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

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In the Matter of

DOLLAR GENERAL  
(2020-04)

Southeast Corner of Route 9W & North Hill Lane  
Section 24; Block 4; Lot 1.12  
B Zone

----- X

PUBLIC HEARING  
SITE PLAN

Date: July 15, 2021  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CARYN  
MLODZIANOWSKI, KENNETH FIORETTI, PHILIP  
GREALY

----- X

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

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. We'd like to welcome you to the Town of Newburgh Planning Board meeting of the 15th of July. This evening we have eight agenda items and the first two are public hearings.

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

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor, Town of Newburgh.

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

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

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

MR. DOMINICK: Please stand for  
the Pledge of Allegiance.

(Pledge of Allegiance.)

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

CHAIRMAN EWASUTYN: Our first  
item on this evening's agenda is Dollar  
General. It's project number 20-04. It's  
located on the southeast corner of  
Route 9W and North Hill Lane. It's in a  
B Zone. It's represented by Bohler  
Engineering. It's here this evening for a  
public hearing on a site plan.

And Mr. Mennerich, would you read  
the notice of hearing?

MR. MENNERICH: "Notice of  
hearing, Town of Newburgh Planning Board.  
Please take notice that the Planning Board

1 of the Town of Newburgh, Orange County,  
2 New York will hold a public hearing  
3 pursuant to Section 276 of the Town Law on  
4 the application of Dollar General, project  
5 number 2020-04. The proposed Dollar  
6 General store is a 9,100 plus or minus  
7 square foot retail store, associated  
8 parking, access road, water and sewer  
9 utilities. The project is located on a  
10 2.2 plus or minus acre parcel of property.  
11 The property is known on the Town of  
12 Newburgh tax maps as Section 24; Block 4;  
13 Lot 1.12. Access to the project is from  
14 North Hill Lane, a Town roadway. A public  
15 hearing will be held on the 15th day of  
16 July 2021 at the Town Hall Meeting Room,  
17 1496 Route 300, Newburgh, New York at 7  
18 p.m. at which time all interested persons  
19 will be given an opportunity to be heard.  
20 By order of the Town of Newburgh Planning  
21 Board. John P. Ewasutyn, Chairman,  
22 Planning Board Town of Newburgh. Dated 23  
23 June 2021."

24  
25 CHAIRMAN EWASUTYN: And for the

1  
2 record, the applicant's representative  
3 will give their presentation. When  
4 they're finished with their presentation,  
5 anyone who has any questions or comments,  
6 please raise your hand and be courteous to  
7 others in the room who may have questions  
8 or comments. Let's make a complete round  
9 before we go back to what may be a second  
10 question.

11 MS. MLODZIANOWSKI: Thank you.  
12 Good evening. For the record, I'm Caryn  
13 Mlodzianowski from Bohler Engineering, and  
14 I'm here with Ken Fioretti from HSC  
15 Balmville and Philip Grealy from Colliers  
16 Engineering this evening.

17 As mentioned, the proposed  
18 development project is located at 1 North  
19 Hill Lane in the Town and is approximately  
20 2.2 acres in size within the Business  
21 Zoning district. The use, as mentioned,  
22 that we're proposing is a 9,100 plus or  
23 minus square foot Dollar General retail  
24 store, which is an allowed use in the zone  
25 through this site plan review process.

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In looking at the site layout and the zoning, as you can see here, we are keeping the development up at the intersection so that it is as close as possible to the existing commercial corridor along Route 9W.

We are meeting or exceeding all of the minimum setbacks per zoning.

Another benefit of having this layout up at the intersection is that we are able to far exceed the required 30 foot minimum rear yard setback to our neighbors behind us from 9W with a setback that's over 100 feet so that we can leave the rest of the existing vegetation that you can see around the site.

We've also had a wetland delineation done so that we know the limits of those, and that, as well, occurs within the site area that we are not touching by this project.

There are 30 parking spaces proposed to serve the store. We did go through the process with the Zoning Board

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of Appeals to get a variance to reduce that from 61 spaces to the minimum that we need, which is 30, which in turn helps increase the green space and avoid the unnecessary pavement that we just don't feel that we need for this particular use.

We've also added landscaping along the front, along Route 9W, and a stonewall as well.

With that, we have the architecture for the store that we've been working on throughout this process. This is definitely an enhanced building compared to some other Dollar General stores you may have seen, and we've worked hard at this. This also depicts the stonewall and landscaping that we're proposing across the entire front of the lot that is there as well.

We're excited to continue with this next step here with the Board and the public this evening.

CHAIRMAN EWASUTYN: Thank you.

If anyone has any questions or

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comments, please raise your hand and give your name and your address. Michelle is taking notes, so speak clearly please.

Ma'am?

MS. HARNEY: My name is Elaine Harney. I'm actually one of the current owners of the land.

I just have a question about the stormwater. Because on that north end, all the water from 9W drains down into those wetlands and it flows north. So my sister has a property right across the street and it tends to flood when there's a big storm. So I wonder how you're going to address that, because I know you can't touch the wetlands, and usually they have like retention ponds or some kind of drainage, something around the property?

If you have wetlands, how are you addressing the stormwater from the runoff from 9W?

MS. MLODZIANOWSKI: So to speak on the stormwater and hopefully help answer that question a little more, so



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that area that drains does come through the area that we are not touching. We are proposing an underground storm system under this area of the parking lot to help detain the stormwater and release it at a rate slower than it does today.

MS. HARNEY: Oh, okay. I didn't realize that. Thank you.

CHAIRMAN EWASUTYN: The gentleman in the back.

MR. DETZ: Frank Detz, 12 Midway Drive.

I took some measurements yesterday and I would like to understand. A northbound tractor trailer making the right onto North Hill Lane and the turning radius of the vehicle, keeping within its own lanes, because at Patty Cake childcare -- I don't understand how a 65-foot trailer tractor combination is going to make the turn and still stay out of the oncoming traffic from North Hill. Has anyone done any turning radius studies on that? I know that someone just took out

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the fire hydrant and the telephone pole on that corner. So I'm just asking has anyone bothered to look and see whether or not the tractor trailers are going to have to pull into the southbound side of 9W or into the eastbound North Hill Lane? I think it's just a matter of physics at this point.

MS. MLODZIANOWSKI: To answer that question, we have run a truck turn template which is a little hard to see from there I'm sure.

Typically the store would have a WB-67, which is your full size tractor trailer. We have reduced that here so that this specific store will have a smaller WB-50 truck. In that instance we are able to run the truck sufficiently to turn off of 9W into the site, back into the delivery area and pull forward onto North Hill Lane with enough room that it would not block any cars entering the street.

MR. DETZ: And the exit and

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pickup at Patty Cake, I don't see how a tractor trailer pulling out of Dollar General, trying to get into North Hill Lane, is going to do so without blocking North Hill Lane in both directions. If there's any -- if it's 5:00, it's a very, very difficult road, 9W, to access from North Hill Lane.

Is there any hours of delivery that are being proposed or restricted so that it would be during a lesser traffic time?

MS. MLODZIANOWSKI: To answer that question, the hours of deliveries are not set yet. That will be set by the tenant closer to the time that there's actually a store there and it gets added into the delivery route.

Also, keeping in mind that this is a smaller tractor trailer so it might have a different route than the bigger truck as well. That's set by the tenant.

MR. DETZ: It's only 22 feet wide at the Patty Cake, 9W, North Hill Lane

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turn. 22 feet wide. You're coming from a distance of 24 feet from the center line of 9W, all the way into the grass, and that's using the gutter along with it. Again, I'm not certain that the swing will make it.

If you say you've got a turn radius chart there that will show that it will, and if it does, all it takes is one car trying to make a left-hand turn on 9W at 5:00 at the time of a delivery, entrance or exit, and the tractor trailer will be stuck on North Hill Lane.

DR. GREALY: Mr. Chairman, Philip Grealy from Colliers Engineering.

I just wanted to add to what Caryn said. As part of this development we are doing some shoulder widening. We are increasing the width. Your dimensions are correct. We are increasing the width from our driveway out to 9W.

We will also be striping the road to position the vehicles.

As Caryn said, the deliveries are

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not set right now but typically the deliveries would occur off-hours at a location like this. However, with that increased width, we have the ability for a vehicle to turn. The turning tracks were done.

This project has been reviewed by New York State DOT. There was a detailed traffic study, accident study, evaluation of the intersection. DOT has provided the comments to the Town. They are all incorporated into the plan. It's also been reviewed by the Town's consultant.

There will be some improvements on North Hill Lane itself to improve that operation.

MR. DETZ: Are you going to widen just North Hill Lane --

DR. GREALY: Correct.

MR. DETZ: -- or are you going to widen 9W?

DR. GREALY: There's no widening on Route 9W.

MR. DETZ: Because there is a

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telephone pole --

DR. GREALY: Correct.

MR. DETZ: -- and stop signs.

DR. GREALY: Correct.

MR. DETZ: The best I can see that you can do from the pole to the road as it sits now is probably 12 feet.

DR. GREALY: Correct.

MR. DETZ: Is that going to be enough to allow the trailer to make the swing and is that what your studies were predicated on for the WB --

DR. GREALY: The WB-50 turning tracks are standard, you know, modeling. It's based on the improved width of the road.

CHAIRMAN EWASUTYN: Frank, Ken Wersted with Creighton, Manning, the engineers, represents the Town.

Ken, will you speak on behalf of some of these questions?

MR. WERSTED: The applicant had done a truck turning analysis, obviously with vehicles moving in and out of the

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driveway. It was something that we identified very early on, that in the narrow, larger vehicle -- in the narrower road, larger vehicle condition, the truck could have pulled out and had its tail -- the end of the trailer still hanging over towards the inbound lane. We had suggested some shoulder improvements, the smaller truck.

And maybe Caryn, can you identify how often truck deliveries occur? Because it's certainly not every day, as far as I know.

