

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

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In the Matter of

LANDS OF ZAZON  
(04-29)

Fostertown Road & Frozen Ridge Road  
Section 20, Block 1, Lot 24  
Zone: R-2  
-----

SIX MONTH EXTENSION

Date: March 7, 2023  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
DAVID DOMINICK  
KENNETH MENNERICH  
STEPHANIE DeLUCA (Not present)  
CLIFFORD BROWNE  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: (None)

REPORTED BY: Patrick DeGiorgio, Court Reporter  
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MICHELLE L. CONERO, COURT REPORTER  
michelleconero@hotmail.com  
(845) 541-4163

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CHAIRMAN EWASUTYN: The Town of Newburgh Planning Board would like to welcome everyone here this evening for the meeting of the 7th of March, 2024. This is a busy agenda. We have 12 items on the agenda this evening.

We will call the meeting to order with a roll call vote starting with Dave Dominick.

MR. DOMINICK: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. WARD: Present.

MR. CORDISCO: Dominic Cordisco, Town of Newburgh Planning Board attorney.

MR. HINES: Pat Hines from MH&E, engineer.

MR. CAMPBELL: Jim Campbell, code compliance.

MR. WERSTED: Ken Wersted with Creighton Manning Engineering, traffic consultant.

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CHAIRMAN EWASUTYN: At this time we are going to turn the meeting over to Dave Dominick.

MR. DOMINICK: Please rise for the Pledge of Allegiance.

(Pledge of Allegiance)

MR. DOMINICK: Please silence your cell phones or put them on vibrate.

CHAIRMAN EWASUTYN: The first item of business this evening is the Lands of Zazon application, project number 04-29. They are asking for a six-month extension in the R-2 Zoning District. Mr. Mennerich will read the letter that we received.

MR. MENNERICH: This letter is addressed to Mr. John Ewasutyn, Chairmen of the Town of Newburgh Planning Board, 21 Hudson Valley Professional Plaza, Newburgh, New York 12550 regarding Lands of Zazon, reference number 04-29.

"Dear Mr. Ewasutyn, please let

1           this letter serve as our request for a  
2           six-month extension (two 90-day  
3           extensions) of a conditional final  
4           approval for the above-referenced  
5           project. The project received  
6           conditional final approval on April  
7           15th, 2021 and received an extension  
8           at the October 7th, 2021 Planning  
9           Board meeting. Our office requested  
10          an additional extension on March 21st,  
11          2022 and received an extension at the  
12          April 7th, 2022 Planning Board  
13          meeting. We also requested an  
14          additional extension on September  
15          14th, 2022 and received an extension  
16          at the October 6th, 2023 Planning  
17          Board meeting. Our office requested  
18          an additional extension on March 9th,  
19          2023 and received an extension on  
20          April 6th, 2023, and another extension  
21          was requested on September 13th, 2023  
22          with an extension being granted on  
23          September 27th, 2023. We are  
24          currently waiting for an offer of road

1 dedication and stormwater maintenance  
2 agreements to be finalized.  
3 Additionally, we are coordinating with  
4 the town engineer to provide any final  
5 revisions necessary. We will  
6 coordinate submission of maps and  
7 mylars for signature once the plans  
8 have been approved by your consultant.  
9 Also, the applicant is going to begin  
10 construction in the near future.

11 Thank you for your attention in  
12 this matter. Should you have any  
13 questions or require anything further,  
14 please do not hesitate to contact this  
15 office.

16 Very truly yours, Pietrzak &  
17 Pfau, PLLC." Signed by Vincent A,  
18 Pietrzak.

19 CHAIRMAN EWASUTYN: Pat Hines,  
20 what are the actual dates to grant  
21 this extension?

22 MR. HINES: It would be from  
23 today's date, so their extension is  
24 kind of filling in the gap here,

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today's date until the 7th of August,  
2024.

CHAIRMAN EWASUTYN: Would  
someone move for a motion to grant the  
six-month extension per the  
conversation mentioned by Pat Hines?

MR. DOMINICK: I'll make a  
motion.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a  
motion by Dave Dominick, a second by  
Cliff Browne. Can I have a roll call  
vote starting with John Ward?

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

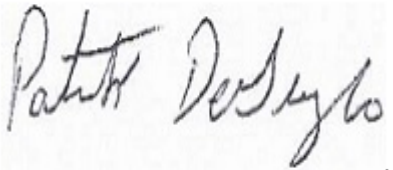
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STATE OF NEW YORK )

) ss:

COUNTY OF ORANGE )

I, PATRICK M. DeGIORGIO, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that the foregoing is a true and accurate record of the minutes having been stenographically recorded by me and transcribed under my supervision to the best of my knowledge and belief.

  
X \_\_\_\_\_  
PATRICK M. DeGIORGIO

Dated: March 19, 2024





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

-----  
In the Matter of

O'REILLY AUTO PARTS  
(23-21)

1401 NYS Route 300  
Section 60, Block 3, Lot 41.21  
Zone: IB  
-----

ARB/SIGNAGE

Date: March 7, 2023  
Time: 7:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
DAVID DOMINICK  
KENNETH MENNERICH  
STEPHANIE DeLUCA (Not present)  
CLIFFORD BROWNE  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JOSEPH HOLGUIN

REPORTED BY: Patrick DeGiorgio, Court Reporter  
-----

MICHELLE L. CONERO, COURT REPORTER  
michelleconero@hotmail.com  
(845) 541-4163

1 CHAIRMAN EWASUTYN: The second  
2 item of business this evening is  
3 O'Reilly Auto Parts. It's project  
4 number 23-21 and it's before us this  
5 evening for ARB and signage approval  
6 located in an IB Zone by Kinetic  
7 Design and Development.

8 MR. HOLGUIN: We are going to  
9 try to relocate the entrance, the new  
10 construction entrance and so forth.

11 MR. DOMINICK: State your name  
12 for the record?

13 THE WITNESS: I'm sorry, this is  
14 my first time. Joey Holguin,  
15 H-O-L-G-U-I-N, and I'm with Peterson &  
16 Company, the project superintendent.  
17 Like I said, we're just trying to  
18 relocate the construction entrance and  
19 there was more to the east of the  
20 building and they are trying to more  
21 or less center it up in the entrance  
22 of the actual egress.

23 CHAIRMAN EWASUTYN: Jim  
24 Campbell, code compliance?

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MR. CAMPBELL: Basically it's here for the ARB. The scale of the entrance is being enlarged than what we previously approved and the signage that's on the building is in compliance.

CHAIRMAN EWASUTYN: It's in compliance?

MR. CAMPBELL: It's in compliance, yes. Just needs your approval.

CHAIRMAN EWASUTYN: Dominick Cordisco, Planning Board attorney, can you give us some verbiage for approval?

MR. CORDISCO: Yes. This would be an amended ARB approval based on the plans submitted. All other conditions will be the same as the previously approved and adopted resolution.

CHAIRMAN EWASUTYN: Having heard from the Planning Board attorney, Dominick Cordisco, and our code

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compliance officer Jim Campbell, will  
someone make a motion to grant ARB and  
signage approval for the O'Reilly Auto  
Parts?

MR. WARD: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: Motion by  
John Ward and second by Cliff Browne.  
Can I have a roll call vote starting  
with Dave Dominick?

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

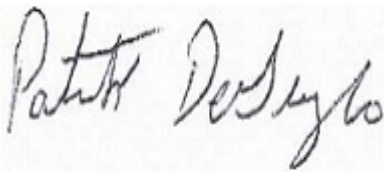
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STATE OF NEW YORK )

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COUNTY OF ORANGE )

I, PATRICK M. DeGIORGIO, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that the foregoing is a true and accurate record of the minutes having been stenographically recorded by me and transcribed under my supervision to the best of my knowledge and belief.

  
X \_\_\_\_\_  
PATRICK M. DeGIORGIO

Dated: March 19, 2024



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

-----  
In the Matter

DARRIGO SOLAR FARM  
(19-24)

86 Lakeside Road  
Section 86, Block 1, Lot 96  
Zone: R-1  
-----

SITE PLAN

Date: March 7, 2023  
Time: 7:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
DAVID DOMINICK  
KENNETH MENNERICH  
STEPHANIE DeLUCA (Not present)  
CLIFFORD BROWNE  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: MICHAEL MORGANTE

REPORTED BY: Patrick DeGiorgio, Court Reporter  
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MICHELLE L. CONERO, COURT REPORTER  
michelleconero@hotmail.com  
(845) 541-4163

1                   CHAIRMAN EWASUTYN: The third  
2                   item of business this evening is  
3                   Darrigo Solar Farm. It's project  
4                   number 19-24. It's a site plan  
5                   located on Lakeside Road in an R1  
6                   Zone. I believe it's being  
7                   represented by Mike Morgante.

8                   MR. MORGANTE: Good evening  
9                   everyone. Since our last visit here  
10                  we had summarized at the last meeting  
11                  essentially that we were looking to  
12                  phase in the construction of the solar  
13                  farm. We had some outstanding  
14                  comments from Mr. Hines' office, some  
15                  questions and concerns from the board.  
16                  There were also some landscaping  
17                  issues we had to deal with. I believe  
18                  we took care of all of those items as  
19                  it relates to the comments from Mr.  
20                  Hines' office.

21                  We have a letter from Miss  
22                  Arent's office accepting the  
23                  landscaping plans as shown. We have  
24                  submitted updated cost estimates for



1 the work to Mr. Hines' office. There  
2 seems to be no objections.

3 I guess we are here tonight to  
4 see if the board will consider  
5 granting a condition of final approval  
6 at this point.

7 I'll turn it over to the board,  
8 the consultants if there are any other  
9 questions or concerns.

10 CHAIRMAN EWASUTYN: Pat Hines,  
11 MH&E?

12 MR. HINES: Again, they are here  
13 to request phasing and the changes to  
14 the landscaping plan which was  
15 identified. The multiple uses  
16 continued to be proposed on the sign.

17 I just want to remind the board  
18 there is the agricultural use and the  
19 seasonal event use that was previously  
20 proposed, those are still depicted.

21 There are drainage improvements  
22 on the site. We discussed last time  
23 the timing is important to get those  
24 done as soon as possible in the

1 process to reduce any impacts to  
2 adjoining property owners.

3 The electrical interconnect for  
4 the second phase, is that going to be  
5 to the existing first phase?

6 MR. MORGANTE: Exactly, yes.

7 MR. HINES: I notice each of  
8 them had their own and the second  
9 phase didn't have any, so they will  
10 connect to the same transformer pads  
11 and all?

12 MR. MORGANTE: Yes.

13 MR. HINES: There was a variance  
14 issue, a use variance for this. We  
15 discussed that at the work session and  
16 that continues to be valid. The  
17 updated costs have been provided,  
18 security and inspection fee approval  
19 by the Town Board is required and we  
20 have noted that the project does have  
21 the stormwater permit from the D.E.C.  
22 in place.

23 CHAIRMAN EWASUTYN: Comments  
24 from Dominic Cordisco, Planning Board

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attorney?

MR. CORDISCO: Yes. If the board is inclined you could grant an amended site plan approval for the Darrigo Solar Farm to allow the project to be built in construction phases, 4 megawatts and 1 megawatts. All other conditions would be the same, but this will provide an opportunity for the applicant to obtain first ability permit for the first 4 megawatt section of the project and then obtain at a later date when they are ready a second building permit for the remaining megawatt portion.

CHAIRMAN EWASUTYN: At some point they have to appear before the Town Board for a cost estimate for the decommissioning of the site in the future?

MR. CORDISCO: Yes, sir, that's a condition of the existing approval as well as the existing town code.

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CHAIRMAN EWASUTYN: Comments  
from board members. John Ward?

MR. WARD: No.

MR. BROWNE: Just to understand,  
the 1 megawatt, the second part is  
just going to plug into the first  
construction with no other --

MR. MORGANTE: No running any  
underground conduit. Just what is  
necessary along that line there so  
they can tie into it easily in the  
future.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: No comment.

MR. MENNERICH: No questions.

MR. DOMINICK: Mike, in your  
site plan notes it's a little unclear  
to me. When will you take care of the  
drainage, clear out the drainage ditch  
area and then also when will you do  
the plantings as a buffer on 84?

