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

----- X
In the Matter of

THE ENCLAVE
(2022-25)

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

----- X

MULTI-FAMILY SITE PLAN

Date: December 1, 2022
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: ROSS WINGLOVITZ,
JOHN CAPPELLO and NICHOLAS MINOIA

----- X

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

1 THE ENCLAVE

2 CHAIRMAN EWASUTYN: We'd like
3 to welcome you all here this evening.
4 It's the Planning Board meeting of
5 the 1st of December 2022. We have
6 five agenda items this evening.

7 We'll start the meeting off
8 with a roll call vote.

9 MR. GALLI: Present.

10 MS. DeLUCA: Present.

11 MR. MENNERICH: Present.

12 CHAIRMAN EWASUTYN: Present.

13 MR. DOMINICK: Present.

14 MR. WARD: Present.

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

17 MS. CONERO: Michelle Conero,
18 Stenographer.

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

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

23 MS. ARENT: Karen Arent,
24 Landscape Architectural Consultant.

25 MR. WERSTED: Ken Wersted,

1 THE ENCLAVE

2 Creighton, Manning Engineering,
3 Traffic Consultant.

4 CHAIRMAN EWASUTYN: At this
5 point we'll turn the meeting over to
6 John Ward.

7 MR. WARD: Please stand to say
8 the Pledge.

9 (Pledge of Allegiance.)

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

12 CHAIRMAN EWASUTYN: Our first
13 item this evening is The Enclave.
14 It's an initial appearance for a
15 multi-family site plan located on
16 Route 300 and Gardnertown Road. It's
17 in an R-3 Zone. It's being represented
18 by Engineering & Surveying Properties.

19 MR. CAPPELLO: Good evening,
20 everyone. John Cappello with
21 Jacobowitz & Gubits. I'm here with
22 Ross Winglovitz who will be
23 presenting the site plan, and Nick
24 Minoia with Diversified Properties
25 who will discuss the reasons for

1 THE ENCLAVE

2 pursuing this project and provide the
3 architecturalals to you.

4 We're excited to be here. We
5 believe this is a great project.

6 As Chairman Ewasutyn said, the
7 project is located on Route 300 and
8 also on Gardnertown Road. Two of
9 these parcels that comprise the
10 project site were before this Board
11 several years ago as part of a
12 single-family development. It's now
13 proposed to amend the plan to add an
14 additional lot there, totaling about
15 49 acres. It is now proposed to
16 build approximately a 261 unit multi-
17 family development.

18 As Nick will advise you, we've
19 worked with Nick on two other
20 projects here in the Town that have
21 been very successful. They've been
22 providing housing for many young,
23 diverse folks in the Town of
24 Newburgh, so we're excited to present
25 this.

1 THE ENCLAVE

2 With that I'm going to
3 introduce Nick. Nick can explain a
4 little bit more.

5 MR. MINOIA: Thank you, John.
6 Good evening, everyone. Good
7 evening, Mr. Chairman, Members of the
8 Planning Board, the professional
9 staff and the public. My name is
10 Nick Minoia, I'm the managing partner
11 of Diversified Properties. We have
12 had prior applications in the Town of
13 Newburgh. We're excited to be here
14 to present what we believe is
15 probably the more significant of the
16 two projects we have here for a
17 couple reasons. One, its size. Two,
18 its architecture, its design and the
19 unique character of the setting that
20 we have here at this particular
21 property, what we believe is probably
22 one of the last large multi-family
23 sites that could be developed. We're
24 excited to have control over it and
25 present our application this evening.

1 THE ENCLAVE

2 So as John said, I want to give
3 you a little bit of a flavor for how
4 we've done with the two communities
5 we have here in the Town of Newburgh,
6 just spend a few minutes to give you
7 kind of a walk back to how successful
8 they are and your role as a Planning
9 Board and the professionals in
10 helping to create those two
11 communities. One is Summit Lane here
12 in the Town of Newburgh. The other
13 is Meadow Hill. Meadow Hill, Meadow
14 Ridge. It's gone under a couple
15 different names over the years. The
16 combined total is about 370, roughly,
17 apartments. It's a very diverse
18 tenancy we have from doctors and
19 lawyers and various professionals to
20 laborers and medical staff and you
21 name it. All diversification, all up
22 and down the income scale, local
23 residents, people who have moved to
24 the Hudson Valley and made the Town
25 of Newburgh their home. So we're

1 THE ENCLAVE

2 thrilled with the level of occupancy
3 in the communities that we've created
4 with this synergy and the amenities
5 that we have here, the place making
6 that we've had over the years with
7 the communities that we've built.
8 We've maintained a very high
9 occupancy in the Town of Newburgh
10 from day one. We've maintained
11 occupancy that has always been north
12 of 95 percent. There are times when
13 it's been as high as 98. I think we
14 have touched 100 percent occupancy at
15 one time or another and had waiting
16 lists. When people say well is there
17 enough demand for these communities,
18 why do we need more apartments. The
19 short answer is there's more than
20 enough demand. We could fill this
21 proposed community and then some with
22 the demand that is here.

23 We are a professional
24 organization that is fully
25 integrated. We help design these

1 THE ENCLAVE

2 communities, we do the site
3 selection, we do the engineering.
4 We've built a great team that comes
5 in to put together the engineering,
6 the architecture, the legal response
7 that we need. We are our own
8 builder, I think you may recall. We
9 do our own construction and we do our
10 own property management. From that
11 perspective it's a soup to nuts, from
12 the beginning right to the end. What
13 you see is what you get. We build
14 it, we own it, we manage it, we rent
15 it. We're fully responsible from
16 start to finish. So that's a strong
17 character of who we are as a company
18 and a large part of our success here
19 in the Town of Newburgh and beyond.

20 I just wanted to give you a
21 quick couple minutes on who we are,
22 why we're back here and how excited
23 we are to present yet another project
24 here in the Town of Newburgh.

25 We're going to have Ross review

1 THE ENCLAVE

2 our engineering, give you an overview
3 on the plan, and I'll be back to
4 review some of the architecture.

5 CHAIRMAN EWASUTYN: Thank you.

6 MR. WINGLOVITZ: Good evening.
7 Ross Winglovitz, Engineering &
8 Surveying Properties. I'm here with
9 Reuben Buck from my office.

10 We're happy to be part of the
11 team. We're happy that Diversified
12 chose us to be involved. We did
13 several large projects in the Town,
14 and we're happy to be working with a
15 group of professionals on a project
16 of this nature. It's an honor for us
17 to be involved.

18 As John talked about, this
19 property has history. This was the
20 Driscoll subdivision that we
21 presented to this Board back in
22 probably '08, '09. It was 107
23 single-family homes. There was one
24 additional parcel that was included
25 in that application. That project

1 THE ENCLAVE

2 got to the point of the draft
3 environmental impact statement, a
4 final environmental impact statement,
5 findings were issued, preliminary
6 approval, and then 2009 came and it
7 couldn't proceed. Ultimately some of
8 the properties were broken up. Nick
9 was able to assemble these two
10 properties out of the three that were
11 involved in the application and put
12 this together to propose this multi-
13 family project on two-thirds of what
14 was the original property.

15 As John said, Gardnertown Road
16 is on the south -- I'd love to rotate
17 the map. Gardnertown Road is on the
18 south, 300 is on the east side, Kroll
19 Acres to the west, and the vacant
20 property to the north. So this is
21 the one that was part of the original
22 application. It's no longer part of
23 the project.

24 What we're proposing here is
25 246 units in 17 buildings, a club-

1 THE ENCLAVE

2 house.

3 They'll have full service
4 access from 300. We're looking at
5 one access point from 300 into the
6 site, across the Quassaick Creek,
7 into the heart of the project. The
8 clubhouse will be a focal point at
9 the end of the main entry road.
10 There's just kind of three loops that
11 make up the project. The center
12 loop, and then as you come in you'll
13 look at the clubhouse. That will
14 have the recreation area, pool,
15 playground area, some pickleball
16 courts. There's a southern loop on
17 the project where we have the
18 majority of units along with the
19 fenced off part where there will be
20 some dumpsters here. What they found
21 through the history from the other
22 projects is they do have curbside
23 pick up. They provide, with the
24 design of the buildings, to integrate
25 garbage receptacles for garbage cans

1 THE ENCLAVE

2 for everybody. You find occasionally
3 people have larger items. They're
4 learning from past projects. We're
5 integrating a dumpster enclosure in
6 the project so that if you have any
7 larger items, you can bring them to
8 that location and they'll take them
9 away so they don't sit on the side of
10 the street. I think that's a nice
11 enhancement over some of the previous
12 projects I've been involved in.

13 Drainage for the site. The
14 site is pretty much a plateau. It
15 drains to the creek. There will be
16 several large stormwater ponds
17 developed along the eastern boundary
18 of the site, as well as here there's
19 one by the entry road to pick up any
20 stormwater that will be created due
21 to the impervious for that.

22 Water for the project. There
23 is water in 300. There will be a
24 main connection point to the water in
25 300, looped throughout the project

1 THE ENCLAVE

2 and will be reconnected at Circle
3 Lane. That's our current thought.
4 Obviously we'll sit down with Pat and
5 go through that as we develop it, and
6 Jim Osborne, to see if there are any
7 issues with that and any other
8 looping is required. We think this
9 will provide a nice connection for
10 Kroll Acres, to provide an additional
11 way for them to get water.

12 Sewer. This is part, if you
13 remember, of what was the Plattekill
14 trunk sewer line. That was developed
15 in the `90s. The Town had -- the
16 plan was developed in the `90s. The
17 plan was to have a sewer line along
18 the creek, go all the way up
19 ultimately to the Town's water plant.
20 Some easements were required back in
21 2009 when the original project was
22 developed, but not all of them. What
23 we're looking to do is we'll be
24 collecting our sewer and pumping it
25 up to 300. The Town is currently

1 THE ENCLAVE

2 exploring a sewer district for Cintas
3 with a sewer main up 300. The goal
4 would be to connect into that. We
5 know that that is not set in stone,
6 so we'll be looking at alternatives
7 as part of that. One could be taking
8 the sewer up to Gardnertown and down
9 300 to the existing manhole on 300,
10 just on the other side of the hill
11 past the nursery school that's down
12 there. I think that's it.

13 There will be -- we're working
14 on the entry feature. Nick wants to
15 do something a little bit nicer than
16 what we're currently showing here. I
17 think it's important and he thinks
18 it's important as part of the
19 project. That's something we're
20 going to develop. I know you have
21 Karen looking at the project as well.
22 We welcome her input in doing
23 anything we can to enhance the curb
24 appeal of the project. We think
25 that's important, and it's always

1 THE ENCLAVE

2 been something that the Town of
3 Newburgh has strived for, and so has
4 Diversified. I think we have a
5 common goal.

6 Speaking of aesthetics, I'll
7 give it back to Nick and he can talk
8 about the architecture briefly for
9 the project.

10 MR. MINOIA: Can everybody see
11 this? Kind of unique to Newburgh for
12 us was the product that we created
13 initially at Summit Lane and then up
14 at Meadow Hill. We absolutely love
15 this property. There's some
16 characteristics about it that are
17 really special, starting with the
18 fact that these are all direct entry
19 units. What does that mean?
20 Everybody has their own private
21 entrance. There are no common
22 hallways in this product. We own
23 properties like that. We own a
24 property like that in the adjacent
25 community in New Windsor. It's not

1 THE ENCLAVE

2 that there's anything wrong with it,
3 but if you had a choice you would
4 want this product. There's no common
5 hallways. You go up the stairs to
6 your door, open your apartment and
7 you're home. On the first floor,
8 ground level, open the door, you're
9 in your apartment. No common
10 hallways. It's a different type of
11 product. We'd developed it
12 specifically for Summit Lane
13 initially. We enhanced it for Meadow
14 Ridge. This is the Meadow Ridge
15 version of the product which we're
16 presenting here for what we call The
17 Enclave, which is really what we
18 think the epitome of the three
19 communities, if we're successful in
20 pursuing the approvals, we would have
21 here.

22 Spectacular level of finishes.
23 We're showing a stone or a brick on
24 the lower level. Of course the
25 siding on the top. A similar roof

1 THE ENCLAVE

2 structure. Various gables and
3 windows. These are garaged units. A
4 certain percentage of the occupants
5 have a garage. Not every unit has a
6 garage. It's a high percentage of
7 the building that has garages that
8 are available for rent by the tenants.

9 There are some storage units
10 available for rent by the tenants as
11 well in these buildings.

12 And then also unique to these
13 communities, and Ross touched on it,
14 we're very particular about the
15 entryway. We would like to see a
16 greater enhancement for the entryway,
17 nice signage, entry monuments, some
18 uplift, very professional, high-end
19 signage and lighting and landscaping
20 at the entrance. We're working on a
21 design for the entrance like we have
22 at the other two communities as well.

23 We've expanded the clubhouse
24 for this particular community. The
25 clubhouse at each of the other two

1 THE ENCLAVE

2 communities is roughly 3,500 square
3 feet. We've expanded this clubhouse
4 to about 5,000 square feet. We found
5 in a COVID world, and going forward
6 in a post-COVID world, the need for
7 more networking space, work from
8 home, work from the clubhouse, lounge
9 area, work from your laptop. We've
10 expanded clubhouses universally in
11 the communities that we have. This
12 clubhouse features everything from a
13 multi-purpose room, fitness, of
14 course men's and women's restrooms,
15 an outdoor patio area on both ends of
16 the clubhouse, a billiard room. Our
17 leasing offices are always at the
18 front of these buildings so the
19 community is serviced both by its
20 management and leasing from the
21 clubhouse. We build that right out
22 of the gate. We've seen other
23 developers that kind of like to do
24 this later, and sometimes it never
25 happens. The project doesn't do well

1 THE ENCLAVE

2 for whatever reason, the amenities
3 don't get built. This would get
4 built right from the get-go. So we
5 have our leasing center. This is a
6 lobby area. Some type of kitchen
7 area. Some storage here and some
8 general lounge and work area here. A
9 multi-purpose room where again you
10 can sit and do some work, take a
11 phone call, have a conference and
12 work from home.

