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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  
Section 89; Block 1; Lots 66 & 69.1  
IB Zone

----- X

SITE PLAN

Date: June 1, 2023  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
JOHN A. WARD

ALSO PRESENT: PATRICK HINES

APPLICANT'S REPRESENTATIVES: DAVID EVERETT,  
KENNETH GRIFFIN, RAY AQUINO,  
CHUCK UTSCHIG & LAUREN McMAHON

----- 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 their meeting of the 1st of June 2023. We have two agenda items this evening and discussion of two Board business items.

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

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. WARD: Present.

MR. HINES: Pat Hines with MHE Engineers.

MS. CONERO: Michelle Conero, Stenographer.

CHAIRMAN EWASUTYN: At this time I'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

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MR. WARD: Please turn off your phones or on vibrate. Thank you.

CHAIRMAN EWASUTYN: The first item on the agenda this evening is Matrix I-84 Distribution. It's a sketch plan, project number 22-29, located on Route 17K. It's in an IB Zone. It's being represented by Langan Engineering.

MR. EVERETT: Good evening, Mr. Chairman, Members of the Board. For the record, my name is Dave Everett, land use and environmental counsel for Matrix. We have with us tonight, for the record, Ken Griffin who is a principal with Matrix; Ray Aquino, sitting behind him, who is the project manager for Matrix; and then from Langan we have Chuck Utschig and Lauren McMahon who are the civil engineers for the project.

The Board will recall we were back before you in December of last year for an initial sketch

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appearance. At that time the Board had authorized circulation for lead agency. I believe that has been taken care of. If the Board desires tonight, you could designate yourself lead agency for SEQRA for this project. I'll look to Pat to guide you on that.

The other thing that the Board had authorized us to do at the last meeting was to send out the neighbor notices. Those did go out as well, and we provided the affidavit of mailing to you.

The last thing, the Board was unable, at the last meeting, to issue a favorable recommendation on the project because we had a code issue that we still had to work out. That code issue was that we needed to provide a secondary emergency access road to the project to meet the fire code. We did meet with your consultants to discuss that since we

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met with you. We've also met with the adjacent property owner, Manheim, who has agreed to give us an emergency access easement, and that's on the amended sketch plan which we submitted to you for consideration for tonight. Lauren, with your permission, can kind of go over the changes that we've made to the plans since then.

If the emergency access road meets and is favorable to you folks, we'd like you to consider tonight the possibility of a favorable recommendation on the sketch plan so we can move to the next phase and get the detailed site plans and make all the studies and reports and everything else that Pat had asked us to do in his comment letter.

So with that, if it's acceptable to the Board, I'll have Lauren get up and go over the changes to the plan. Thank you.

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CHAIRMAN EWASUTYN: Thank you.

MS. McMAHON: So as Dave mentioned, we were here in December. Since then very minor changes have been made.

The building shifted slightly to the east.

We actually reduced some trailer parking.

The driveway entrance also shifted a little bit to the east. Those are really all the changes.

The emergency access road also, I'll blow it up. As Dave mentioned, we're working on an agreement with the Manheim property to use their property as an emergency access route, and we're working with them to come up with an acceptable plan on signage and striping, and to ensure that there are no vehicles or any type of blockage in this route.

The basics of the plan still remain the same. There are no

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wetlands impacts.

We've been working closely with the FAA and FAA consultant so that the building as is, the height it's designed at, we feel strongly that we'll submit that no determination letter in the future.

I think that's really all the changes. I can go over any questions that you might have.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: How are you going to keep cars from being in the access road with the agreement and all? With the guys parking the cars, they might not realize it, no matter how you do it.

MS. McMAHON: So right now the main path that we have taken is a drive aisle path. It's primarily a main path that stays open most of the time. There are some cars up in here, but Manheim has agreed to, you know, make sure that cars are not

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parking there. Like I said, we'll submit a detailed plan on how we're going to achieve that.