MR. MORGANTE: So I think as  
soon as we get a building permit it  
would make sense the first thing we do

1 is actually clean out that drainage  
2 ditch and do any of the plantings  
3 along the site. We can include the  
4 plantings along 84 at that time as  
5 well.

6 MR. DOMINICK: Okay.

7 MR. MORGANTE: The plantings  
8 along 84 don't really impact the site.  
9 We can do that initially with the  
10 cleaning of that ditch.

11 MR. DOMINICK: I would like to  
12 see that.

13 MR. MORGANTE: Sure. We can do  
14 both.

15 MR. DOMINICK: Thank you.

16 CHAIRMAN EWASUTYN: Pat Hines,  
17 do you have anything to add to the  
18 discussion that Dominic Cordisco, the  
19 Planning Board attorney has had as far  
20 as a resolution?

21 MR. HINES: Nothing additional.  
22 The same resolution conditions that I  
23 just mentioned prior with just the  
24 phasing approval.

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CHAIRMAN EWASUTYN: Having heard from Pat Hines with MH&E and Dominic Cordisco, Planning Board attorney as it relates to the conditions of approval for the Darrigo Solar Farms, will someone make a motion to grant approval?

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich, second by Dave Dominick. Can I have a roll call vote starting with John Ward?

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried.

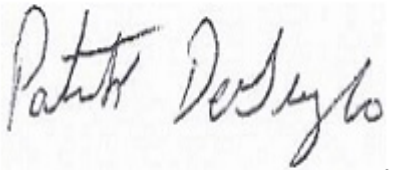
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STATE OF NEW YORK )

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X \_\_\_\_\_  
PATRICK M. DeGIORGIO

Dated: March 19, 2024





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

-----  
In the Matter of

MONARCH WOODS SENIOR HOUSING  
(19-28)

Monarch Drive  
Section 103, Block 7, Lot 18  
Section 47, Block 1, Lot 46  
Zone: R  
-----

MULTI-FAMILY SENIOR HOUSING SITE PLAN

Date: March 7, 2023  
Time: 7:20 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
DAVID DOMINICK  
KENNETH MENNERICH  
STEPHANIE DeLUCA (Not present)  
CLIFFORD BROWNE  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JOHN C. CAPPELLO, ESQ.  
BRIAN DEMPSEY

REPORTED BY: Patrick DeGiorgio, Court Reporter  
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MICHELLE L. CONERO, COURT REPORTER  
(845) 541-4163

1                   CHAIRMAN EWASUTYN: Our fourth  
2                   item of business this evening is  
3                   Monarch Woods Senior Housing, project  
4                   19-28. It's a multi-family senior  
5                   housing community/site plan. It's  
6                   located on Monarch Drive in an R Zone  
7                   and is being represented by  
8                   Engineering & Surveying Properties.

9                   MR. CAPPELLO: Good evening.  
10                  Actually it's John Cappello with J & G  
11                  Law. Ross is enjoying himself of  
12                  vacation. I have Brian Dempsey, our  
13                  traffic engineer here because of the  
14                  one issue.

15                  We want to discuss that this  
16                  project was approved with several  
17                  public hearings and authorized by the  
18                  town law a little over a year ago.  
19                  It's a senior project. There was at  
20                  one point an emergency access road  
21                  that was going to go out Route 52. It  
22                  was for emergency only purposes. At  
23                  that time the D.O.T. looked at it and  
24                  said even though there would be

1                   virtually no traffic emanating from  
2                   that road that they wanted as  
3                   mitigation a left-turn lane that would  
4                   be upwards of \$750,000 or more to  
5                   construct. We came back to this  
6                   board, amended the plan. We can still  
7                   provide emergency services and an  
8                   appropriate access without needing  
9                   that entrance onto Route 52. The  
10                  board agreed, and then the approval,  
11                  and said go back and take comments  
12                  from the D.O.T. regarding this fact  
13                  even though the D.O.T. had no  
14                  jurisdiction. The D.O.T. came back  
15                  and said that's fine, except we still  
16                  want the \$750,000 road improvement.

17                  This project generates less than  
18                  2 to 3 percent of the traffic that  
19                  would be on that road historically and  
20                  it's just, you know, abundantly unfair  
21                  for the D.O.T. to say we are the straw  
22                  that we believe broke the camel's  
23                  back. We did a full traffic analysis  
24                  on the project and it was reviewed by



1           now from Ken Wersted with Creighton  
2           Manning, our traffic engineer.

3                       MR. WERSTED: Thank you. We  
4           reviewed the request and generally  
5           agree that the traffic generated by  
6           the overall reduced project which lost  
7           the previous painting that was  
8           proposed there as well is only going  
9           to generate between 20 to 25 trips in  
10          the peak hours so in my opinion it's a  
11          stretch to require them to do that  
12          improvement based on that level of  
13          traffic. My suggestion is that any  
14          fair share contribution that they  
15          offer be applied to another  
16          intersection that we have down the  
17          street which is Route 52/300 where we  
18          have other projects contributing  
19          towards that overall improvement. I  
20          think we will get further there than  
21          having any type of contributions  
22          sitting at this intersection without  
23          having enough to finish the  
24          improvement.

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CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board attorney, your comments.

MR. CORDISCO: Yes. If the board is in agreement I would suggest that you consider two actions tonight. First, one would be to amend the negative declaration for the project which I believe referred to the emergency access road as well as the referral to D.O.T. for the highway work permit which is no longer needed. And given the fact that the applicant seems to be in agreement to making a fair share contribution towards the other traffic improvements based on the project's percentage impact to those intersections, that the neg dec be amended to state that as such.

Secondly, the approval resolution which was a conditional final approval resolution could be amended to provide for the applicant addressing that particular issue and

1                   securing the traffic contribution, if  
2                   you will, for their fair share with  
3                   the Town Board since the Town Board  
4                   has jurisdiction over those types of  
5                   matters.

6                   CHAIRMAN EWASUTYN: Pat Hines  
7                   with MH&E, any comments?

8                   MR. HINES: I have nothing  
9                   additional. I did review the neg dec  
10                  that we prepared for the project and  
11                  it didn't identify coordination with  
12                  D.O.T. which didn't have the access  
13                  drive. I concur with Dominic's  
14                  comments that that be revised. I hope  
15                  that this action will take the D.O.T.  
16                  out of the mix.

17                  CHAIRMAN EWASUTYN: Comments  
18                  from board members. Dave Dominick?

19                  MR. DOMINICK: Nothing further  
20                  at this time.

21                  CHAIRMAN EWASUTYN: Ken  
22                  Mennerich?

23                  MR. MENNERICH: Nothing.

24                  MR. BROWNE: Are you in

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agreement with that proposal?

MR. CAPPELLO: Yes. We would go to the Town Board and discuss the timing of it.

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Having heard conditions and recommendations for Monarch Woods Senior Housing, a multi-family senior community and hearing from Dominic Cordisco, Planning Board attorney, Ken Wersted with Creighton Manning, the traffic consultant, Pat Hines with MH&E and the necessary amendments and negative declaration and also the amended site plan based upon the originally shown D.O.T. approval for the road improvement, will someone move for a motion to grant approval for Monarch Senior Housing?

MR. DOMINICK: I'll make a motion.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: A motion by



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Dave Dominick, a second by Cliff Browne. Can I have a roll call vote starting with John Ward?

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Anything else?

MR. CAPPELLO: No. Thank you very much. Nothing further.

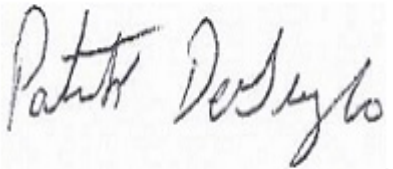
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) ss:

COUNTY OF ORANGE )

I, PATRICK M. DeGIORGIO, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that the foregoing is a true and accurate record of the minutes having been stenographically recorded by me and transcribed under my supervision to the best of my knowledge and belief.

  
X \_\_\_\_\_  
PATRICK M. DeGIORGIO

Dated: March 19, 2024

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

-----  
In the Matter of

O'DONNELL SITE PLAN  
(22-03)

NYS Route 52  
Section 47, Block 1, Lot 48  
Zone: B  
-----

SITE PLAN/ARB

Date: March 7, 2023  
Time: 7:30 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
DAVID DOMINICK  
KENNETH MENNERICH  
STEPHANIE DeLUCA (Not present)  
CLIFFORD BROWNE  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE  
MICHAEL O'DONNELL

REPORTED BY: Patrick DeGiorgio, Court Reporter  
-----

MICHELLE L. CONERO, COURT REPORTER  
michelleconero@hotmail.com  
(845) 541-4163

1 CHAIRMAN EWASUTYN: Item number  
2 6 this evening is the O'Donnell Site  
3 Plan, project number 22-03. It's  
4 before us this evening for a site  
5 plan/ARB approval and is located in a  
6 B Zone and it's being represented by  
7 Darren Doce.

8 MR. DOCE: Good evening. I'm  
9 Darren Doce. I'm representing Mike  
10 O'Donnell tonight. The project  
11 initially appeared before the board  
12 about two years ago and Charles Brown  
13 was representing the O'Donnells and  
14 Jonathan Cella briefly took it over,  
15 but his schedule doesn't allow him to  
16 continue so I agreed to work with Mike  
17 to complete the process. It's a  
18 proposed 5,200 square foot commercial  
19 building with retail and office use on  
20 Route 52. It's an 11-acre site, and  
21 it's approximately 11 acres. There's  
22 7/10th of an acre proposed  
23 disturbance.

24 We have an existing road cut

1 that was approved by the D.O.T. in the  
2 past. I believe it was in 1993 that  
3 they are going to allow access over to  
4 the site with just a condition of  
5 repaving once construction is  
6 complete. It also has a DEC permit  
7 for construction within the hundred  
8 adjacent area to the fresh water  
9 wetlands. There's extensive wetlands  
10 on the site. Water has been subbed  
11 into the property in the past.

12 We last appeared before the  
13 board about a year ago and there were  
14 about a dozen comments that we have  
15 addressed. Drainage remains as it was  
16 originally proposed. Sheet draining  
17 in the front southwest to an existing  
18 culvert and swale that runs into the  
19 wetlands. In the rear it's going to  
20 sheet drain northerly to the wetland  
21 area. That's basically the proposal.  
22 I also have Mike O'Donnell here who  
23 can take you through the architectural  
24 review and I'll answer any questions

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that the board has.

CHAIRMAN EWASUTYN: Thank you.

Any questions from board members?

John Ward?

MR. WARD: No.

MR. BROWNE: Not at this point.

CHAIRMAN EWASUTYN: Jim

Campbell, code compliance?

MR. CAMPBELL: I didn't see any information regarding the building amount of signs. I did review the freestanding sign that would be acceptable if it passes ARB.

MR. DOCE: The only information we provided of the building amount is the allowable area. The maximum area would be divided between the three units. That is one change I wanted to mention too. It was a four-unit building, now it's a three-unit building. The only information we have is the entire area that is allowed.

MR. DOMINICK: I saw your sign

1 change, the freestanding sign.

2 MR. DOCE: I'll let Mike address  
3 that. If you want to keep the four  
4 divisions I believe.

5 MR. O'DONNELL: Yeah. There was  
6 no reason. With the way it was I just  
7 didn't feel it was a reason to move  
8 it, to keep the height and dimensions  
9 it was, but there's three signs that's  
10 going to be situated on it. I'm Mike  
11 O'Donnell by the way. So yeah, we had  
12 to downsize. We didn't feel the units  
13 were actually big enough to  
14 accommodate the tenants. The other  
15 two obviously as you know, we plan to  
16 occupy one of them. We cut down to  
17 three units to make them larger in  
18 size square footage-wise so that would  
19 be three units only.

20 CHAIRMAN EWASUTYN: Pat Hines  
21 with MH&E.

22 MR. HINES: As Mr. Doce said  
23 they have addressed our previous  
24 comments from a year ago. Most of

1                   those have been addressed. The D.O.T.  
2                   did approve the access drive that upon  
3                   completion of the project it would  
4                   receive a pavement overlay. We are  
5                   requesting that the limits of  
6                   disturbance be identified on the plan,  
7                   both delineated in the field during  
8                   construction because of the proximity  
9                   to the wetland and then also just to  
10                  confirm you are under an acre of  
11                  disturbance for the stormwater  
12                  management.

