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

----- X  
In the Matter of

FARRELL INDUSTRIAL PARK  
(2023-09)

NYS Route 300  
Section 34; Block 2; Lot 45  
IB Zone

----- X

AMENDED SITE PLAN

Date: July 6, 2023  
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

APPLICANT'S REPRESENTATIVE: JOSEPH MODAFFERI  
& ALEX BALAN

----- X

MICHELLE L. CONERO  
Post Office Box 816  
Dover Plains, New York 12522  
(845) 541-4163

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CHAIRMAN EWASUTYN: The Planning Board would like to welcome everyone to the meeting of the 6th of July 2023. This evening we have four agenda items. There are no Board business items.

At this point in the meeting, we'll call the meeting to order with a roll call vote.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. DOMINICK: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. WARD: Present.

MR. CORDISCO: Dominic Cordisco, Planning Attorney.

MR. HINES: Pat Hines with MHE Engineers.

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

CHAIRMAN EWASUTYN: At this point, I'll turn the meeting over to

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Jim Campbell.

MR. CAMPBELL: All rise for the Pledge.

(Pledge of Allegiance.)

MR. CAMPBELL: Please put your phones on silent or on vibrate.

CHAIRMAN EWASUTYN: The first item of business is Farrell Industrial Park. It's an amended site plan. It's located on New York State Route 300 in an IB Zone. It's being represented by JMC Planning & Engineering.

MR. MODAFFERI: Good evening, Chairman, Members of the Board. For the record, my name is Joe Modafferi with JMC. I'm the project manager for the project.

We were last in front of your Board on May 5th where we presented this project. As a reminder, it's an amendment to a previous approval. The previous approval had a 290,000 square foot warehouse building. This current application has reduced the

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building size to 262,000 square feet with 150 employees, 186 parking spaces which are distributed on both sides of the building, 32 loading spaces on the east side of the building, and then 38 trailer and truck parking spaces further east of the loading bays.

Since our last meeting with you, we made a submission. There were some general clean-up of the plans from the original submission, including the table of land use which provided some clarification related to the approved plan and the currently proposed plan.

We revised the tree preservation plan per Mr. Hines' comments, which was updated for grading as well. We clarified compliance with the code. The significant and protected trees, when we did the calculation, are less than -- the ones that are removed are less than 75 percent of the total

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caliber inches for those two types of trees, so we don't have to do any replacement or mitigation for those. The specimen trees, we are removing 1,992 inches outside of the building and parking areas. So for replacement of that, you have to double that, which is 3,984. Our reforestation plan, our landscaping, which you can see on this plan right here, is providing 1,910 inches of planting. We are required to provide a fee for restitution at \$8 per 2 inches, which came out to \$8,294.

Other changes that we've made are adding the electric vehicle charging stations on both sides of the structure.

Also, there were several written comments that we provided written responses to.

They were very minor adjustments to the plans, but we're here tonight to continue the conversation. I'll

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answer any comments or questions.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance, do you have any questions or comments?

MR. CAMPBELL: Not at this time.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: When we go through Pat's comments, I'm interested in understanding what's going on with the septic system, some detail on that and where that's going.

CHAIRMAN EWASUTYN: We had a question for you.

MR. MODAFFERI: I thought he said when we go through Pat's comments.

CHAIRMAN EWASUTYN: I think, since it's on the table --

MR. MODAFFERI: The septic system, as I said, this facility would operate with 150 employees, so it's fewer employees than the previous owner had anticipated. The

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septic system has been reduced to accommodate that. We have done some testing, field testing of the soils. Currently we have a permit. The contractor is out to install a curtain drain at the top of the slope here in an effort to improve soil conditions in this area where we had some not so favorable results of the testing. You can put in this curtain drain to bypass the surface water that we found. We've reduced the size of the septic system based on the testing that we have, and we're working on that under-drain system right now as we speak. As soon as we have acknowledgement from your Board and Mr. Hines, we'd like to go ahead and proceed with the septic approvals with the Health Department.

MR. BROWNE: Do you have a back-up plan in case that doesn't quite make it?

