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

----- X
In the Matter of

TOWN CENTER PLAZA - FRONT FACADE
(2024-11)

59 North Plank Road
Section 76; Block 4; Lot 3
B Zone

----- X

INITIAL APPEARANCE
ARB - NEW FACADE

Date: May 16, 2024
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MICHAEL BERTA

----- X

MICHELLE L. CONERO
Court Reporter
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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. The Town of Newburgh Planning Board would like to welcome you to our meeting of the 16th of May 2024. We have seven agenda items.

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

MR. DOMINICK: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. WARD: Present.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. HINES: Pat Hines with MHE Engineering.

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

CHAIRMAN EWASUTYN: John Ward, would you lead us in this part of the

2 Lots. On the end, to give a little
3 height because of the way the site
4 is, we're going to be putting a clock
5 tower, open face, on top, giving a
6 little height. The way the road
7 comes up, it's difficult to see the
8 height. We were thinking, with the
9 clock tower, it's going to give it a
10 little visual as you're driving down
11 the road. Some people will notice it.

12 The finishes will be the stucco
13 with a granite stucco on the bottom
14 as a water table. It will be
15 anodized brownstone as well as the
16 dark brown trim.

17 Currently we're not planning on
18 any site improvements as we're
19 building over the existing.

20 That's pretty much it.

21 CHAIRMAN EWASUTYN: Questions
22 from Board Members.

23 MR. DOMINICK: Michael, I think
24 it's a great site, a big improvement.
25 It's very contemporary compared to

2 what's there now.

3 We talked in workshop, and one
4 of my concerns, as was mentioned by
5 some fellow Members, is the parking
6 and traffic pattern. You have a
7 coffee shop on the corner of the
8 site. The traffic backs up into the
9 parking lot and snakes around in
10 either direction usually. That is
11 one concern that I have for this
12 project.

13 MR. BERTA: Well, if I can. I
14 actually worked on that. We did a
15 lot on that, with the back up and
16 keying. As it was laid out, it was
17 based on a twelve-car stacking.
18 There was a twelve-car stack.
19 Usually it comes out and then it
20 comes right out in front of the --
21 just before the main entrance comes
22 in. I'm not saying it doesn't stack
23 more than that, but usually they have
24 a system in place for the coffee shop
25 that every 52 seconds or minute they

2 get a car through the drive-through.
3 Their average time is about seven
4 cars -- average stack time is seven
5 cars usually. I can't say there's
6 not more. That being on the east end
7 -- west end of the site and the mall
8 is on the north end and the west end
9 -- east end. I'm sorry.

10 MR. DOMINICK: Correct. Your
11 main entrance is on the west end. People
12 come in and turn into the mall and then
13 are met with a traffic gridlock.

14 MR. BERTA: I mean, the entrance
15 comes in and it splits. You can go
16 right to the coffee shop or left to
17 the mall. Given what we're doing,
18 we're not changing -- like I said,
19 we're not changing anything. The Big
20 Lots and the Freshtown are probably
21 going to have the same amount of
22 traffic/cars, market to market. I'm
23 not really quite sure how to answer
24 your question.

25 MR. DOMINICK: I disagree. I

2 think this Fresh mart will have a
3 little more traffic.

4 MR. BERTA: It might. I'm not
5 going to argue.

6 MR. DOMINICK: I just see that
7 as a bottleneck. I don't know how
8 that could be addressed as well.

9 MR. BERTA: We'll have to take
10 a look at it. I'm not sure.

11 MR. DOMINICK: Thank you.

12 MR. BERTA: Maybe signage so
13 everybody knows where they have to go.
14 I can include signs if that's what it
15 would take.

16 MR. DOMINICK: Thank you.

17 MS. DeLUCA: I agree with Dave.
18 It's a great improvement. It is very
19 outstanding.

20 I was just curious with the clock.
21 How do you maintain the time on the clock?
22 How will that be maintained?

23 MR. BERTA: It's actually all done
24 remotely.

25 MS. DeLUCA: Is it?

2 MR. BERTA: Yes. It's a wired
3 connection that actually will be
4 controlled from their offices in
5 Mount Vernon. As long as there's
6 internet, they can be controlled.

7 MS. DeLUCA: Very good. Thank
8 you.

9 MR. BERTA: Being that it's
10 open inside, this actually is -- this
11 platform is an actual solid platform.
12 Somebody could get on there, stand on
13 there and maintain it if they had to.

14 MS. DeLUCA: You're able to walk --
15 obviously, according to the picture, you
16 walk through and enter --

17 MR. BERTA: Underneath.

18 MS. DeLUCA: -- underneath to
19 that particular store?

20 Thank you. Very nice.

21 MR. MENNERICH: How many clock
22 faces in the tower? Three?

23 MR. BERTA: Three.

24 MR. MENNERICH: Okay. That was
25 the question I had.

2 CHAIRMAN EWASUTYN: You said
3 you aren't proposing any housekeeping
4 items for the site, it's just the
5 facade itself?

6 MR. BERTA: Correct.

7 CHAIRMAN EWASUTYN: I just have
8 a question for you. On the same side
9 where the clock is, when you drive in
10 that way, that's where you get deliveries?

11 MR. BERTA: Yes.

12 CHAIRMAN EWASUTYN: I think at one
13 point there may have been a window there
14 for, I don't know what it was, a bank
15 or a drive-through.

16 MR. BERTA: When it was CVS.

17 CHAIRMAN EWASUTYN: Right now
18 that window is boarded up with plywood.

19 The two bollards, they're kind
20 of hanging over.

21 MR. BERTA: We'll fix them.

22 CHAIRMAN EWASUTYN: Take them
23 out or fix them.

24 MR. BERTA: We're going to
25 leave them, only because we're not

2 going to take out the drive-through.

3 CHAIRMAN EWASUTYN: Excuse me?

4 MR. BERTA: Where the drive-
5 through window was, it actually
6 protrudes out. What they'll do is
7 have the bollards repaired just to
8 protect that.

9 CHAIRMAN EWASUTYN: And the use
10 of the drive-through would be?

11 MR. BERTA: None. It's just there.

12 CHAIRMAN EWASUTYN: You think it's
13 more functional to leave them there
14 rather than remove them?

15 MR. BERTA: I have to talk to the
16 owner on that. I don't want to say
17 one way or the other. I don't know
18 if the internal -- at any point in
19 time that tenant has plans to use it
20 again at some point. I'd have to
21 find out for you.

22 CHAIRMAN EWASUTYN: I think it
23 might have to come before us if he
24 does intend to use that.

25 MR. HINES: It would be another

2 architectural change.

3 MR. BERTA: Even though the
4 drive-through was there when it was
5 the CVS?

6 CHAIRMAN EWASUTYN: I'll ask
7 Dominic and Pat Hines that question.

8 MR. BERTA: It was an active
9 drive-through when the CVS was there.

10 MR. HINES: That use has ceased
11 now, so you'll be -- that drive-
12 through would become another use.
13 You've lost the ability to have that.

14 MR. BERTA: No problem.

15 MR. HINES: There are only certain
16 uses in that zone that are allowed to
17 have drive-throughs as well.

18 MR. BERTA: Not a problem. I'll
19 find out the answer for you.

20 CHAIRMAN EWASUTYN: Thank you.
21 I appreciate that.

22 The storage box that's been there
23 for quite sometime, will that be
24 removed or is that a permanent fixture?

25 MR. BERTA: I'll find that out

2 for you as well. My understanding is
3 it's supposed -- it was storing overflow
4 for one of the tenants, but I'll find
5 out. I thought it was Big Lots myself.

