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

----- X  
In the Matter of

T-MOBILE  
(2005-47)

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

----- X

SPECIAL USE PERMIT RENEWAL

Date: July 21, 2022  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

1 T - M O B I L E

2 CHAIRMAN EWASUTYN: Good  
3 evening, ladies and gentlemen. The  
4 Planning Board would like to welcome  
5 you to the meeting of the 21st of  
6 July. This evening we have eight  
7 items on the agenda.

8 We'd like to call the meeting  
9 to order with a roll call vote.

10 MR. GALLI: Present.

11 MS. DeLUCA: Present.

12 MR. MENNERICH: Present.

13 CHAIRMAN EWASUTYN: Present.

14 MR. BROWNE: Present.

15 MR. DOMINICK: Present.

16 MR. WARD: Present.

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

19 MS. CONERO: Michelle Conero,  
20 Stenographer.

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

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

1 T - M O B I L E

2 CHAIRMAN EWASUTYN: At this  
3 time I'll turn the meeting over to  
4 John Ward.

5 MR. WARD: Please stand to say  
6 the Pledge.

7 (Pledge of Allegiance.)

8 MR. WARD: Please turn off your  
9 phones or on vibrate. Thank you.

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

15 I'll have Pat Hines open the  
16 meeting and then turn it over to  
17 Cliff Browne.

18 MR. HINES: The application is  
19 here for a five-year recertification.  
20 The Town's Wireless Code requires  
21 this process for cellular towers in  
22 the Town.

23 This tower has been in place  
24 for many years and is here for  
25 another five-year update.

1 T - M O B I L E

2 The Town has a Wireless  
3 Consultant, HDR Engineers, Mike  
4 Musso. He has reviewed the  
5 application and delivered to the  
6 Board a record of the use of the  
7 site, the documents that were  
8 submitted, and it's before the Board  
9 tonight for that five-year update.

10 MR. BROWNE: Thank you. Our  
11 consultant sent us a memo, the report  
12 from their consulting efforts. The  
13 memo is from HDR Consultants dated  
14 July 15, 2022. Mr. John Ewasutyn,  
15 Chairman, and Members of the Board of  
16 the Town of Newburgh Planning Board,  
17 21 Hudson Valley Professional Plaza,  
18 Newburgh, New York 12550, reference  
19 T-Mobile, review of five-year  
20 recertification of special use  
21 permit, 21 Bannerman View Drive  
22 tower. "Dear Mr. Ewasutyn and  
23 Members of the Planning Board." I'll  
24 go down to the final statements.  
25 "Based on HDR's review of the

1 T - M O B I L E

2 submittals, the T-Mobile request  
3 meets the Town Code requirements for  
4 the recertification. The Planning  
5 Board can thus entertain the issuance  
6 of a recertification special use  
7 permit per Code Section 168-18 B.  
8 HDR has reviewed the wireless  
9 facility -- I'm sorry. Has reviewed  
10 the wireless facility's co-location  
11 and upgrade applications at the tower  
12 site over the past several years  
13 with both the Planning Board and Code  
14 Compliance Department. We are not  
15 aware of any violations or issues  
16 associated with the wireless carriers  
17 at the site. Presently the tower  
18 accommodates T-Mobile, AT&T, Verizon  
19 and Dobson's small dish antenna  
20 equipment. HDR is currently  
21 assisting the Code Compliance  
22 Department in reviewing two building  
23 permit applications at the Bannerman  
24 View Drive tower site, Dish Wireless  
25 proposed co-location and T-Mobile

1 T - M O B I L E

2 proposed upgrade as noted above.  
3 This work will include thorough  
4 review of the tower owner's  
5 structural analysis among other  
6 items. It is understood that the  
7 tower owner/operator, Time Warner,  
8 the applicant and the applicant's  
9 engineer maintain full  
10 responsibility, A, for the accuracy  
11 and adequacy of all aspects of the  
12 design and analysis provided to the  
13 Town, inclusive of the  
14 recertification submittals; B, for  
15 the construction and maintenance  
16 operation of the T-Mobile facility;  
17 and C, for compliance with Section  
18 168 criteria, including but not  
19 limited to the annual NIER  
20 certification 168-23. Thank you."

21 CHAIRMAN EWASUTYN: Thank you.

22 Dominic Cordisco, Planning  
23 Board Attorney, can you summarize  
24 this five-year recertification for  
25 the special use permit in a form of

1 T - M O B I L E

2 the resolution?

3 MR. CORDISCO: Yes. First I  
4 would want to add that this is an  
5 action that is not subject to SEQRA.  
6 It is a Type 2 action because it is a  
7 permit renewal. Also, the code,  
8 while it does provide for  
9 recertification of special permit  
10 uses, it does not require a public  
11 hearing.

12 Procedurally at this point the  
13 Board is in a position to consider  
14 issuance of a recertification for  
15 this particular telecommunications  
16 tower subject to the recommendations  
17 and conditions of the Board's  
18 Telecommunications Consultant as just  
19 read by Mr. Browne.

20 CHAIRMAN EWASUTYN: Would  
21 someone make a motion then to approve  
22 the recertification for the special  
23 use permit for T-Mobile?

24 MR. DOMINICK: So moved.

25 MR. WARD: Second.

1 T - M O B I L E

2 CHAIRMAN EWASUTYN: I have a  
3 motion by Dave Dominick. I have a  
4 second by John Ward. Can I please  
5 have a roll call vote.

6 MR. GALLI: Aye.

7 MS. DeLUCA: Aye.

8 MR. MENNERICH: Aye.

9 CHAIRMAN EWASUTYN: Aye.

10 MR. BROWNE: Aye.

11 MR. DOMINICK: Aye.

12 MR. WARD: Aye.

13 CHAIRMAN EWASUTYN: Is that  
14 good, Dominic?

15 MR. CORDISCO: Yes, sir.

16 CHAIRMAN EWASUTYN: Motion  
17 carried.

18

19 (Time noted: 7:08 p.m.)

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1 T - M O B I L E

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

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

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

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

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 3rd day of August 2022.

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*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

BALDWIN TRUST SUBDIVISION  
(2022-13)

Highland Terrace  
Section 9; Block 3; Lot 40.22  
R-3 Zone

----- X

TWO-LOT SUBDIVISION

Date: July 21, 2022  
Time: 7:08 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CASSANDRA GARRITA  
and MICHAEL GARRITA

----- X

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

1 CASSANDRA GARRITA & MICHAEL GARRITA

2 CHAIRMAN EWASUTYN: The Board's  
3 second item of business this evening  
4 is the Baldwin Trust Subdivision.  
5 It's an initial appearance for a two-  
6 lot subdivision located on Highland  
7 Terrace in an R-3 Zone by Day,  
8 Stokosa Engineering.

9 MS. GARRITA: Hello. I'm  
10 Cassandra Garrita. This is my  
11 husband, Michael Garrita. We're the  
12 applicants. Our engineer couldn't be  
13 here today.

14 We're basically reapplying for  
15 the two-lot subdivision. The lot is  
16 8.23 acres. Lot 1 will be 4.81 acres  
17 and lot 2 will be 3.41 acres.

18 Each of the lots will have, as  
19 part of their design, their own  
20 septic system.

21 There will be Town water.

22 One of the concerns last time  
23 when we applied was that there was a  
24 barn structure in the front of lot 2.  
25 It's since been removed. That was

1 CASSANDRA GARRITA & MICHAEL GARRITA

2 our last item.

3 Our application last time  
4 expired, so that's why we're back.

5 CHAIRMAN EWASUTYN: Thank you.

6 Pat Hines with McGoey, Hauser &  
7 Edsall.

8 MR. HINES: My first comment is  
9 just that the project was previously  
10 before the Board under project  
11 2020-12. It received a conditional  
12 final approval. That approval has  
13 lapsed based on the Town Code, so  
14 unfortunately it's back here for a  
15 re-approval of the same exact plans  
16 that were previously approved.

17 Because it's a new application,  
18 the adjoiners' notices must be resent  
19 out. I can work with the applicant's  
20 representative to get that done.

21 We did confirm that the  
22 previously existing nonconforming  
23 garage has been removed from the  
24 site.

25 We need a stamped survey plan.

1 CASSANDRA GARRITA & MICHAEL GARRITA

2 Currently the plans are all stamped  
3 by the design engineer.

4 I spoke to the highway  
5 superintendent today and he has  
6 re-reviewed the driveways. They are  
7 in the same exact location proposed,  
8 along with the proposed snow removal  
9 -- snow disposal area at the driveway  
10 that he had previously approved, so  
11 he has no other issues. He sent me  
12 the 2020 letter that he had authored  
13 regarding the project.

14 The project also requires a  
15 public hearing for the subdivision.

16 CHAIRMAN EWASUTYN: Comments  
17 from Board Members?

18 MR. GALLI: No additional.

19 MS. DeLUCA: No comments.

20 MR. MENNERICH: No.

21 MR. BROWNE: No.

22 MR. DOMINICK: No.

23 MR. WARD: No.

24 CHAIRMAN EWASUTYN: Dominic  
25 Cordisco, we will now move to declare

1 CASSANDRA GARRITA & MICHAEL GARRITA

2 a negative declaration?

3 MR. CORDISCO: Yes. In fact,  
4 you had previously adopted a negative  
5 declaration for this project. You  
6 could simply reaffirm the negative  
7 declaration that was previously  
8 adopted and prepared. I don't see a  
9 need to redraft or reissue that.

10 CHAIRMAN EWASUTYN: Having  
11 heard from Planning Board Attorney  
12 Dominic Cordisco, then we'll combine  
13 the motion like this. We'll reaffirm  
14 the negative declaration. Pat Hines  
15 will work with the applicant as far  
16 as the adjoiners' notice. If the  
17 Board is in agreement, we'll move for  
18 a motion and we'll set this for a  
19 public hearing on the 18th of August.

20 MR. GALLI: So moved.

21 MS. DeLUCA: Second.

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

1 CASSANDRA GARRITA & MICHAEL GARRITA

2 MR. GALLI: Aye.

3 MS. DeLUCA: Aye.

4 MR. MENNERICH: Aye.

5 CHAIRMAN EWASUTYN: Aye.

6 MR. BROWNE: Aye.

7 MR. DOMINICK: Aye.

8 MR. WARD: Aye.

9 CHAIRMAN EWASUTYN: So you'll  
10 work with Pat Hines as far as the  
11 adjoiners' notice and the public  
12 hearing notice.

13 MS. GARRITA: Yes. Thank you.

14

15 (Time noted: 7:15 p.m.)

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1 CASSANDRA GARRITA & MICHAEL GARRITA

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

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

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

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

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 3rd day of August 2022.

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21 *Michelle Conero*

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23 MICHELLE CONERO  
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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD

----- X  
In the Matter of

SAFE HAVEN SELF-STORAGE  
(2022-04)

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

----- X

AMENDED SITE PLAN  
CHANGE OF USE

Date: July 21, 2022  
Time: 7:15 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ &  
JOHN CAPPELLO

----- X

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

1       SAFE HAVEN SELF STORAGE

2                   CHAIRMAN EWASUTYN:  The  
3           Planning Board's third item this  
4           evening is Safe Haven Self-Storage.  
5           It's an amended site plan, a change  
6           of use located on 14 Crossroads Court  
7           in an IB Zone.  It's being  
8           represented by Engineering &  
9           Surveying Properties.

10                   MR. WINGLOVITZ:  Good evening.  
11           Ross Winglovitz, Engineering &  
12           Surveying Properties, here with John  
13           Cappello, Counsel for the applicant.

14                   The project was before you in  
15           early June.  We had come back from  
16           the ZBA where we had been granted  
17           variances for setbacks, height, and I  
18           think a setback for the storage  
19           facility in the front yard.

20                   At that point the Board was  
21           waiting for County Planning referral.  
22           The referral was made and we hadn't  
23           heard back.  I think that was the  
24           primary remaining comment to move the  
25           project forward to a public hearing.

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

2                   CHAIRMAN EWASUTYN:  Comments  
3                   from Planning Board Members.  Frank  
4                   Galli?

5                   MR. GALLI:  Nothing additional.

6                   MS. DeLUCA:  Nothing.

7                   MR. MENNERICH:  Nothing.

8                   MR. BROWNE:  No.

9                   MR. DOMINICK:  No.

10                  CHAIRMAN EWASUTYN:  John Ward?

11                  MR. WARD:  No.

12                  CHAIRMAN EWASUTYN:  Ken Wersted,  
13                  do you have any comments on this  
14                  project?

15                  MR. WERSTED:  No.  We provided  
16                  some comments, I think maybe a month  
17                  or two ago when this was first  
18                  presented.  For the most part it's  
19                  generating less traffic than when it  
20                  was originally occupied as the  
21                  motorcycle shop.

22                  I'm recalling from memory now,  
23                  there's a gate in the back.  There  
24                  might be some sight distance issues  
25                  coming out onto Orr Avenue.  If it's

1       SAFE HAVEN SELF STORAGE

2           limited use back there, then it  
3           shouldn't be an issue. There just  
4           might be some clearing that needs to  
5           happen along the fence line as you  
6           look back towards the transfer station.

7           MR. WINGLOVITZ: The gate is  
8           only for emergency access. Everybody  
9           is going to be required to come in  
10          this direction. That won't be used.

11          MR. WERSTED: Thank you.

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

14          MR. HINES: We confirmed that  
15          we did submit to County Planning on  
16          28 April. We did not receive back a  
17          comment letter.

18                 It did receive the variances on  
19          May 26th.

20                 They've revised the application  
21          to include both of the lots.

22          Previously the lot on Orr Avenue was  
23          a separate lot. That's not proposed  
24          to be combined, so any approval  
25          resolution should require proof of

1       SAFE HAVEN SELF STORAGE

2           the lot consolidation.

3                   There are some minor site plan  
4           changes regarding relocation of  
5           islands and such in the parking lot  
6           to accommodate the storage for the  
7           boats and recreational vehicles.

8                   There are no significant  
9           impacts to the stormwater. The site  
10          has actually a zero discharge.  
11          During the original design all the  
12          stormwater was designed to infiltrate  
13          into a large infiltration system  
14          constructed in front of the building,  
15          so there are no stormwater issues  
16          with that minor work.