MR. MODAFFERI: We could do a

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treatment plant if we had to. We do have a discharge in the back with the wetland. I think there's a water course there that we could use, too. We're not asking for that at this time. We have a confidence level that this is going to work. You know, we acknowledge that if we did go that route, we would have to come back and see you for that.

MR. BROWNE: Thank you.

MR. MODAFFERI: You're welcome.

CHAIRMAN EWASUTYN: No comment.  
Ken Mennerich?

MR. MENNERICH: No comment.

MR. DOMINICK: Joe, I just appreciate you taking into consideration adding the EV charging stations that I suggested. Thank you very much.

MR. MODAFFERI: No worries.

MR. GALLI: No comment.

CHAIRMAN EWASUTYN: Pat Hines with MHE.

MR. HINES: Our first comment



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just identifies the reduction in size.

We did coordinate with the applicant regarding the adjoiners' notices. They were sent out in late May.

As Cliff noted, the septic system is having some design issues that they're working through. That will need Orange County Health Department approval and a DEC SPDES permit for greater than 1,000 gallons discharge.

Previously approved conditions were the security for stormwater, security for landscaping, the need for a water main extension approval from the County Health Department as well.

The Tree Preservation Ordinance has some details and requirements that need to be added to the plans. There's a requirement to delineate the limits of disturbance with orange construction fence and some tree

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protection details that will need to be added.

We did get a revised stormwater pollution prevention plan, which we're finishing that review.

A stormwater agreement will be required.

Signage will need to be addressed at some point in the ARB process. I think you only have one tenant lined up right now, but eventually, during the ARB, signage will be needed. I don't know if there is still proposed two offices on either end. There was only one before, I think.

MR. MODAFFERI: Yes. Currently there's space for two offices, one on each end, if it did end up being two tenants.

MR. HINES: I know DOT has some comments on the access and utility permit.

Ken Wersted has provided a comment letter that he has no

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outstanding comments regarding the traffic.

The Board should discuss whether a new public hearing is proposed to be held. I just noted that at the last public hearing we heard from residents of Berry Lane with concerns regarding traffic. I don't think at the time it was clear that that was an emergency access only, but there were quite a few comments regarding that.

We noted payment for the tree preservation. You're the first project that's going to make a payment, so you're going to be the learning curve on that with the Town Board.

The EV charging stations have been added.

There will be a requirement for a fair share contribution through the Town Board for traffic at the Route 300/Gardnertown Road and Route 300/52

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intersections. That will need to be worked out with the Town Board in the future.

Details for the water system. I don't know, did you submit all of the plan sheets? It looked like some were missing. Maybe if they didn't change, you didn't send them in.

MR. MODAFFERI: I thought we had submitted them all, but we'll figure that out.

MR. HINES: The cover page still referenced the --

MR. MODAFFERI: That was something I referenced in my comments. What we did is, we had the approved line of what was previously approved with the 290 and then we had the 262. It's approved and then proposed. The notes were related to the 290, and then there were notes just below it that related to the 262.

MR. HINES: Maybe that was my

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confusion. We'll take the 290s off in the future.

MR. MODAFFERI: Okay. Just take the approved column off?

MR. HINES: There were actually notes that referenced it.

MR. MODAFFERI: Yeah. The approved column has building coverage at 18.76 percent. Note 3 was approved 18.76 percent. Note 4 describes the 16.95 that we are today. The original submission had some things that were -- there were some typos and things and not finished through with the original submission. We cleaned it up in this later submission. We can remove the approved column, if it's easier for you.

MR. CORDISCO: If I may. I think that that was good for comparison purposes, but if and when it comes a point where the Board actually approves the project, the

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prior approval won't be relevant any more. For Building Department purposes and just clarity and lack of confusion, I think it would probably be good to have what's actually proposed now on the final plan set.

MR. MODAFFERI: No worries. No worries.

MR. HINES: That's what we have. It needs to go to County Planning again. It's in a condition that it could go to County Planning.

MR. MODAFFERI: I thought we did go to County Planning, because we got comments.

MR. HINES: Maybe we did already.

MR. MODAFFERI: Yes, we did.

MR. HINES: I'm ahead of myself. We did resubmit it then?

MR. MODAFFERI: We did. If you want, I can go through the comments quick.

