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

----- X

In the Matter of

LANDS OF ZAZON  
(2004-29)

Fostertown Road (County Route 86)  
Section 20; Block 1; Lot 24  
R-2 Zone

----- X

SCHEDULING OF A PUBLIC HEARING  
ELEVEN-LOT SUBDIVISION

Date: April 1, 2021  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: CALEB PAWELSKI

----- X

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

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CHAIRMAN EWASUTYN: Good evening,  
everyone in the audience. We'd like to  
welcome you to the Town of Newburgh Planning  
Board meeting of the 1st of April 2021.

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

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. WARD: Present.

MR. DOMINICK: Present.

MR. CORDISCO: Dominic Cordisco,  
Planning Board Attorney.

MS. CONERO: Michelle Conero,  
Stenographer.

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

CHAIRMAN EWASUTYN: Okay. At this  
point we'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the  
Pledge of Allegiance.

(Pledge of Allegiance.)

MR. WARD: Please turn off your phones

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or on vibrate. Thank you.

CHAIRMAN EWASUTYN: This evening we have three agenda items. The first one is the Lands of Zazon, project number 04-29. It's located on Fostertown Road in an R-2 Zone. It's being represented by Pietrzak & Pfau. Tonight is to schedule a public hearing for an eleven-lot subdivision.

I'll have Pat Hines introduce the action. Pat.

MR. HINES: The project is an eleven-lot subdivision, as was stated. It previously had conditional final approval sometime around 2008. That conditional approval was relinquished back to preliminary approval due to the economics of that time, and it's been getting extensions since that time.

My suggestion is that the Board hold a final public hearing consistent with Town subdivision regulation 163-8-J(2) which provides for the ability to have a final public hearing.

In speaking with the applicant's representative, it was my suspicion that some of the lots may have changed hands. It looks like a

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lot of these adjoining lots have changed hands since the project was last before the Board in 2008 for those final approvals. I think a public hearing would be in order.

We have some procedural comments. Some of them were pulled from the previous conditional final approval, including a road name, updated cost estimates, long-term operation and maintenance of the rain gardens which were added as an update to the stormwater to meet current regulations.

The detention pond is going to be owned and operated by a drainage district.

Orange County Public Works, we're waiting for them.

We circulated lead agency to the interested and involved agencies from last time. We've heard back from County Health stating that the subdivision requires re-approval for its subdivision approval -- realty subdivision approval.

So the action before the Board tonight would be for scheduling of the final public hearing.

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CHAIRMAN EWASUTYN: Before we turn it over to the applicant's representative; Dominic Cordisco, Planning Board Attorney, do you have anything to add at this time?

MR. CORDISCO: I have nothing to add at this time, sir. Thank you.

MR. PAWELSKI: Good evening to the Board. As previously mentioned, my name is Caleb Pawelski from Pietrzak & Pfau Engineering representing the applicant. The applicant wanted to be here tonight. This week is a holiday. I spoke with him and he's willing to either come for the final public hearing on the 15th, or if you would like to meet him beforehand, he's willing to do a meeting as well. He's more than happy to. Like I said, it's just due to the holidays he was unable to attend.

As previously mentioned, we're doing an eleven-lot subdivision. It's off of Fostertown Road in the Town of Newburgh.

When it was originally approved it says just the eleven-lot subdivision with septic systems and a water main extension. The only updates to the plan since the approved plan was

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just minor changes to the stormwater pond. We updated it to a bio-retention pond and worked with Pat Hines on working out the kinks.

As previously mentioned, if there are no issues with the current plan set, we look forward to the public hearing.

CHAIRMAN EWASUTYN: Any comments from Board Members?

MR. GALLI: No.

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. WARD: No.

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: Would someone move for a motion then to set the Lands of Zazon for a public hearing on the 15th of April?

MR. DOMINICK: I'll make a motion.

CHAIRMAN EWASUTYN: Motion by Dave Dominick.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Second by John Ward. May I please have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

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LANDS OF ZAZON

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you.

MR. PAWELSKI: Thank you very much.

(Time noted: 7:04 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 8th day of April 2021.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X  
In the Matter of

OVERLOOK FARMS - A FARRELL COMMUNITY  
(2019-23)

5417 Route 9W  
Section 9; Block 1; Lots 10, 11, 12, 56.21 & 56.22  
R-3/B Zones

----- X

203 MULTI-FAMILY UNIT WITH SENIOR COMPONENT  
& COMMERCIAL SITE PLAN

Date: April 1, 2021  
Time: 7:04 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVES: ANTHONY GUCCIONE,  
MARK PETRORO, PETER GAITO & STANLEY SCHUTZMAN

----- X

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CHAIRMAN EWASUTYN: The second item of business this evening is Overlook Farms - a Farrell Community, project number 19-23. It's located on Route 9W in an R-3 and B Zone. It's a 203 multi-family unit with a senior housing component and a commercial site plan. It's being represented by JMC.

MR. GUCCIONE: Good evening, Chairman. My name is Anthony Guccione, I'm with JMC. An associate principal at JMC.

We were last before your Board on January 21st. Since then we made a resubmission. We addressed a lot of the comments from your Board as well as from your consultants.

I'd like to just really briefly go over some of the high points of that submission and then turn it over to Peter Gaito, the project architect, to go over the buildings, the architectural features, colors, the materials.

The first item was the sewage treatment plant. We talked about that a little bit last time. That now has been determined just to be serving this property. We talked about the property across the street potentially. It's

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been determined it's only going to serve the residential units, the clubhouse and the proposed retail building.