13                   We discussed the sheet flow from  
14                   the parking lot. I want to make sure  
15                   you check the spot elevations where  
16                   the landscape pieces jut out. It  
17                   looks like they may catch some water  
18                   based on the existing drains, there's  
19                   two landscape islands in the parking  
20                   lot. Based on that existing drainage  
21                   the water will flow against those. So  
22                   take a look at those.

23                   The location of the handicapped  
24                   accessible ramp that's located well



1 away from the door and down gradient  
2 of the door on the parking so I think  
3 those might be able to be moved where  
4 they will function per ADA  
5 requirements or put spot elevations  
6 that show they work there. It just  
7 looks like the grade is dropping down,  
8 like you said, to allow the sheet flow  
9 so it's getting down gradient there  
10 from the access.

11 A note should be added to the  
12 plan restricting outdoor storage of  
13 materials. It is proposed to be a D1  
14 and D2 use, not a contractor yard so  
15 it's more of an office with some  
16 garage doors in the rear.

17 MR. DOCE: We do have that note  
18 on sheet 1, it's 13 on there. No  
19 outdoor storage.

20 MR. HINES: I didn't see it, but  
21 that's fine. Based on that we would  
22 recommend a negative declaration for  
23 the project and conditional final  
24 approval based on the conditions that

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we heard.

CHAIRMAN EWASUTYN: Can we now have a presentation on the ARB?

MR. DOCE: Mike O'Donnell is going to present the ARB.

MR. O'DONNELL: I'll do my best here. There's a sample here of the stone. We propose a steel building with board and batten siding with a color tone of charcoal gray, black accents. Blue stone in the front and also along with the sign will be similar in colors and finished product. I'm not quite sure what else. Everything will be black with all the accents along with the garage doors. I don't know if you have any questions.

CHAIRMAN EWASUTYN: Have you completed an ARB form?

MR. DOCE: Yes. It was submitted.

CHAIRMAN EWASUTYN: Would you make it a point to e-mail that to Jim

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Campbell?

MR. DOCE: Yeah.

CHAIRMAN EWASUTYN: Questions from the board members. Dave Dominick?

MR. DOMINICK: The ARB looks good. It's a very sleek, contemporary look. This adds to the character of the building. Nice job.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I was just looking at the architectural review form. Is that the two-page?

MR. DOCE: That's correct. It lists the materials and the colors.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Proposed lighting for the site.

MR. DOCE: There's a pole in the rear of the building. There's wall mounted -- three wall mounted lights in the rear and four pole mounted sites around the perimeter.

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CHAIRMAN EWASUTYN: And the height of the poles?

MR. DOCE: 17 feet.

CHAIRMAN EWASUTYN: Any other comments?

MR. BROWNE: No comment.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Looks good. Thank you.

CHAIRMAN EWASUTYN: Pat Hines, Dominic Cordisco, Jim Campbell, can you give us approval for the O'Donnell site plan? Well, I'll move for a motion to declare a negative declaration for the O'Donnell site plan, project 22-03. Would someone move for that motion?

MR. MENNERICH: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: We have a motion by Ken Mennerich, second by Cliff Browne for the negative declaration. Can I have a roll call starting with John Ward?

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MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: I started to stay I'd like to hear from Pat Hines with MH&E, Jim Campbell from code compliance, and Dominic Cordisco, Planning Board attorney for a resolution for both site plan and ARB.

MR. HINES: Our comments for tonight's meeting would be conditions of approval compliance with those comments. I did note we did send this to County Planning back in June of 2022. That's been done and circulated for lead agency obviously around that same time. Lead agency was circulated on February 8th, 2022. The project is a little dated so I wanted to bring the board up to speed on that. That's what we have.

I want to confirm that it's less

1 than one acre disturbance. There is  
2 no SWPPP being prepared. Otherwise  
3 there are no security requirements. I  
4 don't believe there's any landscaping  
5 security. I don't know if Karen saw  
6 this report. There's not a whole lot  
7 of landscaping proposed.

8 MR. DOCE: It was determined by  
9 the board they wouldn't send it to  
10 Karen because it was so small.

11 MR. HINES: So right now no  
12 stormwater security and no landscape  
13 security would be required.

14 CHAIRMAN EWASUTYN: Jim  
15 Campbell, anything as far as signage  
16 or are you satisfied with what is  
17 being presented this evening?

18 MR. CAMPBELL: The only thing  
19 would be the ARB of the signage.

20 CHAIRMAN EWASUTYN: Dominic  
21 Cordisco, can you give us the  
22 conditions of approval for the  
23 O'Donnell site plan for both the site  
24 plan and ARB approval?

1 MR. CORDISCO: Yes, happily.  
2 Just so the record is complete, the  
3 board had previously waived a public  
4 hearing for this project as well. So  
5 the specific conditions for  
6 conditional final site plan and ARB  
7 approval are, 1, outstanding  
8 engineering comments have to be  
9 addressed. 2, there is a limitation  
10 that only allows construction of that  
11 which is shown on the plans. Any  
12 features intended to be added to the  
13 site in the future such as an  
14 additional dumpster, anything of the  
15 sort, including any kind of outdoor  
16 storage would require a return to the  
17 board for amended approval. This  
18 board would also be granting  
19 Architectural Review Board approval  
20 for sod as well as the signage and  
21 that no building permit shall be  
22 issued unless it's in conformance with  
23 what has been approved by the board.

24 The board has adopted a negative

1 SEQR declaration tonight. If there's  
2 any special conditions or mitigation  
3 measures in the negative declaration,  
4 not that I can think of any off the  
5 top or my head, they are also  
6 incorporated as conditions of the  
7 approval.

8 The narrative that you provided  
9 as to the use of the property  
10 including the fact that it's going to  
11 be three units will also be part of  
12 the approval so if expansion of that  
13 use is contemplated in the future it  
14 will require an amended approval. And  
15 that is it.

16 CHAIRMAN EWASUTYN: Having heard  
17 the conditions of approval from Pat  
18 Hines with MH&E, Jim Campbell with  
19 code compliance and Dominic Cordisco,  
20 Planning Board attorney for site plan  
21 and ARB approval, will someone move  
22 for a motion to grant that?

23 MR. DOMINICK: So moved.

24 MR. WARD: Second.



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CHAIRMAN EWASUTYN: I have a motion by Dave Dominick and a second by John Ward. Can I have a roll call vote starting with John Ward?

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried. Thank you.

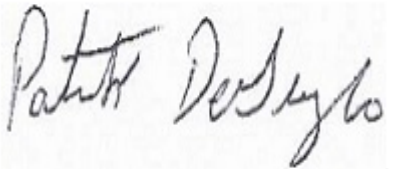
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COUNTY OF ORANGE )

I, PATRICK M. DeGIORGIO, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that the foregoing is a true and accurate record of the minutes having been stenographically recorded by me and transcribed under my supervision to the best of my knowledge and belief.

  
X \_\_\_\_\_  
PATRICK M. DeGIORGIO

Dated: March 19, 2024

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

-----  
In the Matter of

MKJ PARK, LLC  
(22-32)

NYS Route 32, SW of NYS Route 300  
Section 34, Block 2, Lot 29.1  
Zone: IB  
-----

SITE PLAN

Date: March 7, 2023  
Time: 7:40 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
DAVID DOMINICK  
KENNETH MENNERICH  
STEPHANIE DeLUCA (Not present)  
CLIFFORD BROWNE  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JOHN QUEENAN  
CHARLES BAZYDLO, ESQ.

REPORTED BY: Patrick DeGiorgio, Court Reporter  
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MICHELLE L. CONERO, COURT REPORTER  
michelleconero@hotmail.com  
(845) 541-4163

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CHAIRMAN EWASUTYN: Item number 7 this evening is MKJ Park, LLC, application number 22-32. It's a site plan located on Route 32. It's in an IB Zone and is being represented by Lanc & Tully.

MR. QUEENAN: Good evening, everyone. John Queenan, Lanc & Tully on behalf of the applicant. This is an item that the board is familiar with. We have an update of where we are.

The last time we were before this board we were discussing grading and buffering the residential properties. The front along the drive up here, this is Route 32. As you all recall the warehouse sits pretty much in the center of the site.

I want to update the board where we are. We lowered the building approximately four feet from where it was originally designed. What that enabled us to do was that we added a

1 retaining wall along the back. The  
2 max height is eight-foot tall and we  
3 are grading back from the retaining  
4 wall and that will leave an  
5 undisturbed buffer along the rear of  
6 35 feet and then to the wall itself  
7 would be approximately 60 feet. So  
8 from the property line to the wall is  
9 60, 35 of that would be undisturbed  
10 buffer. That would allow us  
11 additional plantings past that 35, a  
12 little bit closer to the wall, but not  
13 right up to this obviously. We wanted  
14 to keep the wall less than 10 feet so  
15 we felt eight was a good compromise.  
16 We were also looking at trying to keep  
17 the site as balanced as possible for  
18 cut and fills. That is how we ended  
19 up pretty much at this location we are  
20 at now. What that also does is the  
21 high point of the property is located  
22 right dead center of the building.  
23 It's an elevation of an existing 468.  
24 The floor for the warehouse would be

1 448.5 if you follow the map. The  
2 building will be 40 feet tall. So you  
3 are looking at 488.5 of the top of the  
4 building. The high point here is 468  
5 existing and then it drops to 462 on  
6 this side and essentially the same  
7 elevation on this side. It gets a  
8 little bit lower in the back corner at  
9 460. The highest exposure on the  
10 corners would be 28 feet, maybe a  
11 little less than 29, somewhere in that  
12 range. Which is also a target of ours  
13 so it's no taller than what a single  
14 family house would be in that area.  
15 You will see from this side and to  
16 that side. As you come down to this  
17 location here parallel to 32 there's  
18 another residential property located  
19 right here, we are going to be able to  
20 maintain a 50-foot undisturbed buffer  
21 up to the wall. We will put a wall  
22 down to this location, so that is 50  
23 and that reduces to 40 to the corner  
24 and obviously we will be planting in

1 through here and the parking area. We  
2 feel that this is a compromise to  
3 accomplish all the goals that the  
4 board was seeking to look at. Reduces  
5 the overall height of the building and  
6 the residences in the back. Keeps an  
7 undisturbed buffer of a minimum of 35  
8 in the rear, 50 on the side. This is  
9 obviously the Jeanie Drive side so  
10 this is all commercial and industrial  
11 as it is. It will also give us the  
12 ability to provide additional  
13 plantings along the rear and the side  
14 of the property. These are the major  
15 changes we have done at this point.

16 We have done a lot of other  
17 work. Stormwater management we are  
18 working on. Left turn lane and  
19 traffic influence we are still  
20 coordinating that with D.O.T. We  
21 wanted to come back tonight to go over  
22 that. If the board was comfortable  
23 with that layout we would finish our  
24 final designs for landscaping and

1 lighting and then finalize the grading  
2 utility plans.

3 CHAIRMAN EWASUTYN: Pat Hines  
4 with MH&E, final designs is being  
5 presented this evening. Questions or  
6 comments?

7 MR. HINES: One of the main  
8 design components we have or commented  
9 on is the single access point and  
10 compliance with the fire code  
11 regarding the building size requiring  
12 two access points.

13 MR. QUEENAN: Yes. We have  
14 prepared the applications to go to the  
15 state and that will be completed  
16 before we come back.

17 MR. HINES: Our second comment  
18 just notes the 35-foot buffer  
19 proposed. The residential properties  
20 on Paffendorf are preexisting  
21 nonconforming in the IB Zone. It is  
22 an IB Zone behind this parcel as well.  
23 There will be Army Corps and D.E.C.  
24 permits required. They did the



1 location work on the trees with the  
2 tree preservation ordinance. There's  
3 certain calculations that have to be  
4 provided requiring that. Again it's  
5 in the IB Zone so there's a 75 percent  
6 threshold for that tree removal.