CHAIRMAN EWASUTYN: For the record, please.

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MR. MODAFFERI: So just briefly, there was a solar comment, asking us to put solar on the roof, which we have done.

There was a comment about water fixtures, which the applicant said they have no issue with.

A wetland comment. They wanted the wetland flags put in prior to construction. We'll reset the flags and make sure they're there prior to construction. There's a note on the plan for that.

A stormwater comment, you know, basically indicating that we have to comply with the stormwater requirements, which we are. There were two comments related to that.

There was a vegetation comment about landscaping, screening the building, et cetera. We provided a response that the landscape design is consistent with the previous approval, and we've provided a significant

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amount of landscaping.

Then lighting and signage. They were concerned about the lighting, which we're providing the shoebox fixtures. We have the monument signs, which I think is what we're proposing.

Then transportation. It indicated that we have to go to DOT, which we're in the process of doing.

MR. GALLI: The one you're reading says Westchester County Planning Board.

MR. HINES: That's an error in their response. Their office is in Westchester County.

MR. MODAFFERI: Yeah. Orange County. Sorry.

MR. WARD: What date is this one?

MR. GALLI: What's the date of the Orange County one?

MR. MODAFFERI: I have June 1.

MR. WARD: Thank you.

MR. MODAFFERI: You also mentioned the DOT. In this submission that we made to you, we included a copy of



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the latest submission letter to the DOT where we were addressing their technical comments. We haven't heard back from them again, but that was one of the pieces of this project. Nothing has changed from, basically, the Berry Lane emergency access down. We'll continue to work with the DOT towards those approvals.

CHAIRMAN EWASUTYN: I'll poll the Board Members at this time to see if they want to have a public hearing.

John Ward?

MR. WARD: No.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No.

CHAIRMAN EWASUTYN: I say no.

MR. MENNERICH: I say no.

MR. DOMINICK: No.

MS. DeLUCA: No.

MR. GALLI: No. We previously had one before.

CHAIRMAN EWASUTYN: Do you want to speak on that for the record?

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MR. GALLI: We previously had the one before. The Berry Lane people were the ones that showed up. They were concerned about that access. I think your comment took care of those concerns. I think we should be okay with not having another public hearing.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board waived the public hearing for Farrell Industrial Park. The Planning Board made that decision based upon the fact that it had held a public hearing on Farrell Industrial Park when it was 290,000 square feet. There were comments from the public on Berry Lane as it related to traffic. The Planning Board did go back and look at those traffic matters. At this point we feel we are in a position to not have a second public hearing.

MR. GALLI: John, I just have

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one comment. Actually, two. The hours of operation, Monday to Thursday, and then the 6 a.m. to 10 a.m. on Friday?

MR. BALAN: We close -- at 12 we usually close on Friday.

MR. MODAFFERI: That's for the current tenant right now.

MR. GALLI: For the one section?

MR. MODAFFERI: For the one section for the current tenant. Obviously the remaining portion of the building may operate in accordance with Town rules, of course.

MR. GALLI: Where are they located now? In the City of Newburgh?

MR. BALAN: 7 Bridge Street.

MR. GALLI: Over on Bridge Street. The west side.

MR. BALAN: Yeah.

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

CHAIRMAN EWASUTYN: Dominic Cordisco, Pat Hines, where are we as

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far as the review?

MR. HINES: So with the County Planning out of the way, the Board would be in a position to make a new SEQRA determination or concur with your previous one. I think the conditions of approval are basically the same as the previously approved conditions.

CHAIRMAN EWASUTYN: Dominic, can you give us the verbiage for reconfirming the language for SEQRA?

MR. CORDISCO: Yes. This project, the prior version of it, was an application that was filed in 2020, and then a conditional approval was granted in November of 2021. The Board, at that time, adopted a SEQRA negative declaration. As Mr. Modafferi has demonstrated to the Board and the plans show, this project is now reduced in its size and its scope compared to what was previously considered by the Board.

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At this point, the Board would be in a position to reaffirm your previous SEQRA negative declaration in connection with this project.

CHAIRMAN EWASUTYN: Having heard from Planning Board Attorney Dominic Cordisco, would someone move for a motion to reconfirm the original SEQRA determination.

