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

----- X
In the Matter of

GREEN LEAF CANNABIS DISPENSARY
(2024-03)

1400 Route 300
Section 60; Block 3; Lot 43
IB Zone

----- X

PUBLIC HEARING

Date: June 6, 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: JOSEPH MORRIS

----- X

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

2 CHAIRMAN EWASUTYN: Good evening,
3 ladies and gentlemen. The Town of
4 Newburgh Planning Board would like to
5 welcome you to their meeting of June 6,
6 2024. This evening we have seven agenda
7 items under regular Board business and
8 we have four requests for extensions
9 on site plans or subdivisions.

10 At this point we'll turn the
11 meeting over with a roll call vote.

12 MR. DOMINICK: Present.

13 MS. DeLUCA: Present.

14 MR. MENNERICH: Present.

15 CHAIRMAN EWASUTYN: Present.

16 MR. BROWNE: Present.

17 MR. WARD: Present.

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

20 MS. CONERO: Michelle Conero,
21 Stenographer.

22 MR. HINES: Pat Hines with MHE
23 Engineers.

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

2 CHAIRMAN EWASUTYN: At this point
3 we'll turn the meeting over to John Ward.

4 MR. WARD: Please stand to say the
5 Pledge.

6 (Pledge of Allegiance.)

7 MR. WARD: Please turn off your
8 phones or put them on vibrate. Thank you.

9 CHAIRMAN EWASUTYN: The first item
10 of business this evening is a public
11 hearing. It's Green Leaf Cannabis
12 Dispensary, project number 24-03. It's
13 located on 1400 Route 300 in an IB Zone.
14 It's being represented by AFR Engineering.

15 Mr. Mennerich will take the time to
16 read the notice of hearing.

17 MR. MENNERICH: "Notice of hearing,
18 Town of Newburgh Planning Board. Please
19 take notice that the Planning Board of
20 the Town of Newburgh, Orange County, New
21 York will hold a public hearing pursuant
22 to Section 274-A of the New York State
23 Town Law and Chapter 185-48.9 of the Town
24 of Newburgh Code on the application of
25 Green Leaf Cannabis Dispensary, project

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2024-03. The project has proposed a 2,400 square foot retail facility in an existing shopping center. Numerous other uses exist within the shopping center complex. The project site is known as 1400 New York State Route 300. Access to the site is from New York State Route 300. The project site is located within the Town's IB Zoning District. The site is known on the Town of Newburgh tax maps as Section 60; Block 3; Lot 43. The site is served by existing connections to the Town water and sewer services. A public hearing will be held on the 6th day of June 2024 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 22 May 2024."

CHAIRMAN EWASUTYN: The applicant will give a presentation on the project.

2 When he's finished with his presentation,
3 if there's anyone in the audience who
4 has any comments or questions, please
5 raise your hand and we'll acknowledge
6 you.

7 MR. MORRIS: My name is Joe Morris,
8 I'm the contractor that's proposed to
9 build the facility.

10 Currently at 1400 Route 300 in
11 Newburgh, we're going to build a cannabis
12 dispensary in the rear space of the
13 building.

14 Adequate lighting is either
15 installed or will be added.

16 Modifications to the building to
17 facilitate the rear entrance are going to
18 be installed.

19 There are requirements for dumpster
20 enclosures to control expired or defective
21 product. That's going to be installed.

22 Signage and everything else will be
23 compliant with the Office of Cannabis
24 Management, State of New York
25 regulations.

2 It's pretty straightforward.
3 It's essentially a basic fit-out that
4 will comply with the security
5 requirements that the State established
6 for cannabis dispensaries. There's a
7 separate vault, cameras, security
8 systems, access control. All of that
9 stuff is part of the plan.

10 If anybody has any questions, I'd
11 be happy to answer them.

12 (No response.)

13 CHAIRMAN EWASUTYN: Let the record
14 show that there were no questions or
15 comments from the public.

16 At this point we'll turn the meeting
17 over to Jim Campbell, Code Compliance.

18 MR. CAMPBELL: I have nothing to add.

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

21 MR. HINES: The project was submitted
22 to Orange County Planning to comply with
23 the 239 requirements.

24 It's here for a special use
25 permit under your cannabis code. They

2 have addressed our previous comments.
3 They included all the notes required
4 under Section 185-49.9 C which
5 specifically relates to the cannabis
6 dispensary use.

7 I believe the applicant has
8 committed to re-striping the parking
9 lot --

10 MR. MORRIS: A hundred percent.
11 That's definite.

12 MR. HINES: -- as a condition of
13 approval.

14 Otherwise, all of our previous
15 comments have been addressed.

16 CHAIRMAN EWASUTYN: Comments from
17 Board Members. John Ward.

18 MR. WARD: Your back parking lot
19 with the lighting, there's a tree
20 covering all the lighting itself, the
21 branches.

22 MR. MORRIS: The intention is to
23 basically cut all of those excess
24 branches and clean up the parking lot as
25 part of the construction plan.

2 MR. WARD: As long as the lights
3 light that area up.

4 MR. MORRIS: There's too much
5 overhang anyway. That has to be cleaned
6 up. That lot has been vacant for awhile.
7 All of that stuff has to get cleaned up.

8 MR. WARD: Thank you.

9 CHAIRMAN EWASUTYN: Cliff Browne.

10 MR. BROWNE: Nothing. We've gone
11 through several meetings and everything
12 that has been required to be addressed
13 has been addressed.

14 CHAIRMAN EWASUTYN: No comments.
15 Ken Mennerich.

16 MR. MENNERICH: No comment.

17 MS. DeLUCA: I'm just curious. I'm
18 sure this has already been established,
19 but you have your -- do they have their
20 license to operate?

21 MR. MORRIS: They have a license,
22 which we submitted a copy of as part of
23 the packet from the original meeting we
24 had in February.

25 MS. DeLUCA: Got you. Thank you.

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MR. DOMINICK: Nothing further.

MR. MORRIS: It's a provisional license that's given. It's actually activated once they're able to open. All that documentation has been provided.

MS. DeLUCA: Okay.

CHAIRMAN EWASUTYN: Having offered the opportunity for the public to speak, and there was no public comment, so at this time would someone make a motion to close the public hearing on Green Leaf Cannabis Dispensary.

MR. DOMINICK: I'll make the motion.

MR. MENNERICH: Second.

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

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

2 CHAIRMAN EWASUTYN: At this point
3 we'll offer the meeting to our Attorney,
4 Dominic Cordisco.

5 MR. CORDISCO: Thank you.

6 Yes, at this point the Board may
7 want to consider conditional approval for
8 the project. The conditions would
9 include re-striping the parking lot as
10 well as addressing the lighting at the
11 rear of the building. There would have
12 to be ongoing compliance with the Town's
13 requirements regarding cannabis
14 dispensaries which is set forth in the
15 Zoning Code. It would also be authorized
16 only as long as there is a cannabis license
17 from New York State. There would be no
18 authorization of use of the site without
19 that license being in full force and
20 effect. There would also be no expansion
21 of the use beyond what's been applied
22 for as part of this current application.
23 If there was an expansion of product
24 lines or other things that were
25 intended to be offered for sale here

2 in the future due to future changes,
3 whatever they may be, the Board would
4 require an amended approval in
5 connection with that.

6 MR. MORRIS: Understood.

7 CHAIRMAN EWASUTYN: Having heard
8 the conditions of approval presented by
9 Planning Board Attorney Dominic Cordisco,
10 would someone move for a motion to grant
11 those conditions as far as final
12 approval.

13 MR. MENNERICH: So moved.

14 CHAIRMAN EWASUTYN: I have a motion
15 by Ken Mennerich.

16 MR. BROWNE: Second.

17 CHAIRMAN EWASUTYN: I have a second
18 by Cliff Browne. Can I have a roll call
19 vote starting with John Ward.

20 MR. WARD: Aye.

21 MR. BROWNE: Aye.

22 CHAIRMAN EWASUTYN: Aye.

23 MR. MENNERICH: Aye.

24 MS. DeLUCA: Aye.

25 MR. DOMINICK: Aye.

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MR. MORRIS: Thank you.
(Time noted: 7:05 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 16th day of June 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

PERUGINO TWO-LOT SUBDIVISION
(2024-02)

Mountain View Avenue & Travis Lane
Section 14; Block 1; Lot 150.2
RR Zone

----- X

TWO-LOT SUBDIVISION

Date: June 6, 2024
Time: 7:05 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: JOHN NOSEK

----- X

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

2 CHAIRMAN EWASUTYN: The second item
3 of business is Perugino. It's a two-lot
4 subdivision, project number 24-02. It's
5 located on Mountain View Avenue and
6 Travis Lane in an RR Zone. It's being
7 represented by Nosek Engineering.

8 MR. NOSEK: Good evening, Board
9 Members. For the record, John Nosek,
10 Nosek Engineering, representing
11 Perugino, a/k/a Robert and Linda Davis,
12 for a proposed subdivision.

13 The Board has seen this a couple
14 of times before, so I don't really
15 need to rehash too much. They just
16 want to cut out a 2.6 acre single-family
17 residential building lot.

18 At the previous meeting I think
19 the technical items, engineering items
20 were addressed. The Board really
21 couldn't move forward because we had
22 to do circulation under SEQRA because
23 this is a Type 1 action. Since then,
24 I believe that's been done. It's
25 been more than thirty days, so we're

2 hoping tonight that the Board will be
3 able to schedule this for a public
4 hearing.

