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

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In the Matter of

VERIZON WIRELESS  
(22-18)

Pressler Road  
Section 4; Block 2; Lot 43  
Zone: AR  
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PUBLIC HEARING - CELL TOWER

Date: April 6, 2023  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
CLIFF BROWNE  
JOHN A. WARD

ALSO PRESENT: MEGAN LOCIERO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL  
COLIN MILLS

APPLICANT'S REPRESENTATIVE: SCOTT OLSON, MARTIN  
ROGERS and BRYAN SARCHI

REPORTED BY: Patrick DeGiorgio, Court Reporter  
-----

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

1 CHAIRMAN EWASUTYN: Will someone  
2 make a motion to reconvene and close  
3 the work session of April 6th?

4 MR. WARD: So moved.

5 MR. GALLI: Second.

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

10 MR. GALLI: Aye.

11 MS. DeLUCA: Aye.

12 MR. MENNERICH: Aye.

13 CHAIRMAN EWASUTYN: Aye.

14 MR. BROWNE: Aye.

15 MR. WARD: Aye.

16 CHAIRMAN EWASUTYN: Good  
17 evening, ladies and gentlemen. The  
18 Planning Board would like to welcome  
19 you to the meeting of the 6th of  
20 April, 2023.

21 This evening we have five agenda  
22 items. Of those five agenda items,  
23 two are public hearings and then also  
24 we have at the end of the regular  
25 agenda items we have six board

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business items.

So at this time I would call the meeting to order with a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

MS. LOCIERO: Meghan Lociero, Drake Loeb, Town of Newburgh Planning Board attorneys.

MR. HINES: Pat Hines, McGoey, Hauser & Edsall.

THE COURT REPORTER: Patrick DeGiorgio, stenographer.

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

MR. MILLS: Colin Mills from HDR Engineering, geologist and environmental consultant.

CHAIRMAN EWASUTYN: At this time we will have Stephanie DeLuca start the meeting.

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(Pledge of Allegiance)

MS. DeLUCA: Please all silence  
your phones.

CHAIRMAN EWASUTYN: The first  
item of business this evening is a  
public hearing for a cell tower. The  
applicant is Verizon Wireless. It's  
located on Pressler Road in an AR  
Zone. Mr. Mennerich will read the  
Notice of Hearing.

MR. MENNERICH: "Notice of  
Hearing, Town of Newburgh Planning  
Board. Please take notice that the  
Planning Board of the Town of  
Newburgh, Orange County, New York,  
will hold a public hearing pursuant to  
New York State Town Law 274-a and the  
Municipal Code of the Town of Newburgh  
Chapter 185-57(K) and Chapter 168-16  
Section A on the application of:

Verizon Wireless on the East LP  
- New Cell Tower Site, Project  
2022-18.

The applicant proposes to  
install a new wireless

1 telecommunications facility on the  
2 subject site around the facility. The  
3 project proposes a new 120-foot  
4 monopole cell tower with a four-foot  
5 extension for lightening protection.  
6 The total tower height will be 124  
7 feet. Access to the site will be from  
8 Pressler Road in the vicinity of the  
9 power line crossing. The project  
10 access road will be parallel to the  
11 existing power line right of way. The  
12 project is located in the town's AR  
13 Zoning District. The project is known  
14 on the Town of Newburgh's tax maps as  
15 Section 4, Block 2, Lot 43.

16 A public hearing will be held on  
17 the 6th day of April, 2023 at the Town  
18 Hall Meeting Room, 1496 Route 300,  
19 Newburgh, New York at 7 p.m. or  
20 assuming there after can be heard at  
21 which time all interested persons will  
22 be given an opportunity to be heard.

23 By order of the Town of Newburgh  
24 Planning Board, John P. Ewasutyn,  
25 Chairman, Planning Board Town of

1 Newburgh. Dated 6 March, 2023."

2 CHAIRMAN EWASUTYN: The way a  
3 public hearing is presented to the  
4 public is the applicant or the  
5 applicant's representative, in this  
6 case will be Scott Olson, will discuss  
7 the project with you. At the end of  
8 his discussion those who have any  
9 questions or comments, could you  
10 please stand, speak slowly, give your  
11 name and your address for the  
12 stenographer and then you may speak  
13 and discuss your concerns or ask  
14 questions.

15 At this time I will turn the  
16 meeting over to Scott Olson.

17 MR. OLSON: Thank you, Mr.  
18 Chairman. My name is Scott Olson.  
19 I'm an attorney with Young Summer.  
20 I'm here to represent Verizon Wireless  
21 for the cell tower application.

22 MR. BROWNE: Scott, could you  
23 maybe turn that so the public can see  
24 that?

25 MR. OLSON: I can put it in the

1 center or however you want it,

2 MR. HINES: Just rotate it so we  
3 can all see it.

4 MR. OLSON: I have a couple  
5 other team members here just in case.  
6 We have a Verizon Wireless engineer,  
7 Martin Rogers over here. If we get  
8 into some technical questions I will  
9 defer to him because I'm not an  
10 engineer. We have Bryan Sarchi from  
11 Airosmith Development. He was the  
12 site acquisition specialist. He was  
13 involved with the site acquisition and  
14 lease.

15 I don't know whether it's  
16 visible from where you are all  
17 sitting, but this is the site plan we  
18 have for contextual purposes.  
19 Pressler Road at this location is in a  
20 more north/south direction. Here are  
21 the overhead power lines going east to  
22 west right here and here. We are  
23 proposing to lease -- well, we have  
24 leased space on the property off  
25 Pressler Road. It's about a hundred

1 by a hundred, 10,000 square foot area.  
2 Our access will come off of Pressler,  
3 a new curb cut. It will be a 12-foot  
4 gravel -- 12-foot wide gravel drive  
5 that will lead to our lease area. The  
6 lease area will be secured by a  
7 chain-link the fence, it will be  
8 locked. No unauthorized access will  
9 be permitted.

10 The tower as was mentioned in  
11 the notice is to be 120 feet tall with  
12 a four-foot lightening rod. It's a  
13 monopole-type tower which means that  
14 all the wires that are associated with  
15 this will run inside the tower so they  
16 will not be visible from the outside  
17 as opposed to having a lattice tower.  
18 The lattice tower, the wires just run  
19 alongside of the tower, it will be a  
20 little more visible. Here the wires  
21 will actually be hidden in the tower.  
22 At the top of the tower at about the  
23 116-foot level we will have our  
24 antennas that we will put at the top  
25 there.



1                   This technology depends on the  
2                   antennas being extremely high in order  
3                   to work. If we had antennas down at  
4                   the six-foot level it's useless. It  
5                   can't work. That's why you see the  
6                   cell towers that are usually anywhere  
7                   from 90 feet to 200 feet and higher.  
8                   This is a 120-foot tower.

9                   The reason we need it, and I'll  
10                  just summarize it is because the two  
11                  closest towers that we have, two miles  
12                  away from the Chadwick Lake site and  
13                  then we have the Balmville site about  
14                  three miles away, it just can't serve  
15                  this specific area. You still have  
16                  people trying to use it and when they  
17                  try to use it maybe they can make a  
18                  call or two, but that just destroys  
19                  our capacity. We need to put a new  
20                  server, a new cell tower in this area  
21                  because of all the people using it.  
22                  That's in Exhibit 5 of our  
23                  application. It's a pretty  
24                  comprehensive examination and  
25                  analysis. It shows you some capacity

1 data and charts that we use to track  
2 that over a one-year time period to  
3 make sure we are not missing anything  
4 that is consistent, so that is taking  
5 a small snapshot saying, yeah, we need  
6 capacity here. It's over a whole  
7 year, four seasons so we can get a  
8 very good picture of what we are  
9 doing.

10 You also have obviously some  
11 significant coverage gaps. It doesn't  
12 mean we have zero service. There is  
13 some service that comes in from the  
14 outlying site, it's just not enough  
15 service to provide our customers with  
16 a reliable service that we needed.  
17 That's the reason. If there are any  
18 more technical questions about the  
19 reasons, I would pass that off to  
20 Martin.

21 I think the next biggest issue  
22 is the visibility. What's it going to  
23 look like? That is always the issue,  
24 what it's going to look like? We did  
25 with the assistance of the Planning

1 Board and HDR conducted a balloon test  
2 back on December 10th where we floated  
3 a three-foot diameter weather balloon  
4 in the air at 120 feet. They drove  
5 around to look at where the balloon  
6 was visible from. We took pictures  
7 and it ended up in a report that's  
8 called a Visual Resource Evaluation.  
9 It shows photographs and simulations  
10 as to what the tower will look like  
11 and from the different locations.  
12 That's in the record that we  
13 submitted. It's not indexed in the  
14 exhibit because that would have been  
15 done after the fact.

16 Overall it's fairly well  
17 concealed based on topography and  
18 vegetation, but it will be visible  
19 from some locations along Pressler  
20 Road. We can't hide these things  
21 totally, because they just wouldn't  
22 work.

23 As part of our application we  
24 have an RF Emissions Study that was  
25 completed by a New York State licensed

1           engineer who confirms that the  
2           emissions from our antennas will be  
3           fully compliant with the FCC  
4           requirements. We will be hundreds of  
5           times below that which we are legally  
6           permitted to emit. And that factors  
7           in potential future locations.

8                     If there are other carriers that  
9           decide to co-locate on this tower and  
10          put their antennas up, the cumulative  
11          effect is always substantially less  
12          than that which is legally  
13          permissible. These facilities operate  
14          under extremely low power.

15                    I think the last thing I would  
16          just add is that these will not  
17          interfere with any radio or TV  
18          transmissions in the local area. They  
19          operate at completely different  
20          frequencies and are licensed by the  
21          FCC, so the interference is rare, if  
22          ever. If there was interference there  
23          was a process before the FCC which we  
24          would follow-up to resolve it. I have  
25          been doing this for 27ish years. I

1 have not been involved with one with  
2 Verizon Wireless.

3 With that, I say thank you.

4 CHAIRMAN EWASUTYN: Is there  
5 anyone here this evening who has any  
6 questions or comments? Please stand  
7 and give your name and your address.  
8 Let the record show that there is no  
9 one attending the meeting from the  
10 public who have any questions or  
11 commence.

12 At this time we will turn the  
13 meeting over to our telecommunication  
14 person, Colin Mills.

15 MR. MILLS: Good evening,  
16 ladies and gentlemen of the public,  
17 Mr. Chairman and members of the  
18 Planning Board. Mr. Olson has given  
19 quite a good description of what the  
20 project is. I will go light on that.  
21 I would like to read this into the  
22 record tonight.

23 Good evening, we have talked  
24 about this from the previous meeting  
25 that the Verizon tower will operate on

1 less frequency as noted. We did a  
2 fairly substantial technical review of  
3 the application process. The  
4 application came in kind of two  
5 phases. There was an initial  
6 application where the video resources  
7 have not been completed yet and then a  
8 supplemental filing thereafter. There  
9 was an intermediate step along the  
10 way. We took that into account in our  
11 review.

12 Our technical review memo  
13 discusses the application and will be  
14 -- what's within the filings such as  
15 the tower description which has  
16 already been provided. Discussions of  
17 our assessment of their justification  
18 for coverage and capacity is in  
19 conformance with nonionized radiation.

