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

----- X  
In the Matter of

GARDNER RIDGE  
(2002-29)

Gardnertown Road near Gidney Avenue  
Section 75; Block 1; Lot 4.12  
R-3 Zone

----- X

SITE PLAN

Date: September 15, 2022  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVES: DARREN DOCE,  
PHILLIP GREALY & THOMAS OLLEY

----- X

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

1 GARDNER RIDGE

2 CHAIRMAN EWASUTYN: The  
3 Planning Board would like to welcome  
4 everybody to the meeting this  
5 evening. This is our meeting of  
6 September 15th. We have three agenda  
7 items and one Board business item.

8 I'd like to start the meeting  
9 with a roll call vote.

10 MR. GALLI: Present.

11 MS. DeLUCA: Present.

12 CHAIRMAN EWASUTYN: Present.

13 MR. BROWNE: Present.

14 MR. WARD: Present.

15 MR. DOMINICK: Present.

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

18 MS. CONERO: Michelle Conero,  
19 Stenographer.

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

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

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

1 GARDNER RIDGE

2 Frank Galli.

3 (Pledge of Allegiance.)

4 MR. GALLI: Please either turn  
5 off or silence your cellphones.

6 CHAIRMAN EWASUTYN: The first  
7 item of business is Gardner Ridge.  
8 It's application number 02-29. It's  
9 a site plan located on Gardnertown  
10 Road near Gidney Avenue. It's in an  
11 R-3 Zone. It's being represented by  
12 Darren Doce of Doce Associates.

13 MR. DOCE: Good evening. I'm  
14 Darren Doce. I'm here with our  
15 traffic engineer, Phil Grealy, and  
16 our site design engineer, Tom Olley.

17 At the meeting of June 16th we  
18 spoke on the access, the Gardnertown  
19 Road access, the proposed roadway  
20 improvements to Creek Run Road and  
21 the Gardnertown Road intersection,  
22 and outlined the benefits to the Town  
23 of that proposal. We received  
24 comments from the Board and the  
25 consultants. We're back here tonight

1 GARDNER RIDGE

2 with revised plans. We're addressing  
3 the comments received at that meeting  
4 as well as the following workshop  
5 meeting, the consultant workshop  
6 meeting. Also comments made by Mark  
7 Hall, the highway superintendent, at  
8 the site inspection that was  
9 conducted late last year.

10 At this time I'd like to turn  
11 it over and have Phil and Tom outline  
12 the highlights of what was revised.  
13 We can answer specific questions that  
14 the Board or the consultants may  
15 have.

16 MR. GREALY: Good evening.  
17 Phillip Grealy, Colliers Engineering  
18 & Design. We had appeared at that  
19 meeting and received comments from  
20 your traffic consultant, from MHE,  
21 and then there were some Board  
22 comments. MHE and the CME comments  
23 were dated June 10th. CME had twelve  
24 comments and MHE had sixteen comments  
25 on the plans and access improvements.

1 GARDNER RIDGE

2 Those were all addressed in our  
3 September 1st submission to the  
4 Board. We went item by item and  
5 responded to each of those. Some of  
6 them dealt with the traffic studies,  
7 some of them dealt with the design of  
8 the improvements that are proposed at  
9 the access, the reconstruction of  
10 Creek Run Road, et cetera.

11 There were also certain  
12 comments that the Planning Board had,  
13 just kind of clarifications I think  
14 more than anything else, on the  
15 access plans. We've submitted a full  
16 set of plans, construction level  
17 plans, including what we call work  
18 zone traffic control plans.

19 In a nutshell, the revisions  
20 included some additional widening  
21 along Gardnertown Road. This is the  
22 existing Creek Run Road which we're  
23 proposing to realign and reconstruct.  
24 There would be a left-turn lane for  
25 traffic turning onto Creek Run Road,

1 GARDNER RIDGE

2 bringing it further away from the  
3 signalized intersection with Gidney  
4 Avenue. There would be a separate  
5 left-turn lane for traffic turning  
6 into the project. It would be a stop  
7 sign controlled intersection.

8 We were asked to look at some  
9 of the turning tracks, that's what's  
10 depicted here on the drawing, showing  
11 how vehicles would make those  
12 maneuvers. That's for a larger size,  
13 single unit truck.

14 The details in the plan get  
15 into the grading on the property, the  
16 grading that would be done to  
17 reconstruct the roadway. The whole  
18 area would be resurfaced. We've  
19 recommended a high-friction coarse  
20 resurfacing because of the grade on  
21 the road.

22 Basically you end up with a new  
23 intersection, a four-way intersection  
24 further away from the signalized  
25 intersection, and we would

1 GARDNER RIDGE

2 reconstruct that area.

3 We've included drainage along  
4 the hillside. The property sits at a  
5 grade away from the road. There  
6 would be underdrains, a closed  
7 drainage system shoulder area as part  
8 of those improvements. They're  
9 depicted on these drawings and they  
10 are shown on the site plan as it  
11 relates to the overall plan.

12 At the meeting I think there  
13 were about five or six comments that  
14 the Board had relative to accidents.  
15 We've collected accident data and  
16 we've provided that information  
17 relative to the traffic operations  
18 and the cueing at the signal. Those  
19 have all been reviewed by CME.

20 We can answer any other  
21 questions, but I think we've  
22 responded to all the comments that  
23 were raised.

24 CHAIRMAN EWASUTYN: Tom Olley.

25 MR. OLLEY: Thomas Olley, site

1 GARDNER RIDGE

2 civil engineer representing the  
3 project.

4 As Phil said, we've coordinated  
5 the work in designing the site and  
6 the intersection between his office  
7 and mine. For the area that I  
8 interfaced with the highway improvements  
9 -- the roadway improvements, it  
10 related to the drainage and the  
11 utility tie-ins. We've brought these  
12 plans to the next level of the design  
13 stage whereas we've gone through,  
14 we've made sure that we comply with  
15 the green infrastructure requirements  
16 for the State DEC, the SPDES permit  
17 for stormwater discharges.

18 One thing that we had to do is  
19 we've had to incorporate -- since  
20 we're redoing the drainage as part of  
21 Gardnertown Road, we've also upgraded  
22 the drainage infrastructure  
23 associated with that. Because we're  
24 touching it, now we have to bring it  
25 up to the green infrastructure



1 GARDNER RIDGE

2 standards.

