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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)

NW Corner of Old Little Britain Rd & Unity Way
Section 97 Block 2; Lots 14.1 & 19.12
IB Zone

----- X

SITE PLAN

Date: July 20, 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
KAREN ARENT
STARKE HIPPE

APPLICANT'S REPRESENTATIVES: MICHELE BABCOCK,
PHILIP GREALLY, MATTHEW TRAINOR,
JASON ANDERSON & ELIOT SPITZER

----- X

MICHELLE L. CONERO
Post Office Box 816
Dover Plains, New York 12522
(845) 541-4163

2 CHAIRMAN EWASUTYN: Good evening,
3 ladies and gentlemen. The Town of
4 Newburgh Planning Board would like to
5 welcome you to their meeting of
6 July 20, 2023. We have three agenda
7 items and one board business item.

8 At this time I'll start the
9 meeting with a roll call vote.

10 MR. GALLI: Present.

11 MS. DeLUCA: Present.

12 MR. DOMINICK: Present.

13 MR. MENNERICH: Present.

14 CHAIRMAN EWASUTYN: Present.

15 MR. BROWNE: Present.

16 MR. WARD: Present.

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

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

21 MS. CONERO: Michelle Conero,
22 Stenographer.

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

25 MS. ARENT: Karen Arent,

2 Landscape Architectural Consultant.

3 CHAIRMAN EWASUTYN: At this
4 time we'll turn the meeting over to
5 Karen.

6 Karen, would you lead us in the
7 Pledge?

8 (Pledge of Allegiance.)

9 CHAIRMAN EWASUTYN: The first
10 item on the agenda is Unity Place
11 Warehouse, project number 21-29.
12 It's here tonight for ARB and site
13 plan. It's located on the northwest
14 corner of Old Little Britain Road and
15 Unity Way. It's in an IB Zone. It's
16 being represented by Brooker Engineering.

17 MS. BABCOCK: Good evening. My
18 name is Michele Babcock. I'm from
19 J&G Law, here on behalf of John
20 Cappello who usually appears before
21 you. With me tonight is the Applicant;
22 Traffic Engineer Phil Grealy; Traffic
23 Engineer Matthew Trainor; as well as
24 Jason Anderson, the Architect.

25 It's my understanding that at

2 the last meeting the Board did go
3 ahead and close the public hearing.
4 We have received several comment
5 letters from your consultants. We're
6 here tonight, ready to respond to
7 those if you'd like.

8 If I may, I'll turn it over to
9 Phil Grealy to start to address those
10 comments.

11 DR. GREALY: Good evening.
12 Philip Grealy.

13 Just to bring the Board up to
14 date, we did receive comments from
15 your traffic consultant, CME. We
16 have no problem with those comments.
17 We can reduce the radius on the
18 driveway on Little Britain Road to
19 accommodate that.

20 In terms of where we are with
21 DOT, we have certain improvements
22 that DOT is requiring. We'll
23 incorporate those into the final plan
24 set. Basically those include some
25 striping and signal improvements at

2 Old Little Britain Road and Route
3 300, as well as intersection
4 modifications at 17K and Unity Place,
5 improvements to the turning radii at
6 the intersection.

7 There was a question relative
8 to -- we had originally talked about
9 some improvements at the intersection
10 of Old Little Britain Road and Unity
11 Place. That was partially due to the
12 previous configuration. If the Board
13 still desires those, we will take
14 care of the radius improvements
15 there, but I don't think that's
16 required.

17 Then with the new access
18 scheme, some of the other level of
19 service impacts were actually
20 improved, as this plan shows.

21 We'd be happy to answer any
22 other questions. We have no issue
23 with any of the comments we received.

24 CHAIRMAN EWASUTYN: Comments
25 from the Board. John Ward?

2 MR. WARD: The radius down on
3 Little Britain Road and Unity Place,
4 I'd like to see the curb. I
5 emphasize that because it doesn't
6 matter if trucks are going in or not.
7 They do cut with trailers and
8 everything else. If you're going to
9 have it there, make it a curb.

10 DR. GREALY: That's fine.

11 MR. WARD: Thank you.

12 DR. GREALY: We'll take care of
13 that. That involves work near the
14 hydrant and everything. We'll take
15 care of that.

16 MR. WARD: Thank you.

17 CHAIRMAN EWASUTYN: Cliff Browne?

18 MR. BROWNE: I have nothing
19 more at this point. Nothing.

20 CHAIRMAN EWASUTYN: Ken Mennerich?

21 MR. MENNERICH: Nothing.

22 CHAIRMAN EWASUTYN: Dave Dominick?

23 MR. DOMINICK: I agree with
24 what John said about the improvement
25 to the curb.

2 In addition to that, I saw your
3 comments about the bar for truck
4 vehicles will not be feasible due to
5 emergency vehicles, the height
6 requirement and limited access. Your
7 other response to that was to have
8 Code Compliance do the enforcement.
9 Code Compliance is very overwhelmed
10 now. What can we do here, in the
11 planning stage or the design stage,
12 to mitigate the trucks going there?

13 DR. GREALY: I think we have
14 signing. We can provide some
15 additional signing. One of the
16 comments from CME was to reduce the
17 radius, make it tighter so that it
18 wouldn't be desirable for that. We
19 can still accommodate the emergency
20 vehicles. Other than that, you can
21 do monitoring to see if there's any
22 issues, to make sure, but we have all
23 the postings. Internally we can do
24 some additional signing.

25 MR. GALLI: You talked about a

2 speed bump.

3 DR. GREALY: Speed control at
4 the entrance.

5 MR. DOMINICK: Let me ask you
6 this. With that entrance -- two-way
7 entrance on Old Little Britain Road,
8 as you come up the project property,
9 right at that intersection, before
10 the employees pull into the employee
11 lot, there's a stop sign. From that
12 stop sign, which on plan 2 is labeled
13 A, can you maybe make an emergency
14 access, just a gated fence from A
15 over to H? H is on top of that
16 there. That would definitely
17 prohibit trucks from entering Old
18 Little Britain Road and still give
19 you -- still give the employees of
20 this complex access -- in and out
21 access to the site. In addition, it
22 would also provide emergency access
23 if needed.

24 DR. GREALY: I think we can
25 look at that and provide some sort of

2 control there.

3 MR. TRAINOR: I'm sorry. I
4 don't --

5 CHAIRMAN EWASUTYN: Just for
6 the record, your name?

7 MR. TRAINOR: Matthew Trainor,
8 Brooker Engineering.

9 You're talking about this
10 location here?

11 MR. DOMINICK: Just to the left
12 of that. Right where --

13 MR. TRAINOR: Part of the issue
14 there is for truck movements. If a
15 truck needed to turn around in this
16 spot, if they pulled too far forward,
17 they wouldn't pull far enough to make
18 an adequate turn to get out of the
19 way. Maybe a gate would trigger to
20 them sooner. That's something we
21 have to look into, turning movements.

22 MR. DOMINICK: Matthew, we
23 talked about that at the work
24 session, that that might be the only
25 reason not to have a gate there. It

2 was suggested by another Member of
3 the Board that a truck could just
4 turn the opposite way if they had to
5 back up, or even go into that last
6 bay there, the loading dock. Instead
7 of going right, go left, you know.
8 We still have control over that
9 access with that fence there.

10 DR. GREALY: I think we can
11 fine tune it to accommodate that, if
12 that alleviates the concern.

13 MR. DOMINICK: Okay.

14 CHAIRMAN EWASUTYN: Stephanie
15 DeLuca?

16 MS. DeLUCA: Nothing further.

17 CHAIRMAN EWASUTYN: Frank Galli?

18 MR. GALLI: I'm good.

19 MR. TRAINOR: We received a
20 letter from Pat Hines. They are
21 still reviewing the SWPPP. The
22 changes to the SWPPP were very minor
23 in nature. The SWPPP was updated
24 just to accommodate a few of the
25 comments from the code enforcer. He

2 had a little bit of a concern for
3 fire accessibility, so we added an
4 extra aerial apparatus access road on
5 the north side of the parking area.
6 This road was extended to 26 feet,
7 and extended as far east as possible
8 to try to, you know, get as much
9 mobility as we can without encroaching
10 on the sight distance line here.

11 Aside from that, he also requested
12 fire hydrants. We are now providing
13 two along the west of the property,
14 one in this location and then -- bear
15 with me -- another one on the southern
16 end. There are two proposed.

17 We talked about the height
18 restriction bar, required access.

19 Again, the SWPPP was updated
20 just to accommodate the changes in
21 the driveway.

22 CHAIRMAN EWASUTYN: Can we take
23 the time now to look at the architectural
24 renderings?

25 MR. ANDERSON: Jason Anderson,

2 ADG Architects.

3 These are essentially the same
4 as we saw in the very beginning of
5 the project. All we've been doing is
6 updating them since the plans have
7 changed, grades have changed,
8 stonewalls.

9 What we're looking at first,
10 this is without the landscaping
11 shown so we can actually see the
12 building. We show it with the
13 proposed landscaping. This is from
14 the corner of Unity and Old Little
15 Britain. Here we are looking up at
16 the building. Part of the original
17 discussion was, as you're looking at
18 it from Unity Place, really for it to
19 look more like an office building,
20 less the appearance of a warehouse.
21 That's what we're showing here.
22 We've got the two corners. We've got
23 one on this side, the other here.
24 We're really treating it as the
25 office space inside. It works with

2 the parking that we've laid out.
3 We've got the glass that's here for
4 that office space.

5 This is the entry for the
6 majority of the employees on the
7 south side.

8 Here we've got our retention
9 area.

10 We've got the stonewall, the
11 secondary retaining wall.

12 The parking is hidden here,
13 behind that.

14 We'll see what the landscaping
15 looks like in addition to that.

16 MR. GALLI: Where are you going
17 to move the fire hydrant now?

18 DR. GREALY: We pulled that
19 back.

20 MR. ANDERSON: That hasn't been
21 updated yet.

22 Here it is from the other
23 direction. This is across from the
24 convention center. There's a curb
25 for the convention center.

2 Now you're looking at, again,
3 without any landscaping. Here is
4 this office section of the building.
5 You'll notice that the glass drops
6 down, because, if you recall, the
7 parking area is set down from where
8 the elevation of the road is. You
9 can actually just see the top of the
10 door there, to give you some sort of
11 perspective. That's about six feet
12 lower, that parking area from grade
13 at this point.

14 We've got the windows that go
15 down, up higher along that entire
16 side.

17 We're using earth tone colors.
18 We've got our grays, beige and a
19 couple of other things. If you
20 recall the noise analysis, we've got
21 striations in the concrete so there
22 are reveals. That's a bit easier to
23 see in this view. You can see these
24 vertical lines. That's to help break
25 up the sound waves. That wraps the

2 entire building. It also darkens the
3 color of the concrete as well.

4 This is a full concrete
5 building that we're proposing.
6 Basically tilt-up construction or
7 pre-cast construction, as you would
8 typically see.

9 Then of course the parapets
10 jump up a little bit at the accent
11 locations, which are the two corners,
12 as well as in the center.

13 Then all the real activity, of
14 course, happens around back.

15 The other view that we did,
16 this, of course, got adjusted. We
17 wanted to show as we were down
18 further, which is about ten feet
19 further down to the north on Unity
20 Place, you can see this is right
21 where the current left-hand turn
22 starts. That's where our new
23 entrance is. Again, without the
24 landscaping, it shows sort of how the
25 building is tucked into the property

2 and how the grade is adjusted here as
3 you come around. So that's the view
4 without, of course, the landscaping
5 that you would see as you're
6 approaching from Unity Place.

