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

----- X
In the Matter of

2021 REAPPOINTMENTS FOR
TOWN OF NEWBURGH PLANNING BOARD

----- X

BOARD BUSINESS

Date: January 7, 2021
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

MICHELLE L. CONERO
3 Francis Street
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 Planning Board meeting of the 7th of 2021. Tonight we have the reorganizational meeting, which Ken Mennerich will introduce that, and we have two agenda items.

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

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. WARD: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MR. CORDISCO: Dominic Cordisco with Drake, Loeb, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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

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

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CHAIRMAN EWASUTYN: Thank you.

At this point we'll turn the meeting over to Michelle Conero.

MS. CONERO: Please stand for the Pledge.

(Pledge of Allegiance.)

MS. CONERO: If everyone would please silence their cellphones.

CHAIRMAN EWASUTYN: The first item is the reorganizational meeting. Ken Mennerich will bring that along.

MR. MENNERICH: All the Planning Board Members got the information on the consultants' interest in continuing as Planning Board consultants. They're all consultants that we've had for the past year, and longer for many. I would suggest that we have a blanket vote for the whole group of people rather than going through each one individually.

Is there anybody on the Planning Board that has a problem with doing it that way?

MR. WARD: No.

MR. MENNERICH: Okay. Dominic Cordisco as Attorney for the Planning Board. Pat Hines as

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the Engineer and Planners for the Planning Board.
Karen Arent as the Landscape Architect to the
Planning Board. Ken Wersted as the Traffic
Engineer to the Planning Board. Michael Musso as
the Telecommunications Consultant. Michelle
Conero as Stenographer to the Planning Board.

MR. HINES: Just to clarify, I need my
firm name, not myself.

MR. MENNERICH: Okay. McGoey, Hauser &
Edsall as the Engineers and Planners for that
portion of the planning Board's workload.

Can somebody give me a motion?

MR. DOMINICK: I'll make a motion.

MR. MENNERICH: Dave. Who is the
second?

MS. DeLUCA: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

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2021 REAPPOINTMENTS

MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: We have the dates for the 2021 consultants' work sessions listed. They're on Tuesdays at the end of the month.

Will somebody make a motion to accept that work session schedule?

MR. GALLI: I'll make a motion.

MR. WARD: Second.

MR. MENNERICH: Frank Galli. John Ward seconded.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: And for our 2021 Planning Board meeting, we all got that schedule

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of the proposed dates for that.

Could I have a motion to accept that?

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: I'll second Frank Galli's motion.

MR. MENNERICH: Frank and John.

CHAIRMAN EWASUTYN: We have a motion by Frank Galli and a second by John. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:05 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 15th day of January 2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

NPA SITE PLAN
(2017-03)

NYS Route 747 Boulevard
Section 89; Block 1; Lots 80.1 & 80.2
IB Zone

----- X

COMMERCIAL SITE PLAN

Date: January 7, 2021
Time: 7:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

----- X

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CHAIRMAN EWASUTYN: The second item on the agenda this evening is NPA Site Plan, project number 17-03. It's a commercial site plan located on Route 747 in an IB Zone. It's being represented by Ken Lytle of Zen Design.

MR. LYTLE: Good evening. Since the last time here we were referred to the Zoning Board. We made a bunch of changes to minimize the amount of changes we thought we would need.

A couple of changes is we shrunk the building size, adjusted the parking lot layout, moved the diesel canopies which were on the southern side to the northern side. A couple of variances were required because of the tank locations. We were able to adjust that on the site to get rid of those variances. A lot of the actual turning facilities around the parking lot to handle larger trucks were changed.

We're here tonight based on the different configuration and the new list of zoning variances we will need. We're hoping to get direction to the Zoning Board to continue with them.

CHAIRMAN EWASUTYN: We'll start with

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any questions from Members starting with Frank
Galli.

MR. GALLI: The turning radius for the
trucks, --

MR. LYTTLE: Yes.

MR. GALLI: -- it's not going to wipe
out the stonewall?

MR. LYTTLE: We don't believe so. We
showed the tire rotations on that. Again we'll
confirm that with Ken Wersted.

MR. GALLI: The tires look like they're
on the wall.

MR. LYTTLE: Here? The actual hashed-
in line is just the retaining wall. It should be
about five to six feet outside of the actual curb
line.

MR. GALLI: The turn going out is going
to be okay?

MR. LYTTLE: It should be okay. We
widened the entrance.

MR. GALLI: No more drive-thru?

MR. LYTTLE: No more drive-thru. The
drive-thru has been removed.

MR. GALLI: That's all I had on that,

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John.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: I have none.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: I think you'll be hearing from Pat concerning the stormwater management. Can you give us some insight on what you plan on doing for that?

MR. LYTLE: Again, once we actually get the zoning variances we're going to actually study the stormwater for that reason. We'll work directly with Pat for that.

MR. GALLI: Do you think you're going to go above ground or below ground?

MR. LYTLE: We believe part of the tank will be below ground most likely. We're using most of the site currently.

MR. GALLI: Isn't that a contaminated site?

MR. LYTLE: Our site is not a contaminated site. We'll confirm that.