7 We gave some sewer notes.  
8 County planning will be required in  
9 the future. D.O.T. as well. We did  
10 comment on giving us that cut and  
11 fill, and I believe you said it's a  
12 balanced site based on the change in  
13 elevations. There's an issue with the  
14 basis of design for the subsurface  
15 sanitary sewer disposal system. The  
16 number of employees and the parking  
17 calculation has a number of different  
18 employees, so those two issues will  
19 need to be resolved. That's where we  
20 are at with the concept plan.

21 MR. QUEENAN: A lot of the  
22 comments we will certainly address and  
23 take no issues. A lot of those  
24 comments are driven by if we are going

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to run with this plan essentially.

CHAIRMAN EWASUTYN: Ken Wersted with Creighton Manning Engineers, any comments?

MR. WERSTED: Our comments are repetitive from what we submitted in November. We can take a look at those. We know that there's a left-turn lane proposed out on Route 32 and maybe something that you could answer tonight, the shared driveway or the driveway that comes into the property, what's the plan for that?

MR. QUEENAN: The plan for that is we have spoken with that property owner. We will most likely relocate him to have an access over here and then we are also still providing access to the other locations if they so desire.

MR. WERSTED: So there may have to be some cross access or easement?

MR. QUEENAN: The easement exists. It's just relocation of where

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their access is.

MR. WERSTED: Thank you.

CHAIRMAN EWASUTYN: And we had a discussion as to Fabulous Events as whether it's an ongoing project or what the history is of it today.

MR. QUEENAN: To my knowledge, Fabulous Events ownership has changed. They are still pursuing a site plan. That's what I know at this point. That's all I know. What I do is I added their driveway to this map just so you can get a reference for potential widening. Even if Fabulous Events doesn't occur and some other user comes there, that's probably 99 percent where the driveway will have to go based on the D.O.T. already changing that site.

CHAIRMAN EWASUTYN: And that's satisfactory?

MR. CORDISCO: I was just going to mention that Fabulous Events approvals received conditional final

1 approval. It's being taken over by a  
2 new applicant. They are obviously  
3 subject to all of the conditions of  
4 the existing approval, and if there  
5 were any amendments that they were  
6 looking to make there even in terms of  
7 use they would need to apply for an  
8 amended.

9 MR. QUEENAN: Thank you.

10 CHAIRMAN EWASUTYN: Jim  
11 Campbell, code compliance, comments of  
12 questions?

13 MR. CAMPBELL: If you do take  
14 this plan and run with it for the  
15 state variance, I believe they might  
16 ask for the local fire jurisdiction to  
17 comment on it. If you can create a  
18 plan that shows the fire features as  
19 far as truck access and hydrants and  
20 stuff on one sheet so that they can  
21 comment on it.

22 MR. QUEENAN: Not a problem.

23 CHAIRMAN EWASUTYN: Dominic, we  
24 did declare lead agency status. The

1 time has come and gone now. Can we  
2 make any mention of it at this point?

3 MR. CORDISCO: You can confirm  
4 the fact that you are lead agency at  
5 this time. This is a Type 1 Action  
6 that's been identified previously by  
7 the board.

8 CHAIRMAN EWASUTYN: Can someone  
9 make a motion to confirm that we are  
10 lead agency for MKJ Park, LLC?

11 MR. WARD: So moved.

12 MR. BROWNE: Second.

13 CHAIRMAN EWASUTYN: I have a  
14 motion by John Ward, I have a second  
15 by Cliff Browne. Can I have a roll  
16 call vote?

17 MR. WARD: Aye.

18 MR. BROWNE: Aye.

19 CHAIRMAN EWASUTYN: Aye.

20 MR. MENNERICH: Aye.

21 MR. DOMINICK: Aye.

22 CHAIRMAN EWASUTYN: Any  
23 additional comments at this point?

24 MR. CORDISCO: The project will

1 also require eventually referral to  
2 the County Planning Department that  
3 they will want to see the stormwater  
4 plan as well as other design details  
5 that have not yet made it to this  
6 plan. It's being presented for  
7 additions at this time. I would not  
8 recommend that you make a referral to  
9 County Planning at this point.

10 CHAIRMAN EWASUTYN: Any other  
11 comments?

12 MR. QUEENAN: No.

13 CHAIRMAN EWASUTYN: Dave  
14 Dominick?

15 MR. DOMINICK: John, I like how  
16 you lowered the building. It makes it  
17 a little less intrusive on 32 as you  
18 are going by. I thought at prior  
19 meetings we had a conversation about  
20 EV charging stations. I don't see  
21 that on here.

22 MR. QUEENAN: We will be adding  
23 that. I know we had the conversation,  
24 I believe we have come up with six

1 locations that we were going to add  
2 them to.

3 MR. DOMINICK: Thank you.

4 CHAIRMAN EWASUTYN: Any other  
5 questions? Charlie, are you okay with  
6 everything?

7 MR. BAZYDLO: I guess the board  
8 will have --

9 CHAIRMAN EWASUTYN: I know you,  
10 but for the record could you state  
11 your name?

12 MR. BAZYDLO: Charlie Bazydlo,  
13 I'm counsel for the project. I don't  
14 hear any objections, but I take it  
15 that we are good to run with this plan  
16 and John can start getting the details  
17 on this.

18 CHAIRMAN EWASUTYN: Pat Hines,  
19 are you in agreement?

20 MR. HINES: Yes.

21 CHAIRMAN EWASUTYN: Ken Wersted,  
22 are you in agreement?

23 MR. WERSTED: Yes.

24 CHAIRMAN EWASUTYN: Dave

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Dominick?

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: Ken

Mennerich?

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Dominic

Cordisco, Planning Board attorney?

MR. CORDISCO: I'm in agreement

too.

MR. BAZYDLO: Thank you.

MR. QUEENAN: Just as a side

note, this is another form of

submission.

CHAIRMAN EWASUTYN: Are those

the colors?

MR. QUEENAN: Yes.

CHAIRMAN EWASUTYN: What colors

do we have in front of us?

MR. QUEENAN: We have reflective

white, royal blue, and pearl gray is

the main color. This will be as part

of the next submission, this will be



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part of the ARB.

MR. CORDISCO: If I may, it's  
showing as lavender.

CHAIRMAN EWASUTYN: That's what  
I see too. Okay, thank you.

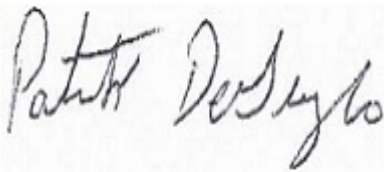
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STATE OF NEW YORK )

) ss:

COUNTY OF ORANGE )

I, PATRICK M. DeGIORGIO, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that the foregoing is a true and accurate record of the minutes having been stenographically recorded by me and transcribed under my supervision to the best of my knowledge and belief.

X   
PATRICK M. DeGIORGIO

Dated: March 19, 2024

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

-----  
In the Matter of

DOLLAR GENERAL  
(23-25)

242 South Plank Road  
Section 60, Block 2, Lot 65  
Zone: B & IB  
-----

SITE PLAN

Date: March 7, 2023  
Time: 8:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
DAVID DOMINICK  
KENNETH MENNERICH  
STEPHANIE DeLUCA (Not present)  
CLIFFORD BROWNE  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: LARRY MARSHALL

REPORTED BY: Patrick DeGiorgio, Court Reporter  
-----

MICHELLE L. CONERO, COURT REPORTER  
michelleconero@hotmail.com  
(845) 541-4163

1                   CHAIRMAN EWASUTYN: The eighth  
2                   item of business this evening is  
3                   Dollar General, project number 23-25,  
4                   a site plan located in the B and IB  
5                   Zone and being represented by Larry  
6                   Marshall.

7                   MR. MARSHALL: Good evening. As  
8                   stated we are returning back to the  
9                   board for the proposed Dollar General.  
10                  On February 22nd we received the  
11                  variances for the total number of  
12                  parking spaces on the site reducing  
13                  that down to a number of 30 for this  
14                  application. And the proposed rear  
15                  yard on the site is less than what is  
16                  required by zoning. That is mainly  
17                  due to the incorporation of the  
18                  sidewalk along 52 and because it's a  
19                  commercial site the state mandates  
20                  that that sidewalk be in their right  
21                  of way so it would have to go through  
22                  a dedication process. The combination  
23                  of the sidewalk, the dedication, it  
24                  narrows the lot and then pushes the

1 building back, it reduces that rear  
2 yard setback. We did get the variance  
3 on the 22nd.

4 The plans we did present to you  
5 are kind of a preliminary step toward  
6 just kind of bringing it back before  
7 the board to let you know we did  
8 receive those variances and just get  
9 initial comments based upon the  
10 preliminary layout.

11 We have incorporated a two-lot  
12 subdivision. The owner didn't really  
13 see the -- the contract purchaser  
14 doesn't see the need of retaining what  
15 we show as proposed lot 2 for the  
16 Dollar General. They just don't need  
17 it. So what we do show, we will get  
18 the application for that two-lot  
19 subdivision.

20 To answer the questions on both  
21 your consultants that we received  
22 comments from, the comment letter, the  
23 proposed gravel access is intended to  
24 serve as access to proposed Lot 2. We

1 will incorporate in the subdivision  
2 plan the necessary easements, cross  
3 access easements that will provide  
4 access out to 52. That's just another  
5 step that we can take in the meantime.

6 CHAIRMAN EWASUTYN: Ken Wersted  
7 with Creighton Manning Engineering?

8 MR. WERSTED: That answer  
9 answered a couple of my comments there  
10 that are relative to the dedication  
11 for the sidewalk in the D.O.T. right  
12 of way. I had a little excerpt in my  
13 review perhaps continuing that  
14 dedication across parts of Lot 2 so  
15 that if Lot 2 comes back in the future  
16 they don't need to carve off the  
17 sliver and dedicate that as well. I  
18 don't think there's any need per se,  
19 and I'll leave that up to the board to  
20 continue the sidewalk across Lot 2 if  
21 it's not part of the project, but  
22 whether it ends where you have it or  
23 continues, D.O.T. will likely want it  
24 to come out to the shoulder, that way

1 nobody is stranded on the sidewalk  
2 with no connection back to the road.

3 MR. MARSHALL: And we actually  
4 appreciate that comment. It makes  
5 great planning sense. We will  
6 incorporate that as well.

7 MR. WERSTED: Thank you. The  
8 demonstrated garbage and delivery  
9 truck access there are some parking  
10 spaces that will likely be blocked  
11 when a truck is there loading and  
12 unloading. So any scheduling will  
13 likely have to be done off peak hours  
14 or be mindful of any cars that are  
15 parked there for the deliveries that  
16 are happening.

17 For the most part that is all we  
18 have. There was a traffic study that  
19 was submitted. I haven't been able to  
20 go through all of the details of it.  
21 The one comment that stands out to me  
22 right now is that there's a number of  
23 projects that were missing from the  
24 background developments and I can

1 share those with you as I get the  
2 details of it.

3 MR. MARSHALL: Sure. Sounds  
4 great. Thank you.

5 CHAIRMAN EWASUTYN: Jim  
6 Campbell, code compliance?

7 MR. CAMPBELL: I just wanted to  
8 confirm the building height. Is that  
9 still 22 feet?

10 MR. MARSHALL: Yes.

11 MR. CAMPBELL: It was less than  
12 35.

13 MR. MARSHALL: Yes, I believe  
14 so. The finishes on the front of the  
15 building may end projecting a little  
16 bit higher than that but it will be a  
17 bit less than 30 feet.

18 MR. CAMPBELL: And also be aware  
19 of your handicap signage and the  
20 bollards and the accessways in the  
21 aisles, not to have a bollard right in  
22 the middle of the transition strip.

23 MR. MARSHALL: Sure.

24 MR. CAMPBELL: And just be aware



1 that the signage is part of the ARB.

2 MR. MARSHALL: The signage for  
3 what?

4 MR. CAMPBELL: The freestanding  
5 sign is part of the ARB, what size and  
6 what locations.

7 MR. MARSHALL: We will provide a  
8 full ARB package along with the  
9 renderings.

10 CHAIRMAN EWASUTYN: Pat Hines  
11 from MH&E?

12 MR. HINES: A flood plain  
13 development permit will be required  
14 from the code department for this  
15 project as there is grading within the  
16 100 year flood plain. We noted that  
17 some of Ken's comments, the sidewalk  
18 has been added and an evaluation for  
19 how that will affect Lot 2. We will  
20 be looking for a Stormwater Pollution  
21 Prevention Plan in the future. We  
22 noted that the variances for parking  
23 and rear yard setback have been  
24 granted.