20 The site selection process, the  
21 town code provides a number of  
22 priorities for the siting of locations  
23 of the cell tower and antennas. We  
24 evaluated the visual impact analysis  
25 and visual resources report as well as

1 the co-location potential. We note  
2 that as to our knowledge now we do not  
3 know whether there are any potential  
4 co-locaters where the tower is  
5 designed based on attestations from  
6 the application to be able to support  
7 three additional carriers.

8 So the phases of the coverage  
9 capacities based on the information  
10 has been provided. We think the tower  
11 location is justified and on the  
12 attestation of the client, our  
13 engineer, that the two towers that Mr.  
14 Olson referenced are not able to  
15 service that particular area and there  
16 are some coverage gaps based on  
17 coverage information that has been  
18 provided.

19 We also note that with regard to  
20 the ultimate site analysis there are  
21 not in any other towers that can be  
22 used in the area that we are aware of.

23 During the balloon test HDR  
24 and myself actually were present. We  
25 visited 21 predetermined locations and

1           several that we identified in the  
2           field during the balloon test. The  
3           applicant's consultant took  
4           photographs and then turned that into  
5           photo renditions of what the tower  
6           might look like from various locations  
7           where it's visible.

8           We also note that with regard to  
9           the siting priorities listed in the  
10          town code were no existing towers as  
11          mentioned, but also there were no  
12          commercial or industrial priorities in  
13          the site in the coverage gap as noted  
14          by Verizon.

15          With that said, the application  
16          as provided we found to be  
17          comprehensive and our memo also  
18          includes a number of findings and  
19          recommendations, that should this be  
20          approved, the town may choose to  
21          incorporate as the conditions of the  
22          permit. There are also six waivers  
23          that were requested by the applicant  
24          and we generally recommend that most  
25          of them be reviewed by the Planning



1 Board attorney or town attorney.  
2 However, we do recommend that at the  
3 Town Planning Board's discretion that  
4 a couple of them could be waived  
5 including whether everything be  
6 submitted as a single compact report  
7 versus several kind of exhibits that  
8 have been and whether the full  
9 topographic and geomorphic survey be  
10 completed prior to this phase. We  
11 note that the applicant have agreed to  
12 those conditions for the special use  
13 permit. We feel that waiver at the  
14 town Planning Board's discretion is  
15 justifiable.

16 With that said, I am happy to  
17 answer any questions or go into any  
18 more detail.

19 CHAIRMAN EWASUTYN: Questions  
20 from board members?

21 MR. GALLI: No.

22 MS. DeLUCA: No.

23 CHAIRMAN EWASUTYN: Jim  
24 Campbell, code compliance?

25 MR. CAMPBELL: No comments.

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CHAIRMAN EWASUTYN: Pat Hines,  
MH&E.

MR. HINES: We submitted the  
application materials to Orange County  
Planning. Their time frame has timed  
out at this point and I believe the  
board needs to also make a SEQR  
determination prior to taking any  
action on this.

CHAIRMAN EWASUTYN: Megan, any  
comments?

MS. LOCIERO: Yes. If the board  
wishes it can choose to close the  
public hearing and issue a declaration  
recommended by HDR and also the board  
can consider preliminary conditional  
approval subject conditions to HDR's  
suggestions.

CHAIRMAN EWASUTYN: Are there  
any further questions or comments from  
the public now that you have heard the  
presentation?

MR. HINES: You should probably  
address the waiver as well.

CHAIRMAN EWASUTYN: You want to

1 address the six waivers prior to the  
2 negative declaration?

3 MS. LOCIERO: I think they  
4 should definitely be reviewed by my  
5 office. I have not seen them yet so I  
6 can't comment on them. But it could  
7 be subject to our office's approval if  
8 you prefer.

9 CHAIRMAN EWASUTYN: That would  
10 be conditioned on the Planning Board?

11 MS. LOCIERO: Yes.

12 CHAIRMAN EWASUTYN: For now  
13 then, can I have a motion from the  
14 Planning Board to close the public  
15 hearing and declare a negative  
16 declaration for the Verizon Wireless  
17 application number 22-18 located on  
18 Pressler Road?

19 MR. MENNERICH: So moved.

20 MR. BROWNE: Second.

21 CHAIRMAN EWASUTYN: Motion from  
22 Ken Mennerich, second from Cliff  
23 Browne. Can I have a roll call vote  
24 starting with John Ward?

25 MR. WARD: Aye.

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MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Mr. Olson,  
any questions or comments at this  
point?

MR. OLSON: No questions, Mr.  
Chairman.

CHAIRMAN EWASUTYN: Meghan, you  
want to go through this along with Pat  
Hines and Jim Campbell for the  
conditions of approval for the  
application?

MS. LOCIERO: Yes. I would  
defer to HDR for their conditions of  
approval other than our standard  
conditions.

CHAIRMAN EWASUTYN: Colin?

MR. MILLS: So we recommend that  
the Planning Board's discretion for  
this additional closing --  
consideration on the monopole design  
including the color to be decided

1                   tonight or at a future juncture.

2                   CHAIRMAN EWASUTYN: Let's stay  
3                   on one topic at a time before we start  
4                   going from one to the other because  
5                   then it's hard to remember what we are  
6                   discussing. You are suggesting that  
7                   we approve the color of the monopoles  
8                   that we are seeing?

9                   MR. MILLS: One of our  
10                  recommendations was for the board to  
11                  consider if they decided to select a  
12                  different color, different visual  
13                  aspects from what was proposed.  
14                  However, the board is happy with what  
15                  has been proposed by the applicant,  
16                  then to go into those details.

17                  CHAIRMAN EWASUTYN: For the  
18                  record, would you make mention of  
19                  color, Mr. Olson?

20                  MR. OLSON: Yes. It's a  
21                  galvanized steel. Most people don't  
22                  know about galvanized steel, but it's  
23                  a dull gray. It turns though. At  
24                  first sometimes I've seen it where it  
25                  can be shiny for maybe a few months

1 before it gets weathered, but it  
2 becomes a dull gray basically. We  
3 prefer that. We think that that tends  
4 to blend in with the horizon better  
5 than painting it. If the board wants  
6 it can be painted, but there are  
7 maintenance issues and then there are  
8 color issues. We have painted some  
9 pretty crazy stuff at times. A lot of  
10 boards have looked at it and said why  
11 did you do that? We painted it blue,  
12 green, brown, different aspects. We  
13 can do that, but that's up to the  
14 board's discretion.

15 CHAIRMAN EWASUTYN: Frank, what  
16 kind of finish and color would you  
17 prefer?

18 MR. GALLI: I'm happy with the  
19 galvanized so this way we don't have  
20 to worry about painting it every few  
21 years.

22 CHAIRMAN EWASUTYN: Stephanie  
23 DeLuca?

24 MS. DeLUCA: Agreed.

25 MR. MENNERICH: Agreed.

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MR. BROWNE: Same.

MR. WARD: Same.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board has approved a galvanized steel with a dull gray finish for the monopole. Next, Connor.

MR. MILLS: We had previously proposed a recommendation regarding visual resource evaluation for color considerations for a tree monopole. However, if the board is amenable to the proposed design I say we do that on the conditions we have proposed in here.

The waivers as mentioned and subject to review, but that would be in the future.

We had a couple notes in here, confirmations for the applicant including no cultural impact, cultural resource impacts be incurred in connection with the installation. We also requested that the applicant defer to the disturbance and other

1 elements in the FEIS based on the  
2 realignment of the access road. There  
3 was one thing that I had changed  
4 substantially from the original  
5 application. We wanted to confirm  
6 that even though no revisions needed  
7 to be made.

8 MR. OLSON: We can confirm that.  
9 I know I spoke to Steve Matthews. He  
10 just hasn't gotten to an actual  
11 written response, but we will provide  
12 that. We did change the design of the  
13 road. I forget honestly if we  
14 submitted a revised EIF.

15 MR. MILLS: I don't think it was  
16 revised. That's why I put that in  
17 there.

18 MR. OLSON: We have to address  
19 that. In terms of cultural resources,  
20 because we are a licensed holder by  
21 the FCC we have to comply with Section  
22 106 of the National Historic  
23 Preservation Act and we do that by  
24 completing an internal due diligence  
25 document which include SHPO review



1           which is basically the 106 NHPA  
2           review. That is just about done.  
3           That can confirm that there will be no  
4           cultural resource impacts as a result  
5           of that.

6                       MR. MILLS: Another  
7           recommendation we had was for the  
8           applicant to confirm whether or not  
9           communications facilities such as a  
10          structure and a ground base compound  
11          would be able to accommodate municipal  
12          water emergency services?

13                      MR. OLSON: Yes. If the  
14          municipality or emergency agencies  
15          need to put anything on there, we do  
16          that rent free as long as the  
17          municipality pays for its equipment  
18          and installation, but we don't charge  
19          after that.

20                      MR. MILLS: We also note the  
21          structural analysis is to be concluded  
22          in the future. We have a few other  
23          things with regard to construction  
24          such as providing a construction  
25          schedule. That's also in the building

1 permit stage.

2 We requested that if the  
3 application is approved that a site  
4 specific maintenance checklist be  
5 provided by the applicant to the  
6 building department at the building  
7 permit stage of the project. That  
8 would be something that would be  
9 requested for the future. Should the  
10 operation of the tower substantially  
11 change there are additional codes  
12 added later. That would also be in  
13 the building permit application in the  
14 application phase.

15 Other conditions are that excess  
16 soil be removed from construction,  
17 grading operation be maintained on  
18 site. Should any soil be transported  
19 off site, it's the applicant's  
20 responsibility to meet all local,  
21 state and federal regulations. Ground  
22 water encountered should be handled  
23 with all appropriate rules and  
24 regulations. We also note as built  
25 drawings should be provided including

1 documentation survey of the actual  
2 monopole height. To provide --  
3 (interrupted)

4 CHAIRMAN EWASUTYN: Could I make  
5 a suggestion?

6 MR. MILLS: Sure.

7 CHAIRMAN EWASUTYN: You are  
8 articulate in what you are saying.  
9 But you are moving rather rapidly  
10 here. And how much time or how many  
11 days would you need to summarize this  
12 in a written report which then could  
13 be added to the final resolution that  
14 Meghan is working on? Because it's  
15 near impossible here.

16 MR. MILLS: Yes.

17 MR. HINES: Typically just  
18 require a sign off from HDR.

19 CHAIRMAN EWASUTYN: Fine. All  
20 on board with that?

21 MR. GALLI: Yes.

22 MS. DeLUCA: Yes.

23 MR. MENNERICH: Yes.

24 CHAIRMAN EWASUTYN: Yes.

25 MR. BROWNE: Yes.

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MR. WARD: Yes.

MR. HINES: The only other thing is there's a need for security, that's typically required in the ordinance for removal in the future. And then the original access drive was in the Town of Plattekill. I think it might now be in Newburgh since you moved it. There will be a need for a permit from either of those agencies for the access.

MR. OLSON: I think they are in Plattekill. Yes, we are. So here is the Plattekill line and here is the access line.

