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

- - - - - X
In the Matter of

NORTHEAST BUSINESS CENTER
(2021-28)

500, 700 & 900 Corporate Boulevard
Section 95; Block 1; Lot 1.22
IB Zone

- - - - - X

AMENDED SITE PLAN

Date: May 19, 2022
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CONNOR McCORMACK
(Present at 7:30 p.m.)

- - - - - X

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

1 N O R T H E A S T B U S I N E S S C E N T E R

2 CHAIRMAN EWASUTYN: The
3 Planning Board would like to welcome
4 everyone tonight to our meeting of the
5 19th of May 2022. Our agenda has five
6 items and then we have a Board business
7 item as far as a local law that's being
8 proposed. Dominic Cordisco will speak
9 to us this evening on that subject.
10 Also tonight we have one continuation
11 of a public hearing and one new public
12 hearing.

13 We'll call the meeting to order
14 with a roll call vote, please

15 MR. GALLI: Present.

16 MS. DeLUCA: Present.

17 MR. DOMINICK: Present.

18 MR. MENNERICH: Present.

19 CHAIRMAN EWASUTYN: Present.

20 MR. BROWNE: Present.

21 MR. WARD: Present.

22 MR. CORDISCO: Dominic Cordisco,
23 Planning Board Attorney.

24 MS. CONERO: Michelle Conero,
25 Stenographer.

1 N O R T H E A S T B U S I N E S S C E N T E R

2 MR. HINES: Pat Hines with MHE
3 Engineering.

4 MR. CAMPBELL: Jim Campbell,
5 Town of Newburgh Code Compliance.

6 MR. MUSSO: Mike Musso, HDR,
7 Wireless Consultant.

8 CHAIRMAN EWASUTYN: Thank you.

9 At this time I'll turn the
10 meeting over to John Ward.

11 MR. WARD: Please stand to say
12 the Pledge.

13 (Pledge of Allegiance.)

14 MR. WARD: Please turn off your
15 phones or on vibrate. Thank you.

16 CHAIRMAN EWASUTYN: The first
17 item of business this evening is
18 Northeast Business Center. It's in
19 an IB Zone and it's being represented
20 by Colliers Engineering & Design.

21 MR. DOMINICK: There was nobody
22 out there.

23 CHAIRMAN EWASUTYN: I guess we
24 can move forward with this because --

25 MR. HINES: Procedurally we

1 N O R T H E A S T B U S I N E S S C E N T E R

2 were really waiting for the City of
3 Newburgh flow acceptance letter,
4 which we received today.

5 CHAIRMAN EWASUTYN: And that
6 was the only outstanding --

7 MR. HINES: That and our
8 standard conditions for stormwater
9 security and landscape inspection
10 fees. That's all we have outstanding.

11 CHAIRMAN EWASUTYN: Dominic
12 Cordisco, Planning Board Attorney,
13 are you in agreement? Would you give
14 us conditions --

15 MR. CORDISCO: Yes.

16 CHAIRMAN EWASUTYN: -- for a
17 resolution.

18 MR. CORDISCO: It would be very
19 similar, actually, to the Scannell
20 project in connection with the
21 conditions that were approved at last
22 month's meeting -- actually, the May
23 5th meeting rather, in terms of
24 requiring the stormwater facilities
25 maintenance.

1 N O R T H E A S T B U S I N E S S C E N T E R

2 Is there already a stormwater
3 facilities maintenance --

4 MR. HINES: There is not. This
5 project predated that. It would be
6 required for this project. There are
7 new stormwater improvements.

8 MR. CORDISCO: Right. And
9 stormwater fees and inspections as
10 well as all outside agency approvals,
11 and landscaping fees and inspections.

12 I would note that this project
13 also requires Architectural Review
14 Board approval. Since there is not a
15 tenant that's been identified at this
16 point, the ARB approval would be
17 deferred until such time a tenant is
18 identified.

19 CHAIRMAN EWASUTYN: Having
20 heard the conditions of approval from
21 Planning Board Attorney Dominic
22 Cordisco, if everyone is in
23 agreement, would someone please move
24 for a motion to grant that approval.

25 MR. GALLI: So moved.

1 N O R T H E A S T B U S I N E S S C E N T E R

2 MR. WARD: Second.

3 CHAIRMAN EWASUTYN: I have a
4 motion by Frank Galli. I have a
5 second by John Ward. May I please
6 have a roll call vote.

7 MR. GALLI: Aye.

8 MS. DeLUCA: Aye.

9 MR. DOMINICK: Aye.

10 MR. MENNERICH: Aye.

11 CHAIRMAN EWASUTYN: Aye.

12 MR. BROWNE: Aye.

13 MR. WARD: Aye.

14 (Time noted: 7:06 p.m.)

15 (Time resumed: 7:30 p.m.)

16 CHAIRMAN EWASUTYN: We approved
17 your project subject to the fact that
18 you would have to come back at a
19 later date for ARB approval.

20 MR. McCORMACK: Understood.

21 Thank you. I apologize.

22 (Time noted: 7:31 p.m.)

23

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25

1 N O R T H E A S T B U S I N E S S C E N T E R

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

4

5

6 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 25th day of May 2022.

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Michelle Conero

22

MICHELLE CONERO

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

----- X
In the Matter of

ORCHARD HILLS - PARCEL LOCKER
(2022-12)

1 Kayla Court
Section 9; Block 1; Lot 45.21
R-3 Zone

----- X

INITIAL APPEARANCE
AMENDED SITE PLAN

Date: May 19, 2022
Time: 7:06 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JAY DIESING

----- X

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

1 O R C H A R D H I L L S - P A R C E L L O C K E R

2 CHAIRMAN EWASUTYN: Our second
3 item of business this evening is
4 Orchard Hills. It's for a parcel
5 locker. It's located in an R-3 Zone.
6 It's being represented by Mauri
7 Architects.

8 MR. DIESING: Good evening,
9 folks. I'm Jay Diesing with Mauri
10 Architects. I'm here to discuss a
11 small project with you at Orchard
12 Hills tonight.

13 If you're not familiar, Orchard
14 Hills is on the north side of Town.
15 It's accessed off of Route 9W at
16 Cortland Drive. It's a residential
17 development of townhouses and
18 apartments.