17                   The outdoor storage has a  
18          section where the Planning Board  
19          should determine whether it is  
20          adequately screened from public view.  
21          The outdoor storage will be fenced  
22          per the code. There are really no  
23          sensitive receptors in the area. The  
24          outdoor storage is to the rear of the  
25          site and along Orr Avenue which is

1       SAFE HAVEN SELF STORAGE

2           the entrance to the County transfer  
3           station which was just discussed.

4           There is no stormwater  
5           facilities maintenance agreement.  
6           This site was actually constructed  
7           prior to when the Town required  
8           those. We are requesting that one of  
9           those be prepared now and filed with  
10          this application. The Town recently  
11          submitted requests for stormwater  
12          reviews from commercial properties  
13          and the property owner came back and  
14          said we don't have one of those  
15          agreements, so now is our opportunity  
16          to get that agreement to make sure  
17          that those sites are operated in  
18          accordance with your stormwater plan.

19          The Planning Board has a  
20          discretionary public hearing for this.

21          That's the extent of our comments.  
22          Most of them are procedural, and no  
23          plan changes would be required.

24          CHAIRMAN EWASUTYN: Ross, for  
25          the record can you speak on the

1       SAFE HAVEN SELF STORAGE

2               proposed fencing for the site and --

3                       MR. WINGLOVITZ: From the west --

4                       CHAIRMAN EWASUTYN: Ross,  
5               Ross, Ross. Ewasutyn, John. I  
6               was --

7                       MR. WINGLOVITZ: I've got to  
8               turn my good ear.

9                       CHAIRMAN EWASUTYN: And can you  
10              also discuss the buffering that's  
11              being proposed? Thank you.

12                      MR. WINGLOVITZ: There's  
13              proposed a fence around the entire  
14              storage area. The fence will have  
15              privacy slats around it as well as  
16              there's arborvitae proposed at 4 feet  
17              on center along Orr Avenue. As part  
18              of the fact there is storage very  
19              close to Orr Avenue, we'll provide  
20              additional screening along Orr Avenue  
21              to further screen, in addition to the  
22              fencing.

23                      CHAIRMAN EWASUTYN: Questions  
24              from Board Members as far as the type  
25              of screening, the color of the slats

1       SAFE HAVEN SELF STORAGE

2               or anything like that?

3                       What color will the slats be?

4               MR. WINGLOVITZ:  We're proposing  
5       green.

6               MS. DeLUCA:  How tall is it?

7       The height?

8               MR. WINGLOVITZ:  The fence is 6  
9       foot tall I believe.  Yup, 6 feet.

10              MR. WARD:  Are you having gates  
11       anywhere?

12              MR. GALLI:  Are you having  
13       gates anywhere?

14              MR. WINGLOVITZ:  We have a gate  
15       at the entry here, which is the main  
16       entrance, and then we have an  
17       emergency gate here at Orr Avenue.

18              CHAIRMAN EWASUTYN:  As was said  
19       by Pat Hines of McGoey, Hauser &  
20       Edsall, site plans are discretionary  
21       as to whether or not the Planning  
22       Board wants to hold a public hearing.  
23       I'll poll the Board Members.

24                       Frank Galli?

25              MR. GALLI:  I think due to the



1       SAFE HAVEN SELF STORAGE

2           proximity of the location of things  
3           being around it, the hotel, the  
4           transfer station, which I don't know  
5           if it's open or not, it's really just  
6           commercial and it's not -- it's out  
7           of the way. I don't think a public  
8           hearing would be necessary. They did  
9           have one at the Zoning Board, the  
10          ZBA. I'm not sure if anyone showed  
11          up to that or not.

12                 MR. WINGLOVITZ: John was there.

13                 MR. GALLI: They did have a  
14          public hearing at the ZBA in May. I  
15          don't feel it's necessary that we  
16          hold another one.

17                 CHAIRMAN EWASUTYN: Stephanie DeLuca?

18                 MS. DeLUCA: I agree.

19                 MR. MENNERICH: I agree.

20                 MR. BROWNE: The same.

21                 MR. DOMINICK: I agree with Frank.

22                 MR. WARD: I agree.

23                 CHAIRMAN EWASUTYN: Let the  
24          record show that the Planning Board,  
25          at the discretion of all the Board

1       SAFE HAVEN SELF STORAGE

2           Members, decided to waive the public  
3           hearing due to the fact that the  
4           subject property is in a neighborhood  
5           of similar uses and it would be  
6           compatible for where it is.

7           At this point we'll turn to Pat  
8           Hines and Dominic Cordisco to discuss  
9           with us the resolution for approval.

10           MR. CORDISCO: Thank you. In  
11           addition, procedurally I would note  
12           this would be a Type 2 action under  
13           SEQRA because it's less than 4,000  
14           square feet in disturbance. There's  
15           no further review required there.

16           As far as proposed conditions,  
17           what I have on my list would be the  
18           lots would need to be combined. Full  
19           compliance with the terms and  
20           conditions of the Zoning Board  
21           variance decision would also be  
22           required. Any additional changes to  
23           the plans as noted in connection with  
24           the landscaping would be done to the  
25           satisfactory of the Planning Board

1       SAFE HAVEN SELF STORAGE

2           Engineer, including the screening  
3           that is shown. A stormwater  
4           facilities maintenance agreement will  
5           be required.

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

8           MR. HINES: No. That's all I  
9           have.

10          CHAIRMAN EWASUTYN: Having  
11          heard the conditions of approval  
12          presented by Planning Board Attorney  
13          Dominic Cordisco for Safe Haven Self-  
14          Storage, would someone move for a  
15          motion to approve the site plan.

16          MR. DOMINICK: I'll make the motion.

17          MR. BROWNE: Second.

18          CHAIRMAN EWASUTYN: I have a  
19          motion by Dave Dominick. I have a  
20          second by Cliff Browne. May I please  
21          have a roll call vote starting with  
22          Frank Galli.

23          MR. GALLI: Aye.

24          MS. DeLUCA: Aye.

25          MR. MENNERICH: Aye.

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

2                   CHAIRMAN EWASUTYN:   Aye.

3                   MR. BROWNE:   Aye.

4                   MR. DOMINICK:   Aye.

5                   MR. WARD:   Aye.

6                   CHAIRMAN EWASUTYN:   Thank you.

7                   MR. WINGLOVITZ:   Thank you.

8

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

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

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

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

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

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

16           IN WITNESS WHEREOF, I have hereunto  
17       set my hand this 3rd day of August 2022.

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*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

CROSSROADS CONSTRUCTION  
(2022-15)

Union Avenue  
Section 62; Block 31; Lot 5  
R-3 Zone

----- X

THREE-LOT SUBDIVISION

Date: July 21, 2022  
Time: 7:24 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: REUBEN BUCK

----- X

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

1           CROSSROADS CONSTRUCTION

2                   CHAIRMAN EWASUTYN: Our fourth  
3           item of business this evening is  
4           Crossroads Construction. It's an  
5           initial appearance for a three-lot  
6           subdivision located on Union Avenue  
7           in an R-3 Zone. It's being  
8           represented by Engineering &  
9           Surveying Properties.

10                   MR. BUCK: Reuben Buck,  
11           Engineering & Surveying Properties  
12           representing the applicant.

13                   The proposal is for tax lot  
14           62-3-5 on union Ave. It's  
15           approximately 5.8 acres. The lot  
16           would be subdivided to create three  
17           new lots.

18                   Each lot will have one  
19           four-bedroom, single-family home.

20                   It will be serviced by private  
21           septic systems and Town water.

22                   In reviewing MHE comments;  
23           regarding the floodplain, we can add  
24           the elevation to the note.

25                   The 100-foot adjacent area we

1       CROSSROADS CONSTRUCTION

2           have shown was shown for drafting  
3           purposes. We're trying to ensure the  
4           septic systems are 100 feet away from  
5           the wetlands. The wetlands are not  
6           regulated by the DEC.

7           Regarding the survey, we'll get  
8           a signed and sealed copy of the  
9           subdivision by a licensed surveyor.

10          The common driveway access and  
11          maintenance agreement will be  
12          completed for lots 2 and 3.

13          We would request that the  
14          adjoiners' notices be sent out.

15          We'll add a note to the plan  
16          regarding stakeout of the houses and  
17          plot plans being required before  
18          construction.

19          The water service for lots 2  
20          and 3 were offset from the driveway  
21          just so that water valves wouldn't be  
22          in the way.

23          Lastly, there was an erosion  
24          and sediment control plan prepared as  
25          part of this plan set to take care of



1           CROSSROADS CONSTRUCTION

2           erosion and sediment control  
3           throughout construction.

4           I'd be happy to answer any  
5           questions the Board and Consultants  
6           may have.

7           CHAIRMAN EWASUTYN: Thank you.

8           At this point I'll turn the  
9           meeting over to Frank Galli and  
10          others on the Board.

11          MR. GALLI: The delineation for  
12          the floodplain, is that going to be  
13          marked?

14          MR. BUCK: We'll add the  
15          floodplain elevation number to the plan.

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

17          CHAIRMAN EWASUTYN: Stephanie DeLuca?

18          MS. DeLUCA: No further. He  
19          answered my question.

20          CHAIRMAN EWASUTYN: Ken?

21          MR. MENNERICH: Is one of the  
22          houses under construction now?

23          MR. BUCK: Yes.

24          MR. MENNERICH: I drove by  
25          there and I saw the house. It looked

1           CROSSROADS CONSTRUCTION

2           like that. Thanks.

3           CHAIRMAN EWASUTYN: Cliff Browne?

4           MR. BROWNE: Why would the  
5           water main be offset like that?

6           MR. BUCK: Just so they're not  
7           in the paved area, the water valves.

8           MR. BROWNE: Okay.

9           MR. DOMINICK: Nothing.

10          MR. WARD: Nothing.

11          CHAIRMAN EWASUTYN: Pat Hines  
12          with McGoey, Hauser & Edsall.

13          MR. HINES: Reuben touched on  
14          many of my comments.

15                 I did receive a note from the  
16                 highway superintendent today, after  
17                 having a conversation with the  
18                 previous project, the Baldwin  
19                 project, that he has no exception to  
20                 the driveway locations. I'll forward  
21                 that on.

22                 We had requested the applicant  
23                 provide water pressure calculations  
24                 based on the length of the proposed  
25                 laterals to lots 2 and 3.

1           CROSSROADS CONSTRUCTION

2                   The wetlands should be  
3           identified as Federal wetlands on the  
4           plan.

5                   The floodplain elevation should  
6           be provided.

7                   The applicant has provided an  
8           overall plan. The lots are fairly  
9           large to the rear. We don't have a  
10          topo. The rear of the lots are in  
11          Federal wetlands and floodplains, so  
12          I assume they're asking for a waiver  
13          of the surveying and the topography  
14          on the balance of the parcels.

15                   MR. BUCK: Yes.

16                   MR. HINES: The Board would  
17          have to address that. It is required  
18          but allowed to be waived by the  
19          Board. Since it is wetlands, there's  
20          not a lot of benefit of spending time  
21          and effort surveying them. There's  
22          no development proposed there. We  
23          would recommend the Board grant that  
24          waiver.

25                   We need coverage under the

1           CROSSROADS CONSTRUCTION

2           DEC's permit as a condition.

3           Adjoiners' notices have to be  
4           sent out, which is the only next step  
5           in the process we can take.

6           MR. GALLI: Pat, is a public  
7           hearing required on this?

8           MR. HINES: A public hearing is  
9           required for a subdivision. We would  
10          have to do a SEQRA determination  
11          first. I think at this point the  
12          adjoiners' notice is the only action  
13          we can take.

14          CHAIRMAN EWASUTYN: Should we  
15          make a decision now on the waiver of  
16          the topography?

17          MR. HINES: You can.

18          CHAIRMAN EWASUTYN: Do you want  
19          to, one more time, give us the  
20          language of that?

21          MR. HINES: So the applicants  
22          have provided an overall plan. The  
23          location plan is depicting the entire  
24          parcel. The rear of the parcel on  
25          both lots 2 and 3 are entirely within

1           CROSSROADS CONSTRUCTION

2           Federal wetlands or the floodplain.  
3           There's really no benefit -- there's  
4           no development proposed on those  
5           areas. We would recommend a waiver  
6           for the topography and boundary  
7           survey -- not the boundary, the  
8           topography on that portion of the  
9           lots.

10                  CHAIRMAN EWASUTYN: Having  
11           heard the recommendation from Pat  
12           Hines with McGoey, Hauser & Edsall to  
13           waive the topo on the balance of the  
14           site, his recommendation to the  
15           Planning Board, would someone move  
16           for that motion to waive the topography?

17                  MR. WARD: So moved.

18                  MR. MENNERICH: Second.

19                  MR. GALLI: John, Stephanie has  
20           a question.

21                  MS. DeLUCA: I have a question.  
22           Are they allowed to build before  
23           approval?

24                  CHAIRMAN EWASUTYN: On the lot  
25           itself.

1           CROSSROADS CONSTRUCTION

2           MR. HINES: Right now they  
3           applied for a building permit for one  
4           lot -- one house on the lot. There's  
5           no subdivision involved. They're  
6           constructing under that building  
7           permit right now.

8           MS. DeLUCA: Thank you.

9           MR. HINES: It does present a  
10          bit of a SEQRA issue. They started  
11          construction prior to applying.

12          MS. DeLUCA: Thank you.

13          CHAIRMAN EWASUTYN: Who made  
14          the motion to waive? John Ward. The  
15          second was?

16          MR. MENNERICH: Ken.

17          CHAIRMAN EWASUTYN: Ken  
18          Mennerich. Can I please have a roll  
19          call vote starting with Frank Galli.

20          MR. GALLI: Aye.

21          MS. DeLUCA: Aye.

22          MR. MENNERICH: Aye.

23          CHAIRMAN EWASUTYN: Aye.

24          MR. BROWNE: Aye.

25          MR. DOMINICK: Aye.

1       CROSSROADS CONSTRUCTION

2                   MR. WARD: Aye.

3                   CHAIRMAN EWASUTYN: Motion  
4       carried.

5                   MR. BUCK: Thank you.

6                   (Time noted: 7:33 p.m.)