3 We've proposed some low-  
4 maintenance facilities and  
5 bio-retention areas that will allow  
6 the water to percolate into the  
7 ground. We picked up with some  
8 underdrains that will discharge to  
9 the existing stream or to the culvert  
10 under the existing portion of Creek  
11 Run Road.

12 We've detailed out the grading  
13 in much greater depth than we did  
14 previously for you.

15 One of the areas that this  
16 Board had raised a question quite  
17 some time ago was about the potential  
18 for rock excavation on the site.  
19 We've provided a report that can be  
20 included with the EAF as a Part 3  
21 discussing the work that would have  
22 to be done. We've substantially  
23 reduced the area of potential, I'll  
24 call it rock removal. We don't want  
25 to take blasting off of the table but

1 GARDNER RIDGE

2 obviously that's a last resort. If  
3 the rock is soft enough it can be  
4 either ripped or hammered out. If it  
5 turns out to be very hard, then there  
6 may be some blasting that's involved.  
7 We've provided depths of rock  
8 removal. It's not depth to the rock  
9 but actually how much rock would have  
10 to be removed. For the most part,  
11 it's less than three or four feet.  
12 There's one area right down here at  
13 this intersection that is a little  
14 bit deeper and one area that we may  
15 have some spurs that run a little bit  
16 out of that area that just are to  
17 handle the utility lines. We've  
18 really shrunk that down. Part of the  
19 way that we did that was that we  
20 raised the grading of this essential  
21 portion of the site up higher and we  
22 take advantage of grade differentials  
23 out the back of the buildings so that  
24 we didn't have to lower the top of  
25 that hill as what had been proposed

1 GARDNER RIDGE

2 before.

3 We have reduced the stormwater  
4 runoff rate in the after-development  
5 condition to less than the pre-  
6 development.

7 The project will still be  
8 served by a single connection water  
9 line, just as it was all the way back  
10 in 2005 and moving forward.

11 The one thing that we are  
12 proposing that we had on the plans  
13 before and we've detailed out in  
14 greater detail is the sewer. We  
15 would connect to the line in Creek  
16 Run Road. Again, it's the same  
17 number of units, the same sewage  
18 flow, the same water flow, it just is  
19 a less disruptive location to make  
20 those tie-ins.

21 MR. GREALY: I just want to add  
22 a couple of other things. Phillip  
23 Grealy again.

24 Just to refresh the Board's  
25 memory, the purpose of the

1 GARDNER RIDGE

2 realignment is to fix the existing  
3 sight distance problems at Creek Run  
4 Road. At the current alignment  
5 you're looking back up over your  
6 shoulder, looking up the hill. This  
7 brings you in more of a 90 degree, a  
8 flatter grade, and of course the  
9 widening to provide the turning lanes  
10 and to bring it further away from the  
11 signalized intersection.

12 In terms of the cost of these  
13 improvements, just the road  
14 improvements here, our initial  
15 estimate is about \$750,000. That  
16 price keeps increasing every day with  
17 the cost of materials and everything  
18 else.

19 There are some utility pole  
20 relocations, the resurfacing of the  
21 road, the reconstruction of the road,  
22 the work along the frontage to  
23 capture the drainage that today some  
24 of it seeps onto the roadway which is  
25 a condition -- you know, a poor

1 GARDNER RIDGE

2 weather condition. That would be  
3 solved by this improvement. The  
4 sight distance will be improved and  
5 increase the stacking distance to the  
6 signalized intersection at Gidney.  
7 Thank you.

8 CHAIRMAN EWASUTYN: Comments  
9 from Board Members. Frank Galli?

10 MR. GALLI: Not yet, John. No.

11 CHAIRMAN EWASUTYN: Stephanie  
12 DeLuca?

13 MS. DeLUCA: I'm going to hold.  
14 I'm just processing everything.

15 CHAIRMAN EWASUTYN: Okay.

16 MR. BROWNE: I have a question,  
17 Mr. Grealy. When you were speaking,  
18 you talked about, I think, some kind  
19 of a quartz something on the road  
20 because of the grade.

21 MR. GREALY: There are two  
22 things to solve some of the existing  
23 problems. To improve the skid  
24 resistance, because we have a fairly  
25 steep grade here -- the average grade

1 GARDNER RIDGE

2 down to Creek Run is about 7.5  
3 percent. There are some sections a  
4 little steeper than that. As part of  
5 the -- after we reconstruct the road,  
6 which includes the drainage and  
7 underdrains along this side of the  
8 roadway, the top course -- we would  
9 use a high-friction top course. It  
10 has better skid resistance. Again,  
11 that's all subject to what the  
12 highway superintendent wants. It  
13 would be to improve that existing  
14 condition.

15 MR. HINES: That has to do with  
16 the type of aggregate they use in the  
17 asphalt mix.

18 MR. GREALY: Correct.

19 MR. BROWNE: Just from a  
20 percentage standpoint, that improves  
21 traction or friction or whatever how  
22 much? Does it depend on a lot of  
23 other variables?

24 MR. GREALY: No. I can't give  
25 you the percentage off the top of my

1 GARDNER RIDGE

2 head. The skid resistance is  
3 significant.

4 MR. BROWNE: Okay. Great.

5 MR. GREALY: It helps with  
6 getting the surface water off the  
7 surface and it improves the skid  
8 resistance significantly.

9 CHAIRMAN EWASUTYN: The DOT is  
10 requiring a lot of that on the new  
11 roads.

12 MR. GREALY: On the new  
13 roadways they are using that,  
14 especially in locations where there  
15 are histories of accidents due to  
16 icing or flooding, ponding or  
17 anything like that.

18 MR. BROWNE: From the Town's  
19 perspective, how do they maintain  
20 that over the years? Over the  
21 initial years you have it, great.  
22 The Town comes along and says we're  
23 going to repave that road. Do they  
24 do it with the same material?

25 MR. HINES: They can.

1 GARDNER RIDGE

2 MR. BROWNE: That's down the  
3 road. Not right now.

4 MR. GREALY: The cost  
5 differential when it's being  
6 installed is not significant. I  
7 think maintaining the highway -- if  
8 we weren't here, it's something that  
9 -- if I was asked to make a  
10 recommendation, I would recommend the  
11 next time the road gets repaved, to  
12 use that type of a treatment. Again,  
13 I think it's just long term as  
14 maintenance goes on. When it has to  
15 be resurfaced in twenty years,  
16 fifteen years down the road, that  
17 would be the same type of treatment  
18 to use.