MR. HINES: The gist of that comment was that it's a stormwater hotspot considered by the DEC and infiltration practices aren't

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permitted. There's not a lot of room left on the site. You can engineer/design a line system or something, but --

MR. LYTTLE: Okay. We'll work on that for our next submission to you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Do you have the variances for in between the two lots coming across? Right there.

MR. LYTTLE: There wasn't a variance required. We actually have a permanent easement across the DEP property. That's actually been confirmed already.

Pat brought up a question about the utilities. We're going to confirm that for him also.

MR. WARD: The retaining wall going across, too?

MR. LYTTLE: That's to minimize the grade coming up into the site. They have access to get across and an easement to do that. We're going to confirm it for the utilities.

MR. WARD: That's it.

CHAIRMAN EWASUTYN: Let Pat Hines move

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forward at this point.

I'm sorry, Dave. It's hard to focus.
Cliff. Everyone is all over the place.

MR. HINES: So I went through the list
of variances that Mr. Lytle had identified. I
think I picked out a few more.

The front yard setback for the canopy
at 747 is depicted at 25 feet where 60 is
required. A side yard setback for what I'm
calling the west canopy, which is the larger of
the canopies parallel to 747, 38 plus or minus
feet -- it's not depicted, but 38 plus or minus
feet where 50 is required. A rear yard setback
for the proposed building, 43.5 is provided where
60 is required. And then the east canopy, the
diesel fuel canopy, 24.5 feet rear yard where 60
is required and 21.3 side yard where 50 is
required.

Further down in my comments is that
signage on the canopy will most likely also
require a variance. The Town Sign Code does not
address signage on gasoline canopies, which we
experienced recently with the BJ's project on
17K. So that if there is signage proposed on

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those canopies, you may need a variance for that as well.

MR. LYTLE: And you actually broke out the canopy separate from the building. Do you want me to do that with the Zoning Board application also?

MR. HINES: That's the way we've handled these in the past with canopies.

MR. LYTLE: That's fine. No problem.

CHAIRMAN EWASUTYN: Dominic Cordisco had said earlier, and it makes all the sense in the world, no sense going back and forth to the ZBA. Right?

MR. CORDISCO: If possible, if you could identify the signage that would be put on the canopies, that way you go to the Zoning Board once --

MR. LYTLE: Exactly.

MR. CORDISCO: -- rather than getting these variances without addressing that and having to go back later on.

MR. LYTLE: I'm working with the client. He's provided me actually building elevations. We can actually do that at the same

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time when we go to the ZBA. When we come back we'll have the building elevations also for you to see.

CHAIRMAN EWASUTYN: Ken Wersted?

MR. WERSTED: We didn't do a detailed review because a lot of these changes were just to address the variances.

We do have a number of comments from our previous October letter that haven't been addressed. When the applicant comes back from the ZBA, we'll look to address those.

CHAIRMAN EWASUTYN: And on a minor note, you're proposing cedar fencing on all three sides of the dumpster area. We would prefer to see a split faced block. It will hold up for a longer period of time than cedar fencing.

Dominic and Pat, can we discuss the variances that are going to be written about?

MR. CORDISCO: Certainly. We have a list that's been prepared by Pat Hines. I concur in that list. This is shorter than the list that was previously referred to the Zoning Board. I had written that referral letter following the last appearance. That also included the need for

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a use variance for the drive-thru which has been eliminated from the plan.

If the Board would like and is comfortable, you could authorize a new referral letter. I will take the list that was prepared by Pat. I'm not going to recite it now because it's in writing and I know I will mess it up. It's good to know your limitations perhaps. So I would prepare a new referral letter in light and mention the fact that the plans have been revised to minimize the variances that are required for the project.

CHAIRMAN EWASUTYN: Any questions from the gentleman in the audience? I believe you'll be the owner sooner or later of the site?

MR. DOMBAL: Yes.

CHAIRMAN EWASUTYN: Any questions?

MR. DOMBAL: No.

MR. DOMINICK: John, can we have his name for the record?

CHAIRMAN EWASUTYN: The last time he didn't have a business card.

MR. DOMBAL: I have one today.

CHAIRMAN EWASUTYN: I guess that's all.

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MR. LYTTLE: Thank you very much.

MR. CORDISCO: Do you need a motion to authorize the referral letter?

CHAIRMAN EWASUTYN: Good point. Can I have a motion from someone to have Dominic Cordisco prepare a letter to the Zoning Board of Appeals for the variances needed?

MR. WARD: So moved.

CHAIRMAN EWASUTYN: I have a motion by John Ward.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Second by Ken Mennerich. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:12 p.m.)

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

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

That hereinbefore set forth is a
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 15th day of January 2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

MATRIX LOGISTICS CENTER AT NEWBURGH
(2020-17)

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

----- X

INITIAL APPEARANCE
SKETCH PLAN REVIEW - SITE PLAN/LOT CONSOLIDATION

Date: January 7, 2021
Time: 7:12 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DAVID EVERETT,
CHARLES UTSCHIG, KENNETH GRIFFIN

----- X

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CHAIRMAN EWASUTYN: The second item of business we have this evening is the Matrix Logistics Center at Newburgh. It's an initial appearance for a sketch plan review, site plan/lot line consolidation. It's located on Route 300, I-84 and I-87 Interchange. It's in an IB zone. It's being represented by Langan Engineers.

