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

- - - - - X

In the Matter of

REORGANIZATIONAL MEETING

- 2020 Reappointments for Town of Newburgh
Planning Board

- 2020 Planning Board Meeting Dates

- 2020 Consultants Work Session Meeting Dates

- - - - - X

BOARD BUSINESS

Date: January 2, 2020
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

- - - - - X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845) 541-4163

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CHAIRMAN EWASUTYN: We'd like to welcome you to the Planning Board meeting of January 2, 2020. This evening is our reorganizational meeting. We'll be reappointing the consultants to the Planning Board, setting the dates for the Planning Board meetings and setting the dates for the work sessions.

As far as business itself, we have one, two, three, four -- five items of business and one Board Business item.

MR. GALLI: Six items, John.

CHAIRMAN EWASUTYN: Six items. I know it says six but I actually have BJ's --

MR. GALLI: You're right.

CHAIRMAN EWASUTYN: I got confused like that also. Thank you. You're right, it is an item of business. We have six items of business.

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

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

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MR. DOMINICK: Present.

MR. WARD: Present.

MS. CONERO: Michelle Conero,
Stenographer.

MR. HINES: Pat Hines with McGoey,
Hauser & Edsall Consulting Engineers.

MS. ARENT: Karen Arent, Landscape
Architectural Consultant.

MR. WERSTED: Ken Wersted, Creighton,
Manning Engineering, Traffic Consultant.

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

MR. WARD: Please stand to say the
Pledge.

(Pledge of Allegiance.)

MR. WARD: Please turn your phones off
or put them on vibrate.

CHAIRMAN EWASUTYN: At this time we'll
turn the meeting over to Ken Mennerich.

MR. MENNERICH: Reorganization meeting
for 2020. The 2020 Planning Board reorganization
meeting, reappointments for the Town of Newburgh
Planning Board.

Kenneth A. Mennerich, Vice Chairman of

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the Planning Board.

CHAIRMAN EWASUTYN: I know what you're saying. How do you want to do it? Do you want to do it all at once or individually? Why don't we do it individually.

I'll make a motion to appoint Ken Mennerich as Vice Chairman of the Planning Board.

MR. GALLI: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: We have a motion by Frank Galli and a second by Cliff Browne. Can I have a roll call vote, please.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: The nomination of Dominic Cordisco as Attorney for the Planning Board. Is there a motion for that?

MR. WARD: So moved.

MR. DOMINICK: Second.

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CHAIRMAN EWASUTYN: Motion by John Ward, second by Dave Dominick. I'll ask for a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Dominic, would you join us, please.

MR. MENNERICH: McGoey, Hauser & Edsall, Pat Hines, Engineers and Planners to the Planning Board.

CHAIRMAN EWASUTYN: Would someone make a motion for that?

MR. BROWNE: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Cliff Browne. I have a second by Frank Galli. I'll ask for a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

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MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

MR. MENNERICH: Karen Arent, RLA,
Landscape Architect to the Planning Board.

CHAIRMAN EWASUTYN: I'll make a motion
for that. Is there a second?

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Second by Ken
Mennerich. I'll ask for a roll call vote starting
with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Kenneth Wersted, PE,
Traffic Engineer to the Planning Board.

MR. DOMINICK: I'll make the motion.

MR. BROWNE: Second.

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CHAIRMAN EWASUTYN: Motion made by Dave Dominick. Second by Cliff Browne. May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Michael Musso, PE, Telecommunications Consultant.

CHAIRMAN EWASUTYN: I'll make a motion for that.

MR. GALLI: I'll second it.

CHAIRMAN EWASUTYN: Second by Frank Galli. Again can we have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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MR. MENNERICH: Michelle Conero,
Stenographer to the Planning Board.

CHAIRMAN EWASUTYN: I'll make a motion
to approve.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Roll call vote
starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: The Planning Board
meeting dates are set. I think we adopt those;
right?

CHAIRMAN EWASUTYN: Correct.

MR. MENNERICH: Would somebody make a
motion that we adopt those, please?

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by John
Ward. Second by Dave Dominick. I'll ask for a

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roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

MR. MENNERICH: The schedule for the consultants work sessions for 2020, the dates of that are also listed and need to be adopted.

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by John Ward. Second by Dave Dominick. Can I have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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Thank you.

(Time noted: 7:06 p.m.)

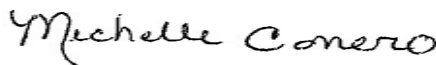
C E R T I F I C A T I O N

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 10th day of January 2020.



MICHELLE CONERO

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

----- X

In the Matter of

BJ'S WHOLESALE CLUB - NEWBURGH
(2019-07)

NYS Route 17K & Auto Park Place
Section 97; Block 2; Lots 44, 45 & 46.2
IB Zone

----- X

AMENDED SITE PLAN

Date: January 2, 2020
Time: 7:07 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S CONSULTANT: ANDREW FETHERSTON

----- X

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CHAIRMAN EWASUTYN: Our second item of business this evening is BJ's Wholesale Club - Newburgh. It's an amended site plan located on Route 17K and Auto Park Place. It's in an IB Zone. It's being represented by Andrew Fetherston of Maser Consulting.

MR. FETHERSTON: Good evening, Mr. Chairman. After some back and forth with DOT, DOT determined that they'd prefer not to have a traffic signal at the location we were having for our main entrance. As you recall, that one plan that we brought before the Board, we had an insert similar to this that was showing an alternative. The Board asked us to take it off, understandably. You couldn't approve a plan that had alternatives on it. Basically we took that alternative, and that is our current plan right now. That meets the requirements of the DOT to have that right in/right out. All the left turns would be either made over at Unity Place, which is signal controlled, or over at Auto Park Place, which is not signal controlled. There are plenty of ways to get into the site. There's three on the back road, there's one on the side -- two on

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the side actually, that's the exit, and then the main entrance in and out. We did get a conceptual approval letter -- that was one of the resolution items -- from DOT.

We're here seeking amended site plan approval.

We have comments from your consultants. We have some modifications, some revisions to put on the plan, very minor things, but we'll do that and then move forward.

CHAIRMAN EWASUTYN: Thank you.

Ken Wersted, you attended the meeting with the applicant and the DOT?

MR. WERSTED: Yup. The applicant had presented the plan and DOT reiterated their position of looking at a right in/right out for that driveway. The applicant agreed that they'll revise the plans and provide that. They submitted the plans a couple of days later, we reviewed them. We have a couple of minor signing and striping comments.

I know we had some conversation over the fall about Transit Orange which is operated in that area by Coach bus. I think they run

1
2 along 17K. I don't know if we got a confirmation
3 if they are looking to have a pad out there or a
4 bus stop sign or anything like that.

5 MR. FETHERSTON: We don't have that as
6 of yet. That's one of the things in the
7 resolution, that we'll seek their ideas, their
8 thoughts. Are they going to just enter the site
9 as they do in other shopping malls in the Town of
10 Newburgh? Maybe that's the safest. We'll have
11 to find out what they want to do.

12 MR. WERSTED: We're looking for a
13 confirmation on that.

14 The only other comment we reiterated
15 were there are a couple of DOT comments they'll
16 need to address. Obviously the applicant has to
17 go through the highway work permit process.
18 As those details are prepared and sent to DOT,
19 DOT will respond and review those so that the
20 work that's being done now inside the DOT
21 right-of-way complies with their recommendations.

22 That was all we had.

23 CHAIRMAN EWASUTYN: Thank you.

24 Karen Arent, Landscape Architect?

25 MS. ARENT: The applicants have

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addressed all previously issued comments.

The only thing needed now is a landscape cost estimate to be reviewed and sent to the Town Board.

I also received information about the visibility of the mechanical units from the architects. The one thing that I didn't see was a line of sight from the highway, from the high part. We just want to make sure that the screening that's being provided will screen from the higher elevation viewpoints.

CHAIRMAN EWASUTYN: Pat Hines,
Consultant to the Planning Board.

MR. HINES: We identified this on the agenda as an amended site plan. The project does have conditional final approval.

One of those conditions had to do with DOT's concept approval and that any change in the previously proposed access would need approval from the Planning Board. I think tonight you're actually amending that approval rather than the site plan because the site plan hasn't been completed to date.

Our first comment identifies what Mr.

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2 Fetherston stated, you did review this in the
3 past with a concept design, however the approved
4 plan that the resolution was based on identified
5 a full traffic controlled, signalized
6 intersection. They're now going with that right
7 in/right out only concept.

8 We looked at the project and the
9 changes to the grading in the front. There are
10 no impacts to the drainage other than the slight
11 modification to the catch basins in the vicinity
12 to address that.

13 You had previously issued a negative
14 declaration for the project which would need to
15 be reevaluated based on the modification to the
16 plans.

17 The only other item is at work session
18 we discussed the need to submit the plans to
19 Orange County Planning as the project is located
20 on a State highway.

21 CHAIRMAN EWASUTYN: At this point I'll
22 turn the meeting over to Dominic Cordisco,
23 Planning Board Attorney. Please speak on behalf
24 of the Planning Board.

25 MR. CORDISCO: Thank you, Mr. Chairman.

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There are several procedural items that you should and could consider tonight. As Mr. Hines indicated, the application should be referred again to the Orange County Planning Department given it's proximity to the State highway and the fact that this is a substantial change that is being considered at this time.

The applicant has also been pursuing satisfying other conditions of the approval. My understanding is that documents have been submitted to the Town Attorney, Mark Taylor, for his review, and so that is an ongoing process.

There is the possibility that the Board could hold a public hearing in connection with this application. It is something that the Board can decide to waive. It is something that was waived previously but this is a new application for an amended approval. My recommendation to you would be to determine whether or not you wish to hold a public hearing. If you decide to waive it, you provide reasons and rationale for that waiver.

That's pretty much about it at this point.

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CHAIRMAN EWASUTYN: Dominic, also at a later date the applicant will come back for approval of the signage plan?

MR. CORDISCO: Yes. My understanding was that previously the Board considered for architectural review the facade and the look of the buildings only but that a comprehensive signage plan has not yet been submitted. It would be something that would be submitted and could be approved, and certainly would be required prior to a certificate of occupancy being issued for the project.

CHAIRMAN EWASUTYN: Thank you. At this point I'll poll the Board Members to see if they'd like to hold a public hearing or waive a public hearing, and the reason being for it if they decide to waive the public hearing. Frank Galli?

MR. GALLI: I'm in a position to waive the public hearing. The reason being is it's in a commercial zone of the Town of Newburgh. To the south of it we have Washington Lake and the Jehovah Witness compound, on the south of the building. To the north of the building we have a

1 shopping center, Target, the bus station and the
2 old entrance to the Thruway, now it's an exit.
3 To the west we have a car dealership. In fact,
4 there's numerous car dealerships to the west. To
5 the east we have a car dealership and more
6 commercial buildings going down 17K. I don't
7 feel a public hearing is needed at this time
8 because of the zone that it's in.

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10 CHAIRMAN EWASUTYN: Stephanie DeLuca?

11 MS. DeLUCA: I'd like to waive it also
12 for the same reasons that he mentioned.

13 CHAIRMAN EWASUTYN: Thank you. Ken
14 Mennerich?

15 MR. MENNERICH: I concur with what
16 Frank said.

17 CHAIRMAN EWASUTYN: I also concur.

18 MR. BROWNE: I concur. I believe
19 Frank's description was very accurate.

20 MR. DOMINICK: I concur as well with
21 Frank and his description.

22 MR. WARD: I concur.

23 CHAIRMAN EWASUTYN: Let the record show
24 that the Planning Board waived the public hearing
25 for BJ's Wholesale Club, the reason being was

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stated by Frank Galli, Planning Board Member.

