

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

3 -----X

In the Matter of

4

GARDNER RIDGE  
(02-029)

5

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

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ARB

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Thursday, October 17, 2024  
7:00 p.m.

11

Town of Newburgh Town Hall  
Newburgh, New York

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BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
KENNETH MENNERICH, Vice Chairman  
CLIFFORD C. BROWNE  
STEPHANIE DeLUCA  
JOHN WARD  
DAVID DOMINICK  
LISA CARVER

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ALSO PRESENT: PATRICK J. HINES  
DOMINIC CORDISCO, ESQ.  
JIM CAMPBELL, Code Enforcement

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APPLICANT'S REPRESENTATIVE: DARREN DOCE/CHRISTOPHER  
BERG, RA

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Reported by: Kari L. Reed

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MICHELLE L. CONERO  
Court Reporter  
michelleconero@hotmail.com

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1 Gardner Ridge

2 CHAIRMAN EWASUTYN: Could I have a roll  
3 call vote, I'm sorry.

4 MR. DOMINICK: Present.

5 MS. DeLUCA: Present.

6 MR. MENNERICH: Present.

7 CHAIRMAN EWASUTYN: Present.

8 MR. BROWNE: Present.

9 MS. CARVER: Present.

10 MR. WARD: Present.

11 MR. CORDISCO: Dominic Cordisco, Planning  
12 Board attorney.

13 MR. HINES: Pat Hines, with MHE  
14 Engineering.

15 MR. CAMPBELL: Jim Campbell, Town of  
16 Newburgh Code Compliance.

17 CHAIRMAN EWASUTYN: Okay. At this point  
18 we'll turn the meeting over to Stephanie  
19 DeLuca.

20 MS. DeLUCA: Stand for the Pledge.

21 (Pledge of Allegiance said.)

22 CHAIRMAN EWASUTYN: Our first item this  
23 evening is Gardner Ridge, Project number 02-022  
24 is here for ARB. It's an R-3 zone. And it's  
25 being represented by Darren Doce.

1 Gardner Ridge

2 MR. DOCE: Hi, good evening. Yes, we're  
3 here for ARB review. The architect here is  
4 Chris Berg from Berg & Moss. And I'll just  
5 turn it over to him to make the presentation.

6 MR. BERG: Good evening, everyone. I  
7 realize Darren was here last month and made a  
8 presentation. Unfortunately I was not able to  
9 make it. So I will try to keep it brief since  
10 everyone knows the project. But please, if  
11 I -- if things are miscommunicated or  
12 misinterpreted by me, please feel free to ask  
13 questions if I miss anything.

14 There was a, from what I understand there  
15 was a, there are a few technical questions, but  
16 it was also a question of materials. What  
17 we're trying to do at Gardner Ridge, as you  
18 know, it's five residential buildings plus a  
19 one senior housing, our over 55 building.  
20 We're trying to keep the language fresh but  
21 familiar. Materials that are very common and  
22 used frequently in the area, but with a mix of,  
23 just try to soften it up with some wood grained  
24 features and, and familiar trims and a  
25 vernacular language that is common throughout

1 Gardner Ridge

2 the area. I don't know if you want to pass  
3 these around. The ones that we've selected are  
4 highlighted with a tab, but if there's anything  
5 else that jumps out at you, please feel free to  
6 pose your opinion. Really it's just trying to  
7 keep the scale of the units down to something  
8 that's very -- that's fits into the suburban  
9 nature of the neighborhood.

10 MR. WARD: This shows you're using the  
11 CertainTeed product?

12 MR. BERG: Yeah. Well, the CertainTeed  
13 has that -- there's a number of manufacturers  
14 that have similar, but that's the one that  
15 we're going with, with the wood grain.

16 MR. BROWNE: You're going with that brand?

17 MR. BERG: Yeah.

18 MR. BROWNE: Did you fill out the sheet?

19 MR. BERG: It was filled out, yeah.

20 MR. BROWNE: Okay, good. Thank you.

21 MR. BERG: There are another, other  
22 manufacturers, Bigen also makes it too, very  
23 similar.

24 MR. BROWNE: I'm just familiar with  
25 CertainTeed. I actually went out to their

1 Gardner Ridge

2 location.

3 MR. BERG: Yeah, they -- I mean, it's top  
4 notch materials. That and a white or  
5 off-white, but yup.

6 CHAIRMAN EWASUTYN: Anybody have any  
7 questions?

8 MS. DeLUCA: The senior building is a  
9 different color than the rest of the other  
10 buildings?

11 MR. BERG: In general, yeah. The senior  
12 building you can see in the back, this is a  
13 blow up of it, it has more of a wood grain  
14 features.

15 MS. DeLUCA: More wood grain.

16 MR. BERG: More of a lodge like feel to  
17 it.

18 MS. DeLUCA: Okay.

19 MR. BERG: And the individual residential  
20 units would be more the off-white, white  
21 vernacular.

22 MS. DeLUCA: So the other buildings are,  
23 I'm sorry?

24 MR. BERG: I'm sorry.

25 MS. DeLUCA: Off-white?

1 Gardner Ridge

2 MR. BERG: Yeah. These are more the  
3 residential units.

4 MS. DeLUCA: Right.

5 MR. BERG: This smaller building here is  
6 the amenities building.

7 MS. DeLUCA: Right.

8 MR. DOMINICK: Can you show us on your  
9 color pallet?

10 MS. DeLUCA: Yeah, on the color pallet,  
11 thank you.

12 MR. BERG: Sure. The -- is this --

13 MS. DeLUCA: That's what you're using --

14 MR. BERG: That's the wood.

15 MS. DeLUCA: -- for the senior?

16 MR. BERG: Yes.

17 MS. DeLUCA: And it's complementary, the  
18 color is --

19 MR. BERG: I believe it's the, well, it's  
20 more of the white. There is a page with the  
21 actual colors. Page three.

22 MR. DOMINICK: Yup.

23 MR. BERG: Keeping it really, really  
24 simple. Does that answer your question?

25 MS. DeLUCA: Yes. Yes.

1 Gardner Ridge

2 MR. DOMINICK: Chris, I think you're right  
3 it is very simple. And that's one comment that  
4 I had here on my notes here. Compared to the  
5 other buildings, as you say, it fits in the  
6 suburban, suburban area, the nature of the  
7 neighborhood. That senior building in my  
8 opinion, and it could be subjective, I don't  
9 think that hits the mark.

10 MR. BERG: Okay.

11 MS. DeLUCA: No.

12 MR. DOMINICK: It's very plain, very  
13 simple.

14 MR. BERG: It's too simple?

15 MR. DOMINICK: Yes.

16 MS. DeLUCA: Yes.

17 MR. BERG: Okay. Do you think baseboards  
18 of stone or something would be -- bring in the  
19 rest, is that --

20 MR. WARD: It looks like a square box.

21 MR. BERG: It looks like a square box?

22 MR. DOMINICK: Yeah. If you want to add  
23 stone here at the bottom to dress it up going  
24 that direction.

25 MS. DeLUCA: Yeah.

1 Gardner Ridge

2 MR. DOMINICK: You're heading more in that  
3 direction, yes, I believe so.

4 MR. BERG: Okay.

5 MR. DOMINICK: But, like I said, I think  
6 it's too simple, too plain compared to the rest  
7 of your neighborhood.

8 MR. BERG: Okay.

9 MR. BROWNE: Not to jump in, but my first  
10 impression is it looks like a warehouse. But  
11 you're the architect, I would like you to come  
12 up with a design so it is more appropriate.

13 MR. BERG: Mm-hmm.

14 MR. BROWNE: Another comment, I'm looking  
15 at sheets A 300 through 301. The roof design  
16 from my perspective is problematic in that --  
17 I, I was up at Meadow winds, that was from the  
18 first project up there, and the first winter I  
19 had to go around knocking icicles, big icicles,  
20 three, four, five foot from the roofs that were  
21 coming down over top of the entrances. And on  
22 this design I'm seeing a roof design that would  
23 lend itself to that over the garages, the  
24 second, second and third garages and at the  
25 other end the third and fourth and so on. So



1 Gardner Ridge

2 what I'd like to see if you could find a way to  
3 mitigate that, what I would refer to a safety  
4 issue with ice and stuff forming in those  
5 alleys and stuff that can potentially fall in  
6 those areas over the garage on people, et  
7 cetera, look at that to mitigate that. I have  
8 no idea how you would do it. But the other  
9 units, the way you have the roof design it  
10 would minimize that tremendously. But from an  
11 architectural design I don't know. That's,  
12 that's your game.

13 MR. BERG: Okay. Yeah, I would anticipate  
14 some sort of ice melt --

15 MR. BROWNE: Something.

16 MR. BERG: -- along the perimeter there,  
17 or a gutter system.

18 MR. BROWNE: Yeah. Is the builder going  
19 to maintain ownership of the, and I understand  
20 that's a long term maintenance issue, so you  
21 want to think about that too.

22 MR. BERG: Okay.

23 MR. BROWNE: So whatever.

24 MR. BERG: Yeah. I would anticipate some  
25 sort of ice melt gutter.

1 Gardner Ridge

2 MR. WARD: Like you say, the senior bit  
3 is, it isn't straight, the roof has like no  
4 arch to it. Where you take your regular  
5 buildings and you have little alcoves coming  
6 out breaking it up with the design. If you did  
7 something like that over the garages like you  
8 did here, especially for the seniors, as  
9 preventive, if ice build up won't go, they'll  
10 flow off, you don't have much of a rooftop  
11 there with a peak.

12 MR. BERG: That's true, because we are  
13 trying to keep it under the height.

14 MR. WARD: Yeah, but you still have room.  
15 It's 30 feet, you still have room. So to  
16 design it that you can have it to flow off is  
17 one thing. Like people said, it looks like a  
18 warehouse because the roof is low. And, like  
19 Cliff said, it's a safety issue.

20 MR. BROWNE: Well, not so much with that  
21 building, with the other one, because the only  
22 entrance is in the middle, and that's got the  
23 arch over the doorway, which lends itself to a  
24 safer situation.