The second item was the landscape buffer. There's an existing yard here. One of the Board Members had requested or suggested that a landscape buffer be provided over the property line. We have evergreen deciduous --

(Audience speaking in background.)

CHAIRMAN EWASUTYN: Sir, excuse me.

MR. GUCCIONE: The third item was we talked about phasing. There was a discussion of a single phase or multiple phases. It was confirmed by the applicant that it will be a single phase project, the residential.

There was -- oh, the dead end roads, the roads that go up in the site. There was a discussion about how they would turn around if there was emergency vehicles, garbage trucks. What we did is we pushed the bollard and chain assemblies a little further down and we put a striped area at the end of the driveway where trucks could pull in, do a K turn and be able to leave.

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And then finally the snow storage. The plans we submitted show snow storage areas throughout the site where it can accommodate snow removal.

If you have any questions, I'd be happy to answer them, or I can pass it over to Mr. Gaito.

CHAIRMAN EWASUTYN: Any questions on what was presented now?

MR. GALLI: No.

MR. GUCCIONE: Thank you.

CHAIRMAN EWASUTYN: Peter.

MR. GAITO: Hello, everybody. So I will start with -- I have all the drawings with me. If there's anything you want to see in particular to explain, I can certainly do that.

I'll start to talk about the elevations, overall design, and then I have some perspectives to show you.

So thanks for having us back. Last time we listened to the Board's comments, we took them under advisement, and we went back and spoke with the owner. I think we listened to both what you had to say and the owner and came up with a

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refreshed scheme which is a variation of what we had before but different colors, in a sense.

I also have included in your submission specific materials for different elements of the building, which I physically have samples here with me today. If you want to touch them, look at them and talk about them as well. Here they are. I'll hold it up there.

MR. HINES: Do you want to set those up on one of the chairs maybe?

MR. GAITO: Sure. That demonstrates the interlocking of the boards. Those are the colors we have represented. And then the overall items that you saw, this is actually reflective of those that are there.

CHAIRMAN EWASUTYN: Peter, you have a lot there.

MR. GAITO: I have a bunch to show you.

CHAIRMAN EWASUTYN: For my benefit, because I'm slow, can you sort of point to the color and then point to the building, --

MR. GAITO: Absolutely.

CHAIRMAN EWASUTYN: -- then we can sort of back out from there?

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MR. GAITO: We'll start with this one here. I'll do an overall perspective, it might be easier to see. So what we have here is Overlook Farms and the upstate New York architecture and such. The farmhouse is sort of the whitish element, and then associated browns. We have some grays in between that help offset them in setting up the system so it's not a monotonous color and has variety within them. So those four colors are representative of all the four buildings. So you have building type 1, building type 2 --

CHAIRMAN EWASUTYN: Let's use the other board then maybe to put them on display --

MR. GAITO: Sure.

CHAIRMAN EWASUTYN: -- so we have all the different types of buildings.

MR. GAITO: So if you remember, we have a retail building, we have the clubhouse, we have building type 2 and building type 1. Eventually the sewage treatment plant screening. So these four colors are contained in different elements, different ways. It's all four but not all the same look. So it's variations on a theme much

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like a college campus. You can tell it's the same family but they are used in different ways.

We have again the farmhouse type white scenario which is the central color. It creates a nice visual exterior to the entrance to most of the houses. And then on the wing aspects of the buildings are going to be a farmhouse red. So just like in the way -- it used to be a farmhouse and the barn set apart. So we sort of have anchored the barns on the end to kind of anchor the buildings where the white farmhouse is sort of the central figure.

The darker grays in between, which are these two, they sort of give it a little bit of modern twist to it as well as a bit of elegance. They also offset with the distinction between the white buildings and the red buildings.

So this is a good view, this one. From the other side as you're approaching up the drive, these would be the balconies facing the pond this way. So we have the balconies also matching the building, and then a lighter system inside both to let natural light inside of the spaces and bring the pond views into the

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complimentary use there. So it wouldn't be obscuring the light or the views created by this nice site plan we have here.

All around the buildings is -- as Anthony mentioned a few times before, landscaping is throughout. So all the buildings on the ground level, both architecturally designed, colorfully articulated and screened for privacy where appropriate. That's what we have here.

MR. GALLI: I just have a question on that.

MR. GAITO: Sure.

MR. GALLI: On the side of the building, I see the balconies. Is that siding on the side?

MR. GAITO: Yes. This is the gray siding.

MR. GALLI: That's that dark gray?

MR. GAITO: Yes. This is the dark gray, this one here. In between the buildings, the entrances, there's this lighter gray. So the entrance is lighter, sort of a very light aspect, and tall doors with glass. Very transparent and safe and visual clarity. Then the sides are

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grounded to kind of help wrap the building, as well as the darker roofs. So it wraps with the darker siding with a hint of the red barn coming through. And then similar this way here.

CHAIRMAN EWASUTYN: Will you be allowing gas grills on the balconies, do you know?

MR. GAITO: That's a good question.

MR. HINES: That's a fire code no.

MR. GAITO: Building code wise you can't allow that.

CHAIRMAN EWASUTYN: Just curious.

MR. GAITO: Maybe a George Forman or something. I don't know.

So this will be the types of housing. Again we use the same reds and grays and colors to do the same sort of thing. Again schematically the overall building is sort of the farmhouse red. The entrance is the same gray. The clarity of the entrance as you find the houses and then gray accents to break up the massing of the building itself.

This is the retail building. So this is a little bit of the red and a little bit of

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the light gray there. So again, it's sort of keeping with the vernacular architecture of what was there. I think it's sort of an updated farmhouse type.

In terms of the color schemes, again representative in all the different buildings, just in different forms.

