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

----- X
In the Matter of

TARBEN II SUBDIVISION
(2021-18)

Tarben Way
Section 127; Block 1; Lot 12
AR Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: August 15, 2024
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

----- 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 the 15th
6 of August 2024. We have six agenda
7 applications, of those six, two are
8 public hearings, and we have one Board
9 business item.

10 At this time we'll call the meeting
11 to order 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 MS. CARVER: Present.

18 MR. WARD: Present.

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

21 MS. CONERO: Michelle Conero,
22 Stenographer.

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

25 MR. CAMPBELL: Jim Campbell, Town

2 of Newburgh Code Compliance.

3 CHAIRMAN EWASUTYN: At this point
4 we'll turn the meeting over to Lisa
5 Carver.

6 MS. CARVER: Please stand for the
7 Pledge of Allegiance.

8 (Pledge of Allegiance.)

9 MS. CARVER: Please turn off your
10 phones or silence them.

11 CHAIRMAN EWASUTYN: Our first item
12 of business this evening is the Tarben II
13 Subdivision, project number 21-18. It's
14 a public hearing on a two-lot subdivision.
15 It's located on Tarben Way in an AR Zone.
16 It's being represented by Jonathan Cella.

17 Mr. Mennerich is going to read the
18 notice of hearing.

19 MR. MENNERICH: "Notice of hearing,
20 Town of Newburgh Planning Board. Please
21 take notice that the Planning Board of
22 the Town of Newburgh, Orange County, New
23 York will hold a public hearing pursuant
24 to Section 274-A of the New York State
25 Town Law on the application of Tarben II

2 Subdivision, project number 2021-18. The
3 project is a two-lot subdivision on an
4 existing 9.44 parcel of property. The
5 property is located at Tarben Way. The
6 project will be served by onsite well and
7 septic system. The project site is
8 located within the Town's AR Zoning
9 District. The site is known on the Town
10 of Newburgh tax maps as Section 127;
11 Block 1; Lot 12. A public hearing will
12 be held on the 15th day of August 2024 at
13 the Town Hall Meeting Room, 1496 Route
14 300, Newburgh, New York at 7 p.m. or as
15 soon thereafter, at which time all
16 interested persons will be given an
17 opportunity to be heard. By order of the
18 Town of Newburgh Planning Board. John P.
19 Ewasutyn, Chairman, Planning Board Town
20 of Newburgh. Dated 18 July 2024."

21 CHAIRMAN EWASUTYN: Thank you.
22 Jonathan.

23 MR. CELLA: Thank you. The
24 proposal is a two-lot subdivision of a
25 9.4 acre parcel located in the AR Zoning

2 District. The parcel is located at the
3 north end of the dead-end cul-de-sac on
4 Tarben Way.

5 There's one existing home
6 constructed there now. We're proposing
7 to create a second lot closer to the
8 road.

9 The lots will be serviced by
10 individual wells and septic systems.

11 Each lot will have its own
12 driveway.

13 The plans have been submitted to
14 the Orange County Health Department for
15 review of the septic and well locations
16 and construction of such.

17 We've done the tree survey.

18 One of the driveways is over 500
19 feet. We've added a turnaround. We had
20 to add one pull-off for lot 12.

21 That's about it.

22 CHAIRMAN EWASUTYN: If there's
23 anyone here this evening that has any
24 questions or comments on the
25 presentation, please raise your hand,

2 give your first name and the initial of
3 your last name.

4 MS. KATHERINE O.: Hi. My name is
5 Katherine O. My mom sent an e-mail to
6 the Planning Board. I just wanted to
7 read that out loud, because I'm not quite
8 sure if you got that or not.

9 CHAIRMAN EWASUTYN: I never
10 received it. Do you know when she sent
11 it?

12 MS. KATHERINE O.: I think it was
13 sometime last week.

14 CHAIRMAN EWASUTYN: I haven't
15 received it.

16 MS. KATHERINE O.: There's a copy
17 of the letter right here. It's on the
18 third page.

19 CHAIRMAN EWASUTYN: We'll take it.
20 If you have any additional for the
21 Members. If we could see that Jonathan
22 receives one. Pat Hines should receive
23 one.

24 MS. KATHERINE O.: I only have two
25 copies. Is it okay if I read it and I

2 can give the other copy?

3 CHAIRMAN EWASUTYN: Sure.

4 MS. KATHERINE O.: Thank you. "I,
5 Angelique Jones, am the owner of adjacent
6 property, SBL 6-1-13.2, and a resident at
7 337 Pressler Road, have been notified of
8 the public hearing for the two-lot
9 subdivision of Tarben II Subdivision of
10 Section Block Lot 127-1-12, along with
11 the 50-foot radius letter, date submitted
12 August 26, 2024, PB No. 2021-18. I have
13 a previous engagement on August 15th, the
14 date of the hearing, and will not be able
15 to attend personally. I would like to
16 have my comments read into the meeting
17 minutes of the public hearing. I would
18 also like to state that I am the owner of
19 the largest property adjoining the
20 subdivision on the southern easterly
21 side. I have no objections to the
22 subdivision and hope all goes well for
23 the parties involved. I read the minutes
24 of the July 29, 2024 Planning Board
25 meeting of Tarben II Subdivision, project

2 number 21-18, and on page 59 of the
3 minutes it mentioned a private road, a
4 future private road that will be
5 constructed. From viewing the site plan,
6 the private road will come within 50 feet
7 or so of my property line, of SBL
8 6-1-13.2 off of Pressler Road. This is a
9 61-acre parcel going back some 3,100 feet
10 of steep slopes and rocky ground and
11 crossing the Gidneytown Creek to reach
12 Tarben Court. I have no intentions for a
13 residence on the property. The property
14 is enrolled in the New York State 480a
15 forestry as well as five other properties
16 equalling 150 acres of forest. With this
17 said, I would think gaining access to the
18 property from Tarben Court to maintain
19 the forestry practices as well as ingress
20 for fire equipment in the event of a
21 forest fire and/or emergency personnel
22 call. I maintain many logging trails in
23 the event of forest fire, but it is
24 doubtful, with the distance and terrain,
25 as well as crossing the Gidneytown Creek,

2 that firefighting equipment would not be
3 effective. With this access" --

4 CHAIRMAN EWASUTYN: Can you slow
5 down a little bit? It's difficult.
6 Relax. You're at home. Okay.

7 MS. KATHERINE O.: Sorry. "I
8 maintain many logging trails. It's
9 doubtful, for the distance and terrain as
10 well as crossing the Gidneytown Creek,
11 that firefighting equipment would not be
12 effective. With this access from the new
13 road and the lay of the land, firefighting
14 is possible for the hundreds of acres
15 of forest in this area, as you can
16 see in the four maps I provided. I
17 recall the owner of Section Block and
18 Lot 6-1-20, Ron Colandrea, asked for
19 and received access some years ago
20 from the Tarben II Subdivision and
21 the Planning Board to his property to
22 the north of SBL 127-1-12. This
23 access with the steep slopes has no
24 benefit for firefighting the majority
25 of the forest. With all this noted,

2 I am requesting that the Planning
3 Board consider suggesting to the
4 parties involved that I be granted
5 access so as to maintain the forestry
6 practices so the Town and the
7 residents can continue to breathe
8 healthy, clean air from the
9 undeveloped property that I and
10 others maintain in the area. Thank
11 you for hearing my comments."

12 CHAIRMAN EWASUTYN: Pat, did you
13 hear all that?

14 MR. HINES: I think the gist of it
15 was that you're looking for access from
16 lot 12 here, --

17 MS. KATHERINE O.: Yeah.

18 MR. HINES: -- one of the larger
19 parcels?

20 MS. KATHERINE O.: For firefighting
21 purposes. Do you want to see the letter?

22 MR. HINES: Do you have a map
23 showing the other tax parcels?

24 MS. KATHERINE O.: She sent these
25 maps.

2 MR. HINES: I don't know that the
3 Planning Board has the authority to
4 require an applicant to provide access to
5 an adjoining parcel. I'll defer to
6 Dominic on that. Certainly the Colandrea
7 parcel, back in 2016, made a similar
8 request for access to a landlocked
9 parcel. It appears that some of these
10 parcels are landlocked as well, they
11 don't have access to a public street, the
12 ones you were mentioning. I think that
13 may be outside the purview of the
14 Planning Board.

15 MR. CORDISCO: It's a private
16 arrangement between two different
17 landowners.

18 MS. KATHERINE O.: She just wanted
19 me to bring this up at the meeting.

20 MR. CORDISCO: Understood.

21 MS. KATHERINE O.: Thank you.

22 CHAIRMAN EWASUTYN: Nicely presented.
23 Thank you.

24 The gentleman in the back.

25 MR. FETTER: Bill Fetter from

2 Rockwood Drive. What would be their next
3 step? Where should they go, who should
4 they talk to, the applicant? The Town
5 Board?

6 MR. CORDISCO: They could speak
7 with the applicant's representative,
8 Mr. Cella. I'm sure he would convey
9 back the request. It's going to be
10 between the landowners as to whether
11 or not they can provide and accommodate
12 the request.

13 MR. FETTER: Thank you.

14 CHAIRMAN EWASUTYN: Any additional
15 questions or comments from the public?

16 (No response.)

17 CHAIRMAN EWASUTYN: We'll turn the
18 meeting over to the Consultants and
19 Planning Board Members. Jim Campbell,
20 Code Compliance.

21 MR. CAMPBELL: Just a note. I did
22 not receive any comments from the fire
23 department. I think you mentioned that
24 you were going to add the turnout.

25 MR. CELLA: The pull-off. We have

2 the turnaround. We have to add the pull-
3 off.

4 MR. CAMPBELL: A turnaround and
5 turnout.

6 MR. CELLA: We have to add that.

7 MR. CAMPBELL: Please dimension
8 those two items.

9 MR. CELLA: We have the fire truck
10 turnaround on the map now.

11 MR. CAMPBELL: Any of the pull-offs
12 or anything, to dimension them.

13 MR. CELLA: Yup.

14 MR. CAMPBELL: Thank you.

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

17 MR. HINES: We were looking for a
18 little more information on the tree
19 preservation plan, which I think should
20 be easy to provide.