5 CHAIRMAN EWASUTYN: Thank you.

6 Comments from Board Members.

7 MR. DOMINICK: Nothing further.

8 MS. DeLUCA: Nothing.

9 MR. MENNERICH: No questions.

10 MR. BROWNE: Nothing more.

11 MR. WARD: No comment.

12 CHAIRMAN EWASUTYN: Jim Campbell,
13 Code Compliance.

14 MR. CAMPBELL: Nothing additional.

15 CHAIRMAN EWASUTYN: Pat Hines with
16 MH&E.

17 MR. HINES: The project is located
18 in the Town's critical environmental
19 area, the Chadwick Lake environs as it's
20 called. That may be a Type 1 action.

21 We circulated intent for lead
22 agency to the DEC, the Planning
23 Department and the Thruway, because the
24 project abuts the Thruway on the rear
25 property line. We have not heard back,

2 but the timeframe to contest that has
3 past.

4 Based on review of the long form
5 EAF and the plans, we would recommend the
6 Board issue a negative declaration, and a
7 public hearing for the subdivision is
8 also required.

9 The County Planning referral was
10 also completed, and that timeframe has
11 also passed.

12 CHAIRMAN EWASUTYN: Dominic Cordisco,
13 Planning Board Attorney, any comments?

14 MR. CORDISCO: Yes. It would be
15 appropriate to schedule this for a public
16 hearing at this time. I believe the next
17 available Board meeting for a public
18 hearing would be the July 18th meeting.

19 CHAIRMAN EWASUTYN: Would someone
20 make the motion to declare a negative
21 declaration on the Perugino two-lot
22 subdivision and schedule it for a public
23 hearing on the 18th of July.

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

25 MR. WARD: Second.

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

6 MR. WARD: Aye.

7 MR. BROWNE: Aye.

8 CHAIRMAN EWASUTYN: Aye.

9 MR. MENNERICH: Aye.

10 MS. DeLUCA: Aye.

11 MR. DOMINICK: Aye.

12 MR. NOSEK: Thank you.

13 Quick question. The actual notice
14 itself that I'll be putting in the mail,
15 that comes from you, Pat?

16 MR. HINES: Correct. I'll prepare
17 the notice and the mailing list. We will
18 do the notice to the newspaper. I'll
19 provide you with the mailing list and
20 notice. It's similar, you stamp them,
21 address them and bring them here. We'll
22 work that out when I get you that notice.

23 MR. NOSEK: Okay. Thank you.

24

25 (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 16th day of June 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

BRITAIN WOODS
(2022-17)

442 Little Britain Road (NYS Route 207)
Section 97; Block 1; Lots 32.1, 32.2, 32.3 & 40.1
R-3 Zone

----- X

DEIS COMPLETENESS

Date: June 6, 2024
Time: 7:10 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: ZACHARY SZABO

----- X

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

2 CHAIRMAN EWASUTYN: Item number
3 three, Britain Woods, project number
4 22-17. It's here this evening to discuss
5 the DEIS completeness. It's located on
6 442 Little Britain Road. It's in an R-3
7 Zone. It's being represented by
8 Engineering & Surveying Properties.

9 MR. SZABO: Zachary Szabo,
10 Engineering & Surveying Properties.

11 Like you said, we're here for the
12 completeness review. We received
13 comments from Pat's office.

14 We'll take it from there.

15 CHAIRMAN EWASUTYN: Comments from
16 Board Members. Dave Dominick.

17 MR. DOMINICK: Not at this time.

18 CHAIRMAN EWASUTYN: Stephanie DeLuca.

19 MS. DeLUCA: Nothing at this time.

20 CHAIRMAN EWASUTYN: Ken Mennerich.

21 MR. MENNERICH: Nothing at this time.

22 CHAIRMAN EWASUTYN: No comment.

23 MR. BROWNE: Nothing more.

24 MR. WARD: No comment.

25 CHAIRMAN EWASUTYN: Jim Campbell,

2 Code Compliance.

3 MR. CAMPBELL: No comment.

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

6 MR. HINES: The project is before
7 the Board tonight for what we call a
8 completeness review for the draft
9 environmental impact statement. My
10 office, as well as the Board's other
11 consultants, previously issued comments
12 on the first submission of the DEIS.
13 Those comments have now been addressed by
14 revisions to the draft environmental
15 impact statement.

16 We held a work session on April 23rd
17 with the applicant's representative and
18 discussed any of the outstanding comments.

19 Tree Preservation Ordinance compliance
20 has been addressed as well as the other
21 comments.

22 One of the things we were waiting
23 for was a signoff from the Office of
24 Parks, Recreation & Historic Preservation
25 to be included in the document as the

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sewer and water lines are proposed to extend in Route 207, past the area that had the kind of historic furnaces and such. We wanted to make sure SHPO knew that. The original submission had connection proposed to the City of Newburgh sewer in Little Britain Road, but that's been changed and the sewer is rerouted.

Based on our review of the resubmitted document, we would recommend that the Board declare it complete for public review and commence that technical review period.

I believe Ken Wersted's comments are similar in that nature.

CHAIRMAN EWASUTYN: Thank you.

Dominic Cordisco with Drake Loeb, Planning Board Attorney.

MR. CORDISCO: Thank you. I completed my review as well, compared the document against the scope. I found that the applicant has addressed the items that were contained in the scope that

2 were required of them for preparing at
3 this stage.

4 The technical term complete, it
5 doesn't mean that the project is at a
6 point where it's ready for approval.
7 What it really means is that it's at a
8 point where there's enough information
9 for the public now to review and comment
10 on the project and be able to weigh in on
11 various different aspects and the
12 potential environmental impacts. The
13 purpose of this exercise is to review the
14 scope and compare it to the draft that's
15 been prepared. This has been the second
16 revision of the draft environmental
17 impact statement.

18 It would be appropriate at this
19 time for the Board to consider scheduling
20 a public hearing.

21 There are certain timing requirements
22 in connection with a public hearing on
23 the DEIS that are atypical, that are not
24 like typical public hearing notice
25 requirements. The point of those is

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to ensure that the public has adequate time to be able to review the document. For instance, the public hearing can't be held sooner than thirty days from when the document is made available. There also has to be a written comment period that gets extended following the close of any public hearing.

Since the public hearing can't be held sooner than thirty days, and of course the document itself has to be made available first by the applicant, it has to be posted online, it has to be mailed out to everyone, it has to be placed here at Town Hall, and you may also want to consider having them place a copy at the public library as well so that additional copies are available for the public to review.

It would be my recommendation that you consider scheduling the public hearing for your August 1st meeting. That would provide the requisite timeframe. It would also give the

2 public sufficient time, according to
3 the State regulations, to review the
4 document at that point.

5 CHAIRMAN EWASUTYN: Is the Board in
6 favor of having the document at the
7 public library?

8 Mr. Cordisco, what public library
9 are we speaking of?

10 MR. CORDISCO: I would imagine
11 whatever one is closest actually to the
12 project site.

13 MR. HINES: It would be the
14 Newburgh Library in the City of Newburgh.

15 MR. CAMPBELL: There's a satellite.

16 MR. HINES: They do have the
17 satellite. I thought that was closed.
18 Apparently it's going to reopen. The
19 satellite office in the Town of Newburgh.

20 CHAIRMAN EWASUTYN: Do you happen
21 to know the address or location more
22 specifically?

23 MR. CAMPBELL: I don't. It's on
24 South Plank.

25 CHAIRMAN EWASUTYN: Route 52.

2 Maybe we can --

3 MR. DOMINICK: It's across from
4 Galati Pools. It's up that way.

5 MR. WARD: It's right by American
6 Cleaners.

7 MR. CORDISCO: It looks like it's
8 1401 Route 300.

9 MR. HINES: That's when it was at
10 the Newburgh Mall.

11 MR. DOMINICK: 181 South Plank
12 Road, Suite 2.

13 CHAIRMAN EWASUTYN: Let the record
14 show that the document will be made
15 available at 181 South Plank Road, --

16 MR. DOMINICK: Suite 2.

17 CHAIRMAN EWASUTYN: -- Suite 2.

18 MR. HINES: It will also be
19 available on the Town's website.

20 MR. CORDISCO: And a copy here at
21 Town Hall.

22 MR. HINES: A copy here at Town
23 Hall.

24 CHAIRMAN EWASUTYN: Would someone
25 make a motion to accept the DEIS for

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public review and to schedule the public hearing for the 1st of August.

MR. DOMINICK: I'll make the motion.

MR. HINES: That public hearing will be for the DEIS as well as the site plan.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. Do I have a second?

MR. MENNERICH: Second.

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

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. SZABO: Thank you very much.

(Time noted: 7:18 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 16th day of June 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

DOLLAR GENERAL
(2023-25)

242 South Plank Road
Section 60; Block 2; Lot 65
B & IB Zones

----- X

SITE PLAN & ARB

Date: June 6, 2024
Time: 7:18 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: ZACHARY PETERS

----- X

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

2 CHAIRMAN EWASUTYN: Agenda item
3 number four, Dollar General, project
4 number 23-25. It's here this evening for
5 site plan review and ARB review. It's
6 located on 242 South Plank Road in a B
7 and IB Zone. It's being represented by
8 Zach Peters.

9 MR. PETERS: Zachary Peters with
10 Mercurio-Norton-Tarolli-Marshall,
11 engineers and surveyors for the applicant.

12 We've been before the Board a few
13 times on this. We developed the detailed
14 site plan.

15 We did get the SWPPP prepared and
16 submitted to Pat's office. He had a
17 couple of comments on that. I didn't see
18 anything major there.

19 Just to kind of give an overview of
20 what we've revised since we were here
21 last time, we had expanded the landscaping
22 plan, preliminary landscaping plan that we
23 had originally to show the landscaping
24 along the frontage, in the stormwater
25 basins and the parking area.

