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

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In the Matter of

THE RIDGE  
(2017-01)

Route 300 & Route 52  
Multiple Sections; Blocks; Lots  
IB & R-3 Zones

- - - - - X

STATUS UPDATE

Date: February 1, 2018  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVES: GREG DAY,  
DAVID EVERETT, PETER BRASSARD, KENNETH GRIFFIN,  
ROY AQUINO, CHUCK UTSCHIG

- - - - - X

MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845)541-4163

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CHAIRMAN EWASUTYN: Good evening,  
ladies and gentlemen. We'd like to welcome you  
to the Town of Newburgh Planning Board meeting of  
the 1st of February. We have four items on the  
agenda this evening.

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

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. DONNELLY: Michael Donnelly,  
Planning Board Attorney.

MS. CONERO: Michelle Conero,  
Stenographer.

MR. CANFIELD: Jerry Canfield, Code  
Compliance Supervisor.

MR. HINES: Pat Hines with McGoey,  
Hauser & Edsall Consulting Engineers.

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

CHAIRMAN EWASUTYN: This evening we  
have with us the new highway superintendent.

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THE RIDGE

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Would you introduce yourself, please?

MR. HALL: Mark Hall.

CHAIRMAN EWASUTYN: Thank you.

Dave Dominick, do you want to lead the meeting?

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

(Pledge of Allegiance.)

MR. DOMINICK: Please silence your cell phones or put them on vibrate.

CHAIRMAN EWASUTYN: The first item of business this evening is The Ridge. It's located on Route 300 and Route 52. It's zoned IB and R-3. It's here this evening for a status update.

MR. DAY: Hello. With the Chairperson's permission I'm going to give a brief introduction and introduce the other team members. My name is Greg Day, I'm with Waterstone Properties Group. Here with me tonight is my colleague, Peter Brassard as well with Waterstone. Representatives of the company, the Matrix Companies, Ken Griffin, Roy Aquino, and their consultants, David Everett and Charles Utschig.

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We're here this evening to introduce a new plan for what was formerly known as The Ridge Hudson Valley. Waterstone has entered into a contractual agreement with the Matrix Companies to both introduce and execute this new plan.

With that I'm going to turn it over to their representatives. Thank you.

MR. EVERETT: Good evening, Mr. Chairman, Members of the Board. My name is Dave Everett, I'm legal counsel for Matrix. It's good to be back before the Board. I think most of the Board has a familiarity with Matrix. You worked with them in connection with the AmerisourceBergen and Amscan distribution center over on 17K which the Board approved a couple years ago. Most of you are familiar with Matrix. If you'd like a brief sort of update or review of Matrix as a company and what they do and some of their clients and tenants, we'd be happy to do that if you'd like. If not, I'd like to just give a brief presentation about the project, then I'm going to turn it over to Chuck and Chuck is going to go through the proposed concept plan and go through some of the technical details.

What we'd like to do tonight, if it's okay with the Board, is as Chuck goes through the presentation, if you have any thoughts or reactions or, you know, comments, any kind of preliminary feedback that you can give us as we're going through the project, that would be greatly appreciated. The plan at some point here is going to be to submit a site plan application to you folks. Any feedback that you can give us tonight is going to be greatly beneficial to Chuck in preparing that site plan application.

We'd also, at some point tonight as well, maybe after Chuck is done but whenever the Board feels best, is to get feedback from you folks as to what you feel you'd like the procedure to be kind of moving forward and what you'd like us to do next.

So the proposed project is that Matrix is planning to develop a warehouse distribution center which is a permitted use on the property. It would be about 1,000,000 square feet. The tenant has not been identified at this point. There are a number of national tenants, e-commerce tenants who are looking to get into

the Orange County and the Newburgh marketplace. Matrix is in the process of talking to a variety of those. The distribution market in this area is very hot right now because the vacancy rate for warehouse distribution facilities is 1 or 2 percent for top quality distribution space. There's not much around and there's a big demand, especially given the transportation network that you folks have in your Town and you have Stewart Airport nearby. So this project fits that need. As lots of people shop online and people go less to stores to actually buy goods, there's a big demand for these e-commerce distribution centers around the area because those companies want to try to get their goods out to people in the Hudson Valley and the lower New York State area as quickly and efficiently as they can. You're going to see a lot more of these types of e-commerce distribution facilities kind of popping up in the area now. This is one of those.

I guess with that said, is there anything else you guys want to add to that?

(No response.)

MR. EVERETT: With that said, I'll just turn it over to Chuck and he'll give you an intro to the project.

MR. UTSCHIG: Good evening. For the record, my name is Charles Utschig with the firm of Langan Engineering.

CHAIRMAN EWASUTYN: Chuck, I think it's possible from where we sit that maybe you could angle it slightly toward the audience so we can all be part of the picture. Thank you.

MR. UTSCHIG: As Dave indicated, we're proposing to build just over 1,000,000 square feet of warehouse space. Along with that, represented on this plan, is about 1,000 parking spaces, and about 250 trailer storage spaces, and then about 100 or so actual loading docks. Some of these numbers will vary depending on who the ultimate tenant will be. Surprisingly enough, the way these operate and their needs are all fairly consistent from one type of e-commerce company to the other. We've done quite a bit of these so we have a lot of historical information about what they need in terms of parking, you know, storage of trailers. We also have a lot of

background on what the trip generation and the traffic distribution is. I'll talk a little bit about that as we go on.

We've generally located this 1,000,000 square feet and associated parking within the limits of the disturbance that was proposed as part of The Ridge project. I'll show you that comparison. A couple of the differences that we have included in our plan, we really only need a single point of access. Due to the way the traffic works coming and going from this facility, we believe we will only need our access point from Route 300. We are proposing a secondary emergency access road going out to Route 52. That's primarily for purposes of secondary access for emergency vehicles. We don't believe we'll need it from a traffic perspective. We don't need the driveway that went out to the Brookside neighborhood. So just those two things and taking any traffic from our development and really focusing it towards Route 300 and then onto the interstate we think is a positive.

A couple of the comments that we



usually get are why do we need so many parking spaces for this facility. It's probably parked at about twice of what your code would require. It has to do with how the shifts roll over. As we all know, this is affected by the peak shopping season. Believe it or not, during the holidays, end of November and December, the amount of activity that occurs here and the number of employees that they hire part time goes up substantially. These are all designed and built to accommodate that peak condition.

To give you a sense of the comparison of the traffic, and these are just kind of broad numbers to help you kind of get an idea of the differences. We intend to submit a fully updated and revised traffic study hopefully being able to demonstrate that the impacts of what we're proposing here will be less than those impacts that were related to the 850,000 square feet of retail space that you were considering and had approved for this site. The weekly volumes for the 850,000 square feet of retail space produced about 25,000 trips, that's in and out trips, as compared to what this facility will generate

1                   which is around 3,500. That 3,500 is during the  
2                   peak period. You can just see in the comparison  
3                   of those numbers that there's a huge difference  
4                   between the type of traffic that comes and goes  
5                   from this facility versus what would have come  
6                   and gone from the retail facility.  
7

8                   The other thing that's a little unique  
9                   about these is they basically run in double  
10                  shifts. There's two shifts, and they're ten-hour  
11                  shifts for the most part. The morning shift  
12                  starts earlier than what your typical peak  
13                  traffic -- a.m. traffic hour is on your roadways.  
14                  Our employees from our first shift get to this  
15                  site really before the peak traffic is reached in  
16                  that hour in the morning. It's not quite the  
17                  same in the evening. We're not offset from that  
18                  peak hour completely. When you package this all  
19                  up, the net result is we don't have nearly as  
20                  much traffic during the peak hours, and the  
21                  traffic that occurs over the day by hour is  
22                  significantly less. So if you were to take the  
23                  25,000 trips that they projected and you were to  
24                  divide it down over a twenty-four hour period of  
25                  time, you've got somewhere around 1,000 trips an

hour. Here typically an hour trip volume is somewhere between 15 and 40. That's what occurs fairly regularly. It's very consistent. So I think when we produce the traffic study and those numbers kind of get, you know, worked out, you'll see that we think the traffic impacts of this proposal is substantially less than that of the retail center.

