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

----- X
In the Matter of

ROCKET SUBDIVISION
(2023-10)

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

----- X

TWO-LOT SUBDIVISION

Date: August 17, 2023
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

APPLICANT'S REPRESENTATIVE: JONATHAN MILLEN

----- X

MICHELLE L. CONERO
Post Office Box 816
Dover Plains, New York 12522
(845) 541-4163

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. The Town of Newburgh Planning Board would like to welcome you to their meeting of August 17, 2023. We have three agenda items and three Board business items.

At this time we'll call the meeting to order with a roll call vote.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. DOMINICK: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. WARD: Present.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

MR. HINES: Pat Hines with MHE Engineers.

MS. CONERO: Michelle Conero, Stenographer.

CHAIRMAN EWASUTYN: At this

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point, I'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

MR. WARD: Please turn off your phones or put them on vibrate. Thank you.

CHAIRMAN EWASUTYN: For the record, the first scheduled agenda item this evening is Rocket Subdivision. The representative is Jonathan Millen. Apparently Jonathan isn't present.

The second item on tonight's agenda is Dixon and Hales. Again the representative is Jonathan Millen. We'll keep that open for hopefully when Jonathan shows.

(Time noted: 7:02 p.m.)

(Time resumed: 7:34 p.m.)

CHAIRMAN EWASUTYN: We kind of skipped the order. We're going back to what is the first item on the agenda this evening. It's the Rocket

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Subdivision. It's a two-lot subdivision located on Candlestick Hill Road in an AR Zone. It's being represented by Jonathan Millen.

MR. MILLEN: So we've altered the lot line a bit here.

The big thing is about going back to the Zoning Board and seeing whether or not they'll approve the fact that this lot is undersized for two two-family dwellings. It's supposed to be 80,000 square feet and it's 66,000 square feet.

Other than that, I think we've done as much as we can do here. This lot meets all the criteria.

CHAIRMAN EWASUTYN: Pat Hines with MHE.

MR. HINES: Our first comment just identifies the changes to the size of lots 1 and 2.

Did you go to the ZBA and they rejected it?

MR. MILLEN: You know, so I

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haven't been to the ZBA. I'm sorry.
It just goes to show you, too many
projects in gear at the same time.

MR. HINES: We had previously
referred you, but you did not go is
that what I'm hearing.

MR. MILLEN: Well, I think what
happened was, because we changed the
lot size, we --

MR. HINES: You need to come
back and get a re-referral. I didn't
know if the ZBA rejected the first
proposal.

MR. MILLEN: I don't think I've
been. In fact, I'm sure I haven't.

MR. HINES: My first comment
identifies the new lot deficiencies
as they exist on the revised lot
sizes. I have it as 100,000 square
foot for the two-family in that zone.
Maybe because it has water and sewer,
it may be slightly less. I'll
clarify that comment with Dominic
before he writes the referral.

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MR. MILLEN: You're right. It is 100,000. I apologize.

MR. HINES: You had me stumped there with the 80.

So my comments are correct, Dominic.

If you're successful at the ZBA, we'll need septic designs.

The highway superintendent's comments.

Information pertaining to the roadway dedication parcels.

I think the only action the Board can take this evening is re-referring it with the revised lot areas.

MR. MILLEN: Yes, because we were holding off on getting really involved in the septic design work until we were reasonably assured we could present it.

CHAIRMAN EWASUTYN: Should we list the items that we're going to be referring, Dominic Cordisco?

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MR. HINES: I can do that. The zoning variances required are lot 1 requires 100,000 square feet where 66,238 square feet is provided. Lot 1 has one side yard where 30 feet is required and 6 feet is existing. Both side yards on lot 1 where 80 feet is required and 25 feet is existing. Lot width requires 150 feet where 36 feet is -- I'm sorry, 63 feet is provided. Those are all of my comments.

CHAIRMAN EWASUTYN: Would someone make a motion to have Dominic Cordisco, Planning Board Attorney, prepare a referral letter to the Zoning Board of Appeals?

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Stephanie DeLuca. Can I have a roll call vote starting with Frank Galli.

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ROCKET SUBDIVISION

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

(Time noted: 7:38 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 28th day of August 2023.

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

MID VALLEY/STARBUCKS
(2023-14)

39 North Plank Road
Section 75; Block 1; Lot 13.1
B Zone

----- X

SITE PLAN

Date: August 17, 2023
Time: 7:02 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

APPLICANT'S REPRESENTATIVE: STEVEN WILSON
and JACK ROSENCRANS

----- X

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CHAIRMAN EWASUTYN: We'll go directly into the third item, which is Mid-Valley/Starbucks, project number 23-14. It's a site plan on North Plank Road in a B Zone. It's being represented by Steve Wilson.

MR. WILSON: Good evening. Nice to see you again. Thank you for having us back.

So the last we left you, you gave me a little homework to do, and that was the focus of our most recent submission. More to confirm the project was fully zoning compliant was really our goal with this last submission. I just wanted to touch on that.

I had a question that we didn't answer last time, which was the addition of a lot line. I just want to talk about that.

I know an issue that's important to the Board is the issue of the water tank. I have Jack

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Rosencrans from DLC who will talk about that.

If I could, on the zoning, there were questions last time about the loss of parking associated with us building Starbucks, and would it affect the overall count and bring the whole plaza out of compliance. We provided a breakdown with the current submission by use, parking requirement and the total for the whole plaza based on current square footages and uses of a shopping plaza. We require just about 1,100 spaces, 1,083. Currently there's an existing 1,313 spaces. With our improvements at Starbucks, it only drops to 1,253. We're over-parked by almost 200 spaces, so it doesn't affect -- won't affect the zoning issues with the plaza.

The other issue was the previous submission lacked any kind of building signage. I provided some

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updated exterior elevations that show basically the medallion and the drive-through sign on the south and east elevation of the building. It's about 20 square feet of signage on each elevation. So again, that is zoning compliant.

With that, we felt kind of the zoning issues were addressed, and we were looking to get kind of an affirmation from the Board tonight about this, and then we would dive deep into the full design of the project, grading, utilities, addressing a lot of Pat's comments on the site plan.

As far as Pat's comments, we did receive that second letter today. I think most of it is pretty straightforward.

