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HYBRID MEETING WITH PARTICIPANTS ABLE TO ATTEND VIA ZOOM

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

----- X  
In the Matter of

DZIEGELEWSKI TWO-LOT SUBDIVISION  
(2020-14)

75 Cronomer Heights Drive  
Section 75; Block 1; Lot 46  
R-3 Zone

----- X

TWO-LOT SUBDIVISION

Date: February 18, 2021  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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2 CHAIRMAN EWASUTYN: I'd like to thank  
3 you all for coming out in this weather. Tonight  
4 is the Planning Board meeting of the 18th of  
5 February 2021. We have six agenda items and one  
6 Board business item.

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

9 MR. GALLI: Present.

10 MS. DeLUCA: Present.

11 MR. MENNERICH: Present.

12 CHAIRMAN EWASUTYN: Present.

13 MR. WARD: Present.

14 MR. BROWNE: Present.

15 MR. DOMINICK: Present.

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

18 MS. CONERO: Michelle Conero,  
19 Stenographer.

20 MR. CANFIELD: Jerry Canfield, Code  
21 Compliance Supervisor.

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

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

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

MR. MENNERICH: Please stand for the Pledge.

(Pledge of Allegiance.)

MR. MENNERICH: Please put your phones on vibrate or off.

CHAIRMAN EWASUTYN: The first item of business is Dziegelewski. It's a two-lot subdivision, project number 20-14. It's located on 74 Cronomer Heights in an R-3 Zone. It's being represented by Talcott Engineering, Charles Brown.

MR. BROWN: Thank you, John.

This is a two-lot subdivision of an existing parcel with one residence on it. Each lot is served by individual wells and septic. They're existing, obviously.

It will be accessed off Cronomer Heights Drive.

Last month my colleague, Jonathan Cella, was here representing. I understand they closed the public hearing.

CHAIRMAN EWASUTYN: Pat Hines.

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MR. HINES: We circulated to County Planning. That has timed out now for greater than thirty days with no response.

We did not pick up initially that there was an unimproved portion of the property within 500 feet that's part of Cronomer Hill Park. The County circulation was done and there was no response.

With that, I think the Board is in a position that they could issue an approval if they desire.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney.

MR. CORDISCO: I concur. If the Board is satisfied, the Board would be in a position to authorize an approval resolution be prepared and executed.

The conditions would be the standard conditions associated with a project that has no public improvements. So as a result, all fees must be paid, including the Town's rec fee for the newly created lot.

CHAIRMAN EWASUTYN: Pat Hines, for the record the rec fee would be?

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MR. HINES: \$2,000.

CHAIRMAN EWASUTYN: Do any other  
Planning Board Members have any questions or  
comments at this point?

MR. GALLI: No additional.

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. WARD: No.

MR. BROWNE: No.

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: Would someone then  
make a motion to approve the two-lot subdivision  
subject to the conditions presented by the  
Planning Board Attorney, Dominic Cordisco?

MR. DOMINICK: I'll make the motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by  
Dave Dominick and a second by John Ward. May I  
please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

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DZIEGELEWSKI TWO-LOT SUBDIVISION

6

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Thank you.

MR. BROWN: Thank you.

MR. DZIEGELEWSKI: Thank you very much.

MR. BROWN: John, can I run the mylars since there are no revisions required?

CHAIRMAN EWASUTYN: That's a question for Pat Hines.

MR. BROWN: Thank you.

(Time noted: 7:03 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 24th day of February 2021.

*Michelle Conero*  
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MICHELLE CONERO

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HYBRID MEETING WITH PARTICIPANTS ABLE TO ATTEND VIA ZOOM

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

----- X  
In the Matter of

MATRIX LOGISTICS CENTER AT NEWBURGH  
(2020-17)

Route 300/I-84/I-87  
Multiple Sections, Blocks and Lots  
IB Zone

----- X

SITE PLAN/LOT CONSOLIDATION

Date: February 18, 2021  
Time: 7:03 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

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

----- X

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



1  
2 CHAIRMAN EWASUTYN: Our second item of  
3 business is the Matrix Logistics Center at  
4 Newburgh. It's project number 20-17. It's a  
5 site plan and lot line consolidation. It's in  
6 the Route 300/I-84/I-87 interchange. It's a  
7 group of Sections, Blocks and Lots. It's in an  
8 IB Zone. It's being represented by Langan  
9 Engineering.

10 MR. EVERETT: Good evening, Mr.  
11 Chairman, Members of the Board. Thanks for the  
12 opportunity to be back before you. My name is  
13 Dave Everett, I'm land use counsel for Matrix on  
14 this application. I have with me tonight Ken  
15 Griffin, who is one of the principals in Matrix,  
16 and Chuck Utschig from Langan who is the project  
17 engineer.

18 The last time we were before the Board  
19 you had asked us to do a number of things, and so  
20 hopefully we have taken care of that as you  
21 requested. You had asked us to prepare an EAF, a  
22 full EAF, which we did, and that was submitted.  
23 Tonight, if you're amenable, we ask you to  
24 consider circulating that for redesignation of  
25 yourself as lead agency under SEQRA.

1  
2           The other thing you asked us to do is  
3 to meet with your consultants to get some  
4 guidance from them on a variety of issues. We  
5 did do that, and that was a helpful conversation.  
6 It resulted in the sketch plan being revised and  
7 updated, which we have here. Chuck will go over  
8 some of the revisions shortly.

9           The other thing that came out of that  
10 meeting was there was a request to identify a  
11 couple of places or a handful of places where  
12 visual analysis would be done of the project, and  
13 so we prepared a cross section plan to kind of  
14 show where we were proposing to do that. We're  
15 looking for some guidance from the Board as to  
16 what you think of that and if there's anything  
17 else that you would like to see with respect to  
18 that.

19           Then similarly, there was a discussion  
20 at the last Board meeting about trying to  
21 identify locations for noise monitoring at some  
22 of the sensitive property lines around the  
23 project site. So we did get some feedback from  
24 your consultants on that. Chuck has prepared a  
25 monitoring location plan. Again we're looking

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for some feedback from the Board and some guidance from you folks as to whether you think those locations are appropriate or whether you would like to see something else done in that regard.

And then I guess the last thing is that if the Board is comfortable with everything that we've done up to this point, I would like you to consider tonight maybe showing a favorable recommendation on the sketch, if there's nothing else, no other outstanding issues, so Chuck can move forward with preparing all of the detailed studies and engineering plans so we can kind of take that next step and start moving forward.

With that kind of short introduction, I'll turn it over to Chuck to talk about some of the technical details. Thank you.

MR. UTSCHIG: Good evening, Mr. Chairman, Members of the Board. Chuck Utschig with Langan Engineering. As a result of the staff meeting that we had and some of the comments we got from this Board at our last meeting, we made some minor adjustments to the plan. They're primarily focused on the issue of

1 identifying and detailing the private road which  
2 we're proposing. That's highlighted in the dark  
3 gray on our plan. I think we've submitted enough  
4 information -- it's not fully designed but I  
5 think we've given enough information for your  
6 staff and yourself to review that and get  
7 comfortable with that. It can comply with the  
8 Town's roadway. Obviously all the details will  
9 be worked on until we make a full submission.  
10 Again, our goal was to provide enough information  
11 to hopefully let your staff review and give you  
12 an opinion. That was really one of the most  
13 significant changes.  
14

15 The road ends in a cul-de-sac. It's a  
16 50-foot right-of-way dedicated -- 50-foot  
17 right-of-way in a parcel that could be dedicated  
18 to the Town if the Town were so interested, but  
19 it is being proposed as a private road.

20 And then we clarified the emergency  
21 access going out to South Plank Road. So really  
22 that's the only significant change to the plan  
23 that we made since the last submission we made to  
24 you. I'd be glad to answer any questions about  
25 that.

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As Dave said, we gave the Board a couple of other figures. I can go through those real quickly. First is a plan that we got from our noise consultant. The big black dots are where he proposes to put out noise monitoring equipment. We'll do that early on, and that gives him a baseline to work from. Obviously we're sensitive to the residential to the north of the property and this residential area here. One of the questions we were asked is why aren't they at the property line. The answer is this section of the site is not cleared. If we actually put the noise monitors up along the property line, the trees would kind of buffer some of the noise. We actually get a more conservative perception of what the noise is by putting them along the edge of the open area. That's why we picked those areas. Again, we're hoping the Board will suggest that you're comfortable with those as what we're going to use for our baseline.

