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

- - - - - X
In the Matter of

GUELBERG & McGOWAN LOT LINE CHANGE
(2021-32)

255 & 259 Fostertown Road
Section 39; Block 1; Lots 23 & 24
R-2 Zone

- - - - - X

LOT LINE CHANGE

Date: March 3, 2022
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
JOHN A. WARD

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

- - - - - X

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

1 G U E L B E R G & M C G O W A N L O T L I N E C H A N G E

2 CHAIRMAN EWASUTYN: Good
3 evening, ladies and gentlemen. We'd
4 like to welcome you to the Town of
5 Newburgh Planning Board meeting of
6 the 3rd of March. This evening we
7 have nine agenda items and one Board
8 business item.

9 Let's start off by a roll call
10 vote starting with Stephanie DeLuca.

11 MS. DeLUCA: Present.

12 CHAIRMAN EWASUTYN: Present.

13 MR. BROWNE: Present.

14 MR. WARD: Present.

15 MR. CORDISCO: Dominic
16 Cordisco, Planning Board Attorney.

17 MS. CONERO: Michelle Conero,
18 Stenographer.

19 MR. HINES: Pat Hines with MHE
20 Engineering.

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

23 CHAIRMAN EWASUTYN: Thank you.
24 At this point we'll turn the meeting
25 over to Michelle Conero.

1 G U E L B E R G & M C G O W A N L O T L I N E C H A N G E

2 MS. CONERO: Please stand for
3 the Pledge.

4 (Pledge of Allegiance.)

5 MS. CONERO: If everyone would
6 silence their cellphone, please.

7 CHAIRMAN EWASUTYN: Is Ken
8 Lytle here or is there someone
9 representing the first item, the lot
10 line change?

11 MR. WARD: Do you want me to
12 check outside?

13 CHAIRMAN EWASUTYN: Would you
14 see if Ken Lytle is here, please?

15 MALE SPEAKER: We've got
16 nobody.

17 CHAIRMAN EWASUTYN: Is anyone
18 here for the Guelberg & McGowan lot
19 line change?

20 (No response.)

21 CHAIRMAN EWASUTYN: Let the
22 record show that project number 21-32,
23 a lot line change for Guelberg &
24 McGowan, there is no one here to
25 represent the application so we'll

1 G U E L B E R G & M C G O W A N L O T L I N E C H A N G E

2 have to table that.

3 (Time noted: 7:02 p.m.)

4

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

6

7

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

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

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

18 IN WITNESS WHEREOF, I have hereunto
19 set my hand this 10th day of March 2022.

20

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22

23

24

25

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

NEWBURGH COMMERCE CENTER/SCANNELL
(2021-21)

124 Route 17K
Section 95; Block 1; Lots 58
IB Zone

- - - - - X

SITE PLAN

Date: March 3, 2022
Time: 7:03 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVES: CHUCK UTSCHIG,
MARK WILSON, ZACHARY ZWEIFLER & DAVID EVERETT

- - - - - X

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

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 CHAIRMAN EWASUTYN: Our second
3 item of business is Newburgh Commerce
4 Center/Scannell. It's a site plan
5 located on 17K in an IB Zone and it's
6 being represented by Langan Engineers
7 and Dave Everett.

8 MR. WILSON: Mr. Chairman,
9 thank you. Mr. Chairman, Board, my
10 name is Mark Wilson. I'm
11 representing Scannell Properties,
12 here with Bill Meninger; Zachary
13 Zweifler; our civil engineer, Chuck
14 Utschig; and our attorney, Dave
15 Everett.

16 Thank you again for having us
17 tonight and hearing us out here.
18 Just a little background on our
19 project, although I'm sure you guys
20 know. The Newburgh Commerce Center
21 is a 132,000 square foot mixed use
22 commercial building. It's located on
23 a 13.8 acre site off Route 17K which
24 is just north of the Stewart Air
25 Force Base. It's located in the

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 Interchange Business Zone which
3 permits research, laboratories,
4 manufacturing, altering, fabricating,
5 processing of materials, warehouse,
6 storage, transportation facilities as
7 well as offices for business,
8 research and professional uses.

9 We currently do not have any
10 tenants, but we anticipate to fill
11 the building with one or more of the
12 tenants of the permissible uses.

13 Just a little background on
14 where we're at in the process. Last
15 time we were in front of you guys was
16 on January 20th. Since then, on
17 February 7th we received comments
18 back from the County after referral
19 on January 12th. Also on February
20 7th we submitted our revised site
21 plan approval documents that address
22 comments from the Town engineer and
23 the Town's traffic consultant. Also
24 included in the submission was the
25 clearing and grading permit

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 application. Also, since January
3 20th we received more comments from
4 the town engineer as well as the
5 Town's landscape architect.

6 With that being said, we've
7 submitted response letters to both
8 the town engineer and the town
9 landscape architect which we'd like
10 to discuss this evening.

11 Overall our expectations and
12 hopes for the meeting tonight, we'd
13 like to review the comments with you
14 all. We'd like to review the
15 engineering and landscaping architect
16 comments as well. We'd like to go
17 over the Architectural Review Board
18 review of our updated project plans,
19 and ultimately we'd like to decide if
20 a negative declaration is warranted
21 tonight and if we can set a public
22 hearing for both the site plan and
23 clearing and grading permit for the
24 upcoming meeting on March 17th.

25 With that, I'll take any

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 comments and open it for discussion.

3 CHAIRMAN EWASUTYN: Mark, thank
4 you.

5 MR. UTSCHIG: Good evening,
6 Mr. Chairman, Members of the Board.
7 For the record, my name is Chuck
8 Utschig. I'm with Langan
9 Engineering. If it's okay with the
10 Board, we'd like to try and go
11 through some of the comments that we
12 recently got and explain to the Board
13 the responses that in some cases
14 we've made or hope to make.

15 Again, as Mark indicated, we're
16 trying to get to the point where the
17 Board is comfortable with making a
18 SEQRA determination and allowing this
19 to move to a public hearing. As you
20 all know, we're approaching the
21 March 31st date which is an important
22 date when it comes to cutting trees
23 down. So we're hoping to see if we
24 can't make some headway on some of
25 those issues tonight with the Board

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 to try and move this along in that
3 direction. It may be optimistic, but
4 we want to give it a shot if we can.

5 CHAIRMAN EWASUTYN: All ears.

6 MR. UTSCHIG: I'll start with
7 the County letter that we received.
8 There's one comment that's a binding
9 comment and then there are three or
10 four other recommendations. The one
11 comment that was binding related to
12 putting solar on top of this
13 facility. As we have done with other
14 projects, the building is designed to
15 accommodate solar. Unfortunately,
16 solar is getting to be not such an
17 easy thing to accommodate and it's --
18 the incentives are going away and
19 tenants are not always favorable
20 about it. As we've done with some of
21 the other projects, we have committed
22 to making sure the building will
23 support it and, when the economics
24 seem to make sense, we'd be glad to
25 stand next to a tenant who wants to

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 put solar on the building.

3 The other comments that we got,
4 recommendations from the Planning
5 Board -- I'm sorry, from the County
6 Planning Department, one references
7 getting the FAA final signoff. We
8 submitted documentation to the Board
9 and your staff showing that we've
10 made that submission. The public
11 comment period is open. The initial
12 reaction is that we will not have a
13 significant impact. So that process
14 is moving along. Relative to trying
15 to measure it as a significant
16 environmental impact, we think that
17 it will stand up to that test. If
18 anything, you know, there will be
19 lights on the top of the building
20 kind of reaction from the FAA. So we
21 have that process moving along.

22 Their next comment related to
23 trying to preserve some trees. In
24 fact, the three trees that they
25 identified as significant sit here

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 towards the front of the property.
3 Our plans call for those trees to be
4 preserved.

5 The next two comments or so
6 relate to stormwater management and
7 indicating that there's -- you know,
8 we have an increase in impervious
9 area and appropriate stormwater.
10 It's a typical County comment that
11 says you should comply with the DEC
12 criteria. As you know, because we're
13 in the watershed here we have 110
14 percent control of stormwater runoff
15 and volume, so we think we're meeting
16 that threshold criteria.

17 They also indicate that the
18 project will have to get appropriate
19 coverage under the nationwide permit
20 for construction activity, which we
21 understand. We submitted a full
22 SWPPP to your staff for review. As
23 we progress, we will get the
24 appropriate coverage underneath the
25 nationwide permit.

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 Under transportation they
3 indicate that we need to get a DOT
4 permit, which we're aware of.

5 CHAIRMAN EWASUTYN: Do you want
6 to go back to comment number 6 as far
7 as dark sky association?

8 MR. UTSCHIG: Thank you,
9 Mr. Chairman. They acknowledge that
10 we are using dark sky compliant
11 fixtures and recommended -- and
12 commend us for that. They also say
13 that the lighting has to be reviewed
14 by the FAA. So we are -- as part of
15 our submission, we gave the FAA that
16 information. Their reaction to our
17 application will account for all of
18 those features of our project when we
19 get it.

20 The current plans don't show a
21 sign of any kind. I think one of the
22 things that will evolve here when
23 they get a tenant will be that
24 signage. We understand that we have
25 to comply with the Town's sign

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 ordinance. We will follow that
3 process once the need for a sign and
4 what it will say becomes apparent
5 when we have tenants. We understand
6 there's a process. We'll go through
7 it. We just don't have it
8 represented in our plan because we
9 don't know who the tenants are and
10 what their sign requirements will be.

11 Again, I don't think any of
12 these issues raise themselves to the
13 level of a significant environmental
14 impact which really -- and I keep
15 saying that because that's the
16 measure for looking at your SEQRA
17 determination.

18 The last comments, 8 and 9,
19 deal with traffic. They're
20 suggesting that a bike lane might be
21 a consideration along 17K in this
22 stretch and articulate why. Our
23 response to that is we'll leave it up
24 to DOT to determine whether or not
25 they think a bike lane is appropriate

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 for this stretch of the road. 55
3 miles-an-hour in the narrow structure
4 that you have here, I'm not sure this
5 is the best place to promote a
6 bicycle lane. Again, DOT controls
7 that. If they believe it's
8 necessary, they will dictate that we
9 include it in our plans. We will be
10 governed by what DOT requires when it
11 comes to that or any other roadway
12 improvements.

13 And then the -- if I'm not
14 mistaken, the last comment talks
15 about mass transit. They acknowledge
16 that there's no bus route here. The
17 applicant is willing to accommodate a
18 bus stop on site if and when a bus
19 route gets extended to this location.
20 So there will be a place where buses
21 could come, drop off and pick up.
22 We're willing to make that commitment
23 as part of our plan. It just doesn't
24 make any sense to build it now
25 because there's just no bus activity

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 that's coming in this direction.

3 So again, we think the comments
4 that we got from the Planning
5 Commission -- the County Planning
6 Commission are pretty
7 straightforward. I can answer any
8 questions that you might have about
9 those comments now or I can keep
10 going into the other reviews that
11 we've gotten.

12 CHAIRMAN EWASUTYN: For our
13 benefit, are you relaxing and slowing
14 down? You seem to be not quite
15 yourself.

16 MR. UTSCHIG: Not myself
17 tonight?

18 CHAIRMAN EWASUTYN: Yes.

19 MR. UTSCHIG: There's a lot of
20 pressure tonight, so --

21 CHAIRMAN EWASUTYN: All right.
22 So to help you relieve the pressure
23 and the follow-up on what you just
24 commented on, I'll leave it up to the
25 Board Members. Are there any

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 questions or comments from the Board
3 Members?

4 And he is correct, on February
5 7, 2022 we received a response from
6 the Orange County Planning
7 Department. You all have received a
8 copy of that. Chuck was kind enough
9 to go through each item. It seems
10 like the only binding comment was
11 solar, and he's given an example as
12 to what the future plans may be for
13 installing that.

14 Again, questions or comments
15 from the current presentation from
16 the letter from the Orange County
17 Planning Department. Stephanie
18 DeLuca?

19 MS. DeLUCA: No. No, I don't
20 have any.

21 CHAIRMAN EWASUTYN: Cliff
22 Browne?

23 MR. BROWNE: No. We'll just
24 have to talk about the solar thing at
25 this point.

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 CHAIRMAN EWASUTYN: Thank you.

3 John Ward?

4 MR. WARD: No comments right

5 now.

6 CHAIRMAN EWASUTYN: Thank you.

7 MR. UTSCHIG: Thank you. So
8 the next review letter that we got
9 was from your landscape consultant.
10 I think there was a total of, I don't
11 know, half a dozen comments. Our
12 opinion of the comments were that we
13 can respond to all of them. Many of
14 them were about types of trees to be
15 planted. We have no problem with
16 modifying our choice of trees to
17 address her concerns.

18 She did ask us to look at
19 separating the planting that we
20 proposed and the screening right up
21 along 17K, potentially putting some
22 of it back towards the building. Our
23 reaction to that was, one, we weren't
24 sure that she was aware that we have
25 this screen wall that's up adjacent

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 to the road, and that we feel that
3 the screening is more effective down
4 at the street relative to the passing
5 cars. So we weren't sure about that
6 modification. She put it in the
7 context of a recommendation. So our
8 reaction to that was we think this is
9 a good approach to screening this
10 building and it's consistent with
11 what we represented to the Zoning
12 Board of Appeals as part of our
13 variance application.

14 We do agree with modifying the
15 species. We do agree with tightening
16 up the spacing. Those things are
17 easily accommodated in this plan.

18 The one other comment that she
19 made was about the fence. We
20 currently show a 4-foot chain link
21 fence, vinyl clad around the
22 stormwater management basin which is
23 a requirement. She suggested that
24 there be a modified version of that.
25 We would prefer to stay with the

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 nicer looking, in our opinion, 4-foot
3 vinyl clad fence. Obviously it's up
4 to the Board as to whether they think
5 some modification of that would be
6 necessary or appropriate.

7 And then the last few comments
8 in her memo dealt primarily with
9 making sure that the right type of
10 soil material was used in the
11 planting process, that the material
12 brought to the site had been
13 inspected. All of these are
14 accommodations on our plan and are
15 required and will be overseen by a
16 landscape architect during the
17 planting process.

18 So I think, generally speaking,
19 we feel pretty comfortable that, one,
20 we can satisfy Karen and most of
21 her comments; and two, again we don't
22 think that any of these raise
23 themselves to the level of
24 significance.

25 Again, I'd be glad to answer

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 any questions that you might have
3 about those specific comments.

4 CHAIRMAN EWASUTYN: Okay.

5 Thank you.

6 Stephanie DeLuca?

7 MS. DeLUCA: No. No further
8 questions.

9 CHAIRMAN EWASUTYN: Cliff?

10 MR. BROWNE: I tend to agree
11 that to me it's more important, from
12 going past on the highway, the
13 appearance from that perspective
14 rather than internal.

15 CHAIRMAN EWASUTYN: Okay. John
16 Ward?

17 MR. WARD: I like the way you
18 have it laid out like you have it.

19 MR. UTSCHIG: And we do have a
20 visual that you asked us to prepare
21 to show a view going in that
22 direction. We'll talk about that
23 when we do the architecture part of
24 this. I think it supports the idea
25 that the planting down below along

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 17K is more effective.

3 CHAIRMAN EWASUTYN: I'm waiting
4 for you. Go ahead.

5 MR. UTSCHIG: Okay. I'm sorry.

6 CHAIRMAN EWASUTYN: I apologize.

7 MR. UTSCHIG: We left the more
8 challenging one to the end, and
9 that's the comments from your
10 consulting engineer. The first
11 comment talks about the discharge
12 pipe. The overall stormwater
13 discharge from our two basins which
14 sit in the front of the property is
15 carried in a pipe that runs along 17K
16 down to the far side of the Kia
17 dealership, the east side where the
18 brook is, and discharges there. Now,
19 we provide water quality treatment
20 onsite to meet the DEC criteria. So
21 the discharge that goes into this
22 pipe is almost 100 percent the
23 discharge from our site. We believe
24 that we have been considerate of the
25 discharge point, that being a stream

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 that goes into the City's drinking
3 water supply. Our discharge meets
4 all the criteria and their 110
5 percent guideline for discharges from
6 a developed site. So we're not sure
7 that there's necessarily a water
8 quality issue. We understand that we
9 have to work out the details of that
10 design with the State DOT and we
11 understand that there's some concern
12 about the velocities where it enters
13 into the brook. All of those we can
14 deal with as adjustments in the
15 design which we're working on. We
16 don't think there's a water quality
17 issue that goes with the discharge
18 from our site going into that brook.
19 So that's our technical response to
20 the concern about the water quality
21 concern relative to that pipe.