13 So again, this facility very
14 much matches the overall design, the
15 look and the feel with the gables and
16 the architecture, some stone at the
17 lower level, of what we're presenting
18 for these buildings.

19 The mix is about two-thirds
20 two bedrooms, one-third one bedroom
21 which we find the common mix to be.
22 There are no three bedrooms
23 presented. We typically don't do
24 three bedrooms. That's not really
25 our market. So they're all one and

1 THE ENCLAVE

2 two bedrooms. As I said, two-thirds
3 are two bedroom, one-third is one
4 bedroom.

5 So this is what we're
6 presenting as the architecture. We
7 found it to be extremely successful
8 here in the Town of Newburgh. We're
9 happy to be able to enhance it
10 slightly and present it tonight for
11 the community that we call The
12 Enclave.

13 CHAIRMAN EWASUTYN: I'll open
14 it up for Board discussion. Members,
15 comments?

16 MR. GALLI: Ross, you were
17 talking about a water loop going out
18 Circle Lane?

19 MR. WINGLOVITZ: Correct.

20 MR. GALLI: There's no water in
21 the Kroll development.

22 MR. WINGLOVITZ: There's a
23 hydrant right at Circle Lane.

24 MR. GALLI: There is one?

25 MR. HINES: There's water.

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2 There's no sewer.

3 MR. GALLI: So bringing water
4 in from there or just collecting --

5 MR. WINGLOVITZ: No. We'll be
6 bringing water in from 300. There's
7 a connection to the main in 300. I
8 think it's a 14-inch main in 300.
9 It's a large diameter main. It's one
10 of the main supply lines. They bring
11 it in from 300, loop it through the
12 project with connection back to
13 Circle Lane to improve the flow and
14 pressure in Kroll Acres as well.

15 MR. GALLI: What's plan B if
16 the Plattekill trunk takes another
17 ten years?

18 MR. WINGLOVITZ: So basically
19 what we would do is look to collect
20 the sewer on site, probably down near
21 where the sewer trunk would be so if
22 that ever did happen we could connect
23 to that, and at that point pump it up
24 to Gardnertown Road, up to the
25 corner, down 300 and connect into the

1 THE ENCLAVE

2 manhole that's by the nursery school
3 now. There are issues. I know there
4 are concerns about capacity. There
5 is a site that we would have to look
6 at as far as engineering concerns.
7 That would be plan B.

8 MR. GALLI: It's in front of
9 Patty Cake Playhouse?

10 MR. HINES: At the top of the
11 hill there's an 8-inch sewer main.

12 MR. GALLI: That's the only
13 question I have.

14 MS. DeLUCA: Is this phased?
15 Is this going to be done in phases or
16 is this --

17 MR. WINGLOVITZ: Logically it
18 breaks up that way. We talked about
19 three phases in the EAF. Because of
20 the looping of the roads, it makes
21 sense to have three separate phases
22 of the project. Obviously the
23 clubhouse and entry features are all
24 part of the initial phase because
25 they are right up front.

1 THE ENCLAVE

2 MR. MENNERICH: Is the
3 connection to Circle Lane going to be
4 a road for emergency --

5 MR. MINOIA: An emergency
6 entrance only. So there's a little
7 tiny piece here that was owned by Mr.
8 Kroll when this survey was done.
9 It's been updated. We're going to
10 have to update the CAD file. There's
11 a little tiny piece that went to tax
12 auction that was bought by Steve and
13 is part of the project now. The
14 little private piece of property that
15 was between Circle Lane and this
16 property is now under our control.

17 CHAIRMAN EWASUTYN: No comment.

18 MR. DOMINICK: Ross, if you're
19 building a community, I believe you
20 have over 400 parking spots.

21 MR. WINGLOVITZ: Yes.

22 MR. HINES: 608.

23 MR. DOMINICK: Can we
24 incorporate EV charging stations --

25 MR. WINGLOVITZ: Absolutely.

1 THE ENCLAVE

2 MR. DOMINICK: -- throughout
3 the complex? I don't know. 10
4 percent maybe.

5 MR. WINGLOVIZ: I don't know
6 what the right number is. We'll
7 certainly look at that. I think it
8 only makes sense to do that in
9 today's market.

10 MR. MINOIA: We are
11 incorporating them. It's a great
12 question. We are incorporating them
13 into every community we do. We're
14 doing some as a percentage inside
15 various garages. It's a little bit
16 tough to figure out where to do that
17 exactly. We're randomly adding them
18 in garages and having outdoor
19 stations as well. Even at our
20 commercial properties we are adding
21 stations.

22 MR. DOMINICK: Nick, that's
23 great. I'm glad you're putting them
24 in going forward. I was thinking
25 more of outside. The inside is a

1 THE ENCLAVE

2 great concept.

3 MR. MINOIA: We do both. We
4 have other properties where they're
5 podium buildings, parking underneath
6 the buildings. We're adding them in
7 and outside for not only for the
8 residents but also for guest parking.

9 MR. DOMINICK: Thank you.

10 MR. WARD: Are you planning on
11 senior housing?

12 MR. MINOIA: There's no senior
13 housing planned here at the moment.
14 Not specifically. By the way, this
15 product does attract a certain amount
16 of seniors, regardless. It's unique
17 in the sense that it really brings a
18 complete diversification of
19 demographics. Everything from, you
20 know, people in their, you know, low
21 twenties to people that are up in
22 their eighties. The product by
23 itself in terms of a sense of
24 community, the design, the
25 construction, first floor access.

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2 Again, unique to the product it does
3 generate a fair amount of seniors
4 almost by osmosis as opposed to by,
5 you know, dictation.

6 MR. WARD: Very good.

7 MR. WINGLOVITZ: There's no
8 senior density bonus, if that's what
9 you were getting at, John.

10 MR. WARD: Thank you.

11 MR. WINGLOVITZ: We'd like it
12 but it wasn't something we pursued.

13 CHAIRMAN EWASUTYN: Dominic
14 Cordisco.

15 MR. CORDISCO: Thank you. I
16 appreciate the opportunity. Along
17 the lines of Dave Dominick's comments
18 regarding charging, this is not a
19 legal comment, but one option is if
20 you're wiring the garages, then when
21 you're doing the construction, if you
22 just wire the garages to have a 220
23 outlet. Most electric vehicles have
24 a charger adapter that you just plug
25 into the 220 outlet and they can

1 THE ENCLAVE

2 charge their car.

3 MR. MINOIA: We're doing more
4 and more of it with every development
5 we do. We're very active in multi
6 states. We're constantly looking at
7 it. With every development we look
8 at it again and say okay, how far has
9 it advanced, what's the latest
10 technology. Interestingly, just this
11 week we had an internal meeting with
12 six or eight of us where we looked at
13 all the latest designs on the
14 chargers, the amperage, the dual head
15 chargers. It's changing rapidly and
16 we're trying to stay at least with it
17 if not abreast of it.

18 MR. CORDISCO: That was not a
19 legal comment but I appreciate the
20 opportunity.

21 CHAIRMAN EWASUTYN: Karen, some
22 initial thoughts.

23 MS. ARENT: There's a lot of
24 stonewalls on this site. Is there
25 any thought of trying to preserve

1 THE ENCLAVE

2 them?

3 MR. WINGLOVITZ: Stonewalls?

4 MS. ARENT: Yes. There's a lot.

5 MR. WINGLOVITZ: There are a
6 lot of stonewalls. Because of the
7 nature of the product and the grading
8 involved, we won't be able to save
9 any significant stonewalls within the
10 project area. Incorporating some
11 stonewalls as landscape features is a
12 possibility.

13 CHAIRMAN EWASUTYN: Are you
14 thinking the paths that they're
15 showing that go through the woods
16 actually pass by some of these
17 stonewalls?

18 MS. ARENT: Yes.

19 CHAIRMAN EWASUTYN: So actually
20 restoring them as a pleasure walking
21 through these paths. I agree with
22 you. I had noted the same thing.

23 MS. ARENT: I remember one of
24 the projects, I forget which one but
25 you guys did it, and the kids could

1 THE ENCLAVE

2 walk to the next neighborhood through
3 like -- I see a couple of them here.

4 MR. WINGLOVITZ: There was an
5 old stone road here. Unfortunately
6 it's not in the right spot where we
7 own the property for access. When
8 this was a single-family project, we
9 had a pedestrian access through that
10 old stone road to Circle Lane.

11 MS. ARENT: That's what I
12 remember.

13 MR. MINOIA: You have a good
14 memory.

15 MS. ARENT: Also, are you
16 thinking about incorporating any
17 green infrastructure?

18 MR. WINGLOVITZ: Sure. As part
19 of the stormwater. Absolutely.

20 MS. ARENT: The retention
21 basins, to make them more beautiful
22 rather than ugly. I hope so.

23 CHAIRMAN EWASUTYN: Jim Campbell.

24 MR. CAMPBELL: I look forward
25 to seeing detail on further

1 THE ENCLAVE

2 submittals.

3 Just keep in mind the accessory
4 structure in the front will possibly
5 need a variance. Most likely it
6 will.

7 MR. WINGLOVITZ: The accessory
8 structure?

9 MR. CAMPBELL: The gazebo or
10 whatever.

11 The mail kiosk, is that for on-
12 site mail or is that a package pick-
13 up?

14 MR. WINGLOVITZ: We're actually
15 thinking about relocating this up to
16 the clubhouse area and separating it.
17 I think the way they're set up now --
18 I don't know how you do them, Nick.
19 There's a keyed package box, you can
20 get in your mailbox, you get your
21 package.

22 MR. MINOIA: That's a great
23 question. It's another item that's
24 constantly changing and accelerating
25 every day with package delivery.

1 THE ENCLAVE

2 We've done everything from the
3 existing package delivery systems
4 that are built by Amazon and other
5 companies to shelving to accommodate
6 packages, depending on the type of
7 project, whether it's direct delivery
8 to the units, which in this case it
9 would be because of the type of
10 construction. We have other areas
11 where we've done it in the clubhouse
12 where we have literally package
13 delivery areas and mail rooms. It's
14 something that's very much high on
15 the radar screen, like the EV
16 chargers, that we have to deal with
17 it. As a management company we have
18 to deal with it and make sure the
19 community, the customer is satisfied
20 with that process.

21 MR. CAMPBELL: That's all I've
22 got.

23 CHAIRMAN EWASUTYN: Ken Wersted
24 from Creighton, Manning.

25 MR. WERSTED: We recently

1 THE ENCLAVE

2 studied this area of Route 300 as
3 part of the Polo Club. I know Ross
4 is familiar with the impacts to the
5 intersection right out here in front
6 of Town Hall, but also Route 52. The
7 developer's agreement was prepared to
8 look at those improvements. We would
9 expect that as this traffic study is
10 prepared, we'll look into all of
11 those intersections again.

12 As with the Polo Club, we would
13 expect DOT would probably look at
14 doing a left-turn lane to get up into
15 this intersection since the popular
16 direction will be to the south.
17 We'll have a lot of cars coming
18 northbound waiting to turn left to
19 come into the project site.

20 We'll continue to review
21 additional information as it becomes
22 available.

23 MR. WINGLOVITZ: Yup. The
24 applicant has already reached out to
25 Colliers. They've looked at it

1 THE ENCLAVE

2 preliminarily and made the same
3 recommendations regarding the
4 potential for a left-turn lane at the
5 entrance point. We'll be doing the
6 full traffic study as part of that
7 project analysis.

8 CHAIRMAN EWASUTYN: Pat Hines
9 with McGoey, Hauser.

10 MR. HINES: You touched on the
11 sewer. There are two options for the
12 sewer going forward. I know you've
13 been -- the applicant has been at a
14 couple meetings with the Town. We'll
15 be looking to work through those
16 options. It involves some
17 improvements with Cintas. I think
18 the current proposal is actually to
19 go through the former routing rather
20 than Route 300.

21 MR. WINGLOVITZ: For us, if
22 Cintas is moving forward with that
23 proposal, our easiest connection
24 point would be right here because
25 there is no easement.

1 THE ENCLAVE

2 MR. HINES: That's one of the
3 issues we have. The cost within 300
4 is much more expensive than following
5 the stream.

6 MR. WINGLOVITZ: Right. We did
7 talk about the potential that this
8 could -- the Plattekill trunk sewer,
9 I guess, at some of those earlier
10 meetings, could be used as the
11 alternative route. We're still open
12 to discussions about accomplishing
13 that. These easements have been
14 obtained as part of the previous
15 project.

16 MR. HINES: We don't call it
17 that name anymore.

18 MR. MINOIA: What do we call it
19 now?

20 MR. HINES: Anything but that.
21 The information pertaining to
22 the sewer easement was the concern
23 there. We'll have to work through
24 that.

25 You discussed our comment

1 THE ENCLAVE

2 regarding the piece of property
3 between Circle Lane. You'll need to
4 update the application to include
5 that parcel number now. I had an
6 issue with that which you addressed.

7 The recently adopted Tree
8 Preservation Ordinance is going to be
9 an exercise that we need to go
10 through sooner than later on the
11 project as it's 100 percent wooded.

12 MR. WINGLOVITZ: Has there been
13 any clarification regarding every
14 tree on the site or locating every
15 tree within the disturbance area?

16 MR. HINES: I would suggest you
17 put those comments in an e-mail to me
18 and I will send them to the
19 appropriate people in the Town. It's
20 a very new ordinance. My reading of
21 it says the entire site, but we'll
22 discuss it with those that developed
23 it.

24 CHAIRMAN EWASUTYN: Karen, do
25 you have an opinion on that?

1 THE ENCLAVE

2 MS. ARENT: So I think it looks
3 like you have to do -- it would be
4 great to include tagging. The
5 ordinance doesn't say to tag and
6 number the trees. In the process of
7 doing it, it would be great to do
8 that so if there's a tree in
9 question. You kind of have to do
10 every tree over 10 inches to
11 determine which tree fits their
12 special significant tree. I'm of the
13 opinion that you should only do the
14 disturbed areas, but that's not what
15 the ordinance says.

16 MR. WINGLOVITZ: That's not
17 what it says. Yeah.

18 MS. ARENT: The reason I think
19 is maybe just in case people
20 overdevelop, which happens a lot.
21 But there are ways to figure that
22 out, too. Yeah, it would be great --
23 I think the ordinance should require
24 tagging, because if it just shows all
25 the trees and there's not a number on

1 THE ENCLAVE

2 the tree, it's sometimes hard to tell
3 which tree would be the special one
4 for them to save. It would be great
5 if that was done as well.

