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

-----X
In the Matter of:

DANSKAMMER ENERGY
(21-24)

994 River Road
Section 8; Block 1; Lot 75.211, 75.42, 75.3
I Zone

-----X

PUBLIC HEARING
CLEARING AND GRADING

Date: January 20, 2022
Time: 7:00 p.m.

Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chair
CLIFFORD C. BROWNE
KENNETH MENNERICH
STEPHANIE DELUCA
DAVID DOMINICK
JOHN WARD

ALSO PRESENT: STEPHEN GABA, ESQ., Board Counsel
PAT HINES, P.E., Town Engineer
JIM CAMPBELL, Code Compliance

APPLICANT'S REPRESENTATIVE: SCS Engineers

Reported by: Kari L. Reed

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

1 Danskammer Energy

2 CHAIR EWASUTYN: So at this point we'll
3 call the meeting of January 20th to order with a
4 roll call vote, starting with Stephanie DeLuca.

5 MS. DeLUCA: Present.

6 MR. MENNERICH: Present.

7 CHAIR EWASUTYN: Present.

8 MR. BROWNE: Present.

9 MR. DOMINICK: Present.

10 MR. WARD: Present.

11 MR. HINES: Steve.

12 MR. WARD: You need to introduce
13 yourself.

14 MR. GABA: Oh. Steve Gaba, I'm the
15 attorney for the Planning Board this evening. I'm
16 filling in for the regular Planning Board attorney,
17 Dominic Cordisco.

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

20 MR. CAMPBELL: Jim Campbell, Town of
21 Newburgh, code compliance.

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

24 MR. WARD: Please stand for the Pledge
25 of Allegiance.

1 Danskammer Energy

2 (Pledge of Allegiance said.)

3 CHAIR EWASUTYN: Thank you. The first
4 item on the agenda is Danskammer Energy, a public
5 hearing on clearing and grading. It's on River
6 Road in an I zone, and it's being presented by SCS
7 Engineering. And at this point Ken Mennerich will
8 read the Notice of Hearing.

9 MR. MENNERICH: "Notice of Hearing,
10 Town of Newburgh Planning Board. Please take
11 notice that the Planning Board of the Town of
12 Newburgh, Orange County, New York, will hold a
13 public hearing pursuant to Section 185-57K for the
14 Town of Newburgh code, Section 276 of the New York
15 State Town Law, and Chapter 83 of the Town of
16 Newburgh code, on the application of Danskammer
17 Energy Clearing and Grading Project 21-24. The
18 project seeks a clearing and grading permit to
19 grade an approximately 14.2 acre portion of a large
20 industrial zoned property. The purpose of the
21 clearing and grading is for regrading of landfill
22 cap material, the preparation of the trench
23 recovery, installation of a vinyl covering system,
24 and upgrading of a stormwater management
25 facilities. The project site has a New York State

1 Danskammer Energy
2 DEC approved geomembrane cover system. The project
3 will implement stormwater management facilities.
4 The project includes work covered under New York
5 State DEC permit for landfill closure. The project
6 site is located on 994 River Road. The project is
7 located in the Town's I industrial zone. The total
8 project site is 102 plus or minus acres on multiple
9 lots. The project site is known on the town tax
10 maps as Section 8, Block 1, Lots 75.211, 75.22,
11 75.42 and 75.3. A public hearing will be held on
12 the 20th day of January, 2022 at the Town Hall
13 meeting room, 1496 Route 300, Newburgh, New York,
14 at seven p.m., at which time all interested persons
15 will be given an opportunity to be heard. By order
16 of the Town of Newburgh Planning Board, John
17 Ewasutyn, Chairman, Planning Board, Town of
18 Newburgh, dated 28 December 2021."

19 CHAIR EWASUTYN: Ken, thank you. At
20 this point we're going to turn the meeting over for
21 a moment to Pat Hines, with McGoey, Hauser & Edsall
22 Consulting Engineers, to explain somewhat more of
23 what we're doing with the application.

24 MR. HINES: Yeah. This project is for
25 a clearing and grading project as was stated in the

1 Danskammer Energy
2 Public Hearing Notice. Danskammer itself has been
3 in the newspaper and all the other media for a
4 repowering. This project has nothing to do with
5 the repowering of the existing power plant. We
6 want to make that clear. This project involves
7 this Board's review of a clearing and grading
8 permit in support of a permit that was issued by
9 the DEC to provide a landfill cap on the existing
10 coal ash landfill on the site. So we want to just
11 make clear this has nothing to do with the
12 repowering. It's strictly a clearing and grading
13 permit of 14 plus or minus acres in support of a
14 project that has DEC approval.

15 CHAIR EWASUTYN: Thank you.

16 Is there someone here tonight that
17 would like to introduce the project?

18 MR. GRAY: Sure.

19 CHAIR EWASUTYN: Give your name and the
20 company you work for. And if you have a business
21 card, if you would be so kind as to give it to the
22 stenographer.

23 MR. GRAY: Well, thank all for being
24 here tonight and thank you to the Board. My name
25 is Tom Gray. I'm the chief financial officer of

1 Danskammer Energy

2 Danskammer. I'm joined by John McGahan, he's our
3 plant manager, and we also have John Furst from
4 Catania, Mahon & Rider, representing us from a
5 legal perspective.

6 When we approached this project, this
7 has been a landfill that's been on the site since
8 the plant was originally constructed in the 1950s
9 and operated on coal. The plant no longer operates
10 on coal. Its operations ceased in 2012. And as
11 part of that we have not made any additional
12 contributions to the landfill in the last few
13 years. We've cleaned it up and ultimately just
14 added in any old tailings or any other coal ash
15 that was around the site. So that's all been
16 contributed pursuant to authorizations from the
17 DEC.

18 And you can see this is the footprint
19 of the entire landfill. The green portions, the
20 light green, are areas that have already been
21 capped and fully closed. They are closed with
22 grass and dirt on top. But the new DEC regulations
23 incentivize you to not look to bring in or import
24 clean fill into landfills anymore. So we along
25 with our engineers approached this with really two

1 Danskammer Energy

2 goals in mind. The first one was to adhere to the
3 stormwater management provisions of the DEC. Our
4 property -- the Hudson River would be down here --
5 has a number of stormwater outfalls from our
6 property into the river. So what we really wanted
7 to do was to set a ridge line within the landfill
8 such that we would meet the requirements under the
9 DEC outfall permits to evacuate water to the north
10 and to the south of the property.

11 In addition, as the Board mentioned, we
12 chose a synthetic membrane material. It will look
13 like grass, it looks a lot like AstroTurf. And
14 what we have to do is to reconfigure and clear and
15 grade most of the material already existing in the
16 landfill to meet the slopes to necessitate the
17 direction and volumes of water, as I said, to the
18 north and south. The material's already on site.
19 We bought that and it's staged and ready to go.
20 And pending approval permits from the Town, we
21 intend to start work sometime in around March or
22 April, depending upon weather. And as such we will
23 first begin clearing and grading, define the slopes
24 and the grades, install the cover materials, and
25 then it looks like an AstroTurf grass. It will

1 Danskammer Energy

2 then have a sand infill spread into it. And then
3 in areas where you have a high volume of water they
4 also install materials called Hydro-Turf or
5 HydroBinder, which will really just stop the sand
6 from washing out.

7 Once the water gets to this point it
8 will hit a dispersion trench and then flow off into
9 the forest over on the side. This is a heavily
10 wooded lot. And then this is, on the southern side
11 we will increase the area and use the material
12 which looks a bit like concrete, but what the idea
13 here is to create the channels to flow stormwater
14 runoff to the south side of the property through
15 culverts under our access road to the plant. And
16 then these will flow down to existing southern
17 culverts on the southern side of our property down
18 to the river.

19 Beyond that it's, you know, we're
20 looking forward to having it completed hopefully by
21 August. We don't anticipate a large amount of
22 activity, just an initial mobilization. And then
23 the only other part we will probably have, trucks
24 entering and leaving the site, will be the delivery
25 of the sand infill that I mentioned earlier, which

1 Danskammer Energy

2 may take about 60 trucks over a week and a half,
3 two week period. So but beyond that we're trying
4 to adhere to our environmental responsibility, get
5 this final cap onto the landfill. And it has a
6 longevity and a life of about at least 100 years.

7 with that, if that's sufficient, I'm
8 happy to take any questions.

9 CHAIR EWASUTYN: Thank you. Anyone
10 here this evening who has any questions?

11 MR. GRAY: Oh, sir, may I make just one
12 last point? Importantly, we do have to expand a
13 ditch along the side for stormwater runoff. There
14 is going to be moderate tree clearing in that area,
15 approximately fifteen to twenty trees that we'll
16 need to fell, and these will ultimately then be a
17 riprap line trench. But as far as we know there's
18 no species that are on the list of the DEC within
19 that area. And we would intend to leave the
20 cutting during the preferred window of the DEC,
21 which usually I believe is October to March,
22 approximately.

23 CHAIR EWASUTYN: Tom, thank you for the
24 addition information.

25 MR. GRAY: Okay, thank you.

1 Danskammer Energy

2 CHAIR EWASUTYN: Questions or comments
3 from the public? Just raise your hand and give
4 your name and your address. Yes, sir.

5 MR. FETTER: Bill Fetter from Rockwood
6 Drive. What is the current flow now, where is the
7 -- how does the water leave the site now?

8 MR. GRAY: Do you want to answer that
9 one.

10 MR. MCGAHAN: The water that lands on
11 the blue, where the light blue right now, goes into
12 the landfill, percolates through the ash that's
13 presently there, and it is carried out, where is
14 that, right here, through a pump station, which you
15 can't see at all here, but it makes its way through
16 this blue line, comes down to two ponds that are
17 down here, catch basins. From there it's pumped
18 down to a waste treatment facility building at the
19 bottom of the -- down by the plant, treated,
20 checked, you know, checked to be good to go before
21 it's released to the river.

22 MR. GRAY: So right now there's sump
23 pumps here, and these are collected in wells that
24 are monitored by the DEC quarterly. And as such,
25 as John pointed out, we're removing the primary

1 Danskammer Energy

2 issue, which is selenium, from the water. And so
3 we're bringing those into the parameters that are
4 defined by the DEC to make that water, once its
5 treated and processed and polished, available for
6 discharge.

7 MR. FETTER: So will there be a
8 continuous system of water collection?

9 MR. GRAY: Yes, absolutely.

10 MR. FETTER: Okay.

11 MR. GRAY: But, you know, the DEC's
12 rules on this are becoming more stringent. And as
13 such it's in, you know, our benefit to have this
14 capped and closed, to minimize the amount of
15 infiltration of water that actually percolates
16 through the coal ash materials inside there, and
17 then it needs to be captured, collected, polished,
18 treated and then ultimately discharged.

19 MR. FETTER: Can I continue? How old
20 is the system, how long has this been around?

21 MR. MCGAHAN: The water process system
22 or the landfill.

23 MR. FETTER: No, the cover, this
24 particular type of cover.

25 MR. GRAY: Well, this green area right

1 Danskammer Energy

2 now is existing covered, this is grass and dirt.

3 So if you --

4 AUDIENCE MEMBER: He wants to know
5 about the history.

6 MR. HINES: No, your proposed
7 geomembrane, he wants to know how long that will
8 last.

9 MR. GRAY: Oh, I'm sorry. So the
10 manufacturer suggests these will last 100 years at
11 least.

12 MR. FETTER: That's what I wanted to
13 know.

14 MR. GRAY: And as part of the rules
15 under DEC we have to post security to ultimately
16 have it replaced or refurbished over time. So we
17 have to post a surety bond with the DEC for future
18 potential upgrades.

19 AUDIENCE MEMBER: Does the green area
20 include pole ash, is there ash below that green
21 area?

22 MR. GRAY: Yes.

23 MR. MCGAHAN: This is grass grass, not
24 artificial grass.

25 AUDIENCE MEMBER: Right.

1 Danskammer Energy

2 MR. MCGAHAN: Yes, it is.

3 AUDIENCE MEMBER: But you're not going
4 to cover that with the artificial?

5 MR. GRAY: In this area we are going
6 to, over that we're going to overlay the closure of
7 dirt and material in these this area here and this
8 area here. This is existing closed grass, but we
9 are going to lay that material over the top to work
10 and help manage the stormwater outflows and volumes
11 of water.

12 AUDIENCE MEMBER: There's no barrier
13 then in the area that's left green --

14 MR. MCGAHAN: No, sir.

15 AUDIENCE MEMBER: -- between that and
16 the ash?

17 MR. MCGAHAN: This does have a barrier.

18 MR. GRAY: Yes, it's eight feet of
19 dirt.

20 MR. MCGAHAN: Well, it's capped with a
21 membrane, then it's capped with clay.

22 AUDIENCE MEMBER: Clay.

23 MR. MCGAHAN: Then soil and then grass.

24 AUDIENCE MEMBER: Okay.

25 MR. MCGAHAN: So that what rain falls

1 Danskammer Energy

2 here in the green does not -- it's routed. You
3 can't tell from the picture.

4 AUDIENCE MEMBER: Yeah.

5 MR. MCGAHAN: But this green gets
6 routed to separate basins so it can be checked and
7 being found not contaminated and go to the river.

8 AUDIENCE MEMBER: Okay.

9 MR. MCGAHAN: The stuff, the land
10 presently in the blue, that does go down to the
11 process building before being allowed to go back to
12 the river.

13 AUDIENCE MEMBER: Thank you.

14 MR. GRAY: My pleasure.

15 CHAIR EWASUTYN: Any additional
16 questions or comments from the public?

17 (No response)

18 CHAIR EWASUTYN: I'd like to turn it
19 over to the Planning Board members. John Ward?

20 MR. WARD: No comments.

21 CHAIR EWASUTYN: Dave Dominick.

22 MR. DOMINICK: No, I appreciate the
23 detailed presentation, it was very well done.

24 MR. GRAY: Thank you.

25 CHAIR EWASUTYN: Clifford Browne.

1 Danskammer Energy

2 MR. BROWNE: I agree.

3 CHAIR EWASUTYN: Ken Mennerich.

4 MR. MENNERICH: No questions.

5 CHAIR EWASUTYN: Stephanie DeLuca.

6 MS. DeLUCA: It was a very thorough
7 explanation, thank you.

8 MR. GRAY: Thanks.

9 CHAIR EWASUTYN: All right, at this
10 point I'll turn it over to the consultant, Pat
11 Hines, with McGoey Hauser & Edsall Consulting
12 Engineers.

13 MR. HINES: Sure. Our previous
14 comments have been addressed. We have commented on
15 the stormwater collection, we have commented on the
16 clearing and grading application, and the
17 applicant's representative have revised the plans
18 in accordance with those comments. The Board
19 typically requires stormwater management facilities
20 to have an agreement. I believe that your site,
21 being a Part 360 capped site is covered by the DEC
22 agreement. So if you can submit those, I think
23 those would suffice to say that there's long term
24 operation and maintenance of the stormwater and we
25 can just include that in the resolution. And if

1 Danskammer Energy

2 they don't, then we would require the town's
3 typical stormwater maintenance agreement. I'm
4 familiar with the DEC's Part 360 regulations and I
5 think they're probably going to suffice.