7

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

9

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

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

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

20                  IN WITNESS WHEREOF, I have hereunto  
21       set my hand this 3rd day of August 2022.

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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

POSITIVE DEVELOPERS WAREHOUSE  
(2022-16)

36 Racquet Road  
Section 86; Block 1; Lot 26.31  
IB Zone

----- X

SITE PLAN - WAREHOUSE

Date: July 21, 2022  
Time: 7:33 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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



1           P O S I T I V E   D E V E L O P E R S   W A R E H O U S E

2                   CHAIRMAN EWASUTYN:   The  
3           Planning Board's fifth item of  
4           business this evening is Positive  
5           Developers Warehouse.   It's an  
6           initial appearance for a site plan -  
7           warehouse located on 36 Racquet Road  
8           in an IB Zone.   This one is also  
9           represented by Engineering &  
10          Surveying Properties.

11                   MR. WINGLOVITZ:   Good evening.  
12          Ross Winglovitz, Engineering &  
13          Surveying Properties.

14                   The proposal is for an  
15          approximately 4 acre parcel on  
16          Racquet Road.   17K is to the south.  
17          This is Gold's Gym.   I used to go  
18          there when I was younger.

19                   What we're looking to do is  
20          construct a 42,000 square foot  
21          warehouse with parking on the  
22          southern side of the building and on  
23          the western side of the building,  
24          loading on the northern side.

25                   There is a required additional

1           P O S I T I V E   D E V E L O P E R S   W A R E H O U S E

2           buffer zone. The zone line between  
3           the residential and the IB Zone is  
4           the rear property line, so there's an  
5           additional residential buffer  
6           required of 75 feet. That has been  
7           provided.

8                     The site will be serviced by  
9           sewer from the Town. There's a force  
10          main I believe in Racquet Road that  
11          we would be connecting to.

12                    There would be an individual  
13          well and a water tank. The facility  
14          would require sprinklers, so we would  
15          need a water tank and fire pump to  
16          provide fire protection for the  
17          sprinkler system.

18                    There are two access points,  
19          one on the southern end, which would  
20          be primarily for employees but it  
21          does go all the way around the site  
22          to provide a loop road, and then the  
23          primary service entrance for trucks  
24          would be on the northern side.

25                    We're showing I think eight

1           P O S I T I V E   D E V E L O P E R S   W A R E H O U S E

2           loading docks. The idea is to have  
3           it divisible. It could be one  
4           tenant, it could be four tenants. We  
5           want to have a flex building so  
6           there's an ability to break it up  
7           into different users.

8           I'd be glad to answer any  
9           questions.

10           CHAIRMAN EWASUTYN: John Ward,  
11           any questions?

12           MR. WARD: You just said up to  
13           four tenants. I have it written down  
14           four to five tenants and it's showing  
15           five.

16           MR. WINGLOVITZ: We're showing  
17           four.

18           MR. WARD: Four. All right.

19           My question is the traffic  
20           going out to 17K. If you go the  
21           other way, on Rock Cut it's going to  
22           be major. There's major problems on  
23           17K just alone without trucks.  
24           That's something that has to be  
25           addressed.

1           P O S I T I V E   D E V E L O P E R S   W A R E H O U S E

2                   MR. WINGLOVITZ: I know Ken had  
3           comments on that.

4                   MR. WARD: That's it.

5                   CHAIRMAN EWASUTYN: Dave Dominick?

6                   MR. DOMINICK: Ross, my concern  
7           as well, I echo John about the  
8           traffic studies. I would be  
9           interested to see that, especially  
10          with deliveries. It's a busy road,  
11          in and out. It's a small road going  
12          onto a larger road. That's very  
13          dangerous and sometimes risky getting  
14          out no matter which way you turn.  
15          I'd be interested to see what you  
16          come back with for that.

17                  CHAIRMAN EWASUTYN: Cliff Browne?

18                  MR. BROWNE: I'm just echoing  
19          those comments.

20                  CHAIRMAN EWASUTYN: Ken Mennerich?

21                  MR. MENNERICH: I echo them, too.

22                  CHAIRMAN EWASUTYN: Stephanie  
23          DeLuca?

24                  MS. DeLUCA: The same in terms  
25          of the traffic.

1           P O S I T I V E   D E V E L O P E R S   W A R E H O U S E

2                   CHAIRMAN EWASUTYN:  Frank Galli?

3                   MR. GALLI:  The traffic, too.

4                   Can you give us the definition  
5 of flex space in our code?

6                   MR. WINGLOVITZ:  Flex space in  
7 the code.  I don't know what the  
8 definition of flex space is.  We're  
9 proposing a warehouse that has the  
10 ability to be divided into four  
11 spaces.  Some codes call it flex  
12 space.  That just may be a term -- a  
13 real estate term how they -- the way  
14 they use it.  It's warehouse.

15                  MR. GALLI:  I don't think it's  
16 in our code.

17                  MR. WINGLOVITZ:  You don't  
18 think it's in your code.  It's a real  
19 estate term.

20                  MR. GALLI:  That's all, John.

21                  CHAIRMAN EWASUTYN:  Ken Wersted  
22 with Creighton, Manning Engineers who  
23 reviews the traffic impacts on projects.

24                  MR. WERSTED:  Thank you.  We  
25 did a site visit today and looked at

1           P O S I T I V E   D E V E L O P E R S   W A R E H O U S E

2           the site plan. There are two  
3           driveways proposed. The northern  
4           one, it looks like it's exclusive to  
5           trucks. It is along the inside of a  
6           curve, so sight distances should be  
7           checked, particularly looking in that  
8           direction.

9                     The southern driveway looks to  
10           be primarily for passenger vehicles,  
11           and that appears to be okay.

12                    We gave the Planning Board some  
13           comparisons or some other buildings  
14           in the Town that have comparable  
15           size, a little bit smaller, some  
16           bigger that the Town has looked at.  
17           I gave some estimates of traffic,  
18           being anywhere from 25 to 30 trips  
19           depending really on who the tenant  
20           is. If it's a warehouse/  
21           manufacturing type of use, it's going  
22           to fall in that 25 to 30 trip  
23           threshold. If there was a different  
24           tenant coming in, it could be  
25           different. So right now if you don't

1           P O S I T I V E   D E V E L O P E R S   W A R E H O U S E

2           have a tenant in mind, it's really  
3           kind of speculative at this point.

4           The curve radius on the north  
5           driveway is right at the property  
6           line. It may need to be offset a  
7           little bit more than that. I know if  
8           it was a DOT road they would say you  
9           would have to shift that a little  
10          further south so that your curve  
11          radius isn't extending in front of  
12          the neighbor's property.

13          There are several other  
14          properties in this area that are  
15          zoned IB and are for sale.

16          When we think about, in the  
17          future, traffic on Racquet Road, it  
18          has the potential to increase. Even  
19          where it stands now with Gold's Gym  
20          and the -- I don't remember the name  
21          of the building but it's right across  
22          the street, that facility is much  
23          smaller, it doesn't have a lot of  
24          traffic coming in and out of it. As  
25          you go throughout the afternoon,

1           P O S I T I V E   D E V E L O P E R S   W A R E H O U S E

2           there's enough traffic on 17K going  
3           back and forth where you might pull  
4           out of Racquet Road in just a couple  
5           of seconds or you may have to wait a  
6           minute or two depending on the timing  
7           of those vehicles.

8                     Right now 17K is a single lane  
9           in each direction.  If you are  
10          turning left into Racquet Road,  
11          people are going to drive around you  
12          on the shoulder.  That's evident from  
13          observations today.

14                    With all these things in mind,  
15          there is the ability for this project  
16          to come out of Racquet Road, go to  
17          the north, turn left onto Rock Cut  
18          Road and come down to a traffic  
19          signal.  There you still may wait a  
20          minute or so for the traffic light to  
21          turn but you will be guaranteed a  
22          green light to turn left out of  
23          there.  It's just a matter of waiting  
24          for it.

25                    With that in mind, we think you



1           P O S I T I V E   D E V E L O P E R S   W A R E H O U S E

2           should take a look at the traffic at  
3           that intersection at Rock Cut Road.  
4           We think DOT and the County should be  
5           involved in that review process. I  
6           know this is an early sketch plan but  
7           I think that's the direction that  
8           we're going in.

9                       MR. WINGLOVITZ: Understood.

10                      MR. GALLI: Ken, they should do  
11                      an actual traffic study?

12                      MR. WERSTED: Yes. I think the  
13                      last one that was done around there  
14                      was either for the Cumberland Farms  
15                      or for the Lakeside senior  
16                      apartments. Both of them are to the  
17                      east and the west of this project,  
18                      which is in the middle of it.

19                      MR. GALLI: Thank you.

20                      CHAIRMAN EWASUTYN: Pat Hines  
21                      with McGoey, Hauser & Edsall.

22                      MR. HINES: Our first comment  
23                      is this is a schematic plan on an  
24                      aerial photo.

25                      The project will be required to

1           P O S I T I V E   D E V E L O P E R S   W A R E H O U S E

2           be submitted to Orange County  
3           Planning due to its proximity to 17K.  
4           Actually, Rock Cut Road is less than  
5           500 feet which is a County roadway.

6                     Adjoiners' notices could be  
7           sent at this time.

8                     We're asking that the  
9           residential structures located to the  
10          north be shown on the plan for the  
11          Board to see where those are for the  
12          public hearings.

13                    Landscaping plans will be  
14          required. The buffer that's shown  
15          has landscaping requirements.

16                    The grading of the site.  
17          There's about 20 feet of elevation  
18          difference from the front to the rear  
19          of the site on the south end, so  
20          grading will be important. What's  
21          left of that buffer when you grade  
22          it, we'll need to take a look at  
23          once we get those plans.

24                    It will require a stormwater  
25          pollution prevention plan.

1           P O S I T I V E   D E V E L O P E R S   W A R E H O U S E

2                   The highway superintendent's  
3           comments on the Racquet Road  
4           entrances should be received.

5                   The project is going to be  
6           served by an on-site well. For the  
7           Board, there's also a water tank  
8           that's proposed in order to provide  
9           for the fire protection for the  
10          building. That will need to be  
11          looked at, where it's located and how  
12          it works with that buffer, the height  
13          of it.

14                  A further review once we get to  
15          the detailed plans will be undertaken.

16                  The plan is of sufficient  
17          detail to send the adjoining's notices  
18          at this time.

19                  CHAIRMAN EWASUTYN: Dominic  
20          Cordisco, Planning Board Attorney.

21                  MR. CORDISCO: This is going to  
22          be an action that is subject to  
23          SEQRA. It would likely require  
24          referral --

25                  CHAIRMAN EWASUTYN: Lead agency?

1           P O S I T I V E   D E V E L O P E R S   W A R E H O U S E

2                       MR. CORDISCO:   That's correct.

3           I think it would be premature at this  
4           time, based on the initial concept  
5           level of the plan as well as the  
6           other information that's been called  
7           out by Ken and Pat so far.

8                       The Board should also consider  
9           making a referral to the New York  
10          State Department of Transportation  
11          and the Orange County DPW for  
12          potential impacts or concerns that  
13          they may have in connection with 17K  
14          and Rock Cut Road.   Once again, that  
15          referral can come at a time when the  
16          plans have progressed.

17                      CHAIRMAN EWASUTYN:   Thank you.  
18          We'll keep that in mind the next time  
19          it's presented to the Board.

20                      Just out of curiosity, do you  
21          know the color it might be of this 15  
22          foot high water tank?

23                      MR. WINGLOVITZ:   No.   That's  
24          something we can discuss as part of  
25          the process.   They come in any color

1           P O S I T I V E   D E V E L O P E R S   W A R E H O U S E

2           palette. I've done them to match the  
3           building, I've done them to be green  
4           so it's less likely to be seen. We  
5           can bring in the different colors and  
6           show you.

7                   CHAIRMAN EWASUTYN: All right.  
8           So then would someone -- you'll work  
9           with Pat Hines to prepare and send  
10          out the adjoiners' notice.

11                   MR. WINGLOVITZ: We will do that.

12                   CHAIRMAN EWASUTYN: Anything  
13          else we have to discuss at this time?

14                   (No response.)

15                   CHAIRMAN EWASUTYN: It's too  
16          early for the concept plan, as  
17          Dominic Cordisco suggested.

18                   MR. WINGLOVITZ: I've advised  
19          my client before that they would need  
20          a traffic study. We'll get that in  
21          process. I'll get a scope to Ken for  
22          his review so that we're all on the  
23          same page.

24                   CHAIRMAN EWASUTYN: Thank you.

25                   MR. WINGLOVITZ: Thank you very

1           P O S I T I V E   D E V E L O P E R S   W A R E H O U S E

2                   much.

3

4                           (Time noted: 7:45 p.m.)

5

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

7

8

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

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

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

19                   IN WITNESS WHEREOF, I have hereunto  
20           set my hand this 3rd day of August 2022.

21

22

23

24

25

*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

MOFFAT PROPERTIES, LLC  
(2022-14)

224 & 226 Route 17K  
Section 32; Block 29; Lots 64 & 65  
IB Zone

----- X

SITE PLAN - EQUIPMENT RENTAL WAREHOUSE

Date: July 21, 2022  
Time: 7:45 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: NEIL SANDER,  
CRAIG MOFFAT & ETHAN ROGERS

----- X

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

1           M O F F A T   P R O P E R T I E S ,   L L C

2                   CHAIRMAN EWASUTYN:   The Planning  
3           Board's sixth item this evening is  
4           Moffat Properties, LLC.  It's an  
5           initial appearance for a site plan  
6           for an equipment rental warehouse  
7           located on 17K in an IB Zone.  It's  
8           being represented by Independence  
9           Engineering.

10                  MR. SANDER:  I'd like to request  
11           that we be delayed in this hearing.  
12           Unfortunately my clients' flight has  
13           been delayed for four hours today.  
14           They are not expecting to be here  
15           until about 8:15.

16                  CHAIRMAN EWASUTYN:  Provided  
17           the meeting isn't over by then.

18                  MR. SANDER:  If it's not over  
19           by then I'll go ahead and present.

20                  CHAIRMAN EWASUTYN:  For the  
21           record.

22                  MR. SANDER:  My name is Neil  
23           Sander.  I'm with Independence  
24           Engineering.