MS. MLODZIANOWSKI: Yeah. Typically it's about two times a week for that truck.

MR. WERSTED: Thank you.

CHAIRMAN EWASUTYN: And you've done a coordination with the DOT on this?

MR. WERSTED: Yes. We submitted our comments. DOT is reviewing it. They had asked the applicant for a few more items to complete their review.

I can say from personal

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experience, I live near a Dollar Tree type of store, I see anywhere from five to eight vehicles parked there at any one time. I can probably only recall there being -- seeing a truck there maybe once a week, you know, when I happen to drive through. So it's not a high trucking type of facility. When there's only two trucks a week coming in, they can time that to avoid the peak pick-up times of the daycare center.

MR. DETZ: And that will be on the person that's renting the store or operating the store?

MR. WERSTED: I believe it will be the manager. Obviously they would be familiar with the operation of the intersection.

The parents are really busy dropping off kids between 7 and 9 and picking up from 4 to 6. You know, if you're pulling in, be aware of that. Maybe you could, you know, time your deliveries to get to the store before that



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or leave later, you know, and coordinate that.

CHAIRMAN EWASUTYN: We have a letter from the Patty Cake. We would like to read that into the minutes, please.

MR. MENNERICH: It's from Patty Cake Playhouse, Incorporated dated June 24, 2021 to the Town of Newburgh Planning Board, attention John Ewasutyn regarding Dollar General. "Dear Chairman Ewasutyn, 5288 Route 9W, LLC, a/k/a Patty Cake Playhouse, Incorporated is located at Section 24; Block 1; Lot 1.2.120. As a sole principal owner of such, I am writing this letter in support of the project known as Dollar General Balmville, project number 2020-04, project location Section 24; Block 4; Lot 1.12. When the project first was brought to my attention, our concerns that I had were addressed through conversations with Ken Fioretti, the development manager, who shared with me their plans and reports. I also followed the progress throughout the

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various Zoning and Planning Board meeting minutes. After my review of such, I feel that the Dollar General will have no adverse affects on the daily operation of Patty Cake. I want to thank the Board for their diligent work in bringing a viable business to the Route 9W corridor and keeping it aesthetically aligned with the area. Respectfully submitted, Donna M. Conklin, president."

CHAIRMAN EWASUTYN: Additional questions or comments from the public?

Elaine.

MS. HARNEY: Can you tell me where the retaining wall is going to be in relationship to the drain that goes underneath the roadway?

MS. MLODZIANOWSKI: Sure. So the drain from under the roadway is over in this corner here. We have a retaining wall that starts right at this point, that tan line, that wraps there and then around the back.

MS. HARNEY: So on the north side

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where is that pipe that goes through the road?

MS. MLODZIANOWSKI: Over here.

MS. HARNEY: So the retaining wall is going to be tight up against that pipe?

MS. MLODZIANOWSKI: We're leaving some room. This doesn't really show it. It's probably about here compared to the wall over here.

MS. HARNEY: The other question I have is there is a residential area around that. Are you planning on putting any of that beautiful wall or plant or any of the beautiful things that you're going to have on 9W on the side of North Hill Lane?

MS. MLODZIANOWSKI: It is not the plan at this time. As far as the wall itself goes -- we could consider plantings. As far as the wall itself goes, we have a 30 foot utility easement that we have to honor for that portion. But we could consider plantings.

MS. HARNEY: Okay. That's it.

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Thank you.

I think it's a great idea. I love the way it looks from 9W, and I agree with Patty Cake. I think it will be a great asset to that area, especially in Middlehope. I heard you guys say that you wanted to clean up that spot there. So I think this will be a great addition to the area.

MS. MLODZIANOWSKI: Thank you.

MR. FIORETTI: Thank you.

CHAIRMAN EWASUTYN: The gentleman in the back.

MR. FETTER: Bill Fetter, Rockwood Drive.

Back to the traffic issue. Is this site and all sites that are before the Board considered jointly when an analysis is done? Is the sum of all of the projects that are projected and well along their way, especially in this corridor, are all of those other projects, even though they're not yet developed, are they accounted for in the traffic

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analysis?

DR. GREALY: Yes. Philip Grealy again from Colliers.

So the traffic study that's prepared for this project includes other either approved and not constructed yet or projects that are in front of the Planning Board, and also background growth increases or things that may happen. So that's all part of the equation.

MR. FETTER: Thank you.

CHAIRMAN EWASUTYN: Further questions or comments from the public?

Frank.

MR. DETZ: Frank Detz again. Within these traffic studies is there anything that would lead me to believe that within the next couple of years there will be a traffic control device, a traffic light in that corridor to break up the traffic flow? Right now if you're trying to get out and make a left-hand turn, whether it's Devito Drive, North Hill Lane, it is a real son of a gun to

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get in and out safely. The suicide attempts that I see at Patty Cake, I wouldn't take them and I've got a zippy car.

I'm just saying is there any traffic control devices along that corridor? I understand that it may or may not be germane to the item on the floor at the moment, but has there been something along that line done?

CHAIRMAN EWASUTYN: Phil Grealy.

DR. GREALY: So just as part of our traffic evaluation, at this particular intersection we have to do what's called a traffic signal warrant analysis. It looks at the projections of how much traffic will go by per hour of the day and what the traffic generation is. That's under the control of New York State DOT. At that location it doesn't satisfy the warrants for a signal.

In terms of other locations north or south, whether or not there would be a signal, I know when QuickChek went in they

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were looking to put in a signal at the time. DOT said no. But that's something they do re-evaluate.

Ken may know some of the other projects either further north or south and whether other signals are being considered.

Essentially the DOT continues to look at intersections. If there's increased volume or accident history, that would also be taken into the equation. Any signal in that stretch would help the other intersections because then you would create some gaps.

CHAIRMAN EWASUTYN: Ken Wersted with Creighton, Manning, your name was brought up in this conversation.

MR. WERSTED: Yes. The Planning Board has an application before it up near the Overlook Farm, just south of Morris Drive. There is a project proposed at that site. That project is proposing to come into Route 9W with a traffic signal. DOT is reviewing that. They haven't

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signed off on it yet. That's the only new one I'm aware of proposed in that corridor.

MR. DETZ: And that's an existing traffic signal that controls the flow from -- that comes in up there.

MR. WERSTED: There's that signal, but this new project is proposing one south of there. So there would be two traffic signals.

MR. DETZ: Okay.

MR. WERSTED: It's about three-quarters of a mile north of this site.

MR. DETZ: I'm intimately familiar with 9W in that area. If you don't mind, I would like to talk to you during your normal business hours and just get some kind of an overview as to what's going on.

MR. WERSTED: Certainly.

MR. DETZ: Thank you very much.

CHAIRMAN EWASUTYN: Further questions or comments from the public?



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(No response.)

CHAIRMAN EWASUTYN: At this point I'll turn the meeting over to Planning Board Members. Frank Galli?

MR. GALLI: No additional.

MS. DeLUCA: No additional.

MR. MENNERICH: No.

MR. DOMINICK: I just want to thank Elaine and Frank for your comments. We appreciate that. I believe the applicant has satisfied those comments or concerns.

One thing. Caryn, if we can make sure that the north entrance gets dressed up with some landscape as it welcomes the neighborhood, community. A little more flowers and so forth, or plantings in that area as suggested by, I believe it was --

CHAIRMAN EWASUTYN: Elaine.

MR. DOMINICK: -- Elaine.

MS. MLODZIANOWSKI: Certainly.

MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: Okay. Jerry Canfield, Code Compliance?

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MR. CANFIELD: Just one comment. During the work session we had talked about the stonewall in the front and its proximity to the gas line. We ask that you coordinate with Central Hudson. Pat and I were looking at the plans. It does appear that it's very close or encroaching the actual right-of-way, the utility easement right-of-way. That's a high pressure gas main there.

MS. MLODZIANOWSKI: We'll be sure of that. Thank you.

MR. CANFIELD: Thank you. That's all I have.

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

MR. HINES: We've reviewed the project and had several revisions based on our comments.

We have a couple of cleanup items still.

We're waiting for the final design of the sanitary sewer system to be provided.

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There needs to be some modification to the fire sprinkler line and the potable water line as a cleanup item.

Then we have been commenting on the stormwater management plan. We recently received an update of that plan from Caryn which we're reviewing. The water quantity and quality control is there. It was a narrative that we were waiting for which we received yesterday. So there's a couple of cleanup items.

CHAIRMAN EWASUTYN: Ken Wersted with Creighton, Manning, to summarize.

MR. WERSTED: All of our previous comments have been addressed.

We do note that DOT has a few outstanding comments that I believe the applicant is following up with. Outside of that, we're satisfied.

CHAIRMAN EWASUTYN: Any further questions or comments from the public?

The gentleman in the back.

MR. FETTER: Again, Bill Fetter,

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Rockwood Drive.

Is it on-site septic or is it --

MS. MLODZIANOWSKI: Yes.

Correct.

MR. FETTER: -- leach field?

MS. MLODZIANOWSKI: On-site  
septic.

MR. FETTER: Thank you.

CHAIRMAN EWASUTYN: Okay. Having  
no further questions, I believe, or  
comments from the public at this time,  
would someone move for a motion to close  
the public hearing?

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: I have a  
motion by Ken Mennerich.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a  
second by Dave Dominick.

May I please have a roll call  
vote starting with Frank Galli?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: At this point would the Board be satisfied with granting ARB approval for the site plan in front of us? We haven't acted on that.

MR. GALLI: I'll make a motion to approve the ARB.

MS. DeLUCA: I'll second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli, a second by Stephanie DeLuca to approve the ARB before us.

There is a form that is filled out based upon coloring and material that will be submitted and made part of the records.

Having heard from Frank Galli and Stephanie DeLuca, I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

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MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion  
carried.

At this point I'll turn the  
meeting over to Planning Board Attorney  
Dominic Cordisco to just discuss with us  
conditions of final approval.