19 MR. BROWNE: Thank you. I like  
20 that.

21 MR. OLLEY: Phil started to  
22 speak about another factor there.  
23 Another big factor with that is  
24 controlling the water that comes off  
25 the hillside and picking that up in



1 GARDNER RIDGE

2 drainage now in a closed drainage  
3 system. Today it flows in some very  
4 poorly shaped gutters along the side  
5 of the road. Some of that water  
6 certainly finds its way out into the  
7 travel lanes and freezes over. The  
8 coarse aggregate that they use also  
9 helps to break up any ice particles  
10 and also retain some of the  
11 anti-icing solutions that may be put  
12 down. It's a little coarser. It's  
13 like a coarse sandpaper versus a fine  
14 sandpaper.

15 MR. BROWNE: Thank you.

16 CHAIRMAN EWASUTYN: John Ward?

17 MR. WARD: I'm going off the  
18 chart a little bit. The senior  
19 housing, basically we need generators  
20 in there. God forbid there's a  
21 blackout or anything with the  
22 elevators. We've had other projects  
23 and they put generators in the senior  
24 housing. I emphasize that.

25 MR. OLLEY: Okay.

1 GARDNER RIDGE

2 MR. WARD: Thank you.

3 CHAIRMAN EWASUTYN: Dave Dominick?

4 MR. DOMINICK: No. John just  
5 said it. Thank you.

6 CHAIRMAN EWASUTYN: Dominic  
7 Cordisco, based upon our work  
8 session, the action before us tonight  
9 would be to refer this to the Town  
10 Board for a discussion of the density  
11 bonus?

12 MR. CORDISCO: That's correct.  
13 That's correct. If the Town Board so  
14 chooses, they could authorize the  
15 Planning Board to continue to review  
16 the application.

17 CHAIRMAN EWASUTYN: Okay. So  
18 would someone make a motion to refer  
19 this to the Town Board for the Town  
20 Board to consider the density bonus  
21 for the Gardner Ridge site plan?

22 MR. WARD: So moved.

23 CHAIRMAN EWASUTYN: I have a  
24 motion by John Ward.

25 MR. BROWNE: Second.

1 GARDNER RIDGE

2 CHAIRMAN EWASUTYN: I have a  
3 second by Cliff Browne. I'll start  
4 with a roll call vote with Frank Galli.

5 MR. GALLI: Aye.

6 MS. DeLUCA: Aye.

7 CHAIRMAN EWASUTYN: Aye.

8 MR. BROWNE: Aye.

9 MR. WARD: Aye.

10 MR. DOMINICK: Aye.

11 CHAIRMAN EWASUTYN: Motion  
12 carried.

13 MR. GALLI: John, are we going  
14 to go over Pat's comments?

15 CHAIRMAN EWASUTYN: Do you want  
16 to do them now or wait to see what  
17 happens with the Town Board?

18 MR. HINES: It's up to the  
19 Board. The applicant's  
20 representatives do have them.

21 MR. GALLI: They have no  
22 questions?

23 MR. GREALY: I think they're  
24 pretty straightforward.

25 MR. OLLEY: They're straightforward.

1 GARDNER RIDGE

2 MR. DOCE: Can I ask a  
3 question? We're being referred to  
4 the Town Board for approval of the  
5 density bonus?

6 CHAIRMAN EWASUTYN: Dominic.

7 MR. CORDISCO: This would be  
8 for authorization before the Planning  
9 Board can continue to process the  
10 application under the senior housing  
11 requirements. The basis for that is  
12 that this project, although it was  
13 previously referred to the Town  
14 Board, after all it does go back to  
15 2002, that the project is  
16 significantly altered at this point  
17 given its access. So for the Town  
18 Board to consider the specifics of  
19 this particular application, a  
20 referral is appropriate at this time.

21 MR. GREALY: Thank you.

22 MR. DOCE: Thank you.

23

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

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GARDNER RIDGE

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 22nd day of September 2022.

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

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

----- X  
In the Matter of

MOFFAT PROPERTIES  
(2022-14)

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

----- X

SITE PLAN

Date: September 15, 2022  
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  
STEPHANIE DeLUCA  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVES: NEIL SANDER  
& ETHAN ROGERS

----- X

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

1           M O F F A T   P R O P E R T I E S

2                   CHAIRMAN EWASUTYN:  Our second  
3           item of business this evening is the  
4           Moffat Properties.  It's a site plan  
5           located at 224 and 226 New York State  
6           Route 17K.  It's in an IB Zone.  It's  
7           being represented by Independence  
8           Engineering.

9                   MR. SANDER:  Good evening.  My  
10          name is Neil Sander, I'm the engineer  
11          of record.  I'm with Independence  
12          Engineering.  With me is Ethan Rogers from  
13          Moffat Properties, the applicant.

14                   We were here before you in July  
15          to discuss renovating the existing  
16          landscaping supply store out on Route  
17          17K.  It's currently abandoned.  It's  
18          mostly paved.  It has two driveways  
19          out onto Route 17K.  We're proposing  
20          to knock that down and replace it  
21          with a 12,000 square foot building.

22                   At that time we came through,  
23          got comments from the professionals,  
24          reevaluated the site, decided to look  
25          at some value engineering aspects.

1           M O F F A T   P R O P E R T I E S

2                       We were able to reduce the  
3           number of driveways from two to one.  
4           We were able to reduce the amount of  
5           impervious surface, enlarge the  
6           basins, reduce the parking from 30 to  
7           19. We were also able to add a  
8           sprinkler system and a fire line as  
9           requested by the town engineer.

10                    Beyond that, there are no major  
11           changes to this plan.

12                    We're still proposing gravel  
13           storage in the back.

14                    We have added an asphalt curb  
15           along the east and west sides to make  
16           sure that drainage is directed into  
17           the basin in front of the building.

18                    That's pretty much it, the  
19           changes that have been made from the  
20           last plan.

21                    CHAIRMAN EWASUTYN: Comments  
22           from Board Members. Frank Galli?

23                    MR. GALLI: Did they receive  
24           the comments from the landscape  
25           architect?



1           MOFFAT PROPERTIES

2                   MR. SANDER:  Yes.  We received  
3           them today.

4                   MR. GALLI:  What was your  
5           thought on that?

6                   MR. SANDER:  We certainly don't  
7           object to the wall to block the  
8           headlights from the parking.