25                  CHAIRMAN EWASUTYN:  That's



1       M O F F A T   P R O P E R T I E S ,   L L C

2               reasonable.

3                       (Time noted: 7:46 p.m.)

4                       (Time resumed: 8:28 p.m.)

5               CHAIRMAN EWASUTYN:   Our sixth  
6               item of business this evening is  
7               Moffat Properties.   It's an initial  
8               appearance for a site plan for an  
9               equipment rental warehouse.   It's in  
10              an IB Zone and it's being represented  
11              by Independence Engineering.

12              MR. SANDER:   Good evening.   My  
13              name is Neil Sander.   I'm with  
14              Independence Engineering.   I  
15              represent Moffat Properties who is  
16              the developer of this particular  
17              property located at 224 Route 17K,  
18              the site of an old landscaping  
19              distributor and retail facility.

20              My clients, Craig Moffat and  
21              Ethan Rogers, are here this evening  
22              if you have any questions about  
23              operations and the type of use that's  
24              going to be going into this site.

25              Currently there is an abandoned

1       M O F F A T   P R O P E R T I E S ,   L L C

2           retail facility here. It's been  
3           vacant for several months. We are  
4           looking to tear it down, construct a  
5           10,000 square foot building,  
6           refurbish the driveways that are  
7           currently on site. There are  
8           currently two driveways but we're  
9           going to be reshaping them so they're  
10          curbed and channelized.

11                 We'll add stormwater. There's  
12           currently no stormwater management on  
13           this site to manage what is an  
14           exceptional amount of impervious  
15           surface, approximately 4 acres of  
16           impervious, that's going into the  
17           watersheds, and pave approximately 2  
18           acres with 26 parking spaces.

19                 The rear portion is going to be  
20           fenced off for outdoor storage. This  
21           is intended to be a Sunbelt Rentals  
22           general tool facility which  
23           essentially rents small tools. We're  
24           not talking about forklifts or  
25           cranes. This is going to be

1           M O F F A T   P R O P E R T I E S ,   L L C

2           generators, other power equipment.

3                   CHAIRMAN EWASUTYN:   Can you be  
4           specific on that --

5                   MR. SANDER:   Yes.

6                   CHAIRMAN EWASUTYN:   -- because  
7           -- you know, let's be specific.   Just  
8           for our own education, what type of  
9           equipment?   Will it be front end  
10          loaders?

11                   MR. SANDER:   No.   For specifics  
12          I'll defer that question to Craig.

13                   MR. MOFFAT:   Again, thanks,  
14          everybody, for coming here.   I  
15          appreciate you holding us -- pushing  
16          us back.   We couldn't get in to  
17          Newark.   It was crazy.   We made it.

18                   CHAIRMAN EWASUTYN:   You are?

19                   MR. MOFFAT:   I'm Craig Moffat.

20                   CHAIRMAN EWASUTYN:   Why don't  
21          you come forward.   There's no traffic  
22          jams up front.

23                   MR. MOFFAT:   We hit a bunch of  
24          them.   We hit more weather.

25                   So it's a Sunbelt tools and

1       M O F F A T   P R O P E R T I E S ,   L L C

2           this is the general tool division.  
3           So it is small tools but it is also  
4           skid steers, mini-excavators, stuff  
5           like that. That's what is housed in  
6           the back here behind the fence. The  
7           fences are all here. That's all back  
8           here. There is smaller equipment  
9           that's there, backhoes. Not too much  
10          of that stuff, but there is. Then a  
11          lot of it is some of your smaller  
12          hand tools, smaller equipment.

13                   CHAIRMAN EWASUTYN: That's good  
14                   to know. Thank you.

15                   MR. WARD: Are you going to  
16                   have lifts?

17                   MR. SANDER: There will be  
18                   lifts, yes.

19                   MR. BROWNE: Basically a  
20                   general contractor type --

21                   MR. MOFFAT: It's about 50/50.  
22                   It's homeowner, general contractor.  
23                   So homeowners can go in there, they  
24                   can rent. They can go in there and  
25                   rent a truck, a trailer and put a

1           M O F F A T   P R O P E R T I E S ,   L L C

2           trencher and take the whole thing  
3           home for the weekend and then bring  
4           it all back. So they rent all that  
5           stuff. They also do have contractor  
6           use for rentals.

7                   CHAIRMAN EWASUTYN: If it's a  
8           homeowner who is looking to rent,  
9           they drive to the rear, or how do  
10          they put the skid steer on?

11                   MR. MOFFAT: Most of them  
12          aren't going to haul a skid steer.  
13          That's a little heavy for your  
14          standard homeowner to pick up. But  
15          they will come to the site --

16                   CHAIRMAN EWASUTYN: To sign the  
17          paperwork?

18                   MR. MOFFAT: Yup, yup. They  
19          have to sign the PO and all that.

20                   MR. DOMINICK: Hours of  
21          operation?

22                   MR. MOFFAT: 6:30 until -- I  
23          think it's either 6:00 or 6:30 until  
24          4:00 or 4:30 the latest. Usually by  
25          4:30 everybody is gone.

1           M O F F A T   P R O P E R T I E S ,   L L C

2                   MR. DOMINICK:   Seven days or  
3                   six days?

4                   MR. MOFFAT:   They're open --  
5                   that's five days, Monday through  
6                   Friday, and then Saturday is I think  
7                   8:00 to 12:00.   I think they are open  
8                   -- that's a lot for homeowners.   The  
9                   Saturday mornings is -- that's why  
10                   they like being on a main  
11                   thoroughfare with traffic counts.  
12                   They have a lot of different  
13                   specialty divisions.   This particular  
14                   division needs the vehicle per day  
15                   count on there.

16                   CHAIRMAN EWASUTYN:   When you  
17                   say they --

18                   MR. MOFFAT:   Sunbelt Rentals.

19                   CHAIRMAN EWASUTYN:   You're not  
20                   the principal?

21                   MR. MOFFAT:   So let me back up.  
22                   I develop for Sunbelt Rentals.   I go  
23                   out, I'll find a piece of property,  
24                   say hey -- they'll tell me, they'll  
25                   say go to, for instance, this site.

1           M O F F A T   P R O P E R T I E S ,   L L C

2           They said go to Newburgh, New York  
3           and find us a site. So I found a  
4           site. They said okay, we want to be  
5           there. I get the property under  
6           contract, I hire our great engineer  
7           team, they design everything, we push  
8           a project through, get the CO, they  
9           move in and then they lease the  
10          property from me. So I hold the  
11          property and they just lease the  
12          property from me. They sign long-  
13          term leases.

14                   CHAIRMAN EWASUTYN: Thank you.

15                   MR. SANDER: I know there was  
16                   some question about the use with the  
17                   zone. We did discuss this with  
18                   Gerald Canfield over the winter and  
19                   he sent an e-mail saying this is  
20                   permitted in the IB Zone. I have an  
21                   e-mail I can produce to Mr. Hines.

22                   CHAIRMAN EWASUTYN: All right.  
23                   Let's start with Board Members.

24                   Frank Galli, questions?

25                   MR. GALLI: I think Mr. Moffat

1       MOFFAT PROPERTIES, LLC

2               there answered quite a few of them,  
3               what it was going to be, how they  
4               were going to do it, what it's going  
5               to look like.

6               The only question I do have is  
7               all the big equipment is going to be  
8               hidden -- I'll call it hidden -- in  
9               the back part of the site?

10              MR. MOFFAT: Yes.

11              MR. GALLI: No 60 foot lifts  
12              sticking up on 17K, no signs hanging  
13              off saying Sunbelt equipment?

14              MR. MOFFAT: No. All that  
15              stuff is out in the back of the lot.  
16              Yup.

17              MR. SANDER: That's one of the  
18              first things we looked at because of  
19              the proximity of the airport.

20              MR. MOFFAT: So a lot of this,  
21              especially this division, if they  
22              have all their equipment on the site --

23              MR. GALLI: It's bad.

24              MR. MOFFAT: Your utilization  
25              rate needs to be about 90 percent to



1           M O F F A T   P R O P E R T I E S ,   L L C

2           make profit.  So if there's a bunch  
3           of equipment on the site --

4                   MR. GALLI:  You're in trouble.  
5           You're in trouble, not them.

6                   MR. MOFFAT:  I'm not in trouble  
7           -- well, unless they can't pay their  
8           rent, yeah.  Typically their  
9           utilization is high.  They do not  
10          want that equipment sitting on the  
11          yard.  It comes back, they -- this  
12          facility will have all brand new  
13          equipment.  When they bring it in,  
14          it's not really to repair, it's more  
15          to maintain and then it goes right  
16          back out.

17                   MR. GALLI:  That was my second  
18          question.  You're not going to do  
19          major repairs?

20                   MR. MOFFAT:  No.  They turn  
21          their products over probably every  
22          three to five years.  Once it starts  
23          having those kinds of issues, it's  
24          gone, because they end up -- they  
25          have a plan where they know that X

1           M O F F A T   P R O P E R T I E S ,   L L C

2           amount years it costs them more than  
3           just to buy new. You know, when you  
4           send a piece of equipment out to a  
5           customer and that breaks down because  
6           it's old, well, A, now you have to  
7           bring another piece of equipment out  
8           there, bring that one back, and now  
9           your client is mad because that could  
10          be a four-hour process when they have  
11          six guys waiting for that one piece  
12          of equipment to do the work. So they  
13          have a pretty good program for  
14          recirculating equipment, new equipment.

15                   CHAIRMAN EWASUTYN: Stephanie?

16                   MS. DeLUCA: No further.

17                   CHAIRMAN EWASUTYN: Twice a  
18          year I believe United Rentals sells  
19          equipment. I don't know if you know  
20          where they are located but I probably  
21          think you've done a study of the area  
22          to be familiar with it. They're  
23          located on Route 32 in New Windsor.  
24          It's a State road. I would say two  
25          sales a year have cars lined up and

1           M O F F A T   P R O P E R T I E S ,   L L C

2           down Route 32 because there are a lot  
3           of people in the trades who are  
4           looking for a good deal. Do you see  
5           a similar type of event? What you're  
6           saying is they like to sell their  
7           equipment. What's happening here too  
8           is it's difficult, you're speaking  
9           for another entity. It's always hard  
10          to get -- I respect it. It's always  
11          hard to get a clear interpretation of  
12          someone else's use based upon your  
13          interpretation. I respect you and  
14          understand you're looking to get  
15          people to sign the lease. I'm just  
16          hoping that you're accurate in your  
17          presentation as of today, three years  
18          and five years down the road.

19                 Do we, at some point in time,  
20                 because they signed the lease and  
21                 they want to get their monies worth,  
22                 start having some of these  
23                 generators, whatever these things  
24                 are, sitting in the parking lot out  
25                 front to advertise their goods? So I

1       M O F F A T   P R O P E R T I E S ,   L L C

2           just mention that to you now.

3                   MR. MOFFAT:  A couple things.  
4           The first one, I've been developing  
5           and working with Sunbelt for ten  
6           years.  We develop Sunbelts all over  
7           the country.  So I know -- that's why  
8           I'm here.  I have an operational  
9           company, which is a utility  
10          construction company, and we work in  
11          similar ways.  So that's another  
12          reason I know the operations, I know  
13          how to run that.  We've been in front  
14          of a planning board maybe twenty  
15          times going over the same thing.

16                   Number two, how they sell their  
17          equipment.  They do not do a fire  
18          sale like -- that's basically a fire  
19          sale.  I don't know if you're  
20          familiar with Iron Planet.  Iron  
21          Planet is just a website platform.  
22          You hire them, they come, they  
23          evaluate all your equipment and then  
24          they put it on an online auction.  
25          People don't come look at it to sell

1           M O F F A T   P R O P E R T I E S ,   L L C

2           it.  It's already advertised online.  
3           They come and then they pick it up,  
4           just like they would a piece of  
5           equipment.  So they -- I've actually  
6           bought -- my operating company has  
7           bought equipment from Sunbelt selling  
8           it on this platform.  It's called  
9           Iron Planet.

10                   CHAIRMAN EWASUTYN:  Kind of  
11           like the way auctions are run today.

12                   MR. MOFFAT:  That's great.  So  
13           that particular website, Iron Planet,  
14           you can sell anything across the  
15           country.  They also have a Gov Planet  
16           which is all Governmental surplus  
17           items that they sell, and that's --  
18           you know, it's just another really good  
19           avenue for selling that equipment.

20                   CHAIRMAN EWASUTYN:  Thank you.

21                   Cliff Browne?

22                   MR. BROWNE:  I'm good.  Thank you.

23                   MR. DOMINICK:  Good presentation.

24           I think it's a definitely a business  
25           needed in this Town.

1           M O F F A T   P R O P E R T I E S ,   L L C

2                       Where is the next closest  
3           Sunbelt?  Do you know?

4                       MR. MOFFAT:  Good question.

5                       CHAIRMAN EWASUTYN:  Someone  
6           said Rockland County.

7                       MR. MOFFAT:  I can tell you  
8           right now.

9                       MR. WARD:  Spring Valley, Route  
10          59.

11                      MR. HINES:  If that's a Verizon  
12          phone it's not going to work.

13                      MR. DOMINICK:  That's all right.

14                      MR. HINES:  It is Spring Valley.

15                      MR. MOFFAT:  Well, Sunbelt has  
16          a lot of different profit centers or  
17          divisions.  They have a pump and  
18          power division, they have a climate  
19          control, flooring solutions.  You  
20          might see Sunbelt.  If it's close to  
21          this, it's probably not in the same  
22          division.  A lot of people don't know  
23          that.  They probably have fifteen different  
24          divisions they operate out of.

25                      CHAIRMAN EWASUTYN:  Is it a

1           M O F F A T   P R O P E R T I E S ,   L L C

2           publicly traded company?

3           MR. MOFFAT:   Yes.

4           MR. GALLI:   You were going to  
5           say where is the closest.

6           MR. MOFFAT:   I was trying to  
7           find it.

8           CHAIRMAN EWASUTYN:   John Ward?

9           MR. WARD:   My question is if  
10          you come in to rent something heavy  
11          duty, I know I was trained for heavy  
12          duty equipment, can you rent it to  
13          anybody or are you supposed to be  
14          certified to be able to rent it?