MR. CORDISCO: Thank you,  
Mr. Chairman.

So the conditions of final  
approval would include the engineering  
revisions as outlined by Mr. Hines and  
contained in his July 8th comments to the  
Board, as well as any additional comments  
that he may have on revised plans that  
have been submitted since that time.

The conditions would also include  
obtaining any and all outside agency  
approvals, including the highway work  
permit from the New York State Department  
of Transportation for improvements and  
modifications to Route 9W. And the  
Board's standard conditions.

CHAIRMAN EWASUTYN: Jerry

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Canfield, Pat Hines, do you have anything to add to that?

MR. HINES: No.

MR. CANFIELD: On the conditions, the landscape cost estimates to be posted and the stormwater management estimates and inspection fees should be added.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: That's what I was going to say.

CHAIRMAN EWASUTYN: Having heard the conditions of approval mentioned by Planning Board Attorney Dominic Cordisco, and the other ones presented by Jerry Canfield, Code Compliance Department, that will be added to that resolution, would someone make a motion to approve Dollar General subject to those conditions?

MR. DOMINICK: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by Frank Galli.

Any questions or comments?

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(No response.)

CHAIRMAN EWASUTYN: Can I please  
have a roll call vote starting with Frank  
Galli?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MS. MLODZIANOWSKI: Thank you.

CHAIRMAN EWASUTYN: Thank you.

MR. FIORETTI: Thank you very  
much.

(Time noted: 7:25 p.m.)



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

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

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

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

IN WITNESS WHEREOF, I have  
hereunto set my hand this 28th of July 2021.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X

In the Matter of

MAHER - 50 COCOA LANE  
(2021-09)

50 Cocoa Lane  
Section 34; Block 2; Lot 71.34  
R-1 Zone

----- X

PUBLIC HEARING CONTINUED  
TWO-LOT SUBDIVISION

Date: July 15, 2021  
Time: 7:27 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

1  
2 CHAIRMAN EWASUTYN: The second  
3 item of business this evening is Maher.  
4 It's a continuation of a public hearing  
5 for a two-lot subdivision. It's project  
6 number 21-09. It's located on Cocoa Lane.  
7 It's in an R-1 Zone.

8 At this point I'm going to have  
9 Ken Mennerich read a letter that we  
10 received.

11 MR. MENNERICH: The letter is  
12 from Engineering & Surveying Properties  
13 dated July 12, 2021 to the Town of  
14 Newburgh Planning Board, attention John  
15 Ewasutyn, Chairman, regarding work order  
16 number 1325.02, Planning Board application  
17 2021-09, Maher - Cocoa Lane, 50 Cocoa  
18 Lane. "Dear Mr. Ewasutyn, as per my  
19 earlier e-mail, Michael Maher has asked  
20 that we formally withdraw the application  
21 for subdivision for his property at  
22 50 Cocoa Lane. If you have any additional  
23 questions and/or comments, please do not  
24 hesitate to contact this office.  
25 Sincerely, Engineering & Surveying

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Properties, P.C., Ross Winglovitz, PE."

CHAIRMAN EWASUTYN: Any questions  
or comments from the public on behalf of  
that this evening?

(No response.)

CHAIRMAN EWASUTYN: Thank you.

Dominic, any action that we take  
now as a matter of record?

MR. CORDISCO: No. The  
application has been withdrawn by the  
applicant, so there's nothing further for  
the Board to do.

CHAIRMAN EWASUTYN: Thank you.

(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  
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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 28th day of July  
2021.

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

OVERLOOK FARMS - A FARRELL COMMUNITY  
(2019-23)

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

----- X

SITE PLAN

Date: July 15, 2021  
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  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
DAVID DOMINICK

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

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

----- X

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

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CHAIRMAN EWASUTYN: Our third item of business this evening is Overlook Farms, a Farrell Community, project number 19-23. It's a site plan. It's located at 5417 Route 9W. It's in an R-3 and B Zoning District. It's being represented by JMC Consultants.

MR. GUCCIONE: Good evening. My name is Anthony Guccione. I'm with JMC. I have with me Peter Gaito, Project Architect, and Stanley Schutzman, Attorney.

We were last before your Board in April. We have since made a subsequent submission. That submission included a stormwater pollution prevention plan as well as a floodplain analysis.

We had received a couple of additional comment letters, which, if the Board is okay, we would like to respond to them in writing as we've been doing in the past.

We met with the Marlborough School District superintendent, Michael

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Brooks. He was satisfied with the project.

We also submitted to the DOT. We're awaiting comments on our stage 1 submission from the DOT, on our subsequent submission to them.

That's really all we have tonight. We understand the SWPPP is still under review by MH&E.

We'd be happy to answer any questions.

CHAIRMAN EWASUTYN: Stan, would you, for the record, just discuss Berry Lane and the right-of-way just so it's clear?

MR. SCHUTZMAN: Mr. Chairman, that's on the next one, on the Farrell Industrial Park.

CHAIRMAN EWASUTYN: Thank you. My apologies.

Okay. Pat Hines, Dominic Cordisco, we were talking about the possibility of a negative declaration?

MR. HINES: That's the next one



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as well.

CHAIRMAN EWASUTYN: I'm getting ahead of myself on this.

So then the action before us this evening is just to refer this to the Orange County Planning Department if the Board agrees?

MR. GUCCIONE: If the Board agrees. I mean if we're ready for a negative declaration, we would certainly be happy.

We understand the SWPPP is still being --

MR. HINES: We have the final sign-off on the traffic, the SWPPP review. We also gave some comments on the floodplain analysis. I did speak to their engineer as well today and he's going to respond to those comments.

So there are a couple of what I would consider environmental issues still outstanding. The design of the sewage treatment plant, at least the discharge limits, the wetlands. The plans identify

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a .3 acre wetland disturbance. I believe that that will need at least a pre-construction notification to the Army Corp.

MR. GUCCIONE: The project is putting together the mitigation measures.

MR. HINES: I think those are some of the -- there's also an indication that rock crushing would occur on the site. We're looking -- I know you've done some geo-tech work to identify that rock, but the Board is interested in receiving some additional information on that, regarding the volume of the rock, the amount of rock that's going to be crushed on the site to remain, and how much material will be leaving the site.

MR. GUCCIONE: Okay.

MR. HINES: That's included in the gist of my comment 12 on there. But I do believe that the plans are of sufficient detail that they could be submitted to the Orange County Planning Department for a 239 review.

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CHAIRMAN EWASUTYN: Ken Wersted,  
can we discuss the advances in the traffic  
study?

MR. WERSTED: Yes. We've  
reviewed the project and we only  
identified a couple of minor sidewalk and  
crosswalk updates to the plan currently.

We previously commented on the  
traffic study. We noted that DOT had  
issued comments dated April 27th that I  
believe the applicant still has to respond  
to. DOT was looking for some additional  
information about the traffic model and  
how this site's proposed traffic signal  
south of Morris Drive would be coordinated  
with Morris Drive. A previous submission  
had looked at the potential for a project  
across the street which has been tabled  
because it's not part of this. As DOT  
gathers that applicant's response, they'll  
be able to come back and give us more  
direction on whether they're going to  
allow a traffic signal at this location.

CHAIRMAN EWASUTYN: Jerry

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Canfield, do you have anything to add?

MR. CANFIELD: I have nothing additional.

CHAIRMAN EWASUTYN: Peter, Stephanie DeLuca, one of our Board Members, would like to discuss with you the colors that you proposed and the possibility of -- Stephanie will speak on what she might consider alternate colors.

MS. DeLUCA: Yes. Thank you.

Having thought quite extensively about the color palette that you had chosen, I was just wondering if there was any way that you may consider something a little bit softer in color versus the bright red and black and gray?

MR. GAITO: Good thoughts. Good question.

I wish I had them in front of you. I had probably literally a dozen, 24 different, maybe 30 schemes, all different color palettes, all different color arrangements, trims of buildings. I mean we laid them all out. We narrowed it down

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to what we brought last time. So there's ways that -- maybe your perception might think it might be nice.

We worked with the applicant, the owner as well as the landscaper and, again, Farrell is trying to develop unique communities wherever they are so they don't look cookie cutter wherever they might be. So in this particular case, the colors chosen, the ones that are sort of reminiscent of Overlook Farms itself, homage to this, the fact that they're 500 feet plus back up in the hills, you know, with the fall foliage and things, all of it will blend in, and in the wintertime such with the white and the snow. That's sort of -- the whole landscape was taken in totality.

It's not like a building downtown where you will see it as it's set up where the colors are kind of purposely meant to maybe have some shadow, play the sunlight and shadow with the different color arrangements. It's, again, with the full

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seasons of the landscape at Overlook Farms.

MS. DeLUCA: All right. So you were looking not so much to blend in but rather -- because it is quite outstanding. I was just wondering about, you know, the whole idea of, you know, farmland and everything else. It's just very bold and very striking.

MR. GAITO: I understand. From Route 9 up in the hill, twisted to the side, that far setback, it's not going to be like a big red something. In fact, it's dotted in. It's not like it's a solid red -- you know, a solid gray, solid red, solid gray. So we did this on purpose to break up the massing. Otherwise it will just look like Army barracks up on the hill.

We wanted a nice, pleasant image from across the street, driving by. Hence, the different color choices.

MS. DeLUCA: I understand what you're saying. I just thought that the

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color scheme was bold. I was just wondering if you would consider something else. Something softer. That's fine.

MR. GAITO: I mean I'm not sure what softer would mean to you.

MS. DeLUCA: Greens, beige. Softer. Agricultural colors. In that scheme.

MR. GAITO: Okay.

MS. DeLUCA: Thank you.

MR. GAITO: Sure.

CHAIRMAN EWASUTYN: Okay. We have time both on the site plan. Karen somewhat is in favor of the landscaping, so we'll revisit this at another point in time. But there's some concern as to the possibility of a visual impact. We'll look at this further one more time.