19 Our project tonight is we're
20 proposing to install a parcel locker
21 system. So essentially UPS, FedEx or
22 Amazon would come to the development
23 and they would deliver packages to
24 the locker system. It's very similar
25 to a mailbox. So they would be

1 O R C H A R D H I L L S - P A R C E L L O C K E R

2 the community. They do a great job
3 up there with the landscaping, it's
4 very plush and nice, and we certainly
5 want this to fit in as well.

6 That's basically the summary of
7 our project tonight. I certainly
8 look forward to any questions.

9 CHAIRMAN EWASUTYN: Stephanie
10 DeLuca, one of our Board Members, is
11 very familiar with that.

12 Right, Stephanie?

13 MS. DeLUCA: Yes.

14 CHAIRMAN EWASUTYN: Can you
15 speak on where you've seen it and how
16 it's working?

17 MS. DeLUCA: They had it pretty
18 much the way you had described it.
19 It was on the slab. They found it to
20 be very convenient.

21 MR. DIESING: Yeah.

22 MS. DeLUCA: So, you know --
23 there's not much else.

24 MR. DIESING: You always hear
25 about the theft with the packages.

1 O R C H A R D H I L L S - P A R C E L L O C K E R

2 MS. DeLUCA: I had spoken to
3 the manager at the apartment complex.
4 Because their office building is
5 closed on weekends, so of course
6 that's oftentimes where they would
7 leave the packages.

8 MR. DIESING: Sure.

9 MS. DeLUCA: They couldn't do
10 that. This is very convenient. It's
11 a nice feature to have.

12 MR. DIESING: Great.

13 MS. DeLUCA: The fact, too,
14 it's going to have different size
15 compartments and whatnot. So it's
16 very good.

17 MR. DIESING: There is a
18 variety. There's actually 118 boxes
19 that will be here.

20 MS. DeLUCA: That's what I was
21 going to ask.

22 MR. DIESING: There's different
23 sizes for just a small package from
24 Amazon, or whatever it might be.

25 MS. DeLUCA: Is the area lit?

1 ORCHARD HILLS - PARCEL LOCKER

2 MR. DIESING: Yes. Actually,
3 there are two -- they're not shown on
4 this plan but there are two pole
5 lights that light this parking lot
6 here now, and then there's some
7 recessed lighting in the canopy of
8 the parcel locker system itself. So
9 it will be lit, yes.

10 MS. DeLUCA: Okay.

11 CHAIRMAN EWASUTYN: Other
12 questions from Board Members?

13 MR. GALLI: No.

14 MR. WARD: No.

15 MR. MENNERICH: No.

16 CHAIRMAN EWASUTYN: Pat Hines,
17 comments?

18 MR. HINES: One of my comments
19 was I noticed the security cameras
20 and was unclear if there was
21 lighting. You just addressed that.

22 We noted that there are
23 thirteen trees to be planted around
24 the parcel locker.

25 We discussed at work session

1 O R C H A R D H I L L S - P A R C E L L O C K E R

2 whether or not a 239 referral was
3 required. It was felt that this was
4 just a small amendment to the site
5 plan and that there would be no
6 inter-municipal or regional impacts
7 that would be reviewed by the County,
8 therefore it was discussed possibly
9 not sending it to the County would be
10 appropriate based on the scope of the
11 project.

12 I believe it's a Type 2 action
13 under SEQRA.

14 The Board could discuss whether
15 or not it requires a public hearing
16 for the amended site plan.

17 CHAIRMAN EWASUTYN: Dominic,
18 the word that you used to describe it
19 was --

20 MR. CORDISCO: It's an
21 accessory structure that I would
22 consider to be a de minimus amendment
23 to the site plan. It's properly
24 before you.

25 As Pat mentioned, the purpose

1 ORCHARD HILLS - PARCEL LOCKER

2 of referring things to the County is
3 for the County to look at County
4 impacts and interregional impacts
5 associated with a particular project.
6 It's hard to conceive of any kind of
7 Countywide impacts that would be
8 associated with this particular
9 application, and so I think a strict
10 reading of 239, it's not required in
11 this instance, especially since it's
12 such a de minimus application.

13 CHAIRMAN EWASUTYN: We'll poll
14 the Board Members. Site plan public
15 hearings are discretionary.

16 Frank Galli, do you think we
17 should have a public hearing on this?

18 MR. GALLI: No. Due to the
19 nature of the mailboxes, the large
20 mailboxes, I don't think it's
21 necessary to have a public hearing on
22 it.

23 CHAIRMAN EWASUTYN: Stephanie
24 DeLuca?

25 MS. DeLUCA: No.

1 ORCHARD HILLS - PARCEL LOCKER

2 MR. DOMINICK: I don't believe
3 so. Minimal, like Dominic referred
4 to.

5 MR. MENNERICH: The people that
6 live there would be the ones that
7 would probably favor having it, so --

8 CHAIRMAN EWASUTYN: It's logical.
9 I'm in agreement with Ken
10 Mennerich.

11 Cliff Browne?

12 MR. BROWNE: Not needed.

13 CHAIRMAN EWASUTYN: John Ward?

14 MR. WARD: It's not needed.

15 CHAIRMAN EWASUTYN: Let the
16 record show that the Planning Board
17 waived the public hearing on the
18 parcel locker at Orchard Hills.

19 Jim Campbell, do you have
20 anything to add?

21 MR. CAMPBELL: No. Nothing to
22 add.

23 CHAIRMAN EWASUTYN: Okay.
24 Dominic Cordisco, Planning Board
25 Attorney, can you give us conditions

1 ORCHARD HILLS - PARCEL LOCKER

2 of approval for the parcel locker at
3 Orchard Hills?

4 MR. CORDISCO: Yes. So there
5 are no specific or special conditions
6 of approval for this particular
7 project. The standard conditions
8 would include the payment of all fees
9 that are due prior to plan signature.

10 CHAIRMAN EWASUTYN: Thank you.

11 Having heard from Planning
12 Board Attorney Dominic Cordisco,
13 would someone move for a motion to
14 approve the Orchard Hills parcel
15 locker?