As advised by Attorney Dominic Cordisco, we will need to circulate this to the Orange County Planning Department.

Will we need to reaffirm our negative declaration?

MR. CORDISCO: It would be premature at this point without having comments from the County.

CHAIRMAN EWASUTYN: Thank you.

So this evening let it be known that we waived the public hearing and we're circulating to the Orange County Planning Department.

Any comments from anyone in the audience?

(No response.)

CHAIRMAN EWASUTYN: Okay. That's the motion before us this evening. Thank you.

(Time noted: 7:18 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 10th day of January 2020.

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

MILLER ENVIRONMENTAL GROUP
(2019-27)

77 Stewart Avenue
Section 98; Block 1; Lot 27.2
IB Zone

----- X

INITIAL APPEARANCE - SITE PLAN

Date: January 2, 2020
Time: 7:19 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S CONSULTANT: CHARLES BROWN

----- X

MICHELLE L. CONERO
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CHAIRMAN EWASUTYN: The third item of business this evening is Miller Environmental Group. It's an initial appearance for a site plan. It's located at 77 Stewart Avenue. It's in an IB Zone. It's being represented by Talcott Engineering.

MR. BROWN: This is a parcel that was across from Conklin's building and he owned it. There are actually a whole bunch of parcels. We've had them all combined so it's one tax lot now.

We put in a concrete bunker for some equipment, processing equipment. Over here we're putting a building on top of that. We have another building down here for storage of the barrels.

CHAIRMAN EWASUTYN: There is a variety of -- not a variety but a number of area variances that will be required.

MR. BROWN: Yes.

CHAIRMAN EWASUTYN: We're not in a position to stay and quote them. You'll have to return and list those.

I think in returning, Dominic Cordisco,

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our Attorney, suggested to us that we send this on to the ZBA when we're ready to -- Dominic, why don't you speak as far as what we need.

MR. CORDISCO: It would be a good idea to have a historical context of what has changed at the site and how it has developed over time, what the current usage is of the site compared to what the prior approvals were, and what the objectives are so that when it comes time, as the Chairman mentioned, to make the referral to the ZBA, not only are the particular variances being outlined but the historical context of how the site has come to be used as it is being used now could be put into context for the Zoning Board to consider.

MR. BROWN: Okay. You want that labeled on the plan?

CHAIRMAN EWASUTYN: I think we need a written narrative.

MR. CORDISCO: I think it needs to be a narrative.

MR. BROWN: Okay.

CHAIRMAN EWASUTYN: I'll turn to the Board Members for their comments. Frank Galli?

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MR. GALLI: I think the plan needs a lot of work yet and we need a lot of explanations. Just start from there.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: I was also concerned about what exactly this site is and what was it's prior use. I would like to find out more about it.

MR. BROWN: Okay.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: At work session we discussed the project 18-05 which was for a lot line change of this property. The discussion was basically that that project is no longer being pursued. Is that your understanding also?

MR. BROWN: Yeah. I'll verify that but that is my understanding, yes.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I have no comment.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I'll reserve comments until a later date.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: The same thing. Thank you.

MR. BROWN: We do have one minor

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request. This is my client, Noel Russ. They submitted a temporary plan to the Building Department while we're going through this process.

CHAIRMAN EWASUTYN: Unfortunately Jerry Canfield isn't here this evening. He's sick. We have to wait for Jerry's input on that.

MR. BROWN: Okay.

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: As stated, there are numerous variances that are going to be required because of the location of existing and proposed structures on the site. We suggested a chart labeling each of the structures and any of the variances required for them in the IB Zone based on the underlying zoning.

There are two encroachments, actually now three after we discussed the Fundex/Conklin lot line, that aren't addressed on the plan. One of the structures is located on a residential lot, or encroaching on a residential lot, and then it looks like there's an oil tank in an enclosure that's located on what's identified as New York State Thruway property. Those should be

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addressed moving forward.

The Conklin/Fundex lot line that Mr. Mennerich had mentioned was proposed, apparently not completed, to remove an encroachment of a pool from a residential lot which encroaches on this parcel as well. So there's a residential pool structure on your industrial lot here. How that's going to be addressed should be identified on the plans.

We're looking for the sight distance and approval from the highway superintendent regarding the access, the proposed exit from the site.

MR. BROWN: The survey that was done by Tarolli's office called that out as a DOT road. I don't know why.

MR. HINES: As a what?

MR. BROWN: A DOT road.

MR. HINES: Where it says Thruway you mean?

MR. BROWN: No.

MR. HINES: Stewart Avenue?

MR. BROWN: Yeah. That's what it said on the survey.

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MR. HINES: We can check further into that. I'm not sure that DOT maintains that portion of the road. I'll discuss that with the highway superintendent to see what the status is. I saw that on the right-hand portion of the lot but I just assumed that that was some of the takings that were part of the highway improvement there. At some point it must turn into a Town road, Stewart Avenue. We can clarify that.

The Planning Board typically requires commercial site plans, at least the publicly available portions of these site plans, to be paved. Number one, to keep the trucks from tracking things out onto the public highway.

Then you do show parking spots for employees and such. Typically those are required to be paved. I'll defer to the Board on that but right now it's shown as gravel parking. Moving forward you'll have to discuss that with the Board to determine that.

We're looking for the existing and proposed utilities that serve any of the structures, water and sewer lines.

We'll need architectural review

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submitted in the future for the Board to review the two proposed structures. I note Karen noted a sign on the one structure. That will need to be included in that architectural review.

There was a consolidation. I originally had this down as a lot line change. The current tax maps show numerous parcels here.

MR. BROWN: Yes.

MR. HINES: The Board should receive information on how that was accomplished. I don't know if it was through the local assessor or --

MR. RUSS: That was. We can get that.

MR. HINES: If you can provide that for the Board to show how those lots have all been combined.

Your application identified it as in the Cronomer Valley Fire District. It's in the Orange Lake Fire District. If you can just clean that up.

To complete the Board's file, eventually we will have to declare our intent for lead agency. We'll need copies of the DEC and City of Newburgh permits for the site which will

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go along with the narrative the Board previously requested showing how the site operates.

The bulk table needs to be cleaned up. There's one side yard, 30. Bulk is 80 in this zone. That will go along with when you identify the zoning variances.

There's an encroachment onto the New York State Thruway property to the south. We're suggesting that that possibly could be fenced off, identifying that property line to keep that -- keep off that encroachment and keep it from further encroaching. If you see the blow up there, it shows that there's an edge of gravel pavement there, or gravel parking.

MR. BROWN: Down at the bottom?

MR. HINES: The bottom of the blow-up section. It says edge of gravel parking. It's off your site.

MR. BROWN: Yup.

MR. HINES: Section 185-38, petroleum bulk storage, each of the items there should be addressed with notes on the plans. There is a separate section regarding petroleum facilities. I don't know what the quantity is but that

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narrative will come out to see whether you are a petroleum bulk storage facility or not.

It will require submission to the Orange County Planning Department.

That's the extent of our comments now. I think the next step would be to get that narrative and identify what variances the Board can refer you for.

MR. BROWN: Okay.

CHAIRMAN EWASUTYN: Karen, Landscape Architect.

MS. ARENT: There are some places where screen plantings should be shown. I went through that in detail in my comments.

The sign on the proposed building, it will depend what the Board thinks about the building, whether the building should be screened. I suggested perhaps caddy cornering the fence so the sign might be able to be on that corner. I'm assuming they want visibility from 300 for the sign.

Then to reiterate Pat's comment, the architecture of both buildings needs to be reviewed.

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The fence along Stewart Avenue is not in good shape. I believe you're showing it to remain. It looks very -- it's not in good shape. I was thinking that perhaps it would be a good time to install a new fence and perhaps move it further in so maybe some landscaping can be shown outside the fence rather than inside the fence. Also even consider maybe a more ornamental fence for the front of the facility.

Also think about maybe moving some of those parking spaces you show right against the fence, right on the property line in the front.

MR. BROWN: Okay.

MS. ARENT: If there's a place to move them so there could be like ten feet of space for landscaping or something, that would be also nice. That's it.

CHAIRMAN EWASUTYN: Comments at this point from Ken Wersted. Have you looked at it?

MR. WERSTED: I don't think I received a submission on it. I can certainly look at any plans that are provided and see if there are any traffic-related issues. The narrative I think would help too, just to understand what's

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existing and how that might change with the proposed.

CHAIRMAN EWASUTYN: Comments from Board Members? Any further comments?

MR. GALLI: No additional.

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. RUSS: If I could just address the Board about our issue of having a temporary structure.

CHAIRMAN EWASUTYN: For the record, your name please?

MR. RUSS: I'm Noel Russ.

CHAIRMAN EWASUTYN: Do you have a business card?

MR. RUSS: I do.

CHAIRMAN EWASUTYN: Would you give it to the Stenographer?

MR. RUSS: I'm the facility manager.

CHAIRMAN EWASUTYN: I think we have to wait for Jerry Canfield. It's a Building Department matter.

MR. RUSS: We would have to wait until the next Planning Board meeting?

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CHAIRMAN EWASUTYN: Until the next time you're before the Board and you have a narrative.

MR. RUSS: Okay.

CHAIRMAN EWASUTYN: Thank you. Jerry sent a text today, both he and his wife are home very sick. Jerry would have been here. We can't help at this time.

MR. BROWN: Thank you.

(Time noted: 7:30 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 10th day of January 2020.

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

NEWBURGH TOWNE CENTER
(2019-04)

1431 Route 300
Section 60; Block 3; Lot 29.11
IB Zone

----- X

SITE PLAN

Date: January 2, 2020
Time: 7:31 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S CONSULTANT: JUSTIN DATES

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845) 541-4163

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CHAIRMAN EWASUTYN: Our fourth item of business this evening is the Newburgh Towne Center. It's a site plan located on Route 300 in an IB Zone. It's being represented by Justin Dates of Maser Consulting.

MR. DATES: Happy new year, everyone. Since our last presentation to the Board for the project we've gone through a couple of analyses and investigation on some items previously discussed.

This is the overall Newburgh Towne Center site. The orange outline here is the existing building, I'll call it the Marshalls building. That's the very end tenant of that building. The Thruway is on your left-hand side.

The applicant is looking to add a little over 19,000 square feet to the end of that building.

There is an existing Army Corp wetland on site that kind of comes up and actually follows the line of where that existing drive aisle is. There's also a stormwater management area that the wetland goes around at that point.

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2 We did submit a jurisdictional
3 determination to the Army Corp of Engineers to
4 get out there and review an updated wetlands map.
5 We had the site meeting. They substantially
6 concurred with the newly flagged wetlands that we
7 had put together. We are still waiting for the
8 actual JD letter from the Army Corp.

9 Also while we had the Army Corp rep on
10 site we discussed because of this addition we're
11 going to be encroaching into that wetland or
12 filling part of that wetland, about 1 acre. We
13 discussed mitigation. They stated preliminarily
14 that they would want to see the mitigation to
15 occur on the site, not on another parcel that's
16 not associated with this wetland. They're
17 looking for about a 2:1 mitigation ratio. Again,
18 this was just preliminary discussion. We would
19 have to build out about 2 acres of wetlands for
20 our proposed disturbance.