MR. EVERETT: We're going to work with Pat to try to figure out what's the best approach there. The thought right now is that there would be some striping clearly identifying it as a fire lane, in addition maybe some signage. All of that detail will get incorporated into the emergency access easement that we're working on with Manheim. We'll certainly provide that to you. Those are some of the discussions we want to have with Pat and the Board, certainly, about what's acceptable.

MR. WARD: A lot of times they don't even look at the striping. Maybe you want something up, like you said signage or something, to keep it from that.

MR. EVERETT: Right.

CHAIRMAN EWASUTYN: More out of



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curiosity, would there be a chain or a gate or anything at the emergency access or would it just be sort of open road for emergency access?

MR. EVERETT: Is there a gate at the top?

MS. McMAHON: There will be no gate up here. We could put one in.

CHAIRMAN EWASUTYN: I'm just asking, along 17K will there be something to keep people from using it on a regular basis? That's all.

MS. McMAHON: This will be open and cars in the lot would be using that on a regular basis.

CHAIRMAN EWASUTYN: And from what I understand, you're looking to land bank some parking?

MS. McMAHON: With this new site plan, there would not be land banked parking.

CHAIRMAN EWASUTYN: They're no longer land banking.

MR. HINES: You had the alternative.

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MS. McMAHON: Not with this new plan, because the building had to shift and we actually had to decrease some of the trailer spaces. The alternatives that we were proposing on the previous plan no longer work with this layout.

CHAIRMAN EWASUTYN: Okay. That's all the questions I have.

MR. MENNERICH: Would your agreement with Manheim cover snow removal?

MR. EVERETT: Yes.

MS. McMAHON: Yes.

MR. EVERETT: Right now it requires Manheim to conduct the snow removal. If they don't, then Matrix has the ability to do it and then charge them back.

MR. MENNERICH: Okay. That's all.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No. No further questions.

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CHAIRMAN EWASUTYN: Is there anything else you'd like to cover this evening?

MR. EVERETT: Nothing else at this point, Mr. Chairman.

CHAIRMAN EWASUTYN: All right. So Dave Everett had suggested, if the Board is so willing, we would have two motions. One would be to declare lead agency. The second motion, that we make a favorable recommendation for the site plan.

MR. HINES: That's under Section 185-57 B(2) which states the Planning Board shall review the sketch plan and related documents and shall render either a favorable report or an unfavorable report to the applicant. A favorable report in no way implies immediate or eventual approval, it's merely intended to convey to the applicant the relative assurance that the development as conveyed is basically conforming to

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the master plan of the Town. So there's no approval here, but that is a process in your sketch plan approval in the zoning. I know Dominic has recommended that we do that on these projects.

CHAIRMAN EWASUTYN: Thank you.

Any questions on that statement from Pat Hines?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Would someone make a motion to again declare lead agency and to issue a favorable recommendation on the site plan for the Matrix I-84 Distribution Center?

MR. WARD: So moved.

MS. DeLUCA: Second.

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

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Motion  
carried.

Do you want to cover anything  
else?

MR. HINES: I did provide the  
Board with a list of recommended  
studies. I think they've  
acknowledged that those are the ones  
they're intending to do as well.

The Manheim auction currently,  
I believe, uses vehicles to block  
their gates at night. It's rather a  
unique procedure they do. It's  
something we're going to have to work  
through. I don't know if there are  
humans sitting in those vehicles, but  
-- they do have security, but they  
block their road with their vehicles  
at night. That may not function well  
as your emergency access. We will  
work through that and the delineation

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of that as the project moves forward.

I think the Town might have to have some kind of -- be party to that easement for enforcement, because we don't have any nexus to the Matrix site plan. As Dominic and you work through that, there may be a need to bring them in.

MR. EVERETT: That's absolutely fine.

MR. HINES: We don't have any connection with Manheim, only you guys do. We would have no ability to enforce that if it wasn't on their site plan.