MR. HINES: There will be a need for a permit from the Town of Plattekill Highway Department. We do note that we did circulate this to the Town of Plattekill. They are aware of it. They deferred any Planning Board review of this just because it's only the driveway access. That was accomplished as well but there will be a permit.

1 MR. OLSON: Thank you, we are  
2 aware of that.

3 CHAIRMAN EWASUTYN: So then we  
4 would have an action before us this  
5 evening subject to conditions to  
6 approve Verizon Wireless and that  
7 would be a sign off from whom?

8 MR. HINES: HDR.

9 CHAIRMAN EWASUTYN: HDR. You  
10 want to go through that with us,  
11 Meghan?

12 MS. LOCIERO: A sign off from  
13 HDR will be required as well as what  
14 Pat just went through.

15 CHAIRMAN EWASUTYN: Pat Hines  
16 with MH&E. Comments from board  
17 members.

18 MR. WARD: Nothing additional.

19 MR. BROWNE: No.

20 MR. MENNERICH: Nothing.

21 MS. DeLUCA: Nothing.

22 MR. GALLI: Nothing.

23 CHAIRMAN EWASUTYN: Having heard  
24 from our attorney, Meghan, will  
25 someone make a motion to approve the

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Verizon Wireless subject to a sign off  
letter from HDR and also from Pat  
Hines with MH&E?

MS. DeLUCA: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Motion by  
Stephanie DeLuca, a second by Frank  
Galli. May I please have a roll call  
vote starting with John Ward?

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Thank you  
very much.

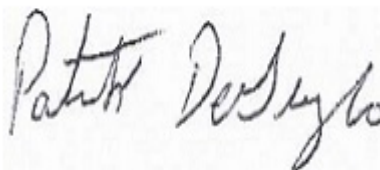
1 STATE OF NEW YORK )

2 ) ss:

3 COUNTY OF ORANGE )

4  
5  
6 I, PATRICK M. DeGIORGIO, a Shorthand  
7 Reporter and Notary Public within and for the  
8 State of New York, do hereby certify that the  
9 foregoing is a true and accurate record of the  
10 minutes having been stenographically recorded by  
11 me and transcribed under my supervision to the  
12 best of my knowledge and belief.

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18 X



PATRICK M. DeGIORGIO

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21 Dated: April 17th, 2023

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

-----  
In the Matter of

MOFFAT PROPERTIES  
(22-14)

224 & 226 NY Route 17K  
Section 32; Block 29; Lots 64 & 65  
Zone: IB  
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PUBLIC HEARING - SITE PLAN

Date: April 6, 2023  
Time: 7:30 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
CLIFF BROWNE  
JOHN A. WARD

ALSO PRESENT: MEGAN LOCIERO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: NEIL SANDER and  
ETHAN ROGERS

REPORTED BY: Patrick DeGiorgio, Court Reporter  
-----

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

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MR. EWASUTYN: The Planning Board's second item of business this evening is a public hearing for a site plan. It's Moffat Properties located on 224 and 226 New York Route 17K in an IB Zone. They are being represented by Independence Engineering. Mr. Mennerich will read the Notice of Hearing.

MR. MENNERICH: "Notice of Hearing, Town of Newburgh Planning Board.

Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 274-a of the New York State Town Law on the application of:

Moffat Properties (Sunbelt Rental) Project 2022-14. The project involves construction of an 11,790 square foot building. Use of the structure is an equipment rental center. The project proposes an outdoor storage area for equipment to

1 the north/rear of the property. The  
2 project proposes to connect to the  
3 Town of Newburgh municipal water and  
4 sewer system within the state highway  
5 right of way. Access to the site will  
6 be via a new driveway from New York  
7 State Route 17K. The project's  
8 address is 224 and 226 New York State  
9 Route 17K. The project is located in  
10 the town's IB Zoning District. The  
11 site is known on the Town of  
12 Newburgh's tax map at Section 32,  
13 Block 89, Lots 64 and 65. The project  
14 proposes to consolidate both lots.

15 A public hearing will be held on  
16 the 6th day of April, 2023 at the Town  
17 Hall Meeting Room, 1496 Route 300,  
18 Newburgh, New York at 7 p.m., at which  
19 time all interested persons will be  
20 given an opportunity to be heard.

21 By order of the Town of Newburgh  
22 Planning Board, John P. Ewasutyn,  
23 Chairman, Planning Board Town of  
24 Newburgh, dated 6 March, 2023."

25 CHAIRMAN EWASUTYN: Sir.

1                   MR. SANDER: Good evening,  
2                   ladies and gentlemen. It's good to  
3                   see you again. My name is Neil  
4                   Sander. I'm with Independence  
5                   Engineering. I'm representing Moffat  
6                   Properties which is the developer of  
7                   the parcel located at 224 Route 17K.

8                   With me here this evening is  
9                   Ethan Rogers from Moffat Properties.  
10                  He will be available to answer any  
11                  operational questions.

12                  The current site is the old  
13                  landscaping retail store located  
14                  across from the airport. To orient  
15                  you, north is actually to the right of  
16                  this plan because of the shape of the  
17                  lot. There is a tributary that runs  
18                  along the west side of the property  
19                  with Route 17K on the south. Most of  
20                  the area is wooded. There are a  
21                  couple residences across the creek to  
22                  the southwest. Across to the next  
23                  wooded lot over is the Toyota  
24                  dealership.

25                  Currently the site is abandoned

1                   essentially. It was the landscape  
2                   center that closed down a couple years  
3                   ago and has not been in operation  
4                   since. There is one building on that  
5                   site that has two curb cuts, one  
6                   functional driveway onto Route 17K.  
7                   It's currently on public water and gas  
8                   and electric, but not public sewer.  
9                   Also the outdoor storage yard is  
10                  partially gravel, has been compacted  
11                  and just generally in bad shape.

12                  My client is a landlord/tenant.  
13                  They are looking to purchase this  
14                  property and develop it to operate a  
15                  Sunbelt Rental general tool rental  
16                  facility. It will be the only one in  
17                  the area. The closest Sunbelt Rental  
18                  is in Spring Valley. Is that Correct,  
19                  Ethan?

20                  MR. ROGERS: Yes.

21                  MR. SANDER: This is going to be  
22                  a very popular spot for contractors to  
23                  get their tools.

24                  We are proposing a brand new  
25                  12,000 square foot building that we

1 set back from the road approximately  
2 173 feet. The two driveways would be  
3 consolidated into a single driveway.  
4 Right now it's asphalt. This will  
5 also be asphalt, but it will be brand  
6 new. It will be designed to handle  
7 truck loading where the existing  
8 driveway is. We are also going to be  
9 removing the fence and the gates that  
10 are along the right of way. 17  
11 parking spaces are proposed.

12 As mentioned in the  
13 introduction, we are proposing  
14 approximately two acres of outdoor  
15 storage in the back. Part of it will  
16 be concrete. Part of it will be  
17 asphalt and about one and a half acres  
18 will be gravel. That will be the area  
19 that extends back toward Route 84.

20 As part of our ongoing  
21 discussions with the town engineer, we  
22 are working on the specific details of  
23 the stormwater facility, but generally  
24 because of the orientation and the  
25 slope of the site we will be bringing

1 drainage from the back of the site up  
2 to the front with a large  
3 bio-retention facility which will make  
4 a nice aesthetic feature along Route  
5 17K. In addition, we are putting in  
6 the two-foot stone wall along the  
7 frontage as well as proper plantings  
8 in between the two. The outdoor  
9 storage area will be fenced in to  
10 protect inventory. That's pretty  
11 standard for Sunbelt's operations.

12 To date we have been here a  
13 number of times and got a lot of  
14 feedback from the board. As of today  
15 we have gotten pretty clear comments  
16 back from Karen Arent and we have a  
17 good site plan review back from Mr.  
18 Hines today. So I think I'd like to  
19 hear any questions that you may have,  
20 but I think this is going to be a good  
21 project for the town, both  
22 aesthetically and economically.

23 CHAIRMAN EWASUTYN: Sir, give  
24 your name and address for the record.

25 MR. LATTIMORE: Robert

1 Lattimore, 10 Holmewood Avenue,  
2 Newburgh. Did you know the back of  
3 that property is loaded with sewer  
4 septic tank trucks that came up from  
5 Jersey for over 10 years? The whole  
6 top of that hill has to be hauled away  
7 and burned.

8 MR. SANDER: Well, a couple of  
9 things. We filed a full EAF for the  
10 site. That did not show up in any of  
11 our investigation. The second is we  
12 are already regrading and striping the  
13 surface from the back of that site and  
14 replacing it with gravel, so any  
15 surface material that is there is  
16 going to be taken off site.

17 MR. LATTIMORE: That will be  
18 hauled away?

19 MR. SANDER: Yes.

20 MR. LATTIMORE: And burned? And  
21 then the front of the property, all  
22 from the gas station, all that  
23 property completely to the whole area  
24 has gasoline underground which has  
25 been killing all the trees in our



1                   backyards and just falling over dying  
2                   since 2001. And Exxon Mobil just gave  
3                   us the water to come up our street for  
4                   all the residents that live there,  
5                   which is fine, and they took all of  
6                   our wells which are concrete to hide,  
7                   but they sold to Shell Gas Station  
8                   which at the time should have been  
9                   removed and replaced because there  
10                  were fiberglass tanks put on shale,  
11                  even though they had a standard  
12                  bedding and they punctured through.

13                   CHAIRMAN EWASUTYN: Pat, are you  
14                   aware of this?

15                   MR. HINES: I'm not aware of  
16                   this situation. As Mr. Sander said,  
17                   the Environmental Assessment Form was  
18                   filled out on the DEC's website and  
19                   they did not flag any of those issues  
20                   there.

21                   MR. LATTIMORE: I have a man  
22                   coming down from Albany to go over the  
23                   property and the land and everything  
24                   again. And if I have to drill a new  
25                   well to prove it, I will. They hid

1 the evidence on all the wells filled  
2 in with concrete.

3 MR. HINES: I believe that  
4 that's outside of the scope. This  
5 project did not have the gas station  
6 on it.

7 MR. LATTIMORE: It didn't have  
8 it. The whole area into the creek  
9 into the back of the landscape.

10 MR. HINES: This project is  
11 proposing a connection to the  
12 municipal water system. It's not  
13 going to have any wells or ground  
14 water use.

15 MR. LATTIMORE: The fuel is  
16 under there but the trees have been  
17 dying for years.

18 MR. MAZZERELLI: I'm Mark  
19 Mazzerelli. I'm an owner of that  
20 property. What he is saying is not  
21 totally correct. The piece of  
22 property that has the sewage, that's  
23 way up on the hill, that's not this  
24 piece of property. The gas tanks that  
25 you are talking about are way on the

1 other side. The two things that you  
2 are referring to are absolutely  
3 positively not on that piece of  
4 property.

5 MR. LATTIMORE: Now I will get  
6 Stewart Air Force Base involved. It  
7 went all through Stewart Air Force  
8 Base's property.

9 MR. MAZZERELLI: What did?

10 MR. LATTIMORE: The gasoline  
11 underground that has been leaking for  
12 years.

13 MR. MAZZERELLI: From our  
14 property?

15 MR. LATTIMORE: Not your  
16 property, the Shell Gas Station.

17 MR. MAZZERELLI: But you stated  
18 that there was sewage dumped up there  
19 which is not true and you are stating  
20 that there's a gas tank that's in the  
21 ground and that's not true either.