Before we actually start the presentation, all of those here this evening who are part of this project, if you have business cards, can you submit them to Michelle Conero, the Stenographer?

Who would like to start?

MR. EVERETT: Thank you, Mr. Chairman. Good evening, Members of the Board. My name is Dave Everett, I'm land use counsel for Matrix Development who is the applicant for this project. I have with me tonight Ken Griffin, he's one of the principals of Matrix, and Chuck Utschig of Langan Engineering, back behind me, is the civil engineer for the project.

I just wanted to open up with a few brief remarks and then turn it over to Chuck to

1 walk you folks through the sketch plan for this
2 project. We're here for sketch review. As you
3 know, we're looking for feedback from the Board
4 tonight with any comments or questions that you
5 may have about the project to kind of help guide
6 us kind of moving to the next steps.
7

8 This project, as the Chairman had
9 mentioned, requires a site plan approval as well
10 as lot consolidation approval from the Board.

11 The project is located in the IB Zoning
12 District. Warehouse is a permitted use in that
13 district, as you know, with site plan approval
14 from the Planning Board.

15 I know the Board has got a lot of
16 familiarity with this site because of The Ridge
17 project. The Ridge project, I think their
18 application was first submitted back in 2004.
19 There's been an extensive SEQRA history, an
20 exhaustive SEQRA analysis that the Board has done
21 numerous times with respect to this particular
22 project site.

23 Matrix has, since your last approval of
24 The Ridge project, purchased all the approvals
25 and all the SEQRA documents for The Ridge

1 project. Our hope is to use as much of that
2 prior SEQRA analysis as we can in our evaluation
3 to provide to the Board. Obviously there's going
4 to be a number of studies that are going to have
5 to get updated to current conditions. We're
6 certainly looking for feedback from the Board as
7 well as from your consultants on any of those
8 types of studies that you'd like to see updated
9 or you think should be updated.
10

11 The project, the commercial piece or
12 the IB piece, has got eight lots. Right now we
13 don't need all of those eight lots, so we're
14 seeking a lot consolidation to basically go from
15 eight lots to two lots. What the two lots would
16 be is basically lot A would contain the larger
17 warehouse and lot B would contain the smaller
18 warehouse.

19 Our hope, and our belief actually, is
20 that this project, even though it's larger from a
21 square footage standpoint, will ultimately have
22 less environmental impacts than The Ridge project
23 which you guys have reviewed and already
24 approved. We'll be submitting a variety of
25 studies in comparison of this project to The

1
2 Ridge project to demonstrate that to the Board in
3 the coming months.

4 We'd like to accomplish, with the
5 Board's permission, tonight a number of things if
6 you're amenable. We would certainly like to get
7 permission, again the SEQRA process, to start
8 circulation for the establishment of lead agency.
9 The Board has been the lead agency on this
10 project and on this site for the last fifteen
11 years. We think since the project is different
12 and has changed, that it would be prudent to
13 probably recirculate for lead agency. That
14 accomplishes two things. Obviously it tells the
15 other agencies that you folks want to be the
16 lead, but it also elicits initial comments from
17 all the other involved agencies. It may be
18 helpful for both us and the Board to try to get
19 those comments in as early as we can. We think
20 that would be beneficial, and we'd look to your
21 counsel for guidance on whether that would be
22 appropriate.

23 We'd like to get permission to send out
24 the notices to the neighbors, as required by your
25 code, so we can begin letting people know about

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the project and eliciting any comments or feedback that those folks would have.

We'd certainly like, if possible, to set up a consultants meeting with your consultants to talk more about the project, the studies that are necessary, their comments, et cetera.

And then lastly, we'd like permission to move forward and put together our complete site plan application to submit to you folks in the coming months.

So with those kind of brief opening remarks, I'll turn it over to Chuck and he can walk through with you the technical details of the project. Thanks.

MR. UTSCHIG: Good evening, Mr. Chairman, Members of the Board. Chuck Utschig with Langan Engineering. We developed the engineering drawings that are part of your submission package for the sketch plan review.

As Dave said, I think you're all pretty familiar with the site, so I won't go into too much detail about how it sits within the area. To orientate you to the presentation board;

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2 towards the bottom, Route 300 runs off to the
3 left, north is basically up and to the left in
4 this drawing. The residential areas that are
5 adjacent to us are at the top. The intersection
6 of South Plank and this site is in this top left
7 corner.

8 The project includes 1,130,000 square
9 feet of industrial space, warehouse space, in two
10 buildings. The larger building, building A, is
11 950,000 square feet. It has 470 car parking
12 spaces, 310 trailer storage spaces, and then 179
13 loading docks. Building B, which is the smaller
14 building located down by Route 300, is 205,000
15 square feet in size. It has 151 car parking
16 spaces, 50 trailer spaces and 30 loading docks.
17 The parking count for the site is based on your
18 code which is basically an employee-based
19 analysis. We used your code to establish the
20 required parking for this site.

