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

- - - - - X
In the Matter of

JUNCTION DEVELOPMENT, LLC
(2025-09)

561 International Boulevard
Section 89; Block 1; Lot 81
IB Zone

- - - - - X

AMENDED SITE PLAN

Date: May 1, 2025
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
KENNETH WERSTED

APPLICANT'S REPRESENTATIVES: JAMIE LoGIUDICE
ALAN GETZ
KURT GETZ

- - - - - X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: Ladies and
3 gentlemen, the Town of Newburgh Planning
4 Board would like to welcome you to our
5 meeting of the 1st of May 2025. This
6 evening we have six agenda items. One of
7 the agenda items is a public hearing.

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

10 MR. DOMINICK: Present.

11 MS. DeLUCA: Present.

12 MR. MENNERICH: Present.

13 CHAIRMAN EWASUTYN: Present.

14 MR. BROWNE: Present.

15 MS. CARVER: Present.

16 MR. WARD: Present.

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

19 MS. CONERO: Michelle Conero,
20 Stenographer.

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

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

25 CHAIRMAN EWASUTYN: Now we'll turn

2 the meeting over to Stephanie DeLuca.

3 MS. DeLUCA: Please stand for the
4 Pledge.

5 (Pledge of Allegiance.)

6 MS. DeLUCA: I ask that you please
7 silence your phones or turn them off.

8 CHAIRMAN EWASUTYN: Our first item
9 of business is Junction Development,
10 project number 25-09. It's here tonight
11 for an amended site plan. It's located
12 on 561 International Boulevard. It's in
13 an IB Zone. It's being represented by
14 Insite Engineering.

15 The applicant will now make their
16 presentation.

17 MS. LOGIUDICE: Thank you,
18 Mr. Chairman. As you mentioned, my
19 name is Jamie LoGiudice from Insite
20 Engineering, Surveying & Landscape
21 Architecture. Also helping me is
22 Alan Getz and Kurt Getz from Vanguard
23 Investors for the owners of the
24 property.

25 As you mentioned, the property

is located at 561 International Boulevard, at the corner of that road and the on ramp to Interstate 84. There's an existing building that we are maintaining. There is an existing tenant.

Currently we are looking to make improvements to the site, which include providing additional outdoor gravel storage areas and including some oil and stone chipped areas for the parking spaces, some additional trailer parking and some landscaped areas.

We do have some landscaping around the perimeter where there are existing trees at the corner and other vegetation. We are providing some additional vegetation here, along the frontage here and here, and then surrounding the views into the site and in this location here.

We have amended the plan to provide an eight-foot high chain link

fence to surround the outside storage.

We provided additional information about the wetland mitigation areas.

We provided additional information on the septic as well -- the septic system as well.

We're in receipt of additional comments. We'll be able to address those within the next submission.

CHAIRMAN EWASUTYN: Comments from Board Members. Dave Dominick.

MR. DOMINICK: You addressed my questions before. Thank you.

MS. DeLUCA: No further questions. Thank you.

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: One comment. On your general planting notes, can you add that there's a required two-year warranty for the plants?

MS. LoGIUDICE: We can add that.

CHAIRMAN EWASUTYN: No further

2 comment.

3 MR. BROWNE: Nothing more. Thank
4 you.

5 MS. CARVER: I have nothing further
6 either.

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

9 CHAIRMAN EWASUTYN: Jim Campbell,
10 Code Compliance.

11 MR. CAMPBELL: With the addition of
12 the oil and stone in the regular parking
13 area, that complies now with Code
14 185-12-D(7). That's no longer an issue.

15 Are you proposing any signage or is
16 there any existing signage?

17 MS. LOGIUDICE: There is existing
18 signage onsite. There is an existing
19 building-mounted sign that is this.

20 CHAIRMAN EWASUTYN: Why don't you
21 pass it around.

22 MS. LOGIUDICE: That is on this
23 space I believe.

24 MR. GETZ: No. The other.

25 CHAIRMAN EWASUTYN: For the record

2 can we have your name?

3 MR. GETZ: Alan Getz, Vanguard
4 Investment.

5 MR. DOMINICK: The dimensions of
6 the sign?

7 MS. LOGIUDICE: Those I do not
8 have, unless you have the dimensions.

9 MR. GETZ: I don't have those
10 dimensions.

11 MS. LOGIUDICE: We'll provide them.

12 There is an additional sign out
13 front, a freestanding sign. We can
14 provide that additional information as
15 well. There's no new signage proposed.

16 MR. CAMPBELL: If you can supply
17 those dimensions. The signage is part of
18 ARB. The dimensions, I have to make sure
19 that it conforms. Even if it's existing
20 signage and you're changing it, you're
21 just changing the face of it, it has to
22 conform.

23 MS. LOGIUDICE: Okay. If we're not
24 changing it at all, is it grandfathered,
25 for lack of a better description?

2 MR. CAMPBELL: Are you changing the
3 name on it?

4 MS. LOGIUDICE: No. Nothing is
5 changing.

6 MR. CAMPBELL: What's on the sign
7 now?

8 MS. LOGIUDICE: Brightcore.

9 MR. CAMPBELL: Was that added
10 without a permit?

11 MS. LOGIUDICE: We'll make sure
12 everything complies. We'll double check
13 that.

14 CHAIRMAN EWASUTYN: Ken Wersted,
15 Creighton Manning, any comments?

16 MR. WERSTED: Just to note that
17 there is a project across the street on
18 the other corner of this interchange.
19 It's called Gasland Petroleum. They do
20 have a traffic study that they've done.
21 Their driveway comes out approximately
22 what's shown on the plan. I don't know
23 that there will be any significant
24 interaction with this site. If we find
25 any relevant details, we'll be certain to

2 pass those along to you.

3 MS. LOGIUDICE: Great. Thank you.

4 CHAIRMAN EWASUTYN: Pat Hines with
5 MH&E.

6 MR. HINES: The project requires a
7 DEC wetland permit. The balance of the
8 parcel, which they're not using, is
9 regulated wetlands as the 100-foot buffer
10 comes into the site. I believe they've
11 applied for that.

12 We're just asking that you copy the
13 Board on any permit applications to other
14 agencies for their file as the Board has
15 circulated intent for lead agency and has
16 received back a few of the responses to
17 date.

18 The adjoiners' notices have been
19 sent out.

20 There is a floodplain crossing the
21 area of development, so a floodplain
22 development permit may be required. I
23 actually think you're excavating in the
24 floodplain. It may be kind of a
25 ministerial act to fill out that form.

That goes through the Code Department.

There was identification of potential habitat for protected bat species, however there is no tree removal proposed on the site.

Similarly, that would address the Town's Tree Preservation Ordinance as this is an existing site. There is grading on the site, but no tree removal.

We included the Orange County DPW in the lead agency circulation as there's an easement from when Drury Lane, International Boulevard now, was a County road.

There is a County drainage easement crossing the site. We'll need input on that.

We did receive an updated stormwater pollution prevention plan, however there is some soil infiltration testing that needs to be done to complete that.

We talked about the parking surface.

A County Planning submission is

2 required as it's on the State highway
3 intersection.

4 It would be appropriate for the
5 Board to submit it at this time, along
6 with the stormwater plan and any traffic
7 studies.

8 CHAIRMAN EWASUTYN: Dominic Cordisco,
9 Planning Board Attorney.

10 MR. CORDISCO: The procedural
11 action for the Board to consider tonight
12 would be a referral of this matter to the
13 Orange County Planning Department. That
14 would be required before the Board could
15 consider any further steps.

16 CHAIRMAN EWASUTYN: Having heard
17 from Planning Board Attorney Dominic
18 Cordisco, would someone move for a motion
19 to circulate to the Orange County
20 Planning Department.

21 MR. DOMINICK: I'll make the motion.

22 MS. DeLUCA: Second.

23 CHAIRMAN EWASUTYN: I have a motion
24 by Dave Dominick. I have a second by
25 Stephanie DeLuca. Can I have a roll call

2 vote starting with Dave Dominick.

3 MR. DOMINICK: Aye.

4 MS. DeLUCA: Aye.

5 MR. MENNERICH: Aye.

6 CHAIRMAN EWASUTYN: Aye.

7 MR. BROWNE: Aye.

8 MS. CARVER: Aye.

9 MR. WARD: Aye.

10 CHAIRMAN EWASUTYN: Motion carried.

11 Thank you.

12 MS. LoGIUDICE: Beautiful.

13 CHAIRMAN EWASUTYN: You'll work
14 with Pat Hines' office for circulation to
15 the Orange County Planning Department.

16 MS. LoGIUDICE: Yes.

17 MR. HINES: That's electronic now.
18 It's fairly smooth.

19 MR. BREW: Can you leave that up
20 there, please?

21 CHAIRMAN EWASUTYN: That section of
22 the meeting is over. If you want to go
23 out in the lobby and look at it, you can
24 do that.

25 MR. BREW: That's fine. Can

2 somebody on the Board tell me the
3 justification and need for a truck stop,
4 please?

5 MR. HINES: That's a different
6 project, sir.

7 MR. BREW: Whatever the project is,
8 building on that road, people coming up
9 84 with the big trucks, they're doubling
10 up trying to get in. They stop the
11 traffic going up to Walden because they
12 can't get through. The trucks are
13 jamming it up.

14 CHAIRMAN EWASUTYN: Why don't you
15 speak with her out in the lobby.

16 MR. BREW: In other words, you
17 don't want to hear what I'm saying.

18 CHAIRMAN EWASUTYN: To be polite,
19 the application that was currently before
20 us isn't scheduled for a public hearing
21 for public comment.

22 MR. BREW: It will be how long in
23 the future?

24 CHAIRMAN EWASUTYN: Depending upon
25 the submittal. It could be three more

1 applications. We have no idea. We
2 schedule the agenda items based upon when
3 we receive further information from the
4 applicant. With this particular project
5 in front of us, we can't do anything
6 within -- what's the timeframe, Dominic?

7 MR. CORDISCO: Thirty days.

8 CHAIRMAN EWASUTYN: We can't do
9 anything within thirty days.

10 Explain why that is, Dominic.

11 MR. CORDISCO: This project that
12 was just on has --

13 MR. BREW: Excuse me, sir. Louder,
14 please.

15 MR. CORDISCO: This project that
16 was just on has to be referred to the
17 County Planning Department for their
18 review. Once that referral is made, the
19 County has thirty days to review it
20 before they can respond.

21 MR. BREW: In essence, what you're
22 saying is this Board has nothing to do
23 with it?

24 MR. CORDISCO: No, no. This Board
25

2 can't do anything for thirty days to
3 give the County a chance to look at
4 the project.

5 MR. BREW: In other words, pass
6 it along.

7 MR. CORDISCO: If you're concerned
8 about the truck stop, that's not this
9 one. It's the third one on the agenda.

10 MR. BREW: Okay. That's fine. It
11 doesn't read that way.

12 CHAIRMAN EWASUTYN: Thank you.

13

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 12th day of May 2025.



MICHELLE CONERO

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

- - - - - X
In the Matter of

NEWBURGH SELF-STORAGE
(2024-06)

1420 Route 300
Section 60; Block 3; Lot 22.222
IB Zone

- - - - - X

ARCHITECTURAL REVIEW BOARD - SIGNAGE

Date: May 1, 2025
Time: 7:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

- - - - - X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: The second item
3 of business this evening is Newburgh
4 Self-Storage, project number 24-06. It's
5 here for signage and ARB. It's located
6 on 1420 Route 300 in an IB Zone. It's
7 being represented by Justin Dates of
8 Colliers Engineering.

9 Justin.

10 MR. DATES: Thank you, Mr. Chairman.
11 Justin Dates, Colliers Engineering &
12 Design for the applicant, Budget Store &
13 Lock Self-Storage. A representative from
14 the applicant's side is here tonight
15 should there be any questions that the
16 Board may have.

17 As the Chairman mentioned, we're
18 here to present our initial application
19 on the signage package for this project.
20 There are four proposed signs for the
21 site. I'll take you through what these
22 are.

23 I'll start with the building-
24 mounted signage. Sign A, which is
25 located -- this is the office access or

2 office building at the front of the site
3 up by Route 300. So here. It's just got
4 the word leasing over top of the main
5 access door. That's 2.93 square feet in
6 size and it's flush mounted to the face
7 of the building.

8 The second building-mounted sign is
9 this one down here. It's noted as sign
10 B. It's drive-thru, just the lettering.
11 This is the former cinema building. You
12 have a drive-thru or a drive-in door,
13 overhead door, where this would be placed
14 on the western side of that. That one,
15 again, is mounted to the building and is
16 illuminated. That one is 13.61 square
17 feet in size.