Some of the simpler things. We anticipate, you know, putting in the same utilities. There will be a water main extension. It will go around the building with the appropriate fire protection. We anticipate connecting to the same points that the retail did.

Sanitary sewer will be the same connection. We have to go across the brook and make a connection to the sewer line that goes underneath the interstate. We're going to make that same connection.

We intend to design our drainage and stormwater management taking advantage of the two basins that were part of the design and are substantially constructed at this point. So from

an infrastructure perspective, our utility design will look very much like the retail project did in terms of connections.

We will have less water demand from a potable perspective and we'll generate less sewer than the retail project would have. That in itself also is a bit of a reduction in impact relative to the use of water and sewer.

I'm sure, as you know, in going through the other warehouse project that Matrix constructed, one of the things that's a little difficult about warehouses is the finished floor elevation has to be flat. We have to be at the same elevation for the entire structure. This is a big building. It's 1,000,000 square feet. It does create issues with grading, however what we've done here is we've overlaid our preliminary grading with the limit of disturbance that was proposed as part of The Ridge project. We think when we get all said and done -- primarily because we don't need to do things like go off to this residential neighborhood and construct the road, we've been able to do a little better as we face the Hillside development in terms of having

1                   to go close to that residential property, which  
2                   we know was an issue of concern. All in all we  
3                   think the area of disturbance will probably be  
4                   similar between the two projects. We think ours  
5                   will be a little bit less. We think we'll have a  
6                   little bit less impervious area as part of this  
7                   project as compared to The Ridge project. We  
8                   are, at the end of the day, going to move more  
9                   dirt than they did.  
10

11                   This grading plan represents our first  
12                   pass at trying to make a balanced site, cut to  
13                   fill. There is a significant amount of earth  
14                   movement in order to accomplish this.

15                   To give you a sense of elevation of  
16                   this building, I do have a section, it's a little  
17                   hard to see. This section is cut through -- if  
18                   you can see the section cut through the site  
19                   basically from the Hillside residential area,  
20                   through the parking lot, through the building and  
21                   then down to the interstate. That's the section  
22                   through the site. We have a substantial cut when  
23                   we come over through a very flat plateau and then  
24                   we have a fill on the other side. That's the way  
25                   these work. The importance of this section and

1 the reason I wanted to show it is we currently  
2 have a finished floor elevation at elevation 384.  
3 The elevation of the buildings that were  
4 generally in that location on the site for The  
5 Ridge, one of the buildings was at elevation 400  
6 and one of the buildings was at elevation 38 I  
7 want to say 3 plus or minus a foot. I just  
8 wanted to give the Board a sense of the  
9 relationship of this finished floor elevation  
10 relative to those two buildings which were  
11 situated on this upper part of the site near the  
12 Hillside neighborhood.  
13

14 Some of the other things that will, for  
15 all intents and purposes, be the same between the  
16 two projects, there was wetlands disturbance  
17 located to gain access out to the Route 52  
18 intersection. It was about an acre of  
19 disturbance. We anticipate, because the road  
20 that was designed as part of The Ridge project  
21 and the one that we're proposing are pretty much  
22 the same, that wetlands disturbance will be right  
23 around the same acreage. We're proposing the  
24 same mitigation that was proposed as part of the  
25 permits that -- the Army Corp permits that have

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been obtained to do that wetlands work. So on a wetlands perspective we're pretty much the same or a little bit less than The Ridge project. Although it's a big building and there is a lot of earth work, we think -- we're going to represent that a lot of the significant environmental concerns that this Board has reviewed as part of The Ridge project, when you look at them compared to ours will be the same or less in many, if not all, instances.

Our goal is hopefully to bring forth a package that your staff can take a look at. As Dave said, we're looking for as much feedback as we can get as we try to move this application along. I'll be glad to answer any questions if there are.

MR. DONNELLY: What are you proposing about the building height?

MR. UTSCHIG: So these buildings typically are higher than what your code allows. I think what you're going to see is that your code and the age of your code didn't contemplate these types of buildings I think. So what we're seeing in a lot of places is the need to look at

1 zoning codes and take into consideration these  
2 types of facilities in industrial zones because  
3 they don't get built at 40 feet. They get built  
4 somewhere between 40 and 50 feet. We've got a  
5 couple of possibilities in terms of how to manage  
6 that. We will be in -- currently the building  
7 wants to be higher than what your code allows.  
8 We think that there's a reason to look at your  
9 code and consider this type of building and  
10 potentially adjust that height to accommodate  
11 them. Then obviously there's the more  
12 conventional route to go before the Zoning Board  
13 of Appeals and ask for relief.

14  
15 MR. DONNELLY: We should, if we're  
16 sending any notices under SEQRA, notify both the  
17 Town Board and the Zoning Board for now until you  
18 decide which route you're pursuing.

19 MR. EVERETT: I think that's correct.  
20 We have to talk to Jerry and get some guidance  
21 from him as to actually how height is measured.  
22 There's a possibility that we discussed that the  
23 building actually may comply with the height  
24 requirements of the code. If the code  
25 department's determination is that it does not,



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then we would need to seek either a variance or we'd have to go for a text amendment to the Town Board.

                  If you remember, for the Matrix distribution center over there on 17K we did receive a height variance. That was actually in the flight path or the airport overlay district. That height variance was for somewhere -- I don't remember if it was 45 feet -- somewhere around 45 feet, which again is what Chuck talked about. That's kind of the industry standard now for these types of larger e-commerce facilities. They need the center part of the building for various equipment that causes the roof to go higher.

                  CHAIRMAN EWASUTYN: Chuck, I'll put it out to the Board for questions or comments.

Board Members?

                  MR. DOMINICK: Chuck, can you explain to me, take me to the emergency access road down there at Meadow Road and 52. What plans do you suggest you'd be doing for that? Is there still a roundabout in that scope of work or do you plan just to -- talk me through that.

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MR. UTSCHIG: At this point in our plans we have simply shown a connection. We understand that that intersection is a problem. We know there was a lot of work done on improvement, a roundabout. We know we need to make a connection up there. We also know it's the closest access point to get emergency vehicles in from the fire station. I think we will bring forth our ideas about that. I have a feeling they're going to look very much like what you saw for The Ridge. We just haven't worked through the details yet.

MR. DOMINICK: One more question. The other question I had was deliveries, freight, cargo. If I place an order on my phone am I going to see the Fed Ex truck leave there to my house or is this going to be tractor trailers dropping off bulk product?

MR. UTSCHIG: This is likely to be or will be a tractor trailer driven process. It's not a -- right now it's not contemplated to be a place where Fed Ex comes and picks it up and delivers it. It's more tractor trailers come in with a bulk product, stock the warehouse and then

1 a distribution process comes from there through a  
2 tractor trailer. It's primarily tractor trailer  
3 traffic.  
4

5 CHAIRMAN EWASUTYN: There are two  
6 ten-hour shifts a day, seven days a week?

7 MR. UTSCHIG: Seven days a week,  
8 twenty-four hours a day. Correct.

9 MR. DOMINICK: The tractor trailer  
10 deliveries will be twenty-four hours a day in and  
11 out?

12 MR. UTSCHIG: Yes. Yes. They tend to  
13 fall off at night, the numbers go down and then  
14 higher during the day. There is movement  
15 twenty-four/seven.

16 MR. EVERETT: Ken can answer some of  
17 those questions in more detail.

18 MR. GRIFFIN: I'm Ken Griffin from  
19 Matrix. Clearly on the inbound it will be all  
20 tractor trailers for deliveries. On the outbound  
21 it's a mix. These companies have a variety of  
22 distribution centers. This particular one may  
23 deliver to other distribution centers that then  
24 break the product down further and then gets  
25 distributed to the homes. There's also going to

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be a component of it that will be delivered directly to homes. So it's a mix. There's definitely tractor trailers on the outbound but there will be smaller vehicles that go out. It all depends on the type of product. You know, sometimes the product will go through three different distribution facilities before it gets to a home. It doesn't necessarily go from China to here to your house. It's a process.