22 The second comment talks about
23 the fish and wildlife restriction,
24 specifically to clearing and bats.
25 We're well aware of that issue.

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2 We're hoping tonight we're successful
3 and we can move in the direction that
4 allows us to get the trees down
5 before the end of the month.

6 The third comment talks about
7 having to get the FAA final signoff,
8 which we understand.

9 The fourth comment draws
10 attention to this graded area which
11 we added to the plans. So we have a
12 surplus of material on this site.
13 Instead of trucking it off, we use
14 this area to, in essence, raise the
15 grade that currently slopes to the
16 east. We have, in essence, flattened
17 that area out. We also have existing
18 trees and vegetation along this
19 property line that we have preserved.
20 So we haven't provided any specific
21 landscaping in that area, but what we
22 have done is preserved the existing
23 vegetation along the property line.
24 We think that's -- there's mature
25 vegetation there and that's an

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 appropriate screening.

3 Pat suggested we add the sewer
4 and water notes for the Town of
5 Newburgh, which we will do.

6 He's asked us to label the size
7 of the building, which we will do.

8 He's asked us to provide a cost
9 estimate for the improvements, which
10 we have a basis for already done and
11 are ready to submit.

12 He asked for the status of the
13 DOT submission. So we've made a
14 stage 1 DOT submission, and we
15 provided that documentation to the
16 Board. We are also in the process of
17 making our stage 2 submission, which
18 is, in essence, the design drawings.
19 We anticipate that submission being
20 made in about two weeks or so. So
21 that process with DOT is moving
22 along.

23 Pat had indicated that we
24 missed a couple of contours when we
25 graded this area, so that's a cleanup

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 item that we have to do. It really
3 doesn't change what we proposed.

4 He's asked us to validate the
5 downstream capacity of the culvert
6 that goes under 17K. So the stream
7 that we're discharging to ultimately
8 goes further to the east and then
9 underneath 17K. He's asked us to
10 look at the capacity of that pipe.
11 We're more than willing to do that.
12 I did point out that the discharge
13 from our site right now is equal to
14 or less than the predevelopment
15 conditions, so we don't expect there
16 to be any increased impact on that
17 culvert.

18 And then lastly, he
19 acknowledges that we have to get a
20 Health Department permit for the
21 water system and the hydrants and
22 that he's still under -- the SWPPP is
23 still under review.

24 Again, all in all we don't
25 think that any of these are

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 complicated items to address, nor do
3 we think that they raise to the level
4 of a significant environmental
5 impact. The hope is that the Board
6 looks at, and they have looked
7 closely at this, they've taken the
8 hard look that you need to do and
9 that you're able to conclude that
10 there are no significant adverse
11 impacts from this project which would
12 allow you to consider issuing a neg
13 dec.

14 So that's a summary of the
15 comments that we've gotten.

16 We did get a letter from your
17 Traffic Consultant and he gave a
18 clean signoff. His only comment was
19 we have to finish the process with
20 DOT.

21 I'm glad to answer any
22 questions that the Board might have.

23 CHAIRMAN EWASUTYN: That's a
24 fair statement. We'll ask the Board
25 Members and we'll ask Pat Hines to

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 respond to your definition of what
3 has been completed.

4 We'll start with Stephanie
5 DeLuca. Stephanie, any comments on
6 the letter prepared by the Planning
7 Consultant and Engineer, Pat Hines,
8 dated the 25th of February 2022 for
9 the meeting date of the 3rd of March
10 2022 for Langan Engineering?

11 MS. DeLUCA: No. I don't have
12 any.

13 CHAIRMAN EWASUTYN: Thank you.
14 Cliff Browne?

15 MR. BROWNE: I'd like to hear
16 Pat's response before I make any
17 comments. From our discussions
18 earlier, I don't believe what I heard
19 just now quite lines up with what was
20 discussed earlier.

21 CHAIRMAN EWASUTYN: John Ward?

22 MR. WARD: I'd like to wait
23 until our Engineer talks about his
24 comments. Thank you.

25 CHAIRMAN EWASUTYN: Let the

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 record show that Planning Board
3 Members would like to receive a
4 response from Pat Hines of McGoey,
5 Hauser & Edsall. Pat?

6 MR. HINES: Sure. Our first
7 comment has to do with what
8 Mr. Utschig described as the
9 discharge to what I'll call Murphy's
10 ditch or Murphy's gulch that is
11 tributary to the City of Newburgh's
12 water supply. Our concerns are just
13 that the velocity of that discharge
14 to that stream, it's kind of a unique
15 situation where they are taking the
16 water from the site, running it down
17 the State highway right-of-way and
18 then discharging it offsite to a
19 natural stream channel. I do know
20 that they did modify the grade of
21 that pipe, but there's indications in
22 DOT's letter that that drainage pipe
23 may be further modified by the DOT
24 comments. They are technical in
25 nature. The exact location probably

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 doesn't -- won't significantly change
3 because it has to remain in DOT's
4 right-of-way. It's currently shown
5 within the driving lane of Route 17K.
6 I did note, and I do concur with
7 Chuck, that not only have they met
8 the DEC requirements for water
9 quality, but the Town has that policy
10 in the watershed to provide
11 additional water quality
12 improvements. I have that concern of
13 the change in the pipe location.
14 Whether that's something that the
15 Board wishes to wait for before a
16 SEQRA determination or not we can
17 discuss further.

18 The DEC and Fish & Wildlife
19 comments have been received. They do
20 identify that there will be no impact
21 to the threatened or endangered
22 species that were documented by them
23 should the clearing occur within
24 their restricted timeframes.

25 The FAA comments are out there.

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 They are a Federal agency, not
3 subject to SEQRA.

4 We addressed -- actually,
5 Chuck, I think you said that was a
6 flat area. I think there's going to
7 actually be a berm on the northeast
8 corner. More of an elevated berm is
9 depicted there. That just wasn't
10 addressed in the planting plan and
11 such, which it can be.

12 We did suggest the building
13 size be labeled as we had some
14 questions and there were some changes
15 between the initial application and
16 the application before the Board now.
17 We want to make sure that that
18 building size is noted.

19 Cost estimates are a procedural
20 matter we can address.

21 The DOT did provide comments
22 that we received copies of. One of
23 the concerns there, and maybe Mr.
24 Utschig can address it further, is
25 there's currently a proposal for two

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2 lanes out. The DOT seems to think
3 that maybe one lane out is a better
4 way to do that. I saw that as a
5 potential traffic issue that may need
6 to be addressed. We did talk about
7 that at work session. I think that
8 should be clarified a little better.
9 The DOT was -- I took the comment for
10 the drainage structure from the DOT's
11 comments. They had brought up the
12 fact that they were concerned about
13 the capacity of that down gradient
14 culvert. I did talk to Mr. Utschig
15 and identified that we wouldn't want
16 to go much further downstream than
17 that, that that first culvert would
18 be the controlling. The response to
19 Ken's comments caught my eye, that it
20 is noted that the right-of-way
21 grading will be modified as part of
22 the site plan improvements to achieve
23 sight distance. We're suggesting
24 that any offsite work should be shown
25 and should be addressed in the

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2 stormwater pollution prevention plan.

3 While we have provided our
4 initial comments on the SWPPP, we did
5 receive a rather voluminous response,
6 a modified SWPPP. We are looking at
7 those technical details.

8 The site does meet the intent
9 of the Town's stormwater management
10 ordinance by providing that
11 additional stormwater quality
12 control.

13 That's the status of our
14 response to each of those comments.
15 I think Chuck's presentation hit all
16 the points that we had.

17 CHAIRMAN EWASUTYN: Okay. So
18 as we broad brush this in open
19 discussion, you mentioned a phrase or
20 terminology as it relates to SEQRA,
21 and that's a hard look. You also
22 referenced, I think it was -- Mark is
23 your name?

24 MR. WILSON: Correct.

25 CHAIRMAN EWASUTYN: Right. One

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2 of the points that Mark raised was he
3 was hoping the Board would make a
4 SEQRA determination tonight. I'm
5 going to turn to our Planning Board
6 Attorney, Dominic Cordisco, to talk
7 to us about a SEQRA determination, a
8 hard look.

9 Dominic, please.

10 MR. CORDISCO: Thank you,
11 Mr. Chairman. If I may take it one
12 piece at a time. In connection with
13 the County Planning Department's
14 comments, we have extensive comments
15 from the County Planning Department.
16 However, they are recommending that
17 this be a Local determination. They
18 do characterize the first comment as
19 a binding comment, but we have seen
20 this before on other applications.
21 Actually, it's the exact same
22 phraseology, to use a term from the
23 Music Man, is that it's recommending
24 that the applicant should include
25 solar on rooftops, mounted solar for

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2 the facility. However, it's
3 characterized as a binding comment.
4 So you see you have this discrepancy
5 between a recommendation and
6 something that's binding. It's a
7 binding recommendation. And, you
8 know, the way that the Board has
9 treated this in the past is
10 acknowledging that a provision is
11 made for solar in the future.
12 Whether or not it's actually
13 installed on the building will be up
14 to the end user at that time. That
15 has been how the Board has treated
16 similar comments in the past, because
17 this is not the first time this
18 comment has been made in this
19 fashion.

20 From a SEQRA perspective, you
21 have a lot of information that's in
22 front of you. Some of it is still
23 under review.

24 I think that the most
25 challenging thing for the Board to

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2 consider is in connection with the
3 open comments from the New York State
4 Department of Transportation. The
5 New York State DOT has jurisdiction
6 over 17K, it is their road and they
7 will control, at the end of the day,
8 what the access will be permissible
9 to that. Because the plans that were
10 presented to the DOT and to this
11 Board have now been commented on by
12 DOT recommending a significant change
13 to those plans, that's still under
14 review. Those plans still have to be
15 prepared and submitted to the DOT.
16 On a parallel path, the impact of
17 that change to those plans and
18 traffic is still something that I
19 would characterize as an open item.
20 The Board did receive comments from
21 Ken Wersted, but his comments were
22 brief. His comments were about the
23 fact that the DOT has commented on
24 the project and that the applicant
25 will need to respond to those

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2 comments. The Board would have to be
3 satisfied, by taking a hard look at
4 this application in order to adopt a
5 negative declaration, whether or not
6 there's two lanes or a single lane at
7 this site, that there's not going to
8 be a significant impact on traffic.

9 MR. UTSCHIG: If I may help the
10 Board with some supplemental
11 information. As you think about what
12 your attorney has suggested, that you
13 look at -- take a hard look at, what
14 DOT has commented on is the fact that
15 we propose two exiting lanes. The
16 traffic study shows that the site
17 functions properly with the two
18 exiting lanes. The two lanes are not
19 about volume. So I guess what I
20 would say is let's play out the
21 scenario that the DOT comes back and
22 says we will not approve two lanes,
23 we only will give you one exiting
24 lane. From a site design perspective
25 a couple things happen. I have less

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2 pavement on my exiting driveway.
3 It's narrower. I have more pervious
4 area. The only change -- the
5 widening to 17K that allows for the
6 left-hand turn lane into our site
7 will not change. The improvements on
8 17K stay the same. What happens?
9 The impact of only having one exiting
10 lane is on our site. I think our
11 current traffic study suggests that
12 there's a one-truck delay with this
13 configuration. Whatever happens as a
14 result of us only having one exiting
15 lane only happens on our site. So I
16 would ask the Board to think about
17 that impact. That's our traffic
18 impact.

19 On top of that, this
20 modification of the design really
21 starts to reduce things. It's less
22 impervious area, a little less
23 stormwater, a little easier design on
24 the site. DOT improvements stay
25 exactly as they are. So I would ask

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2 you to consider that as you think
3 about the significance of this as an
4 open issue. We understand it is.

5 I think to one of Pat's points,
6 he was talking about the culvert and
7 the discharge and would it move much.
8 Right now we're thinking about a
9 design with DOT that does move it.
10 Instead of being in the travel lane,
11 we put it in the shoulder. In our
12 opinion, the significant part of that
13 system, from an environmental
14 perspective, is where it discharges
15 into the stream. That location at
16 that stream will be the same whether
17 we move it 10 feet over in the
18 shoulder or keep it in the travel
19 lane.

20 I think the Board should also
21 understand a little bit about the
22 characteristics of this stream. So
23 over time it's clear, whether it was
24 with the Kia application or something
25 that DOT has done, but in essence the

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2 embankment here, not only at the
3 point at which we go in but parallel
4 to 17K, is already all rip-rap. So
5 we are going to outlet in that
6 rip-rap section. Why do I point that
7 out? To Pat's concern about
8 velocity, disturbance, all of these
9 start to become manageable, less
10 significant because of these factors.

11 So I just -- I offer this
12 information as you deliberate about
13 whether or not this really falls in
14 the category of a significant
15 environmental concern.

16 CHAIRMAN EWASUTYN: Referencing
17 the discharge into the stream and the
18 relocation of the pipe, whether it be
19 in the shoulder or in the State
20 highway. Is that what you're saying?

21 MR. UTSCHIG: Yes.

22 MR. CORDISCO: If I may,
23 Mr. Chairman. To be clear, I don't
24 have a personal opinion in connection
25 with, you know, whether or not the

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2 project, you know, is ready for a
3 negative declaration and whether or
4 not you satisfied your hard look. If
5 the Board is satisfied as a whole,
6 then you're certainly satisfied.

7 I would note that logistically
8 what's being asked tonight has to be
9 seen in conjunction with the request
10 for the negative declaration. The
11 purpose that they're requesting the
12 negative declaration tonight is so
13 that the Board could then
14 procedurally be in a position to
15 schedule a public hearing. The fact
16 is that they're also asking to
17 schedule the public hearing for the
18 March 17th meeting. That, of course,
19 is two weeks from today. Typically
20 the Board does not schedule public
21 hearings that would happen within a
22 two-week timeframe because
23 logistically it's difficult. There
24 has to be notices that are published
25 in the newspaper and sent to the

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2 adjoiners. In order for the public
3 hearing to occur timely on the 17th,
4 there would have to be a public
5 hearing notice that would be drafted
6 tomorrow, which is easy enough to do,
7 but it would also then need to be
8 published and mailed no later than
9 Monday. By published I mean be in
10 the newspaper on Monday as I
11 calculate it. So that is -- Monday
12 would be the last day that they could
13 have to publish that notice in order
14 for the public hearing to go forward
15 on the 17th. If that doesn't occur
16 and the notice gets published
17 somewhat later than Monday, then the
18 difficulty is that at that point you
19 have a public hearing where you
20 haven't satisfied the notice
21 requirements. The remedy for that
22 would be to hold over the public
23 hearing for a future date, in which
24 case the timeframe to take down trees
25 because of bat restrictions has

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2 passed by. So I'm just offering that
3 for the Board's consideration. There
4 is a lot of legwork that has to
5 happen between now and Monday. It's
6 certainly possible to draft a public
7 hearing notice, but whether or not
8 The Times Herald Record agrees to --

9 MR. HINES: We don't use The
10 Record.

11 MR. CORDISCO: I thought The
12 Sentinel stopped publishing.

13 MR. HINES: Mid-Hudson Times
14 still does. There are two that we
15 use. And with multiple Towns I
16 represent, in my head our notice may
17 be five days. I know you have the
18 code in front of you. The
19 publication of the notice in the
20 newspaper may only be five days
21 prior. I just want to clarify. If
22 you could check that. I don't have
23 it with me.

24 MR. CORDISCO: I will.

25 CHAIRMAN EWASUTYN: So that

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2 timeline is more flexible at this
3 point is what you're saying?

4 MR. HINES: Yes. That's what
5 I'm saying.

6 MR. CORDISCO: Yes, I will
7 check that. But it's flexible in the
8 sense that the publication time
9 period is less, but the newspaper is
10 weekly.

11 MR. HINES: It is weekly.

12 MR. CORDISCO: So it would have
13 to be in for next week's newspaper
14 which comes out on Wednesday.

15 MR. HINES: One of them went
16 away. I'm not sure. One is a
17 Wednesday, one is a Friday. I'm not
18 sure which one went away.

19 MR. UTSCHIG: We clearly
20 understand the challenge. We're not
21 being bashful about, you know,
22 explaining to the Board what we're
23 trying to do. We also think, though,
24 that there's a strong basis -- you
25 know, there's another side to the

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2 significance of the impacts that are
3 yet to be fully defined here. So,
4 you know, we're just asking for the
5 Board to consider those things. The
6 onus is on us to accomplish the next
7 task. If we can't accomplish it, we
8 would fully expect, for example if
9 the notice was not appropriate, that
10 this Board would adjourn the hearing
11 to a date in the future. We
12 understand that.