We're not having just vertical siding to give it length and some visual clarity but we're choosing board and batten as a vertical siding because that ties to build it that way. So it's a nod to the craftsmanship aspect as to how you build it but it gives sophistication as well as charm. With that, also maintenance wise it's very easy to clean. The rainwater comes streaking right down. You don't get ridges or dirt lines. It's easy to be able to be washed and maintained. It has nice clean line looks that go all the way down to the grade.

MR. GALLI: Definitely different.

MR. GAITO: The birds are big so you can see them.

MR. GALLI: No charge for them.

MR. GAITO: They can flutter around.

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CHAIRMAN EWASUTYN: Do you have a tenant for the 25,000 square foot building?

MR. GAITO: Say that again.

CHAIRMAN EWASUTYN: Do you have a tenant?

MR. GAITO: Not yet. Not yet. I know they've been speaking to different people. At this point I'm not sure. Nothing locked in as far as I know.

MR. GUCCIONE: It's typically very hard to get a tenant before you have some kind of approvals in place, to get somebody to commit.

MR. GAITO: There's been some interest with different groups. As soon as they see a square and a rendering and a plan, they can start to envision more. They can really market it that way.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: Like I said, it's different. Something we're not used to seeing. But I like it, actually. I think it will grow on you. I think it's different.

MR. MENNERICH: I think it's better

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than what you showed us the last time. It's an improvement.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Did you change the peaks?  
The tops?

MR. GAITO: No. No, I did not. It's the same design, the same ratio. It might look different because it's a different color.

MR. WARD: You're trying to get the barn effect. I was thinking where the peaks are, a lot of times you have like -- it could be an accent to it. Like Gardnertown you have like the gingerbread molding. You could put like a small barn looking door up on top, a dummy door, just so it doesn't look plain on the peaks, the top.

MR. GAITO: Okay. I understand exactly what you're saying. Here there's not that much room to do that. Perhaps in the clubhouse there might be some elements of that that we can explore. Really we're trying more of the larger barns you might see. Even driving up 87 north, you see them on the side of the road. They're sort of more simple in nature. The form becomes the design you're focused on versus adornment.

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Hopefully the form itself is enough of an interest. If you have a lot of them it's going to be a lot of little things to come at you. We're trying to calm everything down and have it blend into nature with the interplay shadow and light.

MR. WARD: You're trying to get the effect of a pole barn with the siding going up and down. I'm trying to make it more residential looking. That's all I'm saying.

MR. GAITO: I see.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: No comments?

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: What would be the look of the sewage treatment plant and how would that tie in with all the other things?

MR. GAITO: That's a good question. We didn't have that yet because we're still developing the details and such. We would absolutely stay within the same color palette, the same family.

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Do we have a perspective of that? It would look -- let me see.

MS. DELLIPALLI: We have a mostly red.

CHAIRMAN EWASUTYN: For the record can we have your name?

MS. DELLIPALLI: My name is Ashley.

MR. GAITO: She's from my office.

CHAIRMAN EWASUTYN: And your last name, Ashley?

MS. DELLIPALLI: Dellipalli,  
D-E-L-L-I-P-A-L-L-I.

MR. GAITO: So it would be the same sort of pallete, actually, between the clubhouse look and the retail look. So it will look more plain, not to draw attention to it. It would use the same sort of reds and grays, and then we screen it with bushes where appropriate.

One other thing we wanted to bring to your attention is the entrance in terms of signage. On the buildings -- the signage coming into the buildings, we were thinking of putting a monument sign similar to what Gardnertown has now. We're in the process of building it -- designing it, rather. So Overlook Farms, a

1  
2 Farrell Community. That's just what we have.  
3 We're perhaps thinking also, because we're happy  
4 to be here in Newburgh, if there's anything else  
5 appropriate you want to have in the signage  
6 world, welcome to Newburgh or anything else  
7 special, let us know and we can -- if it's  
8 balancing signs or anything that you think might  
9 help identify the corridor and such, we're open  
10 to it.

11 CHAIRMAN EWASUTYN: Stephanie, here's  
12 your opportunity.

13 MS. DeLUCA: I know.

14 CHAIRMAN EWASUTYN: I had mentioned to  
15 them before, thinking of what you were trying to  
16 do. Here's your opportunity now to voice  
17 yourself as to what you would like to see. Not to  
18 put you on the spot. That was the purpose.

19 MS. DeLUCA: Actually it kind of threw  
20 me off. Inside I was going whoo-hoo.

21 CHAIRMAN EWASUTYN: You can think about  
22 it.

23 MS. DeLUCA: Let me take a minute.

24 MR. GAITO: There's a lot of room to do  
25 things.

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MS. DeLUCA: You're coming in from another end of the Town, so it's --

MR. GAITO: This side, this side. We could work with you.

CHAIRMAN EWASUTYN: Why don't you verbalize what you were hoping to do at one time. That's what I had mentioned to him. Maybe now you could tie that concept into this. Do you remember what that was?

MS. DeLUCA: Yeah. Yes.

CHAIRMAN EWASUTYN: Thank you.

MS. DeLUCA: Because the Town of Newburgh is known as the Crossroads of the Northeast, we were -- I was thinking along with another councilman that maybe we could have a few different points throughout the Town with a welcome sign, welcome to the Town of Newburgh. So that's kind of some of the things I had in mind. I didn't have any specific design but the motto of the Town was something like that.

MR. GAITO: Crossroads --

MS. DeLUCA: Of the Northeast.

MR. GAITO: I like it. I like it.

MS. DeLUCA: Yeah.

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MR. GAITO: Okay.