6 CHAIRMAN EWASUTYN: Jim Campbell,
7 do you have a comment on that?

8 MR. CAMPBELL: That storage box
9 should not be there, if that helps
10 you in your determination.

11 MR. BERTA: I'll make sure it's
12 gone.

13 CHAIRMAN EWASUTYN: My other
14 question is, outside the Auto --

15 MR. BERTA: Auto Zone -- Advanced
16 Auto Parts.

17 CHAIRMAN EWASUTYN: There's a
18 container for putting trash in. Number
19 one, I noticed today, whose responsibility
20 is it to remove the trash? It's, number
21 one, hanging out. Number two, the
22 condition of that trash container
23 wouldn't compliment the facade.

24 MR. BERTA: Absolutely. They
25 have a maintenance person, Wayne,

2 that is responsible.

3 CHAIRMAN EWASUTYN: I'm not
4 interested in knowing about Wayne.

5 MR. BERTA: I'm sorry?

6 CHAIRMAN EWASUTYN: Wayne is
7 meaningless to me.

8 MR. BERTA: It's the building
9 owner's responsibility to empty that.

10 CHAIRMAN EWASUTYN: Will that
11 be corrected?

12 MR. BERTA: I will find out why
13 he's not doing it. Again, there is a
14 maintenance person.

15 CHAIRMAN EWASUTYN: Can you
16 replace it? I don't think it will
17 compliment the new facade. It's
18 white, it's rusted.

19 MR. BERTA: No, no, no. They'll
20 replace it. They'll get new ones out there.

21 CHAIRMAN EWASUTYN: Okay. Those are
22 my only comments.

23 Cliff Browne?

24 MR. BROWNE: Have you already
25 submitted the form with all the

2 architectural materials and colors
3 and all that stuff that's required
4 for ARB?

5 MR. BERTA: We did submit, but
6 I'm going to bring samples to the
7 public hearing. I'll bring samples
8 or I'll submit samples.

9 MR. BROWNE: Thank you.

10 MR. BERTA: I'll be honest with
11 you. I had them and I walked out of
12 my office today without them. I
13 realized it when I got here. There
14 wasn't enough time to go back there.

15 MR. BROWNE: Thank you.

16 CHAIRMAN EWASUTYN: John Ward?

17 MR. WARD: With the clock tower,
18 is it new construction totally?

19 MR. BERTA: Yes.

20 MR. WARD: What John was saying
21 with the drive-through, I'm looking
22 at a picture without it there.

23 MR. BERTA: The drive-through
24 actually is over here.

25 MR. WARD: It's over there?

2 MR. BERTA: Yes. The drive-
3 through is all the way down here at
4 the end.

5 MR. WARD: Okay. The next thing
6 was, like Dave touched on the one
7 entrance, I'm talking about the main
8 entrance to the parking lot. You'll
9 have more volume of people shopping
10 in the supermarket type effect where
11 they have no stop signs or anything.
12 When they come from whatever the
13 fitness place is there, they're
14 rushing out to get to work or whatever
15 and they don't stop. You're talking
16 people going shopping, food shopping.
17 It's a matter of there should be more
18 signage like you were touching on.

19 MR. BERTA: No problem. We'll
20 add that. Like we did when we put
21 the coffee shop in, if you've noticed
22 all the drive-through signs that are
23 there.

24 MR. WARD: Stop signs or whatever.
25 Another thing is --

2 MR. BERTA: We'll add a couple
3 of stop signs and a couple of crosswalks.

4 MR. WARD: Very good. Are you
5 going to have shopping carts?

6 MR. BERTA: I have to assume so, yes.

7 MR. WARD: Are they going to be --
8 where are you storing them? In the
9 parking lot?

10 MR. BERTA: Inside the building.

11 MR. WARD: Inside the building.
12 Okay. Thank you.

13 MR. DOMINICK: Will you have
14 shopping corrals in the parking lot
15 like most shopping supermarkets do?

16 MR. BERTA: I would assume so.
17 Unfortunately, someone else is doing
18 the architecture for the market, so
19 I'm not sure a hundred percent on their
20 plans. I'll check with them, though.

21 MR. DOMINICK: Okay.

22 CHAIRMAN EWASUTYN: Jim Campbell,
23 Code Compliance?

24 MR. CAMPBELL: What is the height
25 of the tower?

2 MR. BERTA: The clock tower?

3 MR. CAMPBELL: To the peak.

4 MR. BERTA: It's 44 feet to the
5 midpoint, the pitched roof.

6 MR. CAMPBELL: That would need
7 a variance.

8 MR. BERTA: Okay.

9 MR. CAMPBELL: There's a 40 foot
10 max to the peak.

11 MR. BERTA: 40 foot to the peak?

12 MR. CAMPBELL: We would need the
13 dimension to the peak.

14 MR. BERTA: Okay. We're a few
15 feet. We'll probably just knock it
16 down so we don't have to get a variance.
17 All right. You need the dimension to
18 the peak. No problem.

19 MR. CAMPBELL: That's all I've got.

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

22 MR. HINES: I had a comment
23 regarding the height, because I saw one
24 of the details specified 44 feet. I
25 guess that's supposed to show the clock

2 tower.

3 MR. BERTA: Yeah.

4 MR. HINES: It's actually the
5 detail right on that sheet you have there.

6 MR. BERTA: It's 40 feet to the top
7 of the steel and then it was -- it's
8 not here, it's on the elevation. To
9 the midpoint it was 44.

10 MR. HINES: The detail on the
11 right side shows a 44-foot dimension
12 as well.

13 MR. BERTA: Over here? Yes.
14 This is the midpoint of the roof.

15 MR. HINES: The upper one which
16 looks like it's part of the parapet --

17 MR. BERTA: That says 30 feet.

18 MR. HINES: There's another
19 dimension there that says 44, I
20 believe. It might not be that one.
21 I specified in the detail. It looked
22 like the parapet was 44 feet.

23 MR. BERTA: This one here is
24 33 foot 4 inches.

25 MR. HINES: Just clarify that.

2 Something else said 44 feet.

3 MR. BERTA: That was on the
4 elevations. It was to the midpoint
5 of the roof, of the clock tower.

6 MR. HINES: You're adding
7 additional parking to the rear?

8 MR. BERTA: That was inadvertent.
9 That was the site plan we used for
10 the Planning Board for the Ready
11 Coffee application because they
12 wanted to see what type of parking --
13 how much parking we could get on the
14 site. Right now there's no intention
15 of doing any striping -- any additional
16 striping. That was if we need to.

17 MR. HINES: It looked like it
18 was going to conflict with the
19 loading docks in the rear as well.

20 MR. BERTA: We checked with them,
21 with the truckers that deliver, and
22 they didn't seem to have a problem
23 with it. We have more than enough
24 parking anyway. A couple spots if we
25 had to eliminate them, it wouldn't be

2 an issue.

3 MR. HINES: The other issue is
4 dumpsters. It looks like there are
5 no dumpster enclosures on this site.
6 It looks like there are a couple
7 dumpsters kind of haphazardly in the
8 loading dock area. It may be the
9 opportunity to provide a more uniform
10 waste disposal in that area.

11 We have the architectural forms
12 and color palette samples should be
13 submitted.

14 This is your first appearance.
15 We need to do adjoiners' notices,
16 notifying everyone within 500 feet.
17 I'll work with your office on
18 providing that --

19 MR. BERTA: Okay.

20 MR. HINES: -- and the mailing
21 process that we use.

22 MR. BERTA: All right. Sounds
23 good.

24 CHAIRMAN EWASUTYN: Dominic
25 Cordisco with Drake Loeb, any comments?

2 MR. CORDISCO: Even though this
3 is before the Board for architectural
4 review, the Board's architectural
5 review authority is tied to site plan
6 review as well. Given the fact that
7 there are some striping changes as
8 well as dumpster enclosures, and any
9 other changes that are being made to
10 the physical site, I would suggest
11 that the Board characterize this as a
12 site plan amendment in addition to
13 the ARB approval that's being sought.

14 CHAIRMAN EWASUTYN: Thank you.

15 From the recommendation of
16 Dominic Cordisco, Planning Board
17 Attorney, can I have a motion to
18 consider the application before us
19 tonight an amended site plan and also
20 ARB approval.

