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

----- X
In the Matter of

DIXON & HALES
(2023-13)

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

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: September 21, 2023
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JONATHAN MILLEN

----- X

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

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. The Town of Newburgh Planning Board is welcoming you to their meeting of the 21st of September 2023. This evening we have listed five items on the agenda.

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

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. WARD: Present.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

MR. HINES: Pat Hines with MHE Engineering.

MS. CONERO: Michelle Conero, Stenographer.

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

CHAIRMAN EWASUTYN: At this

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point we'll turn the meeting over to
John Ward.

MR. WARD: Please stand to say
the Pledge.

(Pledge of Allegiance.)

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

CHAIRMAN EWASUTYN: The first
item of business this evening is
Dixon & Hales. It's a public hearing
on a two-lot subdivision located on
Merritt Lane in an AR Zone. It's
being represented by Jonathan Millen.

Ken Mennerich will read the
notice of hearing.

MR. MENNERICH: "Notice of
hearing, Town of Newburgh Planning
Board. Please take notice that the
Planning Board of the Town of
Newburgh, Orange County, New York
will hold a public hearing pursuant
to Section 276 of the New York State
Town Law on the application of Dixon
& Hales Subdivision, project number

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2023-13. The project proposes a two-lot residential subdivision. The lot is an existing 2.8 plus or minus acre parcel of property. Lot 1 is proposed to be 1.48 plus or minus acres. Lot 2 is proposed to be 1.34 plus or minus acres. The proposed lots will be served by subsurface sanitary sewer disposal systems and onsite wells. The existing lot contains two structures which are proposed to be converted into residential structures upon completion of the subdivision. The subsurface sanitary sewer disposal systems were approved by Orange County Department of Health and continue to have valid Health Department approval. The project site is located in the Town's AR Zoning District. The project site is known on the Town of Newburgh tax maps as section 7, block 3, lot 20. A public hearing will be held on the

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21st day of September 2023 at the
Town Hall Meeting Room, 1496 Route
300, Newburgh, New York at 7 p.m. or
as soon thereafter as can be heard,
at which time all interested persons
will be given an opportunity to be
heard. By order of the Town of
Newburgh Planning Board. John P.
Ewasutyn, Chairman, Planning Board
Town of Newburgh. Dated 29 August
2023."

CHAIRMAN EWASUTYN: Jonathan.

MR. MILLEN: So as you mentioned,
this is a two-lot subdivision with
subsurface septic systems.

I don't know if there's anybody
here from the public that needs to
ask me any questions, or if any of
the Board has any questions.

CHAIRMAN EWASUTYN: So you want
to base the opening of the public
comment to the hearing notice that
was just read?

MR. MILLEN: Yes, sir.

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CHAIRMAN EWASUTYN: Okay. If there's anyone here that has any questions or comments, what we're reviewing now is the Dixon & Hales Two-Lot Subdivision on Merritt Lane, please raise your hand, give your name and your address.

(No response.)

CHAIRMAN EWASUTYN: Let the record show that there's no one here this evening for the public hearing. We have no comments received.

Okay. I'll turn it over to the Board Members. Frank Galli.

MR. GALLI: I have no additional comments. It hasn't gone to the Building Department yet. I'm okay with the actual site plan itself.

CHAIRMAN EWASUTYN: Stephanie.

MS. DeLUCA: No additional comments.

MR. MENNERICH: I have no questions.

CHAIRMAN EWASUTYN: I have no questions.

MR. BROWNE: It seems like all

2 the planning details have been set up
3 properly. Thank you.

4 MR. WARD: No comments.

5 CHAIRMAN EWASUTYN: Jim Campbell,
6 Code Compliance.

7 MR. CAMPBELL: No comments.

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

10 MR. HINES: We have no outstanding
11 comments.

12 The Health Department approvals
13 remain valid until 2026.

14 The highway superintendent has
15 signed off on the driveway locations.

16 The only condition would be
17 payment of recreation fees.

18 CHAIRMAN EWASUTYN: And the
19 dollar amount of that fee?

20 MR. HINES: \$2,000.

21 CHAIRMAN EWASUTYN: Will you
22 put that in the minutes.

23 Dominic Cordisco with Drake
24 Loeb, Planning Board Attorney.

25 MR. CORDISCO: If the Board is

2 inclined, you could close the public
3 hearing tonight.

4 You had previously adopted a
5 negative declaration under SEQRA, so
6 you've complied with the State
7 Environmental Quality Review Act.

8 If the Board is also inclined,
9 you could consider a resolution of
10 approval for this project with the
11 conditions as outlined by Mr. Hines.

12 CHAIRMAN EWASUTYN: Would
13 someone move for a motion to close
14 the public hearing on the two-lot
15 subdivision and to move forward with
16 the resolution for final approval?

17 MR. GALLI: So moved.

18 MR. BROWNE: Second.

19 CHAIRMAN EWASUTYN: Frank Galli
20 was second?

21 MR. GALLI: No.

22 CHAIRMAN EWASUTYN: John Ward?

23 MR. WARD: It was Cliff.

24 CHAIRMAN EWASUTYN: I have a
25 second by Cliff Browne. Can I have a

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roll call vote starting with John
Ward.

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Let's speak
in the minutes somewhat about the
resolution.

MR. CORDISCO: This would be a
resolution granting both preliminary
and final subdivision approval for
this two-lot subdivision.

As noted, no new construction
is proposed. The two existing
structures would be modified into
single-family residential structures.

The conditions that the Board
should consider and include would be,
A, maintaining the Health Department
approval which has currently been
issued and remains valid until 2026.

2 They've already satisfied the
3 driveway locations with the highway
4 superintendent. They have to pay one
5 rec fee of \$2,000.

6 CHAIRMAN EWASUTYN: All right.
7 Action approved.

8 MR. CORDISCO: The Board would
9 need --

10 CHAIRMAN EWASUTYN: I thought
11 that was part of the comment that I
12 made, closing the public hearing and
13 the approval resolution. I just
14 asked you to add the verbiage. We'll
15 go ahead.

16 Would someone make a motion,
17 subject to the verbiage presented by
18 Planning Board Attorney Dominic
19 Cordisco, to approve the preliminary
20 and final resolution for Dixon & Hales.

