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MEETING HELD REMOTELY VIA ZOOM

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

----- X

In the Matter of

POLO CLUB
(2018-12)

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

----- X

SDEIS RESUBMISSION

Date: June 18, 2020
Time: 7:00 p.m.

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

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ & JAYNE
WEINBERG

----- X

MICHELLE L. CONERO
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POLO CLUB

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. We'd like to welcome you to the Town of Newburgh Planning Board meeting of the 18th of June 2020. This evening we have two agenda items, and that's the content of it all.

At this point we'll start with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

CHAIRMAN EWASUTYN: With us this evening we have our consultants.

MR. CORDISCO: Dominic Cordisco of Drake, Loeb, Planning Board Counsel.

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

MR. WERSTED: Ken Wersted, Creighton, Manning Engineering, Traffic Consultant.

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to Pat Hines.

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MR. HINES: If everyone wants to join me in the Pledge to the flag of our country.

(Pledge of Allegiance.)

CHAIRMAN EWASUTYN: At this point we'll have Dominic Cordisco, Planning Board Attorney, introduce the Zoom meeting that we're having this evening.

MR. CORDISCO: Yes. Thank you, Mr. Chairman. This meeting is being held pursuant to the authorizations that have been extended, as well as the restrictions that have likewise been extended, pursuant to Governor Cuomo's Executive Orders relating to the COVID-19 pandemic. This meeting is being conducted remotely and is not taking place at Town Hall. The public has the opportunity to join either by videoconference or by telephone. A recording of this meeting will be posted to the Town's website, as well as the minutes for this meeting will also be posted to the Town's website following the meeting. Those are all consistent with the requirements of the Executive Orders. There is no public hearing tonight that is scheduled, so there is no opportunity or need for the public to comment on

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POLO CLUB

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any of the agenda items. Any public hearing that does occur in the future will be properly noticed consistent with the requirements that would be in place at that time.

CHAIRMAN EWASUTYN: Thank you, Dominic.

Our first item of business this evening is the Polo Club located on Route 300 and Jeanne Drive. It's in an R-3 Zone. It's being represented by Engineering & Surveying Properties. It's before us this evening for an SDEIS resubmission.

At this point I'll turn the meeting over to Ross Winglovitz.

MR. WINGLOVITZ: (Inaudible.)

MR. CORDISCO: Ross, if you're speaking and you can hear me, it seems like there's some strange audio situation going on. I don't know if you guys can hear me normally but it sounds as if the chipmunks are talking.

MS. WEINBERG: This is Jayne Weinberg. While Ross is having some audio problems, perhaps I can fill in for him.

CHAIRMAN EWASUTYN: Thank you, Jayne.

MR. CORDISCO: That would be fine,

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POLO CLUB

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Jayne. I can hear you fine. Can you hear me okay?

MS. WEINBERG: I can hear you fine.

Ross sounds like a chipmunk to me, too.

MR. CORDISCO: I just wanted to determine where the issue was residing. Thank you.

MS. WEINBERG: I think it's on Ross's audio.

So we resubmitted the SDEIS -- okay. Ross is connecting now. Let's see if he can come in this time.

We resubmitted our SDEIS and responded to the comments that we received at the last Planning Board meeting, as well as from the Town's consultants. So we're here before you tonight for a review of our resubmission.

CHAIRMAN EWASUTYN: Ross Winglovitz?

MR. WINGLOVITZ: Exactly what Jayne said. Am I any better?

MR. HINES: That's much better.

MR. CORDISCO: You don't sound like you're about to audition for the next --

MR. WINGLOVITZ: I had a helium hit before the meeting.

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(Chuckling.)

CHAIRMAN EWASUTYN: Why don't you lead us through your resubmission, if you want to make any comments on the consultants' comments, and then we'll put it on the table for people like Dominic Cordisco, Pat Hines, Ken Wersted.

MR. WINGLOVITZ: You're looking for me to do that, John, or --

CHAIRMAN EWASUTYN: I think so. If you want to bring us along on the SDEIS resubmission. If you can touch base on the four corners of that.

MR. WINGLOVITZ: There were comments at the previous meeting, I think in March, one of the first, I think, post-Corona Zoom meetings we had, by your traffic consultant, your landscape consultant and by Pat Hines, as well as some from the Board. We put together a resubmission addressing those.

