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

----- X

In the Matter of

PIETROGALLO LOT LINE CHANGE  
(2021-20)

Paddock Place  
Section 20; Block 1; Lots 134.2 & 14.3  
R-2 Zone

----- X

INITIAL APPLICATION  
LOT LINE CHANGE

Date: September 2, 2021  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
STARKE HIPP

APPLICANT'S REPRESENTATIVE: JONATHAN MILLEN

----- X

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

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. The Planning Board would like to welcome you to our meeting of the 2nd of September. The Board has listed seven items on this evening's agenda. There's no public hearing scheduled.

At this time I'm going to ask for a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. HINES: Pat Hines with MHE Engineering.

MR. HIPPE: Starke Hipp with Creighton, Manning Engineering.

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CHAIRMAN EWASUTYN: Thank you.

At this point we'll turn the meeting over to Dominic Cordisco, Planning Board Attorney.

MR. CORDISCO: At this time I would ask you to stand for the Pledge.

(Pledge of Allegiance.)

MR. CORDISCO: At this time I would ask you to turn off your electronic devices or silence them, please.

Thank you, Mr. Chair.

CHAIRMAN EWASUTYN: Thank you.

The Planning Board's first item this evening is Pietrogallo. It's a lot line change, project number 21-20. It's located on Paddock Place in an R-2 Zone. Jonathan Millen is representing the applicants.

MR. MILLEN: So we have a lot line change where the family -- supposedly this land was originally owned by -- Mr. Morosco and the daughter of Mr. Morosco and the daughter of the daughter of Mr. Morosco are the owners.

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Right now Mary Pietrogallo owns this piece here for which the driveway was not on her property to begin with. Kara Pietrogallo owned the parcel here. She recently moved to Nantucket with her husband. This land back here, this entire piece was owned by Kara. This parcel here was owned by Mary as well.

This parcel here had been landlocked prior to this lot line revision. The desire on their part was to leave this landlocked because they don't want it developed. They want it to be left in its present state. They don't want anybody to be able to develop it.

We took essentially half of this parcel, added it to this parcel which creates this new parcel C. Parcel B, as I mentioned, all we did was add the driveway onto it. We kept the same line that was there before.

This parcel here remains for Kara Pietrogallo.

I understand that this parcel

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doesn't meet some of the zoning requirements. However, I believe since it was in place well before 1992 in its current state, that it wouldn't be subject to the restrictions of the side yard, the minimum size and the -- well, both side yard setbacks and the minimum sides.

That pretty much says it all. So essentially this becomes a new parcel. It's owned by Kara E. Pietrogallo. This will still be owned by Mary Pietrogallo except now they have all this additional area in blue, and then her lot will increase to encompass this driveway here.

CHAIRMAN EWASUTYN: So what's before us now is an interpretation I would think, and then whether your interpretation is on point or whether it needs to be referred to the ZBA for what might be the area variances.

MR. MILLEN: My interpretation of the Zoning Code you mean?

CHAIRMAN EWASUTYN: Which goes back to what you say was 1992. Let's talk

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about that now.

Pat Hines.

MR. HINES: Sure. The Zoning Board of Appeals in the Town of Newburgh has determined that while a lot that has pre-existing nonconforming uses can continue to be protected under those grandfathering clauses, any change to those lot lines or change of use on those parcels causes those pre-existing nonconforming protections to lapse. It is the policy and procedure of this Board and the Zoning Board to review variances for any of the nonconformities due to the change in circumstances because of a revision in lot line change, change of use. I know of no project before this Board that did not have to go through that process.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney.

MR. CORDISCO: That's absolutely correct. What's in favor of this particular application is that the degree

1  
2 of nonconformity is not being increased by  
3 the application. The procedural stance of  
4 the application is such that it is losing  
5 the prior nonconforming status of its  
6 deficiencies. As a result, it has been  
7 consistent that this Board has referred  
8 and the Zoning Board of Appeals has heard  
9 applications to address the existing  
10 nonconformities where the protections are  
11 lost.

12 Of course I understand the  
13 argument that you're making, that it  
14 should somehow be grandfathered as a  
15 result of the fact that it's been in  
16 existence for quite some time. What I  
17 would suggest in connection with that is  
18 if the Board is satisfied and prepared to  
19 refer this application to the Zoning Board  
20 of Appeals, we would also indicate in that  
21 referral that the applicant is seeking an  
22 interpretation on this point, and that way  
23 the Zoning Board can provide either an  
24 interpretation or further guidance on  
25 that.

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MR. MILLEN: So for clarity, if we have a lot that was built before 1992, it does not meet the Zoning Code, it's grandfathered in. For what purpose -- since the lot was already there, why would somebody question whether or not it met the zoning requirements? Why would there be a question about a lot that's already existing that would force that person to get a variance for any of the nonconforming uses?

MR. CORDISCO: As Mr. Hines said, the fact is that it's losing its grandfathered status as a result of the proposed change.

MR. MILLEN: I guess my point is what's the point of a grandfather status if it doesn't apply, because it's just sitting there and it has no reason to be subject to it?

MR. CORDISCO: And that is why I was suggesting that you could make that argument to the Zoning Board of Appeals which has the power and the ability to



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interpret the Town's Zoning Code where we do not.

MR. MILLEN: I understand. So in other words, the grandfather clause is basically meaningless because unless someone comes along and says hey, that house looks too close to the road, they need a variance --

MR. HINES: Only if they change circumstances. It can remain in that condition --

MR. MILLEN: So we're creating a bigger parcel. We're not increasing any of the zoning restrictions.

MR. HINES: Understood. The Zoning Board of Appeals in the Town of Newburgh has interpreted that that needs to obtain variances for any pre-existing nonconforming uses upon the change of circumstance.

MR. MILLEN: And how would that procedure work? Go to the Zoning Board first and then come back to this Board?

MR. CORDISCO: That's correct.

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When this Board is prepared, they would authorize a referral to the Zoning Board of Appeals. I would author that referral letter, which we would provide you with a copy as well, which would then enable you to make an application directly to the Zoning Board of Appeals.

MR. MILLEN: Okay. As far as the lot line revision part of it, we can't review that until we have the Zoning Board approval?

MR. CORDISCO: You received preliminary comments. You received Mr. Hines' comments as well as any comments from the Board. This Board does not process your application further until such time that you receive the variance.

MR. MILLEN: So once again, Mr. Hines' comments didn't refer to anything other than the zoning and the addition of a table for the tax reference. You're saying you don't have any -- you won't have any comment on whether or not the layout of the lot line revision is

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acceptable until we come back from the Zoning Board of Appeals?

MR. HINES: The only other comment I have, my first comment that I prepared, is I have a concern, just for proper planning procedure, that you're increasing the size of a landlocked parcel. I don't think that that makes very good planning sense. I heard your argument that the people don't want anything developed there, but that's very simple that they just don't develop it themselves and they have ownership of it.

I have a concern of making a landlocked parcel larger. I think there's the opportunity here to possibly combine that land with which ever one of these entities own it and then they can still control its destiny into the future without creating a larger landlocked parcel.

MR. MILLEN: Okay. So we have this parcel here that was already landlocked.

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MR. HINES: Yup.

MR. MILLEN: And you're suggesting somehow that this -- neither of these should be owned by either of these people?

MR. CORDISCO: That the lots be merged.

MR. HINES: That they be merged rather than increasing the landlocked parcel. I believe that it's in common ownership with one of them. As you had expressed, one of the owners is going to own the landlocked parcel. That could very easily be combined with the parcel they own and eliminate that landlocked condition.

MR. MILLEN: But the problem with that is if they want to sell the parcel, then someone is going to potentially try to develop it and they don't want it developed.

MR. HINES: There's other mechanisms of preserving that. They could put an easement -- a conservation easement

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over it to restrict that future development.

MR. MILLEN: I guess what I'm trying to do is get to the point where I can either make these revisions prior to the next meeting or -- is it your recommendation that it won't be approved unless we create --

MR. HINES: I'm only a consultant for the Board. The Board makes these approval decisions.

MR. MILLEN: I understand. I understand that.

MR. HINES: I just have a planning concern that making a landlocked parcel larger, it just goes against the good planning that this Board strives to do. I think there are other ways to protect the development of that and then clean up that landlocked issue while we're revising the lot lines.

MR. MILLEN: So it will still be landlocked, but they'll create a new lot and perhaps deed it to the conservancy or

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something of that nature?

MR. HINES: No. I'm suggesting it be combined with the lot and/or it could be provided with fee access to a public street. So there's two ways to do it, combine it with one or more of the lots or provide it with an access fee ownership out to --

MR. CORDISCO: Parcel B.

MR. HINES: -- yes -- Paddock Drive or Meadow Avenue.

MR. MILLEN: And then make it imminently developable?

MR. HINES: You could.

MR. MILLEN: Right. But they're trying to keep it non-developable.

MR. CORDISCO: If I may on that point. I realize --

CHAIRMAN EWASUTYN: Please. Thank you. I think we reached that point.

MR. CORDISCO: The open discussion is that if the goal is to prevent it from development, I think the cleanest way that we would recommend and

1 we would urge your clients to consider  
2 would be to take the blue area, combine it  
3 with parcel B so that it was all one lot,  
4 and then place a declaration of  
5 restrictions on the balance of the blue  
6 area stating that it could not be further  
7 subdivided, have that declaration of  
8 restrictions recorded in the County  
9 Clerk's office so that it would be clear  
10 in the chain of title so that anybody in  
11 the future that would buy or purchase or  
12 own lot B would only be able to use it as  
13 it's presently developed and would not be  
14 able to develop it further beyond that.  
15 I don't think that you would need to  
16 engage with the Orange County Land Trust  
17 or any other entity. That would be a  
18 cumbersome process and they may not be  
19 interested in owning the development  
20 rights on this particular parcel. If the  
21 goal is to prevent that blue area from  
22 being developed, there is a simpler way.

24 The risk of proceeding as you  
25 have identified, in addition to what

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2 Mr. Hines said, that it's perhaps not the  
3 best way to achieve that goal. One of the  
4 other risks is that the lot as an  
5 undevelopable lot, or the intention is to  
6 keep it as an undevelopable lot, someone  
7 in the future just says to themselves why  
8 am I paying real estate taxes on this  
9 particular piece of property and they  
10 stop, then it's sold at auction to  
11 somebody else who doesn't have a problem  
12 with developing it. So the very purpose  
13 that you're trying to achieve could be  
14 defeated in the long term by proceeding in  
15 this manner.

16 MR. MILLEN: Okay. I'm only  
17 professing the desire of the clients.  
18 I've already recommended to them I didn't  
19 think it was a good idea.

20 MR. CORDISCO: I appreciate that.  
21 Thank you.

22 MR. MILLEN: You know, this  
23 particular parcel is already landlocked.  
24 If they come back to me and say well, we  
25 want to leave it landlocked and we'll just



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create a subdivision and run something through here and make this into a separate lot, they could do that; right? It's already an existing parcel and it won't be part of what we're doing.

I'm only trying to create options for the people because they're a little, I would say unusual, particularly the mother, Mary. So she has something about her father leaving this and never wanted it developed, et cetera. So I just want to bring that up.

What I'm waiting for now is the letter regarding going to the Zoning Board of Appeals.

CHAIRMAN EWASUTYN: Pat, for the record now -- thank you for your time. For the record now, would you go through your review comments as you spoke of and was written of the needed variances?

