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

- - - - - X

In the Matter of

SUNBELT RENTALS - MOFFAT PROPERTIES
(2022-14)

224 & 226 Route 17K
Section 32; Block 29; Lots 64 & 65
IB Zone

- - - - - X

SIGNAGE - ARCHITECTURAL REVIEW BOARD

Date: July 18, 2024
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

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

APPLICANT'S REPRESENTATIVE: MARIA ROTUNDO

- - - - - X

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

2 CHAIRMAN EWASUTYN: Good evening,
3 ladies and gentlemen. The Town of
4 Newburgh Planning Board would like to
5 welcome you to their meeting of the 18th
6 of July. This evening we have eleven
7 agenda items. Of those eleven, two are
8 public hearings.

9 At this time we'll call the meeting
10 to order with a roll call vote starting
11 with Dave Dominick.

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. CORDISCO: Dominic Cordisco,
19 Planning Board Attorney.

20 MS. CONERO: Michelle Conero,
21 Stenographer.

22 MR. HINES: Pat Hines with MH&E
23 Engineers.

24 MR. CAMPBELL: Jim Campbell, Town
25 of Newburgh Code Compliance.

2 MR. WERSTED: Ken Wersted,
3 Creighton, Manning Engineering, Traffic
4 Consultant.

5 CHAIRMAN EWASUTYN: At this time
6 we'll turn the meeting over to Dave
7 Dominick.

8 MR. DOMINICK: Please stand for the
9 Pledge of Allegiance.

10 (Pledge of Allegiance.)

11 MR. DOMINICK: Please silence your
12 cellphones or put them on vibrate. Thank
13 you.

14 CHAIRMAN EWASUTYN: The first item
15 of business this evening is Sunbelt
16 Rentals - Moffat Properties, project
17 number 22-14. It's before the Board this
18 evening for signage and ARB approval.
19 The property is located on Route 17K in
20 an IB Zone. Lite Brite Signs is going to
21 be presenting, Maria Rotundo, for the
22 signage application.

23 MS. ROTUNDO: Good evening. I'm
24 Maria Rotundo with Lite Brite Signs.

25 I'm before the Board because

2 Sunbelt, when they went through planning,
3 they didn't discuss the signage. I'm
4 here for the signage.

5 They would like two building signs
6 and one monument sign. I have the color
7 samples. It's a set of channel letters
8 on two different fascias. It's just LED,
9 standard channel letters, internally
10 illuminated. They're yellow and white.

11 The monument sign is where the
12 green comes in. That one they would like
13 to put where the other structure was by
14 the road. I don't know if you've seen a
15 before and after picture. They took that
16 structure down and they want to replace
17 it with that monument. It's 12 foot
18 high.

19 CHAIRMAN EWASUTYN: How wide?

20 MS. ROTUNDO: 7 foot. The sign
21 area is actually 7 by 7.

22 CHAIRMAN EWASUTYN: Jim Campbell
23 with Code Compliance.

24 Do you know Jim?

25 MR. CAMPBELL: I think we spoke.

2 MS. ROTUNDO: Yes.

3 CHAIRMAN EWASUTYN: He reviewed the
4 application.

5 MS. ROTUNDO: Good. With the
6 measurements?

7 CHAIRMAN EWASUTYN: He would like
8 to talk to you about it now.

9 MR. CAMPBELL: Signs A and B, the
10 front and side building-mounted signs,
11 based on the building lineal frontage,
12 you're allowed 60 square feet max.
13 Between those two signs, your total is
14 143.77. That puts you over 83.77 square
15 feet.

16 MS. ROTUNDO: We're allowed a total
17 of 60 and we have to split it per fascia
18 or --

19 MR. CAMPBELL: It would be up to 60.

20 MS. ROTUNDO: Up to 60. So I have
21 to do 30 and 30?

22 MR. CAMPBELL: Or it would require
23 a variance.

24 MS. ROTUNDO: That's with the ZBA?

25 MR. CAMPBELL: Yes.

2 Sign C, which is the free-standing
3 sign, the size and everything is okay.
4 The location is not.

5 MS. ROTUNDO: I have a 5-foot
6 setback. Can we do a 10 foot?

7 MR. CAMPBELL: You have to do 15.
8 15 from the front and side yard.

9 MR. HINES: Or the ZBA can grant
10 you relief from that as well.

11 MS. ROTUNDO: I'm sorry. 15 foot
12 from the front and side yard?

13 MR. CAMPBELL: The side I don't
14 think will be an issue. It's the front
15 yard that's --

16 CHAIRMAN EWASUTYN: Maria, if we
17 can stop for a second. There's a piece
18 of paper with some of these comments
19 written out that might help you.

20 MS. ROTUNDO: Thank you.

21 MR. CORDISCO: Actually, Jim prepared
22 it.

23 MS. ROTUNDO: Thank you.

24 MR. CORDISCO: If I may, Mr. Chairman.
25 The way it works is this Board can refer

1
2 you to the Zoning Board of Appeals.
3 I'll do a referral letter that would
4 spell this out. It would be up to
5 you, however, to make the application
6 to the Zoning Board of Appeals.

7 MS. ROTUNDO: Okay.

8 MR. CORDISCO: We would get this
9 referral letter out in the next few days.
10 That would pave the way for you to submit
11 your plan set along with the application
12 that's identifying why these variances
13 should be granted by the Zoning Board.

14 MS. ROTUNDO: Okay. I cannot
15 determine that. Sunbelt will have to
16 tell me in what direction they want to go.

17 MR. CORDISCO: Of course. It's an
18 option. The other option is to change
19 the plan --

20 MS. ROTUNDO: To comply. Okay.

21 MR. CORDISCO: -- to comply. Correct.

22 MS. ROTUNDO: If you could do the
23 referral. I would not move forward with
24 it if corporate decides not to.

25 MR. CORDISCO: Of course.

2 CHAIRMAN EWASUTYN: Any other
3 questions or comments?

4 MS. ROTUNDO: No.

5 CHAIRMAN EWASUTYN: Pat Hines with
6 MH&E.

7 MR. HINES: We have nothing
8 outstanding.

9 MS. ROTUNDO: Thank you.

10 MR. CORDISCO: At this point the
11 Board should perhaps make a motion to
12 refer this to the Zoning Board of Appeals.

13 CHAIRMAN EWASUTYN: Would someone
14 make a motion to have Dominic Cordisco,
15 Planning Board Attorney, prepare a letter
16 to the ZBA stating the variances that are
17 necessary for Sunbelt.

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

19 MS. DeLUCA: Second.

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

24 MS. CARVER: Aye.

25 MR. BROWNE: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MS. ROTUNDO: Thank you.

(Time noted: 7:04 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 29th day of July 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

PERUGINO TWO-LOT SUBDIVISION
(2024-02)

Mountain View Avenue & Travis Lane
Section 14; Block 1; Lot 150.2
RR Zone

----- X

PUBLIC HEARING - TWO-LOT SUBDIVISION

Date: July 18, 2024
Time: 7:05 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

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

APPLICANT'S REPRESENTATIVE: JOHN NOSEK

----- X

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

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CHAIRMAN EWASUTYN: Item number 2 is Perugino. It's a two-lot subdivision, project number 24-02. It's on Mountain View Avenue and Travis Lane. It's in an RR Zone. It's being represented by John Nosek, Nosek Engineering.

Ken Mennerich will read the notice of hearing.

MR. MENNERICH: "Notice of Hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 274-A of the New York State Town Law and Chapter 163-8J of the Town of Newburgh Code on the application of Perugino Two-Lot Subdivision, project 2024-02. The project is a proposed two-lot subdivision of an existing 11.1 acre parcel of property located at the intersection of Mountain View Avenue and Travis Lane. The project proposes one new residential building lot of 2.62 plus or minus acre parcel of property. The

2 remaining balance parcel will be an 8.54
3 acre lot. The proposed residential lot
4 will be served by an onsite subsurface
5 sanitary sewer disposal system and an
6 onsite well. The project site is located
7 in the Town of Newburgh's RR and AR Zone.
8 The new residential lot is located in the
9 portion of the lot located in the RR
10 Zone. The project is located in the
11 Town's Chadwick Lake Environs Critical
12 Environmental Area. The project is known
13 on the Town of Newburgh tax maps as
14 Section 14; Block 1; Lot 150.2. A public
15 hearing will be held on the 18th day of
16 July 2024 at the Town Hall Meeting Room,
17 1496 Route 300, Newburgh, New York at 7
18 p.m. or as soon thereafter, at which time
19 all interest persons will be given an
20 opportunity to be heard. By order of the
21 Town of Newburgh Planning Board. John P.
22 Ewasutyn, Chairman, Planning Board Town
23 of Newburgh. Dated 7 June 2024."

24 CHAIRMAN EWASUTYN: John.

25 MR. NOSEK: Good evening. For the

2 record, John Nosek, Nosek Engineering,
3 representing Brook Perugino for a
4 proposed two-lot subdivision.

5 Essentially what we're looking to
6 do is one new single-family home with
7 access off of Travis Lane.

8 There's a proposed well and
9 subsurface sewage disposal system.

10 That's pretty much it.

11 CHAIRMAN EWASUTYN: If anyone has
12 any questions, please raise your hand and
13 stand and speak. The gentleman.

14 PUBLIC PARTICIPANT: I couldn't
15 hear what the gentleman said. Did he say
16 the access was over Travis Lane?

17 MR. NOSEK: Correct.

18 PUBLIC PARTICIPANT: Thank you.

19 CHAIRMAN EWASUTYN: Any additional
20 comments from the public, or questions?

21 (No response.)

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

25 MR. HINES: The project was issued

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a negative declaration. It was a Type 1 action because it was located in the Town's critical environmental area. That environmental process has been completed.

We've reviewed the water and sewer on the site and take no exception.

The only outstanding issue is, I don't think we've heard back from the highway superintendent regarding the location of the driveway. That would be a condition of approval.

Otherwise we have nothing else on this two-lot subdivision.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance.

MR. CAMPBELL: Nothing additional.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney.

MR. CORDISCO: If there are no further public comments, I would recommend that the Board close the public hearing.

CHAIRMAN EWASUTYN: Having heard from our Planning Board Attorney, Dominic Cordisco, would someone move for a motion

2 to close the public hearing for Perugino
3 Two-Lot Subdivision, project number
4 24-02.

5 MR. MENNERICH: So moved.

6 MS. DeLUCA: Second.

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

11 MR. DOMINICK: Aye.

12 MS. DeLUCA: Aye.

13 MR. MENNERICH: Aye.

14 CHAIRMAN EWASUTYN: Aye.

15 MR. BROWNE: Aye.

16 MS. CARVER: Aye.

17 CHAIRMAN EWASUTYN: Dominic Cordisco,
18 Planning Board Attorney, can you give us
19 conditions of approval for the Perugino
20 Two-Lot Subdivision.

21 MR. CORDISCO: Yes. In addition to
22 the standard conditions which require the
23 applicant to pay all outstanding fees,
24 the other conditions would include the
25 need for the driveway access permit from

2 the highway superintendent as well as all
3 construction must comply with the
4 requirements of the Chadwick Lake
5 Critical Environmental Area. Those
6 requirements have been noted on the plan,
7 but they would be noted in the resolution
8 as well.

9 CHAIRMAN EWASUTYN: Thank you.

10 Any questions or comments from the
11 Planning Board Members?

12 MR. HINES: Rec fees.

13 MS. CORDISCO: Yes.

14 CHAIRMAN EWASUTYN: Having heard
15 from Dominic Cordisco, Planning Board
16 Attorney, would someone move to grant
17 final approval subject to the conditions
18 that were stated for the two-lot subdivision
19 for Perugino.

