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

----- X
In the Matter of

T-MOBILE - BANNERMAN VIEW DRIVE
(2005-47)

Bannerman Drive
Section 22; Block 4; Lot 2
R-3 Zone

----- X

SPECIAL USE PERMIT RENEWAL

Date: June 16, 2022
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
JAMES CAMPBELL
STARKE HIPPI

APPLICANT'S REPRESENTATIVE: DAVID KENNEY

----- X

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

1 T - M O B I L E - B A N N E R M A N V I E W D R I V E

2 CHAIRMAN EWASUTYN: Good
3 evening, ladies and gentlemen. The
4 Planning Board would like to welcome
5 you to their meeting of June 16,
6 2022. On this evening's agenda we
7 have six items.

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

11 MR. GALLI: Present.

12 MS. DeLUCA: Present.

13 MR. MENNERICH: Present.

14 CHAIRMAN EWASUTYN: Present.

15 MR. BROWNE: Present.

16 MR. DOMINICK: Present.

17 MR. WARD: Present.

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

20 MS. CONERO: Michelle Conero,
21 Stenographer.

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

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

1 T - M O B I L E - B A N N E R M A N V I E W D R I V E

2 MR. HIPPE: Starke Hipp with
3 Creighton, Manning.

4 CHAIRMAN EWASUTYN: At this
5 time I'll turn the meeting over to
6 Stephanie DeLuca.

7 (Pledge of Allegiance.)

8 MS. DeLUCA: Please silence or
9 turn off your cellphones. Thank you.

10 CHAIRMAN EWASUTYN: Our first
11 item of business this evening is
12 T-Mobile - Bannerman View Drive.
13 It's a special use permit renewal.
14 It's located on Bannerman View Drive
15 in an R-3 Zone.

16 I'm going to turn the meeting
17 over to Pat Hines and Dominic
18 Cordisco for discussion.

19 MR. CORDISCO: This is a
20 recertification of an existing cell
21 telecommunications tower facility.
22 The code provides for five-year
23 reviews and renewals of existing
24 telecommunications facilities.

25 MR. HINES: The Town of

1 T - M O B I L E - B A N N E R M A N V I E W D R I V E

2 Newburgh has a Telecommunication
3 Consultant, Mike Musso with HDR. I
4 know he is gathering the information
5 that he requires to report to the
6 Town. I don't believe that that's
7 been completed yet. He'll be issuing
8 a report in the near future. This is
9 the first appearance for that.

10 I believe we do have to send
11 out the adjoiners notices as part of
12 the planning process. We will do
13 that.

14 CHAIRMAN EWASUTYN: For the
15 record would you explain what the
16 adjoiners notices are and how that
17 works?

18 MR. HINES: Sure. Any project
19 that appears before this Board,
20 within ten days of its first
21 appearance is required to send out a
22 notice to all properties within 500
23 feet, alerting basically the
24 neighbors that there's this potential
25 project before the Board so they can

1 T - M O B I L E - B A N N E R M A N V I E W D R I V E

2 follow the process either online or
3 in person at the meeting. It's an
4 early notification to the surrounding
5 landowners and residents that there
6 is a project before the Board in
7 their general vicinity.

8 CHAIRMAN EWASUTYN: Would the
9 Board then consider making this
10 either a Board business item and/or
11 an agenda item for the meeting of the
12 21st of July to close it?

13 MR. CORDISCO: In terms of
14 process, recertification is looking
15 at updated engineering as to whether
16 or not there's any existing issues at
17 the facility.

18 No public hearing is required
19 as per the code, so there's not -- it
20 should be an agenda item in the sense
21 that the Board itself should
22 recertify because that's the process.
23 Other than that, it's fairly
24 straightforward once you hear from
25 your Telecommunications Consultant.

1 T - M O B I L E - B A N N E R M A N V I E W D R I V E

2 CHAIRMAN EWASUTYN: Should we
3 then schedule it for the 21st to
4 recertify as a matter of record?

5 MR. CORDISCO: Yes, sir.

6 CHAIRMAN EWASUTYN: Is the
7 Board in agreement?

8 MR. GALLI: Yes.

9 MS. DeLUCA: Yes.

10 MR. MENNERICH: Yes.

11 CHAIRMAN EWASUTYN: Yes.

12 MR. BROWNE: Yes.

13 MR. DOMINICK: Yes.

14 MR. WARD: Yes.

15 CHAIRMAN EWASUTYN: Let the
16 record show that T-Mobile - Bannerman
17 View Drive, project number 05-47,
18 will be set on the agenda for the
19 21st of July.

20

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

22

23

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25

1 T - M O B I L E - B A N N E R M A N V I E W D R I V E

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

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6

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

9

10

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

11

12

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14

15

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.

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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

GARDNER RIDGE
(2002-29)

Gardnertown Road near Gidney Avenue
Section 75; Block 1; Lot 4.12
R-3 Zone

----- X

SITE PLAN

Date: June 16, 2022
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
JAMES CAMPBELL
STARKE HIPPI

APPLICANT'S REPRESENTATIVE: DARREN DOCE
PHILIP GREALY, THOMAS OLLEY

----- X

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

1 GARDNER RIDGE

2 CHAIRMAN EWASUTYN: The
3 Planning Board's second item of
4 business this evening is Gardner
5 Ridge, project number 02-29. It's a
6 site plan located on Gardnertown Road
7 near Gidney Avenue. It's in an R-3
8 Zone. It's being represented by
9 Darren Doce of Doce Associates.

10 MR. DOCE: Good evening. I'm
11 Darren Doce. I'm here with Phil
12 Grealy, our Traffic Engineer, Tom
13 Olley, the project site Engineer for
14 the Gardner Ridge project.

15 At the last meeting we were
16 asked to contact Central Hudson
17 regarding access to North Plank Road.
18 We've done that. We've had numerous
19 discussions with Central Hudson.
20 They asked us to provide a survey of
21 the utilities, which we had our site
22 surveyor do. We met out in the field
23 with Central Hudson to discuss the
24 access issues. Based on the
25 complexity of the work involved to

1 GARDNER RIDGE

2 get an access out to North Plank
3 Road, and coupled with the fact that
4 we don't have a legal access to North
5 Plank Road, we've continued to
6 propose our access off of Gardnertown
7 Road where we have frontage and
8 access.

9 With that, I'm going to turn it
10 over to Phil Grealy who will explain
11 the difficulties and why the
12 Gardnertown Road access is the better
13 option for the project.

14 DR. GREALY: Good evening.
15 Philip Grealy, Colliers Engineering &
16 Design.

17 Just a little background. In
18 terms of the access, we had prepared
19 a traffic study. We updated that
20 traffic study in May of this year.
21 We submitted responses to the
22 comments that were on the initial
23 traffic study and submitted a revised
24 traffic study that included updated
25 traffic counts. The original study

1 GARDNER RIDGE

2 was done, the data was collected in
3 August. The updated study had counts
4 from last fall, in October, to make
5 sure that nothing had changed from
6 the previous historical data. That
7 study was updated. I believe your
8 engineer has reviewed that, made some
9 comments. There's nothing that's of
10 significance from a traffic impact
11 standpoint. We're maintaining the
12 same levels of service at each of the
13 intersections that we've analyzed,
14 and there are no significant delay
15 increases.

16 Historically on the project, as
17 Darren had said, we met with Central
18 Hudson.

19 After meeting with your
20 technical staff and the highway
21 superintendent, we first looked at
22 Gardnertown Road, and then we also
23 looked at the Route 32 access which
24 had been previously proposed. As
25 Darren mentioned, we don't have a

1 GARDNER RIDGE

2 right to come out that way. There
3 was an easement at one point in time.
4 That easement is no longer in effect.

5 What I'd like to focus on are
6 some of the items we discussed with
7 Central Hudson, some of the
8 difficulties, some of the things that
9 have changed since that was initially
10 proposed, and then talk about what
11 we're planning to do to upgrade and
12 improve conditions along Gardnertown
13 Road.

14 So just in terms of location
15 wise, everybody knows the site
16 location. This is Gardnertown Road.
17 This is Route 32. The former
18 easement was in this area at the
19 signalized intersection. Since the
20 signalized intersection of Gidney
21 Avenue and Gardnertown Road has been
22 completed, turning movements there
23 have been enhanced. Creek Road,
24 which connects here at a skewed
25 angle, has sight distance issues and

1 GARDNER RIDGE

2 some stacking issues due to lack of
3 turning lanes.

4 In terms of some of the
5 complications I just mentioned on
6 Route 32, when we met with Central
7 Hudson, there are numerous utilities
8 there, high pressure gas lines, a lot
9 of utilities that are very
10 complicated to deal with.

11 From a DOT perspective, because
12 there would have been a DOT permit,
13 DOT has updated their standards
14 relative to when this project was
15 first proposed. There are more
16 stringent requirements in terms of
17 shoulder widths and other details.
18 As I mentioned, most significantly is
19 the fact that we don't have an
20 easement to access that point.

21 After meeting with the highway
22 superintendent and your staff in the
23 field, there were several concerns
24 that were raised. In our most recent
25 submission we focused on addressing

1 GARDNER RIDGE

2 those, and then pointing out the
3 benefits of this access in terms of
4 what we are planning to do in terms
5 of improvements to accommodate
6 existing conditions.

7 On this drawing, off to the
8 right is where the signalized
9 intersection of Gidney and
10 Gardnertown Road are today. Traffic
11 does back up. It backs past where
12 Creek Run Road, this cross hatched
13 area, where that existing
14 intersection occurs.

15 What we are proposing to do is,
16 starting at the bridge, widen
17 Gardnertown Road within either the
18 existing right-of-way or our lands,
19 There will be some dedication of our
20 property so that it's part of the
21 right-of-way, to carry a three-lane
22 section from that point all the way
23 back to our access, and to realign
24 Creek Run Road so that it comes in at
25 more of a standard intersection as

1 GARDNER RIDGE

2 opposed to this skew.

3 As part of these improvements
4 here, there would be some
5 re-striping, resurfacing. As you
6 approach the signal at Gidney Avenue,
7 right now you have two lanes right at
8 the intersection approaching the
9 signal. You lose it as you head back
10 towards Creek Run Road. So what
11 happens is traffic cues up at this
12 area because they can't get into the
13 two full lanes. In the rush hour
14 you'll see that this will back up
15 past Creek Run Road. Traffic turning
16 onto Creek Run Road has to stop and
17 wait for that gap. So in terms of
18 our improvement, by relocating Creek
19 Run Road to this location, we are now
20 providing a left-turn lane, so this
21 is a left-turn lane for people that
22 want to turn onto Creek Run Road, and
23 that would allow the through traffic
24 to continue along Gardnertown Road
25 and up the hill. It would also

1 GARDNER RIDGE

2 improve the sight distance.

3 On this plan, on the
4 submission, these are the sight lines
5 that we are required to provide for
6 stopping distance and for
7 intersection distance. We will be
8 able to see all the way up to the
9 signal and then all the way up the
10 hill. In reality you'll be able to
11 see further because we're going to
12 clear out this area along our
13 frontage which extends to here.

14 The widening, which -- we've
15 extended the widening after meeting
16 and listening to some of the concerns
17 from the highway superintendent and
18 your engineer relative to drainage,
19 relative to the sight lines, relative
20 to maintaining the area here.

21 There's a lot of clearing trees and
22 other vegetation that would have to
23 be cleared. We're going to rip-rap
24 and do measures there so that over
25 time those trees won't grow back the

1 GARDNER RIDGE

2 way they have over the years, to
3 maintain that sight line. So
4 basically coming out of Creek Run
5 Road you will be able to see all the
6 way back up the hill. This would be
7 a stop sign controlled intersection.

8 Turning into our project,
9 coming down Gardnertown Road we have
10 a separate left-turn lane for people
11 turning in. If someone is stopping
12 to turn left into our project, the
13 through traffic can continue. Again,
14 a stop control here and a stop
15 control on the exit coming out of our
16 project.

17 Along this side originally we
18 just had a shoulder and a small swale
19 area. We've gone to a closed
20 drainage system to capture that and
21 cut down on some of the grading along
22 this area. We are cutting back into
23 this hillside here to create the
24 additional pavement width.

25 At the far end of our property,

1 GARDNER RIDGE

2 to get the best sight lines here we
3 anticipate putting in a small, couple
4 foot high retaining wall so that all
5 of this stays on our property, that
6 we're not going on anyone else's
7 property. Everything will be either
8 within the Town right-of-way or along
9 our frontage which we would dedicate
10 to the Town.

11 In terms of along Gardnertown
12 Road, the guide rail along this area
13 would be replaced and improved along
14 that whole area.

15 We would also be improving some
16 of the cross slope of the roadway
17 itself to improve drainage so that in
18 poor weather conditions you'll have
19 better super elevation and pitch
20 along that section.

21 The entire roadway would be
22 resurfaced after it's widened
23 throughout the project limits.

24 There would be some drainage
25 modifications. We would be putting a

1 GARDNER RIDGE

2 culvert in here to capture -- right
3 now the drainage runs from west to
4 east. There would be some culverts
5 that would be put in place to tie
6 that all together.

7 Now, this is not a final
8 construction plan, but those details
9 will be provided. We've gone far
10 enough with this to know what amount
11 of grading we have to do, where the
12 alignments would be, surveyed all the
13 properties so we know exactly what
14 we're dealing with.

15 Based on this submission we
16 received several comments, technical
17 comments, from your traffic
18 consultant and from your engineer.
19 Those were all addressable. Some
20 very good recommendations on some of
21 the striping and some of the
22 transitional purposes here, a slight
23 adjustment in the lane widths.

24 But that's the proposal. There
25 are significant improvements here.

1 G A R D N E R R I D G E

2 It will deal with this existing
3 condition. It will make the
4 efficiency of traffic moving through
5 the signal much better and it will
6 provide a safe access into and out of
7 our project by providing the left-
8 turn lane. I think those are the
9 major highlights.

10 Now, in terms of process, I
11 think there are several items that
12 we've already addressed that the
13 highway superintendent had. There
14 are some other technical comments
15 that we still have to deal with. We
16 feel that this is a good, viable
17 improvement that will not only serve
18 our project but resolve this existing
19 condition, actually improve the flow
20 through here and eliminate some of
21 the conflicts that exist. That is
22 our proposal.

