

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

In the Matter of

PROPOSED ADDITION MIDDLEHOPE VETERINARY
(23-20)

5349 Route 9W
Section 9, Block 3, Lots 22;2 & 23
Zone: B

INITIAL APPEARANCE SITE PLAN

Date: November 2, 2023
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MARTIN PASSANTE
CHARLENE SCHAPER

REPORTED BY: Patrick DeGiorgio, Court Reporter

MICHELLE L. CONERO
P.O. BOX 816
Dover Plains, New York 12522
(845) 541-4163

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THE HEARING OFFICER: Good evening, ladies and gentlemen. The Town of Newburgh Planning Board would like to welcome you to their meeting of the 2nd of November, 2023. We have five agenda items this evening. We will start the meeting by calling to order with a roll call vote.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. DOMINICK: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. WARD: Present.

MR. CORDISCO: Dominick Cordisco, Planning Board attorney, present.

MR. HINES: Pat Hines with MH&E, engineer.

MR. CAMPBELL: Jim Campbell, Town of Newburgh code compliance.

MS. ARENT: Karen Arent.

CHAIRMAN EWASUTYN: At this

1 point we'll turn the meeting over to
2 Stephanie DeLuca.

3 (Pledge of Allegiance)

4 MS. DeLUCA: Please silence your
5 phones.

6 CHAIRMAN EWASUTYN: Our first
7 item of business this evening is the
8 proposed addition to Middlehope
9 Veterinary, project number 23-20.
10 It's an initial appearance for a site
11 plan located on Route 9W in the B Zone
12 and it's being represented by Martin
13 Passante, architect.

14 MR. PASSANTE: Good evening
15 members of the board. I'm Martin
16 Passante, architect. We are looking
17 to add a 1,700 square foot footprint
18 to the front of the building. 1,700
19 square feet on the second floor. We
20 will add additional exam rooms and
21 much needed offices and recreation
22 space including a break room.

23 The parking is only -- I only
24 show 19 spots here. Most of the

1 parking there's about 24 or 30 spots
2 over here that is not depicted. I can
3 depict it if need be. Everyone that
4 works at the place parks right over
5 here.

6 This is the existing front
7 elevation that will look like that.
8 We will maintain the back of the
9 building and just add this on the
10 front of it. That's the much needed
11 space that we are looking for at this
12 point.

13 CHAIRMAN EWASUTYN: For the
14 record if you could please give your
15 name to the stenographer before you
16 start speaking.

17 MS. SCHAPER: Sure. I'm
18 Charlene Schaper, I'm the general
19 manager of Middlehope Veterinary
20 Hospital.

21 CHAIRMAN EWASUTYN: Do you have
22 anything that you want to add to the
23 presentation?

24 MS. SCHAPER: No. Pretty much

1 we are adding additional exam rooms,
2 we are adding a break room upstairs as
3 well as a couple of additional offices
4 and a meeting conference room.

5 MR. PASSANTE: Anybody have any
6 questions from up there?

7 CHAIRMAN EWASUTYN: I think we
8 will let the board members speak.
9 Frank Galli?

10 MR. GALLI: No, nothing
11 additional right now.

12 CHAIRMAN EWASUTYN: Stephanie
13 DeLuca?

14 MS. DeLUCA: I have nothing
15 else.

16 CHAIRMAN EWASUTYN: Dave
17 Dominick?

18 MR. DOMINICK: Nothing.

19 CHAIRMAN EWASUTYN: Ken
20 Mennerich?

21 MR. MENNERICH: No comment.

22 CHAIRMAN EWASUTYN: I have
23 nothing.

24 MR. BROWNE: No more at this

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point. Thank you.

MR. WARD: No comment from me either.

CHAIRMAN EWASUTYN: I'll turn it over to Jim Campbell, code compliance. Jim, do you have any comments?

MR. CAMPBELL: The only thing I would want to add that is not already on this list is we will require a ZBA variance for a front yard. Anything on a state or county road the setback is 60 feet.

MR. PASSANTE: 60 feet, okay. I got it. Thank you.

MR. CAMPBELL: 60.

MR. HINES: It's 60, but there's a separate section in the code for frontage on state highways.

MR. PASSANTE: Okay, thank you.

MS. SCHAPER: And is that on this Middlehope Veterinary that we will be going to the ZBA or is that on the pet hotel that we have to go to the ZBA?

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MR. HINES: So I think you went to the ZBA on the existing kennel.

MS. SCHAPER: Yes.

MR. HINES: With the addition.

MS. SCHAPER: Yes.

MR. HINES: And so this new addition is now more forward than the existing building on that lot.

MS. SCHAPER: Okay.

MR. PASSANTE: It was 55.

MR. HINES: It's 53.3 and 60 is required.

MR. PASSANTE: Off the property line.

MS. SCHAPER: Okay.

MR. PASSANTE: So if we shave seven feet off of that then we will eliminate that; is that correct? We wouldn't have to go to the ZBA?

MR. HINES: Yeah, I don't know if that works with your building. It may be easier to go to the ZBA.

MR. PASSANTE: It's one less thing.

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MS. SCHAPER: Yes, we can definitely look at that.

MR. PASSANTE: Anything else?

CHAIRMAN EWASUTYN: Yes. I think there was a question on the square footage.

MR. PASSANTE: I fixed that. And then I re-e-mailed it over. I re-e-mailed it over to you guys. It was incorrect.

MR. HINES: I didn't get the re-e-mail.

MR. PASSANTE: Yeah. I sent it over.

MR. HINES: We need to confirm the size of that building and that goes into the parking calculations.

MR. PASSANTE: Right.

MR. HINES: In your first parking calculation it identifies 48.8 parking spots needed for the hospital. It doesn't add up.

MR. PASSANTE: I corrected it. I e-mailed back you guys. There's

1 only 34 spots we need total.

2 MR. HINES: So that chart needs
3 to be adjusted to prove that out. And
4 then we need to see those 34 spots on
5 this site plan.

6 MR. PASSANTE: So we will depict
7 those spots over here.

8 MR. HINES: Right. At the
9 Planning Board meeting we said we need
10 to have a number of parking spots on
11 this. There was the three lots and we
12 have been through this before with the
13 other additional, but we need to show
14 that required parking calculation.
15 Our first count has to do with the
16 square footage, it varies throughout
17 the plan. You said you corrected
18 that.

19 So the site is served by a DEC
20 approved sanitary sewer disposal
21 system, so this square footage would
22 have to be added to your hydraulic
23 loading for that septic system.

24 MR. PASSANTE: Correct.

1 MR. HINES: So you may need to
2 modify your DEC permit for that so
3 that analysis has to be done for the
4 additional flows for this square
5 footage.

6 MR. PASSANTE: Okay.

7 MR. HINES: But again, that's
8 going to be a -- the Planning
9 Board/DEC needs to do that because you
10 have a surface discharge to the DOT
11 catch basin from the 2015 or 2017
12 plan.

13 MS. SCHAPER: Yes.

14 MR. HINES: County Planning
15 referral will be required once we get
16 a more detailed site plan addressing
17 these comments. DOT referral we will
18 do. It's a Type 2 action under SEQOR,
19 less than 4,000 square foot commercial
20 so there's not any required SEQOR
21 review, but we will as lead agency as
22 I mentioned.

23 The plan has two first floor
24 layouts that need to be cleaned up.

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One is the second floor obviously.

We need to see the other improvements, details of the parking lot, realignment, paving. Everything that is going on on the site needs to be detailed on the plan. Any of the grading for that parking lot that you are reorienting and expanding in some spots. That's what we have here. Cleaning up those square footages, addressing the parking requirement, the septic system sizing. Did you get my comments?

MR. PASSANTE: Yes, I did.

That's the one I read and responded to, that e-mail.

MR. HINES: And then you need to decide if you want that ZBA referral tonight or if you want to reconsider your building.

MR. PASSANTE: I mean I personally -- just for argument sake, time line, how long would that add to the length of the process?

1 MS. SCHAPER: I'm sure we can go
2 to ZBA.

3 MR. HINES: You have our
4 comments to work on and you could
5 appear before the ZBA. I don't think
6 it would be not too long a process for
7 the ZBA.

8 MR. PASSANTE: Okay. We will
9 leave the building as is.

10 MR. HINES: At a minimum. I
11 can't guarantee how long it's going to
12 be.

13 MR. PASSANTE: I know, great. I
14 got it.

15 CHAIRMAN EWASUTYN: Dominick
16 Cordisco, Planning Board attorney. Do
17 you have anything?

18 MR. CORDISCO: Yes. The
19 procedural step that the board could
20 take tonight would be to make the
21 referral to the ZBA.

22 MR. PASSANTE: Okay.

23 MR. CORDISCO: For the
24 deficiency in the front yard setback.

1 So I would recommend that you do that.
2 If the applicant decides that they
3 either want to rework the plan or
4 reduce that amount of the variance
5 needed, that's something as you said
6 that could be done in parallel to this
7 process, but it wouldn't hold you up
8 in a sense that if you decide that
9 that is something that if the board
10 doesn't do tonight then you come back,
11 you would have to come back for that
12 referral.

13 MS. SCHAPER: Okay, fantastic.
14 We will take the referral then and if
15 we decide we don't need it then we
16 don't have to.

17 CHAIRMAN EWASUTYN: Dominic,
18 what's the next step? You will be
19 preparing a referral letter to the
20 ZBA?

21 MR. CORDISCO: Yes, if that's
22 desired by the board, certainly.

23 MR. HINES: And John, I will
24 also have to prepare an adjoiners

1 notice. The town has a process where
2 after your first appearance of this
3 board you have to notify all the
4 property owners within 500 feet of
5 this application before the board.

6 MR. PASSANTE: Okay.

7 MR. HINES: And I'll prepare
8 that notice and get you the mailing
9 list and you stamp them, address them,
10 stuff them and you bring them to the
11 town hall and when I send you that I
12 will give you the instructions on
13 where they go.

14 MR. PASSANTE: Do we need to
15 prepare a radius map or anything?

16 MR. HINES: No. I will give you
17 the -- I'll give you that list from
18 the assessor's office.

19 MR. PASSANTE: Okay.

20 MR. HINES: And I'll give you
21 the notice and I'll give you the
22 instructions on where to bring them.
23 It's First Class Mail so we mail them
24 out. You prepare them, we mail them

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so it saves on certified mail.

MR. PASSANTE: Perfect.

CHAIRMAN EWASUTYN: May I have a motion to have Dominic Cordisco, Planning Board attorney, prepare a referral letter to the Zoning Board of Appeals outlining the front yard setback that needs to be granted a variance?

MR. DOMINICK: I'll make a motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick, a second by John Ward. Can I have a roll call vote starting with John Ward?

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Motion

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carried.

MR. PASSANTE: Thank you.

MS. SCHAPER: Thank you.

CHAIRMAN EWASUTYN: Thank you.

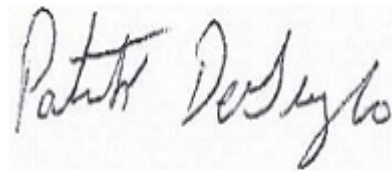
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STATE OF NEW YORK)

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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: November 13, 2023

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

In the Matter of

GARDNER RIDGE
(02-29)

Section 75, Block 1, Lot 4.12
Zone: R-3

SITE PLAN
MULTI-FAMILY/SENIOR

Date: November 2, 2023
Time: 7:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE, PHILLIP
GREELY, THOMAS OLLEY,
BRIAN SINSABAUGH, ESQ.