21 The applicant also is in control of the
22 parcel to the north. This is a copy of our
23 wetlands map that we provided to the Army Corp.
24 Again, here's the Marshalls building, their back
25 loading area, and then the parcel directly to the

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north, as I mentioned, is also in the owner's control. We are looking for the JD to be for this parcel as well as the one to the north. What we'd be doing is looking to mitigate some of these upland fingers that kind of creep into our wetlands as well as building out more on that adjacent parcel to the north.

CHAIRMAN EWASUTYN: Is there anything existing on the adjacent property to the north that you're discussing now or is it a vacant piece of land?

MR. DATES: Right now I believe it's a vacant office building. It's closer to Route 300.

CHAIRMAN EWASUTYN: The tenants that had been in there all left?

MR. DATES: I believe so. I don't believe there's any tenants in there. That's correct.

CHAIRMAN EWASUTYN: That's the one where the rear access from CVS comes out?

MR. DATES: That's correct. Yes.

As I mentioned, we're still awaiting confirmation on the wetlands boundary from the

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Army Corp.

In addition to our site plan submission we did a full set of site plans, we provided a traffic analysis to the Board and its consultants, and also we did a full stormwater pollution prevention plan. We did reduce some of the mitigation slightly. We had a surface basin up here in the northwest corner which we removed. We're doing our stormwater treatment through subsurface installations to get more of our quality and quantity there.

We also received our sewer flow acceptance letter from the City of Newburgh. We did get that since last time.

One of the items the Board had mentioned is the existing basin out on 300 out there, which is essentially a wet pond these days, they requested a fence be put around that. We'd have to close that on the plans.

I think some of the items in the consultants' reviews were just some discussion items that we can approach the Board.

CHAIRMAN EWASUTYN: Let's hear from our consultants now. Ken Wersted, you looked at or

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2 are looking at the traffic study?

3 MR. WERSTED: We looked at the traffic
4 study. DOT, I don't know if they specifically
5 requested certain intersections, but what was
6 provided was a study of the plaza with the
7 intersection of Meadow Hill Road, Meadow Hill
8 Road and Route 300 and the plaza, and Route 300
9 as well as the intersection of Route 300 and
10 Route 52. They also counted the number of trips
11 coming in and out of the plaza. That was around
12 700 to 770 depending on a weekday or a Saturday.
13 They looked at the empty spaces that were
14 provided existing in the plaza. It includes a
15 bank and about 7,400 square feet of general
16 retail space. The traffic study assumed
17 occupancy of those spaces. It estimated that the
18 expansion would generate an additional 100 to 112
19 trips, and then it gave the total site generation
20 of it.

21 The development itself has a couple of
22 different ways to get in and out. The trips
23 generated by the expansion have options to go out
24 directly to Route 300 down to Meadow Hill Road.

25 So they studied the intersections. The

1
2 ones I had just discussed around the plaza
3 generally operate very similar after the project
4 is complete. The only more challenging
5 intersection is Route 52 and Route 300. As we
6 know, the Route 52 approach to that provides
7 generally a single lane. The westbound direction
8 has a right-turn lane. Whenever a left turn gets
9 onto one of those movements, people start using
10 the shoulder to go around them. I observed that
11 in previous trips and then today. You could have
12 three cars lined up waiting to turn left and
13 people are still using the shoulder to get around
14 it. There's a little bit of a difference between
15 what the analysis depicts for that intersection
16 and what's probably happening out there today.
17 We've identified that issue previously through
18 different studies over the years of that
19 intersection. It will be something that DOT will
20 want to take a look at.

21 I know one of the issues that came up
22 previously is that right-of-ways are very
23 limited. The Dairy Queen is right on the corner.
24 The pizza shop is right on the corner. Having
25 enough land there to make improvements is a

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challenge.

Looking at the site plan we did suggest that a line be depicted of where the new pavement will be started. There's curbing which is clear where that starts and where that ends. It's not clear where the new pavement will be repaved and extend out from there.

That was the bulk of our comments.

You did provide a truck circulation plan to myself. I don't know if it made it to the Board or not. They did show trucks coming in around the west side of the building into the back parking lot and then reversing into the loading dock. That all looked adequate.

The only other topic left that came up for discussion was sidewalks on Route 300. I know that came up when we previously discussed it I think in February, March, the last time the applicant was before the Board.

CHAIRMAN EWASUTYN: Karen, you had an opportunity to look at the landscape plan?

MS. ARENT: Yes. It would be great to see two more Honey Locust in the islands that are wide. Also a few more -- if possible, a few more

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Birches in your bio-retention area just to give some vertical relief.

During the meeting John had mentioned that it would be also nice to see if the pond out front, something could be done to make it more aesthetically pleasing. Perhaps look at the sides of it, if there's any way to do some shrub planting along with your split rail fence. That's it.

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: A couple things. First, we heard tonight of the adjoining parcel becoming part of this application. We're going to need an amended application to include that parcel.

It's going to need a clearing and grading permit for that wetland mitigation if it occurs there.

MR. DATES: Okay.

MR. HINES: I think we need to amend the application to include that parcel.

This Board declared it's intent for lead agency back in February and circulated the documents to the various interested and involved agencies, so you'd be in a position tonight to

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become lead agency for the Unlisted action.

We talked about the status of the Army Corp permitting process. I know you're in the jurisdictional determination phase. You probably have an extended time period for a permitting phase with them, too.

MR. DATES: Yes.

MR. HINES: That's not a very quick process.

MR. DATES: We would need an individual permit from the Army Corp for this proposed mitigation. We're working on now an initial submission to them for that which would have a conceptual mitigation. We're looking to do this and confirmation of the ratio and things of that nature.

MR. HINES: Along with that, a DEC water quality certification will be required.

There was a threatened or endangered species issue regarding Indiana Bats on the site as well.

The Board is looking for copies of all correspondence to those agencies as you work through that to complete their file and assist

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them in the environmental review. If you're corresponding with DEC or the Army Corp, copy the Board on everything you send them.

Health Department approval for the water mains will be required.

We did receive the stormwater pollution prevention plan which we're reviewing.

We just discussed the split rail fence which I looked all over the plan but I didn't look in front where it's now going to be, in front of the existing detention pond in the front there.

The water main connection details have to be compliant with the Town of Newburgh standards.

You've proposed a proprietary product for stormwater management. We're looking for the details for that on the plans.

We have some additional comments on the stormwater details.

The Board could declare itself lead agency tonight for the project. We'll be working with the applicant through their comments in the future.

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CHAIRMAN EWASUTYN: We'll start with comments from Board Members. I guess we'll start with John Ward.

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Dave Dominick.

MR. DOMINICK: Justin, in the workshop we discussed briefly, do you have any idea what the construction pattern will be of the construction equipment in and out of the site during renovation or construction?

MR. DATES: Not right now. We haven't precluded any access points. I would imagine the easiest route being out to Meadow Hill Road as opposed to the intersection there with 300. We're not looking to restrict that unless that's something the Board wants us to look into.

CHAIRMAN EWASUTYN: I think the concern with that is the safety of construction equipment going out, the continual maintenance of all those publicly used roads as far as soil being disposed of on those roads. I would think you almost have to present to the Board a maintenance program for the roads that service the shopping center. Especially there's an entryway to the Stop & Shop

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right at that main point there. I don't think we want to see pedestrians walking across roads that are ladened with silt and other kind of debris. I would suggest that you consider the possibility of someone almost daily maintaining and flagging traffic there.

MR. DATES: Understood. I think the route that I was speaking of -- it sounds like everyone is very familiar with the site. This outlined roadway existing that goes around is somewhat separate from the pedestrian traffic that's going in and out of the stores in this manner.

CHAIRMAN EWASUTYN: I don't see it that way.

MR. DATES: No. Okay.

CHAIRMAN EWASUTYN: No. I think the activity of -- again, people aren't allowed to really park there, but the activity of people pulling up to the front of those buildings, offloading, unloading. I think you ought to spend some time there. It's a very active site, which is positive. I think you're encroaching upon the public's use of that site.

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MR. DATES: Okay. We'll look to identify that. We definitely don't want them going across the fronts of these stores by all means.

MR. WERSTED: If I could add to that. Justin, it might be helpful to zoom out on the site plan to where you can see the entire plaza and then identify those potential construction access points.

MR. DATES: Okay.

MR. HINES: Sheet 2.

MR. DATES: Sheet 2 does have the full plaza there. That's something we can look at.

CHAIRMAN EWASUTYN: Even where the construction workers will be parking, the offloading and unloading of construction equipment which changes based upon the activities on the site, whether it's backhoes, rollers, bulldozers, where is all that going to occur? Is there going to be someone out there flagging while they're offloading and unloading?

MR. DATES: Okay.

CHAIRMAN EWASUTYN: It's a tight site.

MR. DATES: Understood.

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MR. HINES: Depending on the access you have to the adjoining parcel, it may be more conducive to use that to keep the traffic on the adjoining site rather than this.

CHAIRMAN EWASUTYN: Good point. Good point.

MR. DOMINICK: It is a very tight site and an active site. That was a big concern.

The other thing would be, as Karen mentioned, dressing up that pond out front. It's a pretty big eyesore. That road is heavily trafficked.

MR. DATES: I misunderstood that comment from last time. We can look to do a little dressing up.

MR. DOMINICK: The final thing would be for future meetings let's start seeing renderings incorporating sidewalks parallel to 300. 300 is a heavy trafficked area with cars and trucks nonstop. Also a lot of people walk that road. For the safety of the neighbors and the residents, let's see what we can do out front with a sidewalk.

MR. DATES: That's something we wanted

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to discuss with the Board. The Board is substantially --

CHAIRMAN EWASUTYN: In agreement.

MR. DATES: -- in agreement? Okay. It is being considered by the applicant. As of right now we don't need a DOT permit. It would require a DOT permit and design for the sidewalks. That's still under consideration. I'll bring it back.

CHAIRMAN EWASUTYN: Cliff Browne.

MR. BROWNE: I don't know if it's been asked or not. The wetland mitigation 2:1, in basic terms how do you create a new wetland?

MR. DATES: We would look into the hydrology adjacent to these existing wetlands and these upland fingers we're talking about, see where the groundwater is, what we would need to excavate down to make that groundwater more of an influence to our proposed wetlands. So it would be excavation of material to get down to that level. It's then planted out with wetland species. We'd be doing something very similar -- this is a forested wetland right now. We'd be looking to kind of mimic what nature created in

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this mitigation area, and then as part of the whole process there's also a monitoring period where we need to confirm that the plant materials substantially were successful, monitoring water levels and things of that nature. It's a little bit of a design process and post-construction process.

MR. BROWNE: When you're finished with that, then that wetland should -- the new wetland should be very similar in fact to the existing and should continue forever?

MR. DATES: That's what we're going to try to do, yes.

MR. HINES: The Army Corp often requires conservation easements over those areas so they can't be future disturbed. Often times they'll take the soil from the wetland areas they're disturbing and transport that to where they're building the new wetlands to provide that medium for the wetlands to grow. The Army Corp does have fairly stringent requirements for that.

MR. BROWNE: Then I would assume the Army Corp is the sign off on that?

MR. HINES: Yes, as well as the DEC for

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water quality certification.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Will you be demo'ing the existing building on this property that they own to the rear or will that building remain?

MR. DATES: I'm not sure, to be honest with you. I could find that out.

CHAIRMAN EWASUTYN: That's my only question.

MR. MENNERICH: I have no questions.

MS. DeLUCA: No.

MR. GALLI: The property to the north, the one you're talking about that you can create the 2 acres of wetlands, how is that going to affect the building if they want to reoccupy that building?

MR. DATES: It would be a combination of the two parcels.