21 Access to the site is pretty much the
22 same as the prior project, The Ridge or The
23 Marketplace. Our primary access is off of Route
24 300. We anticipate updating our traffic study to
25 reflect the traffic generated by a project like

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this, and then develop the roadway improvements that are necessary to support that, including having a signalized intersection here.

Our proposal is to construct a private road starting at Route 300 and extending up to what we call our northerly driveway. Unlike your other projects which had a very different kind of distribution of traffic, ours being an industrial use wants to be here at the interstate on and off. Really from our perspective, any access beyond this is really only for an emergency access perspective. The continuation of the private road up to South Plank is really, for our project, only necessary for providing a secondary means of emergency access into the site.

The same holds true in terms of what was proposed as a maintenance and access that went all the way out to the east. Part of that was to get across the creek and get to the sewer. Part of it was to provide, I think, a secondary access, in that case a third access. Again for our project, other than the sewer, we don't see the need for that. We think as we do our traffic study, talk with your staff, deal with the fire

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department, it's likely that we won't need a secondary or a third access going out in that direction.

Utilities for this site are very similar. We will tap into the water main in Route 300. We'll also tap into the water main on South Plank, create a loop around our site, provide necessary fire hydrants and domestic service to both of the parcels. It's really interesting about these big buildings. They are large but the utility services to them are pretty straightforward. Unlike the retail project you had which had lots of different loops and interconnections to water mains, this is very straightforward when it comes to utilities to these size buildings.

We intend to use the same approach to provide sewer service. The existing sewer is located on the east side of the creek. We need to cross that creek with our system. Our goal is to keep it a gravity system if we can. We're still working on how we get across the creek. The prior plans had a bridge and within that bridge structure they had a sewer line. We're

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still kind of working through that design because we want to minimize our impacts in that area as part of our project.

Drainage is pretty straightforward. Two of the stormwater management basins that were proposed as part of the prior project have already been constructed. We're going to piggyback off those and develop a stormwater management system that's in accordance with the stormwater pollution prevention plan that's currently in effect for this site. So we're going to take that stormwater management report, we're going to amend it to include this, and provide whatever additional stormwater controls are necessary.

I think the other important thing to talk about this site is the wetlands. Most of the work that was proposed as part of the wetland permit that they got for The Marketplace project was completed. So there was a fill that occurred here. There was a fill that occurred here. There was some fill that occurred around the corner. We've designed our project to work within those already impacted wetlands. So our

1 goal is not to need any additional wetland
2 permits in order to develop the plan that we're
3 proposing. So the wetland fills have occurred.
4 The mitigation was built and it's in its
5 monitoring period, which is a five-year period.
6 We've taken over that responsibility. Our goal
7 is not to end up with any additional wetland
8 impacts.
9

10 Then just I think one other thing
11 that's worth kind of adding to this presentation
12 is the discussion about impacts and your SEQRA
13 analysis. People have this initial perception
14 that a big project like this has big impacts. In
15 reality, when you compare it to an 800,000 square
16 feet commercial retail center, it does not. For
17 example, we have about 83 acres of disturbance.
18 The commercial project, The Marketplace or The
19 Ridge, had 92. So we have almost 10 acres less
20 of disturbance that was proposed as part of that.
21 The amount of impervious area that we have, we
22 have a little bit more, about a half acre more
23 than that project. So again, right within the
24 limits of disturbance. Very close to the same
25 impervious area. The places that are really

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different are like traffic and sewer and water demands. Our sewer demand for this project will be about one-eighth of what the retail was. So the retail was somewhere around 80,000. Ours is 8,000. That same comparison holds true for the -- talking through these masks is a pain. The same comparison holds true for traffic. So in the traffic study that you had for the commercial center, just as one number, the peak a.m. trip generation during the peak hour was about 577 trips combined in and out. Ours is 205. So again, there's a perception that it's a big building and there are big impacts. The reality of it is in a lot of cases they are not.

I mean that concludes my presentation in terms of kind of an overview. I'll be glad to answer any questions that you might have.

CHAIRMAN EWASUTYN: Questions from Board Members?

MR. GALLI: Your project grew by 25,000 square feet. In your narrative it says 925. You told us 950.

MR. UTSCHIG: Did the engineer add wrong?

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MR. GALLI: I don't know.

MR. UTSCHIG: I'm sorry. Building A is 925. I apologize. That's correct. The front building is 205 for a total of 1,130,000.

MR. GALLI: You said mostly the impacts were less. Most of them. What's more?

MR. UTSCHIG: We haven't looked at all of them. You know, I'm not sure we're going to find any. For example, we have a larger buffer from the residential than the retail project. Utilities, sewer and water, absolutely less. Traffic will be less from an overall perspective. Obviously there's going to be more trucks. So if you're going to put that in a category by nature of this, there will be some more. But remember, you also had trucks delivering all the supplies and materials that went to the retail space. Noise, I mean we purposely put the loading docks, focused them on the side. The noise may be a little different. But again, when you add them up cumulatively, I don't think we're going to find many that are more.

