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

----- X  
In the Matter of

VERIZON WIRELESS - CRONOMER HILL  
(2024-22)

248 North Plank Road  
Section 34; Block 2; Lot 21  
B Zone

----- X

SITE PLAN, SPECIAL USE PERMIT  
BALLOON TEST LOCATIONS

Date: September 19, 2024  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: SCOTT OLSON

----- X

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

2 CHAIRMAN EWASUTYN: Good evening,  
3 ladies and gentlemen. The Town of  
4 Newburgh Planning Board would like to  
5 welcome you to their meeting of September  
6 19th. This evening we have seven agenda  
7 items and two discussions under Board  
8 business.

9 We'll start by calling the meeting  
10 to order with a roll call vote.

11 MR. DOMINICK: Present.

12 MR. MENNERICH: Present.

13 CHAIRMAN EWASUTYN: Present.

14 MR. BROWNE: Present.

15 MS. CARVER: Present.

16 MR. WARD: Present.

17 MR. CORDISCO: Dominic Cordisco,  
18 Planning Board Attorney.

19 MS. CONERO: Michelle Conero,  
20 Stenographer.

21 MR. HINES: Pat Hines with MHE  
22 Engineering.

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

25 CHAIRMAN EWASUTYN: At this point

2 we'll turn the meeting over to Dave  
3 Dominick.

4 MR. DOMINICK: Please stand for the  
5 Pledge of Allegiance.

6 (Pledge of Allegiance.)

7 MR. DOMINICK: Please silence your  
8 cellphones or put them on vibrate. Thank  
9 you.

10 CHAIRMAN EWASUTYN: The first item  
11 of business this evening is Verizon  
12 Wireless - Cronomer Hill, project number  
13 24-22. It's a site plan and special use  
14 permit. They're here this evening to  
15 talk about the balloon test. It's  
16 located on 248 North Plank Road in a B  
17 Zone. I believe it's represented by  
18 Scott Olsen.

19 MR. OLSON: Correct. Good evening.  
20 Scott Olson from Young Sommer.

21 Obviously there will be a balloon  
22 test. We submitted a list of locations  
23 that we're proposing to take pictures  
24 from. There are thirty-one in total.

25 We have the MHE memo. He

2 identified at least one additional  
3 location, I think.

4 MR. HINES: Two.

5 MR. OLSON: One of them, I think,  
6 is on there. It's number 2 on our list.  
7 If there are additional locations beyond  
8 that, just let us know and we'll take  
9 them from wherever you'd like. We will  
10 add the other one, the Town park, to the  
11 list. We're happy to take as many  
12 pictures as the Board desires.

13 We are aware of your requirements  
14 that it should be done primarily on a  
15 Saturday, weather pending, with notice  
16 fourteen days and seven days in advance.  
17 We will do that. We've done that before.

18 I was looking at the calendar  
19 thinking November 9th is a Saturday.  
20 That would make us have to do the notice,  
21 I think, the 2nd of November and the 26th  
22 of October. We'll try to make that  
23 happen. I don't know your publications.  
24 I don't know if it's published daily or  
25 not, but we'll work with the newspaper

2 for that. Obviously it's weather  
3 depending. We'll have an alternate date  
4 for a rain date. We would make that a  
5 Monday. I think that's compliant with  
6 what your law requires also.

7 MR. HINES: That Monday would be a  
8 holiday.

9 MR. OLSON: Is that Veterans Day?  
10 We will not do it on that Monday. I did  
11 not look that far. We'll probably make  
12 it on Tuesday then. That's tough for  
13 that weekend.

14 When are your leaves off here?

15 MR. CORDISCO: Around then.

16 MR. OLSON: Could we do it the 2nd?

17 MS. CARVER: That might be soon.

18 CHAIRMAN EWASUTYN: A week one way  
19 or the other is going to be significant.

20 MR. OLSON: I can certainly work  
21 with --

22 CHAIRMAN EWASUTYN: Let's say the  
23 2nd, that way we have a target date.

24 MR. OLSON: Sure. We can assume  
25 that and then I can submit information to

2 the Board on that. If it changes, that's  
3 fine, too.

4 CHAIRMAN EWASUTYN: If you don't  
5 mind, we received today the information  
6 that you sent, all Planning Board  
7 Members. There were ten copies  
8 distributed in everyone's box. I don't  
9 know if Dominic Cordisco or Pat Hines  
10 received any of that information.

11 MR. OLSON: I don't know if they  
12 did. I could certainly get that to you.  
13 That information was a supplemental RF  
14 analysis. It was rather lengthy because  
15 of the spec sheets. I didn't realize how  
16 long they were. Anyway, I guess the RF  
17 engineer should be careful what he asks  
18 for. He's going to get all that. We  
19 knew we wouldn't be talking about that  
20 tonight, but I wanted to get that in. I  
21 will e-mail that monstrosity to you  
22 tomorrow.

23 CHAIRMAN EWASUTYN: Questions from  
24 Board Members?

25 (No response.)

2 CHAIRMAN EWASUTYN: Jim Campbell.

3 MR. CAMPBELL: Nothing.

4 CHAIRMAN EWASUTYN: Pat Hines.

5 MR. HINES: Item number 2, which  
6 site was that? The Cronomer Hill? I  
7 noticed that one of them said the  
8 entrance of.

9 MR. OLSON: It was the entrance.

10 MR. HINES: We're thinking that  
11 entrance is the lowest point in the park.  
12 There's a significant elevation grade up.  
13 We're thinking that the top -- there's an  
14 observation tower on top of the Cronomer  
15 Hill Park.

16 MR. CAMPBELL: A fire tower.

17 MR. HINES: I think the top of  
18 Cronomer Hill Park would be an important  
19 one.

20 MR. OLSON: I'll have them drive in  
21 the park. I'm not familiar with it.  
22 They can certainly drive around.

23 MR. HINES: The entrance is really  
24 the lowest point.

25 The method of notification.

2 MR. OLSON: To?

3 MR. HINES: To the public that this  
4 is going to happen.

5 MR. OLSON: We will definitely  
6 notify via the newspaper, which is what  
7 the code requires. As I mentioned, it  
8 requires publication fourteen and seven  
9 days prior to the actual anticipated date  
10 of the test. We will take care of that  
11 with the official paper.

12 MR. HINES: Maybe the Town website  
13 would be appropriate. I don't know if  
14 there would be a mailing as well.

15 MR. CORDISCO: I believe last time  
16 around we did a mailing to the adjoiners'  
17 list as well.

18 MR. OLSON: We can certainly do  
19 that if we did it last time.

20 CHAIRMAN EWASUTYN: Any additional  
21 questions?

22 MR. OLSON: Short and simple. Have  
23 a nice night.

24

25 (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 27th day of September 2024.

*Michelle Conero*  
\_\_\_\_\_  
MICHELLE CONERO

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

----- X

In the Matter of

FARRELL INDUSTRIAL PARK  
(2023-09)

New York State Route 300  
Section 34; Block 2; Lot 45  
IB Zone

----- X

AMENDED SITE PLAN & ARCHITECTURAL REVIEW BOARD

Date: September 19, 2024  
Time: 7:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: ROBERT STOUT,  
JOSEPH MODAFFERI and AVI POMERANTZ

----- X

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



2 coming back for a request for a site  
3 plan amendment. We're not going to  
4 change any of the critical elements  
5 of the project which remain the same.  
6 It's a 262,080 square foot warehouse  
7 with 170 parking spaces, 32 loading  
8 spaces on the east side of the  
9 building and 38 truck/trailer parking  
10 spaces on the east side of the  
11 building.

12 In the course of the review of  
13 this project and the completion of  
14 the conditions of approval, two key  
15 changes surfaced, which is why we're  
16 back here tonight. Number one, the  
17 inclusion of a retention basin to  
18 reduce flows at the outlet of the  
19 downstream 18-inch pipe. Two, given  
20 the lack of suitable soils, we are  
21 utilizing a packaged plant rather than  
22 septic for the project. This will be  
23 subject not only to this Board's  
24 review, but also permitting by New  
25 York State DEC and the Army Corp of

2 Engineers related to the outflow.

3 This resulted in minor changes  
4 to lot surface coverage, disturbed  
5 area and impervious area.

6 No changes are proposed relative  
7 to the flow, which is still anticipated  
8 to be 1,800 gallons per day.

9 Consistent with Mr. Hines' comments,  
10 this evening we're seeking recirculation  
11 of the notice of intent to be lead agency.  
12 We can discuss with Mr. Hines if that's  
13 something he would like us to draft. The  
14 notice, we can draft it or your office can.  
15 Whatever your preference is.

16 With that, I'll turn it over to  
17 the project engineer.

18 MR. MODAFFERI: Good evening,  
19 Chairman, Members of the Board. I think  
20 the attorney covered the bulk of the  
21 changes. Essentially I'll just run  
22 through them again real quick.

23 As he stated, we had been working  
24 through some comments of the New York  
25 State DOT where they had requested a

2 reduced flow of a storm pipe that we're  
3 connecting to that comes across Route 300  
4 here. What we had done to address that  
5 is we proposed and designed a stormwater  
6 management basin or a detention basin on  
7 the south side of our access drive. That  
8 is tied into this upper basin here before  
9 it discharges across the street.

10 As you may recall, in the previous  
11 two applications, we had proposed a  
12 septic system on the south side of our  
13 driveway here that's highlighted with  
14 this green line. In the testing and in  
15 working with the Department of Health  
16 over the last several months or so, the  
17 soils were just not conducive to  
18 providing or installing a septic system.  
19 We're now proposing a packaged treatment  
20 plant in the back of the building which  
21 would have a pipe that would discharge to  
22 the wetland to the east, just north of  
23 our previously proposed stormwater  
24 management basin.

25 Again, as the attorney stated, the

2 rest of the site plan is the same as it  
3 was the last time we were here when we  
4 reduced it from, I believe it was 290,000  
5 to 262,000 square feet.

6 We can run through the whole plan  
7 if there are new people on the Board or  
8 anything like that, or any questions.

