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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)

5208 Route 9W
Section 24; Block 2; Lot 22.12
B Zone

----- X

SITE PLAN

Date: September 7, 2023
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KAREN ARENT
JAMES CAMPBELL
KENNETH WERSTED

----- X

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

2 CHAIRMAN EWASUTYN: The Town of
3 Newburgh Planning Board would like to
4 welcome you to our meeting of the 7th
5 of September 2023. We have seven
6 agenda items this evening and no
7 Board business.

8 We'll start the meeting by a
9 roll call vote.

10 MR. GALLI: Present.

11 MR. DOMINICK: Present.

12 MR. MENNERICH: Present.

13 CHAIRMAN EWASUTYN: Present.

14 MR. BROWNE: Present.

15 MR. WARD: Present.

16 MR. HINES: Pat Hines with MHE
17 Engineers.

18 MR. CORDISCO: Dominic Cordisco
19 with Drake, Loeb.

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

22 MS. ARENT: Karen Arent,
23 Landscape Architectural Consultant.

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

2 Traffic Consultant.

3 CHAIRMAN EWASUTYN: Thank you.

4 At this time we'll turn the
5 meeting over to Dave Dominick.

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

8 (Pledge of Allegiance.)

9 MR. DOMINICK: Please silence
10 your cellphones or put them on
11 vibrate. Thank you.

12 CHAIRMAN EWASUTYN: The first
13 agenda item this evening is CPC of
14 the WMM - USA, Inc. It's a site plan
15 located on Route 9W in a B Zoning
16 District.

17 Who is representing the church
18 this evening?

19 (No response.)

20 MR. CORDISCO: There was nobody
21 in the lobby just now.

22 CHAIRMAN EWASUTYN: The first
23 item we'll hold off on until later in
24 anticipation that a representative
25 will be present.

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CPC OF THE WMM - USA, INC.

4

(Time noted: 7:02 p.m.)

(Second call: 7:06 p.m.)

CHAIRMAN EWASUTYN: Is there anyone here this evening representing CPC of the WMM - USA, Inc.?

(No response.)

(Time noted: 7:06 p.m.)

(Third call: 7:53 p.m.)

CHAIRMAN EWASUTYN: Is there anyone here this evening for CPC of the WMM - USA, Inc. site plan?

(No response.)

CHAIRMAN EWASUTYN: Let the record show that item number 1 on the agenda wasn't represented by anyone this evening.

(Time noted: 7:53 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 20th day of September 2023.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

VANTAGE CONSTRUCTION
(2023-03)

South Side of Kings Hill Road at the
Montgomery Town Line
Section 11; Block 1; Lot 66.21
R-1 Zone

----- X

FIVE-LOT MINOR SUBDIVISION

Date: September 7, 2023
Time: 7:02 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KAREN ARENT
JAMES CAMPBELL
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JOHN NOSEK

----- X

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

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CHAIRMAN EWASUTYN: Our second scheduled item is Vantage Construction, project number 23-03. It's a five-lot minor subdivision located in an R-1 Zone. It's on the south side of Kings Hill Road at the Montgomery town line. It's being represented by Nosek Engineers.

MR. NOSEK: Good evening, Board Members. John Nosek, Nosek Engineering, representing Andy Bell and Vantage Construction for a proposed five-lot subdivision, four lots plus remaining lands.

We've been before the Board a few times. The last set of comments, I think the major concern was to get the map to the Orange County Planning Department, which was required due to the proximity to the municipal property line, which has been done. I haven't gotten any comments, so I assume they have no objection.

Some of the other comments and

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changes. We did combine the driveways on lots 1 and 2 to a common driveway to make it easier for access, and, if and when there is a road extension, the driveways can easily be relocated onto a new Town road.

We've also detailed our tree preservation plan. Essentially all the trees that are significant trees per the Town will remain, with the exception of one, which we noted on our tree preservation plan notes.

We've added sight distances and some relatively minor changes of that sort.

We're here before the Board hoping they're ready to possibly make a negative declaration and set a public hearing.

CHAIRMAN EWASUTYN: Thank you, John.

Comments from Board Members.
Frank Galli?

MR. GALLI: No additional.

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MR. DOMINICK: Nothing further.

MR. MENNERICH: Nothing.

CHAIRMAN EWASUTYN: No comments.

MR. BROWNE: Nothing.

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Pat Hines
with MH&E.

MR. HINES: We noted that the
driveways have been combined and
relocated per our previous comments.
They will need a common driveway
access and maintenance agreement
times two for each of the lots.

Again we noted the one
significant tree could be removed.
The other 83.2 acres is going to
remain unchanged.

We just need the lots, lots 1
and 2, labeled on the subdivision
plan.

We need to notify Montgomery
when it goes to a public hearing.

I did confirm with Mark Hall
that he's okay with the driveway

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locations.

We made the County referral on June 21st. We did not receive anything back, so that has timed out.

We're in a position to recommend a negative declaration, and the Board could consider setting the public hearing.

CHAIRMAN EWASUTYN: Jim Campbell with Code Compliance, are you in agreement?

MR. CAMPBELL: Yes.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney.

MR. CORDISCO: That's correct. The notice to the Town of Montgomery can go out simultaneously with the public hearing notice. As the Board knows, a public hearing is required for this application.

CHAIRMAN EWASUTYN: Can I have a Board Member move for a negative declaration and to set the 5th of October for a public hearing?

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MR. WARD: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: You know the procedure, working with Pat Hines as far as the notice?

MR. NOSEK: Okay. I'll see you on October 5th. Thank you.

(Time noted: 7:06 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 20th day of September 2023.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

MKJC REALTY, LLC
PARK, LLC
(2023-11)

New York State Route 32
Section 35; Block 3; Lot 3.22
B Zone

----- X

SITE PLAN

Date: September 7, 2023
Time: 7:06 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KAREN ARENT
JAMES CAMPBELL
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JOHN QUEENAN

----- X

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

2 CHAIRMAN EWASUTYN: We'll go on
3 to the third item. The third item
4 this evening is MKJC Realty, LLC/
5 Park, LLC, project number 23-11.
6 It's a site plan located on New York
7 State Route 32 in a B Zone. It's
8 being represented by Lanc & Tully.

9 MR. QUEENAN: Good evening,
10 everyone. John Queenan with Lanc &
11 Tully for the applicant.

12 I'm before you tonight with a
13 significantly updated site plan. We
14 came before the Board a few months
15 ago with a sketch plan with a little
16 over 10,000 square foot, two-story
17 retail building along Route 32, about
18 500 feet southwest of the intersection
19 of Route 300. We had a sketch plan
20 at that time. This time now we have
21 much more detailed plans.

22 We've actually done a field
23 survey, topography, we've done a
24 location of the newly constructed
25 self-storage units which are adjacent

2 to this property. That's all been
3 included on the map. We've created
4 utility plans, a stormwater layout.
5 It's a much more developed plan set
6 at this time. This is the first time
7 the Board is seeing it in this
8 fashion. We've also included
9 landscaping. We did our tree survey.
10 We packed a lot of information into
11 this. We still have a little ways to
12 go, but we wanted to appear tonight
13 and push it forward a little bit,
14 send out our agency notices and get
15 the process rolling.

16 CHAIRMAN EWASUTYN: Comments
17 from Board Members. Frank Galli?

18 MR. GALLI: What kind of retail
19 is it going to be?

20 MR. QUEENAN: Right now we don't
21 know. We have retail and office. We
22 did it both ways. I calculated the
23 parking for both.

24 MR. GALLI: If it's retail,
25 what's going to be on the second floor?

2 MR. QUEENAN: Right now, on the
3 second floor we're proposing storage
4 for whoever uses the first floor.

5 MR. GALLI: That's a lot of
6 storage.

7 MR. QUEENAN: We're figuring
8 because it's only 10,000. If you get
9 three or four users in there, it will
10 only be 2,500 square foot areas and
11 they'll be looking for storage. That
12 would be above their units.

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

15 MR. DOMINICK: I had something
16 similar to Frank's line of questioning.
17 Hours of operation, you probably
18 wouldn't know that at this point
19 either.

20 MR. QUEENAN: No. Generally it
21 would be general retail office hours.
22 I don't see anything outside of that
23 scope.

24 MR. DOMINICK: Nothing further.

25 CHAIRMAN EWASUTYN: Ken?

2 MR. MENNERICH: Nothing.

3 CHAIRMAN EWASUTYN: No comment.

4 MR. BROWNE: Nothing more at
5 this point.

6 MR. WARD: No comments for now.

7 CHAIRMAN EWASUTYN: Jim Campbell,
8 Code Compliance.

9 MR. CAMPBELL: I just have a
10 general note to put in the back of
11 your heads. That site has been
12 disturbed and filled over the years.
13 They will need some sort of
14 geotechnical evaluation when they go
15 for their building permit.

16 The proposed signage will need
17 ARB, so you want to put that
18 information together. That existing
19 sign, I don't know what's up with
20 that.