21 The Health Department review of the
22 septic system is outstanding.

23 We commented noting that the Code
24 Enforcement Department was looking for
25 the emergency vehicle turnarounds.

2 Our final comment is to have the
3 highway superintendent sign off on the
4 two new driveway locations. The driveway
5 for lot 12 is to be relocated and the
6 driveway for proposed lot 11 is a new
7 driveway.

8 There is another application before
9 the Board, as you're aware, the Ikenson
10 Food Check application. That will also
11 have a private road/driveway coming off
12 at the end of that cul-de-sac. We want
13 to make sure the highway superintendent
14 doesn't have issues with that number of
15 driveways.

16 Those are our comments. I believe
17 many of them could be addressed as
18 conditions. That's all we have.

19 CHAIRMAN EWASUTYN: Dave Dominick,
20 Planning Board Member.

21 MR. DOMINICK: I just would like to
22 thank you for that presentation. I would
23 hope that you and the applicant could
24 come to some kind of agreement.

25 CHAIRMAN EWASUTYN: Stephanie DeLuca.

2 MS. DeLUCA: No further comment.

3 MR. MENNERICH: I have no questions.

4 MR. BROWNE: Nothing additional.

5 MS. CARVER: Nothing further.

6 MR. WARD: The cul-de-sac, for snow
7 removal, if you could address that. You've
8 got a lot of driveways going there.

9 MR. CELLA: All right.

10 MR. WARD: Thank you. I'm sure the
11 Highway Department will mention that.

12 CHAIRMAN EWASUTYN: Any additional
13 questions or comments from the public?

14 (No response.)

15 CHAIRMAN EWASUTYN: Would someone
16 then move for a motion to close the
17 public hearing on Tarben II Subdivision,
18 project number 21-18.

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

20 MR. MENNERICH: Second.

21 CHAIRMAN EWASUTYN: I have a motion
22 by Dave Dominick and a second by Ken
23 Mennerich to close the public hearing on
24 Tarben II. Can I have a roll call vote
25 starting with John Ward.

2 MR. WARD: Aye.

3 MS. CARVER: Aye.

4 MR. BROWNE: Aye.

5 CHAIRMAN EWASUTYN: Aye.

6 MR. MENNERICH: Aye.

7 MS. DeLUCA: Aye.

8 MR. DOMINICK: Aye.

9 CHAIRMAN EWASUTYN: Dominic

10 Cordisco, Planning Board Attorney, can
11 you give us conditions for approval.

12 MR. CORDISCO: Yes, Mr. Chairman.

13 The conditions would include addressing
14 the outstanding comments from the
15 Planning Board's Consulting Engineer.

16 Those include addressing the outstanding
17 revisions and information needed for the
18 tree preservation plan as well as receipt
19 of the Orange County Department of Health
20 approval for the sanitary sewer system.

21 Also addressing Code Compliance Office's
22 request to provide additional emergency
23 vehicle turnaround information, as well
24 as a sign off by the jurisdictional fire
25 department, as well the highway

2 superintendent's comments on the driveway
3 location.

4 CHAIRMAN EWASUTYN: Is there a rec
5 fee associated with this?

6 MR. CORDISCO: There would be a rec
7 fee. One additional lot is being
8 proposed. In addition to paying all
9 outstanding fees, there would be a rec
10 fee of one lot.

11 CHAIRMAN EWASUTYN: Any comments or
12 questions as far as the outline that
13 Dominic Cordisco has given us for the
14 final resolution of approval?

15 MR. DOMINICK: No.

16 MS. DeLUCA: No.

17 MR. MENNERICH: No.

18 CHAIRMAN EWASUTYN: Having heard
19 from our Attorney, Dominic Cordisco of
20 Drake, Loeb, with conditions for approval
21 of the Tarben II subdivision, 21-18, would
22 someone please move for that motion.

23 MR. WARD: So moved.

24 MS. CARVER: Second.

25 CHAIRMAN EWASUTYN: I have a motion

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by John Ward. I have a second by Lisa Carver. I'll ask for a roll call vote starting with John Ward.

MR. WARD: Aye.

MS. CARVER: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Thank you.

(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 25th day of August 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

217 SOUTH PLANK ROAD - CANNABIS DISPENSARY
(2024-13)

217 South Plank Road
Section 6; Block 1; Lots 66.21 & 66.32
B Zone

----- X

PUBLIC HEARING
SITE PLAN & SPECIAL USE PERMIT

Date: August 15, 2024
Time: 7:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOSEPH MINUTA

----- X

MICHELLE L. CONERO
Court Reporter
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CHAIRMAN EWASUTYN: The second item of business this evening is 217 South Plank Road. It's a cannabis dispensary, project number 24-13. It's a public hearing on a site plan and special use permit. It's located in an AR Zone. It's being represented by Minuta Architects.

Ken Mennerich will read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 274-A of the New York State Town Law and Chapter 185-48.9 of the Town of Newburgh Code on the application of 217 South Plank Road, cannabis dispensary, project 2024-13. The project is a special use permit for a cannabis dispensary under Town Code Section 185-48.9. The project also involves a lot consolidation. The project will occupy a portion of an

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existing site which contains a retail facility, a landscape storage area and the proposed cannabis retail dispensary. The project will re-stripe the existing parking lot. The property is located at 217 South Plank Road. This project site is located within the Town's B Zoning District. The site is known on the Town of Newburgh tax maps as Section 61; Block 1; Lot 19.2. A public hearing will be held on the 15th day of August 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 18 July 2024."

CHAIRMAN EWASUTYN: Mr. Minuta.

MR. MINUTA: Good evening, Mr.

Chairman, Members of the Board. Joseph

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Minuta. Thank you for hearing our application this evening.

I just want to thank Mr. Campbell and Mr. Hines for their assistance and cooperation with this project regarding the signage and other items.

The project before you is simply a reuse of an existing retail space or a new retail space, which is a special use.

I received the comments from Mr. Hines from the last meeting. We have consolidated the lot since.

With regard to the signage, that was a big question at the last meeting. The owner has decided that they would like to reduce the height of the sign to be in compliance, to be 14 feet. Again, just more good news. The sign company that will be doing the sign, they are having their engineer, which I have a set of plans here from their engineer, has specified the sign is to be looked at for its integrity since it's been there for awhile. If everything meets,

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then fine. If it doesn't, there's a set of plans we'll present to the Building Department for construction of a sign at that point. The intent here is to comply with the zoning requirement. That really leaves no issue with regard to the sign.

I'm not quite sure what else you would like me to discuss about the project.

CHAIRMAN EWASUTYN: If you're satisfied with the presentation, then we'll let it stand at that.

MR. MINUTA: Thank you.

CHAIRMAN EWASUTYN: You're welcome.

Is there anyone here this evening that has any questions or comments on the 217 South Plank Road cannabis dispensary?

(No response.)

CHAIRMAN EWASUTYN: Okay. Let the record show that there's no public comment.

At this point I would turn to Jim Campbell, Code Compliance.

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MR. CAMPBELL: The last items that we had, which Mr. Minuta just explained, the sign was going to be lowered and made compliant. At the previous meeting the logo was removed from the signage.

MR. MINUTA: Correct.

MR. CAMPBELL: Those were our outstanding issues.

CHAIRMAN EWASUTYN: Pat Hines with MH&E.

MR. HINES: Our first comment was just addressed. It was regarding the signage and coordination with the Code Compliance office.

We did submit the project to Orange County Planning as well as the DOT back in June. Mr. Minuta provided me an e-mail today from DOT stating that, "New York State Department of Transportation does not require any further action from your business or contractor at this time as long as there's no work to be performed in the right-of-way. If in the future right-of-way work is necessary on

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New York State Route 52, also known as South Plank Road, then the DOT will require a permit and a subsequent road work form to be submitted." It says, "Thank you for contacting us," and it's from Josh Pierman, senior road work coordinator analyst, Region 8. That addresses that.

I received some correspondence regarding the striping detail which is acceptable on the plan.

We have no outstanding comments on this project.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: No comment.

MS. CARVER: No comment.

MR. BROWNE: Nothing additional.

CHAIRMAN EWASUTYN: No comment.

MR. MENNERICH: No comment.

MS. DeLUCA: No comment.

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: One more time, is there anyone in the public who would

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like to speak at this time?

(No response.)

CHAIRMAN EWASUTYN: Would someone make a motion to close the public hearing on project 217 South Plank Road, cannabis dispensary, for the site plan and special use permit.

MR. DOMINICK: So moved.

MR. BROWNE: Second.

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

MR. WARD: Aye.

MS. CARVER: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Dominic Cordisco, Planning Board Attorney, can you give us the conditions of approval.

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MR. CORDISCO: Yes. The conditions would include the fact that this is a special permit and that it is only valid as long as the certificate for licensure for selling cannabis-related products is maintained in full force and effect. If that is ever revoked or expires or is no longer applicable, then this particular special use permit would also expire and would track and follow that as well.

The approval is also allowing only the construction that's shown on the plan. If there are any deviations or changes from the plan as to what's being constructed, it would require an amended approval.

There's a limitation on use in the sense that the use that's being proposed is allowed under the code and allowed under the certificate that you have now. Those are the only activities that can occur on this site. If additional activities are proposed in the future or additional things become legal to sell at

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this location, you would have to return to the Board and obtain special permit approval, as well as any other approvals that would be necessary.

Also, the approval is specific to this particular applicant. If there's a change in ownership or a transfer of this business, then that, likewise, would also have to come back before the Board for approval to transfer ownership to a new entity.

CHAIRMAN EWASUTYN: Any questions or comments from Consultants or Board Members?

MR. HINES: No.

CHAIRMAN EWASUTYN: Having heard from Planning Board Attorney Dominic Cordisco as far as the conditions of approval for the site plan and special use permit, would someone move for that motion.

MS. CARVER: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion

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by Lisa Carver. Do I have a second?
John Ward. I have a 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.

MS. CARVER: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Thank you.