REPORTED BY: Patrick DeGiorgio, Court Reporter

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CHAIRMAN EWASUTYN: The Planning Board's second item of business this evening is Gardner Ridge, project number 02-29. It's a site plan for a multi-family senior housing project located on Gardnertown Road near Gidney Avenue in the R-3 Zone. It's being represented by Darren Doce of Doce Associates.

MR. DOCE: Good evening, I'm Darren Doce. I'm here tonight with the project attorney, Brian Sinsabaugh and traffic consultant, Phil Greely and Tom Olley, project engineer.

We recently appeared in August and received a number of comments. We've have since addressed those comments and I'll turn the meeting over to the consultants to go through that.

CHAIRMAN EWASUTYN: Good evening. State your name?

MR. SINSABAUGH: Good evening members of the board. I'm Brian

1 Sinsabaugh, attorney with Zerlin &
2 Steinmetz on behalf of the applicant.

3 We understand the SEQR process
4 and we recognize the situation that we
5 are in in terms of not having a
6 sufficient period of time with 30 days
7 having lapsed. We did receive the
8 MH&E comment memorandum. We do have
9 some responses to those that we would
10 like to present tonight in hopes that
11 we can satisfy the majority of those
12 comments for the board. Maybe if you
13 do have any questions hopefully we can
14 try to answer those to make sure we
15 are on a clear basis going into
16 November 16th and preferably, if at
17 all possible, we would like to
18 hopefully be in a position to allow
19 yourselves to declare yourselves lead
20 agency on November 16th as well as
21 issuing a negative declaration.

22 We would also request, if at all
23 possible depending on the responses
24 tonight, if we could possibly have a

1 public hearing scheduled as well for
2 the same November 16th meeting. I
3 don't know if that's possible or if
4 that's pushing too far. We do want to
5 keep moving forward going into the
6 holidays. We would like to start
7 going through these responses if you
8 would like me to do that one by one.

9 CHAIRMAN EWASUTYN: Please.

10 MR. SINSABAUGH: We received the
11 MH&E memorandum dated October 27th,
12 2023. With regard to the first
13 comment, the Town Board Highway
14 Superintendent's approvals for the
15 realignment of Creek Run Road must be
16 received. We do note that and
17 understand that you do have to receive
18 those approvals prior to final
19 approval.

20 With comment number 2, the
21 project was recirculated for lead
22 agency on the 5th of October, 2023.
23 We just addressed that. We understand
24 that should last by November 16th. So

1 we would ask that this board if so
2 inclined to declare itself lead agency
3 at that time.

4 With regard to number 3, the
5 question being that the applicant's
6 representatives are requested to
7 confirm the amount of export material
8 from the site. The total amount of
9 material being removed from the site
10 is 4,100 cubic yards of soil which is
11 primarily excess topsoil.

12 Number 4, the plan identifying
13 area of potential blasting at 1.6
14 acres when evaluating environmental
15 potential impacts from blasting should
16 also be evaluated. We submitted an
17 EAF Part 3 that was dated September 2,
18 2022. In that EAF Part 3 we did have
19 a section impact on land and all
20 portions of that do remain applicable.
21 The one exception that we do have with
22 that is that the soil erosion that we
23 do have in place or stabilization I
24 should say, we are replacing

1 vegetative stabilization with a riprap
2 sloped stabilization -- (interrupted)

3 MR. OLLEY: You just reversed
4 it.

5 CHAIRMAN EWASUTYN: Please state
6 your name?

7 MR. OLLEY: Thomas Olley,
8 engineer for the applicant.

9 MR. SINSABAUGH: I apologize.
10 The riprap slope is being replaced
11 with vegetative stabilization.

12 Number 5, the applicants are
13 requested to confirm the expanse of
14 the outside sewer grates. We do have
15 documentation and letters stating that
16 would be necessary prior to the
17 building permit. I do have a copy of
18 that letter that I could submit for
19 the record if you would like to have a
20 copy of that on hand. It was a
21 portion of the prior application as
22 well for the site. So we do intend to
23 submit to confirm that status prior to
24 the building permit.

1 MR. HINES: That's not the
2 typical process. Maybe 20 years ago
3 when this project started it was, but
4 now that outside user agreement will
5 need to be executed prior to stamping
6 the plans.

7 MR. SINSABAUGH: That's fine.
8 With regard to item 6, the memorandum
9 notes Health Department approval for
10 water main extension. The hydrant is
11 requirements. We do note that. We
12 will be submitting revised plans for
13 the permit.

14 Item numbers 7, 8 and I believe
15 also -- 7 and 8 and 10 regarding
16 hydrants. Should hydrants be deemed
17 necessary, we will add the hydrants in
18 the locations where they are
19 necessary.

20 Number 9. I'm going to jump
21 back to number 9. The proposed water
22 system creates a long dead end water
23 main servicing the site. Water
24 proposed to be brought in from Creek

1 Run Road up the site access drive
2 permeating in front of number 3. The
3 applicant's representatives are
4 requested to evaluate whether an
5 internal loop within the site or
6 continuation of the water main out the
7 fire access road should be considered.
8 With regard to that, we had similar
9 length water line that was previously
10 approved by Orange County Health
11 Department. We did look at our flows
12 and based on our flows they still
13 remain relevant and there are still
14 adequate flows available based upon
15 the original department approval.

16 Number 11, legal documents must
17 be provided for the town for review
18 regarding compliance for all senior
19 housing codes Section 5-48. We will
20 provide any documentation as necessary
21 of that. That item was noted.

22 Confirmation that the City of
23 Newburgh flow acceptance letter has
24 been issued for the project should be

1 received. I believe I'll have our
2 engineers go through that a little bit
3 further. I believe that that item has
4 been addressed and if not we will
5 receive that acceptance letter. Am I
6 correct?

7 MR. DOCE: Darren Doce again.
8 Yes, we received that in June of 2016.
9 We have a letter from the city that we
10 can provide you.

11 MR. HINES: I just didn't have
12 that in my file there.

13 MR. DOCE: Okay.

14 MR. SINSABAUGH: Item number 13,
15 revised plans referred to the Orange
16 County Planning Department on the 5th
17 of September, 2023 noted no response
18 necessary there.

19 Item 14, the applicant has
20 submitted a tree survey map. The
21 survey map was completed utilizing
22 sample plots. The location of the
23 five-acre sample plots were reviewed
24 and approved on the 18th of August,

1 2023. The applicants have had the
2 tree survey and analysis performed by
3 Hudson Forestry Services, LLC. That
4 is noted.

5 And the last comment is comment
6 number 15, all assessments for
7 stormwater management, landscaping,
8 tree preservation are required for
9 determination of required securities.
10 Estimate for water and sewer
11 improvements are to be submitted upon
12 application for those permits. We
13 will provide those cost estimates at
14 the time that those items are applied
15 for for the permits. That's all we
16 have on that.

17 MR. HINES: The first three are
18 conditions of approval.

19 MR. SINSABAUGH: Right.

20 MR. HINES: Prior to stamping.
21 And the water and sewer.

22 MR. SINSABAUGH: Excellent.

23 CHAIRMAN EWASUTYN: The Building
24 Department had a suggestion that they

1 would like to put forward on the table
2 as far as where the hydrants are being
3 located and maybe a sheet in reference
4 to that. I'll turn it over to Jim
5 Campbell with code compliance.

6 MR. CAMPBELL: Regarding like a
7 fire department sheet, it wasn't just
8 this project, it was brought up during
9 the work session. I suggested that
10 you have a sheet that shows hydrant
11 locations, aerial access, fire access.
12 Just a sheet for the fire departments
13 to be able to review it a lot quicker
14 and easier.

15 MR. SINSABAUGH: Okay.

16 MR. CAMPBELL: As far as this
17 plan, the emergency access road. I
18 didn't see a width or anything on
19 that. You could probably detail the
20 width of the road, the gate,
21 information, etcetera. And that the
22 truck will be able to make it up
23 there.

24 MR. HINES: You will be looking

1 for a turning radius template.

2 MR. CAMPBELL: Yeah. That's all
3 I have.

4 MR. SINSABAUGH: Are there any
5 questions from the board?

6 CHAIRMAN EWASUTYN: Thank you
7 for asking. Frank Galli?

8 MR. GALLI: Yes. On number 9,
9 the proposed water system? You said
10 the board approved it being okay and
11 stuff. The issue with that is, you
12 have a really long water main going up
13 that hill and into the building.
14 Building number 3 where it terminates,
15 they are the ones getting all the
16 groundwater all the time. So if
17 there's some way as Pat said evaluate
18 looking at accessing maybe some kind
19 of loop into there. Whenever you
20 clean out the lines which I don't know
21 what the maintenance is on the private
22 road, you don't have complaints all
23 the time about groundwater. I've seen
24 that happen in the past.

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MR. SINSABAUGH: Okay.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: Yeah. I was -- I was just concerned about number 4 in terms of the impact for blasting. Can you elaborate on that a little bit?

MR. SINSABAUGH: I'll allow Tom Olley, our engineer, to speak on that for you.

MR. OLLEY: Tom Olley, engineer for the project. The grading on the site has been modified over the last several submissions to reduce the amount of excavation that is needed in the area that we found rock. We have done a number of test pits and test borings through the years and we believe we have a very good handle on the depth of the rock. In fact, we went so far as to include sheet in this plan set that shows the anticipated depth to rock excavation. What we don't know is the competency

1 of that rock, if it's a softer rock,
2 and then excavators and perhaps
3 hydraulic hammers will be used to
4 remove the rock. If it tends to be
5 more of a granite or harder rock, then
6 limited blasting would be necessary
7 for the foundations and for the
8 utility trenches. If we have to do
9 blasting, then it will be done in full
10 compliance with the state and local
11 laws as far as everything from the
12 handling of the explosives to using
13 mats to prevent fly rock, and
14 fortunately in this area we don't have
15 what is known as sensitive receptors,
16 hospitals, day care centers, nursing
17 homes, schools. So if there -- so the
18 greatest impact usually with blasting
19 is the ground vibration, the shock
20 wave that goes through the ground. If
21 blasting is required, then there will
22 be a full preblast survey of any of
23 the surrounding structures to make
24 certain that the before and after

1 conditions are well-documented. So we
2 will be very protective of the
3 neighbors properties as we move
4 forward. But by regrading the site --
5 by redesigning the grading of the site
6 we really reduce that to an area of
7 1.6 acres, but generally it's three
8 feet or less in depth that has to be
9 removed.

10 MS. DeLUCA: Thank you.

11 CHAIRMAN EWASUTYN: Dave
12 Dominick?

13 MR. DOMINICK: Tom, just going
14 off of what Stephanie said of the
15 blasting, we talked at workshop about
16 the Maurice residents that will be
17 particularly monitored during this
18 process?

19 MR. OLLEY: Absolutely.

20 MR. DOMINICK: Then the wells
21 and everything?

22 MR. OLLEY: Everything. I
23 believe they are on the town water
24 there, there's a water main that runs

1 down Maurice.