9                   I think we are going to have to  
10          discuss some of the other  
11          requirements.  For instance, the  
12          basin.  The way the site is  
13          constructed, it really has to be in  
14          front of the site.  The rest of the  
15          site is just significantly higher  
16          than the frontage.  We can add some  
17          additional shrubs.  For the most  
18          part, the screening requirements on  
19          the east side, we're not really  
20          screening from anything except the  
21          Toyota dealership there.  Everything  
22          around that is zoned interchange  
23          business.  There is residential on  
24          the west side, but we're staying out  
25          of the buffer around the stream.

1       MOFFAT PROPERTIES

2               We're staying out of the floodplain.  
3               There's existing trees along the west  
4               side. We will take a look at areas  
5               that we can save along the east side.  
6               I'm not sure that we can gain a lot  
7               in terms of saving trees.

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

10              CHAIRMAN EWASUTYN: Stephanie?

11              MS. DeLUCA: Nothing.

12              CHAIRMAN EWASUTYN: Karen made  
13              reference to the design guidelines.

14              MR. SANDER: Yes.

15              CHAIRMAN EWASUTYN: Karen made  
16              reference to certain sites along that  
17              corridor.

18              MR. SANDER: Yes.

19              CHAIRMAN EWASUTYN: What Karen  
20              is saying is we're looking for  
21              continuity on 17K.

22              MR. SANDER: Yes.

23              CHAIRMAN EWASUTYN: I  
24              understand your language about maybe  
25              I can, maybe I will tweak it. I

1           MOFFAT PROPERTIES

2           think maybe you should say I'm going  
3           to tweak it as best as I can to what  
4           she's reviewing.

5           MR. SANDER:   Yes.

6           CHAIRMAN EWASUTYN:  There's no  
7           sense in having our landscape  
8           architect, who is responsible for the  
9           design guidelines which the Town did  
10          adopt, to have someone come in and  
11          say well it sounds good, it looks  
12          pretty, but I'm not looking to do it.  
13          So I say you have to give it a harder  
14          look and your conversation needs to  
15          be strong in the fact that you're  
16          going to look to comply with that.

17          MR. SANDER:  Understood.

18          Understood.

19          CHAIRMAN EWASUTYN:  Cliff Browne?

20          MR. BROWNE:  I totally agree  
21          with what John just said.  That's  
22          very important on our end.

23          CHAIRMAN EWASUTYN:  John Ward?

24          MR. WARD:  Like Karen mentioned,  
25          and I'm emphasizing, if you could

1       MOFFAT PROPERTIES

2               possibly move the building back.  
3               There's plenty of land there. You  
4               have plenty of room to do what you  
5               have to do in the front.

6               The last time I said about the  
7               stonewall. We're trying to coordinate  
8               everything. At the same time, it's  
9               workable. You have the land to do  
10              it. Thank you.

11              CHAIRMAN EWASUTYN: Dave Dominick?

12              MR. DOMINICK: Nothing further.

13              CHAIRMAN EWASUTYN: Jim Campbell?

14              MR. CAMPBELL: I wasn't present  
15              at the last meeting. I had a  
16              question about the use in the IB. I  
17              also noticed in the minutes that you  
18              were corresponding with Jerry, my  
19              supervisor.

20              MR. SANDER: Yes.

21              MR. CAMPBELL: Could you  
22              forward me that e-mail?

23              MR. SANDER: Yes.

24              CHAIRMAN EWASUTYN: Anything  
25              else?

1           MOFFAT PROPERTIES

2                   MR. CAMPBELL: That's it.

3                   CHAIRMAN EWASUTYN: Pat Hines?

4                   MR. HINES: The adjoiners'  
5 notices have been sent out, granted  
6 they were on the previous layout. I  
7 don't think the changes are  
8 significant enough to warrant  
9 resubmitting the adjoiners' notice.  
10 I'll leave that to the Board. The  
11 major change is that it went from two  
12 access points on 17K to one, and I'm  
13 assuming that was through the DOT's  
14 suggestion. We're not suggesting  
15 that that be resent out.

16                   Have you had conversations with  
17 the DOT?

18                   MR. SANDER: Yes. We spoke to  
19 them last week. Our traffic engineer  
20 revised the TIS to show the one  
21 driveway instead of the two. He said  
22 it actually works better with the  
23 counts. We couldn't balance between  
24 the two driveways previously. That  
25 was sent to the DOT on September 7th.

1       MOFFAT PROPERTIES

2               They responded and said it's under  
3               review. They've had it since the  
4               middle of June.

5                       MR. HINES: We did circulate to  
6               them when we circulated lead agency  
7               as well.

8                       We're suggesting you contact  
9               the Water Department regarding the  
10              relocation of the hydrant to work  
11              those details out.

12                      MR. SANDER: Yes.

13                      MR. HINES: Similarly, the  
14              sewer main we discussed in the past.  
15              That sewer main operates as a gravity  
16              main and in some locations a  
17              low-pressure force main. You need to  
18              get a handle on what that condition  
19              is there so you're not tying into a  
20              low-pressure force main. It's very  
21              flat. It's probably gravity there.  
22              I just want to make sure.

23                      MR. SANDER: In my initial  
24              conversations with the sewer  
25              authority in the spring, they said it

1       MOFFAT PROPERTIES

2           is gravity in this area. I do want  
3           to confirm that. I know there's some  
4           uncertainty about that.

5                   MR. HINES: We'll need a City  
6           of Newburgh flow acceptance letter  
7           for connection to the sanitary sewer.  
8           You'll prepare a hydraulic loading  
9           calculation for the site, submit it  
10          to my office and I'll transmit that  
11          to the City and coordinate that.

12                   The fence detail should be  
13          provided for screening based on the  
14          Town's outdoor storage areas.

15                   Similarly, the asphalt curb  
16          detail that you're proposing in the  
17          rear should be detailed on the plans.

18                   There is a lot consolidation  
19          involved here. That was just a  
20          comment.

21                   We did receive the stormwater  
22          pollution prevention plan, and that's  
23          under review.

