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

----- X

In the Matter of

FARRELL INDUSTRIAL PARK
(2020-16)

NYS Route 300
Section 34; Block 2; Lot 45
IB Zone

----- X

SITE PLAN
CHANGE TO SINGLE BUILDING

Date: October 21, 2021
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOSEPH MODAFFERI

----- X

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

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2 CHAIRMAN EWASUTYN: Good evening,
3 ladies and gentlemen. The Town of
4 Newburgh Planning Board would like to
5 welcome you to the meeting of the 21st of
6 October. We have six items on the agenda
7 this evening.

8 At this time we'll call the
9 meeting to order with a roll call vote.

10 MR. GALLI: Present

11 MS. DeLUCA: 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 Cordisco,
18 Planning Board Attorney.

19 MS. CONERO: Michelle Conero,
20 Stenographer.

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

23 MR. CAMPBELL: Jim Campbell, Code
24 Compliance.

25 MR. HIPPE: Starke Hipp with

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Creighton, Manning Engineering.

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to Pat Hines.

MR. HINES: Rise for the Pledge.
(Pledge of Allegiance.)

MR. HINES: Anyone who has a cellphone, please turn them on vibrate or off.

CHAIRMAN EWASUTYN: The first item of business is Farrell Industrial Park, project number 20-16. It's here to discuss a site plan and a change to a single building. It's located on Route 300 in an IB Zone. JMC is the consulting engineer.

MR. MODAFFERI: Good evening, Mr. Chairman, Members of the Board. For the record, my name is Joe Modafferi with JMC.

I'm here tonight to speak with you about something I should have thought about when we were here two weeks ago. As you know, two weeks ago we were directed to resubmit to the Planning Board -- to the Orange County Planning Board due to

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the change from two buildings to one. Mr. Hines has done that.

In the interest of time we would like to speak with you about the possibility of scheduling a public hearing for the project, if the Board desires to schedule a public hearing, on a date certain that would be beyond the thirty-day window of when the documents were submitted to the Orange County Planning Board.

CHAIRMAN EWASUTYN: Okay. So this is kind of simple. We'll poll the Board Members.

The Planning Board, under site plan approval, has the discretion to either hold a public hearing or waive a public hearing.

Frank Galli, what are you suggesting?

MR. GALLI: I never saw the plan, John, so I don't know what --

CHAIRMAN EWASUTYN: This is more for a public -- we can't act on it because

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we're waiting for the County to respond.
He's here simply to prepare for something.

MR. GALLI: Public hearing.

CHAIRMAN EWASUTYN: Right.

MS. DeLUCA: I agree, a public hearing.

MR. MENNERICH: I'll agree, too.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Waive.

MR. DOMINICK: Public hearing.

MR. WARD: Public hearing.

CHAIRMAN EWASUTYN: Let the record show that the majority of the Board opted to have a public hearing and allowing for -- you said two weeks is when we sent everything out?

MR. MODAFFERI: Yes. I believe the day after we had the meeting it was sent via e-mail.

Correct, Pat?

MR. HINES: I believe so.

CHAIRMAN EWASUTYN: What's that?

MR. HINES: I believe it was the day after the last meeting that my office

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circulated that.

CHAIRMAN EWASUTYN: So then would someone make a motion to schedule a public hearing for Farrell Industrial Park for the 18th of November?

MR. DOMINICK: I'll make a motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick and a second by John Ward. May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Two points of interest. One, when you resubmit can we please have a new sketch plan or site plan showing the new building, just for the Planning Board Members?

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MR. MODAFFERI: Unless there are comments from the Orange County Planning Board, it would be the same plan that we submitted for the meeting two weeks ago. But I can resubmit one copy of the layout plan.

CHAIRMAN EWASUTYN: We never got the one copy.

MR. HINES: You sent Dropboxes but they didn't get the hard copies.

MR. MODAFFERI: Sorry. One paper copy of the layout plan for everyone on the Board. Sure.

CHAIRMAN EWASUTYN: Dominic Cordisco will take a moment now to talk about a new negative declaration, as to why we're doing that.

MR. CORDISCO: Yes. For this project there have been revisions since the last plan set that was the subject of a negative declaration. Since there's a coordinated review, I think it would be most helpful for the Board to adopt a new negative declaration that has an updated

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2 description of the actual project that's
3 moving forward at this time. I don't
4 anticipate, subject to, of course, the
5 Board's comments and the Board's
6 Consultants' comments, but I don't
7 anticipate any new changes to the negative
8 declaration or any mitigation measures.
9 Nonetheless, I think that given the two
10 buildings to one, it would be helpful for
11 the record to have a negative declaration
12 that actually matches the current plan.

13 MR. MODAFFERI: For sure. And as
14 you may recall, my cover letter had a lot
15 of that stuff outlined, how it was either
16 the same or less.

17 Then also, correct me if I'm
18 wrong, it's a coordinated review but I
19 think our coordinated review, because we
20 previously needed a variance and now we
21 don't, it's really only your Board I
22 believe.

23 MR. HINES: The DOT, the Health
24 Department. There's quite a few other
25 agencies.

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MR. MODAFFERI: That's right.

CHAIRMAN EWASUTYN: So you'll work with Pat Hines' office as far as the mailing, when that's ready and --

MR. MODAFFERI: Sure. Sure.

CHAIRMAN EWASUTYN: Thank you.

MR. MODAFFERI: Thank you very much. See on the 18th.

(Time noted: 7:05 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 30th day of October
2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

GARDNER RIDGE
(2002-29)

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

----- X

AMENDED SITE PLAN
144 MULTI-FAMILY WITH SENIOR COMPONENT

Date: October 21, 2021
Time: 7:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE,
THOMAS OLLEY & PHILIP GREALY

----- X

MICHELLE L. CONERO
3 Francis Street
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CHAIRMAN EWASUTYN: Our second item of business this evening is Gardner Ridge, project 02-29. It's an amended site plan for 144 multi-family units with seniors. It's located on Gardnertown Road and Gidney. It's in an R-3 Zone and it's being represented by Doce Associates.

MR. DOCE: I'm Darren Doce. I have also the Site Engineer, Tom Olley, and our Traffic Engineer, Phil Grealy, with me this evening.

Just a quick overview of the project for those who might not remember. It's located on Gardnertown Road, opposite to the Gardnertown Commons project. We have a 144-unit apartment project consisting of 108 non-senior units located in five buildings and 36 senior apartments located in one building.

Originally the project access was off of North Plank Road opposite Chestnut Lane. We had a right-of-way through the adjacent parcel. Since that time the owner of that parcel has refused to

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finalize that right-of-way agreement that we had. Central Hudson has also refused our crossing their gas line easement. We had to cross the gas line easement in two locations. Central Hudson has refused to allow us to do that.

The project obviously has frontage on Gardnertown Road. That forces us back with an access on Gardnertown Road. We're proposing it down in the area of Creek Run Road. There are some offsite roadway improvements associated with that. We're going to realign Creek Run Road to improve the sight lines. There's going to be some widening to provide turning lanes and some clearing along Creek Run -- Gardnertown Road to increase the sight distances.

Coupled with that change, if you recall we had development in the northern section of the site. We're pulling that back towards the center. The senior apartments are going to come here. We're eliminating an area where we had some

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pretty large fill areas. So we're pulling that internal to the site and also decreasing the site disturbance now by some maybe 2 acres in this area.

We're here to present this plan, get some feedback from the Board so we can proceed on with more detailed engineering plans.

I have Tom Olley and Phil Grealy to address any issues with the site design and the roadway improvements.

CHAIRMAN EWASUTYN: Phil Grealy, why don't we start with the exterior road work, and then eventually we'll work into the site. Tom Olley can speak to us on that.

If need be, do you think it's possible to get a letter from Central Hudson stating they will no longer allow --

MR. DOCE: I have an e-mail from them that states that. I could ask for a letter.