7 If I flip these around, what we
8 have is, I tried to project out a few
9 views at different years. This is
10 landscaping at year one, year five
11 and year ten. This is the area where
12 it's the most open. As we were
13 talking about the sight distances,
14 pulling out and across, you can sort
15 of see this line of landscaping that
16 stops and it's just grass area.
17 That's for sight distance. This
18 becomes sort of, I'd say, the most
19 focal point of the building that
20 you'll see. Of course as that
21 changes as you go down, you lose that
22 sight distance, we're able to plant
23 more. Here you can see the landscaping
24 growing up at the various years as
25 proposed. We also see that sound

2 wall. There's a portion of that wall
3 which was added a couple of meetings
4 ago for the parking area and where
5 the vehicles are turning in.

6 This is the other view from
7 Unity Place. So again, you've got
8 landscaping that was planted in and
9 around the retention area, again
10 going up as the building. Here it is
11 year one, year five and year ten. Of
12 course you see how it changes
13 throughout the seasons. It gives you
14 sort of a glimpse as to what it is.
15 That's the current view of Unity as
16 well.

17 Then finally, this is looking
18 at it from if we're heading east on
19 Old Little Britain Road. So Home
20 Depot is to my back left coming down.
21 Here you can see we've got that
22 entry. Of course the radiuses are
23 going to change there. It sort of
24 gives you -- really the only thing
25 you'd have is the back of the

2 building.

3 The first section, of course,
4 has no docks because that's all part
5 of that office area, and so you can
6 see how that appears, and then the
7 landscaping as it grows.

8 From an architectural standpoint,
9 it's relatively straightforward
10 because we're using a concrete
11 building, which helps us with noise,
12 so the acoustics, it helps us with
13 longevity. It's not a building that
14 will degrade as quickly over time as
15 a metal box. Essentially we're
16 treating the building with different
17 paint colors, as well as the verticals
18 as you see throughout, to try to give
19 it that appearance. Of course we
20 have the black glass that we're using
21 at the office areas. It's sort of a
22 glazing, so it's well insulated,
23 low reflectivity. We have samples of
24 that that we brought tonight as well.

25 CHAIRMAN EWASUTYN: John Ward,

2 comments?

3 MR. WARD: Is there any proposal
4 about your signage?

5 MR. ANDERSON: We don't know
6 the tenant. We do show the signage
7 where we would anticipate the signage
8 going. We have one at this corner
9 and one at the opposite. There would
10 be mounted letters on the building,
11 but we don't know the tenant.

12 MR. WARD: Will that be the
13 only signage?

14 MR. ANDERSON: At this point
15 I'm not showing a pylon. We would
16 have to come back if we --

17 MR. WARD: That's why I'm
18 asking. I do like the radius with
19 the fire hydrant.

20 CHAIRMAN EWASUTYN: Cliff Browne?

21 MR. BROWNE: Do you have any
22 renderings showing the building
23 amassed with the color scheme and the
24 whole thing on there? It's kind of
25 difficult for me to see it that well.

2 MR. ANDERSON: That's the
3 building. What we did do is try to
4 enlarge that and show the different
5 materials. It's a little bit of a
6 dark print. We show the materials
7 and the actual colors so that we have
8 it documented exactly what those
9 colors are on the building itself.

10 MR. BROWNE: The long stretch
11 along Unity Place, do you have
12 anything that shows what that looks
13 like?

14 MR. ANDERSON: I would say the
15 best view is this one, because from
16 each direction -- this is sort of the
17 center point here. This is to that
18 center point. Here it is to the
19 other center point.

20 MR. BROWNE: The landscaping
21 that you're showing in the one, five
22 and ten-year down-the-road thing
23 essentially is going to be blocking
24 most of Unity Place.

25 MR. ANDERSON: Correct. I

2 wanted to show it so you could see
3 the building itself without that
4 landscaping. When you look at this
5 view, this is that same rendering but
6 now showing the landscaping.

7 MR. BROWNE: Okay.

8 MR. ANDERSON: It's really been
9 planted densely along there.

10 MR. DOMINICK: What was the
11 timeline again?

12 MR. ANDERSON: Year one, five
13 and ten. So this shows the height of
14 the planting at year one based on
15 what the landscaping plan shows, and
16 these are the five and ten-year
17 projections as those grow.

18 MR. BROWNE: With your
19 landscaping, I'm assuming that you
20 saw KALA's comments. Her last
21 comment about the soil, soils and
22 whatnot to be in there, do you see
23 any issue complying with those
24 comments?

25 MR. ANDERSON: I did not do the

2 landscaping plan. I do not believe
3 so, but I was not the one that
4 prepared it. We do have a
5 significant separation there.

6 MR. BROWNE: The reason I'm
7 asking is, a lot of projects that
8 come through around Town go through a
9 lot of effort to do the landscaping,
10 and two, three, five years down the
11 road, everything dies because the
12 soils weren't done properly. That
13 comment addressed the soils. I
14 really would like to see something in
15 place to make sure that that is taken
16 care of.

17 MR. TRAINOR: I don't think
18 there would be any objection to that.

19 MR. ANDERSON: We planted the
20 Bradford Pears along that stream
21 probably in 2001. They did very well
22 going down that road. I think there
23 may have been only two or three that
24 died.

25 MS. ARENT: Some of them just

2 split.

3 CHAIRMAN EWASUTYN: Weak wood.

4 MS. ARENT: They split, some of
5 them. There's many of them still
6 alive.

7 MR. BROWNE: Thank you.

8 MR. ANDERSON: Twenty-two years
9 later.

10 CHAIRMAN EWASUTYN: Karen, are
11 there any recommendations you want to
12 make for what's being proposed here?

13 MS. ARENT: I was just concerned
14 about a couple of views and adding a
15 few more plants to beef up the
16 landscaping to make sure it's well
17 screened.

18 MR. TRAINOR: We did review the
19 latest letter. We don't have any
20 objection. Those will be
21 accommodated on the next iteration of
22 the site plan.

23 Comment one, which you note
24 nothing can be done in the area of
25 the stormwater facility along Unity

2 Place, which is -- I think there's a
3 50-foot length, about, or stretch
4 where it's a little bit better.

5 CHAIRMAN EWASUTYN: It's not a
6 requirement, but did a landscape
7 architect design your landscape plan?

8 MR. TRAINOR: We did not, no.

9 CHAIRMAN EWASUTYN: You didn't
10 have a landscape architect?

11 MR. TRAINOR: No.

12 CHAIRMAN EWASUTYN: Generally
13 your company, Brooker Engineering,
14 doesn't have a landscape architect?

15 MR. TRAINOR: We don't. There
16 is one individual who is well versed
17 than most of us at the company in
18 landscaping, so he usually takes on
19 the landscape plans. That's Dennis
20 Rocks who has been here a number of
21 times to represent.

22 CHAIRMAN EWASUTYN: Ken Mennerich,
23 any comments?

24 MR. MENNERICH: On the form
25 that's got to be filled out for the

2 architectural details, has that been
3 submitted?

4 MR. ANDERSON: I believe it was
5 out over a year and a half ago.

6 MR. MENNERICH: It hasn't changed?

7 MR. ANDERSON: Actually, we
8 haven't changed the building from the
9 first go around, to be honest.

10 MR. MENNERICH: That's all.

11 CHAIRMAN EWASUTYN: Dave Dominick?

12 MR. DOMINICK: Nothing on this.

13 CHAIRMAN EWASUTYN: Stephanie
14 DeLuca?

15 MS. DeLUCA: I appreciate the
16 timeline of growth. When I took just
17 a fast look at the very first one, we
18 were discussing earlier about just
19 the whole design of it. The design
20 of the building is very nice. It's
21 very sharp. You can actually see the
22 difference, because it looked -- it
23 looked barren to me. It looked very
24 barren. As you added the shrubbery
25 and whatnot, it really improved the

2 whole look of the building, which I'm
3 sure the neighbors will be happy
4 about. So thank you. Thank you for
5 that. It's a sharp building.

6 CHAIRMAN EWASUTYN: Your other
7 buildings that you own -- I assume
8 you own buildings similar to this.
9 Do you? Do you own buildings similar
10 to this?

11 MR. SPITZER: Yes.

12 CHAIRMAN EWASUTYN: What's your
13 maintenance on these buildings as far
14 as landscape upkeep? Are you
15 diligent on it or is it -- I say this
16 respectfully. Is it the lowest
17 bidder gets the job and -- I say it
18 because what we've been arguing with
19 amongst ourselves is we're into a new
20 generation now, and the generation is
21 we went from big box retailers in the
22 early '20s, on or about the same time
23 we were planting Bradford Pears, to
24 today where we have these long
25 expanses of buildings.

2 What Karen is concerned about,
3 and the Board itself, is what happens
4 after two years when they have to be
5 guaranteed and they start dying, then
6 we're back to -- how do you maintain
7 your properties, is the question? I
8 know you can't guarantee that five
9 years from now everything is going to
10 be reaching that five-year growth
11 period. Do we have any concerns? Do
12 we have a concern?

13 MR. SPITZER: The typical
14 tenant that's going to come to this
15 building is going to probably be a
16 Fortune 500 company, or a very -- you
17 know, somebody that's going to be
18 pretty demanding of us as the
19 landlord. I'm sure they are going to
20 require, just on that alone, that we
21 should maintain this properly. I
22 think we do a pretty good job with
23 all our properties to do that, to do
24 the right thing by the neighborhood.

25 CHAIRMAN EWASUTYN: Karen, do

2 you want to add anything to that?

3 Karen is concerned that
4 maintenance is going to be the primary
5 saving point of this building.

6 MS. ARENT: The most important
7 thing, like everybody said, is soils.
8 We have a problem with construction
9 spoils being used to plant in. The
10 soil specs have to be very strong.
11 We have to inspect the site before
12 any -- it's for your benefit as well,
13 because you don't want plants dying
14 just because they cheaped out on the
15 soil. We want to inspect it right
16 after they put the soils in to make
17 sure they actually put in good soils
18 and not construction spoils, because
19 it's such a waste of money to plant
20 \$80,000 worth of plants in \$2,000 of
21 soils. There's that old saying,
22 never put a \$5 plant in a \$0.50 bowl.
23 Put a \$0.50 plant in a \$5 bowl.
24 That's basically what we were asking
25 to do, put smaller plants in, but

2 please make sure the soils are not
3 construction spoils. We want to help
4 you with that and inspect. We would
5 just need to know when -- the
6 contractor needs to just contact my
7 office when they have their soil
8 piles and are ready to spread. I
9 would love to take a sample, have it
10 analyzed and make sure it meets all
11 the specifications Matt is going to
12 put on the plans. It's for your
13 benefit. If they hold water, you
14 don't have to worry about watering as
15 much.

16 MR. SPITZER: That shouldn't be
17 an issue.

18 MS. ARENT: You don't want to
19 waste money.

20 MR. SPITZER: I think that's a
21 reasonable comment. We have other
22 properties in the Town. We're
23 committed to this neighborhood, and
24 we're going to be -- we want to be a
25 good landlord here.