20 MR. DOMINICK: So moved.

21 MR. BROWNE: Second.

22 CHAIRMAN EWASUTYN: I have a motion
23 by Dave Dominick. I have a second by
24 Cliff Browne. Can I have a roll call
25 vote starting with Dave Dominick.

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MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MS. CARVER: Aye.

CHAIRMAN EWASUTYN: Thank you.

MR. NOSEK: Thank you.

(Time noted: 7:10 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 29th day of July 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

NEWBURGH COMMONS
(2023-24)

5430 & 5450 Route 9W
Section 9; Block 1; Lots 53.1 & 13
R-3/B Zone

----- X

PUBLIC HEARING - SITE PLAN & ARB

Date: July 18, 2024
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

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

APPLICANT'S REPRESENTATIVE: ANTHONY GUCCIONE,
MARK PETRORO, UMBERTO BALDINUCCI,
STANLEY SCHUTZMAN

----- X

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

2 CHAIRMAN EWASUTYN: Item number
3 3 this evening is Newburgh Commons,
4 project number 23-24. It's a public
5 hearing for a site plan and ARB.
6 It's located at 5430 & 5450 Route 9W.
7 It's in an R-3 Zone. It's being
8 represented by JMC Planning &
9 Engineering.

10 MR. MENNERICH: "Notice of Hearing,
11 Town of Newburgh Planning Board. Please
12 take notice that the Planning Board of
13 the Town of Newburgh, Orange County, New
14 York will hold a public hearing pursuant
15 to Section 274-A of the New York State
16 Town Law and Chapter 185-49 of the Town
17 of Newburgh Code on the application of
18 Newburgh Commons, project 2023-24. The
19 project is a proposed mixed use
20 commercial site plan. The project
21 proposes an 11,550 square foot retail
22 facility in a freestanding building and a
23 1,500 square feet restaurant, a 3,100
24 square foot convenient store in a
25 separate structure. A gasoline canopy is

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proposed. The project proposes two access points to New York State Route 9W, one full-turning movement and one a right in/right out only. The project is proposed to be served by municipal water and an onsite subsurface sanitary sewer disposal system. The project site is located within the Town's R-3 and B Zoning District. The site is known on the Town of Newburgh tax maps as Section 9; Block 1; Lots 53.1 and 13. The lots will be consolidated as part of the Planning Board review. A public hearing will be held on the 18th day of July 2024 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 28 June 2024."

CHAIRMAN EWASUTYN: Thank you.
For the record, you are?

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MR. GUCCIONE: Good evening. My name is Anthony Guccione. I'm with JMC. We are the site engineers and landscape architects for the project here, Newburgh Commons, on behalf of the applicant, 5450 Route 9W, LLC.

We appeared before your Board over the last two months. We gave a presentation both of those times.

We appeared before the Zoning Board of Appeals in February and March where zoning variances were granted for the project.

We've submitted site plans, a stormwater pollution prevention plan, a traffic impact study to your Board.

Your Board, at last month's meeting, issued a negative declaration relative to SEQRA.

We are, for the record, requesting site plan approval and lot consolidation approval for the project.

This is the site plan for the project. The project is located on the

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east side of 9W. It runs horizontally across the sheet. Oak Street lies to the south and Cortland Drive to the north. Oak Street and Cortland Drive.

The property is 10.7 acres in size and it's comprised of two lots. You can see the site outlined in red here on this plan.

The applicant is proposing to merge two existing lots into one single lot. The lot lies within the B, Business, District where the proposed uses are permitted.

As I mentioned, we were before the Zoning Board. They granted two variances for the project, one rear yard setback for the two buildings and the front yard setback for the gas canopy here adjacent to both 9W and Cortland Drive.

The proposed project, as was mentioned, consists of an 11,550 square foot retail building here, centrally located on the site, and then a 4,600 square foot restaurant and convenience

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store combination building here. The restaurant would be 1,500 square feet, roughly, with about 30 seats. The convenience store would be 3,100 square feet.

In addition, the convenience store would offer gasoline. Six gasoline pumps would be proposed under a canopy here at the north end of the property.

Access to the property is proposed via two new driveways connecting to Route 9W. The first driveway would be the southern driveway here, a full functioning driveway. It aligns with Overlook Farms. Overlook Farms is across the street directly. Your Board had approved that project last year. We are hopeful New York State Department of Transportation will approve a traffic signal here which would help the function of both of those driveways for both projects. The northern driveway here is proposed to be a right in/right out only driveway connecting to Route 9W.

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We've proposed substantial landscaping. We've got deciduous evergreen trees, perennials, ground covers. We've been working with your Board's Landscape Consultant, KALA, responded to a couple of her memos and arrived at a very nice landscaping plan for the project.

In terms of parking, there are 122 parking spaces required and 128 parking spaces proposed, therefore we meet the zoning criteria there.

There are two loading spaces required and proposed.

There is a watercourse at the south end of the property. You can see it here. We are proposing to relocate a portion of that watercourse to better serve the project. At the end of the day there will be more of the watercourse day lighted under proposed conditions than there are under existing conditions, which is an environmental benefit for the project.

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In terms of stormwater, we're proposing to collect the stormwater. There are two subsurface stormwater management systems proposed underneath the parking lot to discharge stormwater into the ground.

Sanitary sewage will be handled by a proposed subsurface septic system.

In terms of the architecture, for this smaller building here, we do have an elevation of that building. This is the 4,600 feet convenience store and a restaurant building. It's just under 26 feet in height, 25'9", from the finished floor to the top of the roof.

The building would be gray with vertical insulated metal panel walls in between. There's a manufactured stone veneer base. That will be mixed grays and the stone veneer at the base of the building.

The roof would be a black standing seam or board and batten metal roof.

This is the rear of the building.

2 The front facing the parking lot.

3 As for the other building, we don't
4 have architectural drawings for that. There is
5 not a tenant yet. Until we get a little
6 further into the process, we're not
7 exactly sure what the architecture would
8 look like there. When it is available,
9 we'd be happy to forward it to the Town
10 and to the Building Department.

11 With that, I would like to
12 introduce Mark Petraro from our office,
13 if it pleases the Board, to give a brief
14 overview of the traffic study that we
15 prepared.

16 MR. PETRORO: Good evening. Mark
17 Petraro from JMC.

18 MR. BROWNE: Could you turn around
19 and kind of face the audience? We've
20 heard a lot of this already. These folks
21 haven't.

22 MR. PETRORO: Not a problem. Mark
23 Petraro from JMC. We did prepare the
24 traffic study that was submitted.

25 Before and prior to starting the

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traffic study, we did reach out to the DOT as well as the Town's consultant in the preparation of the scope of the traffic study. That was coordinated prior to us completing the study.

The study includes seven intersections that are the same intersections that were analyzed in the Overlook Farms traffic study that was developed across the street and approved. Those intersections include U.S. Route 9W with Carter Avenue, Lattintown Road, Oak Street, and then we have the two driveways, the main driveway and the secondary driveway, as well as Morris and Cortland. Further north, U.S. Route 9W and Old Post Road. The study included and analyzed the weekday a.m. and p.m. hours as well as the Saturday hours.

As the base condition for the traffic study, what we utilized is the build volumes from the Overlook Farms traffic study. The build condition when Overlook Farms is occupied and

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constructed, those served as the base conditions for the traffic study. We built on that traffic study. On top of that basically.

Just as a reminder, Overlook Farms' traffic study included other developments such as Gasland, Cortland Commons, which is on the other side of Cortland Drive, as well as the power plant modernization, as well as Overlook Farms itself. On top of those, we also considered additional other developments in the study, being the FAC Self-Storage, the Dollar General, the Longview Farm subdivision, as well as the Pet & Play application. Those were all included as other developments in our traffic study.

Development volumes for the development. The proposed volumes were based on Institute of Transportation Engineers' data. The ITE publishes a publication called The Trip Generation Manual that contains several, several, several studies of counts conducted at

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similar land uses. That was used for the basis to project the traffic volumes at this proposed development. Also, we did include trips that would go between the two proposed uses. Those are considered internal trips. It's people that would frequent both establishments that are proposed. Due to the actual proposed land uses, there's a lot of pass-by traffic associated with those land uses. Specifically I'll mention the gas station and convenience store. Pass-by volumes are volumes that travel typically past the site and then will enter into and visit the site when the development is up and running. So for instance, I'll take an example, going on your way home from work, stopping off and picking up milk and then going back on your way. You're still going in the same direction as you were, just you're stopping off at the site to temporarily get something. That's considered a pass-by trip. They're not new trips to the roadway.

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In the traffic study we did include a traffic signal warrant analysis for the proposed signal here at the driveway that's aligned across from the Overlook Farms development. Based on the warrant analysis, it was determined the threshold for a signal was met. We will be obviously working with the New York State Department of Transportation, who has jurisdiction over Route 9W, for, you know, review of the analysis as well as implementation of the signal, if it is warranted by the DOT and determined warranted.

The applicant does propose the alignment of the main driveway opposite Overlook Farms as well as a Route 9W southbound left-turn lane to enter into the site at the signalized intersection and installing the traffic signal, if warranted and determined by the New York State DOT.

Coordination of the timing between this traffic signal as well as the Morris

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signal, so making sure those function properly so you have the proper flow between the two nearby signalized intersections, as well as the restricted right in/right out driveway as a secondary access on Route 9W.

Based on our traffic study, it was determined that the intersections operated essentially the same in the future with the development compared to without the development. When I say that, I mean levels of service. We usually dictate that based on the delay. Level of service is a grade basically from an A to an F. Based on the operations in future without the development is essentially the same as with the development. We did provide our traffic study in the site plans to the New York State Department of Transportation. We have not heard back from them at this time. We will be working with them through the process, because we will need a highway work

2 permit for any work in the right-of-way.

3 We did recently receive, this week,
4 the review letter from the Town's traffic
5 consultant. We'll be responding to those
6 comments formally.

7 CHAIRMAN EWASUTYN: Thank you.

8 Stan, do you have anything to say
9 at this time?

10 MR. SCHUTZMAN: No.

11 CHAIRMAN EWASUTYN: At this point
12 in the meeting, anyone who has a question
13 or a comment, please raise your hand and
14 we'll acknowledge you.

15 PUBLIC PARTICIPANT: Your proposal --

16 MR. DOMINICK: Your name for the
17 record?

18 CHAIRMAN EWASUTYN: We don't have
19 to necessarily do that. It's questionable
20 on State law whether you should or shouldn't.

21 PUBLIC PARTICIPANT: At the proposed
22 traffic signal you have a right in and a
23 right out. Why can't you just have it that
24 the out is always at the traffic signal?
25 You can have a right in because it's

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convenient. The right out is problematic based on the distance between the two traffic lights.

MR. PETRORO: You're talking about at this location?

PUBLIC PARTICIPANT: Yes.

MR. PETRORO: Basically that's up to the New York State Department of Transportation. The right out we see as not problematic. As far as right ins, you can do them. At this location it might be more preferential to leave out one or the other, depending on what use you're trying to go to.

PUBLIC PARTICIPANT: What's the distance between the two traffic lights, the proposed and the actual?

MR. PETRORO: I don't have that offhand. I believe it's somewhere between 500, 600 feet between the two signals.

MR. GUCCIONE: 600.

CHAIRMAN EWASUTYN: Additional questions or comments from the public?

2 The gentleman in the back.

3 PUBLIC PARTICIPANT: What's
4 happening with the speed limit? It's 55
5 miles-an-hour in that area. You're going
6 to have traffic lights at 55 miles-an-hour
7 around a curve and on a straight-a-way
8 there?

9 MR. PETRORO: There's no proposal
10 to reduce the speed limit. There's
11 already the existing signal at Morris
12 Drive. That's something the State can
13 take into consideration in their review.

