

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

In the Matter of

THE ENCLAVE
(22-25)

Route 300 & Gardnertown Road
Section 34; Block 1; Lots 46, 52.12 & 53.5
Zone: R-3

DRAFT SCOPING DOCUMENT

Date: March 16, 2023
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
MEGHAN LOCICERO, ESQ.
PATRICK HINES
JAMES CAMPBELL
KAREN ARENT
KEN WERSTED

APPLICANT'S REPRESENTATIVE: ALEXANDER MAIN, ESQ.,
ROSS WINGLOVITZ and NICHOLAS MINOIA

REPORTED BY: Patrick DeGiorgio, Court Reporter

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

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CHAIRMAN EWASUTYN: Motion to close the work session and open the public hearing. Starting with Dave Dominick.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. The Town of Newburgh Planning Board would like to welcome you to their meeting of the 16th of March, 2023.

Tonight we have four agenda items and one board business item. At this time we will call the meeting to order with a roll call vote.

MS. DeLUCA: Present.

MR. DOMINICK: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. WARD: Present.

MR. CORDISCO: Dominic Cordisco,

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planning board attorney.

MS. LOCICERO: Meghan Locicero,
Drake Loeb, attorneys for the planning
board.

MR. HINES: Pat Hines, McGoey
Hauser & Edsall Engineering.

THE COURT REPORTER: Patrick
DeGiorgio, court reporter.

MR. CAMPBELL: Jim Campbell,
Town of Newburgh Code and Planning.

MS. ARENT: Karen Arent,
architectural consultant.

MR. WERSTED: Ken Worsted,
Creighton Manning Engineering, traffic
consultant.

CHAIRMAN EWASUTYN: At this
point we will turn the meeting over to
our landscape architect, Karen Arent.

(Pledge of allegiance)

CHAIRMAN EWASUTYN: Thank you.
The first item of business this
evening is The Enclave. Project
number is 22-25. It's before us this
evening for a Draft Scoping Document.

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It's located on Route 300 and Gardnertown Road and zoned R-3 and it's being represented by Engineering & Surveying Properties.

MR. MAIN: Good evening, everyone. It's nice to be speaking with you again on behalf of The Enclave.

My name is Alex Main and I'm an associate attorney at J & G Law. I'm joined tonight with the project team which includes Ross Winglovitz from Engineering & Surveying Properties, Nicholas Minoia of Diversified Properties, and one of the partners in my firm, John Cappello.

We are here tonight with the understanding that we are going to be discussing the Draft Scoping Document related to the Draft Environmental Impact Statement for The Enclave and Ross is here tonight to address any questions or comments you might have about this.

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We did receive comments on the Draft Scoping Document from the planning board engineer and we received a separate letter from the traffic engineer. We are prepared to adopt all of the recommendations into the Draft Scoping Document and circulate that back to the board within the next day or two and we hope to set a public scoping session for your second meeting in April if that's possible which I believe that is April 20th.

MR. WINGLOVITZ: Good evening. Ross Winglovitz from Engineering & Surveying Properties. We have been before the board a couple time. We have circulated the document as Alex noted. We do have Pat's comments and the comments from the traffic consultants. We are happy to take any other comments from the board to proceed with the scoping process.

CHAIRMAN EWASUTYN: Comments

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from board members. Stephanie DeLuca,
anything?

MS. DeLUCA: Nothing.

CHAIRMAN EWASUTYN: Dave
Dominick, any comments?

MR. DOMINICK: Nothing at this
time.

MR. BROWNE: We went through
this during the work sessions and as
indicated you are going to be adopting
all of the comments that we had in
here.

CHAIRMAN EWASUTYN: John Ward.

MR. WARD: No comments right
now.

CHAIRMAN EWASUTYN: Ken Worsted,
traffic consultant for Creighton
Manning.

MR. WERSTED: We have two
substantive comments. One was based
on sight distance the office received
on the data check as part of their
traffic counts. And then the second
one was adding the intersections of

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Route 300 and Jeanne Drive and Route 300 and Route 32. Two intersections that are north of this project. And then when the traffic study is underway they can contact me and I can give them another list of other developments that could be considered as part of the analysis.

MR. WINGLOVITZ: Not a problem.

CHAIRMAN EWASUTYN: Karen, landscape architect.

MS. ARENT: In the plants and animal section to identify existing plant communities and vegetation sites and then in the mitigation measures we are trying to figure out how to manage invasive plant materials that come in during construction. And then under aesthetics potential impacts, to consider the effect of glare from the lights of the project. And the effects of the use of conservation of energy to consider strategic location of trees including buildings and

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pavement. And that's it.

MR. WINGLOVITZ: Thank you.

CHAIRMAN EWASUTYN: Jim
Campbell, code compliance.

MR. CAMPBELL: Nothing
additional.

CHAIRMAN EWASUTYN: Pat Hines
for McGoey Hauser & Edsall.

MR. HINES: As the applicant's
representative said, we have provided
comments on the scope and they have
identified that they will address
those. We have added items such as a
habitat assessment report regarding
the various habitat types on the site
and the impacts to those.

We commented and probably the
most significant comments were on the
provisions for sewage treatment or
sewage conveyance from the site. The
site currently is not served by town
sewer. There are some alternatives
that are identified, but the impacts
flowing from those alternatives need

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to be fleshed out more in the document. We provided comments.

Generally under the sanitary sewer we have a general comment to expand the sewer discussion based on the sewer currently not being available on the site and the alternatives to that including any off-site impacts regarding conveyance of sewer from the site or impacts associated with the Quassaick Creek if there is going to be a potential discharge location from a new on-site waste water treatment plant.

We have identified some additional items that should be in the appendix including the flood plain analysis, a wetland delineation report. We had issues regarding tree preservation ordinance in several locations and believe that that ordinance should be evaluated as part of an appendix identifying possible impacts to the trees on the site based

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on that recently adopted ordinance.
We have suggestions throughout the document that the applicant has identified that they would address.

CHAIRMAN EWASUTYN: Meghan Locicero of Drake Loeb.

MS. LOCICERO: I don't have any comments.

CHAIRMAN EWASUTYN: Dominic Cordisco, planning board attorney.

MR. CORDISCO: One suggestion under Section 2 which is description of the proposed action and site description, my understanding is that although this predates my time representing the board that this site was previously proposed for development by others. It would be good for the public to have an understanding what was previously proposed on this site, the description of that project and an update as to how far along it got in the process so that anyone who might remember or

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recall reviewing that prior project would be able to tie that together with this proposal.

CHAIRMAN EWASUTYN: Alex Main, anything?

MR. MAIN: We have no problem with incorporating any of those recommendations.

MR. WINGLOVITZ: Not a problem.

CHAIRMAN EWASUTYN: Dominic Cordisco, planning board attorney, could you explain to us procedurally where we are this evening?

MR. CORDISCO: Sure. Similar to the Britain Woods project, scoping is mandatory. It's part of the SEQR requirements. And part of that as well a public comment and public input is required. The board's practice is to treat the public scoping session as a public hearing, it's being noticed the same way as a public hearing. We just went through this with Britain Woods so you are certainly familiar

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with that process.

Here my suggestion would be to schedule the scoping session at your next available meeting which would not be the next meeting, it would be too soon as far as notices to be concerned, but it would be the second meeting in April, for instance, which would be April 20th if that's convenient for the board and notices could be prepared in advance of that time. My only suggestion would be that revisions to the scope be made before any public notices go out so that the scope in its revised form could be available along with the concept plans before the public to review once the notices have been sent out.

MR. WINGLOVITZ: Thank you.

CHAIRMAN EWASUTYN: Ross, Alex, is that possible for the revisions of the scope and when do you see that happening?

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MR. WINGLOVITZ: Absolutely.
So it would be available by the end of
next week.

CHAIRMAN EWASUTYN: Dominic, is
that adequate?

MR. CORDISCO: Certainly.

CHAIRMAN EWASUTYN: Would
someone make a motion so set --
(interrupted)

MR. HINES: There's five
Thursdays this month.

CHAIRMAN EWASUTYN: I always
make that mistake too. Someone make a
motion to set the public scoping for
The Enclave for April 20th, 2023?

MR. WARD: Motion.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by
John Ward and a second by Dave
Dominick. Roll call vote starting
with Stephanie DeLuca.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

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MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion
carried.

MR. WINGLOVITZ: Thank you for
your time.

MR. MAIN: Thank you.