25 MR. BERG: Right, right, right.

1 Gardner Ridge

2 MR. BROWNE: But the other buildings are  
3 partly a problem.

4 MR. BERG: Right. Okay, I understand.

5 CHAIRMAN EWASUTYN: Ken Mennerich?

6 MR. MENNERICH: No comments.

7 CHAIRMAN EWASUTYN: Lisa Carver.

8 MS. CARVER: Nothing further, no.

9 CHAIRMAN EWASUTYN: Okay. So are we  
10 approving the plans subject to certain  
11 modifications or are we putting this off to a  
12 later date, I have to know that because we had  
13 a lot of conversation but can we summarize that  
14 in a what we would like to see in order to  
15 complete the approval, or how do you want to  
16 move on this? Starting with Dominick.

17 MR. DOMINICK: It's hard to say without  
18 seeing what the revision is visually, so I  
19 would like to wait and see based upon tonight's  
20 feedback what the architect comes back with.

21 MS. DeLUCA: Agreed.

22 MR. MENNERICH: Agreed.

23 MR. BROWNE: I would prefer it, yeah.

24 CHAIRMAN EWASUTYN: Okay. So you'll have  
25 to make another resubmission with revised

1 Gardner Ridge

2 drawings as it relates to the comments from the  
3 planning board members.

4 MR. BERG: Okay. I'm sorry, I'm not  
5 familiar with the process, but as far as the  
6 site plan goes and what was discussed  
7 previously, has that been approved?

8 CHAIRMAN EWASUTYN: Dominic, this is one  
9 of the outstanding conditions of approval to  
10 have that complete, that phase of it.

11 MR. CORDISCO: That's absolutely correct.  
12 The project received at the September 24th  
13 meeting a conditional final approval. This is  
14 one of the conditions is that the architectural  
15 review board approval would be outstanding.

16 MR. BERG: Okay. So I'm a slow poke here.  
17 I'll carry on. Thank you for your time  
18 tonight.

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

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Gardner Ridge

CERTIFICATE

STATE OF NEW YORK                    )  
  ) SS:  
COUNTY OF ORANGE                    )

I, KARI L. REED, a Shorthand Reporter  
(Stenotype) and Notary Public within and for  
the State of New York, do hereby certify:

I reported the proceedings in the  
within-entitled matter and that the within  
transcript is a true record of such  
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my  
hand this 17th day of November 2024.

*Kari L Reed*  
\_\_\_\_\_  
KARI L. REED

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

3 -----X

4 In the Matter of

5 JJSK INC., Retail Cannabis Dispensary  
(24-23)

6 165 South Plank Road  
7 Section 60; Block 3; Lot 18  
IB Zone

8 -----X

9 SITE PLAN/SPECIAL USE PERMIT

10 Thursday, October 17, 2024  
11 7:10 p.m.  
Town of Newburgh Town Hall  
12 Newburgh, New York

13 BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
14 KENNETH MENNERICH, Vice Chairman  
CLIFFORD C. BROWNE  
15 STEPHANIE DeLUCA  
JOHN WARD  
16 DAVID DOMINICK  
LISA CARVER

17  
18 ALSO PRESENT: PATRICK J. HINES  
19 DOMINIC CORDISCO, ESQ.  
JIM CAMPBELL, Code Enforcement

20  
21 APPLICANT'S REPRESENTATIVE: JOSEPH M. SAFFIOTI

22

23 Reported by: Kari L. Reed

24 -----  
MICHELLE L. CONERO  
Court Reporter  
25 michelleconero@hotmail.com

1 JJSK Inc.

2 CHAIRMAN EWASUTYN: Our second item of  
3 business this evening is JJSK Inc. Retail  
4 Cannabis Dispensary, Project Number 24-23.  
5 It's here for a site plan, special use permit,  
6 it's in an IB zone, and it's being represented  
7 by Joseph Saffioti.

8 MR. SAFFIOTI: Good evening, members of  
9 the board. I'm happy to report that we had our  
10 referral and consideration by the Zoning Board  
11 of Appeals with the variances that were needed.  
12 All of the necessary variances were granted,  
13 including the determination that there would be  
14 the requisite -- that a cannabis facility  
15 doesn't constitute a facility primary for  
16 family use in which conditions will no longer  
17 apply in the town amendment to the cannabis  
18 law. Either way it doesn't matter, we got that  
19 sign off from the Zoning Board of Appeals.

20 Our client's engineer has updated the  
21 plans. We've addressed most of the technical  
22 comments. We -- the parking lot has been  
23 restriped. There were variances granted for  
24 the number of parking spaces. We added a  
25 dumpster area with an enclosure in the rear.

1 JJSK Inc.

2 We proposed closing up the Meadow Avenue  
3 entrance so that it's not so wide and  
4 unattractive to traffic flow through the  
5 parking lot. The plans have been forwarded to  
6 New York State DOT for their review of the  
7 entrance on 52, and they've been forwarded to  
8 the town highway superintendent for his comment  
9 on the Meadow Avenue entrance. The architect  
10 noted the requirement for dark lighting. We  
11 are going to provide specifications for new  
12 light fixtures that will be installed on the  
13 building to meet that requirement. The  
14 landscaping was enhanced.

15 I believe that was most of the concerns.  
16 And I believe we are ready to have the matter  
17 scheduled for public hearing.

18 CHAIRMAN EWASUTYN: Okay. We actually  
19 can't set it for a public hearing because we  
20 have to first refer to the Orange County  
21 Planning Department.

22 MR. SAFFIOTI: I thought that was done  
23 initially when we got --

24 CHAIRMAN EWASUTYN: Do you remember if it  
25 was sent to the Orange County Planning



1 JJSK Inc.

2 Department?

3 MR. HINES: I don't believe so. I believe  
4 we held off because it was referred for a  
5 zoning variance.

6 MR. SAFFIOTI: The Zoning Board of Appeals  
7 did refer it to Orange County Planning, which  
8 said it was a local determination. They took  
9 no action per the ZBA.

10 MR. CORDISCO: Unfortunately each board  
11 has to send it.

12 MR. SAFFIOTI: I understand, you need to  
13 refer out.

14 CHAIRMAN EWASUTYN: Keeping that in mind,  
15 we'll open it up for discussion. John ward.

16 MR. WARD: With the parking lot, we  
17 suggested blacktopping.

18 MR. SAFFIOTI: We're going to repave the  
19 entire parking.

20 MR. WARD: How much?

21 MR. SAFFIOTI: Whatever is required.  
22 Typically two, three inches.

23 MR. WARD: What do you recommend?

24 CHAIRMAN EWASUTYN: An inch, inch and a  
25 half, that's --

1 JJSK Inc.

2 MR. SAFFIOTI: Yeah, whatever, whatever  
3 the engineer -- whatever the parking lot --

4 CHAIRMAN EWASUTYN: Pat Hines, what would  
5 you suggest for resurfacing?

6 MR. HINES: Yeah, typically the one and a  
7 half inches is done. But we'll let, their  
8 engineer can provide detail of that.

9 MR. WARD: And your dumpster, is that  
10 going to be your individual dumpster enclosed?

11 MR. SAFFIOTI: I'm not quite sure on that  
12 point, because the engineer -- through the  
13 dumpster enclosure there's two other businesses  
14 in the premises. The amount of refuse is very  
15 minimal, typically like a household would  
16 produce. So I don't know if we are going to --  
17 I would have to ask the clients to check with  
18 their building owner to see whether we should  
19 make the dumpster enclosure larger to allow  
20 each tenant to have one in there or how -- what  
21 will be arranged for. So it will be locked up.

22 MR. WARD: But other tenants, are they  
23 going to have a key to it or, you know?

24 MR. SAFFIOTI: Well, there's really no  
25 product that goes in the dumpster. It's really

1 JJSK Inc.

2 to deter someone to try to go see -- there's  
3 nothing that's consumables thrown away. It's  
4 all destroyed before it's -- before anything,  
5 any -- the dumpster is typically just for the  
6 cardboard boxes for packaging.

7 MR. WARD: And then my other question is  
8 with the deli, they have a storage site that  
9 they go in all their supplies and where your  
10 parking spots are and the landscaping there.

11 MR. SAFFIOTI: We, I believe the owner of  
12 the building has shown the plans to the deli  
13 and they didn't have any comments. But we,  
14 the -- where is the loading door for the deli?

15 MR. WARD: It's the side door they go in  
16 of the deli.

17 MS. DANOSKY: I can't hear.

18 MR. SAFFIOTI: Where's the deli entrance,  
19 how do they deliver their supplies?

20 MR. DOMINICK: By your handicap entrance.

21 MS. DANOSKY: Yeah, right in front of the  
22 handicap.

23 MR. SAFFIOTI: By the handicap entrance.

24 MR. DOMINICK: On the side of the  
25 building, right?

1 JJSK Inc.

2 MS. DANOSKY: The handicap is out front,  
3 the side --

4 MR. DOMINICK: Oh, I see the handicap,  
5 it's here on the side.

6 MS. DANOSKY: Yeah. Okay.

7 CHAIRMAN EWASUTYN: Just for the record,  
8 can we have your name?

9 MS. DANOSKY: Angela Danosky.

10 MR. SAFFIOTI: So is there a door there?

11 MS. DANOSKY: There's a door here.

12 MR. SAFFIOTI: All right, we can probably  
13 just eliminate the planter with the door on the  
14 left, to allow them to continue to load on that  
15 side.

16 MR. WARD: That should do it.

17 CHAIRMAN EWASUTYN: Lisa Carver.

18 MS. CARVER: So the hours of operation is  
19 until like nine p.m.?

20 MR. SAFFIOTI: Nine p.m.

21 MS. CARVER: So is there lighting? You  
22 have lighting on the building. Is there  
23 lighting in the parking lot, like will that be  
24 sufficient? I just want to be sure.

25 MR. SAFFIOTI: The building will light the

1 JJSK Inc.

2 whole parking lot.

3 MS. CARVER: will light the whole parking  
4 lot. Okay, that's it.

5 CHAIRMAN EWASUTYN: Clifford Browne.

6 MR. BROWNE: I don't have anything further  
7 on this, thank you.

8 CHAIRMAN EWASUTYN: No comment.

9 Do you have another comment?

10 MS. DeLUCA: No comment.

11 MR. DOMINICK: John touched on two of  
12 them, but I want to just go off a little bit  
13 more on what John said. Can you check with  
14 your client to see if the dumpster is a shared  
15 dumpster?