16 MR. DOMINICK: I'll make the
17 motion.

18 MS. DeLUCA: Second.

19 CHAIRMAN EWASUTYN: Motion by
20 Dave Dominick. A second by who?

21 MS. DeLUCA: Me.

22 CHAIRMAN EWASUTYN: Stephanie
23 DeLuca. Thank you. May I please
24 have a roll call vote.

25 MR. GALLI: Aye.

1 ORCHARD HILLS - PARCEL LOCKER

2 MS. DeLUCA: Aye.

3 MR. DOMINICK: Aye.

4 MR. MENNERICH: Aye.

5 CHAIRMAN EWASUTYN: Aye.

6 MR. BROWNE: Aye.

7 MR. WARD: Aye.

8 CHAIRMAN EWASUTYN: Jay, give
9 me a month or so and remind me about
10 the balance in the escrow account.

11 MR. DIESING: Okay. Thank you.

12 CHAIRMAN EWASUTYN: That would
13 be true also of Gold's Gym.

14 MR. DIESING: Very good. Thank
15 you. Have a good night.

16

17 (Time noted: 7:16 p.m.)

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

----- X
In the Matter of

POPPY LANE
(2021-26)

North of Lester Clark Road
Between 114 & 118 Lester Clark Road
Section 6; Block 1; Lots 113, 114 & 115
AR Zone

----- X

CONTINUATION OF PUBLIC HEARING

Date: May 19, 2022
Time: 7:16 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

1 P O P P Y L A N E

2 the drainage and how do -- what do we
3 do with the drainage. There is no
4 drainage on Lester Clark Road of any
5 significance until you get down
6 towards the intersection.

7 Ultimately we decided to survey
8 Lester Clark Road down to the
9 existing cross culvert. Here is our
10 proposed. Here's Lester Clark Road.
11 The existing cross culvert on Lester
12 Clark Road. We're proposing to take
13 the drainage from the road in a new
14 drainage system along Lester Clark
15 Road and tie into the existing catch
16 basin on the south side of Lester
17 Clark Road.

18 We're proposing an 18-inch pipe
19 solely because we had to run it flat.
20 There's a high point here. We needed
21 to keep it as shallow as we could
22 through this section, because we're
23 actually going up about 6 feet here
24 in elevation before it comes back
25 down to that structure.

1 P O P P Y L A N E

2 We did try to investigate the
3 outlet of that structure. It looks
4 like the owner has filled this in and
5 covered the pipe. We could not find
6 any pipe. There's a lawn area that's
7 mowed beyond the pipe and the fill
8 area. We could not find any outlet
9 to it.

10 We also believe that the survey
11 incorrectly states it's 15 and that
12 is the same size as the one across
13 the street at 18. We need to verify
14 that and have the surveyor update his
15 plan accordingly.

16 We did send it off to the
17 Highway Department for their review.

18 I'd be glad to answer any
19 comments you have.

20 CHAIRMAN EWASUTYN: Comments
21 from Board Members?

22 MR. GALLI: So where it comes
23 out on the lawn, you couldn't find
24 where it came out?

25 MR. WINGLOVITZ: No. I think

1 P O P P Y L A N E

2 maybe the owner may have extended it
3 beyond that lawn area so they didn't
4 have to deal with the drainage.

5 MR. GALLI: So he's going to
6 know real quick if a big storm comes
7 and you're hooked into it.

8 MR. WINGLOVITZ: He's going to
9 go real quick?

10 MR. GALLI: He's going to know
11 real quick.

12 MR. WINGLOVITZ: I'm hoping he
13 extended it.

14 MR. GALLI: Could you knock on
15 the door and ask? Find out where it
16 is?

17 MR. WINGLOVITZ: We can knock
18 on his door and find out. We did
19 look. We went around here the best
20 we could, and on the other side of
21 his property.

22 MR. GALLI: I'd hate to see it
23 tied in close to his house or
24 property and it floods out. Then
25 you'll have an issue. The Town

1 P O P P Y L A N E

2 people will be calling the Town. It
3 would be nice to know where it goes.

4 MR. WINGLOVITZ: Yup. I agree.
5 We will knock on his door and see
6 what we can find out.

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

9 CHAIRMAN EWASUTYN: Stephanie?

10 MS. DeLUCA: Nothing.

11 CHAIRMAN EWASUTYN: Dave?

12 MR. DOMINICK: No.

13 MR. MENNERICH: No.

14 MR. BROWNE: Ross, you
15 mentioned the drainage initially goes
16 uphill about 6 feet high before it
17 comes back down?

18 MR. WINGLOVITZ: Yeah. So
19 Lester Clark actually goes uphill a
20 little bit, going back towards the
21 main road. It's a closed drainage
22 system carrying it through that high
23 point.

24 MR. HINES: The drainage gets
25 deeper and deeper as the grade rises

1 P O P P Y L A N E

2 up. The drainage flows downhill.

3 MR. WINGLOVITZ: If we went
4 steeper we would be real deep. We
5 had to keep it shallow.

6 MR. BROWNE: From an
7 engineering point it will work, that
8 top portion? From an engineering
9 standpoint it will work?

10 MR. WINGLOVITZ: Yes.

11 MR. BROWNE: Thank you.

12 CHAIRMAN EWASUTYN: John Ward?

13 MR. WARD: At work session we
14 were talking in reference to 18
15 inches going into 15 inches. How is
16 that going to work in the first
17 place, whether it goes --

18 MR. WINGLOVITZ: So all of this
19 drainage, except for the new
20 impervious, all goes in that
21 direction now. We're not redirecting
22 anything. This whole drainage area
23 comes across these people's lawns
24 here in the back of their houses and
25 comes down to that one discharge

1 P O P P Y L A N E

2 pipe. We are rerouting that drainage
3 to this point. It all gets there now
4 so we don't think we're adding a
5 significant change in area to that
6 point. We're just redirecting how
7 we're picking it up and getting it
8 there.

9 MR. GALLI: Plus you said you
10 think it's an 18-inch pipe.

11 MR. WINGLOVITZ: My guy, when
12 he went out there, thought it was an
13 18-inch pipe. This is a survey. I
14 couldn't change the surveyor's
15 document.

16 MR. WARD: Thank you.

17 CHAIRMAN EWASUTYN: Jim Campbell?

18 MR. CAMPBELL: No comments.

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

21 MR. HINES: Our first comment
22 is that this is a continuation of the
23 public hearing.

24 The second comment has to do
25 with the drainage that we've been

1 P O P P Y L A N E

2 discussing and the need to determine
3 the outlet location. I never like to
4 tie into drainage pipes when we don't
5 know where they go, where they reach
6 a natural discharge location.

7 We'll need cost estimates for
8 the private roadway and the offsite
9 drainage improvements as a condition
10 of any approvals.