21 MR. DOMINICK: So moved.

22 MR. MENNERICH: Second

23 CHAIRMAN EWASUTYN: I have a
24 motion by Dave Dominick. I have a
25 second by Ken Mennerich. Can I have

2 a roll call vote starting with John
3 Ward.

4 MR. WARD: Aye.

5 MR. BROWNE: Aye.

6 CHAIRMAN EWASUTYN: Aye.

7 MR. MENNERICH: Aye.

8 MS. DeLUCA: Aye.

9 MR. DOMINICK: Aye.

10 CHAIRMAN EWASUTYN: Thank you.

11 MR. CORDISCO: The only other
12 thing would be the adjoiners' notices
13 which will be handled by Pat and the
14 applicant.

15 MR. BERTA: No problem. You'll
16 be in your office tomorrow?

17 MR. HINES: I hope so.

18 MR. BERTA: It is Friday. You
19 never know.

20 MR. HINES: I don't know if I
21 was planning on doing this tomorrow.
22 We'll talk.

23 CHAIRMAN EWASUTYN: Thank you.

24 MR. BERTA: Thank you.

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 24th day of May 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

CPC OF THE WMM - USA, INC.
(2000-03)

5208 Route 9W
Section 24; Block 2; Lot 22.12
B Zone

----- X

SITE PLAN

Date: May 16, 2024
Time: 7:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

MICHELLE L. CONERO
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CHAIRMAN EWASUTYN: The second item on the agenda is CPC of the WMM - USA, Inc. It's a site plan located on Route 9W in the B Zone.

The applicant is withdrawing his application for this evening and will notify us when he's ready to resubmit.

(Time noted: 7:16 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 24th day of May 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

NEWBURGH COMMONS
(2023-24)

5430 & 5450 Route 9W
Section 9; Block 1; Lot 53.1.13
R-3/B Zone

----- X

SITE PLAN

Date: May 16, 2024
Time: 7:16 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ANTHONY GUCCIONE
and UMBERTO BALDINUCCI

----- X

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CHAIRMAN EWASUTYN: The third item is Newburgh Commons. It's a site plan located on Route 9W in an R-3/B Zone. It's being represented by JMC Planning.

MR. GUCCIONE: Good evening. Good to see you all again. My name is Anthony Guccione. I'm with JMC for the Newburgh Commons project on behalf of the applicant, 5450 Route 9W, LLC.

We were last before your Board in December of last year, you may recall. Since then we appeared before the Zoning Board of Appeals in February and March. Four variances were granted for the project. We're now back and respectfully request site plan and lot consolidation approval for the project.

Just as a refresher, for the site description, the site is on the east side of Route 9W. The site is outlined in red here. 9W is at the top of the sheet. It's between Oak Street, which

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lies here to the south, and Cortland Drive, which lies to the north here. It's directly across the street from Overlook Farms which your Board previously approved.

The property is 3.7 acres in size and it consists of two lots. The applicant is proposing to consolidate those two lots into a single lot. The lot lies within the B, Business, District where the use is permitted.

As I mentioned, we were before the Zoning Board. They did grant variances for the project. They granted a rear yard setback variance for the proposed buildings. 30 feet is required along the rear yard. They granted a variance for 18 feet for the setback at this location for the larger building and 19.5 feet for the smaller building. They also granted front yard setbacks for the gas canopy, 18.6 feet adjacent to 9W, which we are, where 60 feet is required, and 31 feet adjacent to

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Cortland Drive where 40 feet is required.

In addition, you may recall there was a buffer required at the rear of the property. The Zoning Board determined that the project does comply with the rear yard buffer requirement. The site lies within the B District which has a 30-foot rear yard setback requirement. Since the buffer is required to be equal to one half the setback dimension, the minimum buffer shall be 15 feet. Since the project proposes an 18-foot buffer along the rear at a minimum, at least 18 feet, the Board determined that the buffer requirement is satisfied.

We did make some changes to the project since we were last before you. I would like to take you through the plan, the current site plan. The larger building located right here is now proposed to be 11,550 square feet. It was previously 14,600 square feet. That

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is a reduction of 3,050 square feet compared to the original plan. That allowed us to move the retaining wall in, reduce the disturbance at the back of the site, make the retaining walls lower in that location and less tree removal, less overall disturbance.

The 4,600 square foot building here now is proposed to contain the 3,100 square foot convenience store and a 1,500 square foot restaurant.

The plan continues to propose the six gasoline pumps under a canopy here at the north end of the site.

The access is still proposed to be two driveways which are proposed to connect to Route 9W, a right in/right out driveway here at this location and this main driveway opposite the Overlook Farms project site driveway. We're still hopeful that the New York State Department of Transportation will grant the right to install a traffic signal at that location. The third driveway that was

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previously proposed to connect to Oak Street has been removed from the site, therefore we no longer needed a variance for that connection since it was within 100 feet of the Route 9W intersection.

We've added substantial landscaping to the plan. We added deciduous trees, evergreen trees, ground cover. We fully responded to KALA's landscape memo.

As far as parking, there are 122 parking spaces required and 128 parking spaces are provided, which complies with zoning.

There are two loading spaces required and provided.

There is a watercourse at the south end of the site you'll see here in blue. A portion of that watercourse is proposed to be rerouted to accommodate the project.

Under proposed conditions, we are planning to have more of the watercourse day-lighted than currently exists, which would be an environmental benefit,

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shortening the culvert on the property.

The stormwater will be collected and recharged into the ground in subsurface stormwater management systems, and a subsurface septic system is proposed to dispose of sanitary sewage.

We are in receipt of comment memos from the Board's consultants. We would appreciate the opportunity to respond to those comments in writing.

We'd be happy to answer any questions.

CHAIRMAN EWASUTYN: Thank you.

John Ward, questions?

MR. WARD: Do you have a lighting study?

MR. GUCCIONE: Not yet, but we can prepare that.

MR. WARD: Please do. Thank you.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing more at this time. There's a lot going on there.

MR. GUCCIONE: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

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MR. MENNERICH: Nothing at this point.

CHAIRMAN EWASUTYN: Pat Hines, in his memo, requested that you send us a PDF of the reports that you sent to the different involved agencies. If we can have copies of that for our file.

MR. GUCCIONE: We're still putting many of them together, but we will get that to you as it's prepared.

CHAIRMAN EWASUTYN: Thank you. Stephanie DeLuca?

MS. DeLUCA: Nothing at this time.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Nothing. Nice job.

MR. GUCCIONE: Thank you very much.

CHAIRMAN EWASUTYN: Jim Campbell with Code Compliance?

MR. CAMPBELL: I just have one comment. The hydrant in front of the restaurant, could that be moved to the left to the next island?

MR. GUCCIONE: I would think so.

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We'll certainly take a look at that.
Move this hydrant to here?

MR. CAMPBELL: Yes.

MR. GUCCIONE: Sure. That's over
a portion of the septic system. What
if we just moved it over --

MR. BALDINCCI: I think so. We can
do that.

MR. CAMPBELL: Just that it was right
between the building and the gas islands.

MR. GUCCIONE: Between the building --

MR. CAMPBELL: And the gas islands.
If something is going, it's going to be
awfully close to it.

MR. GUCCIONE: Okay. Thank you.

CHAIRMAN EWASUTYN: Pat Hines with
MH&E.

MR. HINES: Anthony touched on a
lot of our comments.

As you mentioned, the access from Oak
Street has been removed, which was a subject
of our previous comments.

Copying the Board on all outside
agency approvals. There are numerous

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ones here, DEC and Health Department for the septic and DEC for the stormwater pollution prevention plan.

There will need to be a floodplain development permit from the Code Enforcement office.

Health Department approval for the water system with hydrants. There are quite a few outside agencies.