1                   The Dollar General facility on  
2                   9W, the newer one that recently opened  
3                   has a tremendous amount of some form  
4                   of rack storage system by the  
5                   dumpsters and we are looking for a  
6                   note that that doesn't occur on this  
7                   site. I don't know what they are, but  
8                   I drive by there and they are very  
9                   noticeable. I think it has something  
10                  to do with the way they deliver their  
11                  products off of the trucks or  
12                  something. It's not addressed on this  
13                  plan. It's very unsightly.

14                  You noted that the application  
15                  fee for the subdivision should be  
16                  submitted. Some technical comments  
17                  for the sewer. We addressed the  
18                  access. The building will be required  
19                  to be sprinklered so we provided the  
20                  detail for how the water system should  
21                  be set up. The stormwater facilities  
22                  maintenance agreement will be  
23                  required. Orange County Planning  
24                  Department is required for D.O.T.

1 approval. The landscaping. And now  
2 that you are back from the ZBA we are  
3 suggesting that the board should  
4 declare its intent for lead agency as  
5 clearly D.O.T. is now an involved  
6 agency on the project.

7 CHAIRMAN EWASUTYN: Comments  
8 from board members. Dave Dominick?

9 MR. DOMINICK: Going off what  
10 Ken Wersted said about deliveries,  
11 tight area and blocking traffic.  
12 Other than a soda truck or chip truck  
13 coming in and delivering maybe during  
14 the day, do you know if the Dollar  
15 General headquarters warehouse truck  
16 delivers during the day or are they  
17 off hours or peak hours?

18 MR. MARSHALL: It depends on the  
19 store because they create a route.  
20 Generally it would be during the day.  
21 So it's not in that time period end of  
22 the day that they make most of their  
23 deliveries. They would -- delivery  
24 trucks would block a couple of the

1 parking spaces. Generally those are  
2 the less desirable spaces where they  
3 direct their employees to park. It  
4 would block their spaces, but they  
5 would also have the ability to have  
6 that truck moved.

7 MR. DOMINICK: Thank you.

8 MR. WERSTED: If I could  
9 interject too. If the general manager  
10 is expecting a delivery that day they  
11 could put a couple of cones out in  
12 that area and then the truck driver  
13 could move the cones when that truck  
14 arrives, you know, when he pulls in.

15 MR. MARSHALL: There's a very  
16 similar situation to this layout in  
17 the Pine Bush store. I can say I've  
18 never seen an actual customer park on  
19 the side of the store there. I  
20 personally have parked there, but it's  
21 not because there are not spaces in  
22 the front of the store.

23 CHAIRMAN EWASUTYN: Thank you.

24 Ken Mennerich?

1 MR. MENNERICH: No questions.

2 MR. BROWNE: There were some  
3 comments about a no left turn sign.

4 MR. MARSHALL: Yes. There are  
5 two existing signs at the -- the  
6 existing self-storage entrance that  
7 indicate no left turns. D.O.T. is not  
8 aware of why they are there. And  
9 based upon the research of our traffic  
10 consultant, it doesn't appear to be  
11 justified in any manner. We are not  
12 really sure why they are there other  
13 than they are there. So our intention  
14 is to remove them because D.O.T. has  
15 based upon initial conversations with  
16 them and we will obviously have to  
17 further engage them, but they didn't  
18 understand why that was there. It was  
19 designed as a full access. There's no  
20 impeding factors.

21 MR. BROWNE: So you are pursuing  
22 removing them?

23 MR. MARSHALL: Yes, absolutely.

24 MR. HINES: There's actually

1 three of them. There's one across the  
2 street. There's two at the entrance  
3 and one across the street.

4 MR. MARSHALL: Very odd. I  
5 don't know why they wouldn't want  
6 that.

7 CHAIRMAN EWASUTYN: John Ward?

8 MR. WARD: No comments.

9 CHAIRMAN EWASUTYN: Dominic  
10 Cordisco, Planning Board attorney?

11 MR. CORDISCO: Nothing at this  
12 time other than the action that the  
13 board could take tonight is circulate  
14 for lead agency.

15 CHAIRMAN EWASUTYN: Will someone  
16 move a motion to circulate our intent  
17 for lead agency for the Dollar  
18 General, project number 23-25 site  
19 plan?

20 MR. DOMINICK: I'll make a  
21 motion.

22 MR. MENNERICH: Second.

23 CHAIRMAN EWASUTYN: Motion by  
24 Dave Dominick and a second by Ken

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Mennerich. Can I have a roll call  
vote starting with John Ward?

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Thank you.

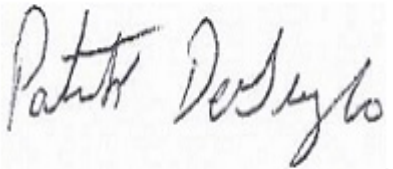
MR. MARSHALL: Pat, if you need  
any additional copies of the plans for  
circulation, please let me know.

MR. HINES: We have them  
electronically so we will be producing  
them. Thank you.

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STATE OF NEW YORK )  
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COUNTY OF ORANGE )

I, PATRICK M. DeGIORGIO, a Shorthand  
Reporter and Notary Public within and for the  
State of New York, do hereby certify that the  
foregoing is a true and accurate record of the  
minutes having been stenographically recorded by  
me and transcribed under my supervision to the  
best of my knowledge and belief.

  
X \_\_\_\_\_  
PATRICK M. DeGIORGIO

Dated: March 19, 2024



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

-----  
In the Matter of

MOREAU LOT LINE CHANGE  
(24-04)

50 & 54 Old South Plank Road  
Section 52, Block 1, Lots 12 & 13  
Zone: R-1  
-----

INITIAL APPEARANCE LOT LINE CHANGE

Date: March 7, 2023  
Time: 8:15 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
DAVID DOMINICK  
KENNETH MENNERICH  
STEPHANIE DeLUCA (Not present)  
CLIFFORD BROWNE  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JONATHAN MILLEN  
STEVE MOREAU

REPORTED BY: Patrick DeGiorgio, Court Reporter  
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MICHELLE L. CONERO, COURT REPORTER  
michelleconero@hotmail.com  
(845) 541-4163

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CHAIRMAN EWASUTYN: The ninth item of business this evening is the Moreau Lot Line Change, the initial appearance for a lot line change, project number 24-04, located at 50 and 54 Old South Plank Road in an R1 Zone and it's being represented by Jonathan Millen.

MR. MILLEN: Good evening. So we have a lot line revision here between parcels 12 and 13. Fairly straight ahead where this light lavender area is the area that's being added to the smaller parcel taken from the larger parcel. We did go before the Zoning Board and they recommended that we don't have a lot line revision to incorporate the minimum distance that we are going to provide access via the north and south portions of the property. There are no improvements being planned for the larger parcel and right now the tax parcel 12 is vacant so there will be a

1 proposed building as shown going out  
2 that lot using town water and sewer.

3 CHAIRMAN EWASUTYN: Pat Hines  
4 with MH&E, comments?

5 MR. HINES: We identified the  
6 variances required. I don't know if  
7 you want to hear them all. They are  
8 enumerated in the comment letter  
9 there.

10 CHAIRMAN EWASUTYN: Please for  
11 the benefit of the board and also for  
12 Dominic Cordisco, Planning Board  
13 attorney.

14 MR. HINES: Lot 13, lot area  
15 40,000 feet is required where 15,161.2  
16 feet are proposed.

17 Front yard 50 feet required,  
18 32.7 feet proposed.

19 Rear yard 40 feet required, 22.3  
20 proposed.

21 Side yard, one side yard 30 feet  
22 required, 28.3 are proposed.

23 Minimum lot depth 150 feet  
24 required, 85 feet existing.

1 For Lot 12, tax Lot 12 minimum  
2 lot area 40,000 feet required, it  
3 looks like 3,772.3 is proposed.

4 Front yard 50 feet required,  
5 24.6 proposed.

6 Rear yard 40 feet is required,  
7 20.7 feet proposed.

8 One side yard 30 feet required,  
9 five feet is proposed.

10 Both sides yards 80 feet  
11 required, 10 feet is proposed.

12 Minimum lot width 150 feet  
13 required, 32.4 proposed.

14 Minimum lot depth 150 feet  
15 required, 99 feet is existing.

16 Maximum building coverage 10  
17 percent maximum, 32 percent proposed.

18 Maximum lot surface coverage 20  
19 percent maximum, 49 percent proposed.

20 And maximum impervious on Lot  
21 12, 20 percent is required and 63  
22 percent is proposed.

23 CHAIRMAN EWASUTYN: Comments  
24 from board members. John Ward?

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MR. WARD: No comments.

MR. BROWNE: No comments.

CHAIRMAN EWASUTYN: Do you have any idea at this point in time the proposed framed structure of what the square footage might be?

MR. MOREAU: Good evening, I am Steve Moreau, the property owner. About 20 by 50.

CHAIRMAN EWASUTYN: What size building are you proposing?

MR. MOREAU: 20 by 50.

CHAIRMAN EWASUTYN: That's how many square feet?

MR. MOREAU: That's a thousand. Proposed would be about 1,600.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: It's a two-story house?

MR. MOREAU: Yes.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Nothing.

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CHAIRMAN EWASUTYN: With the assistance of Pat Hines with MH&E, Dominick Cordisco, would you prepare a referral letter to the Zoning Board of Appeals seeing the multitude of area variances that are required for the proposed lot line change?

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: Anything else?

MR. MILLEN: No.

CHAIRMAN EWASUTYN: Will someone move for a motion for Dominic Cordisco to prepare that and the referral to the Zoning Board of Appeals?

MR. MENNERICH: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich, a second by Cliff Browne. Can I have a roll call vote starting with John Ward?

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

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MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. HINES: Mr. Chairman, for  
Lot 12 where I had that digit missing,  
the minimum lot area proposed is  
3,077.23.

CHAIRMAN EWASUTYN: Thank you.

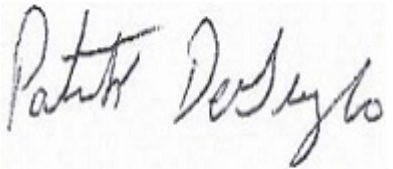
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STATE OF NEW YORK )

) ss:

COUNTY OF ORANGE )

I, PATRICK M. DeGIORGIO, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that the foregoing is a true and accurate record of the minutes having been stenographically recorded by me and transcribed under my supervision to the best of my knowledge and belief.

X   
PATRICK M. DeGIORGIO

Dated: March 19, 2024



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

-----  
In the Matter of

CURELEAF NEWBURGH  
(21-34)

8 North Plank Road  
Section 80, Block 5, Lot 15  
Zone: b  
-----

SIGNAGE

Date: March 7, 2023  
Time: 8:20 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
DAVID DOMINICK  
KENNETH MENNERICH  
STEPHANIE DeLUCA (Not present)  
CLIFFORD BROWNE  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: MARSHALL ROSENBLUM

REPORTED BY: Patrick DeGiorgio, Court Reporter  
-----

MICHELLE L. CONERO, COURT REPORTER  
michelleconero@hotmail.com  
(845) 541-4163

1 CHAIRMAN EWASUTYN: The tenth  
2 item of business this evening is  
3 Cureleaf Newburgh, project number  
4 21-34. It's here this evening for  
5 signage.

6 MR. ROSENBLUM: Good evening.  
7 Marshall Rosenblum representing  
8 Cureleaf. We are here for two items.  
9 Both the signage changes to the  
10 corporate standards and to go along  
11 with that the corporate peak colors  
12 for the building.

13 The colors shown represent what  
14 the intent is, smokey grays, white and  
15 deeper accent for the doors, painting  
16 the aluminum frames a deeper color and  
17 an accent band across the top. These  
18 are the actual colors if you would  
19 like to see them. They are slightly  
20 more saturated than the print. That's  
21 the intent of the work.

