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

----- X
In the Matter of

ROCKET SUBDIVISION
(2023-10)

397 Candlestick Hill Road
Section 6; Block 1; Lot 59
AR Zone

----- X

PUBLIC HEARING

Date: April 18, 2024
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JONATHAN MILLEN

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: Good evening,
3 ladies and gentlemen. The Planning
4 Board would like to welcome you to
5 their meeting of April 18, 2024.
6 This evening we have eight agenda
7 items. The first item will be a
8 public hearing.

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

11 MR. DOMINICK: Present

12 MS. DeLUCA: Present.

13 MR. MENNERICH: Present.

14 CHAIRMAN EWASUTYN: Present.

15 MR. BROWNE: Present.

16 MR. WARD: Present.

17 MR. CORDISCO: Dominic Cordisco,
18 Planning Board Attorney.

19 MS. CONERO: Michelle Conero,
20 Stenographer.

21 MR. HINES: Pat Hines with MHE
22 Engineering.

23 MR. CAMPBELL: Jim Campbell,
24 Town of Newburgh Code Compliance.

25 MR. WERSTED: Ken Wersted,

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Creighton Manning Engineering,
Traffic Consultant.

CHAIRMAN EWASUTYN: At this
time we'll turn the meeting over to
Dave Dominick.

MR. DOMINICK: Please stand for
the Pledge of Allegiance. If you
would remain standing after the
Pledge of Allegiance in honor of the
loss of our Deputy Supervisor,
Elizabeth Greene.

(Pledge of Allegiance and
Moment of Silence.)

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

CHAIRMAN EWASUTYN: Our first item
this evening is the Rocket Subdivision,
project number 23-10. It's here for a
public hearing. It's located on
Candlestick Hill Road in an AR Zone.
It's being represented by Jonathan
Millen.

Ken Mennerich will read the
notice of hearing.

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MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 274-A and the New York State Town Law Chapter 185-49 of the Town of Newburgh Code on the application of Rocket Subdivision, project 2023-10. The project is a two-lot subdivision on an existing 2.7 plus or minus acre parcel of property. The property is located at 397 Candlestick Hill Road. The project site currently contains two single-family residential structures. The project proposes a subdivision resulting in two residential lots. One lot will be a 1.52 plus or minus acre lot. The other lot will be a 1.18 plus or minus acre lot. Lots are served by existing or proposed subsurface sanitary sewer disposal

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system and onsite wells. The project site is located within the Town's AR Zoning District. The site is known on the Town of Newburgh tax maps as Section 6, Block 1, Lot 59. A public hearing will be held on the 18th day of April 2024 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. or as soon thereafter, at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 3 April 2024.

CHAIRMAN EWASUTYN: Jonathan.

MR. MILLEN: I'm here to answer any questions anyone in the public might have regarding this project.

CHAIRMAN EWASUTYN: Can you just talk a little bit about what it is you have before the public and this Board?

2 MR. MILLEN: Okay. I thought
3 the gentleman just basically said
4 that.

5 We have a two-lot subdivision.
6 There are two existing residences on
7 the parcel right now. We are
8 proposing to separate them and create
9 a new parcel to the east which would
10 contain one house with a septic
11 system and a well.

12 CHAIRMAN EWASUTYN: Thank you.

13 With the public hearing, if
14 you'd raise your hand and give your
15 name and your address, then we'll
16 recognize you to speak before us.

17 Is there anyone here this
18 evening that has any questions or
19 comments on the Rocket Subdivision?

20 (No response.)

21 CHAIRMAN EWASUTYN: Let the
22 record show that there was no public
23 comment for the Rocket Subdivision.

24 At this point we'll turn the
25 meeting over to Jim Campbell with

2 Code Compliance. Jim.

3 MR. CAMPBELL: The only
4 outstanding I had from the last
5 meeting is I didn't see your revised
6 plans. It looks like that might have
7 been revised, that one, for the
8 emergency vehicle access.

9 MR. MILLEN: The turnout here.

10 MR. CAMPBELL: How about a
11 turnaround?

12 MR. MILLEN: I'm sorry?

13 MR. CAMPBELL: A turnaround?

14 MR. MILLEN: We have a turnout
15 here. The turnaround for vehicle
16 access would be here. Should there
17 be another turnaround?

18 MR. CAMPBELL: You put in a
19 turnout? Is that what you've got
20 there?

21 MR. MILLEN: Yes, sir.

22 MR. CAMPBELL: I think you're
23 also required to have a turnaround at
24 the end suitable for a fire truck to
25 turn around.

2 MR. MILLEN: There has to be a
3 turnaround here? Okay. I wasn't
4 aware of that. I apologize. We can
5 certainly incorporate that.

6 MR. CAMPBELL: That was all
7 that I had.

8 CHAIRMAN EWASUTYN: Pat Hines
9 with MH&E.

10 MR. HINES: The project was
11 last before the Board on March 21st.
12 The plans have not been updated,
13 although the plan sheet in front of
14 us appears to have been.

15 The project received numerous
16 variances from the Zoning Board of
17 Appeals in November of '23.

18 There's a need for dedication
19 of the small pieces of land at the
20 frontage. The legal paperwork should
21 be submitted to the Planning Board
22 Attorney for review.

23 The septic systems require an
24 engineer's stamp. We did receive
25 those stamped engineered plans for

2 the septics.

3 I spoke to the highway
4 superintendent and the driveway
5 locations are acceptable.

6 The only other comment we had
7 was just addressed by Mr. Campbell.

8 CHAIRMAN EWASUTYN: Comments
9 from Planning Board Members?

10 MR. DOMINICK: No.

11 MS. DeLUCA: Nothing.

12 MR. MENNERICH: No.

13 MR. BROWNE: Nothing additional.

14 CHAIRMAN EWASUTYN: No comment.

15 Having heard from our consultants,
16 there are no comments from the public,
17 I'll move for a motion to close the
18 public hearing on the Rocket Subdivision.

19 MS. DeLUCA: So moved.

20 MR. BROWNE: Second.

21 CHAIRMAN EWASUTYN: I have a motion
22 by Stephanie DeLuca. I have a second by
23 Cliff Browne. Can I have a roll call
24 vote starting with Dave Dominick.

25 MR. DOMINICK: Aye.

2 MS. DeLUCA: Aye.

3 MR. MENNERICH: Aye.

4 CHAIRMAN EWASUTYN: Aye.

5 MR. BROWNE: Aye.

6 MR. WARD: Aye.

7 CHAIRMAN EWASUTYN: At this
8 point, we'll turn to Planning Board
9 Attorney, Dominic Cordisco, to give
10 us conditions of approval for the
11 Rocket Subdivision.

12 MR. CORDISCO: Yes. There are
13 no specific special conditions that I
14 would outline other than addressing
15 any outstanding comments from Mr. Hines
16 and payment of fees, sir.

17 CHAIRMAN EWASUTYN: Pat, what
18 would be the payment of fees?

19 MR. HINES: There will be a
20 recreation fee of \$2,000 for the one
21 additional lot.

22 MR. CORDISCO: Correct.

23 CHAIRMAN EWASUTYN: Thank you.

24 Having heard the conditions of
25 approval presented by Planning Board

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Attorney Dominic Cordisco and
comments from Pat Hines requiring a
standard \$2,000 recreation fee for
the creation of a new lot, would
someone move for that motion?

