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

----- X
In the Matter of

PLANNING BOARD REORGANIZATION FOR 2025

----- X

BOARD BUSINESS

Date: January 16, 2025
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

1 P l a n n i n g B o a r d R e o r g a n i z a t i o n

2 CHAIRMAN EWASUTYN: Good evening,
3 ladies and gentlemen. The Town of
4 Newburgh Planning Board would like to
5 welcome you to their meeting of
6 January 16, 2025. We have nine items
7 on the agenda this evening.

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

10 MR. DOMINICK: Present.

11 MS. DeLUCA: Present.

12 MR. MENNERICH: Present.

13 CHAIRMAN EWASUTYN: Present.

14 MR. WARD: Present.

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

17 MS. CONERO: Michelle Conero,
18 Stenographer.

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

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

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

25 MR. WARD: Please stand to say the

1 P l a n n i n g B o a r d R e o r g a n i z a t i o n

2 Pledge.

3 (Pledge of Allegiance.)

4 MR. WARD: Please turn off your
5 phones or put them on vibrate. Thank
6 you.

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

10 MR. MENNERICH: At this time, the
11 beginning of 2025, we have the Planning
12 Board reorganization meeting. It states
13 the reappointments for the Town of
14 Newburgh Planning Board.

15 The following are the people that
16 are being reappointed: Kenneth
17 Mennerich, Vice Chairman of the Planning
18 Board; Dominic Cordisco, Attorney to the
19 Planning Board; MHE, Patrick Hines,
20 Engineer and Planners to the Planning
21 Board; Karen Arent, RLA, Landscape
22 Architect to the Planning Board; Ken
23 Wersted, PE, Traffic Engineer to the
24 Planning Board; Douglas Fishman, PE,
25 Telecommunications Consultant; and

1 P l a n n i n g B o a r d R e o r g a n i z a t i o n

2 Michelle Conero, Stenographer to the
3 Planning Board.

4 The Planning Board Members have all
5 of the information on the people that
6 have requested these reappointments.

7 At this time I'd like to have a
8 motion for accepting the nominees.

9 MR. DOMINICK: I'll make a motion.

10 MS. DeLUCA: Second.

11 CHAIRMAN EWASUTYN: We have a
12 motion by Dave Dominick and a second by
13 Stephanie DeLuca. Can I have a roll call
14 vote starting with Dave Dominick.

15 MR. DOMINICK: Aye.

16 MS. DeLUCA: Aye.

17 MR. MENNERICH: Aye.

18 CHAIRMAN EWASUTYN: Aye.

19 MR. WARD: Aye.

20 MR. MENNERICH: Thank you.

21 The next item is the Planning Board
22 meeting schedule, the dates for all of
23 our meetings for this year. We also have
24 the consultants' work session meeting
25 dates for this year.

1 P l a n n i n g B o a r d R e o r g a n i z a t i o n

2 sometime in June prior to the 19th so
3 that we can provide the service to
4 applicants to have two meetings in the
5 month of June.

6 Thank you, Dave.

7 Right now it's unknown until we
8 find out the availability of this hall.

9 MR. DOMINICK: Aye.

10 MS. DeLUCA: Aye.

11 MR. MENNERICH: Aye.

12 CHAIRMAN EWASUTYN: Aye.

13 MR. WARD: Aye.

14 CHAIRMAN EWASUTYN: Thank you.

15

16 (Time noted: 7:04 p.m.)

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1 P l a n n i n g B o a r d R e o r g a n i z a t i o n

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

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5

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

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

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

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 21st day of January 2025.

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Michelle Conero

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MICHELLE CONERO

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

----- X
In the Matter of

THE ENCLAVE
(2022-25)

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

----- X

ACKNOWLEDGMENT OF RECEIPT OF DEIS
MULTI-FAMILY SITE PLAN - 246 UNITS

Date: January 16, 2025
Time: 7:04 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: REUBEN BUCK

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

1 T h e E n c l a v e

2 CHAIRMAN EWASUTYN: The first
3 item of business this evening is The
4 Enclave, project number 22-25. It's
5 to acknowledge receipt of the DEIS for
6 a multi-family site plan consisting of
7 246 units. It's in an R-3 Zone. It's
8 being represented by Engineering &
9 Surveying Properties. Thank you.

10 MR. BUCK: Good evening. Reuben
11 Buck, Engineering Properties, here on
12 behalf of the applicant, Diversified
13 Properties, LLC.

14 As the Chairman mentioned, we're
15 here tonight for the confirmation of
16 receipt of the draft environmental impact
17 statement for the project located off of
18 Route 300, 246 residential units.

19 The DEIS was submitted on
20 December 23, 2024. We're just here
21 tonight to take the next steps in the
22 SEQRA process and have the Board
23 confirm receipt of the document and
24 begin their review. Thank you.

25 CHAIRMAN EWASUTYN: Dominic Cordisco,

1 T h e E n c l a v e

2 Planning Board Attorney, would you advise
3 the Board.

4 MR. CORDISCO: Yes. So this is the
5 submission of a proposed draft environmental
6 impact statement. The Board's responsibility
7 at this stage of the process is to review
8 this document as it relates to the adopted
9 scope for the project. You're looking to
10 make sure that the applicant has addressed
11 or touched on all things that are included
12 in the scope. There will be a substantive
13 review that occurs later on in the
14 process that will also obviously include
15 a public hearing.

16 SEQRA provides that there's 45 days
17 for the lead agency to provide comments
18 to the applicant as a result of the
19 submission. The Board is acknowledging
20 receipt tonight of the document, and so
21 that would start the 45-day process.
22 The Board would like to place this on
23 the agenda for their meeting in the
24 beginning of March, which would be the
25 March 6th meeting. That's just a little

1 T h e E n c l a v e

2 bit outside the 45 days from today's
3 meeting, but if that's acceptable to
4 the applicant, then that's what we'll
5 plan on doing.

6 MR. BUCK: That is acceptable to
7 the applicant.

8 MR. CORDISCO: You don't have to
9 make another submission. The Board will
10 place you on that agenda. We'll provide
11 you with their comments as well as the
12 consultants' comments.

13 MR. BUCK: Thank you.

14

15 (Time noted: 7:07 p.m.)

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1 T h e E n c l a v e

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

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7 and within the State of New York, do hereby
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16 my hand this 21st day of January 2025.

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Michelle Conero

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MICHELLE CONERO

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

- - - - - X
In the Matter of

LANDS OF LL'S PRESTIGE HOMES, LLC
(2024-30)

Charles Street & Elmhurst Avenue
Section 53; Block 2; Lots 10 & 11
R-1 Zone

- - - - - X

LOT LINE CHANGE

Date: January 16, 2025
Time: 7:07 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

- - - - - X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

1 L a n d s o f L L ' s P r e s t i g e H o m e s , L L C

2 CHAIRMAN EWASUTYN: Item number 2,
3 the Lands of LL's Prestige Homes. It's a
4 lot line change. It's project number
5 24-30. It's located on the corner of
6 Charles Street and Elmhurst Avenue in an
7 R-1 Zone. Zen Consultants is the
8 applicant's representative.

9 MR. LYTLE: Good evening. Since
10 our last meeting we were sent off to the
11 Zoning Board, the ZBA, for approval of
12 the variances we needed, both for lot
13 area and lot width. We received those
14 and it's noted on the plans.

15 Pat had a couple of comments. I
16 believe we addressed all of those, except
17 he wanted to modify the notes. We put
18 notes on there regarding the planting and
19 some more regarding the trees and the
20 bats.

21 That's pretty much what we have.

22 CHAIRMAN EWASUTYN: Pat Hines with
23 MH&E.

24 MR. HINES: As was mentioned, the
25 project was at the Zoning Board of

1 L a n d s o f L L ' s P r e s t i g e H o m e s , L L C

2 Appeals and received approval for the lot
3 area, lot 10 being 18,167 and lot 11
4 being 20,045 where 40,000 is required.
5 They also granted a width variance of 126
6 feet where 150 feet is required.

7 There's an existing structure on
8 the site which will end up being on lot 1.
9 That structure is proposed to be removed
10 as it currently spans the property line
11 and doesn't meet any setback requirements.
12 We're suggesting that the structure be
13 removed prior to stamping of the plans
14 as the Town would have no other way of
15 enforcing the removal of the structure
16 upon filing of the map. I'll defer to
17 Dominic on that language.

18 We did receive a sign-off letter
19 from the highway superintendent
20 regarding the driveways.

21 We're requesting that the
22 separation distance for the septic
23 laterals on tax lot 11 be shown
24 depicting the 10-foot minimum required
25 from the property line. I scaled it

1 L a n d s o f L L ' s P r e s t i g e H o m e s , L L C

2 and it's fairly close. I just want to
3 make sure that it's actually more than
4 10 feet from the property line.

5 Compliance with the Tree
6 Preservation Ordinance has been
7 documented. The trees on the site have
8 been identified, and those to be removed
9 are also identified.

10 The erosion and sediment control
11 references hay bales as well as the
12 detail. Silt fence should be utilized
13 as hay bales are not an acceptable
14 practice.

15 The bat habitat, there was a
16 response that you had placed a note on
17 the map. I couldn't find that note.

18 MR. LYTLE: We'll adjust it.

19 CHAIRMAN EWASUTYN: Jim Campbell,
20 Code Compliance.

21 MR. CAMPBELL: I have nothing
22 additional to add.

23 CHAIRMAN EWASUTYN: Comments from
24 Planning Board Members.

25 MR. DOMINICK: Nothing further.

1 L a n d s o f L L ' s P r e s t i g e H o m e s , L L C

2 It's been covered.

3 MS. DeLUCA: Nothing.

4 MR. MENNERICH: No.

5 CHAIRMAN EWASUTYN: No comment.

6 MR. WARD: Nothing.

7 CHAIRMAN EWASUTYN: Dominic Cordisco,
8 Planning Board Attorney, can you give us
9 conditions of approval for the lot line
10 change.