9 CHAIRMAN EWASUTYN: I'll leave it  
10 up to the Board as far as questions or  
11 comments. Dave Dominick.

12 MR. DOMINICK: Nothing further.

13 CHAIRMAN EWASUTYN: Ken Mennerich.

14 MR. MENNERICH: I have nothing at  
15 this time.

16 CHAIRMAN EWASUTYN: Can you  
17 describe the packaged plant somewhat?  
18 I'm unfamiliar with them. Down the road  
19 there's one for the Polo Club.

20 Pat, the Polo Club discharges into  
21 sort of an intermittent stream. Is this  
22 the same stream that this project would  
23 be also discharging into?

24 MR. HINES: This is discharging to  
25 a wetland area, actually. I don't know

2 that there's a defined stream in that  
3 wetland area. More than likely it's in  
4 the same general watershed, though.

5 CHAIRMAN EWASUTYN: Okay. Can you  
6 describe it somewhat? It's very unique.  
7 We don't see them that often.

8 MR. MODAFFERI: In terms of the  
9 engineering of it?

10 CHAIRMAN EWASUTYN: The height of  
11 it, so on and so forth.

12 MR. MODAFFERI: It's essentially  
13 mostly buried underground. There will be  
14 some sort of silo looking things sticking  
15 out of the ground, I think three of them,  
16 right where this concrete pad is. I  
17 think they may be just a couple of feet  
18 above ground. There are a couple of ways  
19 that it can be done where it's in like an  
20 enclosed building. This particular one  
21 is on a pad with the silos that come up.  
22 It's all treated basically below grade  
23 and then discharged down the hill.

24 CHAIRMAN EWASUTYN: Thank you.

25 MR. MENNERICH: Are they like large



2 tanks buried under there?

3 MR. MODAFFERI: I believe just  
4 three silos. There is some information  
5 in your package. This was part of your  
6 package here. They're just large tanks.  
7 That's a standard detail, sort of.

8 CHAIRMAN EWASUTYN: I don't know if  
9 that was in our package. I don't remember  
10 seeing that.

11 MR. MODAFFERI: It was attached to  
12 a letter prepared by the treatment --  
13 here's the whole thing if you want.

14 CHAIRMAN EWASUTYN: We'll keep it  
15 for the record. We may have it, but  
16 we'll take one.

17 MR. MODAFFERI: That's fine. That  
18 was the whole package that was submitted  
19 by the treatment plant designer. It's  
20 got some standard details. They're  
21 working on the actual design, which I  
22 believe Pat had asked for in his comments  
23 as well.

24 CHAIRMAN EWASUTYN: Cliff Browne.

25 MR. BROWNE: Was this talked about,

2 a sewage district being tied into it  
3 somehow?

4 CHAIRMAN EWASUTYN: At the Town  
5 Board?

6 MR. BROWNE: That was brought up,  
7 wasn't it?

8 CHAIRMAN EWASUTYN: Dominic Cordisco,  
9 you mentioned that.

10 MR. CORDISCO: This project will  
11 require involvement with the Town Board  
12 because the amendment with the sewage  
13 treatment plant will require construction  
14 and maintenance bonding that is  
15 established by the Town Board.

16 MR. MODAFFERI: Okay.

17 CHAIRMAN EWASUTYN: Lisa.

18 MS. CARVER: Nothing for me.

19 MR. WARD: No comment. Thank you.

20 CHAIRMAN EWASUTYN: You had a  
21 question about the sizing based upon the  
22 employees during the work session.

23 MS. CARVER: I was just wondering  
24 -- you have a proposed tenant. I was  
25 just wondering, when you did your

2 calculations based on the proposed, what  
3 if you don't get this proposed tenant?  
4 Will the numbers change for the  
5 calculation that you used for the  
6 wastewater plant? You don't have a  
7 tenant yet.

8 MR. MODAFFERI: That's an excellent  
9 question. If the tenant does change, I  
10 would guess if it goes up or whatever,  
11 they could make some changes to the  
12 internal parts of the treatment plant or  
13 make some adjustments there. If it's  
14 less, obviously the plant will be  
15 designed for that.

16 MS. CARVER: That was my concern.  
17 I was just curious -- because you didn't  
18 have a tenant yet, I was curious, how are  
19 you designing this if you don't know who  
20 the tenant is. I know that's tricky.

21 MR. MODAFFERI: It is very tricky.  
22 We generally know that a building of this  
23 size with this use has, I think we had  
24 1,700 gallons a day based on 150 employees  
25 or 1 employee per 1,750 square feet or

2 whatever. That's what we're finding is  
3 the industry trend. We should be in  
4 the range or in the ballpark of what  
5 it should be.

6 MS. CARVER: Okay.

7 MR. MODAFFERI: If it's a major  
8 change, they'll have to find a tenant  
9 that would fit the need.

10 MS. CARVER: Right. Thank you.

11 CHAIRMAN EWASUTYN: John Ward.

12 MR. WARD: Worst-case scenario is  
13 the way you're developing it?

14 MR. MODAFFERI: Do you mean the  
15 plant itself?

16 MR. WARD: Yes.

17 MR. MODAFFERI: I can't answer that  
18 question. I'm sure we could get that  
19 answer from --

20 MR. POMERANTZ: It's actually --

21 CHAIRMAN EWASUTYN: Excuse me. Can  
22 you give your name?

23 MR. POMERANTZ: Avi Pomerantz.

24 CHAIRMAN EWASUTYN: Do you have a  
25 business card?

2 MR. POMERANTZ: I do not have a  
3 business card.

4 THE REPORTER: Can you spell your  
5 last name?

6 MR. POMERANTZ: P-O-M-E-R-A-N-T-Z.

7 So the system is being designed a  
8 lot below what they're usually designed  
9 at. The standard is like 5,000 gallons  
10 per day. We're at 1,800. In the event  
11 we do need to increase that or make those  
12 changes, of course we'll have to be in  
13 front of the Board again.

14 MR. WARD: That's why I'm asking.  
15 Normally people do it as the max and this  
16 one isn't. As long as you know you're  
17 coming back. Thank you.

18 CHAIRMAN EWASUTYN: You're stating  
19 1,800 gallons per day on this. Thank  
20 you.

21 Jim Campbell, Code Compliance.

22 MR. CAMPBELL: The comment I had,  
23 in your EAF, the hours during construction  
24 need to be modified.

25 MR. MODAFFERI: Okay.

2 MR. CAMPBELL: I have a little  
3 handout. I think you had 7 to 10.

4 MR. MODAFFERI: Okay. No problem.

5 MR. CAMPBELL: That's it.

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

8 MR. HINES: Our first comment is  
9 that the project is back before the Board  
10 for an amended site plan having to do  
11 with the surface discharge and the  
12 difference in the wastewater treatment at  
13 the site, as well as modifications to the  
14 stormwater pollution prevention plan.

15 I believe that revised adjoiners'  
16 notices have to also be sent out per the  
17 Town Code for changes in the scope of the  
18 project.

19 As discussed earlier, a notice of  
20 intent for lead agency should be  
21 recirculated based on the changes.

22 We noted that a clearing and  
23 grading application has been submitted  
24 for the project. The project previously  
25 did not have a clearing and grading

2 application under, I believe it's Chapter  
3 83 of the Town Code. That will require a  
4 public hearing for the project as it  
5 progresses forward.

6 A copy of any information that is  
7 submitted to the DEC regarding the  
8 surface discharge sewage treatment plant  
9 should be submitted to the Board.

10 This is a comment regarding the  
11 clearing and grading. A 5-acre waiver  
12 will be required for the clearing and  
13 grading.

14 A design report for the packaged  
15 sewage treatment plant, a site specific  
16 plan should be submitted. We noted we  
17 got a schematic plan for the sewage  
18 treatment plant.

19 We noted that the applicant is in  
20 the phase 2 application process with DOT  
21 for access and utilities. DOT had  
22 requested modifications to the detention  
23 ponds in the front of the site based on  
24 some Route 300 pipe crossings.

25 A tree survey has been submitted

2 which identifies that they are 400 inches  
3 over the tree removal. However, they are  
4 planting just under 2,000 inches of trees  
5 in their landscaping plan.

6 A detailed phasing plan and erosion  
7 sediment control should be prepared for  
8 the clearing and grading permit.

9 Items on the site plan such as  
10 catch basins and piping and such are not  
11 constructed during that. Methods of  
12 controlling runoff during the clearing  
13 and grading and what the site is going to  
14 look like after the clearing and grading  
15 should be more detailed on the plans.

16 MR. MODAFFERI: Got you.

17 CHAIRMAN EWASUTYN: Dominic Cordisco,  
18 Drake, Loeb, Planning Board Attorney.

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

21 The project is also going to require  
22 referral to County Planning. It's a  
23 re-referral to County Planning for the  
24 site plan amendment aspect of the project.

25 The clearing and grading, although



2 that requires a public hearing, that does  
3 not need to go to County Planning because  
4 they do not have jurisdiction over  
5 that aspect of the project.

6 I defer to the Planning Board  
7 Engineer as to when the project would  
8 be appropriate for referral to County  
9 Planning.

10 MR. HINES: I think it could go  
11 now. There's sufficient detail.

12 CHAIRMAN EWASUTYN: So then the  
13 action before us this evening is to  
14 prepare the adjoiners' notice, to declare  
15 our intent for lead agency and to  
16 circulate to the Orange County Planning  
17 Department?

18 MR. CORDISCO: Yes, sir.

19 CHAIRMAN EWASUTYN: Would someone  
20 move for that motion.

21 MR. WARD: So moved.

22 MS. CARVER: Second.

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

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vote starting with Dave Dominick.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Anything else?

MR. MODAFFERI: Thank you.

MR. STOUT: Would you like us to  
prepare and circulate the adjoiners'  
notice?

MR. HINES: I'll prepare the bulk  
notices, the adjoiners' notice. I'll get  
you that, the mailing and the lead agency  
circulation as well.

MR. MODAFFERI: Thank you.