MR. HINES: Sure. Existing tax lot 16 identified as parcel B requires a side yard variance. 13.6 feet is existing where 30 feet is required. A total side

1 yard variance, there is 65.7 feet existing  
2 where 80 feet is required. Then the  
3 minimum lot width where 125 feet is  
4 existing and 150 feet is required.  
5 In addition, parcel B is below the minimum  
6 lot area of 40,000 square feet. I don't  
7 know if your revised map has a square  
8 footage.  
9

10 MR. MILLEN: I changed that.

11 MR. HINES: You had changed that  
12 since I did my calculation?

13 MR. MILLEN: Well, in fact, the  
14 only thing that could be changed about  
15 parcel B would be the minimum lot size  
16 because you couldn't increase either the  
17 left or the right setbacks.

18 MR. HINES: I understand those  
19 are pre-existing. But because of the --

20 MR. MILLEN: What I mean is, in  
21 other words, if I wanted to, if I wanted  
22 to make it -- I can't do anything about  
23 this because the house is already there.

24 I can't do anything about this.

25 Otherwise, it will make this parcel

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nonconforming. As far as the side setbacks go, what choice do I have?

MR. HINES: You don't have a choice, but it does need to be granted a variance.

MR. MILLEN: I understand. I understand. I just don't want it to seem as if we're saying let's mitigate this situation. The only thing I can do is make it bigger. I can make it meet the minimum yard requirements.

MR. HINES: That's up to you and your clients. This Board will refer you for that lot area as well at this point, if that's what you're looking for.

MR. MILLEN: Okay.

CHAIRMAN EWASUTYN: Jonathan, I think again, since we started out thinking the possibility of interpretation, I think our attorney, Dominic Cordisco, also added it to his letter which the Board will approve to the Zoning Board of Appeals.

Dominic, I think you mentioned something about the Zoning Board of

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Appeals --

MR. CORDISCO: Certainly. If they want to make the argument that the lot is somehow grandfathered and that these protections haven't been lost, I think that they should be able to make that determination.

CHAIRMAN EWASUTYN: Okay. Having heard from Pat Hines, having heard from Dominic Cordisco, having heard from the applicant and Jonathan Millen, does the Planning Board have anything to add to this presentation?

MR. GALLI: No.

MR. MENNERICH: No.

MR. BROWNE: No.

CHAIRMAN EWASUTYN: Would someone make a motion to authorize the Planning Board Attorney, Dominic Cordisco, to prepare a referral letter to the Zoning Board of Appeals which covers the comments of Pat Hines' consultant comments dated the 11th of August and a meeting date of the 19th of August?

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MR. WARD: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Cliff Browne. May I please have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Jonathan, thank you for your time.

MR. MILLEN: Thank you. I want to thank the Board and I want to thank Pat Hines for his comments.

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

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

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

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

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

IN WITNESS WHEREOF, I have  
hereunto set my hand this 13th day of September  
2021.

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

UNIFIRST  
(2021-14)

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

----- X

SITE PLAN

Date: September 2, 2021  
Time: 7:15 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
STARKE HIPPI

APPLICANT'S REPRESENTATIVE: JASON PITINGARO

----- X

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Newburgh, New York 12550  
(845) 541-4163

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CHAIRMAN EWASUTYN: The Planning Board's second item of business this evening is Unifirst, project number 21-14. It's a site plan. It's located on 33 Jeanne Drive in an IB Zone. It's being represented by Jason Pitingaro.

MR. PITINGARO: Good evening. I'm Jason Pitingaro from Pitingaro & Doetsch. We're here representing Unifirst Corporation for a site plan approval on Jeanne Drive.

We are making our second appearance. This application was previously approved in a slightly different format, but the approval has lapsed and in the interim the applicant has requested that we add a secondary access to allow better circulation for the truck traffic that enters the site.

Again, we were here before the Board, I believe it was last month if not the month before. We've received some comments from the Board's Planning Board engineer. We also heard from the



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adjoining parcel's owner and we have made some modifications. The Board themselves, too, offered some comment on the side curbs and the structure of those. We have modified the plan to accommodate those concerns as far as we could best tell.

We'd be glad to hear from the Board if they have any additional concerns, or the Board's consultants.

CHAIRMAN EWASUTYN: With us this evening we have Starke Hipp who is part of the Creighton, Manning consultant firm. Starke is here on behalf of Ken Wersted.

MR. HIPPE: On behalf of Ken Wersted, there were no further comments regarding the truck turning template.

He did have one comment regarding just some clarification for where the pavement ends between the plant's south side of the new driveway and the adjacent property. It was unclear where the existing driveway line was for your neighbor.

MR. PITINGARO: For the existing

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driveway of the neighbor?

MR. HIPPEL: Yes.

MR. PITINGARO: Okay. We'll make sure to add that on. I believe it's right in this area here. This is the throat to their entrance. We'll clarify that.

MR. HIPPEL: You can see it on the east side but I couldn't see where it was on the west side.

MR. PITINGARO: Okay. Understood. We'll adjust that.

CHAIRMAN EWASUTYN: Jason, do you have any renderings of the property? We haven't completed an ARB review.

MR. PITINGARO: No, we don't have those with us tonight. We could have those for the public hearing.

CHAIRMAN EWASUTYN: Okay. Thank you.

Pat Hines?

MR. HINES: Sure. The applicants have addressed our previous comments regarding the stormwater management and the stormwater pollution prevention plan,

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UNIFIRST

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so we found that to be acceptable.

The driveway location has been moved slightly away from the neighbor's lot which we discussed at the last meeting.

We've reviewed the environmental assessment form submitted for the project and would recommend a negative declaration for the project.

And then the Planning Board may wish to discuss whether or not a public hearing would be required for this project in this IB Zone commercial area. I don't know how much public interest there would be.

I will note that the water line easement for the adjoining property's water main was also added to the plans with the referenced liber and page as well.

CHAIRMAN EWASUTYN: John Ward, questions or comments?

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Dave

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UNIFIRST

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Dominick?

MR. DOMINICK: No.

MR. BROWNE: None.

MR. MENNERICH: No.

MR. GALLI: No. I mean we didn't see the ARB, but I guess --

CHAIRMAN EWASUTYN: Okay. Before we take it any further, the first action before us this evening, Pat Hines, Dominic Cordisco, is for the Board to declare a negative declaration?

MR. CORDISCO: Yes, sir.

CHAIRMAN EWASUTYN: Okay. We'll start with that. Would someone make the motion to declare a negative declaration for the Unifirst site plan?

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: That was Frank Galli and Ken Mennerich. Actually, there was a lot. For now we'll list it as Frank Galli moving the motion and Ken Mennerich seconded it. Can I please have a roll call vote.

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MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Procedurally can we -- number one, does the Board want to have a public hearing? Number two, if the Board waives the public hearing, can we approve the project subject to them returning at a later date for ARB approval?

MR. CORDISCO: Yes, sir.

CHAIRMAN EWASUTYN: Okay. So we'll open it up for discussion. Let's start with this. Do you want to have a public hearing?

MR. GALLI: Considering that it's in that IB commercial zone and there's all commercial businesses around and no residential, I'm fine without having a public hearing. I'd like to see the ARB.

CHAIRMAN EWASUTYN: Ken

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Mennerich?

MR. MENNERICH: The same.

MR. BROWNE: I agree with Frank's assessment.

MR. DOMINICK: Agreed.

MR. WARD: Agreed.

CHAIRMAN EWASUTYN: Okay. So does the Board want to postpone having a final site plan approval until the applicant comes back with ARB and we'll make it one action?

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: That being said, I think the best available date at this point would be to reschedule this for the meeting on the 7th of October.

MR. PITINGARO: Okay.

CHAIRMAN EWASUTYN: Would someone make a motion to reschedule the Unifirst site plan for both a site plan approval and ARB approval for October 7th?

MR. GALLI: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Thank you. I

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you.

MR. PITINGARO: Just for my own confirmation, maybe Dominic, is this officially waiving the public hearing? We don't have to notice for that?

MR. CORDISCO: That's correct.

MR. PITINGARO: Okay. Very good. Thank you.

CHAIRMAN EWASUTYN: Frank Galli, just for the record one more time, the Planning Board waived the public hearing on the information that you're offering?

MR. GALLI: Yes. Because of the commercial zone that it's in and there are really no residential houses around the

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UNIFIRST

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area. They're all big commercial  
buildings.

MR. PITINGARO: I would offer  
that at the last public hearing there  
weren't any comments.

Thank you.

(Time noted: 7:22 p.m.)



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

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

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

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

IN WITNESS WHEREOF, I have  
hereunto set my hand this 13th day of September  
2021.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X

In the Matter of

ELM FARM SUBDIVISION  
(2021-15)

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

----- X

52-LOT SUBDIVISION

Date: September 2, 2021  
Time: 7:22 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
STARKE HIPPI

APPLICANT'S REPRESENTATIVE: JASON PITINGARO

----- X

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

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CHAIRMAN EWASUTYN: The Planning Board's next item of business is number three, Elm Farm. It's a subdivision, project number 21-15. It's a 52-lot subdivision located on Wells and Fostertown Road in an R-2 Zoning District. Jason Pitingaro is the representative for this application, also.

MR. PITINGARO: Again, Jason Pitingaro from Pitingaro & Doetsch, Consulting Engineers, representing Elm Farm Associates for the project tonight.

This again is a project that had a final approval which has lapsed since the time it was last approved. This one, in fact, has absolutely no changes to the plan proposed at this point.

We were last before the Board to reintroduce the project. Since that time we have circulated to adjainers for initial notice.

I believe the Board circulated for GML last appearance. I don't know that we've received any comments.

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So we're here to again discuss the project and hopefully move forward with scheduling. This would, obviously, require a hearing. We'd like to go ahead and do that.

We know that there are some outside agency approvals. We've provided a listing and documentation of some of those that are currently still in good standing.

We've tried to make contact regarding the sewer district just to confirm that. Although the extension was reapproved and notice of the extension was sent to the Town, we will confirm again in writing with the Town that the flow is still acceptable -- or to the City, rather.

CHAIRMAN EWASUTYN: Okay. Part of your presentation, you're of the belief that we have circulated -- did a 239M circulation?

MR. PITINGARO: That was what I believed. If not, I'd ask that the Board

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do that tonight.

CHAIRMAN EWASUTYN: Let's start by clarifying that and then we can move on.

Pat Hines?

MR. HINES: I don't believe that was done. If it was authorized, it was not completed. If that's on me, I apologize. I do believe that that does need to be complete.

We did do the adjoiners notice after the last meeting.

County Planning was not done. I know that.

MR. PITINGARO: We would just ask that we go ahead and do that if the Board doesn't mind.

In the meanwhile, we did submit correspondence that we had previously received quite awhile ago that accepted the entrance on Fostertown Road. We will reaffirm that with the County Highway Department in the meanwhile, while we await comments from the County.

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CHAIRMAN EWASUTYN: Pat Hines had the opportunity to speak with, in other matters, the Town Attorney, Mark Taylor. There was something about the signing of the --

MR. HINES: Yeah. Part of this property is in the sewer district but part of it is not. I know you have --

MR. PITINGARO: That's correct.

MR. HINES: -- a sewer extension approval from the DEC, but I don't know the status. Mark didn't recall that that was ever executed and the payments for the outside user agreement made. We need to figure out the status of that. I just this afternoon talked to Mark. I saw him in Town Hall here. It's something we need to follow up on.

MR. PITINGARO: I believe the outside user agreement was finalized. I think it needs to be reaffirmed with the City in terms of the flow allowance.