MR. GALLI: Are the parcels going to be combined into one now?

MR. DATES: No. They're going to be left separate.

MR. GALLI: You'll have a wetland on a

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separate piece of property that's not part of the initial property?

MR. DATES: Right now the existing wetlands does go with the property line. It's not bound by property lines. So again, there are a couple of fingers on the Newburgh Towne Center parcel that we'll be able to create for the mitigation, and then also expanding it to the north.

MR. GALLI: How big is that parcel to the north?

MR. DATES: I don't know off the top of my head.

MR. GALLI: If you make 2 acres of it roughly wetlands and it has a building on there now and they want to do something with that building, is there distance and stuff that they have to maintain?

MR. HINES: It would become jurisdictional Army Corp wetlands. There's no buffer associated with those. Again, I don't have the plan, I don't know what they're doing there. The existing use could continue as long as they don't change the parking and such. If

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they wanted to expand it, those then become protected wetlands. The mitigation areas are protected both by the statutes and often by easements to the Army Corp.

CHAIRMAN EWASUTYN: There is existing parking to the rear of the existing building that we're discussing.

MR. DATES: Correct. I was going to point out on our plan this is the rear -- the limit of the rear asphalt parking lot. From that point back, as of right now it's vacant.

MR. GALLI: Is there any access to the back of that property from that piece?

MR. DATES: No.

MR. GALLI: It's too steep?

MR. DATES: There is a bit of a grade change there. There's no access between the two parcels.

MR. GALLI: Do you have to put a temporary access in for construction?

MR. DATES: Well I would try not to just with the grade change. There's some pretty well established screening and things like that with the original proposal. We would probably be

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looking to stage an access here without disturbing that buffer. Like I said, we obviously have some homework to do on that. If I was looking to do it now, that's the way I think I would do it.

MR. GALLI: The next plan will have something? We didn't realize you had something there.

MR. DATES: Getting the JD in and, you know, what our potential was for this mitigation has kind of, you know, developed since our last meeting.

CHAIRMAN EWASUTYN: In a good construction period, how long from start to finish would it take to complete this 19,500 square foot building?

MR. DATES: With the mitigation or without?

CHAIRMAN EWASUTYN: Let's take it with all of it happening.

MR. DATES: I would say around nine months to a year I would think, depending on when we start.

CHAIRMAN EWASUTYN: Comments from

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Planning Board Attorney, Dominic Cordisco.

MR. CORDISCO: As Mr. Hines mentioned earlier, copies of correspondence and plans that are submitted to the Army Corp and the DEC would be very helpful for this Board because any environmental review that you have to undertake would have to consider not only the wetland impacts but also the compensation that is being proposed for that. That I think would be essential as part of the Board's consideration, as well as all the other technical comments that have been raised.

One procedural item that you could consider at your convenience would be whether or not to hold a public hearing on this application. Because it is a site plan application only, as such the Board has the discretion to waive or hold that public hearing.

CHAIRMAN EWASUTYN: Thank you, Dominic.

You did say we should declare ourselves lead agency?

MR. HINES: You circulated back in February. We did hear back from some of the agencies, including the DEC. I think you could

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declare yourself the lead agency and type the
action as an Unlisted action at this point.

CHAIRMAN EWASUTYN: Would someone want
to make that motion?

MR. GALLI: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: Motion by Frank
Galli. I have a second by Cliff Browne. I'll
ask for a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

The other thing this evening is we'll
make a motion to circulate to the Orange County
Planning Department.

MR. HINES: I think we need a little
more detail. I think the application needs to be
amended to have the adjoining parcel as part of
it.

CHAIRMAN EWASUTYN: Thank you. We'll

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hold on that.

I think maybe we'll wait until we have a resubmission before we discuss the possibility of a public hearing. Does the Board agree with that.

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

MR. DATES: One question, Mr. Chairman. In Mr. Wersted's memo it talked about Route 300 and Route 52 intersection, the issues there. It was mentioned a fair share contribution. That was brought up with a couple other projects that he mentioned. Is that assuming a monetary -- was it provided to the Board or did the discussions get that far? Just for the applicant, if that's a sum he can take in and consider towards the application.

CHAIRMAN EWASUTYN: I think that language came in when we were discussing Meadow Winds.

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MR. WERSTED: I don't think it was Meadow Winds. I think it originated with The Marketplace because I believe that project, and I won't quote the number out of respect for not giving you a bad number, but they had committed to putting up some funds I think ultimately to design an improvement there should a right-of-way be available at that intersection. The Marketplace obviously is still ongoing and hasn't come to fruition yet. I don't believe any improvements have been identified as kind of feasible there at this point. That reference was really more of the history of what's transpired at that intersection.

MR. DATES: So at this point no potential sum would be available for them to consider, if that's even what the Board is looking for?

MR. WERSTED: From my perspective I think the issues there need to be looked at from DOT's perspective of what's possible, how would funding be provided there. I won't speak for the Board but I think the applicant's resources spent on the site for perhaps improving the

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transportation facility along Route 300 at the site would be of a greater benefit.

CHAIRMAN EWASUTYN: Pat, that's still a binding matter, though, because would that not be part of the sixth resolution or sixth approval for The Marketplace? Would not that language be part of that?

MR. HINES: Yes. It was part of your -- it was included in your SEQRA findings which were carried through through each of the numerous amendments. Any potential use of that site, I imagine those would carry forth.

MR. WERSTED: Just as the roundabout at Powder Mill and Meadow Hill, traffic signals on Route 300 and 52, all of that stuff is still part of the legacy of The Marketplace approvals.

CHAIRMAN EWASUTYN: I think they have up until June of 2020 to move forward on the site plan. Is that the deadline on that project?

MR. HINES: Yeah. Or they would need extensions. You could grant extensions. They currently have that sixth approved amended site plan.

CHAIRMAN EWASUTYN: There's some

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meaning to that.

MR. DATES: Okay. Thank you.

(Time noted: 7:58 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 10th day of January 2020.

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

DARRIGO SOLAR FARM
(2019-24)

86 Lakeside Road
Section 86; Block 1; Lot 96
R-1 Zone

----- X

SOLAR FARM - SITE PLAN

Date: January 2, 2020
Time: 7:58 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S CONSULTANT: MICHAEL MORGANTE, JEFFREY
LEASE

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845) 541-4163

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CHAIRMAN EWASUTYN: The fifth item of business this evening is Darrigo Solar Farm. It's a solar farm. It's located on Lakeside Road in an R-1 Zone. It's being represented by --

MR. MORGANTE: My name is Mike Morgante.

MR. LEASE: I was just going to introduce him. I'm Jeff Lease and I'm introducing Mike Morgante, the lead engineer for this project.

MR. MORGANTE: Good evening, everyone. I'll give you a brief overview of the project and then I'll turn it over to the Board's Consultants and the Board.

What you see before you here is a site plan layout for a 5 megawatt AC solar farm. Essentially where you sees these little minuscule black rectangles are the solar arrays on the site plan. Right now they are located on the northwestern portion of the site in this general area, and then also located on the northeastern portion of the site in this area here.

The site is underlain by some rolling

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topography. This area here of the site represents one of the high points and here one of the low points.

This project received in the past a Zoning Board of Appeals variance for this particular use in this particular zone.

If you guys are aware from Mr. Lease's prior presentation, it's a brownfield redevelopment site. The site in the past has had a hazardous waste area here that's been covered, monitored, ongoing monitoring occurring with the New York State DEC. It's my understanding that that particular department is endorsing -- is supporting this particular project. We would show solar panels to essentially overlay that particular area. They've been involved in the review. We've shown them what the panel mounting looks like and things like that. Apparently they'll work with what is currently there on that brownfield from a redevelopment standpoint.

We've got three accesses shown. One of the accesses is exactly the original entrance that's there right now off of Lakeside Avenue -- I should say Lakeside Road. That access is

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currently like a dirt road. We would upgrade it to a gravel road that's shown in accordance with the details of the plan. That road would be extended throughout the eastern portion of the site and terminate here at what is the base of probably one of the steeper areas of the site. We also have an access point shown off of Meadow Hill Road near the intersection of Monarch Drive and Patton Road. This is one of the comments from one of the consultants. The reason why we utilized three entrances is actually to minimize the gravel surfaces on the site. We worked with Hendrix Solar who was our solar consultant. The idea was to try to utilize what we had to access different parts of the site while also minimizing impervious surfaces, or in this case stone surfaces on the site. If we didn't utilize Patton Road in order to get to this particular portion here, we'd either have to extend this road all the way through a steep slope to get here or do the converse on this side here and extend it all the way along the borderline of the western side of the property which would therefore preclude our use of a buffer which is

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what the ZBA actually required.

Also we're noting that the 50-foot buffer that the ZBA required is also shown in this dark gray area around the perimeter of the property. We were required to keep a 100-foot buffer, 50 to remain treed and then the second 50 feet of that we have to clear. We have to maintain a 50-foot clearance between the edge of the panels and any trees so there's no shadows that overcast those particular panels.

As it relates to the access points, we tried to do the best we could utilizing what we had for existing curb cuts, again to minimize the amount of roads and gravel surfaces that we had to construct on the site.

We took a look at stormwater management. When you clear trees and essentially plant grass in a place, the runoff from pre-development to post-development essentially stays about the same.

We've added a couple things like level spreaders and what not to ensure the increase of what's called time of concentration in order to maintain the pre-development hydrology is similar

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to the post-development hydrology.

I believe that pretty much summarizes the project in a nutshell for the Board. At this point I'll turn it over to the Board and it's consultants and we can walk through some of the comments that we received in the letters.

CHAIRMAN EWASUTYN: I think we're going to spend a little bit of time talking about the ZBA and the buffer. Also I'll read something aloud to you. "I am concerned with the amount of tree clearing on this site. A 100-foot buffer should remain with vegetation, not just 24 feet. When Jeff Lease came to us in the beginning he said the panels would only be in the open field areas. Seems he is clearing approximately 68 percent of the property."

I know you said that you had to clear what you had to clear for the panels. The question is are you going to honor what you originally stated to the Town Board and just restrict removing that 100-foot buffer and maybe giving up some of the panels? I think there's conversation that originally was intended and now seems to be wavering.

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MR. MORGANTE: I'll have to defer to Jeff.

MR. LEASE: Let me address that. That's not the case in any way. I was the one who suggested the 50-foot landscaped buffer and the 50-foot setback. The way that the Town Code is written currently, there are different setbacks for different --

CHAIRMAN EWASUTYN: I'm not talking about the Town Code. I'm talking about a conversation with Town Board Members.

MR. LEASE: May I ask one question? That comment was made as if it was a specific person. Is it somebody specific?

CHAIRMAN EWASUTYN: One of the councilmen.

MR. LEASE: Okay, great. What I did is I took -- I suggested that we use a 50-foot buffer, not 24. So there's been a mistake made. 24 was never part of any of the plans and it was -- it's just a mistake. It's always been a 50-foot treed buffer.

CHAIRMAN EWASUTYN: That's not the question.

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MR. LEASE: Okay. Then I
misunderstand.

CHAIRMAN EWASUTYN: Would anyone like
to speak tonight who is more familiar with this?

MR. PRESUTTI: Yes. Jim Presutti.
Hi, Jeff.

MR. LEASE: Hi.

MR. PRESUTTI: How are you?

CHAIRMAN EWASUTYN: Can you give your
name?

MR. PRESUTTI: Jim Presutti. I'm one
of the Town Councilmen.