22 MR. LATTIMORE: Yes, both are  
23 true.

24 MR. MAZZARELLI: They are not on  
25 our property, it's not true. And

1                   that's the last I'll say.

2                   MR. LATTIMORE: The gasoline on  
3 top of the hill was dumped there for  
4 well over 20 years.

5                   MR. MAZZARELLI: That's not on  
6 our property.

7                   MR. LATTIMORE: It's on the top  
8 of the hill.

9                   MR. MAZZARELLI: We don't own  
10 the top of the hill and that's not  
11 what is proposed on the site.

12                   MR. LATTIMORE: You just said by  
13 84. How far from 84 are you going in?

14                   MR. SANDER: I said back toward  
15 84.

16                   MR. LATTIMORE: How far from 84?  
17 Because the whole top of that hill for  
18 years -- (interrupted)

19                   MR. MAZZARELLI: That's not part  
20 of our property just so you know.

21                   MR. ROGERS: That's not his  
22 property. Like I said, nothing showed  
23 up in Phase 1.

24                   MR. HINES: There are properties  
25 between this back property line and

1           Route 84. It's the property that the  
2           Matrix site was proposed on before  
3           this board several months ago that is  
4           being considered for development.  
5           This property is significantly forward  
6           of 84. It's significantly south of  
7           84.

8           MR. SANDER:    Yes.

9           MR. LATTIMORE:  Because there  
10          was only one way of going out of  
11          Holmewood Avenue.

12          MR. SANDER:  Sold to Manheim.

13          MR. LATTIMORE:  Darrago sold the  
14          property to Auto Auction.

15          MR. HINES:  So the Auto Auction  
16          has property behind this site?

17          MR. MAZZARELLI:  Correct.

18          MR. HINES:  Between this site  
19          and Route 84 is owned by Manheim  
20          Auction.

21          MR. LATTIMORE:  It's not  
22          involved in touching that hill up  
23          there?

24          MR. HINES:  There's a hill that  
25          rises up from the back of this site

1                   towards 84 and drops back down to 84.  
2                   There's a large open area back on that  
3                   lot, I'm familiar with that area.

4                   MR. LATTIMORE: The only other  
5                   thing is that 12:30 at night, 1:00 in  
6                   the morning we had to call the town  
7                   police. The landscaper was bulldozing  
8                   into the creek and runs through there  
9                   and the police stopped them from  
10                  bulldozing into the creek.

11                  CHAIRMAN EWASUTYN: When was  
12                  this?

13                  MR. LATTIMORE: Probably 10, 12  
14                  years ago. I mean before they would  
15                  do anything they have to resurvey it  
16                  because they tried to turn the creek.

17                  MR. HINES: We have a very  
18                  recent survey from this site.

19                  MR. SANDER: The survey is from  
20                  2022.

21                  MR. LATTIMORE: Well, I just  
22                  have to wait for the D.E.C. to come  
23                  down and go the underground route. I  
24                  went to the town here and they gave me  
25                  a thing where nothing was ever filed

1           for changing the tank underground  
2           which has been leaking for years.

3           MR. SANDER: Are there any other  
4           questions that I could address from  
5           the public?

6           MS. LATTIMORE: I have one. My  
7           name is Arlene Lattimore. To get in  
8           that place and to get out of that  
9           place, with all the construction, is  
10          there going to be only one way in and  
11          one way out or are you talking about  
12          going around?

13          MR. SANDER: There's going to  
14          be one full access driveway. You will  
15          be able to make a left or right into  
16          it. Customers will be limited to the  
17          area in front of the building. Trucks  
18          will be allowed to come around the  
19          outside so they could pick up  
20          materials in the back and then it's a  
21          full access out also. You can make a  
22          right or left out.

23          MS. LATTIMORE: Thank you.

24          MR. LINTZ: My name is David  
25          Lintz. I reside at 2 Holmeman Avenue.

1 17K goes into a -- this is just a  
2 question. 17K goes from two lanes  
3 into one lane at that point. The  
4 ingress and egress that you are  
5 talking about is one driveway going  
6 in. You have big tractor-trailers  
7 with big equipment making a left from  
8 84 and going into that. Is that going  
9 to bottleneck traffic? Is there going  
10 to be any problems with the congestion  
11 of traffic? The traffic light is only  
12 say a hundred yards away.

13 MR. SANDER: We have taken a  
14 look at that. We have submitted a  
15 traffic study with the initial  
16 application. This drive is  
17 functional. It has a good level of  
18 service. We took a look at truck  
19 turning patterns also and especially  
20 with the extra width provided by the  
21 two opposite lanes we shouldn't have  
22 any problems with the swing. The  
23 truck is coming into the site from the  
24 left-hand lane, you won't have a swing  
25 problem going into the right-hand



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lane.

CHAIRMAN EWASUTYN: I think at some point when we are going through the review, the question was asked will you be having construction equipment, backhoes or a bulldozer? It was my understanding that the equipment that you would be offering would be equipment like compressors, really for the home user and not something like he's referencing on the back of a flatbed.

MR. HINES: More like tow behind equipment.

MR. ROGERS: Tow behind, that's correct. There will be very limited heavy equipment, if any. There won't be many tractor-trailers. They will be more like dovetail trucks similar to a landscaping truck.

CHAIRMAN EWASUTYN: I'm saying that is how we have been reviewing the project all along.

MR. LINTZ: Generators.

CHAIRMAN EWASUTYN: Generators

1 and lighting equipment.

2 MR. LINTZ: Nothing tall. I was  
3 thinking scissor lifts. Something  
4 small.

5 MR. ROGERS: There will be some  
6 smaller lifts, but there won't be any  
7 bigger equipment. Nothing heavy.  
8 That's a different thing.

9 MR. LINTZ: Can I put an  
10 interjection on? I called a friend of  
11 mine. He did environmental stuff back  
12 on the Exxon Mobil spill. The gas  
13 thing, he said that that was closed.  
14 I got a text from him tonight. It was  
15 in 1998 I believe. Spill dated June  
16 9th, 1998 closed. So whatever  
17 environmental issues from Exxon that  
18 was going on, I guess the issue is  
19 closed. I just wanted to put that  
20 point in there.

21 MR. SANDER: Following up on our  
22 ARB discussion from last month also,  
23 we have brought materials with us to  
24 show the color scheme and materials.  
25 We would like to distribute that for

1 the board's viewing and feelings on  
2 it. Are there any further questions?

3 MR. LINTZ: That survey that you  
4 took, was the creek part of that  
5 survey?

6 MR. SANDER: Yes.

7 MR. LINTZ: There's a lot of red  
8 flags running through the creek area.  
9 Is it in the middle of the creek?

10 MR. SANDER: The property is  
11 mostly on the far side of the creek.  
12 Most of the creek is on Moffat's  
13 property or Mr. Mazzarelli's property  
14 currently. So the red flags are  
15 actually wetland delineation flags.  
16 Everything in between those is  
17 governed by the U.S. Army Corps.

18 MR. LINTZ: There's going to be  
19 no retaining walls running parallel  
20 with that? I know when they do  
21 construction they put a silt wall or  
22 something like that.

23 MR. SANDER: That's for  
24 construction purposes to prevent silt  
25 from getting into the creek. We were

1           able to get the site design without  
2           any retaining walls if I remember  
3           correctly from the last iteration. We  
4           will see what is coming across the  
5           creek.

6                   MR. LINTZ: Is there going to be  
7           clean up of the creek area? There are  
8           a lot of down trees. It's an eyesore.  
9           Since you own that property, is it  
10          going to be cleaned up?

11                   MR. SANDER: The site  
12          maintenance is part of the SWPPP  
13          process. We filed a Stormwater  
14          Pollution Protection Plan including a  
15          long-term maintenance plan of the  
16          site, which includes regular  
17          inspection of the site, making sure  
18          the trash is picked up, making sure  
19          there's no destruction of waterways.  
20          Over the course of time that will be  
21          done on a regular basis.

22                   CHAIRMAN EWASUTYN: Let's pause  
23          on that for a second. I'm sure you  
24          are correct. Pat Hines with MH&E is  
25          currently reviewing the SWPPP. The

1 final plans will show erosion and  
2 control measures on the site which  
3 will show what you are discussing.  
4 Pat, the existing debris in the  
5 stream, is that something that is  
6 mitigated at some point in the site  
7 construction?

8 MR. HINES: I believe that they  
9 are probably going to want to clean  
10 that up. As part of their facility  
11 they are putting a large investment  
12 into that. The stormwater pollution  
13 does not include currently the removal  
14 of debris from the stream. I'm not  
15 aware of the issues with the stream.

16 MR. SANDER: As part of good  
17 housekeeping, I understand delineation  
18 from removing debris from the stream  
19 currently versus in the future when  
20 they are going to be inspecting the  
21 site regularly and making sure.

22 MR. HINES: There is currently  
23 no in stream work proposed, but  
24 certainly the owner of that facility  
25 may want to make sure that has a free

1           flowing drainage course through the  
2           site. They have avoided removal of  
3           the trees west of the stream and has  
4           been preserved as a buffer area by  
5           default because they are not doing  
6           anything on the west side of the  
7           stream. That green area on the upper  
8           portion of the map is proposed to  
9           remain in its existing condition.

10           MR. SANDER: Okay.

11           CHAIRMAN EWASUTYN: We have some  
12           clarification. Sometimes what happens  
13           in the translation at a meeting like  
14           this and then at a later date someone  
15           will come back and say they never  
16           cleaned up the stream and they said  
17           they were going to clean up the  
18           stream. To save that argument we will  
19           put it on the table now. My  
20           understanding is that the maintenance  
21           is up to the new owner.

22           MR. LINTZ: I own the two  
23           properties two doors down. There's  
24           four houses. There's 21 or 23 lots I  
25           believe. I own five of them and Mr.

1           Richie Rietz (phonetic) owns the  
2           others. I wanted to know on my end  
3           where that line in the creek is for  
4           the survey? I own -- all of our  
5           houses are nonconforming houses on  
6           Zoned IB properties. I was asking  
7           questions for future reference.

8                   CHAIRMAN EWASUTYN: Let's  
9           discuss the ARB that is circulating  
10          around. Can you verbally discuss the  
11          colors and go through the submission?

12                   MR. SANDER: Sure.

13                   CHAIRMAN EWASUTYN: Is there any  
14          additional questions or comments from  
15          the public while the public hearing is  
16          still opened before we get into the  
17          ARB discussion?

18                   MR. ROGERS: As it relates to  
19          architectural features, this is an  
20          example that we have from North  
21          Carolina. There's a split face block  
22          column here in the front along with  
23          the curtain side and storefront and  
24          metal panel alongside the top here.  
25          You see green here. There is other

1 signage along the approval process.

2 CHAIRMAN EWASUTYN: Jim  
3 Campbell, code compliance, can you  
4 discuss the ARB form and what needs to  
5 be shown on that?