6 The only other item is the town
7 requires a security for the completion of the
8 clearing and grading. This is a unique situation.
9 Typically we find these in support of construction.
10 This is a DEC permitted site. It's fourteen and a
11 half acres, and the town usually requires \$3,500
12 per acre to assure that the site is at least
13 stabilized if the project doesn't -- isn't
14 completed. So I did a quick calculation there, and
15 I believe --

16 MR. GRAY: It's okay, we'll do that.

17 MR. HINES: -- it's \$50,750.

18 MR. GRAY: That's fine. Is it usually
19 a cash escrow it's put into or --

20 MR. HINES: Excuse me?

21 MR. GRAY: Is it usually a cash escrow
22 it's put into?

23 MR. HINES: Yeah, we'll take cash. We
24 still do that.

25 MR. GRAY: I'll work that out with

1 Danskammer Energy

2 John.

3 MR. HINES: It's normally a security
4 acceptable to the town attorney.

5 MR. GRAY: Yeah, that's still legal
6 tender.

7 MR. HINES: That's all we have on this.

8 CHAIR EWASUTYN: All right. Jim
9 Campbell, code compliance, do you have anything to
10 add?

11 MR. CAMPBELL: Nothing to add.

12 CHAIR EWASUTYN: Steve Gaba with Drake
13 Loeb.

14 MR. GABA: The SEQRA process has been
15 completed, it appears there's no further questions
16 in regard to the application, and the Board is in a
17 position to close the public hearing if it's so
18 inclined. And then you have to determine if you
19 want to take action this evening or not.

20 CHAIR EWASUTYN: So then we could,
21 based upon what I'm listening to, say we would
22 close the public hearing and declare a negative
23 declaration?

24 MR. GABA: You did that.

25 MR. HINES: I think you did that

1 Danskammer Energy

2 already.

3 CHAIR EWASUTYN: All right. Could I
4 have a motion from the Board to close the public
5 hearing on the clearing and grading?

6 MR. DOMINICK: Motion.

7 MR. WARD: Second.

8 CHAIR EWASUTYN: I have a motion from
9 Dave Dominick, a second by John, was it by John
10 Ward or Stephanie DeLuca? It's hard to hear with a
11 mask. Could I have a roll call vote, starting with
12 Stephanie DeLuca.

13 MS. DeLUCA: Aye.

14 MR. MENNERICH: Aye.

15 CHAIR EWASUTYN: Aye.

16 MR. BROWNE: Aye.

17 MR. DOMINICK: Aye.

18 MR. WARD: Aye.

19 CHAIR EWASUTYN: Steve Gaba, can you
20 give us conditions for approval for the Danskammer
21 Energy, project number 21-24, clearing and grading
22 application?

23 MR. GABA: There are two proposed
24 conditions. The first is a stormwater facilities
25 maintenance agreement to the satisfaction of the

1 Danskammer Energy

2 town engineer and the town attorney. And the other
3 would be, as Pat said, posting performance security
4 in the amount of \$3,500 per acre. I'm not aware of
5 any other conditions.

6 MR. HINES: No.

7 MR. GABA: So if the Board is inclined
8 to vote on it this evening we'll provide you with a
9 written resolution for the next meeting.

10 CHAIR EWASUTYN: Thank you.

11 Pat, are you in agreement?

12 MR. HINES: Yes.

13 CHAIR EWASUTYN: Having heard from
14 Steve Gaba with Drake Loeb as far as the two
15 conditions for approval for the Danskammer Energy
16 clearing and grading permit, will someone move for
17 a motion to approve?

18 MR. WARD: Motion.

19 MR. DOMINICK: Second.

20 CHAIR EWASUTYN: Second. I have a
21 motion by John Ward, I have a second by Dave
22 Dominick. May I please have a roll call vote
23 starting with John Ward.

24 MR. WARD: Aye.

25 MR. DOMINICK: Aye.

1 Danskammer Energy

2 MR. BROWNE: Aye.

3 CHAIR EWASUTYN: Aye.

4 MR. MENNERICH: Aye.

5 MS. DeLUCA: Aye.

6 CHAIR EWASUTYN: The motion carries.

7 Thank you.

8 MR. GRAY: Thank you very much.

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

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Danskammer Energy

C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 1st day of March, 2022.

Kari L Reed

KARI L. REED

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

In the Matter of:

SERVISS - 2 LOT SUBDIVISION
(21-07)

1298 Union Avenue
Section 4; Block 1; Lot 48
R-2 Zone
-----X

PUBLIC HEARING
2 LOT SUBDIVISION

Date: January 20, 2022
Time: 7:23 p.m.

Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chair
CLIFFORD C. BROWNE
KENNETH MENNERICH
STEPHANIE DELUCA
DAVID DOMINICK
JOHN WARD

ALSO PRESENT: STEPHEN GABA, ESQ., Board Counsel
PAT HINES, P.E., Town Engineer
JIM CAMPBELL, Code Compliance

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

Reported by: Kari L. Reed

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

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CHAIR EWASUTYN: The second item of business this evening, item number two, is the Serviss two lot subdivision. It's project number 21-07, located on Mill Street, 172 Mill Street and 142 Mill Street.

MR. BROWN: It's on Union Avenue.

CHAIR EWASUTYN: Do you want to give me the correct address?

MR. BROWN: 1298 Union Avenue.

CHAIR EWASUTYN: 1298 Union Avenue, thank you. It's an R-2 zone. It's being represented by Talcott Engineering, Charles Brown. And I'll ask Mr. Mennerich to read the Notice of Hearing.

MR. MENNERICH: "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 on the application of Serviss two lot division, project 21-07 for a two lot subdivision located on 1298 Union Avenue in the Town of Newburgh, designated on Town's tax maps as Section 14, Block 1, Lot 48. The project involves a two lot

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2 residential subdivision on a 40.4 plus or minus
3 acre parcel of property. The new lot will be
4 served by town water and an on-site septic system.
5 The proposed residential lot is identified as point
6 -- 0.8 plus or minus acres of property with the
7 balance of the parcel remaining vacant land.
8 Access to the lot will be from Union Avenue. The
9 project is located in the Town's R-2 zoning
10 district. A public hearing will be held on the
11 20th day of January, 2022 at the Town Hall meeting
12 room, 1496 Route 300, Newburgh, New York, at seven
13 p.m., at which time all interested persons will be
14 given an opportunity to be heard. By order of the
15 Town of Newburgh Planning Board John P. Ewasutyn,
16 Chairman, Planning Board, Town of Newburgh, dated
17 28 December 2021."

18 CHAIR EWASUTYN: Charlie, please.

19 MR. BROWN: Thank you. As the notice
20 said, this is an existing 40 acre plus parcel which
21 contains a single family residence which has its
22 own driveway to Union Avenue. The applicant lives
23 in that residence. We are proposing to take the .8
24 acre lot with town water and access off Union
25 Avenue for a single family residence. The minimum

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2 zoning is roughly half of that in this zone for a
3 parcel service by town water. We do have a zoning
4 boundary that goes to the back of the property.
5 The front where we're proposing the existing lot is
6 R-2. The rear of the parcel is residential two
7 acre zoning. We have no other proposed
8 improvements other than what's seen here. The
9 driveway has wells on each side to take the water
10 out on this piece of the property. And that's it.

11 CHAIR EWASUTYN: Okay. As we said
12 earlier, if there's anyone here this evening who
13 has any questions or comments on the application --

14 MR. JOHNSON: I do.

15 CHAIR EWASUTYN: -- that Mr. Brown --
16 give your name and your address, please.

17 MR. JOHNSON: Hello. My name is Ray
18 Johnson, 2 Tree Hollow Lane, Newburgh, New York.

19 CHAIR EWASUTYN: Go ahead.

20 MR. JOHNSON: I just have a few
21 comments with the Board's observation. First of
22 all, good evening and Happy New Years to everyone.

23 I originally requested a moratorium on
24 new construction and commercial activity on these
25 grounds and this property located at 1298 Union

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2 Avenue, Newburgh, New York until a neighborhood
3 impact study has been conducted. I'm very
4 confident that the study will confirm commercial
5 use of the property that has caused destructive
6 harm to the neighborhood and a negative effect on
7 the surrounding community.

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My name is Ray Johnson. I'm a staff
sergeant U.S. Army, retired, 20 years of service.
And I had the unfortunate opportunity to live
adjacent to this property for the past several
years. I located to New York 16 years ago from my
last military assignment from Fort Hood, Texas. I
was born in Alabama and traveled through various
parts of the world, and now I'm here in New York.
My wife has a third generation business in the
area, and we are here to establish our connections
and presence in the area. My son is a West Point
graduate, 2017, captain, U.S. Army Ranger,
currently serving active duty. My daughter
graduated college and worked in a nearby rehab
center in Cornwall for several years before she
relocated during the year of COVID. I've had the
pleasure of being able to watch my children and
several of the neighbors grow up and become

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2 productive citizens in this area. Also I've had
3 neighbors that we've lost, a few people, and we've
4 been sad several times. Currently I work in health
5 care for a large organization that agrees to do no
6 harm. These guiding principles provide a framework
7 to help to define health groups and individuals who
8 really need aid. Hopefully these acts will
9 encourage healthy humans and promote social
10 stability.

11 The individual owner obtained this
12 property several years ago and has been on a
13 crusade to extract anything of value and historic
14 in whatever remains. First, the quiet and peaceful
15 woodlands behind my house were slowly cut down and
16 reduced to an unrecognizable and barren waste land.
17 The loud and continuous sound of chainsaws went on
18 for months, and the area was devastated and
19 continues to this day. Once the trees were
20 removed, the individual began a systematic removal
21 of various areas of topsoil and transport for sale.
22 The trucks and mostly motorized vehicles produce a
23 stink and the ugly sound can be heard throughout
24 the area. The loud and horrendous sound of the
25 earth moving trucks is deafening. As the metal

1

2 tailgates slam daily it feels like shock waves
3 going through your body. The trucks continually
4 exit the property carrying large volumes of dirt
5 while destroying the roads and dropping soil
6 throughout the transport.

7 Several weekends the individual has
8 conducted bonfires, drove vehicles at early hours
9 of the morning, including weekends. Periodically
10 and at random times you can hear loud and rapid
11 gunfire coming from various locations on the
12 property. Continuous dog barking for reasons
13 unknown. Ruthless noise each and every day to
14 destroy the peace and tranquility that once was the
15 norm. My original view of the open forest has been
16 replaced by numerous trailers, abandoned vehicles,
17 large stacks of blue barrels, and unidentifiable
18 items. I'm confident that the property
19 modification activity has not enhanced the current
20 and future value of my home. I believe that there
21 should be some type of municipal order or code
22 related to noise, pet restrictions, waste,
23 building, zoning regulations that control and
24 prevents this from occurring.

25 Now for the next act. This individual

1
2 has requested that the land be subdivided and a
3 road construction through a small narrow land
4 between me and a neighbor's home. I'm not certain
5 of the purpose, but I am confident that it will be
6 used to transport more of the dirt and other
7 resources from the property. I ask that this
8 request be rejected, and a review be conducted of
9 the next steps to keep the neighborhood peaceful
10 and quiet. Hopefully this situation can be quickly
11 remediated, or these sites and sounds will be
12 coming to a neighborhood or backyard near you soon.
13 Thank you for your time, good evening.

14 CHAIR EWASUTYN: Charles, what's the
15 activity on the property?

16 MR. BROWN: I haven't been back by the
17 residence, the existing residence. We just, we're
18 working on the area of the proposed house and
19 driveway and water supply. I could look into it.
20 It does sound, you know, like more of a code
21 enforcement issue, and maybe you should call the
22 building department, because if those are
23 activities that aren't permitted, the zoning
24 department is the enforcement arm for the town.

25 CHAIR EWASUTYN: Jim Campbell, Pat

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Hines, are you familiar with the property?

MR. CAMPBELL: I believe there have been complaints filed over the years. I have not personally handled them. And as far as I believe there's no outstanding issues at this time.

CHAIR EWASUTYN: Pat Hines from McGoey Hauser & Edsall.

MR. HINES: Yeah, I've been involved in assisting the building department on several occasions at the site regarding activities on the site. Some of it related initially to a timber harvest that was approved by this Board on the site. After that timber harvest was closed out the owner of the site continued to cut trees not associated with the timber harvest, but so we were out there then. And the trees that were harvested during the timber harvest were appropriate. But it appears that the owner of the balance parcel is operating an agriculture use on the site. Last time I was out there there was pens full of pigs out there on the site, and we had complaints regarding odors regarding that. But the agricultural use of the site is permitted and continues, and I'm not aware of any enforcement

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2 actions that have been undertaken. I was involved
3 in the site where there was some large bonfires,
4 which I think Mr. Johnson referred to. They were
5 calls to the jurisdictional fire department, I
6 believe, and those were handled. But again,
7 everything there is reputedly under an agricultural
8 use, and the town has no existing enforcement
9 action.

10 Just for the Board's benefit,
11 Mr. Johnson's house is immediately adjacent to Lot
12 2. This Lot 2 as proposed is a flag lot. And for
13 the Board's benefit Mr. Johnson's house is the flag
14 lot next to it, so he is in very close proximity to
15 the proposed lot.

16 CHAIR EWASUTYN: Mr. Johnson, that was
17 a reply to your questions?

18 MR. JOHNSON: A response, yes. Thank
19 you.

20 CHAIR EWASUTYN: Any additional
21 questions or comments?

22 MR. MCCARTNEY: Good evening. My name
23 is Michael McCartney. I live at 19 Cindy Lane. I
24 also live adjacent to I believe Mr. Serviss. I
25 don't even know that I should use that term

1
2 Mr. with him. But I'm in complete agreement with
3 the gentleman who spoke before me. And I'm asking
4 this Board, they approved a timber harvest a few
5 years ago, as Mr. Hines referred to. That timber
6 harvest has become a complete cut down of all the
7 trees. So Mr. Serviss has already had an example
8 of being allowed to do something but doing
9 something else. Mr. Serviss's property is
10 agricultural. I understand that the county
11 approved that. How an agricultural zone can
12 overtake a residential zone at some point I don't
13 know, but they did that. So I'm not blaming the
14 Board for that, although I'm not sure that you
15 fought against it hard enough for the citizens of
16 the Town of Newburgh.

17 That agricultural property is right now
18 being used as a commercial construction company, as
19 he referred to. If you go to the area of Pine
20 Island outside of Goshen, which has been a farming
21 community for a century, you will not see dump
22 trucks, you will not see excavating equipment, you
23 will not see all kinds of construction equipment.
24 If you'd like to come to my house, you can look
25 over to Mr. Serviss's property and you will see

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2 dump trucks and you will see all kinds of
3 construction. So he is running a commercial
4 construction company, paying taxes that are
5 supposedly agricultural, and we the citizens of the
6 Town of Newburgh are getting ripped off. I brought
7 this up to several departments in the town. No one
8 seems to do anything.

9 So my question is, since we know the
10 background of this individual, why would you
11 approve something for him to do something else?
12 Mr. Campbell is going to be responsible for the
13 codes of these homes that are being built. If I
14 was a person who bought that home, and in fifteen
15 years the foundation went down, there was a fire
16 because of electrical, there was a plumbing
17 problem, whatever, that code compliance was
18 supposed to approve, but Mr. Serviss decided let me
19 use plastic instead of copper, you know, what the
20 heck. The homeowner wouldn't know. Well, now the
21 Town of Newburgh is responsible for that because I
22 just brought it up at a meeting. So when the
23 lawsuits come out, they can come to the Town of
24 Newburgh as well.

25

Mr. Serviss has proven in the past that

1
2 he is not a citizen who cares about the community
3 that he lives in. why would this Board approve
4 anything that this individual would like to do.
5 I'm not sure if you have any questions for me. The
6 stench the stench, from that property, I am
7 requesting a tax -- to lower the taxes on my house,
8 because I can't even sit in my backyard on a summer
9 evening because of the stench that comes from that
10 property. And when I called Mr. Serviss to ask
11 about it, he said something must have died in the
12 woods. That he has basically taken down, so there
13 are no woods.

14 And if you'll notice another thing too,
15 I'm not sure what this gentleman's name is by the
16 map, but when he first showed us that map he, his
17 hands were great. But as soon as this person
18 brought up some questions about it, his hands began
19 to shake because he was -- he's trying to defend a
20 person who is indefensible. So I'm asking this
21 Board to not approve these homes.

22 CHAIR EWASUTYN: Thank you.

23 Jim Campbell, code compliance, are
24 there standards for building a structure in the
25 Town of Newburgh and what are the standards?

