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

----- X  
In the Matter of

VERIZON WIRELESS  
(2022-18)

Pressler Road  
Section 4; Block 2; Lot 43  
AR Zone

----- X

NEW CELL TOWER

Date: October 6, 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  
KEN MENNERICH  
CLIFFORD C. BROWNE  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVES: SCOTT OLSON

----- X

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

1 VERIZON WIRELESS

2 CHAIRMAN EWASUTYN: The  
3 Planning Board would like to welcome  
4 you to our meeting of the 6th of  
5 October. This evening we have six  
6 agenda items, one of which is a  
7 public hearing.

8 At this point we'll call the  
9 meeting to order with a roll call  
10 vote starting with Frank Galli.

11 MR. GALLI: Present.

12 MR. MENNERICH: Present.

13 CHAIRMAN EWASUTYN: Present.

14 MR. BROWNE: Present.

15 MR. DOMINICK: Present.

16 MR. WARD: Present.

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

19 MS. CONERO: Michelle Conero,  
20 Stenographer.

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

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

25 MR. MILLS: Colin Mills, HDR

1 VERIZON WIRELESS

2 Engineering.

3 CHAIRMAN EWASUTYN: At this  
4 point we'll turn the meeting over to  
5 Jim Campbell.

6 MR. CAMPBELL: All rise.

7 (Pledge of Allegiance.)

8 MR. CAMPBELL: Please turn off  
9 your cellphones or put them on vibrate.

10 CHAIRMAN EWASUTYN: Our first  
11 item on the agenda this evening is  
12 Verizon Wireless, application 22-18.  
13 It's a proposed new cell tower  
14 located on Pressler Road in an AR  
15 Zone. It's being represented by  
16 Tectonic Engineering.

17 MR. OLSON: Good evening. I'm  
18 Scott Olson from Young, Sommer.

19 There's not much to talk about  
20 from my perspective tonight. We did  
21 receive the HDR memorandum. I think  
22 it was dated September 20th. We're  
23 in the process of putting together a  
24 detailed response to that. We hope  
25 to have it in the next couple of

1 VERIZON WIRELESS

2 weeks.

3 One of the main issues I think  
4 in that memo is the balloon test.  
5 Obviously the recommendation from HDR  
6 was let's do it in a leaf-off  
7 condition, which we are very close  
8 to. Obviously we will do that. I  
9 think Mr. Musso suggested November 5th  
10 as a possible date. We have that  
11 available. It's a Saturday. It's  
12 pursuant to your Code. So we have  
13 that available. If that's the  
14 pleasure of the Board, you just have  
15 to let us know. I think we take care  
16 of the notice. It has to be noticed  
17 in your paper 14 and 7 days in  
18 advance. We'll do that if the Board  
19 would like it done on the 5th of  
20 November. I know we have  
21 availability the following Saturday  
22 also if that's an issue.

23 CHAIRMAN EWASUTYN: Colin, do  
24 you want to advise us on Mr. Olson's  
25 comments?

1 VERIZON WIRELESS

2 MR. MILLS: Yes. My name is  
3 Colin Mills, I work for HDR  
4 Engineering. We're the Town's  
5 Wireless Consultant.

6 As noted, a balloon test is  
7 forthcoming. We'll work with the  
8 applicant to develop protocols and  
9 procedures, and be out in the field  
10 as well on the same day.

11 In terms of whether the date  
12 would be the 5th or the following  
13 weekend, it can be at the pleasure of  
14 the Board. A slightly later time of  
15 the year will allow for a little bit  
16 more of a leaf-off condition which  
17 would be favorable. So the week  
18 after the 5th, that would be the  
19 12th, would be also acceptable if the  
20 Board would like for a leaf-off or  
21 closer to leaf-off.

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

24 MR. GALLI: The 5th is fine.

25 MR. MENNERICH: The 5th would

1 VERIZON WIRELESS

2 be still on daylight savings time.  
3 If you go the week longer, it gets  
4 dark earlier.

5 CHAIRMAN EWASUTYN: Good point.  
6 You're in favor of the 5th?

7 MR. MENNERICH: Yes.

8 MR. DOMINICK: The 5th.

9 Colin, what happens if it rains  
10 that day? Do you push it to the  
11 following week?

12 MR. MILLS: So there are  
13 protocols for that. I believe the  
14 following day -- the alternative date  
15 would be the following Sunday  
16 potentially.

17 MR. HINES: The next day.

18 MR. OLSON: It doesn't have to  
19 be a Sunday. I know Tectonic won't  
20 be out there on a Sunday. I think in  
21 your law it says it can be a Monday  
22 if you have a weather issue on the  
23 preferred date.

24 MR. MILLS: It can be scheduled  
25 for each consecutive day thereafter.

1 VERIZON WIRELESS

2 We can set it that way. That would  
3 be in the notice.

4 MR. OLSON: Exactly. Typically  
5 what we do is say this is the date.  
6 If it's November 5th, that's fine,  
7 and then you say however, in the  
8 event of inclement weather, we would  
9 move it to -- you know, it would be  
10 the Monday, basically, or the next  
11 available good weather day. We keep  
12 in contact with HDR and the Town so  
13 that if people want to call, they can  
14 be advised.

15 CHAIRMAN EWASUTYN: Cliff Browne?

16 MR. BROWNE: Good.

17 CHAIRMAN EWASUTYN: So what's  
18 our next step? The Board moves for a  
19 motion to set it for a balloon test  
20 on the --

21 MR. CORDISCO: Correct. And  
22 authorize the applicant to send out  
23 the required notices. I would  
24 recommend that you specify a rain  
25 date so that the notice will be clear

1 VERIZON WIRELESS

2 to everyone.

3 MR. OLSON: Would you like to  
4 see a copy of the notice prior to  
5 sending it?

6 MR. CORDISCO: Please.

7 MR. OLSON: Of course.

8 CHAIRMAN EWASUTYN: Send one to  
9 Dominic, Pat Hines.

10 MR. HINES: I just want to be  
11 careful that it's not a rain date.  
12 It could be a bright sunny day, but  
13 it could be too windy to fly the  
14 balloons.

15 MR. MENNERICH: It could snow,  
16 too.

17 MR. OLSON: Please don't. And  
18 if it is -- so typically if you're at  
19 10 mile-per-hour winds, they're going  
20 to call it off because the balloon is  
21 just floating way too much.

22 CHAIRMAN EWASUTYN: Okay. So  
23 then we'll move for a motion to have  
24 Scott Olson do the mailing. We'll  
25 set the date for the balloon test as



1 VERIZON WIRELESS

2 being the 5th with the understanding  
3 that in the notice there will be  
4 alternate days that it could happen.

5 Anything else?

6 MR. CORDISCO: No. The  
7 applicant at that point would be able  
8 to submit their results of the  
9 balloon test as well as the visual  
10 impact assessment, along with any of  
11 the other items that had been  
12 specified by HDR in their memo. At  
13 that point the Board can review the  
14 application for completeness.