<p style="text-align: center;">1</p> <p>1 - 1:6 12550 [2] 1:11, 1:24 1496 - 1:11 16 - 1:9 16th - 2:15</p> <hr/> <p style="text-align: center;">2</p> <p>2 - 10:13 2023 [4] 1:9, 2:15, 13:16, 15:22 20th [3] 5:14, 12:10, 13:16 22-25 [2] 1:4, 3:24 28 - 15:22</p>	<p>8:13, 10:5 adequate - 13:6 adopt - 5:7 adopted - 10:2 adopting - 6:11 advance - 12:12 aesthetics - 7:20 agenda - 2:16 Alex [4] 4:10, 5:19, 11:5, 12:22 ALEXANDER - 1:20 allegiance - 3:20 alternatives [3] 8:23, 8:25, 9:9 although - 10:16 analysis [2] 7:9, 9:19 animal - 7:14 appendix [2] 9:18, 9:24 applicant - 10:4 applicant's [2] 1:20, 8:10 April [5] 5:12, 5:13, 12:9, 12:10, 13:16 architect [2] 3:19, 7:12 architectural - 3:13 Arent [5] 1:18, 3:12, 3:12, 3:19, 7:13 assessment - 8:15 associate - 4:11 associated - 9:12 attorney [4] 3:2, 4:11, 10:11, 11:12 attorneys - 3:4 available [4] 9:8, 12:5, 12:17, 13:3 Aye [10] 2:6, 2:7, 2:8, 2:9, 2:10, 13:23, 13:24, 13:25, 14:2, 14:3</p>	<p>1:13, 2:13, 2:17, 3:2, 3:5, 5:4, 5:9, 5:18, 5:23, 6:2, 10:11, 10:17, 11:12, 12:11 board's - 11:20 Britain [2] 11:16, 11:24 BROWNE [5] 1:15, 2:9, 2:23, 6:9, 14:2 buildings - 7:25</p> <hr/> <p style="text-align: center;">C</p> <p>Campbell [5] 1:17, 3:10, 3:10, 8:5, 8:6 Cappello - 4:17 carried - 14:5 certainly [2] 11:25, 13:7 certify - 15:9 Chairman [25] 1:13, 2:2, 2:8, 2:11, 2:22, 3:17, 3:21, 5:25, 6:5, 6:14, 6:17, 7:11, 8:4, 8:8, 10:6, 10:10, 11:5, 11:11, 12:22, 13:5, 13:8, 13:13, 13:19, 13:25, 14:4 check - 6:23 circulate - 5:9 circulated - 5:19 CLIFFORD - 1:15 close - 2:3 code [2] 3:11, 8:5 comment [2] 9:5, 11:19 commented - 8:18 comments [14] 4:24, 5:2, 5:20, 5:21, 5:23, 5:25, 6:6, 6:12, 6:15, 6:21, 8:12, 8:19, 9:3, 10:9 communities - 7:15 compliance - 8:5 concept - 12:18 concerned - 12:8 CONERO - 1:23 conservation - 7:23</p>	<p>consider [2] 7:21, 7:24 considered - 7:8 construction - 7:19 consultant [3] 3:13, 3:16, 6:18 consultants - 5:22 contact - 7:6 convenient - 12:11 conveyance [2] 8:21, 9:10 Cordisco [8] 1:16, 2:25, 2:25, 10:11, 10:12, 11:12, 11:15, 13:7 counts - 6:24 COUNTY [2] 1:1, 15:4 couple - 5:18 court [3] 1:22, 3:8, 3:9 Creek - 9:12 Creighton [2] 3:15, 6:18 currently [2] 8:22, 9:7</p>	<p>document [8] 1:8, 3:25, 4:20, 5:3, 5:8, 5:19, 9:3, 10:4 Dominic [5] 1:16, 2:25, 10:10, 11:11, 13:5 Dominick [9] 1:13, 2:5, 2:6, 2:21, 6:6, 6:7, 13:18, 13:21, 13:24 Draft [6] 1:8, 3:25, 4:20, 4:21, 5:3, 5:8 Drake [2] 3:4, 10:7 Drive - 7:2</p>
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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

In the Matter of

FABULOUS EVENTS, INC.
(22-23)

NYS Route 32 & Crab Apple Court
Section 34, Block 2, Lots 25.2, 54, 74, 76, 77
Zone: B

SITE PLAN

Date: March 16, 2023
Time: 7:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
MEGHAN LOCICERO, ESQ.
PATRICK HINES
JAMES CAMPBELL
KAREN ARENT
KEN WERSTED

APPLICANT'S REPRESENTATIVE: JOHN QUEENAN

REPORTED BY: Patrick DeGiorgio, Court Reporter

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

1 CHAIRMAN EWASUTYN: The Town of
2 Newburgh Planning Board's second item
3 on this evening's agenda is a Site
4 Plan for Fabulous Events, Project
5 Number 22-23, located on New York
6 State Route 32 and Crab Apple Court.
7 It's in a B Zone and is being
8 represented by Lanc & Tully.

9 MR. QUEENAN: Good evening
10 everyone. My name is John Queenan
11 from Lanc & Tully Engineering for the
12 applicant.

13 Before you tonight just to give
14 the board an update of where we are at
15 since our last appearance before you,
16 as you may recall the application
17 serves as development for four
18 existing tax parcels along New York
19 State 32 and Crab Apple Court which is
20 about 1,800 feet to the southeast of
21 Route 300.

22 Since our last submission there
23 were some questions about the
24 building's square footage and how it
25 was broken down. What we have done on

1 the map is given a generic breakdown
2 of the square footage internally.

3 This building is comprised of a
4 7,000 square foot showroom, 8,000
5 square foot office, 6,500 square foot
6 staging area, party rental equipment,
7 tents etcetera, a 6,500 square foot
8 preparing area and the remaining
9 portion of the building is 28,000
10 square feet for the storage of those
11 materials.

12 As you know, it's called
13 Fabulous Events. They are a rental
14 company for parties, corporate events,
15 weddings, etcetera, providing
16 everything from tents all the way down
17 to chairs, tables, linens and
18 utensils, things to that effect.

19 The breakdown of the building
20 tied into the parking which we have
21 updated. Based on all of the square
22 footage in the building, the required
23 parking for the site is 99 spaces. We
24 have updated the site plan to provide
25 the 99 spaces. Based on the needs of

1 the applicant we feel that is quite
2 excessive for our use at this point in
3 time. We'd like to discuss with the
4 board possibly banking some of those
5 spaces. The applicant has between 18
6 to 20 employees. That's their peak
7 right now, max. The showroom is
8 basically opened 9 to 5, Monday
9 through Friday. It's closed on the
10 weekends and only by appointment on
11 Sunday. They have a very limited
12 fleet, like five to six vehicles.

13 So we are estimating we have
14 peak 20 employees with their vehicles
15 on site, and if we have a full
16 showroom, maybe 40 to 45 spaces we are
17 contemplating being required for this.

18 Some of the other changes that
19 we have done, I did meet with the
20 D.O.T. in the field regarding the
21 access. We are still working with
22 them going back and forth. We had
23 some initial concerns about the
24 location. They were going to go back
25 and do their research and do other

1 applications on this corridor. They
2 want to go back through, they want to
3 make a decision as to where this
4 access would be in place. Right now
5 we have it shown at this location on
6 the right-hand side. There's an
7 alternative plan that the D.O.T. could
8 potentially look at placing it on the
9 opposite side. We are working through
10 that with them at this time.

11 We did some preliminary septic
12 testing out there. So the generic
13 locations shown on the plan, the
14 results received were acceptable.

15 We did add a warehouse use note
16 as requested by Pat and Jim. We had
17 four EV charging stations to be
18 associated with the parking spaces.
19 We put those bases to the rear of the
20 site. We are currently working on the
21 SWPPP and tree survey of the property.

22 Tonight I was hoping to go
23 through with the board about the
24 parking and possibly to discuss what
25 the board would be looking for in

1 terms of a traffic analysis for the
2 project.

3 The D.O.T. when we met with them
4 said they were looking for an analysis
5 because they felt that our trip
6 generation was very low, between 10 to
7 30 peak trips an hour. But they
8 didn't -- they weren't specific what
9 they wanted. So that's about where we
10 are at.

11 CHAIRMAN EWASUTYN: Let's pick
12 up on traffic. Ken Worsted with
13 Creighton Manning is our traffic
14 consultant. Ken, your advice to the
15 planning board?

16 MR. WORSTED: John had touched
17 on two of the comments that I made
18 regarding the driveway location, site
19 distance and also the parking. I'm
20 sure the board can discuss more about
21 the parking and what options they have
22 relative to it.

23 There aren't any, I think,
24 significant intersections along here
25 until you get to Route 32 and 52, but

1 I can take a look at that in more
2 detail and offer a suggestion on
3 analysis.

4 I know the project I think is
5 just about across the street from
6 here, called the MKJ Warehouse. They
7 are presently looking at the traffic
8 study as well, the value and trying to
9 combine efforts there. I can get back
10 to Dom with the scope.

11 CHAIRMAN EWASUTYN: I think you
12 do represent the applicant for that
13 warehouse also?

14 MR. QUEENAN: Yes.

15 CHAIRMAN EWASUTYN: Dominic
16 Cordisco, Pat Hines, what are our
17 options as far as parking and what's
18 required by the code and what we are
19 to do and how we could reduce from 98
20 to possibly 45?

21 MR. CORDISCO: It's an
22 interesting question because the town
23 code provides instances for actually
24 requiring a survey area in excess of
25 the parking.

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MR. HINES: Yes.

MR. CORDISCO: So that the code itself when we contemplate are actually requiring more parking even than what's shown rather than providing the ability to set aside any area that might be needed in the future. My suggestion would be to consider that as part of the board going through this process and perhaps an avenue to waive parking in connection with a developer's agreement with the town as one type of potential solution where the project would agree to set aside an area that would not be developed for parking, it could be landscaping or it could be left green, however it's determined by the board and its consultants, but then would provide a mechanism based on the notice from the town that the reserve area that has been set aside for parking is now required to actually be constructed because the use of the site is higher than what

1 was anticipated as part of the
2 approval. I think it's fair to say
3 that the opinions expressed so far is
4 that a number of parking spaces are
5 likely in excess of what the demand
6 for this particular use would be.

7 MR. QUEENAN: Thank you.

8 CHAIRMAN EWASUTYN: John Ward,
9 planning board member.

10 MR. WARD: I agree with what
11 Dominic is saying as to how to
12 preserve it.

13 CHAIRMAN EWASUTYN: Cliff
14 Browne.

15 MR. BROWNE: With respect to the
16 parking?

17 CHAIRMAN EWASUTYN: Yes.

18 MR. BROWNE: The code is
19 definitely an overkill for what this
20 particular plan is projecting. If you
21 stick to the alternatives that we are
22 discussing that would be appropriate.

23 CHAIRMAN EWASUTYN: Dave
24 Dominick.

25 MR. DOMINICK: I agree with

1 Cliff and John on Dominic's proposal
2 and solution.

3 CHAIRMAN EWASUTYN: Stephanie
4 DeLuca.

5 MS. DeLUCA: I feel the same.
6 Agreed.

7 CHAIRMAN EWASUTYN: In a general
8 overview, I know it's early, but can
9 you give us an idea of what the
10 architecture would be like for this
11 building? Will it look like a
12 warehouse? Will it look like a retail
13 office?

14 MR. QUEENAN: I don't know the
15 particulars, but I don't think they
16 are going to go with the warehouse
17 look because it's basically the
18 showroom and the office. It's more
19 for their clientele.