MS. DeLUCA: I mean the way you described the monument as you did up in Gardnertown Road -- I mean, yeah. That sounds really wonderful. I welcome any other kind of ideas as well. I don't have any particular thing in mind. I just wanted people to be welcomed into the Town. So that was my --

MR. GAITO: Great notion. I like the concept. It's good.

MS. DeLUCA: Thank you.

CHAIRMAN EWASUTYN: Pat Hines, do you want to open it up for some discussion?

Karen Arent, the landscape architect, had signed off on your landscape design. You have that.

Pat.

MR. HINES: Our first comment is just the statement that we circulated notice of intent for lead agency on February 3rd. We didn't hear back from any other agency. I think it may be the current condition of those agencies.

We did hear back from the Marlborough School District. They have an interest in the

1 project. Since I did my comments I was contacted  
2 by the superintendent of the Marlborough School  
3 District. I actually have a meeting set up with  
4 him on April 7th at 10 a.m. at his office. I  
5 just think it might be good to have a  
6 representative of the project. I certainly don't  
7 need the whole project team. I think they're  
8 looking for number of kids and that kind of  
9 information.  
10

11 Anthony, if someone from your office  
12 would be available for that, at the main office  
13 of the Marlborough School District, it would be  
14 helpful.

15 MR. GUCCIONE: What was that date, Pat?

16 MR. HINES: The 7th. It's a Wednesday.

17 We're waiting for submission of the  
18 stormwater pollution prevention plan.

19 There's also, as I discussed at work  
20 session, a need for a floodplain development  
21 permit. Along the property frontage there's  
22 modifications to the existing stream in that area  
23 which has a floodplain.

24 We're looking for the reports for the  
25 water main extension, the hydrants and the sewage

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treatment plant.

We're requesting that any materials sent to outside agencies be copied to the Planning Board, any of those permit applications, to complete the Planning Board's file.

I have some comments on the grading on the north end. There's some grading right up to the property line of those residential houses. I see where you have a retaining wall. It may be beneficial to have a retaining wall to pull that back. A two-foot contour -- it's plus or minus a foot.

MR. GUCCIONE: I'll take a look at that.

MR. HINES: If you're on the opposite side of that plus or minus it might be an issue.

MR. GUCCIONE: The other one I didn't follow as much, the contour. We can talk about that.

MR. HINES: It might be just that the rip rap may be hiding that a little bit.

MR. GUCCIONE: Oh, legible. Okay. Thank you.

MR. HINES: We're looking for the

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highway superintendent. If you can contact him to make sure on the location of the emergency access drive, make sure that he's okay with the treatment of the emergency access drive at Morris.

I have some comments on the water system.

I think the only action the Board -- there's two actions the Board can take tonight which we discussed at work session. It would be to declare yourself lead agency and to issue a concept plan review.

I do note that Ken Wersted is not here tonight. I know the traffic consultant is here, if the Board would like to hear the status of their DOT review as well.

MR. PETRORO: Mark Petroro from JMC.

We did submit to DOT a stage 1 application which involved the same traffic study as well as the site plan your Board has been given as well. So we're still waiting to hear back from the DOT. We haven't heard anything as far as review comments or anything. So we're just waiting for their completion.

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I do know that Ken has spoken with the DOT previously, so they've been in touch. They are reviewing the application.

MR. HINES: It seemed like it met the warrants for a traffic light. It looked close to the other one.

MR. PETRORO: All the previous traffic permits that we discussed at the prior meeting, they're all the same as what we previously discussed. We did include a traffic signal warrant analysis in our revised traffic study. There's nine warrants that we go through. A lot of the volume thresholds were met for those warrants. I do know Ken mentioned that in his review letter. So that's one of the things the State typically looks for, if we're going to install one, justification for the installation of a traffic signal. We are meeting a lot of the warrants, so we do show it is needed and justified.

As we previously mentioned, the signal would be at the site driveway but it would be coordinated with the signal at Morris Drive, the existing one that's there. So they would be

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timed properly and coordinated to have progression on Route 9W through both the lights there due to the proximity to one another.

I didn't know if there were any other questions that the Board might have.

CHAIRMAN EWASUTYN: Are there any other questions?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Then Dominic Cordisco, the verbiage that you had given us. You have a favorable report on the sketch plan.

MR. CORDISCO: Yes. This is derived from the Town's Zoning Code Section 185-57-B-(2). It says that the Planning Board shall review the sketch plan and related documents and shall render either a favorable report or an unfavorable report to the applicant. A favorable report shall in no way imply immediate or eventual approval status, it is merely intended to convey to the applicant the relative assurance that the development as conveyed is basically conforming to the master plan of the Town of Newburgh and its implementing land use regulations, with or without suggested

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modifications.

CHAIRMAN EWASUTYN: Having heard from Dominic Cordisco, Planning Board Attorney, would someone make the motion based on what Dominic just said?

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Would someone make a motion to establish ourselves as lead agency for the Overlook Farms - Farrell Community?

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Motion by Ken

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Mennerich. Second by Frank Galli. May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Thank you.

MR. GUCCIONE: Thank you.

MR. GAITO: Thank you.

MR. SCHUTZMAN: Mr. Chairman, if I may.

CHAIRMAN EWASUTYN: I bet someone a quarter that you wouldn't say anything.

MR. SCHUTZMAN: They told me.

CHAIRMAN EWASUTYN: I lost a quarter. They said Stan isn't like that.

MR. SCHUTZMAN: Stanley Schutzman, Counsel. Two quick things, if I may.