22 For the signage, it would be  
23 replacing the signs with corporate  
24 standards, the areas remaining within

1 the limits, the Cureleaf internally  
2 lit on the building and I have  
3 additional details, and a replacement  
4 sign for the former roof sign which  
5 was eliminated by the prior  
6 application in which I believe now  
7 must go through the Zoning Board of  
8 Appeals as during that time roof  
9 signage is no longer allowed. If  
10 there are no questions on the basic  
11 colors, can I continue?

12 CHAIRMAN EWASUTYN: Any  
13 questions or comments from the board  
14 members?

15 MR. DOMINICK: No comments.

16 MR. MENNERICH: Nothing.

17 MR. WARD: No.

18 MR. BROWNE: No.

19 MR. ROSENBLUM: The stone will  
20 stay the same natural color that it is  
21 right now around the base. It's only  
22 the ephorus paint colors and aluminum  
23 that would be changed to give it the  
24 current corporate look.

1 MR. MENNERICH: That's to the  
2 existing building?

3 MR. ROSENBLUM: To the existing  
4 building, yes.

5 MR. BROWNE: The green sign on  
6 the blue, that's barely visible during  
7 the day.

8 MR. ROSENBLUM: It would be  
9 internally eliminated. In other  
10 words, these letters have internal  
11 illuminations so they would glow.  
12 Would it be visible during the day?  
13 Somewhat. This is within the square  
14 footage that is allowed based on the  
15 frontage of the lot.

16 MR. BROWNE: I was just  
17 questioning the choice of colors on  
18 that because it's almost hidden.

19 MR. ROSENBLUM: Again, corporate  
20 standard. The letters are illuminated  
21 and the green background is standard.  
22 I'll show you more details. We have  
23 the colors on the building.

24 MR. BROWNE: The sign itself

1                   personally I don't have a problem  
2                   with. When you put that blue  
3                   background to me it's invisible. If  
4                   your company is satisfied with it,  
5                   fine.

6                   MR. ROSENBLUM: That's the  
7                   corporate standard. In the few  
8                   photographs I've seen it looks pretty  
9                   sharp. I understand. This is the  
10                  signage which I believe the sign  
11                  vendor has submitted to the Building  
12                  Department. The anticipated sign from  
13                  the roof is on the existing structural  
14                  framework and it would be essentially  
15                  the same size but a new logo. It says  
16                  dispensary. That's the main  
17                  difference based on the recent  
18                  approval. That would be the only sign  
19                  that says dispensary. The other one  
20                  is the Cureleaf logo. This is  
21                  slightly enlarged. Again, the blue  
22                  green background and internally lit  
23                  letters. Sign on the building and  
24                  hopefully on the roof. And that's the

1 entire scope of this application.

2 CHAIRMAN EWASUTYN: Jim  
3 Campbell, code compliance, any  
4 comments?

5 MR. CAMPBELL: Yes. If the  
6 board is okay with the ARB for the  
7 signage and for the colors of the  
8 building, you can approve that. The  
9 roof sign does have an application in  
10 before the Building Department which  
11 will be referred to the ZBA. At this  
12 point if you want to approve the ARB  
13 so they didn't have to come back.

14 MR. ROSENBLUM: We would  
15 appreciate it. It was anticipated  
16 that we would have to go to the Zoning  
17 Board.

18 CHAIRMAN EWASUTYN: So we will  
19 take the two actions involved here.  
20 Will someone move for a motion if they  
21 agree to grant ARB approval for the  
22 signage and also for the change of  
23 color on the building?

24 MR. DOMINICK: So moved.

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MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick and I have a second by Cliff Browne. Can I have a roll call vote starting with John Ward?

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Dominic Cordisco, I believe you will be preparing a referral to the Zoning Board of Appeals?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: This will be a use variance?

MR. CORDISCO: It appears so, correct.

CHAIRMAN EWASUTYN: Jim Campbell?

MR. CAMPBELL: Since he has an application it can be referred by the

1 Building Department or referred from  
2 here.

3 CHAIRMAN EWASUTYN: What would  
4 you prefer?

5 MR. CAMPBELL: If it's referred  
6 from here then they have to come back.

7 MR. ROSENBLUM: In as much as  
8 you do this --

9 CHAIRMAN EWASUTYN: Sir, please,  
10 this is a discussion amongst the  
11 board. What are you suggesting to the  
12 board?

13 MR. CAMPBELL: I would suggest  
14 to let the Building Department refer  
15 it.

16 CHAIRMAN EWASUTYN: Having heard  
17 from Jim Campbell, our code compliance  
18 officer, the Building Department will  
19 do the referral to the Zoning Board of  
20 Appeals for the use variance for the  
21 rooftop signage for Cureleaf, project  
22 number 21-34. Is the board in favor  
23 of that?

24 MR. WARD: Yes.



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MR. BROWNE: Yes.

CHAIRMAN EWASUTYN: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: Thank you.

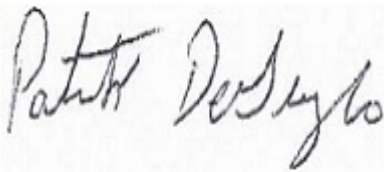
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STATE OF NEW YORK )

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COUNTY OF ORANGE )

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X \_\_\_\_\_  
PATRICK M. DeGIORGIO

Dated: March 19, 2024

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

-----  
In the Matter of

NEWBURGH INN & SPA  
(24-05)

90 Route 17K  
Section 95, Block 1, Lots 126 & 17  
Zone: IB  
-----

INITIAL APPEARANCE SITE PLAN/EV CHARGING STATION

Date: March 7, 2023  
Time: 8:25 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
DAVID DOMINICK  
KENNETH MENNERICH  
STEPHANIE DeLUCA (Not present)  
CLIFFORD BROWNE  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHRISTIAN SPENZIERO

REPORTED BY: Patrick DeGiorgio, Court Reporter  
-----

MICHELLE L. CONERO, COURT REPORTER  
michelleconero@hotmail.com  
(845) 541-4163

1                   CHAIRMAN EWASUTYN: The eleventh  
2                   item of business this evening is  
3                   Newburgh Inn & Spa. It's an initial  
4                   appearance for a site plan and EV  
5                   charging station.

6                   MR. SPENZIERO: Good evening.  
7                   Christian Spenziero, ChargeSmart EV  
8                   here on behalf of Newburgh Inn & Spa.  
9                   We are proposing to install EV  
10                  charging stations at the Newburgh Inn  
11                  & Spa. This project has been awarded  
12                  grants from NYSERDA as well as Central  
13                  Hudson to fund the entirety of the  
14                  project. We are also working with  
15                  Central Hudson as well to establish a  
16                  new service to power the charging  
17                  stations.

18                  I brought the plans tonight  
19                  which everybody should have a copy of  
20                  as well. This is an example of the EV  
21                  charging stations we will be  
22                  installing at the Newburgh Inn & Spa.  
23                  There are five dual port charging  
24                  stations. 12KW to charge the car in

1 roughly four hours, an electric car.

2 I have a zoomed out the site  
3 plan here showing 17K. We are  
4 proposing -- there's an existing three  
5 phase utility line along this portion  
6 of the property. We are proposing and  
7 working with Central Hudson to riser  
8 up their existing utility pole into a  
9 new service and then we will feed the  
10 charging stations from that new  
11 service. We decided to locate the  
12 service over here because it's well  
13 screened from 17K so you won't  
14 actually see that from the main road.

15 A more zoomed in portion of that  
16 plan, a three phase power line  
17 overhead here. Right next to the  
18 utility pole we would feed an  
19 electrical service, new meter and then  
20 underground conduit and cabling into  
21 10 total parking spots. We have also  
22 taken into account ADA accessibility  
23 for this application so there will be  
24 one ADA compliant spot with a five

1 foot access aisle to make this ADA  
2 compliant.

3 Signage details, bollard  
4 details, concrete pad details of the  
5 charging stations, everything will be  
6 mounted on a concrete pad. The  
7 service equipment will be mounted on  
8 racking, conduit and the handicap  
9 accessible spot is outlined and  
10 displayed here.

11 This is our initial site  
12 appearance. We do have three to four  
13 other hotels in Newburgh that are  
14 approved. So this is really our first  
15 one. I know, John, you have been  
16 working closely with Bridget so we do  
17 have additional applications following  
18 this one. We are looking for the  
19 initial site appearance, comments,  
20 concerns and questions.

21 CHAIRMAN EWASUTYN: Thank you.  
22 Jim Campbell, code compliance, do you  
23 have anything?

24 MR. CAMPBELL: The only thing I

1           have is the ownership of the property,  
2           who is the owner? Can you verify that  
3           the proxy is correct?

4                   MR. SPENZIERO: I'll look into  
5           that to confirm.

6                   CHAIRMAN EWASUTYN: A minor  
7           point on the application, can you go  
8           back and pull the acreage as part of  
9           the application form?

10                   MR. SPENZIERO: Yes.

11                   CHAIRMAN EWASUTYN: Comments  
12           from John Ward?

13                   MR. WARD: Will this cover  
14           special vehicles like is it covering  
15           every electrical vehicle?

16                   MR. SPENZIERO: Yes. They have  
17           SJ1772 plugs. They are a universal  
18           plug. They can plug directly into any  
19           vehicle except for a Tesla. Any Tesla  
20           driver has the adaptor to convert from  
21           a NACS Tesla plug into the 1772. Most  
22           people traveling with their Tesla have  
23           that adaptor somewhere in their  
24           vehicle.

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MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Cliff  
Browne?

MR. BROWNE: No Comment.

CHAIRMAN EWASUTYN: No comment.

MR. MENNERICH: Just a question.  
When somebody uses these facilities,  
how do they pay for it?

MR. SPENZIERO: Good question.  
So on the face plate of the station  
there's a QR code. You scan that QR  
code with your mobile phone, it  
downloads an app onto your phone, you  
upload money into the app. Through  
that app you scan it through the bar  
code and that will ultimately initiate  
the charge. Pricing displays on the  
app, Blue Mobile Charge Network for  
Ford, All Team 360 for Chevy. These  
stations are part of that network so  
any driver, Ford, Chevy, GM, all the  
major brands will be able to see these  
right on the dashboards of their  
vehicles. You can use other apps, not



1 just our app.

2 MR. MENNERICH: And it's  
3 designed primarily for people that are  
4 staying in the suites there in the  
5 hotel?

6 MR. SPENZIERO: Correct. So  
7 there's multiple different stations  
8 ranging from eight hours for a charge  
9 to four to five all the way down to 30  
10 minutes. So we decided to go with the  
11 four to five hour charge so somebody  
12 that is just going to the spa for a  
13 couple hours can get 50 percent and  
14 anybody staying at the hotel will  
15 definitely get a hundred percent  
16 charge overnight.

17 MR. MENNERICH: Thank you.

18 MR. DOMINICK: Christian, I went  
19 through that site, the facilities  
20 needs some upkeep. Especially the  
21 main driveway going up to the Y of the  
22 road and then into the parking lot.  
23 I'd like to see at least two-inches of  
24 topcoating of fresh pavement in those

1 areas.

2 MR. SPENZIERO: Which areas?

3 MR. DOMINICK: Right there off  
4 17K.

5 MR. SPENZIERO: That would be  
6 this area?

7 MR. DOMINICK: Yes. So starting  
8 at 17K, you go all the way up to turn  
9 right into your parking lot. That  
10 entire parking lot there.

11 MR. CORDISCO: The parking lot.

12 MR. SPENZIERO: This entire  
13 parking lot, this two inches?

14 MR. DOMINICK: Yes, it's a mess.  
15 That would need two inches; right?

16 CHAIRMAN EWASUTYN: I'll defer  
17 to Pat Hines.

18 MR. HINES: Inch and a half to  
19 two inches is a standard overlay.

20 MR. DOMINICK: The other thing  
21 is the history of this area especially  
22 from the side access going to  
23 Restaurant Depot, that access there,  
24 right where your hand is right there

1 has become a dumping ground. What the  
2 owner has done is put some plastic  
3 barrier tape, filled a pale or bucket  
4 with cement and a post and that's all  
5 knocked down and people still dump  
6 there. So 1, I'd like it cleaned up,  
7 all that trash. And 2, at least an  
8 eight-foot chain link gate on both  
9 sides, at the hotel site and then near  
10 the Restaurant Depot site to prevent  
11 people from --

12 MR. SPENZIERO: Here and here?

13 MR. DOMINICK: Yes. Six, eight-  
14 foot. Because you have the plastic  
15 barrier tape there which is pretty  
16 much ripped and torn and people are  
17 still tossing garbage.