21 MR. QUEENAN: It straddles both
22 properties.

23 MR. HINES: It's in the DOT
24 right-of-way.

25 MR. QUEENAN: Just a little

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piece. We'll address it as part of our next submission.

CHAIRMAN EWASUTYN: Ken Wersted, Creighton, Manning.

MR. WERSTED: We just had a couple of minor comments on the signing and striping.

CHAIRMAN EWASUTYN: Karen with KALA landscape architects.

MS. ARENT: There's no room allocated for providing a buffer along the edges of the property. I'm just noting that. I don't think there's even space to plant anything. If there is, there should be some buffer.

CHAIRMAN EWASUTYN: Karen, can you speak up?

MS. ARENT: Yes. There should be some buffer planting wherever possible to separate the commercial sites in accordance with Town of Newburgh design guidelines.

Please note where the different

2 seed mixes will be installed, lawn
3 versus more natural covers.

4 Along North Plank Road, the
5 parking lot, wherever possible and
6 there is room, if you could show
7 shade trees.

8 There's an awkward line of
9 inkberry and winterberry holly just
10 shoved along a parking space. I
11 think it would be better not to have
12 it, because it's just going to be too
13 squashed there.

14 MR. QUEENAN: Okay.

15 MS. ARENT: Consider showing
16 winterberry holly in the bioretention
17 basin.

18 You talked about the sign.
19 There is a location for the sign.

20 I'm suggesting not to use
21 mountain laurel because it's really
22 hard to grow. Instead use
23 serviceberry or something else.

24 CHAIRMAN EWASUTYN: Karen, why
25 don't you stand. It's difficult to

2 hear. Or come up front. Why don't
3 you come up front. Thank you.

4 MS. ARENT: It would be great
5 to see trees and shrubs in the
6 parking aisles rather than just
7 grasses and perennials here and
8 there.

9 White fir is very sensitive to
10 the soil compaction. Consider using
11 a different type of tree.

12 The other things are just about
13 the plant list.

14 CHAIRMAN EWASUTYN: John, did
15 you get a copy of Karen's review?

16 MR. QUEENAN: I didn't yet.

17 If I could address the buffer.
18 So the front, the DOT actually took
19 quite a bit of property, I guess in
20 an acquisition about fifteen or
21 twenty years ago. That's why the
22 property line is where it is. We're
23 setback fairly decently from the edge
24 of pavement on 32 to the edge of our
25 property line, and then another 60

2 feet from there. That will remain
3 pretty much grass, as it is today.

4 We did propose the wall along
5 here when we got to the pitch point,
6 and then we proposed trees over in
7 this location here. That's what we
8 did on the front.

9 On the side we have a retaining
10 wall that comes down and then it
11 comes across. I really don't have a
12 lot of room to do much here. The
13 neighbor's property line and the
14 parking lot are one in the same.

15 In the back we did leave this
16 area and this area open as well.

17 MS. ARENT: We were just
18 requesting a couple of shade trees in
19 here. Don't bother planting this
20 little strip.

21 MR. QUEENAN: I do have a few
22 excess parking spaces. I could take
23 one or two off.

24 MS. ARENT: It's always good to
25 do that. If you don't think you need

2 them, I would take them off.

3 MR. QUEENAN: With the retail
4 use, I'd like to have a little more.

5 MS. ARENT: Nobody is going
6 shopping anymore.

7 MR. QUEENAN: Tell my wife that.

8 MS. ARENT: Maybe if you want
9 to take one away, that would be great.

10 MR. QUEENAN: We'll address all
11 of that.

12 MS. ARENT: Thank you.

13 CHAIRMAN EWASUTYN: Along that
14 topic, the retaining wall is eleven
15 feet high?

16 MR. QUEENAN: Eighteen at its
17 highest point.

18 CHAIRMAN EWASUTYN: At some
19 point in time you'll submit a sample
20 of what that will look like?

21 MR. QUEENAN: It will probably,
22 most likely, be a segmental block
23 wall. We'll submit a cut sheet for
24 the color, et cetera.

25 CHAIRMAN EWASUTYN: Jim Campbell,

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that will require a fence on top of it?

MR. CAMPBELL: Most likely, yes.

MR. QUEENAN: We have a fence and then a guide rail.

CHAIRMAN EWASUTYN: Pat Hines with MH&E.

MR. HINES: We just noted that the building is 80 square feet larger based on the current plan.

The building is located very close to the setback lines, so we have a standard note that we would like to see, that the building be staked prior to the issuance of a building permit so we don't end up in a Zoning Board of Appeals issue.

The existing fence on the self-storage area, it looks like it went off the property and is proposed to be relocated. If you can show where that's going to be relocated as well.

MR. QUEENAN: Sure.

MR. HINES: We're awaiting the stormwater management design.

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The proposed septic system is under the parking lot. I think that needs County Health Department approval because it's an alternate system.

MR. QUEENAN: I'm not sure. I'm going to ask them. I've done it -- I've done others around the county, and some have gone to the department and some have not.

MR. HINES: I'll work with you and the County in determining that, if it's considered an alternate system.

We have not declared lead agency, so it would be appropriate for the Board tonight to declare its intent for lead agency.

The short environmental form we noted identifies the project in the critical environmental area for Chadwick Lake. It is outside of that area. It was probably just close enough that the DEC's website checked the box.

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The tree preservation plan needs to identify the percentage. There's a calculation required to show the percentage of trees. It looks like there's only one tree greater than 20 inches proposed to be removed, but we need those calculations.

We did mention the retaining wall being 18 feet and the visual impact of the adjoining property. They're going to be looking at an 18-foot retaining wall at that property. During ARB that will be an issue.

The design guidelines don't suggest parking in the front. Oftentimes those walls and some landscaping are there, so the Board needs to determine if that shorter section of wall and landscaping meet the intent of the design guidelines for shielding that.

We did note at the work session

2 that there was a taking of property
3 by DOT which made the lot geometry
4 strange in the front. The Board will
5 have to weigh in whether they accept
6 that mitigation to the design
7 guidelines.

8 ARB will be required, and that
9 will include the look of the
10 retaining wall.

11 The design of the retaining
12 wall will need to be submitted in the
13 future.

14 The water line. I think the
15 water line was located on the
16 opposite side of Route 32 from your
17 project, so we need to show that.
18 That will be included in the DOT
19 permit for utilities and grading. I
20 think you're grading in the DOT
21 right-of-way as well.

22 There needs to be an easement
23 for the access on the lot that has
24 the self-storage, because that's
25 going to be your access point. That

2 should be submitted to Dominic's
3 office for review.

4 We gave you the Town's striping
5 detail.

6 There is a bioretention detail,
7 but there's no bioretention currently
8 proposed on the plan. I think it's
9 under the parking.

10 MR. QUEENAN: We did have one.
11 It's right over here.

12 MR. HINES: When you get your
13 stormwater plan, we'll look at that.

14 A notice of intent for lead
15 agency is the only action you can
16 take tonight.

17 CHAIRMAN EWASUTYN: Dominic
18 Cordisco, Planning Board Attorney.

19 MR. CORDISCO: My recommendation
20 at this point would be for the Board
21 to declare its intent to be lead agency.

22 CHAIRMAN EWASUTYN: Would someone
23 make a motion to declare our intent
24 for lead agency for MKJC Realty?

25 MR. MENNERICH: So moved.

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MR. DOMINICK: Second.

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

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Motion carried. Thank you.

MR. QUEENAN: Thank you.

MR. GALLI: John, I have one more question.

CHAIRMAN EWASUTYN: Please.

MR. GALLI: If it's going to be office, is there still going to be storage upstairs?

MR. QUEENAN: Yes.

MR. GALLI: Okay. I just have an issue with storage upstairs on a two-story building for office/retail.

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It's just strange.

Will there be an elevator involved if it's office?

MR. QUEENAN: It's not required.
(Time noted: 7:20 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of September 2023.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

FABULOUS EVENTS
(2022-23)

New York State Route 32 & Crab Apple Court
Section 34; Block 2; Lots 25.2, 54, 74, 76 & 77
IB Zone

----- X

SITE PLAN

Date: September 7, 2023
Time: 7:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KAREN ARENT
JAMES CAMPBELL
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JOHN QUEENAN

----- X

MICHELLE L. CONERO
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CHAIRMAN EWASUTYN: The fourth item of business this evening is Fabulous Events, project number 22-23. It's a site plan located on New York State Route 32 and Crab Apple Court. It's in the B Zone. It's being represented by Lanc & Tully.

MR. QUEENAN: Good evening again. John Queenan, Lanc & Tully, engineer for the applicant.

I'm before you with a plan that's been before the Board several times. It's gone through a couple of iterations. It's a site plan for a 56,000 square foot office building -- office/retail/showroom building for Fabulous Events, a party rental company.

The property is located on Route 32, about 750 feet southwest of the intersection of Route 300.

I've gone through several reviews with the Board. We've come, I think, to a final plan.