MR. EVERETT: One of the things that we're planning to do in our next submission is

1
2 give the Board two SEQRA documents in addition to
3 the updated studies. The two SEQRA documents
4 would be a comparison of this project to what you
5 guys have already reviewed and approved for The
6 Ridge. The first document would be a chart with
7 quantitative numbers, so like areas of
8 disturbance and those kinds of things, so you can
9 do a comparison. The second one will be we're
10 going to go through the SEQRA finding you guys
11 had approved for The Ridge. You imposed a number
12 of mitigation measures and came to conclusions.
13 We're going to go through each one of those
14 mitigation measures and conclusions and show you
15 whether it's still going to be valid today and
16 we're going to follow it or whether it's really
17 not necessary any more and there's no need for
18 it. We hope that provided additional information
19 will give you guys a good feel for the impacts of
20 this project and help you form your decision.

21 MR. GALLI: That's all I had, John.

22 CHAIRMAN EWASUTYN: Stephanie DeLuca?

23 MS. DeLUCA: No additional.

24 MR. MENNERICH: The long form
25 environmental assessment, has that been prepared?

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MR. UTSCHIG: Not yet. We intend on making that part of our continuing submission. Yes.

MR. MENNERICH: Okay.

MR. UTSCHIG: We think that providing you with that and the comparison that Dave has referenced, which kind of paints of whole picture, we think it wants to go together so that you have kind of all of that relative information in one document. So that's kind of why we held off on submitting. We want to do it all together so you see all the impacts compared to each other.

MR. MENNERICH: Okay.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Who owns the property on the upper right?

MR. GALLI: DOT.

MR. UTSCHIG: In green?

MR. WARD: No. To the right.

MR. UTSCHIG: Here? DOT.

MR. WARD: If you don't want to bring the sewer line out there crossing the stream, where are you going to bring it through?

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MR. UTSCHIG: We have an easement. There's an easement in place that allows that to happen. I'm not sure -- neither one of my graphics present that. There's an easement, and it's the same easement that was proposed as part of The Ridge project, that allows us to get the sewer to the other side, across DOT property.

MR. WARD: Okay. My other question was the heights of the buildings?

MR. UTSCHIG: The --

MR. WARD: The heights of the buildings.

MR. UTSCHIG: So based on how -- we think based on how your code is written and how you measure height, the heights of the buildings will be 39 feet 6 inches.

MR. WARD: Okay. The facilities are going to be 24/7; right?

MR. UTSCHIG: Yes.

MR. EVERETT: Yes.

MR. WARD: You have a total of how many combined for both buildings? How many loading docks do you have?

MR. UTSCHIG: Yes.

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MR. WARD: Thank you.

MR. UTSCHIG: The total between the two is 209; 179 for building A, the larger, and 30 for building B.

MR. WARD: Very good. Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: A few things. So you definitely have a change of concept here from retail into warehouse distribution. That kind of changes the dynamic of the surroundings. For the folks on Hilltop Avenue at the top there, do you have any type of noise reduction, screening type concept to help alleviate the 24/7 operation, loading docks, trucks coming in and out, whereas with a retail operation, pretty much it shuts down 9:00, 10:00 at night? Any type of thing to maybe appease the neighbors up in that northern lot A quadrant?

MR. UTSCHIG: So as Dave had said, we will undertake a noise study and provide that. I'm not sure I agree with your characterization that retail shuts down at 9:00. I would say that a majority of retail deliveries occur after that, so there is a bit of activity still.

1 Understanding our building is 500 plus feet away
2 from those property lines, most of that, I won't
3 say all of that, most of that is vegetated. Your
4 retail projected buildings as close as 110 feet.
5 So that in itself we think is a step in the right
6 direction towards providing that sound and
7 development impact separation from what we're
8 proposing.
9

10 The other thing is our site, for all
11 intents and purposes, is lower. So the grade at
12 those properties is above the top of our
13 building. We think we can demonstrate that that
14 impact has been reduced. It's not going to go
15 away.

16 MR. DOMINICK: Right.

17 MR. UTSCHIG: It's not going to go
18 away.

19 MR. DOMINICK: When you get to the step
20 as far as landscaping, at the front entrance can
21 we do something to make it inviting, make it
22 attractive? A stonewall entrance, like Palmerone
23 Farms, how that is. Look at BJ's. Look at
24 McDonald's on 32. Something just to dress that
25 up, to anchor that that's the main entrance. I

1 think we missed the ball, me personally, on
2 Matrix. There's really no inviting area as you
3 come into the complex. 300, as you say, is a
4 crossroads, high visibility, high traffic. It
5 should compliment that area, especially with
6 Buffalo Wild Wings. It's a beautiful area now
7 with the wall in the front. So just take some of
8 that into consideration if you could.

10 MR. UTSCHIG: Okay. We will note that.
11 We will look at some of the examples you gave us
12 and see if we can't develop something that fits
13 in.

14 MR. DOMINICK: Thank you.

15 CHAIRMAN EWASUTYN: Cliff Browne.

16 MR. BROWNE: I was going to basically
17 touch on some of stuff that Dave just said. This
18 site is right in the middle of Town, viewable
19 from all directions. I would be looking for what
20 I would refer to as upscale visual mitigation for
21 the whole thing someplace. Wherever you're
22 looking around Town you're going to be seeing
23 this thing from someplace.