MR. HINES: That's two separate items. The City of Newburgh flow

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2 acceptance letter, the status of that, we  
3 will also follow up with the City engineer  
4 on that. The outside user agreement  
5 between the Town and this parcel, there's  
6 a substantial fee associated with outside  
7 user agreements. I don't know if we have  
8 a record of that being executed and that  
9 fee paid.

10 MR. PITINGARO: Okay. I will  
11 talk to the applicant. There's actually a  
12 couple -- one of the applicant's  
13 representatives are here tonight, but  
14 there's two others that may have other  
15 information on that. We'll try and  
16 provide that or work with you to address  
17 that, and the Town's attorney, if that's  
18 the direction of the Board.

19 CHAIRMAN EWASUTYN: Starke Hipp,  
20 I know Ken Wersted had looked at this.  
21 Are there any comments that are still  
22 outstanding?

23 MR. HIPPE: It was my  
24 understanding that he looked at it back in  
25 2008 when it was first brought to the

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Board. We discussed it and he did not have any further comments regarding traffic for this project.

CHAIRMAN EWASUTYN: And sight distance, visibility as it's shown is adequate?

MR. HIPPE: Based on my understanding, there were no comments that Ken had with this coming before the Board again at this time.

MR. PITINGARO: I'll offer that there is a little area that requires clearing for sight distance. At the last meeting I believe Ken had mentioned that this was analyzed by their office previously in conjunction with another -- a number, rather, of applications in the area. It was found to be acceptable, the caveat being the clearing which we've noted on the plan.

MR. HINES: There's actually an easement associated with that to allow that to continue.

MR. PITINGARO: Yes.



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CHAIRMAN EWASUTYN: John Ward,  
questions or comments?

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Dave  
Dominick?

MR. DOMINICK: No.

MR. BROWNE: Nothing.

MR. MENNERICH: No.

MR. GALLI: No additional, John.

CHAIRMAN EWASUTYN: Okay. Would  
then someone make a motion, please, to  
refer this to the Orange County Planning  
Department, the Elm Farm Subdivision,  
21-15?

MR. DOMINICK: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

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MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: You'll work with Pat Hines as far as the material to circulate to the Orange County Planning Department?

MR. PITINGARO: Yes.

CHAIRMAN EWASUTYN: I guess we're allowing them the thirty days to review this. It would be available for which meeting?

MR. HINES: I would think the 20th of October would give us time to make sure we get it out and we have a response back.

CHAIRMAN EWASUTYN: All right. Would someone make a motion to reschedule the Elm Farm Subdivision for the meeting of the 20th of October?

MR. WARD: So moved.

CHAIRMAN EWASUTYN: Thank you. I have a motion by John Ward. Can I please have a second?

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

MR. CORDISCO: This is just a point of clarification, Mr. Chairman. I believe that the 21st is the Thursday.

MR. HINES: It is. You're correct.

CHAIRMAN EWASUTYN: And just for clarification, Pat Hines has been up for twenty-four hours.

MR. HINES: A little more than that, actually.

MR. CORDISCO: It was not a criticism by any means.

CHAIRMAN EWASUTYN: We'll allow a little tweaking in a gentle manner. Thank you, Dominic.

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MR. PITINGARO: Would it be possible to have the hearing that evening? We should have adequate time.

MR. HINES: We would have to make a neg dec first.

CHAIRMAN EWASUTYN: Did you hear that?

MR. PITINGARO: Yes.

CHAIRMAN EWASUTYN: Thank you.

MR. HINES: This Board closes out SEQRA prior to scheduling the public hearing.

MR. PITINGARO: Understood. Okay. Very good. Thank you.

(Time noted: 7:30 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have  
hereunto set my hand this 13th day of September  
2021.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X

In the Matter of

HADID SITE PLAN  
(2021-10)

34 Susan Drive  
Section 46; Block 5; Lot 21  
R-1 Zone

----- X

CLEARING & GRADING

Date: September 2, 2021  
Time: 7:30 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
STARKE HIPP

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ &  
REUBEN BUCK

----- X

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

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CHAIRMAN EWASUTYN: The Planning Board has scheduled for their fourth item on the agenda the Hadid Site Plan. It's a clearing and grading application located on 34 Susan Drive in an R-1 Zone. It's being represented by Ross Winglovitz of Engineering & Surveying Properties.

Ross?

MR. WINGLOVITZ: Good evening. For the record, Ross Winglovitz with Engineering & Surveying Properties. I'm here with the project engineer from our office, Reuben Buck.

We were here before you a few months ago regarding the application, in early June. Since then we've been trying to do a lot of work to answer a lot of comments that came up at that meeting from the Board and from Pat.

We resubmitted last month including what is an original condition survey showing the site before it was filled, a current conditions survey showing the fill in place, the outline of

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the partially constructed pool, and then a proposed conditions plan where we would regrade the face of that in accordance with the geo-technical report to establish a stabilized slope, provide some drainage and our new septic system that has been proposed.

In total there is about, I want to say 2,500 cubic yards of fill that was placed. We're looking to remove some of it, to pull it back to not only fix the view shed for the neighbors, but also to stabilize the slope.

We would no longer need a retaining wall along the property line. I responded to some of Pat's comments regarding the septic, slopes.

At this point we would be happy to discuss any of Pat's comments for tonight's meeting, specifically anything the Board may have, and the potential request for a public hearing.

CHAIRMAN EWASUTYN: Thank you.

Pat Hines with McGoey, Hauser &



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Edsall?

MR. HINES: Yes. During our review we did note that the applicant stated they submitted the geo-tech report, but we just got that today actually. I believe the Board didn't receive copies, either.

We discussed this at work session. I offered to the Board that we would submit the geo-tech report to a geo-tech consultant my office uses.

We noted some concerns of the conclusion, specifically that -- it's not the conclusion. It's the recommendation. The last recommendation item says that we are in the opinion that if the fill is regraded properly along with appropriate landscaping with trees/grass, that the construction of the retaining wall will not be required and the view of the Hudson River will be restored to the south adjacent neighbor at 32 Susan Drive. There is a last sentence here that says, "Please note, if sloughing of soil occurs

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or begins to occur, a more advanced slope stability analysis may be required."

That's not a real definitive conclusion from your geo-tech engineer. I offer to the Board to have this submitted to our geo-tech sub-consultant to get his opinion on your expert's conclusions.

MR. WINGLOVITZ: As we understand, the submissions Pat just got today. If the Board needs time to review that, absolutely. We have no problem tabling this until you get back a report from the geo-tech -- your geo-tech.

CHAIRMAN EWASUTYN: Questions from Planning Board Members? John Ward?

MR. WARD: You're saying you put in 2,500 --

MR. WINGLOVITZ: 2,500 yards, yes, based on the comparison of the pre-existing topography before the fill.

MR. WARD: And you're taking out 400; right?

MR. WINGLOVITZ: Correct.

MR. WARD: We have no idea what's

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in that soil and that it's being tested.  
That's why we want our own test done.

MR. HINES: We're not going to do any additional testing. We'll utilize the results of their testing but it will be reviewed.

MR. WARD: All right. But with weather like yesterday, it shows what it's going to be view-wise. That's the main concern, whether the soil holds up or whatever. The last time you were talking about replacing the whole thing.

MR. WINGLOVITZ: I haven't been out there.

MR. WARD: That's it.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Just out of curiosity, was there any discussion of building this further down toward the Hudson, I guess where it's more flat, instead of right off -- I understand, you know, the deck, the patio right next to the structure itself.

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MR. WINGLOVITZ: To actually move this downhill, the pool?

MR. DOMINICK: Yeah. Where it's flat.

MR. WINGLOVITZ: There has not been any discussion. I know, you know, they had originally submitted the building permit for this location, had placed the fill. They found out later that, you know, based on the quantity that they had to get the permit. They haven't discussed relocating that.

They, obviously, want it close to the house so they can use the amenities of the house while using the pool.

MR. DOMINICK: Right. I understand that. But I'm just saying maybe relocating it will cause less pain than what we're going through right now with it.

MR. WINGLOVITZ: Yup. They would have to -- I mean if they moved it down there would be more fill that would have to be placed, unless they dropped it down.

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I guess they would have to do both at that point.

MR. DOMINICK: That's it.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: We've discussed this quite a bit and had a lot of concerns over the whole thing since it's come before us. I'm very concerned about the analysis of that.

Also, I understand with the code the way it's written and the amount of fill and so on, that we have a prerogative of having a public hearing or not. Personally I'm in favor of doing the public hearing because I want to hear from the neighbors about what's going on here, just to get their input. My understanding is technically what you're doing at this point is legal and within code. Even though it's that, I still want to hear from the public as far as the whole project.

MR. WINGLOVITZ: Understood.

CHAIRMAN EWASUTYN: Ken

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Mennerich?

MR. MENNERICH: I agree with what Cliff is saying and also with what Dave is talking about. Having the pool down further, you know, in a terraced fashion would have been nice, but it's a little late for that now.

That's all I have.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: I agree with them, also. I'm in favor of the public hearing.

CHAIRMAN EWASUTYN: The motion before us this evening is to authorize Pat Hines with McGoey, Hauser & Edsall to have his geo-tech engineer review the submission that was received today, the date doesn't really matter for the benefit of the Board, and then until we hear back from that summary, we'll postpone it one more time.

So would someone move for a motion to have Pat Hines' office have a geo-tech review the information that was received?

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MR. DOMINICK: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by Ken Mennerich. May I please have a roll call vote.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried. Thank you.

MR. WINGLOVITZ: Thank you very much.

(Time noted: 7:40 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have  
hereunto set my hand this 13th day of September  
2021.

*Michelle Conero*

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MICHELLE CONERO



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

----- X  
In the Matter of

MILLER ENVIRONMENTAL  
(2019-27)

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

----- X

AMENDED SITE PLAN/LOT LINE CHANGE

Date: September 2, 2021  
Time: 7:40 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
STARKE HIPPI

APPLICANT'S REPRESENTATIVE: NOEL RUSS

----- X

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

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CHAIRMAN EWASUTYN: The Planning Board has listed as their fifth item of business this evening Miller Environmental, project number 19-27, amended site plan and lot line change on 77 Stewart Avenue in an IB Zone. It's being represented by --

MR. RUSS: Noel Russ, facility manager at Miller Environmental.

CHAIRMAN EWASUTYN: Noel, would you please come forward?

MR. RUSS: Yes, sir.

CHAIRMAN EWASUTYN: What's before us this evening, which would be part of the site plan approval process and lot line change, is the ARB approval.

MR. RUSS: Yes. I was informed by our engineer, Talcott Engineering, that all the renderings and everything will be ready for the next Planning Board meeting. They were anticipating the County taking longer to do the review. The ARB will be presented on the 16th.

CHAIRMAN EWASUTYN: Okay. So

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let's start with Pat Hines.

MR. HINES: We submitted the 239 review and got it back in what I guess is record time. We were anticipating it taking longer.

When we got that back, we did schedule it. I know Talcott Engineering has the ARB drawings being prepared.

The only other issue outstanding was, and I discussed it with Mr. Russ today, the drainage conditions out on Route 300 relied on a culvert that traverses several parcels, one of which being this. I had the opportunity to discuss that with Mr. Russ.

If you could inform the Board. These are off-site conditions not related to your site. We discussed the culvert being probably owned by you across your property but not across --

MR. RUSS: Yes. That's correct.

MR. HINES: -- the east and west sides of your property. I did want to bring it up.

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I got a call from the Code Enforcement office today that, you know, there was that drainage issue out there. It appears that Mr. Russ was tasked with doing some investigating on the site.