MR. MINUTA: Thank you all 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 25th day of August 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: August 15, 2024
Time: 7:18 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JERAME SECARAS
and KELLY LIBOLT

----- X

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

2 CHAIRMAN EWASUTYN: The third item
3 of business is Newburgh Shoppes Phase
4 III. We had a typo on the project
5 number. The project number is 23-16.
6 It's here before us this evening for a
7 site plan. It's located on 1217 and
8 1219 Route 300 in an IB Zone. It's
9 being represented by Kelly Libolt.

10 MS. LIBOLT: He doesn't look like
11 Kelly, does he? Sorry. This is
12 Jerame Secaras from Langan Engineering.
13 He's going to present this evening.

14 MR. SECARAS: I have a short
15 presentation for this project. As you're
16 aware, the site is located on the corner
17 of Orr and Union Ave. As a three-phased
18 project, the first two phases were built
19 over the last ten years or so. The first
20 two phases are commercial. They comprise
21 5 acres.

22 The third phase is split by a
23 regulated stream that separates phase II
24 and this parcel. That's a good area to
25 create a subdivision in order to create a

1
2 new proposed improvement, which is for
3 the self-storage.

4 Since we were here last, your Board
5 referred us to the ZBA. We obtained the
6 variances that we needed at the July 25th
7 ZBA meeting. We're not looking for any
8 other variances.

9 The revised site plan is here. The
10 revised site plan has 5 acres of the
11 commercial that you can see in the lower
12 left of the site plan. The proposed
13 self-storage is 6.4 acres, and that's
14 what is bisected by the stream and shown
15 on the proposed subdivision.

16 The phase III improvements consist
17 of six storage buildings which are
18 separated into nine different unit types.
19 One is a three-story building and the
20 rest are one-story buildings. The total
21 is 65,000, which is less than the 71,000
22 square feet -- they're rounded numbers,
23 but less than the 71,000 square feet that
24 was originally approved for a supermarket
25 development.

2 The phase III portion is accessed
3 by two proposed drives because it has the
4 stream that bisects it. There's one
5 crossing at Orr Avenue and there's
6 another crossing to the phase II portion
7 which ultimately leads to Orr Avenue and
8 Route 300.

9 At the crossing, we have a blowup
10 showing here to here, that is meant to be
11 -- there's an existing culvert that's
12 small and constrained. We are going to
13 -- in order to enlarge the driveway to
14 have truck traffic and better access, we
15 have a 14-foot arched culvert -- a
16 40-foot culvert meant to span the bed and
17 banks of the stream in order to not
18 impact that stream. We will obtain the
19 required permits necessary in order to
20 get those.

21 There are eight proposed parking
22 spaces. That includes ADA spaces. Those
23 are located outside of the gated area so
24 that people have access to the office.

25 The layout has been designed to

2 address fire and vehicular circulation.
3 Truck turning plans were provided with
4 the set. The access is gated and secure.
5 We also have the fence for security.
6 We'll work with the fire department to
7 ensure that they have access to the
8 secure areas.

9 The grading and drainage plan. The
10 elevations on this site, there's a grade
11 change of about 25 feet. The elevations
12 are highest on plan right, which is the
13 northeast adjacent to the Lowe's site,
14 and lowers as you go down towards the
15 stream. There's an overall cut to fill
16 of 10 feet, either fill or cut. Those
17 are the maximums in either direction.
18 It's 25 feet across the site with the
19 idea that you grade down from the Lowe's
20 to create a flatter area to develop the
21 site and then you grade down to the
22 basins and down to the existing grade.
23 We tried to do that as quickly as
24 possible.

25 The layout of the site was set as

2 far towards the Lowe's as we could. We
3 actually got a variance to get a little
4 bit closer in order to try to keep away
5 from the stream corridor.

6 There are three proposed stormwater
7 basins. That includes standard piping,
8 outlet control structures. Each
9 stormwater basin was designed to address
10 stormwater quality and quantity
11 requirements. Specifically they're
12 designed to exceed the State standards.
13 They exceed 110 percent of the State
14 standards for water quality and
15 conveyance with regard to the 25-year
16 storm.

17 The stormwater report and SWPPP
18 have been submitted. We understand
19 they're still under review.

20 In terms of utilities, we have
21 electric service that will be provided
22 from Orr Avenue. It's the existing
23 service there. That's still being
24 coordinated with Central Hudson. We have
25 provided the routing and provided the

1 location for the transformer.

2 There's no gas service proposed.

3 Sewer service will connect to an
4 existing sewer easement on the plan right
5 side of the site.

6 The water service will be served
7 from phase II. We understand we'll need
8 to get the Town water and sewer
9 allocations updated for that. It's an
10 increase in use from what was previously
11 approved. We also understand we'll have
12 to go to the Orange County Department of
13 Health in order to get the water main
14 extension approved for the connection.

15 There are also two hydrants that
16 are being proposed.

17 The landscaping I have shown here.
18 Generally speaking, the interior
19 landscaping within the self-storage area
20 is basically minimal because it's mainly
21 for loading, access of the building.
22 It's within the secure area. There is
23 some additional landscaping that is
24 higher level and more consistent with the
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rest of the development which is located at the higher intensity, at the entrances and access point. That's what is consistent with the rest of the landscaping.

We have a tree plan. This is what I wanted to talk to you a little bit about. We performed a tree survey. The tree plan shows the significant and specimen trees. We have a tree plan showing which ones are going to be salvaged and will remain and which ones will be removed. What we're looking at here is two lines. There's a limit of disturbance and there's a tree protection line. Generally the lighter area is where the development is happening and the gray area is where we're able to maintain existing trees. We condensed the site development to the extent we can to also provide room for the building, circulation, the required stormwater management basins and associated site grading.

As I mentioned, the development is

2 close to plan right which is why you
3 don't really have a whole lot going on on
4 the right side, in order to salvage as
5 much along the stream corridor as we
6 could.

7 As indicated in the comment letter
8 we recently received from MHE, we
9 understand that the Town requires that,
10 in addition to the tree diameter, which
11 we have for all 665 trees that are
12 located within the developed area, or
13 within the phase III portion rather, we
14 have the sizes of all of them. We did
15 not get the species and the height of all
16 the ones within the site. It's a lot of
17 trees. Realistically, if we have trees
18 that are in the middle of the building in
19 an area that has a grade change of 10
20 feet plus or minus, the zoning code
21 allows us to remove them. The reason for
22 having the species -- there's no way to
23 work around it. We would like to
24 petition if there's any relief the Board
25 could give. We have tree species further

2 along the limit of disturbance because
3 that's the area we're most closest to
4 existing grade and most able to actually
5 design around. We did shift some of the
6 storm basins. It's generally not all
7 that consistent. It's not like a square
8 or round. We worked it around the
9 existing trees to the extent with the aim
10 of saving as many of the largest trees as
11 we could. That's shown on this plan.
12 Taking a look, there's some -- we're
13 bouncing around 36-inch trees, figuring
14 that the largest trees would be more
15 important. To the extent that the Board
16 can provide relief for having to provide
17 species for all of the trees onsite and
18 the tree heights, we'd appreciate that.
19 I would say, just also to be clear, by
20 providing all of the diameters, we are
21 able to show compliance with the Town
22 requirements for tree removal.
23 Significant trees, for example, we're
24 permitted to remove up to 75 percent
25 before having to provide restitution. We

2 are compliant with that. We have those
3 laid out. I can provide those
4 calculations. We just don't have the
5 species, which doesn't play into that
6 calculation anyway. We're happy to work
7 -- if the Board can provide any sort of
8 relief, we're happy to work with your
9 arborist and/or MHE to figure out what
10 would make the most sense for this site.

11 In terms of MHE's comment letter
12 that we just received, I know there are
13 several items that are going to be
14 conditions of approval, such as the
15 aforementioned water and sewer permitting.

16 The stormwater report is still under
17 review and comments may be coming. We're
18 happy to work through them.

19 We also have received CME's comments
20 for the truck turns. We'll provide them.
21 In short, we answered their question that
22 the access drive to the north cannot
23 actually be reduced from the size that's
24 there based on the truck turn needs to get
25 trucks in and out. That's largely

2 controlled by the narrow width. We
3 also confirmed that we can make truck
4 turns from the access point at 300.
5 We did see it has to be tweaked a
6 little bit to make that work. The
7 as-built wasn't as per the original
8 design. We'll make that part of that.

9 That's it.

10 CHAIRMAN EWASUTYN: Jerame, thank
11 you.

12 Kelly, do you have anything you
13 want to add?

14 MS. LIBOLT: I do not, Mr. Chairman.
15 Thank you.

16 CHAIRMAN EWASUTYN: At this point
17 we'll turn the meeting over to Dave
18 Dominick.

19 MR. DOMINICK: I'm going to have
20 Pat talk about the tree preservation
21 species. I think, if I understood it
22 correctly, you need to label what you
23 removed and label what's left. Right?

24 That's according to the preservation,
25 Pat?

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MR. HINES: I did have the opportunity to speak to the applicant's representative. I took the opportunity today when I ran into Jim Presutti, the commissioner of parks who was instrumental in shepherding the tree preservation law from concept through approval. It was his opinion that the intent of the ordinance is that those trees be documented as to species as well as just size. The reading of the ordinance says that. I don't know that there's any relief in the ordinance that says the Planning Board can waive those conditions. Unfortunately it's a lot of work. We do hear from many projects. What you didn't do, which is permitted, is to do a 5-acre plot or a certain number of plots. The ordinance was updated based on other developers identifying that there are thousands of trees on some sites. There are sample plots that are allowed to be extrapolated. You could take advantage of that. Most

2 likely it will reduce the number from
3 600 to significantly less that you
4 have to identify.

5 CHAIRMAN EWASUTYN: That's based
6 upon acreage. Correct?

7 MR. HINES: Based upon acreage.
8 Correct.

9 CHAIRMAN EWASUTYN: Can you just
10 elaborate a little further?

11 MR. HINES: I believe, shooting
12 from the hip, it's one sample plot for 5
13 acres on the site. The sample plots are
14 a half acre in size.