MR. DOMINICK: Will that process be included and represented in your traffic study plan?

MR. GRIFFIN: Yeah. There will be a description of that, sure.

MR. EVERETT: We have to do that for SEQRA. Absolutely.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: When you do the traffic study, I emphasize to have the numbers with whatever company it is. Like you have a van coming in or a tractor trailer truck. The volume, you're talking twenty-four hours a day different times. It's just numbers are numbers but this is real big numbers. Just so you know.

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MR. EVERETT: Understood.

CHAIRMAN EWASUTYN: Will there be a need to update a noise study based upon the type of vehicles or maybe back-up alarms or things like that?

MR. EVERETT: I'll defer to Chuck on that. One thing I would point out is the way the plan is oriented right now, all of the trucks are going to be on the south side. You know, close to the 84 off ramps and Route 300. It's going to be over 1,000 feet away from any of the residences. The building itself as well, the topography is going to act as a complete shield in that area. That's an area that we still need to take a look at. Chuck I know is working on that.

MR. WARD: I've got one more question. With the plan that you had showing the grade going across and fill in the front, the one that we couldn't see, what I'm asking is how deep down are you going to flatten that out? On the right-hand side.

MR. UTSCHIG: Here?

MR. WARD: Yes.

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MR. UTSCHIG: About between 25 and 30 feet at it's maximum.

MR. WARD: Okay. Thank you.

CHAIRMAN EWASUTYN: Any questions from Board Members?

(No response.)

CHAIRMAN EWASUTYN: Ken Wersted is with Creighton, Manning Engineering. They're our Traffic Consultant. Ken.

MR. WERSTED: Obviously there's different dynamics between what was proposed on the site beforehand and what is proposed now. Having gone through the process with you guys on the Matrix site, you provided a lot of background information on what was being proposed and how it kind of operates. I think it will be key, particularly in this area, to bring all that material, you know, to light and present it. We'll certainly have to take a look at the operations because it will be different than a shopping center. At the Route 17K Matrix site, obviously you don't have as much mix of commuter residential traffic kind of in proximity to that project as you do in this case. I couldn't

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venture how the public might take in terms of perception of this. With the operation of the traffic kind of focused over on Route 300, it would be kind of my opinion that Route 300 is much more capable of handling that than the previous proposal if they were to keep the entrance out to 52 if they ever envision having trucks coming in and out of that. So if that's all focused on 300, I think that's a positive direction.

CHAIRMAN EWASUTYN: The fueling of trucks or the need for trucks to get diesel fuel, would that necessarily mean that -- again just for conversation -- Pilot now would be the key supplier of fuel for a facility like this?

MR. WERSTED: I might defer to the applicant to see if they envision a need to have an on-site fueling station. I would imagine --

MR. UTSCHIG: No.

MR. WERSTED: -- you guys expect to have like smaller tractors that move trailers around. They're called pup tractors. They're not the long distance haulers, they're just tractors that move things around the yard.

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MR. GRIFFIN: There will be some of what we call pups, little small trucks that move the trailers around. For the most part they're tractor trailers coming in from off site and leaving our site. The pups just orient things around and shift trailers from here to there.

MR. EVERETT: They don't leave the site. They stay on site.

MR. GRIFFIN: No. Actually, we rarely get much input or direction from the users about local gas facilities. They tend to fuel up on the interstates. They're not looking for local fuel. If there's a convenient location right there, they're probably get a lot of business out of it. It's not a question that we hear very often.

MR. WERSTED: I don't think there would be anything on 300 that could accommodate anything substantial.

CHAIRMAN EWASUTYN: There may be a station that sells diesel fuel but whether or not a tractor trailer could get in and out is another point.

Number of employees?



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MR. GRIFFIN: Well between the two shifts, roughly 1,000. Something of that magnitude.

CHAIRMAN EWASUTYN: And the part time increases during the holidays?

MR. GRIFFIN: That would include the holidays. Maybe 1,100 on the high side. We have to fine tune that with whatever tenant. The day shift would be a little larger and the evening shift a little smaller. The number of parking spots is based upon the total of two. We're assuming the worst case if they overlap completely and we need to have a spot for everyone. If there's 600 on the day shift and 400 on the night shift, we'd shoot for 1,000 spots.

CHAIRMAN EWASUTYN: Board Members, any questions?

(No response.)

CHAIRMAN EWASUTYN: Pat Hines, Planner and Drainage Consultant?

MR. HINES: We had previously discussed the drainage with Mr. Utschig. The previous project was approved under the 2008 stormwater

1 regulations. This being a complete change of  
2 scope, it will need to be designed to the 2015 so  
3 there will be some re-engineering or the need to  
4 put new best management practices, runoff  
5 reduction and green infrastructure practices in.  
6 That will be something we'll look forward to  
7 towards the stormwater management report.

8  
9 The 16 foot increase in depth, you have  
10 to take a look at the blasting protocol that was  
11 developed during the retail project. There is  
12 currently ongoing groundwater monitoring of some  
13 residential wells on the east side, east of the  
14 site there. That should be looked at as well  
15 based on the change in depths and the amount of  
16 material that's going to be moved. We'll be  
17 looking to review that.

18 Previously the project included a  
19 bridge across the Quassaick Creek in the vicinity  
20 of 84 to get the sewer line -- gravity sewer fed  
21 into the gravity sewer system. I don't know if  
22 that's still proposed or if there will be a pump  
23 station.

24 MR. UTSCHIG: We're exploring some  
25 options. It seemed like the bridge and the

1 gravity was a fairly expensive way to get the  
2 sewer to the other side. We're looking at more  
3 value engineering on that. We understand we have  
4 to get across the creek to get to the connection  
5 point.  
6

7 MR. HINES: We'll be looking for that  
8 design as it's further developed.

9 That's all we have on this at this  
10 point. We haven't seen any of the detailed  
11 plans.

12 CHAIRMAN EWASUTYN: Ken Mennerich?

13 MR. MENNERICH: This site is very  
14 visible from Route 300. I was curious if there's  
15 going to be some new landscaping plans that will  
16 try to improve the visual impact of the building?

17 MR. UTSCHIG: We can look at those  
18 options and opportunities to do that. I guess  
19 the good news is for the most part we really face  
20 Interstate 84 for a majority of it. We do  
21 realize there is this piece on Route 300. As  
22 part of our submission we'll take into  
23 consideration that comment.

24 MR. MENNERICH: In comparison to the  
25 Matrix building that was put up on 17K, you don't

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really notice it from 17 --

MR. UTSCHIG: From 17K. I understand.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Jerry Canfield,  
Code Compliance?

MR. CANFIELD: What we're looking at I  
guess would be a concept plan, the level of  
detail. As this develops we can make more  
comments with respect to the building height and  
the determination of that.

I can say that this is in an IB Zone  
and the use is permitted in an IB Zone.

CHAIRMAN EWASUTYN: Dave, did you get  
as much information as you were hoping to get or  
there's some outstanding questions that you'd  
like to bring forward now so you can walk away  
with sort of a complete idea?

MR. EVERETT: I guess I'd like to get  
some guidance from the Board on what you think  
the next steps should be. Should we file a  
sketch plan application with you folks, pay the  
application fee or should we just do a  
preliminary site plan? We also, at some point,  
think it might be beneficial, if you agree, for

1  
2 our consultants to have sort of a working session  
3 meeting with your consultants to sort of get  
4 their input on some of the bigger issues that  
5 they'd like to have addressed. We'd like to do  
6 that sooner rather than later because we think it  
7 will be helpful again for Chuck to prepare site  
8 plans. Again, we look for guidance from you  
9 folks as to what you think we should do next.

