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

----- X

In the Matter of

TRINITY SQUARE SITE PLAN
(2006-53)

Request for a Six-Month Extension
from September 2, 2021 until March 2, 2022

----- X

BOARD BUSINESS

Date: August 19, 2021
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. The Town of Newburgh Planning Board would like to welcome you to their August 19, 2021 meeting. There are -- I'm not well prepared, obviously. There are four items on the agenda this evening and three Board Business items.

Once we call the meeting to order, we're going to first start with the Board Business items and then go into the actual agenda.

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

MR. GALLI: Present.

MS. DeLUCA: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield,

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Code Compliance Supervisor.

MR. HINES: Pat Hines with MHE Engineering.

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

CHAIRMAN EWASUTYN: Thank you.

At this time we'll turn the meeting over to Michelle Conero who will lead us in the Pledge of Allegiance.

(Pledge of Allegiance.)

MS. CONERO: If your cellphone is on, if you could turn it off or put it on silent, please.

CHAIRMAN EWASUTYN: The first request for an extension is the Trinity Square Site Plan. Stephanie DeLuca will read that request into the minutes.

MS. DeLUCA: "Dear Mr. Ewasutyn, at the March 4, 2021 Planning Board meeting the preliminary site plan approval for the Trinity Square project, 2006-53, was granted a six-month extension. The extension will expire September 2, 2021.

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Mr. Cocchi asks that his application be placed on the Board Business portion of the September 2, 2021 meeting to request an additional six-month 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. Darren Doce."

CHAIRMAN EWASUTYN: Darren, you're here this evening?

MR. DOCE: Yes. I'm here.

CHAIRMAN EWASUTYN: Can we have an update on the project?

MR. DOCE: Well, since they're still continuing to market the project, there seems to be some genuine interest. I know they are meeting in the next couple weeks with someone who is interested in possibly purchasing the parcel. That's why we're requesting another extension.

CHAIRMAN EWASUTYN: Comments from Planning Board Members?

MR. GALLI: No additional.

MR. WARD: No additional.

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CHAIRMAN EWASUTYN: Pat Hines, do you have anything to add?

MR. HINES: No. We have no outstanding issues.

I do note that the letter said September 2nd, so we should probably take that extension, from not tonight but from when that expires, to the March 2nd date.

CHAIRMAN EWASUTYN: So it would be from when until when?

MR. HINES: It would be from September 2, '21 until March 2, '22. That would be six months.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney, do you have anything to add?

MR. CORDISCO: Nothing further, sir.

CHAIRMAN EWASUTYN: Would someone make a motion to grant that extension to the dates that were just presented by Pat Hines?

MR. DOMINICK: So moved.

MS. DeLUCA: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

(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 1st day of September 2021.

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

NGO SITE PLAN DUPLEX
(2019-03)

Request for a One-Year Extension
from June 5, 2021 until June 5, 2022

----- X

BOARD BUSINESS

Date: August 19, 2021
Time: 7:04 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: FRANK VALDINA

----- X

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CHAIRMAN EWASUTYN: The next item of business under Board Business, item number 2, is NGO Site Plan Duplex. They're requesting a six-month extension.

At this point Dave Dominick will read that letter into the record.

MR. DOMINICK: We received a letter from Valdina Consulting Engineers at 4 Pleasantview Avenue dated August 10, 2021, reference NGO Duplex, Planning Board project number 19-03. "Dear Chairman Ewasutyn, due to the extremely long delay in delivery of the modular units for the referenced project caused by the COVID pandemic, it is hereby requested the Planning Board grant a one-year extension of the site plan approval. Thank you for your consideration and assistance regarding this request. If there are any questions or additional information required, please contact me at your convenience. Very truly yours, Valdina Consulting Engineers. Signed Frank J.

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Valdina, Jr."

CHAIRMAN EWASUTYN: Frank
Valdina, you're in the audience?

MR. VALDINA: Yes, I am,
Chairman.

Due to the pandemic, of course
there's been extreme delays in delivery of
the modular units. Based on the
expiration of the approval on June 2nd, it
is requested an extension be granted so
we're within the code limitations as far
as the final siting of the house and the
delivery and construction. We just
wanted to make sure we didn't run into
any last minute bind because of the
expiration date on June 2nd -- June 5th,
excuse me. Therefore, we're requesting an
extension for the modular due to the delay
in delivery.

CHAIRMAN EWASUTYN: Planning
Board Attorney, Dominic Cordisco, are
we in agreement with the one-year
extension.

MR. CORDISCO: Yes, sir. That is

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what's applicable under Code 185-58-E.

CHAIRMAN EWASUTYN: Comments from Pat Hines?

MR. HINES: That would be a retroactive from 5 June of '21 until 5 June of '22.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I have nothing additional.

CHAIRMAN EWASUTYN: Board Members?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Would someone make a motion to grant the extension for NGO Site Plan from the 5th of June 2021 through the 5th of June 2022?

MR. WARD: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

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MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion
carried.

(Time noted: 7:08 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 1st day of September
2021.

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

LONGVIEW FARM
(2006-39)

Request for a Six-Month Extension
from September 3, 2021 until March 3, 2022

----- X

BOARD BUSINESS

Date: August 19, 2021
Time: 7:08 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: THOMAS DEPUY

----- X

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CHAIRMAN EWASUTYN: The third and final item under Board Business this evening is the Longview Farm. They're also requesting an extension, this one for 180 days.

John Ward, would you please read that into the record?

MR. WARD: "Dear Mr. Chairman, On behalf of Summer Kim Corp and Kyra Corp, we wish to request to be placed on your August 19, 2021 Planning Board agenda to request a six-month extension of the approval on the referenced project. The current extension expires on September 3, 2021. The following is an update as to previously noted road blocks. With respect to the lands of Summer Kim, SBL 20-1-140, which represents the majority of the subdivision, it is presently in foreclosure. Mr. Hankin is in the process of taking full ownership and clearing the title. Mr. Hankin has obtained a judgment of foreclosure and was looking to possibly take ownership in September but held up

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due to backlog in courts. Second, the lands of Kyra Corp, SBL 20-1-1, is presently in bankruptcy procedure in California under Kim Staples' name which is being released. Mr. Hankin is in the process of foreclosing on the property to take full ownership and clear title. Mr. Hankin has obtained a judgment of foreclosure and is looking to possibly take ownership in September but held up due to backlog in courts. As soon as full title is taken, we will request to be on the Planning Board agenda to obtain the final approval. As previously discussed, a public hearing will be requested and gain any new input. Thank you. Yours truly, Thomas M. Depuy."

CHAIRMAN EWASUTYN: John, thank you. Well read.

Tom Depuy, are you in the audience?

MR. DEPUY: Yes. Actually, a little bit of update. Mr. Hankin did get all of the judgments and foreclosures.

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He's looking to take clear title probably in about ninety days. At that point we'll be able to set the public hearing and come in and, you know, go through the procedure.