MR. WARD: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

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Do you have architectural renderings with you at this time?

MR. MODAFFERI: Tonight, no. We had them at the original meeting. There were no real comments on that. We expect to be coming back for ARB. We did not bring them with us. They were submitted previously.

MR. WARD: Did you bring materials showing what the building is going to be?

MR. MODAFFERI: At the last meeting, no. Or tonight, no.

MR. CORDISCO: Is it going to be substantially similar to what was previously approved?

MR. MODAFFERI: From what I recall, yes. I mean, it's a warehouse, so, you know --

MR. CORDISCO: The reason why I ask is that the November 2021 approval did include ARB approval at that time, even though signage was outstanding. Signage, I think,

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remains outstanding. If the Board had in front of it materials, they could conceivably --

MR. MODAFFERI: I'm not sure it's exactly the same. I appreciate that sentiment. I wouldn't want to say yes, it is, not being the architect myself.

MR. CORDISCO: The Board has a couple of different options. One would be to wait for a resubmission for information regarding ARB, but there have been other instances where the Board has also considered granting approval without granting ARB approval so that the applicant could come back in connection with that separately.

MR. GALLI: If we approve it that way, they can get started and bring it back for the ARB?

MR. CORDISCO: Yes. The November 2021 approval had a number of conditions associated with it. I

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think that the conditions are actually identical with the addition of the tree preservation compliance as part of this.

MR. MODAFFERI: Many of them have also already been addressed. Not checked off, obviously. Many of them are in various states of progress.

MR. MENNERICH: On the ARB for the smaller building, is it essentially the same as was on the approved version or -- because if it isn't, it would seem to me like you should come back so we know.

MR. MODAFFERI: It's color changes and -- you know, I don't know -- I don't really know if it's a structural change, what type of construction.

MR. BALAN: A color change.

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

MR. BALAN: Alex Balan.

The building is essentially



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staying the same. If there's any preference in color, you guys can tell us. It's a concrete --

CHAIRMAN EWASUTYN: I don't think we pick colors. You present the colors and we just kind of make sure that they are harmonious in nature.

MR. CORDISCO: That does go to the heart of the ARB approval. Actually, the colors and materials are the very nature of the Architectural Review Board.

MR. BALAN: To my knowledge, we kept it the same as before.

CHAIRMAN EWASUTYN: Why don't we consider going through the conditions of approval for the site plan and stating that there will be a later submission for ARB approval, that way everyone knows what we're looking at and what we're approving.

MR. MODAFFERI: We do have some time to take care of all the other

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conditions. There is time. We have DOT and the Health Department and everything else. It's not like we have to come next month for you to get started.

MR. BALAN: Okay.

CHAIRMAN EWASUTYN: Okay. Pat, would you go through, and Dominic Cordisco, please, go through the conditions of approval.

MR. HINES: I think Dominic might have the old approval.

MR. CORDISCO: I'm looking at it right now. The special conditions that were contained in the conditional final approval resolution from 2021 include revising the plans to address any and all outstanding comments from the Board and their consultants. There was also a requirement at the time to add a note regarding the ability for the building to accommodate roof-mounted solar.

MR. MODAFFERI: Yes. The

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architectural plans submitted  
actually include that.

MR. CORDISCO: So that actually  
-- that condition can come off.

MR. MODAFFERI: You can leave  
it on there and they can just be  
checked. It's not a big deal. It's  
done.

MR. CORDISCO: Sure.

MR. MODAFFERI: Either way.

MR. CORDISCO: Yes. So then,  
obviously, the applicant has to obtain  
all of the outside agency approvals  
required for the project. They also  
have to obtain coverage under the DEC  
general permit for stormwater. They  
also have to obtain from the Town  
Board a waiver from the 5-acre  
disturbance limitation which is  
contained in the general permit. The  
applicant also has to prepare and  
submit a stormwater facilities  
maintenance agreement, submit that to  
the Town Attorney and the Town

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Engineer, and also to the Town Board for the Town Board's approval. They shall also provide performance security for the stormwater facilities. There's also the requirement to gain -- obtain, rather, conceptual approval from the DOT for the access and the utilities prior to signing of the site plan. There's also a developer's agreement for the fair share contribution for traffic improvements out on Route 300 and Gardnertown Road. They also have to obtain Department of Health approval for the water main extension. They also have to obtain approval from the Town of Newburgh Water Department for potable water and fire flow connections. They have to obtain approval from the Town Engineer's office and the Code and Building Departments regarding the design of the fire protection systems. There's an inspection fee required for the water main extension. There is also a

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requirement to submit a complete set of fire protection, water storage and fire pump design drawings to the Town of Newburgh.

