the Orange County Planning Department and to declare ourselves lead agency?

MR. DOMINICK: So moved.

MR. WARD: Second.

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

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Motion carried.

MR. HINES: John, there was a request to refer them to DOT.

CHAIRMAN EWASUTYN: We'll add one more motion. That's right. You're correct. To further define

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what the DOT approving agency would
or would not allow.

Can I have a motion from the
Board to refer this to the Orange
County Department of Transportation?

MR. GALLI: So moved.

MS. DeLUCA: Second.

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

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

MR. WINGLOVITZ: Thank you very
much.

(Time noted: 7:53 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 5th day of June 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

KINGDOM HALL
(2022-31)

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

- - - - - X

SITE PLAN

Date: May 18, 2023
Time: 7:54 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
JACALYN DeVALUE
STARKE HIPPIE

APPLICANT'S REPRESENTATIVE: JOHN MONTAGNE

- - - - - 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 Kingdom
5 Hall. It's project number 22-31.
6 It's a site plan. It's located on 33
7 Old Little Britain Road in an R-3
8 Zone. It's being represented by
9 Greenman-Pedersen.

10 MR. MONTAGNE: Good evening,
11 everyone. John Montagne with
12 Greenman-Pedersen. We are back here
13 today to follow up on where we left
14 off at the last meeting, which was a
15 discussion on the stormwater management
16 proposed for the site.

17 At the time we had identified,
18 and Pat Hines' office had identified,
19 that we needed some additional
20 infiltration testing in the area where
21 we're proposing our stormwater
22 management practice. We had identified
23 to the Board that we had done
24 preliminary work, but we had to wait
25 for the weather to get better and the

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ground to get hard, and then we went ahead, and in late April we did the additional field testing. We did confirm that the infiltration rate is really down around the 2-inch per hour as opposed to the 4-inch per hour that we had originally encountered last fall. Based on that, we updated the stormwater management practice to an infiltration basin practice with a bio-filtration system, very similar in water quality and protection. We updated the stormwater management report. We gave that to Mr. Hines' office.

We believe that was the last item that the Board needed to consider in order to make their SEQRA determination. What we're really hoping to do is get ourselves set up for the public hearing so that we can move on.

In the meantime, we've also gotten comments back from Karen's

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office and from Mr. Hines' office.
We have addressed those in a revised set of drawings and plans that we intend to submit next week. We wanted to wait until after this meeting to see if there were any other comments that we wanted to make sure we got addressed on the plans and reports.

CHAIRMAN EWASUTYN: We'll open the discussion up starting with Jim Campbell with Code Compliance.

MR. CAMPBELL: At the last meeting you presented a plan with signs, and we e-mailed you about that. We require a variance. Are you going to continue and be referred to Zoning, or how would you like to proceed?

MR. MONTAGNE: What we'd like to do is continue on with the Board to go through the public hearing and review the rest of the technical comments on the site plan, and then, after that, if we decide to go for a

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variance for the sign, we would do that down the road, because one way or another the project -- we still want to get the project moving and keep it going in the review process.

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to Jackie as far as, again, the Tree Preservation Law.

MS. DeVALUE: Right. We readdressed the previously issued comments. Based on the amendment to the stormwater management area, there are additional trees that are being shown on the plan as to remain that should also be removed.

That being said about the tree -- removal and replacement plan, it's difficult to tell, based on the chart, what is staying and what is -- what is to remain and what is to be removed.

Also, the calculations were not updated based on this -- based on the

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new stormwater management area. That has to be taken into account.

Also to be reminded that, according to the Town tree law, that dead and critical trees do not count as the total DBH available on site or as DBH that is being removed.

That being taken into account, there are a lot of trees that are being preserved on this plan. At this time I don't think you guys are going to need replacement trees, if any, given the new calculations, but we can double check that when you send in a new plan.

MR. MONTAGNE: I'd like to respond to that. We recognized at the last meeting that we had counted the dead trees. We'll pull them out. We know that we have to update those figures for you because of the modified stormwater. We've gone through that process. We'll try to make what's staying and what's being

2 removed a little clearer for you. We
3 did do a color drawing. I think we
4 can enhance those colors so that it's
5 easier for you to see.

6 MS. DeVALUE: I could be
7 mistaken, but I don't believe there
8 was -- I mean, there wasn't really
9 like a legend that said that's what
10 that meant.

11 MR. MONTAGNE: We'll work to
12 get that clear for you. And we do
13 agree. We have recalculated based on
14 it and are below the threshold.

15 CHAIRMAN EWASUTYN: Are you
16 available on the 23rd of this month
17 to be listed on the consultants'
18 meeting?

19 MR. MONTAGNE: If you would
20 like us to, sure. Absolutely.

21 CHAIRMAN EWASUTYN: I think
22 that might be to the benefit of
23 everyone, rather than going back and
24 forth.

25 MR. MONTAGNE: Not a problem.

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CHAIRMAN EWASUTYN: Pat, would you make note of that?

MR. HINES: Yes, I will.

CHAIRMAN EWASUTYN: Can I have a motion from the Planning Board to set Kingdom Hall for the consultants' meeting on the 23rd of this month to discuss the Tree Preservation Law?

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Frank Galli. May I please have a roll call vote starting with John Ward.

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Motion carried.

2 MR. HINES: That will be at
3 1:30, John, we'll schedule that next
4 one.

5 CHAIRMAN EWASUTYN: At this
6 time I'll turn the meeting over to
7 Pat Hines with MHE.

8 MR. HINES: We did note that
9 the stormwater management plan has
10 been revised per our last comments.

11 We are down to technical
12 comments on the stormwater pollution
13 prevention plan.

14 We have a comment on the
15 proposed sanitary sewer disposal
16 system requiring some notes. We did
17 note that the laterals are 80 feet
18 long and they're limited to 60 feet.
19 That needs to be updated.

20 We have some technical comments
21 on the water utilities.

22 A stormwater facilities maintenance
23 agreement will be required.

24 The highway superintendent's
25 comments on the access road are

2 outstanding.

3 We noted that the south side or
4 the rear parking -- the rear portion
5 of the lot parking is not provided
6 with curbs and has been provided with
7 a swale to disconnect the runoff from
8 the closed pipe drainage system.
9 We're suggesting some form of vehicle
10 delineation.

11 MR. MONTAGNE: I wanted to
12 clarify that. There is curbing here.
13 The only purpose of that swale is it
14 intercepts the water coming from the
15 hill above. All of this is trapped,
16 and all of that drainage does go down
17 and is managed.

18 MR. HINES: It looked like
19 maybe the line type was different.

20 MR. MONTAGNE: It might just be --

21 MR. HINES: That's fine.

22 MR. MONTAGNE: It's curbed all
23 the way around.

24 MR. HINES: It could be my old
25 eyes here.

2 That's all we have on this.

3 We have reviewed the
4 environmental assessment form as
5 submitted and the reports and plans
6 that have been submitted to date.

7 We believe the Board is in a
8 position to make a SEQRA determination
9 and would recommend a negative
10 declaration based on the environmental
11 assessment form and the information
12 submitted.

13 CHAIRMAN EWASUTYN: Thank you.

14 Starke, do you have any comments?

15 MR. HIPPE: We don't have any
16 comments on this. We had originally
17 provided comments, and they provided
18 responses to those. We had no
19 follow-up comments from a traffic
20 standpoint.

21 CHAIRMAN EWASUTYN: Thank you.

22 Dominic Cordisco, Planning
23 Board Attorney?

24 MR. CORDISCO: Based on Mr.
25 Hines' comments and how far along

2 they are in the process, the Board, I
3 think, would be in a position to
4 consider a SEQRA determination at
5 this time, and also make a decision
6 as to the public hearing for the project.

7 CHAIRMAN EWASUTYN: Okay. Would
8 someone put a motion to declare a
9 negative declaration for Kingdom Hall
10 and to set it for a public hearing on
11 the 15th of June?

12 MR. DOMINICK: So moved.

13 MR. MENNERICH: Second.

14 CHAIRMAN EWASUTYN: I have a
15 motion, that was Dave Dominick?

16 MR. DOMINICK: Yes.

17 CHAIRMAN EWASUTYN: Motion by
18 Dave Dominick. I have a second by
19 Ken Mennerich. May I please have a
20 roll call vote starting with Frank
21 Galli.

22 MR. GALLI: Aye.

23 MS. DeLUCA: Aye.

24 MR. DOMINICK: Aye.

25 MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion
carried.

John, you'll work with Pat
Hines as far as the mailings.

MR. MONTAGNE: Yes.

(Time noted: 8:02 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 5th day of June 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

MKJ PARK OFFICE & WAREHOUSE
(2022-32)

NYS Route 32, SW of NYS Route 300
Section 34; Block 2; Lot 29.1
IB Zone

- - - - - X

SITE PLAN

Date: May 18, 2023
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
JACALYN DeVALUE
STARKE HIPPI

APPLICANT'S REPRESENTATIVE: JOHN QUEENAN

- - - - - X

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

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CHAIRMAN EWASUTYN: The next item on the agenda is MKJ Park Office & Warehouse. It's a site plan located on Route 32. It's in an IB Zoning District. Lanc & Tully is representing the applicant.

MR. QUEENAN: Good evening, everyone. John Queenan from Lanc & Tully, Engineer for the applicant.

I'm before you tonight to give you a quick update on where we've been. We've been mainly dealing with traffic, completing our traffic study along the Route 32 corridor and working with the DOT on our access drive. That's what's really been our delay, completing that study. It's just about done. It will be ready to be submitted for the Board's consideration.

There will be some improvements associated with the entrance of that driveway. That's what we're anticipating our next large-ticket

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item to be.

In the meantime, we're currently going through and doing the detailed design of the site now that the bulk of the traffic work has been done.

I just wanted to touch base with the Board tonight about any future studies that we're envisioning versus what you're envisioning so that we can basically put together a package for you for the SEQRA process.

In my letter I outlined about ten items that I think the Board may want to see. If you want more or less, let me know. It's basically impact on land, which would be erosion and sediment control, the traffic and transportation, stormwater management, surface water, wetlands, landscaping, lighting, noise, water, sewer, energy and SHPO. Those are the ones we had on our list that we're going to complete prior to coming back to the Board. That was

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really the main.

I did receive Pat's comments. They're all a hundred percent valid. We'll address them as we go through.

I did get the adjoiners', Pat, and I did send them out this week. We did take care of that item as well.

CHAIRMAN EWASUTYN: All right. Let's start with traffic just for the reference. Starke with Creighton, Manning, we're discussing MKJ Park Office & Warehouse and your review of the traffic and what may be needed later or now.