23 As I said, we looked at the
24 other access again. We met with
25 Central Hudson. Any access is doable

1 G A R D N E R R I D G E

2 anywhere, but if we don't have a
3 right of easement to get into the
4 property, that's one complication.
5 The Route 32 access, even if that was
6 doable, is very complicated because
7 of the amount of utilities that are
8 there and what would have to be done
9 to modify that intersection. This
10 work, when it's done, to keep traffic
11 flow through here we would develop
12 the whole detailed work zone traffic
13 control plan. Most of the widening
14 work would be on our side of the
15 property so that we can maintain the
16 traffic. This road would be kept
17 open while the majority of this work
18 is being done. From an impact
19 standpoint, during construction we
20 would be able to minimize those
21 impacts.

22 I think those are the major
23 points that I'd like to end with. We
24 can answer any questions.

25 I think, as I said, we did

1 GARDNER RIDGE

2 receive some very detailed comments.
3 We have no problem with addressing
4 any of those. There were some very
5 good suggestions.

6 That's pretty much it.

7 CHAIRMAN EWASUTYN: Before we
8 open it up to the Planning Board
9 Members for discussion, we're
10 represented tonight -- Ken Wersted
11 couldn't be represent. We're
12 represented by Starke Hipp. He's
13 with Creighton, Manning Engineers.
14 I'd like to offer him the floor to
15 discuss the initial review for Ken
16 Wersted on this project.

17 MR. HIPPI: Starke Hipp with
18 Creighton, Manning. I'm here for
19 Ken.

20 Phil, you hit on the comments
21 that we had on the plans. As you
22 said, I think you guys can address
23 those.

24 We didn't have any substantial
25 comments regarding the traffic study

1 GARDNER RIDGE

2 that they prepared based on the
3 revisions we were requesting.

4 I think there's still some
5 further investigation that could be
6 helpful for the Board to feel
7 relieved about access onto 32, on
8 North Plank.

9 Other than that, I don't think
10 we had any major traffic comments
11 that need to be -- they're stated for
12 the Board in the letter.

13 I'm happy to answer any
14 questions that the Board may have.

15 CHAIRMAN EWASUTYN: Let's open
16 it up to discussion with Board
17 Members with the applicant. Does
18 anyone want to speak?

19 MR. GALLI: Phil, on the access
20 that you had on Route 32 --

21 DR. GREALY: Yes.

22 MR. GALLI: -- back in '04,
23 '05, '06 probably, --

24 DR. GREALY: That's correct.

25 MR. GALLI: -- the easement

1 GARDNER RIDGE

2 that you had through WPA Acquisition,
3 that's the one that expired and you
4 can't -- have you tried to get that
5 back?

6 DR. GREALY: The easement area
7 -- so this is Noel Drive, Route 32.
8 There was an easement area right next
9 to the Central Hudson regulator and
10 transmission area. That's where the
11 easement occurred. The easement with
12 -- the property owner, I believe, had
13 passed away. I don't know what other
14 discussions have gone on, but right
15 now there is no easement.

16 The other issue that came up as
17 part of the DOT work would be that
18 there may have to be land dedication,
19 which would be beyond an easement, in
20 order to accomplish the widening to
21 meet the current standards.

22 The other complication -- so
23 even if an easement was reobtained
24 I'll call it, there are some
25 complications in terms of the

1 GARDNER RIDGE

2 treatment around the facility, new
3 regulations. Most of those could be
4 overcome.

5 In terms of the construction of
6 that intersection, it would also
7 require significant relocation of
8 utility poles. I think now with the
9 requirements from DOT, Central Hudson
10 estimated between twelve to fifteen
11 utility poles that would have to be
12 relocated, which is fine. The
13 grading as you go north of Noel Drive
14 becomes very complicated in that area
15 to get the shoulder widths that DOT
16 will require.

17 In terms of the area south of
18 there, there is a good amount of
19 right-of-way on the east side of 32.
20 It's just a matter of relocating
21 poles. Once you get north of Noel
22 Drive, in order to have that access
23 DOT required turning lanes both
24 turning into the easement area and
25 also a southbound turn lane to turn

1 GARDNER RIDGE

2 into Noel Drive. That was a
3 requirement back in 2005.

4 MR. GALLI: Chestnut --

5 DR. GREALY: I'm sorry.

6 Chestnut. Yes. So the area as you
7 go north, Ethan Allen, in that area
8 it gets very difficult to grade out.
9 It can be done but it's very
10 complicated. From DOT's perspective,
11 the first thing they ask, well is
12 there any access other than the State
13 highway. This was before we realized
14 that we didn't even have the easement
15 anymore. They said we really prefer
16 not to have additional access points
17 to the State highway but we'll look
18 at it. That was before we knew that
19 there was no easement present.

20 MR. GALLI: That's all I had,
21 John.

22 MR. OLLEY: If I can just add
23 in. Thomas Olley, Engineer for the
24 applicant.

25 As Phil was talking about some

1 G A R D N E R R I D G E

2 of the new standards, one of the
3 things that Central Hudson informed
4 us about is that DOT now requires all
5 gas mains to be buried 4 feet under
6 pavement where it used to be, I
7 think, 30 inches or 3 feet. There's
8 a factor here that I think the Board
9 needs to consider, too, is is it
10 destruction to the general public in
11 that area, because the gas main that
12 we're talking about through there is
13 a 500 psi, 15-inch diameter regional
14 gas transmission main. It goes from
15 one end of Orange County up into
16 Ulster County, crosses the river in a
17 couple places. We're not talking
18 about a 2-inch or 4-inch distribution
19 main. We're talking about a high
20 pressure, 500 psi, 15-inch diameter
21 main that would have to be buried
22 under that intersection. That's not
23 something that can be directional
24 bored through that area. We're
25 talking about really months long

1 G A R D N E R R I D G E

2 construction to relay that line from
3 somewhere in this area up Chestnut
4 Lane.

5 You have the 12-inch sewer,
6 sanitary sewer that's fixed. It's
7 gravity sewer. That really can't be
8 relocated. You also have a 12-inch
9 water main that runs through that
10 intersection and up Chestnut Lane.
11 That one could be relocated. You
12 take that 15-inch main, you put it
13 down 4 feet of cover below the
14 pavement, all of a sudden now it's
15 running into that same area that the
16 sewer and water is in so it's got to
17 go even deeper. That's why I say
18 there's a factor here to the general
19 public that the open trench
20 construction that would be necessary
21 to relocate that would be extremely
22 inconvenient, to say the very least,
23 to the traveling public, to the
24 citizens of Newburgh in that area.

25 So it's something that we only

1 G A R D N E R R I D G E

2 became aware of through the meetings
3 with Central Hudson about just how
4 significant this gas main was. We
5 knew it was a transmission main.
6 They had never said in those blunt
7 terms exactly what it was that we
8 were dealing with.

9 So with all of that that Phil
10 talked about with the new DOT
11 standards and just the practical
12 difficulties of relocating that gas
13 main, we felt even more strongly
14 about the access to Gardnertown Road.

15 Also without that easement
16 we've got to bring the water and the
17 sewer out here now anyway. We're
18 going to have to connect to the water
19 main in Creek Run Road. Actually, by
20 bringing the sewer down here we're
21 actually avoiding a historical
22 problem area with the Town sewer main
23 in North Plank Road/Route 32, in that
24 area. Once it gets below the site of
25 the old treatment plant, your sewer

1 GARDNER RIDGE

2 mains are not as much of a problem
3 there. We would be making a
4 connection in the area of Creek Run
5 Road. Thank you.

6 CHAIRMAN EWASUTYN: Additional
7 questions, Frank?

8 MR. GALLI: No.

9 CHAIRMAN EWASUTYN: Other Board
10 Members?

11 MS. DeLUCA: Yes. I appreciate
12 your detailed map on Gardnertown
13 Road.

14 I'm still a little concerned,
15 or maybe I need clarification for
16 entering into or even coming out of
17 what seems -- yes.

18 DR. GREALY: So this is Creek
19 Run Road. This is the relocated
20 Creek Run Road. This would be stop
21 sign controlled. There would be a
22 left -- separate left-turn lane for
23 anyone wanting to turn on there.

24 MS. DeLUCA: Okay.

25 DR. GREALY: Anyone coming down

1 GARDNER RIDGE

2 -- coming from the west down
3 Gardnertown Road would have a -- as
4 you come down you would transition
5 into a left-turn lane turning into
6 the entrance and a single through
7 lane that would continue down towards
8 the signalized intersection.

9 Exiting out of here, we are
10 only proposing a single lane for any
11 -- whether it be a through, a left or
12 a right turn based on the volumes
13 that we have. If the Board wanted,
14 we could make that two exiting lanes.
15 We feel this is adequate for that.

16 There would be clearing as part
17 -- there's grading going on through
18 this area. As you go back up the
19 hill, this is the sight line that we
20 would have. You could actually see
21 further. You can see up around the
22 curve once we clear that out.

23 MS. DeLUCA: Okay.

24 DR. GREALY: When we were out
25 in the field we discussed it with the

1 GARDNER RIDGE

2 highway superintendent. He said we
3 really want to see how much more can
4 be done. We were able to pick up all
5 the way up to the other development
6 area there going up the hill.

7 Then of course exiting from
8 here you can see all the way back to
9 Gidney Avenue if you were making a
10 left turn out.

11 MS. DeLUCA: Okay. I was just
12 kind of concerned with coming out of
13 that and then going down to the
14 traffic light and coming across the
15 traffic. I'm picturing like icy
16 conditions or whatever. I was just
17 wondering how that would all work
18 out.

19 DR. GREALY: As I talked about,
20 the cross slope on the road would be
21 -- we're basically rebuilding this
22 section of roadway and then
23 overlaying it so that we have proper
24 drainage to improve that drainage.
25 We are now proposing a closed

1 GARDNER RIDGE

2 drainage system. There was
3 discussion about any water coming off
4 the hill in this area. We would
5 capture that and go with a closed
6 drainage system. As I said, we would
7 change the pitch to be appropriate to
8 capture that, and then resurface it
9 throughout the entire length here.

10 If you would like, we can go
11 with a higher friction surface.
12 Those are details that we would work
13 out and would be minimal to take care
14 of.

15 CHAIRMAN EWASUTYN: Ken Mennerich?

16 MR. MENNERICH: Has the highway
17 superintendent seen this revised --

18 DR. GREALY: We just submitted
19 it to the Town in May. We received
20 the comments from your engineer, your
21 traffic engineer. I don't know if it
22 was referred to the highway
23 superintendent. We wanted to come
24 back to the Board, present this, get
25 input, and then the next step would

1 GARDNER RIDGE

2 be to go back and meet with the
3 highway superintendent again, show
4 the revisions that we made and
5 discuss it further. We didn't want
6 to start in that process until we at
7 least got some feedback from your
8 technical staff and to bring the
9 Board up to date on where we've been
10 for the last nine months with it.

11 MR. MENNERICH: On this plan
12 that you have up, you probably have
13 pretty good cost estimates --

14 DR. GREALY: Yes.

15 MR. MENNERICH: -- for what
16 it's going to cost. For the entrance
17 off of 32, I take it those cost
18 estimates haven't been done?

19 DR. GREALY: The cost estimates
20 that were done before were before we
21 knew about the gas lines and having
22 to relocate those. So there are no
23 new cost estimates for that. I just
24 know that from my experience it's a
25 multiplier more than this but there's

1 GARDNER RIDGE

2 the unknown because when you get into
3 utility work like that, that's where
4 it can be very problematic,
5 relocating gas lines, et cetera.

6 In terms of the cost of the
7 pavement improvements and turn lanes
8 over there, it's probably not much
9 different than what would be done
10 here except for the utility
11 relocations and dealing with the
12 unknown of the utility easement. At
13 that location, even though it's
14 signalized, that signal DOT would
15 require us to replace to bring it up
16 to current standards.

17 MR. MENNERICH: Does DOT have
18 any plans to improve that
19 intersection now on 32?

20 DR. GREALY: Nothing that's
21 concrete.

22 MR. MENNERICH: Thank you.

23 MR. OLLEY: If I can just add
24 on the utilities, we did discuss that
25 with Central Hudson. They can give

1 GARDNER RIDGE

2 us -- they would be able to -- they
3 didn't provide us with anything, but
4 just based on past projects only, the
5 only way that we would be able to
6 nail down the actual cost of those
7 improvements is that we would have to
8 submit a permit application to
9 actually do the work, then they would
10 turn it over to their design
11 personnel who would put it together,
12 do the estimating of the utilities.
13 So there would be a multi-step
14 process with them. They really
15 couldn't even venture a guess at that
16 point because of mainly the unknown
17 of that gas transmission main, the
18 cost that would be associated with
19 that. They can give us a pretty good
20 idea on relocating all of the utility
21 poles and the smaller diameter gas
22 mains, but that transmission main is
23 the real big unknown.

24 MR. MENNERICH: Thank you.

25 MR. BROWNE: Gardnertown Road,

1 GARDNER RIDGE

2 what is the grade of that coming down
3 the hill?

4 DR. GREALY: So it varies
5 through here. You're in around 10
6 percent throughout this area here --

7 MR. BROWNE: Significant.

8 DR. GREALY: -- at the steepest
9 point. It varies from anywhere 6 up
10 to 10 is the highest. If you looked
11 at the average grade through here,
12 it's probably close to 7, 8 percent.

13 MR. BROWNE: I understand
14 there's a fair number of accidents
15 that occur currently.

16 DR. GREALY: Yes. Part of it
17 is with the super elevation of the
18 road, part of it is with poor
19 drainage conditions, part of it is a
20 result of conflicts of not having
21 proper sight distance. There's a
22 whole series of variables that work
23 into that.

24 At the steepest point I think
25 it's almost 10 percent in that area.

1 GARDNER RIDGE

2 MR. BROWNE: That's significant.

3 Another point. We keep hearing
4 that the easement that was once in
5 place is gone. We also understand
6 that the owner that was put together
7 with is deceased. That means there
8 is currently a new owner of record.
9 Has anyone tried to negotiate
10 anything with the current owner as of
11 now?

12 DR. GREALY: I'm not aware of
13 any.

14 MR. DOCE: I'm not aware if
15 they have tried. I just know -- it's
16 the son of the previous owner. He's
17 been unwilling to work with the
18 applicant. He's just unreachable and
19 doesn't want to be reached regarding
20 this.

21 MR. BROWNE: For the record,
22 your statement is that the current
23 owner of record is unwilling to work
24 with the applicant to discuss --

25 MR. DOCE: Yes. That's as far

1 GARDNER RIDGE

2 as I know. Yes.