CHAIRMAN EWASUTYN: An e-mail

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that dates back approximately when?

MR. DOCE: 2017, 2016.

CHAIRMAN EWASUTYN: Okay. Let's try and substantiate that because it has a direct affect on what you're proposing now as to what could have been if that was available.

MR. DOCE: Okay.

DR. GREALY: Good evening. Philip Grealy, Colliers Engineering & Design, formerly Maser Consulting.

We prepared a traffic study for the original project and we prepared an updated traffic study in August of this year.

The project, as Darren described, includes some age-restricted units. We've looked at it as if it's all regular units in terms of traffic generation from our design standpoint.

In terms of the access, just to give the Board kind of a real overview, so this is the existing Creek Run Road where it intersects with Gardnertown Road. Just

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off map here is where the traffic signal is at Gidney Avenue and Gardnertown.

Pre-pandemic traffic would back up past Creek Road, and also people turning onto Creek Road sometimes would be blocked, especially in the afternoon rush hour.

We were looking at options in terms of where to access the property. At first we looked at coming opposite Creek Run Road, but it didn't give us a lot of distance separation from the intersection. Also, Creek Run Road does not have good sight distance. You're looking back over your shoulder, up the hill, through a lot of vegetation. So that's not a good condition. We started looking at realigning and creating more of a standard four-way intersection so that this plan in dark would be the relocated Creek Run Road. It requires a lot of filling and reconstruction area here. It would be phased in construction wise so that this would remain open. The access into the

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project would be at this location.

To improve the sight distance coming out of Creek Run Road at the relocated location, this light gray area here is an area that would require clearing and -- some grading but mostly clearing of vegetation to give that proper sight line for people exiting from Creek Run Road, whether they're making a left or a right.

We did look at some alternatives to keep a portion of this road. Because of the distance separation from the signal, we decided to relocate the entire roadway.

The roadway would be widened. In this section near the traffic signal you have three lanes. You have two lanes towards the signal, one lane away from the signal. This plan would extend that three-lane section and carry it past the access and the intersection. We would create a left-turn -- a true left-turn for people turning onto Creek -- the relocated

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Creek Run Road. There would be a left-turn lane for anyone coming down the hill, entering the project, turning in. So that would allow through traffic to move past there and not create back-ups on Gardnertown Road.

There is a significant amount of grading. This line here represents kind of the sight line area. The clearing would be beyond that to satisfy the sight distance criteria.

This dark area here would be all new pavement. The whole roadway would have to be overlaid once it's widened and re-striped to create this here.

As part of the traffic study we also looked at the signal and the signal timing adjustments. As I said, the study was completed this past August. Of course with the pandemic, traffic patterns and volumes have changed somewhat. Pre-pandemic volumes were higher on this road. That's what we really looked at.

We have several comments from

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your consultants that we will be addressing. We're actually doing some updated traffic counts, looking at some of the other intersections that were looked at, Route 32 and Gardnertown, Route 32 and Gidney Avenue, to see if there's any affect or impact at that location.

A project of this size, assuming that without the age restriction, would generate somewhere between 80 to 95 peak hour trips. Just to give you an order of magnitude. With the age restricted, those numbers go down. We've done our design based on those parameters.

Let me think what else.

There is a significant amount of grading that would have to be done. We have not gotten into all the details of the drainage design at this point but have worked out the grading areas that would have to be done.

There would have to be some dedication of land to the Town so that, you know, this would all be within the

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right-of-way.

Of course a lot of work relative to utilities.

Essentially the grade of Creek Run Road would rise up to intersect with Gardnertown. Roughly center line to new center line is about 125 or 150 -- between 125 and 150 feet further away from the traffic signal. That helps with stacking and the ability to provide a true turn lane to turn onto Creek Run Road.

At this point that's pretty much the extent of where we are right now. We'll address all the technical comments that we just received as we move forward.

CHAIRMAN EWASUTYN: Tom Olley, and then we'll get back to Darren.

MR. OLLEY: Thank you. So we keyed our design off of Colliers' plan with the relocated Creek Run Road. As Phil said, we have a true T intersection. The most obvious change is the entrance in from Gardnertown Road.

As Darren said, we've eliminated

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a lot of development on the very north part of the project.

We looked at the building designs for these three buildings that were looking out over the Gidneytown Creek valley and we realized that we could incorporate a step down to the rear of the buildings and actually put units there to eliminate this building that we had at the north end. When we had full plans before you several years ago, Pat was very concerned about the structural fill that we were going to have to place there. There were some large scale retaining walls that had to be built. We've been able to consolidate everything. It results in about a 10 percent reduction in impervious area on the site.

We know that our detention basins that we had designed before will continue to work.

The water line is less because we don't have to go all the way out to Route 32.

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The sewer lines are just a little bit longer because we do have to come back and tie into the sewer near the existing northerly terminus of Creek Run Road. So we do have a little bit of doubling back.

In general we've been able to better utilize the space at the top of the hill for the site development.

As I said, one of the biggest things was the 10 percent reduction in the impervious area, impervious surfaces.

CHAIRMAN EWASUTYN: I'll turn it over for Board comments now. Frank Galli?

MR. GALLI: Phil, the traffic study you did was like three days after they reopened that road, because it was shut down for a few months.

DR. GREALY: That's correct.

MR. GALLI: Would that really be a true traffic study, because a lot of people didn't know it was open?

DR. GREALY: So when the study was done -- as I said, we're doing updated counts. Looking at the historical data

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pre-pandemic, because we were dealing with the road closure and the pandemic's effects, we actually found that some of the older traffic volumes were still real in terms of what we saw out there, and a lot higher. One of the reasons why we're in the process of collecting new counts was just to verify them. The study based a lot of the older information historical there.

MR. GALLI: Plus the apartment complex up there is full now.

DR. GREALY: Correct.

MR. GALLI: The second question is do you own the land where you want to put the new Creek Run Road?

DR. GREALY: The relocated?

MR. GALLI: Yes.

DR. GREALY: It's part of the Town right-of-way.

MR. GALLI: That's all Town right-of-way. I know they just did a lot of work. When they put that bridge in they did a nice job.

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The third question is when you're going up that hill, you said you had some clearing and grading and stuff to do. It's all beyond the up side, on the right when you go up the hill?

DR. GREALY: It's actually both sides. It's both sides.

MR. GALLI: It's a pretty steep drop.

DR. GREALY: As you're coming down the hill, this whole area here. So when you're coming out of Creek Run Road today, this is all heavily vegetated and --

MR. GALLI: I go there every day.

DR. GREALY: This light gray area would have to be cleared out to have proper sight distance. There's a little bit of clearing in this direction. Not a lot. And then there's some clearing -- this whole area here is being regraded, so there will be some clearing as you're looking -- as you're exiting this project. Up the hill there's some clearing and

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grading along this side, too, so that you can see up the hill. So there's actually clearing on both sides.

MR. GALLI: Okay.

MR. OLLEY: Just to add to that, Frank. The fill on this side is going to be only for the realignment of --

MR. GALLI: To get up.

MR. OLLEY: Correct. We won't have to do any fill along the right side as you're going downhill. All the widening is going to be on the project side, hence the regrading.

DR. GREALY: There's going to have to be guide rail. There's things to bring this up to current standards that have to be done. When I talk about resurfacing, it's everything. Basically rebuilding this whole --

MR. GALLI: There are pretty huge trees right on that edge there.

DR. GREALY: That's correct.

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

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CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: Frank actually asked most of the questions I was concerned about.

Is there going -- when you're coming out of the --

DR. GREALY: Project.

MS. DeLUCA: Yes, out of the project. I'm just trying to think of both directions. If you're going up the hill, that's fine. If you have to cross over coming down the hill, that's going to be -- how is that going to be configured?

DR. GREALY: So making a left turn out, heading back towards the traffic signal, --

MS. DeLUCA: Right.

