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

-----X
In the Matter of

TRIDENT
(26-04)

142 Route 17K
Section 95, Block 1, Lot 63.1
Zone IB
-----X

INITIAL APPEARANCE
EV CHARGING STATION -
AMENDED SITE PLAN

Date: March 5, 2026
Time: 6:58 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, CHAIRMAN
CLIFFORD BROWNE
LISA CARVER
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE:
Greg Demarse, Apex Energy Tek, LLC
-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

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2 CHAIRMAN EWASUTYN: Good
3 evening, ladies and gentlemen. The
4 Town of Newburgh Planning Board
5 welcomes you to our meeting of the
6 5th of March 2026. This evening we
7 we have four agenda items and one
8 business item. Of those four items,
9 the last two on the agenda are Public
10 Hearings. At this point, the we will
11 the meeting to order with a roll call
12 vote.

13 MR. DOMINICK: Present.

14 MS. DeLUCA: Present.

15 CHAIRMAN EWASUTYN: Present.

16 MR. BROWNE: Present.

17 MS. CARVER: Present.

18 MR. WARD: Present.

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

21 MS. CHUMAS ARIAS: Victoria
22 Chumas Arias, court stenographer.

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

25 MR. WERSTED: Ken Wersted,

Trident

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Creighton Manning Engineering,
traffic consultant.

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

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CHAIRMAN EWASUTYN: At this
point, we'll turn the meeting over to
Ken Wersted, traffic consultant.

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MR. WERSTED: Rise for the
Pledge of Allegiance, please.

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(The Pledge of Allegiance was
recited.)

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MR. WERSTED: If you could
silence your cell phones, please.
Thank you.

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CHAIRMAN EWASUTYN: First item
on the agenda is Trinity
[Sic (Trident)], project number
26-04. It's an initial appearance.
It's on 142 Route 17K. It's for an
EV charging station. It's an amended
site plan in an IB zone, and it's
being represented by Greg Demarse.
Is he here?

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MR. DOMINICK: Somebody is

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outside. Want me to look?

CHAIRMAN EWASUTYN: You can
look.

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: Pat, Dom
how do you want proceed?

MR. CORDISCO: I suggest you
table it and come back at the end of
the meeting in case they are stuck in
traffic or otherwise delayed.

(Time noted 7:00 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF ORANGE)

I, VICTORIA CHUMAS ARIAS, a Notary
Public for and within the State of New
York, do hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and
that such examination is a true record of
the testimony given by that witness.

I further certify that I am not
related to any of the parties to this
action 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 17th day of March 2026.



VICTORIA CHUMAS ARIAS

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

-----X

In the Matter of

AVION VENTURES-WAREHOUSE
(24-16)

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

-----X

SITE PLAN / ARB
WAREHOUSE

Date: March 5, 2026
Time: 7:01 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, CHAIRMAN
CLIFFORD BROWNE
LISA CARVER
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE:
Connor McCormick, Colliers Engineering &
Design

-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: The second item of business is Avion Ventures. It's a warehouse, project number 24-16. It's here this evening for site plan and ARB review. It's on Pomarico Drive, and it's a warehouse. It's located in an IB zone, and the representative is...

MR. McCORMICK: Connor McCormick, Colliers Engineering & Design.

CHAIRMAN EWASUTYN: Thank you, Connor.

MR. McCORMICK: Good evening, members of the Board. So, I could take you though, you know, a reminder of what we accomplished at the last meeting, what we've been working on since. So, the last time were in front of the Board was the first meeting in December on the fourth. At that meeting, the Board voted on a neg dec and granted an ARB approval with the understanding that we will

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need to come back to the Board when

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we have a signed -- a tenant is

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identified for the property.

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So, since then, we've addressed

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the comments from MHE, Code

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Compliance, and Creighton Manning,

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resubmitted site plans. We've

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obtained a New York State DOT

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conceptual approval for the site. We

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worked with the New York State DOT to

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get the Article 24 permit for the

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wetland buffer encroachment. We also

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went through two rounds of

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resubmissions with the Orange County

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Department of Health for the water

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main extension. That is currently

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under review by their office. We

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gave our final submission this week,

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which looks like it will be the one

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that gets approved.

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I can take the Board back

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through the project or I can leave it

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there.

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CHAIRMAN EWASUTYN: Why don't

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you just refresh our memory on the project, please.

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MR. McCORMICK: Sure. So, the property is located off Pomerico Drive, which has a driveway connection onto 17K. It's located on the north side of 17K just west of the Pilot/Lakeside Drive intersection. The site is proposing a warehouse building that is 56,000 square feet. It is located in the IB zone. The existing tax lot is 12 acres in size. The project is not requesting any variances as part of the application. Thirty-four parking spaces are proposed for employees. Additionally, six trailer spaces are proposed at the rear of the site. Utility connections down Pomerico Drive are proposed for water and sewer, and then a storm water mitigation SWPPP has been prepared for the project.

CHAIRMAN EWASUTYN: Let's start

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with our consultant Ken Wersted with
Creighton Manning.

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MR. WERSTED: All of our
previous traffic comments have been
addressed. I know there have been
some more recent developments
relative to DOT.

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Connor, I don't think I got a
submission on this in the latest
round, but I'm happy to update the
Board on where you stand with DOT.

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Pat Hines had a comment about
looking to get some final approvals
from DOT, but only after you get a
tenant signed.

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MR. McCORMICK: Correct. So,
right now, we've prepared the traffic
impact study that's been submitted.
They added more comments at this
time. They conceptually approved the
project. The next step for us would
be doing full permit plans and full
design plans for the improvements
that are identified in the traffic

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2 impact study. So, right now, without
3 the tenant identified, my client is
4 looking to hold off on pursuing those
5 until they have identified a tenant
6 for the project. With this type of
7 use, the market with going for a
8 speculative warehouse, there's no
9 tenant identified. Potential tenants
10 in that space look to have some level
11 of approvals for this site from the
12 Planning Board. Then, it becomes a
13 much more marketable opportunity,
14 that way they're not locked into a
15 property while we go through the
16 year, year-and-a-half long process
17 from getting approvals from the
18 Board. So, at this stage it becomes
19 a lot easier to get a tenant suited
20 to their needs where we -- for any
21 modifications to the plan that would
22 be required that we come back to the
23 Board for re-approval.

24 MR. WERSTED: Would it be your
25 intent to construct the building, get

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2 a tenant, and then start the DOT --

3 MR. McCORMICK: No. No. The
4 intent would be to get the DOT
5 approvals before we go to
6 construction.

7 MR. WERSTED: Okay. I don't
8 think that was clear, maybe, perhaps
9 in the submission. We may have been
10 under the impression that you would
11 build the building and then start the
12 DOT process.

13 MR. McCORMICK: The intent of
14 holding up, that is to save money
15 until we actually have a tenant and
16 not shell out the expense upfront
17 while they wait for that tenant. So,
18 with that in mind, they wouldn't look
19 to build the building without a
20 tenant either.

21 MR. WERSTED: So, if you
22 identify a tenant and there is any
23 operational details that they want
24 customized for this building, you
25 would address that as part of site

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2 plan. And at that time, you are
3 understanding their operations and
4 going into the DOT process to design
5 the improvement on 17K at the same
6 time as you pursue the site plan
7 amendment with the Board.

8 MR. McCORMICK: Correct. So,
9 for example, if the tenant doesn't
10 need a WB67, like the large tractor
11 trailer that this is designed for, we
12 would modify it to suit that tenant's
13 need if they have a smaller box
14 truck, say.

15 MR. WERSTED: Thank you.

16 CHAIRMAN EWASUTYN: Jim
17 Campbell, Code Compliance?

18 MR. CAMPBELL: I did receive
19 confirmation from the fire chief that
20 the hydrant location and the FDT
21 locations are acceptable to them.

22 MR. McCORMICK: Thank you.

23 CHAIRMAN EWASUTYN: Pat Hines
24 with MHE?

25 MR. HINES: Our first comment

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has to do with the DOT. I'm still a little concerned about not moving forward with the DOT approvals until you get a tenant because I think you should almost design the worst case for the vehicle you just described, the W67. Because you could -- your tenant could leave in two years, and you may need those approvals. So, I have a concern about not pursuing that approval at this time and when these improvements are are going to be done. Changes to the plans would have to come back to the Planning Board every time. So, we are kind of subject to when you get a tenant you're going to be standing back here saying here's the changes. So, I don't know what we're looking to approve now.

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MR. McCORMICK: What I could say is we could make that a condition of getting the approvals of getting the final permit from DOT, the same

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2 way we do with the Health Department,
3 for example. I think the client
4 would be amenable to that.

5 MR. HINES: What we have done
6 in the past is allow approvals
7 subject to the location being -- the
8 plan and approval being exactly the
9 same, and any substantive change
10 would have to come back. But it
11 almost looks like we are setting it
12 up for a substantive change. But I
13 am going to defer to the Board.

14 MR. McCORMICK: The one comment
15 I would have on that is if we did
16 have a tenant and we would analyze it
17 against the SEQRA impacts of this
18 project and look to either reduce the
19 impacts or meet those impacts. So,
20 we wouldn't be coming back with a
21 larger, like a larger building or
22 much more encroachment than what is
23 onsite. But if the Board wants that
24 information, that permit upfront,
25 it's something I can speak to the

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2 client about.

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CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board attorney, procedurally speaking, your thoughts?