The other thing we did is establish a couple of sections. The reason we're focusing on these two items is that as part of our SEQRA

1 consistency analysis we're going to compare the  
2 noise study that was done as part of the prior  
3 projects proposed for this site versus ours.

4 These two issues, the noise and the visual, tend  
5 to be -- we're looking for your input so that  
6 we're studying them upfront in the places that  
7 you want us to in an effort to save time, to be  
8 honest with you.  
9

10 So again, being sensitive to the  
11 residential, we cut a section through here up to  
12 South Plank Road, and then from Route 300 through  
13 this building to here. So each of these kind of  
14 will give you a perception of how our building  
15 and the grading relate to the adjacent  
16 properties. We weren't too concerned about the  
17 interstate on this side. We think we've picked  
18 three good locations, and that will be the basis  
19 for our visual analysis. So again, we're hoping  
20 that the Board will look at those and give us  
21 some opinion as to whether or not you think we've  
22 got them in the right places in terms of the base  
23 for our study.

24 That really concludes my presentation.

25 CHAIRMAN EWASUTYN: Okay. Mr. Everett,

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I think you started out by wanting to get an opinion from the Board. We'll start with that conversation. We'll start with the visual analysis. I think that was part 1 that we discussed. The second part was noise. So we'll follow that sequence, which in all cases is very similar to Chuck.

We'll open it up to the Board now. You have a visual that's being shown. They're looking for -- they're showing the cross sections and they are looking to receive comments from the Board Members. This would coincide then with the SEQRA consistency determination.

So comments from Board Members on the visual analysis?

MR. BROWNE: Yes, John. In addition to the three that you're showing, I would like to still see something from the interstate and the exit ramp area as well. Keeping in mind that that area -- I don't know the actual numbers but a huge portion of the folks that are using that area are local folks. It's not just transient people going through from Connecticut to Pennsylvania. Again, I'm looking at it from a

1 local person's perspective, how we see it.

2 Also along with that, I'd be looking  
3 for some kind of a -- how can I say this? When  
4 you talk about visual mitigation, it's not just  
5 planting. I would also like to see stuff in  
6 light of architectural features, how it's going  
7 to appear. Like the smaller building down in the  
8 lower corner, that's going to be really close to  
9 the local road. That side that's toward the  
10 local road is not going to be loading bays. I  
11 understand that's going to be parking. That  
12 portion of the building that's exposed to the  
13 local roads, in my thinking, could have some sort  
14 of architectural features, designs, something to  
15 make it look, I'll say, less ugly. I don't know  
16 how else to say it. I understand that it's  
17 industrial, it's warehousing, it's that kind of a  
18 thing. Even with that, it can still be made to  
19 be -- how can I say? I don't want to use the  
20 word attractive because that's not really that  
21 type of a thing. Reasonable as far as visual is  
22 concerned.  
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24 MR. UTSCHIG: Okay. In the context of  
25 being industrially zoned; yes, we can consider



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that.

MR. BROWNE: Use your imagination. Come up with, you know -- please. Again, from my perspective, the public is going to be fairly close to this building. It's not like your current unit that's up on the hill. When it's up on the hill, maybe it has some -- even the way it's lit, it's fairly attractive. So that part, it's far away, it's big, it's that kind of a thing. This one is close. So, you know, keeping that in mind, I would like to see something visually more appealing than just a warehouse.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Basically I think what Cliff was trying to say is in reference to looking at it as visual for color and how the building stands out, not that it's going to be a white elephant or something like that. It can be dressed up one way or another. We've seen other warehouses and they blend in. So that's what we're basically saying.

MR. UTSCHIG: Okay.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

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MR. MENNERICH: Just a question on the section BB. Where would the camera be pointing that's going to show that view?

MR. UTSCHIG: It would probably be best, I would think, looking in from South Plank. I would think that would be the direction you'd probably want to be looking at.

MR. MENNERICH: With the elevation difference you would actually see the building?

MR. UTSCHIG: This ridge may interfere some. If your concern is that we're kind of -- we're using that to kind of hide the building because we're just doing this one straight line, I can tip this to make sure that this ridge doesn't interfere. More like if you were in a car sitting somewhere here looking in like that. If that's your concern.

MR. MENNERICH: I guess I don't really see the advantage of that whole visual point, but --

MR. UTSCHIG: I don't disagree with you.

MR. MENNERICH: We'll see what it looks like.

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MR. HINES: Typically those are done from publicly viewed spots. Because that is the intersection of those public roads, that's why that one is most likely included.

MR. MENNERICH: You can see that. I mean down on Route 52, you can look up there now because they did a lot of the work. I have a hard time visualizing that you'll be able to see much of the project from that viewpoint. I could be wrong.

MR. UTSCHIG: So the level of detail that we put in to some of these sections varies. So it may be that this is a very plain kind of engineering section that was chosen by virtue of the topography and vegetation that still exists. It's not a lot. You won't see a lot. The energy that we put into making that representation may not be what we would do for this section or from 300 where we want to make sure that we get to the issue that you're talking about. So more emphasis, not just on engineering section but some landscape components, architecturalals that help answer that question, and that probably will happen in those two sections. I think that's

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what we think is going to happen. I tend to agree with you, I don't think you're going to be too concerned about this view.

MR. MENNERICH: Thanks.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: They talked about the 84 exit ramp and Interstate 84 there. If you could position one, not closer to the 300/Union Avenue section but farther back when you first get off the ramp of 84. If you look across 84, there's an apartment complex.

MR. UTSCHIG: Yes. Just on this side.

MR. GALLI: Right. The other side of 84.

MR. UTSCHIG: Somewhere in that --

MR. GALLI: Looking in from there, you know, if you could place something there, that would make it seem -- so you're covered with both 84 and --

MR. UTSCHIG: Something like that.

Okay.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No additional.

CHAIRMAN EWASUTYN: Dave Dominick?

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MR. DOMINICK: No, John. I just had questions on the noise. I'll wait until we get there.

CHAIRMAN EWASUTYN: Listening to Dave Dominick, and everyone has had an opportunity to voice their concerns and their comments as it relates to the visual analysis and the cross section, we'll take the next one, and that would be the location of the noise monitoring.

At this point we'll turn to Dave Dominick. Dave.

MR. DOMINICK: Chuck, I understand your logic with some of the monitoring systems near the perimeter on the top there -- near the property line toward the residents up top being barred by where the trees are, and muffling the sounds, and not getting a good reading. However, I still think if you go up in that area there, you can add maybe two more monitors to get a much better accuracy for the folks that live in that area. Right there behind -- I think that's 52 right there. Yup, right in that area. Maybe add two more monitors there to see how it will affect those neighbors.

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MR. UTSCHIG: Okay.

MR. GALLI: I think what happens is you get the amplifier effect. You're up here and the bands down here and it travels up. All those residents back there are up higher. Even if they hear it -- if it's loud behind the trees -- I don't know if it will be. I don't think it will be, but --

MR. UTSCHIG: I understand. Our model will -- the sound guy will incorporate into his model the changes in topography. So as you know, we propose to be down significantly below the top of that hill. When he does his sound models, he incorporates that, our grading concept and those issues, into his analysis.

MR. GALLI: I'm not too sure about the one near the highway. I'm not sure what purpose that serves, but --

MR. UTSCHIG: He was concerned, to be honest with you.

MR. GALLI: With the houses?

MR. UTSCHIG: With the houses. You can't get on the other side. He stayed on our property but he wanted to get a feel for what the

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sound was along the interstate.

MR. GALLI: Okay.

CHAIRMAN EWASUTYN: When you say he,  
who is he?

MR. UTSCHIG: I'm sorry. Our noise  
consultant. We have an independent consultant  
that works with us.

MR. GALLI: He's going to be picking up  
a lot of the noise on 84. Okay.

CHAIRMAN EWASUTYN: Following that  
line, Stephanie DeLuca?