3 MR. BROWNE: Thank you.

4 MR. CORDISCO: Mr. Chairman, if
5 I may on this particular point. It
6 would be helpful, since the prior
7 version of this plan showed access
8 out to Route 32, through whatever
9 agreement or easement or whatever
10 mechanism was proposed at that time
11 or may have been in place at that
12 time, I think for the Board's
13 purposes it would be helpful to have
14 a chronology of what happened there
15 in terms of whatever agreements there
16 was or may not exist and kind of
17 back-up supporting documentation
18 behind that. There was a
19 significantly different version of
20 the plan that was proposed in the
21 past. Now representations are being
22 made as to connections why that
23 particular plan, in addition to the
24 utility relocation, is problematic.
25 Also the status of any legal rights

1 GARDNER RIDGE

2 that may exist between this
3 particular project and the adjoining
4 landowner.

5 CHAIRMAN EWASUTYN: Dave Dominick?

6 MR. DOMINICK: Phil, the
7 traffic light at Gardnertown and
8 Gidney that's there now I think has
9 really helped move traffic compared
10 to without it.

11 DR. GREALY: Correct. That's
12 correct.

13 MR. DOMINICK: However, your
14 plan there is going to -- we all
15 agree there's cueing now at all three
16 sections. Your plan there really
17 doesn't address that, the cueing. In
18 fact, you're going to add additional
19 cueing to that area. You're only
20 adding a left-turn lane into Creek
21 Run. That's about it. I don't see
22 any alleviation of that pressure
23 relief.

24 DR. GREALY: In terms of the
25 length of the two lanes -- what

1 GARDNER RIDGE

2 happens is you have two lanes at the
3 light, it extends back towards the
4 bridge and then it ends abruptly.
5 We're extending that by approximately
6 75 feet I believe. Maybe a little
7 bit more. So we're providing more
8 stacking to offset any additional
9 volume that we would add there.
10 We're eliminating this conflict
11 point, because what happens is the
12 turn onto Creek Run Road becomes
13 problematic. Once traffic cues, we
14 would now give more distance. If it
15 did cue back up past the relocated
16 location, there is a left-turn lane
17 that people can wait in to turn to
18 allow the other traffic to move past.
19 So there's benefits from that
20 standpoint. I don't think we showed
21 any impact of significance on the cue
22 length there based on our volumes,
23 but we can work that out. If there's
24 some adjustment or upgrades to the
25 signal that would improve that even

1 GARDNER RIDGE

2 further, we'll work with the Town on
3 that also.

4 MR. DOMINICK: If I understand
5 what you're saying, I think you
6 solved half the equation but not the
7 other half. You solved it going into
8 Creek Run with that left-turn lane
9 but you still have cueing from
10 Gardnertown to Gidney.

11 DR. GREALY: Part of what's
12 happening at the signal is people
13 aren't getting into both lanes. When
14 the signal turns, it takes a while
15 because you only have the one lane
16 approach to feed into those two
17 lanes. So the extension that we're
18 providing, the length of this lane,
19 as I said I think we're providing
20 about 75 more feet of true stacking
21 and re-striping and resurfacing.
22 There could be adjustments to the
23 signal timing to tweak that even
24 further, and maybe some other
25 upgrades. Again, the signal control

1 GARDNER RIDGE

2 could further improve or reduce that
3 cue even further. Our analysis
4 doesn't show that there's any change
5 in the cue significance. I think it
6 was like one additional vehicle of
7 cue because the amount of traffic
8 that we're generating that would be
9 added on a per cycle basis is not
10 that much. That's based on all
11 standard units here. I know there's
12 been discussion about, you know,
13 active adult units. We haven't taken
14 any reduction if that did occur.

15 MR. DOMINICK: I'd be
16 interested to see more of that study
17 at one point when we get that far.

18 Like Stephanie mentioned, you
19 have weather conditions for that hill
20 and the elevation of the hill, the
21 slope.

22 Is there any emergency access
23 road to this facility or just one way?

24 DR. GREALY: Right now I
25 believe there is no emergency access

1 GARDNER RIDGE

2 required by code and not planned.

3 Tom, is there anything else?

4 MR. OLLEY: That's accurate.

5 We have a single access, 26 foot wide
6 access road all the way in. In the
7 old plan there was an emergency
8 access, but that was also in the
9 context of joining the WPA project
10 and this one. So that was all going
11 to go out to Route 32 in a single
12 access. We were providing an
13 emergency access for those two
14 combined properties. Since we've
15 separated those, we fall under the
16 thresholds under the State Building
17 Code for having -- we're fully
18 sprinklered buildings. Because of
19 that, we fall under the threshold for
20 being required to have a secondary
21 access.

22 DR. GREALY: If it was required
23 I think it could be provided
24 somewhere in the vicinity of where it
25 was originally proposed. Again, if

1 GARDNER RIDGE

2 that's something we'd have to look
3 into, we could do that. It's just
4 more grading and disturbance but it
5 could be -- we have enough area to do
6 that if it had to be done.

7 MR. DOMINICK: Thank you.

8 CHAIRMAN EWASUTYN: John Ward?

9 MR. WARD: I personally think
10 this is a major traffic impact on
11 Gardnertown Road. I think you should
12 revisit the access to 32, reapply or
13 whatever and find out the cost
14 efficient for both. With this on
15 paper, it looks fine in a way.
16 Personally, if you're driving every
17 day, people have accidents and
18 everything else. It's safer on 32
19 for the entrance. That's why on the
20 original you were planning it that
21 way. I can't help that. But to me,
22 this is a major traffic impact in the
23 area. Thank you.

24 CHAIRMAN EWASUTYN: Dominic
25 Cordisco, do you have anything to add

1 GARDNER RIDGE

2 at this time?

3 MR. CORDISCO: Not at this
4 moment.

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

7 MR. HINES: We did provide
8 comments. Our first one is what Mr.
9 Ward just addressed was the single
10 point of access. That should be
11 reviewed by the jurisdictional
12 emergency services and the code.
13 While it may not be required by code,
14 it's certainly good planning for 144
15 units, some of which -- there's a 36
16 unit senior component here. We're
17 requesting that you do reach out to
18 those emergency services to address
19 that issue.

20 You talked about the highway
21 superintendent. At the meeting he
22 was less than enthusiastic about the
23 proposed changes and the location of
24 the driveway. We're suggesting you
25 meet with him.

1 G A R D N E R R I D G E

2 The Board is aware of a letter
3 from the Town Board regarding the
4 senior density bonus which was issued
5 under the previous plan. This plan
6 has changed significantly, so
7 apparently you need to revisit the
8 senior density bonus with the Town
9 Board.

10 We'll be looking for a revised
11 stormwater pollution prevention plan
12 to take into account the additional
13 and quite extensive grading. It
14 would be helpful to have the proposed
15 site plan and the Colliers plans put
16 together to show how that drainage
17 ties together. Right now we have two
18 separate plans and I'm not sure they
19 tie together with each other. That
20 would be helpful to review.

21 There's been a 3 plus or minus
22 acre area of proposed blasting. We
23 would be looking for some additional
24 information regarding that, the
25 quantity of the blasting, whether the

1 GARDNER RIDGE

2 site is a balanced cut and fill. It
3 looks like there's significantly more
4 cut than fill, but I'll defer to Mr.
5 Olley to provide us with that
6 analysis, additional information
7 regarding the blasting, the impacts
8 of the blasting in relation to the
9 residential neighborhoods that abut
10 your property.

11 We're looking for some
12 additional grading -- labeling of the
13 grading plan. It's difficult to
14 coordinate the grades. More of those
15 existing and proposed grades should
16 be labeled.

17 There's the Army Corp crossing.
18 There's a requirement for crossing
19 the wetlands in the vicinity of the
20 senior apartments. The status of
21 that Army Corp review should be
22 updated.

23 We had some clean-up items on
24 the text.

25 I don't recall that -- this

1 G A R D N E R R I D G E

2 project, again is a circa 2004, '05
3 application. The status of the City
4 of Newburgh flow acceptance letter
5 will need -- update that, or if you
6 can provide that if it was issued and
7 for this number of units it's still
8 good. I couldn't locate that in my
9 current file.

10 The current roadway cross
11 section on the plans; Mr. Olley, you
12 said it was 26 feet but the cross
13 section is labeled as varies. We'll
14 have to clarify that cross section.

15 MR. OLLEY: Sure.

16 MR. HINES: There is an
17 emergency access gate detail on the
18 plans but no emergency access point,
19 which we discussed earlier.

20 Utility plans show numerous top
21 and bottom of walls along the western
22 property line where no walls are
23 proposed. That may be a remnant of a
24 previous portion of the project.
25 That should be cleaned up.

1 GARDNER RIDGE

2 We talked about the grading
3 plan along Gardnertown Road.

4 We're suggesting notes be added
5 to the plans regarding the senior
6 density bonus, Section 185-48(4) and
7 48(c)(1) through (3) regarding the
8 senior bonus. That has to do with the
9 size of the units and other
10 requirements for senior housing in
11 this zone.

12 The plans just need to be
13 updated for rims, inverts, sewer
14 elevations, sanitary profile, the
15 additional design detail for the
16 utilities.

17 That's all we have to date.

18 CHAIRMAN EWASUTYN: Since we're
19 discussing the two possible
20 approaches to the property, and it's
21 probably the key component of what's
22 before us this evening, to better
23 serve the applicant and better serve
24 the Town and to provide the Planning
25 Board with decision making

1 GARDNER RIDGE

2 information, we discussed setting
3 this up for a consultants' meeting
4 for the last Tuesday in July, giving
5 everyone the benefit to prepare for
6 it. I believe that date is the 26th
7 of July.

8 MR. HINES: It is.

9 CHAIRMAN EWASUTYN: Pat Hines
10 will prepare, in the course of the
11 next week or two -- Pat, how much
12 time do you need?

13 MR. HINES: That's fine.

14 CHAIRMAN EWASUTYN: Give me
15 some kind of idea.

16 By the end of this month Pat
17 Hines will prepare a bullet of the
18 items of discussion that will be
19 brought forward at the consultants'
20 work session on the 26th of July.
21 That will give us a baseline for
22 where we're going with this project
23 or how we can proceed with this
24 project, because there are two
25 different components that are being

1 GARDNER RIDGE

2 considered.

3 Is everyone in agreement with
4 that?

5 DR. GREALY: That's fine.

6 CHAIRMAN EWASUTYN: Can I have
7 a motion from the Board to set the
8 Gardner Ridge project for a
9 consultants' meeting for July 26th.

10 MR. WARD: So moved.

11 MR. DOMINICK: Second.

12 CHAIRMAN EWASUTYN: I have a
13 motion by John Ward. I have a second
14 by Dave Dominick. May I please have
15 a roll call vote.

16 MR. GALLI: Aye.

17 MS. DeLUCA: Aye.

18 MR. MENNERICH: Aye.

19 CHAIRMAN EWASUTYN: Aye.

20 MR. BROWNE: Aye.

21 MR. DOMINICK: Aye.

22 MR. WARD: Aye.

23 CHAIRMAN EWASUTYN: Motion
24 carried.

25 MR. DOCE: Thank you.

1 GARDNER RIDGE

2 (Time noted: 7:48 p.m.)

3

4

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

6

7

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

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

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

18 IN WITNESS WHEREOF, I have hereunto
19 set my hand this 29th day of June 2022.

20

21

22

23

24

25

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

OVERLOOK FARMS
(2019-23)

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

----- X

SITE PLAN

Date: June 16, 2022
Time: 7:48 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
JAMES CAMPBELL
STARKE HIPPI

APPLICANT'S REPRESENTATIVE: ANTHONY GUCCIONE,
STANLEY SCHUTZMAN, PETER GAITO

----- X

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

1 O V E R L O O K F A R M S

2 CHAIRMAN EWASUTYN: The
3 Planning Board's third item is
4 Overlook Farms, project 19-23. It's
5 a site plan located on Route 9W.
6 It's being represented by JMC.

7 MR. GUCCIONE: Good evening.
8 My name is Anthony Guccione. I'm
9 here on behalf of Overlook Farms.
10 I'm here with Peter Gaito, project
11 architect, and Stan Schutzman, the
12 attorney.

13 It's been a while. It's been,
14 believe it or not, about a year. We
15 were working on some technical items.

16 One main item we've been trying
17 to square away is the sewage
18 treatment plant system which was in
19 this location on the old project.
20 Pricing came out on that sewage
21 treatment plant and it was way over
22 budget. It's going to kill the
23 project. We'd gone back to the
24 drawing board. The owner has been
25 speaking with a new firm, StreamGo

1 O V E R L O O K F A R M S

2 Water Solutions Company. They are
3 proposing a new system here. They're
4 doing a design build. They actually
5 design and build it, so you get a
6 turnkey operation. It consists of
7 two container buildings. You see
8 them here. They're smaller. They're
9 8 feet by 40 feet in size and about
10 8.5 feet high, and then there's four
11 buried tanks behind them. It's a
12 much smaller footprint by comparison.
13 This was the old plan. This was the
14 old sewage treatment facility. It
15 was about a 50 by 100 foot building.
16 In comparison you can see this new
17 system is a much smaller footprint.
18 Much of it is below ground. The tank
19 is below ground. We're proposing to
20 screen that heavily with landscaping,
21 big evergreen trees, some deciduous
22 trees centrally located on the site,
23 so it wouldn't be seen from outside
24 the site. It certainly wouldn't be
25 seen from inside the site due to the

1 O V E R L O O K F A R M S

2 landscape screening.

3 We did receive a letter from
4 Pat Hines saying that his office had
5 no objection to this stream system.
6 It's very high quality. I do have
7 letters from Pat Hines. I don't know
8 if you have them. I can distribute
9 them to the Board if you'd like.
10 It's a high-quality sewage treatment
11 plant system.