21 MR. GALLI: So moved.

22 MR. MENNERICH: Second.

23 CHAIRMAN EWASUTYN: I have a
24 motion again by Frank Galli. This
25 time a second by Ken Mennerich. Can

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I have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

(Time noted: 7:07 p.m.)

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

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

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

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

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

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

CPC OF THE WMM - USA, INC.
(2020-03)

5208 Route 9W
Section 24; Block 2; Lot 22.12
B Zone

- - - - - X

SITE PLAN

Date: September 21, 2023
Time: 7:07 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

- - - - - X

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CHAIRMAN EWASUTYN: The listed second item this evening is CPC of the WMM - USA, Inc. It's a site plan and it's here for ARB approval.

The applicant and his representative were not able to make the meeting, so this will be scheduled for a later date.

What I suggested to the pastor when I spoke to him was that we're just not going to go ahead and put it on the next agenda until we hear from him that he's actually going to be here.

MR. GALLI: Agreed.

(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 28th day of September 2023.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

273 ROUTE 17K
(2023-05)

273 NYS Route 17K
Section 90; Block 60; Lot 1
B Zone

- - - - - X

CHANGE OF USE - RESTAURANT

Date: September 21, 2023
Time: 7:09 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MICHAEL HENDERSON

- - - - - X

MICHELLE L. CONERO
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Dover Plains, New York 12522
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2 CHAIRMAN EWASUTYN: The third
3 item of business this evening is 273
4 Route 17K. It's a change of use for
5 a restaurant. It's located on 273
6 New York State Route 17K in a B Zone.
7 It's being represented by A. Hennessy
8 Architects.

9 MR. HENDERSON: Yes.

10 CHAIRMAN EWASUTYN: Your name
11 for the record?

12 MR. HENDERSON: Michael
13 Henderson from Hennessy Architects.

14 So since the last time we were
15 here, we've been to the Zoning Board
16 for the two variances that were
17 requested. They were approved.

18 During the public hearing there
19 was a neighbor adjacent to the
20 property that was concerned about the
21 screening. In talks with the landlord,
22 we have created screening in the back
23 of the property with some mulch and
24 pine shrubs, so they won't lose their
25 leaves during the winter, so it's all

2 year-round.

3 We added the detail for fixing
4 up the fence for the garbage.

5 That is it since the last time
6 we've been here.

7 CHAIRMAN EWASUTYN: Jim Campbell,
8 you have a copy of the minutes from
9 the ZBA meeting.

10 MR. CAMPBELL: Yes. The
11 resolution, and there is a part of
12 the decision from the ZBA was -- I'll
13 read it. "This variance is further
14 conditioned upon the installation of
15 such landscaping as may be deemed
16 appropriate by the Planning Board so
17 as to provide an adequate and appropriate
18 buffer between the proposed restaurant
19 and nearby residential homes."

20 CHAIRMAN EWASUTYN: Thank you.

21 Comment from Board Members.
22 Frank Galli.

23 MR. GALLI: How many people
24 showed up and spoke at the Zoning
25 Board on this project for the public

2 hearing?

3 MR. HENDERSON: Just one.

4 MR. GALLI: Just one. Okay.

5 You two came to an agreement on
6 terms of the landscape and stuff like
7 that?

8 MR. HENDERSON: Yes.

9 MR. GALLI: I was just curious,
10 because we have to make a decision,
11 we want to make sure --

12 MR. HENDERSON: We have a
13 three-foot berm with mulch and five-
14 foot shrubs, a total of eight feet,
15 and then narrowing it down.

16 MR. GALLI: Everything is okay
17 between everybody?

18 MR. HENDERSON: That's what we
19 had talked about for this landscaping.

20 CHAIRMAN EWASUTYN: Stephanie
21 DeLuca.

22 MS. DeLUCA: I guess I was just
23 looking at the dumpster area. That
24 is going to be an enclosed area. Is
25 that correct?

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MR. HENDERSON: Yes. It's existing there now. It's falling down, so we're just going to repair it with the same white vinyl fencing that's there now.

MS. DeLUCA: Okay.

CHAIRMAN EWASUTYN: Ken Mennerich.

MR. MENNERICH: Your note on the drawings says the potholes are going to be repaired and a new overlay over everything one inch.

MR. HENDERSON: The entire parking lot. Yes.

CHAIRMAN EWASUTYN: Cliff Browne.

MR. BROWNE: I have nothing more, John. Thank you.

CHAIRMAN EWASUTYN: John Ward.

MR. WARD: The enclosure for the garbage, basically you need a new wall on the side and a new front gate.

MR. HENDERSON: Right.

MR. WARD: The blacktop in the parking lot is a nightmare. There's grass all over, it's broken, potholes

2 all over it. I don't know if an inch
3 is good enough to cover with filling
4 in the potholes. Personally I think
5 you should go maybe two inches,
6 because you want to sell your product
7 there. It's a safety thing, too.
8 You don't want somebody coming out
9 and tripping over stuff. It was
10 different when it was a dry cleaner.
11 Now it's going to be a restaurant
12 where you have people coming out,
13 rushing around.

14 Another thing. Inside you have
15 on the plan a bar area. What is that
16 set up for inside the building?

17 MR. HENDERSON: It's just
18 typical seating, and then over in
19 this area there's, like, a very small
20 bar.

21 MR. WARD: For just somebody to
22 sit?

23 MR. HENDERSON: Yes.

24 MR. WARD: No liquor or anything
25 like that?

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MR. HENDERSON: Down the line, just for alcohol. He's going to get his license. To start, he won't be able to have it. Once he gets up and operating, he'll look into that down the road, to have that.

MR. WARD: My concern is going in and out, the traffic going from the light to the lawyer's office, rush hour and everything else. The residents go in and out.

Your buffer there, just if you can add an extra -- right where it straightens out, where the residence is, --

MR. HENDERSON: Yes.

MR. WARD: -- if you could add -- no. Up by where you had the pine trees.

MR. HENDERSON: This area here?

MR. WARD: Yes. If you could add in there, too, it would help them.

MR. HENDERSON: And loop it back around. All right.