15 It's important to note, we did  
16 this last time but I want to make  
17 sure that everyone is on the same  
18 page, that the shot clock is not  
19 running yet because the application  
20 has not been deemed complete by the  
21 Board.

22 MR. OLSON: Correct. If the  
23 Board prefers, I can submit the  
24 information requested by HDR but for  
25 the visual first, or I can put it all

1 VERIZON WIRELESS

2 together in one package.

3 CHAIRMAN EWASUTYN: Colin, how  
4 would you advise us? We discussed  
5 this during the work session.

6 MR. MILLS: I think it's good  
7 to have one complete package so you  
8 don't end up with lots of  
9 intermittent stuff along the way.  
10 It's a little bit clearer for  
11 everybody involved.

12 CHAIRMAN EWASUTYN: We'll wait  
13 until after the balloon test to  
14 consolidate all of the information.

15 MR. OLSON: We'll submit it all  
16 at once.

17 MR. CORDISCO: If I may,  
18 submitting additional information,  
19 while it might be helpful, it  
20 wouldn't result in the Board being  
21 able to deem the application complete  
22 because the visual impact analysis of  
23 the balloon test would remain  
24 outstanding.

25 MR. OLSON: Agreed. I guess it

1 VERIZON WIRELESS

2 gives the other consultants more time  
3 to put together their information.

4 CHAIRMAN EWASUTYN: It seems  
5 like we're all in agreement. Would  
6 someone then make the motion?

7 MR. WARD: I'll make the motion.

8 MR. DOMINICK: Second.

9 CHAIRMAN EWASUTYN: I have a  
10 motion by John Ward, I have a second  
11 by Dave Dominick to schedule the  
12 balloon test for the 5th of November.  
13 Can I have a roll call vote starting  
14 with Frank Galli.

15 MR. GALLI: Aye.

16 MR. MENNERICH: Aye.

17 CHAIRMAN EWASUTYN: Aye.

18 MR. BROWNE: Aye.

19 MR. DOMINICK: Aye.

20 MR. WARD: Aye.

21 MR. OLSON: Thank you very  
22 much. Have a nice night.

23

24 (Time noted: 7:07 p.m.)

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VERIZON WIRELESS

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 October 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

IRON CHEF  
(2022-09)

101 North Plank Road  
Section 75; Block 1; Lot 8  
B Zone

----- X

AMENDED SITE PLAN

Date: October 6, 2022  
Time: 7:08 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: STEVEN BURNS

----- X

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

1        I R O N   C H E F

2                    CHAIRMAN EWASUTYN:  Our second  
3                    item today is Iron Chef, an amended  
4                    site plan.  It's in a B Zone, located  
5                    at 101 North Plank Road.  It's being  
6                    represented by Burns Engineering.

7                    MR. BURNS:  Good evening.

8                    CHAIRMAN EWASUTYN:  Good evening.

9                    MR. BURNS:  We're back again  
10                    tonight.  Since last time we talked,  
11                    we had circulated to Orange County  
12                    Planning.

13                    New York State DOT has gotten  
14                    back to us as well as the City of  
15                    Newburgh on our flow confirmation  
16                    letter.  It looks like everything is  
17                    pretty much taken care of.

18                    We don't have a problem with  
19                    identifying no residential use  
20                    upstairs for the lounge area and  
21                    employee rest area.

22                    I think that that pretty much  
23                    wraps things up on our end.

24                    I'd like to request, if  
25                    possible, that we can waive the

1        I R O N   C H E F

2            public hearing requirement. We did  
3            have a public hearing for the Zoning  
4            Board of Appeals for our area variance.

5            CHAIRMAN EWASUTYN: Were there  
6            any attendees, any comments at their  
7            public hearing?

8            MR. BURNS: No.

9            CHAIRMAN EWASUTYN: Okay.

10          MR. BURNS: 96 notices went out.

11          CHAIRMAN EWASUTYN: Now would  
12          be a good time to ask the Members if  
13          they want to have a public hearing or  
14          waive the public hearing.

15          Frank Galli?

16          MR. GALLI: Waive it.

17          MR. MENNERICH: Waive it.

18          CHAIRMAN EWASUTYN: Waive it.

19          MR. DOMINICK: Waive it.

20          MR. WARD: Waive it.

21          MR. BROWNE: Waive it.

22          CHAIRMAN EWASUTYN: Let the  
23          record show that the Planning Board  
24          is waiving the public hearing on Iron  
25          Chef. We're basing our decision on

1        I R O N   C H E F

2            the fact that the same application  
3            appeared before the Zoning Board of  
4            Appeals. There was a mailing of 96  
5            people within the 500-foot radius and  
6            there were no attendees, no comments.  
7            The Board bases their decision to  
8            waive it on that matter.

9            Pat, do you want to bring us  
10           along?

11           MR. HINES: Yes. I concur, Mr.  
12           Burns has touched on each one of our  
13           points.

14           The City of Newburgh flow  
15           acceptance letter has been received.

16           We received the County Planning  
17           comments with a Local determination.

18           DOT has signed off on the  
19           existing driveway.

20           The note that says there's no  
21           residential use of the second floor  
22           should be added to the plans.

23           The applicants have complied  
24           with our previous comments, including  
25           notes that require paving of the



1 IRON CHEF

2 parking lot.

3 I think Mr. Campbell has more.

4 MR. CAMPBELL: On the handicap  
5 parking spot, I think you need to  
6 make one van accessible.

7 MR. BURNS: I can hatch out the  
8 area for you. There's sufficient  
9 space there. I just never put the  
10 8-foot hatched line in there. I can  
11 easily take care of that.

12 CHAIRMAN EWASUTYN: Dominic  
13 Cordisco, can you give us the  
14 conditions for approval?

15 MR. CORDISCO: Yes. The only  
16 conditions that I'm noting that would  
17 need to be done would be the just  
18 mentioned handicap space being made  
19 van accessible and a note being added  
20 to the plan indicating that no  
21 residential use of the property is  
22 permitted.

23 MR. BURNS: Okay.

24 CHAIRMAN EWASUTYN: Having  
25 heard from our consultants, Pat Hines

1        I R O N   C H E F

2            of McGoey, Hauser & Edsall, the  
3            comment received from Jim Campbell of  
4            the Building Department, and the  
5            verbiage for the final resolution  
6            presented by Planning Board Attorney  
7            Dominic Cordisco, would someone make  
8            a motion to approve the amended site  
9            plan for Iron Chef?

10            MR. WARD:    So moved.

11            MR. MENNERICH:    Second.

12            CHAIRMAN EWASUTYN:    I have a  
13            motion by John Ward.    I have a second  
14            by Ken Mennerich.    Can I please have  
15            a roll call vote starting with Frank  
16            Galli.