12 The second item we're working
13 on is the relocation of this driveway
14 and this drop off. If you remember,
15 we had the bus drop off for school
16 buses and the mailboxes. It was a
17 loop here. The driveway was here and
18 the drop off was here. We're working
19 on a project across the street which
20 we hope to be before your Board with
21 shortly. The same with the previous
22 project, there's a high pressure gas
23 transmission line on this side of the
24 street. We spoke with Central Hudson
25 and they will not allow that to be

1 O V E R L O O K F A R M S

2 modified, moved or built upon. The
3 previous location of the driveway
4 required the relocation of a culvert.
5 As you know, there's a large culvert
6 that brings the stormwater under 9W.
7 In order to put the driveway where it
8 was, we needed to relocate the
9 culvert. Central Hudson, under no
10 circumstance, will allow the
11 relocation of that culvert over the
12 gas transmission main. What we did
13 is put the driveway here so we can
14 leave the culvert in place, that way
15 the driveway goes over the
16 transmission line, which they are
17 okay with. We really wanted the
18 driveway here. We swapped the bus
19 drop off and mailbox loop over to the
20 other side. The benefit that comes
21 from that -- we've been speaking with
22 DOT about the traffic signal we're
23 proposing here. They prefer more
24 separation from the traffic signal to
25 the proposed traffic signal, so that

1 O V E R L O O K F A R M S

2 helps. Right now with just this
3 project, DOT is of the opinion that
4 the traffic signal may not be
5 warranted. We're going to go back to
6 them now with the extra separation.
7 When this project comes before your
8 Board and becomes a real project,
9 they agreed they will re-evaluate the
10 need for that traffic signal. We're
11 optimistic that will get approved and
12 it will be installed.

13 Those are the two main items.
14 The rest of the project remains
15 exactly the same. We've been working
16 on technical items with the Town,
17 working with the Army Corp on the
18 wetlands and the water course
19 modifications.

20 We still have 203 units up on
21 the hill. They're in the exact same
22 spot. We still have the clubhouse,
23 the 25,000 foot retail. Everything
24 is compliant in terms of parking and
25 bulk regulations.

1 O V E R L O O K F A R M S

2 We did respond in our last
3 submission to the previous comment
4 letter we got from your consultants.
5 We just received new letters from MHE
6 Engineering and from Creighton,
7 Manning which we'd like to respond to
8 in writing.

9 With that said, we'd be happy
10 to answer any questions or discuss
11 any of the comments in the memo as
12 you would like.

13 CHAIRMAN EWASUTYN: Can we have
14 discussion on those comments rather
15 than writing? When you say in
16 writing, I assume that the Planning
17 Board won't know until after the
18 fact. If you're going to correspond
19 with the consultants, can we discuss
20 the topic of correspondence openly
21 and then we'll have a knowledge of
22 where we're going.

23 Starke Hipp, your comments so
24 we can bring that forward.

25 Starke Hipp is representing

1 O V E R L O O K F A R M S

2 Creighton, Manning this evening. Ken
3 Wersted is away on business.

4 MR. HIPPE: All the comments
5 that we really had were -- Pat and I
6 discussed this -- about relocating or
7 reconfiguring the drop off area for
8 the school buses. Our letter
9 included kind of a sketch up of what
10 Ken was thinking. It's to
11 essentially have another driveway for
12 the retail component and have it so
13 that you eliminate that circulatory
14 area. The bus could enter the site,
15 it would pass the first driveway,
16 take a right into the retail parking
17 lot, take a right and it could drop
18 kids off, pick kids up with the door
19 on the right side of the road, it
20 would take a right and take a left
21 out to 9W, to see if that was
22 possible.

23 One issue Pat had brought up is
24 infiltration in that area. If you
25 could move that infiltration basin,

1 O V E R L O O K F A R M S

2 because that's where it would be.

3 MR. GUCCIONE: Right. So in
4 essence -- I saw the sketch. We're
5 basically talking about bringing the
6 loop over here, moving the basin over
7 here and creating a loop for the
8 buses and the mailboxes in this
9 location. The issue with that -- we
10 did take a look at it. I think we
11 have kind of a compromise solution.
12 I was actually trying to call Ken
13 today. I didn't realize he was out
14 of town.

15 MR. HIPPE: He won't be able to
16 pick up right now.

17 MR. GUCCIONE: That's fine.
18 The problem here is this parking lot
19 is about 7 feet higher than the road
20 right here. A connection here is
21 very difficult. We'd have to push
22 the road down which would make this
23 road steeper and have a ripple
24 effect. It would create a lot more
25 cut on the site and it would be no

1 O V E R L O O K F A R M S

2 longer balanced. We took a look at
3 that.

4 What we could do, if the -- I'd
5 also like to keep the circulation for
6 the buses. We talked to the Marlboro
7 School District about this. They
8 like the loop rather than having it
9 combined with the parking lot for the
10 retail. It seemed like the issue was
11 really trying to straighten out this
12 road and have a straight shot through
13 with the intersection to the retail.
14 I think we have a way to be able to
15 straighten out the road, put the T
16 intersection here but still leave the
17 loop on this side and the basin on
18 this side and get more distance
19 between this intersection and what
20 would happen here. We can talk about
21 that offline. I can show you maybe a
22 sketch and we can work that out back
23 and forth.

24 MR. HIPPE: Were turning
25 templates performed to see if the bus

1 O V E R L O O K F A R M S

2 can make that loop?

3 MR. GUCCIONE: Yes. We'll
4 provide that for you, too.

5 MR. HIPPE: The only other major
6 comment, I know the State had issued
7 comments to you guys. Have they been
8 addressed?

9 MR. GUCCIONE: They were
10 addressed. Last year we addressed
11 them. We can send you a copy of the
12 letter. They were technical in
13 nature. They got back to us just
14 this week about the traffic signal.
15 Pending the development across the
16 street, which is obviously not even
17 before the Board yet, and they had
18 not seen the additional separation
19 between the signals either. We can
20 provide all of that information.

21 MR. HIPPE: They want to have
22 more separation for signals. That is
23 true.

24 You're saying that the State
25 does not want a traffic signal there

1 O V E R L O O K F A R M S

2 because it's not warranted even with
3 this development?

4 MR. GUCCIONE: Preliminarily
5 that's what they're saying right now
6 with just this development. They
7 knew the other one was eventually
8 going. They said that would probably
9 change things. Both of those
10 driveways across the street would be
11 sharing the same signal.

12 MR. HIPPE: There are a couple
13 crosswalks that should be noted on
14 the plan. I'm sure you guys can
15 address those. Up here I believe it
16 was.

17 That was it.

18 MR. GUCCIONE: Thank you.

19 CHAIRMAN EWASUTYN: Thank you.

20 Pat Hines, address your
21 comments.

22 MR. HINES: Our first comment,
23 and at work session we talked about
24 it, the access road and the
25 modifications to the 100-year

1 O V E R L O O K F A R M S

2 floodplain. The analysis provided by
3 Leonard Jackson Associates identifies
4 that 9W is over top of that culvert
5 during the 100-year storm event.
6 Your access road, similarly, will be
7 over top, 8, 9 inches I believe in
8 the report. Leonard Jackson's
9 response was that fire trucks can
10 traverse that. I'm not sure
11 ambulance, police cars and the
12 residents should be traversing that.
13 We're looking for a little more
14 detail on that, and possibly an
15 analysis if the Morris Road access
16 points are still available during
17 that stormwater event, that 100-year
18 storm event. I know you're working
19 with the floodplain development
20 permit and that information.

21 MR. GUCCIONE: Correct.

22 MR. HINES: So just a little
23 more information on that, and
24 possibly some input from the
25 jurisdictional emergency services

1 O V E R L O O K F A R M S

2 that they're okay with that.

3 Your response says the water
4 main extension report is being
5 prepared. We'll be awaiting that.

6 MR. GUCCIONE: Yes.

7 MR. HINES: We did note the
8 sewage treatment facility utilizes
9 cargo containers or overseas
10 containers as part of their design.
11 There may be a zoning issue with that
12 or what those are going to look like.
13 We need, number one, to contact Jerry
14 and Jim's office to make sure that
15 those are permitted there. I don't
16 want to get too far down the road and
17 have that being a zoning issue with
18 the use of the overseas containers.
19 Possibly they could be made to either
20 not be overseas containers. It does
21 say used for storage. Take a look at
22 that code with the Code Department.
23 Certainly they're not being used for
24 storage, they're a component of the
25 process for the sewage treatment

1 O V E R L O O K F A R M S

2 plant. I want to make sure those are
3 zoning compliant as you move forward
4 with those.

5 My office did sign off to the
6 Town Board for the use of the
7 proprietary sewage treatment plant.
8 There are several of them in service
9 in New York State. They have been
10 permitted. We did receive back-up
11 information from other sites that are
12 utilizing the same proprietary system
13 that are exceeding, in a good way,
14 more than their permit discharge
15 limits. So they're meeting their
16 permit requirements and those
17 discharges were very good.

18 We were at the meeting with
19 Marlboro School District regarding
20 the bus turnaround. They were very
21 in favor of it. They thought getting
22 the buses off 9W for the pick up
23 would be beneficial for them.

24 You noted in your response that
25 the sewage treatment plant permit

1 O V E R L O O K F A R M S

2 would be submitted in the future.
3 We're just suggesting that that be
4 done sooner than later.

5 We also suggested that we are
6 at a point where the Board could
7 evaluate the project with regard to a
8 possible SEQRA determination. We
9 would be ready to go through the Part
10 2 EAF if the Board wished.

11 CHAIRMAN EWASUTYN: Comments
12 from Jim Campbell?

13 MR. CAMPBELL: Just with the
14 boxes, Zoning Code 185-15.1 mentions
15 about for storage. We would need
16 some more information regarding that,
17 and possibly a rendering or something
18 just to know what we're dealing with.

19 MR. GUCCIONE: The benefit of
20 this whole system, one of the biggest
21 benefits is they can be assembled in
22 their plant and brought here. Better
23 equipment and a higher cost
24 efficiency. They come looking
25 basically like a container. Things

1 O V E R L O O K F A R M S

2 can be done to dress them up. We
3 were thinking about some fencing but
4 sometimes the fencing doesn't look
5 any better than the container with
6 plantings. If the Board would like
7 or your office would prefer, there
8 could be some kind of siding or some
9 kind of fascia put on those
10 containers that can dress them up.

11 MR. CAMPBELL: If you could
12 supply something to go by what we're
13 looking at. If you refer to that
14 code section, for storage it does
15 mention about fencing and screening
16 and stuff like that.

17 MR. GUCCIONE: It will be
18 substantially smaller than the sewage
19 treatment plant building that was
20 proposed. That's also an aesthetic
21 benefit. Understood.

22 MR. CAMPBELL: Just give us
23 something to work with.

24 CHAIRMAN EWASUTYN: Most likely
25 under the final ARB approval we would

1 O V E R L O O K F A R M S

2 take that into consideration also.
3 The renderings that you're discussing
4 that you would submit to the Building
5 Department at some point in time,
6 we'll be looking at them because we
7 will have the approval of them.

8 Discussion from Board Members.
9 Frank Galli?

10 MR. GALLI: Just one. On your
11 drainage that comes down off the
12 hill, can you show me where it's
13 coming down, where it's going to
14 head, north or south?

15 MR. GUCCIONE: There is
16 drainage that comes down around the
17 outside. We'll pipe it to this
18 basin. Most of it overflows into
19 this pond. That comes here, wraps
20 around. The stream comes from under
21 the -- this is the only watercourse.
22 These are kind of intermittent up on
23 the hill. When it rains the water
24 comes down. This is a farmer's
25 ditch. This was a manmade farmer's

1 O V E R L O O K F A R M S

2 pond. This was a manmade farmer's
3 pond. They use them for irrigation.
4 This is the main watercourse. You
5 might want to see some modifications.
6 They were looking for us to try to
7 maintain some of the -- some more of
8 the existing watercourse rather than
9 relocate the whole thing. We're
10 looking at what we can do. Maybe
11 save a piece of it here and a piece
12 of it here and modify a little bit up
13 here. We're working on that. That
14 might give us the opportunity to look
15 at the floodplain again and this road
16 moved down a little more. It's at a
17 slightly higher elevation. That
18 might help with the floodplain issue.
19 We're going to look at that as well.
20 There's a ditch that comes down to
21 here. This one comes across.
22 There's one that comes here through a
23 culvert and one that comes here and
24 out, and then there's the one that I
25 said that came, the new pipe, the 40-

1 O V E R L O O K F A R M S

2 inch pipe to get to this infiltration
3 basin. All of it, after it gets to
4 the pond, snakes around and
5 discharges back under Morris Drive
6 there.

7 MR. GALLI: Morris Drive, on
8 the next development over there's
9 constant water and flooding issues
10 there. Is that going to affect it
11 more?

12 MR. GUCCIONE: No. Leonard
13 Jackson Associates did the floodplain
14 analysis. It shows that there are
15 flooding problem on 9W now. There's
16 extreme -- we're talking about a
17 100-year storm which is a major
18 hurricane. It happens very
19 infrequently. That won't be made
20 worse by this project. Between all
21 of our infiltration practices, we're
22 mitigating the stormwater running off
23 from our site. There's no increase
24 to the rate of runoff from our site.
25 His flood analysis showed with what's

1 O V E R L O O K F A R M S

2 being done, it won't be any worse
3 than it is under existing conditions.
4 It's actually a little better.

5 MR. GALLI: That's all I had,
6 John.

7 CHAIRMAN EWASUTYN: Stephanie
8 DeLuca?

9 MS. DeLUCA: I was just
10 wondering, with your plan, if there's
11 any possibility you would consider
12 putting in a playground area for the
13 kids rather than maybe a tennis court?

14 MR. GUCCIONE: I mean we can
15 talk to the owner. The demographic
16 you're looking at, they're expecting
17 more use from a tennis court than a
18 playground. They have bocci, they
19 have a dog park.

20 Any voice on that, Peter?

21 MR. GAITO: There's room to put
22 one if we had to.

23 MR. GUCCIONE: It brings a
24 different element in. These are quiet --

25 MS. DeLUCA: If there's a bus

1 O V E R L O O K F A R M S

2 loop for kids --

3 MR. GUCCIONE: They'll have
4 some school children. Let us talk to
5 the owner.

6 MS. DeLUCA: Thank you. I
7 appreciate it.

8 CHAIRMAN EWASUTYN: Anthony, at
9 this time do you have any idea who
10 the proposed tenant might be for the
11 other side of 9W?

12 MR. GUCCIONE: No. They were
13 talking to some folks. Some things
14 changed. That's one of the things
15 that's holding us up. This is really
16 just spec. They can't really get
17 anybody until they kind of get
18 further down the line with approvals.

19 CHAIRMAN EWASUTYN: I'm not
20 talking about the 25,000 square feet.

21 MR. GUCCIONE: They were
22 talking to some people and things
23 changed. No, we don't have any
24 tenants right now. It's all spec.

25 CHAIRMAN EWASUTYN: That was my

1 O V E R L O O K F A R M S

2 only question.