24 You just mentioned the homes behind are
25 up higher looking down onto the roof. Even in

1 that context, I don't want to see roofs up there,
2
3 I want to see something that's -- I can't say
4 attractive but somehow mitigated so it's not so
5 industrial per se.

6 MR. UTSCHIG: Our hope is that what
7 you're going to see when we do a section from
8 those residentials to our property, that the 500
9 feet or 400 feet of trees does a good job of
10 blocking this building.

11 MR. BROWNE: It does and it doesn't.
12 This time of year you can see right through
13 everything.

14 MR. UTSCHIG: I understand.

15 MR. BROWNE: So at any rate, just keep
16 in mind upscale visual mitigation.

17 MR. UTSCHIG: Got it.

18 MR. BROWNE: That should handle, like
19 Dave mentioned, other aspects. That's what I'd
20 be looking for. Again, it's right in the middle
21 of Town. The other location is up there, it's
22 visible, it's big, it's huge, but it's not like
23 right smack in front of you all the time like
24 this one.

25 MR. UTSCHIG: I understand. Okay.

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MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Ken Wersted, do you want to summarize what you'll be looking at and discussing at the technical work session?

MR. WERSTED: Certainly. We're aware that there's going to be a number of details that follow with subsequent plans. If there's any guard shacks, fences, et cetera. Some of that may be tenant driven on whoever occupies the space, what they demand. But as we look through the traffic work for this, we'll look for those comparisons as to what was approved for.

I had done some kind of preliminary analysis of how much traffic this could potentially generate, and it's subject to whatever tenant goes in. You could have goods stored in here for a month or more and you could have very little traffic. You could have goods coming in and out all day. You could have a lot of employees necessary for that. You could have four times the amount of traffic as a regular standard warehouse might require. So that's going to be important.

The improvements coming out to Route

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300 will be key. I recall previously we had looked at double left turn lanes to come out of the shopping center onto Route 300. Will that be necessary for this? Maybe not. Certainly with the amount of trucks that might be turning, what are the turning radii of them, how are they going to pull out onto 300. The trailers are going to obviously track to the inside. Those are the details we'll be looking for as we go forward. DOT will obviously be keen to see those issues as well.

Other projects we've worked on throughout the region, a large building like this that is essentially an empty shell, you could put a lot of different things inside. What you put inside will have an affect on traffic. We have had comments from DOT saying look at the worst case for that. If we do go down the road where we're settling in on a type of potential traffic use, we would advise the Town to put in any safeguards that we need to so that if the tenant does change and it's a more higher intense use than we had previously analyzed, that there's an opportunity to come back and check those things.

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For the most part those are our comments at this time. We'll obviously review the project in more detail as those are provided to us.

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

MR. HINES: I know the applicant has my comments. They're a couple pages long.

Some of the points that I think we need to hit is the ownership -- the private road access arrangement, and I know the Town Attorney, Mark Taylor, has some questions, and I know that the Code Enforcement office also has some questions regarding that. The code requires properties that access a private road own a portion of the private road. The plans currently don't depict that.

And also the code requires that dead end private roads end in a cul-de-sac. So this is, by all intents, if it's an emergency access I assume it's going to be gated which will create by default a dead end. I think there needs to be an analysis of the private road requirements. This plan needs to be adjusted to meet those

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requirements.

I did leave it open for the code enforcement officer to determine or to take a look at the building heights in relation to the private road, especially considering that you do have frontage on Route 300 for at least lot B identified there.

MR. EVERETT: Could I ask you a question about that, the ownership issue?

MR. HINES: Sure.

MR. EVERETT: Would the Town want to see the lot lines extended out into the road so each of the lots own a portion of the road or would you want to have the road be a separate lot that would be owned by a property owners association in which each of the lot owners would be a member?

MR. HINES: Typically the lots will own into the private road. So they own portions of the private road. In the code it requires that. That's what they've done in the past as well. We would not want it to be a separate lot.

MR. EVERETT: I was just curious.

MR. HINES: That becomes an issue with

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tax sales and paying taxes on that. That's the intent, that each one owns a portion of it so they have access to it and somebody does in fact pay the taxes and such.

MR. EVERETT: Thank you.

MR. HINES: The adjoiners notice -- the intent of the adjoiners notice is just to notify the neighbors of the project. You had stated that you were going to solicit input from the neighbors. We're not there yet, and that's not the point of the adjoiners notice. It's more like there's a project and you can come look at it. It's not going to give us feedback from the neighbors at this point. I just wanted to clarify that.

You had mentioned earlier that you were looking for the Board to declare lead agency. We don't have an EAF to even do that with yet. I think it would be premature for this Board to declare any lead agency without the benefit of a long form EAF.

MR. EVERETT: I wasn't asking for the declaration. I was asking if we could start the coordinated review process, which, you're

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correct, would require the EAF. Would it just --
notice of intent to be the lead agency is
basically what it would be.

MR. HINES: I can't do that until I
have the EAF.