There was a reference here that we had a setback wrong on the bulk table. We had listed the front yard setback at 40 feet. It's actually 60

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feet on a State highway. We're still in compliance. We're 64 feet back from the State right-of-way. It's just a typo on the plan, and we'll correct that with the next revision.

The other issue was, before we talk about the tank, bring Jack up to talk about that, was the issue of there's this interior lot line that runs basically through the middle of the building. I think I said last time, I've seen towns handle this many different ways. Some towns don't mind those kind of lot lines and others do, because, technically, it doesn't comply because we're not meeting the setbacks from that interior lot line. I guess we probably end up looking to a lot line adjustment, just to kind of clean that up so it doesn't run right through the middle of the building. If we do a lot line adjustment, is that the kind of thing that's done

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administratively or does that have to run through this Board as part of this process?

MR. CORDISCO: It would be the latter. It requires an application.

MR. WILSON: So we fill out a subdivision/lot line adjustment application and you just run that concurrently? Just that in itself, does that trigger a hearing?

MR. CORDISCO: Yes.

MR. WILSON: So you do that concurrent with anything related to the site plan?

MR. CORDISCO: That would be one option. The other option is that the Board has treated this site as a unified shopping center site, and when you treat it as a unified shopping center, you ignore issues regarding setbacks from individual lot lines, so it would make that unnecessary.

MR. WILSON: Okay.

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MR. ROSENCRANS: Just a question. Jack Rosencrans from DLC Management, the owner of the shop, the property.

If we did want to modify that so it was corrected and the lot line was just around the building itself, I assume it would still be looked at as a unified shopping center from a zoning perspective.

MR. CORDISCO: Correct. It's been traditionally treated as such in order to take advantage of other aspects of the overall shopping center, such as taking advantage of parking.

MR. ROSENCRANS: Common entries.

MR. CORDISCO: Absolutely.

MR. ROSENCRANS: Thank you.

MR. WILSON: So that's two of the three issues. I know we provided a response.

The Board obviously had a lot of questions last time about the

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status of the water tank. We provided some information in our latest response. If the Board has questions, or Jack can kind of explain where things stand with the painting and improvements to the water tank.

MR. ROSENCRANS: I apologize that I wasn't able to attend the hearing last month. I know that our intention was to paint the water tower this past summer -- this current summer. As we were preparing for that, I'm sure Steve mentioned to you, we just completed a lot of OSHA and safety repairs to the tank.

In terms of the logistics of getting it done, to get our tenants' cellular antennas off the building, they require a six-month notice. The whole schedule is anticipated to be done next summer. At this point, we have a contractor identified. We have a timeline identified. We're

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waiting for basically confirmation of the date from the vendor. There's only a handful of vendors that do this kind of work. It's a water tank painting, it's overlooking a highway, so there are certain qualifications that only a handful of contractors actually meet. The goal would be to lock in a date this summer. As part of locking in that date, we supply a down payment to that vendor, a nonrefundable payment of about \$150,000 to lock in our date for next summer, and then within a six-month window preceding that date, we provide notice to all of our tenants. We have four cellular antenna tenants on that tower, so it gives them the six-month window to pursue permits with the Town to set up temporary service in the parking lot. When they take their antennas off the tower, put it in the parking lot, then we can have the contractor

2 complete the painting.

3 I know that our property
4 manager spoke with a representative
5 from the Town yesterday, actually, so
6 we could coordinate with the Town
7 upon coordinating colors and
8 repainting it so it said Mid-Valley
9 Mall, Newburgh, New York, which I
10 know the name of the Town is not on
11 there right now.

12 The tenants themselves, the
13 cellular tenants, they individually
14 apply for permits with the Town. The
15 Town has the ability to say your
16 permit is approved conditioned on
17 painting it a certain color
18 consistent with the rest of the
19 tower. I think there's the ability
20 to coordinate so that at the end of
21 next summer, it's to everyone's
22 satisfaction and looking a lot better
23 than it does today.

24 I know that was a lot of
25 logistics I just ran through. I'm

2 happy to answer any questions about
3 our intent and commitment to doing
4 this project.

5 CHAIRMAN EWASUTYN: Explain the
6 timeline to me again. So on or about
7 when will you be committing to this
8 contract where you'll be putting down
9 the \$150,000, point one? From that
10 point, further out, when will you be
11 breaking down the tower and when will
12 they start painting it? From that
13 point forward, when will this be
14 completed?

15 The other item, I say to you, I
16 don't know who you spoke to at the
17 Town, who you got approval with on
18 the conversation of the colors and
19 lettering. Right now it's a Planning
20 Board matter.

21 MR. ROSENCRANS: This wasn't an
22 approval. It was a representative --

23 CHAIRMAN EWASUTYN: In general.
24 You said you had conversation with
25 someone from the Town and they kind

2 of eluded to what they thought they
3 wanted.

4 MR. ROSENCRANS: They reached
5 out to us.

6 CHAIRMAN EWASUTYN: Who is they?

7 MR. ROSENCRANS: It was Mike
8 Musso from HDR.

9 CHAIRMAN EWASUTYN: Recently?

10 MR. ROSENCRANS: This was
11 yesterday.

12 CHAIRMAN EWASUTYN: Mike Musso
13 is no longer a consultant from the
14 Town.

15 MR. ROSENCRANS: It sounded
16 like he was doing a favor. He said
17 we don't work with the Town anymore,
18 but I want to check in --

19 CHAIRMAN EWASUTYN: Let's talk
20 about the favor. The favor was a
21 year ago Mike Musso, Pat Hines spoke
22 with someone from your company and
23 you agreed to do it this year,
24 separate of OSHA. That was an
25 agreement with the Planning Board.

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This is the action the Planning Board wanted to see this year. OSHA has nothing to do with us. It has something to do with you. Again, I beg to differ. Mike Musso has no involvement in this. He's no longer a consultant. That conversation is mute as far as I'm concerned.

MR. ROSENCRANS: That's fine. We fielded a call from him yesterday.

CHAIRMAN EWASUTYN: Do you want to speak to him, because --

MR. HINES: I had no knowledge of this.

CHAIRMAN EWASUTYN: -- he's shooting from his hip.

MR. HINES: I haven't talked to Mike Musso in six months.