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MR. WARD: The parking lot is atrocious.

MR. HENDERSON: He's going to take care of that.

MR. WARD: I don't mean a Band-Aid.

CHAIRMAN EWASUTYN: Pat Hines with MH&E.

MR. HINES: We did get an indication, I didn't have the ZBA approval, but that has been granted for the two required variances. One is for the front yard setback where 60 feet is required, 35.7 is provided; and the other is for the required landscape buffer on 17K.

This has to get submitted to Orange County Planning for the change of use.

Simultaneously we will submit a courtesy copy to DOT. There are no changes to the DOT access road, but it will notify them if there's any concerns they have.

The adjoiners' notices must be

2 sent out now that it's back from the
3 ZBA.

4 The accessible parking sign
5 should be provided compliant with the
6 ADA requirements.

7 A grease trap is going to be
8 needed to be added to the plans for
9 the restaurant use.

10 The existing parking spaces
11 need to be re-stripped with the Town
12 standard of a double parking line.

13 Did my office send you that
14 detail?

15 MR. HENDERSON: Yes. I'll have
16 that for the final.

17 MR. HINES: That detail needs
18 to be added to the plans.

19 The type and species of trees
20 should be added to the landscape
21 there. You may want to mix those up.
22 Oftentimes, if you plant all of one
23 species and something happens with
24 that species, either a disease or an
25 insect or something, you'll lose the

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whole row. That should be mixed up.

I don't know if the Board wants to refer this to Karen or just a mix of pine trees on that berm would be acceptable to the Board.

The Board has a landscape architect consultant, but this is a rather simple plan. I think with that change of a mix of species, the Board can decide whether they want to have that review.

The only action we can take tonight is the Orange County Planning referral.

CHAIRMAN EWASUTYN: Would someone move for a motion to circulate this to the -- do you have something to add? I apologize.

MR. CORDISCO: Yes. I actually have a little bit of new information, because I believe today the supervisor signed the intramunicipal agreement. In that there is a provision that exempts changes in uses of existing

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structures as long as suitable access to a state or county road exists already. It would appear that this is now an exempt item that does not need to be sent to County Planning.

MR. GALLI: What was that reason again, Dominic?

MR. CORDISCO: There was an agreement that was proposed by the Orange County Planning Department with all the municipalities in Orange County. It's up to each municipality whether or not they want to enter into this agreement. The supervisor has signed the agreement, and had actually sent over a copy of it today. It actually literally was just changed this afternoon.

MR. HINES: I sent it to Dominic and the Chairman today.

MR. CORDISCO: There are a number of things that are exempt now for minor applications, of which, arguably, this falls into that

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category, in terms of whether or not it has a countywide impact or not. One of the categories is a change in use of an existing structure.

MR. WARD: John, I have one more question.

CHAIRMAN EWASUTYN: I'm listening.

MR. WARD: The signage, what are you doing there?

MR. HENDERSON: The existing fabric canopy, we're just having it put on that. He's just going to change that out. There's going to be no new signage. That's where the existing signage was. We're just in the same spot.

MR. WARD: Because the old one was on the grass in the front. The canopy, what are you going to do? Put new --

MR. HENDERSON: New fabric.

MR. WARD: If you want, look across the street to the lawyer's firm, between the residents and the

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lawyer's firm, they put a berm up there to block off for visual. Thank you.

CHAIRMAN EWASUTYN: Dominic, what is the action before us this evening?

Pat Hines, do we still circulate to the DOT or that is not part of the review?

MR. HINES: I can do that. I don't have a record of this going -- the adjoiners' notice is going out. I think because it had to go to the ZBA, we weren't sure if it was coming back to us. I need to send those adjoiners' notices out.

I can send a notice to the DOT. The applicant can address our technical plans and have another appearance.

The Board can discuss whether a public hearing would be held or not.

CHAIRMAN EWASUTYN: Are you familiar with the adjoiners' notice

2 that is required?

3 MR. HENDERSON: No, I'm not.

4 CHAIRMAN EWASUTYN: Pat, do you
5 want to discuss that.

6 MR. HINES: So the Town has a
7 requirement that, upon appearing
8 before the Planning Board, and we
9 didn't do it the initial time because
10 you had to go to the ZBA, actually we
11 should have done it then, but the ZBA
12 provides similar notices, that you
13 have to notify everyone within 500
14 feet of the application. It's a
15 requirement. We can't waive that or
16 anything. I'll work with your
17 office. I prepare the notice, I'll
18 get you the mailing list, which is
19 the exact one you used for the ZBA.
20 Similar to the ZBA mailings, you
21 address the envelop, stuff, stamp and
22 bring them to the Town Hall. The
23 Town Hall physically does the
24 mailing. We will accomplish that. I
25 can send you that notice tomorrow and

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we'll get that going.

CHAIRMAN EWASUTYN: I'll poll the Board Members now, since it's discretionary, as to whether or not they would like to have a public hearing on the site plan. Frank Galli.

MR. GALLI: So at the Zoning Board, notices were sent out to the people within 500 feet. That would have been the Colden Park people. They had one gentleman at Colden Park that lives right behind them. They were working on the landscape and the berm and stuff like that.

Personally I'd like to see what the DOT says before I make a decision on a public hearing, only being that, if the DOT wants something changed, I don't know, you know, what will come about.

Right now I'm okay with not having a public hearing if the gentleman reached an agreement with the architect as far as the

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landscaping, they are going to increase it and they are okay with that. I would really like to see what the DOT says personally myself.

CHAIRMAN EWASUTYN: So do you want to hold off on making a decision on a public hearing?

MR. GALLI: Personally I would. Like I said, they were at the Zoning Board. They had one person speak up out of all of Coldenham. Not all, but 500 feet. That's quite a few people. The gentleman that was impacted the most did speak up. He's in the audience tonight. What we're told is they worked out some kind of agreement with the landscaping and fixing it up. We heard from him before. Like I said, I don't know if the DOT is going to change the plan at all where it's going to affect anything else.

CHAIRMAN EWASUTYN: Stephanie DeLuca.

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MS. DeLUCA: That makes sense,
what Frank had said. I go along with
what Frank said.

CHAIRMAN EWASUTYN: Ken Mennerich.