We did look at the bulk table that you provided for Manheim. We were concerned that with the transfer of property, you may exceed lot coverage, but that is not the case. Even with the loss of the property that's being part of the lot line change, they still meet lot coverage.

That's all we have. I know the

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applicants have the rest of our  
comments.

MR. EVERETT: We'll respond to  
those comments in writing and make a  
full site plan submission and SEQRA  
submission for the Board's  
consideration.

Thank you, all.

(Time noted: 7:09 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 13th day of June 2023.

*Michelle Conero*  
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MICHELLE CONERO



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

- - - - - X  
In the Matter of

MKJC REALTY, LLC  
(2023-11)

NYS Route 32  
Section 35; Block 3; Lot 3.32  
B Zone

- - - - - X

SITE PLAN

Date: June 1, 2023  
Time: 7:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
JOHN A. WARD

ALSO PRESENT: PATRICK HINES

APPLICANT'S REPRESENTATIVES: JOHN QUEENAN  
& CHARLES BAZYDLO

- - - - - X

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CHAIRMAN EWASUTYN: Our second item of business this evening is MKJC Realty, LLC. It's an initial appearance for a site plan located on New York State Route 32. It's in a B Zone. It's being represented by Lanc & Tully.

MR. QUEENAN: Good evening, everyone. John Queenan with Lanc & Tully Engineering. Also here with me is Charles Bazydlo, counsel for the applicant.

We're before you tonight with a new site plan submission for property located on Route 32, approximately 500 feet southwest of the intersection of Route 300. The Route 300 intersection would be right here, coming down 32. The property is located in the frontage on 32. It's about 1.5 acres in size, or a little over. It's actually in front of the recently built storage units, CBPS, that was before the Board, I think a

2 couple years ago.

3 Existing right now -- the aerial  
4 isn't updated for the new improvements,  
5 but there's a full access driveway  
6 that was built for the storage units.  
7 That's been installed. We will be  
8 using that through a common cross-  
9 access agreement to connect.

10 The proposal provides and we're  
11 proposing a 10,000 square foot, two-  
12 story retail office building. We  
13 don't have any set tenants just yet.

14 We ran the site plan in two  
15 versions, one for an office and one  
16 for a retail use.

17 It's two stories, just for the  
18 look of the building. The second  
19 floor would be used for storage. The  
20 tenants would be on the first floor  
21 of the building.

22 The way the site plan has been  
23 designed, coming into the existing  
24 driveway, we provided a one-way, what  
25 we call a catch driveway entrance.

2 You're coming in, you can come down.  
3 This is a one-way access aisle across  
4 the front. There's parking on both  
5 sides. This loops around to the side  
6 and to the back here. We brought  
7 another parking area with two-way  
8 circulation around in this fashion,  
9 and then a full access driveway lower  
10 on the existing drive coming off, and  
11 then you can come back out in that  
12 regard.

13 We provided our ADA spaces.

14 We've taken a look at the  
15 sewage disposal system and have done  
16 some preliminary testing. That would  
17 be located in this proximity here.

18 The building would be serviced  
19 by a water connection from Route 32.

20 We meet all the bulk requirements  
21 for the B Zone for this type of use.

22 We are providing 77 parking  
23 spaces. We ran the calculations  
24 fully for office, fully for retail.  
25 Retail requires 67, so we are

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slightly over with 10 extra spaces at 77. I didn't want to cut myself short in case there are other applications. There's a little more parking than we need. If it's a full retail use, we feel that extra parking may be necessary just for the peaks.

MR. HINES: We've seen that issue where restaurants move into these facilities and it increases the parking demand. It helps to provide more. We've had that happen.

MR. QUEENAN: This is all basically open. We could add more spaces here, but we felt basically almost 10 percent over was adequate enough.

That's essentially the initial site plan application. It's not uncommon for the rest of the corridor here.

CHAIRMAN EWASUTYN: We'll start out, if the Board is okay, Pat, with

2 your questions and comments.