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MR. CAMPBELL: Yes. Everything built residential has to conform to the residential code.

MR. MCCARTNEY: That doesn't mean that they will, because the inspector has to inspect them.

CHAIR EWASUTYN: Jim, in response to, do you comply with the New York State Building Codes at it relates to building a structure?

MR. CAMPBELL: Yes, we do.

MR. MCCARTNEY: Sir, I do understand all that. But the fact of the matter is that, as you know, this is year 2022, everyone is busy. If you --

CHAIR EWASUTYN: I don't, we don't question people, we don't question people's -- there's a building department. The building department inspects dwellings based upon the New York Building Codes. They're licensed professionals, are they not, Jim.

MR. CAMPBELL: They're certified.

CHAIR EWASUTYN: They're certified, licensed professionals, and that's what we work with, that's what the building department works with.

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2 MR. MCCARTNEY: So they don't make
3 mistakes and they don't, they don't go in --

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CHAIR EWASUTYN: Again, we don't
5 question people, we don't question people --

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MR. MCCARTNEY: -- quick and say ba, ba
7 ba, it's good?

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CHAIR EWASUTYN: -- based upon.

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MR. MCCARTNEY: I'm just letting you --

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CHAIR EWASUTYN: That's not a Planning
11 Board matter to begin with.

12

MR. MCCARTNEY: Okay.

13

CHAIR EWASUTYN: It's not a Planning
14 Board matter.

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MR. MCCARTNEY: I'm just bringing it
16 up.

17

CHAIR EWASUTYN: I'll turn the meeting
18 over now to --

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MR. MCCARTNEY: I'm sorry?

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CHAIR EWASUTYN: -- Steve Gaba with
21 Drake Loeb to talk about an agricultural district
22 and what they are entitled to do, who sets up the
23 districts, is the planning board involved in a
24 recommendation on it, Steve Gaba, if you would.

25

MR. GABA: No, I was unaware of any

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2 agricultural district in this area, but if it has
3 been approved, it would be approved by the county,
4 you, they saw --

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MR. MCCARTNEY: No, I'm not, I'm not --
6 that's not even a question. It is, it has been
7 approved.

8

MR. GABA: Well, if it has then I'm not
9 sure what --

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MR. MCCARTNEY: I'm not sure what video
11 this guy has on somebody in power, but it must be
12 something. And I'm sorry to go there, but you know
13 what, there's no way, there's no way that a
14 residential area for years should be all of a
15 sudden zoned agricultural.

16

MR. GABA: Let me --

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MR. MCCARTNEY: So that the stench in
18 my backyard does not allow me to sit out on a
19 summer night.

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MR. GABA: Let me put it to you this
21 way, okay. The application currently pending
22 before this planning board is simply a two lot
23 subdivision. The Board is of limited jurisdiction.
24 If the two lot subdivision meets the requirements
25 of the town code, the two lot subdivision must be

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2 approved. The two lot subdivision is drawn up
3 there, it meets all the bulk requirements, and our
4 Board is here to listen to any concerns that there
5 may be about where the lines are being drawn as far
6 as the lots go and if they should be drawn
7 differently in order to make the lots more usable
8 or to avoid any adverse impacts. That's the issue
9 before this Board. And if you have something that
10 you'd like to speak to to that issue, that's fine,
11 and the Board will listen to anything you have to
12 say. But those are the germane issues.

13 MR. MCCARTNEY: Okay, but --

14 MR. GABA: Not agricultural districts,
15 not problems that you have with your neighbor,
16 those two lots. So that's what the Board is going
17 to be listening to in this public hearing and
18 ultimately deciding this matter.

19 MR. MCCARTNEY: And I have not -- I
20 brought up two issues. This individual has not
21 lived up to the agricultural district which he was
22 granted.

23 MR. GABA: I understand that.

24 MR. MCCARTNEY: He has not lived up to,
25 okay, he has not lived up to the harvest that this

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2 Board approved. He has clear-cut, okay. So why
3 would you approve something else for him, why?

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MR. GABA: The Board must.

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6 no, it mustn't. You can, you can disapprove it.

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8 MR. GABA: I got my law degree thirty
years ago, I'm not sure when you got yours.

9

10 MR. MCCARTNEY: I'm telling you -- now
you're embarrassing me in front of, in front of the
11 thing, okay, great.

12

13 MR. GABA: Sorry, I'm just telling you
my experience.

14

15 MR. MCCARTNEY: Yeah, well, make your
\$400 an hour or whatever the hell you're making and
16 live with yourself.

17

18 CHAIR EWASUTYN: Can you refrain from
using --

19

20 MR. MCCARTNEY: Look at yourself in the
mirror.

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22 CHAIR EWASUTYN: Can you refrain from
using the hard language, please?

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MR. MCCARTNEY: Hard language?

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25 CHAIR EWASUTYN: Let's not talk about
moneys and whatever.

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MR. MCCARTNEY: That's hard language?

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CHAIR EWASUTYN: I think it's hard

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language.

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MR. MCCARTNEY: Let me invite you over

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to my house on a summer evening and you smell the

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stench.

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CHAIR EWASUTYN: I'm not interested

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in --

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MR. MCCARTNEY: Thank you very much,

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yes. Thanks for going and doing things for the

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citizens of the Town of Newburgh.

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CHAIR EWASUTYN: Again --

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MR. MCCARTNEY: You're not the citizen.

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CHAIR EWASUTYN: -- he explained the

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code to you.

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MR. MCCARTNEY: Yeah.

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CHAIR EWASUTYN: Stephen Gaba explained

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the code. I'm sorry you're not satisfied.

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MR. GABA: I'm not.

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CHAIR EWASUTYN: Additional questions

22

or comments from the public?

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(No response)

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CHAIR EWASUTYN: Comments from Planning

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Board members? John Ward.

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MR. WARD: First, we are looking at this project and only this project. Previous things, if anything you have to talk to the building department. And if there's vehicles and construction, whatever it is, vehicles, whatever it is, it's not here for us to --

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MR. MCCARTNEY: May I ask you another question? In the building department or in the, in any department in this town, who will listen to me? Because I've been as far as, I've been as high as the supervisor. Nothing happened.

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CHAIR EWASUTYN: That's not a question we can answer this evening.

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MR. MCCARTNEY: Okay. Thank you for covering that.

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MR. DOMINICK: Thank you.

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MR. JOHNSON: I have a follow up on that. It's going to be short.

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CHAIR EWASUTYN: It's before the Board now.

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MR. JOHNSON: It's going to be short.

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CHAIR EWASUTYN: It's before the Board now. We're following procedure.

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MR. GABA: Oh, okay.

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CHAIR EWASUTYN: Thank you.

Dave Dominick.

MR. DOMINICK: I just want to echo John and thank you both for your comments, we appreciate that. We are limited, as you were advised, but, you know, talk to the building department, go to code compliance, express your concerns. They are the folks that you need to talk with to get this resolution or to get some guidance. But thank you for your time, we appreciate it.

CHAIR EWASUTYN: Cliff Browne.

MR. BROWNE: Yeah, just a follow up. Again, understanding your concerns; however, on our side is that, as our counsel said, that we are locked into only the application that's before us and nothing else, that's all we can talk about, that's all we can really act on. Anything else we do that we are held liable for anything else that we do inappropriate. So we have to go with what's being presented to us, a lot line change, and that's all we can work on.

The other aspects is, that's already been mentioned, that that property has been before the code compliance, has been reviewed over many,

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2 many occasions. Agricultural apparently, I don't
3 know the law, but apparently the, as an
4 Agricultural parcel it's entitled to a huge, what
5 can I say, allowances to be made for it. Whether
6 we agree with it or not, that's the way it is.
7 Unfortunately, from our part all we can do is act
8 on the application that's before us. That's all we
9 can do.

10 CHAIR EWASUTYN: Thank you.

11 Ken Mennerich?

12 MR. MENNERICH: I think the other Board
13 members have covered everything. I don't want to
14 make any additional.

15 CHAIR EWASUTYN: Stephanie DeLuca.

16 MS. DeLUCA: Yes, I also echo the other
17 Board members. But I want to go back to one of the
18 comments that you had made, sir.

19 MR. JOHNSON: Yes.

20 MS. DeLUCA: In regards to the location
21 of your house.

22 MR. JOHNSON: Yes.

23 MS. DeLUCA: And where is that piece of
24 property, if you could just go over that again.

25 MR. JOHNSON: My backyard directly

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2 looks upon the garbage heap of barrels,
3 construction equipment, et cetera, et cetera,
4 adjacent to probably 200 yards off of Union Avenue.

5 MS. DeLUCA: Okay.

6 MR. BROWN: This is the --

7 MS. DeLUCA: And the lot line is going
8 to be?

9 MR. HINES: It's a subdivision, not a
10 lot line.

11 MS. DeLUCA: Okay.

12 MR. BROWN: This is the drove lot.

13 MS. DeLUCA: Okay.

14 MR. BROWN: And this is Mr. Charles
15 house right here.

16 MS. DeLUCA: And his house is where?
17 I'm sorry.

18 MR. BROWN: This.

19 MS. DeLUCA: Over there?

20 MR. JOHNSON: And there's a probably 20
21 yard narrow strip between my property and adjacent
22 neighbors, and that appears to be where another
23 road is going to come back into an L onto the
24 property, which will be probably six feet from my
25 driveway now.

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MR. BROWN: To your driveway?

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MR. JOHNSON: Yeah.

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MR. BROWN: The proposal is for a driveway.

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MR. JOHNSON: Well, that's what they're saying.

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MS. DeLUCA: Is there a limit on how far that driveway can be to his property?

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CHAIR EWASUTYN: Pat Hines?

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MR. HINES: No, there's not. We had previously commented because of the water lines being in very close proximity to the proposed lot line. There's a 50 foot strip out to Union Avenue, two 25 foot strips will be, one to the parent parcel, one to that proposed lot. Mr. Johnson's driveway is in one of the 25 foot strips, probably in an easement, I believe, of the parent parcel. So there's a currently a 50 foot strip into the parcel, it will be split in half, 25 of it will go to proposed lot two, the new single family residence, 25 of it will remain with the balance parcel, 40 plus or minus acres, and there will be a new proposed driveway spanning the center line of that. And then Mr. Johnson's driveway is also

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2 included in one of the 25 foot strips as it
3 currently exists is what I'm looking at here.

4 MR. BROWN: His driveway is --

5 MS. DeLUCA: Is that going to be an
6 issue, though?

7 MR. BROWN: His driveway is on his own
8 25 foot strip.

9 MR. HINES: So it's not where it says,
10 okay, I'm reading the map, I thought I saw where it
11 says "edge of lawn" is then his driveway. So your
12 driveway is on your own?

13 MR. BROWN: Yes.

14 MR. HINES: Okay. I see that now where
15 it says, what does it say, "Tree Hollow Drive"?

16 MR. BROWN: Yeah.

17 MR. HINES: Okay.

18 CHAIR EWASUTYN: You had a question?

19 MR. JOHNSON: It's just a comment. I
20 mean, obviously you have responsibilities and
21 duties, et cetera. I'm used to that, I'm military
22 retired. I can honestly feel the passion from this
23 particular individual here. Maybe you can't change
24 things but you can effect, you can network and get
25 things done. We aren't I wouldn't go taxpayers,

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2 but we live in the area. Neighborhoods and
3 communities makes a difference.

4 MR. MCCARTNEY: I am a taxpayer.

5 MR. JOHNSON: Where you live, where you
6 sleep, if you can sleep, makes a difference. And I
7 can understand him, if the smell, and that's a
8 day-to-day, that's mental stress. And I'm from the
9 military, but if you were to just lock me up and do
10 those things, then yeah, that's, maybe I did
11 something wrong, maybe he's a prisoner of war.
12 He's not a prisoner of war but he's become a
13 prisoner. And what he's looking for is some
14 relief, because there's no situation where if that
15 same situation was copied and pasted in your
16 backyard that you would be happy.

17 Me personally, I thought I was going to
18 live and retire -- I'm 67 years old, looking to
19 retire. I don't think I'm going to be living here
20 much longer because of the way things are going
21 now. This is not a threat, it's just I want to be
22 mentally and physically okay in what I do. Other
23 individuals don't have that luxury. So I ask that
24 you for a moment feel some empathy, think about
25 what you can do, what went wrong, what did not go

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wrong, and try and correct it. It may be a little too late for certain things but that's a day-to-day thing, that's a pulse, that's what people do every day. And the excuses, there is no excuses. Give some hope, give some options. That's all I'm asking. Thank you.

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CHAIR EWASUTYN: I think Steve Gaba explained to you the, we'll have him explain it to you one more time, the limit of authority we have. Steve.

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MR. GABA: All right. Respectfully, respectfully, the town code sets forth the requirements for subdivisions. They're called bulk requirements. A lot has to be a certain size, there's setbacks. You're allowed to break a larger piece of property into smaller lots if you meet those mathematically ascertained requirements. And the planning board is a board that doesn't have legislative abilities, it doesn't have a lot of leeway in applying those bulk requirements. If an applicant, the property owner, comes in and says I have this one big lot and I want to split it into two smaller lots and I meet all of the things, the bulk requirements, the mathematical requirements,

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2 lot area, setback, road frontage in your code, this
3 board is not vested with the discretion to say
4 we're not going to allow you to split your bigger
5 lots into two small lots just because you've done
6 bad things in the past or allegedly did bad things
7 in the past, okay. It doesn't matter if you're a
8 good person or a bad person or any kind of person
9 comes in. It's math, it's the lots and meeting the
10 code. Now, if you want to look at that subdivision
11 plat and say I don't like this line, I don't like
12 that line, I think perhaps it should be drawn so
13 that, you know, this lot is bigger and that lot is
14 smaller and you can articulate a reason as to why
15 that should be, a reasonable reason, you know, then
16 the Board could say well, all right, you could
17 still split the lot into two but you've got to move
18 your lot lines. But that's pretty much where this
19 board's abilities end. That's all this board can
20 do for you and for the applicant. That's the best
21 I can explain it.

22 CHAIR EWASUTYN: Bill Fetter.

23 MR. FETTER: Bill Fetter from Rockwood
24 Drive. Perhaps the Orange County Health Department
25 might be able to help you do some something.

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CHAIR EWASUTYN: Who?

MS. DeLUCA: I can't hear you, I'm
sorry.

MR. FETTER: The Orange County Health
Department.

CHAIR EWASUTYN: Steve Gaba.

MR. GABA: I'm not in the habit of
giving curbside advice, but it sounds to me like if
you have a problem with your neighbor and it's per
se a zoning problem, it's a land use problem, what
you ought to do is hire an attorney and look into a
lawsuit for nuisance, something along those lines.
And then you can get either money damages or
injunctive relief against them. But the Planning
Board isn't the place where you can get the type of
relief you're looking for, it just isn't.

CHAIR EWASUTYN: Any further questions
or comments?

MR. JOHNSON: Yeah, I'll finalize this.
You're right, the math doesn't work. You're an
attorney, so legalese does work. But I know what
living is like and neighbors and community means
and the developing community. So if this is the
direction that the town is going, I have questions

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2 about the direction that you are proceeding, so.

3 And thank you for your time again.

4 CHAIR EWASUTYN: You're welcome.

5 MR. DOMINICK: John, may I?

6 Mr. Johnson, just one quick thing. A
7 couple meetings ago, just for purposes, we had a
8 public hearing and some of the residents were upset
9 at the speeding in their neighborhood and they
10 wanted the Planning Board to fix that. And we get
11 it, we know they're speeding, you see it in your
12 neighborhoods, my neighborhood, it's everywhere.
13 But we can't do anything as a board here. We did
14 advise them to the talk to the police chief, talk
15 to the town board. And those are some things like
16 maybe you should think about talking to the
17 planning -- or the town board and bring your
18 concerns to those people, and like we said, before
19 code compliance as well. We understand that. But
20 as you heard, we're limited in what we can and
21 can't do, you know, as a group here. So maybe take
22 your action to, like I said, the town board or code
23 compliance or both, okay.