2 MS. ARENT: That would be great.

3 CHAIRMAN EWASUTYN: Thank you.

4 Frank Galli?

5 MR. GALLI: I'm all set.

6 CHAIRMAN EWASUTYN: Michele,
7 where do you believe we are at this
8 point in the SEQRA process or review
9 process? Do you want to speak to
10 Dominic Cordisco?

11 MS. BABCOCK: At this point,
12 it's my understanding the Board had
13 previously adopted a negative
14 declaration prior to the public
15 hearing. We would ask the Board to
16 reaffirm that negative declaration
17 based on the fact there was the one
18 change and the addition of that
19 additional lot. If we can clarify
20 that, and, if the Board sees fit, we
21 would ask that you move forward and
22 grant conditional site plan approval
23 this evening.

24 CHAIRMAN EWASUTYN: Dominic
25 Cordisco?

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MR. CORDISCO: I concur in the fact that the Board had previously adopted a negative declaration prior to the addition of the lot and reconfiguration of the truck access which was done as an additional mitigation measure to address comments and concerns that were raised to the Board. It would be appropriate to reaffirm your prior negative declaration for this project, which now includes those additional mitigation measures.

CHAIRMAN EWASUTYN: So that will be the first motion that will come to the Board. Would someone make a motion to reaffirm our negative declaration for the Unity Place Warehouse?

MR. DOMINICK: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by Ken Mennerich. Can I have

2 a roll call vote starting with John
3 Ward.

4 MR. WARD: Aye.

5 MR. BROWNE: Aye.

6 CHAIRMAN EWASUTYN: Aye.

7 MR. MENNERICH: Aye.

8 MR. DOMINICK: Aye.

9 MS. DeLUCA: Aye.

10 MR. GALLI: Aye.

11 CHAIRMAN EWASUTYN: I'll ask
12 Dominic Cordisco to take the lead on
13 the verbiage for ARB and site plan
14 approval, and the conditions
15 associated with it.

16 MR. CORDISCO: Yes. The
17 conditions that I would recommend,
18 obviously subject to Pat Hines or
19 anyone else's suggestions, are as
20 follows: One, that the applicant has
21 to revise the plans to address any
22 outstanding comments from the
23 Planning Board that were raised
24 tonight, as well as to the Board's
25 consultants as they're required.

2 Two, the applicant has to obtain all
3 outside agency approvals for the
4 project. Three, the applicant will
5 have to obtain coverage under the New
6 York State DEC General Permit for
7 stormwater. The applicant will also
8 have to obtain the consent of the
9 Town Board and the approval for the
10 waiver for the 5-acre disturbance
11 limitation contained in the SPDES
12 general permit. They shall also
13 prepare a stormwater facilities
14 maintenance permit subject to the
15 approval of the Town Board. They'll
16 have to deliver a performance
17 security for stormwater.

18 For the highway improvements,
19 the applicant shall obtain the conceptual
20 approval and authorization from the
21 DOT for access and utilities prior to
22 the signing of the site plan, and
23 they shall also obtain the highway
24 work permit for that prior to the
25 issuance of any building permit for

2 the project.

3 For water. They shall also
4 have to obtain the approval from the
5 Orange County Department of Health
6 for the water main extension, and
7 also from the Newburgh Water
8 Department for potable water and fire
9 flow connections. They shall also
10 have to obtain the approval of the
11 Town Engineer's Office and Code and
12 Building Departments regarding the
13 design of the fire protection
14 systems. An inspection fee for the
15 water main extension will also be
16 required. They shall also submit a
17 complete set of plans for the fire
18 protection and water storage drawings
19 to the Town of Newburgh representatives
20 for their review and approval.

21 There's an outside sewer
22 district agreement that will be
23 required with the Town of Newburgh
24 Town Board.

25 There's a landscape security

2 and an inspection fee for the
3 landscaping.

4 They also have to comply with
5 the Town of Newburgh's Chapter 172
6 regarding its Tree Preservation &
7 Protection Law.

8 For emergency access, the
9 applicant shall coordinate with all
10 jurisdictional emergency services for
11 provisions for keys for emergency
12 access.

13 The Board is also granting
14 Architectural Review Board approval.
15 No building permit shall be issued
16 authorizing construction of
17 structures inconsistent with the
18 architectural renderings that have
19 been submitted.

20 Also, the approval resolution
21 restricts construction to only that
22 which is shown on the plan. No
23 amenities or accessory structures or
24 outdoor fixtures, including walls,
25 mechanical units, dumpsters, may be

2 constructed, placed or erected except
3 as shown on the approved plan.

4 There's also no signage for the
5 building that's been proposed at this
6 time, including no standalone
7 monument or pylon sign. As such,
8 there's none that's been approved at
9 this time, and that's being deferred
10 until a tenant has been identified.

11 Each and every mitigation
12 measure included in the SEQRA
13 negative declaration previously
14 adopted by the project shall be
15 undertaken by the applicant and are
16 also conditions of the approval.

17 The approval is limited for the
18 narrative that was presented to the
19 Board as far as the intended use of
20 the site. Any different use of this
21 building would have to come back
22 before the Board seeking an amended
23 approval prior to any type of other
24 use than what's been proposed.

25 CHAIRMAN EWASUTYN: Thank you.

2 Karen Arent, Landscape
3 Architect, would you like to add
4 anything to the resolution conditions
5 that Dominic Cordisco, Planning Board
6 Attorney, just presented?

7 MS. ARENT: They have to -- I
8 guess the one thing we didn't talk
9 about was you have to submit a
10 landscape bond and it has to be
11 approved. The plants have to be
12 warranted for two years. I think we
13 covered --

14 MR. CORDISCO: I did include
15 that. I also included a provision at
16 the outset that they have to address
17 any and all outstanding comments, not
18 only from the Board but from the
19 Board's Consultants.

20 MS. ARENT: Great. So I have
21 nothing to add. Thank you.

22 CHAIRMAN EWASUTYN: Creighton,
23 Manning, any additional comments?

24 MR. HIPPE: No additional comments.

25 CHAIRMAN EWASUTYN: Pat Hines?

2 MR. HINES: I know Dominic had
3 that catchall, the SEQRA findings or
4 the SEQRA mitigation.

5 There is a requirement for the
6 post-construction noise and
7 post-construction traffic monitoring.
8 Maybe we should spell those out.

9 MR. CORDISCO: That was
10 included in the written negative
11 declaration, but we'll certainly
12 carry that forward. That was the
13 requirement that a post-construction
14 noise analysis would be undertaken,
15 as well as a report back to the Board
16 and additional mitigation measures,
17 if the Board requires them at that
18 time.

19 MR. HINES: I think there was
20 traffic, too, on Old Little Britain
21 Road and Unity.

22 MR. CORDISCO: Thank you.

23 MR. HINES: Otherwise, you hit
24 my list.

25 CHAIRMAN EWASUTYN: Frank

2 Galli, do you have anything to add?

3 MR. GALLI: No.

4 CHAIRMAN EWASUTYN: Stephanie
5 DeLuca?

6 MS. DeLUCA: Nothing.

7 MR. MENNERICH: Nothing.

8 MR. DOMINICK: Would Karen's
9 request for a soil analysis be part
10 of the resolution -- conditions?
11 Excuse me.

12 MR. CORDISCO: It was contained
13 in her memo.

14 MS. ARENT: It's going to be on
15 the landscape plan.

16 MR. CORDISCO: They've agreed
17 to make that change tonight.

18 MR. DOMINICK: That was my
19 question.

20 MR. TRAINOR: Does this include
21 the inspection?

22 MS. ARENT: We should put an
23 inspection note on it as well. Thank
24 you.

25 CHAIRMAN EWASUTYN: Ken Mennerich?

2 MR. MENNERICH: Nothing.

3 CHAIRMAN EWASUTYN: Cliff Browne?

4 MR. BROWNE: Nothing more.

5 Thank you.

6 CHAIRMAN EWASUTYN: John Ward?

7 MR. WARD: Nothing more. Thank
8 you.

9 CHAIRMAN EWASUTYN: Having
10 heard from Dominic Cordisco, Planning
11 Board Attorney, having had
12 conversations with our Consultants
13 and Board Members, if we are all
14 satisfied, would someone make a motion
15 to approve the ARB and site plan?

16 MR. WARD: So moved.

17 MS. DeLUCA: Second.

18 CHAIRMAN EWASUTYN: Who made
19 the first motion? I'm sorry. John
20 Ward. A second by Stephanie DeLuca.
21 Can I have a roll call vote starting
22 with Frank Galli.

23 MR. GALLI: Aye.

24 MS. DeLUCA: Aye.

25 MR. DOMINICK: Aye.

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MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion
carried.

MS. BABCOCK: Thank you very
much.

(Time noted 7:35 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 2nd day of August 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

MID VALLEY STARBUCKS
(2023-14)

39 North Plank Road
Section 75; Block 1; Lot 13.1
B Zone

----- X

SITE PLAN

Date: July 20, 2023
Time: 7:35 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
KAREN ARENT
STARKE HIPPIE

APPLICANT'S REPRESENTATIVE: STEVEN WILSON

----- X

MICHELLE L. CONERO
Post Office Box 816
Dover Plains, New York 12522
(845) 541-4163

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CHAIRMAN EWASUTYN: The next item of business this evening is Mid Valley Starbucks, project number 23-14. It's an initial appearance for a site plan located on 39 North Plank Road in a B Zone. It's being represented by -- the gentleman representing, you are?

MR. WILSON: Steve Wilson from Bohler on behalf of the applicant. Good evening. Thanks for having me.

As you mentioned, this is our first submission. It's really kind of a meet and greet, just to get your comments. We're just kind of here to give you an informal presentation of the project and get your feedback before we dive into the nuts and bolts.

You probably know the mall. To get our bearings here real quickly, 32, 84, the mall is here. We're going to invest here in a little sleepy corner. Here's the KFC right

2 now. We're going to invest in this
3 existing parking lot in the northeast
4 corner.

5 We're going to put in about a
6 2,600 square foot Starbucks with an
7 outdoor patio area along with a
8 drive-through. It would involve
9 reconfiguration of the existing
10 parking lot, and overall, albeit
11 minor, an overall increase in green
12 space of about a tenth of an acre
13 with the addition of the landscaped
14 island.

15 To facilitate the drive-
16 through, there would be two order
17 points, as is getting kind of common
18 now. It's sort of the slowest point
19 of the drive-through process. That
20 kind of funnels down to a single pay
21 and pick-up window on the site.

22 It's a leased property, so
23 there wouldn't be any issues with
24 subdivision, although I did have a
25 question, because there's an existing

2 lot line that kind of runs through
3 the parcel -- runs through the site.
4 I've seen this handled a couple
5 different ways. It's an interior lot
6 line. Sometimes towns don't consider
7 it an issue and sometimes towns
8 consider it relevant and it needs a
9 setback from that lot line. If the
10 Town feels that way, we can probably
11 do a lot line adjustment to avoid
12 that issue. It currently runs
13 through the middle of the building.
14 That's something we have to talk
15 about, the best way to handle that.

16 Like I said, it's 2,600 square
17 feet. The owner hopes to break
18 ground later this year.

19 Generally it would run
20 consistent with most Starbucks,
21 probably open at about 6 a.m., close
22 at about 8:30. We have to finalize
23 the hours.

24 The Town Engineer's comments
25 kind of reflect the preliminary

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nature of the application, just a single sheet site plan. We know a lot of these comments would be addressed when we make a full plan submission, which would include grading, drainage, landscape, lighting, utility plans, et cetera, along with a drainage report as well.