MR. GAITO: Sure.

CHAIRMAN EWASUTYN: At this time would someone move for a motion to refer Overlook Farms, a Farrell Community, to the Orange County Planning Department?

MR. MENNERICH: So moved.

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MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich, a second by Frank Galli. May I please have a roll call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: I apologize for being ahead of myself.

MR. HINES: Anthony, I'm going to need a complete set of everything to send them, the plans and --

MR. GUCCIONE: Sure.

MR. HINES: -- the voluminous reports that you generated, as well as a flash drive. They're wanting everything electronically as well. If you can get that to me, I'll do the circulation.

MR. GUCCIONE: Okay. Thank you.

(Time noted: 7:37 p.m.)



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

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Public for and within the State of New York, do  
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I further certify that I am not  
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IN WITNESS WHEREOF, I have  
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2021.

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

FARRELL INDUSTRIAL PARK  
(2020-16)

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

----- X

SITE PLAN

Date: July 15, 2021  
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  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
DAVID DOMINICK

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

APPLICANT'S REPRESENTATIVE: JOSEPH MODAFFERI &  
STANLEY SCHUTZMAN

----- X

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

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2 CHAIRMAN EWASUTYN: Our fourth  
3 item of business this evening is again  
4 Farrell Industrial Park. It's a site  
5 plan, project number 20-16. It's located  
6 on New York Route 300 in an IB Zone and  
7 it's represented by JMC Consultants.

8 MR. MODAFFERI: Good evening,  
9 Chairman, Members of the Board. For the  
10 record, my name is Joe Modafferi with JMC.  
11 Also here tonight is the project attorney,  
12 Stan Schutzman.

13 We're here tonight to continue  
14 the site plan approval process for Farrell  
15 Industrial Park development and as you had  
16 mentioned earlier, to request that your  
17 Board consider a SEQRA determination so  
18 that -- and then a further referral to the  
19 ZBA so we can speak to them about the  
20 height variance we need.

21 We were last here in May and  
22 since then we were working on addressing  
23 certain technical comments from your  
24 consultants and we also made a submission  
25 to the Orange County Department of Health

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for the septic system. Most of the comments were very minor, technical type things and we're in receipt of a few more minor technical comments and looking forward to addressing those in the near future.

If the Board has any questions on anything right now, we'll be happy to answer them.

CHAIRMAN EWASUTYN: Any questions from the Board? Frank Galli?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No. I'd like to defer to Pat Hines.

CHAIRMAN EWASUTYN: Stan, now I'll bring you forward, please.

MR. SCHUTZMAN: Thank you. Stanley Schutzman on behalf of the applicant.

I had done some research and I sent to the Planning Board Attorney, Mr. Cordisco, my analysis of it which included a most recent title report within

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the last several months and it was my opinion that Berry Lane as such ends at the property line and does not in any way whatsoever on site have any consequence or impact.

As evidence of that, I had sent Mr. Cordisco the title report. It shows no easements, no covenants, no restrictions that would affect the parcel and also in looking at the Town map, the Town shows that Berry Lane as a road does end at the property line.

When I had the title company do some further research on it, what they -- their opinion was that Berry Lane initially was a right-of-way that led off of 52 and it came up addressing and adjoining all the properties that it came up to and it ended right at that line which was then owned by Anderson.

So in the context of the title company's existing report and in the context of the title company's existing review and in the context of the Town map,

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all that was presented to the Planning Board Attorney for that determination.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney?

MR. CORDISCO: That's correct. So Mr. Schutzman had forwarded over those materials. I have reviewed them and I concur that Berry Lane as shown on the plan is not a Town road and does not have -- there are no rights of others to that.

The import of all of this I believe is to remove it as a reference on the plan.

MR. SCHUTZMAN: Yes.

MR. CORDISCO: Which I have no objection to.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance, questions or comments?

MR. CANFIELD: Just one thing. I'll jump ahead. It was one of Pat's comments.

With respect to the fire

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suppression, it says that a water tank will no longer be needed. Fire pumps will be provided at each building.

Just a suggestion is to coordinate with our Water Department and Engineering Department. It will probably be a negative pressure on the Town system, to make sure that all necessary protections for the Town water system is in place.

MR. MODAFFERI: Okay. And that would be during the permit.

MR. CANFIELD: Yup. That's all I have.

CHAIRMAN EWASUTYN: Ken Wersted, Traffic Consultant?

MR. WERSTED: All of our comments have been addressed.

I think the only outstanding thing that we had talked to the traffic engineer about this week was impacts down Route 300, specifically at the Gardnertown Road intersection and we had a meeting this afternoon with the Polo Club which is

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also a project contributing to traffic in the area. So we will look to this project to contribute its fair share to improvements at the intersection just right up here at the corner, the project site.

The Polo Club's engineers are conducting a survey. They are preparing a design to develop a cost estimate for those improvements.

CHAIRMAN EWASUTYN: We'll keep that thought in mind.

Pat Hines with McGoey, Hauser & Edsall.

MR. HINES: Our first comment mirrors what Ken said as far as the need for a fair share contribution to the impacts to the Route 300, Gardnertown Road intersection right outside the building here regarding left-turn lane provisions.

The second comment has to do with Berry Lane which we discussed and we also discussed the water tank and fire pumps.

I have a separate memo regarding



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the stormwater pollution prevention plan.  
There are some cleanup items on that.

I concur with the fact that the plan itself meets the requirements for the DEC and the Town.

I did have a conversation with the applicant's engineer regarding the site as a stormwater hotspot and they have incorporated proprietary water quality improvement devices that will address the petroleum -- potential petroleum loading from the hotspot. It just needs to be updated in the report narrative.

The majority of those comments have to do with the report narrative and labeling things in the model. The project is before the ZBA at this time and this Board is the lead agency.

It's a type 1 action, greater than 100,000 square feet. The ZBA cannot take action until this Board makes a determination under SEQRA. We did discuss the SEQRA issues at a work session and it was felt that as long as the applicant was

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to go on record stating that they would participate with the Town Board in determining their fair share contribution, that the other environmental impacts on the site would be addressed.

We have reviewed the long form EAF and the additional information submitted and would be in a position with that issue being addressed to recommend a negative declaration for the project.

CHAIRMAN EWASUTYN: Stan Schutzman, I think at this point the ball is somewhat in your court.

MR. SCHUTZMAN: So in anticipation of that I also spoke to the Town Attorney, Mark Taylor, who said to me that the Town was not looking to create a highway improvement district, that these kinds of off-site improvements, specifically the one being discussed in connection with this project as part of the fair share allocation with Polo Club and whatever other projects might be coming along are going to be done

1  
2 separately through a developer's agreement  
3 and the applicant is prepared to accept as  
4 a condition to approval a mutually  
5 agreeable development agreement to be  
6 entered into with the Town providing for  
7 its fair share contribution of this  
8 off-site improvement.

9 CHAIRMAN EWASUTYN: Dominic  
10 Cordisco, can you advise us on what was  
11 stated now?

12 MR. CORDISCO: Yes. So the issue  
13 now is in connection with the Board's  
14 consideration of a negative declaration.  
15 I believe what I've heard just to confirm  
16 is that the applicant is agreeing to make  
17 its fair share contribution and that's  
18 going to be an amount and a mechanism  
19 that's determined in agreement with the  
20 Town Board.

21 MR. SCHUTZMAN: That's correct.

22 MR. CORDISCO: So as far as the  
23 Board's concerned, you know, you're lead  
24 agency under SEQRA so the traffic  
25 mitigation is being addressed through this

1  
2 mechanism that will be decided at a time  
3 with the Town Board because the Town Board  
4 will oversee what will be the appropriate  
5 amount and how that would be funded.

6 If the Board is otherwise  
7 satisfied overall with the project, the  
8 Board could at this time consider issuing  
9 a negative declaration which would provide  
10 the means for the applicant to return to  
11 the Zoning Board of Appeals to complete  
12 the process which has been ongoing, but  
13 cannot complete until this Board completes  
14 its SEQRA process.

15 CHAIRMAN EWASUTYN: At this point  
16 I'll turn to Dave Dominick.

17 MR. DOMINICK: No further  
18 questions.

19 CHAIRMAN EWASUTYN: Are you  
20 satisfied with the discussion and the  
21 language?

22 MR. DOMINICK: Yes.

23 CHAIRMAN EWASUTYN: And the  
24 method that will be put in place?

25 MR. DOMINICK: Yes.

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MR. MENNERICH: Yes.

MS. DeLUCA: Yes.

MR. GALLI: I agree.

CHAIRMAN EWASUTYN: Having heard from our Attorney, Dominic Cordisco, from our Consultants, McGoey, Hauser & Edsall, Pat Hines, conversation from Ken Wersted with Creighton, Manning and everyone's willingness to abide by this fair share contribution that will be determined in the future by the Town Board, would someone then move to, because this is a type 1 action, declare a negative declaration on Farrell Industrial Park?

MR. DOMINICK: I'll make the motion.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion made by Dave Dominick and a second by Ken Mennerich.

May I please have a roll call vote starting with Frank Galli?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: You're on the August agenda for the ZBA?

MR. MODAFFERI: Yes. That's where we would be because there's not enough time between now and the July agenda to do the notices, et cetera. So we would be on the August agenda.

CHAIRMAN EWASUTYN: And our meeting dates in September, just for a matter of discussion, would be the 2nd of September and the 16th of September as a matter of discussion. I know you like to plan.

MR. HINES: So I would also offer that myself and Mr. Cordisco will do a written elaboration of that negative declaration for the Board so that it will be recorded in the record as well addressing each of the items in the part 2 and how the project does not result in a single environmental impact.

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MR. MODAFFERI: If I could ask just one more thing since we are on the late August --

CHAIRMAN EWASUTYN: Let's talk about it at the time.