15 MR. SECARAS: Fantastic. Thank you.

16 CHAIRMAN EWASUTYN: Stephanie DeLuca.

17 MS. DeLUCA: I was just curious
18 about the bridges that are going to be --
19 could you describe them a little bit more?
20 I was just curious about the weight limit
21 on the bridge.

22 MR. SECARAS: The bridges -- I have
23 some sections that were in the plans that
24 I could bring up if that helps us, or I
25 could just describe it.

2 MS. LIBOLT: Just describe it.

3 MR. SECARAS: Sure. They're not
4 fully designed yet. They'll be designed
5 for H-20 loading. They have to in order
6 to handle fire trucks, any sort of
7 delivery trucks, people's moving trucks.
8 It has to handle the largest trucks that
9 would access it. Right now the thought
10 is that those will be arch culverts in
11 order to span. They would be aluminum
12 and sort of dropped in place on top of
13 foundations. They can be precast. There
14 are different ways to make them. That's
15 what we're still vetting out. It's just
16 going to be a large culvert that you
17 won't really see unless you're standing
18 in the stream. Otherwise it's just going
19 to be --

20 CHAIRMAN EWASUTYN: Who is the
21 permitting agency with these culverts?

22 MR. SECARAS: I believe it's New
23 York State DEC for street crossing and
24 protection of waters.

25 MS. DeLUCA: Thank you.

2 MR. MENNERICH: Nothing at this
3 time.

4 CHAIRMAN EWASUTYN: Is this
5 proposed to be a balanced site?

6 MR. SECARAS: It's effectively
7 balanced. So it's 13,000 cubic yards of
8 cut, 11,000 cubic yards of fill. That
9 leaves about 2,000 cubic yards, rough
10 numbers, that potentially need to be
11 exported. That also is left purposely as
12 a slight export site because you always
13 end up having some amount of materials,
14 whether they're wet or otherwise. It also
15 takes into account, with the tree
16 clearing you're going to lose a little
17 bit. It's effectively balanced.

18 CHAIRMAN EWASUTYN: Do you believe
19 there may be any blasting on the site?

20 MR. SECARAS: No. Not based on any
21 of the geo-technical information we have.

22 CHAIRMAN EWASUTYN: Those are my
23 only questions. Thank you.

24 MR. BROWNE: You received several
25 variances for the site. Could you go

2 through those quickly?

3 MS. LIBOLT: I'll go through those.

4 I'm Kelly Libolt with KARC Planning.

5 There were four variances applied
6 for and received. The first was for the
7 height of the building, the larger
8 building. The variance that was granted
9 was for a 40-foot building. That's 40
10 feet, three stories.

11 The second variance had to do with
12 the rear yard setback. Because there is
13 a subdivision on this property, it
14 changes the front yard, side yard and
15 rear yard. The implication of the
16 subdivision is that this is now the front
17 yard and the rear yard is the side that
18 faces Lowe's. We were granted a variance
19 to permit the building to be 3.1 feet
20 from the rear yard setback. There is a
21 significant difference between the
22 property line and the wall on Lowe's
23 property. You'll see there is a gap in
24 between there.

25 The other two variances were sort

2 of unique. They have to do with the type
3 of materials of the buildings and the
4 orientation of the buildings. Your code
5 says where possible these storage units
6 are supposed to be -- the short side is
7 supposed to be facing the road from a
8 massing perspective. We did get approval
9 for the buildings to be oriented the way
10 that they are. The second section of
11 that code says where possible the
12 buildings should be of masonry material.
13 We received relief from the ZBA to permit
14 the aluminum.

15 MR. BROWNE: Thank you.

16 CHAIRMAN EWASUTYN: Lisa Carver.

17 MS. CARVER: Just a comment. I
18 believe when you do the tree survey, I
19 think you have to identify who is doing
20 the survey. That was missing.

21 MR. SECARAS: That will very likely
22 end up being the landscape architect,
23 from my experience. They'll have that
24 done.

25 MR. WARD: That was my question.

2 Thank you.

3 CHAIRMAN EWASUTYN: At this point
4 we'll turn the meeting over to our
5 consultants. Jim Campbell with Code
6 Compliance.

7 MR. CAMPBELL: I just had a couple
8 of comments. Just so you know, the plans
9 and comments were forwarded to the fire
10 department for additional comments.

11 The water line is shown as a 6-
12 inch. That might need to be stepped up.
13 I think you're connecting from an 8 or a
14 10.

15 MR. SECARAS: I believe it's phase
16 II we're connecting to. We certainly
17 have to make sure -- we have plans for a
18 fire hydrant flow test to determine what
19 is out there. I know, based on various
20 projects, you guys have fantastic water
21 pressure. I'm hopeful that the 6-inch
22 will be sufficient. We will certainly
23 take that into account. If that means we
24 have to do something different, we will.

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

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

4 MR. HINES: Our first comment just
5 has to do with the fact that you received
6 your variances, which Ms. Libolt just
7 described.

8 The project is a subdivision as
9 well now. Originally it was a single lot
10 when it was proposed to be the supermarket.
11 It is also a subdivision and a site plan.

12 You need to follow up with the DEC.
13 That stream has been a class A stream
14 for as long as I can remember. Your EAF
15 identifies it off the DEC website as not
16 being a class A. I believe it is. It's
17 tributary to the City of Newburgh's
18 Washington Lake Reservoir through the
19 diversion channel across the street
20 from your project.

21 You have responded to the fire
22 district's comments. We should hear
23 back from the fire district.

24 They performed a habitat assessment
25 regarding threatened or endangered

1
2 species. Time-of-year restrictions
3 are to be implemented to avoid impacts
4 to the protected bat species.

5 A City of Newburgh flow acceptance
6 letter will be required. It will be a
7 revised one, probably a reduction down
8 if in fact the flow from the supermarket
9 previously proposed was there. It's
10 kind of a check-the-box gatekeeper on
11 how much flow you're sending to the
12 city.

13 I'm going to skip over the tree
14 preservation comments as we talked about
15 those earlier.

16 The limits of disturbance need
17 to be shown utilizing orange construction
18 fencing consistent with the tree
19 preservation.

20 Health Department approval for the
21 water main extension.

22 It will need to go to Orange County
23 Planning due to the proximity of the
24 State highway.

25 A stormwater agreement will be

2 needed.

3 I took the opportunity, while we
4 were speaking, I was trying to find
5 our lead agency circulation for this.
6 I recall that we held off on that
7 because you were going to the ZBA, to
8 allow them to make an uncoordinated
9 review for those ZBA requirements. I
10 believe the Board should declare its
11 intent for lead agency. We can
12 circulate that document now.

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

15 MR. CORDISCO: I concur that it
16 would be appropriate at this point to
17 circulate for lead agency.

18 It would also be appropriate, I
19 believe, to send the plans to the County
20 Planning Department for their review.

21 Because this application also
22 involves a subdivision, a public hearing
23 eventually will be required for this
24 application.

25 CHAIRMAN EWASUTYN: Having heard

2 from Planning Board Attorney Dominic
3 Cordisco, would someone make a motion to
4 circulate to the Orange County Planning
5 Department and for the Planning Board to
6 declare their intent for lead agency for
7 the Newburgh Shoppes Phase III which is a
8 site plan and subdivision.

9 MR. MENNERICH: So moved.

10 MS. DeLUCA: Second.

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

15 MR. WARD: Aye.

16 MS. CARVER: Aye.

17 MR. BROWNE: Aye.

18 CHAIRMAN EWASUTYN: Aye.

19 MR. MENNERICH: Aye.

20 MS. DeLUCA: Aye.

21 MR. DOMINICK: Aye.

22 CHAIRMAN EWASUTYN: Thank you.

23 MR. SECARAS: Thank you very much.

24 MS. LIBOLT: Mr. Chairman, is it
25 too premature to schedule a public

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hearing for this project?

CHAIRMAN EWASUTYN: We can't do that until we hear back from the County.

MR. SECARAS: Thank you.

CHAIRMAN EWASUTYN: When I say we can't, can't is a poor word. That's not the procedure we follow.

(Time noted: 7:45 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 25th day of August 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

17K VINEYARDS & SPIRITS
(2024-21)

274 Route 17K
Section 86; Block 1; Lot 12
IB Zone

----- X

AMENDED SITE PLAN & CHANGE OF USE

Date: August 15, 2024
Time: 7:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: FLOYD JOHNSON

----- X

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

2 CHAIRMAN EWASUTYN: The fourth
3 item of business this evening is 17K
4 Vineyard & Spirits. It's an initial
5 appearance for an amended site plan
6 and a change of use. It's project
7 number 24-21. It's located on Route
8 17K in an IB Zone. It's being
9 represented by Floyd Johnson.

10 MR. JOHNSON: Yes. Hi there. Good
11 evening. The owner is looking for a
12 change of use from the auto shop to a
13 retail store, liquor store. We have
14 1,800 square feet that he wants to rent.

15 We're going to put in twelve
16 parking spaces. I know what I submitted
17 had way more parking spaces. Basically
18 we're only looking for twelve parking
19 spaces.

20 We're looking for an entrance off
21 of 17K and we're looking for an entrance
22 coming out the other side on, I think
23 it's Colden, an exit over here on this
24 side. Trying to come out this side and
25 cross over the double lanes is difficult.

2 If we can get a second exit to come out
3 here and get to the light, it's a much
4 easier exit than trying to exit back onto
5 17K. We believe we need the two exits
6 for this particular project.