11 Again, reminding the Board the
12 applicant is seeking two waivers for
13 the percent grade of the private
14 roadway in the vicinity of Lester
15 Clark Drive and a waiver for the
16 hammerhead turnaround rather than the
17 conventional cul-de-sac bowl. The
18 Town's private road specifications
19 identify that the Planning Board is
20 the Board that determines those
21 waivers and defers them to this
22 Board.

23 CHAIRMAN EWASUTYN: Discussion
24 from Board Members. Are we willing
25 to grant the waiver for the

1 P O P P Y L A N E

2 percentage of grade and the, I guess
3 it's referred to as the hammerhead at
4 the cul-de-sac? Are we in favor of
5 that?

6 MR. GALLI: Yes.

7 MS. DeLUCA: Yes.

8 MR. DOMINICK: Yes.

9 MR. MENNERICH: Yes.

10 MR. BROWNE: Yes.

11 MR. WARD: Yes.

12 CHAIRMAN EWASUTYN: Let the
13 record show that.

14 At this point we'll turn the
15 meeting over to Dominic Cordisco,
16 Planning Board Attorney, to spell out
17 the conditions of approval in the
18 resolution for the Poppy Lane
19 subdivision.

20 MR. CORDISCO: Mr. Ewasutyn, I
21 may have missed it but I wasn't sure
22 if you --

23 CHAIRMAN EWASUTYN: We should
24 close the public hearing. All right.

25 Would someone make a motion to

1 P O P P Y L A N E

2 close the public hearing on Poppy
3 Lane.

4 MR. WARD: So moved.

5 MR. MENNERICH: Second.

6 CHAIRMAN EWASUTYN: I have a
7 motion by John Ward.

8 MR. GALLI: John, do you want
9 to ask if there's anyone in the
10 audience?

11 CHAIRMAN EWASUTYN: Is there
12 anyone in the audience -- I didn't
13 recognize him. That's okay. Is
14 there anyone in the audience who
15 wanted to speak?

16 MR. FETTER: Bill Fetter,
17 Rockwood Drive. Back to the
18 drainage. You said there wouldn't be
19 much increase. There's the increase
20 of the impervious surface.

21 MR. WINGLOVITZ: Correct. Not
22 an increase in area that's going to
23 that pipe.

24 MR. FETTER: That's all. Thank
25 you.

1 P O P P Y L A N E

2 CHAIRMAN EWASUTYN: So we had a
3 motion from John Ward. We had a
4 second from who?

5 MR. MENNERICH: Ken.

6 CHAIRMAN EWASUTYN: Ken
7 Mennerich. I apologize. Then we'll
8 move forward with a roll call vote to
9 close the public hearing. Frank
10 Galli.

11 MR. GALLI: Yes.

12 MS. DeLUCA: Yes.

13 MR. DOMINICK: Yes.

14 MR. MENNERICH: Yes.

15 CHAIRMAN EWASUTYN: Yes.

16 MR. BROWNE: Yes.

17 MR. WARD: Yes.

18 CHAIRMAN EWASUTYN: All right.
19 Dominic Cordisco, would you give us
20 conditions of approval for Poppy
21 Lane.

22 MR. CORDISCO: Yes. As Pat
23 noted, the stormwater details need to
24 be provided as far as where the
25 connection is going to be, or where

1 P O P P Y L A N E

2 that connection ends up rather. That
3 would be one condition. So
4 addressing his comments that were
5 issued for this meeting would be one
6 of the conditions of approval prior
7 to plan signage. There also is the
8 requirement to provide cost estimates
9 for the private road and for the
10 offsite drainage improvements as
11 well. There is a requirement, as
12 noted on the plans, for a private
13 road maintenance agreement amongst
14 the lots, and also -- I think that's
15 it.

16 MR. HINES: Highway superintendent
17 sign off.

18 MR. CORDISCO: Highway
19 superintendent sign off on the
20 driveway locations.

21 CHAIRMAN EWASUTYN: Having
22 heard the conditions of approval
23 presented by Planning Board Attorney
24 Dominic Cordisco, would someone then
25 make that motion.

1 P O P P Y L A N E

2 MR. GALLI: So moved.

3 MR. MENNERICH: Second.

4 CHAIRMAN EWASUTYN: I have a
5 motion by Frank Galli. I have a
6 second by Ken Mennerich. Can I
7 please have a roll call vote.

8 MR. GALLI: Aye.

9 MS. DeLUCA: Aye.

10 MR. DOMINICK: Aye.

11 MR. MENNERICH: Aye.

12 CHAIRMAN EWASUTYN: Aye.

13 MR. BROWNE: Aye.

14 MR. WARD: Aye.

15 CHAIRMAN EWASUTYN: Motion
16 carried.

17 MR. CORDISCO: Just so the
18 record is clear, this is both for
19 preliminary and conditional final
20 approval.

21 CHAIRMAN EWASUTYN: Thank you.
22 Should we restate that?

23 MR. CORDISCO: No, sir. I
24 think it's clear. That's the
25 resolution that I intended on

1 P O P P Y L A N E

2 preparing. We do not see any need
3 for them to come back for conditional
4 final approval because we're not
5 anticipating any changes as part of
6 any other outside agency review.

7 CHAIRMAN EWASUTYN: Thank you.

8 MR. WINGLOVITZ: Thank you.

9

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

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POPPY LANE

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 25th day of May 2022.

Michelle Conero

MICHELLE CONERO

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

T-MOBILE - VALLEY VIEW DRIVE
(2005-48)

120 Valley View Drive
Section 15; Block 1; Lot 10
R-1 Zone
----- X

PUBLIC HEARING
SPECIAL USE PERMIT

Date: May 19, 2022
Time: 7:31 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DAVID KENNY

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

1 T - M O B I L E - V A L L E Y V I E W D R I V E

2 CHAIRMAN EWASUTYN: Our fourth
3 item of business is a public hearing
4 for a special use permit for T-Mobile
5 located on Valley View Drive. It's
6 being represented by Snyder & Snyder.
7 It's for a special use permit.

8 Ken Mennerich will read the
9 notice.

10 MR. MENNERICH: "Notice of
11 hearing, Town of Newburgh Planning
12 Board. Please take notice that the
13 Planning Board of the Town of
14 Newburgh, Orange County, New York
15 will hold a public hearing pursuant
16 to the Municipal Code of the Town of
17 Newburgh, Chapter 186-18,
18 recertification of special use
19 permit, and Section 185-58(b) on the
20 application of T-Mobile, 120 Valley
21 View Drive, recertification of
22 project 2005-48 for a special use
23 permit, recertification of the
24 continuance of the T-Mobile wireless
25 facility. The array is located at

1 T - M O B I L E - V A L L E Y V I E W D R I V E

2 120 feet above ground level with a
3 148 foot total tower height.