18 We have two proposed freestanding
19 signs. I'll start with the first one
20 here which is identified as the sign D
21 package. That one is located out on the
22 Route 300 frontage. That's the main
23 access into the facility. That's where
24 you come in. The leasing office is right
25 there in front of you. Right now there

1 is the existing cinema sign in that
2 island. We would be looking to remove
3 that and replace it with this proposed
4 sign. This sign is 145.75 square feet in
5 size. It's 8'10.10" by 16'6" and the
6 proposed height is 30 feet tall on that
7 one.
8

9 If the Board recalls, the project
10 site does have access to the northeast
11 out to Route 52. Again, there is a small
12 existing island there which has a sign in
13 it as well, a cinema sign, similar to the
14 one on Route 300. We would be looking to
15 remove that and replace it with a similar
16 sign as up on Route 300. This one is 91
17 square feet in size. 13' by 7' is the
18 dimension of the sign. It's 25 feet
19 tall.

20 We do have a couple of variances on
21 the application I was going to identify
22 for the Board. So one, our freestanding
23 sign on Route 300, we received a variance
24 for the location of that and the
25 proximity to the property line. We do

2 want to put it in the same location as
3 the existing cinema sign which is only
4 located 19.75 feet from the property line
5 to the face of the sign. Being that that
6 sign is proposed at 30 feet tall, we're
7 supposed to be 30 feet away from the
8 property line. That one we see as
9 requiring a variance of 10.25 feet.

10 The building-mounted signs, we do
11 not see any variances for those.

12 The building frontage facing Route
13 300 for the project site is 67 linear
14 feet. That would equate to 67 square
15 feet of allowable building mounted signs.
16 We are at 16.5 square feet for that.
17 We're below that threshold.

18 The signage on Route 52, that is
19 located on the driveway on an easement.
20 The actual property of the project site
21 does not extend to Route 52. It's just
22 an easement that allows access into the
23 site. We believe that that one in
24 totality requires a variance because it's
25 not on the project site. It is less than

2 the number of feet permitted from the
3 property line.

4 That's it.

5 CHAIRMAN EWASUTYN: Jim Campbell,
6 comments or do you need time to --

7 MR. CAMPBELL: No. I believe
8 Justin hit it right on the head with what
9 he needs.

10 The South Plank sign would need
11 possibly two variances. One would be
12 because of the offsite and then the
13 distance from the property line.

14 MR. DATES: Okay.

15 CHAIRMAN EWASUTYN: What would the
16 other one be?

17 MR. CAMPBELL: That would be the
18 distance from the property line. The
19 signs as portrayed do comply as far as
20 size and stuff. It's the distance from
21 the property line.

22 MR. DATES: Okay. Thank you.

23 CHAIRMAN EWASUTYN: Pat Hines with
24 MH&E.

25 MR. HINES: We have nothing

2 further. We just identified those three
3 variances.

4 CHAIRMAN EWASUTYN: We're going to
5 have to make a motion. We're going to
6 discuss what those variances are. We'll
7 make a motion for the Board to approve
8 Dominic Cordisco to prepare a referral
9 letter to the Zoning Board of Appeals for
10 the following variances.

11 Dominic.

12 MR. CORDISCO: One would be for the
13 distance to the property line which is
14 within 15 feet. Also, in fact, that sign
15 is located on separate property. This is
16 the South Plank sign.

17 The other sign would also require a
18 variance because it is -- on Route 300 it
19 is proposed as 30-foot high which would
20 require a 30-foot setback from the
21 property line.

22 CHAIRMAN EWASUTYN: Would someone
23 make a motion then to have Dominic
24 Cordisco prepare a referral letter to the
25 Zoning Board of Appeals for the variances

2 required for the Newburgh Self-Storage
3 signage.

4 MS. CARVER: So moved.

5 MR. BROWNE: Second.

6 CHAIRMAN EWASUTYN: I have a motion
7 by Lisa Carver. I have a second by Cliff
8 Browne. Can I have a roll call vote
9 starting with John Ward.

10 MR. WARD: Aye.

11 MS. CARVER: Aye.

12 MR. BROWNE: Aye.

13 CHAIRMAN EWASUTYN: Aye.

14 MR. MENNERICH: Aye.

15 MS. DeLUCA: Aye.

16 MR. DOMINICK: Aye.

17 CHAIRMAN EWASUTYN: Motion carried.

18 Thank you.

19 Maybe just for simplification,
20 you'll send us an e-mail in reference to
21 these variances sometime tomorrow?

22 MR. DATE: Absolutely.

23 CHAIRMAN EWASUTYN: Thank you.

24

25 (Time noted: 7:15 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 12th day of May 2025.



MICHELLE CONERO

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

- - - - - X

In the Matter of

AVION VENTURES WAREHOUSE
(2024-16)

Pomarico Drive
Section 96; Block 1; Lot 37.222
IB Zone

- - - - - X

PUBLIC HEARING
SITE PLAN & ARCHITECTURAL REVIEW BOARD

Date: May 1, 2025
Time: 7:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

- - - - - X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: The third item
3 of business this evening is Avion
4 Ventures Warehouse, project number 24-16.
5 It's here tonight for a public hearing on
6 the site plan and ARB. It's located on
7 Pomarico Drive. It's in an IB Zoning
8 District. Justin Dates with Colliers
9 Engineering & Design will be speaking on
10 the project.

11 At this time the meeting will be
12 turned over to Ken Mennerich to read the
13 notice of hearing.

14 MR. MENNERICH: "Town of Newburgh
15 Planning Board, notice of hearing.
16 Please take notice that the Planning
17 Board of the Town of Newburgh, Orange
18 County, New York will hold a public
19 hearing pursuant to Section 274-A of the
20 New York State Town Law and Chapter
21 185-57 Section K of the Town of Newburgh
22 Code on the application of Avion Ventures
23 Warehouse, project 2024-16. The project
24 proposes a 56,000 square foot warehouse
25 facility, 5 loading docks and associated

passenger vehicle parking. The project accesses from Pomarico Drive, a private roadway. The project site is located at the current terminus of Pomarico Drive. The project will be served by connections from the Town of Newburgh water and sewer systems. The project site contains New York State DEC regulated wetlands and associated buffers. A permit from New York State DEC is required. The project is located in the Town's IB Zoning District. The parcel is known on the Town of Newburgh Tax Maps as Section 86; Block 1; Lot 37.222. A public hearing will be held on the 1st day of May 2025 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. or as soon thereafter, at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 4 April 2025."

Let me continue a second. The

2 public hearing process, I wanted to make
3 you aware. I'd like to explain how the
4 Planning Board manages the public
5 hearings so as to have an orderly and
6 productive hearing. The project
7 applicant or the representative for the
8 project will give an overview of the
9 project. The Planning Board Chairman
10 will then open the hearing for questions
11 or comments on the project. At this
12 point you can raise your hand and be
13 recognized by the Chairman. Please give
14 your first name before asking a question
15 or commenting. The applicant or Planning
16 Board's technical representatives may
17 respond to the questions. Once you have
18 finished, you need to wait until all
19 persons that want to speak have had a
20 chance. Once everyone has had an
21 opportunity to speak, the Chairman will
22 recognize people that want to speak
23 again. The Planning Board welcomes your
24 comments and input on the issues
25 pertaining to the project. Thank you.

2 MS. GONYEA: Excuse me.

3 CHAIRMAN EWASUTYN: Again, we're
4 following an order.

5 MS. GONYEA: First of all, most of
6 the people here are elderly and cannot
7 hear any --

8 CHAIRMAN EWASUTYN: Then I say --

9 MS. GONYEA: The board is too far
10 away.

11 CHAIRMAN EWASUTYN: Let's stop. If
12 you can't hear, the best we can
13 accommodate is by moving forward.

14 MR. BREW: Sir, you do have mics
15 there.

16 CHAIRMAN EWASUTYN: They're not set
17 up right now. Let Justin give a
18 presentation.

19 Justin, speak loud.

20 MR. DATES: Sure.

21 MS. GONYEA: Thank you.

22 MR. DATES: Justin Dates, Colliers
23 Engineering & Design on behalf of the
24 applicant, Avion Ventures.

25 Just to go into a little bit more

detail on the public notice that you received and the details of the project, the project site is at the end of Pomarico Drive, a private road.

The parcel itself is about 12 acres in size. About a third of that is encumbered with a New York State DEC freshwater wetland.

This is the site plan that you may have seen of the project. North is facing to your right. Those wetlands are this hatched area here. They also have a 100-foot buffer area, as mentioned in the notice.

The site is in the Town's IB or Interchange Business Zoning District.

The applicant is proposing a 56,000 square foot warehouse facility. That particular use within this zone is permitted with site plan review by the Planning Board.

We have provided on the site 34 parking spaces, which complies with Code, 6 loading docks, which also complies with

2 the Town Code. Parking is on the west
3 side of the building and our loading
4 docks are on the north side facing that
5 way.

6 The site itself --

7 CHAIRMAN EWASUTYN: Justin, when
8 you talk, face the audience.

9 MR. DATES: Sorry. The site as
10 designed complies with the IB Zoning
11 District bulk requirements which deals
12 with setbacks, coverages, building
13 heights and things of that nature.

14 I recognize some of the faces here
15 from the ZBA public hearing where we were
16 at that time pursuing a height variance
17 which was denied. The building height is
18 compliant with the maximum permitted by
19 the Town in this zone.

20 Our utilities. There is a water
21 line that extends to the northern end of
22 Pomarico Drive, just south of where our
23 site begins. We will be extending that
24 water line into the site for potable
25 water for the building as well as for the

fire suppression system.

Sanitary sewer. The closest connection point is just outside or off the intersection of 17K and Pomarico Drive. We are proposing a pump station for the building on the south side of the building here. We'll have a force main that goes and ties into that existing manhole down by 17K. Roughly the building is looking to use about 612 gallons per day.

Stormwater. We have designed a collection and conveyance of stormwater runoff. That will be conveyed to two bio-retention areas on the western side of the site. The design requirements are met in accordance with New York State DEC and also the Town's requirements.

Traffic. Pomarico Drive is 12 to 14 feet, at best, in width basically from the Peterbilt pull off down to the very end. This project is going to expand that to 24 foot wide all the way to our project site, and then it will connect

into the drive aisles within our project site.

Also we have proposed at this point out on 17K a left-hand turn lane for eastbound traffic on 17K. I have this plan here. This is Pomarico Drive, 17K. We'll be establishing a left-hand turn for eastbound. So going towards the City of Newburgh, left-hand turns into Pomarico Dive. Route 17K is a New York State highway, so we have provided this design to them for review and concurrence to address our traffic mitigation.

We're also looking at doing signal timing improvements to the Lakeside Road, Pilot and 17K light, as well as the off ramp lights for Interstate 84.

Provided with our site plan is a full landscape plan and lighting plan for the project site, and other reports as for the sewer pump station, the stormwater designs, traffic impact analysis. That has all been part of our application documents provided to the Board at this

time.

CHAIRMAN EWASUTYN: As Ken Mennerich had said with the reading of the notice and the follow up, anyone who has any questions, please raise your hand and give your name. This gentleman.

MR. GANCI: You mentioned you're going to widen the road to 24 feet.

MR. DATES: Yes, sir.

MR. GANCI: What's the surface going to consist of? The surface today --

MR. DOMINICK: Sir, your name for the record?

MR. GANCI: My name is Robert Ganci. My wife and I own the house at 26 Pomarico Drive. It's the middle house.

That road today is a shale base with 3 inches of blacktop. Are you going to add to the blacktop?

MR. DATES: No. We will be --

MR. GANCI: That road will not
handle --

CHAIRMAN EWASUTYN: Please. He may

2 have a deeper response to your question
3 as far as the road design. Allow him to
4 speak.

5 MR. GANCI: Okay.

6 MR. DATES: We are going to
7 reconstruct that roadway essentially.
8 New subbase, binder course as well as top
9 course.

10 CHAIRMAN EWASUTYN: Can you speak
11 numbers, --

12 MR. DATES: Yes, I can.

13 CHAIRMAN EWASUTYN: -- whether it's
14 six inches of a subbase, twelve inches?
15 How many inches of a binder? How many
16 inches on the top?

17 MR. GANCI: Will it be up to County
18 spec for a public road?

19 CHAIRMAN EWASUTYN: Let me stop.
20 Pat Hines, what's the required design
21 based upon the Town?

22 MR. HINES: So the Town has
23 specifications. This would be for a
24 commercial access. The roadway detail
25 identifies a six-inch thick subbase

2 course, three inches of binder and an
3 inch and a half top course. It will be a
4 whole new roadway pavement section.

5 MR. GANCI: I have another
6 question. You want to put a left-turn
7 lane in front of Pomarico Drive?

8 MR. DATES: On 17K.

9 MR. GANCI: Do you wish to extend
10 the one that exists today for Lakeside
11 Road?

12 MR. DATES: No. No, we are not --

13 MR. GANCI: So there will be two?

14 MR. DATES: Yes. Can I bring this
15 over to you? You can stay there. So
16 here's what you're speaking of, the left
17 for Lakeside.