MR. STOUT: Very good. Thank you.

(Time noted: 7:20 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 27th day of September 2024.

*Michelle Conero*  
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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

GAS LAND PETROLEUM, INC. - ROUTE 9W  
(2019-16)

5200 Route 9W  
Section 43; Block 5; Lot 1  
B & R-3 Zones

----- X

SITE PLAN & SUBDIVISION

Date: September 19, 2024  
Time: 7:20 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: CHRISTOPHER LAPINE,  
JOSEPH McKEOWN and PHILIP GREALY

----- X

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

2 CHAIRMAN EWASUTYN: Item number 3  
3 is Gas Land Petroleum, Inc. - Route 9W,  
4 project number 19-16. It's here this  
5 evening for a site plan and subdivision  
6 submission for a convenience store and  
7 fuel pumps. It's located on Route 9W in  
8 a B and R-3 Zoning District. It's  
9 represented by LaBella Associates.

10 MR. LAPINE: Good evening, Mr.  
11 Chairman, Members of the Board. Chris  
12 Lapine with LaBella Associates. Here  
13 with me tonight is Joe McKeown from  
14 LaBella Associates, and I have Dr. Grealy  
15 from Colliers Engineering who is  
16 responsible for the DOT improvements.

17 This is a project that's been  
18 before the Board for awhile. It's been  
19 dormant for a period of time as we didn't  
20 want to continue the review of the  
21 project where we're still working out a  
22 lot of details with the DOT in terms of  
23 the turn lanes into the site and whether  
24 or not they would allow a left turn in/  
25 left turn out. We are happy to say that

1  
2 after about eighteen months, we've got  
3 some formal direction at this point with  
4 the DOT. They have provided a conceptual  
5 approval. We are now starting the design  
6 stages of the overall development. I  
7 have Dr. Grealy here this evening to go  
8 over the specifics with you and the  
9 Board.

10 Since we were last here, the  
11 project as a whole is still the same  
12 intent. We have a 2,940 square foot  
13 commercial building on the northern  
14 portion of the site. We still have the  
15 six pump islands here, the two diesel  
16 pump islands here.

17 Some of the comments that we had  
18 received from the Board and from the Town  
19 Engineer was to offer a dedication of the  
20 water main that was coming down the north  
21 portion of the site from Old Post Road  
22 and upgrade that from a six-inch to an  
23 eight-inch pipe. We have, on our plans,  
24 increased the size of those to an  
25 eight-inch water main that will be

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dedicated to the Town of Newburgh. We granted a ten-foot wide easement and we're going to have a hydrant.

We will have, as you recall, plantings along the western edge of the property line adjacent to Route 9. We did get some comments about further screening of the building. What we've done here is we tried to incorporate some additional tree plantings along the edge of our internal drive. That will supplement this kind of visual gap between the plantings we've done on Route 9W. We think that provides additional screening that's being asked for for the buildings and the canopy. I think if you recall, we have some really great architecture for the building. We didn't want to completely hide it. We left a little gap here to open it up.

When we were last before you, we were asked to go ahead and get the design approval for our septic disposal system, and at the same time get our design of

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the retaining wall completed and approved by your Town Engineer before we come back to the Board. I'm happy to say, as we were investigating the design of our septic system, which was located in this particular area before, one of the things we were looking at was we were taking out a large swath of trees in order to accommodate the design. During some of our initial soils investigations, we found some decent soil here. Since we were ending up pumping the septic anyway, we modified our design to put the septic system in the rear which would limit the amount of trees we are removing. It gave us the opportunity to preserve the mature growth on the hillside here and eliminate the retaining wall, which we previously had here, which was going to be an eight-foot high wall. Now we're just blending it in with the landscape. We've incorporated some trees along that pathway. We really think that's an addition to the design.



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One of the other comments we received from the Board and your consultants was find a way to preserve additional trees on the site. We think we accomplished this with the relocation of our septic system and providing that additional screening.

There were some other little minor modifications we made that I think aren't too worthy of sharing with the Board. They're more on the technical side.

At this point I'm going to let Mr. Grealy speak to the improvements that have been discussed with the DOT.

DR. GREALY: Good evening. Philip Grealy, Colliers Engineering & Design.

We had prepared the original traffic impact study for this site, documented existing conditions and future projections. We had prepared a conceptual plan for widening of 9W to provide a turning lane into the property. This was the initial concept that we had developed. Carter Avenue is to the

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north here. We had started our transition south of that point, widening to create the turn lane into the property and transitioning back down to the two-lane section.

As part of the review with New York State DOT, they recommended that we extend the widening further to the north. What we've done is basically widened -- this is flipped around. In terms of the widening, we started at the south. We're now extending to connect into where the full width is with the left turn turning onto Carter Avenue. From Carter Avenue, from the traffic signal down past our frontage, we'll have a three-lane cross section.

As part of the widening, there will be widening done on both sides of Route 9W. We have to rebuild the shoulders, resurface, re-stripe the roadway.

We're also providing a sidewalk

1           along our frontage. In order to do  
2           that, we have to dedicate land to the  
3           New York State DOT to accommodate  
4           that. They want the sidewalk within  
5           the State right-of-way. We did have,  
6           several months ago, what's called a  
7           take-line meeting with New York State  
8           DOT where you go through the procedures  
9           for the land dedication. The mapping  
10          for that dedication is now being  
11          prepared. It's a multi-step process.  
12          The maps get reviewed and then it has  
13          to go to the Attorney General's  
14          office before the land transfer takes  
15          place. The permit won't be issued  
16          until we're in the final stages, or  
17          the actual transfer takes place, or  
18          it's signed off, then we can post a  
19          real estate bond to move forward.  
20          These improvements will all be at the  
21          expense of the applicant. We're  
22          estimating these improvements to be  
23          approximately \$1,000,000. Once we  
24          widen the road, we have to resurface  
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it and re-stripe the roadway.

As I said, we're providing a sidewalk along our entire frontage as part of this project.

We're in the design process right now with DOT. They've conceptually agreed with the alignment and we're working out all the final grading and coordinating with the site plan. That's where we are now.

CHAIRMAN EWASUTYN: Questions from Board Members.

That will be quite an improvement for that section of 9W.

DR. GREALY: Yes.

MR. MENNERICH: The sidewalk that you'll be installing on the DOT property, is DOT going to take care of the snow removal?

DR. GREALY: It's going to be on our property. We're donating that property to the State. It will be DOT property. Right now they'll require us to maintain that section. That's the

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current position.

MR. MENNERICH: Okay.

MR. DOMINICK: What's the average daily traffic count?

DR. GREALY: In peak hours you have between 1,600 and 1,800 vehicles per hour on this stretch. You have a daily volume of over 16,000 vehicles a day.

MR. DOMINICK: Any improvements to 9W which you're making will help.

DR. GREALY: It will help the flow along that, reduce rear-end accidents.

MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: Lisa.

MS. CARVER: Did DOT request the sidewalk or did you offer that?

DR. GREALY: It was discussed early on. I believe the County suggested the sidewalk also. We've made accommodations. We're showing it in the design.

MS. CARVER: I was just curious. Thank you.

CHAIRMAN EWASUTYN: Additional comments from Board Members.

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MR. WARD: I have a comment on the main -- not the design but on the main map. Your first one --

CHAIRMAN EWASUTYN: The site plan?

MR. WARD: The site plan. Down below where the diesel is, our Traffic Consultant was concerned about trucks backing up. He probably sent you the comments.

DR. GREALY: There were three comments, I think, from your Traffic Consultant. One of them was about the dedication process, two was that he hadn't seen the package of plans for striping, and the third was about the truck turning movements and the stacking. We're coordinating that with Chris's office and we'll respond to that.

MR. LAPINE: The way it is set up currently right now, you could have up to four trucks at the two pumps, and then we have the ability to stack four trucks behind.

MR. WARD: Which way are they

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going?

MR. LAPINE: They're coming in this way and then circulating around and coming out.

MR. WARD: Out that way. Your curb where the trees are, down there. Right there. Go higher. Right there. Is there anything from the blacktop to the woods there? With trucks going there, they might go into it. Is there curbing?

MR. LAPINE: We have curbing proposed right here. There's a grass slope that goes up with some trees.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Any other questions or comments from the Board?

(No response.)

CHAIRMAN EWASUTYN: Jim Campbell with Code Compliance.

MR. CAMPBELL: A couple of items to keep in mind. Possibly adding something at the picnic table, some sort of impact protection, bollards or something. QuickChek has bollards. I think

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Cumberland Farms has bollards and a fenced-in area.

I did review the sign, the free-standing sign. That's okay. That's compliant for location and size.

I have no information on the building signage. When that's available --

MR. LAPINE: We didn't resubmit our elevations. I believe it was on our previous elevation.

MR. CAMPBELL: I'll double check that.

Also, keep in mind that canopy signage is not allowed. That's usually a sticking point. That would require a variance.

MR. LAPINE: Understood.

MR. CAMPBELL: The last item was the possibility of adding an on-site hydrant.

MR. LAPINE: In addition to the hydrant we're adding?

MR. CAMPBELL: You have the hydrant



2 at the end of the roadway -- I mean at  
3 the roadway.

4 MR. LAPINE: We have a hydrant that  
5 we're proposing over here at the end of  
6 -- next to 9W.

7 MR. CAMPBELL: In addition to the  
8 one you're adding there.

9 MR. LAPINE: You're talking about  
10 further up the site here?

11 MR. HINES: Coming into the site.

12 MR. LAPINE: Somewhere over here?

13 MR. HINES: Towards the gas canopy  
14 I think.

15 MR. LAPINE: You're saying this  
16 way?

17 MR. CAMPBELL: Yes. If you could  
18 look into that.

19 MR. LAPINE: We could take a look  
20 at that. If I may ask --

21 MR. CAMPBELL: I'm just asking you  
22 to take a look at it.

23 MR. LAPINE: If I may, the purpose  
24 of that additional hydrant? Is that  
25 something you're looking to have

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dedicated to the Town?