7 CHAIRMAN EWASUTYN: For the benefit
8 of yourself and the applicant, we'll have
9 our consultants speak first on this.

10 Jim Campbell, Code Compliance.

11 MR. CAMPBELL: I believe the
12 property is located in the IB Zone. You
13 referenced the B Zone in the plans.

14 MR. JOHNSON: I'm having trouble
15 hearing so I'm going to walk over to you.
16 What was that?

17 MR. CAMPBELL: The property is
18 located in the IB Zone. You referenced
19 the B Zone.

20 MR. JOHNSON: Yes. I believe
21 that's the zone that it's in, B-1.

22 MR. HINES: It's called IB,
23 Interchange Business.

24 MR. JOHNSON: What?

25 MR. HINES: IB, Interchange

2 Business Zone. We have a separate B Zone
3 as well. This one is in the IB.

4 MR. JOHNSON: IB. I believe that's
5 the zone I was in.

6 MR. HINES: Your bulk table
7 identifies it as B. It's not in the B.
8 It's in the IB, Interchange Business.

9 MR. JOHNSON: Okay. I will pull
10 that chart again.

11 MR. CAMPBELL: Also, the drawings
12 refer to details that are not there.

13 MR. JOHNSON: I know the first one
14 I gave you didn't have all the details
15 that this one has for the parking, the
16 handicap style, the signage. Based on
17 the comments that I got, I made those
18 changes.

19 The one thing I didn't find is, you
20 referenced that Town of Newburgh has its
21 own parking design. I went to the site
22 and I couldn't find it.

23 MR. HINES: I have one here I can
24 give you.

25 MR. CAMPBELL: On the revised

2 drawings you added the ADA, the parking,
3 the ramps and the signage? You added all
4 that?

5 MR. JOHNSON: Yes. I went through
6 your comments and --

7 MR. CAMPBELL: My comments are a
8 little bit different than his comments.

9 MR. JOHNSON: Okay. So the dump
10 area and that enclosed fence area, that
11 area -- the fence enclosure area is not
12 going to be there. Where the fence area
13 is is actually where the dump is going to
14 be, in that particular area.

15 All the parking is going to be
16 along the building itself. The handicap
17 is going to be on the right side of the
18 building.

19 MR. CAMPBELL: I haven't seen your
20 revised plans.

21 MR. JOHNSON: I know. I have to
22 give them to you.

23 MR. CAMPBELL: Also, your plans
24 should include the sign information, the
25 building mounted and if you're doing any

2 freestanding signage. That is part of
3 ARB.

4 MR. JOHNSON: Yes.

5 MR. CAMPBELL: That should be
6 supplied.

7 That's all I have.

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

10 MR. HINES: Our first comment just
11 identifies what the project is, the size
12 of the building and the location.

13 Our second comment has to do with
14 the methods that you're going to close
15 off one of the 17K access points.
16 There's a very wide access area along
17 Colden Hill Road. That should be closed
18 off definitively with some sort of
19 curbing, landscaping in order to define
20 the two access points.

21 I think I just heard you say the
22 17K one is going to be a right in only?

23 MR. JOHNSON: Well, it could be a
24 two way, but my feeling is you should
25 only enter from the east. I've been up

2 there and I've tried to get out that exit
3 to 17. It's not a good exit. What
4 happens is, if you look at that road, it
5 closes down from a two lane to a single
6 lane. The only way to really get in
7 there safe is on that right-hand side.
8 If you're trying to get out and cross
9 over where those lanes are coming
10 together, I don't think that's a good
11 idea.

12 MR. HINES: Yup. We'll be
13 referring this to DOT as well for their
14 input. I think the right in seems to
15 work in the proximity of that intersection
16 as well.

17 MR. JOHNSON: Right.

18 MR. HINES: The layout that you
19 show right now isn't consistent with
20 what's in the field. I think maybe
21 you're modifying that a little bit in the
22 field. They're more angled currently.

23 MR. JOHNSON: Right.

24 MR. HINES: We need to show that.

25 MR. JOHNSON: I should have

2 clearance from DOT on that.

3 MR. HINES: We're going to
4 circulate this to DOT as well for their
5 comments. You are doing changes within
6 their right-of-way, so they do have
7 jurisdiction.

8 It's a Type 2 action under SEQRA
9 because of the size of the building.

10 You will need a permit from DOT to
11 do any work in their right-of-way,
12 including closing off those access
13 points.

14 The next comment has to do with a
15 code section that's unique to 17K. I
16 cited the section of the code there.

17 The entire length of 17K, from the
18 city line to the Town of Montgomery, has
19 a requirement that 35 feet of the
20 frontage is required to be a landscape
21 buffer. Actually, within 350 feet of an
22 intersection that goes to 45 feet, which
23 would be the case here. I believe you're
24 going to need a referral to the ZBA,
25 unless you can redesign the project with

2 a 45-foot landscape buffer in front of
3 your site. That may be beyond the scope
4 of your tenant's occupancy of the site.
5 If you want to consider a redesign or
6 request a referral to the ZBA for that,
7 that can be your option.

8 We discussed the DOT right-of-way.

9 MR. JOHNSON: The comment is from
10 the center?

11 MR. HINES: No, it's not. It's
12 from the frontage.

13 MR. JOHNSON: It's the frontage?

14 MR. HINES: Yes. From the front
15 lot line. The reason for that is to make
16 way for any potential future widening of
17 17K, which is why --

18 MR. JOHNSON: Sidewalks.

19 MR. HINES: Widening of the roadway.

20 I discussed that the entrances on
21 the design plans don't look similar to
22 the survey plan.

23 The parking lot striping, I just
24 gave you the detail that's attached.

25 You're proposing pervious pavement.

2 I don't know that there's going to be a
3 benefit for pervious pavement on this
4 site. I think you'll be reducing the
5 amount of pavement there if you close off
6 those entrances and close down those
7 driveways.

8 MR. JOHNSON: That 45 setback is
9 definitely going to reduce it.

10 MR. HINES: It will. If you can do
11 that, that would be great. Knowing the
12 site and knowing that it has been a gas
13 station, a tire yard, I don't think the
14 underlying soils are going to be that
15 pervious where there's going to be a
16 benefit. You might have water soaking
17 through your asphalt. I would take a
18 look at that, whether you need it or not,
19 based on the lot coverage. If you can
20 reduce the amount of impervious surface,
21 I don't know that you need to go through
22 the exercise of having pervious pavement
23 and the required maintenance that goes
24 along with that.

25 There's a storage container

2 spanning the property line. I don't know
3 whose it is. I don't think that's legal
4 there as well. That should be shown to
5 be removed.

6 MR. JOHNSON: The fenced-in area?

7 MR. HINES: There's a container
8 across the property line. An overseas
9 container.

10 MR. JOHNSON: In the back. I don't
11 think that's theirs.

12 MR. HINES: That should be shown to
13 be removed.

14 MR. JOHNSON: Okay.

15 MR. HINES: There are issues with
16 permitting that.

17 MR. JOHNSON: It's that large slab.

18 MR. HINES: The parking layout
19 needs work. There are thirty parking
20 spaces. That's over-parked. The Town
21 has design guidelines that the parking
22 should not be in the front setback. When
23 you rearrange that, if you can keep that
24 in mind. There are ways to mitigate
25 that. The Town does allow screening with

2 dry laid stonewalls and such, but that
3 may be beyond the scope of your tenant
4 occupancy as well. Take a look at
5 getting that parking as far off the
6 roadway as you can to comply with the
7 design guidelines.

8 Utilities on the site need to be
9 shown.

10 Site lighting, you have a detail of
11 it but it doesn't show the ISO lines for
12 where the lighting extends on the site.

13 We talked about parking.

14 Coordination with DOT for the full
15 turning movement.

16 That fence covered shed, I think
17 you said that's going to be removed.
18 That was for used tires. That should be
19 shown to be removed.

20 My final comment is that adjoiners'
21 notices need to be sent out. I'll work
22 with your office. I'll prepare the
23 adjoiners' notice and get you the mailing
24 list. I'll work through the process.
25 Within ten days of this meeting those

2 notices need to be sent to the adjoining
3 properties. I'll work with you on that.

4 MR. JOHNSON: Okay.

5 MR. WARD: In reference to the
6 blacktop --

7 MR. JOHNSON: The asphalt is in
8 pretty bad shape.

9 MR. WARD: When you consider
10 everything, that's a major issue. If you
11 look at Cumberland Farms, that gives you
12 an idea. You could put the stonewall in
13 front. At one time they had an entrance
14 going out there. They took care of it by
15 putting in a stonewall and had the
16 entrance further down on 17K. That gives
17 you a visual so you have an idea what to
18 do.

19 On Colden Hill Road, you might want
20 to do something like that the same way,
21 landscaping, because it's a free for all.

22 MR. JOHNSON: Yeah.

23 MR. WARD: I mean, you're talking
24 major -- they had a modular home pulled
25 in there, you know what I'm saying. It

2 controls the flow.

3 With the building, structurally
4 it's something you've got to look at,
5 too, if it needs a roof or something like
6 that. It's been not used for years.

7 MR. JOHNSON: It's been there a
8 while. The building itself is -- the
9 main things that need to be done are the
10 soffits on the right and left side of the
11 building have been neglected, so water
12 damage is on both sides of the building.
13 That particular area has to be rebuilt.
14 The garage doors are going to be removed
15 and all that is going to be framed in.
16 He'll create a walkway in front of the
17 building to get rid of all those
18 entrances that were going into the
19 garage.

20 MR. WARD: When you do upcoming
21 plans, when you redo it, show that. Like
22 for the ARB, everything like that, so we
23 see it visually on the plan. Thank you.

24 CHAIRMAN EWASUTYN: Lisa Carver.

25 MS. CARVER: Nothing further for

2 me.

3 MR. BROWNE: Nothing more at this
4 point. You have a lot of work to do yet.

5 CHAIRMAN EWASUTYN: I think you'll
6 work with Pat Hines' office; one, because
7 of the adjoiners' notice that he spoke
8 of; two, as far as referring you to the
9 Zoning Board of Appeals.

10 MR. JOHNSON: Got you. Will do.

11 CHAIRMAN EWASUTYN: Ken Mennerich.

12 MR. MENNERICH: No questions at
13 this point.

14 MS. DeLUCA: No questions either.

15 MR. DOMINICK: I agree with your
16 comments, Mr. Johnson, about the right
17 in. Maybe that right in off 17K might be
18 a good solution for that because it is a
19 busy area and it's hard to get out.

20 MR. JOHNSON: It's very busy. I
21 just think if we try to make that an in
22 and out, it's a bad idea.

23 MR. DOMINICK: For safety and the
24 very heavily trafficked road, you might
25 do -- the right in might be the right

2 solution.