MR. HIPPE: MKJ, we're awaiting a traffic study for this one. That was probably our main comment.

We noted that there are improvements along Route 300 that are part of that that the developers are contributing to. This project is likely to contribute traffic to 300. We'll see what comes out of the traffic study that's prepared. It's

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something to be aware of.

Then one other item that was kind of proposed as just an idea was providing access or gaining access to Jeanne Drive rather than 32, if that's possible. Given the kind of commercial character of Jeanne Drive currently, it would be more fitting.

MR. QUEENAN: If I may. The applicant has approached all of the adjacent property owners on Jeanne Drive. No one was receptive to entertaining a connection at this time.

MR. HIPPE: That's all of our comments.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance?

MR. CAMPBELL: I have no new comments. My comment, as we said the last time, is just basically two separate entrances are required. We talked about a New York State variance possibly.

An aerial fire access road,

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handicap parking and sprinklers would be required.

CHAIRMAN EWASUTYN: Would you want to be considered for the consultants' meeting on the 23rd to view the Tree Preservation Law, because you will, at some point in time, have to submit your proposed plan for that?

MR. QUEENAN: Actually, yeah. That would be very beneficial if that's possible.

CHAIRMAN EWASUTYN: And the time for that, Pat?

MR. HINES: 2:00.

CHAIRMAN EWASUTYN: Just for the record, would the Planning Board set MKJ Park Office & Warehouse for the consultants' meeting on the 23rd of May to review the new Tree Preservation Law?

MR. GALLI: June 23rd, John?

CHAIRMAN EWASUTYN: May 23rd.

MR. MENNERICH: So moved.

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MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Dave Dominick. May I please have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Pat Hines with MHE, we were discussing about the environmental issues that will need to be addressed in a future study. Do you want to go through that, Pat?

MR. HINES: I did review the list that Mr. Queenan sent. Certainly all of those items are applicable to this project.

I did fail to send the lead

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agency notice in a timely manner. I only recently, two weeks ago, caught that and I sent that out. We're two weeks into the thirty-day lead agency circulation.

While I concur with his list, I don't know that we're in a position to make any real determinations.

I do note that DOT has responded, and I think I provided that to Mr. Queenan yesterday.

We've heard from some of them. There will be another sixteen days or so before that time has lapsed.

Certainly he's on the right track with the studies and reports that will be needed.

It's difficult right now to really evaluate the site. We don't have finished floor elevations and a grading plan. There's certainly quite a bit of topographic relief across the site. I don't know if the back of the building is going to be buried

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at this point as a retaining wall.
It probably lends itself to that.

I have a concern with the amount of Federal wetlands disturbance. Without the benefit of a grading plan, I don't know -- right now you're showing a two-dimensional disturbance, but that front loading dock area will have to be, for lack of a better term, relatively flat and may need some additional grading based on the finished floor elevations of the building.

There currently is not anywhere on the plan identified for stormwater management facilities. Obviously, with the size of this building and the pavement, there will need to be some rather large stormwater management facilities.

We're looking for a copy of the Federal wetlands delineation for the Town's file.

The Tree Preservation Ordinance has not been addressed as of yet.

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We'll discuss that next Tuesday.

Sanitary sewer on the site is not addressed. There is not sewer along the Route 32 frontage.

MR. QUEENAN: Correct. We've done soil testing. It will be on the next submission. It will be located up here in this corner.

MR. HINES: Health Department approval for the water main extension will be needed.

It's unclear if you're going to need a tank for fire suppression there. We'll need that analysis as well for fill and pressure there.

That's the extent of our comments on the concept plan.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney.

MR. CORDISCO: Even though the time period hasn't run yet for lead agency, it's helpful that the applicant has acknowledged what studies will be required for the Board to consider

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the environmental impacts for the project.

At this point, while the Board can't confirm its status as lead agency, as a practical matter, there hasn't been a lead agency dispute in this region since 2009. I think it's probably highly unlikely that there's going to be a lead agency dispute. I think the applicant can move forward with preparing their traffic study and the other technical elements that they would want the Board to consider. As part of their next submission, the Board could acknowledge its lead agency status at that time.

CHAIRMAN EWASUTYN: Dominic, I agree with you. Should we set it under Board business on the 15th of June to declare ourselves lead agency?

MR. CORDISCO: You could. By doing so it would not necessarily require an appearance by the applicant, because it would just be

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taking that procedural step at that time. There may be correspondence that is received from various different agencies that may have comments regarding the project. Those are always part of the public record, and you can provide those to the applicant. You can discuss those that night, but there won't necessarily be a new submission from the applicant to review at that time.

CHAIRMAN EWASUTYN: What would be the benefit -- would there be a benefit then or should we wait until they come back with revised plans, is my question?

MR. CORDISCO: To be honest, I would wait.

CHAIRMAN EWASUTYN: That's fine. Any additional questions or comments from Board Members?

(No response.)

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 8:11 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 5th day of June 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

FABULOUS EVENTS
(2022-23)

NYS Route 32 and Crab Apple Court
Section 34; Block 2; Lots 25.2, 54, 74, 76 & 77
B Zone

- - - - - X

SITE PLAN

Date: May 18, 2023
Time: 8:11 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
JACALYN DeVALUE
STARKE HIPPIE

APPLICANT'S REPRESENTATIVE: JOHN QUEENAN

- - - - - X

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

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CHAIRMAN EWASUTYN: The seventh item of business this evening is Fabulous Events, project number 22-23. It's a site plan located on New York State Route 32 and Crab Apple Court. It's in a B Zone. Again it's being represented by Lanc & Tully.

MR. QUEENAN: Good evening. John Queenan from Lanc & Tully, engineer for the applicant.

We're before you tonight again with Fabulous Events. I just wanted to update the Board. At our last meeting we went over the site plan, and one of the biggest sticking issues that was still unknown was where the access point was going to be in relation to our discussions with DOT. I apologize, the DOT came back about a day prior to the submission date and changed their mind and wanted the driveway flipped to the other side of the site. It

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gives more sight distance, what's available, and they feel that it's now caddy corner and adjacent to the existing driveway. They're not crazy about that, but they would rather have the more sight distance. We worked with the residency in Newburgh and they made that decision. What happened was, in order to update the Board on that change, I turned off a lot of the utilities that we had designed. The site now is changed because it's about an 8-foot drop to that entrance. It changed the grading a little bit, changed the stormwater, changed the landscaping. We are working all of that out now. I did want to bring to your attention that it was flipped. It is changed.

We did also add the land banked parking we spoke about at the last meeting. We're showing per code that we need 99 parking spaces. As discussed previously with the Board,

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the user doesn't require that many based on what their business model is. We land banked the first 16 spaces in the front here. As you come in to the building, it was a mirror, so it's broken into showroom, office, repair area, wash area and then storage. We put the showroom and office on this side. We've lined up our parking for that. For retail use and the office workers, it would be 24 spaces. The applicant has a total of between 18 and 20 employees. We land banked these spaces in the front to provide more area for landscaping.

Around the side, we had to bank the parking here. We proposed to land bank that section as well, and then leave the parking in the back for regular employees that come and go and vans that the applicant does have.

So those are the major changes

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so far to the plan.

We did add our septic design. The design is included, as well as water connection from 32.

CHAIRMAN EWASUTYN: Starke with Creighton, Manning Engineers, do you have any comments on this application?

MR. HIPPE: No. We had prepared comments previously. Ken had no follow-up comments. We kind of understood the justification for the land banking of spaces given the number of employees and kind of the retail. It's not your typical retail. It's not the same kind of high demand. I don't know what necessarily that means the Board can do with that. I think it is justified. We think it is justified, the land banking of spaces.

Other than that, we had no comments this round.

CHAIRMAN EWASUTYN: Jim Campbell with Code Compliance?

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MR. CAMPBELL: Just a few comments.
The striping detail you have on your
plans is not the Town of Newburgh
striping plan.

MR. QUEENAN: Okay.

MR. CAMPBELL: We use the double
line. Just keep in mind that signage
-- advertisement signage is part of
ARB, so keep that in mind when that
comes up.

MR. QUEENAN: Okay.

MR. CAMPBELL: It was also
discussed about the dumpsters so
close to the building. Can you look
at that?

MR. QUEENAN: I did see that
comment. We had lined them up next
to the loading areas. I don't know
if there's a set distance you'd like
us to have them away.

MR. CAMPBELL: We'd have to look
into it. I really don't know what
the construction of the building is.

MR. QUEENAN: I'm not sure yet

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either. I think we have plenty of room. I can always move them out to the back there.

MR. CAMPBELL: That's all.

CHAIRMAN EWASUTYN: Pat Hines with MHE.

MR. HINES: We'll need a lot consolidation plan that can be filed with the County as part of this.

We did note that the access drive is being mirrored on the site, the opposite side.

The land banked parking is an issue, and I -- we've had this issue come up before. There were actually court cases litigated regarding the land banking. It was determined that that needs to be provided per the code. I think you would need a variance, at a minimum, to address that under our code that has that specified amount of parking.

MR. QUEENAN: Okay. That's a little different than what we

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discussed the last time. We showed it and we designed it and then it was taken into account. We discussed the potential agreement.

MR. HINES: Understood, but we do have case law.

MR. CORDISCO: Yes, that's correct. I mean, it's possible to have land banked parking for access parking but not for required parking. It was a misunderstanding regarding that. That's now clarified.

MR. QUEENAN: All right.

MR. HINES: We have comments on the septic system, which may have been because you turned that layer off.

We're awaiting the stormwater pollution prevention plan.

It does need to go to County Planning, but they're not going to take it until the site details and the stormwater pollution prevention plan are there.

We discussed the refuse area as

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well. That was noted by Mr. Campbell.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional. They covered it.

MS. DeLUCA: Nothing.

MR. DOMINICK: Not at this time.

MR. MENNERICH: Nothing.

CHAIRMAN EWASUTYN: No comment.

MR. BROWNE: No comment.

MR. WARD: No comment.

CHAIRMAN EWASUTYN: John, would you like to also participate in the meeting -- the consultants' meeting on the 23rd of May?

MR. QUEENAN: Sure.

CHAIRMAN EWASUTYN: And that would be at what time, Pat?

MR. HINES: 2:30.

MR. QUEENAN: You're stuck with me for another hour.

CHAIRMAN EWASUTYN: I think it would be for the benefit of everyone.

MR. QUEENAN: I do.

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CHAIRMAN EWASUTYN: It's rather new.

MR. HINES: If you have MKJ, we're just going to call it 2:00 and we'll roll into both of those.

