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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD  
----- X  
In the Matter of

NPA SITE PLAN  
(2017-03)  
  
NYS Route 747  
Section 89; Block 1; Lots 80.1 & 80.2  
IB Zone  
  
----- X

ARB REVIEW

Date: April 17, 2025  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: SARAH WILSON, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: WILLIAM SPARKMAN  
JAMES LEE

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

2 CHAIRMAN EWASUTYN: We'll call the  
3 meeting to order. The Town of Newburgh  
4 Planning Board would like to welcome you  
5 to their meeting of April 17, 2025. This  
6 evening we have five agenda items, of the  
7 five, four of them are public hearings,  
8 and then we have one item of Board  
9 business.

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

12 MR. DOMINICK: Present.

13 MS. DeLUCA: Present.

14 MR. MENNERICH: Present.

15 CHAIRMAN EWASUTYN: Present.

16 MR. BROWNE: Present.

17 MS. CARVER: Present.

18 MR. WARD: Present.

19 MS. WILSON: Sarah Wilson, Drake,  
20 Loeb, Attorney to the Planning Board.

21 MS. CONERO: Michelle Conero,  
22 Stenographer.

23 MR. HINES: Pat Hines with MHE  
24 Engineering.

25 MR. CAMPBELL: Jim Campbell, Town

2 of Newburgh Code Compliance.

3 CHAIRMAN EWASUTYN: At this time  
4 we'll turn the meeting over to John Ward.

5 MR. WARD: Please stand to say the  
6 Pledge.

7 (Pledge of Allegiance.)

8 MR. WARD: Please turn off your  
9 phones or on vibrate. Thank you.

10 CHAIRMAN EWASUTYN: The first item  
11 of business this evening is NPA Site  
12 Plan, project number 17-03. It's here  
13 this evening for ARB approval. It's in  
14 an IB Zone. It's being represented by  
15 Langan Engineers.

16 MR. SPARKMAN: Thank you, Mr. Chairman.  
17 Ladies and gentlemen of the Board, thank  
18 you for your time tonight. My name is  
19 Bill Sparkman from Langan Engineering.

20 The project before you is a  
21 proposed gas service station at the  
22 intersection of 747 and Interstate 84.

23 Just a quick recap of that project.  
24 It's a small convenience station with ten  
25 gasoline pumps.

2 The plans that we had submitted  
3 for this meeting were for architectural  
4 review showing proposed renderings  
5 and a general visual feeling of the  
6 proposed gas station and the canopy  
7 islands, just to give you folks kind  
8 of an idea of what they are proposing  
9 for visuals and to solicit any feedback  
10 or comments.

11 Then, just as a quick also follow  
12 up on some other items. Concerning  
13 the DEP, we had a meeting with them  
14 last week to kind of go over some of  
15 their initial feedback that we  
16 received during the SEQRA process.  
17 One of their main items of next steps  
18 is that we send out surveyors to the  
19 adjacent aqueduct property. Obviously  
20 you remember we're kind of running the  
21 border of the property there. They  
22 want us to pick up the actual physical  
23 location of the aqueduct as it lies  
24 adjacent to the property. That way  
25 we can demonstrate to them that we

2 have the proper offsets that they  
3 require from their infrastructures.  
4 We're in the process of getting that  
5 information and sending that to them.

6 They also had some other items  
7 that they wanted shown on the plans,  
8 some other documentation they wanted  
9 us to pass along, which we have  
10 provided. As that correspondence  
11 with the DEP progresses, we'll keep  
12 you apprised, with the end goal being  
13 them providing some letter of surety  
14 that they are basically okay with the  
15 project. That would be our end goal  
16 for that. That is our main kind of  
17 next step items.

18 Obviously we also have the DOT  
19 approval for the entrance. We're  
20 doing a little bit of work there.

21 Also the DOH approval of the  
22 septic system, which we are going to  
23 hold in abeyance for a little bit  
24 while we get the DEP settled first,  
25 just in case they have issues with

2 where the septic system is currently  
3 sitting. We think it's okay. The  
4 offsets that they require from the  
5 actual aqueduct we believe we meet,  
6 but they want to make sure that that  
7 is actually what's out in the field.  
8 That's what our surveyors are going  
9 to find out in the next few weeks.

10 That is it.

11 CHAIRMAN EWASUTYN: Questions.

12 MR. DOMINICK: Do you have any  
13 samples for us to see the material?

14 MR. SPARKMAN: I do not have them  
15 on hand. If that's something that the  
16 ARB requires, I think that's something  
17 that we can provide.

18 MR. DOMINICK: It would just be  
19 nice to see it. You have a lot of  
20 different colors there. It looks like  
21 it's pretty much all one color but a  
22 different variation. We wanted to see  
23 that. As a computer generated that  
24 layout, that topographic layout, it's all  
25 bland. Seeing the different materials

2 and color patterns would have been ideal.

3 MR. SPARKMAN: Okay. Is the ARB  
4 preference kind of a more contrast to be  
5 provided or do they have certain color  
6 palettes?

7 MR. DOMINICK: That's all  
8 subjective, sir. Thank you.

9 MR. SPARKMAN: I think we can  
10 probably provide some kind of a cover  
11 letter or something of that nature. If  
12 we were to provide maybe like photos, or  
13 I guess photos of a similar development  
14 that they have constructed in another  
15 location that would be representative of  
16 this building, would that also be helpful,  
17 too?

18 MR. DOMINICK: Photos would be nice  
19 and helpful, but also physical samples.

20 MR. SPARKMAN: I think the material  
21 selected is the Hardie board siding. I  
22 think we can get those kind of swatches  
23 and samples together.

24 MR. DOMINICK: Thank you.

25 CHAIRMAN EWASUTYN: Stephanie.

2 MS. DeLUCA: I agree with Dave.

3 I'm also grateful to you for the  
4 information regarding the aqueduct.  
5 That's been one of my big concerns.

6 MR. SPARKMAN: Yes. The DEP is  
7 fully invested now. We have to make sure  
8 we address all of their concerns.

9 MS. DeLUCA: Thank you.

10 CHAIRMAN EWASUTYN: Ken, any comments?

11 MR. MENNERICH: There's an architectural  
12 review form that they have to fill out, too.  
13 Right?

14 CHAIRMAN EWASUTYN: Correct.

15 MR. SPARKMAN: I apologize. I was  
16 not aware of that. Is that on the --

17 CHAIRMAN EWASUTYN: It's on the  
18 website. It's part of the application.

19 MR. CAMPBELL: I have one.

20 MR. SPARKMAN: I'll make sure we  
21 fill that out.

22 CHAIRMAN EWASUTYN: No comment.

23 I do believe this is scheduled for  
24 a public hearing, Pat, or can we actually  
25 move this evening? Are we ready -- what

2 I'm trying to lead into, on the night of  
3 the public hearing we could do site plan  
4 and ARB review.

5 MR. HINES: I don't know if this is  
6 scheduled for a public hearing.

7 MR. SPARKMAN: It was not for this  
8 meeting. That was one of the requests.

9 MR. HINES: That will lead into the  
10 discussion we had earlier. We circulated  
11 for lead agency on February 12, 2025. We  
12 did not hear back from any of the agencies  
13 having an objection to that, so the Board  
14 would be in a position to declare yourself  
15 lead agency for the SEQRA review.

16 We did circulate to County Planning.  
17 We got back a Local determination.

18 We have not made a SEQRA determination  
19 on this yet in order to schedule the public  
20 hearing.

21 CHAIRMAN EWASUTYN: If we were to  
22 take those actions, what would be the  
23 next available date for a public hearing?

24 MR. HINES: May 15th.

25 CHAIRMAN EWASUTYN: May 15th.

2 Cliff Browne, comments.

3 MR. BROWNE: The ARB, the form,  
4 you'll address that. You'll find you  
5 also need to submit samples of the  
6 materials you're using, as well as the  
7 form will require detailed information of  
8 the material, primarily so that Code  
9 Compliance can make sure that you are in  
10 fact using the same material that was  
11 approved here.

12 MR. SPARKMAN: Understood.

13 MR. BROWNE: That's all part of that.

14 Also, when you do that, when you  
15 come back I would appreciate personally  
16 to have your renderings reflect the  
17 actual colors and tones of the material  
18 that you're using.

19 It's kind of a stupid question, but  
20 why did you pick a yellow Honda?

21 MR. SPARKMAN: I didn't personally  
22 do that. It's a nice popping color. It  
23 is very yellow.

24 CHAIRMAN EWASUTYN: Lisa Carver.

25 MS. CARVER: That's what I thought

2 the reason was, for contrast.

3 Did you say that you have DOT  
4 approval or are you working with DOT?

5 MR. SPARKMAN: No. That would be  
6 one of the things that we'd be seeking as  
7 one of our next steps.

8 MS. CARVER: You haven't reached  
9 out to them yet?

10 MR. SPARKMAN: Just preliminarily.  
11 The approval we're seeking from them is  
12 pretty reduced at this point. The  
13 entrance onto 747 is existing. We're  
14 just kind of improving upon it. It's at  
15 the same location, it's the same width.

16 One of the things that -- probably  
17 the most -- not impactful, but one of the  
18 things we'll have to make sure we address  
19 with them is the striping of the median.  
20 We need to cut through the striping.  
21 They may want a left-turn lane in there.  
22 That's one of the things we'll address  
23 with them.

24 MS. CARVER: Thank you.

25 CHAIRMAN EWASUTYN: John Ward.

2 MR. WARD: Everything looks great.

3 With the stone fascia, we need  
4 examples of the stone itself.

5 MR. SPARKMAN: That would be down  
6 along --

7 MR. WARD: That's the idea.  
8 Looking at the picture, you don't get to  
9 know the colors of the stone.

10 Anyway, my question at work session  
11 was, there's only one door into the whole  
12 place? No rear door? No side door?

13 MR. SPARKMAN: This is me being a  
14 little bit ignorant on the actual  
15 footprint of the building. I would  
16 assume there would be -- I guess that is  
17 correct. I think this is their standard  
18 floor plan. I believe that's correct.

19 MR. WARD: All right. I was just  
20 curious. That should do it.

21 MR. DOMINICK: Wouldn't you want a  
22 side door just in case?

23 CHAIRMAN EWASUTYN: Let's be  
24 friendly. Bill, since you're speaking  
25 with the gentleman, can we have his name

2 also?

3 MR. SPARKMAN: James.

4 MR. LEE: James Lee. I represent  
5 the developer on this project.

6 CHAIRMAN EWASUTYN: Thank you. You  
7 can keep talking.

8 MR. SPARKMAN: I guess just from a  
9 convenience and kind of usability  
10 standpoint or from a Code Compliance  
11 standpoint?

12 MR. DOMINICK: From a safety  
13 standpoint. In case that main entrance  
14 was blocked, you're in the back corner  
15 trapped. That's all. Just a suggestion.

16 CHAIRMAN EWASUTYN: Jim Campbell,  
17 Code Compliance, is there a building  
18 requirement that there be a separate --

19 MR. CAMPBELL: It's all based on  
20 square footage. That will be calculated  
21 during plan review.

22 CHAIRMAN EWASUTYN: Do you have any  
23 additional comments, Jim?

24 MR. CAMPBELL: Just keep in mind  
25 that the signage is part of ARB. Are you

2 proposing any signage on the canopy?

3 MR. SPARKMAN: At the moment, no.

4 Right, James?

5 MR. LEE: No.

6 MR. CAMPBELL: Is that a no?

7 MR. SPARKMAN: That's a no.

8 MR. CAMPBELL: Also there was a  
9 possible issue with the freestanding sign  
10 you have.

11 MR. SPARKMAN: We talked about it.  
12 It has to be the same height away from  
13 the property line as it is tall. Correct?