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a
motion by John Ward. I have a second
by Dave Dominick. Can I have a roll
call vote starting with Dave Dominick.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion
carried. Thank you.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 27th day of April 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

LANDS OF WEDDELL
(2024-10)

Heritage Lane
Section 89; Block 1; Lots 10.1, 10.2, 77.1 & 77.2
R-1 Zone

----- X

INITIAL APPEARANCE
LOT LINE REVISION

Date: April 18, 2024
Time: 7:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: The second
3 item of business this evening is the
4 Lands of Weddell. It's an initial
5 appearance for a lot line revision.
6 It's located on Heritage Lane in an
7 R-1 Zone. It's being represented by
8 Darren Doce.

9 MR. DOCE: We're proposing a
10 few lot line revisions of the four
11 parcels that are owned by individual
12 members of the Weddell family. This
13 previously was approved in 2016.

14 One of the lots, lot 1, is an
15 existing nonconforming lot. It
16 doesn't meet the 1 acre lot area.
17 It's .7 acres. That's going to
18 remain a .7 acre lot. That's just
19 going to be reconfigured slightly.
20 It received an area variance back in
21 2015.

22 The other three lots, here,
23 here and here, they will all meet the
24 required bulk regulations.

25 Another part of the proposal is

2 there's an existing private road.
3 It's not located within the existing
4 right-of-way. The right-of-way is
5 going to be reconfigured to fall
6 along the roadway.

7 CHAIRMAN EWASUTYN: Comments
8 from the consultants. Jim Campbell,
9 Building Department?

10 MR. CAMPBELL: I have nothing
11 at this time.

12 CHAIRMAN EWASUTYN: Pat Hines
13 with MH&E?

14 MR. HINES: Our first comment
15 just notes the original conditional
16 final approval was on 17 March 2016.
17 That approval has obviously lapsed.

18 At the work session, our second
19 comment we discussed was the Zoning
20 Board of Appeals decision from 22
21 December 2015. Mr. Cordisco can
22 speak to that, but I believe those
23 have lapsed as well and will need to
24 be re-referred to the Zoning Board of
25 Appeals.

2 Adjoiners' notices must be
3 resent out for the lot line changes.

4 We just noted a spelling issue
5 in the title block regarding the name,
6 the Weddell spelling.

7 The applicants are requesting a
8 waiver of topography on the site as
9 it's just a lot line change and all
10 improvements are existing.

11 The revised common driveway
12 access and maintenance agreement should
13 be submitted to the Planning Board as
14 well.

15 CHAIRMAN EWASUTYN: Comments from
16 Members. Dave Dominick?

17 MR. DOMINICK: Nothing further.

18 MS. DeLUCA: Nothing.

19 MR. MENNERICH: No questions.

20 MR. BROWNE: Nothing more.

21 MR. WARD: No comments.

22 CHAIRMAN EWASUTYN: No comment.

23 Dominic Cordisco, Planning

24 Board Attorney?

25 MR. CORDISCO: In connection

2 with the previously issued variance
3 from the Zoning Board of Appeals,
4 that variance decision contains the
5 standard language that's been utilized
6 by the Town, that the variance itself
7 does not expire as long as the applicant
8 is diligently pursuing the Planning
9 Board approval that is cause for
10 their reason for the variance in the
11 first case. I think in this case it
12 would be hard to argue that you're
13 diligently pursuing when it expired.
14 As a result, my recommendation to the
15 Board is to re-refer this matter --
16 refer this new application, rather,
17 to the Board of Appeals with the
18 understanding that the variance was
19 granted previously but it requires
20 new action by the Board of Appeals.

21 MR. DOCE: Okay.

22 CHAIRMAN EWASUTYN: Pat, you'll
23 present the adjoiners' notice to
24 Darren Doce?

25 MR. HINES: Yes. And the

2 referral for the similar variances
3 that were issued back in 2015.

4 CHAIRMAN EWASUTYN: Okay. The
5 Board will make a motion to authorize
6 Planning Board Attorney Dominic
7 Cordisco to prepare a letter to the
8 Zoning Board of Appeals for an area
9 variance.

10 MS. DeLUCA: So moved.

11 MR. MENNERICH: Second.

12 CHAIRMAN EWASUTYN: I have a motion
13 by Stephanie DeLuca. I have a second by
14 Ken Mennerich. May I have a roll call vote
15 starting with Dave Dominick.

16 MR. DOMINICK: Aye.

17 MS. DeLUCA: Aye.

18 MR. MENNERICH: Aye.

19 CHAIRMAN EWASUTYN: Aye.

20 MR. BROWNE: Aye.

21 MR. WARD: Aye.

22 CHAIRMAN EWASUTYN: Pat, should
23 we decide now on granting a waiver
24 for doing topo on the property or
25 should we just --

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MR. HINES: I think we should wait for the Zoning Board of Appeals.

CHAIRMAN EWASUTYN: Okay.

MR. DOCE: Thank you.

(Time noted: 7:10 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of April 2024.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

DRIVANOS SUBDIVISION
(2024-09)

235 Quaker Street
Section 2; Block 1; Lots 14 & 15
AR Zone

- - - - - X

INITIAL APPEARANCE
TWO-LOT SUBDIVISION & LOT LINE REVISION

Date: April 18, 2024
Time: 7:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

- - - - - X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: The third
3 item of business is the Drivanos
4 Subdivision, it's a subdivision,
5 project number 24-09. It's an
6 initial appearance for a two-lot
7 subdivision and lot line change
8 located on Quaker Street. It's in an
9 AR Zone. It's being represented by
10 Zen Consultants, Ken Lytle.

11 MR. LYTTLE: Good evening. I'm
12 represented my clients on the proposal.

13 It's a little over a 3-acre lot.
14 We're going to subdivide it into two lots,
15 a 2-acre lot in the back and basically a
16 1-acre lot in the front.

17 To get access to this property
18 we have to do a small lot line change
19 with the adjoining owner. It's the
20 same that the clients actually own.

21 Pat, one of his comments was the
22 lot up front, to show the difference in
23 the acreage and what we're going to be
24 doing there.

25 It's pretty basic. The one lot

2 is a nice size.

3 CHAIRMAN EWASUTYN: Comments
4 from Jim Campbell, Code Compliance.

5 MR. CAMPBELL: The only comment
6 I had was in regards to the fire
7 access and the driveway, it needs to
8 conform to Fire Code Section 511.
9 Mr. Dominick has a copy of it for
10 you.

11 MR. LYTLE: Thank you.

12 CHAIRMAN EWASUTYN: Pat Hines
13 with MH&E.

14 MR. HINES: As was mentioned by
15 Mr. Lytle, the project involves a lot
16 line change. We need a survey of tax
17 lot 14 depicting existing and proposed
18 conditions to be added to the two-lot
19 subdivision plan.

20 I have some comments on the
21 proxies that were submitted regarding
22 all of the owners signing the proxies.

23 The private driveway access and
24 maintenance agreement will be required
25 for the shared driveway.

2 The project is located at the
3 municipal boundary for the Town of
4 Newburgh/Town of Plattekill and
5 Orange County/Ulster County, so a
6 submittal to Orange County Planning
7 is required, as well as notification
8 to the adjoining municipality.

9 The Tree Preservation Law. It
10 must be documented that there is
11 compliance with the Tree Preservation
12 Law. It must be documented on the
13 plan and with a narrative report.

14 The source of the topography
15 should be identified. I think someone
16 used a 100-foot elevation benchmark,
17 but it needs to be an actual datum.

18 Wells and septic on lot 1 are
19 identified as adjoining. They should
20 be as existing. Check the septic
21 expansion area for the septic design
22 on lot 2.