10 CHAIRMAN EWASUTYN: I'll turn to Mike  
11 Donnelly, the Attorney for the Planning Board.

12 MR. DONNELLY: In broad strokes, this  
13 application, as you know, had full environmental  
14 review and an environmental impact statement, I  
15 think five or six amended findings statements. A  
16 lot of the issues that are part of this project  
17 were covered by those. What the SEQRA  
18 regulations say when it's been subject to that is  
19 what we're supposed to do is now assess the  
20 potential new issues that were not covered by  
21 either that environmental impact statement or the  
22 findings. If there are new significant issues  
23 not covered by the environmental impact  
24 statement, then the possibility is there that a  
25 supplemental environmental impact statement is

needed. If the new issues are not significant, then that's not the case. If the findings are not accurate any longer, and I suspect they won't be, the findings will have to be amended. Before this Board can take action on the site plan and before the Zoning Board or the Town Board can take action on a zone change or variance application we have to closeout SEQRA. That's rolling up our sleeves and getting into details. That's really not going to be able to be done until there's an application before the Board and an application fee that's paid. In the past when applications that have a great deal of technical issues to them, rather than spend all the time in front of the Planning Board narrowing those issues and talking about the level of detail that would be necessary, the Planning Board has authorized consultant meetings so that you can meet with the Town's engineering firm and myself when it comes to SEQRA issues to get some kind of game plan for how this can return to the Board. I don't know if we're at that juncture until we have an application. That's really a call for the Board. It seems to me what needs to happen

1 before too long is an application, and the  
2 appropriate level of environmental analysis needs  
3 to be submitted to the Board along with an  
4 application fee. If at that point a consultants'  
5 meeting seems to be the way to go, and I think  
6 there's a strong likelihood it would be, then the  
7 Board would do that. Whether the Board wants to  
8 have a consultants' meeting as soon as the  
9 application and fees are paid even before you  
10 return, that's their call. I think what we're  
11 missing, beyond the concept presentation, is the  
12 level of detail that's necessary to make an  
13 environmental determination, and of course the  
14 application and the application fee that will be  
15 needed to move this forward. I think those are  
16 the steps.

18 MR. EVERETT: To help the Board in  
19 regard with the SEQRA evaluation and the ultimate  
20 determination, this is what we were thinking  
21 about submitting. As you pointed out Mike, this  
22 project and the site has had lots and lots of  
23 environmental studies that have gone on for ten  
24 years, multiple findings statements, DEIS, FEIS,  
25 lots of different studies. The thing has been

studied to death. It's been very thoroughly done. We can use a lot of that stuff, and we plan to use a lot of that stuff as Chuck was eluding to. There's still some other things we can't use. We'll have to develop new studies for traffic, stormwater and those kinds of things. The plan for the presentation submission to the Board with respect to SEQRA is we were going to provide you with a quantitative list of The Ridge project which you guys had approved and what their impacts are and then compare that to our project to show the difference. As Chuck indicated, our feeling is that most of the areas -- most of those impacts are going to go down. Some may go up but most of them are going to go down. We'd also like to submit to you another document that compares all the SEQRA mitigation measures you folks had approved for The Ridge project and compare those to our project and just do an analysis as to whether or not those mitigation measures are still needed, if they're not needed why. If they still are needed, that's fine. Then provide a variety of studies that have to be updated and then a narrative to kind



1 of explain all this together. We think all that  
2 put together with an EAF form should be enough  
3 information for you guys at least to get started  
4 trying to figure out if that suits you for making  
5 your determination. Obviously your consultants  
6 will guide you as to whether or not you need  
7 anything more.  
8

9 MR. DONNELLY: I think the chart form  
10 with the back-up data is helpful. The chart and  
11 data have to be taken from a plan. I don't mean  
12 a final engineered plan of the building but more  
13 than what we see here. There's flexibility to  
14 that, but a site plan and appropriate level of  
15 detail to begin that analysis needs to be  
16 submitted. I agree, and we've done this before  
17 with other projects, a chart that shows the  
18 existing improved for each of the impacts across  
19 the rows, and then after that, but it could be  
20 done simultaneously, how the findings statement  
21 needs to be revamped, what additional mitigation  
22 measures might be needed and which ones are no  
23 longer necessary. That's definitely the outline  
24 of where we need to go.

25 MR. EVERETT: Is it the Board's desire

1                   they find a sketch submission at this point  
2  
3                   valuable or you'd rather us go to a more detailed  
4                   submission, sort of like a preliminary site plan?

5                   MR. DONNELLY: I turn to Ken and Pat. I  
6                   think it needs enough level of detail that you  
7                   can see what is likely to cause the issues. A  
8                   mere sketch I don't think is going to be  
9                   sufficient, but I'd defer to them.

10                  MR. WERSTED: For the traffic study  
11                  it's not going to be just a trip generation table  
12                  to show here's how much the shopping center  
13                  generated and here's how much the warehouse will  
14                  generate. There's different dynamics to it than  
15                  just that. I know you guys for the 17K site had  
16                  provided kind of an early version of that but  
17                  then followed it up with additional detail, and  
18                  we tried to give you some guidance kind of in  
19                  that early submission. I think eventually you  
20                  got to what we were looking for.

21                  MR. HINES: I think we've seen the  
22                  sketch tonight. A more detailed set will move  
23                  you forward in the direction you want to be  
24                  heading.

25                  Just two more. On the access road, the

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right side there, I can't read it from here.  
What does that say, Chuck?

MR. UTSCHIG: This area?

MR. HINES: Yes.

MR. UTSCHIG: It's been reserved for  
some level of additional development potential.

MR. HINES: That wasn't described. I  
knew that but I don't know if the Board knows  
that.

MR. UTSCHIG: We had left the quadrant  
at Route 300 as an area of potential additional  
development on the site. We haven't really  
gotten to a point where we even know what it  
might entail or involve.

MR. DONNELLY: Why don't you choose  
several worst-case scenarios to build into your  
environmental analysis in terms of traffic and  
whatever other issues are appropriate.

MR. UTSCHIG: That was our intent.  
Anything that would kind of -- any places where  
we're making that kind of an assumption, we're  
going to make the worst-case scenario assumptions  
with the hopes we're still at a point of less  
impact, and that allows your process, I think, to

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keep moving forward.

MR. DONNELLY: Okay.

MR. HINES: The only thing that came up during this last couple minutes here was the applying -- submitting an application for this use, there's going to be a need to withdraw the previous application. I don't think the Board can have dueling projects on the site.

MR. DONNELLY: We don't want to be in a situation where there's -- we don't see your contract, we don't need to see your contract. We don't want two different approvals coming into the office and asking for a building permit. If you're moving forward with this, that one has to be withdrawn at some point. I'm not saying before you apply. I don't think it's necessary.

There's also an issue with there's some missing documents that's holding things up. You've got to go one way or the other.

MR. EVERETT: Would the Board in that situation consider a condition of the -- an agreement that no building permits would be sought while this project application was pending before the Board and a conditional of final

1 approval -- there's no guarantee this Board will  
2 ever approve this project. If the Board does  
3 approve it then the other application will be  
4 withdrawn?  
5

6 MR. DONNELLY: I'll just make two  
7 comments. One, there's missing documentation  
8 that's causing some degree of concern inside Town  
9 Hall. Things that were supposed to have been  
10 delivered and weren't.

11 Secondly, you're going to have a  
12 deadline. The site plan is good for two years  
13 and can be extended for another one. Everyone  
14 has to be aware of what that is. If all the  
15 financial security is in place and the package is  
16 there, I don't have a problem, I'll check with  
17 the Town Attorney, with moving forward with this,  
18 providing that no approval will be granted to  
19 this unless and until that one is withdrawn.

20 MR. EVERETT: Our dilemma -- it's not  
21 my approval, it's obviously Greg Day and his  
22 client's approval. They spent millions of  
23 dollars obtaining that approval from you folks  
24 and we have no guarantee you folks are going to  
25 approve this project. We would like to at least

1  
2 have the ability, if you don't approve this  
3 project, that can still move forward. We  
4 understand the issues of dueling documents and  
5 that creates a problem. I think we can try to  
6 deal with some language in an agreement to make  
7 sure that that doesn't happen and the Town is not  
8 confused.