3 MR. HINES: Our first one just  
4 describes the project is on 1.5  
5 acres.

6 The front yard setback in the  
7 bulk table is 60 feet. You meet it.

8 MR. QUEENAN: You always get me  
9 on that.

10 MR. HINES: It's hidden in the  
11 code.

12 MR. QUEENAN: My guys go to the  
13 bulk table and they never catch it.

14 MR. HINES: I think Ken Wersted  
15 should look at that right-turn lane.  
16 It's very close to the intersection.

17 MR. QUEENAN: Ken sent me some  
18 comments about an hour ago. He  
19 seemed to indicate he was okay with  
20 it.

21 MR. HINES: That's fine. It's  
22 just very close to the State highway.

23 I think it would be appropriate  
24 for the Board to declare lead agency.  
25 We would circulate to the other

2 agencies, including the DOT.

3 As you mentioned, it's an  
4 existing commercial driveway. I  
5 assume there's an easement in favor  
6 of those parcels, or will be.

7 MR. BAZYDLO: There will be.  
8 There will be, yes.

9 MR. HINES: That will be  
10 required with maintenance agreements.

11 The building will be required  
12 to be sprinklered under the Town's  
13 Code. I don't think it would need it  
14 for the New York State Code, but the  
15 Town Code is more stringent.

16 The parking in the front  
17 doesn't meet the design guidelines.  
18 The Board typically requires  
19 mitigation, either some additional  
20 screening, fieldstone walls. That  
21 needs to be resolved. The design  
22 guidelines recommend no parking in  
23 the front.

24 Your EAF, just for the Board,  
25 identifies it in the Chadwick Lake

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reservoir critical environmental area. It is not. It's just close enough that the DEC's website filled it in.

Your building height says 35 feet. I don't know if it's really going to be 35 feet. If it's over 30, it needs the 26-foot wide access aisles.

MR. QUEENAN: We haven't worked up the architecturalals yet. We'll probably be below the 30.

MR. HINES: That's measured along the parallels of the frontage.

MR. QUEENAN: Yup.

MR. HINES: I don't know how much grade is on that site.

MR. QUEENAN: It's fairly -- maybe it's got a 2 percent pitch.

MR. HINES: Again, no finished floor elevations are provided.

We're going to look to have the CBPS site improvements shown on the plan so we can see where those are.



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We did note that there's a septic system.

The storage place has a well. I just don't remember where that landed. If you can show that in relation to the septic system.

MR. QUEENAN: Sure. I think the septic for them is right here.

MR. HINES: The well is on the other side.

Stormwater will need to be addressed.

The EAF wasn't signed.

Landscaping and ARB.

A field survey.

The Tree Preservation Ordinance should be documented, but I don't know if there are any trees on the site. The problem being, if you have one tree and cut it down, you're at a hundred percent tree removal.

MR. BAZYDLO: That would be unique. I don't think there's a tree on the site.

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MR. QUEENAN: There's a road down here and then in the back.

MR. HINES: We have to check the box. That's what we had.

I think the Board should declare its intent for lead agency and we can circulate.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Like on Route 32, when we were talking for parking, we do like a stonewall along 32.

MR. QUEENAN: Okay.

MR. WARD: 24 inches usually is the height.

MR. QUEENAN: If you've driven by, they started to do some sort of sign there. I think that's a type of stonewall.

MR. WARD: That's the next question. With the signage, establish it for the future, whether it's retail or whatever it is, plus the storage place in the back. Right now you've got a huge sign flapping in

2 the wind. You know what I'm trying  
3 to say.

4 MR. QUEENAN: Yes.

5 MR. WARD: All right. And the  
6 parking lot striping, lit,  
7 blacktopped and handicap parking, put  
8 it on the plan, please.