When you first came to us at the Town
Board, it was at a work session if I remember
right, it was awhile ago, we discussed the
project and you discussed the open fields and
that's where the panels would be placed.

MR. LEASE: Right.

MR. PRESUTTI: That's my main concern,
what Mr. Ewasutyn mentioned. The buffer itself,
I just kind of scaled it off quickly and that's
-- so the buffer itself was my main concern. The
fact that when you first came to us you were
going to utilize the open field areas for those

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solar panels. Now all of a sudden you're clearing 68 percent of that property. That was my concern.

MR. LEASE: Yeah. With all due respect, I have to say I can't -- that was never the case. I have drawings from those early Planning Board meetings. I did a Town meeting which precluded -- it was before the Town Council meeting, and all the drawings show the solar panels in a very similar arrangement to this right here. It was never going to be limited only to the open fields. If I gave that impression, I'm mistaken.

MR. PRESUTTI: You did.

MR. LEASE: Then I'm sorry, Jim. It was beyond it. I have several drawings showing where those panels were. They were beyond the fields. What I did say is that the solar panels were going to occupy a great part of the field but there was going to be more clearing involved. I did not make it clear how much was going to be cleared because I didn't know how big the panel arrangement was going to be. I didn't put an exact number on it but I did say that the panels

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would be in the field but they would also be in the wooded area. I wasn't completely clear about that.

MR. PRESUTTI: No, you weren't. There's a lot more trees being removed now than what you originally came to us and discussed. That's my concern.

MR. LEASE: As I had said before, much of the site that's being cleared was cleared at one time when it was a farm. So if you walk the property and look at those fields where it's being cleared, many of the trees and that thing are very small. They were moat fields and they have stonewalls around them as well. In a way, though it's been trees for the past 40 years, it was open fields at one time.

MR. MORGANTE: It's my understanding that was the plan presented to the ZBA and approved by the ZBA. As far as I've been involved with the project, this is the plan that I've always been working with.

MR. LEASE: I'm sorry if there was a misunderstanding. I had done some early aerial drawings. Before we met with the Town Council,

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2 Gil Piaquadio asked me to go before the neighbors
3 so that they could get an impression of it. We
4 did an informal kind of town hall meeting. We
5 sent out letters to 120 people in the
6 neighborhood and about 50 people showed up, along
7 with some Council people, and we showed drawings
8 which were very similar to the ones -- in fact,
9 the same drawings that I used before the variance
10 board.

11 CHAIRMAN EWASUTYN: Thank you.

12 At this point we'll turn to our
13 consultants. Pat Hines.

14 MR. HINES: While we were talking we
15 did just put a scale on the map. The dark gray
16 line that's shown on the plans as the no-cut
17 buffer is 50 feet on the plans.

18 MS. ARENT: It's very confusing.

19 MR. HINES: It's at 120 scale, the map,
20 to fit it all on there. We did check it while
21 the discussion was going on. So it's 100 foot
22 from the property line to the first set of
23 arrays, and then 50 percent of that or 50 feet is
24 shown as a no-cut buffer.

25 Just some procedural matters. We

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2 circulated notices of intent for lead agency.
3 They went out on the 12th of December. We sent
4 it to a variety of agencies including the Port
5 Authority and the FAA because of the proximity to
6 the airport. The DEC is the only agency that has
7 responded to date. We haven't heard from SHPO or
8 any of the other agencies yet.

9 Two glare studies were performed, one
10 for potential impacts to the residential areas
11 and 84 and the other one with impacts to the
12 airport. We're suggesting that those glare
13 studies be sent to the Port Authority, which is
14 the controlling agency for Stewart Airport, for
15 their review.

16 It was noted in the glare study that
17 there could be some glare to Route 84 and it
18 suggests that trees can be erected to the south
19 of the area to obscure visibility of the solar
20 farm from Route 84 highway. That should be
21 addressed on the plans as a mitigation measure as
22 it was included in the applicant's glare study
23 that was submitted. We do feel that those
24 agencies with the airport should also be advised.

25 Threatened or endangered species came

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up, several of them as potential habitat, and reports have been prepared. We're suggesting that those reports be sent to the DEC and the Fish & Wildlife Service.

The number 68 or 67 percent, it's not 67 percent of the site, it's 67 percent of the wooded areas of the site are proposed to be cleared. Roughly 22 acres of tree clearing is proposed on this plan right now in order to construct the solar arrays. That's significant because the DEC and Fish & Wildlife Service do have issues with clearing greater than 10 acres and potential impacts to the bat species. We'll need to hear from those agencies regarding that.

Our next comment had to do with the status of the ZBA approval. I'm told that the ZBA did approve the use variance. We don't have a copy of that yet.

The applicant's representative talked about the gravel access roads. My office has reviewed several of these solar projects throughout the County and they're utilizing a detail that the DEC has a pervious gravel detail which consists of all the same size stone. We're

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suggesting the applicant take a look at that. We've had many of these facilities built utilizing that detail and the vehicles are actually getting stuck. It's like driving on marble. They need to take a look at that.

MR. MORGANTE: I agree. There's one on Riley Road where I used a completely different detail. That's the one I'll probably apply to this project.

MR. HINES: That should be fine.

CHAIRMAN EWASUTYN: Is that the one Paul Koloski built out?

MR. MORGANTE: I don't believe so. That was Green Street Partners. They did that project. I did it with Keith Liebolt and Steven Michalski.

CHAIRMAN EWASUTYN: I think the contractor is Paul Koloski.

MR. MORGANTE: He might have been one of the site contractors.

MR. HINES: As part of your SEQRA review we're suggesting the Board may wish to take a look at any visually sensitive areas and request some visual assessment be provided.

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I know there's a 50-foot no-cut buffer but 50 feet is probably the length of this room, roughly. It's not a very large no-cut buffer. I know Karen will have some comments, but there probably should be minimum provisions for landscaping fill-in in those areas because it may be rather sparse.

I did comment on the fact that the fence is proposed along the property line between the buffer and the adjoining properties. I've seen it happen before where they had to cut trees to put the fence in because fences obviously want to be put in straight. We're suggesting the fence be moved outside the no-cut buffer and closer to the solar arrays so there will be no need for cutting trees to install the fence. It's kind of counterproductive to have a no-cut buffer and have to cut to put the fence up.

The Code Enforcement Department should comment on the mixed use of the site. There are several uses of the site. I believe there's a landscape supply business running here. I know there was the Halloween era, I don't know what you call it, use of the site. We need a

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narrative I think for the Board to know -- this is a site plan for the entire site, it's not just for the solar arrays. Whatever happens on this site, you're reviewing it. We need to get a handle on that with a narrative and make sure that the Code Enforcement office is on board with that.

 Details of the interconnect. The three access points, one of which probably is going to be the main one, comes out on Meadow Hill Road and it's constructed between two residential properties. That's also going to be the location where they tie into the Central Hudson utilities. Not only are these two houses going to get an access road put between them but there will be numerous telephone poles and interconnects. I think there's four or five poles required in order to do the interconnects required by the public utility for the various disconnects and safety measures that they put in. I think prior to the public hearing, details of that should be provided as well so that the public can see what that's going to look like. Maybe some photographs of existing connections to show what

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that's going to look like.

That goes back to my last comment regarding the multiple access points. The applicant's representative stated they're using those to limit the amount of disturbance. If they are truly constructed of pervious material, I'm not as concerned. I do have a concern about that main access point being between the residential properties. Further down on Patton Road where it wouldn't impact those properties could work. I don't know what -- Central Hudson is going to control where that interconnect can be. That's the extent of our comments.

We have not timed out on the lead agency circulation yet, so the Board can't take any action on that either.

CHAIRMAN EWASUTYN: Ken Wersted, have you had an opportunity to look at the access points?

MR. WERSTED: Barring Karen's plans here. I don't think obviously the array is going to generate much traffic once it's built. There's going to be some maintenance, probably similar to a cell tower or something to that

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effect. If there is any ongoing use particularly, it would look like it would be down on the Lakeside Drive or Lakeside Road end of it. I believe that driveway is already existing.

MR. MORGANTE: Correct.

MR. WERSTED: The biggest concern we would have would just be sight distance. If there is any specialty equipment or trucks that are pulling into there, if adequate sight distance isn't provided there may be some additional assistance to get those trucks in and out or hold traffic to navigate those vehicles in and out.

CHAIRMAN EWASUTYN: Karen, you had an opportunity to look at the plan.

MS. ARENT: Yes. I do apologize for my error reading the scale. I thought it was 60 scale instead of 120 scale. It's just a very confusing scale.

It's actually a 50-foot buffer of trees instead of the 24 I wrote in my comment letter. That still is not a lot of screening, especially if it's a thin wooded area. Additional planting might be needed.

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I agree with Pat's comment about the fencing. All around the site the fence is located on the property lines, including at the access road. There's like a skinny piece of land that's going to have fencing on both sides of it. Often times the fencing on these projects are very noticeable and cause a visual impact. I'm suggesting that they move the fencing closer into the property and also along the access road instead of having the fencing on both sides. Then there's also the issue -- I remember we did a project somewhere where there was a road and the neighbors hated the road being there because people would pull in and dump things, and also teenagers would do things they didn't want their kids to see. If we do move the fence, there should at least be a gate closer to the road to discourage anybody from going into it. The gates should be nice looking wherever they're visible from the road. By moving the fencing in away from the neighbors, you can usually use the chain link fence, the security fence that is required by these facilities.

MR. MORGANTE: That's on the plans.

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MS. ARENT: It's also nice to have the black coated PVC so it blends better. That would help a lot with the visual impacts. There's also going to be some places, like Monarch Drive, you might see into the site. Certain key areas should be studied as far as what could be done to reduce the visual impact.

We might need to walk the 50-foot buffer in key locations where there's neighbors right there to make sure additional planting will be necessary -- to locate additional planting to screen it.

Then 84. I was questioning whether the Board wanted screening from 84. Pat mentioned that that was required by the aviation.

The other question would be should screening be provided for the existing use as well. I don't know if the Board cares about that or not. That's it.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney, have you had an opportunity to review this plan? Have you had experience with the siting of these types of uses? Can you speak to us?

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MR. CORDISCO: Yes. A couple procedural comments if I may, Mr. Chairman. I did have an opportunity to review the correspondence from the New York State Department of Environmental Conservation. Two points that the DEC made in their letter were I think important procedural issues that the applicant may want to consider. One was that the amount of tree removal was in excess of 10 acres and as a result, given that it is potential Indiana Bat habitat, that it exceeded their threshold to evaluate whether or not this would require a permit for that tree removal. That would be an endangered species taking permit. The DEC has required that on occasion for projects in connection with tree removal. One of the ones that perhaps most comes to mind is the Adams Fairacre Farm facility over in the Town of Wappingers had to obtain a taking permit from the DEC for the amount of trees that they were removing. DEC, in their letter, didn't indicate whether or not one would be required in this particular instance but said that it exceeded the threshold where they would evaluate it to see

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whether or not. I would encourage the applicants to work with the DEC to provide them whatever information is necessary because that could be a very long lead time item. In connection with that type of permit, the DEC often requires compensatory mitigation for tree plantings or preservation of other property to make sure that there is adequate habitat for the Indiana Bat.

The other comment that DEC raised as well was that in their opinion the site was in a culturally significant area. What that means is that as far as DEC concerned, they actually can not issue any permits until the State Historic Preservation Office has completed their review. That of course would be helpful for this Board as well as you're lead agency. If there's going to be coordination, I would ask that the applicant provide copies of any information that they submit to SHPO to this Board as well so that you can consider it.

