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

----- X
In the Matter of

NEWBURGH SELF-STORAGE
(2024-06)

1420 Route 300
Section 60; Block 3; Lot 22.222
IB Zone

----- X

INITIAL APPEARANCE - SITE PLAN

Date: March 21, 2024
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

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

2 CHAIRMAN EWASUTYN: Welcome,
3 everyone, to the Town of Newburgh
4 Planning Board meeting of the 21st of
5 March 2024. This evening we have two
6 agenda items.

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

9 MR. DOMINICK: Present.

10 MS. DeLUCA: Present.

11 CHAIRMAN EWASUTYN: Present.

12 MR. BROWNE: Present.

13 MR. WARD: Present.

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

16 MS. CONERO: Michelle Conero,
17 Stenographer.

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

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

22 CHAIRMAN EWASUTYN: At this
23 point we'll turn the meeting over to
24 Pat Hines with MH&E.

25 MR. HINES: Please stand to

2 salute the flag.

3 (Pledge of Allegiance.)

4 MR. HINES: If you have phones
5 on, please put them on silent.

6 CHAIRMAN EWASUTYN: The first
7 item of business is the Newburgh
8 Self-Storage, project number 24-06.
9 It's an initial appearance for a site
10 plan located on Route 300 in an IB
11 Zone. It's being represented by
12 Justin Dates of Colliers Engineering &
13 Design. Justin.

14 MR. DATES: Thank you, Mr. Chairman
15 and Board. Justin Dates, Colliers
16 Engineering & Design. I'll take the
17 Board through the proposed project
18 that we have here. We've provided an
19 application with the sketch site
20 plan.

21 This project site is known
22 currently as the Showtime Cinema
23 movie theater. It's tax parcel
24 60-3-22.222. It's 8.43 acres in
25 size.

2 Just to orient everyone to the
3 plan, north is straight up, to the
4 west is Route 300, to the north is
5 Route 52, and then in this vicinity
6 right here is the existing structure.
7 The parcel is located in the Town's
8 IB, Interchange Business, Zoning
9 District.

10 The applicant is looking to
11 construct or redevelop the site as a
12 self-storage center. That use is
13 permitted with site plan review and
14 approval by the Planning Board.

15 What we have is a renovation of
16 the existing movie theater building.
17 The rectangle that's the theaters
18 would be renovated to a two-story
19 indoor storage facility. The current
20 concession area would be renovated
21 into a drive-through for customers to
22 come in, move about and move the
23 stuff that they're putting into the
24 storage units around. On the north
25 side of that there's a 3,300 square

2 foot storage addition.

3 On the site there are ten other
4 new storage structures that would be
5 constructed. The larger ones are on
6 the north side of the site and then
7 we have a cluster over here on the
8 west. A portion of this would have a
9 small office space, about 600 square
10 feet. There would be one employee
11 there to manage day-to-day operations.

12 The existing access from Route
13 300 would continue to be utilized.
14 That does come to the light that's
15 shared with Newburgh Towne Center on
16 Route 300 there. Route 300 is the
17 actual frontage of the tax parcel.
18 There is also an easement across the
19 adjacent parcel with an access down
20 to Route 52. That right now is
21 looking to be maintained.

22 So the development, as I
23 mentioned, is in the IB Zoning
24 District. We are in compliance with
25 the bulk requirements for the IB and

2 this particular use. It also has
3 some other specific standards for
4 building separation, building height,
5 drive aisles and things of that
6 nature that we comply with.

7 There's one component, building
8 height. For storage buildings a
9 maximum height of 15 feet is the
10 limit. Renovating the existing movie
11 theater, that is at 28 feet. We're
12 13 feet above that height threshold.
13 We would require a variance from that
14 part of the bulk requirements.

15 Water and sewer are already on
16 the site. We'll maintain that and
17 get the necessary services for both
18 around into the necessary structures.

19 Parking. Really, the office is,
20 again, right up front here off of
21 Route 300. We comply with the
22 requirements for 600 square feet of
23 office, which would be three spaces.
24 We have eight.

25 That summarizes the project.

2 I'd be happy to field any questions.
3 There is representation from the
4 applicant here, too, if there are
5 questions that the Board may have.