6 MR. CAMPBELL: The ARB, we have  
7 a printed form; is that correct?

8 CHAIRMAN EWASUTYN: Correct.

9 MR. CAMPBELL: It will be  
10 showing a list of colors with each  
11 component. You will also need to do  
12 an ARB of the signage as well later  
13 on.

14 MR. ROGERS: We submitted that  
15 form.

16 CHAIRMAN EWASUTYN: You have  
17 submitted that as part of the original  
18 package?

19 MR. ROGERS: Correct.

20 CHAIRMAN EWASUTYN: If you don't  
21 mind would you e-mail that to the  
22 planning board office tomorrow?

23 MR. ROGERS: Sure.

24 MR. SANDER: Yes.

25 CHAIRMAN EWASUTYN: I'll



1 circulate that to the planning board  
2 members and code compliance.

3 MR. HINES: Is that signage on  
4 the building representative of what  
5 you are going to put here? I know you  
6 are saying you are going to come back.

7 MR. ROGERS: Yes.

8 CHAIRMAN EWASUTYN: There's no  
9 monument sign out front?

10 MR. ROGERS: There will be a  
11 monument sign out front.

12 MR. CAMPBELL: You will need  
13 dimensions also of the signage.

14 MR. ROGERS: Sure, we have all  
15 that. This is a view.

16 MR. HINES: You have fairly  
17 detailed renderings now.

18 MR. ROGERS: Our tenant handles  
19 their own sign permits.

20 CHAIRMAN EWASUTYN: The signage  
21 on the building is what we are  
22 approving tonight?

23 MR. HINES: That's what I was  
24 asking, but I guess in looking to  
25 defer for a future submission if they

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don't have the monument sign up.

CHAIRMAN EWASUTYN: Ken  
Mennerich?

MR. MENNERICH: Nothing.

CHAIRMAN EWASUTYN: So we are  
not approving the signage on the  
building now and not approving the  
monument sign. So we are doing ARB  
approval on the building itself.

If there's no further questions  
from the public, can someone move to  
make a motion to close the public  
hearing on Moffat Properties as  
Project Number 22-14?

MR. WARD: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by  
John Ward, a second by Stephanie  
DeLuca. Roll call starting with Frank  
Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: John, you had a question?

MR. WARD: Yes. For the other picture there, for the public I was going to say for your construction and the parking lot where you are going to store things, it shows that you are not -- you have a buffer for the stream. What he's talking about is a stream, but the buffer is on both sides of the property, you know. That's a visual that you can see. Thank you.

CHAIRMAN EWASUTYN: Would someone begin to offer us conditions subject to approving the Moffat Properties site plan?

MR. HINES: My office is completing the review of the Stormwater Pollution Prevention Plan for the project. So a final sign off on that will be required. There's a requirement for security for stormwater management with

1           landscaping. A NYS D.O.T. permit is  
2           required prior to the issuance of a  
3           building permit. That is assuming  
4           that the driveway will be shown in the  
5           location that it is shown today. Any  
6           change to that driveway by the D.O.T.  
7           will have to come back. The FAA no  
8           hazard determinations have been  
9           received. That was in my comments. A  
10          stormwater facilities maintenance  
11          agreement will have to be filed for  
12          the project. And that is the extent  
13          of our comments. We did receive the  
14          City of Newburgh flow acceptance  
15          letter as well. Basically our  
16          comments of tonight's meeting as well  
17          as the stormwater facilities  
18          maintenance agreement.

19                   CHAIRMAN EWASUTYN: And the ARB?

20                   MR. HINES: ARB signage.

21                   CHAIRMAN EWASUTYN: The ARB  
22          building itself?

23                   MR. HINES: I thought we were  
24          doing that.

25                   CHAIRMAN EWASUTYN: The building

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itself, but not the sign.

MR. HINES: Any condition of approval will be ARB signage.

CHAIRMAN EWASUTYN: Jim Campbell, code compliance?

MR. CAMPBELL: Nothing additional.

CHAIRMAN EWASUTYN: Comments from board members. Frank Galli?

MR. GALLI: Nothing additional from me.

MS. DeLUCA: No additional comment.

MR. MENNERICH: I think we should also read Karen's sign off based on her latest memo.

CHAIRMAN EWASUTYN: And that memo is dated when?

MR. MENNERICH: April 6th. Did you get that?

MR. SANDER: I got it from the architect, yes.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing.

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MR. WARD: Nothing.

MR. HINES: Just for the process for the security. We need cost estimates prepared and submitted and approved through the Town Board. There's a step in that process just to make you aware of that. There's another approval that you need to get moving forward.

CHAIRMAN EWASUTYN: Meghan Lociero, Planning Board attorney, will you give us conditions for final approval for Moffat Properties?

MS. LOCIERO: Sure. Just what Pat Hines went through, revising the Stormwater Pollution Prevention Plan. Security for the stormwater management and landscaping require Department of Transportation approval for the access drive as well. The FAA no hazard determinations should also be provided along with ARB approval for signage and the landscaping technical comments dated today April 6th as well as the stormwater facility maintenance

1 agreement.

2 MR. HINES: That's it. The FAA  
3 no hazard we do have. We did receive  
4 those Friday.

5 CHAIRMAN EWASUTYN: Karen's  
6 memo, Karen Arent, landscape  
7 architect's memo of April 6th. Is  
8 everyone in agreement with this?

9 MS. DeLUCA: Agreed.

10 MR. GALLI: Agreed.

11 CHAIRMAN EWASUTYN: Will someone  
12 make a motion subject to conditions  
13 that were presented by Meghan Lociero  
14 with Drake Loeb?

15 MR. WARD: So moved.

16 MR. MENNERICH: Second.

17 CHAIRMAN EWASUTYN: Motion by  
18 John Ward, second by Ken Mennerich.  
19 Can I have a roll call vote starting  
20 with Frank Galli?

21 MR. GALLI: Aye.

22 MS. DeLUCA: Aye.

23 MR. MENNERICH: Aye.

24 CHAIRMAN EWASUTYN: Aye.

25 MR. BROWNE: Aye.

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MR. WARD: Aye.

MR. ROGERS: Thank you.

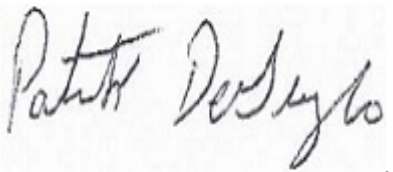
CHAIRMAN EWASUTYN: Thank you.



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

I, PATRICK M. DeGIORGIO, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that the foregoing is a true and accurate record of the minutes having been stenographically recorded by me and transcribed under my supervision to the best of my knowledge and belief.

  
X \_\_\_\_\_  
PATRICK M. DeGIORGIO

Dated: April 17th, 2023



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

-----  
In the Matter of

LONGVIEW FARM  
(06-39)

Barbara Drive Extension and Holmes Road  
Section 20; Block 2; Lots (Numerous)  
Zone: AR  
-----

27 LOT SUBDIVISION

Date: April 6, 2023  
Time: 8:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
CLIFF BROWNE  
JOHN A. WARD

ALSO PRESENT: MEGAN LOCIERO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: THOMAS DePUY

REPORTED BY: Patrick DeGiorgio, Court Reporter  
-----

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

1                   CHAIRMAN EWASUTYN: The third  
2                   item of business is Longview Farm  
3                   which is a 27-lot subdivision located  
4                   on Barbara Drive Extension and Holmes  
5                   Road. It's Section 20, Block 2, Lots  
6                   are numerous, AR Zone and being  
7                   represented by T.M. Depuy Engineering  
8                   & Land Surveying. Tom.

9                   MR. DEPUY: I think basically we  
10                  are in front of the board to set a  
11                  public hearing.

12                 MR. HINES: I think we were  
13                 looking into doing two things. One  
14                 was to reaffirm or reestablish the  
15                 SEQR determination and then after that  
16                 the Planning Board could schedule the  
17                 public hearing.

18                 CHAIRMAN EWASUTYN: What is your  
19                 recommendation, Pat, as far as  
20                 declaring a negative declaration of  
21                 significance or reaffirming the  
22                 negative declaration?

23                 MR. HINES: The Planning Board  
24                 on 1 November, 2007, this project has  
25                 been before us for awhile, issued a

1 negative declaration for this project  
2 with a very similar layout and design.  
3 There's very few changes to the lot  
4 lines. Overall the lot count is the  
5 same. There's a couple different lot  
6 lines that are no longer included. We  
7 did recirculate the long form EAF to  
8 interested and involved parties.  
9 Notably one of the significant changes  
10 in most EAF's since 2007 was that the  
11 protected bat species which are now  
12 protected but weren't before, however  
13 this project does not contain  
14 potential habitat for the protected  
15 bat species so that was not an issue.  
16 We did recirculate and we did not hear  
17 back from any of the involved agencies  
18 other than the Health Department which  
19 did issue that.

20 The existing Orange County  
21 Health Department approvals for the  
22 septic subdivision are still valid and  
23 I would recommend that you reaffirm  
24 the previous negative declaration  
25 based on the reports submitted and the

1 plans submitted updating the project  
2 environmental data.

3 CHAIRMAN EWASUTYN: That was  
4 from 2007?

5 MR. HINES: 2007.

6 CHAIRMAN EWASUTYN: Questions  
7 from board members. John?

8 MR. WARD: The ARB is over 10  
9 lots?

10 MR. HINES: Yes.

11 CHAIRMAN EWASUTYN: Stephanie  
12 DeLuca?

13 MS. DeLUCA: No questions.

14 CHAIRMAN EWASUTYN: Ken  
15 Mennerich?

16 MR. MENNERICH: I have no  
17 questions.

18 MR. BROWNE: No questions.

19 MR. GALLI: No questions.

20 CHAIRMAN EWASUTYN: Let the  
21 record show that we received today a  
22 letter from the Orange County Planning  
23 Department and left it up for local  
24 determination for the Planning Board.  
25 Jim Campbell, do you have any

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comments?

MR. CAMPBELL: No comments at this time.

CHAIRMAN EWASUTYN: Will someone make a motion to reaffirm the negative declaration of 2007 for the Longview Farm?

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Would someone move for a motion to set this for a public hearing for the 4th of May, 2023?

MS. DeLUCA: So moved.

MR. GALLI: Second.

1                   CHAIRMAN EWASUTYN: We have a  
2 motion by Stephanie DeLuca, a second  
3 by Frank Galli. Can I have a roll  
4 call vote starting with Frank Galli?

5                   MR. GALLI: Aye.

6                   MS. DeLUCA: Aye.

7                   MR. MENNERICH: Aye.

8                   CHAIRMAN EWASUTYN: Aye.

9                   MR. BROWNE: Aye.

10                  MR. WARD: Aye.

11                  CHAIRMAN EWASUTYN: Can I make a  
12 suggestion? It's been such a long  
13 time. Can you state the entryway  
14 somehow so everyone will know where it  
15 is?

16                  MR. DEPUY: It's pretty much the  
17 -- (interrupted)

18                  CHAIRMAN EWASUTYN: Can you  
19 state the entryway somehow so everyone  
20 will know where it is? I'm not asking  
21 you to get advice from Pat. I'm  
22 making a suggestion from you for the  
23 benefit of the Planning Board members  
24 and the public.

25                  MR. DEPUY: You just want the



1 entranceway of Barber Drive?