We did not circulate intent for lead agency because the project was heading to the Zoning Board of Appeals. It would be appropriate tonight for the Board to declare its intent for lead agency and we can do that circulation.

The sidewalks have been provided across the entire frontage. They do jog into the site in the area of the stream crossing the site in order to provide sidewalks. They're not all on the State highway, but they are continuous across the frontage, if someone was crossing that. I think it works and would eliminate the need to put a bridge

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in for a sidewalk basically. It brings them into the site and back out around the stream.

The tree protection plan was submitted which identified the number of trees on the site and the species, but there needs to be the calculation to show the number of trees removed.

MR. GUCCIONE: There was a table that quantified the diameter breast height, the number the trees on the site, the number being removed. It was only 35 percent of the --

MR. HINES: I must have missed it. I didn't see that on there.

MR. GUCCIONE: Okay.

MR. HINES: We'll check that out. I didn't see that on there.

DOT approval for the two access points will be required.

Both Karen and my office noted the height of the retaining wall to the rear of the larger structure. It's 26 feet high. I believe the structure

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is going to be a little higher than that, so it will be screened.

We also requested the geo-tech be checked out so that your client doesn't have the issue they had next door.

MR. GUCCIONE: There is a geo-tech on the project that's working on that with us.

MR. HINES: The rock removal was an issue next door. They spent months there mechanically removing rock, so it would be worth evaluating.

I think right now they have the rest of our comments. They have to do the outside agency reports.

Circulation for lead agency would be appropriate.

CHAIRMAN EWASUTYN: Thank you.

Dominic Cordisco with Drake Loeb?

MR. CORDISCO: Nothing further to add, sir.

CHAIRMAN EWASUTYN: Would someone make a motion to circulate our intent for lead agency.

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MR. MENNERICH: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion
by Ken Mennerich. I have a second by
Stephanie DeLuca. Can I have a roll
call vote starting with Dave Dominick.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

MR. GUCCIONE: Thank you very
much. Have a good evening.

(Time noted: 7:25 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 24th day of May 2024.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

NEWBURGH SHOPPES - PHASE III
(2023-16)

1217 & 1219 Route 300
Section 96; Block 1; Lots 6.2 & 11.1
IB Zone

- - - - - X

SITE PLAN

Date: May 16, 2024
Time: 7:25 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: KELLY LIBOLT

- - - - - X

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

1 NEWBURGH SHOPPES - PHASE III

2 CHAIRMAN EWASUTYN: The fourth item
3 is Newburgh Shoppes - Phase III. It's a
4 site plan located in the B Zone. It's
5 being represented by KARC Planning
6 Consultants, Kelly Libolt.

7 MS. LIBOLT: Thank you, Mr. Chairman.
8 Again, I'm Kelly Libolt with KARC
9 Planning Consultants.

10 If you recall, we were before this
11 Board a few months ago for a nearly
12 identical application. This is the
13 Newburgh Shoppes location that you had
14 indicated, and this is phase III.

15 For those of you who have been on
16 this Board a long time, you'll recall
17 that the front portion of the Shoppes
18 was the Cosimo's restaurant and in phase
19 II was the retail area right behind that,
20 and that big vacant lot in the back was
21 previously approved for a shopping center.
22 It was a grocery store. That is the
23 focus area of this particular application.

24 We were before you a couple of months
25 ago for the same application. After that

1 NEWBURGH SHOPPES - PHASE III

2 meeting, the Board referred us to the
3 Zoning Board of Appeals, because at
4 that time we were incorporating the
5 storage facility into the shopping
6 center. Under your code, the storage
7 facility was not necessarily deemed a
8 use that was permitted in the shopping
9 center district. This project was
10 approved as one cohesive shopping
11 center.

12 We went back and looked at the
13 application. The amendment that we've
14 made is that we're going to subdivide
15 out that self-storage facility. We're
16 going to keep the shopping center
17 portion in the front. The minimum lot
18 area for a shopping center is 5 acres.
19 We reconfigured the site and redesigned
20 the site to accommodate that and then
21 keep the shopping center portion in the
22 back.

23 What's on this drawing is -- it's
24 somewhat hard to see. We did give you
25 a copy of this. Langan, if you

1 NEWBURGH SHOPPES - PHASE III

2 remember, Jerry was so good, he always
3 did an overlay district to try to show
4 you what was previously approved and
5 what's currently being proposed.
6 That's kind of what you see on this
7 plan. 300 is on the bottom of this
8 drawing. This is Orr Avenue, Cosimo's,
9 the retail area, and this is the vacant
10 lot in the back. This big box here,
11 it's hard to see underneath it, but
12 that was the previously proposed
13 grocery store.

14 What we're proposing now is --
15 again, that grocery store was in the
16 back. We're shifting the temperature-
17 controlled storage facility that you
18 see, which is a four-story building, in
19 the front, and then in the back what we
20 often call the conventional type of
21 garage-style self-storage units.
22 There are a total of five buildings here
23 and then there are these two that extend
24 off the back. It's either six or seven
25 buildings.

1 NEWBURGH SHOPPES - PHASE III

2 Access would be from the back of
3 the site off of Orr Avenue, that would
4 be a new driveway, and then also through
5 phase II of the facility. So there
6 would be a new bridge crossing that
7 would be created here to provide access.

8 These facilities are typically
9 fenced and gated, and so we're proposing
10 a gate here and a gate in the back, just
11 to control the access.

12 There's a small parking area in
13 the front for people who want to rent
14 and they are new, they may not have a code.
15 There's a small parking area for people to
16 pull in and walk in through one of the
17 doors to rent a space.

18 These facilities are not high water
19 users, but there would be a bathroom in this
20 building. We would have to provide potable
21 water and sewer services. We'll work with
22 Pat to figure out the most appropriate means
23 to try to obtain sewer and water service.

24 Stormwater. Langan has done some
25 preliminary analysis, underground

1 NEWBURGH SHOPPES - PHASE III

2 detention. Of course we would provide
3 a SWPPP for the Town to review. There's
4 an old existing SWPPP that's still in
5 place, but we would need to upgrade it
6 for the new code because the regulations
7 have changed significantly.

8 There are two variances that would be
9 needed. One is a rear yard setback and the
10 other is the height of the building. In
11 this zoning district, the maximum height of
12 structures is 40 feet, but for self-storage
13 facilities it's 15. It's kind of an odd
14 regulation, but nonetheless it exists.
15 I think the regulation contemplated 15
16 feet for the small garage-style versus
17 the self-contained building. We would
18 have to go to the ZBA to have that
19 dialogue with them as far as the area
20 variances that would be required.

21 We do have the comments that we
22 received from your consultants. We're
23 happy to have any questions and
24 dialogue with you.

25 CHAIRMAN EWASUTYN: Comments from

1 NEWBURGH SHOPPES - PHASE III

2 John Ward?

3 MR. WARD: Are you going to have
4 outdoor storage?

5 MS. LIBOLT: It's not contemplated
6 on the plan. I know that was one of the
7 questions that came up. I'll get a
8 definitive answer. I think the answer is
9 no, but I just want to make sure that I
10 check.

11 MR. WARD: Your building, is it
12 going to be sprinklered? Is it required?

13 MS. LIBOLT: I think it's required.

14 MR. WARD: Our traffic consultant
15 mentioned Orr Avenue, the concerns. He's
16 coordinating with you, right?

17 MS. LIBOLT: Yes. Ken Wersted. I
18 did get his comments. Those were good
19 comments. We'll figure out whether it's
20 one way or two way.