14 PUBLIC PARTICIPANT: Somebody has
15 to die to change the speed limit.

16 CHAIRMAN EWASUTYN: Ken Wersted
17 with Creighton, Manning Engineers.

18 MR. WERSTED: Obviously this
19 section of the highway is under the
20 jurisdiction of DOT. Many of the Town
21 roads -- even a request for a change on a
22 Town road would have to go through the
23 Town Board getting a resolution to
24 recommend or request a speed reduction,
25 and then those requests would still go to

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DOT for their review. Changing the speed limit on Gardnertown Road would have to go to DOT. Given that DOT has jurisdiction over this section of road, they would be the primary person or the primary agency to review that. They do periodically review it. It would become, I think, necessary for the Town to bring it up and make them aware of it. Certainly through their monitoring of the corridor crashes, they have programs that monitor those things. If that area were to come up as a red flag to them, it would prompt a review of that.

MR. PETRORO: Just to add to that. We are proposing left-turn lanes as part of Overlook Farms, but also this project as far as giving a lane for vehicles to turn left off of the through traffic. That gets that kind of conflict out of the way as far as people waiting to turn left that you might see on other areas of Route 9W.

CHAIRMAN EWASUTYN: Additional

2 questions or comments from those who
3 haven't spoken yet? The lady in the
4 front.

5 PUBLIC PARTICIPANT: So until the
6 DOT has a judgment on this, we have to
7 wait to hear the final decision? There
8 will be another meeting on the traffic
9 analysis?

10 CHAIRMAN EWASUTYN: There won't be
11 another meeting on the traffic and the
12 traffic analysis. The final site plan
13 will be approved conditioned on the
14 comments from the DOT and the instruction
15 that the DOT wants for that site.

16 PUBLIC PARTICIPANT: So how do we,
17 as the public, find out what went on?

18 CHAIRMAN EWASUTYN: The DOT is the
19 involved agency. Dominic Cordisco,
20 Planning Board Attorney, will speak to
21 you on the coordinated review with the
22 involved agencies. Dominic.

23 MR. CORDISCO: Yes, that's correct.
24 So these issues in connection with
25 traffic are not directly overseen by this

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Board. This Board is looking at the site layout, how the buildings are proposed to be constructed on the site and how internal circulation works. Anything that happens off the site, including the proposed traffic light and any other improvements, are overseen by the DOT. Finding out what happens with the DOT, you can contact the DOT, you can make a FOIL request to the DOT to see what it is they do. You can also make a FOIL request to the Town. As the Chairman indicated, if this project is approved, then one of the conditions of the approval will be that they have to get permits from the DOT for the work that they're proposing, and so they'll have to provide those permits to the Town as well.

PUBLIC PARTICIPANT: Any future input by the general public has to be done from, say, me to the DOT?

MR. CORDISCO: Correct.

PUBLIC PARTICIPANT: Okay.

MR. CORDISCO: As far as the

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Planning Board is concerned, this is the public hearing for this project before the Planning Board.

PUBLIC PARTICIPANT: It sounded like it was a lot of deferring to the DOT who is not represented here to answer our questions.

MR. CORDISCO: Understood. They don't have a public hearing process. You're certainly free to contact them if you'd like.

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

(No response.)

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to Ken Wersted with Creighton, Manning. He's our traffic consultant.

MR. WERSTED: Thanks, John.

While DOT has the ultimate permitting jurisdiction on the road, we certainly review what the applicant is providing because the Planning Board is the lead agency reviewing the project as

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a whole. The Planning Board can approve the site plan as it's shown. They don't have any jurisdiction as to the width of the lanes and whether a signal goes in or not. That will fall to DOT. It's certainly a good understanding of what is being proposed. It's not approved in a box of here's the right-of-way line and we don't care anything that happens on that side. As such, they have consultants aiding them in their review, myself included reviewing the traffic analysis.

We have gone through iterations of the site plan, reviewed that several times. We have looked at the traffic impact study and provided comments to the applicant.

One of the comments that we had had to do with what we're bringing up now, the timing of those improvements.

Mark, you guys might have some idea of the timing of Overlook Farms relative to building these improvements versus the

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timing of Newburgh Commons. Do you anticipate Overlook Farms coming first, those improvements being out there, simultaneous development of all these or Newburgh Commons before Overlook?

MR. PETRORO: Well, definitely we're further along with New York State DOT with the Overlook Farms project. We already have pretty close to the final approval prior to actually obtaining a permit. We are kind of finalizing the land donation portion of that, which needs to be finalized before a permit is actually obtained. Pretty much the design of those have been approved by DOT. That's further along in the process. It's anticipated that will be going first and this will be coming in afterwards.

MR. WERSTED: The Newburgh Commons project would then be responsible for, obviously, the driveway on their side of the road and conversion of that center hatched area to become a left-turn lane

2 into Newburgh Commons.

3 MR. PETRORO: Correct. And the
4 signal if approved by DOT.

5 MR. WERSTED: Those items are still
6 outstanding with DOT. They haven't
7 weighed in yet. As they review the
8 project and provide you comments, you'll
9 share them with the Town so we'll be
10 copied and up to speed on where they go
11 with their decision.

12 MR. PETRORO: Correct. All
13 correspondence with the DOT will be
14 provided to the Town, if they haven't
15 already copied the Town.

16 MR. WERSTED: Thank you.

17 We did have a site plan comment
18 relative to the sidewalk that comes down
19 Cortland Drive. It connects now to the
20 traffic signal, but this project is
21 proposing to extend that sidewalk south
22 along -- pretty much along the frontage
23 of Newburgh Commons. There is a tight
24 spot where the stream and the culvert are
25 right up against the road. The project

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proposes to bring that sidewalk into the parking lot area to navigate around that. Right now there isn't any connection from Cortland Drive to the convenience store area. There's maybe a 4 foot difference in grade. I just kind of envision anybody coming down to pick up milk, grab an ice cream or walk the dog may kind of just cut through the landscaping there to get up to the building. I don't know that you can provide an ADA sidewalk there, but maybe consideration to provide some type of gap for someone to walk over there.

MR. GUCCIONE: Right. Cortland Drive is a private road. We had originally tried to propose a driveway connection here. We were trying to work with them to get them to agree with a connection. We couldn't work that out. I don't think they would be open to a sidewalk either. They didn't want to agree to having any kind of connection between the two projects.

2 MR. WERSTED: Okay. John, that was
3 all I had.

4 CHAIRMAN EWASUTYN: Jim Campbell,
5 Code Compliance.

6 MR. CAMPBELL: At previous meetings
7 we discussed relocating the hydrant.
8 That was agreed to this afternoon.

9 I have no further comments.

10 MR. GUCCIONE: I have a comment on
11 that. Originally we had a hydrant in
12 this island here. The code official
13 didn't like the fire department basically
14 to pull between the canopy and the
15 convenience store. We were able to
16 relocate the hydrant out to here. We
17 sent the plan along, and I think that was
18 agreed to.

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

21 MR. HINES: We have a couple of
22 outstanding items. There's a flood study
23 being undertaken for relocation of the
24 stream and the floodplain. A floodplain
25 development permit must be issued prior

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to that construction. DEC approval and Army Corp approval for the stream relocation are required.

The design of the subsurface sanitary sewer disposal system, while under review by the Health Department and DEC, should be submitted to the Planning Board as well for the file.

Health Department approval for the water main extension with hydrants is required.

DOT approval, which was discussed recently, for driveways and utility connections.

We just discussed the relocated fire hydrant.

The stormwater management report and plans identify that the existing culvert under Route 9W has sediment and debris in it. That should be addressed with DOT. Either they clean it, or recently we had a project where DOT made the project clean the culvert in the vicinity. That needs to be resolved.

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A stormwater maintenance agreement, security for stormwater, landscaping consultant review and security inspection fees.

The water system design should have valving compliant with the Town code where the potable water is terminated if the fire flow water is terminated.

We discussed at the last meeting and will need approval from Central Hudson for the grading work or any activities over the gas main, including the construction of the entrance drive.

After the last meeting we received a response from the County. We had sent a 239 review as well as a lead agency request to the County with the information that we had at the time when that circulation was completed. They responded back stating they took no exception to the Planning Board acting as lead agency, but they requested additional information, including the updated traffic study, SWPPP, landscape

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plan based on the current plans. That additional circulation will need to be done to the County with the plans and reports in their current state. We did not have that response from the County at the last meeting.

CHAIRMAN EWASUTYN: Thank you.

Comments from Board Members. Dave Dominick?

MR. DOMINICK: Anthony, just going off what Ken said about the Cortland Drive connection there, anything you think you could do? What's going to happen is I think some folks on Cortland are going to create their own footpath and then you're going to have --

MR. GUCCIONE: I don't disagree that could happen. It's not our property. We tried to get a connection. They weren't open to it. We did provide a sidewalk. The sidewalk comes here and right into the site. We did provide a sidewalk connection across the frontage of the property. It comes across here,

2 across here, and the sidewalk comes to
3 here. You have to go through the site to
4 get to the other one.

5 Stan, I know you were involved in
6 those negotiations.

7 MR. SCHUTZMAN: Stan Schutzman.

8 They were quite extensive and the
9 client was very proactive. We were just
10 unable to complete it.

11 MR. DOMINICK: Okay. Thank you.
12 That's all.

13 CHAIRMAN EWASUTYN: Stephanie DeLuca.

14 MS. DeLUCA: Nothing further.

15 CHAIRMAN EWASUTYN: Ken Mennerich.

16 MR. MENNERICH: No questions.

17 MR. BROWNE: No questions. I
18 definitely appreciate all the work that
19 went into the project. There's been a
20 lot of work. Very good. Thank you.

21 With regard to that one spot, from
22 a technical/legal standpoint, is there a
23 problem if you left a gap and people just
24 walked through or whatever? Is that an
25 issue?

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MR. GUCCIONE: Yeah. We're creating an unsafe situation and it could be subject to issues.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Lisa Carver.

MS. CARVER: Nothing further.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney.

MR. CORDISCO: The next procedural step that the Board should consider would be closing the public hearing if there's no further public comment.

CHAIRMAN EWASUTYN: Having heard from Board Members and Consultants, are there any additional questions or comments from the public?

(No response.)

CHAIRMAN EWASUTYN: That being said, would someone move for a motion to close the public hearing on Newburgh Commons, project number 23-24.

MS. CARVER: I'll motion.

CHAIRMAN EWASUTYN: I have a motion by Lisa Carver. A second?

2 MS. DeLUCA: Second.

3 CHAIRMAN EWASUTYN: A second by
4 Stephanie DeLuca. Can I have a roll call
5 vote 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 CHAIRMAN EWASUTYN: At this point
13 we'll turn the meeting over to Planning
14 Board Attorney Dominic Cordisco to offer
15 conditions to the stage that we're at
16 today with the Orange County Planning
17 Department.

18 MR. CORDISCO: Thank you, Mr.
19 Chairman.

20 As Mr. Hines noted, the Orange
21 County Department of Planning had been
22 previously referred the application
23 materials that were available at that
24 time. They responded waiting for receipt
25 of additional documentation, including

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the traffic study, the stormwater pollution prevention plan, the landscape plan and certain other documents. The County has not yet provided their 239 response. As a result, the Board is not in a position to take any further action at this time.

Nonetheless, the Board could re-refer this to County Planning at this time and provide at least thirty days for the County to review it, and then could schedule the matter for further action following the thirty-day expiration.

CHAIRMAN EWASUTYN: Stan Schutzman, attorney for the applicant.

MR. SCHUTZMAN: I don't know why we can't get an approval conditioned upon them passing muster with respect to the resubmission.

MR. CORDISCO: There's case law on that point where the county has requested additional information. There was a case in Woodbury about fifteen years ago that was directly on point as far as this is

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concerned. The county said that they needed additional information prior to providing their 239 report. That case turned on whether or not the board had jurisdiction to actually entertain a conditional approval or whether or not it had to wait for the county to provide their comments. Judge Slobod at that time indicated that the county is entitled to the time period without the board taking any action, including conditional approval action.