MR. CORDISCO: To stand on the history of what happened here is that this tower was up for a recertification, which happens every five years.

CHAIRMAN EWASUTYN: With whom?

MR. CORDISCO: With the Town

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here. There was a request that was processed last year, and the representation that it was going to be painted this past summer was made at that time. The Board processed that recertification last year with the understanding that that was going to take place.

CHAIRMAN EWASUTYN: Thank you.

MR. ROSENCRANS: Understood.

So my understanding of the sequencing of what happened this year is that that painting couldn't be done until the site was secure, ladders were secure, safe for contractors to work on. That was the OSHA piece of it in terms of why it didn't happen when we said it would.

In terms of the sequencing going forward, we're in contract with the vendor right now. We've selected them. We've gotten proposals from them. I expect it's going to be a month before we have a date locked

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in, but the date that they're locked in -- they've got their schedule over the course of the next year, and they give us a window. The weather has to be warm enough that the paint will stick, so meaning it has to happen after the winter. Preceding that date, we need to provide our notice to our tenants six months before we require them to get off the tower, which --

CHAIRMAN EWASUTYN: Would you consider making the painting of the tower a condition of final approval on the site plan?

MR. ROSENCRANS: Yeah. I would say, you know, we've talked about that internally, having a certificate of occupancy conditioned on it.

CHAIRMAN EWASUTYN: The Building Department doesn't issue certificates of occupancy unless everything is completed. They don't want to be chasing people. I believe

2 that's on the record. Jerry
3 doesn't --

4 MR. HINES: They typically
5 don't do TCOs.

6 MR. ROSENCRANS: Meaning, if
7 Starbucks is ready to open in March
8 but the painting was scheduled for
9 May, we're sitting there with an
10 empty building?

11 CHAIRMAN EWASUTYN: Correct.

12 MR. ROSENCRANS: I mean, I
13 think that would be unfortunate for
14 everyone. I don't know if there's a
15 work around. I understand what
16 you're saying.

17 MR. WILSON: We have to regroup
18 on that one.

19 MR. ROSENCRANS: I think the
20 intent of what you're saying is you
21 want us to commit to doing this.
22 We're prepared to do that. If
23 there's a creative solution to do
24 that that doesn't require us to --
25 I'm just not sure if the timing is

2 going to work.

3 MR. BROWNE: I think we're
4 looking for an enforceable thing, not
5 just an, oh yeah, we're going to do
6 it and it never happens. We've been
7 down that road already. It has to be
8 something enforceable.

9 MR. DOMINICK: I don't see why
10 your timeline is so difficult. It's
11 August. It would probably take --
12 how long do you think it would take
13 for this building to be built once
14 it's approved?

15 MR. ROSENCRANS: Maybe six
16 months.

17 MR. DOMINICK: Six months. So
18 why can't you start the process now
19 with the painting and lining things
20 up and getting things in motion, --

21 MR. ROSENCRANS: We are.

22 MR. DOMINICK: -- and then by
23 April, May, nice weather, painting,
24 the applicant moves in.

25 MR. ROSENCRANS: The painting

2 of the tower is two to three weeks.
3 My issue is, I can't control their
4 schedule. They might tell us we've
5 got a window August 15th of next
6 summer.

7 CHAIRMAN EWASUTYN: And you
8 can't control the weather. So if we
9 had a season like this year where it
10 rains constantly, then it gets kicked
11 off to the year of what? 2025?

12 MR. ROSENCRANS: No. If they
13 give us a window, they bake in bad
14 weather days. For example, they give
15 us a three-week window to do the
16 work, but they expect the work itself
17 to only take two weeks.

18 CHAIRMAN EWASUTYN: We're not
19 satisfied right now, is what we're
20 saying. We can go back and forth,
21 but we're not satisfied.

22 MR. ROSENCRANS: I guess what
23 could I offer?

24 CHAIRMAN EWASUTYN: We're not
25 going to extend that conversation

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with you. It's up to you to come up with something that this Board would consider reasonable or not reasonable. As a rule of thumb, we don't design site plans. That's kind of what we're doing here. We don't make recommendations. Our point is basically to go through SEQRA, go through the bulk schedule and follow the letter of the law. Beyond that, it's not our -- it's not within our hands.

MR. CORDISCO: If I may. This site is treated as a unified shopping center. If this wasn't a cell tower, if this was some other element of the site that was in need of repair or restoration, it would be the same thing. So for instance, if there were dumpster enclosures that had been damaged and were falling apart, the Board would be looking to, you know, require them to be restored in the same manner, because the overall

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site is treated as a unified shopping center.

MR. ROSENCRANS: Understood. I guess the concept of conditioning the CO on this painting being done, I don't think that's an issue. Again, that's not my decision to make.

MR. WILSON: I think we hear you loud and clear.

CHAIRMAN EWASUTYN: John Ward has something to say.

MR. WARD: My question is, you're saying getting in touch with Verizon, or whoever it is, and it takes time for their permits. Why don't you just say you got the window of August, put in your permits right now. You're talking time. You're going to get to August and all of a sudden you tell them, oh, you've got to get your permits to remove the towers. You're talking time.

MR. ROSENCRANS: I will tell you that the trigger with the tenants

2 is less of a factor than the
3 availability of the contractor.
4 That's really what's driving our
5 timing right now of this being done.

6 MR. WARD: I think you could
7 plan it, though. Everybody get
8 together and do it. I mean, talk is
9 cheap on this. Thank you.

10 MR. DOMINICK: If it's a
11 unified site plan, you just might
12 need another contractor to do the job
13 if your contractor cannot fulfill the
14 requirements.

15 CHAIRMAN EWASUTYN: There's
16 three of them, you're saying?

17 MR. WILSON: These are pretty
18 experienced contractors to have this
19 ability.

20 MR. DOMINICK: It's the first
21 thing you see coming into the Town
22 and it's the last thing you see when
23 you're leaving, and it looks
24 horrendous.

25 MR. MENNERICH: What happens

2 when the cell equipment has to be
3 moved? Where does it go?

4 MR. ROSENCRANS: They set up
5 carts in the parking field on a
6 temporary basis. That's run through
7 a permit with the Town.