The first is with respect to the signage that Stephanie had mentioned. I just would like the Board to consider that we're under certain zoning restrictions with respect to the

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sign. So whatever we're entitled to on a maximum basis we would intend to use for the project. We might place say a separate sign somewhere versus together. It might be more advantageous.

The second thing was to ask that -- I thought that the Board would be able to consider the issuance of a neg dec and the scheduling of a public hearing based upon the full submissions at this time.

So if you could share with us your procedure and policy so that we have a sense of timing.

CHAIRMAN EWASUTYN: That's more than a quarter's worth.

MR. SCHUTZMAN: I've got one.

CHAIRMAN EWASUTYN: I'm sure you do.

I'll have to turn to Pat Hines and Dominic Cordisco.

MR. HINES: I don't have the stormwater pollution prevention plan yet. I think it would be premature without having that information to issue a neg dec. I think you're looking for some of those other impacts to be addressed, the floodplain development permit, the stormwater

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management plan, and probably some of Ken's input with the DOT prior to that. I don't have the SWPPP yet.

MR. SCHUTZMAN: That can't be made a condition as we go to move the process?

MR. HINES: I think that would be a fatal flaw in the environmental review.

MR. CORDISCO: Correct. We would need that for consideration and the consideration of the public so that they could have that for the public hearing.

MR. SCHUTZMAN: With the SWPPP presented, would that be sufficient?

MR. HINES: I need an opportunity to review it as well, plus the floodplain development information we don't have yet, which is another potential environmental impact on the site.

MR. SCHUTZMAN: Okay. Thank you. I appreciate it.

CHAIRMAN EWASUTYN: Thank you. Have a happy holiday.

(Time noted: 7:35 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 8th day of April 2021.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X  
In the Matter of

DOLLAR GENERAL  
(2020-04)

Corner of Route 9W & North Hill Lane  
Section 24; Block 4; Lot 1.12  
B Zone

----- X

RETAIL SITE PLAN

Date: April 1, 2021  
Time: 7:35 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: CARYN MLODZIANOWSKI,  
PHILIP GREALY & KENNETH FIORETTI

----- X

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

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CHAIRMAN EWASUTYN: The next item of business this evening is Dollar General. It's located on Route 9W and North Hill Lane. It's in a B Zone. It's a retail site plan and it's being represented by Bohler Engineering.

MS. MLODZIANOWSKI: Good evening. I'm Caryn Mlodzianowski from Bohler Engineering. I'm here with Ken Fioretti from HSC Balmville and Philip Grealy from Maser, now Colliers, this evening for the project.

I'll go through a quick run through. We were last here on February 18th. We've made some changes and some progress since that meeting.

Generally the layout has stayed the same, tucked up in the corner of North Hill Lane and Route 9W, to avoid any impacts to wetlands which comprise the remainder of the site that you see here and maintain a significant buffer to our residential neighbors to the rear.

From the layout standpoint; as requested, we took a look at the access for our site. We have moved the access back further from 9W and rerun and configured the truck path that

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is there to ensure that it will circulate properly to back into the loading area on the left side of the store as you see. This also gives us more room for the trucks to pull forward onto North Hill Lane and to park while waiting to turn on Route 9W. We did demonstrate that there is enough room now for a car to pass down the road, as was a concern.

It was also mentioned that since North Hill Lane is sort of narrow and varies in width, that we might be able to increase the width of North Hill Lane to our driveway slightly to give it even more clearance on that section of the road.

We've also revised the streetscape. We initially just had a stonewall up at the corner. We've added another section of stonewall to break that up so that you have wall, fence, wall, fence with the landscaping in front of that. We also brought some 3D simulations of that this evening to help show what that is going to look like. So over here where I am would be towards the intersection. So you would see that first stonewall with a section of fence, and then, as

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you go down, the other stonewall and section of fence.

This shows the building architecture as well. I would say this is not your typical Dollar General store. We went with a very light, natural Hardie board siding with a stone base along the building to match the stonewall out front, and further enhanced the building with some trim that matches that as well, with awnings and gooseneck lights so that you don't have the typical metal building with vertical siding.

This also shows that we're proposing a monument sign versus a pole sign to be more aesthetically pleasing as well.

We've also developed the site plans further and made revisions per Town comments and agency review comments since last time.

Now that spring is here we can go ahead and do the soils testing which will provide the information for the septic system that we will submit to the County as well for review.

MR. HINES: That septic system, it's a local approval here in Orange County. So that will be approved by my office.

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MS. MLODZIANOWSKI: Understood. So we'll go ahead and do that soils testing as well so that we can finish that last kind of piece of the puzzle that's here.

Since the last meeting, in order to send it to County it was requested that we submit the traffic evaluation along with the drainage report, and we have done that. We're hopeful to continue with sending this to the County for review this evening.

We did receive the comment about a site lighting plan. We can have that ready early next week to go along with that if the Board so chooses to send that to the County for review as well. It would be dark sky compliant, LED, full cutoff features for the parking lot.

So with that, I will turn it over to the Board. Thank you.

CHAIRMAN EWASUTYN: Phil Grealy, as you realize, Ken Wersted isn't here tonight. If you could discuss with us how far you've gotten with the traffic report and the conflicts that still may need to be looked at.

DR. GREALY: Sure. First of all, good

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to see everybody. Philip Grealy from Colliers Engineering, formerly Maser Consulting.

So we had prepared a traffic evaluation dated March 18th. That traffic evaluation included counts that were conducted during COVID still but adjusted for pre-COVID conditions based on DOT data. DOT has historical data along the corridor of course, and they also had data for North Hill Lane fairly recent. So our study identified current conditions, including traffic to and from the adjacent property to the north where the Patty Cake facility is. It included those traffic movements and identified, typical for this section of Route 9W, that traffic turning left, especially, has difficulties, as any driveway along there.