4 T-Mobile's equipment is located in
5 the ground mounted cabinets within a
6 fenced compound. The premise is
7 located at 120 Valley View Drive in
8 the Town of Newburgh, designated on
9 Town tax maps as Section 15; Block 1;
10 Lot 10, located in the R-1 Zoning
11 District. A public hearing will be
12 held on the 19th day of May 2022 at
13 the Town Hall Meeting Room, 1496
14 Route 300, Newburgh, New York at 7
15 p.m. at which time all interested
16 persons will be given an opportunity
17 to be heard. By order of the Town of
18 Newburgh Planning Board. John P.
19 Ewasutyn, Chairman, Planning Board
20 Town of Newburgh. Dated 28 April
21 2022."

22 CHAIRMAN EWASUTYN: Thank you.

23 MR. KENNY: Good evening,
24 Chairman and Members of the Board.
25 My name is David Kenny, I'm an

1 T - M O B I L E - V A L L E Y V I E W D R I V E

2 attorney with Snyder & Snyder. I'm
3 here tonight to represent the
4 applicant, T-Mobile.

5 As was just stated in the
6 hearing notice, this is for a
7 recertification. There's no proposed
8 work to be done here. It's just a
9 renewal of the special permit for
10 T-Mobile's facility that's located on
11 the tower.

12 They have nine antennas
13 currently on the tower.

14 We submitted, with our
15 application for renewal, an FCC
16 compliance report that certifies that
17 the facility is 100 percent compliant
18 with emissions pursuant to the FCC.
19 Actually, the emissions are
20 calculated at 1.75 percent, so it's a
21 very low-powered facility.

22 We also received a memo from
23 the Town's Wireless Consultant which
24 certifies that the application has
25 met all the requirements for

1 T - M O B I L E - V A L L E Y V I E W D R I V E

2 recertification.

3 We're here tonight to hear from
4 the Board, if it has any questions
5 regarding the application.

6 CHAIRMAN EWASUTYN: Is there
7 anyone here from the public who has
8 any questions or comments?

9 MR. FETTER: Again Bill Fetter,
10 Rockwood Drive. I'm just curious the
11 length of the permit?

12 CHAIRMAN EWASUTYN: Jim Campbell.

13 MR. CAMPBELL: Five years I
14 believe.

15 MR. FETTER: Okay. Thank you.

16 CHAIRMAN EWASUTYN: At this
17 point we'll turn the meeting over --
18 are there any additional questions or
19 comments from the public?

20 (No response.)

21 CHAIRMAN EWASUTYN: At this
22 point we'll turn the meeting over to
23 Mike Musso who is our
24 Telecommunications Consultant.

25 MR. MUSSO: Thank you, Mr.

1 T - M O B I L E - V A L L E Y V I E W D R I V E

2 Chairman. I just would like to give
3 a brief synopsis. You're all in
4 possession of the memo I submitted on
5 April 15th. This is an existing
6 T-Mobile facility first approved at
7 this tower in 2006.

8 Per the Wireless Chapter, or
9 the Wireless Code Chapter of the
10 Zoning Code, this is something that
11 is required of all special use
12 permits, whether they're granted to
13 carriers like T-Mobile or for tower
14 builders. The special use permit is
15 issued by this Board for a wireless
16 telecommunication facility. There is
17 a five-year period of recertification.

18 T-Mobile is one of the carriers
19 on that tower on Valley View Drive
20 right now. As stated and important,
21 there's nothing being proposed by
22 T-Mobile at this time. This is a
23 code compliance issue to meet the
24 five-year recertification. They did
25 get a recertification in the 2010/

1 T - M O B I L E - V A L L E Y V I E W D R I V E

2 2011 timeframe. That was after they
3 had been approved for five years.
4 They got a second recertification in
5 2015. In 2017 they put in for minor
6 modifications. They did some antenna
7 change-outs at that time and they
8 increased the number of antennas from
9 six to nine. Here we are, five years
10 later, in 2022. They still have the
11 nine antennas. There are no changes
12 to their equipment or the tower.

13 A run through, there are eight
14 items in code Chapter 168-18(a).
15 I've run through those in my brief
16 memo. I feel that they are complete
17 and the submittals were in accordance
18 with that.

19 One other thing to add on
20 there. Chapter 168-23, still the
21 Wireless Chapter, has to do with
22 radiofrequency emissions. I was
23 happy to see here that in this case
24 the applicant actually did field
25 reviews. So they took readings about

1 T - M O B I L E - V A L L E Y V I E W D R I V E

2 the area and again confirmed that the
3 site and the general population --
4 general public areas are at levels
5 well below the maximum permissible
6 exposure limit. The reason I say I
7 like to see that is there's a lot of
8 desktop modeling that's done. When
9 that's done we review that
10 information and those assumptions,
11 but here we actually have some field
12 data which I think is nice for that
13 particular tower site.

14 So again, our conclusions were
15 that we feel that the submittals meet
16 the spirit and the requirements of
17 the Town Code requirements for
18 recertification, and I think this
19 Board could entertain issuing the
20 five-year recertification.

21 CHAIRMAN EWASUTYN: For the
22 record, do you believe we should
23 quote the eight items that you looked
24 at?

25 MR. MUSSO: If you're

1 T - M O B I L E - V A L L E Y V I E W D R I V E

2 entertaining a resolution, I think
3 that's a great idea to put those in.
4 I think it would memorialize things.

5 CHAIRMAN EWASUTYN: So how
6 would we do that? You would present
7 it now or present it to Dominic
8 Cordisco? How would you like to do
9 that?

10 MR. MUSSO: Yeah, I could
11 certainly give a Word version of the
12 memo.

13 CHAIRMAN EWASUTYN: Please.
14 Thank you.

15 MR. MUSSO: That would be
16 pasted in quite simply I think.

17 MR. CORDISCO: Thank you, sir.

18 MR. MUSSO: We'll do that.

19 CHAIRMAN EWASUTYN: Questions
20 from Board Members?

21 (No response.)

