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

----- X  
In the Matter of

273 ROUTE 17K  
(2023-05)

273 Route 17K  
Section 90; Block 60; Lot 1  
B Zone

----- X

CHANGE OF USE - RESTAURANT

Date: November 16, 2023  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MICHAEL HENDERSON

----- 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 the  
6 16th of November 2023. This evening  
7 we have six agenda items and two  
8 Board business items.

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

11 MS. DeLUCA: Present.

12 MR. DOMINICK: Present.

13 MR. MENNERICH: Present.

14 CHAIRMAN EWASUTYN: Present.

15 MR. WARD: Present.

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

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

20 MS. CONERO: Michelle Conero,  
21 Stenographer.

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

24 MR. WERSTED: Ken Wersted,  
25 Creighton Manning Engineering,

2 Traffic Consultant.

3 CHAIRMAN EWASUTYN: At this  
4 time we'll call on John Ward to  
5 present the meeting to us.

6 MR. WARD: Stand to say the  
7 Pledge. After that we will do a  
8 Moment of Silence for Frank Galli.  
9 Thank you.

10 (Pledge of Allegiance and  
11 Moment of Silence.)

12 MR. WARD: Please turn off your  
13 cellphones or put them on vibrate.

14 CHAIRMAN EWASUTYN: The first  
15 item this evening is a change of use  
16 - restaurant. It's at 273 Route 17K.  
17 It's project number 23-05. It's in  
18 the B Zone. It's being represented  
19 by Hennessy Architects.

20 MR. HENDERSON: This is just a  
21 change of use from a dry cleaner to a  
22 restaurant. We've been here before.

23 The last set of comments, we  
24 took care of all of them except for  
25 -- there were three that were the

2 ones that were --

3 MR. DOMINICK: Can you give  
4 your name?

5 MR. HENDERSON: Michael Henderson  
6 from Hennessy Architects.

7 There was the one comment about  
8 some sewer drains or storm drains on  
9 the property. They are just access  
10 manholes for the drainage easement.

11 There was also the comment of  
12 switching from the mulch to an earth  
13 berm, which we'll take care of that.

14 All of the other comments that  
15 were given to us were addressed in  
16 the set of drawings that you guys have.

17 CHAIRMAN EWASUTYN: Comments from  
18 Board Members. Stephanie DeLuca?

19 MS. DeLUCA: I was just -- I  
20 guess I was just concerned about the  
21 fencing or defining the property. I  
22 guess a neighbor was concerned about  
23 that. I don't know if that was an  
24 issue or not.

25 MR. HENDERSON: We have the

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landscaping and the trees to block any layers or just a view from this property down to his, which is up here.

MS. DeLUCA: Okay. And the other concern I had, too, was about the lighting.

MR. HENDERSON: We're not doing anything. The only exterior we're doing on the site is paving. We're not touching any lighting or anything else. It's just what was there is going to stay.

MS. DeLUCA: Do you feel the lighting is sufficient for the use that you're going to have?

MR. HENDERSON: There's one light that's off the existing pole here catching the parking and then there's a few existing wall packs on the front of the building to light the front.

MS. DeLUCA: Okay. Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: My concern was

2 the parking lot. You're addressing  
3 that with the top coat.

4 MR. HENDERSON: We're going to  
5 pack the potholes and repave it.

6 MR. DOMINICK: Nothing further,  
7 John.

8 CHAIRMAN EWASUTYN: Ken Mennerich?

9 MR. MENNERICH: I guess from  
10 our work session, Pat mentioned some  
11 of the dimensions aren't correct for  
12 the parking.

13 MR. HENDERSON: There was a  
14 concern of this back edge of  
15 pavement. We took it off the old  
16 site plan. It floated out from the  
17 site plan a little further than we  
18 depicted on ours. I went out and  
19 measured and I brought that in. As  
20 of now, everything -- I went out  
21 there this morning and everything is  
22 what we're showing. We're not paving  
23 any more or extending. Just what was  
24 there, we're keeping.

25 MR. MENNERICH: Okay. That's it.

2 CHAIRMAN EWASUTYN: John Ward?

3 MR. WARD: When you say you took  
4 care of the mulch, what are you going  
5 to do?

6 MR. HENDERSON: So that will -- it  
7 was recommended to use soil. We'll  
8 bring in soil to make that berm.

9 MR. WARD: If you can, please  
10 put it on the plan.

11 MR. HENDERSON: I'll change  
12 that on the plan and resubmit.

13 MR. WARD: How thick is the  
14 overlay?

15 MR. HENDERSON: We're going to  
16 go, like, three feet high to help  
17 with the concern with the --

18 MR. WARD: The pavement I'm  
19 talking.

20 MR. HENDERSON: It's an inch  
21 and a half.

22 MR. WARD: Okay.

23 MR. HENDERSON: Also, we'll  
24 patch all the potholes that were  
25 pretty substantial.

2 MR. WARD: It's a lot.

3 MR. HINES: The plan sheet  
4 currently says one inch. If you're  
5 doing the inch and a half --

6 MR. HENDERSON: Everything is  
7 one and a half.

8 MR. HINES: The note says one inch.

9 CHAIRMAN EWASUTYN: The site  
10 plan shows potholes to be patched and  
11 new one and a half inch pavement.

12 MR. CAMPBELL: Pat, it's this  
13 plan. I knew I'd seen it somewhere.

14 MR. WARD: Thank you.

15 CHAIRMAN EWASUTYN: Jim Campbell,  
16 Code Compliance?

17 MR. CAMPBELL: Just to note  
18 that the signs as depicted do comply  
19 with the Town's signage code.

20 CHAIRMAN EWASUTYN: Ken Wersted  
21 with Creighton Manning, did you look  
22 at this? Do you have any comments?

23 MR. WERSTED: We didn't look at  
24 it in any significant detail, but  
25 it's an existing site plan and



2 they're not making any modifications  
3 relative to the access. I know it  
4 was sent over to DOT. They looked at  
5 it and did not have much to add  
6 relative to the change in use.

7 MR. WARD: I have one more.  
8 With the entrance to 17K, is that a  
9 two way?

10 MR. HENDERSON: Yes, that was.

11 MR. WARD: Is it going to be?

12 MR. HENDERSON: Yes.

13 MR. WARD: Okay. Thank you.

14 CHAIRMAN EWASUTYN: Pat Hines  
15 with MH&E.

16 MR. HINES: We need to show a  
17 grease trap for the change in use to  
18 the restaurant on the sanitary line.

19 We noted that the zoning  
20 variances have been granted.

21 The parking lot maintenance is  
22 depicted. I have an inch. You have  
23 one and a half.

24 That storm drain system should  
25 be shown on the plans.

2 MR. HENDERSON: We have two  
3 manhole covers back here. There was  
4 a concrete cover that wasn't depicted  
5 on the site plan that was given to  
6 us. I went out there. There were  
7 just two back there. I'll show it.

8 MR. HINES: Is there an outlet  
9 to those?

10 MR. HENDERSON: I think --  
11 well, actually I think there's a pipe  
12 that goes through here, because they  
13 had the road closed this morning and  
14 they were into that pipe.

15 MR. HINES: If we can show that  
16 drainage system on the plan, that  
17 would be helpful.

18 You said you measured the  
19 parking lot. We don't have that  
20 shown on the current plan.

21 MR. HENDERSON: I went and just  
22 kind of looked it over. There were  
23 never any hard dimensions from the  
24 survey.

25 MR. HINES: It looks very

2 narrow between the dumpster and the  
3 building. It's only like twelve  
4 feet. You're showing it much wider  
5 than that.

6 MR. HENDERSON: It's six feet.

7 MR. HINES: We're going to need  
8 that cleaned up on the plan, too, how  
9 that functions.

10 There were no changes to the  
11 lighting, you mentioned.

12 We did submit this to DOT on  
13 October 18th. We have not heard  
14 back.

15 Again, we should have a detail  
16 of that berm, how that's going to be  
17 constructed. The landscape berm, the  
18 amount of soil that's going to be  
19 placed there. You currently  
20 mentioned it's going to be mulch.  
21 That's not going to allow the trees  
22 to grow. I don't know if the  
23 Planning Board wants to refer this to  
24 Karen for a review. That's certainly  
25 up to the Board.

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An accessible parking space should be shown with compliant signage.

There's no need for County Planning review because it's a change of use.

The Board discussed, at the last meeting, that you were going to wait for any response from DOT to determine whether or not you were going to have a public hearing. Again, it's been about three weeks, almost four weeks since we sent it to them.

We also suggested that the landscape plan have a mix of species rather than a single species of plant. In case something happens to that one species, you don't lose the whole landscape.

That's what we have.

CHAIRMAN EWASUTYN: You should note whether the hemlock and spruce, which you mention on here, will be B&B or containerized and what size

2 containers, if they are containers.

3 MR. HENDERSON: Okay.

4 CHAIRMAN EWASUTYN: Dominic  
5 Cordisco, Planning Board Attorney.

6 MR. CORDISCO: Nothing further  
7 at this time, sir.

8 CHAIRMAN EWASUTYN: I'll motion  
9 the Board Members to see if they want  
10 to have a public hearing. Stephanie  
11 DeLuca?

12 MS. DeLUCA: Yes, I would. Yes.

13 CHAIRMAN EWASUTYN: Dave Dominick?

14 MR. DOMINICK: No.

15 MR. MENNERICH: No.

16 CHAIRMAN EWASUTYN: No.

17 John Ward?

18 MR. WARD: Yes.

19 CHAIRMAN EWASUTYN: Let the  
20 record show that there wasn't a  
21 majority vote to hold a public  
22 hearing, so the public hearing won't  
23 be held.

24 The next item, Dominic?

25 MR. CORDISCO: At this point

2 the Board could consider the adoption  
3 of a negative declaration for the  
4 project.

5 MR. HINES: It's a Type 2.

6 MR. CORDISCO: Is it a Type 2?

7 MR. HINES: Less than 4,000 feet.

8 MR. CORDISCO: Correct. My  
9 mistake. I apologize.

10 So this is a Type 2 action  
11 requiring no further action under SEQRA.

12 The Board could consider a  
13 conditional approval subject to  
14 addressing the comments that Mr. Hines  
15 outlined for the Board previously.

16 CHAIRMAN EWASUTYN: Pat, do you  
17 want to go through those comments so  
18 we can make it part of the record one  
19 more time?

20 MR. HINES: It's going to be to  
21 confirm the limits of the existing  
22 pavement on the site, depict the  
23 stormwater system on the site, the  
24 accessible signage and accessible  
25 park spot, the modifications to the

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landscaping including details for the planting and the berm.

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

MR. CAMPBELL: Nothing additional.

CHAIRMAN EWASUTYN: Having heard the conditions of approval presented by Pat Hines with MH&E and conversation given by Attorney Dominic Cordisco, would someone make a motion to approve the site plan before us this evening for 273 Route 17K?

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

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

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Motion

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carried. Thank you.

MR. HENDERSON: Thank you.

(Time noted: 7:10 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 1st day of December 2023.

*Michelle Conero*  
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MICHELLE CONERO



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

----- X  
In the Matter of

GARDNER RIDGE  
(2002-29)

Gardnertown Road near Gidney Avenue  
Section 75; Block 1; Lot 4.12  
R-3 Zone

----- X

SITE PLAN - MULTI-FAMILY/SENIOR

Date: November 16, 2023  
Time: 7:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE,  
PETER RUSSILLO, THOMAS OLLEY & DANIEL  
RICHMOND

----- X

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

2 CHAIRMAN EWASUTYN: The second  
3 item of business this evening is a  
4 site plan - multi-family/senior  
5 complex located on Gardner Ridge,  
6 project number 02-29. It's on  
7 Gardnertown Road near Gidney Avenue.  
8 It's in an R-3 Zone. It's being  
9 represented by Darren Doce of Doce  
10 Associates.

11 MR. OLLEY: Thomas Olley,  
12 engineer for the project. I'll start  
13 off tonight, rather than Darren.

14 First of all, Mr. Chairman and  
15 Members of the Board, I just want to  
16 let you know that our team is  
17 terribly saddened by the passing of  
18 Frank Galli. Collectively we have  
19 always held him in the highest of  
20 respect. He has treated us with  
21 respect and he will be missed as a  
22 Planning Board Member and as an  
23 individual.

24 CHAIRMAN EWASUTYN: Thank you.

25 MR. OLLEY: We were before the

2 Board a couple weeks ago. We have  
3 not submitted new plans. We did not  
4 have time to revise the plans. We  
5 want to update you on several things  
6 that have occurred.

7 There were some requests by the  
8 Board for us to look at some  
9 different things. One of them was to  
10 provide a water loop so that we  
11 didn't have a single dead-end loop.  
12 We looked at that and we discussed it  
13 with the project sponsors. We will  
14 continue the water main along the  
15 main road and down the emergency  
16 access road, returning back to the  
17 intersection on Gardnertown Road.  
18 That will provide a continuous loop.  
19 It adds about 800 feet of water main.

20 With that, we'll also add an  
21 additional hydrant at this location  
22 on Gardnertown Road. That will  
23 benefit some others.