MR. CAMPBELL: It's just for fire protection. That's all.

MR. LAPINE: Okay. We can speak to the applicant about that.

CHAIRMAN EWASUTYN: Pat Hines with MH&E.

MR. HINES: Our first comment has to do with the sanitary sewer disposal system which has been revised on the site. We just noted that. Previously it was more of a fill system. It is now a conventional system.

A couple comments on DOT and weighing in on Ken Wersted's comments.

The water main depicted on the plan has been upsized, as the applicant's representative just discussed.

An easement in favor of the Town of Newburgh is proposed. Any approvals should address the requirement that that easement be executed in favor of the Town.

Orange County Health Department

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approval for the water main extension with hydrants is required. As you evaluate Mr. Campbell's request, an additional hydrant may be added.

The plan identifies abandonment of onsite wells. I think those are monitoring wells on the site.

MR. LAPINE: They're wells that were servicing the dwelling.

MR. HINES: Again, those need to be abandoned in compliance with applicable standards. Another resolution requirement in the future.

The status of underground tanks on the site, I have that as a comment because there are notes on the plans regarding potential tanks and soil. Mr. Campbell did identify that some tanks had been removed in the past.

MR. LAPINE: There were onsite tanks that were removed as part of the transaction when Gas Land purchased the property.

MR. HINES: Those closure reports

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were received I guess.

Coordination with Central Hudson should be undertaken. There's a high-pressure gas main along your entire frontage and you're doing improvements there. We would like to have you work with them to make sure there are no issues with that.

You talked about the sidewalks. We did note that they're jogging in and out of the right-of-way, but that's being reviewed.

Architectural review will be required.

Since the project began in 2019, the Town has adopted a Tree Preservation Ordinance. Compliance with the new Tree Preservation Ordinance should be documented as well. That requires an inventory of the trees on the site, categorizing them in three different categories that are there and determining the amount of each of those that are removed. If too many are removed,

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there's an option to replant or pay a fee to the Town for tree preservation within the Town. That code is new since you were last before us. It's about, I would say, a year and a half old right now.

MR. LAPINE: Since the bulk of our proposed disturbance is here, I'll say almost 95 percent, 96 percent is within the limits of the existing gravel and already disturbed area, would it be possible to limit the tree preservation to the trees that are being --

MR. HINES: Take a look at the code. There's the ability to do sample plots based on the size. I don't know how many trees are there. There's a certain percentage of trees that can be removed. Take a look at the code. I think the tree inventory is going to be required. There's not really a waiver that says you're only -- if you cut down one tree, it kind of kicks in.

MR. LAPINE: I'm saying obviously there's an abundance of trees.

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MR. HINES: That helps you by having an abundance of trees. It's a percentage of removal. I think in the B Zone it's a maximum of fifty percent removal. You may be fine. It's just an exercise of documenting compliance with the code.

MR. LAPINE: Okay.

MR. HINES: You note on the plans that the former subsurface sanitary disposal systems that are to be removed are going to be buried onsite. We would just like you to show where that's going to occur on the site.

MR. LAPINE: Did you say buried onsite?

MR. HINES: There are notes on the plans regarding the septic systems that exist on the site that are to be removed. Those notes state that that material that's excavated will be buried a certain depth on the site. I want you to show where the contractor is going to do that.

MR. LAPINE: Okay. Just for

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clarification purposes, the piping, the tanks, that's all being removed from the site. We're referencing any gravel within the trenches.

MR. HINES: Understood. I know we talked about this probably five years ago. The septic system for the house to remain, any information you can give on that. I think we had this discussion many years ago.

MR. LAPINE: We've shown it on the plans that were submitted for the septic system.

MR. HINES: All you show, I think, is a dry well there.

MR. LAPINE: That's all that's there.

MR. HINES: That's fine.

MR. LAPINE: Likewise, we showed the same thing for the existing garage as well.

MR. HINES: The status of the stormwater pollution prevention plan. I know it's a stormwater hotspot and you

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have some proprietary products.

MR. LAPINE: Nothing on that has changed from the review and approval previously.

MR. HINES: There may be a need to update that based on your DOT approvals. You're going to be disturbing that corridor as well now.

MR. LAPINE: Okay.

MR. HINES: That's what we have.

CHAIRMAN EWASUTYN: Dominic Cordisco with Drake, Loeb, Planning Board Attorney.

MR. CORDISCO: Yes. We discussed that the project had been previously referred to County Planning. I'm looking for verification of that. In my notes I did not find a copy of the County's response. We will confirm that that has occurred because it's a jurisdictional item that has to occur before the project can proceed.

As well, the Board will be in position to consider whether or not you want to hold a public hearing on the



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project.

CHAIRMAN EWASUTYN: We'll poll the Board Members to see if they want a public hearing. John Ward.

MR. WARD: No.

CHAIRMAN EWASUTYN: Lisa Carver.

MS. CARVER: No.

CHAIRMAN EWASUTYN: Cliff Browne.

MR. BROWNE: No.

CHAIRMAN EWASUTYN: Yes.

MR. MENNERICH: No.

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board has the discretion to waive a public hearing on site plans. The majority of the Board Members opted to waive the public hearing.

MR. LAPINE: Thank you.

CHAIRMAN EWASUTYN: So then the action before us this evening?

MR. HINES: I think Ken Wersted just received the DOT plans yesterday. I think there are some items that need to be updated per our comments. The tree

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preservation plan needs to be addressed.  
There are some other items.

CHAIRMAN EWASUTYN: Chris, any  
questions or comments?

MR. LAPINE: No. I think that's  
it. I appreciate all the input and I  
appreciate your patience. It's been a  
little bit of a long road to get here,  
but I think we're going to clean up an  
eyesore in that corridor.

CHAIRMAN EWASUTYN: Dr. Grealy,  
thank you for the presentation.

DR. GREALY: Good to see everyone.

(Time noted: 7:48 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 27th day of September 2024.

*Michelle Conero*  
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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

17K VINEYARDS & SPIRITS  
(2024-21)

274 Route 17K  
Section 86; Block 1; Lot 12  
IB Zone

----- X

AMENDED SITE PLAN

Date: September 19, 2024  
Time: 7:48 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: FLOYD JOHNSON

----- X

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

2 CHAIRMAN EWASUTYN: Item number 4  
3 this evening is 17K Vineyards & Spirits,  
4 project number 24-21. It's here this  
5 evening as an amended site plan. It's  
6 located on Route 17K in an IB Zone. It's  
7 being represented by Floyd Johnson.

8 MR. JOHNSON: Good evening. Floyd  
9 Johnson.

10 From our last meeting, the 45-foot  
11 setback -- we had to regrade this site.  
12 We had to redesign the site because the  
13 45 puts us pretty close to the building.

14 The 20-foot entrance where I  
15 originally had it, I still want that  
16 there.

17 I added curbing into the site.

18 I also added the knee wall which I  
19 got from Cumberland Farms' site.

20 I repositioned the handicap, which  
21 used to be this way and this way, so that  
22 we could get the cars in and back them  
23 out and get them out.

24 The parking originally was in the  
25 front. Being that we can't put parking

2 in the 45, I had to put the parking over  
3 in this area up here, next to the  
4 building.

5 The second entrance was a little  
6 higher. I had to move that entranceway  
7 down a little closer on Colden Hill in  
8 order to have a good radius to get into  
9 the parking areas. From here I moved it  
10 down to this location in here.

11 Again, like I said, I put knee  
12 walls in this area here. I put a curb in  
13 in back of that to give myself a nice  
14 little grass bumper between the knee wall  
15 and the curbing to help the design a  
16 little bit.

17 Also I added fencing over here on  
18 the east side of the property and then  
19 went into the back of the property and  
20 put a fence in here. I also put fencing  
21 along this area in the back, mainly to  
22 not see the grass area in the back. The  
23 landlord is not a good maintenance man.  
24 This area back here is just terrible. We  
25 don't want to see it. I put fencing

2 there. I don't know if the tenant will  
3 take care of it, but most likely the  
4 owner won't take care of it either.  
5 That's basically what I did to the site.

6 I added signage in the front  
7 entranceway, do not enter. Going out  
8 there's signage over here. It's a two-  
9 way.

10 I added a couple of lights on the  
11 entranceways to light up that area. Also  
12 lighting on the buildings. Being that I  
13 moved the parking, I put some lighting  
14 back there, too.

15 That's it. Does anyone have  
16 questions?

17 CHAIRMAN EWASUTYN: John Ward.

18 MR. WARD: One question. You did a  
19 nice job with the wall and the 45 feet  
20 and all. Where 17K and the wall is, what  
21 are you doing to keep people from --

22 MR. JOHNSON: The different levels?

23 MR. WARD: It's level.

24 MR. JOHNSON: Yeah, it's pretty  
25 flat.

2 MR. WARD: Where the wall is and  
3 17K, right there. Where 17K is. Right  
4 in that spot. In that area. The space  
5 between the wall and 17K, the gap, I'm  
6 asking if you're going to have people  
7 either parking there, tractor trucks  
8 pulling in? Is there going to be  
9 anything in that section? Landscaping or  
10 anything?

11 MR. JOHNSON: I don't think so.

12 MR. WARD: Right there. Go to your  
13 left.

14 MR. JOHNSON: With the highway?

15 MR. WARD: From the highway to the  
16 wall.

17 MR. JOHNSON: I haven't been there  
18 yet.

19 MR. WARD: I'm asking you, what are  
20 you doing in that space?

21 MR. JOHNSON: I'm having trouble  
22 hearing you.

23 MR. WARD: Do you see the space  
24 between 17K and the wall?

25 MR. JOHNSON: Yes.



2 MR. WARD: You made that curb.  
3 Here's 17K. Here's the wall. That space  
4 in between is probably the 45 feet or  
5 whatever. What's going to be in that  
6 area?