2 MR. HINES: I don't know if it
3 goes all the way. I think it
4 terminates or it becomes a dirt road.
5 I'm not sure.

6 MR. OLLEY: It's just the last
7 few houses. If there are wells
8 certainly that will be part of the
9 preblast survey. And so everyone will
10 be invited to partake in that. We
11 can't mandate that person to allow
12 that. Sometimes you do run into that,
13 people don't want somebody to come
14 into their home, but any of the
15 reputable blasters will go through
16 that process and maybe get certified
17 mailings which sometimes scare people.
18 They will make every required attempt
19 to inspect those homes and facilities.

20 MR. DOMINICK: I think on the
21 opposite side there's businesses,
22 Gardnertown Road and Gidney Avenue,
23 they are all part of this?

24 MR. OLLEY: They are quite far

1 removed from where the blasting would
2 occur. I'm not sure what the
3 insurance conditions require as far as
4 that goes, but whatever that is, the
5 blasters insurance will make sure that
6 they cover those including the town
7 property. The animal shelter is
8 across the way too.

9 MR. DOMINICK: Thank you.

10 MR. MENNERICH: Tom, another
11 question while you're up. On the
12 walkways, I notice there's walkways
13 down near the senior unit building,
14 but I didn't notice any walkways at
15 other places on the project.

16 MR. OLLEY: There are walkways
17 that connect the senior center to the
18 -- the senior apartments to the
19 recreation area. We don't have
20 sidewalks along the fronts of the
21 buildings in this design, so we really
22 looked at the high pedestrian traffic
23 area as being from the senior up to
24 the recreation area.

1 MR. MENNERICH: I know this
2 project goes way back, but most of the
3 projects we see now there's usually
4 some form of paths or sidewalks so
5 that people can move along.

6 MR. OLLEY: We will have an
7 answer for you by the next meeting.

8 MR. MENNERICH: Thank you.

9 CHAIRMAN EWASUTYN: Will you be
10 having any electrical charging
11 stations on site? I'm asking because
12 it seems like people are moving into
13 that direction. Will you be providing
14 any for whether it's the residents
15 that would be living in the
16 development or in any common parking
17 areas for visitors?

18 MR. OLLEY: We are looking into
19 adding some in the -- the feasibility
20 of adding some into the general
21 parking areas. I don't remember, it
22 might have been David that brought it
23 up at the last meeting about the
24 number of 25 percent. What we did

1 point out at that meeting and what we
2 will point out again is a large number
3 of these units will have garages and
4 we have spoken internally amongst the
5 project team that will ensure that the
6 electric specifications for the
7 buildings will be able to accommodate
8 garage charging for a large number of
9 those should the tenants want that.
10 We do not have a specific number of
11 additional spaces that we have
12 targeted for electric vehicle charging
13 on the site. We are still trying to
14 figure out what the right number will
15 be.

16 CHAIRMAN EWASUTYN: Okay. With
17 that being said, I don't know if we
18 necessarily know the right number, but
19 I think the board is moving in the
20 direction that if you could show what
21 you feel could be adequate, show in
22 the parking area so that we are moving
23 in the right direction.

24 MR. OLLEY: Thank you.

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CHAIRMAN EWASUTYN: Cliff

Browne?

MR. BROWNE: The water loop, I think that's important to be looked at, the maintenance on that loop. The groundwater thing, that could be a big problem long-term so if that was looped it would be a heck of a lot better, again, long-term. It would be a heck of a lot better.

The blasting, what I would be looking for is some sort of an agreement that was similar to what was put in place what ended up to be Matrix on Union Avenue, there was an agreement that was put in place where the applicant invited the neighbors that had the wells to participate, again, they were invited, and then there was an old protocol put in place to handle that if there was a problem and that was put in place, a whole monitoring system and so on. The way that project was set up that would be

1 -- I'd like to see it if you get into
2 the blasting.

3 MR. OLLEY: Okay.

4 MR. BROWNE: You are taking
5 topsoil off the site, is that what I
6 heard?

7 MR. OLLEY: Yes.

8 MR. BROWNE: How would you do
9 that?

10 MR. OLLEY: We will have more
11 topsoil. The topsoil on the site is
12 very deep. It runs 8 to 12 inches.
13 We have really tightened up the
14 disturbance area and we are replacing
15 a lot of that area with buildings or
16 impervious surfaces that we can't put
17 the topsoil back under. The topsoil
18 that we will remove during the
19 excavation will far exceed what we
20 will need for the landscaping purposes
21 at the end of the project.

22 MR. BROWNE: I'm going to assume
23 that you maintain it until the end?

24 MR. OLLEY: Right.

1 MR. BROWNE: Thank you. That's
2 it.

3 CHAIRMAN EWASUTYN: John Ward?

4 MR. WARD: Your driveway, the
5 entrance going in, you have no
6 lighting shown on it.

7 MR. OLLEY: We do.

8 MR. WARD: I didn't see it.

9 MR. HINES: There's not a
10 lighting plan per se.

11 MR. OLLEY: No.

12 MR. HINES: I think the board is
13 looking for some additional detail on
14 the lighting. This scale, the symbols
15 are not included on the legend. There
16 are some spacing there, symbols. I
17 think you should put those in the
18 lighting. I think they want some more
19 detail on that. I don't think it's
20 just a driveway, I think it's the
21 whole site.

22 MR. WARD: That's what I'm
23 saying, yes. And another thing is for
24 people walking along there, there

1 should be a walkway or something on
2 one side that they are not going to
3 get hit by cars going in and out, a
4 pedestrian walkway.

5 CHAIRMAN EWASUTYN: Anything
6 else?

7 MR. GALLI: I just have one more
8 question where we were talking about
9 removal of the soil. The entranceway
10 on Gidney Avenue is going to be a T
11 coming down. I don't know how many
12 trucks. Are they going to head down
13 Gardnertown up to 84 that way or cut
14 the other way Gardnertown Road to
15 Union Avenue to 84?

16 MR. OLLEY: It's really
17 impossible to say where that soil will
18 be destined to at this time.

19 MR. GALLI: Could you put
20 something in there for the contractor
21 saying he has to go this certain way?

22 MR. OLLEY: We can absolutely
23 specify a direction of travel.

24 MR. GALLI: I don't think we

1 need a lot of dump trucks going down
2 the road, going down Gardnertown Road.

3 MR. OLLEY: We can absolutely do
4 that. I just can't tell you which way
5 if they are going to be heading to the
6 east, south, north or west.

7 MR. GALLI: Thank you.

8 CHAIRMAN EWASUTYN: Pat Hines of
9 MH&E?

10 MR. HINES: They hit on each of
11 our comments. I don't know if the
12 tree survey areas are delineated in
13 the field. I know we approved the
14 locations. I think Karen's staff
15 takes a look at those now in the
16 field. We will need that to get done.
17 Again, we can't take any action on the
18 SEQR tonight. Typically this board
19 prior to scheduling this public
20 hearing would have to close out their
21 SEQR review.

22 MR. SINSABAUGH: Is the board
23 finished? I don't want to interrupt.

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

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Again, you touched on all of my
comments already.

MR. SINSABAUGH: The only
question I have is there's a reference
to the Matrix project with the
blasting. Is that agreement public?
Is that something we can have access
to?

MR. HINES: I can provide that
to Tom.

MR. SINSABAUGH: Thank you.

CHAIRMAN EWASUTYN: Any further
questions? Okay, we will set this up
for a meeting of the 16th of November
for SEQR determination and at that
point we will set a hearing date, a
public hearing date.

MR. SINSABAUGH: Thank you.

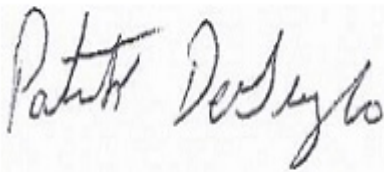
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STATE OF NEW YORK)

) 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: November 13, 2023

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

In the Matter of

MKJC REALTY, LLC
(23-11)

NYS Route 32
Section 35, Block 3, Lot 3.22
Zone: B

SITE PLAN ARB

Date: November 2, 2023
Time: 7:40 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN QUEENAN

REPORTED BY: Patrick DeGiorgio, Court Reporter

MICHELLE L. CONERO
P.O. BOX 816
Dover Plains, New York 12522
(845) 541-4163

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CHAIRMAN EWASUTYN: The Planning Board's third item this evening is MKJC Realty, LLC, project number 23-11 and it's here before us tonight for a site plan ARB. It's located on Route 32 in a B Zone and being represented by Lanc & Tully.

MR. QUEENAN: Good evening. John Queenan with Lanc & Tully Engineering. I'm here on behalf of the applicant.

I'm before you tonight again with basically another refined version of the site plan for MKJC Realty located on a parcel of New York State Route 32, about 500 or 700 feet southwest of the intersection of Route 300. You are familiar with the recent substorage unit at the facility that was constructed at the site of the driveway. This is the front parcel attached to that.

We have been before you with several iterations of the 10,000

1 square foot detail office building
2 with two stories. We made some
3 refinements with the plan that I'll go
4 over briefly with the board. We have
5 also submitted for ARB consideration
6 to further the plan along.

7 The main changes that have taken
8 place since the board has last seen us
9 we have done some readjustment to the
10 parking in the front. We opened this
11 up and we lost space in this location.
12 In order to take the sign that is
13 there, that will be relocated back a
14 little bit further. It's going to
15 take the same aesthetic look that's
16 there now with the stone wall. We are
17 going to connect the stone wall across
18 that and bring that across the entire
19 frontage of the site in order to
20 mitigate the parking that's along the
21 frontage there by taking out the
22 spaces of this location that enable us
23 to get the wall through there and
24 continue that through without

1 impacting the DOT's property.

2 Around the site it basically

3 will stay the same. We refined the

4 retaining wall. We tightened it up.

5 We provided a little bit of

6 construction room on the backside as

7 well as providing buffer to the curb

8 to the wall as well as having a

9 guiderail to that wall. The height of

10 the wall is also slightly decreased by

11 about a foot or so from what was

12 originally proposed. The more

13 significant change was this location

14 here. What happened was the septic

15 system was located here. We had it

16 going under the paving with the

17 system. I wasn't overly comfortable

18 with that system. I've done it in the

19 past, but we didn't want to go down

20 that road. We reworked the parking

21 lot in here so that this now becomes a

22 grass area for the septic field. We

23 were able to orient the parking around

24 so that you still have two-way

1 will list everything. The stone wall
2 here going across with the parking in
3 the front and the loop around the
4 back. That's just the front on view
5 of the proposed building. There will
6 be insulated metal panels that will be
7 going up. We've given you the
8 different types of colors. There will
9 be offset colors so the center here is
10 the portal gray and it switches to the
11 reflective white with blue trim, kind
12 of a copper, I'll say, metal edging
13 trim. That's where we are at at this
14 point.

15 MR. GALLI: Wood frame or metal
16 frame?

17 MR. QUEENAN: Most likely wood.

18 MR. GALLI: How come the stone
19 wall looks so much different from that
20 picture to that picture?

21 MR. QUEENAN: We have to
22 highlight it.

23 CHAIRMAN EWASUTYN: What will be
24 the finished height of the stone wall?

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MR. QUEENAN: That was one of Pat's comment. We are targeting 30 inches.