MR. MODAFFERI: Those were also included in the submission. We still need approval.

MR. CORDISCO: Understood. So there are also conditions regarding the sewer main. There's performance security.

MR. HINES: That was septic.

MR. CORDISCO: That's right.

MR. MODAFFERI: So those two conditions -- there were two conditions related to a sewer extension that we all knew was related to septic. I think for this approval, we should switch those out, for the Health Department approval and, I guess, DEC approval of the septic.

MR. CORDISCO: Fair enough. The other alternative would be, you

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know, potential extension of sewer service to this property at some point in the future.

MR. HINES: That would be a ways away.

MR. MODAFFERI: We don't have time to wait for that.

MR. CORDISCO: Understood.

There's also a landscape security and inspection fee, which is a standard requirement. They also shall coordinate with the jurisdictional emergency services regarding the emergency access gate on the site. The Board had also previously granted Architectural Review Board approval, but the form had to be submitted at that time. The form had not been submitted at the point when the approval was granted. There are restrictions regarding outdoor fixtures and amenities. The only things that could be built on the property is what is actually shown on

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the plan. Then as far as all the mitigation measures that were identified in the negative declaration, they have to be abided by. The approval itself is only for the construction of this particular project, and so any changes to the site plan would require an amended application before the Board.

CHAIRMAN EWASUTYN: Pat, do you have anything else to add?

MR. HINES: No. Those are the conditions.

CHAIRMAN EWASUTYN: Having heard from Planning Board Attorney Dominic Cordisco as to the conditions of the site plan approval, with the understanding that the applicant, at a later date, will come back for ARB approval, would someone make a motion for the amended site plan conditional approval?

MR. GALLI: So moved.

MS. DeLUCA: Second.

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CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Stephanie DeLuca.

MR. BROWNE: Question, John.

CHAIRMAN EWASUTYN: A question.

MR. BROWNE: The tree preservation, that has to be included.

MR. CORDISCO: That will be included in this. We talked about it before. I was just going through what was included prior. We will certainly include it now.

MR. BROWNE: Good.

CHAIRMAN EWASUTYN: We had a motion by Frank Galli. We had a second by Stephanie DeLuca. We had discussion from Cliff Browne. At this point we'll continue on with polling Board Members.

MR. GALLI: Aye.

MS. DELUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.



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MR. BROWNE: Aye.

MR. WARD: Aye.

MR. MODAFFERI: Thank you very  
much.

(Time noted: 7:28 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 13th day of July 2023.

*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

LAWRENCE FARMS & BIANCO  
(2023-23)

North of Colandrea Rd. & East of Frozen Ridge Rd.  
Section 6; Block 1; Lots 66.21 & 66.32  
AR Zone

----- X

LOT LINE CHANGE

Date: July 6, 2023  
Time: 7:29 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

APPLICANT'S REPRESENTATIVE: COREY ROBINSON

----- X

MICHELLE L. CONERO  
Post Office Box 816  
Dover Plains, New York 12522  
(845) 541-4163

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CHAIRMAN EWASUTYN: The Planning Board's second item of business this evening is Lawrence Farms and Bianco. It's an initial appearance for a lot line change. It's located north of Colandrea Road, east of Frozen Ridge Road. It's in an AR Zone. It's being represented by Colliers Engineering & Design.

MR. ROBINSON: Good evening, Chairman, Members of the Board. Corey Robinson with Colliers Engineering & Design.