9 MR. QUEENAN: I do show two  
10 handicap here.

11 I will get to the lighting,  
12 obviously.

13 CHAIRMAN EWASUTYN: Ken Mennerich?

14 MR. MENNERICH: No questions at  
15 this time.

16 CHAIRMAN EWASUTYN: Stephanie?

17 MS. DeLUCA: I have no questions  
18 either.

19 CHAIRMAN EWASUTYN: Okay.

20 Would someone make a motion for the  
21 Planning Board to circulate for lead  
22 agency for the MKJC Realty site plan?

23 MR. MENNERICH: So moved.

24 MS. DeLUCA: Second.

25 CHAIRMAN EWASUTYN: I have a

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

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Thank you.

MR. QUEENAN: Thank you for having us tonight.

MR. BAZYDLO: Thank you.

(Time noted: 7:18 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 13th day of June 2023.

*Michelle Conero*  
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MICHELLE CONERO

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

- - - - - X  
In the Matter of

PATTON RIDGE SUBDIVISION  
(2012-18)

Request for a Six-Month Extension  
from June 1, 2023 to December 1, 2023

- - - - - X

BOARD BUSINESS

Date: June 1, 2023  
Time: 7:20 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
JOHN A. WARD

ALSO PRESENT: PATRICK HINES

- - - - - X

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

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CHAIRMAN EWASUTYN: We have two items of Board Business this evening. Ken Mennerich will read the first item of Board Business, which is the Patton Ridge Subdivision, project number 2012-18.

Mr. Mennerich.

MR. MENNERICH: The letter is dated May 18, 2023, addressed to John Ewasutyn, Chairman, Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York 12550, regarding Patton Ridge Subdivision, Patton Road and New York State Route 52, Town of Newburgh Tax ID 47-1-44. Their project is number 05191.0. The Town of Newburgh Board project is 2012-18. "Dear Chairman Ewasutyn, kindly let this letter serve to request an extension of the conditional final subdivision approval that was granted to the Patton Ridge project on April 7, 2022 and subsequently filed with the Town Clerk on May 23, 2023.

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As you are aware, we are today submitting a draft of all documents we believe necessary to satisfy the approved conditions. Once the documents are reviewed by the Town and found to be acceptable, the applicant is prepared to execute same and remit all necessary bonds and fees. In consideration of the foregoing, the applicant requests an extension of the initial six-month conditional approval which would have taken effect on November 23, 2022, and extend it through August 23, 2023, which is approximately ninety days from now. It is the applicant's hope that the conditions can be fully satisfied and maps signed within that time. Should you have any questions or comments, please feel free to contact our office. Respectfully,  
Kirk Rother, PE."

CHAIRMAN EWASUTYN: Pat,  
everything is moving along with this



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project?

MR. HINES: Yes. They're down to the wire here. They're working out some of the final conditions of approval. They're very close to being complete.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: No comment.

MR. MENNERICH: Our extension, I guess what we're going to be voting on, is to extend it from June 1, 2023 to December 1, 2023.

CHAIRMAN EWASUTYN: June 1st to December 23rd?

MR. MENNERICH: December 1, 2023.

MR. HINES: John, I've been following up with letters to the applicants when we do these extensions, just for tracking.

CHAIRMAN EWASUTYN: Very good. Stephanie, any questions?

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Then would

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someone move for a motion to grant  
Patton Ridge, project number 2012-18,  
an extension from the 1st of June  
2023 to the 1st of December 2023?

MR. WARD: So moved.

MS. DeLUCA: Second.

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

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

(Time noted: 7:23 p.m.)

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

- - - - - X  
In the Matter of

LOCAL LAW AMENDING CHAPTER 172

TREE PRESERVATION & PROTECTION

- - - - - X

BOARD BUSINESS

Date: June 1, 2023  
Time: 7:24 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
JOHN A. WARD

ALSO PRESENT: PATRICK HINES

- - - - - X

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CHAIRMAN EWASUTYN: The next item on the agenda is the local law amending Chapter 172 entitled Tree Preservation & Protection, a discussion.

Pat Hines.

MR. HINES: The Town, as the Board is aware, adopted a local law, Chapter 172 of the Zoning Code, Tree Preservation.