11 MR. CORDISCO: Of course. Just to
12 note for the record that this is a Type 2
13 action under SEQRA, so no negative
14 declaration needs to be considered.

15 As Pat had mentioned, the variances
16 that were required have been granted for
17 the project.

18 The conditions would include
19 compliance with any conditions with the
20 decision of the Zoning Board of Appeals,
21 modifications to the plan to address Pat
22 Hines' comments, as well as continued
23 compliance with the Tree Preservation
24 Law.

25 As Pat suggested, the Board should

1 L a n d s o f L L ' s P r e s t i g e H o m e s , L L C

2 consider requiring as a condition the
3 removal of the existing residential
4 structure. I concur with Pat that once
5 the lot line change is filed and no
6 further construction would occur, you
7 essentially have a residence that would
8 be bisected by a new lot line. As a
9 result, it would make a difficult
10 situation worse if no further
11 construction was to occur. As a result,
12 the condition would be to remove the
13 existing residential structure prior to
14 the signature on the lot line change
15 plans.

16 CHAIRMAN EWASUTYN: Having heard
17 the conditions of approval for the Lands
18 of LL's Prestige Homes, project number
19 24-30, presented by Planning Board
20 Attorney Dominic Cordisco, would someone
21 move for that motion.

22 MR. WARD: So moved.

23 MR. MENNERICH: Second.

24 CHAIRMAN EWASUTYN: I have a motion
25 by John Ward. I have a second by Ken

1 L a n d s o f L L ' s P r e s t i g e H o m e s , L L C

2 Mennerich. Can I have a roll call vote
3 starting with Dave Dominick.

4 MR. DOMINICK: Aye.

5 MS. DeLUCA: Aye.

6 MR. MENNERICH: Aye.

7 CHAIRMAN EWASUTYN: Aye.

8 MR. WARD: Aye.

9 CHAIRMAN EWASUTYN: Motion carried.

10 MR. LYTLE: Thank you.

11

12 (Time noted: 7:12 p.m.)

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L a n d s o f L L ' s P r e s t i g e H o m e s , L L C

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 21st day of January 2025.

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

CBD 420, LLC RETAIL CANNABIS DISPENSARY
(2024-32)

142 Route 17K
Section 95; Block 1; Lot 63.1
IB Zone

- - - - - X

SITE PLAN & SPECIAL USE PERMIT

Date: January 16, 2025
Time: 7:12 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOSEPH SAFFIOTTI

- - - - - X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

1 CBD 420, LLC Retail Cannabis Dispensary

2 Board schedule that public hearing at
3 the next available date.

4 CHAIRMAN EWASUTYN: Thank you.

5 Pat Hines with MH&E.

6 MR. HINES: The applicant was
7 before the Zoning Board. We don't have
8 copies of the resolution, but I do have
9 an indication that those variances were
10 granted.

11 The County 239 was received with
12 advisory comments regarding signage and
13 lighting.

14 It is a Type 2 action under SEQRA,
15 a change of use within an existing
16 structure. It is a special use in your
17 Code, so a public hearing would be
18 appropriate.

19 CHAIRMAN EWASUTYN: Jim Campbell,
20 Code Compliance, any comments?

21 MR. CAMPBELL: No comments.

22 CHAIRMAN EWASUTYN: Comments from
23 Board Members.

24 MR. DOMINICK: Nothing further.

25 CHAIRMAN EWASUTYN: Would someone

1 CBD 420, LLC Retail Cannabis Dispensary

2 make a motion to schedule CBD 420, LLC
3 Retail Cannabis Dispensary for a public
4 hearing on the 20th of February.

5 MR. DOMINICK: So moved.

6 MS. DeLUCA: Second.

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

11 MR. DOMINICK: Aye.

12 MS. DeLUCA: Aye.

13 MR. MENNERICH: Aye.

14 CHAIRMAN EWASUTYN: Aye.

15 MR. WARD: Aye.

16 CHAIRMAN EWASUTYN: Motion carried.

17 Thank you.

18 MR. SAFFIOTTI: Thank you, Mr.
19 Chairman.

20

21 (Time noted: 7:15 p.m.)

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1 CBD 420, LLC Retail Cannabis Dispensary

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

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

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

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

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 21st day of January 2025.

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Michelle Conero

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MICHELLE CONERO

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

- - - - - X

In the Matter of

KUSH FACTORY RETAIL CANNABIS DISPENSARY
(2024-34)

1255 NYS Route 300
Section 95; Block 1; Lot 72
IB Zone

- - - - - X

SITE PLAN & SPECIAL USE PERMIT

Date: January 16, 2025
Time: 7:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MELZINA CANIGAN IZZARD

- - - - - X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

1 K u s h F a c t o r y R e t a i l C a n n a b i s D i s p e n s a r y

2 CHAIRMAN EWASUTYN: Item number 4
3 is Kush Factory Retail Cannabis
4 Dispensary, project number 24-34. It's
5 here before us this evening for a site
6 plan and special use permit. The project
7 is located in Lowe's Plaza in an IB Zone.
8 It's being represented by Melzina --
9 what's your last name?

10 MS. CANIGAN IZZARD: Canigan
11 Izzard.

12 CHAIRMAN EWASUTYN: Pat Hines, can
13 you review the project with us.

14 MR. HINES: Sure. This project was
15 referred to the Orange County Planning
16 Department. It will be timed out now.
17 The last time we checked, they had a
18 percentage complete. It was at eighty
19 percent complete I guess, their review.
20 It's timed out under the statutory
21 timeframes.

22 Once again, similar to the last
23 one, this is a special use under your
24 Town's Cannabis Code and therefore
25 requires a public hearing.

1 K u s h F a c t o r y R e t a i l C a n n a b i s D i s p e n s a r y

2 CHAIRMAN EWASUTYN: Jim Campbell,
3 do you have any comments?

4 MR. CAMPBELL: No additional
5 comments.

6 CHAIRMAN EWASUTYN: Dominic Cordisco,
7 Planning Board Attorney.

8 MR. CORDISCO: It would be appropriate
9 for the Board to consider scheduling a
10 public hearing at this time.

11 CHAIRMAN EWASUTYN: Can someone make
12 a motion to schedule a public hearing for
13 Kush Factory Retail Cannabis Dispensary,
14 project number 24-34, for a public hearing
15 on the 20th of February.

16 MR. WARD: So moved.

17 MS. DeLUCA: Second.

18 CHAIRMAN EWASUTYN: I have a motion
19 by Dave Dominick. I have a second by
20 Stephanie DeLuca. May I please have a
21 roll call vote starting with Dave Dominick.

22 MR. DOMINICK: Aye.

23 MS. DeLUCA: Aye.

24 MR. MENNERICH: Aye.

25 CHAIRMAN EWASUTYN: Aye.

1 K u s h F a c t o r y R e t a i l C a n n a b i s D i s p e n s a r y

2 MR. WARD: Aye.

3 MS. CANIGAN IZZARD: Thank you.

4

5 (Time noted: 7:17 p.m.)

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

8

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

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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

PILOT TRAVEL CENTER - EV CHARGING
(2024-20)

NYS Route 17K
Section 89; Block 1; Lot 38.22
B Zone

----- X

SITE PLAN - EV CHARGING STATION

Date: January 16, 2025
Time: 7:17 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ANDREW FETHERSTON

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

1 P i l o t t r a v e l C e n t e r - E V C h a r g i n g

2 CHAIRMAN EWASUTYN: Item number 5,
3 Pilot Travel Center - EV Charging,
4 project number 24-20. This is a site
5 plan and EV charging station. It's
6 located on Route 17K in a B Zone. It's
7 being represented by Andrew Fetherston.

8 MR. FETHERSTON: Good evening,
9 Mr. Chairman, Members of the Board.
10 Andrew Fetherston, Colliers Engineering
11 & Design.

12 I believe the last time we were
13 here we were waiting for a letter from
14 County Planning. That was received.
15 They had no additional comments on the
16 application.

17 Mr. Chairman, I'm here to request
18 that the Board consider waiving the
19 public hearing on this application.
20 We're seeking conditional final
21 approval.

22 CHAIRMAN EWASUTYN: Okay. I'll
23 poll the Board Members. Dave Dominick,
24 do you want -- excuse me. Let me stop
25 for a second. For site plans the

1 P i l o t t r a v e l C e n t e r - E V C h a r g i n g

2 Planning Board has discretionary approval
3 or denial -- not denial, but approval or
4 to not have a public hearing. I'm going
5 to poll the Board Members now to find out
6 if they want to hold a public hearing or
7 waive the public hearing. I'll start
8 with Dave Dominick.

9 MR. DOMINICK: John, I think we
10 could waive the public hearing. I'd like
11 to give a reason, just for the record.

12 CHAIRMAN EWASUTYN: Thank you.

13 MR. DOMINICK: Given that this
14 project is on a high-volume site, I don't
15 believe a public hearing is warranted.

16 CHAIRMAN EWASUTYN: Stephanie DeLuca.

17 MS. DeLUCA: Agreed.

18 MR. MENNERICH: I agree. Also
19 because the amount of adjustment to the
20 project site is minimal.

21 CHAIRMAN EWASUTYN: Okay. I move
22 to waive the public hearing.

23 MR. WARD: I'd waive it, too. The
24 location is excellent for the site.

25 CHAIRMAN EWASUTYN: Let the record

1 Pilot travel Center - EV Charging

2 show that all of the Planning Board
3 Members waived the public hearing for
4 Pilot Travel Center - EV Charging. The
5 reasoning to support that action is part
6 of the minutes.