21 MR. WARD: Thank you.

22 MS. LIBOLT: Absolutely. Thank you.

23 CHAIRMAN EWASUTYN: Cliff Browne?

24 MR. BROWNE: John mentioned a
25 couple of things I was going to ask about.

1 NEWBURGH SHOPPES - PHASE III

2 During our pre-meeting, an issue
3 came up that Code Compliance found. When
4 Jim talks, he can talk about that part.

5 The facade may add an additional
6 requirement for the ZBA.

7 MS. LIBOLT: Very good.

8 MR. BROWNE: You've got the
9 comments about the truck maneuvering?

10 MS. LIBOLT: Yes. To show the
11 truck calculation and the fire. We'll
12 show the fire truck circulation as well.

13 MR. BROWNE: Thank you.

14 CHAIRMAN EWASUTYN: Kelly, in your
15 presentation you described the building
16 as being a four-story building. On your
17 site plan it notes it as being a three-
18 story building.

19 MS. LIBOLT: I apologize, Mr.
20 Chairman. You're correct. It's 40 feet
21 and three-story.

22 CHAIRMAN EWASUTYN: Thank you. I
23 had one additional question. Just for
24 the record, the total square footage of
25 all units combined equal?

1 NEWBURGH SHOPPES - PHASE III

2 MS. LIBOLT: I have to calculate
3 these up. I apologize I don't have that
4 readily available. I know the one
5 building is 30,000 square feet. I think
6 we're within 50,000 to 60,000 square
7 feet.

8 CHAIRMAN EWASUTYN: I did a rough
9 number and it seemed in excess of 60,000.
10 For future submissions, can we have that?

11 MS. LIBOLT: Absolutely. We'll get
12 it on the site plan.

13 CHAIRMAN EWASUTYN: Ken Mennerich?

14 MR. MENNERICH: When people are
15 renting units in there, can they go in
16 any time of day or night --

17 MS. LIBOLT: Yes, sir. They can.

18 MR. MENNERICH: -- to access the
19 units? Some of those times there would
20 not be an employee there?

21 MS. LIBOLT: That is correct, yes.
22 Typically what happens is someone will
23 get a code and that will allow them the
24 gate access to go in and out. Usually
25 during the evening hours the lights are

1 NEWBURGH SHOPPES - PHASE III

2 dimmed, but there's an activation if the
3 gate is opened or something to turn on
4 the lights. Also to leave, generally in
5 self-storage facilities there's a gate
6 code to leave. It minimizes sometimes
7 when people haven't paid their bill and
8 try to sneak under the gate and take
9 their items and leave. There's usually a
10 code to get in and a code to get out.

11 MR. MENNERICH: Do they also have a
12 monitoring systems?

13 MS. LIBOLT: Cameras?

14 MR. MENNERICH: Yes.

15 MS. LIBOLT: Yes, sir. There's
16 monitoring and security.

17 Just with respect to fire emergency
18 services, typically on the gates there's
19 usually a Knox box. Most fire departments,
20 we'll check with the fire department
21 here, they have a horn-activated gate
22 opener. That's typically what you see.
23 In case that situation didn't work,
24 there's always a Knox box on the gate
25 that they can push a button and the

1 NEWBURGH SHOPPES - PHASE III

2 gate will open.

3 MR. MENNERICH: Thank you.

4 MS. LIBOLT: Thank you.

5 CHAIRMAN EWASUTYN: Stephanie DeLuca?

6 MS. DeLUCA: No. I think you covered
7 most of the items I had.

8 CHAIRMAN EWASUTYN: Dave Dominick?

9 MR. DOMINICK: Kelly, just two
10 questions. You will have landscape that
11 compliments the site as you go further.
12 Correct?

13 MS. LIBOLT: Yes. One of the
14 things that we did is we addressed the --
15 this is sort of a long-winded response to
16 your question. We went through and did
17 an analysis of all the trees that were on
18 the site. That was some of the delay
19 between that time and getting before you.
20 We modified the site based on the
21 specimen trees that were onsite. We do
22 have to add all the landscaping. We just
23 wanted to establish the site plan with
24 the Board, and then we'll go ahead and
25 start to add the landscaping.

1 NEWBURGH SHOPPES - PHASE III

2 MR. DOMINICK: You'll have
3 greenscape on the project?

4 MS. LIBOLT: Absolutely. They
5 always do a very good job with landscaping.
6 I'm sure they'll enhance this.

7 MR. DOMINICK: My second question
8 is, you have the main entrance on one end
9 of the property and the office at the
10 other end of the property. Why not the
11 same, combine the two and have -- you
12 know what I'm saying?

13 MS. LIBOLT: I think how the main
14 entrances are deemed main or not may be
15 subjective. I think that they view this
16 entrance as the main entrance to the
17 site. We would look to have some sort of
18 signage. This is a separate lot, so
19 whether or not we could have signage on
20 300, I think that would be something we'd
21 have to look at moving forward. We look
22 at this as a primary or an accessory
23 entrance in the back, really more for
24 fire and emergency services so people can
25 get in and out, but focusing on this as

1 NEWBURGH SHOPPES - PHASE III

2 being the main entrance in and out of the
3 site.

4 MR. DOMINICK: Thank you.

5 CHAIRMAN EWASUTYN: Jim Campbell,
6 Code Compliance?

7 MR. CAMPBELL: We did circulate to
8 the local fire department. They had two
9 concerns, the turning radius and the
10 aerial access. I didn't get details from
11 them, but that was their two concerns.

12 The item Mr. Brown was relating to
13 was the fronting building facades.
14 Section 185-35(c) talks about the facades
15 facing the fronting streets, Orr Avenue.

16 MS. LIBOLT: This one?

17 MR. CAMPBELL: Also Orr Avenue on
18 the long stretch buildings.

19 MS. LIBOLT: On these. Okay.

20 MR. CAMPBELL: Those are supposed
21 to be masonry.

22 MS. LIBOLT: Okay.

23 MR. CAMPBELL: If you're going to
24 the ZBA and you think that's going to be
25 an issue --

1 NEWBURGH SHOPPES - PHASE III

2 MS. LIBOLT: Good point. That
3 would be a good time to talk to them.
4 Okay.

5 MR. CAMPBELL: That's all I have.

6 MS. LIBOLT: Thank you.

7 CHAIRMAN EWASUTYN: Pat Hines with
8 MH&E?

9 MR. HINES: As was mentioned, the
10 project now includes a subdivision. I
11 believe the adjoiners' notices will have
12 to be resent out to include that in the
13 adjoiners' notices as that's a change to
14 the project.

15 The project received a negative
16 declaration, the original three-phase
17 project. That included the supermarket
18 in 2008. In 2008 the bat species were
19 not protected. They've shown up on the
20 new EAF along with the Upland Sandpiper.
21 I think the environmental documents will
22 have to be enhanced to address that issue
23 as well as the Board moves forward with
24 the project.

25 I think the DEC's mapper is incorrect

1 NEWBURGH SHOPPES - PHASE III

2 in part with the stream. I think it's
3 a class A stream. It always was in the
4 past. I know it says class A/C now. I
5 don't know where it becomes a C. I
6 believe it's below the diversion manhole
7 across the street from this project. I
8 believe you're going to need DEC permits
9 for both access points crossing the stream.

10 MS. LIBOLT: You believe it's a C
11 stream?

12 MR. HINES: No. I believe it's an
13 A. It's tributary to Washington Lake by
14 the diversion manhole across the street.

15 The project will require, in
16 addition to what Mr. Campbell just
17 mentioned, two zoning variances, one for
18 rear yard setback, which is proposed at
19 30 feet where 40 feet is required, and
20 then proposed building height, and we
21 need to define that building height. It
22 says 40 feet plus or minus where 15 feet
23 is the maximum. If it's 40 -- we need to
24 make sure if you get the variance, it is
25 40, not 38. That needs to be defined

1 NEWBURGH SHOPPES - PHASE III

2 before you go to the ZBA.

3 You talked about access to the
4 self-storage facility. I noticed the
5 parking was outside the gate, but I guess
6 the sidewalk goes into the office.

7 MS. LIBOLT: Correct.

8 MR. HINES: Similar to what the
9 Board mentioned, there's no outdoor
10 storage areas for boats and RVs. That
11 should be clarified.