6 CHAIRMAN EWASUTYN: Okay. This
7 is kind of like a pioneer --

8 MR. HINES: We're getting the
9 same comments from other people. I
10 think it would be helpful to get an
11 e-mail with your concerns and
12 comments. You may not like the
13 answer, but at least they'll address
14 it.

15 The EAF identifies 19 acres of
16 the 49 acres to be disturbed, so
17 stormwater management will be an
18 important component.

19 The Federal wetlands have been
20 delineated on the site. I did read
21 your e-mail today between you and
22 Brian Orzel from the Army Corp of
23 Engineers. We will work through this
24 process as well. We certainly don't
25 want to tie the process up in their

1 THE ENCLAVE

2 current state.

3 A floodplain development permit
4 will be required.

5 We talked about phasing for the
6 project.

7 Health Department approval for
8 the water extension will be required.

9 DEC approval for sewer. An
10 outside user agreement will be
11 required for sewer.

12 The project EAF identified an
13 archeological sensitive and historic
14 structure in the vicinity. That will
15 need to be addressed in a phase 1-A,
16 B cultural resources survey.

17 It does identify habitat for
18 Federally protected bat species.

19 We'll be looking for an
20 analysis of the Quassaick Creek, to
21 design the crossing to make sure that
22 that crossing is adequate.

23 We will work with you on
24 adjoiners' notices after this
25 meeting.

1 THE ENCLAVE

2 I did note that there are 608
3 parking spaces where 492 are
4 required. That's a significant --
5 about 20 percent more than required.

6 MR. WINGLOVITZ: Yeah. They're
7 finding that there's a significant
8 demand for guest parking. At 2 per
9 unit they're a little under par.
10 They're looking to add another half
11 space or so per unit.

12 MR. MINOIA: Also the work from
13 home. People are working from home.
14 Cars are staying a little more on
15 site than they used to a couple years
16 ago. We're trying to make provision
17 post COVID for what does parking look
18 like.

19 MR. HINES: There are existing
20 structures to be removed. Demolition
21 permits will be required. We'll need
22 a note on the plan for that.

23 I know the wetland delineation
24 currently identifies a 2004
25 delineation. I think you stated --

1 THE ENCLAVE

2 MR. WINGLOVITZ: They just
3 redid it last week.

4 MR. HINES: Similarly, the
5 hundred year floodplain limit is
6 identified from a 2002 mapping. We
7 have 2009.

8 MR. WINGLOVITZ: I reviewed
9 that map. It's almost identical.
10 We'll update it.

11 MR. HINES: Okay. The next
12 comment has to do with the sewer line
13 offsite. That's something that's
14 going to have to be addressed during
15 this process.

16 DOT approval.

17 We're identifying the Planning
18 Board should discuss whether or not
19 they have sufficient information to
20 declare their intent for lead agency
21 tonight.

22 CHAIRMAN EWASUTYN: Dominic
23 Cordisco, I think we discussed that
24 at the work session. Your advice to
25 the Planning Board was to declare

1 THE ENCLAVE

2 lead agency. What's the recommendation?

3 MR. CORDISCO: The uncertainty
4 relates to what exactly is going to
5 happen in connection with sewer. The
6 applicant is proposing a number of
7 different options. All of them are
8 going to involve the Town Board
9 approval for this project, because
10 the sewer is currently not -- this
11 property is not currently served by
12 sewer. I think the fact that the EAF
13 identifies the Town Board as an
14 involved agency is sufficient to at
15 least begin that process. Circulating
16 for lead agency earlier rather than
17 later would be preferable in my
18 opinion.

19 CHAIRMAN EWASUTYN: Okay. Can
20 I have a motion from a Board Member
21 to declare lead agency?

22 MR. GALLI: So moved.

23 MR. DOMINICK: Second.

24 CHAIRMAN EWASUTYN: I have a
25 motion by Frank Galli. I have a

1 THE ENCLAVE

2 second by Dave Dominick. Can I
3 please have a roll call vote.

4 MR. GALLI: Aye.

5 MS. DeLUCA: Aye.

6 MR. MENNERICH: Aye.

7 CHAIRMAN EWASUTYN: Aye.

8 MR. DOMINICK: Aye.

9 MR. WARD: Aye.

10 CHAIRMAN EWASUTYN: You'll work
11 with Pat Hines as far as the
12 adjoiners' notice.

13 MR. WINGLOVITZ: The adjoiners'
14 notice. Absolutely.

15 CHAIRMAN EWASUTYN: Thanks for
16 coming. It was a benefit to the
17 Board, and I'm sure the public, to
18 have the conversation we just had.

19 MR. MINOIA: Thank you, Mr.
20 Chairman, Members of the Board, and
21 to all the staff.

22

23 (Time noted: 7:35 p.m.)

24

25

1 THE ENCLAVE

2

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

4

5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 10th day of December 2022.

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Michelle Conero

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MICHELLE CONERO

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

----- X
In the Matter of

HILLSIDE LAND DEVELOPMENT
(2022-27)

24 Jeanne Drive
Section 34; Block 2; Lot 66
IB Zone

----- X

SITE PLAN

Date: December 1, 2022
Time: 7:35 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: RYAN FELLEZZER

----- X

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

1 HILLSIDE LAND DEVELOPMENT

2 CHAIRMAN EWASUTYN: Our second
3 item of business this evening is
4 Hillside Land Development. It's an
5 initial appearance for a site plan.
6 It's located on Jeanne Drive in an IB
7 Zone. Fellenzer Engineering is
8 representing it.

9 MR. FELLEZZER: Thank you very
10 much, Mr. Chairman, Members of the
11 Board. Good evening. My name is
12 Ryan Fellenzer with Fellenzer
13 Engineering. I'm representing
14 Hillside Land Development for the
15 property at 24 Jeanne Drive.

16 In a way I'm actually
17 reintroducing this project. This
18 particular project actually was
19 approved back in 2008 by the owner,
20 Mr. Paul Hoffner. The original
21 approval, which I brought just for
22 reference, is right here. It was a
23 24,000 square foot warehouse and
24 office space with --

25 CHAIRMAN EWASUTYN: Can you put

1 HILLSIDE LAND DEVELOPMENT

2 that up on the easel?

3 MR. FELLENER: Sure. So
4 there's the original -- part of the
5 original approval, a 24,000 square
6 foot warehouse.

7 The rear of the property was
8 used for stormwater retention,
9 detention, which is still the same in
10 our proposed plan.

11 The front of the property will
12 be utilized for our septic system.

13 I believe there's water out on
14 Jeanne Drive, which we will again
15 utilize for potable water and fire.

16 MR. GALLI: What's the height
17 of this building?

18 MR. FELLENER: This one is 28
19 feet. We are not looking to increase
20 that versus the original. It will be
21 under 30 feet. I know that's one of
22 Pat's comments to address. We'll
23 obviously add that to the plan on our
24 next submission.

25 It's a very similar site plan

1 HILLSIDE LAND DEVELOPMENT

2 except we are now proposing 2,000
3 square foot extra. It's 26,000
4 square foot total. So very minimal
5 difference.

6 The original project had two
7 entrances on Jeanne Drive. We're
8 currently proposing just one on this
9 side. Our driveway would be on the
10 east side of the property.

11 Parking would be utilized along
12 the eastern property line. We would
13 have some loading and parking zones
14 back here for trucking.

15 We're maintaining and proposing
16 the same use as original, which is
17 warehouse use.

18 Stormwater, again, would be
19 directed to the rear of the property
20 where we currently show a pond here
21 with a forebay. We'll have our
22 retention, detention in that
23 particular area.

24 Again, the proposed septic
25 field will remain in the same area.

1 HILLSIDE LAND DEVELOPMENT

2 What we will do is retest the soils,
3 do percs and deeps out there to
4 confirm the percolation rates. We'll
5 adjust that accordingly, but we'll
6 maintain that same proposed area that
7 was identified.

8 So parking. We have our
9 details on the next sheet for your
10 typical striping.

11 Here is piping and catch
12 basins.

13 Again, the client would like to
14 get this reapproved based on pretty
15 much the original design and move
16 forward with the project. We'd like
17 to get the Board's comments on this
18 particular application.

19 CHAIRMAN EWASUTYN: Okay.
20 Board comments.

21 MR. GALLI: In the old approval
22 for the water, you said there's water
23 out on Jeanne Drive?

24 MR. FELLEZZER: Correct.

25 MR. GALLI: Was that building

1 HILLSIDE LAND DEVELOPMENT

2 supposed to be sprinklered back then?

3 MR. FELLEZZER: Yes. That's my
4 understanding.

5 MR. GALLI: So there was enough
6 water pressure?

7 MR. FELLEZZER: Correct. If we
8 need to do any hydroflow testing, I
9 can arrange that or work with Pat's
10 office on that. There's at least a
11 12-inch main out there, if I'm not
12 mistaken.

13 MR. HINES: It's a large main,
14 but I think the operating pressure is
15 low, around 30.

16 MR. FELLEZZER: We can make sure.

17 MR. GALLI: That was the
18 landscape plan back then?

19 MR. FELLEZZER: This was the
20 landscape plan. We would obviously
21 try to work in the new ordinance. As
22 mentioned with the previous applicant,
23 we'll provide a new landscaping plan
24 with buffering along the edges.
25 We'll add some in the front as well.

1 HILLSIDE LAND DEVELOPMENT

2 We will comply with the Town's
3 ordinance on that.

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

6 MS. DeLUCA: What are the size
7 of your trucks?

8 MR. FELLEZZER: These will be
9 your typical semi tractor trailers.
10 18 wheelers, if you will. I think
11 they're 40, 50 foot.

12 MS. DeLUCA: Thank you.

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

15 CHAIRMAN EWASUTYN: No questions.

16 MR. DOMINICK: No questions.

17 MR. WARD: No questions.

18 CHAIRMAN EWASUTYN: Karen, any
19 comments at this point? Do you
20 remember looking at the original
21 landscape plan?

22 MS. ARENT: I remember it a
23 little bit.

24 CHAIRMAN EWASUTYN: Ryan,
25 you'll make it a point of working

1 HILLSIDE LAND DEVELOPMENT

2 with Karen.

3 MR. FELLEZZER: Absolutely.

4 MS. ARENT: Thank you.

5 CHAIRMAN EWASUTYN: Jim Campbell,
6 Code Compliance.

7 MR. CAMPBELL: I was going to
8 make a comment about the possibility
9 of the low water pressure and
10 possibly needing a pump.

11 MR. FELLEZZER: I think we'll
12 work with Jim and Pat on that water
13 main to determine what exactly we
14 need to do.

15 CHAIRMAN EWASUTYN: Ken Wersted
16 with Creighton, Manning.

17 MR. WERSTED: The project we
18 estimated to generate about 25 to 30
19 trips. It's all going to depend on
20 the tenant that actually goes in
21 there. In itself it's a relatively
22 small warehouse so it's not going to
23 generate a lot of traffic. It will
24 come out and come to a stop sign. It
25 will be a challenge for them to turn

1 HILLSIDE LAND DEVELOPMENT

2 in and out, mainly out, in the
3 afternoon.

4 The Farrell Industrial Park to
5 the north of here did a traffic study
6 of that intersection and said it
7 operates at level of service E in the
8 morning and F in the afternoon. Any
9 additional traffic that comes out of
10 Jeanne Drive is going to make it that
11 much more difficult trying to make
12 those turns out.

13 I noted in my review that there
14 are a couple parts still left to be
15 developed on this section of road.
16 If they were to all come to fruition,
17 collectively they could help do
18 improvements at this intersection. I
19 don't think it would necessarily be
20 the responsibility of this project to
21 fund all of that, but there may be
22 some type of fair share -- some type
23 of contribution to some future
24 improvement.

25 At the work session we talked

1 HILLSIDE LAND DEVELOPMENT

2 about just the corridor itself. On
3 the previous application you probably
4 heard my comments about the
5 intersections down the road here.
6 There is a left-turn lane proposed
7 here at this intersection. This
8 project could also provide some
9 contributions to make that happen.

10 As we move forward we'll talk
11 with DOT and just see where we go
12 with the project itself.

13 MR. FELLEZZER: Great.

14 CHAIRMAN EWASUTYN: Pat Hines
15 with McGoey, Hauser.

16 MR. HINES: The wetland
17 disturbance on the site appears to be
18 higher than the .1 acres that was
19 identified. If you look at your
20 delineation where the detention ponds
21 are --

22 MR. FELLEZZER: We'll confirm
23 what the actual disturbance is on
24 that.

25 MR. HINES: I didn't calculate

1 HILLSIDE LAND DEVELOPMENT

2 it. Looking at the footprint of the
3 building versus the amount of
4 disturbance, it looks like it's
5 greater than 4,000 square feet.

6 MR. FELLENER: We'll update
7 that number. The wetlands were
8 delineated I believe by Brian Orzel
9 as well as by the Army Corp on the
10 previous project. We have
11 documentation for that as well. But
12 again, the disturbance number will be
13 confirmed.

14 MR. HINES: The Board typically
15 requires commercial sites to be
16 curbed. It doesn't look like curbing
17 is proposed.

18 MR. FELLENER: Curbing will be
19 proposed, to answer your question.

20 MR. HINES: You addressed the
21 building height. It had to do with
22 the access width. If it's 28 feet,
23 then the access is fine.

24 It will need review by code
25 enforcement for the access and the

1 HILLSIDE LAND DEVELOPMENT

2 possible location of a hydrant on the
3 site. We can work through that.

4 The building will be required
5 to be sprinklered.

6 Town of Newburgh water and
7 sewer notes must be added.

8 We'll look for a stormwater
9 pollution prevention plan in the
10 future.

11 The sanitary sewer system
12 design, which you mentioned, needs to
13 be done.

14 We just brought up a grading
15 issue with that 406 contour. You
16 need to address that.

17 The project will require ARB,
18 landscape plans.

19 The project is further than 500
20 feet in from Route 300, so no County
21 Planning submission is required.

22 There is a requirement to
23 landscape the parking lots.

24 Again, the Tree Preservation
25 Ordinance needs to be addressed. I

1 HILLSIDE LAND DEVELOPMENT

2 think Jim just showed me an aerial.
3 It's mostly open field right now. It
4 still needs to be addressed.