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Some of the more significant changes since the Board has last seen it. We had a row of parking located here, along the front. We had a row of parking located along the side. This parking here was a little bit larger. We had discussed land banking versus no land banking. We're not able to land bank, so we took this parking off the front and this parking off the side and relocated it to a location in the back. We still meet the code. It requires 99 spaces and we've provided 99 spaces. What that allowed us to do was open up the front for both stormwater management and a buffer for planting. We were able to eliminate the retaining wall on this side, without having the parking on that side, and placing it in the rear here, to the back.

The rest of the site plan remained generally the same.

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The circulation around. The driveway is on the east side here.

We put a lot more detail into the grading, utilities. We've done a full SWPPP. We had the wetland marked out.

The plan has been advanced to a point where we're pretty much just going through the technical issues now.

We've done a landscaping plan, a lighting plan and a tree survey. We have located those. We have some cleanup to do on that, but I think all the parts are generally here at this point in time.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli.

MR. GALLI: No additional yet.

CHAIRMAN EWASUTYN: Dave.

MR. DOMINICK: John, I noticed you put the EV charging we were talking about. I appreciate that. Thank you. That's it.

MR. MENNERICH: No questions at

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this point.

CHAIRMAN EWASUTYN: No questions.

MR. BROWNE: No questions.

Good improvements. Thank you.

CHAIRMAN EWASUTYN: John Ward.

MR. WARD: Good improvements.

No questions. Thank you.

CHAIRMAN EWASUTYN: Ken Wersted with Creighton, Manning, Traffic Engineers.

MR. WERSTED: We took a look at the site plan and we saw improvements. By moving the driveway over to the left-hand side of the building, it improves sight distances. There's a little crest of a hill around the bend to the east of here. I think that improved that.

There are four loading docks shown in the back. We suggest you demonstrate how trucks are going to get in there, because it's kind of employee parking back there. They can pull in and back in and do as

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many point turns as they want, but it still looks a little tight through there. If you could demonstrate that.

There's a lot of landscaping proposed. There is potentially one kind of dead tree that looks like it's out there by a utility pole. I don't know if that's impacting the sight distance at all, but take a look at that and see if it's going to come down or not.

They did a traffic impact study. They looked at Route 300, Crab Apple Court and New Road during the typical a.m. and p.m. peak hours. Generally it was all relatively consistent. They included about thirteen other development projects, because there's been a lot proposed in that area. Not all of it has been approved, but it's certainly before the Board. They did their due diligence in that respect.

We had heard from the applicant

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previously that they have an idea of the number of employees that they'll have. They did analyze this as a warehouse. The trip count comes out to be pretty consistent with what I think their employee count is going to be, so we're comfortable with that. Their distribution looked reasonable. Because of the generally low volume, once you start splitting up the traffic going east and west, there isn't any significant traffic being added to these intersections.

There are a couple of signs proposed where the new site driveway is located, DOT signs. We'll have to coordinate with them where they are located.

That was all we had.

CHAIRMAN EWASUTYN: Are you in agreement?

MR. QUEENAN: Yes. No problem.

CHAIRMAN EWASUTYN: Karen, if you have comments, would you come

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forward so everyone can hear you?

MS. ARENT: Sure. It would be great if you could show the existing trees to remain on the landscape plan so we know where they are.

MR. QUEENAN: Sure.

MS. ARENT: There are a lot of plants specified for your stormwater management basin. Hundreds of them. A whole bunch of different species. It might be really hard to maintain that. You might want to consider simplifying it a little bit. Sometimes you have so many different species, it's hard for people to know which are leaves, which are not. It's just very complicated.

There are Norway spruces between the stormwater management area and the road. I think it would be better not to block the view so much with a green tree. That's, of course, up to you. It might impede sight lines in the future.

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There are large empty beds of mulch around plantings to the east and northeast on the site. It would be better to just put some kind of ground cover or grass in rather than just mulch. That will just get weeds.

Consider putting some deciduous trees on the south side to provide shade of the building.

Azaleas and rhododendrons are really hard to grow in this area, especially in the full sun. They prefer partial shade to shade.

Just proposed ground covers. Again, you know, in all the areas where there are huge beds of mulch, you can use some of the plants in the stormwater management basin. Not the same ones, but the money that you're using there to fill in the gaps with it.

There are just a couple plants on the north side of the building that prefer sunnier locations.

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Substitute those.

For soil compaction, just consider a different evergreen, such as the Norway spruce.

On your tree plan you should list the species of each tree and the condition of each tree.

MR. QUEENAN: We got that information just this week. Yes.

MS. ARENT: We need a summary of all the -- I think Pat Hines mentioned that.

MR. QUEENAN: I did send that to Jackie, but I'll -- it wasn't on the plan.

MS. ARENT: That's it. Thank you.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance.

MR. CAMPBELL: I see you have the sign, the freestanding sign out front. Are there any proposed building-mounted signs?

MR. QUEENAN: No. I'm sure there will be.

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MR. CAMPBELL: If so, that's part of ARB.

MR. QUEENAN: Okay.

CHAIRMAN EWASUTYN: Pat Hines with MH&E.

MR. HINES: We'll need a lot consolidation plan to be filed. There are several lots involved here. Just a survey sheet showing them all to be combined so that can be filed with the County.

There's a remnant of the land bank parking notes on sheet 3 that needs to come off.

A DOT permit for access and utilities is required.

We just talked about the tree protection.

The site lighting plan I didn't see depicting any lighting. Maybe something was turned off on the layer.

The parking lot striping standard detail.

A pipe restraint joint chart

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for the water.

When I did these comments, I hadn't reviewed the SWPPP. We have a couple minor technical comments on the SWPPP.

The habitat report identified tree clearing restrictions, so we'll need notes to that effect on the plan.

During the work session we discussed this hasn't been sent to County Planning yet. I think that's the only action the Board can take, is to submit to County Planning prior to being able to make a SEQRA determination.

MR. QUEENAN: I was hoping to --

MR. HINES: We discussed it earlier today.

MR. QUEENAN: -- at least get a neg dec and get a hearing scheduled. If that's the policy of the Board, that's the policy of the Board. I thought the County referral was only

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for the final action.

MR. CORDISCO: The County referral, if I may, Mr. Chair, is required. The County is entitled to thirty days to review those plans prior to any decisionmaking by this Board, which would include the negative declaration. This Board's practice is to consider a negative declaration in closing out SEQRA before the public hearing. That's what the steps are at this point.

Now that a stormwater pollution prevention plan has been submitted, it would be appropriate to send this matter to the County Planning department to start the thirty-day clock at this point.

MR. QUEENAN: If we get the County Planning back faster, would it be possible to appear to consider a negative dec and scheduling a public hearing, if it comes back prior to the next meeting by chance?

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MR. CORDISCO: The Board can't take any action until the County Planning response comes back. If by some miracle the County responds sooner than thirty days, I think it's up to the Chairman to decide which agenda he would like to see you back on. It's possible, certainly.

CHAIRMAN EWASUTYN: To take the pressure off of everyone, earlier this evening we scheduled a public hearing for the 5th of October. To balance that out, are you willing to wait fourteen days and schedule it for the 19th of October?

MR. QUEENAN: That would be -- if possible, sure.

CHAIRMAN EWASUTYN: Dominic, how do we --

MR. CORDISCO: I think the notice itself would go out after the County response would come, but this Board would also need to meet and have a negative declaration prior to

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that meeting on the 19th as well.

CHAIRMAN EWASUTYN: So we'll list this under Board business for the meeting of October 5th and confirm that we will be having a public hearing on the 19th.

MR. QUEENAN: That would be much appreciated.

MR. HINES: Those are --

CHAIRMAN EWASUTYN: Too close of a timeline?

MR. HINES: Let's get County Planning in.

MR. QUEENAN: I'm going to push County Planning. They owe me a little favor, so if I can get it here.

MR. HINES: If you can explain to me how that works, I'd love to know.

MR. CORDISCO: He has someone in his office who has basically a direct line.

MR. QUEENAN: I was hoping to hear back prior to your September 21st meeting. That would give us the time.

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MR. HINES: That would be adequate. If it's back by the September 21st meeting, you could certainly schedule it at that meeting for the 19th.

CHAIRMAN EWASUTYN: Okay. So then under Board business on September 21st we'll discuss moving forward with having the public hearing on the 19th of October.

MR. CORDISCO: Correct.

MR. QUEENAN: Thank you.

CHAIRMAN EWASUTYN: Are you suggesting then that we refer this to Orange County Planning Department tonight?

MR. QUEENAN: Posthaste.

CHAIRMAN EWASUTYN: Would someone make a motion to refer Fabulous Events to the Orange County Planning Department.

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a

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motion by John Ward. I have a second
by Frank Galli. Can I have a roll
call vote.

MR. GALLI: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Would
someone make a motion to set Fabulous
Events for Board business at our
meeting on the 21st of September?

MR. GALLI: So moved.

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

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: A second by
Dave Dominick. Can I please have a
roll call vote.