24 CHAIR EWASUTYN: Any additional
25 questions or comments from the Board members?

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MR. WARD: One more. I appreciate you both talking and everything else, we know what -- we feel for you. We know what it is. We're town residents, Newburgh residents period. We do everything we can. What we're doing in front of this project. And we're advising you basically to talk to the other boards that you can do something. That's the bottom line. And if you can go there every day, and sooner or later they're going to do something. So thank you very much for your opinion and everything else. We hear you. Thank you.

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CHAIR EWASUTYN: Cliff Browne, final comment?

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MR. BROWNE: No comment.

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CHAIR EWASUTYN: Ken Mennerich?

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MR. MENNERICH: No.

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CHAIR EWASUTYN: Stephanie DeLuca?

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MS. DeLUCA: No.

20

CHAIR EWASUTYN: Okay. Would someone move for a motion to close the public hearing on the serviss two lot subdivision?

21

22

23

MR. DOMINICK: Make a motion.

24

MR. MENNERICH: Second.

25

CHAIR EWASUTYN: I have a motion by

1

2 Dave Dominick, I have a second by Ken Mennerich.
3 I'll ask for a roll call vote, starting with John
4 Ward.

5

MR. WARD: Aye.

6

MR. DOMINICK: Aye.

7

MR. BROWNE: Aye.

8

CHAIR EWASUTYN: Aye.

9

MR. MENNERICH: Aye.

10

MS. DeLUCA: No. I don't know.

11

CHAIR EWASUTYN: What are you saying?

12

MS. DeLUCA: No.

13

CHAIR EWASUTYN: No what?

14

15 MS. DeLUCA: No, I -- I -- I would like
16 to see if there's any way that we can explore some
changes.

17

18 CHAIR EWASUTYN: Okay. Let the record
19 show that the majority of the Board moved and
20 approved the closing of the public hearing on the
21 Serviss two lot subdivision. We have one objection
by Stephanie DeLuca, Planning Board member.

22

23 At this point I'll turn the meeting
24 over to Steve Gaba to give us conditions of
approval for the two lot subdivision of Serviss.

25

MR. GABA: If the Board is inclined to

1

2 take action tonight, the conditions we would
3 recommend are, first, a common driveway access and
4 maintenance agreement; second, the highway
5 supervisor sign off on the driveway location; and
6 third, payment of recreation fees on the one new
7 lot.

8 CHAIR EWASUTYN: Pat Hines, do you have
9 anything to add to that?

10 MR. HINES: No. Those are the
11 conditions that are remaining in my outstanding
12 comments.

13 CHAIR EWASUTYN: Okay. Jim Campbell
14 with code compliance?

15 MR. CAMPBELL: No additional comments.

16 CHAIR EWASUTYN: Okay. Having heard
17 conditions of approval presented by Planning Board
18 Attorney Steve Gaba with Drake Loeb, would someone
19 move for a motion to approve the two lot
20 subdivision before us this evening?

21 MR. MENNERICH: So moved.

22 MR. BROWNE: Second.

23 CHAIR EWASUTYN: I have a motion by Ken
24 Mennerich, I have a second by Cliff Browne. Can I
25 have a role call vote starting with John Ward.

1

2

MR. WARD: Aye.

3

MR. DOMINICK: Aye.

4

MR. BROWNE: Aye.

5

CHAIR EWASUTYN: Aye.

6

MR. MENNERICH: Aye.

7

CHAIR EWASUTYN: And your vote was?

8

MS. DeLUCA: Yes, aye.

9

CHAIR EWASUTYN: The motion is

10

approved. Thank you.

11

MR. BROWN: Thank you.

12

(Time noted: 7:56 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 3rd day of March, 2022.

Kari L Reed

KARI L. REED

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

In the Matter of:

MILL STREET LOT LINE CHANGE
(22-02)

North of Lester Clark Road, Between
114 and 118 Lester Clark Road
Section 6; Block 2; Lots 3.11, 74.11, 74.12
Reservoir Residential Zone
-----X

INITIAL APPEARANCE
LOT LINE CHANGE

Date: January 20, 2022
Time: 7:57 p.m.

Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chair
CLIFFORD C. BROWNE
KENNETH MENNERICH
STEPHANIE DELUCA
DAVID DOMINICK
JOHN WARD

ALSO PRESENT: STEPHEN GABA, ESQ., Board Counsel
PAT HINES, P.E., Town Engineer
JIM CAMPBELL, Code Compliance

APPLICANT'S REPRESENTATIVE: KATHLEEN BERNAL

Reported by: Kari L. Reed

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

1 Mill Street Lot Line Change

2 CHAIR EWASUTYN: The fourth item of
3 business this evening is the -- excuse me, I'm
4 skipping over. The next item of business is the,
5 there's a typo in the agenda, the Mill Street lot
6 line change, that is the one that's located on 172
7 Mill Street and 142 Mill Street. It's in a
8 Reservoir RR zoning district. It's a lot line
9 change. And it's being represented by W.E. James
10 Engineering & Land Surveying. And for the record
11 you are?

12 MS. BERNAL: Good evening, members of
13 the Planning Board. My name is Kathleen Bernal.
14 I'm here this evening representing the proposed lot
15 line change and lot consolidation that you have in
16 front of you. My family, the Hermance family, has
17 owned the property on Mill Street for many years.
18 The lots involved in this application are all
19 fronted on the south side of Mill Street and begin
20 approximately 500 feet from the intersection of New
21 York State Route 32.

22 There are three lots included in this
23 application, tax lots 3.11, 74.11, and 74.12.
24 Tucked in between those lots is a lot that used to
25 be owned by our family but is now currently owned

1 Mill Street Lot Line Change

2 by Mr. Castle, the Wallkill School Superintendent.

3 Over the time, the land was subdivided
4 for members of the family to build their own homes.
5 Our father left the remaining vacant parcel, tax
6 lot seven point -- 74.12, to his five children.
7 The family listed the vacant parcel for sale, and
8 developers had shown some interest in the lot.
9 Once we realized that our privacy would be lost, my
10 brother Greg and I, who live on the lots that are
11 contiguous with the vacant parcel, have opted to
12 buy out the remaining family members, split the
13 vacant parcel, and consolidate it with our existing
14 lots.

15 As I mentioned earlier, there are three
16 parcels that will be included in this application.
17 Once completed, there will be two parcels. All
18 affected lots are in the Reservoir Residential
19 District, RR. We do not plan any new buildings or
20 improvements with this application, and both lots
21 with dwellings on them currently meet the required
22 zoning bulk table values. The subdivision of the
23 vacant lot and its consolidation with the
24 contiguous lots would create a new lot acres of
25 7.06 acres for my lot, and 5.43 acres for my

1 Mill Street Lot Line Change

2 brother Greg's lot.

3 If you have any questions, I'll try and
4 answer them for you.

5 CHAIR EWASUTYN: Kathleen, very well
6 presented.

7 MS. BERNAL: Thank you.

8 CHAIR EWASUTYN: Very well presented.
9 Very well presented.

10 MS. BERNAL: Thank you.

11 CHAIR EWASUTYN: You articulated it
12 well.

13 At this point let's turn to Pat Hines
14 with McGoey, Hauser & Edsall.

15 MR. HINES: As was stated, my comment
16 number one had it as four lots. The lot geometry
17 of the vacant parcel is fairly unique. It's
18 U-shaped around a couple of parcels. It is a three
19 lot to two lot lot line change. We do not have any
20 technical comments on it. There's no new
21 construction, no new driveways, no new wells and
22 septic. It's creating two of the lots larger and
23 eliminating a third lot by combining them.

24 Adjoiners' notices will be required.
25 No public hearing is required for lot line changes.

1 Mill Street Lot Line Change

2 And it's Type II action under SEQRA. So the only,
3 the only outstanding comment we have is that the
4 adjoining's notices need to be sent out. But there
5 is no provision for a public hearing for a lot
6 line.

7 CHAIR EWASUTYN: Do you understand the
8 next step?

9 MS. BERNAL: Send out the letters?

10 CHAIR EWASUTYN: I'll have Pat Hines
11 explain that to you now.

12 MR. HINES: I can work with your
13 representative. We will do a notice that will be
14 sent out to all adjoining owners within 500 feet.
15 It will describe the project and it will also
16 notify them that there is -- as a lot line change
17 there is no public hearing, it will be the only
18 notice they get. I will provide you with the
19 addresses through the assessor's office. And that
20 notice is then placed in an envelope, first class
21 stamped, addressed. And then you can coordinate
22 with the town's personnel office. They physically
23 mail them to save them from being certified mail.
24 But I can work with Mr. James and his office to
25 coordinate that if that's the way you want to go.

1 Mill Street Lot Line Change

2 MS. BERNAL: Okay.

3 CHAIR EWASUTYN: And we can't grant
4 final approval, there's a time frame.

5 MR. HINES: Yeah, it has to be ten days
6 prior to your next appearance. So we'll do it,
7 typically do these tomorrow, and I'll work with
8 them to get them out. And probably a month from
9 tonight you will be able to act on it.

10 MS. BERNAL: I'm sorry, I didn't hear
11 what you said.

12 MR. HINES: I said probably a month
13 from tonight the Board would, you could reappear
14 before the Board and they could take action.

15 MS. BERNAL: Okay.

16 MR. WARD: Thank you.

17 MS. BERNAL: Thank you.

18 CHAIR EWASUTYN: Thank you for
19 attending.

20 MS. BERNAL: Same here. I bothered you
21 enough.

22 CHAIR EWASUTYN: Generally speaking,
23 most people say I bother them too much. I take
24 that as a compliment.

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

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Mill Street Lot Line Change

C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 1st day of March, 2022.

Kari L Reed

KARI L. REED

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

-----X

In the Matter of:

CBPS REALTY SITE PLAN
(21-13)

NYS Route 32
Section 34; Block 2; Lot 29.1
IB Zone

-----X

SITE PLAN

Date: January 20, 2022
Time: 8:02 p.m.

Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chair
CLIFFORD C. BROWNE
KENNETH MENNERICH
STEPHANIE DELUCA
DAVID DOMINICK
JOHN WARD

ALSO PRESENT: STEPHEN GABA, ESQ., Board Counsel
PAT HINES, P.E., Town Engineer
JIM CAMPBELL, Code Compliance

APPLICANT'S REPRESENTATIVE: LANC & TULLY, P.C.
DAVID E. HIGGINS

Reported by: Kari L. Reed

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

1 CBPS Realty Site Plan

2 CHAIR EWASUTYN: The fourth item of
3 business this evening is the CBPS Realty Site
4 Plan, project number 21-13. It's located on
5 Route 32 in an IB Zone. And it's being presented
6 this evening by Lanc & Tully.

7 MR. GABA: Mr. Chairman, I have a
8 conflict on this matter, so I won't be sitting on
9 the Board.

10 (Mr. Gaba exits dais.)

11 MR. HIGGINS: Good evening. I'm David
12 Higgins from Lanc & Tully Engineering. I'm
13 essentially pinch hitting for John Queenan. John
14 is my partner in the office that prepared the
15 plans. I reviewed it with him, and hopefully I
16 can present it and go through any questions you
17 might have.

18 I know that John had submitted a very
19 preliminary plan to the Planning Board, and
20 presented it at the August meeting this past
21 summer. And at that meeting the Board had
22 requested a more developed plan for the site.

23 Just to maybe refresh some of the
24 memories, this is for a landscape processing
25 facility located on State Route 32 just west, I

1 CBPS Realty Site Plan

2 think west of the intersection of Route 32 and
3 300, for the Consorti Bros. or CBPS Realty.

4 On the plans that were submitted I know
5 John had provided a 1,500 square foot office
6 building, and also delineated areas on the map
7 for processing and for storage of mulch, stone,
8 topsoil, and millings. There's also an upgraded
9 utility plan he provided, a preliminary
10 stormwater layout, an erosion control plan, and
11 some preliminary layouts for the septic system
12 and a well for the property.

13 I know Pat had some comments. We just
14 today got some comments also from the traffic
15 consultants. If you have any questions
16 specifically about any of that we'll go through
17 that and I'll try to answer those. But that's
18 basically the rundown of the plan, and hopefully
19 you have a chance to look at it.

20 CHAIR EWASUTYN: Pat, the next
21 submission, the details that you're looking for,
22 or the reports that you're looking for?

23 MR. HINES: Yeah. The next, again, the
24 applicant has our comments, the next thing we are
25 looking for is the Stormwater Pollution

1 CBPS Realty Site Plan
2 Prevention Plan in support of the project
3 lighting plan if any lighting is proposed.

4 Ken had comments on traffic that will
5 need to be addressed. And we have numerous
6 technical comments. The plan has been developed
7 in much more detail. We did have a technical
8 work session with the representatives from Lanc &
9 Tully's office. I did note that there are some
10 extensive retaining walls that need to be
11 developed, and we're looking for the top and
12 bottom, the heights of those walls based on the
13 grading plan.

14 The septic system design is shown
15 schematically and needs more detail. I have a
16 comment on using the well. The project is in the
17 water district and has water available, so I
18 believe that the project has to hook up to water.
19 We were having some discussion with the codes
20 office on that as well. There's a 10,000 gallon
21 water tank proposed, and we're looking for
22 details of that to be added to the plan, what's
23 that going to look like. We're assuming that's
24 for dust control on the site.

25 Orange County Planning submission is

1 CBPS Realty Site Plan

2 required. And the plans are of sufficient detail
3 I believe we can submit those to County Planning
4 if the Board desires. And then the applicant has
5 additional technical comments that could be
6 addressed while that is playing out.

7 We did note a 100 foot buffer has been
8 identified along the rear of the properties that
9 front on Patendorf, I'm not sure I'm saying or
10 pronouncing that right, but there is, a 100 foot
11 buffer has been added to the plan, so that will
12 be enforceable on this plan. And with that the
13 applicant I think can proceed on with the
14 additional details as it goes to County Planning.

15 MR. HIGGINS: Thank you.

16 CHAIR EWASUTYN: Thank you.

17 Jim Campbell with code compliance?

18 MR. CAMPBELL: Yeah. I was just
19 thinking about some future phone calls that we
20 might receive is one would be on noise, what
21 noise it's producing. And also I saw that one or
22 more of the piles is going to be covered. Is
23 that some sort of structure or is that just tarps
24 to cover it?

25 MR. HIGGINS: Again, you can check with

1 CBPS Realty Site Plan

2 the owner on that, but I did see the comment that
3 John had in the letter that it was a covered
4 storage area. I assumed it was some sort of a
5 tarp or cloth type covering. It's a topsoil,
6 it's processed topsoil.

7 MR. CAMPBELL: If it's a membrane or
8 membrane structure or just simply a ground tarp.

9 MR. HIGGINS: Okay.

10 MR. CAMPBELL: That was all my
11 comments.

12 CHAIR EWASUTYN: John Ward.

13 MR. WARD: You mentioned about the
14 noise. And at work session we mentioned possibly
15 having a study to show us to make sure. And
16 thank you for the 100 foot buffer. And at the
17 same time is there any reason why you don't want
18 to have retail, public for this facility?

19 MR. HIGGINS: I have -- I don't know.
20 I haven't spoken with the owner about that.

21 MR. WARD: Okay. Thank you.

22 MR. HINES: Mr. Ward, we did discuss
23 that with the applicant at the work session and
24 brought that up as well.

25 MR. WARD: All right.

1 CBPS Realty Site Plan

2 CHAIR EWASUTYN: Dave.

3 MR. DOMINICK: I too would like to see
4 a noise study, given its location. And then also
5 I have the same question on the retail.