5 MR. FELLEZZER: We'll work with
6 Karen on that.

7 CHAIRMAN EWASUTYN: Dominic Cordisco.

8 MR. CORDISCO: It is appropriate
9 at this time for the Board to consider
10 circulating for lead agency. That's
11 a procedural step that the Board
12 could take at this particular moment.

13 CHAIRMAN EWASUTYN: Would a
14 Board Member move to declare
15 ourselves lead agency?

16 MR. GALLI: So moved.

17 MR. WARD: Second.

18 CHAIRMAN EWASUTYN: I have a
19 motion by --

20 MR. MENNERICH: Declare or
21 intent?

22 CHAIRMAN EWASUTYN: Intent.

23 I have a motion by Frank Galli
24 and a second by John Ward. May I
25 please have a roll call vote.

1 HILLSIDE LAND DEVELOPMENT

2 MR. GALLI: Aye.

3 MS. DeLUCA: Aye.

4 MR. MENNERICH: Aye.

5 CHAIRMAN EWASUTYN: Aye.

6 MR. DOMINICK: Aye.

7 MR. WARD: Aye.

8 CHAIRMAN EWASUTYN: You'll work
9 with Pat Hines as far as the
10 adjoiners' notice.

11 MR. FELLEZZER: Absolutely.
12 Thank you very much for your time.

13

14 (Time noted: 7:46 p.m.)

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HILLSIDE LAND DEVELOPMENT

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 10th day of December 2022.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

RT ORCHARDS SUBDIVISION
(2022-28)

North of Colandrea Dr/East of Frozen Ridge Rd
Section 7; Block 1; Lot 26.1
AR Zone

----- X

TWO-LOT SUBDIVISION

Date: December 1, 2022
Time: 7:46 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: COREY ROBINSON

----- X

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

1 RT ORCHARDS SUBDIVISION

2 CHAIRMAN EWASUTYN: The third
3 item of business is RT Orchards.
4 It's an initial appearance for a two-
5 lot subdivision. It's located north
6 of Colandrea Road, east of Frozen
7 Ridge Road, in an AR Zone. It's
8 being represented by Colliers
9 Engineering.

10 MR. ROBINSON: Good evening,
11 Chairman, Members of the Board. My
12 name is Corey Robinson with Colliers
13 Engineering & Design. I'm here with
14 the applicant and owner for the
15 project.

16 What we're proposing here is a
17 two-lot subdivision. It's towards
18 the north end of Orange County off of
19 Frozen Ridge Road. It's right next
20 to Lawrence Farms. Everyone knows
21 where that is.

22 The parent parcel is 80 acres,
23 roughly. We're proposing -- so this
24 80 acres is in green here. That's
25 the overall parcel. We're proposing

1 RT ORCHARDS SUBDIVISION

2 to subdivide 2 acres off of that for
3 a single-family residence.

4 The new parcel will have
5 frontage from a private road easement
6 and access through Colandrea Road
7 extension which connects to Frozen
8 Ridge Road.

9 We're proposing an onsite
10 septic system.

11 There are two wells that exist
12 onsite that were installed as part of
13 the previous proposal. Around 2008
14 there was a larger subdivision
15 proposed here. That's no longer in
16 effect. Those wells are remaining
17 from that. We're going to try to
18 reuse those for water.

19 Everything conforms to the
20 zoning regulations.

21 I'm available to answer any
22 questions.

23 CHAIRMAN EWASUTYN: Comments
24 from Board Members.

25 MR. GALLI: Not at this time,

1 RT ORCHARDS SUBDIVISION

2 John.

3 MS. DeLUCA: Nothing.

4 MR. MENNERICH: Not at this time.

5 CHAIRMAN EWASUTYN: No comment.

6 MR. DOMINICK: No.

7 MR. WARD: No.

8 CHAIRMAN EWASUTYN: Jim

9 Campbell with Code Compliance.

10 MR. CAMPBELL: No comments.

11 CHAIRMAN EWASUTYN: Pat Hines
12 with McGoey, Hauser.

13 MR. HINES: We have a couple of
14 comments. The status of Colandrea
15 Road. It's a private road. If you
16 could give us the information on
17 that. I know there's some history on
18 that road, whether it goes through,
19 does not go through.

20 MR. ROBINSON: I have a
21 stipulation and settlement agreement
22 from 2008. I can provide that.

23 MR. HINES: If you can provide
24 that to Dominic's office for review,
25 that would be good.

1 RT ORCHARDS SUBDIVISION

2 There's an existing farm road
3 there. It's rather wide and
4 constructed more recently than
5 Colandrea Road. There's a proposal
6 for an easement across there I
7 believe.

8 MR. ROBINSON: They're going to
9 need cross access easements for this
10 lot to go across the farm road and
11 vice versa.

12 MR. HINES: Those will need to
13 be provided to Mr. Cordisco as well.

14 We need note 11 to be cleaned
15 up for an as-built map.

16 It's in an Ag district so it
17 needs to go to County Planning.
18 We'll have to refer it to County
19 Planning.

20 One of the wells is identified
21 to be abandoned. We would like that
22 AWA standard referenced so it's
23 abandoned properly.

24 We also have a comment whether
25 it was previously utilized as an

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2 orchard, and notes regarding the
3 pesticide residue would be required.

4 MR. ROBINSON: This particular
5 area was never used as an orchard.
6 It was never farmed on. It's a rock
7 outcrop.

8 MR. HINES: It's pretty rocky
9 there.

10 That's what we have. I think
11 referral to the County and lead
12 agency are the only actions we can
13 take tonight.

14 CHAIRMAN EWASUTYN: Also we'll
15 look for an intent to declare for
16 lead agency?

17 MR. HINES: Yes.

18 MR. CORDISCO: That's correct,
19 sir.

20 CHAIRMAN EWASUTYN: So would
21 someone make a motion to declare our
22 intent for lead agency and circulate
23 to the Orange County Planning
24 Department?

25 MR. WARD: So moved.

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2 MR. DOMINICK: Second.

3 CHAIRMAN EWASUTYN: I have a
4 motion by John Ward. I have a second
5 by Dave Dominick. Can I please have
6 a roll call vote.

7 MR. GALLI: Aye.

8 MS. DeLUCA: Aye.

9 MR. MENNERICH: Aye.

10 CHAIRMAN EWASUTYN: Aye.

11 MR. DOMINICK: Aye.

12 MR. WARD: Aye.

13 CHAIRMAN EWASUTYN: Corey,
14 you'll work with Pat Hines as far as
15 materials needed for the Orange
16 County Planning Department, and also
17 the adjoiners' notice.

18 MR. ROBINSON: Yes, sir. Can
19 we schedule the public hearing
20 sometime in January?

21 MR. HINES: Not until we hear
22 back.

23 MR. CORDISCO: Typically the
24 Board's practice is not to schedule a
25 public hearing until you've heard

1 RT ORCHARDS SUBDIVISION

2 back from County Planning and also
3 considered the SEQRA.

4 MR. ROBINSON: Okay. Thanks.

5 CHAIRMAN EWASUTYN: The County
6 has how many days to respond?

7 MR. CORDISCO: Thirty days.

8

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

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RT ORCHARDS SUBDIVISION

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 10th day of December 2022.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

MATRIX 1-84 DISTRIBUTION CENTER
(2022-29)

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

----- X

SITE PLAN

Date: December 1, 2022
Time: 7:52 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: DAVID EVERETT,
CHARLES UTSCHIG, KENNETH GRIFFIN &
RAYMOND AQUINO

----- X

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

1 MATRIX I-84 DISTRIBUTION CENTER

2 CHAIRMAN EWASUTYN: The fourth
3 item of business is Matrix. It's a
4 sketch plan for an initial appearance
5 for a site plan located on Route 17K
6 in an IB Zone. It's being
7 represented by Langan Engineers.

8 MR. EVERETT: Good evening, Mr.
9 Chairman, Members of the Board. For
10 the record, my name is Dave Everett.
11 I am land use and environmental
12 counsel for Matrix. I have with me
13 tonight Ken Griffin, one of the
14 principals of Matrix who you all know
15 and have seen before; Ray Aquino
16 behind him is the project manager for
17 Matrix; and we have Chuck Utschig
18 from Langan Engineering who is the
19 project engineer.

20 While Chuck is setting up,
21 we're here tonight for a sketch
22 review by the Board for a proposed
23 warehouse distribution center on
24 Route 17K across from the Stewart
25 Airport. We're looking for any

1 MATRIX I-84 DISTRIBUTION CENTER

2 feedback that the Board may have, any
3 questions you may have, any direction
4 you may have relating to the project
5 and studies and things like that that
6 we may want to prepare in the future.

7 We would ask, if the Board is
8 amenable tonight, to consider stating
9 its intent to be the SEQRA lead agency.

10 We know that Pat had some
11 comments on the EAF. We would be
12 certainly willing to get those taken
13 care of and get you a revised EAF for
14 circulation.

15 The other thing is we're
16 looking for permission from the Board
17 to send out notice of the application,
18 as required by your law, to the neighbors
19 after this meeting tonight. If you
20 want us to do that, we're willing to
21 go ahead and do that as well.

22 Then we're also looking for
23 some direction from the Board about
24 when you would feel comfortable
25 issuing your recommendation, either

1 MATRIX I-84 DISTRIBUTION CENTER

2 favorable or unfavorable, on the
3 sketch plan. If that's something
4 that can be done tonight or whether
5 you need more information to do that
6 as your next step.

7 Chuck has got a number of sort
8 of technical things that he wants the
9 Board to give him some guidance on.
10 I'll let Chuck get into that to kind
11 of go over the site plan.

12 With those remarks, I'll go to
13 chuck.

14 MR. UTSCHIG: Good evening,
15 Chairman, Members of the Board. For
16 the record, my name is Charles
17 Utschig with the firm Langan
18 Engineering representing Matrix
19 development.

20 The site that we're presenting
21 tonight is 58.3 acres. It's located
22 between 84 which is on the top of the
23 presentation board and 17K which runs
24 at an angle across the board to the
25 south. The Manheim site is to the

1 MATRIX I-84 DISTRIBUTION CENTER

2 east of us. The Toyota dealership is
3 tucked in this corner right here.

4 What we've kind of called the
5 Homewood neighborhood, this mix of
6 residential and commercial space over
7 here, is to the west of the site.

8 The proposal is to develop a
9 595,900 square foot warehouse space
10 in accordance with the IB Zone which
11 it is in. I should say everything on
12 this side of 84, in this quadrant, is
13 also all zoned IB. These are all
14 commonly zoned pieces of property here.

15 In addition to the almost
16 600,000 square feet of space, we've
17 got 116 loading docks on both sides
18 of the building. Typically you
19 design that to allow for the
20 potential for multi tenants.

21 We've got 224 parking spaces
22 laid out, again for similar reasons,
23 at both ends of the building.

24 We've got about 167 trailer
25 storage spaces.

1 MATRIX I-84 DISTRIBUTION CENTER

2 The building is set back 900
3 feet from 17K. As you know, there's
4 a restriction in the IB Zone that
5 warehouse space has to be set back a
6 minimum of 500 feet. We exceed that
7 requirement.

8 Just to point out, the closest
9 resident, which is over in this
10 corner, is about 700 feet away from
11 the building.

12 The topography on the site is
13 pretty interesting. The majority of
14 the site, almost 65 percent, actually
15 has slopes much less than 15 percent.
16 So it's in the lowest category.
17 That's really around the center piece
18 of this. We think at least a portion
19 of this site was farmed at one time.
20 There are steeper slopes. They tend
21 to fall around the edges, along this
22 side and this side. We've done our
23 best to try to avoid those to the
24 greatest extent we could.

25 There's also a wetland system

1 MATRIX I-84 DISTRIBUTION CENTER

2 located on the northwest corner of
3 the site. We've had our wetland
4 scientists out there. They flagged
5 it. We're in the process of
6 surveying it. Our current proposal
7 does not anticipate any impact to
8 those wetlands. They are Federally
9 regulated but not State regulated.
10 We don't have a setback from the
11 wetlands because they're only
12 regulated by the Federal.

13 The utilities to the site --
14 let me talk about the access first.
15 Access is from 17K. We have a
16 serpentine driveway that comes up to
17 the site. That's about 1,000 feet
18 until you get to this point where it
19 diverges. We provide access around
20 the entire building for emergency
21 services. The driveway onto 17K is a
22 two-lane driveway, one lane entering
23 and one lane exiting. The exiting
24 lane we're proposing to be a right
25 turn only. The feeling is that

1 MATRIX I-84 DISTRIBUTION CENTER

2 because we're within 1,500 feet or so
3 of the interchange, that our traffic
4 is going to go in that direction.
5 We're currently proposing that to be
6 just a right-turn lane. It avoids
7 the conflicts with the lefts coming
8 out. We're in the process of
9 developing our traffic study to
10 support that design.

11 We also are proposing a minor
12 widening to 17K. There's already a
13 left-turn lane. We'll widen it and
14 provide that left-turn lane into our
15 site as part of the improvements that
16 we'll present to DOT.

17 Utilities are pretty straight-
18 forward. The infrastructure along
19 17K includes sewer, water, gas,
20 telephone and electric. We're going
21 to tap into all of those, bring them
22 up into the site and service the
23 building.

24 In the case of the water, we
25 are proposing a tank which is located

1 MATRIX I-84 DISTRIBUTION CENTER

2 here in this corner. Out of that
3 tank we have a fire loop line that
4 runs around the building with
5 hydrants and services to the
6 building's sprinkler system.

7 Stormwater management. You're
8 all familiar with what the stormwater
9 management systems look like. We've
10 got stormwater basins located around
11 the site. We've got, in this case,
12 some underground treatment that we're
13 proposing. All of it will be done to
14 comply with not only your regulations
15 but the New York State DEC stormwater
16 regulations for a site of this size.
17 We really have only done some
18 preliminary work, but obviously our
19 full submission will include a SWPPP
20 and a detailed drainage analysis for
21 your engineering staff to review.