9 MR. DONNELLY: I'll speak to the Town  
10 Attorney. I'm sure we can find a way to solve  
11 that.

12 MR. EVERETT: I appreciate that. Thank  
13 you.

14 CHAIRMAN EWASUTYN: Chuck, from your  
15 experience, the level of detail that Pat Hines is  
16 suggesting you come forward with next, how many  
17 weeks will it take you to reach that point?

18 MR. DONNELLY: It's Thursday.

19 CHAIRMAN EWASUTYN: The reason why I  
20 ask the question is we first have to come to  
21 terms, and it's in the code, there's no way of  
22 waiving the fees. The fees are the fees. We  
23 have an understanding as to what the escrow fee  
24 would be. There is correspondence on that. The  
25 application fee is the application fee. I go on

1 record with that now. I don't think we have to  
2 spend a lot more time with that. I hope we  
3 don't, because again, the reason why I raised the  
4 question to Chuck is, and I'm assuming you're  
5 prepared to submit a complete application, submit  
6 the fees within a short period of time, in which  
7 case this is a new application, a new project  
8 number.  
9

10 In reference to a consultants' meeting,  
11 the next scheduled consultants' meeting is when,  
12 Pat?

13 MR. HINES: It's the last Tuesday of  
14 the month each month. Actually, it's the fourth  
15 Tuesday, not necessarily the last Tuesday.

16 CHAIRMAN EWASUTYN: That's why I raise  
17 the question. Do you think you could have  
18 information available? We're talking about a few  
19 things here. We're talking about completion of  
20 the application fees, we're talking about when  
21 you're ready and the Board could, if they'd like  
22 now, assuming we have everything we need to get  
23 back to an application, move to set this up for a  
24 consultants' meeting.

25 What is the date, Pat?

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THE RIDGE

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MR. HINES: It would be the 27th of  
February is the earliest.

CHAIRMAN EWASUTYN: Is that reasonable  
for -- can you perform in such a short period of  
time?

MR. UTSCHIG: So we would bring our  
documents to the meeting on the 27th?

MR. HINES: Preferably not. I don't  
know if we get --

CHAIRMAN EWASUTYN: How many days in  
advance, with all due respect?

MR. HINES: At least a week I would  
think.

MR. UTSCHIG: There are lots of things  
that we can get done in the next couple of weeks,  
especially on the SEQRA front, identify things  
like comparisons which we're talking about.  
There are a bunch of threshold issues. We  
clearly aren't going to develop this set of  
drawings to a site plan approval level of detail  
basically in the next two weeks. We can do a lot  
of meaningful work, and I think a discussion with  
your staff with that information having been  
submitted would help us. If there's a way to get



1                   there we would love to take advantage of that  
2  
3                   meeting on the 27th and be able to submit as much  
4                   as we can by the 15th. I think it will be enough  
5                   to make the discussions meaningful.

6                   CHAIRMAN EWASUTYN: Mike Donnelly, your  
7                   opinion?

8                   MR. DONNELLY: I think that makes  
9                   sense. This is obviously a moving target. Which  
10                  direction the final detail goes will depend upon  
11                  the analysis at the meeting. If they can get a  
12                  meaningful site plan submitted by the 15th  
13                  sufficient for Pat and Ken to look at before the  
14                  consultants' meeting and deliver that with the  
15                  application form and the fee, I think that's a  
16                  direction that will work.

17                  MR. HINES: I don't know where the 15th  
18                  came from. I said a week.

19                  MR. UTSCHIG: We can agree with Pat on  
20                  an appropriate date to submit documentation  
21                  before the meeting. We will do that. If that's  
22                  acceptable to the Board, I think we can -- that  
23                  would help us.

24                  CHAIRMAN EWASUTYN: Again, the meeting  
25                  date is the 27th?

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MR. HINES: The 27th of February.

CHAIRMAN EWASUTYN: Would the Board be satisfied that there will be a reasonable amount of information provided to Pat Hines, and then tonight, subject to getting a complete application, the fees, we would set this up for a consultants' meeting on the 27th of February this month. John Ward?

MR. WARD: Yes.

MR. DOMINICK: Yes.

MR. MENNERICH: Yes.

MS. DeLUCA: Yes.

MR. EVERETT: Thank you, Mr. Chairman.

CHAIRMAN EWASUTYN: Ken, are you prepared to submit the application fees in a short period of time?

MR. GRIFFIN: We know the application fees are going to be required and that's our intent, yeah.

CHAIRMAN EWASUTYN: Thank you.

On a separate note Greg, I have e-mails going out to Mr. Richardson in reference to fees and deposits needed to be made in your escrow account. I haven't received a response yet.

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THE RIDGE

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MR. DAY: Okay.

CHAIRMAN EWASUTYN: I'd like to have  
some due diligence on that.

MR. DAY: You'll have a response by  
tomorrow.

CHAIRMAN EWASUTYN: The last item of  
importance this evening, I'd like to thank Mr.  
Everett for wearing a tie.

MR. EVERETT: Thank you very much. I  
almost forgot how to tie one.

CHAIRMAN EWASUTYN: You're such a  
handsome man. No pun intended.

I think we're all reasonably satisfied.  
Just give me advanced notice when things are  
coming in so I can let the building department  
know.

(Time noted: 7:48 p.m.)

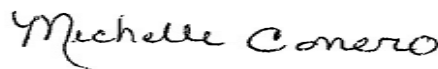
## C E R T I F I C A T I O N

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 9th day of February 2018.



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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

RAM HOTEL  
(2016-21)

Unity Place  
Section 97; Block 2; Lot37  
IB Zone

- - - - - X

AMENDED SITE PLAN

Date: February 1, 2018  
Time: 7:48 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVES: LAWRENCE MARSHALL

- - - - - X

MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845)541-4163

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RAM HOTEL

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CHAIRMAN EWASUTYN: Our second item of business this evening is the RAM Hotel. It's located on Unity Place. It's in an IB Zone. It's an amended site plan. It's being represented by Larry Marshall of Mecurio-Norton-Tarolli-Marshall.

MR. MARSHALL: Good evening. This is the RAM Hotel's application for the hotel off of Unity Place.

What we proposed is just a revision to the number of parking spaces proposed on the site. If you all recall, we had 13 parking spaces previously banked as potentially to be built in the future. Based upon an Article 78 proceeding, the judge had ruled that there were questions of whether or not the Board had the right to do that, to bank parking spaces. After consultation with the applicant we felt it was best just to construct those parking spaces, and thus necessitating a revision to the site plan.

So the sole revision to the site plan is rather than banking those 13 parking spaces, we have proposed to construct them during the initial construction. We have the 7 parking

spaces along the southwest corner of the proposed hotel, the 3 located in the northwest corner of the hotel, and then the 3 parking spaces located in the northeast corner of the hotel. What we've done is just shown the construction of those. There's a small amount of fill that's required for the 7 spaces in the southwest corner.

The other revisions are just simply conversion of previously proposed landscaped areas or lawn areas into the proposed parking spaces.

As these parking spaces had the potential for being constructed at a future date during the previous review of this, the impervious surface associated with those spaces was already accounted for in the stormwater pollution prevention plan and thereby no revision is required to that report. The fill that's being proposed does not add any additional disturbance to the existing wetlands located on the project site, it's merely just an added cost to the applicant.

CHAIRMAN EWASUTYN: Ken Wersted, you reviewed the initial need for parking and today's

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RAM HOTEL

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representation by Mr. Marshall.

MR. WERSTED: Yes. The previous version of the site plan had simply shown these 13 spaces land banked. At that point these spaces were just a dash line on the map. Larry has now formalized that to show they're proposed to be constructed at this time.

We had gone through a number of different reviews on the project and found the 143 likely to be more parking than they would normally need unless certain circumstances came to fruition, meaning they were using the boardroom, they had a full hotel, et cetera. So I think the 143 spaces are going to be adequate for day-to-day operations. If they are proposing to construct them, then I don't think there's any need for less parking.

CHAIRMAN EWASUTYN: Thank you.

Pat Hines?

MR. HINES: As Mr. Marshall said, we took a look at the stormwater pollution prevention plan and concur that the impervious surfaces had been addressed previously.