16 MR. SAFFIOTI: Angela.

17 MS. DANOSKY: As of right now the tenant  
18 on the end, the gift store, does not use a  
19 dumpster. They take their garbage home. And  
20 the deli has their own dumpster which they  
21 share with the gas station, which is in between  
22 the two buildings. So I believe they would  
23 have their own dumpster, it would be only  
24 theirs.

25 MR. DOMINICK: Okay. And my second

1 JJSK Inc.

2 question is, you have the wintergreen boxwoods  
3 going from pretty much the 52 side to the  
4 Meadow Avenue side. You have a substantial  
5 number of boxwoods in front of the existing  
6 trees already, which seems redundant, and also  
7 not necessary because it probably won't last  
8 when you have the snow mitigation policy in  
9 effect because the snow plows usually plow into  
10 that. So we have one full season of boxwoods  
11 and then we have nothing.

12 MR. SAFFIOTI: Yeah. The parking lot is,  
13 basically encompasses all of the area outside  
14 of the building. We've added as much  
15 landscaping as we can. It's just put there to  
16 try to meet the landscaping requirements.

17 MR. DOMINICK: Well, it will probably meet  
18 the landscaping requirements until March and  
19 then they're --

20 MR. SAFFIOTI: And then they're gone.

21 MR. DOMINICK: So I think we need to  
22 relook at that.

23 MR. SAFFIOTI: Okay.

24 CHAIRMAN EWASUTYN: Pat Hines from MHE.

25 MR. HINES: Yeah. Our comments identify

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JJSK Inc.

that the Zoning Board of Appeals issued approvals on 26 September. We note that the access to Meadow Avenue has been defined with curbing. The highway superintendent's comments on that is that is a town road, should be received. I know Ken Wersted has been reviewing that as well for the board from Creighton Manning.

Parking access from Route 52 is an existing condition. There is a proposed landscaped island that was discussed at the corner of the building. As proposed, the dumpster enclosure has been added to the plans, as well as a loading dock area. Parking lot striping has been revised per the town's standard detail. The landscaping plan, that comment has to do with what Dave Dominick just discussed, the number of wintergreen boxwoods proposed in front of that existing evergreen landscape buffer.

The project is a special use under the Town's code. Submission to Orange County Planning is required. It would be an action the board could take tonight. The project is a

1 JJSK Inc.

2 Type II action under SEQRA. However, we are  
3 recommending that the project be submitted to  
4 DOT outside the SEQRA process so they can -- if  
5 they have any comments on the Route 52 access  
6 point. And a lighting plan has been provided  
7 and we're requesting that they confirm that  
8 it's dark sky compliant.

9 CHAIRMAN EWASUTYN: Jim Campbell, Code  
10 Compliance.

11 MR. CAMPBELL: Yeah, just a couple of  
12 comments. We don't have any detail for the  
13 zebra stripe between the handicap spots.  
14 That's supposed to have a no parking sign for  
15 that area.

16 MR. SAFFIOTI: The sign --

17 MR. CAMPBELL: The third sign. I see the  
18 other two. My other comment is dealing with  
19 the existing sign, the proximity of what that  
20 is. It's got to conform to today's code. And  
21 once that gets changed, changing the face of a  
22 sign is considered changing a sign.

23 MR. SAFFIOTI: For setback from the  
24 highway?

25 MR. CAMPBELL: For setback, height and all



1 JJSK Inc.

2 that other stuff, yeah.

3 MR. SAFFIOTI: We'll have to look at the  
4 signage.

5 CHAIRMAN EWASUTYN: Dominic Cordisco,  
6 Planning Board attorney.

7 MR. CORDISCO: Nothing further other than  
8 the board should consider referring this to the  
9 County Planning Department.

10 CHAIRMAN EWASUTYN: Okay. Can I have a  
11 motion to refer JJSK Inc. Retail Cannabis  
12 Dispensary to the Orange County Planning  
13 Department?

14 MR. WARD: So moved.

15 MR. DOMINICK: Second.

16 CHAIRMAN EWASUTYN: I have a motion by  
17 John Ward, I have a second by Dave Dominick.  
18 May I have roll call vote starting with John  
19 Ward.

20 MR. WARD: Aye.

21 MS. CARVER: Aye.

22 MR. BROWNE: Aye.

23 CHAIRMAN EWASUTYN: Aye.

24 MR. MENNERICH: Aye.

25 MS. DeLUCA: Aye.

1 JJSK Inc.

2 MR. DOMINICK: Aye.

3 CHAIRMAN EWASUTYN: Thank you.

4 MR. SAFFIOTI: All right, so we'll  
5 schedule, reschedule when you get the referral  
6 back from County Planning?

7 CHAIRMAN EWASUTYN: We could discuss that  
8 now. So we have a meeting coming up on the  
9 third, I believe, and we have a meeting coming  
10 up on the 17th. Will that fall into the time  
11 frame of the thirty days? If not, then it  
12 would be, what's the date in December?

13 MR. CORDISCO: It would be November 21st I  
14 think it would be. That assumes that the  
15 referral would be within the next couple of  
16 days. It either would be November 21st, which  
17 would be cutting it close, or the December  
18 5th --

19 MR. HINES: The fifth.

20 MR. CORDISCO: -- would be more realistic.

21 CHAIRMAN EWASUTYN: All right. So why  
22 don't we make a motion to set this up, subject  
23 to a response from the Orange County Planning  
24 Department, for a public hearing on the fifth  
25 of December. Someone make that motion.

1 JJSK Inc.

2 MR. MENNERICH: So moved.

3 MS. DeLUCA: Second.

4 CHAIRMAN EWASUTYN: I have a motion by Ken  
5 Mennerich, I have a second from Stephanie  
6 DeLuca. May I have a roll call vote starting  
7 with John Ward.

8 MR. WARD: Aye.

9 MS. CARVER: Aye.

10 MR. BROWNE: Aye.

11 CHAIRMAN EWASUTYN: Aye.

12 MR. MENNERICH: Aye.

13 MS. DeLUCA: Aye.

14 MR. DOMINICK: Aye.

15 MR. SAFFIOTI: Thank you guys.

16 MR. DOMINICK: Thank you.

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

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JJSK Inc.

CERTIFICATE

STATE OF NEW YORK                    )  
  ) SS:  
COUNTY OF ORANGE                    )

I, KARI L. REED, a Shorthand Reporter  
(Stenotype) and Notary Public within and for  
the State of New York, do hereby certify:

I reported the proceedings in the  
within-entitled matter and that the within  
transcript is a true record of such  
proceedings.

I further certify that I am not related,  
by blood or marriage, to any of the parties in  
this matter 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 November 2024.

*Kari L Reed*

\_\_\_\_\_  
KARI L. REED

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

3 -----X

In the Matter of

4

CIAFFONE LOT LINE CHANGE  
(24-14)

5

6 2 whisper Lane and 4 whisper Lane  
7 Section 47; Block 1; Lots 72.1, 72.2, 72.3  
R1 Zone

8 -----X

9

LOT LINE CHANGE

10

Thursday, October 17, 2024  
7:23 p.m.

11

Town of Newburgh Town Hall  
Newburgh, New York

12

13

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
KENNETH MENNERICH, Vice Chairman  
14 CLIFFORD C. BROWNE  
STEPHANIE DeLUCA  
15 JOHN WARD  
DAVID DOMINICK  
16 LISA CARVER

17

ALSO PRESENT: PATRICK J. HINES  
18 DOMINIC CORDISCO, ESQ.  
JIM CAMPBELL, Code Enforcement

19

20

APPLICANT'S REPRESENTATIVE: JONATHAN N. MILLEN,  
LLS/ACES

21

22

23

Reported by: Kari L. Reed

24

-----  
MICHELLE L. CONERO  
Court Reporter  
25 michelleconero@hotmail.com

1                    Ciaffone Lot Line Change

2                    MR. MILLEN: Good evening.

3                    CHAIRMAN EWASUTYN: Hi.

4                    MR. MILLEN: Hi.

5                    CHAIRMAN EWASUTYN: Good to see you.

6                    The third item of business this evening is  
7 the Ciaffone Lot Line Change, Project Number  
8 24-14. It's a lot line change in R1, and it's  
9 being represented by Jonathan Millen.

10                   MR. MILLEN: Right. So we had, recently  
11 we had three parcels, approximately a half acre  
12 each. Two of them that had frontage on Route  
13 52, and the other one was Gardner Road. And we  
14 are going to subdivide them into two parcels,  
15 approximately .75 acres each. There was some  
16 variances for side yard setback and a minimum  
17 lot width that were approved by the Zoning  
18 Board.

19                   CHAIRMAN EWASUTYN: Pat Hines.

20                   MR. HINES: Yeah. We note that the  
21 project received variances at the 26 September  
22 Zoning Board meeting. The Highway  
23 Superintendent's comments were received  
24 regarding the access to Gardnertown Road. He  
25 takes no exception to the existing access

1                    Ciaffone Lot Line Change  
2                    remaining. Lot lines are a type Two II action  
3                    under SEQRA. And again, the project, lot lines  
4                    are not considered a subdivision by your code.  
5                    This project results in three lots becoming two  
6                    lots, and no new construction is proposed.

7                    CHAIRMAN EWASUTYN: Jim Campbell, do you  
8                    have any comments?

9                    MR. CAMPBELL: No comments.

10                  CHAIRMAN EWASUTYN: Okay. So Dominic, the  
11                  action before us this evening is?

12                  MR. CORDISCO: would be considered  
13                  granting the conditional final approval. The  
14                  only conditions would be payment of fees, but  
15                  in connection with that I would recommend that  
16                  there not be a recreation fee associated with  
17                  this lot line change because we're not creating  
18                  a new residential lot, as we said.

19                  CHAIRMAN EWASUTYN: All right. So would  
20                  someone make a motion to approve the lot line  
21                  change for Ciaffone, Project Number 24-14,  
22                  located on 2 whisper Lane and 4 whisper Lane?