22 That's kind of the basics for
23 the project. I'd be glad to answer
24 any questions about that.

25 There are two studies that we

1 MATRIX I-84 DISTRIBUTION CENTER

2 propose to undertake as part of this.
3 One is a noise study and one is a
4 visual assessment.

5 I would actually -- if I could,
6 it's easier to see on this map for
7 you all, if I could give the Board
8 Members a copy. It's the same, it's
9 just easier to look at.

10 The two studies that we're
11 hoping we can get some input from the
12 Board on are visual and noise. On
13 the drawing that I just gave you,
14 you'll notice spaced out in the four
15 corners there are four highlighted
16 yellow dots, 1, 2, 3, 4. One is at
17 our entrance, one is at the Homewood
18 area, and the other two are on the
19 other side of 287. That's where
20 we're proposing to put the noise
21 receptors to create the background
22 noise assessment that will go along
23 with our study. That's one of the
24 things that we'd like the Board to
25 think about and see if you agree that

1 MATRIX I-84 DISTRIBUTION CENTER

2 that's appropriate.

3 The other are the red lines on
4 the plan, and there are also four.
5 We tried to pick the four places
6 where we thought you might want us to
7 look from a visual perspective what
8 the impact would be. One is at the
9 entrance coming into the site, one
10 again is from the Homewood Avenue,
11 and the other two are from the other
12 side of 84. What we would do is an
13 engineered section of those four
14 areas, and if the building becomes
15 visible we would do a photo rendering
16 so you could actually see what it
17 looks like. We actually are going to
18 go out and take those pictures now so
19 you'll be able to see it in the leaf-
20 off condition. Those are the two, if
21 possible, the Board has an opinion
22 on. It would allow us to move those
23 studies along in the right direction
24 is why we're asking for your input.

25 CHAIRMAN EWASUTYN: I think at

1 MATRIX I-84 DISTRIBUTION CENTER

2 this point we'll turn to Ken Wersted
3 as far as the noise receptacles. You
4 have a familiarity with this I
5 believe.

6 MR. WERSTED: Not completely.
7 Pat has a consultant that --

8 CHAIRMAN EWASUTYN: Excuse me?

9 MR. WERSTED: I know Pat Hines
10 has a consultant that he refers to.
11 Maybe he will help us when that time
12 comes.

13 MR. HINES: My initial take is
14 I don't know that noise is an issue
15 in this IB Zone with Route 84 there
16 and the distances that we're looking
17 at.

18 MR. UTSCHIG: We want to try
19 and present it this way, a
20 willingness to do it. I think Pat's
21 point is interesting. The airport is
22 on the other side, you have 84
23 literally wrapping two sides of this,
24 and then 17K. We're more than
25 willing to do the study. I'm sure my

1 MATRIX I-84 DISTRIBUTION CENTER

2 client would love to avoid it if the
3 Board feels that this is a location
4 where the noise from this project
5 will not come anywhere close to
6 exceeding the ambient noise that
7 currently exists out there.

8 CHAIRMAN EWASUTYN: Dominic, as
9 far as SEQRA and maybe the
10 consideration of giving something a
11 hard look, would this fall under that
12 umbrella?

13 MR. CORDISCO: It does. You
14 took the words right out of my mouth,
15 if I may, Mr. Chairman. At the end
16 of the day the Board will have to
17 make a SEQRA determination and make
18 sure that it has a basis to conclude
19 that there's no significant adverse
20 impacts from noise.

21 I understand Pat's comment.
22 Some of these receptors that are
23 proposed as a practical matter, being
24 on the other side of 84 it's hard to
25 fathom that the noise generated from

1 MATRIX I-84 DISTRIBUTION CENTER

2 this facility would exceed the noise
3 that's generated by the interstate
4 highway that would come in between
5 them. On the other hand, there are
6 residents on this side of 84 that
7 you've identified as being a
8 potential receptor, which, even
9 though the distance is fairly -- I
10 don't want to use the word
11 significant, but it's not in extreme
12 close proximity to the site, it still
13 has potential to be impacted. I
14 think some level of noise evaluation
15 would be appropriate.

16 The other one that I would note
17 is receptor 4 which is essentially
18 out on 17K. It might better be --
19 this, of course, is just a suggestion
20 to the Board, but it might be better
21 to position it closer to the Newburgh
22 Toyota facility because Newburgh
23 Toyota, even though it's a private
24 commercial enterprise, it still is
25 having the general public that goes

1 MATRIX I-84 DISTRIBUTION CENTER

2 there. They go there to look at
3 cars. They go there to drop off
4 their cars. The potential for noise
5 affecting that existing ongoing
6 business I think would be something
7 that, if you're going to have a
8 location in that vicinity, it might
9 be tuck it in a little closer to
10 Newburgh Toyota to understand what
11 the impacts to that facility that's
12 open to the general public would be.
13 It might provide better information
14 for the Board.

15 CHAIRMAN EWASUTYN: Now
16 discussion from Board Members as to
17 what they would like or what they
18 don't think is necessary, in what
19 direction we should be going.

20 MR. GALLI: I think the
21 direction that Dominic just gave us.
22 The ones across 84, I think it's just
23 fighting with 84. The noise from 84
24 is constant anyway.

25 I think number 1 in the

1 MATRIX I-84 DISTRIBUTION CENTER

2 Homewood area, there are a couple
3 residences, I think there's a couple
4 bars, a gas station up in that area.
5 Probably put one there.

6 The one on 17K, you get a lot
7 of -- I don't know if you get a lot
8 of airport noise or airplane noise
9 right there on that side, landing,
10 takeoff. If you want to put one
11 there, put one, like Dominic said,
12 closer to Toyota.

13 Two out of the four I think
14 would be good to start with so this
15 way they could say we took a hard
16 look at the actual noise.

17 CHAIRMAN EWASUTYN: Stephanie
18 DeLuca, your opinion?

19 MS. DeLUCA: I would agree with
20 what Frank just said in regards to
21 the receptors.

22 CHAIRMAN EWASUTYN: Ken Mennerich?

23 MR. MENNERICH: I also agree with
24 what Frank said.

25 CHAIRMAN EWASUTYN: Dave Dominick?

1 MATRIX I-84 DISTRIBUTION CENTER

2 MR. DOMINICK: I agree as well.
3 Receptor 1 where the residences are
4 and receptor 4, as Dominic mentioned,
5 by Toyota.

6 CHAIRMAN EWASUTYN: John Ward?

7 MR. WARD: Number 3 along 84.
8 They have a sound barrier along
9 there, too. In reference to that, it
10 doesn't make sense.

11 When you go across 17K, going
12 into the airport there, you have a
13 hotel there, right. Then you go on
14 Lakeside, you have a hotel and senior
15 housing over on the other side of
16 Lakeside. Keep that in mind, because
17 you're higher up and it's going out.

18 MR. UTSCHIG: We could put one
19 -- the suggestion is to put one over
20 here on this side of 17K by the
21 hotel?

22 MR. WARD: Just to cover the
23 base.

24 When you turn on Lakeside, you
25 have the hotel and the senior

1 MATRIX I-84 DISTRIBUTION CENTER

2 housing. In the back there, because
3 this is going to be elevated up, just
4 to cover yourself.

5 MR. UTSCHIG: Should we scoot
6 it back by the senior housing and
7 take it from there?

8 MR. WARD: Yes. You don't know.

9 MR. UTSCHIG: We're absolutely
10 willing to do that. That makes all
11 the sense in the world.

12 CHAIRMAN EWASUTYN: Is the
13 Board in support of John Ward's
14 suggestion to put one next to the
15 hotel by Governor Drive and one on
16 Lakeside Road which would be
17 contiguous to the existing hotel and
18 the senior housing? Is that okay
19 with everyone?

20 MR. GALLI: The one with the
21 hotel across from 17K I'm okay with.
22 Getting it closer to the hotel, that
23 way over there.

24 The one back there, that's
25 pretty far away. It's stuck behind

1 MATRIX I-84 DISTRIBUTION CENTER

2 -- you should go back there and check
3 out that complex. It's enclosed by
4 trees and landscape.

5 MR. WARD: This is going to be
6 elevated up. If you go on 84, you're
7 up high.

8 MR. GALLI: I know. I mean if
9 that's what they want, that's fine.

10 CHAIRMAN EWASUTYN: Stephanie
11 DeLuca?

12 MS. DeLUCA: I'm okay with it.

13 CHAIRMAN EWASUTYN: Having the
14 additional one on Lakeside Road or
15 not having it?

16 MS. DeLUCA: I understand what
17 John is saying as far as it being
18 elevated and the noise carrying, so I
19 don't think it would hurt.

20 CHAIRMAN EWASUTYN: Excuse me?

21 MS. DeLUCA: I don't think it
22 would hurt.

23 CHAIRMAN EWASUTYN: It wouldn't
24 hurt. So you're in favor of locating
25 it there?

1 MATRIX I-84 DISTRIBUTION CENTER

2 MS. DeLUCA: Yes.

3 CHAIRMAN EWASUTYN: Ken Mennerich?

4 MR. MENNERICH: I guess the
5 only way to find out is to take a
6 look at it. It seems like it's an
7 awful long separation and a lot of
8 woods in between.

9 CHAIRMAN EWASUTYN: Dave Dominick?

10 MR. DOMINICK: I agree with
11 Ken. I think it's a long separation. A
12 receptor there is not going to hurt.
13 At least you'll have the facts.

14 MR. UTSCHIG: We'll have the
15 baseline data.

16 MR. DOMINICK: Exactly.

17 CHAIRMAN EWASUTYN: Let the
18 record show that the Planning Board
19 -- Dominic Cordisco, would you, for
20 the record, speak on where the four
21 receptacles would be located?

22 MR. CORDISCO: If I understand
23 correctly, the receptacles that are
24 being shown on the existing aerial
25 plan, which would be number 1 would

1 MATRIX I-84 DISTRIBUTION CENTER

2 stay in its location because there
3 are residents and that's the closest
4 residence to the proposed facility.
5 The one shown as number 4 would be
6 shifted closer to Newburgh Toyota.
7 There would also be an additional
8 receptor at the hotel across the
9 street on 17K. I forget which one
10 that is.

11 MR. DOMINICK: The Marriott.

12 MR. CORDISCO: There's also a
13 proposal to have an additional
14 receptor on the far side of 84 off of
15 Lakeside Road near the senior complex.

16 CHAIRMAN EWASUTYN: Let the
17 record show that we've come to the
18 determination on that.

19 Now are we discussing visuals
20 at all?

21 MR. UTSCHIG: We could.

22 MR. MENNERICH: Just a
23 question. If you go with site 1 by
24 the residential area and there's no
25 problem, is there any sense to doing

1 MATRIX I-84 DISTRIBUTION CENTER

2 one by the hotel? It's further away.

3 MR. UTSCHIG: Once we set them
4 up, they're up. Whether he's got to
5 put two or four up, I mean it doesn't
6 really matter. I'll be honest with
7 you. The answer to your question is
8 if we're going to do the one, we
9 should just do the other one.

10 MR. MENNERICH: Okay.

11 MR. CORDISCO: If I may. These
12 are just data collection points.
13 They won't know at the time when
14 they're collecting the data whether
15 or not the modeling that's relating
16 to the noise generation is going to
17 have an affect on those particular
18 areas.

19 MR. UTSCHIG: We would rather
20 have more base data than not enough.
21 I want to be able to answer any
22 questions that you have about it, so
23 I'd rather have more data than less.

24 CHAIRMAN EWASUTYN: Does the
25 Board want to move on to the visuals

1 MATRIX I-84 DISTRIBUTION CENTER

2 now?

3 MS. DeLUCA: Sure.

4 CHAIRMAN EWASUTYN: Can we
5 discuss the visuals?

6 MR. UTSCHIG: Thank you, Mr.
7 Chairman. Again, hopefully this one
8 is a little closer and you can see
9 the red lines. Basically we've come
10 across the Homewood area into the
11 site. We're proposing a view from
12 17K into the site. Again, trying to
13 be sensitive to the residential on
14 the other side and the point that
15 this will be a little bit above, we
16 suggested two sections on the other
17 side of 17K. When I say sections,
18 the intent of these is to draw an
19 engineering section. Because we've
20 got a lot of trees and a lot of grade
21 change that's in between, we're not
22 sure that you're going to be able to
23 see this building from all of these
24 locations. The ones we perceived as
25 the most important obviously are 17K

1 MATRIX I-84 DISTRIBUTION CENTER

2 and the residential. Those are the
3 places we would propose to do what we
4 typically call photo simulation where
5 you would get a real life picture,
6 superimpose the development and you
7 would understand what it looks like
8 from those perspectives. We're
9 proposing just those two locations to
10 do that.

11 MR. GALLI: Which two locations?

12 MR. UTSCHIG: From 17K and from
13 Homewood. Not across 84.

14 MR. GALLI: On the one from --
15 can we speak now, John?

16 CHAIRMAN EWASUTYN: Excuse me?
17 You still have a dime left.

18 MR. GALLI: I'll make it quick.
19 From section number 1 on my map,
20 looking in I notice there's a 50-foot
21 wall, a 40-foot wall. They're pretty
22 high stonewalls there. Is that going
23 to be blocking -- are they going to
24 be looking at the stonewall or are
25 they going to be looking at the

1 MATRIX I-84 DISTRIBUTION CENTER

2 building, are they going to be
3 looking at both?

4 MR. UTSCHIG: I think our sense
5 is probably they're far enough away
6 -- let me start by saying between
7 that closest house and most of what
8 occurs over here, there's a fairly
9 substantial wooded area that's
10 staying. We think that that's going
11 to block a majority of it, especially
12 in the summer when there are leaves
13 on. Leaf off, you could potentially
14 stay in this backyard and I could
15 stand up here on the hill now and you
16 may be able to see me. In the leaf-
17 off condition you probably are going
18 to see some part of the wall and some
19 part of the building. That's because
20 you're far enough away. The closer
21 we get, the more likely the wall is
22 to barrier, and you don't see over
23 the wall because it goes over the top
24 of the building.

25 MR. GALLI: I think you ought

1 MATRIX I-84 DISTRIBUTION CENTER

2 to do a visual.