3 MR. JOHNSON: One way in. I've
4 been up there several times. I looked at
5 trying to get out that way and I said
6 that's not a good idea. They're racing
7 to see who is going to be first. I just
8 think the second exit out onto the side
9 road is safe.

10 MR. DOMINICK: Absolutely. I
11 totally agree.

12 CHAIRMAN EWASUTYN: Dominic
13 Cordisco, Planning Board Attorney.

14 MR. CORDISCO: Nothing further at
15 this time, other than in connection with
16 the Zoning Board of Appeals referral, I
17 think it should be driven in part by the
18 applicant as to whether or not they're
19 going to attempt to redesign or minimize
20 the amount of variances that they'll need
21 for that buffer along the front.

22 The question that I have is whether
23 or not you would like a referral now to
24 the ZBA for the maximum amount of
25 variance that you would need?

2 MR. JOHNSON: Yes.

3 MR. CORDISCO: If the answer is
4 yes, we could prepare the referral now,
5 if that's the case.

6 MR. JOHNSON: All right.

7 CHAIRMAN EWASUTYN: For the record,
8 can you respond to the Planning Board
9 Attorney's request. Are you looking to
10 be referred to the Zoning Board of
11 Appeals for the maximum variances that
12 are required?

13 MR. JOHNSON: Yes.

14 CHAIRMAN EWASUTYN: Dominic
15 Cordisco, can you state those variances.

16 MR. CORDISCO: Yes. This was in
17 compliance with Code Section 185-18-C(4)(c),
18 that the first 35 feet -- 45 feet of all
19 properties on 17K which lie within 350 feet
20 of an intersection center line have to be
21 provided with a landscape buffer.

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

2 MR. WARD: So moved.

3 MR. DOMINICK: Second.

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

8 MR. WARD: Aye.

9 MS. CARVER: Aye.

10 MR. BROWNE: Aye.

11 CHAIRMAN EWASUTYN: Aye.

12 MR. MENNERICH: Aye.

13 MS. DeLUCA: Aye.

14 MR. DOMINICK: Aye.

15 CHAIRMAN EWASUTYN: Then you'll
16 work with Pat Hines' office as far as the
17 adjoiners' notices.

18 MR. JOHNSON: I will work with his
19 office.

20 CHAIRMAN EWASUTYN: Thank you.

21

22 (Time noted: 8:00 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 25th day of August 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

NPA SITE PLAN
(2017-03)

NYS Route 747 Boulevard
Section 89; Block 1; Lots 80.2 & 80.1
IB Zone

----- X

SITE PLAN

Date: August 15, 2024
Time: 8:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: BILL SPARKMAN

----- X

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

2 CHAIRMAN EWASUTYN: The Planning
3 Board's fifth item of business this
4 evening is NPA Site Plan, project number
5 17-03. It's a site plan located on New
6 York State Route 747 Boulevard. It's in
7 an IB Zone. It's being represented by
8 Zen Design.

9 MR. SPARKMAN: Good evening. My
10 name is actually Bill Sparkman. I'm from
11 Langan Engineering. I'm a sub consultant
12 to the project sponsor and designer, Ken
13 Lytle. He's sends his apologies. He's
14 out of town at the moment.

15 CHAIRMAN EWASUTYN: Do you have a
16 business card by chance?

17 MR. SPARKMAN: I might have exactly
18 one.

19 I apologize, I know there's a
20 history with this project and the Board
21 and Ken. I know it's been presented to
22 the Board before. I think Ken mentioned
23 it was probably about a year ago that it
24 was before this particular Board. I know
25 the action items the Board had presented

2 to the project sponsors at that time was
3 a referral to the ZBA. A variety of area
4 variances were granted for the project,
5 which I believe have been forwarded to
6 this Board for their information.

7 Basically what we're doing now is
8 we're back before the Planning Board to
9 kind of restart the approval process with
10 you folks. There had been a variety of
11 changes to the project made.

12 Just to refresh the memory of
13 everyone here, this property is at the
14 interchange between Interstate 84 and
15 747, basically in the northeast corner.

16 This particular kind of slash
17 coming up through here is the Catskill
18 Aqueduct. This is the NYC DEP property
19 there. That's Stewart Airport down to
20 the south. That's kind of why this
21 configuration is the way it is, when they
22 reconfigured this intersection.

23 Basically what the project sponsors
24 are proposing here is a gas -- a vehicle
25 fueling station. It's going to be about,

2 I'd say, a 2,500 square foot convenience
3 store located in the direct middle of the
4 parcel here.

5 There are about thirteen, I believe,
6 proposed fueling stalls, five of which
7 would be for tractor trailers, diesel
8 fuel.

9 There's a variety of parking over
10 here.

11 There is an approach heading to
12 page north here where an existing
13 driveway is located on 747.

14 I believe basically the variances
15 that were before the ZBA were basically
16 the location and siting of the proposed
17 building, basically because it is a
18 rather small parcel so there was a
19 variety of setbacks that were needed that
20 were nonconforming.

21 I believe there were a variety of
22 kind of comments received from the Town's
23 consultants. I know the project sponsors
24 have been in consultation with a variety
25 of the agencies that have jurisdiction,

2 including State DOT and also the DEP. We
3 have letters from those agencies kind of
4 showing their interaction with the
5 project. If Ken hasn't forwarded them to
6 you folks, obviously we will send those
7 to you.

8 Basically the DOT said unless
9 there's work to be done in the
10 right-of-way, that they're not going to
11 have an issue with the project.

12 DEP said they had a few items that
13 needed to be addressed in terms of, I
14 believe the siting of the proposed well
15 for the service center, which the project
16 sponsors have addressed. We'll send that
17 to you folks.

18 I think that's about it.

19 CHAIRMAN EWASUTYN: Nice presentation.

20 MR. SPARKMAN: Thank you.

21 CHAIRMAN EWASUTYN: Jim Campbell with
22 Code Compliance.

23 MR. CAMPBELL: I just wanted to make
24 a note that sprinklers are required in the
25 building.

2 MR. SPARKMAN: I'm sorry, sir. Are
3 we going to be receiving kind of a comment
4 from your office as part of the record
5 or -- I'm going to write it down.

6 MR. HINES: They'll be in the
7 stenographic minutes.

8 MR. SPARKMAN: That works, too.

9 MR. CAMPBELL: Also, in future
10 submittals you should submit signage
11 details, --

12 MR. SPARKMAN: Yes.

13 MR. CAMPBELL: -- freestanding
14 signs, building-mounted signs.

15 So you know, canopy signage is not
16 allowed. That would require a variance
17 if you wanted that on the canopy.

18 I did notice that you have parking
19 spaces over the tank fills. I don't know
20 if that's such a good idea.

21 MR. SPARKMAN: Is that more of --

22 MR. CAMPBELL: I'm just mentioning
23 it.

24 MR. SPARKMAN: Yes, sir.

25 MR. CAMPBELL: We did notice that

2 the tanks are located 15.5 feet from the
3 property line. I think 15.5 feet from
4 the property line.

5 MR. SPARKMAN: Yes, sir.

6 MR. CAMPBELL: 15 foot is the
7 minimum. Before those are installed,
8 there should be a stakeout by the
9 surveyor to ensure that compliance.

10 Just in general, it just doesn't
11 seem that the traffic onsite flows, in my
12 opinion. It seems a little congested
13 between the pumps and stuff.

14 MR. SPARKMAN: I believe one of the
15 -- we had received additional correspondence
16 from, I believe, Creighton, Manning
17 regarding some of the traffic considerations.
18 I know one of the things they requested was
19 the circulation plan, especially regarding
20 fuel delivery trucks and how they maneuver
21 through the site. I know Ken had done that
22 analysis. We will definitely forward that
23 on to you.

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

25 CHAIRMAN EWASUTYN: Pat Hines with

2 MH&E.

3 MR. HINES: We had referred the
4 project to the Health Department due to
5 some of the early soil testing on the
6 site. The Health Department approval for
7 the septic system is outstanding at this
8 point still.

9 I don't know that I have the DOT
10 comment that says they're not going to
11 want any further information on this
12 project.

13 Ken Wersted has identified an issue
14 with the trucks leaving that existing
15 driveway. He feels that making that
16 turn, they may block traffic in or out of
17 the site.

18 This is the first I heard that the
19 diesel fuel pumps are intended to be for
20 tractor trailers accessing the site.
21 It's tight in there.

22 MR. SPARKMAN: Yes, sir.

23 MR. HINES: I think that truck
24 turning movements are going to be
25 critical. I know you have Ken Wersted's

2 comments.

3 A stormwater maintenance agreement
4 will be required.

5 We did receive the SWPPP recently.
6 It's under review. I have a couple of
7 comments on there, including testing for
8 the infiltration basins.

9 The stormwater hotspot discussions
10 I think need to be beefed up with
11 information on that proprietary filter
12 and the maintenance of that filter.

13 We do want to involve the City of
14 New York as well. They have commented
15 previously regarding the proximity to the
16 aqueduct.

17 I know there was some well testing
18 submitted to the Health Department. I
19 don't know if that was approved yet. I
20 know the well was installed and they
21 required some additional information
22 regarding that.

23 Map notes. I guess because this
24 project has been kicking around while,
25 Drury Lane is referenced on the map notes

2 which is now 747. Drury Lane isn't there
3 anymore.

4 It does require ARB. As Mr. Campbell
5 from the Code Department mentioned, the
6 signage is part of that, but also the
7 architectural review of the entire
8 building will need to be submitted.

9 It will have to go to County Planning
10 once the Board feels that adequate
11 information is there.

12 A demolition permit will be required
13 for the existing garage. Notes on the
14 plans should state that.

15 There are some conflicting notes
16 that say access right-of-way notes, see
17 note 3 on sheet 2 of 2. I think since your
18 office is involved, many more sheets have
19 been added to the plan showing that detail.

20 Site lighting needs to be depicted on
21 the plans.

22 A landscape plan should be shown. I
23 know there are some details, I believe, with
24 landscaping, but I don't think there's a
25 landscaping plan proposed.