23                  MR. DOMINICK: I make a motion.

24                  MS. DeLUCA: Second.

25                  CHAIRMAN EWASUTYN: I have a motion by

1                    Ciaffone Lot Line Change

2                    Dave Dominick, I have a second by Stephanie  
3                    DeLuca. May I have a roll call vote starting  
4                    with John Ward.

5                    MR. WARD: Aye.

6                    MS. CARVER: Aye.

7                    MR. BROWNE: Aye.

8                    CHAIRMAN EWASUTYN: Aye.

9                    MR. MENNERICH: Aye.

10                  MS. DeLUCA: Aye.

11                  MR. DOMINICK: Aye.

12                  MR. MILLEN: Okay, thank you very much, I  
13                  appreciate it. Have a great evening.

14                  (Time noted: 7:25 p.m.)

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Ciaffone Lot Line Change

CERTIFICATE

STATE OF NEW YORK                    )  
  ) SS:  
COUNTY OF ORANGE                    )

I, KARI L. REED, a Shorthand Reporter  
(Stenotype) and Notary Public within and for  
the State of New York, do hereby certify:

I reported the proceedings in the  
within-entitled matter and that the within  
transcript is a true record of such  
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my  
hand this 17th day of November 2024.

*Kari L Reed*  
\_\_\_\_\_  
KARI L. REED

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

3 -----X

4 In the Matter of

5

ANCHORAGE - LOT #3  
(2023-06)

6

Mariners Court  
Section 121; Block 1; Lot 3  
R-1 Zone

7

8

-----X

9 PUBLIC HEARING AMENDED SUBDIVISION

10

Thursday, October 17, 2024  
7:26 p.m.  
Town of Newburgh Town Hall  
Newburgh, New York

11

12

13

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
KENNETH MENNERICH, Vice Chairman  
CLIFFORD C. BROWNE  
STEPHANIE DeLUCA  
JOHN WARD  
DAVID DOMINICK  
LISA CARVER

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ALSO PRESENT: PATRICK J. HINES  
DOMINIC CORDISCO, ESQ.  
JIM CAMPBELL, Code Enforcement

19

20

21

APPLICANT'S REPRESENTATIVE: KELLY BAER

22

23

Reported by: Kari L. Reed

24

-----  
MICHELLE L. CONERO  
Court Reporter  
michelleconero@hotmail.com

25

1 Anchorage - Lot 3

2 CHAIRMAN EWASUTYN: Item number four is a  
3 public hearing. It's Anchorage Lot 3, Project  
4 Number 23-06, in the R1 zone. It's being  
5 represented by Engineering & Surveying  
6 Properties. It's an amended subdivision.

7 MS. BAER: Good evening. My name is Kelly  
8 Baer from Engineering & Surveying Properties.  
9 I'm here on behalf of Ross Winglovitz. I'm  
10 here to address any public comments or the  
11 Board's comments for the public hearing. And I  
12 would like to also note that we will be in  
13 touch with a resubmission of the package with  
14 outstanding comments.

15 CHAIRMAN EWASUTYN: You may have to speak  
16 up a little louder, please.

17 MS. BAER: I apologize.

18 CHAIRMAN EWASUTYN: You don't have to  
19 apologize.

20 MS. BAER: Good evening. I'm appearing on  
21 behalf of Ross Winglovitz of Engineering &  
22 Surveying Properties. I'm here to address the  
23 Board and the public's comments in regards to  
24 the public hearing. And with no action, as you  
25 remember, the main change of this whole plan on

1 Anchorage - Lot 3  
2 behalf of the Planning Board is in regards to a  
3 four bedroom into a five bedroom. And so we  
4 had to go to the Orange County Health  
5 Department for a redesign of the septic system  
6 and then we have to go for further approval  
7 from them. So we're here on behalf of the  
8 Board and everybody that has comments to make.

9 CHAIRMAN EWASUTYN: Okay. I'll have Ken  
10 Mennerich read the Notice of Hearing.

11 MR. MENNERICH: (Reading:) "Notice of  
12 Hearing, Town of Newburgh Planning Board.  
13 Please take notice that the Planning Board of  
14 the Town of Newburgh, Orange County, New York  
15 will hold a public hearing pursuant to Section  
16 274-A of the New York State Town Law.

17 "Anchorage on the Hudson Lot 3 Amended  
18 Site -- Subdivision, Project 2023-06. The  
19 project is an amended subdivision to change the  
20 access drive location from the approved plan  
21 from Mariners Court to River Road. The project  
22 proposes to construct a five bedroom single  
23 family residential structure. Approximately  
24 5,400 plus or minus cubic yards of material  
25 will be imported to the site. Two retaining

1 Anchorage - Lot 3

2 walls are proposed to be constructed east of  
3 the proposed residential structure to permit  
4 the proposed regrading of the site. The  
5 project will be served by an on-site well. The  
6 project has also received approval from the  
7 Orange County Health Department for the  
8 subsurface sanitary sewer disposal system to  
9 serve the five bedroom residence. The project  
10 site is 1.12 plus or minus acre parcel of  
11 property. The project site is known within the  
12 Town's R-1 Zoning District. The project is  
13 designated on the Town's tax maps as Section  
14 121, Block 1, Lot 3.

15 "A public hearing will be held on the 17th  
16 day of October 2024 at the Town Hall Meeting  
17 Room, 1496 Route 300, Newburgh, New York at  
18 seven p.m. or as soon thereafter, at which time  
19 all interested persons will be given an  
20 opportunity to be heard.

21 "By order of the Town of Newburgh Planning  
22 Board, John P. Ewasutyn, Chairman, Planning  
23 Board, Town of Newburgh, dated 1 October,  
24 2024."

25 I just wanted to make a few comments about

1 Anchorage - Lot 3  
2 the public hearing process that we're holding.  
3 I'd like to explain how the Planning Board  
4 manages the public hearing so as to have an  
5 orderly and productive hearing.

6 The project applicant or the  
7 representative for the project will give an  
8 overview of the project. The Planning Board  
9 Chairman will then open the hearing for  
10 questions or comments on the project. At this  
11 point you can raise your hand and be recognized  
12 by the chairman. Please give your first name  
13 before asking a question or commenting, just  
14 your first name. The applicant or Planning  
15 Board technical representatives may respond to  
16 your request -- your questions. Once you have  
17 finished, you need to wait until all persons  
18 that wanted to speak have had a chance. Once  
19 everyone has had an opportunity to speak, the  
20 Chairman will recognize people that want to  
21 speak again. And that process can continue.  
22 The Planning Board welcomes your comments and  
23 input on the issues pertaining to this project.  
24 Thank you.

25 CHAIRMAN EWASUTYN: Thank you. So at this

1 Anchorage - Lot 3

2 point, as Mr. Mennerich just said, we'll open  
3 the hearing for public comment. So if there's  
4 anyone here, please raise your hand, give your  
5 name. Thank you.

6 BARRY: Yes, hi. My first name is Barry.  
7 We live right across I think from that project.  
8 And we've been here before at a, at a more  
9 recent meeting about another project, I think  
10 it might be lot one, just a few feet away. We  
11 discussed the -- that we live on the hill on  
12 above it. We're, we're -- we're west of that,  
13 and there's a grade that goes down into the  
14 area. And we are concerned that any projects  
15 there that change the height of the proposed  
16 buildings will block our view. It's a Hudson  
17 River view, it's a gorgeous view. And we're,  
18 we are concerned that there's a possibility of  
19 doing that.

20 The Anchorage has a main entrance and goes  
21 down to the bottom, and then the way those  
22 homes are supposed to go is if you drive up,  
23 and obviously the house won't be on the top if  
24 the normal entrances are used, but the houses  
25 on River Road, which is much, much higher, we

1 Anchorage - Lot 3

2 worry about that house being taller, higher and  
3 can block our view. There is a house just,  
4 just a few feet south that did that, and it  
5 blocks the view of our neighbor. And so we're  
6 concerned about that.

7 As far as the five bedrooms and the, the  
8 change in septic, that's not a problem, or a  
9 well, that's not a problem for us.

10 CHAIRMAN EWASUTYN: Pat, what is the  
11 proposed height of the new structure?

12 MR. HINES: That is not labeled on the  
13 plans. It says less than 35 feet in the bulk  
14 table.

15 CHAIRMAN EWASUTYN: In an R Zone what's  
16 the maximum height the project could be?

17 MR. HINES: Thirty-five feet, R1 Zone.

18 CHAIRMAN EWASUTYN: Did you hear what he  
19 said?

20 BARRY: Yes.

21 CHAIRMAN EWASUTYN: Okay. So we work  
22 within compliance of the bulk schedule for the  
23 zoning district. So the bulk schedule allows  
24 for something to be 35 feet. Then the owner  
25 has the right to build something to that



1 Anchorage - Lot 3

2 height.

3 BARRY: I don't have the greatest  
4 understanding of how that would affect our  
5 view. I know that the last time the people who  
6 built the house did something to enable us to  
7 look at the view, and they actually came with a  
8 compromise which we accepted. And that meeting  
9 was probably my guess is a little over a month  
10 ago on that. And those were all reasonable  
11 things. I just, I have no way of knowing that,  
12 but I'm letting you know our concern. And  
13 that's about the best I can do.

14 CHAIRMAN EWASUTYN: Dominic Cordisco,  
15 would you speak to that?

16 MR. CORDISCO: Yeah. You know, as the  
17 Chairman mentioned, you know, this board's  
18 purview is to review plans to make sure that  
19 the plans comply with the Town Code. And as it  
20 relates to private rights or impacts like to  
21 view sheds from your particular house, it's not  
22 something that the Town Code provides a remedy  
23 for this board to review and make changes. If  
24 the house is proposed to be within the height  
25 limit set by the code, then this board is

1 Anchorage - Lot 3

2 looking at whether or not it meets the code  
3 requirements, not so much as whether or not it  
4 has an impact on neighboring properties. That  
5 said, you know, you're free to speak to the  
6 applicant's representative to see whether or  
7 not you can find out additional details as to  
8 how it might affect you, and also as to whether  
9 or not there's any kind of accommodation that  
10 could be made as it might relate to your view.