MR. MENNERICH: I go along with
what Frank said.

CHAIRMAN EWASUTYN: Cliff Browne.

MR. BROWNE: I kind of agree
with what Frank said also, but I
personally don't believe there's a
need for the public hearing based on
everything we've gone through. I
don't believe a DOT change would
warrant any additional concerns. I
might be wrong. So no, we don't need
it.

CHAIRMAN EWASUTYN: John Ward.

MR. WARD: I say yes on a
public hearing. I say wait until the
DOT weighs in.

CHAIRMAN EWASUTYN: Let the
record show that the Planning Board
did not come to a determination on
holding a public hearing. The

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applicant will move forward, working with Pat Hines with MH&E to circulate the adjoiners' notice. We will get the DOT involved in the use. Okay.

MR. HENDERSON: All right.
Thank you.

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

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

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

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

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

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

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

TARBEN II SUBDIVISION
(2021-18)

Tarben Way
Section 47; Block 1; Lot 39.2
AR Zone

----- X

TWO-LOT SUBDIVISION

Date: September 21, 2023
Time: 7:22 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

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CHAIRMAN EWASUTYN: The fourth item on the agenda this evening, the applicant wasn't able to attend this evening. He asked that it be rescheduled to the meeting of October 5th.

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

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

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

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

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

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

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

MATRIX I-84 DISTRIBUTION CENTER - SKETCH PLAN
(2022-29)

Route 17K
Section 86; Block 1; Lot 97
Section 89; Block 1; Lots 66 & 69.1
IB Zone

- - - - - X

SITE PLAN, LOT LINE CHANGES & ARB

Date: September 21, 2023
Time: 7:23 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DAVID EVERETT,
LAUREN McMAHON & KENNETH GRIFFIN

- - - - - X

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CHAIRMAN EWASUTYN: The last agenda item this evening is Matrix I-84 Distribution Center - Sketch Plan, project number 22-29. It's here for a site plan, lot line changes and ARB. It's located on Route 17K in an IB Zone. It's being represented by Langan Engineers.

MR. EVERETT: Good evening, Mr. Chairman, Members of the Board. For the record, my name is Dave Everett. I'm land use and environmental counsel for Matrix.

I have here with me tonight, for the record, Ken Griffin who is one of the principals at Matrix, and we have Lauren McMahon from Langan Engineering, who is the civil engineer on the project.

The Board may recall, at the last meeting we had with you folks you had asked us to look into a handful of issues. We've done that.

Specifically you asked us to

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take a look at providing EV charging stations for cars on the site. That has been done. Lauren can go over that, if you wish.

You also asked for the front entrance to kind of be spruced up a little bit with a stonewall, some other landscaping. That has also been done. Again, Lauren can go through that if you'd like.

You wanted some paved portions -- gravel portions of the emergency access road paved. That's also been done.

Then you wanted us to work with your landscape consultant on some additional landscaping. That has also been done and provided on the plans and in the submission that we made to the Board.

Lauren can go over those things with you and answer any questions that you have. We hope that you find what we've done acceptable, and, if

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it is, then we would like the Board to consider whether or not you can issue a negative declaration for this project after working through Part 2 of the EAF.

Pat had requested that we prepare a neg dec, which we did. He had some comments on it. We made some revisions to address his comments, so that is presumably ready for the Board to consider at your leisure.

Then also, if everything is acceptable to the Board, we'd like you to consider scheduling a public hearing for both the site plan, the subdivision and the clearing and grading permit, all three public hearings at the same time, if that's acceptable to the Board.

So with those kind of brief introductory remarks, I'm happy to turn it over, Mr. Chairman, with your permission, to Lauren to kind of run

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through some of the changes that we made on the site plan, if that's okay.

CHAIRMAN EWASUTYN: Sure.

MS. McMAHON: So I think that was a good intro. Starting with the emergency access, we changed that from gravel to asphalt.

We also added EV charging stations. We looked to the U.S. Building Green Council for that. One of their requirements is, if you're going for a LEED-free building, you provide 5 percent of spaces with electrical vehicle supply equipment, or you can provide 10 percent without the equipment but for future reserve, so just installing the circuit. We did a hybrid where we provided 7 percent total. 3.5 percent of our parking has the electrical vehicle supply equipment and then another 3.5 have future capacity to be converted over. So that's 16 spaces total on

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the site plan that we added.

We also added 30-inch high entrance walls at the front. This will be dry laid stonewalls to fit in with the characteristic of the neighboring properties, some of the walls that they have. The length of the wall is really limited by the culvert. There's an existing culvert. We had to beef that up a bit and move it back into the site. It's really limited by where that culvert sits. Then, in the front, the left wall is kind of limited in length by the existing wetland. We are trying to provide drainage so that water continues to go through the site and not block it off with the wall. That's kind of how we came up with the lengths. We have a 60-foot length on one side and a 100-foot length on the other.

Then I think the last changes that we made were to the landscape

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plan. In working with Karen, we provided an additional 25 or so inch, inch and a half trees on the steep slope. One comment she did mention was in the front buffer area, we only eliminated hedgerows. Originally we had hedgerows in the front, no walls. Now that we put in the walls, we eliminated the hedgerows. We did keep the planting. We have two rows of plants in the front buffer. We kind of separated them just a bit to provide a defined drainage channel for water to pass through this area and through the site so that the trees don't get inundated and we're not having a massive sheet flow through the trees and provide erosion around the tree beds. That's the reason for that. We really didn't eliminate trees in that area. We added the 25 here, and we also added some at the corners of building to spruce up the entrance a bit.

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We have, since our initial submission in July, added 67 trees, since our initial submission. That is what we think is satisfactory in terms of the planting plan.

I think that's it. Those were the main changes.

CHAIRMAN EWASUTYN: Questions from Board Members. John Ward.

MR. WARD: Any update on the agreement for the fire lane with the auction?

MR. EVERETT: We have a draft agreement with Manheim. I know at the last meeting the Board had some concerns about enforcement. Those terms have always been in the agreement, where Matrix has the right to remove any vehicles that are blocking the fire lane. I know there were some concerns about cars parking in front of -- Manheim has been parking cars in front of that. That won't happen once this agreement gets

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signed.