MR. QUEENAN: That's fine. The applicant did prepare an initial rendering. I'll show the Board. This is the first initial rendering of it.

I believe basically the facade has the open window look, stone facade pillars and architectural accent lighting across. This is looking from 32. This is the direction that we're presented with, the type of look of the building.

CHAIRMAN EWASUTYN: Initial comments from Board Members. Frank Galli?

MR. GALLI: John, if they can't land bank all the parking that has to go in front, is it going to be screened according to the design guidelines?

CHAIRMAN EWASUTYN: Good point.

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We don't have a landscape plan.

MR. QUEENAN: So what will happen is the parking will be returned back here. We're going to put in a stonewall. We still have -- we probably have 20 feet from the property line to the parking.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: It looks very nice. It looks very dark also. I guess I was expecting something more with the continuation of the comment of being fabulous. I was just wondering if it could be --

MR. QUEENAN: A little brighter?

MS. DeLUCA: -- a little brighter.

MR. QUEENAN: I can pass that on. No problem.

MS. DeLUCA: Thanks.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Even though the color choice is subjective, I agree with Stephanie. It's kind of dark. It's not fabulous. It does look clean. It does look contemporary. I just think the

2 color palette is a little different.

3 MR. MENNERICH: I agree with them,
4 too.

5 CHAIRMAN EWASUTYN: So you'll
6 have to go back to the drawing board
7 somewhat.

8 MR. QUEENAN: We'll look at
9 different colors and try to lighten,
10 soften it up a little bit.

11 CHAIRMAN EWASUTYN: Cliff Browne?

12 MR. BROWNE: For me, for the
13 type of business it is, this appears
14 to be very industrial looking.

15 MR. QUEENAN: Okay.

16 MR. BROWNE: I don't know. For
17 an industrial building, it's great.

18 CHAIRMAN EWASUTYN: John Ward?

19 MR. WARD: I agree about the
20 color. At the same time, it will look
21 good with the stonewall.

22 CHAIRMAN EWASUTYN: For the
23 record, can I have a motion from the
24 Planning Board to set Fabulous Events
25 for the consultants' meeting on the

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23rd of May to review the new Tree
Preservation Law?

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a
motion by Frank Galli. I have a
second by Stephanie DeLuca. May I
please have a roll call vote starting
with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you.

MR. QUEENAN: Thank you.

MS. DeVALUE: John, could you
just send that image to our office as
well, please?

MR. QUEENAN: Sure.

MS. DeVALUE: Thank you.

(Time noted: 8:22 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 5th day of June 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

UNITY PLACE WAREHOUSE
(2021-29)

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

- - - - - X

CONTINUED PUBLIC HEARING - SITE PLAN

Date: May 18, 2023
Time: 8:22 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
JACALYN DeVALUE
STARKE HIPPIE

APPLICANT'S REPRESENTATIVES: JOHN CAPPELLO,
PETER RUSSILLO, JACK TRAINOR, JASON
ANDERSON and ELIOT SPITZER

- - - - - X

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

2 CHAIRMAN EWASUTYN: The last
3 item of business is Unity Place
4 Warehouse. It's located on Old
5 Little Britain Road and Unity Way.
6 It's in an IB Zoning District. It's
7 a continuation of a public hearing on
8 the site plan. It's being represented.
9 by Brooker Engineering.

10 MR. CAPPELLO: While they're
11 setting up, I'm John Cappello with JG
12 Law. I'm here with Peter Russillo
13 from Colliers Engineering. Pete is
14 our traffic consultant. Jack Trainor
15 is our professional engineer. Jason
16 Anderson is our architect. Also
17 Eliot Spitzer, a representative of
18 the applicant.

19 This is the third public
20 hearing on this project. The Board
21 is fairly familiar with it. We're
22 here tonight to discuss some of the
23 revisions we've made in consultation
24 with the Board, your consultants, and
25 in response to comments we've heard

2 from the public. The majority of the
3 changes are now -- at the last public
4 hearing you may recall we discussed
5 the options -- is this better? We
6 discussed the options for the
7 intersections where all truck traffic
8 will now enter and exit from Unity
9 Place. We know the truck traffic on
10 Little Britain Road. In response to
11 some of the comments at the last
12 hearing, we provided you a couple
13 options. The Board gave us the
14 preferred options and it has now been
15 designed.

16 There have also been some
17 revisions made to the plan to include
18 additional sound mitigation through
19 fencing, additional landscaping, and
20 an analysis was provided with the
21 last submission.

22 The SWPPP has been updated. I
23 understand there are some comments,
24 and Matt will speak to that as
25 necessary, but that has been updated.

2 The architectural are
3 essentially the same, but there's
4 been additional landscaping. We
5 provided some additional elevation --
6 what's the proper word -- renderings
7 showing what the project will look
8 like at one, five and ten years of
9 build out.

10 So with that, I will, with the
11 Board's indulgence, briefly introduce
12 Peter to just briefly discuss the
13 traffic improvements that were made
14 since the last plan, and then Matt
15 and then Jason very quickly.

16 MR. RUSSILLO: Pete Russillo
17 with Colliers Engineering.

18 Based upon the conversations
19 we've had with the State, as well as
20 your reps, the Town representatives,
21 Creighton, Manning, some changes have
22 been made. One of them, of course,
23 was moving the driveway up around the
24 corner, away from our neighbors here,
25 to sort of isolate the truck traffic

2 between this access and 17K.

3 What this plan doesn't show but
4 what is also proposed is developing a
5 separate left-turn lane for traffic
6 to enter that location, this way
7 anyone coming in from the south will
8 be out of the traffic stream and not
9 impede anybody traveling up Unity Place.

10 Secondly, up at 17K the State
11 had requested that we improve the
12 turning radius coming off of 17K down
13 onto Unity Place to make that
14 movement a little bit easier. That
15 will be completed as well. We're
16 going to be upgrading the detection
17 at that location with cameras, which
18 is something the State is doing
19 almost at every intersection that
20 they own. When they have an
21 opportunity to have somebody do it
22 for them, they take the opportunity.
23 That will also be done at the
24 intersection of -- it's contemplated
25 at Little Britain Road and 300. That

2 intersection will also probably be
3 pictured with video detection to
4 upgrade that operation.

5 Along the site frontage here we
6 have what is determined to be a sight
7 line easement, if you will. Nothing
8 in this area will be more than three
9 feet in height. I mean, there will
10 be grasses and maybe ground covers,
11 but it has to remain in a way such
12 that anyone that's exiting the site
13 can see all the way across and around
14 the corner.

15 There will also be contemplated
16 at this location some widening to
17 make that right turn also a little
18 bit easier. That's also something
19 that's contemplated.

20 In terms of the noise that John
21 referred to, the building itself is
22 an attenuation device, a great one,
23 particularly for the people that live
24 to the east. That will really shield
25 them from almost everything. I mean,

2 it will probably be better than it is
3 today, because any noise associated
4 with Kohl's won't migrate across
5 either.

6 There will also be a sound
7 fence along the property here, as
8 well as a berm in this area. There's
9 some discussion about the height of
10 the berm, the width of the berm. I
11 know there are some exhibits that
12 show the growth of this landscaping
13 over, I think, a one-year, five-year,
14 ten-year period. That will help
15 shield this area from any noise that
16 may migrate that way.

17 That pretty much wraps up the
18 traffic and the noise.

19 There is a protocol, a noise
20 protocol that's in place that post-
21 operation we'll go back out, set the
22 monitors where they're set now, take
23 other measurements, and if they don't
24 meet the current Town code, other
25 mitigation will have to be employed

2 at that point.

3 CHAIRMAN EWASUTYN: Starke with
4 Creighton, Manning.

5 I prefer taking one topic at a
6 time --

7 MR. CAPPELLO: That's fine.

8 CHAIRMAN EWASUTYN: -- than
9 have you roll along and roll along.

10 MR. CAPPELLO: Okay. Thank you.

11 CHAIRMAN EWASUTYN: Thank you.

12 MR. HIPPE: Our comments acknowledge
13 the repositioning or relocation of the
14 driveway for truck traffic and the
15 necessary maintenance of vegetation
16 to maintain the sight lines.

17 I do have -- I have one question.
18 Maybe I missed it, or if you said it
19 was a new thing. There's a northbound
20 left-turn lane that's being proposed
21 for the driveway?

22 MR. RUSSILLO: Yes, there is.
23 I know that Ken made a mention in
24 his response that he thought that
25 that was going to happen. It is

2 there. There is a left-turn lane.

3 MR. HIPPE: I just wanted to make
4 sure I had it in my notes for him.

5 We also highlighted that there's the
6 striped pork chop in the driveway on
7 Unity Place. Maybe that's been
8 removed now with that revision. We
9 noted it in the site plan. We wanted
10 to know the purpose of it.

11 MR. RUSSILLO: That's correct.
12 That will be removed as part of the
13 left-hand lane development.

14 MR. HIPPE: Okay. That addresses our
15 comments.

16 CHAIRMAN EWASUTYN: Comments from
17 Board Members on the traffic. Frank
18 Galli?

19 MR. GALLI: No additional.

20 MS. DeLUCA: No.

21 MR. DOMINICK: John or Peter,
22 on the west part of the building, we
23 talked at workshop that access, it
24 goes onto Little Britain Road. This
25 is where the tractor trailers are in

2 the back. Is it possible to make
3 their emergency access fence so that
4 no tractor trailers sneak onto Little
5 Britain Road? Hey, you know, I just
6 unloaded at the bay closest and I'm
7 just going to get out of here quick,
8 or I'm going to go to Chili's or
9 Friday's or somewhere real quick.
10 Just another additional measure to
11 avoid tractor trailers on Little
12 Britain Road. Do you see where I'm
13 talking about?

14 MR. RUSSILLO: Yes. There's a
15 bar across the access so that type of
16 vehicle can't negotiate through
17 there. I don't see that as being a
18 problem. I mean, they're all going
19 to be directed out the main driveway
20 to Unity. In fact, Unity Place is
21 designated as an access highway now
22 that allows those types of vehicles,
23 and they're technically not even
24 supposed to be on the other. Within
25 a certain distance they're allowed.

2 MR. DOMINICK: True, but we
3 know everybody likes a shortcut.

4 MR. RUSSILLO: I agree with you.

5 MR. DOMINICK: You see where
6 I'm talking about?

7 MR. HIPPE: If I may. I think
8 the one thing we talked about in work
9 session about that is just the
10 location of that bar so that the
11 loading bay to -- the southernmost
12 loading bays can still be accessed by
13 the trucks that need to back into
14 them. I think exiting the loading
15 bays will be doable, but depending on
16 where that bar is located so they can
17 pull forward far enough to navigate
18 and reverse into the loading bay. I
19 think it's a very good point to try
20 and control the truck traffic.