17            MR. GALLI:    Aye.

18            MR. MENNERICH:    Aye.

19            CHAIRMAN EWASUTYN:    Aye.

20            MR. BROWNE:    Aye.

21            MR. DOMINICK:    Aye.

22            MR. WARD:    Aye.

23            MR. HINES:    That was a Type 2  
24            action so we need no SEQRA.

25            MR. CORDISCO:    Correct.

1        I R O N   C H E F

2                    CHAIRMAN EWASUTYN:    Type 2.

3                    All right.

4                    MR. BURNS:    Thank you.

5                    How many copies are you going  
6                    to need of the revised plan?

7                    CHAIRMAN EWASUTYN:    Are you  
8                    going to drop them off right now?

9                    MR. BURNS:    I can drop them off  
10                   the beginning of next week.

11                   CHAIRMAN EWASUTYN:    I need to  
12                   know when they're coming in, because  
13                   that way I can let them know up front  
14                   that they're coming in, that way I  
15                   can plan my evening to sign them that  
16                   night.

17                   MR. BURNS:    Okay.

18                   CHAIRMAN EWASUTYN:    As a  
19                   general, I'll sign the mylar and four  
20                   paper sets.    Let's just coordinate  
21                   the day you're going to deliver them.

22                   MR. BURNS:    I'll give you a  
23                   call on Monday.

24                   CHAIRMAN EWASUTYN:    Monday is a  
25                   holiday.    Is it not?

1        I R O N   C H E F

2                    MR. WARD:    Yes.

3                    MR. BURNS:   I'll give you a  
4                    call on Tuesday.

5                    MR. HINES:    Steve, if you could,  
6                    PDF that to me first so I can just  
7                    make sure those two changes are done.

8                    MR. BURNS:    Will do.    I'll get  
9                    that out to you tomorrow.

10

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

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IRON CHEF

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 October 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

CROSSROADS CONSTRUCTION  
(2022-15)

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

----- X

PUBLIC HEARING  
THREE-LOT SUBDIVISION

Date: October 6, 2022  
Time: 7:14 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: REUBEN BUCK

----- X

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

1       CROSSROADS CONSTRUCTION

2                   CHAIRMAN EWASUTYN: Our next  
3                   item, item number 3, is Crossroads  
4                   Construction. It's a public hearing  
5                   for a three-lot subdivision located  
6                   on Union Avenue in an R-3 Zone. It's  
7                   being represented by Engineering &  
8                   Surveying Properties.

9                   Ken Mennerich will read the  
10                  notice of hearing.

11                  MR. MENNERICH: "Notice of  
12                  hearing, Town of Newburgh Planning  
13                  Board. Please take notice that the  
14                  Planning Board of the Town of  
15                  Newburgh, Orange County, New York  
16                  will hold a public hearing pursuant  
17                  to Section 276 of the New York State  
18                  Town Law on the application of  
19                  Crossroads Construction, project  
20                  2022-15. The project is a proposed  
21                  three-lot subdivision located off of  
22                  Union Avenue in the Town of Newburgh.  
23                  The project is a 5.8 plus or minus  
24                  acre parcel of property proposed to  
25                  be subdivided into three new

## 1       CROSSROADS CONSTRUCTION

2           residential lots which range in size  
3           from .04 acres to the balance parcel  
4           being 3.97 plus or minus acres. The  
5           lots will be served by connections to  
6           the Town of Newburgh potable water  
7           system and will have an onsite  
8           subsurface sanitary sewer disposal  
9           system. Lots 2 and 3 will share a  
10          common driveway from Union Avenue.  
11          Lot 1 will be served by its own  
12          access drive. The project site is  
13          known on the Town tax maps as  
14          Section 62; Block 3; Lot 5. The  
15          project is located in the Town's R-3  
16          Zoning District. A public hearing  
17          will be held on the 6th day of  
18          October 2022 at the Town Hall Meeting  
19          Room, 1496 Route 300, Newburgh, New  
20          York at 7 p.m. or as soon thereafter  
21          as can be heard, at which time all  
22          interested persons will be given an  
23          opportunity to be heard. By order of  
24          the Town of Newburgh Planning Board.  
25          John P. Ewasutyn, Chairman, Planning



1       CROSSROADS CONSTRUCTION

2               Board Town of Newburgh. Dated 12  
3               September 2022."

4                       CHAIRMAN EWASUTYN: I'm sorry,  
5               I don't remember your name.

6                       MR. BUCK: Reuben Buck.

7                       CHAIRMAN EWASUTYN: Reuben, please.

8                       MR. BUCK: Reuben Buck, Engineering  
9               Properties, here on behalf of the  
10              applicant.

11                      As was mentioned, we're  
12              proposing a three-lot subdivision on  
13              Union Avenue, just south of  
14              Gardnertown Road. Lot 1 will have  
15              its own driveway to Union Avenue.  
16              Lots 2 and 3 will share a driveway.

17                      All lots will be serviced by a  
18              private septic system and public  
19              water.

20                      That's pretty much it. It's a  
21              fairly simple project.

22                      What we've got shown here is we  
23              have an overall plan showing the  
24              remainder of lot 3. Most of lot 3 is  
25              unusable land due to floodplain and

1       CROSSROADS CONSTRUCTION

2               wetland area.

3               I'll be happy to answer any  
4       questions the public or the Board may  
5       have.

6               CHAIRMAN EWASUTYN: I'll turn  
7       it over to the public. Is there  
8       anyone here this evening that has any  
9       questions or comments?

10              (No response.)

11              CHAIRMAN EWASUTYN: All right.  
12       There were no comments from the  
13       public. There is no public attending  
14       the public hearing.

15              At this point we'll turn to the  
16       Planning Board Members. Frank Galli?

17              MR. GALLI: No additional comment.

18              MR. MENNERICH: No questions.

19              MR. BROWNE: No questions.

20              MR. DOMINICK: No questions.

21              MR. WARD: Nothing.

22              CHAIRMAN EWASUTYN: Jim Campbell?

23              MR. CAMPBELL: Nothing additional.

24              CHAIRMAN EWASUTYN: Pat Hines?

25              MR. HINES: A couple of items.

1       CROSSROADS CONSTRUCTION

2               The driveway access and maintenance  
3               agreement for the shared driveway  
4               will need to be filed.

5               The project requires coverage  
6               under the DEC construction stormwater  
7               permit.

8               We just have a comment that  
9               note 12 needs to be modified slightly.

10              With those three conditions, we  
11              are recommending conditional final  
12              approval.

13              CHAIRMAN EWASUTYN: For the  
14              record, it makes it easier if it's  
15              stated in the resolution, the  
16              recreation fee would be how much?

17              MR. HINES: \$4,000.

18              CHAIRMAN EWASUTYN: Thank you.  
19              That helps with the return of the rec  
20              money.

21              MR. CORDISCO: That's \$2,000  
22              per lot. There are two additional  
23              lots that are being created.

24              CHAIRMAN EWASUTYN: Very good.  
25              Dominic Cordisco, can you give us the

1       CROSSROADS CONSTRUCTION

2               conditions of approval for the  
3               three-lot subdivision of Crossroads  
4               Construction?

5                       MR. CORDISCO:  Yes.  The  
6                       conditions would include the shared  
7                       driveway access and maintenance  
8                       agreement, coverage under the DEC's  
9                       general permit for stormwater discharge  
10                      from construction activities.  The  
11                      third one I'm missing.