3 MR. UTSCHIG: That's why we
4 picked that location.

5 MR. GALLI: The one coming up
6 the front, it's an IB Zone. You've
7 done other sites in the Town. You
8 drive by them and you won't even
9 notice them there anymore. They look
10 decent. I mean the one up in the
11 front of the building, I don't know,
12 is that one necessary? I mean it's
13 commercial traffic going by all day
14 long. It's not like somebody sitting
15 at the airport runway looking over at
16 your building. My opinion is
17 definitely the one -- number 1, but I
18 don't know if you have to do the
19 others. If you want to do them, go
20 ahead.

21 CHAIRMAN EWASUTYN: Stephanie
22 DeLuca?

23 MS. DeLUCA: I also agree with
24 number 1. That would be a good one.
25 I'm still not sure of number 4 as far

1 MATRIX I-84 DISTRIBUTION CENTER

2 as the direct access.

3 CHAIRMAN EWASUTYN: Ken Mennerich?

4 MR. MENNERICH: I think number
5 4 is what traffic will see going by,
6 more so than what traffic will see
7 from the other location. I think
8 they should do both.

9 CHAIRMAN EWASUTYN: Dave Dominick?

10 MR. DOMINICK: I agree with
11 keeping site 1 for the residents, to
12 see what they would see. On the 4
13 indicator, I would actually move that
14 down to Newburgh Toyota.

15 MR. UTSCHIG: Push it down.

16 MR. DOMINICK: You've got
17 community members walking around the
18 car lot, staying there while the car
19 is being fixed or buying and selling.
20 That's going to have more sight
21 impact than someone doing 45, 50
22 miles-an-hour on 17K.

23 MR. UTSCHIG: We typically try
24 to make it -- it's a very short
25 window that you're going to go by.

1 MATRIX I-84 DISTRIBUTION CENTER

2 The speed limit is 45. It's about a
3 three-second window that you have to
4 turn your head and look. I wouldn't
5 disagree with you.

6 CHAIRMAN EWASUTYN: John Ward?

7 MR. WARD: I agree with it
8 being by Toyota.

9 CHAIRMAN EWASUTYN: Karen, do
10 you have any comment on this?

11 MS. ARENT: I think that there
12 should be one close to number 1 off
13 17K, over the proposed Sunbelt
14 development property, because that
15 property is not going to have as much
16 -- it really doesn't have too many
17 trees on the interior. If that wall
18 is as tall as -- if it's 50 feet tall
19 and you have the warehouse above
20 that, I think you're definitely going
21 to see it from 84. I don't know that
22 but I would like to figure that out
23 via either just the section or -- if
24 the section shows that you will be
25 able to see it, then a photo

1 MATRIX I-84 DISTRIBUTION CENTER

2 simulation. I would like to study
3 that in the section.

4 MR. UTSCHIG: From?

5 MS. ARENT: From near the
6 intersection -- I can show you
7 better, but off of 17K to --

8 MR. HINES: Governors Drive.

9 MS. ARENT: This is where we
10 should study.

11 MR. HINES: Governors drive.

12 MR. UTSCHIG: Maybe when we get
13 done you can just --

14 MS. ARENT: The question I have
15 for the Board is are you concerned
16 about the views from 84? I know when
17 we were working on the landscape
18 place across the street, we were
19 concerned about views. Should they
20 study any views of this project from
21 Route 84?

22 Also the receptors -- not
23 receptors but the residences across
24 the way. I don't know if there's
25 anything that can be done to mitigate

1 MATRIX I-84 DISTRIBUTION CENTER

2 views. I don't know if there's a
3 concern with those either. Even if
4 they were just simply -- you know,
5 don't exaggerate the vertical scale
6 or anything but just simply a scale
7 section where you don't have to spend
8 a lot of time, just study to see what
9 of that building you will see, that
10 would be enough if you can prove you
11 don't see the building. When you
12 start seeing the building and there's
13 a substantial amount, maybe we should
14 study how to minimize the views.

15 MR. UTSCHIG: Is that a section
16 from 84 or is that a section from
17 across 84?

18 MS. ARENT: That's a question
19 for the Board, too.

20 Is there a concern about if
21 this building is visible from 84 and
22 the extent as to how much of the
23 building is visible? I know on some
24 other projects we were concerned
25 about visibility.

1 MATRIX I-84 DISTRIBUTION CENTER

2 MR. GALLI: Across 84 you're
3 looking from Darrigo's junkyard.

4 MS. ARENT: I mean the cars
5 that are driving on 84.

6 MR. UTSCHIG: If the cars are
7 doing 45 miles-an-hour on 17K,
8 they're doing 65 miles-an-hour on 84
9 and the window is also pretty short.
10 I understand --

11 MS. ARENT: On other projects
12 we have looked at it. I don't know
13 if that's a concern any more.

14 MR. GALLI: Karen, when you
15 come up the ramp, the old Sears
16 building is on the right and the
17 Amscan building is on the left.

18 MS. ARENT: You can see that
19 Amscan building from far away.

20 MR. GALLI: Going on 84 to go
21 towards Middletown, you don't even
22 notice the building unless you're
23 actually looking for it.

24 MS. ARENT: So then the answer
25 is you're not concerned about it.

1 MATRIX I-84 DISTRIBUTION CENTER

2 MR. GALLI: I'm not.

3 MS. ARENT: Okay. That was my
4 question.

5 MR. GALLI: If you turn to the
6 right, you really want to look to the
7 left.

8 CHAIRMAN EWASUTYN: We're
9 locating another -- coming up with
10 another visual closer, more from the
11 point of the proposed Sunbelt
12 development? We're doing one by the
13 gas station? We're just discussing,
14 Karen. One by Sunbelt. Is that what
15 we were discussing now?

16 MS. ARENT: Yes.

17 CHAIRMAN EWASUTYN: Now I'm
18 talking to the Board also. Is that
19 what we're in agreement on? We're
20 going to move number 4 closer to
21 Newburgh Toyota. We're going to stay
22 with the existing number 1 by the gas
23 station. We're going to add a third
24 one kind of closer to Governors Drive
25 and Sunbelt? Is that what we're

1 MATRIX I-84 DISTRIBUTION CENTER

2 discussing?

3 MR. GALLI: Mm'hm'.

4 CHAIRMAN EWASUTYN: So that
5 would be the direction to go in.
6 Three for the visual and three --

7 MR. GALLI: Four.

8 CHAIRMAN EWASUTYN: Dominic,
9 are you in agreement with that?

10 MR. CORDISCO: I think so. I
11 mean I think that focusing just on
12 visual at this point, there's been a
13 number of different suggestions, but
14 I think that perhaps the Board should
15 summarize them because I'm not sure
16 that everyone is in agreement as to
17 what --

18 CHAIRMAN EWASUTYN: What should
19 we summarize first, the noise
20 receptacles or the visual?

21 MR. CORDISCO: The noise I
22 believe was handled already. I think
23 we're clear on noise. On visual, I'm
24 personally a bit confused. I know
25 that's easy to do, but --

1 MATRIX I-84 DISTRIBUTION CENTER

2 MR. GALLI: Four. We had the
3 entranceway. Move it near Toyota a
4 little bit.

5 MR. CORDISCO: For visual.

6 MR. GALLI: We have the next
7 home which is on your little map
8 number 1. Put another one right
9 where Governor Drive is, down further
10 near the proposed Sunbelt. Right in
11 that area. Right?

12 MR. UTSCHIG: Sunbelt is here
13 at the old landscape --

14 MR. GALLI: Karen will draw you
15 the little circle. So we have three
16 right in that area.

17 MR. CORDISCO: Right. I think
18 the confusion is perhaps there are
19 some Board Members that also want
20 additional analysis across 84 for
21 visual impact.

22 MR. GALLI: That was Karen.

23 MR. CORDISCO: Okay.

24 MR. GALLI: They can bring it
25 up if they want it across 84. That's

1 MATRIX I-84 DISTRIBUTION CENTER

2 up to them. I'm not for it.

3 CHAIRMAN EWASUTYN: Does anyone
4 want one across 84?

5 (No response.)

6 CHAIRMAN EWASUTYN: Let the
7 record show, based upon conversation,
8 no one is looking for a fourth visual
9 line of sight from 84.

10 So we have 1 next to the Shell
11 gas station which is number 1. We'll
12 have a second one across from
13 Governors Drive near the proposed
14 Sunbelt. We'll move number 4, which
15 will be our third one but it's noted
16 here as 4, it will be number 3 for
17 the visual, close to Newburgh Toyota.
18 We'll have a total of three for the
19 visual line of sight.

20 MR. CORDISCO: Thank you, Mr.
21 Chairman.

22 CHAIRMAN EWASUTYN: Thank you.
23 Me of all people, I get confused.

24 MR. DOMINICK: Those Matrix
25 guys like building on hills.

1 MATRIX I-84 DISTRIBUTION CENTER

2 MR. GALLI: That's all that's
3 left anymore.

4 CHAIRMAN EWASUTYN: We'll turn
5 the meeting over now to Jim Campbell.
6 Any code compliance comments at this
7 point?

8 MR. CAMPBELL: The big one
9 would be the access drive. That
10 actually requires two entrance points.

11 CHAIRMAN EWASUTYN: Excuse me?

12 MR. CAMPBELL: It requires two
13 access points with the square footage
14 of the project.

15 CHAIRMAN EWASUTYN: So you
16 believe the code requires two access
17 points. Would you consider that?

18 MR. UTSCHIG: We'd like to sit
19 with your staff, if we could, and
20 discuss that issue and work out an
21 agreement on what's required and how
22 we go about doing that, if we could.
23 We'll present that in our formal
24 submission.

25 CHAIRMAN EWASUTYN: We'll leave

1 MATRIX I-84 DISTRIBUTION CENTER

2 that on the table for now.

3 Ken Wersted with Creighton,
4 Manning, would you discuss traffic
5 considerations.

6 MR. WERSTED: Similar to the
7 other Matrix project down on Route
8 17K opposite Orr Avenue, no tenant
9 was known at the time the traffic
10 study was done, so we had made some
11 provisions in that study to account
12 for variability and the amount of
13 traffic that might be generated by an
14 unknown tenant. I would request that
15 we do the same with this project
16 given the two buildings are very
17 similar in size.

18 Obviously you're already
19 preparing your traffic impact study,
20 but the I-84 interchange is a
21 critical location. There is traffic
22 that backs up on 17K going in that
23 direction. We'll take a look at
24 that.

25 MR. UTSCHIG: We've actually

1 MATRIX I-84 DISTRIBUTION CENTER

2 done our studies. We're going to talk
3 to DOT. We're not sure that the
4 timing on that signal is quite right.
5 We're including it in our study.
6 We're taking the traffic count
7 suggestion to create a conservative
8 approach because it's not specific as
9 part of the development.

10 CHAIRMAN EWASUTYN: Comments
11 from Board Members on traffic?

12 MR. GALLI: While we're talking
13 about that, your right only out
14 entrance/exit coming off, what about
15 your employees if they are coming
16 from the east, City of Newburgh area,
17 Town of Newburgh area and they're
18 leaving work and they're going left
19 to go down 17K. I know you're
20 concerned about your trucks going on
21 84 right there. What do they do,
22 make a right, go up, turn around and
23 make a left on 84?

24 MR. UTSCHIG: That's how we'd
25 like to present it.

1 MATRIX I-84 DISTRIBUTION CENTER

2 MR. GALLI: If you have to put
3 your second entrance in, which the
4 code might require, they can go out
5 that one if you don't use it for
6 emergency only. It might be an idea
7 to think about.

8 MR. UTSCHIG: Okay.

9 MR. GALLI: That would be
10 probably in the Homewood area. Maybe
11 they can come down there, come down
12 to the light and stop sign, or
13 whatever that is, a light or a stop
14 sign.

15 MR. UTSCHIG: Okay.

16 CHAIRMAN EWASUTYN: Stephanie
17 DeLuca?

18 MS. DeLUCA: No further comment.

19 CHAIRMAN EWASUTYN: Ken Mennerich?

20 MR. MENNERICH: No.

21 CHAIRMAN EWASUTYN: Dave Dominick?

22 MR. DOMINICK: Chuck, if you
23 could, what Frank said, look at
24 turning out of your complex. If I
25 was an employee and lived to the east

1 MATRIX I-84 DISTRIBUTION CENTER

2 and had to go around and up 84 after
3 a long day's work, I wouldn't be
4 happy. If we can look at other
5 alternatives, that would be great.

6 MR. UTSCHIG: Okay.

7 CHAIRMAN EWASUTYN: We worked
8 with a number. If we have 220, will
9 there be three shifts?

10 MR. UTSCHIG: Typically it's a
11 twenty-four hour, three-shift
12 operation.

13 CHAIRMAN EWASUTYN: So based
14 upon three shifts, what would you
15 estimate the number of people on each
16 shift that would be leaving or coming
17 in?

18 MR. UTSCHIG: Probably pretty
19 much an even split at this point,
20 without knowing anything else. Your
21 shifting would generally be about the
22 same depending on your tenants.

23 CHAIRMAN EWASUTYN: What number
24 might that be?

25 MR. UTSCHIG: If you took three

1 MATRIX I-84 DISTRIBUTION CENTER

2 shifts, you have 70 coming and going.
3 You have about 200 plus spaces.

4 CHAIRMAN EWASUTYN: 70 for each
5 shift. 70 is the number we're
6 saying.

7 MR. DOMINICK: There's that
8 overlap, because one shift is still
9 there while the other gets ready to
10 take over.

11 MR. UTSCHIG: Right.

12 CHAIRMAN EWASUTYN: John Ward?

13 MR. WARD: I agree with Frank,
14 because you have a light there
15 established and it would solve a lot
16 of problems right there.

17 CHAIRMAN EWASUTYN: Pat Hines,
18 do you want to kind of bring us
19 along?

20 MR. HINES: Sure.

21 CHAIRMAN EWASUTYN: And then
22 Dominic Cordisco.

23 MR. HINES: The project
24 involves a lot line change -- I think
25 two lot line changes with the

1 MATRIX I-84 DISTRIBUTION CENTER

2 adjoining parcel. We're going to
3 need the bulk table for that
4 adjoining parcel that's losing land
5 area. Jim pulled out a copy of the
6 ZBA interpretation. I'll e-mail that
7 out tomorrow to you so you can see
8 how that project became what it is in
9 the IB Zone and what bulk table to
10 utilize.