2 CHAIRMAN EWASUTYN: Wherever the  
3 entryways are. I don't know, that's  
4 why I'm asking. Maybe I'll confess, I  
5 don't know. For my benefit I'd like  
6 to see it stated so when the public  
7 comes here I have a comprehension of  
8 what they are talking about. The  
9 project dates back to 2007.

10 MR. HINES: There's another  
11 unique issue that has come up while I  
12 have you is the road name. Dara Drive  
13 has been named, it's a cul-de-sac  
14 right know. Summer Drive comes in off  
15 of Holmes Road. This project is going  
16 to have those two meet and there's  
17 concerns with some of the neighbors  
18 now having road name changes.

19 MR. DEPUY: I think we were  
20 going to bring Summer up to Barbara  
21 and then have Holmes come in and  
22 intersect. They want to bring Dara  
23 through to Holmes.

24 MR. HINES: Dara through to  
25 Holmes might be the issue. If Dara

1 continues up to Barbara Drive that  
2 will eliminate any of the concerns and  
3 all the existing neighbors will keep  
4 their existing addresses.

5 MR. DEPUY: Okay.

6 MR. HINES: The one road,  
7 regenerative road, whatever that is,  
8 that will address all of the issues  
9 the neighbors had.

10 CHAIRMAN EWASUTYN: So you will  
11 work with Pat Hines as far as the  
12 mailing for the public hearing?

13 MR. DEPUY: Yes.

14 CHAIRMAN EWASUTYN: Pat Hines  
15 will put that together.

16 MR. HINES: Yes.

17 CHAIRMAN EWASUTYN: Any  
18 additional questions?

19 MR. DEPUY: On the architectural  
20 review, we have no designs yet. Does  
21 that get deferred?

22 CHAIRMAN EWASUTYN: Generally  
23 speaking 10 lots or greater we always  
24 refer it to the Building Department  
25 for their discretion; correct?

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MR. GALLI: Yes.

MR. HINES: Typically in our resolutions we include language of no cookie cutters and defer to the Building Department and they can refer it back if it becomes an issue.

MR. DEPUY: Thank you very much.

CHAIRMAN EWASUTYN: Thank you.



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

-----  
In the Matter of

CHADWICK WOODS  
(19-02)

174 Route 300  
Section 14; Block 1; Lot 51  
Zone: RR  
-----

5 LOT SUBDIVISION

Date: April 6, 2023  
Time: 8:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
CLIFF BROWNE  
JOHN A. WARD

ALSO PRESENT: MEGAN LOCIERO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: MICHAEL PUZIO and  
MIKE MAHAR

REPORTED BY: Patrick DeGiorgio, Court Reporter  
-----

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

1                   CHAIRMAN EWASUTYN: Our last  
2 agenda item is -- excuse me, we have  
3 item number 4 which is Chadwick Woods.  
4 It's a 5-lot subdivision in the RR  
5 Zone represented by Engineering &  
6 Surveying.

7                   MR. PUZIO: Good evening. I'm  
8 Mike Puzio with Engineering &  
9 Surveying Properties. I'm here with  
10 the applicant, Mike Mahar.

11                   Since the last time we were  
12 before the board this project has gone  
13 to the Town Board for approval for  
14 three lots on a common driveway  
15 located on the northern portion of the  
16 property.

17                   Along with that, just to note  
18 some of the changes that have happened  
19 since the last time we were before the  
20 Planning Board. Previously we were  
21 seeking to have wells for the rear  
22 lots. We are no longer proposing  
23 that. We are going to do water  
24 services for each lot. That would be  
25 servicing the water main that's across

1 New York State Route 300. We are in  
2 receipt of Pat's comments. Pat, would  
3 you like to go over any of those?

4 MR. HINES: I'll defer to the  
5 board.

6 CHAIRMAN EWASUTYN: That's fine.  
7 Pat, why don't you work with them so  
8 we are all on the same page.

9 MR. HINES: Our first comment is  
10 that it did receive Town Board  
11 approval for three lots on a common  
12 driveway. The common driveway access  
13 to maintenance agreements for all the  
14 lots are required because the two lots  
15 share a driveway. The tree  
16 preservation ordinance was adopted  
17 while this project was before the  
18 board. However, compliance with that  
19 is required so we will need to see a  
20 plan addressing the ordinance. It is  
21 currently up for modifications by the  
22 Town Board. I think in the process  
23 here you may want to wait a little  
24 bit. Again, it being residential it's  
25 up to you in how you want to plan

1           that, if you want a waiver or do it  
2           under a current ordinance.

3           D.O.T. approval for the access  
4           drive is required. Individual water  
5           services are proposed. They are  
6           fairly long. I know you put one-inch  
7           pipe to the further ones, but we will  
8           need calculations showing that was the  
9           Health Department requirements based  
10          on the length of the water main. It  
11          looks like the water mains are going  
12          to be proposed in the same trench and  
13          probably -- we'll need comments from  
14          the Water Department. They probably  
15          need to be spaced out a little more.  
16          The problem being if one leaks and one  
17          needs maintenance and they are all in  
18          the same trench they will impact them  
19          all. You will have to work that out  
20          with the Water Department.

21          We had some comments in the  
22          septic systems and a stormwater permit  
23          is required from the D.E.C. because  
24          it's more than one acre and it's  
25          residential. It's in the sediment



1 control plan.

2 We have reviewed this project  
3 over numerous years and based on the  
4 plans submitted the EAF and the  
5 current status of the plans we are in  
6 a position to recommend a negative dec  
7 if the board so desires.

8 CHAIRMAN EWASUTYN: Comments,  
9 Jim Campbell?

10 MR. CAMPBELL: I was just trying  
11 to confirm the fire access, emergency  
12 vehicle access. Give me a minute.

13 MR. PUZIO: I think you had a  
14 turn out lane.

15 MR. MAHAR: Yes. There's a turn  
16 out for the rear lots. Anything  
17 that's over 500 feet.

18 MR. CAMPBELL: I mentioned the  
19 last turn around on the last house.

20 MR. PUZIO: The turn around on  
21 lot 4, yes. On that note, there is --  
22 I don't know, the fire department for  
23 the naming of the roadways -- to the  
24 driveways I should say.

25 MR. MAHAR: I'm Mike Mahar.

1           There was a request to be able to name  
2           the two of them to identify where they  
3           are. The triple but we were going to  
4           do the one. We will do both of them  
5           so it's easier for the emergency  
6           services to have an actual street name  
7           for it versus trying to figure it out  
8           where to go.

9           MR. HINES: I don't think they  
10          actually do that. It would be a Town  
11          Board 911 addressing issue. We  
12          typically do not name the common  
13          driveways.

14          MR. MAHAR: Well, the previous  
15          owner required it. That's why I'm  
16          asking.

17          MR. HINES: That was the  
18          condition of the three lots on one  
19          driveway?

20          MR. MAHAR: Yes.

21          MR. HINES: Or was it the 911  
22          address change?

23          MR. MAHAR: No, it was a three-  
24          lot driveway. They had to submit it  
25          to the Town Board prior to the final

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permit.

MR. HINES: You can certainly submit the names to the Town Board and they can either approve it or reject them.

MR. CAMPBELL: I know in the past on some roads or some driveways that were named were due to the fact that the numbering had to change so many numbers along the street to allow that to happen.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: I just have one question I wanted to clarify. I was following along and I'm a little confused on one, possibly all issues. I don't know. It says here on the plan that it says proposed four-bedroom dwelling. Does that mean that it's an apartment? Are these apartments or is it single family?

MR. MAHAR: Single family lots.

MR. HINES: They labeled the bedroom count because that's how many

1           septic systems are designed based on  
2           bedroom counts. So that will be the  
3           maximum bedroom count based on the  
4           septic designs.

5           MS. DeLUCA: Thank you very  
6           much. I appreciate that.

7           CHAIRMAN EWASUTYN: Any  
8           questions, Ken?

9           MR. MENNERICH: No.

10          CHAIRMAN EWASUTYN: Will someone  
11          make a motion to declare a negative  
12          declaration for Chadwick Woods  
13          five-lot subdivision and to set it for  
14          a public hearing for the 4th of May?

15          MR. GALLI: So moved.

16          MR. MENNERICH: Second.

17          CHAIRMAN EWASUTYN: Motion by  
18          Frank Galli, second by Ken Mennerich.  
19          Roll call vote starting with John  
20          Ward.

21          MR. WARD: Aye.

22          MR. BROWNE: Aye.

23          CHAIRMAN EWASUTYN: Aye.

24          MR. MENNERICH: Aye.

25          MS. DeLUCA: Aye.

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MR. GALLI: Aye.

MR. BROWNE: I will not be here  
on the 4th.

CHAIRMAN EWASUTYN: Mike, would  
you mind if we put off the public  
hearing?

MR. MAHAR: Fine.

CHAIRMAN EWASUTYN: I guess we  
will -- does everyone -- it's kind of  
a difficult question to ask right now  
who is going to be here on the 4th and  
who may not be here. We will assume  
that we will have four members for the  
4th of May. Thank you.



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

-----  
In the Matter of

273 ROUTE 17K  
(23-5)

273 Route 17K  
Section 90; Block 60; Lot 1  
Zone: B  
-----

INITIAL APPEARANCE  
CHANGE OF USE - RESTAURANT

Date: April 6, 2023  
Time: 8:15 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
CLIFF BROWNE  
JOHN A. WARD

ALSO PRESENT: MEGAN LOCIERO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: MICHAEL HENDERSON

REPORTED BY: Patrick DeGiorgio, Court Reporter  
-----

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

1                   CHAIRMAN EWASUTYN: Our last  
2                   item of business for tonight, 273  
3                   Route 17K. Project 23-5. It's an  
4                   initial appearance for a change of use  
5                   restaurant. Location on Route 17K in  
6                   the B Zone. It's being represented by  
7                   A. Hennessy Architects.

8                   MR. HENDERSON: Good evening.  
9                   I'm Michael Henderson from Hennessy  
10                  Architects. Our project is a change  
11                  of use for the existing dry-cleaners.  
12                  There was a dry-cleaners and we are  
13                  going into a restaurant in the B Zone  
14                  and this is going to be just a small  
15                  50-person restaurant. We have all the  
16                  spots off site, parking. The only  
17                  variance would be the front yard which  
18                  is existing and this building was  
19                  built in 1967. The only thing my  
20                  client is going to be doing to the  
21                  building is changing the outside  
22                  canopy. It's weathered and has the  
23                  dry-cleaners name on it, so he's going  
24                  to be putting his restaurant name on  
25                  the canopy cover and then just



1                   restriping the parking delineation  
2                   spots, handicap and installing a  
3                   handicap sign for Pat's comment.  
4                   That's it.

5                   CHAIRMAN EWASUTYN: Frank Galli.

6                   MR. GALLI: At the workshop we  
7                   discussed a grease trap.

8                   MR. HENDERSON: It will be  
9                   installed.

10                  MR. GALLI: You have enough  
11                  parking?

12                  MR. HENDERSON: Yes. It was  
13                  required for 12 and we have 15 right  
14                  now.