13 CHAIRMAN EWASUTYN: Okay.
14 Let's just hear the comments from
15 Planning Board Members. I'll leave
16 that open as to who may want to speak
17 first. There's four of us here this
18 evening. Two Board Members, Ken
19 Wersted and Frank Galli, aren't
20 present. Excuse me. Three. And
21 Dave Dominick.

22 I'll open it up for discussion.
23 We'll start with John Ward. John?

24 MR. WARD: My concern is with
25 SEQRA, with the traffic, with your

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2 scenarios down the line. DOT didn't
3 approve anything yet. With the flow
4 going down 17K, either or, it's going
5 into the stream that goes to
6 Washington Lake. So that's my
7 concern about SEQRA and not being
8 answered yet. Okay.

9 CHAIRMAN EWASUTYN: Do you want
10 to respond to that, Chuck?

11 MR. UTSCHIG: Yeah. I mean I
12 understand what you're saying. I
13 guess what I would say is almost no
14 matter what hoops DOT decides that we
15 need to go through, right -- because
16 we have no other choice. The
17 drainage has to go in this direction.
18 This is, for all intents and
19 purposes, what's happened with the
20 Kia property. It has cut off the
21 natural drainage pattern from this
22 parcel to that brook.

23 What I was going to say is I
24 think what we'll find, if I can turn
25 the clock ahead a month and we had

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2 DOT's response, the outlet into the
3 stream would generally be where it's
4 at. Yes, maybe the flow and the
5 slope and the velocity were modified,
6 but it's going to be that.

7 Whether we have one lane or
8 two, our traffic study which analyzes
9 traffic along 17K demonstrates that
10 we don't have a capacity issue. So
11 the only impact of going from two
12 lanes to one is an impact on us. So
13 that will look -- you know, you know
14 what it will look like. It will be
15 one lane out.

16 So I'm doing -- if I think
17 ahead of what this is going to look
18 like and I relate it to the
19 significant issues that you have
20 mentioned, I feel like it's going to
21 look very much like what we're
22 showing you tonight, at least from an
23 impact perspective. That's the best
24 I can explain what our opinion is
25 about those.

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2 CHAIRMAN EWASUTYN: Cliff

3 Browne?

4 MR. BROWNE: Basically I've
5 heard basically all the comments. I
6 understand your position and I
7 understand the technical positions.
8 I also understand that I am not
9 inclined to set a precedent.
10 Typically this Board does not go into
11 a negative dec until we get the
12 reports that are typically required
13 for this type of situation. So my
14 inclination is not to set a precedent
15 and step forward before we get the
16 proper reports.

17 CHAIRMAN EWASUTYN: Stephanie
18 DeLuca?

19 MS. DeLUCA: I pretty much have
20 to agree with my fellow Board Members
21 in both regards. I guess I was just
22 also -- well, where the water was
23 going to flow, that environmental
24 impact and then also the traffic
25 having the two lanes, I'm trying to

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2 picture that in my head. Yeah. I'm
3 inclined to go along with them as
4 well.

5 MR. UTSCHIG: Just so that
6 we're clear when we talk about the
7 traffic, we did submit -- this isn't
8 void of DOT review.

9 MS. DeLUCA: Okay.

10 MR. UTSCHIG: We did submit a
11 full traffic study to DOT and to your
12 Traffic Consultant. The conclusions
13 of that traffic study are pretty
14 straightforward. I think I want to
15 try and separate the more intense
16 issue here of traffic impacts along
17 17K and what we're talking about
18 which seem to be two issues. One is
19 the culvert discharge. I don't know
20 that there's much more I can say
21 about that. I think at the end of
22 the day I'm going to be governed by
23 DOT requirements. Mr. Hines is going
24 to hold my feet to the fire to make
25 sure it's done right, being

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2 protective of the watershed. That's
3 a nuance in the design that will be
4 almost imperceptible from an overall
5 picture perspective.

6 The traffic part of this, not
7 that it doesn't impact 17K because
8 we've already demonstrated that and
9 DOT has accepted that, this is about
10 whether I can have one lane or two
11 lanes coming out. What that means is
12 that I have one or two cars stacking
13 in one lane versus those one or two
14 cars spread over two lanes. The
15 reason we did it is so that anyone
16 wanting to make the right-hand turn
17 doesn't get held up by a stack of
18 cars trying to make the left which
19 will be a little bit more of a delay.
20 We fully intend to have a discussion
21 with DOT about the appropriateness of
22 two exiting lanes from our site.
23 It's not a foregone conclusion that
24 we're going to eliminate that lane.
25 We have developed a response to their

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2 comment. Again, I understand that
3 this is to be worked out. Again, I
4 would ask you to think about what
5 this looks like when it is worked
6 out. It doesn't look terribly
7 different than what we're showing
8 you.

9 I fully appreciate your
10 position about wanting to make sure
11 that you take the right steps and no
12 precedent. Again, the precedent here
13 is not really very significant. You
14 have a DOT review. You have reports
15 from all other agencies involved.
16 There aren't a lot of missing
17 reports. We do have some response,
18 although still open questions from
19 DOT. So there has been a lot of look
20 at this and a lot of review and a lot
21 of work going into straightening out
22 and cleaning up the design in
23 response to lots of comments that
24 we've gotten from this Board and your
25 consultants to get it to where it is

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2 today. So this isn't -- we're not
3 just here for the first time. We've
4 been here a few times and we've
5 worked hard to make this plan
6 represent what you think are the
7 important issues that go along with
8 it. We think that has addressed
9 those issues that could potentially
10 be called significant environmental
11 issues.

12 MR. HINES: So one of the steps
13 in the process of making a SEQRA
14 determination is reviewing the Part 2
15 which you may do -- you'll have to do
16 at some point to determine if there
17 is a "significant environmental
18 impact." That determination as lead
19 agency is up to the Board. So I
20 don't know if the Board would like to
21 tonight review the Part 2 to see if
22 the "significant environmental
23 impacts" can be identified through
24 that or will be identified through
25 that or not.

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2 CHAIRMAN EWASUTYN: I would
3 like to do that. Is that, Dominic,
4 your suggestion?

5 MR. CORDISCO: Yes. We can
6 certainly do that. I have a copy
7 here.

8 CHAIRMAN EWASUTYN: Please.
9 Thank you. Let's go through that.
10 That's really the point that we're at
11 tonight. We're no longer sort of
12 guessing but we're going by --

13 MR. HINES: While Mr. Utschig
14 --

15 CHAIRMAN EWASUTYN: Dominic has
16 that in front of him.

17 MR. HINES: Great. I was going
18 to wing it off of here, but that's
19 better.

20 MR. CORDISCO: That's fine. So
21 there are a number of questions
22 relating to various different
23 environmental impacts. This is the
24 Board's document. This is something
25 that the Board should decide by

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2 consensus as to whether or not they
3 agree whether there's going to be no
4 to a small impact or rather a
5 moderate to large impact. Those are
6 the two categories, either a no to
7 small or moderate to large.

8 The first category is impact on
9 land. The question is whether or not
10 the proposed action may involve
11 construction on or physical
12 alteration of the land surface of the
13 proposed site. The answer to that is
14 yes, and then you go on to answer
15 whether or not there is a no to small
16 impact or moderate to large impact.
17 The first question is the proposed
18 action may involve construction on
19 land where depth to water table is
20 less than 3 feet.

21 MR. HINES: We would suggest
22 that would be a small to moderate
23 impact. The depth to water table is
24 not a significant issue on this
25 project.

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2 MR. CORDISCO: The proposed
3 action may involve construction on
4 slopes of 15 degrees or greater. 15
5 percent, rather.

6 MR. HINES: There is only one
7 small section of the property. I
8 believe it's a manmade feature on the
9 site that has greater than 15 percent
10 slope. It's a small area. It
11 probably was filled in the past.
12 They have provided us with the slope
13 analysis that identifies that that
14 would be a no impact.

15 MR. CORDISCO: The proposed
16 action may involve construction on
17 land where bedrock is exposed
18 generally within 5 feet of existing
19 ground surface.

20 MR. HINES: We would suggest
21 that would be a no as well.

22 MR. CORDISCO: The proposed
23 action may involve the excavation and
24 removal of more than 1,000 tons of
25 natural material.

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2 MR. HINES: There certainly
3 would be the excavation of that, but
4 the removal has been addressed I
5 believe by Mr. Utschig's balanced cut
6 and fill that he showed with the
7 installation of the berm.

8 CHAIRMAN EWASUTYN: The berm
9 being located in that right-hand
10 corner which you once discussed?

11 MR. HINES: Towards the rear of
12 the Kia site.

13 MR. CORDISCO: The proposed
14 action may involve construction that
15 continues for more than one year or
16 in multiple phases.

17 MR. HINES: I believe this is
18 not a multiple phased project. I
19 think this --

20 MR. UTSCHIG: It will be done
21 in a year.

22 MR. CORDISCO: The proposed
23 action may result in increased
24 erosion, whether from physical
25 disturbance or vegetation removal.

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2 MR. HINES: We would suggest
3 that would be a small impact. They
4 do have an erosion and sediment
5 control plan designed for the site
6 and a stormwater pollution prevention
7 plan which is in significant
8 compliance with the regulations.
9 We're continuing to review, I'll call
10 them the minutia details of that
11 document. We do have a general
12 consensus that it meets the Town's
13 requirements.

14 MR. CORDISCO: The proposed
15 action is or may be located within a
16 coastal erosion hazard area. The
17 answer to that would be no because it
18 is not.

19 I'm checking no on these. If
20 the Board disagrees with our
21 assessment, please let me know. That
22 completes the impact on land.

23 Impact on geological features.
24 The proposed action may result in the
25 modification or destruction of or

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2 inhibit access to any unique or
3 unusual land forms on the site such
4 as cliffs, dunes, minerals or
5 fossils. I think the answer to that
6 is no, which saves us some questions.

7 Impacts on surface water. The
8 proposed action may affect one or
9 more wetlands or other surface water
10 bodies such as streams, rivers, ponds
11 or lakes. Is this going to impact
12 surface water?

13 MR. HINES: Yes.

14 MR. CORDISCO: The proposed
15 action may create a new water body.
16 The answer to that is no? Right,
17 Pat?

18 MR. HINES: Yes, that is a no.

19 MR. CORDISCO: The proposed
20 action may result in an increase or a
21 decrease of over 10 percent or more
22 than a 10-acre increase or decrease
23 in the surface area of any body of
24 water.

25 MR. HINES: That would be a no.

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2 MR. CORDISCO: The proposed
3 action may involve dredging of more
4 than 100 cubic yards of material from
5 a wetland.

6 MR. HINES: That's a no.

7 MR. CORDISCO: The proposed
8 action may involve construction
9 within or adjoining a freshwater
10 wetland or tidal wetland or in the
11 banks of another water body.

12 MR. HINES: So that is a yes.
13 I think Mr. Utschig has done a
14 presentation that that's going to be
15 located in an area that is currently
16 rip-rap which would be a method of
17 addressing the velocity issues that
18 are on that site. I actually believe
19 that that outlet will require a DEC
20 permit as well because it's a Class A
21 stream. DEC couldn't issue that
22 permit without a neg dec. That will
23 have further review.

24 MR. CORDISCO: Would you
25 consider that to be a moderate to

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2 large impact?

3 MR. HINES: No, I wouldn't. I
4 would defer to the Board. It was one
5 of the concerns --

6 CHAIRMAN EWASUTYN: We turn to
7 you always for advice.

8 MR. HINES: It certainly is a
9 concern in my comments, the impacts
10 of the location of that and the fact
11 that it's tributary to the water
12 supply. But again, as Mr. Utschig
13 stated, they have met the intent of
14 the Town's, I won't say requirements
15 but policy that within the watershed
16 they have provided the additional
17 water quality improvements.

18 MR. CORDISCO: It could be yes,
19 but it's a small impact in comparison
20 to the overall size of the project.

21 MR. HINES: It's a small impact
22 I would say.

23 MR. CORDISCO: The proposed
24 action may create turbidity in a
25 water body either from upland

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2 erosion, runoff or by disturbing
3 bottom sediments.

4 MR. HINES: I believe that that
5 would also be a yes and a small
6 impact. They've addressed that
7 through their erosion and sediment
8 control plan and the Town's
9 stormwater management regulations.

10 MR. CORDISCO: The proposed
11 action may include construction of
12 one or more intakes for withdrawal of
13 water from surface water.

14 MR. HINES: That's not
15 applicable or a no.

16 MR. CORDISCO: The proposed
17 action may include construction of
18 one or more outfalls for discharge of
19 wastewater to surface water.

20 MR. HINES: That is a no.

21 MR. CORDISCO: The proposed
22 action may cause soil erosion or
23 otherwise create a source of
24 stormwater discharge that may lead to
25 siltation or other degradation of

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2 receding water bodies.

3 MR. HINES: That also is a
4 small impact. It definitely has the
5 potential there. I believe that
6 through the implementation of the
7 stormwater pollution prevention plan,
8 that that will be mitigated.

9 MR. CORDISCO: The proposed
10 action may affect the water quality
11 of any water bodies within or
12 downstream of the site. Once again,
13 small impact?

14 MR. HINES: Similar. Yes.

15 MR. CORDISCO: The proposed
16 action may involve the application of
17 pesticides or herbicides in or around
18 any water body.

19 MR. HINES: That should be a
20 no.

21 MR. CORDISCO: The proposed
22 action may require the construction
23 of new or an expansion of existing
24 wastewater treatment facilities.

25 MR. HINES: That is also a no.

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2 This project connects to the Town's
3 municipal sewer.

4 MR. CORDISCO: Impact on
5 groundwater. The proposed action may
6 result in new or additional use of
7 groundwater or may have the potential
8 to introduce contaminants to
9 groundwater or an aquifer.

10 MR. HINES: I would suggest
11 that would be a no. There is no
12 groundwater use. Uniquely, because
13 it is a stormwater hotspot, the
14 stormwater management facilities are
15 proposed to have an impervious liner
16 installed in them. Previously it was
17 going to be one of them. The new
18 stormwater plan has them both being
19 lined with an impervious liner.

20 MR. CORDISCO: The next
21 category is impact on flooding. The
22 proposed action may result in
23 development on land subject to
24 flooding.

25 MR. HINES: There is no

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2 floodplain on this project.

3 MR. CORDISCO: Impacts on air.
4 The proposed action may include a
5 State regulated air emissions source.
6 I do not believe that there's any
7 State air permitting for this
8 facility.

9 MR. HINES: There is not.

10 MR. CORDISCO: That would be
11 no.

12 Impacts on plants and animals.
13 The proposed action may result in a
14 loss of flora or fauna.

15 MR. HINES: So they're
16 proposing a mitigation measure. I
17 guess the bullet item number A under
18 that would address that. I would say
19 that that answer should be a yes, but
20 the bullet item under that has to do
21 with threatened or endangered species
22 is a no because of the mitigation
23 measures proposed.

24 MR. CORDISCO: Yes. I would
25 concur.

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2 There are a number of questions
3 all in connection with the endangered
4 species here. Because of the
5 mitigation measures that have been
6 proposed, I would recommend it's a no
7 to a small impact.

8 Impact on agricultural
9 resources I would say is no. The
10 site is not currently used for
11 farming, nor is it within an
12 Agricultural District.

13 MR. HINES: It is not.

14 MR. CORDISCO: Impact on
15 aesthetic resources. The land use of
16 the proposed action are obviously
17 different from or different in sharp
18 contrast to current land use patterns
19 between the proposed project and a
20 scenic and aesthetic resource. I
21 think the answer to that is no for
22 this corridor.

23 MR. HINES: It's consistent
24 with the development in the IB Zone.

25 MR. CORDISCO: Correct. Impact

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2 on historic and archeological
3 resources. The proposed action may
4 occur in or adjacent to a historic or
5 archeological resource.

6 MR. HINES: That is a no.

7 MR. CORDISCO: Impact on open
8 space and recreation.

9 MR. HINES: We would suggest
10 that that does not meet any of the --
11 that's a no. It doesn't meet any of
12 the thresholds identified below.

13 MR. CORDISCO: Impact on
14 critical environmental areas. This
15 site is not a critical environmental
16 area, so that should be a no.

17 Impact on transportation. The
18 proposed action may result in a
19 change to the existing transportation
20 systems. I think that's a yes.