7 At this time I'll turn the meeting
8 over to Pat Hines with MH&E.

9 MR. HINES: We confirm that the
10 project was submitted on December 3rd to
11 County Planning. We have a no impact
12 letter from County Planning with no
13 advisory comments.

14 You waived the public hearing.

15 There's a minimal amount of
16 landscaping. We would defer any of the
17 landscaping security to the Building
18 Department rather than having security
19 posted for that. It would be more of an
20 effort to post security than really it's
21 worth based on the amount of landscaping.

22 Otherwise, there are no outstanding
23 comments.

24 CHAIRMAN EWASUTYN: Jim Campbell,
25 Code Compliance.

1 P i l o t t r a v e l C e n t e r - E V C h a r g i n g

2 MR. CAMPBELL: Nothing additional.

3 CHAIRMAN EWASUTYN: All right. At
4 this point we'll turn the meeting over to
5 Dominic Cordisco, Planning Board Attorney,
6 to give us conditions of approval.

7 MR. CORDISCO: The conditions
8 actually are simpler than normal,
9 Mr. Chairman, because we don't have any
10 outstanding engineering comments that
11 have to be addressed.

12 As Pat suggested, the particulars
13 of this one would include deferring the
14 landscaping security to oversight by
15 the Building Department rather than
16 going through the process of providing
17 a bond to the Town for the minimal
18 amount of landscaping that is going to
19 occur here. Compliance with the plan.
20 Nothing can get built that isn't shown
21 on the plan. It is for this particular
22 use. If anything is proposed as far as
23 changes in the future, they would have
24 to return to the Board for an amended
25 approval.

1 Pilot travel Center - EV Charging

2 CHAIRMAN EWASUTYN: Thank you,
3 Dominic.

4 Would someone move for a motion
5 subject to the conditions presented by
6 Planning Board Attorney Dominic Cordisco.

7 MR. WARD: So moved.

8 MR. MENNERICH: Second.

9 CHAIRMAN EWASUTYN: I have a motion
10 by John Ward. I have a second by Ken
11 Mennerich. Can I have a roll call vote
12 starting with Dave Dominick.

13 MR. DOMINICK: Aye.

14 MS. DeLUCA: Aye.

15 MR. MENNERICH: Aye.

16 CHAIRMAN EWASUTYN: Aye.

17 MR. WARD: Aye.

18 CHAIRMAN EWASUTYN: Motion carried.

19 MR. FETHERSTON: Great. Thank you,
20 Mr. Chairman.

21

22 (Time noted: 7:21 p.m.)

23

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1 Pilot travel Center - EV Charging

2

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

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

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

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

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 21st day of January 2025.

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Michelle Conero

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MICHELLE CONERO

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

----- X
In the Matter of

17K VINEYARDS & SPIRITS
(2024-21)

274 Route 17K
Section 86; Block 1; Lot 12
IB Zone

----- X

SITE PLAN

Date: January 16, 2025
Time: 7:21 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: FLOYD JOHNSON
SUKHVIR SINGH

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

1 17K Vineyards & Spirits

2 CHAIRMAN EWASUTYN: Item number 6,
3 17K Vineyards & Spirits, project number
4 24-21. It's a site plan located on
5 Route 17K in an IB Zone. The
6 applicant's representative is Floyd
7 Johnson.

8 MR. JOHNSON: Good evening. The
9 November comments were updated.

10 DOT still has some concerns about
11 the site. One of them is that the
12 property line runs down the middle of the
13 road on the west side. That is from the
14 surveyor. I don't know how DOT wants me
15 to address that, go back and question the
16 surveyor why that property line is in the
17 middle of the road. That's one of their
18 concerns.

19 The other concern that they had was
20 the exit in to the property. He mentions
21 there's an in or a right out of the
22 property. There's no exit on this
23 entranceway. The sign says do not enter,
24 one way. They have to exit out the west
25 side of the property. If you allow

1 17K Vineyards & Spirits

2 someone to go in here, you know somebody
3 is going to attempt to make a left-hand
4 turn. The sign says no left-hand turn,
5 do not enter. I can address that with
6 DOT and say that we're not putting a
7 right-hand turn in that driveway.

8 The other comment that they made
9 was that the -- apparently he doesn't see
10 it, the delivery -- the parking space
11 right here is for deliveries. Do not
12 park. I guess he missed that.

13 The other thing is, I guess there's
14 two forms for the Perm 33. I thought I
15 was sending the right one in. I sent it
16 a couple of times. I will go back to the
17 site and see -- look for the one that
18 says Perm 33 Com. I guess I'm filling
19 out the wrong form and sending it to
20 them.

21 The other condition was, I guess
22 there's a certain detail that he wants
23 for the sight of vision. He wants me to
24 go to Chapter 5.

25 Those were the last comments that I

1 17K Vineyards & Spirits

2 got.

3 MR. HINES: Are those Ken Wersted's
4 comments or DOT?

5 MR. JOHNSON: What?

6 MR. HINES: Are those from the
7 Town's Traffic Consultant or DOT?

8 MR. JOHNSON: DOT.

9 MR. HINES: Ken mirrored those
10 comments in his comments today as well.

11 The DOT is suggesting that the Town
12 request a dedication of the property to
13 the center line. We typically do that
14 for subdivisions but not often for site
15 plans because there are no changes in the
16 lots on this right now. It's up to the
17 Board. It's a roadway by use, not by the
18 right-of-way. The property lines are
19 shown to the center line. It just became
20 a road. The Town has all the rights it
21 needs as a roadway by use.

22 I believe DOT might be looking for
23 a definitive right turn in only.

24 MR. JOHNSON: Okay.

25 MR. HINES: You'll have to work it

1 17K Vineyards & Spirits

2 out with them. Looking at their comment,
3 I believe they want to have the curbing
4 such that it's forcing the right turn
5 only and no one can sneak out and make a
6 left or a right out. They may entertain
7 a right in/right out only, I don't know,
8 with the pork chop, for lack of a better
9 term. You'll have to work that out with
10 them.

11 Our technical comments have been
12 addressed.

13 County Planning issued a Local
14 determination with no advisory comments.

15 I think the challenge here is with
16 this site being in proximity to the four-
17 way intersection there and the stoplight,
18 to work out the issues with DOT.

19 MR. JOHNSON: Okay.

20 CHAIRMAN EWASUTYN: Jim Campbell,
21 Code Compliance, any comments?

22 MR. CAMPBELL: I just have a
23 couple.

24 I see that you removed the
25 electronic sign from the plans. That's

1 17K Vineyards & Spirits

2 good because that would require a special
3 use permit.

4 Also, are there any building-
5 mounted signs proposed?

6 MR. SINGH: Not right now.

7 MR. HINES: Sir, can you give your
8 name.

9 MR. SINGH: Sukhvir Singh from 17K
10 Vineyards & Spirits.

11 CHAIRMAN EWASUTYN: Comments from
12 Board Members. Dave Dominick.

13 MR. DOMINICK: I echo what DOT and
14 Ken Wersted are saying about the 17K
15 entrance, making it a right only in and
16 that's it. You can put all the signs you
17 want, nobody is going to -- they're going
18 to sneak through.

19 The other option I suggest that we
20 discussed as well would be to eliminate
21 that entrance and come in off the side
22 road.

23 Similar to the Cumberland Farms,
24 and what John Ward was saying, a
25 stonewall in front, a nice stonewall, and

1 17K Vineyards & Spirits

2 you have eliminated all of the obstacles
3 that you're facing right now.

4 MR. SINGH: Unfortunately that
5 won't work for my business. I can do
6 right in and right out.

7 MR. DOMINICK: If you did a right
8 in/right out, as Pat Hines said, our
9 engineer, a pork chop would be needed in
10 that section. Curbing.

11 MR. SINGH: We'll do the necessary
12 curbing.

13 MR. JOHNSON: I believe it was DOT
14 that suggested that we have the
15 combination sign, the one way/do not
16 enter sign, so that no one would come
17 back out that way. That particular sign
18 is sitting there at the end so that no
19 one would enter into that exit.

20 MR. DOMINICK: Right. They are
21 still going to sneak through. That's why
22 I think if you made curbing to force them
23 right in and not any way to get back out,
24 it would be much easier and much safer,
25 especially on 17K. That's a dangerous

1 17K Vineyards & Spirits

2 road.

3 MR. JOHNSON: So narrow the
4 entranceway? As long as it's a 20-foot
5 entrance for a truck, someone is going to
6 -- somebody is going to attempt -- no
7 matter what you put there, somebody is
8 going to attempt to go out. This is a
9 very busy highway. Somebody is going to
10 attempt to make that left.

11 MR. DOMINICK: Can you make it,
12 Pat, with the curbing?

13 MR. HINES: We typically do that at
14 numerous locations, to have the right in/
15 right out. DOT has a standard detail for
16 that.

17 I think Ken Wersted offered to
18 discuss that with you in his comments.
19 You may want to reach out to Ken as you
20 work through with DOT. He may be of some
21 assistance to provide you with the
22 information you need.