7 MR. JOHNSON: Okay. This area here  
8 I believe you're talking about. This  
9 area?

10 MR. WARD: No. To your left.

11 MR. JOHNSON: In these areas it's  
12 grass.

13 MR. DOMINICK: From here to here.

14 MR. WARD: What's going to be in  
15 there?

16 MR. JOHNSON: That's a grass area  
17 that belongs to -- I didn't bring the  
18 survey. Most of that is grass area that  
19 belongs to the highway.

20 MR. WARD: Right now it's all  
21 blacktop. What I'm asking you is, you're  
22 going to have vehicles pulling over  
23 there.

24 MR. JOHNSON: We're just going to  
25 create this area so we can get in. This

2 area here along the highway, this is 17  
3 and this line here, I believe the survey  
4 said that's the grass area that, you  
5 know, we don't have anything to do with  
6 as far as I know.

7 MR. WARD: Dave, show him.

8 MR. DOMINICK: 17K. Right here.  
9 All this, right now it's blacktop. What  
10 are you going to put there?

11 MR. JOHNSON: This here is grass  
12 from the property line. This is grass.  
13 We're putting trees in here from his  
14 property line. That's what we're going  
15 to maintain. This area here, I don't  
16 think -- I don't know.

17 MR. WARD: Are you landscaping  
18 that? That's what I'm asking you. You  
19 just said you're putting in trees or  
20 something there.

21 MR. JOHNSON: In this area?

22 MR. WARD: That's where I'm saying.

23 MR. JOHNSON: Okay. In the 45-foot  
24 setback, what I got in that area, in that  
25 45, is I've got grass, I've got a couple

2 of trees, I've got the knee wall in that  
3 area, I've got the curbing, which is  
4 eight feet off the knee wall.

5 MR. WARD: Okay.

6 MR. JOHNSON: I thought you were  
7 referring to this area. That's highway.

8 MR. WARD: I do recommend, and our  
9 Traffic Consultant mentioned it, the  
10 entrance on Colden Hill Road, it should  
11 be a little bit further. Twenty feet to  
12 the light is pretty tight.

13 MS. CARVER: Further in onto Colden  
14 Hill.

15 MR. WARD: Basically where you had  
16 it, just -- you brought it in. You could  
17 probably take it back a little bit, a few  
18 feet.

19 MR. JOHNSON: When you say take it  
20 back, are you talking about --

21 MR. WARD: The entrance going into  
22 your place.

23 MR. JOHNSON: In here?

24 MR. WARD: The entrance going in on  
25 Colden Hill Road.

2 MR. JOHNSON: Yeah.

3 MR. WARD: You have it twenty feet  
4 from the light.

5 MR. HINES: It's further than  
6 twenty. It's a twenty-foot wide  
7 entrance, is what he's saying. It's  
8 further from the light. The Town's  
9 Traffic Consultant has asked to evaluate  
10 whether you can move it further, I'll say  
11 north on Colden Hill Road to bring it  
12 further from the intersection.

13 MR. JOHNSON: You want it further  
14 up?

15 MR. HINES: The Town's Traffic  
16 Consultant issued a comment letter, Ken  
17 Wersted. The concern is that it's in  
18 very close proximity to the intersection.

19 MR. JOHNSON: Okay.

20 MR. HINES: I don't know if you  
21 received his letter. He typically sends  
22 them out. The Traffic Consultant gave  
23 some comments as well.

24 MR. JOHNSON: Okay. You're  
25 suggesting to move it up a little bit

2 higher so it's not so close to the  
3 highway?

4 CHAIRMAN EWASUTYN: Floyd, here's  
5 his letter.

6 MR. WARD: Thank you.

7 MR. JOHNSON: You're referring that  
8 this be further up. Okay.

9 CHAIRMAN EWASUTYN: Lisa Carver,  
10 any questions or comments?

11 MS. CARVER: No questions from me.

12 CHAIRMAN EWASUTYN: Cliff Browne.

13 MR. BROWNE: Nothing more, John.

14 CHAIRMAN EWASUTYN: Floyd, you have  
15 to specify the variety, the size of the  
16 trees.

17 MR. JOHNSON: Yes.

18 CHAIRMAN EWASUTYN: Okay. It's not  
19 noted on your landscape sheet.

20 MR. JOHNSON: Does the Town have a  
21 list of specified trees that they prefer?

22 CHAIRMAN EWASUTYN: No.

23 MR. JOHNSON: They're so big. I'm  
24 trying to keep a low-profile tree.

25 CHAIRMAN EWASUTYN: On your final

2 drawings you should list the caliber, the  
3 size and the variety.

4 MR. JOHNSON: Mm'hm'.

5 CHAIRMAN EWASUTYN: Ken Mennerich.

6 MR. MENNERICH: No questions.

7 CHAIRMAN EWASUTYN: Dave Dominick.

8 MR. DOMINICK: Nothing further.

9 CHAIRMAN EWASUTYN: Jim Campbell,  
10 Code Compliance.

11 MR. CAMPBELL: On your bulk table,  
12 your bulk table still needs to be cleaned  
13 up a bit. You did change it to IB. I  
14 think you took the numbers from the wrong  
15 row. You can take this.

16 MR. JOHNSON: There was something  
17 about a different zone.

18 MR. HINES: You have the right zone  
19 now.

20 MR. CAMPBELL: It's the numbers.

21 MR. JOHNSON: These particular  
22 numbers?

23 MR. CAMPBELL: Those numbers.

24 In your previous submittal you had  
25 a loading facility on the plans.

2 MR. JOHNSON: Losing?

3 MR. CAMPBELL: Loading.

4 MR. HINES: A place to park a truck  
5 when it's loading and unloading.

6 MR. JOHNSON: There was a pad  
7 there. I took the pad out. We don't  
8 have loading.

9 MR. CAMPBELL: The business needs a  
10 loading facility. It needs a spot for  
11 the truck to park --

12 MR. JOHNSON: Okay.

13 MR. HINES: Depicted on the plan.

14 MR. CAMPBELL: Just keep in mind,  
15 when you do ARB we need the sign  
16 information, --

17 MR. JOHNSON: Okay.

18 MR. CAMPBELL: -- sizes and  
19 locations, freestanding, building  
20 mounted.

21 Do we know what's happening with  
22 the storage container in the back?

23 MR. SINGH: That's the tenant's.

24 MR. HINES: Give your name.

25 MR. SINGH: S-U-K-H-V-I-R, last

2 name S-I-N-G-H.

3 I didn't notice anything there.

4 MR. CAMPBELL: It was on the  
5 survey.

6 MR. SINGH: There's nothing there.  
7 Everything is cleaned up.

8 MR. CAMPBELL: Okay. That's all  
9 I've got.

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

12 MR. HINES: We noted that the plan  
13 has been -- the parking has been  
14 significantly reduced over what was  
15 previously proposed. Previously the site  
16 had excess parking on it.

17 DOT approval for the access drives  
18 will be required. I know Ken Wersted has  
19 some comments that the applicant's rep  
20 has now.

21 We did not circulate intent for  
22 lead agency previously, expecting some  
23 changes to the plans which now have been  
24 incorporated. The Board is in a position  
25 now to do that. DOT will require that



2 prior to any reviews.

3 Ken Wersted's comments regarding  
4 the location of the twenty-foot wide  
5 entrance drive on Colden Hill Road should  
6 be received. I believe he's addressed  
7 that.

8 We noted that a stonewall feature  
9 has been added to the 17K frontage, which  
10 is consistent with the Town's design  
11 guidelines to screen parking areas along  
12 the frontage.

13 A PVC fence has been added along  
14 the parking stalls that are proposed.  
15 Mr. Johnson just explained the logic  
16 behind that.

17 County referral is required. We  
18 can do that simultaneously with the lead  
19 agency circulation if the Board desires.

20 ARB approval for the structure will  
21 be required in the future prior to any  
22 approvals.

23 There's a proposal for pervious  
24 pavement on the site. I have a concern  
25 because the existing site had been

2 utilized as a commercial -- I think it  
3 was a tire facility for decades. I don't  
4 know that the underlying subbase is  
5 conducive to percolating what goes  
6 through the pervious pavement and the  
7 choker stone into that.

8 You're not disturbing greater than  
9 an acre of property, so I don't know that  
10 stormwater -- the stormwater on the site  
11 is what it is. You're probably going to  
12 have less pervious areas here once you  
13 put in the stonewall and grass, the areas  
14 that Mr. Ward was speaking of. I'd like  
15 you to evaluate the concept of utilizing  
16 that pervious pavement on the site.

17 MR. JOHNSON: I suggested that,  
18 only because it reduces the amount of  
19 runoff from the rain. The bumper with  
20 the grass area in that 45 does reduce the  
21 amount of water that will be on the site.

22 MR. HINES: I have a concern that  
23 unless you test the underlying soils, the  
24 pervious pavement will allow water to go  
25 into that six-inch subbase that you're

2 proposing and then may not be able to go  
3 anywhere else if that has been impacted  
4 by the compaction over the years. That  
5 pervious pavement only works if the  
6 underlying soils are able to accept that  
7 water as well. Take a look at that. If  
8 you want to continue to propose it, I  
9 would suggest you do some permeability  
10 testing of those underlying soils to make  
11 sure the benefit that you're trying to  
12 achieve can be achieved. I think that  
13 you'll be removing pervious surfaces from  
14 this site for your landscaping and that  
15 buffer, which will help to address any  
16 runoff from the site.

17 MR. JOHNSON: Okay.

18 MR. HINES: I have some comments on  
19 the EAF. They're minor ones that can be  
20 -- if you can take those and resubmit the  
21 EAF when the Board authorizes us to  
22 circulate. When I receive that revised  
23 EAF, I will circulate it with the intent  
24 for lead agency.

25 MR. JOHNSON: Okay.

2 CHAIRMAN EWASUTYN: Dave Dominick.

3 MR. DOMINICK: Mr. Johnson, you  
4 mentioned that you were going to put a  
5 fence on the east side and then across  
6 the back where the cars park?