18 MR. GANCI: Yes.

19 MR. DATES: That all remains.
20 Right now you have a striped median that
21 extends beyond that on 17K right now.

22 MR. GANCI: Yes.

23 MR. DATES: That will be modified
24 to a left-hand turn lane for access into
25 Pomarico Drive, 190 feet.

2 MR. GANCI: If you put a left-turn
3 lane there and a truck is sitting there
4 with its blinker on waiting to turn,
5 anybody on Pomarico Drive or the Mobil
6 station or the diner cannot visually
7 clear themselves to the right. Meaning
8 they'll never be able to turn out.

9 MR. DATES: Okay. We'll take that
10 into consideration. We did a traffic
11 analysis. Based on the timing and
12 improvements we're doing to the light --

13 MR. GANCI: The traffic is all day
14 long at this intersection.

15 MR. DATES: Understood. Understood.
16 The study that we provided shows where
17 there are gaps in the access points
18 as to what we developed as the mitigation
19 for the project.

20 CHAIRMAN EWASUTYN: Ken Wersted is
21 with Creighton Engineering. He's our
22 traffic consultant. Allow him to speak
23 on your question also.

24 MR. WERSTED: Relative to the left-
25 turn lane question, it really depends on

2 where that truck is sitting. If that
3 truck is out in the left-turn lane, it
4 has the right of way to turn left into
5 Pomarico Drive over a vehicle trying to
6 turn left out of Pomarico Drive or come
7 out of the gas station next door to it.
8 In the hierarchy of who goes first, it's
9 that car that is in that left-turn lane,
10 or truck in that left-turn lane before
11 someone is pulling out of the Mobil
12 station or Pomarico Drive. If someone is
13 pulling out of Pomarico Drive and wants
14 to make a right turn, certainly they can
15 do so. The left turn in and the right
16 turn out can happen simultaneously. In
17 terms of the hierarchy, a vehicle sitting
18 in that left-turn lane would block the
19 view if someone was pulling out of
20 Pomarico Drive also trying to turn left.
21 However, the person who is on 17K turning
22 left in has the right of way to go first.

23 MR. GANCI: It will also block the
24 Mobil station. It will also block the
25 diner. It's difficult today to make a

2 left turn out of any place, from Racquet
3 Road down to Lakeside Road. This truck
4 situation will just make it worse.

5 CHAIRMAN EWASUTYN: Ma'am.

6 MS. TIRADO: Good evening, everyone.
7 Thanks for taking my question.

8 So what I hear --

9 MR. DOMINICK: Your name?

10 MS. TIRADO: I'm so sorry. Vanessa
11 Tirado.

12 So what I'm hearing here now is the
13 mitigation of the traffic concern. It
14 would be a concern because I live on
15 Lakeside Road. You know what happened,
16 years ago when they built Pilot, they
17 said oh, traffic is not going to be a
18 problem. We know now traffic is a
19 problem. Guess what. It's getting
20 worse.

21 In saying that, let's go to this
22 new project that's before us. We're on
23 17K, okay. 17K at this location has one
24 lane going west. Correct?

25 MR. DATES: Correct.

2 MS. TIRADO: Two lanes going east.
3 The mitigation of a right -- I'm sorry,
4 the left-hand turn, you're saying, into
5 Pomarico would not be an obstruction for
6 the people going west. I beg to differ,
7 but I'm going to explain why. You have a
8 traffic light at the corner of 17K and
9 Lakeside Road, you have the diner, you
10 have the gas station and then you have
11 the turn in, which is a very narrow turn
12 in, into Pomarico Road. It's not wide at
13 all. You have the truck thing, Bilt
14 something, there.

15 MR. DATES: Peterbilt.

16 MS. TIRADO: Peterbilt. So you're
17 going to go down past Peterbilt, past
18 these lovely homes that my neighbors have
19 to the furthest end where this new
20 warehouse is going. Correct?

21 MR. DATES: That's correct.

22 MS. TIRADO: The narrow road,
23 because it is narrow, I know, I visit my
24 friend, thank you very much, and you're
25 going to widen it after the fact.

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2 widened as you go further into it, which
3 will be into the warehouse. Correct?

4 MR. DATES: The smaller area coming
5 in, it's wide. As I mentioned, at 17K
6 it's about a 30-foot wide curb cut. When
7 you come in, we're going to take where
8 the Peterbilt driveway goes off to the
9 west, that's where the narrow Pomarico
10 Drive comes in. We're going to start
11 there with a 24-foot road.

12 MS. TIRADO: Okay. I think there's
13 a little island there, too, if I'm not
14 mistaken, that turn in to make the left
15 in there.

16 MR. DATES: No.

17 MS. TIRADO: I'm seeing a little
18 island. Nevertheless, my concern would
19 be the trucks. Is there going to be a
20 specific truck length that is going to be
21 coming into this warehouse? Has that
22 been established? What type of truck,
23 single truck, double truck, that will be
24 turning into there and then turning into
25 the back, mitigating that traffic in

2 there and then coming into 17K at the one
3 lane? That is going to be a problem in
4 itself. We see that problem on 17K at
5 Lakeside Road turning into Pilot. If two
6 trucks come off of 84 making that -- off
7 of 84 and then making the left into
8 Pilot, traffic gets backed up. If they
9 don't catch the light correctly, they're
10 stuck there and you've got traffic going
11 east and traffic going west and it comes
12 to a standstill. We're talking about
13 just a left-lane cut in to go on 17K.
14 The left lane cut in to go and make a
15 left, I'm visualizing a problem. That's
16 all I'm going to say. I don't know who
17 the traffic concern is. Maybe we need to
18 relook at that. Do you understand what
19 I'm saying? Now with that left turn in,
20 how it narrows down on 17K to one lane.

21 MR. WERSTED: Yes.

22 MS. TIRADO: Here we're going to
23 have a small cut in for a major truck to
24 make that turn. We don't know the size
25 of the trucks that are even going to this

2 warehouse. We don't know right now
3 anyway.

4 MR. DATES: I can --

5 MS. TIRADO: You can answer that.
6 Okay.

7 There's where I see some kind of
8 traffic concern for us on 17K. I mean,
9 there's traffic concern for us now on
10 17K. Over the years we've had several
11 accidents, and some of them have been
12 fatalities, in case you don't know
13 because you're hearing it later. There
14 was a bad accident, this person died, oh,
15 my God.

16 Nevertheless, as neighbors and
17 people who live in the community, we
18 would definitely like to see, when this
19 is looked at as a whole, that you take in
20 all of these considerations. I'm standing
21 up. I shouldn't be standing up. I'm so
22 sorry. Take all this stuff into
23 consideration.

24 Also the environment of the people
25 that live there.

2 So I'll let you go on with your
3 report. If I have to say something else,
4 I will.

5 CHAIRMAN EWASUTYN: Ken Wersted, do
6 you want to kind of summarize the
7 expressions and the concerns as far as
8 how traffic is looked at on 17K, please.

9 MR. WERSTED: The study area for
10 this project and the projects in there
11 include the interchange, Pomarico Drive.
12 It accounts for the Pilot truck stop.
13 We've seen pictures of trucks doing
14 things and blocking traffic through
15 there, the end of the trailer sticking
16 out and not letting people go through.
17 We understand how that kind of affects
18 that area.

19 I personally walked through Pilot
20 to see how does it operate within this
21 area. A lot of you probably just drive
22 by and you see what's happening on 17K,
23 but it isn't always an issue on 17K, it's
24 something going on in Pilot. They have
25 their own constraints --

2 MS. TIRADO: That, too.

3 MR. WERSTED: -- that spill out
4 onto the road.

5 One of the things that the Planning
6 Board is looking at, in addition to
7 things that are going on on this project
8 site, but also looking at the impacts on
9 17K, looking at other projects that are
10 proposed in that area and how they all
11 come together and affect that area. It's
12 not just a single narrow focus of this is
13 what this project is and this is what
14 we're looking at. We understand what's
15 happening with other projects in the Town
16 here, and also Montgomery. Montgomery is
17 not too far away. Maybe it's a mile,
18 mile and a half. They have projects
19 going on over there that obviously come
20 through this area.

21 MS. TIRADO: Feeding into 17K.
22 You're correct.

23 MR. WERSTED: This project has
24 improvements proposed on the State
25 highway, so a highway work permit is

2 required. That pulls in the State DOT
3 review as part of that. They have much
4 broader viewpoints because it is their
5 roadway. Ultimately the Planning Board
6 could approve something on private
7 property, but if it comes in and connects
8 to a State highway, we also need the
9 State to approve that. If this was
10 coming in on a side street and it was
11 only Town related, then the Town would
12 control kind of all of those approvals.
13 We have other agencies involved in this
14 project given its location and access.

15 MS. TIRADO: I have another
16 question.

17 CHAIRMAN EWASUTYN: I'm going to
18 allow -- again, Ken Mennerich spoke
19 earlier as far as the order of the public
20 hearing. Everyone will have a turn to
21 speak. Those who haven't spoken yet have
22 priority at this point.

23 Who would like to speak?

24 MS. BURGOS: My name is Nancy --

25 CHAIRMAN EWASUTYN: Can you speak

2 louder?

3 MS. BURGOS: I don't speak very
4 loud. Let me try. I'm Nancy Burgos and
5 I'm the first house, I'm 22 Pomarico
6 Drive.

7 My problem here is we have a school
8 that's not far away. Those buses start
9 coming out, they're stuck also. They
10 have to pass Pilot, okay. They have to
11 go down Lakeside, they have to come back
12 on 17K and they have a problem. Can you
13 please look at that, too? I mean, it's a
14 major problem.

15 CHAIRMAN EWASUTYN: Ma'am.

16 MS. LEE-CSOKE: My name is Ana
17 Lee-Csoke. I'm the owner of 32 Pomarico
18 Drive, the last house on the corner.

19 I have three grandchildren that
20 live with me that take the bus. I'm
21 sorry, I'm so nervous. They are going to
22 be taking the bus. They get on and off.
23 I'm worried about the trucks going up and
24 down the road, their safety.

25 MR. DATES: Where does the bus drop

2 your children off?

3 MS. BURGOS: By the mailboxes at
4 the front.

5 MR. DATES: Okay.

6 CHAIRMAN EWASUTYN: The gentleman
7 behind him.

8 MR. TIRADO: Ernie Tirado. Where
9 exactly is the entrance and exit to the
10 warehouse? Is it all the way at the end
11 of Pomarico road?

12 MR. DATES: The actual driveway
13 access into the site?

14 MR. TIRADO: Getting into the
15 parking areas, into the site.

16 MR. DATES: Yes. So our property
17 -- this is our southernmost property.
18 We're on the far northeast -- I'm sorry.
19 We would be on the southwest corner of
20 our property.

21 MR. HINES: It is right at the
22 terminus. Where Pomarico road ends now,
23 it will continue into this site.

24 MR. TIRADO: We established that
25 you're going to expand the narrowest part

2 up to 24?

3 MR. DATES: Not the narrowest part.
4 The whole thing.

5 MR. TIRADO: From Peterbilt's
6 entrance?

7 MR. DATES: Correct. Yes.

8 MR. TIRADO: We also determined
9 that it's a private road. After you do
10 that improvement, who is ultimately
11 responsible for the maintenance of that
12 road?

13 MR. DATES: The private road
14 agreement holders or those that are part
15 of that private road agreement.

16 CHAIRMAN EWASUTYN: Again, I know
17 you're anxious.

18 MR. GANCI: I talked to the owners.
19 That's the reason why.

20 CHAIRMAN EWASUTYN: One thing at a
21 time. One thing at a time. We have to
22 keep decorum. Ken Mennerich said at the
23 beginning of the public hearing, we have
24 to keep it as an orderly hearing. We
25 want to keep that keynote orderly

2 hearing. We will get back to you. Let
3 the gentleman speak.

4 MR. TIRADO: Another question.
5 During construction will there be
6 blasting occurring? If so, how will that
7 affect the neighboring wells and septic
8 systems?

9 MR. DATES: Blasting, we don't
10 anticipate that at this time. We are not
11 proposing any other -- this is not going
12 to have a well, this project.

13 MR. TIRADO: I'm talking about if
14 there is any blasting going on, the
15 residents.

16 MR. DATES: I see. Understood.

17 MR. TIRADO: Will it disturb their
18 property to a certain extent and what
19 mitigation will --

20 MR. DATES: We were under the
21 impression that everyone is hooked up and
22 does not have a well.

23 UNIDENTIFIED SPEAKER: We don't
24 have a well. Town water.

25 MR. TIRADO: The last question.

2 Avion Ventures is the developer?

3 MR. DATES: They're the applicant
4 for the project.

5 MR. TIRADO: The applicant. Who is
6 the developer?

7 MR. DATES: They are the applicant
8 right now. They are looking to develop
9 the site at this time.

10 MR. TIRADO: Do they have an
11 occupant?

12 MR. DATES: No. There is no tenant
13 right now.

14 MR. TIRADO: We don't know what's
15 going to be stored in this warehouse?

16 MR. DATES: Right now it's a
17 warehouse distribution use which would
18 have dry storage of goods and things of
19 that nature. There are specific types of
20 items that can be stored in such a
21 facility that would meet this proposal.
22 If anything changes to that effect, the
23 applicant will be back before this Board
24 to get a re-approval of what that may be.