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MR. CORDISCO: Yes. As Pat mentioned, any changes to the plan would require an amendment for the Board. That's a standard condition that we have been including as part of our conditions of approval. But that remains a risk for the applicant, right, you know, in the sense that if the plans are changed, you know, like we've had with the warehouse on 17K, where the DOT approval required changes to the access point on 17K. That had to come back to the Board for an amended approval.

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MR. McCORMICK: I guess the one thing I would add to that is I agree with what you are saying. The location itself is already an existing driveway, we would just be

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2 looking to move a curb cut near our
3 driveway. And the proposed left lane
4 into the site would remain no matter
5 the tenant. The one item that was
6 requested that we would discuss
7 tonight is the signal modification at
8 17K and Lakeside Drive and the Pilot
9 entrance, that site there.

10 So, that is identified in the
11 traffic impact study. That is
12 recommended regardless of if it's in
13 the no-build scenario as well. That
14 was identified there, so if the
15 project goes forward, that is
16 something that is recommended
17 regardless.

18 CHAIRMAN EWASUTYN: Comments
19 from Board members? John Ward?

20 MR. WARD: No comments at this
21 time.

22 CHAIRMAN EWASUTYN: Lisa
23 Carver.

24 MS. CARVER: No, no further
25 comment.

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MR. BROWNE: So, from a design standpoint and layout, what you are currently asking for, what we would normally be looking for is you are proposing a warehouse. Normally, what we are looking for, whatever the warehouse is, is that you build to the worst-case scenario if you don't have a tenant. And then, we would approve that worse-case scenario. That's not what you are asking for.

MR. McCORMICK: What we are looking for is to get a conditional approval based on the findings that were identified on the neg dec. And if they were, you know, like any other project, after we got the conditions approved and met, if they were to change based on the tenant, we understand that we would be coming back in front of the Board.

MR. BROWNE: So, then, it sounds like to me as though what you are probably going to end up doing is

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2 wait until you get a tenant, and then
3 we'll move forward from there.

4 MR. McCORMICK: That is
5 essentially it.

6 MR. BROWNE: I don't see where
7 we can approve something
8 conditionally without knowing what
9 we're approving. It doesn't make
10 sense to me.

11 MR. McCORMICK: Everything
12 internal to the site is not subject
13 to the DOT -- not really going to
14 change based on final permit plans
15 from the DOT. That is all off-site
16 improvements. So, from the client's
17 perspective, he is looking to get a
18 level of conditional approval so that
19 it's more marketable so we can find a
20 tenant and ultimately get it
21 constructed and pursue a permit.

22 MR. BROWNE: Normally, we don't
23 approve things unless we get a
24 building to build in actual details
25 of what we are going to be approving.

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It doesn't just stay open-ended and say, oh, whatever you want, we'll do later. It doesn't work that way.

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MR. McCORMICK: Yeah. We are not looking to change a use, change the building size. This is strictly limited to the DOT final --

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MR. BROWNE: So, normally, you could go ahead and get the DOT thing in place and then come here for the conditional.

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MR. McCORMICK: Okay. You want the full permit before --

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MR. BROWNE: Yeah.

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MR. McCORMICK: Okay.

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MR. WERSTED: If I could add to that, as you discussed this with DOT, they may be open to having you go through the process and get to the end where you aren't necessarily getting the permit to actually start construction because you don't have a tenant yet; you're not ready to build the building, but you have gotten

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2 thought the design process of it.
3 So, at that point, if you do find
4 that tenant, and let's just say maybe
5 the truck thing was a bad example,
6 and maybe they just need three more
7 parking spots because of their
8 employees, but you've already
9 designed for the worse-case truck
10 size. You would come back to the
11 Board to, you know, look at parking
12 and get a few more spots. However,
13 you're already towards the end of
14 that process with DOT, and you
15 already know what their expectations
16 are based on that assumption of this
17 traffic coming in and out. And at
18 that point, you are at the finish
19 line, and you just have to file the
20 paperwork, provide the bond, the
21 insurance, et cetera, you know to get
22 that permit. So, if DOT is amenable
23 to getting you to that point, but
24 holding short of issuing the permit
25 until you get the tenant, then that

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may be satisfactory to the Board to
move forward, then maybe work in your
plan was well.

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MR. McCORMICK: That may be
closer to what we are looking to do.
I might not have explained that well.
We weren't looking to file the
permit, issue the bond, the same way
we would have to do the same thing
here for the final site plans. We
need all of the permits that have
been identified, need to file the
NOI, need to get storm water
maintenance agreement, all of those
items that have been identified that
need to be closed out prior to the
Board stamping and signing the plans,
where, you know, the Board would
issue a conditional approval based on
getting those done. And once all of
those boxes have been checked and
assigned the plans, we were looking
to do the same -- use the same
methodology for that, yes.

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CHAIRMAN EWASUTYN: No comment
at this time.

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MS. DeLUCA: No comment either.

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MR. DOMINICK: Connor, it seems
like you are trying to put the cart
before the horse. That's the way it
is kind of coming across, and I agree
with Mr. Hines and Mr. Wersted. Take
their advice, get what needs to be in
place, and then proceed.

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MR. McCORMICK: Okay. That's
all you have? Anything else from the
Board?

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CHAIRMAN EWASUTYN: Dominic
Cordisco, do you want to add
anything?

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MR. CORDISCO: No, sir.

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MR. HINES: Connor, I have the
comment with the sanitary sewer.
Each of your plans keep saying that's
full of water. And if it's really a
gravity sewer, I don't know why it's
full of water, so I would like you to
investigate that further.

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MR. McCORMICK: I can speak on
that a little bit.

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MR. HINES: Sure.

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MR. HINES: Yes.

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MR. McCORMICK: And there is

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2 another one closer to the
3 right-of-way that is also a sanitary
4 one. That was unable to be accessed
5 by the survey crew. So, that is,
6 again, one of items we are looking to
7 clean up to get...

8 MR. HINES: I want to make sure
9 there is truly a sewer line coming
10 out of that.

11 MR. McCORMICK: I don't know
12 where the other tenants would be
13 going if that was the case, but that
14 is something we are definitely
15 looking into, yes.

16 MR. HINES: Otherwise, the rest
17 of our comments are just statements
18 of things that would need to be
19 improved.

20 MR. McCORMICK: Thank you very
21 much.

22 CHAIRMAN EWASUTYN: To help me
23 summarize what we discussed this
24 evening, your next step or your next
25 action is...

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MR. McCORMICK: Advancing the DOT permit process and addressing the sanitary sewer providing the DOH approval to the water main extension.

CHAIRMAN EWASUTYN: And if you don't mind, would you CC us on correspondence that you will be having or having back from the DOT?

MR. McCORMICK: We will do that, and I will send Ken the latest submission as well. Thank you for your time.

CHAIRMAN EWASUTYN: You're welcome.

(Time noted 7:16 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF ORANGE)

I, VICTORIA CHUMAS ARIAS, a Notary
Public for and within the State of New
York, do hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and
that such examination is a true record of
the testimony given by that witness.

I further certify that I am not
related to any of the parties to this
action 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 17th day of March 2026.



VICTORIA CHUMAS ARIAS

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

-----X

In the Matter of

POPPY LANE
(25-22)

North of Lester Clark Road
Section 6, Block 1, Lots 113, 114, 115
Section 108.3, Block 4, Lot 24.210
Zone AR

-----X

PUBLIC HEARING
3-LOT SUBDIVISION

Date: March 5, 2026
Time: 7:16 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, CHAIRMAN
CLIFFORD 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, P.E, Engineering &
Surveying Properties, PC

-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

Poppy Lane

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CHAIRMAN EWASUTYN: The third item of business this evening is Poppy Lane, project number 25-22, is here this evening for a Public Hearing. It's located on north of Lester Clark Road. It's a three-lot subdivision. It's located in an AR zone, and it's being represented by Ross Winglovitz. And John Ward will read the Notice of Hearing.

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MR. WARD: Notice of Hearing. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a Public Hearing pursuant to Section 274-A of the New York State Town Law and Chapter 163-8J of the Town of Newburgh Code on the application of:

Poppy Lane, Three-lot Subdivision (2025-22). The project processes -- proposes an amended three-lot subdivision of the project, which received approval in the late 1980s, filed in 1988. The original

1
2 project was a four-lot subdivision
3 with access via a private roadway.
4 Project sponsor now wishes to obtain
5 building permits for three of the
6 existing parcels. Project is
7 requesting waivers from the Town of
8 Newburgh Planning Board for certain
9 private roadway specifications. All
10 lots will remain in original
11 configuration with modifications to
12 the private roadway and improvements
13 in the storm water management
14 facilities located within Lester
15 Clark Road and Town drainage
16 easements. Project is located off
17 Lester Clark Road between lots 114
18 and 118. The project is known on the
19 Town's tax maps as section six, block
20 one, lots 113, 114, and 115. The
21 project is located in the Town's AR
22 zoning district.

23 A Public Hearing will be held
24 on the 5th day of March 2026 at the
25 Town Hall Meeting Room, 1496

1
2 Route 300, Newburgh, New York at
3 7:00 p.m., or as soon thereafter, at
4 which time all interested persons
5 will be given an opportunity to be
6 heard.

7 By order of the Town of
8 Newburgh Planning Board, John P.
9 Ewasutyn, Chairman.

10 CHAIRMAN EWASUTYN: Thank, you
11 John.

12 MR. WARD: And the process, I
13 would like to explain how the
14 Planning Board manages a Public
15 Hearing so as to have an orderly,
16 productive hearing. The project
17 applicant or representative for the
18 project will give an overview of the
19 project. The Planning Board Chairman
20 will then open the hearing for
21 questions or comments on the project.