22 CHAIRMAN EWASUTYN: So Mike,
23 procedurally from here, and Dominic
24 Cordisco, the motion would be to
25 grant the five-year extension of the

1 T - M O B I L E - V A L L E Y V I E W D R I V E

2 special use permit? Is that what it
3 would be?

4 MR. CORDISCO: It could be for
5 a five-year term. This is all laid
6 out in Chapter 168 of the Town Code.

7 This is a Type 2 action under
8 SEQRA because it is a re-issuance of
9 an existing permit. Chapter 168 for
10 recertification does not require a
11 public hearing. There is no
12 procedural --

13 CHAIRMAN EWASUTYN: John Ward,
14 do you have a question?

15 MR. WARD: He has a question.

16 MR. FETTER: If you don't want
17 me to talk, I won't talk.

18 CHAIRMAN EWASUTYN: I didn't
19 say anything.

20 MR. FETTER: You didn't say
21 anything. It's the eyes to the
22 ceiling.

23 Bill Fetter, Rockwood Drive.
24 Back to the radiation. Is it fair to
25 say that the measurements were taken

1 T - M O B I L E - V A L L E Y V I E W D R I V E

2 -- is T-Mobile the only applicant up
3 on the tower?

4 MR. KENNY: No. There are two
5 other occupants on the tower. The
6 emission levels were done cumulative.

7 MR. FETTER: It's cumulative.
8 That was the underlying question.
9 Thank you.

10 MR. KENNY: It includes
11 everybody.

12 MR. FETTER: Did you say T-
13 Mobile themselves has nine antennas
14 on the tower?

15 MR. KENNY: Correct.

16 MR. FETTER: Thank you. That's
17 all.

18 CHAIRMAN EWASUTYN: Any
19 additional questions or comments?

20 (No response.)

21 CHAIRMAN EWASUTYN: I didn't
22 raise my eyes at you but I did raise
23 my eyes.

24 MR. FETTER: I just saw the
25 white.

1 T - M O B I L E - V A L L E Y V I E W D R I V E

2 CHAIRMAN EWASUTYN: I think
3 it's more allergies than anything
4 else at this point.

5 MR. FETTER: Thank you.

6 CHAIRMAN EWASUTYN: Would
7 someone move for a motion to first
8 close the public hearing on the
9 T-Mobile - Valley View Drive public
10 hearing special use permit.

11 MR. GALLI: So moved.

12 MS. DeLUCA: Second.

13 CHAIRMAN EWASUTYN: I have a
14 motion -- who spoke?

15 MR. GALLI: Me.

16 CHAIRMAN EWASUTYN: Frank
17 Galli. A second by whom?

18 MR. GALLI: Stephanie.

19 CHAIRMAN EWASUTYN: Stephanie
20 DeLuca. Can I please have a roll
21 call vote.

22 MR. GALLI: Aye.

23 MS. DeLUCA: Aye.

24 MR. DOMINICK: Aye.

25 MR. MENNERICH: Aye.

1 T - M O B I L E - V A L L E Y V I E W D R I V E

2 CHAIRMAN EWASUTYN: Aye.

3 MR. BROWNE: Aye.

4 MR. WARD: Aye.

5 CHAIRMAN EWASUTYN: Dominic
6 Cordisco, one more time, the
7 conditions of approval for the
8 resolution.

9 MR. CORDISCO: It would be to
10 include the information from the
11 recertification as Mr. Musso
12 indicated. Once again, this is a
13 Type 2 action and there are no
14 additional conditions that weren't
15 imposed as part of the original.

16 CHAIRMAN EWASUTYN: Having
17 heard the conditions of approval
18 presented by Planning Board Attorney
19 Dominic Cordisco, would someone move
20 for that motion.

21 MR. DOMINICK: I'll make the
22 motion.

23 MR. MENNERICH: Second.

24 CHAIRMAN EWASUTYN: We have a
25 motion by Dave Dominick. We have a

1 T - M O B I L E - V A L L E Y V I E W D R I V E

2 second by Cliff Browne -- excuse me.

3 A second by Ken Mennerich. Correct?

4 MR. MENNERICH: Mm'hm'.

5 CHAIRMAN EWASUTYN: Can I

6 please have a roll call vote.

7 MR. GALLI: Aye.

8 MS. DeLUCA: Aye.

9 MR. DOMINICK: Aye.

10 MR. MENNERICH: Aye.

11 CHAIRMAN EWASUTYN: Aye.

12 MR. BROWNE: Aye.

13 MR. WARD: Aye.

14 MR. KENNY: Thank you very much
15 for your time.

16

17 (Time noted: 7:42 p.m.)

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1 T - M O B I L E - V A L L E Y V I E W D R I V E

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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.

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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.

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Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

FAC SELF-STORAGE/U-HAUL - MIDDLEHOPE
(2021-33)

5325 Route 9W
Section 20; Block 2; Lot 2
B/SC Zone

----- X

SITE PLAN

Date: May 19, 2022
Time: 7:42 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: LARRY MARSHALL

----- X

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

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 CHAIRMAN EWASUTYN: The fifth
3 item of business this evening is the
4 FAC Self-Storage/U-Haul - Middlehope
5 site plan. It's located on 9W in a
6 B/SC Zone. It's being represented by
7 Larry Marshall.

8 MR. MARSHALL: Good evening.
9 So this application you've seen
10 before. It's for a self-storage
11 facility for U-Haul.

12 Since the last submission that
13 we made we have made some adjustments
14 to the overall site plan. Not so
15 much -- not a great deal in terms of
16 the overall layout. The building
17 remains in the same location as it
18 was previously. The loading docks
19 are located in the same location.

20 What we've done is reduced the
21 overall elevation of the building.
22 We've taken it down by an additional
23 8 feet to lower the visibility.
24 You're not going to hide the building
25 but the impact of how high the

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 building would be from passerbys on
3 9W.

4 Additionally, we've changed the
5 grading in front of the building.
6 Previously we had a retaining wall
7 basically that went around the entire
8 front of the building and wrapped up
9 the sides. We've eliminated a
10 majority of that retaining wall.
11 There is a small portion of retaining
12 wall that is required along the
13 southeasterly corner of the building
14 to allow the access drive to be
15 properly graded. So really what
16 we've done is just graded that slope
17 up and eliminated that harsh wall.

18 The wall height being proposed
19 is significantly lower than it was,
20 and that's due to a combination of
21 adjusting the overall finished floor
22 elevation of the proposed building as
23 well as increasing the slope or grade
24 in front of the building.