12                     MR. HINES:  Note 12 would be  
13                     modified to require an as-built  
14                     certification submitted to the  
15                     Building Department prior to issuance  
16                     of a certificate of occupancy on any  
17                     lot.

18                     MR. CORDISCO:  Thank you.  In  
19                     addition to that, the Board would  
20                     make a determination that  
21                     recreational fees for two new lots  
22                     would be due to the Town.

23                     CHAIRMAN EWASUTYN:  Okay.  For  
24                     a total of \$4,000?

25                     MR. CORDISCO:  Correct.

1           CROSSROADS CONSTRUCTION

2                   CHAIRMAN EWASUTYN:  Having  
3           heard the conditions of approval  
4           presented by our Attorney, Dominic  
5           Cordisco, would someone then move for  
6           a motion to approve this three-lot  
7           subdivision?

8                   MR. DOMINICK:  I'll make a motion.

9                   MR. WARD:  Second.

10                  CHAIRMAN EWASUTYN:  I have a  
11           motion by Dave Dominick.  I have a  
12           second by John Ward.  We'll have a  
13           roll call vote starting with John  
14           Ward.

15                  MR. WARD:  Aye.

16                  MR. DOMINICK:  Aye.

17                  MR. BROWNE:  Aye.

18                  CHAIRMAN EWASUTYN:  Aye.

19                  MR. MENNERICH:  Aye.

20                  MR. GALLI:  Aye.

21                  MR. BUCK:  Thank you.

22

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

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CROSSROADS CONSTRUCTION

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 October 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

BRITAIN WOODS  
(2022-17)

442 Little Britain Road (NYS Route 207)  
Section 97; Block 1; Lots 32.1, 32.2, 32.3 & 40.1  
R-3 Zone

- - - - - X

258-UNIT MULTI-FAMILY

Date: October 6, 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  
KEN MENNERICH  
CLIFFORD C. BROWNE  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVES: ROSS WINGLOVITZ

- - - - - X

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

1 BRITAIN WOODS

2 CHAIRMAN EWASUTYN: The Planning  
3 Board's fourth item of business this  
4 evening is Britain Woods. It's a  
5 proposed 258-unit multi-family plan.  
6 It's located on 442 Little Britain  
7 Road. It's in an R-3 Zone. The  
8 representatives are Engineering &  
9 Surveying Properties.

10 Good evening.

11 MR. WINGLOVITZ: Good evening.  
12 Ross Winglovitz, Engineering &  
13 Surveying Properties here on behalf  
14 of Farrell Buildings.

15 This was an application that we  
16 initially presented to you at the  
17 August 4th meeting. The Board, at  
18 that point, circulated for lead  
19 agency. We also presented some  
20 preliminary architecture that there  
21 were concerns about.

22 What we tried to do in this  
23 resubmission is address some of the  
24 Board's concerns and your engineer's  
25 concerns regarding the layout. We



1 BRITAIN WOODS

2 made some minor modifications to the  
3 layout.

4 The sidewalk has been brought  
5 down to the State highway with the  
6 kiosk.

7 We've actually increased the  
8 size of the parking lot, figuring you  
9 could have a dual use. One, it could  
10 service the clubhouse. Two, it could  
11 also service the parents that will be  
12 parking here for the kids to walk to  
13 the bus stop at the front of the site.

14 We've also reduced the large  
15 buildings -- eliminated the large  
16 buildings in favor of smaller  
17 buildings. There were several  
18 buildings that were 40 units, 42  
19 units. Based on some of the  
20 comments, we've gone back to the  
21 drawing board. It's the same basic  
22 layout. The road is in the same  
23 location. The entrance and exits  
24 haven't changed. We eliminated those  
25 very large buildings in favor of the

1       BRITAIN WOODS

2           smaller buildings which range from, I  
3           think, 21 to 27 units. We do have  
4           the same number of units as we had  
5           previously.

6           The garages are opposite the  
7           units. We can provide garage spaces,  
8           which have been very popular in the  
9           Farrell project here on Gardnertown  
10          Road.

11          There is a playground. That  
12          was one of the comments. There is a  
13          playground on, I guess that's the  
14          north side of the clubhouse.

15          There will be a pool and tennis  
16          courts, pickelball courts as far as  
17          recreation.

18          I also provided for the Board  
19          some more detailed architecture.  
20          They went back to the drawing board,  
21          so to speak, and have revised the  
22          architecture. The buildings are a  
23          little bit lower in scale and a  
24          little bit more proportioned here.  
25          We lightened them up. There were

1 BRITAIN WOODS

2 some dark colors used originally.  
3 We'll go over architectural detail  
4 more in the environmental impact  
5 statement. We wanted to show the  
6 Board that we did hear your concerns  
7 and we have tried to address them, at  
8 least initially in some, we think,  
9 much more appropriate architecture  
10 for this area.

11 We did get Pat's comments. The  
12 only one that I just wanted to  
13 discuss was the notice of lead agency  
14 and intent. In Pat's referral to  
15 Dominic regarding would the changes  
16 be substantive enough to require the  
17 lead agency notice being re-mailed,  
18 my position is that, you know, as we  
19 noted, it's a multi-family project.  
20 It's the same density. The road  
21 layout is the same. The entrance  
22 locations are the same. There's no  
23 significant change in the project  
24 that would bring in new impacts that  
25 wouldn't have been recognized in the

1 BRITAIN WOODS

2 initial circulation.

3 We would like to take the next  
4 step forward of the Board declaring  
5 itself lead agency and typing the  
6 project -- determining its  
7 significance of the project, whether  
8 it's we're going to proceed with the  
9 Part 3 or pos dec which this project  
10 was -- I think as Pat noted in his  
11 initial comments, it was originally  
12 pos dec'd back when it was presented  
13 when it included the abutting property.

14 I also did reach out to the  
15 City. We're scheduled for a workshop  
16 with the City, their workshop meeting  
17 is in the beginning of November, to  
18 go over their comments and get the  
19 process started with their office.  
20 It's for this section of the site  
21 that's in the City.

22 Other than that, I'd be glad to  
23 answer any questions or comments that  
24 the Board may have.

25 CHAIRMAN EWASUTYN: Before we

1 BRITAIN WOODS

2 turn to our consultants, we'll start  
3 with comments from the Members.

4 Frank Galli?

5 MR. GALLI: Nothing additional  
6 yet.

7 CHAIRMAN EWASUTYN: Ken Mennerich?

8 MR. MENNERICH: No. I have no  
9 questions.

10 CHAIRMAN EWASUTYN: Cliff Browne?

11 MR. BROWNE: I'll wait.

12 CHAIRMAN EWASUTYN: Dave Dominick?

13 MR. DOMINICK: No comment.

14 CHAIRMAN EWASUTYN: John Ward?

15 MR. WARD: No comment right now.

16 CHAIRMAN EWASUTYN: Who wants  
17 to take the lead, Dominic Cordisco or  
18 Pat Hines?

19 MR. CORDISCO: I'm happy to. I  
20 understand Mr. Winglovitz' comments  
21 regarding the fact that the  
22 circulation for lead agency doesn't  
23 need to occur again, and I concur  
24 that there's not -- while the project  
25 itself has had a number of changes

1 BRITAIN WOODS

2 since circulation, it doesn't change  
3 the jurisdiction of any of the other  
4 involved agencies, although they may  
5 have different concerns based on the  
6 changes. That in itself will play  
7 out as the project proceeds.