So once he has clear title, we can represent the project, total ownership by him, and we'll make arrangements to have the public hearing and get the input and then finalize the project. We already had a public hearing, but it's been so long that we're going to have another one.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney, what will you need to have to verify that?

MR. CORDISCO: The foreclosure that has moved forward. We would need the judgment of foreclosure. You have the judgment already. The actual execution of the foreclosure would be supplied by a deed from the referee, and that would be part of the record for the Planning Board.

MR. DEPUY: He anticipates that in about ninety days. As soon as we get

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it, we'll get it to you.

MR. CORDISCO: I can certainly confirm that the court system has been significantly delayed as a result of COVID and things are taking much longer than normal.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance, any comments?

MR. CANFIELD: Nothing.

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

MR. HINES: No. We have nothing. This date would, again, be from 3 September of '21 to 3 March of '22.

CHAIRMAN EWASUTYN: Would someone make a motion to grant an extension from the 3rd of September 2021 to the 3rd of March 2022, please?

MR. DOMINICK: I'll make that motion.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Motion made by Dave Dominick. Second by Frank Galli. May I please have a roll call vote.

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MR. GALLI: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you,
all, for attending.

(Time noted: 7:12 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
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I further certify that I am not
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proceeding by blood or by marriage and that I
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hereunto set my hand this 1st day of September
2021.

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

MILLER ENVIRONMENTAL
(2019-27)

77 Stewart Avenue
Section 98; Block 1; Lots 2.2, 18 & 20-1
IB/R-3 Zones

----- X

PUBLIC HEARING
AMENDED SITE PLAN/LOT LINE CHANGE

Date: August 19, 2021
Time: 7:12 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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CHAIRMAN EWASUTYN: As was stated earlier, there are four items on the agenda. The first one is Miller Environmental, project number 19-27. It's here tonight for a public hearing on an amended site plan and lot line change. It's located on 77 Stewart Avenue. It's zoned IB and R-3. It's being represented by Talcott Engineering, Charles Brown.

At this point Frank Galli will read the notice into the minutes.

MR. GALLI: "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 276 of the Town Law on the application of Miller Environmental Group, 2019-27, for a site plan and lot line changes. The project involves the construction of a 3,540 square foot prefabricated steel building over existing concrete tanks. An additional 3,612 square foot prefabricated building will be

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constructed for drum storage and drum containment. The project also involves two lot line changes to mitigate existing encroachments. The project is located on a 10.86 plus or minus acre parcel of property. The properties are known on the Town of Newburgh tax map as Section 98, Block 1, Lots 2.2, 18, 20-1. Access to the project is at Stewart Avenue at a proposed relocated driveway. The project site is served by existing municipal water and sewer. A public hearing will be held on the 19th day of August 2021 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By the order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board, Town of Newburgh. Dated July 23, 2021."

CHAIRMAN EWASUTYN: For those of you in the audience this evening who might have any comments or questions, Charles

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Brown will be speaking on the application. When that conversation ends, if you'd please raise your hand, give your name and your address and you'll be recognized.

Charles.

MR. BROWN: Thank you. Again, my name is Charles Brown, I'm the engineer for the applicant.

When we first started this project, this was actually half a dozen smaller lots. The first thing we did was combine those lots. It came up on the survey that we have two encroachments. One was the pool on our property and the other one was the point of our building to the property. That necessitated lot lines to clear those encroachments which took us to the Zoning Board for setbacks, area variances -- quite a few area variances. We got those area variances.

We added some landscaping and screening.

We're here to hopefully get this project approved.

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CHAIRMAN EWASUTYN: Thank you.

Anyone here who would like to speak, would you please raise your hand and give your name and address.

The gentleman in the back.

MR. FETTER: Bill Fetter,
Rockwood Drive.

Just a quick note that the lots didn't seem to mesh between the agenda, the published agenda, and what was in the public announcement. I'm not sure if that's critical.

The question is, though, I believe early on the Board waived the need for topo on the site. Considering what's going to be stored there, and the amount that's going to be stored there, and the potential for leakage and historical documentation of such things leaking, would it not behoove responders and other emergency personnel to have topo to know where things are going to go or is it that obvious from the landscape? I don't know the site that well.

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MR. BROWN: This facility has DEC permits. Part of those permits is we're required to maintain containment inside the buildings.

The front one, that's all the way down in the ground. There is a ramp there that's also containment for the trucks that are loading materials into the tanks in the vault. The other building hasn't been designed yet, but that will also contain containment. We're required to contain 50 percent more.

CHAIRMAN EWASUTYN: Before you speak, would you please give your name?

MR. RUSS: My name is Noel Russ, I'm with Miller Environmental Group.

So typically for containment, a tank containment needs to hold 110 percent of your largest vessel. So for us, while we were permitted to store 250 drums there, we, obviously, never would or never will. The containment will be designed to be 110 percent of that volume. The way that Talcott designed the concrete for the

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containment, it has these specialized corners that are poured right into the concrete. We put a concrete sealer on it, so there's no issue there.

And, you know, as far as what goes on with the topo on the site, it is a pretty straightforward site the way it's laid out.

MR. FETTER: Thank you.

MR. RUSS: Thank you.

CHAIRMAN EWASUTYN: Pat Hines, do you have any comment on that at all?

MR. HINES: Yes. The reason, also, as we discussed with the topography is that the structures are being placed on existing foundation pads. Building A has a concrete foundation there currently I believe.

MR. BROWN: No.

MR. HINES: No, it doesn't. But the other one, the tank, is going on top?

MR. BROWN: Yes.

MR. HINES: It's relatively flat there. The first responders wouldn't have

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the benefit of this map, anyway,
typically. It's a 10-acre parcel with
only two 3,000 square foot buildings being
constructed.

CHAIRMAN EWASUTYN: Jerry
Canfield, Code Compliance?

MR. CANFIELD: Nothing
additional.

Just to echo Noel's comment that
the requirements for containment have been
met. It is permissible.

MR. HINES: If I could discuss
the lot lines as well. We did struggle
with this during the public hearing
notice. Because of the lot consolidations
that did occur, as this was multiple lot
lines, they were assigned new lot lines at
some point.

My office, the assessor's office
and Charlie's office worked to identify in
the public notice the correct three lots
that are involved here, including one that
has a dash that I've never seen in a lot
line number.

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MR. BROWN: It didn't used to. I guess when it went into some kind of -- I don't know. They put it in -- help me out here, Dominic. Did they do a receivership or a --

MR. CORDISCO: I'm not sure.

MR. BROWN: Look at the deed on it.

MR. HINES: Anyway, we did research it prior to the public notice because we did flag an issue with the previous agenda's lots and the lots here. My office worked with the assessor's office to confirm the lot numbers.

MR. BROWN: A trustee. They put it in as a trustee. That's why they had the dash there.

MR. CORDISCO: There's a reason they don't let me practice other kinds of law.

CHAIRMAN EWASUTYN: We'll get back to you when we need you then.

Anyone in the audience who would like to say something or make a comment?

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(No response.)

CHAIRMAN EWASUTYN: At this point I'll open it up to Board Members. Frank Galli?