MR. CORDISCO: Notice to intent, if I
may, should include the EAF. As you mentioned
Mr. Everett, the hope would be to solicit
comments from other interested and involved
agencies. In order to get intelligent comments
from them, they should have an EAF so they can
look at the various different impacts being
proposed.

You also mentioned doing a comparative
analysis between all the prior environmental
reviews and what this project's impacts are
anticipated to be. If that was also prepared at
the time that the EAF was prepared, that is
something that could be included as well, because
that would help direct the various agencies'
attentions to the differences and impacts so they
don't have to pour through everything or be re-
familiarized with the history of this site.

MR. EVERETT: We can do that.

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MR. HINES: The parcel that you said was owned by the DOT, I was under the impression previously that the previous project had fee ownership of that from the DOT. The reason I say that is because that bridge was proposed on that parcel and there's no easement associated with that. The roadway was proposed on that parcel and there was no easement. I just wanted to clarify if in fact DOT does own that parcel. I would be surprised if they did.

MR. UTSCHIG: As best that I understand it. Clearly, you know, again this has been around you all for a long time. We'll have to go back and check. That's our understanding.

MR. HINES: There's no easement associated for that bridge I don't think. There was a rather large bridge previously proposed on that parcel.

MR. UTSCHIG: Okay. We'll have to go back and work through that.

MR. HINES: It may be owned by DOT but I'd be surprised because of the improvements that were identified there previously.

MR. EVERETT: We have a survey done and

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the survey came back that piece was owned by DOT.
We'll look into it again.

MR. HINES: I just noted your sewer
line as currently is proposed outside that
easement.

MR. UTSCHIG: Correct.

MR. HINES: I'll leave it at that.
It's an open issue in my mind. You can address
it.

I would recommend to the Board that
there's a lot of open items, that I think a
technical work session with the applicant's
representatives and your consultant team would be
probably the best way to focus the project at
this point.

CHAIRMAN EWASUTYN: Okay. Dominic
Cordisco, additional comments?

MR. CORDISCO: Thank you, Mr. Chairman.
Mr. Everett had mentioned a number of steps
before, and they're all prudent to take. The
question is the timing in connection with each
one of them. Pat has touched on the adjoiners
notice. Just to be clear, the adjoiners notice
has to be sent within ten days of this initial

1 meeting. Ten days of this initial meeting would
2 be Sunday, the 17th. My recommendation would be,
3 to meet legal requirements, that it be sent no
4 later than Friday, the 15th of January, so that
5 no one gets a late notice as far as that's
6 concerned.
7

8 There is a previously approved site --
9 a conditional site plan approval for The Ridge
10 project. The Town does not permit competing
11 applications or competing approvals for the same
12 site. Now that you've applied for this site, we
13 would need confirmation that the approval for The
14 Ridge is being abandoned by the current owner.

15 MR. EVERETT: We would abandon it upon
16 receiving the approval of this project. If this
17 project wasn't approved, then those permits and
18 approvals for The Ridge, we'd like those to
19 remain in effect. A lot of time and money and
20 effort went into that.

21 We had the same issue when Matrix was
22 here two or three years ago looking to develop a
23 warehouse on the site and the Board had the same
24 question. The Board did allow for the approvals
25 to remain in place but they would be abandoned

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upon a new project being approved. If the new project is not approved, there's no reason to abandon the old approvals.

MR. CORDISCO: In any event -- understood. I think that we should look at this issue in terms of the timing. Ultimately it will need to be abandoned. I'm not suggesting that it needs to be abandoned tonight. There's no procedural action that the Board is in a position to take tonight, in my opinion or recommendation. Ultimately there is a favorable or an unfavorable sketch plan report that the Board would be in a position to make once they're satisfied with the overall development as proposed on the sketch plan. But that's a procedural step that's not ready at this particular time.

I would recommend to the Board that you authorize the work session that's been suggested by Mr. Hines for the 26th at 4:00. I think there are a number of technical items that could be discussed at that time.

MR. HINES: 1:00.

MR. CORDISCO: 1:00. My apologies.

There were some comments by different

1 Board Members tonight in connection with
2 different environmental impacts which will
3 certainly be addressed by the applicant. In
4 connection with some of them, I would just offer
5 these comments as something for the Board to
6 consider and for the applicant to consider in
7 connection with noise and the potential
8 difference in noise. While it's been noted that
9 the extent of the development is further away
10 from any nearby residences, it is a different
11 nature of noise because you have truck traffic
12 predominantly in those locations, and as a result
13 for other projects, including projects in the
14 Town of Montgomery that are of similar scale,
15 noise modeling has been undertaken by the
16 applicant to show what the noise analysis -- what
17 the noise is expected to be for this particular
18 project. It may be helpful to show that here
19 rather than just relying on a lineal distance
20 between nearby receptors.

22 The other comment that was made was a
23 concern about the potential view impacts of the
24 site to neighboring residences. As you mentioned,
25 this site is actually lower than those. It would

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be perhaps helpful to have cross sections that would establish what the viewshed or the view impacts would be as to what portion of the roofs or how visible, if it was at all, or what those impacts would be as part of your submission.