3 MR. BROWNE: No. We covered
4 everything so far.

5 MR. WARD: Is the project going
6 to be phased?

7 MR. GUCCIONE: Yes. The phases
8 are residential and retail.

9 MR. GAITO: Essentially
10 everything except the retail is
11 contingent upon if something comes in
12 or not.

13 CHAIRMAN EWASUTYN: Do you have
14 a name?

15 MR. GAITO: No. Nobody yet.

16 CHAIRMAN EWASUTYN: Can we have
17 your name for the record?

18 MR. GAITO: I'm sorry. I'm
19 Peter Gaito, I'm the architect.

20 CHAIRMAN EWASUTYN: Thank you.
21 Just for the record, you're having a
22 conversation. Stan hasn't spoken
23 yet. I think we're more familiar
24 with Stan than we are with you. I
25 thank you for giving us your name.

1 O V E R L O O K F A R M S

2 MR. WARD: With the ARB, I
3 mentioned it before, where you have
4 the arch on the top where the roof
5 is, if you can look at Gardnertown
6 Commons. It's an accent to it on the
7 outside. It has nothing to do with
8 the building itself. It's just to
9 make it look not plain Jane. It
10 looks nice. You can take a look and
11 maybe add that to the ARB.

12 Thank you.

13 CHAIRMAN EWASUTYN: As Pat
14 Hines mentioned in his review, the
15 Planning Board could consider this
16 evening a SEQRA determination, and
17 then at which point we would set this
18 for a public hearing.

19 Stan, are you in agreement with
20 that?

21 MR. SCHUTZMAN: A hundred
22 percent.

23 CHAIRMAN EWASUTYN: And for the
24 record, your last name?

25 MR. SCHUTZMAN: Stanley Schutzman.

1 O V E R L O O K F A R M S

2 CHAIRMAN EWASUTYN: So now
3 we're all on board.

4 Pat Hines, would you take the
5 time for the Planning Board Members
6 and those in the public to go through
7 Part 2, along with Dominic Cordisco.

8 MR. HINES: This project has
9 been before the Board on numerous
10 occasions. It was away doing some
11 technical reviews. The applicants
12 had submitted a long form EAF. This
13 Board circulated its intent for lead
14 agency and is now the lead agency
15 based on none of the other involved
16 agencies objecting to that.

17 We have filled out a suggested
18 Part 2 for the project. I'll review
19 that now. If the Board has any
20 comments or wants to stop me as we go
21 through this, please do that.

22 Number 1 is impact on land.
23 We're suggesting that's a yes. The
24 proposed action may involve
25 construction on land where depth of

1 O V E R L O O K F A R M S

2 the water table is less than 3 feet.
3 That is a suggested small impact.
4 They are developing a floodplain
5 development permit through the Town
6 which will address the relocation of
7 the stream and the floodplain.

8 The project may involve
9 construction on slopes greater than
10 15 percent. That is also a small
11 impact. They have developed a
12 stormwater pollution prevention
13 control plan which will address soil
14 erosion and sediment control on those
15 slopes.

16 The project may involve
17 construction on land where bedrock is
18 exposed. We're suggesting that be
19 no. We don't have any indication of
20 bedrock on the site.

21 The proposed project may remove
22 more than 1,000 tons of natural
23 material. We heard the engineer
24 identify that the project is a
25 balanced site and will not remove

1 O V E R L O O K F A R M S

2 excessive amounts of material.

3 The proposed action involves
4 construction that continues more than
5 one year. That is going to be a
6 small impact. The phasing plan was
7 just discussed.

8 The action may result in
9 increased erosion, whether from
10 physical disturbance or vegetation
11 removal. We're suggesting that that
12 is a small impact as the soil
13 erosion, sediment control plan and
14 SWPPP have been developed.

15 The proposed action may be
16 located in a coastal erosion hazard
17 area. That is a no.

18 The second item is impact on
19 geologic features. Based on the
20 bulleted items below that, we're
21 suggesting the answer to that would
22 be no.

23 The third item is impact on
24 surface water. We're suggesting that
25 answer be a yes. The proposed action

1 O V E R L O O K F A R M S

2 may create a new body of water, no.
3 Proposed action will result in a
4 decrease or increase of 10 percent or
5 more of surface area of any body of
6 water, that's a no. There is no
7 dredging involved. The action may
8 involve construction within or
9 adjoining freshwater tidal wetlands.
10 There are some small Federally
11 regulated wetlands on the site.
12 They'll be obtaining a permit or a
13 pre-construction notification from
14 the Army Corp of Engineers. Proposed
15 action may create turbidity in a
16 water body, either from upland
17 erosion. Once again, the stormwater
18 pollution prevention plan takes into
19 account the mitigation measures for
20 water quantity and quality control.
21 Proposed action may include one or
22 more intakes for withdrawal of water,
23 that is a no. Proposed action may
24 include construction of one or more
25 outfalls for discharge of wastewater

1 O V E R L O O K F A R M S

2 to surface water. That will occur on
3 the project, however the project will
4 be required to obtain a SPDES
5 discharge permit from the DEC. That
6 discharge will be regulated by the
7 DEC. Proposed action may cause soil
8 erosion or otherwise a source of
9 stormwater discharge that may lead to
10 siltation or degradation of the
11 receiving water bodies. Once again,
12 the stormwater pollution prevention
13 plan has been developed to mitigate
14 that. The proposed action may affect
15 water quality of any water bodies
16 within or downstream of the site.
17 Again, the stormwater plan and the
18 SWPPP address that. Proposed action
19 may involve the application of
20 pesticides or herbicides around any
21 water body. We have no indication
22 that the applicant proposes that.
23 And proposed action may require the
24 construction of new or expanding
25 wastewater treatment facilities.

1 O V E R L O O K F A R M S

2 Once again, this does propose a
3 wastewater treatment facility to
4 treat the, I believe it's 43,000 plus
5 or minus gallons discharge per day
6 which will be treated in a DEC
7 permitted sewage treatment plant.

8 Impacts on groundwater, number
9 4. We're suggesting that's a no.
10 There is no indication of any use of
11 groundwater.

12 Impacts on flooding, we said
13 that is a yes. Item B under that,
14 may result in development within a
15 100 year floodplain. That is yes.
16 They are relocating and modifying
17 that stream watercourse to the more
18 front portion of the site, and that
19 is within a 100 year floodplain area.
20 None of the other bulleted items
21 under that are pertinent to the
22 project.

23 Number 6 is impacts on air.
24 The project does not exceed any of
25 the bulleted items A through F under

1 O V E R L O O K F A R M S

2 that, so that would be a no.

3 Impacts on plants and animals.

4 There are no threatened or endangered

5 species on the site. We're

6 suggesting that can be a no. It

7 doesn't exceed any of the bulleted

8 items under that.

9 Impact to agricultural, we're

10 suggesting that would be a yes.

11 Obviously the site was Overlook Farms

12 and was formerly an agricultural

13 site. I don't believe the site is

14 under current agricultural use at

15 this time.

16 MR. GUCCIONE: There are still

17 trees grown there, but --

18 MR. HINES: I believe they were

19 proposed to be removed, some of them

20 actually --

21 MR. GUCCIONE: They were going

22 to donate them.

23 MR. HINES: In order to

24 preserve them. We had that as a yes.

25 Proposed action may impact the

1 O V E R L O O K F A R M S

2 soil classified group 1 through 4,
3 that is a no. Proposed action may
4 sever, cross or otherwise limit
5 access to agricultural land. That is
6 a small impact. They are going to
7 lose what was or limited use of
8 agriculture on the site. Proposed
9 action may result in excavation or
10 compaction of soil profiles of active
11 agricultural land. We just discussed
12 whether that is active or not. That
13 is a small impact based on the size
14 of the project and the agricultural
15 use of it. Proposed action may
16 irreversibly convert agricultural
17 land to nonagricultural uses, either
18 more than 2.5 acres if located in an
19 ag district or 10 or more acres
20 outside. It does result in that but
21 the use of the property is consistent
22 with Town zoning. The proposed
23 action may disrupt or prevent
24 installation of agricultural
25 management practices. That is

1 O V E R L O O K F A R M S

2 suggested to be a small impact.
3 Proposed action may result in direct
4 or indirect increased development or
5 pressure on farmlands. Again that's
6 a small impact. The project is not
7 consistent with an adopted municipal
8 farmland plan. The Town of Newburgh
9 does not have such a plan.

10 Number 9 is impacts on
11 aesthetic resources. We're
12 suggesting that be a no. It does not
13 exceed any of the bulleted items A
14 through G under that.

15 Impacts on historic resources,
16 we're suggesting that answer be a no.
17 There's no indication of any historic
18 or archeological significant areas
19 there.

20 Impact on open space and
21 recreation. We're stating that as
22 no. It's currently private property
23 and not available for open space or
24 recreation.

25 Impact on critical

1 O V E R L O O K F A R M S

2 environmental areas is a no. The
3 project is not located in a critical
4 environmental area. The Town does
5 have one critical environmental area.
6 This is outside of that.

7 Impact on transportation. We
8 discussed traffic at the intersection
9 there. We're suggesting that be a
10 yes. Project may increase or exceed
11 capacity of existing traffic network.
12 That would be a no. Project may
13 result in construction of a paved
14 parking area of 500 or more vehicles.
15 That is a no. Proposed action may
16 degrade existing transit access.
17 That's a no. Proposed access may
18 degrade existing pedestrian or
19 bicycle, that's a no. Proposed
20 action may alter the present pattern
21 or movement of people or goods. This
22 project is not of a size that would
23 impact that.

24 Impacts on energy, we're
25 suggesting that be a no. It does not

1 O V E R L O O K F A R M S

2 exceed any of the bulleted items A
3 through E below that.

4 Impacts on noise, number 15,
5 we're also suggesting that be a no.
6 The action may increase noise, odors
7 or outdoor lighting. The project is
8 not near any sensitive receptors and
9 will comply with the Town's noise
10 code.

11 16 is impact on human health.
12 We're suggesting that be a no. It
13 does not exceed any of the bulleted
14 items A through I under that.

15 Then 17 is consistent with
16 community plans -- inconsistent with
17 community plans. The action is
18 permitted and consistent with your
19 zoning.

20 Consistency with community
21 character. We're suggesting that
22 that also be a no. The project does
23 not exceed any of the items A through
24 F below that.

25 So if the Board concurs with

1 O V E R L O O K F A R M S

2 those suggestions, we would recommend
3 that the Board is in a position to
4 issue a negative declaration for this
5 project.

6 CHAIRMAN EWASUTYN: Dominic
7 Cordisco, Planning Board Attorney?

8 MR. CORDISCO: I concur.

9 CHAIRMAN EWASUTYN: Having
10 heard from Pat Hines with MHE and
11 Dominic Cordisco, Planning Board
12 Attorney with Drake, Loeb, comments
13 from Board Members?

14 MR. GALLI: No additional.

15 MS. DeLUCA: No.

16 MR. MENNERICH: No.

17 MR. BROWNE: No.

18 MR. DOMINICK: No.

19 MR. WARD: No.

20 CHAIRMAN EWASUTYN: Would
21 someone move for a motion to declare
22 a negative declaration for the
23 Overlook Farms site plan and to
24 schedule it for a public hearing for
25 the 7th of July?

1 O V E R L O O K F A R M S

2 MR. WARD: So moved.

3 MS. DeLUCA: Second.

4 CHAIRMAN EWASUTYN: I have a
5 motion by John Ward. I have a second
6 by Stephanie DeLuca. May I please
7 have a roll call vote.

8 MR. GALLI: Aye.

9 MS. DeLUCA: Aye.

10 MR. MENNERICH: Aye.

11 CHAIRMAN EWASUTYN: Aye.

12 MR. BROWNE: Aye.

13 MR. DOMINICK: Aye.

14 MR. WARD: Aye.

15 CHAIRMAN EWASUTYN: I have one
16 comment from the Board Members to
17 help Anthony and I out. For the
18 public hearing, the site plan sheets
19 that we have will be the same site
20 plan and sheets, or what revisions do
21 you see and will the Planning Board
22 necessarily need to have that sheet?
23 That way we don't -- you and I have
24 discussed the volumes and volumes.
25 We're trying to minimize. Are there

1 O V E R L O O K F A R M S

2 any sheets that you may suggest or is
3 the Planning Board in need of?

4 MR. GUCCIONE: The one
5 modification to the driveway and the
6 loop that we've been speaking about
7 with Creighton, Manning could be a
8 minor modification. I don't know
9 you'll be creating utilities and all
10 that.

11 The other thing that's a
12 potential, we're coordinating with
13 the Army Corp, if they request
14 changes. We've been going back and
15 forth with them for a while. It
16 takes a while to get substantive
17 responses from them. That would be
18 the only thing that might be a change
19 along that front area. Otherwise, I
20 don't really foresee anything major.

21 CHAIRMAN EWASUTYN: Would the
22 Planning Board want any revised plans
23 other than what you have in front of
24 you now?

25 MR. GALLI: No.

1 O V E R L O O K F A R M S

2 MS. DeLUCA: No.

3 MR. MENNERICH: No.

4 MR. BROWNE: No.

5 MR. DOMINICK: No.

6 MR. WARD: No.

7 MR. HINES: I think they are at
8 a level of detail that's appropriate
9 for this.

10 CHAIRMAN EWASUTYN: We go back
11 and forth over that. They present us
12 with great plans but they're costly
13 also.

14 MR. GUCCIONE: Sometimes the
15 environmental process costs a lot of
16 trees.

17 MR. GALLI: John, they're going
18 to have the picture of the buildings
19 for the public hearing?

20 CHAIRMAN EWASUTYN: Speak to
21 the architect.

22 MR. GAITO: I will have them
23 with me, yes.

24 MR. GALLI: Thank you.

25 CHAIRMAN EWASUTYN: Thank you.

1 O V E R L O O K F A R M S

2 Stan, it's the first time you
3 haven't said anything.

4 MR. SCHUTZMAN: You're doing so
5 nicely, I don't want to screw it up.

6 CHAIRMAN EWASUTYN: You haven't
7 been following me around. I made
8 more mistakes in the last 72 hours.
9 Nice to see you.

10 Thank you.

11

12 (Time noted: 8:20 p.m.)

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OVERLOOK FARMS

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 29th day of June 2022.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

UNITY PLACE WAREHOUSE
(2021-29)

Old Little Britain Road & Unity Place
Section 97; Block 2; Lots 14.1 & 19.12
IB Zone

----- X

SITE PLAN

Date: June 16, 2022
Time: 8:20 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
JAMES CAMPBELL
STARKE HIPPI

APPLICANT'S REPRESENTATIVE: JOHN CAPPELLO,
PHILIP GREALLY, MATTHEW TRAINOR, JASON
ANDERSON & ELIOT SPITZER

----- X

MICHELLE L. CONERO
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1 U N I T Y P L A C E W A R E H O U S E

2 CHAIRMAN EWASUTYN: The fourth
3 item of business this evening is the
4 Unity Place Warehouse. It's a site
5 plan located on the northwest corner
6 of Old Little Britain Road and Unity
7 Way. It's in an IB Zone and it's
8 being represented by Brooker Engineering.