8 MR. MENNERICH: It's at the
9 same height as it would be on the
10 water tower?

11 MR. ROSENCRANS: No. It's
12 sitting on a temporary cart, 10, 15
13 feet off the ground I believe.

14 MR. HINES: I've seen them put
15 them on cranes temporary.

16 CHAIRMAN EWASUTYN: While
17 you're here, let's go through the
18 general site plan so we know we've
19 accomplished something.

20 Frank Galli, comments on the
21 site plan overall?

22 MR. GALLI: Where the dumpster
23 is, that's where it's staying or are
24 you going to redesign that?

25 MR. ROSENCRANS: That's where

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operationally Starbucks prefers it. We don't see an issue with it. It has access for trucks to back up and access it. I don't know if there's an issue with it. It's going to be enclosed, it's covered. It's right in front of Starbucks' front door, so they don't want it to be unsightly.

MR. GALLI: The actual parking lot improvements, the bank and guardrail and stuff, that's all going to be the mall or is that going to be Starbucks?

MR. WILSON: You're talking about the guardrail along the front? That would be part of this project.

MR. GALLI: That's Starbucks' or the mall?

MR. ROSENCRANS: That would be DLC.

CHAIRMAN EWASUTYN: The damage on the rails, the other guide rails. There are some damaged railings there. I'm saying, if you're going

2 to enhance the site, you best enhance
3 the site.

4 MR. GALLI: Actually, while
5 we've got you here, the original
6 driveway -- we went over this back
7 and forth. That original driveway,
8 when you come out of the liquor store
9 and go down the hill, wasn't that
10 always one way? It was never an in,
11 always an out, or you're not that
12 old?

13 MR. ROSENCRANS: I couldn't
14 tell you.

15 MR. WILSON: It is right in/
16 right out.

17 MR. GALLI: We had that argument.
18 That's all I have, John.

19 CHAIRMAN EWASUTYN: Stephanie?

20 MS. DeLUCA: No. Nothing at
21 this time.

22 CHAIRMAN EWASUTYN: Dave Dominick?

23 MR. DOMINICK: I've got two things.
24 First, what Frank mentioned with the
25 dumpster, I think we talked about

2 this at the last meeting. You were
3 look at relocating it, especially in
4 the front.

5 Jack, on your other property,
6 the dumpster in the southwest corner,
7 Planet Fitness or the hair place,
8 that's always open, it's always
9 unsightly. What measures is
10 Starbucks going to take with this
11 dumpster being right in front of the
12 building, keeping the fence closed,
13 keeping it clean, keeping it neat?

14 MR. ROSENCRANS: I mean, I can
15 tell you, as a nationally recognized
16 company, that's just not the way
17 they're going to operate their
18 business. From my position right
19 now, I'm not sure what I could tell
20 you.

21 MR. WILSON: Having this
22 dumpster in this location, in front
23 of a Starbucks, is not unusual for
24 Starbucks. They are pretty anal
25 about keeping their site organized.

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They will keep that dumpster closed and neat. It's part of the front door. Once you enter that drive-through, you're going to be right there. They're not going to let it be a problem. It's not that kind of a company.

MR. DOMINICK: Second, you have a chain-link fence going around the seating area, the outdoor seating.

MR. WILSON: I think we're showing a fence for now. I don't think it's really spec'd yet.

MR. DOMINICK: It says proposed chain-link fence. I don't think a chain-link fence is a Starbucks' brand.

MR. ROSENCRANS: It's not going to be a chain-link fence.

MR. WILSON: It's probably the guy testing to see if I'm reviewing the plans.

MR. DOMINICK: You're talking a wrought iron type fence?

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MR. ROSENCRANS: They may have a design spec that we need to follow by the book per our lease. I don't know it off the top of my head, but it's not chain link.

MR. WILSON: It's something along the lines of the --

MR. WARD: Railing.

MR. DOMINICK: Black railing, fence.

MR. ROSENCRANS: We're giving them the Mercedes Benz of -- I don't think it will be a chain-link fence.

MR. DOMINICK: That's it, John.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: At the last meeting there was some discussion about sidewalks. Have you had a chance to review that and see what the possibilities are?

MR. WILSON: Along North Plank Road?

MR. MENNERICH: Yes. Also, maybe up the access road, if that's

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wide enough in there, that would be a good place to have a sidewalk.

MR. WILSON: There's a lot of slope there to deal with. That would be a very expensive sidewalk in either spot. Right now I'm thinking that might be outside the financials of this kind of project, that much sidewalk and those kinds of grades.

MR. ROSENCRANS: I would also add, this is 20 feet below the actual location of this property, this building. All of the access to this building is from the interior of the shopping center. Just practically speaking, we don't own this portion here. There is no sidewalk there today. I don't know functionally how it's accessed or how it's used.

To Steve's point, I can tell you that if we did need to add a sidewalk around portions of the perimeter of the property, this project is not going to happen.

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MR. MENNERICH: Along the access road, do you think that would be an expensive place to put the sidewalk because of the change in grade?

MR. WILSON: That adds to it. We have slopes to deal with on either side as you go down the hill.

MR. MENNERICH: Okay.

MR. WILSON: And then we're bringing people to basically the State road and not giving them anywhere to go from there.

MR. HINES: We've heard that on other projects and we've had great success in linking up sidewalks on State highways in the Town. People do walk there. The Board Members have seen people walking there.

I'll point down the road to a similar use, Ready Coffee. Their landlord put hundreds of feet of sidewalk in front of that. The Board had the opportunity since the

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applicant was before it.

MR. DOMINICK: You do get a lot of people walking on that road, too. If you could look at sidewalks for safety, that would be great.

MR. ROSENCRANS: I understand the sentiment. I'm telling you we're up against our budget. Adding any off-site improvements is -- it's a non-starter financially for this project. It would likely not go in this location.

MR. MENNERICH: That's all.

CHAIRMAN EWASUTYN: Two minor comments. Again, I think that's an open issue, the sidewalks. We're not balancing your budget as much as we are trying to enhance the Town. I think the State, in general, likes to see walkways and linking people. It's kind of a new trend.

MR. HINES: We'll most likely get it as a County Planning comment as part of Complete Streets.