18 CHAIRMAN EWASUTYN: Thank you.  
19 Pat Hines with MH&E, comment?

20 MR. HINES: Yes. This is an  
21 initial appearance. Adjoiners notices  
22 will be required to be sent out. We  
23 will work with you getting that done  
24 in the process. I have a comment

1           there from the Code Compliance  
2           Department. Comments regarding  
3           existing violations on the site should  
4           be received so that goes to what Mr.  
5           Dominick just pointed out. Third  
6           comment is the paving issue which Mr.  
7           Dominick pointed out. The board  
8           should determine whether any screening  
9           of the facility or the facility  
10          infrastructure is proposed. Cosimo's  
11          had some screening proposed. The  
12          plans identified trees and brush to be  
13          removed as needed. Further  
14          clarification of that should be  
15          identified to show what is going to be  
16          removed.

17                 County Planning referral is  
18                 required as projects located on the  
19                 state highway. The bulk table should  
20                 be provided for the whole site  
21                 depicting compliance and not  
22                 compliance as the amended site plan  
23                 would trigger loss of any preexisting  
24                 nonconforming bulk requirements.

1 My ninth comment has to do with  
2 the emergency access drive which Mr.  
3 Dominick stated, the makeshift gate  
4 and state of disrepair. We suggest  
5 that the Planning Board may want to  
6 take a look at the site to see what it  
7 looks like.

8 CHAIRMAN EWASUTYN: Dave  
9 Dominick?

10 MR. DOMINICK: Christian, just  
11 to clarify that when I talked about  
12 the chain link fence, I meant a gate,  
13 a lockable gate on both ends for  
14 emergency access. But also if  
15 emergency access had to get through  
16 there they could just cut the locks to  
17 get through.

18 CHAIRMAN EWASUTYN: Dominic  
19 Cordisco?

20 MR. CORDISCO: I have nothing  
21 further at this time. This is a first  
22 appearance and adjoining notices are  
23 required. Comments should be  
24 addressed.

1                   CHAIRMAN EWASUTYN: Having heard  
2                   from Pat Hines with MH&E and Jim  
3                   Campbell from code compliance, I  
4                   suggest that we comply with the  
5                   recommendation from Pat Hines and do a  
6                   site inspection to be more familiar  
7                   with what we are reviewing. You will  
8                   work with Pat Hines on the adjoiners  
9                   notice?

10                  MR. SPENZIERO: Yes, will do.

11                  CHAIRMAN EWASUTYN: And you will  
12                  look into the violations that are  
13                  currently existing on the property?

14                  MR. SPENZIERO: I did have a  
15                  question on that. I know you guys  
16                  addressed the pavement, the gates, the  
17                  dumping. Are there additional  
18                  violations that we could gain access  
19                  to those records somehow? Are there  
20                  additional violations or is that just  
21                  something that you want us to look in  
22                  to?

23                  MR. CAMPBELL: There is open  
24                  building permits for repairs. You

1 keep mentioning a spa. I have no idea  
2 what the spa component is.

3 MR. SPENZIERO: I've never been  
4 to the site. I just assumed it was a  
5 spa. I apologize. I looked on the  
6 internet and it says there was a pool  
7 there. Maybe that was 20 years ago.  
8 I don't know. It's a hotel?

9 MR. CAMPBELL: Yeah. I don't  
10 know if they are proposing future  
11 changes or whatever. That would be a  
12 good field trip.

13 MR. SPENZIERO: Sounds like it,  
14 okay.

15 MR. CAMPBELL: Also to clear up  
16 the proxy.

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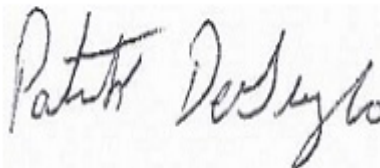
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STATE OF NEW YORK )

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COUNTY OF ORANGE )

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X  
\_\_\_\_\_  
PATRICK M. DeGIORGIO

Dated: March 19, 2024



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

-----  
In the Matter of

NEWBURGH CHICKEN, LLC  
(23-17)

197 South Plank Road  
Section 60, Block 3, Lot 6.1  
Zone: B  
-----

SITE PLAN

Date: March 7, 2023  
Time: 8:40 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
DAVID DOMINICK  
KENNETH MENNERICH  
STEPHANIE DeLUCA (Not present)  
CLIFFORD BROWNE  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: GEORGE ALISSANDRATOS

REPORTED BY: Patrick DeGiorgio, Court Reporter  
-----

MICHELLE L. CONERO, COURT REPORTER  
michelleconero@hotmail.com  
(845) 541-4163

1                   CHAIRMAN EWASUTYN: Sorry for  
2                   the delay. This was the fifth item of  
3                   business before the Planning Board.  
4                   Are you available now or want to come  
5                   back to the meeting on the 21st?

6                   MR. ALISSANDRATOS: I would  
7                   prefer to do it tonight. I apologize.  
8                   The irony is that I was stuck in a gas  
9                   station due to traffic circulation  
10                  issues where I was in the lot, but  
11                  couldn't get out of the lot. I  
12                  sincerely apologize.

13                  CHAIRMAN EWASUTYN: That's fine.  
14                  This is Newburgh Chicken, LLC, project  
15                  number 23-17. It's a site plan  
16                  located on South Plank Road in a B  
17                  Zone and being represented by Keane &  
18                  Beane, P.C.

19                  MR. ALISSANDRATOS: My name is  
20                  George Alissandratos. I'm from Keane  
21                  & Beane here on behalf of Newburgh  
22                  Chicken. You've been hearing from  
23                  Nick Ward-Willis from our office, but  
24                  he was unable to make it tonight, so

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I'm filling in tonight.

When we last appeared at the February 1st meeting, my understanding is that there were some questions about certain variances that might be needed, specific dimensions, specific setbacks and the overarching question was D.O.T., maybe a dedication what that will look like. Tonight I'm here to offer some clarity on that. I see it as a three piece thing. The variances, dimensional setbacks and the D.O.T. dedication.

We are in receipt of the comment memos from Pat Hines and Ken Wersted. We have prepared a concept plan for tonight that indicates sort of what the dedication would look like. I don't know if you guys could see it. I think it was circulated earlier today.

Before we get to that I want to hit on some easy things, some clearer things like variances on the

1 dimensional setback. I prepared a few  
2 charts, and if you would like I could  
3 hand them out so it's easy to follow  
4 along. It's just going to show you  
5 how the numbers would change with the  
6 dedication and without the dedication  
7 compared to what was approved by the  
8 ZBA.

9 The first sheet that I've  
10 provided you with is the variances  
11 granted. It's a table comparing the  
12 variances granted to what we call the  
13 January 2024 proposal and then the  
14 March 2024 concept. On that first  
15 bolded box is what the ZBA approved in  
16 terms of variances, and it's for  
17 loading spaces, access on South Plank  
18 Road, in this instance the center line  
19 of Union Avenue and the front yard  
20 abutting Union Avenue and a  
21 freestanding sign height. The second  
22 box is that January 2024 proposal,  
23 that was the plan that was presented  
24 to the Board at the February 1st

1 meeting. That third box is the March  
2 2024 concept which is this plan right  
3 here.

4 The key thing, there's a lot of  
5 numbers here, I tried to color code it  
6 to make it as simple as possible. The  
7 key thing is that the variances don't  
8 actually change between the January  
9 24th proposal and the March 24th  
10 concept. That's because the site  
11 itself, the building itself has  
12 remained where it is. All the  
13 variances have to do with internal  
14 things or right here along Union  
15 Avenue, nothing actually -- there is  
16 no variance for South Plank Road. We  
17 meet the distance required there, the  
18 code I believe requires 60 feet. We  
19 are way beyond that. Variances aren't  
20 needed there. So whether it's the  
21 January 24th plan, the proposal that  
22 was presented at the last meeting  
23 which for all intents and purposes we  
24 will call it the current plan or it's

1           this concept plan that has this  
2           10-foot dedication, the variances are  
3           the variances and the variances are  
4           going to be the same. So to that  
5           extent the ZBA will need to know  
6           exactly what they would need to  
7           change.

8                     And as you can see, some of them  
9           are increasing noncompliance and the  
10          boxes in the red are increasing the  
11          noncompliance. The boxes in green are  
12          lessening the noncompliance. Even  
13          where the noncompliance is being  
14          increased, it's very minimal. We are  
15          talking about half a foot, two feet  
16          and two feet. That's sort of where we  
17          stand on the variance issue in terms  
18          of going back to the ZBA and  
19          presenting it to them. They can hear,  
20          the ZBA will be seeing whether it's  
21          one plan or the other. It's going to  
22          be the same numbers.

23                     Before I go to the second sheet,  
24          does anyone have any questions on

1           this? I'm speaking a little quick on  
2           this. There's a lot of numbers  
3           involved. I want to make sure I  
4           address any questions. No questions.

5                    On the second sheet we have the  
6           dimensional requirements/measurements  
7           we call it. That's because the site  
8           as you know is a nonconforming use.  
9           It's a special permit that was granted  
10          by the ZBA at that October 26th, 2023  
11          meeting. Because it's a special use,  
12          it's a special permit, there are no  
13          defined dimensional requirements for  
14          the lock so the ZBA blessed it so to  
15          speak. They saw it, they said this is  
16          good to go. I'm taking the same  
17          approach on this sheet where that  
18          first bolded box is what the ZBA  
19          approved and then we have the January  
20          24th proposal and the March 24th  
21          concept. There are some minimal  
22          changes to the dimensions that the ZBA  
23          will look at, but the important thing  
24          is between the January 24th proposal

1 and the March 24th concept there are  
2 no changes to almost every single  
3 dimensional issue that the ZBA would  
4 be looking at when blessing this site  
5 dimension. The only change would be  
6 the minimum front yard setback let's  
7 call it. And that's along South Plank  
8 Road. That's a 10-foot difference.  
9 That's because the dedication to the  
10 D.O.T. is 10 feet. That's what it is.  
11 We believe that either way it should  
12 be measured to the property line  
13 because the D.O.T. is a dotted line,  
14 it's a conceptual line. We don't know  
15 where D.O.T. is going to come up with  
16 it, we don't know if it's going to be  
17 in a day, in a week, in a month, in a  
18 year. We have no clue. Even so in  
19 that worst case scenario we have to go  
20 with 10 feet, it's dedicated and the  
21 property line is here, it's still  
22 going to be way beyond that 60-foot  
23 requirement and that's the only change  
24 that the ZBA will be seeing.



1                   So that's the quick -- I tried  
2                   to go quick. I don't want to keep you  
3                   guys too long either. That's a quick  
4                   breakdown on why we feel the referral  
5                   to the ZBA could be done now. Whether  
6                   we are talking about the actual plan  
7                   or the concept plan we are talking  
8                   about the same numbers. That's what  
9                   it comes down to.

10                   Now, the D.O.T. itself, the  
11                   concept plan that we have here, and  
12                   like I said, we have an 1,100 square  
13                   foot strip that was dedicated along  
14                   here on South Plank Road, this  
15                   facilitates a left turn lane and also  
16                   provided a concept plan of what the  
17                   street development would look like, it  
18                   looks bare because it is a lot more  
19                   bare because we don't know who would  
20                   be doing the work or whatever the case  
21                   might be in the future. There's a  
22                   left turn lane here on South Plank  
23                   Road and that's facilitated by this  
24                   10-foot D.O.T. dedication. The 10

1 feet it was looked into by our traffic  
2 engineer. From what I understand they  
3 have spoken to Creighton Manning  
4 awhile ago about the desire for this  
5 left turn lane and they looked into it  
6 and said what is feasible to allow  
7 that to happen? The 10 feet is sort  
8 of that sweet spot that allows that to  
9 happen, so any more it sort of leaves  
10 the project dead in the water. It  
11 starts to affect the site itself. It  
12 starts to affect the feasibility of  
13 everything else. The 10 feet is a  
14 good dedication. It's important to  
15 note that that 10 feet doesn't affect  
16 anything -- and that's great, it  
17 didn't affect anything in terms of  
18 circulation here. It doesn't affect  
19 the building. The building is set so  
20 far back that the 10 feet doesn't  
21 really matter any more than that. If  
22 D.O.T. comes and says we need a  
23 hundred feet, that will affect it. It  
24 changes everything. The 10 feet is a

1                   feasible distance. That's why we  
2                   prepared this. I'll turn it around so  
3                   you can see.