8 I had been under the impression  
9 that the applicant was actually  
10 requesting that the project receive a  
11 positive declaration, but I didn't  
12 hear that explicitly stated tonight.

13 MR. WINGLOVITZ: Not that we're  
14 requesting it. I know that Pat had  
15 brought it up initially and the  
16 original one was. I think we're  
17 assuming that that was the direction  
18 that the Board would head. We would  
19 much prefer to prepare a Part 3 EAF,  
20 an expanded Part 3, addressing any of  
21 the concerns you may have. There are  
22 a number of public -- a number of  
23 abutters here that are very interested  
24 in the project. Obviously a SEQRA  
25 EIS would be more protective of

1 BRITAIN WOODS

2 everybody.

3 MR. CORDISCO: I would concur  
4 in that as well, that an EIS is  
5 certainly more determinative overall  
6 of the process.

7 One of the comments that was  
8 included from the City of Newburgh,  
9 and I'm just focusing on one, was the  
10 lack of consent for tying into sewer  
11 as currently proposed. So given that  
12 that's one of their comments, other  
13 alternatives have to be evaluated  
14 throughout the process, and the  
15 proper framework for identifying  
16 those alternatives would be an EIS.  
17 The difficulty with proceeding with  
18 Part 3 where basically the studies  
19 are conducted and presented but not  
20 in context of an EIS is that if the  
21 studies themselves don't address all  
22 of the concerns, you can submit those  
23 studies, take up the time to do so  
24 and still result in a positive  
25 declaration after that's done.

1 BRITAIN WOODS

2 MR. WINGLOVITZ: That's a risk.

3 MR. CORDISCO: Yes, it's a  
4 risk. I actually think it's a more  
5 efficient process to go through the  
6 EIS. I certainly recommend to the  
7 Board that based on not only the  
8 history of this site with the prior  
9 positive declaration and the  
10 expressed concerns from other  
11 agencies, as well as clearly the  
12 concerns regarding water, sewer and  
13 traffic to name just a few, and I'm  
14 sure Mr. Hines has more to advise the  
15 Board, that the Board would be well  
16 within its purview to require the  
17 preparation of an EIS for this  
18 particular project.

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

21 MR. HINES: Yes. I had noted  
22 some potential environmental impacts,  
23 including the ones Dominic just said.

24 For traffic, we heard from the  
25 DOT. They're considering the project



1 BRITAIN WOODS

2 a major project as they responded to  
3 our lead agency coordination and have  
4 identified some traffic concerns that  
5 will need to be evaluated.

6 There are issues regarding  
7 water supply and whether this is in  
8 the Water District at this time.  
9 Those will need to be addressed.

10 Sanitary sewer was mentioned.

11 Stormwater management would be  
12 a potential environmental concern.

13 Cultural resources. I know  
14 that the previous EIS had listed  
15 resources on the adjoining property.  
16 They're relatively close so there may  
17 be some other cultural resource  
18 issues.

19 There are some Federal wetlands  
20 on the site that need to be addressed.

21 The combination of those  
22 potential environmental impacts and  
23 the other information in the EAF do  
24 lend themselves as a Type 1 action,  
25 greater than 10 acres disturbance to

1 BRITAIN WOODS

2 the project, which is more than  
3 likely to require a DEIS for the  
4 review.

5 I would also concur with  
6 Dominic that the EIS may be the way  
7 to go and may be more time efficient  
8 than going down the road and  
9 ultimately having to do that later.

10 The City of Newburgh had some  
11 extensive comments on the project,  
12 including impacts to their  
13 infrastructure. Their water mains  
14 are apparently -- I thought they were  
15 on the other side of the road, but  
16 they're apparently on this side of  
17 the road in that area. I'm not a  
18 hundred percent sure. Those will  
19 need to be shown on there and any  
20 impacts to those.

21 I do believe that we need to  
22 recirculate the adjoiners' notices  
23 because of the fact that in the  
24 section of the Code that requires the  
25 adjoiners' notices there is a caveat

1 BRITAIN WOODS

2 that an increase in the number of  
3 buildings requires a supplementary  
4 letter. It's the same number of  
5 units, however there were eight  
6 buildings before, there are ten now.  
7 I don't think it hurts. That  
8 adjoiners' notice could also advise  
9 the people within the mailing radius  
10 that the Board is making a SEQRA  
11 determination to head -- if in fact  
12 they do, to incorporate that in that  
13 revised notice.

14 Just a statement that anything  
15 that gets sent out to the other  
16 agencies, such as the Army Corp of  
17 Engineers, should be submitted to the  
18 Board for a complete record.

19 The front yard setback on a  
20 State highway needs to be 60. It  
21 doesn't impact the project. It's  
22 shown at 40 right now. There's a  
23 separate section of the Code I cited  
24 there that has 60 foot front yard  
25 setbacks on State highways.

1 BRITAIN WOODS

2 That's all we have at this point.

3 CHAIRMAN EWASUTYN: Jim Campbell  
4 with Code Compliance?

5 MR. CAMPBELL: Nothing additional  
6 at this time.

7 CHAIRMAN EWASUTYN: Dominic  
8 Cordisco, our next step now, we are  
9 doing the adjoiners' notice. How do  
10 we move forward coming up with a scope?

11 MR. CORDISCO: So the next step  
12 would be for the Board to actually  
13 adopt a positive declaration for this  
14 project. The positive declaration  
15 would be written up subsequent to  
16 this meeting and then sent out to all  
17 of the involved agencies. The basis  
18 for doing so would be based on the  
19 environmental impacts that Mr. Hines  
20 has identified as well as any other  
21 concerns that the Board Members may  
22 have.

23 I was hoping that the applicant  
24 would perhaps consider waiving the  
25 preparation of the Part 2 EAF since I

1 BRITAIN WOODS

2 think we can agree that there is at  
3 least the potential for significant  
4 environmental impacts associated with  
5 this project.

6 I'll remind the Board that you  
7 only need to find one potential  
8 significant impact in order to issue  
9 a positive declaration, and there  
10 certainly seems to be several  
11 associated with this particular  
12 project.

13 And then to answer your  
14 question, Mr. Chairman, regarding the  
15 scoping, scoping is now mandatory in  
16 New York. It has been for several  
17 years. So as a result, the next step  
18 in the process would be for the  
19 applicant to prepare a draft scope  
20 and submit it for the Board's  
21 consideration. The Board reviews it  
22 and when it's in a shape that's  
23 acceptable for public comment, then  
24 the public scoping session would be  
25 held regarding the draft scope.

1 BRITAIN WOODS

2 CHAIRMAN EWASUTYN: Okay. So  
3 number one; Ross, would you waive  
4 completing Part 2 of the EAF?

5 MR. WINGLOVITZ: Part 2. Yes,  
6 I would agree to waive that.

7 CHAIRMAN EWASUTYN: Let the  
8 record show that Engineering  
9 Properties has waived the completing  
10 of Part 2 of the EAF.