21 MR. RUSSILLO: What he's
22 discussing is that a truck coming
23 into this bay would have to move up a
24 certain distance to back in, so that
25 bar would be located some distance

2 off of Old Little Britain Road as
3 opposed to being closer to the
4 parking field itself.

5 MR. DOMINICK: As long as it's
6 a deterrent, or in this case
7 prohibits that, that would be
8 perfect. Thank you.

9 CHAIRMAN EWASUTYN: Ken Mennerich?

10 MR. MENNERICH: No questions.

11 CHAIRMAN EWASUTYN: Cliff Browne?

12 MR. BROWNE: I agree with Dave's
13 comments. Thank you.

14 CHAIRMAN EWASUTYN: John Ward?

15 MR. WARD: David had the same
16 comment. Thank you.

17 CHAIRMAN EWASUTYN: Okay, John.

18 MR. CAPPELLO: The only two
19 things I was going to add to Peter's
20 comments is, and it's in that
21 exhibit, there were some questions
22 regarding truck idling, which is
23 prohibited now by New York State law,
24 but also there will be heat blocks on
25 -- once again I'm going to go to

2 Jason here.

3 MR. ANDERSON: Block heaters.

4 MR. CAPPELLO: Block heaters
5 that the trucks will plug in to so
6 they can stay warm and they won't
7 have to idle to reduce that impact.

8 So with that, I'll give it over
9 to Matt to briefly update you on any
10 changes to the site plan itself.

11 MR. TRAINOR: Matthew Trainor,
12 Brooker Engineering. So the entire
13 site plan, all sheets have been
14 adjusted to reflect the new driveway
15 location, most of those changes
16 coming on the north end of the site
17 where we acquired the new parcel.

18 Our planting plan has been
19 beefed up. We addressed the
20 landscaping comments. I understand
21 there's further review and comment on
22 that.

23 We have no objections, aside
24 from the two comments which we can
25 discuss briefly, those being related

2 to the sight distance line, as you
3 mentioned, and the stormwater
4 mitigation systems.

5 On top of the planting plan,
6 we've also introduced the tree
7 preservation plan as part of the Tree
8 Preservation Law. I think we have a
9 couple comments on that as well.

10 As far as stormwater, as a
11 result of the new driveway, we have
12 introduced one more stormwater
13 mitigation system which involves
14 underground infiltration just north
15 of the new driveway. As much as we
16 wanted to route it to the existing
17 proposed system or the large original
18 system, the driveway was too low to
19 reach it, so we had to do one small
20 new footprint.

21 We did some soil testing onsite
22 in accordance with the DEC. The soil
23 observations were similar to what we
24 discovered at the original proposed
25 location, so soil percolation is

2 adequate. It's greater than 5 inches
3 per hour. Those calculations are
4 reflected in the updated SWPPP.

5 I know, Pat, you had a few
6 comments. I think those are just
7 clarification items in nature. I
8 don't think it's going to impact our
9 design at all.

10 Then touching on our response
11 to the City of Newburgh. The City of
12 Newburgh had concerns about down by
13 the Lockwood Basin. The Lockwood
14 Basin is situated adjacent to Lake
15 Washington, downstream of it. I
16 guess there's been historic flooding
17 in the area. They were asking for a
18 volume analysis of our site. We went
19 ahead and did that analysis, and what
20 we wanted to do was kind of compare
21 it to the overall watershed of the
22 Lockwood Basin drainage area. What
23 we found was a brief de minimus
24 impact from our site. We evaluated
25 storm events ranging from the 1-year

2 to the 100-year storm. The 1-year
3 storm we're exhibiting a .17 percent
4 increase; 10-year is .05; 25-year is
5 .02; and the 100-year we are in fact
6 decreasing the overall stormwater
7 volume exiting our site in proposed
8 conditions. I imagine the larger
9 storms, such as the 100-year, are the
10 storms that they are concerned about.
11 Our conclusion is that our site is
12 creating a de minimus impact for
13 stormwater volume.

14 That's it.

15 CHAIRMAN EWASUTYN: Comments
16 from Board Members?

17 MR. GALLI: No additional.

18 MS. DeLUCA: No.

19 MR. DOMINICK: Not on that
20 topic.

21 MR. MENNERICH: No.

22 MR. BROWNE: No.

23 MR. WARD: No.

24 CHAIRMAN EWASUTYN: Pat Hines
25 with MHE.

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MR. HINES: I reviewed the submission they made regarding the Lake Washington and Lockwood Basin watershed. That watershed is 4,605 plus or minus acres in size, assuming the diversion channels at Route 207 and 300 and Home Depot are open. I concur with their analysis that the scope of this project in regard to a 4,600 acre watershed is de minimus. Those numbers you gave me I believe were decimal percentages.

MR. TRAINOR: Correct.

MR. HINES: Just to be clear on that. So we found that report to be acceptable. I did not send that to the City of Newburgh as they kind of deferred approvals to this Board in their most recent comments when we had meetings in the field. I can do that. The reason I say that is, one issue we have is the City of Newburgh has not issued their flow acceptance letter for the sanitary sewer

2 contribution from this site. That is
3 a required approval the Board needs
4 before it can take action based on
5 the inter-municipal agreement between
6 the Town and the City.

7 We did note that the noise
8 study was performed. Most importantly
9 is that they're proposing a post-
10 construction noise study that would
11 be included in any resolution. Typically
12 security for that would be required
13 as well to assure that that would be
14 undertaken by the applicant, and, if
15 not, undertaken by the consultant
16 working for the Town.

17 We had some comments on the
18 tree survey.

19 There will need to be a lot
20 consolidation plan provided.

21 We did mention the potential to
22 provide the gate to restrict the
23 truck access out to Old Little
24 Britain Road definitively so that no
25 one will inadvertently do that.

2 That's the first I heard of the
3 left-turn lane. Just for the traffic
4 patterns, I'll defer to Ken Wersted
5 and Starke's office on that.

6 There is a limited amount of
7 passenger vehicle parking on the
8 north end of the site. It seems like
9 a lot of work to do for the number of
10 passenger vehicles that are proposed to be
11 headed north. There should be no trucks
12 heading north on Unity Place at this
13 point. I think there's less than 20
14 passenger vehicle parking spaces.
15 I'll defer to the traffic guys, that's
16 for sure, but --

17 MR. RUSSILLO: It really is not
18 necessarily a function of how many
19 passenger cars are going to park
20 there. It's just a matter of getting
21 them in and out of the through
22 traffic stream because you're coming
23 around a corner. The idea is if
24 you're traveling around that corner,
25 you don't want somebody sitting there

2 to make a left turn in.

3 MR. HINES: It's a safety
4 provision rather than volume?

5 MR. RUSSILLO: More safety
6 rather than capacity.

7 MR. HINES: That's all I have.

8 CHAIRMAN EWASUTYN: Jim Campbell,
9 Code Compliance?

10 MR. CAMPBELL: Can you show me
11 the fire aerial access?

12 MR. TRAINOR: A 26-foot fire
13 access road is located on the south
14 side. It's located here. You've got
15 26 feet. That's adjacent to parking
16 stalls, so it's over 50 feet away
17 from the building, and it's parallel
18 to this entire site.

19 MR. CAMPBELL: That meets bear
20 minimum code wise. Is there any way
21 to look at maybe a midpoint access,
22 maybe off of Unity, with the grass
23 pavers -- suitable grass pavers or
24 something like that?

25 MR. TRAINOR: We can look into

2 it. I know our grades are sloping
3 pretty steeply towards the building
4 here.

5 MR. CAMPBELL: You'd have to be
6 able to get within 30 feet.

7 MR. TRAINOR: We're at 50 feet
8 right now. That's something we can
9 look at.

10 MR. CAMPBELL: Possibly the
11 other end of the building, too. It's
12 a long building. If you're accessing
13 it as far as the other end, it's a
14 long way.

15 MR. TRAINOR: Right.

16 MR. CAMPBELL: If you could
17 just investigate that.

18 MR. TRAINOR: Sure.

19 MR. CAMPBELL: Thank you.

20 CHAIRMAN EWASUTYN: At this
21 point we'll turn it over to the
22 public. At this point, as noted in
23 the introduction, this is a
24 continuation of a public hearing.
25 We'll open the meeting up to the

2 public. As the other two
3 presentations, would you please
4 stand, raise your hand and give your
5 name and address, then present your
6 questions or comments.

7 MR. CAPPELLO: Would the Board
8 like to see Jason --

9 CHAIRMAN EWASUTYN: We'll wait.
10 The lady in the back.

11 MS. JOANIDES: I was just
12 wondering --

13 CHAIRMAN EWASUTYN: Can I
14 please have your name?

15 MS. JOANIDES: Nancy Joanides,
16 50 Lakeview Drive, Newburgh.

17 In the future you were talking
18 about -- someone was talking about
19 the noise and the remediation, or
20 whatever you were talking about that
21 you were doing. If we find that we
22 have a problem with the noise, who do
23 we contact? What do we do?

24 CHAIRMAN EWASUTYN: Dominic
25 Cordisco.

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MR. CORDISCO: As with any project or any noise complaint that occurs, the first thing to do would be to contact the Police Department, and also to contact the Building Department as well, to register a complaint there. That can be addressed, whether or not it's something that's individual or specific or something that's a long-term thing.

The applicant has proposed a post-construction noise survey that the Board is considering. The details of that haven't been finalized yet, but the point of that is to see whether or not -- not that there's a specific noise issue, but whether there's an ongoing noise issue. That would give the Planning Board the opportunity to require that the applicant take additional steps, whatever those steps may be, to minimize noise impacts on the

2 surrounding residences.

3 MS. JOANIDES: Who would determine
4 that?

5 MR. CORDISCO: The Planning Board
6 would, that component of it. If
7 there was a specific noise complaint,
8 like I said, you would make those
9 complaints known to the Police
10 department and to the Building Department.

11 MS. JOANIDES: And then it would go
12 through like a chain -- like a chain
13 reaction?

14 MR. CORDISCO: It depends. If
15 there's been a violation of the Town
16 code in terms of Town standards, then
17 it becomes a potential enforcement
18 action where the Police Department or
19 the Building Department can take
20 further steps. The Planning Board
21 isn't an enforcement board, so those
22 complaints don't really come here.