7 MR. JOHNSON: Here?

8 MR. DOMINICK: Correct. Right?

9 MR. JOHNSON: Yes.

10 MR. DOMINICK: And across the back.  
11 Over to the left.

12 MR. JOHNSON: So the fencing would  
13 go here, plus the auto shop and  
14 everything is over there. We're just  
15 trying to limit looking at that. The  
16 fencing would go along this line and then  
17 along the back, then we would come off  
18 the building and the same radius as we've  
19 got the parking lot along this area, and  
20 then we would come back another 46 feet  
21 going towards the setback line. That's  
22 just so we -- this area here is not  
23 obstructed.

24 MR. DOMINICK: Right. Your  
25 justification was the landlord doesn't

2 want to clean it or won't clean it.

3 MR. JOHNSON: I mean --

4 MR. DOMINICK: It's a mess.

5 MR. JOHNSON: I've been there  
6 several times.

7 CHAIRMAN EWASUTYN: What's the  
8 point? Dave, what's your point?

9 MR. DOMINICK: My point is, John,  
10 in doing so, what is your snow removal  
11 plan then?

12 MR. JOHNSON: We can get over in  
13 here.

14 MR. DOMINICK: You're going to come  
15 out into the road and then in?

16 MR. JOHNSON: Once he pushes it,  
17 this area here is where they can put snow  
18 if they've got to put snow removal in the  
19 area. That's why I left this area here  
20 open, so that whatever maintenance we  
21 need, we can always get to these areas to  
22 maintenance those area, cut grass,  
23 maintenance the trees, do any trimming or  
24 anything we want. When they're snow  
25 plowing, you know they're going to push

2 everything this way. We don't have any  
3 room to push snow or anything that way.  
4 It all has to go west.

5 MR. DOMINICK: You block yourself  
6 in with the fence. All right.

7 CHAIRMAN EWASUTYN: Dominic Cordisco,  
8 Planning Board Attorney.

9 MR. CORDISCO: As Pat had noted,  
10 circulation for lead agency would be  
11 appropriate at this time as well.

12 CHAIRMAN EWASUTYN: Also circulating  
13 to the Orange County Planning Department.  
14 Do you want to do that also, Pat?

15 MR. CORDISCO: That's what he  
16 suggested.

17 CHAIRMAN EWASUTYN: Would someone  
18 make a motion for 17K Vineyards & Spirits  
19 to declare our intent for lead agency and  
20 circulate to the Orange County Planning  
21 Department.

22 MR. WARD: So moved.

23 MR. MENNERICH: Second.

24 CHAIRMAN EWASUTYN: I have a motion  
25 by John Ward. I have a second by Ken

2 Mennerich. Can I have a roll call vote  
3 starting with Dave Dominick.

4 MR. DOMINICK: Aye.

5 MR. MENNERICH: Aye.

6 CHAIRMAN EWASUTYN: Aye.

7 MR. BROWNE: Aye.

8 MS. CARVER: Aye.

9 MR. WARD: Aye.

10 MR. JOHNSON: Thank you.

11 MR. HINES: Mr. Johnson, if you  
12 have any questions on the comments you're  
13 addressing, you can give me a call.

14

15 (Time noted: 8:05 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 27th day of September 2024.

*Michelle Conero*  
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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

ANCHORAGE - LOT #3  
(2023-06)

Mariners Court  
Section 121; Block 1; Lot 3  
R-1 Zone

----- X

AMENDED SUBDIVISION

Date: September 19, 2024  
Time: 8:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: KELLY BAER

----- X

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

2 CHAIRMAN EWASUTYN: The fifth  
3 item of business this evening is  
4 Anchorage - Lot 3, project number  
5 23-06. It's an amended subdivision  
6 on Mariners Court. It's in an R-1  
7 Zone. It's being represented by  
8 Kelly Baer of Engineering & Surveying  
9 Properties.

10 MS. BAER: Hello. Nice to meet  
11 you all. I think it's my first time  
12 meeting everybody. Please bear with  
13 me, it's only my second or third time  
14 public presenting. Obviously Ross is  
15 on vacation.

16 I believe this project has been  
17 in front of the Board a few times,  
18 obviously with the original subdivision  
19 plan. We're looking to amend lot 3.

20 We had taken in some of the  
21 technical review comments previously  
22 and addressed those.

23 We went to the Orange County  
24 Health Department for approval. I  
25 believe a letter of approval was sent

2 over. Very good. We have that for  
3 you guys. We were looking more into  
4 it.

5 Another concern was the driveway  
6 location was reconsidered over here.  
7 I believe originally it was coming  
8 out on Mariners Court, the original  
9 subdivision plan. I believe the  
10 highway superintendent had corresponded  
11 with -- was it with you?

12 I also understand the comments  
13 were regarding the retaining walls  
14 and some of the details that were  
15 missing. I have a little -- I was  
16 going to pass it on to Pat Hines.

17 There is another additional  
18 sheet that we will submit covering  
19 those details. It contains the  
20 typical well drilling section. It  
21 also has the retaining wall, the silt  
22 fence for you and the -- I believe  
23 that's it.

24 I was going to ask for a big  
25 thing. If we could possibly waive

2 the public hearing or if that is  
3 required subject to a conditional  
4 approval.

5 CHAIRMAN EWASUTYN: Dominic Cordisco,  
6 Kelly Baer with Engineering & Surveying  
7 is questioning whether or not the  
8 Planning Board has the authority to  
9 waive a public hearing on the subdivision.

10 MR. CORDISCO: Unfortunately in the  
11 Town of Newburgh, the Board does not have  
12 the authority to waive the public  
13 hearing. It does on site plan approvals  
14 but not for a subdivision.

15 MS. BAER: No worries. Thank you.

16 In that case, we would love to  
17 request to be on the next available  
18 public Board hearing night.

19 Opening it up to the Board and the  
20 engineer, if anybody has any comments or  
21 concerns or questions.

22 CHAIRMAN EWASUTYN: Comments from  
23 Board Members.

24 MR. DOMINICK: Nothing further.

25 MR. MENNERICH: Nothing.

2 MR. BROWNE: Nothing.

3 MS. CARVER: Nothing.

4 MR. WARD: No.

5 CHAIRMAN EWASUTYN: Jim Campbell  
6 with Code Compliance.

7 MR. CAMPBELL: No comment.

8 CHAIRMAN EWASUTYN: Pat Hines with  
9 MH&E.

10 MR. HINES: We did receive the  
11 County Health Department approval for the  
12 modified subsurface sanitary disposal  
13 system.

14 The project identifies that 5,400  
15 plus or minus cubic yards of fill will be  
16 brought into the site.

17 A two-tiered retaining wall is  
18 proposed. The retaining wall will  
19 require building permits from the  
20 Building Department.

21 We're requesting additional soil  
22 erosion and sediment control details be  
23 added to the plans, kind of to address,  
24 as the site is being developed, the soils  
25 brought in. Just additional details

2 there.

3 There's a lot of activity in this  
4 subdivision. It's been quiet for  
5 decades. It looks like the place to  
6 build your house now in the Town of  
7 Newburgh. It's busy there.

8 We have some experience with the  
9 soils in that area. A more beefed up  
10 erosion and sediment control plan would  
11 be in order.

12 We need a well detail.

13 This lot was part of the Anchorage  
14 on Hudson subdivision probably about  
15 twenty years ago, I'll say. The original  
16 driveways were restricted to come off of  
17 Mariners Drive. There were notes on that  
18 subdivision plan that no lots will access  
19 River Road. In the intervening years,  
20 several lots have come in and, similar to  
21 this, requested to come in off of River  
22 Road to orient the house so that the  
23 house fronts would be on River Road and  
24 the rear of the houses would take  
25 advantage of the spectacular views that

2 these lots provide, which I believe is  
3 the reason this one is before you today.  
4 You'll be amending that subdivision on  
5 this lot to remove that restriction.  
6 That's why it is an amended subdivision.

7 The revised driveway location has  
8 been reviewed by the highway superintendent.  
9 I received an e-mail from the highway  
10 superintendent today that the driveway  
11 location was acceptable to the highway  
12 superintendent.

13 The proposed structure is located  
14 in close proximity to the front and  
15 side yard setbacks. We're suggesting  
16 the standard note that the structure  
17 be staked out in the field and a plot  
18 plan be submitted to the Building  
19 Department prior to pouring of the  
20 foundation. It saves a lot of  
21 headaches if someone puts that house  
22 in slightly the wrong spot and builds  
23 it and you're before the ZBA.

24 I believe the action tonight  
25 would be for the Board to schedule a

2 public hearing for the subdivision.

3 There is no County Planning  
4 review required as there's none of  
5 the required thresholds within 500  
6 feet.

7 MS. BAER: Thank you.

8 CHAIRMAN EWASUTYN: Do we have to  
9 make a SEQRA determination?

10 MR. CORDISCO: This would be a Type  
11 2 action I believe. You can type it as  
12 Type 2 and move to the scheduling of the  
13 public hearing.

14 CHAIRMAN EWASUTYN: Would someone  
15 move for a motion to set Anchorage - Lot  
16 3, project number 23-06, for a public  
17 hearing on the 17th of October.

18 MR. DOMINICK: So moved.

19 MS. CARVER: Second.

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

24 MR. WARD: Aye.

25 MS. CARVER: Aye.



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MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Okay.

MS. BAER: Thank you. See you guys

soon.

(Time noted: 8:12 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 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 27th day of September 2024.

*Michelle Conero*  
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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

MKJ PARK, LLC  
(2022-32)

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

----- X

SITE PLAN

Date: September 19, 2024  
Time: 8:12 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN QUEENAN

----- X

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

2 CHAIRMAN EWASUTYN: The sixth item  
3 of business this evening is MKJ Park,  
4 LLC, project number 22-32. It's a site  
5 plan for a warehouse and office located  
6 on Route 32. It's in an IB Zone. It's  
7 being represented by Lanc & Tully.

8 MR. QUEENAN: Good evening, everyone.  
9 John Queenan with Lanc & Tully, engineer  
10 for the applicant.

11 This is a project that the Board  
12 is probably somewhat familiar with. It's  
13 been kicking around for a little while.  
14 I just wanted to come in tonight and  
15 give a brief update of where we've been  
16 and hopefully where we're going.