24 Pat Hines had some comments,  
25 prior to the last meeting and then

2 again in his review for this evening,  
3 about looking at the hydrant spacing  
4 along the entrance road. We realize  
5 that we do need to add another one to  
6 meet the spacing. We'll speak with  
7 Code Compliance just to make sure  
8 that we have hydrants within the  
9 required distances of any sprinkler  
10 siamese connections, because each of  
11 these buildings, I'll remind you,  
12 will be fully fire sprinklered.

13 The question was raised about  
14 pedestrian circulation within the  
15 site. We looked at that and again  
16 discussed it with our client. We  
17 will be adding, for the public  
18 hearing, a complete loop of sidewalk  
19 that will connect all of the market  
20 rate apartment buildings to the  
21 senior and to the community building.

22 We also discussed, as Mr. Dominick  
23 had raised, the issue of electric  
24 vehicle charging stations. We're  
25 going to make sure that the electrical

2 infrastructure in each of these  
3 buildings is capable of providing a  
4 residential charger in each one of  
5 the sixty garages that we will have.  
6 There are seventy-two apartments and  
7 there are sixty garages. We'll  
8 certainly provide for a great number  
9 of those prospective tenants to have  
10 them.

11 We will add three more -- I'm  
12 sorry, six more spaces along the  
13 eastern side of the parking where we  
14 have the twenty-four unit buildings,  
15 because those are the ones that will  
16 have more units that won't have  
17 garages. We'll have six additional  
18 spaces there, and then we'll put six  
19 additional spaces down by the senior.  
20 Those twelve will be fast charge  
21 stations. They won't require the  
22 overnight. The residential will in  
23 the garages.

24 We were in the process of  
25 finalizing some adjustments to the

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lighting plan. We indicated that we had the light poles shown on the plan, but since we were last before the Board with this project, they've made some great advances in decorative LED lighting. We're able to incorporate that with -- this was based on metal-halide before. Now we're going to an LED with a decorative carriage-style lamp, not the acorn lamp that's across the road at Farrell that throws the light out in all directions. It will be full cutoff luminaire to meet the dark-sky recommendations.

We're working on providing Code Compliance with the new plan that they're asking for, just to show the fire access, provide the turning radii. I'm assuming on that, hydrant locations. It will be, more or less, the layout plan, the topography, but it will show retaining walls, it will show the hydrant locations, parking,

2 et cetera, plus all of the road  
3 driveway widths.

4 You had asked about the width  
5 of the access, the emergency access.  
6 It will be a twenty-foot wide  
7 emergency access. There won't be any  
8 hydrants on that, so twenty will be  
9 to code.

10 As far as the site plan revisions,  
11 we'll certainly have those ready in  
12 time for and include all of those  
13 things in advance of the public  
14 hearing notice timeframe, if you do  
15 set a public hearing for this.

16 I guess the best thing to do is  
17 to turn it over to Pete Russillo to  
18 talk about some things that have come  
19 up as recently as today with the  
20 traffic and road alignments.

21 CHAIRMAN EWASUTYN: Just for  
22 the record, introduce yourself.

23 MR. RUSSILLO: Pete Russillo,  
24 Colliers Engineering & Design.

25 We had a discussion this afternoon

2 on this proposed realignment of Creek  
3 Run Road. The discussion was whether  
4 this should remain where it is and  
5 maybe make a slight adjustment at the  
6 very end in the striping or does  
7 this solve some other problems that  
8 we see that currently exist at this  
9 location.

10 Our position is that by aligning  
11 Creek Run Road opposite the proposed  
12 access, with some clearing along  
13 the southerly side of Gardnertown  
14 Road and with some embankment removal  
15 and widening of the roadway, we're  
16 able to create a separate left-turn  
17 lane for site entry traffic. That  
18 widening will carry through where it  
19 will also provide a separate left-  
20 turn lane onto Creek Run Road where  
21 currently none exists.

22 In reviewing some of the  
23 accident information that we had as  
24 part of the traffic study we had  
25 done, there were a number of rear-end



2 accidents that occurred in this area  
3 because of cars -- vehicles stopped  
4 there, waiting to make that turn.  
5 By providing this pocket, you get  
6 that left-turn traffic out of the  
7 through traffic stream in both  
8 directions.

9 The sight distance here. There's  
10 an intersection sight distance and a  
11 stopping sight distance, which is the  
12 minimum you would want to have.  
13 We've provided, from Creek Run  
14 looking back up the hill, 545 feet  
15 where only 335 is actually required.  
16 We've exceeded that measure which is  
17 the more than important measure for  
18 safety applications.

19 Furthermore, the sight distance  
20 looking to the east is fine.

21 Also, coming out of the site  
22 driveway, we also have 450 feet  
23 looking to the right and 545 feet  
24 looking to the left.

25 This angle, once this is all

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cleared and designed and the treatment for that area, it will be such that you won't get overgrowth as you have there now. There are a couple large trees that will come down. There's a lot of brush that will be cleared. In this area we'll probably use like a Creeping Juniper, something that stays low but also stabilizes the embankment. There will be very little need for maintenance in that area.

Over here, if you were to make the slight change, you'll still have the issue of people stopping to try to come in here. Anyone that comes from this direction will have to make a sharp left turn, if they want to get into the site, or they have to go all the way around to enter the site using this left-turn lane. If it was decided to leave this, this condition would still be proposed. You would still have this, this would

2 disappear, this would be slightly  
3 changed, just to improve the  
4 alignment just a little bit.

5 We're proposing, I believe,  
6 Tom, to illuminate this intersection?

7 MR. OLLEY: Yes.

8 MR. RUSSILLO: So in the evening  
9 this would be illuminated, it would  
10 be obvious.

11 This is the plan that we  
12 propose. There was a suggestion of  
13 making this slight change in lieu of  
14 this. We believe this is the better  
15 solution.

16 MR. RICHMOND: I'm Dan Richmond  
17 from the law firm of Zarin & Steinmetz on  
18 behalf of the applicant.

19 I just want to note that we did  
20 receive the County GML letter. I  
21 think it came somewhat out of left  
22 field to us, particularly considering  
23 since they had reviewed the plan in  
24 2016, stated they found no evidence  
25 of significant intermunicipal or

2 countywide impacts as a result of its  
3 approval. Being that as it may, we  
4 understand their request for a full  
5 statement. I think most of the  
6 documentation they're looking for, if  
7 not all, exists already and we have  
8 submitted, including a stormwater  
9 pollution prevention plan, an erosion  
10 and sediment control plan, a traffic  
11 impact study. Our wetlands survey is  
12 shown on the plans we submitted.

13 We were at your work session and  
14 understand that your Planning Board  
15 approaching the County, it was our  
16 plan too before we came to the  
17 meeting, that it just seemed to be a  
18 communication issue with them. We  
19 don't think it should hold up the  
20 application, should hold up the  
21 process. The General Municipal Law  
22 only comes into play when you take  
23 final action on the project. We hope  
24 to have this all squared away. We're  
25 asking your Board to move forward

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with setting a public hearing for the project.

CHAIRMAN EWASUTYN: Dominic Cordisco, would you speak on this?

MR. CORDISCO: So the General Municipal Law does require boards to refer certain applications to the County Planning Department. This project is a bit unusual in the sense that it has a long history going back to 2002 with the fact that there's been prior approvals, actually, for this project. Now, of course, the applicant is seeking an amended, essentially, approval for their current design.

Based on that and the time that had lapsed, the Board had previously authorized two circulations. One was a circulation to reestablish itself as lead agency, given the time that had passed since that had originally occurred, and then the second was sending the current plans to the

2 County.

3 I agree with counselor that  
4 there seems to be a misunderstanding  
5 on the County's part where they are  
6 asking for additional information  
7 which had previously been referred to  
8 them or just perhaps they are unaware  
9 of. As a result, the County has  
10 stated that they're not in a position  
11 to render their recommendation at  
12 this time.

13 I would agree that it does not  
14 preclude the Board from scheduling a  
15 public hearing, if you feel confident  
16 that the information that's presented  
17 to you is sufficient for the public  
18 to review. Of course this project  
19 did have a public hearing previously,  
20 but not in the current configuration,  
21 and the Board had discussed  
22 scheduling another public hearing  
23 when you felt that the application  
24 was correct.

25 I would also add, my suggestion

2 is that we reach out to the County  
3 Planning Department to see if we can  
4 bring to light the fact that the  
5 referrals had been previously made,  
6 including recommendations for a Local  
7 determination for a very similar  
8 project has been already rendered by  
9 the County, and that seems  
10 inconsistent with their current letter.

11 CHAIRMAN EWASUTYN: Thank you.

12 MR. CORDISCO: More than seems,  
13 to be honest. It is inconsistent.

14 CHAIRMAN EWASUTYN: Anything  
15 else you'd like to say?

16 MR. RICHMOND: Tom?

17 MR. OLLEY: No.

18 MR. RUSSILLO: No.

19 MR. RICHMOND: I think we've  
20 covered it. We're happy to answer  
21 any questions your Board may have.

22 Again, we'd like to move  
23 forward. We think we have all the  
24 plans and it would be ready to go for  
25 the public hearing. I think the

2 public would have a very clear grasp  
3 of what we're proposing. That's  
4 where we are.

5 CHAIRMAN EWASUTYN: Thank you.

6 Ken Wersted with Creighton  
7 Manning, you were at the site  
8 inspection this afternoon.

9 MR. WERSTED: Yes. So we  
10 reviewed the plan with Mark Hall and  
11 his deputy out in the field. We  
12 located where the driveway was in the  
13 field and where the realigned Creek  
14 Run Road would come into Gardnertown  
15 Road.

16 My understanding from Mark  
17 Hall, his biggest concern is the  
18 maintenance and clearing of snow and  
19 the safety through that area with the  
20 realigned Creek Run Road during  
21 inclement weather. Being that they  
22 plow the roads all winter, this and  
23 two other locations are kind of a  
24 headache for them. They're high  
25 maintenance in the sense of it's a



2 steeper grade and they've got to go  
3 out there and put down salt, plow  
4 more intensely during a storm than  
5 they do other places that are already  
6 level. His biggest concern -- Pat,  
7 chime in if you have anything if I'm  
8 off base. His biggest concern was  
9 just being able to accommodate that  
10 corner and the new realigned road  
11 through there during those periods.

12 The intersection sight distance  
13 improves with the clearing that is  
14 proposed through there. It is  
15 greater than the minimums, if you  
16 will.

17 His concern was still people  
18 coming essentially eastbound on  
19 Gardnertown Road, making the turn and  
20 then looking down the hill towards  
21 this intersection.

22 As an alternative, we looked at  
23 keeping Creek Run where it was by  
24 doing some striping improvements  
25 there, because one of the things that

2 we highlighted among all the  
3 engineers and everyone out there, was  
4 people who are coming out of Creek  
5 Run Road have to look over their  
6 shoulder, up Gardnertown Road to see  
7 oncoming cars. There isn't a lot of  
8 traffic that turns left out of it or  
9 right into it. It's mostly right  
10 turns going out towards Gidney  
11 Avenue. Aligning the end of that  
12 roadway a little bit better, a little  
13 bit more perpendicular to Gardnertown  
14 Road will allow a driver to look out  
15 their side window rather than over  
16 their shoulder.

17 There is vegetation clearing  
18 that could also be done there to  
19 improve the sight distance through  
20 that area. Signing restrictions, do  
21 not block the intersection. Options  
22 are available for that. I think  
23 there are tradeoffs. There are  
24 improvements that come along with  
25 realigning it here and there are

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disadvantages in the sense of maintenance and the way the two roads will come together in terms of grades through there.

We ask that the applicants explore that alternative option of realigning just the end of Creek Run Road to afford a better view for drivers coming out of there.

One notable thing that we won't have, as Pete pointed out, is as you're coming from Gidney Avenue, turning left onto Creek Run, you won't have a left-turn lane to sit and wait to cross as you would in this realignment. If Creek Run Road were to stay where it is, they would still do the widening to provide a left turn to get into this project, so that would still remain an improvement as part of this.

I think that kind of summarized the meeting that we had with the team members out there today.

2 CHAIRMAN EWASUTYN: Pat, would  
3 you like to add anything to that?

4 MR. HINES: The only thing I  
5 would add is the highway superintendent  
6 discussed the possibility of making  
7 Creek Run Road a no left turn, right  
8 only, in its existing or in the  
9 realigned Creek Run Road scenario.  
10 That was something he was thinking of  
11 addressing as well.

12 CHAIRMAN EWASUTYN: Comments  
13 from Board Members on traffic, road  
14 studies, road design. John Ward?

15 MR. WARD: I would like to see  
16 the old proposal with Creek Run Road.  
17 A no left sign would be -- no left-  
18 turn sign would be appropriate for  
19 it.

20 At the same time, you can clear  
21 out for visual and make it more so  
22 when you're looking up hill, it's  
23 more visible. With this proposal, I  
24 see major problems with the hill,  
25 everything with the snow, down the

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line, back up, cars going right into each other with this proposal. The other way, it's -- you need the highway super to approve it, too. Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I'm concerned with what you're going to propose at the public hearing concerning the roadways. I think that's got to be resolved before the public hearing so that they know which it's going to be. I don't know what additional work you're doing along with the highway superintendent to get a mutual agreement.

MR. RICHMOND: I think we heard his recommendation today. I would think we're looking for direction from your Board this evening on what we present at the public hearing.

CHAIRMAN EWASUTYN: I'm not cutting it short.

Dave Dominick?

