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

----- X
In the Matter of

DRIVANOS SUBDIVISION
(2024-09)

235 Quaker Street
Section 2; Block 1; Lots 14 & 15
AR Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: November 7, 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
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

----- 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 7th
6 of November 2024. This evening we have
7 eleven agenda items. The first item on
8 the agenda will be a public hearing. Ken
9 Mennerich will explain that to you in a
10 moment.

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

13 MR. DOMINICK: Present.

14 MS. DeLUCA: Present.

15 MR. MENNERICH: Present.

16 CHAIRMAN EWASUTYN: Present.

17 MR. BROWNE: Present.

18 MS. CARVER: Present.

19 MR. WARD: Present.

20 MR. CORDISCO Dominic Cordisco,
21 Planning Board Attorney.

22 MS. CONERO: Michelle Conero,
23 Stenographer.

24 MR. HINES: Pat Hines with MH&E
25 Engineering.

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

4 MR. WERSTED: Ken Wersted,
5 Creighton Manning Engineering, Traffic
6 Consultant.

7 CHAIRMAN EWASUTYN: At this time
8 we'll turn the meeting over to John Ward.

9 MR. WARD: Please stand to say the
10 Pledge.

11 (Pledge of Allegiance.)

12 MR. WARD: Please turn off your
13 phones or on silent. Thank you.

14 CHAIRMAN EWASUTYN: The first item
15 on the agenda is the Drivanos Subdivision,
16 project number 24-09. It's located on
17 Quaker Street in an AR Zone. It's a
18 public hearing for a two-lot subdivision.
19 Ken Lytle of Zen Consultants will be
20 representing the application.

21 At this time Ken Mennerich will
22 read the notice of hearing.

23 MR. MENNERICH: "Notice of hearing,
24 Town of Newburgh Planning Board. Please
25 take notice that the Planning Board of

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Drivanos Subdivision

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, Drivanos two-lot subdivision and lot line change, project 2024-09. The project is a proposed a two-lot subdivision with a lot line change. The existing parcel is 3.2 plus or minus acres of property. Proposed lot 1 contains an existing single-family residence which will be located on a 1.1 acre parcel of property. Lot 2 will be a 2.06 plus or minus acre parcel of property which is proposed to support a single residential structure. The project proposes a lot line from tax lot 14, conveying .02 plus or minus acres of property to tax lot 15 in order to provide for the common driveway and access point to serve the two-lot subdivision. Access to the lots is via a proposed common driveway. All lots will be served by

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onsite well and septic systems. The project is located in the Town's AR Zoning District. The project is known on the tax maps of the Town of Newburgh as Section 2; Block 1; Lot 15 and Section 2; Block 1; Lot 14 (lot line parcel). A public hearing will be held on the 7th day of November 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 4 October 2024."

I would like to explain how the Planning Board manages a public hearing to have an orderly and productive hearing. The project applicant or representative for the project will give an overview of the

2 project. The Planning Board Chairman
3 will then open the hearing for
4 questions or comments on the project.
5 At this point you can raise your hand
6 and be recognized by the Chairman.
7 Please give just your first name
8 before asking a question or commenting.
9 The applicant or the Planning Board
10 technical representatives may respond
11 to your questions. Once you have
12 finished, you will need to wait until
13 all persons that want to speak have
14 had a chance. Once everyone has had
15 the opportunity to speak, the Chairman
16 will recognize people that want to
17 speak again. The Planning Board
18 welcomes your comments and input on
19 the issues pertaining to the project.
20 Thank you.

21 CHAIRMAN EWASUTYN: Ken Lytle, your
22 presentation, please.

23 MR. LYTTLE: Good evening. As Ken
24 mentioned, this is a 3.2 acre parcel of
25 property located on Quaker Street. We're

2 proposing actually to divide it
3 approximately in half. One existing home
4 is utilizing an individual well and
5 septic. One proposed lot in the rear,
6 again a new septic area and well.

7 To accommodate this we're doing a
8 small lot line change to get the proper
9 width we need to get back to the
10 driveways.

11 We were asked during the Planning
12 Board review to have two turnaround
13 access points, which we have been asked
14 to label as actually acquired. We'll add
15 that to the maps.

16 We've located all the existing
17 trees out there in the information chart.

18 Pretty much it's simple.

19 CHAIRMAN EWASUTYN: Thank you.

20 Any questions or comments from the
21 public?

22 (No response.)

23 CHAIRMAN EWASUTYN: Let the record
24 show there was no public comment on this
25 two-lot subdivision and lot line change.

2 At this point we'll turn the
3 meeting over to the Board Members.

4 MR. WARD: No comment.

5 MS. CARVER: No comment.

6 MR. BROWNE: Nothing.

7 MR. MENNERICH: Nothing.

8 MS. DeLUCA: Nothing.

9 MR. DOMINICK: No comment.

10 CHAIRMAN EWASUTYN: Jim Campbell,
11 Code Compliance, do you have any
12 questions, comments?

13 MR. CAMPBELL: My only comment, and
14 Ken already mentioned it, the labeling on
15 the plans.

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

18 MR. HINES: A common driveway
19 access and maintenance agreement will be
20 required to be filed.

21 Orange County Planning issued a
22 Local determination.

23 The project was submitted to the
24 Town of Plattekill as well as it's
25 located at the Town and County line.

2 We request the applicant label the
3 limits of disturbance on the newly
4 created lot to make sure it's less than
5 one acre.

6 CHAIRMAN EWASUTYN: Can I have a
7 motion to close the public hearing on
8 Drivanos two-lot subdivision and lot line
9 change.

10 MR. WARD: So moved.

11 MS. DeLUCA: Second.

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

16 MR. WARD: Aye.

17 MS. CARVER: Aye.

18 MR. BROWNE: Aye.

19 CHAIRMAN EWASUTYN: Aye.

20 MR. MENNERICH: Aye.

21 MS. DeLUCA: Aye.

22 MR. DOMINICK: Aye.

23 CHAIRMAN EWASUTYN: Okay. Dominic,
24 the resolution.

25 MR. CORDISCO: The Board had

2 previously adopted a negative declaration
3 on this project back in October. With
4 the referrals to County Planning, the
5 Board would be in a position now to
6 consider granting conditional final
7 approval.

8 The conditions would be to address
9 any outstanding engineering comments, as
10 well as the driveway access and
11 maintenance agreement which we understand
12 will be forthcoming prior to submission
13 of the plat for signature, as well as
14 payment of rec fees for the one
15 additional lot.

16 CHAIRMAN EWASUTYN: Okay. Having
17 heard the conditions of approval from
18 Dominic Cordisco, Planning Board
19 Attorney, would someone move for that
20 motion.

21 MR. MENNERICH: So moved.

22 MS. CARVER: Second.

23 CHAIRMAN EWASUTYN: I have a motion
24 by Ken Mennerich and a second by Lisa
25 Carver. Can I have a roll call vote

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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.

MR. LYTTLE: Thank you.

(Time noted: 7:05 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 18th day of November 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

ANCHORAGE - LOT #3
(2023-06)

Mariners Court
Section 121; Block 1; Lot 3
R-1 Zone

----- X

AMENDED SUBDIVISION

Date: November 7, 2024
Time: 7:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

2 CHAIRMAN EWASUTYN: Item number 2,
3 Anchorage lot #3, project number 23-06.
4 This is here for an amended subdivision
5 approval. It's located on Mariners Court
6 in an R-1 Zone. It's being represented
7 by Ross Winglovitz of Engineering &
8 Surveying Properties.

9 MR. WINGLOVITZ: Good evening.
10 Ross Winglovitz, Engineering & Surveying
11 Properties, here on behalf of our client
12 regarding his proposal to do an amended
13 subdivision.

14 This was in front of the Board a
15 year and a half ago. We spent a bunch of
16 time at the Health Department. A public
17 hearing was held last month at which time
18 we agreed to waive the 62 days for a
19 decision. The hearing was closed.

20 We've since addressed the comments
21 that the engineer and the Board had in
22 our response letter last month. We are
23 in receipt of Pat's comments.

24 We'll be glad to answer any
25 questions you may have.

2 CHAIRMAN EWASUTYN: Comments from
3 Board Members. John Ward?

4 MR. WARD: No comments.

5 MS. CARVER: No comment.

6 MR. BROWNE: No additional questions.

7 CHAIRMAN EWASUTYN: Do you know the
8 height that's being proposed for the new
9 construction?

10 MR. WINGLOVITZ: I know it's a two-
11 story home.

12 CHAIRMAN EWASUTYN: And the maximum
13 height in that zone is?

14 MR. WINGLOVITZ: 35 feet. We are
15 pretty far -- we're probably 14 feet
16 below the level of the road here to where
17 the ground floor of the house is. Even
18 though it's two stories, we probably have
19 one story that's below road level.
20 Directly across the street is mostly
21 wooded, I believe.

22 CHAIRMAN EWASUTYN: No other comment.
23 Ken Mennerich.

24 MR. MENNERICH: No questions.

25 MS. DeLUCA: No other comments.

2 MR. DOMINICK: Nothing further.

3 CHAIRMAN EWASUTYN: Jim Campbell,
4 Code Compliance.

5 MR. CAMPBELL: No questions.

6 CHAIRMAN EWASUTYN: Pat Hines with
7 MH&E.

8 MR. HINES: Our first comment is
9 that the additional erosion and sediment
10 control has been added.

11 The limits of disturbance have been
12 depicted on the plan at .73 acres.

13 The project did receive approval
14 from the Orange County Health Department
15 for the modifications to the previously
16 approved sanitary sewer disposal system.

17 That's all.

18 CHAIRMAN EWASUTYN: Dominic
19 Cordisco, the conditions of approval.

20 MR. CORDISCO: The conditions of
21 approval would be addressing the
22 outstanding engineering comments, which
23 there are none, and payment of any
24 outstanding fees.

25 CHAIRMAN EWASUTYN: Are there any

2 fees for a subdivision or anything like
3 that?

4 MR. HINES: No. This is an amended
5 subdivision. It's not a newly created
6 lot.

7 MR. CORDISCO: There would not be a
8 recreation fee, Mr. Chair.

9 CHAIRMAN EWASUTYN: Having heard
10 the conditions of approval from Dominic
11 Cordisco, Planning Board Attorney, would
12 someone move for that motion.

13 MR. DOMINICK: So moved.

14 MR. WARD: Second.

15 CHAIRMAN EWASUTYN: I have a motion
16 by Dave Dominick. Do I have a second by
17 John Ward?

18 MR. WARD: Yes.

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

22 MR. DOMINICK: Aye.

23 MS. DeLUCA: Aye.

24 MR. MENNERICH: Aye.

25 CHAIRMAN EWASUTYN: Aye.

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MR. BROWNE: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Thank you.

MR. WINGLOVITZ: Thank you very
much.

(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 18th of November 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

RAM HOTELS
(2016-21)

Unity Place
Section 97; Block 2; Lot 37
IB Zone

----- X

SITE PLAN

Date: November 7, 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
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: RYAN SMITHEM

----- X

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

2 CHAIRMAN EWASUTYN: Item number 3,
3 RAM Hotels, project number 16-21. It's a
4 site plan located on Unity Place in an IB
5 Zone. It's being represented by Raymond
6 Smithem.

7 MR. SMITHEM: Ryan Smithem with
8 Mercurio-Norton-Tarolli-Marshall
9 representing the applicant.

10 This project previously received
11 approval from the Board in 2018. It's
12 for a proposed five-story hotel located
13 on the southwesterly side of Unity Place,
14 out at the intersection with Route 17K.

15 As a result of some litigation on
16 the project, the approvals lapsed. The
17 applicant is looking, since the
18 termination of all of that, to get back
19 before the Board and get this approved
20 and begin construction.

21 The project is served by water and
22 sewer municipal and has a SWPPP in place.
23 All of the engineering reviews have been
24 completed.

25 We did receive Pat's letter which

2 was generally informative.

3 I'm here to answer any questions
4 regarding the project.

5 CHAIRMAN EWASUTYN: Thank you.

6 Dave Dominick.

7 MR. DOMINICK: Nothing further.

8 CHAIRMAN EWASUTYN: Stephanie
9 DeLuca.

10 MS. DeLUCA: Nothing right now.

11 CHAIRMAN EWASUTYN: Ken Mennerich.

12 MR. MENNERICH: Nothing.

13 MR. BROWNE: Nothing.

14 MS. CARVER: No questions.

15 MR. WARD: No comments.

16 CHAIRMAN EWASUTYN: Jim Campbell,
17 Code Compliance.

18 MR. CAMPBELL: Nothing additional.

19 CHAIRMAN EWASUTYN: Ken Wersted,
20 Traffic Consultant.

21 MR. WERSTED: No comments.

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

24 MR. HINES: Our first comment is,
25 as was mentioned, it's 112-unit hotel.

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The project has been before the Board numerous times since 2016. It last received a conditional final approval on 4 October 2018. I did provide the Board with a copy of that. No substantive changes have occurred since the 2018 approval.

Just a note that the DEC wetland regulations are subject to change in January of '25. These regulations may impact the project, however the project does have a previously issued negative declaration. Those wetland regulations are in a bit of a state of flux right now.

The project proposes stormwater features, including bio-retention, a hydrodynamic separator and the stormwater quantity control.

A stormwater facilities maintenance agreement must be executed.

We note that one of the access drives is contained within an easement to the lot to the south. The easement was

2 part of a two-lot subdivision originally
3 approved when this project started.

4 I believe the City of Newburgh flow
5 acceptance letter has been received as
6 the project had previous approval. I
7 couldn't locate a copy of that. I need
8 to confirm that. It wouldn't have gotten
9 those previous approvals had we not
10 accomplished that.

11 We have some statements on the
12 stormwater management.

13 The project requires 143 parking
14 spaces. There are 143 proposed. That
15 was subject to some litigation back in
16 2018. We're just confirming those are
17 there.

18 The project did receive a negative
19 declaration in 2017 and recently was
20 reaffirmed by the Board.

21 The Town did adopt the Tree
22 Preservation Ordinance since this project
23 was proposed, however review of the site
24 identifies that there are few, if any,
25 trees on the site. We did confirm that.

2 The site was previously cleared, so there
3 are no issues with the Tree Preservation
4 Ordinance.

5 CHAIRMAN EWASUTYN: Dominic
6 Cordisco, Planning Board Attorney, can we
7 have the conditions of approval for the
8 RAM Hotel project.

9 MR. CORDISCO: The conditions could
10 be carried forward from the 2018
11 approval, which Pat was kind enough to
12 provide a copy of. I can go through them
13 if you would like, or we could -- the
14 Board could simply adopt subject to
15 carrying forward the approval conditions
16 from 2018.

17 CHAIRMAN EWASUTYN: That would
18 include the maintenance agreement? The
19 SWPPP maintenance agreement?

20 MR. CORDISCO: That would be added
21 to it, as Pat had discussed.

22 CHAIRMAN EWASUTYN: Is the Board
23 okay with just adding the conditions that
24 were originally approved for the project
25 onto the current application?

2 MR. DOMINICK: Yes.

3 MS. DeLUCA: Yes.

4 MR. MENNERICH: Yes.

5 MR. BROWNE: Yes.

6 MS. CARVER: Yes.

7 MR. WARD: Yes.

8 CHAIRMAN EWASUTYN: Okay. That
9 being said and agreed upon, would someone
10 then make a motion for approval of the
11 RAM Hotel, project number 16-21, as
12 presented by Planning Board Attorney
13 Dominic Cordisco.

14 MR. MENNERICH: So moved.

15 MS. DeLUCA: Second.

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

20 MR. DOMINICK: Aye.

21 MS. DeLUCA: Aye.

22 MR. MENNERICH: Aye.

23 CHAIRMAN EWASUTYN: Aye.

24 MR. BROWNE: Aye.

25 MS. CARVER: Aye.

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MR. WARD: Aye.

MR. SMITHEM: Thank you all very
much.

(Time noted: 7:15 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 18th day of November 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

FARRELL INDUSTRIAL PARK
(2023-09)

NYS Route 300
Section 34; Block 2; Lot 45
IB Zone

----- X

SITE PLAN - CLEARING & GRADING

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

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

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

APPLICANT'S REPRESENTATIVES: CHARLES GOTTLIEB,
JOSEPH MODAFERRI, JASON PITINGARO & BRENDAN
LEADBEATER

----- X

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

2 CHAIRMAN EWASUTYN: Item number 4
3 this evening is the Farrell Industrial
4 Park, project number 23-09. It's here
5 for a discussion on the site plan and
6 clearing and grading application. It's
7 located on New York State Route 300 in an
8 IB Zone. It's being represented by JMC
9 Planning Engineering.

10 MR. GOTTLIEB: Good evening,
11 Mr. Chairman, Members of the Board.
12 My name is Charles Gottlieb from the
13 law firm of Whiteman, Osterman &
14 Hanna in Albany on behalf of YM and
15 YH, LLC for the proposed 262,080
16 square foot warehouse.

17 We are here for an amended site
18 plan approval, I believe also ARB
19 approval, and a clearing and grading
20 permit. I'm here this evening with
21 our project engineer, Joe Modafferri
22 from JMC Consulting; Jason Pitingaro,
23 our consulting engineer; as well as
24 our project architect.