20 CHAIRMAN EWASUTYN: For the
21 record, your name?

22 APPLICANT'S REPRESENTATIVE: Hi,
23 I'm Jack with Landmark Solutions. So
24 the overall look is definitely not a
25 warehouse. It's attractive. We have

1 some preliminary ideas that we kicked
2 around, like a stone, stucco or wood
3 look. It's very attractive where the
4 people would say that's a nice
5 building.

6 CHAIRMAN EWASUTYN: Someone or
7 one of the board members. Stephanie,
8 why don't you ask him because I know
9 you are not sure what Fabulous means.
10 Seriously. We spent time talking
11 about that, now is the time to talk
12 about it.

13 MS. DeLUCA: I appreciate the
14 fact that you just stated what you did
15 in regards to what the building is
16 going to look like. Because like you
17 said, Fabulous Events I'm thinking,
18 okay, I couldn't envision a typical
19 warehouse look, you know, for
20 something to be fabulous. So I
21 appreciate the fact that you are going
22 more towards that look.

23 APPLICANT'S REPRESENTATIVE: You
24 get only one chance at a first
25 impression.

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MS. DeLUCA: Very true. I appreciate that.

MR. QUEENAN: We will provide that.

MS. DeLUCA: Okay. I did see some of the pictures online and some of the height of the drapes, the curtains and everything else that goes along with weddings so I couldn't -- like I said I couldn't envision it. Thank you.

CHAIRMAN EWASUTYN: Jim Campbell, code compliance.

MR. CAMPBELL: My comments have been addressed at the last meeting. We need to see some more information regarding the signage on the building, however you are advertising the business as it's part of the site plan approval and ARB approval.

MR. QUEENAN: We will do that. Thank you.

MR. CAMPBELL: A little more detail.

CHAIRMAN EWASUTYN: Dominic

1 Cordisco, proceed on this application.

2 MR. CORDISCO: I think at this
3 point the applicant is going to
4 resubmit and do a traffic analysis and
5 have some more details about the
6 building and we would also suggest
7 that they make a proposal as to what
8 parking they would like to see with
9 some justification for that number so
10 the board can consider it and also
11 what that area would look like if it's
12 going to be set aside for potential
13 future parking that may or may not be
14 required.

15 CHAIRMAN EWASUTYN: Karen,
16 landscape architect.

17 MS. ARENT: It would be great to
18 see fabulous landscaping. There needs
19 to be some space allocated for
20 landscaping. Right now it seems
21 there's not much in the front of the
22 building for landscaping so maybe some
23 of the parking can be juggled around
24 to enable space for landscaping.

25 MR. QUEENAN: This would be one

1 of the corridors we would look to
2 bank.

3 MS. ARENT: Maybe if that moves,
4 maybe somehow the stormwater
5 management area can be elongated so
6 that there could be some landscaping
7 between the road. And also there's an
8 existing stone wall on the site and a
9 lot of -- a couple of commercial
10 buildings in the corridor, they take
11 the stones from the stone wall that's
12 there and they just make a beautiful
13 stone wall in the front that kind of
14 hides the cars and set off the
15 building. That's something that's
16 written in the design guidelines, to
17 hide the grills of the cars, so stone
18 walls really help.

19 Another thing, also landscaping
20 the edges, buffers in accordance with
21 the Town of Newburgh design
22 guidelines.

23 So that's it. Basically just
24 trying to get space for landscaping
25 and do something really nice. It

1 would be -- I think it would set off
2 the building's landscaping, make a big
3 difference for buildings like this.

4 MR. QUEENAN: I think that's
5 achievable in the front. The
6 building, it may not look like it
7 here, but it's set back almost a
8 hundred feet.

9 MS. ARENT: Yeah, it's just all
10 pavement. The big question I had are
11 the sidewalks really necessary?
12 That's something to consider. For
13 safety, yes, but the sidewalks,
14 there's no space for landscaping
15 because of the sidewalks.

16 MR. QUEENAN: The only thing for
17 sidewalks that we could eliminate, I
18 had it connected front to back. If we
19 bank this row and this row which is
20 what we are planning on, then we would
21 probably lose a sidewalk on the side
22 of the building. We need it in the
23 front because that's where our
24 customers would walk. In the back it
25 was basically for the employees to get

1 into the door.

2 MS. ARENT: That would be great.
3 Have some landscaping around the
4 building to soften it. That is it.
5 Thank you.

6 CHAIRMAN EWASUTYN: Dave
7 Dominick.

8 MR. DOMINICK: The current
9 entrance and exit at the south part of
10 the building, if D.O.T. comes back and
11 says no, it really has to go to the
12 northern part of the building, would
13 you switch the footprint of the
14 building?

15 MR. QUEENAN: Yes, it would
16 mirror it.

17 MR. DOMINICK: That's all I
18 have. Thank you.

19 CHAIRMAN EWASUTYN: John Ward.

20 MR. WARD: Could you clarify
21 what the repair area is? What you do
22 to repair?

23 MR. QUEENAN: Like when the
24 tents would come back and if they have
25 rips or if there's an issue with the

1 poles, if we have to fix those or
2 restitch the tents or anything else
3 that comes back, like tables or
4 chairs, that goes basically to the
5 repair area.

6 MR. DOMINICK: Thank you.

7 CHAIRMAN EWASUTYN: Any further
8 comment from our consultants or
9 planning board members?

10 MR. BROWNE: No.

11 CHAIRMAN EWASUTYN: John, you
12 will revise your plans?

13 MR. QUEENAN: Yes. If it's okay
14 could I work directly with Ken to get
15 that draft SWPPP?

16 CHAIRMAN EWASUTYN: Yes. And if
17 you have any questions with Karen as
18 far as landscaping goes.

19 MR. QUEENAN: Okay, thank you.

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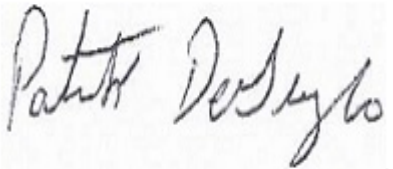
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STATE OF NEW YORK)

) ss:

COUNTY OF ORANGE)

I, PATRICK M. DeGIORGIO, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that the foregoing is a true and accurate record of the minutes having been stenographically recorded by me and transcribed under my supervision to the best of my knowledge and belief.

X 
PATRICK M. DeGIORGIO

Dated: March 28, 2023

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

In the Matter of

UNITY PLACE WAREHOUSE
(21-29)

Northwest Corner of Old Little Britain Road
and Unity Way

CONTINUATION OF PUBLIC HEARING

Date: March 16, 2023
Time: 7:30 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
MEGHAN LOCICERO, ESQ.
PATRICK HINES
JAMES CAMPBELL
KAREN ARENT
KEN WERSTED

APPLICANT'S REPRESENTATIVE: JOHN C. CAPPELLO, ESQ.,
JASON ANDERSON, ELIOT SPITZER, MATT
TRAINER and RICHARD D'ANDREA

REPORTED BY: Patrick DeGiorgio, Court Reporter

MICHELLE L. CONERO
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CHAIRMAN EWASUTYN: The third item of business this evening is the Unity Place Warehouse, Project Number 21-29. It's a continuation of a public hearing for a Site Plan. It's located on the northwest corner of Old Little Britain Road and Unity Way. It's an IB zone and being represented by Brooker Engineering.

MR. CAPPELLO: Good evening, everyone. I'm John Cappello with J & G Law. I'm here with Matt Trainer from Brooker Engineering, the project engineer. Rich D'Andrea with Colliers Engineering, the traffic engineer. And Jason Anderson, the builder. Eliot Spitzer, the project principal has just walked in.

Since the last hearing the applicant and its team took into consideration comments from the public and the board on a few issues. The one major issue related to truck traffic on Old Little Britain Road, we

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have come up with a couple options.
We met with the consultants to discuss those options and what the result is is that we have two possibilities actually, to route all truck traffic from Unity Place so the entrance on and off Little Britain Road will be only for employee and car traffic only and the truck traffic to the warehouse will all be on and off Unity Place.

We also met with representatives from the City of Newburgh to discuss their issues and concerns regarding drainage and we are in the process of gathering information to appropriately respond to those comments. So those were the two major changes.

As part of the revisions and options, we also have secured the rights on an additional parcel of land that would be added to the project to better accommodate the traffic options.

I know we just submitted today.

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It is a public hearing. We are available today to present to the board. We will leave that up to you as to how you want to handle that. The engineer will explain the options if you want us to explain the options. We will leave that to your discretion. I know we just submitted the plan so we understand the hearing would be left open for people to be able to review those and comment so I would leave it up to the board. We are ready to present if you would like.

CHAIRMAN EWASUTYN: Let's get questions and responses from our planning board members. Stephanie DeLuca.

MS. DeLUCA: Not at this time. We did take a look at both plans during our work session. I'm looking forward to seeing one of those being chosen.

CHAIRMAN EWASUTYN: Dave Dominick.

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MR. DOMINICK: You said you are ready to present. Are you able to answer questions from the public tonight?

MR. CAPPELLO: To the board, however you want.

MR. DOMINICK: Done by the public. I think it would be great to hear some back and forth tonight.

CHAIRMAN EWASUTYN: I'm in favor to opening up to the public this evening.

MR. BROWNE: We saw the sketches already. What we have seen so far is good. However, opening to the public is fine, but I think we need to allow time for the public to be able to digest it and then come back to us with more comments.

MR. CAPPELLO: We understand that. We have no expectation to close the hearing.

CHAIRMAN EWASUTYN: John Ward.

MR. WARD: I definitely think

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they should see the other plan too for Plan B, that will work more for the public to see in their favor with the trucks. Thank you.

CHAIRMAN EWASUTYN: So you want to make your presentation now?

MR. CAPPELLO: This is Rich D'Andrea with Colliers Engineering.

MR. D'ANDREA: Rich D'Andrea with Colliers Engineering & Design. So obviously we acquired that other piece of property to the north of the project and that has allowed us to look at some other alternate access scenarios which I can describe a little bit.