MR. GALLI: No additional, John.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No additional.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No additional.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No additional.

CHAIRMAN EWASUTYN: And I have no comment.

At this point in the meeting, we had one person with a question, so I'd like to move for a motion to close the public hearing on the amended site plan and lot line change for project number 19-27, Miller Environmental. Would someone please make the motion?

MR. GALLI: So moved.

MS. DeLUCA: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

And now hearing from Pat Hines with McGoey, Hauser & Edsall and Planning Board Attorney Dominic Cordisco, can we have the conditions for approval?

MR. HINES: John, as we discussed at work session, I've been preparing the public hearing notice.

We noticed it hadn't gone to the County Planning. I did proactively send it to County Planning, but the thirty days has not lapsed. The Board is not in a position to be able to issue an approval until it hears back from County Planning

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due to the proximity of the State highway.

We have a couple other minor technical comments. I believe ARB is also required. I think the submission was made.

CHAIRMAN EWASUTYN: Do you have some renderings?

MR. BROWN: I have a picture of the building. I don't have the color with me. I can get renderings, though.

CHAIRMAN EWASUTYN: Looking at the calendar days, would the thirty days come into effect by September 2nd or --

MR. HINES: The 16th. It was sent out ten days ago.

CHAIRMAN EWASUTYN: Okay. So would someone make a motion on the Board to place this on the agenda for our meeting on September 16th, at which time you'll have architectural renderings?

MR. BROWN: Yes.

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a

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motion by John Ward and a second by Dave Dominick to schedule this to reappear at our meeting on the 16th of September. So we have John Ward, Dave Dominick. We'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Timing. I know you're in a hurry to build.

MR. RUSS: Thank you. As you're hearing from all these people asking for extensions, everybody is in a hurry. It all depends on, you know, the steel manufacturers and everything else.

Thank you very much.

CHAIRMAN EWASUTYN: Thank you for your time.

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

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 1st day of September
2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

MATRIX LOGISTICS CENTER
(2021-16)

Route 300/I-84/I-87 Interchange
Multiple Sections, Blocks and Lots
IB Zone

----- X

SITE PLAN/SEQRA REVIEW

Date: August 19, 2021
Time: 7:23 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: DAVID EVERETT,
CHUCK UTSCHIG, KENNETH GRIFFIN & JAMIE
HOLLINGSWORTH

----- X

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

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CHAIRMAN EWASUTYN: Our second item of business this evening is the Matrix Logistics Center, project number 21-16. It's a site plan and SEQRA review. It's located at the Route 300/I-84/I-87 Interchange. It's in an IB Zone. It's being represented by Langan Engineers.

MR. EVERETT: Good evening, Mr. Chairman, Members of the Board. My name is Dave Everett, counsel to Matrix. I have with me tonight Ken Griffin, who is one of the principals with Matrix, and Chuck Utschig, who is the project engineer who is setting up the boards.

While he's doing that, I'll just make some brief introductory remarks if that's okay. So the last time we were before the Board you had given us a favorable recommendation on the sketch plan. You authorized us to go ahead and prepare all of our detailed SEQRA studies and detailed site plans, so since that time we've been very busy. We've been doing that. We made a submission, a very

1 large submission, with all of those
2 studies and plans. We've sent those to
3 your consultants. They've had a chance to
4 review them and provided us with comments.
5 We made revisions and addressed their
6 comments. We've now made a resubmission
7 for the Board to consider.
8

9 Ken and Chuck will go through
10 very quickly some of those submission
11 items, the project and some of the issues
12 that we've been addressing.

13 The other thing that the Board
14 had done at its last meeting was to
15 indicate its intent to be the SEQRA lead
16 agency. The circulation did occur. The
17 thirty days has expired. You are in a
18 position, if you so desire, to designate
19 yourself as the lead agency.

20 We did hear from the DEC, as well
21 as from the County Health Department, as
22 well as the County Planning Department.
23 They didn't have any objections to your
24 Board being the lead agency. I don't
25 think any other agencies have objected.

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The other thing we would like you to consider tonight, if you're amenable, is that we feel we've made a fairly large and comprehensive submission and we would ask you to consider referring this to the County Planning Board so we can get comments from them and address any comments that they may have.

So those were the two items that we'd like you to consider tonight. Obviously, that's at your discretion.

I guess with that I'd just like to turn it over to Ken so he can talk about some of the studies that we put together and some of the issues that we've addressed.

MR. GRIFFIN: I'm Ken Griffin from Matrix Development Group, the principal of the development firm who owns the property.

I just briefly want to -- first of all, I wanted to also introduce Jamie Hollingsworth who is with Ford Architects. He's the project architect for this.

1
2 They're a nationally recognized
3 architectural firm out of Columbus, Ohio.
4 They have many different types of products
5 that they work in, but one of their
6 specialties is high-end institutional
7 quality distribution centers. We're
8 really happy with some of the work that
9 he's done.

10 We listened to the Board. We
11 know that the view of the building is
12 important. We've provided substantial
13 screening as the Board and professionals
14 have recommended. I mean clearly the
15 buildings can be seen to some extent. We
16 really put in an effort to make the facade
17 a positive one. We've also taken the
18 words and the consultants' comments to
19 heart and upgraded the landscaping and the
20 entranceway. Chuck can briefly speak to
21 that.

22 I think the presentation should
23 be brief, but I think at the end of the
24 day, if this Board sees fit to move this
25 process along, you'll be very pleased with

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the outcome. It's really an exciting and high-quality development.

So unless you have any questions, Chuck is going to give you a brief overview of the plan.

MR. UTSCHIG: Good evening, Mr. Chairman and Members of the Board. For the record, my name is Chuck Utschig with the firm of Langan Engineering.

The fundamental plan has not changed much since we were before you the last time during sketch plan review. We have two significant buildings.

Our primary access is off Route 300. We have an emergency access coming off South Plank Road. We have designed our private road to meet Town industry standards, so it's thirty feet wide and it meets those criteria.

One of the things that's kind of changed -- obviously changed a lot, I think, is in relation to comments that we've gotten from your staff, and primarily from the landscape perspective.

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I think we've more than doubled the number of trees that are planted on this site as a result of our meeting with your landscape consultant who came to our office and worked through much of this.

One of the things that we heard from this Board early on is that you were very concerned about the statement around our driveway and what it might look like. We've incorporated some walls, it's got a berm, and it's got some very hefty landscaping on it. We tried to be responsive to what we heard from the Board. We tried to make sure that at this point -- you know, as you have said, this is an entrance to the Town, you know, and it has a good feel to it. I don't think it has an industrial feel. I think it has, you know, a representative, you know, kind of commercially comfortable feel to the entrance. So we have done that.

We've put a lot of effort into a raised berm and planting along Route 300 to help screen the building. It is a

1
2 40-foot high building, so we've tried to
3 do that by both changing the grade and
4 fairly substantial trees. We are
5 proposing to plant four-inch caliber trees
6 which are usually between 15 and 17 feet
7 tall when we plant them. So you add that
8 to the berm and you have something that's
9 approaching 20 plus feet in height when it
10 gets planted.