9 MR. CAPPELLO: Good evening,
10 everyone. John Cappello with
11 Jacobowitz & Gubits here on behalf of
12 the applicant. I have with me Matt
13 Trainor, the project engineer from
14 Brooker Engineering; Jason Anderson,
15 the architect; the applicant, Elliot
16 Spitzer; and we were able to kidnap
17 Phil Grealy when we saw he was here.
18 He's our traffic engineer as well.
19 We have Phil Grealy here as well this
20 evening.

21 If you recall, we were here a
22 few months ago. We discussed the
23 concept. This is a proposed
24 warehouse on the corner of Unity
25 Place and Old Little Britain Road.

1 U N I T Y P L A C E W A R E H O U S E

2 We received a set of comments on the
3 concept plan. We went back to do the
4 hard engineering. Since that time,
5 now we have submitted the site plan
6 set which, based on the engineering,
7 has reduced the footprint
8 approximately a little over 8,000
9 square feet, and therefore reduced
10 some of the parking and loading.

11 There's a landscape plan now
12 provided in the package.

13 A full SWPPP has been prepared
14 and submitted for your engineer.

15 Since traffic is a
16 consideration given the location and
17 the size of the warehouse, a traffic
18 study was submitted to your traffic
19 consultant as well as the DOT.

20 The one legal issue that I will
21 address before I turn it over to Matt
22 is there was an issue raised earlier
23 about a proposed easement that had
24 never actually been filed that kind
25 of bisected the property. Since the

1 U N I T Y P L A C E W A R E H O U S E

2 last meeting we've approached all the
3 original lot owners on the original
4 subdivision where that was created.
5 We had oral commitments from all of
6 them and signatures from a couple of
7 them. We anticipate -- there was a
8 transfer of title, as Murphy's Law,
9 during the negotiation. We
10 anticipate having those all signed
11 and filed. The title company is
12 prepared to omit that easement.

13 So with that, I will turn it
14 over to Matt to explain the site plan
15 to the Board, and then over to Jason
16 to present the architecturals.

17 CHAIRMAN EWASUTYN: John, as a
18 matter of record, can you provide us
19 with some writing on the subject that
20 you just discussed?

21 MR. CAPPELLO: We'll provide
22 you the actual copies of the
23 documents and the title. We're just
24 waiting for them to get signed. That
25 will be no problem.

1 U N I T Y P L A C E W A R E H O U S E

2 CHAIRMAN EWASUTYN: Is that
3 adequate enough?

4 MR. CORDISCO: Certainly.

5 CHAIRMAN EWASUTYN: Thank you.

6 MR. TRAINOR: Good evening,
7 everybody. As John had mentioned, we
8 took the Board's suggestions,
9 concerns as well as the consultants'
10 and made a few key changes to the
11 layout plan as well as developed full
12 site plans, drainage, utilities,
13 landscaping, lighting details, some
14 fire truck maneuverability plans.

15 Just to run through those key
16 changes. Number one, we reduced the
17 size of the building. We originally
18 presented a plan with 162,800 square
19 feet. We knocked off about 82 to 100
20 feet from the front of Old Little
21 Britain Road and cut it off this way
22 to the north to give us the new
23 square footage of 154,700 square
24 feet. Two things that benefit us,
25 one is the green space between Old

1 U N I T Y P L A C E W A R E H O U S E

2 Little Britain Road and the parking
3 lot; and two, it gave us the ability
4 to do some above ground stormwater
5 management for the facility along Old
6 Little Britain Road here.

7 As far as parking, that was
8 also reduced. Overall employee
9 parking, which is located to the
10 south and the north of the site, was
11 reduced from 160 spaces to 92.

12 Trailer parking, which is
13 indicated to the northwest and the
14 far north, that was reduced from 40
15 to 36 spaces.

16 The loading docks along the
17 warehouse here were reduced from 79
18 to 72 spaces.

19 As far as vehicle access and
20 circulation, I think we previously
21 presented a plan with three driveway
22 openings, similar locations. There
23 were three I believe on Unity Place.
24 Two of those were moved which were
25 originally going to be employee

1 U N I T Y P L A C E W A R E H O U S E

2 parking spaces. Now we just have two
3 overall entrances on Old Little
4 Britain Road and Unity Place here.
5 The employee parking is simply
6 accessed through that same entrance
7 on site.

8 As as far as the entrance on
9 Unity Place here, this was changed at
10 the recommendation of our traffic
11 consultant to be ingress only. So no
12 exit at that location. We're also
13 going to designate a left-turn only
14 lane on the northbound approach
15 turning into the site, as well as
16 additional signage and striping
17 throughout the site.

18 I'll let Jason Anderson get
19 into the appearance of the building.

20 As far as the exterior of the
21 site, we wanted to kind of soften the
22 impact of the large warehouse
23 building and retaining walls we're
24 proposing by adding a pretty thorough
25 landscaping plan with plantings

1 U N I T Y P L A C E W A R E H O U S E

2 around pretty much the entire
3 perimeter of the site as well as
4 along the foundation wall, not to
5 mention the aboveground stormwater
6 management facility I mentioned will
7 have some pretty dense vegetation
8 there as well. In addition, we'll be
9 proposing a fieldstone, I think it's
10 about 2 feet in height, a decorative
11 wall along the frontage of the site
12 that extends from all along Old
13 Little Britain Road to the
14 intersection and then again near the
15 entrance at Unity Place.

16 As far as drainage, I can turn
17 to our drainage plan momentarily.
18 I'll stay here for a second.

19 I think it's worth noting none
20 of our watersheds drains to Lake
21 Washington. We performed some pretty
22 thorough soil testing and we found
23 that the soils were very capable to
24 the north of infiltrating water, and
25 we observed high groundwater and no

1 U N I T Y P L A C E W A R E H O U S E

2 percolation to the south.

3 Starting with the north,
4 because the soil rates were so good
5 we decided to send additional
6 drainage to that location. We're
7 utilizing an underground infiltration
8 basin underneath this parking area to
9 take a significant amount of runoff
10 and infiltrating it into the ground.
11 We observed rates between 7 and 9
12 inches per hour. We're utilizing a
13 conservative rate of 5 inches per
14 hour in our design. Heading south,
15 again the soils were no good. Our
16 only real option was detention. To
17 meet State requirements we also have
18 to consider runoff rejection capacity
19 and stormwater quality treatment of
20 our runoff. What we propose is an
21 aboveground bio-retention facility on
22 the end here which will take the
23 lower storms. It will take pretty
24 much the 9 percent -- 9 percent of
25 all rainfall events that will occur.

1 U N I T Y P L A C E W A R E H O U S E

2 Anything greater than those storms --
3 anything greater than that runoff
4 will be bypassed into an underground
5 detention facility located in this
6 parking lot here. So initially it
7 will drain to here. Anything
8 overflowing will drain into this
9 underground here. Everything above
10 that, everything overflowing above
11 those structures will eventually make
12 their way through outlet structures
13 so we're not exceeding peak flow
14 rates into the conveyance system
15 located at the intersection of Old
16 Little Britain and Unity Place.

17 There's one other drainage area
18 to consider, which is offsite
19 drainage. We received the existing
20 survey. The existing plot of land
21 has an existing aboveground
22 stormwater detention facility located
23 about right here. It's taking runoff
24 from both Unity Place and the
25 adjacent property in this general

1 U N I T Y P L A C E W A R E H O U S E

2 area. So what we're doing is
3 proposing an additional underground
4 detention facility to offset what
5 we're losing in that detention pond
6 to match the existing conditions
7 essentially.

8 Water and sewer. We did reach
9 out to the Town Water and Sewer
10 Department to confirm that there is
11 capacity. I don't think we have that
12 in writing yet, but we did receive
13 verbal confirmation that it's
14 available and that they do have the
15 capacity for it. There's an existing
16 force main in Unity Place. It's
17 currently blank. I guess when the
18 road was constructed it was
19 anticipated that a force main would
20 be needed. That's what we'll be
21 tying into.

22 If there's no immediate
23 questions for me, I can turn it over
24 to Jason Anderson.

25 CHAIRMAN EWASUTYN: Questions

1 U N I T Y P L A C E W A R E H O U S E

2 from -- is your name Matt?

3 MR. TRAINOR: Yes.

4 CHAIRMAN EWASUTYN: Matt

5 Trainor. Questions for Matt Trainor?

6 MR. GALLI: Can you show me the
7 truck circulation real quick?

8 MR. TRAINOR: Sure. The
9 tractor trailers, I think the
10 dimensions are listed here. It's
11 73.5 feet long. I think that's
12 standard. We show a few routes going
13 to the entrance here, entering and
14 exiting here and backing up
15 approaches into the warehouse,
16 loading docks.

17 MR. GALLI: I saw that on the
18 plans. So the majority of your
19 trucks you think are going to come in
20 off of the 17K and Unity Place, down
21 in through the employee parking and
22 to the loading docks?

23 MR. TRAINOR: Yeah. The
24 majority -- I think that's the idea,
25 because this is one way only. We're

1 U N I T Y P L A C E W A R E H O U S E

2 not showing any turning motions here.
3 We can certainly add those. I think
4 the majority of the traffic will be
5 entering there, yes.

6 MR. GALLI: That's what I
7 wanted to see.

8 That's the only question I had,
9 John.

10 CHAIRMAN EWASUTYN: Stephanie
11 DeLuca?

12 MS. DeLUCA: No. He answered.
13 I was curious about the size of the
14 trucks that were going to be coming
15 in.

16 MR. MENNERICH: At work session
17 there was a question raised
18 concerning the trucks swinging out
19 onto Old Little Britain Road, whether
20 they could stay within their own lane.

21 MR. TRAINOR: Okay. Of course
22 I wasn't at that work session. I'm
23 not sure if we made adjustments to
24 the turning plan or not. It looks
25 like our current turning radius does

1 U N I T Y P L A C E W A R E H O U S E

2 encroach for a little bit into the
3 lane. We can look into that further.

4 CHAIRMAN EWASUTYN: Matt, my
5 comment on your presentation, you
6 described the height of the
7 fieldstone wall as being 2 feet. On
8 your site plan it shows the height as
9 being 4 feet.

10 MR. TRAINOR: I stand
11 corrected. I'm sure it's 4 feet.

12 CHAIRMAN EWASUTYN: No other
13 comment.

14 MR. BROWNE: There was the
15 concern about the trucks leaving the
16 property onto that area.

17 Also, during our work session a
18 comment was brought up by our traffic
19 consultant about possibly needing a
20 permit for certain size trucks on
21 this road. Can you address that?

22 CHAIRMAN EWASUTYN: At this
23 point, so we're focused, we'll turn
24 the meeting -- you brought it up so
25 we'll -- then we'll go back to Dave

1 U N I T Y P L A C E W A R E H O U S E

2 Dominick. Ken Wersted made a comment
3 as far as turning onto Little Britain
4 Road. Starke Hipp with Creighton,
5 Manning is representing -- Ken
6 Wersted is out of town. We'll put
7 traffic, the possible need for some
8 type of permit for truck sizes. Why
9 don't we start with that now.

10 MR. HIPPI: So this might be
11 something just to investigate. The
12 DOT can grant access to Old Little
13 Britain Road and Unity Place for
14 special vehicles which is the WB-67s
15 that you're proposing. The
16 publication that they have out right
17 now is from October 2020. That's
18 what's accessible. It's possible
19 that these roads have access and they
20 just haven't published it yet. That
21 should be verified. They could also
22 say that you're within one mile of
23 Interstate 87 which is a qualifying
24 highway, but I think that should be
25 clarified with the State. Even

1 U N I T Y P L A C E W A R E H O U S E

2 though these are not State roads,
3 they still grant access for those
4 commercial vehicles.

5 Do you want to go over the
6 other traffic comments?

7 CHAIRMAN EWASUTYN: Please.
8 Thank you. We still have
9 conversation to be heard from Dave
10 Dominick and John Ward, Board
11 Members.

12 MR. HIPPE: Okay. So the other
13 comments that we had -- Phil, we're
14 still working on our comments for the
15 traffic study. We'll get those to
16 you.

17 The access being proposed on
18 Unity Place, I understand that there
19 were other access points then you
20 consolidated it to one. We were
21 wondering if you could still somehow
22 align it with that Jehovah's Witness
23 driveway, that north driveway there.
24 That would be preferred.

25 As the Planning Board Members

1 U N I T Y P L A C E W A R E H O U S E

2 brought up, the encroachment of the
3 trucks exiting onto Old Little
4 Britain, the comment letter that
5 we'll provide asks if you can
6 investigate having Unity Place be
7 ingress only and then Old Little
8 Britain be egress only. You can
9 utilize the full driveway with Little
10 Britain to try to reduce the amount
11 of encroachment that the truck has
12 onto that roadway. There's some
13 concern with the curvature of the
14 road and the truck having to
15 basically take over that entire
16 opposing lane. There could be some
17 safety concerns.

18 Other than that, that's all we
19 have for now.

20 Like I said; Phil, we'll get
21 you those comments.

22 CHAIRMAN EWASUTYN: Phil Grealy?

23 DR. GREALY: Phil Grealy,
24 Colliers Engineering & Design.

25 So as part of the traffic study

1 U N I T Y P L A C E W A R E H O U S E

2 we've provided that to DOT. Relative
3 to the access issues, that is an item
4 that is in discussion.

5 In terms of the access scheme
6 that's here now, I think we were --
7 we shifted that to try to align so we
8 wouldn't have conflicts with the
9 Jehovah's Witness driveway. We'll
10 look at that further to see if we can
11 adjust that even further.

12 We'll respond to any other
13 technical comments that you end up
14 with.

15 MR. HIPPE: I think if you are
16 able to get that to be just egress
17 only, that driveway, it would be more
18 beneficial to have those driveways
19 aligned because you'll increase the
20 traffic there.