2 We have the stonewall along the
3 frontage as the Board had requested.
4 I know the Board had some comments on
5 the wall. We did show it with some
6 breaks in it because we felt that
7 gave it a better chance to get some
8 visual breakup for the landscaping.
9 We're anticipating getting comments
10 from your landscape architect on that.
11 When that time comes, we're happy to
12 amend, revise, keep it the same,
13 whatever the Board's preference is on
14 that.

15 I think the only other significant
16 thing was Pat asked for an analysis of
17 the small amount of fill that was being
18 placed in the floodplain. That really
19 had to do with reorienting the drainage
20 swale. We took care of that. There is
21 actually going to be a slight reduction
22 in fill. We're actually going to remove
23 some material to make a little bit of
24 extra capacity in the floodplain.

25 I think those were the two major

2 items.

3 CHAIRMAN EWASUTYN: While we have
4 your attention, can you put up some of
5 the ARB?

6 MR. PETERS: Absolutely. I did
7 print this to try to show what we were
8 envisioning of the wall. The picture did
9 not come out very clear. If you don't
10 mind, I'll leave it down here.

11 We did submit building elevations.
12 I only brought the one sheet with the
13 labeling, but you should have the full
14 set in the submission. It's going to be
15 a cement siding along three sides, the
16 front and the two sides of the building.
17 There's going to be breakups at all the
18 corners and along the front to basically
19 give the appearance of a column with
20 different coloring on the siding. One is
21 going to be a lighter beige and the other
22 is a darker brown. The bottom is
23 proposed to be painted split face block.
24 The rear of the building, which isn't
25 really visible from anywhere, is going to

2 be a standing seam metal similar in color
3 scheme.

4 The one thing that -- I don't
5 know if we noted in the submission, but I
6 want to note it for the Board, they're
7 showing a generic sign on the detail.
8 They typically come back with a sign
9 package afterwards. We haven't been
10 authorized to prepare or submit anything
11 on that. It's really just the look of
12 the building that we're going for at this
13 point for this application, if that's
14 acceptable to the Board.

15 CHAIRMAN EWASUTYN: Board Members,
16 comments on the landscaping and
17 stonewall, the ARB of the project. John
18 Ward .

19 MR. WARD: No comments. It looks
20 good, though.

21 MR. PETERS: Thank you.

22 MR. BROWNE: It's similar to the
23 other location over on 9W. Correct?

24 MR. PETERS: I believe so, yes.
25 The Board had referenced that when we

2 first came in. We tried to look at that
3 in developing this site.

4 CHAIRMAN EWASUTYN: No comment.
5 Ken Mennerich.

6 MR. MENNERICH: The breaking up of
7 the stonewall with the landscaping I
8 think works nice.

9 MS. DeLUCA: Very nice.

10 MR. DOMINICK: Good job.

11 MR. PETERS: Thank you.

12 CHAIRMAN EWASUTYN: At this point
13 we'll turn it over to our consultants.
14 Jim Campbell with Code Compliance.

15 MR. CAMPBELL: In regards to the
16 sign, the signs are a part of ARB. If
17 that's not the actual sign, you may have
18 to come back.

19 MR. PETERS: They're anticipating
20 coming back. I just wanted -- it's shown
21 on here for illustration.

22 MR. CAMPBELL: It also didn't have
23 sizes of what the signs were.

24 MR. PETERS: They don't have that
25 sign package prepared yet. They're

2 anticipating coming back with an
3 application for the signs.

4 MR. CAMPBELL: Are they anticipating
5 a freestanding sign also or just on the
6 building?

7 MR. PETERS: I will confirm that.

8 CHAIRMAN EWASUTYN: Pat Hines with
9 MH&E.

10 MR. HINES: My first comment was to
11 address the status of the DOT review of
12 the project. We have received an e-mail
13 chain from Mr. Marshall from Zach's
14 office as well as Sibby Zachariah from
15 DOT. DOT issued that e-mail and
16 conceptually approved the access point,
17 the land donation and the sidewalk. That
18 comment has been addressed.

19 We have a comment regarding the
20 connection of the drainage. DOT did
21 approve the extension of their drainage
22 pipe within their existing easement, but
23 we need a detail on how to connect to the
24 headwall. I know your last response was
25 you're going to use a standard connection,

2 but there's a concrete headwall there,
3 so --

4 MR. PETERS: I think his intention
5 was to take the headwall out. We'll
6 detail that.

7 MR. HINES: A floodplain development
8 permit is going to be required.

9 You addressed the compensating
10 storage requirement. Any fill you
11 put in there must be compensated by
12 fill removal.

13 There are some comments on the
14 stormwater.

15 The building will be required to
16 be sprinklered, so sizing of the
17 water line and potable -- fire protection
18 water and potable water should be
19 addressed.

20 We discussed the stonewall and the
21 breaks in the stonewall.

22 I'll remind the Board again that
23 no curbing outside the building area
24 is proposed to allow sheet flow. Due
25 to the grades and the floodplain

2 issues, the closed pipe drainage
3 system would not function on the site.
4 You will need coverage under the DEC
5 stormwater permit.

6 You just discussed the architectural
7 renderings.

8 The comments have been addressed
9 sufficiently that we would recommend
10 a negative declaration for the project.

11 The Board would be in a position
12 to consider whether to have a public
13 hearing or not.

14 CHAIRMAN EWASUTYN: Dominic Cordisco,
15 Planning Board Attorney.

16 MR. CORDISCO: No further comments.

17 CHAIRMAN EWASUTYN: Having heard
18 from Pat Hines with MH&E, and if the
19 Board is in favor, would someone move for
20 a motion to declare a negative declaration
21 on Dollar General, project number 23-25.

22 MR. WARD: So moved.

23 CHAIRMAN EWASUTYN: I have a motion
24 by John Ward. Do I have a second?

25 MS. DeLUCA: Second.

2 CHAIRMAN EWASUTYN: A second by
3 Stephanie DeLuca. Can I have a roll call
4 starting with Dave Dominick.

5 MR. DOMINICK: Aye.

6 MS. DeLUCA: Aye.

7 MR. MENNERICH: Aye.

8 CHAIRMAN EWASUTYN: Aye.

9 MR. BROWNE: Aye.

10 MR. WARD: Aye.

11 CHAIRMAN EWASUTYN: State law
12 allows for the Planning Board to have
13 discretion on site plans as to whether
14 they would like to have a public hearing
15 or waive the public hearing. In the case
16 of Dollar General, project number 23-25,
17 we'll poll the Board Members for their
18 consensus. We'll start with John Ward.

19 MR. WARD: No.

20 MR. BROWNE: No.

21 CHAIRMAN EWASUTYN: No.

22 MR. MENNERICH: Waive it.

23 MS. DeLUCA: Waive.

24 MR. DOMINICK: Waive.

25 CHAIRMAN EWASUTYN: Let the record

2 show that the Planning Board waived the
3 public hearing for Dollar General.

4 The next action before us, I'll
5 refer to Planning Board Attorney Dave
6 Dominick.

7 MR. CORDISCO: Yes.

8 CHAIRMAN EWASUTYN: Excuse me.
9 Dominic Cordisco.

10 MR. CORDISCO: That's quite all
11 right. Dominic is a good name.

12 MR. DOMINICK: A very good name.

13 MR. CORDISCO: Thank you. Since
14 the Board waived the public hearing and
15 comments have been provided and could be
16 addressed as conditions of any final
17 approval, it would be appropriate at this
18 point for the Board to consider granting
19 conditional final approval which would
20 include both the ARB and the site plan,
21 with the exception of signage which is
22 being deferred until later. The
23 applicant would need to amend their
24 approval at such time that they have a
25 signage plan that they feel they want to

2 advance.

3 The other conditions are addressing
4 the outstanding engineering comments.
5 Also the floodplain development permit
6 will be required. The applicant will
7 need to obtain coverage under the SPDES
8 general permit for stormwater.

9 CHAIRMAN EWASUTYN: Pat Hines, do
10 you have anything you'd like to add?

11 MR. HINES: There would be a need
12 for securities for stormwater and
13 landscaping as well as the DOT approval
14 for the project.

15 CHAIRMAN EWASUTYN: Jim Campbell,
16 Code Compliance.

17 MR. CAMPBELL: Nothing additional.

18 CHAIRMAN EWASUTYN: Any additional
19 comments or questions from the Members?

20 MR. DOMINICK: No.

21 MS. DeLUCA: No.

22 MR. MENNERICH: No.

23 MR. BROWNE: No.

24 MR. WARD: No.

25 CHAIRMAN EWASUTYN: Would someone

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like to move for a motion to grant site plan and ARB approval subject to the conditions stated by Dominic Cordisco, Planning Board Attorney, for Dollar General?

MR. DOMINICK: So moved.

MR. WARD: Second.

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

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. PETERS: Thank you very much.
Always a pleasure.

(Time noted: 7:28 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 16th day of June 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 ELITE STORAGE
(2024-12)

7 Paffendorf Drive
Section 34; Block 2; Lot 34
IB Zone

----- X

SITE PLAN

Date: June 6, 2024
Time: 7:28 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: JOHN QUEENAN
and CHARLES BAZYDLO

----- X

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

2 CHAIRMAN EWASUTYN: The fifth item
3 on the agenda this evening is Newburgh
4 Elite Storage, project number 24-12.
5 It's an initial appearance for a site
6 plan. It's located on Paffendorf Drive
7 in an IB Zone. It's being represented by
8 Lanc & Tully.