11 The other thing that we did was
12 we worked our way around to the adjoining
13 residential properties to the northwest.
14 Again, a concern by this Board was to make
15 sure that we were addressing that. We
16 have added, again, about twice as much
17 landscaping as we originally started with.
18 The intent here is to preserve this large
19 scale of existing trees. It's about 300
20 feet between those residences and where
21 our grade starts to cut. A little less
22 than 300 feet. Within that treed area we
23 are proposing supplemental plantings.

24 We also have a sound wall. The
25 topography along that property line, as

1
2 you go from right to left, goes up to a
3 high spot that is about here in the middle
4 of the site and then it goes back down
5 again. So the place where the sound
6 engineer who did the analysis was most
7 concerned was right in this corridor right
8 in here. That's where we proposed the
9 sound barrier to help control the impact
10 of sound in that area.

11 The stormwater management system
12 has been designed based on current
13 standards, unlike the Ridge project which
14 was based on probably 2010 standards.
15 Ours was based on the most current
16 criteria. It will handle both water
17 quality and quantity.

18 And the other addition to the
19 plan that is probably worth mentioning is
20 after investigating the Town's water
21 supply in this area, it became evident
22 that we needed a water tank. We've added
23 a water tank to the plan to provide
24 adequate water for fire protection.

25 So that's kind of what we've done

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in trying to address comments from your staff. I'd be glad to answer any questions that the Board might have.

CHAIRMAN EWASUTYN: Chuck, is the architect prepared to give a presentation this evening?

MR. UTSCHIG: Yes.

CHAIRMAN EWASUTYN: Can we do that?

MR. UTSCHIG: Yes.

CHAIRMAN EWASUTYN: Again your name for the record?

MR. HOLLINGSWORTH: My name is Jamie Hollingsworth. I'm with Ford & Associates. We're the architects of record for the project based out of Columbus, Ohio. Thank you for your time.

Actually, the first thing I want to do, before we look at the elevation, is just talk to the building plan and kind of the site plan, some of the site features that we've built into this to help with some of the concerns regarding the building and the screening.

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So normally on these type of buildings, these industrial buildings, for a class A building you would have a double loaded building. With our smaller building here we've limited all of the truck traffic to the back of the building. All of the employee parking is on two sides facing I-84 and State Route 300 here. There's no -- obviously, nothing on the access road side. So with all of these heavily landscaped, it will enhance these buildings for the industrial buildings that they are.

Additionally, all the grading is brought up to finished floor so you don't have that additional four feet of height on the buildings that you would normally see with loading docks. So a little bit cleaner.

Additionally, what we have planned is two future areas for office build-out. So we would have -- I apologize. The sites are kind of set up a little bit weird. We've kind of

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designated the short end of the building here north. You could say this is north or this is north. We just picked the short end. So on the northwest side we've got office planned here in this corner, and then on the southwest side here we also have office planned in this corner.

Where is that rendering? The elevations also come from that. This was one of the early renderings that we put together. So this is basically on 300 looking at the main entrance drive into our site here. This is our access road. So this is building B. This is the smaller building that you saw on that site. Here's the additional mounding of landscaping that Chuck had mentioned that we've gone through and added. This one here is kind of post some of the previous comments. There's actually even more landscaping than was represented here.

Additionally, this was the landscape retaining walls that were added at those entrances for the tenant signage.

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Clearly this is what we're thinking the tenant monument sign will be for these buildings. My understanding is both building A and building B would share one or we would have one on each side, one for building A and one for building B. I know there's two, but will it have different tenants or --

MR. GRIFFIN: That's the initial construction.

MR. HOLLINGSWORTH: This is, yes.

CHAIRMAN EWASUTYN: Whispering is permitted.

MR. HOLLINGSWORTH: Again, the landscaping that is here, Chuck had mentioned this is kind of day one, we'll say, the first year of plantings. We have some other renderings here that kind of better illustrate the ten-year. I was on the computer and I can flip back and forth really quick so you could see the trees grow. So this is roughly our ten-year estimate of what these trees will be. Again, this was an earlier rendering.

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We've actually added more landscaping than what's on here. So you can see that, you know, in five to ten years this building is largely going to go away from what you're going to see on 300 and off of the I-84 ramp. It will be very consistent.

As far as the building elevations -- should we get on the site now? So this one, again, is now sort of our view of the building. Again, year one -- day one from the I-84 and Route 300 kind of exit. The I-84 off ramp is over here in this corner.

So this is that office we were talking about in the southwest corner. This is the other office all the way up here in the northwest corner. So one of the things we tried to do is to break these buildings up so there's not just this long, expansive flat wall. We created some, you know, articulation in the roof. We've also added these vertical elements that are, you know, kind of Matrix centric on these buildings. We've

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added a number of additional reveal lines in here. We've got a lot of tall curtain wall. The curtain wall goes up to 16 feet. To try and bring it down more, even more to human scale, it's kind of hard to see in here, but we have additional horizontal canopies that are sticking out about three to four feet from the building to bring that down to sidewalk level for the employee parking that's along here.

The other thing we tried to do to try and kind of minimize the height on these buildings is -- so one thing to understand, we are trying to keep this down as much as we can and make it a functional building for a high bay rack system in there. So these buildings in here are only a 36 foot clear height, the building, which in today's markets are low. So we are trying to recognize your concerns and bring these buildings down. So we are minimizing these parapets as low as we can possibly keep them while keeping them above the roof lines.

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Additionally, we've got a number of clear windows here that, again, we bring those into the vertical position, again trying to bring that -- kind of bring your eye down, and then further adding these additional dark painted lines. The horizontal line in there is probably 25 to 30 feet above the ground. So again, it's bringing your eye down more. We're continuing to try and bring those horizontal lines and everything down towards the ground there to kind of trick the eye and make the building feel shorter than it is.

The other thing we've also done that we don't normally do, we've also done scuffers and downspouts on this. Most industrial buildings, they'll just do sheet draining to, you know, gutter and downspout or some other interior method. These end up being a really nice detail on the building. Being the same color as the building, they do help those kind of go away as well.

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CHAIRMAN EWASUTYN: What will be the color of the buildings?

MR. HOLLINGSWORTH: What will be the color?

CHAIRMAN EWASUTYN: Yes.

MR. HOLLINGSWORTH: They're kind of a muted color. We're using like light grays and a dark gray. I wish I had some photos. We have some other buildings that we have done for Matrix with a similar color palette that we do have photos of. We can actually show you what those look like. They're a lighter gray and a darker gray color. We try to use, you know, more earth tone, low contrast colors.

CHAIRMAN EWASUTYN: Let's get questions or comments from Board Members on the presentation, Jamie, that you just made. It was well done.

Frank Galli?

MR. GALLI: I don't have anything on the ARB, but I did have some for Chuck.

CHAIRMAN EWASUTYN: On what?

MR. GALLI: For Chuck on his

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presentation.