CHAIRMAN EWASUTYN: Thank you.

MR. MORGANTE: If I could just comment on those two comments. We just completed the fieldwork today for the archeological study.

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We'll be preparing a report and submitting it to SHPO as soon as it's done.

As it relates to the tree removal portion with the Indiana Bats, we did complete a habitat study, we did submit it on December 12th, I think, to the DEC. We're awaiting their feedback on that.

CHAIRMAN EWASUTYN: Can I comment on that?

MR. MORGANTE: Sure.

CHAIRMAN EWASUTYN: Since you're before the Town of Newburgh Planning Board, I think all documentation, all correspondence --

MR. MORGANTE: Yes.

CHAIRMAN EWASUTYN: -- with involved agencies, the Planning Board as a matter of record should have copies of that.

MR. MORGANTE: Absolutely. We'll send those over to you.

CHAIRMAN EWASUTYN: Thank you.

MR. MORGANTE: One note as it related to the trees along potentially 84. There's a small -- well there's a treed area here and a treed area there. So we're talking about what's

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in between pretty much those two wooded areas I believe that we would look to plant trees along.

That's what you're talking about, Karen?

MR. HINES: That comment came from me out of the glare study. Your glare study actually identified that as a potential mitigation.

MR. MORGANTE: There's a small area here that doesn't have any screening. That's what I see. I think we'll probably do some plantings there.

MR. CORDISCO: Mr. Chairman, along those lines, Mr. Hines had recommended that the plans be referred to the Port Authority for their review. My understanding and recommendation would be to actually make two referrals, one to the local Port Authority at Stewart, but also to their office which reviews impacts to aerial navigation which I believe is in Texas.

CHAIRMAN EWASUTYN: Will you note that?

MR. MORGANTE: Absolutely.

CHAIRMAN EWASUTYN: Comments from Board Members at this time. I'll start with John Ward.

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MR. WARD: To the buffer. A buffer is meant to be softened for the view and impact of neighboring properties. So me personally, I think it should be 100 foot no matter what you look at, putting extra trees in. You have the buffer with trees. It should be protected for the neighbors.

How do you plan on mitigating the runoff down on the northwest part of the property where they're clear cutting most of the trees on the slope? This is down by Patton Road and Meadow Hill Road.

MR. MORGANTE: In this area right here?

MR. WARD: Yes.

MR. MORGANTE: What we've shown is -- again, when you cut trees and essentially plant grass or meadows in their place, the amount of runoff generated is very similar for both conditions, for both plantings that are on the ground. What we've done in addition to that is we've put in some things called level spreaders. What happens is if the runoff tends to become a little more concentrated, which is what we're trying to avoid, it will hit the level spreader

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and kind of spread out again, go back to kind of the runoff condition that it would have been prior to development. So these are the measures that we've taken. We've prepared a stormwater pollution prevention plan in accordance with New York State DEC SWPPP standards. I submitted them for review. I believe Pat has looked at that. We have looked at it. We've thought about it. We're trying to keep the post-development conditions similar to the pre-development conditions. These are the measures we're providing. They're based on guidance documents provided to me by the New York State DEC which I've also made available to Pat's office.

MR. WARD: You have houses along that -- on the other side of the property there, too.

MR. MORGANTE: Understood.

MR. WARD: It's very important.

Another thing. Pat, maybe you can help me on this. With this project does the owner lose anything for his rights with Ag?

MR. HINES: What I found in other municipalities I work for where these were placed on active farmland is it has a significant

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potential impact to their agricultural tax exemptions. It's not an Ag district issue. Those that have agricultural tax, this becomes a commercial use of the site and the underlying Ag exemptions and tax breaks associated with that go away along with a potential rollback tax to the owner.

MR. WARD: Okay. That should be it for now.

MR. HINES: John, just to address your stormwater. The issue here is the clearing of the trees and the timeframe between the tree clearing and when they establish the dense turf vegetative cover underneath here. We're reviewing the stormwater pollution control plan. While the site is disturbed, those are the issues we're looking to address and make sure there's a vigorous soil erosion control plan. They can only disturb 5 acres at a time unless they receive a waiver. Part of that is built into their stormwater management plan. Once it's a grass field and a functioning solar farm, the runoff is not as big an issue. It's the timeframe in between the clearing and when the

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vegetation is established.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Dave Dominick.

MR. DOMINICK: Michael, I mentioned in the previous appearance when you were before us that there's a lot going on on this site. In fact, Mr. Hines mentioned it, that it's a mixed use and our Code Compliance office would have to be involved as well. I have yet to hear tonight any type of clean-up strategy for the site. It's an eyesore from 84. We all know that and we see that. I want to see, as we progress further into this project, how you're going to clean up that site. If you could include that in the narrative, that would be great.

CHAIRMAN EWASUTYN: Cliff Browne.

MR. BROWNE: I would like the applicant to go back to the Town Council to explain the tree removal information, whatever it is, to satisfy them. I've gathered over the time that you went to them prior to coming here and gained their concurrence or approval, or whatever, for the project the way it was stated to them. If they misunderstood what you presented, I think

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2 it's appropriate to go back to re-explain what's
3 going on. If that in some way affects our
4 procedure, then that should happen. However, I
5 don't think technically that would happen at this
6 point but I don't know. I would like you to go
7 back and explain to the Council --

8 MR. LEASE: Yes.

9 MR. BROWNE: -- exactly what's going on
10 with this tree removal. Apparently there was a
11 misunderstanding and some feathers have been
12 ruffled over.

13 MR. LEASE: Yes.

14 CHAIRMAN EWASUTYN: Ken Mennerich.

15 MR. MENNERICH: I'm interested in what
16 a glare study is. I haven't seen your study. Is
17 it something that the Board Members can read and
18 understand how they're done?

19 MR. HINES: Yes. There's a narrative.
20 I thought the Board had it. I have two copies of
21 them. There's a narrative on how they're done.
22 One of them uses an FAA procedure when they're
23 around airports and the other one has a different
24 methodology.

25 MR. MENNERICH: I'm mainly interested

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in the one for the residential areas.

MR. HINES: It was the residential and Route 84. The FAA has it's own criteria that they require. And then they did one using a different methodology for the surrounding areas. That's an example of why everything should be submitted. I assumed the Board had it when I was doing my comments. I'm sorry.

MR. MENNERICH: I may have it but I couldn't find it.

The other question I had, there's a question about pest management in the environmental assessment form. This being farmland, there's things like woodchucks and what not that probably live there now. I'm wondering how you control that when you're going to be a grassed area mostly?

MR. MORGANTE: I don't know that I have an answer for you right now on that. I probably want to think about that a little bit. It's actually a good question.

MR. MENNERICH: In the form it said there wouldn't be any practices, pest management practices. If there is something, I think we

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should be aware of what types of things you have to do.

MR. MORGANTE: Let me research that and get back to you. My initial response is I don't think there's going to be an easy way for them to navigate around these panels. Let me take a look at it and give you a proper response.

CHAIRMAN EWASUTYN: Stephanie DeLuca.

MS. DeLUCA: No comment at this time.

CHAIRMAN EWASUTYN: Frank Galli.

MR. GALLI: They've all been answered.

CHAIRMAN EWASUTYN: At this point in the meeting I'd like to refer to Dominic Cordisco and to Pat Hines, and any other consultants that may want to join in. I think we need a summary.

Dominic, you discussed the FAA noticing, we'll call it the local jurisdictional agency and also Texas.

I think we presented a lot of points that need to be hit upon and addressed. The Planning Board should be cc'd on that.

If someone could give us an outline of the items we discussed tonight, the information that we need and the involved agencies that we'd

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have to circulate to, I think that would be a benefit to all of us.

MR. CORDISCO: Thank you for clarifying that. I didn't mean the Port Authority had an office in Texas. It's the FAA.

MR. HINES: I did circulate the notice of intent to the FAA address I could get off the internet but it went to somewhere in Queens, Jamaica, New York. I did send it to the Port Authority at New Windsor, Stewart Airport as well.

CHAIRMAN EWASUTYN: The one in Queens would be the jurisdictional?

MR. CORDISCO: It may be. I think, having had experience with this previously, that there's an online application process where you're looking for a determination as to whether or not something imposes an impediment to aerial navigation. It may be that materials could be submitted, such as the glare study, as part of that process. That would be my suggestion as far as that is concerned. Provide a copy to the Board as well.

In connection with the DEC, my

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recommendation would be to submit a copy of the current plans to the DEC with information that you have regarding the potential habitat of the endangered species, the Indiana Bat, with copies to the Board as well.

MR. MORGANTE: Dominic, do you have a contact or an address for the FAA in Texas?

MR. CORDISCO: I may. I can provide that to you.

MR. MORGANTE: That would be great.

MR. CORDISCO: Certainly.

CHAIRMAN EWASUTYN: Pat Hines, would you have anything to add?

MR. HINES: That hits it. I think it's important to copy the Board on all the outside agency information you have.

MR. MORGANTE: I apologize. It was a rush around the holidays and it was overlooked. We'll definitely get it to you as soon as possible.

MR. HINES: The other one of my comments is to the Board to determine what form of visual impact assessment or if there are sensitive receptor points that you want to have

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photo simulations or some renderings or such done to show what this is going to look like in the -- is it Amber Fields?

CHAIRMAN EWASUTYN: Amber Fields is the one off Fletcher Drive.

MR. HINES: Which abuts here.

CHAIRMAN EWASUTYN: One of the local unions owned that property and then they sold it to the developer. That goes back to the mid '80s.

MR. HINES: If there are any of those sensitive receptor areas that the Board wants to study under the visual impacts, maybe the Monarch Drive/Meadow Hill intersection looking in, the Route 84 corridor. Have site specific renderings done so you can see what this is going to look like from the site.

I think it may be important to have Karen and the applicant take a look at measuring 50 feet and seeing what a 50-foot buffer really means. Is it 3 trees per 100 feet or --

MR. GALLI: Meadow Hill Road.

MS. ARENT: I think we should have topos of the surrounding areas so we can

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determine the high spots. That's where the residential properties are located, on high spots, because those are the ones that you'd have -- you would want the visual impact studies from.

MR. GALLI: You have Amber Fields. I don't know if you have some on top of Patton Road.

CHAIRMAN EWASUTYN: Meadow Hill Road in general, too.

MR. GALLI: Meadow Hill Road on top.

MR. MENNERICH: The other might be from Lakeside Road where it curves and you look up at the farm now, whether that's going to -- the arrays are going to be visible from that viewpoint.

MS. ARENT: I'll have to look at a topo map.

I have another question when Pat is done. There's a huge area of clearing -- I hesitate to say the number but it looks like 200 feet or so -- up in the northeastern corner. I can show you.

MR. HINES: Between Meadow Hill and Patton Road. Right there.

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MS. ARENT: It's about 200 or more feet. I'm not sure why there's so much clearing. You can see from the buffer area the solar arrays. That's all marked down as clearing.

MR. MORGANTE: We could probably move back into that area there. I agree with that. We could probably reduce some of the clearing in this area here. I may have to clear where the transmission line is shown.

MS. ARENT: We can't go through the buffer.

MR. HINES: You're running that transmission line right through your buffer.

MR. MORGANTE: I saw that before. Maybe a little bit in this area, too. We'll try to keep some of the trees.

MS. ARENT: Look at where you're clearing and try to minimize it. I was surprised to see such a huge swath and such a little buffer area. It's such a huge swath of clearing.

That's it. Thank you.

MR. MORGANTE: One question. Is this going to get a County review? Is 239 GML triggered or not for this?