MS. DeLUCA: No additional. He covered  
it quite well. Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: You talked about the  
residents on top. After the trees are cleared  
and everything else, we still don't know a true  
read. Right now you have -- you're saying put  
two up by the houses and one there, but it won't  
be a true reading until the trees are cleared.  
What I'm asking, and I said it once in other  
previous projects here, possibly future wise look

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for a sound barrier along the property line, because the sound is going to carry with the trucks backing up and everything else.

MR. GALLI: Are they taking down any more trees? I don't think they are. I thought you were going to leave that --

MR. UTSCHIG: There is a strip, but not all of them. So we don't go as far as what's cleared now. It's literally cleared almost to the property line. Where this area is here in the darker gray, we go into that about a third or so. Mostly the transition in grading appears in that area. Not improvements. I understand what you're saying, and we'll incorporate that as we look at the impacts.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Since we're on the subject, let's talk about it for a brief moment. What is meant and what would be possibly constructed when you talk about a noise barrier? We have these open-ended comments that don't bring to some kind of understanding. So if one was needed or suggested, can you give us two possible suggestions so at least we have some



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kind of initial closure of what it might be?

MR. UTSCHIG: So typically when we talk about sound barriers, we have to be careful as to what that means.

CHAIRMAN EWASUTYN: Thank you.

MR. UTSCHIG: Sound barriers right along the edge of the Thruway are concrete panels that allow that sound to get deflected and go straight up. In a setting like this we would probably be looking at something that's more like a solid fence. I know fence isn't quite the right term, but it's substantial and it's solid. Whether it's six foot high or eight foot high, that's really dictated by the results of our study. I think that's what we would contemplate. If I recall looking at the drawings for The Ridge, where that seemed to have come to be an issue and dealt with, what they proposed there was something like that. It can be in various forms but that it be solid. The intent is for the sound to hit it and deflect it up. To be honest with you, in this setting we would probably recommend that it goes as close to the property line as possible, because what happens

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with the sound is, even if it gets deflected up, it will have a tendency to go back down again. If I recall correctly, The Ridge had their fence kind of down in the hill. We will probably recommend that it be as high as possible which makes it as effective as possible.

CHAIRMAN EWASUTYN: A suggestion I might say for everyone. If you drive west on Route 84 from the location we're looking at, eventually there's an over ramp which is Fletcher Drive. There's also the Meadow Hill development. Going back that many years ago there was a wood barrier that went up along I-84 and the rear side of Meadow Hill. Again just for food for thought for everyone, if you're on 84, to take a look at that. Something like that was created. It was primarily for Meadow Hill.

MR. UTSCHIG: Okay.

MR. EVERETT: Could I ask a question? As part of The Ridge project, I think the sixth amendment of site plan approval you guys requested a sound wall. Did you ever get to the point where you identified what that was going to look like and what the material or composition

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was going to be, or was that something that was going to be done later?

MR. HINES: It was there. It was a ten-foot high sound attenuating. It was kind of a vinyl -- high-density vinyl fence. Not a typical stockade fence. They had a select material.

MR. EVERETT: I guess my thought was is that if you guys have already looked at that and accepted that and approved that, and if that's something we should use as a starting point, or would you be looking for something that would be different than that?

MR. BROWNE: I think that would be based on your modeling when you get done with this. One of the critical things of this project is the trucks and their back-up alarms. Assuming this is going to be a good positive project, it's going to go the whole thing, you're going to have trucks backing up at night, early in the morning with that noise. I'm interested in how much of that noise will carry up from the trucks backing. That stuff carries pretty far. It's supposed to. That's what it's there for, safety. That I think

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is probably much more intense than what the other Ridge project was intended to cover. So when the modeling is finished, then I think we could look at what that could be or should be.

MR. EVERETT: Okay. I mean just so you may be aware, there's lots of mitigation measures that have been employed by warehouses all across the country to address that particular issue. Noise consultants look at those things. Okay. Thank you.

CHAIRMAN EWASUTYN: Any additional questions as far as, or comments, the visual analysis, and cross section, and the location of noise monitoring in different locations?

(No response.)

CHAIRMAN EWASUTYN: Now let's take the time to discuss the private road and the design of the private road. We'll have Jerry Canfield work with us on that, and Pat Hines. We'll have Ken Wersted so we can make that part of the meeting this evening.

(No response.)

CHAIRMAN EWASUTYN: We'll close the meeting tonight. Thank you all for attending. I

1 want to get home. It's snowing out. Let's get  
2 the program on the road. Would someone discuss  
3 the road one more time? Jerry Canfield, Pat  
4 Hines, Ken Wersted, let's talk about the road.  
5

6 MR. HINES: I'll jump in here. Since  
7 we had the work session meeting, I had the  
8 opportunity to have some conversations with other  
9 representatives of the Town, including the Town  
10 Attorney and the Town Engineer. What we were  
11 calling a private road, I'm now suggesting that  
12 it be designed as a Town road meeting Town  
13 commercial/industrial specifications, which we  
14 have a detail accepted of that. That will be  
15 offered for dedication and shown as a "Town road"  
16 on this map. It is likely the Town Board will  
17 not accept that dedication so it will remain, for  
18 all intents and purposes, a private road. It  
19 will be shown on this map as a potential Town  
20 dedicated roadway with the underlying offers of  
21 dedication required.

22 That being said, there's a 60-foot  
23 right-of-way associated with that detail. I  
24 think you have plenty of room there. I don't  
25 think it's an issue. We looked at the plan. The

1 road should be designed to that specification,  
2 not a private road but -- and that will also  
3 become your frontage as a proposed Town road, a  
4 road shown on a subdivision map. I think it will  
5 clean up that issue as well, that that will  
6 clearly be your frontage for your building height  
7 calculations, as Jerry may talk about in the  
8 future. This is just recent. I had this  
9 conversation Tuesday. I don't want to throw it  
10 at you right now. I think it works for your plan  
11 and is consistent with what has occurred with  
12 other commercial projects in the Town.  
13

14 MR. UTSCHIG: I think the answer to  
15 Pat's comments is we -- I don't think there will  
16 be any challenge for us to meet those design  
17 criteria. The 60-foot right-of-way is just  
18 slightly wider than what we have.

19 We have truck traffic to deal with  
20 here. I'm guessing that our intent is how this  
21 would be designed, anyway, would meet your  
22 commercial standards. I think I can say to the  
23 Board safely we can design a road that will meet  
24 those specifications.

25 CHAIRMAN EWASUTYN: Jerry Canfield,

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comments?

MR. CANFIELD: To continue on Pat's conversation, our office, in addition to the consultants' work session, has been asked by the applicant to submit a determination on the calculation of building height. Basically we did so with the assistance of our Town Attorney's office. We sent it to Chuck. We also copied the Planning Board this afternoon. Basically what it determines is that the building height as proposed is acceptable, providing that the private road is built and maintained in consistency with the Town requirements, which requires the Planning Board to approve such design and maintenance thereof.

The second part of that, which was also a request in the building height calculations, were the rooftop units. There is a provision in the Municipal Code that does exempt rooftop units, their like or equal. As long as the units do not exceed 10 percent of the surface area of the roof, which the applicant design professional has indicated that they will comply with that as well. So those determinations have been made.

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Again, that's in consistency with -- other projects of this type in the Town have been handled the same way.

CHAIRMAN EWASUTYN: Ken Wersted, would you have anything to add as far as the road, road design or the topic that we're discussing now?

MR. WERSTED: Yes. Thank you. I owe the traffic engineer some responses to some of the inquiries they have on some other development projects in the area. I'll get those to them, then they'll be able to complete their traffic analysis.

One of our highway engineers did look at some of the roadway specs and had some comments that may change based on the Town road standards. We'll compare those two and make sure it's in compliance for a trucking facility.

I think some of the DOT item numbers that you have were disapproved. They were older numbers. We can help coordinate and get you the current status.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney?

MR. CORDISCO: In connection with the



1 road, while the road should be identified as a  
2 future Town road, on the plans there will also  
3 need to be an offer of dedication, as had been  
4 previously mentioned. There also needs to be a  
5 private road maintenance agreement for that  
6 period of time where there is -- has not been  
7 acceptance of the road by the Town.  
8

9 CHAIRMAN EWASUTYN: Mr. Cordisco, then  
10 the business before us tonight, Pat Hines, Jerry  
11 Canfield, Ken Wersted, would be to declare our  
12 intent for lead agency. As far as the sketch  
13 plan, the verbiage would be to a favorable --  
14 would you bring that to everyone's attention?