21 Projected traffic increase may
22 exceed capacity of an existing road
23 network.

24 MR. HINES: We did have the
25 traffic concerns that we identified.

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2 I know Ken Wersted's comment letter
3 said that they are deferring to DOT.
4 I think Mr. Utschig's response was
5 appropriate, that any DOT
6 restrictions would only back up
7 traffic on their site and impact the
8 stacking within the site. It may
9 reduce it. I will note that the
10 driveway width may not shrink as much
11 as was discussed because it is a
12 single access point and emergency
13 services were requesting a larger
14 access point. While that was
15 identified as potentially being
16 mitigating of that, the wider
17 driveway will still be there.

18 MR. CORDISCO: So your
19 recommendation is that this is a no
20 to small impact?

21 MR. HINES: Yes. I would say
22 that that is a no. Previous to
23 Mr. Utschig's discussion of that, I
24 had some additional questions. I
25 think that that was on point.

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2 MR. CORDISCO: The proposed
3 action may result in the construction
4 of a paved parking area for 500 or
5 more vehicles.

6 MR. HINES: It does not.

7 MR. CORDISCO: The proposed
8 action will degrade existing transit
9 access. This is not transportation,
10 it's transit access.

11 MR. HINES: That's a no.

12 MR. CORDISCO: The proposed
13 action will degrade existing
14 pedestrian or bicycle accommodations.
15 Actually the opposite is true given
16 the recommendation to include a bike
17 lane in front of the site.

18 The proposed action may alter
19 the present pattern of movement of
20 people or goods. I think the answer
21 to that would be no as well.

22 Impact on energy. The proposed
23 action may cause an increase in the
24 use of any form of energy.

25 MR. HINES: That's typically a

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2 yes. The project will be required to
3 meet New York State Energy Code when
4 they construct the building.

5 MR. CORDISCO: The proposed
6 action will require a new or an
7 upgrade to an existing substation.

8 MR. HINES: I don't think any
9 of the thresholds below.

10 MR. UTSCHIG: We wouldn't.

11 MR. CORDISCO: Okay. Impact on
12 noise, odor and light. The proposed
13 action may result in an increase in
14 noise, odors or outdoor lighting.

15 MR. HINES: I think the answer
16 to that would be yes, but there are
17 several mitigating factors identified
18 there with the dark sky lighting
19 identified in the County Planning
20 comment. There's also the proposal
21 for sound walls in two locations on
22 the site, more towards 17K, to
23 protect the residential uses in that
24 vicinity.

25 MR. CORDISCO: So the question

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2 in that section would be the proposed
3 action may result in -- let's just
4 take them one at a time if we may.
5 The proposed action may result in
6 blasting within 1,500 feet of any
7 residence, hospital, school, daycare
8 center or nursing home. Blasting is
9 proposed?

10 MR. HINES: I don't know. I'll
11 defer to Mr. Utschig on that. I
12 don't believe we've identified
13 blasting as an issue on this site
14 previously.

15 MR. UTSCHIG: We have not yet
16 nor would we within those distances
17 of any of those uses. That's a
18 concern for public service kind of
19 uses. Currently we don't contemplate
20 blasting.

21 MR. CORDISCO: It does state
22 residences as well.

23 MR. UTSCHIG: We currently
24 don't contemplate blasting.

25 MR. CORDISCO: The proposed

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2 action may result in routine odors
3 for more than one hour per day. I
4 don't think that there's any odors
5 resulting.

6 The proposed action may result
7 in light shining onto adjoining
8 properties. I think the answer there
9 would be no.

10 MR. HINES: That's a no. They
11 gave us a lighting plan with the dark
12 sky lighting.

13 MR. CORDISCO: And likewise,
14 the proposed action may result in
15 lighting creating a sky glow brighter
16 than existing area conditions. The
17 answer would be no.

18 Impact on human health. The
19 proposed action may have an impact on
20 human health from exposure to new or
21 existing sources of contaminants. I
22 think the answer to that would be no.

23 Consistency with community
24 plans. The proposed action is not
25 consistent with adopted land use

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2 plans. I think the answer to that is
3 a double negative. I think it's no.

4 Consistency with community
5 character. The proposed project is
6 inconsistent with existing community
7 character. Again I would suggest a
8 double negative for that.

9 That's the end of the form.

10 CHAIRMAN EWASUTYN: Comments
11 from Board Members. Stephanie
12 DeLuca?

13 MS. DeLUCA: No. No. Nothing
14 at this time.

15 CHAIRMAN EWASUTYN: Cliff
16 Browne?

17 MR. BROWNE: Having gone
18 through the detail on this and given
19 some of the explanations, I would
20 have to agree that at this point we
21 are ready for a negative dec.

22 CHAIRMAN EWASUTYN: John Ward?

23 MR. WARD: I agree. I
24 appreciate the back and forth and
25 dotting the Is. Thank you.

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2 CHAIRMAN EWASUTYN: Pat Hines,
3 do you have anything to add at this
4 time?

5 MR. HINES: I don't. Actually,
6 I do. By going through that Part 2
7 and not identifying any one or more
8 potential significant environmental
9 impacts, you have paved the way for
10 the negative declaration to be
11 issued. Had you identified
12 significant environmental impacts,
13 then you would be actually looking at
14 additional SEQRA review being
15 required, so --

16 MR. CORDISCO: Or mitigation
17 measures that would be commensurate
18 with those large impacts which would
19 be possible. The fact is that
20 there's not been a single checkmark
21 next to a moderate to large impact
22 with any of these items.

23 CHAIRMAN EWASUTYN: Jim
24 Campbell, Code Compliance?

25 MR. CAMPBELL: No comment.

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2 CHAIRMAN EWASUTYN: Help me
3 understand the matter before us this
4 evening based upon the discussion
5 that we had. We have to respond to
6 the February 7th Orange County
7 Planning Department review?

8 MR. CORDISCO: Yes, we do.

9 CHAIRMAN EWASUTYN: And that
10 would be made part of the approval
11 this evening or the SEQRA
12 determination, or we do that at a
13 later date when we do final?

14 MR. CORDISCO: Correct.

15 CHAIRMAN EWASUTYN: At a later
16 date final which we have done in the
17 past.

18 MR. CORDISCO: Correct.
19 Procedurally you needed to have a
20 response from the County prior to
21 making a SEQRA determination, as long
22 as their time to do so hadn't run
23 out. You got comments from the
24 County. You can consider them. You
25 don't have to respond to them until

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2 such a time that you're ready for
3 taking action on the application
4 itself.

5 CHAIRMAN EWASUTYN: Before we
6 get into the main item before us, and
7 that would be making a SEQRA
8 determination, ARB would be managed
9 now or it would be managed at a later
10 date?

11 MR. CORDISCO: It could be
12 managed at a later date. It's not
13 required to be satisfied at this
14 time.

15 CHAIRMAN EWASUTYN: So then
16 help me. The item before us this
17 evening would be to make a SEQRA
18 determination and schedule this for a
19 public hearing?

20 MR. CORDISCO: That's correct.

21 CHAIRMAN EWASUTYN: Can you
22 elaborate upon that then?

23 MR. CORDISCO: Yes.

24 CHAIRMAN EWASUTYN: The
25 recommendation is?

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2 MR. CORDISCO: The
3 recommendation based on the Part 2
4 EAF and the detailed review by the
5 Board would be for the Board to
6 consider the adoption of a negative
7 declaration at this time.

8 CHAIRMAN EWASUTYN: And to set
9 a public hearing for?

10 MR. CORDISCO: The applicant
11 has requested that the public hearing
12 be scheduled for March 17th. I was
13 incorrect, and I'm happy to admit
14 when I'm wrong, it is not a ten-day
15 notice, it's a five-day notice. It
16 is a weekly newspaper, as Pat
17 commented. So the logistics of that
18 is up to the applicant, I would
19 imagine, to make sure that they
20 satisfy the mailings and the public
21 hearing notice being published in the
22 newspaper. It's tight but it's
23 doable.

24 CHAIRMAN EWASUTYN: So having
25 had an open discussion --

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2 MR. HINES: I just wanted to
3 add that if you are scheduling a
4 public hearing, it would be, I
5 believe, both for the site plan and
6 for the Chapter 83 clearing and
7 grading.

8 MR. UTSCHIG: Yes.

9 CHAIRMAN EWASUTYN: Let the
10 record show that, Dominic.

11 MR. CORDISCO: Certainly, sir.

12 CHAIRMAN EWASUTYN: Having
13 heard from our consultants, having
14 heard from our Attorney, Dominic
15 Cordisco, would someone make a motion
16 to declare a negative declaration on
17 the Scannell/Newburgh Commerce
18 Center, project number 21-21?

19 MR. WARD: So moved.

20 MR. BROWNE: Second.

21 CHAIRMAN EWASUTYN: I have a
22 motion by John Ward. I have a second
23 by Cliff Browne. Any discussion of
24 the motion?

25 (No response.)

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2 CHAIRMAN EWASUTYN: I'll call
3 for a roll call vote starting with
4 John Ward.

5 MR. WARD: Aye.

6 MR. BROWNE: Aye.

7 CHAIRMAN EWASUTYN: Aye.

8 MS. DeLUCA: Aye.

9 CHAIRMAN EWASUTYN: Let the
10 record show that the Planning Board
11 will be setting a public hearing on
12 both the site plan and the clearing
13 and grading permit for the 17th of
14 March 2022.

15 Would someone make a motion for
16 that?

17 MR. BROWNE: So moved.

18 MS. DeLUCA: Second.

19 CHAIRMAN EWASUTYN: I have a
20 motion by Cliff Browne. I have a
21 second by Stephanie DeLuca. May I
22 please have a roll call vote starting
23 with John Ward.

24 MR. WARD: Aye.

25 MR. BROWNE: Aye.

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2 CHAIRMAN EWASUTYN: Aye.

3 MS. DeLUCA: Aye.

4 CHAIRMAN EWASUTYN: Motion
5 carried.

6 Gentlemen, thank you. You have
7 your work to be done.

8 MR. UTSCHIG: Thank you very
9 much. We appreciate your efforts
10 tonight.

11

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

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NEWBURGH COMMERCE CENTER / SCANNELL

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 10th day of March 2022.

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

MONARCH WOODS SENIOR COMMUNITY
(2019-28)

Monarch Drive
Section 103; Block 7; Lot 18
Section 47; Block 1; Lot 46
B Zone

----- X

LOT LINE CHANGE
MULTI-FAMILY SENIOR HOUSING SITE PLAN

Date: March 3, 2022
Time: 8:02 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ,
JOHN CAPPELLO & MICHAEL MAHAR

----- X

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

1 MONARCH WOODS SENIOR COMMUNITY

2 CHAIRMAN EWASUTYN: The third
3 item of business this evening is
4 Monarch Woods Senior Community. It's
5 a multi-family senior housing site
6 plan. It's located on Monarch Drive.
7 It's in the B Zone. It's being
8 represented by Engineering &
9 Surveying Properties. I think their
10 representative is Ross Winglovitz.
11 Ross.

12 MR. WINGLOVITZ: Good evening.
13 For the record, Ross Winglovitz,
14 Engineering & Surveying Properties.
15 I'm here with John Cappello, counsel,
16 and Mike Mahar, a representative of
17 the applicant.

18 We were before this Board a few
19 months ago regarding the continuation
20 of this application. We originally
21 made a presentation, actually a
22 couple years ago starting the
23 process. We went to -- we met with
24 the Town Board, had several public
25 informational meetings. The Board

1 MONARCH WOODS SENIOR COMMUNITY

2 made a recommendation back to this
3 Board regarding the use of senior
4 housing being permitted on this
5 property. After coming back to this
6 Board, we also went back to the ZBA.
7 There were questions regarding height
8 and bedroom size. They were both
9 discussed with the ZBA. The height
10 was referred back to this Board as
11 part of the special exception use
12 permit process. We prepared a Part 2
13 EAF outlining any potential large
14 impacts, and based on that prepared
15 and submitted a Part 3 EAF back at
16 the end of January in which we
17 studied impacts on land, impacts on
18 water, traffic, archeology, visual.
19 I'm sure there's something else I'm
20 missing.

21 The traffic study has been
22 reviewed by Creighton, Manning.
23 We've received comments on that
24 tonight.

25 Pat has reviewed the plans and

1 MONARCH WOODS SENIOR COMMUNITY

2 I'm sure is considering the SWPPP
3 since he had a lot to look at.

4 We'd be glad to go through
5 comments of McGoey, Hauser & Edsall
6 that we received for tonight.

7 Comment 1 is regarding the
8 height and what I just mentioned
9 about it being sent back to the
10 Planning Board. We're proposing 46.5
11 feet. This is the identical plan
12 that we presented to the Town Board
13 with the same elevations. So this is
14 consistent with what has been vetted
15 so far.

16 Comment 2 was the biggest
17 surprise in the plans since we were
18 last here. One of the comments was
19 the wetlands delineation mappings did
20 not show any wetlands, there were no
21 wetland soils on site, yet when we
22 went out and did a wetlands
23 delineation, we had two pockets of
24 wetlands, one located coming up off
25 of 52 from an existing culvert and a

1 MONARCH WOODS SENIOR COMMUNITY

2 second one is basically a parallel
3 area to Monarch Drive. The presence
4 of those wetlands created some
5 redesign on our site. Really the
6 redesign was eliminating what was our
7 commercial pad site on the corner in
8 favor of the wetland mitigation area
9 that we're going to need to construct
10 to mitigate our proposed wetland
11 impacts. So that has been eliminated
12 from the plan. Now we are only
13 proposing the senior residential
14 component.

15 We have added an additional two
16 units based on the net area that we
17 were able to pick up by eliminating
18 that one-acre lot. It was a
19 commercial parcel. Michael Nowicki
20 is the one who delineated that on the
21 jurisdictional wetlands report. Mike
22 is preparing that and we'll provide
23 that to the Board.

24 The emergency power generator.
25 I talked to Michael. He had

1 MONARCH WOODS SENIOR COMMUNITY

2 committed to that in the past. We
3 have no problem providing that.
4 We'll provide a note on the plan
5 regarding our commitment to do that.

6 Emergency access to the
7 building. We had met with the fire
8 department on November, I believe it
9 was 17th of last year. We reviewed
10 the plan. They were satisfied with
11 the plan. I don't know if they
12 reported back specifically to
13 anybody.

14 MR. MAHAR: I'll make sure that
15 we get something back from them.

16 MR. WINGLOVITZ: We provided
17 emergency access aisles in the rear
18 of the buildings. We've provided the
19 two criteria that I'm familiar with
20 which is the 26-foot aerial apparatus
21 access in a number of locations
22 parallel to the building. Actually
23 three. And we provided an emergency
24 access road so that we can get within
25 150 feet of any point of the

1 MONARCH WOODS SENIOR COMMUNITY

2 building. So I think we've complied
3 with that. We welcome any comments
4 that Code Enforcement may have.

5 MR. HINES: Ross, one of those
6 emergency access now comes off of
7 Route 52 I believe

8 MR. WINGLOVITZ: Yes. That was
9 the only way we could get there.
10 That will be a gated access so that
11 somebody doesn't mistake it for a
12 driveway. Typically we do a
13 different texture. It's not
14 something that's paved specifically.
15 Maybe pavers or something along those
16 lines. Maybe gravel in this case
17 because it's not going to be used for
18 anything else.

19 Orange County Health Department
20 approval is required for the
21 hydrants. We have several hydrants
22 servicing the site, so that does
23 require a water main extension
24 approval from the Department of
25 Health.

1 MONARCH WOODS SENIOR COMMUNITY

2 The SWPPP we submitted. That's
3 just a comment.

4 239 review. Yes, we would
5 respectfully request that this Board
6 circulate this to Orange County
7 Planning for 239 review.

8 A couple technical comments
9 about blocks, water service
10 connections, parking lot striping
11 details, 8, 9 and 10. We have no
12 problem making those minor revisions.

13 The ponds will have water in
14 them. At least in the forebays. So
15 we will fence the ponds.

16 I will provide a copy to the
17 highway superintendent regarding our
18 access location on Monarch Drive to
19 see if there's any comments that he
20 may have.

21 The flow and acceptance letter,
22 we can submit that. 102 residential
23 units, so that's easy math. I'll get
24 a letter in. I send that in to Gil
25 or yourself? To you?

1 MONARCH WOODS SENIOR COMMUNITY

2 MR. HINES: Yes. If you'd just
3 do -- it will just identify the
4 hydraulic loading. We'll put a cover
5 letter on it and submit it to the
6 City of Newburgh.