The agreement is basically just waiting for the Planning Board to, you know, do whatever it's going to do with this project. In the event you guys decide you want to approve it, the plans and other aspects of any other requirements that you have will be recorded into that agreement, then my presumption is that the agreement will be provided to the Board to review as a condition of site plan approval, just like all the other agreements are that affect the sites. That's your typical practice. I presume you would continue that here as well.

MR. WARD: Where is your sign going to be down below? By the entrance on 17K?

MR. EVERETT: You mean for the project?

MR. WARD: Yes.

MS. McMAHON: The monument sign

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will be right in front of the wall here. The walls are setback about 13 feet on each side. On the left side the monument sign will be in front of the wall.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Cliff Browne.

MR. BROWNE: Basically, I appreciate all the work that you went into to respond to the comments from the last meeting.

If I recall, the last time there was a lot of, I want to say hesitation, reluctance to do a lot of the stuff we asked for, requested. You have followed through and provided that. I really appreciate that.

One of the comments that was made during the last meeting was a comment about people go by so fast, they won't see anything. Well, if you stop and think of all the advertising that happens on TV, you get one or two second spots, that's

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what you remember. Just from a mindset standpoint, even though people go by it kind of quickly, what they see stays. Even though it's maybe a one-or two-second pass, it stays there.

So with that, I appreciate what you have done.

MR. EVERETT: Great. Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich.

MR. MENNERICH: One question.

What environmental group was it that you mentioned that had guidance on --

MS. McMAHON: The U.S. Green Building Council.

MR. MENNERICH: The U.S. Green Building Council. Thank you.

The other thing I was wondering, in Karen's memo she talked about the sample plots for trees and that she hadn't seen that yet. Has that information been passed on?

MR. HINES: So the sample plots have been on the map. I think Karen's office wants to go out and

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physically observe them. We had worked with Langan's office early on in the selection of those, and actually stated that they were representative -- based on the aerial photos, they were representative of the forested areas. There's portions of the site that are not forested. We wanted to make sure those were avoided. I think the intent of Karen's memo is that she wants to have them physically marked in the field rather than the aerials. She wants to go out and look at them. My office has worked with Langan previously to locate those on an aerial photo, not in the field.

MR. MENNERICH: Okay.

CHAIRMAN EWASUTYN: Stephanie DeLuca.

MS. DeLUCA: I guess I just have one question in regards to the grading. Will you need to blast at all?

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MS. McMAHON: No blasting is anticipated here. Surprisingly, we did not find any rock in our geotechnical investigation.

MR. HINES: I did suggest, during the environmental review, that we do cover that, should it happen, in reference to Chapter 66 of the Town Code regarding blasting. We've had test borings before that missed the rock. Not on this project certainly, but just in case. It's in the environmental review. We will discuss that in the EAF, or the neg dec.

MS. DeLUCA: Thank you.

MR. GALLI: So this is a one-tenant building or it's going to be split up into two tenants?

MS. McMAHON: It can be split up into two tenants.

MR. GALLI: Okay. Where are the eight charging stations going?

MS. McMAHON: Eight are up here

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and eight are down here.

MR. GALLI: So you have split them up in case there's two tenants. Okay. If it's not two tenants and it's just one big tenant, is there the capability of putting all of those together or are you still going to leave them separated like that?

MS. McMAHON: I think we can shift them around.

MR. GALLI: My only concern is what you said, it's like 2.5 percent, 3.5 percent. That's fine if you've got two tenants for each end of the building. If it's one, the one in the back has to come in an employee entrance -- I don't know how these warehouses work. If there's an employee entrance up on the side near the front or the back, then the people that are plugging in on one side of the building have to go all the way around to the other side of the building to get in. I don't

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know. Maybe there wouldn't be an issue there. I don't know how we can do the resolution. If it's one tenant, you have to put them in one place. If it's two tenants, you have to be set up for --

MR. EVERETT: We have to be a little bit careful about that. I hear what you're saying, and it makes sense.

MR. GALLI: It has to do with the tenant of the building.

MR. EVERETT: Because some tenants will occupy a full building, but they'll have a shipping office on one side and a receiving office on the other side with employee parking for each. It just depends upon the tenant demands.

MR. GALLI: Like I said, I don't know how warehouses work. That was my only concern.

You said it was between 5 and 10 percent?

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MS. McMAHON: Yes. So 5 percent is the criteria if you build out everything with the actual EV supply equipment, and then 10 percent was if you just reserve the spaces, so providing the circuits necessary for it but you don't put the supply in.

MR. GALLI: What would 10 percent of your parking be?

MS. McMAHON: 23 spaces if we just reserved. We are doing --

MR. GALLI: 16. You're going to build out 8 and save 8?

MS. McMAHON: Yes.

MR. GALLI: Okay. I know Dave Dominick had a concern about that. He's not here tonight, but his concern was with the EV parking. We weren't sure how you were going to figure out how they did it. That's fine if the U.S. Green Building Council says this, this and this.

MR. GRIFFIN: One point on that. Historically we haven't

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provided EV chargers as part of a shell building. Tenants, once they move in, decide whether they want them or not. Tesla, for example, has zero. They've come to us and said they want 5 percent after the fact. We're just putting in 5 percent EV chargers. If someone came here -- you know, a tenant could ask for more.

MR. GALLI: So you would have to come back to the Board for amended site plan to see what they look like. We're not sure. It's new to us, too. If it's new to you, it's new to us.

MR. EVERETT: I guess I'll look to guidance from the Board as to whether or not you would want people coming back.

MR. GALLI: That's what we're saying, we don't know if we want people to come back that are still working on the logistics of it. We're trying to figure out what's

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right and what's wrong. You're a good candidate to start with. I'm not picking on you.

MR. EVERETT: Tesla is the electric car company, right. They only want 5 percent.

MR. GALLI: We figured Tesla would want to put them in. I'm not the chairman, but maybe Tesla has notified us, maybe they haven't. I don't know.

MR. EVERETT: Tesla knows what the market is as it relates to those electric vehicles. I think it's pretty telling they're asking for 5 percent to be installed. So, you know, we thought that was a pretty good guide. We're kind of in that range here.