We also looked at the traffic signal warrants which were referenced in the previous application. That intersection, even with the additional traffic from this facility, would not satisfy those warrants. That's outlined in our study.

We did make some recommendations, Caryn referred to them earlier, about the widening

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along North Hill Lane to create some additional width.

We did receive -- Caryn received yesterday a copy of Ken's comments. I think his comments were pretty straightforward. He was in agreement with our trip estimates. He also looked at the warrants, the signal warrants, and found that the warrants would not be satisfied.

And then in terms of where we are with any agencies. We have not submitted formally to DOT. DOT, because they are so backlogged, is asking for the submissions to be coming in kind of through the municipalities, or at least with some referral. I believe Pat has recommended to submit it to DOT. We can now indicate that it was submitted at the request of the Town. I know that the DOT is aware of this. I spoke with Jason Brenner in the Poughkeepsie office yesterday. He actually told me about a different application. He had a conversation with Ken relative to the corridor in general but also specific to this location. So he didn't get into any specific details but they're aware of the project. We will now forward, as requested, the

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study to them. I'm sure Ken will continue the conversation.

The other comments in Ken's letter, we have no issue with any of those. I think we're pretty much in agreement.

As I said, here's a case where you don't satisfy the warrants, as with any of those driveways, because after you pass the signal on Carter Avenue you have all these unsignalized intersections and everybody is kind of in the same boat. At Quickchek, even with the volume that gets generated there, which is probably at least three times what our highest peak hour coming out of North Hill Lane, that didn't even satisfy the warrants for a signal. So it's really a question of what DOT is going to require here. It's not a huge traffic generator. Again, 9W is, in the afternoon especially, a very heavy corridor. You have in excess of 1,600 vehicles an hour passing this location.

So that's kind of where we are right now. I can answer any other questions, but we still have to go through the process with DOT.

CHAIRMAN EWASUTYN: Questions from

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Board Members on traffic?

MR. GALLI: At your busiest time of the year, which I'm not sure what a Dollar General is, how many deliveries would you get a week?

MR. FIORETTI: Truck deliveries? One or two a week.

MR. GALLI: At your busiest peak?

MR. FIORETTI: Yes.

DR. GREALY: In terms of peak hour vehicle traffic, we're looking at roughly 30 trips entering, 30 trips exiting in the busiest time period. That's the order of magnitude.

MR. GALLI: This is my personal feeling for me. If I can't get in and out of a site, I just don't go to it. If it's a pain, and 9W happens to be one of them. Like you said, unless it's Mary Jane's, I'm not going to it.

DR. GREALY: We're on the same wave length there.

MR. GALLI: Really it's a preference. People are going to go if it's convenient. Maybe the people in the back will use it. It's like there's a lot of work that needs to be done on 9W.

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MR. GREALY: Especially in peak hours. People may stop on their way home. They'll stop in, make a right turn in and right turn out because I don't want to have to deal with making a left turn. It gets kind of self-enforcing.

MR. FIORETTI: It's more convenient oriented anyway. Pick up a gallon of milk or loaf of bread and keep going.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No. I'm from that area so I know what it's like to get out of the -- in the traffic from Lattintown Road.

Anyway, the design of your building is lovely. I like how you accommodated and broke up the stonewall and the fence and the stonewall. It's nice to see something that pleasant in that locale. It's a nice design.

MS. MLODZIANOWSKI: Thank you.

MS. DeLUCA: As far as anything else is concerned, I don't have any other comments.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: For people that are going north on 9W, a right in and then a right continuing north. For people that are going to

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make the left turn coming out and want to go south, are there other roads that they would use rather than waiting in line for, I think, 70 seconds to get out?

DR. GREALY: Could they cut through the neighborhood. It's very circuitous to do that. I think if you look at some of the other uses along that stretch, people tend to say I'm going to make a right turn and then make a U turn somewhere. That's more likely because it's not convenient to go back through North Hill Lane and other cut-through areas.

The other issue in terms of the side roads, DOT has changed their policy in the last four or five years. They used to allow two lane exits onto the State highway at a non-signalized intersection. For example, at QuickChek you have two exiting lanes. DOT, because of accidents where you have like someone, let's say, sitting in the left lane that's in an SUV, they're having some accident history. So they've gone to the position of let people wait longer, we only want a single lane at an unsignalized intersection, and that avoids the accident potential of

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somebody pulling out when their vision is blocked. So what you see at QuickChek today would not be approved under their current criteria.

There I think it's very visible because it's spaced out. They've gotten away from that. We've proposed widening North Hill to get better turn area but not bringing it up so that it's a three-lane roadway. What happens is when traffic comes out of there, especially when they're coming out of Patty Cake, they'll tend to almost stay a little bit more to the left. People turning off have to come to a stop. While there's a stop bar there, there's no center line. So people don't know when they're turning where to position themselves. I think that will help clean that up a little bit.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: For deliveries, where is the staging spot for the truck to be when they're unloading? Is there going to be a back up with the entrance and parking? Most of the locations for Family Dollars are in shopping centers and

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you've got room for trucks and everything else.  
This is tight.

MS. MLODZIANOWSKI: So where the truck would back up and load over here, it's a 30 foot wide area that we're showing. So it's possible that while they're there, maybe some of the cars in the back corner wouldn't be able to back out.

I can tell you, I've been in the parking lot for a delivery, they're in and out. It's probably all of twenty minutes while you're shopping. These spots over here, there's only 7 that it would possibly impact while it's there for a delivery. So the 23 spaces along the front for customers are more likely to be the spaces that will be used, and then employees parking off to the side here.