One of the comments I just wanted to touch on from the review letter was the water tower comment related to the -- I'm kind of the new kid on the block. I understand there's been some history here about trying to get this thing cleaned up, and it needs it. The applicant has currently scheduled that for the summer of next year. He completed about \$200,000 worth of improvements on the tank to address some OSHA-related issues, and now he's trying to work through the arrangements with the various wireless carriers on the tower. They all have to be

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coordinated before the tank can be painted. He has a bid, a contractor selected. That's the plan, to kind of keep that moving.

Those are really all I wanted to touch on. I'm more than happy to take any questions you have, or comments.

CHAIRMAN EWASUTYN: Let's start out with circulation, traffic. We'll start with Creighton, Manning.

MR. HIPPE: We can start with traffic. So the circulation, you had mentioned that -- maybe I was mistaken, but I think you said that there are going to be two ordering points, or there will just be one ordering point?

MR. WILSON: There are two lanes here. Multiple order points.

MR. HIPPE: On the site plan it's just showing the one ordering point but the two stacking lanes for added capacity. Something that came

2 up during the work session was if
3 there was the possibility of somehow
4 finding a way to fit in a bypass
5 lane. I don't think it's required.
6 It could be helpful.

7 MR. WILSON: We can look at
8 that. Yup.

9 MR. HIPPE: Some kind of bailout.

10 In regards to traffic, also
11 discussing -- just looking at the
12 impacts to the intersections for the
13 shopping center. I think a lot of
14 traffic with a coffee shop use, a lot
15 of it is pass-by traffic. I don't
16 think you're going to be adding a lot
17 of trips to the road. You will be
18 adding trips to the intersections for
19 the shopping center. It's worth
20 looking at those to see if they have
21 the capacity for it.

22 MR. WILSON: Are you talking
23 about within the shopping plaza
24 itself?

25 MR. HIPPE: The two driveways

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that the shopping center has to 32.

MR. WILSON: I got you.

MR. HIPPE: One is signalized, one is a right in/right out. I think one of our comments was to discuss the functioning of that right in/right out driveway, which is shown on the site plan.

MR. WILSON: Yup.

MR. HIPPE: We also wanted to have a discussion on kind of the overlap between the KFC's drive-through and this drive-through. From experience, I know Starbucks peaks in the morning, but there is a lunchtime rush that can happen. Seeing how does the KFC drive-through operate, could there be an issue with any kind of overlapping demand.

Pat is going to touch on this, but I'll beat him to it, which is the reduction in parking for the shopping center overall. Is the parking being utilized right now and will there be

2 an issue with there being more demand
3 or the demand not being met because
4 you're reducing the amount of parking
5 that's there.

6 MR. WILSON: We can provide
7 some backup. It's over-parked. I
8 don't think it's going to be a
9 problem. Like most shopping centers
10 are nowadays.

11 MR. HIPPE: We wanted to make
12 sure about that.

13 MR. WILSON: We can give you a
14 tabular breakdown between the uses
15 and what they need.

16 MR. HIPPE: On the topic of
17 parking, there was also the
18 relocation of the ADA spaces, if
19 that's even necessary. There's the
20 three that are there now, kind of on
21 the north side of the building.

22 MR. WILSON: Over here.

23 MR. HIPPE: To shift them to
24 over there if that was needed.

25 MR. WILSON: We kind of think

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it makes sense. It would be closer to the door that way.

MR. HIPPE: Okay.

MR. WILSON: I was concerned about the slope right in there as well. That probably does make sense.

MR. HIPPE: We had a comment. This was not in the letter. This is a comment I came up with after looking at the site plan in preparation for tonight's meeting. About the time restriction parking, I'm guessing it's like fifteen or thirty minutes, what that's for. There are two spaces at the front along with an employee parking space. Just clarifying that.

I think we'll also talk about some of the internal circulation improvements as far as putting in stop bars and stop signs. There could be added traffic. I think the additional traffic control could be helpful, given the influx in traffic

2 that you'll have with the Starbucks
3 there.

4 MR. WILSON: So you expect to
5 send a formal letter?

6 MR. HIPPIE: We have a formal
7 letter that was submitted from my
8 colleague, Ken Wersted.

9 MR. WILSON: I don't think I
10 saw that. Okay. I'll track it down.

11 MR. HIPPIE: There is a formal
12 letter available. Some of the
13 comments that I raised this evening
14 are not on that. Like I said, it
15 came from my follow-up review in
16 preparation for tonight. If you need
17 it, we can revise the letter,
18 possibly, and get you a more complete
19 document.

20 CHAIRMAN EWASUTYN: Frank Galli
21 will give you that letter.

22 MR. HIPPIE: If we don't have it,
23 I can forward it along to you.

24 MR. WILSON: Thank you.

25 CHAIRMAN EWASUTYN: Anything

2 else?

3 MR. HIPPE: We wanted to also
4 talk about operations. You mentioned
5 6 a.m. to 9 p.m.

6 Also just for deliveries. From
7 experience, I don't think Starbucks
8 gets tractor trailers, but they get
9 box trucks.

10 MR. WILSON: That's right.

11 MR. HIPPE: Are they going to be
12 a 5 a.m. delivery in preparation for
13 the day, midday or evening for the
14 next day?

15 Also the garbage pickup. Since
16 it is at the front of the building,
17 that was just a point to ask about.

18 I think that covers all of my
19 questions.

20 CHAIRMAN EWASUTYN: Pat Hines,
21 do you want to go over your bullets
22 on the site plan?

23 MR. HINES: My first one echoes
24 Starke's comment regarding the total
25 parking of the "unified site plan."

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The site meets those requirements.
The law says sixty parking spaces.
The liquor store in front is a very busy site, and losing parking there may be an issue to take a look at.

I know you said that they are going to paint this in 2024, the tower. Your owner was here eighteen months ago and he promised it would be painted in 2023. It is a visual impact. It's the entrance to the Town from the east, across the bridge. The first thing you see is that thing.

MR. WILSON: Yeah.

MR. HINES: I think the Board has concerns about that, and that really needs to be addressed sooner than later. We did have conversations, myself and the Town's Wireless Consultant, eighteen months ago and was kind of told, the Board and the Town, that that would be taken care of. It's an issue to bring back to

2 your client.

3 We talked about the escape
4 aisle in the drive-through.

5 Signage is not shown.

6 MR. WILSON: Yup.

7 MR. HINES: You will have to
8 have architectural review.

9 The Town of Newburgh Town Code
10 is more stringent than the New York
11 State Fire Code. This building will
12 most likely have to be sprinklered.
13 Just bring that back to the client
14 and the architects to let them know
15 that sooner rather than later so it's
16 not a surprise. The building code in
17 other parts of this state, you would
18 probably not need to be sprinklered.

19 Looking to address in your
20 future submission what the parking
21 lot will look like. I know you're
22 re-striping portions of the parking
23 lot. Is it going to be completely
24 overlaid so it looks like a new
25 parking lot?

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MR. WILSON: The majority is going to be a mill and overlay to look like grading. Until I get a grading plan together, I don't know that for sure. We'll have that clarified with the grading and drainage plan.

MR. HINES: Stormwater management we'll take a look at. I don't know if you're disturbing an acre. The Town Code is a little more stringent than the DEC.

Lighting and landscaping will need to be submitted.

You'll need a City of Newburgh flow acceptance letter. Once you determine the hydraulic loading for the facility, you can document that, send it to me and I'll put a cover letter on it to the City of Newburgh. It is a step in the process, that that flow acceptance letter has to be received prior to any approvals.

MR. WILSON: That's just a

2 simple letter showing our calculation,
3 how we arrived at that loading?

4 MR. HINES: Yes. Based on the
5 hydraulic loading.

6 The site is located along Route
7 32, so we'll be sending DOT a copy of
8 the plans. There are traffic issues
9 that Starke had mentioned that should
10 be addressed.

11 It will need to go to County
12 Planning once we have a complete
13 submission.

14 That's the extent of the
15 comments we have.

16 We did comment on the drive-
17 through in the B Zone. The Code
18 Department has opined that that is
19 allowable. That's not an issue.

20 MR. WILSON: All of the comments
21 seem to make sense for the initial
22 submission.

23 CHAIRMAN EWASUTYN: John Ward?

24 MR. WARD: With your drive-through,
25 with the two lanes, are there two

2 ordering windows?

3 MR. WILSON: That's going to be
4 -- I think the plan is to have two
5 ordering points there.

6 MR. WARD: That makes sense.
7 If it was one, it's a nightmare.

8 My other question is, it needs
9 to be cleaned up with the guardrail.
10 You have broken curbing on the far
11 right of the property there.

12 MR. WILSON: Over here?

13 MR. WARD: Yes.

14 MR. WILSON: It's been kind of
15 a forgotten corner of the mall, I
16 think.

17 MR. WARD: And a dumping
18 ground. For your stormwater and
19 everything else. Thank you.

20 CHAIRMAN EWASUTYN: Cliff Browne?

21 MR. BROWNE: What percentage of
22 business typically does this type of
23 site do, the drive-through versus
24 inside?

25 MR. WILSON: Typically I would

2 say about two-thirds drive-through, a
3 third sit down, with a good portion
4 of that drive-through traffic now is
5 mobile order. People are getting in
6 the drive-through, they've already
7 placed their order. That's becoming
8 more and more a percentage of that
9 two-thirds that use the drive-through.

10 MR. BROWNE: One of my concerns,
11 and I'm looking at the layout, it
12 looks like the one-third of the
13 people that are going to be using the
14 facility have to walk through the
15 traffic to get into it, the way the
16 traffic is flowing around the
17 building. I think maybe that should
18 be looked at somehow to get the
19 people in there more safely.

20 MR. HINES: A crosswalk.

21 MR. WILSON: Okay. I'll take a
22 look and see what we can do.

23 CHAIRMAN EWASUTYN: I agree
24 with John Ward. The guide rail that
25 runs parallel to North Plank Road --

2 MR. WILSON: Over here?

3 CHAIRMAN EWASUTYN: Over there,
4 but also North Plank Road. It's no
5 longer on the post. I think the
6 entire guide rail should be replaced.
7 If you're going to replace the guide
8 rail along there, I think, to make
9 the site harmonious, there is some of
10 the guide rail that runs north to
11 south that is damaged. I think you
12 should plan for a new guide rail.
13 Again, it has been the armpit of the
14 mall, so I think you should address
15 it.

16 At some point in time I think
17 that electrical box in the rear
18 should be painted and upgraded.

19 We talked about possibly having
20 stop signs for people coming in and
21 out of the project.

22 I'd be curious to know the
23 hours of operation for the Kentucky
24 Fried, just to see how it overlaps.

25 MR. WILSON: I think they don't

2 open until 11, if I'm not mistaken.

3 CHAIRMAN EWASUTYN: The majority
4 of your business, or Starbucks'
5 business is when?

6 MR. WILSON: It's pre 11.

7 CHAIRMAN EWASUTYN: Those are
8 my comments.

9 Ken Mennerich?

10 MR. MENNERICH: The entrance to
11 the east, is that two-way traffic
12 there?

13 MR. WILSON: Up through here?

14 MR. MENNERICH: On the right-
15 hand side.

16 MR. WILSON: I'm not sure.

17 MR. MENNERICH: Going back to 32.

18 MR. WILSON: That's two-way
19 traffic, yeah.

20 MR. DOMINICK: The ramp on the
21 far right.

22 MR. WILSON: I guess I'm
23 misunderstanding what you're talking
24 about. That's one way that goes
25 right onto 32 only.