My suggestion would be for the referral to be made now and that the Board consider scheduling this matter for the thirty days following that referral.

MR. SCHUTZMAN: We object to that. Again, and I don't have that case in front of me, it was my understanding that the approval went forward at that point and there was construction based on the approval because of the lack of the county's timely response. I'm not suggesting that. I'm saying that the

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Board could respectfully consider approving the site plan subject to receiving a no comment letter from the County. I'm not objecting to the additional submission that's being requested here tonight.

MR. CORDISCO: I mean, if I may, that would not be my recommendation. I appreciate that's your request. One of the benefits of the procedural status of where the project is at this time is that you do have a negative declaration in hand. That does free you up in terms of providing the ability to pursue the outside agency approvals. The conditional approval that you're asking for would just be spelling out those conditions anyway. There's nothing stopping the applicant from actually pursuing satisfying the likely conditions of approval which have already been specified as part of Mr. Hines' comments.

MR. SCHUTZMAN: Thank you.

CHAIRMAN EWASUTYN: If I understand

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what's being said, you have work ahead of you.

We'll move for a motion to circulate this to the Orange County Planning Department. They have thirty days to respond, at which point we'll reschedule you for the next Planning Board meeting, which most likely won't be the meeting of the 15th. I don't have the date in front of me.

Pat, what's the first meeting in September?

MR. HINES: The 5th. September 5th.

CHAIRMAN EWASUTYN: September 5th.

Can I have a motion to circulate to the Orange County Planning Department the Newburgh Commons, project number 23-24, and to also reschedule this application for the meeting of the 5th of September.

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Dave Dominick. Can I have a roll call

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vote starting with Lisa Carver.

MS. CARVER: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. GUCCIONE: Just a clarification.

Will you be circulating that or --

MR. HINES: My office will do it tomorrow.

MR. GUCCIONE: Thank you. If we can get a copy of that letter, too, from the County. Thank you.

CHAIRMAN EWASUTYN: Motion carried.

(Time noted: 7:45 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 29th day of July 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

TARBEN II SUBDIVISION
(2021-18)

Tarben Way
Section 127; Block 1; Lot 12
AR Zone

----- X

TWO-LOT SUBDIVISION

Date: July 18, 2024
Time: 7:45 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

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

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

----- X

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

2 CHAIRMAN EWASUTYN: The fourth item
3 of business this evening is the Tarben II
4 Subdivision, project number 21-18. It's
5 a two-lot subdivision located on Tarben
6 Way in an AR Zone. It's being
7 represented by Jonathan Cella.

8 MR. CELLA: Good evening. The
9 proposal is a two-lot subdivision of a
10 9.5 acre parcel in the AR Zoning District.

11 We're going to create a 2.7 and
12 a 6.8 acre parcel, both single-family
13 residences serviced by individual wells
14 and septics onsite.

15 The project was last here back
16 in April 2024 at which time we received
17 some comments. I believe we addressed --
18 we addressed the building envelop based
19 upon the private road -- the future
20 private road that will be constructed
21 along the southern and eastern property
22 lines.

23 The application is also currently
24 at the Orange County Health Department
25 awaiting their review. It should be

2 their final review.

3 We've provided an emergency
4 vehicle turnaround on lot 12 due to
5 the driveway length.

6 We've provided a tree plan.

7 We've modified the building
8 envelop.

9 I changed some notes and details
10 regarding the Orange County Health
11 Department's comments.

12 CHAIRMAN EWASUTYN: Thank you.

13 Ken Wersted, Creighton Manning, do
14 you have any comments on this
15 application?

16 MR. WERSTED: I don't believe I
17 looked at this one.

18 CHAIRMAN EWASUTYN: Thank you.

19 Jim Campbell, Code Compliance.

20 MR. CAMPBELL: These plans were
21 forwarded to the fire district for comment.
22 I have not received any comments.

23 The plans do address the emergency
24 vehicle turnaround. They do not address
25 the turnout.

2 MR. CELLA: The what?

3 MR. CAMPBELL: The turnout.

4 MR. CELLA: Turnout?

5 MR. CAMPBELL: If the driveway is
6 over 500 feet, it's a 20 by 50 area that
7 basically gives you a bypass.

8 MR. CELLA: We can provide that.

9 MR. CAMPBELL: Just refer back to --

10 MR. CELLA: We have adequate room
11 right here. We can provide that.

12 MR. CAMPBELL: -- Fire Code 511.

13 MR. CELLA: Okay.

14 MR. CAMPBELL: That's all I've got.

15 CHAIRMAN EWASUTYN: Thank you.

16 Pat Hines with MH&E.

17 MR. HINES: The applicants provided
18 a tree preservation plan. The ordinance
19 requires a little more detail. There are
20 three types of trees that have to be
21 identified, and then a percentage of the
22 types of trees that are removed, it has
23 to be less than fifty percent of each of
24 those types. I am sure that the project
25 will comply with the amount of trees that

2 are on the site, that they are not
3 removing more than fifty percent. As
4 long as there's one more tree greater
5 than 25-inch in diameter, you should be
6 fine.

7 MR. CELLA: There's plenty of them.

8 MR. HINES: Correct. I don't think
9 it's an issue. I'm not concerned, but as
10 the project moves forward we'll need that
11 chart in compliance with the tree
12 preservation plan. I don't believe this
13 should hold up a negative declaration.
14 There are plenty of trees on that site.

15 We talked about the emergency
16 turnaround.

17 The setback areas on lot 11 have
18 been revised to -- the lot geometry is a
19 little challenging there, but they
20 revised that to show the lot width in
21 that area as compliant.

22 The highway superintendent's
23 comments on the driveway location at the
24 cul-de-sac should be received.

25 The project requires a public

2 hearing after a SEQRA determination. The
3 next available date for a public hearing
4 would be the 15th of August.

5 CHAIRMAN EWASUTYN: Comments from
6 Board Members. Lisa Carver.

7 MS. CARVER: Nothing.

8 MR. BROWNE: The only thing, along
9 with the tree preservation plan, we do
10 need the detail for the records and all
11 that. That has to be done --

12 MR. CELLA: Okay.

13 MR. BROWNE: -- per the code. What
14 you have right there is not adequate yet.

15 MR. CELLA: Is it sufficient for a
16 public hearing?

17 MR. BROWNE: No. I'm saying no.

18 MR. HINES: I was recommending that
19 the project could move forward and that
20 detail be provided.

21 CHAIRMAN EWASUTYN: Ken Mennerich.

22 MR. MENNERICH: No questions at
23 this time.

24 CHAIRMAN EWASUTYN: Stephanie DeLuca.

25 MS. DeLUCA: Nothing.

2 CHAIRMAN EWASUTYN: Dave Dominick.

3 MR. DOMINICK: Nothing at this
4 time.

5 CHAIRMAN EWASUTYN: Planning Board
6 Attorney Dominic Cordisco.

7 MR. CORDISCO: Two procedural steps
8 that the Board may wish to take tonight
9 would be the adoption of a negative
10 declaration under SEQRA as well as
11 scheduling a public hearing.

12 CHAIRMAN EWASUTYN: Having heard
13 from Pat Hines with MH&E and Planning
14 Board Attorney Dominic Cordisco, would
15 someone move to declare a negative
16 declaration and schedule Tarben II
17 Subdivision, project number 21-18, for a
18 public hearing on the 15th of August.

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

20 MS. CARVER: Second.

21 CHAIRMAN EWASUTYN: I have a motion
22 by Dave Dominick. I have a second by
23 Lisa Carver. Can I have a roll call vote
24 starting with Lisa.

25 MS. CARVER: Aye.

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MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: You'll work
with Pat Hines as far as the notice of
hearing.

MR. CELLA: Yes. Thank you very
much.

(Time noted: 7:50 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 29th day of July 2024.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

DRIVANOS SUBDIVISION
(2024-09)

235 Quaker Street
Section 2; Block 1; Lots 14 & 15
AR Zone

----- X

LOT LINE REVISION & TWO-LOT SUBDIVISION

Date: July 18, 2024
Time: 7:50 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

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

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

----- X

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

2 CHAIRMAN EWASUTYN: Item number
3 5, Drivanos Subdivision, project 24-09.
4 It's a lot line revision and a
5 two-lot subdivision located on Quaker
6 Street in an AR Zone. It's being
7 represented by Ken Lytle of Zen
8 Consultants

9 MR. LYTLE: Good evening. Since
10 our last time here we located the trees
11 in the proposed area.

12 Again, it's still a single-family
13 lot we're proposing.

14 It has inground septic, a proposed
15 well.

16 We have added existing tree
17 information in case Pat wanted some
18 additional detail to clarify what's going
19 to be removed and not removed.

20 CHAIRMAN EWASUTYN: Sounds easy
21 enough.

22 Jim Campbell, Code Compliance.

23 MR. CAMPBELL: On the plans you
24 addressed the turnout, but you didn't
25 address the turnaround.

2 MR. LYTLE: I believe that's in
3 this area. We can send that over to you
4 to review it.

5 MR. CAMPBELL: It will be up by the
6 house so a vehicle can turn around.

7 MR. HINES: You need both.

8 MR. LYTLE: No problem. We have
9 plenty of room for that.

10 CHAIRMAN EWASUTYN: Pat Hines with
11 MH&E.

12 MR. HINES: The additional survey
13 information for the lot was provided.
14 This is a two-lot subdivision with a lot
15 line change. The original map didn't
16 have the complete survey of the lot line
17 change parcel.

18 A driveway access maintenance
19 agreement will be required for the common
20 driveway.

21 The project does need to get
22 submitted to Orange County Planning. It
23 is on the County and Town line, Ulster/
24 Orange, Plattekill/Newburgh. That will
25 need to be done.

2 We talked about the driveway
3 turnout.

4 The tree preservation ordinance, a
5 similar comment to the previous one, a
6 list of trees have been provided, but the
7 number of them to be removed and the
8 different -- the three categories of
9 trees in the ordinance have to be
10 identified.

11 The source of the topography,
12 there's a note on the map that it was
13 from some Orange County database, not an
14 actual field survey. I need some
15 additional information on where the
16 topography came from.

17 MR. LYTLE: No problem. We can do
18 that.

19 We can also get verification to
20 confirm the trees.

21 MR. HINES: That would be helpful.
22 I think referral to Orange County
23 Planning is the action for tonight.

24 CHAIRMAN EWASUTYN: Any comments
25 from Planning Board Members. Dave

2 Dominick?

3 MR. DOMINICK: Not at this point.

4 MS. DeLUCA: Nothing.

5 MR. MENNERICH: No.

6 CHAIRMAN EWASUTYN: No comments.

7 MR. BROWNE: Nothing.

8 MS. CARVER: Nothing.

9 CHAIRMAN EWASUTYN: Having heard
10 from Pat Hines with MH&E, would someone
11 move for a motion to circulate the
12 Drivanos subdivision and lot line
13 revision, two-lot subdivision, to the
14 Orange County Planning Department and
15 also to coordinate with the Town of
16 Plattekill. Would someone make for that
17 motion.

18 MS. CARVER: So moved.

19 MS. DeLUCA: Second.

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

24 MR. DOMINICK: Aye.

25 MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MS. CARVER: Aye.

MR. LYTTLE: Is it possible to be set up for the public hearing after that thirty-day window with Orange County?

CHAIRMAN EWASUTYN: After thirty days it would be possible.

MR. LYTTLE: Thank you.

CHAIRMAN EWASUTYN: I don't want to move too far in advance.

(Time noted: 7:55 p.m.)