2 CHAIRMAN EWASUTYN: What's the
3 name of that again?

4 MR. HINES: Complete Streets.

5 CHAIRMAN EWASUTYN: A minor
6 one. I'd like to see the electric
7 pump switch box painted. That's kind
8 of tired.

9 MR. WILSON: Okay.

10 CHAIRMAN EWASUTYN: The second
11 item is, I think, Jack, you know
12 better than I, much more so, where
13 are you going to stage the snow?

14 MR. ROSENCRANS: For the
15 plowing of the property?

16 CHAIRMAN EWASUTYN: I think at
17 one time this area was one of the
18 locations where snow would be --

19 MR. ROSENCRANS: I can tell you
20 that we've got a lot of excess
21 parking lot area that's unused over
22 by the water tower. I don't foresee
23 running out of space.

24 CHAIRMAN EWASUTYN: That's my
25 only comment.

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Cliff Browne?

MR. BROWNE: I still have a major concern with the pedestrian traffic going into this facility. You're talking about 25, 30 percent pedestrians going in. It looks like most of those people, including the handicap, are walking through the traffic to get there. I think that needs to be looked at and to come up with how are you going to handle that pedestrian traffic.

MR. WILSON: We can certainly look at that. I mean, it's not much different than the main drive aisles that currently sit in front of most of the plaza where the parking lot is 24 feet away from the front door.

MR. BROWNE: You have traffic looping around the building and basically people walking through the traffic looping through. The other side that's not looping through, you have to drive. People are used to

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waiting on the side of the road to wait for traffic to pass. You're looping through. People are getting their coffee, driving out. They're not looking for pedestrians. I think that needs to be looked at.

MR. ROSENCRANS: Can you just elaborate on where the pedestrian is happening?

MR. WILSON: He's talking about people parking here.

MR. BROWNE: You've got the handicap right up on the side there. You're looping through.

MR. WILSON: I think we can look at some markings, signage possibly.

MR. BROWNE: Something from a safety standpoint.

MR. ROSENCRANS: Okay.

MR. WILSON: We'll look at it. Like I said, the site plan hasn't changed all that much. We're really trying to address the zoning issues that were brought up last time. A

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full set of drawings is to follow.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Basically we're suggesting like a crosswalk and maybe a speed bump or something to slow people down if they go across in the front of the building.

MR. WILSON: Are you talking through there?

MR. WARD: In that area.

MR. WILSON: We'll take a look at some options, what we can do for traffic calming and pedestrian safety.

MR. WARD: This site is part of the whole complex, Market 32 and everything. You're talking a lot of pedestrians. Albany pushes pedestrian safety. Throughout the Town of Newburgh, it's all continued sidewalks on the highways. Whatever project we have in front of us, they have the sidewalk. I'm just saying it like it is for the Town of

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Newburgh. Thank you.

MR. WILSON: Thank you.

CHAIRMAN EWASUTYN: Pat Hines,
MHE.

MR. HINES: We did review the parking calculations that were provided. We find that the mall does have excess parking, even with the loss of the 60 parking spaces for the plan that's before you now.

The City of Newburgh flow acceptance letter will be required. Just kind of checking the box before you get approval. We'll need a hydraulic loading from the site. We'll coordinate that with the city to check the box on our capacity.

We'll need to define the areas, when you do your grading plan, and how that works, where it's going to be disturbed and how much overlay the Board is going to want the parking lot overlaid rather than painted over. If you look at the Ready

2 Coffee down the road, the Board did a
3 good job of tying that in. That's
4 kind of the standard.

5 This project is subject to ARB.
6 You gave us the plans there, but
7 we'll need colors. Knowing it's a
8 chain, national chain, the Board
9 typically accepts those national
10 chains.

11 We talked about the cell tower.

12 The menu board. I guess at
13 Starbucks -- the other facilities we
14 see with dual drive-ins, the menu
15 board is usually in the dual. I just
16 noticed that yours is not there.

17 MR. WILSON: We touched on that
18 last time. There is a second
19 ordering point. It's a telephone
20 with Starbucks. Much of their
21 business is done on the phone. By
22 the time -- a lot of people, by the
23 time they get in that line, they've
24 already ordered. A single order
25 point functionally here is all you

2 need.

3 MR. HINES: You're talking to
4 the wrong guy. I have trouble
5 ordering on a phone.

6 MR. WILSON: They know their
7 customers.

8 MR. ROSENCRANS: All of those
9 elements are directed by Starbucks.

10 MR. HINES: I'm sure they know
11 what they're doing.

12 The bulk table you talked about.

13 Again, this is here as a concept
14 plan, so the Board can determine
15 whether or not they want to issue
16 that favorable concept review tonight.

17 CHAIRMAN EWASUTYN: At this
18 point I'll turn to Dominic Cordisco,
19 Planning Board Attorney.

20 MR. CORDISCO: The Town's
21 Zoning Code Section 185-57 provides
22 that the Planning Board shall review
23 the sketch plan and related documents
24 and shall render either a favorable
25 report or an unfavorable report to

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the applicant. A favorable report shall in no way imply immediate or eventual approval status, it is merely intended to convey to the applicant the relative assurance that the development, as conveyed, is basically conforming to the master plan of the Town of Newburgh and its implementing land use regulations with or without suggested modifications. So that's the procedural step that's before the Board tonight. The Board may wish to issue a favorable report onto the applicant, understanding that's what the intention of the code provision is. You may also wish to condition your favorable report on some of the items or all of the items that you brought up.

CHAIRMAN EWASUTYN: I'll pole the Board Members. Frank Galli, do you want to rule for a favorable report?

2 MR. GALLI: Yes. I'm okay with
3 that.

4 CHAIRMAN EWASUTYN: Stephanie
5 DeLuca?

6 MS. DeLUCA: Yes, favorable.

7 MR. DOMINICK: Yes.

8 MR. MENNERICH: Yes, but with
9 conditions.

10 CHAIRMAN EWASUTYN: What are
11 those conditions?

12 MR. MENNERICH: The schedule
13 for the painting of the water tower.

14 CHAIRMAN EWASUTYN: If we come
15 to a reasonable satisfaction.

16 MR. MENNERICH: Yes.

17 CHAIRMAN EWASUTYN: Right now
18 the plan is subject to that being
19 completed prior to site plan approval.

20 I'll go along with a favorable
21 report for now.

22 MR. BROWNE: I also.

23 MR. WARD: John, --

24 CHAIRMAN EWASUTYN: I'm listening.

25 MR. WARD: -- they want to say

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something to you.