11 We're looking for the wetland
12 delineation to be prepared.

13 There is habitat for threatened
14 an endangered species, the Indiana
15 Bat and the Upland Sandpiper.

16 They identified the Red Maple
17 hardwood forest, although the
18 applicant states that that is near
19 the site but not on the site. There
20 will be an analysis required during
21 the tree survey for the new ordinance
22 which can be utilized to confirm
23 that.

24 Compliance with the recently
25 adopted tree ordinance is required.

1 MATRIX I-84 DISTRIBUTION CENTER

2 I know the applicant has similar
3 comments that we just heard from a
4 previous applicant. We're suggesting
5 those be placed in an e-mail and can
6 be discussed with the appropriate
7 Town representatives that were
8 involved with drafting that
9 ordinance.

10 Toyota of Newburgh operates an
11 overflow facility that was considered
12 a new car storage facility associated
13 on the Manheim property. That goes
14 away under this situation. I don't
15 know what situation that puts Toyota
16 in for their inventory. That's part
17 of an amended site plan for them if
18 they need to do something.

19 The EAF needs to be revised to
20 identify the lot line changes. I
21 didn't note those in there.

22 DOT approval.

23 Orange County Planning.

24 There will be a requirement for
25 an FAA no hazard letter that we'll

1 MATRIX I-84 DISTRIBUTION CENTER

2 need.

3 We just talked about the single
4 access point. I don't know if
5 there's a viable access point off of
6 Homewood Avenue as an emergency exit.
7 I know there are some wetlands in
8 that area, and possibly some grade
9 issues.

10 We don't have a grading plan.

11 We did discuss at work session
12 the 50-foot plus or minus height
13 retaining walls across the site.
14 We'll be discussing those in the
15 future.

16 The building will be required
17 to be sprinklered, and there's a
18 water tank on the site.

19 The access road has that right
20 out only. I had the same concerns
21 with -- with the trucks it certainly
22 makes sense, but the employees from
23 the site may do some strange
24 maneuvers if they're looking to head
25 east and get out on that State

1 MATRIX I-84 DISTRIBUTION CENTER

2 highway and say I don't want to go
3 around.

4 I identified a list of future
5 studies that we would be looking for
6 at a minimum.

7 The sanitary sewer in front of
8 that site operates as a low pressure.
9 It's quasi gravity, quasi low
10 pressure. Your elevations may be
11 such that it's not an issue but it's
12 something that we need to address
13 with the sewer design.

14 We'll look for detailed utility
15 plans in 17K.

16 ARB is required.

17 We just talked about the
18 emergency access on Homewood.

19 The Planning Board should
20 consider its lead agency intent with
21 a revised EAF with the couple of
22 comments that I had.

23 CHAIRMAN EWASUTYN: Dominic,
24 can we discuss -- with the revisions
25 to the EAF, can we discuss declaring

1 MATRIX I-84 DISTRIBUTION CENTER

2 our intent for lead agency?

3 MR. CORDISCO: Yes. I think
4 there's been clear guidance given by
5 Mr. Hines regarding the revisions
6 needed for the EAF. With those being
7 made, I think the Board could
8 authorize circulation for lead agency
9 at this time.

10 CHAIRMAN EWASUTYN: There was
11 also a comment made by Mr. Everett, I
12 believe, as far as would the Board
13 consider a conceptual approval of the
14 sketch plan. Is the Board in a
15 position to offer that kind of --
16 conceptual approval, there's verbiage
17 to that. It's kind of like we looked
18 at it and --

19 MR. CORDISCO: It's a favorable
20 report. It's within the Town's
21 Zoning Code. It's Section 185-57
22 B(2). It's talking about -- it says,
23 "The Board shall review a sketch plan
24 and related documents and shall
25 render either a favorable report or

1 MATRIX I-84 DISTRIBUTION CENTER

2 an unfavorable report. A favorable
3 report shall in no way imply
4 immediate or even eventual approval,
5 it is merely intended to convey to
6 the applicant the relative assurance
7 that the development as conveyed is
8 conforming to the master plan and
9 also the zoning."

10 I think the issue that's been
11 identified tonight in connection with
12 the emergency access to the site as
13 being an open issue for zoning
14 compliance that requires further
15 evaluation might suggest that you may
16 want to hold off on the sketch plan
17 favorable report at this time because
18 I think there's potential for a
19 zoning matter that needs to be
20 further evaluated.

21 CHAIRMAN EWASUTYN: Keeping
22 that point in mind, Chuck had
23 suggested, and this is up to the
24 Board, if he could meet with our
25 consultants to talk about a second

1 MATRIX I-84 DISTRIBUTION CENTER

2 point of ingress and egress to the
3 site. Is the Board in favor of
4 setting that kind of meeting, in
5 which case I would note it would be
6 -- I don't even think we have listed
7 a consultants' work session in
8 December because of it being the
9 holiday.

10 MR. HINES: I don't believe we
11 did.

12 CHAIRMAN EWASUTYN: Excuse me?

13 MR. HINES: I don't believe we
14 did because of the proximity --

15 CHAIRMAN EWASUTYN: Maybe we
16 should, if the Board is in favor, set
17 that up so once they come to an
18 understanding, then we can bring it
19 back as part of a --

20 MR. HINES: It would be on the
21 27th normally. I would be here in
22 the building.

23 CHAIRMAN EWASUTYN: Do you want
24 to do it on the 24th?

25 MR. HINES: Saturdays are fine.

1 MATRIX I-84 DISTRIBUTION CENTER

2 There's no deer hunting on the 24th.

3 CHAIRMAN EWASUTYN: How would
4 we like to manage this? Is the Board
5 in agreement?

6 MR. CORDISCO: I think the
7 first question is if the Board is
8 willing to authorize a consultants'
9 meeting. The second issue would be
10 the timing.

11 MR. GALLI: What do they need
12 to discuss? If it's code, it's code,
13 they've got to have an access.
14 Correct?

15 MR. CAMPBELL: Yes, it's code.
16 I think on the other building it
17 wasn't there.

18 MR. HINES: On the recent
19 Scannell they proved that there was
20 no viable access and they increased
21 the width of the access road
22 substantially to address it. The
23 authority having jurisdiction agreed
24 with that, the code enforcement
25 department.

1 MATRIX I-84 DISTRIBUTION CENTER

2 MR. GALLI: That's what the
3 meeting would be about? Okay. I
4 guess if you need a meeting for that.

5 CHAIRMAN EWASUTYN: Stephanie
6 DeLuca, are you in favor of that?

7 MS. DeLUCA: Sure.

8 CHAIRMAN EWASUTYN: Ken Mennerich?

9 MR. MENNERICH: Yes.

10 MR. DOMINICK: Yes.

11 MR. WARD: Yes.

12 CHAIRMAN EWASUTYN: Okay. What
13 might be the date on that?

14 MR. HINES: It would be the
15 27th. I can make it. I just don't
16 know everyone else's schedule. I
17 would be willing.

18 MR. CAMPBELL: I cannot make
19 it. I cannot speak for Jerry.

20 MR. CORDISCO: I will not be
21 here on the 27th, but I could do the
22 20th. Of course part of this depends
23 on the applicant, on whether or not
24 they are going to be able to evaluate
25 their options regarding this between

1 MATRIX I-84 DISTRIBUTION CENTER

2 now and then.

3 MR. UTSCHIG: We will be able
4 to.

5 CHAIRMAN EWASUTYN: We'll
6 tentatively set it up for the 20th of
7 December.

8 MR. HINES: I'll circulate to
9 everyone and make sure that works.

10 CHAIRMAN EWASUTYN: So right
11 now can someone make a motion to
12 circulate for lead agency.

13 MR. WARD: So moved.

14 MR. GALLI: Second.

15 CHAIRMAN EWASUTYN: I have a
16 motion by John Ward. I think the
17 second was Ken Mennerich.

18 MR. MENNERICH: Frank.

19 CHAIRMAN EWASUTYN: Frank. I
20 apologize. I have a motion by John
21 Ward, a second by Frank Galli. May I
22 please have a roll call vote.

23 MR. GALLI: Aye.

24 MS. DeLUCA: Aye.

25 MR. MENNERICH: Aye.

1 MATRIX I-84 DISTRIBUTION CENTER

2 CHAIRMAN EWASUTYN: Aye.

3 MR. DOMINICK: Aye.

4 MR. WARD: Aye.

5 CHAIRMAN EWASUTYN: And then
6 the next item would be to circulate
7 the adjoiners' notice. That's common
8 practice. Is there anything else
9 that's outstanding at this point?

10 MR. UTSCHIG: No, Mr. Chairman.
11 Thank you.

12 CHAIRMAN EWASUTYN: Have a nice
13 holiday.

14

15 (Time noted: 8:37 p.m.)

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MATRIX I-84 DISTRIBUTION CENTER

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 10th day of December 2022.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

TARGET/T-2076
(2022-30)

50 Route 17K
Section 97; Block 2; Lot 7.21
IB Zone

----- X

AMENDED SITE PLAN

Date: December 1, 2022
Time: 8:37 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: BONNIE VAN OHLSEN

----- X

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

1 T A R G E T / T - 2 0 7 6

2 CHAIRMAN EWASUTYN: The fifth
3 and last item of business this
4 evening is Target/T-2076. It's an
5 initial appearance for an amended
6 site plan. It's located in an IB
7 Zone. It's Kimley-Horn.

8 MS. VAN OHLSEN: Good evening.

9 CHAIRMAN EWASUTYN: Good evening.

10 MS. VAN OHLSEN: There are a
11 lot of sheets in this set, so I
12 brought them all in case you wanted
13 to look at them.

14 Good evening, everyone. My
15 name is Bonnie Van Ohlsen, I'm a
16 planner/architect with Kimley-Horn
17 representing Target tonight.

18 This site is the existing
19 Target store on Route 17K. We
20 propose a series of improvements,
21 aesthetic, landscaping, site
22 furniture, and also related to the
23 drive-up system that has been started
24 in the parking spaces which was
25 initiated during COVID. This is

1 T A R G E T / T - 2 0 7 6

2 supposed to be an improvement to that
3 system which Target has found very
4 successful and in high demand. In
5 all of their stores across the
6 country they're going through this
7 program basically. That's why there
8 are sort of three sets of plans. It
9 seems a little confusing but it's
10 pretty straightforward I think.

11 I can go through the basics of
12 it and then you can ask me questions,
13 if that makes sense.

14 As I said, this is an existing
15 store on 17K. 17K being down here,
16 this is the store, the main parking
17 lot, the front entrance is here.

18 It's 11 acres all together.
19 Everything in this proposed amended
20 site plan is code compliant per our
21 interpretation, except for the fact
22 that because of the changes in the
23 drive-up spaces and the way they're
24 oriented and divided up for safety to
25 have an aisle space between the cars,

1 T A R G E T / T - 2 0 7 6

2 we have a net loss of 4 parking
3 spaces. There's 567 all together I
4 think.

5 The exterior of the facade
6 improvements include signage and
7 paint. It's basically a refresh.
8 The white Target bullseye, the word
9 Target will be removed and it's just
10 going to be a bullseye. There's red
11 background being added behind those
12 signs, the word drive-up, the word
13 pick-up, and an exterior finishing
14 system, a paint refresh on the whole
15 building. I have some diagrams here,
16 which you have as well, to show some
17 of the befores and afters, if you
18 want to look at them.

19 The primary issue for the
20 proposed change to the drive-up is
21 that this is the area where the
22 drive-up spaces are now, where they
23 were put during COVID. The proposal
24 is to put those back -- these spaces
25 back to regular parking spaces, this

1 TARGET/T-2076

2 is a front entrance here, so a little
3 further away, and then add a total of
4 24. It's 12 on each side with a
5 walking aisle for the employees.
6 They walk across a new crosswalk with
7 stop signs for the traffic crossing
8 here. There would be a sign on the
9 top of each of these that would
10 basically say you're in spot number
11 12, you're in spot number 3. You
12 drive up to that spot, push on your
13 app, I'm here, I'm in spot number 3.
14 According to Target, the average time
15 is two minutes in a spot. This is
16 the number that they've estimated
17 would be an appropriate number for
18 the store. As I said, these spaces
19 are a little bit wider than a
20 standard space. We have space in
21 between them so the employees can get
22 between with the packages. It's just
23 really a safety thing.

24 The other improvements. This
25 seating area in the front here.

1 TARGET / T - 2076

2 There's a planter and a seating area.
3 There's going to be new site
4 furnishings, waste containers,
5 benches, in addition to new plantings
6 in the planter itself.

7 There's an area in the rear
8 here which has an employee door which
9 now is just a sidewalk with a patch,
10 a rectangle, and they're going to add
11 plantings in addition to a table and
12 chairs, benches so the employees have
13 a place to go outside in the rear of
14 the store.

15 The bulk of the parking lot
16 here, all of these parking lot
17 islands, the trees will stay but the
18 plants are proposed to be refreshed
19 with new native plantings, ground
20 covers and grasses, which again
21 Target likes to do every few years to
22 make sure they are all refreshed,
23 clean and environmentally and
24 aesthetically pleasing as well.

25 So as I said, we feel it's all

1 T A R G E T / T - 2 0 7 6

2 code compliant except for losing 4
3 spaces net. We're really just here
4 to receive your comments and discuss
5 the next steps, and if you have any
6 questions.

7 CHAIRMAN EWASUTYN: I think
8 we'll start out with two points that
9 you discussed with the signage.
10 We'll turn to Jim Campbell, Code
11 Compliance, to see if the proposed
12 new signage is in compliance with
13 what would be allowed for that site.