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

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for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a true
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I further certify that I am not
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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

COURTYARD BY MARRIOTT - EV CHARGING
(2024-19)

4 Governor Drive
Section 89; Block 2; Lot 22
I Zone

----- X

AMENDED SITE PLAN

Date: July 18, 2024
Time: 7:55 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

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

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

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

2 CHAIRMAN EWASUTYN: Item number 6
3 is the Courtyard by Marriott. It's EV
4 charging. It's project number 24-19.
5 It's an initial submission for the
6 amended site plan located on Governor
7 Drive. It's being represented by
8 SmartCharge EV.

9 Before we get too far into it, I'm
10 going to have Pat Hines speak on the
11 application.

12 MR. HINES: We received the
13 application. This lot is owned by New
14 York State DOT/Port Authority. The Town
15 of Newburgh has no authority or
16 jurisdiction to review this project. It
17 needs to go to the internal Port
18 Authority/DOT folks at the airport
19 because it is a State-owned parcel.

20 This entire Marriott facility was
21 built without review and approval of the
22 Town of Newburgh. We don't review and
23 approve things on airport/DOT properties.

24 We're done, unfortunately. It's a
25 very unique situation.

2 MR. DOMINICK: Safe travels going
3 home.

4 MR. DATES: The applicant will be
5 in touch.

6 MR. HINES: I have contact
7 information I can get you, Justin.

8 MR. DATES: If you don't mind. The
9 applicant has been in contact with
10 Newburgh Hotel, LLC. We did try to find
11 the chain of ownership. They did not
12 provide any documentation on that.

13 MR. HINES: I confirmed with Port
14 Authority today it's theirs. We had
15 quite a conversation on several issues,
16 not just this site but processes.

17 You do need water and sewer
18 permission from the Town of Newburgh, but
19 not as part of this project.

20 I've never said that to a project
21 before.

22 MR. DATES: It's a first for me,
23 too.

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25 (Time noted: 7:57 p.m.)

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

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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

PILOT TRAVEL CENTER - EV CHARGING
(2024-20)

239 Route 17K
Section 89; Block 1; Lot 38.22
B Zone

----- X

AMENDED SITE PLAN

Date: July 18, 2024
Time: 7:57 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

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

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

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

2 CHAIRMAN EWASUTYN: Item number 7
3 is the Pilot Travel Center, it's for EV
4 charging, project number 24-20. It's an
5 initial submission for a site plan. It's
6 on Route 17K in a B Zone. It's being
7 represented by Justin Dates of Colliers
8 Engineering.

9 MR. DATES: You can't get rid of me
10 that quickly. Justin Dates, Colliers
11 Engineering & Design here on behalf of
12 the applicant, OWL Services, representing
13 Mr. Rob Weiss who is also present.

14 The project site is at the Pilot
15 Travel Center, 239 Route 17K.

16 We also have Mr. Will Cole from
17 Pilot Travel Centers here as well.

18 The application before you, the
19 project site, 17K is on the top of the
20 sheet. This is the existing Pilot
21 service center. We're looking to install
22 EV charging stations on this northern
23 corner of the property.

24 We did provide a pretty robust
25 submission with the plans. I think C-3

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2 is kind of the blowup of that area if
3 you're referring to the plan sheets.

4 The proposal is for installation of
5 two charging stations. Again, we're on
6 this very northern corner. The parking
7 lot is facing 17K. This would equate to
8 or create four EV charging spaces. These
9 chargers would be forty-five minutes to
10 an hour, quick charge, level 2.

11 It does have a proposed canopy over
12 top. It's a 22 by 54 foot rectangular
13 canopy overtop of the charging spaces
14 there. The total overall height is about
15 17.5 feet. The clear height underneath
16 the canopy is 14.5 feet as proposed.

17 These are for public use, obviously
18 for use by customers to the Pilot Travel
19 Center.

20 There is currently in this location
21 eleven parking spaces. This did remove
22 one parking space from the overall total
23 parking on the site.

24 The service for this, there's a
25 proposed mid span pole out along 17K.

2 The applicant is told by Central Hudson
3 that will be installed and an underground
4 service line would be brought to the
5 transformer power cabinets and other
6 improvements to the chargers.

7 That's it.

8 CHAIRMAN EWASUTYN: Thank you.

9 Jim Campbell, Code Compliance.

10 MR. CAMPBELL: The only thing I
11 have, in addition to what Mr. Hines had
12 discussed from his letter, is the canopy
13 signage. Our code does not address it so
14 therefore it's not allowed. That would
15 require a variance.

16 MR. DATES: Okay.

17 MR. CAMPBELL: That's all I've got.

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

20 MR. HINES: I believe an additional
21 variance is required. There's a code
22 section that requires front yards
23 abutting State and County highways to be
24 at least 60 feet. The canopy is closer
25 to the road -- to the frontage than 60

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feet, so that requires a variance as well.

We have the typical detail for the parking spaces that you're proposing.

There's a curb island and shrubs to be removed. I'm not sure if that was part of the original internal parking lot landscaping, that 5 percent. We need to have you take a look at that internal parking lot landscaping and make sure that the removal of that doesn't also require a variance, too.

MR. DATES: Understood.

MR. HINES: You're removing two parking spaces, so an analysis of the required versus existing parking would be helpful in case that needs a variance as well.

There's a dry laid stonewall that stops short of where the proposed equipment is in that area there.

MR. DATES: It ends here.

MR. HINES: They're looking to extend that with some shrubbery. I just

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brought it to the Board's attention in case they wanted that dry laid stonewall continued to give it that continuity and look. I'll leave that to the Board.

The two parking spaces we talked about.

I believe it needs referral to the Orange County Planning Department as an amended site plan along the State highway.

MR. DATES: Mr. Chairman, could I speak to the canopy variance? So the applicant, upon receiving MH&E's review memo on that particular issue, they have reviewed -- they were at the site today. We would look to make that compliant, the setback for the canopy. We would move that over further into the site. They looked at that today. It looks like it would be feasible.

The transformer power cabinets and things of that nature would then also move further into the site or away from 17K and possibly that viewshed that Pat

2 mentions being a concern. They want to
3 look to develop a code compliant design
4 and not seek variances.

5 The other ones that are mentioned,
6 we'll have to just look into it a little
7 bit further. That's kind of the
8 direction that they would like to go with
9 the application.

10 CHAIRMAN EWASUTYN: You're looking
11 at adjusting the location of the canopy
12 which would have been one of the
13 variances required from the Board of
14 Appeals?

15 MR. DATES: That's correct.

16 CHAIRMAN EWASUTYN: Can we speak on
17 the other possible variances? Are we
18 talking about maybe parking? We're
19 talking about that planting island?

20 MR. HINES: I don't know if that
21 will impact another planting island. It
22 may not. I think there were less islands
23 on that side. You may avoid that one as
24 well.

25 The total parking calculation,

2 what's required and what's out there is
3 something you would have to take a look
4 at.

5 The canopy signage. I guess if you
6 remove the signage from the canopy, it
7 may also eliminate that.

8 I think the location on the side
9 works better, it's less visual. It's
10 tucked in on the side of the existing
11 structures. It will be a good change I
12 think.

13 You'll have to take a look at those
14 other site issues.

15 MR. DATES: Understood. We didn't
16 get that far into viewing that. We're
17 not sure that we're completely going to
18 eliminate those other variances, but that
19 is the goal right now.

20 CHAIRMAN EWASUTYN: Dominic Cordisco,
21 Planning Board Attorney.

22 MR. CORDISCO: I think the action
23 for the Board to consider tonight would
24 be to refer this matter to the Zoning
25 Board of Appeals. My suggestion would be

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2 for all of the variances that have been
3 identified. Of course if the applicant
4 is able to reduce or eliminate some of
5 the variances that have been discussed,
6 then that makes for an easier application
7 before the Zoning Board. Nonetheless, if
8 they need them, then the referral has
9 been made. That includes the front yard
10 setback where 40 foot is proposed and 60
11 feet is required, the canopy in the front
12 yard as well as the signage on the
13 canopy. I would also include in the
14 referral that there's the potential for
15 parking and landscaping variances
16 depending on the applicant's review of
17 those requirements.

18 MR. DATES: Very good.

19 CHAIRMAN EWASUTYN: At this point
20 will we circulate to the Orange County
21 Planning Department?

22 MR. HINES: We would need the
23 revised plan. We could dovetail. We can
24 proceed along with the Zoning Board if
25 they need it. Until we get the revised

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2 plan, we can't refer it.

3 CHAIRMAN EWASUTYN: Would someone
4 make a motion to have Planning Board
5 Attorney Dominic Cordisco prepare a
6 referral letter to the Zoning Board of
7 Appeals for the Pilot Travel Center,
8 project number 24-20, with the
9 understanding that the applicant may
10 redesign the project and minimize the
11 variances that may be necessary.

12 MR. MENNERICH: So moved.

13 MS. CARVER: Second.

14 CHAIRMAN EWASUTYN: I have a motion
15 by Ken Mennerich. I have a second by
16 Lisa Carver. May I please have a roll
17 call vote starting with Dave Dominick.

18 MR. DOMINICK: Aye.

19 MS. DeLUCA: Aye.

20 MR. MENNERICH: Aye.

21 CHAIRMAN EWASUTYN: Aye.

22 MR. BROWNE: Aye.

23 MS. CARVER: Aye.

24 CHAIRMAN EWASUTYN: Thank you.

25 MR. DATES: Mr. Chairman, Board

2 Members, is there anything else we should
3 be considering?

4 CHAIRMAN EWASUTYN: Great question.

5 MR. DOMINICK: Justin, Pat's
6 comment number 6 about the stonewall, I
7 would like to see you continue that and
8 not break it up with the shrubs. If you
9 plan to cut it short to have the shrubs
10 instead of the laid stone, continue that
11 in kind with what's there now.

12 MR. DATES: If we do move it
13 forward back into the site, would you
14 still be looking to --

15 MR. HINES: I think that comment
16 goes away if they put it on the side yard
17 rather than the front yard. The intent
18 of the dry laid wall was for compliance
19 or a waiver from the design guidelines
20 for parking in the front. That's why it
21 was initially installed.

22 MR. DOMINICK: You're adding the
23 shrubs. If it goes this way, the way it
24 is now --

25 MR. DATES: That was the intent.

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It we change it, if we push it back further, okay. If for whatever reason we move it forward, continue the wall.

MR. DOMINICK: Correct. Correct.
If not, it will remain as is.

MR. DATES: Thank you.

CHAIRMAN EWASUTYN: Anything else?

MR. DATES: Thank you.

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

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

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I further certify that I am not
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proceeding by blood or by marriage and that
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this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 29th day of July 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

217 SOUTH PLANK ROAD - CANNABIS DISPENSARY
(2024-13)

217 South Plank Road
Section 61; Block 1; Lots 18 & 19
B Zone

----- X

SITE PLAN/SPECIAL USE PERMIT

Date: July 18, 2024
Time: 8:05 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

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

APPLICANT'S REPRESENTATIVE: JOHN RICH

----- X

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

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CHAIRMAN EWASUTYN: Item number 8, 217 South Plank Road - Cannabis Dispensary, project number 24-13. It's here before us for a site plan and a special use permit. It's in a B Zone. It's being represented by Minuta Architects.

MR. RICH: Good evening, Mr. Chairman, Board Members. My name is John Rich from Minuta Architecture, here representing our client, Mr. Patel, 217 South Plank Road, for a special use permit.

This is the second go around with the Planning Board. Since then we've updated the site plan. In the backyard there are two properties. They are now being combined.

We're proposing to stripe the parking area, which is not striped right now.

There was a comment brought to us by Mr. Campbell about the code section referring to the sign. There was kind of

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like five diamonds spread out. I believe that was an issue. It has been updated if you would like to see that.

CHAIRMAN EWASUTYN: We can, sure.