22 At this time, you can raise
23 your hand, be recognized by the
24 Chairman. Please give just your
25 first name before asking any

1
2 questions or commenting. The
3 applicant or Planning Board technical
4 representatives will respond to your
5 questions. Once you have finished,
6 you will wait until all persons that
7 want to speak have a chance. Once
8 everyone has the opportunity to
9 speak, the Chairman will recognize
10 people that want to speak again. The
11 Planning Board welcomes you for your
12 comments and input on the issues
13 pertaining to the project. Thank
14 you.

15 CHAIRMAN EWASUTYN: Ross?

16 MR. WINGLOVITZ: Good evening.
17 Ross Winglovitz, Engineering &
18 Surveying Properties. The
19 description of the Public Hearing was
20 pretty thorough and accurate. So,
21 this was a project that included four
22 lots. There is one existing house
23 along Lester Clark Road, and there
24 were three more houses that were part
25 of that original subdivision in 1988.

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The only house that got built around 1990 was an existing house at the corner for Daniel Bartley (Phonetic). None of the other houses got built. Time passed, my client bought the three remaining lots and was proposing to construct them. The problem was that the private road had never been constructed. Under the current regulations, there's some different regulations regarding the road and the slope, so we needed to come back and get an amended subdivision plan.

As part of that plan, we were actually approved continually about two years ago, problem being that there was -- trying to find information on drainage from Lester Clark Road that we were going to tie into. So, the new road here, the private road that was approved, will capture the storm water from the three houses. There will be an

1

2

uphill swale along the road, and then

3

it was proposed to, and still is,

4

into a closed drainage system. So,

5

the water that now currently flows to

6

the south and east across these

7

residences will be picked up in the

8

roadside swale, tied into a closed

9

drainage system along Lester Clark

10

Road, and will be piped from the new

11

private road piped down Leser Clark

12

road to there's an existing Town

13

drainage system near the intersection

14

with Frozen Ridge Road.

15

One of problems we had, we were

16

not able to located the system, the

17

easements for that system. We were

18

finally able to locate that with the

19

Town's help this past fall. And

20

there is an easement and a pipe in

21

place. The concern was the size of

22

the pipe, so we did an analysis. We

23

do have to upgrade the existing pipe

24

that is there. So, there will be a

25

new drainage system that will go long

1
2 the southern edge of Lester Clark
3 Road pavement out towards Frozen
4 Ridge, tie into the existing catch
5 basin, and a new pipe will be
6 installed from that catch basin to
7 where it terminates near wetland area
8 south of Lester Clark Road. That's
9 really the summary of the
10 improvements. Again, it was a
11 previously approved project, but had
12 to come back because it was not
13 constructed.

14 CHAIRMAN EWASUTYN: Thank you.
15 Questions or comments from the
16 public? Please raise your hand and
17 give your first name. Thank you.

18 DANIEL: Yes, my name is Daniel
19 Bartley. I'm at 118 Lester Clark. I
20 was here about three and a half years
21 ago when this project was being
22 considered. At that time, it has
23 since changed hands because there was
24 notice put up due to non-pay of
25 taxes, and the land was being sold

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again. We had no problem with the houses coming. The idea of the drainage coming down this Poppy Lane, what he is proposing is uphill from the end of Poppy Lane to go to this catch basin he is proposing. It's all uphill. I mean, you are talking about a massive trench he had to build or dig out along the southern part. Yes, no one lives on that side, but he had to -- I mean, it's a huge hole that they would be putting in along the side of the road for this, just the drainage.

Last meeting I was here, like I said, a few years ago, was one change to the end. It didn't have to be a cul-de-sac to give permission to give them that T end. A lot of the water that comes off this hill goes into the house actually behind me to the east. A lot of his yard just gets soaked with water all of the time. And this proposal, that would catch a

1
2 lot of that water, but then, now it
3 is all going down along Poppy Lane.
4 And what is going to keep it from
5 turning into a just giant covert?
6 You can't just let the water run. I
7 mean, already, I have been living
8 there for close to 30 years, and I
9 have put down tons of rocks on that
10 part of the road, and is just gets
11 eaten away. Now, you pick up -- all
12 of the water coming off this
13 property, which is about five acres,
14 and going to be running down. I am
15 going to have a ditch along the side
16 of that road. It's just going to eat
17 it right up. Plus, then it has to be
18 caught and somehow through gravity go
19 down the street, which is an
20 uphill -- I mean, it's just not level
21 ground like this. We are talking
22 about a 12, 13-foot rise down the
23 road to come down to the next basin
24 along the southern part of that. You
25 are putting in a real big

1
2 something-or-other for all of that
3 water coming down through there. How
4 are they going to get to that? Are
5 they going to be tearing up the roads
6 so there is no access to our home and
7 the homes behind it?

8 CHAIRMAN EWASUTYN: Ross, your
9 reply?

10 MR. WINGLOVITZ: I will be glad
11 to reply. So, there is a high point
12 between where Poppy Lane comes out to
13 Lester Clark Road that's a few
14 hundred feet to the east. We would
15 be trenching through that. At that
16 point, it's about nine foot deep, it
17 looks like.

18 MR. HINES: Nine to ten, yup.

19 MR. WINGLOVITZ: And then, it
20 is probably a little deeper, I guess,
21 maybe at the high point,
22 approximately nine, maybe ten foot
23 deep. And then it gets shallower
24 again as it comes back to the front
25 of Lester Clark near the road. So,

1

2

there will be a swale along the

3

property, as the applicant notes --

4

excuse me -- as the neighbor notes.

5

That will be rip-rapped, as

6

necessary, designed to carry that

7

water with the covert for his

8

driveway and then a covert that will

9

take it under Lester Clark Road and

10

be covered, completely closed

11

system, all along the edge of Lester

12

Clark Road. And I'm sure we would

13

not be able to close off traffic. It

14

would be part of the coordination of

15

the project with the Town.

16

This is a town right-of-way.

17

There will be bonds that will be

18

posted and inspection fees so that

19

the Town will ensure that the work is

20

done properly and inspected by the

21

Town.

22

CHAIRMAN EWASUTYN: Additional

23

questions or comments?

24

ROB: I have a new comment. I

25

have prepared a written statement.

1

2

My name is Rob (Name Unintelligible).

3

I am actually the son of Ben (Name

4

Unintelligible), the owner of 146

5

Lester Clark Road. And I am

6

representing my father tonight

7

because he is not able to travel due

8

to his age and his health. I grew up

9

at 146 Lester Clark Road, and I am

10

very familiar with the property and

11

the drainage conditions in that area.

12

So, our biggest concern right

13

now are storm water conveyance,

14

discharge location, erosion and

15

sediment impacts, and impacts to map

16

wetland resources near the Frozen

17

Ridge Road end of this corridor.

18

Late this morning, we received,

19

for the first time, a copy of the

20

developer's private road and soil

21

erosion and sediment control plan,

22

which is what Ross is presenting

23

right there. As of this meeting,

24

that plan still has not been posted

25

on the Township's website, so other

1

2

impacted neighbors do not have access

3

to that same information. Based on

4

this plan, our understanding is that

5

the project's storm water approach

6

has changed. The plan shows storm

7

water from the proposed development

8

being collected and conveyed by pipe

9

storm drainage down the proposed

10

private road, then crossing under

11

Lester Clark Road. The plan then

12

shows the storm drainage continuing

13

along the south side of Lester Clark

14

Road, or my father's property, and

15

continuing down toward the

16

intersection with Frozen Ridge Road,

17

where it's labelled "pipe discharge."

18

The plan also shows a

19

significant increase in pipe capacity

20

in this area, replacing a 15-inch

21

pipe with a 24-inch pipe. It also

22

references use of an existing catch

23

basin as part of the system. Even if

24

the label discharged point is on a

25

neighboring parcel, the plan depicts

1

2

a concentrated discharge in the same

3

area where our property contains

4

mapped wetland resources and wooded

5

wetland conditions, which are the low

6

elevation receiving area in this

7

corridor. Because this development

8

is at a higher elevation, any

9

shortcomings in design, construction,

10

or maintenance, such as blocked

11

inlets, damaged pipes, inadequate

12

outlet protection, will push runoff

13

downhill toward the low areas on my

14

father's property.

15

Also, the plans we received

16

appear to be schematic construction

17

plans, and it does not include the

18

engineering phases needed to evaluate

19

down street impacts, such as pre-

20

and post-development peak flow rates

21

and runoff volumes at the discharge

22

point, pipe sizing, hydraulic

23

capacity checks, and surcharge

24

conditions to major storm overflow

25

routing, and when system is

1

2

overwhelmed, outfall stabilization,

3

energy dissipation details to prevent

4

scour and sediment delivery, and

5

clear wetland documentation, mapping,

6

and delineation used, and the

7

permitting pathway, if any. I also

8

do not know whether an environmental

9

impact study and SEQRA documentation

10

was completed for this revised design

11

and discharge location. If it exists,

12

it has not been provided or made

13

publicly available with the plan

14

material.