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MR. HINES: Yes.

MR. MORGANTE: Did you send it to them?

MR. HINES: The Board authorizes us to do that when they feel it's appropriate.

MR. MORGANTE: Got it.

MR. CORDISCO: Mr. Chairman, in addition to the items I laid out before, we also touched earlier and I want to reiterate the referral to the State Historic Preservation Office. We should receive copies of those as well.

Then consistent with Karen's comments, which was a good suggestion regarding topography, it would also be helpful, in connection with evaluating visual impacts, to have cross sections that show the topography and show the site in connection to the surrounding potential receptors. A cross section can show you whether or not there's a line of sight into the area or not.

MR. MORGANTE: We've done that before. That's fine.

CHAIRMAN EWASUTYN: I guess you have some work to do.

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MR. MORGANTE: Yes.

MR. HINES: Along with that, and I'll put Karen on the hook, I would suggest the applicant work with Karen to determine those areas where the view shed mapping will be shown.

CHAIRMAN EWASUTYN: John Ward, you had a comment?

MR. WARD: I'm going to emphasize again, we were talking about you saving trees. I'm emphasizing where the development is, that whole line on the right, right there, it should be a 100-foot buffer.

CHAIRMAN EWASUTYN: Amber Fields?

MR. WARD: Amber Fields.

MR. MORGANTE: Thank you for your time tonight.

(Time noted: 8:40 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 10th day of January 2020.

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

CBPS
(2018-20)

North Plank Road
Section 35; Block 1; Lot 21.2
D-8 Zone

----- X

PUBLIC HEARING - SITE PLAN

Date: January 2, 2020
Time: 8:40 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S CONSULTANT: JOHN NOZAK, AMADOR LAPUT

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845) 541-4163

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CHAIRMAN EWASUTYN: The sixth item of business we have this evening is CBPS. It's a public hearing for a site plan. It's located on North Plank Road. It's being represented by Fusco Engineering, John Nozak.

At this time we'll turn the meeting over to Ken Mennerich to read the notice of hearing.

MR. MENNERICH: "Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York 12550. Notice of hearing. Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law and Chapter 83 of the Town of Newburgh Code on the application of CBPS Realty, LLC, project 2018-20, for a site plan approval of a proposed self-storage facility consisting of five structures totaling approximately 27,100 square feet. Access to the site will be via an existing driveway and New York State Route 32/North Plank Road. The project is proposed on a 4 plus or minus acre parcel of property in the IB Zone.

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The project is designated on the Town tax maps as Section 35; Block 3; Lot 21.2. The site will be served by a proposed well and on-site septic system. A public hearing will be held on the 2nd day of January 2020 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 4 December 2019."

CHAIRMAN EWASUTYN: Pat Hines, will you discuss for the public the purpose of a public hearing.

MR. HINES: This project has been before the Board for many months and under review for a long time. The purpose of the public hearing is for the neighbors and the general public to bring issues to the Board that they may not be aware of or that you're aware of due to your unique proximity to the project. The Board is interested in hearing comments from you. For the Board we ask that you give your name and your address to give the Board a perspective of where

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you're located so we can determine your

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perspective on the project. We ask that the

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comments be addressed to the Board. If the

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applicant's representative or one of the Town's

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consultants can answer it quickly tonight, they

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may authorize us to do that or have us discuss

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that with you. If it takes a longer time, than

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it may be brought back before the Board for

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another meeting. Again, address your comments to

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the Board. The Chairman will recognize

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individuals and give you an opportunity to speak.

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Once everyone has had an opportunity to speak, if

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there are additional comments or you wish to

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speak again, just raise your hand and indicate to

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the Chairman you wish to speak again.

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CHAIRMAN EWASUTYN: Thank you. At this

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time we'll turn the meeting over to John Nozak of

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Fusco Engineering who is the engineer who has

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been involved in the project from the beginning.

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John.

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MR. NOZAK: Good evening, Board

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Members. Also with me tonight is Amador Laput

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from Fellenzer. They did the architectural

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renderings that Amador has, along with the view

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from Weyants Road that was requested for a visual type of perspective.

Before I turn it over to him, just a brief description of the project. This is a proposed self-storage facility. Just to give you an idea, this is Weyants Lane right here. North Plank Road. This is the existing driveway entrance that comes into the site right here. This property is owned by CBPS Realty now.

What we're looking to do is to add five buildings of different sizes, approximately 40 foot wide, the longest one being about 230 feet, the shortest one being about 75 feet for self-storage.

Very similar to other facilities, it will have a fence all the way around it with an automatic open and close. When you come in, you take your storage supplies and store them and then you would leave.

We're also proposing a very small office for one part-time employee. Basically you'll come in, park, and if you're interested in renting or what not, or you have problems, that's what this area would be right here. That's going

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to be one person with a well to service for water and a very small septic system.

We do have an area here that is designated for boat storage and/or RV type storage. So we have that space available if there's a need for it.

With regard to stormwater, we have a fairly sophisticated stormwater collection system consisting of swales and some piping and basins to basically pick up all the stormwater associated with the new development.

By the way, we are proposing to pave the facility. It will be fully paved.

That will collect all the stormwater into the area at the low point of the site. There we're proposing to treat the stormwater by a bio-retention area which is an area where the stormwater can actually kind of infiltrate in to purify the stormwater a little bit before it enters into our stormwater detention/water quality pond. That pond has been sized to offset the increase in runoff and allow the water to go at a rate that will be less than pre-development conditions. In fact, once the stormwater pond is

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built, the peak runoff off of the site will actually be less than it is right now. Consistent with DEC stormwater requirements, we have prepared a stormwater pollution prevention plan.

Very briefly, we have also prepared a fairly elaborate landscaping plan that has been reviewed and revised a number of times. We are providing a 60-foot buffer to the residential area where there will be no disturbance -- excuse me, no buildings. There will be some landscaping, some trees and shrubs and so forth, planted along this area to help further screen the units from being visible.

The only other thing is basically we're not proposing to do anything in the State highway other than to resurface -- fix up some potholes and resurface the area where it comes into. The existing entrance is there. It's curbed. I think we're just going to touch it up a little bit. Other than that, we're not proposing to widen it or anything else.

Amador, do you want to give a picture of what it looks like?

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MR. LAPUT: Sure. We were asked to prepare some renderings of the buildings themselves. This is representing a side view elevation, and then at the bottom here are typical end view elevations.

On the far left here is the building that is going to include the office. That is the first one as you drive onto the site.

These are blue metal roofs. These are steel construction. For the office building we're proposing a lower area of manmade stone for a decorative look. On the front of the office would be the self-storage title. It has frontage of a parapet roof to give that a nice look as you drive in.

We were also asked to look at the first driveway going up. Is that Lois Lane?

MR. NOZAK: Weyants Lane.

CHAIRMAN EWASUTYN: Weyants.

MR. LAPUT: Up here is Weyants Lane. The first driveway we found was on the left. We went out and took this photo and then we tried to superimpose the buildings and landscaping where you would see it on the site. Unfortunately when

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you take a photo with the iPhone and blow it up,
it gets fuzzy and our drawings don't get fuzzy.

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What you see here is just the first office building would be seen before the rest of the buildings get obscured by the trees that are to the left looking down Weyants Lane. So this is 600 feet. There's a view here showing from that office building to that first driveway, 600 feet. It's about 60 feet higher than the office building site. The office building is 14.5 feet tall. The rest of the buildings are to the left of that and would be obscured by the trees. We tried to show it here. It looks very small at this scale. We showed this elevation view showing you do look down from there onto the site. Between that driveway are the trees and the fencing in front of that office building. To give you an idea, that's 600 feet at 14.5 feet tall.

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MR. NOZAK: One other quick point.

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These units are obviously unmanned. We're not even proposing to heat them. There will be nobody living in these facilities, obviously.

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Certainly no storage of any hazardous

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materials. Anything of that sort would certainly not be permitted.

CHAIRMAN EWASUTYN: How would the site plan be lighted during the evening? Will there be any glare on properties that are --

MR. NOZAK: The lighting plan, I don't have that here. The lighting plan provided to the Board shows a series of wall packs. The wall packs project kind of opposite each other, so the bulk of the lighting is contained within the aisles. We're definitely not proposing to show any wall pack lighting in any direction off site. It's pretty much limited to the aisle areas.

CHAIRMAN EWASUTYN: For clarification, wall pack lighting, is that something that's on the building itself?

MR. NOZAK: Yes, it's on the building itself. It kind of projects down. It has a downward illumination so it doesn't project the light.

CHAIRMAN EWASUTYN: Are they sensitive driven or are they on all night?

MR. NOZAK: They would come off in the morning time. They're light sensitive and come

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on at night when it gets to a certain darkness.

CHAIRMAN EWASUTYN: At this point we'd like to turn the meeting over to the public. If you'd raise your hand and give your name and address, please. The lady in the back.

MS. GREENE: Betty Greene, Chapel Road. I'm a Town Board Member here. How many total rental units are you planning for these five buildings?

MR. NOZAK: Based on approximately 200 square feet per unit, maybe 150. Somewhere in there.

MS. GREENE: For all five buildings?

MR. NOZAK: Combined, yes.

MS. GREENE: Thank you.

MR. NOZAK: That would depend upon the actual -- if they did 100 square foot there would be more. That would be based on 200 square feet.

MS. GREENE: When are you going to determine the size of these units? Are you going to have various sizes?

MR. NOZAK: There are various sizes because some people want more space, some people want less.

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MS. GREENE: That's what I was

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wondering.

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CHAIRMAN EWASUTYN: Additional comments

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from the public? The gentleman here.

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MR. LUCEY: Thomas Lucey, 1634 Route

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300.

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CHAIRMAN EWASUTYN: Your name, please?

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I'm sorry.

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MR. LUCEY: Thomas Lucey. I own

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property on the northwest side of your property

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there.

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I'm just concerned about where the

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detention pond is going to be placed in regards

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to 300.

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MR. NOZAK: So this is North Plank

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Road. This is the existing entrance that comes

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in. You're northwest. You're this way. You're

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over here?

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MR. LUCEY: I'm on the 300 side.

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MR. NOZAK: The existing drainage all

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currently drains down this way. It will continue

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to do so, although we have some swales to make

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sure it doesn't go off site. We'll capture it on

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site. At the very low end of the property is

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where our stormwater detention and stormwater treatment facilities are located. I believe you're well uphill of our low point.

MR. LUCEY: Approximately how many feet is that away from the road, that detention pond? Your property is a rectangular type property; correct?

MR. NOZAK: It's got a 50-foot right-of-way and then it opens up into almost a trapezoidal type of lot. Distance wise, let's see. This is about 220. 220, 440. It's going to be a good 600 feet back from the road. Maybe even more.

CHAIRMAN EWASUTYN: Additional questions or comments from the public?

MR. WARREN: Lynn Warren, 18 North Fostertown Drive. I was just involved with one of these things out on Bracken Road. If they are done properly they actually make very nice neighbors. It's quiet, not many people in and out of them. They really did a good job out there. I'm actually looking forward to something being put on that lot and cleaned up. It's been an eyesore for forty years. Let's look at the

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positive thing and get this thing going. That's what I've got to say. Thank you.

CHAIRMAN EWASUTYN: At this point I'll turn the meeting over to Board Members for your comments. Frank Galli.

MR. GALLI: We didn't have a picture of that. Can I see the one from Weyants Lane down? I think it shows trees on the corner on the left-hand side going down. If I'm not mistaken, I think that's all cleared out now.