CHAIRMAN EWASUTYN: I'm sorry.

MR. ROSENCRANS: I want to mention, I think by the time we're through the full site plan approval process, at that point, as you just mentioned, we'll have a concrete schedule, we'll have made that down payment, that nonrefundable deposit to the contractor. I think just at that point in time, it will certainly be a firm commitment and hopefully a sign of us completing the project next summer. The painting of the tower, I should say.

MR. WILSON: Think about that as, you know, \$150,000 nonrefundable --

CHAIRMAN EWASUTYN: \$150,000 doesn't impress me one way or the other.

MR. WILSON: Okay.

CHAIRMAN EWASUTYN: At one point you're impressing me with \$150,000 for the painting and in

2 another conversation you're saying to
3 me I've got a limited budget, the
4 Planning Board wants sidewalks, I
5 can't give them sidewalks. So I'm
6 deaf on money. Money isn't the
7 driving force. So Steve, tone
8 yourself down on this.

9 MR. WILSON: Okay.

10 CHAIRMAN EWASUTYN: Jack,
11 again, it's a hard look right now.
12 We're making it a condition of
13 approval --

14 MR. ROSENCRANS: Yup.

15 CHAIRMAN EWASUTYN: -- until we
16 hear anything better. Okay.

17 MR. WILSON: Thank you.

18 CHAIRMAN EWASUTYN: As you said
19 earlier, Steve, you're the new kid on
20 the block. You're not a new kid on
21 the block because you have an answer
22 for everything. New kids hesitate.
23 You don't hesitate. All right. So
24 let's work it the way it's supposed
25 to be worked.

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MR. WARD: My condition is with the sidewalks, because other projects, whatever complex, shopping centers, everything, if you go down every highway in the Town of Newburgh, 300, 9W, all along 32, the sidewalks connect. It's a pedestrian safety thing. You have volume in this shopping center. You might not see people walking, but there's people walking every day along that road. I favor that. I go along with the Board. Thank you.

MR. DOMINICK: John.

CHAIRMAN EWASUTYN: Dave Dominick.

MR. DOMINICK: I would like to amend mine to say it's conditioned that the tower is painted, as Ken mentioned.

CHAIRMAN EWASUTYN: At this point, Dominic, we discussed the lot line adjustment.

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: That will

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be under this site plan or a separate application?

MR. CORDISCO: Unless the applicant wants to proceed with a lot line adjustment, which would be their choice, but the site is being treated as a unified shopping center. It being treated as that, not only does that affect the setbacks, as I mentioned earlier, but it also affects other zoning requirements and parking requirements for the site. If the Board is in favor of issuing the favorable report, as you just poled the Board, and they are, of course all of this discussion is predicated on the understanding that this application is being reviewed in the context of the unified shopping center, consistent with every other application that the Board has treated for this site.

CHAIRMAN EWASUTYN: Pat, are we ready to circulate to the Orange

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County Planning Department?

MR. HINES: No. We would need the detailed plans. They're going to want lighting, landscaping. We need more definitive plans.

MR. WILSON: Understood.

CHAIRMAN EWASUTYN: Any additional questions or comments?

MR. ROSENCRANS: I appreciate your time.

CHAIRMAN EWASUTYN: Okay.

MR. WILSON: Thank you.

(Time noted: 7:34 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 28th day of August 2023.

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

DIXON & HALES
(2023-13)

23 Merritt Lane
Section 7; Block 3; Lot 20
AR Zone

----- X

TWO-LOT SUBDIVISION

Date: August 17, 2023
Time: 7:38 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

APPLICANT'S REPRESENTATIVE: JONATHAN MILLEN

----- X

MICHELLE L. CONERO
Post Office Box 816
Dover Plains, New York 12522
(845) 541-4163

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CHAIRMAN EWASUTYN: The second item of business this evening is the Dixon and Hales two-lot subdivision on Merritt Lane. It's in an AR Zone. It's being represented by Jonathan Millen.

MR. MILLEN: Basically we have an existing lot that had some existing structures on it that are not residences. We're proposing dividing those two lots and turning these into residences.

We recognize that there are a number of architectural requirements that will have to be approved in order for them to be considered as residences. Other than that, I believe we have the lot configurations acceptable.

We have a proposed septic here. We have not submitted a design to the Department of Health at this point.

CHAIRMAN EWASUTYN: Frank Galli, comments?

2 MR. GALLI: So if you go
3 through your plan and everything is
4 approved, you'll turn those two
5 structures into houses?

6 MR. MILLEN: Yes, sir.

7 MR. GALLI: The footprint that
8 they're in, you realize that's going
9 to be a project?

10 MR. MILLEN: I'm sorry?

11 MR. GALLI: You realize it's
12 going to be a project when they --

13 MR. MILLEN: Yes, they do.
14 They're here right now.

15 MR. GALLI: Okay. That's it,
16 John.

17 CHAIRMAN EWASUTYN: Stephanie
18 DeLuca?

19 MS. DeLUCA: I have a similar
20 question pertaining to the buildings.
21 I wasn't sure whether they were going
22 to be renovated or just torn down.

23 MS. DIXON: Renovated.

24 MR. DOMINICK: Just for the
25 record, your name?

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MS. DIXON: Dianne Dixon.

MR. DOMINICK: No questions.

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Next time you come back, give a rough square footage of the buildings.

MR. MILLEN: Yes. Yes, sir.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing more.

MR. WARD: Where is the driveway for the second one?

MR. MILLEN: Well, there's an existing drive here, which we would plan to just continue.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Pat Hines with MHE.

MR. HINES: Our previous comments were addressed.

The adjoiners' notices have been sent out.

The project does require a public hearing after a negative declaration.

2 There is no new construction
3 proposed. The existing structures
4 are going to be converted into
5 single-family homes. I think my last
6 comments identify that there are
7 building code issues with doing that,
8 but they're not insurmountable by any
9 means.

10 The Health Department. I
11 thought both septic systems were approved on
12 the original plan by the Health
13 Department.

14 MS. DIXON: They were.

15 MR. HINES: Both septic systems have
16 been approved and are valid until
17 2026. Just to clarify, the septic systems
18 are fine in the condition that
19 they're in.