2 MR. DOMINICK: I agree with  
3 Ken. You need to resolve this issue  
4 before you present it to the public,  
5 because if it changes, the public is  
6 going to say, hey, what happened  
7 here. You have to present what  
8 you're going to build to the public.

9 My other question is, Tom, is  
10 there anything engineer-wise you can  
11 do to soften that grade of  
12 Gardnertown Road? I don't know. I'm  
13 just asking.

14 MR. OLLEY: For Gardnertown  
15 Road. Not really. I mean, that's  
16 more for Pete.

17 MR. HINES: You've got a  
18 defined elevation and run there.

19 MR. OLLEY: You're fixed at  
20 both ends. That is a very uniform  
21 grade. It only varies maybe one  
22 percent plus or minus between like  
23 nine to eleven percent or eight to  
24 ten percent all the way down there.  
25 There really isn't much to adjust

2 there. Raising Creek Run Road  
3 creates other issues. Raising the  
4 end of Creek Run Road at the  
5 intersection, that would be the only  
6 other way to soften that grade.

7 MR. DOMINICK: That's all I  
8 have, John.

9 CHAIRMAN EWASUTYN: Stephanie  
10 DeLuca?

11 MS. DeLUCA: I have to agree  
12 with the men and the comments that  
13 they've made.

14 I was very concerned about how  
15 you were going to direct -- how the  
16 traffic was going to be directed in  
17 and out and across and down. Like he  
18 said, I think it needs to be  
19 addressed with the town supervisor,  
20 because, after all, he knows --

21 CHAIRMAN EWASUTYN: I don't  
22 think the town supervisor.

23 MS. DeLUCA: Not the town  
24 supervisor. The highway supervisor.  
25 Excuse me.

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MR. RICHMOND: I think we had that discussion with the highway superintendent. He made it clear what he's looking for. I think we could design those plans, if that's what your Board would like. We have the plans now for our proposal, but if you're telling us -- I mean, we're looking for direction. I don't know if there's any point to having a further discussion with the highway superintendent because I think we got clear direction of what he's looking for. If that's the direction you'd like us to head in, we're ready to go. I mean, there's -- I don't see a reason for holding up the public hearing, because, again, you tell us this evening what your Board would like us to do and that's what we can present at the next meeting and at the public hearing we'll have ready for view by the public.

CHAIRMAN EWASUTYN: I'll poll



2 the Board Members now so we can put  
3 it on the table and you'll have your  
4 answer in a matter of a minute or so.

5 The direction you think we  
6 should take, Stephanie DeLuca?

7 MR. WERSTED: To be clear, I  
8 think the general options are to  
9 realign it as it is as a four-way  
10 intersection or leave Creek Run Road  
11 where it is and have a proposed site  
12 driveway come in separately. I think  
13 those are the two options we're  
14 weighing.

15 MS. DeLUCA: Thank you.

16 I think leaving Creek Run Road  
17 the way it is.

18 CHAIRMAN EWASUTYN: Thank you.

19 Dave Dominick?

20 MR. DOMINICK: I believe they  
21 should go, based on today's meeting,  
22 with what the highway superintendent  
23 said, adjusting Creek Run Road a  
24 little bit and leaving it the same.  
25 That's my recommendation.

2 CHAIRMAN EWASUTYN: John Ward?

3 MR. WARD: I'll go with  
4 whatever the highway super says in  
5 reference to the no left turn and any  
6 adjustments to Creek Run Road.

7 CHAIRMAN EWASUTYN: Let the  
8 record show that the Planning Board  
9 is moving in favor of supporting the  
10 recommendations of Mark Hall, Highway  
11 Superintendent for the Town of  
12 Newburgh.

13 MR. RICHMOND: Thank you, Mr.  
14 Chair.

15 CHAIRMAN EWASUTYN: Let's move  
16 on to Jim Campbell, Code Compliance.  
17 Do you have something to bring up?

18 MR. CAMPBELL: I want to thank  
19 you, Tom, for bringing up my concerns.

20 The only other concern that came up,  
21 did you do any hydraulic calculations  
22 or anything?

23 MR. OLLEY: I will get that  
24 information over to you and to Jerry.  
25 It will be largely the same as what

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was done before.

MR. CAMPBELL: Thank you.

That's it.

MR. OLLEY: We'll get that to you.

MR. CORDISCO: I think given the direction, if I may, that the Board has expressed in terms of being aligned with the highway superintendent, that the plan should be revised for the purposes of the public hearing.

MR. RICHMOND: We can do that.

CHAIRMAN EWASUTYN: Pat Hines with MH&E?

MR. HINES: Our first comment just identified that a meeting was going to be held this morning, which occurred.

We had recirculated lead agency, so the Board is in a position tonight to declare yourself lead agency for the SEQRA review.

We had provided you with a well monitoring plan from the Matrix

2 project. Again, it was more of a  
3 well monitoring plan than the  
4 blasting control plan, but you have  
5 that information. We sent that.

6 Health Department approval for  
7 the water main extension with  
8 hydrants will be required. We just  
9 talked about the hydrant locations  
10 earlier.

11 The water system is going to be  
12 looped.

13 There will need to be  
14 provisions for the legal documents  
15 for compliance with the Senior  
16 Housing Code, Section 185-48.

17 Eventually we'll need cost  
18 estimates for the stormwater  
19 management, landscaping and tree  
20 preservation requirements.

21 The Planning Board should  
22 address whether it wishes to have a  
23 public hearing.

24 CHAIRMAN EWASUTYN: Pat, you  
25 won't be attending the meeting of the

2 7th?

3 MR. HINES: I'll be at your  
4 work session but I have to leave  
5 after that.

6 CHAIRMAN EWASUTYN: Ken Mennerich,  
7 the second meeting in December is  
8 what date?

9 Would someone move for a motion  
10 to declare a negative declaration, to  
11 reconfirm our lead agency status and  
12 to set a public hearing for the --

13 MR. MENNERICH: 21st of December.

14 CHAIRMAN EWASUTYN: -- 21st of  
15 December?

16 MR. CORDISCO: If I may make a  
17 clarification. I would suggest that  
18 you confirm your status as lead  
19 agency at this time.

20 CHAIRMAN EWASUTYN: Confirm our  
21 status.

22 MR. CORDISCO: In terms of the  
23 negative declaration, given the  
24 letter that we received from the  
25 County, and to avoid any confusion

2 regarding procedural and  
3 jurisdictional matters there, that we  
4 resolve that issue before taking any  
5 further action under SEQRA.

6 CHAIRMAN EWASUTYN: But we can  
7 set the public hearing for the 21st  
8 of December?

9 MR. CORDISCO: Certainly.

10 CHAIRMAN EWASUTYN: Thank you.

11 So we won't declare a negative  
12 declaration until we hear from the  
13 conversation that Dominic Cordisco  
14 will have with the County, and also  
15 Pat Hines will confirm our lead  
16 agency status. We'll set the public  
17 hearing for the 21st of December.

18 MR. CORDISCO: Yes. Just so  
19 the record is clear, the project did  
20 previously receive a negative  
21 declaration, and so it completed the  
22 SEQRA process. What you're focused  
23 on here is the current version of  
24 this project and its amendments.

25 CHAIRMAN EWASUTYN: Would

2 someone move for that motion?

3 MR. MENNERICH: So moved.

4 MR. DOMINICK: Second.

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

10 MR. WARD: Aye.

11 CHAIRMAN EWASUTYN: Aye.

12 MR. MENNERICH: Aye.

13 MR. DOMINICK: Aye.

14 MS. DeLUCA: Aye.

15 MR. WARD: John, I have one  
16 more thing to say. With the entrance  
17 driveway, the last time I asked about  
18 a walkway, even if it's a painted  
19 walkway, for the pedestrians walking  
20 in and out, just in case. Is there  
21 going to be bus transportation in  
22 there? You're going to have seniors  
23 in there.

24 MR. OLLEY: Yes.

25 MR. WARD: And school buses.

2 MR. OLLEY: We anticipate Dial-  
3 a-Bus will access the site.

4 MR. WARD: How about school  
5 buses?

6 MR. OLLEY: The school buses,  
7 we're exploring with them the -- my  
8 client is exploring an agreement with  
9 the school district bus provider.  
10 Because there is an internal loop  
11 here, it's not just a cul-de-sac or a  
12 dead end, but it's actually a loop,  
13 we're of the understanding that they  
14 will provide bus service. If that is  
15 not the case, then we would put a  
16 permanent sidewalk in down the road.  
17 We wouldn't do it necessarily for the  
18 senior busing because they would go  
19 right up to the senior building.

20 MR. WARD: I'm concerned, no  
21 matter what, with the pedestrians.  
22 That's all. Thank you.

23 MR. OLLEY: We can accommodate  
24 that.

25 MR. RICHMOND: Thank you.



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CHAIRMAN EWASUTYN: Anything else?

MR. RICHMOND: Thank you very much for your time. Again, our condolences on behalf your colleague, Mr. Galli. I didn't appear before him much.

MR. MENNERICH: I want to make sure you have Karen's memo.

MR. OLLEY: We received it. Thank you.

MR. MENNERICH: The other thing, I'd like to thank the applicant for taking into consideration the things that were brought out in the previous Planning Board meeting. It seemed like everything that we brought up got covered.

MR. RICHMOND: Thank you very much. We appreciate the dialogue.

(Time noted: 7:42 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 1st day of December 2023.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X  
In the Matter of

O'REILLY AUTO PARTS  
(2023-21)

1401 NYS Route 300  
Section 60; Block 3; Lot 41.21  
IB Zone

----- X

INITIAL APPEARANCE - SIGNAGE

Date: November 16, 2023  
Time: 7:42 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: NICOLE VICARI

----- X

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

2 CHAIRMAN EWASUTYN: The third  
3 item of business is O'Reilly Auto  
4 Parts. It's an initial appearance  
5 for signage. It's located on 1401  
6 New York State Route 300 in an IB  
7 Zone. It's being represented by  
8 Kinetic Design & Development.

9 Nicole is here to make the  
10 presentation. Do you have a business  
11 card and/or your last name?

12 MS. VICARI: I do not have a  
13 business card. My name is Dr. Nicole  
14 Vicari. I'm with Kinetic Design &  
15 Development.

16 It is my understanding that you  
17 are looking at our client, O'Reilly,  
18 for just a transfer, if you will, of  
19 the entrance to their building.  
20 They're moving it to the south side  
21 and want to just adjust the paint  
22 colors to that. They want to include  
23 some bollards for their -- my  
24 apologies. I was not prepared for  
25 this today -- for their generator,

2 which is going to be inside the  
3 existing trash enclosure. I believe  
4 that's all that they're asking for at  
5 this point.

6 CHAIRMAN EWASUTYN: I'll turn  
7 the meeting over to Jim Campbell with  
8 Code Compliance. Jim.

9 MR. CAMPBELL: The only comment  
10 that I do have is that the signs as  
11 proposed do comply with the zoning code.

12 CHAIRMAN EWASUTYN: Pat Hines,  
13 do you have anything to add?

14 MR. HINES: For the benefit of  
15 the folks in the audience that don't  
16 know, this is a reuse of a large  
17 portion of the former Sears building  
18 at the Newburgh Mall. It will remain  
19 in similar use, retail to retail.

20 We reviewed the aerial photo  
21 submissions that were submitted with  
22 the architectural plans. The  
23 improvements that are identified  
24 include the new entrance on the south  
25 side of the building, which is the

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I-84 side of the building, and new entrance landings, the installation of bollards in front of a proposed generator on the southwest portion of the building. That generator, as was mentioned, will be in an existing dumpster enclosure. A new store front and vestibule area are proposed on the eastern access, which is the front, including existing awnings are proposed to be removed there, restriping portions of the parking lot. We provided the Town's standard detail there.

The project, based on the County Planning agreement, is exempt from County Planning submission as a retail to retail use.

It is here for ARB tonight. They are proposing some corporate signage on the building and their entranceways and painting the existing structure.

We also have to do the

2 adjoiners' notice as the project is  
3 before you for the first time tonight.

4 CHAIRMAN EWASUTYN: So we can't  
5 take any action until we complete the  
6 thirty days on the adjoiners' notice?

7 MR. HINES: Ten days.

8 CHAIRMAN EWASUTYN: Ten days.  
9 Can we then move to set this up as a  
10 Board business item for the 7th of  
11 December?

12 MR. CORDISCO: Sure.

13 CHAIRMAN EWASUTYN: Is the Board  
14 in favor of that?

15 MS. DeLUCA: Yes.

16 MR. DOMINICK: Yes.

17 MR. MENNERICH: Yes.

18 MR. WARD: Yes.

19 CHAIRMAN EWASUTYN: I don't  
20 think you would have to be present  
21 for that.

22 MS. VICARI: Does it have to be  
23 myself or can another representative  
24 from our firm come down?

25 CHAIRMAN EWASUTYN: You may not

2 even have to. If you want to send  
3 someone else, that's fine.

4 MS. VICARI: We're fine with  
5 that. Thank you.

6 CHAIRMAN EWASUTYN: We'll make  
7 it an actual agenda item if you're  
8 sending someone down. That's fine.

9 MS. VICARI: Thank you.

10 MR. HINES: There's an ARB  
11 component that we'll do as well.

12 CHAIRMAN EWASUTYN: Let's do  
13 that. You don't have any renderings.  
14 Why don't you put up -- I think we  
15 received something.