23 MS. JOANIDES: I understand.

24 MR. CORDISCO: The Planning
25 Board is to, you know, determine

2 whether or not the environmental
3 impacts have been mitigated to the
4 greatest extent practicable. Not
5 eliminated but minimized.

6 MS. JOANIDES: Thank you.

7 CHAIRMAN EWASUTYN: Ma'am.

8 MS. SIMPSON: My name is Elaine
9 Simpson, I'm number 18 Lakeview
10 Drive.

11 I guess my biggest concern is
12 the amount of time that these trucks
13 will be having access to Old Little
14 Britain Road. I've already seen a
15 few vehicles come along there. I am
16 concerned about them being on Old
17 Little Britain Road itself, affecting
18 our accessibility as local members
19 going in and out of that area. I'm
20 just concerned. Is there a limit, a
21 designated timeframe in which such
22 vehicles will be using the road so
23 that maybe we can feel safer without
24 rescheduling our lives? It seems
25 like that is something that we're

2 going to have to do. Maybe you can
3 respond to that.

4 MR. CAPPELLO: The plan has
5 been -- the applicant actually
6 purchased extra land. The plan has
7 been designed now so all trucks can
8 only enter on and off Unity. They'll
9 have to come from 17K to Unity, as
10 was requested by the Planning Board.
11 In addition, the access from Little
12 Britain will only be for passenger
13 vehicles, and there will be a bar
14 placed over that that will double
15 ensure that the trucks --

16 MS. SIMPSON: That the trucks
17 won't come up that way at all?

18 MR. CAPPELLO: It will only be
19 on Unity.

20 MS. SIMPSON: Thank you, sir.

21 MR. GALLI: That's only trucks
22 are controlled on his site. He can't
23 control a Home Depot truck and
24 somebody else's truck. That's trucks
25 leaving and entering his site.

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MS. SIMPSON: Thank you.

CHAIRMAN EWASUTYN: The lady.

MS. CIRILLO: My name is
Margaret Cirillo, 26 Lakeview Drive.

I believe at the last meeting
it was asked if there was a health
impact assessment done in regard to
the plan. Has one been done at all,
a health risk assessment? The reason
why I ask is because I'm concerned
about the diesel exhaust emissions,
because there are known carcinogens,
and it's the public health in my
community that I'm concerned about.
The diesel exhaust particulates are,
at best, a lung irritant. At worst
they're a lung carcinogen. We're
going to be exposed to this. If it
does get built, we in the area are
going to be exposed to chronic
exposure to these particulates, and
it concerns me. It's the public
health of my community that concerns
me the most.

2 CHAIRMAN EWASUTYN: Dominic
3 Cordisco, Planning Board Attorney.

4 MR. CORDISCO: This Board's
5 obligation to review the
6 environmental impacts is ongoing.
7 That's where we're at now. Making
8 your concerns known to the Board is
9 an important part of this process.

10 MS. CIRILLO: If I can ask
11 another question. Will that be
12 released to the public, the outcome
13 of the environmental impact?

14 MR. CORDISCO: Yes. This Board
15 will finalize its decision as part of
16 a written resolution of approval and
17 also a written determination
18 regarding the environmental impacts,
19 and they'll be summarized.

20 MS. CIRILLO: Thank you.

21 CHAIRMAN EWASUTYN: The
22 gentleman in the front.

23 MR. GALLAGHER: Matt Gallagher,
24 409 Little Britain Road.

25 In terms of update process, I

2 believe it was required for the plans
3 to be posted on the site before May.
4 I didn't see them posted. Are the
5 latest plans available online?

6 MR. HINES: Yes, they are.
7 There's no requirement of when they
8 are posted. My office did post them.
9 It's typically a day or two before
10 the meeting. They were posted
11 Tuesday afternoon.

12 MR. GALLAGHER: Understood. My
13 concern is it was mentioned in an
14 April meeting when they would be
15 available. My concern is that some
16 of the public may not have had a
17 chance to see them before this
18 meeting.

19 MR. HINES: We followed the
20 standard procedures when we posted them.

21 CHAIRMAN EWASUTYN: Sir.

22 MR. DIGILIO: I'm Rob Digilio.
23 I live at 27 Lakeview. I'm here to
24 represent myself, my wife, my family
25 and the neighborhood behind the

2 project.

3 I echo the concern of the
4 diesel exhaust. My son suffers from
5 asthma. We've lived in that
6 neighborhood since December of '03
7 and there's been an increasing number
8 of impacts, starting with the BJs
9 area and the BJs project.

10 They have trucks, so we're well
11 aware of the sound. We live there.
12 We know what the impact is sound
13 wise. There's no sound mitigation
14 there for sure. It sounds like bombs
15 are going off through the night. We
16 can hear them all the way up -- I
17 mean, 500 feet, you can hear them on
18 the other side of the neighborhood.
19 That's one concern. It's good to
20 hear that some of that is being taken
21 into consideration.

22 I have a question also with
23 regard to traffic patterns and the
24 traffic study that's been done. I
25 know that when we use the road, the

2 new BJs has created a choke point for
3 use of the gas station in the one
4 direction coming from 17K. That
5 really is -- I know personally,
6 because my daughter was in an
7 accident there. Accidents have
8 happened. There's an increase because
9 the traffic has going gone up
10 astronomically just because of BJs.
11 My concern with this is you're
12 introducing large vehicles. If I
13 understand that drawing correctly,
14 they'll be taking a left going
15 towards 17K out of that access
16 driveway, and you'll be cuing up at a
17 stop sign where it's already cued.
18 There's a cue. If anyone has ever
19 been on that road after a Jehovah
20 convention dismisses, the road is
21 locked. You can't move. There are
22 cars with Connecticut plates that are
23 cued up for an hour and a half, two
24 hours. I don't know if you've taken
25 that into consideration with any of

2 the traffic analyses you did.

3 It's good to hear some of the
4 changes to the curbing and to give
5 them the ability to swing.

6 My concern is just the overall
7 volume of traffic. The left-turning
8 lane is a great idea. You're going
9 to do it because they will get stuck
10 on the road. The main traffic goes
11 out. I never see a line coming in.
12 They come in in sporadic droves, but
13 when they leave, they all leave at
14 once so it cues up. If you combine
15 that with the traffic coming out of
16 BJs, Unity Chevy connects with that
17 road, and then the traffic cueing in
18 to go into that parking -- I'm sorry,
19 the gas pumps to line up in that
20 area, it's gone crazy. This was with
21 COVID and after COVID. Before COVID
22 it was tough enough. I'm just
23 concerned if anybody has done any of
24 that volume analysis with the traffic study.

25 MR. RUSSILLO: Typically what

2 we produced in the reports, the way
3 you study them is you look at peak
4 hour conditions. You take counts up
5 to three hours in the morning, three
6 in the afternoon, you find the peak
7 hour intervals in that range, you
8 analyze how it's operating today
9 during those periods, you load the
10 design year, I think in this case
11 it's 2024, you add on to that any
12 other development in the area that's
13 occurring that you're aware of. That
14 would be layered on top. You
15 reanalyze that again. You're
16 comparing existing to a no-build
17 condition. You add your traffic on
18 top of that and you analyze it again
19 and see what the differential is in
20 operation between the no build and
21 the build. That tells you what kind
22 of mitigation you need and where you
23 need it, if you need it. In this
24 particular case, all the intersections
25 are actually operating at similar

2 levels of service between the no
3 build and the build, whether it's
4 level of service C to a C, a D to a
5 D, a B to a B. That's what determines
6 what your impact is. If, for
7 example, it goes from a C to an E or
8 a C to an F, you've got to make some
9 adjustments. That's not the case
10 here. The roads have a lot of
11 capacity. With the introduction of
12 the new cameras that assist in
13 timing, it's a much more
14 sophisticated way of handling the
15 traffic through an intersection. It
16 will be more efficient so your impacts
17 are reduced. In fact, there are a
18 couple locations where it's actually
19 better -- will actually operate better
20 than it does under the no build. In
21 other words, the delay is increased
22 by a couple of seconds, but that's
23 the way we analyze it. This is a
24 national process. It's not the Town
25 of Newburgh's process or Orange

2 County's process or New York State's
3 process. There's a process used
4 nationally.

5 MR. DIGILIO: Understood. I
6 think that every road is unique, and
7 I think the only light you have on
8 17K, and you're cueing up to it,
9 you're not going through it. I'm
10 just -- I'm saying, if you can't
11 capture an event when it happens, you
12 know, maybe they have a convention
13 once a month, maybe it's once every
14 two months. During COVID it was one
15 in two years. So if you don't
16 capture it when it's happening, you
17 can't appreciate it.

18 MR. RUSSILLO: Ordinarily it
19 may have been part of their process
20 that they would have analyzed for
21 their events. Ordinarily we would
22 not take in to consideration
23 extraordinary circumstances.

24 MR. DIGLIO: Okay. It's the
25 cycle. That's all.

2 One last question. So when
3 trucks are -- trailers are pretty big
4 vehicles, right. So when you're
5 going left out there toward that stop
6 sign where you're -- Unity Chevy
7 would be on your right, and you're
8 cued up at that sign, one of those
9 trucks is like three or four cars.
10 If you have two of those trucks, it's
11 even bigger. Is the cycle going to
12 have it so that it takes into
13 consideration when they're going out
14 it's controlled?

15 MR. RUSSILLO: That's the
16 beauty of it. The State has another
17 system, which is an adaptive system,
18 that actually predicts what's coming
19 up the road. It adjusts the timing
20 cycle to cycle to address that
21 anticipated traffic.

22 MR. DIGILIO: Okay. Thank you.
23 Thanks for your time.

24 MR. RUSSILLO: Sorry, Mr. Chairman.

25 CHAIRMAN EWASUTYN: That's fine.

2 That's the purpose of a public
3 hearing, questions and comments.

4 MS. CIRILLO: Can I say one
5 more thing?

6 CHAIRMAN EWASUTYN: What's the
7 rules? Someone else has an
8 opportunity --

9 MS. CIRILLO: Yes. If I could
10 possibly at the end. It won't take
11 more than a minute -- half a minute.

12 CHAIRMAN EWASUTYN: Please for
13 the record. For the record, Margaret
14 has a half a minute to speak.

15 MS. CIRILLO: Robert reminded
16 me of the situation with the stop
17 signs. There's a three-way stop
18 sign, so you have -- obviously
19 there's four corners, but there's
20 only three stop signs. It's very
21 confusing. That could be why your
22 daughter had that accident.