MR. RICH: This was pretty much taken off.

CHAIRMAN EWASUTYN: Do you want to start with Dave Dominick and we'll circulate it.

MR. RICH: We feel that all the comments or questions have been answered up to this point and would like to request a public hearing.

MR. DOMINICK: Just a clarification on what you submitted just now. Just the name is in green? The name cannabis is in green?

MR. RICH: Yes.

CHAIRMAN EWASUTYN: While the Board is reviewing the submission, I'll turn to Jim Campbell, Code Compliance.

MR. CAMPBELL: Regarding the free-standing sign, I still cannot tell if it's conforming or nonconforming. I

2 would need to know where the sign is
3 actually situated from the property line.
4 Also, the actual height of the sign.

5 MR. RICH: Okay. There are
6 existing multiple signs. They're
7 existing freestanding. You want to know
8 the distance from the building or the
9 distance from the road?

10 MR. CAMPBELL: From the front
11 property line.

12 MR. RICH: Okay.

13 MR. CAMPBELL: Also the height of
14 that sign. You omitted the logo.

15 MR. RICH: The logo is just going
16 to say cannabis. It's not going to have
17 the five diamonds.

18 MS. CARVER: It's just the name.

19 MR. CAMPBELL: That was one of my
20 comments.

21 MR. RICH: The distance from the
22 front property line and the height?

23 MR. CAMPBELL: The total height of
24 the sign. Basically the code says if the
25 sign is nonconforming and you make any

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changes to it, even by changing the skin, it's considered a change by our code and the sign has to be brought into conformance or you need variances.

MR. RICH: It doesn't meet code? I mean, the square footage of the sign is compliant with the code.

MR. CAMPBELL: The square footage may be. The distance from the front property line and the total height of the sign.

MR. RICH: Okay.

MR. HINES: There's a 15-foot minimum setback. If the sign is higher than 15 feet, there's an additional foot for each foot setback.

MR. CAMPBELL: In the B Zone the maximum height of the sign is 14 feet. I believe you're over that. The setback is 15 feet.

MR. BROWNE: There were some changes to the code over the years. The sign may not be in compliance with those dimensions.

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MR. RICH: Our office was not involved in the signage portion of it, but we will talk to the engineers who --

MR. CAMPBELL: As far as what was previously submitted for the building signs, that was compliant except for the logo, which you submitted and that was taken away.

MR. RICH: Understood.

CHAIRMAN EWASUTYN: Pat Hines with MH&E.

MR. HINES: In accordance with your cannabis code, the project is a special use which would require a public hearing. Again, the next available date would be the 15th of August.

The project does incorporate a lot consolidation. A survey map depicting that consolidation has been provided.

The updated survey shows the other uses on the site previously approved.

We talked about the color and arrangement of the design of the sign which has been removed.

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There's a note on there that the entire site and frontage will be seal coated and re-stripped per the Town's parking striping requirement.

We did submit this to County Planning and DOT on the 25th of June. We have not heard back.

The project is a Type 2 action under SEQRA. I believe that the Board would be in a position to schedule the public hearing.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney.

MR. CORDISCO: Just so that I'm clear, are we still making a Zoning Board of Appeals referral regarding the signage?

MR. CAMPBELL: I don't know what we're referring. I don't have the numbers.

MR. CORDISCO: Right. At this point I believe that the Board could move forward with the public hearing, but the fact that the signage may be noncompliant based on additional information that

2 should be forthcoming from the
3 applicant, the zoning referral would
4 be made at a later date.

5 CHAIRMAN EWASUTYN: So you want to
6 move forward with scheduling the public
7 hearing?

8 MR. CORDISCO: Yes, sir.

9 CHAIRMAN EWASUTYN: Do we want to
10 make a SEQRA determination prior to?

11 MR. CORDISCO: You don't need to
12 because it's a Type 2 action.

13 CHAIRMAN EWASUTYN: John, you
14 understand you'll have or your engineer
15 will have to do some work to locate the
16 sign, where it's situated to the front
17 yard, and also the height of the sign to
18 see if it's in compliance.

19 MR. RICH: Okay. I'm just curious
20 why this wasn't brought up last month in
21 regard to the signage.

22 CHAIRMAN EWASUTYN: Why didn't we
23 catch it then?

24 MR. RICH: Yes.

25 CHAIRMAN EWASUTYN: Good question.

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MR. CAMPBELL: The question was raised and we asked for more information.

MR. RICH: There's an existing sign there. Now that the new store is coming into an existing commercial property, the signage comments did come up, but this particular comment did not.

CHAIRMAN EWASUTYN: Well, I think what's being said also, at some point in time can we -- we will or we won't be able to approve the application due to the fact that the current location of the sign doesn't meet the bulk schedule. Is that --

MR. HINES: Potentially. I don't think we have a site plan that shows where it is.

CHAIRMAN EWASUTYN: John, would you be pleased at this point for us to set this for a public hearing on the 15th of August, --

MR. RICH: Yes, sir.

CHAIRMAN EWASUTYN: -- take a step in that direction?

MR. RICH: Yes.

2 CHAIRMAN EWASUTYN: Would someone
3 move for a motion to set a public hearing
4 for 217 South Plank Road - Cannabis
5 Dispensary for a site plan and special
6 use permit for the 15th of August. Would
7 someone move for that motion?

8 MS. CARVER: So moved.

9 MR. DOMINICK: Second.

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

14 MS. CARVER: Aye.

15 MR. BROWNE: Aye.

16 CHAIRMAN EWASUTYN: Aye.

17 MR. MENNERICH: Aye.

18 MS. DeLUCA: Aye.

19 MR. DOMINICK: Aye.

20 CHAIRMAN EWASUTYN: If you have
21 questions, you can reach out to Jim
22 Campbell during the business week.

23 MR. RICH: Okay. Thank you.

24

25 (Time noted: 8:15 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 29th day of July 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

5148 ROUTE 9W
(2024-18)

5148 Route 9W
Section 43; Block 2; Lot 15
B Zone

----- X

AMENDED SITE PLAN/CHANGE OF USE

Date: July 18, 2024
Time: 8:15 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

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

APPLICANT'S REPRESENTATIVE: DAVID NIEMOTKO

----- X

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

2 CHAIRMAN EWASUTYN: Item number 9
3 is 5148 Route 9W, project number 24-18.
4 It's an initial submission for an amended
5 site plan/change of use located on Route
6 9W in a B Zone. It's being represented
7 by David Niemotko.

8 MR. NIEMOTKO: I know it's been a
9 while.

10 CHAIRMAN EWASUTYN: I like the
11 property on River Road. I like the way
12 it turned out.

13 MR. NIEMOTKO: Thank you.

14 Hello, everyone. This is our first
15 application for this project, 5148 Route
16 9W. It's a beautiful little Italian
17 revival building right near the Balmville
18 School.

19 The unfortunate thing about it is
20 it's about a 3,000 square foot building
21 on a 4,000 square foot lot. We have a
22 few things that we need to discuss with
23 the Board.

24 We did receive Pat Hines' memo.
25 The variances that he outlines on it are

2 correct. It would be something that we
3 would have to address.

4 Basically JCH is expanding. It's a
5 roofing and siding company. They would
6 like to renovate that building for
7 offices and a little display area to show
8 roof shingles, siding and things of that
9 nature.

10 To help accommodate the parking, we
11 removed the first six feet of the
12 building to allow us to fit parking in
13 there, even though we do realize it
14 encroaches upon the DOT right-of-way.
15 That's something else that would need to
16 be addressed. We are able to get four
17 spaces, even with the layout that's
18 approved by the Town of Newburgh, yet the
19 zoning does require sixteen for that use.
20 That's another aspect that we'll have to
21 look into.

22 The building right now is serviced
23 by a septic tank and a well. That's also
24 something that -- I do not believe the
25 utilities are in 9W at that point. I'm

2 not sure if we would be able to connect
3 to municipal utilities. That's basically
4 the whole thing.

5 I think we submitted a robust
6 submission. The short form EAF, we gave
7 a rendering of the exterior. It's
8 preliminary but it's kind of the way --
9 the path we would like to follow. We
10 provided architectural plans, even though
11 they're a little premature.

12 We did have the property surveyed
13 by James Dillon -- I'm sorry, Steve
14 Drabick. We provided a site plan showing
15 the footprint of the building within that
16 small lot and then the four proposed
17 parking spaces.

18 CHAIRMAN EWASUTYN: I'll let Pat
19 Hines speak. He made a suggestion during
20 the work session. It will save time and
21 money before we kind of take the next step.

22 MR. HINES: The concern with the
23 parking in the front and the DOT, the
24 backing of vehicles out into 9W there
25 seems dangerous. I'm suggesting that you

2 contact DOT before we get much further to
3 see if they are going to consent to that.
4 That intersection is hazardous even as
5 the traffic control devices are
6 functioning. There are numerous car
7 accidents at that intersection. I don't
8 know that DOT is going to allow backing
9 out. I'm suggesting you might need a
10 letter from the Board referring you to
11 set that meeting up with DOT to discuss
12 the parking layout. I don't want to get
13 too much further along and have them say
14 that doesn't function or they won't
15 permit that.

16 MR. NIEMOTKO: We would appreciate
17 that, because unless it's part of the 239
18 referral, it's difficult to get before
19 the outside agencies. If you could
20 provide us a letter referring it to the
21 local division, that would at least give
22 us an invitation to have a meeting with
23 them.

24 MR. HINES: It would be a Type 2
25 action because the building is less than

2 4,000. It wouldn't get to DOT any other
3 way. It was my suggestion to do that, to
4 get it before them to get some answers
5 for you before you go much further.

6 I have listed the variances that
7 are required. If the applicant wishes to
8 proceed along that course, we can do that
9 at this time. It's up to them to decide
10 if they want to proceed.

11 One of the other concerns is the
12 Town's fire suppression code. The Town
13 has a fire sprinkler ordinance above the
14 New York State Building Code. That
15 building would have to be sprinklered or
16 a variance be received. There's a
17 process. I'll let Jim speak to that.

18 MR. CAMPBELL: There is a process.
19 It's not through the ZBA. It's through
20 board of fire chiefs or the fire
21 district. It's through the chiefs that
22 could grant that.

23 MR. NIEMOTKO: We look forward to
24 getting to that point.

25 MR. CAMPBELL: That might be a

2 little down the road.

3 MR. NIEMOTKO: Absolutely.

4 CHAIRMAN EWASUTYN: So I understand,
5 most likely Pat Hines will prepare
6 some kind of letter to the DOT?

7 MR. HINES: We've done it before.
8 The gas station at Fifth Avenue and
9 52, we had to do it there where we
10 referred them to take a look at that
11 as well.

12 CHAIRMAN EWASUTYN: Jim Campbell,
13 the referral letter to the fire
14 department, the board of --

15 MR. CAMPBELL: I don't know how
16 that works. You can reach out to me and
17 I can find out who the contact is.

18 MR. NIEMOTKO: Sure.

19 CHAIRMAN EWASUTYN: Do you want to
20 move forward at this point? Dominic
21 Cordisco, Planning Board Attorney, will
22 prepare a referral letter to the Board of
23 Appeals listing all the variances?

24 MR. NIEMOTKO: Yes, please. If we
25 could do both concurrently, it would help

2 expedite the process and get the answers
3 that we need to continue.

4 CHAIRMAN EWASUTYN: Dominic Cordisco,
5 Planning Board Attorney.

6 MR. CORDISCO: I'd be happy to
7 prepare the referral letter if the Board
8 authorizes it.

9 Pat had mentioned earlier that
10 there was one clarification that was
11 needed. The front yard setback actually
12 at this location is 60 feet. It's listed
13 on this review letter as 40 feet. 60
14 feet is what's required.