15 MR. CORDISCO: Certainly. In  
16 connection with the sketch plan, there's a  
17 provision in your Code, it's in 185-57-B(2), that  
18 says that "The Planning Board", and I'm quoting,  
19 "shall review the sketch plan and related  
20 documents and shall render either a favorable  
21 report or an unfavorable report to the applicant.  
22 A favorable report shall in no way imply  
23 immediate or eventual approval status, it is  
24 merely intended to convey to the applicant the  
25 relative assurance that the development as

1 conveyed is basically conforming to the master  
2 plan of the Town of Newburgh and its implementing  
3 land use regulations, with or without suggested  
4 modifications." As noted in the language here,  
5 it says that the Board shall do these things.  
6

7 So my recommendation at this time for  
8 this particular project is that the Board, given  
9 the conversation that you've had tonight,  
10 including the fact that the plan needs to be  
11 modified to accommodate the 60-foot wide  
12 right-of-way for a commercial road, is consider  
13 issuing a favorable report on the sketch plan.

14 CHAIRMAN EWASUTYN: Would someone make  
15 a motion?

16 MR. GALLI: I'll make that motion,  
17 John, to accept the favorable report on the site  
18 plan.

19 MR. DOMINICK: Second.

20 CHAIRMAN EWASUTYN: Motion by Frank  
21 Galli. Second by Dave Dominick. May I have a  
22 roll call vote, please?

23 MR. GALLI: Aye.

24 MS. DeLUCA: Aye.

25 MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: And then for the record, would someone make a motion to declare our intent for lead agency and circulate to the involved agencies?

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by John Ward. May I please have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried. I think that covers it.

MR. EVERETT: Thank you, Mr. Chairman.

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MR. UTSCHIG: Thank you very much.

CHAIRMAN EWASUTYN: Have a safe trip.

I'm sorry to inconvenience you. Business is business.

(Time noted: 7:32 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of February 2021.

*Michelle Conero*

\_\_\_\_\_  
MICHELLE CONERO

HYBRID MEETING WITH PARTICIPANTS ABLE TO ATTEND VIA ZOOM

STATE OF NEW YORK : COUNTY OF ORANGE

TOWN OF NEWBURGH PLANNING BOARD

----- X

In the Matter of

POLO CLUB  
(2018-12)

Route 300 & Jeanne Drive  
Section 39; Block 1; Lots 1 & 2.12  
R-3 Zone

----- X

242-UNIT MULTI-FAMILY WITH SENIOR DENSITY  
FINDINGS STATEMENT

Date: February 18, 2021  
Time: 7:32 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ, JAYNE  
DALY, DAVID WEINBERG

----- X

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

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CHAIRMAN EWASUTYN: Our third item of business this evening is the Polo Club, application number 18-12. It's a 242-unit multi-family with senior housing. It's before us tonight to discuss the Findings Statement. The subject property is located on Route 300 and Jeanne Drive. It's in an R-3 Zone. It's being represented by Engineering & Surveying Properties.

MR. WINGLOVITZ: Good evening. For the record, Ross Winglovitz with Engineering & Surveying Properties, here with Jayne Daly, counsel, and David Weinberg, the applicant.

We were before the Board regarding SEQRA in December when the Board adopted the final supplemental environmental impact statement. That was accepted with some conditions. We finalized the document in early January, and with your consultants' review and confirmation that was circulated at the end of January to all interested and involved agencies.

At the time we had returned our version of the SEIS, we also provided a draft findings statement for the Board's consideration. There

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were some comments that had been issued by your consultants. We've done our best to incorporate those into a revised document.

We're here this evening to discuss any comments the Board may have or any clarifications we can make to the document so that we can get it accepted.

CHAIRMAN EWASUTYN: Before I introduce you to the Planning Board Members, I'd like to have Dominic Cordisco, Planning Board Attorney, present us with the facts before us and the action before us.

MR. CORDISCO: Yes. The action before you is consideration of the findings statement. If the Board is satisfied, the Board could adopt the findings statement. This is the last step in the SEQRA process. It is essentially a summary of all the impacts and the mitigation measures that have been proposed.

The Board had previously considered and concluded certain requirements for the mitigation measures at its December meeting in connection with the final supplemental environmental impact statement. That was a key document and a key

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step in the process because the responses to comments in that document are the Board's comments. This is a document that summarizes the entire process and also summarizes, as I said, the mitigation measures.

This document, once it's finalized and accepted by the Board, it gets sent to all other involved or interested agencies so that they are then put on notice that you, as the lead agency, have concluded the environmental review, and that also opens up the way for other agencies that have jurisdiction over the project to move forward with consideration of approval for their particular items.

CHAIRMAN EWASUTYN: Let's start off with our consultants. Ken Wersted with Creighton, Manning.

MR. WERSTED: We reviewed the findings statement that was transmitted on July 11th and we found -- had two comments with that which involved improvements that were discussed in the traffic study and/or the previous original findings statement. We provided those to Ross. They've been incorporated into a revised findings



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statement that we received on Tuesday, the 16th.  
So that statement included and addressed our  
comments.

CHAIRMAN EWASUTYN: Pat Hines with  
McGoey, Hauser & Edsall?

MR. HINES: Similar to Ken's comments,  
we provided the applicant's representative with a  
red line markup of the requested changes and  
suggested edits. We have received the document  
back addressing those concerns.

CHAIRMAN EWASUTYN: Jerry Canfield,  
Code Compliance?

MR. CANFIELD: We have nothing  
additional on that.

CHAIRMAN EWASUTYN: Comments from Board  
Members. Dave Dominick?

MR. DOMINICK: Nothing further.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Nothing further.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Nothing further.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: Nothing.

CHAIRMAN EWASUTYN: John Ward?

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MR. WARD: Nothing further.

CHAIRMAN EWASUTYN: I apologize. I knew somebody was missing.

MR. BROWNE: I have nothing more, John. Thank you.

CHAIRMAN EWASUTYN: That wasn't intentional. You're tucked away.

Would someone make a motion then this evening to adopt the findings statement for the Polo Club which is a 242-unit multi-family construction with senior housing?

MR. MENNERICH: So moved.

MR. BROWNE: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

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CHAIRMAN EWASUTYN: Motion carried.

There will be a public hearing on this property on the 4th of March. Correct?

MR. HINES: Yes.

MR. WINGLOVITZ: Correct.

CHAIRMAN EWASUTYN: Thank you.

MR. WINGLOVITZ: And a tree clearing permit. Procedurally, as far as the site plan, the next step would be preliminary site plan approval. Is there a draft motion or something that would be prepared that we should get in front of the Board or is that something the Board can just do this evening if they were willing?

CHAIRMAN EWASUTYN: We discussed it at our work session, to grant preliminary approval with the understanding that there are other involved agencies that will be part of that. We'd like to have the time to know who those involved agencies are and make that part of the record. So that would be taken under consideration at a later date.

Dominic Cordisco?

MR. CORDISCO: Yes, sir. That's correct. It could be considered at the March 4th

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meeting.

MR. HINES: One of the procedural steps that is needed is that this needs to go back to the Town Board to, for lack of a better term, anchor the senior bonus density.

MR. WINGLOVITZ: We're on for the 22nd in front of the Town Board for that. They were looking for the findings statement.

MR. HINES: I think that's an important step, too, before the Board considers the preliminary. In fact, that that approval is granted.

MR. WINGLOVITZ: It makes a lot of sense. Thank you very much.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 24th day of February 2021.

*Michelle Conero*  
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MICHELLE CONERO

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HYBRID MEETING WITH PARTICIPANTS ABLE TO ATTEND VIA ZOOM

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

----- X  
In the Matter of

DOLLAR GENERAL  
(2020-04)

Southeast corner of 9W & North Hill Lane  
Section 24; Block 4; Lot 1.12  
B Zone

----- X

SITE PLAN

Date: February 18, 2021  
Time: 7:40 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: STEPHEN VUKAS &  
KEN FIORETTI

----- X

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

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CHAIRMAN EWASUTYN: The fourth item of business is Dollar General, project number 20-04. It's a site plan located on the southeast corner of Route 9W and North Hill Lane. It's in a B Zone. It's being represented by Bohler Engineering.