CHAIRMAN EWASUTYN: Let's stick with the ARB for now.

MR. GALLI: I'm okay on the ARB.

MS. DeLUCA: It looks good. Very nice.

MR. DOMINICK: Jamie, I think you really did a great presentation. I like the entrance, how you dressed that up, and really added additional landscape to be welcoming, especially along that industrial area and the industrial park. Really, really good job, especially with those extra trees. Seeing the growth ten years from now kind of --

MR. HOLLINGSWORTH: It really does help to see the difference in what you get day one and then that future growth.

MR. DOMINICK: Yes. Good job in camouflaging it.

MR. HOLLINGSWORTH: Thank you. I have to give that to Chuck. The Langan team.

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MR. WARD: You did a nice job.
Thank you for listening to the Board with
that.

At the same time, the colors, the
way you -- just looking at this, the way
you broke it up, it doesn't look like a
box. It makes it better looking for the
public one way or another.

MR. HOLLINGSWORTH: I appreciate
that.

CHAIRMAN EWASUTYN: Frank Galli,
your question to Chuck?

MR. GALLI: Chuck, since the last
plan that we saw, did the building size
increase, a couple of them? One by 10,000
square feet and the other by 2?

MR. UTSCHIG: This one increased
by 2 and this one increased by 10. Yes.

MR. GALLI: And then the sound
noise that you did, you hired the firm.
Is it true that 84 makes more sound than
you're going to make?

MR. UTSCHIG: I believe that's --
I don't want to speak for them, but I

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believe that's -- the ambient noise that you have with the traffic on 84 appears to be very dominant in this area.

MR. EVERETT: In the report it was.

MR. GALLI: That's really the only two questions I had, John.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Thanks for taking our consideration and providing that additional buffer for the residential properties in the northeast area. We still want to protect their privacy and encourage their outdoor use in their yards. I think you really got it now by the sound barrier, moving the building a little bit and the additional plantings. So thank you.

MR. UTSCHIG: I mean just to kind of reiterate, we are, in most places, well below -- the top of our roof is, you know, at or below the adjacent property. So I think the combination of a bunch of things

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has -- we've tried to be respectful of them and the impact that this would potentially have. We tried to do our best to mitigate that.

MR. DOMINICK: And I think this reflects that. Nice job.

MR. UTSCHIG: Thank you.

CHAIRMAN EWASUTYN: Are there any units proposed on the roof of the building?

MR. UTSCHIG: Yes, there are.

CHAIRMAN EWASUTYN: Can you talk about that, please?

MR. UTSCHIG: They are -- actually, Jamie may be able to describe them better. So there are units, HVAC units. They are about eight feet tall. Relative to the size of these buildings, they take up a very small percentage. We've set them back from the edges.

Jamie, jump in if I say something not right.

We pulled them in from the edges of the building so that they're not right

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out on the edges.

MR. HOLLINGSWORTH: So to answer to Chuck's point, there's no -- as far as I know, there are no tenants yet for these buildings. There will be no rooftop units on day one. We have actively planned and located those units throughout the roof to account for where we think they are going to be when those tenants show up. So I believe it was 36 and like 20 something, in that neighborhood, of 25 ton RTUs. That's even if the tenants that go in there decide that they want an air conditioned building.

So we will have some, you know, Cambridge units that go on the roof to keep the building heated until those tenants come in and make that decision on whether they want to, you know, fully air condition or just keep it temporary. But in the plans that we have, yes, we have tentatively kind of located them. We are trying to keep them in as far away from those parapets so that way when you have

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your sight line of the building with those setting back, the further back they are, the harder they are to see. Especially with those buildings sitting up from 300 and I-84, they're going to -- they will be visible, but they will be a lot less visible with us pushing them back into the building.

CHAIRMAN EWASUTYN: At this point, if you don't mind, I'd like to begin discussing the SEQRA issues that were looked at. We'll start with Ken Wersted as he studied the potential for any traffic impacts.

Ken?

MR. WERSTED: Thank you. The analysis that the applicant had provided did a nice job of going through mitigation measures that were provided as part of The Marketplace, The Ridge, the Wilder Balter project, which we'll call the original retail project, the original project, and the current proposed project.

In essence, all of the original

1 mitigation measures are being proposed
2 with the exception of the improvements to
3 Route 52 and Powder Mill Road and Meadow
4 Avenue because there's no major access
5 coming out to that intersection anymore.
6 The same with the intersection with 52 and
7 Fifth Avenue. The site no longer has an
8 access out to that point, so the
9 improvements proposed out there are no
10 longer part of it. For the most part, all
11 the other mitigation measures are very
12 much consistent with the previous project.

13
14 Their traffic analysis looked at
15 pre-pandemic traffic volumes, so there
16 were no adjustments necessary for counts
17 due to lack of use of the retail center or
18 travel restrictions, you know, work from
19 home conditions.

20 The trip generation that they had
21 used looked at a couple of different
22 possible tenants or land uses, and then
23 they took the worst case of each of those.
24 With that estimate they were looking at
25 the project generating about 260 to 270

1
2 trips during the peak hours. To cover the
3 potential of different tenants being in
4 there, they took that analysis and they
5 multiplied it by three times and then they
6 carried that through the traffic analysis.
7 They could have a tenant that comes in
8 that generates one and-a-half times what a
9 warehouse might generate and they will
10 have covered it from a SEQRA standpoint.

11 In comparison to the retail
12 project, this project is generating
13 approximately 6,000 trips in a day whereas
14 the retail project was an estimated 25,000
15 trips during a day. One of the key
16 differences I think with this project is
17 that you could have different shifts. You
18 could have some activity 24 hours a day
19 whereas the retail tended to be a 12 to
20 14-hour operation.

21 The project itself relative to
22 trucks will generate some more activity
23 compared to the retail. It's about a 13
24 to 15 percent component of trucks being
25 with this project. So to break that down

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into how much is coming and going from the site, at its straight warehouse level trip generation it would be about one truck at that traffic signal every time the cycle goes around the traffic light. At the three times level it's about two to three trucks every time the light goes through its cycle. Their analysis included higher truck volumes, so that was all appropriate. They accounted for an increase coming in and out of the site.

The results that they -- the level of service analysis had mixed results in terms of some intersections were operating a little bit better with their mitigation, some were operating a little worse. They did provide a comparison to the previous retail project. A number of those intersections come down in terms of relative impact. So when it was a shopping center generating traffic during the weekdays and Saturdays and the holiday season, it was expected to be a worse impact than compared to what is

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being proposed currently with the project.

All of the traffic improvements will need to be reviewed by DOT, obviously. DOT had reviewed a number of the improvements as part of the previous project, but there are some modifications that are necessary with this one. That will be part of the ongoing process with the applicant and the DOT.

CHAIRMAN EWASUTYN: To summarize your -- and thank you. To summarize your analysis of the impacts, can you bring that to a conclusion?

