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

----- X

In the Matter of

POLO CLUB  
(2018-12)

Route 300 & Jeanne Drive  
Section 39; Block 1; Lots 1 & 2.12  
R-3 Zone

----- X

242 UNITS - MULTI-FAMILY WITH SENIOR SITE PLAN  
CONDITIONAL FINAL APPROVAL

Date: May 20, 2021  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ,  
DAVID WEINBERG & JAYNE DALY

----- X

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

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. We'd like to welcome you to the Planning Board meeting of the 20th of May 2021. We have six agenda items and one Board business item.

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

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. WARD: Present.

MR. DOMINICK: Present.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

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

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CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to Stephanie DeLuca.

(Pledge of Allegiance.)

MS. DeLUCA: We would just ask that you silence your cellphones, please.

CHAIRMAN EWASUTYN: The first item of business this evening is the Polo Club, project number 18-12. It's a 240-unit multi-family with senior housing. It's a site plan. It's before us this evening for conditional final approval. It's located on Route 300 and Jeanne Drive in an R-3 Zone. It's being represented by Engineering & Surveying properties.

MR. WINGLOVITZ: Good evening. For the record, Ross Winglovitz with Engineering & Surveying Properties. I'm here with Jayne Daly, Counsel, and Dave Weinberg, the owner of the project.

We were before you two weeks ago regarding this application. We finally heard back from the County and we've responded to the comments.

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We are respectfully requesting a conditional final site plan approval so that we can pursue all of our outside agency approvals.

CHAIRMAN EWASUTYN: Thank you.

Jerry Canfield, do you have any additional comments to add to Pat Hines' review comments for the review dated May 14, 2021 for the meeting date on the 20th, 2021?

MR. HINES: I see where we have a little error there. It's a typo. We're a year behind.

CHAIRMAN EWASUTYN: Jerry?

MR. CANFIELD: I have nothing, John. Nothing to add.

CHAIRMAN EWASUTYN: Dominic Cordisco, would you like to advise us on how we can motion?

MR. CORDISCO: Yes, certainly. So the applicant has asked for the Board to consider a granting of conditional final approval. They certainly are procedurally in a position to receive that

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conditional final approval. They have satisfied the Board's requirements up to this point. They have completed the environmental review, including the supplemental environmental review that was before this Board. They have also received Town Board approval for the senior bonus density, so they have completed that process as well.

Mr. Hines has identified a number of items that they would have to complete prior to getting a building permit, and these would be the outside agency approvals and the conditions that would have to be satisfied with the Town. In his memo, in item number 3 there are, I believe, eleven items that would be special conditions that would be included in the formal approval resolution. I would propose to incorporate all of those as they are written there as standard conditions for this particular site plan approval.

When the applicant last appeared

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it was important to clarify, and I just want to state on the record again, that in the Town of Newburgh a site plan approval has a specific timeframe. It is good for two years with the possibility of an additional one year extension. And then beyond that, an applicant, if they didn't satisfy the conditions within that timeframe, they would have to reapply to the Board. There are no extensions beyond those three years total. At the last meeting the applicant confirmed that they yes indeed were ready at this point for conditional site plan approval.

That said, if the Board is satisfied, you would be in a position to have a resolution authorizing the preparation and signing of a written resolution for conditional final approval including items 3, 1 through 11, in Mr. Hines' memo.

CHAIRMAN EWASUTYN: Pat Hines, did you have anything to add?

MR. HINES: No. We tried to

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comprehensively identify each of the technical conditions that were outstanding, and also identify the fees that would need to be put forward to finally sign the final approval.

CHAIRMAN EWASUTYN: John Ward, do you have anything to add at this point?

MR. WARD: No.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No.

MR. BROWNE: No. I'm satisfied. Thank you.

MR. GALLI: All good.

CHAIRMAN EWASUTYN: Michelle, I believe you have, as part as the overall agenda items, Pat Hines' memo for the Polo Club. You'll make that part of your record.

MS. CONERO: Okay.

CHAIRMAN EWASUTYN: Having heard from Planning Board Attorney Dominic Cordisco, Pat Hines and Jerry Canfield, would someone make a motion to grant

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conditional final approval for the Polo Club based upon Pat Hines' review comments dated the 14th of May 2021 for the meeting date of the 20th of May 2021 as it relates to the Polo Club, application 18-12?

MR. DOMINICK: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by John Ward. May I please have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

MR. WINGLOVITZ: Thank you very much.

MR. WEINBERG: Thank you very much.

(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 1st day of June 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

HANOVER SUBDIVISION  
(2021-06)

Route 32  
Section 2; Block 1; Lot 57.2  
RR Zone

----- X

FIVE-LOT SUBDIVISION

Date: May 20, 2021  
Time: 7:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

MICHELLE L. CONERO  
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CHAIRMAN EWASUTYN: Our second item of business this evening is the Hanover Subdivision, project number 21-06. It's a five-lot subdivision located on Route 32. It's in an RR District. It's being represented by Engineering & Surveying Properties.