7 I did note for the Board that
8 this was a 100-unit project and it's
9 now 102 I believe in this latest
10 submission.

11 MR. WINGLOVITZ: 102. Yup.

12 CHAIRMAN EWASUTYN: Dominic,
13 Pat, at what point do we tweak the
14 EAF which, recently submitted, talked
15 about the commercial building but is
16 no longer part of the --

17 MR. WINGLOVITZ: Ken had a
18 comment about that. We had actually
19 prepared --

20 CHAIRMAN EWASUTYN: When do we
21 tweak it based upon the fact that now
22 it's 102 units as compared to the 100
23 units? We'll have to look at that
24 and maybe readdress that.

25 MR. WINGLOVITZ: What we'll do

1 MONARCH WOODS SENIOR COMMUNITY

2 is submit any replacement pages
3 necessary to address any of the
4 comments we receive tonight. We'll
5 clean up that language so it's
6 consistent with the revision.

7 MR. CORDISCO: Mr. Chairman, I
8 would recommend that that be done
9 before documents are sent to the
10 County Planning Department so that
11 there's no confusion on their part in
12 reviewing anything that's no longer
13 an element of the project.

14 MR. HINES: Is there a need to
15 recirculate?

16 MR. CORDISCO: No. It doesn't
17 change jurisdiction over the project,
18 so no.

19 MR. WINGLOVITZ: The scale is
20 slightly smaller basically.

21 MR. CORDISCO: Correct. But
22 one of the procedural items for the
23 Board to consider tonight would be
24 making the referral to County
25 Planning. If the Board is satisfied,

1 MONARCH WOODS SENIOR COMMUNITY

2 you certainly can authorize that. My
3 only suggestion is that the plans --
4 not so much the plans, but the EAF be
5 revised because the County Planning
6 Department is entitled to receive the
7 EAF. They should see the corrected
8 EAF is my point.

9 CHAIRMAN EWASUTYN: Understood.
10 Thank you.

11 MR. CORDISCO: Of course.

12 MR. WINGLOVITZ: The last
13 comment was regarding the sidewalk
14 and the potential for sidewalks along
15 the Monarch frontage. That is
16 problematic. We provide a sidewalk
17 to Monarch Drive and a crosswalk. I
18 did receive a comment from Ken about
19 relocating this crosswalk a little
20 bit further to the north so that it's
21 a little bit shorter. We do have a
22 wetland area that extends basically
23 from the ditch line, which is right
24 off the edge of the road, into the
25 site. Any sidewalk on our side will

1 MONARCH WOODS SENIOR COMMUNITY

2 be within the wetland. We do get to
3 the sidewalk across the street which
4 gets to the commercial area at the
5 corner of 52 and Monarch.

6 MR. HINES: At work session we
7 discussed whether there is actually a
8 sidewalk on the other side of the
9 road.

10 MR. WINGLOVITZ: I hope there
11 is.

12 CHAIRMAN EWASUTYN: I went out
13 there. I couldn't quite see it.

14 MR. WINGLOVITZ: The survey is
15 about two years old I would say.
16 Maybe even older.

17 CHAIRMAN EWASUTYN: It didn't
18 pop out, but maybe I'll take a relook
19 at that again.

20 MR. WINGLOVITZ: We'll check.
21 We did receive comments also from Ken
22 Wersted of Creighton, Manning. He
23 noted about the study including the
24 bank and the senior parking. We are
25 actually 102 senior apartments. The

1 MONARCH WOODS SENIOR COMMUNITY

2 bank is being eliminated. In his
3 opinion this site will be a little
4 bit more conservative based on that
5 change.

6 MR. HINES: I think it was 30
7 cars per peak hour reduction with the
8 removal of the bank.

9 MR. WINGLOVITZ: For the bank,
10 yeah. I think his comments were all
11 explanatory. If there's anything
12 you'd like me to clarify, I'd be glad
13 to.

14 CHAIRMAN EWASUTYN: I think the
15 Board will be pleased to hear that
16 you will be installing the emergency
17 power generator. That was sort of
18 the topping on this. I know Dave
19 Dominick couldn't be here this
20 evening. He'll be pleased to hear
21 that.

22 I'll open it up to discussion
23 from Board Members. John Ward?

24 MR. WARD: With the emergency
25 exit, I recommend pavers 100 percent.

1 MONARCH WOODS SENIOR COMMUNITY

2 Over time you want to make sure it's
3 there, God forbid.

4 And with the height, it doesn't
5 -- it's not in our Town of Newburgh
6 guidelines to have that height. With
7 the Town of Newburgh, with the
8 characteristics of the Town, we've
9 never had that height for anything.
10 So I'm pointing out I don't like the
11 height. I'm concerned about the
12 height. Thank you.

13 MR. WINGLOVITZ: I think we
14 looked at hotels in this zone.

15 MR. CAPPELLO: There are uses
16 permitted in this zoning district at
17 50 feet.

18 CHAIRMAN EWASUTYN: 50 feet.
19 Okay. Cliff Browne?

20 MR. BROWNE: Overall I'm good
21 with it. I do appreciate you doing
22 the emergency generator. That's a
23 huge plus. Overall I'm good.

24 CHAIRMAN EWASUTYN: Stephanie
25 DeLuca?

1 MONARCH WOODS SENIOR COMMUNITY

2 MS. DeLUCA: I also would -- my
3 biggest concern also was the height.
4 I have some concerns as far as the
5 way it would impact the neighborhood
6 itself. That's my concern.

7 MR. WINGLOVITZ: We'll provide
8 you some additional information on
9 the aesthetics and the height and
10 consistency.

11 MR. HINES: During work
12 session, in response to my first
13 comment we did discuss the height. I
14 think the Board was going to wait to
15 make any determinations on that until
16 they had a full Board. There's three
17 Members missing tonight.

18 MR. WINGLOVITZ: So we'll
19 provide you additional information
20 regarding that and the architecture.

21 I guess the only action the
22 Board could take tonight is the 239
23 referral, unless you're willing to
24 set a hearing at this point.

25 CHAIRMAN EWASUTYN: I don't

1 MONARCH WOODS SENIOR COMMUNITY

2 think we can set a hearing until we
3 hear back from the Orange County
4 Planning Department.

5 MR. WINGLOVITZ: Okay.

6 CHAIRMAN EWASUTYN: I think
7 that's just a matter of record.

8 John Ward, you had something to
9 say?

10 MR. WARD: This is residential.
11 When you said 50 feet, this is a
12 residential project.

13 MR. CAPPELLO: Yes. We're
14 saying that in that zoning district
15 buildings up to 50 feet are
16 permitted for several different uses.
17 With the hotel there's -- we'll
18 provide you the information. A hotel
19 could go on that site in that exact
20 spot at 50 feet. So it is permitted
21 in that zoning district. That was
22 the point we were making. We'll have
23 to show you, you know, the elevations
24 and what it will look like and how we
25 can address it.

1 MONARCH WOODS SENIOR COMMUNITY

2 MR. WARD: Thank you.

3 CHAIRMAN EWASUTYN: Okay. So
4 would someone make a motion to
5 circulate Monarch Woods Senior
6 Community to the Orange County
7 Planning Department subject to the
8 revisions that need to be made in the
9 EAF as recommended by Planning Board
10 Attorney Dominic Cordisco?

11 MR. BROWNE: So moved.

12 CHAIRMAN EWASUTYN: I have a
13 motion by Cliff Browne. Do I have a
14 second?

15 MR. WARD: Second.

16 CHAIRMAN EWASUTYN: Second by
17 John Ward. Can I have a roll call
18 vote starting with Stephanie DeLuca.

19 MS. DeLUCA: Aye.

20 CHAIRMAN EWASUTYN: Aye.

21 MR. BROWNE: Aye.

22 MR. WARD: Aye.

23 MR. WINGLOVITZ: Thank you very
24 much.

25 MR. CAPPELLO: Thank you.

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MONARCH WOODS SENIOR COMMUNITY

(Time noted: 8:23 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 10th day of March 2022.

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

SAFE HAVEN SELF STORAGE
(2022-04)

14 Crossroads Court
Section 95; Block 1; Lot 74
IB Zone

----- X

AMENDED SITE PLAN
CHANGE OF USE

Date: March 3, 2022
Time: 8:23 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ,
JOHN CAPPELLO & BERNARD MITTELMAN

----- X

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

1 S A F E H A V E N S E L F S T O R A G E

2 CHAIRMAN EWASUTYN: Our fourth
3 item of business this evening is Safe
4 Haven Self Storage. It's an initial
5 appearance for an amended site plan
6 and change of use. The project is
7 located on Crossroads Court. It's in
8 an IB Zone and it's being represented
9 by Engineering & Surveying
10 Properties. Once more, Ross
11 Winglovitz. Ross.

12 MR. WINGLOVITZ: Again, good
13 evening. Ross Winglovitz,
14 Engineering & Surveying Properties.
15 John Cappello, counsel for the
16 applicant, and the applicant, Bernard
17 Mittelman, is with us this evening.

18 The proposal is for a building
19 that probably everybody is very
20 familiar with. This is the former
21 headquarters of the Orange County
22 Choppers on Crossroads Court off of
23 17K. The Orange County Transfer
24 Station is here. The former Hampton
25 Inn. Bernard's group has bought this

1 SAFE HAVEN SELF STORAGE

2 property.

3 For clarification, and I didn't
4 know until I got Pat's comments
5 today, their ownership also extends
6 to the parking lot that was the
7 accessory lot to the building. So
8 they do own both parcels. We need to
9 get a survey of this parcel as well.
10 It would be part of this application.
11 So we're going to need to amend our
12 application to include that tax lot.

13 MR. HINES: That's a benefit,
14 because we were in quite a quandary
15 as to what was going to happen there.

16 MR. WINGLOVITZ: When I saw
17 your comment, I was wondering what
18 was going to happen. So when I
19 talked to Bernard, he said what do
20 you mean, we own it. I said that's
21 not what your survey shows. We have
22 to get that updated. Bernard has
23 already been on it with his
24 surveyors.

25 The proposal is to convert the

1 SAFE HAVEN SELF STORAGE

2 interior of the building to
3 self-storage. So it would be -- it
4 wouldn't have an exterior entrance --
5 exterior self-storage access. You
6 would enter into the building and
7 then access your building there. All
8 exterior entrances would be secured
9 as part of the operation.

10 We didn't talk a lot about
11 exterior storage, but I think there
12 is some opportunity to do that,
13 especially now that we know that that
14 lot is owned by Bernard. We may look
15 to modify the application, including
16 that lot, to provide some areas of
17 outdoor storage because of the large
18 parking area there.

19 MR. HINES: So the outdoor
20 storage -- the self-storage code
21 restricts outdoor storage to boats
22 and RVs only.

23 MR. WINGLOVITZ: Yup.

24 MR. HINES: I just wanted to
25 clarify that.

1 SAFE HAVEN SELF STORAGE

2 MR. WINGLOVITZ: Absolutely.

3 MR. HINES: That's a lot of
4 boats and RVs I guess.

5 MR. WINGLOVITZ: There are. I
6 had another client today regarding
7 the same issue.

8 Pat, in his first comment,
9 noted that the front yard setback
10 needs to be 80 and is only 52
11 existing. The building height is 15
12 feet. Obviously the code for your
13 more traditional self-storage, not
14 within a building. The existing
15 building here is 33.6 feet and lot
16 coverage is exceeded here for this
17 use.

18 MR. HINES: That calculation
19 may change with the addition of the
20 other lot, too.

21 MR. WINGLOVITZ: Yeah.

22 MR. HINES: That's about 98
23 percent paved it looks like.

24 MR. WINGLOVITZ: Yup.

25 CHAIRMAN EWASUTYN: So we're

1 SAFE HAVEN SELF STORAGE

2 not ready for a referral letter yet.

3 MR. HINES: I don't know what
4 that calculation is. Unless a
5 referral letter could be -- I guess
6 we need an amended application.

7 MR. WINGLOVITZ: You're going
8 to need an amended application
9 including that lot and then the
10 updated calculation so we can get to
11 the ZBA. There's a number of
12 criteria in self-storage -- in
13 Section 185-35, one of which is
14 probably -- well, the only one really
15 worth discussing is about the
16 fencing. Fencing would make sense
17 for an outdoor storage area. For the
18 building, obviously, it doesn't make
19 much sense in this scenario. So we
20 would be, I guess, adding that to the
21 list of variances requested due to
22 the uniqueness of this property.

23 MR. CAPPELLO: What was that
24 other one?

25 MR. WINGLOVITZ: Pardon?

1 S A F E H A V E N S E L F S T O R A G E

2 MR. CAPPELLO: I asked you what
3 was the last one? The last --

4 CHAIRMAN EWASUTYN: The fence.

5 MR. CAPPELLO: The fence.

6 MR. WINGLOVITZ: The code
7 requires fencing.

8 MR. HINES: 185-35, one of the
9 bullet items there is that. Again,
10 because it envisions your more
11 traditional self-storage, garage type
12 buildings, it requires the site to be
13 fenced.

14 MR. CAPPELLO: The entire site.
15 Yes.

16 MR. WINGLOVITZ: 3, we talked
17 about the outdoor storage of boats
18 and campers.

19 4 is the fencing item that's
20 part of that 185-35.

21 Comment number 5 is the comment
22 about the parking lot which we
23 already discussed.

24 Number 6, numerous parking
25 areas. So now that we know we have

1 SAFE HAVEN SELF STORAGE

2 this, outdoor storage is probably
3 worth their while, we may look at
4 some other areas on site. We,
5 obviously, have a lot more parking
6 than we need. We may look at other
7 areas of the site for outdoor boat
8 and RV storage.

9 MR. HINES: Jim was just
10 mentioning that while your parking --
11 while the outdoor storage is allowed,
12 it's not allowed in the front yard.
13 Your parking lots do extend. There
14 is a similar example of this up the
15 road where a building was converted
16 into self-storage. I don't know if
17 you want to look into that issue as
18 you approach the ZBA. There is the
19 one right up the road here on the
20 opposite side.

21 MR. WINGLOVITZ: Okay.

22 CHAIRMAN EWASUTYN: Little
23 Brook Lane I believe.

24 MR. WINGLOVITZ: So we can
25 amend the application to incorporate

1 SAFE HAVEN SELF STORAGE

2 that parcel. I'm assuming that's
3 what you want to do based on the
4 conversation?

5 MR. CAPPELLO: Would the Board
6 want to see us back? I mean we know
7 we need variances and we know we need
8 to go to the ZBA. If we were able to
9 just work with your attorney and your
10 consultant, you want us to come back
11 here?

12 CHAIRMAN EWASUTYN: That's why
13 we're here.

14 MR. CAPPELLO: I was just
15 trying to save the trip.

16 CHAIRMAN EWASUTYN: It's hard
17 to see us sometimes. I appreciate
18 the fact that --

19 MR. CAPPELLO: As long as it's
20 not St. Patrick's Day.

21 CHAIRMAN EWASUTYN: Any
22 opportunity not to be in front of us
23 is a pleasure. To make your life
24 difficult, we like to know what we're
25 discussing. Okay?

1 SAFE HAVEN SELF STORAGE

2 MR. CAPPELLO: As long as I
3 don't have to sit through the public
4 hearing on St. Patrick's Day for the
5 other use.

6 MR. HINES: You're worried
7 about that.

8 MR. CAPPELLO: We have to be
9 first.

10 MR. CORDISCO: I didn't realize
11 Cappello was an Irish name.

12 CHAIRMAN EWASUTYN: I think
13 it's the Board that would be part of
14 the --

15 MR. CAPPELLO: That's fine.

16 MR. WINGLOVITZ: The only spot
17 that we would be looking at would be
18 the rear of the parcel for any kind
19 of outdoor storage. There are no
20 exterior changes. We're keeping the
21 aesthetics as it is.

22 CHAIRMAN EWASUTYN: Can I ask a
23 question?

24 MR. WINGLOVITZ: Sure.

25 CHAIRMAN EWASUTYN: Within the

1 SAFE HAVEN SELF STORAGE

2 Town of Newburgh, also I notice
3 reading the report there's a
4 self-storage being proposed in
5 New Windsor. Generally speaking, it
6 seems the way life is today, we have
7 warehouses, we have rental
8 apartments, and now we have
9 self-storage. What's driving the
10 need for all the self-storage?

11 For the record, can you give
12 your name, please?

13 MR. MITTELMAN: Bernard
14 Mittelman, MBH Development Group. We
15 own many self-storage facilities,
16 large facilities. What is really
17 driving it is apartments. Density,
18 small apartments, new construction
19 are smaller than what it used to be
20 before. People are constantly
21 looking for self-storage. Our
22 facilities are very, very well
23 managed.