2 MR. GALLI: All the way to your
3 right.

4 MR. WILSON: Over here?

5 MR. HIPPI: That's two-way in.
6 It's two-way traffic, it's just right
7 in/right out.

8 MR. GALLI: You can only go
9 down the hill and take it right.

10 MR. HIPPI: It's two-way.

11 MR. FETTER: There's no left
12 turn there.

13 MR. HINES: It's a right in/
14 right out only.

15 MR. GALLI: There's only
16 traffic coming down.

17 CHAIRMAN EWASUTYN: I was there
18 today. I thought I saw traffic
19 coming up. It is two-way.

20 MR. GALLI: Near the tower?

21 CHAIRMAN EWASUTYN: I saw it
22 out of the corner of my eye. We'll
23 do a site inspection to be better
24 prepared.

25 Dave Dominick?

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MR. DOMINICK: Steve, as Pat said, the elephant in the room has been that water tower for many years.

MR. WILSON: I get it.

MR. DOMINICK: We've been broken promised many times. It's probably the tallest, oldest structure in the Town of Newburgh, and it's an embarrassment. The next time you come back to see us, if you can give us a more precise date, that would be great, on when it can be fixed or painted.

CHAIRMAN EWASUTYN: Stephanie?

MR. WILSON: I can do that.

MR. DOMINICK: I'm not done. Queueing in the drive-through, now that it's understandable that there are two order lanes leading to one pick-up window, wouldn't it make sense to have two pick-up windows to expedite that service? Right now you have twenty cars in this queue in your example and there's one window.

2 MR. WILSON: Pick-up is so
3 quick, it doesn't make sense to have
4 two windows. It wouldn't function
5 well. There's really no decision at
6 that point. It's basically you're
7 just handed something and you're in
8 and out of there in seconds.

9 CHAIRMAN EWASUTYN: You've
10 never been to a Starbucks. I go to
11 one every morning at 5:30 and I'm
12 amazed at what people grab to eat in
13 the morning and how much time it
14 takes for all of that food to be
15 prepared.

16 MR. WILSON: Oh, no. I'm not
17 saying from the time you enter it's
18 seconds. I'm saying once you get to
19 the pick-up window, it's a quick
20 process. You've placed your order,
21 you've paid. All you're doing at
22 this point is just picking up your food.

23 MR. DOMINICK: From what I've
24 seen, McDonald's for example, there
25 are two order lanes and two to three

2 pick-up windows.

3 MR. WILSON: I do quite a few
4 McDonald's. They only have --
5 typically they have two order points.
6 The first one you get to is a pay
7 window and the second window is the
8 pick-up window. Sometimes, if there
9 are larger orders, they have a pull
10 forward space and they bring your
11 food out to you so you don't hold up
12 the entire drive-through.

13 MR. DOMINICK: Right. And then
14 the third item, just talk again about
15 re-striping. You'd do a topcoat if
16 you had to?

17 MR. WILSON: We haven't done a
18 grading plan yet. I think our intent
19 is to keep disturbance to a minimum.
20 There's probably a lot of mill and
21 overlay from the existing payment,
22 not a full depth of construction.

23 MR. DOMINICK: Okay.

24 MR. WILSON: It's going to look
25 new and operate new.

2 MR. DOMINICK: Is that the best
3 location for that dumpster, right in
4 front of the establishment?

5 MR. WILSON: We kicked around a
6 few places. That's still a little
7 bit in flux. I'm not crazy about
8 that location either because it's
9 right there near the drive-through.
10 Yeah. We're going to look at options
11 for that.

12 MR. DOMINICK: If you're queued
13 at that drive-through, you're going
14 to smell that dumpster.

15 MR. WILSON: We had this exact
16 conversation in the office. Like I
17 said, it's a preliminary plan. We'll
18 find a --

19 MR. DOMINICK: If you can maybe
20 look at an alternative, that would be
21 great. We both know that when
22 employees take garbage out and leave
23 the fence open, or they don't close
24 it, or garbage doesn't go into the
25 dumpster, it goes into the parking

2 lot and it's an eyesore.

3 MR. WILSON: The last thing
4 Starbucks wants to do is impact the
5 customer experience. That's all part
6 of it.

7 MR. DOMINICK: Thank you.

8 CHAIRMAN EWASUTYN: Stephanie
9 DeLuca?

10 MS. DeLUCA: I think most of my
11 questions have been answered.

12 CHAIRMAN EWASUTYN: Frank Galli?

13 MR. GALLI: Just change the
14 fire district. It's not the City of
15 Newburgh. It's Goodwill Fire District.

16 MR. WILSON: Goodwill Fire
17 District. I think that's what we
18 said in the EAF. Maybe in the
19 narrative we put it wrong.

20 CHAIRMAN EWASUTYN: Pat Hines,
21 you'll speak about the adjoining
22 notice.

23 MR. HINES: The Town of
24 Newburgh has a process that, within
25 ten days of this meeting, a notice

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needs to be sent out to all the property owners within 500 feet. I will generate that notice and provide the mailing list. It's going to go to your office?

MR. WILSON: Yes.

MR. HINES: I'll work with you and describe that process. Once you get them, it's first-class mail. They're dropped off here. The Town physically mails them. That saves on the certified mailing. I'll work with you on that.

MR. WILSON: We basically put all the envelopes and postage on it, you'll get the Town to mail it?

MR. HINES: Yes. They'll give you an affidavit of mailing. It saves on certified mailing. Someone at this building actually physically puts them in the mail.

MR. WILSON: Okay. Not a problem.

CHAIRMAN EWASUTYN: Dominic

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Cordisco, Pat Hines, are we declaring our intent for lead agency because we're involving the DOT on this?

MR. CORDISCO: It would be prudent, and there's no reason why you should not.

CHAIRMAN EWASUTYN: It's too early, we don't have enough information for the Orange County Planning Department?

MR. CORDISCO: That's correct.

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Would someone make -- okay. Let's start with this. Dominic, are we at a point where we would make for a favorable consideration of the project under the concept outline?

MR. CORDISCO: There's a provision in the code that's not necessarily preliminary approval or an agreed conceptual approval. The exact wording relates to whether or not it generally conforms with

2 zoning. My recommendation would be
3 to hold off on that, because there's
4 an additional zoning analysis and
5 parking analysis that's going to be
6 provided by the applicant in response
7 to Starke's comments.

8 CHAIRMAN EWASUTYN: That would
9 have been a favorable ruling, which
10 then, with that and doing a concept
11 plan, you would move forward with the
12 hard engineering. I guess it's a
13 little too early.

14 Would someone make a motion to
15 declare our intent for lead agency?

16 MR. GALLI: So moved.

17 MS. DeLUCA: Second.

18 CHAIRMAN EWASUTYN: I have a
19 motion by Frank Galli. I have a
20 second by Stephanie DeLuca. May I
21 please have a roll call vote.

22 MR. GALLI: Aye.

23 MS. DeLUCA: Aye.

24 MR. DOMINICK: Aye.

25 MR. MENNERICH: Aye.

2 CHAIRMAN EWASUTYN: Aye.

3 MR. BROWNE: Aye.

4 MR. WARD: Aye.

5 MR. WILSON: Does the Board
6 feel -- I probably know the answer to
7 this question. Does the Board feel
8 we should come back and address the
9 zoning issues before we go into the
10 hard engineering and get that
11 favorable approval?

12 CHAIRMAN EWASUTYN: That would
13 be up to Pat Hines and Dominic
14 Cordisco.

15 MR. HINES: It depends on your
16 level of comfort. We can't really
17 make that decision for you. I don't
18 want to say go ahead and then you
19 send me the bill.

20 MR. WILSON: I guess I knew the
21 answer. Okay. We'll take a look. I
22 mean, generally I didn't think I
23 heard anything -- I think there are
24 things we can work out here. Nothing
25 was problematic with the site.

2 CHAIRMAN EWASUTYN: And you're
3 looking to fast track this because
4 they want to have an opening later in
5 the year?

6 MR. WILSON: That's their plan,
7 yeah. You'll see me soon and often.

8 MR. CORDISCO: If I may be so
9 bold. One of the outstanding issues
10 is the visual impact associated with
11 the water tower. I think even an
12 open-ended discussion about sometime
13 in 2024 is inconsistent with prior
14 statements and representations that
15 have been made, and would probably be
16 too far out to satisfy a lot of the
17 Board Members' concerns.

18 MR. WILSON: I hear what you're
19 saying. Like I said, I'm the new kid
20 on the block when it comes to this
21 issue.

22 Does the Board -- I probably
23 know the answer to this one, too.
24 Does the Board wish to make this a
25 condition of any approval related to

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this project?

CHAIRMAN EWASUTYN: It's too early to say.

MR. WILSON: Okay. I'll get some much more detailed information on exactly when and what.

MR. CORDISCO: This particular site is part of a unified site plan. That is an element of an existing site plan.

MR. WILSON: I get it.

MR. CORDISCO: It's all one piece.

MR. GALLI: Like the guardrails.

MR. WILSON: I got it. Thank you very much.

(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 2nd day of August 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
Section 89; Block 1; Lots 66 & 69.1
IB Zone

----- X

SITE PLAN, LOT LINE CHANGES & ARB

Date: July 20, 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
KAREN ARENT
STARKE HIPPI

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

----- X

MICHELLE L. CONERO
Post Office Box 816
Dover Plains, New York 12522
(845) 541-4163

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CHAIRMAN EWASUTYN: The third and last agenda item this evening is Matrix I-84. It's a distribution center sketch plan, project number 22-29. It's a site plan, lot line changes and ARB. It's located on Route 17K in an IB zone. It's being represented by Dave Everett.

MR. EVERETT: Good evening, Mr. Chairman, Members of the Board. For the record, my name is Dave Everett. I'm land use and environmental counsel for Matrix. Also, for the record, tonight I have with me a number of people on our team. Ken Griffin here is one of the principals of Matrix. We all know Ray Aquino who is sitting here, the director of development for Matrix, and then Mark Ford is the architect for the project. He's flown in from Columbus, Ohio tonight to be with the Board to talk about architectural concerns and get any feedback that

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the Board may have on architectural components of the project. The project engineers are Chuck Utschig and Lauren McMahon from Langan Engineering who will go over the plans.

If the Board will recall, the last time we were before you several months ago, the Board had issued a favorable recommendation on the sketch plan and authorized us to go ahead and prepare detailed site plans and all of the SEQRA studies that the Board, as well as your Consultants, had requested. We made a fairly hefty submission. There was a lot of material there. I apologize for the size, but we had to cover everything and try to make it a comprehensive submission to make sure that the Board had everything you were looking for. The folks from Langan will kind of go over the plan and some of the studies at a higher level and take

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any questions that you may have.

We would like the Board to consider, maybe at the end, given the fact that we do feel we've made a fairly comprehensive submission, to consider whether or not you'd be willing to send this to the County for their recommendation, and then also get some feedback on when the Board might be willing to hold a public hearing on this matter. We would like to receive any public comments from any of the neighbors surrounding us.

With that sort of brief introduction, I'll turn it over to Chuck and Lauren to talk about the plans and some of the studies.

Thank you.