One specific thing was there were comments regarding the sewer treatment plant that had to be addressed. We brought the level of detail of that up and included that in the resubmission.

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We added some trees that Karen was looking for.

A number of other comments that Pat had that we've addressed.

At this point we would ask the Board to consider setting this for a hearing, if that's what they're going to do, regarding the SDEIS.

CHAIRMAN EWASUTYN: Thank you, Ross.

Dominic Cordisco, do you want to lead off for us?

MR. CORDISCO: Thank you, Mr. Chairman. The next step -- if the Board determines that the supplemental draft environmental impact statement is acceptable for public review, the next step would be to deem it as acceptable for public review, which that starts the public review comment period. That would include a public hearing, and that would be a combined public hearing on both the EIS document itself as well as the proposed site plan.

There are specific restrictions in regards to the scheduling of a public hearing on an EIS. You have to give the public sufficient time to be able to review the document so they

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could review it and provide their comments at the public hearing. It can not be held sooner than thirty days, nor can it be held longer than sixty days from the date that you deem the document acceptable for public review.

That being said, the next appropriate date that would be available for the Board to meet those requirements would be the August 6th meeting.

CHAIRMAN EWASUTYN: Thank you, Dominic. Pat Hines, are we in agreement?

MR. HINES: Yes, we are. It's important while the Board declares it complete for public review, there will be the opportunity to provide technical comments. This is in response to the scope. You're now determining that the document is responsive to the items in the scope and the comments that were previously received, but a further technical review by the consultants will also be undertaken in that timeframe.

Otherwise we have reviewed the submission from the applicants and found it to be responsive to our comments and to the scope in general.

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MR. CORDISCO: Yes, Mr. Chair. If I could expand on that. Pat is absolutely correct. It's important to note that accepting the document for completeness purposes for public review does not mean that the document is being accepted in terms of its substance as far as conclusions that the Board will make in connection with the project.

CHAIRMAN EWASUTYN: Thank you.
Comments from Board Members?

MR. GALLI: No additional at this time, John. Early stages yet.

MS. DeLUCA: No additional either. I want to take time to review.

MR. MENNERICH: No questions at this time.

MR. BROWNE: We can move forward.

MR. DOMINICK: No questions, John.

CHAIRMAN EWASUTYN: Ken Wersted, do you have anything to add?

MR. WERSTED: No. Back in March we had reviewed the initial submission. We identified four areas that we wanted some more information on. The applicant has provided that information

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POLO CLUB

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into the June SDEIS. We found that part to be adequate and considered complete.

As Pat had mentioned, our next steps would be to look through the DEIS and look at it for technical issues. We'll prepare those comments and forward those to the Board's attention.

CHAIRMAN EWASUTYN: Thank you.

Would someone move for a motion to accept the SDEIS complete for public record -- public review and schedule August 6th for a public hearing?

MR. DOMINICK: I'll make a motion.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

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POLO CLUB

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MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

Pat, you'll coordinate the timing of all this information with Ross Winglovitz and his staff?

MR. HINES: Yeah. There's a requirement that we post this document to be publicly available. We'll probably do it with a link, similar to what we did with the document today, on the Town's website. Also there's a filing with the DEC for the Environmental Notice Bulletin, telling them that that document is available for review. It also needs to get circulated to the other interested and involved agencies as well.

Dominic, is there a requirement that it be in a public repository, too, or no?

MR. CORDISCO: Well, yes. SEQRA regulations do require that it be available at Town Hall as well as a local library. While Town Hall is open for limited purposes, I do not believe any of the local libraries are open for people to actually enter them at this time. This opens an issue in connection with scheduling of

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this public hearing. What we have to continually be mindful of is that the rules as they've been evolving in connection with the pandemic have continued to change according to the circumstances. The actual mechanics of this meeting will depend on the rules that are in place at that time, and we will have to notice appropriately.

Even though libraries today are not open, my recommendation would still be to put one on deposit in the library so that as soon as the library is open, the document itself is there and available for the public to review.

MR. HINES: We'll be sure there will be a link.

MR. CORDISCO: We don't want to assume on our part -- yeah. We don't want to not comply with something because we think the people can't get to it when the situation continues to change.