6 Mr. Hines, was there any response when
7 it was brought up at the work session?

8 MR. HINES: Yeah. The owner of the
9 property advises us that this will be strictly
10 for his use and producing of the materials, which
11 will then be transported off site should there be
12 retail sales. We did advise him that they should
13 ask for anything they would need now, because if
14 that is added in the future it would need to
15 return to the Board. But we didn't get a
16 response from them saying they would do that or
17 not. So if Mr. Higgins wants to advise them of
18 that again, that concern, that if they are asking
19 for that it should be asked for now rather than
20 later.

21 MR. HIGGINS: Yeah, I'll review that
22 with John.

23 MR. HINES: Sure.

24 MR. HIGGINS: We'll talk to the
25 applicant.

1 CBPS Realty Site Plan

2 MR. DOMINICK: Thank you. That's all.

3 MR. BROWNE: Nothing from me.

4 CHAIR EWASUTYN: Ken?

5 MR. MENNERICH: Nothing.

6 CHAIR EWASUTYN: Stephanie?

7 MS. DeLUCA: No, nothing else.

8 CHAIR EWASUTYN: So then the action
9 before us tonight is you'll work with Dave
10 Higgins and his office, Lanc & Tully, as far as
11 the submission to the Orange County Planning
12 Department?

13 MR. HINES: Yeah, I believe that's the
14 only action we can take tonight.

15 CHAIR EWASUTYN: Okay. Can I have a
16 motion from the Board to approve circulating this
17 CBPS Realty Site plan numbered 21-13 to the
18 Orange County Planning Department?

19 MR. MENNERICH: So moved.

20 MR. BROWNE: Second.

21 CHAIR EWASUTYN: I have a motion by Ken
22 Mennerich, I have a second by Cliff Browne. May
23 I please have a roll call vote starting with John
24 Ward?

25 MR. WARD: Aye.

1 CBPS Realty Site Plan

2 MR. DOMINICK: Aye.

3 MR. BROWNE: Aye.

4 CHAIR EWASUTYN: Aye.

5 MR. MENNERICH: Aye.

6 MS. DeLUCA: Aye.

7 CHAIR EWASUTYN: Thank you.

8 MR. HIGGINS: If I can ask a question,
9 has lead agency been done for the application
10 yet, and if not, is that something that the Board
11 can do to keep at least moving?

12 MR. HINES: Yeah, we held off on that
13 last time as well. The plans didn't have
14 sufficient detail so that we could do a lead
15 circulation as well. DOT is involved. If the
16 Board --

17 CHAIR EWASUTYN: Pat, do you want to
18 circulate, do you want to declare intent?

19 MR. HINES: Yeah, I think we should
20 declare intent for lead agency. I forgot that we
21 didn't do it last time because the level of
22 detail wasn't there.

23 CHAIR EWASUTYN: Okay. would someone
24 make a motion to declare intent for lead agency
25 and to circulate to the, what are the involved

1 CBPS Realty Site Plan

2 agencies, Pat?

3 MR. HINES: DOT is the involved agency
4 and County Planning would be an interested agency
5 under that. DEC also, because there may be a
6 need for a Part 360 permit for the materials
7 handling.

8 MR. HIGGINS: Yeah, John said that
9 there would be because of the process, yes.

10 MR. HINES: So the DEC as well.

11 CHAIR EWASUTYN: Okay. Questions from
12 Board members?

13 MR. BROWNE: No.

14 CHAIR EWASUTYN: John ward? would
15 someone make a motion?

16 MR. WARD: So moved.

17 MR. BROWNE: Second.

18 CHAIR EWASUTYN: I have a motion by
19 John ward, I have a second by Cliff Browne. I
20 will ask for a roll call vote starting with John
21 ward to circulate intent to declare intent for
22 lead agency.

23 MR. WARD: Aye.

24 MR. DOMINICK: Aye.

25 MR. BROWNE: Aye.

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CBPS Realty Site Plan

CHAIR EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

CHAIR EWASUTYN: Motion carried. Thank
you.

MR. HIGGINS: Thank you very much.

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

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CBPS Realty Site Plan
C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such proceedings.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 5th day of March, 2022.

Kari L Reed

KARI L. REED

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

In the Matter of:

NEWBURGH COMMERCE CENTER/SCANNELL
(21-21)

124 Route 17K
Section 95; Block 1; Lot 58
IB Zone
-----X

SITE PLAN

Date: January 20, 2022
Time: 8:11 p.m.

Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chair
CLIFFORD C. BROWNE
KENNETH MENNERICH
STEPHANIE DELUCA
DAVID DOMINICK
JOHN WARD

ALSO PRESENT: STEPHEN GABA, ESQ., Board Counsel
PAT HINES, P.E., Town Engineer
JIM CAMPBELL, Code Compliance

APPLICANT'S REPRESENTATIVE: ZACHARY ZWEIFLER
DAVID EVERETT

Reported by: Kari L. Reed

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

1 Newburgh Commerce Center/Scannell

2 CHAIR EWASUTYN: Our fifth item of
3 business this evening is the Newburgh Commerce site
4 Scannell site plan, Project Number 21-21. It's
5 located on Route 17K in an IB Zone, represented by,
6 are you representing them tonight?

7 MR. ZWEIFLER: Yes. My name is Zachary
8 Zweifler, from Scannell Properties, yeah.

9 we'll pull up the sketch right here in
10 a second. We were here last month and we walked
11 through a number of comments that we received from
12 both the engineer and a traffic consultant with the
13 town. We replied in the last month with a
14 resubmission addressing all of those comments.
15 Really, you know, very minor updates to the plan
16 set, we're trying to address those comments. I
17 believe we have gotten a few additional comments in
18 the last meeting that Mr. Everett is going to
19 cover.

20 But I'll just again, as a reminder,
21 132,000 square foot building right off of 17K.
22 You've got the airport here, the Kia dealership to
23 our east. And so we've been proposing this
24 building with parking on the east side, the truck
25 operations here on the west side. We've added some

1 Newburgh Commerce Center/Scannell
2 additional detail for a utility concrete pad out
3 here for us to be able to service the employees
4 coming in. We've added some details on compactors
5 and trash facilities that we're expecting to have
6 in operation. And we've got a little bit more
7 development on it. And then to kind of provide
8 more detail, this is our landscaping plan. And I
9 think one of the members last month had asked for a
10 little bit more detail on that to make sure we got
11 the quantities and sizes detailed on there. We
12 provided that as well. Hopefully they're very
13 minor updates from last month and July.

14 CHAIR EWASUTYN: Questions from the
15 Board members? John Ward.

16 MR. WARD: Not right now. Thank you.

17 CHAIR EWASUTYN: Dave Dominick.

18 MR. DOMINICK: No, but thanks for the
19 updated landscape detail, I appreciate that.

20 CHAIR EWASUTYN: Cliff.

21 MR. BROWNE: Nothing right now, no.

22 CHAIR EWASUTYN: Ken Mennerich.

23 MR. MENNERICH: No.

24 CHAIR EWASUTYN: Stephanie DeLuca.

25 MS. DeLUCA: Nothing, no, thank you.

1 Newburgh Commerce Center/Scannell

2 CHAIR EWASUTYN: Pat Hines, do you have
3 some comments on this project?

4 MR. HINES: Yeah. Some are procedural
5 and some are technical. The first item has to do
6 with the lead agency status. We had circulated a
7 Notice of Intent for lead agency, identifying the
8 project as a Type I action; greater than ten acres
9 disturbance, greater than 100,000 square feet.
10 That time has now -- that circulation has now timed
11 out and the Board should declare itself lead agency
12 for the project tonight.

13 A City of Newburgh Flow Acceptance
14 Letter is required. I did receive from Langan
15 Engineers the hydraulic loading, which I will
16 forward to the City of Newburgh. There is
17 coordination going on with the jurisdictional
18 emergency services that will need to be completed.
19 We're requesting some design information on the
20 water system. The applicant has been working with
21 the DOT on the access drive through DOT and Ken
22 Wersted's office. They recently had submitted some
23 information regarding the need or the provisions
24 for the single point of access, an explanation on
25 why additional points of access are not conducive

1 Newburgh Commerce Center/Scannell
2 to the site geometry and the surrounding
3 neighborhood. I do note that a couple of
4 appendixes were missing from that submission, and
5 we'll be looking for those.

6 The noise study we're looking for to
7 document the benefits of the sound attenuating
8 walls. As I pointed out at our work session, there
9 are two walls proposed for noise reduction along
10 the residential properties.

11 I have completed the technical review
12 of the Stormwater Pollution Prevention Plan and I
13 have provided those comments to the applicant's
14 representative as well.

15 CHAIR EWASUTYN: Thank you.

16 Jim Campbell, code compliance?

17 MR. CAMPBELL: No additional comments
18 at this time.

19 CHAIR EWASUTYN: Steve Gaba with Drake
20 Loeb.

21 MR. GABA: Well, there's an issue in
22 regard to the SEQRA review that was carried out on
23 the variance that was granted by the ZBA. Do you
24 have any further information on that? I believe
25 they had a Type II action that was going to be

1 Newburgh Commerce Center/Scannell

2 provided to our office?

3 MR. EVERETT: Yeah, yeah. So I did
4 send an email to Dominic about that, I believe he
5 requested additional information on that issue.
6 And there the ZBA decision also indicated that if
7 it was a Type II action that they can move forward
8 as a Type II action, which they did. There were a
9 lot of cases, as I discussed with Dominic last
10 time, that basically indicate that it's a Type II.
11 Even though there's a coordinated review ongoing,
12 you know, the agency that has that Type II piece
13 before it can still move forward and make a
14 decision based upon that and it's not segmentation.
15 We had provided --

16 MR. GABA: We'd like to put that issue
17 to bed, if you could get that submitted, that would
18 be great.

19 MR. EVERETT: Yeah, yeah, he has that.

20 MR. GABA: You already submitted it?

21 MR. EVERETT: I submitted it to him,
22 he's got it. If you have any questions --

23 MR. GABA: All right, because he
24 indicated to me he didn't have it either.

25 MR. HINES: I don't believe Dominic has

1 Newburgh Commerce Center/Scannell

2 that. In my last conversation with him before the
3 other day was that he had not received any case law
4 or information from you.

5 MR. GABA: Well, just straighten it out
6 with Dominic.

7 MR. EVERETT: Yeah.

8 MR. GABA: If you already submitted it,
9 just touch base with him.

10 MR. EVERETT: Yup.

11 MR. GABA: And if not, then get it in.

12 MR. EVERETT: Yup.

13 MR. GABA: So that would be the issue
14 on that.

15 It's up to the Board, but I don't
16 believe you're in a position to make a SEQRA
17 determination yet. You've just declared yourselves
18 as lead agency. And that's it. That's it. I
19 think other than that it's all engineering comments
20 on this matter.

21 CHAIR EWASUTYN: May I have a motion
22 from the Board to confirm lead agency and to
23 circulate to the Orange County Planning Department?

24 MR. WARD: So moved.

25 MR. DOMINICK: Second.

1 Newburgh Commerce Center/Scannell

2 MR. EVERETT: All that, all that was
3 already done. You guys all did that at your last
4 meeting.

5 CHAIR EWASUTYN: Pat, we circulated? I
6 thought you mentioned that earlier to circulate to
7 the Orange County Planning Department.

8 MR. HINES: I did not mention that on
9 this one.

10 CHAIR EWASUTYN: I thought you did.

11 MR. EVERETT: We sent it out on the
12 twelfth.

13 MR. HINES: So it's been circulated.
14 Because of the volume of the plans I did notice
15 actually, I'm recalling this now, I sent it to
16 Mr. Wersted's office and it just was recently
17 submitted.

18 CHAIR EWASUTYN: So we don't have to do
19 that.

20 MR. HINES: That was completed, yes.

21 CHAIR EWASUTYN: Okay, my error then, I
22 thought you had said that earlier in the evening.

23 Okay, then the only motion before us,
24 John Ward, would you rescind your motion to
25 circulate to the Orange County Planning Department

1 Newburgh Commerce Center/Scannell
2 since that's been done and just confirm our lead
3 agency position?

4 MR. WARD: So moved.

5 MR. DOMINICK: Second.

6 CHAIR EWASUTYN: Okay, a motion by John
7 ward, a second by Dave Dominick. May I please have
8 a roll call vote starting with John ward?

9 MR. WARD: Aye.

10 MR. DOMINICK: Aye.

11 MR. BROWNE: Aye.

12 CHAIR EWASUTYN: Aye.

13 MR. MENNERICH: Aye.

14 MS. DeLUCA: Aye.

15 CHAIR EWASUTYN: Thank you. My
16 apologies.

17 MR. ZWEIFLER: Thank you.

18 MR. EVERETT: I have a question about
19 what other information does the Board feel that it
20 needs at this point to make a SEQRA determination,
21 addressing some of the comments in Pat's?

22 MR. HINES: So yeah, the comments I
23 have that are SEQRA related are the, addressing the
24 SWPPP comments and probably the outstanding ones, I
25 know you did a report, but there are the threatened

1 Newburgh Commerce Center/Scannell
2 or endangered species reports that have not been
3 reviewed by the DEC and U.S. Fish & wildlife. I
4 don't have the indication from them yet, so I think
5 that needs to be closed before this Board can take
6 action under SEQRA.

7 CHAIR EWASUTYN: And the other thing we
8 haven't seen to date, if you have any ARB plans?

9 MR. ZWEIFLER: Yes.

10 CHAIR EWASUTYN: Okay. So I'd like to
11 for the next meeting have that. Do you have them
12 with you now?

13 MR. EVERETT: Yes.

14 MR. ZWEIFLER: Yeah. We can show them
15 to you if you would like now.

16 MR. EVERETT: Would you like to see
17 them now?

18 MR. ZWEIFLER: No problem. So I've got
19 kind of a few different samples, and we've also got
20 a virtual sample board as well if you want to see
21 that, you can pass it down and that'll kind of give
22 you an idea.

23 So we've got a few materials. So this
24 is a material that will be our sample, right here,
25 it's just a vinyl, a neutral color. Obviously it

1 Newburgh Commerce Center/Scannell
2 wouldn't be kind of like this on the version that's
3 going to be installed. This is to demonstrate both
4 the window fixtures, the door frames, and then
5 that's the same material that we'll be using for
6 our canopy. It's a clear product like that. And
7 then we've got like photos for you here as well.
8 So we've got our primary color is Camelot, then a
9 neutral gray, and then the flat, and then we've got
10 our accent as well, so we have got three different,
11 excuse me, two different sets of all four colors as
12 well. So I can leave it here, so again if you want
13 to pass it around you're more than welcome to.

14 Let me grab my material board.

15 This is our elevation here, and we kind
16 of have it jointly we put together with both the
17 floor plan on here so you can see, you know, again,
18 as we've been setting this up for future tenancy,
19 really delivering the space with no improvements
20 inside. You've got doors shown along the west
21 side, and you can kind of see that corresponding
22 here. I don't think it has an exact on the doors
23 yet, what we've shown you is kind of our max. So
24 we'll be delivering some doors at first, and then
25 we'll have knockouts for future door delivery as

1 Newburgh Commerce Center/Scannell
2 well. We've got that flexibility to have installed
3 that. And then both in the southeast corner and
4 the northeast corner we've got it set up for two
5 offices of immediate delivery, where we'll have a
6 storefront entry, three windows for each one, as
7 well as knockouts for future windows along the
8 sides. These are ten feet deeper offices that can
9 support this sidewise, both the, the elevations on
10 the end caps of our building. And you can see
11 we've really added a lot of Reveal. So what you'll
12 see here is there's both three different parapet
13 heights as well as Reveal panels to try and break
14 up the vertical --

15 CHAIR EWASUTYN: Which are the Reveal
16 panels that you have, are they on the table there?

17 MR. ZWEIFLER: So everything would be
18 concrete panel.

19 CHAIR EWASUTYN: Right.

20 MR. ZWEIFLER: But see, you'll see
21 we've got different colors. So, for instance, the
22 one in the back on this, this here would be the
23 darkest color, over the edge.