25 CHAIRMAN EWASUTYN: Let me stop you

2 for a second. Jim Campbell is with Code
3 Compliance. We're talking in a general
4 sense. You're correct, we don't know
5 what's going to be stored in there. We
6 don't know who the tenant is going to be.
7 We're going through what's called a site
8 plan approval process. We're going to
9 believe at some point in time this will
10 be approved, then the individual will
11 apply to the Building Department for a
12 building permit. Jim Campbell will speak
13 to you about the classification and uses,
14 how that's looked at with a building
15 permit.

16 Jim Campbell.

17 MR. CAMPBELL: When the applicant
18 applies for the building permit, it's
19 supplied with architectural plans for the
20 project. At that time it will also be
21 noted what is proposed to be stored in
22 there. Anything stored in there does
23 have to comply with the Fire Code.

24 MR. TIRADO: Thank you.

25 Just one question to Jim. Fire

2 protection, there's one hydrant there?

3 MR. CAMPBELL: They're anticipating
4 installing a fire loop and hydrants.

5 MR. TIRADO: There's enough
6 pressure for that and Peterbilt?

7 MR. CAMPBELL: That will all have
8 to be determined with the design.

9 MR. TIRADO: Thank you.

10 CHAIRMAN EWASUTYN: Anyone who
11 hasn't spoken who would like to speak?
12 The gentleman here.

13 MR. BREW: Andy Brew from Colden
14 Park.

15 Maybe somebody from the Board can
16 tell me, what's the justification for
17 this specific building?

18 CHAIRMAN EWASUTYN: Good question.
19 I'll turn that over either to Dominic
20 Cordisco, Planning Board Attorney, or Pat
21 Hines with MH&E as far as whether we call
22 it justification or what's a permitted
23 use and is it a permitted use.

24 MR. CORDISCO: The fact is this is
25 a permitted use in that zone at this

2 location. That's all that the Board and
3 the Town require. Because the project is
4 allowed in that zoning, an applicant is
5 free to propose a project as long as
6 their environmental impacts are mitigated
7 and reviewed by the Town. It's not part
8 of the Town's process to say whether or
9 not this is going to be a successful
10 project or whether or not this is a
11 required project or there's a demand for
12 the project. That falls to the applicant
13 to decide whether or not this is
14 something that they want to pursue.

15 MR. BREW: I have one question for
16 this gentleman. Where I live, in the
17 mornings when I'm trying to get out and
18 in the evening in Colden Park, the
19 traffic is jammed, all jammed. I have to
20 sit there and wait. Thank goodness for
21 the light, okay. Now the vehicles all
22 backed up both ways. Okay.

23 Don't take me wrong, but I suggest
24 that you take this project and give it to
25 Montgomery, just up the road. I'm

2 telling you just like it is. They love
3 warehouses. It's money in their pocket.
4 They love warehouses. In fact, they've
5 got at least one right now on Bracken
6 Road that's vacant, as usual. Brand new.
7 There's one across the railroad tracks on
8 the other side. They build warehouses.
9 They love the money coming into the town.
10 None of this is IDA either. It's either
11 pay up front or move on. Move on.

12 MR. DATES: I don't think there was
13 a question there, but thank you for your
14 statement.

15 MR. BREW: They love warehouses.

16 MR. DATES: On the traffic for one
17 second.

18 MR. BREW: Yes, please.

19 MR. DATES: Mr. Brew, is that
20 correct?

21 MR. BREW: That's correct.

22 MR. DATES: As Ken mentioned, the
23 DOT is the ultimate purveyor over what's
24 going to happen on 17K. We are proposing
25 what we find is our mitigation for this

2 project and the study of the adjacent
3 areas there. We're at the mercy of DOT.
4 It is obviously a critical component,
5 access to this site.

6 MR. BREW: The last part of my
7 question. Just so you know, and the
8 Board has to agree with me, we have so
9 many projects on 17K that the Town says
10 you can't do it because the road, the
11 environmental impacts, et cetera,
12 et cetera, and they don't want no
13 more lawsuits. When they first
14 started, lots of lawsuits. The
15 taxpayers are paying for them, okay.
16 Now they're backing off and saying
17 we'll approve it so we don't get a
18 lawsuit. True. Thank you.

19 CHAIRMAN EWASUTYN: The lady in the
20 back. You haven't had a chance to speak.

21 MS. GONYEA: Elaine Gonyea, Colden
22 Park.

23 When Pilot was being contemplated,
24 many people, including those of us here,
25 were involved with trying to get input

2 into the impact that a project of that
3 volume would have on local residents.
4 The group involved there went so far as
5 to actually have legal representation and
6 go to state court. We lost that case.
7 One should not wonder why this is an
8 issue in the minds of people, because you
9 have an unmitigated truck stop going to
10 be made worse by something that is within
11 a hop, skip and a jump across three lanes
12 to impact us. Nothing has been changed
13 significantly to improve the traffic.

14 With that in mind, that's the
15 background there, I believe I heard you
16 say, sir, that much has to be -- much
17 input -- study and input has to be given
18 to us from Albany, from the Department of
19 Transportation. I believe that there
20 should not be a further discussion until
21 that issue has a statement.

22 Would you be intending on closing
23 the public hearing until that issue is --

24 CHAIRMAN EWASUTYN: I have no idea
25 at this point.

2 MS. GONYEA: Okay.

3 CHAIRMAN EWASUTYN: I think what
4 happened originally with Pilot on 17K,
5 there was an Article 78, correct, --

6 MS. GONYEA: Yes.

7 CHAIRMAN EWASUTYN: -- that was
8 applied. The courts decided at that time
9 that the applicant presented adequate
10 enough material to move forward with
11 approving the project. It wasn't a Town
12 decision. It wasn't a Planning Board
13 decision. The courts decided that the
14 potential adverse impacts were mitigated
15 to the best possible consideration.

16 MS. GONYEA: That being said, and
17 understanding that that didn't work with
18 fatalities and accidents every week, fear
19 of accidents, elderly people afraid to go
20 to Adam's, for example. It's such a big
21 transport of people, transport of cars,
22 transport of product and produce that has
23 to be answered before you jump into doing
24 that.

25 Thank you for listening to me.

2 CHAIRMAN EWASUTYN: Again I turn to
3 Ken Wersted, our traffic consultant.

4 Ken.

5 MR. WERSTED: Those are all factors
6 that come into play when we're looking at
7 these projects.

8 It's important to note that the
9 project is being held to a standard that
10 is to mitigate its impact. It is not
11 held to a standard to completely fix 17K
12 to a point where we can sail through it.
13 If it is having X impact, it needs to
14 mitigate X, kind of in equal terms. If
15 they are proposing a certain amount of
16 traffic coming in and out of this project
17 and they mitigate that, we may still be
18 left with conditions that you see out
19 there today. There's still going to be
20 trucks going into Pilot that back up
21 because somebody is waiting at the fuel
22 pump, or whatever it happens to be.
23 There's going to continue to be
24 accidents. What they are obligated to do
25 is mitigate their influence over that.

2 In some cases, in constructing an
3 improvement, their obligation might be,
4 in lack of better terms, part of a turn
5 lane, but they can't build part of a turn
6 lane, they have to build the whole thing.

7 There can be times when there's a
8 net increase or a net benefit that goes
9 above and beyond what they're obligated
10 to do, but it happens to be I can't bake
11 half a cake, I have to bake the whole
12 thing.

13 MS. GONYEA: Thank you.

14 MR. WERSTED: You're welcome.

15 MARK: I'm Mark. I just wanted to
16 ask one quick question. You said the DOT
17 has not yet sent a study. Is there an
18 estimated time or estimated date when
19 that's going to be?

20 MR. DATES: We submitted our
21 information to DOT on April 10th. We
22 provided this conceptual plan, what we're
23 looking to do on 17K, our traffic study
24 to them for their review. We're awaiting
25 a response from them.

2 MARK: Do you have any particular
3 estimate or you don't know? It could be
4 next week, it could be three months?

5 MR. DATES: Yeah, it could be a
6 couple months.

7 MARK: I understand. Thank you.

8 CHAIRMAN EWASUTYN: The gentleman
9 here.

10 MR. GANCI: The question was
11 brought up about maintenance earlier.
12 Pomarico Drive is owned by the Devitt
13 organization who owns Peterbilt. Their
14 position today is that they are
15 responsible for 17K from the entrance to
16 their business. The rest of the road,
17 they don't want to do anything to it. If
18 the warehouse goes in, who is responsible
19 for maintenance on that road?

20 CHAIRMAN EWASUTYN: Good question.

21 MR. GANCI: Who is going to clean
22 up the garbage and the human waste that
23 the truck drivers are going to throw out
24 the window? If you don't believe me,
25 look at the diner parking lot. It's

2 there. Those bottles do not contain
3 lemonade.

4 They don't know who's going to be
5 the tenant. They don't know the contents
6 of the trucks that are going to be going
7 up and down the road. What about
8 hazardous material? We could have an
9 accident within several hundred feet of
10 three houses. Who is responsible?

11 Who is responsible to pick up the
12 garbage?

13 Who is responsible to plow the
14 road?

15 Who is responsible for anything
16 other than the homeowners, which it's
17 going to fall on us.

18 CHAIRMAN EWASUTYN: Do you, as
19 homeowners now, have an agreement as far
20 as --

21 MR. GANCI: The three of us paved
22 the road.

23 CHAIRMAN EWASUTYN: The last time,
24 as a group of homeowners, you got
25 together -- you said earlier that the

2 current road is in poor condition.

3 Correct? Did I not hear you say that?

4 MR. GANCI: It was.

5 CHAIRMAN EWASUTYN: You upgraded
6 that road recently?

7 MR. GANCI: We had the road paved
8 about three years ago.

9 CHAIRMAN EWASUTYN: Let's go back
10 to the overall maintenance then. Who is
11 responsible, Dominic Cordisco?

12 MR. GANCI: Is the Town responsible?

13 CHAIRMAN EWASUTYN: It's not a Town
14 road.

15 MR. GANCI: It's a private road.
16 Is the warehouse responsible?

17 CHAIRMAN EWASUTYN: Let Dominic
18 Cordisco, Planning Board Attorney --

19 MR. GANCI: So basically nobody is
20 responsible. The owner wants nothing to
21 do with it.

22 CHAIRMAN EWASUTYN: You're making
23 assumptions.

24 MR. GANCI: I've talked to the
25 owner.

2 CHAIRMAN EWASUTYN: What owner have
3 you spoken to?

4 MR. GANCI: The previous owner
5 before Devitt.

6 CHAIRMAN EWASUTYN: Let Dominic
7 Cordisco talk to you somewhat. I don't
8 quite --

9 MR. GANCI: Are they here? They're
10 not even here.

11 CHAIRMAN EWASUTYN: Can you listen
12 to our attorney for a second?

13 MR. CORDISCO: It is possible for
14 the Board to condition their approval on
15 reasonable restrictions on the applicant
16 to make sure that that private drive is
17 maintained as it relates to impacts from
18 this project. They are going to be a
19 shared owner of that private drive for
20 that portion of it in front of it.

21 MR. GANCI: Legally they're not
22 responsible. They don't own the road.

23 MR. CORDISCO: I understand.
24 They're going to be accessing it.

25 MR. DATES: They'll be utilizing

2 it. We can provide -- we've got comments
3 that we will provide responses to.

4 MR. GANCI: You're going to come
5 and pick up the garbage?

6 MR. DATES: Not me.

7 MR. GANCI: It will be there,
8 believe me.

9 MR. DATES: I understand, sir.

10 MR. GANCI: We've lived with the
11 diner parking lot. We have to call Code
12 Compliance, we have to call the Health
13 Department to get that mess cleaned up.
14 It doesn't come from the diner. It comes
15 from the truck drivers.

16 MR. DATES: Understood. We'll
17 provide clarity and responses about the
18 maintenance of the road.

19 MR. GANCI: How would you like to
20 have garbage on your front lawn?

21 MR. DATES: I would not. I have
22 college kids that live across the street
23 from me.

24 MR. GANCI: How would you like to
25 have an eighteen-wheeler rolling within

2 100 feet of your house?

3 MS. LEE-CSOKE: While you have
4 three grandchildren riding their scooters
5 up and down the road.

6 MR. GANCI: We've been there sixty
7 years. We built that house before IB.
8 That was zoned private when we built it.

9 MS. BURGOS: I've been there forty
10 years.

11 MS. LEE-CSOKE: I've been there
12 ten.

13 CHAIRMAN EWASUTYN: The area is
14 changing significantly.

15 MS. BURGOS: It's a shame.

16 CHAIRMAN EWASUTYN: It's progress.

17 MS. BURGOS: Is it really progress?
18 Are warehouses really progress?

19 CHAIRMAN EWASUTYN: Can I say
20 something in a simple sense, and I say
21 this to the Planning Board Members. I
22 apologize. I understand what you're
23 saying. I was around when Pilot was
24 Pilot and I was around when there was an
25 Article 78. I can remember the attorneys

2 who represented both the Town and the
3 applicant. That's not really what I want
4 to say to you.