MR. MODAFFERI: Well, I'd like to work with Pat Hines during that time on the SWPPP issues in between.

CHAIRMAN EWASUTYN: Sure.

MR. MODAFFERI: Okay. And, of course, whatever I submit to Pat, I would copy to the Board.

CHAIRMAN EWASUTYN: Thank you.

MR. MODAFFERI: Thank you very much.

MR. SCHUTZMAN: Thank you all.

(Time noted: 7:50 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have  
hereunto set my hand this ^ day day of ^ Month  
2021.

*Michelle Conero*

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MICHELLE CONERO



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

----- X

In the Matter of

MILLER ENVIRONMENTAL  
(2019-27)

77 Stewart Avenue  
Section 98; Block 1; Lots 27.2, 20.1 & 18  
IB/R-3 Zones

----- X

SITE PLAN/LOT LINE CHANGE

Date: July 15, 2021  
Time: 7:50 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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CHAIRMAN EWASUTYN: Our fifth item of business this evening is Miller Environmental, project number 19-27. It's a site plan and a lot line change. It's located on 77 Stewart Avenue in an IB and R-3 Zone. It's here before us this evening being presented by Charles Brown, PE of Talcott Engineering.

MR. BROWN: Thank you, John. When we first started this project it was very small lots. We did consolidate those, and we had some encroachments. We proposed a lot line change to take care of those encroachments. We went for variances and we got those in February. So we're now back before the Board to move this project forward.

CHAIRMAN EWASUTYN: Jerry Canfield, do you have any comments on Miller Environmental?

MR. CANFIELD: Just one. To answer one of Pat's comments and questions, basically on the use of the facility, a little history.

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2                   This site did receive several ZBA  
3 variances because it's lost its existing  
4 nonconforming protection in that case.  
5 They're mostly all area setbacks. The use  
6 itself, though, was existing conforming.  
7 So I don't believe there's an issue with  
8 the use. It's still, I believe,  
9 processing.

10                   So there is a section of the  
11 code, 185-39, that deals with bulk storage  
12 petroleum, which of course they must  
13 comply with. But I don't believe the use  
14 is an issue.

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

17                   MR. HINES: Yes. The plans have  
18 been revised per our previous comments.  
19 We do have some additional comments on the  
20 detailed plans that were submitted.

21                   The ZBA had granted the necessary  
22 variances back in February.

23                   There continues to be an oil tank  
24 on the properties that are now or formerly  
25 the New York State Thruway or DOT, and

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that should be removed prior to final approval to eliminate that encroachment.

We just noted a discrepancy on the ZBA date on the plans. It looks like there's a day difference, unless this year was a leap year. I don't recall. One approval says the 29th and one says the 28th.

MR. BROWN: It's the 28th.

MR. HINES: So the facility has increased its capacity. It's now permitted by the DEC and the City of Newburgh to accept 75,000 gallons per day discharge, up from what I believe was a 50,000 gallon per day discharge, or thereabouts. So there's been an increase in the treatment which is why the facility is here, number one, to clean it up, and then they're looking to put structural covers over areas that are exposed to the weather right now.

In addition, the DEC permit allows for up to 250 55-gallon drums of contaminated soil on the site. One of the

1  
2 structures they're proposing is a building  
3 where those 55-gallon drums are  
4 consolidated into larger containers to be  
5 removed from the site. All of that is  
6 detailed in the DEC's permits.

7 The applicant identified that the  
8 lighting has been depicted on the plans.  
9 There's no detail of that lighting. That  
10 should be provided.

11 We have a comment regarding the  
12 Town Sewer Department making sure that  
13 they are aware of the increase in flow  
14 from the site. I know the City of  
15 Newburgh has issued an industrial user  
16 permit for the site which was provided. I  
17 just want to make sure that the Town Sewer  
18 Department is aware of the increase in  
19 flows and any impacts to their permitting  
20 requirements.

21 The highway superintendent's  
22 comments on the revised access road should  
23 be received.

24 The applicant has requested a  
25 waiver for topography to be depicted on

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the site. The existing buildings are all proposed at existing grade, one of which will be constructed on what are concrete tanks at this time. So the issue -- there's not substantial site grading on the site. If the Planning Board wishes to consider that waiver.

The project needs to go to Orange County Planning Department due to its proximity to Route 300 and 84.

ARB approval will be required at some point in the future.

The Board may wish to consider a SEQRA determination based on the plans that have been submitted.

CHAIRMAN EWASUTYN: Okay. Can we start with polling the Board Members if they are in agreement to waive the need for a topo on the existing site subject to the fact that there won't be any real grading and the existing buildings are currently in place and the footprint of those buildings won't be changing?

MR. HINES: Right. There are two

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new structures on the site, one of which is -- they are all constructed slab on grade. One is actually on top of what is a concrete tank enclosure right now. The other one is a slab on grade construction. That won't change the topography.

CHAIRMAN EWASUTYN: Jerry Canfield, do you support that waiver from the Planning Board?

MR. CANFIELD: Yes.

CHAIRMAN EWASUTYN: Is everyone in agreement?

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: Would someone make a motion to then waive the need for a complete topo of the subject property for Miller Environmental?

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Second by Stephanie DeLuca.

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May I please have a roll call  
vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: So are there  
two motions before us, one to refer to the  
Orange County Planning Department and the  
second being to declare a negative  
declaration?

MR. HINES: Right. And then  
potentially a third, to schedule a public  
hearing.

MR. GALLI: John, I have a  
question.

CHAIRMAN EWASUTYN: Question from  
Frank Galli.

MR. GALLI: Is there any  
mechanism in place to protect the Town in  
case this company walks away from that  
contaminated soil and the drums?

MR. RUSS: So we've posted a



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financial surety with the DEC. We prepared a closure plan. I'm not sure whether we gave you folks a copy of it, but we can.

In order to receive our permit we had to outline a plan for just what you said, if that facility was completely filled with waste, what would be the plan to clean it up, how much would it cost. We have actually posted the closure surety with the DEC that they hold in the event that it closes.

MR. GALLI: And that protects the Town?

MR. RUSS: It does.

MR. DOMINICK: Just for the record, could you please give us your name?

MR. RUSS: Noel Russ. I'm the facility manager of Miller Environmental.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: I'm good.

CHAIRMAN EWASUTYN: Let's take the first two items. We'll make a motion

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to declare a negative declaration and to refer this to the Orange County Planning Department.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: You had a -- this is discussion and the Board will decide. There was a public hearing for the variances at the ZBA. The questions and comments from the public at that time?

MR. BROWN: Did we have any?

MR. RUSS: I don't believe there were any.

CHAIRMAN EWASUTYN: So then the question for the Board is will the Board want to hold a public hearing on Miller

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Environmental. I'll start with Frank Galli.

MR. GALLI: Considering there was nothing -- they held a public hearing at the ZBA and there were no comments or public input at the ZBA, I don't feel it's necessary to hold another public hearing.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: Agreed.

MR. MENNERICH: I question Pat's comments that the public hearing is required.

MR. HINES: There's a couple of components here. There are some lot line changes involved here. There's several. There is not a subdivision, but there's some lot lines as well as the site plans.

CHAIRMAN EWASUTYN: There is a requirement?

MR. HINES: Well, lot lines don't specifically require it. There's numerous lot lines here, though, changing. I put it in there because there is a residential

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area in the vicinity. I wasn't aware of the ZBA hearing at the time. There are numerous lot line changes involved.

MR. BROWN: Just two.

MR. HINES: Two.

MR. GALLI: Were they brought up at the ZBA?

MR. HINES: The lot line changes would not have been brought up.

MR. GALLI: They weren't part of that?

MR. BROWN: They were because even with the lot line changes we don't meet setbacks. In other words, we have an encroachment right here. Berger was kind enough to allow us to move that property line off the corner of the building, but we still don't meet the setbacks. The other lot line change is --

MR. RUSS: It's Conklin.

MR. BROWN: His pool was on our property. So we moved the setback -- we moved the property line into our property so that he meets -- his pool is entirely

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within his property. So they were brought up.

MR. GALLI: Are we required to have one, Dominic, because of the lot line change?

MR. CORDISCO: The lot line change is required as a subdivision which requires a public hearing.

MR. GALLI: I'll rescind mine then.

CHAIRMAN EWASUTYN: When we have lot line changes before us, as a matter of the lot line change we never hold a public hearing.

MR. HINES: The ordinance has a streamline lot line change that does not require the public hearing for lot line changes, although it doesn't address multiple lot line changes.

MR. GALLI: Then I have to make up my mind.

CHAIRMAN EWASUTYN: Again, what do you want to do?

MR. GALLI: I want to do it

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right.

MR. DOMINICK: I think it would be cleaner to have one.

MR. GALLI: We have to do it properly.

MR. CORDISCO: My recommendation, regardless of whether you can or can't or should not waive it, would be that because of the nature of the facility, because of the proximity of residences, what was before the Zoning Board were variances in connection with certain zoning requirements but this is an amendment to the site plan use which relates more to the use of the property rather than just the variances.

I think it's properly in front of you, and because of the nature of the facility, in all honesty the public should at least be given an opportunity to speak in connection with the use of the property and the site plan.

MR. BROWN: It's going to have very little affect on our timeline because

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we have the thirty days.

MR. CORDISCO: That is correct.

CHAIRMAN EWASUTYN: So Pat, would August 19th be a proper date to set the public hearing?

MR. BROWN: Works for me.

MR. HINES: Yes, it would.

CHAIRMAN EWASUTYN: All right. Would someone move for a motion to set Miller Environmental site plan and lot line change for a public hearing --

MR. DOMINICK: So moved.

CHAIRMAN EWASUTYN: -- on August 19th?

Motion by Dave Dominick.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

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CHAIRMAN EWASUTYN: All right.  
So you'll work with Pat Hines like you  
always do.

MR. BROWN: Thank you very much.

(Time noted: 8:05 p.m.)



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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of July 2021.