21 DR. GREELY: Yes.

22 MR. HIPPE: I was able to go
23 through the study a little bit and
24 look at the volumes there. It looked
25 like there were only 10 entering and

1 U N I T Y P L A C E W A R E H O U S E

2 10 exiting volumes for the
3 neighboring use. Say they have like
4 a big event or something. We just
5 don't want to --

6 DR. GREALY: The main reason on
7 having that as the entrance was sight
8 distance. As you go around the curve
9 on Unity Place, and for trucks coming
10 in from 17K from the Thruway, they
11 could come down and enter at that
12 point. So that was part of the
13 driving factor behind that. We'll
14 look at that again.

15 CHAIRMAN EWASUTYN: We had
16 heard from Cliff Browne. Dave
17 Dominick?

18 MR. DOMINICK: Just a side
19 comment, Phil. Unity Place has been
20 very congested lately, people going
21 to the gas station.

22 DR. GREALY: BJ's.

23 MR. DOMINICK: I'm just also
24 concerned on Little Britain Road with
25 the traffic as well.

1 U N I T Y P L A C E W A R E H O U S E

2 feet. We can show you what 2 feet
3 looks like as well. We've got that
4 rendering.

5 CHAIRMAN EWASUTYN: That's
6 fine. I work out in the field. I
7 work with things like that all day
8 long.

9 We've listened to Matt Trainor.
10 We've listened to Phil Grealy.

11 Matt, do you want to introduce
12 someone else from your team?

13 MR. TRAINOR: Jason Anderson,
14 architect on the project.

15 CHAIRMAN EWASUTYN: Thank you.

16 MR. ANDERSON: Good evening.
17 Jason Anderson, architect with
18 Anderson Design Group.

19 We've been working to develop
20 the design of the building, the
21 layout, the floor plan, also the
22 extra elevations. From there we also
23 went ahead and started to render it
24 to try to show what it would look
25 like from different vantage points on

1 U N I T Y P L A C E W A R E H O U S E

2 Little Britain Road as well as Unity
3 Place.

4 What you're looking at here,
5 I'll share it from a rendering
6 standpoint first and go into a little
7 bit of technical. This is showing it
8 without the landscaping fully and
9 things. I've got renderings that
10 show that.

11 Essentially what we tried to do
12 was to create a building that from
13 Unity Place did not look like a
14 warehouse and instead looked maybe
15 more like a contemporary office
16 building and such so as you're
17 driving down Unity Place, which is
18 really -- that's its closest point to
19 the main road -- to a main road. In
20 an effort to do that we created
21 two-story glass elements at each
22 corner. If you picture this is -- if
23 you're standing north looking south,
24 let's say your back is to the
25 convention center site and you're

1 U N I T Y P L A C E W A R E H O U S E

2 looking at that. This here is of
3 course at the intersection of Little
4 Britain Road and Unity Place. We
5 tried to sort of address the appeal
6 of the building from that vantage
7 point, and of course while hiding the
8 docks to the back of the building.

9 In addition, we were looking at
10 using earth tone colors. We're using
11 grays. We looked across at the
12 Jehovah's Witness site. It has blue
13 windows, two-story windows, which is
14 what led us to also do some two-story
15 window elements as well.

16 One of the things that we did
17 was, talking about the height of the
18 building which I know was a comment,
19 we have our main parapet that goes
20 around the building and is 40 feet
21 from the average grade along Unity
22 Place. So our average grade here is
23 40 feet to that point. What we did
24 do, and we may likely have to bring
25 it down, is to create a little bit

1 U N I T Y P L A C E W A R E H O U S E

2 more of an architectural appeal. We
3 punched up the corners as an
4 aesthetic element to try to break up
5 the facade a little bit more. I
6 think that takes us over to zoning.
7 That's something that can be
8 discussed. That was the approach.

9 This here, what we did then is
10 created viewshed renderings that
11 tried to show what your existing
12 looks like and then what the proposed
13 looks like. Here you'll see the 2
14 foot stonewall that we were talking
15 about as well as the wall that is
16 supporting the parking that's at the
17 south end. So when you look at it on
18 the south end, that's actually up.
19 It's about 6 feet maybe. That's what
20 you're seeing here. Then of course
21 the building is up above. The point
22 of that is we're trying to balance
23 the site and get that building at the
24 north end where it's actually buried
25 a bit and trying to balance the site

1 U N I T Y P L A C E W A R E H O U S E

2 that way. We sort of stepped it up
3 and kept that stonewall.

4 This here, now it's looking
5 from, I'd say, the other main
6 approach. This other main approach
7 is looking south. To the left here
8 you'll see the Jehovah's Witness
9 site. Here we're looking south at
10 this point. These are the existing
11 Bradford Pears that line the street.
12 We took the image, superimposed what
13 you'd see. That's the entryway and
14 then the approach. That's a single
15 egress point there at that line.

16 The last view I'll share,
17 actually this gives us a little bit
18 of a view looking -- this is year
19 one. This is looking -- of course we
20 have the reservoir on our right.
21 Here we are in back of the building
22 and what you would see if you're
23 driving from Cosimo's, going in that
24 direction. That's year one.

25 The last thing I'd say is this

1 U N I T Y P L A C E W A R E H O U S E

2 shows in year ten the landscaping
3 built up. We tried to show both of
4 those with the growth so you could
5 see what it would look like.

6 That's about it, what we're
7 proposing.

8 CHAIRMAN EWASUTYN: Comments
9 from Board Members?

10 MR. GALLI: I like the look of
11 the building itself.

12 Go ahead, John.

13 CHAIRMAN EWASUTYN: Do you have
14 any AC units or anything like that
15 that will be --

16 MR. ANDERSON: We will. We
17 have a parapet. From our angles you
18 won't see it. We can provide that
19 study that shows at the angle.

20 MR. MENNERICH: On the upper
21 picture there where the wall is,
22 there's parking behind that; right?

23 MR. ANDERSON: That's right.

24 MR. MENNERICH: Will that wall
25 be higher than the car bumpers or --

1 U N I T Y P L A C E W A R E H O U S E

2 MR. ANDERSON: That's a good
3 question. I have to look at that. I
4 don't know for sure. That's a good
5 question.

6 MS. DeLUCA: That's what I was
7 concerned about, too. So that wall
8 faces Little Britain Road?

9 MR. ANDERSON: Yeah. This is
10 Old Little Britain Road right here.

11 MS. DeLUCA: Okay. I was
12 thinking more -- I mean coming down
13 Unity Place is more like a side
14 street, but for people passing by in
15 a more somewhat residential area down
16 the road --

17 MR. ANDERSON: Either way, I
18 think we can provide some screening.
19 We do have to have a guardrail. We
20 can possibly do something to block
21 that so we don't get the light going
22 through the guardrail.

23 CHAIRMAN EWASUTYN: Cliff Browne?

24 MR. BROWNE: I guess the only
25 comment was you were talking about

1 U N I T Y P L A C E W A R E H O U S E

2 the treatment of the corners a little
3 bit higher.

4 MR. ANDERSON: Yes.

5 MR. BROWNE: That's going to
6 put you over the maximum.

7 MR. ANDERSON: I'd like to keep
8 them, but --

9 MR. HINES: Take a look at the
10 way the code reads. The building
11 height is measured along the average
12 height of the frontage. You may be
13 okay if they're on the opposite wall.

14 MR. ANDERSON: Okay. So we do
15 have one right here in the center.
16 You can sort of see it. We can play
17 around with that perhaps.

18 MR. HINES: Look at the way the
19 building height is calculated in the
20 code.

21 MR. ANDERSON: Absolutely.

22 MR. BROWNE: Basically I like it.

23 CHAIRMAN EWASUTYN: Dave Dominick?

24 MR. DOMINICK: Very well done.

25 The exterior view takes into

1 U N I T Y P L A C E W A R E H O U S E

2 consideration your neighbors across
3 the street. Very well done.

4 CHAIRMAN EWASUTYN: John Ward?

5 MR. WARD: Nice job.

6 MR. ANDERSON: Thank you.

7 CHAIRMAN EWASUTYN: We heard
8 from Starke Hipp.

9 Jim Campbell, any comments?

10 MR. CAMPBELL: No additional
11 comments.

12 CHAIRMAN EWASUTYN: Pat Hines
13 with MHE?

14 MR. HINES: I know the
15 applicants have our comments.

16 Our first one was addressed by
17 the attorney regarding the easement.

18 There's currently proposed dual
19 lanes, at least going out onto Little
20 Britain Road exiting. We're seeing
21 DOT telling us recently that they are
22 not in favor of those. As you're
23 looking at the modification of that,
24 please take a look at that, when
25 there's two trucks lined up, both

1 U N I T Y P L A C E W A R E H O U S E

2 trying to make a right and a left at
3 the same time.

4 The City of Newburgh flow
5 acceptance letter will be required.
6 I'll work with Dennis from your
7 office. I discussed it with him.
8 We'll get that done.

9 An Orange County Planning
10 referral is required. The plans are
11 of sufficient detail at this point
12 that I think we can do that referral.

13 We have a technical comment on
14 the water lines. I think we provided
15 you with standard notes for Town of
16 Newburgh water and sewer.

17 We are reviewing the stormwater
18 pollution prevention plan and we'll
19 provide comments on that.

20 MR. TRAINOR: Just to comment
21 on that. I think John suggested we
22 provide a full SWPPP. We provided a
23 full drainage report. We don't have
24 the full text and appendices, but --

25 MR. HINES: That's what we're

1 U N I T Y P L A C E W A R E H O U S E

2 reviewing, the information you gave
3 us with the infiltration testing.
4 We're looking at the amount of
5 infiltration. I did work with Dennis
6 from your office earlier and
7 identified when he was doing that
8 testing. We'll work with him on
9 that.

10 We had a concern about offsite
11 drainage at that level spreader to
12 the north and where that's going to
13 discharge to.

14 MR. TRAINOR: Are you seeking a
15 direct -- a discharge point to a
16 direct, like a catch basin?

17 MR. HINES: I just want to see
18 where that hits a natural water
19 course and the impact on adjoining
20 property. I always hate pointing
21 pipes at adjoining properties.

22 MR. TRAINOR: You want to see
23 where downstream it eventually --

24 MR. HINES: Yes.

25 MR. TRAINOR: Okay. Would our

1 U N I T Y P L A C E W A R E H O U S E

2 situation be helped if we extended
3 the level spreader? The idea is to
4 create sheet flow.

5 MR. HINES: We can review that.
6 I don't know that we're going to
7 resolve it today. It's just an issue
8 we're bringing up.

9 There's a potential habitat for
10 bat species, so there will be a tree
11 clearing restriction.

12 The sanitary sewer pump station
13 and engineering report is required.

14 We had asked that all
15 structures be shown within 200 feet
16 of the property. I know there's a
17 residential structure in the upper
18 portion there, but there's another
19 one behind that that's not shown.

20 MR. TRAINOR: Rather than
21 surveying, GPS --

22 MR. HINES: Google Earth Map.
23 As well as across the street. So
24 when we go to a public hearing the
25 folks that show up and are noticed --

1 UNITY PLACE WAREHOUSE

2 MR. TRAINOR: Point to the
3 houses.

4 MR. HINES: -- can reference
5 where their houses are.

6 We're looking for the highway
7 superintendent's comment on the
8 access points.

9 We did note that the parking
10 has been significantly reduced. The
11 parking calculation table needs to be
12 updated. It still has the old
13 parking, the 160 vehicles.

14 We talked about the building
15 height.

16 Your landscaping plans, we're
17 looking to the Board for whether or
18 not we are going to send those to
19 your landscape architect consultant.

20 We did note there's actually
21 stonewalls along the frontage for the
22 parking area in an attempt to comply
23 with the design guideline waiver.

24 I think the only action tonight
25 would be a referral to County

1 U N I T Y P L A C E W A R E H O U S E

2 Planning is what we can do.

3 CHAIRMAN EWASUTYN: Dominic
4 Cordisco, do you have anything to add?

5 MR. CORDISCO: I concur with Pat.

6 CHAIRMAN EWASUTYN: Would
7 someone move for a motion to
8 circulate the Unity Place Warehouse
9 to the Orange County Planning
10 Department.

11 MR. GALLI: So moved.

12 MR. MENNERICH: Second.

13 CHAIRMAN EWASUTYN: Motion by
14 Frank Galli. Second by Ken
15 Mennerich. May I please have a roll
16 call vote.

17 MR. GALLI: Aye.

18 MS. DeLUCA: Aye.

19 MR. MENNERICH: Aye.

20 CHAIRMAN EWASUTYN: Aye.

21 MR. BROWNE: Aye.

22 MR. DOMINICK: Aye.

23 MR. WARD: Aye.

24 CHAIRMAN EWASUTYN: When it
25 comes time for resubmission of your

1 U N I T Y P L A C E W A R E H O U S E

2 site plan; Board Members, do you have
3 any suggestions as to what sheets
4 you'd like to see rather than
5 generating a whole full set of site
6 plans?

7 MR. GALLI: I don't need the
8 grading. Just the landscape, a sheet
9 like this, the traffic.

10 MS. DeLUCA: The truck flow.

11 CHAIRMAN EWASUTYN: Is everyone
12 in agreement with that?

13 MR. GALLI: Yes.

14 MS. DeLUCA: Yes.

15 MR. MENNERICH: Yes.

16 CHAIRMAN EWASUTYN: Yes.

17 MR. BROWNE: Yes.

18 MR. DOMINICK: Yes.

19 MR. WARD: Yes.

20 MR. HINES: A layout plan and a
21 truck maneuver plan it sounds like
22 what you're asking for.

23 MR. GALLI: Yes.

24 MR. HINES: Two and the other
25 one is not labeled. It just says

1 U N I T Y P L A C E W A R E H O U S E

2 truck maneuver.

3 CHAIRMAN EWASUTYN: For our
4 file we'll need a disk of the
5 drainage report. We'll simplify that.

6 MR. TRAINOR: Can you repeat
7 that?

8 CHAIRMAN EWASUTYN: The
9 drainage report for the Planning
10 Board file, a flash drive or a disk.
11 Whatever works better.

12 MR. TRAINOR: Sure.

13 MR. MENNERICH: Mr. Chairman, I
14 think we should make a motion that
15 the Planning Board become the lead
16 agency.

17 CHAIRMAN EWASUTYN: Thank you.
18 We discussed that.

19 MR. HINES: I think we did it
20 in November.

21 CHAIRMAN EWASUTYN: We only had
22 one meeting.

23 MR. MENNERICH: November 4th we
24 did the intent.

25 MR. HINES: You did the

1 U N I T Y P L A C E W A R E H O U S E

2 circulation. I'm sorry. Now you're
3 going to declare yourself.