14 MR. CAMPBELL: Yes.

15 MR. SPARKMAN: When we update the  
16 site plan, we'll make sure that complies.

17 CHAIRMAN EWASUTYN: Pat Hines with  
18 MH&E.

19 MR. HINES: We talked about my  
20 first two comments. The Health Department  
21 approval was mentioned by Mr. Sparkman,  
22 as well as the DOT approval.

23 A stormwater facilities maintenance  
24 agreement will be required.

25 Securities for stormwater and

2 landscaping.

3 If you could provide the Board with  
4 the correspondence with DEP, that would  
5 be helpful to complete the application.  
6 As you correspond with them as another  
7 agency, if you could share that with us,  
8 that would be helpful.

9 MR. SPARKMAN: Sure.

10 MR. HINES: We did circulate for  
11 lead agency.

12 This project has been before the  
13 Board since 2017. Some changes that have  
14 been proposed recently are the removal of  
15 the diesel fuel pumps which make the site  
16 more accessible and for vehicles being  
17 able to traverse the site better,  
18 passenger-size vehicles.

19 The applicants prepared a long form  
20 EAF for this Unlisted action. We did do  
21 a coordinated review.

22 If the Board so desired, it would  
23 be in a position to issue a negative  
24 declaration. They will need that to get  
25 their other outside agency approvals as

2 well.

3 CHAIRMAN EWASUTYN: So we'll make  
4 two motions, one to declare ourselves  
5 lead agency. Would someone move for that  
6 motion?

7 MR. WARD: So moved.

8 MS. DeLUCA: Second.

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

13 MR. DOMINICK: Aye.

14 MS. DeLUCA: Aye.

15 MR. MENNERICH: Aye.

16 CHAIRMAN EWASUTYN: Aye.

17 MR. BROWNE: Aye.

18 MS. CARVER: Aye.

19 MR. WARD: Aye.

20 CHAIRMAN EWASUTYN: The next motion  
21 would be to declare a negative declaration  
22 for NPA Site plan, project number 17-03,  
23 and to schedule a public hearing for the  
24 15th of May.

25 MR. DOMINICK: So moved.

2 MR. MENNERICH: Second.

3 CHAIRMAN EWASUTYN: I have a motion  
4 by Dave Dominick. I have a second by Ken  
5 Mennerich. Can I have a roll call vote  
6 starting with Dave Dominick.

7 MR. DOMINICK: Aye.

8 MS. DeLUCA: Aye.

9 MR. MENNERICH: Aye.

10 CHAIRMAN EWASUTYN: Aye.

11 MR. BROWNE: Aye.

12 MS. CARVER: Aye.

13 MR. WARD: Aye.

14 CHAIRMAN EWASUTYN: Motion carried.

15 You'll work with Pat Hines as far  
16 as the mailing for the public hearing.

17 MR. SPARKMAN: Yes, sir.

18 Thank you, everybody. Much  
19 appreciated.

20

21 (Time noted: 7:10 p.m.)

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

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I, MICHELLE CONERO, a Notary Public

7

for and within the State of New York, do

8

hereby certify:

9

That hereinbefore set forth is a true

10

record of the proceedings.

11

I further certify that I am not

12

related to any of the parties to this

13

proceeding by blood or by marriage and that

14

I am in no way interested in the outcome of

15

this matter.

16

IN WITNESS WHEREOF, I have hereunto

17

set my hand this 24th day of April 2025.

18

19

20

21

*Michelle Conero*

22

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

23

24

25

STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD  
----- X  
In the Matter of

HEALEY KIA - NEWBURGH  
(2025-01)

NYS Route 17K  
Section 95; Block 1; Lot 54.2  
IB Zone

----- X

PUBLIC HEARING  
AMENDED SITE PLAN - CLEARING & GRADING

Date: April 17, 2025  
Time: 7:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: SARAH WILSON, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: MARK DAY

----- X

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

2                   CHAIRMAN EWASUTYN:   Item number 2  
3           is Healey Kia - Newburgh, project number  
4           25-01.   It's here this evening for a  
5           public hearing on an amended site plan  
6           including grading.   It's located on Route  
7           17K in an IB Zone.   It's being represented  
8           by Day & Stokosa.

9                   Ken Mennerich will read the notice  
10          of hearing.

11                  MR. MENNERICH:   Before I read the  
12          notice, I'd like to just let everybody --  
13          give you some input on our public hearing  
14          process that the Planning Board has.   I  
15          would like to explain how the Planning  
16          Board manages public hearings so that we  
17          have an orderly and productive hearing.

18                  The project applicant or the  
19          representative for the project will  
20          give an overview of the project.   The  
21          Planning Board Chairman will then  
22          open the hearing for questions or  
23          comments on the project.   At this  
24          point you can raise your hand and be  
25          recognized by the Chairman.   Please

2            give just your first name before  
3            asking a question or commenting. The  
4            applicant or the Planning Board's  
5            technical representatives may respond  
6            to your questions. Once you have  
7            finished, you need to wait until all  
8            persons that want to speak have had a  
9            chance to speak. Once everybody has  
10           had the opportunity to speak, the  
11           Chairman will recognize the people  
12           that want to speak again. The  
13           Planning Board welcomes your comments  
14           and input on the issues pertaining to the  
15           projects. Thank you.

16                "Notice of hearing, Town of  
17           Newburgh Planning Board. Please take  
18           notice that the Planning Board of the  
19           Town of Newburgh, Orange County, New York  
20           will hold a public hearing pursuant to  
21           Section 274-A of the New York State  
22           Town Law and Chapter 185-57 Section K  
23           of the Town of Newburgh Code on the  
24           application of Healey Kia amended  
25           site plan, project 2025-01.

The project involves the proposed construction of an overflow inventory storage parking lot for the Healey Kia site on New York State Route 17K. The project will be on an adjoining parcel north of the existing car dealership. The proposed overflow parking area will encompass approximately 2.2 acres of property. The parking lot construction will involve regrading, construction of a gravel parking area, retaining walls, fencing and access control. The parking lot is for inventory storage only and will not be accessible to the general public. The project is located in the Town's IB Zoning District. the parcel is known on the Town Tax Maps as Section 95; Block 1; Lot 54.2. The project will not have water and sewer service. A stormwater pollution prevention plan has been prepared.

A public hearing will be held on the 17th day of April 2025 at the Town Hall Meeting Room, 1496 Route 300,

2           Newburgh, New York at 7 p.m. or as  
3           soon thereafter at which time all  
4           interested persons will be given an  
5           opportunity to be heard. By order of  
6           the Town of Newburgh Planning Board.  
7           John P. Ewasutyn, Chairman, Planning  
8           Board Town of Newburgh. Dated 26  
9           March 2025."

10                 CHAIRMAN EWASUTYN: Thank you.

11                 For the record, you are?

12                 MR. DAY: Mark Day, Day & Stokosa,  
13           representing the Healey family.

14                 There isn't a whole lot I can add  
15           to what the gentleman just said. This  
16           lot is about an 8.6 acre parcel. It's  
17           L-shaped. It runs to the north side of  
18           the existing Kia dealership. It's  
19           basically going to be used for inventory  
20           parking.

21                 We are proposing a retaining wall  
22           on the west side.

23                 It basically will only be used for  
24           vehicles. It's not for general use.

25                 We have an access easement with a

2               culvert to basically house vehicles in  
3               that location.

4               There are light poles there for  
5               security only.

6               We have a sedimentation basin which  
7               we dug test holes in. We were going to  
8               run percs. Whenever spring gets here  
9               we'll run them. It might be here today.  
10              We're going to run those in the next few  
11              days.

12              Other than that, that's really it.

13              CHAIRMAN EWASUTYN: Questions or  
14              comments from the public?

15              (No response.)

16              CHAIRMAN EWASUTYN: Let the record  
17              show there is no comment from the public.

18              Dave Dominick, Planning Board  
19              Member.

20              MR. DOMINICK: Nothing further.  
21              You've explained it well throughout the  
22              process and you've done what we've asked.  
23              Thank you.

24              MR. DAY: I had good leads.

25              MS. DeLUCA: No comments.

2               MR. MENNERICH: No questions.

3               CHAIRMAN EWASUTYN: No comment.

4               MR. BROWNE: No additional comments.

5       Thank you.

6               MS. CARVER: Nothing further.

7               MR. WARD: No comments. Thank you.

8               CHAIRMAN EWASUTYN: Jim Campbell,

9       Code Compliance.

10              MR. CAMPBELL: No comments regarding  
11       this.

12              That's all I've got.

13              CHAIRMAN EWASUTYN: Thank you.

14              Pat Hines with MH&E.

15              MR. HINES: This project actually  
16       had conditional final approval, I would  
17       say four years ago or so. It's back  
18       before us for that.

19              The SWPPP has been updated to the  
20       2025 standards. As Mr. Day mentioned, we  
21       have some minor technical comments on  
22       that that need to be addressed, including  
23       the infiltration testing.

24              A stormwater facilities maintenance  
25       agreement will be required for the

operation and maintenance of that stormwater.

Compliance with the Tree Preservation Ordinance is outstanding. We need each of those three categories evaluated with regard to tree removal. It is in the IB Zone which has a generous tree removal of 75 percent.

They've addressed our comments regarding potential threatened or endangered species, the protected bat species. A clearing timeframe has been added to the plans. The assessment for the Upland Sandpiper was submitted that identifies no habitat on this site that would be conducive for Upland Sandpipers to utilize. They're more of a grassland type bird. I think they were associated with the airport area in the past.

The Board previously reaffirmed your negative declaration at the March 20, 2025 meeting. I believe that was a reaffirmation from the March 20, 2020 meeting, if the discussions at the

2               work session are correct.

3                       Coverage under the NYSDEC  
4               stormwater construction permit is  
5               required.

6                       Security will be required for  
7               landscaping, stormwater and the  
8               associated inspection fees.

9                       There needs to be a legal  
10              mechanism tying this approval to the  
11              Healey Kia dealership in order to  
12              keep the two parcels together.   If  
13              one parcel transfers ownership, it  
14              would impact the approval on the  
15              adjoining parcel because the lots  
16              aren't being combined.

17                      This is a car storage use on the  
18              adjoining parcel.   We have done that  
19              before similarly.   The Newburgh Toyota  
20              facility has a similar overflow  
21              inventory storage parking lot associated  
22              with it.

23                      MR. DAY:   A question on that.  
24              Would we work with the Town Attorney on  
25              this?

2                   MR. HINES:   Yes.

3                   MR. DAY:   We'll have our attorney  
4                   -- let those people --

5                   MR. HINES:   That's just going to be  
6                   a condition.  When that condition is  
7                   complete -- if the Board so desires, that  
8                   can be a condition.  Once that's complete,  
9                   it will check that box.

10                  CHAIRMAN EWASUTYN:  Having heard from  
11                  Pat Hines with MH&E and Jim Campbell, Code  
12                  Compliance, and there being no public input  
13                  from the public hearing, would someone move  
14                  for a motion to close the public hearing  
15                  on Healey Kia, project number 25-01, for  
16                  an amended site plan, clearing and grading.

17                  MS. CARVER:   So moved.

18                  MS. DeLUCA:   Second.

19                  CHAIRMAN EWASUTYN:  I have a motion  
20                  by Lisa Carver.  I have a second by  
21                  Stephanie DeLuca.  Can I have a roll call  
22                  vote starting with Dave Dominick.