I have a new application before you tonight. It's up at the Lawrence Farms property off of Colandrea Road. It's relatively simple. It's essentially just juggling some lot lines around with the owner of Lawrence Farms and his neighbor, Ray Bianco. He's just looking to move some of the property lines around to follow some of the fencing that's been out there for years, kind of

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surrounding the Bianco house parcel. Also, it's going to -- on here, what I've highlighted in blue is the new proposed lot line. What's highlighted in yellow is the lot line today. It's a weird kind of triangle shape. We're making it more rectangular and removing the actual driveway access to Lawrence Farms. Today it crosses over the triangle part of Bianco's parcel. We're going to take that out of there so it's wholly on his property.

The lot today has some pre-existing nonconforming conditions. The front yard setback off of Colandrea Road is 48.3 feet where the code requires 50 feet. That's unchanged as part of this application, because it's the Colandrea Road right-of-way which we're not changing or modifying at all.

Also, there's a lot coverage nonconformity today, which is -- we're

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actually adding -- we're adding like 1,000 square feet to by Bianco's parcel, so lot the coverage percentage is being reduced. The degree of nonconformity is being reduced.

That's pretty much it. I'm here to answer any questions. I guess, hopefully, it gets passed on to the ZBA so we can get the variances.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance?

MR. CAMPBELL: Nothing to add.

CHAIRMAN EWASUTYN: Frank Galli, Planning Board Member?

MR. GALLI: No.

MS. DeLUCA: Nothing.

MR. DOMINICK: Nothing yet.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: No comment.

MR. BROWNE: Nothing.

MR. WARD: No.

CHAIRMAN EWASUTYN: Pat Hines with MHE.

MR. HINES: Our only comment is

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we identified the variances that were just identified. Front yard is 50 feet required where 48.3 exists. The maximum surface coverage is 20 percent where 24.7 is proposed.

We need to send out adjoining's notices, which I'll coordinate with Corey's office.

I think it needs a referral to the ZBA.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney?

MR. CORDISCO: Nothing further, sir.

CHAIRMAN EWASUTYN: You'll prepare a letter for the Zoning Board of Appeals?

MR. CORDISCO: Yes, I will.

CHAIRMAN EWASUTYN: Planning Board Attorney Dominic Cordisco will prepare a letter that will go to the Zoning Board of Appeals. Once they receive that letter, then you can go there with your application.

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Anything else?

MR. ROBINSON: No.

CHAIRMAN EWASUTYN: Then the  
adjoiners' notice, you'll work with  
Pat.

MR. HINES: I'll work with  
Corey on that.

MR. ROBINSON: Great. Thanks  
so much.

CHAIRMAN EWASUTYN: Can I have  
an approval vote to refer this to the  
Zoning Board of Appeals?

MR. WARD: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a  
motion by John Ward, a second by Ken  
Mennerich. Can I have a roll call  
vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.



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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you.

MR. ROBINSON: Thank you.

(Time noted: 7:33 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 13th day of July 2023.

*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

GRADOS SUBDIVISION  
(2023-07)

1 Charlile Circle  
Section 66; Block 3; Lot 18  
R-3 Zone

----- X

TWO-LOT SUBDIVISION

Date: July 6, 2023  
Time: 7:33 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

APPLICANT'S REPRESENTATIVE: PEDRO MONTES

----- X

MICHELLE L. CONERO  
Post Office Box 816  
Dover Plains, New York 12522  
(845) 541-4163

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CHAIRMAN EWASUTYN: The third item of business is the Grados Subdivision. It's a two-lot subdivision located on Charlile Circle. It's in an R-3 Zone. It's being represented by Ramsey Land Surveying.

MR. MONTES: I'm Pedro Montes from Ramsey Land Surveyors & Planners.

MR. GRADOS: I'm Ceasar Grados. I'm the owner of the subdivision.

MR. MONTES: Just a quick review from the last Planning Board meeting. We have removed the 100-foot buffer from the Federal wetlands, allowing lots 1 and 2 to have equal or close to equal square footage. This would increase the size of lot number 1, giving them a bigger rear yard for future decking or permits. By making the changes, we still meet the requirements of the zoning district.

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We have one change on the general notes number M, and also included the water and sewer notes provided by the engineer.

MR. HINES: Those revisions were made after the comments.

MR. MONTES: After the comments.

MR. HINES: I have not seen that map.

CHAIRMAN EWASUTYN: Pat Hines with MHE, will you comment on the resubmitted maps?