This first one that you are seeing here keeps the driveway basically where it was previously positioned to Unity Place. That would become a two-way access. That would be primarily for truck traffic. The driveway out to Old Little Britain Road which is shown in a prior

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configuration would be narrowed significantly to only accommodate -- allow it to accommodate for passenger car traffic. That's Alternative 1. The one thing that we did look at here was sight distance for this specific access to Unity Place. The sight distance of this location is good. It can be achieved, but we are crossing this other parcel for that sight line looking to the north which is okay. There's some clearing that would have to be done to achieve that sight line. We can make that work now that we control that property.

Alternative 2 actually shifts the -- the Alternative 2 would actually shift the driveway of Unity Place further to the north, north of the horizontal curve that's in here in the roadway. That actually allows all the sight distance more or less to be within the roadway. Again, there is some clearing that would have to occur

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in here. To get the sight distance looking to the south, we do have good sight distance there. Again, that pushes the trucks further up along Unity Place and the southern access to Old Little Britain Road would just be passing cars as I described, narrowed down.

Those are the two alternatives that we have come up with. We would love to get the board's input on it and public's input what is kind of the preferred way.

MR. BROWNE: John, could I ask for clarification?

CHAIRMAN EWASUTYN: Yes.

MR. BROWNE: With this plan my understanding is that trucks would not be allowed to make a right turn on that; is that correct? Is that what we are talking with?

MR. D'ANDREA: I believe, yes. They would be making left turns out of there.

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MR. BROWNE: Left only?

MR. D'ANDREA: Yes.

MR. BROWNE: No trucks would be going from that down Little Britain Road?

MR. D'ANDREA: Correct. The intent is to have no trucks going down Little Britain.

CHAIRMAN EWASUTYN: Ken Worsted with Creighton Manning, traffic consultant.

MR. WERSTED: We looked at the two alternatives. The other factor that is kind of complicated with the first plan coming out directly perpendicular to Unity Place is that it's right where the Jehovah Witness Kingdom Hall driveway is. They have a very long southbound turn lane. I think one of the iterations the driveway was a little bit offset. If there is any activity going on at this project as well as the Kingdom Hall, that could kind of complicate the

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matter. This alternative pushes it further north. It's less in that influence area. Kind of keeps the two uses a little bit more separate.

The diagrams for orientation on the top is -- I believe it was approved a number of years ago for a hotel up in there so it has a driveway closer to that operation as well. I was just looking at an aerial, but this generally has the driveway a little bit further north of the existing pond that's on the Jehovah Witness property.

I think from a traffic perspective it would appear that this plan would help influence more traffic up to Route 17K. Passenger cars, employees will still have the option to use either driveway to come and go from the project. This would isolate trucks to one side of it.

CHAIRMAN EWASUTYN: Jim Campbell, code compliance.

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MR. CAMPBELL: With either plan that you go with, just to confirm, aerial and fire department access?

MR. D'ANDREA: Yes. I could look into that.

CHAIRMAN EWASUTYN: Karen, do you have any comments at this time?

MS. ARENT: No, I don't.

CHAIRMAN EWASUTYN: Pat Hines, McGoey Hauser & Edsall.

MR. HINES: We are awaiting for the submission of the detailed plans and also the submission of the additional information regarding the comments from the City of Newburgh and the impacts to the Washington Lake Lockwood Basin Pond. The applicant has also submitted a protocol for a noise study to be undertaken. That is something the board may want to address this evening as well.

MR. D'ANDREA: I can address that briefly. We have done a noise study that may need to change a little

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bit based on which alternative here we go with that will ultimately be submitted for the board to take a look at. We have submitted a protocol for a post-noise study after development, take a look at what the actual noise levels are after development of the property and get a handle on if there is mitigation for noise recommend as part of our initial study, is there anything initial that needs to be done to further mitigate the noise once we know what the actual noise levels are from the developers. At the moment there's no planned user so the noise levels could change depending on the user.

CHAIRMAN EWASUTYN: Dominick Cordisco.

MR. CORDISCO: With the new materials in and the submission that was made today, tonight is a continuation of the public hearing. My recommendation for the board would

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be to hear the public that have come out tonight and may have additional comments and things that they would like to say regarding this proposal, but with this submission being just made now, it's informational for the public's concern, but the plans have not yet been put on the website. There's not yet -- there hasn't been an opportunity for the public to review those plans. My recommendation to the board would be to keep the public hearing opening to a date certain so that the public would know that they would also have an opportunity to review those plans once they are posted and be able to come back and fully comment so that they appreciate and digested everything that they are entitled to review.

CHAIRMAN EWASUTYN: At this time we are opening the hearing to the public. As in the first public hearing we will take one individual at

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a time, to raise their hand, give their comment. We will go full circle and then come back for a second comment if there is one. Anyone in the audience have any comments that they would like to talk about?

MR. ROTH: What about air quality?

MR. WARD: Can you state your name for the record?

MR. ROTH: My name is David Roth. I'm just curious about how all these trucks are going to affect the air quality in the neighborhood? There's a lot more diesel running.

CHAIRMAN EWASUTYN: Rich, do you want to comment on that?

MR. D'ANDREA: I think that's a topic we will definitely have to take a further look at.

CHAIRMAN EWASUTYN: Additional comments from anybody?

MR. JOANIDES: Yes. I have a question. Regarding the --

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(interrupted)

CHAIRMAN EWASUTYN: Your name please?

MR. JOANIDES: Charles Joanides. Regarding the trucks themselves, can we expect them -- I'm from the neighborhood by the way. Can we expect them to be coming into the warehouse at all hours of the day and night?

MR. D'ANDREA: I'm not sure that we have any user at the moment. I'm not sure if there's anything about the hours of operation that we have discussed.

MR. CAPPELLO: We will address that in the noise study and mitigation in the full 24-hour operation.

MR. JOANIDES: I have a follow-up question. It's my understanding, and I'm not -- I don't drive a truck, but it's my understanding that these trucks in the dead of winter use generally diesel fuel. And because

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they use diesel fuel, the fuel itself -- the trucks need to continue to run continuously, otherwise the fuel -- I don't know all the exact terms here, but the fuel will thicken, whatever, it won't work. The follow-up would be are we going to be listening to these trucks running day and night during the dead of winter?

MR. ANDERSON: Jason Anderson, Anderson Design Group, project architect. A couple of things relative to that. When it comes to the diesel fuel, that's correct. However, the New York State law is in effect which limits idling to, I believe, five minutes or maybe seven. There will be signs saying they can't. However, what is around the building at this location are block heaters. That is what is required. The block heaters then warm the engines up and keep them warm. We put them in each of the loading docks and then even out

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where there's other storage we have those block heaters for that very purpose. Those two together address that.

When it comes to hours of operation, I want to point to that. This is set up as a traditional warehouse, as basic warehouse needs depending on who moves in, the building is designed for that. That means it falls into certain requirements when it comes to building code, S2 or F2, which is basically dry goods and things such as that. However, what that means is that when you have a 24-hour operation it is very different than say a manufacturing facility. Generally when the trucks come in, they unload, there's work that's done inside, and then they have another time period where everything will leave, it gets transported and then there's work again that happens inside. It's a

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little different when we talk about different uses of the building in a 24-hour operation versus warehousing. There's two periods of about three or four hours where there is more activity when it comes to trucks specifically, but inside it operates.

MR. CAPPELLO: To add to that, we are taking notes on the comments so when we decide on the option to go through with, we will submit a comprehensive package before whatever the next hearing date is and respond in writing with conditions that we would -- as Jason said we will make sure we would incorporate it into the site plan and into any approvals so it's on the record what we committed to and everything is in writing and it's transparent. We will provide sketches of answers tonight. We will take your comments back, look at them, think about them a little more and provide full written responses to them

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in the records so you can see them and comment on them. And hopefully it will then relate to what we hope is an approval and conditions of approval.

MR. JOANIDES: Can I ask one more question? Regarding the warehousing of materials, you said they were dry goods. Will there be toxic materials also in the warehouse, in this building, anything that would kind of leach into the ground, create an East Palestine, wherever it was type situation?

MR. ANDERSON: This building is not designed as a high hazard building. Within the building code are five levels of hazard that go above. The building as it's being presented and designed would then be approved would be limited to S1 and S2 which is low or moderate hazard. We will not have any of those elements other than -- even aerosol cans end up being in a controlled area. This

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building is not designed to be able to handle any of those hazards.

MR. JOANIDES: Can you describe what X1 and X2 mean to a laymen like me?

MR. ANDERSON: It's S1 and S2. It's just in the building code. It stands for storage. S1 is low and S2 is moderate hazard. I guess S1 is concrete block, metal wire. S2 would could be furniture. Could be any common everyday goods that we use. Could be refrigeration.

CHAIRMAN EWASUTYN: Jim Campbell, code compliance, is that reviewed during the application?

MR. CAMPBELL: Correct.

MS. GALLAGHER: Barbara Gallagher.

CHAIRMAN EWASUTYN: Please speak up.

MS. GALLAGHER: Barbara Gallagher. Is the building sprinklered? Is there a fire

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suppression system? Is it foam or is it just water?

MR. ANDERSON: It's just water. It would be the SF fire system. Which is basically more water. It's sprinklered.

CHAIRMAN EWASUTYN: Next.

MS. ROTH: Donna Roth. I live in the neighborhood there. I'm just curious, why this spot? With all the land that we have around like up 17K and open spaces and you are going to put this right in the middle of an area where we have our homes.

MR. CAPPELLO: It's land that was available and it's zoned appropriately for a warehouse and we are required to take into account the neighborhood in the record and to make sure we do what we can do to mitigate any proposed impacts to the neighborhood which is the purpose of this meeting. This is why we would incorporate this in the design.

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MS. OTLOWSKI: Erica Otlowski.

I live in the neighborhood. You had mentioned that last time that the land is zoned for warehouse, but one of the board members also referenced plans that talked about the Lloyd's Road or something like that. Lloyd's hasn't been around for 30 years. Is there a way to look at these plans and reevaluate to even use this property like this? I'm just saying. I have a few other points. Bear with me. I think you said it's 115,000 square feet with 78 dock doors or something like that?

MR. ANDERSON: That's close.