If you could fill us in on that for the record.

MR. RUSS: Yeah. So basically there's a culvert that goes through the property. It's pretty large. It takes on a tremendous amount of off-site water.

The failure in the culvert pipe was on Mr. Alvarez's property, one of our neighbors. The culvert pipe actually collapsed in his yard. Because the water -- because it collapsed down to about this big, the water had nowhere to go so it just backed up on Stewart Avenue and flooded our entrance, it flooded Optimum Environmental, and the road was closed for a few hours this morning.

I know Mr. Alvarez called me last night and he was very upset about it. He wanted to give me a heads-up. He said

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this is what's happening. We went and inspected our property and there were no issues on our property at all.

CHAIRMAN EWASUTYN: I know Dave Dominick, myself, a few others had the opportunity to see it visually that hour of the morning.

MR. DOMINICK: You had a real mess out there this morning.

MR. RUSS: The amount of water that comes from off-site is absolutely tremendous.

MR. DOMINICK: Not only was your street shut down but one lane was open on 300.

MR. RUSS: All that water comes through a culvert system that traverses through Optimum Environmental, crosses the street and then comes into that culvert pipe. It is a lot of water.

MR. DOMINICK: Is that just a regular culvert pipe or is that made out of something else?

MR. RUSS: You know, off our

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property it's unconventional. It's actually --

CHAIRMAN EWASUTYN: Do you write books and stories?

MR. RUSS: It's actually made out of old steel storage tanks. It's old storage tanks kind of butted together. We've repaired a bunch of it that was on our property and replaced it with 48-inch HTP culvert pipe. But, you know, Ira Conklin was in the tank business and he liked tanks. That's what he did.

MR. DOMINICK: I knew that one, Noel. I just wanted to hear you say it. I appreciate it.

CHAIRMAN EWASUTYN: Does Mr. Alvarez have any responsibility to upgrade or mitigate the problem on his property?

MR. HINES: I'm sure DOT will be looking at that. It seems like the impacts of the collapsing of that pipe on that property have affected the State highway there.

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I note there are no easements of record shown on this plan and it may be just an existing pipe that has no easements.

MR. RUSS: Yeah, it doesn't.

MR. HINES: I don't think we can hold this applicant responsible, but we did have that discussion today with Code Enforcement. They were also out there.

CHAIRMAN EWASUTYN: Thank you, Pat.

The fact that now we have received the County response; Dominic Cordisco, we can then move for a negative declaration?

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: Okay. So we can do that this evening.

John Ward, any comments?

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No.

MR. BROWNE: No.

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MR. MENNERICH: No.

MR. GALLI: No.

CHAIRMAN EWASUTYN: So you're suggesting then that we declare a negative declaration and reschedule this for the 16th of September for final approval and ARB approval?

MR. RUSS: Yes, please.

MR. HINES: And we waived the public hearing on this; is that correct?

MR. RUSS: No. We had one.

MR. CORDISCO: There was one already. In fact, my notes --

MR. HINES: So we must have done a neg dec already.

MR. CORDISCO: You did. I'm going back through my notes now. The neg dec was adopted on July 13th.

CHAIRMAN EWASUTYN: Okay. So there's no need for that.

At this point would someone make a motion to, I apologize, reschedule this for the next meeting which is on the 16th of September?



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MR. WARD: So moved.

CHAIRMAN EWASUTYN: Thank you. I  
have a motion by John Ward.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you.

MR. RUSS: Thank you very much.

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

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

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

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

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

IN WITNESS WHEREOF, I have  
hereunto set my hand this 13th day of September  
2021.

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

NEWBURGH COMMERCE CENTER/SCANNELL  
(2021-21)

124 Route 17K  
Section 95; Block 1; Lot 58  
IB Zone

----- X

INITIAL APPEARANCE  
SITE PLAN

Date: September 2, 2021  
Time: 7:45 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
STARKE HIPPI

APPLICANT'S REPRESENTATIVE: DAVID EVERETT,  
CHUCK UTSCHIG, ZACHARY ZWEIFLER, MARK WILSON

----- X

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

1  
2 CHAIRMAN EWASUTYN: The Planning  
3 Board has scheduled for the sixth item  
4 this evening the Newburgh Commerce  
5 Center/Scannell. It's an initial  
6 appearance for a site plan. It's located  
7 on Route 17K in an IB Zone. I believe  
8 it's being represented by Dave Everett.

9 MR. EVERETT: Good evening,  
10 Mr. Chairman, Members of the Board. My  
11 name is Dave Everett, for purposes of the  
12 record, environmental counsel for Scannell  
13 Properties on this project. I have with  
14 me tonight Zachary Zweifler who is with  
15 Scannell, and Mark Wilson who is in the  
16 back there who is also with Scannell.  
17 Then you all know Chuck Utschig from  
18 Langan Engineering who is the project  
19 engineer for this job.

20 We are here tonight for a sketch  
21 review by the Board. We're looking for  
22 some feedback on the proposed layout as  
23 well as any questions or comments that you  
24 might have that you think might be helpful  
25 to us as we move forward in the process.

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With the Board's permission, I'd just like to make a few introductory remarks and then have Zachary come up and tell you a little bit about Scannell, because I think it will be important for the Board to understand Scannell as a company and what they do across the country. Then Chuck can get up and go over the site plan quickly and answer any questions you folks may have.

There are a number of things we would like the Board to consider tonight, if you would be amenable to that. One of those is if you could maybe state your intent to be the lead agency under SEQRA to start that process. If Pat has got any, you know, comments on the EAF, we'd certainly be willing to kind of work with him and make sure those are satisfied.

The other thing is we'd like your permission to send out the notices to the surrounding neighbors of the application so they're aware of that.

We also would like you to

1  
2 consider giving us a referral to the  
3 Zoning Board because this project has  
4 basically been designed on spec. There's  
5 the possibility that it may be used for a  
6 variety of uses that are allowed under  
7 your Zoning Code. There will be multiple  
8 tenants in the building. We want to have  
9 the most flexibility we can to attract any  
10 number of tenants that may fit the uses  
11 that are in your Zoning Code, and those  
12 uses, as you know, are warehousing,  
13 manufacturing, processing, laboratories,  
14 office. All of those are allowed within  
15 500 feet of 17K except for warehouses. So  
16 to keep open the flexibility for the  
17 project to allow us if we did get a  
18 warehouse tenant, and we'd like a referral  
19 to the Zoning Board for a setback variance  
20 relating to the 500 foot.

21 And then the last thing if the  
22 Board is amenable, I don't know if we're  
23 at that point yet, is that if you feel  
24 comfortable, get a favorable  
25 recommendation on the site plan so we can

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move forward to the next step of preparing our studies and doing the rest of the engineering work.

So with that sort of groundwork laid, if you will, I'll turn it over to Zachary. He can talk a little bit about Scannell, the company.

MR. ZWEIFLER: So thank you all for the time tonight.

Just a quick introduction, a two-minute version on Scannell Properties. We are primarily an industrial developer operating across the country in North America. We really have built up -- half of our business has always been to build a few projects. It's one of the reasons we came down to the lower Hudson about eight years ago now which was with a national client of ours.

Since then we've been working to build up our name locally in the market as a developer that's got a pretty good presence. I think this comes into -- once we've already established ourselves in the

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market, the other half of our business is speculative development where we're going out and actually building projects without a tenant identified necessarily by us.

So I think what's interesting about that is when we're doing these speculative projects, to tap into that same core group of clients. So to that end, to really understand a facility like this, what their operations are, because 80 of the Fortune 100 groups that we work with on a yearly basis, we really see similar operations in all of them. So across all of them this is going to be very much a flex space. Just like Dave was talking about, we'll have multiple tenants where you'll have offices up front, you'll have product moving through the facility in the back and then being shipped out to the end customer, whether that's consumers in their homes or businesses in a business to business kind of transaction.

In the other application we



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2 probably did a much more eloquent job than  
3 I could do here right now describing this  
4 use in two or three pages, whatever Dave  
5 was able to type up in the amount of time  
6 he had. But I think just really the  
7 important thing is for us that this  
8 facility ends up looking the same  
9 everywhere across the country so when the  
10 Lowe's of the world start looking at a  
11 facility, they don't care if it's in  
12 Albuquerque, Town of Newburgh or Boise,  
13 Idaho. They're operating the same way.  
14 I think the cool thing with that is really  
15 understanding the constraints and  
16 understanding what we're putting in.

17 Thank you.

18 MR. UTSCHIG: Good evening,  
19 Mr. Chairman, Members of the Board. For  
20 the record, my name is Chuck Utschig with  
21 the firm of Langan Engineering.

22 We've developed the sketch plan  
23 site plan for this project, which is a  
24 plus or minus 15-acre site along Route  
25 17K. We have about 400 feet of frontage

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on 17K. As you get about 30 percent back into the site, it starts to widen out considerably.

The proposal is to build 127,200 square foot flex space or spec building for Scannell to then find tenants for. So we're trying to build in the greatest flexibility that we can.

We've provided a parking calculation. We have 102 -- 103 parking spaces, excuse me. We've got an area for trailer storage spaces. That's kind of the basis by where we started.

Again, this will potentially be, you know, tenant driven as we go along. We have to understand your code requirements and how we kind of fit those to the tenants and the site plan.

Primary access is to Route 17K. We currently are proposing one entry lane, two exit lanes, and we're proposing to widen 17K to allow for a left-hand turn lane. It's not currently anticipated that this will be a signalized intersection.

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2 You've got the Matrix signal at one end  
3 and you've got the signal to the Northeast  
4 Business Park at the other end. The  
5 sense, based on preliminary discussions  
6 with DOT, is that that will create the  
7 gaps that we need to allow our traffic to  
8 move freely. It's really too close to put  
9 another signal within those areas. We  
10 think we have an appropriate situation,  
11 given the proximity to the two signals,  
12 that this not be signalized and will still  
13 function. And obviously we have to go  
14 through an extensive traffic study that  
15 we'll do as part of our full submission,  
16 as we always do, and make sure that we're  
17 in touch with DOT and get their  
18 concurrence with whatever we bring forth  
19 to this Board in our final design.

20 Utilities are generally taken  
21 from Route 17K, sewer, water, electric,  
22 and we will design an infrastructure, you  
23 know, to accommodate this anticipated  
24 demand.

25 The stormwater management system,

1  
2 because we're in the City's watershed,  
3 would have to be -- we'd have to design  
4 this to that 110 percent requirement.  
5 It's anticipated that there will be a  
6 variety of stormwater management practices  
7 located in the right areas on the site to  
8 accommodate the natural topography. We  
9 recognize that if this does become a  
10 loading dock, it falls into the category  
11 of a hotspot and we have to treat that  
12 stormwater separately.

13           These are all design aspects that  
14 we've presented to this Board and your  
15 consultants in the past. We understand  
16 what the issues are and how to go about  
17 designing them. Those will be brought  
18 forth again in our full submission.

19           We sit in an IB Zone. All the  
20 adjacent properties are in the IB Zone.  
21 The larger buildings in the back are those  
22 that come off the Corporate Park Drive  
23 road. This is A Duie Pyle. We were  
24 before the Board not too long ago with an  
25 expansion to that, just to give you an

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idea of where this sits.

Along 17K, all within the IB Zone, there are some existing residential properties. If you look at our plan, you'll note that we've tried to be sensitive to those properties in terms of leaving some area for appropriate buffers, and those will be more fully developed, again, as we get into our full submission. We're aware of them. We understand we have to be respectful of those, and we plan on, you know, providing appropriate buffers to screen our development from those properties.