MR. HINES: Sure. I think it's a good -- I think it's an improvement to the lot layout, giving a little more flexibility to lot 1. Previously lot 1 was being built at the absolute setback lines. This will allow a back deck or some improvements in the future. It just gives more flexibility to each of the lots. I think it's a good improvement.

I have not reviewed these plans, obviously just receiving them. We

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will do that.

I just would recommend that you submit this to the County Tax Map Department for review to make sure that they are -- they don't allow lines crossing and things going through. Before you bring it to the Chairman to be stamped in the future, make sure you submit it to them. It will save any issues with that.

The adjoiners' notices were sent.

The County Planning referral was made. I think there's a slight adjustment in these lot line changes, but it's not going to change the County comments. I think this is an improvement to the lot.

A public hearing -- actually, a SEQRA determination would be made first, and then a public hearing could be scheduled.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

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MR. GALLI: Are they going to be like bi-levels?

MR. GRADOS: Yes, sir. I want to build one house on my side and then another house for my siblings as they get older.

MR. GALLI: Three bedroom, four bedroom?

MR. GRADOS: It will be a four-bedroom house. I have five children. It's a big family, so --

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

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: Nothing right now.

MR. DOMINICK: I'm glad to see you reconfigured the lot lines. They're not locked in.

MR. MENNERICH: I think the new layout is much improved.

CHAIRMAN EWASUTYN: No comment. Cliff Browne?

MR. BROWNE: No comment.

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MR. WARD: Nice job on what you did with the improvements.

MR. MONTES: Thank you.

CHAIRMAN EWASUTYN: Jim Campbell, any comments?

MR. CAMPBELL: Nothing to add at this time.

CHAIRMAN EWASUTYN: Are we in a moment where we could declare a negative declaration and set this for a public hearing?

MR. CORDISCO: Yes, sir.

CHAIRMAN EWASUTYN: Having heard from Planning Board Attorney Dominic Cordisco, would someone make -- let's talk about dates. Are we talking about the August 3rd meeting for the public hearing?

MR. HINES: That would be the next appropriate date, yes.

CHAIRMAN EWASUTYN: Would someone make a motion to declare a negative declaration for the two-lot subdivision and schedule it for

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August 3rd for a public hearing?

MR. DOMINICK: I'll make a motion.

MR. WARD: Second.

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

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Pat Hines will -- I'll let Pat Hines speak.

MR. HINES: Similar to the adjoiners' notice, I'll work with you, Mr. Grados, to get you the public hearing notices and the mailing. I'll explain the process. It's similar, you have to stamp,



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address and bring them to the Town  
Hall for mailing. We don't have to  
have certified mailings. It's just  
first-class stamps. I have your  
e-mail. I'll work with you on  
getting that completed.

MR. GRADOS: Yes, sir.

MR. MONTES: Thank you.

MR. GRADOS: Thank you.

(Time noted: 7:38 p.m.)

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

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I further certify that I am not  
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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

DIXON & HALES  
(2023-13)

23 Merritt Lane  
Section 7; Block 3; Lot 20  
AR Zone

----- X

TWO-LOT SUBDIVISION

Date: July 6, 2023  
Time: 7:38 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

APPLICANT'S REPRESENTATIVE: JONATHAN MILLEN

----- X

MICHELLE L. CONERO  
Post Office Box 816  
Dover Plains, New York 12522  
(845) 541-4163

2 CHAIRMAN EWASUTYN: The fourth  
3 and last item this evening is Dixon &  
4 Hales, an initial appearance for a  
5 two-lot subdivision located on  
6 Merritt Lane in an AR Zone. It's  
7 being represented by Jonathan Millen.

8 MR. MILLEN: Good evening. My  
9 name is Jonathan Millen. I'm a land  
10 surveyor representing Diane Dixon on  
11 this project.

12 We are proposing taking a  
13 single lot and dividing it into two  
14 lots.

15 There are two existing  
16 structures on the property right now.  
17 Their intention is to convert them  
18 into residences.