20 I think the Board, with no new
21 construction proposed and the septic
22 system approvals in place, would be
23 in a position to issue a negative
24 declaration and could schedule a
25 public hearing at the next available

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date, if it so desired.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney.

MR. CORDISCO: Nothing further, other than the Board should consider scheduling a public hearing.

CHAIRMAN EWASUTYN: Can I have a motion from the Board to declare a negative declaration and to set the 21st of September for a public hearing.

MR. DOMINICK: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick and a second by John Ward. I'll take a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 28th day of August 2023.

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

TRINITY SQUARE
(2006-53)

Request for a Six-Month Extension of
Preliminary Approval

----- X

BOARD BUSINESS

Date: August 17, 2023
Time: 7:43 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

----- X

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(845) 541-4163

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CHAIRMAN EWASUTYN: We have three items of Board business this evening. Actually, there's an extra item from Joe Mattina. We'll take the items that were listed.

The first item, Ken Mennerich will read that. It's Trinity Square.

MR. MENNERICH: It's a letter from Vince Doce Associates dated August 10, 2023 to John Ewasutyn, Planning Board Chairman, regarding Anthony Cocchi, Trinity Square site plan, South Plank Road/New York State 52, Section 60; Block 2; Lot 4.1, application 2006-53. "Dear Mr. Ewasutyn, at the March 2, 2023 Planning Board meeting, a six-month extension of the preliminary approval for the Trinity Square project was granted. In September this extension will expire. Mr. Cocchi requests that his application be placed on the next available Planning Board agenda and asks for an additional six-month

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extension of the preliminary approval. If you have any questions or comments, please feel free to contact our office. Thank you for your time and consideration. Sincerely, Darren C. Doce."

CHAIRMAN EWASUTYN: Pat, Darren filled out, we'll call it the checklist as far as agency approvals. I don't know whether they are still valid or not. How does Trinity Square line up with all of this?

MR. HINES: They're still approved for the issues they had. They did fill out the sheet, the tracking sheet. I provided that to all of the Board Members.

I believe that this Board will see an application in the near future for a use on this site different from its current use. I know there's been some interest in the site by another user.

CHAIRMAN EWASUTYN: Questions

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or comments from the Board?

MR. GALLI: None.

MS. DeLUCA: No.

MR. DOMINICK: No.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: No.

MR. BROWNE: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Would
someone make a motion for the
extension of the Trinity Square site
plan.

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a
motion by Frank Galli and a second by
Stephanie DeLuca. Can I have a roll
call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

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MR. WARD: Aye.

(Time noted: 7:46 p.m.)

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

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

That hereinbefore set forth is a true
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I further certify that I am not
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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 28th day of August 2023.

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

MONARCH WOODS SENIOR HOUSING
(2019-28)

Request for a Six-Month Extension of
Preliminary Approval

----- X

BOARD BUSINESS

Date: August 17, 2023
Time: 7:46 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

----- X

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CHAIRMAN EWASUTYN: The second item of business is Monarch Woods Senior Housing, project number 19-28. Again Mr. Mennerich will read the extension letter.

MR. MENNERICH: The letter is from Engineering & Surveying Properties dated August 11, 2023 to the Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York 12550, attention John Ewasutyn, Chairman, and Board Members, regarding Town of Newburgh project 19-28, Monarch Woods Senior Community, Monarch Drive, approval extension request. "Dear Chairman Ewasutyn and Board Members, Engineering & Surveying Properties, PC is currently working on obtaining all approvals from the required outside agencies. At this time all approvals have been received with the exception of the New York State DOT for the emergency access entrance from New York State

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Route 52. Along with this remaining approval, we are working on complying with the requirements of the newly adopted and recently revised Tree Preservation Law. In review of the file, the preliminary approval was filed on September 19, 2022, was extended for six months at the February 16, 2023 Planning Board meeting and would be due to expire on August 16, 2023. As we continue to work to obtain the final outside agency approval and prepare the tree plan, we are hereby requesting a six-month extension of the preliminary approval. If you have any questions or comments, please do not hesitate to contact this office. Sincerely,
Engineering & Surveying Properties,
Ross Winglovitz, PE."

CHAIRMAN EWASUTYN: Pat, again the tracking history was completed and everything is satisfactory?

MR. HINES: It was. The DOT

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highway work permit is outstanding as well as conditions of approval, such as posting of security for landscaping, stormwater, water, sewer, et cetera.

CHAIRMAN EWASUTYN: Would someone make a motion to grant a six-month approval for Monarch Woods Senior Housing from August 17th through February 13, 2024.

MR. DOMINICK: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Was that Dave Dominick?

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: Who was the second? John Ward. Can I have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

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MR. BROWNE: Aye.
MR. WARD: Aye.

(Time noted: 7:50 p.m.)

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

----- X
In the Matter of

POPPY LANE - AMENDED SUBDIVISION
(2021-26)

Request for a Six-Month Extension of
Conditional Approval

----- X

BOARD BUSINESS

Date: August 17, 2023
Time: 7:50 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

----- X

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CHAIRMAN EWASUTYN: The third item listed this evening is the Poppy Lane Amended Subdivision, project number 21-26.

Ken Mennerich will read that.

MR. MENNERICH: It's an Engineering & Surveying Properties letter dated August 11, 2023 to the Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York 12550, attention John Ewasutyn, Chairman, and Planning Board Members, regarding Town project number 2021-26, Poppy Lane, Section 6; Block 1; Lots 113, 114 and 115 off of Lester Clark Road. Lots 2, 3 and 4 of the Marchello subdivision, filed map number 8866, dated 5/18/1988, approval extension request. "Dear Chairman Ewasutyn and Board Members, Engineering & Surveying Properties, PC is currently working with our client on completing the conditions of approval which were initially

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granted in May of 2022 and received a six-month extension on February 16, 2023. The current conditional approval expires on August 16, 2023. We respectfully request an additional six-month extension to allow our client time to finalize the remaining conditions of approval. If you have any additional questions and/or comments, please don't hesitate to contact this office. Sincerely, Engineering & Surveying Properties, Ross Winglovitz, PE."

CHAIRMAN EWASUTYN: One more time, would someone move for a motion to grant the extension of Poppy Lane from August 17, 2023 through February 2024?