DR. GREALY: -- that's one of the reasons for all the clearing and the grading, to make sure you have a clear sight line.

In terms of the volumes coming out of here, from the signal direction you

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do get some gap, okay. But coming down the hill is your flow. We've analyzed this as a four-way intersection with the full volumes, and that seems to work pretty well. We are providing a separate lane, so anybody coming down the hill and turning into the project will have their own lane to turn in so that traffic heading towards Gidney Avenue would be able to proceed. Likewise, this is a left-turn lane dedicated for people turning onto Creek Run Road so that anybody wanting to continue up the hill can proceed.

MS. DeLUCA: Okay.

DR. GREALY: The most significant thing here is to make sure we have the sight lines. There is a lot of clearing and some grading -- significant grading on the site side. As Tom pointed out, this is all down much lower. There will have to be guide rail in along this whole stretch. There's a lot of work to be done here.

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MS. DeLUCA: Is there going to be any blasting required?

DR. GREALY: We don't anticipate it but at this point we're still, you know, investigating that.

MS. DeLUCA: Okay. Thank you.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: Phil, people coming up Creek Run Road, with this new configuration do you see an increase in people that will be making a left at that intersection?

DR. GREALY: It's going to be a much softer, easier turn. We've applied some growth increase on that maneuver, because right now that's almost impossible to do. But again, because of the location and, you know, with the grades and everything, I don't see it really significant. We did account for some growth in that turn, significant changes.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: At work session we

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discussed the remote possibility of the other access. Hopefully you can get some positive feedback as to why you cannot use the other access, which would have obviously avoided this whole thing if you could. What I'm hearing so far is you're saying that no, it's impossible. We'd like to have that documented per se.

Along with that, part of the ongoing future for this plan, the hill, drainage coming off the site, I'm very concerned about that.

DR. GREALY: Understood.

MR. BROWNE: That needs to be really looked at.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Phil, back to the clearing and grading on the sight line coming down Gardnertown towards Gidney, that light gray area. It sounds like when you want to increase the sight lines you're only doing this as a temporary solution. What happens three years, five

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years, ten years when the vegetation grows back?

DR. GREALY: Typically when we clear an area like that we will have an area that's no planted trees in there and something that reduces it to low ground cover. But yes, over time will something grow in there? That's something that we could work into a maintenance agreement. We're going to have to maintain our area here. But, you know, we can discuss that with the highway superintendent and see if he has any other ideas.

In some locations we end up putting in a lot of rip-rap and other treatments so that we don't get this miscellaneous growth occurring.

MR. DOMINICK: Pat, a long-term solution for that area, having a clear sight --

MR. HINES: That entire area they're showing to be clear is in the existing Town right-of-way. It would fall under the purview of the Highway

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Department. I do have a comment for the highway superintendent to comment on this. The long-term maintenance of the grading on the opposite side of the road is a concern of mine as well, to make sure those slopes are stable and steady, and how do we maintain those steep slopes. Right now, as Frank said, there's large trees on that slope.

DR. GREALY: Correct.

MR. HINES: When they say clearing, there's going to be some significant clearing to get this plan to function.

DR. GREALY: Essentially along the road now there's no drainage. It's just sheet flow across. As part of this reconstruction, it doesn't look like much on this plan but there's drainage, changing the crown on the road, putting in some super elevation because of the speeds.

MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: John Ward?

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MR. WARD: I'm covering both sides. The project has been a bit of time old. Me personally, I think you should revisit Central Hudson and ask them for 32 and let them send you a letter saying they're denying it today rather than five, six years ago. It's cost efficient, for one. For access going out the other way it's better. I'm not here to say that.

With this entrance, basically in the winter and after all your designs, that's quite the slope there. You're not going to change the roadway anyway. On the bottom of that curve it's dangerous, no matter whether you do this or not.

I think we should have a new traffic study all around because you've got new businesses, you've got new projects from back then until now where there's more volume without people from the other side of Town going there. You need a true traffic study update.

Thank you.

DR. GREALY: Understood. That's

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part of the ongoing work. Thank you.

CHAIRMAN EWASUTYN: Jim Campbell,
Code Compliance, do you have any comments?

MR. CAMPBELL: No comment.

CHAIRMAN EWASUTYN: Pat Hines
with McGoe, Hauser & Edsall?

MR. HINES: Our first comment
just notes that the project was back
before the Board first identifying this
access last September.

We're addressing the extensive
grading on the north side of Gardnertown
Road. Some detailed design plans of that
are going to be required to make sure that
slope -- the resulting slope is stable and
doesn't cause an issue long term for the
Town.

There's a retaining wall shown
there with grading behind it. I don't
know if that was intended to be that way.
We're concerned about the retaining wall
being in the Town right-of-way and who is
going to maintain and operate that
retaining wall long term.

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The next comments are for Ken Wersted's office to weigh in.

There are existing utilities -- actually, recently relocated utilities, water and sewer, in that Creek Run Road modified area. We'll be looking to see the impacts to those utilities and how they're going to be handled with the regrading.

I have the comment to once again contact Central Hudson and the adjoining owner. As Mr. Ward just said, I think that other access was much better for this project at the existing signalized intersection at Chestnut.

Just for the Board, the plan revises the senior housing to the opposite side of the Federal wetlands there. Previously they were located more to the right side of the plan. That's a significant design change. It avoids that wetland crossing that was previously proposed.

The water utilities are now

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proposed to go out to Gardnertown, so we'll need designs for that as the project moves forward.

I think that we should get revised SEQRA documents for the project as it stands today to continue the Board's review of that.

Comments from the highway superintendent should be received regarding the driveway location as well as the roadway realignment. I think maybe you should involve the Town Board early on with that to make sure the Town Board is okay with the concept of realigning that roadway as it is their road.

And then the traffic study should be updated, as we suggested. I did note that your traffic counts were done a couple days after that road -- that road was reopened on July 30th and I think your traffic study was done that next week in August. I don't think anyone knew that road was reopened yet. I'm sure you're going to address that.

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CHAIRMAN EWASUTYN: Thank you.

Starke with Creighton, Manning?

MR. HIPPE: I think the comments that we have are to be addressed regarding the site plan. We were hoping to see, in a future submission, more detail regarding sidewalks, internal sidewalk connections within the site. Since you are proposing amenities to limit vehicle trips inside the site, we want to have pedestrian access.

Future plans will need to include appropriate signing and pavement markings within the site.

The 2020 plan included an emergency access along the border of the Barrios property. Does the 2021 plan include this access was a question Ken had.

We believe that dumpsters, mail delivery and school bus access should be discussed on future submissions.

One comment we had was the plan shows the property line extends out to the

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center line of Gardnertown Road with a proposed dedication for the benefit of the Town of about 25 feet. Based on the conceptual improvement plan, the 25 foot dedication may be inadequate in certain areas to accommodate the proposed asymmetrical widening of Gardnertown Road.

Regarding the concept improvement plan for the intersection, we did have one clarification question about the offset for the location of the driver's eye. It was 14.4 feet back.

About getting prevailing speeds of the roadway. When I went out there today I saw tubes down. I assume you guys are trying to get some speeds.

DR. GREALY: Correct.

MR. HIPPE: Regarding the taper length, we had a question about how that was calculated. It seems like it could be too long and it could be less. That could help with your grading. I'm not sure.

The Planning Board Members mentioned the drainage accommodations on

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the roadway. I believe you spoke on this, that any construction will need to be phased and any future submissions will need to have a construction phasing plan.

I think the traffic impacts -- rather than go through all the comments, I think in general it is a new traffic study that captures new data.

We do indicate that the trip generation rates that you guys used were correct and adequate.

We do have a question about the trip distribution. Our recommendation is the trip distribution should be changed as detailed in our comment letter and that the intersection of Gidney Ave and Route 32 should be studied as well.

DR. GREALY: Yes.

MR. HIPPE: I think that sums our comments up.