MR. UTSCHIG: Good evening, Mr. Chairman, Members of the Board. For the record, my name is Chuck Utschig with the firm of Langan Engineering. I'm a senior associate responsible

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for the engineering team that developed the hefty package that Mr. Everett mentioned.

I did bring with us 11 by 17 copies of our presentation board. I thought it might be easier if you have them close by. If it's okay, I could distribute this to everyone.

Our application tonight looks very much like it did when you saw this the last time we were here, and you gave us a favorable response to our sketch plan submission.

It's still a 595,900 square foot warehouse. We have 117 loading docks. We've got 144 trailer spaces, of which about half are represented on the plan to be, in essence, land banked. They're not required but they are variable for tenants that Matrix might attract here. We don't want to put down the impervious area if we don't have to. That's why we land banked those. Then we have 224

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parking spaces, which is compliant with your code.

As you all know, this is one of the districts where buildings have to be set back 500 feet if they are industrial. Our building is set back almost 900 feet, almost three football fields, off of 17K.

We think this will feel very much like the ABC facility that Matrix owns with the serpentine drive-up. When you go into this site, it will feel very much the same way. There are some slopes on either side of the driveway as you go in, and then you kind of get to the building. When I talk about the visuals, we think the visuals are going to be very much similar to how you see that ABC building from around the area. You know, when you're close, you really don't. When you're on the interstate and you drive by it, you do. We think this is going

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to be very much like that. I'll go through our visuals and hopefully kind of explain that a little bit more.

The total parcel is 62 acres. What we've done is, in essence, taken the combined two lots and split them a little differently. Both lots will be fully conforming. We've done a zoning analysis on the remaining piece and demonstrated that it still meets the underlying zoning criteria. Both lots will be zoning compliant once we get all said and done.

The other major components to the plan. There's a driveway into the site that's about 1,100 feet long. There's about 60 feet of grade change going up into the site. The slope of that road is 6 percent. It's not a steep driveway. It's probably not as steep as the one going into ABC, but it is as long.

There is a secondary emergency

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access that we've incorporated into the plan which runs through the Manheim parcel. I apologize, it's a little light on this plan. You may be able to see it better on yours. It comes in the main driveway, follows their drive aisle. The intent was to try to keep it in a drive aisle that they currently use, although I understand the parking of the cars and all here is a little random. We're still working on the striping, signage and agreement that will ensure that this access road stays clear, gets plowed and is always available. It kind of works its way through and comes into our site here at the point in which our driveway splits. That's the secondary access that we need to meet the new code requirements for two emergency accesses for this size building.

MR. GALLI: Where does that

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come in from off the road?

MR. UTSCHIG: Their entrance.

MR. GALLI: Their main entrance?

MR. WARD: The exit in there,
it's a gated one.

MR. UTSCHIG: I'm sorry. Yes,
it's the gated one, which I believe
was intended to be a secondary access
into that facility anyway. So now
it's going to be their secondary
access and our secondary access.

Similar to the Route 300
facility, we also have a water tank
necessary because of the height that
we're up to to get the distribution.
So this will be, again, similar to
the one we have on Route 300. Its
maximum height is 32 feet. It's
about a 250,000 gallon tank. That
will be used to provide water to the
fire sprinkler system and the hydrant
loop that goes around the building.
Lauren is going to explain a little
bit more as part of her presentation.

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There are walls on this site. As you come to understand how these warehouses are developed, and I've stood in front of you many times talking about this, this is a big flat platform. There's only one way to do a warehouse, it's a big flat platform. It has a large area for trucks to maneuver, and that makes the platform even bigger. Any time the topography on the site is overcome by putting in walls -- this one has its fair share of walls. There are, in essence, walls on all four sides. I think the good thing about this site is, as you look at this aerial, we're heavily screened on both the east and west sides. We're up against the airport to the south and the interstate to the north. I understand on the other side of the interstate there is some residential-type development there. I think, again, as we go through the

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visuals, you'll see that the impact here is, we think, not significant, or hopefully we can make that case for you.

I'm going to let Lauren talk about the utilities and the stormwater management that we're proposing.

MS. McMAHON: Good evening, everyone. So I will start with talking about the sewer and water system, which is really very simple. The sewer line runs -- it's conveyed by gravity and it runs down the driveway towards Route 17K, and then by the base of the driveway, right at that entrance that's set back a little bit from the road, there's a pump station to be connected into the pressure main that's in 17K.

The water also connects in through 17K. We have a line that runs up the driveway, a domestic line, to the building, and then a line that also feeds the fire tank.

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The fire tank, as Chuck said, is about 32 feet tall and sized per the fire code requirements. The discharge from the fire tank will break off into a loop around the building, and it will have services to the fire sprinkler system for the building and also for the fire hydrants surrounding the building.

For the drainage piece, I want to start by talking about the existing drainage patterns on the site. I think, as everyone knows, the site is a big hill, so the drainage kind of, in existing conditions, really disperses in each way from the top of the hill to three main parts. A portion of the site breaks to the east and goes into a stream that runs on the Manheim site, and then another portion of the site breaks to the west and it comes through a steam that runs along this proposed Sunbelt development, it goes

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underneath Route 17K through a culvert. Another portion of the site breaks just south, it comes through a culvert that's right along the property front edge adjacent to Newburgh Toyota. So in proposed conditions, in all three of those areas we're reducing the flow. We're reducing the flow by 15 percent going through this stream leaving the site, 20 percent leaving the site to the south, and 40 percent that's going through this stream. In the 100-year storm, that's the percent reductions. The reductions, that's mainly a factor of the stormwater system that we're providing.

The stormwater system is for the hotspot areas on the site, such as the truck ports and the driveways. That's collected and conveyed towards our retention system. We have two of them on the site, a big one here and a smaller one that just takes a small

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portion of the driveway over here.

The roof of the building is not considered a hotspot, and that's being treated by an underground infiltration system.

To reduce flows even further, we have two dry detention basins, one in front of the site and one in the back of the site.

Additionally, there is a small floodplain associated with this stream; however, we're not developing in the floodplain. We're not impacting it. Our limit of disturbance and our detention basin is completely outside of that.

I'll bring it back to Chuck to explain more environmental studies.

MR. UTSCHIG: As Dave indicated, we submitted a bunch of studies that went along with our application that addressed in more detail a lot of the environmental questions that got asked on the EAF. I'm going to

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quickly kind of go through those and give you kind of what we studied and the conclusions, as well as answer any questions.

We did a full wetland assessment. We had one of our wetland specialists from Langan go out to the site, identify and flag the wetlands, and then we had our surveyors locate it. There are 5.2 acres of wetlands on this 62-acre parcel located primarily to the east and west.

The two streams that Lauren mentioned have discharge points. Those are basically the corridors for the wetland. Our proposal does not anticipate any wetland impact. They are Army Corp wetlands, but we have worked around them. Currently we don't anticipate any wetland impacts to develop this site as it's currently proposed.

We also have been in touch with

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the FAA. I mentioned the fact that Stewart Airport is right across the street. We've had some very detailed interaction with them. We have an updated application in with the FAA, and our hope is that they're going to come back with a determination of no significance. We'll probably have to put lights on the top of the building. The current analysis seems that that's going to be the extent of what they're going to require us to do. I may be a little overoptimistic. Our initial interactions with them, once we gave them the updated topo, have been very positive. We're hoping to come back the next time with a positive reaction from FAA on that issue.

We also know that there are threatened and endangered species, our friends the bats. We understand what the limitations are in terms of clearing, and we have actually

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submitted a study to the DEC to address that issue, which we are waiting for their reaction on. I think we're well aware of the impact. We understand what the limitations are in terms of clearing the site. As we move forward, we will figure out that timing. That's basically an acceptance of the condition and to work around it.

We also did a detailed noise study at your request. We set up the monitor locations as requested. They monitored it for, I want to say two days. There might have been more data that they collected. They compared that noise level, ambient noise level, with the anticipated noise that a facility like this might generate. They meshed it all together and then they compared it against, not only the Town's code but New York State DEC guidelines for noise. The conclusion in the study

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is that both for the HVAC equipment on the roof, which is one specific item they studied, the truck noise that would be generated, all of those will fall well below the Town's threshold and the DEC criteria. For example, for the HVAC equipment, your Town Code, it's not specific to that but it relates to nighttime noise, and a 70 dba level is acceptable. The DEC's criteria that we kind of tweaked a little bit to be conservative is 60 db. Our analysis says we'll produce somewhere between 35 and 38. So like 40 percent less. That's the same analysis and the same comparison they did for the kind of noise that gets generated by the trucks circulating, backing up and doing that kind of stuff. Again, the airport here and the interstate here create kind of an underlying ambient noise level that's pretty substantial. We have compared it to

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the necessary criteria, and the study supports the conclusion that we will not have a noise impact as a result of this project on the adjacent properties.

CHAIRMAN EWASUTYN: So Chuck, it's 70 at night and 80 during the day is the standard?

MR. UTSCHIG: Right. The DEC standard is a bit lower than that. Again, we demonstrate compliance with both of those.

MR. BROWNE: What locations were you looking at that for compliance?

MR. UTSCHIG: The property line.

MR. BROWNE: All the way around?

MR. UTSCHIG: The noise studies were put out around the perimeter of the site. The analysis was all done at the property line.

MR. BROWNE: Thank you.

MR. UTSCHIG: We also did a fairly detailed traffic analysis. I think it hasn't changed much since we

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presented this the first time. I know that your traffic consultant has looked at it. We have demonstrated that there's no change in level of service as a result of this project. We have designed a fully operational intersection. I think when we started this we were talking about right turns out only. There was a discussion about that. This is a fully functional driveway. There's no reduction in levels of service on the intersections.

The one thing that we did determine is, there was a discussion about backup at Governor Drive. It turns out that the signal is on a fixed time and not an actuated cycle. Once DOT straightens that out and puts it on an actuated cycle, more traffic will be able to flow through the 17 route than the adjacent road. What's happening is every leg of that intersection currently is getting an

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equal allocation of time, and that's not how you want that kind of an intersection to operate. Our traffic guy is pretty confident that when we square that away with DOT, you'll have significantly reduced the queue that currently happens at that intersection.

The next study that we did was the visual assessment. So when we were before --

CHAIRMAN EWASUTYN: The study was done on a one percent increase over each year, the traffic?

MR. HIPPE: Yes. I haven't -- to be clear, I haven't -- Ken and I have not gone through the study entirely. In my quick review of it, they did a one-percent increase on traffic, and they also included the Scannell project just kind of southeast of this site on 17K, and also the Sunbelt. So they used one percent for the growth rate. It's

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generally around half a percent of growth. They did the one percent to be conservative.

CHAIRMAN EWASUTYN: Thank you.

MR. UTSCHIG: One other thing is, I'm pretty sure our traffic consultants did like we did on the other sites. Because this is an unknown tenant, we take a conservative approach to the trip generation that we anticipate. At the end of the day, I feel like our studies are generally on the conservative side when it comes to the traffic analysis and potential impacts.

The visual assessment. We had a discussion with the Board about locations. I think we picked those and got an agreement on it. We did visual assessments at three locations. The one that we did through the car dealership was probably not the best spot for us to

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do it, to be honest with you.
Basically what we show is that the car dealership blocks the view. I would say that probably we weren't giving you a good representation of what you might see if you were in the back of the car dealership. However, we did cut an engineering section through that. I will go through that with you so you have a better sense of what, at least, the engineer viewpoint looks like from behind the car dealership. The other two locations we did, one was on 17K. This is looking through the old building, Sunbelt.