16 MR. HINES: We have them.

17 MS. VICARI: I believe there  
18 were some color elevations that were  
19 sent as well.

20 CHAIRMAN EWASUTYN: It's quite  
21 an extensive submission.

22 MS. VICARI: Yes. The architect  
23 is ready to actually submit for plan  
24 review.

25 MR. HINES: I'll put this up



2 and let you do your presentation.

3 MS. VICARI: I was not prepared  
4 for a presentation today. Thank you  
5 for your patience.

6 This is O'Reilly Auto Parts.  
7 They're an auto store. What they are  
8 proposing is to repaint the exterior  
9 in their traditional light tan and  
10 light brown color with the red  
11 storefront. Being an Irish family,  
12 they have very traditional or very  
13 well-known signage. It's their name,  
14 O'Reilly Auto Parts, with the green  
15 and white coloring. This is what the  
16 storefront would look like at the  
17 front exterior elevation, and then  
18 the back and the two sides would be  
19 very similar. This is that side  
20 storefront with the overhang to be  
21 painted. This is what they're asking  
22 for.

23 CHAIRMAN EWASUTYN: Stephanie DeLuca?

24 MS. DeLUCA: It's very clean. It's  
25 very simple. I love the Irish green.

2 That's great. Thank you.

3 MS. VICARI: Sure.

4 CHAIRMAN EWASUTYN: Dave Dominick?

5 MR. DOMINICK: Nicole, I'm very  
6 happy to see that your client is  
7 painting that building. It needs it  
8 badly. This is really going to clean  
9 up that end of the mall. It's going  
10 to compliment the other end. As you  
11 know, Resorts painted their section,  
12 so hopefully the rest of the mall  
13 will fall into suit. Very clean.  
14 It's going to really jazz up that area.

15 MR. MENNERICH: It's fine.

16 MS. VICARI: Thank you.

17 CHAIRMAN EWASUTYN: I think it's  
18 in good taste.

19 MR. WARD: Excellent presentation.

20 MS. VICARI: Thanks.

21 CHAIRMAN EWASUTYN: Would someone  
22 move for a motion to approve the ARB  
23 presentation that was given to us  
24 this evening?

25 MR. WARD: So moved.

2 MS. DeLUCA: Second.

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

8 MR. WARD: Aye.

9 CHAIRMAN EWASUTYN: Aye.

10 MR. MENNERICH: Aye.

11 MR. DOMINICK: Aye.

12 MS. DeLUCA: Aye.

13 CHAIRMAN EWASUTYN: Did you  
14 travel far to get here?

15 MS. VICARI: I came from  
16 Syracuse but I actually live in  
17 Missouri where the architectural firm  
18 is. It was a bit of a drive. I used  
19 to live in Poughkeepsie.

20 CHAIRMAN EWASUTYN: Happy  
21 Thanksgiving, and thank you for  
22 coming.

23 MR. HINES: If you contact my  
24 office, I'll discuss the adjoiners'  
25 notice with someone from your office

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on how that works.

MS. VICARI: Thank you.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 1st day of December 2023.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

ADS PROPERTIES - CAR WASH  
(2021-04)

1295 NYS Route 300  
Section 95; Block 1; Lot 14.1  
IB Zone

----- X

SITE PLAN - ARB

Date: November 16, 2023  
Time: 7:50 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: NICHOLAS RUGNETTA  
and GLEN SHEELEY

----- X

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

2 CHAIRMAN EWASUTYN: The fourth  
3 item of business this evening is ADS  
4 Properties. It's a site plan and ARB  
5 on Route 300 in an IB Zone. It's  
6 being represented by Pietrzak & Pfau.

7 MR. RUGNETTA: Nick Rugnetta  
8 with Pietrzak & Pfau. I'm here with  
9 Glen Sheeley, the applicant.

10 This is the car wash. It's  
11 located at Route 300 on the western  
12 side. The overpass is several  
13 hundred feet this way, to the north.

14 We're proposing a 3,500 square  
15 foot automated car wash with a vacuum  
16 area out front.

17 We were here a little over a  
18 year and a half ago. We've been  
19 going back and forth with the DOT for  
20 an installation of a right-hand turn  
21 lane to get into the site. For the  
22 past year and a half we've been going  
23 back and forth with their office.  
24 They recently granted approval of  
25 that turn lane, so now we're back in

2 front of the Board to finalize any  
3 remaining items, including the  
4 architectural review and any  
5 outstanding comments that the Board  
6 would have.

7 CHAIRMAN EWASUTYN: Jim Campbell,  
8 Code Compliance, you had some comments.

9 MR. CAMPBELL: I was a little  
10 confused on the signs. You have two  
11 signs posted, one to the north and  
12 one in the island. Which is the  
13 freestanding? The 28 footer?

14 MR. RUGNETTA: Yes. That's the  
15 tall sign.

16 MR. CAMPBELL: What's the other  
17 sign a little over --

18 MR. RUGNETTA: That's more of  
19 an indicator sign. Right?

20 MR. SHEELEY: That's an  
21 indicator sign.

22 MR. CAMPBELL: I didn't see  
23 anything on the plan.

24 The big message board, the  
25 message board would require a special

2 use permit by this Board. You would  
3 refer to 185-14(P)(2) in the sign  
4 code.

5 Also, the sign as is is too  
6 close to the front and side yard  
7 properties. It's got to be at least  
8 the height of the sign. It would  
9 have to be 28 feet from the front and  
10 side yard.

11 MR. RUGNETTA: We'll take care  
12 of that.

13 MR. CAMPBELL: You could refer  
14 to 185-14(J)(5) regarding that sign.

15 I noticed that there wasn't any  
16 handicap parking on the site. I  
17 believe you should have at least one.

18 MR. RUGNETTA: So this is an  
19 automated car wash. Really you don't  
20 even have to use the vacuum spaces.  
21 You stay in your car. I know the  
22 landscape architect had comments  
23 regarding the seated area. You stay  
24 in the car as you go through the  
25 wash. You can choose to vacuum your



2 car or not. There are automated  
3 kiosks here where you pay  
4 electronically, you go through and  
5 then you'll exit the site, use the  
6 vacuum areas.

7 We do have three employee  
8 parking space areas. We didn't see  
9 the need for a handicap space, just  
10 because there's really no going in  
11 and out of the facility.

12 MR. CAMPBELL: I believe the  
13 code does require at least one for  
14 the amount of spaces you are supplying.  
15 If you feel it's not, you can always  
16 apply to the State for a variance.

17 MR. RUGNETTA: We can turn one  
18 of the vacuum areas into an ADA space.

19 MR. CAMPBELL: With proper  
20 signage and striping.

21 That's all I've got.

22 CHAIRMAN EWASUTYN: Ken Wersted  
23 with Creighton Manning Engineers.

24 MR. WERSTED: Nick, to confirm,  
25 and Jim, the signs on either side of

2 the driveway, I think those might  
3 just be one-way signs. Traffic  
4 signs, not business signs.

5 MR. RUGNETTA: Yes. These two.  
6 I think they were referring to the  
7 site sign here, and then there's --

8 MR. CAMPBELL: There's a  
9 rectangle in the island.

10 MR. RUGNETTA: This one here?  
11 That's the site sign we were  
12 referring to. That's also part of  
13 the plan where we had -- if the wash  
14 is very busy, this indicator will  
15 tell cars to start to route through  
16 the vacuum area, once it's been  
17 cleared out, for additional queueing.  
18 That's what that sign was for.

19 MR. CAMPBELL: If you could  
20 just depict what that sign is. If we  
21 need to address anything further with  
22 it, we'll let you know.

23 CHAIRMAN EWASUTYN: Ken Wersted.

24 MR. WERSTED: We've been looking  
25 at the plan since it was originally

2 submitted, I think in 2021. We know  
3 that it's been a lengthy process with  
4 DOT. We had gone through the  
5 original concept where the building  
6 was laid out in a different direction  
7 and there were some traffic movements  
8 crossing each other. The site plan  
9 has evolved to where we have it.  
10 There's no crossing of any  
11 circulation patterns in the site now.

12 DOT has required or allowed  
13 lefts in, rights in. Coming out,  
14 you're right turn only. There's no  
15 left turn to go northbound on Route  
16 300.

17 The right-turn lane has been  
18 developed. It will start just south  
19 of the Yobo driveway and allow you to  
20 decelerate and turn into the site.

21 You are making kind of a U-turn  
22 as you come into the site to get into  
23 the car wash queue, so you'll slow  
24 down a little bit more than your  
25 standard right turn.

2 The option, if it is very busy,  
3 the vacuums will be closed and the  
4 attendants will route traffic coming  
5 in into the vacuum area, and then  
6 there are gates that bring them back  
7 out to the standard driveway before  
8 you go through the pay kiosk and then  
9 into the tunnel. That will provide  
10 some additional storage of vehicles  
11 throughout the site for those busy  
12 times.

13 One question that came up during  
14 the work session was, at the kiosk,  
15 can you pay for a car wash there or  
16 is it a membership? How does that  
17 process work?

18 MR. SHEELEY: You can pay for  
19 one there and use memberships, LPR,  
20 pay with your phone, cash, credit  
21 at either one of them.

22 MR. WERSTED: You can become a  
23 member with your license plate using  
24 the license plate reader, the LPR?

25 MR. SHEELEY: It will give you

2 two choices, buy a wash, become a  
3 member. It will actually show a  
4 picture of your license plate and it  
5 says is this your plate, yes, insert  
6 your credit card. That's it. Every  
7 time you come in, it reads your  
8 plate, just like the EZ-Pass. It  
9 used to be tolls I guess.

10 MR. WERSTED: Thank you.

11 CHAIRMAN EWASUTYN: Comments  
12 from Board Members. Stephanie DeLuca?

13 MS. DeLUCA: No. I think you  
14 really answered all the -- checked  
15 off all the boxes. It looks good.

16 MR. SHEELEY: Thank you.

17 CHAIRMAN EWASUTYN: Dave Dominick?

18 MR. DOMINICK: Two questions. Nick,  
19 the employee parking, you said there  
20 are three spaces?

21 MR. RUGNETTA: There are two on  
22 the ends of the vacuums and one in  
23 the corner here.

24 MR. DOMINICK: Okay. Maybe  
25 this is more for Glen, this question.

2 Where is your snow removal?

3 MR. SHEELEY: We're going to  
4 put radiant heat in the entrance and  
5 exit of it to melt it off. Usually  
6 at our other washes, the vacuums are  
7 so important to us that we pile it up  
8 and have it hauled away on tight  
9 sites.

10 MR. DOMINICK: You're going to  
11 make a big mountain where the vacuums  
12 are and truck it away?

13 MR. SHEELEY: That's what we  
14 usually do with it.

15 MR. DOMINICK: Thank you.

16 CHAIRMAN EWASUTYN: Ken Mennerich?

17 MR. MENNERICH: One of the comments  
18 from Pat's comments was that the  
19 Planning Board should determine the  
20 need for sidewalks along Route 300.  
21 I think that would be a good idea, to  
22 add sidewalks there. People do walk  
23 along Route 300, cross it.

24 MR. RUGNETTA: In relation to  
25 the -- a little bit further south of

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300, we do have the overpass here. We're kind of towards the end. We were thinking, is that something that potentially in the future, if there were sidewalks installed along Route 300, that it could be a condition or part of the resolution where if sidewalks were installed, we could do that in the future and coordinate with the DOT? That would most likely have to go in the right-of-way.

MR. HINES: The DOT wants them in their right-of-way now.

MR. WERSTED: Ten or fifteen years ago DOT didn't want to have any part of it. If you were putting in sidewalks, you were putting it on the site side. Times have changed and pedestrians are becoming more of a critical factor.

I was driving up 9W today and there was a woman on crutches walking down 9W with a friend, walking on the shoulder. It's becoming more of a

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topic, more of an amenity coming up  
in site plan reviews.

CHAIRMAN EWASUTYN: So you'll  
show them in the revised plans?

MR. RUGNETTA: If that's what  
the Board would like.

CHAIRMAN EWASUTYN: We'll poll  
the Board Members now. John Ward?

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Stephanie  
DeLuca?

MS. DeLUCA: Yes.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Let the  
record show that the Planning Board  
is recommending a sidewalk.

John Ward, any comments?

MR. WARD: In reference to the  
sidewalks, if you look on 300, other  
projects we've had sidewalks. We're



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establishing them all the way down  
300. It's not just this location.  
People walk through there, they're  
going to Denny's, they're crossing  
over to Five Guys and everything  
else. It's just pedestrian safety.

MR. RUGNETTA: Yup.

MR. WARD: You have a pull off  
there. People might get out of the  
car. For your attendants, they can  
stand on the sidewalk to talk to  
somebody, you've got to move up or  
whatever.

MR. SHEELEY: I agree.

MR. WARD: Thank you.

MR. RUGNETTA: We'll coordinate  
with the DOT and probably run it  
parallel with our property line  
there. From here to pretty much the  
other side of the property line.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Can we go  
into the ARB and see -- you're  
holding on to something there.