23 Adjoiners' notices will have to
24 be sent out.

25 That's all we can do at this point.

2 CHAIRMAN EWASUTYN: Comments
3 from Planning Board Members. John
4 Ward?

5 MR. WARD: Does this get sent
6 to the Orange County Planning Board?

7 MR. HINES: It will be required
8 to be sent. I think we need that lot
9 line change plan to go with it as
10 it's part of the action and it's not
11 currently depicted.

12 MR. WARD: Thank you.

13 MR. BROWNE: Nothing more.

14 CHAIRMAN EWASUTYN: No comment.

15 MR. MENNERICH: No questions.

16 MS. DeLUCA: Nothing.

17 MR. DOMINICK: Nothing further.

18 CHAIRMAN EWASUTYN: Dominic Cordisco,
19 Planning Board Attorney?

20 MR. CORDISCO: Nothing further at
21 this time.

22 MR. LYTTLE: Thank you.

23 CHAIRMAN EWASUTYN: You'll work with
24 Pat Hines as far as the adjoiners' notice.

25 MR. LYTTLE: Yes. Thank you.

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(Time noted: 7:14 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 27th day of April 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

TARBEN II SUBDIVISION
(2021-18)

Tarben Way
Section 127; Block 1; Lot 12
AR Zone

----- X

TWO-LOT SUBDIVISION

Date: April 18, 2024
Time: 7:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: Item number
3 4 is Tarben II Subdivision, project
4 number 21-18. It's a two-lot subdivision
5 located on Tarben Way. It's in an AR
6 Zone. It's being represented by
7 Jonathan Cella.

8 MR. CELLA: Good evening. I'm
9 Jonathan Cella.

10 We're proposing a two-lot
11 residential subdivision of a 9.4 acre
12 parcel in the AR Zoning District.

13 There's currently one home under
14 construction. We're proposing to create
15 an additional lot for a future home.

16 Both lots will be serviced by
17 individual wells and septic and
18 individual driveways. They'll be at
19 the north end of Tarben Way which is
20 an existing road, a Town road.

21 This was last before the Planning
22 Board in August 2021.

23 We currently have made two
24 submissions to the Orange County Health
25 Department. We got the first round of

2 comments and we resubmitted in March
3 2024. We're waiting for their
4 re-review.

5 As I mentioned in my letter, the
6 parcel was resurveyed also by a new
7 surveyor, Patti Brooks from Control
8 Point.

9 CHAIRMAN EWASUTYN: Comments
10 from consultants. Jim Campbell?

11 MR. CAMPBELL: On this one
12 also, the length of the driveway
13 needs to conform to Fire Code Section
14 511. Mr. Dominick has a copy of the
15 code for you.

16 MR. CELLA: Thank you.

17 CHAIRMAN EWASUTYN: Anything else,
18 Jim?

19 MR. CAMPBELL: Not from me.

20 CHAIRMAN EWASUTYN: Pat Hines with
21 MH&E?

22 MR. HINES: Our first comment
23 just noted this was previously before
24 the Board in August of '21.

25 As Mr. Cella mentioned, the

2 project was part of a larger realty
3 subdivision that received Orange
4 County Health Department approval.
5 This is a re-subdivision of one of
6 those lots. Health Department
7 approval is required for both of the
8 lots at this time.

9 Compliance with the Town of
10 Newburgh Tree Preservation Ordinance
11 is also required. There needs to be
12 the tree survey and documentation of
13 the limits within the ordinance.

14 We just discussed the length of
15 the driveway.

16 The source of the wetlands locations
17 on the plans should be identified. The
18 project is avoiding any disturbance to
19 those that are depicted, but we just want
20 to know where that came from.

21 Jonathan, the well separation distance
22 on the lots is identified as 150 feet. I
23 think it's supposed to be 100.

24 MR. CELLA: We got a comment from the
25 Orange County Health Department. I believe

2 this was an original test well. The
3 existing well on lot number 12, it
4 wasn't -- I think it was 200 feet
5 deep only. Less than 300 feet, I'll
6 say. Because of that, it requires
7 150 feet.

8 MR. HINES: Got you. That's
9 fine. As long as the Health Department
10 is going to give you the approval on
11 that, we'll defer to them.

12 The building envelop on lot 11
13 should not start until the lot has
14 actual lot width.

15 Also, the house location should
16 be addressed, because the right-of-way
17 that's addressed as filed map 274-16,
18 I believe that right-of-way allows
19 that to become a Town road --

20 MR. CELLA: Okay.

21 MR. HINES: -- in the future.
22 The front yard setback should address
23 that as a potential lot line in the
24 future should that become a Town road.

25 There's a project later on

2 tonight that's an adjoining project.
3 I just want to make sure you and your
4 client are aware that there's a
5 subdivision next door that will
6 involve that right-of-way.

7 The highway superintendent's
8 comments on the driveway at the
9 cul-de-sac should be received.

10 The size of the driveway
11 culverts should be depicted.

12 We did previously send out
13 adjoiningers' notices on this project in
14 August of '21, so that's been completed.
15 The lot lines are the same.

16 CHAIRMAN EWASUTYN: Comments
17 from Board Members. Dave Dominick?

18 MR. DOMINICK: Nothing further.

19 CHAIRMAN EWASUTYN: Stephanie DeLuca?

20 MS. DeLUCA: Nothing.

21 MR. MENNERICH: Nothing.

22 CHAIRMAN EWASUTYN: No comment.

23 MR. BROWNE: Nothing.

24 MR. WARD: No comment.

25 CHAIRMAN EWASUTYN: So the action

2 before us is?

3 MR. HINES: We need the plans
4 revised and the Health Department
5 approval before we can do anything
6 else.

7 If you could get a copy of that
8 right-of-way to Dominic Cordisco's
9 office to take a look at what that
10 was. I remember it being for a Town
11 road. I think there was a reference
12 to that. We'll let Dominic's office
13 take a look.

14 MR. CELLA: I believe it's a
15 private road.

16 MR. HINES: That's fine. Let's
17 get that information to Dominic.

18 MR. CELLA: Yes.

19 CHAIRMAN EWASUTYN: If you
20 could e-mail the Planning Board the
21 correspondence with the Health
22 Department, --

23 MR. CELLA: Okay.

24 CHAIRMAN EWASUTYN: -- we'll
25 forward that on to our Consultants

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and Board Members.

MR. CELLA: All right. Thank
you.

(Time noted: 7:20 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 27th day of April 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

DRURY HEIGHTS
(1994-41)

North Drury Lane
Section 89; Block 1; Lots 4.4 & 6
R-3 Zone

----- X

UPDATED TRAFFIC STUDY

Date: April 18, 2024
Time: 7:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: FRANK TOTO

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: The fifth
3 item of business this evening is
4 Drury Heights, project number 94-41.
5 It's an updated traffic study. It's
6 located on North Drury Lane in an R-3
7 Zone. It's being represented by
8 Brooker Engineering.

9 MR. TOTO: Good evening, Mr.
10 Chairman, Members of the Board. My
11 name is Frank Toto and I work for
12 Brooker Engineering.

13 Unfortunately our traffic
14 consultant couldn't be here today.

15 We're present at today's
16 meeting to request a modification for
17 the approval resolution comment
18 number 4 -- condition number 4. We're
19 requesting to remove the responsibility
20 to widen Route 17K for a center turning
21 lane at Drury Lane.

22 We're also requesting to be on
23 next month's agenda to give our
24 traffic consultant a little bit extra
25 time to respond to the Town's traffic

2 consultant.