MS. OTLOWSKI: That's so many dock doors. The BJ's that's by our houses is so loud and they only have a couple of docks. We can hear every time a truck is turning out of there.

(Floor speaker interruption)

CHAIRMAN EWASUTYN: Excuse me, one person speaks at a time.

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MS. OTLOWSKI: You are saying it's a general purpose warehouse, but it seems not irresponsible, but if we don't know what's going in there, who the client is, how can you design a warehouse that is functional for them? The Gap warehouse that you can see from 84, that has two buildings that are about a million square feet each. Each building only has 58 dock doors. This is ridiculous it seems like. There's not enough space for 78 doors for 155,000 square feet.

Another point I had was there was the statement that this is going to bring in a whole bunch of jobs to the area. Yes, but all warehouse jobs. We have dozens of warehouses in this area, dozens. I don't know why we need more. If you go on Indeed.com and you look up Newburgh, in the last 14 days there were 20 warehouse jobs. You expand that 10 miles to include Montgomery and that also picks up

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Poughkeepsie for some reason, that's 50 warehouse jobs. And a lot of the warehouse jobs are fighting for the same pool of people. The same people jump from warehouse to warehouse to warehouse to get the sign-on bonuses and to get better benefits. The grass is always greener. You are picking from the same people. And all these jobs are about \$20 an hour. There's not a lot of office jobs, white collar jobs. There's so many warehouses. What about office work? Why can't this be office buildings or something like that? Something that's more useful for the people that live in the area. These are so many built up areas. I know Nancy mentioned that the last time.

I'm the 4th generation to live in my house right now and there's been so much development between the Kohl's that replaced Lloyd's, Home Depot, Lowe's and the Five Guys Plaza and all

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of that. We can all use that. We are not going to use a warehouse, especially when we don't even know what's going in there.

Is there a parking plan for tractor-trailers or any kind of equipment like that? Then we are not even hiring drivers from the outside. It will be outsourcing for that. So those jobs aren't going to be local jobs, they are going to be outside jobs. If that is an argument, I just don't know how good of an argument that is.

We also don't know who is going to be in there, how many hours. Are there going to be weekends? It's going to be all the time. Yes, it is going to be in groups as having busy periods and quiet periods, but that still means seven days a week. There probably will be more traffic, more work, more noise, more light. Like I said before, the noise is really a

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huge, huge issue.

Those are my points. Thank you
for listening.

CHAIRMAN EWASUTYN: John, you
want to comment on that?

MR. CAPPELLO: I'll be happy.
There's a lot of opinions raised
there. We are not here to set the
zoning of what it should be in the
town or what uses people may want or
demand here. You know, I've practiced
this for 35 years. I've written zone
code. I've been before boards.

First of all offices in cities,
we live in a different type of county.
It's just how it is. If you want that
type of development you need to
provide additional infrastructure. We
need to provide additional incentives
to induce that development, not
complain every time -- an incentive
given to any type of development. You
need to attract those types of
developments. It's a process. It's

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something that the public can be involved in. There's comprehensive plans. There's zoning. This project. And I forgot the names of the roads, but is zoned now for warehouses and this fits within the zone, it fits in your comprehensive plan.

We are here to talk about definable issues like noise, that's a rational point. We will address it and we will do what we can in terms of the law to address it. What a community needs or wants is reflected in the zoning that its elected officials adopt. And I have very seldom, whether I'm doing multi-family housing for upscale or low scale, whether I'm doing warehouses or whether I'm doing others, not have people who would rather see the land remain as it was before it was developed. I understand that. We will address that. I can't go back. This is a development that is ready to

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build and meets your code and we are ready, willing and able to listen to comments and make adjustments as we can do to mitigate that. We live in a culture where everyone has packages on their doorstep. Everybody orders things online and that's the economy we have and that results in warehouses.

CHAIRMAN EWASUTYN: Have you spoken yet, ma'am?

MS. PAVANO: Pat Pavano. I live on Lakeview Drive. We are not against jobs. I owned a business in the City of Newburgh. I do understand. But you also have to understand that you don't have anything with this warehouse. We don't know what's going to be in there. We have lived in our homes for years. I've been in my home for 32 years so you can't tell me this is what the city needs. This is what the town needs. What do we need? We have purchased our homes. That is our

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2 life. Those are our assets right
3 there. You can't even tell me who is
4 going in there, what's going to be in
5 there. So now I have to -- at night I
6 hear the trucks going in and out.
7 This is my home that I have worked all
8 my life for. Unless you have a plan
9 to tell me who's going to be in there,
10 how long these trucks are going to be
11 running? Am I going to sleep at night
12 or do I have to hear tractor-trailers
13 going in and out? These are the
14 questions that you are not answering
15 right now. This is what we need to
16 know. Because there's all of us here.
17 We've lived in this neighborhood all
18 our lives. I'm sorry, yes, jobs are
19 very important. Yes, warehouses are
20 important. But also is our lives.
21 Our homes are important to us. It
22 might not be important to you guys,
23 but it is important to us. We need to
24 have answers here. Yes, you want to
25 build a warehouse, that's amazing.

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Who is going to be in there? How long will these trucks be going in and out? How will this look? You don't have any of these answers right now.

CHAIRMAN EWASUTYN: I'm going to turn the question over to Dom Cordisco, the planning board attorney. Because as a general rule of thumb, site plan approval is contingent upon who the tenant that is going to be. It's based upon the schedule for that zoning, but Dominic is more articulate than I am on that.

MR. CORDISCO: That is absolutely correct. So there are many projects that the board reviews and it's not contingent -- (interrupted)

MR. JOANIDES: You have to speak up.

CHAIRMAN EWASUTYN: Or you can move a little more forward.

MR. JOANIDES: I'm just asking him speak up.

CHAIRMAN EWASUTYN: I'm just

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suggesting to move a little more forward.

MR. CORDISCO: I'm certainly not going to talk over you. So the chairman is absolutely correct that the board reviews compliance with types of uses, but doesn't review the specifics of the particular use. Although particular uses could have as the applicant's consultants acknowledged, could have different time of days or hours of days where they are operating. So that becomes relevant including as part of the noise study that they proposed, what was mentioned earlier is that the applicant is now proposing to do a post-construction noise survey which would evaluate the actual noise that would be created once you do have a tenant in place. The benefit of that is not just to have another study that gets put on the shelf or forgotten somewhere, but it's to retain

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jurisdiction by the planning board to see whether or not there are noise issues that are being created as a result of the development and what things could be modified to mitigate those impacts. That's a key component of this. The concept of mitigating impacts.

As Mr. Cappello had mentioned, this project and this site is zoned for this particular use. And the planning board has very limited jurisdiction over this project where an applicant come before it, it is proposing a use that's allowed in the zone. This board does not have the ability to change the zone. And so this board is compelled to review an application in the same way it would review any other application. The one difference is is that the board does have the ability to look at and identify environmental impacts and make sure that an applicant to the

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greatest extent practicable mitigates those impacts. It didn't have to say that there are no impacts. It says that they have to do basically their best efforts at mitigating those impacts and they are proposing some change already as a result of public comment, the change in the traffic and they have now proposed a noise survey for post-construction that would continue to give this board jurisdiction over issues going forward.

The difficulty is that one additional one is that everyone tries to be accommodating and you have comments and you have concerns and you want answers. But there's not -- a public hearing is not necessarily a question and answer period. It's certainly not -- it's basically for you to provide comment to the board so the board can understand what your comments are, understand what the

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concerns are and try to address them to the extent that they have jurisdiction over those concerns. So the comments and questions should be addressed to the board.

The applicant will prepare what I would consider a responsive summary as part of their submission so they can say this was a concern that was raised by a number of members to the public, whether it be traffic, whether it be noise, whether it be air quality. Those issues would then -- the applicant would say this is what we are proposing to do or what the board should consider in connection with those, but then it would be up to the board to decide whether or not the applicant and the project as proposed mitigates their impacts to the maximum extent practicable. That's the process. The board doesn't really have like I said the ability to say this project should or won't happen

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here because this zoning has been in place for a very long time. And the applicant is proposing a use that is allowed in that zone.

CHAIRMAN EWASUTYN: Gentleman in the back.

MR. BARTON: Ron Barton. If I could take a minute and walk up to the map. I'm the current owner of the land. I've owned it for probably 40 years. And I appreciate building houses. This has been zoned for business since we bought it. We paid taxes on it for business use.

But I just want to make sure that you understand the map. Unity Place, Little Britain Road, this is where the residents are. I understand that. But this developer has moved all of the tractor-trailers to the backside of his building. All of the doors. It's almost like he's built a wall to protect the homeowners.

UNIDENTIFIED FLOOR SPEAKER: Is

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that reflected on that diagram?

CHAIRMAN EWASUTYN: Excuse me,
ma'am.

UNIDENTIFIED FLOOR SPEAKER: I'm
sorry.

MR. BARTON: This was part of
his philosophy, not to disturb. When
he heard the families at the last
public hearing, he was concerned. He
came back. He said you have
additional land up here. Can I take
all of my traffic off of Little
Britain Road, off of that portion of
Unity and put all of my tractor-
trailers out by the dealership, out by
BJ's? And we came to an agreement.
And he did that.

By the way, we have two
different proposals. Go with the one
with the hotel. It's a common
driveway. It's the right one. The
town board has already approved it.
It's the right way. It's furthest
away from all of the residences.

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I just want to make sure that everybody understands that this wall is not only going to protect you from the noise and the sounds of his traffic, Home Depot, Kohl's, none of them have the same. He's building a barrier between this zoning. We have residential zoning. We have business zoning. All I want to do is make sure we all understand it.

And nobody runs their diesels all winter long. There's an additive to the fuel. So they start in the winter time. It doesn't happen. So there's state rules that say you don't run them. It's not practical to run them. There's an additive.

Think about the construction equipment that's out there. They don't leave them running all night long.

I understand your concerns. I have lived in Newburgh all my life. I would not want something adverse in my

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world. I don't want it in your world
and I don't want to be part of that.
You have a developer here that is
going out of his way to make this
right for you. Thank you.