MR. GALLI: The landscape place.

MR. UTSCHIG: The landscape place.

MR. WARD: That building is not going to be there?

MR. UTSCHIG: No. I think the point of this presentation was, this

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tree line in the back we think is staying. The building just pokes its head above that tree line that's going to stay behind all that proposed development. So yes, this part will change, but we didn't think that the tree line in the back would change. I think this is a pretty good representation of the glimpse that you'll get as you're driving 40 miles-per-hour down 17K passed this site. Yes, you may see it. Again, I think this is going to be very much like the ABC building. The places where you see the ABC building is when you're approaching it on the interstate and you have time to see it as it's there on top of the hill.

MR. GALLI: It doesn't look that bad.

MR. UTSCHIG: I really like representing Matrix's buildings because they look nice. They don't look like warehouses. I think we

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have that going for us, too.

The last representation we have is from Homewood here looking through. This is obviously a leaf-on picture. The dotted line represents where that building will be in the background. My guess is that if we took this visual in the winter, you would probably have some glimpses through the trees. Remember, if you look at the -- do you have the site plan, Lauren?

So this distance here, right from the edge of the road and the adjacent development into this site, is a couple hundred feet, probably three or four, of undisturbed area. So again, that picture shows that treeline. Maybe leaf-off is a little clear, but I still think, because of the distance, you're going to still heavily screen this building from those perspectives.

As I said, we did do some

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engineering sections through the site. I think the one that probably gives you the best representation is section number D, which is this one, which we did from the back of the car dealership looking through. Again, this existing vegetation will serve to block much of your view from the back. If you were in the car dealership parking lot, you're not going to see much through this span of trees which exists right here in this area. Again, as you look at each of these engineered sections, you can tell what section of the building will be visible and what will not. I think the better story is the actual photo simulations where you can see the vegetation and change in topography. Again, I don't think there's going to be a significant visual impact when you look at the adjoining properties here and what we're proposing.

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MR. DOMINICK: That cross section D that you just mentioned, your building looks quite higher than Toyota. I wouldn't be surprised if you have to put lights on it.

MR. UTSCHIG: From the FAA's perspective?

MR. DOMINICK: Yes.

MR. UTSCHIG: We anticipate having to put lights on it.

MR. DOMINICK: You are?

MR. UTSCHIG: Yeah. We're pretty sure that's the -- the good news is that we only expect that to be the requirement and no restriction on how high the building sits on the ground.

One of the things we worked hard to accomplish is generally a balanced earthwork here. The elevation of this building is set so that there's a minimal amount of dirt that will have to be brought on or taken off of the site. That really

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was important from a cost perspective in developing this piece of property. That's the other thing that was important in talking to the FAA. We don't have the flexibility here necessarily of saying we're going to drop the building down five feet because your threshold is that. That would create a significant earthwork issue that we'd have to figure out.

Lastly, I think lastly, we did develop a landscape plan. We focused our efforts at the front entrance where most of the landscaping was put, and then the other places up where the parking and the offices are. We really feel that this site -- we know when we did the Route 300 site, that was at the entrance to Town. That building was right up close. Your desire was to see kind of a berm and a wall and a presence there. That made sense to us. I'll go back to my neighbor on the other

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side is Stewart Airport. I've got Manheim here. The interstate here. We think this is more akin to the ABC building. If you drive by the ABC building, it's a very kind of -- it's nice, simple, but not over-the-top landscaped. We think that's what our approach here was. We're really interested in understanding from the Board what your opinion is on the level of landscaping that's required here and where we should focus our energies. That's one of the things we're hoping you'll have some input for us on.

Then lastly, we took a stab at a plan that's called a tree preservation plan that meets your new ordinance, although we understand that the ordinance is in flux. We're doing what we can with what we have until that gets resolved. I will tell you that we did four test plots. We established the criteria for doing

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that. We identified the specimen trees. We did the count. Based on some of the current thresholds, and again, I'm talking kind of knowing what's adopted and kind of knowing what's proposed, the threshold number is 75 percent of the specimen trees. We're at 66 percent. We've tagged, marked, labeled all the trees. We've done the basic analysis. We're just kind of waiting for that code to be approved, modified, whatever is going to happen with it, and then we'll move forward. That was our kind of current effort at the tree preservation plan.

With that, I'd like to turn it over to Mark Ford and let him talk to you a little bit about what the building looks like and the architecture.

MR. FORD: My name is Mark Ford, Ford & Associates Architects.

Just as a point of reference, we were also the architects on the

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300 project with the two buildings that were recently completed there. I think you'll see a lot of similarities between the quality of design from that project carried forward on this project.

The rendering that you may have -- I know it's in your packet. We produced a three-dimensional image of the front corner of the building. When I say front corner, that's why I wanted the site plan back up here, was to show you, we're basically looking as if you were approaching the building and just generally in this position here, looking northeast towards the building. So that's the southwest corner. I just wanted that as a point of reference on this rendering.

So what we did, we created a model, a 3D model of the topography with the information we received from Langan. This as well as the proposed

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landscaping at this approach drive as you look into the project. As you can see on the building elevations, similar to what was accomplished on the other two buildings out on 300, we've broken down the mass of the building, these large lengths of walls, with various reveal patterns, concrete wall patterns, concrete panels. There are horizontal and vertical accent bands and then the paint scheme.

What we're proposing is the same color palette that you see on the other two recently completed buildings. You'll have the darker blue, it's called Salty Dog, accent bands on the building as well as at the entry canopies. We're looking at also offsets in the plans, not just adding texture to the wall panels. As you can see, we stepped the wall panels, the top of the parapets. There's different patterning here

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where you have this gray tone. We also have wing walls that come out from the face of the building to add shadow and, again, some depth to the corner features. This element tends to repeat itself on all four corners of the building in various iterations depending on the grading and what we believe the car traffic or the parking will be at each of those locations.

The building is set up to be a class A industrial property, and, as such, it's a cross dock -- as you saw on the site plan, what we call cross dock building, docks on both sides. It could be multi-tenant. There are no tenants at this time identified for the project, so it could be one tenant hopefully, it could be two tenants.

From an architectural design standpoint, we set up the building structure, the potential entry

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features for each of those tenants on an equal basis.

Here we're showing, again, the southwest, which we believe will be the main entry if it's a single tenant. This is more likely where they'll put their entrance. You see the auto parking, a singular entrance. The curtain wall and the storefront, again, very similar to what you see at the Route 300 projects. Very similar scale as well.

We are showing a tenant sign. Again, there's no tenant identified. I think the objective of us showing this is just an illustration of where a tenant, more than likely, would put their sign, knowing that whatever signage is provided would be compliant with your local ordinances. Right now it's just a generic tenant, but we would, again, want your feedback on the location and the type

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of sign that would be provided.

In addition, similar to what you see on the two recently completed buildings, is Matrix, their brand and logo on the face of the building, which I saw today for the first time installed because I've been coming back every month. It really is quite attractive. I think it makes a very nice presentation when you're passing by that building. It really does present itself as a class A property. We're proposing a 12 by 12. That was what we kind of scaled to the size of the building. Maybe a 12 by 12, either illuminated or non-illuminated type of logo.

There are docks on the two long sides of the building bearing the parapets.

We will have exposed downspouts, again kind of creating that rhythm on the face of the building.

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In addition, we've also kind of strategically located clear first-story windows. If you've been by those buildings, it's a common feature in class A industrial buildings. We've located them and kind of coordinated them with the accent band on the long sides of the building. You can see them more, a tightly knit pattern of those first-story windows at the entry features to the building.

You can see here on the southeast corner, it is essentially a very similar entranceway, entry feature.

In terms of kind of the nuts and bolts, four drive-in doors located in each of the four corners of the building, again that equality that we're trying to create for leasing the building. Docks on both sides.

There will be egress and fire

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department ingress doors per code.

We have a dual pitched roof. Similar, it will be a white TPO type of roof, a single membrane roof, pitching both to the east and the west. That's been coordinated with Langan in terms of the stormwater it would produce off the roof drainage. We've coordinated all the downspout locations as part of the calculations that Langan has done in their stormwater analysis.

We will have roof-mounted equipment, just as the other two buildings were completed. We've taken great lengths looking at the parapet heights in an effort to screen those rooftops units. Again, based on the diagrams I saw earlier, you may not even see this building, but more than likely you're not going to see the rooftop units because they will be set in from the edge of the roof. We do have parapets on all

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four sides of the building to help screen the visual impact.

I'll be glad to answer any questions that you may have. I guess I'll turn it back over to Chuck.

CHAIRMAN EWASUTYN: Can we have the opportunity to respond to Mark Ford's suggestion and then maybe comments?

MR. UTSCHIG: Absolutely.

CHAIRMAN EWASUTYN: Thank you. It's nice having you here, Chuck.

Frank Galli?

MR. GALLI: On your driveway entrances, we talked tonight about the two walls. Instead of trying to plant grass there, because it's pretty tough to grow, put sod in.

MR. FORD: I'm sorry?

MR. GALLI: Sod instead of trying to plant grass when you're coming in your entranceway. The building and everything looks great. The grounds look great. Then you're

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looking at these patches and things.
You might want to throw some sod in
there, get it done with. The same
with this. Just do it, throw the sod
in, make it look decent upfront and
take it from there. You're putting
that much money into a building, I
mean, you might as well just keep it
topnotch. They are topnotch
buildings.

MR. UTSCHIG: Understood.

MR. GALLI: That's all I have,
John.

CHAIRMAN EWASUTYN: Stephanie
DeLuca?

MS. DeLUCA: No. It was a
great presentation and very detailed.
Right now I don't have any other
questions.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: A couple of
things. The front entrance, Chuck,
you eluded that it's not the center
of the Town so we're not going to

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make it as grand-type landscape. I kind of disagree on that. 17K is very heavily traveled by many residents and visitors and people going from point A to point B. I would like to see the frontage by the road landscaped. Maybe something similar to the 300 site. Not as grand, but scale it down a little bit. As Frank said, you're spending a lot of money on this. Make it inviting. You're representing the Town, so let's have an image of what the Town is.

In addition, with the emergency access road, is that going to be visible from 17K or from any open area?

MR. UTSCHIG: You mean the actual route itself?

MR. DOMINICK: The actual entrance as you go from either 17K or Manheim's entrance onto that road.

MR. UTSCHIG: We need to work

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out a way to make sure that when the fire department goes there, they know that that's what it is. We're talking with Manheim and then your fire department folks about signage, pavement markings. If I could hold off. We don't have that answer yet because we don't have all the input we need. We will come back with a better answer and a more defined program.

MR. DOMINICK: Okay. When you do, can you also, at some point, come back with a rendering of what that entrance will look like? The 300 entrance, that emergency access entrance, looks horrendous. That goes by residential areas. In fact, I ride by it every day. It's disappointing.

MR. UTSCHIG: We're actually trying to do something about that.

MR. DOMINICK: Great.

MR. UTSCHIG: I understand the

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point. We can create a representation of what that will look like.

MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Since you don't know if you're going to have one or two tenants, will that be known before you do the final construction?

MR. UTSCHIG: It might not be. It's not always determined. I think the intent is to finish this as a spec building. If a tenant comes along, great. Otherwise, it gets modified once it's finished to accommodate the tenant's requirements. It's a fairly standard approach to how they go about doing it. It's going to look like this if they don't have a tenant, and it could get modified depending on what the tenant's requirements are. For example, they may get a tenant that needs more tractor trailer storage spaces. I mentioned earlier that half

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the spaces are land banked. We may end up paving those. Those are the kinds of things that happen once a tenant is defined.