In receiving several applications under the law, the Town Board received concerns from people about the number of trees on some sites that needed to be marked, delineated, surveyed on the map, that there was a great amount of effort needed to accomplish that.

The Board asked myself, Jim Presutti and Mark Taylor to take a look at the ordinance to see if we could have it continue to function as it was planned and maybe alleviate some of that.

2 The thought came up that we  
3 would do sample plots on the sites.  
4 Rather than counting every tree on  
5 the sites, that you would do a half-  
6 acre plot for every 5 acres of  
7 land and then extrapolate that tree  
8 count across the land.

9 The ordinance was revised that  
10 they should submit a sketch plan of  
11 the sample plot locations so we can  
12 tell that they're not picking areas  
13 that don't have a lot of trees, that  
14 they're evenly distributed, and then  
15 that would save a lot of effort and  
16 actual field surveying. When you  
17 start field surveying every tree on a  
18 site, it's hours, days and thousands  
19 and thousands of dollars. Actually,  
20 the survey and the processing of the  
21 ordinance would be well in excess of  
22 what would be required for the tree  
23 replacement under the ordinance.  
24 There was kind of that disconnect  
25 there. Also, the number of trees

2 were kind of astronomical on some  
3 sites.

4 The Board asked us to increase  
5 the diameter of the specimen trees,  
6 which went from 20 inches to 24  
7 inches, and the protected trees,  
8 which went from 10 inches to 14  
9 inches, basically adding 4 inches  
10 diameter. It doesn't sound like a  
11 lot, but in this part of the state,  
12 trees, you know, as they increase  
13 in diameter that big, it will  
14 lessen the number of trees that are  
15 needed to be identified, tagged and  
16 marked. The big tree requirement  
17 still stays there. All the trees 24  
18 inches in diameter must be marked  
19 regardless if they are outside of  
20 sample plots. The thought there was  
21 that they would be obvious. As  
22 someone goes through the land, they'd  
23 be identifying trees that are greater  
24 than 24 inches. That's relatively  
25 easy and there wouldn't be a whole

2 lot of them on the site.

3 There were some clean-up  
4 items that we found when the Town  
5 adopted the law that we left out some  
6 of the details for. To supply to the  
7 Department of State for filing.  
8 Those will be added now. There were  
9 some other clean-up items that were  
10 revised.

11 The gist of the changes are  
12 allowing for the sample plots and the  
13 increase in diameter of trees.

14 CHAIRMAN EWASUTYN: Questions.  
15 John Ward?

16 MR. WARD: No questions.

17 CHAIRMAN EWASUTYN: So it's  
18 from 10 inches to 14 inches?

19 MR. HINES: Yes.

20 CHAIRMAN EWASUTYN: The specimen  
21 trees are still 24 inches?

22 MR. HINES: It went from 20 to  
23 24. All of those need to be marked,  
24 even outside the sample plots.

25 CHAIRMAN EWASUTYN: Now we have



2 the half-acre plot. Okay.

3 Ken Mennerich?

4 MR. MENNERICH: Pat, you met  
5 with several projects concerning this  
6 new law?

7 MR. HINES: We did.

8 MR. MENNERICH: What were the  
9 opinions?

10 MR. HINES: It was almost a  
11 training class for our frequent flyer  
12 representatives in the audience.  
13 Karen, myself, and we invited Jim  
14 Presutti. I was going to do that and  
15 John suggested it as well. Jim  
16 Presutti made himself available to  
17 sit through that as well. We walked  
18 through a couple of the projects and  
19 through the Tree Preservation Law  
20 with the counting of the trees, the  
21 percent removals, either the  
22 replacement requirement or the  
23 payment in lieu of reforestation. I  
24 think it was kind of a training  
25 course. John Queenan was one of

2 them. Ross Winglovitz was one of  
3 them. Kingdom Hall did not show up  
4 that day. It was a good exercise, I  
5 think, for the consultants and for  
6 the applicants as well to walk  
7 through and get -- there were a lot  
8 of opinions on how things should be  
9 done between the applicants and Jim  
10 and I who worked on the ordinance,  
11 and Karen who was doing some of the  
12 reviews. It was good to walk through  
13 those.