MR. GALLI: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

MR. QUEENAN: Thank you.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 20th day of September 2023.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

NEWBURGH SHOPPES PHASE III
(2023-16)

1217 & 1219 Route 300
Section 96; Block 1; Lots 6.2 & 11.1
IB Zone

----- X

SITE PLAN

Date: September 7, 2023
Time: 7:30 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KAREN ARENT
JAMES CAMPBELL
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: KELLY LIBOLT

----- X

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CHAIRMAN EWASUTYN: The fifth item of business this evening is Newburgh Shoppes Phase III. It's project number 23-16. It's a site plan located on Route 300 in an IB Zone. It's being represented by Langan Engineering.

MS. LIBOLT: Good evening, Mr. Chairman. I'm Kelly Libolt with KARC Planning Consultants. I'm representing the applicant this evening for this project.

I think most of you are familiar with this project. It's been before this Board many times. Originally in 2008 this Board reviewed this particular property, which is located on the corner of Union and Orr, for a three-phased development project. In 2008 this Board completed a SEQRA review and granted a neg dec for the overall project, again, which was in three phases.

Two phases of the project have

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subsequently been constructed and built, phase I being the Cosimo's restaurant which is on the corner. This is Orr and this is Union, so Cosimo's restaurant is on the corner of Orr and Union.

The second phase was the development of the retail area that occurred behind Cosimo's restaurant.

The third phase, of course, is predominantly undeveloped land. The original approval for the project, when the SEQRA review was completed, was for a grocery store. We have been back before this Board many times for a variety of different modifications to that plan, but we're here tonight to propose another modification, which is to utilize that area for self-storage. This is a significant reduction in really the overall impact to that particular phase over the original neg dec.

We originally were hoping to do

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a pre-application and a workshop session with this Board. I apologize if this is somewhat of a rudimentary map. We wanted to give you an idea of what was originally approved versus what we propose.

Originally approved was the construction of a large supermarket in the back with an area of parking. Access would have been through the existing phase II property, over the existing stream, with a secondary means of egress off of Orr. At that time there was some interconnectivity between the proposed parking lot.

Currently what we're proposing is a three-story, temperature-controlled self-storage area that's a 30,000 square foot structure, this is our footprint, and then a smaller, what we would call just the one-story drive-up self-storage facility in the back.

This particular property is in

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the IB Zoning District, so this is considered an accessory use.

I think Mr. Hines had given a summary overview of some of the concerns and additional information that you would need from us.

Other than the need for a rear yard area variance in the back and the height of this particular structure, the site complies with the bulk requirements, and actually is a reduction in many of the impacts that were associated with the grocery store.

As far as the area variance for the height of the structure, obviously that would be under the purview of the ZBA. The maximum height in this particular district for structures is 40 feet. This particular building is 40 feet, but self-storage is restricted to 15 feet -- I'm sorry. 35 feet.

MR. HINES: 15 is right.

MS. LIBOLT: We would need an area variance. Of course we would

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need to appear before the ZBA.

We wanted to come tonight just to preliminarily speak to you about the overall project, understand how you want to handle the SEQRA reaffirmation of this particular project and the coordination with the ZBA, and of course address the comments that we did receive from your consultants.

Thank you for that.

CHAIRMAN EWASUTYN: Thank you. Frank Galli.

MR. GALLI: Nothing at this time, John. It's a lot to take in. Nothing at this time.

CHAIRMAN EWASUTYN: Dave Dominick.

MR. DOMINICK: Nothing at this time. It's a significant difference than the original phase III project plan. No questions.

MS. LIBOLT: Fair enough.

CHAIRMAN EWASUTYN: Ken Mennerich.

MR. MENNERICH: Nothing at this

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time.

CHAIRMAN EWASUTYN: No comments at this time.

MR. BROWNE: Actually, we spent some time talking about this at work session. There are a lot of issues with the self-storage at that particular parcel, the way it's been structured and zoned. We need to really understand some of the technical aspects of what's going on here. I have to defer, I think, to Pat to start that discussion when we get over to that point.

MS. LIBOLT: Understood. Thank you.

MR. WARD: I'm going to defer to Pat.

MS. LIBOLT: No pressure.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance.

MR. CAMPBELL: I have nothing at this time.

CHAIRMAN EWASUTYN: Ken Wersted

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with Creighton, Manning, Traffic Engineers.

MR. WERSTED: Relative to the previous application, what's proposed ahead of us right now is a significant decrease in traffic. I wouldn't anticipate any traffic impacts from the proposal.

The previous site plan had essentially three access points, one coming through the restaurant, one directly out to Orr, and then one coming into the Lowe's. You won't need that many access points for what's being proposed. As you detail the site plan, deciding what access points make the most sense I think is going to be important. Pat might have some comments about access relative to the streams.

MS. LIBOLT: Thank you.

CHAIRMAN EWASUTYN: Karen, I believe it's too early in the review for you.

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MS. ARENT: Yes.

CHAIRMAN EWASUTYN: At this point, we'll turn to Pat Hines with MH&E.

MR. HINES: My first comment has to do with the previous approvals of this site. Phase I and phase II were approved as a shopping center use under the zoning code in the IB Zone. This self-storage doesn't fit that shopping center definition. I'm kind of having a struggle getting my hands around the shopping center use and the size of the lot. I think, since you have to go to the ZBA, and we discussed my comment 1 which is rather long, that we may send it to the ZBA as well for an interpretation of the use. Shopping centers have to be on 5 acres or more. I don't know that phase I and II standing alone are on 5 acres. We're kind of struggling with how that fits in the code. I think when we're in that position, the Zoning Board is the

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arbiter of that. It's spelled out in my comments 1 and 2. I did discuss it with the Board.

The project will have to comply with the tree ordinance, which wasn't in effect in 2008.

There's an existing approval for the Rivian vehicle charging station on the site. We're just wondering the status of that.

The overall plan identifies the self-storage. The orange area is 11 acres. I think the whole site is 11 acres.

MS. LIBOLT: There was a typo on the plan. You're correct.

MR. HINES: That goes back to the 5-acre shopping center issue that I have.

Again, the variance for the height of the building. The code allows self-storage to be 15 feet. I didn't identify the rear yard, but you said you had a rear yard issue as

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well.

The stream on the site is a class A stream because it's tributary to Washington Lake which is part of the Newburgh water supply.

A stormwater management plan will be needed. We have a policy that for projects in the City of Newburgh watershed, an additional 10 percent water quality volume has to be treated. As you develop a SWPPP in the future, that will need to be done.

Going back to the stream. Those stream crossings will require permits from the DEC. They'll be scrutinized by the City of Newburgh as an interested agency.

We're suggesting that the self-storage use may function much better utilizing the two access points in the Lowe's parking lot, eliminating the need for those stream crossings and the environmental

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impact associated with that. I don't know how your client feels about that. I don't know if you had time to digest that comment.

MS. LIBOLT: We did preliminarily speak to them. I think the Lowe's connection is going to be a little more complicated. In the past it probably would have been a little easier access to obtain. Under the current ownership, we've had some struggles. We're trying to articulate that request. We can look again at that stream crossing. I know it was reviewed as part of the original SEQRA documents. Time has passed and we'll need to revisit that as well.

MR. HINES: Maybe the elimination of at least one of them may function.

That's where we stand now. The structure is going to be required to be sprinklered.

I think because you're going to

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go to the ZBA, we're going to recommend you hold off on recirculating the SEQRA information to allow the ZBA to take their own SEQRA action.

The height of the structure being 40 feet, it requires the 26-foot wide aerial access for the fire department access. That will need to be shown.

The narrative report identifies no threatened or endangered species on the site. The long form EAF does identify potential habitat for bat species. That wasn't an issue in 2008. The bats were not threatened or endangered then. That will be something we need to update.

Self-storage in the zoning code has its own section in the code. Each of those items should be addressed as notes on the plans.

ARB approval will be required. The previous shopping center approval required that all structures on the

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site be architecturally similar in the signage. Obviously that's not the case anymore, so that will need to be revisited.

We'll need to do Orange County Planning review once detailed plans are there.

The only other step we can take tonight is adjoiners' notices will be required to be sent out, which I'll coordinate with your office.

MS. LIBOLT: Thank you.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney, having heard from Pat Hines and with your own comments, at some point this evening or tomorrow we'll prepare a referral letter.

MR. CORDISCO: Yes. The referral would be for an interpretation as to whether or not the shopping center use and self-storage use can co-exist on the same property, or, in the absence of that, what variances will

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be needed for that particular aspect of the project to move forward.

In addition, the variance that's been identified as the building height for self-storage will also be required.

MR. HINES: Rear yard as well.

MR. CORDISCO: Rear yard as well.

My apologies.

So we will make that referral, if the Board so chooses to authorize me to do so tonight.

I concur with Pat's recommendation that we not circulate for lead agency at this time. This is an initial threshold matter that the Zoning Board of Appeals should be able to make a determination on prior to the Board considering the remainder of the project.

CHAIRMAN EWASUTYN: Can I have a motion from the Board to have Dominic Cordisco of Drake, Loeb, Planning Board Attorney, prepare a

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referral letter to the Zoning Board of Appeals.