23                  MR. DOMINICK:  Aye.

24                  MS. DeLUCA:   Aye.

25                  MR. MENNERICH:  Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: At this point we'll turn to Sarah Wilson, Planning Board Attorney, to offer a resolution for conditional approval for the amended site plan and clearing and grading.

MS. WILSON: Thank you, Chair. The resolution for approval would be subject to the conditions outlined by Pat Hines. So long as it's consistent with those conditions and the legal mechanism tying the two lots together, the Board would be able to consider that resolution and vote on the approval.

CHAIRMAN EWASUTYN: Would someone move for a motion to grant approval for the amended site plan and clearing and grading subject to the verbiage presented by Planning Board Attorney Sarah Wilson.

MR. WARD: So moved.

MR. BROWNE: Second.

2                   CHAIRMAN EWASUTYN: I have a motion  
3       by John Ward. I have a second by Cliff  
4       Browne. Can I have a roll call vote  
5       starting with Dave Dominick.

6                   MR. DOMINICK: Aye.

7                   MS. DeLUCA: Aye.

8                   MR. MENNERICH: Aye.

9                   CHAIRMAN EWASUTYN: Aye.

10                  MR. BROWNE: Aye.

11                  MS. CARVER: Aye.

12                  MR. WARD: Aye.

13                  CHAIRMAN EWASUTYN: Motion carried.  
14       Thank you.

15                  MR. DAY: Thank you very much.  
16       Have a great weekend.

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18                   (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 24th day of April 2025.

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

STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD  
----- X  
In the Matter of

LANDS OF COX - WENMAR DRIVE  
(2024-38)

Wenmar Drive  
Section 95; Block 1; Lot 74  
R-3 Zone

----- X

PUBLIC HEARING  
TWO-LOT SUBDIVISION

Date: April 17, 2025  
Time: 7:20 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: SARAH WILSON, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: DARREN STRIDIRON

----- X

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

2                   CHAIRMAN EWASUTYN:   Item number 3  
3                   this evening is the Lands of Cox - Wenmar  
4                   Drive.   It's a public hearing on a two-  
5                   lot subdivision.   It's on Wenmar Drive on  
6                   the east side of the road.   It's in an  
7                   R-3 Zone.   It's being represented by  
8                   Darren Stridiron, Heritage Land  
9                   Surveying.

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

12                  MR. MENNERICH:   "Notice of hearing,  
13                  Town of Newburgh Planning Board.   Please  
14                  take notice that the Planning Board of  
15                  the Town of Newburgh, Orange County, New  
16                  York will hold a public hearing pursuant  
17                  to Section 274-A of the New York State  
18                  Town Law and Chapter 163-8J of the Town  
19                  of Newburgh Code on the application of  
20                  Lands of Cox - Wenmar Drive, project  
21                  2024-38.

22                  The project proposes a two-lot  
23                  subdivision of an existing .91 plus or  
24                  minus acre parcel of property.   Lot 1 is  
25                  proposed to be 15,205 square feet.   Lot 2

is proposed to be 24,246 square feet.  
The lots are proposed to be served by  
existing Town municipal water and sewer  
located within the Town road right-of-way.  
Two new individual driveways are proposed.  
The project is located in the Town's R-3  
Zoning District. The minimum lot area in  
the R-3 Zoning District is 12,500 square  
feet. The project is known on the  
Town Tax Maps as Section 73; Block 2;  
Lot 82.

A public hearing will be held on the  
17th day of April 2025 at the Town Hall  
Meeting Room, 1496 Route 300, Newburgh,  
New York at 7 p.m. or as soon thereafter,  
at which time all interested persons  
will be given an opportunity to be  
heard.

By order of the Town of Newburgh  
Planning Board. John P. Ewasutyn,  
Chairman, Planning Board Town of Newburgh.  
Dated 26 March 2025."

CHAIRMAN EWASUTYN: Thank you.

MR. STRIDIRON: Thank you, Chairman

2           and Members of the Board. My name is  
3           Darren Stridiron representing my client,  
4           Joshua Cox, on a two-lot residential  
5           subdivision on Wenmar Drive.

6                   This lot was originally part of a  
7           larger subdivision in 2010 that was  
8           approved by the Planning Board. This lot  
9           will be subdivided into two residential  
10          lots.

11                   The existing sewer and water  
12          utilities will be tapped into.

13                   We meet all the zoning requirements  
14          for this zone. No variances are required.

15                   I would be very happy to answer any  
16          questions from the public or the Board at  
17          this point.

18                   CHAIRMAN EWASUTYN: Thank you.

19                   Does anyone have any questions or  
20          comments? Give your name, please.

21                   AMBER: Amber. My house is at 38  
22          Wenmar Drive. We received this letter in  
23          the mail about the driveways and tapping  
24          into the water.

25                   Where our house is there's like

2            access to the water. You would have to  
3            at some point -- I just want to know how  
4            my house is going to be affected when you  
5            are trying to tap into the water. That  
6            was my question. My house is right there  
7            on the lot.

8            MR. STRIDIRON: There's a process  
9            for going through to tap into the water.  
10           Maybe Mr. Hines or --

11           MR. HINES: The existing Town water  
12           main is depicted on the plans. There  
13           will be a three-quarter inch or one-inch  
14           copper service line run from the new  
15           structures to the water main located in  
16           the street. Similarly, a four-inch  
17           diameter sewer lateral will run to the  
18           sewer main. It will all be in the Town  
19           road right-of-way. None of that will be  
20           on anyone else's property. There will be  
21           a typical trench cut into the road for  
22           the utilities to be hooked up. The  
23           trenches will be backfilled and repaved.  
24           There's a permit process with the Town  
25           Highway as well as the Town Water & Sewer

2               Department who provide oversight for that  
3               when it's installed. It's only on two  
4               parcels and the Town road itself.

5               CHAIRMAN EWASUTYN: Will there be  
6               any interruption to Amber's home?

7               MR. HINES: There will not be any  
8               interruption to service. The corporations  
9               will be tapped into, the water service  
10              and the sewer laterals will be tied into  
11              the existing sewer lines and all flow  
12              will continue.

13              CHAIRMAN EWASUTYN: For the record,  
14              the size of the homes and the bedrooms,  
15              just for conversation?

16              MR. STRIDIRON: The size of the  
17              homes. On lot 1 I have a 58 by 20.5.  
18              Lot 2 is a 50 by 28.5 general size.  
19              That's the biggest size on lot 2.

20              How many bedrooms are proposed?

21              MR. COX: Four.

22              MR. STRIDIRON: Four bedrooms.

23              CHAIRMAN EWASUTYN: Further  
24              questions or comments from the public?

25              (No response.)

2                   CHAIRMAN EWASUTYN: I'll turn to  
3       the Planning Board Members. Dave  
4       Dominick.

5                   MR. DOMINICK: Nothing further.

6                   MS. DeLUCA: Nothing.

7                   MR. MENNERICH: No.

8                   CHAIRMAN EWASUTYN: No comment.

9                   MR. BROWNE: Nothing further.

10                  MS. CARVER: Nothing further.

11                  MR. WARD: No comment.

12                  CHAIRMAN EWASUTYN: We'll turn the  
13       meeting over now to Jim Campbell, Code  
14       Compliance. Any comments?

15                  MR. CAMPBELL: I have no comments.

16                  CHAIRMAN EWASUTYN: Pat Hines with  
17       MH&E.

18                  MR. HINES: The only comments we  
19       have, we provided the applicant's  
20       representative with the Town's standard  
21       water service details that need to be  
22       added to the plans.

23                  That was our only outstanding  
24       comment. All of our previous comments  
25       have been addressed.

2                   There will be a recreation fee for  
3                   the one additional lot required, and then  
4                   the standard subdivision conditions that  
5                   the Board has.

6                   CHAIRMAN EWASUTYN:   Just a general  
7                   question for Jim Campbell, Code Compliance.  
8                   The permitted hours for construction are  
9                   what?

10                  MR. CAMPBELL:   7 to 7.

11                  CHAIRMAN EWASUTYN:   This is in the  
12                  code, just so you know.

13                  Are they allowed to construct on  
14                  the weekends, and what days is that?

15                  MR. CAMPBELL:   Construction  
16                  activities are 7 a.m. to 7 p.m.   That  
17                  would be seven days a week.   Site  
18                  preparation activities are limited to  
19                  7:30 to 6 p.m., no Sundays or holidays.

20                  CHAIRMAN EWASUTYN:   Having heard  
21                  from the public, and there are no further  
22                  comments, would someone please move to  
23                  close the public hearing on the lands of  
24                  Cox - Wenmar Drive, project number 24-38,  
25                  for the two-lot subdivision.

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

3                   MS. DeLUCA:    Second.

4                   CHAIRMAN EWASUTYN:   I have a motion  
5       by Dave Dominick.   I have a second by  
6       Stephanie DeLuca.   Can I have a roll call  
7       vote starting with Dave Dominick.

8                   MR. DOMINICK:   Aye.

9                   MS. DeLUCA:    Aye.

10                  MR. MENNERICH:   Aye.

11                  CHAIRMAN EWASUTYN:   Aye.

12                  MR. BROWNE:    Aye.

13                  MS. CARVER:    Aye.

14                  MR. WARD:    Aye.

15                  CHAIRMAN EWASUTYN:   At this point  
16       we'll turn the meeting over to Sarah  
17       Wilson, Attorney to the Planning Board,  
18       for the conditions of approval.

19                  MS. WILSON:   Thank you, Chair.   The  
20       conditions of approval would be those  
21       outlined by Pat Hines, and we would draw  
22       attention specifically to the rec fee for  
23       the new lot, which he mentioned as well.

24                  Subject to those conditions, the  
25       Board could approve the two-lot subdivision.

2                   CHAIRMAN EWASUTYN:   Would someone  
3       move for a motion to approve the two-lot  
4       subdivision of Cox - Wenmar Drive,  
5       project number 24-33, having heard from  
6       our Attorney, Sarah Wilson.

7                   MR. MENNERICH:    So moved.

8                   MS. CARVER:     Second.

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

13                  MR. DOMINICK:    Aye.

14                  MS. DeLUCA:    Aye.

15                  MR. MENNERICH:   Aye.

16                  CHAIRMAN EWASUTYN:   Aye.

17                  MR. BROWNE:    Aye.

18                  MS. CARVER:    Aye.

19                  MR. WARD:     Aye.

20                  CHAIRMAN EWASUTYN:   Motion carried.

21                  Thank you.

22                  MR. STRIDIRON:   Thank you very  
23       much.

24

25                  (Time noted:   7:28 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 24th day of April 2025.

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

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

- - - - - X  
In the Matter of

ANCHORAGE-ON-HUDSON - LOT #6  
(2025-10)

7 Mariners Court  
Section 121; Block 1; Lot 6  
R-1 Zone

- - - - - X

PUBLIC HEARING  
AMENDED SUBDIVISION

Date: April 17, 2025  
Time: 7:28 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: SARAH WILSON, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: DARREN DOCE

- - - - - X

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

2                    CHAIRMAN EWASUTYN: Our fourth item  
3                    of business this evening is Anchorage-on-  
4                    Hudson - Lot 6, project number 25-10.  
5                    It's a public hearing on an amended  
6                    subdivision. It's located at 7 Mariners  
7                    Court in an R-1 Zone. It's being  
8                    represented by Darren Doce.

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

11                   MR. MENNERICH: "Notice of hearing  
12                   Town of Newburgh Planning Board. Please  
13                   take notice that the Planning Board of  
14                   the Town of Newburgh, Orange County, New  
15                   York will hold a public hearing pursuant  
16                   to Section 274-A of the New York State  
17                   Town Law and Chapter 83 of the Town of  
18                   Newburgh Code on the application of  
19                   Anchorage-On-Hudson - Lot 6, amended  
20                   subdivision, project 2025-10.