5 I think what we're realizing also
6 with warehouses today is that people like
7 to shop online. When you shop online,
8 you need transportation, you need
9 warehouses. They kind of go hand in
10 hand. Again, this isn't answering your
11 question.

12 MR. GANCI: How many warehouses are
13 built next to people's houses?

14 CHAIRMAN EWASUTYN: Where I live
15 and how I live is where I live and how I
16 live. It's not a personal matter to me.
17 I can remember fifteen, twenty years ago
18 when the first cell tower was presented
19 in the Town of Newburgh, everybody was
20 concerned that their ears were going to
21 fall off, their face was going to become
22 deformed and everything associated with
23 cell towers. I ask you today, how many
24 people in this audience have a cellphone?
25 Thank you.

2 What I'm saying is sometimes we --
3 I don't mean that you create garbage in
4 your lot, but we create environments that
5 somehow we're contributing to.

6 Again, I give you the example of
7 E-Commerce, warehouses, shopping online,
8 Amazon. Somebody is supporting them,
9 otherwise they wouldn't be around. Who
10 is supporting them? It's a general
11 comment.

12 MR. GANCI: I'm not trying to stop
13 progress. Again, I've seen there's a
14 warehouse on Racquet Road that's empty.
15 It's not near houses. There's a
16 warehouse in the center of Middletown
17 that used to be Playtogs. It's empty.
18 There are several warehouses going up on
19 17K near the Toyota dealer. There's
20 nobody in there. None of them are near
21 houses. Why this one --

22 CHAIRMAN EWASUTYN: They all fall
23 under one umbrella. The zoning allows
24 for it.

25 Dominic Cordisco, speak on that

again.

MR. CORDISCO: That's correct.
This Board doesn't control the zoning.

MR. GANCI: We built our house on
residential zoning and the State changed
it.

MR. CORDISCO: Understood.

MS. LEE-CSOKE: I have a question.

CHAIRMAN EWASUTYN: Sure.

MS. LEE-CSOKE: Are the warehouses
going to decrease the value of our homes,
since we're going to have them literally
in our backyard?

CHAIRMAN EWASUTYN: Dominic Cordisco
will speak on that. I don't think as a
general rule that falls under the
umbrella.

MR. CORDISCO: Unfortunately State
law prohibits the Planning Board from
considering economic impacts on surrounding
properties in its decisionmaking process.

MS. LEE-CSOKE: Buying my house was
my largest investment. I'm concerned.
Besides the pollution and the traffic and

the safety, I'm concerned.

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: Let this lady speak and then we'll go back.

MS. TIRADO: Thank you once again. She had just indicated her concerns. I was thinking about those concerns prior to her indicating.

The environmental impact study of this warehouse at this location, having trucks, trucks with diesel fuel -- not diesel fuel, but, you know, that goes into the environment. Here you have these four homes that are having these trucks go up and, you know, go either into the warehouse or outside -- they're not even going into the warehouse. They're outside of the warehouse, getting their supplies or whatever being installed into the trucks and then the trucks taking off. I'm wondering just how much of that is going to be happening during the course of a day with the fumes from these vehicles spewing in an area

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2 about this.

3 If you have children with asthma,
4 all those other harms can be taken right
5 back to this particular situation.

6 I know we don't have the State
7 recommendation yet. I don't know if we
8 have the environmental impact study
9 recommendation yet. Potentially those
10 things need to be looked at too with the
11 Planning Board and whoever else is going
12 to come together to make some kind of
13 decisions for your company that you're
14 here on behalf of. I just don't know
15 what's going to happen.

16 That was just my comment.

17 MR. BREW: The gentleman in the
18 green shirt, can you answer the question
19 about who is going to maintain the road
20 without going around in circles here?
21 Who is going to do it?

22 MR. CORDISCO: They have the right
23 to access the road. Is that not correct,
24 Mr. Dates?

25 MR. DATES: Yes.

2 MR. CORDISCO: They have that right
3 via an easement?

4 MR. DATES: Correct. Over Pomarico.

5 MR. CORDISCO: So they have the
6 legal right to access that road.

7 MR. BREW: That's fine. Who is
8 going to maintain it?

9 MR. CORDISCO: Yes, I was about to
10 answer that. One thing the Board could
11 consider to minimize the environmental
12 impacts would be appropriate conditions
13 to require that applicant to routinely
14 clean and maintain and observe any
15 garbage that might be deposited in that
16 area. I mean, the reality is that if
17 there is an increase in garbage,
18 presumably it's not coming from you folks
19 that have houses there. As a result, I
20 think that the Board would be within its
21 rights, as a condition of any approval,
22 to require the applicant to implement and
23 maintain, as far as a site plan condition,
24 the obligation to make sure that it's
25 kept clean.

2 MS. GONYEA: Would it be our
3 understanding that this public hearing
4 will remain open?

5 CHAIRMAN EWASUTYN: You asked that
6 question earlier. I still don't have an
7 answer for you.

8 MS. GONYEA: Okay. Are you
9 entertaining written comments on the
10 portion --

11 CHAIRMAN EWASUTYN: I don't have an
12 answer for you yet.

13 MS. TIRADO: Will there be an
14 answer in the near future?

15 CHAIRMAN EWASUTYN: As we go around
16 and listen to Planning Board Members, and
17 Dominic Cordisco can answer that as far
18 as written comments procedurally. Dominic
19 can give you examples of when and how
20 that's part of the discussion and the
21 action.

22 Dominic.

23 MR. CORDISCO: Submission of
24 written comments is required when an
25 environmental impact statement has been

2 prepared. That's not the case here. The
3 applicant has not prepared that document.
4 It could be a request to the Board,
5 however, that you be allowed to submit
6 written comments after the close of the
7 public hearing. The Board could, and
8 they have the discretion to allow that if
9 that's what they would like to do.

10 MS. TIRADO: Okay. Do we have to
11 wait for the environmental impact study
12 to be done?

13 CHAIRMAN EWASUTYN: There isn't an
14 environmental impact statement.

15 As far as written comments, Dominic
16 Cordisco will advise the Members of the
17 Board and advise the public.

18 MS. TIRADO: Okay.

19 MR. GANCI: You're going to love
20 this one. Thirty some odd years ago the
21 property that we're talking about was
22 owned by my wife's family, a gentleman by
23 the name of Troy Graves. I came before
24 the Planning Board with a proposal to
25 subdivide the property into building lots

2 so that we could put homes on those lots,
3 including the 5 acres where Peterbilt is
4 now. The Planning Board told me that if
5 we went beyond five parcels, we had to
6 take the road and upgrade it to County
7 spec and turn it over to the Town. That
8 killed my subdivision because upgrading
9 the road was worth more than the value of
10 the property. I just couldn't do it.

11 CHAIRMAN EWASUTYN: I'll have Pat
12 Hines speak to you as far as matters like
13 that.

14 MR. GANCI: Let me please finish.
15 Why isn't that rule being applied to them
16 today?

17 CHAIRMAN EWASUTYN: Again, what
18 we're doing is applying it to the
19 standards.

20 Pat Hines, speak again.

21 MR. HINES: So as was mentioned
22 earlier, the roadway is going to be
23 upgraded to the Town's commercial road
24 specifications because it's going to
25 service a commercial property. The Town

2 street specs have various hierarchies,
3 I'll say, for residential streets, minor,
4 major, and then they have a commercial
5 road standard. Mr. Dates is going to
6 propose in the plan to upgrade that to
7 the commercial road standards.

8 MR. GANCI: Will it be turned over
9 to the Town?

10 MR. HINES: It's not proposed to be
11 turned over to the Town, no.

12 MR. GANCI: Again, why isn't that
13 rule that was applied to me thirty years
14 ago being applied to them today?

15 MR. HINES: One of the differences
16 is that this is not a subdivision. There
17 are different standards for subdivisions.
18 This is here for a site plan review.
19 They're not making more lots out of this.
20 There's different procedures for --

21 MR. GANCI: They're adding more
22 traffic.

23 MR. HINES: They are doing that.
24 There are different procedures for
25 subdivisions versus site plans. Right

1 Avion Ventures Warehouse 80
2 now, if that was a proposed residential
3 subdivision, the Town doesn't require
4 upgrading of private roads for
5 subdivisions. I've been with the Town
6 many years and that wouldn't be the case.
7 Any new extension of the road would.

8 In this case, because it's a
9 commercial property, they are upgrading
10 the roadway, where if there was a two-lot
11 residential subdivision, again not
12 permitted in the IB Zone, there's no
13 residential uses today permitted on these
14 lots other than multi-family. Single-family
15 houses aren't permitted in this zone.

16 MR. DATES: Mr. Chairman, can I
17 just clarify? Mr. Hines before read from
18 the plans the standard asphalt pavement
19 detail. I just double checked. We are
20 actually doing what we are calling the
21 heavy-duty asphalt pavement detail for
22 Pomarico Drive. We start at Peterbilt,
23 all the way back to the loading dock
24 area. So dimensionally we have twelve
25 inches of subbase, three and a half

2 inches of binder and one and a half
3 inches of top course. It is a more
4 substantial pavement profile than what
5 was mentioned before.

6 CHAIRMAN EWASUTYN: Let this
7 gentleman speak.

8 MR. TIRADO: This might be a
9 question for the attorney or maybe him.
10 Assuming this building goes up, and based
11 on what I'm hearing in the news and stuff
12 where there's going to be a supply chain
13 problem and affect a lot of warehouses,
14 and it just so happens that the company
15 decides you know what, this is not
16 lucrative to us anymore, who is
17 responsible for that building once they
18 decide to leave?

19 CHAIRMAN EWASUTYN: Dominic Cordisco.

20 MR. CORDISCO: Whoever owns the site
21 is responsible for the building. If they
22 leave and they sell the property to
23 someone else, then whoever owns that
24 property is going to be responsible.

25 MR. TIRADO: Thank you.

2 CHAIRMAN EWASUTYN: One last
3 question.

4 MR. BREW: So the site planner
5 understands something. When he says he's
6 going to tie into the Town water, that's
7 a big mistake. Trust me when I tell you.
8 Colden Park has had all new water lines
9 put in, new gas lines, new everything.
10 Our water is worse than it ever was. I
11 can't keep filters in the house. I have
12 to change them once a week. You want to
13 use that water? I suggest you use a well
14 of your own.

15 CHAIRMAN EWASUTYN: Pat, is there a
16 requirement to hook into Town water?

17 MR. HINES: I believe it's needed
18 for fire suppression. That's the reason
19 that they're extending the Town water.
20 This project would have to have a fire
21 suppression system.

22 MR. BREW: Don't drink it. It will
23 kill you.

24 CHAIRMAN EWASUTYN: Any further
25 questions? If not, I'm going to turn it

2 over to the Planning Board Members.

3 (No response.)

4 CHAIRMAN EWASUTYN: John Ward.

5 MR. WARD: Thank you for coming out
6 tonight.

7 I had down hours of operation. If
8 you don't have a tenant, you can't answer
9 that.

10 With the traffic study, when you
11 did the traffic study, did you go worst-
12 case scenario?

13 MR. DATES: Yes. We proposed a
14 twenty-four hour operation.

15 MR. WARD: Okay. When it comes
16 down to the traffic study, thank you for
17 updating what I asked you for the
18 extension with different projects with
19 Ken.

20 What I'm asking is, the left-turn
21 lane, why did you stop and not continue
22 it to Lakeside?

23 MR. DATES: Extend all the way
24 through, the left-hand turn?

25 MR. WARD: Yes.

2 MR. DATES: I don't have an answer
3 for that, to be honest with you.

4 MR. WARD: Because that makes
5 sense.

6 MR. DATES: Well, okay. We can
7 take that back and provide you with a
8 formal response.

9 MR. WARD: You're in front of DOT.

10 MR. DATES: Correct. Is that
11 something that they may ask for? It
12 could very well be.

13 MR. WARD: There should be a no
14 left turn coming out with Mobil and your
15 project. Trucks, cars, everything coming
16 out, they block everything. Now they
17 have the left-turn lane there. It's
18 going to make it worse for them coming
19 out.

20 MR. DATES: We're not looking to
21 restrict the motions or the movements out
22 of Pomarico Drive. The traffic study
23 didn't show where that would necessarily
24 be warranted. Again, we're at the mercy
25 of DOT and what they provide us as

2 feedback.

3 MR. WARD: To give you a for
4 instance, Peterbilt, the trucks that come
5 out, they make a right to go down to 747.
6 I've watched them do it.