15          MR. MOFFAT:   Yes, you can rent.

16          MR. WARD:   Anybody can rent it?

17          MR. MOFFAT:   Yes. I don't know  
18          -- I know they have a training  
19          facility you can go to. I'm pretty  
20          sure you can rent, anybody.

21          MR. SANDER:   Do they have heavy  
22          duty equipment?

23          MR. MOFFAT:   I mean they're not  
24          going to be huge excavators and  
25          loaders and stuff like that.

1           M O F F A T   P R O P E R T I E S ,   L L C

2                       MR. SANDER:   A Bobcat.

3                       MR. WARD:   I know the lifts, at  
4                       Javits Center we had to be trained to  
5                       go up and down on the lifts.  There's  
6                       different trainings in New York.  
7                       That's why it's a safety issue.

8                       MR. MOFFAT:  Correct.

9                       MR. WARD:   That's why I'm  
10                      asking.

11                      MR. MOFFAT:  That's a good  
12                      question.  I'm not a hundred percent  
13                      sure on that question.

14                      MR. WARD:   Okay.  My other  
15                      question is you plan on storing it in  
16                      the back.  The way I read it, it was  
17                      gravel.  Gravel and moving around the  
18                      equipment, it's -- like a lift, it  
19                      rolls.  They're not regular tires.

20                      MR. MOFFAT:  Well, right.  Well  
21                      most of those lifts -- a lot of those  
22                      are electric lifts.  On the back of  
23                      this building right here is charging  
24                      stations.  They are lined up right  
25                      here behind the building.  Any of



1           M O F F A T   P R O P E R T I E S ,   L L C

2                   your thin rubber tired, like a  
3                   scissor lift, it won't go there.  
4                   They all line up on the back right  
5                   here.

6                   MR. WARD:   So it's like your  
7                   mini-backhoes or whatever?

8                   MR. MOFFAT:   Right, right,  
9                   right.   That's more of your skid  
10                  steers.   All your rubber tired  
11                  equipment that can go on that.   Most  
12                  of your forklifts.   Other than those  
13                  -- when you say gravel, it's ABC  
14                  stone, crusher run river.   Wherever  
15                  you are in the country there's  
16                  different names for it.

17                  MR. HINES:   Item 4 here.

18                  MR. MOFFAT:   Item 4.   So it's  
19                  got the fines and the coarse  
20                  aggregate in it.   It's basically your  
21                  road base that you build roads with.

22                  MR. WARD:   Where is your main  
23                  -- your office where you come out of?

24                  MR. DOMINICK:   Where did you  
25                  fly from?

1           M O F F A T   P R O P E R T I E S ,   L L C

2                   MR. MOFFAT:   Raleigh.   I am  
3                   from the Buffalo area.   Up there we  
4                   call it crusher run.   It's called ABC  
5                   stone in Raleigh.   It depends on what  
6                   part of the country.   He knew what I  
7                   was talking about.   He said it's item  
8                   4 here.

9                   MR. WARD:   Thank you.

10                  CHAIRMAN EWASUTYN:   Ken Wersted  
11                  with Creighton, Manning -- have we  
12                  referred this to Karen, our Landscape  
13                  Architect?

14                  MR. HINES:   We haven't.   This  
15                  is the initial appearance tonight.

16                  CHAIRMAN EWASUTYN:   At some  
17                  point in time we'll need plans to  
18                  refer to our Landscape Architect,  
19                  Karen Arent, to look at those plans.

20                  We sometimes along the Route  
21                  17K corridor, if you noticed, like to  
22                  see some kind of stonewalls to keep  
23                  uniformity with that corridor.  
24                  You'll see it by the Auto Auction,  
25                  which is east of you, and several

1       M O F F A T   P R O P E R T I E S ,   L L C

2               buildings along the 17K corridor.

3                       Okay. We'll refer that to our  
4       Landscape Architect.

5                       The only comment I have here is  
6       you show wheel stops on the property.  
7       Pat Hines will talk to you about  
8       maybe having curbing. He'll talk to  
9       you further about that.

10                      MR. HINES: On that note, the  
11       front of the parking between the  
12       building and the stormwater  
13       management facilities depicts wheel  
14       stops. We don't allow those.  
15       Realizing it's part of your  
16       stormwater management, if you could  
17       install curbs with multiple drop  
18       curbs. We find that to be much more  
19       resilient and last longer. Wheel  
20       stops get snow plowed into the  
21       stormwater ponds. We'd like to see  
22       that. The Board requires the sites  
23       to be completely curbed in those  
24       public accessible areas.

25                      MR. SANDER: Easy enough to do.

1           M O F F A T   P R O P E R T I E S ,   L L C

2                   MR. HINES:   Do you want me to  
3           keep going?

4                   CHAIRMAN EWASUTYN:   Please.  
5           Then we'll go to Ken Wersted.

6                   MR. HINES:   You did talk to  
7           Code Enforcement.   I think we had  
8           conversations early on about this  
9           site as well when you were doing your  
10          due diligence.   We'll check that box  
11          that this is a permitted use.

12                   You can take the proxy language  
13          off the cover sheet.   That's a form  
14          that gets submitted.

15                   We did provide you with some  
16          stormwater comments.   I think you  
17          should have received those.

18                   MR. SANDER:   Yes.   I want to  
19          point out this is supposed to be a  
20          wet pond.   It's actually going to be  
21          an aesthetic feature.

22                   MR. HINES:   Wet ponds are  
23          required to be fenced per our Town  
24          Code, so there will need to be a  
25          fence.   Oftentimes they use split

1           M O F F A T   P R O P E R T I E S ,   L L C

2           rail with a wire mesh on there. It  
3           just looks aesthetically better.

4                        What we were speaking about  
5           about the stonewall is the Town has  
6           design guidelines which prohibits  
7           parking in the front yard, front of  
8           the building. The Board has worked  
9           with applicants to put in landscaping  
10          features to mitigate that and allow  
11          the parking in the front. Obviously  
12          these facilities work much better  
13          when the public is in the front and  
14          the equipment is in the rear.

15                      MR. SANDER: Keep the public  
16           out of the storage area.

17                      MR. HINES: DOT comments. I  
18           know there's two access points.  
19           Hopefully DOT will allow you to do  
20           that. I'll defer to Ken.

21                      An Orange County Planning  
22           referral will be required. Actually,  
23           the plans are at a fair level of  
24           detail that we can do that referral  
25           at this point.

1           M O F F A T   P R O P E R T I E S ,   L L C

2                         There's two threatened or  
3                         endangered species on the site, the  
4                         bat species -- there's two bat  
5                         species and the Upland Sandpiper  
6                         which is a song bird. We'll just  
7                         need the report submitted to DEC. I  
8                         know you did work on that and the  
9                         habitat is not likely to be there.  
10                        We need the New York State Department  
11                        of Environmental Conservation's  
12                        Natural Heritage Program to sign off  
13                        on that. I don't see that as an  
14                        issue but they were flagged on the  
15                        long form EAF.

16                        There are some 100-year  
17                        floodplains on the site. We'll need  
18                        those delineated with the elevations.

19                        MR. SANDER: We're well above  
20                        the floodplain elevation.

21                        MR. HINES: I just need those  
22                        on the plan to check the box.

23                        We provided you with the  
24                        striping detail that's required.

25                        MR. SANDER: Thank you.

1           M O F F A T   P R O P E R T I E S ,   L L C

2                   MR. HINES:   The building will  
3                   be required to be sprinklered.   The  
4                   Town of Newburgh has a code more  
5                   stringent than the New York State  
6                   Building Code or International  
7                   Building Code.   That's going to cause  
8                   the water lines to be increased in  
9                   size for the sprinkler.   Any building  
10                  greater than 2,500 square feet is  
11                  required to be sprinklered.

12                  MR. SANDER:   The office area is  
13                  separated from the warehouse area by  
14                  a two-hour firewall.

15                  MR. HINES:   We have a separate  
16                  code in Town.   The building is going  
17                  to be sprinklered.   It's more  
18                  stringent than the New York State  
19                  Code but it's unique to the Town.  
20                  There is a method of appealing that  
21                  to the fire board or fire bureau.  
22                  With having water in front, you're  
23                  not going to be very successful.   So  
24                  take a look at that section of the  
25                  Town's Code under sprinklers and

1       M O F F A T   P R O P E R T I E S ,   L L C

2               you'll see that it is required.

3               MR. MOFFAT:   Just going on  
4               that, is that a 4-inch fire line?

5               MR. HINES:   It's going to be  
6               based on your design.   A 4-inch  
7               sounds large for this, but it's based  
8               on the sprinkler design, it's based  
9               on your occupancy use and that  
10              section of the code.   I can't tell  
11              you whether it's 4 inch or not.   It's  
12              based on pressure and flow in the  
13              line which you should have  
14              significant water volume as you're  
15              near our 1.2 million gallon tank up  
16              the hill from you.   If you look in  
17              the New York State Code, it's not  
18              required.   In the Town of Newburgh it  
19              is.   I think I gave you a detail of  
20              how that's supposed to be laid out as  
21              well.

22              You're relocating a hydrant.  
23              We want to run that past the water  
24              superintendent to coordinate that as  
25              well.



1           M O F F A T   P R O P E R T I E S ,   L L C

2                         Site lighting will need to be  
3           addressed.  We're going to need site  
4           lighting on the plans prior to  
5           submitting them to County Planning.  
6           They're going to comment on that.

7                         MR. SANDER:  This is one that  
8           Hudson is doing.  Hudson Electric.

9                         MR. MOFFAT:  They're doing the  
10          photometric.  Do they require the --  
11          is it the photometric -- not the  
12          photometric, the foot candles?

13                        MR. HINES:  Yes.

14                        MR. SANDER:  That's what --

15                        MR. MOFFAT:  Hudson.

16                        MR. SANDER:  That was my  
17          understanding.

18                        MR. MOFFAT:  Sometimes they  
19          move slower than we'd like, so we'll  
20          do our own formal.  We'll have our  
21          mechanical engineer do that just  
22          because sometimes the power  
23          companies, they aren't always speedy  
24          to provide those plans.

25                        MR. HINES:  I know you having

1           M O F F A T   P R O P E R T I E S ,   L L C

2           the existing sanitary sewer in front  
3           of the site is kind of a unique  
4           system. You saw my comment. In some  
5           sections it operates as a low  
6           pressure sewer system. We need to  
7           evaluate that before you hook into it  
8           or it could be a big issue for you.

9           MR. SANDER: Yeah.

10          MR. HINES: I'm not sure  
11          exactly where it goes completely  
12          gravity. We'll work with the Sewer  
13          department to get you that information.

14          MR. SANDER: We did contact the  
15          Sewer Department. It wasn't entirely  
16          clear to begin with. They said  
17          there's gravity sewer in front of the  
18          site that goes all the way down Route  
19          17K.

20          MR. HINES: It does go down 17K  
21          but in some places it's very flat.  
22          It goes gravity, it goes pressure, it  
23          goes gravity. We want to confirm  
24          that.

25          Some details on the rear

1           M O F F A T   P R O P E R T I E S ,   L L C

2           storage area. I know you're showing  
3           some grading. It looks like it's  
4           going up on a hill there. It's  
5           fenced completely. It's a rather  
6           large area. We want to get a handle  
7           on the amount of equipment back  
8           there, what you're proposing. Is it  
9           6 pieces of equipment or is it 600.  
10          It's a large area.

11                   MR. SANDER: It is.

12                   MR. HINES: We want some  
13           information on that.

14                   We'll need what we call a City  
15           of Newburgh flow acceptance letter.

16                   MR. SANDER: Is that for sewer  
17           or stormwater?

18                   MR. HINES: It's for sewer.  
19           The Town's collection system is  
20           tributary to the City's sewage  
21           treatment plant and we have an  
22           agreement with them. I don't believe  
23           you're tributary to the City's water  
24           supply which often complicates that.  
25           I think you're tributary to Beaver

1           M O F F A T   P R O P E R T I E S ,   L L C

2           Dam Lake.  So we'll take a look at  
3           that, too, before we submit that.  
4           The way that works is you give me a  
5           hydraulic loading calculation for  
6           your facility and I'll put a cover  
7           letter on it, send it to the City and  
8           they'll answer back.

9                     Outdoor storage has to comply  
10           with Section 185-30.  There are  
11           several components there and we'd  
12           like to have those notes on the plans  
13           as well.

14                    We have a system for the  
15           adjoiners' notices.  I'll work with  
16           your office.  We'll prepare the  
17           notice, get you a list for the  
18           mailings.  There's a system in the  
19           Town.  I'll discuss with you on how  
20           that happens.  The Town actually  
21           physically does the mailings.  It's  
22           only first class stamps, it's not  
23           certified mail.  We'll work through  
24           that with you.  That has to be done  
25           before you come back before the

1           M O F F A T   P R O P E R T I E S ,   L L C

2           Board. Usually we do it within ten  
3           days of your first appearance.

4                    There are two tax map sections  
5           here and your application only  
6           identifies one. We need that updated  
7           as well.

8                    That's what we have as our  
9           initial comments. The next step in  
10          our process is that adjoiners' notice.

11                   CHAIRMAN EWASUTYN: Ken Wersted  
12          with Creighton, Manning Engineers.

13                   MR. WERSTED: Between the two  
14          properties you've got two curb cuts.  
15          DOT may allow you to have two curb  
16          cuts or they might say no, this is  
17          one use, try and consolidate them  
18          down into one. Be prepared for that.  
19          I kind of like the way the two are  
20          laid out, particularly for how trucks  
21          would come into the back and  
22          circulate in one driveway and out the  
23          other.

24                   MR. SANDER: This is something  
25          that comes often with this use.

1       M O F F A T   P R O P E R T I E S ,   L L C

2               Circulation doesn't work.

3               MR. MOFFAT:   With DOT as well.  
4               We present it as a safety traffic --  
5               like a congestion thing and they  
6               usually are --

7               MR. SANDER:   We contacted DOT  
8               about six weeks ago. We're not  
9               expecting comments imminently.

10              MR. WERSTED:   I would agree  
11              with that.

12              MR. SANDER:   Our traffic  
13              engineer warned us it was going to be  
14              about four months.