25 Again, this was a previously

2 approved project that this Board has
3 seen, I believe, a couple times.

4 There are minor changes we're
5 here this evening to discuss that are
6 the result of comments we received
7 postapproval from the DOT as well as
8 the County Department of Health.

9 One of those changes is including
10 the switch from a septic system to a
11 wastewater treatment plant. I'll
12 hand it over to Joe to walk you through
13 those changes.

14 Tonight we are looking for the
15 Board to reaffirm or amend the previously
16 approved negative declaration.

17 We are also seeking ARB approval.

18 Given that the project changes are
19 so minor, we respectfully request that
20 the public hearing for this amended site
21 plan be waived, as well as any public
22 hearing for the clearing and grading
23 permit.

24 With that said, I'll hand it
25 over to Joe. If you have any questions,

2 we can answer them.

3 MR. MODAFERRI: Good evening,
4 Chairman, Members of the Board. As the
5 attorney mentioned, we're here for
6 amended approval. We were here a month
7 or so ago for the initial submission
8 where we explained the changes that we're
9 going through.

10 We made a revised submission that
11 included a design package for the
12 wastewater treatment plant which will go
13 on the back of the building in this area
14 here. There were minor adjustments to
15 the site plan from the previous
16 submission to incorporate that finalized
17 design and show the discharge out to the
18 wetland in the back of the site.

19 There was a comment from Mr. Hines
20 about the earthwork on the project. In
21 between this submission -- this
22 application and the previous application,
23 we were working with DOT. In order to
24 address one of their comments, we had to
25 excavate an additional stormwater

2 management basin in the front of the
3 site. That generated some additional
4 soil. When we did the earthwork for the
5 previous submission, the initial
6 submission to your Board, we had some
7 excess material that would have had to be
8 shipped offsite. We have amended the
9 plan to include a berm in the northwest
10 corner of the building here along the
11 site frontage. We would use all of that
12 soil and that would be adequately
13 landscaping.

14 The landscaping is essentially the
15 same as it was before, we're just adding
16 a berm which will increase the height of
17 that.

18 We also provided a phase 1 erosion
19 and sediment control -- grading and
20 erosion and sediment control plan which
21 provided sediment basins and sediment
22 traps for the initial phase of
23 construction associated with the clearing
24 and grading permit which Mr. Hines
25 reviewed and had some comments on.

2 Finally, DOT had some minor
3 comments earlier this week. We received
4 an e-mail, which I shared with the
5 Chairman and Mr. Hines, that the DOT has
6 essentially completed their review. They
7 just want to see a final set of plans so
8 that they can check item numbers and make
9 sure all of the details are up to date.
10 They made changes to some of that with
11 new specs. They want to make sure that
12 everything is correct with that.

13 We essentially satisfied all of
14 their technical comments. I'll share
15 that -- when we make the next submission,
16 I'll share that formally with the rest of
17 the Board.

18 That's essentially what we've done
19 since the last submission.

20 I can turn it over now to the
21 architect, if he's here, to present the
22 architecture, if the Board wants to go
23 through the architecture at this point in
24 time.

25 Again, we have Mr. Pitingaro and

2 his team here to answer questions related
3 to the wastewater treatment plant. I
4 think some of the Board Members may have
5 had questions about that last month. He
6 was not here. We brought him here tonight.
7 Whatever the Board pleases, we can take
8 that next step.

9 CHAIRMAN EWASUTYN: Would the Board
10 like to start with Jason Pitingaro who
11 designed the plant or the architect
12 looking at the ARB plans?

13 MS. DeLUCA: Jason first.

14 MR. DOMINICK: Jason first.

15 MR. PITINGARO: Good evening,
16 everybody. Jason Pitingaro from
17 Pitingaro & Doetsch. I'm here with my
18 colleagues to answer any specific
19 questions.

20 Basically we were asked to update
21 the plan to eliminate the subsurface
22 sewage disposal system and implement a
23 wastewater treatment plant. It hasn't
24 changed the flow or anything for the
25 facility. It's still about 2,200 gallons

2 per day.

3 What we've done is installed an
4 AcquaPoint, or plan to install an
5 AcquaPoint MBBR built facility which will
6 be located to the rear. It is mainly
7 subsurface in that the tank is all below
8 grade with some risers that come to grade
9 for access to the facilities. There will
10 be some equipment that will be located
11 within the building that will allow for
12 some chemical feed back and forth and
13 aeration for the system. That, again,
14 will be located within the existing
15 building. There will be a discharge
16 point out here towards this watercourse
17 that is out beyond the stormwater pond.
18 That has been submitted to the DEC. We
19 had some initial conversations with the
20 DEC regarding permit requirements.

21 We can answer any questions that
22 the Board might have regarding the
23 system.

24 CHAIRMAN EWASUTYN: Dave Dominick.

25 MR. DOMINICK: Jason, you said the

2 discharge was 2,200?

3 MR. PITINGARO: Approximately 2,250
4 gallons per day, I believe.

5 MR. DOMINICK: Is that adequate for
6 your facility?

7 MR. PITINGARO: I think it's more
8 than adequate. There's not much -- it's
9 a daily use facility, so it's not like
10 showers, washing machines and those types
11 of things. It's definitely sufficient.
12 Again, the flows haven't changed since
13 the original application.

14 MR. DOMINICK: Thank you.

15 CHAIRMAN EWASUTYN: Stephanie
16 DeLuca.

17 MS. DeLUCA: If you could clarify
18 the need for washing machines and --

19 MR. PITINGARO: No, no. I'm saying
20 there isn't any need for those. That's
21 why the flow is what it is.

22 MS. DeLUCA: Okay. Thank you.

23 CHAIRMAN EWASUTYN: Just as a
24 matter of record, the last minutes
25 discussed an 1,800 gallon flow. That was

2 the conversation at the last meeting.

3 MR. PITINGARO: Okay. Again, it
4 hasn't changed. The system may be sized
5 slightly larger than what the actual flow
6 is going to be.

7 ZI: Energy savings. We took like
8 benefits from the energy savings.
9 Overall it went to 1,800, but it's the
10 same as we originally proposed.

11 MR. DOMINICK: Can you give your
12 name for the stenographer?

13 ZI: I'm Zi from Pitingaro
14 Engineering.

15 MR. MENNERICH: The system, could
16 you tell us how it's monitored to be sure
17 that the output is at acceptable levels?

18 MR. PITINGARO: Sure. One of the
19 conditions that Pat had brought up is the
20 operations and maintenance agreement.
21 There will be an operator that is in
22 charge of the facility. It's called an
23 operator of record or an operator in
24 charge. They'll be obligated to maintain
25 the system and make daily checks of the

2 system. Those things will be reported to
3 the DEC on a monthly basis. It will be
4 checked daily to make sure it's in
5 compliance and operating correctly.

6 There's a set of standards that the
7 DEC has put forth in terms of the
8 effluent, the discharge requirements. It
9 will be required to maintain -- be within
10 those limits, or below those limits
11 rather.

12 MR. MENNERICH: Thank you.

13 CHAIRMAN EWASUTYN: A question for
14 Dominic Cordisco. The Town Board will
15 approve this?

16 MR. CORDISCO: Yes.

17 CHAIRMAN EWASUTYN: Can you speak
18 on that?

19 MR. CORDISCO: They'll be
20 submitting to the Town Board for the
21 operation and maintenance security
22 requirements for this wastewater
23 treatment plant.

24 CHAIRMAN EWASUTYN: Cliff Browne.

25 MR. BROWNE: I don't have anything

2 more on that portion.

3 On the detention pond, you're
4 piping that water down to the back?

5 MR. MODAFERRI: I can answer that.
6 The detention pond is in the front.
7 Drainage is still as designed on the
8 previous approval with the exception that
9 the stormwater from these basins is going
10 to a pipe that crosses the street under
11 proposed conditions. We had to address a
12 comment of the DOT to ensure that the
13 flow in that pipe was less than or equal
14 to the existing flow in that pipe. We
15 had to propose an additional stormwater
16 management detention basin here to reduce
17 that flow to that pipe. Everything that
18 was going here in the previous
19 application is going here. Everything
20 that is going here, is going here.
21 There's no change in that design.

22 MR. BROWNE: Thank you.

23 CHAIRMAN EWASUTYN: Lisa Carver.

24 MS. CARVER: Just to confirm, you
25 already applied to DOT for approval? You

2 don't have approval yet, though, from
3 DOT?

4 MR. MODAFERRI: That's correct.
5 DOT has a three-stage process. Stage 1
6 is the conceptual, usually with the EAF
7 and we get through site plan, and then
8 there's a condition of approval to get
9 their approval. The next step is the
10 technical review of the plans. We're
11 essentially done with that, except that
12 they want to just see the set of plans
13 and make sure that all the item numbers
14 are correct and all the details are
15 correct based on their current standards.
16 Once we have that approval, that's stage
17 2, then we go to stage 3, which is the
18 contractors, which won't happen until
19 we're looking to go into the ground. We
20 don't have it yet. It can still be a
21 condition of approval that we get it.
22 We're this close.

23 MS. CARVER: Thank you.

24 CHAIRMAN EWASUTYN: So it goes from
25 conceptual approval from the DOT? You

2 first have to have conceptual approval?

3 MR. MODAFERRI: Yes. That's stage
4 1. That was done as part of, I think,
5 the original project. We're here for the
6 second amendment to this application.
7 The conceptual approval -- this hasn't
8 changed since the first approval. Since
9 the first approval we've been working
10 through those technical comments. That
11 last technical comment related to this
12 stormwater management basin.

13 CHAIRMAN EWASUTYN: As a matter of
14 fact, the e-mail that you did send to our
15 office, as a matter of practice I always
16 forward those e-mails on to all Planning
17 Board Members. Just as a matter of
18 record. We're a Board.

19 MR. MODAFERRI: I only have your
20 e-mail address.

21 CHAIRMAN EWASUTYN: I'm just
22 saying, as a matter of record the
23 Planning Board did receive it.

24 MR. MODAFERRI: Good.

25 CHAIRMAN EWASUTYN: It makes for a

2 better conversation and a better
3 understanding at the meeting.

4 MR. MODAFERRI: Absolutely.

5 CHAIRMAN EWASUTYN: Thank you.

6 John Ward.

7 MR. WARD: So basically you need
8 approvals from the DEC and DOT right now.
9 Right?

10 MR. MODAFERRI: The DEC for the
11 sewage treatment plant, the DOT for the
12 driveway. We need a DEC general permit
13 for the stormwater. We need DOH, I
14 believe, for the private water main
15 extension.

16 Is that everything, Pat?

17 MR. HINES: I think so. We'll hit
18 them in my comments if we missed any.

19 MR. WARD: Thank you very much.

20 MR. MODAFERRI: Everything was in
21 the previous approval as conditions of
22 approval. The only difference in the
23 conditions of approval would be that we
24 now have to go to the DEC for approval of
25 the stormwater treatment plant as opposed

2 to the DOH for approval of the septic.
3 It's all in the previous approvals --
4 previous conditions that we can continue
5 to work towards.

6 MR. WARD: Thank you very much.

7 MR. MODAFERRI: No worries.

8 CHAIRMAN EWASUTYN: The next item
9 that the Planning Board would like to
10 review is the ARB plans.

11 MR. MODAFERRI: That would go to
12 the architect.

13 MR. LEADBEATER: I have these forms
14 to pass out, the review form to pass out
15 to all of you individually.

16 CHAIRMAN EWASUTYN: Thank you.

17 MR. LEADBEATER: Would you like to
18 review the form first or at the end? We
19 cover basically all of it as I describe
20 the plans anyway.

21 CHAIRMAN EWASUTYN: Do you have a
22 rendering?

23 MR. LEADBEATER: We have some
24 elevations that we're providing along
25 with a small rendering, as you can see,

2 in the top corner.

3 I'll walk you quickly through the
4 building. As I'm sure it was stated
5 previously, it's a one-story warehouse
6 building, roughly 262,080 square feet.
7 We're maintaining basically a 36-foot
8 clear height within the building.

9 There are two drive-in dock doors
10 and then thirty-two loading dock doors
11 along that east portion of the building.

12 Currently we're showing the ability
13 to have tentative/speculative office
14 areas, both in this corner of the
15 building and then the northeast corner of
16 the building as well.

17 Really for just saving paper, we're
18 also indicating where the rooftop units
19 would likely go on the floor plan. This
20 would be replicated on the roof plan,
21 just indicating generally that these RTU
22 units get situated centered in the
23 building, sort of centralized, and out of
24 the sight line of the public or any
25 residences in the surrounding

2 neighborhood. I'll have another document
3 sort of showing that view in section 2,
4 the building from those residences.

5 This is just the general roof plan.
6 We're just showing the general stormwater
7 runoff to the west portion of the
8 building. On the lower portion, a
9 quarter inch per foot slope, general
10 sloping from the high point to the low
11 point.

12 We're also sort of indicating a
13 portion of the building where it will be
14 solar ready which has been accounted for
15 both by the structural engineer and by
16 ourselves.

17 Moving on to the elevations and the
18 rendering, this is just a view looking
19 towards the office entry point with the
20 loading dock portion off to the left on
21 this view.

22 The composition of these buildings
23 will be primarily precast concrete with a
24 textured paint applied to it, and then
25 both vertical and horizontal accents

2 throughout that space to sort of
3 breakdown the overall scale of the
4 building. We'll then accent the office
5 space entries with clear story windows
6 and storefronts. Along the facade we
7 also have high clear story windows just
8 to drive some light into that space
9 generally for just the wellbeing of the
10 employees and to make it a more friendly
11 space for the employees to inhabit.

12 Down here, the east elevation, is
13 essentially where that loading dock and
14 activity would occur.

15 Actually, I didn't hand out -- I
16 think you also required a paint
17 submission as well. Those are the actual
18 samples that are going to be utilized on
19 the building. We're providing there the
20 samples of the paint colors that will be
21 used on this building to provide both the
22 accents at the office area and then
23 throughout the building. The primary
24 color, as indicated on this sheet, will
25 be this lattice sort of gray color over

2 here. It's just a muted tone.

3 This is just the last submission.
4 This is just a section through the
5 various property locations looking
6 towards the building. We're indicating
7 that based on the contours of the
8 building and based on the contours of
9 those residents, that view and angle
10 won't cause any issue with potential RTU
11 units that are placed on the roof.

12 Again, this is just a section
13 through the building showing the low
14 point where we're having all the
15 stormwater runoff and the high point
16 towards the front.

17 I think that's really all I have
18 for you guys.

19 The signage. So in terms of the
20 signage, we've maintained the ordinance
21 or come well below it at -- basically 125
22 square feet is allowed per side. That's
23 sort of what we indicated within this
24 framework and this design. As of now we
25 have a 12'6" by 10' monument sign.

2 CHAIRMAN EWASUTYN: Nice
3 presentation.

4 Dave Dominick.

5 MR. DOMINICK: No. Nothing
6 further. It's a very nice looking
7 building.

8 CHAIRMAN EWASUTYN: Stephanie
9 DeLuca.

10 MS. DeLUCA: I like the colors.

11 MR. LEADBEATER: You don't want to
12 change anything?

13 MS. DeLUCA: No.

14 MR. LEADBEATER: Purple maybe?

15 MR. MENNERICH: It's a nice
16 combination of colors.

17 MR. LEADBEATER: Thank you. None
18 of you are Cowboys or Lions fans.

19 MR. DOMINICK: Cowboy colors.

20 CHAIRMAN EWASUTYN: I agree with
21 Ken Mennerich. It's a nice combination of
22 a palette.

23 MR. LEADBEATER: Thank you.

24 MR. BROWNE: Nothing.

25 MS. CARVER: You said solar ready.

2 You're installing solar now or that's
3 just --

4 MR. LEADBEATER: From a structural
5 standpoint you have to account for a 5 to
6 7 square foot load to then install those
7 panels on the rooftop. That's
8 essentially what's being accounted for.
9 The infrastructure and wiring would come
10 later.

11 MR. MODAFERRI: If I may, the
12 original approval for this project, there
13 was a condition that the architecture be
14 solar ready. Since it was a condition of
15 those approvals, we've incorporated that
16 into this next submission.

17 MS. CARVER: Thank you.

18 CHAIRMAN EWASUTYN: John Ward.

19 MR. WARD: You did a nice job.
20 Thank you very much.

21 CHAIRMAN EWASUTYN: Taking one step
22 at a time, can we have a motion from a
23 Member to approve the ARB as presented
24 this evening.

25 MR. DOMINICK: So moved.

2 MS. DeLUCA: Second.

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

7 MR. DOMINICK: Aye.

8 MS. DeLUCA: Aye.

9 MR. MENNERICH: Aye.

10 CHAIRMAN EWASUTYN: Aye.

11 MR. BROWNE: Aye.

12 MS. CARVER: Aye.

13 MR. WARD: Aye.

14 CHAIRMAN EWASUTYN: Thank you.

15 I think now we'll start discussing
16 the technical comments at the stage that
17 we're at, the amended site plan, the
18 possibility of clearing and grading. I
19 think you also mentioned maybe a
20 reaffirming of the negative declaration
21 on the original project.