MR. GALLI: I'm okay with it. I'm just curious how we came to this point and how we figure it out in the future of what we need to do.

That's it, John.

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CHAIRMAN EWASUTYN: Jim Campbell,
Code Compliance.

MR. CAMPBELL: Just a reminder
with the signage and stuff, as part
of ARB we need those details.

As far as adding to, like I
said, the other Matrix, you would
need building permits. Once we get
those building permits, we would look
at them and see -- refer to the
Planning Board to determine if they
need to go back to the Planning
Board. You definitely would need
building permits.

CHAIRMAN EWASUTYN: Pat Hines
with MH&E.

MR. HINES: We have performed
the review of the SWPPP. We provided
some very detailed technical comments
on that.

The 5-acre waiver required is
on the Town Board agenda for this
Tuesday night.

We did comment on the utilities

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on Route 17K, and Langan's office has provided us with that analysis. They will have to upsize culverts at the 17K crossings. Those calculations have been provided to us.

One of the detention ponds has been revised with the outlet structure, and Lauren's office has sent me those. We're down to very technical details on the stormwater pollution prevention plan.

The project had submitted a rather voluminous expanded EAF when they did their initial submission addressing numerous items. If the Board wishes, I think at this point we could walk through the Part 2 to determine if there are any moderate or large or potential significant environmental impacts. I'll leave that up to the Board.

CHAIRMAN EWASUTYN: Dominic, before Pat Hines reads into the minutes Part 2 of the EAF, do you

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have anything to add?

MR. CORDISCO: No, sir. Not at this time.

CHAIRMAN EWASUTYN: Is the Board in agreement to have Pat Hines read for us the Part 2?

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

MR. WARD: Yes.

MR. HINES: So the Part 2 EAF, we have received, obviously, a full environmental assessment form and the supplemental information included in the expanded EAF. There are eighteen items to go through on the Part 2, and I'll walk through those.

Impact on land. We're suggesting that that be checked yes. Bullet item A is, proposed action may involve construction on land where depth to water table is less than 3 feet, and there are some wetlands on

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the site, although they're avoiding them. We're checking that as a small impact.

The proposed action may involve construction on slopes greater than 15 percent. There are small portions of the site that are greater than 15 percent, but those will eventually be incorporated into the entire grading plan and will be either cut down and/or buried, so we're checking small impact for that.

The proposed action where bedrock is exposed or within 5 feet. We're checking no based on the test borings that they provided us.

The proposed action may involve excavation or removal of 1,000 tons of natural material. That is a no. The site has been designed as a balanced site, so material should not be removed from the site.

The proposed action will continue more than one year or in

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multiple phases. We're checking that as a small impact. The construction phase is currently identified as less than one year, but it could extend, so we're leaving that as a small impact.

The proposed action may result in increase in erosion, whether from physical disturbance or vegetation removal. We're putting that as a small impact due to the stormwater pollution prevention plan. That will be incorporated into the construction and grading.

The proposed action is or may be in a coastal hazard area, and that is a no.

Impact on geologic features states the proposed action may result in modification or destruction or inhibit access to any unique or unusual land forms on the site. We identified that as a no, so we skip over those bulleted items underneath.

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Number 3 is impact to surface water. The proposed action may affect one or more wetlands or surface water bodies. We checked that as a yes.

The proposed action may create a new water body. That is no.

Each of the other items are no, until you get down to item D, the proposed action may involve construction within or adjoining a freshwater or tidal wetland or the bed or banks of a stream. We put that as a small impact as there are Federal wetlands on the site. They have avoided any grading or alteration of those wetlands on the plan.

The proposed action may create turbidity in a water body, either from upland erosion, runoff or by disturbing bottom sediments. Again, based on the stormwater pollution prevention plan, that is in compliance with the Town Code and the

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DEC design guidelines. We identified that as a small impact.

Dropping down to item H, the proposed action may cause soil erosion or otherwise create a source of stormwater discharge that may lead to siltation or degradation of the water bodies. Referencing the stormwater pollution prevention plan, we're identifying that as a small impact. Again, there will be construction inspections. The 5- acre waiver requires two inspections and a timeframe -- an accelerated timeframe for stabilizing the site.

The rest of the bulleted items were a no under that.

Impacts to groundwater. We identified that as a no, and none of the thresholds on the bulleted items below were exceeded.

The site will not utilize groundwater and is not over a sole source aquifer, so that was a no.

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Impact on flooding. We're identifying that as a no. There's a small floodplain area on the site, however it is not being impacted by construction. There's no filling or alteration of that floodplain area, and the stormwater pollution prevention plan, along with the design of the stormwater collection conveyance system, including the modifications under Route 17K, have addressed any potential impacts regarding flooding.

Impacts on air. We identified that as a no. None of the bulleted items under there, A through F, are exceeded by the project.

Number 7, impacts on plants and animals. We checked that as a yes. A, the proposed action may cause a reduction in population or loss of individuals of any threatened or endangered species as listed by New York State or Federal government

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that use the site, are found on the site or near the site. We checked that one as a no. They have given us threatened or endangered species reports which identify that there is not habitat for the identified species, including one plant species, one bird species and two bat species. They gave us that analysis. They are limiting tree cutting on the site to within the timeframe where impacts to bats are not an issue. We have the appropriate notices from the New York State DEC and U.S. Fish & Wildlife Service identifying compliance with that.

The proposed action may result in a reduction in population, or loss of individuals, of any species of special concern or conservation need. There are no species of special concern or conservation need identified. We identified that as a no.

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And then D, the proposed action may result in a reduction or degradation of any habitat caused -- habitat used by any species of special concern or conservation need as listed by New York State or Federal government. Did I just read that one twice? No. It's listed twice. We also identified that as no. The endangered and threatened species have been addressed.

Items E through I on that section are also nos.

I'm sorry. Item H, the proposed action requires the conversion of 10 acres of forest, grassland or other regionally or locally important habitat. They will disturb greater than 10 acres of forested area, however there is a significant amount of forested areas to remain. I think there's 13 acres of forest remaining on the site after the grading plan, not including the re-vegetation plan

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under the landscaping. We identified that as a small impact as well.