MR. WERSTED: Certainly. In comparison to the previous project, relative to traffic this proposal is going to be less of an impact relative to the SEQRA findings that we had before. Even though it's less of an impact and there are some changes in the mitigation, the mitigation proposed on Route 300 is generally consistent. So even though traffic on Route 300 is coming down, they're still maintaining the same

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improvements, generally speaking.

CHAIRMAN EWASUTYN: Thank you.

Questions from Board Members on
the presentation?

MR. GALLI: No additional.

Thank you.

MS. DeLUCA: No.

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: Pat Hines,
Chuck spoke about the stormwater. The
current design that was presented to you
is based on the new DEC regulations. You
can take it further for us?

MR. HINES: Sure. As he did
mention, this project has been before the
Board in various configurations for more
than a decade.

During that time period the
environmental regulations have changed and
the requirements have increased. We
tasked the applicant with evaluating the
previous stormwater management facilities
on the site, some of which were
constructed during the initial land

1
2 clearing for the initial Marketplace and
3 The Ridge so the water quantity control
4 portions of the stormwater management were
5 extensively constructed at that point.

6 There are modifications proposed
7 to meet the newer requirements. There's a
8 requirement for runoff reduction and the
9 water quality treatment has increased.
10 They have done that through various best
11 management practices, including
12 bio-retention areas, some infiltration
13 practices and upgrading the water quantity
14 control. A lot of them have been
15 incorporated as landscape features in the
16 site. There is a requirement that they
17 are landscaped.

18 Along with that, the wetlands
19 mitigation areas were constructed by the
20 previous owner of the project for the
21 retail component, so the Federal
22 jurisdictional wetlands permits were
23 issued, the mitigation measures were
24 constructed and they are in a monitoring
25 phase for how those are developing.

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There's a requirement that they periodically review those for invasive species and compliance with the original plans.

We have reviewed the revised stormwater management plans and found them consistent with the DEC regulations and the Town of Newburgh stormwater regulations as well.

We have issued two technical review comments based on the environmental submissions. The applicant has provided detailed responses to our technical reviews, both the stormwater pollution prevention plan and the environmental documents that were provided.

The applicants have identified a SEQRA consistency or a chart where they provided the various mitigation measures from each of the previous projects before the Board, specifically the sixth amended site plan for The Loop/Ridge project. They've identified how they are going to comply with the mitigation measures

1 identified from that project, comparing
2 the impacts of this project with that
3 project. Larger buildings, more building
4 square footage, less pervious parking
5 areas, a little -- slightly lower grading,
6 although there is some additional clearing
7 that needs to be required based on the
8 building footprint.
9

10 The retail component was able to
11 take into account the topography on the
12 site by putting various buildings on
13 various locations. These buildings by
14 design have to be, I'll say, perfectly
15 flat. So that required some additional
16 grading on the site. The footprints are
17 relatively the same for the disturbance.

18 We found that the project has
19 incorporated all the mitigation measures
20 from The Ridge sixth amended site plan
21 with the exception, as Ken mentioned, of
22 the removal of the Route 52/Fifth Avenue
23 access road and the impacts associated
24 with that.

25 There are no longer any

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floodplain development permits needed. It eliminated the crossing of the tributary to the Quassaick Creek.

The sanitary sewer lines that were previously running down that area have been modified and are now going to discharge to existing sewer mains in Route 300.

The second access to Meadow Avenue, which was previously a full access to the retail component, is now an emergency access, gated and restricted, for jurisdictional emergency services. That will be constructed of gravel to reduce the impervious surfaces.

We provided a couple comments and cleanup on the consistency chart which they can address.

All the mitigation measures associated with blasting on the site have been incorporated into this plan. There is a blasting protocol that will continue with this.

The previous applicants from the

1
2 various retail components there have
3 undertaken extensive groundwater
4 monitoring of numerous residential wells
5 to the east of the site. My office
6 probably has eight or more years of data
7 from those monitoring points, and they are
8 submitted periodically to the Town. Those
9 are provided as a background and a
10 database should any impacts from this
11 project cause any issues with the wells to
12 the east of the project. There is a
13 response protocol, should that occur,
14 including -- up to and including the
15 installation of water main extensions
16 which have been addressed numerous times
17 and they will continue.

18 There is a traffic -- a post
19 construction traffic mitigation deposit
20 which is required. The applicants have
21 identified that they will continue to do
22 the post traffic monitoring study at the
23 levels for which time there was three
24 access points. There's only one now, but
25 that study has been required to be funded

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up to the original amount.

We identified the mitigation measures along the eastern property line regarding noise, moving the buildings further away, change in elevation, and the additional landscaping and sound barriers continue to be proposed on the site.

So based on that review we found that this site is consistent with the analysis from the original project. The mitigation measures continue to be in place and will mitigate, to the extent practicable, the potential impacts flowing from the project.

Just for the public here, we heard some acronyms earlier. SEQRA, several of us said the word SEQRA. That stands for State Environmental Quality Review Act. It's the regulations that require the environmental review that we're doing. I know they're throwing some acronyms out that you may not be aware of.

That's the extent of our review right now.

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CHAIRMAN EWASUTYN: Thank you for that short explanation.

Jerry Canfield, Code Compliance?

MR. CANFIELD: I have nothing to add to the SEQRA.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: No additional.

MS. DeLUCA: No additional.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney, can you discuss with us the point that we are at tonight?

MR. CORDISCO: Yes. Procedurally you have, as Mr. Everett acknowledged, previously circulated for lead agency. We received comments from various agencies as well during that circulation. That was based on the initial submission that was made to this Board, and then the Board had provided feedback to the applicant. The Board's consultants had provided feedback as well. I also provided comments myself to the applicant regarding legal changes

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that I was recommending to the materials,
and those have been responded to
adequately as well.

So there was mentioned earlier
the fact that the lead agency circulation
also went to the County Planning
Department, and the County Planning
Department did provide some preliminary
comments.

This project does require a
formal referral to the County Planning
Department, and the County Planning
Department is entitled to review all of
the materials that the Board has in order
to make its decision. It's actually
written right in the statute of 239M of
the General Municipal Law -- N or M. M,
as in Mary. And that says that the County
Planning Department is entitled to what's
called a full statement, which is all of
the materials that are used by the Board.
So what you have now is this recent
submission that responds to all of the
comments that have been made to date.

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This submission itself should go to the Planning Department for their review prior to the Board, this Board, the Planning Board, making any decisions or determinations with regard to the project.

CHAIRMAN EWASUTYN: Procedurally can we include in one motion declaring ourselves lead agency and referring it to the Orange County Planning Department under 239M of the Municipal Law?

MR. CORDISCO: Yes. The only clarification I would make there is that you are confirming your status as lead agency.

CHAIRMAN EWASUTYN: I stand corrected.

MR. CORDISCO: No, not at all.

CHAIRMAN EWASUTYN: I'm fine with that. That's what I like about myself. I make a lot of mistakes. I swear.

MR. CORDISCO: We share that in common.

CHAIRMAN EWASUTYN: Thank you.