6 CHAIRMAN EWASUTYN: Dave Dominick.

7 MR. DOMINICK: Justin, you said
8 you're going to utilize the Route 300
9 entrance. I know 52 is going to be
10 gated. Will Route 300 be gated or
11 open passage?

12 MR. DATES: Right at the office
13 location, there is a gate there as
14 well. Both access points are gated.
15 That's connected in coordination with
16 a fence that goes around the
17 facility, a six-foot chain link
18 fence. That's all connected.

19 MR. DOMINICK: When I did a site
20 visit the other day, the property
21 line that says New York Telephone
22 right there, that entire strip, the
23 retaining wall looks like it's the
24 original pressure treated wood that's
25 falling apart. How are you going to

2 address the cosmetics on the
3 property, including the retaining
4 walls, parking, lighting?

5 MR. DATES: There is a retaining
6 wall also along this area, too.
7 Impervious coverage. Since you've
8 been out to the site, you've seen
9 it's substantially impervious. It's
10 parking with very minimal islands.
11 We're going to look to pull that in
12 and reduce that. Right now we're
13 around .9 acres less of impervious
14 coverage.

15 One of the things that we had
16 talked about is being able to pull in
17 this paving limit, probably move
18 those retaining walls to grade them
19 -- grade out those areas. We'll free
20 up some space around the buildings
21 here that would be -- we could put
22 some landscaping in, things of that
23 nature. With the overall reduction,
24 this project will get greener going
25 towards the self-storage center.

2 MR. DOMINICK: Okay. The other
3 question I had was -- you addressed
4 landscaping. I know this is
5 preliminary. Any outdoor storage for
6 RVs, boats, trailers, large items?

7 MR. DATES: No.

8 MR. DOMINICK: Thank you.

9 MS. DeLUCA: Dave basically took
10 the couple of questions that I had,
11 the outdoor storage and the --
12 because you're going to be building
13 the buildings there, I was just
14 curious about the pavement and such,
15 if that was going to be redone or
16 whatever?

17 MR. DATES: We would look to --
18 we have to manage drainage and
19 stormwater in between the buildings
20 and everything. With the topography
21 which is being done, we'll look to
22 place these buildings strategically
23 so we can generally use the current
24 drainage patterns on the site.
25 That's the goal. We would have to,

2 of course, implement stormwater
3 requirements as part of the whole
4 project. A SWPPP would also be
5 provided as part of the next step of
6 design development for the project.

7 MS. DeLUCA: Okay. Thank you.

8 CHAIRMAN EWASUTYN: No questions
9 right now.

10 MR. BROWNE: The office area is
11 two-story. Correct?

12 MR. DATES: It's 30 feet. It's
13 not two stories.

14 MR. BROWNE: The narrative says
15 two-story. That's why I'm asking.

16 DANIEL: The office area --

17 MR. BROWNE: Your name?

18 DANIEL: My name is Daniel with
19 the ownership.

20 The office area -- just because
21 of where it is, the office, we went
22 through the ordinance. We want to
23 raise it up. It is setback pretty
24 far. We just wanted to make sure
25 people saw it. The goal here is to

2 put a really nice facade, kind of
3 facing all the roads so when someone
4 sees it, it looks really beautiful,
5 right. We wanted to raise that
6 facade for signage purposes and
7 building purposes.

8 MR. BROWNE: Is that part of the
9 storage building or is that like a
10 separate office building?

11 MR. DATES: It's at the end of
12 this. The storage goes for almost
13 four/fifths of this building here.
14 The end cap is the office space.
15 That's where it would go above that
16 15-foot max height.

17 MR. BROWNE: You need a variance
18 for that as well as the existing
19 building. Is that correct?

20 MR. DATES: No. As we identified
21 it for office, the maximum height for
22 a building is 40 feet in the zone.
23 Right now we're looking at 30 feet.