24                   We've had this conversation, I  
25          know. I'm not sure why you're not

1           MOFFAT PROPERTIES

2           utilizing the surface water stream to  
3           the northwest rather than discharging  
4           -- the reason is because if you're  
5           tributary to the City of Newburgh's  
6           watershed, there's going to be  
7           additional requirements imposed as  
8           opposed to -- it's my understanding  
9           that that stream on your upper side  
10          of the site discharges across Stewart  
11          Airport and ultimately to Moodna  
12          Creek, Beaver Dam Lake watershed.  
13          The City of Newburgh will scrutinize  
14          this project if it's in their  
15          watershed. That involves also  
16          getting their City of Newburgh flow  
17          acceptance letter.

18                   MR. SANDER: I think that's  
19                   something we can certainly look at.

20                   MR. HINES: I think your site  
21                   may function better there. There's a  
22                   12-inch culvert down gradient on the  
23                   adjoining site that you would have to  
24                   upgrade at a minimum. I don't know  
25                   what's downstream where you have that



1       MOFFAT PROPERTIES

2               there.

3                       The one access road we talked  
4               about.

5                       We just talked about that  
6               discharge location.

7                       The rest of my comments are  
8               very technical in nature and the  
9               applicant has them.

10                      CHAIRMAN EWASUTYN: Thank you.  
11                      You made a suggestion to the Board  
12                      that we have enough detail now that  
13                      we can circulate this to the Orange  
14                      County Planning Department.

15                      MR. HINES: Yes. That would be  
16                      my recommendation, to get that  
17                      process moving.

18                      CHAIRMAN EWASUTYN: Dominic, do  
19                      you have anything?

20                      MR. CORDISCO: No. I concur.

21                      CHAIRMAN EWASUTYN: Would  
22                      someone make a motion to circulate  
23                      the plans, through Pat Hines' office,  
24                      for Moffat Properties to the Orange  
25                      County Planning Department.

1           MOFFAT PROPERTIES

2                   MR. WARD:    So moved.

3                   MS. DeLUCA:    Second.

4                   CHAIRMAN EWASUTYN:  I have a  
5           motion by John Ward.  I have a second  
6           by Stephanie DeLuca.  Can I have a  
7           roll call vote starting with Frank.

8                   MR. GALLI:    Aye.

9                   MS. DeLUCA:    Aye.

10                  CHAIRMAN EWASUTYN:  Aye.

11                  MR. BROWNE:   Aye.

12                  MR. WARD:    Aye.

13                  MR. DOMINICK:  Aye.

14                  CHAIRMAN EWASUTYN:  You'll work  
15           with Pat Hines as far as getting him  
16           a set of plans.

17                  MR. SANDER:   Yes.

18                         May I ask what the next step  
19           after that is?  Do we come back here  
20           to request a public hearing or --

21                  CHAIRMAN EWASUTYN:  In order to  
22           request a public hearing we have to  
23           make a SEQRA determination and  
24           declare a negative declaration.  The  
25           outstanding comments that you have

1       MOFFAT PROPERTIES

2               now, your next step is to go back and  
3               revise your site plan addressing  
4               those comments.

5                       MR. SANDER:   Okay.

6                       CHAIRMAN EWASUTYN:   Plus we  
7               can't act on anything.   The County  
8               has thirty days to reply.   We  
9               couldn't take an action until we hear  
10              back from the County.

11                      MR. SANDER:   Thank you.

12

13                      (Time noted:   7:32 p.m.)

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MOFFAT PROPERTIES

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 22nd day of September 2022.

*Michelle Conero*  
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MICHELLE CONERO

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

- - - - - X  
In the Matter of

NEWBURGH COMMERCE CENTER/SCANNELL - ROUTE 17K  
(2021-21)

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

- - - - - X

AMENDED SITE PLAN

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

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVES: CHARLES UTSCHIG  
& MARK WILSON

- - - - - X

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

1 NEWBURGH COMMERCE CENTER/SCANNELL

2 CHAIRMAN EWASUTYN: The third  
3 and last agenda item this evening is  
4 Newburgh Commerce Center/Scannell -  
5 Route 17K. It's an amended site  
6 plan. It's in an IB Zone.

7 Chuck Utschig, are you --

8 MR. UTSCHIG: Yes, sir.

9 Good evening. For the record,  
10 my name is Chuck Utschig with the  
11 firm of Langan Engineering  
12 representing Scannell Properties.

13 We're here before the Board  
14 tonight to discuss a modification to  
15 the drainage system. The original  
16 design took the discharge from the  
17 stormwater management system on the  
18 site, carried it through a piping  
19 system down 17K and discharged into  
20 the stream that is just to the east  
21 of the Kia dealership that runs  
22 underneath 17K.

23 We have been looking at some  
24 alternates to that. We have pursued  
25 an alternate that actually takes that

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2 discharge in a northerly direction  
3 and cuts across the back of the Kia  
4 property and discharges into the same  
5 stream but in a different location.  
6 Actually, we can do it in a way that  
7 we don't interfere with the stream or  
8 the streambed.

9 We've met with the Kia  
10 dealership. We have a handshake on  
11 an easement agreement, which we  
12 obviously would have to submit as  
13 part of the final application to make  
14 sure that everyone is comfortable  
15 that we have an easement. That  
16 eliminates the need for a large pipe  
17 as part of our roadway improvements  
18 on 17K. So it's really just a  
19 different way to discharge to the  
20 same general location. It's a place  
21 where this site naturally drained to  
22 before the Kia dealership, to be  
23 honest with you, got built. The  
24 natural pattern was in that  
25 direction. We're really just coming

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2 up with an alternate design that the  
3 developer feels is better for a  
4 variety of reasons.

5 We do have some comments from  
6 your staff, all of which are, we  
7 think, easily addressed or we can  
8 address them. I'd be glad to go  
9 through them if the Board would like  
10 me to.

11 CHAIRMAN EWASUTYN: Do you have  
12 the time?

13 MR. UTSCHIG: Yes.

14 CHAIRMAN EWASUTYN: Let's go  
15 through them.

16 MR. UTSCHIG: So the first  
17 comment kind of describes the change.  
18 I think that was the intent, if I'm  
19 not mistaken.

20 MR. HINES: It is.

21 MR. UTSCHIG: Pat can correct  
22 me if I'm wrong.

23 The second comment suggests  
24 that we should submit a copy of an  
25 executed easement agreement, which we



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2 are in the process of doing and  
3 intend to submit.

4 The third references a  
5 retaining wall. I'm assuming the  
6 retaining wall was the one that was  
7 part of the Kia property.