MR. MENNERICH: Just so we're clear, there will be two entrances?

MR. UTSCHIG: There are specific corners created as part of this plan, yes.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: I would like to congratulate you on your success with Route 300. I think we all sat here wondering what we were approving and who would be coming and hitting us on the head. All said and done, it's a showpiece. It really is a showpiece. I'm happy that you have found tenants. Thank you for being what you are.

MR. GRIFFIN: Both of the tenants are going to be top shelf and should be good employers and good corporate citizens in the Town. I

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think you'll be happy going forward.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I'm basically very pleased with your previous two facilities. I'm very pleased with those. I'm looking forward to this one continuing in the process.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: First, every project that we look at is in our neighborhood. Let's clarify that. This happens to be mine.

First, the Upland Sandpiper is included with the bat for this project. It should be. It's right next to the airport.

MR. EVERETT: That was evaluated in the narrative that we had sent in.

MR. WARD: He didn't mention it.

MR. EVERETT: I think the last sighting of the Sandpiper at the airport was in the '70s. That was discussed in the narrative. Do you

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want something else? If you want something more, just let us know and we'll look at it.

CHAIRMAN EWASUTYN: The habitat study I think did represent that.

MR. WARD: Thank you. With the emergency access on your paper here, CS-200, you have a visual of what we were saying about the cars being there. You can see it on the aerial shot, two cars are blocking the gate. I emphasize that it's clear that you can get access in there.

The building height and water tower, what's the height?

MR. UTSCHIG: The water tower is 32 feet minus a few inches. The face of the building is just less than 40 feet here in the front, which is what your code requirement is for the face of the building facing the street. Mark can talk about the relative height. Basically it's a code compliant 40 feet as you measure

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it.

MR. WARD: With the FAA, with lights on the building, you might have to put lights on the tower, too.

MR. UTSCHIG: We might. There's a discussion about -- we have utility poles that may have to have lights on them.

MR. WARD: That's why I'm asking.

MR. UTSCHIG: There may be a bunch of red lights.

MR. HINES: Toyota of Newburgh has it on the utility pole.

MR. WARD: Just keep it painted. That's all.

MR. UTSCHIG: That we can do.

CHAIRMAN EWASUTYN: Starke, I think Ken Wersted said he'll need more time to evaluate this traffic study.

MR. HIPPE: Yeah. We didn't want to give formal comments without conducting a thorough review.

I was able to look at it briefly, just to familiarize myself

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with the project. Some of the things we already hit on regarding the one-percent growth rate for their traffic study. The two projects should be considered in the traffic study for background growth for forecasting.

We noted that there was a left-turn lane proposed.

I think something that's not shown or wasn't discussed in the traffic study was a sight distance for the driveway looking left. I know that the predominant movement for trucks is going to be to turn right to go to 84. Just making sure there's enough sight distance for them to make that maneuver. It looks like there's a pretty clear sight line looking right, but the embankment on the east side of the roadway and some of the vegetation should be looked at.

For the Governor Drive intersection, are you guys going to

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call the DOT or do you want the Town to do that?

MR. UTSCHIG: We both should.

MR. HIPPE: I'll call the residency tomorrow.

MR. UTSCHIG: If you guys can initiate that discussion, great. You may have better luck convincing them that it should be an actuated cycle.

MR. HIPPE: I will give them a call and update Ken and the Board. I'll just call the residency and see what they say. It looks like it's just faulty equipment on 17K, which they'll probably want to have fixed. It's most likely the detection, which is what they have been putting on new intersections as they go along.

That's all I really have right now as far as traffic.

CHAIRMAN EWASUTYN: Pat Hines, you completed the SWPPP?

MR. HINES: I have not completed the SWPPP. It's only 3,000

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pages or something like that. We have received that and we will review it.

One of the comments I had, just as Lauren was talking, is to make sure where the stream on the east side of the project discharges to. I'm not sure if that goes to Washington Lake or if it cuts across.

MS. McMAHON: Both streams go under Route 17K and come together into one on the other side of Route 17K, and they both go to Beaver Dam Lake. There's a figure in the SWPPP.

MR. HINES: I haven't gotten to that. That clarified that. If it went to Washington Lake, there would be additional parameters we'd be looking for.

Just a comment. Certainly Creighton, Manning is doing the traffic, but the Town Board recently requested DOT to do a study of the intersection of 17K and 84 eastbound.

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That's an issue with trucks accessing Pilot. It backs up the exit ramp eastbound, actually onto the drive lanes. I know it's a concern for DOT. Just for Starke, take a look at that. I know DOT is very concerned about adding more trucks. That may be an issue without changing those signals. It's the movement from 84 east, 17K, swerving across and getting into Pilot. Sometimes only one or two trucks can get through those traffic movements. That's something you should take a look at.

The timeframe for lead agency disputes has lapsed, so the Board can declare itself lead agency tonight.

Again, we're reviewing the stormwater.

We'll be looking for the legal documents and permanent covenants, or whatever Dominic's office requires, for that fire lane to exist in perpetuity there as long as the

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building is there.

The tree preservation plan.
There is a public hearing on
modifications to that at Monday's
Town Board meeting coming up.

We did note that they have done
sample plots. They've done one-acre
plots where the code is going to
require half-acre plots, but they
have done the actual numbers. We'll
be taking a look at that for
compliance. My initial take is the
one-acre plots, similar to the half-
acre plots, should be representative.
I have reviewed where they are.
We'll work through that.

The Stewart Airport FAA signage.
City of Newburgh flow acceptance
letter will be required.

We have the Health Department
approval for the water mains.

We do have the issue, and I
know you're aware of it from your
Scannell project, the waterhammer

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issues that we experienced from your ABC project that the water department is concerned about. There will be a five-acre waiver required.

The wetlands survey, I guess it's in the packet. I haven't got there yet. We'll take a look at that.

There's the potential for archeological sites. They have submitted a request to SHPO and got a no effect letter, so that box has been checked on the environmental review.

We talked about the threatened and endangered species.

That's where we're at. Again, we did receive that whole packet and are starting to work through it. We have not provided our technical comments on that yet, but we do think the Board can declare itself lead agency based on circulating the notice of intent.

CHAIRMAN EWASUTYN: Pat, should

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the City of Newburgh be listed as an approval agency? It wasn't on the list of agencies.

MR. HINES: We did circulate to the City of Newburgh.

CHAIRMAN EWASUTYN: The documents they presented?

MR. HINES: By circulating it to them, we included them. It's kind of an administrative act for them. I don't know that they can deny the sewer flow acceptance letter as long as we're under the flows for the capacity that the Town has constructed at their plant.

MR. CORDISCO: The issue that's before the City of Newburgh is in connection solely with flows. It's not for a review of this particular project or a referral to another agency that has some level of jurisdiction over this project.

CHAIRMAN EWASUTYN: Dominic Cordisco, your comments.

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MR. CORDISCO: I think I concur with Pat. At this time I was wondering, as well, as to whether or not a referral to County planning would be warranted.

MR. HINES: They're certainly going to take some time to go through it as well. I don't have an issue with sending it to County Planning sooner rather than later. I don't know that they are going to be able to review that packet in thirty days. If we can give them some time to start delving into that, it would be helpful.

We know we're going to get the comment solar for the roof. I don't know if the architect addressed that. County Planning is going to come back and say that roof begs to have solar on it. That's always one of their comments.

MR. CORDISCO: That was a condition of the approval previously,

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that if solar is added to projects,
the Matrix projects in the future,
that they be able to accommodate that.

CHAIRMAN EWASUTYN: Karen, you
worked with the landscape architect
for Matrix. I think you mentioned
the last name on your memo. I think
that was the landscape architect's
name that you mentioned.

MS. ARENT: I think it's a
different one than the last project.

CHAIRMAN EWASUTYN: You'll work
with their landscape architect.

MS. ARENT: I'll be happy to
work with your landscape architect.

CHAIRMAN EWASUTYN: So at this
point we're going to have a motion to
circulate to the Orange County
Planning Department and to
acknowledge the fact that we're lead
agency.

MR. DOMINICK: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a

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motion by Dave Dominick, a second by John Ward. Can I 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.

MR. EVERETT: The only other question I had was feedback from the Board on when we could consider to do a public hearing on this. Do you want us to make another submission? Are you comfortable with setting something now? I look to your guidance how you want to proceed.

CHAIRMAN EWASUTYN: I think until we get a review from Creighton, Manning and Pat Hines and we know we have kind of dotted our I's and crossed our T's, we would be in a better position to make that. I

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think we can't really do much until we hear back from the Orange County Planning Department.

MR. HINES: Typically you hear back from Orange County Planning and make a SEQRA determination prior to your public hearings.

MR. EVERETT: Thank you.

MR. UTSCHIG: Thank you.

(Time noted: 8:56 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 2nd day of August 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

U-HAUL MIDDLEHOPE
(2021-33)

5325 Route 9W
Section 20; Block 2; Lot 2

----- X

BOARD BUSINESS - FIELD CHANGE

Date: July 20, 2023
Time: 8:56 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
KAREN ARENT
STARKE HIPPI

----- X

MICHELLE L. CONERO
Post Office Box 816
Dover Plains, New York 12522
(845) 541-4163

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CHAIRMAN EWASUTYN: We have one other item. Pat Hines is going to come forward. It's plans for the U-Haul on Route 9W. There is a slight change in the material for the retaining wall.

MR. HINES: The U-Haul site on Route 9W in Middlehope has requested we change the type of retaining wall. It's a large diameter block wall. They changed the brand that they had approved and the size of the individual blocks. They've provided you with a cut sheet on the Ready Rock textured lime stonewall. I think Ready Rock walls are used throughout the Town on numerous projects you've seen.

We would not take exception to the change. Certainly the cut sheet shows you the type of wall.

CHAIRMAN EWASUTYN: Can we look at the cut sheets so everybody knows what we're --

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MR. HINES: I thought everyone had them. I'm sorry.

So there was a note on the wall that said the retaining wall block will be 2 by 2 by 4 foot long, precast as manufactured by Tetz Concrete utilizing World Block landscape block. They're not proposing to use what's manufactured by Tetz Concrete. They're proposing to use the Ready Rock brand wall system. It is a textured -- I'll show it around. It has a textured face on it. It doesn't look like concrete, flat blocks. It has more of a rock look to it.

MR. GALLI: Similar to the ones we have by the pool at the club. The ones we had were made by Tetz.

MR. HINES: I'm not sure if they gave us the color on this. It shows the textured front. It's just a different manufacturer. They may be a little different in size, too.

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It's not a flat looking concrete block. It has more of a natural earth tone texture to it.

MR. GALLI: Like a textured Mafia block.

CHAIRMAN EWASUTYN: Would it be considered a field change? I'll poll everyone.

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. DOMINICK: Yes.

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: Yes.

MR. BROWNE: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: You'll speak with Joe Mattina?

MR. HINES: I will.

CHAIRMAN EWASUTYN: Would someone make a motion to close the Planning Board meeting of the 20th of July?

MR. WARD: So moved.

MR. GALLI: Second.

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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 Ward.

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

(Time noted: 9:00 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
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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 2nd day of August 2023.

Michelle Conero

MICHELLE CONERO