7 With the traffic study, did you
8 check out an accident report for a year
9 of what's going on in that area?

10 MR. DATES: I'd have to check on
11 that.

12 MR. WARD: Please do. It's important.

13 MR. DATES: Okay.

14 MR. WARD: Thank you.

15 CHAIRMAN EWASUTYN: Lisa Carver.

16 MS. CARVER: Thank you for all the
17 comments. I have no further questions.

18 CHAIRMAN EWASUTYN: Cliff Browne.

19 MR. BROWNE: What we've been
20 discussing, this particular project, as a
21 Board we have spent a lot of time on the
22 traffic issue, the traffic part of it,
23 because we know how bad this area is for
24 traffic.

25 When we're talking about

2 mitigation, mitigating that situation,
3 what that really means is that the
4 applicant has to lessen to the most
5 practical ability that they can. Not
6 eliminate, but reduce as much as they
7 practically can. So far that's what the
8 proposal has been.

9 What Mr. Ward had just mentioned,
10 hopefully that can be included to make it
11 a little bit better.

12 It's not a situation where we can
13 force them to eliminate everything as far
14 as problems. They have to minimize as
15 much as they possibly can. That's what
16 we tried to accomplish here. We all
17 recognize that that's a very difficult
18 area from a traffic standpoint.

19 Thank you.

20 CHAIRMAN EWASUTYN: No comment.

21 MR. MENNERICH: Thank you for
22 coming to this meeting and providing your
23 input. Thank you.

24 MS. DeLUCA: Yes, I would also like
25 to thank you. Your input was valuable.

2 I hope to make a wise decision because
3 of that. Thank you.

4 I have no further comment.

5 CHAIRMAN EWASUTYN: Dave Dominick.

6 MR. DOMINICK: Thanks for coming
7 out tonight, folks, and being heard. You
8 raised some great points and we appreciate
9 that.

10 Justin, two questions. Sitting
11 here listening to the residents, from
12 the Peterbilt site to your site, you're
13 widening it, making it the super duper
14 road that it is. The concern was
15 maintenance. I don't see litter as a
16 big problem. The trucks going from
17 17K on Pomarico Drive to the warehouse,
18 I just don't see them throwing things
19 out the window. That's me personally.

20 I do see a problem, though, with
21 snow removal. Maybe that's something
22 we can look at as maybe a condition,
23 maintaining that road as far as
24 plowing. You're going to need a big
25 truck to plow your facility anyway.

2 How are they going to get there?
3 They'll plow right through the road.
4 Maybe some type of maintenance for
5 snow removal on Pomarico Drive would be
6 warranted.

7 MR. DATES: Okay. Sure.

8 MR. DOMINICK: The other thing,
9 John Ward touched on it a little bit,
10 extending the left-turn lane up to 17K
11 and Lakeside, why not go in the opposite
12 direction as well, extend it all the way
13 to 17K and Rock Cut. You have other
14 businesses that face the same challenges
15 that you're challenged with. Racquet
16 Road is one of them. I'm just saying go
17 from light to light. Take a look at
18 that.

19 MR. DATES: Okay.

20 CHAIRMAN EWASUTYN: I'm not quite
21 clear on what you're suggesting. You're
22 saying a right turn -- when you make the
23 right out, what improvement are you
24 suggesting?

25 MR. DOMINICK: A left-turning lane

2 into the facilities off 17K, but extend
3 that into Racquet Road, passed the Mobil
4 station, up to the light. Have basically
5 a third lane.

6 CHAIRMAN EWASUTYN: Ken Wersted, do
7 you want to speak on that, a third lane?

8 MR. WERSTED: I think what David is
9 suggesting is a center turn lane along
10 17K, similar to what we see on Route 300
11 south of Route 52. That left-turn lane
12 could accommodate vehicles going in
13 either direction, whether they're
14 westbound turning into a business park or
15 they're eastbound turning into Racquet
16 Road or Rock Cut, et cetera. Is that
17 accurate?

18 MR. DOMINICK: Yes. Yes. Thank
19 you for explaining that better.

20 MR. GANCI: Will Quickchek be
21 included in the traffic study?

22 CHAIRMAN EWASUTYN: It won't be
23 included. Would it?

24 MR. WERSTED: Quickchek is a
25 different project. All of them are being

2 looked at relatively together.

3 Part of what DOT looks at is the
4 improvements proposed as part of
5 Quickchek and how those overlap with this
6 project's proposed left-turn lane. Right
7 now they are different, but DOT will
8 certainly say one of these needs to be
9 built, which one is it, how are they
10 going to work together.

11 CHAIRMAN EWASUTYN: John Ward.

12 MR. WARD: I'd like to add to the
13 resolution what our lawyer suggested in
14 reference to the maintenance and the
15 agreement for the road.

16 MR. CORDISCO: I think we would ask
17 the applicant to propose a maintenance
18 protocol that could be added as a condition
19 to the site plan, subject to review and
20 obviously approval by the Board. At this
21 point, rather than spit balling it, it
22 should be something that would be
23 adequate and would be able to be enforced
24 by the Town.

25 MR. DATES: Something on the site

2 plans themselves?

3 MR. CORDISCO: Correct.

4 MR. DATES: A maintenance notation
5 for that?

6 MR. CORDISCO: Correct. That way
7 if it wasn't happening, Code Enforcement
8 could look at that as a potential
9 violation of the site plan approval.

10 MR. DATES: Okay.

11 MR. DOMINICK: Dominic, would that
12 include items such as, further down the
13 road, repairing potholes, resurfacing?

14 MR. CORDISCO: Yes, sir.

15 MR. DOMINICK: Thank you.

16 MR. GANCI: That's all part of
17 maintenance. Can the current homeowners
18 be part of that maintenance agreement
19 when it's drawn up?

20 MR. CORDISCO: I mean, that's
21 between -- that would be a private
22 agreement between you and the current
23 owner of that property.

24 MR. GANCI: We'd like to agree to
25 it. Let's put it that way.

2 MR. CORDISCO: I think the person
3 to have that conversation with would be
4 Mr. Dates and whoever he represents as
5 far as the owner is concerned.

6 CHAIRMAN EWASUTYN: Ken Wersted,
7 final statements, with Creighton Manning
8 Engineers.

9 MR. WERSTED: As I stated, we've
10 been looking at this project along with
11 the other projects in that area. We're
12 coordinating the impact of them all
13 cohesively.

14 To answer an earlier question about
15 a crash analysis, there are crashes
16 reported in their traffic study. There's
17 no particular summary of them, but there
18 are thirteen pages of crash data included
19 in it.

20 DOT is looking at this project as
21 well as the other ones throughout the
22 corridor. We look forward to hearing
23 back from them and coordinating how this
24 project and others move forward through
25 the approval process.

2 CHAIRMAN EWASUTYN: Jim Campbell,
3 Code Compliance.

4 MR. CAMPBELL: I have nothing
5 really substantial.

6 I think you were handed the written
7 comments regarding the striping. There
8 is a thing about striping.

9 There's the proposed signage, which
10 I believe you answered in an earlier
11 e-mail.

12 MR. DATES: The parking lot
13 striping.

14 MR. CAMPBELL: The parking lot
15 striping detail has to match the Town's
16 detail.

17 MR. DATES: Understood. The signage,
18 there's no tenant right now. We don't
19 have any proposed sign package for this
20 project.

21 CHAIRMAN EWASUTYN: Pat Hines with
22 MH&E.

23 MR. HINES: Just procedurally, the
24 project did go to Orange County Planning.
25 We received a Local determination back on

2 March 11th.

3 A City of Newburgh flow acceptance
4 letter has been provided.

5 The stormwater pollution prevention
6 plan has been reviewed on several
7 occasions by my office. We have a couple
8 of outstanding comments.

9 We discussed the 303D Orange Lake
10 watershed. I still don't concur that
11 your water goes there, but I know the
12 stream stats show it there. The Lakeside
13 culvert goes to the south.

14 MR. DATES: We actually did conduct
15 a site visit ourselves. It does end up
16 going south, as you stated.

17 MR. HINES: I went there and looked
18 to double check.

19 MR. DATES: We did, too.

20 MR. HINES: A stormwater facilities
21 control maintenance agreement will be
22 required.

23 The DEC permit for the wetland is
24 outstanding.

25 We have comments on the Tree

2 Preservation Code.

3 Health Department approval for the
4 water main extension.

5 The status of the DOT approval,
6 which we talked about today.

7 I have some other technical
8 comments, but I don't need to go over all
9 of those. The applicant has them.

10 I'm interested to know who plows
11 the snow now?

12 MS. LEE-CSOKE: My husband. He
13 plows everybody's driveway.

14 MR. HINES: I was going to echo
15 Mr. Dominick's comment. I'm glad he
16 brought it up. It's really outside
17 of my purview. I'm glad it's being
18 addressed.

19 I have a comment that during
20 reconstruction of the roadway we need
21 to have a plan considering these
22 folks being able to get in and out of
23 their houses. I noticed that you had
24 the stabilized construction entrance
25 past their houses. It's probably not

a good idea to have these folks driving across that.

MR. DATES: We're going to move that. We would propose that at the access.

MR. HINES: That looks better. Consideration during reconstruction of the roadway to provide access for their houses is important.

MR. DATES: Yes. We'll put together some notes to that extent.

MR. HINES: Again, the Board has not made a SEQRA determination on this. The environmental review is continuing.

The Board would be, in the future, in a position to make a determination under SEQRA, but that has not been done yet, taking into account all of your comments as well. I think the Board wanted to hold off to get your comments before they closed any of that out.

CHAIRMAN EWASUTYN: Dominic, are we in a position to close the public hearing but not declare a negative declaration?

2 MR. CORDISCO: Yes, that would be
3 appropriate at this time, as well as the
4 fact that responses from the DOT are
5 still outstanding.

6 The Board has to decide whether or
7 not you want to close the public hearing
8 and allow submission of written comment
9 or if you would prefer to keep the public
10 hearing open.

11 CHAIRMAN EWASUTYN: If we were to
12 close the public hearing, a reasonable
13 amount of time for written comments would
14 be?

15 MR. CORDISCO: At least ten days in
16 length.

17 CHAIRMAN EWASUTYN: Would the Board
18 be --

19 MR. GANCI: Could I have one more
20 question, please? I apologize if this
21 has been addressed. Today we have had
22 ditches dug on both sides of the road
23 to get rid of the water runoff. Because
24 we're downgrade from 17K, the water runs
25 down the road. We've put in two ditches

2 to alleviate that. This road is going to
3 wipe out one of the ditches. How are you
4 going to take care of the water?

5 CHAIRMAN EWASUTYN: That's a
6 question for Pat Hines, the Town
7 Engineer.

8 Pat.

9 MR. HINES: We will review that
10 further.

11 MR. GANCI: My fear is the water is
12 going to run -- let's say they put one
13 ditch in or it runs on the road. It's
14 going to wind up on her property.

15 MS. LEE-CSOKE: My front lawn.

16 MR. GANCI: It goes down and then
17 the warehouse is going to be raised.
18 That water is going to pool.

19 CHAIRMAN EWASUTYN: Justin.

20 MR. DATES: Sir, on that, the
21 reconstruction of Pomarico, what we're
22 looking to do is essentially hold the
23 eastern edge of pavement. So the edge of
24 pavement that's closest to the houses.
25 We're going to expand it to the west,

2 that 24 feet, and it's going to sheet to
3 the west. We have drainage, a swale on
4 that western side, that will collect that
5 drainage and convey it back towards --

6 MR. GANCI: Is the warehouse going
7 to be higher than the road?

8 MR. DATES: Let's see. The road
9 starts around 524. The finished floor
10 elevation of the warehouse is 510. I'm
11 sorry. 513. You're high. At 17K,
12 you're higher than this site. It goes
13 back or it goes to the north, the grades.

14 MR. GANCI: You're going to take
15 down that shale pile?

16 MR. DATES: Yes. There is that
17 knob.

18 MR. GANCI: What you're saying is
19 where this water is going to is going to
20 be lower than the road?

21 MR. DATES: Correct.

22 MR. GANCI: Okay.

23 MS. BURGOS: We're going to get
24 flooded because it comes in from 17K and
25 it goes right. It goes right into my

2 house. I've had to dig extra ditches to
3 make it go to the main ditch.

4 MR. DATES: Understood. There are
5 culverts -- a couple of culverts
6 underneath that we'd be looking to
7 replace because they are -- they wouldn't
8 be long enough for the 24 feet. We are
9 replacing those. Like I said, all the
10 drainage from the road is sheeting to the
11 west and would flow to the north.

12 MR. GANCI: Just for information,
13 when Pilot was built, they rebuilt the
14 intersection and they put a drain by the
15 corner of Pomarico Drive. If you've been
16 there, you know where the mailboxes are.
17 There's a drain there. The drain sits
18 about two feet away from the curb. The
19 water runs behind the drain and comes
20 right down the road.