21                   The project is an amended subdivision  
22                   to revise the proposed grading on lot 6  
23                   of the Anchorage-on-Hudson subdivision.  
24                   The project will amend the previously  
25                   approved Anchorage subdivision, filed

map 216-02. A single-family residential house is to be proposed on the lot. Revised grading and retaining walls are proposed on the lot. The project is located in the Town's R-1 Zoning District. The project is designated on Town Tax Map as Section 121; Block 1; Lot 6. The project address is 7 Mariners Court.

A public hearing will be held on the 17th day of April 2025 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. or as soon thereafter, at which time all interested persons will be given an opportunity to be heard.

By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 26 March 2025."

MR. DOCE: Good evening. I'm Darren Doce. I'm representing Sal Tosco on this project.

As was said, this is lot 6 of the approved Anchorage-on-Hudson subdivision.

2                    Mr. Tosco is constructing a  
3                    single-family home on the site.

4                    The original subdivision, more or  
5                    less, had a 50 percent grade from west  
6                    to east. What we're proposing is to  
7                    sort of terrace it somewhat to provide  
8                    a more gentle slope in the area of  
9                    the house. In order to do that, a  
10                   couple of retaining walls are required.  
11                   Due to the fact that we are providing  
12                   those -- proposing those retaining walls,  
13                   we are required to amend the subdivision.  
14                   That's basically the proposal.

15                   The house and driveway essentially  
16                   are in the same spot. We're attempting  
17                   to get some yard area, so we're proposing  
18                   the retaining walls.

19                   CHAIRMAN EWASUTYN: As Mr. Mennerich  
20                   mentioned earlier in the meeting, if  
21                   anyone has any questions or comments,  
22                   please give your name.

23                   ANTHONY: My name is Anthony. I  
24                   have a few questions, comments.

25                   So there's a building permit on the

2 site now?

3 MR. DOCE: Yes. That was issued  
4 last August.

5 ANTHONY: Last August. Why wasn't  
6 this done at that particular point?

7 MR. DOCE: We submitted this plan  
8 to the Building Department and we  
9 received a building permit, so we  
10 believed we were fine until recently.

11 ANTHONY: I own the lot that's  
12 right below that on Anchor Drive, number  
13 11. I'm not trying to bust any chops or  
14 anything, but there were a couple issues  
15 that we had with stormwater running  
16 through our property and onto the road.  
17 I'm a little concerned with the stormwater,  
18 how it's going to be mitigated.

19 I'm concerned about the retaining  
20 Wall. It appears to be 12 foot. It is  
21 quite high in the back of our lot. How  
22 that's going to be constructed and  
23 installed.

24 Those are the two big things that  
25 I'm really concerned about. I think

1           it's going -- I just want to know  
2  
3           what's going to be done about that.

4           MR. DOCE: As far as the wall, I  
5           did not design the retaining wall. They  
6           had retained a structural engineer. Soil  
7           testing was done through the site. The  
8           retaining wall was designed based on the  
9           testing that was done.

10          As far as the stormwater, we're not  
11          proposing anything that would increase  
12          any stormwater runoff. There is an  
13          existing drainage easement that runs  
14          through the property and along the rear  
15          property line with some structures that  
16          were placed to intercept any runoff.

17          ANTHONY: I see on the plan that  
18          there's no design of the stormwater or  
19          drainage on the property.

20          MR. DOCE: Other than what was  
21          designed for the subdivision and  
22          installed back in 2002, '03, no.

23          ANTHONY: I mean, there's a big  
24          drop off in the property. I know he's  
25          going to level it up as far as the

2            retaining wall, the patio and stuff.  
3            There's a lot of other -- the topo line  
4            there, there's a lot of steep grades that  
5            are coming down. A lot of that is coming  
6            down towards our property. Unless it's  
7            mitigated properly, it's going to be a  
8            hassle. We spent about \$7,000 last year  
9            to mitigate the water that was coming  
10           from their property, through our  
11           property, onto the road which brought --  
12           probably the Building Department knows  
13           about it. It brought a lot of sand onto  
14           the road and we had to have the Town come  
15           and take it off. When you're dealing  
16           with hills and sandy soil, you've got a  
17           lot of issues. It's something that's  
18           very concerning to me. I just want to  
19           make sure it's done properly. That's  
20           basically it. I don't know how we  
21           can -- that's basically it.

22           CHAIRMAN EWASUTYN: Pat Hines with  
23           MH&E, can you speak on that?

24           MR. HINES: Sure. There's been a  
25           lot of activity on this subdivision. It

1           was a sleepy subdivision since 2002.  
2           The Town is aware of some erosion and  
3           sediment control issues that have  
4           been occurring on this site. We  
5           provided comments and requested  
6           additional soil erosion and sediment  
7           control measures be added to this  
8           plan.  
9

10                 In addition, I believe some of  
11           the stormwater management facilities  
12           that had been installed previously in  
13           2003, '04, whenever they were installed,  
14           had been impacted by that sediment.  
15           We tasked Mr. Doce's office to go out  
16           and locate those. I believe those  
17           have had some maintenance done to  
18           them by the Town. Those are located.  
19           They're in position. The as-builts  
20           have been provided.

21                 This plan is before the Board  
22           because the original subdivision had  
23           a note on it that said any changes to  
24           the grading on the subdivision had to  
25           come back. That's why it's here right

now. That was more towards a lot of the lots had cross grading across the lots that would have potentially impacted the construct-ability and build-ability of the lots if one of the neighbors did something different. This grading plan that has been designed by Mr. Doce keeps all the grading on that lot.

We requested the applicant identify the amount of disturbance on there. The limits of disturbance have been shown. They're at .95 acres. The DEC threshold for a stormwater permit is 1 acre. My office has requested the applicant obtain the permit from DEC. .95 is very close to 1. We will request them as part of this approval to gain coverage under the DEC stormwater permit which will require the implementation of the soil erosion and sediment control plan we have before us. It protects both the Town, the applicant and the neighbors by requiring it. It's below the

1 threshold, but it's close enough that  
2 my office recommended that they do  
3 that.  
4

5 The Building Department does  
6 those inspections and reviews during  
7 their periodic reviews of the site on  
8 these smaller residential projects.

9 Because it is a residential project  
10 and less than 5 acres of disturbance,  
11 it doesn't require post-construction  
12 stormwater management.

13 We did request that the erosion  
14 and sediment control plan be beefed  
15 up.

16 We are aware of the issues with  
17 the amount of construction going on  
18 there and have been monitoring it.  
19 Each of your neighbors have come in  
20 recently for modified plans because  
21 of that.

22 ANTHONY: Okay. The well is not  
23 an issue for this Board.

24 CHAIRMAN EWASUTYN: Any additional  
25 questions or comments from the public?

2                    (No response.)

3                    CHAIRMAN EWASUTYN:    Jim Campbell,  
4                    Code Compliance, do you want to speak  
5                    about the construction of the retaining  
6                    wall and how that is reviewed through the  
7                    Building Department?

8                    MR. CAMPBELL:    All the retaining  
9                    walls would require building permits.  
10                    Along with those building permits, third-  
11                    party inspections or inspections by the  
12                    engineer and then final signoff by the  
13                    engineer before a CC is issued.

14                    CHAIRMAN EWASUTYN:    Does that help,  
15                    Anthony?

16                    ANTHONY:    Yes.

17                    PAULA:    I just wondered if there  
18                    was any geo --

19                    CHAIRMAN EWASUTYN:    I was wondering  
20                    if you had a name?

21                    PAULA:    Paula.    I'm his wife.

22                    CHAIRMAN EWASUTYN:    Say it anyway  
23                    for the record.

24                    PAULA:    It's Paula.

25                    CHAIRMAN EWASUTYN:    Please, Paula.

2                    PAULA: I was just wondering if the  
3                    hill had any geo-grid in it to keep the  
4                    soil back? I only know that from my own  
5                    experience of having put it in. I know  
6                    it helps.

7                    MR. DOCE: We do propose the  
8                    erosion control blankets on the slopes  
9                    that are over 1 on 3. All the slopes  
10                   that they are grading will have those  
11                   installed.

12                   CHAIRMAN EWASUTYN: Additional  
13                   questions or comments from the public?

14                   (No response.)

15                   CHAIRMAN EWASUTYN: Dave Dominick,  
16                   Planning Board Member.

17                   MR. DOMINICK: I was going to ask  
18                   Anthony about the erosion and sediment  
19                   control plan, but Pat answered it  
20                   perfectly. I think we got it resolved.

21                   That was all I had.

22                   MS. DeLUCA: No further comment.

23                   MR. MENNERICH: No questions.

24                   CHAIRMAN EWASUTYN: No comment.

25                   MR. BROWNE: Nothing more.

2                   MS. CARVER: No comment.

3                   MR. WARD: No comment.

4                   CHAIRMAN EWASUTYN: Okay. If there  
5                   are no further comments from the public,  
6                   then would someone move for a motion to  
7                   close the public hearing on Anchorage-on-  
8                   Hudson - Lot 6, project number 25-10,  
9                   for the public hearing on the amended  
10                  subdivision.

11                  MR. MENNERICH: So moved.

12                  MS. DeLUCA: Second.

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

17                  MR. DOMINICK: Aye.

18                  MS. DeLUCA: Aye.

19                  MR. MENNERICH: Aye.

20                  CHAIRMAN EWASUTYN: Aye.

21                  MR. BROWNE: Aye.

22                  MS. CARVER: Aye.

23                  MR. WARD: Aye.

24                  CHAIRMAN EWASUTYN: At this time  
25                  we'll turn to Sarah Wilson, Planning

2            Board Attorney, to give us conditions of  
3            approval for Anchorage-on-Hudson - Lot 6,  
4            project number 25-10, for an amended  
5            subdivision.

6            MS. WILSON: Thank you, Chair. In  
7            addition to the general conditions  
8            required by the Town of Newburgh Code, we  
9            would require that compliance be made  
10           with the conditions identified by Pat  
11           Hines and subject to those conditions.  
12           This is a Type 2 action, the Board may  
13           consider approval of the amended  
14           subdivision.

15           CHAIRMAN EWASUTYN: Having heard  
16           from Planning Board Attorney Sarah  
17           Wilson and the conditions that she's  
18           proposing, they're listed in the  
19           resolution of approval, would someone  
20           move for that motion.

21           MR. DOMINICK: So moved.

22           MR. WARD: Second.

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

2               vote starting with Dave Dominick.

3               MR. DOMINICK:   Aye.

4               MS. DeLUCA:    Aye.

5               MR. MENNERICH:   Aye.

6               CHAIRMAN EWASUTYN:   Aye.

7               MR. BROWNE:    Aye.

8               MS. CARVER:    Aye.

9               MR. WARD:     Aye.

10              CHAIRMAN EWASUTYN:   Motion carried.

11              MR. DOCE:    Thank you.

12

13              (Time noted:   7:43 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 24th day of April 2025.

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

STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD  
----- X  
In the Matter of

MKJ PARK, LLC - OFFICE & WAREHOUSE  
(2022-32)

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

----- X

PUBLIC HEARING  
SITE PLAN & ARB REVIEW

Date: April 17, 2025  
Time: 7:43 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: SARAH WILSON, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: JOHN QUEENAN  
CHARLES BAZYDLO

----- X

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

2 CHAIRMAN EWASUTYN: The fifth  
3 item of business this evening is MKJ  
4 Park - Office & Warehouse, project  
5 number 22-32. It's a public hearing  
6 on a site plan and ARB review. It's  
7 located on New York State Route 32  
8 southwest of New York State Route 300.  
9 It's in an IB Zone. It's being  
10 represented by Lanc & Tully.