12 Utilities for the site.

13 Hydrant locations within the site.

14 Compliance with the Town's Tree
15 Preservation Law. We need those
16 calculations for the number of trees to
17 be removed.

18 I think we should resend the
19 adjoiners' notices and, if the Board
20 wishes, to refer it to the ZBA for those
21 variances, as well as the one Mr. Campbell
22 stated.

23 CHAIRMAN EWASUTYN: Dominic Cordisco,
24 Planning Board Attorney?

25 MR. CORDISCO: It would be appropriate

1 NEWBURGH SHOPPES - PHASE III

2 for the Board to consider a re-referral
3 to the Zoning Board of Appeals at this
4 time. The last time this application
5 was before the Board, you had referred
6 the matter, but now the application has
7 been updated to include the subdivision
8 and further details. If the Board is
9 so inclined, I will prepare a referral
10 letter at your convenience.

11 CHAIRMAN EWASUTYN: Mr. Cordisco,
12 for the record, for the referral letter
13 the verbiage will state?

14 MR. CORDISCO: It's the three
15 variances that have been identified. I
16 believe it's the fact that there's a 40
17 foot rear yard setback that's required
18 and only 30 feet is being provided. Also
19 in connection with the height of the
20 self-storage facilities which is limited
21 by code to 15 feet and the plans
22 currently state an amount in excess of
23 that but around 38 feet currently. That
24 is to be clarified by the applicant. As
25 well as potentially, if the applicant so

1 NEWBURGH SHOPPES - PHASE III

2 chooses, to seek relief from the
3 requirement that the facade fronting the
4 street be composed of masonry.

5 CHAIRMAN EWASUTYN: Having heard
6 from Planning Board Attorney Dominic --

7 MR. HINES: John, I think that
8 section of the code that has to do with
9 the facade also requires the buildings to
10 be oriented differently.

11 MS. LIBOLT: Parallel to the road?

12 MR. HINES: Perpendicular to the
13 road. They are currently more parallel
14 than perpendicular, so you may want to
15 look at that.

16 CHAIRMAN EWASUTYN: That's a site
17 plan issue.

18 MR. CORDISCO: I will add that to
19 the list.

20 CHAIRMAN EWASUTYN: For an
21 interpretation?

22 MR. CAMPBELL: Perpendicular to the
23 fronting street.

24 MS. LIBOLT: Okay. Thank you. So
25 the four?

1 NEWBURGH SHOPPES - PHASE III

2 MR. CORDISCO: Four.

3 MS. LIBOLT: Thank you.

4 CHAIRMAN EWASUTYN: There are two
5 actions before us. Pat Hines will
6 prepare a new adjoiners' notice noting
7 the application before us now being a
8 subdivision, and also Dominic Cordisco to
9 prepare and send a referral letter to the
10 Zoning Board of Appeals. Can I have a
11 motion for that?

12 MR. BROWNE: So moved.

13 MR. WARD: Second.

14 CHAIRMAN EWASUTYN: I have a motion
15 by Cliff Browne. I have a second by John
16 Ward. Can I have a roll call vote
17 starting with Dave Dominick.

18 MR. DOMINICK: Aye.

19 MS. DeLUCA: Aye.

20 MR. MENNERICH: Aye.

21 CHAIRMAN EWASUTYN: Aye.

22 MR. BROWNE: Aye.

23 MR. WARD: Aye.

24 CHAIRMAN EWASUTYN: Thank you.

25 (Time noted: 7:42 p.m.)

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NEWBURGH SHOPPES - PHASE III

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 24th day of May 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

NORTHEAST BUSINESS CENTER
(2021-28)

500, 700 & 900 Corporate Boulevard
Section 95; Block 1; Lot 1.22
IB Zone

----- X

AMENDED SITE PLAN

Date: May 16, 2024
Time: 7:42 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CONNOR McCORMACK

----- X

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

1 N O R T H E A S T B U S I N E S S C E N T E R

2 CHAIRMAN EWASUTYN: The fifth item
3 of business this evening is Northeast
4 Business Center. It's located on
5 Corporate Boulevard in an IB Zone.

6 They're asking for a one-year
7 extension. Mr. Mennerich will read that
8 for the record.

9 MR. MENNERICH: The letter is from
10 Colliers Engineering & Design. It's
11 dated April 30, 2024. It's addressed to
12 John P. Ewasutyn, Chairman, Town of
13 Newburgh Planning Board, 21 Hudson Valley
14 Professional Plaza, Newburgh, New York
15 12550, concerning Northeast Business
16 Center, tax lot 95-1-1.22, Planning Board
17 project number 2021-28. Town of Newburgh,
18 Orange County, New York. Colliers
19 Engineering & Design project number
20 1000245B. "Dear Chairman Ewasutyn, on
21 behalf of the applicant, we are
22 requesting to be placed on the May 16,
23 2024 Planning Board agenda to request a
24 one-year extension to the site plan
25 approval for the project Northeast

1 NORTHEAST BUSINESS CENTER

2 two-year period with the possibility of a
3 one-year extension, and that is the end
4 at that point.

5 CHAIRMAN EWASUTYN: Any questions
6 or comments from Board Members?

7 (No response.)

8 CHAIRMAN EWASUTYN: Would someone
9 make a motion then to grant the one-year
10 extension for Northeast Business Center,
11 project 21-28, through the 16th of May
12 2025?

13 MR. DOMINICK: So moved.

14 MS. DeLUCA: Second.

15 CHAIRMAN EWASUTYN: I have a motion
16 by Dave Dominick. I have a second by
17 Stephanie DeLuca. Can I have a roll call
18 vote starting with John Ward.

19 MR. WARD: Aye.

20 MR. BROWNE: Aye.

21 CHAIRMAN EWASUTYN: Aye.

22 MR. MENNERICH: Aye.

23 MS. DeLUCA: Aye.

24 MR. DOMINICK: Aye.

25 CHAIRMAN EWASUTYN: Are you okay

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NORTHEAST BUSINESS CENTER

with that?

MR. McCORMACK: Okay. Thank you.

(Time noted: 7:46 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 24th day of May 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

MIDDLEHOPE VETERINARY - PROPOSED ADDITION
(2023-20)

5349 Route 9W
Section 9; Block 3; Lots 22.2 & 23
B Zone

----- X

SITE PLAN

Date: May 16, 2024
Time: 7:46 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

1 MIDDLEHOPE VETERINARY

2 CHAIRMAN EWASUTYN: The sixth item
3 of business is Middlehope Veterinary.
4 It's a proposed addition, project number
5 23-20. It's on Route 9W in the B Zone.

6 We received a sign off from the
7 Orange County Planning Department. I
8 believe it's here tonight to declare a
9 negative declaration and to discuss
10 whether or not we want to have a public
11 hearing.

12 MR. HINES: Correct.

13 CHAIRMAN EWASUTYN: Dominic, the
14 first motion before us would be to?

15 MR. CORDISCO: Adopt a negative
16 declaration, sir.

17 CHAIRMAN EWASUTYN: Would someone
18 move for a motion to prepare a negative
19 declaration for the Middlehope
20 Veterinary, project number 23-20?

21 MS. DeLUCA: So moved.

22 MR. WARD: Second.

23 CHAIRMAN EWASUTYN: I have a motion
24 by Stephanie DeLuca. I have a second by
25 John Ward. Can I have a roll call vote

1 MIDDLEHOPE VETERINARY

2 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 MR. WARD: Aye.

9 CHAIRMAN EWASUTYN: It is
10 discretionary with site plans for the
11 Planning Board to waive public hearings.
12 The question before us tonight, I'll poll
13 the Board Members starting with John
14 Ward, would you like to have a public
15 hearing? Would you waive the public
16 hearing?