17 We've been mainly working with the  
18 DOT on the Route 32 improvements. We're  
19 trying to break through the glass  
20 ceiling with them in terms of outlining  
21 what is necessary. We're trying to get  
22 their general concurrence so we can  
23 finish our traffic study and tie up  
24 that loose end. Once all of that is  
25 completed, then we can basically finish

2 and tie up everything on the site.  
3 That's really what we're waiting for.

4 Right now we're proposing to  
5 widen Route 32 in the area of the  
6 project and provide a left-turn lane  
7 into the proposed driveway. That is  
8 DOT's, I believe, preferred solution.  
9 That's what we're trying to provide  
10 them. We're trying to get them to  
11 actually concur with that. That's  
12 really been a longer ticket item.

13 At the same time, we've been  
14 working with the neighbor on the  
15 corner. There are shared access  
16 rights here. We're developing a plan  
17 as to provide him continued driveway  
18 access from our proposed driveway.  
19 Currently his driveway comes right  
20 off the existing opening that's  
21 located here. He has some patio and  
22 other improvements. We've been  
23 discussing it with him. He's going  
24 to use the same driveway and come off  
25 and swing around in the back.

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There will be some improvements associated with the retaining wall and landscaping at that location.

He's essentially still provided access and still can keep his yard improvements there. We've been working on that as well.

We also did take a look at the global grading plan. There was a concern about cut and fill, whether there was an import and export. We worked the grading plan onsite to be a balanced site. Essentially I think it's 200 yards of material would have to be imported. What we did was we lowered the building and we lowered everything here. We added a retaining wall along the back, which we believe will help. We have that thirty-five foot buffer proposed. We're grading down and then we increase the height of the wall there between eight to nine feet. That allowed us to balance the site.

2 We also feel any traffic that  
3 may go around the building, which is  
4 probably going to be rare, you  
5 wouldn't see headlights because that  
6 wall would be there. The road would  
7 be lower, the wall, then the grade  
8 up and then the buffer. We really  
9 feel that that will shield any traffic  
10 that comes, if it does, around the  
11 building. Those are the main items.

12 Again, I did have some correspondence  
13 with the State over the last week  
14 promising to get back to me by the end  
15 of the month. Once that happens, we  
16 would be returning with our traffic  
17 study, our stormwater study and any  
18 of the other required elements that  
19 we're still missing.

20 CHAIRMAN EWASUTYN: Questions from  
21 Board Members. John Ward.

22 MR. WARD: Is there any update on a  
23 second access?

24 MR. QUEENAN: No. We did not reach  
25 out again to anyone on Jeanne Drive. The

2 second time we did that, we haven't  
3 reached out recently, they all said no.  
4 None of the residents here seem to be  
5 quite interested. We could try one more  
6 time.

7 Ultimately we've widened the  
8 driveway to be thirty feet so that we  
9 would be applying to the State for that  
10 waiver.

11 MR. WARD: Thank you.

12 CHAIRMAN EWASUTYN: Lisa Carver.

13 MS. CARVER: Does the neighbor have  
14 an access easement or --

15 MR. QUEENAN: Yes.

16 MS. CARVER: So you're working with  
17 him to continue giving him the easement?

18 MR. QUEENAN: Correct. It's a  
19 fifty-foot right-of-way, basically,  
20 that's -- it's our property but he has  
21 the right to access it.

22 MS. CARVER: Thank you.

23 MR. BROWNE: I'm good.

24 CHAIRMAN EWASUTYN: No comment.

25 MR. MENNERICH: No questions.



2 MR. DOMINICK: Nothing further.

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

5 MR. CAMPBELL: I did have access on  
6 my list.

7 Just to reiterate that sprinklers  
8 will be required.

9 You're proposing onsite hydrants?

10 MR. QUEENAN: Yes. We'll extend  
11 the water main from 32.

12 MR. CAMPBELL: That's all I've got  
13 for now.

14 CHAIRMAN EWASUTYN: Pat Hines with  
15 MH&E.

16 MR. HINES: Our first comment had  
17 the two points of access. I know we  
18 discussed this before. They're going to  
19 seek a variance from the Fire Code.

20 The project now depicts  
21 improvements in the State highway. They  
22 need DOT approval for that. That's what  
23 they've been working on.

24 I know Ken Wersted commented on the  
25 traffic study.

2 As far as the Tree Preservation  
3 Ordinance, you identified the trees on  
4 the site. There's another step. They  
5 have to be categorized as to the size and  
6 species, specimen, protected, significant  
7 and calculations to determine compliance.  
8 Again, in the IB Zone it's a 75 percent  
9 removal rate. It's fairly generous. We  
10 need to have that documented.

11 A stormwater pollution prevention  
12 plan will be required once you firm up  
13 the plans.

14 We have comments on the design  
15 basis for the septic system. The 83  
16 employees, it kind of conflicts with your  
17 parking counts of 160 some or more.

18 MR. QUEENAN: I think what happened  
19 there is we didn't account for the double  
20 shift. It should really be 83 times two.

21 MR. HINES: The septic is going to  
22 increase is what you're saying?

23 MR. QUEENAN: Correct.

24 MR. HINES: That's what our point  
25 was.

2 You have disturbance to Army Corp  
3 wetlands. Army Corp approval and  
4 possibly a DEC water quality  
5 certification may be required.

6 I don't know how much you're  
7 disturbing. It may be a pre-construction  
8 notice, it may be a permit.

9 MR. QUEENAN: We're over the ten.

10 MR. HINES: County Health  
11 Department referral will be required. I  
12 would think we would do that further on  
13 as we get more site development details,  
14 traffic studies, SWPPPs are provided.

15 The cut and fill analysis, we did  
16 see that plan, it was colorized, but I  
17 didn't see any calculations.

18 MR. QUEENAN: It should have been  
19 there.

20 MR. HINES: Maybe I missed it. I'm  
21 glad to hear it's balanced.

22 We talked about the parking count  
23 versus the septic.

24 Again, we need the more detailed  
25 studies prior to County Planning.

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It's a good update for the Board.

CHAIRMAN EWASUTYN: Dominic Cordisco,  
Planning Board Attorney.

MR. CORDISCO: Nothing further at  
this time.

CHAIRMAN EWASUTYN: Thank you for  
the update.

MR. QUEENAN: Thank you.

(Time noted: 8:18 p.m.)

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*Michelle Conero*  
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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 ELITE STORAGE  
(2024-12)

7 Paffendorf Drive  
Section 34; Block 2; Lot 34  
IB Zone

----- X

SITE PLAN

Date: September 19, 2024  
Time: 8:18 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN QUEENAN

----- X

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

2 CHAIRMAN EWASUTYN: The seventh  
3 item is Newburgh Elite Storage, project  
4 number 24-12. It's a site plan for self-  
5 storage located on Paffendorf Drive in an  
6 IB Zone. It's again being represented by  
7 Lanc & Tully.

8 MR. QUEENAN: Good evening again.  
9 John Queenan with Lanc & Tully for the  
10 applicant.

11 We had come before you I believe a  
12 couple months ago with a sketch for a  
13 self-storage facility, a 9.2 acre parcel  
14 located off of Paffendorf Drive. Route  
15 32 essentially is right here. Paffendorf  
16 makes the loop around.

17 At the time we had a typical self-  
18 storage layout, five rows of buildings  
19 totaling in the range of like 75,000  
20 square feet of storage space. We went  
21 back and reevaluated and we came up with  
22 a different sketch. It's the same  
23 concept, but what we were able to do is  
24 there would be one indoor building,  
25 typical self-storage, one-story. It will

2 match the others. All of this building  
3 here will be completely indoor. It's  
4 about 23,000 square feet. That's  
5 associated with the office and the  
6 caretaker unit which was a holdover from  
7 the other one which stays the same.

8 The three other buildings would be  
9 your standard in line, row, self-storages.

10 Totaling up, it's about 56,000  
11 square feet, down from the 75,000.

12 Also, by putting it indoors, we  
13 were able to shrink the overall footprint  
14 of improvements and pervious surfaces  
15 which helped out with our wetland  
16 disturbance that we do have. We reduced  
17 the wetland disturbance by a little over  
18 2,000 square feet which reduced our  
19 wetland mitigation area up at the front.

20 We redid the traffic pattern a  
21 little bit. You come in here basically  
22 where the existing gravel drive on  
23 Paffendorf was.

24 This is the office and caretaker  
25 unit at this location.



2 It's gated here. There's the fence  
3 which goes around the facility.

4 The neighbor to our west, they have  
5 a handshake agreement to continue to  
6 provide access to their parcel over here  
7 at this location. We were able to, I'll  
8 say, bypass the driveway that goes around  
9 the facility, outside the fence line and  
10 lines back up with the gravel driveway  
11 that currently exists at his location.

12 We feel that this plan not only is  
13 reducing the overall footprint but  
14 accomplishes the access and travel  
15 patterns around.

16 I wanted to just give you that  
17 update as well.

18 In turn, reducing the footprint, we  
19 were able to rotate the buildings so that  
20 they were more perpendicular, as much as  
21 we could, to Paffendorf Drive. Any more,  
22 we'd be going further into the wetland.  
23 We figured this was a good balance  
24 between completely perpendicular and not  
25 parallel.

2 We are over 100 feet away from  
3 Paffendorf Drive to the first building.  
4 You probably really won't see the  
5 facility at all because this will remain  
6 wooded, this is the wetland and this is  
7 going to be the mitigation area. There  
8 will be plantings in through there. It  
9 will probably be pretty shielded from the  
10 road.

11 Our goal tonight was just to  
12 confirm that the Board was comfortable  
13 with the rotation of it. One of the  
14 aspects of the code is that you be  
15 perpendicular to the greatest extent  
16 practical.

17 That's really where we're at. If  
18 that sketch looks okay, I'll say, we're  
19 ready to move forward with ultimately  
20 full design.