MR. HINES: We'll make sure this is on the Town's website. We actually have the complete document on tonight's meeting material posted with a link to Ross's Dropbox site.

(Time noted: 7:13 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 23rd day of June 2020.

Michelle Conero

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X

In the Matter of

READY COFFEE
(2019-26)

Gardnertown Road, Southwest Quadrant
Section 76; Block 4; Lot 3
B Zone

----- X

SITE PLAN - FINAL APPROVAL

Date: June 18, 2020
Time: 7:13 p.m.

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

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

APPLICANT'S REPRESENTATIVE: MICHAEL BERTA

----- X

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CHAIRMAN EWASUTYN: The second item of business this evening is Ready Coffee. It's located on Gardnertown Road, the southwest quadrant. It's here for site plan approval, ARB approval and to discuss the landscape bonds that have to be approved and the stormwater bonds that have to be approved. It's in a B Zone and it's being represented by Lothrop Associates.

MR. BERTA: Good evening, Mr. Chairman. How are you tonight?

CHAIRMAN EWASUTYN: You have the most stunning clothes. Go ahead.

MR. BERTA: Yes, sir. Thank you again.

First off, I want to thank the Board for all the help that they've given us, and the consultants. I really appreciate it. I appreciate all the comments.

We did take the comment letter from Mr. Hines and we took all the comments, we updated the drawings. I believe there were two minor issues that he brought up that -- one I believe that we already took care of. We dropped off an updated drawing at the Town Hall. The other was we'll clean up the note that was left over.

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READY COFFEE

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I spoke with the engineer and it was left over.
He apologizes that he's not able to make the
meeting tonight.

CHAIRMAN EWASUTYN: This is Hudson
Engineering?

MR. BERTA: Yes. Dan Koehler. He
apologizes but he's not able to make it tonight.
He has a conflict with the Town of Beekman.

CHAIRMAN EWASUTYN: Pat Hines, do you
want to take us along on where we are tonight?

MR. HINES: As the applicant's rep just
stated, our comments have been addressed.

We have the revised stormwater plans
pursuant to our previous comments.

The asphalt paving has been revised to
depict the Board's request of a straight line saw
cut, and a pavement replacement detail will be
required. Those minor comments can be a condition
of approval.

The Board previously declared the
project a Type 2 action, so there's no further
SEQRA required.

There will be a small security required
for the stormwater management pursuant to the

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READY COFFEE

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Town's code for the revised drainage system.

A landscape bond and inspection fee will also be required per your standard conditions.

We don't have -- other than those minor technical comments, we believe the project is ready for approval before the Board.

CHAIRMAN EWASUTYN: Mike, are you prepared to go through the ARB?

MR. BERTA: Yes. I believe in our package that we have we submitted colored elevations. Maybe they didn't get into this packet.

CHAIRMAN EWASUTYN: The wall-mount menu boards on your site, did you receive approval from the ZBA? Is approval necessary?

MR. BERTA: I'm drawing a blank right now.

If I may, for a quick second, Mr. Bonnem, Jed. I missed the last ZBA meeting so I'd like to, if I may, ask Jed for a second.

MR. BONNEM: I just had to unmute myself.

Yeah, we received -- when the ZBA heard

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READY COFFEE

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our variance request, those included a variance request for the drive aisle signs as depicted here. So to the best of our understanding, we have variances as necessary for the signs you see on these elevations.

MR. BERTA: As well as the drive sign.

CHAIRMAN EWASUTYN: Dominic Cordisco, do you want to add anything?

MR. CORDISCO: We discussed this during the work session today, and also we were able to review the video of the April ZBA meeting. As near as we could tell from the video recording, the question regarding signage did come up. It was asked by the ZBA attorney, Dave Donovan, and it was not clear from the meeting that the discussion of the menu boards was included as part of the signage for the project as well as potential variances. So at best at this time it seems as if it is an open issue as to whether or not variances were considered for the menu boards.

MR. BERTA: Okay. So we will review that. The subject did come up. I think we want to review what authorizations we did receive from

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the ZBA, and then perhaps we could get back to you. I think worst-case scenario, and I think as is often done, we could apply for -- any variances that we did not receive, we could apply for them as a follow-up matter during construction.

CHAIRMAN EWASUTYN: Dominic, in approving the project and site plan, are we in a position to approve the ARB as relates to not knowing for sure whether the menu boards, the drive-up signage was approved?