CHAIRMAN EWASUTYN: Dominic Cordisco, you'll speak to us as far as the revised SEQRA document and the amended site plan application.

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MR. CORDISCO: Yes. Thank you, Mr. Chairman. At the time that this original project was before the Board in 2002, thereabouts, at that time there were no digital resources that were provided by the DEC for assistance in preparing an environmental assessment form. Now it's required that environmental assessment forms be completed online through the DEC Environmental Resource Mapper and SEQRA resources that are available there. It would be my recommendation that a new EAF be submitted for the project and that it would provide any updated information. Since that time some conditions have changed, since that original EAF was completed. Given the changes that are proposed for this project now, the Board will have to weigh and evaluate any changes -- updated information or changes in circumstances compared to the prior negative declaration that was adopted for this project, as well as providing any updated application forms as well.

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That would be my recommendation
to the Board.

CHAIRMAN EWASUTYN: Are you in
agreement?

DR. GREALY: Yes.

MR. DOCE: Mm'hm'.

CHAIRMAN EWASUTYN: Any further
questions or comments from the
Consultants, Planning Board Members or the
Applicant?

MR. GALLI: I know they asked
about blasting, on the road I think you
were talking about. Is there blasting on
the site for the housing?

MR. OLLEY: I'm not certain where
the rock profile is. I know we've done
some borings out there. We'll certainly
-- when we come back to you we'll have --

MR. GALLI: Last time the project
was before us there was blasting. I don't
know if it was in that section you pulled
back or the other section.

MR. OLLEY: It would have been up
on top of the hill where we're working

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now. We did some -- I think after we were in the last time, we did some additional work up there to determine where that rock profile -- that rock surface is.

MR. GALLI: That's it.

MR. OLLEY: We'll get you those answers.

CHAIRMAN EWASUTYN: Thank you.

MR. HIPPE: John, I'm sorry, I do have one question.

One request, Phil. For the future submission of the traffic study, if you can include the turning counts that you collect and also the data you're comparing it to for historical data so I can speak to the Board about it and make sure they're aware of how you're coming up with your volumes.

DR. GREALY: Will do. Thank you.

(Time noted: 7:37 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 30th day of October
2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

POPPY LANE
(2021-26)

Between 114-118 Lester Clark Road
Section 6; Block 1; Lots 113, 114 & 115
AR Zone

----- X

INITIAL APPEARANCE
AMENDED FOUR-LOT SUBDIVISION ON A PRIVATE ROAD

Date: October 21, 2021
Time: 7:37 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

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CHAIRMAN EWASUTYN: Our third item of business this evening is Poppy Lane, application number 21-26. It's an initial appearance for an amended subdivision for four lots on a private drive. It's located north of Lester Clark Road in an AR Zone. It's being represented by Engineering & Surveying Properties.

MR. WINGLOVITZ: Good evening. For the record, Ross Winglovitz with Engineering & Surveying Properties. I'm here on behalf of Wise Equities.

Wise Equities had purchased this property. It was part of three lots of a four-lot subdivision that was approved by the Planning Board in 1988. I'll provide the Board with the original filed map. The map didn't have a lot of information on it. Four lots, no septic, no road design.

They have been trying to figure out how to proceed with building the private road, what spec to build it to.

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I met with the Building Department, discussed it with Pat. Ultimately we were directed here since we were looking to develop this.

For the project we were looking at using the current private road specifications. As we outlined in our letter, the specifications, if they can't be met, the relief is at the Planning Board. Since this is an existing subdivision, road not built, we can't meet the specifications entirely. We can't provide a cul-de-sac and we have a negative grade issue here off of Lester Clark Road. It goes up so we can't provide the negative grade away from Lester Clark Road.

We're here at the urging of, I guess the Building Department to pursue those waivers so that we can proceed with the construction of the private road and the three lots.

A couple of Pat's comments that he had for this evening was is there an

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access and maintenance agreement. The filed map calls for one to be filed. We're going to have to do a title search to see if anything exists. At this point we don't believe there is one in place. We are going to check on that.

Fire department review. We can certainly circulate this to the fire department. I'm not sure which district we're in here but we can figure that out. I'll get it to the correct individuals.

MR. GALLI: Middlehope.

MR. WINGLOVITZ: Middlehope.

MR. CAMPBELL: That was taken care of. A copy of this was --

MR. WINGLOVITZ: Sent to them.

Thank you.

Pipe sizes. Where we have the driveways we used 12-inch HTP. We have no problem going with 15. That's for the driveway culverts. We'll change the 12 inch to 15 inch.

Pat said a SWPPP is required. Underneath the zoning it seems like we're

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exempt from the Town zoning but we wouldn't be exempt from the DEC's. I think that's where it ends up. We'll prepare a SWPPP.

MR. HINES: It's just an erosion and sediment control plan at this point, which becomes the SWPPP.

MR. WINGLOVITZ: The septic system designs were submitted to the Building Department awhile back as part of the initial application.

Do you want to see those, Pat, or just --

MR. HINES: I'll defer to the Building Department, if they want me to review.

MR. WINGLOVITZ: There should have been a short EAF in your package. It's in my files as being submitted.

MR. HINES: I do have it now.

MR. WINGLOVITZ: Okay. I'd be glad to answer any comments I can.

CHAIRMAN EWASUTYN: Do you believe we have to circulate to Ulster

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POPPY LANE

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County?

MR. WINGLOVITZ: There's no approvals in Ulster County whatsoever, so I don't think there's a need to.

MR. HINES: I think we do. I think you're here for an amended subdivision. I think that's the only thing we can call this. I think this filed map is going to supercede the 1988 map once we get this done. I think for the 239 it's going to have to go to Orange County as well as the Town of Marlborough. I may be able to help you with the Town of Marlborough circulation.

CHAIRMAN EWASUTYN: Let's open it up to discussion with the Planning Board Members. Frank Galli?

MR. GALLI: I have no additional.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No additional.

MR. MENNERICH: No questions.

MR. BROWNE: Nothing.

CHAIRMAN EWASUTYN: Dave?

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MR. DOMINICK: No questions.

MR. WARD: No.

CHAIRMAN EWASUTYN: We'll turn the meeting over now to Jim Campbell. Do you have anything you want to add to this?

MR. CAMPBELL: Nothing to add.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Ross hit each of my comments. I think we will circulate to Orange County and I'll forward it on to the Marlborough Planning Board procedurally.

I guess we have to do adjainer notices as well for the amended.

I think an amended subdivision may require a public hearing. I'll defer to Dominic on that.

MR. CORDISCO: Yes, that's correct. A public hearing is not waivable for this application.

CHAIRMAN EWASUTYN: Okay. So for this evening we'll be circulating to Orange County Planning Federation and also you'll coordinate with the Town of

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POPPY LANE

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Marlborough.

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Anything
else?

MR. HINES: And the adjoiners
notices.

MR. WINGLOVITZ: No lead agency
coordination is necessary? It's an
Unlisted action. It will stay with this
Board entirely?

CHAIRMAN EWASUTYN: Dominic?

MR. CORDISCO: That would be my
recommendation.

MR. WINGLOVITZ: Very good.
Thank you very much.

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

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 30th day of October
2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

SARA DAVIS LOT LINE CHANGE
(2021-27)

North Hill Lane/Hopeview Court
Section 23; Block 2; Lots 44.2 & 52
R-2 Zone

----- X

INITIAL APPEARANCE
LOT LINE CHANGE

Date: October 21, 2021
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
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ZACHARY PETERS

----- X

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

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CHAIRMAN EWASUTYN: The fourth item of business this evening is the Sara Davis Lot Line Change. It's an initial appearance before us. It's a lot line change located on North Hill Lane and Hopeview Court. It's in an R-3 Zone and it's being represented by --

MR. PETERS: Zachary Peters, Mercurio-Norton-Tarolli-Marshall. We're the engineers and surveyors for the applicant.