23 MR. JOHNSON: Okay.

24 CHAIRMAN EWASUTYN: Stephanie DeLuca.

25 MS. DeLUCA: Nothing further.

1 17K Vineyards & Spirits

2 CHAIRMAN EWASUTYN: No comment.

3 MR. MENNERICH: No questions.

4 MR. WARD: My suggestion would be
5 to close it off and have an entrance on
6 Colden Hill Road. At the same time, if
7 you do go with the pork chop, if the DOT
8 is trying to improve everything, if you
9 look at Dunkin Donuts further down by the
10 Montgomery border there, they have like a
11 pork chop separating it. It forces you
12 to make a right. It forces you to go in
13 an entrance one way or another. You
14 can't go over it. It's big enough that
15 it's an island-type thing. The easiest
16 way would be shutting it off.

17 When we had Cumberland Farms, they
18 had an entrance right by the light.
19 That's what the problem is here. You've
20 got the light and a few entrances right
21 in that vicinity where you want to have
22 an entrance. You'll have as much traffic
23 and business going the other way. As
24 long as they see your store, they're
25 going -- they'd rather go on Colden Hill

1 17K Vineyards & Spirits

2 Road to go in. If you did a stonewall
3 like Cumberland Farms all the way across,
4 it's a presentation to what you have.
5 It's safer.

6 MR. SINGH: Yes, but Cumberland
7 Farms is a gas station, so people go for
8 gas how they want to. If it's going to
9 be a liquor store and wine store, if
10 somebody can't get an easy in, they're
11 not going to go.

12 MR. WARD: You have a business
13 across the street that's a restaurant
14 with an entrance right across from that.

15 CHAIRMAN EWASUTYN: Can we pause
16 for a second? Can we pause for a second?
17 I think, as Pat Hines said, if you work
18 with Ken Wersted, our Traffic Consultant,
19 Ken will help you with the DOT. What
20 you're looking for is a concept approval
21 from the DOT. They'll require a
22 technical design to reflect the concept.
23 I think there are many different opinions
24 and comments that are made by Planning
25 Board Members, but the authority lies

1 17K Vineyards & Spirits

2 with the DOT because they're the
3 permitting agency. I think for the best
4 interest -- Dominic Cordisco, can you
5 speak on the matter?

6 MR. CORDISCO: Yes. So this
7 Board's practice -- the DOT's input and
8 involvement is integral to this project
9 because of its access and their
10 jurisdiction. It's been this Board's
11 practice in the past, including in the
12 recent past, to not schedule a public
13 hearing until we have concept approval
14 from the DOT.

15 Ken Wersted, who is the Board's
16 Traffic Consultant, has offered to work
17 directly with you to assist in getting to
18 that point with the DOT to kind of
19 facilitate that along, to the extent that
20 he can, and provide some guidance there.
21 That would be the logical next step I
22 think for the Board to give direction to
23 the applicant.

24 MR. JOHNSON: Would we be out of
25 line asking for the Board to take a vote

1 17K Vineyards & Spirits

2 with the condition with DOT?

3 CHAIRMAN EWASUTYN: We can't
4 because the DOT -- you have to go through
5 the stages. Ken Wersted will help you
6 get the concept approval. With his help
7 you'll come up with the proper design for
8 the DOT to grant conceptual approval.
9 Based upon the conceptual approval, we
10 could then take the next step. After
11 that, you still have to come up with a
12 final technical review from the DOT. I
13 think we're trying to say, Floyd, and
14 Mr. Dominic Cordisco said, Ken Wersted
15 said it, the DOT has approval on what
16 you're presenting. We can't kind of
17 second guess them or override them
18 based upon what we feel is our opinion.
19 That wouldn't stand up in court. It
20 would be arbitrary and capricious
21 because none of us sitting here are
22 licensed professionals, whereas Ken Wersted
23 is a licensed professional who could help
24 you navigate this with the DOT.

25 MR. JOHNSON: Okay. Thank you.

1 17K Vineyards & Spirits

2 CHAIRMAN EWASUTYN: You're welcome.

3 MR. JOHNSON: It didn't hurt to
4 ask.

5 CHAIRMAN EWASUTYN: We want you to
6 be successful. We don't want to
7 jeopardize your potential. We don't want
8 to jeopardize our position.

9 MR. CORDISCO: The difficulty, if I
10 may, --

11 CHAIRMAN EWASUTYN: Please.

12 MR. CORDISCO: -- is that if the
13 Board did what you were asking, which was
14 make the project conditioned upon
15 approval by the DOT, then if the DOT's
16 approval would require changes to the
17 plans, you would have to come back to
18 this Board anyway.

19 MR. JOHNSON: Anyway.

20 MR. CORDISCO: We're trying to
21 avoid the duplication of your effort as
22 well.

23 MR. JOHNSON: Okay. Thank you.

24

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

1 17K Vineyards & Spirits

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

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5

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

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

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

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 21st day of January 2025.

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Michelle Conero

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MICHELLE CONERO

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

- - - - - X

In the Matter of

VERIZON WIRELESS - CRONOMER HILL
(2024-22)

248 North Plank Road
Section 34; Block 2; Lot 21
B Zone

- - - - - X

SITE PLAN & SPECIAL USE PERMIT

Date: January 16, 2025
Time: 7:30 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DAVID BRENNAN
NATHAN KEENAN

- - - - - X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

1 V e r i z o n W i r e l e s s - C r o n o m e r H i l l

2 CHAIRMAN EWASUTYN: Item number
3 seven, Verizon Wireless - Cronomer Hill,
4 project number 24-22. It's a site plan
5 and special use permit. It's located on
6 North Plank Road in a B Zone. It's being
7 represented by Tectonic Engineering.

8 MR. BRENNAN: Good evening, ladies
9 and gentlemen. I'm Dave Brennan with the
10 law firm of Young/Sommer out of Albany,
11 filling in for Scott Olson this evening
12 who is triple booked. With me is Nate
13 Keenan from Tectonic Engineering.

14 I apologize. I think I have this
15 at my fingertips, but if I misspeak, I
16 apologize. Since this was last before
17 the Board, there's been a visual resource
18 evaluation, a balloon flight conducted in
19 early December in leaf-off conditions.
20 That was presented to the Town for your
21 review. We've had some review comments
22 generated since then.

23 This evening I expect that
24 hopefully we're in a position to consider
25 scheduling a public hearing, and also I

1 V e r i z o n W i r e l e s s - C r o n o m e r H i l l

2 believe referral has not yet been made to
3 County Planning. I think with the
4 completion of the visual resource
5 evaluation, all of that information
6 necessary for a complete submission to
7 County Planning is now before the Board.

8 I can speak about these things
9 longer than I think you want to listen,
10 so I'll hand it back to the Chair and
11 follow your lead, sir.

12 CHAIRMAN EWASUTYN: Thank you. At
13 this point I'll refer the matter to Pat
14 Hines with MH&E Engineering.

15 MR. HINES: A couple of things have
16 occurred. We received a no effect
17 notification from the Office of Parks,
18 Recreation, Historic Preservation.

19 The balloon test was conducted on
20 14 November after some delays associated
21 with some wind for two weeks prior. It
22 was successfully completed on a day that
23 wasn't windy. That report was submitted
24 on December 6th.

25 Generally the tower will not be

1 V e r i z o n W i r e l e s s - C r o n o m e r H i l l

2 Valley Fire Station cell tower is very
3 visible and located in close proximity.

4 In response to that, the applicants
5 have replied, as well as Mr. Fishman had
6 commented, that that tower does not
7 provide the coverage for the areas that
8 the proposed tower is targeting. They
9 did respond to that. We'll defer to
10 Mr. Fishman's office in the future to
11 concur with that.

12 Since the balloon test has been
13 conducted, it would be appropriate to
14 submit the plans to Orange County
15 Planning for a 239 review and the
16 complete application.

17 The applicants have requested to
18 defer the structural analysis and
19 drawings to a later date. In the past
20 the Board has required those as part of
21 the submissions when HDR was doing the
22 tower review. If you do defer them, we
23 would suggest that any approval
24 resolution in the future note that
25 those drawings would need to be

1 V e r i z o n W i r e l e s s - C r o n o m e r H i l l

2 submitted and reviewed at the Building
3 Department.

4 CHAIRMAN EWASUTYN: Jim Campbell,
5 Code Compliance.

6 MR. CAMPBELL: Nothing additional
7 at this time.

8 CHAIRMAN EWASUTYN: Dominic Cordisco,
9 Planning Board Attorney.

10 MR. CORDISCO: The steps for the
11 Board to consider tonight would be the
12 scheduling of the public hearing and the
13 referral to the County Planning
14 Department, as suggested by counsel. We
15 concur that those would be the appropriate
16 steps at this point.

17 The Board has not yet received
18 comments, as Pat noted, from Doug Fishman,
19 the Town's Telecommunications Consultant,
20 but my suggestion would be that his
21 comments could be received and the
22 Board could consider them as well as
23 beginning processing the public hearing.

24 CHAIRMAN EWASUTYN: Let's talk
25 about time. The County has thirty days

1 V e r i z o n W i r e l e s s - C r o n o m e r H i l l

2 from receipt of the referral. That
3 brings us to what date?

4 MR. CORDISCO: That would bring us
5 to February -- assuming that the referral
6 was made within the next couple of days,
7 that would bring us to the latter half of
8 February. The Board's meeting it is on
9 February 20th in terms of that second
10 meeting in February. My suggestion would
11 be to schedule the public hearing for the
12 first meeting in March, which would be
13 March 6th.