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Stephanie DeLuca. May I please have a roll call vote starting

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with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

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

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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

263 Route 17K
Field Change - Addition of a Generator

----- X

BOARD BUSINESS

Date: August 17, 2023
Time: 7:53 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

----- X

MICHELLE L. CONERO
Post Office Box 816
Dover Plains, New York 12522
(845)541-4163

2 CHAIRMAN EWASUTYN: There are
3 two items that aren't listed here.
4 Pat Hines will read these. Joe
5 Mattina received a building permit
6 application for a generator -- what's
7 the address on 17K?

8 MR. HINES: 263 Route 17K.

9 CHAIRMAN EWASUTYN: Joe Mattina
10 would prefer that each application he
11 receives go through the Planning
12 Board, and then he'll take it
13 further.

14 Pat Hines, can you talk to us
15 about that?

16 MR. HINES: Sure. This
17 project, similar to the one we had on
18 Jeanne Drive recently, is proposing
19 an emergency standby generator, an 80
20 kilowatt, diesel-powered generator.
21 It's located to the rear of the
22 property, not in any of the required
23 bulk setbacks.

24 They're requesting that we review
25 that and determine whether or not it's

2 a field change or if you would like
3 to have it as an amended site plan.
4 Based on the location of the
5 generator behind the structure, it's
6 in a commercial zone, it's actually
7 screened by a portion of the existing
8 building on three sides, I would suggest
9 that this could be handled as a field
10 change with notification to the
11 Building Department that they would
12 handle it as a building permit.

13 MR. GALLI: Which building is
14 that again, Pat?

15 MR. HINES: John McDermott's
16 building.

17 CHAIRMAN EWASUTYN: It's across
18 from Cumberland Farms.

19 Is the Board in favor of
20 considering it a field change. Frank
21 Galli?

22 MR. GALLI: Yes.

23 MS. DeLUCA: Yes.

24 MR. DOMINICK: Yes.

25 MR. MENNERICH: Yes.

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CHAIRMAN EWASUTYN: Yes.

MR. BROWNE: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: I'll speak
to Joe Mattina tomorrow.

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

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

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Michelle Conero

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

- - - - - X

In the Matter of

NEWBURGH COMMERCIAL CENTER/SCANNELL
(2021-21)
124 Route 17K

Field Change - Blasting

- - - - - X

BOARD BUSINESS

Date: August 17, 2023
Time: 7:55 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

- - - - - X

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CHAIRMAN EWASUTYN: There's one other item that has come up in reference to Newburgh Commerce or the Scannell property on 17K.

Pat Hines.

MR. HINES: The Newburgh Commerce building that's under construction right now has encountered rock near their entrance drive and in the area of the two detention ponds/stormwater management facilities that are located along the front of the property. They have applied to the Building Department for a permit to blast the rock. They are currently out there attempting to mechanically remove the rock with not very good success. They have come up with a blasting plan and submitted it to the Building Department.

There's approximately 13,000 cubic yards of rock. They're going to process and use it on site. They think it's going to be four to five

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weeks to completion, whereas their current rate of hammering the rock would be over sixteen weeks. They are going to put a small rock crusher on the site.

It was not addressed during the planning process. We specifically asked about hitting bedrock. I thought they were going to encounter it in the deep pipe they were putting in along the easterly most property line. They did not hit it there, but they do have this rock in the frontage, which is probably why the front of the site is elevated higher than Route 17K.

They've given us plans showing that area that has the rock. They're small scale. If you recall, there's detention ponds on either side of the access drive. The rock comes in off of Route 17K and through the area of the access drive and the larger bio-retention area. It's right in

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this front area here.

They already have a permit from DOT to do rock removal within the DOT right-of-way.

They have relocated the gas main in that vicinity already, because they didn't want to hit that gas main. They had to relocate it. That's out of the way. I questioned that today.

They are going for a permit. They have a detailed blasting plan. It stated in the Town Planning Board minutes that they weren't going to blast. I just didn't feel comfortable telling Jerry's office that it was okay without input from the Board. That's more your decision than mine.

Again, it's short term, 13,000 yards. That sounds like a lot, but in the scheme of moving dirt on the site, it's not a very large amount.

MR. WARD: How about notifying

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the airport?

MR. HINES: There are a couple of houses, which is why I wanted to bring it to you. Again, would you rather sixteen weeks of hammering or instantaneous thumps. It's all matted. It's not like what they did at the mall where they were doing mass quarry blasts.

MR. BROWNE: The neighbors are on Town water?

MR. HINES: The neighbors are on Town water.

MR. GALLI: Isn't the house right next door empty?

MR. HINES: I'm not sure. There are two or three --

MR. WARD: There are three houses toward Corporate Drive there. The one neighbor was saying about the warehouse being in his backyard with noise and everything else.

MR. HINES: They put a fence there. A fence was incorporated into

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those plans.

MR. GALLI: Instead of sixteen weeks, as long as they set up some kind of protocol for --

MR. HINES: They have a detailed blasting plan. They'll have seismographs and everything will be matted. They have a very large blasting company onboard to do the work.

MR. DOMINICK: Will the few neighbors be notified?

MR. HINES: There was not that requirement.

MR. WARD: They're going to call.

MR. HINES: I'm sure they know by now, because they've been hammering on it for ten days. I said I'm not saying anything until after the Board weighs in on it.

We've had some difficulties with that project. They had several stop work orders for their stormwater.

MR. GALLI: I'm okay. Yes.

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MS. DeLUCA: Yes.

MR. DOMINICK: Yes.

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: Yes.

MR. BROWNE: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: All right.

Monday night, for those who have time, the Comprehensive Committee is meeting to get public input on the proposed plan. That's at 7:00.

MR. HINES: I know everyone is okay. I just don't know if we should record that as a field change. I have to tell Jerry in the morning that the Board voted.

CHAIRMAN EWASUTYN: Do we consider it to be a field change?

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. DOMINICK: Yes.

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: Yes.

MR. BROWNE: Yes.

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MR. WARD: Yes.

MR. HINES: Based on the change of conditions.

CHAIRMAN EWASUTYN: Would someone make a motion to close the Planning Board meeting of August 17, 2023.

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Stephanie DeLuca. Can I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

(Time noted: 8:02 p.m.)

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