MR. VUKAS: Good evening, all. My name is Steve Vukas. I work with Bohler Engineering. I'm joined by Ken Fioretti from HSC Balmville, LLC.

MR. FIORETTI: Good evening.

CHAIRMAN EWASUTYN: Does anyone have business cards?

MR. VUKAS: I do.

MR. FIORETTI: Yes, sir

MR. VUKAS: On behalf of HSC Balmville, LLC we're excited to present this investment project in the Town of Newburgh. We've met before the Planning Board in April of last year. Since it's been a while, we wanted to provide a brief update and an overview of the project to refresh the Board.

So what we have here is a commercial project that proposes to construct a one-story,

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9,100 square feet retail store that sells a variety of name brand products. I like to think of them as a modern day general store. The types of items you might expect to purchase there are products that are frequently replenished and used, such as food snacks, health and beauty aids, as well as cleaning supplies, family apparel, housewares and seasonal items.

This would be considered a dry goods retail store, so no food preparation or produce is expected. No foul odors or making or disposing the food is expected. We consider it a pretty low-impact use.

We're located at the southeast corner of North Hill Lane and U.S. Route 9W. Our property is about 2 acres in area, as was mentioned, Zoned B. The retail use is an allowed use.

Access for the site is proposed via a 30-foot wide -- 28-foot wide two-way driveway on North Hill Lane. It's about 90 feet east of the center line of New York State Route 9W.

The development consists of 30 parking stalls, mostly along the front and some along the



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side.

We're meeting the Town requirements for green space.

We've placed the building kind of tucked in the northwest corner as much as we can to create a buffer. We think it helps create a buffer, be sensitive to the residences to the east. We're also able to, while we do that, maintain the existing wetlands that are on the site.

Dollar General is not really considered a high-traffic generator like a fast food restaurant, a gas station or industrial use. Average, they probably see four or five customers shopping at a time is what you typically would see.

The parking lot itself would be lit by LED lights that face down, and they are dark sky compliant. They try to keep it low impact.

There's landscaping proposed throughout the site as well. More money is being invested with sod in the front and elsewhere. Where we're affecting the development would be hydroseeded. We're also proposing vegetation along the front,

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street trees in the islands throughout. There's a stone landscape wall in the front corner there.

MR. FIORETTI: And a fence.

MR. VUKAS: And a fence. Thank you.

Stormwater, you don't see it here because it's underneath the pavement. This will be designed to mitigate the effects of runoff to pre-development conditions. So we'll have some underground storage pipes there.

CHAIRMAN EWASUTYN: For the record, you went before the ZBA for a variance?

MR. VUKAS: That's correct.

CHAIRMAN EWASUTYN: The variance was for what and what was accepted?

MR. VUKAS: Yes. The variance was for parking. By Code, 62 spaces would be required. We asked for a variance and were granted last month a variance to allow for 30 spaces. Thanks for bringing that up.

So we have enhanced architecture at this site with the gable peak parapet in the front. We have hardy board siding with full windows along the front, as well as some along the side, along with a light colored brick

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wainscoting right there.

Since April you've asked what have we been up to. In November we did meet before the Zoning Board and we were granted that variance, I think January 28th, for the parking stalls.

We've also submitted the site to the State Historic Preservation Office, and they sent us a letter indicating that they had no issues with our project.

So with that, I'd like to hand it back over to the Board and see about what the next steps are, if you guys would declare lead agency for the County or set a public hearing, or answer questions that you might have.

CHAIRMAN EWASUTYN: Okay. Questions on the site plan. We'll start with Frank Galli.

MR. GALLI: Just two questions. What's the purpose of that light-duty asphalt and heavy-duty asphalt?

MR. VUKAS: Sure. The heavy-duty asphalt is this shaded color over here and extends over to here. The purpose of that is because we'll have truck traffic in those areas so we want to beef it up with a little bit

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thicker pavement section there to handle the extra weight of the vehicles.

MR. GALLI: Pat, is there a Town Code for that, like 2 inches, 4 inches, 6 inches?

MR. HINES: There's not. That's the applicant's desire to provide that.

MR. GALLI: The second question. Where are you going to put all the snow when you have to --

MR. VUKAS: We have some areas -- green space areas over in this location. I think that will handle the bulk of it. There are some areas outside here. We don't want to put it on top of our septic system. There's fencing over here. We don't want to push it into the wetlands either.

MR. GALLI: Okay. That's all I had, John.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS.. DeLUCA: Yes. I was just concerned with the back of the property. You had mentioned that there was a retaining wall in back. What does that consist of? Is there anything else that is going to be built to

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conceal like the garbage receptacle area?

MR. VUKAS: You were mentioning retaining walls. We're trying to keep ourselves out of the wetlands as much as possible. We had these walls here that are made of like stone, we call it Redi-Rock, it's interlocking retaining wall, so we can minimize our impacts to this. On top of that we have the dumpster enclosure which is like a wooden stockade fence type of material that's, I want to say it's 6 feet in height.

MR. GALLI: It says chain link.

MS. DeLUCA: I was going to ask if it could be something other than chain link. I'm glad you mentioned that.

MR. FIORETTI: We can look into that.

MS. DeLUCA: Thank you.

MR. FIORETTI: Do note that there is substantial planting and existing vegetation behind the site. Several hundred -- I can't tell the exact distance but it's probably about 150 feet to 200 feet from the back to the residences. You'll literally have to walk in the swamp to see anything behind the building.

CHAIRMAN EWASUTYN: I think you did say

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along the facade there would be some stonework.

MR. FIORETTI: Yes, sir. In the front, that point there, there will be a stonewall, landscaping, bushes, and then a stockade fence along in front of the parking area.

CHAIRMAN EWASUTYN: Is it possible to construct the dumpster enclosure, as an example, in something like a split-face block? The concern with building something that may be either vinyl, especially, just lasts a very short period of time. Between loading and offloading these dumpsters, their life expectancy is rather short. If we had something that was constructed of a solid mass.

MR. FIORETTI: We can look into a masonry -- are you talking about some sort of masonry around the dumpster enclosure as opposed to a wooden fence or something? We can look into that.

CHAIRMAN EWASUTYN: That's where we're heading.

MR. FIORETTI: I'll mark that down.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Could you show me on

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your plot plan where the pylon sign would be?

MR. VUKAS: Yeah, sure. That would be in the corner right there. That would be a monument sign that's 10 feet in height.

MR. MENNERICH: Do you think that's going to create a problem for people that are pulling out back onto 9W?

MR. VUKAS: I think it's far enough back. Between the edge of pavement here, we've got 18 feet from the property line. I think -- are you concerned about North Hill Lane?

MR. MENNERICH: Yes.

MR. VUKAS: Okay. I think that will be far back enough where they'll have good sight distance to the south or the north.

MR. FIORETTI: That's about 60 feet from -- they'd be north of there at the stop bar. So it would --

MR. VUKAS: A car situated here.

MR. FIORETTI: I don't think there would be any chance that that would interfere with their line of sight. We'll certainly make sure.

CHAIRMAN EWASUTYN: Ken, do you have

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any comments on that? Ken Wersted.

MR. WERSTED: I believe there's a pretty decent right-of-way, and the sign is within the property of this project. So a driver pulling out of North Hill will be to the road side of that sign. When they look to the south I don't believe that's going to be in the way. If the right-of-way was up against the curb or something and the sign were closer, that could be an issue. It didn't arise in my view as being an issue in this case.

MR. MENNERICH: Okay. I guess in general, the Dollar General sign that you have on the building is going to be very noticeable I would think. I guess I'm really questioning do you really need the pylon sign. There are some Dollar General stores in our area and they just pop out that sign because of the coloring of it on the building.

MR. FIORETTI: I understand what you're saying, sir. The truth is that if you're coming north or south on 9W, you're really not going to see the store sign because it's parallel to the way you're looking. You're going to be looking



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this way. The pylon sign or the monument sign would be this way so you would see it. It is something that the retail stores do look to have there, their logos out and visible. It's not anything that any other retailer wouldn't want their own signage as well. It is something that they really prefer. And it is a safety thing. If somebody sees a store at the last minute, they're going to hit the brakes. You don't want that.

MR. VUKAS: We tried to improve the aesthetics of it with the base of it that matches the bottom of that wall.