11 Mr. Mennerich will read the notice  
12 of hearing.

13 MR. MENNERICH: "Notice of hearing,  
14 Town of Newburgh Planning Board. Please  
15 take notice that the Planning Board of  
16 the Town of Newburgh, Orange County, New  
17 York will hold a public hearing pursuant  
18 to Section 274-A of the New York State  
19 Town Law and Chapter 83 Clearing and  
20 Grading of the Town of Newburgh Code on  
21 the application of MKJ Park - Office and  
22 Warehouse, project 2022-32. The project  
23 proposes a 173,000 square foot warehouse/  
24 office (166,000 square foot warehouse,  
25 7,000 square foot office) on a 15.14 plus

or minus acre property located on the west side of Route 32. Access is proposed off of New York State Route 32. The project proposes 31 loading docks with 12 accessory trailer parking spaces. The project proposes 110 passenger vehicle parking spaces. The project will be served by connection to the Town of Newburgh municipal water supply and proposed onsite subsurface sanitary sewer disposal system. The onsite sanitary sewer disposal system requires Health Department approval. The project has prepared a SWPPP. The access will require New York State DOT approval. The project site is known on the Town of Newburgh Tax Maps as Section 34; Block 2; Lot 29.1. The project site is located in the Town's IB Zoning District.

A public hearing will be held on the 17th day of April 2025 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. or as soon thereafter, at which time all

interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 26 March 2025."

CHAIRMAN EWASUTYN: Thank you.  
John.

MR. QUEENAN: Good evening. John Queenan with Lanc & Tully Engineering for the applicant. Also with me tonight is Charlie Bazydlo, the applicant's counsel.

Another great introduction. It takes a lot of my thunder away, Mr. Mennerich.

I'll get everybody orientated on the map. This is New York State Route 32 running this way. Paffendorf Drive is located up here and on the western part of the map. The big gray hatch in there is the proposed building.

As Mr. Mennerich said, we're proposing a single access point from New York State Route 32. There's an existing driveway entrance there currently. That will be

improved. It will be a 30-foot wide access road leading to the back of the parcel.

The parcel is a flag lot. It has a 50-foot wide right-of-way access out to 32. It opens up here in the back.

There's frontage along the property, Paffendorf Drive is up here. This is Jeanne Drive over here. The warehouse is over here. This is currently a proposed warehouse with undeveloped lands to the west. The circulation will come in this way off Of 32.

There's a 110 car parking lot for employees. That's located in this area right here. That separates employees from trucks. The trucks will then come in through here, then you're into the truck yard and dock area.

There's circulation around the building, although it's gated off.

1  
2 It's only meant to be really for  
3 emergencies. It is gated. Most all  
4 passenger car traffic will stay on  
5 this side of the building.

6 There's an emergency access  
7 drive around. All truck traffic will  
8 stay on the western side of the  
9 building.

10 There are no docks on the  
11 Paffendorf side. All the activity is  
12 on this side of the building. There  
13 are some trailer parking spaces in  
14 through here.

15 The project will be serviced by  
16 municipal water for both potable and  
17 fire protection and an onsite sewage  
18 disposal system.

19 Currently designed, the office  
20 is 7,000 square feet. The warehouse  
21 is 166,000 square feet with up to  
22 approximately 95 employees depending  
23 on the user. We've designed it to  
24 meet the maximum, so that's the  
25 number we've come to based on industry

standards.

The project has done a complete landscaping plan with significant plantings located through here, shielding the parking lot, and up this property line here. There's a retained 35-foot no disturbance buffer along the Paffendorf side, as well as additional plantings where we can fit them without taking out existing vegetation along this area here and then along here.

Again, there's no disturbance along this side.

In terms of height of the building, the total building height would be 40 feet, which is per code. The office area height would be 25 feet. In working with the Planning Board, we sat the building into the hill so that essentially the back of the building, you'll only see 20 feet from the ground because there's a high point located here. Sitting it

2 into the hillside reduces the overall  
3 height of the building from the back  
4 and basically gives you the full  
5 height from the front, but that space  
6 is more the commercial/industrial  
7 area of Jeanne Drive.

8 That's pretty much it.

9 Lighting. Again, lighting is  
10 mostly concentrated in the parking  
11 area. There's not any pole lighting  
12 around the back. There is building-  
13 mounted lighting for security, but  
14 they're kept to lower levels around  
15 the back. Obviously the dock and  
16 that parking area are standard  
17 lighting levels with dark sky compliant.

18 There are major improvements  
19 slated for Route 32. There's widening  
20 pretty much from Crab Apple Court,  
21 past the project site and down Route 32  
22 to incorporate a left-turn lane into  
23 the site as well as other striping  
24 and driveway improvements in this area.  
25 That's currently being coordinated

with the DOT.

Right now the project is here for a public hearing, but also is at several agencies for various permitting.

CHAIRMAN EWASUTYN: The several agencies that it's out to for permitting are?

MR. QUEENAN: The New York State DOT for the highway work permit and roadway improvements on 32, the Army Corp of Engineers for wetland disturbance and delineation. We'll be going to the Orange County Department of Health for water. They won't accept the application until a certain point in time that the application is at. We'll be going to the DEC for sewer for the sewage disposal system, wetlands and stormwater.

CHAIRMAN EWASUTYN: Thank you.

Questions from the public. Please raise your hand and give your name.

MR. STRAVALLE: John Stravalle, 11 Becks Lane.

There's several issues here. Just

2 being the Crossroads of the Northeast,  
3 these trucks are going to be coming from  
4 9W, 84 and the Thruway. Correct?

5 MR. QUEENAN: Yes.

6 MR. STRAVALLE: There are several  
7 very important issues that this Planning  
8 Board should consider. First of all, at  
9 the bottom of the hill, Cronomer Valley  
10 Park, the road is so bad, somebody's  
11 going to get killed. They've got to go  
12 out in the middle of the road to avoid  
13 the holes. That's number one.

14 Number two, if you've ever sat at  
15 the intersection of 32 and 300 by Maisies  
16 Deli, you've got to make a left-hand  
17 lane. Nine out of ten trucks that try to  
18 make that turn end up on the curb or  
19 you've got to back up. It's extremely  
20 dangerous. That only adds. There's  
21 potholes the size of cars in the middle  
22 of that intersection. You're going to be  
23 adding eighteen-wheelers to it.

24 Number three, at the bottom of the  
25 hill -- this is all combined because

2 you're going to have a traffic nightmare  
3 on your hands. Is it Chestnut drive by  
4 Ocean Job Lots? Down there where the  
5 Tennessee Pipeline is, if you don't do  
6 something to have a turning lane for the  
7 people hanging a left onto Chestnut  
8 drive, you're going to have a nightmare.  
9 It's going to be backed up. After 3:00  
10 it takes you five lights to get up the  
11 hill. Now you're going to be adding  
12 eighteen-wheelers to this. You've got to  
13 put a turning lane so people that are  
14 going on Chestnut drive can get around,  
15 or people that are going straight.

16 You've got to do something with the  
17 intersection of 32 and 300. I've been  
18 there for forty years. That road hasn't  
19 been paved for twenty years, Route 32.

20 It's only a matter of time before  
21 you have a collision down there by  
22 Cronomer Valley Park.

23 Some of these improvements have to  
24 be done before you can approve this.  
25 You're going to be adding these

2 eighteen-wheelers on the road. It's a  
3 disaster.

4 If you don't do something down at  
5 the bottom of the hill by Chestnut drive,  
6 you're going to have traffic backed up  
7 all the way to 84. It's every day. Put  
8 a camera down there and look at it.

9 Put a camera at Maisies and look at  
10 what that corner looks like. Try to  
11 watch an eighteen-wheeler make that turn.  
12 You're going to have a problem.  
13 Something has to be done. I mean, I know  
14 there's nothing I can do to stop this,  
15 you know. These are things that have to  
16 be addressed or this Town is going to  
17 have problems. Your traffic is going to  
18 be a nightmare.

19 MR. QUEENAN: I will say this. A  
20 traffic study was completed for the  
21 project. It's currently under review by  
22 the DOT. One of the DOT's comments from  
23 our last discussion was to look at the  
24 intersection of 32 and 300 for turning  
25 movements. That could be a part of this

2 if that turns out to be what has to be  
3 done.

4 As for the paving, I mean, I think  
5 that's County wide.

6 MR. STRAVALLE: I know it's a State  
7 road. That's why it hasn't been done for  
8 over twenty years. The potholes down  
9 there -- you've got an eighteen-wheeler  
10 coming out there by Cronomer Valley Park,  
11 somebody's going to get killed. There's  
12 no side of the road. There's nothing.  
13 You're going to be bringing eighteen-  
14 wheelers up this road. Ask your drivers  
15 how to make that turn by Maisies Deli  
16 there.

17 UNIDENTIFIED SPEAKER: They're  
18 putting in a turning lane.

19 CHAIRMAN EWASUTYN: Excuse me. We  
20 have to keep --

21 MR. STRAVALLE: You can't make that  
22 turn. The intersection now, I know 32 is  
23 a State road, but 300 isn't. You guys  
24 got to do something with that intersection.  
25 There's holes there that eat cars on the

2 corner of 32 and 300.

3 MR. HINES: 300 is a State road as  
4 well.

5 MR. STRAVALLE: That is too, 300?  
6 It's a nightmare. I'm sorry. Thank you.

7 CHAIRMAN EWASUTYN: Further  
8 questions or comments from the public?

9 Ma'am.

10 STEPHANIE: I'm Stephanie. I'm the  
11 owner of 261 North Plank Road.

12 I understand that the proposed  
13 warehouse is an allowed use under the  
14 Town's zoning, but I have concerns about  
15 how the warehouse is going to be built  
16 and operated, particularly things like  
17 the size and sitting of the building on  
18 the lot, regulating the traffic that will  
19 be generated and mitigating the noise and  
20 the visual impacts.

21 The way to fairly evaluate how this  
22 warehouse is going to be built and  
23 operated is through a SEQRA review  
24 process. This is a Type 1 action under  
25 SEQRA. Type 1 actions carry a presumption

of requiring preparation of an environmental impact statement. The threshold for requiring an environmental impact statement is quite low. It only requires the potential for at least one significant adverse environmental impact. This warehouse project clearly requires the issuance of a positive declaration and the preparation of an environmental impact statement.

Among the many potential significant adverse environmental impacts are traffic. Additional truck traffic on North Plank Road will be substantial, as will the vehicle trips from employees.

The visual impacts. This project is in the viewshed for Cronomer Hill Park. Given the size and the lot coverage, it will have adverse impacts on that park.

It impacts wetlands. There are significant Federal wetlands on the property.

It impacts the community character,

not only from the bulk of the warehouse, but also from the noise and the lights generated by the trucks and the forklifts.

I also believe that there's only one entrance and exit. If a fire occurs while that entrance is blocked, the entire neighborhood is at risk from the flames and embers.

I urge the Board to issue a positive declaration and have an environmental impact statement prepared on this project so that appropriate conditions and measures can be incorporated into the development plans to safeguard the environment and the community.

CHAIRMAN EWASUTYN: Do you want to speak on those comments?

MR. QUEENAN: Yes. So essentially the project has put together, we call them expanded Part 3, which is another option under SEQRA, regardless of whether it's a Type 1 action or not.