The discussion about the 500 foot setback, that line falls somewhere in about the front quarter of the wider piece of our property. Again, that will only come into play when specific tenants are determined and the impact of that 500-foot setback requirement.

So with that, I'd be glad to answer any questions the Board might have.

CHAIRMAN EWASUTYN: Thank you.

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Starke Hipp with Creighton,  
Manning, Consultant Engineers, your  
initial thoughts on the signalization, the  
coordination with the DOT, please.

MR. HIPPI: Starke Hipp with  
Creighton, Manning.

I think you acknowledge in your  
project narrative that you'll be working  
with the State, so that's a good start. I  
do agree with him about the signalization.

The one question I have for the  
flex space use for your traffic study,  
have you put any thought into how you'll  
be doing trip generation for this yet?

MR. UTSCHIG: Not yet.

MR. HIPPI: That will be a major,  
you know, point of review as to how you  
determine, you know, the amount of trips  
that will be generated by the flex space.

MR. UTSCHIG: Understood. And  
our goal, when we present that plan and  
the studies that go with it, is to build  
into the greatest extent we can the most  
flexibility so that our client, Scannell,

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can pick from the widest variety of tenants.

We understand the challenge. It's not too dissimilar from what we've done in other projects where we've over-projected traffic volumes because of the variety of industrial tenants that you might get. So we understand the need to do that and we will build that into our study.

MR. HIPPE: We notice that you had some -- you had sight distance measurements listed on the driveway.

During a field visit we saw that there's some significant grade on the side of 17K that the project will be located on. We understand this is a sketch plan. For future submissions we'll need to see a grading plan.

And then also the buffer space that is being included, is that being considered with the sight distance triangle? You know, typically you want to set any obstructions above 18 inches back

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10 to 15 feet from the edge of the roadway.

MR. UTSCHIG: Understood. So if you're familiar with the site, as you come off 17K, if you look at the driveways, they are literally cut into what was a hump, a rise in the road, which I think is what he's referring to.

As we design this and get into the details, we've got to make sure that we've accounted for that, that we widen out that grade appropriately so that we get the necessary sight distance. Then this edge of the buffer here that we're proposing that your code calls for, we'll have to be very careful about where we place it.

I think we can factor all that in and move things around, get the sight distance, adjust the grade and provide the buffer.

MR. HIPPE: And then I want to be clear on this. You mentioned that you will be widening for a left-turn lane.



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The plan that we reviewed had a right-turn decel lane as well for the -- what is that, the eastbound lane? Is that still proposed?

MR. UTSCHIG: Right. That's still part of it.

MR. HIPPE: Okay. And then we had --

MR. UTSCHIG: We'll preface that with assuming that DOT will allow us to do it.

MR. HIPPE: They'll make you do a review for the left-turn lane. There's no doubt about that.

MR. UTSCHIG: Right. The decel lane will be up to kind of their discretion. We'll have to be governed by -- we would like it as long as they'll give it to us.

MR. HIPPE: Right. And the existing manhole you listed to be adjusted, we just want to make sure that when you adjust it, that you ensure that it's able to handle heavy vehicle traffic

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that could be associated with whatever use the tenant is.

These weren't shown on the sketch plan but we want to make sure there was a point of it, that ADA ramps, sidewalks and details are included for the future submissions along the side for the passenger vehicle parking spaces.

Then a maneuverability analysis will, you know, most likely need to be performed for whatever largest vehicle you anticipate to use at the site.

I think that's all we had from a traffic standpoint.

CHAIRMAN EWASUTYN: Thank you. That was well covered.

At this point, before we refer to Pat Hines and Dominic Cordisco, I'd like to hear from Board Members.

John Ward?

MR. WARD: No comments at this time.

CHAIRMAN EWASUTYN: Dave Dominick?

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MR. DOMINICK: So Charles, you said 127,000 plus square feet; right?

MR. UTSCHIG: Yes.

MR. DOMINICK: 44 trailer parking spots, 103 car parking spots; right?

MR. UTSCHIG: Yes.

MR. DOMINICK: It's a warehouse; right?

MR. UTSCHIG: Not yet. So I can't stand in front of this Board that I've been in front of a long time and not admit that it looks like a warehouse. However, the developer's goal is clearly to create a flex space where he can take advantage of the tenants that he has available to him. So to the extent that those tenants become apparent and sign and it results in modifications to the plan, we will be back in front of this Board to do that.

We also want to keep the flexibility that it could be a warehouse, and so we were hoping that this Board would refer us to the ZBA for that

1  
2 determination. We think, if you look at  
3 this plan and you look at the  
4 configuration of the lot, the idea of  
5 keeping warehouse space, which was clearly  
6 the intent of the 500 feet off of 17K, and  
7 allowing there to be other types of, we  
8 think, more commercial retail development  
9 along 17K, we think that this line of  
10 lots -- you've got these lots that already  
11 have a specific depth. Not 500 feet. But  
12 we think there's a rationale that we can  
13 make to the ZBA that that setback may not  
14 have to be 500 feet but it could be  
15 something less.

16                   So all of this is intended to  
17 create the greatest amount of flexibility  
18 with the understanding that we have to  
19 come back before this Board and prove out  
20 anything that varies from where we end up  
21 with our submission.

22                   MR. DOMINICK: Thank you for  
23 that.

24                   CHAIRMAN EWASUTYN: Cliff Browne?

25                   MR. BROWNE: Yes. Just I guess a

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technical point. Referring to this as flex space, we can't hear that because it does not exist to this Town. You should kind of drop that term completely and give us something that is allowed in this Town. Again, if it's not in our code, we can't hear it, --

MR. UTSCHIG: Understood.

MR. BROWNE: -- it doesn't exist.

So you need to move on beyond that and come to us with something that is in our code. Okay?

MR. UTSCHIG: Understood.

CHAIRMAN EWASUTYN: Ken

Mennerich?

MR. MENNERICH: I think the ability to review the project and move forward, there has to be something specific. I can understand why you might want to have all this kind of flexibility, because you don't know what it's going to be used for, but that doesn't make it easy to come up with an approved design for something without knowing the specifics.

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MR. UTSCHIG: Okay.

MR. ZWEIFLER: Is there something specific you're interested in learning more about?

MR. MENNERICH: Excuse me?

MR. ZWEIFLER: Is there something specific you're interested in learning more about?

MR. MENNERICH: I'm saying for us to go through a review process there has to be something specific proposed.

MR. ZWEIFLER: I guess we -- we want to build this building as is.

MR. MENNERICH: Just the way it's shown here, as a warehouse? Then say it. Say that's what you want for approval is a warehouse, and then you go through the process with the ZBA.

MR. DOMINICK: But if you keep tap dancing around that --

MR. ZWEIFLER: Because we don't know who the user is. I mean we can talk a lot more about what goes in the box if that's helpful. Maybe that's not

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appropriate for tonight.

The building that we're going to build is going to be without tenants. We're going to start off building it with nothing inside. As tenants show up, that's how we do the build-out inside the building.

MR. BROWNE: There's too many different codes that are required based on what you put in the building. You just can't come back and keep putting things in and changing this and changing that. That keeps changing all the requirements that go into it.

You know, you need to give us something specific that's going into that building and then we can work with it. Otherwise, we can't work with it. There's nothing there. It's just a gee, that would be nice. We can't work with gee, that would be nice. It doesn't happen. There's no code for that would be nice.

MR. DOMINICK: Are you going to have a drive-thru window?

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MR. BROWNE: That would be nice.

MR. ZWEIFLER: That's not being shown.

MR. DOMINICK: There's so many different variants. We have to be specific, like Cliff and Ken said.

MR. ZWEIFLER: Yeah.

CHAIRMAN EWASUTYN: So let's assume, and we're just assuming, that he says I want to have a warehouse, then still the setback requirement is?

MR. HINES: 500 feet for that specific use.

What the Board has done in the past for some of these is to identify some of the allowable uses and target the worst case scenario for whichever of those proves out the worst case. If one of the uses has more impervious surfaces, then you do your analysis on that. If one of the uses generates more traffic, you do the worst case traffic analysis. I think that's where the applicant is heading.

Again, we need to have those uses



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that are allowable in the IB Zone and that can be proven through the environmental review that they've done that worst case. Typically when you build, I'll use their term flex space, but a spec building for an unknown tenant, they are going to be back before you for those tenant specific requirements.

We went through that with the mall as they were identifying a tenant and it never came to fruition. They would identify potential tenants and tweak their building for each of those. That's why we have the sixth amended site plan for that project.

So you have done some of this kind of speculative analysis, but right now I think it's a little too wide open for the Board.

MR. EVERETT: I mean some of the uses that we've identified in the submission were, you know, warehousing, laboratory, manufacturing, processing and office. I think those handful were

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identified. It's up to --

MR. ZWEIFLER: That's exactly our use.

MR. EVERETT: I don't know if that sort of limited list is acceptable to the Board based upon some of the things that Pat has said you guys have done in the past. That's what we had proposed.

MR. GALLI: But by getting -- say, hypothetically, you get the 500-foot variance, does that change your square footage of the building?

MR. UTSCHIG: If we do get it or we don't get it?

MR. GALLI: Don't. Does it change the square footage of the building? Does it make it less?

MR. UTSCHIG: So it would reduce the amount of warehouse space that you could use, but it doesn't necessarily reduce the size of the building because we could take that piece of the building and apply another use allowed in the IB Zone that doesn't have that setback. So it's a

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bit of a -- there's two pieces to the answer to your question.

MR. GALLI: The second thing, if I'm understanding the Board right, the other Members, I think our concern is we see a square box and we don't want an ugly square box. If you come back and say, you know, we are going to be flex space, it's still a square box to us. We don't know if it's going to have a nice corner, a nice facade, a nice back, a couple of nice parking spaces. All we know right now is that it's a square box and it could be anything. So, you know, a little bit more detail. We don't have to know the tenant. If you do have one and you don't want to tell us, that's fine. We're just more concerned on what the building is going to look like, how it's going to be presented on the property.

MR. ZWEIFLER: You have it.

MR. GALLI: How it's going to look on the property, if there's going to be some nice features, good features, bad

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features.

MR. EVERETT: We have actually brought with us some potential renderings of what it would look like regardless, I think, of the tenant. If that's something that -- do you want to go over that, Zachary?

MR. UTSCHIG: We just have the elevation.

MR. ZWEIFLER: That's what I'm saying. We're actually building this building. We know exactly what it is. So we're anticipating two offices, one in each corner, with a potential to add a third office in the middle if we end up having the need to.

As you drive up it's all a masonry building, so concrete panels. So we're looking at a clear height of 32 feet. So again, you'll have -- when you think about these kinds of uses, you'll have a significant office up front for each tenant, so that will have some combination of sales, operations. We've

1  
2 got a few -- depending on the tenant, some  
3 of them will actually have like more of a  
4 headquarters kind of feel in that office.  
5 The percentage of that office will vary  
6 from tenant to tenant, but there is going  
7 to be a substantial office there. I don't  
8 think I've ever had a tenant that's had  
9 less than ten employees in a front office.  
10 So it's a pretty substantial office amount  
11 there.

12           And then behind the office, a lot  
13 of them will have some form of production,  
14 product handling. Whether that's  
15 packaging, final assembly, something very  
16 much like that.

17           And then the last component of  
18 these will always be storage,  
19 distribution, warehousing, whether that's  
20 five percent of the total space that any  
21 given tenant has or eighty percent.