22 MR. MODAFERRI: Either reaffirming
23 or whatever the proper term would be. We
24 did recirculate because there were some
25 changes to the potential impact with the

2 change from the septic to the wastewater
3 treatment plant. I think we got all the
4 notifications and things, or your Board
5 got all those mailings back. You could
6 declare yourself lead agency and a neg
7 dec tonight, if the Board pleases, or
8 reaffirm the previous one.

9 CHAIRMAN EWASUTYN: We'll come back
10 to what we're discussing now later in the
11 review and then we'll have Dominic
12 Cordisco, Planning Board Attorney, advise
13 us on the steps and stages or the stages
14 and the steps.

15 For now we'll turn to Ken Wersted,
16 Traffic Consultant.

17 MR. WERSTED: We don't have any
18 additional comments. We reviewed the
19 project and its amendment. It doesn't
20 change any of the comments that we had
21 previously or the resolution of those.

22 CHAIRMAN EWASUTYN: Jim Campbell,
23 Code Compliance.

24 MR. CAMPBELL: My only comment was
25 on the monument sign. Just make sure

2 it's 15 feet off the front property line.
3 I don't think there was a dimension.

4 MR. MODAFERRI: Yup.

5 MR. CAMPBELL: That's it.

6 CHAIRMAN EWASUTYN: Pat Hines with
7 MH&E.

8 MR. HINES: So we've reviewed the
9 amended plan. The project now proposes a
10 surface discharge for the sanitary sewer
11 effluent. A package plant is proposed.
12 The Town has a code section, Chapter
13 185-20, that applies to the project
14 entitled privately owned utility systems.
15 There are requirements for security for
16 construction and then long-term operation
17 and maintenance. The Town Board is the
18 approval for that, so that will
19 eventually need Town Board approval.

20 DEC approval for that surface
21 discharge is required.

22 As was mentioned, Health Department
23 approval for the water main extension
24 with hydrants is required.

25 The applicants are applying for a

2 clearing and grading permit under Chapter
3 83 of the Town Code. We're looking for a
4 more detailed phasing plan for the
5 clearing and grading. The clearing and
6 grading plan identifies 24.2 plus or
7 minus acres of disturbance. The phasing
8 plan should be developed to show interim
9 grading and appropriate erosion and
10 sediment control for each phase.

11 There are stormwater management
12 facilities that identify less than 24.6
13 acres of tributary area, so that needs to
14 be checked.

15 The project relies on retaining
16 walls to develop the site. Building
17 permits for those retaining walls are
18 required. Typically those are not
19 approved during clearing and grading,
20 however we have had some sites where the
21 retaining walls are integral to the
22 clearing and grading in order to complete
23 that and the Board has allowed that.
24 That's a determination for the Board.

25 We have a comment regarding the

2 interim grading regarding discharge to
3 the stormwater management facilities
4 which were proposed to act as sediment
5 traps during construction. The flow to
6 those in the final version of the plans
7 relies on a closed-pipe drainage system,
8 so we want to be sure that the flow is
9 adequately directed to those in the
10 interim grading plans.

11 We have a concern about the grading
12 along the west property that would be
13 tributary to Route 300 and the
14 residential structures, kind of in that
15 white area below the building there. We
16 want to make sure there is affirmative
17 erosion and sediment control practices to
18 divert that runoff from that area to not
19 impact those down gradient properties.
20 The post-construction curbs and closed
21 pipe drainage system are there to convey
22 that. In the interim we want to make
23 sure that those are adequately protected.

24 If the applicant intends to apply
25 for a 5-acre waiver, that's required

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through the Town Board and the waiver requirements should be addressed. The reason for that waiver and documentation on why it should be addressed should be provided.

We have some stormwater management comments.

The limits of disturbance must be delineated in the field with orange construction fence per the Tree Preservation Ordinance.

A stormwater maintenance facilities agreement will be required.

Status of the DOT approval we addressed.

We have separate stormwater comments that are technical in nature and should be addressed.

The clearing and grading permit requires a public hearing. I know it was mentioned earlier, a request to waive the public hearing. Chapter 83 for a clearing of this size would require a separate public hearing.

2 CHAIRMAN EWASUTYN: Dominic
3 Cordisco, Planning Board Attorney.

4 MR. CORDISCO: I concur. A public
5 hearing is required for clearing and
6 grading.

7 The public hearing on the site plan
8 amendment is discretionary. It's up to
9 the Board as to whether or not you want
10 to waive the public hearing for the site
11 plan amendment or roll it into a combined
12 public hearing, which the code does allow
13 you to do, to have a simultaneous public
14 hearing regarding the clearing and
15 grading and the site plan amendment.

16 The applicant had requested before
17 a reaffirmation of the previously adopted
18 SEQRA negative declaration for this
19 project. I think that that's an
20 appropriate request and could be
21 considered by the Board at this time.

22 CHAIRMAN EWASUTYN: Having heard
23 from Dominic Cordisco, Planning Board
24 Attorney, would the Board like to, when
25 we do set the clearing and grading public

2 hearing, also make the amended site plan
3 part of that same hearing?

4 MR. DOMINICK: Yes.

5 MS. DeLUCA: Yes.

6 MR. MENNERICH: Yes.

7 CHAIRMAN EWASUTYN: Yes.

8 MR. BROWNE: Yes.

9 MS. CARVER: Yes.

10 MR. WARD: Yes.

11 CHAIRMAN EWASUTYN: Let the record
12 show that the Planning Board Members
13 agreed that when we schedule the public
14 hearing, the public hearing will be for
15 the amended site plan and the clearing
16 and grading application.

17 Dominic Cordisco, would it be the
18 right time now to reaffirm the negative
19 declaration or should we wait?

20 MR. CORDISCO: There are a number
21 of outstanding items that have been
22 identified by Mr. Hines. The question is
23 whether or not the Board is in a position
24 to schedule that public hearing at this
25 time or you would like additional

2 information. One of the key items, it
3 would occur to me, would be the
4 additional detailed phasing plan for the
5 clearing and grading permit because
6 that's the core of the public hearing
7 which you would be setting. If the Board
8 would like a resubmission, another option
9 would be for the Board to authorize the
10 public hearing conditional upon
11 submission of documents acceptable to the
12 Board's consulting engineer, or if you
13 would require that information to be
14 submitted to you first.

15 CHAIRMAN EWASUTYN: Since they're
16 technical questions which need a
17 technical answer, I'll defer to Pat Hines
18 with MH&E.

19 MR. HINES: We do have a regularly
20 scheduled technical work session on the
21 26th of this month, if the Board wanted
22 to refer the project to that.

23 CHAIRMAN EWASUTYN: Would the Board
24 be interested in referring this to the
25 work session for the month of November

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which is scheduled on the 26th of
November?

MR. DOMINICK: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

MS. CARVER: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Okay. Would
someone then move for a motion to
schedule the Farrell Industrial Park,
project number 23-09, for the consultants'
work session on the 26th of November.

MR. WARD: So moved.

MS. CARVER: Second.

CHAIRMAN EWASUTYN: I have a motion
by John Ward. I have a second by Lisa
Carver. 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.

2 MS. CARVER: Aye.

3 MR. WARD: Aye.

4 CHAIRMAN EWASUTYN: Anything else?

5 MR. GOTTLIEB: Is the Board in a
6 position to set a date for the public
7 hearing or would it be at that technical
8 session?

9 MR. CORDISCO: If I understand
10 correctly, the Board would like the
11 technical comments to be addressed and
12 then the Board would schedule the public
13 hearing.

14 MR. GOTTLIEB: So they may be
15 addressed at the meeting on the 26th?

16 MR. CORDISCO: Correct.

17 CHAIRMAN EWASUTYN: The consultants
18 don't have the discretion to set a date
19 for the public hearing. That
20 responsibility lies with the Planning
21 Board. When you come back before the
22 Planning Board, we're going to say that
23 first meeting in December, if everything
24 is satisfactory, then the Planning Board
25 will schedule the public hearing.

2 MR. MODAFERRI: Is it possible that
3 the public hearing might be scheduled for
4 the meeting on the 19th of December?

5 CHAIRMAN EWASUTYN: That all
6 depends upon the timeframes needed for
7 circulating the notices.

8 Pat, do you think that's
9 reasonable?

10 MR. HINES: It would be difficult
11 to make the mailings and postings on
12 that. If they were back on the 5th, it
13 would most likely be the first meeting in
14 January.

15 CHAIRMAN EWASUTYN: That first
16 meeting in January -- the Planning Board
17 will not have a meeting the first
18 Thursday. We're only having one meeting
19 for the month of January, and I believe
20 that second meeting would be on the -- is
21 it the 19th?

22 MR. HINES: The 16th.

23 CHAIRMAN EWASUTYN: The 16th.

24 MR. GOTTLIEB: I'm just trying to
25 do the math. We would really appreciate

2 if the Board could reconsider. That's a
3 public hearing for these minor changes
4 two months away from today.

5 CHAIRMAN EWASUTYN: Understood.

6 MR. GOTTLIEB: If there is a chance
7 for us to make the notices on the 19th,
8 potentially have it scheduled, I believe
9 you said on the 5th or the 19th --

10 CHAIRMAN EWASUTYN: There is no
11 meeting on the --

12 MR. GOTTLIEB: December.

13 CHAIRMAN EWASUTYN: December.
14 Again, we'll put that up for discussion.

15 MR. MODAFERRI: If I may also, with
16 the previous submission, you waived the
17 public hearing for the site plan. If we
18 did the public hearing just for the
19 clearing and grading, we could proceed
20 with the site plan. I don't know if the
21 site plan could possibly move through
22 separate from the clearing and grading or
23 is that something that the Board would
24 consider?

25 CHAIRMAN EWASUTYN: I think we

2 decided to have a public hearing because
3 it's an amended site plan.

4 MR. CORDISCO: Correct.

5 CHAIRMAN EWASUTYN: That's why
6 we're tying them both together.

7 MR. MODAFERRI: Okay.

8 CHAIRMAN EWASUTYN: I understand
9 you're saying time is of the essence.

10 MR. MODAFERRI: Yes. At least for
11 the site plan part of it as the
12 stormwater and wetlands regulations are
13 coming into play this January.

14 MR. CORDISCO: Yes. The draft
15 regulations, as they're currently
16 written, are only exempting projects that
17 have building permits.

18 MR. GOTTLIEB: The way we read the
19 draft regulations, anyone that has a
20 negative declaration, a completed FEIS or
21 some form of approval before January 1,
22 2025 would be grandfathered in for a
23 period of two years.

24 MR. MODAFERRI: For the stormwater.
25 I think the wetland ones are a little

2 more unclear.

3 MR. GOTTLIEB: Those are the draft
4 wetland ones that I just read.

5 MR. MODAFERRI: The stormwater I
6 think was that one with the January time.

7 CHAIRMAN EWASUTYN: I understood
8 him to say the stormwater.

9 MR. MODAFERRI: I think that's the
10 stormwater. The wetland ones are a
11 little bit more stringent or unclear.

12 MR. GOTTLIEB: The wetland --

13 CHAIRMAN EWASUTYN: Can I stop you
14 for a second? I like to make this a
15 discussion with Planning Board Members as
16 far as what your goal is, what Pat Hines
17 is saying, what Dominic Cordisco is
18 saying.

19 I'll start with Dave Dominick.

20 MR. DOMINICK: I think we need to
21 slow down here and have a full submission
22 ready for the public hearing. We're not
23 there yet. In taking what Mr. Cordisco
24 and Mr. Hines said, I think we need to
25 get that stuff in order and we need to

2 wait.

3 CHAIRMAN EWASUTYN: Stephanie
4 DeLuca.

5 MS. DeLUCA: I agree. Because of
6 the technicalities of things and because
7 we may have questions regarding those
8 technicalities, I want to --

9 MR. MODAFERRI: Understood.

10 MS. DeLUCA: --- come to an
11 understanding with that.

12 MR. MENNERICH: I agree with what's
13 been said so far.

14 CHAIRMAN EWASUTYN: I agree with
15 the other Planning Board Members.

16 MR. BROWNE: Agreed.

17 MS. CARVER: Yes.

18 MR. WARD: I agree.

19 CHAIRMAN EWASUTYN: So at this
20 point, I'm not sure because I forget what
21 I'm doing, do I have a motion from the
22 Planning Board Members to set Farrell
23 Industrial Park for a consultants' work
24 session? We'll have that for the 26th of
25 November.

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MR. MENNERICH: We have that.

CHAIRMAN EWASUTYN: So that's where we're at at this time.

MR. HINES: That will be at 1 p.m. It will be the first one.

MR. MODAFERRI: Okay. See you then.

(Time noted: 7:55 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 18th day of November 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

NEWBURGH CHICKEN, LLC
(2023-17)

197 South Plank Road
Section 60; Block 3; Lot 41.21
B Zone

----- X

SITE PLAN

Date: November 7, 2024
Time: 7:55 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: NICHOLAS WARD-WILLIS,
COREY CHASE, GEORGE ALISSANDRATOS & MATTHEW BERCH

----- X

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

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

8 MR. WARD-WILLIS: Good evening,
9 Mr. Chairman, Members of the Board.
10 Nicholas Ward-Willis with Keane &
11 Beane on behalf of the applicant,
12 Newburgh Chicken. I'm joined by my
13 colleague, George Alissandratos; Matt
14 Berch, our civil engineer; and Corey
15 Chase, our traffic engineer from
16 Dynamic Engineering.

17 We last appeared before this Board
18 on June 6th of this year, 2024. Our
19 application has been pending for about
20 eighteen months. It's for the proposed
21 redevelopment of the existing Dairy Queen
22 at the intersection of 52 and 300 into a
23 proposed Popeyes.

24 This Board has reviewed the site
25 plan. You had no further comments on the

2 site plan. You had approved the
3 architecture that was provided.

4 We've also gone to the Zoning Board
5 of Appeals. They confirmed the special
6 permit for the preexisting nonconforming
7 use, as well as granted certain
8 dimensional variances. Also, the ZBA
9 granted the site plan dimensions, if you
10 will, which has been reviewed a number of
11 times with this Board.

12 We are at the stage where the
13 Planning Board determined in June we were
14 ready for a public hearing subject to
15 getting clarification from DOT and the
16 Town with respect to proposed traffic
17 improvements at the intersection of
18 Routes 52 and 300 which has sort of been
19 a little bit of a thorn in the side for
20 this project in trying get some clarity.

21 After the June meeting we met with
22 DOT and Town staff in this room and got
23 some direction from DOT, or should I say
24 thought we got some direction from DOT.
25 At that time the Town and DOT had

2 stressed that there may be improvements
3 at some point in the next one, two or
4 three decades to this intersection, but
5 they would like to see if there are
6 opportunities to do certain improvements
7 while we are there doing the
8 redevelopment. As you may recall, the
9 redevelopment of this site will provide
10 significant improvements to the traffic
11 flow already because we are moving the
12 building further off the street, we're
13 enhancing landscaping and we're moving
14 the driveway entrance on Route 300
15 further away from the intersection.
16 Likewise with the entrance on South Plank
17 Road. There are a number of already
18 significant improvements to the site from
19 an aesthetic standpoint, site plan
20 standpoint and traffic standpoint.

21 The question became what's going on
22 at this intersection. We met with DOT.
23 They were concerned about granting
24 approvals to our project while they
25 weren't sure what the Town and the State

2 wanted to do with the intersection
3 because it needs to be looked at. We
4 walked away from that meeting with an
5 understanding that if our client
6 committed to adding the turn lane, a
7 right-turn lane on Route 52, and we did
8 that at our expense, that would be
9 acceptable to the Town and to DOT. They
10 recognized that other improvements over
11 the course of time would be funded either
12 by fair share from other projects or from
13 State, County or Town funding. That
14 would at least allow our project to
15 proceed. We were pleased. We submitted
16 the additional information they
17 requested, showing we own the property so
18 we can clarify the right-of-way, and then
19 we received two comments, as the Board
20 has seen in our letters. I understand,
21 Mr. Chairman, you received our letter and
22 distributed it to the Board Members, so
23 thank you.

24 We subsequently received a little
25 bit of a curve ball where the State first

2 provided a comment that, well, we
3 received the concept plan that the Town
4 developed for redesign of the
5 intersection and we, the State, think
6 that we need fifteen feet of Newburgh
7 Chicken's property. They asked that the
8 Planning Board make sure we didn't build
9 within that. It's not related to
10 anything we're doing. This improvement
11 is not associated with being a mitigation
12 measure for what we're doing, but the
13 State said at some point we may want to
14 build and expand beyond Route 300, so
15 please make sure Newburgh Chicken doesn't
16 build there, quite frankly because they
17 don't want to have to compensate us for
18 any improvements. They asked for fifteen
19 feet that would come onto our property
20 and, quite frankly, make this project
21 pointless. We couldn't proceed because
22 the fifteen feet would have extended into
23 approximately the area where our drive-
24 through is. There's no justification for
25 that. I said in our most recent letter

2 that I don't think this Board has the
3 authority to do that.

4 I do understand there were
5 subsequent conversations with the Town's
6 Traffic Consultant where it was suggested
7 that maybe it could be scaled back not to
8 fifteen feet but three feet off the
9 right-of-way. Ironically we don't have
10 any improvements proposed within that
11 three-foot right-of-way. It's really, in
12 my mind, a nonissue.