24 MR. BROWNE: It's part of the
25 same building?

2 MR. DATES: There will be a
3 division wall between the storage
4 spaces and the office space.

5 MR. BROWNE: I think that may be
6 a question for Code.

7 MR. DATES: Sure.

8 MR. CAMPBELL: As far as the
9 office space, it can go the normal
10 height in the zone.

11 MR. DATES: Thank you.

12 MR. CAMPBELL: Any other storage
13 is 15.

14 CHAIRMAN EWASUTYN: John Ward.

15 MR. WARD: Dave covered the
16 fencing. You're going to have a
17 fence around the perimeter and the
18 gates?

19 MR. DATES: Yes.

20 MR. WARD: Landscaping, it would
21 help the whole surrounding area
22 there. It's rough.

23 My other question basically is
24 lighting. Throw that in there for
25 the next plan.

2 The grading where the four
3 buildings are, it drops down.
4 There's going to be a lot of grading.
5 I think you've got to consider
6 re-blacktopping because it's going to
7 be a lot.

8 MR. DATES: Yes.

9 DANIEL: We're already looking
10 at all of those options.

11 With the landscape, we always
12 try to incorporate as much landscaping
13 as we can that's feasible. We want
14 -- I don't like -- we don't build bad
15 facilities. We want to build stuff
16 that people want to go to that will
17 look nice. These are institutional-
18 grade, class A assets at this point.
19 We want to make sure it looks nice.

20 MR. WARD: Like the entrance to
21 300, and including 52, even though
22 it's going to be a closed off, make
23 it presentable looking.

24 DANIEL: Absolutely. We want it
25 to be pleasant when our clientele

2 comes to the site anyway. We'll also
3 be doing that stuff.

4 MR. WARD: Thank you.

5 CHAIRMAN EWASUTYN: Daniel, will
6 this be anything like the Cube Stop?
7 Are you a franchise?

8 DANIEL: I'm sorry?

9 CHAIRMAN EWASUTYN: Will this be
10 like a Cube Stop?

11 DANIEL: Like Cube Smart and
12 those guys? The ownership -- who is
13 going to run it -- those are all
14 third-party managers is the way that
15 works. That hasn't been quite
16 decided just yet. They'll be run by
17 one of the bigger operators out there.

18 CHAIRMAN EWASUTYN: So you're
19 going to get site plan approval and
20 then find someone to take it over and
21 operate it, is what you're saying?

22 DANIEL: The owner of the
23 property actually owns something like
24 sixty facilities, so they might run
25 it themselves. Just because of where

2 it is, we might bring in one of the
3 operators. Before we have site plan,
4 we would know exactly who is running
5 it at that point. At that time we
6 will provide a rendering of what
7 we're doing. We want to incorporate
8 signage and colors and so on and so
9 forth. So yes, we would provide that.

10 CHAIRMAN EWASUTYN: Jim Campbell,
11 Code Compliance.

12 MR. CAMPBELL: The copy of your
13 plan I did submit to the Orange Lake
14 Fire District, just so you know that.
15 We're still awaiting their comments.

16 I think Pat, in his review, has
17 sprinklers are required. They are
18 required.

19 MR. DATES: That's for each of
20 the storage facilities?

21 DANIEL: Just on the individual
22 -- on the smaller buildings, on the
23 drive-ups, those are not climatized.
24 We tend to use the firewalls and
25 split it into 2,500 foot modules. Is

2 that acceptable?

3 MR. CAMPBELL: You'll want to
4 refer to the Town Code, Chapter 107
5 which is the sprinklers. Our Town
6 Code kicks in before the State Code.

7 DANIEL: Okay. Excellent.

8 MR. CAMPBELL: Also, I would
9 review the signage ordinance. I
10 don't know what you're going to do.
11 That's also part of ARB. What made
12 that jump out at me is because you
13 said you were making the building
14 higher, so possibly signage and
15 stuff. Signage on the building is
16 limited to the first floor.

17 DANIEL: Okay.

18 MR. CAMPBELL: It may not be
19 allowed without a variance.

20 DANIEL: So since it would be a
21 single story, like the office for
22 example, a single story which, say,
23 30-foot right now -- lets just call
24 it 30 foot. If it's just a single
25 story, 30 foot, is that still

2 considered one floor?