3 I'd like to give a brief overview
4 of our updated traffic study and what
5 has occurred since the original traffic
6 study. So our project began in 2004.
7 The FEIS was issued in 2006 which
8 included a traffic study with both
9 projects, proposing originally 140
10 units in the vicinity of the newly
11 installed State Route 47. At the
12 time State Route 747, excuse me, did
13 not exist. This Valero gas station
14 did not exist. Dunkin Donuts did not
15 exist. The Amazon warehouse did not
16 exist at the time of this original
17 traffic study.

18 In 2009 an agreement was made
19 to reduce the scope of the project
20 from 140 residential units to 100
21 residential units.

22 Currently we are at the 41st
23 residential house under construction,
24 so we're approaching that fifty-percent
25 threshold of the project. That's why

2 we're coming to the Board and making
3 this request.

4 One item I'd like to stress is
5 that once this project is fully
6 constructed, there's not too much
7 growth that can happen here. It's
8 almost fully developed at this time.

9 That's all I have to say.

10 CHAIRMAN EWASUTYN: All right.
11 Ken Wersted with Creighton, Manning
12 Engineers, our Traffic Consultant.

13 MR. WERSTED: Thank you. We
14 read the traffic study provided and
15 went back through some of our files
16 and researched some of the history.

17 In general, the traffic study
18 was produced according to industry
19 standards. I believe your engineer
20 overestimated, perhaps, some of the
21 trip generation by your project.
22 Ultimately he drew a conclusion and
23 said a left-turn lane isn't warranted,
24 but there's no connection of the dots
25 of what was produced in the study and

2 getting to that conclusion. That's
3 really the meat of my comments. If
4 you can provide that, --

5 MR. TOTO: Absolutely.

6 MR. WERSTED: -- we can provide
7 a better response to that.

8 CHAIRMAN EWASUTYN: Jim Campbell,
9 Code Compliance?

10 MR. CAMPBELL: No comments.

11 CHAIRMAN EWASUTYN: Pat Hines
12 with MH&E?

13 MR. HINES: I just provided the
14 Board with the approval resolution that
15 identified specific condition number
16 4 on page 6 which the Board has and
17 can read.

18 I also provided a copy of the
19 stipulation regarding the reduction
20 in the lot count that was identified
21 by the applicant's representative.

22 We'll defer to Ken Wersted's
23 office on the traffic study.

24 CHAIRMAN EWASUTYN: Okay. Comments
25 from Board Members. Dave Dominick?

2 MR. DOMINICK: Nothing further
3 until all the information is back.

4 CHAIRMAN EWASUTYN: Stephanie DeLuca?

5 MS. DeLUCA: The same.

6 MR. MENNERICH: The same.

7 CHAIRMAN EWASUTYN: No comment.

8 MR. BROWNE: I'll wait for the
9 responses.

10 MR. WARD: I'll wait for the
11 responses.

12 CHAIRMAN EWASUTYN: Dominic Cordisco,
13 Planning Board Attorney?

14 MR. CORDISCO: Nothing further.

15 CHAIRMAN EWASUTYN: Okay.

16 MR. TOTO: Thank you for your
17 time.

18 CHAIRMAN EWASUTYN: You feel
19 you'll have the updated traffic study
20 by when?

21 MR. TOTO: Hopefully by next
22 month's agenda. That's what we're
23 planning on, to be submitted by then.

24

25 (Time noted: 7:25 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 27th day of April 2024.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

STARBUCKS - 1282 UNION AVENUE
(2024-08)

1282 Union Avenue
Section 97; Block 2; Lot 34
IB Zone

- - - - - X

INITIAL APPEARANCE - SITE PLAN

Date: April 18, 2024
Time: 7:25 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DAVID LOFRISCO

- - - - - X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: The sixth
3 item of business is Starbucks. It's
4 located on 1282 Union Avenue. It's
5 project 24-08. It's an initial
6 appearance for a site plan. It's in
7 an IB Zone. It's being represented
8 by Kimley Horn and Dave Lofrisco.

9 MR. LOFRISCO: So as mentioned,
10 this application is to reconfigure
11 the existing drive-through at the
12 existing Starbucks at this location.
13 It is intended to fix what is currently
14 a conflict point, particularly during
15 the peak times that Starbucks receives
16 in the a.m. and in the evening. The
17 current drive-through will be backed
18 up -- will often back up.

19 Beyond the extent of the drive-
20 through causing conflicts, issues,
21 traffic concerns, this proposed
22 layout reconfigures the drive-through
23 in a way that provides additional
24 stacking, reconfigures the layout to
25 be more efficient and will otherwise

2 improve operations.

3 What we're showing currently
4 may change a little bit in the sense
5 that this additional lane shown will
6 most likely be eliminated to include
7 additional parking. It will be the
8 one lane extending through what is
9 currently parking.

10 Overall it will increase the
11 efficiency at this store and hopefully
12 provide a solution to the issue that
13 is currently present during those
14 conflict points during the peak business.

15 MR. BROWNE: Could you explain
16 what the conflict currently is?

17 MR. LOFRISCO: Sure. What is
18 currently happening is during those
19 peak a.m. volumes where Starbucks
20 gets the most drive-through company
21 -- most drive-through business, there
22 is a backup that occurs beyond the
23 limits of the drive-through and into
24 the parking area. It conflicts with
25 visitors looking to actually park.

2 It's also a conflict point with
3 visitors who are trying to figure out
4 how to get on queue. It's kind of
5 messy. This would create a more
6 definitive access with additional
7 stacking and queueing to help resolve
8 that problem.

9 MR. BROWNE: Thank you.

10 MR. LOFRISCO: That's all.

11 CHAIRMAN EWASUTYN: Ken Wersted
12 with Creighton, Manning, Traffic
13 Consultant?

14 MR. WERSTED: I have a couple
15 of comments. I believe we forwarded
16 those over to you.

17 The main one is, overall how is
18 the site handling parking? The loss
19 of 12 spaces may not seem like a lot,
20 but I believe when we originally
21 approved the site plan, all the uses
22 in there had parking kind of
23 allocated for them. They weren't
24 individual lots and parcels themselves.
25 That's one question, how do the overall

2 parking numbers work for the site as
3 a whole?

4 Really how does Starbucks'
5 parking generation peak comparatively
6 from the morning when the two
7 adjoining restaurants, and arguably
8 even the restaurants in the main
9 strip plaza, are not open to the
10 afternoons when Starbucks may be busy
11 but also Chili's and Longhorns are
12 now ramping up for dinner service?

13 MR. LOFRISCO: Sure. To answer
14 that first question, at least as it
15 is observed around the Starbucks
16 location, there has not been present
17 a parking issue. In fact, if
18 anything, a lot of visitors who are
19 found to park are parking because the
20 drive-through scenario is forcing
21 them to utilize parking spaces to
22 enter the store. Overall the loss of
23 the spaces is believed to increase
24 the efficiency. Hopefully even
25 though there is less parking, it

2 would have a positive impact on the
3 overall performance of the lot.

4 In relation to peak times, the
5 Longhorns and the Chili's do not
6 open, at least in the a.m. hours,
7 until after Starbucks has its peak.
8 Starbucks' peak business generally
9 happens between the 7 to 9 a.m.
10 window, whereas I believe Chili's and
11 the Longhorns do not even open until
12 around 11. That peak is shifted. We
13 wouldn't expect a big conflict there.
14 In the evening it's also a little bit
15 shifted. Starbucks sees a greater
16 demand in the 3:00 to 4:00 window,
17 after school gets out, whereas the
18 dinner rush typically would happen
19 more in the 5:00, 6:00 and later
20 window. Overall it's believed and
21 it's been observed at this site that
22 the demands of the Starbucks are a
23 little bit shifted or not conflicting
24 with the demands of the Chili's and
25 Longhorn.