11 Let the record show that  
12 several positive environmental issues  
13 have been noted on this property,  
14 some of those being water, sewer and  
15 traffic, and at this point grading  
16 also more than 10 acres.

17 Let the record show that I am  
18 going to poll the Board Members to  
19 move to declare a positive  
20 declaration on the project before us  
21 this evening, which is Britain Woods.  
22 It's a 258-unit multi-family project.  
23 We're going to poll the Board Members  
24 to see if they want to move for a  
25 positive declaration.

1 BRITAIN WOODS

2 Frank Galli?

3 MR. GALLI: Yes.

4 CHAIRMAN EWASUTYN: Ken Mennerich?

5 MR. MENNERICH: Yes.

6 CHAIRMAN EWASUTYN: Yes.

7 Cliff Browne?

8 MR. BROWNE: Yes.

9 CHAIRMAN EWASUTYN: Dave Dominick?

10 MR. DOMINICK: Yes.

11 CHAIRMAN EWASUTYN: John Ward?

12 MR. WARD: Yes.

13 CHAIRMAN EWASUTYN: For my own  
14 short memory; Dominic Cordisco, the  
15 next step is Pat Hines will also  
16 recirculate the adjoiners' notice.  
17 In that notice he'll note the fact  
18 that at this point the Board has  
19 declared a positive declaration under  
20 SEQRA. Anything else that we should  
21 note?

22 MR. CORDISCO: No, sir. Not at  
23 this time.

24 CHAIRMAN EWASUTYN: Anything else?

25 MR. HINES: I'll prepare the

1 BRITAIN WOODS

2 positive dec -- the written positive  
3 declaration as well.

4 Should we post that now in the  
5 Environmental Notice bulletin or wait  
6 until we have the scoping dates?

7 MR. CORDISCO: I would post it now.

8 MR. HINES: Dates to be determined.

9 MR. CORDISCO: Correct. There  
10 will be a second notice for the  
11 scoping session when that's prepared.

12 CHAIRMAN EWASUTYN: We were  
13 thinking -- it's a little in advance,  
14 but we were thinking when we do have  
15 the public scoping, that we may -- as  
16 you noted earlier in your conversation,  
17 there are a lot of residents nearby that  
18 would have an interest. We may need  
19 to get the advice to hold this  
20 meeting. It's a little bit early.  
21 The Board thought we should begin  
22 thinking along those lines.

23 MR. WINGLOVITZ: Yes.

24 CHAIRMAN EWASUTYN: I guess  
25 that's it.



1 BRITAIN WOODS

2 MR. WINGLOVITZ: No problem.

3 Thank you very much.

4 Our next step is we'll prepare  
5 a draft scope. We will be looking to  
6 get that in to the Board for the  
7 first meeting in November.

8 CHAIRMAN EWASUTYN: I always  
9 love the way you establish your  
10 dates, your times, you know. Really.

11 MR. WINGLOVITZ: My own mind.

12

13 (Time noted: 7:35 p.m.)

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BRITAIN WOODS

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 October 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

BIG SHINE  
(2022-05)

300 Corporate Boulevard  
Section 95; Block 1; Lot 65  
IB Zone

- - - - - X

WAREHOUSE EXPANSION

Date: October 6, 2022  
Time: 7:35 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: AMADOR LAPUT  
and JOE BRUNNING

- - - - - X

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

1       BIG SHINE

2                   CHAIRMAN EWASUTYN: The fifth  
3                   item of business this evening is Big  
4                   Shine. It's a warehouse expansion.  
5                   It's located on 300 Corporate  
6                   Boulevard. It's in an IB Zone. It's  
7                   being represented by Fellenzer Engineering.

8                   MR. LAPUT: Good evening. My  
9                   name is Amador Laput and I'm with  
10                  Fellenzer Engineering. I'm standing  
11                  in for Brian Feldman. This is like a  
12                  wedding present for him because he's  
13                  getting married tomorrow.

14                 MR. HINES: He couldn't make it  
15                 tonight?

16                 MR. LAPUT: He couldn't make it  
17                 tonight. Go figure.

18                 So we've been to the ZBA. We  
19                 needed a variance for 500 feet from  
20                 17K. We got the variance.

21                 We are back here in front of  
22                 you to request that the Board declare  
23                 intent to be lead agency and set the  
24                 public hearing.

25                 We'll do the presentation first.

1       BIG SHINE

2           Joe Brunning is with me who has  
3           designed the project. He'll go over  
4           the comments from the consultants.  
5           We have added some more details.

6                    Joe, why don't you run through  
7           the comments and how we responded to  
8           those.

9                    MR. BRUNNING: Okay. So after  
10          the first meeting, we received  
11          comments from Pat Hines. The first  
12          comment was about installing green  
13          infrastructure to have water quality  
14          because it wasn't really designed for  
15          the original site. We did that by  
16          adding stormwater plantings which  
17          will take the roof runoff and direct  
18          it towards the existing catch basins  
19          on the property.

20                   The next comment was about  
21          threatened and endangered species.  
22          That was submitted to the New York  
23          State DEC. We have received a letter  
24          back from them about -- there's two  
25          threatened or endangered species in

1       BIG SHINE

2           the area, the Upland Sandpiper and  
3           the Indiana Bat. We're proposing for  
4           that to limit the tree clearing on  
5           the property between the dates of  
6           November 1st through March 31st.

7           The next was about getting a  
8           flow acceptance letter for increased  
9           hydraulic loading. That would not be  
10          necessary because we're not increasing  
11          the hydraulic loading at all for the  
12          building. It will stay the same.

13          As part of this submission, we  
14          have submitted an original copy of  
15          the survey that was taken.

16          Sheets 901 through 903 have all  
17          the site details, including water,  
18          sewer -- there's no water or sewer on  
19          there, but there's parking, the  
20          stormwater planting details and  
21          pavement details for the expansion of  
22          the parking lot.

23          The last time it was about  
24          getting the variance, which we have  
25          acquired, for being within 500 feet

1       BIG SHINE

2               of Route 17K.

3                       CHAIRMAN EWASUTYN: Thank you,  
4                       Joe.

5                       There's been a request, I'll  
6                       put this out for all of us, by the  
7                       applicant to declare our intent for  
8                       lead agency and to schedule a public  
9                       hearing. Procedurally, and that's  
10                      why I need the advice of others, are  
11                      we at that point, or what comes first?

12                     MR. HINES: I don't know that  
13                     there's any other involved agencies  
14                     here. I think you're lead agency by  
15                     default. I don't know that we need  
16                     to go through that process.

17                     We do have to send it to County  
18                     Planning for the 239 review because,  
19                     obviously, it's within 500 feet of  
20                     Route 17K or they wouldn't have  
21                     needed that variance. Typically we  
22                     can't make a SEQRA determination  
23                     until after we hear back from the  
24                     County. I think the only action  
25                     tonight would be to submit to the

1       BIG SHINE

2             County.

3                     I do note that Karen Arent did  
4             send some comments in regarding  
5             landscaping that will need to be  
6             addressed.