13 We're seeking guidance from this
14 Board because we're at a critical moment
15 where Mr. Gallo, the property owner,
16 wishes to proceed with this deal. It has
17 been proceeding for a long time, due to
18 no-fault of this Board. That's just what
19 it takes.

20 We're before the Board tonight to
21 ask for a confirmation that this Board is
22 not looking to have us designate a
23 fifteen-foot or even a three-foot clear
24 zone along the property line along 300.

25 The second request concerns DOT,

2 despite all the conversations we had in
3 July, suggesting that there should be
4 left turns prohibited out of the Route
5 300 exit. Now, you may recall the 300
6 exit right now is really close to the
7 Route 52 intersection. We're moving it
8 significantly back. We provided
9 information that the sight lines are
10 good, the queueing isn't an issue. If
11 there is any queueing, it's going to be
12 on our property where there's sufficient
13 room for the cars to stack. We also
14 provided information that we don't
15 perceive that to be a problem.

16 We also have restricted turn
17 movements on Route 52, that Mr. Chase can
18 go through in more detail, in essence
19 saying you can't make a left out of here.
20 It's only going to make this project not
21 feasible, because who is going to come
22 here if you can't make a left out of here
23 and you can't make a left out of this
24 intersection. It's not feasible, nor do
25 we think it's justified based upon the

2 data.

3 We're at the point where, as we
4 understand it, the State is looking for
5 guidance from the Town to give them
6 direction on this project. We're asking
7 to get confirmation tonight that this
8 Board is not looking to restrict the
9 movement out to Route 300 to prohibit
10 left turns. We need that so we can then
11 go to DOT and have a conversation with
12 them and make sure we're all on the same
13 page. I find I'm looking this way and
14 looking that way. I do need direction
15 from this Board so I can get clarity with
16 DOT and decide if this project is
17 proceeding or not.

18 To be clear, if that 15-foot is
19 going to be required and that left turn
20 is going to be restricted, this project
21 doesn't work. We would rather know that
22 now than have your Board schedule a
23 public hearing, hear the comments and put
24 further work into this. That's not fair
25 to this Board, it's not fair to our

2 client, and it's certainly not fair to
3 Mr. Gallo who is trying to move on and
4 get some certainty.

5 I would like to have a discussion
6 with the Board tonight and have an answer
7 to those questions.

8 I'd ask Corey to walk us through
9 the turning restrictions.

10 MR. CHASE: Good evening, everyone.
11 Corey Chase, C-H-A-S-E, with Dynamic
12 Traffic.

13 As Nick mentioned, one of the
14 primary discussions we wanted to have
15 with the Board was, we previously
16 conceded to restricting the Route 52
17 driveway to right in/right out only.
18 You'll only be able to make right turns
19 at the 52 access point. As Nick
20 mentioned, we're shifting the Route 300
21 driveway further to the south, as far
22 south as we could, away from the existing
23 signalized intersection. That driveway
24 was to remain a full access driveway. As
25 Nick noted, it's significantly closer to

2 the intersection in its current
3 configuration. We were doing whatever we
4 could to locate that driveway in an
5 optimal location relative to the grading
6 challenges we have with the adjacent CVS
7 and relative to the adjacent signalized
8 intersection.

9 If this driveway was to have a
10 left-turn egress prohibition, so you
11 would not be able to make a left turn
12 out onto Route 300, you would also have
13 no way to get westbound on Route 52.
14 Anybody that wanted to go west on 52
15 would have to turn around in an adjacent
16 parcel, use the existing roadway network
17 and execute a U turn. They would have no
18 way to go west on 52. It would also be
19 very challenging to go north on 300.
20 You'd have to pull out adjacent to the
21 signalized intersection and immediately
22 make a left turn to continue north on
23 300. We felt through the analyzation of
24 all the data we looked at, we looked at
25 the accident history, there was only one

2 accident at this driveway in the course
3 of five years, and that was as a result
4 of someone trying to drive around someone
5 trying to drive left into the property.
6 That's notwithstanding the fact that the
7 driveway is significantly closer to the
8 intersection today than what we're
9 proposing. We certainly feel like this
10 represents a betterment of the condition.

11 Obviously pulling in the driveway,
12 the onsite circulation away from the
13 existing access point, pulling the
14 building back, as Nick mentioned, it
15 opens up sight lines and everything else.
16 We felt it was a significant improvement.

17 As we previously agreed to, we were
18 going to construct the eastbound Route 52
19 right-turn lane at the signalized
20 intersection as an improvement tied to
21 the opening of this restaurant. There
22 would actually be a physical traffic
23 improvement associated with the
24 redevelopment of the subject project, not
25 just the relocation of the driveways.

2 As Nick mentioned, we did hear back
3 from the DOT and they are requesting that
4 we consider evaluating restricting this
5 left-turn egress movement out from the
6 Route 300 driveway.

7 Just for the reasons that I
8 mentioned, it really complicates things
9 and it would really likely make this
10 project not feasible from a development
11 standpoint. Again, you really have no
12 way to get west on Route 52, and it would
13 make going north on 300 a challenge also.

14 CHAIRMAN EWASUTYN: Ken Wersted
15 with Creighton Manning Engineering, who
16 has worked with you on the traffic along
17 with the DOT, can you bring us along.

18 MR. WERSTED: DOT had several
19 comments come out in the last two months,
20 three months. In their last round of
21 comments they provided an Excel
22 spreadsheet of comments and whatever is
23 closed or not. Right now there are about
24 twenty open comments left to be responded
25 to and closed. I'll say a lot of those

2 are technical details, a traffic study to
3 be addressed.

4 The two pertinent ones, the major
5 ones are the right-of-way buildable area
6 along Route 300 and the left turn coming
7 out of the project site. As we reviewed
8 those comments and as we looked at
9 widening Route 300, or the potential to
10 towards this project, we identified that
11 you could add a second lane southbound,
12 you could add a sidewalk and still have a
13 thin buffer there between that and your
14 proposed drive-through drive aisle. If
15 DOT was accepting of a smaller kind of
16 offset, not fifteen feet but maybe three
17 or four feet, then I think the plan as
18 you propose it could be accommodated with
19 that potential future improvement.
20 That's one issue.

21 The other issue is the left turn
22 out. I would recommend that you go out
23 there at 5:00 and see if you could make a
24 left turn out of there. It is a
25 challenge. The left-turn lane going

2 northbound is backed up all the way to
3 the top of the hill. The light turns
4 green, cars start flowing, the light
5 turns red and cars stack all the way up
6 again. Similar with your through
7 movement. Even if there wasn't a
8 restriction to turn left out, you would
9 be hard pressed to make a left turn out.
10 I think a lot of customers who were
11 destined to make a left and a left would
12 have to make a right turn, go to the Stop
13 & Shop, make a U turn in the driveway and
14 come back out at the signal, et cetera.
15 I think that aspect of it is two-part.
16 One, for your business model does it work
17 if you can't make a left turn out of
18 there, and does it matter whether there's
19 a sign restricting it or geometry or the
20 fact that traffic is heavy enough on
21 Route 300 that you can't do it in any
22 case. That isn't going to be all day.
23 It's not twenty-four hours. It's not
24 going to be for, let's say, twelve hours
25 or fourteen, how ever many hours the

2 restaurant is open. There are going to
3 be plenty of times where traffic is much
4 less and you'll be able to manage going
5 through there. I don't know how that
6 works into your business model, if twelve
7 hours out of the operating day it's
8 acceptable to be able to turn left and
9 that works for the business and then we
10 have these peak hours where there's just
11 too much traffic on Route 300, our
12 customers can't turn left and that kills
13 the project. I think those are topics
14 that need to be discussed with DOT.

15 Relative to the Town's perspective,
16 the Town is reviewing this application
17 and approving or disapproving, giving you
18 guidance on the site plan itself, but
19 that's only one half of it. We could
20 approve a ten-story apartment building
21 here, but DOT could say no, you don't
22 have access or here are your restrictions
23 coming in and out to the State highway.

24 They still require a highway work
25 permit. As much as the Town wants to

2 progress in concert with being a good
3 agency with DOT, the two things need to
4 come together.

5 MR. CHASE: Certainly I think what
6 Ken just mentioned is correct, that there
7 are certainly going to be times during
8 the day where it's a challenge to make a
9 left turn. People are already familiar
10 with the site, they're familiar with how
11 it operates, familiar with the existing
12 driveway location. I think you're going
13 to orient yourself accordingly. Like Ken
14 mentioned, do you choose to go down to
15 Stop & Shop, make a U turn and come back.
16 Do you wait at the light for a gap in the
17 traffic. There are certainly options
18 there.

19 From our standpoint, and I think
20 Ken hit it right on, that to completely
21 restrict this movement for the entirety
22 of the operations of the driveway because
23 there's a condition during several hours
24 of the day, you know, we don't feel like
25 it is justified. That's certainly what

2 we're presenting to the DOT. We're
3 really just trying to get everyone on the
4 same page.

5 Like Nick mentioned, we've been at
6 this awhile and we appreciate the Board's
7 time and all the comments we received
8 from the Board and its consultants, but
9 we're really just trying to move this
10 thing forward because it's been a long
11 time, unfortunately.

12 MR. WARD-WILLIS: I would add that
13 we've done traffic before. We've done
14 our traffic analysis. The conditions
15 that exist right now would present
16 difficulties in making left turns out,
17 having traffic accidents. We're moving
18 it further away. There's an opportunity
19 to improve this intersection. You may
20 not get perfect, but don't let perfection
21 to be the enemy of good. There's an
22 opportunity here to make this better in a
23 lot of significant ways that may not come
24 again. This isn't going to be rebuilt
25 with a guitar shop that's going to be

2 able to afford the new plans and
3 improvements at your suggestion. We know
4 that during the summertime with the Dairy
5 Queen, you have traffic going out on
6 Route 52 that creates issues. We're
7 resolving a lot of the issues. A lot of
8 the issues are preexisting that we can't
9 solve unless the Town and the State
10 actually fix their problem, not our
11 problem.

12 We need guidance from this Board on
13 both the driveway issue and the traffic
14 so we can have that conversation with the
15 State. I don't want to go to the State
16 and come back here and then the Town is
17 saying well, no, we don't want left turns
18 even though the State said okay. We are
19 at the point where I would appreciate
20 knowing this Board's thoughts and how you
21 view this, because there's an opportunity
22 to make something that's bad better, but
23 not perfect, and make it safer. That's
24 what I would ask this Board to do.

25 CHAIRMAN EWASUTYN: Before I poll

2 the individual Board Members for their
3 opinion and their recommendation, I will
4 now turn to Dominic Cordisco, Planning
5 Board Attorney.

6 MR. CORDISCO: As Mr. Wersted said,
7 and I think Mr. Ward-Willis will appreciate
8 and understand, in asking for this Board's
9 feedback, ultimately aspects of the
10 improvements on both of these State
11 highways are within the jurisdiction
12 of the DOT. As Ken had mentioned, this
13 project does require highway work permits
14 for both of those. The process up until
15 this point has been to try to go in a
16 parallel process where the application
17 has been proceeding before the Town to
18 address the Town's site issues in
19 connection with that, but also to
20 encourage the applicant to be working
21 with the DOT so that these things
22 proceed in concert.

23 I don't think personally that
24 the Board would be in a position to,
25 nor should the applicant really want,

2 I think, the Board to essentially do
3 something that is going to be in
4 direct conflict with what the DOT is
5 ultimately going to require as part
6 of their highway work permit.

7 With that said, I think the
8 Board's feedback at this point would be
9 appropriate to the applicant.

10 Also, obviously we continue to
11 be involved with the discussions with
12 DOT as well.

13 It's my understanding that the
14 concept plan for the overall improvements
15 to that intersection, which the existing
16 Dairy Queen is one of the key elements
17 at a corner of that intersection, has
18 been provided to the DOT. Hopefully this
19 entire process can wrap up in the near
20 future.

21 MR. WARD-WILLIS: If I may.
22 Dominic, I appreciate your comments. You
23 summarized it well. The reason we're
24 here, which is, I agree, unusual, seeking
25 further guidance from this Board. You're

2 not spectators. You're not on the
3 sidelines. The DOT has made it clear to
4 us that they're looking for the Town's
5 input. The Town and DOT are really
6 working in concert on this. You're not
7 just cheering them on or cheering us on.
8 You're an active participant. DOT is
9 looking to this Board. Being able to
10 understand where you are allows us to
11 then go to DOT and try to close that gap.

12 MR. HINES: Dominic, I don't think
13 DOT saw Ken's plan yet.

14 MR. CORDISCO: Oh, they haven't. I
15 misunderstood. I wasn't part of that
16 exchange. Thank you for that clarification.

17 CHAIRMAN EWASUTYN: Going back to
18 Farrell Industrial Park, they did say
19 they received conceptual approval from
20 the DOT. They did receive technical
21 approval from the DOT. They gave an
22 illustration that they're just about
23 ready for final approval.

24 Speaking for myself, what do you
25 believe it would take for the DOT to

2 provide a conceptual approval of this
3 project?

4 MR. CHASE: That's really where
5 we're at, Mr. Chairman. I think we're in
6 the unique position where conceptual is
7 taking us a lot longer because of the
8 role the intersection improvements are
9 playing in our application. If there
10 were no future considerations for
11 improvements here, I think this would be
12 pretty cut and dry. We're moving the
13 driveways as far away from the
14 intersection as we can, just restricting
15 the driveway on 52. It would be pretty
16 straightforward. The wrench that we're
17 being thrown is really the intersection
18 improvements and the unknown associated
19 with them as far as timing, what that
20 final design may end up looking like and
21 how does this property impact anything
22 that could potentially be done in the
23 future. I think once we get through
24 conceptual approval, the technical
25 approval, the actual plans and the

2 driveway, it's going to be very quick.
3 It's just getting over the hump of the
4 conceptual approval is really where we're
5 stumbling right now.

6 MR. WARD-WILLIS: I think, Mr.
7 Chairman, what would help us get through
8 conceptual approval and actually get us
9 -- the conceptual approval is an answer
10 from the Board to the DOT's October 4th
11 letter addressed to you as Chairman where
12 they state DOT recommends maintaining a
13 clear 15-foot setback from the State
14 right-of-way. There needs to be an
15 answer to that question. They made the
16 recommendation. They're not going to
17 approve a concept plan unless we show
18 that 15 feet and agree or unless this
19 Board says it's not necessary. I'm not
20 going to get my concept plan approval
21 unless this Board gives a response to
22 their recommendation. I need some action
23 from this Board to answer the question
24 that was posed to you, this Board, by
25 DOT.

2 Likewise on the left-turn lane,
3 that question is being posed. I need to
4 know that answer from this Board back to
5 DOT. If those two questions are
6 answered, however they're answered,
7 whatever you you think is in the best
8 interest of the project, that would allow
9 me to get my concept approval. If my
10 concept plan approval is with the fifteen
11 feet, so be it. At least I have an
12 answer. Right now I don't have anything
13 because the State is going to wait for
14 this Board to respond to those
15 recommendations.

16 CHAIRMAN EWASUTYN: The significance,
17 Ken Wersted, or the importance of your
18 coordination with the DOT and what
19 Dominic Cordisco said, you haven't yet
20 presented to the DOT.

21 MR. WERSTED: We really have two
22 different projects going on here. We
23 have this applicant and then we have
24 more of a Town multiple application
25 intersection improvement scenario at

2 this location. One is kind of -- the
3 intersection improvement is delaying
4 DOT's responsiveness in this
5 particular application. It's very
6 much a we're reviewing this but we
7 know there may be something coming in
8 the future and we don't want to
9 preclude that from happening so we
10 need to know more about that future
11 improvement. Our office is in the
12 middle of that, having prepared the
13 concept of those improvements on
14 Route 52 and Route 300. Our next
15 step is to quantify what those
16 improvements are relative to cost and
17 whatnot and share that, obviously,
18 with the multiple applicants that are
19 in that area, the Town, DOT, et cetera.
20 We haven't completed that yet, but we
21 can start to share that kind of
22 piecemeal with the Department with
23 the idea of progressing this
24 application through.

25 I think what the applicant's

2 attorney is interested in is
3 understanding where the Board's
4 feelings are relative to the October
5 4th letter. They do state in here
6 that there is a -- NYS DOT recommends
7 maintaining a clear 15-foot setback
8 from the existing right-of-way along
9 the Route 300 frontage. Avoiding the
10 construction of any fixed objects or
11 other improvement features within
12 this clear distance will facilitate
13 future improvements and streamline
14 potential right-of-way acquisitions
15 along Route 300. So they're
16 accommodating that a little bit in a
17 bubble. They know something is
18 coming but they haven't seen exactly
19 what that is.

20 In our comment letter back on
21 this application, we depicted an
22 illustration of where that might
23 happen. We have another more
24 intersection comprehensive map that
25 we can share with them. I think that

2 would help them identify whether they
3 need fifteen feet or whether three or
4 four feet is enough to get through
5 the project.

6 CHAIRMAN EWASUTYN: What about
7 the other comment as far as no left
8 turns out onto Route 300?

9 MR. WERSTED: As the applicant has
10 indicated, they are making an improvement
11 to the intersection. We talked at the
12 work session that this property has three
13 largely full access driveways and it's
14 being restricted down to one full access
15 and one restricted access. Those access
16 points are also being moved further away
17 as practical from the intersection. It's
18 making improvements in that stride, or
19 making strides towards that improvement.