MR. DOMINICK: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Pat, would you review with Ms. Libolt the adjoiners' notice and how that's prepared and sent out.

MR. HINES: We just had a project, and Ms. Libolt was before us recently. She is familiar. I'll work through the process with her.

MS. LIBOLT: Very well. Thank

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you very much.

(Time noted: 7:44 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 20th day of September 2023.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

SUNSHINE FORD EV CHARGING
(2023-18)

40 Route 17K
Section 99; Block 47; Lot 23.22
IB Zone

----- X

SITE PLAN

Date: September 7, 2023
Time: 7:44 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KAREN ARENT
JAMES CAMPBELL
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CHRISTIAN SPENZIERO

----- X

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

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CHAIRMAN EWASUTYN: The sixth item of business this evening is Sunshine Ford EV charging, project number 23-18. It's an initial site plan appearance. It's located on 40 Route 17K in an IB Zone. It's being represented by Charge Smart EV.

MR. SPENZIERO: Hello. I'm Christian Spenziero for Charge Smart EV on behalf of Sunshine Ford. This is an initial appearance for a site plan modification.

Ford, like all other manufacturers of vehicles of right now, is mandating dealerships to install a specific number of charging stations, both outside as well as outlets inside the building.

Bridget from our office has submitted twelve copies of the plans, proposals and so on in regards to our scope of work.

We have Central Hudson who has approved a new 1,600 amp service on

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the property which will then feed three fast chargers, taking up six total parking spots, and three level 2 charging stations, taking up another six parking spots.

Inside the shop there will be twelve NEMA outlets installed as well, which hopefully you'll plug a charging station into to help them diagnose electric vehicles.

I believe tonight we're in front of the Planning Board for an initial appearance to see what is next in this process.

CHAIRMAN EWASUTYN: I'm going to turn the meeting over at this point to Pat Hines with MH&E.

MR. HINES: Our first comment details what you just described as the charging stations.

The Planning Board is going to require a site plan with a survey. We don't know where the property lines are. You gave us a Google

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Earth kind of schematic for the concept plan, which was fine for the concept. We'll need a complete submission on that.

We will need County Planning referral because the project is on Route 17K.

The Board did discuss the visual impacts of those being set along the front of the property and how high they sit up. I think Karen may speak to that a little more regarding some landscaping and screening.

I believe the Board was concerned with the look. That rather large yellow blotch that you've shown as a transformer may be much smaller, but right now on the plan you submitted, it looks rather large.

MR. SPENZIERO: It is much smaller.

MR. HINES: The visual of that should be addressed in a submission to the Board as well.

MR. SPENZIERO: Okay.

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CHAIRMAN EWASUTYN: Karen, do you want to speak on the visual?

MS. ARENT: I haven't looked at the plans. I need to get the plan set.

CHAIRMAN EWASUTYN: Jim Campbell with Code Compliance.

MR. CAMPBELL: No comments at this time.

CHAIRMAN EWASUTYN: Ken Wersted, any comments, with Creighton, Manning?

MR. WERSTED: Nothing in particular relative to traffic.

If you could explain a little bit more about level 2, level 1, fast charging. I think there's just a general interest.

If we could have a discussion of whether these are oriented for Ford customers with electric vehicles or the public driving by, stopping off the Thruway or in Town.

MR. SPENZIERO: So level 2 charging stations, the ones we're installing in specific, are about a

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three to four-hour charge from 20 percent to 80 percent. The DC fast chargers are anywhere between thirty and forty-five minutes. Really it's for Sunshine Ford with all of their inventory they're getting in. Overnight they can charge the vehicles on the level 2s. The level 3s they can charge cars pretty quickly after service, within thirty or forty-five minutes.

They'll be available and on a viewable charge network, which is a public network that all Ford drivers will see. These will show up on the map for them. These will also be available to the general public as well, anybody in town or anybody that's driving by.

MR. GALLI: Is it just for Fords?

MR. SPENZIERO: These are universal plugs that can charge a Kia, a Hyundai. Any car really. It's a universal plug.

MR. BROWNE: Is there a specific

2 name for that plug? We were talking
3 about it earlier. It's a plug, it's
4 a thing. How do you refer to it?

5 MR. SPENZIERO: The level 2 is
6 a J1772. That fits all cars as of
7 right now. Until 2025. CCS1 is the
8 fast charger plug. That fits most
9 cars right now. Any car it does not
10 fit, there are adapters available
11 so that you can accept a charge. The
12 major infrastructure in this country
13 right now is being built as a CCS1
14 plug. That is all changing in 2025.
15 As more manufacturers jump on board
16 with Tesla, they're going to the NACS
17 plug, which is the North American
18 Charging Standard. In 2025, '26
19 and on, all cars that are manufactured
20 will have an NACS plug. At that time
21 you can do an adapter on the cord or
22 retrofit the cord to have that plug.

23 They're trying to standardize
24 it across the country, because right
25 now I think there's three or four

2 different cords.

3 MR. BROWNE: You indicated
4 Tesla is driving some part of this
5 whole thing?

6 MR. SPENZIERO: Tesla has the
7 NASC plug. If you drive a Tesla, you
8 cannot use a J1772 or a CCS1 without
9 an adapter. They're trying to
10 standardize the cord across all
11 manufacturers, and that's going to be
12 done in '25 and '26 with a new style
13 plug.

14 MR. BROWNE: Thank you.

15 MR. SPENZIERO: You got it.

16 MR. WARD: No comment.

17 CHAIRMAN EWASUTYN: Ken Mennerich,
18 anything?

19 MR. MENNERICH: No.

20 CHAIRMAN EWASUTYN: No comment.

21 MR. DOMINICK: One more question
22 on the tech side. If you go from 20
23 to 80, that's a 60 percent charge in
24 four hours.

25 MR. SPENZIERO: On the level 2s.

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MR. DOMINICK: So a customer is driving by, is in Town, he sits for four hours --

MR. SPENZIERO: He's not going to use the level 2s. The level 2s are really for Sunshine Ford's use, to charge cars overnight or throughout the day. The fast chargers, which we are also installing, they're mandated by Ford, those are the half hour to forty-five minutes, 20 percent to 80 percent. They'll have a mix of both level 3s, the DC fast charger and level 2s.

MR. GALLI: Who's serving lunch, Sunshine or IHOP?

MR. SPENZIERO: Probably IHOP.

CHAIRMAN EWASUTYN: Just a simple question. Are you going to stagger level 2 and level 3 or are you going to have level 3 -- my only question, we talked about this earlier, Dave Dominick brought it up, at WalMart there seems to be a lineup

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for charging. Will there be circulation at these charging spots if there is a lineup for, what is it, level 1? Which is the fastest?

MR. SPENZIERO: Level 3 is the fastest.

CHAIRMAN EWASUTYN: Level 3. I'm not quite sure. I mean, I'm just -- are they staggered? Will there be a lineup? Will there be a conflict?

MR. SPENZIERO: The way we see the industry going right now is the government just threw \$7,500,000,000 out there through NEVI which is building the infrastructure across the country along major corridors. You get off the Newburgh exit, the Newburgh Mall is probably going to have fast chargers there. It just makes sense to do these fast charges along major corridors, a place with facilities, so that regardless of the time, you can stop in, use them, grab a bite to eat or whatnot. That

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infrastructure is being built out pretty rapidly. The dealership projects that what we're doing is really supplemental charging, if you would. They're not going to get the crazy usage that a WalMart, an Electrify America will get, or the Tesla super charges. They're really for Sunshine Ford, but the public does have the option to use them. They will not get hit as much as corridor projects.

MR. DOMINICK: Is there a cost difference between the levels of charging?

MR. SPENZIERO: To the consumer, yes. Again, they can get rates to whatever they want to. We see right now the standards are 48 to 50 cents for a fast charger along major corridors. If you're going to a hotel, you're going to stay overnight, you're going to plug into a level 2, you're going to sleep and wake up in

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the morning and your car is going to be full. The level 2s are right around 30 to 35 cents per kilowatt hour. Fast chargers are a little more expensive to help pay for the demand, until next year when they cut them in half. In 2025 they're getting rid of them, so it should bring the price down.

CHAIRMAN EWASUTYN: We're going to go back to Pat Hines to explain what a complete site plan will require to save time and effort.

MR. HINES: We have a site plan checklist that will detail what a site plan has to be. It's on our website. Basically we're going to need a survey with the property lines, the existing features on the site. The Board may allow you to limit the amount of detail to the area where you're proposing this work. Obviously you're not changing the whole site. I think there needs

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to be topography along the front where you're proposing this, not so much the detail to the rear of the site. We are going to need that level of detail. There is a checklist that tells you what you need.

MR. SPENZIERO: That's online?

MR. HINES: Yes. With the application.

MR. SPENZIERO: I think Bridget has your contact info. If she has questions, she can always reach out.

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Pat Hines, Dominic Cordisco, we're at a point now to do the adjoiners' notice?

MR. CORDISCO: Yes.