3 MR. CAMPBELL: Is there a story --

4 DANIEL: No. It's just height.

5 MR. CAMPBELL: I believe we let
6 that go on the U-Haul on 9W because
7 it was just basically a warehouse.

8 DANIEL: Excellent.

9 MR. CAMPBELL: Then also I
10 didn't see anything on the plan for
11 garbage collection.

12 DANIEL: The way that's handled
13 in storage is we don't do dumpsters
14 anymore. Dumpsters -- you know, when
15 someone moves out or someone uses the
16 facility, if they have trash, they
17 need to take it with them. If they
18 do leave it there, we kind of handle
19 that as a case-by-case basis through
20 the management companies. The only
21 trash that should be handled -- that
22 should be managed is the office
23 trash. That's actually residential-
24 style trash cans. We would have a
25 management unit somewhere right

2 there. They'll roll them in and out
3 for private trash collection.

4 MR. CAMPBELL: Also, for fire
5 department access, without knowing
6 the maneuverability for the trucks
7 themselves, I think you'll supply
8 that.

9 MR. DATES: We can do a truck
10 circulation.

11 MR. CAMPBELL: At a minimum
12 those roadways that are 16 might have
13 to go to 20.

14 MR. DATES: Okay. We can look
15 at those.

16 DANIEL: In the rear?

17 MR. DATES: Just the sides here.
18 We have room to do that. We'll be in
19 touch with the fire district, too,
20 just to see what type of apparatus
21 will be servicing the site. We can
22 run that through as required.

23 MR. CAMPBELL: That's all I've
24 got for now.

25 CHAIRMAN EWASUTYN: Pat Hines

2 with MH&E.

3 MR. HINES: You were explaining
4 the drive-through. Is that garage
5 doors? Is that climate controlled?

6 DANIEL: Yes. It's an enclosure
7 on the building itself. It's an
8 appendage that has high-speed doors
9 on either side of it. When a
10 customer pulls up, they can enter
11 their keypad code, the door will
12 lift, they can drive in. This way
13 all the climatized self-storage
14 activities take place inside of the
15 building. If you're unloading your
16 car, it's snowing out, now you're
17 inside and it's lovely. It's a nice
18 little thing for the clients that we
19 found people seem to like.

20 MR. HINES: Our first comment
21 just describes the use.

22 The project does require
23 referral to the Zoning Board of
24 Appeals as self-storage facilities in
25 the IB Zone have a maximum permitted

2 height of 15 feet.

3 The site has two access points.
4 Route 52 will not be an access point,
5 it's only going to be emergency
6 access?

7 DANIEL: It will be an egress I
8 think.

9 MR. DATES: It would almost be a
10 secondary access point. We want to
11 control everybody coming into the
12 site from 300.

13 DANIEL: Both accesses would
14 have a gate on them with a keypad.
15 That was kind of our goal. We have
16 the two accesses, why not use them.
17 Our goal is to use both of them, yes.

18 MR. HINES: You'll coordinate
19 with emergency services to get access
20 through there.

21 DANIEL: Yes, of course. Knox
22 boxes and those kinds of things.

23 MR. HINES: Justin, we're
24 looking for the calculation for lot
25 coverage. You're at 29.9 where 30

2 percent is allowed.

3 MR. DATES: For the building
4 coverage. Yes.

5 MR. HINES: Lot surface coverage.
6 Just give us that calculation.

7 We talked about the 20-foot wide
8 fire access roads.

9 The site will be considered a
10 redevelopment site under the DEC
11 stormwater regulations. I explained
12 to the Board that there's a whole
13 separate chapter on that with some
14 reduced requirements for redevelopment.

15 The site does not need a City of
16 Newburgh flow acceptance letter as
17 it's going to be less flow than
18 previously from the site.

19 A lot of the structures are
20 shown at the building bulk table
21 setback lines. We typically require
22 a note that plot plans be submitted
23 prior to construction, especially the
24 smaller ones in the front and the one
25 on the Route 52 side. They're both

2 right at the bulk setbacks. We want
3 to make sure those buildings are
4 where they're going to be. Since we
5 have to refer you to the ZBA, if
6 that's where you want them -- they're
7 fine where they are shown. One inch
8 off and you're going to have an
9 issue. We typically require a note
10 that requires staking and a survey
11 plot plan prior to the construction.