2 MR. WERSTED: Thank you. Kind
3 of going back to my first question,
4 if we had originally approved the
5 site for 300 parking spaces, and
6 that's what was required by zoning
7 and that's what was provided on the
8 site plan, and this new plan now
9 drops it to 288 spaces, are we now in
10 violation of that variance?

11 MR. LOFRISCO: So we do not have
12 the current full lot zoning compliance.
13 We tried to request the current
14 entitlement for the lot which we
15 could then back in and see if the 12
16 stalls or what might end up being a
17 10-stall reduction might reduce below
18 that compliance. However, we do not
19 have that information at this time.
20 The hope was that since this work is
21 primarily focused fronting the
22 Starbucks, and since the parking that
23 is being eliminated would be primarily
24 used by the Starbucks, it is the parking
25 that is directly adjacent to the store,

2 the operation that is most impacted
3 by the reduction of stalls would be
4 the Starbucks, not the other tenants
5 at the site.

6 As mentioned, we believe the
7 Starbucks, at least per its seating
8 count and its use and its operations,
9 has sufficient seating. I believe
10 there's maybe, in the proposed
11 condition, upward of 30, 40 seats
12 total in the entire store. There's
13 easily 26 plus directly adjacent
14 stalls for the Starbucks.

15 Back to your initial question.
16 We do not have a current full lot
17 zoning study performed at this time.

18 MR. WERSTED: Okay. Thank you.

19 Our other comments were minor
20 and just relative to the layout. I'm
21 sure they are comments you can answer
22 as we go through your responses.

23 Thank you, John.

24 CHAIRMAN EWASUTYN: Jim Campbell,
25 Code Compliance?

2 MR. CAMPBELL: I think in
3 future submittals, if you're planning
4 on doing any re-signage or new
5 signage, to incorporate that into the
6 plans.

7 MR. LOFRISCO: We're in receipt
8 of the comments regarding the signage,
9 particularly at the entry to the
10 parking and drive-through entrance.
11 We're going to reassess that, placing
12 do not enter signage, making it more
13 clear about the one-way circulation
14 at this location. Beyond that, at
15 least in the lot and what's shown on
16 the plan, we're not proposing to do
17 any way finding or signage beyond
18 these limits.

19 MR. CAMPBELL: If you're changing
20 the Starbucks branding signage --

21 MR. LOFRISCO: On the building
22 itself?

23 MR. CAMPBELL: Yes. That is
24 part of the ARB when you go through that.

25 MR. LOFRISCO: Right. I don't

2 have that answer offhand. There is,
3 as part of this building expansion,
4 likely going to be a re-branding
5 effort to modernize the store to make
6 it more in line with the later
7 Starbucks' protos. I don't have the
8 information right now. We can
9 certainly provide that. It would
10 definitely be provided as part of the
11 building application and submissions
12 once we submit.

13 MR. CAMPBELL: All right. That's
14 all I have at this time.

15 CHAIRMAN EWASUTYN: Pat Hines
16 with MH&E?

17 MR. HINES: Our first comment
18 just references the scope of the
19 changes and the 700-foot expansion.

20 We noted that the proxy
21 authorized a subject that doesn't
22 appear anywhere else on the plans. I
23 don't know who Nicole Davis is.

24 MR. LOFRISCO: Nicole Davis is
25 actually the Starbucks' rep. I'm

2 representing Starbucks on her behalf.

3 MR. HINES: We may need a
4 cleaned up proxy for that.

5 At the work session we talked
6 with Ken Wersted on the overall site
7 parking calculation. I think it was
8 the Board's feeling that overall site
9 parking calculation should be
10 provided in order to address the loss
11 of parking spaces currently proposed.

12 Did you say you were going to
13 redesign this and provide additional
14 parking?

15 MR. LOFRISCO: Yes. We do
16 intend to remove -- right now there's
17 a double lane entry which operationally
18 won't provide as much benefit as we
19 had hoped upon further study. In
20 eliminating that, we believe we would
21 get two stalls back -- one to two
22 stalls back. The delta would still
23 be a loss of about ten stalls.

24 MR. HINES: I think that's
25 going to be a requirement, to address

2 that overall parking.

3 We do need to eventually send
4 this to County Planning, but we will
5 wait until the resubmission comes in.

6 Adjoiners' notices must be
7 circulated. I will work with your
8 office in providing you with the
9 adjoiners' notice and the mailing
10 list, and I'll provide you the process
11 of how that works once you receive those.

12 Are you going to keep the facility
13 open during construction? If so, I
14 think some kind of operations plan
15 should be thought out on how that's
16 going to work.

17 MR. LOFRISCO: It is planned to
18 be closed during the renovation. It's
19 about a three to four-month construction
20 timeline.

21 MR. HINES: We require double
22 striped parking spaces. I provided
23 you with the detail.

24 I think we may want to hold off
25 on adjoiners' notices as well until

2 we get the revised plan.

3 CHAIRMAN EWASUTYN: I agree.

4 MR. HINES: When you come back,
5 we'll do those adjoiners' notices
6 with the new layout.

7 CHAIRMAN EWASUTYN: Dave Dominick,
8 comments?

9 MR. DOMINICK: Just a few. I think
10 it will solve the problem, especially
11 in the queueing area as it snakes
12 around and people come in. You also
13 will be creating a problem with the
14 elimination of the 12 parking spots.
15 Some of that bleeds into the Chili's
16 area. I know it's just a small number,
17 but it is a number.

18 You talk about the peak periods
19 of Starbucks. That store is constantly
20 busy. It might be busier during other
21 times, but it's a constant flow. I'm
22 a little concerned with that. I'd like
23 to see the parking calculations.

24 My second question was just to
25 describe how the two lanes merge into

2 one. I'm just curious, how is that
3 going to be regulated if you were to
4 continue with that, the two to one?
5 Is there a stoplight there?

6 MR. LOFRISCO: No. It's just
7 merged by customers, which is
8 typically what we've been moving to.

9 MR. DOMINICK: You're going to
10 have two into one with customers who
11 didn't have their coffee? That's
12 going to be okay? Okay.

13 That's all I had, John. Thank
14 you.

15 MS. DeLUCA: Nothing further.

16 MR. MENNERICH: On your building,
17 are the colors changing? Is the
18 architecture changing?

19 MR. LOFRISCO: I don't know the
20 full answer to the extent of the changes
21 to the facade. That's certainly something
22 that we will provide additional info on
23 with the next submission.

24 MR. MENNERICH: As a Planning Board,
25 we have the responsibility to review that.

2 Thanks.

3 CHAIRMAN EWASUTYN: No comments.

4 MR. BROWNE: Just backing up to
5 the parking thing. For this type of
6 location we look at the complete
7 site, not just the one store. Even
8 though it seems like it may be small,
9 we consider the whole site and how
10 that works. That's why the rationale
11 for the parking is required.