15              MR. WERSTED:   On your site I  
16              think you should show where some of  
17              your outdoor vehicle storage will be.  
18              As your trucks circulate around the  
19              back, we'll want to see that it can  
20              go in and out.

21              MR. SANDER:   I think the truck  
22              we're showing on our circulation is  
23              actually larger than what's going to  
24              be there. We're expecting a WB-40 on  
25              this site.

1           M O F F A T   P R O P E R T I E S ,   L L C

2                   MR. MOFFAT:  Dovetails.  They  
3           don't usually operate with lowboy  
4           trucks.  Mostly dovetails or  
5           rollbacks.  Typically what they do is  
6           stack all along the fence line.  
7           They'll have equipment basically  
8           stacked all around the fence line,  
9           that way if they do have to turn,  
10          they'll come around and then, just  
11          because the full island is here,  
12          they'll stack them here just so they  
13          have means to trailer them.

14                  MR. WERSTED:  That vehicle will  
15          stop, they can load equipment on and  
16          off and then pull out.

17                  MR. MOFFAT:  Yes.  They do like  
18          loading on the stone.  Just when  
19          they're dropping the ramps it doesn't  
20          tear up the asphalt as bad.  That's  
21          another reason they like the stone,  
22          it doesn't wear on that.

23                  MR. WERSTED:  Pay attention to  
24          the grade coming in and out of your  
25          driveway.  Obviously depending on the

1           M O F F A T   P R O P E R T I E S ,   L L C

2           trucks that you have, it's going to  
3           change grade through there. A lowboy  
4           might scrape. Just be cognizant of  
5           that.

6                     MR. SANDER: It's not as steep  
7           as I thought it was going to be.

8                     MR. WERSTED: Okay. Pavement  
9           striping on Route 17K should be  
10          shown. There is a median through  
11          there. I believe DOT will require  
12          you to re-stripe that to provide a  
13          left turn into the site.

14                    MR. SANDER: We'll see. Our  
15          traffic study did not recommend that.  
16          They thought it would be sufficient  
17          the way it is, that we wouldn't have  
18          to make any improvements.

19                    MR. WERSTED: Let's talk to  
20          DOT. My advice would be to look at  
21          the Toyota dealership down the road  
22          because that's how they facilitate  
23          ingress. They pretty much widened  
24          this road through this area. You'll  
25          be taking advantage of that extra



1       M O F F A T   P R O P E R T I E S ,   L L C

2               width out there.

3               Some of your truck templates,  
4               particularly for the left turn in, is  
5               showing that a truck is all the way  
6               on the right-hand shoulder of the  
7               road, sneaking that in. Obviously  
8               take a look at that. I don't know  
9               the driver is going to pull over on  
10              the right-hand shoulder to make a  
11              left turn.

12             MR. SANDER: That's something  
13             we can address.

14             MR. WERSTED: Great. Similarly  
15             with the exit. The exit has a right-  
16             turn movement going all the way to  
17             the opposing shoulder. Otherwise the  
18             truck access looks okay through the  
19             back.

20             I'll note that there's -- it's  
21             not important to me but there's two  
22             500 gallon fuel tanks in the back.  
23             The fire department or someone else  
24             may want to be aware of that.

25             The sight distances look good

1       MOFFAT PROPERTIES, LLC

2             for passenger cars but you should do  
3             a comparison for trucks.

4             Trip generation is going to be  
5             minimal. Maybe around 10 or 12  
6             trips. Once those trips are  
7             distributed east and west on the  
8             road, it's only like 1 to 5 cars or  
9             vehicles in any particular direction.  
10            We don't feel that that in itself is  
11            going to have any significant impact.

12            We will note that the road is  
13            busy and turning left out of there is  
14            going to be a challenge. Actually,  
15            turning as I sat there today, traffic  
16            was backed up going westbound maybe  
17            three-quarters of a mile coming up to  
18            the interchange. It was backed up  
19            across this site. It was actually  
20            easier to make a left turn out. With  
21            somebody providing the courtesy gap,  
22            I was able to turn into that median,  
23            which would help you get out, and  
24            then continue east towards the site.

25            That was the extent of our

1           M O F F A T   P R O P E R T I E S ,   L L C

2           comments.  Obviously we'll review  
3           more as more details come in.

4                   CHAIRMAN EWASUTYN:  So are we  
5           going to declare our intent for lead  
6           agency?

7                   MR. HINES:  I just noted that  
8           that would be something we can do.

9                   As you're sending things to  
10          outside agencies, if you could copy  
11          the Board, too.  I heard you sent  
12          stuff to DOT.  For the Board to keep  
13          a complete file on what agencies  
14          you're working with.

15                   The plans are of sufficient  
16          detail to circulate your intent for  
17          lead agency.

18                   CHAIRMAN EWASUTYN:  And we'll  
19          also send to the Orange County  
20          Planning Department?

21                   MR. HINES:  I think we're going  
22          to need the lighting plan.  They're  
23          going to ask for that lighting plan.

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

1       M O F F A T   P R O P E R T I E S ,   L L C

2               add?

3                       MR. CORDISCO:  Nothing further.

4                       CHAIRMAN EWASUTYN:  Having  
5               heard --

6                       MR. MOFFAT:  Mr. Ward, I did  
7               get -- I did text somebody.  
8               Typically if it's a contractor, they  
9               won't train them because they know.  
10              If it's a homeowner that comes in,  
11              they do have a training aspect where  
12              they can train a homeowner if he  
13              comes in.

14                      MR. WARD:  Thank you.  It's  
15              very important.  I mean the machines  
16              usually have the manual in the back  
17              and 1, 2, 3--

18                      MR. MOFFAT:  Nobody reads the  
19              manual.  Does anybody really read the  
20              manual?

21                      CHAIRMAN EWASUTYN:  Would  
22              someone make a motion to declare our  
23              intent for lead agency.

24                      MR. WARD:  So moved.

25                      MR. BROWNE:  Second.

1           M O F F A T   P R O P E R T I E S ,   L L C

2                   CHAIRMAN EWASUTYN: I have a  
3           motion by John Ward. I have a second  
4           by Cliff Browne. I'll ask for a roll  
5           call vote starting with Frank Galli.

6                   MR. GALLI: Aye.

7                   MS. DeLUCA: Aye.

8                   MR. MENNERICH: Aye.

9                   CHAIRMAN EWASUTYN: Aye.

10                  MR. BROWNE: Aye.

11                  MR. DOMINICK: Aye.

12                  MR. WARD: Aye.

13                  CHAIRMAN EWASUTYN: We'll also  
14           send out the adjoiners' notice.

15                  MR. HINES: I'll work with the  
16           applicant's rep.

17                  CHAIRMAN EWASUTYN: Thank you.

18                  MR. SANDER: Thank you.

19                  MR. MOFFAT: I do appreciate  
20           you pushing it back. We were in the  
21           airport.

22                  CHAIRMAN EWASUTYN: Would  
23           someone make a motion to close the  
24           Planning Board meeting of the 21st of  
25           July.

1           M O F F A T   P R O P E R T I E S ,   L L C

2                           MR. GALLI:   So moved.

3                           MR. BROWNE:   Second.

4                           CHAIRMAN EWASUTYN:   I have a  
5           motion by Frank Galli.   I have a  
6           second by Cliff Browne.   May I please  
7           have a roll call vote.

8                           MR. GALLI:   Aye.

9                           MS. DeLUCA:   Aye.

10                          MR. MENNERICH:   Aye.

11                          CHAIRMAN EWASUTYN:   Aye.

12                          MR. BROWNE:   Aye.

13                          MR. DOMINICK:   Aye.

14                          MR. WARD:   Aye.

15                          (Time noted:   8:48 p.m.)

16

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MOFFAT PROPERTIES, LLC

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 3rd day of August 2022.

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

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

----- X  
In the Matter of

UNITY PLACE WAREHOUSE  
(2021-29)

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

----- X

SITE PLAN

Date: July 21, 2022  
Time: 7:46 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN CAPPELLO,  
PHILIP GREALY, DENNIS ROCKS,  
JASON ANDERSON & ELIOT SPITZER

----- X

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



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

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

9                   MR. CAPPELLO:  John Cappello  
10          with Jacobowitz & Gubits.  I'm here  
11          with Phil Grealy, our traffic  
12          engineer; Dennis Rocks, the project  
13          civil engineer; and Jason Anderson,  
14          the architect, as well as the  
15          applicant, Eliot Spitzer.

16                   We were here at the Board I  
17          believe in early June to present this  
18          plan.  Based upon that there were  
19          comments relating to basically  
20          stormwater.  We submitted some  
21          revisions on that that Dennis will  
22          present, as well as some other site  
23          revisions.

24                   There was an issue regarding --  
25          questions regarding the access drives

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

2           into the site and some of the site  
3           circulation which Phil will speak to,  
4           as well as we received correspondence  
5           from your traffic engineer as well as  
6           the DOT that Phil can also briefly  
7           summarize the responses. We just  
8           received those. We did submit  
9           responses, or we'll be submitting  
10          responses momentarily.

11                 The last item is there was a  
12           question regarding the height of the  
13           building which Jason will discuss.  
14           We believe it's now been resolved.

15                 With that, we'll turn it over  
16           to Dennis to discuss some of the  
17           revisions in the latest submission of  
18           the site plan.

19                 MR. ROCKS: Good evening,  
20           Chairperson, Board, Consultants.  
21           Dennis Rocks from Brooker Engineering.

22                 So our submission that you have  
23           for tonight is a limited submission,  
24           as John was talking about. We only  
25           submitted three drawing sheets

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

2           because those are the only sheets  
3           that were revised.

4                        So what we did is we revised  
5           the two entrance drives, the one on  
6           Old Little Britain Road and the one  
7           on Unity Place. The one on Unity  
8           Place was revised to be directly  
9           offset from the Jehovah's Witness  
10          Hall. The one on Old Little Britain  
11          Road was revised to provide a radius  
12          that would allow a truck to stay on  
13          their side of the road when they were  
14          making a right turn out.

15                       The only other change we made  
16          was we put in an evergreen here to  
17          screen headlights.

18                       This is a limited submission,  
19          and those were the only changes that  
20          were made. That's it.

21                       After Mr. Hines goes through  
22          his comments, I would like the  
23          opportunity to address a few of those.

24                       DR. GREALY: Good evening.  
25          Philip Grealy, Colliers Engineering.

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

2                       We had prepared the traffic  
3                       study. We received comments from  
4                       your consultant, Creighton, Manning,  
5                       and also received comments from New  
6                       York State DOT on our submission to  
7                       them.

8                       The quick synopsis. DOT had  
9                       requested that we provide turning  
10                      diagrams, not at the site but at the  
11                      intersection of 17K and Unity Place  
12                      and also at the intersection of Route  
13                      300 and Old Little Britain Road.

14                     At Route 17K and Unity Place,  
15                     there may be some curb modifications  
16                     that we would do as part of the  
17                     highway work permit.

18                     At Old Little Britain Road and  
19                     Route 300, that was adequate to  
20                     address their comments there.

21                     They also asked us to provide a  
22                     striping improvement at the  
23                     intersection of Old Little Britain  
24                     Road and Route 300. There are two  
25                     lanes heading westbound but they're

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

2                unstriped in terms of lane  
3                designations, so that would be part  
4                of our permit.

5                        They also had requested that we  
6                provide video detection similar to  
7                what they have -- what has been done  
8                at the intersection of 17K and Route  
9                300 where cameras have been installed  
10                for actuation. They asked that we  
11                install cameras at the Old Little  
12                Britain Road and Route 300  
13                intersection. The video connection  
14                is more accurate and it allows them  
15                to also monitor the signals. So that  
16                would be part of our work permit.

17                        The last item, which is  
18                consistent with the request from your  
19                consultant, was since the tenant of  
20                this building is unknown, they  
21                requested that we provide a  
22                sensitivity traffic analysis with a  
23                higher use traffic generation, the  
24                light industrial category, which  
25                would generate more traffic. Not

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

2            much more in terms of truck traffic  
3            but more employee traffic is what it  
4            comes down to. So we prepared that.  
5            We just submitted those responses  
6            back to DOT. We received those in an  
7            e-mail last week.

8                    Relative to your consultant's  
9            comments, again we provided the  
10           sensitivity analysis that Ken had  
11           asked for also.

12                   I think he had a total of six  
13           comments. Two didn't require any  
14           further discussion, one was related  
15           to the turning tracks that he  
16           reviewed. The other was realignment  
17           of our driveway to align with the  
18           Jehovah's Witness access.

19                   He commented on the operation  
20           at Route 300 and 17K.

21                   There was one more relative to  
22           potential impacts. I think it was a  
23           concern with -- we were showing the  
24           level of service D for left-turning  
25           traffic from Unity Place onto Old

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

2           Little Britain Road in the afternoon  
3           rush hour. He suggested that  
4           possibly we would want to monitor  
5           that for a signal in the future. I  
6           don't think it's warranted, but if  
7           the Board would like us to, we would  
8           agree to monitor that.

9                    I think that's pretty much an  
10           update on everything.

11                   CHAIRMAN EWASUTYN: Ken Wersted  
12           with Creighton, Manning.

13                   MR. WERSTED: Thank you. Phil  
14           touched on many of my comments.

15                   One of the specific ones was  
16           that the traffic study was done in  
17           the spring under an old, different  
18           plan. The current plan has modified  
19           the ingress and egress points of the  
20           project. When you're doing your  
21           sensitivity analysis, if you could  
22           update the flows to reflect what's  
23           allowed to come in each of those  
24           driveways.

25                   DR. GREALY: Correct.

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

2                   MR. WERSTED:   In addition, I  
3           believe at the last meeting there was  
4           some discussion about what's an  
5           access highway and what's a  
6           qualifying highway.  I believe you  
7           had submitted a request to DOT to  
8           classify, was it Unity Place, --

9                   DR. GREALY:   That's correct.

10                   MR. WERSTED:   -- as an access  
11           or qualifying highway.  That relates  
12           to larger vehicles which are the  
13           typical interstate ones are only  
14           allowed on certain roads.  An  
15           applicant can submit a request to DOT  
16           to say here's where my building is, I  
17           need to get trucks from point A to  
18           point B for that.  DOT goes through a  
19           review process as part of that.