Item 8, impact on agricultural resources. We identified that as a no, as there are no agricultural activities on the site existing or proposed.

The next item is number 9, impact on aesthetic resources. The land use of the proposed action are obviously different from or in sharp contrast to current land use patterns between the proposed project and scenic or aesthetic resources. They have provided us with a visual analysis that identifies the project site not being visible from many public areas. The Board discussed last time and recently the landscaping plan along the project frontage. We identified that as a no under aesthetic resources. There are no real scenic or aesthetic resources or sensitive receptors in the vicinity

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of the project.

Number 10, impact on archeological or historic resources. That is a no. The project was submitted through the DEC's website, and no historic resources were identified on the project site.

Item 11, impact on open space and recreation. The proposed action may result in a loss of recreational opportunities or a reduction in open space as designated in any adopted municipal open space plan. That is a no. The project is currently private property and will remain such.

Item 12, impact on critical environmental areas. The Town has a critical environmental area designated. This project is outside the designated critical environmental area for the Chadwick Lake watershed, so that was identified as a no.

Impact on transportation. The proposed action may result in a change

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to existing transportation systems.
We checked that as a yes.

Item A, traffic increase may exceed capacity of existing roadway network. We identified that as a no. Ken Wersted weighed in on that, and the DOT is reviewing any potential traffic impacts. Currently there are no construction improvements identified in the DOT network. I think there's some work on some signals and some repairs to signals that have been identified in the traffic study, but no construction-related activity.

The proposed action may result in construction of a parking lot for greater than 500 vehicles. That is not the case.

The proposed action will degrade existing transit access. That's a no.

The proposed action will degrade existing pedestrian or bicycle accommodations. That is a no.

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The proposed action may present a pattern -- may alter a present pattern of people and movement, and we identified that as a no. There was the one small to moderate impact there -- small impact. I'm sorry.

Impact on energy. We identified that as a no. The bulleted items below that are significant, and this project does not exceed any of those.

Impact on noise, odor and light. A noise study has been provided. A lighting plan has been provided identifying compliance with the Town Code and the dark sky compliant lighting. We have no information regarding any odors that should be produced on the site. Item 15 was a no.

Item 16, impact on human health. We identified that as a no, and there are no issues regarding human health. I did note that they have, on their own, identified some

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previous dumping on the site, and they provided us with a report that the material has been removed and the soils that were impacted have been removed. They provided a testing report from an environmental consultant stating that the site is in compliance and does not exceed any clean-up thresholds.

Consistency with community plans. We identified that as not being an impact. The project meets current underlying zoning and it is a use permitted by site plan, I believe special use in that zone, and none of the items below have any of the thresholds exceeded.

Consistency with community character. The proposed project is inconsistent with existing community character. The site is located in an IB Zoning District. It is surrounded by state highways and other commercial uses, so we identified

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that item as a no as well.

If the Board concurs with that analysis I just read through, and I don't think anyone had any questions or comments during that, you have identified no moderate or large impacts emanating from the project based on the materials that were submitted.

CHAIRMAN EWASUTYN: Questions from Board Members.

MR. GALLI: I have no additional.

MS. DeLUCA: None.

MR. MENNERICH: None.

CHAIRMAN EWASUTYN: Cliff Browne.

MR. BROWNE: There's no limitation on the clearing based on this report because there's no endangered species on the property?

MR. HINES: They did not identify any endangered species. The bat species that were identified on the site, the clearing will be undertaken in the window of time of

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the DEC and Fish & Wildlife. I believe it's November until March 30th. November 1st.

MR. BROWNE: I understood there were no bats. That's why I asked the question.

MR. HINES: There's potential habitat -- for any parcel that has greater than 25 acres of trees, they consider that as potential habitat. With that mitigation measure in place, both agencies have signed off.

MR. CORDISCO: The bats are transient. They're not there permanently because they hibernate.

MR. BROWNE: I thought when we went through that, that it was identified there were none there, not that --

MR. HINES: Potential habitat is the wording they put in there.

MR. BROWNE: That's the word. Okay. That's all.

MR. WARD: What about the

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Upland Sandpiper?

MR. HINES: They did that narrative. In their report they identified the Upland Sandpiper had been identified in 1977 in the Stewart Airport area. I don't think that critter has been seen since. They did have their environmental consultant review the site and identify that there was not -- they prefer short grass habitat that they utilize. Their report identified that there would be no impact to the species.

MR. WARD: Is there phasing? I heard phasing. Is the project being phased at all?

MR. HINES: No. The question was whether it's a multi-phased project or greater than one year. I identified that as a small impact. These folks have put some projects up pretty quick, but I didn't want to say it would be less than one year.

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I identified that as a small impact. It's a single-phase project, but there's construction phasing that will occur. The 5-acre waiver that they requested would disturb up to 25 acres at one time, so they'll need to phase their grading and erosion and sediment control plan to comply with that waiver. It's a difference between 5 and 25.

MR. WARD: The reason why I'm asking is, when you mentioned the retaining walls, clearing and grading.

MR. HINES: That's a construction phase. This is more if you're going to build two buildings and then build two more buildings. If it's a multi-phase, multi-year project. This is a single-entity project.

MR. WARD: Thank you.

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

MR. CORDISCO: Based on the

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proposed responses to Part 2 of the EAF, my suggestion to the Board would be to adopt the EAF Part 2 as presented by Mr. Hines, and then, if the Board is satisfied, you could also adopt a negative declaration that's been prepared and reviewed by the Board's consultants with the revisions that were included to accommodate those comments.

CHAIRMAN EWASUTYN: We'll take one motion at a time. Can I have a motion to adopt Part 2 of the EAF based upon the reading presented by Pat Hines with MH&E.

MR. GALLI: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Cliff Browne. Can I please have a roll call vote starting with Frank.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And
Dominic, your next recommendation?

MR. CORDISCO: It would be to
adopt the negative declaration that's
been prepared for the project. Once
you've adopted it, it would be sent
out to all involved and interested
agencies.

CHAIRMAN EWASUTYN: Would
someone make a motion to adopt the
negative declaration that was
prepared for this action.