7                     MR. LAPUT:   Yes.

8                     MR. HINES:   We have some minor  
9             technical comments.

10                    The threatened or endangered  
11             species issue, the tree clearing will  
12             handle the endangered bat species.  
13             The bird species is very different.  
14             It's a nesting habitat, a ground  
15             nesting bird. I think you need to  
16             contact DEC and get a signoff.

17                    MR. BRUNNING:  We have an  
18             e-mail out to DEC. We're just  
19             waiting for a response to that.

20                    MR. HINES:   We just need  
21             something from them that this isn't  
22             going to affect that. We've had  
23             other projects in the area. That  
24             bird was noted on the Stewart Airport  
25             property itself. Oftentimes they'll



1       BIG SHINE

2           say offsite isn't an issue, but  
3           you're in that radius. We'll need  
4           that signed off on as well prior to a  
5           SEQRA determination.

6           MR. LAPUT:    Sure.

7           MR. HINES:    The Board could --  
8           after we hear back from those issues,  
9           the Board could consider a public  
10          hearing.

11          CHAIRMAN EWASUTYN:  If you can  
12          think maybe to be prepared at some  
13          point in time with architectural  
14          renderings as to what the new 9,800  
15          square foot building will look like.

16          MR. LAPUT:    Sure.

17          MR. GALLI:    How many people did  
18          you get at the public hearing for the  
19          Zoning Board?  Did anybody speak up?

20          MR. BRUNNING:  I wasn't in  
21          attendance at that meeting.

22          MR. LAPUT:    I don't know.  
23          Brian was at that.  He didn't report  
24          how many were in attendance.

25          MR. HINES:    That would be good

1       BIG SHINE

2           information for the Board, to see if  
3           they want to hold a public hearing in  
4           the future.

5           MR. LAPUT:    Okay.

6           CHAIRMAN EWASUTYN:  Did any of  
7           the gentlemen in the back attend the  
8           public hearing?

9           MR. RODRIGUEZ:  Yes.  Hi.  My  
10          name is Edward Rodriguez.  There was  
11          one gentleman that came.  He was a  
12          developer.  He was building some  
13          houses.  When he saw the actual site  
14          plan, he said it wasn't going to  
15          affect him at all.  He came by my  
16          office and actually wanted to do  
17          business in the future.  He was very  
18          happy with the development.  That was  
19          the only person that showed up.

20          CHAIRMAN EWASUTYN:  That's good  
21          information to have.

22          MR. WARD:  Thank you.

23          MR. DOMINICK:  Your name for  
24          the record?

25          MR. RODRIGUEZ:  Edward Rodriguez.

1       BIG SHINE

2                   CHAIRMAN EWASUTYN:  Would  
3                   someone move for a motion to  
4                   circulate to the Orange County  
5                   Planning Department for the warehouse  
6                   expansion known as Big Shine,  
7                   application number 22-06?

8                   MR. LAPUT:  05.

9                   CHAIRMAN EWASUTYN:  I tried it  
10                  without my glasses.

11                  MR. MENNERICH:  So moved.

12                  MR. DOMINICK:  Second.

13                  CHAIRMAN EWASUTYN:  I have a  
14                  motion by Ken Mennerich, a second by  
15                  Dave Dominick.  I'll ask for a roll  
16                  call vote starting with Frank Galli.

17                  MR. GALLI:  Aye.

18                  MR. MENNERICH:  Aye.

19                  CHAIRMAN EWASUTYN:  Aye.

20                  MR. BROWNE:  Aye.

21                  MR. DOMINICK:  Aye.

22                  MR. WARD:  Aye.

23                  CHAIRMAN EWASUTYN:  Anything  
24                  else?

25                  MR. CORDISCO:  I agree with

1       BIG SHINE

2           Mr. Hines' suggestion that the Board  
3           conduct an uncoordinated review of  
4           this application so there's no need  
5           to circulate for lead agency. There  
6           are no other involved agencies now  
7           that the variances have been received.

8           CHAIRMAN EWASUTYN: Thank you.

9           So you'll work with Pat Hines  
10          as far as circulating to the Orange  
11          County Planning Department?

12          MR. LAPUT: Will do.

13          CHAIRMAN EWASUTYN: As you  
14          already know, they have 30 days to  
15          respond. We're probably considering  
16          maybe the meeting in December. We'll  
17          see how it all works out.

18          MR. LAPUT: Thank you very much.

19

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

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B I G S H I N E

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 October 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

DAN LEGHORN FIRE ENGINE COMPANY  
(2022-19)

Lakeside Road & Gardnertown Road  
Section 51; Block 10; Lots 1, 10 & 11.2  
B & R-1 Zones

- - - - - X

LOT LINE CHANGES

Date: October 6, 2022  
Time: 7:45 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: VINCENT SPAMPINATO

- - - - - X

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

1 DAN LEGHORN FIRE ENGINE COMPANY

2 CHAIRMAN EWASUTYN: The last  
3 posted item on the agenda, item  
4 number 6, is Dan Leghorn Fire Engine  
5 lot line change, then we have one  
6 Board Business item. For now we'll  
7 discuss the Dan Leghorn Fire Engine  
8 lot line change.

9 MR. SPAMPINATO: Good evening  
10 everyone, Mr. Chairman, Board Members.  
11 My name is Vinnie Spampinato. I'm  
12 here to represent the fire company  
13 itself. I also have the authority to  
14 speak for the Fire District, which is  
15 the purchaser. I also have the proxy  
16 of the neighbor, Mr. William Lynn and  
17 his wife, who one of these lot line  
18 changes pertain to.

19 I hope I can answer any  
20 questions that you have.

21 CHAIRMAN EWASUTYN: Thank you,  
22 Vinnie.

23 I'll turn the meeting over to  
24 Pat Hines.

25 MR. HINES: We don't have any

1 DAN LEGHORN FIRE ENGINE COMPANY

2 outstanding comments on this. The  
3 project did receive its variances for  
4 the preexisting nonconforming  
5 conditions of the residential parcel  
6 at the intersection of Gardnertown  
7 and Lakeside.

8 This being a lot line change,  
9 it is a Type 2 action and does not  
10 require a public hearing. The Board  
11 would be in a position to approve  
12 this tonight.

13 CHAIRMAN EWASUTYN: Okay. Jim  
14 Campbell, do you have anything to add?

15 MR. CAMPBELL: Nothing to add.

16 CHAIRMAN EWASUTYN: Board Members?

17 MR. GALLI: No additional.

18 CHAIRMAN EWASUTYN: Dominic  
19 Cordisco, can you give us conditions  
20 for approval?

21 MR. CORDISCO: There would be  
22 no special conditions for this  
23 application.

24 CHAIRMAN EWASUTYN: Would  
25 someone move for a motion to grant



1 DAN LEGHORN FIRE ENGINE COMPANY

2 the lot line change for the Dan  
3 Leghorn Fire Engine Company?