20                   I'll leave it up to the Board  
21           if they have any more questions.

22                   MR. BROWNE:   What's the status  
23           of that review?

24                   DR. GREALY:   That's part of  
25           their work permit review.  We



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

2           submitted a formal request. July  
3           12th I think was the date we  
4           submitted that. After our  
5           discussions with DOT, their initial  
6           response was yeah, location wise in  
7           terms of where we are relative to the  
8           State highway system and the  
9           interstate highway system, it would  
10          be typical. They go through an  
11          actual review process. They'll be  
12          responding back directly to the Town,  
13          actually, on that.

14                   MR. BROWNE: Thank you.

15                   CHAIRMAN EWASUTYN: Other  
16          comments from Board Members as far as  
17          Phil Grealy and Ken Wersted?

18                   MR. GALLI: Can you just, real  
19          quick, run us through the truck  
20          traffic as it goes through the site,  
21          in the site and out of the site?

22                   DR. GREALY: From an entry  
23          standpoint, any traffic that would be  
24          coming from the south on the Thruway  
25          or off 17K would head southbound on

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

2           Unity Place, turn into the site and  
3           would be able to circulate into the  
4           different loading areas. All traffic  
5           exiting, whether it be truck traffic  
6           or passenger car traffic -- this is  
7           an entry only driveway. All exiting  
8           traffic would occur at the Old Little  
9           Britain Road driveway. If there was  
10          any truck traffic that came from  
11          Route 300, they would be able to  
12          enter at this driveway also. Any  
13          exiting traffic would leave there.  
14          If they were destined back to the  
15          highway system, they can go out on  
16          Old Little Britain Road or they could  
17          go out on Unity Place, although this  
18          is the easier way to get back towards  
19          the interstate system. That's pretty  
20          much it.

21                   MR. GALLI: Thank you.

22                   CHAIRMAN EWASUTYN: Stephanie  
23                   DeLuca?

24                   MS. DeLUCA: You answered my  
25                   question. Thank you.

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

2                   CHAIRMAN EWASUTYN: Ken Mennerich?

3                   MR. MENNERICH: No questions.

4                   CHAIRMAN EWASUTYN: Thank you.

5                   Pat Hines with McGoey, Hauser &  
6           Edsall.

7                   MR. HINES: There's a  
8           requirement for a lot consolidation.  
9           It's currently two lots. A lot  
10          consolidation is required.

11                  There's also that easement  
12          issue out there. I know we discussed  
13          it in several locations. There's an  
14          easement running through the building  
15          that needs to be extinguished.

16                  MR. CAPPELLO: We're addressing  
17          it. We have most of the signatures.

18                  MR. HINES: We did circulate  
19          the project to Orange County Planning  
20          after the last meeting. That went  
21          out on July 1st, so that timeframe  
22          has not lapsed at this time. It's  
23          only been twenty days.

24                  We did send a City of Newburgh  
25          flow acceptance letter based on the

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

2            anticipated flow from the site which  
3            we received from Brooker Engineers.  
4            I think in response to that letter we  
5            received a letter from the City of  
6            Newburgh's counsel requesting some  
7            additional information regarding the  
8            stormwater management plan for the  
9            site and the down gradient -- impacts  
10           to the down gradient City of Newburgh  
11           controlled drainage structures. I  
12           think we received it yesterday. I  
13           sent it to your engineer. We'll be  
14           looking for responses to that to  
15           address that in the record. We do  
16           not have the City of Newburgh flow  
17           acceptance letter, and I doubt we'll  
18           get that until we address those  
19           comments.

20                    We gave you the water -- the  
21                    fire service line needs details of  
22                    the valving.

23                    We have standard notes for the  
24                    water and sewer that we'll provide.  
25                    There's a sanitary sewer pump station

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

2            required to discharge to the force  
3            main which was constructed as a dry  
4            force main in Unity Place. The  
5            response was that they would like to  
6            complete that after the SEQRA review.  
7            We're looking for some information on  
8            that sooner than later.

9                   The highway superintendent's  
10            comments on the revised access  
11            layout. We haven't received them on  
12            the previous layout yet. There is  
13            that revised layout that should get  
14            to the highway superintendent as both  
15            of those roads are under his  
16            jurisdiction.

17                   Cost estimates for stormwater  
18            management and landscaping will be  
19            required.

20                   A public hearing will  
21            eventually be required for the  
22            project, but that will happen after  
23            the SEQRA. It sounds like they have  
24            DOT, City of Newburgh and other  
25            traffic issues that need to be

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

2           further addressed before I think the  
3           Board would be in a position to go  
4           through the Part 2 and make a SEQRA  
5           determination.

6                     CHAIRMAN EWASUTYN:  Any  
7           additional questions or comments?

8                     MR. CORDISCO:  No, sir.

9                     CHAIRMAN EWASUTYN:  John.

10                    MR. CAPPELLO:  Just on the one  
11           comment with the City of Newburgh,  
12           what we were hoping is to get the  
13           initial comments back on the SWPPP  
14           from your engineer so we can get the  
15           SWPPP and be in good shape.  We would  
16           share that and its conclusions with  
17           the city engineer to hopefully  
18           address their concerns and comments,  
19           and work with you and the City to  
20           make sure it's all addressed in the  
21           final determination.

22                    CHAIRMAN EWASUTYN:  Dominic  
23           Cordisco?

24                    MR. CORDISCO:  I think that  
25           that would be fine.



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

2           and come around the building.  So  
3           then with the Town code we're really  
4           looking at the height of the building  
5           based on the average grade along  
6           Unity Place.  With that, we're now at  
7           40 feet.  A little higher  
8           architecture.  That actually resolved  
9           our issue.

10                   CHAIRMAN EWASUTYN:  Do you want  
11           to put up some renderings up?

12                   MR. ANDERSON:  Sure.  These are  
13           the same renderings that you saw.  
14           This is where -- this now is where as  
15           you come up, the grade comes up,  
16           finished floor by about 4 feet.  
17           That's where that averages out.

18                   I'll share with you also --

19                   MR. GALLI:  This picture here,  
20           we're looking at what direction?

21                   MR. ANDERSON:  You're looking  
22           south on Unity Place.  The existing  
23           Bradford pears.  This is the  
24           Jehovah's Witness convention center,  
25           their entry.  That's been adjusted.



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

2           For the public hearing we're  
3           adjusting the rendering to show that  
4           grade as it comes up.

5                     MR. GALLI:   Thank you.

6                     MR. DOMINICK:   The hedges that  
7           Dennis said were added, is that taken  
8           away from the retaining wall or is  
9           that on top of it?

10                    MR. CAPPELLO:   On top.

11                    MR. DOMINICK:   I think that  
12           retaining wall is a very nice feature.

13                    MR. ANDERSON:   We're leaving  
14           all of those.   There is no change there.

15                    Here's the landscaping.   As  
16           part of the public hearing we're  
17           going to be showing not only year one  
18           landscaping, which is what you see  
19           here, but also year ten landscaping  
20           so you'll have an understanding of  
21           visually.

22                    Here's the retaining wall.   The  
23           hedges are going to be up on top of  
24           the wall.

25                    MR. GALLI:   That's standing --

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

2                   MR. ANDERSON: I'm looking up  
3           Unity Place here and then looking in  
4           that direction.

5                   MR. GALLI: That's what it  
6           looks like now on top?

7                   MR. ANDERSON: Yes. So this is  
8           the -- what we do, we've got the  
9           original, the new. We actually model  
10          the entire site. Once we take those  
11          actual images, we overlay them and  
12          then you're able to see what it looks  
13          like in that exact location. As part  
14          of that next phase it will be these  
15          adjustments that we have.

16                   The last view that we have,  
17          this is looking -- you're looking  
18          east on Old Little Britain Road.  
19          This is looking essentially -- Unity  
20          Place is in the distance there.

21                   So again, the intent was to  
22          look more like an R&D office type  
23          building as opposed to a warehouse.  
24          We've got all the docks on the back  
25          side. Then of course the front side,

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

2           if you remember we tried to  
3           compliment the building across the  
4           street. They've got blue windows,  
5           they've got a blue roof. We tried to  
6           accommodate some of that with earth  
7           tone colors as well to make it blend.

8                   CHAIRMAN EWASUTYN: Any  
9           additional questions or comments?

10                   MR. GALLI: No.

11                   MS. DeLUCA: No.

12                   MR. MENNERICH: No.

13                   MR. BROWNE: No.

14                   MR. DOMINICK: No.

15                   MR. WARD: No.

16                   CHAIRMAN EWASUTYN: Pat, your  
17           office is reviewing the SWPPP?

18                   MR. HINES: Yes. I thought I  
19           was going to have the comments for  
20           tonight but it's not done yet.

21                   CHAIRMAN EWASUTYN: John,  
22           anything else this evening?

23                   MR. ROCKS: Mr. Chairman, if I  
24           may. I had a couple quick questions  
25           on Mr. Hines' memo.

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

2                        So the first one was on comment  
3                        number 1 with the lot consolidation.  
4                        When we submitted this application  
5                        originally, we did include that fee.  
6                        As far as the mechanics of that go --

7                        MR. CAPPELLO:  We'll take care  
8                        of that.  It's just a form.

9                        MR. ROCKS:  It's just a form.

10                      Okay.  Moving on.  Number 6, we  
11                      were talking about the sanitary pump  
12                      station.  We're going to go ahead and  
13                      proceed with that design.  We don't  
14                      want to risk holding anything up.

15                      Number 7, with respect to the  
16                      highway superintendent, is that  
17                      something we need to do?

18                      MR. HINES:  I'll coordinate  
19                      that with you.  I'll send an e-mail  
20                      tomorrow and hook you two up.  You  
21                      can send him a copy of the plans.  
22                      They've changed.  I don't if he saw  
23                      them yet.  This is a new version of  
24                      the access.

25                      I also want to get a handle

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

2           from Mr. Grealy on the other  
3           improvements on the Old Little  
4           Britain Road corridor.  If we can get  
5           him those as well to comment on.

6                     DR. GREALY:  Absolutely.

7                     MR. ROCKS:  Number 8 with the  
8           SWPPP comments, so Mr. Hines says  
9           that's coming.  I wanted to know if  
10          it was acceptable to the Board if Mr.  
11          Hines needed to communicate with us  
12          at all, if we could have permission  
13          to do that?

14                    MR. HINES:  We do that as a  
15          matter of course on those technical  
16          issues.  The Board doesn't have an  
17          issue with that.

18                    MR. ROCKS:  The last one is the  
19          cost estimates for the stormwater  
20          management and landscaping.  What's  
21          the mechanics for submitting that to  
22          the Town Board?

23                    MR. HINES:  We have a template.  
24          They're standardized in the Town.  I  
25          can send you that template and you

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

2           can plug those in. I bring those up  
3           because procedurally to get the  
4           approval it requires Town Board  
5           approval of those estimates. As we  
6           moved towards the completion of the  
7           project, I don't want that to become  
8           a delay in the future.

9                       MR. ROCKS: Thank you very much.

10                      MR. CAPPELLO: Thank you.

11                      Unless the Board has any other  
12                      questions, we will resubmit and  
13                      hopefully address those conditions  
14                      and move towards a SEQRA  
15                      determination in the near future.

16                      CHAIRMAN EWASUTYN: Thank you.

17                      MR. CAPPELLO: Thank you very  
18                      much.

19

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

21

22

23

24

25

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

2

3

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

4

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

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

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

15           IN WITNESS WHEREOF, I have hereunto  
16        set my hand this 3rd day of August 2022.

17

18

19

20

*Michelle Conero*

21

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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

GAS LAND PETROLEUM - ROUTE 52  
(2021-23)

42 South Plank Road  
Section 71; Block 2; Lot 11  
B Zone

----- X

SITE PLAN

Date: July 21, 2022  
Time: 8:15 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER LAPINE

----- X

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



1           G A S   L A N D   P E T R O L E U M

2                   CHAIRMAN EWASUTYN:  The eighth  
3           item on the agenda is Gas Land  
4           Petroleum located on Route 52.  The  
5           address is 42 South Plank Road.  It's  
6           a site plan in a B Zone.  It's being  
7           represented by Christopher Lapine.

8                   MR. LAPINE:  Good evening, Mr.  
9           Chairman, Members of the Board.  We  
10          were last before you in February on  
11          this project.  The delay, obviously,  
12          was we were asked to locate the sewer  
13          line in the rear of the building and  
14          the water line on site.  That was  
15          part of some of the previous comments  
16          generated from Mr. Hines' office.  We  
17          did have the mark-out done by the  
18          Town of Newburgh originally.  We were  
19          able to identify the water which we  
20          showed on our plans.

21                   With regard to the sewer, we  
22          found out that the mark-out was not  
23          necessarily accurate.  Our attempt  
24          was to excavate and find the invert  
25          of the pipe on our property.  The

1       G A S   L A N D   P E T R O L E U M

2               ground started thawing in the  
3               springtime. We had a mark-out done,  
4               that mark-out was not successful, so  
5               they just started digging from where  
6               it exited the building up to their  
7               property line. We were able to  
8               determine the path of the existing  
9               sewer and also the sewer invert at  
10              the property line. We were then able  
11              to give you a very detailed design of  
12              the grease trap and how they're tying  
13              into that existing sewer lateral  
14              without exiting and going back in.  
15              We showed that on our plans.

16              We did get the layout of the  
17              water line that came into the  
18              building. We showed how we're going  
19              to connect to that and route it into  
20              the new building.

21              There was the request to remove  
22              all the landscaping from the Fifth  
23              Avenue island, which we did.

24              We also incorporated the notes  
25              that a demolition permit would have

1       G A S   L A N D   P E T R O L E U M

2               to be obtained prior to construction.

3               We were asked to add water and  
4               sewer notes to our plan, which we did.

5               The other concern that was  
6               raised by the Board when we were last  
7               here was our applicant, Gas Land  
8               Petroleum, has a custom truck we  
9               talked about that they had made  
10              because they have a number of smaller  
11              size sites. It's smaller than a WB-  
12              50, slightly bigger than a WB-40.  
13              It's a little unique with their type  
14              of business. It's very beneficial.  
15              We were asked to show what a WB-50  
16              trailer would look like for the  
17              ability to accommodate it internally  
18              in the site. We've shown the tractor  
19              trailer coming in, its positioning  
20              here, ability to load these tanks  
21              here.