15

So, my request tonight is

16

procedural and specific: Please do

17

not vote on any waivers or approvals

18

tonight, and please keep the record

19

open until the applicant submits and

20

the Township posts a complete storm

21

water package that the public can

22

review, including: A storm water

23

management report with hydrology and

24

hydraulics calculation; pre and post

25

rates and the volumes at the outfall;

1
2 plan and profile information
3 sufficient to confirm pipe sizes,
4 inverse capacity and surcharge
5 behavior; the exact discharge
6 location and the demonstrated down
7 flow -- downstream flow path, outfall
8 protection and energy dissipation
9 details designed for wet receiving
10 conditions; wetland mapping and
11 delineation used for design; and
12 confirmation of any required permits,
13 and a long-term operation -- excuse
14 me -- a long-term operation,
15 maintenance, and oversight plan
16 identifying who owns the system,
17 especially along the new private
18 road; who inspects it, routine and
19 post-storm; how issues are
20 documented; who enforces connection
21 action; and pays for ongoing
22 maintenance and repairs.

23 Finally, because the plan shows
24 storm drainage running on my father's
25 property along the south side of

1
2 Lester Clark Road, we also request
3 clear documentation of the legal
4 authority for the alignment of what
5 the Township's drainage easement
6 allows, and whether any portion of
7 the system is within public
8 right-of-way versus private property.

9 We are not asking the Board to
10 make engineering conclusions tonight.
11 We are asking for a complete public
12 record and a reasonable opportunity
13 to review it. Receiving key plans
14 the morning of the hearing without
15 calculations and without public
16 posting does not allow affected
17 neighbors to responsibly evaluate
18 impacts to property or wetlands.
19 Thank you.

20 CHAIRMAN EWASUTYN: Thank you.

21 Pat Hines, I will open the
22 meeting to your review, and you can
23 answer the question as to what was
24 posted, what has been posted.

25 MR. HINES: To my knowledge,

1
2 the most recent set of plans was
3 posted Tuesday at 3:00. I am having
4 Ken check right now because I
5 physically did that. I will check
6 and see what was posted. Ken is
7 pulling it up right now.

8 I think we are going to defer
9 the wetland question to Ross. I was
10 not aware of any wetlands there, but
11 we will investigate that further.
12 And I think we will have further
13 conversation with Ross regarding
14 impacts of this gentleman's property.

15 They were following an existing
16 easement. I did provide Ross the
17 easement mapping, but I think some
18 additional information should be
19 looked at.

20 ROB: Thank you.

21 CHAIRMAN EWASUTYN: The reports
22 that he's looking for, are they
23 standard reports for a three-lot
24 subdivision?

25 MR. HINES: So, a three-lot

1
2 subdivision wouldn't trigger the need
3 for a storm water management report.
4 And again, this subdivision is
5 already approved. Because it's less
6 than five acres, it's only a soil
7 erosion and sediment control plan.
8 But there are improvements that are
9 going to be placed in the Town road
10 right-of-way. These improvements
11 would be dedicated to the Town, owned
12 and operated by the Town upon
13 completion. But a total hydraulic
14 report from the site typically would
15 not be required in this case. But
16 again, there are some valid points.
17 If we are increasing runoff to your
18 property, I want to take a look at
19 it. I know there is an existing
20 pipes there now. The pipes are
21 getting a little larger, so I will
22 work with Ross's office to address
23 your comments.

24 CHAIRMAN EWASUTYN: And the
25 question that was posed as far as

1

2

SEQRA, I think he quoted SEQRA. Is

3

SEQRA involved in this, and in what

4

way?

5

MR. HINES: So, this would be

6

an unlisted action as far as SEQRA

7

goes. So, the Board would have to,

8

prior to reapproving this, have to

9

take a SEQRA action.

10

CHAIRMAN EWASUTYN: Dominic

11

Cordisco, can you elaborate on that?

12

MR. CORDISCO: Yes, the Board

13

had previously adopted a negative

14

declaration for the prior approval,

15

but would have to consider a new one,

16

if that is what you were to do in

17

connection with this application.

18

CHAIRMAN EWASUTYN: Ross, DEC

19

wetlands, the question was raised?

20

MR. WINGLOVITZ: I actually

21

spoke to this gentleman the other

22

day. So, the question was we talked

23

about the fact that there is a

24

wetland area out here. And I pointed

25

out to him that it's -- he was unsure

1

2

that there was, and I said I can't

3

tell you definitively. It hasn't

4

been delineated, but the wetland

5

mapping from the State shows a

6

wetland area, which is the

7

(Unintelligible) guidance map, not

8

definitive maps anymore. So, where

9

this pipe discharges, there is a

10

large wetland system, wetland soils,

11

and shows up on the map. So, we

12

would be replacing that existing

13

pipe. I don't know if you are

14

looking at maintenance activity or

15

getting a permit for it, if it is in

16

the jurisdiction. I don't even know.

17

MR. HINES: After the

18

January 25th regulation changes, DEC

19

may or may not exercise jurisdiction

20

on that, and it would depend on

21

whether or not it's in the mapped

22

urban area. And it's going to be an

23

individual call by DEC.

24

I do concur, unfortunately,

25

when I did the posting, it looks like

1
2 only my comment was posted and not
3 the mapping. I apologize for that.
4 Typically, we do that for all of the
5 other projects, here it is. So, it
6 looks like when we complied that, the
7 mapping did not get connected to
8 that.

9 MR. WINGLOVITZ: I did send the
10 gentleman the plan other day.

11 ROB: We received that this
12 morning.

13 CHAIRMAN EWASUTYN: Questions
14 or comments?

15 CHANEL: I'm really just also
16 here to kind of support the neighbors
17 as a homeowner on Lester Clark. On
18 Poppy Lane, the private road, that
19 intersects where kind of these
20 improvements will be made. I do
21 strongly -- I recognize it is not
22 required -- but hydraulic testing
23 does seem really incredibly
24 important. The drainage system
25 that's in front of our property is

1

2 already overwhelmed.

3 MR. DOMINICK: Your first name
4 for the stenographer?

5 CHANEL: Yes, thank you.

6 Chanel.

7 It's already overwhelmed, and
8 it's eroded. So, we too, are
9 concerned about drainage. We're
10 concerned about erosion. So, nothing
11 necessarily new, just kind of
12 supporting and, you know, aligned
13 with fellow neighbors.14 CHAIRMAN EWASUTYN: Go ahead,
15 Ross.16 MR. WINGLOVITZ: I just want to
17 understand where you are.18 CHANEL: I am directly behind,
19 136 Lester. So, on the tax map it
20 would be lot 130.21 MR. WINGLOVITZ: Dan is here.
22 You are towards Frozen Ridge or --23 DANIEL: She is away from
24 Frozen Ridge.

25 (Multiple Speakers.)

1

2

CHAIRMAN EWASUTYN: Pat Hines with MHE and also the Town engineer, the request for a hydraulic report, which does not fall under the thresholds for this type of project.

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11

MR. HINES: I will work with Ross's office to determine the flows there. But it is something we will look at, as the Town is going to own this, so I think it is a valid point.

12

CHAIRMAN EWASUTYN: Thank you.

13

14

ROB: I am just curious. What is the threshold required?

15

16

MR. HINES: Greater than five acres.

17

18

ROB: And what is the total acreage?

19

20

MR. WINGLOVITZ: The total lot is about five acres.

21

22

MR. HINES: There's about 3.2 acres of disturbance.

23

24

25

MR. WINGLOVITZ: There was a lot of comments he brought up. Would probably recommend, from my

1
2 perspective, that you table any
3 decision for about a month. I can
4 give a written response. I wouldn't
5 want to try to respond to each and
6 every one of the comments right here.
7 I don't think it does them justice or
8 the Board justice. And then, we can
9 reconvene the Hearing in a month from
10 now.

11 CHAIRMAN EWASUTYN: Now, if we
12 move to reschedule the Public
13 Hearing, just an example, we can move
14 it to -- giving a month, we would say
15 April 16th. You won't be notified of
16 that Hearing because that is not part
17 of the requirement for rescheduling a
18 Public Hearing.

19 MR. CORDISCO: You would
20 essentially adjourn this Public
21 Hearing to a date certain. And if
22 that is April 16th, that is your
23 notice, so you would know to come out
24 on April 16th, or look at the agenda
25 again. Any updated plans would be

1
2 posted online at that point, and you
3 can review them before the meeting.

4 DANIEL: I have a question. I
5 was always told that -- I have 118.
6 I was told the lot right behind me
7 was one acre. The lot behind me was
8 one acre, and lot behind that was
9 3.75. That is more than five acres.

10 MR. HINES: So, the five acres
11 is the disturbance, not the lot size.
12 The physical disturbance of the --

13 DANIEL: Third lot, the one at
14 the end of the -- (Unintelligible) --
15 here is that. I mean, you got to
16 look at the total. He has --

17 MR. HINES: Again, the lots are
18 larger than five acres, but it's the
19 limits of disturbance that kick in
20 the storm water, so they are not
21 disturbing more than -- I think it's
22 3.2, if I remember from the EAF.
23 It's not near the five-acre
24 threshold.

25 DANIEL: You add my property

1

2 on...

3

4

5

MR. HINES: But we are not disturbing your property at this point.

6

7

DANIEL: The water is going to run right past mine.

8

9

MR. WINGLOVITZ: This includes new road construction and the --

10

11

12

13

14

DANIEL: So, my property, the two lots right behind me, and part of the last one, that is not five acres total? That is what you are a saying?

15

16

17

MR. HINES: The disturbance, the physical ground disturbance is less than five acres.

18

19

20

21

DANIEL: By, like, a smidge?