MR. HINES: The Town has a process where we notify -- for all applications, we notify landowners within 500 feet early in the process. It's described as ten days after this meeting that those notices have to go

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out. I will prepare the notices and provide you with the mailing list. You will address the envelopes, stuff the notices in there and first-class stamp them. It's coordinated through the Personnel Office here. They will actually do the physical mailing and give you an affidavit. I can work with someone from your office as to that process. I'm sure we have a contact, because you got our comments I believe.

MR. SPENZIERO: Yes. Bridget has been handling all of that.

MR. HINES: I will contact them and we'll work through that. I'll prepare the notices and you do the mailing through the Town Hall.

MR. SPENZIERO: Okay. Very good.

On the comments, too, there was something about submitting to County Planning as well.

MR. HINES: Once this Board

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gets that complete application, the Board submits it to County Planning.

MR. SPENZIERO: Okay.

MR. HINES: That will be in the future. They have thirty days to weigh in, because it's on a State highway.

MR. SPENZIERO: Okay. What I'm understanding is a more detailed site plan, probably another appearance?

MR. HINES: Yes. Probably two more appearances at a minimum.

MR. SPENZIERO: Okay.

MR. HINES: There's a public hearing, but it can be waived by the Board. I don't know whether -- there are not a lot of residences in the area there. It's certainly up to the Board's discretion to hold a public hearing on an amended site plan.

MR. SPENZIERO: Sounds good. Anything else?

MR. HINES: No. I think that's all we can do tonight. We'll work

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with you on the adjoiners' notice and
work with you on your resubmission.

MR. SPENZIERO: Sound good.

Thank you.

(Time noted: 7:53 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 20th day of September 2023.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

MATRIX I-84 DISTRIBUTION CENTER - SKETCH PLAN
(2022-29)

Route 17K
Section 86; Block 1; Lot 97
Section 89; Block 1; Lots 66 & 69.1
IB Zone

- - - - - X

SITE PLAN, LOT LINE CHANGES & ARB

Date: September 7, 2023
Time: 7:54 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KAREN ARENT
JAMES CAMPBELL
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CHUCK UTSCHIG
& ROBERT STOUT

- - - - - X

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

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CHAIRMAN EWASUTYN: The seventh and final item of business this evening is Matrix I-84 Distribution Center - Sketch Plan. It's a site plan, lot line change and ARB. It's located on Route 17K in an IB Zone. It's being represented by Langan Engineering.

MR. UTSCHIG: Good evening, Mr. Chairman, Members of the Board. For the record, my name is Chuck Utschig. I'm a senior associate with Langan Engineering. My team was responsible for the site civil, landscaping aspects of this project.

About a month ago we were here before this Board and we got comments from your consultants, which we tried to address. We have also gotten a response from County Planning. We will be glad to go through those comments tonight, if it suits the Board.

The plan itself, access, size

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of building, parking spaces, it's very similar to what we've shown you since we've been here. I think our focus this time was to answer some of the technical questions that we got from MHE, Creighton, Manning, and then also spend some time trying to address the comments we got relative to the landscape plan. So these are really -- the changes are not really significant.

I think what we did is we tried to address landscaping in the front of the site where we thought that was the most important. I would say that's generally the most significant kind of change. It's almost -- it would be almost hard for me to describe exactly what the small changes were.

We did some modification of some striping and some radiuses to address the circulation question that we got from the traffic consultant.

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We addressed some of Pat's technical comments. We still have a few outstanding.

The plan, for all intents and purposes, is what you've seen all along.

I don't know what the pleasure of the Board is. We do have new comments from your consultants. We can go through those. That would be great. Again, at the pleasure of the Board.

At the end of the night, we would hopefully like to talk about SEQRA and potentially a negative dec, if that is in the cards.

CHAIRMAN EWASUTYN: Okay.
Let's start with comments from Board Members. Frank Galli.

MR. GALLI: Actually, John, I have none. I'd like to hear from the consultants and what their responses are.

CHAIRMAN EWASUTYN: Dave Dominick.

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MR. DOMINICK: I have a few. Chuck, 224 parking stalls. Can we take 20 percent of that for EV charging?

MR. UTSCHIG: 20 percent?

MR. DOMINICK: Of that total number, 224. Make EV charging out of that. Still have the same amount of parking spots, but that number would be dedicated to charging.

MR. UTSCHIG: I'd have to talk to our client and understand what that meant from their perspective. We understand that charging stations are becoming an important part of our lives. I just don't know that 20 percent for this use is the right number. I don't think Matrix would be hesitant to put some in. I would like to talk about what the right number is for a warehouse use. To be honest with you, I don't know the answer to that. Because it's so new, I'm not sure what the right answer

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is. I think we can go in that direction. That would be 40 charging stations.

MR. DOMINICK: Correct. I don't know if that's enough or not enough.

MR. UTSCHIG: Right.

MR. DOMINICK: Usually it's just been 20 percent for myself being consistent with the applicants before us. That was kind of my blanket number. If we roll the clock ahead two years, I could be correct and I could miss the mark, you know.

MR. UTSCHIG: Okay.

MR. DOMINICK: You're the applicant before us, you would say 40 is not enough.

MR. UTSCHIG: Exactly. I mean, we've seen it across the board. We have one county that's a mandatory 10 percent of the parking. We've seen numbers kind of all over the place. As you know, Langan represents

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clients across the country. Our experience is this is a moving target. Let us put that on the list of comments to address when we come back, if we could.

MR. DOMINICK: Okay. I wish I did some on Matrix on 300, but I wasn't thinking that night.

The next question is, we talked in workshop, the front, you have some hollies and hedges and stuff like that. When I asked you about Matrix 1 on 17K, the entrance wasn't as attractive or elaborate, you made Matrix on 300 very elaborate. We're talking something a little bit in between, in the middle there, that, given other businesses and properties on 17K, a stonewall would be more ideal than holly.

MR. UTSCHIG: So we understand there are some entrances along 17K that have stonewalls. There are some older dry laid stonewalls. What we

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tried to do is to reenforce this with landscaping, more like the other -- the first Matrix job on 17K where you don't have a stonewall. This driveway climbs up into the site.

This is a perspective of our amended landscaping. We took it at the worst spot purposely so you have a clear idea of what it looks like to look straight into the site. As you move to either side, we've planted a significant increase in the number of trees to try and give you that better look. We do have this hedge that we're trying to kind of create that mimics a wall without it being a wall. The wall at Route 300, I know when we talked about that originally, it was important that that was a really nice entrance to that facility, and we understand that. We kind of thought maybe this approach would work here as a suggestion. If at the end of the day the wall is the

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way we go, this would probably be a simpler wall, a freestanding wall, just an arched kind of a wall. I mean, that's one of the things we could consider here. It wouldn't replace this hedgerow that we were thinking.

MR. DOMINICK: I think that's not what I had in mind. I appreciate that. Like I said, a combination between what is on 17K Matrix 1 and Matrix 2. You know, a meeting of that. I don't think that's it. I think we should lean more toward -- I would like to see a view like you have here but with a stonewall.

MR. UTSCHIG: Okay. I understand.

MR. DOMINICK: Thank you.

MR. MENNERICH: I agree with what David said concerning a wall.

CHAIRMAN EWASUTYN: I also agree with Dave Dominick's comment on the stonewall.

MR. BROWNE: Just to carry on;

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yes, we did discuss that at length in work session. That's the gist of what we kind of all thought.

MR. UTSCHIG: I understand.

CHAIRMAN EWASUTYN: John Ward.

MR. WARD: The way you said it about down by Route 300 for presenting your project; well, you're presenting this project. We would like it to be a nice entrance. Bottom line, stonewall, curb and presentable, because I'm telling you right now, it's my backyard. What I'm saying is, you're going to make sure you see your building with the sign. I want to see the entrance being very nice. We're going all along with stonewalls throughout the Town. Your presentation, you see your project as a showcase. One way or another, whether it's on one side of the Town or the other, we want you to make yourself look good, too, and that's what would look nice.

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My other question is, the entrance going through, the fire entrance through the auction, you're going to stripe the parking lot, fire lanes and all this. What if somebody parks cars on it? Who is going to keep people from parking in the fire lanes?

MR. UTSCHIG: Part of the agreement that's being drawn up has a provision that limits Manheim from doing that. I think we understand that issue. In fact, if you look at some of the Google images, you'll see cars parked there. The intent is for the agreement to prevent that from happening, and Matrix has a role in that agreement that we can enforce. So that's how it gets enforced.

MR. WARD: How about the two vehicles that are blocking the gate?

MR. UTSCHIG: Those will not be parked there anymore. Once it becomes an emergency access, the

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agreement with Manheim is they can't park those cars there anymore.

MR. WARD: And you have like a gravel road in certain sections. I think it should be all blacktop, not, you know, patching in between going through there. On the top part.