12 We're looking for the
13 information on the easement for Route
14 52 just so that can be reviewed.

15 Architectural review will be
16 required.

17 The buildings will be required
18 to have fire suppression sprinkler
19 systems.

20 The existing utilities should be
21 depicted.

22 We have a list of future plans
23 that should be submitted. The
24 project will have to be submitted to
25 DOT and Orange County Planning.

2 This is an initial appearance.
3 Adjoiners' notices will have to be
4 sent out after this meeting.

5 CHAIRMAN EWASUTYN: I have one
6 question before we turn it over to
7 Dominic Cordisco, Planning Board
8 Attorney.

9 Justin, would you show on the
10 site where you propose to have snow
11 storage during the winter? Again,
12 it's a tight site. You talked about
13 the convenience of a proposed drive-
14 through for the convenience of your
15 customers during the snow. There
16 again, I'd like to see a location on
17 the site plan for snow storage.

18 MR. DATES: Sure. We can add
19 that onto the plan. With the
20 reduction in impervious and how we're
21 managing the site, we have plenty of
22 opportunities that we could show
23 different areas for that.

24 CHAIRMAN EWASUTYN: Dominic
25 Cordisco with Drake, Loeb, Planning

2 Board Attorney.

3 MR. CORDISCO: As mentioned by
4 Mr. Hines, the project will require a
5 variance for the height of the
6 building which only allows 15 feet in
7 that zone for self-storage facilities
8 or storage facilities. The existing
9 movie theater structure is 28 feet
10 high. The Board may wish to consider
11 a referral, at this point, to the
12 Zoning Board of Appeals.

13 I would ask the applicant, based
14 on the sketch plan that's presented,
15 whether or not they're confident that
16 these are the only variances that are
17 needed. As Mr. Hines had noted,
18 there are some sections where you're
19 right up against the setback line.

20 The only reason that I ask the
21 question is to avoid the potential
22 for having to go for variances now
23 for the height of the building and
24 then find out later on, as plans
25 progress, that other variances may be

2 required.

3 MR. DATES: At this time that's
4 all we were thinking. We do have the
5 ability from the bulk setbacks to
6 give an extra foot, probably, to
7 where we can alleviate that concern.
8 We would look to have that referral
9 at this time if we could.

10 MR. CORDISCO: Certainly that's
11 something the Board could do tonight.
12 We would not recommend, however, that
13 you circulate for lead agency because
14 we would do an uncoordinated review
15 at this particular time which would
16 allow the Zoning Board of Appeals to
17 consider the variance application
18 before it without having to wait for
19 a coordinated review to be completed
20 by this Board.

21 CHAIRMAN EWASUTYN: Having heard
22 from Dominic Cordisco, Planning Board
23 Attorney, would someone make for a
24 motion for, again, Dominic Cordisco,
25 Planning Board Attorney, to prepare a

2 letter to the ZBA noting the
3 variances that are required.

4 MR. DOMINICK: I'll make the
5 motion.

6 MS. DeLUCA: Second.

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

12 MR. WARD: Aye.

13 MR. BROWNE: Aye.

14 CHAIRMAN EWASUTYN: Aye.

15 MS. DeLUCA: Aye.

16 MR. DOMINICK: Aye.

17 MR. DATES: Thank you.

18 We did get a comment letter from
19 Ken Wersted. We were provided with
20 that. I will provide a formal
21 response to his comments. He
22 mentioned looking at the trip
23 generation from the movie theater to
24 the storage. My traffic engineers
25 ran some quick numbers. The movie

2 theater at peak weekday is around 97
3 trips in the peak hour. Peak p.m.
4 Friday and Saturdays are 163 and 159
5 respectively. For our proposed
6 project, full build out with the
7 storage facility, peak a.m. is 25
8 trips, peak p.m. is 25 and peak
9 Saturday is 24. It's substantially
10 less than what's seen today.