The only other comment we have is after



1 the last approval the condition was the  
2 pre-construction notice to the Army Corp of  
3 Engineers which is included in the original  
4 approval. I note that the Army Corp sent a  
5 letter on, I think it was August 28th that  
6 requested some additional information, possibly  
7 an individual permit. I don't know where that  
8 stood. Can you fill us in on that?

10 MR. MARSHALL: Sure. The wetlands  
11 consultant, Jim Bates from Ecological -- I  
12 apologize. Jim Bates from --

13 MR. HINES: Ecological Services.

14 MR. MARSHALL: Thank you. He's been  
15 working with the Army Corp of Engineers and Brian  
16 Roselle. The submission has been made -- the  
17 resubmission has been made. Brian Roselle  
18 requested additional test pits to be completed on  
19 the site to determine the potential for previous  
20 fill that had been placed. The results of those  
21 test pits showed no signs of that, and he  
22 submitted that documentation to the Army Corp.  
23 I do not know the status -- I do not know -- we  
24 have not received anything in response from that  
25 submission. It was completed fairly recently.

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RAM HOTEL

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We will keep the Board apprised of any  
documentation that we receive from the Army Corp.

CHAIRMAN EWASUTYN: Jerry Canfield,  
Code Compliance?

MR. CANFIELD: Just one item. Larry, I  
thought we talked originally at an earlier date,  
the hydrant on the southeast side of the corner  
of the building, moving that across the driveway,  
moving it out of the collapse zone of the  
building.

MR. MARSHALL: Okay. I apologize.

MR. CANFIELD: Just a minor detail  
but --

MR. MARSHALL: We can move that.  
That's not a problem. I apologize if that was  
discussed before.

MR. CANFIELD: Not a problem.

CHAIRMAN EWASUTYN: Comments from Board  
Members. John Ward?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No. Good job, Larry.

MR. MENNERICH: No questions.

MS. DeLUCA: No.

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CHAIRMAN EWASUTYN: Mike Donnelly,  
where are we now in the process?

MR. DONNELLY: Your original approval  
was for subdivision, site plan and ARB. There's  
no need to touch the subdivision or ARB again  
because there is no change.

As Larry has explained, the only change  
in the site plan, other than the request to move  
that hydrant location, is a proposal to build all  
of the parking shown on the plan now rather than  
leave some of it to be built later on. The  
rationale for that is, as Larry has explained,  
confusion on the court's part, probably  
engendered by the lack of elegance of some of our  
documents to explain the parking calculations  
that the Board relied upon. While it isn't  
important since the court was confused, I'll  
state what the Town Planning Board's position  
was. The required parking spaces were 117. Ken  
had recommended that 130 would be an appropriate  
number given the potential for dual use by  
outsiders of the facilities and the hotel. Ken  
computed the worst-case scenario, meaning that if  
the ancillary hotel and bar was used exclusively

1 by outsiders and the hotel was at full occupancy,  
2 that 143 would be needed in that worst-case  
3 scenario and that's why they were set aside.  
4 That was not required parking, that was the  
5 ultimate contingency parking. In any event, it's  
6 going to be built now. It's not crucial that our  
7 explanation be given to the court.  
8

9 If you're inclined to grant this site  
10 plan, that is the only change.

11 I will note, given the developments  
12 before the Army Corp, that some type of sign off  
13 or clearance will be needed from them before the  
14 building permit is issued.

15 MR. MARSHALL: Of course.

16 CHAIRMAN EWASUTYN: So before I ask  
17 Mike Donnelly to one more time repeat the  
18 conditions for approval of the amended site plan  
19 for RAM Hotel, I'll poll the Board Members to see  
20 if they'd like to have a public hearing on this.

21 Stephanie?

22 MS. DeLUCA: No.

23 CHAIRMAN EWASUTYN: Ken?

24 MR. MENNERICH: No.

25 MR. DOMINICK: No.

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MR. WARD: No.

CHAIRMAN EWASUTYN: Myself no.

Let the record show that the Planning Board waived the public hearing on the RAM Hotel.

One more time I'll turn the meeting over to Mike Donnelly to present and give us conditions for approving the amended site plan for the RAM Hotel.

MR. DONNELLY: The resolution is for amended site plan approval. The first condition is a sign-off letter from Pat Hines that the issues raised in his memo of July 18th and again repeated in his January 29, 2018 memo have been addressed. We will require appropriate sign off from the Army Corp of Engineers before any building permit is issued. We then state that except as hereby modified, all conditions attached to the original approvals, subdivision, site plan and ARB, remain in effect. And then the standard condition regarding construction of facilities not shown on the site plan can not be constructed.

CHAIRMAN EWASUTYN: Do we have any further questions or comments from our

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RAM HOTEL

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Consultants or Board Members?

(No response.)

CHAIRMAN EWASUTYN: Would someone move  
to make a motion to approve the amended site plan  
subject to the conditions presented by Mike  
Donnelly?

MR. DOMINICK: I'll make the motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by  
Dave Dominick and I have a second by John Ward.  
I'll ask for a roll call vote starting with  
Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

MR. MARSHALL: Thank you very much.

(Time noted: 7:58 p.m.)

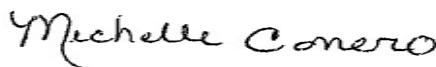
## C E R T I F I C A T I O N

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 9th day of February 2018.



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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

GAYDOS/MARIANI LOT LINE CHANGE  
(2017-28)

Shady Lane & Friar Lane  
Section 64; Block 3; Lot1  
R-3 Zone

- - - - - X

LOT LINE CHANGE

Date: February 1, 2018  
Time: 7:58 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVES: MARK GAYDOS

- - - - - X

MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845)541-4163



CHAIRMAN EWASUTYN: The third item of business this evening is the Gaydos/Mariani lot line change. It's located on Shady Lane and Friar Lane in an R-3 Zone. It's a lot line change being represented by Darrin Scalzo.

MR. GAYDOS: Good evening. My name is Mark Gaydos. I'm here with my wife Debbie. We've lived in our home at 16 Shady Lane for over twenty years. Our lot is a small .33 acre, but most of the lots on Shady Lane are about the same size. It's in the R-3 Zoning District. Our lot is directly next to a 1.59 acre lot owned for over twenty years by the Marianis over on Friar Lane. We've enjoyed each others company. When Mr. Mariani passed away a few years ago we would check in with Louise often to see if she was okay.

In April 2009 we were in front of the Zoning Board of Appeals for an area variance for relief from a pre-existing nonconforming front and side yard setback for an addition to the rear of our house and a new front porch. Mr. and Mrs. Mariani were in attendance at that ZBA meeting and offered their support for our project.

1  
2                   Around that time Mr. Mariani started  
3 discussions about giving us a buffer because our  
4 home was so close to the property line. We  
5 talked about different scenarios for the buffer  
6 on and off for years. When Mr. Mariani passed,  
7 Mrs. Mariani continued the conversations about  
8 it.

9                   Here we are years later with a plan to  
10 move our property line 10 feet to the north. The  
11 proposed lot line change will bring my lot into  
12 conformity for the lot area requirements.

13                   Since the initial Planning Board  
14 meeting in November we have moved our shed a few  
15 feet to meet the setback. Our engineer showed  
16 that on the map as well as adding notes regarding  
17 buried utilities.

18                   We have provided Charlene Black of the  
19 Town of Newburgh with the required 66 mailings  
20 and we have a notarized affidavit indicating they  
21 were all mailed on January 12, 2018.

22                   Our engineer reviewed the proposed  
23 resolution prepared by the Planning Board  
24 Attorney and he has no comments or questions  
25 about it.

1  
2                   At this time we respectfully request  
3 the approval of the Town of Newburgh Planning  
4 Board for a lot line change.

5                   CHAIRMAN EWASUTYN: Thank you, Mark.

6                   Pat Hines?

7                   MR. HINES: I concur with Mr. Gaydos.  
8 The shed has been removed and that has been  
9 depicted on the lot. The notices have been sent  
10 out. More than ten days have past. I believe  
11 the Planning Board is in a position to approve  
12 the lot line change.