2 STEPHANIE: I'm sorry. What? What  
3 did you say?

4 MR. QUEENAN: Under SEQRA you don't  
5 have to do an EIS. Essentially what this  
6 project is doing is it's a Type 1 action  
7 with an expanded Part 3, which essentially  
8 is the same thing as an environmental  
9 impact statement without the rigidity.  
10 Essentially the project has completed  
11 a traffic study. It's done a wetland  
12 and ecological study. It has a lighting  
13 and a landscaping plan. It's done a  
14 stormwater pollution prevention plan.  
15 It has provided all the documentation  
16 necessary for a SEQRA determination.  
17 That combined with the aspects of the  
18 site plan, which in terms of visual  
19 analysis, that's what I was explaining  
20 to the Board, visually because we're  
21 sitting the building into the hill,  
22 this side will only have 20 foot of  
23 exposure for the roof, which is  
24 essentially the size of a single-family  
25 home, which is between 25 and 30 feet

1           in height. That's why it's being sat  
2           into the hillside with all of the  
3           activities for the use out towards  
4           the commercial/industrial area along  
5           Jeanne Drive here as well as another  
6           proposed warehouse use over here.  
7           That in combination will reduce the  
8           noise heading this way also. These  
9           will be blocked by the building. All  
10          of your loading dock activities, most  
11          of your lighting, all the activity  
12          will be on this side of the building,  
13          not on the other side of the building  
14          which essentially is just an emergency  
15          access drive around the building.

17                The lighting on the back has  
18                also been reduced to just be building-  
19                mounted lighting rather than standard  
20                site lighting, again in order to  
21                mitigate impact heading that way.

22                CHAIRMAN EWASUTYN: MH&E Engineering  
23                prepared technical review comments for  
24                the Planning Board. Pat, do you want to  
25                speak on item number 6.

2 MR. HINES: Sure. As was just  
3 mentioned by the speaker, the project  
4 does require two means of access by the  
5 New York State Fire Code due to the size  
6 of the structure. They had mentioned  
7 previously that a variance petition would  
8 be submitted to the New York State Codes  
9 Office. Any information pertaining to  
10 that should be provided to the Planning  
11 Board to complete our file. Comments  
12 from the jurisdictional fire department  
13 should be received regarding the  
14 construction of this building with only  
15 one point of access. It cannot be  
16 constructed at this time without a  
17 variance from the New York State Codes  
18 Department. I believe those are  
19 coordinated through the Code Enforcement  
20 Office as well. Between the Code  
21 Enforcement Office, the jurisdictional  
22 fire department and the New York State  
23 Codes Office, they would have to review  
24 that and provide that code variance to  
25 allow the single point of access.

2 Right now it's not permitted under  
3 the Fire Code and would need that  
4 variance.

5 MR. QUEENAN: That application was  
6 submitted to New York State. Their  
7 review is pending.

8 Also, we did widen the driveway to  
9 30 feet in width to further accommodate  
10 that.

11 CHAIRMAN EWASUTYN: Bill Fedder.

12 MR. FEDDER: Bill Fedder. On the  
13 grading plan there are two cuts and fills  
14 charts. I couldn't distinguish -- one is  
15 as little as 2 feet and the other is 20  
16 feet. I was wondering what that's about.

17 MR. QUEENAN: What that color chart  
18 is showing you are cuts and fills based  
19 on existing topography.

20 MR. FEDDER: Right. There are two  
21 charts next to one another.

22 MR. QUEENAN: It's showing you cut  
23 areas, fill areas, and it's giving you a  
24 net at the end. It's doing both math.

25 MR. FEDDER: Is that page here? Do

1                   you have that page?

2                   MR. QUEENAN: Sometimes I don't  
3                   bring the whole set, but let me see.

4                   MR. FEDDER: There's one chart that  
5                   has a maximum of 2-foot cut and fill and  
6                   the other has 20 feet.

7                   MR. QUEENAN: There might be  
8                   different areas that have --

9                   MR. FEDDER: Is that for the  
10                  wetland perhaps?

11                  MR. QUEENAN: Correct. It could be  
12                  where the warehouse meets grade. If you  
13                  have a 20-foot cut in the back, as you're  
14                  coming across, you're going to go 20, 15,  
15                  10. You'll get to 0 and start fill.

16                  MR. FEDDER: With the 20-foot cuts,  
17                  it looks like you have a surplus of  
18                  19,000 cubic yards, plus or minus.

19                  At the bottom there's two charts.  
20                  That's what I was eluding to.

21                  MR. QUEENAN: Correct.

22                  MR. FEDDER: We don't have to get  
23                  into it in detail, but why are there two  
24                  charts instead of one?  
25

2 MR. QUEENAN: What this is telling  
3 you, this is breaking down the cuts  
4 between say 20 feet --

5 MR. FEDDER: I totally understand  
6 that. What's the difference of that  
7 chart? Why are there two sets of charts?

8 MR. QUEENAN: Because this is just  
9 a continuation. We just ran out of room.  
10 You would just put these two together.

11 MR. FEDDER: So the colors, though,  
12 don't --

13 MR. QUEENAN: They're very slightly  
14 different as you're continuing down.

15 MR. FEDDER: That's just semantics.  
16 You've got upwards of 20 foot of cut?

17 MR. QUEENAN: Correct.

18 MR. FEDDER: How much is overburden  
19 versus bedrock in that 20 feet?

20 MR. QUEENAN: Currently the bedrock  
21 is around 18 feet.

22 MR. FEDDER: So there's 18 feet of  
23 overburden? It's very little to deal  
24 with.

25 MR. QUEENAN: Right. That's why it

2 was beneficial that we could set it into  
3 the hill.

4 MR. FEDDER: So little or no  
5 blasting is going to be required?

6 MR. QUEENAN: Correct. There will  
7 be some limited hammering.

8 MR. FEDDER: For a few days people  
9 may have to live with the pounding for  
10 seven or eight hours a day.

11 The surplus, which is, I think, on  
12 your chart, you've got almost 19,000  
13 cubic yards of excess material.

14 MR. QUEENAN: That's just for the  
15 wetland mitigation area. Your total --  
16 we have 93,000 cut, 75,000 fill. The  
17 wetland mitigation area is another  
18 14,000. Total, yes. That's because of  
19 the wetlands.

20 MR. FEDDER: What's going to be  
21 done with that material? Hauled offsite?

22 MR. QUEENAN: Yes.

23 MR. FEDDER: Is there a destination  
24 for it?

25 MR. QUEENAN: Unknown at this

2 point.

3 MR. FEDDER: Will the trucks be  
4 mandated to go straight to 300 and not  
5 down 32 towards Chestnut as the gentleman  
6 was talking about? One, for impact on  
7 road conditions and, two, for excess  
8 traffic which has been horrendous lately  
9 from the high school, which is not your  
10 responsibility. Rather than going back  
11 to 9W, use 300 and 84 wherever it's  
12 going.

13 There's 10 yards a truck. Is that  
14 a fair estimate?

15 MR. HINES: Probably 20.

16 MR. FEDDER: So that's 1,000 trucks.  
17 That's going to be a fair amount of truck  
18 traffic for a while.

19 That's mostly comment. I know  
20 there are no answers.

21 The big thing was blasting. I was  
22 wondering about that.

23 That's all. Thank you.

24 No onsite processing of material?  
25 You won't have a crusher there?

2 MR. QUEENAN: No.

3 MR. FEDDER: Okay. Thank you.

4 CHAIRMAN EWASUTYN: Additional  
5 comments from the public?

6 (No response.)

7 CHAIRMAN EWASUTYN: Comments from  
8 Board Members. Dave Dominick.

9 MR. DOMINICK: Yes. John, we  
10 received a letter from one of the  
11 residents, Mr. Richard Smith at 57  
12 Paffendorf Drive. I think you got a copy  
13 of that, too. He was worried about sight  
14 protection from his property, looking at  
15 the warehouse. I'll let you --

16 MR. QUEENAN: You can finish.

17 MR. DOMINICK: What more can you  
18 do? When we looked at the plans, it  
19 looked like you might have missed a layer  
20 on the printing or something. I was  
21 curious to see what you present tonight.

22 MR. HINES: I think it's sheet 14,  
23 John.

24 MR. QUEENAN: So the landscaping  
25 plan, this is an updated one based on

2 discussions with Karen Arent. I'll take  
3 you through it real quick.

4 This is 32 and this is the entrance  
5 road. There's screening proposed down  
6 both sides of the entrance road. I think  
7 these are evergreens going down here.  
8 This is a stormwater management area as  
9 you're turning in. There's a double row  
10 berm of screenings and plantings here.  
11 That swings all the way up through here,  
12 various trees and plantings. This is  
13 that retained treeline which is existing.  
14 As we get to the corner of the building  
15 here, there's clusterings of plantings in  
16 that undisturbed buffer area. We worked  
17 with Karen to eventually put groupings of  
18 those where we could without taking out  
19 existing trees.

20 MR. HINES: Dave, that was not  
21 shown on the sheet that we had at work  
22 session.

23 MR. QUEENAN: I believe just by  
24 happenstance --

25 MR. DOMINICK: He's right there.

2 MR. QUEENAN: -- we have a grouping  
3 of ten trees proposed there.

4 MR. DOMINICK: Okay. That's  
5 different from what we saw.

6 MR. QUEENAN: Correct. We'll  
7 certainly reach out to him and work out  
8 if he wants a little more.

9 MR. HINES: I know Karen has some  
10 comments that the Board received as well.

11 MR. DOMINICK: I'm sure if he  
12 wanted some more sight protection, other  
13 neighbors might be interested if it's  
14 feasible on the plan to do that.

15 MR. QUEENAN: Correct. So what we  
16 did is we went to where there weren't a  
17 lot of real mature trees and we'll fill  
18 in the gaps. We saw after this point it  
19 was pretty wooded. We'll see if anything  
20 else comes up.

21 MR. DOMINICK: Thank you.

22 Thank you for your comments from  
23 the public. We appreciate that.

24 That's all.

25 CHAIRMAN EWASUTYN: Stephanie DeLuca.

2 MS. DeLUCA: I also thank you for  
3 all of your comments as well. You did  
4 your homework, so that was good.

5 I was also concerned regarding the  
6 sighting with the trees. You answered my  
7 question. Thank you.

8 MR. QUEENAN: In our next submission  
9 that will be on there. We'll take a  
10 closer look at the properties down the  
11 line.

12 MR. MENNERICH: Thank you for the  
13 better explanation of the landscaping.

14 MR. QUEENAN: You're welcome.

15 CHAIRMAN EWASUTYN: My question is  
16 to Sarah Wilson, Planning Board Attorney,  
17 and also to Pat Hines. This is here this  
18 evening for a public hearing. We haven't  
19 made a SEQRA determination and there are  
20 outside agencies that they are currently  
21 working with. Procedurally when do we  
22 say there will be a notification and  
23 we're continuing the public hearing? How  
24 do we move in the direction?

25 MS. WILSON: Thank you, Chair. You

2 could make a motion to continue the  
3 public hearing once you've concluded  
4 for this evening, especially in light  
5 of the fact that there are wetland  
6 issues and a lot of potentially  
7 significant environmental, I don't  
8 want to say problems, but things that  
9 may to come up that will impact your  
10 SEQRA review and SEQRA declaration.  
11 That would be the suggestion, to make  
12 a motion to continue the public  
13 hearing.

14 CHAIRMAN EWASUTYN: Pat Hines,  
15 Sarah Wilson is correct. How have we  
16 managed -- there won't be a notice.

17 MR. HINES: If you're going to  
18 continue the public hearing -- we  
19 heard the comments tonight from the  
20 representatives. I don't know if something  
21 new is going to come up. You have the  
22 option to close it. I'll defer to  
23 Sarah's legal advice, certainly, to  
24 keep it open. It would have to be  
25 open to a date certain. I think May

2 15th would be the next appropriate  
3 date if you're going to leave it  
4 open. If you don't leave it open and  
5 don't pick a day, it would have to be  
6 re-noticed. That's me playing legal.  
7 I'll defer to Sarah.