As the Chairman said, this is a lot line change. The applicant owns both of the parcels. They'd like to transfer approximately half an acre of land between them. The intention is basically they want to provide some more permanent landscaping here to supplement what they have on their lot and provide that screening.

Both lots meet all the bulk zoning requirements. It's served by on-site sewers and connection to the public water lines in this area.

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I don't think there are any significant issues with what's proposed.

If the Board has any comments, I'm happy to answer them.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: You said they own both lots? Both houses?

MR. PETERS: She owns both lots.

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No questions.

MR. MENNERICH: No questions.

MR. BROWNE: No questions.

MR. DOMINICK: No questions.

MR. WARD: There was a question in reference to the center line there.

MR. PETERS: The proposed or existing?

MR. WARD: The next one over. Right there.

MR. HINES: So at work session -- there's drainage easements throughout the subdivision. It looks like there's some

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drainage improvements along the concurrent common property line that may or may not be Town improvements. I don't know if they were put in by someone subsequent. It looks like that doesn't have an easement.

MR. PETERS: I checked with our surveyors on that. There's an easement that runs along here, which I guess is the westerly property line here. There's a catch basin and pipe that comes down and turns here. It doesn't appear there's an existing easement for that. The basin itself is not actually located on our parcel, it's located on the parcel to the east.

MR. HINES: I don't think it was part of the original subdivision. Someone may have put it in later.

MR. PETERS: I don't think it shows that much. I checked the filed map and I didn't see any improvements on there.

MR. HINES: It's not part of the

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Town's drainage system is the answer to that.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Any additional comments, Pat?

MR. HINES: The only requirement is that we have the adjoining notice that must be sent out. Lot line changes do not require public hearings but they do procedurally require that adjoining notice. I can work with your office to get that out. You need to notify the neighbors within 500 feet of the action. There's no public hearing requirement but there is that notification requirement.

MR. PETERS: Okay.

CHAIRMAN EWASUTYN: What does that mean, Pat? There's a timeframe from when the adjoining notice is sent out that then they would have to come back to get --

MR. HINES: So the Town Code states that within ten days of this initial appearance those notices must be

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sent out. It also has a caveat after that that the applicant cannot return to the Planning Board without sending notices ten days before that return. I can work with Zach's office and we can get it done early next week to comply.

CHAIRMAN EWASUTYN: Do you have any questions or comments?

MR. PETERS: No.

CHAIRMAN EWASUTYN: I'm speaking to the people with you this evening.

Can you give your name, please?

MS. DAVIS: I'm Sara Davis, the owner of both lots. Thank you for hearing our application tonight.

I don't have any comments but just a question. Do we have to reappear, I guess once the notices go out, or --

MR. HINES: Typically, yes.

MS. DAVIS: Is there any ability to waive any of that? I mean it doesn't impact anybody. We're the only -- it's me and me.

MR. HINES: The only requirement

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is that notice. There's no public hearing. Your neighbors won't be notified that you're coming back here. It's just a notice that -- procedurally in the Town Code it's for every action this Board takes, subdivision, site plan and lot lines. Lot lines are exempt from the subdivision regulations and don't require a public hearing. It's just one step in the process. You would come back next time for the Board to consider a conditional final approval.

MS. DAVIS: Okay. Great. Thank you very much.

MR. PETERS: Do you think we could come back for two weeks or would we have to wait longer?

CHAIRMAN EWASUTYN: I think it's thirty days.

MR. HINES: I'm not going to venture to schedule you on an agenda.

CHAIRMAN EWASUTYN: I think we have to allow thirty days. Correct?

MR. CORDISCO: Between the timing

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of getting the notices out, the neighbors receiving them and having the opportunity to at least digest it, it would seem prudent to be thirty days.

CHAIRMAN EWASUTYN: So today is the 21st. If we set it for the 18th, are we cutting it close?

MR. HINES: I think that's fine. We'll get that out.

CHAIRMAN EWASUTYN: Can I have a motion from the Board to set the Sara Davis Lot Line Change for the meeting of the 18th of November?

MR. WARD: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

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MR. DOMINICK: Aye.

MR. WARD: Aye.

MR. PETERS: Thank you very much.

(Time noted: 7:50 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 30th day of October
2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

NEWBURGH TOWNE CENTER - HOME GOODS
(2021-16)

1431 Route 300
Section 60; Block 3; Lot 29.11
IB Zone

----- X

AMENDED SITE PLAN
LOADING DOCK ADDITION

Date: October 21, 2021
Time: 7:50 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: THOMAS SHEPARDSON,
JUSTIN DATES, SUMEET DESAI

----- X

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

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CHAIRMAN EWASUTYN: The fifth item of business this evening is the Newburgh Towne Center - Home Goods, project number 21-16. It's here this evening for an amended site plan and a loading dock addition. It's located in an IB Zone. It's being represented by Colliers Engineering & Design.

MR. SHEPARDSON: Good evening. My name is Thomas Shepardson, Members of the Board, esteemed Counsel. I'm the attorney for the owner of Newburgh Towne Center who is here tonight. We have the applicant, Sumeet, who is going to be developing and reconstructing the project. And of course everybody knows Justin, he's our engineer.

I'd like to just quickly, two minutes, give a quick overview where we were, where we are, and what we're asking the Board tonight.

First, we made the application to the Planning Board in July of this year. We appeared before the Board on August

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5th. The Board requested additional documentation and information be included on the site plan. Justin has done that. He's submitted it to the Board. We're going to go over it tonight with the Board.

The Board also sent us to the Zoning Board of Appeals because we needed the side setback variance. We applied in August. We appeared before the Zoning Board of Appeals at a public hearing on September 23rd where we received our variance. Interestingly, nobody showed up to speak in favor or opposition but it was interesting that several members of the public who did appear at the public hearing on other projects did speak in favor of our project after hearing our presentation. That was a first for me.

So Justin has gone and revised the plan. We're here tonight to ask if the Board would consider issuing site plan approval for our project. It's a very small project.

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2 We'd also ask that the Board
3 consider waiving or foregoing the public
4 hearing, which, the way I read it, I think
5 it's optional. In any event, it's a very
6 small 80 square foot expansion in
7 connection with a loading dock in back of
8 an existing shopping center for a new
9 tenant. It's very low key.

10 Sumeet I think has already
11 applied for all the building permits that
12 he needs to start the reconstruction for
13 the new tenant. He's chomping at the bit
14 to get going.

15 I don't think a public hearing,
16 based on the Zoning Board's action or what
17 we saw there, would enlighten the Board
18 with any additional information. It seems
19 pretty straightforward. Our neighbor is
20 the Thruway, other commercial properties.
21 We think it just wouldn't enlighten the
22 Board of any information that would help
23 the Board make a decision. It's pretty
24 straightforward.

25 MR. GALLI: That took three

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minutes.

MR. SHEPARDSON: I'm sorry.

CHAIRMAN EWASUTYN: All right.
Thank you, Frank. Frank always keeps good
time.

Before Justin Dates, who I think
-- Justin, are you here this evening?

MR. DATES: Yes.

CHAIRMAN EWASUTYN: I didn't
recognize you.

I'll poll the Board Members to
see if they want to have a public hearing.

MR. GALLI: Considering a public
hearing was held at the Zoning Board,
there was no opposition. Two people spoke
in favor of it. The shopping center is
existing and it's really internal work,
besides the sign hanging out front
changing the name. I don't think we need
to have another public hearing.

CHAIRMAN EWASUTYN: Stephanie
DeLuca?

MS. DeLUCA: I have to agree with
Frank. It's not necessary.

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CHAIRMAN EWASUTYN: Ken
Mennerich?

MR. MENNERICH: I agree.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No public hearing.

CHAIRMAN EWASUTYN: Dave
Dominick?

MR. DOMINICK: I agree, no public
hearing.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I agree, too. No
public hearing.