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

DORRMANN SUBDIVISION  
(2021-03)

Weaver Road  
Section 11; Block 1; Lot 93  
AR Zone

----- X

BOARD BUSINESS

Date: July 15, 2021  
Time: 8:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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MR. BROWN: Would now be a good time to talk about Dorrman or should I wait?

CHAIRMAN EWASUTYN: Since you're here, let's talk about Dorrman now. The Planning Board -- bring us along on Dorrman, the condition of approval for the two-lot subdivision and the condition that was made in that final approval and the attempt to satisfy that.

MR. BROWN: We attempted to formalize the easement. The adjoining owner does have a right to access through my client's property. We put metes and bounds around it. We tried to get that formalized, but the adjoining owner, we couldn't come to terms with her.

My client's attorney recommended we just take it off the map because she does have rights.

CHAIRMAN EWASUTYN: Dominic Cordisco?

MR. CORDISCO: I concur. I have no issues with the removal of it.

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What the issue is is that the Board had approved that plan that shows that easement, so it does require action by this Board. It was also a condition of the approval. So you would be authorizing removal of the condition and authorizing removal of the references to the easement on the proposed final plat.

CHAIRMAN EWASUTYN: And then we would be -- you would be drafting a resolution that would be part of the file to cover us on that?

MR. CORDISCO: I could either do that or just prepare a memo indicating the Board's action.

CHAIRMAN EWASUTYN: Put that in the file.

MR. CORDISCO: Certainly.

CHAIRMAN EWASUTYN: So then the motion before the Planning -- Pat Hines, are you in agreement?

MR. HINES: Yes. I know the applicant and their representatives made a good faith effort in securing that

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easement which was unsuccessful.

CHAIRMAN EWASUTYN: Okay. Then let the record show that we'll make a motion that the Planning Board will remove the condition of approval for the Dorrman Subdivision which stated that there would be an easement provided, that the applicant has worked diligently with the neighbor, he wasn't successful, and that the Planning Board now, through the assistance of Dominic Cordisco, Planning Board Attorney, will remove that as a condition of approval for the Dorrman Two-Lot Subdivision.

Would someone move for that motion?

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich. Do I have a second?

MR. GALLI: Second.

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

MR. GALLI: Aye.

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MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. BROWN: Thank you.

I apologize to the other  
applicants.

(Time noted: 8:08 p.m.)

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

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2021.

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

UNIFIRST  
(2021-14)

33 Jeanne Drive  
Section 34; Block 2; Lot 38.32  
IB Zone

----- X

INITIAL APPEARANCE  
SITE PLAN

Date: July 15, 2021  
Time: 8:08 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JASON PITINGARO,  
GEORGE FARANOCKUS, LEO MALDONADO

----- X

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



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CHAIRMAN EWASUTYN: Our next item of business is Unifirst, project number 21-14. It's an initial site plan appearance. It's located on 33 Jeanne Drive in an IB Zone. It's being represented by Jason Pitingaro, PE.

MR. PITINGARO: Good evening. I'm Jason Pitingaro from Pitingaro & Doetsch, Consulting Engineers. I have George Faranockus, Project Architect, and Leo Maldonado, a representative from Unifirst Corporation.

CHAIRMAN EWASUTYN: Do you have a business card?

MR. MALDONADO: Yes, sir.

CHAIRMAN EWASUTYN: Can you please present that to -- I'll take one and one for Michelle Conero, the Stenographer.

MR. PITINGARO: We're here before the Board tonight for Unifirst which is at 33 Jeanne Drive.

This is an existing facility that houses a Unifirst transport facility.

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We're looking to make improvements on this site.

We had obtained a prior approval for similar improvements approximately fourteen to sixteen months ago. The applicant at that time did not move forward with those improvements. They were considering the building and their options and how to construct those additions. They came back and asked that we look to amend the approval or seek a new approval for a similar project which would include, again, a rear loading dock area and a front office space area.

There is office space within the existing structure and van loading areas within the existing structure right now.

They're looking to put a more proper loading dock in the rear and more proper office space to the front. The main difference in those features from what was proposed originally to what's proposed now is that the loading docks to the rear of the facility are going to be

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proposed in a more perpendicular fashion to the building where previously they were proposed and approved at an angle to the building. What we've done is recessed those or that addition to the east which has allowed the trailers to be put more perpendicular and allow them a little bit more room to pull out and navigate.

The other major modification was that we have modified the circulation to the building -- or the site rather, and created circulation around the entire building. Last time what we had proposed was a facility where the tractor trailer would drive past and then back into the site. This is going to provide a one-way in entrance for the tractor trailer, allow them to drive around and pass the facility and back into the loading dock area.

It will provide a separate entrance for the car traffic and parking that would access the office space in the front of the building.

There are some changes also to

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the appearance of the building. That goes in keeping with the fact that the building itself is slightly different. I'll let George speak to those.

MR. FARANOCKUS: So the view off of Jeanne Drive is the office addition in the front with the existing warehouse in the back.

We were trying to do a little bit of contrast. The reason for the gray color is twofold. We wanted to give it a little architectural appeal, stay away from the white metal that you see just about everywhere.

The second reason is white metal panels don't typically wear very well over time. We thought this would be a way to, you know, give it a little more longevity.

The office building in the front is what you're going to see off of Jeanne Drive. It's going to be a white gauge metal structure with a metal panel skin, a rain screen, and black anodized trim along the roof and the windows. That is the

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biggest difference in the elevation from  
the west.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: Is there any  
additional landscaping put on the site or  
the entrances or --

MR. PITINGARO: Yeah. We had  
proposed landscaping in the first  
iteration. We'll include landscaping with  
this application. We can go ahead and  
show that.

What we had proposed last time  
was some landscaping along the front of  
the building, so we actually have that  
shown here, and then some landscaping  
around the monument sign that will be  
included with this round as well.

MR. GALLI: Thank you.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: He answered my  
question. Thank you.

CHAIRMAN EWASUTYN: Ken  
Mennerich?

MR. MENNERICH: No questions.

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CHAIRMAN EWASUTYN: Dave  
Dominick?

MR. DOMINICK: Nothing.

CHAIRMAN EWASUTYN: Jerry  
Canfield, questions or comments at this  
time?

MR. CANFIELD: Just one question.  
The plan indicates that you're abandoning  
the existing water line and bringing in  
new four-inch service. Do you intend to  
sprinkler the building?

MR. PITINGARO: I believe that --

MR. FARANOCKUS: Yes.

MR. PITINGARO: That was the  
intention last time. Because we have  
racks of materials in there, we thought it  
best to do that. It is a one-story  
building, but, again, for safety purposes.

MR. CANFIELD: With a mixed  
commodity you may want to just check to  
make sure that a four-inch is sufficient.  
The cost of increasing to a six-inch isn't  
that much. It may not be needed, but just  
look at that.

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MR. PITINGARO: We'll do an analysis and make sure that it's sufficient. We did have originally some discussions with the Water Department and went through that, but we will revisit it.

MR. CANFIELD: The pressure isn't that great on Jeanne Drive. An increased size may be needed.

MR. PITINGARO: Sure.

MR. CANFIELD: That's all I have.

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

MR. HINES: We're just looking for the updates. Again, you previously did a bunch of design reports, but there's been some changes to the size of the building and the uses.

The septic system design hydraulic flow should change a little bit.

You have that underground stormwater storage proposed. There is additional pavement and impervious areas being added, so we'll be looking for those reports to be updated.

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The new driveway appears very close to the adjoining property line, if not touching it.

While we're discussing the adjoining property, it's been brought to my attention there's a water main crossing your site, serving the adjoining property. If you can discuss that as well.

MR. PITINGARO: There is an easement along our property that allows water service to -- I believe it's like an inch and-a-half service that serves the adjacent --

MR. FARANOCKUS: It's an eight-inch sprinkler system.

MR. PITINGARO: It's eight-inch. Okay. So there is that feature there. Our water line is also fed off of that line. Our line, we intend to cap that line and utilize the new line that we had proposed.

We can investigate moving the driveway further off of the property line. At this point I would say it's -- it is



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rather close.

MR. HINES: And the property line was a little obscured on the drafting of the plans.

MR. PITINGARO: Sure. It's probably approximately six feet from the property line. But we can look to move that over. We do have quite a bit of room between the building itself and the driveway. We can make provisions to either not impact or relocate the water line, if that's necessary, to allow the neighboring property to continue use of that.

And to speak to the septic flows, there will be some modest change in those flows. There will be changes to the stormwater. But we wanted to come before the Board and present the project before we finalize those.

CHAIRMAN EWASUTYN: Ken Wersted with Creighton, Manning?

MR. WERSTED: We had reviewed this against the previous project that was

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approved there I think just a year or two ago. The square footages are all pretty spot on. There's not any significant changes there.

The most notable change is the access point. What we approved previously was a tractor trailer coming down Jeanne Drive and having to reverse and back into the site, which I know is going to be likely a challenge. So this design does afford a much smoother kind of movement into and out of the site.

The challenge I see is that the truck templates that you provided don't really provide any margin of error. The driver will have to drive off of the presently paved section of Jeanne Drive and drive along the very edge of the pavement of this access drive on the east side of the building to ensure that the trailer clears, you know, either the ditch or, when you get to the back of the building, the corner of the building. There really isn't any margin of error

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there.

So I'm nervous that the pavement itself of your driveway is going to start to crack and fail, and that, in turn, will start to eat into your driveway. So some of the changes that you're suggesting, perhaps moving the access drive further away from the property line may, be okay in some areas, but I don't necessarily think it's going to help you in terms of your maneuvering in and out or around that side of the building.

So I think there's still some challenges there to look at.

MR. PITINGARO: Okay.

MR. HINES: If it's six feet, I didn't see it as that. It may be because that property line was very weak on the plans. If it's six feet, I don't have the same concern. I thought it was right at the property line.