20 My personal feeling about the left-
21 turn lane is that it's the best of the
22 situation that they can accommodate. You
23 can go out there, even with the Dairy
24 Queen closed, and sit in that grass lot
25 up on the upper tier as I did and just

2 watch traffic just drive by and stop
3 right in front of that driveway.

4 Would DOT be amenable to a
5 timeframe restriction, that there are no
6 left turns out of the driveway from 4:00
7 until 6:00. They might be. They might
8 just say people are going to do whatever
9 they want. That may be an option for
10 them to consider.

11 I think as we progress the Town
12 review of that intersection, sharing that
13 with DOT and the applicant, I think that
14 will help facilitate this applicant's
15 discussion with the Department.

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

18 MR. DOMINICK: I don't see how
19 moving the driveway on 300 further south,
20 or even further north, makes this a
21 problem that's solved. The problem is
22 the volume of traffic on 300. You're
23 trying to get across that. The right in
24 and right out on 52 makes sense. I agree
25 with DOT on the 300 side, making that

2 left out -- right out only, no left turn.

3 MR. CHASE: Certainly the idea is
4 the further separated you are from the
5 signal, the better opportunity you have
6 to continue to make that turning
7 movement. The closer it is to the
8 intersection, the likelihood of that
9 driveway being blocked and impeding that
10 left-turn movement increases significantly.

11 From a traffic engineering
12 perspective, we always try to look to
13 push those driveways, whenever feasible,
14 as far away as we can. That's really the
15 idea behind the redesign of the site.

16 MR. DOMINICK: You have two main
17 roads, 52 and 300, that are a heavy
18 volume all day long. I think they exceed
19 that volume during peak hours. In this
20 case for a restaurant, it impedes with
21 that. Whether you put a Dairy Queen, a
22 Popeyes or a guitar shop, you still have
23 this problem of getting across to make a
24 left onto 300.

25 MR. WARD-WILLIS: The facts show us

2 that it's not a problem from a public
3 safety standpoint. By moving it further
4 south, we're creating sufficient queueing
5 space so if there is a problem, it's a
6 business problem for us because people
7 won't go there because they can't get in
8 or because it's blocked. It's not a
9 public safety problem. It's not a site
10 plan issue. I think it's -- I understand
11 your concern, but I think it's readily
12 addressed.

13 MR. DOMINICK: I disagree. I think
14 it is a safety problem because of the
15 volume of traffic trying to get across
16 there. It's tough. It's tough. There
17 have been several accidents at that
18 intersection, 52, 300. Maybe not 300
19 where you said, but 52 and 300 because of
20 the volume of traffic. The rate of speed
21 people travel, they exceed that speed.

22 You asked for the Board's opinion.
23 That's my opinion.

24 MR. WARD-WILLIS: I appreciate
25 that. Thank you.

2 CHAIRMAN EWASUTYN: Stephanie
3 DeLuca.

4 MS. DeLUCA: As I was listening to
5 the discussion about where the driveways
6 were, clarify something for me. As far
7 as the other access, the other driveway
8 for the CVS, is that being closed?
9 Clarify that for me.

10 MR. CHASE: The CVS driveway
11 actually comes out just to the south.

12 MS. DeLUCA: They're coming out or
13 is it a two way?

14 MR. CHASE: It's two way. It's
15 just beyond our property line so you can
16 actually see the curb line.

17 MS. DeLUCA: I just wanted to make
18 sure whether it's a one way or a two way.

19 MR. CHASE: It's two way, and
20 that's going to remain. Part of that,
21 that does factor into where we located
22 the driveway as well. Obviously you want
23 some sort of separation between the
24 driveways. They can't be on top of each
25 other. That factored into where we

2 located this as well. CVS's driveway, it
3 comes up to the property line. Typically
4 we provide a ten-foot offset normally.
5 We provided a little additional offset on
6 our side just to provide some separation.

7 MS. DeLUCA: Okay. So then if --
8 I'm just thinking out loud here. So then
9 if that road, the CVS road is a two way
10 and there doesn't seem to be that much of
11 an issue there, then you having moved --
12 I can understand why you moved that
13 driveway back as far away as you possibly
14 could from the intersection. It's
15 starting to be a little bit more clear as
16 far as the traffic going in and out.

17 MR. WARD-WILLIS: You raise an
18 interesting point.

19 CHAIRMAN EWASUTYN: Let her finish.

20 MS. DeLUCA: It's okay. Like I
21 said, I'm just trying to get clarification.

22 MR. CHASE: Feel free to ask me
23 questions.

24 MS. DeLUCA: I'm beginning to see
25 your point. At first I was concerned

2 with the no left.

3 CHAIRMAN EWASUTYN: Let's make a
4 comparison on what Stephanie is bringing
5 up, if that makes sense, and what you're
6 proposing. What is the distance between
7 the CVS point and the proposed new point
8 for the Dairy Queen?

9 I think that's what you mean,
10 Stephanie.

11 MS. DeLUCA: Yeah.

12 CHAIRMAN EWASUTYN: I follow your
13 logic.

14 MS. DeLUCA: If one driveway is
15 allowing that two-way access and then
16 you're having to move that driveway back
17 as far away as possible, then what's the
18 difference?

19 MR. CHASE: There's approximately
20 fifty feet between the two driveways.

21 MS. DeLUCA: Okay.

22 CHAIRMAN EWASUTYN: Pat, just for
23 clarification, sitting in this room,
24 what's fifty feet, roughly?

25 MR. HINES: Probably the length of

2 the room here.

3 MS. DeLUCA: Okay.

4 MR. CHASE: Just one thing that I
5 wanted to reemphasize. We did look at
6 the accident history at the Dairy Queen
7 driveway. Being as close to the
8 intersection, honestly, in my
9 professional opinion, I thought there
10 would have been more. There was only one
11 over the past five years. To me, that
12 further substantiated what we're
13 proposing in that it's functioning
14 adequately even though it's significantly
15 closer. By shifting it away, it's
16 certainly not going to make it worse. My
17 professional opinion would be it would
18 make it better. Being that there isn't a
19 significant accident history here today,
20 shifting it further away, in my
21 professional opinion I don't see it
22 causing any future safety issues.

23 MS. DeLUCA: Okay.

24 CHAIRMAN EWASUTYN: Ken Mennerich.

25 MR. MENNERICH: I kind of agree

2 with Dave on the traffic. It seems like
3 you need to have another go around with
4 the DOT on the fifteen feet versus four
5 feet. If it can be four feet, has
6 anybody shown the DOT that that could
7 work with your site plan?

8 MR. CHASE: We haven't yet. We've
9 been working with Ken's office. Ken has
10 been developing the concept plan for the
11 intersection. That's really where -- his
12 office progressing that was really what
13 constituted the consideration of
14 potentially three to four feet. DOT is
15 just looking at it like we want X amount
16 of additional space for potential future
17 improvements. It's unknown as to what
18 it's going to look like. With Ken's
19 office further refining that, it
20 hopefully should provide some more
21 clarity.

22 Fifteen feet, unfortunately, is not
23 practical for this application. It would
24 basically cut through the entire bypass
25 lane and be almost up against the egress

2 of the drive-through. It will certainly
3 provide some more clarity.

4 Ken, I think you mentioned, hasn't
5 met with the DOT so they haven't had the
6 opportunity to see it. I'm assuming it
7 will be in the near future.

8 MR. WARD-WILLIS: I've also
9 expressed the concern that it's a land
10 grab. They're trying to get something
11 that they're not entitled to that this
12 Board, in my opinion, doesn't have the
13 authority to require. That's inappropriate.
14 If they want it, there's a law called
15 eminent domain. They can take it
16 actually in thirty years from now
17 when they actually have their plans
18 together. Now is not the time to
19 hold this project up because they
20 want to try to take our land and save
21 money.

22 MR. MENNERICH: The other thing on
23 making the left-hand turns, I've seen
24 them at the Dairy Queen. It's nasty when
25 the cars, they just pull out, they're

2 blocking all of southbound traffic on
3 300/Union Avenue. It's accidents waiting
4 to happen. They haven't happened, but
5 they will. They can.

6 The discussion about the CVS
7 driveway going out to 52, it's really
8 designed for CVS. People are using that
9 as a bypass to get around that whole
10 traffic light on 52/300. People will use
11 that same way to come out. They'll take
12 a right-hand turn out to 300, they can go
13 through on that road, cut through CVS and
14 come down on 52 to go west on 52. That's
15 what people will do.

16 I think you have to take your
17 argument back to the DOT on the left turn
18 and try to prove to them that it can
19 work.

20 MR. WERSTED: Ken, to clarify, the
21 illustration, the DOT received it but it
22 was only days ago when I issued my
23 comment letter. They haven't had time to
24 digest it. The applicant has other
25 comments to respond to. I'm sure they'll

2 take that into account as the applicant
3 prepares their responses.

4 CHAIRMAN EWASUTYN: Cliff Browne.

5 MR. BROWNE: A couple things I
6 guess. I'm an old timer. I've been
7 around here for a long time, just so you
8 know. Going into the Dairy Queen
9 currently, I rarely ever, ever, when I go
10 on 300, make a left turn. It's just
11 gotten crazy over the years. I never do
12 it. I always make the right turn, go up
13 into the plaza and turn around and come
14 back. Joe's across the street, the same
15 thing. You can't make a right turn out
16 of there during rush hour. It's just
17 nuts. That's current, okay.

18 The Dairy Queen -- I'm sorry.
19 Talking about the CVS driveway, the
20 amount of traffic coming out of that
21 driveway going onto 300 is much, much
22 less than Dairy Queen during the season
23 and rush hour.

24 The Popeyes, when that's in
25 operation, I assume most of the business

2 will be kind of at the rush hour time
3 because that's when people like to eat.
4 That's the heaviest traffic on that road.
5 From a practical standpoint, making a
6 left turn onto Union Avenue will be
7 virtually impossible.

8 Going back to the comments earlier,
9 if that's going to be a self-adjusting
10 situation, people will not go to Popeyes
11 and make the left turn out. They just
12 won't do it. From a business standpoint
13 it's not a good idea.

14 My perspective is that the left-
15 turn lane -- the left turn coming out on
16 to Union Avenue is not a smart idea, but
17 personally I'm hard pressed to say you
18 can't do it.

19 I can also see from a safety
20 standpoint, it's kind of a situation
21 where from our perspective it would be
22 kind of derelict to say oh, yeah, do it.
23 That just seems derelict on my part to do
24 that. The catch 22 for me is that I
25 don't like the idea, but on the other

2 hand, also going back to where to bring
3 it back further, it's less of a problem
4 as stated than it currently is, but it's
5 still not a good idea.

6 From my perspective, yeah, I think
7 we need -- from a layout plan standpoint,
8 I can say yeah, okay, but also keep in
9 mind that DOT has jurisdiction. If they
10 say no, it's no. Basically you abandon
11 the project.

12 I don't know if that really helps
13 anybody or not. It's a very difficult
14 situation no matter how you do it.

15 Also, from a Planning Board
16 standpoint, knowing that this other
17 project is possibly coming down the pike
18 from the State and the Town, typically
19 every project we do, it's a standalone
20 project in front of us at this point.
21 It's not something that might happen down
22 the road. Normally we cannot consider
23 that. It's currently what we're doing.
24 I have to look at this project as
25 standalone as this project. No other

2 possible improvements down the road. It
3 could be next month, it could be ten
4 years. I don't know.

5 That's where I'm at.

6 CHAIRMAN EWASUTYN: Lisa Carver.

7 MS. CARVER: I'm going to say the
8 same as what Cliff just said. I also
9 never turn left. I've been to Dairy
10 Queen, I've been to CVS. I always go
11 right just because of the traffic. It
12 could be any time of day. It's just
13 easier instead of dealing with the
14 traffic.

15 However, I agree it should be --
16 because it is DOT and it is their road, I
17 feel if they approve it, then I think --
18 I wouldn't say no if they said yes, you
19 can make the left turn.

20 I also think that Ken's point, I
21 don't know if they would approve it if
22 there was a sign restricting, because it
23 is really bad during rush hour. There
24 are times I've come out of CVS and it's
25 like I could do that but I go right

2 instead. I don't know. People that live
3 in the area are familiar with it, they
4 may just go right because it's just --
5 the traffic is really, really bad.

6 It does seem unsafe, but I feel
7 that if the DOT approves it, then I feel
8 that we should stick with that. That's
9 my thought on it.

10 CHAIRMAN EWASUTYN: John Ward.

11 MR. WARD: The DOT is saying the
12 left turns. Previous projects on 300,
13 we've had where they emphasize no left
14 turn and we approved it going with DOT.
15 There are three projects I can name, but
16 I'm not, that it's emphasized how
17 dangerous it is. Sure they are probably
18 stopped there or whatever it is. One way
19 or another somebody is going to get T-
20 boned.

21 I just came on 52 and I was backed
22 up all the way back and Dairy Queen is
23 not even open. I'm talking I was back
24 past Beer World, or whatever it is there.

25 300, you're talking it's backed up

2 by Stop & Shop. Making a left, it's
3 impossible.

4 DOT, I agree with them for no left
5 turn.

6 When it comes down to the fifteen
7 feet, it's a State road. No matter what
8 you look at, we can say whatever, it's a
9 State road to do whatever they ask for.
10 That's my opinion.

11 MR. DOMINICK: One more question.
12 Is there any way -- I know elevation is a
13 big issue back there -- that you could
14 forget the 300 entrance/exit right now.
15 Just, for example, go out the CVS access
16 road, which brings you fifty feet more
17 south, which is where traffic really
18 isn't queued up. It's starting to queue
19 up. It would give you a better left
20 in/left out.

21 MR. CHASE: We did look at that.
22 Actually, DOT requested we evaluate that
23 early on in the process. Matt from our
24 office looked at it in a lot of detail.
25 Unfortunately there's so much grade

2 change between the two properties. I
3 think it was like twelve percent or
4 fifteen percent.

5 MR. BERCH: Matt Berch, Dynamic
6 Engineering. I'm the project engineer on
7 this project. It's B-E-R-C-H.

8 There's approximately a ten-foot
9 grade change from just this point here to
10 here, just a little bit south of this
11 internal intersection. It's even worse
12 as you head further west. We did
13 evaluate it and it is an issue.

14 CHAIRMAN EWASUTYN: I seem to
15 remember that conversation early on. Was
16 that you, John Ward?

17 MR. WARD: Yes. People, they're
18 going to make a left turn whether you
19 have a sign or not. What we've done as a
20 design is the curbing. The flow makes
21 the right, this way they don't go over it
22 and whatever.

23 CHAIRMAN EWASUTYN: In summary, I
24 don't think we're offering you a
25 solution.

2 MR. WARD-WILLIS: That I agree.

3 CHAIRMAN EWASUTYN: Thank you.

4 Even I can figure that one out, as slow
5 as I am.

6 I think I understand the Board,
7 they're looking for a conceptual approval
8 from the DOT. How that comes about, I
9 guess that's working with yourself and
10 Ken Wersted.

11 MR. WARD-WILLIS: I understand.
12 When the DOT turns to us -- I agree with
13 your assessment -- and says what is the
14 Town's view on this, am I correct in that
15 we can represent that the Town does not
16 take any view on either issue and defers
17 to DOT?

18 CHAIRMAN EWASUTYN: I'll turn to
19 Dominic Cordisco.

20 MR. CORDISCO: I thought you were
21 going to say Ken Wersted, to be quite
22 honest. I don't mean to put him on the
23 spot, but Ken has been interacting with
24 the DOT as well.

25 As I said earlier, the process is

2 supposed to be going, to some extent, in
3 parallel with the Town. I think that his
4 latest drawing, which thank you for
5 clarifying that they received as part of
6 his comments for this application tonight
7 which they were copied on. Once they
8 take them into account, I think it seems
9 like a potential solution as far as the
10 fifteen feet is concerned. It could be
11 reduced to a point where it might be
12 workable for both your site plan and what
13 the DOT would like to see at that
14 intersection at that location.

15 As to the other positions, as far
16 as the left in or right in/right out or
17 left turns, I defer to Ken as it's not so
18 much a legal issue as it is a safety
19 issue, as you pointed out, Nick. It's
20 also improvements within the DOT right-
21 -of-way that ultimately the DOT is going
22 to have some level of approval over.

23 MR. WARD-WILLIS: I actually
24 contended it was not a safety issue based
25 upon the accident data.

2 MR. CORDISCO: I understand.
3 Right.

4 MR. WERSTED: To add to Dominic's
5 discussion there, I think that's a fair
6 assessment of the right-of-way issue. My
7 generalization of the Board's opinion on
8 the left turn is that they wouldn't
9 necessarily be in favor of allowing a
10 left turn out from that driveway based on
11 their experience and their observations
12 going to the Dairy Queen or to the CVS.

13 I think there is a general
14 recommendation that there's an
15 improvement over what the Dairy Queen is
16 providing, but not necessarily a
17 resolution of the congestion that's at
18 that intersection and the queueing
19 through there.

20 Certainly this meeting is being
21 recorded. The DOT will be able to go
22 back through the minutes and hear each
23 individual's statement on that. That
24 would be my generalization to DOT on how
25 the Board feels.