22              We did have to make a little  
23              tweak for the parking here. As you  
24              can see, it's slightly on a little  
25              angle here. That's in order to

1       G A S   L A N D   P E T R O L E U M

2               accommodate the turning movement for  
3               a tractor trailer to continue to exit  
4               the site and go southbound.

5               I believe that was the extent  
6               of the comments that were generated  
7               by the Board at that time. I'd open  
8               it up for any questions that you may  
9               have.

10              CHAIRMAN EWASUTYN: Thank you,  
11              Chris.

12              Frank Galli?

13              MR. GALLI: The purpose of  
14              taking out the landscape, that was?

15              MR. LAPINE: That was a request  
16              from the Board.

17              MR. GALLI: Okay.

18              MR. LAPINE: The concern was  
19              that it wouldn't be maintained due to  
20              the proximity to Fifth Avenue, the  
21              potential for snow.

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

24              MR. LAPINE: That's all pavers  
25              now.

1           G A S   L A N D   P E T R O L E U M

2                   CHAIRMAN EWASUTYN:  Stephanie  
3           DeLuca?

4                   MS. DeLUCA:  No further questions.

5                   MR. MENNERICH:  No questions.

6                   CHAIRMAN EWASUTYN:  And you're  
7           opposed to removing the existing  
8           asphalt and putting in the required  
9           binder and topcoat.  The reason is?

10                  MR. LAPINE:  No.  We have it on  
11           our plans.

12                  MR. HINES:  My comment is that  
13           they had it.  The applicants proposed  
14           to provide topcoat asphalt for the  
15           entire site.

16                  MR. LAPINE:  I'm sorry for not  
17           mentioning that.

18                  CHAIRMAN EWASUTYN:  That was my  
19           only question.

20                  MR. BROWNE:  The truck turning  
21           thing, that's  --

22                  MR. HINES:  I don't know.  
23           Maybe they're not currently using the  
24           small truck.  I drive by there  
25           frequently and there are full size

1       G A S   L A N D   P E T R O L E U M

2               fuel trucks delivering there currently.

3               MR. LAPINE: With this  
4               renovation here, their intentions are  
5               to use their custom truck.

6               MR. HINES: I was going to jump  
7               out and take a picture the other day  
8               but traffic didn't warrant it.

9               MR. LAPINE: I think we showed  
10              that last time. I shared that with  
11              them as well.

12              MR. HINES: Do we put a note on  
13              the map, a condition of the approval?

14              MR. CORDISCO: Yes.

15              MR. LAPINE: Like I said, we've  
16              also shown movement for a WB-50 as  
17              well.

18              CHAIRMAN EWASUTYN: Dave Dominick?

19              MR. DOMINICK: Even with the  
20              removal of the landscaping, to drive  
21              over the paving stones, it's still a  
22              tight spot.

23              CHAIRMAN EWASUTYN: Okay.

24              MR. DOMINICK: Any response on  
25              that?

1           G A S   L A N D   P E T R O L E U M

2                   MR. LAPINE: Well I think the  
3                   intent you're looking for -- if I  
4                   recall, you said at the last meeting  
5                   what if they sell the facility and  
6                   somebody buys it, can you accommodate  
7                   a WB-50. This can accommodate a  
8                   WB-50 by pulling in here. I mean  
9                   part of this is once the site is  
10                  built, if a car obviously is parked  
11                  right here, they're not backing over  
12                  the mountable curb. I think part of  
13                  that is training of the driver once  
14                  the site is constructed. It's not  
15                  the existing conditions that he has  
16                  here. He's now going to have to  
17                  think about post construction and how  
18                  he's going to have to maneuver the  
19                  truck to consider the existing  
20                  parking. Right now this is just an  
21                  open area. That's kind of the intent  
22                  of putting this island in, to  
23                  minimize some of the chaos that is  
24                  taking place at the site in terms of  
25                  it's a freeway out there along that

1       G A S   L A N D   P E T R O L E U M

2               section of Fifth Avenue.

3               MR. DOMINICK:   Thank you.

4               CHAIRMAN EWASUTYN:   John Ward?

5               MR. WARD:   I remember  
6               suggesting a wall there, but that  
7               didn't work out.

8               MR. LAPINE:   There is a wall.

9               MR. WARD:   On that side?

10              MR. LAPINE:   We had a wall in  
11              there.

12              MR. WARD:   I did want what Pat  
13              said because I've seen the trucks go  
14              in and out, the bigger ones.   How  
15              would that be enforced after the plan  
16              is signed, to enforce having these  
17              trucks deliver for the size?

18              CHAIRMAN EWASUTYN:   Dominic  
19              Cordisco, how could you enforce  
20              something like that?

21              MR. CORDISCO:   It can be a  
22              condition of site plan approval.   It  
23              does become an enforcement issue.   It  
24              would have to be monitored by the  
25              Town.



1           G A S   L A N D   P E T R O L E U M

2                   MR. GALLI:   Or the residents.

3                   MR. CORDISCO:   Correct.   But  
4           then documented by the Town.

5                   MR. WARD:   Thank you.

6                   CHAIRMAN EWASUTYN:   All right.  
7           Ken Wersted, do you want to review  
8           what is being proposed as far as the  
9           delivery of fuel to the subject  
10          property?

11                   MR. WERSTED:   Certainly.  
12          There's been a number of comments.  
13          If we go back to the beginning where  
14          currently the access to Fifth Avenue  
15          is just wide open, I think one of the  
16          requests were can we channelize that,  
17          can we tighten it up, make it more  
18          formal, the entrances and exits.  
19          With that being done, the larger  
20          truck that goes in there now can't  
21          pull out onto Fifth Avenue, it  
22          doesn't have as much room, so it  
23          forces you down to the smaller truck.  
24          The smaller truck can circulate  
25          through there.   I don't believe it

1       G A S   L A N D   P E T R O L E U M

2           will have to drive over the two  
3           parking spaces along Fifth Avenue to  
4           circulate through there, but it does  
5           make it tighter. When that truck is  
6           in there, obviously with the  
7           channelization that's being done with  
8           the driveways, a vehicle won't be  
9           able to pull in to one of those  
10          driveways near the point because  
11          there will be a tractor trailer there  
12          delivering fuel. They'll have to go  
13          to the other entrance. So far it's  
14          shown to work there.

15                 Their second drawing also shows  
16                 like a garbage truck going down to  
17                 the dumpster and getting access there.

18                 MR. LAPINE: I just want to  
19                 point this out. This is the WB-50  
20                 that's on here now. This is the  
21                 other tanker truck that they have.  
22                 They have a unique tanker truck that  
23                 they use for their smaller sites  
24                 which I previously presented to the  
25                 Board. It was on our other plans.

1       G A S   L A N D   P E T R O L E U M

2               This was just to show the WB-50.

3               This is a larger truck.  It's not  
4               going over the parking spaces and not  
5               going over the islands.

6               MR. WERSTED:  All of our other  
7               previous comments have been  
8               addressed.

9               CHAIRMAN EWASUTYN:  Thank you.  
10              Pat Hines with McGoey, Hauser &  
11              Edsall.

12             MR. HINES:  We had hit on the  
13             delivery truck.

14             We did note that they are  
15             proposing to re-asphalt topcoat the  
16             entire site, so it will look fairly  
17             new.

18             They did address our sewer  
19             comments.  We typically have a  
20             concern when they're going to connect  
21             to the existing laterals, not knowing  
22             the depth.  So they've done that  
23             research.

24             We did copy DOT.  This is a  
25             Type 2 action so there was no SEQRA

1           G A S   L A N D   P E T R O L E U M

2           lead agency coordination. As we  
3           discussed back in February, this is a  
4           DOT controlled intersection so I sent  
5           them a courtesy referral. We did not  
6           receive any response back from them  
7           but we did make that good faith  
8           effort to tell them the Board is  
9           reviewing this project and send them  
10          a copy of the plan. It didn't seem  
11          to trigger any reaction from them.  
12          We did do that.

13                    We have no outstanding comments.

14                    There are limited site  
15                    improvements. There's no stormwater  
16                    management and very little  
17                    landscaping. I would suggest that  
18                    the landscaping -- the bonding of the  
19                    landscaping be deferred as part of  
20                    the building permit rather than  
21                    secure a minimal amount for the  
22                    landscaping that's proposed.

23                    CHAIRMAN EWASUTYN: Are we in a  
24                    position now to make a SEQRA  
25                    determination and set it for a public

1       G A S   L A N D   P E T R O L E U M

2               hearing?

3               MR. HINES:   It's a Type 2  
4               action. We don't need to do a SEQRA  
5               determination.

6               MR. CORDISCO:   I can confirm  
7               that it's a Type 2 action.

8               MR. HINES:   It would be  
9               appropriate to schedule a public  
10              hearing.

11              CHAIRMAN EWASUTYN:   Are you in  
12              agreement, Ken Wersted?

13              MR. WERSTED:   I will defer that  
14              to the experts relative to what  
15              action it is.

16              CHAIRMAN EWASUTYN:   Okay.  
17              Having heard from Planning Board  
18              Attorney Dominic Cordisco -- do you  
19              want to repeat that one more time,  
20              Dominic?

21              MR. CORDISCO:   At this point  
22              the Board can confirm this is a Type  
23              2 action because it's the reuse of an  
24              existing building.

25              CHAIRMAN EWASUTYN:   Having

1           G A S   L A N D   P E T R O L E U M

2           heard from Planning Board  
3           Attorney Dominic Cordisco, --

4                   MR. HINES:   Less than 4,000.

5                   CHAIRMAN EWASUTYN:  -- we can  
6           confirm this is a Type 2 action  
7           because it's under 4,000 square feet,  
8           we can then move forward to set this  
9           for a public hearing.  If the Board  
10          is in agreement, we'll set this for a  
11          public hearing on the 18th of August.  
12          Can I have that motion?

13                   MR. MENNERICH:  So moved.

14                   MS. DeLUCA:  Second.

15                   CHAIRMAN EWASUTYN:  I have a  
16          motion by Ken Mennerich.  I have a  
17          second by Stephanie DeLuca.  May I  
18          please have a roll call vote.

19                   MR. GALLI:  Aye.

20                   MS. DeLUCA:  Aye.

21                   MR. MENNERICH:  Aye.

22                   CHAIRMAN EWASUTYN:  Aye.

23                   MR. BROWNE:  Aye.

24                   MR. DOMINICK:  Aye.

25                   MR. WARD:  Aye.

1           G A S   L A N D   P E T R O L E U M

2                   CHAIRMAN EWASUTYN:   You're  
3           familiar with everything as far as  
4           working with Pat Hines for the  
5           mailing of the public hearing?

6                   MR. LAPINE:   Yes.   I was going  
7           to ask would we be able to move the  
8           public hearing to the meeting after,  
9           only because we have a couple  
10          vacations at our office that are  
11          scheduled and we don't have coverage  
12          for that night of the meeting, for  
13          someone that I would want to be here?

14                   CHAIRMAN EWASUTYN:   I'm fine  
15          with that.   We did reschedule based  
16          upon your schedule.   We were going to  
17          do something for July 4th and it  
18          wasn't appropriate then.   You have  
19          the liberty but we are balancing your  
20          schedule with the schedule of the  
21          Planning Board.   Let's be  
22          understanding of that.

23                   MR. LAPINE:   I apologize for  
24          the 4th.   I came down with COVID --

25                   CHAIRMAN EWASUTYN:   I spoke

1       G A S   L A N D   P E T R O L E U M

2               with your secretary. We've gone back  
3               and forth on matters like this.

4               MR. LAPINE: I was out of the  
5               office for two weeks.

6               CHAIRMAN EWASUTYN: Again, I  
7               have Board Members that may not be  
8               available in September, in which case  
9               we may not even have a meeting. Just  
10              so you're cognizant of that.

11              MR. LAPINE: I am.

12              CHAIRMAN EWASUTYN: Pat, what --

13              MR. HINES: It will be  
14              September 1st.

15              MR. CORDISCO: Or September 15th.

16              MR. HINES: The next one is the  
17              15th.

18              CHAIRMAN EWASUTYN: Of the  
19              Members that are here now, not  
20              speaking directly to Dave Dominick,  
21              who knows for a fact that they'll be  
22              present for the meeting of the 1st or  
23              the meeting of the 15th? We need a  
24              majority. Do you know your schedule?

25              MR. GALLI: I should be here



1       G A S   L A N D   P E T R O L E U M

2               for both of them.

3               MS. DeLUCA: Me, too.

4               MR. MENNERICH: Me not.

5               CHAIRMAN EWASUTYN: What does  
6 me not mean?

7               MR. MENNERICH: I'm not going  
8 to be here.

9               CHAIRMAN EWASUTYN: For either  
10 meeting?

11              MR. MENNERICH: Right.

12              MR. DOMINICK: I won't be here.

13              CHAIRMAN EWASUTYN: John Ward?

14              MR. WARD: I'll be here.

15              CHAIRMAN EWASUTYN: That's what  
16 I'm saying. We're trying to  
17 accommodate you but we're also trying  
18 to manage the affairs of the Town.

19              MR. LAPINE: I will get  
20 coverage from another office. Let's  
21 do that for the 18th of August then.

22              CHAIRMAN EWASUTYN: Thank you.  
23 I appreciate that. You'll work with  
24 Pat Hines. Thank you.

25              This project, as you can see,

1       G A S   L A N D   P E T R O L E U M

2               goes back to -- it's been around for  
3               a while.

4                       MR. LAPINE:   Correct.   The  
5               variance took us a while to obtain.

6                       CHAIRMAN EWASUTYN:   So  
7               everything stands.   We'll have a  
8               public hearing on the 18th of August.  
9               Thank you.

10                      MR. LAPINE:   Thank you very  
11               much.   I appreciate it.

12

13                               (Time noted:   8:28 p.m.)

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25

1       G A S   L A N D   P E T R O L E U M

2

3

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

4

5

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

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

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

16              IN WITNESS WHEREOF, I have hereunto  
17       set my hand this 3rd day of August 2022.

18

19

20

21

*Michelle Conero*

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MICHELLE CONERO

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