2 The project will eventually need
3 landscape and stormwater securities
4 and inspection fees.

5 A detailed design for the retaining
6 walls should be added, including any
7 fencing or guide rail. Some of the
8 retaining walls towards the 747 side
9 are drop offs off the site. The ones
10 to the rear are higher than the site.

11 Just another comment on the
12 outlet control structure on the plans.
13 There's some discrepancy between the
14 plans and the stormwater pollution
15 prevention report.

16 I don't know if the Board wants
17 to refer this to Karen Arent once the
18 landscape plans are further developed.
19 It's a pretty visible part of the Town,
20 being at the State highway intersection.

21 CHAIRMAN EWASUTYN: We were
22 discussing at the meeting that the Board
23 would move to set this up for a
24 consultants' work session on the 27th of
25 this month. Would you be available? Pat

2 Hines will explain the benefits of that
3 meeting.

4 Pat.

5 MR. HINES: At that work session
6 the consultants can drill down on
7 technical comments. We would hope that
8 Creighton, Manning would be able to make
9 it. Dominic Cordisco's office is
10 typically there, the Building Department
11 is there and I'm typically there.
12 They're the fourth Tuesday of the month
13 as projects are assigned. Typically
14 they're in the afternoon, but it looks
15 like it works better this time to be
16 sometime in the morning which would be
17 convenient.

18 I would recommend, it's a tight
19 site, we have some technical comments
20 that need to get worked out and it would
21 be appropriate to have that work session
22 scheduled.

23 MR. SPARKMAN: Okay. I mean, I
24 definitely think that Ken should
25 definitely be there for that. He has a

2 lot of history with the project. I think
3 it would probably behoove us to make sure
4 that he could be available for that. I
5 know he's out of the country right now.
6 I just don't know when he would be back.
7 I think that would be -- you said it's
8 only on the fourth Tuesday. Correct?

9 MR. HINES: We have this room
10 booked standard available to us at those
11 times.

12 CHAIRMAN EWASUTYN: Would someone
13 make a motion to setup NPA Site Plan,
14 project number 17-03, for a public work
15 session on the 27th of August.

16 MR. WARD: So moved.

17 MR. HINES: That will be at 10
18 a.m., Dominic?

19 MR. CORDISCO: That would work.

20 CHAIRMAN EWASUTYN: I have a motion
21 from John Ward. Do I have a second?

22 MR. MENNERICH: Second.

23 CHAIRMAN EWASUTYN: A second from
24 Ken Mennerich. Can I have a roll call
25 vote starting with Dave Dominick.

2 MR. DOMINICK: Aye.

3 MS. DeLUCA: Aye.

4 MR. MENNERICH: Aye.

5 CHAIRMAN EWASUTYN: Aye.

6 MR. BROWNE: Aye.

7 MS. CARVER: Aye.

8 MR. WARD: Aye.

9 CHAIRMAN EWASUTYN: Pat, your
10 recommendation to the Planning Board.
11 Should we hold off circulating to the
12 Orange County Planning Department?

13 MR. HINES: I think we should hold
14 off to see what changes flow out of the
15 technical work session.

16 MR. BROWNE: Can you push to get
17 the comments from New York City? I'm
18 particularly concerned with the hotspot
19 of the aqueduct. They may have some
20 special requirements. It might be
21 worthwhile.

22 MR. HINES: I will send an updated
23 plan set to the DEP contacts that I have.

24 MR. BROWNE: Thank you.

25 CHAIRMAN EWASUTYN: Thank you.

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MR. SPARKMAN: Thank you.
(Time noted: 8:13 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 25th day of August 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

TARBEN, INC. - TWO-LOT SUBDIVISION
(2014-25)

Tarben Way
Section 6; Block 1; Lot 24
AR Zone

----- X

TWO-LOT SUBDIVISION

Date: August 15, 2024
Time: 8:13 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

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

2 CHAIRMAN EWASUTYN: The last agenda
3 item this evening is project number 6,
4 Tarben, Inc. It's a two-lot subdivision,
5 project number 24-25. It's an initial
6 appearance for a two-lot subdivision
7 located on Tarben Way in an AR Zone.
8 It's being represented by Jonathan Cella.

9 MR. CELLA: Good evening. We're
10 here for a minor two-lot subdivision of a
11 5.27 acre parcel located off of Tarben
12 Way.

13 The parcel is landlocked. It's
14 going to be accessed by a 50-foot wide
15 easement that was created during the
16 original subdivision process.

17 The parcels were surveyed in
18 October 2023. The wetlands were also
19 delineated in 2023. There's an onsite
20 Federal wetland.

21 The lots will be serviced by
22 individual wells and septic.

23 We're going to be crossing the
24 wetland. We are under a tenth of an
25 acre. We submitted a permit to the Army

1
2 Corp of Engineers in April 2024. We have
3 not gotten a response yet.

4 We've done a tree survey.

5 We're proposing the pull-offs and
6 turnarounds.

7 Actually, there was an easement
8 created in the original subdivision with
9 the parcel to the south which was through
10 here, going through the Federal wetlands.
11 We relocated this easement so that it can
12 be a value to the other landowner. It
13 will be over our driveway and then will
14 come and be located such that it's
15 outside of the wetlands so that they
16 could get onto the parcel through that.

17 Patti Brooks of Control Point did
18 the surveying.

19 We did onsite soil testing in June
20 2024, deeps and percs for the design of
21 the septic systems.

22 We provided layouts and grading
23 that show that the lots are buildable
24 for the driveways and house locations.

25 I know we have some work to do

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still. We'll have to expand on the tree presentation, et cetera.

CHAIRMAN EWASUTYN: Jonathan, at this point Dominic Cordisco will discuss with you the proposed easement that you have.

MR. CORDISCO: We would like additional details regarding the easement that's shown on the plan that goes to this particular property. The fact that access to this site is being proposed by easement, this will require a referral to the Zoning Board of Appeals for a variance under Town Law Section 280-A.

MR. CELLA: Okay.

CHAIRMAN EWASUTYN: Tony, why don't you introduce yourself for the stenographer.

MR. TARSIO: I'm Anthony Tarsio.

I didn't understand what you were saying about the easement.

MR. CELLA: This one.

MR. TARSIO: That was on the general Tarben subdivision. That was put

2 in when we did the Tarben subdivision,
3 that easement.

4 MR. CORDISCO: Understood. Unless
5 there was a previous variance that was
6 granted to allow access to the site for
7 construction purposes, then it requires a
8 referral to the Zoning Board of Appeals
9 for a variance at this time.

10 MR. TARSIO: All right. I didn't
11 understand that.

12 CHAIRMAN EWASUTYN: Pat Hines, do
13 you have anything to add?

14 MR. HINES: No. That was my first
15 comment regarding New York State Town Law
16 280-A.

17 Access by easement, it needs that
18 waiver or variance from the Zoning Board
19 of Appeals. I think it makes it an open
20 development area when they grant that.

21 MR. CORDISCO: Correct.

22 MR. HINES: The other concern, just
23 following up on that easement, is because
24 that easement was previously to an
25 individual lot, you now have a two-lot

2 subdivision and that easement is also
3 serving an additional lot. The Town code
4 regarding driveways, you can have two
5 lots on a shared driveway. With Town
6 Board approval you can get three lots on
7 a shared driveway, which would be the
8 case here. You also need to get approval
9 for three lots on a common driveway from
10 the Town Board. Because of the
11 subdivision, you now have three lots
12 utilizing that easement.

13 MR. CELLA: That would be an area
14 variance from the --

15 MR. HINES: It's a Town Board
16 approval, not the ZBA.

17 MR. CELLA: -- from the ZBA?

18 MR. HINES: New York State Town Law
19 280-A which is access by easement.

20 MR. CELLA: All right.

21 MR. HINES: You can't get a
22 building permit on a lot that solely has
23 access by an easement. You will need a
24 variance to allow that to occur.

25 MR. CELLA: Okay.

2 MR. HINES: Dominic may be able to
3 explain it.

4 MR. CORDISCO: That's very
5 succinct.

6 CHAIRMAN EWASUTYN: Dominic Cordisco,
7 like always, will prepare a referral
8 letter to the Zoning Board of Appeals.
9 That written instrument will give you
10 a better comprehension of the action
11 that you're looking for.

12 MR. CELLA: I was going to ask --

13 MR. HINES: Separate and apart from
14 that, on a separate track, you need to
15 request from the Town Board the ability
16 to have three lots on a common driveway.

17 MR. CELLA: Okay.

18 MR. CORDISCO: I can make that
19 referral as well.

20 MR. CELLA: All right.

21 CHAIRMAN EWASUTYN: Comments from
22 Board Members. John Ward?

23 MR. WARD: No comments.

24 CHAIRMAN EWASUTYN: Lisa Carver?

25 MS. CARVER: Nothing further.

2 MR. BROWNE: Nothing more.

3 CHAIRMAN EWASUTYN: No comment.

4 MR. MENNERICH: Nothing.

5 MS. DeLUCA: No comment.

6 MR. DOMINICK: Nothing further.

7 MR. CAMPBELL: Can I comment?

8 CHAIRMAN EWASUTYN: Excuse me. I'm
9 sorry.

10 MR. CAMPBELL: In the future can
11 you dimension all turnouts and turnarounds?

12 Also, the driveway should be twelve
13 foot wide.

14 MR. CELLA: All right.

15 MR. CAMPBELL: I believe it's noted
16 as ten.

17 MR. CELLA: All right. I'll
18 dimension at least the turnaround, the
19 pull-offs. All right. Thank you.

20 CHAIRMAN EWASUTYN: Would someone
21 move for a motion to have Dominic
22 Cordisco prepare a letter to the Town
23 Board for allowing three lots off a
24 private driveway, and also for Dominic
25 Cordisco to prepare a letter to the

2 Zoning Board of Appeals for a variance of
3 280-A.

4 MR. MENNERICH: So moved.

5 MS. CARVER: Second.

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

10 MR. WARD: Aye.

11 MS. CARVER: Aye.

12 MR. BROWNE: Aye.

13 CHAIRMAN EWASUTYN: Aye.

14 MR. MENNERICH: Aye.

15 MS. DeLUCA: Aye.

16 MR. DOMINICK: Aye.

17 MR. HINES: This is also an initial
18 appearance, so I'll work with your
19 office, Jonathan, to do the adjoiners'
20 notices that must be sent out.