MR. PITINGARO: We'll verify that. We'll work with Ken to make sure that the movements are acceptable and that

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they are feasible for what we're doing here. I do think that they may be tight. I agree with that. But they're probably -- I would still consider them an improvement over reversing into the site, what we had previously approved. We will consult with Ken and see what we can do to improve those.

And in terms of that property line and the edge of pavement in that area, our intention is to curb that side so as to be able to direct any stormwater because it's rather flat through there, Pat. We will have a curb there that will serve as a stop gap from any of the pavement deteriorating along that side, and it will give us some separation and then allow the construct-ability along that property line.

CHAIRMAN EWASUTYN: A few questions. How often on a daily basis or a weekly basis do you get a trailer coming into the site?

MR. MALDONADO: Leo Maldonado.

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Currently it's once a day. It happens usually towards the evening, say after 5. Currently the trailer is showing up at about midnight. That's done intentionally because of the amount of traffic. And the backing out is -- it's a little difficult currently. We're trying to maximize the space and use it to make it a little more easier for us and avoid that liability because I am aware of, you know, what could potentially happen. Currently it's just once a day and nothing else.

CHAIRMAN EWASUTYN: My question is to Ken Wersted and Pat Hines. Is there any advantage to having a concrete apron for the access and egress that we're discussing now based upon the tractor trailers and the longevity of concrete as compared to asphalt with a standard subbase of stone?

MR. WERSTED: I think the concrete -- I think the curbing will help because, obviously, when your pavement is kind of layered and you're running right

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on the edge, there's nothing to hold it together. The weight right on the edge starts to, you know, kind of shave it off, and eventually those cracks start going into the lane. So if you have a curb backstop there, that's going to help, you know, hold those together and tie those in. But depending on where the curb is, you know, is the curb in addition to where -- you know, the outside of where the truck tires are following the road or does that curb become part of that area? So if you were to do a concrete wing curve, that gives you a little bit of a margin there where it's channeling the drainage, but it's affording you a little bit of room for that truck to follow along. So I think there are some options there.

How you have your septic system in the back, maybe you can change the orientation for it so that your drive can extend a little bit further to the north and give you a little bit more room around the corner of the building. So there may

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be some options there.

MR. PITINGARO: Yeah. We can also look at some slight modification to the building size itself that will allow us or afford us more room in that area as well.

CHAIRMAN EWASUTYN: For something like this, Pat, the standard for subbase and top as far as asphalt would be based upon --

MR. HINES: We have standards for Town roads. On the site plans themselves, we leave that up to the design engineer to determine that. As Ken said, a monolithic curb with maybe a two-foot apron for the drainage may solve that issue.

MR. PITINGARO: So you're suggesting like an integrated gutter?

MR. HINES: Right.

MR. PITINGARO: Okay.  
Understood.

MR. HINES: The design is up to you. As the Chairman said, it will take away that issue of constantly driving --

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MR. PITINGARO: I think we can provide that, at least in terms of the area of the entryway where you're going to have some -- I don't want to say overlap, but where we'll have some opportunity for us to get closer to that curb. Once we get along the straightaway area, it's probably not as crucial.

CHAIRMAN EWASUTYN: Something as far as a curb that would hold up to the accidental trailer backing in, riding on top of it?

MR. PITINGARO: Yes. So that will be concrete then is what we're going to propose to the Board.

CHAIRMAN EWASUTYN: What psi would be a good standard?

MR. PITINGARO: Sure. For curb I think 3,000 is a minimum, but if the Board -- it's a small amount of curbing, so if the Board wishes to use --

CHAIRMAN EWASUTYN: I think a 4,000 psi would be a strength that is fairly common, what I've seen along



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roadways.

Additional questions?

(No response.)

CHAIRMAN EWASUTYN: What's the action before us this evening?

MR. HINES: So this is considered a new application. It's their initial appearance and there will be a requirement to send the initial appearance notices out. I'll work with Mr. Pitingaro and work on getting those out.

That's the only action tonight.

CHAIRMAN EWASUTYN: Thank you.

MR. PITINGARO: Thank you.

(Time noted: 8:22 p.m.)

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

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Public for and within the State of New York, do  
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matter.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 28th day of July  
2021.

*Michelle Conero*

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MICHELLE CONERO

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

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In the Matter of

ELM FARM SUBDIVISION  
(2021-15)

Wells & Fostertown Roads  
Section 39; Block 1; Lot 12.44  
R-2 Zone

----- X

INITIAL APPEARANCE  
52-LOT SUBDIVISION

Date: July 15, 2021  
Time: 8:22 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JASON PITINGARO

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

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CHAIRMAN EWASUTYN: Our seventh item this evening is the Elm Farm Subdivision, project number 21-15. It's an initial appearance for a 52-lot subdivision located on Wells and Fostertown Road. It's in an R-2 Zoning District and it's represented also by Jason Pitingaro.

MR. PITINGARO: Thanks again. Jason Pitingaro from Pitingaro & Doetsch, Engineers.

We are here with a similar situation. This was a project that had approval as well. That approval has since lapsed. This was, obviously, a different type of project. This is a residential subdivision on the intersection or near the intersection of Fostertown and Wells Road. It's on approximately 47 acres. It's got three stormwater basins. It's served by water and sewer and it's been, I would call it somewhat of a legacy project. It's been before the Board for quite some time.

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I think Pat had noted that it had a preliminary approval. I actually do think it had a conditional final approval.

The main issue was always the bonding of the project and providing surety to the Town before going to construction. There was much back and forth with Mr. Osborne when we did get approval a couple years ago.

At this point the owner does wish to seek the same approval. He's confident that they will be able to come up with the bond that's necessary for the Board to move forward with the project this time.

There are, obviously, a number of outside agency approvals that are required. We have worked to maintain most of those approvals. We've provided records of a number of them, and we understand that we will need to reaffirm the capacity in terms of water and sewer with the City and Town.

MR. SLUTZKY: We're in agreement with the Town.

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CHAIRMAN EWASUTYN: For the record, your name, sir?

MR. SLUTZKY: Tony Slutzky.

CHAIRMAN EWASUTYN: Pleasure to meet you.

MR. SLUTZKY: The pleasure is mine.

CHAIRMAN EWASUTYN: Some of us on the Board were here at the initial beginning of the 52-lot subdivision so we have a history and memory. Some may not be that familiar with it. If you have any questions or comments, please ask them. I'm not saying that you have to be familiar with it.

Frank Galli, do you have any questions or comments?

MR. GALLI: No additional. I was here.

CHAIRMAN EWASUTYN: Stephanie DeLuca, I know you weren't part of this initial presentation. Questions or comments?

MS. DeLUCA: I'm just looking at

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the plans. They're single-family homes?

MR. PITINGARO: They're all single-family homes. There will be a multitude of footprints that will be built. I don't think that has been decided yet, but they will all be, you know, your standard 2,400, 2,800, 3,000 square foot home.

There's two roads. There's a through road that goes from Wells to Fostertown and then a loop road with a small cul-de-sac off of it as well.

MS. DeLUCA: Okay.

MR. PITINGARO: Originally, I'm sure some of the Board remembers, there was another cul-de-sac that was here and had a number of -- a greater number of lots on it. At some point we eliminated that and just maintained the two lots.

MS. DeLUCA: So there's only one means of egress in and out?

MR. PITINGARO: Yeah. Well, there's ingress from Wells and ingress from Fostertown and then a loop road off

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of that.

MS. DeLUCA: Okay.

MR. PITINGARO: Just to be clear, there are a couple residences that have direct access which is maybe what you're seeing. Those have frontage along Wells Road.

MS. DeLUCA: Okay.

CHAIRMAN EWASUTYN: And the sight distance, visibility along Wells Road is --

MR. PITINGARO: It requires some improvement, which is noted here. There's a sight improvement area. If you've been down here where the entrance is to Black Gum Court, which is this road here, we have made some provisions -- this is property that is owned by the applicant -- to make some improvements on this shoulder here to allow proper sight distance.

CHAIRMAN EWASUTYN: So then at some point in time this was coordinated with Orange County as far as the road; correct?



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MR. PITINGARO: Yes.

CHAIRMAN EWASUTYN: DPW.

MR. PITINGARO: Yeah. It was coordinated with the DPW. It had realty subdivision approval, which it still maintains. It may need to be recirculated again for comments. It's similar to Unifirst in that it's a reapplication or a new application of an existing or similar project.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I was here for the initial, but just refresh. These are sidewalks around the perimeter, around each residence?

MR. PITINGARO: There are no sidewalks. Originally there was some discussion of sidewalks, but the sidewalk was not included in the final approval.

MR. DOMINICK: Okay. That's it.

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CHAIRMAN EWASUTYN: And the average lot size?

MR. PITINGARO: The average lot size is about 16,000 to 22,000 square feet. The minimum required is 15 and the smallest lot is 16,000 square feet. Many of them are much larger than that, including lot 56, and some of these towards the back of Quince Court here. Lot 19 as well. Those are probably -- some of those are over 40,000 square feet. Most of those other ones would be in the 25,000 to 30,000 square foot range.

MR. DOMINICK: Jason, could we revisit the sidewalk issue --

MR. PITINGARO: Sure.

MR. DOMINICK: -- as you proceed further?

MR. PITINGARO: Sure.

MR. DOMINICK: I think as this is a small community, it's very well laid out, maybe sidewalks might enhance it. People running, jogging, walking, exercising.

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MR. HINES: I just want to jump in here. There's an issue with maintenance of sidewalks on what are proposed Town roads. We typically are okay with sidewalks in the State highway right-of-ways, but I know the Town Board -- we would have to address with the Town Board whether sidewalks would be placed within proposed Town roads.

MR. PITINGARO: And I can see if we can dig up some of the history on that. At one time we did look at having sidewalks, and then I think the ultimate decision was not to have them. I can't recollect exactly what the reason was, whether it was the Town Board or --

MR. SLUTZKY: The issue was maintenance.