11 BARRY: Yes. Just logically, if the  
12 entrance is down along the lower area, you  
13 would think that the house would be built  
14 somewhere between there and that, and the house  
15 would be a certain height but it won't be as  
16 high as if it was, if the entrance is on a  
17 grade that's so much higher. So if the, if the  
18 board said that it's supposed to be, the  
19 entrance is supposed to be on the lower side,  
20 that would, that would make sense and that's  
21 what we're talking about.

22 MR. CORDISCO: Understood. You know, and  
23 you're not incorrect that the original plan was  
24 to have the entrance along Anchorage or along  
25 Mariners Court, yes, that's right. But the

1 Anchorage - Lot 3

2 applicant is applying to change that, which is  
3 their right to request the change for.

4 BARRY: Maybe just one, it seemed like  
5 this board was -- did show an interest to, to  
6 our point of view the last time we were here,  
7 and we appreciate that. And that's a little  
8 different from what you're saying today. But I  
9 imagine that when the Anchorage put their  
10 original proposal out, that was probably part  
11 of the consideration which the town agreed to,  
12 to keep everybody in the whole area, including  
13 the people at the Anchorage, having that  
14 gorgeous view, including the people who are,  
15 who are on the west side of that. So maybe  
16 that was the reason why they chose to have that  
17 entrance in that spot.

18 CHAIRMAN EWASUTYN: Go ahead.

19 JUANITA: Yeah. My name is Juanita. What  
20 is the benefit to you if the entrance is from  
21 River Road instead of from the development?  
22 What are you trying to avoid or, or benefit of?

23 MS. BAER: I believe it was originally a  
24 pump station for the septic. Mr. Hines, I  
25 apologize, I just started in this project. But

1 Anchorage - Lot 3

2 I believe the original house location being  
3 down here in the bottom portion of the site,  
4 the lower topographic site, if we have a septic  
5 system up here, you have to pump it and create  
6 pump chambers and it goes through a whole  
7 system and it costs a lot more money.

8 JUANITA: Won't you have to pump it in any  
9 case?

10 MS. BAER: In the case of here where the  
11 septic --

12 JUANITA: When you do pump?

13 MS. BAER: Yes. But in the case of down  
14 here when we have the, it's the natural flow of  
15 gravity, you would have to then pump everything  
16 up into the drainage system, and I believe the  
17 well location came down a lot further and it  
18 became conflicting potentially. So that was  
19 the whole design of why we are relocating the  
20 house higher up, so that way it was higher  
21 above the septic.

22 JUANITA: So it's not because you don't  
23 have a good view?

24 MS. BAER: No, it was nothing in that  
25 case. There was no consideration of the view

1 Anchorage - Lot 3

2 or viewshed.

3 JUANITA: Thank you.

4 CHAIRMAN EWASUTYN: Are you the proposed  
5 owner?

6 JESSE: Me?

7 CHAIRMAN EWASUTYN: Yeah.

8 JESSE: No.

9 CHAIRMAN EWASUTYN: All right, I just was  
10 wondering, okay.

11 JESSE: I have a question, though. I was  
12 just looking for -- my name is Jesse. I'm  
13 looking for clarification on the rule about  
14 35-B. What does that mean?

15 CHAIRMAN EWASUTYN: Pat Hines.

16 MR. HINES: Yeah. The town has zoning  
17 code requirements. This is in the R-1 zone.  
18 So maximum building height in the R-1 zone is  
19 35 feet based on the underlying zoning. So  
20 that's the highest that a structure could be  
21 permitted by the building department to be  
22 constructed.

23 JESSE: Thank you.

24 CHAIRMAN EWASUTYN: Any additional  
25 questions or comments?

1 Anchorage - Lot 3

2 (No response)

3 CHAIRMAN EWASUTYN: I turn it over to the  
4 board members. Dave Dominick.

5 MR. DOMINICK: Nothing. Thank you for  
6 coming out, sir and ma'am, to share your  
7 concern. I appreciate the engineering  
8 answering those questions. I have nothing  
9 further.

10 CHAIRMAN EWASUTYN: Stephanie DeLuca.

11 MS. DeLUCA: No, I have nothing. Thank  
12 you for coming out and expressing your  
13 concerns. And right now I have nothing further  
14 to add.

15 MR. MENNERICH: Do you want to read the --

16 CHAIRMAN EWASUTYN: Yeah, I think we can  
17 do that. We received an email from a Mr.  
18 Brophy in reference to the -- Ken Mennerich  
19 will speak on it.

20 MR. MENNERICH: The email came in this  
21 afternoon actually, and it was sent to the  
22 Planning Board, Town of Newburgh. The subject  
23 is the "Public Hearing Comments for Anchorage  
24 Lot Number 3 Amended Subdivision."

25 (Reading:) "To the Members of the

1 Anchorage - Lot 3

2 Planning Board, my name is Joe Brophy, and I  
3 reside at 750 River Road, which is just north  
4 of the subject property. My property adjoins  
5 Anchorage Subdivision and has frontage on both  
6 River Road and Anchorage Drive. Thank you for  
7 this opportunity to share my comments via  
8 email, as I will not be able to attend  
9 tonight's planning public hearing.

10 "Myself and several neighbors are  
11 concerned about the traffic safety hazard this  
12 amendment could present if approved. This  
13 section of River Road is known to nearby  
14 residents for its hazards due to reduced sight  
15 lines and motorists traveling in excessive  
16 speed. My neighbors and I have had to request  
17 extra police patrols at times to prevent  
18 motorists speeding and overtaking other traffic  
19 across the double yellow lines.

20 "As the board is aware, River Road is an  
21 alternative for Route 9W during periods of  
22 congestion. Drivers who choose to use it at  
23 such times use this specific section of River  
24 Road, which is the longest and straightest  
25 section, as their best chance to overtake

1 Anchorage - Lot 3

2 slower moving traffic. In addition to motor  
3 vehicle traffic, pedestrians enjoy bicycling,  
4 walking, jogging and strolling with their pets  
5 along River Road. Not to mention the  
6 significant amount of crossings by wildlife.

7 "Permitting additional driveways will only  
8 add to the hazard and reinforces a bad  
9 precedent. The developers should use Mariners  
10 Court for driveway access, which will not  
11 adversely affect river views, just as the  
12 original subdivision approval set forth. This  
13 will limit River Road access to the existing  
14 and well-known Anchor Drive intersection, which  
15 is gated and lit at night.

16 "If the board has any questions regarding  
17 the hazards to local residents, I suggest the  
18 town's traffic consultant conduct a proper  
19 traffic safety assessment before approving this  
20 amendment. Thank you, Joseph, Joe Brophy and  
21 Angela Laikin."

22 CHAIRMAN EWASUTYN: Pat Hines, I think we  
23 have an approval from the highway department?

24 MR. HINES: Yeah. The Highway  
25 Superintendent has reviewed the site. He



1 Anchorage - Lot 3  
2 provided a letter dated 18 September that says,  
3 "I met with Mike Maher today to go over the  
4 site plan for the new construction in the  
5 Anchorage development. After discussing  
6 driveway location, because of constraints and  
7 existing relocations of other driveways, I have  
8 no objection to allowing the driveway access  
9 off of River Road. If you have any questions,  
10 please feel free to call my office."

11 CHAIRMAN EWASUTYN: Thank you.  
12 Cliff Browne.

13 MR. BROWNE: I don't have anything  
14 additional, John, thank you.

15 CHAIRMAN EWASUTYN: Lisa Carver.

16 MS. CARVER: Do you have the height of the  
17 house yet or you don't know yet?

18 MS. BAER: I don't know yet. I can  
19 actually be in touch with that. I'll speak  
20 with the owner, see if he has architectural  
21 plans, and if not, advise him that when he gets  
22 them, so that way I can pass or forward that  
23 information to anybody who has concerns. That  
24 way you can address them as well.

25 MS. CARVER: Thank you.

1 Anchorage - Lot 3

2 CHAIRMAN EWASUTYN: John Ward.

3 MR. WARD: Yes. Thank you for coming out.  
4 And at the same time, the property owner has  
5 rights to the property and is going through the  
6 Town of Newburgh doing all the regulations  
7 they're required to do. So I'm happy you  
8 brought it up, but we already looked at it and  
9 made sure. Thank you.

10 CHAIRMAN EWASUTYN: Any further questions  
11 from the public?

12 (No response)

13 CHAIRMAN EWASUTYN: Okay. Would someone  
14 move a motion to --

15 MR. DOMINICK: John.

16 CHAIRMAN EWASUTYN: Do you have a --

17 MS. DeLUCA: I don't know if this is out  
18 of line, but my comment in regards to the  
19 traffic or should I wait on that?

20 CHAIRMAN EWASUTYN: You can provide it  
21 now.

22 MS. DeLUCA: I was just curious, would  
23 there be any possibility of putting like speed  
24 humps?

25 CHAIRMAN EWASUTYN: I'll let Pat Hines

1 Anchorage - Lot 3

2 speak about speed humps, but speed humps  
3 aren't --

4 MR. HINES: Yeah, that would be outside  
5 the scope of this project. That's something  
6 the Town Highway Superintendent or someone  
7 would have to address.

8 MS. DeLUCA: Okay. Okay. Thank you.

9 CHAIRMAN EWASUTYN: All right. So would  
10 someone make a motion to close the public  
11 hearing on the Anchorage Lot 3 on Mariners  
12 Court?

13 MS. CARVER: So moved.

14 MR. BROWNE: Second.

15 CHAIRMAN EWASUTYN: I have a motion by  
16 Lisa Carver, I have a second from Cliff Browne.  
17 Can I have a roll call vote starting with Dave  
18 Dominick.