24 We just did one. We own the
25 old Caldor building in Middletown on

1 SAFE HAVEN SELF STORAGE

2 211. We converted that, 100,000
3 square feet, to self-storage. It's
4 95 percent occupied. It's an
5 interior, beautiful facility.

6 Demand is unbelievable,
7 especially since COVID. It's been
8 all over the -- people are moving
9 around. People are moving. We've
10 had customers from New York City
11 which we never had.

12 The same thing, we own
13 facilities in Westchester, in Mount
14 Kisco, Elmsford. The demand is just
15 nonstop.

16 CHAIRMAN EWASUTYN: Interesting.

17 MR. MITTELMAN: And what we are
18 interested in doing, we're going to
19 do that in Middletown and in Wallkill
20 on 211 since there's a huge demand
21 for RV storage. There's none in the
22 20, 30, 40-mile range where someone
23 could park an RV. There's very
24 limited availability. So one of the
25 things we would like to do here is --

1 SAFE HAVEN SELF STORAGE

2 the basement used to be a parking
3 garage for Orange County Choppers.
4 So we want to store classic cars if
5 that's -- if the Town would allow us.
6 But on the first and second we would
7 do just the self-storage.

8 CHAIRMAN EWASUTYN: So in the
9 case of RVs, which are permitted, and
10 boats being stored on the outside,
11 simple matter, the parking stalls
12 would be sized to accommodate those
13 units I would assume?

14 MR. MITTELMAN: That's correct.

15 CHAIRMAN EWASUTYN: It would be
16 a rough calculation of how many of
17 each you're proposing to store.

18 MR. MITTELMAN: That's correct.

19 CHAIRMAN EWASUTYN: Just for
20 the record.

21 MR. MITTELMAN: Yup.

22 CHAIRMAN EWASUTYN: Thank you.

23 MR. MITTELMAN: In Middletown
24 we're planning to even put just a
25 roof on top of it with solar panels

1 SAFE HAVEN SELF STORAGE

2 so these RVs don't get burned from
3 the sun. It's very popular in the
4 south, in the west. We're doing --
5 we're basically doing this. It's a
6 new concept. We're not planning here
7 such a big facility.

8 CHAIRMAN EWASUTYN: Thank you.
9 I appreciate the education.

10 MR. WINGLOVITZ: Thank you very
11 much. We'll get the additional
12 information and then get back to you.

13 MR. CAPPELLO: Thank you all.
14 Have a good evening.

15 MR. WARD: I had one small
16 question. When you were talking
17 about the side, the storage; Ross,
18 don't forget fencing if you do
19 storage there for -- you know, on the
20 property there. On the left side.

21 MR. WINGLOVITZ: Over here?

22 MR. WARD: No. Down. Right
23 here. If you do, you should fence
24 that no matter what because of
25 storing campers or whatever you do.

1 SAFE HAVEN SELF STORAGE

2 CHAIRMAN EWASUTYN: Would you
3 happen to have a business card?

4 MR. MITTELMAN: I don't have it
5 with me. I have it in the car.

6 MR. WARD: My other question,
7 thank you for answering the basement,
8 what to do and all that. There is a
9 shortage for classic cars to store.
10 I used to have a '69 Camaro
11 convertible, so I know.

12 MR. MITTELMAN: The design is
13 radiant heat. It's perfectly
14 designed for this. There's no snow
15 issues. It's extremely well designed
16 for that.

17 MR. WINGLOVITZ: Thank you.

18

19 (Time noted: 8:36 p.m.)

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1 S A F E H A V E N S E L F S T O R A G E

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

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 10th day of March 2022.

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Michelle Conero

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MICHELLE CONERO

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

----- X
In the Matter of

SLUSKA TWO-LOT SUBDIVISION
(2021-22)

2103 NYS Route 300
Section 3; Block 1; Lot 81
AR Zone

----- X

TWO-LOT SUBDIVISION

Date: March 3, 2022
Time: 8:36 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

1 SLUSKA TWO-LOT SUBDIVISION

2 CHAIRMAN EWASUTYN: Our fifth
3 item of business is Sluska. It's a
4 two-lot subdivision located on
5 Route 300. It's in an AR Zone and
6 it's being represented by Talcott
7 Engineering.

8 MR. BROWN: So last time we
9 were here, Mr. Sluska, to move us
10 along, I think we're all set now for
11 a public hearing and ARB.

12 CHAIRMAN EWASUTYN: Okay. Pat
13 Hines?

14 MR. HINES: So we submitted to
15 County Planning on February 2nd. It
16 would be timed out today actually I
17 believe.

18 We also submitted to the DOT a
19 letter, because it's not a SEQRA
20 action for them, and we haven't heard
21 from them.

22 A public hearing is required.
23 ARB is also required.

24 It's an existing structure.
25 They've submitted photographs of the

1 SLUSKA TWO-LOT SUBDIVISION

2 existing structure.

3 A public hearing is required.

4 We would recommend, I believe
5 it's a negative declaration needed
6 for the subdivision.

7 CHAIRMAN EWASUTYN: Dominic
8 Cordisco, do you concur with that?

9 MR. CORDISCO: I do, sir.

10 CHAIRMAN EWASUTYN: Comments
11 from Board Members?

12 MR. WARD: No comment.

13 MR. BROWNE: Nothing.

14 MS. DeLUCA: No. Nothing.

15 CHAIRMAN EWASUTYN: Would
16 someone make a motion to declare a
17 negative declaration on the Sluska
18 two-lot subdivision located on Route
19 300?

20 MR. WARD: So moved.

21 MS. DeLUCA: Second.

22 CHAIRMAN EWASUTYN: I have a
23 motion by John Ward. I have a second
24 by Stephanie DeLuca. May I have a
25 roll call vote starting with

1 SLUSKA TWO-LOT SUBDIVISION

2 Stephanie.

3 MS. DeLUCA: Aye.

4 CHAIRMAN EWASUTYN: Aye.

5 MR. BROWNE: Aye.

6 MR. WARD: Aye.

7 CHAIRMAN EWASUTYN: Would
8 someone make a motion to set the
9 Sluska two-lot subdivision for a
10 public hearing for the 7th of April?

11 MR. HINES: Yes.

12 MS. DeLUCA: So moved.

13 MR. BROWNE: Second.

14 CHAIRMAN EWASUTYN: Motion by
15 Stephanie DeLuca. Second by Cliff
16 Browne. Can I please have a roll
17 call vote starting with John Ward.

18 MR. WARD: Aye.

19 MR. BROWNE: Aye.

20 CHAIRMAN EWASUTYN: Aye.

21 MS. DeLUCA: Aye.

22 CHAIRMAN EWASUTYN: And you're
23 helping me work on that e-mail that I
24 sent you in reference to -- call me
25 tomorrow in reference to the fact

1 SLUSKA TWO-LOT SUBDIVISION

2 that we have to replenish the
3 account.

4 MR. BROWN: Okay. Okay.

5 CHAIRMAN EWASUTYN: I haven't
6 received a response back from that.

7 MR. BROWN: I'll call you.

8 CHAIRMAN EWASUTYN: Thank you.

9

10 (Time noted: 8:40 p.m.)

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1 SLUSKA TWO-LOT SUBDIVISION

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

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 10th day of March 2022.

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Michelle Conero

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MICHELLE CONERO

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

----- X
In the Matter of

FOREST PARK SUBDIVISION
(2022-06)

231 Forest Road
Section 1; Block 1; Lot 12
AR Zone

----- X

FIVE-LOT SUBDIVISION

Date: March 3, 2022
Time: 8:40 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

1 F O R E S T P A R K S U B D I V I S I O N

2 is a flow that pretty much follows
3 the wetland. This wetland was
4 delineated by Mike Nowicki. We
5 talked to him today. He's
6 coordinating with the DEC.

7 The lots average right around
8 4.5 acres except for the balance
9 which is 23 -- almost 24 acres.

10 This is our initial meeting and
11 we're here to get any comments from
12 the Board and any additional comments
13 from Pat.

14 CHAIRMAN EWASUTYN: I think Pat
15 Hines has a concern, actually. Let's
16 approach that.

17 MR. HINES: I've reviewed the
18 plan. The 50-foot strip that you
19 showed to the balance 23 acres is
20 completely within the DEC wetland and
21 adjacent area. We're suggesting that
22 that area should be combined with one
23 of the buildable lots and not be
24 separated. It's questionable
25 whether -- you know, you're

1 FOREST PARK SUBDIVISION

2 self-creating an access issue across
3 the DEC wetland that most likely will
4 not meet DEC permit issuing
5 standards.

6 MR. BROWN: I did discuss that
7 with my client. He is willing to
8 combine that with one of the other
9 lots.

10 MR. HINES: Otherwise, lots
11 like that end up going for tax sale
12 and then become landlocked and
13 useless. I think you've got a
14 four-lot subdivision here. It can be
15 divided up among all the lots or just
16 one of the lots. Again, that wetland
17 does restrict access to it. I'll
18 leave it up to you to do the lot
19 geometry. At least one of them
20 should own that balance parcel.

21 MR. BROWN: I'll take care of
22 it.

23 MR. HINES: County DPW approval
24 for the driveways will be needed.

25 We'll look for the DEC to

1 F O R E S T P A R K S U B D I V I S I O N

2 concur with the wetland delineation.

3 We discussed the length to
4 width ratio at the work session. The
5 subdivision regulations, it says
6 should be or generally should be. I
7 don't think it's an issue here. I
8 just wanted to address it.

9 Because of the wetlands, it's
10 not conducive to construct flag lots
11 out of these long bowling alley lots
12 anyway. I don't think there will be
13 any further subdivision of any of
14 them because there's very little
15 usable area based on the wetland
16 area. I just wanted to bring that up
17 as part of the subdivision regs.

18 MR. BROWN: I did review that.
19 The reasoning for it doesn't really
20 apply to this.

21 MR. HINES: It doesn't. I just
22 wanted to put that on the record
23 there.

24 I believe there is a floodplain
25 in there. We typically require that

1 F O R E S T P A R K S U B D I V I S I O N

2 to be delineated on the maps.

3 I probably should wait for the
4 adjoiningers notice until it comes back
5 as I guess a four-lot subdivision.
6 Your adjoiningers notices are supposed
7 to go out within ten days of this
8 meeting. I believe there's going to
9 be a rather substantive plan change,
10 so we may want to put that off.

11 The EAF also identified a Class
12 AA stream which is tributary to a
13 water supply. I don't know why it
14 has that. Maybe it's -- I don't
15 think it goes to Orange Lake in this
16 direction. It looks like it goes
17 north towards Plattekill, unless it
18 winds its way around. If you could,
19 just find out some more information
20 on why that's a drinking water
21 supply. I wasn't aware.

22 Again, we need to declare
23 ourselves lead agency at some point.
24 It may be better to do that when it
25 comes back with the revised geometry.

1 FOREST PARK SUBDIVISION

2 CHAIRMAN EWASUTYN: Charlie,
3 when can you revise your maps to
4 cover what's being discussed now?

5 MR. BROWN: The middle of next
6 week. By the middle of next week.

7 I would also like to add that
8 we now have the septic designs
9 prepared. We'll add those to the
10 plan also.

11 CHAIRMAN EWASUTYN: Does the
12 Board want to consider setting this
13 for the meeting of the 17th with the
14 understanding that -- will that be
15 enough time for you to review it?

16 MR. HINES: This will be an
17 initial review of that. You can
18 declare lead agency and do some
19 circulating, some procedural matters
20 at that point, as long as they can be
21 turned in in a timely manner.

22 CHAIRMAN EWASUTYN: When do you
23 think that might be possible,
24 Charlie?

25 MR. BROWN: I'll submit it on

1 FOREST PARK SUBDIVISION

2 or before Wednesday.

3 CHAIRMAN EWASUTYN: And you'll
4 let us know so I can let the office
5 know that they'll be receiving that?

6 MR. BROWN: Yup.

7 CHAIRMAN EWASUTYN: Should we
8 be revising the EAF or any documents
9 like that?

10 MR. HINES: Yeah. The
11 application should become a four-lot
12 if that's what it's going to be. The
13 EAF should identify that as well.

14 MR. BROWN: I will revise the
15 application and the EAF.

16 CHAIRMAN EWASUTYN: Please.
17 Thank you.

18 Is everybody in agreement?

19 MR. CAMPBELL: I have one
20 comment.

21 CHAIRMAN EWASUTYN: Thank you.

22 MR. CAMPBELL: If you could
23 look at -- on your bulk table you say
24 40-foot minimum for the front yard.
25 There's two sections, 185-18(c)(4) A

1 FOREST PARK SUBDIVISION

2 and B, which give different
3 dimensions for being along Forest
4 Road.

5 MR. BROWN: That's the 60 foot,
6 like the State highways?

7 MR. CAMPBELL: Yes. One is 80
8 foot center line and the other one
9 mentions 60 foot. Just take the more
10 restrictive.

11 MR. BROWN: I knew that applied
12 to State highways. Okay.

13 CHAIRMAN EWASUTYN: That whole
14 area is different.

15 MR. BROWN: Okay. Very good.
16 Thank you.

17

18 (Time noted: 8:46 p.m.)

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F O R E S T P A R K S U B D I V I S I O N

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 10th day of March 2022.

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

BIG SHINE
(2022-05)

300 Corporate Boulevard
Section 95; Block 1; Lot 65
IB Zone

----- X

WAREHOUSE EXPANSION

Date: March 3, 2022
Time: 8:46 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: AMADOR LAPUT, JOSEPH
BRUNNING, EDWARD RODRIGUEZ & JORGE ROBAS

----- X

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

1 B I G S H I N E

2 CHAIRMAN EWASUTYN: The seventh
3 item of business this evening is Big
4 Shine. It's an initial appearance
5 for a warehouse expansion. It's
6 being designed on Corporate Boulevard
7 in an IB Zone. Fellenzer Engineering
8 is representing it.

9 MR. LAPUT: Mr. Chairman, may I
10 approach?

11 CHAIRMAN EWASUTYN: Without a
12 doubt.

13 MR. LAPUT: Amador Laput.
14 Because my name is so unique, I'll
15 pass out cards.

16 I'm here with Big Shine. With
17 me is executive director, Edward
18 Rodriguez; project manager, Gabriel
19 Guzman; and project manager, Jorge
20 Robas. Also from our office is Joe
21 Brunning, engineer.

22 So this is an existing Big
23 Shine warehouse. The good news is
24 their business is expanding so
25 they're requesting to add on to their

1 BIG SHINE

2 warehouse.

3 So this was the Grainger
4 warehouse back in '94. Mr. Chairman,
5 if I'm not mistaken, you were
6 Chairman back then. So the Grainger
7 site plan was for an existing
8 building and future expansion of up
9 to 17,136 square feet. So together
10 that is 31,859 square feet which was
11 approved back in '94.

12 They're proposing -- so it
13 currently has together what would be
14 30,760 square feet, which is less
15 than 31,859.

16 MR. HINES: The existing
17 structure is 20,940.

18 MR. LAPUT: Yes. So 20,940.
19 They're proposing a 9,820 warehouse
20 addition. So that's the 30,760.

21 So we received comments from
22 your -- two of your consultants.
23 Creighton, Manning, Ken Wersted, he
24 states we do not foresee any
25 significant traffic impacts related

1 B I G S H I N E

2 to the expansion.

3 And Mr. Hines' comments, which
4 we don't have an issue with any of
5 these except the last one which says
6 it loses its pre-existing
7 grandfathered zoning protection upon
8 application for an amended site plan.
9 So I talked about the Grainger first
10 to see if that still applies and if
11 it would lose its pre-existing
12 grandfathered zoning protection. So
13 if you'd like, I can go through Mr.
14 Hines' comments.

15 Comment 1 we don't have an
16 issue with. It's stating the 9,820
17 square foot addition and the existing
18 20,940 square foot structure.

19 Item 2 is the original
20 stormwater management for the
21 Corporate Boulevard subdivision which
22 was designed for complete build-out.
23 However, water quality was not
24 required at that time. It was
25 requested that we include green

1 B I G S H I N E

2 infrastructure water quality
3 improvements to the site. We will do
4 that.

5 Item 3 is the EAF. There is a
6 potential habitat for two threatened
7 and endangered species. These are
8 the Indiana Bat and the Upland
9 Sandpiper. We will show how they
10 will not be impacted based on this
11 addition. So where the warehouse is
12 going is a lawn that's kept mowed.
13 The Sandpiper likes taller grasses.