4 MR. WARD: So moved.

5 MR. GALLI: Second.

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

10 MR. GALLI: Aye.

11 MR. MENNERICH: Aye.

12 CHAIRMAN EWASUTYN: Aye.

13 MR. BROWNE: Aye.

14 MR. DOMINICK: Aye.

15 MR. WARD: Aye.

16 CHAIRMAN EWASUTYN: Thank you.

17 MR. SPAMPINATO: Thank you  
18 very much. I appreciate it.

19

20 (Time noted: 7:48 p.m.)

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DAN LEGHORN FIRE ENGINE COMPANY

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 October 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

LANDS OF ZAZON  
(2004-29)

Request for a Six-Month Extension of  
Conditional Final Approval  
from October 6, 2022 until April 6, 2023

----- X

BOARD BUSINESS

Date: October 6, 2022  
Time: 7:49 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

1       LANDS OF ZAZON

2                   CHAIRMAN EWASUTYN: We have one  
3       Board Business item this evening.  
4       Ken Mennerich will read it. It's the  
5       Lands of Zazon requesting a six-month  
6       extension.

7                   MR. MENNERICH: The letter is  
8       dated September 14, 2022. "Mr. John  
9       Ewasutyn, Chairman, Town of Newburgh  
10      Planning Board, 21 Hudson Valley  
11      Professional Plaza, Newburgh, New  
12      York 12550, regarding the Lands of  
13      Zazon, reference number 04-29. Dear  
14      Mr. Ewasutyn, please let this letter  
15      serve as our request for a six-month  
16      extension, two 90-day extensions, of  
17      conditional final approval for the  
18      above-referenced project. The project  
19      received conditional final approval  
20      on April 15, 2021 and received an  
21      extension at the October 7, 2021  
22      Planning Board meeting. Our office  
23      requested an additional extension on  
24      March 21, 2022 and received an  
25      extension at the April 7, 2022

1       LANDS OF ZAZON

2           Planning Board meeting. We are  
3           currently waiting for the offer of  
4           road dedication and stormwater  
5           maintenance agreements to be  
6           finalized. Additionally, we are  
7           coordinating with the Town Engineer  
8           to provide any final revisions  
9           necessary. We will coordinate  
10          submission of maps and mylars for  
11          signature in the near future. Thank  
12          you for your attention to this matter.  
13          Should you have any questions or  
14          require anything further, please do  
15          not hesitate to contact this office.  
16          Very truly yours, Pietrzak & Pfau."

17                   CHAIRMAN EWASUTYN: Pat Hines,  
18                   you've been working on some of these  
19                   necessary instruments.

20                   MR. HINES: I haven't heard  
21                   much from them of late. This is one  
22                   of our older ones with a 2004 job  
23                   number. They are very near completion.

24                   CHAIRMAN EWASUTYN: I don't  
25                   remember, was this one that we,

1       LANDS OF ZAZON

2               because of the timeframe, decided to  
3               hold a new public hearing or not?

4               MR. HINES: We did not. We  
5               waived the requirement of that  
6               additional public hearing. It has  
7               been around quite awhile. 14 lots I  
8               believe. Or is it 11?

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

11              MR. CORDISCO: No. They're  
12              within their rights to request the extension.  
13              There's nothing prohibiting the Board  
14              from considering granting the extension.  
15              There's not been a change in law or a  
16              change in circumstances that I'm  
17              aware of that would provide a basis  
18              for the Board to reconsider its prior  
19              approval.

20              CHAIRMAN EWASUTYN: So we would  
21              grant them two 90-day extensions.  
22              That would bring us into what period?

23              MR. MENNERICH: April 7, 2023.

24              MR. HINES: You have a meeting  
25              on the 6th. Maybe that would make

1       LANDS OF ZAZON

2               sense.

3               CHAIRMAN EWASUTYN: Do it to  
4               the 6th you're saying?

5               MR. HINES: Yes.

6               CHAIRMAN EWASUTYN: Would  
7               someone make a motion to grant the  
8               two 90-day extensions to Lands of  
9               Zazon, and those extensions would  
10              last up until April 6, 2022?

11              MR. MENNERICH: They got approval  
12              at the April 7, 2022 meeting.

13              CHAIRMAN EWASUTYN: Okay. So  
14              we would carry this forth until when?

15              MR. MENNERICH: 180 days, six  
16              months.

17              CHAIRMAN EWASUTYN: What date  
18              would that be?

19              MR. MENNERICH: October 2023.

20              MR. HINES: They have approval  
21              right now until April. They are  
22              asking for an extension now.

23              MR. MENNERICH: They have it.

24              MR. HINES: I think it was  
25              April 21st they got it.

1       LANDS OF ZAZON

2                   MR. MENNERICH: They requested  
3                   an extension on March 21, 2022 and  
4                   received an extension at the April 7th  
5                   meeting.

6                   MR. GALLI: I think that says  
7                   they got the extension that's good  
8                   until April 6th, and then they want  
9                   another extension until April 6,  
10                  2023. They're putting the dates in  
11                  that they want the extensions from.

12                  MR. CORDISCO: At the April 7,  
13                  2022 meeting they received a  
14                  six-month extension. It's expiring  
15                  now. Giving them another six-month  
16                  extension --

17                  MR. HINES: Would be April 6th  
18                  again.

19                  MR. MENNERICH: 2023.

20                  CHAIRMAN EWASUTYN: April 6,  
21                  2023?

22                  MR. HINES: Yes.

23                  CHAIRMAN EWASUTYN: So then  
24                  we'll amend the original discussion.  
25                  We would grant the two 90-day



1       LANDS OF ZAZON

2               extensions for the Lands of Zazon  
3               until April 6, 2023.  Would someone  
4               make that motion?

5                       MR. MENNERICH:  So moved.

6                       MR. GALLI:  Second.

7                       CHAIRMAN EWASUTYN:  I have a  
8               motion by Ken Mennerich.  I have a  
9               second by Frank Galli.  Can I have a  
10              roll call vote starting with Frank  
11              Galli.

12                      MR. GALLI:  Aye.

13                      MR. MENNERICH:  Aye.

14                      CHAIRMAN EWASUTYN:  Aye.

15                      MR. BROWNE:  Aye.

16                      MR. DOMINICK:  Aye.

17                      MR. WARD:  Aye.

18                      CHAIRMAN EWASUTYN:  Good meeting.  
19               Would someone make a motion to close  
20               the meeting of October 6th?

21                      MR. GALLI:  So moved.

22                      MR. WARD:  Second.

23                      CHAIRMAN EWASUTYN:  I have a  
24               motion by Frank Galli.  I have a  
25               second by John Ward.  The last roll

1       LANDS OF ZAZON

2               call vote starting with Frank Galli.

3               MR. GALLI:   Aye.

4               MR. MENNERICH:  Aye.

5               CHAIRMAN EWASUTYN:  Aye.

6               MR. BROWNE:   Aye.

7               MR. DOMINICK:  Aye.

8               MR. WARD:     Aye.

9

10              (Time noted:  7:52 p.m.)

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LANDS OF ZAZON

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 October 2022.

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