MR. WINGLOVITZ: Again for the record, Ross Winglovitz with Engineering & Surveying Properties here on behalf of Hanover Development for the proposed five-lot subdivision.

We were here before the Board, I think about a month ago, with the initial presentation. We had responded to Pat's comments regarding the separation to the wetland, the stormwater, amongst a few other septic comments.

We would be glad to answer any comments the Board has.

We are respectfully requesting to be set for a public hearing if the Board feels it's appropriate.

CHAIRMAN EWASUTYN: Jerry

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Canfield, comments?

MR. CANFIELD: Nothing.

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

MR. HINES: As Ross said, our previous comments have been addressed.

We did receive a conceptual approval from DOT's regional permit engineer. Any approvals would be conditioned on the applicant gaining a highway work permit prior to issuance of building permits.

We did circulate intent for lead agency back on April 19th, so that thirty-day timeframe has lapsed as of this evening.

An Orange County 239 review was sent to the County as well.

We requested and received a copy of the Federal wetland delineation that was prepared for the project. That is to complete the file.

The project will require a DEC stormwater SPDES permit for residential

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parcels. We will issue a municipal authorization upon final approval.

We've reviewed the environmental assessment form, the plans and reports provided to date, and we're in a position to recommend the Planning Board issue a negative declaration for the project.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No.

MR. MENNERICH: No questions.

MS. DeLUCA: No.

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Dave Dominick, any questions?

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: Dominic Cordisco, do you have anything to add at this time?

MR. CORDISCO: Only if the Board would like, you could consider scheduling this for a public hearing at your June

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17th meeting.

CHAIRMAN EWASUTYN: Having heard from our team, would someone make a motion to declare a negative declaration on the five-lot Hanover Subdivision and schedule it for a public hearing on the 17th day of June?

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Second by Ken Mennerich. May I please have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: You're familiar with mailing the notice?

MR. WINGLOVITZ: Yes. We'll coordinate. Thank you very much.

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(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 1st day of June 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

WEYANTS LANE CLEARING & GRADING  
(2021-12)

Weyants Lane  
Section 17; Block 1; Lot 53.3  
AR & R-2 Zones

----- X

INITIAL APPEARANCE  
CLEARING & GRADING

Date: May 20, 2021  
Time: 7:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER PRENTIS

----- X

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



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3 item of business is the Weyants Lane  
4 clearing and grading. It's a timber  
5 harvest, an initial appearance. It's  
6 located on Weyants Lane. It's project  
7 number 21-12. It's in an AR and R-2  
8 Zoning District. It's being represented  
9 by Lower Hudson Valley Forestry.

10                  MR. PRENTIS: Good evening. For  
11 the record, Christopher Prentis, Lower  
12 Hudson Forestry Services.

13                  We are proposing a clearing and  
14 grading timber harvesting application  
15 permit for a vacant property located off  
16 of Weyants Lane, tax parcel 17-1-53.3.  
17 The parcel is owned by Valenti, Post and  
18 Gironda. Klein & Sons Logging is the  
19 contractor that's also going to be doing  
20 the work.

21                  The parcel total is 62.3 acres of  
22 which 33 acres is being proposed for  
23 harvesting. All of the trees for  
24 harvesting are hardwood species. There are  
25 365 total trees, 315 which are considered

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saw timber, another 50 are considered firewood, for an average of about 11 trees per acre.

It would be considered a selective harvest. That's what we're aiming for. The tops and limbs will be lopped to the DEC's recommendation of 3 feet in height. Skid trails and landing areas will be cleared and graded after the job is done. Proper DEC best management practices will be utilized to stabilize those areas.

There is a small unclassified stream on the property. That stream will be crossed with a temporary wooden skidder bridge that's consistent with, once again, the best management practices for forest activities from the DEC.

The landing area is actually located on portions of two adjacent lots that are also owned by Cindy Post. These are lots 34-2-1.4 and 17-1-53.1. Though the property has road frontage on Weyants Lane, the road frontage is in a really bad

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sight distance area. It's just below the crest of a hill and wouldn't be a great spot for a landing. That's the reason we chose the other two parcels for the landing location.

As Mr. Hines stated, the EAF shows that the property is adjacent to the Chadwick Lake critical environmental area. It's not technically in it, but the way that the State's EAF mapper fills out that form for you, it states that it's in it. I just want to clarify that it's not actually in the critical environmental area.

The EAF mapper also showed there were no rare or endangered species on or adjacent to the property, nor was there any archeological or historic sites.

It's expected that the project should take, under average weather conditions, about five weeks to complete with a truck approximately every day. So four to five per week, twenty-two, twenty-three trucks total.

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CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: When the truck leaves the site, it's coming down to Route 32 and not going down to Fostertown Road?

MR. PRENTIS: It's expected that that's the route that they would take, would be towards 32.

CHAIRMAN EWASUTYN: Stephanie?  
I'm sorry, Frank.

MR. GALLI: I have no additional.

MS. DeLUCA: No. He was very clear. Thank you.