9 MR. QUEENAN: Good evening, everyone.
10 John Queenan with Lanc & Tully Engineering,
11 engineers for the applicant. Along with
12 me is the applicant's attorney, Charlie
13 Bazydlo.

14 We're here for an initial presentation
15 for the Newburgh Elite Self-Storage units
16 located on an existing 9.2 acre parcel of
17 property along Paffendorf Drive. The
18 property is located about 400 feet to the
19 west of the, I'll say, second entrance from
20 Route 32 on Paffendorf Drive if you're
21 coming from Route 300, which would be over
22 here. 32 would be over here. You swing
23 in this way, you're on Paffendorf Drive.

24 The property is 9.2 acres in the
25 IB Zoning District. Our proposal is

2 to construct a self-storage facility
3 consisting of six individual
4 buildings arranged in this fashion on
5 the backside of the site, and also
6 contain an office area with a
7 caretaker's unit. Those both total
8 1,200 square feet and would be
9 located in this area here.

10 The property contains about 3.8
11 acres of Federal wetlands which have
12 been field delineated and located.
13 Those are shown on the map that's
14 before you.

15 Associated with this development
16 would be the disturbance of approximately
17 13,500 square feet of those wetlands and
18 a proposed mitigation area of approximately
19 27,000 square feet up along Paffendorf
20 Drive in this location here.

21 The property has an existing driveway
22 off of Paffendorf Drive. That will continue
23 to be utilized as the main access for the
24 facility.

25 We basically have a loop road around

2 all of the buildings. That loop
3 road is 26 feet in width and we're
4 providing 20 foot width aisles in
5 between each of the buildings.

6 The site will be serviced by a
7 proposed well and a septic area, as
8 well as providing a small requisite
9 number of parking spaces, six,
10 including one handicap space, just
11 for the type of use that it is.

12 It is pushed back off of
13 Paffendorf Drive. Utilizing the
14 entrance, providing the mitigation
15 area as well as the existing wetland
16 area there, should provide a good
17 screening from Paffendorf Drive. In
18 that regard we feel it's positioned
19 correctly and well next to the commercial
20 use that is occurring on the end of
21 the Iron Anvil property to the west there.

22 Iron Anvil does use our property
23 for access, so we are in discussions
24 with them. They don't have any
25 objection to where we're going to put

2 their access, as long as we give them
3 that access to their site that they
4 currently use today. That will be
5 part of the final design. That's why
6 there are no gates or fencing shown
7 just yet, because we are working that
8 out, the final location of their
9 entrance to the site.

10 Essentially we're before you
11 tonight just to give you the initial
12 presentation and solicit any of the
13 significant comments or concerns the
14 Board may have on the application
15 before we pursue our detailed design.

16 CHAIRMAN EWASUTYN: Comments from
17 Board Members.

18 MR. DOMINICK: John, can you
19 explain the office and the caretaker's
20 apartment. Is somebody going to actually
21 live onsite?

22 MR. QUEENAN: Yes. So it's about
23 1,200 square feet. Roughly 300 of that
24 will be the self-storage office and the
25 remainder, the 900, will be the unit.

2 MR. DOMINICK: A kitchen, bathroom?

3 MR. QUEENAN: Yes.

4 MR. DOMINICK: It's a typical
5 apartment facility?

6 MR. QUEENAN: Exactly. Yes.

7 MR. DOMINICK: Also, when you reach
8 the next stage, what about lighting
9 around the buildings? Will you provide
10 that for safety, but also keep in mind
11 light pollution for the neighbors?

12 MR. QUEENAN: Okay. A hundred
13 percent. We'll use the standard down lit
14 cutoff lens, probably the amber color
15 most likely. That's the new thing now
16 rather than the bright white. Yes.

17 MR. DOMINICK: That's all I have.

18 MS. DeLUCA: Can you explain the
19 reason again for no gate?

20 MR. QUEENAN: We haven't gotten
21 there yet.

22 MS. DeLUCA: Okay.

23 MR. QUEENAN: Right now the neighbor
24 to the west, he basically uses the property
25 and cuts across the site. What we have to

2 figure out with him is -- we're going
3 to move his driveway. He's open to
4 that, and that's part of the
5 agreement they have. We're going to
6 move it, but we need to also coordinate
7 the gate so he can continue to go
8 through without actually entering the
9 self-storage facility. It will have
10 its standard gate. There will
11 probably be an offshoot for him to go
12 around that and stay on his own driveway.

13 MS. DeLUCA: All right.

14 MR. MENNERICH: Is the site mainly
15 treed?

16 MR. QUEENAN: On the wetland side,
17 yes. Throughout here is fairly clear.
18 It's a combination of brush and gravel.
19 I'd say half and half.

20 MR. MENNERICH: Thank you.

21 CHAIRMAN EWASUTYN: No comment.

22 MR. BROWNE: During our work
23 session it was brought up the fact about
24 the wetlands and the forthcoming changes
25 to the regulations. Our engineer and

2 counsel discussed it with us about the
3 possible impacts to your situation.
4 Hopefully you're going to be looking at
5 that really close and do what you need to
6 do by the dates and times and all that.

7 MR. QUEENAN: Hopefully we will
8 beat the clock per se.

9 MR. BROWNE: You're well aware of
10 the --

11 MR. QUEENAN: Yes. We'll see how
12 that all works out January 1st.

13 CHAIRMAN EWASUTYN: For the record,
14 so it's a clear understanding of what
15 we're mumbling about, what are the
16 proposed changes, when will they take
17 effect? I think we should really make
18 for a clear statement.

19 MR. QUEENAN: To my knowledge, the
20 DEC is adopting regulations that will
21 essentially take wetlands and create them
22 as State wetlands. It would require a
23 buffer. The law is vague as to what gets
24 classified as a State wetland, what
25 doesn't at this point, how they're going

2 to enforce that, enact that with projects
3 that are in design and in construction or
4 wherever they are at some point. The
5 State has not provided any guidance that
6 I'm aware of on how they're actually
7 going to do that at this point. That
8 supposedly is taking effect January 1st.

9 CHAIRMAN EWASUTYN: Thank you.

10 John Ward.

11 MR. WARD: The buildings seem kind
12 of tight in between.

13 MR. QUEENAN: They're all 20-foot
14 aisles internally and then 26 around.

15 MR. WARD: The aisles themselves
16 going in?

17 MR. QUEENAN: Yes. 20 foot.

18 MR. WARD: It looks deceiving.

19 How high is the office building
20 with the apartment?

21 MR. QUEENAN: The same, 15. It's
22 all one.

23 MR. WARD: Thank you.

24 CHAIRMAN EWASUTYN: Jim Campbell,
25 Code Compliance.

2 MR. CAMPBELL: I had the same
3 comment, that the site seems kind of
4 tight. I really couldn't tell because
5 there were no dimensions as far as what
6 the aisle widths were and stuff. If you
7 can show a fire truck making it around.

8 Also, as far as fire, I did send a
9 copy via e-mail to the fire chief of the
10 Cronomer Valley Fire District. He does
11 have a copy and can comment. We'll get
12 comments from him.

13 Also, what came to the forefront on
14 another project is that the fronting
15 facades, street frontage, are supposed to
16 be masonry construction.

17 MR. QUEENAN: Okay.

18 MR. CAMPBELL: It is in the self-
19 storage code section.

20 MR. QUEENAN: Is that a certain
21 distance back or just anything that
22 fronts --

23 MR. CAMPBELL: The front distance.

24 MR. QUEENAN: Right now the closest
25 building to the property line is probably

2 120 feet away.

3 MR. CAMPBELL: Also, one of the
4 Members mentioned about the lights. In
5 the other storage facility that you
6 built, they used the adjustable LED
7 lights which I thought was a good idea.
8 They had different settings.

9 MR. QUEENAN: Okay. We'll
10 incorporate that. Thank you.

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

12 CHAIRMAN EWASUTYN: Pat Hines with
13 MH&E.

14 MR. HINES: Our first comment is we
15 need item 8 on the application changed.
16 There's a typo there that caused a little
17 bit of a stir. It says salt storage
18 instead of self-storage.

19 MR. QUEENAN: I was actually writing
20 a grant at the same time.

21 MR. HINES: I didn't catch it, but
22 certain people in the Town did.

23 MR. QUEENAN: The applicant did, too.

24 MR. HINES: My second comment just
25 describes the project.

2 We're looking for that wetland
3 delineation report to be submitted to
4 complete the Town's files.

5 We noted the wetland mitigation
6 area is located very close to the
7 roadway. The impacts to that visually
8 may be an issue. I don't know with that
9 stream there or not. That will lead into
10 one of my other comments.

11 There's an existing 12-inch diameter
12 driveway culvert that has several larger
13 culverts feeding into it. When you do
14 your drainage analysis, we'll be looking
15 for that to be reviewed.

16 Comments from the fire department
17 Mr. Campbell commented on.

18 Access control gates you've
19 addressed.

20 The apartment and office building,
21 is that going to be below the 15-foot
22 height?

23 MR. QUEENAN: Yes.

24 MR. HINES: One story?

25 MR. QUEENAN: One story.

2 MR. HINES: That's fine.

3 Again, we'll be looking for
4 grading, drainage and lighting plans in
5 the future.

6 Compliance with the Town's Tree
7 Preservation Ordinance is required.

8 My final comment addresses items A
9 through G in the self-storage code. That
10 code has the requirement that the self-
11 storage be perpendicular to the frontage.
12 These aren't quite that. I'm not sure if
13 it would need a ZBA referral because of
14 the orientation of the buildings there.
15 The long portion of the building is
16 supposed to be perpendicular to the
17 frontage. If you want to take a look at
18 that. I guess Dominic can also weigh in
19 on that in the future.