2 MR. SHEELEY: That was my only  
3 job tonight, holding bricks.

4 This is the same structure that  
5 we use on all of our Washco sites.  
6 It's a standing seam wall. I can  
7 give you a sample of the color of  
8 that. It's like a gray. A dark  
9 green roof. On the center is split  
10 face block. On the bottom it is  
11 charcoal, which I have a sample for  
12 you. The gray is a shaped natural  
13 block that gives a smoother, like a  
14 tile look and finish. I can hand  
15 these up to you if you'd like. This  
16 is the top. This is the bottom.  
17 You've got the two colors of the roof  
18 labeled there.

19 MR. HINES: How high is that  
20 tower?

21 MR. SHEELEY: I want to say 28.  
22 Don't quote me.

23 MR. HINES: That's fine. Say  
24 under 30 and I'm good.

25 MR. SHEELEY: It's under 30.

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MR. RUGNETTA: I think it's 35 max here.

MR. HINES: Then you have fire access issues.

CHAIRMAN EWASUTYN: Jim, from what you can tell, all the signage is in compliance?

MR. CAMPBELL: The signage, emblems and car wash on the building is compliant. The freestanding signs, as of right now, are not.

CHAIRMAN EWASUTYN: Nick, you completed the ARB form, or you will complete the ARB form?

MR. RUGNETTA: Yes, we will.

CHAIRMAN EWASUTYN: Does someone want to make a motion to approve the ARB for ADS car wash?

MR. DOMINICK: So moved.

MR. WARD: Second.

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

2 Stephanie DeLuca.

3 MS. DeLUCA: Aye.

4 MR. DOMINICK: Aye.

5 MR. MENNERICH: Aye.

6 CHAIRMAN EWASUTYN: Aye.

7 MR. WARD: Aye.

8 CHAIRMAN EWASUTYN: Pat, do you  
9 want to move us through the site plan?

10 MR. HINES: Sure. Most of my  
11 comments have been addressed.

12 The big thing here was the DOT  
13 approval of the right-turn lane in.  
14 I think they took a while to get, but  
15 it certainly allows the project to  
16 function.

17 We talked about the sidewalks  
18 which are going to be shown on the  
19 revised plans.

20 They gave the Board a detailed  
21 description of how the queue  
22 detectors on the site will function  
23 to assure that traffic does not  
24 backup onto Route 300. There's a  
25 whole system of loop detectors in the

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queueing area that will advise them to either -- it's pretty unique. They speed up the wash cycle and/or move the traffic into the vacuum areas.

There will need to be a submission for the landscape cost estimate and the stormwater management cost estimate. Those amounts can be set by the Town Board. Associated inspection fees.

Details of the dumpster enclosure need to be provided.

There's a large retaining wall in the back that will need a building permit. When you apply for the building, you'll need that retaining wall design submitted as well.

The Board held a public hearing back in February of 2022.

The project was submitted to County Planning back in November of 2021.

We would recommend a negative

2 declaration for the Unlisted action.

3 I think a conditional approval  
4 could be considered as well.

5 CHAIRMAN EWASUTYN: Dominic, do  
6 you want to give us conditions of  
7 approval for ADS Properties?

8 MR. CORDISCO: Yes. They would  
9 include revising the plans to address  
10 any and all outstanding comments,  
11 obtaining all outside agency  
12 approvals, including the DOT for the  
13 access. For stormwater, it's the  
14 stormwater and landscaping inspection  
15 fees. Also, the water and sewer  
16 connection fees would be due at the  
17 time that a permit is applied for.  
18 There is the Architectural Review  
19 Board approval, which is the  
20 materials that were shown tonight and  
21 approved by the Board are the ones  
22 that have to be constructed for the  
23 building.

24 General conditions include  
25 outdoor fixtures and amenities, a

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limitation on that in the sense that what's shown on the plan is what can be built. If all of a sudden there's a desire to put a dumpster somewhere that's a permanent dumpster, that is not allowed as part of the project.

Of course you'll have to address the signage as well, because the signage that's shown is nonconforming.

The limitation on use is what you applied to use the property for is what the site plan is approved for.

CHAIRMAN EWASUTYN: Any comments or additions by the consultants or Planning Board Members?

MS. DeLUCA: No.

MR. DOMINICK: No.

MR. MENNERICH: No.

MR. WARD: No.

MR. HINES: One of the standard conditions we often have is a City of Newburgh flow acceptance letter. That wasn't the case here. This is a redeveloped site. The site was

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previously connected to the sewer system. They are recycling a majority of the water on the site. That's not an issue, but I want to put on the record why it's not an issue.

CHAIRMAN EWASUTYN: Thank you.

Would someone move for a motion to declare a negative declaration on ADS Properties car wash site plan and ARB?

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich and a second by Stephanie DeLuca. Can I please have a roll call vote.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Would someone move for a motion to grant



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site plan approval based upon the conditions that were presented by Planning Board Attorney Dominic Cordisco?

MR. WARD: So moved.

MR. DOMINICK: Second.

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

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Thank you.

MR. RUGNETTA: Thank you.

MR. SHEELEY: Thank you very much.

(Time noted: 8:08 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 1st day of December 2023.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X  
In the Matter of

E&C PROPERTY HOLDINGS/CAMP INTEGRITY  
(2023-22)

576 Rock Cut Road  
Section 11; Block 1; Lot 61  
R-1 Zone

----- X

INITIAL APPEARANCE  
SITE PLAN - SPECIAL USE PERMIT

Date: November 16, 2023  
Time: 8:08 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MARK DAY and  
JOSEPH DOCETI

----- X

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

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CHAIRMAN EWASUTYN: The fifth item of business is E&C Property Holdings, Camp Integrity, project number 23-22. It's an initial appearance for a site plan and special use permit. It's located at 576 Rock Cut Road in an R-1. It is being represented by Day Stokosa.

MR. DAY: Mark Day, Day Stokosa.

Tonight we're presenting a slight modification of what is now known as Camp Integrity. The site is 37 acres. There are existing structures on it. It has been serving as a summer camp for a number of years.

The primary use that we're here for tonight is up in the northwest corner of the property. There are two pre-engineered structures on the site. One of them is 12,000, the other is 10,200-ish.

There are a series of outbuildings that were used for the summer camp. There's an existing inground pool on

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the site.

We're here tonight to discuss the use of the 12,000 square foot building. The proposal is that this building would house training equipment that would train personnel to recover people, persons who are working offshore in turbines. This system is a package system. It includes a pool of water, so water recovery, rescue training could be done. There's aerial recovery. I'm sure I'm not covering them all, but that system will actually be housed in this building.

Currently this building is covered tennis courts. We're going to remove, obviously, all that equipment.

There is a connection between the two buildings which we will eliminate. This building will actually be separate from that building.

Right now we understand it's

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going to need to be sprinklered. We are in contact with a mechanical engineering firm to do that work.

We understand also that this use would fall under the educational overlay, which I believe, as Mr. Hines has pointed out, is not in the zoning regs.

MR. HINES: I have discovered some information on it.

MR. DAY: That's why we're here tonight, under that overlay.

We have an existing tennis court that's to the north of the site. We're actually going to convert that to a parking lot for people that would be using this facility. There are a number of other places that can be parked on on the site. We're just trying to represent that these could actually be used for this.

Basically that's it. We know we've got some things we've got to do, but we wanted to get in front of

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the Board to get your input on it.

CHAIRMAN EWASUTYN: Jim Campbell,  
Code Compliance.

MR. CAMPBELL: I believe in  
early e-mails with the town attorney,  
this project is sponsored by Empire  
State College. Is that still the case?

MR. DAY: That I do not know.

MR. DOCETI: Yes, it is.

MR. CAMPBELL: It's still  
associated with the college?

CHAIRMAN EWASUTYN: For the  
record, you are?

MR. DOCETI: I'm Joe Doceti  
from Educational Trust Fund.

MR. CAMPBELL: We need some  
more definition to the building, the  
separation of the two buildings and  
the uses and stuff like that, if you  
can give that to us, because we're  
trying to determine if it's just the  
one building that needs to be  
sprinklered or do both of them need  
to be sprinklered.

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MR. DAY: My goal is to take this out. We think we're going to need to do a firewall here.

MR. CAMPBELL: If you could supply some sort of information on how you plan on proceeding so we can review that.

MR. DAY: Okay.

MR. CAMPBELL: Also, to the right behind the building, is that a pump house? Further up. To the right.

MR. HINES: Kind of between the two buildings in the back.

MR. CAMPBELL: To the east side. The east side behind the building.

MR. DAY: That's a treatment facility for the pool.

MR. CAMPBELL: That's pool equipment?

MR. DAY: Yes, sir. This is the pump house. Actually, that's where the existing well is. These



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are two existing cabins onsite. This is a wood frame structure.

MR. CAMPBELL: I was just concerned because of the proximity to that building and what that was.

MR. DAY: Okay.

MR. CAMPBELL: That's all I have at this time.

Oh, wait. I do have more. Being that the building is 36 feet high, it does need an aerial access.

MR. DAY: Okay.

MR. CAMPBELL: Look at that.

MR. DAY: What would that entail?

MR. CAMPBELL: You have to have the access for the fire truck. It could be ten --

MR. HINES: Fifteen to thirty. Twenty-six feet wide, fifteen to thirty along the side of the building.

MR. DAY: Would we not access the roof from a corner?

MR. CAMPBELL: It's supposed to be accessed from one side. You're

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supposed to have one full side access.

MR. DAY: The goal is if the ridge -- the ridge actually runs this way. It runs east/west, not north/south.

MR. HINES: Look at the definition of building height then, because I think it's the average distance between the ridge and the eaves.

MR. DAY: I would be below -- I would definitely be below that.

MR. HINES: Take a look at that. If the building is higher than thirty feet, one side of the building has to have twenty-six foot wide aerial access, fifteen to thirty feet from the building.

MR. DAY: We'll establish it. I believe between the eave and ridge we're below it. I'll check.

MR. CAMPBELL: Appendix D in the fire code.

CHAIRMAN EWASUTYN: Ken Wersted with Creighton Manning Engineers.

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MR. WERSTED: I was looking for a little bit more information on the type of vehicles that would come in here. During training I'm assuming it's just passenger cars and they are parking in the area.

MR. DAY: Yes.

MR. WERSTED: Is there any truck access or equipment that needs to be loaded into the building? Is that just for installation and then those go away?

MR. DAY: This would just be installation. This is a self-contained system. It actually has everything. Boats. There's, like I said, a large pool in here. There's aerial access. It's basically a self-contained structure. Once it's in; no, there wouldn't be any vehicular traffic, other than passenger vehicles.

MR. WERSTED: Once it's set up, it's got various apparatus to model different situations?

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MR. DAY: That's correct. We can probably bring or submit a brochure showing what this equipment looks like.

MR. WERSTED: If the Board is interested, you know, in that, great. My concern is just access in and out.

With passenger cars coming out to Rock Cut Road, there's an existing Camp Integrity sign there. It's pretty close to the road. It's difficult to see looking to the south, which would be your left. There's a fence that inhibits your sight distance a little bit looking to the north. I had to pull my car front bumper kind of out to the travel lane to be able to see around those things. I don't know if there's a way to move that sign back any further to open that up, but that was my primary concern.

CHAIRMAN EWASUTYN: Comments from Board Members. Stephanie DeLuca?

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MS. DeLUCA: Ken mentioned something about a brochure. I personally would be interested in seeing that.

MR. DAY: Seeing the equipment?

MS. DeLUCA: And exactly what this whole --

MR. DOCETI: It's similar to what the fire department has. They have the Conex boxes and the structures with the fire department. Coming out of the camp, at the corner where there's an Italian restaurant, a Dunkin Donuts and the fire department is on the left-hand side.

MR. HINES: Cronomer Valley Fire Department has the fire training structure.

MR. DOCETI: Yes. It's very similar to that with the Conex boxes that are already premade and installed. This would contain water and the structures for the ladders in the back. We can provide a brochure.

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I thought it was submitted.

MS. DeLUCA: Okay. Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Nothing at this time.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I have nothing.

CHAIRMAN EWASUTYN: Will the trainees be living onsite during the process?

MR. DOCETI: No.

MR. DAY: No. It's a eight-hour shift and they'll rotate.

CHAIRMAN EWASUTYN: Will there be meals being served?

MR. DOCETI: No.

MR. DAY: Not in this facility, no.

CHAIRMAN EWASUTYN: Let's talk a little bit about the camp as it relates to -- it's going to be in play for so many sessions and then we'll move on to what's before us this evening. I'm kind of unfamiliar with the camp after all these years.

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Can you elaborate on how that's been going? You purchased the property how long ago?

MR. DOCETI: About five years ago.

CHAIRMAN EWASUTYN: The camp has been active for the last five years?

MR. DOCETI: Three years. It took us a while to build and renovate.

CHAIRMAN EWASUTYN: Okay.

MR. DOCETI: The camp will not be running during this session of training. The training is going to come in after the kids have left. So it's two weeks boys, two weeks girls in June. In July it's the same, another two weeks of boys and two weeks of girls. It's only eight weeks of summer camp coming out of that camp.

CHAIRMAN EWASUTYN: Is there a possibility, I know it could be somewhat difficult to coordinate, that if the Planning Board Members

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wanted to familiarize themselves with the site, that somehow a time and day could be set up that the Planning Board Members can access the site?

MR. DOCETI: Sure. We still have the previous owner on payroll. He's there maintaining the camp during the winter, closing it up, he opens it and he maintains the property during the year.

CHAIRMAN EWASUTYN: So he's on site?