14 Item 4, a City of Newburgh flow
15 acceptance letter is required for the
16 increased hydraulic loading. We're
17 stating there's no increase. We'll
18 state that.

19 Item 5, the survey map should
20 be submitted by itself. So yes,
21 we'll provide that. So this is the
22 survey that we put on our title
23 block. We'll have copies of the
24 original survey on the surveyor's
25 title block.

1 B I G S H I N E

2 Item 6, include details. So we
3 will include pavement details,
4 parking lot striping and additional
5 details.

6 CHAIRMAN EWASUTYN: Dumpster
7 locations is an example.

8 MR. LAPUT: Yes. And
9 locations.

10 Item 7, an adjoiners notice --

11 CHAIRMAN EWASUTYN: Let me ask
12 you a question. Let me interrupt
13 you. Do you think the new fence on
14 the property should be shown on the
15 final site plan?

16 MR. LAPUT: Yes.

17 CHAIRMAN EWASUTYN: Do you have
18 that?

19 MR. LAPUT: 7, an adjoiners
20 notice in compliance with the Town
21 requirements must be sent to all
22 properties. So would that be
23 supplied by the Town?

24 MR. HINES: Yeah. I'll provide
25 the adjoiners notice as well as the

1 B I G S H I N E

2 mailing list. I'll discuss with you
3 the process the Town has for sending
4 those out.

5 MR. LAPUT: Good.

6 8, the existing warehouse is
7 located within 500 feet of 17K. Do
8 we want to rule on the project loses
9 its pre-existing grandfathered zoning
10 protection upon application for an
11 amended site plan?

12 CHAIRMAN EWASUTYN: Dominic
13 Cordisco, Pat Hines?

14 MR. CORDISCO: This has been
15 the custom and the letter of the law
16 in the Town of Newburgh, if a project
17 is existing and it's nonconforming,
18 if any change is proposed to it, then
19 the entire project has to meet the
20 current code. So for a project like
21 this where there is a structure
22 within 500 feet of Route 17K, then
23 there has to -- it's no longer
24 compliant with the current
25 requirements of the Zoning Law.

1 B I G S H I N E

2 MR. LAPUT: So does the '94
3 approval apply to the expansion of
4 the warehouse?

5 MR. HINES: The '94 approval
6 would have been valid for one year I
7 believe. So until 1995 it would have
8 applied. In 2022, no.

9 MR. CORDISCO: Yeah.

10 MR. LAPUT: So the warehouse
11 was built based on the '94 approval?

12 MR. HINES: Yeah. So it's
13 pre-existing nonconforming right now.
14 By changing anything on the site,
15 either a subdivision or a change of
16 use or site plan, it loses that
17 protection. The ZBA has ruled on
18 that numerous times. It will most
19 likely require a referral to the ZBA
20 for them to --

21 MR. CORDISCO: I would like to
22 put it in perspective, if I may. If
23 this was even a residence and there
24 was a deficient side yard setback and
25 now there was a proposed subdivision

1 B I G S H I N E

2 which wasn't even increasing the
3 degree of nonconformity of that
4 setback, if it was on the other side
5 of the property --

6 MR. LAPUT: Right.

7 MR. CORDISCO: -- the Town of
8 Newburgh treats that as losing its
9 pre-existing nonconforming status and
10 would require variances. It's a very
11 typical requirement in the Town and
12 requires a referral to the Zoning
13 Board of Appeals.

14 MR. LAPUT: Okay. So this is
15 the first time it's happened?

16 MR. CORDISCO: It happens all
17 the time.

18 MR. HINES: No, it's not the
19 first time. Not at all. We have
20 very busy ZBA agendas.

21 MR. CORDISCO: And that is a
22 requirement of the Newburgh Zoning
23 Law.

24 CHAIRMAN EWASUTYN: Do you want
25 to refer to that, that you'll be

1 B I G S H I N E

2 preparing a referral letter to the
3 ZBA?

4 MR. CORDISCO: If that's what
5 the Board would like me to do, I'll
6 certainly do that.

7 CHAIRMAN EWASUTYN: Why don't
8 we elaborate on that now and then
9 we'll act on that.

10 MR. CORDISCO: Yes, certainly.
11 So the next procedural step, because
12 it does require a variance, would be
13 for the Board to authorize my office,
14 and me in particular, to send a
15 referral letter to the Zoning Board
16 of Appeals laying out what the issue
17 at hand is. That isn't your
18 application, it merely provides the
19 referral to the ZBA, and then you
20 would have to make your application
21 to the ZBA in pursuit of that
22 variance.

23 MR. LAPUT: I understand.

24 MR. CAMPBELL: I had one
25 concern. Just to put it out there.

1 B I G S H I N E

2 The rear and the side yard setbacks,
3 you're very, very tight there. If
4 you feel that you may need ZBA on
5 that, now is the time to do it
6 probably.

7 MR. CORDISCO: I think what
8 he's suggesting is you go once to the
9 ZBA rather than twice.

10 MR. LAPUT: Right. So we are
11 right at the 60 feet.

12 MR. HINES: Normally what we
13 would require at that point, as
14 you're going right to those setbacks,
15 is that a note would be added to the
16 plans requiring submission of a plot
17 plan stakeout prior to issuance of
18 the building permit so that we don't
19 -- you don't end up in the ZBA
20 subsequent to someone putting it at
21 59 feet 11 inches off the side yard
22 setback, or whatever that limit is.
23 That note would be required.

24 MR. LAPUT: That would be prior
25 to --

1 B I G S H I N E

2 MR. HINES: A note on the plan.
3 Upon building permit application you
4 should bring in a survey plan with a
5 stakeout in the field so that there
6 is no -- we try to mitigate or lessen
7 the number of times that projects are
8 built that close and over the lines.
9 It happens quite often.

10 MR. CORDISCO: Mr. Chairman, if
11 I may.

12 CHAIRMAN EWASUTYN: Of course.

13 MR. CORDISCO: There's another
14 pitfall that you should be mindful
15 of, which is that the ZBA reviews a
16 particular set of plans. If they
17 grant the variances, the variances
18 are based on the particular set of
19 plans. We have seen applicants
20 thereafter, after they've received
21 approval from the Zoning Board, then
22 modify those plans further. What
23 that typically requires is a
24 re-referral back to the Zoning Board
25 of Appeals even if it's not

1 B I G S H I N E

2 necessarily affecting directly the
3 variances at hand but it increases
4 the degree of nonconformity or the
5 intensity of the use on the site. So
6 you'll want to make sure -- my
7 recommendation to you, Amador, is to
8 make sure that the plans are in a
9 form where they are ready to proceed.

10 MR. LAPUT: Understood. So if
11 Mr. Hines' comments are complete,
12 then we'll address these and supply
13 that to the ZBA.

14 CHAIRMAN EWASUTYN: Okay. So
15 then the action before us this
16 evening?

17 MR. CORDISCO: It would be to
18 refer this matter to the Zoning Board
19 of Appeals for the nonconformity of
20 locating warehousing within 500 feet
21 of 17K and authorizing me to send
22 that letter.

23 CHAIRMAN EWASUTYN: Okay.
24 Having heard from Planning Board
25 Attorney Dominic Cordisco, would

1 B I G S H I N E

2 someone move for a motion to
3 authorize Dominic Cordisco to prepare
4 a referral letter to the ZBA?

5 MR. WARD: So moved.

6 MR. BROWNE: Second.

7 CHAIRMAN EWASUTYN: I have a
8 motion by John Ward. I have a second
9 by Stephanie -- excuse me. I have a
10 second by Cliff Browne. May I have a
11 roll call vote starting with
12 Stephanie DeLuca.

13 MS. DeLUCA: Aye.

14 CHAIRMAN EWASUTYN: Aye.

15 MR. BROWNE: Aye.

16 MR. WARD: Aye.

17 CHAIRMAN EWASUTYN: And you'll
18 work with Pat Hines as far as the
19 informational letter and the steps
20 involved with that?

21 MR. LAPUT: Yes.

22 CHAIRMAN EWASUTYN: Thank you.

23 MR. LAPUT: Thank you very
24 much.

25 (Time noted: 9:00 p.m.)

1 B I G S H I N E

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

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5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 10th day of March 2022.

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Michelle Conero

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MICHELLE CONERO

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

----- X
In the Matter of

FAC SELF-STORAGE/U-HAUL - MIDDLEHOPE
(2021-33)

5325 Route 9W
Section 20; Block 2; Lot 2
B/SC Zone

----- X

SITE PLAN

Date: March 3, 2022
Time: 9:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: LARRY MARSHALL

----- X

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

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 CHAIRMAN EWASUTYN: The eighth
3 item of business this evening is FAC
4 Self-Storage/U-Haul located in
5 Middlehope. It's located on Route
6 9W. It's in a B/SC Zoning District.
7 It's being represented by Larry
8 Marshall. Larry.

9 MR. MARSHALL: This is the
10 second presentation that we've made
11 for this project. I do apologize
12 that I was not able to attend the
13 first presentation. This is a
14 proposed U-Haul self-storage
15 facility, roughly 23,000 square feet
16 in size on the westerly side of Route
17 9W. Basically right across from
18 Highland Terrace.

19 The site was formerly
20 developed. All improvements, other
21 than the driveway, have been removed
22 from the site.

23 What we're looking to do is
24 build a U-Haul facility on it. Since
25 the last submission we have

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 progressed the plans along. We
3 finalized the grading, the
4 stormwater, which we've provided a
5 stormwater pollution prevention plan.
6 We've also provided the Board with
7 the lighting and preliminary
8 landscaping plan, as well as details
9 for the water connection, as well as
10 the sewage disposal system located on
11 the site.

12 We had received the
13 consultants' comments. We don't take
14 exception to any of them. We would
15 like to clarify some of them with the
16 consultants, but I think that would
17 be best served to be done after the
18 meeting. If you want to go over any
19 of them in particular, we'd be happy
20 to.

21 That's pretty much it.

22 CHAIRMAN EWASUTYN: I have one
23 comment that you don't have, and I'll
24 turn to Jim Campbell with Code
25 Compliance. Jim.

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 MR. CAMPBELL: I have a couple
3 of comments regarding, one, the truck
4 and the trailers and the number of
5 them. There's thirteen or fourteen?

6 MR. MARSHALL: I'm sorry?

7 MR. CAMPBELL: The truck and
8 the trailers, you're allowed a total
9 of ten.

10 MR. MARSHALL: Okay. So we
11 have fourteen.

12 MR. CAMPBELL: A bigger note
13 would be my supervisor reviewed these
14 as far as that and the fire access
15 for the fire truck. That's the only
16 exposure available for firefighting.

17 MR. MARSHALL: The trailers
18 are -- I'm sorry?

19 MR. CAMPBELL: The trailers are
20 in reach of the aerial.

21 You would be able to explain
22 that better than me.

23 MR. HINES: The code is going
24 to require one side clear access.
25 Your one side clear access there,

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 based on the lot geometry in the
3 front, is that side. You may need to
4 relocate the location of the trailers
5 to comply with that.

6 MR. MARSHALL: Okay. You
7 mentioned the trucks and the
8 trailers. We have a total of
9 fourteen. We would just have to
10 reduce that to ten?

11 MR. CAMPBELL: You have to
12 reduce that to ten. And then there's
13 also a spacing requirement of how far
14 -- I think each truck is supposed to
15 be four foot apart and each trailer
16 is two foot apart.

17 MR. MARSHALL: We can make
18 those revisions.

19 CHAIRMAN EWASUTYN: Pat Hines,
20 do you have any comments at this
21 point?

22 MR. HINES: Apparently the
23 Board declared its intent for lead
24 agency when you were last here. I
25 guess I dropped the ball on that. I

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 will circulate that, as well as I
3 suggest we can send it to County
4 Planning at this time. You already
5 did the lead agency. I will send it
6 out. I noticed as I was doing my
7 comments that I hadn't done that.
8 We're suggesting that a County
9 referral could be done at this time.

10 CHAIRMAN EWASUTYN: Comments
11 from Board Members. John Ward?

12 MR. WARD: Creighton, Manning,
13 our Traffic Engineer, he was
14 talking -- I'm sure you got the
15 letter in reference to southbound and
16 northbound, what to do for visual
17 with the box trucks and all, and the
18 clearing.

19 MR. MARSHALL: Yes. We
20 received those comments. He made two
21 comments regarding the sight distance
22 at the entrance. We'll work with him
23 on that, as well as DOT. We really
24 want to hear back from DOT. We did
25 submit to them the full set of plans.

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 We're hoping that we hear from them
3 very soon so that we can address any
4 of their comments in conjunction with
5 Ken Wersted's comments.

6 MR. WARD: Thank you.

7 CHAIRMAN EWASUTYN: Cliff
8 Browne?

9 MR. BROWNE: Nothing more.

10 CHAIRMAN EWASUTYN: Stephanie
11 DeLuca?

12 MS. DeLUCA: Nothing further.

13 CHAIRMAN EWASUTYN: So then the
14 motion before us this evening is to
15 circulate to the Orange County
16 Planning Department.

17 Would someone make the motion
18 to circulate FAC Self-Storage/U-Haul
19 - Middlehope to the Orange County
20 Planning Department.

21 MR. BROWNE: So moved.

22 MS. DeLUCA: Second.

23 CHAIRMAN EWASUTYN: I have a
24 motion by Cliff Browne. I have a
25 second by Stephanie DeLuca. May I

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 please have a roll call vote starting
3 with John Ward.

4 MR. WARD: Aye.

5 MR. BROWNE: Aye.

6 CHAIRMAN EWASUTYN: Aye.

7 MS. DeLUCA: Aye.

8 CHAIRMAN EWASUTYN: Larry, on
9 your next submittal or a future
10 submittal you make reference to the
11 block wall, the supplier of that
12 block being Tetz. Since it's such a
13 visual wall, the Board would be
14 curious under architectural review to
15 have a look at that --

16 MR. MARSHALL: Okay.

17 CHAIRMAN EWASUTYN: -- style
18 block that you're proposing.

19 MR. MARSHALL: Would you like
20 photographs of blocks that we're
21 proposing to use?

22 CHAIRMAN EWASUTYN: I think so.
23 Again, it's rather obvious along the
24 road.

25 MR. MARSHALL: Understood. Our

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 intention was not to utilize -- Tetz
3 makes two blocks, one with a flat
4 face, one with a stone texture on it.
5 It was our intention to use the stone
6 texture.

7 CHAIRMAN EWASUTYN: Thank you.
8 Anything else?

9 MR. MARSHALL: One last
10 comment. Pat, just let me know if
11 you need any additional copies of
12 anything.

13 MR. HINES: I will. We'll work
14 with you. I think we have this
15 electronically. We may be able to
16 utilize those.

17 MR. MARSHALL: If you happen to
18 need anything else, please let me
19 know and we'll get it right over to
20 you.

21 That's it. Thank you very
22 much.

23 CHAIRMAN EWASUTYN: Thank you.

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25 (Time noted: 9:09 p.m.)

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F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

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 10th day of March 2022.

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

WELLNOW FACILITY
(2022-01)

Union Avenue
Section 60; Block 3; Lot 32.11
IB Zone

----- X

AMENDED SITE PLAN

Date: March 3, 2022
Time: 9:09 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JUSTIN DATES, THOMAS
SHEPARDSON, SUMEET DESAI

----- X

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

1 WELLNOW FACILITY

2 CHAIRMAN EWASUTYN: Our ninth
3 item on the agenda this evening is
4 WellNow Facility. It's in an IB
5 Zone. It's an amended site plan.
6 It's being represented by Colliers
7 Engineering, Justin Dates.

8 MR. SHEPARDSON: Good evening,
9 everyone. I'm Tom Shepardson. I'm
10 an attorney for the owner of the
11 Newburgh Town Centre who is
12 represented here today by Ranett. We
13 have a representative of the
14 applicant here, the developer,
15 Sumeet, and everybody knows Justin.

16 Just a real quick procedural
17 update. We appeared before the Board
18 on January 20th. We received
19 comments from the Town's Engineer,
20 the Traffic Consultant as well, the
21 Board Members' comments. We went
22 back to the drawing board and Justin
23 incorporated those comments into the
24 site plan.

25 We received two new comment

1 W E L L N O W F A C I L I T Y

2 letters from the consultants
3 indicating that -- they're pretty
4 minor comments.

5 We're here tonight hopefully to
6 request the Board for site plan
7 approval and architectural approval.
8 Our client anxiously wants to demo --
9 begin the construction, demo and get
10 in the ground as quick as possible
11 because there are certain constraints
12 that we're working under. Again,
13 we're hoping for the Board's blessing
14 tonight.