19 The approval for subdivision  
20 prior to this map, Map 74306, the  
21 septic designs had been approved.

22 I received all the comments  
23 from Pat Hines' office. We'll have  
24 all those taken care of.

25 CHAIRMAN EWASUTYN: Pat Hines,

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do you want to go through your review comments?

MR. HINES: Sure. This is the initial appearance. After this appearance, the adjoiners' notices must be sent out, which I'll work with Jonathan's office to accomplish.

We're looking for the sight distance on the plans. I noted that the original subdivision had a note on the lot that had the barn that said see note 9 regarding the driveway. I didn't have the sheet that had note 9. I don't know what that note was.

MR. MILLEN: Right.

MR. HINES: I don't know if you know what it was.

MR. MILLEN: Not offhand I don't.

MR. HINES: We need to investigate what that was. I don't know what that note said.

We're looking for -- I don't have the Department of Health approval

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that says it's still valid since  
2006.

MR. MILLEN: We'll provide that.

MR. HINES: If we can get that  
note.

For the file, we would like the  
design plans that have the approved  
septics filed so the Building  
Department, some future owner or  
someone doesn't have to dig those up.  
If you could submit that plan. I  
wasn't able to find one sheet of that  
plan. I did look at it, but not the  
entire set.

The topography is not shown.  
That should be shown to evaluate the  
wells, septics and drainage.

Just a heads up, and I know the  
Code Department may tell you the  
same, but utilizing existing  
structures for residences can often  
be complicated for building code  
compliance. That's just a heads up  
for you and your client.

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Appropriate notes for the septic design submitted to the Building Department along with an as-built have to be added prior to -- stating that prior to a certificate of occupancy, those are required.

Copies of the septic design plan referenced on the note should become part of the packet we just talked about.

Notes regarding abandoning the wells. It looks like there are a couple wells on the site that weren't on the original septic plan approval. Those are referenced to be abandoned. You should cite that AWWA standard for abandoning the wells.

There are a lot of houses in this subdivision that have been constructed, so we're looking to see any of the residences within 200 feet. That's a requirement in the code. It's helpful during the public hearing if neighbors can see where

2 their houses are located.

3 Those are the extent of our  
4 comments. We'll work with the  
5 applicant on the adjoiners' notice.

6 CHAIRMAN EWASUTYN: Pat, was  
7 there also something about the proxy?

8 MR. HINES: Right. So I  
9 noticed that the application was only  
10 signed by Dixon. It looks like there  
11 may be two owners, Dixon and Hales,  
12 is it?

13 MR. MILLEN: Yes.

14 MR. HINES: We need whoever are  
15 the owners -- all the owners need to  
16 sign the application and proxies and  
17 such.

18 MR. MILLEN: Right.

19 CHAIRMAN EWASUTYN: Okay. Any  
20 questions, Jonathan?

21 MR. MILLEN: No, I don't. I'm  
22 clear on all of that.

23 MR. CAMPBELL: I had one comment.

24 CHAIRMAN EWASUTYN: Thank you.

25 MR. CAMPBELL: Just to clean up



2 the bulk table. For the rear yard  
3 you show 40 and it should be 50.

4 MR. MILLEN: The rear yard  
5 shows 40 and it should be 50. Okay.

6 MR. HINES: I think the lots  
7 comply. It's just to clean up the  
8 bulk table.

9 MR. MILLEN: Right.

10 CHAIRMAN EWASUTYN: Okay. Thank  
11 you.

12 MR. MILLEN: All right.

13 MR. MENNERICH: Jonathan, the  
14 paved driveway, is that going to be  
15 extended closer to the building?

16 MR. MILLEN: Yes. Yes. This  
17 will be extended toward the building.

18 MR. MENNERICH: It should be  
19 shown.

20 MR. MILLEN: We will in the  
21 next -- I apologize. We were under  
22 the gun putting this together, quite  
23 frankly. We have most of the work  
24 that's been done, but it just hasn't  
25 been added to the plan.

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CHAIRMAN EWASUTYN: Okay.  
Would someone make a motion to close  
the Planning Board meeting of the 6th  
of July?

MR. GALLI: So moved.

MS. DeLUCA: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

(Time noted: 7:44 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 13th day of July 2023.

*Michelle Conero*  
\_\_\_\_\_  
MICHELLE CONERO