CHAIRMAN EWASUTYN: Gentleman in
the back.

MR. GILMAN: Good evening.
Alberto Gilman. I'm from the
Mid-Hudson Times. I have a couple
questions with regards to the
warehouse. I believe the concern for
most of these residents is the fact
that the tenant is still unknown at
this time. Has there been any
consideration or clarification to
possibly only build one warehouse
where we have one tenant instead of
two? With that in mind the land could
be used for other possible amenities.
A sizable warehouse for this size.
Could you identify what the additional
property was on the far right side of
that plan? I believe there was a

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hotel considered. I wanted clarification on that as well.

The third question I have, because of the trucks going on Unity Place, has there been any consideration for a weight study for the road? I know there's a weight limit in place on Old Little Britain Road, but over time with the weight that could deteriorate the road or additionally make it difficult over time. Has there been a weight test possibly considered for that road as well? Those are my questions. Thank you.

MR. CAPPELLO: Unity Place was constructed by a developer as part of the plan to accommodate commercial traffic. That was the purpose. That's its reasoning of being. There was an issue raised on Little Britain Road because there was a limitation that had to be waived. That's part of the reason as well as the concerned

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citizens that the access was moved.
There's no limitations on Unity Place.
There's been no issue raised by Unity
Place.

As far as what I have been
hearing about tenants, I want to
reiterate that we are here to hear
your concerns. We heard them at the
first meeting. We made adjustments.
We are hearing issues regarding noise
and regarding the tenants. While I
grew up arguing and I love to talk,
that's not the way you are productive.
We are going to put the answers in
writing. We will put the range of the
type of uses proposed here. We will
put in writing what Jason said about
the types of uses that will be
allowable in that building based upon
the classifications. And we will put
into writing the features that Jason
talked about for the warmers and for
the items and mitigation that will
help reduce the noise. That will be

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part of the statement. We will put that in a response. That response will be available in town hall and I believe online so that you can review it before you come in, understand it, come in with any further questions. We hope you will come in and say boy, you did a really good job. But you can still have questions on that. That's how the process works. We can't give you a definitive answer today that says this is what it is and this will address your concerns. We will put it in writing and we will put in the specifics and we will put in the conditions that we are willing to offer and live with to hopefully address some of your concerns.

I know you'd rather not have this facility in your neighborhood and I understand it, but going to Mr. Barton's point, you've owned property next to an industrially zoned property for decades. This building didn't

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just change yesterday to accommodate this project. It's been empty and Mr. Barton correctly said he's paid taxes based upon an industrial zoned property for years and years without using it at all. Everybody has their position and their interests.

So we will put that in writing. We understand your concerns and we will do the best that we can to address those concerns in the best way possible and listen to your concerns. You will see this in writing and you can comment at that point. The hearing will be opened. We will discuss that. We will be here when the appropriate date is and we can get that information in and a time that will allow you the appropriate time to look at it and study it before the next hearing and you can come in and comment on that.

CHAIRMAN EWASUTYN: Ma'am.

MS. PAVANO: Ramona Pavano.

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With that narrative being that the noise study is going to be post-construction, could the narrative include some possible methods of what would be imposed?

MR. CAPPELLO: The study will be -- there will be a study beforehand that will generally examine it. What that study will say here is what our conclusions are, but we will prove out our conclusions afterwards when something is in operation which is the best time to do a noise study. Up until then it's analysis. It's conjecture. When it's up it's measurable and you can measure what it would take to appropriately mitigate it to stop it, so we will do both. We will do before analysis and then a protocol to measure and confirm that analysis.

MS. PAVANO: The concern would be what those methods are because they obviously have a cost associated with

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them and post-approvals, so knowing that up front would clarify what could be expected.

MR. CAPPELLO: Yes.

CHAIRMAN EWASUTYN: Last question, sir.

MR. JOANIDES: I have one last question. First of all I thank you for your presentation. Has anyone ever done a study of warehouses and how they impact real estate values within the general vicinity of the warehouse? How is this going to affect our property values?

CHAIRMAN EWASUTYN: Dominic Cordisco.

MR. CORDISCO: I appreciate the concern and the answer to your question is there may have been studies that value that type of impact. Unfortunately the New York State law that governs this board's jurisdiction over this project is the State Environmental Quality Review Act

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and the key term there is environment. It is not a fiscal or financial impact associated to surrounding land uses. There's been a lot of case law on that particular point because, believe me, I appreciate the concern. You are not the first person to have raised that as an issue. The courts have been quite clear and said that evaluating potential financial or real estate value impact is not properly within this board's jurisdiction. Most importantly the planning board cannot make decisions based on that kind of information.

CHAIRMAN EWASUTYN: I am going to close out the hearing -- well, not close because we are going to continue, but we are going to take one more questions from the audience. Give your name please.

MS. JOANIDES: Nancy Joanides. First of all, I do appreciate the -- I really do appreciate changing where

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the trucks that are going to be coming in and out. My home is right behind the Jehovah Witness and right behind the entranceway there. Not only my home, but her home and their homes. Many people's homes. I would also like to hear tonight about the landscaping, more about landscaping here.

MR. CAPPELLO: That will be part of the next submission. We need to know where the road is going to be and then as we put our next submission then we will finalize looking at the landscaping. We are not prepared to talk about it tonight because this is kind of a threshold question as to getting comments on the entrance and once we know the design we can finalize the stormwater and we can finalize the landscaping and make a full submission.

CHAIRMAN EWASUTYN: Karen, our landscape architect, do you want to

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comment on that?

MS. ARENT: I will be checking to make sure the visual impacts are mitigated. We had a conversation last time about mitigating impacts and trying to put as many trees around as much as possible. I'm happy to speak directly to the applicant if we have questions to try to get as much landscaping as we can. I also know a lot about plants and what lives and dies. I will help them with their landscape architect.

One great thing in the Town of Newburgh is we get to inspect all the landscaping. Doing those inspections we really need to know what works and what doesn't work. That is very helpful. I'll help work with them on that.

CHAIRMAN EWASUTYN: We have two more questions. This gentleman and the gentleman in the back.

MR. GALLAGHER: Matt Gallagher.

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2 Regarding the number of loading docks,
3 I think it would appear a layman on
4 our side that more docks versus solid
5 wall is more expensive. More docks is
6 more expensive to heat for a tenant in
7 the wintertime. The building for the
8 square footage that you believe to be
9 marketable, I think the public would
10 appreciate knowing are there
11 warehouses of that size that simply
12 can't find tenants because they only
13 have 12 docks? Is that a problem
14 somewhere that they could reference?
15 Because offering up a solution with
16 fewer docks would help to limit the
17 potential of recurrent noise. At the
18 same time possibly offer a tenant a
19 lower cost of operating the building
20 and heating the building. I think we
21 would appreciate at some point, not at
22 this moment, but the next meeting,
23 exactly why does the building want to
24 spend more up front covering an entire
25 wall with loading docks whereas it's

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been mentioned BJ's and Gaps and other areas have a far larger dock and seem to get by without it.

MR. ANDERSON: Jason Anderson. Just an initial answer. When it comes to current trends for warehousing, docks on center are the norm. However, when you build in this manner these docks will not be installed. This entire building has 10-inch concrete walls with precast so that they tilt up. We do actually leave spots in the wall that will have no rebar that connects so that can be cut out later. So at the end of the day this building will be designed with all of these as knock out panels for those doors. However, depending on the tenant they may need 25 of them. So they knock those out. That's where the doors go. If it gets leased to somebody else 15 years later and they need another 10, they knock the rest of those out. That's the way it's

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designed to accommodate both.

However, when it comes to the loading, it really depends how somebody uses the building. How quickly the product goes in and out. The Gap and some of those, they have a very different older philosophy of warehousing. This actually is the current trend. That's the reason for that. That's the way these are designed.

CHAIRMAN EWASUTYN: Gentleman in the back, final question.

MR. CIRILLO: My name is Lou Cirillo. I'm also in the same housing area as most of the folks here are tonight. I've been there since the early '70s. Some people who are here are longer than that. We have seen the area change from a wooded rural area to what it is now.

I think most of what we have said relates to what you guys have presented. I don't think anybody pulled any rabbits out of the hat. I

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don't want anyone to think that we are coming in just to knock it. When we hear your description we feel it's selling it and we have issues so we push back. It's not meant to be personal or just because we want to be disagreeable.

That being said, my comments relate to what all my neighbors have said. There's health issues. I have family members that are concerned. We were wondering has a health impact assessment been done for this project or is it required? Since there is the use of diesel fuel which is a carcinogen. I don't know if you want to answer that in your next submission or tonight.

The next question was will there be vehicular wash facilities in this warehouse?

I guess there's been comments made to validate the project such as that the way of the future is let's

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say what Amazon is doing. A lot of shipping, delivering, UPS stuff. It's just that that industry also has its peaks and valleys, and right now Amazon is laying off 18,000 workers. So while this comes from a good urge, there are not necessarily just positives behind it. I wanted to put that out there.

At the same time you mentioned your reasons for the zoning and that's why you see this site. Other folks also mentioned that there are areas. Stewart Airport, it's level, there's infrastructure there and vacated facilities. It's a vacant facility. And all you have to do is knock them down. You have the sky's the limit over there. I'm just putting that out there. Our part of the town isn't the only place that this facility could work.

Again, most of us have this issue because we are residential and

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we see this as this dual producing entity so close to residential. I'm sure the city has their issues with having the water source, especially since they have a filtration plant on the other side. The federal government kind of screwed us.

On your side I know you are moving the trucks around and I know you're working on the sound. There's other things that you can do with the barrier. The fumes or the issue of carcinogens is something that you roll out the drive that's on the side of Old Little Britain Road and pretty much roll into the storm drain system that goes right in the reservoir. Again, that's not our water, but we try to show some sympathy to our sister municipality and the people that are nearby. That's all I have to say. Thank you.

CHAIRMAN EWASUTYN: Dominic Cordisco -- one last question.