2 CHAIRMAN EWASUTYN: I think there
3 was a little bit of discussion from Board
4 Members. Whether they like it or they
5 don't like it, if the DOT says you can
6 make a left in -- if the DOT permits left
7 in, right out, then it's the DOT that has
8 the final say.

9 MR. WARD-WILLIS: Yes.

10 CHAIRMAN EWASUTYN: I think that's
11 really --

12 MR. WARD-WILLIS: Okay. Great. I
13 think we've advanced the discussion. I
14 appreciate it. Thank you. I was going
15 to say thank you for the lack of clarity,
16 but I don't want to be rude.

17 Thank you very much.

18

19 (Time noted: 8:53 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 18th day of November 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

MKJ PARK, LLC
(2022-32)

NYS Route 32
Section 34; Block 2; Lot 29.1
IB Zone

----- X

SITE PLAN

Date: November 7, 2024
Time: 8:53 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: JOHN QUEENAN
and CHARLES BAZYDLO

----- X

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

2 CHAIRMAN EWASUTYN: Item number 6
3 is MKJ Park, LLC, project number 22-32.
4 It's a site plan for a warehouse and
5 office located in an IB Zone. It's being
6 represented by Lanc & Tully Engineering.

7 MR. QUEENAN: Good evening,
8 everyone. John Queenan with Lanc &
9 Tully. With me is Charlie Bazydlo,
10 counsel.

11 The project I think the Board is
12 familiar with. We're back to just give
13 you an update of where we are.

14 We've made some slight
15 modifications to the plan. You may not
16 have noticed, essentially we've adjusted
17 the parking lot to reduce the number of
18 spaces. Based on the market analysis and
19 anticipated use of the building, we've
20 honed in on the parking requirement. We
21 had a lot more spaces than were
22 previously required by code, so we
23 reduced that down. We are now at about
24 108 parking spaces. 99 are required.
25 We've taken that down from 146 at the

2 time. That adjustment has been made.

3 The parking lot has been shifted
4 further away from the residences.

5 There's also an additional area for
6 stormwater management.

7 Some other slight modifications,
8 there was shifting of the building.

9 We've reduced our wetland
10 disturbance overall which has helped us
11 with the mitigation areas that are
12 proposed.

13 We are going through now basically
14 doing our final designs.

15 Our traffic impact study has been
16 completed. That will be submitted with
17 our next submission. We had some luck
18 with the DOT. They have been getting
19 bounced around tonight. We have had some
20 luck. They did confirm they do want a
21 left-turn lane, so that way we were able
22 to finish our traffic impact study that
23 incorporated the left-turn lane. That is
24 the study that we'll be submitting.

25 We have finished up our stormwater

2 pollution prevention plan. That will
3 also be submitted. All of that has been
4 settled out.

5 This submission did include a
6 general landscaping plan and a lighting
7 plan. We're trying to put together all
8 the loose ends at this point.

9 That is exactly where we're at.

10 CHAIRMAN EWASUTYN: Thank you.

11 Comments from Planning Board
12 Members. Dave Dominick.

13 MR. DOMINICK: John, thank you for
14 that presentation. With 108 parking
15 spots, can you add EV parking, like 5
16 percent of that total?

17 MR. QUEENAN: Yes. We had spoken
18 of that. We'll probably end up putting
19 some here, closer to the building so we
20 don't have to run so far the power.

21 MR. DOMINICK: Thank you.

22 CHAIRMAN EWASUTYN: Stephanie
23 DeLuca.

24 MS. DeLUCA: Nothing further right
25 now.

2 CHAIRMAN EWASUTYN: Ken Mennerich.

3 MR. MENNERICH: You mentioned the
4 landscaping plan. Did you get Karen's
5 comments?

6 MR. QUEENAN: Yes.

7 MR. MENNERICH: Okay.

8 MR. QUEENAN: We will address them.

9 CHAIRMAN EWASUTYN: Cliff Browne.

10 MR. BROWNE: I have nothing more.
11 Thank you.

12 CHAIRMAN EWASUTYN: Lisa Carver.

13 MS. CARVER: No comment.

14 MR. WARD: Any update with the
15 driveway being thirty feet and no second
16 access?

17 MR. QUEENAN: Yes. That
18 application will be prepared and sent to
19 the State. We'll request a waiver for
20 that.

21 MR. WARD: Thank you.

22 MR. QUEENAN: Again, we did reach
23 out to whomever would respond to us, and
24 no response. Especially from Jeanne
25 Drive we did not get a response.

2 CHAIRMAN EWASUTYN: And the shared
3 access agreement with the neighbor,
4 that's moving in the proper direction?

5 MR. QUEENAN: Yes. We've had
6 conversations with the neighbor. It is
7 on the map to propose a new connection
8 for his driveway and to make sure that
9 our access blends with his improvements
10 there.

11 CHAIRMAN EWASUTYN: Thank you.

12 Ken Wersted, Traffic Consultant,
13 Creighton Manning.

14 MR. WERSTED: We had a number of
15 comments mainly related to signage on
16 site, basically just providing some
17 directionals for employees going out to
18 the parking lot. Trucks that are going
19 straight, making sure trucks aren't
20 following kind of the access road around
21 the back of the building and then showing
22 up in the parking lot and not being able
23 to navigate that, showing some removal of
24 the driveway for the Micella property
25 where one of those limits would be taken

2 away.

3 Obviously the traffic study. As
4 this progresses through, you can respond
5 to those point by point, provide your
6 traffic study when that's ready and we'll
7 continue to review that.

8 MR. QUEENAN: No problem. We'll
9 address it.

10 CHAIRMAN EWASUTYN: Pat Hines with
11 MH&E.

12 MR. HINES: Our first comment has
13 to do with the variance from the fire
14 code for the single access point based on
15 the building square footage.

16 Just our standard note that DEC
17 wetlands are scheduled to change in the
18 very near future. It's unclear what
19 effect those changes will have on this
20 project.

21 We identified the EV charging that
22 was discussed at the last meeting.

23 You've documented the trees on the
24 site, but that needs to continue with the
25 protected specimens and significant trees

2 in the ordinance and compliance with
3 that.

4 The status of the DOT we just
5 discussed.

6 The stormwater pollution prevention
7 plan you identified you would be
8 submitting.

9 If you can copy the Board on any
10 correspondence with the Army Corp and the
11 DEC regarding the wetland permitting or
12 pre-construction notices to complete the
13 file.

14 You did provide us with the cut and
15 fill analysis that shows the site pretty
16 much balanced based on the grading plan.

17 Confirm the lighting is dark-sky
18 compliant.

19 The septic system, I think you
20 transposed the chart from your next
21 project that's on. That needs to get
22 cleaned up.

23 I need confirmation on the septic
24 design flows. You're 4 gallons short of
25 the 1,000 gallon Health Department

2 requirement. How that calculation was
3 figured out.

4 I still have issues with the
5 parking calculation and employee count
6 versus the --

7 MR. QUEENAN: I did update the
8 flow. We're over the 1,000 now.

9 MR. HINES: I didn't see that.
10 That will need Health Department approval
11 then.

12 MR. QUEENAN: Yes.

13 MR. HINES: I didn't see that. I
14 had the flow at 1,140 and then you were
15 taking credit for the 20 percent. If
16 you're over the 1,000 and go to the
17 Health Department, that addresses our
18 comment.

19 MR. QUEENAN: As for the parking
20 and the number of employees, the way we
21 did the analysis was the way the
22 warehouse and office is, they're doing it
23 based on the square footage of the whole
24 facility. They're not breaking out
25 specific office employees versus

2 warehouse. That's how I came up with the
3 number. I think it was 95 or 96
4 employees. That includes the office
5 area.

6 MR. HINES: I'll take a look at
7 that.

8 The onsite retaining walls will
9 need building permits.

10 You'll need ARB in the future,
11 including any signage.

12 The limits of disturbance need to
13 be delineated on the plans, per the Tree
14 Preservation Ordinance, with orange
15 construction fencing.

16 Once we get those studies that you
17 said you were going to be submitting,
18 we'll be in a better position to move the
19 project forward.

20 CHAIRMAN EWASUTYN: Dominic
21 Cordisco, Planning Board Attorney.

22 MR. CORDISCO: Nothing further at
23 this time.

24 MR. QUEENAN: The next step, I
25 would guess, would be County referral

2 when you get those --

3 MR. HINES: We're going to need the
4 SWPPP and traffic to go with those.

5 MR. QUEENAN: Is that something if
6 we provide, would the Board authorize Pat
7 to submit that or do we have to come back
8 to have the authorization?

9 CHAIRMAN EWASUTYN: Good question.

10 MR. HINES: Either way.

11 CHAIRMAN EWASUTYN: Excuse me?

12 MR. HINES: Either way. It's up to
13 the Board.

14 CHAIRMAN EWASUTYN: I think the
15 decision then lies with the Planning
16 Board.

17 MR. HINES: That's what I mean.
18 It's up to the Board.

19 CHAIRMAN EWASUTYN: Would the
20 Planning Board authorize Pat Hines with
21 MH&E, once he receives -- what is it
22 you'll be looking for?

23 MR. HINES: The traffic and the
24 stormwater pollution prevention plan.

25 CHAIRMAN EWASUTYN: Once Pat Hines

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receives the traffic report and the SWPPP from Lanc & Tully and he feels satisfactory with what he receives, then he can refer it to the Orange County Planning Department. Do you want to give him that responsibility?

MR. DOMINICK: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: Yes.

MR. BROWNE: Yes.

MS. CARVER: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Let the record show that.

MR. QUEENAN: Thank you.

(Time noted: 9:03 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 18th day of November 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

NEWBURGH ELITE STORAGE
(2024-12)

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

----- X

SITE PLAN

Date: November 7, 2024
Time: 9:03 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: JOHN QUEENAN
and CHARLES BAZYDLO

----- X

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

2 CHAIRMAN EWASUTYN: The next item
3 on the agenda is Newburgh Elite
4 Storage, project number 24-12. It's
5 a site plan and self-storage located
6 in an IB zone. Again it's being
7 represented by Lanc & Tully.

8 MR. QUEENAN: Good evening again.
9 John Queenan with Lanc & Tully. Charlie
10 Bazydlo, counsel.

11 We're before you tonight with a
12 project that was here about a month ago.
13 We made, again, more updates to the site
14 plan. We addressed some of the comments.
15 Specifically the separation between the
16 buildings was increased. They require 25
17 feet between the aisles.

18 There was, again, some shifting of
19 the site plan which has reduced the
20 wetland disturbance area that we need as
21 we're in the final design.

22 We do need a mitigation area. That
23 is going to be placed up in this area
24 here.

25 We've adjusted the drive aisle to

2 provide that, I'll say, bypass driveway
3 so the property to the rear still
4 maintains its, I'll say, gentlemen's
5 agreement for access. When you come in
6 here as the main driveway, you can
7 continue here. This is fenced. It's
8 fenced with gates. That's the
9 self-storage unit contained. There is a
10 driveway bypass around to the rear
11 property. That continues to be
12 maintained.

13 We worked out some turning radiuses
14 for a tractor trailer in case one does
15 access that site. Apparently on occasion
16 they do. That has been worked out.

17 We completed our septic and soil
18 testing for the caretaker's unit and the
19 office.

20 We've also added, and it's being
21 currently sized, the sprinkler system for
22 the indoor component of the self-storage
23 building. There's a placeholder for
24 tanks. That will be finalized in the
25 next submission. We're working with the

2 mechanical engineer.

3 Otherwise the layout has stayed the
4 same. It's still four buildings, one
5 indoor storage, three other standard
6 outdoor.

7 We did provide a general rendering
8 of what the site will look like. Those
9 will be further developed in the standard
10 elevation view for the Board's
11 consideration.

12 We're finalizing on this one again
13 our stormwater management areas. That
14 SWPPP should be completed probably within
15 the next week or so.

16 CHAIRMAN EWASUTYN: Thank you.

17 Jim Campbell, Code Compliance.

18 MR. CAMPBELL: My only comment was,
19 and John answered it, regarding the tanks
20 for the sprinklers. We would need more
21 calculations.

22 MR. QUEENAN: I put them on there
23 so you know we didn't forget. They'll
24 get finalized.

25 CHAIRMAN EWASUTYN: Ken Wersted

2 with Creighton Manning Engineers.

3 MR. WERSTED: A number of our
4 comments have been addressed.

5 There is a shed. The neighbor has
6 a shed on the property that will get
7 moved and put back on their property.

8 There were bollards added to the
9 corner of the building so if the casual
10 moving driver takes a corner too tight,
11 it won't damage it.

12 We had a couple more comments. If
13 you could add details about the gate, if
14 it's a swing gate, a slide gate, where
15 are those controls going to be, how are
16 renters going to have access to and from
17 that section of the property.

18 There's detail for a wood guide
19 rail on one of the sheets. It wasn't
20 clear to me where that guide rail was
21 proposed around the site. Obviously if
22 you're looking to protect traffic, it
23 needs to be of a certain rating. It
24 can't be a landscaped guide rail.

25 MR. QUEENAN: It's meant for

2 protection. We have retaining walls
3 basically around. There would be a wall,
4 guide rail, fence. We'll clarify that.

5 MR. WERSTED: Thank you.

6 CHAIRMAN EWASUTYN: Pat Hines with
7 MH&E.

8 MR. HINES: We circulated the
9 notice of intent for lead agency on June
10 10th. No outside agencies have objected,
11 so the Planning Board can declare itself
12 lead agency.

13 The applicants have confirmed that
14 the indoor structure, enclosed structure
15 will not exceed 15 feet.

16 The drive aisles were modified to
17 the minimum 25 feet per the code. The
18 exterior aisles are 26 feet.

19 There's been a note added to the
20 plan that no boats or campers are
21 proposed to be stored on the site. It
22 would be allowed if an area was depicted
23 for that based on the code.

24 Mr. Queenan identified the
25 gentlemen's agreement. I think this is

2 an opportunity now to clean that up and
3 possibly execute an agreement to be filed
4 for that neighbor's access.

5 Fire suppression tanks were
6 discussed.

7 We have some comments on the septic
8 system.

9 The location of the building with
10 mounted lighting should be depicted. I
11 wasn't sure if those symbols were the
12 lights. If you could show those in the
13 legend.

14 The wetland delineation report
15 should be submitted for the Board to
16 complete their file.

17 Once again, just the DEC
18 regulations are proposed to change and
19 that may impact this project.

20 The SWPPP should be prepared.

21 Plans should be submitted to Orange
22 County Planning upon receipt of the SWPPP
23 and traffic study. I don't know if there
24 is a traffic study proposed. It's not a
25 very intense use.

2 Architectural renderings will be
3 needed in the future.

4 The landscape plan should be
5 further developed identifying the
6 location, the number and other
7 information regarding the landscaping.

8 Landscaping and stormwater will
9 require security.

10 Well details should be added to the
11 plans.

12 Clarify where the curbs are.

13 Compliance with the Tree
14 Preservation Ordinance is required.

15 MR. QUEENAN: One quick comment on
16 the traffic. Early on I think one of
17 Ken's comments was it was his opinion,
18 based on the low volume, that we didn't
19 require a study.

20 MR. HINES: I'll certainly defer to
21 Ken on that.

22 MR. WERSTED: That's accurate.

23 CHAIRMAN EWASUTYN: When do you
24 believe you'll have the SWPPP completed?

25 MR. QUEENAN: If my guys are doing

2 well, it should be done tomorrow.

3 CHAIRMAN EWASUTYN: Pat, the
4 significance of you receiving the SWPPP
5 within the next week or two?

6 MR. HINES: We would need that in
7 order to circulate to Orange County
8 Planning to make it a "complete
9 application."

10 CHAIRMAN EWASUTYN: Again a motion
11 for item number 6, MKJ Park, LLC, in this
12 particular case it was a traffic report
13 and a SWPPP. Can we authorize Pat Hines,
14 once he receives it, to circulate that to
15 the Orange County Planning Department?
16 Would the Board approve Pat Hines, once
17 he receives -- the only thing that's
18 really outstanding is the SWPPP to
19 circulate to the Orange County Planning
20 Department for Newburgh Elite Storage.
21 Would the Board authorize him to move in
22 the same direction?

23 MR. DOMINICK: Yes.

24 MS. DeLUCA: Yes.

25 MR. MENNERICH: Yes.

2 MR. BROWNE: Yes.

3 MS. CARVER: Yes.

4 MR. WARD: Yes.

5 CHAIRMAN EWASUTYN: Let the record
6 show that we authorize that circulation.

7 At this point can we have a motion
8 from the Board to declare ourselves lead
9 agency for Newburgh Elite Storage,
10 project number 24-12.

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

12 MR. WARD: Second.

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

17 MR. WARD: Aye.

18 MS. CARVER: Aye.

19 MR. BROWNE: Aye.

20 CHAIRMAN EWASUTYN: Aye.

21 MR. MENNERICH: Aye.

22 MS. DeLUCA: Aye.

23 MR. DOMINICK: Aye.

24 MR. QUEENAN: Thank you very much.

25 (Time noted: 9:10 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 18th day of November 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

LANDS OF COLANDREA
(2024-31)

7 Anchor Drive
Section 121; Block 1; Lots 8, 9.2 & 10.2
R-1 Zone

----- X

LOT LINE CONSOLIDATION, CLEARING & GRADING

Date: November 7, 2024
Time: 9:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MARK DAY

----- X

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

2 CHAIRMAN EWASUTYN: Item 8 is the
3 Lands of Colandrea, project number 24-31.
4 It's a lot line consolidation and a
5 clearing and grading application. It's
6 located on 7 Anchor Drive in an R-1 Zone.
7 It's being represented by Day & Stokosa.