14 CHAIRMAN EWASUTYN: I didn't hear
15 that clearly. That was March 5th?

16 MR. CORDISCO: Thursday, March 6th.

17 CHAIRMAN EWASUTYN: Thank you.

18 Comments from Board Members.

19 MR. DOMINICK: Nothing further.

20 MR. WARD: Nothing.

21 MS. DeLUCA: Nothing.

22 MR. MENNERICH: Nothing.

23 MR. WARD: Nothing.

24 CHAIRMAN EWASUTYN: I'll look for a
25 motion from the Board to make a referral

1 V e r i z o n W i r e l e s s - C r o n o m e r H i l l

2 to the Orange County Planning Department
3 for Verizon Wireless - Cronomer Hill
4 Park, project number 24-22, site plan and
5 special use permit, and to schedule in
6 the future for a public hearing on the,
7 did we say the 6th of March?

8 MR. CORDISCO: Yes.

9 MR. DOMINICK: March 6th.

10 CHAIRMAN EWASUTYN: Would someone
11 make for a motion?

12 MR. MENNERICH: So moved.

13 MR. DOMINICK: Second.

14 CHAIRMAN EWASUTYN: Thank you. I
15 have a motion by Ken Mennerich. I have a
16 second by Dave Dominick. Can I have a
17 roll call vote starting with Dave
18 Dominick.

19 MR. DOMINICK: Aye.

20 MS. DeLUCA: Aye.

21 MR. MENNERICH: Aye.

22 CHAIRMAN EWASUTYN: Aye.

23 MR. WARD: Aye.

24 CHAIRMAN EWASUTYN: Okay, Mr. Brennan.

25 MR. CORDISCO: Mr. Chairman, I

1 V e r i z o n W i r e l e s s - C r o n o m e r H i l l

2 actually have one additional item, if I
3 may. Just for the record, to make it
4 clear, Mr. Olson had acknowledged that
5 prior to the submission of the visual
6 impact assessment, including the balloon
7 test, the shot clock had been pulled at
8 that point. Even though the application
9 had been made, it wasn't a complete
10 application because it was outstanding,
11 that part which is required by the Code.
12 That submission was made on December 6th.
13 We just want to acknowledge that the shot
14 clock is now running, but it starts to
15 run as of December 6th because that was
16 the submission to make it essentially a
17 complete application on this matter.

18 MR. BRENNAN: Sure.

19 CHAIRMAN EWASUTYN: And the
20 timeline with the shot clock is how many
21 days?

22 MR. CORDISCO: It's 150 days.

23 CHAIRMAN EWASUTYN: 150?

24 MR. CORDISCO: Correct.

25 MR. BRENNAN: We have no problem

1 V e r i z o n W i r e l e s s - C r o n o m e r H i l l

2 concurring with that timing as well as
3 any necessary waiver with respect to
4 where this process is. We would note
5 that for the record. We appreciate the
6 Board's vote this evening.

7 If I'm not the one that gets to
8 come back at the next meeting, it was
9 nice meeting you all. Thank you very
10 much.

11 CHAIRMAN EWASUTYN: Thank you,
12 Mr. Brennan.

13

14 (Time noted: 7:40 p.m.)

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Verizon Wireless - Cronomer Hill

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 21st day of January 2025.

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

FARRELL INDUSTRIAL PARK
(2023-09)

New York State Route 300
Section 34; Block 2; Lot 45
IB Zone

----- X

PUBLIC HEARING - CLEARING & GRADING

Date: January 16, 2025
Time: 7:40 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: JOSEPH MODAFFERI
ABRAHAM POMERANTZ

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163

1 F a r r e l l I n d u s t r i a l P a r k

2 CHAIRMAN EWASUTYN: Our eighth item
3 of business this evening is Farrell
4 Industrial Park, project number 23-09.
5 It's here for a public hearing on a
6 clearing and grading application. It's
7 in an IB Zone. It's being represented by
8 JMC Planning.

9 Mr. Mennerich will read the notice
10 of hearing.

11 MR. MENNERICH: "Notice of hearing,
12 Town of Newburgh Planning Board. Please
13 take notice that the Planning Board of
14 the Town of Newburgh, Orange County,
15 New York will hold a public hearing
16 pursuant to Section 274-A of the New
17 York State Town Law and Chapter 83 of
18 the Town of Newburgh Code on the
19 application of Farrell Industrial Park,
20 project 2023-09. The project proposes
21 a 262,080 square foot warehouse. The
22 project is applying under Chapter 83,
23 Clear and Grading, of the Town Code.
24 The site is a 35.21 plus or minus acre
25 parcel of property located in the IB

1 F a r r e l l I n d u s t r i a l P a r k

2 Zone. The project has a stormwater
3 pollution prevention plan and an
4 erosion and sediment control plan
5 prepared. The project will require
6 coverage under the New York State DEC
7 and the Town of Newburgh Stormwater
8 Management Regulations. Interim
9 sediment traps have been designed
10 within the grading plan. A phased plan
11 is proposed in order to limit the
12 amount of disturbed area on the site at
13 any one time. The site is located on
14 the Town Tax Maps as Section 34;
15 Block 2, Lot 45. A public hearing will
16 be held on the 16th day of January 2025
17 at the Town Hall Meeting Room, 1496
18 Route 300, Newburgh, New York at 7 p.m.
19 or as soon thereafter, at which time
20 all interested persons will be given an
21 opportunity to be heard. By order of
22 the Town of Newburgh Planning Board.
23 John P. Ewasutyn, Chairman, Planning
24 Board Town of Newburgh. Dated 24 December
25 2024."

1 F a r r e l l I n d u s t r i a l P a r k

2 CHAIRMAN EWASUTYN: For the record
3 would you introduce yourself.

4 MR. MODAFFERI: Yes. Joe Modafferi
5 with JMC, project manager and here
6 representing the applicant. I also have
7 Abraham Pomerantz here with me on behalf
8 of the applicant.

9 Good evening, Chairman, Members of
10 the Board. As was stated, we're here for
11 a clearing and grading permit public
12 hearing for the recently approved
13 warehouse project. It is approximately
14 262,000 square feet, as shown on the plan
15 in front of you today.

16 There will be two phases of the
17 clearing and grading or grading for this
18 project. The first phase will be the
19 clearing and grading phase where we're
20 looking for this approval and permit.
21 The second phase will be the final
22 grading phase which would include the
23 final grades, utilities, et cetera.

24 The first phase will be phase 1-A
25 where we are proposing to create the site

1 F a r r e l l I n d u s t r i a l P a r k

2 access and sediment traps at the site
3 entrance along Route 300 and construct a
4 sediment trap in the midportion of the
5 site -- sediment basin 1 in the mid-
6 portion of the site which will capture
7 some of the earthwork from this portion
8 of the work. We're also proposing to
9 excavate and construct temporary sediment
10 basin 2 early on in the process. We
11 don't have anything going to that basin
12 during this phase, but we want to give it
13 adequate time to germinate seed and, you
14 know, be more -- do a better job of
15 controlling sediment, et cetera. So this
16 is phase 1-A. During phase 1-A and
17 during some of the other phases, we need
18 to construct some retaining walls. There
19 are some significant retaining walls on
20 this project to have the grading work.
21 We understand that clearing and grading
22 permits don't typically allow building
23 permits, but we're requesting, as part of
24 that grading plan and grading permit,
25 that we can get building permits to

1 F a r r e l l I n d u s t r i a l P a r k

2 grading down here to fill in this and
3 continue to build these walls. It
4 would be at this time that we would
5 initiate using the sediment basin. We'd
6 have a good amount of time for this basin
7 itself to generate seed and germinate in
8 an effort to best protect the wetland
9 that's adjacent. This would be
10 approximately a little bit more than 5
11 acres of disturbance. We would continue
12 with -- I don't know if I said it --
13 raising these walls, B and C, a little
14 bit more.

15 Then phase 1-D would be to
16 continue some additional grading along
17 the south side of the property and the
18 east side of the property to bring it up
19 to final grades as much as we possibly
20 can and distribute some more of the soil
21 to build the berm that's proposed here.
22 This would essentially finish all of the
23 work that we would do during the clearing
24 and grading.

25 The next phase, which we're

1 F a r r e l l I n d u s t r i a l P a r k

2 showing on the next sheet, would be to
3 essentially finish construction of this
4 roadway, backfill against the building,
5 finish the grading of this parking
6 area, finish the grading of this
7 parking area here and excavate the two
8 detention basins that are proposed in the
9 northwest corner of the property based on
10 the approved plan.

11 That's essentially the project
12 and what we're looking to do for
13 clearing and grading.

14 CHAIRMAN EWASUTYN: Comments from
15 Board Members. Dave Dominick.

16 MR. DOMINICK: No. It's been very
17 detailed all along. Nothing further from
18 me.

19 CHAIRMAN EWASUTYN: Stephanie DeLuca.

20 MS. DeLUCA: No. It looks very
21 good.

22 MR. MENNERICH: No comments.

23 CHAIRMAN EWASUTYN: Weather
24 conditions being favorable, all the
25 phases you're discussing, completion

1 F a r r e l l I n d u s t r i a l P a r k

2 amounts to how many months?

3 MR. MODAFFERI: Twelve to eighteen
4 maybe. Maybe twelve months.

5 MR. POMERANTZ: Hopefully less,
6 but --

7 MR. MODAFFERI: Hopefully less.
8 Actually, I guess we're looking at two
9 years for full construction. This might
10 be nine to twelve.

11 MR. HINES: Twelve is the right
12 answer.

13 MR. MODAFFERI: Twelve is the right
14 answer?

15 MR. HINES: Clearing and grading
16 permits are only valid for a year.

17 MR. MODAFFERI: All right. Twelve
18 months or less. I'll give you that based
19 on that.

20 MR. HINES: Unless you obtain
21 completed site plan approval, at which
22 time your clearing and grading permit
23 becomes your site plan approval.