CHAIRMAN EWASUTYN: Any more questions?

MR. GALLI: John, no more question.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: Just a comment on the renderings. I say it's very attractive.

MR. QUEENAN: Essentially it will be a mirror of the back. They are all the same entrances on the back.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Yeah, I agree with Stephanie's comments, the renderings look very good. There will be no signage on the second floor on any of the building, will there? Just the signage in the front parcel as you

1 enter the building, but nothing on the
2 building?

3 MR. QUEENAN: I can't say yes or
4 no. Probably there could be depending
5 on if there's one user then there
6 might be one sign. If they get four
7 different users, then you know they
8 will probably have four signs.

9 MR. DOMINICK: The width of that
10 stone wall in the front?

11 MR. QUEENAN: The height would
12 be 30. The width would be at the top
13 we have 18 and at the bottom we have
14 24. It's a little fatter.

15 MR. DOMINICK: Okay. Thank you.

16 CHAIRMAN EWASUTYN: Ken
17 Mennerich?

18 MR. MENNERICH: I just wondered
19 on the blue, compared to the prints
20 that we got, the blue looks a lot
21 brighter and darker. I actually like
22 that better. Which is the true color?

23 MR. QUEENAN: This is more
24 likely the true color. That is from

1 the photocopier. That's more like it
2 there.

3 MR. MENNERICH: Thank you.

4 CHAIRMAN EWASUTYN: John, I
5 don't remember with your original
6 submittal did you complete the ARB
7 form?

8 MR. QUEENAN: Yes. The form was
9 included.

10 CHAIRMAN EWASUTYN: And would it
11 be colored?

12 MR. QUEENAN: Yes. Both of
13 these sheets were attached to it.

14 CHAIRMAN EWASUTYN: Thank you.
15 I also think this has good curb
16 appeal.

17 MR. QUEENAN: Thank you.

18 CHAIRMAN EWASUTYN: Cliff
19 Browne?

20 MR. BROWNE: All my questions
21 were answered. Thank you.

22 CHAIRMAN EWASUTYN: John Ward?

23 MR. WARD: Where you have your
24 retaining wall for the neighbors sake,

1 can you put some landscaping in there
2 somehow?

3 MR. QUEENAN: I left five feet
4 from the property line to the base of
5 the wall, so we could probably put
6 some small shrubbery in there.

7 MR. WARD: It's a visual that
8 will be seen from the building so
9 that's why I'm asking.

10 MR. QUEENAN: We can try to put
11 something in at the base.

12 MR. WARD: You say it's retail.
13 The second floor is going to be for
14 what?

15 MR. QUEENAN: It would be
16 storage. The 10,000 square foot space
17 if there's four tenants there it's
18 tight. So instead of using the back
19 as a stock room we can use the
20 upstairs.

21 MR. WARD: Thank you.

22 CHAIRMAN EWASUTYN: As we have
23 done before, there will be questions
24 from our consultants and maybe

1 additional comments from Planning
2 Board members. I'll move for a motion
3 to approve the ARB renderings
4 submitted tonight. Will someone move
5 for that motion?

6 MR. DOMINICK: So moved.

7 CHAIRMAN EWASUTYN: Motion from
8 Dave Dominick. Can I have a second?

9 MR. GALLI: Second.

10 CHAIRMAN EWASUTYN: Second from
11 Frank Galli. Can I please have a roll
12 call vote?

13 MR. WARD: Aye.

14 MR. BROWNE: Aye.

15 CHAIRMAN EWASUTYN: Aye.

16 MR. MENNERICH: Aye.

17 MR. DOMINICK: Aye.

18 MS. DeLUCA: Aye.

19 MR. GALLI: Aye.

20 CHAIRMAN EWASUTYN: Back to the
21 retaining wall, and Karen will speak
22 on that. We will need to have some
23 kind of understanding of the type of
24 block, color of the block.

1 MR. QUEENAN: Certainly. We are
2 in the midst of having design of that
3 so that will be part of the final
4 submission. We are anticipating the
5 segmental block, standard 8 by 12
6 blocks. I think on the plan it
7 referenced that it would be a natural
8 color, either a gray or brown. We can
9 be more specific if that's what you
10 are seeking.

11 CHAIRMAN EWASUTYN: Karen, do
12 you have comments on landscaping?

13 MS. ARENT: There's space
14 between the parking lot and that wall
15 that will be -- the parking lot where
16 the big wall is, there's about four to
17 six feet, it would be great if you put
18 something there that would help soften
19 that wall.

20 MR. QUEENAN: Okay.

21 MS. ARENT: I had questions
22 about whether the U shaped wall could
23 be on the other property line or not
24 or also whether or not the retention

1 basin could be partially off the
2 property and partially on?

3 MR. QUEENAN: Where?

4 MS. ARENT: The storage water
5 management area.

6 MR. QUEENAN: The sign? You
7 mean the sign?

8 MS. ARENT: Yes.

9 MR. QUEENAN: Yes. We pulled
10 that back so this will be a common
11 access easement and it will also have
12 utilities as well so that will be
13 covered. What we are doing is right
14 now the sign is over the property line
15 within the DOT right of way, so this
16 will pull that back and it will be on
17 the whole property.

18 CHAIRMAN EWASUTYN: Dominic
19 Cordisco, do you have any comments on
20 that?

21 MR. CORDISCO: Nothing in
22 particular.

23 MR. CAMPBELL: I have a comment
24 on that. First of all, the ARB, the

1 signs would have to come back before
2 this board for the ARB. On that wall
3 if that's the sign, I don't know how
4 the sign is being configured, the code
5 states that the sign has to be a
6 hundred percent on the premises.

7 MR. QUEENAN: Being shared
8 between the two properties.

9 MR. CAMPBELL: That might be a
10 variance. It's going through the
11 property line.

12 MR. CORDISCO: The adjoining lot
13 is owned by the same entity?

14 MR. QUEENAN: A different
15 entity. We were just trying to avoid
16 to do two signs essentially side by
17 side.

18 MR. CORDISCO: Okay.

19 MR. CAMPBELL: Also I heard the
20 height of the wall would be 30 inches?

21 MR. QUEENAN: Yes.

22 MR. CAMPBELL: That is sort of
23 basically a corner lot. So if you
24 take a 40-foot triangle from the

1 corner down both ways, you hash it
2 off, make a triangle, nothing should
3 be over two feet. So it doesn't
4 interfere with the client's lights and
5 stuff.

6 MR. QUEENAN: I don't follow
7 you.

8 MR. CAMPBELL: Basically if you
9 take the corner and create a triangle
10 40 feet down the driveway and 40 feet
11 down the road, like that, and
12 basically create the triangle and
13 nothing should be over two foot.

14 MR. QUEENAN: We are set pretty
15 well back. I could put the site
16 triangle on and see where we are at.

17 MR. CAMPBELL: Yeah, see where
18 you are at. Also, a freestanding sign
19 is not supposed to be less than 15
20 feet from the front and side doors.

21 MR. QUEENAN: Okay.

22 MR. CAMPBELL: That may need a
23 variance. And also a note to make is
24 you might have said something about

1 second story signage. There is
2 something that talks about second
3 story signage where that may not be
4 allowed, it's only allowed on the
5 first floor so I will have to double
6 check that.

7 MR. QUEENAN: All right.

8 CHAIRMAN EWASUTYN: Karen, you
9 actually have the table. You were
10 speaking. You want to continue on
11 with your comments?

12 MS. ARENT: On the stormwater
13 management. So I was just asking for
14 the stormwater management plan to be
15 included with the plan.

16 MR. QUEENAN: Yes. We are
17 finishing up that.

18 MS. ARENT: Thank you.

19 CHAIRMAN EWASUTYN: Pat Hines
20 with MH&E.

21 MR. HINES: You identified the
22 trees on the site, but the tree
23 ordinance has three types of trees,
24 significant, protected and I forget

1 the third. You have to identify that.
2 They should be documented.

3 MR. QUEENAN: Okay.

4 MR. HINES: The percolation test
5 for the septic system needs to be
6 done. We noted a change in the septic
7 system, some of the older notes, the
8 Presby system originally proposed are
9 on the plan and need to be cleaned up.

10 The reserve area, commercial
11 needs to be a hundred percent.
12 There's the other option of building
13 the 50 percent now and having it
14 operate as three systems where one
15 rests. If you don't have the room,
16 that's an option for the current
17 septic code.

18 MR. QUEENAN: I did take a look.
19 We did do the percs. I think I could
20 get a hundred percent.

21 MR. HINES: It's up to you.
22 There is that option if you can, a
23 third, a third and a third.

24 MR. QUEENAN: Thank you.

1 MR. HINES: The Stormwater
2 Pollution Prevention Plan, we are
3 awaiting that submission. We need
4 that prior to submitting it to County
5 Planning. They won't accept it as an
6 incomplete application.

7 We talked about the retaining
8 walls and stone wall in the front.
9 When you are doing the SWPPP, that
10 point discharge out of the retaining
11 wall there, you want to make sure what
12 that is pointing at downstream. I
13 think your neighbors have a parking
14 lot there.

15 MR. QUEENAN: Yeah. There's a
16 basin -- there's two basins. There's
17 one here and one here.

18 MR. HINES: You need to show
19 that. DOT approval for utilities is
20 required. We just did an ARB
21 approval. You are going to need a
22 common access driveway easement
23 reviewed by Dominic's office and
24 that's going to need to include that

1 bioretention drainage system that is
2 overlapping, the operation and
3 maintenance of that. You will need a
4 stormwater facilities maintenance
5 agreement as part of the approval to
6 ensure the long-term operation and
7 maintenance of that. And then County
8 Planning once we get the SWPPP is
9 required.

10 MR. QUEENAN: We are currently
11 finishing up the SWPPP for you so that
12 should be less than a week.

13 CHAIRMAN EWASUTYN: Dominic
14 Cordisco, Planning Board attorney,
15 anything?

16 MR. CORDISCO: I have nothing
17 further at this time.

18 MR. GALLI: John, I have a
19 question. You mentioned that the
20 ownership was in two different
21 entities, not the same ownership. The
22 signage, do they have to go to ZBA for
23 signs for each one or could it be on
24 one piece of property with an easement

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for the other person?

MR. CORDISCO: There would have to be an easement. Ownership could change very well in the future. Understanding there is some commonality in ownership now between the two parcels, but they are not exactly the same entity and if one parcel gets sold in the future, you know. Properties are around for long time.

MR. GALLI: And any signage on the building after they are built would have to come back to the Planning Board for ARB?

MR. CORDISCO: That's correct.

MR. QUEENAN: With that understanding, if I relocate the sign to be only on one property and provide any crossing to the other property, would meet the setbacks.

MR. HINES: There's a section of code that doesn't allow someone's sign on another parcel I believe what Mr.

1 Campbell was referring to. The
2 easements so it could be there in
3 operation and maintenance, but I think
4 there's a code section that needs to
5 be addressed as well.