MR. WARD: And the truck has room on the corner of the building to back up?

MS. MLODZIANOWSKI: Yes.

MR. HINES: They gave us a template that shows that.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I had a similar question as John was asking. I think you addressed it,

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Caryn. I'm fine now.

MS. MLODZIANOWSKI: Thank you.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: I know you have my comments. We're looking for the wetland delineation report. We're looking for the report that was shown identifying the wetlands.

The septic system design, we're waiting for those tests to be done now that the weather is more favorable.

We didn't have detail sheets for the site development items. That's something we're going to be looking for, pavement --

MS. MLODZIANOWSKI: We can provide those.

MR. HINES: Curbing. I did have a comment on the curbing. I noticed in this latest review, and maybe I missed it, it looks like the north end of the site doesn't have curbing. The front parking and along the building does. The access road and the 7 parking spaces you have, it doesn't look like those are curbed.

MS. MLODZIANOWSKI: Here and here?

MR. HINES: Yes. Typically it is

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required that the sites be curbed for control of the traffic. I didn't know if there was a reason the entrance drive wasn't curbed.

MS. MLODZIANOWSKI: No. We can look at that.

MR. HINES: Again, the traffic study should be submitted to the DOT.

We noted at work session that we did declare our intent for lead agency, but I don't think the circulation was done. Now that I have those reports, I will send those with the lead agency circulation.

I'll just need, Caryn, probably about six sets of the plans sent to me so I can coordinate that lead agency.

MS. MLODZIANOWSKI: Sure.

MR. HINES: We talked about the sidewalks again at work session. I think the Board is not going to require those sidewalks.

Outdoor storage of products, if we could address that. I know this company does do seasonal outdoor storage. If that could be delineated on the plan, that would be helpful for the code enforcement officer in the future.

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I have a couple comments on the septic system design that's shown.

This Town does have a sprinkler ordinance. This building will be required to be sprinklered. We have certain details we need. The sprinkler system is shut off when the potable water to the building is also shut off. It's an indicator that reminds you that the sprinkler system is shut off. I can provide you with those details that the Town requires as well.

You'll need a larger -- I think right now you're showing a 2-inch water main or service lateral. It's going to have to be bigger than that for this service line.

I just mentioned the drainage pipe at the entrance drive needs to be 15 inch.

We need that site lighting plan.

It does need to go to County. If the Board is okay with that, I can await submission of the lighting plan and then circulate to the County if the Board authorizes that circulation.

What are the odds that, for lack of a better term, the DOT is going to require a left turn. I know there was a discussion with the

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Marlborough site. There may be a requirement for a left-turn lane. I don't know if that's a similar comment. I know we talked about the traffic light.

DR. GREALY: In terms of -- DOT is looking at their policy decisions. In terms of at what point do they require left-turn lanes. Approximately two years ago there was a new ASHTO manual that was put out that basically said on any highway, regardless of your trip generation, you should provide a left-turn lane. It goes on to say you have to consider cost, you have to consider other factors, et cetera. Recently DOT has started looking at locations where you have -- you know, for a larger project it's pretty easy that if you're generating more traffic and you have significant turning movements, you would put in left turns for your project. When you have projects of this size, and even based on these warrants, theoretically a three or four-lot subdivision having an access would require a left-turn lane, which is just cost prohibitive. So DOT is looking at the entire corridor and making determinations. One of the things they're

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definitely doing is seeing if they can at least get the right-of-way to provide those improvements if they were provided in the future.

In fact, up in Marlborough we are providing the area for that.

They still haven't made a final determination on this. In this particular case there is a good amount of right-of-way. Even the shoulders are fairly wide here. But the problem is fitting it in and being cost effective for a project this size. But they're going to make the determination. They're going to tell us what we have to do, if there are any other requirements.

CHAIRMAN EWASUTYN: Thank you.

MR. HINES: The only other issue I have is North Hill Lane is also a frontage. I know you're providing that landscaping feature along the 9W frontage. There are other residences on North Hill Lane that will be driving along that side of that building. I noticed in your rendering there were no architectural features on that side of the building, and then your landscape plan doesn't address that either. I'll defer to the Board. I don't normally comment on

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the architecture. I know other projects in this area we have heard from the community to the east of your project.

MS. MLODZIANOWSKI: So we've added one false window and awning on that side.

MR. HINES: Again I'll defer to the Board. It's a comment from me to the Board.

MR. FIORETTI: The side of the building does have architectural --

MR. GALLI: Maybe looking for some small plantings along the road.

CHAIRMAN EWASUTYN: I wouldn't necessarily say small plantings. The problem with that is when you have snowplows that go down the road and you have them spreading salt, nothing can survive. If you would consider two or three trees that were of a growth pattern that in the future would screen it, I think that would be more effective.

MS. MLODZIANOWSKI: Okay.

MR. FIORETTI: We can look to do a couple trees on North Hill, certainly.

MR. GALLI: Something to look at besides the wall.

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MR. HINES: I also referenced in my comment we received a comment letter from your neighbor to the north already. I don't know if you have that but it may be helpful for you to review that.

CHAIRMAN EWASUTYN: I did send that to them early on.

Okay. So the action tonight would be when Pat Hines has the lighting plan that's necessary, he then would forward it on to the Orange County Planning Department.

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Do you want to make that motion?

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Stephanie DeLuca. Can I have a roll call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

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MR. WARD: Aye.

Can I say something?

CHAIRMAN EWASUTYN: Yes.