24 CHAIR EWASUTYN: Could you next time,
25 we'll go through this now, could you next time come

1 Newburgh Commerce Center/Scannell
2 up with something that is more of a picture of what
3 you're showing now?

4 MR. ZWEIFLER: Oh, sure. We've got it
5 right here as well.

6 CHAIR EWASUTYN: This is almost black
7 and white.

8 MR. ZWEIFLER: Yeah. We've got
9 renderings as well if you'd like to see those. Do
10 you have -- this is more set up for what the place
11 looks like from the road. But hopefully that can
12 help a little bit more. So is that a little bit
13 more helpful?

14 MS. DeLUCA: Yes.

15 CHAIR EWASUTYN: Ken, do you find that
16 helpful?

17 why don't we have an overview next time
18 you come back for the public hearing, because we
19 should have something that if the public or the
20 existing neighbors want to know exactly the
21 picture, then we have a picture, okay? Right now I
22 appreciate what you're doing, but, and I am a
23 visual person, I don't know where the start or the
24 end of this is.

25 MR. ZWEIFLER: No problem. So we'll, I

1 Newburgh Commerce Center/Scannell

2 mean, if you have a picture it would be helpful for
3 us to do --

4 CHAIR EWASUTYN: Something enlarged
5 greater than what you are pointing to.

6 MR. ZWEIFLER: Yes, like each of these
7 on kind of their own boards is helpful?

8 MR. DOMINICK: Yes.

9 MR. ZWEIFLER: Okay. We can do that,
10 no problem.

11 But, you know, again, along here is all
12 concrete. We've got the reveals in here with three
13 different steps in them. We've got the four
14 different colors as well to really help add that
15 diversity. We intentionally kept it in more of the
16 earth tone colors to make it less offensive. We've
17 got, like I said, the sidewalks are shown here and
18 that's the color. And then again we've got the
19 storefront material, which will be the, you know,
20 everything that's the metal, not the wall panel
21 itself.

22 CHAIR EWASUTYN: Sounds good.

23 MR. ZWEIFLER: Awesome.

24 MS. DeLUCA: Do you have a client yet?

25 MR. ZWEIFLER: I'm sorry?

1 Newburgh Commerce Center/Scannell

2 MS. DeLUCA: Do you have a client?

3 MR. ZWEIFLER: So nothing that's
4 finalized. We've got one group that's pretty
5 serious that would be looking to going in the north
6 side of the building. So they'll be using this,
7 it'd be a -- it's a retail customer, someone you'd
8 all know that will be using this to kind of do
9 their home deliveries out of. So if you go there,
10 you buy something too big to come home with that
11 day, they'd be coming out of this facility and
12 coming to your home the next day when you schedule
13 the delivery. So that's the first group that we've
14 got that's pretty serious. And we've had a few
15 other groups that have had an interest in it. One
16 that still alive who's looking at R&D around
17 computers basically, the simple version as I
18 understood it, they were looking at doing kind of
19 fast prototyping of computer parts, so more of that
20 R.D. kind of manufacturing.

21 MS. DeLUCA: Okay. Thank you.

22 CHAIR EWASUTYN: Any additional
23 questions or comments from Board members?

24 MR. DOMINICK: Zachary, when you come
25 back with the larger drawings, can you also do an

1 Newburgh Commerce Center/Scannell
2 elevation of what your entrance is going to look
3 like off of 17K and the landscaping, any type of
4 design?

5 MR. ZWEIFLER: Absolutely.

6 MR. DOMINICK: Okay.

7 MR. ZWEIFLER: Yeah. So we'll come
8 back, I'll get -- I'll bring three full size boards
9 with a picture from kind of each end, and then
10 we'll come in with a full size board with probably
11 a few of these where you can see the view from the,
12 coming in from the road.

13 MR. DOMINICK: Yeah, it's a little
14 tough from this distance. Thank you.

15 MR. ZWEIFLER: Yes, it gets a little
16 small. Awesome.

17 CHAIR EWASUTYN: Thank you. Is there
18 anything else you're looking for tonight?

19 MR. EVERETT: Nothing else,
20 Mr. Chairman. Thank you for your time.

21 MR. HINES: The only other thing that
22 came to mind, during the work session we talked
23 about the FAA. This is in the airport overlay and
24 we need a No Hazard letter from the FAA. I think
25 we talked about it last time, I just want to

1 Newburgh Commerce Center/Scannell

2 confirm --

3 MR. ZWEIFLER: Yeah.

4 MR. HINES: -- that because it's in the
5 airport overlay it's going to be required, that No
6 Hazard letter. It's better to do it earlier.
7 We've had projects that did it later and held them
8 up and then they got lights on their buildings.

9 MR. ZWEIFLER: No, no, no, I think we
10 are -- we've tried going down that route.

11 MR. HINES: Okay.

12 MR. ZWEIFLER: We did the 7460 back in,
13 November 10th we filed it.

14 MR. HINES: Okay.

15 MR. ZWEIFLER: And we got a limited,
16 you know, notification just a week ago now. So
17 they're not doing the sixty day public hearing
18 process so they can puts lights on the building.

19 MR. HINES: Okay. I just wanted to
20 make sure we check the box at the end.

21 MR. ZWEIFLER: No, I appreciate it.

22 CHAIR EWASUTYN: John Ward.

23 MR. WARD: Have you heard anything from
24 DOT with your entrance with the lanes?

25 MR. ZWEIFLER: No. I mean, we

1 Newburgh Commerce Center/Scannell
2 submitted our Part 33, and they're going through
3 the state DOT review right now.

4 MR. WARD: All right. Thank you.

5 MR. ZWEIFLER: I think the good news is
6 when we did our preapp they were pretty supportive.

7 MR. WARD: Very good.

8 MR. ZWEIFLER: Anything else? No,
9 okay.

10 MR. ZWEIFLER: Thank you.

11 CHAIR EWASUTYN: All right.

12 MR. EVERETT: Thank you all.

13 (Time noted: 8:29 p.m.)

14

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Newburgh Commerce Center/Scannell

C E R T I F I C A T E

STATE OF NEW YORK)
COUNTY OF ORANGE) SS:

I, KARI L. REED, a Shorthand Reporter (Stenotype) and Notary Public with and for the State of New York, do hereby certify:

I reported the proceedings in the within-entitled matter and that the within transcript is a true record of such proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of March, 2022.

Kari L Reed
KARI L. REED

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

In the Matter of:

WELLNOW FACILITY
(22-01)

Newburgh Commerce Center
Section 60; Block 3; Lot 32.11
IB Zone
-----X

INITIAL APPEARANCE
AMENDED SITE PLAN
NEW BUILDING

Date: January 20, 2022
Time: 8:31 p.m.

Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chair
CLIFFORD C. BROWNE
KENNETH MENNERICH
STEPHANIE DELUCA
DAVID DOMINICK
JOHN WARD

ALSO PRESENT: STEPHEN GABA, ESQ., Board Counsel
PAT HINES, P.E., Town Engineer
JIM CAMPBELL, Code Compliance

APPLICANT'S REPRESENTATIVE: JUSTIN DAVIS

Reported by: Kari L. Reed

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

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CHAIR EWASUTYN: Our sixth item on the agenda this evening is before us, it's wellNow Facility, Project Number 22-01. It's an initial appearance for amended site plan and new building. It's in the IB zone. And it's being represented by Colliers Engineering, and I believe it's Justin Davis from Colliers Engineering who's representing it.

10

MR. DAVIS: Good evening.

11

12

13

14

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17

MR. SHEPARDSON: Good evening, Mr. Chairman and members of the Board, my name is Tom Shepardson. I'm an attorney for the owner of the Newburgh Town Center. With me is the applicant, the actual applicant, G. William, Sumeet Desai, and, like you said, Justin Davis is our engineer.

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25

You know, really, really quickly, and Justin will get into the details, there's currently a vacant bank building on this parcel within the center, and we're proposing to demolish it and put a wellNow -- a new building there for wellNow at this site. It's a slightly, ever so slightly smaller building. And we're kick starting the site plan review process tonight with our sketch plan.

1
2 And as part of our application we did submit
3 elevations of drawings of the proposed wellNow as
4 well for architectural review. We have looked at
5 it and we have submitted a full EAF, but we believe
6 that it's a Type II action, and if the Board
7 concurs with that we'd appreciate the Board making
8 that determination tonight. We also feel that, you
9 know, we've got a complete application and it
10 should be ready to go to the county as well for the
11 239 referral. And with that, Justin will go over
12 some details, and if you have answer questions he
13 can answer them.

14 MR. DAVIS: Justin Davis from Colliers
15 Engineering and Design. So, as Tom mentioned, this
16 project site is part of the unified site plan that
17 is Newburgh Town Center. We were just before the
18 Board a short time ago for the Home Goods that the
19 same applicant is currently under construction on
20 the site there.

21 This is at the southeast corner of that
22 center, that shopping center. The tax lot is 1.9
23 acres in size. It's in the town's IB zoning
24 district, which permits offices for professional
25 business and research, and that's a permitted use

1

2 of the site plan approval by the Planning Board.

3

4 As mentioned, the existing bank
5 facility that is there would be demolished. That
6 facility was about 3,645 square feet. The proposed
7 wellNow urgent care medical office is 3,515 square
8 feet, so it's a slight reduction of about 130
9 square feet. Overall traffic circulation and
10 parking placement is also very similar to what you
11 see out there today.

12

13 The proposed building is also kind of
14 right in the same vicinity of where the building is
15 that you see out there today. The parking limit
16 will remain on the outside here on the south.
17 we're keeping these northern spaces and basically
18 just kind of retooling where the building and that
19 island around the building, that's what we'll be
20 looking to improve. And with the landscaping, you
21 know, the lighting will be in the future site plans
22 for the Board to review. We're actually looking at
23 a reduction right now in the impervious coverage,
24 so we're about 1,500 square foot less than what's
25 out there now. So the building is getting a little
bit smaller, our impervious coverage is getting a
bit smaller.

1
2 Our site complies with all the bulk
3 requirements for the IB Zoning District. Water and
4 sewer is already pulled into the site, so we are
5 going to adapt new services to that particular
6 facility from that. We did provide a traffic memo.
7 We looked at what the trip generation was for the
8 bank facility if it were, you know, in full, full
9 capacity, and then compared that to what is the
10 expected from this facility. And going from the
11 bank to the wellNow is roughly 70 to 80 percent
12 reduction is what we are estimating in trip gen,
13 and those, we have those numbers. AM peak for
14 wellNow would be around 18 trips, PM peak is 16,
15 and Saturday peak would be 18. So 16 and 18 trips
16 on the peak hours. Where the bank facility, which
17 it has those three drive-through lanes, you know,
18 pre, so you have to drive through for that, that
19 former bank, you're looking at AM peak of 54 trips,
20 a PM peak of 74 trips, and a Saturday peak of 96
21 trips. So we think that trip gen is going to come
22 down quite a bit for that particular facility from
23 the prior building.

24 Parking, the code requires 18 spaces
25 for a facility of this size. We are providing 30.

1
2 It's kind of right in the sweet spot where wellNow
3 is, you can have parking. And we do have on this
4 north side of the building we have a dedicated spot
5 just for an ambulance if someone comes to the
6 facility and they need to be taken to the hospital
7 or something of that nature, you know, we'll have a
8 dedicated spot for that. And there's direct access
9 right out the back of the building, again for the
10 ambulance.

11 I think that that covers my
12 presentation, Mr. Chairman.

13 CHAIR EWASUTYN: Thank you.

14 John Ward, comments?

15 MR. WARD: The parking lot. I brought
16 it up with the blacktop. If you could do either an
17 overlay or whatever to make it all uniform
18 throughout, and striping appropriate with the
19 handicap and all that.

20 MR. DAVIS: Yeah -- oh, I'm sorry.

21 MR. WARD: Go ahead.

22 MR. DAVIS: I was going to say, with
23 the detailed plans our thought right now, we have
24 gone through most of the grading, and we're really
25 maintaining most of the finished grades out there.

1

2 And we'll be looking to do, we'll let Chief William
3 beat the pavement up a little bit, we'll come in,
4 we think we'll mill that.

5

MR. WARD: Right.

6

7 MR. DAVIS: Mill an inch and a half
8 off, do a new top. If we've got to do a little
9 trimming and leveling and things of that nature
10 we'll do that before we do the top, you know, we'll
11 clean that up and do all new striping.

12

13 MR. WARD: Very good. And it was
14 brought up at the work session in reference to the
15 stormwater pond, if it could be fenced out around
16 the perimeter.

17

18 MR. DAVIS: The one down in the south
19 here?

20

21 MR. HINES: No. That one is a dry
22 pond.

23

MR. DAVIS: Yeah.

24

25 MR. HINES: The one along Route 300
there.

26

MR. DAVIS: Yeah.

27

28 MR. HINES: In the original design that
29 was proposed to be a dry pond as well. It was in
30 that era where wet ponds were required. For some

1

2 reason or another that is a wet pond, it has been
3 for many years, and it's functioning as a wetland.
4 So the code, the stormwater management regulations
5 require wet ponds to be fenced, and I think this is
6 the opportunity. Half of that pond is on this
7 parcel of that shopping center.

8

MR. DAVIS: Right.

9

MR. HINES: And we'd be looking to
10 request that that comply with the code and be
11 fenced. Typically the Board likes to see split
12 rail with a black vinyl coated welded wire mesh on
13 it so it kind of blends in.

14

MR. DAVIS: Sure.

15

MR. WARD: Thank you.

16

MR. DOMINICK: Yeah, I think we also
17 discussed with that detention pond maybe cleaning
18 it up as well while you're fencing it in.

19

MR. HINES: There are those that think
20 that wetland looks good.

21

MR. DOMINICK: It does, it actually is
22 beautiful.

23

MR. HINES: So by cleaning it up I
24 don't mean taking an excavator to it.

25

MR. DAVIS: Okay, yeah.

1

2

MR. DOMINICK: Justin, hours of operation, is this a 24 hour facility, is there any outpatient or is this just a --

3

4

MR. DESAI: It is not a 24 hour facility.

5

MR. DAVIS: No, it is not.

6

MR. DESAI: It is outpatient.

7

CHAIR EWASUTYN: Just for the record do you want to introduce yourself.

8

9

MR. DESAI: I'm Sumeet Desai of William Architects and Engineers and Construction.

10

11

MR. DAVIS: The standard hours of operation are from eight a.m. to eight p.m. typically.

12

13

14

MR. DOMINICK: No, but I meant outpatient. I'm sorry, I mean, can I go there for an ultrasound, can I go there for --

15

16

MR. DAVIS: No.

17

MR. DOMINICK: -- radiation, or X-rays, sorry, stuff like that.

18

19

MR. DAVIS: No. It's not of that nature. This is just more for quick medical attention.

20

21

22

MR. DESAI: Correct. It is quick

23

24

25

1

2 medical attention. There is an X-ray machine in
3 this facility for emergency use, but it is for
4 quick, you know, quick visits.

5

MR. DOMINICK: Okay. Thank you.

6

CHAIR EWASUTYUN: Cliff Browne.

7

8 MR. BROWNE: I'm just curious, how many
9 examining rooms or how many patients would you see
at one time or could you see at one time?

10

MR. DESAI: We have seven exam rooms I
11 believe, and some consultation rooms. So you
12 probably, I mean, again, I don't know the exact
13 number, but it could be -- put this up. So here
14 are your, your enter from here. You have your exam
15 rooms right around this right over here. You have
16 two more exam rooms rights here, here's the X-ray,
17 and that's all staff break area on the top right
18 corner of this map.

19

MR. BROWNE: Okay. And with your trip
20 generations you're looking at continuous business
21 all day I would assume.

22

MR. DAVIS: Correct, yeah. The numbers
23 that I referenced to were the peak hours. So the
24 peak hour of --

25

MR. BROWNE: Just the peak hours, okay.