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MR. BARTON: I just wanted to clarify. None of the drainage from that site goes into the reservoir. It's all below the reservoir, it goes around the reservoir, it goes down into a culvert and comes up behind the laborer's union at the old reservoir for the City of Newburgh. So absolutely no drainage or anything from that site goes into the City of Newburgh reservoir.

MR. TRAINER: Matt Trainer, site engineer for the project. That is absolutely correct. The watershed is not drained directly to Lake Washington. It's drained to the Lockwood Basin which is directly beneath it.

Another gentleman had a comment about water quality concerns from the city. Just to clarify, there aren't water quality concerns. We are addressing water quality through a series of construction practices

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including hydrodynamic separators and a bio-retention facility. The city's concerns were more about quantity, the volume of water getting to the downstream basin and we are working on addressing or responding to those comments from the city. We met with them on the site to get familiar with what their concerns were and the exact areas and the problems. There are revised site plans. We will provide a SWPPP response with tonight's comments.

MR. CAPPELLO: That SWPPP will be available. It's a public record and it's a study going through in detail every drop of water virtually leaving that site, where it goes, how it's treated. It's been -- the initial one has been reviewed by the town engineer. That whole study went to the city engineers for the City of Newburgh. So we are taking that seriously.

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As to your other concerns, we are going to have to take those and we will provide a response in writing. I appreciate your comments.

CHAIRMAN EWASUTYN: Dominic Cordisco, planning board attorney.

MR. CORDISCO: Yes. So the next steps for the board to consider would be to set a date certain for a continuation of the public hearing. We suggest or are requesting that the applicant and their consultants to advise when they would have the materials ready. That would include the detailed plans discussed tonight regarding the traffic alternative and the other plans including landscaping and other items that they would wish to respond to further. They should be submitted in advance of that public hearing so it would be posted on the website and then reviewed so the public will know and will have an opportunity to review that.

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MR. CAPPELLO: I think end of April, beginning of May would be good for a full submission and maybe at the 2nd of May meeting to actually talk about this. It will be a couple weeks at least for the people to review and respond.

The one thing I would support, one of the things that is key, it may be some time before the board meeting, the presumption of a public hearing, if we could meet with the board just on three options on the driveway. A lot of the final drainage and landscaping will be driven somewhat with the option of driveways you would prefer and see of the three options. If we set a public hearing certain going forward.

MR. CORDISCO: One option would be for the board to provide feedback tonight.

CHAIRMAN EWASUTYN: Let's do it that way. Does the board have an

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opinion? Can you show what was originally proposed and what is being proposed as a field change?

MR. ANDERSON: This plan is not as originally proposed, but it's close enough to describe it. So originally what was proposed coming in here across from the Jehovah Witness Assembly Hall, we bring our truck traffic in, directly across and of course it's leaving out here. This is what we were discussing at the previous meeting. As was already discussed, we have secured this property here and so that the proposal is to say, okay, no truck traffic in this direction. Pull this entrance down on to that new piece of property, exit and entrance, take all the traffic directly across from the Jehovah Witness driveway and move all truck traffic here. The option that we believe is preferred by everyone and what we -- is the result of

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securing that property is to essentially bring this down the hill and now this becomes all of our truck traffic and anybody else that is in or out. Only a left hand out going back towards 17K. This entrance down below would narrow up so it becomes just for pedestrian cars at that point. This we believe for everyone is the better option.

CHAIRMAN EWASUTYN: For the record keeping and minutes, can we relate to this as being Plan 2?

MR. ANDERSON: Concept Plan 2, yes.

CHAIRMAN EWASUTYN: Okay, Concept Plan 2. I'll poll all board members. Stephanie DeLuca.

MS. DeLUCA: I vote for the Concept Plan 2.

CHAIRMAN EWASUTYN: Dave Dominick.

MR. DOMINICK: I agree. Bring all truck traffic out of Little

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Britain Road, the residential area, on
to just Unity Place out then to Route
17K. It makes much more sense.

CHAIRMAN EWASUTYN: I agree with
Concept Plan 2.

MR. Browne: I do also.

MR. WARD: I agree with Concept
Plan 2.

CHAIRMAN EWASUTYN: If I
understand the dates correctly, we
have a meeting on the 4th of May. If
we carry that forward for 14 days,
that will bring us to what day?

MR. CORDISCO: May 18th.

CHAIRMAN EWASUTYN: We'll set a
continuation for the public hearing.
I'll poll the board members first. Is
the board in favor of continuing this
on the 18th of May?

MS. DeLUCA: Yes.

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: Yes.

MR. BROWNE: Yes.

MR. WARD: Yes.

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CHAIRMAN EWASUTYN: Board in favor to continue on the 18th of May.

MS. DeLUCA: Yes.

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: Yes.

MR. BROWNE: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Let the record show thereby a continuation of this hearing and it will be scheduled for the 18th of May.

MR. CORDISCO: This is the public's notice in connection with that. You won't receive another mailing. If you are interested or you know others that may be interested, but couldn't make it tonight, they will not receive another public mailing.

CHAIRMAN EWASUTYN: Thank you. CLiff.

MR. BROWNE: A lot of questions about what this property will be used for and the roadway. When this

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application came to us, that was the first question we asked and because we did not get an answer they don't know, then we looked at the plan for worst case. What they are projecting, what they are planning for now is the worst case scenario that this property could be used for. That's what we are preparing for. That's what we are looking at. Just so you are aware of that part. Thank you.

CHAIRMAN EWASUTYN: Thank you.

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

In the Matter of

DIBRIZZI LOT LINE CHANGE
(23-4)

13 Anchor Drive
Section 121, Block 1, Lots 14 & 15
Zone: R1

INITIAL APPEARANCE

Date: March 16, 2023
Time: 8:35 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
MEGHAN LOCICERO, ESQ.
PATRICK HINES
JAMES CAMPBELL
KAREN ARENT
KEN WERSTED

APPLICANT'S REPRESENTATIVE: KELLY LIBOLT

REPORTED BY: Patrick DeGiorgio, Court Reporter

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

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CHAIRMAN EWASUTYN: Our last item of business this evening is the Dibrizzi Lot Line Change. It's an Initial Appearance. It's located on 13 Anchor Drive in an R1 Zone and it's being represented by Kelly Libolt of KARC Planning Consultants.

MS. LIBOLT: Good evening, Mr. Chairman. Thank you. As you indicated I'm here for a lot line realignment for a property that's owned by the Dibrizzi family. This is on Anchor Drive. So at the end of Anchor Drive there's a cul-de-sac. The river is down here. River Road is at the top of the map. He owns these two parcels. This parcel is the residence that is subject to some construction that is ongoing. The parcel next to it is vacant. It's an approved lot, but it's vacant for the time being.

The applicant is proposing to shift this current lot line which I

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tried to show in pink so you could see where it is over to the yellow lot line. It constitutes 0.2 acres.

On our application we provided to you we showed some of the compliance requirements for the R1 Zoning District. This particular lot did receive variances from the Town of Newburgh Zoning Board of Appeals with respect to lot coverage, so we did provide you with that information on the application to show that the newly created lot still meets the requirements of the area variance at issue.

CHAIRMAN EWASUTYN: Jim Campbell, did you have an opportunity to look at this?

MR. CAMPBELL: Yes, I did. I have no comment. Originally when the house was built we did receive a survey that met all setbacks which this is not the case.

CHAIRMAN EWASUTYN: Pat Hines

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from McGoey, Hauser & Edsall.

MR. HINES: This is a lot line change which are not considered subdivisions in your ordinance. We do need to send the adjainer notices regarding the notification per the town code. I will work with Miss Libolt's office to provide that adjainer notice and mailing list.

The project does transfer .22 acres of land which is in common ownership. It will address an existing side yard setback on tax marked Parcel 15. The majority of the land being transferred contains a drainage easement in favor of the Town of Newburgh. We have deferred to Dominic to give some information on that easement, Type 2 actions, so no SEQR action is required, but the adjainers notices would be the next step in the process.

CHAIRMAN EWASUTYN: Dominic Cordisco.

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MR. CORDISCO: In connection with the drainage and emergency access easement, I did request a copy of that. What I received, and I might be missing it, which would not be the first time that that has happened, but what I received was the easement that seems to be a private easement regarding cutting down of trees for views. It didn't seem to match up necessarily to what is shown as the drainage easement. I think the concern here is just there appears to be according to the plat a drainage easement in favor of the Town of Newburgh and we want to make sure that there's a clear note that is going to continue to be in effect even though the metes and bounds description of that easement may change or may be affected by this in the sense that it was covered on two lots and now it's only going to be covered on one.

MS. LIBOLT: Correct.

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MR. CORDISCO: I don't want to dive too deep into it, and I'm certainly not particularly concerned about whether someone can cut trees down for a view of the river, but it was more about the drainage easement.

MS. LIBOLT: Okay, I will provide you with a copy of the drainage easement. You also want something noted on the plan?

MR. CORDISCO: Since this plat is going to get plotted ultimately with the county, it would be nice to have a connection through so that anyone looking at this plat understands that nothing about whatever is happening here effects the right and obligations to the Town of Newburgh.

MS. LIBOLT: Okay. Thank you.

CHAIRMAN EWASUTYN: Pat, can you just attest to the adjoiners notice and how it works?

MR. HINES: Yes. So I will

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prepare the adjoiners notice. I will get a copy of the mailing list from the assessor. I will provide that to your office. You address, stuff and stamp the envelopes and have them delivered to the personnel office here and the town physically does the mailing. I will work with your office.

MS. LIBOLT: Very good. I just have a question. I believe that under the code a public hearing is not required for a lot line. I just want to make sure that if I needed to ask for a waiver or is that a standing practical process?

CHAIRMAN EWASUTYN: Dominic Cordisco.

MR. CORDISCO: This practice does not require a public hearing for a lot line change when it's just a simple lot line change.

CHAIRMAN EWASUTYN: Thank you.