MR. WINGLOVITZ: It is about an acre and a half. I think that is what he is saying --

22

(Multiple Speakers.)

23

24

DANIEL: -- behind my property it is all downhill towards the --

25

MR. WINGLOVITZ: We will

1

2

verify.

3

4

CHAIRMAN EWASUTYN: Additional
comments from the public?

5

Pat is your name?

6

7

PAT: Yes, very good deduction.
Nice to meet you.

8

9

CHAIRMAN EWASUTYN: I have a
better memory than my looks.

10

11

12

13

14

15

16

PAT: I just wanted it on
record that we make sure that the
impact of the runoff on the wetlands
needs to be taken into consideration
as well, if the water is going to go
somewhere and it's going to go to the
wetlands area.

17

18

19

CHAIRMAN EWASUTYN: I remember
my conversation with your father
going way back. He remembered me.

20

21

PAT: He remembers you very
fondly.

22

23

ROB: And he regrets not being
able to be here.

24

25

CHAIRMAN EWASUTYN: Give him my
best.

1

2

Cliff Browne?

3

4

5

MR. BROWNE: When can they expect to have the documentation posted?

6

7

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19

MR. HINES: Typically, we post it the Tuesday before. I post it as early as I can, but the Tuesday before the meeting is, like, my limit. I was on vacations last week, unfortunately. But I did post it Tuesday at 3:00, and unfortunately, my office did not attach the maps. It's probably because the maps were posted for the last meeting, and my assistant only posted my comments. It wasn't intentional by any means. You are correct that only the comments are there.

20

21

22

MR. BROWNE: So, when should they expect be able to look online to find them?

23

24

25

MR. HINES: If we are going to go to a date certain on the 16th, then they would be the Monday

1
2 evening, Tuesday morning before that
3 meeting. I post them as soon as I
4 can, but oftentimes, that's when we
5 can do it.

6 CHAIRMAN EWASUTYN: Comments
7 from Board members, John Ward?

8 MR. WARD: No comments.

9 CHAIRMAN EWASUTYN: Lisa
10 Carver?

11 MS. CARVER: Nothing at this
12 time.

13 MR. BROWNE: Nothing more.
14 Thank you.

15 CHAIRMAN EWASUTYN: I think no
16 at this time.

17 MS. DeLUCA: Nothing.

18 MR. DOMINICK: Nothing at this
19 time.

20 CHAIRMAN EWASUTYN: Can I have
21 a motion from the Board to adjourn
22 this meeting and reset it for the
23 16th of April?

24 MR. DOMINICK: Make a motion.

25 MS. DeLUCA: Second.

1

2

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by Stephanie DeLuca. Can I have a role call vote starting with John Ward?

3

4

5

6

MR. WARD: Aye.

7

MS. CARVER: Aye.

8

MR. BROWNE: Aye.

9

CHAIRMAN EWASUTYN: Aye.

10

MS. DeLUCA: Aye.

11

MR. DOMINICK: Aye.

12

CHAIRMAN EWASUTYN: Motion

13

carried.

14

MR. HINES: So, Ken just

15

whispered a good suggestion. I will

16

repost the maps for this evening. So

17

they will be up there now. And when

18

we get the new ones, they will be

19

posted. Thank you, Ken. That is a

20

good idea.

21

CHAIRMAN EWASUTYN: Thank you.

22

MR. WINGLOVITZ: Thank you.

23

24

(Time noted 7:44 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF ORANGE)

I, VICTORIA CHUMAS ARIAS, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth was duly sworn and that such examination is a true record of the testimony given by that witness.

I further certify that I am not related to any of the parties to this action 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 17th day of March 2026.



VICTORIA CHUMAS ARIAS

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

-----X

In the Matter of

UNITY PLACE WAREHOUSE
(25-34)

Northwest Corner of Old Little Britain Road
and Unity Way
Section 97, Block 2, Lots 14.12, 20 & 21
Zone IB

-----X

PUBLIC HEARING
3-LOT SUBDIVISION

Date: March 5, 2026
Time: 7:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, CHAIRMAN
CLIFFORD BROWNE
LISA CARVER
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE:
Dennis Rocks, P.E., Weston & Sampson

-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: The fourth item of business this evening is Unity Place Warehouse, project number 35-34 [Sic (25-34)]. It's a Public Hearing. It's located on the northwest west corner of Old Little Britain Road and Unity Way. It's a site plan and ARB. It's in an IB zoning district, and it's being represented by Dennis Rocks.

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MR. CAPELLO: John Capello, J&G Law. I am here with Dennis Rocks, the project engineer, Jason Anderson, the project architect, and Joe Muccin, the project's traffic engineer.

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We are here tonight to discuss the amended application for what is known as the Unity Pace Warehouse application. The project is located on the corner of Unity Place and Old Little Britain Road, as I'm sure the public and the Board recalls.

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CHAIRMAN EWASUTYN: Excuse me.

Unity Place Warehouse

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I need to read the Public Hearing.

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Thank you. John Ward?

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MR. WARD: Notice of Public Hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a Public Hearing pursuant to Section 274-A of the New York State Town Law Chapter 83 Clearing and Grading of the Town of Newburgh Code on the application of:

Unity Place Warehouse - (2025-34). The project proposes a 240,000-square-foot warehouse on a 17.5-acre combined parcel. The project is located at the western quadrant of Old Little Britain Road and Unity Place intersection. The project is located in the Town's IB Interchange Business Zoning District. The project proposes 72 loading docks, 9 trailer storage spaces, and 122 vehicle passenger parking spaces.

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The project is supposed to be served by Town of Newburgh water and sewer. Project previously had conditional final approval for a 162,800-square foot warehouse on a 12.8-acre parcel. Additional land area has been acquired increasing the parcel size to 17.5 +/- acres. The project site is known on the Town of Newburgh tax maps as session 97, block 2, lots 14.12, 20, and 21.

A Public Hearing will be held on the 5th day of March 2025 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7:00 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 Ewasutyn, Chairman.

And I would like to explain how the Planning Board manages a Public

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Hearing so as to have an orderly and
productive hearing. The project

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applicant or representative for the

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project will give an overview of the

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project. The Planning Board Chairman

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will then open the Hearing for

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questions or comments on the project.

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At this point, you can raise

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your hand and be recognized by the

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Chairman. Please give your first

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name before asking any questions or

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commenting. The applicant or

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Planning Board technical

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representatives may respond to your

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questions. Once you have finished,

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you will need to wait until all

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persons that want to speak have a

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chance. Once everyone has had the

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opportunity to speak, the Chairman

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will recognize people that want to

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speak again. The Planning Board

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welcomes your comments and input on

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the issue pertaining to the project.

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Thank you.

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CHAIRMAN EWASUTYN: I

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apologize.

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MR. CAPELLO: Thank you very

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much. Sorry for jumping the gun.

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Once again, it's John Capello. I'm

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here with Dennis Rocks, Jason

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Anderson, and Joe Muccin, the

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engineering team. Our client Elliot

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Spitzer, who is usually at these

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meetings, is actually stuck in

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Israel, so we are sending him best

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wishes, but he would have loved to

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have been here to respond to the

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Board's questions.

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As was explained in one of the

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best Public Hearing notices I've ever

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heard as far as detail, we were

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before the Board almost two years ago

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for approval of 155,000-square foot

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warehouse on this location. We went

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through a full site plan review and

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SEQRA process with the Board. We had

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a couple Public Hearings at that

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time, and since then, the applicant

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was able to acquire the two

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residential lots that were stuck

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between the Kohl's and this

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warehouse. And based upon that, we

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went back to Dennis, and Jason, and

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Joe, and we revised the plan to

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increase the size of the warehouse

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from 155 to 240, and to move the

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project back a little bit, taking

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advantage of the two new lots to

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slightly move it back further away

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from the residential neighborhoods.

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As Dennis, and Jason, and Joe

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will explain in more detail, the plan

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still requires all truck traffic to

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enter in and enter onto Unity Place

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to avoid any truck traffic on or off

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of Little Britain, which will only be

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for employee and car traffic. There

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will be the bar placed there to

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ensure that occurs.

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We have submitted a revised

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grading plan, a revised storm water

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plan, a revised traffic analysis, a

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2 revised landscaping plan, and
3 architecturals. The concept is still
4 the same. The building will look
5 substantially the same. It will be a
6 little bit bigger, but most of the
7 size will be back away, not longer or
8 more. It will be less visible from
9 the residential areas. So, with
10 that, I would like to give it over to
11 Dennis to begin and present the site
12 plan and any differences about the
13 prior and this plan.

14 MR. ROCKS: Good evening.
15 Dennis Rocks from Weston & Sampson,
16 formerly Brooker Engineering. John
17 gave a lot of my details. He stole
18 my thunder. But what he was saying
19 is very important in that this
20 dimension of the building has not
21 changed. It just moved back this
22 way, and these were the two new lots
23 that were added. And that enabled us
24 to eliminate a retaining wall. So,
25 that was great. The grades were able

1
2 to tie in better. So, this access
3 point is the same. This access point
4 shifted a little bit. And this
5 parking lot grew a little bit. This
6 one stayed about the same. There is
7 the same number of loading docks.
8 And then, you can see that this is --
9 the presentation plan before you is
10 actually the planting plan. And it's
11 got a very robust planting plan. We
12 gained a lot of experience on the
13 155,000-square foot warehouse. And
14 we closely coordinated with your
15 landscape consultant, and that's how
16 we arrived at this very robust plan.
17 So, it's very significant and very --
18 is it going to be beautiful.