24 MR. MODAFFERI: Yes. And then we
25 get the building permit. We will,

1 F a r r e l l I n d u s t r i a l P a r k

2 obviously in accordance with the
3 requirements, as the plans are showing,
4 the red and green for the grades under
5 that phase and the darker black grades
6 from the previous phase. The areas not
7 being disturbed will be temporarily
8 seeded and mulched. Where we can, as we
9 go along we will do the final seeding and
10 spreading of topsoil where and as it
11 makes sense.

12 CHAIRMAN EWASUTYN: John Ward.

13 MR. WARD: No comments.

14 CHAIRMAN EWASUTYN: Jim Campbell,
15 Code Compliance.

16 MR. CAMPBELL: As previously
17 stated, building permits are required for
18 the walls.

19 Also, third-party inspections and
20 engineer sign-offs would also be
21 required.

22 CHAIRMAN EWASUTYN: At this point
23 I'd like to turn the meeting over to the
24 public for any questions or comments.

25 For the record can you give your

1 F a r r e l l I n d u s t r i a l P a r k

2 first name.

3 BILL: Bill, Rockwood Drive. The
4 permit will be by phase or will that be
5 one permit covers all phases of the
6 grading and clearing?

7 MR. HINES: It's one permit for all
8 phases. The phasing is construction
9 phasing to limit the amount of
10 disturbance. The project will require a
11 5-acre waiver, because the way they've
12 broken out the clearing and grading, it
13 exceeds 5 acres at any one time for
14 several of the phases. We have worked
15 with the applicant to develop the phasing
16 plan. We made some suggestions,
17 including the construction of the
18 permanent pond to the east early on.

19 A couple of projects that had to
20 have clearing and grading permits, that's
21 worked very well to get the larger
22 stormwater fixtures in earlier in the
23 project than originally proposed. They
24 have been able to incorporate that into
25 their clearing and grading plan.

1 F a r r e l l I n d u s t r i a l P a r k

2 BILL: Will each phase be
3 permanently stabilized prior to the
4 initiation of the next phase?

5 MR. MODAFFERI: They would be
6 seeded and mulched. We would make sure
7 that as progression goes, we would get
8 the stabilization from the seed. We
9 wouldn't stop work on the clearing and
10 grading when we finish phase 1-A. We
11 would seed and mulch everything that
12 doesn't intend to be touched for phase
13 1-B, but we wouldn't wait for
14 germination.

15 BILL: In effect, this is one
16 continuous process?

17 MR. MODAFFERI: Yes. Yes.

18 BILL: The detention basins in the
19 northwest corner are going to be
20 constructed at the end of the project.
21 Is it not their intent to be catching
22 drainage during the whole project?

23 MR. MODAFFERI: Not during the
24 grading. That's where the final grading
25 comes into play with this phase, phase 2

1 F a r r e l l I n d u s t r i a l P a r k

2 here. All of the grades for the roadway
3 as we build it in the first phase will be
4 pitched towards this temporary basin and
5 then there's a swale proposed. The road,
6 during those early phases, will be much
7 narrower just to allow construction
8 trucks to come in. Once we're in the
9 final phase, when we have the building
10 permit, we're going to widen the road and
11 build it per the plan, pitching to both
12 sides with the drainage installed and
13 everything.

14 MR. HINES: Those are also
15 infiltration basins and cannot be
16 utilized for sediment control during
17 construction, --

18 MR. MODAFFERI: That's correct.
19 Yes.

20 MR. HINES: -- otherwise it impacts
21 the infiltration. That's the reason
22 those are being deferred, because they
23 don't want to disturb the infiltration.

24 BILL: It would be grown in because
25 it would be utilized?

1 F a r r e l l I n d u s t r i a l P a r k

2 material from being tracked onto the
3 road, which is a very busy road? It's
4 going to be a nuisance if it gets muddy.

5 MR. MODAFFERI: There is a proposed
6 construction access in accordance with
7 the standard State details. Obviously if
8 there are issues during construction,
9 we're going to address them and work with
10 the Town and whatever we have to do to
11 ensure that the road is clean.

12 BILL: Is the clean-off detail site
13 size contingent? Does it depend on the
14 size of the site?

15 MR. MODAFFERI: It does not.

16 MR. HINES: There are minimum
17 dimensions in the DEC's design guideline
18 book.

19 BILL: Per acre of site?

20 MR. HINES: Not per acre of site.
21 There are minimum dimensions. That's
22 calculated based on the amount of wheel
23 turning coming out of the site to clean
24 that off. I believe it's a 50-foot
25 minimum dimension.

1 F a r r e l l I n d u s t r i a l P a r k

2 MR. MODAFFERI: 50 foot or
3 something. It's intended to clean the
4 tires of the trucks going offsite. The
5 tires have a certain amount of tread and
6 it's calculated that way.

7 BILL: The efficacy and maintenance
8 of the clean-off pad is critical to that
9 being functional?

10 MR. MODAFFERI: Absolutely. It's
11 on the contractor to maintain that pad.

12 MR. HINES: Because of the amount
13 of disturbance being greater than 5 acres
14 at any one time, they also were required
15 to have two inspections per week by their
16 qualified inspector rather than the one
17 for less than 5 acres of disturbance.

18 Also, all portions of the site
19 brought to final grade have to be seeded
20 and mulched within seven days rather than
21 the fourteen.

22 BILL: Are there financial
23 penalties for tracking mud onto the --
24 after reasonable warning? I don't know
25 if the Code --

1 F a r r e l l I n d u s t r i a l P a r k

2 MR. HINES: The Town's stormwater
3 ordinance contains provisions for
4 penalties. The DOT permits can be
5 revoked. It is a DOT road. They're not
6 going to tolerate mud being tracked out
7 there. My office does periodic
8 inspections of these sites in addition to
9 those conducted by the applicant's
10 qualified inspector, and certainly the
11 Building Department also is available for
12 that.

13 BILL: If I recall, is this site --
14 I might have the wrong site here. Is
15 this site plagued with high bedrock in
16 certain spots?

17 MR. HINES: There is going to be
18 bedrock removal in the area of the
19 building pad. I'll defer to the
20 applicant.

21 MR. MODAFFERI: Yes. Essentially
22 at the top of the hill there's a
23 significant amount of rock. The
24 intention is to remove that rock and
25 process it and use it as a base under the

1 F a r r e l l I n d u s t r i a l P a r k

2 building.

3 BILL: What's the means of removal?

4 MR. MODAFFERI: It's going to be
5 chipping or blasting. I believe we have
6 notes on the plan that we have to conform
7 to the Town Code and get a blasting
8 permit as may be required.

9 BILL: Early on there was quite a
10 bit of local residential interest here.
11 I'm surprised there's no one here
12 tonight. That's their responsibility,
13 not yours.

14 I think that's all I have to say.
15 Thank you.

16 CHAIRMAN EWASUTYN: At this point
17 we'll turn the meeting over to Pat Hines
18 with MH&E.

19 MR. HINES: Our first comment just
20 identifies that they're here for a
21 clearing and grading permit application.

22 The project will require a 5-acre
23 waiver. That's granted by the Town
24 Board.

25 The phased grading plan has been

1 F a r r e l l I n d u s t r i a l P a r k

2 prepared. We did have a technical work
3 session with the applicants and reviewed
4 that phased grading plan, provided some
5 comments and suggestions.

6 There's a requirement for security
7 for clearing and grading permits.
8 Typically the Town requires \$3,500 per
9 acre. There's 23.5 acres of disturbance
10 proposed. Don't use the math in my memo.
11 We did it during work session and that's
12 \$82,250 for security just for the
13 clearing and grading. There will be
14 additional securities required as part of
15 the site plan approval for erosion and
16 sediment control and the long-term
17 grading for the long-term drainage plan.

18 We're suggesting that an inspection
19 fee be established for the clearing and
20 grading for the operation, the monitoring
21 of the operation and maintenance of that.

22 The applicants are requesting to
23 obtain building permits to construct
24 retaining walls as part of the clearing
25 and grading permit. The Town has done

1 F a r r e l l I n d u s t r i a l P a r k

2 that in the past for these larger
3 projects. It would be difficult to clear
4 and grade a site such as this that has
5 retaining walls integral to their grading
6 plan. The Board would have to be in
7 favor of doing that as well.

8 The site has conditional final
9 approval with numerous conditions to be
10 addressed currently.

11 CHAIRMAN EWASUTYN: Before I refer
12 to Dominic Cordisco, Planning Board
13 Attorney, are there any additional
14 questions or comments from the public?

15 (No response.)

16 CHAIRMAN EWASUTYN: There being no
17 further questions or comments from the
18 public, would someone move for a motion
19 to close the public hearing on Farrell
20 Industrial Park, project number 23-09,
21 for a clearing and grading presentation.

22 MR. WARD: So moved.

23 MR. MENNERICH: Second.

24 CHAIRMAN EWASUTYN: I have a motion
25 by John Ward. I have a second by Ken

1 F a r r e l l I n d u s t r i a l P a r k

2 Mennerich. Can I have a roll call vote
3 starting with Dave Dominick.

4 MR. DOMINICK: Aye.

5 MS. DeLUCA: Aye.

6 MR. MENNERICH: Aye.

7 CHAIRMAN EWASUTYN: Aye.

8 MR. WARD: Aye.

9 CHAIRMAN EWASUTYN: I'd like to turn
10 the meeting over to Dominic Cordisco,
11 Planning Board Attorney.

12 MR. CORDISCO: Thank you, Mr. Chairman.
13 As far as SEQRA is concerned, the Board
14 had previously adopted a negative
15 declaration for this project originally
16 in October of 2021. You also adopted
17 an amended negative declaration, based
18 on the site plan amendments that were
19 proposed, at your meeting on December 19th
20 of 2024. That included the clearing and
21 grading permit because that was also
22 applied for at the time, so SEQRA is
23 completed for this project.