MR. LAPUT: This corner?

MR. GALLI: Yes. I think that's all cleared out now. I don't know when that picture was taken.

MR. LAPUT: It was just before Christmas.

MR. GALLI: And you had trees that green?

MR. HINES: I don't think that was before Christmas.

MR. LAPUT: You're right.

MR. GALLI: Anyway. Besides the point, I don't think that's a true rendering of what I've seen, and I take that road quite a bit.

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The second question I had. Like Mr.

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Warren said back there, I hope the site is

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cleaned up and all the stuff is taken off finally

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because it does look -- it's terrible. When you

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come down Weyants Lane or you go up the highway,

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it looks like a junkyard with the cranes and all

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the other stuff out there. I just hope once this

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is put up, nothing is snuck back into the back of

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the buildings and kept there for storage anymore.

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MR. HINES: Frank, I don't know, some

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of the equipment may be the applicant's but

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there's a lot in between this lot and -- is it

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the beauty parlor lot or is there a salon there?

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MR. NOZAK: Barbershop.

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MR. HINES: Barbershop. There's a lot

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between there. There's a lot on there that's not

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this applicant's.

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MR. GALLI: They don't own that?

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MR. NOZAK: No. Where the fence is --

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that wall that's between the fence and the back

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of the barbershop.

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MR. GALLI: The crane and all that is

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not owned by them?

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MR. CONSORTI: No.

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MR. HINES: The landscape products are
on their lot.

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MR. CONSORTI: All the equipment
outside the barbershop --

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CHAIRMAN EWASUTYN: For the record
sir, would you give your name?

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MR. CONSORTI: I'm Matthew Consorti.
I'm a co-owner with my brother Joseph.

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I'll make it look nice. I'll dress it
up.

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MR. HINES: There's a lot owned by,
it's now or formerly Parrott, that has some of
that stuff on there.

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MR. GALLI: Parrott Builders?

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MR. HINES: I think so.

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MR. GALLI: Maybe you can talk to them
and get them to clean it up.

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MR. CONSORTI: I will.

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CHAIRMAN EWASUTYN: Stephanie DeLuca?

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MS. DeLUCA: No comments.

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MR. MENNERICH: I was just wondering if
we could see the visuals on the units there.

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MR. NOZAK: We were requested to
provide a bigger drawing. This is as big as we

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could print it and get it on a cardboard.

MR. MENNERICH: Thank you.

MS. DeLUCA: That's nice.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: It was mentioned that you're also going to have RV, boat storage, things of that nature. How do you prevent -- how do you suggest or how are you going to prevent maintenance of that stuff on the property? I can see boat people descaling, that kind of stuff, contamination in the ground. I can see possibly RV people wanting to do maintenance on their RVs there. How do you propose --

MR. CONSORTI: I don't think I would allow that.

MR. BROWNE: How do you not allow it?

MR. CONSORTI: There's cameras there, people will be there. We're going to be around.

MR. BROWNE: We were told it's one person part time maybe.

MR. CONSORTI: One person full time. I'm going to be back and forth all the time. And my brother, too.

MR. NOZAK: We can certainly post no

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changing of fluids and signs of that sort. Their intent is not to --

MR. CONSORTI: I have cameras. If not, get it out.

MR. BROWNE: I understand the intention is there. We know people will do things. Basically it's secluded. You really can't see what's going on back there apparently. People have a tendency to want to do things like that because they can. Something needs to be done to make sure it doesn't happen.

MR. CONSORTI: We'll make sure.

CHAIRMAN EWASUTYN: Stephanie.

MS. DeLUCA: Along with that, it just brings to mind, are there going to be security cameras?

MR. CONSORTI: There's going to be cameras all over. Yeah, 24 hours. If they do any kind of maintenance; sir, you're not allowed to do this, it's part of your agreement you signed here, please remove your camper. Thank you. We're local businessmen. We're from the Town of Newburgh. We're looking out for everybody else. We don't want nothing junky. It's a nice Town.

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It's beautiful. I grew up here. I love it.

MR. BROWNE: Thank you.

MR. DOMINICK: John, you talked about lighting between the alleyways of each unit. Are you going to have any perimeter lighting?

MR. NOZAK: No.

MR. DOMINICK: None whatsoever for safety or security or that?

MR. NOZAK: The wall pack units, the illumination does spread a little bit out into these areas here. I don't really think there's any benefit to providing lighting up in here because it will impact ajoiners. The same thing over here. Any other lighting that we try to put over here will impact these people. We're trying to do our absolute best to minimize any impact.

MR. CONSORTI: Would you like a couple?

MR. DOMINICK: I didn't hear it mentioned so I was questioning it.

MR. CONSORTI: All right. Can we put it in afterwards? It's got to go in now? Don't change it. Sorry.

CHAIRMAN EWASUTYN: Things like that would --

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MR. CONSORTI: You have to come back.

CHAIRMAN EWASUTYN: -- have to come back. It would be considered a field change. If the Board accepts it as being a field change, then they can be put in place. Based upon the advice of our consultants, if we feel that it would require an amended site plan, then it would be an amended site plan.

MR. CONSORTI: Okay. Thank you.

CHAIRMAN EWASUTYN: John Ward.

MR. WARD: Just for the public's sake, can you explain what type of fencing you have and the gate, how they're getting in?

MR. NOZAK: I believe it's a slatted chain-link fence. So by slatted you don't see through it. It's 6 foot high.

As far as the gate, that's pretty much going to be you hit it and the gate opens, you go in and then it shuts. It's all designed to make sure only the people who are renting there have access.

CHAIRMAN EWASUTYN: I think what you said in the site plan, it's black vinyl that goes between the slats.

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MR. NOZAK: It's on the sheet. There was a certain word that the Board asked for. It was black vinyl or black something slatted. We used the exact word that the Board had suggested.

MR. HINES: I think it's black vinyl coated. I don't think there are any slats in it. The slats become a maintenance issue after a couple of them fall out.

MR. WARD: I think it was black coated.

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

(No response.)

CHAIRMAN EWASUTYN: There being no further questions or comments from the public, I'll move for a motion from the Board to close the public hearing on CBPS site plan located on North Plank Road.

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Stephanie DeLuca. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

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MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

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MR. BROWNE: Aye.

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MR. DOMINICK: Aye.

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MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Aye.

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Motion carried.

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I believe the action before us this evening is ARB approval and site plan approval.

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MR. HINES: The project was circulated to the Orange County Planning Department on December 4th. The 30 days has not lapsed yet. I don't know that we can take any action tonight.

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I did just receive copies of the revised plan. I received the comment letter from the applicant's representative tonight that said they FedEx'd them to my office on December 20th. My office apparently received them on December 31st --

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MS. ARENT: I got them today.

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MR. HINES: -- at 3:00 as my office was closing. I have some technical comments. Not a whole lot. The issues we have are the well in the water district. They have a letter in to Jim

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Osborne, who I know was on vacation until Monday I believe, regarding the installation of the well. You have the fire bureau waiver.

MR. NOZAK: It was granted unanimously. I've spoken to the chiefs from the fire departments as well as the chairman. The actual letter we have not received.

MR. HINES: We'll need that for our file.

We had a comment on the landscaping. We have our technical comments from November. I received plans on my desk today that were put in just before the holiday. I don't think the Board can take action tonight because of the County Planning timeframe.

CHAIRMAN EWASUTYN: Dominic Cordisco, do you have anything to add?

MR. CORDISCO: No. That's correct. Unfortunately there's still time left for the County to comment. Any action at this point would be premature.

CHAIRMAN EWASUTYN: I believe our next scheduled meeting is the 16th of this month.

MR. HINES: Yes.

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CHAIRMAN EWASUTYN: Is that adequate

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time?

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MR. HINES: Yes. It will actually

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lapse on Saturday. Unfortunately the 30 days is

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a hard, fast number.

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CHAIRMAN EWASUTYN: You don't want to

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have a meeting on Sunday?

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MR. HINES: Sundays are good.

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MR. CONSORTI: I'll make a good pot of

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sauce. Come on over everybody. It's my

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personality guys, what can I tell you. Christmas

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eve dinner, that was better.

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CHAIRMAN EWASUTYN: I'll move for a

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motion to set this up for a Planning Board

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meeting on the 16th of January.

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MR. GALLI: So moved.

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MR. WARD: Second.

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CHAIRMAN EWASUTYN: I have a motion by

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Frank Galli. I have a second by John Ward. I'll

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ask for a roll call vote.

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MR. GALLI: Aye.

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MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

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MR. BROWNE: Aye.

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MR. DOMINICK: Aye.

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MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Aye.

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We'll see you on the 16th.

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MR. NOZAK: Thank you.

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Last question. The certified mailing
for the public hearing, I have a copy that was
given to me. I know the Board -- the Town has a
copy. Do I need to present another one?

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CHAIRMAN EWASUTYN: No. I received a
copy from the Town.

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MR. NOZAK: Very good. Thank you.

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(Time noted: 9:05 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 10th day of January 2020.

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

ELM FARM
(2006-39)

REQUEST TO BE PLACED ON THE CONSULTANTS' WORKSHOP
AGENDA ON JANUARY 28, 2020

----- X

BOARD BUSINESS

Date: January 2, 2020
Time: 9:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845) 541-4163

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CHAIRMAN EWASUTYN: We have one item of business and that's a letter from Elm Farm. I'll have Ken Mennerich read that.

MR. MENNERICH: The letter is dated December 12, 2019 to Mr. John P. Ewasutyn, Town Planning Board Chairman, 308 Gardnertown Road, Newburgh, New York 12550. "Dear Mr. Ewasutyn, I am writing on behalf of Elm Farm Associates. At the September 19, 2019 Planning Board meeting you had advised me that the first step in considering a change to the project approval process from individual homes to cluster apartments would be to meet with the Planning Board Consulting Engineer. Due to several circumstances we canceled the scheduled meetings. I am requesting the Board approve to reschedule this meeting with the Consulting Engineer to discuss implications and requirements in considering changing this proposed project from single-family homes to cluster apartments. Thank you for your consideration. Sincerely, Kathryn Busch, Elm Farm Associates."

CHAIRMAN EWASUTYN: Pat, the next scheduled consultants' work session in January is

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ELM FARM

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what date?

MR. HINES: January 28th. We have one item scheduled already, the NPA site plan.

CHAIRMAN EWASUTYN: That's contingent upon the applicant presenting the necessary escrow money which hasn't occurred yet.

The 27th did you say?

MR. HINES: The 28th.

CHAIRMAN EWASUTYN: The 28th. I apologize.

Can we have a motion to set this up for a consultants' work session on the 28th of January?

MR. BROWNE: Provided you get the escrow.

CHAIRMAN EWASUTYN: Not this one. This one is Ken Lytle's project. That's the one on 747, the gas station.

MR. HINES: We'll leave the time flexible to see which one of those two items will be scheduled, or one.

CHAIRMAN EWASUTYN: Please. Thank you. Motion by?

MR. BROWNE: So moved.

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MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Cliff Browne.

Second by Stephanie DeLuca. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. HINES: I do just want to note we don't have anything called cluster apartments in our zoning. We'll figure out what it is they do want to do, but it's not that.

CHAIRMAN EWASUTYN: I'll move for a motion to close the Planning Board meeting of the 2nd of January.

MR. WARD: So moved.

CHAIRMAN EWASUTYN: Motion by John Ward.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Second by Frank Galli. I'll ask for a roll call vote starting

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ELM FARM

with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 9:09 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 10th day of January 2020.

Michelle Conero

MICHELLE CONERO