19 And so, for storm water
20 management, we have a combination of
21 techniques here. This is something
22 called a bio-retention basin. And
23 so, it's a landscape depression. And
24 then, we have subsurface infiltration
25 galleries here, here, and here. We

1
2 have water supply connection here
3 that will be submitted to Orange
4 County Health Department. And then
5 the sanitary sewer we are bringing it
6 up and connecting it in Unity.

7 So, that's really the project
8 in a nutshell, and I would like to
9 pass it over to Jason and maybe talk
10 about the building a little bit.

11 MR. ANDERSON: Jason Anderson,
12 ADG Architects. Essentially, it
13 looks the same as what we saw last
14 time. And I know we presented this
15 also a few months ago, but really as
16 Dennis was mentioning, the building
17 only increased towards Kohl's.
18 Everything else along Unity Place,
19 and Little Britain, the approach from
20 17K coming up to -- coming up towards
21 Unity Place, as you go towards Old
22 Little Britain, all of those visuals
23 stay exactly the same. So, nothing
24 has changed at all. The colors
25 didn't change. The materials didn't

1
2 change. It still is a concrete or
3 proposed to be a concrete warehouse,
4 so essentially, it's 10 inches of
5 concrete with two inches of foam
6 inside. So, from an acoustic
7 perspective, a noise perspective,
8 everything stays within the building.
9 All of the loading docks, of course,
10 are on the west side, which is
11 towards Kohl's.

12 So, the view that you're seeing
13 here, this is Unity Place, so the
14 reservoir would on my right. This is
15 on Old Little Britain; the reservoir
16 is on my right. You are seeing what
17 that approach would look like. This
18 is the corner of Old Little Britain
19 and Unity Place. What we do is we do
20 simulations, showing the actual
21 landscaping that Dennis has on his
22 plan. So, here are the trees that
23 are proposed, and we show them at
24 year one based on what's on the plan,
25 the height of them. And then, we

1
2 adjust that as they grow year five
3 and year ten. So, you will see the
4 building, and that is how it
5 continues to transition as the
6 landscaping grows up. So, you see
7 the rest going to Unity Place there.

8 And then, the last one here is
9 the view if you picture -- here is
10 the turn into the convention center
11 on the left. My back is essentially
12 towards 17K, Barton's property. And
13 here is the office section of the
14 property, so there is an office on
15 one end of the building. There is an
16 office on the other end of the
17 building. And intentionally, we made
18 the building try to look more like an
19 office building, not a warehouse, as
20 you see it on Unity Place. And you
21 could see the progression also of the
22 landscaping.

23 One item, this is more visible.
24 It always has been more visible
25 because, as Dennis was mentioning, as

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you pull out of the driveway, which

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is just to the north of this image

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here, you need to be able to see

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right and left, right? So, we can't

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have trees growing up, just like --

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(Unintelligible) -- driveway. And

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so, that's why you don't see trees in

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this location. And that's what is

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shown also on the landscaping plan as

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well. Other than that, the building

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stayed the same. The amount of

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loading docks stayed the same.

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Everything was just pushed closer to

15

Kohl's.

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If there is anything on traffic

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you want to mention?

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MR. MUCCIN: Joe Muccin,

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Collier's Engineering. So, from a

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traffic standpoint, not a lot has

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chanced, but I will give a quick

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summary.

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So, we conducted a revised

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traffic report based on the updated

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building size. Really, the changes

1
2 were insignificant in terms of the
3 delay and level of service at the
4 study area intersections. As
5 identified in our original report, we
6 had identified improvements at Unity
7 Place and 17K and were already
8 completed. Those were done in
9 coordination with New York State DOT.
10 There is a radian (Phonetic)
11 improvements there, and those
12 improvements have been completed, and
13 the permit's been closed out for
14 that.

15 At the intersection of Old
16 Little Britain Road and Route 300,
17 our initial report had mentioned
18 signing and striping improvements as
19 well as video detection at that
20 intersection. Since the initial
21 report, those improvements actually
22 have been completed by the New York
23 State DOT. So, again, further
24 alleviating traffic concerns there.

25 And then, just as far as broad

1
2 overview here as well, we are
3 committed -- after the
4 post-construction here, we will do
5 traffic monitoring and assess the
6 impacts at that time.

7 CHAIRMAN EWASUTYN: Questions
8 or comments from the public? Please
9 raise your hand and give your first
10 name.

11 JOHN: My name is John,
12 J-O-H-N. I live in the Town of
13 Newburgh. I speak to a lot of
14 residents here in the Town, and we
15 have a lot of warehouses around here
16 already with a lot of traffic. And
17 my personal feel on it is that we
18 don't need any more warehouses in
19 this town, especially warehouses with
20 no tenants, like the other ones. And
21 that just brings the situation where
22 tenants don't know -- or the
23 neighborhood don't know what's coming
24 in, and then, we have to deal with it
25 once it's done. So, I don't want to

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waste much more of your time other
than to say I really don't want this
warehouse in my town.

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CHAIRMAN EWASUTYN: Thank you
John. Lady in the front?

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MICHELLE: Michelle. Do you
have a tenant?

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MR. CAPELLO: No, we don't have
a tenant.

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MICHELLE: Okay. Can you
explain to me what a five-acre waiver
is, what you are asking for, a
five-acre waiver?

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MR. ROCKS: Sure. So, there
was an earlier application tonight
when they were discussing how the
storm water regulations kick in when
there is five acres of disturbance.
It's kind of related to that. But
what happens is, this project has way
more than five acres of disturbance,
so it's subject to those New York
State DEC regulations. And those
regulations filled in that if you

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2 want to disturb more than five acres
3 at any one time, you have to gain
4 authorization from the MS4, which is
5 the Town. So, we need that
6 authorization. And it's -- we needed
7 the same authorization for the
8 155,000 warehouse, and it's not
9 unusual.

10 MICHELLE: It's not unusual?

11 MR. ROCKS: It is not.

12 MICHELLE: So, it will
13 definitely go through, the waiver?

14 MR. ROCKS: We will pursue the
15 waiver.

16 MICHELLE: You will pursue the
17 waiver, and it will go through
18 without anyone knowing, correct?

19 MR. CAPELLO: No. It will
20 require that we comply with DEC
21 standards. It will require that we
22 provide to the engineering --
23 professional engineer whose company
24 reviews it that we implemented the
25 appropriate mitigation measures.

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There is a fairly normal storm water management plan that is on file that was submitted in support of this, so it will be reviewed and will have to meet State standards.

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MR. HINES: It also kicks in additional inspections where there is a requirement under the State that the applicant's environmental professional do a review once a week. In order to obtain a five-acre waiver, it has to be twice a week with a three-day separation. And in addition, it requires stabilization within seven days of areas that are brought to grade or going to be left idle, rather than the 14 days. So, there's additional inspection and restabilization requirements that have to be met. It requires Town Board approval for that Waiver as the regulated MS4.

MICHELLE: Okay. On the post-construction traffic monitoring

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study, what good is the study after
the project is up and coming?

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MR. MUNCCIN: Good question.

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So, that's really more to make sure

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that we are in line with our traffic

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projections. So, you would do

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traffic counts, and you would have,

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you know, conduct a capacity analysis

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of level of service to determine what

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we analyze in our study is that in

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line with the reality is

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post-construction. So, it is a check

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on our work at that time.

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CHAIRMAN EWASUTYN: Ken

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Wersted, do you want to speak on

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that?

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MR. WERSTED: Effectively, they

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are analyzing traffic conditions

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based on an unknown tenant. However,

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they are basing their information on

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historic counts of other similar

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types of uses. So, with that in

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mind, you could get somebody in here

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that generates less traffic,

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therefore has less traffic impact.

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You could find a tenant that could

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occupy the same amount of space, but

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have a more higher intense use. If

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that were the case, they would break

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those thresholds. They would break

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that analysis and exceed that, and

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that is what this analysis is here to

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ensure. It's checks and balances.

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So, we had this case on a

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different project on Matrix, opposite

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the transfer on 17K, where they did

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not have a tenant. They got the

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building approved. I believe they

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built most of it, and then they had a

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tenant who was interested that didn't

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fit the analysis that they had

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conducted. So, they had to come back

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and do another analysis and basically

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update the study. So, this

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post-traffic analysis is there to

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help ensure that they are within the

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bounds that they have been approved

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on.

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CHAIRMAN EWASUTYN: Can you speak on Walmart also, how a similar item was put in place and a year later?

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MR. WERSTED: Yes. So, that's dating back a long time.

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CHAIRMAN EWASUTYN: Just an example, the impact.

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MR. WERSTED: So, I believe Walmart, I think, was just a regular Walmart, and it was expanding to a super center. And so, again, they analyzed their traffic based on studies of other super Walmarts around the country. And once they were built-out, they had to go back and check and say -- provide a report to the Town and say, yes, we are generating the amount of traffic that is in line with what we studied.

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MR. MUCCIN: I will say one other thing on that. Our report actually analyzed the sensitivity analysis with like the most

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2 conservative -- reasonably
3 conservative trip generation, and
4 even during that analysis, I think
5 that was based on the Town's review,
6 even based on that analysis, it could
7 be accommodated with very little
8 changes based on -- condition.