In terms of the overall process moving forward, I agree that it would be helpful to have a comparative analysis between all the prior environmental review and what is being proposed now. Ultimately the Board will have to decide whether or not the various different levels of impacts are within the level of impacts that have been previously evaluated and mitigated for as part of the prior Ridge approval, and The Loop and The Marketplace before it. But if the Board, however, determines that there's a potential for significant environmental impacts, the appropriate step at that point would be to consider requiring a supplemental environmental impact statement. I'm getting ahead of myself if you require the analysis first and the review of that before making any kind of determination prior to that.

CHAIRMAN EWASUTYN: Any additional

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questions or comments from the Board?

(No response.)

CHAIRMAN EWASUTYN: Pat, as Dominic said, the informational letter should be sent out shortly, and it should be out no later than the 15th. So no one is stepping on anyone's toes, as we coordinate with Charlene Black, do you want to go through the procedures on this?

MR. HINES: Sure. The adjoiners notice, or informational letter as it's been called, will be prepared by my office. I can work with Chuck Utschig to develop that. I will also sent an assessor's request form to the assessor to get the list of the properties within 500 feet. At that point I'll provide the property list and the adjoiners notice to your representative. They are to be put in envelopes addressed to the neighbors, first class mail stamped. Once compiled you'll contact Charlene in the personnel office here at Town Hall. Contact her sooner than later to coordinate the dropping off -- time to drop those off. The Town will physically mail them once received. It saves on the certified mailing by the Town

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physically mailing them. They will give you an affidavit that that mailing has occurred. I will have that to you, probably at least the draft of the adjoiners notice, probably tomorrow.

MR. UTSCHIG: Thank you.

MR. EVERETT: Great.

CHAIRMAN EWASUTYN: John, you wanted to add something?

MR. WARD: With the residents, and ditto'ing Cliff, I recommend highly for a sound barrier wall because sound goes no matter how you do it. I know from my own experience, from a warehouse to a truck stop, whatever, the sound travels. Anything to help that would be a plus.

MR. UTSCHIG: Understood. Just so the Board understands, our intent is to do a noise study to understand the differences between this use and your prior projects and the impact at the property lines. And then, as appropriate for mitigation, put those kinds of things in the right place. Sound is a funny thing. We've seen a lot of people spend a lot of money on sound barriers and put them in the wrong place and they've been very ineffective. We understand the

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issue. We intend to give you we think all the information you'll need to make that assessment. If mitigation is appropriate and necessary, we will include it.

MR. HINES: The previous project did have a visual and sound attenuating fence along that rear property.

MR. UTSCHIG: We noticed that the more recent plans had that. Or at least the building that was closest to the property line.

MR. HINES: Along the --

MR. UTSCHIG: Residential. We understand.

MR. WARD: One more thing. Dave was hitting on the entrance. Out on 300 we have sidewalks. You have restaurants and all right next door. Just safety wise, if you could put sidewalks with a wall or whatever you have to do. Route 300, that's what we're pushing for for safety.

MR. UTSCHIG: Okay.

MR. CORDISCO: For all projects along Route 300. That's consistent with the Board's practice.

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MR. WARD: Yes.

CHAIRMAN EWASUTYN: Would someone move for a motion to set this up for a consultants' technical work session, only for consultants, on the 26th of this month, being January?

MR. DOMINICK: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. 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. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried.

MR. UTSCHIG: Just to confirm, that's at 1:00?

MR. HINES: Yes. In this room.

MR. UTSCHIG: Thank you.

CHAIRMAN EWASUTYN: That's fine. Thank

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you.

MR. UTSCHIG: Thank you very much.

MR. EVERETT: Thank you very much.

CHAIRMAN EWASUTYN: Our next meeting is on the 21st.

If you have the time to pick up your mail, your boxes are full. That's primarily because we have a resubmission from the Hudson Place project. That's a completed site plan, traffic study.

MR. HINES: Chuck, just for the work session, the Board was discussing, how big is the AmeriSource Bergen building?

MR. UTSCHIG: Height wise?

MR. HINES: Square footage.

MR. UTSCHIG: It's between 950,000 and 1,000,000 if I'm not mistaken. I think that's what it is.

MR. HINES: We were just talking at work session. I thought it was about that size. It's similar in size.

MR. UTSCHIG: The intent of this building would be very much like that one.

CHAIRMAN EWASUTYN: Thank you. The

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pharmaceutical company was around 550 and then
the other portion --

MR. UTSCHIG: It's about an even split.
Half is about 500 something and the other was
480, or something like that.

CHAIRMAN EWASUTYN: That's a good
example, except for height, as far as it goes to
distance. Thank you.

MR. UTSCHIG: It would be about the
same height also.

CHAIRMAN EWASUTYN: Interesting.
If someone would make for a motion to
close the Planning Board meeting of the 7th of
January.

MR. WARD: So moved.

CHAIRMAN EWASUTYN: Motion by John
Ward. Second by --

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Second by Ken
Mennerich. Can I have a roll call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

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MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

(Time noted: 7:55 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 15th day of January 2021.

Michelle Conero

MICHELLE CONERO