22           MR. GALLI: Well, personally I  
23 don't care too much about the inside of  
24 the building. I'm really concerned about  
25 what it looks like to the public from the

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outside of the building and how 17K is going to look. What you do inside, I'm really -- I'm concerned, but I'm not really concerned.

I want it to look -- we have a couple nice warehouses in the Town now. If we're going to keep going with warehouses in the Town, I'm going to call it a warehouse, we don't want it to look ugly. We want it to look presentable, a match with the other warehouses, looking nice and presentable. You know, if we have to have them, we want them to be done right.

MR. EVERETT: One of the provisions of your code requires, you know, a landscape buffer along 17K. So what we were planning on doing for our future submission was to basically show you what the perspectives would look like from 17K through the landscaping buffer with the building in the background so you guys can get a feel for that and make sure that you're comfortable with that.

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MR. GALLI: That's it, John.

CHAIRMAN EWASUTYN: Thank you.

At this time I would like to hear from Planning Board Attorney, Dominic Cordisco.

MR. CORDISCO: Thank you, Mr. Chairman.

There are certain steps that are procedural that the Board could certainly consider taking tonight. The adjoiner's notice would be one of them. The other that Mr. Everett mentioned was circulation for lead agency. That certainly could be a step that could be taken tonight given the information that's been presented so far.

The difficulty, you know, and I think the Board's comments really drive at the situation in regards to the referral to the Zoning Board of Appeals. It's clear that there are certain uses in the zone that don't have a setback from 17K, but the code is also very clear that warehouse, storage, transportation

1 facilities, including truck and bus  
2 terminals, cannot be located within 500  
3 feet of 17K. I believe that the applicant  
4 is asking for a referral to the ZBA so  
5 that they can apply for a variance to have  
6 a warehouse, storage and transportation  
7 facility within 500 feet of Route 17K. I  
8 think that that's the next procedural  
9 step.  
10

11 So in a sense, you know, the  
12 building looks like a warehouse. They  
13 want the ability to proceed before the ZBA  
14 to obtain a variance for the 500-foot  
15 setback. As a result, that is what would  
16 be the procedural step that the Board  
17 could take, regardless of what other  
18 potential uses are located within the  
19 building.

20 CHAIRMAN EWASUTYN: So of the  
21 four requests that were made by Dave  
22 Everett, the conceptual approval at this  
23 point, based upon all of the  
24 conversations, is something that we'll  
25 take off the table because we're still not



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certain of the --

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: -- concept.

MR. CORDISCO: I did mention that one on purpose because in my opinion it's premature to consider a favorable report at this time. The purpose of a favorable report is to say that the plan overall is consistent with the Town's zoning and land use regulations. This one, because it needs a significant variance in order to proceed as a warehouse, my recommendation is that you should hold off on a favorable report at this particular time.

CHAIRMAN EWASUTYN: Okay. So one more time. You're suggesting to the Board that we declare our intent for lead agency?

MR. CORDISCO: Yes, sir.

CHAIRMAN EWASUTYN: And require within the first ten days of the presentation Pat Hines will prepare an informational letter that will be coordinated. I think at this point we're

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looking also to refer them to the ZBA for an interpretation which may or may not require a variance for 500 feet. Is that the direction we're going in?

MR. EVERETT: We're seeking a setback variance.

CHAIRMAN EWASUTYN: Setback variance. Thank you. Okay.

Let's open that up one more time to the Board. Is the Board prepared to move for a motion for these three items that were just suggested by Planning Board Attorney Dave Dominick and Pat Hines? Are you in agreement with that?

MR. HINES: I am. If you're considering the lead agency circulation, the project is a Type 1 action, greater than 100,000 square feet, so we should include that typing of the project in that lead agency circulation.

CHAIRMAN EWASUTYN: Thank you.

MR. HINES: Because it is that Type 1 action, the ZBA will not be able to act until this Board, as lead agency,

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closes out SEQRA. That's because of the Type 1 action need for coordinated review.

CHAIRMAN EWASUTYN: Are you in agreement?

MR. EVERETT: Yes, that's correct, Mr. Chairman.

CHAIRMAN EWASUTYN: I didn't ask you if it was correct. I asked you if you were in agreement. It's kind of like a flex space kind of drawing.

MR. DOMINICK: Just for clarification, that was Dominic Cordisco, Planning Board Attorney.

CHAIRMAN EWASUTYN: Thank you. What did I say? Dave Dominick?

MR. DOMINICK: Yeah.

CHAIRMAN EWASUTYN: That's the aging process.

MR. CORDISCO: I'm in good company.

CHAIRMAN EWASUTYN: Thank you. And I haven't fallen asleep yet so we're all on board. Thank you for the correction. All right.

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So then if we would move for a motion to declare ourselves lead agency for this Type 1 action, I think we're still in the position to then send out the informational letter. Until we establish ourselves as lead agency, we cannot refer to the Zoning Board of Appeals. Is that correct?

MR. HINES: I think you can refer it.

MR. CORDISCO: You can refer it.

CHAIRMAN EWASUTYN: Thank you.

But they can't take any action?

MR. HINES: They can't take any action until after your SEQRA determination.

CHAIRMAN EWASUTYN: Would someone then make that motion for those three steps?

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Thanks so much. I have a motion by John Ward. Let me correct myself. I have a second by

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Dave Dominick. Thank you, Dave. May I please have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

MR. EVERETT: Thank you.

MR. UTSCHIG: Thank you.

(Time noted: 8:16 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have  
hereunto set my hand this 13th day of September  
2021.

*Michelle Conero*

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MICHELLE CONERO

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

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In the Matter of

MATRIX LOGISTICS CENTER  
(2020-17)

Route 300/I-84/I-87 Interchange  
Multiple Sections, Blocks and Lots  
IB Zone

----- X

SITE PLAN

Date: September 2, 2021  
Time: 8:16 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
STARKE HIPPIE

APPLICANT'S REPRESENTATIVE: DAVID EVERETT,  
CHUCK UTSCHIG, KENNETH GRIFFIN

----- X

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

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CHAIRMAN EWASUTYN: The Planning Board has scheduled for its seventh and last agenda item this evening the Matrix Logistics Center, project number 20-17. It's a site plan located on Route 300 in the Interchange Business, IB, Zone. It's represented by Langan Engineers.

Mr. Everett, are you going to speak first?

MR. EVERETT: I think Ken Griffin, who is with Matrix, is going to speak.

MR. GRIFFIN: Mr. Chairman, I'm Ken Griffin, principal from Matrix Development Group.

A couple weeks ago we were before this Board, but I know that Cliff Browne and Ken Mennerich weren't able to make it. I thought I'd just briefly touch on the presentation we had last time, in particular relating to the architecture and buffering along Route 300.

When we first came to this Board back in, it might have been January for a



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sketch plan, it was clear that the Board was concerned about visual impacts. We were encouraged to make the entrance to the frontage appealing. So we gave our consultants that charge, and we just have a couple of boards here.

At the last meeting we brought in our architect from Ohio, but he didn't make it this time. I think I'll -- so a couple things the Board asked for was some upgraded walls. We have stonewalls at the entrance. This is the perspective heading toward the interchange along 300. The mall is on the other side of the street. So the architect put a lot of detail into this building. Both buildings, really.

The corners have clear story glass, about 16 feet high. There's articulation throughout the facade, both vertical and horizontal articulation both in color and reveals in the panels. It's basically concrete panels but it's substantially upgraded. There is also fins, fins that stick out of the building

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to kind of break up the length of the wall. As the architect pointed out, these horizontal bands kind of trick the eye to make the building look a little shorter than it actually is. The whole idea is to try to make it more in scale with the rest of the street scape.

We also built a berm -- we'd like to build a berm along the frontage. We added a lot of landscape on the berm, around the berm, all the way down 300 to connect to the building.

So this perspective is on day one, given the plant sizes on day one. To my perspective I really kind of like the look of the building and I like to see it more, but I know screening is a positive thing. There's a lot of trees and ultimately it will be substantially screened.

So this perspective is the same view in ten years given, you know, projected growth of the plants. So you can see that the building will be

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substantially screened. There will be windows, and you can see through them. It won't be totally invisible but it will be substantially screened by the landscaping.

Our consultants met with your landscape architect after we developed this sketch. Based upon that meeting a lot more landscaping went in. So it's going to be more screening than this.

There will be walls along both sides of the entrance road with signage for the likely tenants that come into the building. So I just wanted to give you a feel for what it's going to look like.

Again, the architect and the landscape architect did a first-class job, and I think they did as well as we could have hoped.

If you have any questions, I'm happy to take them.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I appreciate you doing that because I wasn't at the meeting

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and it was very helpful. Thank you.

MR. BROWNE: Very good. Very good job. In fact, I like it with the initial plan better than --

MR. GRIFFIN: Right.

MR. GALLI: Year one looks like --

CHAIRMAN EWASUTYN: He can't apply for clearing and grading for a timber harvest.

I think where we left off, and unfortunately I'll say that I'm responsible for it, but I can only be in so many places at one time. I do have a full-time occupation. You did receive or we did receive the County comments. We needed that in order to take consideration to declare a negative declaration and a SEQRA consistency and to set it for a public hearing for both the site plan and Chapter 83. Is that somewhat correct?

MR. EVERETT: That is correct.

CHAIRMAN EWASUTYN: How do we begin discussing what you received, and

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apparently what I may have received in the Planning Board office, but I apologize, I wasn't there at 4:30 in the afternoon.

MR. EVERETT: If the Board would like, maybe it would make sense for us to go through the comment letter to kind of talk about each one individually. I'll throw it back to you as to how you think it's best to proceed.

We took a look at the County Planning Board letter. It had a handful of binding comments and a handful of advisory comments. We didn't really see any of them as, you know, too problematic. We can certainly go through and talk about them if you'd like.

CHAIRMAN EWASUTYN: That's a decision that each individual Member now will give their opinion on and then we'll know from that.

Frank Galli?

MR. GALLI: Yes.

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

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MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Okay.

Please.

MR. EVERETT: The next question is who has a copy of the letter? It's on my phone.

MR. CORDISCO: I have it on my screen. There's a reason why I have a large laptop, because it's easier to read.

I did receive a copy just before the meeting, which Mr. Everett was kind enough to forward to me. He's accurate, it's a two and-a-half page letter from the County Planning Department which was sent at 4:30 today, and it does have both binding and advisory comments.

In the spirit of brevity, perhaps I would not read the entire letter because a lot of it is duplicative in terms of describing the project. It might be helpful just to focus on what are binding comments which, bear in mind, are also written as, in some cases,

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recommendations, and then also there are advisory comments.

So to cut right to it if I may, the binding comments are as follows: One, solar. The applicant should integrate rooftop solar panels into the site plan to offset the need to rely on the existing power grid and to increase the resilience of the proposed 1.1 million square feet facility. Orange County has adopted a CPACE, Commercial Property Assessed Clean Energy, program that can provide financing up to 100 percent of the cost of the rooftop solar project. Then they refer you to the website for more information. That is the first binding comment.

The second binding comment relates to lighting. The applicant has proposed 37-foot tall light poles for the project site and states that lighting will be directed only when needed. We recommend the following measures. A, all exterior lighting shall utilize energy efficient LED bulbs. B, all onsite

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lighting fixtures shall comply with international dark sky association standards to limit light pollution. C, the lighting pole height should be reduced to a more pedestrian friendly 20 feet. D, the lighting plan for the building should incorporate a lighting curfew that reduces lighting levels when the area being illuminated is not in use.