6 MR. QUEENAN: So we will need to
7 put up two signs.

8 MR. CAMPBELL: Go for the
9 variance.

10 MR. QUEENAN: Okay. I'll speak
11 with the applicant.

12 CHAIRMAN EWASUTYN: Okay.
13 Anything else?

14 MR. QUEENAN: I just want to
15 ask, when I do submit the SWPPP
16 instead of having to come back to the
17 board, would be in a position to send
18 the 239 referrals, that's kind of the
19 last piece here. I get the SWPPP to
20 Pat to make that referral to get that
21 30-day clock going without having to
22 come back to you? You know, to get
23 the 30-day clock going.

24 CHAIRMAN EWASUTYN: Is there

1 anything wrong with coming back to see
2 us?

3 MR. QUEENAN: I'd love to come
4 back to see you.

5 CHAIRMAN EWASUTYN: I mean
6 what's your problem?

7 MR. QUEENAN: Four nights a week
8 is tough.

9 CHAIRMAN EWASUTYN: Pat, what's
10 your position on that?

11 MR. HINES: I don't think we
12 have an issue with it. We can forward
13 it on.

14 CHAIRMAN EWASUTYN: Put it under
15 board new business?

16 MR. HINES: On the 16th?

17 CHAIRMAN EWASUTYN: Yes.

18 MR. HINES: We could do board
19 business on the 16th assuming we get
20 the SWPPP before then.

21 MR. QUEENAN: Perfect.

22 CHAIRMAN EWASUTYN: Agreed?

23 MR. CORDISCO: I think it's just
24 subject to Pat's review. Just to make

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sure that there's no outstanding
comments or issues.

MR. QUEENAN: We will address
that.

CHAIRMAN EWASUTYN: Pat, will
you be submitting the plans that are
necessary to circulate?

MR. HINES: Yeah. I'll work
with John's office. We have them
digitally that we are sending them.

CHAIRMAN EWASUTYN: Good.

MR. CORDISCO: The County
Planning Department is starting the
process now where I think plans are
only going to be sent digitally.

MR. HINES: And then the large
ones they call us up to ask us for
hard copies.

CHAIRMAN EWASUTYN: Thank you.

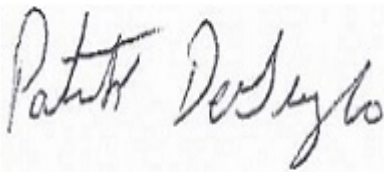
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STATE OF NEW YORK)

) 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: November 13, 2023

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

In the Matter of

MKJ PARK, LLC
(22-32)

NYS Route 32, SW of NYS Route 300
Section 34, Block 2, Lot 29.1
Zone: IB

SITE PLAN

Date: November 2, 2023
Time: 8:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: LANC & TULLY ,
JOHN QUEENAN

REPORTED BY: Patrick DeGiorgio, Court Reporter

MICHELLE L. CONERO
P.O. BOX 816
Dover Plains, New York 12522
(845) 541-4163

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CHAIRMAN EWASUTYN: Our next item of business is MKJ Park, LLC, project number 22-32, a site plan located on Route 32 southwest of New York State Route 300 in an IB Zone and it's being represented by Lanc & Tully.

MR. QUEENAN: Good evening again. John Queenan from Lanc & Tully. Good to be with you tonight. We are before you with an older project that has kind of went dormant a little bit. I just wanted to come in and give the board an update as to what we are doing and where we have been.

It's a property located about a quarter of a mile down from the one we just spoke about on Route 32. It's a 15-acre parcel of land located in the IB Zone. We are proposing a 173,000 square foot warehouse and office. The office component is 7,000 and the warehouse is 166,000.

1 We were before you with just a
2 basic sketch. At that time the
3 applicant commissioned a traffic study
4 that has been completed and that will
5 be submitted in our next go around.
6 The recommendation of the traffic
7 study based on use was that a left
8 turn lane should be evaluated and
9 implemented at this location, the
10 driveway to service that. It took us
11 a little while to get the right of
12 ways and deeds and everything together
13 to make sure to get that left-turn
14 lane in there. It is a feasible left-
15 turn lane and is currently in design
16 so what that will do is as you are
17 heading northeast here you come down
18 and it will open up to a left-turn
19 lane coming into the driveway, through
20 traffic this way and through traffic
21 that way. We are working with DOT on
22 that to the extent of the plan, we had
23 no response to date. Based on our
24 traffic consultant's advice he said

1 that it met the warrants of the
2 left-turn lane, that's what DOT will
3 eventually ask for in the end, so we
4 are getting ahead of the ball on that.

5 We updated the entrance drive.
6 It used to be 26 feet wide. We
7 widened it to 30 feet to this location
8 here just to give it a little more
9 width so it's easier access for trucks
10 coming in and out. We reconfigured
11 the parking area here so that truck
12 traffic will continue straight
13 through. There will be a gate here
14 that leads you to the loading docks
15 and loading bays. It will only be on
16 the one side of the building.

17 Passenger car traffic and employee
18 traffic comes here to the main parking
19 lot and then there's parking up this
20 side associated with the office here.
21 We continue the ring road around so
22 that there's circular access on all
23 four sides of the building. We've
24 maintained a 26-foot wide road for

1 fire access completely around the
2 building.

3 The last version we had before
4 the board there was a large retaining
5 wall that went around the back of the
6 site. In discussing this with various
7 people that had been looking at it and
8 potential users, no one wanted that
9 type of warehouse and build that type
10 of warehouse that is built into the
11 hill. So we adjusted this now so that
12 this has all been at grade so the
13 warehouse will not be buried. It will
14 be a standard warehouse with access on
15 the sides. What we did was we did
16 lower it into the hill, so the top of
17 the hill is located here and it comes
18 down this way and comes down that way.
19 We lowered it into the hill to the
20 elevation of the first floor that
21 basically makes it a balanced project.
22 That was the goal. From the top of
23 the hill to the road we have about a
24 14-foot of difference so the road will

1 sit down. The hill here and then when
2 you come around the corner here you
3 are still about 10 feet lower than the
4 top so we are figuring if there are
5 any vehicles that will go around you
6 won't see it. You are still rising.
7 These residences here, we are trying
8 to keep that road a little bit lower.
9 We are doing that basically to keep
10 that balanced and that's why the
11 retaining wall shifted from the back
12 to the front of the site so that we
13 are filling this. So you don't have
14 any exporting material off the site.
15 There's another ridge here at the top,
16 this sinks down and then it keeps the
17 traffic down.

18 We don't anticipate to have
19 trucks going down because they will be
20 coming in and doing their operations
21 on the side of the loading dock and
22 then they are going to come out.
23 Mainly the ring road is fire
24 protection.

1 So what we ended up with is
2 there is 25-foot minimum of no
3 disturbance along this property line.
4 It's 60 feet to the road and a hundred
5 feet to the building. That's kind of
6 how we are blending that into that.
7 We recognize that there are residences
8 here, but they are all IB Zone so we
9 are trying to balance the buffer with
10 the grading of the building. That is
11 kind of how we settled into where the
12 design is at this point.

13 Like I said, the retaining wall
14 now has shifted to this side. We have
15 some wetland disturbance, more wetland
16 disturbance here. That will be
17 mitigated down here. 13 trailer
18 parking spaces stayed the same. There
19 was a parking lot up here for that.
20 We have eliminated that in order to
21 keep behind the building less activity
22 as possible. Septic system would be
23 located over here and essentially we
24 are working on the stormwater

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management.

Still a lot of work to go. We wanted to give you an update for that. Potentially go over with the board if you have any ideas or any other concerns about that buffer zone there, because we have to adjust elevations, and we'd like to do that now rather than later.

CHAIRMAN EWASUTYN: Karen, any comments on that?

MS. ARENT: We discussed the possibility of perhaps using some kind of white pine, maybe a deciduous tree that keeps the leaves on the cut area and to try to make as much -- try to save as many trees as you can.

MR. QUEENAN: Okay.

MS. ARENT: But also supplement the -- (interrupted)

MR. QUEENAN: There was almost a thousand trees that were located that were greater than nine inches. So they are clustered all along this line

1 here. This is fully wooded throughout
2 this whole run here. You have them
3 individually located so the next plan
4 that you will get will actually have
5 those locations.

6 MS. ARENT: That was the
7 comment.

8 MR. QUEENAN: So you can
9 evaluate it. Right now they're just a
10 thousand dots on the map. There's a
11 good cluster here and there's a good
12 cluster right in here that will
13 remain. This property right here is
14 probably the most affected. I think
15 this is a business, it's under an LLC
16 or a parking lot, residential maybe
17 and this property here. Keeping this
18 cluster and a drop down along into the
19 increased planting here and then this
20 one actually is where most of the
21 other residents are centered, again,
22 same scenario, it's the drop down from
23 10 to 12 feet.

24 MS. ARENT: It would be great if

1 you also supplement the evergreens.
2 Also to take out a little bit of the
3 fill and so that when you cut that
4 slope and put some of that topsoil
5 back, that would be great. Also
6 there's other residential properties
7 on this side, isn't there?

8 MR. QUEENAN: There's
9 residential down here.

10 MS. ARENT: Right.

11 MR. QUEENAN: This is 32.

12 MS. ARENT: They are pretty well
13 screened.

14 MR. QUEENAN: Yeah, he has
15 pretty good screening at this location
16 and this is not developed and that's
17 Jeanne Drive.

18 MS. ARENT: You have to think
19 about some winter screening. That's
20 pretty much it. Thank you.

21 MR. QUEENAN: The only other
22 idea I can come up with was to pull
23 back this and throw a small wall here,
24 like a four-footer, and to cut back on

1 some of the grading and possibly bring
2 the drive closer to the building, we
3 might be able to gain another 10 or 15
4 feet.

5 MS. ARENT: That would be great.

6 MR. QUEENAN: So that would put
7 the 25 closer to 40 undisturbed, and
8 then we would be farther away from the
9 road, closer to like 70 feet.

10 MS. ARENT: Yeah, if you can do
11 that. Wherever you can save the
12 existing trees. Be aware that you
13 can't cut back, you have to save a
14 substantial portion of the roots.

15 MR. QUEENAN: That's why I was
16 staying with the four-foot wall
17 because I don't need the back grade.

18 MS. ARENT: Okay, thank you.

19 CHAIRMAN EWASUTYN: Jim
20 Campbell, code compliance, anything to
21 add?

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

24 CHAIRMAN EWASUTYN: Turn it over

1 to the board members for their
2 comments. Frank Galli?

3 MR. GALLI: Any charging
4 stations on the site?

5 MR. QUEENAN: We have not
6 proposed any.

7 MR. GALLI: The county I know is
8 looking for lead certification for
9 solar for the future. Buildings are
10 going to be designed like that,
11 charging stations, solar if it's going
12 to need it.

13 MR. QUEENAN: The charging
14 stations I can speak on. I'll discuss
15 it with the applicant, but I don't
16 think we will be adding any of those
17 for employees. The solar aspect on
18 the building, I don't know at this
19 point. I would probably say not.

20 MR. GALLI: One of the
21 recommendations of the county.

22 CHAIRMAN EWASUTYN: Stephanie
23 DeLuca?

24 MS. DeLUCA: I'm just curious in

1 regards to concerns for the neighbors
2 and everything else, do you have a
3 lighting plan?