21 CHAIRMAN EWASUTYN: I think what
22 they're saying now is part of this plan
23 will mitigate drainage from offsite.

24 MR. GANCI: But it's coming from
25 17K today. Unless they move the drain to

2 where the water can run into the drain
3 to --

4 CHAIRMAN EWASUTYN: I hear what
5 you're saying.

6 Justin, do you want to talk on
7 that, what is permissible, what isn't
8 permissible, what improvements on 17K
9 fall under the umbrella of this
10 application, what's reasonable to
11 mitigate, what isn't reasonable to
12 mitigate?

13 MR. DATES: Sure. As I mentioned,
14 what we're doing out in 17K, there's a
15 small expansion of 17K as well as
16 re-striping to create that left-hand turn
17 lane. We're not changing any of the
18 drainage patterns out on the highway
19 there. We're not looking to relocate or
20 move drainage structures. That's not
21 part of our proposal.

22 As I mentioned, from where we're
23 picking up Pomarico at Peterbilt, that's
24 where the expansion starts. We're
25 mitigating the stormwater improvements

2 from that expanded condition down and
3 into the site. Our stormwater design is
4 for Pomarico Drive, right, the increase
5 in impervious surface through there, and
6 then what we're doing on the site as
7 well.

8 MS. BURGOS: When it comes down
9 from 17K, it's a river.

10 CHAIRMAN EWASUTYN: We're discussing
11 that now and the mitigation for it.

12 MS. BURGOS: So they understand.

13 CHAIRMAN EWASUTYN: We understand
14 that. We're taking your concerns into
15 consideration.

16 MS. BURGOS: I understand.

17 CHAIRMAN EWASUTYN: So the motion
18 before us this evening is to close the
19 public hearing, not make a SEQRA
20 determination and to allow a ten-day
21 period for written comment. That date
22 would close on what date?

23 MR. CORDISCO: That would be May
24 11th if you run it ten days from today.

25 MR. HINES: That's a Sunday. We

2 should probably go to the 12th.

3 CHAIRMAN EWASUTYN: Thank you.

4 That's what I wanted to know.

5 Would someone make a motion to
6 close the public hearing on the Pomarico
7 warehouse and to allow a ten-day written
8 period. That would fall on what date?

9 MR. CORDISCO: May 12th, sir.

10 CHAIRMAN EWASUTYN: May 12th. At
11 this point we won't be making a SEQRA
12 determination. Would someone move for
13 that motion?

14 MR. MENNERICH: So moved.

15 MS. CARVER: Second.

16 CHAIRMAN EWASUTYN: I have a motion
17 by Ken Mennerich. I have a second by
18 Lisa Carver. Can I have a roll call vote
19 starting with John Ward.

20 MR. WARD: Aye.

21 MS. CARVER: Aye.

22 MR. BROWNE: Aye.

23 CHAIRMAN EWASUTYN: Aye.

24 MR. MENNERICH: Aye.

25 MS. DeLUCA: Aye.

2 MR. DOMINICK: Aye. Ward.

3 CHAIRMAN EWASUTYN: Do you
4 understand the written comment period?

5 MS. GONYEA: I understand the
6 written comment period, but I don't
7 understand how the public hearing can be
8 closed with so many open concerns about
9 traffic, et cetera.

10 CHAIRMAN EWASUTYN: That's why we
11 didn't declare a negative declaration.

12 MS. GONYEA: Thank you.

13 CHAIRMAN EWASUTYN: I remember you
14 from many, many years ago when you were
15 very active in the Town.

16 MS. GONYEA: I figured you would.

17 CHAIRMAN EWASUTYN: Why did you
18 figure that? Because I'm that old and
19 I've been here so long?

20 MS. GONYEA: I'm old, too.

21 CHAIRMAN EWASUTYN: Thank you.

22

23 (Time noted: 8:32 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 12th day of May 2025.



MICHELLE CONERO

STATE OF NEW YORK : COUNTY OF ORANGE
 TOWN OF NEWBURGH PLANNING BOARD
 - - - - - X
 In the Matter of

JEFFREY & DOREEN LABER
 LANDS OF TARBEN, INC.
 (2025-12)

10 Tarben Way
 Section 6; Block 1; Lot 24
 Section 127; Block 1; Lot 5
 AR Zone

- - - - - X

LOT LINE CHANGE

Date: May 1, 2025
 Time: 8:35 p.m.
 Place: Town of Newburgh
 Town Hall
 1496 Route 300
 Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

- - - - - X

MICHELLE L. CONERO
 Court Reporter
 845-541-4163
 michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: Our fourth item
 3 of business is Jeffrey and Doreen Laber
 4 and the Lands of Tarben. It's on 10
 5 Tarben Way. It's in an AR Zone. The
 6 project number is 25-12. It's being
 7 represented by Patti Brooks of Control
 8 Point Associates.

9 Patti.

10 MS. BROOKS: Good evening. This
 11 Board is probably familiar with this
 12 property. I believe you were entertaining
 13 a two-lot subdivision on the property.

14 The property does not own road
 15 frontage on a Town road. That needed
 16 to be resolved because, in accordance
 17 with Town Law Section 280-A, a
 18 building permit may not be granted on
 19 a parcel of land unless it owns road
 20 frontage. They've been working on
 21 it. We were going to go for an open
 22 development. Mr. Tarsio has been in
 23 conversation with the adjoining
 24 landowner. They now have reached an
 25 agreement where the 50-foot easement

that originally had been reserved will become a fee parcel and get added to Lands of Tarben. Tarben, Inc. will own now the 50-foot strip labeled as parcel A on the map. Instead of being an easement to the property, it will be a fee parcel. Lands of Laber will retain a 1.06 acre parcel of land which is in conformance with all provisions of the code.

CHAIRMAN EWASUTYN: Pat Hines, Dominic Cordisco.

MR. HINES: This is a simple lot line under your code.

Adjoiners' notices do need to be sent out per your code.

We have a note here that there are Federal jurisdictional wetlands. That's not a consideration now for the lot line.

There have been changes in DEC regulations. A majority of the Town of Newburgh is located in a DEC identified urban area. I just wanted to bring that

1
2 to the applicant's attention at this
3 time. The lot line change can proceed
4 without any issues regarding wetlands.

5 As long as Mr. Cordisco concurs, I
6 believe it's a Type 2 action.

7 Procedurally the only outstanding
8 item would be adjoiners' notices. Once
9 that's complete, the Board would be in a
10 position to address the lot line.

11 CHAIRMAN EWASUTYN: Questions from
12 Board Members. John Ward.

13 MR. WARD: No questions.

14 MS. CARVER: No further questions.

15 MR. BROWNE: Nothing.

16 MR. MENNERICH: No questions.

17 MS. DeLUCA: Nothing.

18 MR. DOMINICK: Nothing further.

19 CHAIRMAN EWASUTYN: Jim Campbell.

20 MR. CAMPBELL: I was looking at the
21 plan. I believe on lot 2, 127-1-5, the
22 existing house, I didn't see setbacks or
23 anything shown.

24 MS. BROOKS: I saw that in your
25 comments. We'll get that on there.

2 MR. CAMPBELL: To the best of your
3 knowledge, it conforms with the zoning?

4 MS. BROOKS: Yes.

5 CHAIRMAN EWASUTYN: We can't act on
6 this for a period of time. How many
7 days?

8 MR. CORDISCO: It would be ten days
9 from when the adjoiners' notices are sent
10 out, which would probably put it past
11 your next meeting. Theoretically, subject
12 to your discretion of course, you
13 could set it for the June 5th meeting.

14 CHAIRMAN EWASUTYN: June 5th?

15 MR. CORDISCO: Correct.

16 CHAIRMAN EWASUTYN: Having heard
17 from Jim Campbell, Code Compliance; Pat
18 Hines with MHE; and Dominic Cordisco,
19 Planning Board Attorney, would someone
20 make a motion to set this up for the
21 meeting of -- what date, Dominic?

22 MR. CORDISCO: That would be June
23 5th, sir.

24 CHAIRMAN EWASUTYN: June 5th.

25 MR. DOMINICK: I'll make the motion.

2 MS. DeLUCA: Second.

3 CHAIRMAN EWASUTYN: I have a motion
4 by Dave Dominick. I have a second by
5 Stephanie DeLuca. Can I have a roll call
6 vote starting with John Ward.

7 MR. WARD: Aye.

8 MS. CARVER: Aye.

9 MR. BROWNE: Aye.

10 CHAIRMAN EWASUTYN: Aye.

11 MR. MENNERICH: Aye.

12 MS. DeLUCA: Aye.

13 MR. DOMINICK: Aye.

14 MS. BROOKS: I did just have one
15 additional question. I know that the
16 code provides that the deeds are prepared
17 in advance and approved by the Planning
18 Board Attorney prior to final lot line
19 revision approval. I wasn't sure if you
20 require just the deed of conveyance for
21 Laber to Tarben, Inc. or if this Town
22 also requires separate new deeds for the
23 consolidated parcel and the revised
24 parcel of Laber?

25 MR. CORDISCO: What we would like

2 to see is obviously the deed of the
3 transfer, but also the consolidation
4 deed as well for the Tarben piece,
5 not the Laber parcel.

6 MS. BROOKS: I just wanted to be
7 clear on what the requirements were.
8 Thank you.

9 MR. CORDISCO: Typically that's
10 handled as a condition of approval. If
11 you have it prepared, certainly make it
12 as part of your submission.

13 MS. BROOKS: Very good. Thank you
14 very much.

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16 (Time noted: 8:40 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 12th day of May 2025.

Michelle Conero

MICHELLE CONERO

STATE OF NEW YORK : COUNTY OF ORANGE
 TOWN OF NEWBURGH PLANNING BOARD
 - - - - - X
 In the Matter of

ELEVATED DREAMS CANNABIS RETAIL DISPENSARY
 (2025-13)

190 South Plank Road
 Section 64; Block 2; Lot 16
 R-1 Zone

- - - - - X

AMENDED SITE PLAN & SPECIAL USE PERMIT

Date: May 1, 2025
 Time: 8:40 p.m.
 Place: Town of Newburgh
 Town Hall
 1496 Route 300
 Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: FLOYD JOHNSON

- - - - - X

MICHELLE L. CONERO
 Court Reporter
 845-541-4163
 michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: Our fifth item
3 of business this evening is Elevated
4 Dreams Cannabis Retail Dispensary,
5 project number 25-13. It's located on
6 190 South Plank Road in an R-1 Zone.
7 It's being represented by Floyd Johnson.

8 MR. JOHNSON: Good evening. Elevated
9 Dreams in looking for a special use
10 permit to rent store number 10 at 190
11 South Plank Road, which is better known
12 as Route 52.

13 This is an existing site. The
14 existing site has two driveway entrances,
15 one on the east and one on the west.

16 It has approximately 76 parking
17 spaces on the site right now.

18 It has two utility poles with
19 lights for the site, one on the east and
20 one on the west, for the lighting of this
21 particular area.

22 I had to go out there and measure
23 everything because the original site plan
24 looks nothing like this. I went out to
25 identify as much as possible for the

2 Board to see how the lot is laid out.

3 There are three handicap parking
4 spaces.

5 Here is building 1, building 2.

6 There's an access road in the back
7 where they can put dumpsters in back of
8 each store for each of the stores that
9 are in there.

10 The speed limit is around 50
11 miles-an-hour. You head towards the
12 west, you're going up to 300 which goes
13 towards Walden. If you go east, you go
14 towards the City of Newburgh.

15 CHAIRMAN EWASUTYN: Okay. I'll
16 turn to Jim Campbell, Code Compliance.

17 MR. JAMES CAMPBELL: Your bulk
18 table on the plan needs to be revised to
19 show that you're in a B Zone.

20 Correct the other numbers to match
21 the use that you're proposing.

22 Also, a comment came up --

23 MR. JOHNSON: Let me come closer to
24 you. What was that statement? You're
25 referring to the comment sheet?

MR. JAMES CAMPBELL: Basically your bulk table is showing you, I think, in an R. You're in a B Zone.

MR. JOHNSON: Yes.

MR. JAMES CAMPBELL: You've got to change that to conform with the proper bulk table.

MR. JOHNSON: Okay.

MR. JAMES CAMPBELL: Also, it came up during the work session about proximity to other things, maybe like a daycare or something. I'd have to refer back to the newest code for the cannabis use which I do not have with me tonight. I will reach out to you if there are any other comments.

MR. JOHNSON: Is this daycare that you're referring to in this site?

MR. JAMES CAMPBELL: No. No.

CHAIRMAN EWASUTYN: Are you talking about 185-48.9?

MR. JAMES CAMPBELL: Do you have the newest one?

CHAIRMAN EWASUTYN: I believe I do.

Do you want to pass that down.

MR. CORDISCO: This is the 2023 version. The 2024 was amended, but the availability is not up on the website.

MR. JAMES CAMPBELL: I will check it and I'll reach out to everybody if there are any issues.