14 MR. CAMPBELL: On the site
15 there are two types of signage, one
16 is the building mounted signs. That
17 I believe will be well under the
18 allowable. In the parking lot we
19 feel that the two different types of
20 signage falls under the directional
21 signage. The parking space signs you
22 have should be okay. You have taller
23 ones --

24 MS. VAN OHLSEN: I should have
25 mentioned those. Those are a little

1 T A R G E T / T - 2 0 7 6

2 unique. At either end of the drive-
3 up --

4 MR. CAMPBELL: Our code says
5 directional signs are max 8 feet.

6 MS. VAN OHLSEN: Right. These
7 are 12 feet high. They're solar
8 powered. They do have lights inside.
9 They would only be on during store
10 hours. The standard is 12 feet. Is
11 that something that we could ask for
12 a variance for?

13 MR. CAMPBELL: Yes. You'd have
14 to be referred to the Zoning Board.

15 CHAIRMAN EWASUTYN: And what
16 would be the permitted height?

17 MR. CAMPBELL: 8.

18 CHAIRMAN EWASUTYN: 8 feet.

19 Now we'll turn to Dominic
20 Cordisco as far as is there is need
21 for the variance for the parking
22 based upon this being a unified site?

23 MR. CORDISCO: I don't believe
24 so. They haven't treated it in
25 similar applications for other projects.

1 T A R G E T / T - 2 0 7 6

2 CHAIRMAN EWASUTYN: Do you
3 understand the verbiage of a unified
4 site?

5 MS. VAN OHLSEN: You're asking
6 me?

7 CHAIRMAN EWASUTYN: Bonnie, yes.
8 Let Dominic Cordisco, our attorney --
9 this falls under what's known as a
10 unified site. Dominic.

11 MR. CORDISCO: Even though the
12 Target --

13 MR. HINES: I guess the
14 question is is the 567 on the Target
15 portion of the site or the entire
16 site?

17 MS. VAN OHLSEN: I believe it's
18 on the Target portion.

19 MR. HINES: What we're getting
20 at is there may be adequate parking
21 on the entire site.

22 MS. VAN OHLSEN: I understand
23 what you're saying.

24 MR. CORDISCO: That cut right
25 to it.

1 TARGET/T-2076

2 MR. HINES: I guess we need to
3 know the number -- an analysis of the
4 entire parking on the site, if that
5 complies.

6 MR. CORDISCO: Even though the
7 Target property itself falls on its
8 own lot, but because it's part of the
9 shopping center, the Board treats
10 these as a unified site plan -- a
11 unified site rather than site plan.

12 MS. VAN OHLSEN: So we would
13 have to -- I don't know.

14 CHAIRMAN EWASUTYN: Would it be
15 simpler if we have to refer them to
16 the ZBA for the height variance, also
17 -- if time is of the essence, we can
18 provide both just for the benefit.

19 MR. HINES: You can do the
20 analysis and if you don't need it --

21 MR. CORDISCO: Yes.

22 CHAIRMAN EWASUTYN: What
23 normally happens, Bonnie, is Dominic
24 Cordisco, the Planning Board
25 Attorney, will prepare a referral

1 TARGET/T-2076

2 letter to the Zoning Board of
3 Appeals. I'll let Dominic speak as
4 to what that would state.

5 MR. CORDISCO: So in this case
6 my suggestion would be that we
7 include the issue regarding the
8 height, between 12 feet and 8 feet,
9 as the need for a variance, but we
10 would also include the fact that
11 there's a reduction in parking and
12 the project may require a variance
13 based on your analysis. If your
14 analysis comes back and it's actually
15 a substantial amount of parking
16 that's being utilized, these are the
17 reasons why. My referral is only one
18 part of the process. There's also
19 the applicant's application to the
20 ZBA for the variance with the
21 justifications. So it's easier, in a
22 way, for the referral to have more
23 than what's perhaps ultimately
24 necessary, because the reverse is
25 also problematic because if you do

1 T A R G E T / T - 2 0 7 6

2 need a parking variance and the
3 referral doesn't include it, it stops
4 you from being able to apply for that
5 without having the Planning Board
6 referral.

7 MS. VAN OHLSEN: Okay.

8 MR. CORDISCO: Hopefully that
9 made sense --

10 MS. VAN OHLSEN: That made sense.

11 MR. CORDISCO: -- and wasn't
12 too circular.

13 CHAIRMAN EWASUTYN: Karen Arent
14 will look at the landscaping, because
15 there is a landscape plan associated
16 with it.

17 MS. ARENT: I did look briefly.
18 It's interesting.

19 CHAIRMAN EWASUTYN: That's a
20 favorable comment. She must know
21 you. She laughed.

22 We do have to circulate to the
23 Orange County Planning Department.
24 Pat, the reason being?

25 MR. HINES: Because the site is

1 T A R G E T / T - 2 0 7 6

2 within 500 feet of the State highway,
3 it's an amended site plan and would
4 have to go to the Orange County
5 Planning Department.

6 MS. VAN OHLSEN: And that's
7 something that the Town will do?

8 MR. HINES: Yes. I will
9 coordinate that.

10 CHAIRMAN EWASUTYN: So let's
11 understand. Dominic, you will be
12 preparing a referral letter.

13 MR. CORDISCO: Yes. If that's
14 the Board's direction, I would be
15 happy to do that.

16 CHAIRMAN EWASUTYN: Is that the
17 direction the Board wants to go in?

18 MR. GALLI: Yes.

19 MS. DeLUCA: Yes.

20 MR. MENNERICH: Yes.

21 CHAIRMAN EWASUTYN: Yes.

22 MR. DOMINICK: Yes.

23 MR. WARD: Yes.

24 MR. GALLI: Would she be just
25 better off asking for the four spaces

1 TARGET/T-2076

2 off of her own property instead of
3 the whole site count? It might be
4 easier for her to get.

5 MR. CORDISCO: I think that's
6 probably the direction they're going
7 to go. That's why we'll include that
8 as part of the referral.

9 MR. GALLI: Okay.

10 CHAIRMAN EWASUTYN: We will be
11 referring to the Orange County
12 Planning Department. Dominic
13 Cordisco will be preparing a referral
14 letter to the Zoning Board of Appeals.

15 At which point, Jim, she would
16 have to make an application to the
17 Zoning Board of Appeals?

18 MR. CAMPBELL: Yes.

19 MS. VAN OHLSEN: Okay.

20 MR. HINES: I'll also
21 coordinate the adjoiners' notice.

22 MR. CORDISCO: The one step I
23 would not recommend you taking is
24 circulating for lead agency since the
25 only other involved agency would be

1 TARGET/T-2076

2 the Zoning Board of Appeals. If
3 there's an uncoordinated review, that
4 frees up the Zoning Board of Appeals
5 to complete and conclude their review
6 without having to wait for this Board
7 to fully evaluate the site plan and
8 the amended, although there's not a
9 significant amount of issues
10 associated with this proposal.

11 CHAIRMAN EWASUTYN: Okay.
12 Karen or Pat, will there eventually
13 need to be a bonding on the landscaping?

14 MR. HINES: So the Board has
15 flexibility for a small amount of
16 landscaping to waive that
17 requirement, which this may be one of
18 the cases where you do that.

19 MS. ARENT: It's not small.
20 All the beds are going to be redone.
21 I was surprised.

22 CHAIRMAN EWASUTYN: There is a
23 volume of plants.

24 MS. ARENT: There's a lot of
25 plants going in.

1 TARGET/T-2076

2 MR. HINES: So then yes. I
3 didn't realize how many islands were
4 there.

5 MS. ARENT: It's interesting.

6 CHAIRMAN EWASUTYN: I was quite
7 surprised myself.

8 Bonnie, do you understand at
9 some point in time you would have to
10 come up with -- Karen, would you
11 explain?

12 MS. ARENT: So the landscape
13 needs to be warranted for two years.
14 It will be inspected during each
15 growing season to make sure the
16 plants are surviving, and, if they
17 are not, they need to be replaced.
18 By the end of two years the bond --
19 they can request release of half of
20 the bond after one year if the plants
21 are in good condition and then they
22 can get the other -- the rest of it
23 after two years if they are in good
24 condition.

25 MS. VAN OHLSEN: Okay.

1 T A R G E T / T - 2 0 7 6

2 MS. ARENT: It's probably a
3 good idea to bond it just because
4 it's such an extensive landscaping
5 that it would be a shame if it wasn't
6 taken care of. Sometimes the bond
7 helps to make sure it's being taken
8 care of.

9 CHAIRMAN EWASUTYN: So the bond
10 would be the cost estimates for the
11 plants being put in, and then there's
12 also an inspection fee based upon the
13 dollar amount to cover a periodic
14 review by someone from Karen's office.

15 MS. VAN OHLSEN: Okay.

16 CHAIRMAN EWASUTYN: I think that
17 covers everything.

18 MS. ARENT: There's also
19 irrigation on the original site. I
20 don't know if you're planning to keep
21 that or not.

22 MS. VAN OHLSEN: I don't even
23 know if it's still in service. I'll
24 find out.

25 MS. ARENT: You might want it

1 T A R G E T / T - 2 0 7 6

2 for the beginning of the project
3 anyway. They did have irrigation.
4 Maybe that was fifteen years ago. I
5 don't know if it's been kept up or
6 not.

7 MS. VAN OHLSEN: Okay.

8 CHAIRMAN EWASUTYN: Okay.

9 MS. VAN OHLSEN: Thank you very
10 much.

11

12 (Time noted: 8:50 p.m.)

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T A R G E T / T - 2 0 7 6

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 10th day of December 2022.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

LATTINTOWN ROAD CORP.

Section 7; Block 1; Lot 72

Request for a Field Change for a
Stand-Alone Driveway

----- X

BOARD BUSINESS

Date: December 1, 2022
Time: 8:37 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

1 LATTINTOWN ROAD CORP.

2 CHAIRMAN EWASUTYN: We have
3 only one other item.

4 Ken, do you want to read
5 something about it?

6 MR. MENNERICH: It's a letter
7 from James A. Dillin dated November
8 23, 2022 to John Ewasutyn, Chairman,
9 Town of Newburgh Planning Board, 1496
10 Route 300, Newburgh, New York 12550,
11 regarding Lattintown Road
12 Corporation, Section 7; Block 1; Lot
13 72. "Dear John, as per our
14 conversation on November 22, 2022,
15 please find the enclosed site plan
16 for Lattintown Road Corp. The
17 applicant's request is to have the
18 Planning Board approve a standalone
19 driveway without having a common
20 entrance as shown on filed map number
21 6-13. Our original site plan showed
22 a standalone driveway and was
23 approved by the Town of Newburgh
24 Highway Department on June 23, 2022
25 (see attached letter). Prior to

1 L A T T I N T O W N R O A D C O R P .

2 issuing a building permit, the
3 Building Department said we would
4 need approval from the Planning Board
5 unless we showed a common drive, thus
6 revised drive dated July 6, 2022 to
7 get a building permit and start
8 construction. The site plan was
9 revised again on August 23, 2022 to
10 show the standalone driveway which
11 needs a signoff from the Planning
12 Board. As discussed, a review at the
13 next Planning Board meeting would be
14 appreciated. Thank you in advance
15 for your consideration on this
16 matter. Very truly yours, James A.
17 Dillin, PLS."

18 CHAIRMAN EWASUTYN: I sent a
19 copy of this to Mark.

20 MR. HINES: So did I. I was
21 with Mark today and we talked about
22 it. He had no issue with it. He was
23 aware of the location being north of
24 Merritt and Greiner Road. He didn't
25 have any exception to it.

1 L A T T I N T O W N R O A D C O R P .

2 My only concern is if there was
3 a common driveway access and
4 maintenance agreement and what that
5 does to the former shared driveway
6 for each lot.

7 Mark had no issue and I don't
8 have -- the sight distance is fine.
9 It's over 560 feet in each direction.

10 CHAIRMAN EWASUTYN: Is there
11 something binding on that, Dominic,
12 that needs to be relinquished?

13 MR. CORDISCO: Not that I'm
14 aware of.

15 CHAIRMAN EWASUTYN: This map
16 needs to be signed then?

17 MR. HINES: Or a letter I guess.

18 MR. CORDISCO: It would be
19 considered a field change.

20 MR. HINES: We can do an
21 approval letter, I think, to the Code
22 Department that we approved a field
23 change on this date.

24 CHAIRMAN EWASUTYN: Is that
25 satisfactory, Jim?

1 L A T T I N T O W N R O A D C O R P .

2 MR. CAMPBELL: I believe so.

3 Reference the drawing that they
4 submitted and you guys approved it.

5 CHAIRMAN EWASUTYN: Comments
6 from Board Members?

7 MR. GALLI: No.

8 MS. DeLUCA: No.

9 MR. MENNERICH: No.

10 MR. DOMINICK: No.

11 MR. WARD: No.

12 MR. CORDISCO: This would be
13 referred to the Building Department
14 as a field change.

15 CHAIRMAN EWASUTYN: Okay. Who
16 will prepare that letter?

17 MR. HINES: I can.

18 MR. CORDISCO: The Board could
19 authorize it now as part of your
20 minutes, unless you need something
21 further than that.

22 CHAIRMAN EWASUTYN: Would
23 someone make a motion to refer this
24 to the Building Department, that the
25 Planning Board considers this to be a

1 LATTINTOWN ROAD CORP.

2 field change and is in favor of it?

3 MR. DOMINICK: So moved.

4 MR. GALLI: Second.

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

9 MR. GALLI: Aye.

10 MS. DeLUCA: Aye.

11 MR. MENNERICH: Aye.

12 CHAIRMAN EWASUTYN: Aye.

13 MR. DOMINICK: Aye.

14 MR. WARD: Aye.

15 CHAIRMAN EWASUTYN: All right.
16 Would someone make a motion to close
17 the Planning Board meeting of the 1st
18 of December.

19 MR. GALLI: So moved.

20 MS. DeLUCA: Second.

21 CHAIRMAN EWASUTYN: Motion by
22 Frank Galli. Second by Stephanie
23 DeLuca.

24 MR. GALLI: Aye.

25 MS. DeLUCA: Aye.

1 L A T T I N T O W N R O A D C O R P .

2 MR. MENNERICH: Aye.

3 CHAIRMAN EWASUTYN: Aye.

4 MR. DOMINICK: Aye.

5 MR. WARD: Aye.

6 (Time noted: 8:57 p.m.)

7

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

9

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

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

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

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 10th day of December 2022.

22

23

Michelle Conero

24

MICHELLE CONERO

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