MR. MENNERICH: Do you expect at the public hearing there will be any issues raised about where the property lines are for this parcel?

MR. PRENTIS: No. This parcel is completely surrounded by old stonewalls. I don't think we're going to have any of those issues like we did last month.

MR. MENNERICH: Thanks.

CHAIRMAN EWASUTYN: Different than other projects that you appeared

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before us, can you explain how this or why this is outside of the Indiana bat area?

MR. PRENTIS: The DEC's environmental assessment mapper, it automatically fills out certain sections of both the short and the long form EAF, and that would be -- it didn't come up as part of their search. So that would be the reason.

CHAIRMAN EWASUTYN: Thank you.  
Cliff Browne?

MR. BROWNE: I appreciate the graphics that you included for the stream crossing and that kind of thing. Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Our engineer mentioned that the two parcels that you're using for putting the logs in and everything else aren't part -- there are different owners where that could be on the map, whatever, for making it one -- approved for one. Pat Hines will address that.

CHAIRMAN EWASUTYN: Jerry

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Canfield, your office receives the initial application for a clearing and grading?

MR. CANFIELD: Yes, that's correct.

CHAIRMAN EWASUTYN: And procedurally you refer it to the Planning Board?

MR. CANFIELD: Yes, that's correct.

CHAIRMAN EWASUTYN: Would you like to add to that?

MR. CANFIELD: Like John said, the parent parcel where the clearing is taking place is under a different name. It's under the Girondas. The landing of the parcels is under Cindy and Scott Post. I believe at the work session we talked about proxies to make that proper.

MR. CORDISCO: If I may. I believe the application package included the proxies from all of the landowners, but the application itself was in the name of the Girondas in terms of the application form. If we could just have a

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revised sheet that indicates that it's applying to all three parcels, that way if and when the permit is issued, it could be issued in all the names. Even though the clearing and timber harvesting is occurring on one parcel, really all three parcels are being affected.

MR. PRENTIS: Okay.

MR. HINES: Item 7 on the front page of the application just identifies 53.3. It needs to identify the other two parcels.

MR. PRENTIS: Fair enough.

MR. HINES: So when we circulate for the assessor's list and all of that, it will have that.

MR. PRENTIS: Okay.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Nothing, John.

CHAIRMAN EWASUTYN: Pat Hines, did you have anything to add?

MR. HINES: No. The EAF did identify -- actually, I do have a couple

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things. The EAF identified that it's in the Chadwick reservoir critical environmental area. I reviewed the actual mapping of that, and the project is outside of that as well.

We did confirm that it's outside any of the protected bat areas, so the clearing timeframes aren't in place.

I just wanted to confirm that the trees have been marked in the field, standard practice at the two locations?

MR. PRENTIS: All trees are marked with blue paint 4.5 feet off the ground, and there's a stump mark on each. As part of the application there was a landowner statement to that effect as well that was signed by all three of the landowners.

MR. HINES: We would recommend a negative declaration based on the conversations we just had.

The project does require an initial notice and a public hearing.

CHAIRMAN EWASUTYN: Having heard



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from Board Members and our Consultants,  
would someone move for declaring a  
negative declaration on the Weyants Lane  
clearing and grading and to set it for a  
public hearing for the 17th of June?

MS. DeLUCA: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Motion by  
Stephanie DeLuca. Second by Frank Galli.  
May I please have a roll call vote  
starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Chris, you're  
familiar with the mailings. You'll work  
with Pat Hines' office.

MR. PRENTIS: I will.

There's one request. The last  
time we did it I had to do two separate

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mailings. I don't know if it's at all possible if we could make it where it would just be one mailing?

MR. HINES: I think because they coincide, this is your first appearance, so they can be put in the same envelop I believe.

MR. PRENTIS: Excellent. Thank you. Have a good evening.

(Time noted: 7:22 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 1st day of June 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

FARRELL INDUSTRIAL PARK  
(2020-16)

NYS Route 300  
Section 1; Block 1; Lot 63.23  
IB Zone

----- X

SITE PLAN

Date: May 20, 2021  
Time: 7:22 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOSEPH MODAFERRI,  
PHILIP CLARK, STANLEY SCHUTZMAN

----- X

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

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CHAIRMAN EWASUTYN: Item number 4 this evening is the Farrell Industrial Park, application 20-16. It's a site plan located on Route 300 in an IB Zone. It's being represented by JMC.

MR. MODAFFERI: Good evening, Members of the Board. My name, for the record, is Joe Modafferi with JMC. I'm here tonight with our project attorney, Stanley Schutzman, and our project architect, Phil Clark.

We're here tonight to continue the site plan approval process for the Farrell Industrial Park project. Specifically tonight I think we would be looking for the Board to hopefully deem themselves lead agency, as the timetable has lapsed, and also we'd like to request a letter of recommendation to the Orange County Department of Health so that we can submit our septic system application.

We were last before your Board on February 18th. Since that date we've been working to address the various comments of

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your consultants, as well as the Board,  
from the previous meeting.

We had a meeting with the fire  
department to review the plans and got  
comments from them.