MR. UTSCHIG: Yes. We heard that comment. There is a piece, as you go around the curve, that's got an edge that's stone. We're going to blacktop that. We would like to keep the piece that's on our site, going up from our property line to our road, as gravel, not to create a place where somebody may want to make a turn and drive down it in a car. We will clean up the edges going up to that point, but we'd like to keep that piece at the top gravel, if that's okay with the Board.

MR. WARD: All right. Thank you.

CHAIRMAN EWASUTYN: Ken Wersted with Creighton, Manning, Traffic

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Engineer.

MR. WERSTED: We submitted a number of technical comments last month. A large part of them were all addressed. Many of them were just smaller details.

The traffic analysis was conducted according to industry standards.

The trip generation we agreed with. They had estimated it based on warehouse, but they had also gone down to the other Matrix building more recently constructed and did a count of that. The count revealed that ITE information was conservative relative to the morning peak hour, but it was spot on for the afternoon. We're comfortable with where the trips are proposed. The majority of traffic would be headed back to the west, towards the I-84 interchange.

We had noted that there's obviously an existing issue at one of

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the intersections in terms of the signal timing or the detection. That's been flagged for DOT. It's up to them to kind of fix that.

MR. UTSCHIG: Right.

MR. WERSTED: At work session a number of the Board Members had discussed the queuing that they observed at that intersection, or the interchange itself, some of which is coming down the ramp from 84. We had asked for a queuing analysis, and that was provided. There weren't any significant changes in most of the approaches relative to the impact of this project. The westbound approach of 17K is projected to increase up to seven vehicle lengths approaching Governor Drive and then about three car lengths as you approach the 84 interchange.

You provided some synchro-traffic simulation models. All that material came in while I was on

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vacation, so I didn't have time to do a detailed review of that. We will follow up and take a look at those models.

MR. UTSCHIG: As Ken said, we've also, including his office, we've contacted DOT. We think that there are signal timing adjustments that can be made. In fact, we think some of the detection loops are not working properly at one of the intersections. We would like to work with DOT to address that, to the extent that DOT will allow us to do that.

CHAIRMAN EWASUTYN: KALA, Karen, Landscape Architect.

MS. ARENT: Can you turn to the landscape plan? So it would be great to see the stonewalls in here, as discussed, to replace the inkberry and hollies.

Another thing we discussed during work session was the fact

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that, and I asked the engineer, there can be sapling trees planted on the slopes. We definitely want sapling trees, and several of them, to help screen the massive retaining walls and the huge building.

MR. UTSCHIG: Mr. Chairman, if we may, as we go along I'd like to respond to these, so we don't lose track of them, if that's okay, or do you want her to finish and then we'll come back?

CHAIRMAN EWASUTYN: Whatever you find to be most appropriate.

MR. UTSCHIG: I think we have a perspective that disputes the huge retaining wall and the massive building. We complied with this requirement on our other site. In the view easement, if you recall, we ended up planting a significant number of sapling trees. They proved to be very problematic, both in installation and maintenance and

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survival. I would ask that the Board seriously consider that comment. We planted -- to increase the number of trees that we planted here exceeds the number we're taking down. We think we've given you a robust plan. Yes, there are some slopes that don't, but, as your engineer will tell you, sometimes planting trees on slopes is not the best answer. I would like the Board to consider what we've done as an appropriate measure.

MR. HINES: I actually used your slope that you just mentioned as an example of how it could be done.

MR. UTSCHIG: We had guys on ropes trying to plant saplings.

CHAIRMAN EWASUTYN: Okay. Just for the record, I understand what you're saying, but I don't quite understand what the problem is with planting saplings.

Can we step back for a moment? What county is it or what town is it

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that requires 10 percent of charging?
Just as a matter of record. Is it
someone closer to Westchester or --
where is this entity?

MR. UTSCHIG: Dutchess.

CHAIRMAN EWASUTYN: Dutchess
County. And that's throughout all of
Dutchess County?

MR. UTSCHIG: Yes. Through the
Planning Department I believe they
enacted, I don't know if it's -- if
it's a county requirement, but it's
-- it was regulated -- it was pushed
by County Planning.

CHAIRMAN EWASUTYN: 10 percent.
Dave, just as a --

MR. UTSCHIG: I'm pretty sure
that's the number. I can verify
that. That's one of the things I
wanted to check.

CHAIRMAN EWASUTYN: Thank you.
That skipped my mind.

What is the problem with
saplings, just for the record?

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MR. UTSCHIG: One, planting of them on this kind of a slope is a challenge. Keeping them, survival, is another challenge. Then the question of benefit. It's not inexpensive. You know, I question the benefit. We like to do planting where we get benefit from, right. We focused our energy here in the front. We have a highway in the back. We have cars on one side and we have almost no neighbors to us on either side. Screening this site -- the people who can see this slope, you drive by here, and in fifteen seconds you've gone from this heavy planting to this heavy planting. Our neighbor across the street, who will see this building, is the airport. We've got significant screening on this side. We've maintained significant screening on this side. We've shown you photo simulations that demonstrate that the visibility of

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this building, except for this single corridor, is well screened. We don't think that there's a huge add to this plan by planting this, to be honest with you.

CHAIRMAN EWASUTYN: Let's go on to the next point.

MS. ARENT: One thing that I would do regarding the saplings is I will take a look at them tomorrow. I'll also review the species selected to see if there could be an improvement to that. We can also consider location. It doesn't have to be as high up.

So moving on, we need to have -- this is very skimpy with single rows of trees on huge, huge slopes. We were asking for about triple the number of trees. It's very skimpy. There is an obligation to screen these buildings from public points of view, and adding additional trees would help to do that.

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MR. UTSCHIG: If I may, Mr. Chairman, again to keep this in context as we go along. I'd like to go back to the photo simulations that we did do and demonstrate that the perception that this building is visible from a lot of locations is not accurate. We took perspectives, as you asked us to, to demonstrate the visibility. I apologize, these are not in order.

CHAIRMAN EWASUTYN: Do you want to come back next week?

MR. UTSCHIG: No. My client will kill me.

So this is one perspective from 17K at the dealership, which the building is highlighted in the back. You can't see it. This is the perspective from the residential street to the other side, from here looking in. We have one from the north looking down, all of which clearly demonstrate, contrary to what

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the statement was, that this highly visible building needs to be screened, it's not highly visible. It's narrowly visible from a corridor as you drive by the site. That's it. I should take that back. If you're on 84 and you're driving slow enough, you'll probably see it like the other site at the top of the hill.

MS. ARENT: It's more from Route 17K.

MR. UTSCHIG: Again, we have 200 trees. We're taking down 161. We have over 200 trees. The idea we're going to plant three times that, 600 trees, really creates a budget issue that's -- and a purpose.

MS. ARENT: You're taking down far more. Anyway --

MR. UTSCHIG: That's what the plan shows.

MS. ARENT: Regarding the sample plots, we need the sample plots staked so we can make sure they

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are representative of the rest of the site.

MR. UTSCHIG: Okay.

MS. ARENT: There are a couple species, like Sugar Maples, that don't like compaction. So that you don't waste any money, we want to make sure that the trees you select are ground tolerant, they can take heat, soil compaction and other difficult conditions of the soils that end up being used on these sites.

We want to make sure that there's replacement of washed out soil, as well as other notes as necessary, added to the plans. This is as a result of inspecting the other site and seeing all the problems there. We want to make sure that there are notes on the plans that will be able to address it. From our experience on Matrix 300, the current method of weed eradication is not working well. You

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should first mow to remove weeds, but additional action might be needed if the mowing doesn't work. It's important to eradicate the weeds in order to get the plant material that's supposed to live to thrive. It all depends on soils, it depends on what you plant, when you plant. There are things that you can do to make sure saplings and other plant materials survive. That should be really thought about carefully since it's such a sensitive area.

Details on the bioretention basin show different soils. One detail calls out planting soil, another detail calls out bioretention soil. It's very important to use bioretention soil, because on Matrix 300 there is a huge bioretention area that looks like it's completely clay. Make sure you use the proper soils.

And then the other comments.

MR. UTSCHIG: There are a few

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others that we have no issues with.
There were suggestions on plantings.
All the things Karen just said we
have no issues with. We understand
lessons learned is a good thing.
We'll provide those in procedural
notes for the contractor to help.

CHAIRMAN EWASUTYN: Jim Campbell,
Code Compliance.

MR. CAMPBELL: The only thing I
would recommend at this time is, like
on Matrix, the amended site plan that
you did with the signage, you get a
package together for the signage so
we don't run into the same issue and
that can be reviewed in a timely
fashion.

MR. UTSCHIG: Yes.

CHAIRMAN EWASUTYN: Pat Hines
with MH&E.

MR. HINES: In listening to
Karen's comments and the applicant's
representative, I don't know if maybe
the Board wants to consider referring

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this to a technical work session to address those or not. That's certainly up to the Board.

CHAIRMAN EWASUTYN: I'll poll the Board Members. Frank Galli?

MR. GALLI: I think there was just the one issue with the sapling trees. I don't think we should -- personally I don't think they should have a workshop over sapling trees.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I think they can work that out amongst themselves.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I hope they can work it out.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: The same.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No.