MR. FIORETTI: We'll certainly make sure that it doesn't interfere with any line of sight, anyone trying to exit from North Hill onto 9W. I'll make sure we make sure we confirm that.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: The first time you were here I mentioned about a stonewall and a sidewalk going down 9W. With all the projects along 9W, we've been coordinating sidewalks for safety. Right here I don't see a stonewall going all the way down. You've got parking right facing 9W.

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I'll leave it up to Jerry or Pat to talk to you. I feel we're supposed to have a wall or something in front of there, not a fence.

MR. FIORETTI: Well it's not a fence so much as a split rail stockade type fence. One of the areas that you asked us to look at was the landscaping and the stonewall that the QuickChek had put up. We looked at that. We're going to bring -- we had wanted to do it but didn't have enough time. We'd like to bring some renderings of the landscaping. We will have a stonewall in the front in the corner, nice landscaping, the split rail fence with landscaping in front of it. We definitely want to dress up the front of the building there.

MR. WARD: I'd prefer a stonewall all the way down, because a post rail fence with the parking, it's not -- how would you put it? It's not the look we're looking for with 9W itself.

MR. HINES: What I think they are trying to mimic is the QuickChek has sections of stonewall, breaks, a section of split rail fence and then the stonewall again. I don't know if that's what you're --

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MR. FIORETTI: That's correct.

MR. HINES: -- eluding to. That's what QuickChek has. They have much more stonewall than split rail fence but they did break it up so there's not just one long wall. It's certainly up to the Board. That's my comment regarding compliance with the design guidelines.

I don't know if we heard about the sidewalk that John asked about.

MR. VUKAS: The sidewalk. We're actually concerned about the safety with that. If you drive along here, you'll notice there's a guide rail right along the edge of pavement. It drops off several feet. There's not much room for a sidewalk. We notice that there are no sidewalks to the north of us, or the property to the south of us as well.

MR. FIORETTI: I can address this. I've actually walked this property quite a few times. From here to here, actually it tapers off dramatically. When you get to the guardrail point where it starts over here, there's literally maybe 2 feet on the opposite side of the guardrail where it drops into the wetlands

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area. At this point here it literally pinches down to almost nothing. Right here there's a culvert. Everything from this side of 9W drains and creates a stream, a ditch over here, and you have -- at this point right here there's literally maybe 4 feet from the edge of the pavement to the water. So you've got wetlands all the way up to the front here. You've got a stream that runs through here. I've walked this. It's extremely unsafe. What we're trying to do is minimize any impacts to the wetlands. If we were to build anything here, we would be building in the wetland area and we would have to interfere with the stream over here. It's just a very -- to have pedestrians there would be very unsafe and have wetlands impacts.

So in light of the potential safety hazards and the impacts to the environment, we'd respectfully request that the Board not require sidewalks on this property due to the safety issues.

CHAIRMAN EWASUTYN: We'll take that under consideration for now for the benefit of the timing this evening and the weather

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conditions on the outside.

MR. FIORETTI: Thank you.

CHAIRMAN EWASUTYN: You will come back with a more detailed landscape plan, --

MR. FIORETTI: Certainly.

CHAIRMAN EWASUTYN: -- one of the actions that was suggested from Pat Hines.

We should consider or would consider a waiver for parking in the front yard. The mitigation measure for granting that waiver would be the landscape planting and the stonewall. So again, we'll cover some of these subject topics at a later date.

Cliff Browne?

MR. BROWNE: No. Basically John just covered the point I was thinking of. I was trying to remember this property with the big drop off on the front edge that we talked about the last time they were here. Go ahead. We're good.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Steve, I don't want to get too far ahead of us, but the landscaping and your neighbors, the daycare center, immaculate

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condition. Mimic that area as you come back --

MR. FIORETTI: Certainly.

MR. DOMINICK: -- with a more detailed proposal. That's for a later time.

CHAIRMAN EWASUTYN: Ken Wersted, you had a comment in reference to trucks and blocking off the entryway as it relates to North Hill Road.

MR. WERSTED: Correct. There is some truck analysis being done and shown on the plan, I think in one of the upper corners there. It shows some of the movements getting in and out. There's a few more movements that you can check, particularly coming northbound on 9W, making the right turn in, coming out and making the left turn out. The concern I had is when a truck is existing the Dollar General driveway and they pull up to the stop bar, where is the tail end of that trailer. Is it blocking the ingress lane for North Hill or has it swung wide enough and it's back on its side?

I also think you can do a traffic analysis of that intersection because the driveway is pretty close to Route 9W. With the

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operations of the daycare center across the street, we just want to make sure that the cueing there is adequate and vehicles aren't backed up on North Hill. I'm not anticipating it but there's no traffic signal there. We know 9W is very busy. So the time it's going to take to pull out of North Hill is going to be significant at times.

MR. FIORETTI: Very good. We'll make sure we provide you that information.

MR. WERSTED: Thank you.

MR. GALLI: I have one more question. I know some of your stores have shopping carts, I guess little ones.

MR. FIORETTI: Yes, I believe that's true.

MR. GALLI: Is there a storage area for them out front or -- I've seen a couple where they are straggled all through the parking lot. I've seen another store that has them blocked so you can't get the carriage out so many feet past the front door and they have to unload from there. I'm not sure what your store is going to have.

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MR. FIORETTI: I'll find out what the plan is for shopping carts here.

MR. GALLI: I know you don't have much room in the parking lot.

MR. DOMINICK: Sometimes they have a dedicated area inside the store for the carts.

MR. FIORETTI: I'll find out what the plan is.

CHAIRMAN EWASUTYN: Pat Hines with McGoey, Hauser.

MR. HINES: The applicant has my comments. We're looking for some additional detail on the water, sewer, drainage.

We are suggesting, since the ZBA has made their ruling, that the Planning Board could now declare their intent for lead agency and circulate to the other involved and interested agencies.

The project will have to go to County Planning eventually, but they're going to be looking towards the traffic study and the stormwater report, the other supplemental reports to give them the "complete application." So I think it would be premature to forward it to the



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County at this point.

I know the applicant's representative has our other comments.

MR. FIORETTI: Yes.

MR. HINES: I think the only action for the Board would be to consider lead agency intent.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Just to follow up on Pat. On future submissions there's a level of technical detail that should be there. The water line, for instance. I just observed a quick conflict with the gas line and water line coming in 9W.

The Town of Newburgh has a more restrictive sprinkler requirement, so this facility will be required to be sprinklered which probably will be a minimum of like a 6-inch line. The line as depicted on the drawing looks like it's A copper, 6 inch cast iron. You can't do that. You may want to look at the joints and the restraints and all that's required.

Also, I did look at the signage package

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that was submitted. It does comply with the square footage and the schemes per the new signage ordinance. That's all I have.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney?

MR. CORDISCO: Mr. Chairman, I recommend that the Board circulate for lead agency at this time.

MR. GALLI: I'll make that motion.

MS. DeLUCA: I'll second.

CHAIRMAN EWASUTYN: Do I have a second?

MS. DeLUCA: Yes.

CHAIRMAN EWASUTYN: Stephanie DeLuca seconded?

MS. DeLUCA: Yes.

CHAIRMAN EWASUTYN: May I have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

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CHAIRMAN EWASUTYN: Motion carried.

Thank you.

MR. FIORETTI: Thank you all very much.

MR. VUKAS: Thank you.

(Time noted: 8:05 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 24th day of February 2021.

*Michelle Conero*

---

MICHELLE CONERO

HYBRID MEETING WITH PARTICIPANTS ABLE TO ATTEND VIA ZOOM

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

----- X  
In the Matter of

FARRELLL INDUSTRIAL PARK  
(2020-16)

NYS Route 300  
Section 1; Block 1; Lot 63.23  
IB Zone

----- X  
SITE PLAN

Date: February 18, 2021  
Time: 8:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JOSEPH MODAFFERI,  
STANLEY SCHUTZMAN & PHILIP CLARK

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

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CHAIRMAN EWASUTYN: Our fifth item of business this evening is the Farrell Industrial Park, project number 20-16. It's a site plan located on Route 300 in an IB Zone. It's being represented by JMC Consultants. Gentlemen.