MR. PITINGARO: Okay. So there was some issue with, I guess, the continued maintenance of them.

MR. HINES: Again, I just know the Town Board has issues. I'm not saying no. They can explore it. I just wanted

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to throw that out there, that that may be the reason why they are not on the current plan.

MR. DOMINICK: Okay. Thank you. I appreciate it from both of you.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I have nothing at this time.

CHAIRMAN EWASUTYN: Ken Wersted, were you at one time involved in this subdivision?

MR. WERSTED: We looked at it back in 2003 and 2004. I recall there being a sight distance easement for one of the courts that comes out as it snakes through the curb section there. I've seen this as -- it's just a reproduction of the same project that was before us. We didn't have any additional comments.

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

MR. HINES: This is being treated as a reapplication, a new application, so

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there will be a need to re-notice the initial notices. I think that's a good idea, anyway, with the history of the project.

Many of the neighbors -- you know, the properties may have changed over time. We will work with Mr. Pitingaro on that as well.

It was mentioned that there will be several different footprints. This project is subject to ARB being it's greater than a ten-lot subdivision. That will be an approval the Board has to undertake.

I also just want to check. I know that it's had numerous approvals, but the stormwater management regs have changed over time. I believe that's why the cul-de-sac went away at one point.

The one pond got larger. We're going to task you with reviewing the current plans to make sure they meet the current standards of that.

You gave us copies of numerous

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outside agency approvals. Some of those are expiring this year. We're in July now, so there may be a need to make sure those are kept up.

I believe it needs to get resubmitted to County Planning as a new application. It has been there before. I'm looking at Dominic as I say this. I think it needs to go back to County Planning at some point for their 239 review.

The next comment would be that -- again, this may have had final approval and one of those ones that dropped back to preliminary at one point when they allowed that, but it was always -- the security for any public improvements was always an outstanding issue.

And again, the recreation fees on the 52 lots was also a condition of those approvals.

There's an outside user agreement I believe for sewer for those portions of the project that are not in the sewer

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district. The sewer district runs through a portion of the site. The status of that outside user agreement needs to be confirmed to make sure that that is still valid, along with the City of Newburgh flow acceptance letter. That should be in the file and it should have been granted. We want to review that again.

One of the positive things for the project, I took a look at the EAF that was submitted and no new environmental issues were indicated in the EAF. It doesn't have the bat issues that have been arising in recent years. It's not one of those areas. So the EAF that was submitted doesn't identify any new environmental constraints that weren't previously reviewed. That's a positive aspect for the project. None of those have crept up on you.

I think we're at a point now that the initial notice is the only action we can take tonight.

CHAIRMAN EWASUTYN: Is it too

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early to circulate to the Orange County Planning Department?

MR. HINES: I think we can circulate. Again, there were plans that were previously approved by this Board so they have that level of detail. I think that can be undertaken as well.

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

MR. CORDISCO: I would also recommend that the Board consider reestablishing lead agency for this project. There are several permits that are already in hand, some that may have expired. But also, as Mr. Hines noted, in connection with some of them there may be standards that have changed, and that way we can obtain comments and input from the various different agencies of any existing concerns.

It is being treated as a new application because it previously expired. So for cleanliness purposes, reestablishing lead agency I think would



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be a good step forward.

CHAIRMAN EWASUTYN: So that would be to declare our intent for lead agency?

MR. CORDISCO: Yes, sir.

CHAIRMAN EWASUTYN: So then the informational letter, you'll work with Pat Hines as far as mailing that.

So then the action before us tonight is to declare our intent for lead agency and to circulate to the Orange County Planning Department. Is that correct?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: All right. Can I have a motion from the Planning Board for those two motions?

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by -- you're too late. I have a motion by Frank Galli. I have a second by Stephanie DeLuca. May I please have a roll call vote?

MR. GALLI: Aye.

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MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Pleasure  
meeting you.

MR. SLUTZKY: Mine.

MR. PITINGARO: Okay. Thank you  
very much.

(Time noted: 8:35 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 28th day of July  
2021.

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

BARTON SITE PLAN & LOT LINE CHANGE  
(2021-08)

Auto Park Place & Unity Place  
Section 97; Block 2; Lots 27.32, 40 & 47  
IB Zone

----- X

SITE PLAN & LOT LINE CHANGE

Date: July 15, 2021  
Time: 8:35 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ZACHARY PETERS

----- X

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

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2 CHAIRMAN EWASUTYN: Our last item  
3 of business this evening, item number 8,  
4 is the Barton Site Plan and Lot Line  
5 Change. It's project number 21-08. It's  
6 a site plan and lot line change. It's  
7 located on Auto Park Place and Unity  
8 Place. It's in an IB Zone and it is being  
9 represented by Zachary Peters.

10 MR. PETERS: Good evening,  
11 everyone.

12 As the Board probably recalls, we  
13 were here a couple months ago for this  
14 addition to the existing Barton  
15 dealership. The purpose of the addition  
16 is to locate the parts and service  
17 department on this site. It's currently  
18 located off site.

19 So we've prepared a detailed site  
20 plan for this, including stormwater  
21 treatment and detention with the increased  
22 impervious surface. There haven't been  
23 any major changes since we were last  
24 before the Board.

25 Site plan wise, we did have a

1 retaining wall originally along this back  
2 line. We've eliminated that and are  
3 grading that bank back out and into the  
4 existing bank. That's going to work  
5 better and it's going to eliminate any  
6 potential issues with a wall there. There  
7 is some existing drainage that runs  
8 through this open portion of the site now.  
9 That's going to be removed and replaced as  
10 part of our stormwater plan.  
11

12 Lot line change wise, the lot  
13 layouts are pretty much consistent with  
14 what we had previously. There's three  
15 parcels right now, the existing  
16 dealership, an existing building next door  
17 and a small triangle piece here. So the  
18 lot line changes are a portion of the land  
19 to the dealership lot and then giving a  
20 portion of the land to basically make this  
21 vacant lot a little bit more viable for  
22 building. So the lot lines are based on  
23 the detailed site plan, but it's generally  
24 the same.

25 One thing that I will note,

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2 because it's a little different than what  
3 we had previously, we adjusted the lot  
4 lines for this parcel, which is 97-2-47.  
5 We included a strip along the easterly  
6 side here on Lakeview Drive. These are  
7 all residential homes so this is going to  
8 provide a little bit of a buffer. It's  
9 wooded right now. But including it in  
10 this lot is going to limit -- basically  
11 it's not able to be developed where it is,  
12 so it will provide sort of a permanent  
13 buffer from these lots which are more  
14 commercial. Other than that, it's  
15 essentially the same plan, just with more  
16 details.

17 If the Board has any questions,  
18 I'd be happy to answer them.

19 CHAIRMAN EWASUTYN: Frank Galli?

20 MR. GALLI: I don't have any  
21 questions.

22 CHAIRMAN EWASUTYN: Stephanie  
23 DeLuca?

24 MS. DeLUCA: No.

25 CHAIRMAN EWASUTYN: Ken

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Mennerich?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Dave  
Dominick?

MR. DOMINICK: Nothing.

CHAIRMAN EWASUTYN: Jerry  
Canfield, Code Compliance?

MR. CANFIELD: I have nothing at  
this time.

CHAIRMAN EWASUTYN: Ken Wersted  
with Creighton, Manning?

MR. WERSTED: Nothing additional.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: So we did receive the  
stormwater pollution prevention plan which  
my office is reviewing. It has to go to  
County Planning. It's within 500 feet of  
Route 17K, this building is. The other  
lot lines that are involved project out  
towards that way so it does need that.

ARB approval will be required for  
the new building.

A City of Newburgh flow  
acceptance letter for the additional flow



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will be required. I can work with your office and we can calculate the hydraulic loading.

MR. PETERS: Sure.

MR. HINES: I'll put a cover letter on that with another hat that I wear in Town and get that to the City of Newburgh.

Just to confirm, all of the lots involved have a stormwater facilities maintenance agreement. They may for the BJ's project. I know some of them -- I'm not sure if all the lots were included.

I will note that this is your second appearance, but I don't believe I did the initial notice on this. I think that one slipped through the cracks. So we'll do that as well at this time.

MR. PETERS: I think we did do that. I got a copy of it.

MR. HINES: I couldn't find it in my files.

MR. PETERS: It was sent out on the 14th of May. I can give you a copy of

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that.

MR. HINES: I must have sent it to you. I didn't notice it in my file and I didn't want that to fall through the cracks.

MR. PETERS: Sure.

CHAIRMAN EWASUTYN: Dominic Cordisco, any comments?

MR. CORDISCO: The only action would be for the Board to consider referring the plans to the County Planning Department.

CHAIRMAN EWASUTYN: Would someone make a motion to refer the Barton Site Plan and Lot Line Change to the Orange County Planning Department?

MR. DOMINICK: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick, a second by Frank Galli. May I please have a roll call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. PETERS: If I could touch on this for the Board. There was a minor change to the elevation we provided last time. The rendering originally showed it as a split faced block. It's going to be an E.I.F.S. finish on the addition. It's going to be painted to match the colors of the existing building. Essentially, all the doors and everything are intended to be consistent with what's there.

So I'm not sure if this is sufficient or what else the Board might like to see in terms of the ARB. I can go out and get some site photos of the existing building which I think would be a better representation than the elevation. Whatever the Board is looking for, if you could let us know.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: If you're coming

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back, I'd like to see the colors.

MS. DeLUCA: No additional.

CHAIRMAN EWASUTYN: Something that we can visualize.

MR. PETERS: Perfect. Thank you.

CHAIRMAN EWASUTYN: Would someone move for a motion to close the Planning Board meeting of the 15th of July?

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli, second by Stephanie DeLuca. Can I have a roll call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

(Time noted: 8:42 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 28th day of July  
2021.

*Michelle Conero*

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MICHELLE CONERO