8 MR. HINES: No. It's the one  
9 behind that house.

10 MR. UTSCHIG: This piece here?

11 MR. HINES: Yes.

12 MR. UTSCHIG: That wall was  
13 actually part of --

14 MR. HINES: That was there. We  
15 do have a compare and contrast. It  
16 was on the computer screen.

17 MR. UTSCHIG: It's referring to  
18 a small retaining wall that we have  
19 where this residential property jogs  
20 in. That was part of the approved  
21 plan. It's about a 4 or 5 foot high  
22 wall. That has not changed as a  
23 result of this drainage pipe. It's  
24 what was on the plans that the Board  
25 reviewed and approved.

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2 Mr. Hines notes that this is a  
3 deep installation. It's 25 feet. We  
4 do not intend to blast. If we have  
5 to remove rock, we will do it the old  
6 fashioned way. We do intend on going  
7 out and doing borings in those  
8 specific locations so that we know  
9 what we're up against before we open  
10 the hole. The intent is not to  
11 blast. We don't intend on blasting  
12 on the rest of the site, and we don't  
13 want to have to do it for this  
14 installation.

15 MR. HINES: Did you have any  
16 test borings in that area previously?

17 MR. UTSCHIG: We do have some.  
18 The rocks vary between 10 and 14 or  
19 15 feet. They tend to be a little  
20 bit further down in this direction.  
21 We're going to drill -- we're going  
22 to do test borings right over the  
23 pipe location. This is a sensitive  
24 piece of work. When we start to dig  
25 that material out we want to make

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2 sure we know how to progress this  
3 quickly and efficiently because we  
4 don't want to leave the hole open.  
5 We're coming into winter months. The  
6 material that we're going to be  
7 taking out is sensitive to moisture.  
8 There are a couple of things that  
9 come into play, so we want to be very  
10 careful with this. We understand the  
11 issue but we do not intend to blast.

12 Last, we've been asked to  
13 verify that this pipe system will  
14 handle the peak discharges from the  
15 stormwater management basins, and we  
16 will demonstrate that it does.

17 MR. HINES: That question is  
18 because the previous pipes were steep  
19 slopes and these are at a minimum  
20 pitch, I just want to make sure it  
21 has that discharge.

22 MR. UTSCHIG: I understand.  
23 It's been sized and we'll submit the  
24 calculations. We flattened out the  
25 pipe in this run because we wanted to

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2 reduce the velocity that was coming  
3 out of the pipe so we didn't create  
4 an erosion problem between the end of  
5 the pipe and the culvert and the  
6 stream itself. I'll submit the  
7 necessary calculations to demonstrate  
8 we meet that discharge requirement.

9 CHAIRMAN EWASUTYN: Dominic  
10 Cordisco with Drake, Loeb, I think  
11 you had some conversation on this  
12 with others. Do you want to give us  
13 your interpretation of where we might  
14 be?

15 MR. CORDISCO: Based on the  
16 update we've gotten tonight, we  
17 understand that there's a handshake  
18 agreement with Kia for an easement.  
19 New York State is an of record state  
20 which means that an interest in real  
21 property has to be reduced to  
22 writing, it has to be signed and it  
23 has to be recorded in the County  
24 Clerk's office so that the entire  
25 world knows of the existence of an

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2 easement. While I think that the  
3 Board can certainly consider this as  
4 an amendment to its existing  
5 approvals, however the construction  
6 of the pipeline would not occur until  
7 we actually have proof that the  
8 easement in fact does exist.

9 MR. UTSCHIG: Understood.

10 MR. CORDISCO: Otherwise you  
11 would be laying the pipe heading in  
12 the direction towards the neighbor's  
13 property without having their  
14 permission. So I think that that's a  
15 key condition of any approval of the  
16 Board.

17 The Board has granted, by my  
18 count, four approvals for this  
19 project so far. The first one was a  
20 clearing permit to allow them to take  
21 the trees down and avoid the bat  
22 restrictions. The second was a  
23 clearing and grading permit which  
24 allowed initial site work to commence  
25 beyond tree clearing. They received

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2 site plan approval and most recently  
3 a site plan amendment approval to  
4 deal with the reconstructed or  
5 reconfigured access out to 17K.

6 If the Board wants to consider  
7 this, be mindful of the conditions in  
8 the site plan approval resolution  
9 which said that no building permits  
10 could be issued until a highway work  
11 permit was issued by the DOT. We  
12 understand that that's in process but  
13 it's on a separate tract. The key  
14 issue there would be whether or not  
15 this pipe could be considered as part  
16 of the grading process that's been  
17 previously approved and perhaps could  
18 be amended to allow this pipe to be  
19 put into place as part of that  
20 approval, as well as for the site  
21 plan amendment based on the  
22 reconfigured stormwater features on  
23 the site.

24 If the Board is inclined to  
25 consider that, a couple other

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2 procedural aspects I would suggest  
3 for your consideration is that  
4 consistent with the prior site plan  
5 amendment, the Board deemed it to be  
6 not a significant level that would  
7 require re-referral to the County  
8 Planning Department, and so that was  
9 a determination that the Board had  
10 made.

11 Then secondly, there is a  
12 discretionary public hearing  
13 associated with the site plan  
14 amendment. The Board should decide  
15 whether or not a public hearing would  
16 be required.

17 Those are the procedural steps.  
18 I'm happy to address any other  
19 comments or concerns that you may  
20 have.

21 CHAIRMAN EWASUTYN: Thank you.  
22 Comments from Board Members.  
23 John Ward?

24 MR. WARD: The easement, help  
25 me here. You knew about it. What's

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2 taking so long to get it?

3 MR. UTSCHIG: When you say we  
4 knew about it, --

5 MR. WARD: Well --

6 MR. UTSCHIG: -- I'm not sure I  
7 understand -- I'm trying to  
8 understand your question. As the  
9 client decided to look at  
10 alternatives to this drainage outfall  
11 -- it was a fairly unusual situation  
12 for a property like this not to have  
13 a more clean cut point to discharge.  
14 Obviously we came up with this  
15 solution to go down 17K. We pursued  
16 alternatives. To be honest with you,  
17 we looked at probably four or five  
18 other ways to handle the discharge  
19 from these basins. This was the one  
20 that we settled on. As soon as we  
21 did, we went to Kia as fast as we  
22 could to make sure that we had their  
23 blessing on the easement, because  
24 without that this wouldn't work. So  
25 we did try to pursue it as quickly as



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2 we could. It was not one of our  
3 first choices. We looked at trying  
4 to use the culvert that's to the west  
5 of the site that goes underneath 17K.  
6 That doesn't work from a capacity and  
7 elevation perspective. We looked at  
8 trying to go back towards the A Duie  
9 Pyle site in the back. We looked at  
10 a variety of ways to try and come up  
11 with an alternate discharge point.  
12 Once we landed on this, the client  
13 immediately pursued the easement from  
14 Kia.