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MR. DAVIS: Correct, yeah.

MR. BROWNE: Okay. Thank you.

CHAIR EWASUTYN: Ken Mennerich.

MR. MENNERICH: Go through the architectural later or --

CHAIR EWASUTYN: Do you want to put that up?

MR. DESAI: Well, we were --

CHAIR EWASUTYN: Because you have the interior, so I think it would be appropriate to. So we talked about the paving surface, we talked about the retention ponds, so now --

MR. MENNERICH: I was curious of the wellNow colors they show on the --

MR. DESAI: Chart.

MR. MENNERICH: -- renditions. Is that standard for the company?

MR. DESAI: That is their standard for the company, correct. They gave the color palette, exactly we matched it.

MR. MENNERICH: Okay. That was the only question I had.

CHAIR EWASUTYN: Comments from the Board on the palette?

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MR. DOMINICK: No. It grabs your
attention.

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MS. DeLUCA: Yeah.

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MR. DESAI: Right.

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MS. DeLUCA: It definitely does.

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MR. DESAI: It's actually owned by
Aspen Dental, which is a larger company, so it's
their subsidiary, which is down the road from this
one.

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MR. DAVIS: Right around the corner.

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MR. DESAI: Right. So they're trying
to expand this accordingly. They have 100
locations of the wellNow, so they're not as well
known.

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CHAIR EWASUTYN: We went through that
with Aspen as far as their colors and the canopy,
they were, they were rather specific.

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MR. DESAI: It's pretty similar, yeah,
they're very stringent on their color palette, it's
got to be exact.

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CHAIR EWASUTYN: Interesting.

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Stephanie?

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MS. DeLUCA: No, I think all my
questions were answered.

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MR. DESAI: Anything else to add?

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MR. WARD: With your interior, the ambulance is going to be going in the front door, right?

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MR. DESAI: No.

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CHAIR EWASUTYN: The back room.

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MR. DESAI: The ambulance is going to be on the other side of building.

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MR. WARD: So do you have special doors there? I don't see.

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MR. DAVIS: Yeah.

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MR. WARD: That's what I'm looking at.

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MR. DAVIS: So the, yeah, it's opposite the main entrance. We're going to have one on the site but on the south side. The, there is a rear entrance but it's on the north side.

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MR. WARD: Right.

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MR. DAVIS: And there is sliding doors.

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MR. WARD: From here I can't see it.

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MR. DAVIS: Correct, right there. A regular, you know, opening door and then a sliding door.

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MR. WARD: Thank you.

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MR. DESAI: Yeah, we can make sure we

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specify on the building where it will be.

MR. WARD: Thank you.

MR. DESAI: Yeah, no problem.

CHAIR EWASUTYN: Questions for Steve Gaba of Drake Loeb. Steve, this would then be considered a Type II action?

MR. GABA: Yes, we concur with that, we believe it is a Type II action.

CHAIR EWASUTYN: Okay. At this point I'll turn the meeting over to Pat Hines with McGoey Hauser & Edsall.

MR. HINES: So our first one just references that it's replacing the existing bank and discussing the overlay, which was just discussed with the Board. The project is located on a state highway. Although it is a Type II action, we typically keep them in the loop with projects on the state highway. So we will circulate the plans to DOT. We just talked about the Type II action. A demolition permit is required and a note is required on the plans stating that the demolition permit is required from the Town of Newburgh Code Enforcement office. We talked about the unified site plan. This was

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2 approved as part of the shopping center, and there
3 is a requirement that this parcel, although it is
4 an individual parcel, several parcels were formed
5 as part of this shopping center and they need to
6 operate under that uniform site plan, unified
7 certified site plan, including snow plowing,
8 maintenance, so it looks all as one facility.

9 We're suggesting a note be placed on
10 the plan. The building envelope is very close to,
11 the building itself is very close to the building
12 envelope limits, so a note stating on the plans
13 that a stakeout of the foundation will be provided
14 to the building department prior to pouring the
15 footings. We didn't see parking calculation on the
16 bulk table.

17 MR. DAVIS: It's on, it's right below.

18 MR. HINES: I may have missed it.

19 MR. DAVIS: It is right below, snuck in
20 down here.

21 MR. HINES: Down at the bottom, okay.
22 I didn't see it down there.

23 We concur with you, the reduction in
24 impervious surfaces and the existing stormwater
25 facilities on the site will function appropriately,

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it's less than one acre disturbance, no additional stormwater will be required.

I will say County Planning is required on this one, adjoiners' notices are required, and I note the EAF identified potential habitat for Indiana bats, but I don't believe there's a tree on this site that any bat would live in, so I don't think that's an issue either. I think there's a couple of landscape trees but nothing else.

MR. DAVIS: I agree.

MR. HINES: So I think the plans are in shape to submit to County Planning, and we will also send them to DOT as kind of a courtesy.

CHAIR EWASUTYN: All right. So would someone make a motion to refer the wellNow facility, Project Number 22-01, to the Orange County Planning Department?

MS. DeLUCA: So moved.

MR. MENNERICH: Second.

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

MR. WARD: Aye.

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MR. DOMINICK: Aye.

MR. BROWNE: Aye.

CHAIR EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

CHAIR EWASUTYN: The motion is carried.
And Justin, you're familiar with working with Pat
Hines' office as far as the adjoiners' notices that
will be going out?

MR. DAVIS: Yes, sir.

CHAIR EWASUTYN: Is there anything
else?

MR. HINES: No, I think that's all we
can do tonight.

CHAIR EWASUTYN: No one seems to be in
a hurry tonight.

MR. DAVIS: It's just such a pleasure.

MR. WARD: Thank you.

CHAIR EWASUTYN: Good answer.

(Time noted: 8:46 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 13th day of March, 2022.

Kari L Reed

KARI L. REED

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

-----X
In the Matter of:

PLANNING BOARD BUSINESS

1 - Dollar General (2020-04) - Propane Tank
Replacement Plan

2 - Town of Newburgh Local Law - Establish
the East Coldenham Hamlet Center
Overlay District
-----X

DISCUSSION

Date: January 20, 2022

Time: 8:47 p.m.

Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chair
CLIFFORD C. BROWNE
KENNETH MENNERICH
STEPHANIE DELUCA
DAVID DOMINICK
JOHN WARD

ALSO PRESENT: STEPHEN GABA, ESQ., Board Counsel
PAT HINES, P.E., Town Engineer
JIM CAMPBELL, Code Compliance

Reported by: Kari L. Reed

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

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CHAIR EWASUTYN: We have two items of Board business this evening. One we discussed during our work session, and that's Dollar General, Project Number 20-04. It's the siting of a propane tank on the subject property. Pat Hines, one more time for the record we'll go through it.

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MR. HINES: While we were reviewing what was referred to as the final plans we noted that there was a change to the plans, that there was an above-ground propane tank proposed on the northeast portion of the site in the vicinity of the previously approved upgrade enclosure. We discussed at our work session that the propane tank is screened by an extension of the fence which was previously proposed around the Dumpster enclosure. They were originally proposing to hook to a Central Hudson gas main, which is in between the building and 9W; however, due to the pressures there Central Hudson denied them their connection, requiring the need to put propane in for heating of the building. We believe it's adequately screened. There is some landscaping proposed between, on the original plan between the propane tank and North Hill Road, which will remain as well.

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CHAIR EWASUTYN: I think we discussed during the work session and that we agreed that we would consider it to be a field change. Am I correct with that?

MR. WARD: Yes.

MR. MENNERICH: Yes.

CHAIR EWASUTYN: Okay. would someone make a motion to then approve the propane tank placement for Dollar General as a field change?

MR. MENNERICH: So moved.

MR. BROWNE: Second.

CHAIR EWASUTYN: Thank you. I have a motion --

MR. HINES: And that will be on the approved plans once they're signed. They're not signed yet.

CHAIR EWASUTYN: Thank you. I have a motion by Ken Mennerich, I have a second by Cliff Browne. May I please have a roll call vote starting with John Ward.

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. BROWNE: Aye.

CHAIR EWASUTYN: Aye.

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MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: I have a question with that. Do we have to specify the amount of bollards, additional bollards around that enclosure that we -- that you recommend?

MR. HINES: Typically --

CHAIR EWASUTYN: Jim Campbell?

MR. CAMPBELL: Well, the site plan does say designed by others. It really doesn't specify the size of the tank either. But no matter what size that tank is, it will need separations. So when they go for their permit they'll be looking for appropriate bollards spacing.

MR. BROWNE: That's a field change then and code compliance will handle that detail; correct?

MR. CAMPBELL: Mm-hmm.

MR. BROWNE: Thank you.

CHAIR EWASUTYN: Our second and last item of Board business is the Town of Newburgh Local Law establishing the East Coldenham Hamlet Center Overlay District. Pat, do you want to speak to us on this?

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MR. HINES: Yeah. The Town Board has a request from several property owners generally between the Pilot Travel and Colden Park, to add some flexibility to the zoning. The town's comprehensive plan identifies several hamlets in the town and identifies them for more intense development but kind of a hamlet approach, smaller scale shops, some residential uses. And the Town Board is proposing this East Coldenham Zoning Overlay on several parcels in the vicinity of Colden Park to permit some flexibility in the underlying zoning there. And it goes to an overlay zone rather than a typical zoning change. So it's not an as-of-right, it has some procedures where it gets approved through the Town Board to allow the overlay to exist.

CHAIR EWASUTYN: And some examples, the way it's written, there needs to be a certain amount of acreage for recreation use?

MR. HINES: There does. I believe that the current proposal is approximately ten acres of land dedicated to the town for future recreation use, kind of making it more pedestrian friendly, more neighborhood type approach, providing those

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recreational facilities along with the development facilities.

CHAIR EWASUTYN: And then there'll be a kind of standard or look as far as the design of it on the interior as far as making picnic benches --

MR. HINES: Yeah.

CHAIR EWASUTYN: -- and all those kinds of things.

MR. HINES: Yes. More pedestrian scale, yup.

CHAIR EWASUTYN: Okay. Will there be apartments above the retail facilities?

MR. HINES: I don't know the answer to that, John.

CHAIR EWASUTYN: Okay. I wasn't sure about that.

MR. HINES: Yeah. I don't know.

CHAIR EWASUTYN: Okay. Steve Gaba, did you have a chance to study it a hundred percent from the top to the bottom?

MR. GABA: Well, I know that it's a relatively small area that's affected, and it is mixed use between commercial and residential uses. Whether they allow residential above commercial, I

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2 got to tell you, I have not -- I'm not sure. I'm
3 not sure about that.

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CHAIR EWASUTYN: I thought I read
5 something about 1,250 square feet as far as living
6 space.

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MR. HINES: Yeah. I just don't know if
8 that was above or separate units.

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CHAIR EWASUTYN: Okay, so it could
10 either be above or it could be --

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MR. HINES: Separate units.

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CHAIR EWASUTYN: -- rental units --

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MR. HINES: Right.

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CHAIR EWASUTYN: Or single family homes
15 and the minimum square footage would be 1,250
16 square feet.

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MR. HINES: I believe so.

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CHAIR EWASUTYN: Okay.

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MR. GABA: Yes, that's the number. I'm
20 just, again, I'm not sure, if you have a commercial
21 use does it have to be commercial. It can clearly
22 be by a residential use. Can you mix the two of
23 them together in a single building, I don't --

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MR. HINES: That could always be a
25 recommendation of the Board that, the Town Board is

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looking for recommendations.

MR. GABA: Yeah, if you're in favor of it it's certainly something you could mention, or if you are against it, so too.

CHAIR EWASUTYN: Let's open it up to a discussion now. John Ward.

MR. WARD: With the amendment, what is page eight, it would be J-3. I -- basically everything they do, whatever they do has to be characteristic to the hamlet according to the Comprehensive Plan. In the Comprehensive Plan, 1132, it shows the town center hamlets and community character conditions. So basically when they're here day one talks about the height, 35 to a maximum of 45 feet. Where if you go with the town itself, we have the minimal of 35 feet for a building, where --

MR. HINES: A maximum.

MR. WARD: A maximum.

MR. HINES: Yeah.

MR. WARD: I don't see why it should be 45 feet for one, whether you have a peak or whatever, you know. You're talking a visual impact around the place.

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MR. HINES: Yeah, I think they're looking for more of that main street look, that multi-story, so that's the reason behind that.

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CHAIR EWASUTYN: Where they increase height.

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MR. HINES: They increase height, yeah. You're either going to spread them out or you're going to raise them.

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MR. WARD: Right.

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MR. HINES: It doesn't have that hamlet look if you are spreading out, you know, the buildings based on the reduced height.

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MR. WARD: Right. The key elements to a hamlet is the whole thing, making it like in good character. Years ago I was on the committee for making hamlets. And I know what we talked about.

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MR. HINES: Yeah. It's more pedestrian scale, walkable, livable.

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MR. WARD: Right.

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MR. HINES: Live there, shop there.

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MR. WARD: It's not detailed enough in the amendment of talking on retail, like you just said, above the stores if there's stores. It doesn't say if there's buildings, you know, a limit

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2 to the units of how much they can put in there. Do
3 you understand what I'm trying to say?

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MR. HINES: I do.

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MR. WARD: You know,

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CHAIR EWASUTYN: Does the answer come
7 now, does the question get raised at a public
8 hearing?

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MR. HINES: well, yeah, there is a
10 scheduled public hearing on February 14th before
11 the Town Board as well on this. I think the Town
12 Board, there's certain things in the code
13 enumerated that the Board can look at and provide
14 suggestions to them. I think there's five points
15 there, Steve, that the Board typically reviews on
16 zoning changes if the Town Board is looking for
17 your input, you know. Things like if you feel
18 that, you know, residential above commercial is
19 something, that's a suggestion you can make to the
20 Board that they can address. If you think the
21 building heights are too high at 45 feet, you could
22 provide that input to the Board. Again, they're
23 looking for your guidance, the people that live and
24 breathe this once they adopt it.

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MR. WARD: Yes. That's why I'm saying.

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2 And there was one other thing. Personally all
3 these years we've never had a situation for an
4 overlay. In my experience --

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MR. HINES: Oh, you have several
overlays.

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MR. WARD: Yeah, we have other overlays
in other areas. But what's the reason for this
one? Because they're developing around this in
that area. There's not a problem. They're going
to, according to --

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MR. HINES: Well, I can't venture to
guess what the Town Board did, but I know that some
developments that were proposed in that area in the
past were felt to be too intense for that
neighborhood, and too close to those residential
clusters, Colden Park, Fleetwood. I remember when
UNFI and there was some, you know, public concern
about that use being too close to those residential
areas. And we all remember Pilot Travel, that
being too close to those residential areas. And I
think the Town Board is trying to get a mix of a
scale of uses that are more conducive to that state
highway area but very close to those residential
areas where you come to those busy intersections

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but there's not the, you know, the intense warehouse type uses that have been proposed in the past, to give them some flexibility in that zone. The overlay doesn't give them the right, it gives them the ability to petition to get that in there.

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MR. WARD: Mm-hmm. And traffic is going to be an issue too future-wise with the overlay one way or another.

MR. HINES: Yeah, and those are -- we don't know that because we don't know what the uses are until they come.

MR. WARD: Right.

MR. HINES: But it will be something you review and there'll be, you know, obviously SEQRA reviews with any proposal that comes in there.

MR. WARD: That should cover that.

CHAIR EWASUTYN: Dave Dominick.

MR. DOMINICK: No questions.

CHAIR EWASUTYN: Cliff Browne.