4                   Going back to that overarching  
5                   threshold issue, the D.O.T.  
6                   dedication, we understand the board's  
7                   concern, we understand the town's  
8                   concern. We do want to sort of keep  
9                   the project moving forward. D.O.T. so  
10                  far hasn't been very responsive to our  
11                  traffic engineers. The concern is  
12                  that it's a conceptual thing. I think  
13                  the Creighton Manning memo  
14                  acknowledges there's other projects  
15                  that play a role in this. This is a  
16                  larger issue than just this property  
17                  so D.O.T., there's state funding and  
18                  other factors that play a role.  
19                  D.O.T. may look at it next week,  
20                  great. In a month, in a year, five  
21                  years, 10 years, we don't know. The  
22                  issue is waiting on something  
23                  conceptual like that sort of -- not  
24                  sort of, it does put the project at

1 great risk. The project has to move  
2 forward. There are contractual  
3 deadlines with construction and  
4 everything. It can't be sort of up in  
5 the clouds for too long a period. It  
6 could be several years for that. We  
7 just want to move forward. We have  
8 only gotten one comment from D.O.T.  
9 If the board feels like that our  
10 engineering consultants have to  
11 consult only Creighton Manning or  
12 Creighton Manning has to reach out to  
13 D.O.T., whatever the case, we want to  
14 figure it out. We want to keep  
15 pushing forward in a way that makes  
16 sense for the board and for the town.

17 CHAIRMAN EWASUTYN: The way I  
18 understand it, Dominic Cordisco, Pat  
19 Hines, Ken Wersted, there's two  
20 matters of discussion. There's the  
21 ZBA?

22 MR. CORDISCO: Yes.

23 CHAIRMAN EWASUTYN: And then  
24 there's the D.O.T.; correct?

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MR. CORDISCO: Correct.

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Am I missing something? For the benefit of Ken Wersted who has a greater distance to travel, we will have Ken Wersted speak first.

MR. WERSTED: There is a bigger matter here relative to the intersection and the improvements and how all these different projects are accumulating their facts in the intersection. You are the only project that is actually here at the intersection hence the reason why we are going through the exercises looking at how those lanes could potentially be designed in there and what affect it will have on this property. The proposed concept aligns the left turn down the center of the road. I have come up with a sketch that I can send you tomorrow that aligns it more in keeping with where

1 the center line is today and it pushes  
2 stuff towards your property a little  
3 bit more, but I don't think it exceeds  
4 that 10-foot proposed dedication. I  
5 think it would be valuable for you to  
6 look at. I think we should involve  
7 D.O.T. in that discussion.

8 To your time line, you still  
9 have to get through the D.O.T.  
10 permitting process and they have  
11 comments out to you. Depending on  
12 where you are relative to responding  
13 to those and getting their buy in on  
14 that conceptual level even without  
15 this dedication is going to affect how  
16 the project proceeds overall. As much  
17 as your time line wants to be speedy,  
18 D.O.T.'s is what D.O.T.'s is. I would  
19 caution you against trying to push it  
20 too hard and be realistic based on any  
21 advice you get from your engineering  
22 consultants relative to how that  
23 process goes.

24 We did have kind of a side bar

1 with D.O.T. on a different project and  
2 this came up and I don't know that  
3 they realized that they didn't have  
4 access to the road and behind that  
5 goes to CVS and I don't know that they  
6 appreciated what the grade difference  
7 was going to be relative to some of  
8 the earlier comments without trying to  
9 get access to that.

10 MR. ALISSANDRATOS: There was  
11 that early comment coming from behind  
12 and it just wasn't -- the grading back  
13 there is obviously why they made that  
14 change to the plan the last time, the  
15 grading was an issue in the back of  
16 the property. Yes, we'd love to see  
17 the concept that you are discussing  
18 and looking forward to our traffic  
19 engineer figure out something.

20 MR. WERSTED: In general I think  
21 the 10-foot is going to be okay. If  
22 D.O.T. or you the applicant, feel like  
23 you need a little more buffer, some of  
24 those decorative retaining walls or

1 stone walls you may just want to move  
2 back a couple feet, I don't think it's  
3 going to affect the parking lot or  
4 anything to that degree. I can share  
5 that and we can have that discussion.

6 MR. ALISSANDRATOS: Thank you  
7 for mentioning those stone walls. I  
8 don't know if you have had a chance to  
9 look at the plan, it shows a little  
10 here. We have pushed those knee walls  
11 back behind that 10-foot line so it's  
12 not an issue in the future whenever it  
13 comes up. In the current plan, that  
14 January 24th plan, these knee walls  
15 are a little closer to the property  
16 line. The freestanding sign is a  
17 little closer to the property line.  
18 Here it's in the corner. We moved the  
19 freestanding sign, we moved the knee  
20 wall back on both sides of the access  
21 to account for any future dedication  
22 or any future work in an area given  
23 that 10-foot buffer.

24 CHAIRMAN EWASUTYN: Comments on



1           what Ken Wersted has just spoken of  
2           and what the applicant is talking  
3           about?

4                   MR. WARD:  What about the Route  
5           300 entrance there?

6                   MR. ALISSANDRATOS:  The Route  
7           300 entrance, this is where it's being  
8           proposed.  The existing entrance is  
9           somewhere further up closer to the  
10          intersection.

11                   MR. WARD:  I meant because of  
12          D.O.T., have you heard anything about  
13          that?

14                   MR. ALISSANDRATOS:  I'm not a  
15          hundred percent sure.  I can't tell  
16          you either which way.  I don't want to  
17          misstate anything.  I do want to -- I  
18          know to the extent that D.O.T. has any  
19          input on that, it's sort of giving the  
20          spacing it's sort of where we are  
21          proposing it or where it exists.  
22          Otherwise we are talking about a  
23          little right or a little left.  There  
24          are not many options on that.  The

1 existing curb cut that is there, it's  
2 easy to say just keep that, we could  
3 just go in through there, but it's not  
4 great for traffic. This is a lot  
5 better pulling it away from the  
6 intersection. Our traffic engineers  
7 have looked into that. Like I said we  
8 want to benefit the town, that's what  
9 makes sense, we want it from the town.  
10 We want it to make sense.

11 MR. WERSTED: I think to John's  
12 question about D.O.T. comment about  
13 whether less in and less out on Route  
14 300 should be allowed. That was also  
15 in the context of why can't you access  
16 the CVS driveway? With those items in  
17 mind that you don't get access and the  
18 grades are different, it comes back to  
19 D.O.T. as to what are they going to  
20 allow in and out of that driveway on  
21 Route 300? We agree that the driveway  
22 pushed farthest south as you have it  
23 is the best option, but whether D.O.T.  
24 will allow full access or partial I

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believe is what John Ward is asking.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board attorney, let's discuss the need for referral back to the ZBA. We discussed that earlier.

MR. CORDISCO: As Mr. Alissandratos pointed out in his chart is actually incredibly helpful, there are a number of variances that were granted where there's going to be an increasing nonconformity so the board's practice historically has been that the variances that are granted are based on a certain plan and that if the degree of nonconformity is increasing that the applicant would need to go back to the Zoning Board of Appeals. I would suggest to the board tonight you authorize referral back to the Zoning Board and we can layout obviously the changes that are proposed. They are for the most part

1 fairly minimal and advise the Zoning  
2 Board of Appeals that further changes  
3 may be forthcoming as a result of this  
4 ongoing process with the D.O.T. and  
5 the board, Zoning Board may wish to  
6 take that into account in taking any  
7 further action on its behalf so that  
8 no further referrals might be  
9 necessary in the future.

10 CHAIRMAN EWASUTYN: Pat Hines,  
11 do you have anything to add?

12 MR. HINES: I think all my  
13 comments have been addressed and I  
14 think to send them to the ZBA with the  
15 ZBA being aware that the 10-foot strip  
16 for dedication is in play and maybe  
17 they can craft a variance that  
18 addresses that.

19 CHAIRMAN EWASUTYN: Are you in  
20 favor of this next step with the ZBA?

21 MR. ALISSANDRATOS: Yes.

22 CHAIRMAN EWASUTYN: You are  
23 anticipating going back to the ZBA for  
24 sort of a conclusion on the site plan

1 and variances?

2 MR. ALISSANDRATOS: Yes. It's  
3 really that one variance, that  
4 10-foot. That is something definitely  
5 feasible. One thing for full  
6 transparency that I forgot to include  
7 in the chart and it was mentioned at  
8 the last meeting with Jim Campbell,  
9 signs. There are a couple sign  
10 variances. It's a matter of how many  
11 square feet. Are we talking about 10  
12 square feet? 20 square feet? We will  
13 need some sign variances. I think  
14 that was requested at one of the  
15 meetings. I forgot to put it on that  
16 chart. We are not a hundred percent  
17 ironed out on those. We will need  
18 them. Is it 10 square feet? 12  
19 square feet?

20 CHAIRMAN EWASUTYN: We will  
21 leave that up to the applicant to put  
22 that together.

23 MR. CORDISCO: It might be  
24 helpful to actually update the chart

1 as signage variances as part of it.  
2 The referral letter could actually  
3 enclose your chart. Why would I  
4 recreate that when you have done such  
5 a good job?

6 MR. ALISSANDRATOS: I actually  
7 started the chart already on sign  
8 variances. I have not finished it.  
9 I'm waiting on two digits. That's all  
10 it is. So once that's done it's easy  
11 enough.

12 CHAIRMAN EWASUTYN: Are we in a  
13 position to refer this to the ZBA  
14 subject to the modifications of the  
15 existing chart?

16 MR. CORDISCO: Yes.

17 CHAIRMAN EWASUTYN: Can you give  
18 us general verbiage that the Planning  
19 Board could approve that next step?

20 MR. CORDISCO: Yes. The action  
21 for the board tonight would be to  
22 authorize me to prepare a referral  
23 letter to the Zoning Board of Appeals  
24 for amended variances as a result of

1 revised plans and for those variances  
2 that are going to be increasing in  
3 their conformity as laid out in the  
4 materials presented by the applicant.

5 CHAIRMAN EWASUTYN: Having heard  
6 from the Planning Board attorney  
7 Dominic Cordisco on the referral  
8 letter to the Zoning Board of Appeals  
9 for Newburgh Chicken, will someone  
10 move for a motion to approve that?

11 MR. WARD: So moved.

12 MR. DOMINICK: Second.

13 CHAIRMAN EWASUTYN: I have a  
14 motion by John Ward. I have a second  
15 by Dave Dominick. Can I please have a  
16 roll call vote starting with John  
17 Ward?

18 MR. WARD: Aye.

19 MR. BROWNE: Aye.

20 CHAIRMAN EWASUTYN: Aye.

21 MR. MENNERICH: Aye.

22 MR. DOMINICK: Aye.

23 CHAIRMAN EWASUTYN: There being  
24 no further business this evening, can

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I have a motion for someone to close the Planning Board meeting of March 7th, 2024?

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich and I have a second by John Ward to close the Planning Board meeting. Can I have a roll call vote starting with John Ward?

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Thank you everyone.



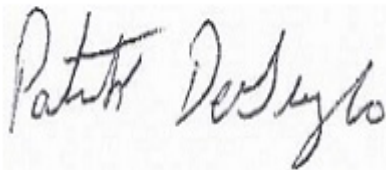
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STATE OF NEW YORK )

) ss:

COUNTY OF ORANGE )

I, PATRICK M. DeGIORGIO, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that the foregoing is a true and accurate record of the minutes having been stenographically recorded by me and transcribed under my supervision to the best of my knowledge and belief.



X

PATRICK M. DeGIORGIO

Dated: March 19, 2024