MR. CORDISCO: Yes. But the

1
2 procedural step for the Board to take
3 tonight would be to confirm your status as
4 lead agency and to refer this version of
5 the submission to the County Planning
6 Department for their review. That will
7 start a clock that is 30 days for their
8 review. Since they've seen the prior
9 submission, they will at least have a
10 basis to evaluate this revised set of
11 plans.

12 CHAIRMAN EWASUTYN: Having heard
13 the verbiage and the recommendation from
14 Dominic Cordisco, Planning Board Attorney,
15 would someone move for a motion to refer
16 this to the Orange County Planning
17 Department?

18 MR. GALLI: So moved.

19 CHAIRMAN EWASUTYN: I have a
20 motion by Frank Galli. Do I have a
21 second?

22 MS. DeLUCA: Second.

23 CHAIRMAN EWASUTYN: Second by
24 Stephanie DeLuca. Any questions or
25 comments?

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(No response.)

CHAIRMAN EWASUTYN: May I please have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

MR. HINES: John, I think it was your intent to include you are lead agency.

CHAIRMAN EWASUTYN: Thank you. I was following with the verbiage that -- okay. I'll take a motion from the Planning Board to confirm our status as lead agency for the Matrix Logistics Center, project number 21-16.

Would someone make that motion?

MR. DOMINICK: I'll make the motion.

CHAIRMAN EWASUTYN: I have a

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motion by Dave Dominick. May I please
have a second?

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a
second by Frank Galli. Any discussion of
the motion?

(No response.)

CHAIRMAN EWASUTYN: Thank you.
Can I have a roll call vote starting with
Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you.

MR. EVERETT: Thank you.

MR. UTSCHIG: Thank you.

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

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 1st day of September
2021.

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

JIFFY LUBE
(2021-19)

1231 Union Avenue
Section 96; Block 1; Lot 3
IB Zone

----- X

INITIAL APPLICATION - SITE PLAN

Date: August 19, 2021
Time: 7:55 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: BRADY CARLUCCI

----- X

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

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CHAIRMAN EWASUTYN: Our third item of business this evening is Jiffy Lube, project 21-19. It's an initial site plan application. It's located on 1231 Union Avenue in an IB Zone. It's being represented by Sevan Multi-Site Solutions. I believe it's Andrew Kerrington. Who is their representative?

MR. CARLUCCI: I am.

CHAIRMAN EWASUTYN: And your name, please?

MR. CARLUCCI: It's Brady Carlucci with Sevan Multi-Site Solutions.

CHAIRMAN EWASUTYN: Do you have a business card?

MR. CARLUCCI: Yes.

CHAIRMAN EWASUTYN: Can you give that to the Stenographer?

And one more time, your first name?

MR. CARLUCCI: Brady. I think they are in my car.

CHAIRMAN EWASUTYN: You can do that later on. There's another item after

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this.

Come forward, Brady. And you have plans to put up?

MR. CARLUCCI: At this time we do not.

MR. HINES: Here.

MR. CARLUCCI: Let me pull up the narrative here. So at this time we would like to propose the construction of a 3,103 square foot Jiffy Lube multi-care center. This will be replacing the existing land use which is a single-family home. The facility is an existing .7 acre site. The address is 1231 Union Avenue.

So we would like to request a continuation of the site plan review. We have received comments from the Board as well as the consultants the other day. We would like to be able to review those and address whatever comments we can today and provide amended site plans and other reports, and anything else the Board would need to continue.

CHAIRMAN EWASUTYN: Okay. As a

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general response to what you're discussing, I'll have Dominic Cordisco and Pat Hines speak to you about procedurally and variances and such.

Dominic Cordisco, Planning Board Attorney.

MR. CORDISCO: Yes. So this is the first appearance for this project.

There have been comments that have been prepared by Ken Wersted, the Board's Traffic Consultant, and Pat Hines, the Board's Consulting Engineer. You've received those. We haven't yet received, to my knowledge, any comments from the Board. It may be appropriate tonight to receive those as well.

I also believe that we did receive comments or concerns from the City of Newburgh regarding the location of this, which we can discuss in a moment.

Procedurally moving forward, the initial review has identified several variances that are required in order for this particular proposal to move forward.

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This Board's practice has been in the past to identify those variances early on so that an applicant can then make application to the Zoning Board of Appeals so you can determine whether or not the project is viable if you receive the variances or if it needs to be modified in case you don't.

So the next procedural step would be for this Board tonight, after hearing of any comments and any concerns that the Board Members themselves may have, to refer this matter to the Zoning Board of Appeals as your next procedural step.

MR. CARLUCCI: I appreciate it.

CHAIRMAN EWASUTYN: At this point we'll have Jerry Canfield, Code Compliance Department, talk about or compare the variances that were noted by Pat Hines' review. Jerry Canfield will also speak to you on the signage code and where there may be additional variances needed.

The question sometimes is can you put it all together and come back with a

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list of both the signage variances needed and the bulk requirement variances needed so you'll have a one-time presentation to the ZBA. If you're not prepared to do signage now, at a later time we will then have to refer you back to the ZBA.

Jerry Canfield, Code Compliance.

MR. CANFIELD: Yes. The Town of Newburgh has enacted a more recent signage ordinance in 2018. I did read in the narrative, I believe it was, there was a comparison to some of the other signs in the area. Those are all pre-existing nonconforming. They can be present, you know, in accordance with the new sign ordinance. Your project, because it's today, it's new, the new ordinance applies.

We can't make a complete determination on compliance with all of the signage. We would like to see a little more comprehensive signage plan correlated with a chart so we can decipher the total square footage, what's

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permissible and what you're asking for.

 However, we do note that there are three sign variances that we know of, okay. On the monument sign it should be 15 feet from the property line. I believe yours is 10 or 12. The height of the monument sign is restricted to 14 feet. Your proposal is 25 feet. That would be number two. And then you acknowledge you're looking for an increase in the directional signage which is not in compliance.

 So as we discussed at the work session, even though in addition to the area variances you'll be looking for, these will be included in that referral, but there will also be an open statement that there may be more as you provide us with more level of detail for the signage.

 The area variances are part of Pat's review.

 CHAIRMAN EWASUTYN: Please go ahead.

 MR. CANFIELD: I'll let him

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continue there.

CHAIRMAN EWASUTYN: Thank you.

Pat Hines with McGoey, Hauser & Edsall.

MR. HINES: Yes. We have identified the variances which were from your bulk table. They are identified in my comment 1. There are five of them.

In addition, there's a section of the code, 185-18(4)(b), that on a State highway the front yard setback is 60 feet where your bulk table identified it as 50 and your building is set at 50. So there's a -- you may either want to look at that or it also will require a variance.

We have identified at least six of the area variances that are required based on your current plan.

We need some additional information on the environmental assessment form. And it should be signed by the preparer.

Your long-form EAF identified two

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endangered species, the Indiana Bat and the Upland Sandpiper which is a bird species. Those must be addressed in future submissions.

DOT will be an involved agency as the Board moves forward.