4 MR. CORDISCO: If I may
5 suggest, it would be confirming your
6 status as lead agency.

7 CHAIRMAN EWASUTYN: Are you
8 making that motion?

9 MR. MENNERICH: I agree with
10 that motion.

11 CHAIRMAN EWASUTYN: Would you
12 make that motion? Would someone make
13 a motion to confirm our lead agency
14 status for the Unity Place Warehouse?

15 MR. WARD: So moved.

16 MR. GALLI: Second.

17 CHAIRMAN EWASUTYN: I have a
18 motion by John Ward and a second by
19 Frank Galli. May I please have a
20 roll call vote.

21 MR. GALLI: Aye.

22 MS. DeLUCA: Aye.

23 MR. MENNERICH: Aye.

24 CHAIRMAN EWASUTYN: Aye.

25 MR. BROWNE: Aye.

1 U N I T Y P L A C E W A R E H O U S E

2 MR. DOMINICK: Aye.

3 MR. WARD: Aye.

4 MR. CAPPELLO: Just for a
5 second, on the parapet issue, if it
6 turns out we don't meet the
7 standards, would the Board prefer we
8 go to the ZBA? If you prefer the
9 parapets and you think they add to
10 the building, I don't want to take a
11 trip and -- that's something the
12 Board would support? If it doesn't
13 meet it and it makes the building
14 look better --

15 CHAIRMAN EWASUTYN: Dominic,
16 since you manage that part of the
17 business, what would you recommend to
18 the Board?

19 MR. CORDISCO: I mean it's
20 unclear to me as to --

21 MR. GALLI: The architect said
22 he was going to look at it -- look at
23 the code and then decide. We'll see
24 the pictures on the ARB. I don't
25 think you want to go to the ZBA.

1 U N I T Y P L A C E W A R E H O U S E

2 MR. CAPPELLO: If the architect
3 looks at it and it doesn't meet --

4 MR. GALLI: It's a foot and 6
5 inches, so --

6 MR. ANDERSON: Raise the grade.

7 MR. GALLI: -- he's smart
8 enough to figure it out.

9 MR. CAPPELLO: I just hate to
10 come back. Since the process is
11 ongoing we can --

12 MR. CORDISCO: I would not
13 suggest making a referral at this
14 time, if that's what you're asking
15 for.

16 MR. ANDERSON: We'll address
17 that. Thank you.

18 MR. CAPPELLO: Thank you all.

19

20 (Time noted: 8:55 p.m.)

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1 U N I T Y P L A C E W A R E H O U S E

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

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5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 29th day of June 2022.

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Michelle Conero

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MICHELLE CONERO

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

----- X
In the Matter of

SAFE HAVEN SELF-STORAGE
(2022-04)

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

----- X

SITE PLAN
WAREHOUSE EXPANSION

Date: June 16, 2022
Time: 8:55 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
JAMES CAMPBELL
STARKE HIPP

APPLICANT'S REPRESENTATIVE: JAMES MARTINEZ
& JOHN CAPPELLO

----- X

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

1 SAFE HAVEN SELF-STORAGE

2 CHAIRMAN EWASUTYN: The Board's
3 fifth item of business, I incorrectly
4 noted for the agenda, the action
5 before us tonight, although they're
6 similar in nature, will be Safe
7 Haven, project number 22-14. It's
8 being represented by Engineering
9 Properties.

10 Would you give the location
11 when you come forward? I incorrectly
12 listed the item on the agenda. I
13 listed it as being -- would you give
14 the address and your name, please?

15 MR. MARTINEZ: My name is James
16 Martinez for Engineering & Surveying
17 Properties. The address is 14
18 Crossroads Court. It's the building
19 that was formerly the Orange County
20 Choppers building.

21 CHAIRMAN EWASUTYN: Thank you,
22 James.

23 MR. MARTINEZ: No problem.
24 Since the last meeting we have been
25 before the ZBA. We received

1 SAFE HAVEN SELF-STORAGE

2 variances for the setbacks and zoning
3 issues we needed variances for, which
4 included front yard setback to the
5 building, building height, lot
6 coverage and the storage of
7 recreational vehicles in a front yard
8 setback.

9 The overall plan really hasn't
10 changed much. We added some
11 screening landscaping to the frontage
12 on Orr Avenue.

13 We've also responded to Pat
14 Hines' engineering memo.

15 We FOILED the previously
16 approved site plans and SWPPP reports
17 from the original construction to
18 kind of get an understanding of
19 what's there in terms of drainage.

20 Pat, I don't know if you --
21 your company has those plans. I
22 could go to Dawn and take a look.

23 MR. HINES: Send me an e-mail.
24 I'll have them check our dead files.

25 I will note, and I talked to

1 SAFE HAVEN SELF-STORAGE

2 the Board at work session, there was
3 quite an extensive drainage system
4 when that building was built in order
5 to avoid a discharge to the City of
6 Newburgh's watershed, to the stream
7 that passes just to the north of the
8 site. The site was designed with a
9 zero discharge with an extensive
10 underground storage system several
11 layers high. I don't have
12 significant drainage concerns. I
13 think you may have balanced the
14 amount of impervious versus pervious
15 surface that you're putting in there.

16 I'll look for that report, but
17 I don't have a significant drainage
18 concern.

19 MR. MARTINEZ: Regarding the
20 impervious coverage, we're actually
21 reducing the amount of impervious.
22 It's only a couple hundred square
23 feet. I don't have the exact number
24 on hand. We are reducing it.

25 I don't know if the Board has

1 SAFE HAVEN SELF-STORAGE

2 any questions.

3 CHAIRMAN EWASUTYN: Questions
4 from Board Members?

5 MR. GALLI: No additional.

6 MS. DeLUCA: No.

7 MR. MENNERICH: No.

8 MR. BROWNE: No.

9 MR. DOMINICK: No.

10 MR. WARD: No.

11 CHAIRMAN EWASUTYN: Pat, I
12 think the action before us tonight is
13 to circulate to the Orange County
14 Planning Department.

15 MR. HINES: Yes. We held off
16 doing that until the applicant came
17 back from the ZBA so we didn't get
18 into a coordinated review issue. We
19 will, with the Board's permission,
20 submit that to Orange County
21 Planning.

22 CHAIRMAN EWASUTYN: Can I have
23 a motion from the Board to circulate
24 the -- I'll say it correctly this
25 time -- Safe Haven, project number

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

2 22-14, to the Orange County Planning
3 Department?

4 MR. DOMINICK: So moved.

5 MS. DeLUCA: Second.

6 CHAIRMAN EWASUTYN: Thank you.
7 I have a motion by Dave Dominick, a
8 second by Stephanie DeLuca. May I
9 please have a roll call vote.

10 MR. GALLI: Aye.

11 MS. DeLUCA: Aye.

12 MR. MENNERICH: Aye.

13 CHAIRMAN EWASUTYN: Aye.

14 MR. BROWNE: Aye.

15 MR. DOMINICK: Aye.

16 MR. WARD: Aye.

17 CHAIRMAN EWASUTYN: Tell Ross
18 I'm sorry for the confusion. We were
19 able to accomplish something now as
20 compared to waiting until the 7th.

21

22 (Time noted: 9:02 p.m.)

23

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1 SAFE HAVEN SELF-STORAGE

2

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

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5

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

9 That hereinbefore set forth is a true
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11 I further certify that I am not
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14 I am in no way interested in the outcome of
15 this matter.

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 29th day of June 2022.

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Michelle Conero

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MICHELLE CONERO

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

----- X
In the Matter of

MALMARK SUBDIVISION
(2020-15)

72 Lattintown Road
Section 9; Block 3; Lot 2
AR/R-3 Zone

----- X

FIVE-LOT SUBDIVISION

Date: June 16, 2022
Time: 9:02 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
JAMES CAMPBELL
STARKE HIPPI

APPLICANT'S REPRESENTATIVE: ZACHARY PETERS

----- X

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

1 MALMARK SUBDIVISION

2 CHAIRMAN EWASUTYN: The Board's
3 last item of business this evening,
4 item number 6, is Malmark
5 Subdivision. It's a five-lot
6 subdivision located on Lattintown
7 Road in an AR and R-3 Zone. It's
8 being represented by?

9 MR. PETERS: Zachary Peters,
10 Mercurio-Norton-Tarolli-Marshall.

11 If the Board recalls, I think
12 we were actually last here just about
13 a year ago for a public hearing on
14 this project. It's a five-lot
15 residential subdivision on Lattintown
16 Road.

17 Four of the lots will have
18 onsite wells and sewer systems.

19 There are two common driveways
20 proposed for access on those lots.

21 The fifth lot also will have an
22 on-site sewer. It's going to be
23 served by connection to the potable
24 water supply.

25 There were a couple comments at

1 MALMARK SUBDIVISION

2 the public hearing related -- I think
3 we discussed at the time, related
4 mainly to there's a high pressure
5 water line along here on this site
6 frontage. We're not able to connect
7 to that; one, because of the type of
8 line; and two, we're not in the water
9 district.

10 There were some comments
11 concerning drainage coming down
12 towards these houses to the north.
13 We did get some comments from Pat
14 about that. We ended up installing a
15 drainage swale along this property
16 line. That's going to further
17 control the water and direct it away
18 from those homes.

19 The other comments I think were
20 in regards to the wells and the
21 sewers. We did go to the Health
22 Department. I've been working with
23 them. I think we've finally gotten
24 through. They were a little backed
25 up but we got through their comments.

1 MALMARK SUBDIVISION

2 We just resubmitted. They had a
3 couple minor technical comments. I
4 think we're in line to have an
5 approval from them very shortly.

6 CHAIRMAN EWASUTYN: Pat Hines,
7 a summary?

8 MR. HINES: Yes. We did
9 receive the information regarding the
10 Health Department. We would suggest
11 that a condition of final approval
12 would be the receipt of that Health
13 Department approval.

14 We concur at the public hearing
15 we had a lot of comments about the
16 adjoining properties to the north.
17 The applicants have provided a swale
18 along that northern property line.
19 We're asking them to take a look at
20 possibly extending that in an
21 easterly direction to get that
22 definitively to the stream that
23 crosses the site.

24 Common driveway access and
25 maintenance agreements are required.

1 MALMARK SUBDIVISION

2 Four of the lots share two common
3 driveways. We did receive a sign off
4 from the highway superintendent.

5 It will require a municipal
6 authorization form for the stormwater
7 pollution prevention plan, which for
8 this case is a soil erosion, sediment
9 control plan.

10 We're suggesting a note and a
11 condition of approval that no
12 certificate of occupancy be issued
13 for either lot 3 or 4 prior to the
14 construction of the swale on the
15 north side of the driveway. Which
16 ever one of those lots is developed
17 first obviously has to develop the
18 driveway. We want that swale put in.
19 We don't want two owners saying no,
20 you have to put the swale in. The
21 first one in needs to put the swale
22 in.

23 CHAIRMAN EWASUTYN: And
24 recreation fees?

25 MR. HINES: Always recreation

1 MALMARK SUBDIVISION

2 fees.

3 MR. CORDISCO: Yes.

4 MR. PETERS: I don't have any
5 issue with the comments about
6 extending the swale or the note.

7 CHAIRMAN EWASUTYN: Comments
8 from Board Members?

9 MR. GALLI: No additional.

10 MS. DeLUCA: No.

11 MR. MENNERICH: No.

12 MR. BROWNE: No.

13 CHAIRMAN EWASUTYN: Would you
14 spell it out for us the -- first we
15 would have to -- we'll make the
16 motion granting approval subject to
17 the resolution.

18 MR. CORDISCO: Yes. My
19 recommendation would be to grant both
20 preliminary and conditional final
21 approval. This is a major
22 subdivision so it would typically go
23 through preliminary and conditional
24 final but there's no reason why you
25 couldn't do both at the same time.

1 MALMARK SUBDIVISION

2 The only question there would
3 be waiving the discretionary public
4 hearing on the proposed final plat.
5 I would anticipate that the proposed
6 final plat will not look much
7 different than this plat.

8 My recommendation would be to
9 consider granting conditional final
10 approval as well as preliminary
11 approval -- reverse that. Sorry
12 about that -- subject to the comments
13 that Mr. Hines has made which include
14 the final approval from the Orange
15 County Department of Health,
16 addressing his comments regarding the
17 swale and any particular plan
18 changes, the submission of the common
19 driveway access and maintenance
20 agreements for review and approval,
21 and filing simultaneously with the
22 plat. That would be it in addition
23 to the notes added to the plan and
24 any other comments that need to be
25 addressed to satisfy the Planning

1 MALMARK SUBDIVISION

2 Board Consulting Engineer. And the
3 payment of recreation fees associated
4 with the newly created lots.

5 CHAIRMAN EWASUTYN: Thank you.
6 Any additional questions?

7 MR. GALLI: No.

8 MS. DeLUCA: No.

9 MR. MENNERICH: No.

10 MR. BROWNE: No.

11 MR. DOMINICK: No.

12 MR. WARD: No.

13 CHAIRMAN EWASUTYN: Having
14 heard from the Planning Board
15 Attorney Dominic Cordisco, would
16 someone move for a motion to grant
17 preliminary and final approval for
18 the five-lot subdivision of Malmark
19 located on Lattintown Road.

20 MR. GALLI: So moved.

21 MR. WARD: Second.

22 CHAIRMAN EWASUTYN: I have a
23 motion by Frank Galli. I have a
24 second by John Ward. May I please
25 have a roll call vote.

1 MALMARK SUBDIVISION

2 MR. GALLI: Aye.

3 MS. DeLUCA: Aye.

4 MR. MENNERICH: Aye.

5 CHAIRMAN EWASUTYN: Aye.

6 MR. BROWNE: Aye.

7 MR. DOMINICK: Aye.

8 MR. WARD: Aye.

9 CHAIRMAN EWASUTYN: Very good.

10 Would someone make a motion to
11 close the meeting of the 16th of
12 June.

13 MR. GALLI: So moved.

14 MS. DeLUCA: Second.

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

19 MR. GALLI: Aye.

20 MS. DeLUCA: Aye.

21 MR. MENNERICH: Aye.

22 CHAIRMAN EWASUTYN: Aye.

23 MR. BROWNE: Aye.

24 MR. DOMINICK: Aye.

25 MR. WARD: Aye.

1 MALMARK SUBDIVISION

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

3

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

5

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

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

11 I further certify that I am not
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14 I am in no way interested in the outcome of
15 this matter.

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 29th day of June 2022.

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Michelle Conero

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MICHELLE CONERO

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