9 MR. HINES: So, it's also my
10 understanding that after the
11 post-analysis that if there are
12 deficiencies or increases in traffic,
13 that there would be potential
14 mitigations imposed a year later,
15 traffic signal modifications. I
16 mean, Ken can speak to that better.
17 But it's not an study that if it
18 proves out that there is additional
19 traffic will just get put on the
20 shelf. There would be requirements
21 on the applicant here to address
22 conditions that are identified in
23 that report.

24 MICHELLE: One more thing. I
25 wanted to know if you were aware of a

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deed restriction on those two

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residential lots that they purchased.

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MR. CAPELLO: There's nothing

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that came up in the title to my

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client's knowledge that would prevent

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--

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MICHELLE: He knows about it

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because he contacted me. And I have

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the same restriction on my property.

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MR. CAPELLO: With

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restrictions, I think we went through

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this the last time --

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MICHELLE: No noxious or

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offensive trade or business shall

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ever be carried on upon said

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premises. Nor shall anything be done

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there in which may be or become a

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nuisance or annoyance to the

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neighborhood.

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Now, those two lots that you

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purchased has the same restriction on

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it.

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MR. CAPELLO: Well, it's a

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private issue. And it would be to --

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MICHELLE: It's a private issue, but they should know about it.

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MR. CAPELLO: It was spoken about at the last Public Hearing.

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MICHELLE: I did not bring up the restriction at the last Public Hearing.

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CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board attorney?

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MR. CORDISCO: If you could provide a copy of that to us, we will take a look at it.

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MICHELLE: Okay, thank you.

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CHAIRMAN EWASUTYN: Jason?

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MR. ANDERSON: If I could add to -- even to that point, just on use of the building, even if there is no tenant, there are restrictions on the build. This is essentially an S1 moderate hazard building that we have designed, so it doesn't call for high hazard use. It was governed by what is in the Building Code, and so that really limits what can be in it. So

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even though for many of these

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warehouses they will not be leased

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until they are built and/or at least

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approvals are in place, companies

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will not come in and lease those.

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So, we don't know what the tenant is.

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There are still restrictions based on

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the Building Code limitations of what

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can be in there. And that does limit

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things that is are high hazard, which

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may fall into something like that.

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And that's not permitted within that.

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CHAIRMAN EWASUTYN: Gentleman

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in the back? Go ahead.

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JOHN: My name is John J. Rich

17

(Phonetic) also. I guess there is a

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lot of Johns in the building. I am

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here on behalf of Joseph Minuta

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(Phonetic), who is a homeowner at 546

21

Temple Hill Road in New Windsor and

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has a direct shot across the lake to

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this building. I just want to read

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off -- he can't make it tonight. I

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just want to read off an email that

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was addressed to John.

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Between the two, I have a packet, if I may approach? I just want to give everyone a packet.

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CHAIRMAN EWASUTYN: I prefer you drop the packet off. I don't necessarily receive things the night of the meeting.

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JOHN: Okay.

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CHAIRMAN EWASUTYN: So, you can drop them off at the Planning Board office tomorrow. Just let me know if that's the case, so I can let them know that something is coming in. Because we don't just accept things randomly.

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JOHN: So, this has some illustrations in it, what I'm about to discuss. This was, like I said, this was addressed to Mr. John Capello and CC myself, John Rich.

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I am writing to share my request regarding the Unity Place project in anticipation of the

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upcoming Public Hearing. Following

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the presentation of February 5th, I

4

had the opportunity to speak

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privately with you, the developer,

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Mr. Eliot Spitzer, and the project's

7

architect to discuss the specific

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impacts this project will have on my

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property. As shown on the attached

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map, my property consists of six

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acres and four residences and sits

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directly across from Washington Lake

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with the primary line of sight

14

pointed toward the subject property.

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Formalizing the agreement for

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-- (Unintelligible) -- screening, so

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during our discussion in the hallway

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following the presentation, I pointed

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out that the area I initially mistook

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for deciduous trees on the site plan

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is actually a detention on

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(Phonetic). This creates a

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significant gab individual buffer of

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this property that was wooded about a

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year ago or so, leaving my properties

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entirely exposed to the proposed

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industrial site. It further noted

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that the Washington Lake abatement

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along Old Little Britain Road was

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also cleared of trees by the

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municipality in the last year or so.

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From this angle, my residence is to

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the right of the lake pump house

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station beyond.

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I was pleased that Mr. Eliot

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Spitzer verbally agreed during our

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conversation to provide evergreen/

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conifer screening in this area. I

15

now formally request that the Board

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ensure this commitment is integrated

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into the official site plan.

18

Request: A continuous

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perimeter of tall conifers

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surrounding the pond along Unity

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Drive. This is consistent with the

22

Town's decades-long precedent of

23

requiring evergreen buffers for the

24

Home Depot and Kohl's developments to

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protect the public and nearby

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residents year-round. Some of those pictures are in that packet.

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Mitigation of industrial visual impacts. Without a robust year-round evergreen buffer, my properties will directly be exposed to the operations of the building or the 40-foot cleared ceiling height. My primary concerns include: Vehicle light pollution, repeating headlights from the maintenance trucks and tractor trailers. Operation activity, visual destruction from snow plowing and 24/7 heavy equipment movement. I request that the general areas in red, which is also pointed out in here, at the minimum receive a double row of staggering evergreen trees that will grow at least 40-foot tall. I note that the sight and the roadway slopes upward significantly to the -- (Unintelligible) -- and rear. This entire road and traffic on it is surprisingly visible from my

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property, especially with headlight traffic at night.

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Third, solar orientation and clearer (Phonetic) analysis. While the architect mentioned using black solar panels to the Board, this does not automatically negate the issue of glare. Orientation, we surmised the panels will be southern-facing with direct reflection towards my property. I request a formal solar orientation plan to ensure glare is not impacting lakeside residents.

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Rooftop screening. I request confirmation that the building's parapet height will be sufficient to fully screen all rooftop mechanical equipment and solar rack and system from view across the lake.

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Preservation of night sky. Over the last 30 yards, local development has diminished our ability to stargaze replacing our clear night views with a cloudy,

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hazed glow. As a resident who deeply

3

values our wooded environment, I

4

believe dark sky-compliant lighting

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is necessary. I request that the

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Board mandate fully shielded fixtures

7

with zero upper light spill to

8

install for lighting essentially to

9

prevent further degradation of the

10

mixed-life atmosphere.

11

I appreciate the Board's

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diligence in reviewing these points.

13

While I do not object to the

14

development itself, I believe these

15

reasonable mitigations, particularly

16

the utilization of conifer buffers

17

agreed by the developer, are

18

essential for the project to be a

19

responsible neighbor. If some of

20

these points, especially the

21

evergreen buffer and the buffering of

22

the conifer trees can't come to,

23

like, some kind of conclusion, I

24

would like to request that the Public

25

Hearing stay open.

1

2

CHAIRMAN EWASUTYN: John, what is the distance from Mr. Minuta's point of site to the building itself?

3

4

5

6

JOHN: It's right across the lake. I don't know the exact distance offhand right now. But it's right across the lake here.

7

8

9

10

CHAIRMAN EWASUTYN: Would you say it's 1,000 feet? Would you say it's 2,000 feet? Would you say it's 3,000 feet?

11

12

13

JOHN: I cannot answer that right now. It's probably, maybe, roughly 2,000/3,000.

14

15

16

CHAIRMAN EWASUTYN: It was my understanding that in a brief conversation that distance was 3,000 feet. This is a matter of conversation.

17

18

19

John, are you aware of the conversation that --

20

21

22

MR. CAPELLO: Yes. We did devise, and we would commit that we would look to see what we could do to

23

1

2

address his situation. You know, the

3

exact request he made, and I did

4

reply to Joe today, may be a little

5

bit difficult due to the site

6

distance requirements for the access

7

road. And, you know, we think as

8

with the last plan that underwent a

9

full review, your landscape

10

architect, that, you know, we have

11

provided screenings from the lights.

12

Jason did look at it in a little more

13

detail, and I think he can provide

14

that.

15

CHAIRMAN EWASUTYN: Jason?

16

MR. ANDERSON: So, a couple

17

things. It's 4,000 feet from that

18

property to the edge of the

19

reservoir. It's about 100 feet then

20

to our property line, so it's just

21

over 4,000 feet is what we are

22

talking about.

23

CHAIRMAN EWASUTYN: Okay.

24

MR. ANDERSON: A couple of

25

things, which I will graphically

1
2 explain what you've got in your
3 packet, and you can correct me if I'm
4 wrong.

5 There were a few red lines, so
6 what Joe had drawn out is he was
7 asking for the conifers to be sort be
8 in this location, and then some in
9 this location. That location is
10 impossible because of that site
11 distance. That is why we have this
12 line here. So, that is pretty easy.

13 In this location, this was -- I
14 looked back in the records when we
15 were -- when Karen was here, and we
16 were working out all of the
17 landscaping with her. And we had
18 originally shown some, but we were
19 struggling with, of course, the storm
20 water and everything else. At that
21 point, the plan was a little bit
22 different. It eventually evolved to
23 the dense landscaping that we have
24 here, which does not have confers in
25 this location. It does here at this

1

2

area to the west, and this really is

3

because of the storm water management

4

that we have. I think the key piece

5

here, which I don't know if Mr.

6

Minuta was aware, was that all of the

7

truck traffic is coming from the

8

north. We have nothing facing that

9

direction to the south when it comes

10

to headlights. And, in fact, even as

11

the trucks come in, they back up,

12

those are protected by the conifers

13

and the dense landscaping that's

14

here. The only spot where there's an

15

opening is, of course, where the

16

driveway is at that point.