8 MS. WILSON: Yes. If you keep it  
9 open, you could select the next meeting  
10 date. Typically you would keep it on the  
11 agenda and then that would allow anybody  
12 who did have a comment to speak at that  
13 next meeting. It doesn't necessarily  
14 mean that the applicant has to come every  
15 time. They could watch the meetings, get  
16 the minutes, reply to any comments. It  
17 would give the public the opportunity.  
18 Or you could continue it, maybe not to  
19 May. You could go to June and then get  
20 more comments then as well. That would  
21 give them another opportunity to resubmit.

22 MR. BAZYDLO: There is another  
23 option, too.

24 CHAIRMAN EWASUTYN: Do you have a  
25 name?

2 MR. BAZYDLO: I sure do. Charlie  
3 Bazydlo. I'm the attorney for the  
4 project.

5 We have heard comments from the  
6 public tonight. They're good comments.  
7 I think Mr. Queenan did a pretty good job  
8 addressing those comments.

9 I think the Board could consider to  
10 close the hearing. We're not asking for  
11 anything further beyond that. As John  
12 said, we have to probably update the set,  
13 receive some other input that may be  
14 coming in from DOT, DEC. I don't know  
15 whether keeping the hearing open is going  
16 to be valuable for the Board. I don't  
17 know where additional comments could come  
18 in from the public.

19 MR. QUEENAN: The other items, we're  
20 going to get to a point with these  
21 agencies where we're not going to be  
22 able to go any further until this is  
23 proceeding further. We're kind of in a  
24 little bit of a limbo stage.

25 CHAIRMAN EWASUTYN: Where does the

2 SEQRA determination become a factor? How  
3 this happened I don't know. As a rule of  
4 thumb, we declare a negative declaration  
5 prior to scheduling a public hearing.  
6 Somehow this has changed, and I don't  
7 quite understand that.

8 If we were to close the public  
9 hearing, this is between Sarah Wilson and  
10 yourself, what SEQRA determination, if  
11 any, would be made this evening?

12 MR. BAZYDLO: Mr. Chairman, I'll  
13 say that I practice all over Orange  
14 County, Rockland and Dutchess County.  
15 Town of Newburgh is a bit unusual about  
16 that, that you make your SEQRA  
17 determination before the public hearing.  
18 Many other towns will have the public  
19 hearing, close the public hearing and  
20 make that SEQRA determination, probably  
21 at the same time that they grant or deny  
22 -- we're not going to go there -- site  
23 plan approval. Closing the public  
24 hearing does not mean that you have to  
25 make a SEQRA determination at this point.

2 That could wait until later, until you  
3 may get some input from some of these  
4 other outside agencies, or further input  
5 from them. That's how it works in a lot  
6 of other towns. Newburgh is a little  
7 unusual in your practices. Not saying  
8 there's anything wrong with it, I enjoy  
9 it.

10 MR. DOMINICK: Keeps you on your  
11 toes.

12 MR. BAZYDLO: Yes, it does.

13 CHAIRMAN EWASUTYN: Pat Hines,  
14 Sarah Wilson, your advice?

15 MS. WILSON: I would agree with  
16 counsel that it is more of a unique  
17 situation to Newburgh. Given that, and  
18 that's the way this Board operates,  
19 there's no significant issue with it.  
20 You can close the public hearing. In my  
21 view, you have a lot of outstanding  
22 permits and feedback and things that  
23 could impact additional public comment.  
24 I would think that the Board would want  
25 to consider whether the public wants a

2 chance to weigh in after those materials  
3 and those responses are received.

4 I would further advise the Board  
5 that it would not be in a position to  
6 make any declaration as far as SEQRA this  
7 evening per the pre-meeting discussion  
8 and the status of the application.

9 MR. BAZYDLO: I'm not suggesting  
10 that, just to be clear. I'm only talking  
11 about the issue of closing the public  
12 hearing. Not to go back and forth, but I  
13 would say if further comments from those  
14 outside agencies resulted in a significant  
15 change to the plan, I would agree that  
16 maybe the project had to be re-noticed  
17 and the hearing opened back up again. We  
18 don't expect any of those comments are  
19 going to result in any of that. I don't  
20 think the building size is going to  
21 change or move. There may be some change  
22 to the DOT improvements perhaps. We  
23 don't expect anything major to come from  
24 that. Again, we're just trying to move  
25 the process along.

2 MS. WILSON: I completely  
3 understand. I defer to the Board and  
4 what they think is best for their  
5 community and their constituents.

6 MR. HINES: The caveat here is that  
7 it's my understanding from our legal  
8 counsels, Dominic, before him Mr. Donnelly,  
9 that if there was a subdivision involved  
10 here, SEQRA would have to be closed out  
11 prior to the public hearing. This was  
12 scheduled, because there's not a  
13 subdivision here, there was a desire  
14 of the Board to have the public input  
15 a little sooner in the process, I  
16 believe. There's no subdivision. That's  
17 why it could be scheduled. If there was  
18 a subdivision, SEQRA would have to be  
19 closed out. This being only a site  
20 plan/special use, you can proceed on  
21 that way.

22 I do have a couple of concerns.  
23 The changes to the DEC regulations are  
24 out there since January.

25 MR. QUEENAN: We did file that.

1                   MR. HINES: That could potentially  
2                   affect this project. We received  
3                   significant comments from DOT echoing  
4                   some of this gentleman's comments in  
5                   expanding the requirements of the traffic  
6                   study.  
7

8                   I know there were some sight distance  
9                   issues.

10                  The Orange County Health Department  
11                  has to approve the extensions for the  
12                  water mains with hydrants and the septic  
13                  system. They cannot issue that approval  
14                  until after SEQRA is closed.

15                  I think tonight we've heard the  
16                  public hearing comments from these folks,  
17                  we have the stenographic record of them.  
18                  The Board should weigh in, whether  
19                  they're going to hear anything different  
20                  in the future, whether or not to close  
21                  the public hearing. It doesn't hurt to  
22                  leave it open, but if we're leaving it  
23                  open and don't receive any future  
24                  substantive comments, it kind of defeats  
25                  the purpose of leaving it open. It's

2 certainly up to the Board.

3 CHAIRMAN EWASUTYN: You're looking  
4 at me. What for? Did I tie my tie?  
5 Advise me.

6 MS. WILSON: One other action would  
7 be to close the oral portion of the  
8 public hearing and leave it open for  
9 thirty days or sixty days for written  
10 comment so that then the public would  
11 still be able to provide feedback if they  
12 wanted. You wouldn't have to re-notice  
13 or have applicants come back. It would  
14 still give them an opportunity to weigh  
15 in.

16 CHAIRMAN EWASUTYN: That's a good  
17 recommendation. We would be receiving  
18 written comments for a period of, and  
19 we'll agree on that period, thirty or  
20 sixty days.

21 Dave Dominick.

22 MR. DOMINICK: I'd rather personally  
23 leave the public hearing open. We don't  
24 know what these agencies are going to  
25 come back with. The DEC is a big factor.

2 If there are no issues, then great.  
3 If there's something that needs to be  
4 talked about or discussed with the  
5 public, I think like May 17th or the  
6 next meeting, whatever date that is,  
7 would be appropriate.

8 You're kind of doing the same  
9 thing. One is either communicating  
10 or writing. You're still leaving it  
11 open for the public to speak.

12 CHAIRMAN EWASUTYN: John.

13 MR. QUEENAN: If I could, I don't  
14 want to get stuck in a loop. Normally we  
15 would have a negative dec, the hearing  
16 would have been concluded and we would  
17 most likely have been on our way. We  
18 kind of reversed it a little bit. The  
19 agencies will continue to comment all the  
20 way until the end. You know that. Most  
21 of the resolutions are conditioned upon  
22 agency approvals, because they won't  
23 issue the approvals until we get the  
24 negative declaration. Ultimately they'll  
25 comment all the way until the very, very

2 end with technical changes and different  
3 specifications and whatnot. I just don't  
4 -- I want to avoid just having a public  
5 hearing open while we're making changes,  
6 while still getting more comment and  
7 we're just going to be in this loop  
8 continually down the road. In my  
9 experience --

10 MR. DOMINICK: I just don't know  
11 what the difference is of having the  
12 public hearing open for thirty days or  
13 having written comments for thirty days.  
14 It's the same thing in my book.

15 MR. QUEENAN: There's an end to the  
16 written thirty days. That's all. If  
17 something substantively changes, we will  
18 certainly be back to tell you, you know,  
19 the building moved, I don't know,  
20 whatever, fifty feet and we need to go  
21 back and have another hearing. The  
22 comments that we've received to date from  
23 the agencies, we're down to -- you know,  
24 they're saying okay, we're going to work  
25 with you here. They're not saying this

2 isn't going to work, move the access.  
3 The wetlands have already been submitted.  
4 We're just in a waiting loop there.  
5 We're kind of reversed. In my experience  
6 also throughout multiple counties, the  
7 hearing would be closed and then there's  
8 usually a written period of fourteen  
9 days. They usually give two weeks.  
10 Thirty days would be fine. Also to get a  
11 response from these agencies takes  
12 several months. I can't be back to you  
13 on a date certain with nothing new and we  
14 continue it again and continue it again  
15 and continue it again with no real date.

16 CHAIRMAN EWASUTYN: Stephanie DeLuca.

17 MS. DeLUCA: Just a quick question  
18 for clarification. If we kept the public  
19 hearing open, how long would that be for?  
20 When would that closing date be for?  
21 When would --

22 CHAIRMAN EWASUTYN: Originally we  
23 said it would be the 15th of May.

24 The question is, what do we expect  
25 happening between now and the 15th of

1 May.

2 MS. DeLUCA: Yeah.

3 MR. QUEENAN: Correct.

4 MS. DeLUCA: Honestly I was leaning  
5 more towards keeping it open, mainly  
6 because also I consider the DEC and the  
7 DOT to be major items.

8 CHAIRMAN EWASUTYN: The DOT and the  
9 DEC will never respond within fifteen  
10 days. An example being, we have a major  
11 project, I won't mention it, with traffic  
12 impact at an intersection that's major.  
13 We still haven't heard back from the DOT  
14 for six or eight months.

15 MR. QUEENAN: This project, it took  
16 about seven months to get their first --

17 CHAIRMAN EWASUTYN: As Pat said,  
18 recently the DEC is understaffed. They  
19 just don't have the manpower to respond  
20 within fifteen days.

21 MR. QUEENAN: Correct. For the  
22 DEC, the wetlands, just for knowledge,  
23 they technically have ninety days to  
24 respond. If they don't respond in ninety  
25

1 days, we then have to send them a  
2 certified letter saying you didn't  
3 respond in ninety days, you have another  
4 thirty days. If they don't respond by  
5 then --  
6

7 MR. HINES: This is a new process.  
8 It started in January. It's a learning  
9 curve for the applicants and the DEC.

10 MR. BAZYDLO: We believed, and we  
11 still believe, that the Army Corp has  
12 jurisdiction. The issue is under these  
13 new regs, the DEC says they want to have  
14 jurisdiction also. We don't think  
15 they're going to come back and say that.  
16 As Pat said, it's a new process that's  
17 been going on.

18 MS. DeLUCA: Okay.

19 MR. QUEENAN: If they come back,  
20 and they'll wait until the eighty-ninth  
21 day, and say they change them, God  
22 forbid, we'll be back here with a new  
23 plan starting from scratch.