MR. WARD: With the stonewall, I'm asking you to put it as a solid wall instead of post rail, because to me -- when we said QuickChek, that's a big, open area. You don't have parking right there. We have stonewalls where you have parking, not that it's broken up. The post rail -- it's not that much footage that you're talking. If you keep it solid, it looks better, for one, and with the parking there it's better off.

MR. FIORETTI: We are trying to maintain a certain budget here. The extended wall helps us a little bit. If you might consider the design we're showing here would be a little bit more helpful. I hear what you're saying. I'm not trying to argue with you. We don't have an unlimited budget on the project.

MR. WARD: We're not pushing for a sidewalk. So that's what I'm asking for.

MR. FIORETTI: I understand. We'll look into that.

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MR. DOMINICK: I agree with John.

I think, Caryn, that's a great 3D elevation rendering you've got there. I love the texture, the choices of your pictures, but a solid wall would really dress that place up. I understand what you're doing splitting the rail, putting the rail. You're also going to see more cars. That's what we're trying to screen. So a solid, like John was saying, wall would be, I think, in that area a lot better.

MR. HINES: The Town has design guidelines, which I'm sure you're aware of. The parking in the front is not permitted by the design guidelines.

CHAIRMAN EWASUTYN: I think we waved the design guidelines subject to what they had shown us. So we're backing off.

The one question we never did ask, as we're rambling back and forth on the stonewall, and no one has asked a question, what's the height, what's the width?

MR. WARD: I had that.

CHAIRMAN EWASUTYN: So again, it's never raised. What are we mitigating and how are

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we mitigating it is part of the detail of it.

MR. HINES: Yup.

CHAIRMAN EWASUTYN: Do you have an idea what you're currently showing, what the height is and what the width is?

MS. MLODZIANOWSKI: That's about three to four feet in height.

CHAIRMAN EWASUTYN: That's rather high.

MS. MLODZIANOWSKI: The fence itself is four feet. This is about three feet for the stonewall. We can provide a detail along with all the other site details.

MR. WARD: I was going to ask you for a 24 to 36 inch wall.

MR. FIORETTI: Two to three feet.

MR. WARD: Yes. It gives a visual effect, plus it hides enough everything else, too.

CHAIRMAN EWASUTYN: So you'll get plans to Pat Hines.

MS. MLODZIANOWSKI: Correct. Is there a sketch plan vote that's needed to move on for the application?

CHAIRMAN EWASUTYN: Do we have --

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MR. HINES: I think the site details have been put far enough along where that would be appropriate.

CHAIRMAN EWASUTYN: Then following the verbiage that Dominic Cordisco had presented to us, would someone make a motion for a favorable report on the sketch plan?

MR. DOMINICK: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick. Second by Ken Mennerich. Can I have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

MS. MLODZIANOWSKI: Thank you.

MR. FIORETTI: Would it be possible to go to a public schedule -- schedule a public hearing?

CHAIRMAN EWASUTYN: I think we need the detailed information to circulate it to the

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Orange County Planning Department so we can make a SEQRA determination.

MR. FIORETTI: Not a SEQRA determination but to start the public hearing?

CHAIRMAN EWASUTYN: We need to make a SEQRA determination in order to schedule a public hearing.

MR. FIORETTI: I see.

MR. CORDISCO: It's this Board's practice to do so.

MR. FIORETTI: You do the SEQRA first and then schedule the public hearing. I understand. Very good.

MS. MLODZIANOWSKI: Thank you.

MR. FIORETTI: Good night, everybody.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 8th day of April 2021.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X  
In the Matter of

LOCAL LAW AMENDING CHAPTER 185 TO INCLUDE THE USE OF  
NYS LICENSED VIDEO LOTTERY GAMING FACILITIES AS A  
PERMITTED USE IN SHOPPING CENTERS HAVING IN EXCESS  
OF 500 PARKING SPACES IN THE IB ZONING DISTRICT

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BOARD BUSINESS

Date: April 1, 2021  
Time: 8:03 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
SIOBHAN JABLESNIK

----- X

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

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CHAIRMAN EWASUTYN: Ken Mennerich has something to add to the Board business.

MR. MENNERICH: Mark Taylor, the Attorney for the Town of Newburgh, has referred a local law amending Chapter 185 entitled Zoning Code of the Town of Newburgh to include the use of New York State licensed video lottery gaming facilities as a permitted use in shopping centers having in excess of 500 parking spaces in the IB Zoning District. This was discussed in the work session.

Dominic, could you, for the record, indicate what the Board is requesting you to submit to the Town?

MR. CORDISCO: Yes. Thank you. There are two items for the Board to consider, two actions that you can take at this point.

The first would be to consent to the Town Board being lead agency for the environmental review associated with the zoning amendment and consideration of the facility proposed for the Newburgh Mall, which would be the video lottery terminal gaming

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facility. So that would be one action for you to take. The Town Board has proposed to be lead agency on that matter.

The second action for you to consider is issuing a report on the proposed zoning amendment, which is, in this case, a textual amendment, to modify the definition of shopping center as well as to add a definition for a video lottery gaming facility and video lottery gaming to the Town's Zoning Code.

CHAIRMAN EWASUTYN: Okay. Would someone authorize a letter written by Dominic Cordisco, Planning Board Attorney, outlining what was just discussed and forwarding it on to the Town Board?

MR. WARD: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

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BOARD BUSINESS

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

I wish everyone a happy holiday.

Would someone make a motion to close  
the meeting of the 1st of April?

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Frank  
Galli. Second by Stephanie. Can I have a roll  
call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

(Time noted: 8:07 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 8th day of April 2021.

*Michelle Conero*

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MICHELLE CONERO