We received a letter from the  
State Office of Parks & Historic  
Preservation indicating that there were no  
archeological or historical impacts on the  
project.

Essentially a key summary, or a  
summary of the key changes to the plan are  
that we reincorporated the emergency  
access drive that we discussed.

We revised water line and hydrant  
locations to address comments of the fire  
department, moving hydrants closer to  
places where they'd prefer to have them.

We added storage connections and  
stand pipes to the buildings.

We provided notes on the plans  
recognizing that blasting will be required  
and it has to be in accordance with Town  
Code, that they have to get the permits,

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et cetera.

There were notes required regarding the septic as-built.

The SWPPP is updated in accordance with the current plan and submitted to the engineer for review.

We added the Town water and sewer notes.

We revised the EAF to reflect the current earthwork analysis where it indicates we have some excess topsoil to export. One of the comments from, I think it was the DEC, indicated that we need to indicate the CDs wastewater permit is required on the EAF.

We provided some graphic clarifications on the types of pavement that are to be used on the site.

We revised landscape notes.

We addressed minor comments of the DOT in the plan related to the intersection, providing a sight distance analysis and a few other minor things.

Also, as of yesterday we made our formal

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submission to the DOT to continue that process.

So that's pretty much an update of where we are today. I'm happy to answer any questions of the Board or your consultants at this time.

CHAIRMAN EWASUTYN: Thank you.

Frank Galli, questions or comments?

MR. GALLI: No. No additional.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: I was just looking at number 23 on the remarks. It mentions something about the need for blasting. Could you tell us --

MR. MODAFFERI: The need for blasting. So we are excavating -- there is a big mound of earth on the site, and we're lowering the earth by about 20 feet or so. There is rock involved, so there will be most likely blasting and/or chipping of the rock. You know, obviously there's permits required from the Town.



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We will get those permits. The idea is to blast that rock and then crush it on site to use it as fill.

MS. DeLUCA: Okay. Thank you. The time? Timeframe or -- the time of day you'll be doing that?

MR. MODAFFERI: It will all follow the Town requirements. 7 or 8 to 5, or whatever it is. It will have to meet the Town --

CHAIRMAN EWASUTYN: Jerry, what are the hours?

MR. CANFIELD: I don't have the book in front of me, but I can say there will be a blasting permit required. There is a section in the code that deals specifically with just blasting.

MS. DeLUCA: Thank you.

MR. MODAFFERI: There's a specific note on the plan that states that to make sure the contractor is aware.

CHAIRMAN EWASUTYN: I think in your report you mentioned something about monitoring homes that may be in proximity

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to the blasting.

MR. MODAFFERI: Yes. I think that's required as part of the permit as well.

MR. CANFIELD: Right.

MS. DeLUCA: Okay. Thank you.

MR. MODAFFERI: No problem.

MR. MENNERICH: Nothing at this time.

CHAIRMAN EWASUTYN: I have no comments.

Cliff Browne?

MR. BROWNE: Are we at a point we want to talk about the intersection traffic?

CHAIRMAN EWASUTYN: Sure.

MR. BROWNE: So we've been doing a little talking and we're thinking about the intersection with 300 and 52. I believe it's at an F level at this point.

CHAIRMAN EWASUTYN: Gardnertown Road.

MR. BROWNE: Going forward we need to be thinking about what could be

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done there with the additional traffic out of your location.

MR. MODAFFERI: Okay.

MR. BROWNE: I don't know how we're going to go forward with that but we need to be looking at that, what can happen there.

MR. MODAFFERI: Is that part of the other application that was mentioned? That's the same intersection?

MR. HINES: Yes. Adjacent to this building right here with the stoplight. What happens is the traffic study has identified that when vehicles are making a left turn from Route 300 onto Gardnertown, that vehicle staging there blocks all traffic heading in a southerly direction. Several projects in this corridor have indicated that they would be willing to participate in a fair share contribution to improvements at that intersection, including the project that was first on the agenda tonight. Your project certainly will be contributing

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traffic to that intersection. It's something that Ken Wersted's office has identified and would need to be worked out as we move through this process.

MR. MODAFFERI: Okay. Understood. We'll discuss it with the owner.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I want to say thank you for putting the fire lane back in. This way it's better off for safety.

MR. MODAFFERI: That was the original reason we put it there.

MR. WARD: Right to the fire department. Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Nothing. Nothing additional. It was already covered.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: Yes. Just on fire protection; as the applicant's representative did state, they did meet

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with the jurisdictional fire department and they have agreed on their hydrant location.

One issue in addition that I have a concern with is the available pressure and the need for that pressure analysis. Typical with warehouse occupancies, there will be a large demand for the suppression system. The building plans that were submitted indicate some type of high rack storage, which is typical of this type occupancy. That analysis is going to be crucial to getting an adequate system in there.

MR. MODAFFERI: Absolutely. And that would be part of the building permit; correct?

MR. CANFIELD: We'd like to see beforehand if a pump is needed or additional -- a tank or whatever. I think it would be appropriate to address it prior to site plan approval.