8 MR. DAY: Good evening. Mark Day,
9 Day & Stokosa. I'm here this evening to
10 represent Mr. and Mrs. Colandrea.

11 The lots are actually three lots on
12 the west side of Anchor Drive in the R-1
13 Zone. We're here this evening for
14 modification of the plan such that we're
15 going to combine all three of the lots.
16 They were originally filed under a filed
17 map years ago in, I think 1998. There
18 was another re-filing of the lower lot
19 because of the driveway access. We are
20 going to remove the existing lot line.
21 It will remain as one lot.

22 We are going to use the existing
23 septic system that was approved on lot
24 number 10.2. We have not changed that.

25 This is going to be a four-bedroom

2 house. This was originally designed for
3 a four-bedroom house.

4 Other than building the home and
5 the driveway, we are proposing a
6 retaining wall along the west side of
7 Anchor Drive. We feel we need to
8 stabilize the soil over there, which is a
9 very loose, sandy loam. We are trying to
10 control the runoff from going over the
11 edge of that. We are proposing a
12 Redi-Rock retaining wall system that runs
13 all the way along Anchor Drive. At its
14 highest point it would be approximately
15 16 feet, 15 from grade, and then it runs
16 down to about 6 feet and then to nothing
17 as you go north on the plan.

18 We did receive comments from Mr.
19 Hines' office. We really take no
20 exception with anything.

21 The one question we do have is
22 there are no more trees on this lot. I
23 don't know if anybody has been there
24 recently. In the EAF Mapper it did
25 indicate the Indiana Bat as a potential.

2 Also there was a Bald Eagle who has now
3 relocated to across the street. It
4 shortens his commute to the river. We
5 think it's better for him. Actually,
6 it's a family now.

7 We're here tonight to basically, if
8 able, set the public hearing and move
9 forward.

10 CHAIRMAN EWASUTYN: Jim Campbell,
11 Code Compliance.

12 MR. CAMPBELL: Just put in the back
13 of your head when the retaining wall is
14 getting constructed, they will need a
15 building permit.

16 MR. DAY: Yes, sir.

17 CHAIRMAN EWASUTYN: Pat Hines with
18 MH&E.

19 MR. HINES: This was part of a
20 major subdivision and received Orange
21 County Health Department approval.

22 While you're using one of the
23 septic systems on one of the lots, the
24 septic tank is located in a different
25 location. I believe it needs Orange

2 County Health Department re-approval as
3 an amended subdivision. It may not be a
4 heavy lift, but it's already been
5 reviewed.

6 We had many others in this
7 subdivision modify the lots and they all
8 went back to the County for approval.

9 This is your initial appearance, so
10 adjoiners' notices have to be sent out.
11 I can work with your office on getting
12 those out. I think you guys know the
13 process, but we'll work through that.

14 The driveway locations should be
15 reviewed by the highway superintendent.

16 The limits of disturbance should be
17 provided on the plan consistent with the
18 disturbance identified in the stormwater
19 pollution prevention plan.

20 I just wanted the SWPPP to be
21 updated. The reference is to 2015. 2024
22 is now in effect.

23 The Tree Ordinance, you sent the
24 document. I looked at an aerial. There
25 were a couple trees. I guess if they are

2 gone now, that's going to be a moot
3 point.

4 The discharge pipe, there's a small
5 sediment trap area. If you can give me a
6 calculation on that.

7 MR. DAY: In terms of what type of
8 storm event?

9 MR. HINES: Well, we'll work that
10 out. My initial reaction is 25-year
11 storm event to move it through there.

12 MR. DAY: The intent is this will
13 be grass. It's really just to control
14 water from going over the wall. It's
15 really just more for control.

16 MR. HINES: I didn't want it to get
17 to that point and come over. I think it's
18 only an 8-inch pipe proposed right now.

19 MR. DAY: It will be a big, huge
20 vortex.

21 MR. HINES: Or go over the wall.

22 We did identify the bat species and
23 the Bald Eagle. The EAF also had
24 archeological potential, but I believe
25 the site has been significantly altered.

2 needed on this project?

3 MR. CORDISCO: There is. This is
4 not a Type 2 action, as I understand it.
5 The Board's practice has been to consider
6 SEQRA before scheduling a subdivision
7 public hearing. As a result, the action
8 that you could take tonight would be the
9 adoption of a negative declaration for
10 the project, notwithstanding the fact
11 that the Department of Health approval
12 will be outstanding. That would
13 traditionally be a condition of approval.

14 CHAIRMAN EWASUTYN: Thank you.

15 So we'll declare a negative
16 declaration. Pat Hines will manage the
17 Orange County Health Department.

18 MR. HINES: Mark will do that.
19 Mr. Day will do that.

20 CHAIRMAN EWASUTYN: Thank you. I
21 stand corrected.

22 The adjoiners' notices will go out.
23 What's the next available date for
24 a public hearing?

25 MR. CORDISCO: That would be a

2 Stephanie DeLuca. May I please have a
3 roll call vote.

4 MR. DOMINICK: Aye.

5 MS. DeLUCA: Aye.

6 MR. MENNERICH: Aye.

7 CHAIRMAN EWASUTYN: Aye.

8 MR. BROWNE: Aye.

9 MS. CARVER: Aye.

10 MR. WARD: Aye.

11 CHAIRMAN EWASUTYN: Would someone
12 make a motion then to set the public
13 hearing for the lot line consolidation
14 and clearing and grading for the Lands of
15 Colandrea for the meeting of December 5th.

16 MR. WARD: So moved.

17 MR. MENNERICH: Second.

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

22 MR. DOMINICK: Aye.

23 MS. DeLUCA: Aye.

24 MR. MENNERICH: Aye.

25 CHAIRMAN EWASUTYN: Aye.

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MR. BROWNE: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Mark, you'll work with Pat Hines as far as the mailings.

MR. DAY: Yes, we will.

(Time noted: 9:18 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 18th day of November 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

CBD 420, LLC - CANNABIS DISPENSARY
(2024-32)

142 Route 17K
Section 95; Block 1; Lot 63.1
IB Zone

----- X

SITE PLAN & SPECIAL USE PERMIT

Date: November 7, 2024
Time: 9:18 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
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JOSEPH SAFFIOTI,
RAYMOND VANVOORHIS

----- X

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

2 uses. The most prominent one was
3 probably Nature's Pantry when they were
4 there in the '90s. Right now it's a
5 showroom and not being used that much.
6 They're using it for a kitchen cabinet
7 showroom.

8 What we are trying to do is
9 repurpose the existing storefront. Under
10 the Town Code we know that this requires
11 a special use permit.

12 The site does need some variances
13 that we would seek a referral to the
14 Zoning Board of Appeals. The variances
15 that we have identified that we would
16 need would be for the two side yards, the
17 front yard landscaping and parking.
18 Since it is existing and it's been there
19 since the '60s, it's close to 17K.

20 The existing sign has been there.
21 It's approximately three or four feet
22 probably oversized. We would like a
23 variance to allow it to remain where it
24 is. There's not a lot of other places on
25 the site to relocate it.

2 The containers in the rear that are
3 adjoining the storage area and the
4 dumpster area, they're used for equipment
5 that's used for the maintenance of the
6 property by the owner. They use those
7 containers. They're in the rear. They
8 have also been there since the inception
9 of the building, it appears.

10 I would like to introduce Ray
11 VanVoorhis, who is the architect for the
12 project, to walk you through the site
13 plan and go through any questions the
14 Board has.

15 MR. VANVOORHIS: Thank you, Joe.

16 As Joe stated, this is the John
17 Herbert Company building directly across
18 from the airport, next to Xavier's
19 Mercedes repair shop.

20 The front piece, about 5,000 square
21 feet, is where the dispensary is
22 proposed. It's a retail dispensary.

23 As Joe stated, we need a special
24 use permit, otherwise if it was another
25 type of retail, we would be going for a

2 building permit.

3 We propose no change of any kind
4 the exterior of the building.

5 We hope to have no change and
6 propose none to the parking, the existing
7 parking.

8 Again, by nature of the special use
9 permit, we are required to update that.
10 It makes it a change of use, so now we
11 have to go back to the ZBA for some
12 variances. Obviously the building is the
13 building and it's always been there. We
14 think we have a good hardship case to get
15 those variances, but we're looking for
16 you to refer us to the ZBA.

17 Really there are interior
18 renovations of the existing millwork,
19 counter, showroom, retail space into a
20 cannabis dispensary. It's about 5,100
21 square feet. There's a clear line that's
22 there now. We are not proposing any
23 change there. It's purely to modify the
24 existing showroom interior wise to a
25 different type of showroom.

2 The parking stays the way it is.

3 The landscaping stays the way it
4 is.

5 As Joe said, we hope to have the
6 sign stay the way it is, just change the
7 base of the existing sign.

8 That's pretty much the project.

9 CHAIRMAN EWASUTYN: Jim Campbell,
10 the sign where it's located today is in
11 compliance with the new code?

12 MR. CAMPBELL: My first comment
13 would have been the existing freestanding
14 sign does not appear to be compliant. We
15 need additional details, the height,
16 location, size of the faces and stuff.

17 CHAIRMAN EWASUTYN: You're saying
18 it needs --

19 MR. CAMPBELL: It appears, and he
20 just confirmed, it would need to go to
21 the ZBA.

22 MR. SAFFIOTI: We're looking to the
23 ZBA to allow the existing sign to remain
24 the way it is.

25 CHAIRMAN EWASUTYN: Code Compliance,

2 Jim Campbell, any comments?

3 MR. CAMPBELL: I would think we
4 would need to put some numbers to it.

5 MR. VANVOORHIS: We can provide
6 those numbers, sure.

7 CHAIRMAN EWASUTYN: Comments from
8 Board Members at this point before we
9 refer to Pat Hines with MH&E.

10 Dave Dominick.

11 MR. DOMINICK: Nothing further at
12 this time.

13 MS. DeLUCA: In relationship to the
14 sign, can the sign just be put on the
15 building or is it something that you feel
16 that is necessary --

17 MR. VANVOORHIS: The sign is also
18 for the John Herbert Company space. It's
19 a freestanding sign.

20 MS. DeLUCA: I know. I'm aware of
21 that. I was just wondering if this sign
22 was an issue, could you just have the
23 sign on the building?

24 MR. VANVOORHIS: No. Mr. Herbert
25 -- John Herbert Company's building, their

2 entrance is around the back.

3 MS. DeLUCA: There's another
4 business still there. I'm sorry.

5 MR. VANVOORHIS: They'll share the
6 space.

7 MS. DeLUCA: I didn't realize.

8 MR. VANVOORHIS: Like Joe said,
9 it's been there for forty, fifty years.

10 MS. DeLUCA: Okay.

11 MR. MENNERICH: No questions.

12 CHAIRMAN EWASUTYN: The existing
13 cars that park there from Xavier's next
14 door, when this site plan is approved,
15 will they still be parking at this
16 location?

17 MR. VANVOORHIS: There's no parking
18 on the site. They're parked adjacent to
19 it.

20 CHAIRMAN EWASUTYN: There are
21 several vehicles that seem to be Mercedes
22 that are parked out there. That's the
23 only reason I raise the question.

24 MR. VANVOORHIS: It's deceiving
25 because the property line -- if you look

2 at it -- if you look at it closer, the
3 property line actually goes like this.
4 There is an easement that they can access
5 across that property.

6 CHAIRMAN EWASUTYN: I'm saying,
7 occasionally when I pass by there, there
8 are Mercedes that are parked in front
9 of --

10 MR. VANVOORHIS: You're right.

11 CHAIRMAN EWASUTYN: Everybody has
12 an answer.

13 MR. VANVOORHIS: I didn't understand
14 your question.

15 CHAIRMAN EWASUTYN: You know what
16 they say about an answer. I still don't
17 know what we're talking about. You said
18 what you had to say. Let me stop for a
19 second.

20 MR. SAFFIOTI: Go ahead.

21 CHAIRMAN EWASUTYN: That's the
22 purpose of a Planning Board, to have a
23 sense of order.

24 MR. SAFFIOTI: Sure.

25 CHAIRMAN EWASUTYN: The gentleman

2 who just came forward, I believe you're
3 the owner.

4 MR. HOFFNER: I am.

5 CHAIRMAN EWASUTYN: Would you mind
6 speaking on behalf of your property.

7 MR. HOFFNER: My name is Paul
8 Hoffner, I'm the owner of John Herbert
9 Company and the property at 142 17K.

10 Xavier's is my neighbor. He's been
11 my neighbor for the forty years I've been
12 there. He's crowded at his place and I
13 offered him parking spaces. When I do
14 have a new tenant, I've already informed
15 him that he will not be parking in front.

16 CHAIRMAN EWASUTYN: Thank you. It
17 wasn't that technical. It was just sort
18 of a clarification.

19 MR. VANVOORHIS: I apologize. I
20 didn't understand your question.

21 CHAIRMAN EWASUTYN: I'm fine with
22 it. Just so we understand each other.

23 Cliff Browne.

24 MR. BROWNE: Your dumpster is all
25 the way to the back, way back there?

2 MR. SAFFIOTI: The dumpsters are
3 under the existing canopy between the
4 two --

5 MR. BROWNE: With the cannabis
6 thing, there are a lot of regulations on
7 that.

8 MR. SAFFIOTI: We'll have a
9 dumpster enclosure. It will be locked.

10 MR. BROWNE: The whole thing.

11 MR. SAFFIOTI: Yes. This is a
12 heavily-regulated usage.

13 MR. BROWNE: As long as you're
14 aware of it.

15 MR. VANVOORHIS: Absolutely.

16 MS. CARVER: Just for clarification,
17 they're taking where Nature's Pantry was.
18 You're not changing anything inside, the
19 walls or anything.

20 Just another point. The lighting.
21 I was wondering about the lighting. Do
22 you need to increase the lighting or are
23 you going with the existing lighting?

24 MR. VANVOORHIS: We show the
25 existing lighting for now. We can work

2 through with the Planning Board.

3 MR. SAFFIOTI: Maybe compliant with
4 the down-lit requirements.

5 MS. CARVER: Thank you.

6 CHAIRMAN EWASUTYN: John Ward.

7 MR. WARD: With the Herbert's part,
8 how is it going to separate security wise
9 with the wall inside?

10 MR. SAFFIOTI: They're not connected.

11 MR. VANVOORHIS: There's an existing
12 wall that was Nature's Pantry which is
13 now the showroom for the millwork --
14 tile and millwork shop. That existing
15 wall will stay as is.

16 MR. WARD: I'm familiar with your
17 building.

18 MR. HOFFNER: The building is
19 26,000 square feet.

20 MR. VANVOORHIS: They're taking
21 5,100.

22 MR. WARD: Thank you.

23 CHAIRMAN EWASUTYN: Any other
24 questions or comments?

25 Jim Campbell.

2 MR. CAMPBELL: In regards to the
3 signage, we need details of existing and
4 proposed signage on the building, what
5 the new logo would be, if you have any
6 company logos, or whatever that's going
7 to be.

8 You already mentioned about the
9 cargo containers. They would require
10 permits and stuff according to 185-15.1.
11 That would need a referral to the ZBA
12 also.

13 That's all.

14 CHAIRMAN EWASUTYN: Pat Hines.

15 MR. HINES: The project is a
16 special use under your Cannabis Code. I
17 cited the five bulleted items that have
18 to be addressed, including sufficient
19 lighting for during and after hours; an
20 adequate facility and personnel for
21 disposal of trash; provisions for
22 continued maintenance of the exterior of
23 the building; sales of product and
24 paraphernalia items, display of those are
25 not permitted from public view; and

2 outside noise is not permitted.

3 For variances, the existing
4 structure has an insufficient side yard,
5 20.2 feet existing where 50 is required;
6 both side yards, 49.6 where 100 is
7 required.

8 In addition, they'll need relief
9 from Zoning Section 185-18(4)(c) which is
10 the landscape buffer requirements on
11 Route 17K from the city line to
12 Montgomery.

13 Adjoiners' notices must be sent
14 out.

15 The project is a Type 2 action as a
16 change of use. We typically send these
17 projects to DOT as a courtesy
18 notification as they're on the State
19 highway.

20 An Orange County Planning referral
21 is also required. I don't know if they
22 want to wait until after they get back
23 from the ZBA to do that.

24 MR. SAFFIOTI: We would ask the
25 Board if they would start the process.

2 There is an existing license in place and
3 they are time sensitive to get open.

4 MR. HINES: We talked about the
5 signage as well as the cargo containers
6 which are regulated.

7 CHAIRMAN EWASUTYN: Do the
8 containers need to be part of the --

9 MR. HINES: I believe so. They're
10 only allowed under that section --

11 MR. CAMPBELL: Well, there's an
12 issue that it might be also -- it may
13 require a use variance because there are
14 only certain uses that allow the cargo
15 containers. That would be on the bulk
16 table. You're only allowed to have one.
17 The actual use may be a use variance.