20 Is there an easement in favor of
21 Iron Anvil or is there going to be? That
22 should be depicted on the plans as well,
23 as that is going to be part of the site
24 plan.

25 MR. QUEENAN: I guess there's a

2 site blanket easement. There's no
3 specific --

4 MR. HINES: That information should
5 be submitted for Dominic's review to see
6 how that's going to relate to this project.

7 MR. QUEENAN: We'll get that.

8 MR. HINES: Those are our comments
9 on the concept plan.

10 CHAIRMAN EWASUTYN: Dominic Cordisco,
11 Planning Board Attorney.

12 MR. CORDISCO: The Board may wish
13 to circulate for lead agency. That's one
14 of the actions that you may want to take
15 tonight.

16 CHAIRMAN EWASUTYN: Okay. Having
17 heard from our Consultants and Planning
18 Board Attorney Dominic Cordisco, would
19 someone move for a motion to circulate
20 for lead agency for the Newburgh Elite
21 Storage, project number 24-12.

22 MR. MENNERICH: So moved.

23 MR. WARD: Second.

24 CHAIRMAN EWASUTYN: I have a motion
25 by Ken Mennerich. I have a second by

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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.

MR. QUEENAN: Thank you very much.

(Time noted: 7:40 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 16th day of June 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

TESLA - EV CHARGING STATIONS
(2024-07)

1401 Union Avenue
Section 60; Block 3; Lot 41.21
IB Zone

----- X

SITE PLAN

Date: June 6, 2024
Time: 7:40 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: FRANZ GERDES

----- X

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

2 CHAIRMAN EWASUTYN: The sixth item
3 of business is Tesla EV charging stations
4 located on 1401 Union Avenue in an IB
5 Zone. It's being represented by Dewberry
6 Engineers.

7 MR. GERDES: Good evening, ladies
8 and gentlemen and Board. My name is
9 Franz Gerdes from Tesla. I'm here
10 tonight returning from our hearing, I
11 believe in April, where we received
12 conditional approval. We're seeking
13 final approval on our application to
14 install the EV charging stations on Union
15 Avenue.

16 I believe at the last hearing there
17 were comments requesting photo sims and
18 some additional landscaping around the
19 transformer. We provided that a few
20 weeks ago.

21 I can answer any questions.

22 CHAIRMAN EWASUTYN: Comments from
23 Board Members.

24 MR. DOMINICK: Franz, just a quick
25 question. V4 charging is for any type of

2 EV vehicle. Correct?

3 MR. GERDES: Yes.

4 MR. DOMINICK: There will be
5 sixteen of them?

6 MR. GERDES: Sixteen fast chargers
7 and sixteen level 2 chargers.

8 MR. DOMINICK: They're all able
9 to --

10 MR. GERDES: The V4 designation is
11 for the DC-SC, the level 3 chargers. The
12 level 2 chargers will also be operable.

13 MR. DOMINICK: Thank you for
14 providing that landscaping for the
15 transformer. I appreciate that.

16 MS. DeLUCA: No further comments.

17 MR. MENNERICH: No comments.

18 CHAIRMAN EWASUTYN: No comments.

19 MR. BROWNE: Just a question. It's
20 nothing to do with what we're actually
21 dealing with. How does the company
22 actually set how much a customer is to
23 pay for charging? How is that going to
24 work?

25 MR. GERDES: That's based off of

2 what we pay for electricity. There's a
3 lot that goes into the way that number is
4 built in. We have the charge from the
5 utility and then we also try to maintain
6 a certain percentage below gas prices. I
7 don't have the exact knowledge on how
8 that price is set, but that's how it
9 comes together.

10 MR. BROWNE: We were talking about
11 it. How does the company actually make
12 money?

13 MR. GERDES: It's difficult.

14 MR. BROWNE: Nothing to do with the
15 application per se. I'm just curious.

16 MR. GERDES: It's very difficult.

17 MR. BROWNE: Okay. Thank you.
18 Nothing more.

19 CHAIRMAN EWASUTYN: John Ward.

20 MR. WARD: You did a nice job.
21 Thank you.

22 MR. GERDES: Thank you.

23 CHAIRMAN EWASUTYN: Jim Campbell,
24 Code Compliance.

25 MR. CAMPBELL: No comments.

2 CHAIRMAN EWASUTYN: Pat Hines with
3 MH&E.

4 MR. HINES: The project had a
5 little hiatus, but they're back before
6 us.

7 We submitted it to the Orange
8 County Planning Department on April 8th.
9 That box has been checked.

10 It's an Unlisted action under
11 SEQRA. We did not identify any other
12 involved agencies.

13 We're suggesting that you consider
14 a negative declaration.

15 We are processing this as an
16 amended site plan. The Board may wish to
17 discuss whether or not to hold a public
18 hearing on that.

19 We're also suggesting, based on the
20 limited amount of landscaping proposed,
21 that the Board waive the landscaping
22 security and have the final landscaping
23 installation deferred to the Code
24 Enforcement Department upon request for a
25 CO. There's really not a lot of

2 landscaping here that would warrant a
3 bonding of that.

4 CHAIRMAN EWASUTYN: Dominic Cordisco,
5 Planning Board Attorney.

6 MR. CORDISCO: I agree with Mr. Hines'
7 comments and recommendations. At this
8 point the Board may wish to consider the
9 adoption of a negative declaration for
10 this Unlisted action. There's no reason
11 to circulate for lead agency because
12 there are no other involved agencies.

13 CHAIRMAN EWASUTYN: Would someone
14 move for a motion to declare a negative
15 declaration for the Unlisted action of
16 Tesla EV charging stations.

17 MR. WARD: So moved.

18 MS. DeLUCA: Second.

19 CHAIRMAN EWASUTYN: I have a motion
20 by John Ward. 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 MR. BROWNE: Aye.

25 CHAIRMAN EWASUTYN: Aye.

2 MR. MENNERICH: Aye.

3 MS. DeLUCA: Aye.

4 MR. DOMINICK: Aye.

5 CHAIRMAN EWASUTYN: Again as we
6 discussed earlier in the meeting, with
7 site plans it's discretionary whether the
8 Planning Board would hold a public
9 hearing or waive a public hearing. I'll
10 poll the Board Members to see their
11 decision as it relates to Tesla EV
12 charging stations starting with Dave
13 Dominick.

14 MR. DOMINICK: Waive the public
15 hearing.

16 MS. DeLUCA: Waive.

17 MR. MENNERICH: Waive.

18 CHAIRMAN EWASUTYN: Waive.

19 MR. BROWNE: Wave.

20 MR. WARD: Waive.

21 CHAIRMAN EWASUTYN: Let the record
22 show the Planning Board waived the public
23 hearing on Tesla EV charging stations.

24 Would someone move for a motion to
25 waive the necessity for a landscape bond,

2 due to the amount of material going in
3 wouldn't warrant bonding of that type of
4 condition.

5 MR. MENNERICH: So moved.

6 MR. DOMINICK: Second.

7 CHAIRMAN EWASUTYN: I have a motion
8 by Ken Mennerich. I have a second by
9 Dave Dominick. Can I have a roll call
10 vote starting with Dave Dominick.

11 MR. DOMINICK: Aye.

12 MS. DeLUCA: Aye.

13 MR. MENNERICH: Aye.

14 CHAIRMAN EWASUTYN: Aye.

15 MR. BROWNE: Aye.

16 MR. WARD: Aye.

17 CHAIRMAN EWASUTYN: One more time,
18 Dominic Cordisco, Planning Board
19 Attorney, conditions for approval for the
20 Tesla EV charging stations.

21 MR. CORDISCO: It's very
22 straightforward. The plans have to be
23 built in accordance to the approved
24 version that was before the Board. Any
25 amendments or changes thereto would

2 require amended approval from the Board.
3 Fees need to be paid.

4 CHAIRMAN EWASUTYN: Okay. Having
5 heard the conditions of approval for the
6 Tesla EV charging stations presented by
7 Planning Board Attorney Dominic Cordisco,
8 would someone move for that motion.

9 MR. WARD: So moved.

10 CHAIRMAN EWASUTYN: I have a motion
11 by John Ward. Do I have a second?

12 MR. MENNERICH: Second.

13 CHAIRMAN EWASUTYN: A second by Ken
14 Mennerich. Can I have a roll call vote
15 starting with Dave Dominick.

16 MR. DOMINICK: Aye.

17 MS. DeLUCA: Aye.

18 MR. MENNERICH: Aye.

19 CHAIRMAN EWASUTYN: Aye.

20 MR. BROWNE: Aye.

21 MR. WARD: Aye.

22 CHAIRMAN EWASUTYN: If all goes
23 well from start to finish, the construction,
24 installation, do you have a target date
25 when you'll be up and running?

2 MR. GERDES: If all goes well, it
3 will take us about six weeks to build it.
4 We're held to the utility's timeline to
5 get power. For this site we are bringing
6 our own transformer, so hopefully it's
7 relatively quickly. That's pretty much
8 where we stand right now.

9 CHAIRMAN EWASUTYN: Explain that to
10 me. In the interim you'll bring in --

11 MR. GERDES: For this size of
12 service, Central Hudson requires you to
13 bring your own transformer rather than
14 them providing it. It's a little
15 different from most of the utilities that
16 I work with. It's been my experience
17 with Central Hudson that we just bring
18 our own.