MR. MODAFFERI: Okay.

MR. CANFIELD: That's all I have,

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John.

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

MR. HINES: We had circulated for  
lead agency back on the 26th of January.  
None of the involved agencies have taken  
exception to the Planning Board being lead  
agency, so we would suggest the Planning  
Board can declare itself lead agency for  
the SEQRA review for the project, and that  
can be done tonight.

Our second comment has to do with  
the intersection we just discussed. There  
is this Berry Lane or Barry Lane  
right-of-way across the site. I just want  
to clarify what that is and how it affects  
this project. It's depicted on your maps  
continuing across the site. I just want  
to make sure that there are no issues  
regarding that. If that information could  
be submitted to Dominic's office.

MR. MODAFFERI: Sure.

MR. HINES: Actually what that  
is, what impact it has. Is it a paper

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street? I'm not sure what it is but I know your plans do show that.

We note that you did receive a sign off from Parks & Rec.

We do have the stormwater plan under review.

We discussed at work session the need for the Planning Board to authorize my office to write a letter to Orange County Planning allowing the review of both the septic system and the water main extension with hydrants, which can both be undertaken -- will be required to be undertaken by the Health Department.

We have some technical comments on the water system.

We see DOT had some comments on the pipe crossing on Route 300. We received an e-mail stating if the Town would take over operation and maintenance of that culvert. That's not something the Town would do in DOT's right-of-way. That would be either yours or DOT's.

The water flow and pressure

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analysis that Jerry Canfield just spoke about.

We would request that you copy the Planning Board. I know you said a DOT permit submission was made. If you can copy the Planning Board to complete their file on all of those outside agency applications.

We need you to confirm that all stormwater ponds will be fenced. There's a requirement in the Town Code that any pond that contains standing water will be fenced. I didn't see that on the plan.

MR. MODAFFERI: Okay.

MR. HINES: There are some comments on the water system. You can only use restrained pipe. Your details show thrust blocks being utilized.

There are numerous curb details, and we just need you to define which type of curb will be utilized on the site.

The monument sign, it says see architectural drawings for details. The Planning Board typically does review those



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signs for their -- as part of the ARB.

There's a dry laid stonewall detail. We didn't see where that was on the plans.

There are numerous retaining walls proposed. Those will need individual building permits. We're looking for a note on the plans stating you'll apply for building permits for each of them. Some of them are relatively high, and it has to do with your grading modifications.

Just for the Board, the grading changes did result in some additional retaining walls, quite extensive on the site.

The Planning Board talked about the geo-technical report that they had.

I just note for the Planning Board the last page of that report gives you the area proposed for blasting. If any of the Board Members want to have that report and are interested in where the blasting is, there's an 11 by 17 sheet

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with some shading of the areas where the actual blasting will be required on the site. It's kind of central to the site. I know the Board Members were interested in that.

We'll need a stormwater facility maintenance agreement in the future.

The project requires submission to Orange County Planning. We're suggesting the plans are at a level of detail now that that can also be made at this time.

So lead agency, authorize my office to send a letter to the Health Department, and a 239 submission are the actions the Board could consider tonight.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney?

MR. CORDISCO: A couple of additional comments. To answer an earlier question, the hours on limitation of blasting per Town Code 66-8 is between 8 a.m. and 7 p.m. daily except for Sundays. No blasting is allowed on Sundays at all.

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If the plans could be updated to reflect that note, in addition to the need for a permit as well.

MR. MODAFFERI: I think the note may just reference the Town Code or the permit. If you specifically want me to state the hours, that's fine.

MR. CORDISCO: It might be helpful to have it on there just in case anyone is reviewing it.

CHAIRMAN EWASUTYN: Additional comments from Board Members?

MR. GALLI: No additional.

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. BROWNE: Nothing.

MR. WARD: No.

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: Having heard from Pat Hines from McGoey, Hauser & Edsall; Jerry Canfield, Code Compliance; and Dominic Cordisco, Planning Board Attorney, I think the actions before us this evening would be to declare ourselves

1  
2 lead agency, to circulate to the Orange  
3 County Planning Department, and for the  
4 Planning Board to authorize McGoey, Hauser  
5 & Edsall to prepare a referral letter to  
6 the Orange County Department of Health for  
7 them to review the sewer disposal system  
8 and the water line proposed for the  
9 Farrell Industrial Park located on Route  
10 300.

11 Would someone make the motion?

12 MR. WARD: So moved.

13 MR. DOMINICK: Second.

14 CHAIRMAN EWASUTYN: I have a  
15 motion by John Ward. I have a second by  
16 Dave Dominick. May I please have a roll  
17 call vote starting with Frank Galli.

18 MR. GALLI: Aye.

19 MS. DeLUCA: Aye.

20 MR. MENNERICH: Aye.

21 CHAIRMAN EWASUTYN: Aye.

22 MR. BROWNE: Aye.

23 MR. WARD: Aye.

24 MR. DOMINICK: Aye.

25 CHAIRMAN EWASUTYN: Motion

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carried.