12 MR. LOFRISCO: Understood.

13 MR. WARD: I ditto on what Dave
14 said. Thank you.

15 CHAIRMAN EWASUTYN: Dominic
16 Cordisco, Planning Board Attorney?

17 MR. CORDISCO: I have nothing
18 further at this time, other than to
19 emphasize that the Board, in similar
20 circumstances, has always looked at
21 the totality of the parking as it
22 essentially functions as a combined
23 shopping center, shopping area and
24 dining area as well. The Board will
25 be looking to see what the overall

2 parking count would be with the
3 reduction and see whether or not that
4 still meets code requirements.

5 MR. LOFRISCO: Okay.

6 CHAIRMAN EWASUTYN: Would this
7 be considered a unified site plan?

8 MR. HINES: It was approved as
9 such.

10 CHAIRMAN EWASUTYN: It's not an
11 individual store-by-store plan, it's
12 a unified site plan. It's taken into
13 consideration that everyone is part
14 and parcel of that lease arrangement
15 and site plan.

16 MR. LOFRISCO: Would the Board
17 be looking for the count as it relates
18 to what was previously approved and
19 entitled at this location or a new
20 parking study?

21 CHAIRMAN EWASUTYN: Yes.
22 Anything else, Pat?

23 MR. HINES: Nothing further.
24 We'll await that resubmission.

25 (Time noted: 7:40 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
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this matter.

IN WITNESS WHEREOF, I have hereunto
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Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

FUCHECK SUBDIVISION
(2021-31)

26 Tarben Way
Section 6; Block 1; Lots 11& 12
AR Zone

- - - - - X

SIX-LOT SUBDIVISION

Date: April 18, 2024
Time: 7:40 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: RAHUL VERMA

- - - - - X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: The seventh
3 item of business this evening is
4 Fuchek, project 21-31. It's a
5 five-lot subdivision located on
6 Tarben Way.

7 MR. VERMA: Good evening. My
8 name is Rahul Verma. I'm representing
9 the Fucheks on this subdivision
10 application.

11 This is the second appearance
12 on this application with me as the
13 engineer. Our first one was in
14 January. Since then I've made some
15 revisions in accordance with the
16 comments received both from MHE and
17 at that last meeting. The updated
18 plans were submitted and are in front
19 of you.

20 The road has been revised to
21 show some curbs on there.

22 The fire access was revised
23 into a hammerhead.

24 I know there's a comment on
25 there to be discussed, along with

2 some additional field testing and
3 the actual septic system locations,
4 to better design those septic systems.

5 CHAIRMAN EWASUTYN: Comments
6 from Code Compliance, Jim Campbell?

7 MR. CAMPBELL: No comments at
8 this time.

9 CHAIRMAN EWASUTYN: Pat Hines
10 with MH&E?

11 MR. HINES: It's now a six-lot
12 subdivision. I think the application
13 was originally for five lots.

14 There's a need to update the
15 fee structure for those applications,
16 and the applications themselves
17 should be updated to reference a
18 six-lot subdivision.

19 Similar to the project that was
20 located adjacent to this, the private
21 road access and maintenance agreement
22 should be submitted to Attorney
23 Cordisco's office for review.

24 A new private road access and
25 maintenance agreement will be

2 required where the project veers off
3 outside of that previous agreement.

4 The Town of Newburgh private
5 road specifications require a
6 cul-de-sac at the end, so that will
7 need to be depicted in compliance
8 with that chapter.

9 Similarly, the Town's stormwater
10 management ordinance, Chapter 167,
11 requires a stormwater pollution
12 prevention plan be developed once a
13 project does propose a private road.
14 We'll need that moving forward.

15 The grading plan crosses the
16 lot lines, so cross grading easement
17 notes and language acceptable to
18 Dominic's office should be provided.

19 We noted some separation distances
20 between the septic systems. It would
21 be helpful if some additional topo
22 could be labeled on the plan so that
23 that can be checked again. Label
24 additional contours, I just said.

25 It looks like there's going to

2 be a need for a culvert at station
3 10 + 00 there. The grade comes down
4 through there like a valley.

5 The private road will require
6 security and inspection fees prior to
7 stamping of the plans. That's just a
8 note for the future.

9 The location map doesn't look
10 like it printed out well. If we
11 could get a more detailed location
12 map on there, that would be great.

13 The source of the wetlands
14 locations on there, it looks like,
15 from the labeling, they may have come
16 from the National Wetland Inventory
17 Mapping. I don't know if you have
18 additional information. The concern
19 is where those wetlands end versus
20 the septic system that you have
21 labeled at lot 11-1.

22 Comments from the highway
23 superintendent for the access point
24 for the private roadway should be
25 received, especially in light of the

2 two other driveways proposed next
3 door.

4 The Town has recently, within
5 the last year, adopted a Tree
6 Preservation Ordinance. I think it's
7 Chapter 172, don't quote me on that,
8 in the code. There's a need for a
9 tree survey and documentation of
10 compliance with that.

11 MR. VERMA: I do have some
12 questions and comments if we can,
13 please.

14 For the application materials,
15 I submitted the proxy form with the
16 last -- with the January hearing. I
17 believe what is missing now, in going
18 through this application package, is
19 the actual application form --

20 MR. HINES: The lot count.

21 MR. VERMA: -- to be revised,
22 and then there's a non-collusion type
23 form.

24 MR. HINES: Because it was a
25 five-lot. I believe you paid fees

2 based on a five lot where it's now a
3 six lot.

4 MR. VERMA: Right. Ray is
5 aware of that.

6 MR. FUCHECK: I talked to John
7 and he told me, I think it was \$250,
8 you said.

9 CHAIRMAN EWASUTYN: Right.

10 MR. FUCHECK: Is there another
11 recreation fee on top of that?

12 MR. HINES: During approval.
13 That's a condition of final approval.

14 MR. FUCHECK: I'll submit that
15 this week.

16 MR. VERMA: Also with regard to
17 comment number 2 on the right-of-way
18 agreement that's in place, that was
19 provided to the Board with the
20 January submittal. You should have
21 that. I can certainly forward it
22 over to Dominic again if need be.
23 That was there.

24 Number 3 we're aware of.

25 5 will be done as we continue

2 to move forward.

3 With the cross grading easement,
4 as you mentioned, the grading goes
5 across multiple lot lines. In
6 talking with the applicant, their
7 intention was once the subdivision
8 was approved, to clear and grade the
9 lots all at the same time and
10 stabilize that, and then, as they're
11 sold, build on there. There wouldn't
12 actually be any cross grading during
13 construction of the homes. Would
14 that be acceptable?

15 MR. HINES: I don't think so.
16 Upon stamped plans, you can file the
17 maps and sell the lots. I'll defer
18 to Dominic on that, but I can see
19 problems with that. What we're going
20 to do and what really happens often
21 changes. I think the way to handle
22 it would be at least a blanket cross
23 grading easement on the plans. I'll
24 defer to Dominic.

25 MR. VERMA: Okay. I believe,

2 Pat, you said that Dominic -- you
3 have some language on that? Did I
4 hear that correctly?

5 MR. HINES: We've certainly had
6 it on other plans. We've approved
7 that method before.

8 MR. VERMA: Okay. That's fine.

9 With regard to the separation
10 distance, I saw the comment primarily
11 in regards to this well, I believe it
12 was, Pat. I see they said it was
13 down gradient of this septic system.

14 MR. HINES: Both that one and
15 lot 11-1.

16 MR. VERMA: So this one can
17 certainly be shifted over to the
18 other side and still maintain the
19 100. It will be 200 --

20 MR. HINES: 200 down.

21 MR. VERMA: -- plus from the
22 project site. This one is on the
23 other side of this ridge, so the
24 septic system is on the downhill.
25 There's a very slight ridge line here

2 at this 532 contour. The septic is
3 on one side and the well is on the
4 other side.