The third binding comment relates to transportation. A highway work permit from the New York State Department of Transportation is required for the entrance curb cut along Route 300 per Section 136 of the New York State Highway Law. A detailed engineering review is necessary and required for issuance of a highway work permit. Please note that any proposed changes to the existing property plan use or traffic operations may necessitate an updated access configuration for the proposed project. The applicant should obtain a memorandum of agreement with New York State DOT and



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the Town for signalization and other traffic improvements on State Route 300.

That is the conclusion of the three binding comments. What the Board, I'm sure, understands and appreciates is that if these recommendations are not incorporated into the project, the Board would have to overrule -- override, rather, the recommendations in these binding comments by a majority plus one vote.

MR. EVERETT: Would it be possible for Chuck to discuss each one of those? Would it be helpful to the Board?

MR. CORDISCO: Mr. Chairman, I think it might be most beneficial to have that discussion on the binding comments now rather than the advisory comments because they are more general in nature.

CHAIRMAN EWASUTYN: Would the Board agree with that?

MR. GALLI: Yes.

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

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MR. DOMINICK: Yes

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Please.

MR. UTSCHIG: I'm going to go backwards because backwards is easier.

CHAIRMAN EWASUTYN: I was thinking the same way. Some people will say I'm a little backwards.

MR. UTSCHIG: So the DOT comment, I think we all know we will get a DOT permit. We will enter into an agreement with DOT to construct all the improvements at the developer's cost. Those improvements and that signal will be dictated by the development. We agree to that. We're going to be doing that anyway.

CHAIRMAN EWASUTYN: Starke Hipp, do you agree with that?

MR. HIPPE: Yes, sir.

CHAIRMAN EWASUTYN: Thank you. Starke Hipp is with Creighton, Manning and he does advise us on all traffic and improvements. Thank you.

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MR. UTSCHIG: So the second comment talks about lighting. There are actually four parts to it.

We intend to use high efficiency LED lights. We're okay with that.

Our light fixtures comply with the dark sky requirements. So we'll comply with that.

The part that I have a problem with is the height. 20 foot high poles when you're trying to light the spaces that we're trying to light is really very inefficient and it leads to way more poles. We think that our proposal at 37 feet, which controls the number of fixtures, is really more efficient. If you look at our plan and you think about where the majority of our lighting is, the visibility really, you know, is from 300, from the Interstate as you come around here, because we'll have lights here and lights here.

Relative to these properties, we've talked about the relationship of

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this building to the grade and the fact that it's down. In most locations here our grade is more than 40 feet below. So even at 37 foot high, our poles don't stick above the ground in the back. So we think when you add up all of the pieces to the way we've designed this height at 37 feet, we really think it's a better solution than the 20 feet that they're recommending.

All the other components to this are okay, including, you know, having the lights on a photo cell, they go off at the right time -- they go off when an area is not active, although there aren't too many places on this site that aren't active almost all the time.

So really the only piece of that comment that we have trouble with, and we really think there's a rationale to the 37 feet, is the height.

The last item was about solar. I'll just quickly say my peace and Ken can add into this. As we've indicated to you,

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Matrix has -- it will be investing the money necessary to design the structure to accommodate solar. It requires stronger walls, better trusses, all those things. There's a cost. So it's being built into our design. However, the actual installation of the solar is really kind of a market driven thing. So it's not that we're -- I think Ken will tell you a majority of their buildings ultimately end up with solar, but we're not quite to the point where we're saying it's going to be installed when we build the building.

So that's kind of our take on those three comments. We are generally in agreement with them, just a few that we don't think really are applicable to our site.

CHAIRMAN EWASUTYN: Ken Griffin, do you want to follow up on that?

MR. GRIFFIN: Sure. That's correct. We do the standard in all of our buildings, provide upgraded structures of steel to accommodate the panels. The vast

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majority of our buildings we wind up doing the panels. We put them on the other building in Town earlier this year.

A lot of it is driven by tenants. Sometimes the electricity is used by the tenants themselves, sometimes it's offloaded to the utility.

You know, there is a lot of different economic issues that we really don't know going in and so we can't say now we're actually doing it. You know, it could be that the solar market collapses. It's pretty unlikely the way Washington is throwing money around for these kind of things. It's highly likely it's going to happen, but we just can't say today it's definitely going to happen. We wouldn't be spending all the money that we are preparing for it if we didn't think it was likely that we were going to be doing it. We like doing it because it's the right thing to do for one thing, plus it tends to make economic sense.

A lot of our tenants are

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Fortune 500 types who like that and do it as well. So there's a lot of reasons why it's likely to happen. Again, we just can't say it's definitely going to happen.

CHAIRMAN EWASUTYN: All right. Let's discuss with the Board then -- I think the Board is in agreement, we have an understanding that you're ready, willing and able, when the time is right, to install solar. Are we in agreement on that?

MR. GALLI: Yes.

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: Yes.

MR. BROWNE: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: I guess I --

MR. BROWNE: I have a question, John.

CHAIRMAN EWASUTYN: Certainly.

MR. BROWNE: The binding thing that came out, what does that mean by binding?

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CHAIRMAN EWASUTYN: Majority plus one.

MR. BROWNE: That's what that is. Okay.

MR. CORDISCO: If I may, it certainly does mean like if you were to override it to say -- for instance regarding solar panels. If in your opinion a majority plus one of the Board felt that solar panels were not needed and should not be provided. The applicant has stated that they are making it future ready for solar panels.

MR. BROWNE: I was confusing that with the recommend -- with the other part. I'm good.

MR. CORDISCO: Well, there's also confusion, actually, inherent in the way that this letter is written. I'll just put it right as I see it because these are identified as binding comments but then they're written as with the word should. It should in each instance. So for instance, in regards to the light poles



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where it says the height should be reduced from 37 feet to 20 feet, it says should, then they classify it as binding. Does that mean they have to do it or is it something that should be looked at as an alternative and either considered or accepted or identified as not necessary based on information provided.

MR. BROWNE: Thank you.

MR. WARD: John?

CHAIRMAN EWASUTYN: Please.

MR. WARD: Chuck, how do you come up with 37 feet for the light poles? I'm just asking.

MR. UTSCHIG: So with these warehouses there are consistent modules. The width of a parking bay, you know, is 18 -- 30 and 18. The width of a loading dock and the adjacent circulation area is 135. So we have specific modules. When you look at the width of those modules and how they butt up against the building and then the distance that we have to where we can put the light poles, that drives the

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answer of how high the pole gets because that allows us to get at 37 feet. I get enough push of the light to come out towards the building. I'll have a building mounted fixture that comes in the other direction. They meet somewhere in the middle and I get the coverage I need.

With 20-foot poles it's an easy angle to think about, right? 37 I'm out this far. 20 I'm only out this far. So I actually have some spans, especially when you talk about the trailer storage areas, where I've got double loaded areas. At a 20-foot pole I can't get from one side to the other. I physically can't do it. That's how we get to the 37.

It all depends on -- some of the modules are different. Typically we're between 35 and 40 feet with those kind of poles to get that appropriate coverage.

MR. WARD: Thank you.

MR. MENNERICH: In comparison to the height of the building, it would seem like taller buildings could have light

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poles that are higher. If a building was only 20 foot high, 20-foot poles make sense, but -- am I wrong?

MR. UTSCHIG: You're right. They put it in the context of pedestrian friendly. In my mind when they say pedestrian friendly, I'm thinking of a retail center or a shopping center where that applies. Right. You've got a 25 or a 30-foot high building.

Just to me I can't -- I can't rightfully say that from an engineering perspective that's a smart way to light a warehouse. It's just not. Our building is 40 foot tall. These will be below.

CHAIRMAN EWASUTYN: I think that's why John Ward raised the question, because John Ward has always been cognizant of pedestrian lighting.

MR. WARD: Yes.

MR. UTSCHIG: I get it. I think if we were doing the other retail center, we probably would be talking about 20 or 25-foot poles.

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MR. HINES: And the previous retail center actually in the large parking fields had lights of that scale, 35 feet. It was only in the lifestyle center area, the more pedestrian scale, where they had the 16 to 20 foot, consistent with the Town's design guidelines.

Your design guidelines require those pedestrian scale fixtures where people are going to be, on sidewalks and such. They do allow the higher fixtures that we're talking about in the large parking fields because it takes into account the number of poles and the efficiency of the lighting.

CHAIRMAN EWASUTYN: John Ward.

MR. WARD: Just a note on that. Ken, you mentioned about the front with the stonewall and all, but you didn't mention to Cliff and Ken you added the sidewalk for pedestrians to go into the property.

MR. GRIFFIN: That's right.

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MR. WARD: Just to let you know.

Thank you.

CHAIRMAN EWASUTYN: Any other comments?

(No response.)

CHAIRMAN EWASUTYN: All right.

So Dominic Cordisco, introduce us to the conversation and the binding agreements and the action that the Board would have to make, or do we have to list each one as to why we made that decision?

MR. CORDISCO: These were binding comments, as I noted, but also were written as recommendations. I think if the Board is satisfied on these three particular ones, which are solar, lighting and transportation, then the Board would be in a position to report back to the County Planning Department why, ultimately, you are moving forward with the project that you are.

And, of course, you know, if the Board is all in agreement in that regard, then you don't have to worry about a super

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majority vote in that regard.

CHAIRMAN EWASUTYN: And who will prepare that response to the County as a matter of record?

MR. CORDISCO: I can coordinate that with Mr. Hines. Typically that is done only after the Board actually takes action on the overall project and grants approval, if that's what you end up doing. So it would not be necessary at this particular point, but these are factors for you to consider as you move forward with the review.

There are also additional comments which are advisory. They're fairly generic. There's a recommendation of including low impact development techniques to decrease stormwater runoff was one.

There's also a statement that the project will require coverage under the SPDES general permit for stormwater discharges, which is certainly true.

There is a comment regarding

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2 vegetation and that the landscaping plan  
3 should address -- should screen, rather,  
4 the proposed buildings with vegetation in  
5 an attractive way and preserve existing  
6 vegetation around the perimeter of the  
7 property, as well as some other comments  
8 along those lines.

9           The Department of Planning  
10 actually commended the proposed monument  
11 signage, and they also recommend that due  
12 to the proximity of the project to a high  
13 traffic corridor, that they recommend the  
14 incorporation of a transit access point on  
15 the site plan for a local fixed route  
16 and/or Dial-A-Bus service.

17           Once again, these are advisory  
18 comments which the Board can consider, the  
19 applicant can consider and incorporate as  
20 they see fit.

21           CHAIRMAN EWASUTYN: Comments from  
22 the Board Members?

23           MR. BROWNE: What was that last  
24 one, Dominic?

25           MR. CORDISCO: I'll read it. It

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says, "Due to the proximity of the project to high traffic corridors, commercial development and several major employers, we recommend the incorporation of transit access to the site plan for a local fixed route and/or Dial-A-Bus."

MR. DOMINICK: I'm not a fan of that one.

MR. GALLI: I think that's what -- they want people to be able to take a bus to go to work. Then they need a place to pull in and be dropped off, make a turn, come back out. I think it was Orange Transit we used when the mall was going to be there or something.

MR. HINES: Transit Orange is the County agency that coordinates that.

MR. GALLI: They had a drop-off spot in the lifestyle center. I mean you see buses running all over from the City, Town of Newburgh and they drop off at the mall. You'll probably see a lot more of it when the casino opens.