25 The drainage really primarily

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 stays the same. There is some
3 additional grading in the back to
4 accommodate that lower elevation of
5 the building. By and large the site
6 plan stays the same in terms of
7 overall grading and drainage.

8 To address concerns expressed
9 at the last meeting regarding the
10 access drive, specifically relating
11 to aerial apparatus access, we have
12 relocated the proposed truck storage,
13 the rental truck spaces, to the
14 southerly side of the driveway.
15 Previously they were located right in
16 front of the retaining wall. So we
17 basically flipped those to the south
18 side. We did receive Mr. Hines'
19 comments. We do have to shift those
20 back so that they're outside of the
21 access drive. The front one does
22 project into that access drive a
23 little bit. We will slide those
24 back, but it doesn't change the
25 circulation within the facility.

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 on that?

3 MR. MARSHALL: We've looked at
4 that. The problem that we're having
5 with it is the horizontal -- the
6 required horizontal separation
7 between the storm sewer and the water
8 line. That's what we're really
9 struggling with. We do have storm
10 sewers that are coming down on both
11 sides of the building. We're
12 required to have a 10 foot horizontal
13 separation from those. So we have
14 looked into that, we will continue to
15 look into that, but we are struggling
16 a little bit just because of where
17 the water line can really come into
18 the facility and where the storm
19 sewers have to be.

20 CHAIRMAN EWASUTYN: Comments
21 from Board Members. Frank Galli?

22 MR. GALLI: No.

23 CHAIRMAN EWASUTYN: Stephanie
24 DeLuca?

25 MS. DeLUCA: No. Just -- no.

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 CHAIRMAN EWASUTYN: Dave?

3 MR. DOMINICK: Larry, just to
4 talk about Pat's comment with the
5 discharge. How are you going to
6 address that?

7 MR. MARSHALL: The concern that
8 -- Pat raised concern over the
9 overall size of the discharge being 8
10 inches and how much water is
11 anticipated to be received by that
12 trench drain. It's a very good
13 comment. Thank you. We're going to
14 do a hydraulic analysis to make sure
15 that trench drain can handle it. If
16 it can't, then we'll upsize the
17 trench drain. The trench drain that
18 we chose is really limited to an 8-
19 inch pipe outlet. So what we would
20 do -- we're going to take a look at
21 it, make sure, see what size we do
22 need, and then appropriately size the
23 trench drain so the outlet pipe is
24 adequate to receive the water.

25 MR. DOMINICK: Thank you.

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 MR. MENNERICH: Nothing.

3 MR. BROWNE: I'm good.

4 MR. WARD: At work session Jim
5 and Pat were talking. The far left
6 corner, there was a question mark
7 down there.

8 MR. GALLI: The dark circle to
9 your left.

10 MR. HINES: There's two of
11 those.

12 MR. MARSHALL: These two here?

13 MR. GALLI: No, no. It's on
14 the end. This one.

15 MR. HINES: There's symbols
16 there that aren't in the legend.

17 MR. MARSHALL: Okay. So this
18 is -- so there's a diversion swale
19 that's moving around here so that we
20 don't get the runoff that's coming
21 from the uphill area down into the
22 storm drain. I need to trim that.
23 You can see the storm drain. That
24 would convey down into the existing
25 storm --

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 MR. HINES: The question is
3 what those symbols are.

4 MR. MARSHALL: This one here
5 and this one here?

6 MR. HINES: Yes.

7 MR. MARSHALL: So that is
8 labeled on the existing conditions
9 plan. I'll add it to the legend.
10 There are two large debris piles from
11 the neighbor, and that's what that
12 is. Yeah.

13 MR. WARD: Thank you.

14 MR. MARSHALL: It's rubble is
15 what it is.

16 MR. HINES: That's a unique
17 symbol.

18 MR. MARSHALL: My surveyors
19 came up with it.

20 CHAIRMAN EWASUTYN: Jim
21 Campbell, Code Compliance?

22 MR. CAMPBELL: No additional
23 comments. We'll wait to see what the
24 truck relocation is.

25 CHAIRMAN EWASUTYN: Pat Hines

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 with McGoey, Hauser & Edsall?

3 MR. HINES: So Mr. Marshall hit
4 on the majority of my comments. We
5 have some technical comments on the
6 stormwater management plan which are
7 very technical in nature and can be
8 addressed.

9 The status of the DOT review he
10 touched on a bit. The scope of the
11 traffic study is relatively limited
12 to the site driveway. I don't know
13 that there's going to be any
14 intersections evaluated further on.

15 We did review the long form
16 EAF. We were in a position to
17 recommend a negative declaration.
18 That was prior to the DOT sending
19 that letter requesting a traffic
20 study. I don't know that the traffic
21 study is going to identify any
22 significant environmental impacts.
23 It's just not that large of a
24 facility. I think they are looking
25 more at an analysis of how the

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 driveway is going to operate. I'll
3 leave that to the Board, if they want
4 to wait for the traffic study or are
5 in a position to issue the negative
6 declaration with the idea that we
7 would move this towards a public
8 hearing.

9 CHAIRMAN EWASUTYN: Dominic
10 Cordisco, your advice?

11 MR. CORDISCO: I think you're
12 in a position now to grant the
13 negative declaration if the Board
14 doesn't have any issues or concerns.

15 CHAIRMAN EWASUTYN: Thank you.

16 I'll poll the Board Members.
17 Are they comfortable with making a
18 negative declaration for the FAC
19 Self-Storage/U-Haul - Middlehope site
20 plan?

21 MR. GALLI: Yes.

22 MS. DeLUCA: Yes.

23 MR. DOMINICK: Yes.

24 MR. MENNERICH: Yes.

25 CHAIRMAN EWASUTYN: Yes.

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 MR. BROWNE: Yes.

3 MR. WARD: Yes.

4 CHAIRMAN EWASUTYN: Would
5 someone then make that motion.

6 MR. GALLI: So moved.

7 MR. WARD: Second.

8 CHAIRMAN EWASUTYN: I have a
9 motion by Frank Galli. I have a
10 second by John Ward. May I please
11 have a roll call vote.