23 So I would think that if you
24 leave the three-way stop sign, you
25 should put on each stop sign

2 three-way stop, because the people
3 who don't have a stop sign -- you
4 know, it's very confusing. The
5 people coming from -- I don't know
6 what direction it is. Coming from
7 the light and coming up --

8 MR. DIGILIO: It's actually a
9 two-way stop. Morehead doesn't have
10 a stop sign.

11 MS. CIRILLO: I don't know
12 whose purview that is in the Town,
13 but that really should be addressed
14 because it is very dangerous, and
15 it's confusing, especially for the
16 people coming in for gas. They don't
17 actually live there, they don't
18 travel the street all the time like
19 we do. We know it so we know how to
20 avoid it. It's definitely a problem.
21 That's it.

22 CHAIRMAN EWASUTYN: Thank you.

23 MR. CIRILLO: Louis Cirillo
24 from 26 Lakeview Drive. I know all
25 of us from the Lakeview area

2 appreciate having the ability to have
3 public comment, so thank the Board
4 very much for this.

5 I wanted to mention, is this --
6 it's a little bit out of ignorance,
7 but I have done some reading, which
8 can be good or bad. Are we doing the
9 public hearing to support a State
10 Environmental Quality Review? The
11 reason I ask about it is because
12 reading into that, I've heard us talk
13 about SEQRA with other projects. Are
14 we doing it for this project? The
15 reason I say that is, when you look
16 at the standards, the project falls
17 into being analyzed that way because
18 the area of disturbance is over 10
19 acres, the facility is over 100,000
20 and Newburgh is under 100,000
21 residents. Are we in the SEQRA
22 process for this public hearing, does
23 that support it, or is it to
24 determine a positive or negative
25 determination, the positive

2 determination stating that this has
3 an adverse effect on our community?
4 I don't know if you want to answer it
5 or -- it seems like it fits.

6 CHAIRMAN EWASUTYN: Dominic
7 Cordisco, Planning Board Attorney.

8 MR. CORDISCO: This Board is
9 the lead agency for the environmental
10 review for this particular project.
11 I believe we have already adopted a
12 SEQRA negative determination. This
13 Board has previously done so. The
14 purpose of this public hearing is to
15 provide the public with an
16 opportunity to address the Board to
17 bring forward any additional
18 environmental concerns that the Board
19 may wish to consider as part of its
20 review of this project, and also
21 whether or not -- what conditions if
22 any approval and plan changes should
23 be required.

24 Once again, I think it's
25 helpful to remind the public that

2 this project in particular is located
3 in a zone where this project is
4 allowed. What I mean by that is that
5 they can apply for site plan review
6 and the Board's review authority over
7 this particular project is fairly
8 limited. It's only to determine
9 whether or not they comply with the
10 zoning requirements and whether or
11 not they've minimized their potential
12 environmental impacts. It's not to
13 say whether or not the project could
14 or should happen or not. This Board
15 simply doesn't have that kind of
16 authority.

17 So that said, it's still
18 important for the public to be able
19 to comment, because you bring forward
20 issues that the Board then can
21 attempt to address with the applicant.
22 That's where we're at in this process.

23 MR. HINES: If I may. Those
24 very items that you identified, the
25 100,000 square feet, the greater

2 than, caused this project to be a
3 Type 1 action under SEQRA. This
4 Board circulated for lead agency to
5 the other interested and involved
6 agencies, became lead agency and
7 performed a coordinated review with
8 the other agencies and determined
9 that there was going to be a negative
10 declaration. Again, now we're at the
11 public hearing and the Board is
12 listening to your comments to
13 determine if there are any other
14 impacts that haven't been addressed
15 that could possibly be.

16 MR. CIRILLO: Thank you. I
17 have follow-up comments. When we
18 talk about any other issues, for the
19 analysis has -- when we talk about
20 some of the runoff, I know last time
21 it was mentioned this doesn't run off
22 into the reservoir, but the one road
23 that comes off Old Little Britain,
24 will it have to be, even though it's
25 just for cars, pitched at a certain

2 angle for some of that runoff? I
3 know in earlier plans -- I myself
4 also tried looking for these online.
5 We didn't see them. It was a little
6 difficult. We were wondering if there
7 was any drainage to catch what comes
8 off from Old Little Britain. Only
9 because if it can go across the
10 street, you get into that drainage
11 ditch that goes into the reservoir.

12 MR. CAPPELLO: There has been a
13 full 100-page --

14 MR. HINES: Much more than a
15 100. Probably eight times that.

16 MR. CAPPELLO: -- analysis of
17 every drop of water going on and off
18 this parcel. It's been reviewed by
19 the Town's engineer, it's been
20 provided to the City of Newburgh's
21 engineering department as part of the
22 package. Before we start construction,
23 it will be on file with the DEC. It
24 meets all New York State DEC
25 guidelines. Every drop of water that

2 comes on this site and where it goes
3 off the site has been thoroughly
4 analyzed. Those records are at Town
5 Hall and it will be at the DEC. So
6 there has been a full SWPPP analysis
7 prepared by a professional engineer
8 and reviewed by at least two
9 professional engineers.

10 MR. CIRILLO: Does there need
11 to be any Title 5 permit for this
12 project at all?

13 MR. HINES: An air discharge
14 permit?

15 MR. CIRILLO: Yes.

16 MR. HINES: This does not meet
17 any of those thresholds.

18 MR. CIRILLO: Not with all the
19 vehicles that they were --

20 MR. HINES: Those are for
21 stationary sources, Title 5.

22 MR. CIRILLO: Earlier in the
23 project, I think it was in the
24 January meeting, one of the
25 presenters mentioned that possibly

2 electric cars could be stored in this
3 facility or brought in. Is this
4 facility set up to deal with a lot of
5 battery-contained vehicles, because
6 batteries have their own protection
7 type of design? Some of the cars
8 have been known to catch fire from
9 the batteries. Typically fire
10 departments let them burn out, but by
11 doing that they release -- because to
12 put water on it does not put out a
13 lithium battery fire. So how would
14 this -- is it designed to accommodate
15 if something should happen?

16 MR. CAPPELLO: The architect
17 provided and mentioned at one of the
18 meetings the standard of design that
19 this building was designed for. Any
20 use that came behind the standard
21 that would require something beyond
22 that may well have to come before the
23 Board. Jason.

24 MR. ANDERSON: Jason Anderson,
25 architect. Anything that is stored

2 within the building has to meet the
3 requirements. The type of building,
4 the construction, the size of it, all
5 of those are determined based on what
6 you're actually storing in there.
7 This is a low and moderate hazard
8 based on the way that it's currently
9 designed. Anything beyond that would
10 have to be a change to what is
11 currently here.

12 MR. CIRILLO: So you'd have to
13 resubmit?

14 MR. ANDERSON: Yes. That would
15 have to be another submission which
16 would probably start at the Building
17 Department and then be referred to --

18 MR. CAMPBELL: When they go for
19 the building permit to fit out for a
20 tenant, we would find out the
21 quantities and stuff that they are
22 storing. Everything will be designed
23 to that use, a sprinkler system,
24 alarm system, and whatever other
25 items may be necessary according to

2 the fire code.

3 MR. CIRILLO: Thank you. And
4 was any -- on earlier reviews it was
5 mentioned about endangered species.
6 There was a natural and a cultural
7 heritage analysis of this site done?

8 MR. CAPPELLO: An EAF was
9 provided. We checked the resources.
10 The information is on file with the
11 Town. It has been on file with the
12 Town for several months.

13 MR. CIRILLO: So in dealing
14 with some of the endangered species,
15 this project --

16 MR. CAPELLO: There are no
17 endangered species that have been
18 identified.

19 MR. CIRILLO: But this area has
20 Northern Long Eared -- I know it sounds
21 funny, Northern Long Eared Bats.
22 This is their area.

23 MR. CAPPELLO: If you have
24 Northern Long Eared Bats, there are
25 restrictions on the time you can cut

2 trees down. That is the restriction
3 on Northern Long Eared Bats. Any of
4 that identified -- if that habitat
5 was identified, the trees would have
6 to be cut down between November and
7 March.

8 MR. TRAINOR: I believe that
9 was included in our SWPPP. It also
10 notes what time of the year trees can
11 be cut.

12 MR. CIRILLO: Thank you very
13 much.

14 CHAIRMAN EWASUTYN: This gentleman.

15 MR. GALLAGHER: I have one more
16 follow-up question. Matt Gallagher,
17 409 Little Britain Road.

18 Understanding the comments on
19 the traffic analysis are not
20 including events of JW.org exiting,
21 it seems inconsistent with the prior
22 Board's request or directive for The
23 Enclave to consider the equine
24 facility and the traffic during one
25 of those events. Any potential for

2 comment on why that would be
3 important for one project but not
4 another?

5 CHAIRMAN EWASUTYN: Do you want
6 to respond to that?

7 MR. RUSSILLO: I'm not quite
8 sure how often they have the events.
9 Certainly when we put our reports
10 together, we know where the neighbors
11 are, where traffic ordinarily --
12 whatever their ordinary traffic is is
13 included into it. For this type of a
14 use and where it's located, you would
15 normally take the a.m. and p.m. peak
16 hours. If we were a retail facility,
17 like the BJ's, we also have a Saturday
18 peak hour. There are also communities
19 where there's a certain number of
20 residents that live there, and that
21 requires us to look at Saturdays as
22 opposed to Sundays. So it really
23 depends on where you are, what the
24 development type is that you're
25 proposing and when their impacts

2 would be associated with the adjacent
3 roadway network. In this case it's
4 the a.m. and p.m. peak hours. If the
5 Jehovah Witness facility operates at
6 Sunday at 2:00 and has an enormous
7 event, we would not ordinarily take a
8 look at that because it wouldn't
9 coincide with the operation of the
10 warehouse.

11 MR. GALLAGHER: A follow up
12 with that is, we've been informed at
13 other meetings there is no
14 restriction within the Town on what
15 normal operating hours would be at
16 this facility.

17 MR. CAPPELLO: But you have an
18 analysis based upon history of
19 warehouses and when typical
20 warehouses have truck traffic. If
21 people are working in there, that
22 doesn't necessarily mean trucks are
23 going there on Sunday at 2:00.
24 That's what the analysis takes, it
25 takes into account when the trucks

2 would be leaving -- when they
3 normally leave at a warehouse and,
4 you know, how that would correspond.

5 MR. RUSSILLO: There's also the
6 correlation of that with the adjacent
7 street peak hour traffic. You want
8 to layer that with when traffic is at
9 its peak on the roadway. You
10 wouldn't want a count at 10:30 to
11 11:30 and then put your traffic on
12 that because it would not be the
13 peak. What you want is the peak.