MR. MODAFFERI: Good evening, Chairman, Members of the Board. For the record, my name is Joe Modafferi, I'm the project manager with JMC, the civil engineer and landscape architect for the project. I'm here tonight with Stan Schutzman, the project attorney; and Phil Clark, the project architect.

We're here tonight for a continuation of our request for site plan approval for the Farrell Industrial Park located on Route 300. As you may recall, we were here on December 17th for our initial meeting and discussion.

Since then we made an initial presentation to the Zoning Board of Appeals for the building height variance that we got -- that we need for this project, or that we're requesting for this project on January 28th.

We provided revised documents to the engineer, Pat Hines, for the SEQRA distribution

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which was done.

We submitted the stage 1 application -- stage 1 permit application to DOT.

We revised and resubmitted a full package of documents which addressed many -- several of the comments from your consultants from the previous meeting.

We completed a phase 1-A and phase 1-B archeological study in the field. There's a letter in your package that indicates that there were no significant findings. The consultant is currently working on the formal report.

We also -- obviously we're here, so we did the notice to the 500 -- neighbors within 500 feet.

To go over a summary of the key changes that we did since we were last here. If you recall, previously we had an emergency access drive to the site off of Berry Lane. At the ZBA we had some public there that live in that neighborhood and they were concerned about the traffic, so we decided to eliminate that access from the plan. You know, now the fire trucks will come from 32, down 300 and into the site

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under the current design.

We added notes regarding the limitation of use for the warehouse distribution use. You may recall that the traffic engineer, I believe it was, raised a question about what type of use would be here and how the DOT may look at it. Because we have a septic system we're kind of limited to -- we can't do production and things that might have different types of sewage because the septic system can't handle it. We've done this before with DOT. That was raised in our application to them. It was submitted the same day we submitted your documents. So we're waiting to hear back from them. We understand that it's been given to a particular review person. We're not sure who that is yet.

We updated the landscape buffer along the residential district -- adjacent residential district to the north, increased plant diversity and followed a bunch of comments that your landscape architect provided to us.

We reduced the clearing of trees in the septic area. This area down by Route 300 is the proposed expansion area. We're going to leave

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those trees in place until, if and when we need those to build the expanded septic system.

References to notes referencing the survival of landscaping and bonds and things like that were requested by your landscape architect.

We were able to reduce the building height by 2 feet. If you recall, previously we had indicated that we would have a 3-foot parapet. We're going to put a 1-foot parapet on the taller portion of the building, and then we're going to put -- make sure that all of the mechanical units for the building are placed in the area where the proposed office is which would have a higher parapet. So it would be screened from view.

We also lowered the finished floor elevation. So we took the general mass area of the site and lowered it all by 2 feet. That was to reduce the impact to the neighbors in addition to working towards a balanced site.

We provided additional detail in the packages related to the anticipated employees. You might recall, we talked about the EPA documents that we use to determine how many



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employees we anticipated, which we then used to determine our parking requirement as well as our septic design. We had not had that in the previous submission, so we added that to the package.

We provided a wetlands report in the package as an attachment to the project narrative.

We provided an engineering analysis for fire protection which indicated that a fire pump will be required. So we'll propose fire pumps within the building. We may also require a domestic pump. We're anticipating that both of those would be designed and taken care of during the permitting process, because until we know really what's going on in the building and we're that close to the design, we won't really know what that design is. We'll ensure that it's part of the building permit packages for sure.

We've updated the fire truck analysis. I think we had a pumper truck or something like that on the plans. There was a question of whether or not it was a Town of Newburgh truck. We took the Town of Newburgh truck that we did

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for another project and incorporated it into the package.

We added a free-standing stonewall along the frontage of the site.

The other thing we wanted to do for flexibility of our potential tenants was we added a note to indicate that the office spaces could be up to maybe 15 -- up to but not exceeding 15 percent of the overall square footage of the building. We're showing it right now at around 10 but we wanted to add some flexibility because, depending on the use, they may need a little bit more or a little less. That would be subject to, you know, confirmation by the building inspector.

That's really a summary of everything that we've done since we were last here. We're happy to respond to any specific comments or questions.

CHAIRMAN EWASUTYN: Frank Galli, comment or questions?

MR. GALLI: At the Zoning Board meeting you said the neighbors had a problem with traffic on the emergency exit and entrance. How much traffic could there possibly be on the emergency

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entrance? I mean one a month? Two a month?  
Three a month?

MR. MODAFFERI: Or none at all. We understand that, but --

MR. GALLI: The local fire department is right across the street.

MR. MODAFFERI: Yes.

MR. GALLI: I just don't understand. Was there another motive? Was somebody else pushing it?

MR. MODAFFERI: No. It was just we heard their concern about having potential fire trucks coming through this site, or whatever, and, you know, they also questioned whether the gate would be opened or closed or what else would go on. It was explained to the neighbors that it would be a code enforcement issue and all that, you could call the code enforcement people. I think it was brought up again by your engineer that we need to discuss this with the fire officials and the fire department as well. We haven't gotten those contacts yet.

MR. GALLI: The fire department I don't believe would be okay with not having it there.

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MR. MODAFFERI: We're okay with putting it back in. We were just trying to respond to the comments of and concerns of our neighbors.

MR. GALLI: Okay. Personally if it wasn't part of the actual resolution for the Zoning Board, I'd like to see it put back in to the plan.

MR. MODAFFERI: We can work with, like I said, the code officials and the fire department.

MR. CANFIELD: If I may. I represent the code officials. I'm the Code Compliance Supervisor. Historically projects of this nature, the Town has always required a secondary entrance for emergency access. As Frank Galli was explaining, it's just that, emergency access. It's not a thoroughfare for through traffic. Typically there's some type of gating configuration that restricts that. The owner has a maintenance responsibility to keep it plowed and accessible in the event of an emergency.

So I would recommend that the Board do require it, as Frank requested, because that's consistent.

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Also, one of the comments was that the jurisdictional fire department should have the opportunity to review this. That is the Cronomer Valley Fire District. If you can make note of that and submit this plan to them for their review.

While I'm speaking, also I did review in your comments responding to our comments about hydrant locations and what not. You can call our office and ask for me and we'll schedule an appointment. We can review that layout.

MR. MODAFFERI: Great. I did call at one point and they said that I had to get direction from the Planning Board. So I'm glad to see you here and be able to have this conversation.

MR. CANFIELD: We can do that.

MR. MODAFFERI: I'll send you an e-mail or something in the next couple of days, and maybe you can provide me with the contact at the fire department as well.

MR. CANFIELD: Very good. Thank you.

MR. MODAFFERI: Great. No problem.

CHAIRMAN EWASUTYN: We'll go back to

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Stephanie DeLuca.

MS. DeLUCA: I have no questions right now.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I agree with what Frank brought up. As far as the response to an emergency there, it's going to make a lot more of -- the neighbors are going to have a lot more noise if they can't go down that emergency road. They'll be traveling further.

MR. MODAFFERI: Yes.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I agree with Frank on opening it up. To me, time is lives and that's a lot shorter. Nobody is going to go through there unless it's an emergency. Thank you.

MR. MODAFFERI: That's exactly the reason we proposed it.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I'm in total agreement. The basis of that was -- the major issue I had was that change that you made to this plan, that it should go back to the way it was.

MR. MODAFFERI: Okay.

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CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I echo the same.

Emergency access road, gated, maintained. It's common sense.

MR. MODAFFERI: Okay.

CHAIRMAN EWASUTYN: Ken Wersted, your comments? You may want to consider leaving because of the weather. I'm not pushing you out the door. In favor to your travel to Albany.

MR. WERSTED: I don't have to go home but I can't stay here.

Thank you, John. We had a couple of comments. One was about the engine braking sign. There's one actually on the uphill section around station 10 plus 30 or so. I didn't know if that was meant to be on the uphill side.

MR. MODAFFERI: We put it as a warning at the beginning. We initially had one there. We said let's put one down the hill. We can move it or we can add a third. It's not --

MR. WERSTED: It was just a question.

MR. MODAFFERI: It was just look, I know you're going uphill but no braking down the hill -- no truck braking or engine braking.

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MR. WERSTED: Some of the trees along the road seem to be only a few feet from the edge of pavement or curb. I asked Karen Arent if that seemed to be a concern and she indicated no. I didn't know if you had to be out there constantly maintaining the limbs, if they're going to grow out over the road or not. It's a consideration.