24 CHAIRMAN EWASUTYN: Ken Mennerich.

25 MR. MENNERICH: I think we should

2 consider doing a negative dec now because  
3 if something big does come up that's  
4 going to change the project, we can  
5 always rescind the negative dec and have  
6 another public hearing.

7 CHAIRMAN EWASUTYN: That's a  
8 possibility.

9 I'm in favor of closing the public  
10 hearing and just let time take its course  
11 as far as the permitting agencies. That  
12 way it moves the process along. I think  
13 in many cases agencies would prefer  
14 something being closed than being left  
15 open. That's myself.

16 MR. QUEENAN: The applicant would  
17 be willing to waive the required  
18 timeframe for a decision if the hearing  
19 is closed.

20 CHAIRMAN EWASUTYN: Cliff Browne.

21 MR. BROWNE: I was going to suggest  
22 that we close the public hearing now with  
23 the caveat that if anything does come up  
24 with the traffic that's major, or some  
25 other issues that come up major, that we

2 could re-notice it, open a new public  
3 hearing for those other events. Through  
4 all the years I've been doing this on the  
5 Board, typically, this is only typically,  
6 typically we have the public hearings, we  
7 get the comments and those are normally  
8 addressed. Those processes are worked  
9 through. Normally we don't get new or  
10 different comments later on, the second  
11 or third time, if we ever did go another  
12 process.

13 Also keep in mind that any time you  
14 want to write a letter to the Board, we  
15 all get that information. We all get  
16 that documentation. It's not as though  
17 we can't hear you or you can't talk to  
18 us. You do have the opportunity to write  
19 to the Board. We receive that information,  
20 we receive those comments. We are aware  
21 of what's going on from that perspective,  
22 too.

23 Thank you.

24 CHAIRMAN EWASUTYN: Lisa Carver.

25 MS. CARVER: Based on all the

information that was provided and the questions and the comments, I believe my thought is that the biggest impact is the roads, which you're working with the DOT. They've already indicated they may want a turning lane, but you don't have anything set yet. I know they take months and months and months. I think you won't hear for quite awhile.

Based on the DEC permit or the information you submitted, and based on Pat saying that they're short staffed, that may take a long time.

I agree with Cliff that if we close it -- we can close it and then if they come back and there are major changes to what needs to be done, I think there should be another public hearing so that everyone can make comments, if it's major.

I think that if anything, the DOT hopefully will resolve some of the issues with the road and the traffic, if they are looking at that.

2 I think we can close it and then  
3 definitely consider opening it if it  
4 seems it's going to impact in a different  
5 way than what was already discussed  
6 tonight.

7 CHAIRMAN EWASUTYN: John Ward.

8 MR. WARD: Just back to where the  
9 residents are. Dave and I pushed the  
10 issue for screening and everything. If  
11 you can make sure every neighbor up there  
12 is covered one way or another for the  
13 visual impact.

14 Your hours. Do you know any hours  
15 of functioning?

16 MR. QUEENAN: We don't. Not at  
17 this point. We don't have a user yet.

18 MR. WARD: When it comes to the  
19 public hearing, I thank everybody for  
20 your opinions and all. You've heard  
21 what we've done. They did a great  
22 presentation of what they're trying  
23 to do.

24 I think we should close the  
25 public hearing. If there's something

2 that comes up, they'll do another  
3 public hearing. We're covered one  
4 way or another.

5 You heard our engineer, what he  
6 said. I think that's the right way  
7 to go. We're trying to keep you on  
8 the same page.

9 MR. BROWNE: Just one more comment  
10 for the public. Everything we do at  
11 these meetings, during the regular  
12 meetings, is transcribed, it's posted  
13 online, everything we say. The next time  
14 this application is in front of us, all  
15 this stuff will be online and posted. If  
16 you try to remember to look at the Town  
17 website, look at the postings, it's  
18 there. We use a court stenographer and  
19 she transcribes everything very  
20 accurately. All the information, all the  
21 back and forth, the comments, that's  
22 noted who said what, how, when. It's all  
23 there. If you look at the thing from  
24 tonight, you'll see this conversation  
25 right now. That's all there so you can

2 follow every meeting that we have.

3 When these projects start,  
4 everybody is noticed at that point in  
5 time when it starts, so you can follow  
6 the progress of the application through  
7 the whole thing. It's all online. It's  
8 all there.

9 CHAIRMAN EWASUTYN: Sarah Wilson,  
10 Planning Board Attorney, would you  
11 summarize the consensus of the Board and  
12 prepare a motion for us?

13 MS. WILSON: Yes. One point I'd  
14 like to make, Chair, just before that.  
15 The comments made and the written  
16 comments received by the Board during the  
17 public hearing while it's open and  
18 directly in reference to that are what  
19 legally count as part of the record.  
20 While you may receive comments later,  
21 that is not part of the record for the  
22 public hearing. I just want that to be  
23 clear.

24 CHAIRMAN EWASUTYN: So the motion  
25 before us this evening is to close the

public hearing?

MS. WILSON: Yes. Back to that point. Thank you, Chair. The consensus of the Board, I believe, is to close the public hearing.

Thank you to the applicants.

It would be a motion to do that, and then you would consider SEQRA.

MR. HINES: In the future. This being a Type 1 action, the Board is going to have to go through each part of the Part 2 in order to -- prior to doing a SEQRA determination. There are those outside agencies. We just got initial comments. I think the applicant should respond back to the DOT.

I think the DEC jurisdiction on the wetlands either needs to be addressed or timed out. That could potentially have a significant change to the project if they do exert jurisdiction. We are in the "urban area" which allows the DEC to exercise jurisdiction on Army Corp wetlands different than if it was prior

2 to January of 2025.

3 I think I'm comfortable recommending  
4 to the Board to close the public hearing  
5 with the caveat that some of the Members  
6 said, they'll reopen it should a substantive  
7 change to the project occur.

8 We've heard the comments. We have  
9 them transcribed. The applicant has that.  
10 A lot of them are already under consideration  
11 through the DOT. We do have their comments  
12 that the applicant has to address. They've  
13 added intersections to be analyzed to the  
14 traffic study. I think we can continue  
15 through the process in that manner  
16 comfortably.

17 CHAIRMAN EWASUTYN: Would someone  
18 make for a motion to close the public  
19 hearing on MKJ Park - Office and  
20 Warehouse, project number 22-32, for a  
21 site plan.

22 MR. HINES: I heard the applicant's  
23 representative earlier. I want him to go  
24 on record that they'll waive the 62-day  
25 timeframe although it's not in place yet

because SEQRA hasn't been done. Just to definitively identify that as well.

MR. QUEENAN: Yes.

MR. BAZYDLO: Yes.

CHAIRMAN EWASUTYN: We amended the motion to close the public hearing on MKJ Park - Office and Warehouse, project number 22-32, subject to the applicant waiving the 62 day timeframe.

MR. MENNERICH: So moved.

MS. CARVER: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Lisa Carver. I'll start with a roll call vote with Dave Dominick.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Sarah, I understand your comment as far as once

2 you close the public hearing you don't  
3 have written comments because you closed  
4 the public hearing. Well stated.

5 Thank you.

6 MR. QUEENAN: Thank you.

7

8 (Time noted: 8:30 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 24th day of April 2025.

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

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

----- X  
In the Matter of

OVERLOOK FARMS  
(2019-23)

Request for a Six-Month Extension of  
Site Plan and ARB approval from  
May 8, 2025 until November 8, 2025

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BOARD BUSINESS

Date: April 17, 2025  
Time: 8:30 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: SARAH WILSON, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

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

2 CHAIRMAN EWASUTYN: We have one  
3 more item of business under Board  
4 business.

5 MR. HINES: There were actually two  
6 more under Board business.

7 MR. CAMPBELL: Safe Haven. Dominic  
8 did do the referral. That was taken care  
9 of.

10 MR. HINES: I thought it was the  
11 Newburgh storage that was requesting.  
12 Safe Haven was waiting for a variance I  
13 thought. I may be mistaken with my self  
14 storages.

15 It is Safe Haven. I'm sorry. It  
16 was done.

17 CHAIRMAN EWASUTYN: Your office has  
18 a copy of that referral?

19 MR. HINES: Yes. I received that  
20 from Dominic today. I was confusing it  
21 with Newburgh Self-Storage, the one at  
22 the cinema.

23 CHAIRMAN EWASUTYN: That's fine. I  
24 worked as many hours and as many days as  
25 you did.

2 Maybe we can just summarize the  
3 letter in general.

4 MR. MENNERICH: The letter is to  
5 John P. Ewasutyn, Chairman. The request  
6 is for extension of the resolution on  
7 site plan and ARB approval for Overlook  
8 Farms, Route 9W, Newburgh, New York,  
9 project 2019-23. "Dear Chairman  
10 Ewasutyn, we represent Farrell  
11 Communities at Overlook Farms, LLC.  
12 Overlook Farms, LLC is the owner of the  
13 above-referenced property. I write this  
14 letter with respect to the Town of  
15 Newburgh Planning Board's site plan and  
16 ARB approval resolution for Overlook  
17 Farms, project 2019-23, filed May 8,  
18 2023, a copy of which is attached for  
19 ease of reference. I write to request an  
20 extension of the May 8, 2025 expiration  
21 date. I note that both the owner and the  
22 Planning Board have made a significant  
23 investment in this project and that there  
24 should be no negative impact or  
25 consequences of granting the requested

2            site plan approval extension. With my  
3            clients still working on the conditions  
4            of approval resolution and with the  
5            expiration period upon us, my client is  
6            requesting that the Overlook approval  
7            resolution be extended for the maximum  
8            permissible period. Thank you and the  
9            Planning Board Members in advance for  
10           your due consideration and approval of  
11           this extension request. I am sincerely  
12           yours, Stanley A. Schutzman."

13           CHAIRMAN EWASUTYN: If I understand  
14           the letter, actually he's looking for an  
15           extension from the 8th of this coming  
16           May.

17           MR. HINES: The 8th of May until  
18           the 8th of November.

19           CHAIRMAN EWASUTYN: Would someone  
20           move for a motion to grant that extension  
21           from the 8th of May 2025 to the 8th of  
22           November 2025.

23           MS. DeLUCA: So moved.

24           MR. WARD: Second.

25           CHAIRMAN EWASUTYN: I have a motion

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

5 MR. DOMINICK: Aye.

6 MS. DeLUCA: Aye.

7 MR. MENNERICH: Aye.

8 CHAIRMAN EWASUTYN: Aye.

9 MR. BROWNE: Aye.

10 MS. CARVER: Aye.

11 MR. WARD: Aye.

12 CHAIRMAN EWASUTYN: Would someone  
13 move for a motion to close the Planning  
14 Board meeting of the 17th of April 2025.

15 MS. DeLUCA: So moved.

16 MR. WARD: Second.

17 CHAIRMAN EWASUTYN: I have a motion  
18 by Stephanie DeLuca. I have a second by  
19 John Ward. Can I have a roll call vote  
20 starting with Dave Dominick.

21 MR. DOMINICK: Aye.

22 MS. DeLUCA: Aye.

23 MR. MENNERICH: Aye.

24 CHAIRMAN EWASUTYN: Aye.

25 MR. BROWNE: Aye.

2 MS. CARVER: Aye.

3 MR. WARD: Aye.

4 (Time noted: 8:35 p.m.)

5

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

7

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

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

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

18 IN WITNESS WHEREOF, I have hereunto  
19 set my hand this 24th day of April 2025.

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*Michelle Conero*

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MICHELLE CONERO