14 MR. GALLAGHER: Understood.

15 MS. OTLOWSKI: Erica Otlowski,
16 21 Lakeview Drive. I want to
17 piggyback on the noise concerns that
18 Nancy and Rob brought up. By using
19 that one driveway for both entrance
20 and exit for the trucks, you're
21 essentially doubling the noise and
22 pollution on the northern end of the
23 property, which affects those of us
24 on the northern end of Lakeview
25 Drive, which of course takes with it

2 the problem with the southern end.
3 That is a concern in addition to 17K
4 noise, in addition to the BJs that is
5 horrifically loud, like Rob said and
6 like I brought up last time.

7 I know there's talk about this
8 left turn that some people may or may
9 not have heard about. There's
10 already an entrance for passenger
11 vehicles off of Old Little Britain
12 Road. Would it make sense to have
13 all the passenger vehicles come in
14 that entrance so they're not even
15 using passenger vehicles into the
16 facility on Unity Place? Just a
17 thought.

18 CHAIRMAN EWASUTYN: Well taken.

19 MS. OTLOWSKI: Thank you. And
20 how many parking places are allocated
21 for passenger vehicles for employees?

22 MR. CAPPELLO: Whatever is
23 provided is provided to meet the
24 minimum standard required by the Town
25 code.

2 MR. TRAINOR: 83. Per code,
3 it's like 70 are required.

4 MS. OTLOWSKI: One of the
5 gentleman said 20, which seemed
6 awfully not enough for the --

7 MR. HINES: That was just for
8 the northerly most parking lot.

9 MS. OTLOWSKI: It's hard to see
10 the lines from back here.

11 Just to double what the
12 Cirillos said, there are a lot of
13 young families on Lakeview Drive,
14 mine included. My daughter turns
15 three months old this week and
16 there's another baby on the street.
17 I'm sure there's other babies on the
18 way. Please consider that. It's not
19 just older people. There's young
20 families there, too, that are
21 affected by the diesel, the noise,
22 any runoff and any other effects. I
23 know oh, it's 500 feet. 500 feet is
24 nothing. That's so close for a
25 warehouse.

2 Do we still not know any
3 prospective clients for this warehouse?

4 CHAIRMAN EWASUTYN: The applicant.

5 MR. CAPPELLO: Not at this time.

6 MS. OTLOWSKI: So we still
7 don't even know if anyone will want
8 to rent this space after building it?
9 Okay. Just wondering. Thank you.

10 CHAIRMAN EWASUTYN: Any additional
11 questions or comments from the public?

12 MS. CIRILLO: One more.
13 Margaret Cirillo, 26 Lakeview Drive.

14 Is this going to be a 24/7
15 facility? I guess you don't know
16 until somebody --

17 MR. CAPPELLO: It's designed
18 that it could be.

19 MS. CIRILLO: Okay. Thank you.

20 MR. CAPPELLO: It's not certain.

21 CHAIRMAN EWASUTYN: Any further
22 questions or comments from the
23 public?

24 MS. CIRILLO: Sorry. One more.
25 Where on the website exactly can we

2 find all of the findings, because
3 we're -- a few of us are kind of lost
4 and we couldn't find anything. Where
5 exactly --

6 MR. HINES: If you go on the
7 Town's website and go under meetings,
8 then you go under recent meetings or
9 -- the upcoming ones are listed. It
10 says agenda and other documents.
11 They're there.

12 MS. CIRILLO: We were looking
13 for, I guess, other documents in
14 follow up to the last meeting and we
15 couldn't find any. Are they posted
16 there?

17 MR. HINES: They're posted and
18 they're never removed. If you know
19 what meeting you were at, they keep
20 riding since 2008 I think.

21 MR. CORDISCO: All of the
22 documents discussed tonight as part
23 of the last submission are up on the
24 website for this particular meeting.

25 MS. CIRILLO: Thank you.

2 CHAIRMAN EWASUTYN: Additional
3 questions or comments from the public?

4 MR. CIRILLO: Lou Cirillo. How
5 does the housing project require an
6 EIS and this doesn't? It just seems
7 like an industrial project would be
8 something that -- like when we say
9 the noise is okay, the air is okay,
10 what level did they meet? Did they
11 meet the decibel level that the noise
12 isn't too bad? Did they meet the
13 emissions level? I agree you can't
14 stop a project or make a health
15 decision, but there's a scientific
16 level to things. Are they meeting
17 this? Do we know for a fact they're
18 meeting sound and air quality levels?
19 Can anyone answer that? That's my
20 last question.

21 MR. CORDISCO: I mean, the
22 Board evaluates each project based on
23 its potential impacts. For The
24 Enclave project, the applicant
25 suggested that they wanted to go

2 through an environmental impact
3 statement process.

4 That project itself does not
5 have ready access to sewer. You may
6 have heard me talk about that earlier
7 today. That project has to evaluate
8 different alternatives as a result of
9 that, because it's possible that
10 sewer may not be extended to serve
11 that project.

12 This project has sewer, it has
13 water available. Sewer is subject to
14 the City of Newburgh's acceptance of
15 that, but that's a technical
16 requirement that's pending.

17 As I said, this particular
18 project only requires site plan
19 approval. That's a result of the
20 zoning that has been in place for
21 this area of the Town for many years.
22 It's not something that this Board
23 has any jurisdiction over, to say
24 whether or not that's appropriate or
25 inappropriate. This Board has an

2 obligation to review the applications
3 that are before it, and also to
4 characterize them as to whether or
5 not they are either allowed in the
6 zone or there are significant hurdles
7 in order for them to move forward.
8 That's one difference between this
9 project and that one.

10 MR. CIRILLO: Thank you. They
11 meet the levels for the sound and the
12 -- they're below, let's say, too loud?

13 MR. HINES: So they have provided
14 a noise analysis that shows that they
15 do meet the Town's code for noise.
16 As a belts and suspenders, this Board
17 requested -- when I say post- construction,
18 it's post occupancy. When the site is
19 fully running is when the post-sound
20 monitoring will be undertaken.

21 CHAIRMAN EWASUTYN: Ma'am.

22 MS. CIRILLO: Diesel emissions,
23 how would that be tested?

24 CHAIRMAN EWASUTYN: Excuse me.

25 MS. CIRILLO: I'm sorry.

2 UNIDENTIFIED SPEAKER: Thank
3 you for recognizing me. One tough
4 question. How does this affect the
5 taxation on our area of the Town? Is
6 this a project that -- a project --
7 since we don't know who is going to
8 go in there, is this a project that
9 may deplete some of the tax resources
10 of our Town?

11 CHAIRMAN EWASUTYN: John.

12 MR. CAPPELLO: I would say this
13 probably will be the most tax
14 positive project for the Town.
15 Warehouses, whatever people have said
16 about them, are tax positive. This
17 will be a commercial ratable. It will not
18 generate any school children, which I
19 happen to like school children and
20 support them, but it is much more tax
21 positive than residential development.
22 That's why your zoning code looks to
23 seek a balance, to provide places for
24 people to live, to provide neighbors
25 and also places to have ratables.

2 That's why Unity Place was built.
3 That's why it was built at a standard
4 that cars can get in and out, trucks
5 can get in and out, without idling,
6 without causing traffic, without
7 causing carcinogens to go into the
8 road because they're stuck in traffic
9 and idling. They can get on and off
10 this road. They can get on the
11 Thruway and on 84. They are easily
12 accessed. That's why this project
13 was zoned this way. That's why Unity
14 Place was built to the standard it
15 was built at when it was built. So
16 that was taken into account. The
17 fiscal analysis, I think you will
18 see, is that the ratables here will
19 be very tax positive, and there will
20 be a benefit to the Town from that
21 aspect.

22 UNIDENTIFIED SPEAKER: Thank you.

23 MS. OTLOWSKI: When was it zoned as
24 a warehouse?

25 MR. CAPPELLO: It's zoned today

2 as a warehouse, when this application
3 was filed.

4 MS. OTLOWSKI: I mean when was
5 the land zoned as a warehouse?

6 MR. CAPPELLO: It's not relevant,
7 but --

8 CHAIRMAN EWASUTYN: I think that was
9 once brought up. It's been at least
10 twenty plus years.

11 MS. OTLOWSKI: My point was just
12 going to be, as Rob said, there's been
13 so much development since then. Would
14 that plan still be in existence
15 knowing there's the BJ's and Lowes and
16 Home Depot, et cetera, et cetera,
17 et cetera?

18 CHAIRMAN EWASUTYN: I don't
19 follow your question.

20 MS. OTLOWSKI: If they had
21 known that the area was going to be a
22 concrete jungle the way it is now,
23 would they have approved zoning this
24 as a warehouse, as it is with the
25 increased traffic and everything else

2 that's there now that was not there
3 when it was zoned this way, as the
4 plan referenced Lloyd's again, which
5 hasn't been Lloyd's since the `90s?

6 MR. CORDISCO: As the Chairman
7 mentioned, the zoning has been in
8 place for several decades. This is
9 in the IB Zone. It's Interchange
10 Business. It's been consistent.
11 That's been the law of the Town for
12 quite some time.

13 CHAIRMAN EWASUTYN: The gentleman
14 in the front.

15 MR. BARTON: Ron Barton. It was
16 zoned this way in 1985 when we bought
17 it. It's been 37, 38 years. I'm sure
18 it was years before that.

19 MR. CORDISCO: In 1985 I was
20 still in high school.

21 UNIDENTIFIED SPEAKER: I recall
22 they were going to put a motel on
23 that property many, many years ago.
24 I've known that it's been zoned that
25 way for quite a while.

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CHAIRMAN EWASUTYN: Any additional comments from the public?
(No response.)

CHAIRMAN EWASUTYN: I'll turn it over to the Planning Board Members. Frank Galli?

MR. GALLI: The project has been before us since 2021. We've gotten a lot of comments from the public. I think the developer has done above and beyond -- not above and beyond, but he's done everything he's been asked to. He's acquired more property. He's moved the driveway. He's got traffic that he can control. Little Britain Road, I travel that road every day because I live at Home Depot. I think he did a good job compared -- not only could a warehouse go in there, anything zoned IB could go in there. It could be a warehouse. It could numerous different things. It just happened to be a warehouse. I think warehousing

2 would be probably the least of a pain
3 in the area compared to some other
4 stuff that can go in there. I think
5 warehousing would be probably one of
6 the better things. I think he's done
7 a good job.

8 I'm glad that the public all
9 came out and gave us a lot of input.
10 They made a lot changes for themselves
11 in the neighborhood.