13                  CHAIRMAN EWASUTYN: Any comments, Jerry  
14 Canfield?

15                  MR. CANFIELD: I have nothing  
16 additional.

17                  CHAIRMAN EWASUTYN: Comments from Board  
18 Members?

19                  MR. WARD: No.

20                  CHAIRMAN EWASUTYN: I'd like to, at  
21 this point, turn the meeting over to Mike  
22 Donnelly, Planning Board Attorney.

23                  MR. DONNELLY: The resolution includes  
24 a recitation that you issued a negative  
25 declaration under SEQRA but I don't believe

1                   you've done that yet. You may wish to  
2                   incorporate that into it.

3                   The conditions are fairly standard.  
4                   First we note, because there's apparently an  
5                   asphalt encroachment onto the adjoining property,  
6                   we don't endorse that or approve it. That's not  
7                   really part of the lot line change. Beyond that,  
8                   and you've seen the conditions, they're  
9                   technical, they track the requirements of the  
10                  code in terms of what needs to be submitted to  
11                  whom when. In essence you need to submit the  
12                  plans, they need to be filed with the Orange  
13                  County Clerk's office, the deed needs to be  
14                  recorded with the Orange County Clerk. You must  
15                  copy the Town Board on those filings. That's all  
16                  set forth in the resolution that your engineer  
17                  has seen. Those are the standard conditions.

18                  CHAIRMAN EWASUTYN: I'll move for a  
19                  motion that we declare a negative declaration for  
20                  Gaydos/Mariani and to approve the lot line change  
21                  subject to the conditions presented by the  
22                  Planning Board Attorney, Mike Donnelly.

23                  MR. WARD: So moved.

24                  MR. DOMINICK: Second.

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CHAIRMAN EWASUTYN: Motion by John  
Ward, seconded by Dave Dominick. I'll ask for a  
roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

In around thirty days when the maps are  
signed, you could either leave me a voice message  
or send me a letter and the balance in your  
escrow account will be released. What I mean by  
that is I have to process bills associated with  
minutes and consultants. I know you made a  
deposit. There should be monies left and that  
money will be released to you.

MR. GAYDOS: Thank you.

CHAIRMAN EWASUTYN: You're welcome.

That's it.

MR. GAYDOS: Thank you.

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

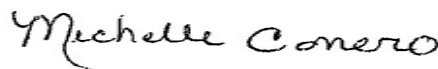
## C E R T I F I C A T I O N

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 9th day of February 2018.



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MICHELLE CONERO

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

- - - - - X  
In the Matter of

TILLSON CORP.  
(2017-27)

North Plank Road & NYS Route 32  
Section 42; Block 1; Lots 2.22, 3 & 1.2  
R-3 Zone

- - - - - X

LOT LINE CHANGE

Date: February 1, 2018  
Time: 8:03 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD

APPLICANT'S REPRESENTATIVES: DARREN DOCE

- - - - - X

MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845) 541-4163

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TILLSON CORP.

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CHAIRMAN EWASUTYN: The next item of business this evening is Tillson Corp located on North Plank Road in an R-3 Zone. It's a lot line change being represented by Darren Doce.

MR. DOCE: Good evening. We're proposing a lot line change between Plank Properties and Tillson Corp. An acre and a quarter of land will be removed from the Plank Properties' parcel and added to the Tillson Corp parcel. The remaining acreage of Plank Properties as well as a separate tax parcel to the rear are going to be conveyed to the County of Orange. That's basically the entire proposal.

There's an existing road from a future -- a very old subdivision that we're proposing to remove.

CHAIRMAN EWASUTYN: Thank you.

Pat Hines, please.

MR. HINES: This was before us previously. It was determined that Orange County needed to be party to the application. We don't have them on board yet I don't believe.

MR. DOCE: I've spoken to -- are you



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TILLSON CORP.

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from the County?

MS. TENNERMANN: I am.

MR. DOCE: I spoke to Dave Church today. They were going to have a rep here to voice their approval because getting -- I guess legally getting something from them in writing is going to take some time. They're totally on board with the proposal. We've added them to the application. We submitted a new application as their being a party to the lot line change and included the second sheet showing the County parcel just by deed composite.

CHAIRMAN EWASUTYN: Your name, please?

MS. TENNERMANN: I'm Megan Tennermann from Orange County Planning. I am representing the County Planning Commissioner, David Church.

In this matter we are willing and interested to accept the charitable donation of land as proposed by Mr. Doce. I am not aware of any legal agreement to act as a party to this application. I would have to research that.

CHAIRMAN EWASUTYN: Mike Donnelly?

MR. DONNELLY: Usually what we want to see is when somebody's land is being affected,

1 and indeed a condition of this will be the deed  
2 be recorded conveying it to the County, we want  
3 to make sure that other party is aware of it. It  
4 usually requires a proxy. In the case of the  
5 County I'm sure we would take a letter. I don't  
6 think there's an issue in principle about the  
7 fact that you're on board. At some point we'll  
8 need some indication to that effect. I think a  
9 letter would be fine. It will be a condition of  
10 the lot line change approval that the land be  
11 conveyed to the County so it becomes a part of  
12 the adjoining property and doesn't become a new  
13 parcel sitting out there that's going to go for  
14 tax sale. A letter from the appropriate person  
15 in the County Government would be fine. I don't  
16 know whether the county attorney, Dave, the  
17 county executive, who has to do it. Ultimately  
18 there's probably going to be a resolution to  
19 accept the land. At this point we simply want to  
20 know the County is in favor of this application.

22 MS. TENNERMANN: The resolution  
23 accepting the land would have to be an action of  
24 the county legislature.

25 MR. DONNELLY: Correct. But joining in

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the request wouldn't take that.

MS. TENNERMANN: No. That would probably only be a letter. You'd want that prior to approval?

MR. DONNELLY: Yes. We're going to need to schedule notices anyway.

MR. HINES: Yes.

MR. DOCE: Dave Church has told me that he's spoken to the legal department out there. It's just getting them to act on -- getting the letter.

MR. DONNELLY: We're not requiring a resolution of the legislature accepting the land. We simply need a letter that says that this idea, which is to give land to the County to connect to it's existing park system, is something the County is going to accept. We don't want to create a parcel that's going to float out there and someone is going to pick it up.

MR. HINES: The resulting parcel is now landlocked unless it's connected to the park. I think it should be shown, just for clarity, that it's going to be connected.

MR. DOCE: I will remove this property

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TILLSON CORP.

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line.

MR. HINES: Or even put the Z symbol they show and a note on there it's not a building lot. We don't want to see this end up -- something happening and going to tax sale and someone show up in Jerry's office for a building permit application. It's a clean-up item.

I know you did it a little backwards. You dropped off the mailing list to my office. Normally I provide that to your office. We'll have to do the ten-day notice to the surrounding landowners as well. I'll prepare that for you and get it over to you.

MR. DOCE: All right.

MR. HINES: I guess we have to send it to County Planning. No. It's only a lot line.

MS. TENNERMANN: You do need to send it to County Planning because we are an interested party. I am forbidden from commenting. You're going to send me a letter and I'm going to say nothing.

MR. HINES: Actually, our lot line ordinance doesn't consider it a subdivision.

MR. DONNELLY: It's not a subdivision.

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TILLSON CORP.

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We don't generally send them to you.

MS. TENNERMANN: Okay.

MR. DONNELLY: We'll save you the trouble of being quiet.

MR. HINES: We have a separate lot line ordinance.

MS. TENNERMANN: You know how much effort that takes me.

CHAIRMAN EWASUTYN: I know you don't speak to me, but that's beside the point.

MS. TENNERMANN: I am fine with that. Your subdivision ordinance does not in fact require it be referred as a subdivision, so okay. We'll just put a note in the file and I will see what needs to happen for the letter. Obviously I can't commit to that.

MR. DONNELLY: If Dave or the county attorney wants to call me, I'm sure we can find a document that's not going to cause them a fuss.

MS. TENNERMANN: Okay.

CHAIRMAN EWASUTYN: Pat, I don't think at this point, like Gaydos/Mariani, with that lot line change, we can't take any action --

MR. HINES: No.