Anything else?

MR. MODAFFERI: One quick question.

CHAIRMAN EWASUTYN: Stan is usually the one with that one.

Stan, you're slipping.

MR. SCHUTZMAN: I wanted to save you a quarter tonight.

CHAIRMAN EWASUTYN: I should have kept my mouth shut.

What's the quick question?

MR. MODAFFERI: So I believe the DOT application, they're dealing totally in e-mails. I'm fairly certain that we copied you, Mr. Chairman. Is that sufficient or do you want us to submit the thirteen copies in paper?

CHAIRMAN EWASUTYN: I'm glad you brought that up. Thank you. We discussed your submissions and your work in general. It's excellent. But from this day forward the Planning Board feels that they've received enough site plans and

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information. So you'll circulate, as you normally might have, to our consultants. We'll get one copy for the Planning Board file. I believe the Planning Board Members are satisfied with what they have looked at.

MR. MODAFFERI: Okay. But the DOT stuff that's submitted e-mail, submit one copy in paper?

CHAIRMAN EWASUTYN: One copy in e-mail, one copy in paper for the file.

MR. MODAFFERI: Sounds good. Thank you very much.

(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 I  
am in no way interested in the outcome of this  
matter.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 1st day of June 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

CHADWICK WOODS SUBDIVISION  
(2019-02)

174 Route 300  
Section 14; Block 1; Lot 51  
RR Zone

----- X

FIVE-LOT SUBDIVISION

Date: May 20, 2021  
Time: 7:40 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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



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CHAIRMAN EWASUTYN: Our fifth item of business this evening is Chadwick Woods Subdivision, project number 19-02. It's a five-lot subdivision located on Route 300 in an RR Zone. It's being represented by Charles Brown, Talcott Engineering.

MR. BROWN: Thank you, John. Since our last appearance before the Planning Board we showed the limits of clearing, we've added a septic design for lot 5, and we have switched all the houses from having driveways to Route 300 and with the water test to a private road, 400 feet long, a water lane extension with a hydrant at the end.

We have a bunch of agencies we have to get approvals from, including the DOT for the entrances, the driveway and road, the Health Department for the water main extension, the Town of Newburgh Water Department for our details and connections and what not.

We hope to move in that

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direction.

CHAIRMAN EWASUTYN: We'll start with any comments from Planning Board Members. Frank Galli?

MR. GALLI: No additional.

MS. DeLUCA: Nothing.

MR. MENNERICH: No questions.

MR. BROWNE: Nothing.

MR. WARD: Nothing additional.

MR. DOMINICK: Nothing.

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

MR. CANFIELD: Nothing at this time.

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

MR. HINES: Yes. So DOT approval will be required for the private road to the State highway.

The Health Department also, now that the water main has been added to the project, is an involved agency. We're suggesting that the Board authorize

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circulation for lead agency for that.

We have a comment on the response for the lot 4 service line. An inch and a quarter is kind of an oddball size for pipe. We're suggesting to check out using an inch and a half. That's a more standard fitting. The Town of Newburgh Water Department also supplies fittings of that size.

MR. BROWN: That's fine.

MR. HINES: They've also more recently allowed the use of HDPE pipe for those longer runs.

MR. BROWN: I assume that's from the curb stop.

MR. HINES: Yeah, from the curb stop. With the pieces you end up with multiple joints in the copper, if you use copper going that far. Talk to the Water Department about that. They may be amenable to that.

MR. BROWN: Could we submit directly to the DOT and the Water Department or do we need a referral

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letter?

MR. HINES: Yup. No.

And the Health Department may -- if you don't have preliminary approval, the Health Department will need authorization from the Board to review it.

The note for the booster pump stations is still on the plans and needs to be cleaned up.

The restrained joint pipe chart needs to be added per the Town's requirement.

Again we're suggesting that we circulate for lead agency and get that process started.

CHAIRMAN EWASUTYN: Pat, are we prepared to circulate to Orange County Planning Department?

MR. HINES: I was going to circulate them for lead agency. We can put a 239 referral with that as well.

CHAIRMAN EWASUTYN: All right then. Would someone make a motion to circulate for lead agency and also to

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circulate to the Orange County Planning Department?

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli and a second by Ken Mennerich. Can I have a roll call vote, please, starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Would it be advantageous for Talcott if you were to prepare a referral for the Board to authorize you to send a referral letter to the Orange County Health Department on this also? You said they may or may not want it.

MR. HINES: As long as Charlie is ready to make that submission, we can do

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that.

CHAIRMAN EWASUTYN: Are you ready, Charlie?

MR. BROWN: Yes.

CHAIRMAN EWASUTYN: And that would be for the water line?

MR. HINES: Yes. For the water main extension with a hydrant.

CHAIRMAN EWASUTYN: Would someone make a motion to authorize McGoey, Hauser & Edsall to prepare a referral letter to the Orange County Department of Health for the water line and hydrant extension?