MR. JOHNSON: Okay. I guess you're referring to the daycare that's on 300?

MR. JAMES CAMPBELL: I'm not referring to anything specific right now. I know the law changed. I forget what they took out. I will have to defer. Before the library across the street would have been an issue. I don't know if that still is. I don't believe that is. I have to refer back to the new code.

MR. JOHNSON: Okay.

CHAIRMAN EWASUTYN: Any additional comments, Jim?

MR. JAMES CAMPBELL: No.

CHAIRMAN EWASUTYN: Pat Hines with MH&E.

MR. HINES: So the project is a special use under Code Section, which the Chairman just referenced, 185-48.9.

Adjoiners' notices will have to be sent out. I'll work with Mr. Johnson's office to get those out.

A referral to County Planning is required as a special use on the State highway. I would suggest, if the Board wished to authorize that subject to the bulk table being revised to the B Zone and the B Zone setbacks, that that could be undertaken.

We need a parking calculation for the entire site. I know there's, you said, 70 some parking spaces.

MR. JOHNSON: 76.

MR. HINES: Each of those various uses -- there's a restaurant use and some retail uses. Each of the uses has its own parking count. We need to cumulatively determine parking for the site.

Because it's a change of use and a

special use being placed on the site, any zoning deficiencies, if there are any, would lose their grandfathering.

The Planning Board may wish to refer the project to DOT.

I believe that this is a Type 2 action as a change of use in an existing structure.

The project is located on a State highway. I could send a letter to DOT making them aware of the project in case they have any issues.

There won't be a SEQRA circulation.

A dumpster enclosure on the site. I'm not sure where this specific dumpster is going to be. Referencing the code section for the retail cannabis use, it requires a secure dumpster for disposal of the material.

CHAIRMAN EWASUTYN: Floyd, while we're on the subject of dumpsters, there are two dumpsters in the rear of the building along with, I believe, one of those little storage containers. I think

you should show them on this plan.

MR. JOHNSON: Okay.

CHAIRMAN EWASUTYN: Sorry, Pat.
Let's go back to what Pat was talking
about.

MR. HINES: Along with the bulk
table, the building coverage is
identified with a decimal percent. It's
obviously bigger than that.

There's some reference on the plan
to some statement about photos or
something. I don't know what that title
block is. It says photo of sand.

MR. JOHNSON: There was a picture
there.

MR. HINES: That needs to be
cleaned up.

You may need ZBA approval for the
existing sign. I think you will. The
existing sign is located in the DOT
right-of-way, so it can't possibly meet
any setbacks. That may be an issue. If
you're not changing that sign, you may
keep that protection I guess. I think

your client may want a sign for there.
Any changes to that. I know Mr. Campbell
will review that.

MR. JOHNSON: That structure is
there. I have to assume that anyone that
rents that spot has to put their sign
into that.

MR. HINES: They do. Because of
the change of use of that portion of the
structure and the special use that you're
getting, you lose your grandfathering of
anything preexisting nonconforming on the
site. That's the gist of my comment.
I'll defer to Mr. Campbell. He does the
zoning checks on those signs.

MR. JAMES CAMPBELL: Now that it is
actually, by this submittal, off
property, any change to that sign, and
changing a face has been determined to be
changing the sign, even if it's a 12 by 3
foot placard, it's changing the sign, it
has to conform with the current code.

MR. JOHNSON: Okay.

MR. HINES: Or get a variance. I

1 don't know if you can get a variance in a
2 DOT right-of-way. That's a challenge.

3 MR. JAMES CAMPBELL: You and the
4 property owner --

5 MR. JOHNSON: If we comply with the
6 Town's signage for square footage and we
7 put it on the building, then we're not --
8 you said we're not grandfathered into
9 that particular signage?

10 MR. JAMES CAMPBELL: If you're not
11 touching that sign and putting your sign
12 face --

13 MR. JOHNSON: We don't want a sign.

14 CHAIRMAN EWASUTYN: Can I say
15 something? I think the applicant should
16 make that comment and not you. Floyd,
17 seriously.

18 MR. JOHNSON: I know.

19 CHAIRMAN EWASUTYN: It's late in
20 the day. This is serious business.
21 We'll work with you.

22 MR. JOHNSON: Yes.

23 CHAIRMAN EWASUTYN: Your name is
24 Shawn. Correct?
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MR. SHAWN CAMPBELL: Shawn
Campbell. How are you doing, everybody?

I guess I could be fine with that,
as long as we can still label the store
where it says -- you don't have to use
the one on the outside.

MR. JAMES CAMPBELL: Any sign
that's put up has to be compliant. Any
sign changing that existing freestanding
sign would not be compliant.

MR. SHAWN CAMPBELL: Each store has
a sign on it.

MR. JAMES CAMPBELL: Each
storefront. When you go to change out
that placard, it's based on the lineal
footage of your storefront. Depending
upon how old that sign is, it may not be
acceptable. Awhile back, not that far
ago, the code was changed from like a
half page of code for signs to forty
pages for signs.

MR. SHAWN CAMPBELL: I'm fine.

MR. JAMES CAMPBELL: It may or it
may not comply.

MR. SHAWN CAMPBELL: Whatever is in compliance, I'm fine with that. Thank you.

MR. JAMES CAMPBELL: All I would need is the lineal footage of your storefront and then we can determine what would be allowed.

MR. SHAWN CAMPBELL: Thank you.

MR. JOHNSON: I meant no disrespect.

CHAIRMAN EWASUTYN: I understand. We heard from the public. We've been working at this since 5:30 this evening. It is a formal meeting. I'd like to keep it formal, especially when you get to later in the evening, people want to stay focused.

Dominic Cordisco, Planning Board Attorney.

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

This is the first time that they've appeared. As Pat had mentioned, they'll require a referral to County Planning.

Do you believe the application is

1
2 ready at this time?

3 MR. HINES: With the updated bulk
4 table, the condition that the bulk table
5 be updated appropriately, I think it can
6 be sent at this time.

7 CHAIRMAN EWASUTYN: Show the
8 existing trash enclosures in the back. I
9 think there are two. I think they may be
10 a metal something for storage.

11 Pat Hines raised a question. Do we
12 want to, out of courtesy, refer this to
13 the Department of Transportation?

14 MS. CARVER: I think so.

15 CHAIRMAN EWASUTYN: I'm asking.
16 Yes, no?

17 MS. CARVER: Yes.

18 MR. WARD: Yes.

19 CHAIRMAN EWASUTYN: We're going to
20 circulate to the Orange County Planning
21 Department. Pat was wondering do we want
22 to circulate this to the DOT since it's
23 on a State road.

24 MS. CARVER: Yes.

25 MS. DeLUCA: Yes.

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CHAIRMAN EWASUTYN: Can I hear
voices?

MR. DOMINICK: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

MS. CARVER: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Thank you.
We'll do that. I think that was Pat
Hines' recommendation with your project
on 17K. Being consistent with that kind
of recommendation, we'll stay consistent.

MR. HINES: We did it for the
facility down towards Algonquin Park.

CHAIRMAN EWASUTYN: Thank you.
Procedurally let's keep it consistent.

MR. CORDISCO: Adjoiners' notices
would also be required, sir.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 8:52 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 12th day of May 2025.

Michelle Conero

MICHELLE CONERO

STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD
----- X
In the Matter of

LANDS OF HUDSON MARINE CORP.
(2025-14)

342 Quaker Street
Section 3; Block 1; Lot 53.2
AR Zone

----- X
TWO-LOT SUBDIVISION

Date: May 1, 2025
Time: 8:53 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JONATHAN MILLEN

----- X
MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: The last and
3 final item this evening is the Lands of
4 Hudson Marine Corp., project number
5 25-14. It's an initial appearance for a
6 two-lot subdivision located on Quaker
7 Street in an AR Zone. It's being
8 represented by Jonathan Millen.

9 MR. MILLEN: Good evening. Once
10 again we have a two-lot subdivision. The
11 existing parcel is a little over 23 acres.

12 The parcel we're proposing is 2.5
13 acres.

14 There are no proposed improvements.

15 The larger lot will not be a
16 buildable lot at this time.

17 We understand that we're going to
18 identify where the existing leachfields
19 are on the proposed parcel.

20 Right now this is shown as a 20-
21 foot section between the proposed
22 parcel and the outbound parcel,
23 however it's going to be modified to
24 be 50 feet here.

25 Other than that, it's the way it

2 is proposed.

3 CHAIRMAN EWASUTYN: Jim Campbell,
4 do you have any comments?

5 MR. CAMPBELL: I have no comments.

6 CHAIRMAN EWASUTYN: John Ward.

7 MR. WARD: No comment.

8 MS. CARVER: There's a dedication
9 of a .3 acre strip?

10 MR. MILLEN: Right now the deed
11 reads to the center of the road,
12 although, as it turns out, the road must
13 have been a little bit skewed at the time
14 the deed was written some thirty odd
15 years ago. However, this portion right
16 through here, about three-tenths of an
17 acre, is going to be dedicated to the
18 Town.

19 MS. CARVER: Just to comply?

20 MR. HINES: The Town will then have
21 control of 25 foot from the center line.

22 MS. CARVER: Thank you.

23 MR. HINES: It was a road by use.
24 This will clean it up.

25 MS. CARVER: Thank you for that.

2 MR. BROWNE: Nothing more. Thank
3 you.

4 CHAIRMAN EWASUTYN: It has good
5 sight distance. I looked at the site
6 today.

7 Ken Mennerich.

8 MR. MENNERICH: No questions.

9 MS. DeLUCA: No questions.

10 MR. DOMINICK: Nothing further.

11 CHAIRMAN EWASUTYN: The action
12 before us tonight, Pat?

13 MR. HINES: The adjoiners' notices
14 need to be submitted.

15 As Mr. Millen stated, we had
16 suggested that because of the presence of
17 the wetlands that are now under DEC
18 jurisdiction that have been depicted, the
19 larger access point is restricted by
20 that. The 20-foot access, I don't know
21 the direction, but the top of the map,
22 seemed narrow. We suggested that only a
23 driveway would be permitted there in the
24 future. I think that he's taken that
25 comment and said that he's going to

2 provide a 50-foot fee ownership strip so
3 that a private or public road or some
4 other access point could be generated.

5 We could send out adjoiners'
6 notices once we receive that change. I
7 think it would be appropriate to wait for
8 that change.

9 That's the only issue we have right
10 now, other than the dedication that was
11 talked about, the legal documents for
12 that and showing the septic system on lot
13 1 which Mr. Millen mentioned.

14 CHAIRMAN EWASUTYN: How do we know
15 that it's appropriate? Would that be set
16 up at another meeting or would you be
17 working with --

18 MR. HINES: I was suggesting that I
19 would work with the applicant, unless the
20 Board wants to see it. It's going to go
21 from 20 to 50, adding 30 feet. It will
22 change all the lot sizes and such. I
23 think it makes better planning for the
24 future with an 18 plus or minus acre
25 parcel.

2 CHAIRMAN EWASUTYN: The motion
3 before us tonight is to hold off the
4 adjoiners' notices until you're satisfied
5 with the changes to the subdivision map?

6 MR. HINES: It's going to change
7 that fee ownership from 20 feet to a
8 50-foot strip on the -- is it north?

9 MR. MILLEN: The northerly side.

10 CHAIRMAN EWASUTYN: Would someone
11 approve that motion? We'll hold off
12 circulating the adjoiners' notice until
13 that 50-foot --

14 MR. HINES: Just to show 50 foot of
15 fee ownership rather than the 20 feet
16 depicted on the map.

17 MR. MENNERICH: So moved.

18 MS. DeLUCA: Second.

19 CHAIRMAN EWASUTYN: I have a motion
20 by Ken Mennerich. I have a second by
21 Stephanie DeLuca. Can I have a roll call
22 vote starting with John Ward.

23 MR. WARD: Aye.

24 MS. CARVER: Aye.

25 MR. BROWNE: Aye.

2 CHAIRMAN EWASUTYN: Aye.

3 MR. MENNERICH: Aye.

4 MS. DeLUCA: Aye.

5 MR. DOMINICK: Aye.

6 CHAIRMAN EWASUTYN: Would someone
7 move for a motion to close the meeting of
8 the 1st of May 2025.

9 MR. WARD: So moved.

10 MS. DeLUCA: Second.

11 CHAIRMAN EWASUTYN: I have a motion
12 by John Ward. I have a second by
13 Stephanie DeLuca. Can I have a roll call
14 vote starting with John Ward.

15 MR. WARD: Aye.

16 MS. CARVER: Aye.

17 MR. BROWNE: Aye.

18 CHAIRMAN EWASUTYN: Aye.

19 MR. MENNERICH: Aye.

20 MS. DeLUCA: Aye.

21 MR. DOMINICK: Aye.

22

23 (Time noted: 9:00 p.m.)

24

25

2

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

4

5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 12th day of May 2025.

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MICHELLE CONERO