MR. CORDISCO: Yes. The Board is in a position to act on this application overall. The signage for the menu boards remains as an open item. It's possible that the materials that were submitted to the ZBA, that that issue was properly before the ZBA and considered by them. It's also possible they were not before the ZBA, and so variances would be required potentially for those menu boards. That is an item that could progress later with the understanding, however, that if variances are denied or restrictions are placed, the only signage that could be built would be the signage that actually

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READY COFFEE

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had received approval.

CHAIRMAN EWASUTYN: So we could grant ARB approval, site plan approval but we'll hold off approving the signage as relates to the menu boards.

MR. HINES: I'm just wondering if the menu boards are an issue, if the Building Department would be in a position to refer those at a later date.

CHAIRMAN EWASUTYN: You're saying we'd move forward --

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: -- with ARB approval?

MR. HINES: Yeah. I think we could. And then if in fact they are an issue, the Building Department could do that referral if they weren't already addressed.

MR. CORDISCO: I agree. They wouldn't need to come back to the Planning Board to be referred to the ZBA. Setting aside site plan approval, if the project was not -- had previously received site plan approval and now they were doing something different regarding

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READY COFFEE

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signage, they would work through the building inspector's office and then go directly to the ZBA at that point.

CHAIRMAN EWASUTYN: Mike, we'll have to work on the cost estimate for the landscape bond and the stormwater bond.

MR. BERTA: Okay. No problem.

CHAIRMAN EWASUTYN: Any additional questions or comments from Board Members?

MR. GALLI: No additional.

MS. DeLUCA: No.

MR. BROWNE: Nothing more.

MR. DOMINICK: Nothing further.

CHAIRMAN EWASUTYN: At this point we're going to turn the meeting over to Dominic Cordisco to give us conditions for approval of the site plan and ARB.

MR. CORDISCO: Thank you, Mr. Chairman. As you noted, this would be approval of an amended site plan for this location and also for ARB approval.

The conditions would include the Town's general conditions as well as the specific conditions for a landscaping bond, a stormwater

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READY COFFEE

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bond, and in connection with signage there would be the clarification that we just previously discussed.

CHAIRMAN EWASUTYN: Any questions or comments from Board Members?

MR. GALLI: No.

MS. DeLUCA: No.

MR. BROWNE: No.

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: Would someone make a motion to grant site plan approval and ARB approval?

MS. DeLUCA: So moved.

MR. HINES: I just had one more. I think DOT approval for the sidewalk is required for work in the DOT right-of-way. I'll defer to Ken on that.

MR. WERSTED: They'll have to apply for a highway work permit for the work that's out, namely the sidewalk, the striping of Gardnertown Road. So those items, yup.

MR. BERTA: We've been in contact with DOT. We have all the applications. She's given us all the paperwork that we need to fill out. She

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READY COFFEE

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said as soon as we have approval we can file it.

CHAIRMAN EWASUTYN: Dominic, you'll add that to the resolution?

MR. CORDISCO: I certainly will.

CHAIRMAN EWASUTYN: Thank you, Pat.

Would someone make a motion to approve the site plan --

MR. DOMINICK: I'll make a motion.

CHAIRMAN EWASUTYN: -- approval subject to the conditions presented by Dave Dominick -- Dominic Cordisco?

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: We have a motion by Dave Dominick. We have a second by Stephanie DeLuca. Can I please have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

Thank you. You worked very hard on this

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READY COFFEE

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project. Your cooperation with the sidewalk is greatly appreciated. We wish you all the success with Ready Coffee.

MR. BERTA: Thank you, Mr. Chairman and Members of the Board. Thank you for all your help. I appreciate it.

CHAIRMAN EWASUTYN: You're welcome.

MR. BONNEM: Thank you.

CHAIRMAN EWASUTYN: If there are no further questions or comments, would someone make for a motion to close the June 18th Planning Board meeting?

MR. GALLI: So moved.

MS. DeLUCA: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

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(Time noted: 7:24 p.m.)

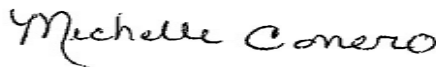
C E R T I F I C A T I O N

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 23rd day of June 2020.



MICHELLE CONERO