19 MR. DOMINICK: Aye.

20 MS. DeLUCA: Aye.

21 MR. MENNERICH: Aye.

22 CHAIRMAN EWASUTYN: Aye.

23 MR. BROWNE: Aye.

24 MS. CARVER: Aye.

25 MR. WARD: Aye.

1 Anchorage - Lot 3

2 CHAIRMAN EWASUTYN: At this point in time  
3 we turn the meeting over to Jim Campbell. Do  
4 you have any comments?

5 MR. CAMPBELL: No comments at this time.

6 CHAIRMAN EWASUTYN: Pat Hines from MHE.

7 MR. HINES: Yeah. Our comments are a note  
8 has been added to the plans identifying a  
9 building permit is required for the retaining  
10 walls. An additional erosion sediment control  
11 sheet has been added to the plans. Based on  
12 the placement of the fill on the site, we're  
13 recommending that a phase plan be developed for  
14 the soil erosion sediment control. The phasing  
15 plan should address timing of the construction  
16 of the retaining walls and detailed erosion and  
17 sediment control for each phase. Also to show  
18 the discharge location for the drainage from  
19 the retaining walls. This project is here for  
20 an amended subdivision. The original  
21 subdivision in October 2002 did show the access  
22 from Mariners Court for the lots. And it's  
23 here before you tonight to request modification  
24 to that subdivision, changing the access to  
25 River Road.

1 Anchorage - Lot 3

2 CHAIRMAN EWASUTYN: Okay. Dominic  
3 Cordisco, Planning Board Attorney.

4 MR. CORDISCO: Yes. The applicant's  
5 representative indicated that they're going to  
6 make an additional submission to respond to the  
7 outstanding comments as well, and so I would  
8 also encourage them to respond to the public  
9 comments as part of that submission so that the  
10 board can consider their response to how they  
11 suggest the board should consider those  
12 comments as well. But the time frame for the  
13 board to act is 62 days from the close of the  
14 public hearing. But since you indicated that  
15 there's going to be a resubmission, we would  
16 ask that you acknowledge that that time frame  
17 is suspended, because the applicant still has  
18 work to do in connection with the application.

19 (Ms. Baer nods head.)

20 MR. CORDISCO: So if you could say that  
21 out loud.

22 MS. BAER: Yes.

23 MR. CORDISCO: Thank you.

24 CHAIRMAN EWASUTYN: Thank you.

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

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Anchorage - Lot 3

CERTIFICATE

STATE OF NEW YORK                    )  
  ) SS:  
COUNTY OF ORANGE                    )

I, KARI L. REED, a Shorthand Reporter  
(Stenotype) and Notary Public within and for  
the State of New York, do hereby certify:

I reported the proceedings in the  
within-entitled matter and that the within  
transcript is a true record of such  
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my  
hand this 21st day of November 2024.

*Kari L Reed*  
\_\_\_\_\_  
KARI L. REED

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

3 -----X

In the Matter of

4

LANDS OF LL'S PRESTIGE HOMES, LLC  
(24-30)

5

6 Corner of Charles Street and Elmhurst Avenue  
7 Section 53; Block 2; Lot 10 & 11  
R-1 Zone

7

8 -----X

9

LOT LINE CHANGE

10

Thursday, October 17, 2024  
8:04 p.m.

11

Town of Newburgh Town Hall  
Newburgh, New York

12

13

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
KENNETH MENNERICH, Vice Chairman  
14 CLIFFORD C. BROWNE  
STEPHANIE DeLUCA  
15 JOHN WARD  
DAVID DOMINICK  
16 LISA CARVER

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ALSO PRESENT: PATRICK J. HINES  
DOMINIC CORDISCO, ESQ.  
19 JIM CAMPBELL, Code Enforcement

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APPLICANT'S REPRESENTATIVE: KEN LYTLE

22

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Reported by: Kari L. Reed

24

-----  
MICHELLE L. CONERO  
Court Reporter  
25 michelleconero@hotmail.com

1                   Lands of LL's Prestige Homes

2                   CHAIRMAN EWASUTYN: Our last item of  
3 business is the Lands of LL's Prestige Homes,  
4 LLC. It's located at the corner of Charles  
5 Street and Elmhurst Avenue in an R-1 zone. And  
6 it's being represented by Ken Lytle of Zen  
7 Consultants.

8                   MR. LYTLE: Good evening. Before you  
9 tonight is two existing residential lots, one  
10 much smaller in size than the second lot.  
11 We're proposing to do a lot line change to make  
12 it more compatible and more suitable for two  
13 individual residences. There's an existing  
14 residence pretty much down in the corner. Part  
15 of the proposal would be to have that removed  
16 during this proposal. New septic, new wells  
17 would be installed. One of the existing  
18 driveways will be used. And we proposed -- and  
19 we have to go to the Zoning Board, again, for  
20 the areas of both lots are under the size  
21 requirements, and the one lot we have a lot  
22 line width issue. Instead of it being 150 feet  
23 we have 126 feet of width. That's pretty much  
24 it, that's the project.

25                   CHAIRMAN EWASUTYN: For the record, the



1                   Lands of LL's Prestige Homes

2                   lot area deficiency for each lot is?

3                   MR. LYTLE: So the proposed lot will be  
4                   approximately 20,000 square feet in each lot,  
5                   approximately.

6                   CHAIRMAN EWASUTYN: Deficient.

7                   MR. LYTLE: Deficient.

8                   CHAIRMAN EWASUTYN: Okay. So you need,  
9                   what's the square footage?

10                  MR. LYTLE: Forty thousand square feet is  
11                  required.

12                  CHAIRMAN EWASUTYN: And the lots are  
13                  approximately?

14                  MR. LYTLE: Approximately 20,000. One is  
15                  like 20,000, a little over 20,000, and one is  
16                  at 18 and change.

17                  CHAIRMAN EWASUTYN: And the other variance  
18                  that is being asked for?

19                  MR. LYTLE: Is the lot width. We need to  
20                  have 150 foot width, and we have 126 feet of  
21                  width. Everything else meets the required  
22                  zoning.

23                  CHAIRMAN EWASUTYN: Comments from the  
24                  board members?

25                  Jim Campbell.

1                   Lands of LL's Prestige Homes

2                   MR. CAMPBELL: Yeah. Being that these are  
3 both corner lots, you're required to have two  
4 front yards, a side yard and a rear yard.  
5 which, where are your rear yards, which would  
6 require 40 feet?

7                   MR. LYTLE: Yup. On the actual, the  
8 southwestern lot, lot 11, the 40 feet would be  
9 in this back side.

10                  MR. CAMPBELL: what are you calling the  
11 back side?

12                  MR. LYTLE: Right alongside here. The one  
13 actually is, again, would be opposite Elmhurst.

14                  MR. CAMPBELL: Okay. Do you have less  
15 than 40 from the jog going to your right?

16                  MR. LYTLE: Right, we did actually, right  
17 in this tree area here, and everything else  
18 would be actually a side yard. Do you want to  
19 run that 40 feet across the whole entire thing?  
20 And so we would rotate the house and put it on  
21 the top line.

22                  MR. CAMPBELL: well, that line, but I  
23 think it's more clear on the other one, which  
24 is --

25                  MR. LYTLE: This one here.

1 Lands of LL's Prestige Homes

2 MR. CAMPBELL: That whole box to the side  
3 and the rear of the house is only 30.

4 MR. LYTLE: So we'll have to actually  
5 adjust this on the north side will bring it out  
6 to 40.

7 MR. CAMPBELL: You have to determine which  
8 one --

9 MR. LYTLE: Yeah, that's fine.

10 MR. CAMPBELL: You decide which one.

11 MR. LYTLE: Label it right on the plan?

12 MR. CAMPBELL: Mm-hmm.

13 MR. LYTLE: Okay.

14 CHAIRMAN EWASUTYN: Thank you.

15 Pat Hines with MHE.

16 MR. HINES: The project is a lot line  
17 change between two adjoining parcels. One of  
18 the parcels contains an existing single family  
19 residence identified as to be removed. Zoning  
20 Board of Appeals approval for the lot line is  
21 required, as the resulting lots will not meet  
22 the minimum R-1 lot area of 40,000 square feet.  
23 Tax lot ten proposes 18,167 square feet. Tax  
24 map 11 proposes 20,045 square feet. Also, tax  
25 lot 11 does not meet the minimum lot width of

1                   Lands of LL's Prestige Homes

2                   150 feet where 126 feet is proposed.

3                   I'm requesting Dominic's comments on the,  
4                   regarding the existing residence to be removed.  
5                   We need some form of assurances at the approval  
6                   that that will be removed, that it is not  
7                   zoning compliant right now. I don't know how  
8                   they work that or whether it's removed prior to  
9                   final approval. Something needs to make sure  
10                  that goes away, that the lot line doesn't get  
11                  approved and then it stays there.

12                  The driveway location should receive  
13                  highway superintendent approval. Compliance  
14                  with the town's tree ordinance must be  
15                  documented. The septic system design chart  
16                  should identify the absorption fields as Elgin  
17                  proprietary systems. There is shallow  
18                  absorption trench system notes on the plans,  
19                  but it looks like they're conventional septic  
20                  systems, so that will need to be cleaned up.  
21                  The EAF identifies potential habitat for  
22                  protected bat species. And that clearing notes  
23                  restriction should be added to the plans to  
24                  address that. And I don't know if the  
25                  discussion you just had with Mr. Campbell will

1                   Lands of LL's Prestige Homes  
2           require an additional variance or it just needs  
3           to be shown.

4                   MR. LYTLE: I believe we can adjust that  
5           on the plan and we'll submit it over to Jim to  
6           make sure. And then if it can be directed to  
7           the ZBA, if you're at that point.

8                   MR. HINES: They'll --

9                   CHAIRMAN EWASUTYN: Dominic Cordisco.  
10           Excuse me.

11                   MR. HINES: It'll need adjoining notices  
12           as well. They don't have that.

13                   CHAIRMAN EWASUTYN: Okay. Dominic  
14           Cordisco, Planning Board Attorney, a referral  
15           letter to the Zoning Board of Appeals?

16                   MR. CORDISCO: That would be an  
17           appropriate step at this point. As Pat had  
18           noted, the minimum R-1 lot area is 40,000  
19           square feet. The one lot is being proposed at  
20           18,167 and the other one at 20,045 square feet,  
21           so both are deficient, as well as the minimum  
22           lot width for tax lot 11, where 126 is provided  
23           but 150 is required.