24 The application for a clearing
25 and grading permit did not meet the

1 F a r r e l l I n d u s t r i a l P a r k

2 requirements to be referred to the
3 Orange County Planning Department, so
4 the result was that no such referral
5 was made, nor is one required, nor
6 would they review it.

7 The Board, if you're so inclined,
8 could consider at this point granting
9 the clearing and grading permit to the
10 project.

11 The conditions are several. If
12 it's all right, I would like to read
13 them into the record.

14 The applicant would need to
15 comply with Chapter 83 of the Town
16 Code, which is the clearing and grading
17 provisions, because there are a number
18 of conditions that are set forth within
19 that code, rather than repeat them
20 here. Any mitigation measures
21 identified in the amended negative
22 declaration would also have to be
23 complied with. The applicant would
24 need to file with the Town Clerk a
25 performance guarantee in the amount of

1 F a r r e l l I n d u s t r i a l P a r k

2 \$3,500 per acre for the entire
3 disturbed areas, which is either by
4 certified check or a letter of credit,
5 in a form approved by the Town
6 Attorney. There's an inspection fee --
7 an initial inspection fee deposit in
8 the amount of \$3,500. The applicant
9 will abide by the Indiana Bat and
10 northern Long Eared Bat tree clearing
11 restrictions so that there's no tree
12 clearing between April 1st and October
13 1st. The applicant shall obtain
14 coverage under the DEC general permit
15 for stormwater discharges as well as a
16 5-acre waiver from the Town of Newburgh
17 Town Board. Prior to utilizing any
18 heavy vehicles or equipment onsite, the
19 applicant shall obtain a construction
20 entrance permit from the DOT. The
21 applicant shall comply with all
22 requirements of the Tree Preservation
23 & Protection Law of the Town. Site
24 activities are only to be conducted
25 between the hours of 7:30 a.m. and 6:00

1 F a r r e l l I n d u s t r i a l P a r k

2 p.m. when within 1,500 feet of any
3 residence. There shall be no site
4 preparation or activity conducted on
5 Sundays or public holidays. The
6 applicant will have to apply for
7 building permits for the retaining
8 walls and comply with any conditions
9 that the Building Department may have
10 in connection with those. The last one
11 is that the applicant has to pay all
12 fees, including escrows, prior to the
13 commencement of any activity on the
14 site.

15 MR. MODAFFERI: If I could just
16 touch on one that you mentioned, the bat
17 restriction. I don't believe this site
18 is within the bat restriction area. I
19 don't believe it was part of the site
20 plan. I don't have the EAF in front of
21 me, but I just don't recall that being --
22 it wasn't a condition of site plan
23 originally that I recall. I just wanted
24 to touch on that quick.

25 MR. CORDISCO: I don't have the

1 F a r r e l l I n d u s t r i a l P a r k

2 benefit of having the negative
3 declaration in front of me or the EAF.
4 We'll confer on that. If the condition
5 doesn't apply, my suggestion to the Board
6 is that we would omit that from the
7 resolution if it's not applicable.

8 CHAIRMAN EWASUTYN: Any questions
9 or comments from Planning Board Members?

10 MR. DOMINICK: No.

11 MS. DeLUCA: No.

12 MR. MENNERICH: No.

13 MR. WARD: No.

14 CHAIRMAN EWASUTYN: Having heard
15 the conditions of approval presented by
16 Planning Board Attorney Dominic Cordisco
17 for the clearing and grading application
18 for Farrell Industrial Park, project
19 number 23-09, would someone move for a
20 motion for approval.

21 MR. DOMINICK: I'll make the motion.

22 MR. WARD: Second.

23 CHAIRMAN EWASUTYN: I have a motion
24 by Dave Dominick. I have a second by
25 John Ward. Can I have a roll call vote

1 F a r r e l l I n d u s t r i a l P a r k

2 starting with John Ward.

3 MR. WARD: Aye.

4 CHAIRMAN EWASUTYN: Aye.

5 MR. MENNERICH: Aye.

6 MS. DeLUCA: Aye.

7 MR. DOMINICK: Aye.

8 CHAIRMAN EWASUTYN: Thank you.

9 MR. MODAFFERI: Thank you very
10 much. Have a wonderful evening. Get
11 home safe.

12

13 (Time noted: 8:02 p.m.)

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1 F a r r e l l I n d u s t r i a l P a r k

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

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

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

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

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 21st day of January 2025.

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Michelle Conero

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MICHELLE CONERO

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

- - - - - X
In the Matter of

3 MARINERS COURT - PAPALEO
(2024-35)

3 Mariners Court
Section 121; Block 1; Lot 7
R-1 Zone

- - - - - X

PUBLIC HEARING - AMENDED SUBDIVISION
CLEARING & GRADING

Date: January 16, 2025
Time: 8:02 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DAVID NIEMOTKO

- - - - - X

MICHELLE L. CONERO
Court Reporter
845-541-4163

1 3 Mariners Court - Papaleo

2 CHAIRMAN EWASUTYN: Our last item
3 this evening is 3 Mariners Court -
4 Papaleo, project number 24-35. It's here
5 this evening for a public hearing on an
6 amended subdivision and clearing and
7 grading application. It's located on
8 3 Mariners Court in an R-1 Zone. It's
9 being represented by David -- I always
10 have a hard time, I apologize, with
11 your last name.

12 MR. NIEMOTKO: After all these
13 years. Niemotko.

14 CHAIRMAN EWASUTYN: Niemotko.

15 I'll ask Mr. Mennerich to read the
16 notice of hearing.

17 MR. MENNERICH: "Notice of hearing,
18 Town of Newburgh Planning Board. Please
19 take notice that the Planning Board of
20 the Town of Newburgh, Orange County,
21 New York will hold a public hearing
22 pursuant to Section 274-A of the New
23 York State Town Law and Chapter 83 of
24 the Town of Newburgh Code on the
25 application of 3 Mariners Court -

1 3 M a r i n e r s C o u r t - P a p a l e o

2 Papaleo clearing and grading
3 application/amended subdivision,
4 project 2024-35. The project is an
5 amended subdivision to revise the
6 previously approved grading plan on the
7 lot within the Anchorage Subdivision,
8 filed map 2016-02. The project
9 proposes modifications to the approved
10 grading plan to place 8,000 plus or
11 minus cubic yards of fill on the site.
12 A single-family residential house
13 exists on the site. The project is to
14 be served by an onsite well and an
15 onsite subsurface sanitary sewer
16 disposal system. The project is
17 located in the Town's R-1 Zoning
18 District. The project is designated on
19 the Town Tax Map as Section 121; Block 1;
20 Lot 7. A public hearing will be held
21 on the 16th day of January 2025 at the
22 Town Hall Meeting Room, 1496 Route 300,
23 Newburgh, New York at 7 p.m. or as soon
24 thereafter as it can be heard, at which
25 time all interested persons will be

1 3 Mariners Court - Papaleo

2 given an opportunity to be heard. By
3 order of the Town of Newburgh Planning
4 Board. John P. Ewasutyn, Chairman,
5 Planning Board Town of Newburgh. Dated
6 9 December 2024."

7 CHAIRMAN EWASUTYN: Would you make
8 your presentation.

9 MR. NIEMOTKO: Sure. We're here
10 again in response to your comments from
11 our last meeting and the comments we
12 received from McGoey, Hauser & Edsall.
13 Those comments resulted in the following
14 revisions to the plans.

15 As was mentioned, we're proposing
16 to fill approximately 8,000 cubic yards
17 of area -- of fill in this area.

18 The comments that we were asked to
19 review was to allow the grading or detail
20 the grading to be further away from the
21 property line, which we did.

22 We introduced stabilization fabric
23 or rolled sections to stabilize the slope
24 as was suggested.

25 In addition to that, we did

1 3 Mariners Court - Papaleo

2 relocate the construction entrance to a
3 more level area to allow access in and
4 out in a safe manner.

5 We identified the inverts of the
6 existing culvert to make sure that
7 remained unhindered or unconstrained in
8 any way.

9 As a result, we did get Pat's
10 recent letter and I believe we addressed
11 all of the comments satisfactorily.

12 We prepared for the public hearing
13 which included posting the notice onsite
14 and getting the acknowledgement from the
15 clerk.

16 CHAIRMAN EWASUTYN: Comments from
17 Planning Board Members. Dave Dominick.

18 MR. DOMINICK: Nothing at this
19 time.

20 MS. DeLUCA: Nothing.

21 MR. MENNERICH: No questions.

22 CHAIRMAN EWASUTYN: No questions.

23 MR. WARD: No questions.

24 CHAIRMAN EWASUTYN: At this point
25 we'll open the meeting to the public. If

1 3 Mariners Court - Papaleo

2 anyone has any questions or comments,
3 please raise your hand.

4 (No response.)

5 CHAIRMAN EWASUTYN: Okay. Let the
6 record show that there is no public
7 comment.

8 At this point I'll ask the Board to
9 move for a motion to close the public
10 hearing on Mariners Court - Papaleo,
11 project number 24-35. Would someone make
12 that motion?