18 MR. SAFFIOTI: I believe the
19 existing use is for storage of the onsite
20 maintenance equipment for the yards.

21 MR. CAMPBELL: The cargo containers
22 are only allowed for certain uses. Not
23 to be used -- it's like motor vehicle
24 service stations, public garages, car
25 washes, business parks, mini malls,

2 offices for business research and
3 professional use and research
4 laboratories.

5 MR. SAFFIOTI: We'll have to look
6 at that, as to whether a use variance
7 would be required.

8 CHAIRMAN EWASUTYN: Let me
9 understand. Dominic Cordisco, you'll
10 prepare, with the Board authorizing it, a
11 referral letter to the ZBA for the
12 required variances?

13 MR. CORDISCO: Yes. Including the
14 variances that would be required for the
15 existing freestanding sign.

16 MR. SAFFIOTI: Yes.

17 MR. CORDISCO: Once the measurements
18 have been provided through Mr. Campbell's
19 office, he will copy me as well and I'll
20 make sure to include those in the
21 referral letter.

22 MR. SAFFIOTI: We'll provide the
23 dimensions. I believe there were prior
24 permits issued for changing of the signs
25 over the years. They should be on record

2 with the Town. We'll have my client's
3 architect get details so we know exactly
4 what the existing condition is.

5 MR. CORDISCO: The other variances
6 would be as identified by Mr. Hines,
7 including one for the cargo containers if
8 there's more than one onsite.

9 CHAIRMAN EWASUTYN: Can I have a
10 motion from a Board Member to have
11 Dominic Cordisco prepare a referral
12 letter to the Zoning Board of Appeals for
13 the required variances for CBD 420, LLC -
14 Retail Cannabis Dispensary.

15 MR. WARD: So moved.

16 MS. CARVER: Second.

17 CHAIRMAN EWASUTYN: I have a motion
18 by John Ward. I have a second by Lisa
19 Carver. May I please have a roll call
20 vote starting with Dave Dominick.

21 MR. DOMINICK: Aye.

22 MS. DeLUCA: Aye.

23 MR. MENNERICH: Aye.

24 CHAIRMAN EWASUTYN: Aye.

25 MR. BROWNE: Aye.

2 MS. CARVER: Aye.

3 MR. WARD: Aye.

4 MS. DeLUCA: John, I'm sorry, I
5 have one question. I'm assuming again
6 that your client is licensed.

7 MR. SAFFIOTI: He has a full
8 license from New York State.

9 MS. DeLUCA: Thank you.

10 MR. SAFFIOTI: I believe it was
11 submitted with the application.

12 MR. HINES: It was.

13 CHAIRMAN EWASUTYN: Pat Hines, so
14 then the adjoiners' notices will be
15 prepared and sent out as part of this
16 application?

17 MR. HINES: Yes.

18 We're doing the Orange County
19 referral now?

20 CHAIRMAN EWASUTYN: That was my
21 next question. Is the Board -- currently
22 there's time is of the essence as far as
23 the licensing for CBD 420, LLC - Retail
24 Cannabis Dispensary. The attorney, Joe
25 Saffioti, is asking the Board if we would

2 act and refer this to the Orange County
3 Planning Department.

4 I'll poll the Board Members to see
5 if they are in favor of that.

6 MR. DOMINICK: Yes.

7 MS. DeLUCA: Yes.

8 MR. MENNERICH: Yes.

9 CHAIRMAN EWASUTYN: Yes.

10 MR. BROWNE: Yes.

11 MS. CARVER: Yes.

12 MR. WARD: Yes.

13 CHAIRMAN EWASUTYN: Let the record
14 show the Planning Board authorized Pat
15 Hines to refer this application to the
16 Orange County Planning Department.

17 I think at this point that covers
18 it.

19 MR. SAFFIOTI: I think we'll submit
20 the plans to the DOT for comment so that
21 they can get back to us.

22 CHAIRMAN EWASUTYN: Thank you.

23 MR. HINES: I'll actually do that.
24 I'll send that to the SEQRA folks there
25 with an explanation that it's a Type 2

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CBD 420, LLC

action.

MR. SAFFIOTI: Thank you.
(Time noted: 9:30 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 18th day of November 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

DAMATO - CASILLA
(2024-33)

29 Albany Post Road
Section 43; Block 5; Lot 4.01
R-3 Zone

----- X

LOT LINE CHANGE

Date: November 7, 2024
Time: 9:30 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

2 CHAIRMAN EWASUTYN: Item number ten
3 this evening is Damato - Casilla, project
4 number 24-33. It's a lot line change
5 located on 29 Albany Post Road in an R-3
6 Zone. It's being represented by?

7 MR. HINES: John, I got a call from
8 Lanc & Tully earlier today. Actually,
9 yesterday. They did the survey, but they
10 do not represent the applicant in this
11 Planning Board matter. On their survey
12 and on the application it said Lanc &
13 Tully was their representative. They may
14 not know the applicant. Apparently they
15 were going to represent themselves and
16 not Lanc & Tully.

17 CHAIRMAN EWASUTYN: Brodsky is the
18 applicant. The second name is that
19 individual who they are doing a lot line
20 change for. That being said --

21 MR. HINES: Our comments went to
22 Lanc & Tully because the title block was
23 Lanc & Tully. I got a call from an
24 administrator at Lanc & Tully that said
25 we don't know what this is.

2 MR. DOMINICK: Should I check the
3 hallway?

4 CHAIRMAN EWASUTYN: Please.

5 MR. DOMINICK: There's nobody.

6 CHAIRMAN EWASUTYN: Then we have to
7 table it this evening.

8 MR. HINES: Yes. The applicant may
9 not know because we usually send them to
10 the representative.

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12 (Time noted: 9:31 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 18th day of November 2024.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

VINEYARDS & SPIRITS
(2024-21)

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

----- X

AMENDED SITE PLAN

Date: November 7, 2024
Time: 9:32 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: FLOYD JOHNSON
& SUKHVIR SINGH

----- X

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

2 CHAIRMAN EWASUTYN: The last item
3 of business is Vineyards & Spirits,
4 project number 24-21. It's an amended
5 site plan located on Route 17K in an IB
6 Zone. It's being represented by Floyd
7 Johnson.

8 MR. JOHNSON: Good evening.

9 CHAIRMAN EWASUTYN: Floyd, for the
10 benefit of time, Ken Wersted has to
11 travel to Albany, if you don't mind, I'll
12 have Ken Wersted speak first as far as
13 what you need to accomplish as far as
14 this site plan.

15 MR. JOHNSON: Okay.

16 CHAIRMAN EWASUTYN: Thank you.

17 MR. WERSTED: Thanks, John.

18 We reviewed the previous submission
19 of this and provided comments dated
20 September 13th. There are a number of
21 comments in there. If you could look
22 through that and provide responses for
23 it. My e-mail as well.

24 It's helpful when you make
25 submissions to also send a PDF version of

2 it electronically, that way -- not all of
3 us are in John's office to pick up those
4 plans.

5 I had a number of comments. You
6 can look through them. Some of them had
7 to do with the signing. It wasn't clear
8 if the driveway from 17K was full access
9 in or out. I think a little bit of that
10 has been cleaned up on the submission.

11 There's a sign there that says no
12 left turn. I don't know if that's to
13 mean you can't turn left out or you can't
14 turn left in.

15 DOT has provided a comment letter
16 which went through a number of items.
17 They had recommended or requested a
18 traffic study of the project. In my
19 opinion it wasn't needed based on the
20 volume of traffic you were generating. I
21 believe there is an existing business,
22 correct, down the street?

23 MR. JOHNSON: Yes. About an eighth
24 of a mile.

25 MR. WERSTED: I think that kind of

2 lends itself to there's existing traffic
3 on the road, it's just not going to go in
4 that plaza anymore, it's going to come
5 down here to this one.

6 Some of the other DOT comments had
7 to do with obviously the access out onto
8 17K. They had suggested that access only
9 be provided to Colden Road over here
10 because you do have access for it. They
11 said alternatively they might restrict
12 access in and out of 17K. It might
13 become a right in/right out. Given the
14 proximity to the signal, they may say
15 it's just a right in. As you go through
16 that process and they look at the traffic
17 study, they'll help guide you to
18 determine what that access should be.

19 There's a permit process that you
20 go through with DOT. If you need
21 assistance, you can reach out to me and I
22 can show you where the forms are --

23 MR. JOHNSON: Okay.

24 MR. WERSTED: -- for that. They
25 mention a Perm 33 as part of that.

2 Again, digital plans.

3 They had noted, as I did in my
4 comment letter, that there is a sidewalk
5 off to the west of this intersection that
6 goes down to the school. They're
7 basically asking the Town is there any
8 desire or indication to extend that
9 sidewalk further to the east across this
10 property. If there is, then there would
11 be some traffic signal controls,
12 basically push button indicators, that
13 would be needed to cross Colden Hill
14 Road.

15 They have a number of other
16 comments about utilities and just showing
17 more things on the plan.

18 For the most part those are the
19 highlights of my comments and DOT's
20 comments.

21 CHAIRMAN EWASUTYN: Do you have a
22 copy of that?

23 MR. JOHNSON: I believe I got what
24 you got.

25 MR. WERSTED: It's a DOT letter.

2 MR. HINES: That's it. I sent it
3 to him. October 28th.

4 MR. JOHNSON: October 7th?

5 MR. HINES: October 28th.

6 MR. JOHNSON: I believe this is --
7 this is from you? DOT?

8 MR. HINES: That's it. I sent it
9 to you.

10 MR. JOHNSON: Would the Town
11 require a sidewalk on the north side of
12 17K?

13 CHAIRMAN EWASUTYN: It's being
14 suggested by the DOT. We'll poll the
15 Board Members to see if they would like
16 to see a sidewalk along 17K.

17 MR. JOHNSON: Right now from 84
18 down there are no sidewalks.

19 CHAIRMAN EWASUTYN: Understood.
20 Dave Dominick.

21 MR. DOMINICK: As new projects come
22 before us, we've been putting sidewalks
23 in, so yes.

24 CHAIRMAN EWASUTYN: Stephanie
25 DeLuca.

2 MS. DeLUCA: I agree.

3 MR. MENNERICH: Agreed. Yes.

4 CHAIRMAN EWASUTYN: Cliff Browne.

5 MR. BROWNE: No on this one for me.

6 CHAIRMAN EWASUTYN: Lisa Carver.

7 MS. CARVER: No.

8 MR. WARD: No, because when people
9 are coming home from school, they've got
10 the crosswalk right there at the light.
11 Nobody is walking from in front of where
12 the project is going to be. You have a
13 body shop next to it where they're not
14 walking there. There's a culvert there.
15 It's not appropriate for it. With the
16 school especially. You're looking for
17 kids going nowhere. There's no access
18 for them but Cumberland Farms. There's a
19 lot of obstacles between. It isn't
20 appropriate to walk through there.

21 CHAIRMAN EWASUTYN: So you're
22 saying no?

23 MR. WARD: Yes.

24 CHAIRMAN EWASUTYN: I also agree to
25 no sidewalks.

2 That won't have to be part of your
3 final design.

4 MR. JOHNSON: Okay.

5 CHAIRMAN EWASUTYN: It's important
6 at this point that you find a traffic
7 consultant. You have to communicate the
8 proper reports to the DOT.

9 You and I will talk about, at a
10 later date or shortly thereafter, the
11 additional escrow money that is going to
12 be required to cover the cost of these
13 additional studies, comments from Ken
14 Wersted and all that. It kind of brings
15 it up to another level of review that
16 require monies to pay for the
17 professional services of the consultants.

18 MR. SINGH: Okay.

19 CHAIRMAN EWASUTYN: Just so we
20 understand. I know sometimes you say I
21 just gave you something, but --

22 MR. SINGH: It's hard for a little
23 guy like me. I'm just trying to open the
24 business.

25 CHAIRMAN EWASUTYN: I understand

2 that very, very well.

3 I think really at this point, Pat
4 Hines, is there additional discussion?

5 MR. HINES: Mr. Johnson has the
6 rest of my comments. I think the DOT ones
7 are the significant ones to have to work
8 through on the site. It's quite a heavy
9 lift for a tenant use of the site.

10 MR. SINGH: I'm just trying to make
11 the site better. It looks horrible the
12 way it is.

13 CHAIRMAN EWASUTYN: John Ward.

14 MR. WARD: The height of the wall,
15 you have down on the paperwork 36 inches.
16 It should be 30 inches.

17 MR. SINGH: Thank you.

18 MR. WARD: Thank you.

19 CHAIRMAN EWASUTYN: Anything else
20 at this point? Jim Campbell.

21 MR. CAMPBELL: I just wanted to
22 clarify. On the sign you say neon. Is
23 that an electronic message board?

24 MR. SINGH: I was just trying to
25 copy your guys sign over here.

2 MR. CAMPBELL: That would require a
3 special use permit.

4 MR. SINGH: We'll skip that.

5 MR. CAMPBELL: Also, the sign that
6 you have proposed, the freestanding sign,
7 you've got to make sure that's 15 foot
8 off the property line.

9 MR. JOHNSON: All right. I think
10 it is.

11 MR. CAMPBELL: There's no dimension.

12 MR. JOHNSON: I probably have to
13 move it back.

14 MR. CAMPBELL: Is there any
15 building signage being proposed?

16 MR. SINGH: No.

17 MR. JOHNSON: Not at this time
18 he's not.

19 MR. CAMPBELL: The only other thing
20 was, in your handicap parking there
21 should be -- in the striped area there
22 should be a no parking sign.

23 MR. JOHNSON: A no parking sign.
24 Okay.

25 MR. CAMPBELL: For the two spaces

2 you're going to have at least three
3 signs, no parking handicap, just a simple
4 no parking and no parking handicap.

5 MR. JOHNSON: For the handicap
6 there is no parking.

7 MR. CAMPBELL: You're going to have
8 those signs, but the striped area also
9 gets a no parking sign.

10 MR. JOHNSON: Okay.

11 MR. CAMPBELL: Okay?

12 MR. JOHNSON: Yes.

13 MR. WARD: For the record, what's
14 your name?

15 MR. SINGH: Sukhvir Singh. That's
16 S-U-K-H-V-I-R, last name S-I-N-G-H.

17 MR. JOHNSON: One more question.
18 Would you still require a traffic study
19 even though he has an existing building
20 -- I mean, a business that's an eighth of
21 a mile down?

22 MR. SINGH: He just said no.

23 MR. JOHNSON: I'm sorry.

24 MR. WERSTED: I'm the traffic
25 engineer representing the Planning Board

2 on their behalf. In my opinion I don't
3 think it's needed, given the size of the
4 store. It may help to provide a more
5 broad overview to DOT. They're getting a
6 very small snapshot. They may not
7 realize that there is an existing
8 business down the road that would be
9 moving here.

10 The depth of the traffic study that
11 is needed may also be scaled to the size
12 of this building and the amount of
13 traffic anticipated to be generated.
14 Certainly if the owner has even a little
15 tally mark of how many customers come in
16 throughout the day, that may help --

17 MR. SINGH: There's no more than
18 fifty customers a day.

19 MR. WERSTED: -- that may help
20 provide information to DOT to say okay, I
21 understand more about the size of the
22 business, otherwise they may look at this
23 and say we need a study of this
24 intersection and the next intersection,
25 not realizing that the scale isn't that

2 significant.

3 MR. JOHNSON: All right.

4 MR. SINGH: Thank you.

5 MR. JOHNSON: Your comment number
6 3, the Perm 33, I did submit that.

7 MR. WERSTED: It's a three-stage
8 permit form that is needed for work
9 within the DOT right-of-way. The first
10 stage is basically just project information,
11 where is it located, who is the property
12 owner, who is the applicant, what is
13 anticipated to be happening at the
14 intersection or what work is happening in
15 the right-of-way, what's proposed. It's
16 fairly simple. You can reach out to my
17 office. I think you have my e-mail.

18 MR. JOHNSON: I submitted that and
19 gave it to the security guy with the
20 prints. If it got lost, I'll just do
21 another one.

22 MR. WERSTED: It may be helpful to
23 reach out to I think Suzanne, the person
24 who authored that letter, to confirm
25 whether they received that or not. She

2 may have written the letter before that
3 material was received.

4 MR. JOHNSON: That answered all of
5 my questions.

6 CHAIRMAN EWASUTYN: Have a safe
7 trip home. Thank you.

8 Can I have a motion, please, to
9 close the Planning Board meeting of the
10 7th of November.

11 MS. DeLUCA: So moved.

12 CHAIRMAN EWASUTYN: I have a motion
13 by Stephanie DeLuca. Do I have a second?

14 MR. MENNERICH: Second.

15 CHAIRMAN EWASUTYN: A Second by Ken
16 Mennerich. Can I have a roll call vote
17 starting with John Ward.

18 MR. WARD: Aye.

19 MS. CARVER: Aye.

20 MR. BROWNE: Aye.

21 CHAIRMAN EWASUTYN: Aye.

22 MR. MENNERICH: Aye.

23 MS. DeLUCA: Aye.

24 MR. DOMINICK: Aye.

25 (Time noted: 9:42 a.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 18th day of November 2024.

Michelle Conero

MICHELLE CONERO