4 MR. QUEENAN: We will, yes.

5 MS. DeLUCA: Okay.

6 MR. QUEENAN: We don't expect
7 traffic to go around. So we will
8 probably have very minimal lighting
9 back there.

10 MS. DeLUCA: Thank you.

11 CHAIRMAN EWASUTYN: Dave
12 Dominick?

13 MR. DOMINICK: John, I was going
14 to talk about EV charging as well.
15 Consistency from previous applicants
16 it's been suggested 10 percent. So of
17 the 147 spots, now it's 10 percent and
18 up, I don't know. Is that too much?
19 I don't know. I don't think any of us
20 know at this point.

21 MR. QUEENAN: I don't know.

22 MR. DOMINICK: Because of the
23 demand. Could you look at at least 10
24 percent?

1 MR. QUEENAN: We have a bank of
2 parking here with 11. We can set
3 those up if they are close enough to
4 the building to grab the power.

5 MR. DOMINICK: And you also have
6 the other back across from the
7 handicapped, 16.

8 MR. QUEENAN: Correct, I think
9 we can do that.

10 MR. DOMINICK: Thank you.

11 MR. MENNERICH: I like the way
12 you have the building arranged so that
13 the heavy traffic is really going to
14 be away from the residential areas.

15 MR. QUEENAN: Correct.

16 MR. MENNERICH: And it sounds
17 like you got some options also,
18 screening pretty good too.

19 CHAIRMAN EWASUTYN: The question
20 was raised you have a substantial
21 number of parking spaces. Do you
22 believe that this will be two shifts
23 that will probably operate out of this
24 building?

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MR. QUEENAN: Most likely, yes.

Right now it's pretty much standard two shifts. Probably not a third. Third is usually a very light shift.

CHAIRMAN EWASUTYN: Okay. Cliff Browne?

MR. BROWNE: Could you provide a cross-section going to the building with the elevations and with that -- nothing really fancy, but I'm having a hard time visualizing the heights of this, that, the drop down in the wall, how high, all of that.

MR. QUEENAN: That's not a problem. I think that was one of Pat's comments as well.

MR. BROWNE: I'm not looking at anything elaborate, but something that would give me the basic idea of what that would look like from the neighbors, what they are looking at, like the end view.

MR. QUEENAN: Yeah. They look out their back windows.

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MR. BROWNE: Yeah, a cross-section.

MR. QUEENAN: We could do that. What we are trying to do also is hold the height. We are about 25, 28 feet in the back so we didn't want it to tower out of the ground, so we kind of kept it in a residential story structure height, 25, 30.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Aren't you required to have a second access?

MR. QUEENAN: Yes. We have been working on that. I think most of the property owners know about the project by now and we have been trying to retain one. It doesn't look like we will be successful, so we will have to apply for a waiver from the state on that regard. We don't have any other options.

MR. WARD: Thank you.

MR. QUEENAN: That's why I

1 didn't widen this to 30 to here and I
2 kept the 26.

3 CHAIRMAN EWASUTYN: Pat Hines
4 with MH&E?

5 MR. HINES: My first comment as
6 to what Mr. Ward just talked about,
7 the two access points because the
8 building is higher than 30 feet and
9 greater than the square footage that
10 would require that. We would need a
11 SWPPP to be submitted. The bulk table
12 identifies the additional lot width
13 and I don't think that's the case.
14 The lot width is measured at the
15 building setback and you are plenty
16 wide there.

17 The septic system design we will
18 be looking for. Wetland mitigation
19 design. It looks like you have twice
20 the number of parking spaces required.
21 I guess that's to accommodate the
22 shifts?

23 MR. QUEENAN: Yeah. What they
24 do they obviously want the two larger

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shifts.

MR. HINES: It's a lot of parking. You talked about the adequacy of the buffer. Although those residences are preexisting and not conformed in the IB Zone, there is that section of the code that a buffer must be provided between any residential and nonresidential use. Not the buffer that would be required had that been zoned residential, there would be a substantial buffer required because they are in the IB Zone it gives the Planning Board the flexibility to address that.

Water supply needs to be addressed. Location of hydrants should be identified. I have the comment regarding a visual simulation, Mr. Browne asked for a cross-section from the residences to the rear. With the 35-foot height, they are going to be 25 feet higher than the highest elevations to the rear.

1 We just noted that the new
2 retaining walls on the western portion
3 of the site are 20 to 27 feet high, in
4 that range, so there are substantial
5 walls proposed. You identified that
6 the site is going to be a balanced
7 site. We will be looking for that as
8 we review in the future. You need to
9 go to County Planning once the
10 complete application has been
11 submitted.

12 The Planning Board did circulate
13 its intent as lead agency on the 25th
14 so you would you be in a position to
15 declare yourself as lead agency. We
16 did not hear back from Parks and Rec
17 although the site is identified as
18 having potential archeological or
19 cultural resources.

20 DOT review obviously is
21 required. Compliance with the tree
22 ordinance needs to be documented. I
23 think you measured the trees. I hope
24 you didn't measure the nine-inch ones

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because it starts at 14. So compliance with the tree ordinance needs to be done and documented.

The grading plan that we have stopped short of the wetland mitigation and stormwater management areas. Obviously we will be involved as you move forward.

MR. QUEENAN: Right.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board attorney?

MR. CORDISCO: Yes. Mr. Galli had mentioned before about the County Planning Department and their comments regarding solar on roofs. What we have seen from them in the past is actually a mandatory condition in connection with the town. So the way that the board has addressed it in the past is to ask the applicant to design the buildings so that it could accommodate solar on a roof rather than making an obligation to install solar on the roof at this time. So it

1 becomes an end tenant issue or if it's
2 something that becomes advantageous in
3 the future it could at least
4 accommodate solar in the future. We
5 don't know exactly what the county
6 will say in this instance, but it has
7 come up a number of different times.

8 CHAIRMAN EWASUTYN: Can I have a
9 motion from the board to declare
10 ourselves leads agency for MKJ Park,
11 LLC?

12 MR. MENNERICH: So moved.

13 MS. DeLUCA: Second.

14 CHAIRMAN EWASUTYN: I have a
15 motion by Ken Mennerich, a second by
16 Stephanie DeLuca. Can I have a roll
17 call vote starting with John Ward?

18 MR. WARD: Aye.

19 MR. BROWNE: Aye.

20 CHAIRMAN EWASUTYN: Aye.

21 MR. MENNERICH: Aye.

22 MR. DOMINICK: Aye.

23 MS. DeLUCA: Aye.

24 MR. GALLI: Aye.

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CHAIRMAN EWASUTYN: John, going back to MKJC, can you e-mail us a letter once you completed the SWPPP asking the Planning Board to circulate to the Orange County Planning Department?

MR. QUEENAN: Certainly.

CHAIRMAN EWASUTYN: And Ken Mennerich can read that into the minutes and we will have a way of speaking on the subject.

MR. QUEENAN: Not a problem.

CHAIRMAN EWASUTYN: Thank you.

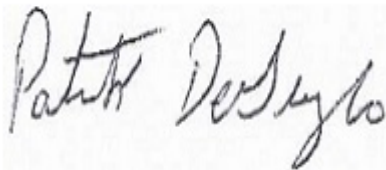
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STATE OF NEW YORK)

) 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: November 13, 2023

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

In the Matter of

39 N. PLANK ROAD/PROPOSED STARBUCKS
(23-14)

39 North Plank Road
Section 75, Block 1, Lot 13.1
Zone: B

SITE PLAN

Date: November 2, 2023
Time: 8:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: STEVE WILSON
JACK ROSENKRANTZ
DAVID EVERETT, ESQ.

REPORTED BY: Patrick DeGiorgio, Court Reporter

MICHELLE L. CONERO
P.O. BOX 816
Dover Plains, New York 12522
(845) 541-4163

1 CHAIRMAN EWASUTYN: The fifth
2 and last item of business this evening
3 is 39 North Plank Road, a proposed
4 Starbucks. It's a site plan located
5 on 39 North Plank Road in a B Zone.
6 It is being represented by Kimley Horn
7 Engineering and Landscaping
8 Architecture.

9 MR. ROSENKRANTZ: Good Evening.
10 I'm Jack Rosenkrantz from DLC
11 Management, representing the owner of
12 the Mid-Valley Mall. We have here
13 with me my engineer, Steve Wilson from
14 Boulder Engineer, just to correct you,
15 not Kimley Horn. And our attorney
16 Dave Everett is here as well.

17 Before Steve gets into the
18 design elements that we addressed at
19 the last hearing which was back in
20 August, I just want to make a
21 statement. I know the big point of
22 the discussion last time was around
23 the water tower. We did our best to
24 invoke the design and in addressing

1 some other elements and I wanted to
2 make sure your comments were heard and
3 addressed as thoroughly as possible.

4 So in that respect I'm going to
5 address the water tower issue up front
6 provided with our submission this go
7 round including the copy of our
8 contract with the contractor who is
9 scheduled to paint the water tower.
10 They are contractually obligated to
11 paint it between May and July next
12 summer. In coordination with them we
13 have submitted our deposit to that
14 contractor. They have received a
15 check for that. So it's officially on
16 their calendar for June 1st of next
17 year. And then we are delivering
18 legal notices to our tenants. As I
19 mentioned last time, as their landlord
20 we have an obligation to provide
21 notice six month in advance of that
22 painting where they remove their
23 equipment so that when the first day
24 rolls around we will get up there and

1 paint the tower. In terms of the
2 mechanics of how that works, the
3 tenants themselves are responsible for
4 their permits to have equipment in the
5 parking lot on a temporary facility.
6 And once the tower is painted they
7 reinstall their equipment on the tower
8 with painting that is consistent with
9 the -- you know, the antenna equipment
10 itself is painted to be consistent
11 with the water tower design.

12 I'm happy to address questions
13 on that or Steve can do the
14 presentation on the rest of the
15 design.

16 MR. WILSON: Thank you. I think
17 the second issue we had quite a bit of
18 conversation was about sidewalks on
19 the project. So we submitted
20 basically an exhibit and if the board
21 concurs with our approach to sidewalks
22 we will submit a design with a
23 follow-up package. As submitted we
24 are going to install about 700 feet of

1 sidewalk along the frontage through
2 here and also provide a pedestrian
3 connection to connect right to the
4 sidewalk along the front here. And
5 then also as well we integrated a
6 sidewalk feature along from basically
7 Starbucks and KFC to a combination of
8 sidewalks and cross-action to connect
9 both projects up to the front of the
10 liquor store. Overall about 70
11 percent of the frontage now would have
12 sidewalks associated with it along
13 with this direct linkage into the
14 parking lot. So it definitely is
15 pedestrian friendly nature of the
16 plaza.

17 A few other things to touch on.
18 Here is a zoomed in version. It will
19 give you a sense of the plan that you
20 have. The sidewalk that will run
21 through a combination of striping and
22 sidewalks and through the parking lots
23 protected by bollards and then a
24 crosswalk into the plaza.