17 MR. WARD: Waive it.

18 MR. BROWNE: Waive it.

19 MR. MENNERICH: Waive the public
20 hearing.

21 MS. DeLUCA: Waive it.

22 MR. DOMINICK: Waive it.

23 CHAIRMAN EWASUTYN: Let the record
24 show that all Board Members decided to
25 waive the public hearing for Middlehope

1 MIDDLEHOPE VETERINARY

2 Veterinary.

3 Pat, Jim Campbell, Dominic Cordisco,
4 can you bring us forward on the
5 application?

6 MR. HINES: At this point you've
7 issued the neg dec, waived the public
8 hearing. I believe the project is in an
9 acceptable form to receive a final
10 approval.

11 CHAIRMAN EWASUTYN: Jim Campbell?

12 MR. CAMPBELL: I concur.

13 CHAIRMAN EWASUTYN: Dominic Cordisco,
14 can you give us conditions of approval
15 for the Middlehope Veterinarian.

16 MR. CORDISCO: I'm not aware of any
17 specific conditions of approval that
18 would be apart from the general
19 conditions, such as the payment of fees
20 and addressing any final comments.

21 MR. HINES: We really don't have
22 any outstanding comments either. They've
23 addressed the access for the employee
24 parking, the lighting on the site and the
25 small addition to the building.

1 MIDDLEHOPE VETERINARY

2 MR. CORDISCO: It would be the
3 Board's standard conditions, which
4 include payment of fees as well as
5 constructing the project as shown on the
6 plans. There are no changes in use of
7 the site without potential site plan
8 amendment approval from the Board.

9 CHAIRMAN EWASUTYN: Having heard
10 from Planning Board Attorney Dominic
11 Cordisco mentioning the conditions of
12 approval for Middlehope Veterinary for
13 the addition, project number 23-20, would
14 someone move for a motion to grant that
15 final approval.

16 MR. WARD: So moved.

17 MR. HINES: Is that going to include
18 ARB as well? They made presentations
19 to us earlier.

20 CHAIRMAN EWASUTYN: Dominic, do you
21 want to re-mention the resolution and
22 then we'll re-move for a motion?

23 MR. CORDISCO: The conditions would
24 include your standard conditions, which
25 include the payment of any outstanding

1 MIDDLEHOPE VETERINARY

2 fees and escrow, compliance with the
3 plans, the project has to be built
4 according to the plans as shown, and the
5 use is limited to the use that's been
6 before the Board. If there's any change
7 in use, it would have to come back before
8 the Board.

9 The open question is whether or not
10 ARB approval is also being granted at
11 this time.

12 CHAIRMAN EWASUTYN: Is the Board
13 satisfied with granting ARB approval
14 along with site plan approval?

15 The square footage of the addition
16 is how many square feet?

17 MR. HINES: It was 2,300 -- I'll
18 give it to you. It's on the plan.

19 CHAIRMAN EWASUTYN: There again,
20 that's under 2,700 square feet.

21 MR. MENNERICH: 2,342, first and
22 second floors combined.

23 MR. HINES: That's the total, 2,342
24 square feet.

25 CHAIRMAN EWASUTYN: Can I have a

1 MIDDLEHOPE VETERINARY

2 motion to grant final approval for
3 Middlehope Veterinary for the proposed
4 addition for both site plan and ARB
5 approval.

6 MR. WARD: So moved.

7 MR. DOMINICK: Second.

8 CHAIRMAN EWASUTYN: I have a motion
9 by John Ward. I have a second by Dave
10 Dominick. Can I have a roll call vote
11 starting with John Ward.

12 MR. WARD: Aye.

13 MR. BROWNE: Aye.

14 CHAIRMAN EWASUTYN: Aye.

15 MR. MENNERICH: Aye.

16 MS. DeLUCA: Aye.

17 MR. DOMINICK: Aye.

18 CHAIRMAN EWASUTYN: Motion carried.

19

20 (Time noted: 7:52 p.m.)

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1 MIDDLEHOPE VETERINARY

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

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

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

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

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 24th day of May 2024.

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Michelle Conero

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MICHELLE CONERO

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

----- X
In the Matter of

32 EXPRESS
(2022-21)

689 New York State Route 32
Section 4; Block 2; Lot 6
RR Zone

----- X

SITE PLAN

Date: May 16, 2024
Time: 7:52 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ALEXANDER URDA

----- X

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

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CHAIRMAN EWASUTYN: The seventh and last item of business is 32 Express located on 689 Route 32, project number 22-21. It's in an RR Zone. It's being represented by Urda Engineering.

MR. URDA: Hi there. It's been a couple years since I was here with Ritesh and Kenneth Patel. They're the owners of the current 32 Express that's at the front of the site now.

When we came in --

MR. DOMINICK: Can we have your name for the record?

MR. URDA: I'm sorry. Al Urda with Urda Engineering.

When we came in before you two years ago, we had fueling station pumps out in front for gasoline. We wanted to entertain that idea, understanding the ramifications of having that next to the reservoir district, the reservoir area. Since then we've withdrawn the pump stations.

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The owners would just like to upgrade their building from what is there now, around 2,000 square feet, to a 3,600 square foot building. Previously we were in here with a 60 by 72 building for around 4,300 square feet. We've reduced the building, removed the pumps and moved the building forward to about 70 feet off the roadway.

They came in, I believe through the winter, and had some discussions informally on how to proceed with this.

The big questions tonight are what variances would we need in order to be able to demolish their existing facility that's a bit delapidated and outdated and get to where we can develop this 3,200 square feet within this zone.

We understand this is the reservoir district. We are 1.5 acres. It's 200 feet in the front, 320 feet long, roughly. 324.

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What we've shown -- I did show a table up there just to compare the business, just for my own setback reasons.

We have twenty-three parking stalls out there, two handicap. We only need one handicap.

One of the comments that has come back already was something that we're entertaining already as well. We want to reduce the pavement in the front. I showed this long expanse currently, but we'd like to get down to what I think Patrick is going to tell us we have to do anyway. The State has a 30-foot max throat for entrances. We will likely end up with an island here. Ritesh wants to landscape that in the front and also keep people from doing the U-turn maneuvers that they do currently. Quite often the cars come down, decide they want to turn around and whip in front of the building and head back out.

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We'd like to keep them from doing that in the future.

The site does have an existing well. Unfortunately it's right here. It's right where we'd like to bring a delivery truck around. We're going to have to relocate the well, and so a new well and abandon that well.

The existing septic system is in this corner. We came down and did percolation testing and anticipate putting a system here. I have to deal with the grades to make sure I can get it there. I may have to pump to that and also have some reserve area.

I did have a list of things to follow. For tonight we're looking for your guidance on the variance aspect of it, what we might need for area variances based on the RR District.

In that district do I also need a signage variance for all of the signage?

The stormwater, I had to try. It's

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.98 acres. You have a lower threshold regardless. Correct?

MR. HINES: We do. Once you get to .99, we're close enough to 1 to protect the municipality and have a SWPPP done.

MR. URDA: I think the lowest I can get is .9 if I leave reserve for the septic, and I also have to address grading and runoff.

MR. HINES: The fact that it's in a reservoir zoning area as well, it would be required.

MR. URDA: We haven't advanced that yet. We want to get through the variance first before we move ahead.

MR. HINES: There's no reason to prepare a SWPPP yet until you get further along.

MR. URDA: Correct.

Parking, I suspect that may or may not need a variance. Depending on if we have a use variance, the parking may just go along with that.

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Building finishes, if there's anything we would need to know about that in advance through the variance process, what's required of this type of building within this location.

We do have a 30-foot peak on this. The walls of the building are 12 foot. It's a scissor truss, so inside the building is an open 60 feet. The scissor truss is on a 6/12 roof. I have a 15-foot high roof with a raised heel. I'm technically around 29 feet, but I think I put 30 feet on the paperwork.

A sidewalk all the way around the building.