24                   CHAIRMAN EWASUTYN: Okay. would someone  
25           make a motion to have Planning Board Attorney

1                   Lands of LL's Prestige Homes

2           Dominic Cordisco prepare a referral letter to  
3           the Zoning Board of Appeals?

4           MR. WARD:   So moved.

5           MS. DeLUCA:   Second.

6           CHAIRMAN EWASUTYN:   I have a motion by  
7           John ward, I have a second by Stephanie DeLuca.  
8           May I have a roll call vote starting with Dave  
9           Dominick.

10          MR. DOMINICK:   Aye.

11          MS. DeLUCA:   Aye.

12          MR. MENNERICH:   Aye.

13          CHAIRMAN EWASUTYN:   Aye.

14          MR. BROWNE:   Aye.

15          MS. CARVER:   Aye.

16          MR. WARD:   Aye.

17          CHAIRMAN EWASUTYN:   Motion carried.

18                 would someone make a motion to close the  
19           meeting of October 17th.

20          MS. DeLUCA:   So moved.

21          MS. CARVER:   Second.

22          CHAIRMAN EWASUTYN:   I have a motion by  
23           Stephanie DeLuca and a second by Lisa Carver.  
24           May I have a roll call vote starting with John  
25           ward.

1                   Lands of LL's Prestige Homes

2                   MR. WARD: Aye.

3                   MS. CARVER: Aye.

4                   MR. BROWNE: Aye.

5                   CHAIRMAN EWASUTYN: Aye.

6                   MR. MENNERICH: Aye.

7                   MS. DeLUCA: Aye.

8                   MR. DOMINICK: Aye.

9                   (Time noted: 8:10 p.m.)

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Lands of LL's Prestige Homes

CERTIFICATE

STATE OF NEW YORK                    )  
  ) SS:  
COUNTY OF ORANGE                    )

I, KARI L. REED, a Shorthand Reporter  
(Stenotype) and Notary Public within and for  
the State of New York, do hereby certify:

I reported the proceedings in the  
within-entitled matter and that the within  
transcript is a true record of such  
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my  
hand this 21st day of November 2024.

*Kari L Reed*  
\_\_\_\_\_  
KARI L. REED



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

3 -----X

In the Matter of

4

NEWBURGH SHOPPES PHASE III  
(23-16)

5

1217 and 1219 Route 300  
Section 96; Block 1; Lot 6.2 and 11.1  
IB Zone

6

7

8 -----X

9

PUBLIC HEARING  
SITE PLAN/SUBDIVISION

10

Thursday, October 17, 2024  
7:46 p.m.  
Town of Newburgh Town Hall  
Newburgh, New York

11

12

13

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
KENNETH MENNERICH, Vice Chairman  
CLIFFORD C. BROWNE  
STEPHANIE DeLUCA  
JOHN WARD  
DAVID DOMINICK  
LISA CARVER

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ALSO PRESENT: PATRICK J. HINES  
DOMINIC CORDISCO, ESQ.  
JIM CAMPBELL, Code Enforcement

19

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APPLICANT'S REPRESENTATIVE: JERAME SECARAS, P.E.

22

23

Reported by: Kari L. Reed

24

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MICHELLE L. CONERO  
Court Reporter  
michelleconero@hotmail.com

25

2 CHAIRMAN EWASUTYN: The next item of  
3 business is the Newburgh Shoppes Phase III. It  
4 is a public hearing on the site plan and  
5 subdivision. It is located on Route 300 in an  
6 IB zone, and it's being represented by Kelly  
7 Libolt.

8 MR. MENNERICH: (Reading:) "Notice of  
9 Hearing, Town of Newburgh Planning Board.  
10 Please take notice that the Planning Board of  
11 the Town of Newburgh, Orange County, New York,  
12 will hold a public hearing pursuant to Section  
13 274-A of the New York State Town Law and  
14 Chapter 185-57, Section K of the Town of  
15 Newburgh Code on the Application of Shoppes at  
16 Union Phase III, Project 2023-16. The project  
17 proposes a two lot subdivision and site plan  
18 for self-storage facility. Existing site is  
19 11.4 plus or minus parcel of property. The  
20 applicants are proposing a 2-lot subdivision.  
21 Lot B contains a storage facility which will be  
22 6.39 plus or minus acres. Lot A will be four  
23 plus or minus acres. Proposed Phase III  
24 development will consist of a one story climate  
25 controlled self-storage building and five

2 one-story conventional self-storage buildings,  
3 totaling 125,629 square feet. Access to the  
4 site will be through the existing shopping  
5 center and an additional access point at the  
6 western portion of Orr Avenue. The project  
7 will be served by connections to the Town of  
8 Newburgh municipal water and sanitary sewer  
9 collection system. Stormwater management  
10 facilities are proposed to treat both the water  
11 quantity and water quality. The project site  
12 is known within the Town's IB Zoning District.  
13 The site is located in the Town Tax Maps as  
14 Section 96, Block 1, Lot 6.2, and Section 96,  
15 Block 1, Lot 11.1.

16 "A public hearing will be held on the 17th  
17 day of October 2024 at the Town Hall Meeting  
18 Room, 1496 Route 300, Newburgh, New York at  
19 7:00 p.m. or as soon thereafter, at which time  
20 all interested persons will be given an  
21 opportunity to be heard. By order of the Town  
22 of Newburgh Planning Board, John P. Ewasutyn,  
23 Chairman, Planning Board, Town of Newburgh,  
24 dated 24 September 2024."

25 MR. SECARAS: Good evening. My name is

2 Jerame Secaras. It's J-E-R-A-M-E,  
3 S-E-C-A-R-A-S. I'm here on behalf of the  
4 applicant. I'm with Langan Engineering,  
5 L-A-N-G-A-N. I'm a licensed PE in the state of  
6 New York.

7 So I just wanted to clarify two things  
8 that were on that announcement. There are,  
9 it's actually a three-story climate controlled  
10 building, and the rest of them are one story.  
11 And the total square footage may have been  
12 including the stories rather than just the  
13 footprint. The footprint is 65,000 square  
14 feet. And the prior approval that we had, this  
15 was approved years ago, over a decade ago, and  
16 during that approval there was a 71,000 square  
17 foot building that was proposed here. So we're  
18 actually proposing a reduction from the  
19 original approval. I believe we already -- so  
20 we were before the ZBA for some variances,  
21 which were approved back on July 25th. I  
22 understand we have since also received a  
23 negative declaration on the project. So we are  
24 here to do the public hearing.

25 I was going to keep -- I was going to go

2 through what I previously testified last month  
3 very briefly since the public hearing, but I  
4 can also just skip to comments. So I defer to  
5 the board. Would you like me to go through  
6 sort of the five minute version or the two  
7 minute version?

8 CHAIRMAN EWASUTYN: I think I would, I  
9 would high point some of the finer points of  
10 the plan, and then we'll leave it open for the  
11 public for their comments. Do you have any  
12 additional information you'd like to add?

13 MR. SECARAS: Certainly. So the site is a  
14 three phase development, as you mentioned. The  
15 initial phases was a total of five acres, four  
16 acres that are part of this lot, and another  
17 acre that was part of the overall five acres is  
18 a commercial shopping center. Those two phases  
19 were already built. This is the third phase,  
20 which is going to be the self-storage. It has  
21 access to Orr Avenue and access to Route 300  
22 through Phase II. We have a regulated stream  
23 that sort of naturally bisects Phase III from  
24 Phases I and II, and that's the sort of change  
25 in use.

2           There are eight parking spaces, including  
3 the eight spaces which are located at the  
4 office outside the secure area, because the  
5 access to the site will be gated and secured,  
6 the site will be fenced. And we will be  
7 working with the fire department to make sure  
8 that access is provided through the secure  
9 area.

10           I'll skip to the grade elevations. So  
11 there are, the elevations on Phase III are  
12 generally highest near the northeastern side of  
13 the site adjacent to the Lowe's, and about a 25  
14 foot grade change across the site. The north  
15 has the balance, it's got various cuts, which  
16 is purposeful, and there are cuts and fills of  
17 about ten feet over across the site. So the  
18 grade down from the Lowe's site towards the  
19 flatter area to do the self-storage, and then  
20 grade down towards the water, stormwater basins  
21 into the existing grade. There's a total of  
22 three proposed stormwater basins with the  
23 associated piping applicable structures. As  
24 was mentioned in the notice, the stormwater  
25 basins were designed for both stormwater

2 quality and quantity. They exceed New York  
3 State DEC requirements. Specifically, the  
4 water quality was designed to provide greater  
5 than 110% of the required water quality volume,  
6 and conveyances provided for the 25 year storm.  
7 Both of those have been submitted to NIT. We  
8 recently received comments from them, and I'll  
9 get to the comments later in a second.

10 In terms of utilities, electric service is  
11 going to be provided after we coordinate with  
12 the utility provider, Central Hudson. There's  
13 no gas service proposed. Sewer is going to be  
14 city sewer through an existing easement, which  
15 is on the north side of the property. We do  
16 understand that we have to go to Orange County  
17 Department -- I'm sorry, to the City of  
18 Newburgh flow acceptance for the sewer. And we  
19 also are -- have water service that will  
20 connect through the service in Phase II. We  
21 understand that Orange County Department of  
22 Health permitting will be needed for the water  
23 main extension, and we will be looking for that  
24 condition of approval.

25 The landscaping, we provide extensive

2 plantings along the entrance areas and the  
3 perimeter areas. Less so inside the secured  
4 areas, as is typical for this type of use, but  
5 it does meet the Town Code.

6 Our tree plan was revised to address MHE's  
7 prior comments and to also meet the latest  
8 version of the Town Tree Code. So we used  
9 marked sample plots in which we located all the  
10 significant and protected specimen trees.  
11 There were no protected trees identified within  
12 those sample plots. All specimen trees were  
13 located and identified and tagged on site. And  
14 we're proposing a somewhat condensed  
15 development to provide appropriate space for  
16 buildings, safe circulation, required  
17 stormwater basins, and, if necessary, grading.  
18 And it's located, it's planned right as close  
19 to the Lowe's as possible. We actually got a  
20 variance to do so, in order to maintain as many  
21 existing trees as we can along the perimeter  
22 and along the stream corridor. And we are  
23 complying with the tree ordinance in terms of  
24 tree removal, and we provided the required  
25 calculations to show that in the submission.