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TILLSON CORP.

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CHAIRMAN EWASUTYN: -- because we have to circulate and there's that ten-day timeframe.

MR. HINES: Right. The notices have to go out. I think we need the other issue resolved as well.

MR. DONNELLY: We'll need a letter.

MR. HINES: We'll prepare the notices. I think there's sufficient information on the map for that.

CHAIRMAN EWASUTYN: Is it reasonable to move to set this up for the meeting of the 18th of February? I guess it's really -- would that qualify within that timeframe?

MR. HINES: If I can get Darren the notices and he can get them mailed out. It would have to go out like Monday. I can do it tomorrow.

MR. DOCE: I'll get it out.

MR. HINES: The next meeting is the 15th. Monday would be the ten days. It would have to absolutely be Monday.

CHAIRMAN EWASUTYN: Darren, would you like for us to take action on the 18th or would you prefer for us waiting to March 1st?

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TILLSON CORP.

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MR. DOCE: I'll wait until March 1st.  
Hopefully we can have the letter and everything  
will be there.

CHAIRMAN EWASUTYN: That's reasonable.  
Anything else?

MR. DONNELLY: Applicants rarely  
request delays.

MR. DOCE: I know. It's just  
coordinating. With Dave it took a little while,  
and then him trying to get the legal department  
to write a letter was not working.

CHAIRMAN EWASUTYN: It's good it worked  
out the way it did. We haven't seen Megan in how  
many years?

MS. TENNERMANN: It has been some time.  
Would you like me to speak to that?

CHAIRMAN EWASUTYN: Not at all.

MS. TENNERMANN: Okay.

CHAIRMAN EWASUTYN: We've had  
discussions on that. That's fine.

MS. TENNERMANN: I will say that the  
Planning Department has taken your comments under  
advisement and will be implementing a plan to  
deal with that later.

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TILLSON CORP.

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CHAIRMAN EWASUTYN: Thanks ever so much.  
I don't mean to be so rude. It's nice doing the  
coordinated review and getting some input.

Were you reasonably satisfied with how  
The Ridge was discussed and sort of managed  
tonight from your perspective?

MS. TENNERMANN: I look forward to  
reviewing the full statement.

CHAIRMAN EWASUTYN: Great. Thank you.

MR. DOCE: Thank you.

(Time noted: 8:12 p.m.)



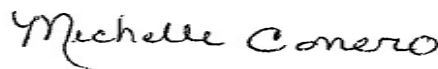
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IN WITNESS WHEREOF, I have hereunto  
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MICHELLE CONERO

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

- - - - - X  
In the Matter of

SLUSZKA TIMBER HARVEST  
(2018-02)

Shady Lane & Friar Lane  
Section 11; Block 1; Lots 2, 1.23 & 1.3  
Section 3; Block 1; Lot 82

- - - - - X

INITIAL APPEARANCE  
TIMBER HARVEST

Date: February 1, 2018  
Time: 8:12 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: JORDAN HELLER

- - - - - X

MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845)541-4163

CHAIRMAN EWASUTYN: The last item on the agenda is the Sluszkas Timber Harvest. It's located on Route 300 and encompasses several sections, blocks and lots. It's Section 11, Block 1, Lot 2; and then Section 11; Block, Lot 1.23; and Section 11, Block 1, Lot 1.13; and also Section 3, Block 1, Lot 82. It's here tonight. It's in the AR Zone. It's here for an initial appearance for timber harvest.

Jim Wlasiuk is it?

MR. HELLER: I'm Jordan Heller, a forester with Green Lumber Company. I'm representing Jim who is the logging contractor for the operation. Mr. Rick Sluszkas is here, the property owner, as well.

CHAIRMAN EWASUTYN: I didn't recognize the name until now. I apologize.

MR. SLUSZKA: How are you, John?

CHAIRMAN EWASUTYN: Very good, thank you.

MR. HELLER: So essentially it's a pretty straightforward project. The boundaries are stonewalls. On the south side of the property where Rick's home is there won't be much

1 timber harvesting going on. There aren't many  
2 merchantable trees in that area. I've scouted  
3 the property out. The majority of the timber is  
4 located on the northwest side of the property.  
5

6 The landing location where all the logs  
7 will be skidded to and loaded onto the log trucks  
8 is on the Route 300 side. There's an existing  
9 driveway access. I think Rick has a house on the  
10 property that he rents out.

11 Other than that, there's existing  
12 trails from an old, old harvest, probably twenty,  
13 thirty years ago.

14 Other than that, I don't know -- I've  
15 never -- you guys require a lot of information.  
16 I've been in front of many boards but I'm not  
17 really sure what you're looking for.

18 Do you have any questions for me?

19 CHAIRMAN EWASUTYN: We'll turn to Pat  
20 Hines. He reviewed your application which we  
21 received from Jerry Canfield.

22 MR. HELLER: You're the previous  
23 engineer for the Town of Mamakating, weren't you?

24 MR. HINES: A long time ago.

25 MR. HELLER: I've heard about you.

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MR. HINES: Only good things.

MR. HELLER: I've heard, compared to the engineer they have right now, wonderful things.

MR. HINES: Typically what we get, and this Board does process quite a few of these, the number of trees harvested. He gave us a species list, Jim Wlasiuk did. I think he got my comments.

MR. HELLER: I don't have your comments, no.

MR. HINES: He gave us a species list. Typically we get the number of those and some semblance of the number of trees and their diameter and that information. Number of trees per acre. That puts it in perspective for the Board, if you can break that down.

The loading area and access drive on Route 300 will need DOT review and approval because of the commercial nature of that activity.

MR. HELLER: All right.

MR. HINES: And then for the Board, if you can give them a timeframe, how many days it's

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going to work. The next public hearing is  
March 1st is the earliest date.

MR. HELLER: Close to the end of  
February.

MR. HINES: With that, I will prepare  
the public hearing notice and provide you with a  
list for -- a mailing list. That mailing can go  
out --

MR. HELLER: I provided the mailing  
list in my application. There's like fifteen  
people.

MR. HINES: I'm still going to get one  
from the assessor so we don't miss anyone.

MR. HELLER: Okay.

MR. HINES: That goes out first class  
mail. You'll put the notice in envelopes and  
provide them to Charlene Black in the personnel  
department here. She'll physically mail them.  
That saves you from certified mailing costs.  
It's \$0.49 instead of \$8 per letter. That's the  
process there. As long as the Board sets that  
public hearing.

CHAIRMAN EWASUTYN: You could go online  
and get Charlene Black's phone number.

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MR. HELLER: Okay.

CHAIRMAN EWASUTYN: I would appreciate it if you'd give her a call twenty-four hours in advance that you'll be coming in so she can be prepared to serve you.

MR. HELLER: Okay.

CHAIRMAN EWASUTYN: Then I would move for a motion to set the public hearing on the Sluszkka Timber Harvest for the 1st of March.

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich. Second by --

MR. DOMINICK: John Ward.

CHAIRMAN EWASUTYN: -- John Ward. Second by John Ward. I'll ask for a roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

MR. HINES: Do you have a card if



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you're the one I'm going to send the information  
to?

MR. HELLER: I'm going to run out to  
the truck.

I just want to recap. I need to speak  
with Charlene Black, --

CHAIRMAN EWASUTYN: Right.

MR. HELLER: -- I need to get tree  
information for you and the notice which you  
will --

MR. HINES: I'll provide the notice.

MR. HELLER: Okay.

CHAIRMAN EWASUTYN: Good deal.

MR. HELLER: All right. Thank you very  
much.

CHAIRMAN EWASUTYN: We have no Board  
Business this evening. I'd like to move for a  
motion that we close the Planning Board meeting  
of the 1st of February with a roll call vote.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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Motion carried.

(Time noted: 8:20 p.m.)

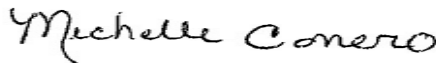
C E R T I F I C A T I O N

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 9th day of February 2018.



---

MICHELLE CONERO