My comment 5, we did receive some e-mails from the City of Newburgh today identifying their concern with the stream along your southern property line, and I'm guessing southern here based on the orientation, tributary to the City of Newburgh's watershed through a diversion structure located across the street from your site. I don't know if you're familiar with it. There's a brick building there that acts as a diversion. The City of Newburgh has identified concerns regarding that ? We echo their concerns. Typically what we have done in the past is we require treatment of 110 percent of the water quality volume where the DEC requires 100 percent. As a kind of belts and suspenders, we add the additional 10

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percent. So when you're doing your stormwater management analysis, that will be required. I believe you're disturbing less than an acre of property, but the Town of Newburgh has a more stringent stormwater management regulation, more stringent than the DEC. You'll need to take a look at that chapter of the code. In conjunction with it being in the City of Newburgh watershed, a City of Newburgh flow acceptance letter will be required.

We noted that you have an oil and water separator depicted on the plans. That will need approval from the City of Newburgh as an industrial user potentially.

We're requesting the building size be noted on the plans.

Jerry Canfield can describe further, but the Town of Newburgh has a more stringent fire sprinkler code in buildings that are in excess of 2,500 square feet.

MR. CANFIELD: Yes. That applies

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to only office. This particular building will be required to be sprinklered. Like Pat said, it's because the Town of Newburgh is more restrictive than the New York State Fire Code.

MR. HINES: That's the extent of our review of the concept plan. I don't know if we're in a position to issue that ZBA letter or we want them to take another look.

CHAIRMAN EWASUTYN: Brady, from what was being said this evening from Dominic Cordisco, Jerry Canfield, Pat Hines, there will be time for Ken Wersted, would you prefer to wait or would you prefer to move forward on the area variances and then at a later time to come up with what's necessary for that?

We have approved projects without approving the signage with it being approved at a later date.

Am I somewhat right, Dominic.

MR. CORDISCO: Yes. Signage could be included later. What it would

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mean is, ultimately the sign proposed requires variances, then you would have a minimum of two trips to the Zoning Board of Appeals.

As Pat had noted, there was an additional variance regarding the front yard setback. It may be worthwhile to take these comments, go back, review them and review the code to ensure that if you only want to go to the Zoning Board of Appeals once, that you correctly identify the variances so that there could be one referral and one ZBA process rather than potentially multiple.

MR. CANFIELD: Just if I may add to what Dominic had said, the plan also calls out a monument sign and message board, which in our signage ordinance requires that to be a special use permit. So the downfall or shortcoming for you is waiting to address signage later. It may be more helpful for you to incorporate that special use permit proceedings as you proceed along.

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Again, my recommendation to the Board in the past, yes, we have deferred signage until a later point. In the experiences in the Building Department, they have created problems doing that as the eleventh hour comes and corporate wants C of Os. It just doesn't work. So I would prefer to see it upfront and with the project so once the plan is signed, then we move forward.

MR. CARLUCCI: Yes. I believe we would like to minimize the number of appearances to the Zoning Board. We would like to submit a more complete package that addresses these concerns and the variances.

CHAIRMAN EWASUTYN: Ken Wersted, do you have an initial look at the concept plan and traffic?

MR. WERSTED: Yes. The project is immediately south of the Lowe's traffic signal on Route 300. The site driveway is about 150 feet south of that signal. The applicant has appropriately applied

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some turning restrictions there, namely a right in/right out and a left in. Given the proximity to the traffic signal, I don't believe that DOT is necessarily going to allow a left turn out. They are showing that restriction via a striped median. There may be some -- DOT may want to see that be a raised island, but as part of your permit process they'll identify what the requirements are for that.

Generally speaking, the shop is a low volume generator relative to traffic. You'll probably see, you know, cars come and go, but it may be, you know, one to two cars every ten minutes or so. So in that respect I don't believe we'll need a detailed traffic study. I think what I can advise to the Board will be adequate relative to that.

I know in some other projects we required sidewalks. My only concern at this location is that just to the south of the driveway there's a large culvert, a

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box culvert that you would have to put a top on or something to get a sidewalk across it. So it's up for the Board's discussion as we get deeper into the site plan.

I'm relatively satisfied with what's been provided so far.

CHAIRMAN EWASUTYN: At a later point in time there will be a need for a landscape plan. There will be a need -- there's part of the code that may require some additional construction to mitigate visual impacts along the corridor.

At this time I'll turn the meeting over to Frank Galli. Any comments?

MR. GALLI: There's really nothing to review yet, John. I don't have anything.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No. I'm okay.

MR. DOMINICK: Brady, hours of operation, number of employees average

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working per shift?

MR. CARLUCCI: Hours of operation, they do vary. Typically it would be from 8:00 to 7:00, but that is something that is determined as -- if requested early in the process, we can get more into those numbers. Employees tend to be one per service bay plus a manager. So four employees during normal business hours.

MR. DOMINICK: Okay.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: I guess I'll put it out to Pat Hines and Jerry Canfield. Should Brady need a little bit of assistance in simulating everything that he may be unfamiliar with, is there anyone who he could send an e-mail to to get some kind of response?

MR. HINES: Yes. They can always correspond with my office. I've had some e-mails with Andrew I believe from your office.

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MR. CARLUCCI: Okay.

MR. HINES: You're talking
signage, though.

CHAIRMAN EWASUTYN: Would that be
helpful to you?

MR. CARLUCCI: Yes, sir.

CHAIRMAN EWASUTYN: Excuse me?

MR. HINES: I was going to say if
you're talking signage, I would recommend
you contact Jerry's office.

MR. CANFIELD: We communicate
quite often, so --

MR. CARLUCCI: Thank you.

CHAIRMAN EWASUTYN: You're based
out of where, just out of curiosity?

MR. CARLUCCI: Our main office is
out of Frankfort, Illinois. I'm located
remote. I live up in New Hampshire.

CHAIRMAN EWASUTYN: You came down
from New Hampshire?

MR. CARLUCCI: Yes.

CHAIRMAN EWASUTYN: Are you
staying overnight or are you driving back
now?

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MR. CARLUCCI: I believe I'm
staying.

MR. DOMINICK: That is remote.

CHAIRMAN EWASUTYN: So what
you're hoping is that you have site plan
approval before the snow falls. We'll try
hard. Thank you.

MR. CARLUCCI: Thank you all for
your time.

(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 1st day of September
2021.

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

PIETROGALLO LOT LINE CHANGE
(2021-20)

Paddock Place
Section 20; Block 1; Lots 134.2 & 14.3
R-2 Zone

----- X

INITIAL APPLICATION - LOT LINE CHANGE

Date: August 19, 2021
Time: 8:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

----- X

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

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CHAIRMAN EWASUTYN: Let the record show that application number 4, Pietrogallo Lot Line Change, project number 21-20, the representative, Jonathan Millen, was not present at this evening's meeting so this will be continued at a later date.

Would someone please make a motion to close the Planning Board meeting of the 19th of August?

MR. GALLI: So moved.

MS. DeLUCA: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

(Time noted: 8:17 p.m.)

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2021.

Michelle Conero

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