15                  MR. GALLI: It's a 50-person  
16                  restaurant?

17                  MR. HENDERSON: 51.

18                  MR. GALLI: That includes  
19                  employees?

20                  MR. HENDERSON: The seats are  
21                  for 50, 50 seats.

22                  MR. HINES: The parking is one  
23                  per four seats based on the town code.

24                  MR. GALLI: That's all I have.

25                  CHAIRMAN EWASUTYN: Stephanie

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DeLuca?

MS. DeLUCA: I was just curious as to what type of restaurant this will be?

MR. HENDERSON: Jamaican.

CHAIRMAN EWASUTYN: Cliff Browne.

MR. BROWNE: During the work session we talked a little bit about the project and we have currently two accesses, one off 17K and one off Arbor. Do you plan on maintaining both of those or both of those entrances?

MR. HENDERSON: Yes. He didn't plan on doing anything or make any renovations extensive to that nature. So they will be in use.

MR. BROWNE: You considered the traffic pattern, if you will, for people parking and that kind of situation?

MR. HENDERSON: Yes. Most of the entrance would be off by 17K and just the back of the property to Arbor

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Road.

MR. BROWNE: Of the comments we had, there's really one tight spot there, one that takes a stop there on the 17K side. We will look at that later. Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: You mentioned striping the parking lot. The parking lot is rough?

MR. HENDERSON: Yes, at this time. They are making minor patching. I was just over there today looking at the potholes. We are going to patch those.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Can you give us some consideration doing an overlay of the parking lot? New asphalt? My concern about patching is if it's not done correctly after the season or two, and I'm sure it will be successful, and traffic will be deteriorating it in no time at all, doing some patching I would imagine

1                   during the winter months where you'll  
2                   probably be putting down some type of  
3                   material to melt the snow and at the  
4                   same time deteriorating the asphalt.  
5                   I think we generally do asphalt and  
6                   overlay?

7                   MR. HINES: Yes, something to  
8                   that effect. I haven't seen the  
9                   condition of the parking lot. We will  
10                  certainly leave it up to the architect  
11                  to propose something.

12                  MR. HENDERSON. Okay.

13                  CHAIRMAN EWASUTYN: Jim  
14                  Campbell, do you have anything?

15                  MR. CAMPBELL: Yeah. I did have  
16                  a concern with the two parking spots  
17                  on the 17K end. Once those are in  
18                  there, those were never parking spots  
19                  before from the satellite photographs.  
20                  It looks like the drive aisle will be  
21                  kind of narrow once those are  
22                  installed.

23                  MR. HENDERSON: Okay.

24                  CHAIRMAN EWASUTYN: Pat, do you  
25                  want to review the variances that may

1 be needed?

2 MR. HINES: The existing  
3 building encroaches into the front  
4 yard set back on the east 17K side.  
5 You depicted it at, I believe, a  
6 40-foot setback. There's a section of  
7 the town code that requires 60 feet,  
8 Section 185-18C4B which is identified  
9 in my comment that state highway  
10 frontage is 60 feet and you are  
11 depicting a 35.7 existing, so you will  
12 need a variance between 60 and 35 and  
13 then just as I was sitting here  
14 listening to Moffat, there is also a  
15 requirement that you will need a  
16 variance for regarding the 35-foot  
17 landscape strip along Route 17K. I  
18 did not have that in the comments  
19 until I was looking at the Moffat  
20 plans. Those are two variances that  
21 you will need. Again, they are all in  
22 existing conditions. You lose your  
23 protections based on the change of  
24 use.

25 MR. GALLI: What was the second

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one?

MR. HENDERSON: 35 landscape buffer along Route 17K from the city line to the Montgomery line.

MR. GALLI: Thank you.

CHAIRMAN EWASUTYN: Meghan Lociero, town attorney, put together a referral letter to the Zoning Board of Appeals listing the variances.

MS. LOCIERO: Yes.

CHAIRMAN EWASUTYN: Make your application to them, give it a few days to get that through to the ZBA.

MS. LOCIERO: Yes.

CHAIRMAN EWASUTYN: Anything else?

MR. HENDERSON: No.

CHAIRMAN EWASUTYN: The dumpster enclosure is in good condition? The screening is in good condition?

MR. HENDERSON: I think one side looked like it might have fell down during the building. We will rebuild that.

CHAIRMAN EWASUTYN: I think we

1 will make a note of that on the site  
2 plan conditions of approval. However  
3 you decide to rebuild it and you give  
4 us a presentation on that as far as  
5 the site plan approval. Anything  
6 else?

7 MR. HENDERSON: Nothing further.  
8 Thank you.

9 CHAIRMAN EWASUTYN: Anything  
10 else?

11 MS. LOCIERO: No.

12 CHAIRMAN EWASUTYN: Pat,  
13 anything else?

14 MR. HINES: No, you have my  
15 comments. You will need to send out  
16 adjoiner notices and I'll work with  
17 your office on preparing those and  
18 providing a mailing list.

19 CHAIRMAN EWASUTYN: Pat, do we  
20 and when do we circulate for the  
21 Department of Transportation?

22 MR. HINES: I would suggest we  
23 wait until they come back successfully  
24 from the ZBA. It's a Type 2 Action  
25 because it's less than 4,000 square

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feet, but because of access there I will send a letter to D.O.T. just to make them aware to see if they have any issues with the access drive.

CHAIRMAN EWASUTYN: Are you proposing any new lighting on this site?

MR. HENDERSON: No.

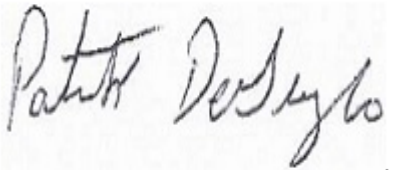
CHAIRMAN EWASUTYN: Thank you.



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

I, PATRICK M. DeGIORGIO, a Shorthand  
Reporter and Notary Public within and for the  
State of New York, do hereby certify that the  
foregoing is a true and accurate record of the  
minutes having been stenographically recorded by  
me and transcribed under my supervision to the  
best of my knowledge and belief.

  
X \_\_\_\_\_  
PATRICK M. DeGIORGIO

Dated: April 17th, 2023



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

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In the Matter of

MATRIX  
(PB 15-26)

-----  
PROJECT ARB/SIGNAGE DISCUSSION

Date: April 6, 2023  
Time: 8:25 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
CLIFF BROWNE  
JOHN A. WARD

ALSO PRESENT: MEGAN LOCIERO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

REPORTED BY: Patrick DeGiorgio, Court Reporter

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

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CHAIRMAN EWASUTYN: This evening we have six items of board business. Mr. Mennerich will read the e-mail for the first item.

MR. MENNERICH: The first item is Matrix which was discussed in the work session.

"John, per our discussion today, we'd be happy to meet informally with the Board's consultants to address any remaining concerns about signage for the project. I anticipate that we would bring along the plans/exhibits we submitted to the Board and our sign vendor for the meeting. Could you schedule and confirm a date? Thank you. Raymond Aquino, PE, Director of Land Development."

There was a discussion at the work session on signage and the entry pylon signs and we agreed to what the applicant has proposed. I guess we have to get an official vote for it.

CHAIRMAN EWASUTYN: Yeah. I think the applicant presented the

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Newburgh project signage location map dated March 30th, 2023. And we discussed -- Pat, the signage that we discussed was?

MR. HINES: There are proposed Matrix logo signs on two locations of each of the buildings and they are 10-foot by 10-foot and they are blue during the day and lighted with the Matrix kind of like a checkerboard for lack of a better word logo. Those are two locations of each building. There's the entrance signs at the Route 300 entrance drive of either side which they identified as campus entrance signs that are incorporated into the retaining walls for the landscaping features at the entrance side. They have identified four potential tenant sign locations, two on each building in the vicinity of the areas that have the store front window glass office areas. Those were identified as 64 plus or minus square feet which the actual look of those

1 will be determined upon the tenant's  
2 selecting those. There was several  
3 directional signs on the site  
4 indicated in orange on the map that  
5 was just referenced and those are  
6 provided in kind of a way finding  
7 signage for those people entering the  
8 site. And then there was a discussion  
9 of a temporary leasing sign, a typical  
10 real estate sign that pop up  
11 throughout the town for properties  
12 that are for sale or leased and that  
13 would be temporary until such time as  
14 the tenants are secured for each of  
15 the structures. They provided the  
16 details of the sign in the sign packet  
17 that consists of eight sheets  
18 including the referenced plan that is  
19 dated 30 March, 2023. And I think the  
20 board generally found the signage  
21 package acceptable and is in position  
22 to issue the ARB for the signage.

23 CHAIRMAN EWASUTYN: Jim  
24 Campbell, anything?

25 MR. CAMPBELL: Yes, I would add

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that calculations and stuff haven't been done to confirm that they are code compliant. This disclaimer added to the approval.

CHAIRMAN EWASUTYN: All right. Let the record show that the Planning Board is approving the signage being proposed for the Newburgh project signage location map dated March 30th of 2023 presented by Matrix and that any discrepancy as far as the permitted area will be reviewed and commented on by the Building Department.

MR. MENNERICH: Agreed.

CHAIRMAN EWASUTYN: Someone make that motion.

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich, second by Frank Galli. Roll call vote starting with John Ward.

MR. WARD: Aye.

MR. BROWNE: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.







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

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In the Matter of

DARRIGO SOLAR FARM  
(PB 19-24)

-----  
REQUESTING SIX-MONTH (180 DAY)  
EXTENSION FROM APRIL 6, 2023 TO OCTOBER 6, 2023

Date: April 6, 2023  
Time: 8:30 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
CLIFF BROWNE  
JOHN A. WARD

ALSO PRESENT: MEGAN LOCIERO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

REPORTED BY: Patrick DeGiorgio, Court Reporter

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

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CHAIRMAN EWASUTYN: The second item of business, Mr. Mennerich will read that.

MR. MENNERICH: From Jeffrey Lease, representative of Darrigo Solar Farm at 5020 Route 9W, Newburgh, New York 12550. Regarding the Darrigo Solar Farm, 84 Lakeside Road, Newburgh, New York, Town Planning Board Number 2019-24.

"Dear Chairman Ewasutyn and Planning Board Members, the existing approval expires 22 April, 2023. I request a six-month extension to pull permits and complete the work described in the approval. The construction bidding process is taking longer than anticipated and the Inflation Reduction Act changed the terms of financing for this project.

Outstanding but not limited are the following items:

1. Landscape adjustments for Patton Road and I-84 by Karen Arent.
2. Storm sewer bond.

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3. Landscape bond.

I hope to have all these items completed by the April deadline, but will not have chosen our ultimate contractor for construction. An extension to pull the permit with its insurances and bonding with the contractor who will ultimately build the project would be easier.

Sincerely, Jeffrey Lease,  
representative for the Darrigo Solar Farm."

CHAIRMAN EWASUTYN: Comments from board members.

MR. GALLI: Nothing additional.

MS. DeLUCA: Nothing.

MR. BROWNE: No.

MR. WARD: Nothing.

CHAIRMAN EWASUTYN: The date would be an extension from?

MR. HINES: From today's date to October 6th.

CHAIRMAN EWASUTYN: 7th?

MR. HINES: 6th.