MR. DOCETI: He's there. It's only a phone call. I can arrange a tour.

CHAIRMAN EWASUTYN: We would go through Mark Day to kind of contact you to contact the person onsite?

MR. DOCETI: Either way. Yes.

CHAIRMAN EWASUTYN: If the Board is interested, we'll discuss that.

MR. DOMINICK: It's locked up now. You couldn't walk through or drive through.



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CHAIRMAN EWASUTYN: It is locked up. We may take advantage of that opportunity.

MR. DOCETI: Okay.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: How many months do you have the day camp?

MR. DOCETI: Two.

MR. WARD: This will be going on ten months?

MR. DOCETI: Hopefully, yes.

MR. WARD: I see the kids fishing and everything else in the pond, you know. I'm more concerned with no parents or children being there if there is a week lapse or whatever.

MR. DOCETI: Right. No. We will not have camp during that session of training.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Pat Hines with MH&E.

MR. HINES: So this is our

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first time having Section 185-25, an educational facility overlay district project. I'm told that that overlay district does not appear on your zoning map, so I was stumped for a while. I believe it's the entire R-1 Zone. This project is in the R-1 Zone. That section of the code has its own unique bulk requirements with the front yard being 75. I can go through those. They're listed there.

I believe the project needs variances for bulk requirements on the site. The front yard, 75 is required, existing is 31.8. One side yard, required is 100, existing is 45.5. The max building height is identified as 35. This building might be 36, but I think you can check into that based on the definition of building height.

By separating that building, I think you're creating another unique zoning issue because the overlay

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district requires 50 feet between buildings. You've got to go to the ZBA anyway, so you can address that with them.

MR. DAY: Question. If you're talking about setbacks, are we only focused on this building?

MR. HINES: Correct.

MR. DAY: All right. I'm more than 75 from the front, though.

MR. HINES: No. I am talking about -- the bulk requirements are all the buildings on the site. That 50 foot one is unique to the education.

MR. DAY: I'm asking do I apply the education to all the buildings on this?

MR. HINES: Yes.

MR. DAY: So it's not just --

MR. HINES: Not just that structure. It's the site. The ones I gave you were the existing buildings on the site.

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MR. DAY: Okay.

MR. HINES: Unless Dominic disagrees with me, I believe it's all of those buildings.

MR. CORDISCO: I do not.

MR. HINES: So we talked about the separation. The building height should be determined.

We talked about fire code, aerial access.

We're looking for some information on the existing water and sewer facilities on the site.

There's probably a community septic system.

MR. DAY: A community well. Actually, a tank, a chlorination system. We're still trying to find -- we know where some of the septic are. We don't know where they all are.

MR. HINES: We'll need that.

We need details for the paving you're proposing on the site.

Eventually the plans will have

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to go to County Planning as it's on a County road. County DPW.

We need to do the adjoiners' notice. I'll work with your office, Mark, to get those done.

MR. DAY: Okay.

CHAIRMAN EWASUTYN: Mark, Dominic Cordisco will discuss with you now the referral letter that would be sent to the Zoning Board of Appeals.

MR. DAY: Okay.

MR. CORDISCO: The Board could authorize me to send the referral letter to the ZBA. It would have the setbacks as identified by Mr. Hines for the front yard, the side yard and the building height. It should also include the specific provision for this overlay district regarding separation of the buildings has to be fifty feet with the assumption that those two structures are separate structures. If the ZBA determines or

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there's a subsequent determination from the Building Department that it actually functions as a single building, then you wouldn't necessarily need a variance.

MR. DAY: I think the distance between them is going to keep them as one building, unless we do a fire separation. I think the zoning code will override that. That's how I'm seeing this. I mean, my intent was to separate it. If the zoning code dictates, then I think they have to remain as one structure.

MR. HINES: You can get the variance. You're going for variances anyway. You might as well include that one. I think that will clean up the issue.

CHAIRMAN EWASUTYN: Jim Campbell, do you have anything to add to that?

MR. CAMPBELL: No. It was all discussed already.

CHAIRMAN EWASUTYN: Would

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someone move for a motion to have  
Dominic Cordisco, Planning Board  
Attorney, prepare a referral letter  
to the Zoning Board of Appeals?

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a  
motion by Ken Mennerich. I have a  
second by Dave Dominick. Could I  
have a roll call vote starting with  
John Ward.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: You'll work  
on the adjoiners' notice. Dominic  
will work on the letter.

Anything else, Pat?

MR. HINES: No.

MR. DAY: Thank you very much.

CHAIRMAN EWASUTYN: We'll let  
you know if there's a group of

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Planning Board Members that would like to view the site.

MR. DAY: Thank you very much. Have a good holiday.

(Time noted: 8:26 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December 2023.

*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 17  
Section 86; Block 1; Lot 97  
Section 89; Block 1; Lots 66 & 69.1  
IB Zone

----- X

CONTINUED PUBLIC HEARING  
SITE PLAN, LOT LINE CHANGE & CLEARING & GRADING

Date: November 16, 2023  
Time: 8:26 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD (until 9:00 p.m.)

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

APPLICANT'S REPRESENTATIVE: CHUCK UTSCHIG,  
DAVID EVERETT, RAY AQUINO & KENNETH GRIFFIN

----- X

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

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CHAIRMAN EWASUTYN: The sixth item of business this evening is the continuation of a public hearing for a site plan, a lot line change, clearing and grading for Matrix I-84 Distribution Center, located on Route 17K in an IB Zone. It's being represented by Langan Engineering.

MR. CORDISCO: At some point the Board should open it up to the room to see if there's anyone here.

CHAIRMAN EWASUTYN: Why don't we start with that. Is there anyone here this evening for the Matrix I-84 Distribution Center, the continuation of a public hearing for site plan, lot line change and clearing and grading that has any questions or comments?

MR. FETTER: Was there not a discussion about a secondary access on this site, and has that been resolved?

CHAIRMAN EWASUTYN: Chuck, do you want to speak on that?

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MR. UTSCHIG: Sure. For the record, Chuck Utschig, Langan Engineering.

We have provided a secondary emergency access to the site to comply with the current 2020 fire code. There are two ways in for emergency vehicles and there's a single primary entrance for the tenant that will occupy this building.

MR. FETTER: Thank you.

CHAIRMAN EWASUTYN: For the record, your name, sir?

MR. FETTER: Bill Fetter, Rockwood Drive, Newburgh.

MR. HINES: The emergency access is proposed through the Manheim adjoining property through an easement.

MR. FETTER: Okay.

CHAIRMAN EWASUTYN: Do you want to move forward?

MR. EVERETT: Good evening, Mr. Chairman, Members of the Board. My name is Dave Everett, legal counsel for Matrix. I have with me tonight,

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for the record, Ken Griffin who is a principal with Matrix, Ray Aquino in the back there who is the director of development for Matrix, and then we have Chuck Utschig, who just spoke, from Langan Engineering, who is the civil engineer for this project.

At the last meeting the Board had asked us to meet with your technical consultants to develop a plan to take a look at the soil export from the site. We did have that meeting. We thought it was very productive. We put together a plan that we feel addresses the issues that were raised at that meeting and the comments from your consultants. The plan also addresses some of the potential environmental impacts of the export issue. We hope that that is acceptable to the Board. We can talk about that, and Chuck can answer any questions that you may have about that export plan. So that's one

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issue which we wanted to get some feedback from the Board on.

The other issue was, we received, on November 8th, a follow-up letter from Karen with some landscape comments. I think generally we were okay with most of those comments and are going to go ahead and move forward to address those. There are a couple of issues that we wanted to get some feedback from the Board on, especially relating to the location of the plots as well as the number of trees. We can have a conversation about that. Chuck can certainly talk about some of those technical issues, if you'd like.

Assuming that those issues are sort of resolved or discussed to the satisfaction of the Board, we would then like the Board to consider possibly closing the public hearing. We would look to your counsel as to whether or not any further SEQRA

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action needs to be taken. The Board had issued a negative declaration already for this project, but we'll look to Dominic to guide us as to whether or not we need anything further.

Then the last thing is, we've asked the Board to maybe consider rendering some approvals for this project. At a minimum we're looking to try to start clearing some trees on the site. You know, given that the bat window is going to be closing in two or three months here, we'd like to get moving on that. It will take a couple of months to get all the trees cut down. We'd like to try to move forward with that as soon as we possibly can, if the Board is okay with that.

Those are kind of things we'd like to discuss with the Board.

With that, Mr. Chairman, if it's okay with you, I'd like to turn it

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over to Chuck to talk about the soil export memo, if that works.

MR. UTSCHIG: Good evening again.

I can go through the memo. What we did is we developed kind of a program by which the export material would be handled. We kind of spelled out what that was. It has a specific number of trucks associated with it. We identify two sites that currently have the appropriate permits in place that could accommodate this material, and we kind of laid out what that would look like from a transport perspective.

I think one of the things that we want to point out is this doesn't create a greater amount of truck traffic than what might occur building to building, or even as the facility is occupied. What this really does is it extends that timeframe. So that's kind of the component to this.

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We predict six months, plus or minus, depending on the weather. It's a longer period of time but it's not a really significant, more intense operation. That's kind of what we tried to present in the memo. We took the comments from your staff. As Dave said, they were very -- we took them seriously, we addressed them, and we think we laid out a pretty reasonable plan and demonstrated that this really won't have a significant environmental impact.

That's kind of the -- that's my, kind of, speech on that. I'd be glad to answer any questions you might have.

CHAIRMAN EWASUTYN: Ken Wersted will speak on a comment that we received from one of the council members in reference to the -- Ken, do you want to speak on that?

MR. WERSTED: Council Member Scott Manley had read over the memo



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and noted that the memo had described the primary direction as coming up 17K, making a right turn onto 84 eastbound and then returning. However, if the site taking in this excess fill is the Montgomery site, that's off to the west and those vehicles would travel to 84 westbound, go out to that site and then, depending exactly where that location is, they might get off at the Montgomery exit, Neeleytown Road and take that over. On the return trip they will go 84 eastbound to the off ramp, right turn, coming down to the site. So just the detail in the memo about that.

We did look at the assumptions that were in here. The Ramapo location had assumed essentially a two-hour round trip. That equates to about forty-five minute travel time in each direction, and then that leaves you about fifteen minutes to

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load and unload, having that truck on site in each of those locations. The Montgomery site, the assumption was seventy minutes. It felt a little long for me. It's only about a fifteen-minute drive. However, if you account for the unloading, loading, et cetera and the two-way travel time, that seventy minutes seems like a reasonable round trip for that that direction.

Overall, the amount of export is the same as the previous memo.

The big change I think here is the duration of that. The previous memo didn't describe the duration, but I thought it was around three months. It's been stretched out to approximately six months.

At the workshop I know we had talked a lot about variables. There were some soil explorations and you had some assumptions about what the soil is going to do. If you find

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that it's more structurally capable of being reused, that means less export that will come off the site.

MR. UTSCHIG: That's correct.

We tried to be conservative in each of our assumptions to make sure we were taking that kind of conservative approach. We assumed a certain amount of soil onsite will be suitable to put as backfill behind our retaining walls, for example. We've been conservative in that estimate. If we find that the soils are better than we expect and we can use more of that material behind the walls, this will reduce the amount of export. In each of those kind of items, we tried to be conservative in how we represented this and then tried to factor in things that we know will happen in our timeframe. Again, we tried to give the Board what we think is a pretty reasonable picture of what this will feel like and look like

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when it's in operation.

MR. WERSTED: They also provided a comparison to the Route 300 Matrix site, which is double the size of this, and compared the number of truck trips in the development of that site compared to this one. This one generally appears less.

I would argue a little bit about the memo in the comparison of Route 300 to Route 17K. I think the overall traffic volumes per day are pretty comparable in the two locations, however Route 300 is much bigger, there's more traffic capacity than there is here. The interchange with 84 and 300 is much different. The intersections are much more spread apart than the Route 17K/84.

We did do some observations of the interchange. A lot of the congestion I think there revolves around the ability of Pilot to get their trucks in and out. Passing

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through there today, they had gridlocked themselves. Trucks couldn't get in to the Pilot site because there were vehicles trying to get out. They kind of created their own headache, if you will.

As this moves to the construction stage, I think you noted having a flagger out at the main driveway. I think it would also be valuable to talk to DOT and see if there are any signal timing improvements through that corridor that can be put in place. Obviously it will help in the long term when the project is open, but it may also help in the short term during the construction phase.

MR. UTSCHIG: I think we would be glad to have that conversation with DOT and see if there's something they're willing to do.

Again, we tried to give these comparisons. Are they all exactly apples to apples? Probably not

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exactly. The goal here was to try to give the Board a sense of what this volume is really like and how it spreads out over a day and how it integrates with the traffic on 17K. We used the other site because you all have seen how that worked and what the traffic was like there. We're trying to give you a sense that this is probably comparable. Maybe not exactly the same, but we're trying to give a sense. If you felt like that worked out okay, we think the comparison here is one that makes sense to give you that comfort.

CHAIRMAN EWASUTYN: Any comments on this topic. John Ward?

MR. WARD: What are the hours that's going to happen with this?

MR. UTSCHIG: So the projections are based on an eight-hour to ten-hour day within the allowable working hours within the Town. Again, weather dependent. That was our projection. So the rest

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of the numbers are based on an eight-hour to ten-hour day, four to five trips per truck in that day.