14 It noticeably changed my mind  
15 when we calculated the cost. The  
16 costs aren't that excessive. Karen  
17 had noted that in the landscape  
18 world, trees are very expensive. Jim  
19 reminded her that when they're  
20 reforesting, they're not planting 2.5  
21 diameter trees, they're planting  
22 seedlings that will grow up. You can  
23 buy a lot of seedlings relatively  
24 cheap. We're not planting landscape-  
25 size trees that would be in the

2 hundreds of dollars each.

3 CHAIRMAN EWASUTYN: It sounds  
4 reasonable.

5 Stephanie?

6 MS. DeLUCA: Two questions.  
7 One, is there any need for  
8 enforcement on the trees, making sure  
9 that they are not cut down after the  
10 project is --

11 MR. HINES: There are  
12 provisions in there. There's post-  
13 construction inspections as well as  
14 the ordinance does require that once  
15 your project -- any site plan, once  
16 your project is done, you can't just  
17 go out and wholesale cut trees again.  
18 You'd be back here for a clearing and  
19 grading permit if you wanted to do  
20 that. The ordinance does have that.  
21 There are security requirements and a  
22 two-year out inspection.

23 One of the things we did notice  
24 on both of the plans we reviewed is  
25 when they're marking the trees, they

2 were using the Auto CAD, the computer  
3 software, to put the tree canopies  
4 on, and they weren't really to scale,  
5 because you pick the tree, the symbol  
6 in the Auto CAD, and it would drop  
7 them on there. We did tell them,  
8 because as you're looking at the  
9 grading plans and the canopy, it  
10 looks like the trees were being all  
11 impacted. The canopies were not to  
12 scale, they were just kind of plopped  
13 on there. We did discuss that as  
14 well, to have people adjust the scale  
15 and their symbols to show the trees  
16 so they're reasonably the size of the  
17 canopy of the tree in relation to the  
18 grading.

19 MS. DeLUCA: Okay. And then  
20 the second question, kind of along  
21 the lines with that is, do the  
22 aluminum nails and the markings stay  
23 on the trees or are they removed?

24 MR. HINES: There's no need to  
25 remove them. They don't impact the

2 tree. We've had people do them using  
3 numbered ribbons. We're being  
4 flexible with that. The Kingdom Hall  
5 used numbered ribbons, which was a concern  
6 because they were very visible. We  
7 heard from the neighboring properties  
8 that they marked all the trees and they're  
9 going to cut them all. No. They marked  
10 all the trees as part of their tree  
11 survey, and those are not necessarily  
12 being cut. I think there's flexibility in  
13 the methods of doing that. The markers  
14 aren't all that expensive. They're  
15 available from various forestry suppliers.  
16 It's not an unusual request. It is  
17 critical that they use aluminum nails,  
18 otherwise every tree loses its value  
19 that you put a steel nail in.

20 CHAIRMAN EWASUTYN: The  
21 advantages of planting whips as to  
22 say a 2-inch caliber tree is -- the  
23 example being, if you go to CVS  
24 pharmacy, the 2-inch caliber trees  
25 that were put in are dead and now you

2 just have the posts there.

3 MR. MENNERICH: A skeleton.

4 CHAIRMAN EWASUTYN: Here lies  
5 what would have been a beautiful maple.

6 MR. HINES: So this was referred to  
7 you by the Town Board as a requirement of  
8 adopting the local law. They are looking  
9 for this Board's input on whether you  
10 have any comments or suggested changes.  
11 I think the input of both of your  
12 consultants, and with Jim Presutti  
13 involved, I think it's evolving into  
14 a more effective law.