MR. WARD: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a
motion by John Ward. I have a second
by Cliff Browne. Can I have a roll
call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Would someone make a motion to schedule this for a public hearing.

Pat, I believe the next available date is the 19th of October.

MR. GALLI: John, I have a question on that. Are we doing the public hearing together, like clearing and grading, site plan?

CHAIRMAN EWASUTYN: Correct. Yes.

MR. HINES: The notice will state site plan, special use, clearing and grading.

MR. GALLI: What was the date you wanted to do it?

CHAIRMAN EWASUTYN: I believe the 19th would be -- the next meeting is the 5th, so it would be the 19th of October.

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MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli to set the public hearing for the 19th of October. I have a second by Ken Mennerich. Can I have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: I think that covers just about everything.

MR. EVERETT: Thank you, Mr. Chairman. Thank you, Members of the Board.

MR. GRIFFIN: Thank you.

(Time noted: 7:54 p.m.)

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

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

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

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

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

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

FABULOUS EVENTS
(2022-23)

Scheduling of a Public Hearing

----- X

BOARD BUSINESS

Date: September 21, 2023
Time: 7:56 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

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CHAIRMAN EWASUTYN: We have two items of Board business this evening.

We did receive a letter from the Orange County Planning Department, so that was necessary.

Dominic, do you want to go forward on that.

MR. CORDISCO: At the last Board meeting, the Board discussed setting a public hearing for Fabulous Events site plan for the October 19th meeting. At that time we did not yet have a referral to the County Planning Department. The question was whether or not there would be sufficient time to provide that. However, subsequent to that meeting, the referral was made to County Planning. The County Planning Department has responded with a report back recommending a local determination. Technically the Board is capable of moving forward with scheduling the public hearing at this time.

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My suggestion would be just to confirm that the public hearing will occur on October 19th.

MR. HINES: I think we held off doing a negative dec, waiting for the County.

CHAIRMAN EWASUTYN: So the first action before us this evening for Fabulous Events, PB 22-23, is to declare a negative declaration. Would someone move for that.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Would someone make a motion to set a public hearing for Fabulous Events on the 19th of October also.

MR. GALLI: Is it required? Is a public hearing required on this?

CHAIRMAN EWASUTYN: It's discretionary. I'll poll the Board Members.

MR. GALLI: Considering the other construction that's been done on that particular road. As we know, there are storage units --

CHAIRMAN EWASUTYN: You're suggesting waiving the public hearing?

MR. GALLI: I think that the public hearing could be waived on that particular project as there was no concern. Other projects have been brought up on that road.

CHAIRMAN EWASUTYN: Stephanie DeLuca.

MS. DeLUCA: I'd like to have one.

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CHAIRMAN EWASUTYN: Okay.

MR. MENNERICH: Based on the other warehouse projects we've had public hearings on, I think we should have one.

CHAIRMAN EWASUTYN: Cliff Browne.

MR. BROWNE: I don't think we should have one, no.

CHAIRMAN EWASUTYN: John Ward.

MR. WARD: I don't think so.

CHAIRMAN EWASUTYN: Okay. So we have one, two, three, and myself makes four.

Let the record show that the Planning Board waived the public hearing on Fabulous Events.

Frank Galli, would you read the reason why.

MR. GALLI: Considering the other projects on that road that we've had in the past few years, there was really no interest from the public. A lot of the projects are commercial sites. When we've had

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public hearings, no one has shown up for them. For that reason, holding another public hearing I don't think would be necessary, personally myself.

CHAIRMAN EWASUTYN: We will have to reschedule this, though, for final site plan approval and ARB approval, signage approval.

MR. HINES: Yes.

MR. CORDISCO: Yes, sir.

MR. MENNERICH: Didn't we already vote on a public hearing for Fabulous Events?

MR. HINES: We held off because we didn't have the County approval so we couldn't do a negative dec. We told them when they came back with that, you would consider it.

MR. CORDISCO: That's what I have in my notes as well. It was going to be on this agenda for consideration of a public hearing.

MR. MENNERICH: My previous comments, I was still thinking about

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Matrix.

(Time noted: 8:00 p.m.)

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

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

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

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

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

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

LANDS OF ZAZON
(2004-29)

Six-Month Extension From
September 21, 2023 to March 21, 2024

----- X

BOARD BUSINESS

Date: September 21, 2023
Time: 8:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

2 CHAIRMAN EWASUTYN: The next
3 item, we have a letter for the Lands
4 of Zazon. We received a letter
5 requesting a six-month, or 180-day,
6 extension for the Lands of Zazon,
7 project number 04-29, from September 21,
8 2023 through March 1, 2024.

9 Any questions or comments on
10 that?

11 (No response.)

12 CHAIRMAN EWASUTYN: Pat, we did
13 have a public hearing on this not
14 that long ago. Correct?

15 MR. HINES: We did. Because of
16 the time that has lapsed between the
17 preliminary approval -- actually,
18 this is one that dropped back during
19 the timeframe when you could
20 relinquish your final and drop back
21 to preliminary. Because fifteen
22 years passed, we had a new public
23 hearing. Surprisingly, there was
24 very little input.

25 CHAIRMAN EWASUTYN: Would

2 someone move for a motion to grant
3 the 180-day extension for the Lands
4 of Zazon.

5 MR. GALLI: So moved.

6 MS. DeLUCA: Second.

7 CHAIRMAN EWASUTYN: I have a
8 motion by Frank Galli and a second by
9 Stephanie DeLuca. Can we have a roll
10 call vote.

11 MR. GALLI: Aye.

12 MS. DeLUCA: Aye.

13 MR. MENNERICH: Aye.

14 CHAIRMAN EWASUTYN: Aye.

15 MR. BROWNE: Aye.

16 MR. WARD: Aye.

17 CHAIRMAN EWASUTYN: Would
18 someone make a motion to close the
19 Planning Board meeting of the 21st of
20 September.

21 MR. GALLI: So moved.

22 MS. DeLUCA: Second.

23 CHAIRMAN EWASUTYN: A motion by
24 Frank Galli and a second by Stephanie
25 DeLuca. Can I have a roll call vote

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starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

(Time noted: 8:03 p.m.)

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

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

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

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

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

Michelle Conero

MICHELLE CONERO