CHAIRMAN EWASUTYN: How many days a week?

MR. WARD: How many days a week?

MR. UTSCHIG: Six.

MR. WARD: Six days.

MR. UTSCHIG: The faster we get it off the site, the faster we get done.

MR. CAMPBELL: Can I comment on that, John?

CHAIRMAN EWASUTYN: For the record, your name and your title?

MR. CAMPBELL: On your sheet CE-200, item 2, you give hours of work. We've got to refer to 83-11 in the Town Code for site preparation activities. Those hours are different than what you have noted.

MR. UTSCHIG: Okay.

MR. CAMPBELL: It would be 7:30 a.m. to 6:00 p.m., no Sundays or holidays.

MR. UTSCHIG: We'll make sure to make

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that adjustment on our plan. Thank you.

MR. WARD: When you come back from dumping off wherever it is, 84 westbound coming in to 17K, it's a nightmare with tractor trailers going into Pilot, or wherever they're going. It backs up. All it takes is one truck driver with a GPS going the wrong way.

MR. UTSCHIG: I was there yesterday. You'd think that throat is long enough they could figure out how to clear it. There were a couple times where you couldn't. There's a pretty good length where you can get into the left-hand lane. Our returning trucks that are getting off there, wanting to make the left, that left-hand lane is pretty long and starts almost right at the V on the ramp. So yes, I agree. We understand. I think talking to DOT about what they may be able to do there. That's got to be a problem,



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not just with our trucks but a problem generally with the traffic from the Town going through there. I'm not sure what they'll do, but we will ask the question.

MR. WARD: That's it.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Nothing at this point.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Two things, Chuck. You said one truck exiting the site every six minutes. Is that what you estimate it as?

MR. UTSCHIG: Yes.

MR. DOMINICK: For six months, six days a week?

MR. UTSCHIG: Yes. So the six months has some weather and other things built into it. It's not that, but we think this could last six months. In the operation of this dirt moving, there's going to be also pauses where the contractor is just

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not going to be able to run that many trucks at a time. The six-month window has built into it some flexibility. It's not four months, but --

MR. GRIFFIN: A peak day.

MR. DOMINICK: The other question is, you have two sites, the Ramapo site and your Montgomery site, but then in the next paragraph, you kind of left yourself open for a possible third or fourth site.

MR. UTSCHIG: One of the things about finding places to dispose of dirt, they come and go depending on who's got dirt and needs to get rid of it. I think what we would probably offer is some condition that says if we're going somewhere else other than those two sites, we need to submit that information to the Town. Maybe your staff can review it and acknowledge that it still falls within the kind of parameters of the

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two sites we offered do. I just had someone approach us not too long ago about taking a volume that's a little closer. It's a fluid industry and we're trying to leave ourselves open in case one of those goes away.

MR. DOMINICK: If that does happen or you have a disaster, you exit your site in this new location, now you have to turn left on 17K out of your site instead of right. Now you're coming into 300, 17K, a hornet nest, bottleneck of traffic. It's always a nightmare.

MR. UTSCHIG: My guess is I'm standing before you when that happens trying to explain that. I think our intent is our trucks need to go out, go to the right and get on the interstate.

MR. DOMINICK: Okay.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: Nothing further.

CHAIRMAN EWASUTYN: Pat Hines,

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Dominic Cordisco, do you have anything to add as far as the moving of soil offsite?

MR. HINES: I spoke to the Montgomery engineer, who I'm familiar with, regarding the Miller site. They identified a concern of accessing that site. They would not have an issue if you went Neeleytown to 416 and through the Aden Brook property, which is I believe how that site is being filled now. There is a town road access. Miller Farm is actually off a town road. They do not want you using other than those two state highways and coming in kind of the back way past Medline.

MR. UTSCHIG: Understood.

MR. HINES: We did note that your memo of the 9th didn't identify who wrote it. I don't know if you didn't want to put your name on it, Chuck.

MR. UTSCHIG: I'd be glad to

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put my name on it.

MR. HINES: It was an unknown person who wrote that. We requested that.

We did note that a plan sheet was added to the set identifying the soil export plan with the notes that need to be revised per Mr. Campbell's comments.

If the Board is so inclined to issue clearing and grading approval, there's a requirement for a security and independent security for reclamation. We had been using \$3,500 per acre. That certainly only gets the grass growing back on the site.

The limits of disturbance have been identified on the plan. The demarcation for those has to be orange construction fence per the tree preservation code. I know you requested some of that not be done. Clearly in the code there is that demarcation required.

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We commented on the limits of disturbance in the newly filled area on the west. It looks like it's swinging wide. Come back in a little bit, if that could be done.

We had previous comments issued which identified other potential conditions of approval that are still valid.

CHAIRMAN EWASUTYN: Let's step back.

So one of the questions that were posed at the beginning was the plots and the number of trees. There was a question as far as who will take final responsibility for accepting the concept of plots and the number of trees.

Pat, do you want to speak on that?

MR. HINES: Sure. Early on in the process Langan Engineers had submitted to my office sample plot locations. It was during a time when

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the ordinance was in a bit of flex and the Town was addressing modifications to the ordinance, allowing sample plots. They had given us those sample plots. They were one-acre sample plots. We didn't know where that ordinance was going. We looked at those and found them representative of the forested areas on the site. They didn't include the open agricultural fields and such. We found those to be an acceptable area. I believe the applicant went out and did their tree surveys in those areas.

MR. UTSCHIG: Correct.

MR. HINES: They hired an arborist I believe.

MR. UTSCHIG: We have an inhouse arborist who identified the trees.

MR. HINES: Who was qualified to identify those trees.

MR. UTSCHIG: Yes.

MR. HINES: I think Karen's office is now looking to go out and

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view those plots in the field. We did approve them based on the aerial photos, which is kind of the process we established early on in this code. I have no desire to go out and count trees after they were marked by the arborist.

MR. UTSCHIG: I have a certified survey that's been submitted as part of our application with the information the arborist provided us. This is not a drawing that was done on the back of a napkin. It was done in great detail to make sure we didn't miss that in your new code.

CHAIRMAN EWASUTYN: Comments from Board Members on that topic. Stephanie DeLuca?

MS. DeLUCA: Nothing.

MR. DOMINICK: John, I don't want to comment on that topic, but I do have a comment on landscaping.

CHAIRMAN EWASUTYN: Let's continue on with what's before us and then



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we'll go to landscaping.

Ken Mennerich?

MR. MENNERICH: I think from Karen's memo, she wants to see what one of the plots was based on markings in the field and she couldn't find it.

MR. UTSCHIG: We spent a lot of time, energy and our client's money to stake these out in the field according to Pat's approval. We then arduously located, labeled all the trees per your new code and created a record of those. We are now, I'm going to guess, six to twelve months beyond that timeframe. We're potentially having a conversation about going back to something that, you know, we did exactly as we were directed to do. I think our feeling is we don't understand the request. That's as best as I can say it.

MR. MENNERICH: Okay.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comments.

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CHAIRMAN EWASUTYN: Dave Dominick,  
you have a question on landscaping.

MR. DOMINICK: Just a quick  
question. I notice you said sod at  
the entrance. I think it was Frank  
who mentioned that. Do you have a  
water management plan for that? Are  
you going to put sprinklers in that  
area or sprinklers where the sod is?

MR. UTSCHIG: We can if we need  
to. Actually, there's a swale that  
works its way across the front of our  
property that comes out of this  
system. This area is pretty wet. We  
think that we're going to have enough  
moisture to keep it alive and survive.  
If we, obviously, are going to go  
through the trouble of planting sod,  
we do not want it to die. We're going  
to do what it takes to get it  
established. This will be a pretty  
moist area, so I don't think we're  
going to have a problem.

MR. DOMINICK: That was my

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question. Seed to sod is quite different in price.

MR. UTSCHIG: We were happy to put the sod so we had a finished look, as you asked us, and we do not want it to die. We will take appropriate measures. I think what I'm saying is, once that sod gets established down in this location at the front where we're proposing it, there's enough going on with the soil conditions that we will not have a problem with survival.

MR. DOMINICK: We'll do a site visit in July, you and I.

MR. UTSCHIG: That's okay. The good thing is it's not on the side of a hill. We'll commit that this is part of our plan, it has to be in and it has to survive. If it doesn't, we're in violation of our plan.

MR. DOMINICK: Thank you. I appreciate it.

CHAIRMAN EWASUTYN: Let's talk

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on the topic of clearing and grading and tree removal, the window of opportunity being from now until, I believe it's the end of March.

MR. HINES: March 31st.

CHAIRMAN EWASUTYN: March 31st.

Are we or are they in a position to move forward with that action, Dominic Cordisco?

MR. CORDISCO: Yes. I think the one thing that the Board may want to consider is, as Mr. Everett eluded to earlier, the fact that the negative declaration that was previously adopted by this Board was based on the assumption that the site was a balanced site and there was not going to be the need for exportation of fill or materials leaving the site. Now the applicant has obviously been working to address the Board's concerns with identifying and proposing a plan as to how that exportation of materials is going to proceed.

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The Board should consider adopting an amended negative declaration because the potential is here for having significant adverse impacts, it would seem, if the applicant was also not making attempts to mitigate, to the extent practicable, the effects of having to remove so much soil from the site.

CHAIRMAN EWASUTYN: So would we first close the public hearing and then speak on the subject of the amended negative declaration?

MR. CORDISCO: Yes, sir.

CHAIRMAN EWASUTYN: Any further questions from the public?

MR. FETTER: One last question. Bill Fetter again. The dump trucks, are they articulated or rigid dump trucks? Would they be the larger trucks?

MR. HINES: Over the road.

MR. UTSCHIG: Over the road trucks. These will be thirty-yard

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trucks.

MR. HINES: Tractor trailer.

MR. FETTER: The fee for that work then is taken into account for taxation on the impact to the roadways?

MR. HINES: I think that's included in the tax they pay on their fuel.

MR. FETTER: Is there not a fee for the application?

MR. CORDISCO: There's a fee for the application, but it covers the Town's cost in reviewing that application. It is not intended to be, nor is it a fee that's --

MR. FETTER: I assume the registration of the truck pays for some of that. Thank you.

MR. HINES: And the tax on the fuel, I believe, pays for that.

MR. FETTER: Thank you.

CHAIRMAN EWASUTYN: Any further questions from the public?

(No response.)

CHAIRMAN EWASUTYN: There being

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no further questions from the public,  
would someone move for a motion to  
close the public hearing --

MR. DOMINICK: So moved.

CHAIRMAN EWASUTYN: -- close  
the public hearing on the site plan,  
lot line change and clearing and  
grading.

MR. DOMINICK: I'll make a  
motion.

MS. DeLUCA: Second.

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

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: At this  
point we'll turn the meeting back  
over to Dominic Cordisco to talk

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about the amended negative declaration.

MR. CORDISCO: So the Board had previously adopted a negative declaration for this project before the public hearing. As I mentioned, it was based on the presumption that the site was a balanced site. The fact that the applicant has now provided a plan and procedures, and also identified the potential locations where this excess material will go, it's my recommendation that the Board consider adopting an amended negative declaration for this that also includes, by reference, the plans that have been presented as well as the statement that if the applicant is going to take material to an alternative location not identified in their plan, that they provide prior notice to the Planning Board.

CHAIRMAN EWASUTYN: Thank you.  
Having heard from Planning



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Board Attorney Dominic Cordisco suggesting that we adopt a negative declaration with the understanding that if the applicant selects another site, that that information would be shared with the Building Department, our consultants, and the Planning Board will be made known of that, would someone move for that motion?

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

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

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: At this time I'll turn to Ken Wersted, Pat Hines and Dominic Cordisco to give us

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conditions of approval for the site plan, lot line change and clearing and grading.

Have we done ARB approval on this?

MR. EVERETT: You have not done ARB approval. We had a fairly detailed ARB presentation with the architect who flew it from Cleveland or someplace. That was done in July. Is that right? In July.

CHAIRMAN EWASUTYN: Let's take one thing at a time. Right now what we have on the table is, I'll hear from Pat Hines, Dominic Cordisco and Ken Wersted.

MR. HINES: I think there needs to be separate resolutions with separate conditions for each of those items. Certainly the clearing and grading would have certain conditions and the site plan itself would have additional conditions with different agencies.

I would suggest the conditions

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of the clearing and grading be that coverage under the stormwater DEC stormwater construction SPDES permit be in place. Securities in the amount of \$3,500 per acre be in place. The DOT approval for the construction access road be in place. I think those are the clearing and grading comments that I have. Compliance with the soil export plan and the narrative report submitted by Chuck Utschig, Langan Engineers.

CHAIRMAN EWASUTYN: Ken Wersted, do you have anything?

MR. WERSTED: To add to that, any modifications to timings or phasing at the I-84 interchange as deemed appropriate by DOT.

CHAIRMAN EWASUTYN: Did I interrupt you, Pat?

MR. HINES: No.

CHAIRMAN EWASUTYN: Dominic Cordisco?