15 MR. WARD: What I'm emphasizing  
16 is with the pipe you want to dig and  
17 everything else, but do you have a  
18 date to get that easement? Like next  
19 week we're meeting with the lawyer,  
20 whatever.

21 MR. UTSCHIG: So the client met  
22 today with Kia. They have sent it to  
23 their lawyers. We expect to have the  
24 document hopefully executed next week.

25 MR. WARD: That was the answer.

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2 MR. UTSCHIG: I'm sorry. I  
3 could have said that faster. I  
4 apologize. Now we're just waiting  
5 for them.

6 MR. WARD: Thank you.

7 MR. WILSON: To be honest, the  
8 easement has been in their hands for  
9 over two weeks. It's more so just an  
10 administrative thing.

11 MR. WARD: Thank you.

12 CHAIRMAN EWASUTYN: Dave Dominick?

13 MR. DOMINICK: Refresh my  
14 memory. What is the parking spot  
15 count for visitors and employees? A  
16 rough estimate.

17 CHAIRMAN EWASUTYN: I was going  
18 to say 176.

19 MR. UTSCHIG: I don't have  
20 anything with me that gives me that  
21 information. I'm sorry.

22 MR. DOMINICK: That's fine. I  
23 just wanted to hear the number. Can  
24 we add one, possibly two -- let's say  
25 one EV spot, charging spot?

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2 MR. WILSON: Do you have a  
3 proposed location?

4 MR. DOMINICK: No. Probably  
5 somewhere near the office or across  
6 on the other side.

7 MR. WILSON: So would it be a  
8 possibility to not add any more  
9 physical parking spots but just make  
10 a couple of them --

11 MR. HINES: They would still  
12 count towards your parking count.

13 MR. UTSCHIG: We could convert  
14 -- we could add an island to put the  
15 equipment that you need next to one  
16 of the existing parking spaces and  
17 just identify it as an EV station, if  
18 that's okay. The count would stay  
19 the same, we'd just find a place to  
20 put the equipment. We need a four or  
21 five foot island next to it to put  
22 the piece of charging equipment.

23 MR. WILSON: I think if it's a  
24 question of keeping the impervious  
25 surface the same, there should be no

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2 reason that won't work. If we need  
3 to change our parking lot for some  
4 reason, then it would make it more  
5 difficult.

6 MR. GALLI: 182, John, on the  
7 cars.

8 CHAIRMAN EWASUTYN: I wasn't  
9 that far off, even for a guy who  
10 can't remember your names.

11 MR. GALLI: That's the cars,  
12 John. 182.

13 MR. UTSCHIG: So we'll add one.

14 CHAIRMAN EWASUTYN: Cliff Browne?

15 MR. BROWNE: I'm good.

16 CHAIRMAN EWASUTYN: Stephanie  
17 DeLuca?

18 MS. DeLUCA: I'm good.

19 MR. GALLI: I'm good, John.

20 CHAIRMAN EWASUTYN: So the  
21 first question that we need to come  
22 to a decision on is does the Board  
23 want to have a public hearing on what  
24 right now we're considering to be an  
25 amended site plan and also an amended

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2 grading plan? Does the Planning  
3 Board want to have a public hearing.  
4 I'll poll the Board Members. Frank  
5 Galli?

6 MR. GALLI: I think we've been  
7 through public hearings on this  
8 numerous times. I don't think at  
9 this time it's a big enough change  
10 where we need another one.

11 CHAIRMAN EWASUTYN: Stephanie  
12 DeLuca?

13 MS. DeLUCA: I agree with Frank.

14 MR. BROWNE: Agreed.

15 MR. WARD: No.

16 MR. DOMINICK: Agreed.

17 CHAIRMAN EWASUTYN: Let the  
18 record show that the Planning Board  
19 waived a public hearing for the  
20 amended site plan and the amended  
21 clearing and grading permit.

22 I'll let Dominic Cordisco talk  
23 now as far as the amended site plan,  
24 the amended clearing and grading and  
25 the easement which will be part of a

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2 new resolution I believe.

3 MR. CORDISCO: Yes. So the new  
4 resolution -- there actually would be  
5 two because it would be an amended  
6 clearing and grading permit  
7 resolution and a second amended site  
8 plan approval resolution. They would  
9 obviously carry forward the  
10 conditions of all of the prior  
11 approvals.

12 The new conditions that I would  
13 suggest that you consider tonight  
14 would be receipt of the signed,  
15 executed easement with Kia.  
16 Secondly, addressing all of the  
17 outstanding technical comments from  
18 the Planning Board engineer. The  
19 third would be to make the site plan  
20 changes that were discussed here at  
21 the Board's meeting tonight regarding  
22 electrical vehicle charging stations.

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

25 MR. CORDISCO: The last one

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2 would only be in connection with the  
3 site plan approval. It's not necessary  
4 for the clearing and grading.

5 MR. HINES: Realizing at work  
6 session we discussed that typically  
7 the installation of the utilities  
8 would be deferred to the site plan, I  
9 know you have some scheduling issues.  
10 The grading plan amendment would also  
11 address the installation of the pipe,  
12 because it's integral to the clearing  
13 and grading plan as you have no other  
14 way to discharge stormwater from the  
15 site. It's not a typical thing we  
16 would do. Realizing that you can't  
17 do the clearing and grading without  
18 having a positive outfall on the  
19 site, I think that would be  
20 incorporated into the resolution.

21 MR. CORDISCO: That's correct.  
22 That would be incorporated into the  
23 clearing and grading resolution.

24 MR. HINES: To allow that pipe.

25 MR. CORDISCO: We're putting

1 NEWBURGH COMMERCE CENTER/SCANNELL

2 this in the clearing and grading  
3 basket to accommodate your request to  
4 be deemed, because otherwise it would  
5 require a building permit and all the  
6 other conditions.