21 MR. CELLA: All right. Are you
22 going to provide a comment letter just
23 referencing the ordinances, et cetera
24 for the driveway easement?

25 MR. HINES: Dominic offered to do

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that in the referral letter.

MR. CORDISCO: I'll send you a copy, John.

MR. CELLA: Thank you.

(Time noted: 8:21 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 25th day of August 2024.

Michelle Conero

MICHELLE CONERO

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

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In the Matter of

DISCUSSION

Local Law Amending Section 185.49
Cannabis-Related Uses - Chapter 185 of the
Zoning Code

----- X

BOARD BUSINESS

Date: August 15, 2024
Time: 8:21 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

2 CHAIRMAN EWASUTYN: The last item
3 of business this evening, we received
4 a letter from Mark Taylor, Town
5 Attorney, and it's re referral of the
6 local law amending Section 185.49
7 entitled Cannabis-Related Uses of
8 Chapter 185 entitled Zoning of the
9 Code of the Town of Newburgh.

10 Dominic Cordisco explained that
11 the Town is preparing to have a
12 public hearing on September 23, 2024.

13 Dominic, would you take it from
14 this point forward?

15 MR. CORDISCO: Sure. I'm just
16 pulling up the referral.

17 CHAIRMAN EWASUTYN: Sorry that was
18 missed on the agenda. I had listed it,
19 but somehow it was not stated.

20 MR. CORDISCO: The Town is
21 proposing to amend existing cannabis-
22 related uses in the zoning code to bring
23 it in line with changes that have
24 occurred in New York State law and
25 regulation at the State level. It's

2 pretty much as simple as that. It's
3 dealing with some minor clarifications
4 regarding definitions as well as how you
5 define distances for proposed facilities.
6 That is pretty much it.

7 It has been referred to this Board
8 for your review and comment. Typically
9 the Board would authorize me to prepare a
10 letter to the Town Board with any
11 comments and concerns that you may have.

12 CHAIRMAN EWASUTYN: Dave Dominick,
13 questions or comments?

14 MR. DOMINICK: Nothing at this time.

15 CHAIRMAN EWASUTYN: Stephanie DeLuca?

16 MS. DeLUCA: Yes. I'm sorry, I was
17 thrown off by the -- I'm not quite
18 prepared to respond. I have a hard time
19 with this, honestly, because I feel that
20 -- it's two things.

21 One is that it's -- I know we're
22 talking -- it seems to be that we're
23 talking about the letter of the law
24 versus the spirit of the law. I feel as
25 if this proposal is being modified in

2 such a way as to benefit the person that
3 is looking to have their establishment so
4 close to a family facility, as far as the
5 distance from one point to the other. I'm
6 looking at Algonquin Park specifically.
7 I'm thinking they are changing -- correct
8 me if I'm wrong. It seems as if they're
9 changing the distance to be the main
10 entrance to the park versus to the park
11 itself. I just thought that, you know,
12 there are many entrances to this park.
13 Along Powder Mill Road there is a
14 building that is somewhat historical.
15 People pull up, they walk around it, they
16 take pictures, they have a picnic around
17 it. It's fairly close, this area, to the
18 cannabis. There are also trails that go
19 along through that same area. I just
20 have to -- I'm just really befuddled by
21 this whole thing because it's --

22 MR. CORDISCO: If I may.

23 MS. DeLUCA: Go ahead. Maybe I'm
24 being too specific.

25 MR. CORDISCO: It's a bit confusing

2 because what's been presented and what's
3 been referred to the Board, you have to
4 understand or be familiar with how code
5 provisions and code revisions in
6 particular are proposed.

7 As I mentioned earlier, this is
8 tracking New York State requirements that
9 have changed, which control. The Town
10 has to follow the New York State
11 requirements.

12 That said, to your point, what's
13 not being changed is how you measure the
14 distance. In particular, what's being
15 changed in this case, which I think
16 you're probably referring to 48.9-A(1)
17 which is deleting language relating to
18 the location of a cannabis facility
19 within 500 feet of a community facility.
20 It is taking out the language regarding
21 community facilities and is providing,
22 what I would consider to be a broader
23 category, a public youth facility,
24 meaning a structure that's owned by a
25 government, such as a park for parkland

2 or any kind of business where the primary
3 purpose is for adolescents and children
4 seventeen years and younger.

5 That's why at the last Board
6 meeting in connection with the JJSK
7 application, they were also within 500
8 feet of Tarsio Lanes. If you recall, we
9 referred that to the Zoning Board of
10 Appeals because the Zoning Board could
11 decide whether or not that meets the
12 public youth facility definition that's
13 being proposed here in the code.

14 I just want to be clear, they're
15 not proposing to change or minimize that
16 500 feet. That's not changing in this
17 particular provision.

18 MS. DeLUCA: I guess, too, the
19 concern that I have is, you know -- wait
20 a minute. I just lost my thought.

21 MR. CORDISCO: I apologize.

22 CHAIRMAN EWASUTYN: The entryway as
23 compared to people parking along Powder
24 Mill Road, are they in fact closer than
25 500 feet and will they be affected in

2 some form or another. Is that kind of
3 what you're saying?

4 MS. DeLUCA: Yes. Yes.

5 CHAIRMAN EWASUTYN: Stephanie noted
6 that people do park along Powder Mill
7 Road. She felt that that is the
8 beginning point more so than the entryway
9 to the park, which, for conversation, is
10 that many feet further away.

11 Dominic, you're saying there hasn't
12 been any change whatsoever?

13 MR. CORDISCO: That's correct. If
14 anything, the definition of youth
15 facilities is being broadened with this
16 particular amendment.

17 MS. DeLUCA: It just seems, too,
18 along that particular route there's not
19 -- you mentioned also about the bowling
20 alley. Also, a few doors down from there
21 there's the public library. That wasn't
22 mentioned before.

23 I just feel personally that it's a
24 quality of life issue that we're looking
25 at in a broad sense. I'll be more

2 specific about that at another time. To
3 me, this whole thing addresses a quality
4 of life issue. That's where my concerns
5 are overall.

6 MR. CORDISCO: In connection with
7 the proposed amendment, this is an
8 amendment to the text of the Zoning Code.
9 The Board has been requested to provide a
10 report to the Town Board. You have
11 forty-five days to do so. Excuse me.
12 It's thirty days in the Town of Newburgh.
13 It's on the agenda tonight or being
14 considered by the Board tonight in
15 connection with the possibility of making
16 a report.

17 The criteria that the Planning
18 Board is supposed to consider is whether
19 the proposed change is consistent with
20 the particular districts concerned,
21 whether or not there are areas or
22 establishments in the Town that will be
23 directly affected by such change and
24 which way they'll be affected, the direct
25 implications of the change and its affect

2 on other regulations, and whether or not
3 the amendment is consistent with the
4 master plan for the Town.

5 CHAIRMAN EWASUTYN: Dominic, do you
6 want to go through that? I think what we
7 have to do is acknowledge those comments
8 that you made, because that's how you're
9 going to follow up with Mark Taylor.

10 MR. CORDISCO: Yes. I mean, in my
11 opinion, the goal of this is not only to
12 make it consistent with New York State
13 Law, but the impact of the New York State
14 changes is to actually be more
15 restrictive on the ability for cannabis
16 facilities to be located. It broadens
17 the categories of public youth facility
18 compared to just the community facility
19 which would not have included, arguably,
20 public businesses. Under the old prior
21 version of the code, a community facility
22 would probably not include Tarsio because
23 Tarsio is a private business even though
24 it's one that provides recreational
25 opportunities to youth. In my opinion

2 the change that's being proposed is not
3 only consistent but it's consistent with
4 the districts because it's being more
5 protective than otherwise.

6 CHAIRMAN EWASUTYN: Additional
7 comments from Board Members?

8 MR. WARD: In reference to what
9 Stephanie was saying with the park, they
10 have handicap parking right there by the
11 pond. It's not like they park along the
12 road on their own. It's established
13 there right where you can park.

14 On the bowling alley, from my own
15 reference, and it's privately owned, I
16 saw two school buses with day camp kids
17 getting off to go bowl. There are pros
18 and cons of what you're saying.

19 MR. BROWNE: What I've observed is
20 that basically all of our codes and laws
21 are in position or in place to protect
22 either individuals and/or community. The
23 way this code is being amended, in my
24 opinion, offers greater protection than
25 the current code.

2 MS. DeLUCA: I don't see that.

3 CHAIRMAN EWASUTYN: Lisa Carver,
4 any comments?

5 MS. CARVER: No. I agree that I
6 think it is a greater protection. I
7 think it's fine.

8 CHAIRMAN EWASUTYN: Ken Mennerich?

9 MR. MENNERICH: I agree with what
10 Dominic was saying.

11 CHAIRMAN EWASUTYN: Dave Dominick?

12 MR. DOMINICK: Nothing further than
13 what was said.

14 CHAIRMAN EWASUTYN: Dominic, you'll
15 move forward with a letter to the Town
16 Board.

17 MR. CORDISCO: Yes, sir.

18 CHAIRMAN EWASUTYN: You'll copy us
19 on that letter.

20 MR. CORDISCO: Of course.

21 CHAIRMAN EWASUTYN: Thank you.

22 Having no further discussion this
23 evening, would someone make a motion to
24 close the Planning Board meeting of the
25 15th of August 2024.

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MS. DeLUCA: So moved.

MS. CARVER: Second.

CHAIRMAN EWASUTYN: I have a motion by Stephanie DeLuca. I have a second by Lisa Carver. Can I have a roll call vote starting with John Ward.

MR. WARD: Aye.

MS. CARVER: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

(Time noted: 8:28 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 25th day of August 2024.

Michelle Conero

MICHELLE CONERO