5 MR. HINES: I don't see that on
6 the topo. It could very well be
7 with the 2-foot contour.

8 MR. VERMA: Right.

9 MR. HINES: If you could give
10 me a spot elevation there showing
11 that, that would be helpful.

12 MR. VERMA: Absolutely.

13 Then I think the last -- we
14 skipped to comment 13. I dropped off
15 the plans to the highway super, I
16 believe on the 5th. I placed two
17 calls in and left voicemails both
18 times. I haven't received a
19 response. I don't know if there's a
20 response timeline or another way to --

21 MR. HINES: I meet with him all
22 the time. I'll reach out to him as
23 well.

24 MR. VERMA: Thank you.

25 With regard to the wetland

2 delineation, the wetland up in this
3 area here, so it would be -- the
4 correspondence with the DEC I think
5 was clear.

6 Brian Rozel at the Army Corp,
7 the applicant's son-in-law and
8 daughter who own the home here, when
9 they built this driveway they had
10 gone through this with the Army Corp
11 in terms of determination and coverage
12 for that wetlands disturbance to put
13 these culverts in and their driveway.
14 At this point we're not increasing --
15 with this application, we're not
16 increasing the disturbance to the
17 wetland. Brian's correspondence with
18 Dan Dickinson indicated that that
19 initial disturbance was covered under
20 that nation-wide permit. I'm still
21 unclear on what you're looking for.

22 MR. HINES: I'm looking for the
23 delineation of the wetlands on lot
24 11-1 where the wetlands come into a
25 significant portion of that lot. I'm

2 not questioning the culverts. I
3 recall when those were done and that
4 original subdivision was done. I
5 don't know where the wetlands start
6 and stop on 11-1.

7 MR. VERMA: So the delineation
8 that was provided by Terry, the
9 surveyor, is insufficient?

10 MR. HINES: If you could submit
11 that, yeah.

12 MR. VERMA: That's what's on
13 the plan.

14 MR. FUCHECK: I don't think he
15 has it.

16 MR. HINES: I don't have --

17 MR. VERMA: Okay. I will
18 double check.

19 MR. HINES: If you can just
20 send it to me.

21 MR. VERMA: I can certainly
22 resubmit it.

23 MR. HINES: That's fine.

24 MR. VERMA: With regard to this
25 Tree Preservation Ordinance, since

2 this application was started in 2021
3 -- Ray, I believe, is that correct?

4 MR. FUCHECK: Yes.

5 MR. VERMA: With Charlie Day.
6 The ordinance was passed after. Is
7 that still applicable to this
8 application.

9 MR. HINES: It is. There's no
10 grandfathering at all.

11 MR. CORDISCO: Let the record
12 reflect I was shaking my head yes.

13 MR. VERMA: That was all the
14 questions I had. Thank you.

15 CHAIRMAN EWASUTYN: Dominic, do
16 you want to go back to the cross
17 grading easement?

18 MR. CORDISCO: The difficulty
19 with handling that later is that
20 there's not a clear expectation as to
21 what exactly is going to occur and
22 the extent of the limits of
23 disturbance. It's just better to
24 show it now and have it clear as part
25 of that. Before the subdivision ever

2 gets filed and lots get sold, people
3 will know exactly what's going to
4 occur there.

5 MR. VERMA: Understood.

6 CHAIRMAN EWASUTYN: Comments
7 from Board Members. Dave Dominick?

8 MR. DOMINICK: Sir, just your
9 name for the record.

10 MR. FUCHECK: My name is Ray
11 Fucheck, F-U-C-H-E-C-K.

12 CHAIRMAN EWASUTYN: Stephanie
13 DeLuca?

14 MS. DeLUCA: I have nothing.

15 MR. MENNERICH: No questions.

16 CHAIRMAN EWASUTYN: No comments.

17 MR. BROWNE: Nothing more. Thank
18 you.

19 MR. WARD: No comments.

20 MR. VERMA: Thank you.

21

22 (Time noted: 7:50 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 27th day of April 2024.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

GREEN LEAF - CANNABIS DISPENSARY
(2024-03)

1400 Route 300
Section 60; Block 3; Lot 43
IB Zone

- - - - - X

SPECIAL USE PERMIT

Date: April 18, 2024
Time: 7:50 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOSEPH MORRIS

- - - - - X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: The last
3 item of business is Green Leaf, a
4 cannabis dispensary, a special use
5 permit. It's located on 1400 Route
6 300 in an IB Zone. It's being
7 represented by AFR Engineering.

8 MR. MORRIS: Good evening. Our
9 original application hearing was on
10 February 15th. There were some
11 comments regarding the parking study,
12 which was completed, lighting for the
13 parking lot in this section along the
14 external part of the building in
15 front of the space, a sidewalk, and
16 then creating a secure dumpster
17 location to prevent, you know,
18 expired product from being pilfered
19 and miscellaneous things like that.
20 All that stuff was completed and
21 submitted. I believe there's a
22 review letter that was issued this
23 week pertaining to those things.

24 MR. CORDISCO: If I could just
25 make one clarification. At the

2 outset of your remarks you mentioned
3 at the prior hearing. Technically
4 there hasn't been a hearing yet for
5 this application. I just want to
6 make that clear.

7 MR. MORRIS: I probably
8 misspoke. I was here in February. I
9 don't know what that was called.

10 MR. CORDISCO: It was an
11 initial appearance. This is an
12 application that requires a special
13 use permit. A public hearing will be
14 required as part of the processing by
15 the Planning Board of this application.
16 I just wanted to correct any
17 misunderstandings that may occur. There
18 has not yet been a public hearing on
19 this application. One will be required.

20 MR. MORRIS: Understood.

21 CHAIRMAN EWASUTYN: Thank you.
22 Jim Campbell, Code Compliance?

23 MR. CAMPBELL: I just had a couple
24 of questions. You're proposing a
25 sidewalk. Is that a flush sidewalk

2 or is that going to have a reveal to
3 it?

4 MR. MORRIS: It's going to be a
5 six-inch reveal.

6 MR. CAMPBELL: You should show
7 some details for handicap/ADA compliance.

8 MR. MORRIS: Obviously the handicap
9 -- there's a handicap ramp also existing
10 on this side of the building. Our
11 intention is to put one by the front
12 door. I'll have that.

13 MR. CAMPBELL: To the rear it
14 looks like a bump out or something.
15 You're not proposing any --

16 MR. MORRIS: There are no structural
17 changes to the building at all.

18 MR. CAMPBELL: All right. That's all
19 I have at this time.

20 CHAIRMAN EWASUTYN: Pat Hines with
21 MH&E?

22 MR. HINES: I don't know if the
23 stenographer got your name.

24 MR. MORRIS: My name is Joseph
25 Morris, M-O-R-R-I-S.

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MR. HINES: The parking calculations which we requested have been identified on the plan. There are 120 parking spaces that are required and 139 are provided. The site, in total, meets the parking requirements.

The parking striping in what I call the overflow parking area, the area to the east, is identified as faded. I don't know if the Board was going to consider -- originally we talked about an overlay. I think the Board Members took a look at it. I think possibly just re-striping that area would make it, you know, so the parking areas are defined.

MR. MORRIS: Understood.

MR. HINES: A sign report was submitted identifying all the signage on the site. I know the Board received that. That was a previous comment.

The building layout for the entire structure has been provided

2 identifying all the uses on the site
3 and the portions of the structure
4 that they utilize.