CHAIRMAN EWASUTYN: Let the
record show that the Planning Board waived
the public hearing for Newburgh Towne
Center - Home Goods, project number 21-16.

Starke, you had one question
overall as far as the circulation and
template.

MR. HIPPE: One comment that we
had, just from a traffic standpoint, was
the egress of the WB-67. What we asked
the applicant to do was to say what was
the largest vehicle you're going to see at

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the site and have exiting the site. We received an e-mail earlier today showing that. It's showing the vehicle exiting the site. It appears it will leave the loading dock, circulate the site and exit on Meadow Hill. I think the only thing that we wanted to say was that the trucks should not be trying to access Route 32 at that signalized intersection once they've left the loading dock. There's an opportunity they might think I can make this U-turn. So just we want to voice that concern. Seeing that, I think we're fine with what you have.

MR. DATES: Are you looking for a sign or something to kind of direct them towards Meadow Hill?

MR. HIPPE: I mean an operation plan or a sign, yes, that would direct them to Meadow Hill Road. Looking at the site, it's possible that the trucks that use the loading dock on the western side of the building, they could circulate and exit rather easily to that signal. We

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don't want to cut the signal off entirely I think. We're just concerned about those trucks trying to make that turn safely if it's during peak hours. I think a sign or some type of operations plan would be beneficial.

MR. DATES: I think we could easily put a couple signs to direct from the loading dock for the Home Goods tenant, and also your concern about them coming through the center of the site and trying to go out that way. If we had a couple signs, that wouldn't be a problem.

CHAIRMAN EWASUTYN: Dominic, as far as SEQRA, the addition is 80 square feet.

MR. CORDISCO: It's a Type 2 action.

CHAIRMAN EWASUTYN: Type 2 action. Thank you. For the record, a Type 2 action means?

MR. CORDISCO: It means that no further SEQRA review is required.

CHAIRMAN EWASUTYN: Pat Hines

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with McGoey, Hauser & Edsall?

MR. HINES: We have just some procedural. The Zoning Board of Appeals issued their variances.

We noted that it's an 80 square foot addition.

Orange County Planning has issued a Local determination with no advisory comments.

We commented on the Board considering the need for a public hearing based on the ZBA input.

Just as we're suggesting, the resolution identify that this shopping center was approved under the unified site plan conditions and that the resolution just recite that, meaning that snowplowing and operation of the shopping center is to be done in a cohesive nature with one maintenance entity, the signage was to be the same and such.

The Board was a little confused on where this is going. What stores are leaving? Is the Dollar Store staying?

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Maybe you can give us what stores are staying.

MR. DESAI: It's between Leo's Pizza and the Dollar Store.

MR. HINES: The Dollar Store remains?

MR. DESAI: The Dollar Store remains.

CHAIRMAN EWASUTYN: Just for the record, your name?

MR. DESAI: Sumeet Deais.

CHAIRMAN EWASUTYN: Any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Dominic Cordisco, do you have something to add?

MR. WARD: Another question at the work session was is there -- are you connected to Marshalls?

MR. DESAI: No.

MR. WARD: Because of the Dollar Store, somebody mentioned about access through there. We weren't sure with the Dollar Store.

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MR. DESAI: It's separate. Good question. Separate.

CHAIRMAN EWASUTYN: Dominic Cordisco, can you give us conditions for approving the Newburgh Towne Center - Home Goods amended site plan?

MR. CORDISCO: Yes. The conditions that I would recommend at this time would be compliance with any conditions that were contained in the Zoning Board's decision granting the variances, as well as a notation in the approval resolution that identifies the fact that this was part of an overall unified site plan approval and that that very much remains so.

Given Starke's comments tonight regarding additional directional signage, I would suggest that the Board include a condition that requires the applicant to coordinate that particular signage being added to the plan and to the Board's Traffic Consultant's satisfaction.

CHAIRMAN EWASUTYN: Having heard

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the conditions presented by Planning Board Attorney Dominic Cordisco for the Newburgh Towne Center - Home Goods, would someone move for a motion to approve it?

MR. DOMINICK: I'll make the motion.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I had a motion by Dave Dominick. I had a second by Cliff Browne. May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried. Thank you.

MR. DATES: Just one question. ARB. We did provide elevations. Is that something --

CHAIRMAN EWASUTYN: We should act

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on that this evening. Thank you.

Do you want to put the rendering up one more time? You can discuss it with us.

Justin, you filled out the ARB form; correct?

MR. DATES: That was part of the original application.

MR. DESAI: The original application.

The elevations are going to match to the existing building. We're going to match the red bricks. We're going to match the EIFS that's there. It's all going to look virtually similar with a fresh coat of paint. If you look at the new crown we're going to install, it's going to match the crown that's already there at the Marshalls. So you're going to have two large crowns and two or three smaller crowns to match the complex. It's the same red brick as throughout the whole complex. There's no change. There might be a variation new brick versus old brick.

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That's about it.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: I'm good with it.

CHAIRMAN EWASUTYN: Stephanie
DeLuca?

MS. DeLUCA: It looks good.

MR. MENNERICH: Good.

MR. DOMINICK: One quick
question. The size of this store compared
to another Home Goods?

MR. DESAI: It's right about the
same. It's about 20,000 square feet.
We're shy of 20,000 so we're right about
there.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: It looks great.

CHAIRMAN EWASUTYN: Dominic, do
you want to add anything to the
resolution?

MR. CORDISCO: I will add the ARB
approval to the resolution.

CHAIRMAN EWASUTYN: With all
going well, you anticipate opening by
when?

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MR. SUMEET: February or March.

UNIDENTIFIED SPEAKER: Point of clarity. I represent the ownership. Completion will be I think February or March. Actual opening, because they have to merchandise, will probably be March, April.

MR. DEASI: Yes. What he said.

CHAIRMAN EWASUTYN: Thank you. Good luck to you.

MR. DESAI: Thank you everybody.

(Time noted: 8:01 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 30th day of October
2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

MATRIX LOGISTICS CENTER
(2020-17)

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

----- X

SITE PLAN - LOT CONSOLIDATION,
TWO-LOT SUBDIVISION

Date: October 21, 2021
Time: 8:02 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

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

----- X

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

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CHAIRMAN EWASUTYN: Our last item of business this evening is the Matrix Logistics Center. It's a site plan, lot line consolidation located on Route 300/I-84 and I-87. It's in an IB Zone. It's being represented by Langan Engineers.

MR. EVERETT: Members of the Board, My name is Dave Everett, for the record. I'm counsel for Matrix. This is Ken Griffin who is one of the principals of Matrix, and the project engineer hiding in the back is Chuck Utschig from Langan.

We had made an updated site plan submission to the Board. Pat had a chance to take a look at that and issued some comments, as well as your Traffic Engineer. Pat had about a dozen or some comments and your Traffic Engineer had maybe about a half dozen or so. We're certainly happy to work with those guys to address those comments.

At this point I think we're hopeful that the Board will consider

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potential approval of the project tonight,
and we're here to answer any questions
that you may have. Thank you.

CHAIRMAN EWASUTYN: Let's see
what questions or comments we have from
Board Members. Frank Galli?

MR. GALLI: I'm all set, John. I
don't have any additional.

CHAIRMAN EWASUTYN: Stephanie
DeLuca?

MS. DeLUCA: No. It's complete.

CHAIRMAN EWASUTYN: Ken
Mennerich?

MR. MENNERICH: I'm satisfied. I
think there's a lot of points that you
still have to cover, but --

MR. EVERETT: No question.

MR. BROWNE: From our end I think
I'm good. You have a list of things to
do.

MR. DOMINICK: I'm very pleased
so far. It's come out very well.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: You pleased us very

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well. Thank you.

MR. EVERETT: Great.

CHAIRMAN EWASUTYN: I'll turn the meeting over now to Dominic Cordisco, Planning Board Attorney, to speak through the conditions for the resolution.