MR. CORDISCO: Back in September of 2021 the Board actually granted a

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very similar clearing and grading permit to Matrix for the Route 300, Tesla site now. The conditions tracked those that were just mentioned by Ken and by Pat, and so they include, obviously, compliance with the clearing and grading requirements that are set forth in the Town Code. It also includes the hours of operation. The plans should be amended to identify that. All of the mitigation measures that are included in the amended negative declaration should also be complied with, including identifying alternative sites if that's where the material is going to end up going, and that they file a performance guarantee in the amount of \$3,500 per acre. There's also an initial inspection fee in the amount of \$3,500 for the Town. You obviously have to comply with the Indiana bat restrictions and complete tree

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clearing, or at least stop tree clearing after April 1st, between April 1st and October 1st. I think that's about it, in addition to Pat's comments regarding obtaining coverage under the SPDES general permit for stormwater, having DOT approve the construction entrance, as well as any additional requirements the DOT may require. I think that's it.

MR. HINES: One more that didn't exist then is the security for the tree preservation ordinance.

CHAIRMAN EWASUTYN: Right. Very good.

Any questions or comments about what was said -- from the Planning Board Members on what the consultants just mentioned?

MS. DeLUCA: No.

MR. DOMINICK: Nothing.

CHAIRMAN EWASUTYN: These resolutions, Dominic, will happen when?

MR. CORDISCO: It will probably

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be before Thanksgiving.

CHAIRMAN EWASUTYN: Would someone move for a motion to grant approval of the clearing and grading for the Matrix I-84 Distribution Center subject to the conditions that were presented by Dominic Cordisco, Planning Board Attorney, Pat Hines with MH&E, and Ken Wersted with Creighton Manning Engineers.

MR. DOMINICK: I'll make a motion.

MS. DeLUCA: Second.

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

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Pat, is there a separate approval for the lot line

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change? Dominic Cordisco?

MR. CORDISCO: Yes. Typically dealing with lot line changes and site plan approvals, we've done that separately.

CHAIRMAN EWASUTYN: So then let's do the lot line change. Are you saying it should be done separately?

MR. CORDISCO: Yes, sir. Actually, I take that back. I'm looking at the prior Matrix project resolution. It was all addressed as one --

MR. HINES: Combined.

MR. CORDISCO: -- the site plan, lot line change and ARB approval.

CHAIRMAN EWASUTYN: Let's do the site plan and lot line change as one resolution and then we'll close it out. Can we have conditions of approval for that?

(Note: John Ward left the meeting.)

MR. CORDISCO: The conditions should include plan revisions to

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address any outstanding comments from the Town's consulting engineer. They obviously have to obtain all outside agency approvals for the project. Stormwater. They have to obtain coverage under the stormwater general permit. They also have to obtain a waiver from the Town of Newburgh for the five-acre disturbance limitation. I assume you're disturbing more than five acres at a time. They have to prepare a stormwater facilities maintenance agreement for the town attorney and town engineer for their review. They have to post a performance security for stormwater. For the highway improvements, they have to obtain conceptual approval and authorization from the DOT for the access and utilities prior to the signing of the site plan. Also, they have to obtain a highway work permit prior to any building permits being issued for the project.



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CHAIRMAN EWASUTYN: Do you have anything to add to that, Ken Wersted?

MR. WERSTED: Nothing additional.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Health Department approval for the water main extension and hydrants.

MR. CORDISCO: I didn't get there yet. Please go ahead.

MR. HINES: We're not there.

MR. CORDISCO: I have a long list.

CHAIRMAN EWASUTYN: I apologize.

MR. HINES: There's a requirement for the legal documents regarding the emergency access that need to be finalized and approved. The rest are the standard ones Dominic didn't get to yet.

MR. CORDISCO: You took the wind out of my sails. I don't know if I want to cover them now.

Do we have a water main extension here?

MR. HINES: Yes.

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MR. CORDISCO: A water main extension. They have to obtain approval from the Town of Newburgh Water Department for potable water and fire flow connections. Also the design of the fire protection systems requires approval. An inspection fee for the required water main extension. A complete set of plans for protection and water storage and fire pump design has to be submitted to the Town of Newburgh for their review and approval. For the sewer main, we have a performance security.

MR. HINES: There's no performance security. Just a permit.

MR. CORDISCO: Just a permit.

MR. HINES: It's not an extension, it's just a lateral. If it was a subdivision we would.

MR. CORDISCO: Pat mentioned the codification of the emergency access agreement with the adjoining property. We have landscape security

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and inspection fees. They also have to coordinate with the jurisdictional emergency services for keys for the emergency access. The Board should decide whether it wants to act on or defer the Architectural Review Board approval.

CHAIRMAN EWASUTYN: We'll discuss that. Let's complete the site plan and lot line change and then we'll discuss the ARB approval.

MR. EVERETT: Could I ask a question first, Mr. Chairman?

CHAIRMAN EWASUTYN: Please.

MR. EVERETT: The conditions that you just outlined, are those related to execution of the site plan or do they also relate to the execution of the lot line? Are there any conditions related exclusively to the lot line?

MR. CORDISCO: I don't think so. I think that these are conditions for the site plan approval in order to

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start construction. My intent was not to pose hurdles for complying or finalizing the lot line change.

MR. EVERETT: As far as the deal with Manheim, we were just hoping to have the option to be able to have the lot line --

MR. CORDISCO: You can also start taking down those trees.

MR. EVERETT: -- as an option. Thank you for that clarification.

CHAIRMAN EWASUTYN: Okay. Having heard the conditions of approval for the site plan and lot line change presented by Pat Hines with MH&E, no comment from Ken Wersted with Creighton Manning, and Planning Board Attorney Dominic Cordisco, would someone move for approving the Matrix I-84 Distribution Center subject to the conditions that were presented by our consultants?

MS. DeLUCA: So moved.

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MR. MENNERICH: Second.

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

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

That's four of us.

Let's discuss the ARB. You said there was a presentation on the ARB in July?

MR. EVERETT: Yes, there was, Mr. Chairman. We have some plans which we'd be happy to refresh the Board's recollection if you'd like.

CHAIRMAN EWASUTYN: I would like that. I'm not in a hurry to go home.

MR. UTSCHIG: I'm not the architect. This is one of the perspectives that was presented by

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the architect back in July.

I think the nature of this building -- I'll do my best to kind of describe this. I think it's very similar to what you currently have at the other Matrix site, right. We know that they have articulations in the buildings. There's a variation of materials. I think you'll find that this building will be very much like those. I think the only difference is that it's a thousand feet up the hill and a lot further away. There's really not much else I can add to it other than that. I believe the architect talked about the type of materials. I think it's going to be the same type of materials that you have at the Route 300 building. That's the best comparison I can make. Unfortunately, I think this is the only perspective I have.

MR. HINES: That's a Matrix sign on the building.

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CHAIRMAN EWASUTYN: On the  
left-hand side.

MR. UTSCHIG: Say it again.

MR. HINES: That's the Matrix  
logo on the building for signage.

MR. UTSCHIG: That one?

MR. HINES: The square one.

MR. UTSCHIG: Yeah. Yes.

MR. HINES: It was an issue  
with the last building.

MR. UTSCHIG: I'm a little slow  
on the uptake. It's a little late  
tonight.

MR. CAMPBELL: I don't remember  
reviewing anything on signage. Just  
to note that.

MR. UTSCHIG: I think our goal  
is -- we have some signage on our  
plan. The goal is to comply with  
your code. As you know, this is  
tenant driven. In most cases we find  
ourselves figuring it out when we get  
a tenant. The objective is to be  
code compliant. If we're not or it's

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something different than we generally show on the plan, we would expect the Building Department to send us either here or to the Zoning Board to deal with that.

We tried to give a sense of whether or not there's a front mounted sign like the other facility. It's not integrated into the wall. There will be building mounted signs like 300.

If there's anything that's not code compliant, we will be back or seek a variance to allow for the deviation from the code.

CHAIRMAN EWASUTYN: Questions or comments from Board Members?

MR. HINES: That view is very well into the site. It's important to note that this building is hundreds of feet away from the road.

MR. UTSCHIG: Like a thousand feet from the road. This perspective, if I'm not mistaken, is taken from



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like here, looking at this corner.  
Pat's point is, when you look from  
here up the hill, you really won't  
see how nice this building is. You  
may get a better peek as you're  
driving along the interstate for  
fifteen seconds as you go by.

CHAIRMAN EWASUTYN: Jim Campbell,  
are you okay with us approving the ARB  
for this building that was just presented  
with the understanding that they will  
comply with the signage ordinance as it  
relates to this site plan?

MR. CAMPBELL: Yes.

CHAIRMAN EWASUTYN: Thank you.  
Because we did have sort of a minor  
problem last time, just for the  
record.

You have completed the ARB form  
with this, or you will complete it?

MR. EVERETT: That was submitted.

CHAIRMAN EWASUTYN: Just for the  
record. It's been a while.

All right. Would someone move

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for approval of the ARB presented by  
Chuck Utschig for the Matrix I-84  
Distribution Center?

MR. DOMINICK: I'll make a motion.

MS. DeLUCA: Second.

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

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Dominic, do  
you want to give us any conditions of  
approval for the ARB?

MR. CORDISCO: That would be  
contained within the overall resolution.  
The only condition would be to review  
the signage with the Building  
Department for compliance with the  
Town code.

CHAIRMAN EWASUTYN: I think

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that ends the action before us this evening.

MR. UTSCHIG: Thank you.

MR. EVERETT: Thank you very much.

(Time noted: 9:14 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December 2023.

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

PATTON RIDGE  
(2012-18)

Request for a Six-Month Extension of  
Conditional Final Subdivision Approval  
from November 16, 2023 until May 16, 2024

----- X

BOARD BUSINESS

Date: November 16, 2023  
Time: 9:14 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
DAVID DOMINICK

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

----- X

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

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CHAIRMAN EWASUTYN: We have two items of Board business this evening. The first one is Patton Ridge, project number 2012-18, requesting a six-month extension from November 16th through May 16th.

Mr. Mennerich will read the letter.

MR. MENNERICH: The letter comes from Kirk Rother. It's dated November 7, 2023 to John Ewasutyn, Chairman, Town of Newburgh Planning Board, regarding Patton Ridge Subdivision, Patton Road and New York State Route 52. Town of Newburgh ID is 47-1-44. Our project number is 0519140. The Newburgh Planning Board task is 2012-18. "Dear Chairman Ewasutyn, kindly let this letter serve to request an extension of the conditional final subdivision approval that was granted to the Patton Ridge project on April 7, 2022 and subsequently filed with the Town Clerk on May 25, 2022. The

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approval is currently extended through December 1, 2023. The Town is in possession of various plans, legal instruments and bond estimates needed to satisfy the conditions of the approval. The applicant is currently awaiting action on these items by the Town. Progress is being made, but it is unlikely that all the loose ends will be wrapped up by the December 1, 2023 expiration. In consideration of this, we ask that the Planning Board grant an additional six-month extension which extends the final approval to June 1, 2024. It is the applicant's hope that this much time will not ultimately be needed as the intent is to file the map as soon as possible. Respectfully,  
Kirk Rother, PE."

CHAIRMAN EWASUTYN: Pat, you have a good understanding of the subdivision.

MR. HINES: On Monday night the

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Town Board approved the securities for the project, so they can be posted now. I think there are a couple of legal agreements with Mark Taylor being tidied up. They're very close, but, again, the December 1st deadline was approaching.

CHAIRMAN EWASUTYN: Do you have anything to add?

MR. CORDISCO: It would be appropriate for the Board to grant the extension as requested.

CHAIRMAN EWASUTYN: Would someone move for that motion?

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Dave Dominick. I'll ask for a roll call vote starting with John.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

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CHAIRMAN EWASUTYN: Motion  
carried.

(Time noted: 9:16 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 1st day of December 2023.

*Michelle Conero*

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MICHELLE CONERO



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

----- X  
In the Matter of

MKJC  
(2023-11)

Referral to the Orange County Planning  
Department

----- X

BOARD BUSINESS

Date: November 16, 2023  
Time: 9:16 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
DAVID DOMINICK

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

----- X

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

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CHAIRMAN EWASUTYN: Pat, we did receive the SWPPP. My office received the SWPPP. I think that's what we were waiting for.

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MR. HINES: I'm glad you received it. I may have received it. I didn't see it.

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CHAIRMAN EWASUTYN: I wasn't expecting it, but they called to say that someone was dropping it off.

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MR. HINES: It was today or yesterday?

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CHAIRMAN EWASUTYN: Yesterday. I'm just saying to myself, number one, I thought, John, why don't you take a photo of this and send it to everybody.

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MR. HINES: I do believe it did come in to my office. I was in this building.

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CHAIRMAN EWASUTYN: At our last meeting -- do you want to bring us along, Pat?

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MR. HINES: That was an item

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that, in order to send it to County Planning, we needed that for part of the application. With that being received, my office can send that to County Planning.

CHAIRMAN EWASUTYN: There's no action needed from the Board at this time?

MR. HINES: Normally you authorize it.

CHAIRMAN EWASUTYN: Would someone move for a motion to have Pat Hines refer MKJC, project number 2023-11, to the Orange County Planning Department?

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

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

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

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MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: The last action before us this evening is to close the meeting of the 16th of November 2023 and for everyone to have a happy, peaceful Thanksgiving. Would someone make for that motion?

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich. Second by Stephanie DeLuca. Can I have a roll call vote starting with Stephanie DeLuca.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 9:18 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 1st day of December 2023.

*Michelle Conero*  
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MICHELLE CONERO