7 MR. HINES: It would require a  
8 stamped site plan. It's clearly an  
9 integral part of the clearing and  
10 grading as well.

11 MR. UTSCHIG: Really this is  
12 the only piece that we want to do  
13 because it is integral. There's a  
14 whole list of things that come into  
15 play. The rest of the utilities and  
16 the rest of the site improvements  
17 would tend to fall in line when we  
18 get all the conditions, plans signed,  
19 the normal process.

20 CHAIRMAN EWASUTYN: Okay. So  
21 having heard the conditions for an  
22 amended site plan and also an amended  
23 clearing and grading application,  
24 realizing that the easement has to be  
25 in hand as part of the action, and a



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2 consideration of charging stations  
3 for electric vehicles -- have we  
4 stated it clearly enough?

5 MR. CORDISCO: That and in  
6 response to Mr. Hines' technical  
7 comments that he's addressed tonight.

8 CHAIRMAN EWASUTYN: Would  
9 someone make a motion to grant the  
10 installation of the pipe subject to  
11 the conditions that were stated for  
12 the two amended resolutions and the  
13 receipt of the easement and technical  
14 comments?

15 MR. WARD: So moved.

16 MR. DOMINICK: Second.

17 CHAIRMAN EWASUTYN: I have a  
18 motion by John Ward. In far away  
19 land we have a second by Dave  
20 Dominick. May I please have a roll  
21 call vote starting with Frank Galli.

22 MR. GALLI: Aye.

23 MS. DeLUCA: Aye.

24 CHAIRMAN EWASUTYN: Aye.

25 MR. BROWNE: Aye.

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2 MR. WARD: Aye.

3 MR. DOMINICK: Aye.

4 CHAIRMAN EWASUTYN: Motion  
5 carried. Thank you.

6 MR. UTSCHIG: Thank you.

7

8 (Time noted: 7:47 p.m.)

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NEWBURGH COMMERCE CENTER / SCANNELL

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 22nd day of September 2022.

*Michelle Conero*  
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MICHELLE CONERO

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

- - - - - X  
In the Matter of

HAMMOND SUBDIVISION  
(2020-08)

Request for a Six-Month Extension from  
September 15, 2022 until March 16, 2023

- - - - - X

BOARD BUSINESS

Date: September 15, 2022  
Time: 7:48 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

- - - - - X

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

1 HAMMOND SUBDIVISION

2 CHAIRMAN EWASUTYN: We only  
3 have one other item. It's a Board  
4 business item.

5 Cliff, would you read this,  
6 please?

7 MR. BROWNE: It's a letter  
8 dated August 30, 2022. "John  
9 Ewasutyn, Chairman, Town of Newburgh  
10 Planning Board, 21 Hudson Valley  
11 Professional Plaza, Newburgh, New  
12 York 12550. Planning Board file  
13 2020-08. Minor residential  
14 subdivision for John and Carmen  
15 Hammond. Section 1; Block 1; Lot  
16 63.23. Our file number 3639. Dear  
17 Chairman Ewasutyn and Board Members,  
18 I am writing on behalf of my clients,  
19 John and Carmen Hammond, whose signed  
20 approval for the above-referenced  
21 project is scheduled to expire during  
22 October 2022. Mr. and Ms. Hammond  
23 are currently in the process of  
24 marketing the premises for sale but  
25 no closing is expected to occur prior

1 HAMMOND SUBDIVISION

2 to the current approval expiration  
3 date. For that reason my client is  
4 requesting a six-month extension of  
5 the approval date agreeable to the  
6 Board in April 2023. Kindly  
7 acknowledge receipt of this letter,  
8 place this matter on the next  
9 available Planning Board agenda for a  
10 discussion and action, and advise  
11 when scheduled so my client and I may  
12 appear, if requested, and answer any  
13 questions the Board may have in  
14 connection with the request. Thank  
15 you for your consideration of my  
16 clients' request. In the meantime,  
17 if you have any questions, please do  
18 not hesitate to contact me. Very  
19 truly yours, Bob A. Kelson."

20 CHAIRMAN EWASUTYN: Pat, are  
21 you looking up the dates on that?

22 MR. HINES: You have meetings  
23 in April on April 6th and April 20th.

24 CHAIRMAN EWASUTYN: And your  
25 recommendation to the Board?

1 HAMMOND SUBDIVISION

2 MR. HINES: The 6th would be  
3 prior to it expiring.

4 CHAIRMAN EWASUTYN: Dominic  
5 Cordisco, are you in agreement?

6 MR. CORDISCO: I agree.

7 CHAIRMAN EWASUTYN: Would  
8 someone move for a motion to grant an  
9 extension to the Hammond Subdivision,  
10 20-08, a six-month extension to  
11 expire on -- the 6th of April, did we  
12 say?

13 MR. HINES: Yes.

14 CHAIRMAN EWASUTYN: Would  
15 someone move for that?

16 MR. GALLI: So moved.

17 CHAIRMAN EWASUTYN: I have a  
18 motion by Frank Galli.

19 MS. DeLUCA: Second.

20 CHAIRMAN EWASUTYN: I have a  
21 second by Stephanie DeLuca. May I  
22 please have a roll call vote starting  
23 with Frank Galli.

24 MR. GALLI: Aye.

25 MS. DeLUCA: Aye.

1 HAMMOND SUBDIVISION

2 CHAIRMAN EWASUTYN: Aye.

3 MR. BROWNE: Aye.

4 MR. WARD: Aye.

5 MR. DOMINICK: Aye.

6 CHAIRMAN EWASUTYN: Would  
7 someone move for a motion to close  
8 the Planning Board meeting of the  
9 15th of September?

10 MR. GALLI: So moved.

11 MS. DeLUCA: Second.

12 CHAIRMAN EWASUTYN: I have a  
13 motion by Frank Galli. I have a  
14 second by Stephanie DeLuca. May I  
15 please have a roll call vote.

16 MR. GALLI: Aye.

17 MS. DeLUCA: Aye.

18 CHAIRMAN EWASUTYN: Aye.

19 MR. BROWNE: Aye.

20 MR. WARD: Aye.

21 MR. DOMINICK: Aye.

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23 (Time noted: 7:55 p.m.)

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HAMMOND SUBDIVISION

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 22nd day of September 2022.

*Michelle Conero*  
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MICHELLE CONERO