MR. CORDISCO: Sure. Just to note for the record that procedurally the Board is in a position to consider conditional approval at this time. You adopted a SEQRA negative declaration and determination of consistency on September 2nd. You had your public hearing at the second meeting in September. You've also gotten comments from the County Planning Department. Procedurally the Board can move forward tonight if you so choose.

There are three aspects for Board approval to consider. There is site plan, as well as subdivision and Architectural Review Board approval that is before the Board.

I have taken the liberty of preparing a draft resolution. There are,

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2 as several of you pointed out, a number of
3 items that remain to be done, but these
4 are conditions of the approval. They are
5 not unusual other than the fact that the
6 project itself is a significant project
7 and fairly complex so it has a number of
8 items that remain to be covered, but
9 nonetheless that would be appropriate as
10 conditions of approval.

11 Those conditions are, and there's
12 33 of them. I won't read them all verbatim
13 but I will cover all of them so that
14 everyone is clear.

15 So the first category is for plan
16 revisions. The applicant would be
17 required to revise the plans to address
18 any outstanding comments from the Board or
19 from the Board's Consultants.

20 The second condition would be to
21 add the standard Town of Newburgh water
22 and sewer notes to the plan.

23 The next set relate to outside
24 agency approvals. The applicant shall
25 obtain all outside agency approvals

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required for the project, including all of those identified in the EAF.

The next one would be the applicant must obtain all permits for any rock crushing or processing equipment on the site with copies provided to the Town's Code Enforcement office.

We move on to stormwater. Of course the applicant will be required to obtain coverage under the SPDES general permit for stormwater discharges. The applicant shall also be required to obtain a waiver from the Town Board so they can disturb more than 5 acres at a time. The applicant will be required to prepare and submit a stormwater facilities maintenance agreement that gets submitted to the Town Attorney and the Town Engineer. The applicant will also be required to provide performance security for the stormwater improvements.

In connection with the highway improvements, the applicant shall obtain conceptual approval and authorization from

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the DOT for the access and utilities prior to the signing of the site plan. The applicant shall obtain a highway work permit for such work prior to the issuance of any building permits for the project.

At the recommendation of DOT, the applicant shall coordinate with DOT and the Town to identify a roadway dedication in the vicinity of Meadow Avenue, Powder Mill Road and New York State Route 52.

And then we move on to the developer's agreement. There is an existing developer's agreement for The Ridge project. The applicant will be required to comply with all applicable requirements. The applicant shall also confer with the Town Board to either determine whether or not an amendment to that prior developer's agreement is required or, if no amendment is required, than confirmation from the Town Board that none is necessary.

MR. EVERETT: Can I ask a question about that? Would you mind?

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Would it be possible at all just -- we have some concerns about continuing to rely upon the old developer's agreement for an old project which no longer exists. It's got a lot of conditions that aren't relevant. Some are but a lot aren't. We fully anticipate we have to do a brand new developer's agreement. We were hoping we could have just one agreement that has everything in it which would be new for our project. So is there any possibility to have that sort of referenced without a reference to the old developer's agreement?

We can't do any work under the site plan for construction of buildings or any improvements until the brand new developer's agreement is in place.

MR. CORDISCO: I see that as a clarification. It was actually what was intended in that provision that I just cited about the Town Board determining whether or not a new or an amended developer's agreement was going to be

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necessary. Certainly I would take the position that if a new developer's agreement was necessary, and I think that you acknowledge that one would be appropriate, that that would take the place of the old Ridge. I'll make a change to reference the fact that if there's a new one, it will take the place of the old one.

MR. EVERETT: That's great.
Thank you very much.

MR. CORDISCO: That was the intent, so thank you.

And then in connection with the updated well monitoring program, the applicant shall submit the complete package of responses relating to the groundwater monitoring for the nearby residential properties.

The applicant shall also prepare and submit documentation regarding the circumstances that would trigger the requirement to construct the land banked parking areas shown on the plan.

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In connection with water, the applicant has to obtain the approval from the Orange County Department of Health for the water main extension.

The applicant shall also be required to obtain approval from the Town of Newburgh Water Department for the potable water and fire flow connections.

The applicant shall obtain the approval from the Town Engineer's office and Code and Building Departments regarding the design of the fire protection systems.

They have to pay the inspection fee for the water main extension.

They also have to submit a complete set of fire protection, water storage and fire pump design drawings to the Town of Newburgh.

In connection with sewer, they have to post the performance security for the sewer main extension, and they also have to obtain approval from the Sewer Department for the sewer force main

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connection.

There's a provision in here regarding the Town road. Because the original EAF for the project -- for this particular project identified that the Town -- excuse me, the interior access road was going to be designed to Town road specifications and may be offered for dedication to the Town to be a Town road. It's unclear. There has been some discussion as to whether or not the Town would be willing to accept that. It has a provision in here that says should the Town Board be willing to accept the access road as a Town road, then it has the standard requirements for that, including the posting of a performance security and maintenance as well.

And then moving on.

Alternatively for the private road, there's also a performance security that's required for the private road construction if that road remains private.

The approval is also conditioned

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on the Town Board approving the name of the private roadway.

If there are offers of dedication, then the applicant would have to submit those in a form appropriate to the Town and then record it in the County Clerk's office.

The cross easements would also have to be provided to the Town for their approval.

There's a landscape security and inspection fee.

The emergency access gate. The applicant shall coordinate with all jurisdictional emergency services to provide keys for access to the emergency access gate.

This Board would also be granting the Architectural Review Board approval, which means the buildings have to be constructed according to the plans that were provided to the Board.

The outdoor fixtures and amenities are only to be constructed as

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shown on the plan.

There's a provision regarding the SEQRA mitigation measures which pulls forward all the mitigation measures that were identified in your detailed negative declaration dated September 2nd, and they become conditions of the approval as well.

Then there's a narrative regarding the limitation of the use. The use is identified in particular on this plan for two new warehouse distribution centers. If the use changes from that particular use, then they have to return to the Board to seek amended approval. That's it for the special conditions.

The general conditions relate to the presentation of plans to be signed and final fees being paid.

MR. EVERETT: Could I ask two questions if you don't mind? On the cross easements, I think you had a provision in there that the easements shall include a metes and bounds. Chuck will tell you that we've got a lot of utility lines

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2 running in a lot of different directions.
3 Metes and bounds might be pretty tough to
4 do. We were going to -- the way that we
5 have the declaration of covenants drafted
6 right now is as shown on the site plan,
7 and we can also provide a blanket easement
8 for utilities between the different
9 properties. This also has to be approved
10 by the Town Attorney as well. We wanted
11 to just see if you guys would consider
12 maybe either removing that or changing the
13 word shall to may.

14 MR. CORDISCO: I have no issue
15 with that, especially if the easements
16 themselves are going to be -- have an
17 exhibit that at least shows that plan,
18 because you don't want to be in a
19 situation where you have a recorded
20 document that refers to a site plan that's
21 on file in the Town.

22 MR. EVERETT: Right.

23 MR. CORDISCO: But I have no
24 issue with that. And of course as you
25 said, it would be up to the Town Attorney.

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MR. EVERETT: The other question that I had was in your section on outdoor fixtures there was a reference to no dumpsters. We just wanted to get some guidance from the Board on this. I don't think that the dumpsters or compactors are shown on the plan now. Typically for a warehouse they would be located by one of the loading docks because the trucks come in and just pick them up and swap them out. They essentially are a piece of equipment that looks, you know, similar to what a truck would look like.

So the question would be do we need to put those there, do we need to come back to the Board, or should we just show some of those on the next plan set that we send in to Pat, because we would still have to send a plan set in for his approval? I just would hate to have to come back to you guys to put a compactor in one or two spots. That's all. Unless you guys really want to talk about compactors and dumpsters.

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CHAIRMAN EWASUTYN: How did we manage the center that you put up recently? There is an area of dumpsters or -- how did we manage that, do you remember?