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by -- who made that motion -- Ken Mennerich. I have a second by Dave Dominick. May I please have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

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MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Dominic, I  
didn't ask you anything on this.

MR. CORDISCO: I'm good. Thank  
you. Thank you for remembering me.

MR. BROWN: Thank you.

(Time noted: 7:45 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 1st day of June 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

CBPS REALTY SITE PLAN  
(2021-13)

NYS Route 32  
Section 34; Block 2; Lot 29.1  
IB Zone

----- X

INITIAL APPEARANCE  
SITE PLAN

Date: May 20, 2021  
Time: 7:45 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN O'ROURKE, MATTHEW  
CONSORTI & JOSEPH CONSORTI

----- X

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

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CHAIRMAN EWASUTYN: Our sixth and last item of Board business is CBPS Realty Site Plan, project number 21-13. It's an initial appearance. It's located on Route 32 in an IB Zone. It's being represented by Lanc & Tully.

MR. O'ROURKE: Good evening. John O'Rourke with Lanc & Tully Engineering. Thank you for the informal discussion we had at the workshop. I certainly don't want to waste anybody's time, although it's a beautiful day outside.

The owners are here. I did speak with them. What we would like to do is make a resubmission. We'll address all of the comments we received from your consultants and we'll make a determination.

I discussed it with them. We will add a small building, some bathrooms and make it a complete submission. I think that's -- it was a little confusing on the initial submission. I understand

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that. So we'll submit a full set of plans. That's what they're looking for, to clean up the violations that they have and move that material and get it --

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney, summarize what we'd like to have. Dominic.

MR. CORDISCO: Yes. I think it would be helpful for the Board in its review as well as technical review of the plans, which at this point are very conceptual in nature, to actually have a narrative associated with it, with actually housing the facility, how the site is going to be used. That way that narrative can be compared against the code to make sure that it's compliant or, if interpretations are needed, then we can refer to the building inspector and make that determination.

MR. O'ROURKE: It makes perfect sense. This was an initial submission just to discuss with the Board. I think it was a little premature. We'll make those

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corrections and make sure you get the information you need.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance, would you like to add anything?

MR. CANFIELD: Nothing. As discussed, we definitely need that narrative and a little more level of detail so we can make those determinations and/or referrals if needed.

CHAIRMAN EWASUTYN: There's a part in the code, and Dominic Cordisco will speak to you on that, as far as the conceptual submission and favorable and incomplete. Dominic, --

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: -- would you bring that up as a matter of record, that part of the code where the Planning Board looks at something?

MR. CORDISCO: Certainly. So there is provision in the Zoning Code regarding the review of sketch plans such as a sketch plan as this. It's actually

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Section 185-57. I have it written down now so I don't have to refer to it. I'll just read it because it's just as quick to read it than explain it. So 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 even 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 modifications."

So in connection with this, the Board has been considering whether or not to issue a favorable or an unfavorable report early on in the process to give guidance to an applicant. It's not an approval but it's also not necessarily a disapproval either. It's just an

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indication as to what level of detail has been provided to date in order for the application to move forward.

CHAIRMAN EWASUTYN: Pat, can you also talk about 185-30 in the Code as far as storage?

MR. HINES: Sure. That section references outdoor storage of materials. It states, "Such uses shall be an accessory use and shall be located on the same lot as the use to which it is accessory." So in this case we really don't have a principal use proposed. It seems like this outdoor storage is accessory to nothing at this point.

MR. O'ROURKE: Well -- I'm sorry. I was going to say again we were initially submitting this under processing/manufacturing because we're going to be processing either mulch or crushing rock, which is a process. So that's where I think the in-between area is, because it could be -- if the interpretation is that yes, this is processing, we would go with

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that. In discussing with the owners, we're going to go back to the accessory use. We're going to put a building and a bathroom because it certainly makes sense.

So at this point I would request, if it's acceptable to the Board -- I understand certainly we're not going to get a favorable. I can certainly read that. I don't know if you have to make a decision. If you don't, I would request that basically we take this back, we make a resubmission -- a complete resubmission with a narrative and we reappear before this Board.

CHAIRMAN EWASUTYN: Will you be processing asphalt?

MR. O'ROURKE: I'll look to the owner.

MR. MATTHEW CONSORTI: Hot asphalt or cold asphalt?

MR. O'ROURKE: I'm assuming just grinding up cold asphalt.

CHAIRMAN EWASUTYN: I'm asking. I don't know.

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MR. MATTHEW CONSORTI: Yes.

CHAIRMAN EWASUTYN: Okay. And preparing soil for sale, I believe you stated?

MR. MATTHEW CONSORTI: Yes.

CHAIRMAN EWASUTYN: Would you be storing the soil underneath a shelter-like building or would it just be left out?

MR. MATTHEW CONSORTI: A shelter.

CHAIRMAN EWASUTYN: A shelter. So things like this should be denoted on the plan.

MR. MATTHEW CONSORTI: Can I leave it unsheltered? Is that all right?