I mean if they, you know,



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coordinate and they allow them to come into their site and drop them off, I'm sure they have plenty of room to turn around in there and come back out. Maybe they're just looking for an okay from the developer to allow them on their site. It's private property. I'm sure they need some kind of okay.

You know, I don't see it being an out of the ordinary comment. They just want public transportation for jobs and stuff for people to get to in case they don't have a car. I don't think it's a big deal for the developer. I don't really see putting in driveways and everything else.

MR. CORDISCO: To your point, I would hope that a bus would be able to enter into the site and turn around and leave.

MR. UTSCHIG: I hope so.

MR. GALLI: You're getting a bus maybe. I hope it's not the Dial-A-Bus.

CHAIRMAN EWASUTYN: If I

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understand you, when the time comes that we approve the site plan, as part of that applying to the Orange County Planning Department will be made inclusive of that record?

MR. CORDISCO: Correct. And should you respond in particular to the binding comments and how they were addressed in this process.

CHAIRMAN EWASUTYN: Does everyone agree and understand that?

MR. BROWNE: Should we do anything now to formalize that?

CHAIRMAN EWASUTYN: That's what he's saying.

MR. CORDISCO: I don't think it's necessary at this particular point to respond to the County Planning Department because it's a report on final action. It's actually a form that the County Planning Department has and expects to be responded to.

MR. BROWNE: I don't mean forward to them now. I mean for us to say that

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yes, we are going to do that and make it -- like vote on it and say okay, that's what we're going to do when the time comes so it doesn't get lost.

MR. CORDISCO: I don't know that it's necessary at this particular time, especially since the Board has a number of procedural steps ahead of it, including the consideration of a public hearing for the project.

MR. BROWNE: Okay.

CHAIRMAN EWASUTYN: So on the note of procedural steps, what is the procedural steps before us this evening?

MR. CORDISCO: As I mentioned at the work session, the Board has before you completed Parts 2 and 3 of the full environmental assessment form which is required for this particular project because it is a Type 1 action. So Parts 2 and 3 have been completed and could be adopted by the Board if you find that you agree with the way that the information was presented and characterized, in Part 2

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especially.

And then you also have a draft negative declaration which also incorporates a determination of consistency with the prior environmental review that was undertaken over many years in connection with the commercial development proposed on this site. The applicant has incorporated all of the prior review and has incorporated all the mitigation measures that are relevant to this particular development with the exception of some of the traffic improvements which are no longer necessary given the configuration of this proposed plan.

They have also conducted their own analyses for the use of this site with this particular use with updated studies and information for the Board to consider. Based on that, a negative declaration has been prepared for your review and comment and adoption if you are satisfied with its statements and conclusions.

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CHAIRMAN EWASUTYN: Okay. Let's start with -- thank you -- Part 2 and 3 of the EAF.

Discussion from Board Members, questions or comments? John Ward?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Just one comment. Given what the County suggested with the public transportation and Frank's rationale there, which makes sense, can building A and building B then have bus shelters added?

MR. GRIFFIN: Where would they go?

MR. UTSCHIG: I mean we'd have to -- obviously a bus can get in, turn around and get out. We've added a sidewalk that allows people walking to get from the right-of-way to both those buildings as part of our plans. We have those two pieces.

I'll be careful not to speak for

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my client, but I think part of this is if the buses come, we'll provide for a place to put them. I'd hate to have us be required to put something up or create a location and it not be used.

I think, Ken, if I'm speaking correctly --

MR. GRIFFIN: That makes sense.

MR. UTSCHIG: If we could condition it that way. If we get someone interested in bringing a bus here, we can find a place where they can safely unload people.

MR. GRIFFIN: Okay.

MR. DOMINICK: That's a fair assessment.

CHAIRMAN EWASUTYN: That condition then would be a condition that would be noted in the final site plan approval. Let's keep a record of that.

MR. UTSCHIG: We'll show a place on our plans with a note -- if it's okay with the Board, it's up to the Board, we'll show a place and a note to that

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effect on the drawings as part of the formal site plan.

CHAIRMAN EWASUTYN: Thank you, Dave Dominick. Thank you, Frank Galli. Cliff Browne?

MR. BROWNE: I haven't gone through it all. With the discussions I am comfortable with the way it's being presented.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No additional comment.

CHAIRMAN EWASUTYN: So for right now should we make a motion to adopt Part 2 especially, but also Part 2 and 3 of the EAF, and then begin discussing what's in front of us, a notice of negative declaration and a determination of consistency?

MR. CORDISCO: Yes, sir. Part 2 is the form that is actually the one that

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characterizes the various different impacts and their significance by impact by answering a number of particular questions. My recommendation is that you consider that separately.

The Part 3 is merely a statement as to whether or not you're adopting a negative declaration or not.

CHAIRMAN EWASUTYN: As you said earlier today, with Part 2 there were several pieces of moderate impacts; correct?

MR. CORDISCO: Correct.

CHAIRMAN EWASUTYN: All right. So having heard from the Planning Board Attorney, Dominic Cordisco, would someone first make a motion to adopt Part 2 of the EAF that's been completed?

MR. WARD: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Cliff Browne. Any discussion of the motion?



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(No response.)

CHAIRMAN EWASUTYN: May I please have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: The next matter of discussion to make it complete with the record is to adopt Part 3 of the EAF which is more of a descriptive --

MR. CORDISCO: Yes, sir. And that actually could be combined with a motion to adopt a negative declaration and determination of consistency that's been prepared.

CHAIRMAN EWASUTYN: Do we want to take a moment at this time to understand that we will be accepting or declaring a negative declaration and a determination of consistency or do we just want to

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follow the advice of Dominic Cordisco and marry that with Part 3 of the EAF? I'm up for --

MR. HINES: I'll also note that my office and Ken Wersted's office concurred with that. Ken sent an e-mail earlier today that he also concurred with those documents.

MR. GALLI: Then I'm comfortable with it, John.

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: Yes.

MR. BROWNE: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Okay. So rather than me bungling my speaking, which you know I always do, I'll refer to Dominic Cordisco who can speak in a more effective manner than I can.

MR. CORDISCO: Yes. Thank you, Mr. Chairman.

My recommendation would be for a motion to adopt Part 3 as it has been

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prepared which references a determination of significance including the adoption of the negative declaration and determination of consistency that has been prepared and circulated to the Board.

CHAIRMAN EWASUTYN: Would someone make a motion to that effect?

MR. DOMINICK: I'll make the motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by John Ward. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll take a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: I believe the

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last matter of business this evening then is to set a public hearing for both the site plan and Chapter 83 of the code. I believe we're looking to set that for the meeting, Pat Hines, of what date?

MR. HINES: The 16th.

CHAIRMAN EWASUTYN: Okay. Would someone move for that motion?

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich and a second by Frank Galli. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote to approve that. Frank Galli?

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: So then Ken Griffin, Chuck, you'll work with Pat Hines' office. I believe there's kind of a due diligence on getting this out by tomorrow.

MR. GRIFFIN: Right.

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Do you believe you can accomplish that task?

MR. GRIFFIN: I believe so.

CHAIRMAN EWASUTYN: All right. Then the challenge is yours.

MR. EVERETT: I have a box full of envelopes for Mr. Hines.

CHAIRMAN EWASUTYN: You're going to get that to Pat Hines and Pat Hines is going to be responsible then to --

MR. HINES: Pat Hines is walking them down the hall and putting them on the supervisor's clerk's desk which was, I believe, arranged for today.

CHAIRMAN EWASUTYN: It's unlocked?

MR. HINES: It's supposed to be

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unlocked. Otherwise, I hear you have  
access to it.

CHAIRMAN EWASUTYN: Do you have a  
Post-It?

MR. HINES: They're aware of it.

CHAIRMAN EWASUTYN: Okay, fine.

MR. HINES: I spent some time  
here this afternoon.

MR. GRIFFIN: Thank you all.

MR. EVERETT: Thank you very  
much.

CHAIRMAN EWASUTYN: Thank you  
very much. Congratulations.

(Time noted: 8:52 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have  
hereunto set my hand this 13th day of September  
2021.

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

JIFFY LUBE  
(2021-19)

Referral to the Zoning Board of Appeals  
for Variances and a Special Use Permit

----- X

BOARD BUSINESS

Date: September 2, 2021  
Time: 8:52 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
STARKE HIPP

----- X

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



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CHAIRMAN EWASUTYN: We have this evening two unlisted items which are Board Business. I'll have Pat Hines start with the first matter.

MR. HINES: At the last meeting Jiffy Lube appeared before the Board. The only action the Board could take would be to refer them to the ZBA for variances. We gave them an opportunity to review the variances they required. They have prepared the document that I provided to the Board identifying the eight variances and a special use permit. They are requesting that the Board, under Board Business, issue the referral to the Zoning Board of Appeals with their intent to get on the Zoning Board meeting of the 23rd if they can.

CHAIRMAN EWASUTYN: Which is standard when we take this action to have Dave Dominick -- excuse me, Dominic Cordisco move forward on this. For the record, can we then go through all eight variances required?

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MR. HINES: Sure. The first variance that was identified is a lot area variance. The existing lot is 30,502 square feet where the required lot area is 40,000 square feet.

A front yard variance, existing is 50 feet from the Route 300 right-of-way where the minimum setback on a New York State highway in the Zoning Code is 60 feet, requiring a 10-foot variance.

They have identified two side yard variances where the minimum side yard required is 50. On the north side, which is the Lowe's driveway side, 10 feet is provided and on the south side a side yard of 49 feet is provided where 50 is required.

They had previously identified a lot width variance was required, however, upon further review by the applicant's representative, they do meet the 150 foot minimum separation at the front yard setback. They no longer need that variance.

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They've identified signage variances. The service bay identification sign allowable is 10 square feet for motor vehicle service station bays. All of their service bays comply. The gist of that is they don't believe they need that variance. The total signage area requires a variance of 150 feet where 92 feet is permitted. The signage on the back of the building will also require a variance. It's in excess of the sign ordinance.

They will be seeking a special use permit through this Board.

They are just noting the pylon sign will be an electronic sign in compliance with your code.

CHAIRMAN EWASUTYN: Would someone authorize Dominic Cordisco to prepare a referral letter to the Zoning Board listing the requested variances 1 through 8 and then the special use permit which just was presented by Pat Hines?

MR. MENNERICH: I'll make that motion.

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MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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

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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

CPC OF THE WMM - USA, INC.  
(2020-03)

Authorization for a Site Inspection

----- X

BOARD BUSINESS

Date: September 2, 2021  
Time: 8:55 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
STARKE HIPP

----- X

MICHELLE L. CONERO  
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CHAIRMAN EWASUTYN: The last matter which wasn't listed, it's been requested by the church on Route 9W that there be a field site inspection by Pat Hines, Jerry Canfield, and hopefully the applicant's representative, Joe Minuta. That would be the last Tuesday of this month.

What's the date of that?

MR. HINES: The 28th.

CHAIRMAN EWASUTYN: I would suggest that we move in that direction because this project is floundering right now. It doesn't benefit anybody. The longer something hangs out, the less you remember what the real matters of business are.

Would someone move for that motion?

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by John Ward?

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MR. WARD: Yes.

CHAIRMAN EWASUTYN: Thank you.

Second by John Ward. May I please have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And the best part of the meeting is would someone make a motion to close the Planning Board meeting of the 2nd of September?

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.



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MR. WARD: Aye.

(Time noted: 8:57 p.m.)

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

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

That hereinbefore set forth is a  
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2021.

*Michelle Conero*

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MICHELLE CONERO