2           In terms of comment letters, we previously  
3 received comments from C&E in regards to truck  
4 movement. We addressed them in our response  
5 letter and provided revised truck movement  
6 plans. We haven't received any additional  
7 comments. We received county comments and  
8 provided responses in our cover letter with the  
9 submission to the board. The county comments  
10 were largely advisory, so we defer to the board  
11 if you have any questions on our responses, but  
12 we didn't have anything more to add beyond the  
13 responses we provided.

14           And finally we received, as I mentioned  
15 earlier, MHE's revised technical or updated  
16 technical review as well as their SWPPP  
17 comments. Those are largely administrative or  
18 technical to the extent that we're not  
19 expecting any major significant changes to our  
20 design. We have to provide some more detail in  
21 some areas in order to show how we're being  
22 compliant with or addressing those comments.

23           There are several items that we would like  
24 to request be made conditions of approval. As  
25 mentioned, one of those is the Orange County

2 Health Department approval. Another is the  
3 specific comment that came up in the recent  
4 letter regarding the SWPPP. And so one of the  
5 things that's required for stormwater basins  
6 that have infiltration is percolation testing,  
7 infiltration testing. We are aware of that,  
8 we're not looking for a waiver from that. What  
9 we have, what we would like to do is provide a  
10 memo to MHE explaining why we have assumed  
11 minimal infiltration rate, basically code  
12 minimum, a half inch per hour, and that the  
13 prior geotechnical information that was from  
14 over a decade ago does support the granular  
15 soil, which would have a higher, typically have  
16 a much higher infiltration rate. And so the  
17 idea is we'll provide that backup as to where  
18 we are, and what we would ask to do is have a,  
19 make the infiltration testing a condition of  
20 approval as well. With the idea being that  
21 once we clear the site, because of the bats and  
22 the tree clearing restrictions, we clear the  
23 site and then we can get in there and do the  
24 borings and doing that perc testing, and  
25 basically then we would provide a confirming

2 report showing that it meets or exceeds the  
3 requirements. If we have to make changes we  
4 can to meet the approval, but I'm not expecting  
5 that will be a problem, given the historic  
6 information. And I believe that is all I have.  
7 Any questions, let me know.

8 CHAIRMAN EWASUTYN: Okay. Is there anyone  
9 here this evening who has any questions or  
10 comments on the proposed Shoppes Phase III?

11 (No response)

12 CHAIRMAN EWASUTYN: Okay, let the record  
13 show that there is no public comment, public  
14 hearing this evening. At this point we'll turn  
15 the meeting over to Pat Hines with MHE.

16 MR. HINES: Yeah, we have comments. We  
17 believe that the two access points need DEC  
18 approval for stream crossing permits.

19 Confirmation that the Orange Lake Fire  
20 District comments have been addressed.

21 The project is a subdivision, and access  
22 and maintenance agreements will be required  
23 between the newly created lots for the internal  
24 access from the shopping center parcel to the  
25 self-storage parcel.

2           We have reviewed the tree survey and found  
3 it compliant with the tree survey. The percent  
4 removal of specimen trees note, we need to note  
5 the percent removal of specimen trees in the  
6 chart, and tree preservation note number four  
7 should be completed. A note has been placed on  
8 the plans regarding tree removal requirements  
9 to protect bat species.

10           A City of Newburgh flow acceptance letter  
11 is required. A stormwater facilities  
12 maintenance agreement will be required. Health  
13 department approval for the water main with  
14 hydrants is required. As was noted, we issued  
15 comments regarding the Stormwater Pollution  
16 Prevention Plan and believe those should be  
17 addressed.

18           Confirmation that the lighting is dark sky  
19 compliant.

20           Calculations supporting the culvert sizing  
21 for the two stream crossings should be  
22 provided. We have comments on the water and  
23 sewer. The limits of disturbance should be  
24 depicted on the plans and calculated for the  
25 site.

2           As was mentioned, infiltration testing for  
3 all stormwater basins should be provided, and  
4 details for the stormwater basins should be  
5 provided consistent with the SWPPP comments.  
6 We have a comment regarding the placement of  
7 sediment traps in the areas proposed for  
8 infiltration basins.

9           And that's the extent of our comments.  
10 There is a separate technical issue that was  
11 issued, a technical memo that was issued for  
12 the stormwater.

13           CHAIRMAN EWASUTYN: You had mentioned at  
14 the work session the eight inch sewer line.

15           MR. HINES: Yes. There's a proposed eight  
16 inch sewer line shown servicing the multistory  
17 storage building, and we just want confirmation  
18 of that sizing. It appears large based on the  
19 hydraulic loading.

20           CHAIRMAN EWASUTYN: Jim Campbell with Code  
21 Compliance.

22           MR. CAMPBELL: Nothing additional at this  
23 time.

24           CHAIRMAN EWASUTYN: Okay. We'll turn it  
25 over to the board members. John Ward.

2 MR. WARD: No comments.

3 CHAIRMAN EWASUTYN: Lisa Carver.

4 MS. CARVER: Nothing further.

5 CHAIRMAN EWASUTYN: Cliff.

6 MR. BROWNE: Nothing further. Thank you.

7 CHAIRMAN EWASUTYN: No comment.

8 MR. MENNERICH: No comments.

9 MS. DeLUCA: No comments.

10 MR. DOMINICK: Jerame, thanks for that  
11 update. This is a very busy site, high end  
12 site in front of a place on a very busy street.  
13 When you come back with the ARB do not, even  
14 though you're on Orr Avenue, tucked completely  
15 in the back there, do not skimp on ARB when you  
16 come back, you know, the building esthetics and  
17 overall look of this site.

18 MS. LIBOLT: Do you mean just -- this is  
19 Kelly Libolt with KARC Planning -- as far as  
20 landscaping?

21 MR. DOMINICK: No, the landscaping looks  
22 good. I think overall the aesthetics of the  
23 buildings.

24 MS. LIBOLT: Understood.

25 MR. DOMINICK: It's a multistory building

2 and then the single units.

3 MS. LIBOLT: Sure. We have provided the  
4 board with some architectural plans in prior  
5 submissions, and I don't think that they've  
6 changed much since the last submission. But  
7 we'll, we'll provide those in the next  
8 submission and I think you'll be happy with  
9 them.

10 MR. DOMINICK: Okay.

11 MS. LIBOLT: They don't look like a  
12 warehouse. It looks like an office building.  
13 It's predominantly brick with lots of glass.  
14 So we'll provide those to you.

15 MR. DOMINICK: Thank you.

16 MR. WARD: Thank you.

17 CHAIRMAN EWASUTYN: Okay. Since there's  
18 no questions or comments from the public, would  
19 someone move for a motion to close the public  
20 hearing --

21 MR. WARD: So moved.

22 CHAIRMAN EWASUTYN: -- Newburgh Shoppes  
23 Phase III. I have a motion by John Ward. Do I  
24 have a second?

25 MS. CARVER: Second.

2 CHAIRMAN EWASUTYN: Seconded by Lisa  
3 Carver. May I have a roll call vote starting  
4 with Dave Dominick.

5 MR. DOMINICK: Aye.

6 MS. DeLUCA: Aye.

7 MR. MENNERICH: Aye.

8 CHAIRMAN EWASUTYN: Aye.

9 MR. BROWNE: Aye.

10 MS. CARVER: Aye.

11 MR. WARD: Aye.

12 CHAIRMAN EWASUTYN: Dominic Cordisco,  
13 Planning Board Attorney.

14 MR. CORDISCO: Yes.

15 MR. HINES: John, I have a -- we talked at  
16 work session, and I don't know, apparently the  
17 applicants were applying for a clearing and  
18 grading permit as well. And this public  
19 hearing was not advertised to include the  
20 clearing and grading permit, and I don't know  
21 if that's the applicant's intent to pursue a  
22 clearing and grading permit prior to --

23 MS. LIBOLT: Site plan approval?

24 MR. HINES: Site plan approval.

25 MS. LIBOLT: Yeah, we would, we would



2 pursue site plan approval following the final  
3 signed plans --

4 MR. HINES: Okay, I just wanted to make  
5 sure.

6 MS. LIBOLT: -- and then we could commence  
7 grading.

8 MR. SECARAS: That's the benefit of doing  
9 the waiver for the infiltration testing before  
10 we can clear, because we don't have to bisect  
11 it. We can get site plan approval, move  
12 forward and clear.

13 MR. HINES: So we would, we would be  
14 looking for responses back to those comments,  
15 and you can include any documentation that you  
16 feel necessary to request that. You know, the  
17 design guidelines do require that infiltration  
18 testing. So my office will review whatever you  
19 have to respond to that.

20 MR. SECARAS: There were dozens of test  
21 sites that were completed, but we'll be happy  
22 to provide that.

23 CHAIRMAN EWASUTYN: Dominic Cordisco.

24 MR. CORDISCO: Yes. Since the board had  
25 previously adopted a negative declaration on

2           September 19th and has now held and closed the  
3           public hearing but the applicant still has  
4           items to address, including the city sewer  
5           acceptance letter, the DEC stream crossing  
6           permit and responding to technical comments  
7           that the board's consultants have provided, the  
8           code provision requires that the board has to  
9           make a decision within 45 days of the closure  
10          of the public hearing, we would ask that you  
11          acknowledge that that time frame is suspended  
12          because the applicant is going to be  
13          resubmitting.

14                 MS. LIBOLT: We acknowledge.

15                 MR. CORDISCO: Thank you.

16                 CHAIRMAN EWASUTYN: Okay, that's it.

17                 MS. LIBOLT: Thank you.

18                 (Time noted: 8:03 p.m.)

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CERTIFICATE

STATE OF NEW YORK                    )  
  ) SS:  
COUNTY OF ORANGE                    )

I, KARI L. REED, a Shorthand Reporter  
(Stenotype) and Notary Public within and for  
the State of New York, do hereby certify:

I reported the proceedings in the  
within-entitled matter and that the within  
transcript is a true record of such  
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my  
hand this 21st day of November 2024.

*Kari L Reed*  
\_\_\_\_\_  
KARI L. REED