CHAIRMAN EWASUTYN: Matt, what the Planning Board doesn't want to get into is what we want, what you want. The purpose of this narrative letter is to hear what it is you want, that way we can dream that dream with you and see where we're going with it.

Cliff Browne.

MR. BROWNE: For the record could you give your name?



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MR. MATTHEW CONSORTI: I'm  
Matthew Consorti from Consorti Brothers.  
My brother Joey and I.

MR. BROWNE: Thank you.

MR. MATTHEW CONSORTI: A local  
Town guy. Been here my whole life.

CHAIRMAN EWASUTYN: Any  
additional questions or comments?

MR. MATTHEW CONSORTI: Can I ask  
you a question? Can I put blacktop in?  
Is that legal? I don't know.

CHAIRMAN EWASUTYN: You know,  
again, Dominic Cordisco, having spent many  
years as the lead attorney for the  
Department of Environmental Conservation,  
may even discuss with us at one time a 360  
permit required for what you're doing and  
will we have that 360 permit as part of  
the record for the Building Department.

Dominic.

MR. CORDISCO: Yes. A 360 permit  
is referring to DEC Part 360 regulations  
which governs waste management facilities.  
There are particular requirements for

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handling and processing some materials through the Part 360 permit, either through an actual full permit or through registrations that are required with DEC.

          This actually brings us back, if I may, to the need for a narrative, because we need to hear from the applicant, you know, specifically what is being proposed. It should be in writing, that way we can respond to it. Right now the details, or lack of details on the plan just begs a number of questions where we can go around. I think it's best, as the Chairman suggested, for an applicant to state specifically what they want and to have that reviewed in that context.

          MR. O'ROURKE: I certainly agree.

          CHAIRMAN EWASUTYN: Thank you.

          MR. O'ROURKE: Again, thank you for your time. It's a pleasure to see actual people and wear a tie.

(Time noted: 7:52 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  
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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  
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IN WITNESS WHEREOF, I have  
hereunto set my hand this 1st day of June 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  
PROVIDING FOR TEMPORARY OUTDOOR DINING  
DURING 2021

----- X

BOARD BUSINESS

Date: May 20, 2021  
Time: 7:52 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

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CHAIRMAN EWASUTYN: Having completed the six agenda items, we have one Board Business item pertaining to a local law providing for temporary outdoor dining.

I'll have Mr. Canfield speak on that, Pat Hines and Dominic Cordisco.

MR. CORDISCO: The Town Board has introduced a local law that would allow outdoor dining for facilities that are already permitted for indoor dining, if I understand it correctly. So it's for existing facilities, to allow them to have outdoor seating with certain requirements that have to be in place and a permit applied for directly to the Building Inspector, Code Enforcement Office. It's a modification to your zoning, essentially.

This is only being proposed for this year due to the ongoing COVID-19 situation. So as a result, the Town Board has introduced this proposed local law.

It would not require applicants

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to come before the Planning Board. They would merely go before Code Enforcement and provide the plans, and materials, and proof of insurance and other things that they would need in order to have outdoor seating.

Since it is a zoning amendment, it comes before you. The Town Board has referred it to you for your consideration and either a favorable or an unfavorable report back to the Town Board.

CHAIRMAN EWASUTYN: Jerry Canfield, do you have anything to add?

MR. CANFIELD: No. Nothing additional.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: I just want to make sure it's on the same lot as the principal permitted use, that it can't be expanded. That may be a comment. It can't be the lot next door or on another lot in Town. I'm not sure it defines that in the ordinance.

MR. CORDISCO: I didn't see that

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detail one or way or another. It does refer to the fact it would be an existing, approved, you know, use. So it would be atypical for like a restaurant use to also have access to a vacant lot next door. But it could happen.

MR. HINES: I know of a couple in Town.

MR. CORDISCO: Yes. I defer to you. It's a good comment to make.

Unless the Board has additional comments or concerns, if you would like I could certainly prepare a letter back to the Town Board indicating that comment and other favorable responses.

CHAIRMAN EWASUTYN: John Ward, your opinion?

MR. WARD: I agree.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Not really. I would assume whatever was put forward, Jerry's department would make sure things are done in a safe manner.

CHAIRMAN EWASUTYN: Ken

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Mennerich?

MR. MENNERICH: I'm good.

MS. DeLUCA: I'm okay.

MR. GALLI: I'm good.

CHAIRMAN EWASUTYN: Would someone make a motion then to have Planning Board Attorney Dominic Cordisco prepare a letter back to the Town Board stating that we reviewed the temporary outdoor dining local law? He'll address it in the form of a written letter.

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion from John Ward, a second from Frank Galli. May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

MR. DOMINICK: Aye.



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CHAIRMAN EWASUTYN: There being no further business -- remember, we have three public hearings at our next meeting.

Steve Gaba with Drake, Loeb will be representing the Planning Board.

Would someone make a motion to close the Planning Board meeting of the 20th of May 2021.

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Second by Stephanie DeLuca. May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

MR. DOMINICK: Aye.

(Time noted: 7:58 p.m.)

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*Michelle Conero*  
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MICHELLE CONERO