19 CHAIRMAN EWASUTYN: Interesting.
20 Thank you.

21 MR. GERDES: Thank you.

22

23 (Time noted: 7:50 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 16th day of June 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 CHICKEN
(2023-17)

197 South Plank Road
Section 60; Block 3; Lot 6.1
B Zone

----- X

SITE PLAN

Date: June 6, 2024
Time: 7:50 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: NICHOLAS WARD-WILLIS

----- X

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

2 CHAIRMAN EWASUTYN: The seventh
3 item of business this evening is Newburgh
4 Chicken, LLC, project number 23-17. It's
5 a site plan located on 197 South Plank
6 Road in a B Zone. It's being represented
7 by Keane & Beane.

8 MR. WARD-WILLIS: Good evening,
9 Mr. Chairman. Nicholas Ward-Willis with
10 Keane & Beane representing Newburgh
11 Chicken on the proposed redevelopment
12 of the existing Dairy Queen into a
13 Popeyes Chicken.

14 We appeared before this Board on
15 a number of occasions, most recently
16 in March of this year, at which time
17 you referred us back to the ZBA to
18 get confirmation of our site plan
19 dimensions.

20 You may recall that this is a
21 pre-existing nonconforming use as a
22 fast food in the Business District,
23 so therefore we were required to
24 obtain a special use permit from the
25 ZBA, which we obtained in the fall of

2 '23, but then, when we met with DOT
3 and DOT requested, and the Town also
4 supported, that there be an offer of
5 dedication of the 10-foot wide strip
6 of land along 52, that caused our
7 dimensions on the building, on the
8 setbacks and some of the dimensions
9 to change. At that time this Board
10 had said you were okay with the
11 architectural elements of our project
12 and you were considering our request
13 to waive or schedule a public hearing,
14 but you didn't want to do that until we
15 had gone back to the ZBA. We appeared
16 before the ZBA at their April and May
17 meetings. They granted our revised
18 dimensions as set forth in the two
19 charts that we provided to you, as
20 well as some variances.

21 We're back before you now for the
22 consideration of the waiving or
23 scheduling of a public hearing.

24 With respect to what has occurred
25 since we were last before you in March,

2 we did have a further meeting with
3 DOT and our traffic consultants, and
4 Creighton Manning and MHE were present
5 as well, to have further discussions.
6 At that time DOT indicated that they
7 concurred with the proposal to
8 restrict the Route 52 access to right
9 turn in only/right turn out.

10 With respect to Route 300, DOT
11 had requested that we consider coming off
12 of the CVS access road, but during that
13 meeting our engineer explained why, due
14 to the grades, that could not be
15 accomplished. DOT, at that meeting,
16 I understand, concurred. We're
17 proposing the full access at Route 300
18 and the right turn out restricted on
19 52.

20 We have not made any further
21 submission to DOT because part of the
22 Town's discussion is improvements to
23 this intersection. Is it going to be
24 limited to just Route 52 on our side
25 or will it be part of a larger

2 revision of the intersection. We're
3 proposing to contribute our fair share,
4 which is the dedication of the land.
5 The Town and its consultants and the
6 Town Board need to have further
7 discussions about what's going on
8 with the intersection at large. That
9 is outside of our application, but
10 DOT does want some more instructions
11 on that. We have not yet advanced
12 our application until we get further
13 guidance from the Town with respect
14 to that intersection. None of that
15 affects the site plan or the site
16 plan layout because we've shown, as
17 the Board had requested, the 10-foot
18 dedication.

19 We believe the application is
20 ready for further consideration by
21 this Board and, as we requested, the
22 scheduling or waiving of the public
23 hearing.

24 CHAIRMAN EWASUTYN: Comments from
25 Jim Campbell, Code Compliance.

2 MR. CAMPBELL: I have no comments.

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

5 MR. HINES: I don't know if I
6 concur exactly with what was just
7 explained. I was on the call with DOT.
8 Your representatives did address the
9 access to, I'll call it the CVS access
10 road and the difficulties with that, but
11 I don't have any conceptual approval of
12 that full-turning movement driveway at
13 Route 300. Your consultants did advise
14 of the constraints other than that, but I
15 haven't heard anything back from DOT
16 regarding that full-turning access out to
17 Route 300. There was discussion of
18 stacking of vehicles past that and the
19 ability to make left turns out of that
20 while vehicles are stacked there. At
21 certain times of the day, certainly the
22 queue goes way beyond that proposed
23 access point. I believe the Board should
24 receive conceptual approval from DOT
25 prior to moving forward as if that

2 changes, it also changes the site.

3 Also, the fair share contribution.
4 I know you have stated that the donation
5 of the land is going to be your fair
6 share contribution, but we do not have
7 that calculation. That would be
8 something -- the fair share contribution
9 would be something worked out with the
10 Town Board. Those amounts are not known
11 at this point, but I don't believe the
12 statement that the donation of land will
13 cover that. That's not been determined
14 yet. That would be up to the Town Board
15 to determine what that fair share
16 contribution is. The Town Board has been
17 working with Creighton Manning, the
18 Town's Traffic Consultant, to get a
19 proposal to do a concept design for the
20 required improvements in the intersection
21 as a whole. That proposal, once
22 authorized, will ultimately generate a
23 cost estimate that would be utilized to
24 apportion these fair share contributions
25 that we've talked about at this

2 intersection for not only this project
3 but other projects that contribute
4 traffic to the intersection. So that
5 fair share contribution number has not
6 been determined yet, but I don't believe
7 it's going to be the simple donation of
8 the property. We don't even have an
9 appraised value of that at this point to
10 say that that is the fair share
11 contribution.

12 I have some additional technical
13 comments that have come up since the
14 last meeting. At the previous meeting
15 you were at in March, we did not do a
16 technical review because the goal of
17 that meeting was to get you back to
18 the ZBA. There were some statements
19 in your submission that because there
20 were no comments, the site plan was
21 okay. We do have some technical
22 comments. Again, they are not
23 significant and probably won't result
24 in any significant changes to the site,
25 but we still have those comments as

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well.

CHAIRMAN EWASUTYN: What are those comments, since you brought them up?

MR. HINES: The structure is required to have a fire suppression sprinkler system designed for the water service. Sizing of the sprinkler system should be provided.

Cost estimates for landscaping and stormwater improvements need to be submitted.

Coverage under the DEC SPDES permit is required.

A stormwater maintenance agreement is required.

The site stormwater management system utilizes infiltration as the treatment. There's an assumed infiltration rate based on, I believe, the Orange County soils survey, but permeability testing consistent with DEC's design manual should be performed for any infiltration practices.

CHAIRMAN EWASUTYN: Dominic Cordisco,

2 Planning Board Attorney.

3 MR. CORDISCO: This project is
4 largely dependent on the full-turning
5 movement on Route 300. To Mr. Hines'
6 comment, the conceptual approval of that
7 from DOT would seem to be essential in
8 connection with this project, because
9 without that it potentially changes the
10 design and site circulation.

11 My suggestion to the Board to keep
12 this moving would be to conditionally
13 authorize the public hearing that
14 would occur on a date that would be
15 appropriate after the receipt of
16 conceptual approval from the DOT.

17 MR. WARD-WILLIS: Just so I can
18 clarify, the conceptual approval from
19 DOT is not dependent on the Town's
20 design of the intersection. Correct?
21 That's not within our control. The
22 conceptual approval that you're
23 saying is required is DOT's of our
24 two curb cuts onto Route 52 and 300.
25 Correct?

2 MR. CORDISCO: As to whether or not
3 DOT is looking at that in a vacuum as to
4 be the only thing before them or how this
5 functions with either the existing
6 intersection or potential improvements is
7 really not for me to say.

8 MR. WARD-WILLIS: I'm just trying
9 to -- I understand that. I'm trying to
10 get some guidance, because we've had
11 these discussions with the Town for the
12 two years this project has been before
13 you. I know you collected fair shares
14 from other applications. I'm trying to
15 understand and make sure we're not caught
16 in the middle of the indecision by the
17 Town or just the process of moving
18 forward with the design of an
19 intersection that is more than just our
20 project.

21 MR. CORDISCO: I think at this
22 point what we're looking for is, or what
23 I'm suggesting is that your particular
24 site layout, which is going to require
25 highway work permits from the DOT, has

2 conceptual approval from the DOT that it
3 will function. I think that that is the
4 case with or without any other
5 improvements that are occurring there.
6 You know, we do not know -- I mean, we
7 all live in hope, as the saying is. We
8 don't know the timing of whatever those
9 other improvements would be there. If
10 this project moves forward and is built,
11 you know, in the near term, it needs to
12 be functioning in a way that's appropriate
13 and that the DOT also agrees since
14 it's their highways that are being
15 impacted at that location.

16 To avoid having you come back
17 for another meeting just to schedule
18 a public hearing, --

19 MR. WARD-WILLIS: I appreciate
20 that.

21 MR. CORDISCO: -- the suggestion is
22 that if you receive something in writing
23 that based on these set of plans, the DOT
24 has considered this for conceptual
25 approval, then the public hearing could

2 be scheduled for whatever next available
3 meeting that would be when notice
4 requirements could be met.

5 MR. WARD-WILLIS: Understood.
6 Thank you.

7 MR. HINES: I want to clarify.
8 This project has a 2023 job number. You
9 stated it's been before us for two years.
10 It's got about a mid '23 application
11 number to this Board.

12 MR. WARD-WILLIS: Correct. Before
13 we submitted the application to get the
14 '23 project number, we had a meeting with
15 the Town where the intersection was
16 discussed at that time. That's what I
17 was referring to when I said before the
18 Town. Not before this Board. I
19 appreciate the clarification.

20 CHAIRMAN EWASUTYN: At this time
21 we'll turn to Board Members to see if
22 they have any comments that they may want
23 to make part of the record.