MR. MODAFFERI: We'll take another look at it. Generally when we're along roads, I know you raised a question about if you try to pick a plant material that doesn't grow. We'll certainly take another closer look at the plantings along the road.

MR. WERSTED: Thank you. Some of the details on the sheets call for light-duty and heavy-duty pavement, and then there's some sections that are labeled DOT typical and concrete. Just marrying up those details to the way the layout plan is.

One of our highway engineers was also looking at the cross section and noted some of the DOT item numbers are disapproved. They're old numbers. So moving forward I can provide you with some additional comments on the current item



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numbers they're using are.

On a previous project we had on tonight, the Polo Club, they identified impacts along Route 300, namely at Gardnertown Road and also Route 52. That project has been around for ten plus years and some of those impacts are -- some of the mitigation they're looking at are left-turn lanes on Route 300 and at Route 52, providing a fair share contribution. So as we move forward with this project, we would look for similar findings relative to improvements at those intersections. That may come to light as well as you go through the DOT process. I understand you've submitted but you haven't heard back from them yet. As we go forward we'll talk more about that.

MR. MODAFFERI: We anticipate the same comments for sure.

MR. WERSTED: That was all we had, John.

CHAIRMAN EWASUTYN: Pat Hines with McGoey, Hauser & Edsall.

MR. HINES: Sure. I'll hit the highlights on mine in the interest of time. We

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did circulate for notice of intent for lead agency and do note that the ZBA has not made a determination because they can not until this Board closes SEQRA. This is a Type 1 action, as Dominic pointed out. The ZBA has not concluded their action and can't until this Board makes a SEQRA determination.

We mentioned the fair share contribution.

The access drive which we discussed.

There is a right-of-way for Berry Lane. We mentioned that earlier. It extends across the site. We just want to know what that is, who has rights to it, if it's going to be going away, is it a paper street. What is that? I know the last time I think you mentioned you were going to do further evaluation or title search on that. We need to figure out what that is and what impact it has.

We discussed the survey at work session.

The rest of our comments are technical.

We did take a look at the stormwater pollution prevention plan, but you're changing --

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the grades on the site have changed that. We'll be looking towards a revised SWPPP on the project based on the current grades.

That's all we have. The rest of the comments are technical and the applicants can address them.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No additional.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney?

MR. CORDISCO: Nothing further at this time.

CHAIRMAN EWASUTYN: At this point we're still waiting for the timeframe to end for lead agency determination, so they can go back and address your comments. Is there anything else that can be done this evening?

MR. HINES: I don't believe there's any action. It will eventually have to go to County Planning as well. We'll await the submission of the revised SWPPP to coordinate that.

CHAIRMAN EWASUTYN: Joseph, are we in agreement with this?

MR. MODAFFERI: Sure.

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CHAIRMAN EWASUTYN: All right. Then we look forward to seeing you at the next meeting.

Stan, do you have any questions or comments?

MR. SCHUTZMAN: No.

MR. MODAFFERI: We can address the technical comments, and add the access drive back in, update the SWPPP and be back in front of you hopefully very soon.

CHAIRMAN EWASUTYN: Thank you.

MR. MODAFFERI: Thank you very much.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 24th day of February 2021.

*Michelle Conero*  
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MICHELLE CONERO

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HYBRID MEETING WITH PARTICIPANTS ABLE TO ATTEND VIA ZOOM

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

----- X

In the Matter of

DARRIGO SOLAR  
(2019-24)

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

----- X

CLEARING & GRADING PERMIT

Date: February 18, 2021  
Time: 8:22 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JEFFREY LEASE

----- X

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

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CHAIRMAN EWASUTYN: Our last agenda item this evening is the Darrigo Solar Farm. We received an application for a clearing and grading permit. A public hearing has been set for the 4th of March. I think that's pretty much --

MR. HINES: John, that public hearing for the site plan has been set. We're looking tonight to set the public hearing for Chapter 83. I did take the liberty of advertising the same as we discussed last time. The Board needs to set that.

CHAIRMAN EWASUTYN: Thank you.

Do I have a motion from the Board to set the 4th of March for a clearing and grading permit for Darrigo Solar Farm, project number 19-24, located on Lakeside Road in an R-1 Zone?

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Dave Dominick. May I please have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

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MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

(Time noted: 8:24 p.m.)

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

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

That hereinbefore set forth is a  
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MICHELLE CONERO



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HYBRID MEETING WITH PARTICIPANTS ABLE TO ATTEND VIA ZOOM

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

----- X

In the Matter of

LONGVIEW FARM/SUMMER KIM CORP.  
(2006-39)

Request for a Six-Month Extension of Approval  
from March 3, 2021 through September 3, 2021

----- X

BOARD BUSINESS

Date: February 18, 2021  
Time: 8:24 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
GERALD CANFIELD

----- X

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

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CHAIRMAN EWASUTYN: Okay. The last item of business is a Board Business item. It's an extension for the Longview Farms extension.

Ken Mennerich, do you want to read that into the minutes?

MR. MENNERICH: The letter is dated February 10, 2021. Honorable John Ewasutyn, Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York 12550, Regarding Longview Farm/Summer Kim Corporation, sections 1 and 2. Town of Newburgh job 2006-039. "Dear Mr. Chairman, on behalf of Summer Kim Corporation and Kyra Corp we wish to request to be placed on your February 18, 2021 Planning Board agenda to request a six-month extension of the approval of the referenced project. The current extension expires on March 3, 2021. The following is an update as to the previous noted roadblocks. Number one, with respect to the lands of Summer Kim which represents the majority of the subdivision, it is presently in foreclosure. Mr. Hankin is in the process of taking full ownership and clearing the title. Mr. Hankin has obtained

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a judgment of foreclosure and was looking to possibly take ownership in May but held up due to courts not being in session due to the Coronavirus. Number 2, the lands of Kyra Corporation is presently in a bankruptcy procedure in California under Kim Staples' name which is being released. Mr. Hankin is in the process of foreclosing on that property to take full ownership and clear title. Mr. Hankin has obtained a judgment of foreclosure and looking to possibly taking ownership in May but held up due to courts not being in session due to the COVID restrictions. As soon as a full title is taken, we will request to be on the Planning Board agenda to obtain final approval. As previously discussed, a public hearing will be requested to gain any new input. Thank you. Very truly yours, Thomas M. Depuy, PE/LS."

CHAIRMAN EWASUTYN: Pat Hines, your comments on this?

MR. HINES: This has been ongoing with the Board. Procedurally I think everything is held up in court due to the COVID restrictions. It would be appropriate for the Board to extend

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it at this time.

CHAIRMAN EWASUTYN: Planning Board  
Attorney Dominic Cordisco, do you agree?

MR. CORDISCO: That's correct, sir.

CHAIRMAN EWASUTYN: Ken, would you make  
that motion subject to the dates that you read?

MR. MENNERICH: The current extension  
expires on March 3, 2021.

CHAIRMAN EWASUTYN: And they are  
requesting a six-month extension?

MR. MENNERICH: Six months.

CHAIRMAN EWASUTYN: Would someone give  
me the calendar month and date for that?

MR. MENNERICH: September 3rd.

CHAIRMAN EWASUTYN: Would someone make  
a motion to grant the six-month extension for  
Longview Farms until September 3, 2021?

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by  
Frank Galli. I have a second by John Ward. May  
I please have a roll call vote starting with  
Frank Galli.

MR. GALLI: Aye.

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MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Aye.

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MR. WARD: Aye.

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MR. BROWNE: Aye.

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MR. DOMINICK: Aye.

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CHAIRMAN EWASUTYN: May I have a

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motion to close the Planning Board meeting of

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February 18, 2021.

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MR. GALLI: So moved.

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MR. WARD: Second.

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CHAIRMAN EWASUTYN: I have a motion

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from Frank Galli and a second from John Ward.

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I'll ask for a roll call vote.

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MR. GALLI: Aye.

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MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Aye.

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MR. WARD: Aye.

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MR. BROWNE: Aye.

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MR. DOMINICK: Aye.

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(Time noted: 8:28 p.m.)

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IN WITNESS WHEREOF, I have hereunto  
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*Michelle Conero*  
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MICHELLE CONERO