MR. BROWNE: Yes, a couple of things. As far as the height that we are talking about now, in my travels I have seen some of those kinds of situations built out, and it's in some areas very

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2 attractive how it's done, if it's done properly,
3 you know, the whole thing. There's a whole lot
4 more to a business than just the height. But I
5 have seen some really nicely done. So I don't have
6 a problem with the height so much as a problem more
7 with the whole overall thing, the whole aesthetics,
8 so that's that part. The other thing I was
9 thinking of, I've been thinking of for a while now,
10 I think it's time that we as a board recommend to
11 the town that we look at the master plan again, or
12 at least suggest that we go through it again,
13 because we've had some I'll say some major changes
14 to the town, that I think it's time to look at it
15 again. Just a suggestion that maybe we can pull
16 into that a comment on this, oh, by the way, if the
17 Board agrees, if not, then okay.

18 MR. WARD: This comprehensive plan
19 dates from October 2005.

20 MR. BROWNE: 2005. I'm thinking the
21 Matrix site down there on Union Avenue, that's, in
22 my opinion that's going to change over time, five,
23 ten years that's going to change that whole area.

24 MR. HINES: Again, you had an influx of
25 rental apartments that we didn't see within the

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2 last five years.

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4 MR. BROWNE: Yeah. There have been
things going on.

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MR. HINES: Fifteen.

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7 MR. BROWNE: And also at the same time
8 we have identified in the past hamlets around the
9 town. And some of those may want to be looked at
10 again and revisited and kind of solidified and say
11 yeah, okay, that's the way they should stay,
12 they're, you know. I don't know, I just think we
should look at that again.

13

14 CHAIR EWASUTYN: The only hamlet that
15 we worked on to keep a hamlet look was North Plank
16 Road when Walgreens came in, when Orange County
Trust came in.

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MR. HINES: Yeah.

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19 CHAIR EWASUTYN: When McDonald's came
20 in. So we came up with the sidewalks, we came up
with a specific type of --

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22 MR. HINES: Yeah. I like the Middle
23 Hope area too where you did that, some
24 redevelopment of some of those I'll call them
25 blighted buildings that were there, you know, the
old drive-in and such, you incorporated those stone

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walls and sidewalks and stuff in that area and linked that together.

CHAIR EWASUTYN: And I think originally when the, I think it was written when that was studied, there was, I don't remember the exact number, they identified approximately thirteen plus or minus hamlets in the town.

MR. HINES: Yeah, and those are in the conversation.

CHAIR EWASUTYN: Leptondale was a hamlet and so on and so forth.

MR. BROWNE: I think it's time we should suggest that it be done.

CHAIR EWASUTYN: Ken Mennerich.

MR. MENNERICH: I think Cliff is probably right on it. I guess on this specific document, though, the Town Board must have had some planning consultants or something to put this together, didn't they?

CHAIR EWASUTYN: Yeah.

MR. HINES: Yeah. David Smith.

CHAIR EWASUTYN: Smith rather.

MR. HINES: David Smith.

MR. MENNERICH: Are they, when they

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2 have a public hearing at the Town Board are they
3 going to have them do a presentation?

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MR. HINES: They are.

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MR. MENNERICH: So, you know, I'd like
6 to hear what the presentation is, because I find,
7 just looking at it to me, looking at some quick
8 sentences there, it looks like you would be able to
9 put residential over these businesses. And but I
10 think it would be good to have a presentation so
11 we'd know a little bit more about what the vision
12 is and what they're trying to accomplish with that.

13

MR. HINES: February 14th.

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MR. WARD: Happy Valentine's Day.

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MR. HINES: It is Valentine's Day as
16 well, which was discussed.

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CHAIR EWASUTYN: Stephanie DeLuca.

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MS. DeLUCA: Yeah. You know, when I
19 think of hamlets I think of Cornwall. I mean, I
20 know it's not that, but that's the impression that
21 I get, you know, there's a certain --

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MR. HINES: The main street look.

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MS. DeLUCA: You preserve an area to be
24 a certain way.

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MR. HINES: warwick has that similar

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2 main street effect.

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MS. DeLUCA: Exactly. Exactly. So, and then in most, in most cases I haven't seen residential over a business. And I -- that's just me, and maybe I haven't been out enough to see any of that, I really don't know.

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MR. HINES: The two we just discussed certainly have that.

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MS. DeLUCA: Okay. But, but the one thing that I did, now I'm going back as far as the City of Newburgh history because that's where I grew up and that's where my parents grew up and everything, and John, we had this conversation earlier about what had happened to the City of Newburgh once they started to have residential apartments above a business. And many, many business owners at that time thought it was a great idea, but it actually wound up being pretty much the demise, the beginning of the demise of the City of Newburgh, because depending on the clientele that lived above the stores, and it really, it really just had a negative impact on the area itself, you know, people hanging out laundry or, I mean, just a bunch of things. So, so in my mind

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2 when I first heard that I was, like, oh. This is,
3 this is all I have to right now to go by, so I'm
4 not so sure I'm really keen on that.

5 MR. HINES: Yeah. I think I would --

6 MS. DeLUCA: So that's one concern.

7 And then I'm thinking too, like why, you know,
8 along with, you know, why this area. I mean, I
9 know you're talking about 17K, yes, it's been, you
10 know, it's been really built up. You've got your
11 Cumberland Farms that looks very nice and adds to
12 the, you know, that kind of hamlet feel because it
13 looks very homey because of the brick wall and
14 everything else, it's very clean. So I would be
15 curious as to what kinds of businesses are they
16 looking to attract. I mean, there's already, you
17 know, you know, gyms and this and that that add to
18 that community feel. So I would be curious to know
19 what kinds of things.

20 MR. HINES: Yeah, I think the intent is
21 to make it more walkable too, to live and walk in
22 the neighborhood.

23 MS. DeLUCA: Yeah. Yeah. And to
24 some --

25 MR. HINES: They have all those

1

2 facilities but no one is walking to them.

3

MS. DeLUCA: And that's wonderful.

4

MR. HINES: Yeah.

5

6 MS. DeLUCA: But, you know, too maybe
7 some people who are a little bit more leery or, or
8 conservative or cautious about change, you know,
9 would they feel like they're being thrown a bone,
10 you know, oh, well, we'll make, we'll do this for
11 you, but we're going to add all of that too. And
12 some people may not. I know, I'm -- just hear me
13 out, just hear me out. But some people who tend to
14 be more conservative and really want to stay with
15 that family oriented hamlet and not want all the
16 extra traffic of all these new businesses, you
17 know, they might say oh, okay. So, and again, is
18 it going to be maintained, you know, are all those
19 things going to be maintained and how are they
20 going to be maintained. So anyway, those are my
21 two cents.

21

22

23

CHAIR EWASUTYN: Will you go to the
public hearing? Would you speak at a public
hearing.

24

25

MS. DeLUCA: would I speak. I don't
know. I would have to do my homework on it, but I

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2 guess.

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4 CHAIR EWASUTYN: No, I'm asking a
serious question.

5

MS. DeLUCA: Okay.

6

7 CHAIR EWASUTYN: Would you go to a
public hearing and express your thoughts on this
8 hamlet?

9

MS. DeLUCA: Yes.

10

CHAIR EWASUTYN: Okay. That's all.

11

MS. DeLUCA: I would.

12

13 CHAIR EWASUTYN: I worked on a project
several years ago in Central Valley, and it turned
14 out to be a beautiful building, a brick building.

15

16 MS. DeLUCA: Yeah, you showed me, I saw
pictures.

17

18 CHAIR EWASUTYN: The downstairs was
sectioned off for retail space. And I forget
19 whether it was set up for five or six retail
20 spaces, and above that were apartments.

21

MS. DeLUCA: Okay.

22

23 CHAIR EWASUTYN: I haven't been down in
that area in the last six months. But the project
24 received final approval. And Central Valley has an
25 extensive kind of review process, and this building

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2 is exquisite. I can tell you that no one, no one
3 person did occupy the retail space, but the rental
4 space up above went like this.

5 MR. HINES: Yeah, I think those retails
6 are still vacant.

7 CHAIR EWASUTYN: Yes. You know, you
8 know the one I'm talking about?

9 MR. HINES: Yeah, yeah. Right in
10 Central Valley, yeah. Just north of the diner.

11 CHAIR EWASUTYN: Jerry Cicera was the
12 designer for it.

13 My other response to it, which is
14 pretty common, is we're living in changing times.
15 And but let's stop on that. The five criteria that
16 you want to speak of now? Thank you.

17 MR. GABA: Whether the change is
18 consistent, change meaning the zoning amendment, is
19 consistent with the aims and principles embodied
20 within the way it's written, the chapter of the
21 code, zoning code as to the particular district's
22 concern. In other words, does this overlay fit in
23 with the underlying zoning. That's the first thing
24 that you're going to want to look at. Which areas,
25 establishments in the town will be directly

1
2 affected by this change and in what way will they
3 be affected. In other words, if you were to enact
4 this overlay district, are there residential areas
5 nearby, commercial areas nearby that might be
6 adversely impacted by it or possibly would be
7 positively impacted by it or maybe wouldn't have
8 any impact on them whatsoever. Whether the
9 amendment is consistent with the Comprehensive
10 Plan. And lastly, the indirect implications of the
11 change in regard to other regulations. Put another
12 way, you're enacting this overlay district, and
13 it's allowing this kind of traditional neighborhood
14 design type of development, will that undermine or
15 create a precedent that would be adverse to other
16 zoning that you have in the town. That's a little
17 bit far-fetched as far as this goes because it's
18 kind of a one-off, but it's something that you have
19 to consider anytime that you have an application
20 like this for a petition for a zoning change, which
21 I guess came from residents who asked for this to
22 begin with.

23 MR. HINES: There's some local
24 landowners, but it's not just one lot, it's been --
25 it encompasses --

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MR. GABA: Some other parcels.

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CHAIR EWASUTYN: which make up approximately 49 acres of land.

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MR. HINES: Yes.

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MR. GABA: And lastly, if you have any concerns or interests as far as the practical application of the provisions in the proposed zoning amendment, in other words, when you look at it as a board and say all right, a perfect example is there going to be residential over commercial permitted, you can't really tell when you look at it right off the bat, so that's the type of thing that you would want to put in a letter to the Town Board and say look, when we go to apply this we can't tell from this or at least it should state more clearly there is, are you allowing commercial, are you allowing residential, are you allowing single building, a mix of residential and commercial.

21

22

23

MR. WARD: And is it going to be buildings with residential. That's another thing you can't see in there.

24

25

MR. GABA: Well, there's pretty clearly and alliance for residential development. And the

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2 residential development is allowed on multiple
3 stories. I mean, can you have I think 35 foot
4 buildings as far as the occupied space, 45 for
5 non-occupied spaces. So you could have two stories
6 residential. And you can clearly have commercial
7 as well. The question is can you have commercial
8 on the bottom and residential on the top. And if
9 you have any other concerns --

10 CHAIR EWASUTYN: I was in Poughkeepsie
11 recently, excuse me, I went up to Millbrook. But
12 beyond Adams there's a new project that went in, a
13 rather very, very attractive project. You may know
14 where it is, Pat, I can't remember the name.

15 MR. HINES: In Wappingers?

16 CHAIR EWASUTYN: No, in Poughkeepsie.

17 MR. HINES: No, okay.

18 CHAIR EWASUTYN: That's 44 heading up
19 to Millbrook.

20 MR. HINES: Okay, I'm not familiar with
21 that.

22 CHAIR EWASUTYN: And what they've done
23 there is very similar to what we're discussing
24 here. They have the retail stores in some cases
25 downstairs, they have apartments upstairs. They

1
2 also have individual retail stores as individual
3 retail stores. And then they have, and I'm not
4 quite sure if they're rental townhouses or
5 ownership townhouses. And on the side of the road,
6 it's a phased development, they have three story
7 residential units. But it's kind of the talk of
8 the town in that area for, if anyone has a chance
9 to run up above Adam's, and it's only maybe a mile
10 and a half, two miles above Adams, to take a look
11 at it. I don't know the particular store, but
12 there's a store in downtown Poughkeepsie that's
13 known for their cheeses, their sausage and other
14 things, and he's taking up a rather significant
15 space on the ground floor. And there are
16 apartments above it. I mean, I drove by this
17 during the daytime and saw it. I drove by it going
18 home the nighttime and you could see, you know,
19 through the windows the people above there. The
20 only thing I say in reference to what we are
21 talking about, there is somewhat of an example of
22 what is being proposed here that you could
23 physically see in Poughkeepsie if you want to, you
24 know, take a look at it. You know, I wasn't aware
25 of it, but someone said hey, come, you've got to

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2 take a look at this, and I said sure, why not.

3

4 MR. GABA: So what I would recommend is
5 we'll prepare, based on what we've heard tonight, a
6 draft report letter to the Town Board, we'll
7 circulate it to all the Planning Board members and
8 consultants, let us know if you want changes or
9 anything else written into it. And once you feel
10 it's ready to go, we'll submit it to the chairman
11 for signature. If you think of anything between
12 now and then, feel free to, you know, to respond to
13 the draft, just let us know and we'll add it and
14 everybody can kind of reach consensus. You can
probably wait until your next meeting.

15

16 CHAIR EWASUTYN: Yeah, I think we'll
have until the third, you know, without a doubt.

17

18

19 MR. GABA: Very good.
20 CHAIR EWASUTYN: Without a doubt.
21 Because I can't afford to buy you pizza next time,
just to let you know. You don't know what it's
like. They'll set up traps for me on that day.

22

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24

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Mr. GABA: Well, that one worked out
pretty well actually.

MR. MENNERICH: Could the response from
the Planning Board be delayed until after the

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2 public hearing to the presentation?

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4 MR. GABA: The only issue that might
5 happen with that is if the Town Board planned to
6 take action that night immediately after closing
7 the public hearing. I think, I think that's pretty
8 unlikely, so I think you'll be all right. But can
9 I promise, you know, you might want to reach out
10 and touch base with, you know, the supervisor and
11 see if he has plans on that that would inform you
12 as to whether or not you get the letter out more
13 quickly. But all we can do right now, I mean, you
14 can't be expected to make something up on the spot,
15 is get you a draft, start to work on it. I think
16 you'll be able to put it over the next meeting
17 without a problem. If it turns out that oh, my God
18 the Town Board needs to have this right away, then
19 we can expedite it.

19

20 MR. HINES: You're next meeting is
21 February 3rd, and they're not having this until the
22 14th, so there's some time.

22

23 MR. GABA: Right, that's right,
24 absolutely, I had overlooked that, you're
25 absolutely right. So you will have the time no
matter what.

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CHAIR EWASUTYN: That's what I said,
February 3rd.

4

MS. DeLUCA: And to go along, just
really quick, to go along with what Cliff said too,
in terms of the Comprehensive Plan, you know, I
remember when I first started I had asked what do
you have in mind for the town. Oh, well, we have
this and we basically checked off all the boxes
except, and I'm like okay, great, but what about
the next 20 years, you know. And so it's great
that we've accomplished, they've accomplished what
they've set out to do, but now here we are and what
are we working with here, you know, what are we
doing, what do we want to do, what do we want to
say and see for our town going forward, you know
what I mean?

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MR. GABA: It sounds like the Town
Board has a volunteer for the Comprehensive Plan
committee, that's what I would say.

21

22

23

MS. DeLUCA: I got the runaround when I
first asked that question, sorry, so I was like,
but anyway, yeah.

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CHAIR EWASUTYN: All right. I think we
covered just about everything. And so if someone

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would make a motion to close the Planning Board

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meeting of the 20th of January.

4

MR. MENNERICH: So moved.

5

MR. BROWNE: Second.

6

CHAIR EWASUTYN: I have a motion by Ken

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Mennerich, I have second by Cliff Browne. May I

8

have a roll call vote starting with John ward.

9

MR. WARD: Aye.

10

MR. DOMINICK: Aye.

11

MR. BROWNE: Aye.

12

CHAIR EWASUTYN: Aye.

13

MR. MENNERICH: Aye.

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MS. DeLUCA: Aye.

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CHAIR EWASUTYN: Steve, thank you very

16

much.

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(Time noted: 9:17 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such proceedings.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 14th day of March, 2022.

Kari L Reed

KARI L. REED