13 MS. DeLUCA: So moved.

14 MR. MENNERICH: Second.

15 CHAIRMAN EWASUTYN: I have a motion
16 by Stephanie DeLuca. I have a second by
17 Ken Mennerich. Can I have a roll call
18 vote starting with Dave Dominick.

19 MR. DOMINICK: Aye.

20 MS. DeLUCA: Aye.

21 MR. MENNERICH: Aye.

22 CHAIRMAN EWASUTYN: Aye.

23 MR. WARD: Aye.

24 CHAIRMAN EWASUTYN: At this point,
25 Jim Campbell, Code Compliance, do you

1 3 Mariners Court - Papaleo

2 have any questions or comments?

3 MR. CAMPBELL: No, I do not.

4 CHAIRMAN EWASUTYN: Pat Hines with
5 MH&E.

6 MR. HINES: Our first comment just
7 describes the project as was just
8 addressed, 8,000 plus or minus cubic
9 yards of fill on the residential lot. We
10 believe the intention is to make a usable
11 lawn area where it's currently relatively
12 steep outside the building envelop that
13 was constructed.

14 The stabilized construction
15 entrance has been relocated.

16 The limits of fill have been
17 redesigned to move further from the
18 adjoining property.

19 The project proposes to disturb a
20 footprint of .61 acres.

21 The Planning Board should consider
22 requiring security for the clearing and
23 grading operation as well as an inspection
24 fee.

25 This is a rather unique project.

1 3 Mariners Court - Papaleo

2 The footprint is very small while it
3 does incorporate 8,000 cubic yards.
4 The per acre security would be very low
5 compared to what is often required for
6 clearing and grading. More importantly,
7 I think it was discussed at work session,
8 the possibility of including an inspection
9 fee such that the Building Department can
10 use outside resources to keep track of
11 the operation.

12 We do note that the rolled erosion
13 control matting has been proposed on
14 the steeper slopes.

15 I re-mention the security for the
16 site stabilization.

17 CHAIRMAN EWASUTYN: Dominic Cordisco,
18 Planning Board Attorney.

19 MR. CORDISCO: This is similar to
20 the prior application, but obviously much
21 smaller. The conditions are relatively
22 similar as far as that's concerned.

23 As Pat had eluded to, the Board
24 does have the authority to require a
25 suitable site stabilization security as

1 3 M a r i n e r s C o u r t - P a p a l e o

2 well as an inspection fee for the
3 project. You have some flexibility there
4 as far as that's concerned.

5 CHAIRMAN EWASUTYN: So that would
6 be the motion for approval for the
7 clearing and grading amendment --
8 subdivision/clearing and grading for
9 Mariners Court - Papaleo?

10 MR. CORDISCO: Yes, which would
11 also include the ability for the Building
12 Department to impose an escrow for the
13 site inspection fee as well as a suitable
14 security that would be recommended at
15 that time.

16 CHAIRMAN EWASUTYN: Having heard
17 the conditions of approval for Mariners
18 Court - Papaleo, project number 24-35,
19 for amended subdivision and clearing and
20 grading presented by Planning Board
21 Attorney Dominic Cordisco, would someone
22 move for that motion.

23 MR. WARD: So moved.

24 MR. DOMINICK: Second.

25 CHAIRMAN EWASUTYN: I have a motion

1 3 M a r i n e r s C o u r t - P a p a l e o

2 by John Ward. I have a second by Dave
3 Dominick. Can I have a roll call vote
4 starting with Dave Dominick.

5 MR. DOMINICK: Aye.

6 MS. DeLUCA: Aye.

7 MR. MENNERICH: Aye.

8 CHAIRMAN EWASUTYN: Aye.

9 MR. WARD: Aye.

10 CHAIRMAN EWASUTYN: Thank you.

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12 (Time noted: 8:10 p.m.)

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1 3 Mariners Court - Papaleo

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

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

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

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

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 21st day of January 2025.

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Michelle Conero

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MICHELLE CONERO

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

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In the Matter of

MATRIX I-84 DISTRIBUTION CENTER
(2022-29)

Route 17K
Section 85; Block 1; Lot 97
Section 89; Block 1; Lots 66 & 69.1
IB Zone

----- X

BOARD BUSINESS

Date: January 16, 2025
Time: 8:12 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

1 Matrix I-84 Distribution Center

2 CHAIRMAN EWASUTYN: The last item
3 for discussion as part of the record
4 is the Matrix application on Route 17K.
5 Pat Hines will speak to the site
6 changes associated with that.

7 MR. HINES: We were contacted by
8 representatives of Matrix and received a
9 letter from their engineers, Langan
10 Engineers, identifying that based on site
11 conditions, and I believe the cost of the
12 extensive retaining walls, that those
13 retaining walls had been redesigned for
14 the project site. Additional geo-technical
15 work was done that identified a larger
16 volume of unsuitable material that would
17 have to be removed in order to construct
18 the revised retaining walls.

19 The site received a clearing and
20 grading permit to remove 160,000 cubic
21 yards of material from the site, including
22 a significant volume of topsoil. The
23 majority of that material has been
24 removed. All of it was not. They
25 stopped work when they ran into the

1 Matrix I-84 Distribution Center

2 need for the retaining walls to be
3 constructed in support of the clearing
4 and grading.

5 They've identified an additional
6 120,000 cubic yards of material that
7 needs to be removed in order to
8 construct the revised retaining walls.
9 That material would not be suitable to
10 put back based on the retaining wall
11 designs.

12 They're looking for approval to
13 continue under their clearing and
14 grading permit, which was extensively
15 done last summer, in order to remove
16 that additional 120,000 cubic yards of
17 material.

18 The securities are in place. The
19 footprint for the clearing and grading
20 doesn't change. It's the volume of
21 material to be removed.

22 They did have a traffic control
23 plan and approval from DOT which
24 continues.

25 There were conditions that the

1 Matrix I-84 Distribution Center

2 material not be placed within the Town
3 of Newburgh without further approvals
4 of that location under the clearing and
5 grading permit. They identified sites
6 outside the Town of Newburgh where they
7 had approval, including one in the Town
8 of Montgomery and I believe one was in
9 Tuxedo, I know it was south of here,
10 that they were utilizing to deposit
11 that material. I believe those sites
12 are going to continue to be utilized.

13 CHAIRMAN EWASUTYN: Questions from
14 Board Members. Dave Dominick.

15 MR. DOMINICK: Nothing further.
16 Pat explained it.

17 CHAIRMAN EWASUTYN: Stephanie DeLuca.

18 MS. DeLUCA: No. Nothing.

19 MR. MENNERICH: No questions.

20 CHAIRMAN EWASUTYN: No comment.

21 John Ward.

22 MR. WARD: The only question I had
23 was with Sunbelt being open, if they
24 could address when the trucks go out to
25 84.

1 M a t r i x I - 8 4 D i s t r i b u t i o n C e n t e r

2 MR. HINES: Their traffic control
3 will have to address Sunbelt Rentals.
4 Previously they had the shoulders closed
5 and their construction vehicles were
6 utilizing the shoulder to come up to
7 speed. They may have to adjust that.
8 They have an approved plan from DOT.
9 There may need to be modifications.
10 Again, that's under the purview of DOT.

11 The site was monitored while they
12 were doing it. They did a really good
13 job at keeping 17K clear. They had
14 street sweepers, an extensive stabilized
15 construction entrance that has been
16 developed. The front of the site
17 actually is at grade and has been
18 vegetated. I think if they continue that
19 operation, it should not present any new
20 issues.

21 CHAIRMAN EWASUTYN: Dominic Cordisco,
22 can you offer us a statement to enter
23 into the record for Matrix?

24 MR. CORDISCO: Yes. What's being
25 proposed is -- obviously I'm searching

1 Matrix I-84 Distribution Center

2 for the --

3 MR. HINES: Update.

4 MR. CORDISCO: An update to the
5 Board. It's basically a status update as
6 far as where the project is. It would
7 require an informal determination by the
8 Board that an amendment to the existing
9 clearing and grading permit would not be
10 necessary and that they can continue
11 under the existing conditions that they
12 have that are already in place with their
13 clearing and grading permit.

14 CHAIRMAN EWASUTYN: Would someone
15 move for a motion for the Board to accept
16 the statement that was presented by
17 Dominic Cordisco, Planning Board
18 Attorney, for the additional soil removal
19 of 120,000 cubic yards from the Matrix
20 site.

21 MS. DeLUCA: Yes.

22 MR. DOMINICK: Yes.

23 MR. MENNERICH: Yes.

24 CHAIRMAN EWASUTYN: Yes.

25 MR. WARD: Yes.

1 Matrix I-84 Distribution Center

2 CHAIRMAN EWASUTYN: Let the record
3 show that the Board is in favor of that
4 additional removal.

5 MR. CORDISCO: Thank you.

6 CHAIRMAN EWASUTYN: That being
7 said, would someone move for a motion to
8 close the meeting of the 16th of January
9 2025.

10 MR. MENNERICH: So moved.

11 MS. DeLUCA: Second.

12 CHAIRMAN EWASUTYN: I have a motion
13 by Ken Mennerich and a second by
14 Stephanie DeLuca. Can I have a roll call
15 vote starting with Dave Dominick.

16 MR. DOMINICK: Aye.

17 MS. DeLUCA: Aye.

18 MR. MENNERICH: Aye.

19 CHAIRMAN EWASUTYN: Aye.

20 MR. WARD: Aye.

21

22 (Time noted: 8:16 p.m.)

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1 Matrix I-84 Distribution Center

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

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

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

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

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 21st day of January 2025.

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Michelle Conero

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MICHELLE CONERO

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