24 Dave Dominick.

25 MR. DOMINICK: No. I would like to

2 see what DOT has to say.

3 CHAIRMAN EWASUTYN: Stephanie DeLuca.

4 MS. DeLUCA: I agree. I hate to
5 have you back and forth as you have been
6 diligently waiting. I think we have to
7 wait a little bit further.

8 CHAIRMAN EWASUTYN: Ken Mennerich.

9 MR. MENNERICH: I agree with what
10 was proposed.

11 MR. BROWNE: I agree. We definitely
12 need a definitive statement from DOT.

13 MR. WARD: I agree.

14 CHAIRMAN EWASUTYN: Is there
15 anything you want to add at this time?

16 MR. WARD-WILLIS: No. You made
17 your position clear. Thank you.

18 CHAIRMAN EWASUTYN: You're welcome.

19 MR. CORDISCO: I would suggest that
20 you actually consider a motion at this
21 point to conditionally authorize the
22 public hearing subject to the receipt of
23 the conceptual approval in writing from
24 the DOT.

25 CHAIRMAN EWASUTYN: Having heard

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from the Planning Board Attorney to set a tentative public hearing subject to receiving conceptual approval from the DOT for Newburgh Chicken, project number 23-17, would someone move for that motion.

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 John Ward.

MR. WARD: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. WARD-WILLIS: Thank you. Have a good night.

(Time noted: 8:02 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 16th day of June 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

GARDNER RIDGE
(2002-29)

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

----- X

SITE PLAN

180-DAY EXTENSION - 6/24/2024 to 12/24/2024

Date: June 6, 2024
Time: 8:02 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: DARREN DOCE

----- X

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

2 CHAIRMAN EWASUTYN: The first item
3 of business is Gardner Ridge. It's a
4 site plan requesting a 180-day extension
5 from June 24 to December 24, 2024.

6 Would someone move for that motion.

7 MR. WARD: So moved.

8 MS. DeLUCA: Second.

9 CHAIRMAN EWASUTYN: I have a motion
10 by John Ward and a second by Stephanie
11 DeLuca. Can I have a roll call vote
12 starting with Ken Mennerich.

13 MR. MENNERICH: Aye.

14 CHAIRMAN EWASUTYN: We're not
15 really reading the notices. That was the
16 purpose of putting the dates in there.

17 MR. MENNERICH: Okay.

18 CHAIRMAN EWASUTYN: I have a motion
19 from Ken Mennerich to approve the
20 extension.

21 MR. WARD: Aye.

22 CHAIRMAN EWASUTYN: I tried it
23 differently. Would someone move for a
24 motion to grant the 180-day extension for
25 Gardner Ridge from June 24 through

2 December 24, 2024.

3 MR. MENNERICH: So moved.

4 MR. WARD: Second.

5 CHAIRMAN EWASUTYN: I have a motion
6 by Ken Mennerich. I have a second by
7 John Ward. Can I have a roll call vote
8 starting with Dave Dominick.

9 MR. DOMINICK: Aye.

10 MS. DeLUCA: Aye.

11 MR. MENNERICH: Aye.

12 CHAIRMAN EWASUTYN: Aye.

13 MR. BROWNE: Aye.

14 MR. WARD: Aye.

15 CHAIRMAN EWASUTYN: Do you have
16 something you want to say?

17 MR. DOCE: No.

18 CHAIRMAN EWASUTYN: That was the
19 purpose of it, to simplify. Pat Hines
20 came up with the thought process to save
21 the time and make the motion.

22 MR. DOCE: Right.

23 CHAIRMAN EWASUTYN: That's all.

24 You're requesting a work session
25 with Pat Hines. Is that my understanding?

2 MR. DOCE: Yes. My understanding
3 was one was going to be scheduled on the
4 25th. We would like to be on it, if
5 that's possible.

6 CHAIRMAN EWASUTYN: That's how it's
7 set up.

8 Pat, are you available to meet with
9 them?

10 MR. HINES: That's our standard
11 work session, the fourth Tuesday of the
12 month at 1 p.m. I don't know if there's
13 a specific item that you need to discuss
14 or just a status --

15 MR. DOCE: Our attorney wanted to
16 go through the conditions to make sure
17 we're all on the same page. When we come
18 in -- essentially we're waiting for the
19 Health Department. Once we get that
20 approval, we'll be ready to come back in.

21 MR. CORDISCO: Just to be clear, I
22 cannot be here on the 25th. I'll be out
23 of Town at that time. If there are
24 questions that you have, feel free to
25 reach out to me any time prior to that.

2 MR. HINES: I prefer not to meet
3 with an attorney without an attorney.

4 CHAIRMAN EWASUTYN: Would someone
5 move for a motion to set Gardner Ridge
6 for a consultants' work session on the
7 25th of June with Pat Hines.

8 MR. CORDISCO: I think he was
9 suggesting we actually just have a call,
10 if we may.

11 MR. HINES: If Dominic can't be
12 there, I don't want to have a meeting
13 with attorneys.

14 MR. CORDISCO: The call I believe
15 would be acceptable to them.

16 MR. DOCE: We can set up a call.

17 CHAIRMAN EWASUTYN: Let me
18 understand something. The call is going
19 to be made, as an example, on the 25th or
20 is a call -- how do you want to conclude
21 this?

22 MR. HINES: I think we can do a
23 virtual meeting at a time when all the
24 parties can be there.

25 CHAIRMAN EWASUTYN: You'll notify

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us when everyone can be there?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: That's what I want to understand.

MR. DOCE: I'm sure when Dominic can be there and he can be there, we'll make ourselves available.

MR. HINES: Normally I wouldn't have an issue if it was just technical. It was stated the attorney wants to go over the conditions of approval. I would rather have attorneys to attorneys do that.

CHAIRMAN EWASUTYN: Okay.

MR. CORDISCO: Thank you.

(Time noted: 8:07 p.m.)

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

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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

LONG VIEW FARMS
(2006-39)

Barbara Drive Extension & Holmes Road
Section 20; Block 2; Numerous Lot
AR Zone

----- X

SUBDIVISION

180-DAY EXTENSION - 6/15/2024 to 12/15/2024

Date: June 6, 2024
Time: 8:08 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: THOMAS DePUY

----- X

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

2 CHAIRMAN EWASUTYN: The ninth item
3 of business this evening is the
4 subdivision Long View Farms. They're
5 looking for a 180-day extension from
6 June 15, 2024 through December 15, 2024.

7 Would someone make for a motion
8 for that.

9 MS. DeLUCA: So moved.

10 MR. BROWNE: Second.

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

15 MR. WARD: Aye.

16 MR. BROWNE: Aye.

17 CHAIRMAN EWASUTYN: Aye.

18 MR. MENNERICH: Aye.

19 MS. DeLUCA: Aye.

20 MR. DOMINICK: Aye.

21 MR. DePUY: I've got one question.

22 MR. CORDISCO: Do you want to meet
23 with the attorneys as well?

24 MR. DePUY: Well, sometime. The
25 question was, and I went over it with

2 Pat, we're phasing the project. I
3 believe the resolution was written to
4 allow us to phase it. It was kind of
5 vague in the resolution when I read it.
6 It says the client intends to maybe phase
7 the project, is the way I read it.

8 My question is I will present a
9 phasing plan to you for phase 2?

10 MR. HINES: If it's going to be
11 conventional phasing where you're going
12 to file the maps with a certain number of
13 lots, I believe that that resolution
14 should clarify that --

15 MR. CORDISCO: Correct.

16 MR. HINES: -- in order to permit
17 that to happen. I don't know if we were
18 discussing, I didn't read the minutes, if
19 we were discussing more of a construction
20 phase versus a filing of the plat in
21 phases.

22 MR. DePUY: That's kind of -- it
23 was kind of vague in the resolution.

24 MR. HINES: Typically the Board
25 would approve those phases. In other

2 words, you would approve preliminary --

3 MR. DePUY: We presented them on
4 the drawing as phases. That was
5 presented at the time.

6 CHAIRMAN EWASUTYN: How many lots
7 made up a phase?

8 MR. DePUY: Well, there's phase 1,
9 which is already built. Phase 2, I
10 believe we have five lots and a pond lot,
11 so six lots.

12 MR. HINES: I believe we would need
13 a plat showing each phase that would be
14 filed. Phase 1 would be stamped,
15 securities posted. I know we had a
16 conversation about the securities. There
17 needs to be a standalone phased map
18 filed.

19 MR. DePUY: I can present that to
20 you, the standalone phased map, for phase
21 2.

22 MR. CORDISCO: You can submit it.
23 It may require an amended approval before
24 the Board. I think, as Pat mentioned,
25 what we were considering was more of a

2 construction phasing rather than filing
3 the plat in sections. If you're filing
4 the plat in sections, it does relate to
5 the postings of various different
6 securities and construction of
7 improvements. I think what we need to
8 do is see a bit more detail.

9 MR. DePUY: I'll submit a sectional
10 plan for section 2, we'll call it.

11 MR. HINES: It's important that the
12 phases can stand alone, too, should phase
13 3 not --

14 MR. DePUY: When we broke it up, we
15 had broken it up that way with access and
16 everything. Fire access and everything
17 like that. That was the intent.

18 MR. HINES: I don't have any issue
19 with the concept. I think procedurally
20 we need to have it legally so it's phased
21 filed.

22 MR. DePUY: I had broken everything
23 down estimate-wise into the phases, too.

24 As we discussed, even though we're
25 going to file -- the intent is to file

2 section 2, they want to work on the
3 other section. I told them the
4 escrow has to be posted for the whole
5 project, otherwise you won't have
6 enough inspection money. It's build
7 or bond, but you still want to
8 inspect what you're building.