1 Some other key things that were
2 mentioned the last time that we wanted
3 to focus on that we've addressed. I
4 know everyone was concerned about the
5 drive-thru traffic kind of taking a
6 left out and kind of mixing with the
7 front of the store and pedestrian
8 access there. What we have done is
9 put a radius here on the drive-thru
10 exit and strongly encourage that
11 movement into the adjoining parking
12 lot there. Push that traffic in that
13 direction and avoid that confrontation
14 or mixing there. And luckily the two
15 uses are quite compatible. Starbucks'
16 maximum hours are in the morning, 6 to
17 9 is when they really peak versus the
18 KFC it's more of 11:30 to 1:30 is
19 their peak. It's nice the way the two
20 uses are worked together that the
21 traffic doesn't mix that heavily at
22 the same time.

23 A couple other issues that were
24 brought up was the notion of replacing

1 the guardrail along the frontage,
2 that's on the plan as well. I think
3 there's one other thing I wanted to
4 add to the plan based on the site
5 visit. There is a busted part of the
6 guiderail over here that was in the
7 plan and I wanted to make sure that
8 gets fixed as part of the project.
9 There was also a notion of painting
10 the transformer in the back, that's
11 been included on the plans as well.
12 And I think also I mentioned last time
13 I grasped and left a chain-link fence
14 around the preceding area, that will
15 be a decorative fence around that area
16 as well consistent with the Starbucks
17 theme.

18 In terms of Pat's comments and
19 we got some today from Creighton
20 Manning, I didn't see any difficulty
21 addressing Pat's comments specifically
22 related to the detail for the water
23 connection and also details on our
24 pump chamber that he wants on the

1 plans. We can certainly provide those
2 on our next submission. Creighton
3 Manning had some suggestions about
4 providing a draft review letter which
5 I have a draft on my desk. So we can
6 clean that up and submit that as well
7 and work on addressing the rest of the
8 comments on our next submission.

9 CHAIRMAN EWASUTYN: Steve, thank
10 you. Let's start out polling the
11 board members. Are they satisfied
12 with the applicant's sidewalk design
13 and installation?

14 MR. GALLI: Yes. You did a good
15 job on that, on the sidewalk.

16 CHAIRMAN EWASUTYN: Stephanie
17 DeLuca?

18 MS. DeLUCA: Yes.

19 CHAIRMAN EWASUTYN: Dave
20 Dominick?

21 MR. DOMINICK: Yes, you did a
22 great job. I think you maximized as
23 much as you could.

24 CHAIRMAN EWASUTYN: Ken

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Mennerich?

MR. MENNERICH: I agree.

CHAIRMAN EWASUTYN: I agree.

CHAIRMAN EWASUTYN: Cliff

Browne?

MR. BROWNE: I agree, yes.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I agree.

CHAIRMAN EWASUTYN: We can discuss it, but it doesn't have to be now, the mechanism for the painting, how it will tie into the site plan. At one point we had it started or something came up in conversation and we will leave it up to the Building Department, when they apply for the building permit. I think maybe now we will have Dave Dominick kind of try to create something that is meaningful and easy to manage.

MR. DOMINICK: Yes, sir.

MR. CORDISCO: Absolutely.

CHAIRMAN EWASUTYN: Any ideas or thoughts? What we are thinking of is,

1 and I'm not a thinker, that there is
2 possibly two more steps of final
3 approval, maybe three. So now we are
4 looking at the construction period
5 based upon bonding and everything else
6 that may play out to be March or
7 April, so we will try to tie this all
8 together.

9 MR. EVERETT: Mr. Chairman, one
10 of the thoughts that I had on that for
11 the board's consideration is that the
12 applicant can post a performance
13 guarantee. We can also enter into a
14 developer's agreement that sort of
15 lays out all the details of how this
16 is going to work. Realizing that the
17 board typically does developers
18 agreements on very large projects and
19 this project is not very large, but I
20 understand the water tower is a very
21 important component of this. I just
22 thought that the developers agreement
23 targeted just that, the painting of
24 the water tower, how that works, all

1 the steps might be helpful to all
2 parties so you know exactly what's
3 going to happen when and where and all
4 that stuff. It's just one suggestion
5 that I have. I am certainly open to
6 others.

7 MR. CORDISCO: I think that that
8 would be very helpful in this process
9 to lay out exactly what is going to
10 occur and when so the town can
11 understand this. This has been
12 without reiterating, it's been an
13 issue and concern for this board and
14 others for a number of years. So to
15 have it actually occur is an important
16 point.

17 MR. EVERETT: I agree.

18 CHAIRMAN EWASUTYN: Jim
19 Campbell, do you have anything more to
20 add?

21 MR. CAMPBELL: Not to the water
22 tank. But the fire department did
23 weigh in and they would like to see a
24 hydrant to the lower left of that

1 island. The hydrant behind the
2 building in that island right there.
3 Because the hydrant behind the
4 building was subtly buried in there.

5 MR. EVERETT: Okay.

6 CHAIRMAN EWASUTYN: Any other
7 comments?

8 MR. CORDISCO: You mentioned a
9 number of procedural steps. One of
10 the things that the board will have to
11 do is refer this to the Planning
12 Department. It seems like it's ready
13 at this point to have that referral.
14 That referral will allow the County
15 Planning Department to respond before
16 it meets the 30 days to expire for
17 them to respond before you make a SEQR
18 demand.

19 CHAIRMAN EWASUTYN: Thank you.
20 Karen, the landscape architect, have
21 you looked at the plan?

22 MS. ARENT: I will send you the
23 comments we spoke of today. There is
24 a fairly flat area as you pull it

1 through the entrance drive close to
2 the liquor store. The three large
3 shade trees. There's an existing
4 island up there that looks like -- not
5 that side, but the other side. Yeah
6 that big island. There's a fairly
7 decent tree there. There's no notes
8 on the drawings saying that's going to
9 remain. I think I believe the
10 landscaping is pretty good. Even if
11 you can't just replace whatever is
12 going to be damaged from the
13 construction.

14 We discussed at the Planning
15 Board meeting the slope between
16 Kentucky Fried Chicken and Starbucks
17 and first of all it would be good to
18 see a connection on the sidewalk, the
19 sidewalks connect to the Kentucky
20 Fried Chicken.

21 MR. EVERETT: You are talking
22 about a crosswalk to here?

23 MS. ARENT: Yes. A crosswalk
24 would make sense. The Planning Board

1 would like to do hardscaping or
2 something that would look good in
3 there on that slope. I suggest some
4 plants, but there's a concern that
5 they are not going to live.

6 MR. EVERETT: I'm not sure what
7 slope you mean.

8 MS. ARENT: That slope right
9 there.

10 MR. EVERETT: The slope through
11 here?

12 MS. ARENT: Yes. Between the
13 parking lot for the Kentucky Fried
14 Chicken and the drive aisle.

15 MR. EVERETT: It's pretty tight
16 there.

17 MS. ARENT: It is tight. They
18 are looking for perhaps a hardscape
19 solution in that area. And then
20 another area where there are very
21 tight islands. I don't know if
22 there's any ideas that you may have,
23 something that might look good.
24 There's also the rubber, the permeable

1 surface that is like a rubberized type
2 of tire, I don't know, maybe
3 something, a color too. This will
4 require some creativity.

5 MR. WILSON: What about like a
6 nice gravel through there on that
7 slope?

8 MS. ARENT: That would be a
9 Planning Board question. If there was
10 gravel -- (interrupted)

11 CHAIRMAN EWASUTYN: I guess what
12 we are looking at for gravel is a good
13 suggestion, but in the long run even
14 with fabric underneath the gravel, in
15 the long run that you have grass and
16 eventually it just defeats the
17 purpose. So if there's anything that
18 -- something that would be rubberized
19 or hardscape, it's in and it's over
20 and it's done. And when you
21 occasionally go in there and use a
22 weed killer or something, but it is
23 somewhat more of an institutional site
24 more so than a people friendly site.

1 People are just going to be basically
2 driving through and driving out, so if
3 you could create something that is low
4 maintenance. The question at the very
5 beginning of the separation, speaking
6 about planting with one foot high
7 grasses, Steve, if you made that in a
8 hardscape it's just practical.

9 MR. EVERETT: I'll take a look
10 at it.

11 CHAIRMAN EWASUTYN: It's great
12 to be creative, but does it have
13 longevity? That's really the purpose.
14 Even the Starbucks at Palmerone Farms,
15 the entryway on both sides originally
16 were planted. The trees are now dead.
17 We just want the site to look good 10
18 years from now and plants generally
19 speaking and commercial sites don't
20 have a longevity of 10 years.

21 MR. EVERETT: Steve, that's a
22 good point.

23 CHAIRMAN EWASUTYN: People are
24 going to come in there and snowplow,

1 it's a contract, they want to get in
2 and get out and they are going to blow
3 it out one way or the other.

4 MR. EVERETT: If I'm hearing
5 you, generally you would be supporting
6 pulling back some of this landscaping,
7 the amount of it being created with
8 the surface, something that is
9 attractive, durable, plowed over,
10 walked over, salted on?

11 CHAIRMAN EWASUTYN: Yes.

12 MR. ROSENKRANTZ: Just to
13 clarify, that's the general
14 landscaping, not specific to the area
15 between Starbucks and Kentucky Fried
16 Chicken?

17 CHAIRMAN EWASUTYN: Yeah, it's
18 general.

19 MR. EVERETT: I think we can
20 find some solution.

21 CHAIRMAN EWASUTYN: Pat Hines
22 from MH&E?

23 MR. HINES: We touched on a lot
24 of the comments already. The contract

1 or the painting, the walkway. We did
2 ask for the parking analysis and the
3 site even with the loss of parking is
4 still 170 spaces overparked based on
5 the uses on the entire unified site
6 plan. ARB approval for the building
7 would be required. I don't know the
8 Planning Board's feeling on the ARB of
9 the painting of the tower, color
10 selections, visual. I know there's
11 proposed lettering on that tower. If
12 the board wants input on that. I'll
13 throw that out there. I think it's
14 probably part of this site plan,
15 operation maintenance on that and it's
16 before you now.

17 CHAIRMAN EWASUTYN: Jack, what
18 were your thoughts on that when you
19 were speaking with the contractor?

20 MR. ROSENKRANTZ: So my
21 understanding in speaking with between
22 the contractor and property management
23 was that we were going to put
24 Mid-Valley Mall Town of Newburgh. We

1 have designed it, but that was the
2 discussion as far as what we were
3 going to put up.

4 CHAIRMAN EWASUTYN: And the
5 overall color?

6 MR. ROSENKRANTZ: I'm not sure.
7 That's something we will collaborate
8 with the town deciding what that will
9 look like.

10 CHAIRMAN EWASUTYN: That might
11 be a good point. I think that might
12 be something you should meet with the
13 Town Board and get their opinion. It
14 is the gateway to the Town of Newburgh
15 and I think that might be a decision,
16 if the board agrees, that would be in
17 the hands of the Town Board. I don't
18 want to step on anybody's toes. Is
19 the board in agreement? Dave, do you
20 have something you want to say?