15 MR. WARD: How is the reaction  
16 with, say, Ross and everybody?

17 MR. HINES: The sample plots  
18 are being received by the applicants  
19 very well. It's so costly that we  
20 have applicants that are waiting to  
21 see what the Town is going to do,  
22 where normally it's like we're going  
23 to proceed, we don't care what it  
24 costs. It's that costly to have a  
25 surveyor hand survey. It's not

2 something you can use an aerial  
3 survey for. It has to be -- you're  
4 doing them when the canopy is on.  
5 You have to literally survey each  
6 individual tree, and you're in the  
7 thousands on some of these sites.

8 MS. DeLUCA: Is there one  
9 person doing that per project? I  
10 mean, is there someone specifically  
11 assigned to surveying the --

12 MR. HINES: The applicants are  
13 doing that. They're having tree  
14 professionals. Your ordinance  
15 identifies that as a certified  
16 arborist, forester or landscape  
17 architect. They're going out doing  
18 the numbering, assigning the numbers  
19 on the trees, and then subsequent to  
20 that, a surveyor has to go out and  
21 survey tree number 52, tree number  
22 53, tree number 4,270 and --

23 MR. WARD: It's a process.

24 MR. HINES: -- actually put  
25 them on the plans.

2 MS. DeLUCA: Got you. Okay.

3 MR. HINES: That becomes very  
4 costly when you have a surveyor on your  
5 site for a week and a half or two weeks.  
6 The marking of the trees seems reasonable  
7 by the tree experts to the tune of \$300  
8 to \$400 an acre, but the ground  
9 surveying is much more than that, --

10 MS. DeLUCA: Thank you.

11 MR. HINES: -- which is why the  
12 sample plot helps. You're surveying  
13 5 percent of the site.

14 MR. MENNERICH: As far as the  
15 letter that went to the Planning  
16 Board from the Town Board, did that  
17 come from Dominic or --

18 MR. HINES: Yes. I think I  
19 would suggest I'll talk to Dominic  
20 and help him with the discussion we  
21 had tonight. He'll have the minutes,  
22 obviously.

23 MR. WARD: One question. How do  
24 you pick the one area, or do they pick?

25 MR. HINES: So the new ordinance



2 with the sample plot says they have  
3 to provide a sketch plan aerial photo  
4 depicting the areas of those for  
5 approval. We would tell them to take  
6 a look at that and say this looks  
7 reasonable. We don't want them  
8 picking areas with nothing in them.  
9 Actually, it would hurt them. When  
10 you pick an area with nothing in it,  
11 your percentage of removal goes up.

12 The site before us tonight, the  
13 Matrix site, has a large open meadow  
14 area that has no trees. That  
15 wouldn't be part of the sample plot.  
16 Those areas are excluded from the  
17 count. The areas with no trees are  
18 taken out of the acreage.

19 MR. WARD: That's good.

20 CHAIRMAN EWASUTYN: All right.  
21 Would someone make a motion to have  
22 Pat Hines speak with Dominic  
23 Cordisco, then have Dominic prepare a  
24 letter to the Town Board based upon  
25 our discussion this evening?

2 MR. WARD: So moved.

3 MS. DeLUCA: Second.

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

9 MS. DeLUCA: Aye.

10 MR. MENNERICH: Aye.

11 CHAIRMAN EWASUTYN: Aye.

12 MR. WARD: Aye.

13 CHAIRMAN EWASUTYN: Motion carried.

14 Would someone make a motion to  
15 close the Planning Board meeting of  
16 the 1st of June?

17 MS. DeLUCA: So moved.

18 MR. MENNERICH: Second.

19 CHAIRMAN EWASUTYN: I have a  
20 motion by Stephanie DeLuca and a  
21 second by Ken Mennerich. May I  
22 please have a roll call vote starting  
23 with John Ward.

24 MR. WARD: Aye.

25 CHAIRMAN EWASUTYN: Aye.

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MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

(Time noted: 7:34 p.m.)

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