15 Justin will certainly take us
16 through the changes that we made to
17 the site plan.

18 CHAIRMAN EWASUTYN: Thank you,
19 Tom.

20 MR. DATES: Good evening.
21 Justin Dates with Colliers
22 Engineering & Design.

23 As Tom had mentioned, the last
24 time we were before the Board we had
25 a sketch site plan. We advanced that

1 W E L L N O W F A C I L I T Y

2 to the preliminary site plan set that
3 was submitted to the Board.

4 A couple of items were brought
5 up by the Board in the last
6 presentation. There was a request
7 for a fence around the existing
8 stormwater pond that's along 300. We
9 did call that out as proposed,
10 provide details. That's something
11 that would be installed.

12 Also there was some maintenance
13 or cleanup of that pond that was
14 requested. We've identified that.
15 The owner is going to take care of
16 that as well.

17 Our full site plan shows that
18 the existing bank building there
19 would be demo'd completely. We would
20 be reconstructing this WellNow Urgent
21 Care Facility, similar in square
22 footage, 100 or so square feet
23 distance.

24 The WellNow is 3,515 square
25 feet. The existing improvements out

1 W E L L N O W F A C I L I T Y

2 there are being maintained to the
3 greatest extent that we can.

4 Circulation off -- so Medium
5 Hill Road is in the bottom of our
6 plans. Route 300 is on the
7 right-hand side here. So right at
8 the corner of that intersection. The
9 existing access points that you see
10 now at the bank facility would
11 remain. The proposed building is
12 generally going in the same location.

13 The parking and circulation are
14 also -- will be pretty well
15 maintained for this proposed urgent
16 care facility. We are saving some of
17 the improvements for the parking,
18 curbing, paving around the outside
19 there that wrap around the building.

20 One of the Board's questions
21 was about new striping and things of
22 that nature. We are doing that.
23 We'll be milling that existing
24 pavement area. We'll be milling the
25 top course, doing a truing of

1 W E L L N O W F A C I L I T Y

2 leveling for the grading and then
3 doing a new top over it with new
4 striping. The plan does show where
5 it will have full depth pavement.
6 That will look all freshened up
7 between the new depth and what's
8 getting milled and the top course.

9 We provided a landscape plan
10 for the project. As I mentioned, the
11 majority of the outside of the
12 perimeter of the lot is staying the
13 same. We're kind of staying within
14 the curb line and really recreating
15 the island that's around the proposed
16 building. We get some mixture of
17 deciduous and evergreen shrub
18 plantings, a couple of Japanese
19 Lilac, a flowering ornamental tree,
20 and then some perennials as accents,
21 Daylilies and Black Eyed Susans, to
22 kind of dress up the island itself.
23 The remaining trees that you see
24 around the perimeter will be
25 maintained.

1 W E L L N O W F A C I L I T Y

2 Lighting. Again, we tried to
3 utilize -- there's a series of poles
4 around the outside of the parking
5 area here that we look to maintain.
6 We'd just fit them with new LED
7 heads. So these fixtures along the
8 outside, the poles will remain.
9 We'll put a new energy efficient LED
10 fixture on there. We have some LED
11 fixtures mounted to the building and
12 then we have three new poles at 20
13 feet that we would need to install
14 with the same LED fixture. We'll try
15 to preserve and retrofit as much of
16 the existing facilities that are out
17 there to work with the proposed
18 design.

19 The other addition that we made
20 per Mr. Wersted's comment, he was
21 requesting us to review a sidewalk
22 along Route 300. Our plans do
23 propose a sidewalk along the extent
24 of the parcel. So over on the east
25 side here along Route 300, coming

1 W E L L N O W F A C I L I T Y

2 down to Meadow Hill Road and then
3 coordinating a crosswalk up Meadow
4 Hill. So we have shown that on the
5 plans.

6 We feel that we've addressed
7 all the prior comments that were
8 provided by the Board and their
9 consultants.

10 We did receive the new set of
11 comments. I think there are some
12 minor technical cleanup items on here
13 that we're happy to take care of.

14 The other piece that we wanted
15 to discuss with the Board is the
16 timeframe with the tenant. Tom had
17 mentioned the applicant has provided
18 that sidewalk. We're going to have
19 to go before the DOT, the approval
20 process and permitting and things of
21 that nature to get that approved and
22 constructed. We'd like to talk out
23 some mechanism with the Board that we
24 could facilitate an approval for the
25 site plan and work that approval

1 W E L L N O W F A C I L I T Y

2 process with DOT parallel by
3 establishing some type of a security
4 as part of the approval for that
5 sidewalk, and then we can kind of
6 work to get this building up and
7 running. Go through the DOT process
8 on kind of like a parallel tract.

9 That's all I have.

10 CHAIRMAN EWASUTYN: We'll think
11 about what you're suggesting. We did
12 have a similar example just south of
13 you on Route 300 where there was a
14 timeframe that was set for the
15 sidewalk.

16 MR. DATES: Correct.

17 CHAIRMAN EWASUTYN: That will
18 be part -- Dominic Cordisco will
19 explain to the Board and yourself
20 that this is a Type 2 action.

21 MR. DATES: Correct.

22 CHAIRMAN EWASUTYN: Can we go
23 through the ARB? Do you have the
24 visuals for that?

25 MR. DATES: Yes. Absolutely.

1 W E L L N O W F A C I L I T Y

2 CHAIRMAN EWASUTYN: These are
3 national colors I'm assuming?

4 MR. DESAI: They are national
5 colors, correct. It's a combination
6 of EIFS with veneer brick with stone.
7 There's going to be slot tin metal
8 awnings provided by the signage. All
9 national colors from all their other
10 locations. They have about 100
11 locations countrywide. They're going
12 by Aspen Dental, like I mentioned
13 last time. So it's one larger
14 company and these are their national
15 colors that they went with.

16 This is going to be our -- the
17 entrance is on the side of the
18 building which is on Meadow Hill Road
19 pretty much. That's going to be your
20 rear entrance, the one on 300. So
21 we're going to be sitting at a
22 45-degree angle, the same as the bank
23 is on today at that intersection.

24 CHAIRMAN EWASUTYN: Comments
25 from Board Members on the

1 W E L L N O W F A C I L I T Y

2 presentation and the submittal in
3 front of us for the ARB. Stephanie?

4 MS. DeLUCA: No. It's very
5 thorough. It's very nicely done.

6 MR. DESAI: Thank you.

7 CHAIRMAN EWASUTYN: Cliff
8 Browne?

9 MR. BROWNE: The entrance is
10 the top one?

11 MR. DESAI: That's correct.

12 MR. BROWNE: On the Meadow Hill
13 side?

14 MR. DESAI: Yup. On the Meadow
15 Hill side. Correct.

16 CHAIRMAN EWASUTYN: John Ward?

17 MR. WARD: Everything looks
18 excellent. At the same time, thank
19 you for your presentation and
20 everything including the sidewalk.

21 MR. DATES: Thank you.

22 CHAIRMAN EWASUTYN: Okay. I'll
23 turn to Jim Campbell. Do you have
24 any comments at this point?

25 MR. CAMPBELL: Not at this

1 WELLNOW FACILITY

2 point.

3 CHAIRMAN EWASUTYN: Thank you.

4 Pat Hines?

5 MR. HINES: So on the ARB, we
6 do have a requirement that any
7 rooftop utilities be screened.
8 That's kind of a prominent corner
9 there. You're visual from almost all
10 sides. I just want to make sure that
11 that's known to you.

12 MR. DESAI: We'll clarify that.

13 MR. HINES: So it's not an
14 issue at your building permits. I
15 have mostly cleanup items, as Justin
16 said, or commentary.

17 We are suggesting that the
18 Planning Board can waive the
19 landscape securities and such for the
20 small amount here. Oftentimes it's a
21 lot of procedural and expense to get
22 securities involved when there's
23 minimal plantings. You do have
24 provisions to allow that.

25 I have comments to coordinate

1 W E L L N O W F A C I L I T Y

2 with the water and sewer.

3 There are some hydrants and
4 stuff to be moved. I want to make
5 sure that you meet their requirements
6 and terminate the existing utilities
7 acceptable to them.

8 MR. DESAI: Absolutely.

9 MR. HINES: It wasn't clear on
10 the plans how some of that was going
11 to be terminated.

12 The only other comment I have
13 is for the Planning Board to discuss
14 the deferment of the sidewalks.

15 CHAIRMAN EWASUTYN: Suggestions
16 from Pat Hines and Dominic Cordisco
17 as far as how we manage the sidewalk?

18 MR. CORDISCO: There's actually
19 precedent with this approach, as
20 being suggested by the applicant, for
21 Resorts World. The Board did allow a
22 conditional approval for that project
23 so that the project and construction
24 could move forward. It had, in the
25 approval resolution, a very

1 W E L L N O W F A C I L I T Y

2 particular condition that required
3 the applicant, obviously, to pursue
4 and install the sidewalks as part of
5 the project. They had to do so
6 within one year. There was also a
7 performance guarantee that would be
8 posted with the Town in an amount and
9 form acceptable to the Town Engineer
10 and the Town Attorney to secure the
11 performance of that sidewalk work.

12 CHAIRMAN EWASUTYN: Pat Hines,
13 do you have anything you want to add
14 to that?

15 MR. HINES: No. I think that's
16 the method to handle that.

17 CHAIRMAN EWASUTYN: Justin
18 Dates, Tom Shepardson?

19 MR. SHEPARDSON: We are
20 familiar with the other project. We
21 discussed it and it is acceptable to
22 formulate the resolution in such a
23 fashion.

24 CHAIRMAN EWASUTYN: Thank you.

25 MR. CORDISCO: Procedurally the

1 WELLNOW FACILITY

2 Board should consider, as you
3 mentioned, Mr. Chairman, this is a
4 Type 2 action so no additional work
5 under SEQRA is connected with that.
6 The County Planning referral was made
7 and the time for them to comment back
8 has timed out. The Planning Board
9 should decide whether or not a public
10 hearing is required for this project.

11 CHAIRMAN EWASUTYN: I'll poll
12 the Board Members. John Ward, would
13 you like to have a public hearing?

14 MR. WARD: No.

15 MR. BROWNE: No.

16 MS. DeLUCA: No.

17 CHAIRMAN EWASUTYN: Let the
18 record show the Planning Board waived
19 the public hearing, which is
20 discretionary under site plan
21 approval, for the WellNow Facility.
22 Thank you.

23 Next, Dominic.

24 MR. CORDISCO: If that's the
25 case, then the Board may want to

1 W E L L N O W F A C I L I T Y

2 consider authorizing the preparation
3 and signing of an approval resolution
4 at this time. The conditions would
5 include the sidewalks, the obligation
6 to pursue the sidewalks and secure
7 their performance by posting of a
8 performance guarantee, and, as Mr.
9 Hines had suggested, that the Board
10 should also waive the landscape
11 security. It doesn't waive the
12 requirement to install the
13 landscaping, it just waives the
14 requirement to post a performance
15 security for that. I'm not aware of --

16 MR. HINES: It becomes an issue
17 for your CO then on these smaller
18 sites.

19 MR. DATES: To be completed.
20 Sure.

21 CHAIRMAN EWASUTYN: And also to
22 make part of the approval the ARB
23 approval also?

24 MR. CORDISCO: That's correct.
25 And other standard conditions

1 W E L L N O W F A C I L I T Y

2 regarding the use of the site. Also
3 making any minor modifications to the
4 plans such as Mr. Hines has mentioned
5 here tonight.

6 MR. HINES: We have that
7 unified site plan note.

8 MR. DATES: We did add that to
9 the plan.

10 CHAIRMAN EWASUTYN: The staking
11 of the foundations.

12 MR. DATES: Yes. That note has
13 been added to the plan as well.

14 MR. DESAI: Absolutely.

15 MR. BROWNE: The forms for the
16 material and all that stuff is going
17 to be submitted?

18 MR. DATES: That was submitted
19 as part of our initial application.

20 MR. BROWNE: Thank you.

21 CHAIRMAN EWASUTYN: All right.
22 Having heard the conditions for the
23 amended site plan approval and also
24 for ARB approval from our Attorney,
25 Dominic Cordisco, would someone move

1 WELLNOW FACILITY

2 for a motion to grant those approvals
3 for the WellNow Facility?

4 MR. WARD: So moved.

5 MS. DeLUCA: Second.

6 CHAIRMAN EWASUTYN: I have a
7 motion by John Ward. I have a second
8 by Stephanie DeLuca. May I please
9 have a roll call vote starting with
10 John Ward.

11 MR. WARD: Aye.

12 MR. BROWNE: Aye.

13 CHAIRMAN EWASUTYN: Aye.

14 MS. DeLUCA: Aye.

15 CHAIRMAN EWASUTYN: Motion
16 carried. Thank you.

17 MR. DATES: Mr. Chairman, just
18 one question. With the DOT and that,
19 that conditional process; Mr.
20 Cordisco, did you mention a
21 timeframe?

22 MR. CORDISCO: One year.

23 MR. DATES: Okay. And that's
24 to construct -- fully construct;
25 right?

1 W E L L N O W F A C I L I T Y

2 MR. CORDISCO: That's correct.

3 MR. DATES: Okay.

4 CHAIRMAN EWASUTYN: Okay.

5 MR. DATES: We'll get it done.

6 (Time noted: 9:35 p.m.)

7

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

9

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

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

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

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 10th day of March 2022.

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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

TRINITY SQUARE SITE PLAN
(2006-53)

Request for a Six-Month Extension
of Preliminary Approval from
March 3, 2022 until September 1, 2022

- - - - - X

BOARD BUSINESS

Date: March 3, 2022
Time: 9:35 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
JOHN A. WARD

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

- - - - - X

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

1 TRINITY SQUARE SITE PLAN

2 CHAIRMAN EWASUTYN: The last
3 item of business this evening is a
4 Board Business item. We received a
5 letter from Vincent J. Doce &
6 Associates addressed to the
7 Planning Board. It's in reference to
8 the Trinity Square site plan, project
9 number 06-53 located on South Plank
10 Road. It's addressed to the Planning
11 Board Chairperson. It says, "The
12 six-month extension of the
13 preliminary approval for the Trinity
14 Square project will expire in March.
15 Mr. Gucci asks that his application
16 be placed on the Board Business
17 portion of the March 3, 2022 Planning
18 Board meeting to request an
19 additional six-month extension of the
20 preliminary approval. If you have
21 any further questions or comments,
22 please feel free to contact our
23 office."

24 We'll discuss that now. To
25 grant the six-month extension, that

1 TRINITY SQUARE SITE PLAN

2 date then would go through to when?

3 MR. CORDISCO: What was the
4 date that it was expiring?

5 CHAIRMAN EWASUTYN: March.

6 MR. HINES: I think they just
7 requested today.

8 CHAIRMAN EWASUTYN: I guess
9 that would be the foundation.

10 MR. CORDISCO: My suggestion
11 would be that if it's six months, it
12 actually takes them out to
13 September 3rd. September 3rd is a
14 Saturday. The Board I believe has a
15 meeting on September 1st. It would
16 put it to September 1st. That would
17 be just two days shy of six months.

18 CHAIRMAN EWASUTYN: All right.
19 Would someone make a motion to grant
20 the six-month extension for the
21 Trinity Square site plan through
22 September 1, 2022?

23 MS. DeLUCA: So moved.

24 MR. WARD: Second.

25 CHAIRMAN EWASUTYN: I have a

1 TRINITY SQUARE SITE PLAN

2 motion by John Ward -- excuse me.
3 Stephanie DeLuca. I have a second by
4 John Ward. May I please have a roll
5 call vote starting with John Ward.

6 MR. WARD: Aye.

7 MR. BROWNE: Aye.

8 CHAIRMAN EWASUTYN: Aye.

9 MS. DeLUCA: Aye.

10 CHAIRMAN EWASUTYN: Motion
11 carried.

12 Would someone make a motion to
13 close the Planning Board meeting of
14 the 3rd of March 2022?

15 MR. WARD: So moved.

16 MS. DeLUCA: Second.

17 CHAIRMAN EWASUTYN: I have a
18 motion by John Ward. I have a second
19 by Stephanie DeLuca. May I please
20 have a roll call vote starting with
21 Stephanie.

22 MS. DeLUCA: Aye.

23 CHAIRMAN EWASUTYN: Aye.

24 MR. BROWNE: Aye.

25 MR. WARD: Aye.

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TRINITY SQUARE SITE PLAN

(Time noted: 9:38 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 10th day of March 2022.

Michelle Conero

MICHELLE CONERO