MR. GRIFFIN: It's kind of typical for all of our buildings. We don't know what's going to happen until the tenants move in. Most of these tenants have closed compactors for recyclables and they put them in a truck stall. They'll also have a dumpster that they put in a truck stall. They manage it -- each tenant has their own facilities. It's typically one dumpster, one compactor for each tenant.

CHAIRMAN EWASUTYN: Jim Campbell, do you have any input on this?

MR. CAMPBELL: I don't think it's like Amerisource Bergen. They actually had an enclosure, like a building on the outside that had to be secured.

CHAIRMAN EWASUTYN: That was a different product all together.

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Dominic? Pat Hines?

MR. HINES: I would suggest that you show them on the plan at this point. If they change we can consider it a field change. That's noted as a standard note, that if it's not shown on the plans it shouldn't be constructed. If you show them, I think as your tenants come in, if they want to move them one loading dock over or something, I don't think it will be an issue. I think there might be some fire code separations involved with them as well, the distance off the building and such.

MR. EVERETT: Are you okay with that?

MR. CORDISCO: I think the intention of that provision is to avoid dumpsters being placed willy-nilly.

MR. EVERETT: In plain view of the public. I fully understand that.

MR. BROWNE: John, when you refer to an enclosed compactor, is that compactor within the building frame or is

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that outside?

MR. GRIFFIN: There are some like that but they're atypical. Perhaps Amerisource Bergen might have that. They have medical stuff and it's more sensitive. The typical user has an outside enclosed compactor that's not open so that, you know, wind won't blow things around and the stuff gets compacted.

MR. BROWNE: That compactor is currently not shown on the plan.

MR. GRIFFIN: Right now it doesn't.

MR. HINES: With a building this size you might have several. They don't want employees walking 400 feet to put something in the dumpster.

MR. GRIFFIN: Some have a shoot that goes right into the truck door and you just throw the stuff in.

MR. BROWNE: Some facilities have inside and some have outside depending on the nature of what they are manufacturing and so on.

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MR. EVERETT: We just wanted to raise it because we didn't want it to be a surprise if something popped, and we didn't really want to have to come back to deal with that. That's a good suggestion, to put it on the plans and if you have any comments just let us know.

MR. CORDISCO: Was that in connection -- before I turn it back to the Board; Mr. Chairman, I would like to talk about the County Planning Department's --

CHAIRMAN EWASUTYN: Thank you.

MR. CORDISCO: -- recommendations. The County Planning Department's 239 report recommended approvals subject to their binding comments. As we talked about before, they had three binding comments. They're interesting in the sense that some of them are more written as recommendations than anything else.

The first binding comment recommended that the project should include roof mounted solar arrays, which the applicant has stated it is considering

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and will likely occur depending on the end user of the site and incentives available at the time of occupancy. That is how I propose that the Board address that particular comment.

The second binding comment recommended certain measures regarding lighting, which recommendations were already incorporated in the plans with the exception of the recommendation to lower the light pole height to a "more pedestrian friendly 20 feet." However, this recommendation cannot be incorporated into the plans as the reduced lighting pole height would not only decrease safety lighting in parking areas but it would also require an increase in light fixtures to maintain adequate lighting coverage for the site. As a result, the second binding comment regarding reduction in the height of lighting poles has not been incorporated into the project.

The third binding comment related to the fact that the project needs to

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obtain approval from the Department of
Transportation for the highway
improvements, which is in fact a
requirement of this approval.

CHAIRMAN EWASUTYN: Thank you.
Questions or comments.

MR. GALLI: No.

MS. DeLUCA: No.

MR. MENNERICH: The intent of the
three items that Dominic just went over,
the Planning Board is going to send a
letter to the Orange County Planning
Department?

MR. CORDISCO: We do have to
provide a report of the final agency
action afterwards that would form the
basis of that decision.

CHAIRMAN EWASUTYN: Thank you,
Ken.

Cliff Browne?

MR. BROWNE: I'm good.

MR. DOMINICK: I'm good.

MR. WARD: Good.

CHAIRMAN EWASUTYN: Would someone

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summarize that? At this point in time what you had read off will be the conditions of approval that would encompass the site plan, the two-lot subdivision and ARB approval?

MR. CORDISCO: Yes, sir. I miscalculated. It was not 33 conditions, it's 32 as I had mis-numbered.

So my recommendation to the Board at this time would be to consider granting conditional approval for site plan, lot line change and ARB approval subject to the conditions that I enumerated.

CHAIRMAN EWASUTYN: Pat Hines, do you support that?

MR. HINES: I do. I worked with Dominic to identify the conditions that are referenced in that document.

CHAIRMAN EWASUTYN: Starke with Creighton, Manning?

MR. HIPPE: We agree with that. Likewise, we worked with Dominic to draft those conditions.

CHAIRMAN EWASUTYN: Jim Campbell

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with Code Compliance, is there anything you want to add or state?

MR. CAMPBELL: Nothing to add.

CHAIRMAN EWASUTYN: Okay. Having heard the presentation from Dominic Cordisco, Planning Board Attorney, in reference to the resolution with 32 conditions for both the site plan, lot line consolidation, two-lot subdivision and ARB approval, would someone move for a motion to grant that approval?

MR. WARD: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Congratulations.

MR. EVERETT: Thank you.

MR. UTSCHIG: Thank you.

MR. GRIFFIN: Thank you very

much.

(Time noted: 8:20 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 30th day of October
2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

POLO CLUB
(2018-12)

Proposed Changes to the Original Site Plan

----- X

BOARD BUSINESS

Date: October 21, 2021
Time: 8:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

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MR. HINES: Can we memorialize the Polo Club and Cortland Commons?

CHAIRMAN EWASUTYN: Polo Club has to come back.

MR. HINES: At work session we talked about the proposed modification the Polo Club is proposing. I believe it was the Board's feeling, as well as my recommendation, that it come back.

It currently does not have a site plan -- a signed site plan, so it could be held under probably one meeting to address the changes. I think it would be good to address those now as the project is not even under construction yet.

We also talked about --

CHAIRMAN EWASUTYN: Let's take one at a time because they are two different actions. One, we're suggesting they come back. The second one we're considering to be a field change.

MR. HINES: Correct.

CHAIRMAN EWASUTYN: Let's stay focused. Let's talk about the Polo Club.

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Thank you.

So the suggestion is, and we're going to poll the Board Members, that we'd like to see the Polo Club come back to the Board in reference to their proposed changes to the original site plan approval. Is that correct?

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 8:22 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 30th day of October
2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

CORTLAND COMMONS
(2017-11)

Field Change

----- X

BOARD BUSINESS

Date: October 21, 2021
Time: 8:22 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

MICHELLE L. CONERO
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Newburgh, New York 12550
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CHAIRMAN EWASUTYN: The second one is Cortland Commons. You'll bring that up one more time.

MR. HINES: I was contacted by Joe Sarchino, the representative for Cortland Commons. They have been out on that site dealing with a rock condition that they were aware of during the construction -- during the design of the project.

They are wishing to move the retaining wall in approximately three feet to eliminate the need to remove any more rock. That causes the need to cut off the corner of the building. The northeast corner of the building would be modified as well to allow for the vehicles to pass between the building and the revised retaining wall.

That project is under construction. We're suggesting that can be considered a field change. Jerry Canfield's office and myself spoke and we felt it would be under the Board's purview

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to authorize that.

MR. GALLI: I'm okay with that.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Let the record show that we consider it a field change for Cortland Commons.

Thank you for reminding us.

The next motion is to have a motion to close the Planning Board meeting of the 21st of October.

MR. GALLI: So moved.

MS. DeLUCA: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

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MR. DOMINICK: Aye.

MR. WARD: Aye.

(Time noted: 8:25 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of October 2021.

Michelle Conero

MICHELLE CONERO