21 CHAIRMAN EWASUTYN: Dominic,  
22 there's language associated with concepts  
23 and how you say it, meaning that it's not  
24 an approval but favorable.

25 MR. CORDISCO: Certainly. Yes,

2 sir.

3 CHAIRMAN EWASUTYN: I guess the  
4 discussion with the Board Members is, do  
5 they want to give a favorable okay with  
6 the proposed concept that was presented  
7 this evening. Dave Dominick.

8 MR. DOMINICK: Yes. It's pretty  
9 detailed I think.

10 MR. MENNERICH: Yes.

11 CHAIRMAN EWASUTYN: Yes.

12 MR. BROWNE: Yes.

13 MS. CARVER: Yes.

14 MR. WARD: Yes.

15 MR. CORDISCO: I would just note  
16 that it's not binding but it gives you a  
17 comfort level.

18 MR. QUEENAN: That's exactly what  
19 we're looking for. Thank you.

20 CHAIRMAN EWASUTYN: Additional  
21 comments. Jim Campbell, Code Compliance.

22 MR. CAMPBELL: Just in your EAF you  
23 have to tweak the hours during construction.

24 MR. QUEENAN: Okay.

25 MR. CAMPBELL: Keep in mind

2 sprinklers are required per the Fire  
3 Code. You follow the Fire Code and  
4 Chapter 107 of the Town Code which will  
5 kick in before the Fire Code.

6 MR. QUEENAN: Are sprinklers  
7 required? I figured for the indoor. For  
8 the linear outdoor?

9 MR. CAMPBELL: You may have to put  
10 in some firewalls based on the sizes and  
11 stuff. Just make sure all items of  
12 185-35, which is the self-storage  
13 section, are addressed.

14 What's happening with the accessory  
15 structure? There's a shed in the front  
16 yard.

17 MR. QUEENAN: That's the neighbor's.  
18 That will be relocated.

19 MR. CAMPBELL: Then on the large  
20 indoor storage building, what's the  
21 height of that building?

22 MR. QUEENAN: The same. About 15  
23 feet. It will match all the other units.  
24 It's all one story.

25 MR. CAMPBELL: All right. That's

2 all I've got.

3 CHAIRMAN EWASUTYN: Pat Hines with  
4 MH&E.

5 MR. HINES: We just noted that the  
6 orientation of the self-storage  
7 facilities are now more perpendicular to  
8 the Town roadway. Again as Mr. Queenan  
9 said, to the extent practicable.

10 We noticed that the site is  
11 constrained by existing Federal wetlands.  
12 That's dictating the current layout.

13 We'll need the septic design  
14 completed and a stormwater pollution  
15 prevention plan.

16 This project, too, disturbs Federal  
17 wetlands, so coordination with the Army  
18 Corp of Engineers will be required.

19 Compliance with the Town's Tree  
20 Preservation Ordinance must be documented.

21 Section 185-35(B) identifies the  
22 minimum distance between self-storage  
23 buildings to be 25 feet. I noted that  
24 you show 24 there. They'll have to be  
25 tweaked a little bit.

2 ARB approval will be required in  
3 the future.

4 The same as Mr. Campbell, Section  
5 185-35, self-storage, has certain  
6 requirements that we like to see  
7 noted as notes on the plans.

8 The height of the building is a  
9 concern, too, 15 feet. A half-acre  
10 building at 15 feet is going -- I  
11 don't know how your roof is going to  
12 look. We discussed at work session  
13 the 15-foot height on a building that  
14 large.

15 MR. QUEENAN: We'll prove that with  
16 the ARB.

17 MR. HINES: As long as you're  
18 comfortable with it.

19 CHAIRMAN EWASUTYN: The action  
20 before us this evening?

21 MR. HINES: I think that concept  
22 approval that you gave them is all we can  
23 do.

24 MR. QUEENAN: Thank you.

25 (Time noted: 8:25 p.m.)

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

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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  
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this matter.

IN WITNESS WHEREOF, I have hereunto  
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*Michelle Conero*  
\_\_\_\_\_  
MICHELLE CONERO

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

----- X  
In the Matter of

GARDNER RIDGE  
(2002-29)

Request for a referral to the Zoning Board of  
Appeals for a bus stop gazebo in the front yard

----- X

BOARD BUSINESS

Date: September 19, 2024  
Time: 8:25 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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



2 CHAIRMAN EWASUTYN: We have two  
3 items under Board business.

4 Jim Campbell, do you want to speak  
5 on Gardner Ridge.

6 MR. CAMPBELL: They need a referral.  
7 It seems like they want to go to the  
8 ZBA sooner rather than later. They  
9 would need the Board's approval for a  
10 referral to the ZBA for the gazebo in  
11 the front yard.

12 MR. CORDISCO: If you recall, at  
13 the last meeting the Board granted  
14 conditional final approval. I have been  
15 preparing the resolution. A draft has  
16 been prepared. We had comments from Pat  
17 Hines on it. We're also waiting for Ken  
18 Wersted to provide some language in  
19 connection with some of the highway  
20 improvements for that.

21 As Jim had mentioned, in the  
22 interim the applicant has decided that  
23 they want to appear before the ZBA now.  
24 It would be appropriate for the Board to  
25 make that referral. It's a little

2 unusual in the sense that this only came  
3 up at the end. That gazebo was added to  
4 the plans essentially at the eleventh  
5 hour when the Board was already in the  
6 position and had granted previously  
7 preliminary approval and was now  
8 considering final. Nonetheless, there's  
9 nothing that would prevent the Board from  
10 actually making a referral at this time  
11 to the ZBA.

12 The problem that they have is that  
13 the gazebo is located in the front yard.  
14 Accessory structures are only permitted  
15 on the side and rear yards.

16 CHAIRMAN EWASUTYN: Okay. Having  
17 heard from Dominic Cordisco, Planning  
18 Board Attorney, we'll move forward with  
19 having Dominic Cordisco prepare a  
20 referral letter to the Zoning Board of  
21 Appeals. Are we all in favor of that?

22 MR. DOMINICK: Yes.

23 MR. MENNERICH: Yes.

24 CHAIRMAN EWASUTYN: Yes.

25 MR. BROWNE: Yes.

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MS. CARVER: Yes.

MR. WARD: Yes.

(Time noted: 8:28 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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MICHELLE CONERO

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

----- X  
In the Matter of

SHOPPES AT UNION SQUARE - PHASE III  
(2023-16)

Scheduling of a Public Hearing

----- X

BOARD BUSINESS

Date: September 19, 2024  
Time: 8:28 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

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2 CHAIRMAN EWASUTYN: Item number  
3 two, Shoppes at Union Square - Phase III,  
4 project number 2023-16. We'll set that  
5 for a public hearing. I believe we also  
6 have to make a SEQRA determination  
7 because it's a subdivision.

8 MR. HINES: Yes. This project  
9 incorporates a subdivision. Previously  
10 this was phase III of the Shoppes. It  
11 was proposed as a supermarket shopping  
12 center use. It's now been proposed for a  
13 self-storage facility.

14 It is going to be subdivided off.  
15 Previously it was an 11 plus or minus  
16 acre parcel total. This is going to sit  
17 on its own lot and not be a shopping  
18 center but be a self-storage facility.

19 The previous projects all went  
20 through SEQRA reviews and were issued  
21 negative declarations.

22 This project has addressed the  
23 Board's concerns regarding the access,  
24 stormwater management. The project is  
25 complying with the policy of providing

1  
2 additional stormwater management as it's  
3 located in the Washington Lake watershed  
4 when Murphy's Ditch is open, the  
5 Quassaick Creek watershed when Murphy's  
6 Ditch is closed. I believe that's  
7 currently closed.

8 We did note during the review that  
9 the long form EAF that was filled out now  
10 notes that no longer as a class A stream  
11 for DEC. We believe that is still a class A  
12 stream. It may be an issue with the DEC's  
13 website. They are treating it as such.

14 The project will need approvals  
15 from DEC for the two access points that  
16 are crossing that stream.

17 The project traffic, as noted by  
18 Ken Wersted, is significantly reduced for  
19 the self-storage use versus the previously  
20 reviewed shopping center use.

21 We have reviewed the threatened and  
22 endangered species throughout the project.  
23 There are tree clearing restrictions  
24 regarding bat species.

25 They did do the tree preservation

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surveys.

Based on the previously issued negative decs and the information submitted to date, we have no issue with the Board considering a negative declaration for the project.

CHAIRMAN EWASUTYN: Okay. Any questions or comments?

MR. DOMINICK: No.

MR. MENNERICH: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Would someone move for a motion to declare a negative declaration for Shoppes at Union Square - Phase III and scheduling it for a public hearing on the 17th October.

MS. CARVER: So moved.

MR. HINES: John, we noted that the project was submitted to County Planning. That has timed out as of today.

CHAIRMAN EWASUTYN: Thank you.

I have a motion by Lisa Carver. Do I have a second?

MR. MENNERICH: Second.

2 CHAIRMAN EWASUTYN: I have a second  
3 by Ken Mennerich. Can I have a roll call  
4 vote starting with John Ward.

5 MR. WARD: Aye.

6 MS. CARVER: Aye.

7 MR. BROWNE: Aye.

8 CHAIRMAN EWASUTYN: Aye.

9 MR. MENNERICH: Aye.

10 MR. DOMINICK: Aye.

11 CHAIRMAN EWASUTYN: Would someone  
12 move for a motion to close the Planning  
13 Board meeting of the 19th of September.

14 MS. CARVER: So moved.

15 MR. WARD: Second.

16 CHAIRMAN EWASUTYN: I have a motion  
17 by Lisa Carver and a second by John Ward.  
18 Can I please have a roll call vote.

19 MR. WARD: Aye.

20 MS. CARVER: Aye.

21 MR. BROWNE: Aye.

22 CHAIRMAN EWASUTYN: Aye.

23 MR. MENNERICH: Aye.

24 MR. DOMINICK: Aye.

25 (Time noted: 8:32 p.m.)



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