12 I just hope it works out after
13 they do the construction and they get
14 the right tenant in there and get
15 another noise study, that everything
16 is good. That's all I have.

17 CHAIRMAN EWASUTYN: Stephanie
18 DeLuca?

19 MS. DeLUCA: I would also like
20 to first thank the public for coming
21 out and asking some very good
22 questions. I really admire the way
23 you're thinking about your
24 neighborhood, and also the Town
25 itself.

2 I also want to say thank you.
3 I want to ditto what Frank has said.
4 The job that you've done was
5 extremely thorough and accommodating
6 to all of their concerns. We really
7 respect you for that. Thank you.

8 MR. DOMINICK: I echo Frank and
9 Stephanie. I want to thank each and
10 every one of you for coming out.
11 You've been here many times, and we
12 appreciate it. You gave some good
13 feedback here. The applicant, I hope
14 they answered your questions
15 thoroughly and honestly. I got the
16 feeling that they did and I'm very
17 appreciate. I appreciate that.
18 Thank you.

19 I also like that they tried to
20 reduce that truck traffic, that
21 tractor trailer traffic on Little
22 Britain Road, those little side
23 roads. I travel that road as well.
24 It looks like we're heading in the
25 right direction with that piece of

2 the traffic, especially tonight,
3 eliminating that and putting that
4 gate across there. I think that's a
5 big win for that area. Thank you.

6 MR. MENNERICH: I agree with
7 what the other Board Members have
8 said so far. I won't repeat those
9 things.

10 CHAIRMAN EWASUTYN: Cliff Browne?

11 MR. BROWNE: I agree with
12 everything that's already been said.

13 One of the things that's kind
14 of interesting is at one of the
15 earlier hearings we had on this
16 project, there was a comment about do
17 we really need this warehouse. The
18 answer is we created the need for the
19 warehouse. We do all the stuff
20 online, all the buying online. We
21 want everything delivered to us.
22 Consequently, a lot of developers are
23 developing warehouses to supply our
24 needs. We get what we got.

25 UNIDENTIFIED SPEAKER: We

2 didn't ask for this in our neighborhood.

3 CHAIRMAN EWASUTYN: John Ward?

4 MR. WARD: I want to thank the
5 public for their input, and at the
6 same time, with the applicant, they
7 went out of their way to listen to
8 everybody. For instance, they
9 purchased the other property just for
10 the entrance for the traffic. They
11 put in plug-in block heaters for
12 every diesel truck that parks there.
13 They won't idle overnight and
14 everything else. It's a big impact
15 that way. When you talk about the
16 air, that's a big factor. Thank you.

17 CHAIRMAN EWASUTYN: Further
18 questions from Code Compliance?

19 MR. CAMPBELL: No additional.

20 CHAIRMAN EWASUTYN: Starke from
21 Creighton, Manning?

22 MR. HIPPE: They addressed all
23 the comments we had.

24 CHAIRMAN EWASUTYN: Pat Hines
25 with MHE?

2 MR. HINES: I know the applicant
3 has our most recent comment letter.

4 I will work with contacting the
5 City of Newburgh to move the flow
6 acceptance letter along as best I
7 can. That's kind of a ministerial
8 act for them, but we do need that as
9 part of the approval process.

10 CHAIRMAN EWASUTYN: Dominic
11 Cordisco, advice to the Planning
12 Board Members?

13 MR. CORDISCO: One of the steps
14 that the Board could take tonight
15 would be to close the public hearing
16 in connection with this project. It
17 is the third night, as Mr. Cappello
18 pointed out, that this public hearing
19 has been continued.

20 The plans themselves were
21 submitted on or around May 4th, as
22 was previously discussed. As Mr.
23 Hines had mentioned, while they were
24 available at Town Hall, they did not
25 go up on the website until Tuesday of

2 this week. The Board may want to
3 consider -- you're not under an
4 obligation to, but you may want to
5 consider a written comment period so
6 that if anyone has any additional
7 comments as a result of their review
8 of the documents that are available
9 online, then they would have an
10 opportunity to provide those written
11 comments to the Board.

12 In any event, the Board is not
13 in a position to take any action on
14 this application tonight because the
15 sewer flow acceptance letter from the
16 City of Newburgh remains outstanding.
17 The inter-municipal agreement between
18 the Town and the City prevents this
19 Board from granting or considering
20 any approvals until that is received.
21 That's an important part of the
22 process.

23 One last thing I would suggest
24 is that we would -- if the Board is
25 inclined to close the public hearing

2 tonight, we would ask the applicant
3 to consent to an extension of the
4 time to make a decision regarding
5 this application. 185-58 A requires
6 that the Board render a decision
7 within 45 days of closing the public
8 hearing. We simply do not know when
9 the City's flow acceptance letter
10 will come. Rather than running into
11 a potential default approval or
12 default denial, or whatever the case
13 may be, my suggestion would be to --
14 if you're inclined to close the
15 public hearing tonight, to get the
16 applicant's consent that the 45 days
17 wouldn't start to run until the Board
18 receives the sewer flow acceptance
19 letter from the City of Newburgh.

20 MR. CAPPELLO: That's fine.

21 CHAIRMAN EWASUTYN: Would you
22 find it reasonable to close the
23 public hearing and allow for a 5-day
24 written period?

25 MR. CORDISCO: Of course.

2 CHAIRMAN EWASUTYN: Okay. Does
3 the Board consider that would be
4 reasonable?

5 MR. GALLI: I'll make a motion.

6 CHAIRMAN EWASUTYN: Let's one
7 more time have Dominic Cordisco,
8 Planning Board Attorney, review the
9 language with us as far as a motion
10 to close the public hearing, speak
11 about the 5-day time, and also the
12 extension for making a final decision.

13 Dominic.

14 MR. CORDISCO: So the motion
15 that would be before the Board would
16 be to close the public hearing
17 tonight but to accept written public
18 comment which has to be received by
19 the Board within 5 days, 5 days after
20 today, so that would be Tuesday, May
21 23rd. Those comments could be
22 submitted via e-mail or in writing
23 here at Town Hall. The Board will be
24 closing the public hearing with the
25 acknowledgement from the applicant

2 that the timeframe to render a
3 decision, which would normally be 45
4 days, has been extended by mutual
5 consent to not begin to run until the
6 Town receives the City's sewer flow
7 acceptance letter, whenever that may
8 be. That I think would cover the
9 motion.

10 MR. HINES: I just wanted to
11 clarify the address. It's 21 Hudson
12 Valley Plaza, where the Planning
13 Board is.

14 CHAIRMAN EWASUTYN: Thank you.
15 I thought about that.

16 MR. CORDISCO: Thank you. I
17 think of it as just one kind of
18 monolith.

19 CHAIRMAN EWASUTYN: Any further
20 discussion on the conditions that
21 Planning Board Attorney, Dominic
22 Cordisco, presented this evening,
23 starting with Frank Galli?

24 MR. GALLI: No.

25 MS. DeLUCA: No.

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MR. DOMINICK: No. I agree
with Dominic.

MR. MENNERICH: No.

MR. BROWNE: I'm good.

MR. WARD: No.

CHAIRMAN EWASUTYN: Can I have
a motion to close the public hearing
on the Unity Place Warehouse subject
to the conditions that were presented
by Dominic Cordisco, Planning Board
Attorney?

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 please
have a roll call vote starting with
Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you.

MR. CAPPELLO: Thank you very
much.

(Time noted: 9:28 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 5th day of June 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

MATRIX 1-84 DISTRIBUTION CENTER
(2022-29)

Route 17K
Section 86; Block 1; Lot 97
IB Zone

- - - - - X

BOARD BUSINESS

Date: May 18, 2023
Time: 9:29 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
JACALYN DeVALUE
STARKE HIPPI

- - - - - X

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

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CHAIRMAN EWASUTYN: Pat Hines has one item that he wants to present to us tonight.

MR. HINES: I was contacted by Langan Engineers, the engineers for the Matrix site. Matrix apparently has an interest by a tenant, and they want -- the tenant they have available wants the additional land banked parking.

This project had parking areas here for passenger vehicles that were land banked. It was actually for trucks in this area here. There was land banked parking for the passenger vehicles in this area.

The tenant is interested in the site and wants to build the land banked parking. It was included in all of the environmental reviews and the stormwater, SWPPP and grading. It was kind of an alternate plan on the approved sheets. This Board approved the land banked parking. Now they

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want to pull the trigger and not land bank it but construct it.

MR. GALLI: Cars?

MR. HINES: It's for trucks as well. It's the loading dock area and in the front here, and then there were some car areas. They just want to pull the trigger on that land banking.

MR. DOMINICK: Pat, you're talking about the larger building --

MR. HINES: Yes. There's a front building. This is the rear building that had the land banked parking.

MR. BROWNE: The land banked parking, that was excess parking?

MR. HINES: It's excess parking. It was extra truck loading/trailer storage parking that they had shown as excess parking, which is why they were allowed to land bank it. They have a tenant that says we want it, and they want to accommodate that

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tenant at this point while they're still in the construction phase.

I just wanted to let you know there may be some more construction activity.

I don't think it needs any additional approvals because it was included in the original resolution. I just wanted to let you folks know.

CHAIRMAN EWASUTYN: Okay. Would we consider this a field change?

MR. HINES: I think we're just going to authorize the construction of the land bank per the original approval.

CHAIRMAN EWASUTYN: Michelle, we'll make this part of the minutes for tonight's meeting.

Is the Board in favor of continuing on with the development of the land banked parking to now be developed?

MS. DeLUCA: Do you know who it is?

2 MR. HINES: I do not.

3 CHAIRMAN EWASUTYN: Is everyone
4 in favor?

5 MR. GALLI: Yes.

6 MS. DeLUCA: Yes.

7 MR. DOMINICK: Yes.

8 MR. MENNERICH: Yes.

9 CHAIRMAN EWASUTYN: Yes.

10 MR. BROWNE: Yes.

11 MR. WARD: Yes.

12 CHAIRMAN EWASUTYN: Let the
13 record show that everyone is in favor
14 of approving the release and the
15 construction of the land banked
16 parking.

17 MR. HINES: I will advise the
18 applicant.

19 CHAIRMAN EWASUTYN: Would
20 someone make a motion to close the
21 Planning Board meeting of the 18th of
22 May?

23 MR. GALLI: So moved.

24 MS. DeLUCA: Second.

25 CHAIRMAN EWASUTYN: Motion by

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Frank Galli. Second by Stephanie
DeLuca. Roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

(Time noted: 9:34 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 5th day of June 2023.

Michelle Conero

MICHELLE CONERO