11 CHAIRMAN EWASUTYN: Thank you.

12

13 (Time noted: 7:20 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 1st day of April 2024.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

ROCKET SUBDIVISION
(2023-10)

397 Candlestick Hill Road
Section 6; Block 1; Lot 59
AR Zone

----- X

TWO-LOT SUBDIVISION

Date: March 21, 2024
Time: 7:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JONATHAN MILLEN

----- X

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

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CHAIRMAN EWASUTYN: The second item of business this evening is Rocket Subdivision, project number 23-10. It's a two-lot subdivision on Candlestick Hill Road. It's in an AR Zone. It's being represented by Jonathan Millen

MR. MILLEN: Good evening, everyone. The variances were approved by the Zoning Board.

At this point I believe that we can satisfy the requirements by sending to Mr. Hines revised plans showing the turn out for the driveway as well as having the engineer sign off on the plans. We will also get permission from the highway superintendent regarding the driveway entrance and straighten that out, then provide the new legal descriptions for both the parcel pieces that will be dedicated to the Township.

Is there a public hearing required for this?

2 CHAIRMAN EWASUTYN: I'll let
3 Dominic Cordisco reply to that.

4 MR. CORDISCO: Yes, sir.

5 MR. MILLEN: I would submit
6 that, if I could present to Mr. Hines
7 these changes with the plan, the turn
8 out, having Jonathan Cella sign it,
9 provide the descriptions for the
10 right-of-way dedications as well as
11 developing with the highway
12 superintendent the permit for the
13 driveway, perhaps we could schedule
14 the public hearing for the next
15 meeting.

16 CHAIRMAN EWASUTYN: What would
17 be the next available date for a
18 public hearing, providing that he
19 satisfies the outstanding conditions?

20 MR. HINES: April 18th. It
21 would be two meetings away because we
22 have to get the notices out.

23 CHAIRMAN EWASUTYN: While we
24 have them in front of us; Jim
25 Campbell, do you have any comments?

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MR. CAMPBELL: I think there might be some other adjustments to the driveway. I printed out a copy of the code. If you'd just refer to that when you make your changes for the residential driveway for that length. You need a turn out and you also need a turnaround. It also depends on the width of the driveway that you're proposing. It has to be a minimum of 12, I believe.

MR. MILLEN: All right. We will design accordingly and submit that to Mr. Hines. I appreciate you printing that out.

CHAIRMAN EWASUTYN: Pat Hines with MH&E.

MR. HINES: Mr. Millen touched on each of our comments.

The property dedications along the frontage meet the required legal paperwork and descriptions so that they can be gratuitously dedicated upon filing the map.

2 The septic system plans need to
3 be stamped by the engineer.

4 Mark Hall, the highway
5 superintendent, should weigh in on
6 the new driveway location.

7 We just discussed the length of
8 the driveway and the emergency
9 services issue.

10 I do believe that with the
11 submission of revised plans, the
12 public hearing could be scheduled,
13 and then those revised plans will be
14 posted prior to the public hearing.

15 CHAIRMAN EWASUTYN: Dominic
16 Cordisco, Planning Board Attorney.

17 MR. CORDISCO: I agree.

18 CHAIRMAN EWASUTYN: John Ward.

19 MR. WARD: No comment.

20 MR. BROWNE: What would be the
21 timeframe you would have to receive
22 the revised plans to get them posted
23 for the hearing?

24 MR. HINES: I would say at least
25 a week before.

2 MR. BROWNE: Is that doable?

3 MR. MILLEN: Absolutely.

4 CHAIRMAN EWASUTYN: Stephanie
5 DeLuca.

6 MS. DeLUCA: No comment.

7 MR. DOMINICK: Nothing.

8 CHAIRMAN EWASUTYN: Would
9 someone make a motion to schedule the
10 Rocket Subdivision for a public
11 hearing on the 18th of April.

12 MR. WARD: So moved.

13 MS. DeLUCA: Second.

14 CHAIRMAN EWASUTYN: I have a
15 motion by John Ward. I have a second
16 by Stephanie DeLuca. Can I have a
17 roll call vote starting with John
18 Ward.