15 MR. HINES: There's a separate code
16 section. I listed it in one of my other
17 comments.

18 MR. CORDISCO: Frontage on a State
19 highway.

20 MR. HINES: For Pilot I had it.
21 It's Section 185-18 C(4)(B), front yards
22 abutting state highways shall be at least
23 60 feet in depth. Otherwise my comment 1
24 lists the numerous variances required.

25 MR. CORDISCO: Yes. To save time I

2 will not repeat.

3 CHAIRMAN EWASUTYN: Would someone
4 make a motion --

5 MR. NIEMOTKO: All good things come
6 in small packages. We'll deal with it.

7 CHAIRMAN EWASUTYN: Would someone
8 make a motion to have Pat Hines with MH&E
9 prepare a referral letter to the
10 Department of Transportation, to have Jim
11 Campbell research the possibility of
12 getting relief for a fire suppression
13 system in the building, and for Dominic
14 Cordisco to prepare a referral letter to
15 the Zoning Board of Appeals for project
16 5148 Route 9W.

17 MS. DeLUCA: So moved.

18 MS. CARVER: Second.

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

23 MR. DOMINICK: Aye.

24 MS. DeLUCA: Aye.

25 MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MS. CARVER: Aye.

CHAIRMAN EWASUTYN: It's a step in the right direction. It's going to take a little bit of time. Thank you.

MR. NIEMOTKO: Thank you.

(Time noted: 8:25 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 29th day of July 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

HARBOR FREIGHT
(2024-17)

1399 Route 300
Section 60; Block 3; Lot 41.21
IB Zone

----- X

ARCHITECTURAL REVIEW BOARD

Date: July 18, 2024
Time: 8:25 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

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

APPLICANT'S REPRESENTATIVE: MATTHEW MILLON

----- X

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

2 CHAIRMAN EWASUTYN: Item 10, Harbor
3 Freight. It's here before us tonight for
4 ARB approval. It's located on Route 300
5 in an IB Zone. It's being represented by
6 ADA Architects Services.

7 MR. MILLON: Chairman, Board, thank
8 you for your time. Good to see everyone
9 again. I'm here for the Harbor Freight
10 tools retail store.

11 The final approval that is needed
12 currently for the ARB approval would be
13 the signage for -- the exterior signage
14 of the front facing of the road and the
15 side of the store with the delineation
16 for the Harbor Freight tools retail brand
17 with the national branding and retail
18 colors.

19 The parking lot improvements were
20 approved at the June 20th hearing. There
21 were no further questions about that.

22 The only remaining item would be
23 the signage for the exterior and for the
24 branding itself.

25 During the last Board hearing on

2 June 18th, Jim had confirmed all items
3 were code compliant regarding the
4 signage. We were just not granted full
5 approval at that time because the
6 landlord's facade work had not been
7 approved. From my understanding, the
8 landlord had a working session with the
9 Town the following week at which point we
10 believe that the facade work will be
11 approved at the next -- on this hearing
12 but the next presenter.

13 Does the Board have any questions
14 regarding the exterior signage? It is
15 the same signage that was proposed at the
16 last hearing.

17 CHAIRMAN EWASUTYN: Dave Dominick.

18 MR. DOMINICK: Page 5, where do
19 those signs go? Low prices, great tools.
20 Oh, I see. John, we have this packet
21 here.

22 MR. MILLON: Those are actually for
23 Jim. Those are the building directions.

24 MR. HINES: They floated around
25 every office of the Town Hall today.

2 MR. MILLON: I saw Lisa earlier.

3 CHAIRMAN EWASUTYN: That's the nice
4 thing about having a submittal letter.

5 MR. MILLON: We all saw each other,
6 so it worked out I think.

7 CHAIRMAN EWASUTYN: Stephanie DeLuca.

8 MS. DeLUCA: No. It looks good.

9 MR. MENNERICH: It's okay.

10 CHAIRMAN EWASUTYN: It's fine with
11 me.

12 MR. BROWNE: Good.

13 MS. CARVER: I think it looks good.

14 CHAIRMAN EWASUTYN: Jim Campbell,
15 have you looked at the plans? From my
16 understanding, you're in agreement with
17 what's being submitted.

18 MR. CAMPBELL: As long as there
19 were no changes from the last submittal,
20 we're good to go.

21 CHAIRMAN EWASUTYN: Pat Hines.

22 MR. HINES: We did have a technical
23 work session with this project
24 incorporated in with the entire Newburgh
25 Mall facility. The transition to

2 national chains with outdoor individual
3 entrances was discussed.

4 The building heights are going to
5 be higher. This is going to remain the
6 same, but it will be similar in height to
7 the Newburgh Mall. This is a little
8 separate from it. I think when you're
9 dealing with national chains, this Board
10 has in the past accepted the national
11 chain colors and signage. You're not
12 going to -- if Eddie O'Donnell was here,
13 he would have asked for the Greenwich
14 version of Harbor Freight. I don't know
15 if there is a Greenwich version of Harbor
16 Freight. He was always great for
17 bringing that up during these signages.
18 It's a national chain.

19 I don't have any outstanding
20 comments on it. I think it will kind of
21 -- it will be cohesive and they'll each
22 have their national chain look.

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

2 MR. CORDISCO: The only specific
3 conditions related to this are the
4 payment of any outstanding fees
5 associated with the Town and the fact
6 that the plans have -- actually, the
7 construction has to match the plans as
8 presented.

9 CHAIRMAN EWASUTYN: Having heard
10 from Planning Board Attorney Dominic
11 Cordisco, would someone move for a motion
12 to grant ARB approval for Harbor Freight,
13 project number 24-17, as stated by
14 Dominic Cordisco.

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

16 MR. MENNERICH: Second.

17 CHAIRMAN EWASUTYN: I have motion
18 by Dave Dominick. I have a second by Ken
19 Mennerich. Can I have a roll call vote
20 starting with Lisa Carver.

21 MS. CARVER: Aye.

22 MR. BROWNE: Aye.

23 CHAIRMAN EWASUTYN: Aye.

24 MR. MENNERICH: Aye.

25 MS. DeLUCA: Aye.

2 MR. DOMINICK: Aye.

3 CHAIRMAN EWASUTYN: So Jim, these
4 plans are for you then, if I understand.

5 MR. HINES: They found a home.

6 MR. MILLON: Can I bring them over
7 to you?

8 MR. HINES: You can hand deliver
9 them.

10 CHAIRMAN EWASUTYN: Do you want to
11 take them now or do you want me to bring
12 them over?

13 MR. CAMPBELL: What are they?

14 MR. HINES: Plans for this
15 building. Building permit plans.

16 MS. ROTUNDO: Jim, I'm going to
17 submit the applications with you for
18 Harbor Freight. Don't you need a
19 building permit? I'll be submitting
20 that.

21 MR. CAMPBELL: Just so you know,
22 until the plans are stamped and signed
23 with the resolution --

24 MS. ROTUNDO: I can't do it until
25 that happens?

2 CHAIRMAN EWASUTYN: Or at least
3 until tomorrow morning when the office is
4 open.

5 Do you have that package or do you
6 want me to take all that material and
7 drop it off tomorrow?

8 MR. MILLON: That's one set of
9 plans.

10 CHAIRMAN EWASUTYN: Why don't I
11 take that.

12 MR. MILLON: Thank you.

13

14 (Time noted: 8:32 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 29th day of July 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

NEWBURGH MALL
(2024-15)

1401 Route 300
Section 60; Block 3; Lot 41.21
IB Zone

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ARCHITECTURAL REVIEW BOARD/SIGNAGE

Date: July 18, 2024
Time: 8:32 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

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

APPLICANT'S REPRESENTATIVE: JASON ANDERSON

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MICHELLE L. CONERO
Court Reporter
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2 CHAIRMAN EWASUTYN: The last and
3 final item of business this evening is
4 item number 11, Newburgh Mall. It's a
5 facade change, project number 24-15.
6 It's here for signage and ARB approval.
7 It's in an IB Zone. It's being
8 represented by ADG Architects.

9 Jason Anderson, is it?

10 MR. ANDERSON: Yes. Good evening,
11 Members of the Board. It's really the
12 same proposal that was presented the last
13 time. We had the work session which was
14 just discussed a little bit. We
15 explained a little bit more of what we
16 were doing and trying to do with the
17 national chains. Maybe I can just give a
18 real brief summary of that.

19 CHAIRMAN EWASUTYN: If you can
20 speak a little bit louder.

21 MR. ANDERSON: I don't have a very
22 strong voice.

23 Basically what we're doing is going
24 to a shopping center. That's the
25 technical transition. Essentially we're

2 eliminating the hallway in the center.
3 Each one of these national tenants will
4 go from the front to the back. There's a
5 hall in the back connecting them for
6 egress, but that's really it. We're
7 eliminating what you would consider the
8 mall.

9 To do that, you can see how we've
10 got the storefronts. Actually, Harbor
11 Freight, essentially it's all the same.
12 What you see here, you probably can
13 recognize these. We have NDAs so we
14 can't say who they are. Essentially if
15 you took away and replaced those letters,
16 that's who we're hoping goes in that.
17 We're close to signing leases on those.
18 We're showing those. Those are the
19 sizes, those are the colors they have.
20 If the leases go through, that's what is
21 there.

22 What we tried to do is say we have
23 an 18-foot high existing parapet. They
24 all have between 30 to 35-foot high
25 facades. On the outer parcel that you

2 just saw, that already has that higher
3 facade. This mall wasn't designed that
4 way.

5 What we tried to do is come up with
6 some sort of an accent element that would
7 allow us to just visually raise the
8 height a bit of the mall, right, without
9 -- you know, we had to work with wherever
10 they had their storefronts, at the same
11 time not creating a higher parapet that
12 created a snow load on the back of the
13 roof, because then we have to replace the
14 entire roof or the structure that's
15 behind it or reenforce all of it. That's
16 where we came up with this design.

17 Essentially it's a metal element
18 that allows us to get some lighting in,
19 allows us to accent different pieces and
20 also create landscaping elements.

21 We presented a landscaping plan
22 with this application that also shows
23 some small decorative trees close to the
24 building as well as some bushes. We're
25 trying to sort of enhance it between

2 these elements. These have all sort of
3 shifted around. They continue to shift.
4 We wanted to come up with something that
5 would allow us to work with that shift no
6 matter how that ended up. That was the
7 approach. If you look through the
8 package, you'll see different views. We
9 tried to start giving every view that we
10 knew.

11 I'd say we're 95 percent locked in
12 on these tenants that are there. We've
13 got one that's still holding out.

14 MS. CARVER: I have a question.
15 Those are just blank stores for now?

16 MR. HINES: No. That's what I
17 thought, too. That's why the work
18 session helped. They're a feature to
19 raise the roof up to a similar height
20 across. You'll see through them. I
21 thought they were stores that were going
22 to in-fill later.

23 UNIDENTIFIED SPEAKER: That's just
24 a metal frame with lighting.

25 MR. ANDERSON: That's right. So

2 it's really just a feature. I would love
3 it if the store said yes, we want to put
4 glass in here and sort of accent that.
5 It really depends on what each one of
6 them come with. Most of them, they don't
7 want to see that. They only want their
8 entry elements that they have. Trying to
9 balance that and also create a color
10 palette that will connect through.

11 Harbor Freight, they have their
12 piece. We're looking for anything that
13 they don't touch really between both
14 buildings to make that compliment.
15 That's the approach and what we're
16 presenting here.

17 MR. HINES: It will keep that look
18 from dropping from 35 foot parapets down
19 to 18, back to 35.

20 MR. ANDERSON: It will look like an
21 old western --

22 MS. CARVER: It's kind of filling
23 in the blank. Okay.

24 MR. ANDERSON: Without creating
25 other problems for us by trying to raise

2 that parapet.