5 A dumpster enclosure has been
6 provided with details.

7 The project will require referral
8 to the Orange County Health Department
9 as it's a special use and located on
10 a State highway.

11 The adjoiners' notices have been
12 circulated.

13 Any approvals must be conditioned
14 on the State license being provided
15 and continuing for the site.

16 The Board could consider referral
17 to the Orange County Health Department.
18 I believe it's a Type 2 action under
19 SEQRA.

20 CHAIRMAN EWASUTYN: Is it the
21 Health Department or --

22 MR. HINES: I'm sorry. County
23 Planning. I misspoke.

24 CHAIRMAN EWASUTYN: Thank you.
25 I interrupted you. The motion would

2 be to circulate to the Orange County
3 Department of Planning. What else?

4 MR. CORDISCO: It is a Type 2
5 action.

6 CHAIRMAN EWASUTYN: It's a Type
7 2 action. Thank you.

8 Can I have a motion from the
9 Board to circulate the Green Leaf
10 Cannabis Dispensary to the Orange
11 County Department of Planning?

12 MR. MENNERICH: So moved.

13 MR. BROWNE: Second.

14 CHAIRMAN EWASUTYN: I have a
15 motion by Ken Mennerich. I have a
16 second by Cliff Browne. Can I have a
17 roll call vote starting with Dave
18 Dominick.

19 MR. DOMINICK: Aye.

20 MS. DeLUCA: Aye.

21 MR. MENNERICH: Aye.

22 CHAIRMAN EWASUTYN: Aye.

23 MR. BROWNE: Aye.

24 MR. WARD: Aye.

25 CHAIRMAN EWASUTYN: Any

2 comments from the Planning Board
3 Members on the proposed Green Leaf
4 project?

5 MR. DOMINICK: Yes, John. I
6 do.

7 CHAIRMAN EWASUTYN: Please go
8 ahead.

9 MR. DOMINICK: Joseph, on the
10 overflow parking lot, the east
11 parking lot, where it says 28 spots,
12 I noticed when I drove through the
13 site you had about six dumpsters
14 there. Where are they --

15 MR. MORRIS: The dumpsters that
16 are over by the --

17 MR. DOMINICK: Yes. Where are
18 they going to go now that you've made
19 the parking spots?

20 MR. MORRIS: The dumpsters will
21 be most likely moved -- there's a
22 light pole that's kind of inside the
23 parking lot. It will be moved in
24 configuration with that so there
25 won't be any loss of spots. They're

2 kind of spread out. Everything is
3 going to get consolidated and put
4 into an enclosure.

5 MR. DOMINICK: You'll have two
6 dumpster locations?

7 MR. MORRIS: There's going to
8 be a separate one right here for the
9 cannabis location that's locked.
10 These are going to be more open use.
11 They have to be consolidated.
12 They're taking up too much space
13 right now.

14 MR. DOMINICK: They're scattered.

15 MR. MORRIS: They're all over
16 the place.

17 MR. DOMINICK: Thank you for
18 enclosing the dumpsters and locking
19 them. That was my concern. I know
20 you said the product would be damaged
21 or voided.

22 MR. MORRIS: It still needs to
23 be secured.

24 MR. DOMINICK: I appreciate that.
25 Lighting. Are you going to address

2 the lighting in that back area?

3 MR. MORRIS: There's proposed
4 lighting on this plan on the exterior
5 of the building that shines down into
6 the back parking lot. There are
7 existing lights in this part of the
8 parking lot. The rest of the parking
9 lot has been verified to be serviceable
10 right now.

11 MR. DOMINICK: The last question.
12 I'd like to see striping along the
13 front of this building here. Like no
14 parking --

15 MR. MORRIS: No problem. The
16 orange kind of lines?

17 MR. DOMINICK: Yes.

18 MR. MORRIS: No problem.

19 MR. DOMINICK: I notice some
20 cars parked on the side of the building
21 there. I know at the point when it
22 becomes operational, if it becomes
23 operational, people will do that as a
24 quick in and out.

25 MR. MORRIS: I know what you're

2 saying. We'll take care of that.

3 MR. DOMINICK: Thank you.

4 MS. DeLUCA: I have no questions.

5 MR. MENNERICH: No comments.

6 CHAIRMAN EWASUTYN: No comment.

7 MR. BROWNE: Nothing more.

8 MR. WARD: With the lighting,
9 the four lights on the building, I
10 think you should have more lights for
11 the parking lot itself.

12 MR. MORRIS: There are existing
13 lights. There's a light pole here,
14 there are six in this area, there's
15 one in the center and then there's
16 lights in this area, as well as the
17 front of the building.

18 MR. WARD: With the back
19 parking lot, are they functional?

20 MR. MORRIS: Yes. We verified
21 their function this week. Actually,
22 last week.

23 MR. WARD: Very good.

24 MR. MORRIS: They're solar
25 lights and they are functioning.

2 There's a photo cell that turns them
3 on when it gets dark.

4 MR. WARD: Like Dave was
5 saying, in front of the building,
6 when you go in where the sidewalk is,
7 you're not going to have cars going
8 back there, are you?

9 MR. MORRIS: There's no parking
10 in the back of the building. All the
11 parking is going to be here, the
12 existing parking for the building
13 right now. There's no parking behind
14 the building.

15 MR. WARD: Is there any way you
16 could block it off, like lines there
17 or something, so cars --

18 MR. MORRIS: Well, this right
19 now is kind of the traffic cycle for
20 the deliveries for the restaurant.
21 To block that off would be difficult
22 because of the delivery traffic
23 pattern. We can make it one way, if
24 that makes sense.

25 MR. WARD: Maybe signage so

2 it's enforceable.

3 MR. MORRIS: Okay.

4 MR. WARD: Thank you.

5 CHAIRMAN EWASUTYN: Okay.

6 You'll work with the applicant as far
7 as the Orange County Planning Department?

8 MR. HINES: Yes. I have it
9 electronically. They're accepting
10 electronic submissions at this point.

11 MR. MORRIS: Do you need me to
12 do anything for that?

13 MR. HINES: No.

14 CHAIRMAN EWASUTYN: Okay.

15 MR. MORRIS: What do I do next?

16 CHAIRMAN EWASUTYN: We have to
17 wait thirty days for the County to
18 reply to the submission of your
19 application.

20 MR. MORRIS: Okay. And then
21 after that, the public hearing would
22 be scheduled?

23 CHAIRMAN EWASUTYN: You'll have
24 to come back before the Planning
25 Board at which time the Planning

2 Board would, if in agreement, set it
3 for a public hearing.

4 MR. MORRIS: Okay. Thank you.

5 CHAIRMAN EWASUTYN: Try to
6 remember to work with Jim Campbell as
7 far as next Friday where everyone is
8 meeting at the Desmond Estate for the
9 planting of the tree.

10 Otherwise, can I have a motion
11 to close the Planning Board meeting
12 of the 18th of April?

13 MS. DeLUCA: So moved.

14 MR. DOMINICK: Second.

15 CHAIRMAN EWASUTYN: I have a
16 motion by Stephanie DeLuca. I have a
17 second by Dave Dominick. Can I have
18 a roll call vote starting with Dave
19 Dominick.

20 MR. DOMINICK: Aye.

21 MS. DeLUCA: Aye.

22 MR. MENNERICH: Aye.

23 CHAIRMAN EWASUTYN: Aye.

24 MR. BROWNE: Aye.

25 MR. WARD: Aye.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 27th day of April 2024.

Michelle Conero

MICHELLE CONERO