19 MR. WARD: Aye.

20 MR. BROWNE: Aye.

21 CHAIRMAN EWASUTYN: Aye.

22 MS. DeLUCA: Aye.

23 MR. DOMINICK: Aye.

24 MR. HINES: Jonathan, I'll work
25 with you on the mailings.

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MR. MILLEN: Thank you.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 1st day of April 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

MATRIX I-84 DISTRIBUTION CENTER
(2022-29)

Clarification - Retaining Walls

----- X

BOARD BUSINESS

Date: March 21, 2024
Time: 7:25 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

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

----- X

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

2 CHAIRMAN EWASUTYN: We have one
3 item to discuss.

4 MR. HINES: At the work session
5 I handed out to the Board copies of
6 the Matrix I-84 Distribution Center,
7 project 2022-29, the resolution that
8 contains numerous references to
9 issuance of a building permit or
10 prior to issuance of a building
11 permit, specifically on pages 7 and
12 8. The applicants have a clearing
13 and grading permit approved by this
14 Board. They are currently
15 undertaking clearing and grading on
16 the site.

17 The Building Department and my
18 office received a request for
19 clarification from the applicant
20 regarding the ability to construct
21 retaining walls on the site which are
22 of a height which would require a
23 building permit prior to completing
24 the items in the resolution.

25 At work session it was discussed

2 that the intent of the prior to the
3 building permit had to do with the
4 construction of buildings on the site
5 and not necessarily the retaining
6 walls that were clearly shown on the
7 clearing and grading plan as being
8 required to accomplish the clearing
9 and grading on the site based on
10 existing and proposed grades. We
11 would just like to formalize and
12 notify the applicant's representative
13 and the Code Enforcement Department
14 the Board's opinion on that.

15 CHAIRMAN EWASUTYN: Dominic, for
16 the record should we say something to
17 memorialize this?

18 MR. CORDISCO: Yes. What I
19 would add to that is that the
20 restriction or narrow reading is
21 certain aspects had to be completed
22 prior to the issuance of a building
23 permit as contained in the site plan,
24 lot line change and Architectural
25 Review Board approval which relates

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to the structures. The intent here, myself being the drafter of the document, was that there are certain items that must be completed, such as the conceptual approval or the highway work permit, prior to the issuance of the building permit for any structure, for the building.

The Board had already granted a clearing and grading permit. What we're talking about is retaining walls that are associated with the grading, which has also been approved by the Board.

CHAIRMAN EWASUTYN: That's a structure.

MR. CORDISCO: The retaining wall, I would suggest, would not be a structure in the sense of a building -- akin to a building. It's a part of the grading that's being conducted and has been authorized on the site.

I think, unless the Board feels otherwise, that once you read the two

2 documents in conjunction with each
3 other, that it's a fair reading that
4 the retaining walls on site, although
5 they require a building permit, are
6 not items that require that
7 conditions be satisfied prior to the
8 issuance of the building permit.

9 CHAIRMAN EWASUTYN: Any
10 questions or comments from Board
11 Members?

12 (No response.)

13 CHAIRMAN EWASUTYN: Okay. So
14 then we should just go ahead and
15 approve the change or the additions,
16 make that part of the clearing and
17 grading permit?

18 MR. HINES: A clarification.

19 CHAIRMAN EWASUTYN: Clarification.
20 Okay. I'll poll the Board Members.
21 Dave Dominick?

22 MR. DOMINICK: I agree.

23 MS. DeLUCA: Agree.

24 MR. BROWNE: Agree.

25 MR. WARD: Agree.

2 CHAIRMAN EWASUTYN: Agree.

3 Anything else?

4 MR. HINES: No.

5 CHAIRMAN EWASUTYN: Let's not
6 forget Easter.

7 Would someone move for a motion
8 to close the Planning Board meeting
9 of the 21st of March.

10 MS. DeLUCA: So moved.

11 MR. DOMINICK: Second.

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

17 MR. WARD: Aye.

18 MR. BROWNE: Aye.

19 CHAIRMAN EWASUTYN: Aye.

20 MS. DeLUCA: Aye.

21 MR. DOMINICK: Aye.

22

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

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

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IN WITNESS WHEREOF, I have hereunto
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Michelle Conero

MICHELLE CONERO