3 MR. DOMINICK: I believe Flaming
4 Grill is constructed like that.

5 MR. ANDERSON: It is. We went back
6 to the structural drawings. They
7 reinforced the structure at that time
8 from below. They did that and then they
9 got a little, it looks like basically a
10 big canter, parapet. They reinforced
11 that.

12 MR. DOMINICK: That was originally
13 a supermarket addition.

14 MR. ANDERSON: We played around
15 with a lot of options on that. That's
16 where we ended up landing.

17 One of the things that did come up
18 in the workshop, though, was we did also
19 want to look at, okay, how do we --
20 what's our -- with the signage, we've got
21 all the these different companies coming
22 in, all these different signs, what's the
23 worst-case scenario. That's the way I
24 understand it, Jim. You can correct me
25 if I'm wrong. We presented this maximum

2 sign to store facade ratio. I don't know
3 who this is.

4 MR. HINES: Brand X.

5 MR. ANDERSON: It doesn't matter.
6 Brand X. So we said, okay, what's our
7 smallest tenant. Their tenant lines are
8 this line and this line, but they have --
9 that's their sign. What is that ratio
10 from, I would call it their facade. We
11 came up with a ratio. They were 19.92
12 percent. All the rest were less than
13 that. So we tried to present, okay,
14 here's the maximum. This may change over
15 time, but let's present something that --
16 at least put something in writing.

17 The last thing we were looking to
18 do was a pylon. The pylon out there,
19 everybody knows it. We've got Resorts
20 World, Newburgh Mall, we've got the two
21 columns that come up. We wanted to use
22 the same location, everything the same.
23 We've got two columns that come up. What
24 we did is created more of like a menu. I
25 don't know. It's basically they all want

2 their name.

3 MS. CARVER: Directory.

4 MR. ANDERSON: They want it on the
5 pylon that's out there. We had to come
6 up with something different. We're not
7 calling it a mall. We're going to call
8 it The Newburgh. We have 427 square feet
9 within that piece. It's the same height,
10 which is -- basically we're 33 feet.
11 Here we're representing 29. Actually,
12 it's the same square footage, but we
13 lowered the height to get to that same
14 square footage. That's what we're doing.

15 CHAIRMAN EWASUTYN: Is it an
16 illuminated sign from the bottom? You'll
17 have lights?

18 MR. ANDERSON: Yes. We still have
19 yet to work with a sign manufacturer.
20 They're going to have all the details.

21 CHAIRMAN EWASUTYN: Ground mounted?

22 MR. ANDERSON: Correct.

23 CHAIRMAN EWASUTYN: Jim Campbell,
24 does that provide you with a starting
25 point?

2 MR. CAMPBELL: As far as the
3 monument sign, what exactly has changed?

4 MR. ANDERSON: What exactly has
5 changed from what you saw is it's two
6 feet off the ground.

7 MR. HINES: They gave it legs.

8 MR. ANDERSON: We've got two little
9 posts.

10 MR. CAMPBELL: I would like to
11 review that.

12 MR. ANDERSON: It was based on our
13 discussion.

14 MR. BROWNE: We're okay with the
15 height?

16 MR. CAMPBELL: No. I'm unsure,
17 because, like I said, I have to review
18 it. With the set I did get, I really
19 couldn't -- it's a small set. I couldn't
20 make out the details.

21 MR. ANDERSON: Okay.

22 MS. CARVER: Is that an existing
23 sign that you're replacing?

24 MR. ANDERSON: The existing sign
25 we're going to put in the same location.

2 MR. CAMPBELL: You're trying to
3 change it from a monument to a free-
4 standing?

5 MR. ANDERSON: I think the code
6 calls it pylon.

7 UNIDENTIFIED SPEAKER: It's
8 considered a pylon.

9 MR. ANDERSON: It's a pylon now.
10 We want to keep it a pylon.

11 MR. HINES: They added legs.

12 UNIDENTIFIED SPEAKER: It's got an
13 open area on the bottom.

14 MR. ANDERSON: Basically, Jim, what
15 we're looking to do, right now this is
16 the facade, I'll call it, of the sign
17 that we're able to get lettering on. We
18 want to continue that down to here in
19 order to get more stores.

20 MR. DOMINICK: Are you going to add
21 the Tesla or just the retail? The
22 charging stations.

23 MR. ANDERSON: That's a good
24 question.

25 MR. DOMINICK: I was just curious.

2 UNIDENTIFIED SPEAKER: I don't
3 think that was planned. I don't think
4 so.

5 MR. DOMINICK: Just retail.

6 I think you and your team did a
7 phenomenal job. You took the '80s disco
8 mall look to a contemporary and sleek.

9 One thing, I noticed that the
10 Taekwondo shop moved from its old
11 location to now the new location where
12 the Hannoush jeweler was in what is known
13 as center court. Are you still going to
14 have the center court?

15 MR. ANDERSON: The Taekwondo just
16 moved temporarily until he can find a
17 spot outside the mall. It's no longer
18 going to be a mall. It's going to be the
19 strip center concept with all storefronts
20 in there. I think that's why we're kind
21 of unsure. Each national tenant wants so
22 much store frontage. We don't know where
23 they are going to actually end up. You
24 could have 100 feet, 75 feet. We're not
25 sure where they are. We wanted to make

2 it -- this is today.

3 MR. DOMINICK: Where is Planet?

4 MR. ANDERSON: That's the one we
5 can call out. That's O'Reilly, the
6 casino.

7 MS. CARVER: Are there some in the
8 back, too?

9 MR. ANDERSON: No. This is shared.
10 They need a shared storage area.

11 UNIDENTIFIED SPEAKER: It's going
12 to be a loading area. All the loading
13 and everything will take place in the
14 back.

15 MR. ANDERSON: This one is still
16 open. It's a hard one, to be honest.
17 It's part of Sears, part of where Office
18 Depot was. It's got a raised parapet on
19 the second level. There's the mezzanine.
20 The intent is -- more than the intent.
21 This is sort of that type of layout. The
22 nice thing is that was for the
23 restaurant. In the front there's
24 dumpsters there.

25 MR. HINES: There's actually a

2 dumpster enclosure in front in that
3 overgrown landscaping there.

4 MR. ANDERSON: You went by, right?

5 UNIDENTIFIED SPEAKER: That was the
6 cardboard compactor.

7 MR. ANDERSON: That would all get
8 cleaned up. That's what we're presenting
9 here. I mean, it was a big fight with
10 Planet Fitness because nobody wanted
11 anything hidden. With the type of
12 growth, it's a little lower but it's more
13 decorative. We're trying to make this --

14 UNIDENTIFIED SPEAKER: More inviting.

15 MR. ANDERSON: Yeah.

16 MR. HINES: Those architectural
17 features will have some small landscaping
18 and lighting within them, too.

19 MS. DeLUCA: That's exciting.

20 MR. ANDERSON: We're excited to get
21 started. We're looking to get permits as
22 soon as we get this approval. We'll
23 start with Planet Fitness. They all want
24 to come together, so it's interesting.
25 There's about four of them that will not

2 really sign a lease until the others have
3 also agreed to sign the lease. They
4 don't want to be the first because they
5 all sort of feed off each other.

6 UNIDENTIFIED SPEAKER: Unfortunately
7 that's what happens in retail. They're
8 afraid to sign until they get co-tenancy.

9 MR. CAMPBELL: The freestanding
10 sign, how far off the front property line
11 is that?

12 MR. ANDERSON: I'll tell you right
13 now. It's about 42 feet.

14 MR. CAMPBELL: Each panel is less
15 than 450 square feet?

16 MR. ANDERSON: Yes. The whole
17 panel. We're at 429 currently.

18 MR. CAMPBELL: I think the
19 freestanding sign complies.

20 With the ARB as far as the building
21 signage, I believe you can approve the
22 ARB, but the size of the sign will be
23 determined when we have the frontage of
24 that space. I believe that's still
25 moving around.

2 MR. ANDERSON: That's why what we
3 did is from the ones we know, we took the
4 worst one and said, okay, here's your
5 worst case. The others that we know are
6 coming.

7 MR. CAMPBELL: Once you know what
8 their frontage is, you know how many
9 square feet they are allowed.

10 UNIDENTIFIED SPEAKER: We'll hold
11 them to that.

12 MR. CAMPBELL: I believe if you
13 approve the ARB, the size can be approved
14 during permit review.

15 CHAIRMAN EWASUTYN: I do believe I
16 have a full set of plans in the office
17 that you can look at for clarity.

18 Final discussion from Board
19 Members?

20 MR. DOMINICK: Nothing.

21 CHAIRMAN EWASUTYN: Stephanie DeLuca.

22 MS. DeLUCA: No. I'm excited.

23 MS. BROWNE: Thanks for all the
24 work.

25 CHAIRMAN EWASUTYN: Pat Hines with

2 MH&E.

3 MR. HINES: No. The work session
4 was helpful. It gave me clarity.

5 Like Lisa, I thought those things
6 were future sign holders or something.
7 Otherwise they're national chains.
8 Again, they're matching the building
9 height. I think that's a neat feature to
10 have the height across the front.

11 Adjoiners' notices were sent out.

12 The rest is up to the Board.

13 CHAIRMAN EWASUTYN: Dominic Cordisco,
14 Planning Board Attorney, can you give us
15 conditions of approval for the Newburgh
16 Mall.

17 MR. CORDISCO: The conditions are
18 very straightforward. It's signage and
19 ARB. There's no public hearing. There's
20 no SEQRA that needs to be done in
21 connection with this.

22 The conditions would include paying
23 any outstanding fees as well as
24 construction in accordance with the plans
25 that have been reviewed and approved by

2 the Planning Board.

3 CHAIRMAN EWASUTYN: Jim Campbell,
4 do you want to add anything to that?

5 MR. CAMPBELL: I have nothing to
6 add.

7 CHAIRMAN EWASUTYN: Having heard
8 the conditions of approval for the
9 signage and ARB for the Newburgh Mall
10 presented by Planning Board Attorney
11 Dominic Cordisco, would someone move for
12 that motion.

13 MS. DeLUCA: So moved.

14 MR. DOMINICK: Second.

15 CHAIRMAN EWASUTYN: I have a motion
16 by Stephanie DeLuca. I have a second by
17 Dave Dominick. Can I have a roll call
18 vote starting with Lisa Carver.

19 MS. CARVER: Aye.

20 MR. BROWNE: Aye.

21 CHAIRMAN EWASUTYN: Aye.

22 MR. MENNERICH: Aye.

23 MS. DeLUCA: Aye.

24 MR. DOMINICK: Aye.

25 CHAIRMAN EWASUTYN: In the best of

2 all worlds, when do you expect to have
3 your final CO for all of these?

4 UNIDENTIFIED SPEAKER: Tomorrow.

5 CHAIRMAN EWASUTYN: You've been
6 sitting in the audience.

7 MR. ANDERSON: Elliot would like it
8 tomorrow. We do have Planet Fitness
9 plans ready to submit. That is the
10 first. We've been working on that. We
11 have three others that we are working on
12 construction documents. We're well
13 underway.

14 CHAIRMAN EWASUTYN: Thank you.

15 MR. ANDERSON: Elliot does
16 apologize. Today is his 25th wedding
17 anniversary, so he's not here.

18 CHAIRMAN EWASUTYN: Would someone
19 move for a motion to close the Planning
20 Board meeting of July 18th.

21 MR. MENNERICH: So moved.

22 MS. DeLUCA: Second.

23 CHAIRMAN EWASUTYN: I have a motion
24 by Ken Mennerich. I have a second by
25 Stephanie DeLuca. Can I have a roll call

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vote starting with Dave Dominick.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MS. CARVER: Aye.

(Time noted: 8:50 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 29th day of July 2024.

Michelle Conero

MICHELLE CONERO