21 MR. DOMINICK: No, I agree.

22 MR. BROWNE: I have a comment on
23 that. I'm on the highways all the
24 time, I'm all over the country going

1 to different places. One of the
2 things that hits me when I drive into
3 a town is the first thing I see. You
4 can feel very comfortable, this is a
5 nice town, a nice, prosperous area or
6 this is a dump. Right now this looks
7 like a dump. So in keeping in mind
8 with the painting, design and all
9 that, going to the Town Board, one of
10 the things I would like to see is when
11 you drive in this is a nice,
12 welcoming, great town, nice to visit,
13 that type of thing. I don't know,
14 there's a whole bunch of things going
15 on in there, but that's what I would
16 be looking for. And yeah, with the
17 town, they are a big part obviously of
18 the whole thing, the emblem, there's a
19 whole bunch of stuff going on there so
20 it's really important.

21 MR. ROSENKRANTZ: I do know that
22 the cellular equipment on the tower
23 can be coordinated in terms of the
24 painting. From afar you can see the

1 cohesive lettering and it will all be
2 coordinated.

3 MR. BROWNE: Thank you.

4 CHAIRMAN EWASUTYN: Anything
5 else before us?

6 MR. WARD: No.

7 MR. WILSON: Getting on the Town
8 Board, is that simple like submitting
9 a letter to the town clerk and putting
10 us on the agenda?

11 CHAIRMAN EWASUTYN: Pat knows
12 more about the work sessions.

13 MR. HINES: Yeah. They have
14 work sessions the second or the fourth
15 Monday of every month and a letter to
16 the town supervisor's office
17 requesting that appearance would be
18 appropriate.

19 MR. EVERETT: Fourth. What day
20 again?

21 MR. HINES: Fourth Monday are
22 their work sessions where they will
23 have conversations such as this.

24 CHAIRMAN EWASUTYN: Anything

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else, Pat?

MR. HINES: No. We have discussed the rest of our comments. I'll coordinate that circulation with the County Planning.

CHAIRMAN EWASUTYN: Will someone move for a motion to circulate 39 North Plank Road proposed Starbucks to the Orange County Planning Department?

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich and a second by Stephanie DeLuca. Can I please have a roll vote starting with John Ward?

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Anything else?

1 MR. WARD: I wanted to say
2 something. The landscaping where you
3 have Market 32 and the Firestone, it's
4 beautiful with the grass and things
5 like that. If you want to blend in
6 and take a look at that too. That's
7 survivable. And your snow removal you
8 have -- you were saying up by the
9 tower, but the parking lot there gets
10 filled. That's something you have to
11 look at too. I wanted to say thank
12 you very much for going through the
13 process and giving people, the clients
14 time to apply for the permits and
15 things like that. Thank you.

16 MR. EVERETT: I didn't
17 understand. The landscaping with
18 Market 32 and Firestone, I didn't
19 understand what you were saying.

20 MR. WARD: In the parking lot
21 you can see grass.

22 MR. ROSENKRANTZ: If we mimic
23 with what is there.

24 MR. EVERETT: Okay. Thank you

1 everyone.

2 MR. WARD: Thank you.

3 CHAIRMAN EWASUTYN: Thank you
4 for your time.

5 I'd like to take just a few
6 minutes before we close. Dominic
7 Cordisco helped the Planning Board by
8 keeping minutes for the recent meeting
9 with Matrix, also attended and was
10 present. Quite frankly that is
11 something that we have been efficient
12 on for many, many years. Now we have
13 a general sense so with Dom being
14 present, Jim Campbell being present,
15 Pat Hines, let's talk about the
16 direction and conversation and how it
17 seems to all work out. Whoever wants
18 to start, let's start.

19 MR. CORDISCO: Thank you, John.
20 We did have a work session and I did
21 send around the notes of that. You
22 should also have received the memo in
23 connection with the soil removal in
24 their plan. That was discussed at

1 length. The elements that would be
2 part of that plan that should be
3 easily referenced by all involved
4 including the company that would be
5 responsible for removing the soil was
6 recommended that specific notes be
7 placed on the clearing and grading
8 plan so that it could be reviewed by
9 the board and if approved it would
10 also be something to be easily
11 referenced by all concerned.

12 One of the things that were not
13 included in the memo as far as I can
14 tell, but was certainly explicit, was
15 how long this process is going to
16 take. Their intention to hire a
17 company that would have a fleet of 20
18 trucks is what they said and they also
19 have found a site in Ramapo and they
20 are looking at other locations where
21 this access material could go, but of
22 course it would be dependant on
23 conditions and availability and also
24 the ability for a particular site to

1 accept 20 trucks a day or however
2 many. It's one thing to identify a
3 site, it's another to actually have
4 them ready to take all of that
5 material. So I believe that Ken
6 Griffin is going to discuss that
7 further with the board in terms of
8 what the anticipated time frame is
9 going to be. And so we should be
10 seeing prior to the November 16th
11 meeting a revised submission of a
12 clearing and grading plan that has
13 some of these details spelled out as
14 part of that.

15 CHAIRMAN EWASUTYN: Jim
16 Campbell, anything to add?

17 MR. CAMPBELL: Nothing that
18 hasn't already been covered.

19 CHAIRMAN EWASUTYN: Karen?

20 MS. ARENT: We discussed trees.
21 They use the trees for mitigating
22 various impacts. They decided they
23 wanted a specific quantity of trees.
24 I just really couldn't tell them

1 anything. We discussed the fact that
2 on the other site, Matrix, the one off
3 of Union Avenue, that most of the
4 saplings that were planted on the
5 hill, at least three-quarters of them
6 are still alive and doing very well
7 whereas when Mr. Utschig spoke at the
8 meeting, he said that they were all
9 dead, that somebody needed a rope to
10 be able to plant these trees and I
11 talked to the landscaper the next day
12 and he said he didn't need a rope or
13 anything. Most of them are alive. I
14 just want to make sure you have the
15 right information going into the
16 meeting because I'm not going to be
17 able to be at that meeting and just
18 when you are making up your mind to
19 know most of the trees -- over
20 three-quarters of the trees are alive
21 on the big slope and also the
22 landscaper didn't think it was a big
23 problem.

24 CHAIRMAN EWASUTYN: What's your

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point, Karen?

MS. ARENT: My point is that --
(interrupted)

CHAIRMAN EWASUTYN: No, I'm serious. What's your point? Are you looking for additional trees and they don't want to offer additional trees?

MS. ARENT: They don't want to do that at all. In my memo I wrote all the reasons why trees make the sites better and all the impacts they help mitigate.

MR. HINES: Karen's discussion moves into the fact that the clearing and grading and trying to lose some of the material on the site resulted in one and a half acres of additional clearing and they had suggested that they were going to put that on the grass lawn and that's where Karen discussed maybe there's some opportunity to put back some of the trees that are being removed to get rid of that, so some volume of that

1 soil that is staying on the site.
2 They put a lot more thought into this
3 plan. Realistic travel times,
4 identifying using larger truck, they
5 are going to use dump body trucks,
6 tractor-trailer size dump trucks.
7 They mentioned 20 yard tandem axle
8 trucks increases the number of
9 vehicles and larger trucks certainly
10 moving that volume and fill is much
11 more effective and we gave them a
12 laundry list of items they should put
13 into that plan including providing the
14 plan to the contractor. Identifying
15 truck routes that they are making
16 rights out of the site, rights on 84
17 and heading to their proposed sites,
18 at least the Ramapo site that they
19 have identified. We will be seeing --
20 they are going to go back and provide
21 us with that detail prior to the
22 meeting.

23 CHAIRMAN EWASUTYN: Any
24 questions from board members?

1 MR. DOMINICK: Pat, you said
2 they are going to make more of a grass
3 area on the 17K side. What are they
4 going to do so they don't have
5 failures of the 300 side? That grass,
6 and Karen you can chime in, weeds,
7 clover, it's thin. It's not
8 established at all. I know it's new,
9 but it's not the best.

10 MS. ARENT: We discussed that.
11 Another part of my notes I asked them
12 to write maintenance on how they were
13 going to take various types of ground
14 covers and they don't want to do it.
15 They refuse.

16 MR. DOMINICK: I think Frank
17 said maybe sod would be an answer.

18 MS. ARENT: Sod gets just as
19 weedy if you don't take good care of
20 it. Personally I think a treed area
21 is better looking in the long run
22 because there's a lot less evasive
23 plants that they can move in as long
24 as the bodies are taken care of

1 because open fields have to get
2 covered with barberry, all kinds of
3 different vine materials. But a
4 managed memo, for example, if they
5 have a plan for mowing once a year,
6 things like that, that really helps
7 something look better. Also getting
8 rid of some of the weeds in the
9 beginning and trying to -- it's really
10 managing everything. I know when you
11 put in sod you have to really water it
12 and baby it. If you don't give it the
13 right amount of fertilizer, etcetera,
14 it doesn't do well over time so you
15 end up with not such a great product.
16 I was trying to get them to listen to
17 maintenance items, but they don't want
18 to do it.

19 CHAIRMAN EWASUTYN: Can you
20 prepare so we can read it as to how
21 many additional trees and where you
22 think the trees should be planned, cut
23 and dry?

24 MS. ARENT. Yes, I can do that.

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CHAIRMAN EWASUTYN: The difficulty with the maintenance plan, what is the difficulty?

MS. ARENT: You can't enforce it.

CHAIRMAN EWASUTYN: Excuse me?

MS. ARENT: You can't enforce it.

CHAIRMAN EWASUTYN: Exactly. I'm not right, but back to something like Starbucks, you want something that's utilitarian. So trees are going to be the thing that can work. Dave Dominick is right, what we found with the existing Matrix we are still tripping and stepping on our toes with that site. If you come up with sort of a number, a suggestion and a design and then it would be up to the board whether you want to make that condition on what we are working with here.

MS. ARENT: Yes.

CHAIRMAN EWASUTYN: It would be

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nice if you could be here.

MS. ARENT: I'll be away in Morocco.

CHAIRMAN EWASUTYN: Leaving us to deal with rocks.

MR. WARD: With your e-mail, I read where they get in touch with DOT.

MR. CORDISCO: Yes. That was one of the comments was the fact that DOT was not aware, but they are aware of the project, but not aware of the route of the materials. They are supposed to supply their plan to the DOT as well for their comments. It is likely to affect their temporary construction entrance design.

MR. WARD: My other question is, I read the e-mail when I was down in Rockland and I just so happened to be on the Thruway at Ramapo. What I'm saying is that is 45 minutes to an hour without traffic and accidents and everything else. So that's a distance. That's a lot of trucks to

1 be going that way. My other question
2 is the construction road going down,
3 it's not just a regular dump truck
4 now, you have a tractor-trailer truck
5 going down a construction road with
6 heavy fill or rocks or whatever it is.
7 It's a safety issue there.

8 MR. CORDISCO: Right.

9 MR. HINES: They are going to
10 implement flag men at the entrance
11 drive as part of their plan to control
12 their trucks.

13 CHAIRMAN EWASUTYN: Thank you
14 for your time. Can I have a motion to
15 close the Planning Board meeting of
16 the 2nd of November?

17 MR. GALLI: So moved.

18 MS. DeLUCA: Second.

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

23 MR. WARD: Aye.

24 MR. BROWNE: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Thank you.

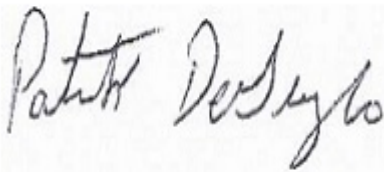
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STATE OF NEW YORK)

) 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: November 13, 2023