CHAIRMAN EWASUTYN: Good recommendation. Let the record show that the Planning Board has confidence that the applicant will do

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his best to provide the necessary landscape material to balance out the request from Karen, Landscape Architect.

MR. HINES: Our first comment is, there are several items on the site that are kind of, I guess they're tenant driven. I don't know that there's trigger mechanisms that -- our typical resolutions say what is shown on the plans are to be built. I don't know how those menu items, if they are not built, are going to be addressed. With Matrix 2 I think there was a detail that --

MR. UTSCHIG: Correct.

MR. HINES: I just want to make sure we address that in any resolution. It's difficult to have options on the plan.

MR. UTSCHIG: I understand. We would like to follow the kind of formula that we used on Matrix 300 where we identified basically it's

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fencing and guardhouses. It's
tenant-driven issues.

MR. HINES: Truck parking as
well.

MR. UTSCHIG: And car parking.
What we did is we provided basically
inserts that would show the Board and
their consultants what that would
look like in either case.

MR. HINES: I think in that
case, when you chose one I brought it
to the Board.

MR. UTSCHIG: You did.

MR. HINES: If the Board is
okay with that and we can write a
resolution crafted to that, it may be
okay.

CHAIRMAN EWASUTYN: Dominic
Cordisco, are you in favor of that?

MR. CORDISCO: Yes, sir.

MR. HINES: Legal agreements
with Manheim need to be submitted to
Dominic for review.

The FAA determination I think

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is still outstanding. I know you're working with them. That's certainly important, based on this location. Toyota of Newburgh spent a year and a half with the FAA, ultimately lighting their building. Hopefully you won't spend that long with them.

MR. UTSCHIG: We have been moving that forward. There was a supplemental study that's been done. We kind of got our fingers crossed that we're going to see that in less than a year.

MR. HINES: It was a long, drawn-out process for them.

We had asked for the analysis of the stormwater along 17K. I know you said you're going to provide that.

MR. UTSCHIG: Yes.

MR. HINES: Health Department approval for water mains.

The 5-acre waiver is requested for the stormwater management. We'll process that through to the Town

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Board at the appropriate moment.

We did identify that you used the sample plots. You're the first one under the new tree preservation law doing that.

Matrix 1, we had issues with the water hammer in our systems with your fire flow. We're asking that that design take that into consideration.

MR. UTSCHIG: Yes.

MR. HINES: As well as coordination of filling any fire tanks on the site. Maybe that should be a note so that can be coordinated with the Water Department. Again, we learn from experience.

MR. UTSCHIG: Yup.

MR. HINES: We have other comments on the size of the utility in 17K, the water system design report, sanitary sewer design report, engineering details for the sanitary sewer pump station.

We recommend that the emergency

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access road be asphalt throughout.
Gravel roads grow weeds, grass and
other things. I just think that that
last piece will make that site look
more complete. We had issues with
your emergency access road at Matrix
2 there. I think we have the
opportunity now. For that amount of
pavement, I think it will look clean
and finished.

MR. UTSCHIG: Okay.

MR. HINES: I'll defer to the
Board on that. At work session I
think the Board was in favor of
having the emergency access road --

CHAIRMAN EWASUTYN: Is the
Board in favor of having the entire
emergency access paved?

MR. GALLI: Yes.

MR. DOMINICK: Yes.

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: Yes.

MR. BROWNE: Yes.

MR. WARD: Yes.

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CHAIRMAN EWASUTYN: Let the record show yes.

MR. HINES: We did receive your hydraulic analysis for the City of Newburgh flow acceptance letter, and we will be processing that.

You did say you're working with DOT. If you could submit anything you send to DOT to the Board as well, and to Ken's office. I know the Board, as lead agency, likes to be in that loop.

That's the extent of our comments.

I have not completed my review of the SWPPP. That had to do with some time constraints I've been under, but I will do that.

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

MR. CORDISCO: Yes. A couple things, Mr. Chairman. The first is that in connection with the easement

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with Manheim for the emergency access, what I think, in particular, we would like to focus on there is the issue that was brought up tonight, which is Matrix's ability to enforce that easement to ensure there are no blockages there. It's not going to be a question of enforcement, but how it's being monitored as well, because you can see a situation where if no one is paying attention, someone could certainly park cars there and have it blocked, and then when you need to use it, unfortunately it may be blocked. So that's, I think, what the focus of reviewing that particular document will be.

MR. UTSCHIG: Okay.

MR. CORDISCO: The other thing that I wanted to mention is, and defer to the Board and obviously the applicant on this, but for Matrix 2 there was an issue that came up that

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could be avoided in this situation depending on timing, and that is in connection with the clearing and grading permit. For Matrix 2 there was a request for a clearing and grading, however -- which requires its own public hearing, unless it's included as part of the public hearing for the project itself.

CHAIRMAN EWASUTYN: Good point.

MR. CORDISCO: The situation was, if you recall, that the project description included the words clearing and grading, but no application had been submitted. So if the applicant is expecting to request the ability to clear and grade this site prior to satisfying all of the approvals, then my suggestion would be that they should actually provide an application to that effect, including those plans.

CHAIRMAN EWASUTYN: I think we did receive a fee and an application.

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MR. UTSCHIG: Yes.

MR. HINES: We have to be careful with the public hearing notice. It addresses Chapter 83 as well.

MR. CORDISCO: Thank you.

CHAIRMAN EWASUTYN: That was part of the original package. I think the checks came in a second time, maybe not the first time. Good point.

MR. CORDISCO: That's all I have at this time.

CHAIRMAN EWASUTYN: Thank you.

MR. HINES: I think there was one mandatory County comment.

MR. UTSCHIG: Yes. The FAA.

MR. HINES: Okay.

MR. UTSCHIG: I think the only -- of the other advisory comments from the County, one we discussed on the last project, they are all about lower light poles. I think we had a conversation with the spread here of

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pavement and tractor trailer movements, that going down below 27 feet is just not practical. We do meet the fixture requirements, but we want to leave the height.

MR. HINES: That height is consistent with our design guidelines for this type of project. They can be 30.

CHAIRMAN EWASUTYN: I guess the action is to revise your plans and make your final submission so we can then make a SEQRA determination.

Pat, when do you think you'll be ready with the SWPPP?

MR. HINES: I'll have that this upcoming week.

CHAIRMAN EWASUTYN: We have a meeting coming up on the 17th of September.

MR. HINES: Yes.

CHAIRMAN EWASUTYN: We'll reschedule this for the 17th of September. Pat Hines will finalize

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the SWPPP. You'll have his comments on that. Whatever revised sketch plans you'll have showing the stonewall will be on those plans, and if there's any consideration to Karen's comments.

MR. UTSCHIG: The 17th?

MR. HINES: Two weeks from today. It's the 21st.

MR. UTSCHIG: Just so I'm understanding, the important things to have on those plans for the Board to consider a SEQRA determination is, obviously, the landscape side of this with the wall. Is there anything else that's related to SEQRA that we need to address in that timeframe?

CHAIRMAN EWASUTYN: The SWPPP. Pat will have time to review that.

MR. DOMINICK: Charging stations.

MR. HINES: I'm looking at Mr. Stout in the audience. He's crafted several negative decs in other municipalities.

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MR. STOUT: If I may, Mr. Chairman. I believe that's been done on Matrix 1 and 2, where we provided a draft negative declaration for the Board's consideration.

MR. DOMINICK: Your name for the record?

MR. STOUT: Robert Stout, Whiteman, Osterman & Hannah, project attorney.

CHAIRMAN EWASUTYN: Do you have a business card with you?

MR. STOUT: No. I can give you my information separately.

CHAIRMAN EWASUTYN: I was thinking about the stenographer.

So Dominic Cordisco, are you in agreement with that?

MR. CORDISCO: Yes, sir. We would review it as well.

MR. UTSCHIG: Thank you.

CHAIRMAN EWASUTYN: Let the record show that Matrix --

MR. STOUT: Mr. Chair, one more

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thing. If we're going to be considering a neg dec at the next meeting, would it be appropriate to schedule that public hearing for both the subdivision application as well?

CHAIRMAN EWASUTYN: We'll do that at the meeting of the 21st.

MR. STOUT: You'll schedule it then?

CHAIRMAN EWASUTYN: If all goes well.

MR. STOUT: Thank you.

MR. UTSCHIG: Thank you.

CHAIRMAN EWASUTYN: Let the record show that Matrix I-84 Distribution Center will be rescheduled for the meeting of the 21st of September.

MR. GALLI: So moved.

MR. DOMINICK: Second.

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

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MR. GALLI: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you.

MR. UTSCHIG: Thank you.

MR. STOUT: Thank you.

CHAIRMAN EWASUTYN: Can I have
a motion to close the Planning Board
meeting of the 7th of September?

MR. GALLI: So moved.

MR. MENNERICH: Second

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

MR. GALLI: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

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(Time noted: 8:32 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 20th day of September 2023.

Michelle Conero

MICHELLE CONERO