CHAIRMAN EWASUTYN: Will someone

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move to a make a motion to grant an extension to Darrigo Solar Farm, Planning Board 19-24 to October 6th, 2023?

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Motion by John Ward, second by Frank Galli. Roll call vote starting with John Ward.

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Motion granted.







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

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In the Matter of

LANDS OF ZAZON  
(PB 04-29)

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REQUESTING SIX-MONTH (180 DAY)  
EXTENSION FROM APRIL 6, 2023 TO OCTOBER 6, 2023

Date: April 6, 2023  
Time: 8:35 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
CLIFF BROWNE  
JOHN A. WARD

ALSO PRESENT: MEGAN LOCIERO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

REPORTED BY: Patrick DeGiorgio, Court Reporter

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

1 CHAIRMAN EWASUTYN: The next  
2 item of business is the Lands of  
3 Zason. Project Number 04-29. Ken  
4 Mennerich.

5 MR. MENNERICH: "Mr. John  
6 Ewasutyn, Chairman, Town of Newburgh  
7 Planning Board. 21 Hudson Valley  
8 Professional Plaza, Newburgh, New York  
9 12550.

10 Regard: Lands on Zazon  
11 (Reference Number 04-29) P&P Number  
12 23153.01.

13 Dear Mr. Ewasutyn, please let  
14 this letter serve as our request for a  
15 six (6) month extension to two (2) 90  
16 day extensions of Conditional Final  
17 Approval for the above-referenced  
18 project. The project received  
19 conditional final approval on April  
20 15, 2021 and received an extension at  
21 the October 7th, 2021 Planning Board  
22 meeting. Our office requested an  
23 additional extension on March 21st,  
24 2022 and received an extension at the  
25 April 7th, 2022 planning Board

1 meeting. We also requested an  
2 additional extension on September  
3 14th, 2022 and received an extension  
4 at the October 6th, 2022 Planning  
5 Board meeting. We are currently  
6 waiting for the offer of road  
7 dedication and stormwater maintenance  
8 agreements to be finalized.  
9 Additionally, we are coordinating with  
10 the town engineer to provide any final  
11 revisions necessary. We will  
12 coordinate submissions of maps and  
13 mylars for signature in the near  
14 future.

15 Thank you for your attention in  
16 this matter. Should you have any  
17 questions or require anything further,  
18 please do not hesitate to contact this  
19 office.

20 Very truly yours, Pietrzak &  
21 Pfau, Vincent A. Pietrzack."

22 CHAIRMAN EWASUTYN: Pat, a date?

23 MR. HINES: Similarly, October  
24 6th, 2023.

25 CHAIRMAN EWASUTYN: Someone make

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a motion to grant the extension for  
Lands of Zazon, Project Number 04-29  
to October 6th, 2023?

MS. DeLUCA: I make a motion.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by  
Stephanie DeLuca, second by Ken  
Mennerich. Roll call vote starting  
with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.





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

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In the Matter of

ELM FARM SUBDIVISION  
(PB 21-15)

-----  
REQUESTING SIX-MONTH (180 DAY)  
EXTENSION FROM APRIL 6, 2023 TO OCTOBER 6, 2023

Date: April 6, 2023  
Time: 8:40 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
CLIFF BROWNE  
JOHN A. WARD

ALSO PRESENT: MEGAN LOCIERO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

REPORTED BY: Patrick DeGiorgio, Court Reporter

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

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CHAIRMAN EWASUTYN: Next item,  
Elm Farm Subdivision. Ken Mennerich.

MR. MENNERICH: "Subject: Elm  
Farm Subdivision, Section Block Lot  
39-1-12.44. Town of Newburgh, New  
York, Project 2021-15.

Dear Chairman Ewasutyn, we offer  
this letter to request a six-month  
extension of the final subdivision  
approval for the above-referenced  
project.

Since the project was granted a  
new final approval in April 2022, the  
developers have been working to  
address the remaining items that would  
allow them to file a subdivision map  
with the Orange County Department of  
Real Property.

These items include approval of  
the performance bond account from the  
Town Board, obtaining the performance  
bond and letter of credit as required,  
and preparation of the required legal  
descriptions, easements and offers of  
dedication.



1                   We believe that these items are  
2                   now complete, including a bond and  
3                   letter of credit, and we have  
4                   submitted them to the Town's Counsel  
5                   and Planning Board Counsel for review.  
6                   To allow sufficient time for this  
7                   review and final acceptance of all  
8                   documents by the Town Board, we are  
9                   requesting an extension of our final  
10                  subdivision approval.

11                  We believe all other matters  
12                  regarding this approval were  
13                  previously addressed and have  
14                  maintained any other outside agency  
15                  approvals during this period.

16                  We respectfully request the  
17                  Board to grant the extension of this  
18                  approval.

19                  If you have any further  
20                  questions or concerns, please feel  
21                  free to contact me at 845-503-8140 or  
22                  at pitingaro@panddengineers.com.

23                  Very truly yours, Jason P.  
24                  Pitingaro."

25                  CHAIRMAN EWASUTYN: Does anyone

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have any questions or comments on this one? Someone make a motion to grant the Elm Farm Subdivision an extension to April (sic) 6th, 2023 please?

MR. GALLI: So moved.

MR. HINES: October, not April.

CHAIRMAN EWASUTYN: October, thank you.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli, second by Cliff Browne. Roll call vote starting with John Ward.

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.





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

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In the Matter of

HAMMOND SUBDIVISION  
(PB 20-08)

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REQUESTING SIX-MONTH (180 DAY)  
EXTENSION FROM APRIL 6, 2023 TO OCTOBER 6, 2023

Date: April 6, 2023  
Time: 8:45 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
CLIFF BROWNE  
JOHN A. WARD

ALSO PRESENT: MEGAN LOCIERO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

REPORTED BY: Patrick DeGiorgio, Court Reporter

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

1 MR. MENNERICH: Fifth item is  
2 from Todd A. Kelson addressed to John  
3 Ewasutyn, Town of Newburgh Planning  
4 Board. Date is March 31st, 2023.  
5 Planning Board File Number 2020-08.  
6 Minor Residential Subdivision for John  
7 and Carmen Hammond, Section 1, Block  
8 1, Lot 63.23. Our file number is  
9 3639.

10 "Chairman Ewasutyn and Board  
11 members. I am writing on behalf of my  
12 clients, John and Carmen Hammond,  
13 whose final approval for the  
14 above-referenced subdivision is  
15 scheduled to expire during April 2023.

16 Mr. and Mrs. Hammond are  
17 currently in the process of marketing  
18 the premises for sale, but no closing  
19 is expected to occur prior to the  
20 current approval expiration date. For  
21 that reason, my client is requesting a  
22 six-month extension of the approval,  
23 through a date agreeable to the board  
24 in April of 2023.

25 Kindly acknowledge receipt of

1           this letter, place this matter on the  
2           next Planning Board agenda for  
3           discussion and action, and advise when  
4           scheduled so my client and I may  
5           appear if requested and answer any  
6           questions the board may have in  
7           connection with the request.

8                     Thank you for consideration of  
9           my client's request. In the meantime,  
10          if you have any questions, please do  
11          not hesitate to contact me.

12                     Very truly yours, Todd Kelson."

13                     CHAIRMAN EWASUTYN: Someone make  
14          a motion to approve the Hammond  
15          Subdivision, Project Number 20-08 and  
16          grant it until October 6th, 2023?

17                     MR. MENNERICH: So moved.

18                     MR. GALLI: Second.

19                     CHAIRMAN EWASUTYN: Motion by  
20          Ken Mennerich, second by Frank Galli.  
21          Roll call vote starting with John  
22          Ward.

23                     MR. WARD: Aye.

24                     MR. BROWNE: Aye.

25                     CHAIRMAN EWASUTYN: Aye.

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MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Thank you.







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

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In the Matter of

GUTIERREZ and FIGUEROA

-----  
CHADWICK CRITICAL ENVIRONMENTAL  
AREA EROSION AND SEDIMENT CONTROL APPROVAL

Date: April 6, 2023  
Time: 8:50 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
CLIFF BROWNE  
JOHN A. WARD

ALSO PRESENT: MEGAN LOCIERO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

REPORTED BY: Patrick DeGiorgio, Court Reporter

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

1                   CHAIRMAN EWASUTYN: Pat, I think  
2                   you listed the last item on the  
3                   agenda.

4                   MR. HINES: This is a request  
5                   through the Building Department on a  
6                   project called Gutierrez and Figueroa  
7                   was submitted to the Building  
8                   Department for the construction of a  
9                   sunroom addition, a rather small  
10                  sunroom addition on a residential  
11                  structure located in Section 4, Block  
12                  2, Lot 29.15 which is off of New York  
13                  State Route 32 in the town's Critical  
14                  Environmental Area. Zoning Chapter  
15                  185-22-c. Critical Environmental  
16                  Areas requires that any land  
17                  development within the Critical  
18                  Environmental Area be reviewed by the  
19                  Planning Board with regard to  
20                  performance standards by the Planning  
21                  Board as adopted from time to time.  
22                  So this is a new process for the  
23                  Building Department to refer projects  
24                  requiring an erosion sediment control  
25                  in the Critical Environmental Area.

1           The project proposes to disturb 750  
2           square feet which is the sunroom area  
3           plus a 10-foot radius around  
4           construction. An erosion and sediment  
5           control plan has been reviewed by my  
6           office. They are under any of the  
7           thresholds in the Critical  
8           Environmental Area process which  
9           limits disturbance to 20 percent of  
10          the lot. This is very small compared  
11          to the lot size and we are  
12          recommending to the board to allow the  
13          project to continue through the  
14          Building Department for its necessary  
15          building permit.

16                   CHAIRMAN EWASUTYN: Having heard  
17                   discussion from Pat Hines from MH&E to  
18                   accept and refer this to the Building  
19                   Department for a permit to build.

20                   MR. HINES: They are looking for  
21                   a building permit. That section of  
22                   the code 185-22-c requires your  
23                   referral back to them.

24                   CHAIRMAN EWASUTYN: Refer this  
25                   back to the Building Department for a

1 building permit that is satisfactory  
2 based upon Pat Hines' review with MH&E  
3 as our consultants for activities  
4 which we agreed to most recently for  
5 projects being proposed in the  
6 Critical Environmental Area to review  
7 them and advise the Planning Board,  
8 make a recommendation and then refer  
9 it back to the Building Department,  
10 issue a building permit. Pat Hines is  
11 confirming the fact that it is  
12 workable and that he can refer back to  
13 the Building Department. Will someone  
14 move to make a motion?

15 MR. WARD: So moved.

16 MR. BROWNE: Second.

17 CHAIRMAN EWASUTYN: Motion by  
18 John Ward, second by Cliff Browne.  
19 May I please have a roll call vote  
20 starting with Frank Galli?

21 MR. GALLI: Aye.

22 MS. DeLUCA: Aye.

23 MR. MENNERICH: Aye.

24 CHAIRMAN EWASUTYN: Aye.

25 MR. BROWNE: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Will someone make a motion to close the Planning Board meeting of April 6th, 2023?

MR. GALLI: Moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli, second by Stephanie DeLuca. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you. For those who celebrate the holiday weekend coming up, I wish you the best. Thank you.