Vehicular access, we will have it mapped on here. I did lay a WB-40, a small tractor trailer, coming around, being able to deliver to the back and being able to go back out. They can come in either way and go out either way. Right now everything is right in the front of

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the building. The front of the building is right here and everything happens right there. We're bringing it to the back and providing actual parking with safe maneuvering. Currently some of the vehicles probably back into the extra lane that's on 32, which isn't safe.

I did notice in my EAF -- I updated the EAF and submitted a full form previously. I missed a line on page 4. I didn't reduce the building size. I changed all the other pieces, got rid of the fuel station. Page 4 D-1 says it's still the old size, not 3,600.

Hearing the issue today, I don't know if that's applicable to us or not, if we have to extend timeframes or if we started fresh today.

MR. HINES: That's only if you had approval.

MR. URDA: Perfect. I'll leave it to some discussion now and hope to

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get some guidance on the ZBA.

CHAIRMAN EWASUTYN: Let's have the discussion on the ZBA recommendation. You're looking at this as being in a B Zone?

MR. URDA: Looking through your tables, that was what it was comparable to. I believe before the Reservoir District came in, it was a B Zone, if I'm not mistaken, that might have been decades ago, and then it switched to this.

MR. HINES: That would have been a long time ago.

MR. URDA: At some point it did have a fuel station. There were tanks that had been removed and there were pumps there. That went away I think with the Reservoir.

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

MR. CAMPBELL: Since you're an existing nonconforming use in the RR Zone, you're looking to extend or

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alter the nonconforming use, --

MR. URDA: Correct.

MR. CAMPBELL: -- I think you would refer to 185-19 A(1) to go for your zoning variance. The Zoning Board would determine the bulk.

MR. URDA: Okay. So will we do that informally with them at one session and then back again?

MR. CAMPBELL: The attorney will refer you to them --

MR. URDA: Okay.

MR. CAMPBELL: -- and then you'll have to apply to them and go through their process. They'll lead you through that process.

MR. URDA: Just so I know which variances I'm tackling in advance, I can tell them everything I need.

MR. HINES: Because it's not an allowable use, there really are no bulk requirements to compare it to. Through the zoning process, they would be establishing them.

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MR. URDA: I'll have a one-sided table basically and let them pick and choose as we go. Okay.

CHAIRMAN EWASUTYN: Dominic Cordisco, your thoughts on this?

MR. CORDISCO: I agree with Mr. Campbell, it's 185-19 A(1), which is a nonconforming use shall not be enlarged or altered. This is a use that's not allowed in the zone. It's a prior nonconforming use. It is being enlarged and altered on this site.

I understand the rationale as to why the B Zone has been shown for comparison purposes, and it may make sense to show that to the Zoning Board of Appeals just for comparison purposes, but I think that given the fact that there's no bulk table requirements for this particular use in the zone, because it's not allowed in the zone, --

MR. URDA: Correct.

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MR. CORDISCO: -- I think the variances that you want to seek are the distances that the typical bulk area requirements would have as a result of this proposal on this site. So whatever the distances are and various different coverages and setbacks, you know, essentially that's your application, what you're showing as proposed. It's not as if you're comparing it against something that's allowed and you're just slightly deficient, if you follow my way of thinking.

MR. URDA: I wasn't sure if they'd make me compare it to the RR setbacks.

MR. CORDISCO: The problem is under which category within the RR. You don't fit into a current category within the RR. They may, but however you prepare that for the ZBA I think is going to be part of your application to the ZBA. The function

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of this Board is to refer you.

I would recommend to the Planning Board at this time that you authorize a referral letter and we'll try to encapsulate this the best that we can. Your application will then proceed accordingly.

MR. URDA: Sounds good.

CHAIRMAN EWASUTYN: Comments from Board Members. Dave Dominick?

MR. DOMINICK: Nice job, Al. I think it's going to freshen up that site.

MR. URDA: Unfortunately we can't use the existing foundation. It's just not the footprint we want. It's too far forward.

MR. DOMINICK: Times have changed since the original footprint, I'm sure.

I do agree with adding that island in the front. I'm sure you're probably going to have to --

MR. URDA: I never have had NYS DOT let me do the full width.

MR. DOMINICK: For safety sake of

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people turning around and doing U-turns, that will reduce or eliminate that problem.

You mentioned that the owner might landscape that area. If that does happen, my concern is in the wintertime, the greenery would have to be salt tolerant. That's a heavy road, heavy trafficked. Maybe not landscape it and just greenscape or just do hardscape, whether it be --

MR. URDA: I looked at it for stormwater use. That may dictate what goes in there versus -- exactly what you're saying.

MR. DOMINICK: If you go the hardscape route, either a slab or pavers, and then the owner could, you know, put planters out during the season and take them in offseason.

MR. URDA: Correct.

CHAIRMAN EWASUTYN: Stephanie DeLuca, you had a suggestion along the area that's being discussed now

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during the work session. If it's possible, you may want to speak to the engineer.

MS. DeLUCA: Yes. Normally when we've had convenience stores or whatever, we've often asked for some sort of stonewall in front of that. I don't know if this kind of coincides with what you were talking about.

MR. URDA: Somewhere along the front line?

MS. DeLUCA: Along the front, yes.

MR. URDA: Is there one you can tell me I can go look at?

CHAIRMAN EWASUTYN: We can tell you that basically -- John Ward can tell you what the basic height and width is, but we can't be recommending designs.

MR. WARD: 24 inches to 30 inches and 24 inches wide, please.

MR. URDA: 24 to 30 tall, 24 wide?

MR. WARD: Yes. That would save from people cutting through or coming

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out one way or another out of the parking lot. It's a safety thing, too. Plus it looks nice throughout the Town.

CHAIRMAN EWASUTYN: Let's stay focused now on the referral letter that Dominic Cordisco will be preparing to the Zoning Board of Appeals. Do you want to give us language as to what we're referring for?

MR. CORDISCO: Referring to the expansion and alteration of the nonconforming use in the RR Zone. It's according to Section 158-19 A(1). The bulk requirements will be as established by the Board -- by the Zoning Board of Appeals, rather, if they so choose to grant the variance.

CHAIRMAN EWASUTYN: Are we in agreement?

MR. HINES: Yes. For the applicant, the section of the code I cited in number 4 is different. I

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had parenthesis 3. It should be parenthesis 1 based on our conversation.

MR. URDA: Number 5 still applies, the Chadwick Lake Reservoir?

MR. HINES: Correct.

MR. URDA: Number 6 was -- okay. I read 4 and that threw me off.

CHAIRMAN EWASUTYN: Jim Campbell, are you okay?

MR. CAMPBELL: Dominic, did you say 185?

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: It sounded different to me also.

MR. CORDISCO: I might have misspoken, but it will be the right section, hopefully, in the letter.

MR. URDA: It will all come together.

CHAIRMAN EWASUTYN: Would someone make a motion to have Planning Board Attorney Dominic Cordisco prepare a referral letter to the Zoning Board of Appeals for 32 Express, project

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number 22-21.

MR. WARD: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Ken Mennerich. Can I have a roll call vote.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: For discussion, the EAF, page 3, I think you should add to number B, number C, number D and also D-a with information.

On page 7 it talks about the hours of operation. I think that should be completed.

On page 9 where it lists current acreage, acreage after project completion, I think there are questions and answers that need to be placed in

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there.

MR. URDA: Okay.

CHAIRMAN EWASUTYN: Where it has drainage, well drained, moderately drained, poorly drained, I think that should be completed.

There's something here about identifying any wetlands, water bodies on the project site. That's page 11. I think that should be completed.

MR. URDA: I didn't fill in the adjoining -- okay.

CHAIRMAN EWASUTYN: Let's make it complete.

Any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Would someone make for a motion to close the Planning Board meeting of the 16th of May 2024.

MS. DeLUCA: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Stephanie DeLuca. I have a

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second by John Ward. Can I have a
roll call vote starting with Dave
Dominick.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

(Time noted: 8:05 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 24th day of May 2024.

Michelle Conero

MICHELLE CONERO