<p><u>0</u></p> <p>0.2 - 3:4</p> <p><u>1</u></p> <p>1 - 1:6 121 - 1:6 12550 [2] 1:12, 1:23 13 [2] 1:6, 2:6 14 - 1:6 1496 - 1:11 15 [2] 1:6, 4:15 16 - 1:9</p>	<p>Appearance [2] 1:8, 2:5 appears - 5:14 applicant - 2:24 APPLICANT'S - 1:20 application [2] 3:5, 3:13 approved - 2:22 ARENT - 1:18 assessor - 7:4 attest - 6:23</p>	<p>4:25, 5:2, 6:2, 6:12, 7:19, 7:20 Correct - 5:25 county [3] 1:2, 6:14, 8:4 Court - 1:21 coverage - 3:11 covered [2] 5:23, 5:24 created - 3:14 cul-de-sac - 2:15 current - 2:25 cut - 6:5 cutting - 5:10</p>	<p>3:25, 4:24, 6:22, 7:18, 7:24 existing - 4:14</p> <p><u>F</u></p> <p>family - 2:13 favor [2] 4:17, 5:16 foregoing - 8:10 Francis - 1:23</p> <p><u>H</u></p> <p>Hall - 1:11 happened - 5:7 happening - 6:18 Hauser - 4:2 having - 8:11 hearing [2] 7:13, 7:21 hereby - 8:9 Hines [4] 1:17, 3:25, 4:3, 6:25</p>	<p>lots [2] 1:6, 5:23</p> <p><u>M</u></p> <p>mailing [3] 4:10, 7:3, 7:9 majority - 4:15 map - 2:17 March [2] 1:9, 8:22 marked - 4:15 match - 5:11 Matter - 1:3 McGoey - 4:2 meets - 3:14 MEGHAN - 1:16 MEMBERS - 1:13 met - 3:23 metes - 5:20 MICHELLE - 1:22 minutes - 8:11 Miss - 4:8 missing - 5:6</p>
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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

In the Matter of

MILLER ENVIRONMENTAL SITE PLAN & LLC

(19-27)

6-MONTH EXTENSION REQUEST

Date: March 16, 2023
Time: 8:40 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
MEGHAN LOCICERO, ESQ.
PATRICK HINES
JAMES CAMPBELL
KEN WERSTED

REPORTED BY: Patrick DeGiorgio, Court Reporter

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

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CHAIRMAN EWASUTYN: We have one other item of board business. Meghan, will you be so kind to read that for us?

MS. LOCICERO: It's an e-mail from Noel Russ, facility manager of Miller Environmental Group.

"Good morning, John. We are requesting our final available extension for our site at 77 Stewart Avenue from March 15th, 2023 to September 15th of 2023. We are working on getting on the town board meeting agenda to have the landscaping bond approved and have a new engineering firm to move forward with. Thanks as always for your assistance."

CHAIRMAN EWASUTYN: Thank you. Someone make a motion to grant the extension requested?

MR. DOMINICK: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick, second by Stephanie DeLuca. Can I please have a roll call

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vote?

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Will someone
make a motion to close the planning
board meeting of the 16th of March?

MS. DeLUCA: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by
Stephanie DeLuca, second by John Ward.
I'll take a roll call vote starting
with Stephanie DeLuca.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Dave
Dominick won't be at the first meeting
in April. Is anyone else going to be
out of town for that meeting?

MR. BROWNE: I don't know yet.

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CHAIRMAN EWASUTYN: I'll need to know that. Meghan will be our planning board attorney for that meeting. Just let me know. We have John, myself, we have Ken and we have Stephanie. So we do have four. We do have a public hearing for the Verizon application.

MR. HINES: There's two public hearings. I know I did two notices.

CHAIRMAN EWASUTYN: And I wrote the agenda. Thank you.

<p style="text-align: center;"><u>1</u></p> <p>12550 [2] 1:11, 1:22 1496 - 1:10 15th [2] 2:11, 2:12 16 - 1:8 16th - 3:9 19-27 - 1:5</p> <p style="text-align: center;"><u>2</u></p> <p>2023 [4] 1:8, 2:11, 2:12, 5:21 28 - 5:21</p> <p style="text-align: center;"><u>3</u></p> <p>3 - 1:22 300 - 1:10</p> <p style="text-align: center;"><u>5</u></p> <p>541-4163 - 1:23</p> <p style="text-align: center;"><u>6</u></p> <p>6-MONTH - 1:7</p> <p style="text-align: center;"><u>7</u></p> <p>77 - 2:10</p> <p style="text-align: center;"><u>8</u></p> <p>845 - 1:23 8:40 - 1:9</p> <p style="text-align: center;"><u>A</u></p> <p>accurate - 5:9 agenda [2] 2:14, 4:12 application - 4:8 approved - 2:15 April - 3:23 assistance - 2:17 attorney - 4:3 available - 2:9 Avenue - 2:11 Aye [10] 3:2, 3:3, 3:4, 3:5, 3:6, 3:16, 3:17, 3:18, 3:19, 3:20</p>	<p style="text-align: center;"><u>B</u></p> <p>belief - 5:12 best - 5:12 board [6] 1:2, 1:12, 2:2, 2:13, 3:9, 4:3 bond - 2:15 BROWNE [4] 1:14, 3:5, 3:19, 3:25</p> <p style="text-align: center;"><u>C</u></p> <p>CAMPBELL - 1:17 certify - 5:8 Chairman [11] 1:12, 2:1, 2:18, 2:23, 3:4, 3:7, 3:12, 3:18, 3:21, 4:1, 4:11 CLIFFORD - 1:14 close - 3:8 CONERO - 1:21 CORDISCO - 1:15 COUNTY [2] 1:2, 5:3 Court - 1:19</p> <p style="text-align: center;"><u>D</u></p> <p>Date - 1:8 Dated - 5:21 Dave [2] 2:24, 3:21 DAVID - 1:13 DeGiorgio [3] 1:19, 5:6, 5:18 DeLuca [8] 1:13, 2:22, 2:25, 3:2, 3:10, 3:13, 3:15, 3:16 DOMINIC - 1:15 Dominick [6] 1:13, 2:21, 2:24, 3:3, 3:17, 3:22</p> <p style="text-align: center;"><u>E</u></p> <p>e-mail - 2:5 engineering - 2:16 Environmental [2] 1:4, 2:7 ESQ [2] 1:15, 1:16 EWASUTYN [11] 1:12, 2:1, 2:18,</p>	<p>2:23, 3:4, 3:7, 3:12, 3:18, 3:21, 4:1, 4:11 extension [3] 1:7, 2:10, 2:20</p> <p style="text-align: center;"><u>F</u></p> <p>facility - 2:6 final - 2:9 firm - 2:16 foregoing - 5:9 forward - 2:16 Francis - 1:22</p> <p style="text-align: center;"><u>G</u></p> <p>grant - 2:19 Group - 2:7</p> <p style="text-align: center;"><u>H</u></p> <p>Hall - 1:10 having - 5:10 hearing - 4:7 hearings - 4:10 hereby - 5:8 HINES [2] 1:16, 4:9</p> <p style="text-align: center;"><u>I</u></p> <p>item - 2:2</p> <p style="text-align: center;"><u>J</u></p> <p>JAMES - 1:17 John [5] 1:12, 1:14, 2:8, 3:13, 4:5</p> <p style="text-align: center;"><u>K</u></p> <p>Ken [2] 1:17, 4:5 knowledge - 5:12</p> <p style="text-align: center;"><u>L</u></p> <p>landscaping - 2:14 LLC - 1:4 LOCICERO [2] 1:16, 2:5</p> <p style="text-align: center;"><u>M</u></p> <p>manager - 2:6 March [4] 1:8, 2:11, 3:9, 5:21 Matter - 1:3</p>	<p>meeting [5] 2:14, 3:9, 3:22, 3:24, 4:4 Meghan [3] 1:16, 2:2, 4:2 MEMBERS - 1:12 MICHELLE - 1:21 Miller [2] 1:4, 2:7 minutes - 5:10 morning - 2:8 motion [4] 2:19, 2:23, 3:8, 3:12 move - 2:16 moved [2] 2:21, 3:10 myself - 4:5</p> <p style="text-align: center;"><u>N</u></p> <p>Newburgh [4] 1:2, 1:9, 1:11, 1:22 Noel - 2:6 Notary - 5:7 notices - 4:10 NY - 1:11</p> <p style="text-align: center;"><u>O</u></p> <p>ORANGE [2] 1:2, 5:3</p> <p style="text-align: center;"><u>P</u></p> <p>p.m - 1:9 Patrick [4] 1:16, 1:19, 5:6, 5:18 PLAN - 1:4 planning [3] 1:2, 3:8, 4:3 please - 2:25 PRESENT - 1:15 public [3] 4:7, 4:9, 5:7</p> <p style="text-align: center;"><u>R</u></p> <p>record - 5:9 recorded - 5:10 REPORTED - 1:19 Reporter [2] 1:19, 5:7 REQUEST - 1:7 requested - 2:20 requesting - 2:9 roll [2] 2:25, 3:14 Route - 1:10 Russ - 2:6</p>	<p style="text-align: center;"><u>S</u></p> <p>September - 2:12 Shorthand - 5:6 site [2] 1:4, 2:10 someone [2] 2:19, 3:7 ss - 5:2 starting - 3:14 State [3] 1:2, 5:1, 5:8 stenographically - 5:10 Stephanie [5] 1:13, 2:24, 3:13, 3:15, 4:6 Stewart - 2:10 Street - 1:22 supervision - 5:11</p> <p style="text-align: center;"><u>T</u></p> <p>Thank [2] 2:18, 4:12 Thanks - 2:17 There's - 4:9 town [5] 1:2, 1:9, 1:10, 2:13, 3:24 transcribed - 5:11 true - 5:9</p> <p style="text-align: center;"><u>V</u></p> <p>Verizon - 4:7 vote [2] 3:1, 3:14</p> <p style="text-align: center;"><u>W</u></p> <p>Ward [5] 1:14, 3:6, 3:11, 3:13, 3:20 WERSTED - 1:17 within - 5:7 won't - 3:22 wrote - 4:11</p> <p style="text-align: center;"><u>Y</u></p> <p>yet - 3:25 York [4] 1:2, 1:22, 5:1, 5:8</p>
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