9 MR. HINES: Correct.

10 MR. DePUY: That was the other
11 thing.

12 MR. HINES: Those approvals would
13 be through the Town Board.

14 MR. DePUY: The Town Board. I have
15 all the breakdown. If we can review them
16 and get those going, too.

17 MR. HINES: Do I have those?

18 MR. DePUY: I sent them in. I'm
19 going to give you a hard copy. I sent so
20 much stuff to you over the time. These
21 are the ones that we actually want to
22 look at.

23 As far as the other update, the
24 applicant's attorney is working with Mark
25 Taylor to do the district formation,

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drainage district formation in front of
the Town Board, and has actually started
the dedication work also with the Town
Board. That takes a while.

That's it.

(Time noted: 8:13 p.m.)

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

----- X
In the Matter of

HILLSIDE DEVELOPMENT
(2022-27)

24 Jeanne Drive
Section 34; Block 2; Lot 66
IB Zone

----- X

SITE PLAN

180-DAY EXTENSION - 6/15/2024 to 12/15/2024

Date: June 6, 2024
Time: 8:13 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

2 CHAIRMAN EWASUTYN: Item number 10,
3 Hillside Development. It's a site plan.
4 They're requesting a 180-day extension
5 from June 15, 2024 to December 15, 2024
6 also.

7 Is there anyone here this evening
8 on behalf of this?

9 (No response.)

10 CHAIRMAN EWASUTYN: Would someone
11 make a motion to grant that 180-day
12 extension.

13 MR. MENNERICH: So moved.

14 MS. DeLUCA: Second.

15 CHAIRMAN EWASUTYN: I have a motion
16 by Ken Mennerich. 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 (Time noted: 8:14 p.m.)

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

----- X
In the Matter of

PATTON RIDGE
(2012-18)

Patton Road & New York State Route 52
Section 47; Block 1; Lot 44
R-1 Zone

----- X

SUBDIVISION

180-DAY EXTENSION - 6/1/2024 to 12/1/2024

Date: June 6, 2024
Time: 8:14 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

2 CHAIRMAN EWASUTYN: The last item,
3 number 11, is Patton Ridge. Again
4 it's a subdivision. They're requesting
5 a 180-day extension from June 1st --

6 MR. HINES: That's going to be
7 December 1st. It's a typo.

8 CHAIRMAN EWASUTYN: Excuse me?

9 MR. HINES: That's going to be to
10 December 1st. It's a typo there.

11 CHAIRMAN EWASUTYN: From December
12 1st?

13 MR. HINES: June 1st to December 1st.
14 I'm sorry.

15 CHAIRMAN EWASUTYN: All right.
16 Thank you.

17 So Patton Ridge is looking for a
18 subdivision extension for 180 days from
19 June 1, 2024 to December 1, 2024. Would
20 someone move for that motion.

21 MR. WARD: Aye.

22 CHAIRMAN EWASUTYN: I'll second it
23 myself. I can do that. Can I have a
24 roll call vote starting with Dave
25 Dominick.

2 MR. DOMINICK: Aye.

3 MS. DeLUCA: Aye.

4 MR. MENNERICH: Aye.

5 CHAIRMAN EWASUTYN: Aye.

6 MR. BROWNE: Aye.

7 MR. WARD: Aye.

8 CHAIRMAN EWASUTYN: Motion carried.

9

10 (Time noted: 8:15 p.m.)

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

- - - - - X
In the Matter of

ROSETON POWER PLANT

Discussion by Pat Hines

Request from DEP and Roseton to put an
elevated cable tray over River Road

- - - - - X

BOARD BUSINESS

Date: June 6, 2024
Time: 8:15 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
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 MR. HINES: Can I have a moment
3 with the Board? I have an item I'd like
4 to share before you close.

5 There's been discussion with the
6 Town Board regarding the Roseton Power
7 Plant. As this Board is aware being
8 involved in the Delaware Aqueduct
9 shutdown, there's an issue at the Roseton
10 Power Plant. There's a concern when the
11 aqueduct is shutdown, there has been
12 movement of the earth in the vicinity of
13 the Roseton Power Plant on River Road.
14 That concern has the New York City DEP
15 and the owners of the Roseton Power Plant
16 wanting to modify their underground
17 facilities in that area.

18 I don't know if you'll recall, many
19 years ago a duct bank went away during
20 one of the aqueduct shutdown events and
21 hasn't been seen since. They did repair
22 that. The repair was put onto bedrock.

23 There's a request from DEP and
24 Roseton to put an elevated cable tray
25 over River Road from the Roseton plant,

2 crossing River Road up towards Danskammer
3 Road. There's a visual of that. I have
4 a little sketch where it comes across
5 River Road.

6 Because of the settlement
7 experience in that area associated with
8 the leaks in the aqueduct, the New York
9 City Department of Environmental
10 Protection and Roseton are working
11 together to mitigate the impacts of that.
12 They don't want to have what occurred
13 previously occur.

14 They want to put this -- here is a
15 visual of it. River Road would basically
16 be lined in the center of this. Their
17 power cables and control cables that talk
18 back and forth to Central Hudson's
19 substation up the hill from Roseton would
20 be elevated over the road.

21 There were discussions whether it
22 should go to the Planning Board. Jerry
23 Canfield believes that it's exempt from
24 the Planning Board. We discussed that we
25 would like the Board to know this so if

2 you get questions -- I can just pass out
3 that layout. The blue line is where it's
4 going to be above grade there.

5 In discussions with Jerry's office,
6 and we had a meeting with DEP and the
7 Town Board representatives, I suggested
8 that we let this Board know. Originally
9 it was not determined whether or not it
10 would have to come to you.

11 There are some pretty significant
12 timeframes that need to be met to make
13 this happen by the October shutdown
14 of the aqueduct. I think Jerry's
15 office said this is a utility structure
16 in the IB Zone and really doesn't have
17 to come here, but we wanted to let
18 you guys know.

19 It's going to be 20 feet high, a
20 75 foot span between the pillars, and
21 it will be centered on River Road.
22 There will be the 50-foot right-of-way
23 and 12.5 feet on either side. It will
24 span the Town's property.

25 There's an existing franchise

2 agreement where it runs underground.
3 They're going to modify that franchise
4 agreement to take into account this
5 overhead.

6 MR. MENNERICH: Pat, that would be
7 permanent?

8 MR. HINES: That's permanent
9 because of the issues they've had down
10 there.

11 MR. BROWNE: Is anybody looking at
12 it as far as appearance?

13 MR. HINES: It's not going to be
14 pretty. It's going to be an overhead
15 cable. It's going to look like that.
16 That's one of the reasons I wanted to
17 bring it to you. There's not much you
18 can do with it. I guess you can paint
19 it.

20 We just wanted the Board to know.
21 Originally it was probably heading to
22 you, but upon further review with the
23 Town Attorney and Jerry Canfield's
24 office, it's probably not heading to you.
25 A lot of that has to do with the urgency

2 of getting this done before October 31st.

3 MR. BROWNE: Do you know if it's
4 going to be galvanized steel?

5 MR. HINES: That hasn't been worked
6 out. The owners of the power plant have
7 stated that they'll paint it any color
8 that the Town wants. I'm not going to do
9 that. As I always say, I can't match a
10 shirt and tie. Someone else can pick the
11 colors. It's a cable tray. It's going to
12 look like a crossing overhead. It's been
13 designed to be 20 feet high, which is
14 higher than the highway standards for
15 passing vehicles.

16 I just didn't want you folks to get
17 surprised why it didn't come to us.
18 There's been these discussions and
19 there's a sense of urgency. It's not
20 going to be pretty.

21 CHAIRMAN EWASUTYN: John Ward.

22 MR. WARD: No comments.

23 CHAIRMAN EWASUTYN: Dominic Cordisco.

24 MR. CORDISCO: This is an essential
25 service. It's exigent circumstances. I

2 think it's appropriate for the Town to
3 treat it as such.

4 MR. HINES: I just told them I
5 would let you guys know. I just didn't
6 want to surprise anyone. You guys are
7 involved in a lot of this stuff and
8 should know.

9 CHAIRMAN EWASUTYN: How long will
10 it take to construct it? Any idea?

11 MR. HINES: By October 31st.
12 They're looking to -- they need a
13 building permit for it. Some of the
14 equipment has already been ordered.

15 It's going to be on helical piles
16 down to bedrock. These caps will be put
17 on the piles. There are lead times.
18 They're going to have a tough time
19 meeting it right now, but they're going
20 to try.

21 CHAIRMAN EWASUTYN: This will be
22 daytime construction?

23 MR. HINES: They said they may set
24 these at night because of the road
25 closures and the amount of truck traffic

2 down there. They need to coordinate
3 that. They're always going to keep one
4 lane open. They realize the tanker
5 trucks are coming through there all the
6 time.

7 CHAIRMAN EWASUTYN: Any noise or
8 pounding or anything like that?

9 MR. HINES: The helical piles
10 should screw in. Again, I think it will
11 be drowned out by the noise of the power
12 plant in that area.

13 CHAIRMAN EWASUTYN: Okay. Would
14 someone move for a motion to close the
15 Planning Board meeting of the 6th of
16 June.

17 MS. DeLUCA: So moved.

18 CHAIRMAN EWASUTYN: I have a motion
19 by Stephanie DeLuca. Can I have a
20 second?

21 MR. MENNERICH: Second.

22 CHAIRMAN EWASUTYN: Second by Ken
23 Mennerich. Can I have a roll call vote starting
24 with Dave Dominick.

25 MR. DOMINICK: Aye.

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MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

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

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