12 MR. GALLI: Aye.

13 MS. DeLUCA: Aye.

14 MR. DOMINICK: Aye.

15 MR. MENNERICH: Aye.

16 CHAIRMAN EWASUTYN: Aye.

17 MR. BROWNE: Aye.

18 MR. WARD: Aye.

19 CHAIRMAN EWASUTYN: Motion
20 carried.

21 I'll poll the Board Members to
22 see if they want to have a public
23 hearing. Frank Galli?

24 MR. GALLI: I think the nature
25 of the commercial properties in the

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 area, there's one across the street,
3 I don't think we need to hold a
4 public hearing.

5 CHAIRMAN EWASUTYN: We should?

6 MR. GALLI: No.

7 CHAIRMAN EWASUTYN: Stephanie
8 DeLuca?

9 MS. DeLUCA: Again, yeah --

10 CHAIRMAN EWASUTYN: I'm sorry,
11 I didn't hear you.

12 MS. DeLUCA: I'm just thinking
13 about it. No. I think it would be
14 all right.

15 CHAIRMAN EWASUTYN: Dave Dominick?

16 MR. DOMINICK: I don't think
17 it's necessary.

18 CHAIRMAN EWASUTYN: Ken Mennerich?

19 MR. MENNERICH: I don't think
20 it's necessary.

21 MR. BROWNE: No public hearing.

22 MR. WARD: No.

23 CHAIRMAN EWASUTYN: Let the
24 record show that the Planning Board,
25 which is discretionary under site

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 plans, waived the public hearing on
3 FAC Self-Storage/U-Haul - Middlehope.

4 Okay. So they have to come
5 back to revise their plans?

6 MR. HINES: Yes. We'd like to
7 have DOT weigh in before we issue any
8 approvals I believe.

9 MR. MARSHALL: Yes. Thank you
10 very much.

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12 (Time noted: 7:53 p.m.)

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F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

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 25th day of May 2022.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

PROPOSED LOCAL LAW
TEMPORARY OUTDOOR DINING PERMITS

----- X

BOARD BUSINESS

Date: May 19, 2022
Time: 7:53 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

1 BOARD BUSINESS

2 CHAIRMAN EWASUTYN: Our last
3 item is under Board business. I'll
4 have Dominic Cordisco speak on that,
5 please.

6 MR. CORDISCO: Town Attorney
7 Mark Taylor sent a referral to the
8 Planning Board and the Zoning Board
9 of Appeals on May 12th where the Town
10 Board has entertained a local law
11 that would extend, due to COVID, the
12 potential for eating establishments
13 to have outdoor seating without the
14 need to go through the site plan
15 approval. It's an extension of
16 circumstances that have been in place
17 now for over two years. It is solely
18 related to the pandemic.

19 The proposal is to extend that
20 authorization through the end of this
21 coming year, so December 31st of
22 2022. That would be a waiver of the
23 zoning requirements that would
24 otherwise apply for permanent outside
25 dining.

1 B O A R D B U S I N E S S

2 This is a referral from Mark
3 Taylor, as I said. The Board can and
4 should consider authorizing me to
5 send a letter back to the Town Board
6 indicating whether or not it has any
7 objections or concerns to this
8 proposed introductory local law.

9 CHAIRMAN EWASUTYN: I'll poll
10 the Board Members. Any objections or
11 concerns based upon the proposed
12 local law providing for temporary
13 outdoor dining permits which Dominic
14 Cordisco, Planning Board Attorney,
15 just discussed?

16 MR. GALLI: No. I'm okay with
17 it.

18 CHAIRMAN EWASUTYN: Stephanie?

19 MS. DeLUCA: That's fine.

20 MR. DOMINICK: Yes.

21 MR. MENNERICH: Yes.

22 MR. BROWNE: No objections.

23 MR. WARD: No objections.

24 MR. CORDISCO: Thank you. I
25 will send that report letter.

1 BOARD BUSINESS

2 CHAIRMAN EWASUTYN: Jim
3 Campbell, do you have any comment on
4 this for Code Compliance?

5 MR. CAMPBELL: No.

6 CHAIRMAN EWASUTYN: Pat Hines?

7 MR. HINES: No. There are
8 several facilities in the Town that
9 are taking advantage of it. It was
10 getting to the point where this Board
11 was going to start seeing
12 applications had this amendment and
13 extension of the law not been
14 undertaken. I think it's a good time
15 to do that. We had a couple of
16 inquiries on how some of these
17 facilities wanted to continue to have
18 that service.

19 CHAIRMAN EWASUTYN: Would
20 someone make a motion to authorize
21 Dominic Cordisco, Planning Board
22 Attorney, to write a letter to Mark
23 Taylor, Town Attorney?

24 MR. WARD: So moved.

25 MS. DeLUCA: Second.

1 B O A R D B U S I N E S S

2 CHAIRMAN EWASUTYN: Motion by
3 John Ward. I have a second by
4 Stephanie DeLuca. May I please have
5 a roll call vote.

6 MR. GALLI: Aye.

7 MS. DeLUCA: Aye.

8 MR. DOMINICK: Aye.

9 MR. MENNERICH: Aye.

10 CHAIRMAN EWASUTYN: Aye.

11 MR. BROWNE: Aye.

12 MR. WARD: Aye.

13 CHAIRMAN EWASUTYN: Motion
14 carried.

15 Is everyone going to be present
16 at the next meeting or will most
17 people be away?

18 MR. BROWNE: I think so.

19 MR. CORDISCO: For the next
20 meeting I have asked Steve Gaba to
21 cover. It's my son's concert at
22 school, his annual concert.

23 CHAIRMAN EWASUTYN: Let us
24 know. Send us an e-mail and I'll
25 share that e-mail with everyone.

1 B O A R D B U S I N E S S

2 We've completed all of our
3 business for the evening of the 19th
4 of May. Would someone make a motion
5 to close the meeting of the 19th of
6 May.

7 MR. GALLI: So moved.

8 MR. DOMINICK: Second.

9 CHAIRMAN EWASUTYN: I have a
10 motion by Frank Galli and a second by
11 Dave Dominick. Can I please have a
12 roll call vote.

13 MR. GALLI: Aye.

14 MS. DeLUCA: Aye.

15 MR. DOMINICK: Aye.

16 MR. MENNERICH: Aye.

17 CHAIRMAN EWASUTYN: Aye.

18 MR. BROWNE: Aye.

19 MR. WARD: Aye.

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21 (Time noted: 7:58 p.m.)

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1 BOARD BUSINESS

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

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6 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 25th day of May 2022.

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Michelle Conero

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MICHELLE CONERO

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