17

The other piece is that we do

18

have landscaping here as well as a

19

stone wall that comes up that also

20

protects from the headlights that are

21

from the parking area that's there.

22

So, it may not look like it at and

23

this point, but that is being

24

addressed as part of that as well.

25

The other things that were

1

2

brought up were things like the solar

3

orientation study analysis. We are

4

designing the building to be solar

5

ready. Part of it is a New York

6

State requirement, but we're doing it

7

for the entire building instead of

8

just the percentage. We are not

9

installing that at the moment. We

10

would be agreeable that if the tenant

11

decides they want to do that, that

12

that would be done at that point.

13

The other couple items, dark

14

sky-compliant lighting, which is

15

what, I believe, we have in this.

16

MR. ROCKS: That's correct.

17

MR. ANDERSON: We have already

18

addressed that with what we see here.

19

CHAIRMAN EWASUTYN: Dennis, you

20

want to speak on that?

21

MR. ROCKS: Yeah. So, in

22

anticipation of this meeting, we

23

submitted a narrative that responded

24

to the comments we received. We

25

didn't change any plans. We just

1

2

indicated, basically responded to

3

outstanding comments from Pat, and

4

Ken, and from the County Planning.

5

And County Planning, one of their

6

comments was the same comment as far

7

as the dark sky-compliant lights.

8

And you will see, in our response, we

9

run through every consideration that

10

is associated with dark sky-compliant

11

lights and indicate how we are doing

12

that for this project.

13

CHAIRMAN EWASUTYN: Thank you.

14

John, let me see if there is

15

additional comments from the public,

16

and then we will work our way back or

17

forward. Ma'am?

18

NANCY: Yes. My name is Nancy.

19

And I happen to live on the street

20

that is -- I was one of people that

21

got the notice, the 500-foot notice,

22

so, yeah. I'm right there. So, I

23

really wanted to be here tonight.

24

And I agree with John. We have way

25

too many warehouses in this town.

1

2

And I hope that someday you stop

3

building them or someone stops

4

building them, because a lot of them

5

are empty, because I notice these

6

things. I drive around, and I notice

7

because of this building coming up,

8

which I will be able to see from my

9

kitchen window in the wintertime.

10

So, it's very close to our

11

neighborhood. And one of the reasons

12

I came here tonight was I wanted to

13

make sure -- and I notice that you

14

have done that -- that the driveway

15

and exit way will be down the hill,

16

so it will be -- because initially,

17

it was going to be right in my

18

viewpoint.

19

(Unintelligible Due to Multiple

20

Speakers.)

21

NANCY: So, it's going to stay

22

that way. And also the bays are

23

going to be in in the back of the

24

building.

25

I do have concern about the

1
2 tenants, but you kind of addressed
3 that when you said that it's going to
4 be a moderate hazard. What did you
5 say it was again?

6 MR. ANDERSON: It's an S1
7 moderate hazard. So, the way New
8 York State Building Code reads
9 there's low, moderate, and high
10 hazard, and it has --

11 NANCY: Can you us -- can you
12 give me an example of what that would
13 be?

14 MR. ANDERSON: So, moderate
15 hazard is pretty much -- so, it could
16 be anything from storing furniture in
17 it, any other materials. It would --
18 something that's actually low -- I
19 will give both, the other examples.
20 The low hazard are things that it's
21 impossible to burn, like block or
22 pieces of metal, and that's all
23 that's permitted in the low hazard.
24 So, that's pretty limited. A high
25 hazard is anything that's

1

2

combustible, explosive,

3

carcinogens...

4

CHAIRMAN EWASUTYN: Jim

5

Campbell, Code Compliance, the checks

6

and balance, the applicant eventually

7

would apply for a building permit.

8

At that point in time, is that how

9

it's critiqued?

10

MR. CAMPBELL: Typically, on a

11

building like this, it would get a

12

shell permit first, which would build

13

a general shell. And when they got a

14

tenant, what is specifically for that

15

tenant? What are they proposing to

16

store? What are the, you know,

17

quantities of what they're going to

18

store? And then, that would be

19

placed within the code. That's also

20

going to part of as far as a

21

sprinkler design and stuff like that.

22

NANCY: And this cannot change?

23

It cannot change? It cannot be

24

changed?

25

MR. ANDERSON: Like, let's say

1

2 we were going to go to high hazard,
3 the building itself would have to
4 change.

5 NANCY: Okay, but you're not
6 going to change it?

7 MR. ANDERSON: No. We have to
8 build it in order to get a tenant.
9 And once it's built, no one is going
10 to change that.

11 NANCY: Okay. The other
12 concern I have is how long is this
13 going to take to build once you
14 start? Because it's already been --
15 this has been three years now because
16 I have it, you know, I have it all
17 written down. It's three years
18 you've been coming to these meeting,
19 and I think it's been about two years
20 since the ground -- the land was
21 excavated. And that's a long time
22 to, you know, to wonder what's going
23 on. So, now, you come back, and it's
24 even bigger, you know? So, how long
25 is it going to take?

1

2

3

4

5

6

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21

22

23

24

25

MR. ANDERSON: So, if I may, so the -- what was done was just cutting of the trees, so there is no excavation or grading and clearing. That all is handled with a separate permit. You're allowed to take down the trees for other reasons. Once something gets started, then that is where the incentive is to finish it as quickly as possible because you are spending money on inspections, we talked about the SWPPP, all of those other pieces. That gets very expensive. We do a lot of these. I would say probably a warehouse of this size should take anywhere from 10 to 14 months, beginning to end.

CHAIRMAN EWASUTYN: Would this be a panel construction?

MR. ANDERSON: Yes, this will be --

CHAIRMAN EWASUTYN: Can you explain a panel construction?

MR. ANDERSON: Absolutely. So,

1

2

what that means is basically it's

3

precast panels. They're 13-foot-6

4

wide, 10 inches thick. They come the

5

exact height that this building is,

6

so let's say 40 feet for round

7

numbers. They will come in on

8

tractor trailers, and we tilt it up.

9

This building I would expect that

10

probably about a week and a half all

11

of the walls will be up. It will

12

take about three weeks to put the

13

seal on and another week to put the

14

roof. So, in about two months the

15

building is entirely enclosed, and

16

then the rest of the work happens

17

inside other than the site work

18

that's outside.

19

CHAIRMAN EWASUTYN: As an

20

example on 17K where the garden

21

center used to be at Newburgh Toyota

22

--

23

NANCY: I have been watching

24

that one go up.

25

CHAIRMAN EWASUTYN: That's a

1

2

panel construction. That building --

3

don't hold me to it -- is

4

approximately 565,000 square feet.

5

And I do believe at this point, we

6

don't know who the tenant is. In

7

most cases, I know it sounds --

8

doesn't make sense, but in most

9

cases, in some cases, the owner has

10

an agreement with the tenant, or the

11

tenant has an agreement. They don't

12

want to disclose that they're moving

13

somewhere until everything is finally

14

approved because it is also something

15

of a competitive nature. But again,

16

the question always arises what's

17

going to be there. And Dominic

18

Cordisco could answer that as to our

19

responsibilities in answering that.

20

MR. CORDISCO: That is correct.

21

NANCY: One last question.

22

Will the construction take place

23

during working hours only, like

24

generally speaking, like 7:00 to 5:00

25

or something like that, or...

1

2

CHAIRMAN EWASUTYN: That would
be Jim Campbell, Code Compliance.

4

Jim?

5

6

7

8

9

MR. CAMPBELL: Depending on the
activity, like site preparation
activities are limited between the
hours of 7:30 a.m. and 6:00 p.m. when
within 1,500 feet of a residence.

10

11

MR. HINES: Which is the case
here.

12

13

14

15

16

MR. CAMPBELL: No activities
conducted on Sundays or public
holidays, as for site preparation.
Actual construction can go 7:00 a.m.
to 7:00 p.m., seven days a week.

17

18

19

MR. ANDERSON: Generally, even
when you say "seven days," it's not
Sundays.

20

21

CHAIRMAN EWASUTYN: Gentleman
that just raised your hand.

22

23

24

SAM: My name is Sam. Would
this warehouse be refrigerated by any
chance? Could it be?

25

MR. ANDERSON: Could be.

1

2

That's not proposed to be

3

refrigerated, but I guess it can be.

4

5

SAM: My concern would be the

6

trailers coming in and out of there

7

have refrigerators on them, and the

8

refrigerators make a lot of noise.

9

And a lot of times, drivers go to

10

these warehouse, and they sit there

11

sometimes 12 hours, 14 hours. And

12

they don't get unloaded when they say

13

they are going to get unloaded. So,

14

that would be my concern. Diesel is

15

running while these trucks are all

16

parked.

17

CHAIRMAN EWASUTYN: Ken

18

Wersted, do you want to comment on

19

any part of that?

20

MR. WERSTED: No. I think if

21

the building were to be refrigerated,

22

there is probably additional

23

mechanical and other components to

24

the architecture that would have to

25

come into play. It's not to say that

there aren't -- whoever the tenant is

1
2 may still have a refrigerated truck
3 come and deliver something. And I
4 don't know what they are storing, but
5 that is still a potential, I think.

6 MR. ANDERSON: The other thing
7 I believe, even in the last
8 resolution, which I'm sure would
9 follow here, there is, of course, New
10 York State idling laws, which limit
11 that three minutes, I think, it's now
12 five, one of those two. However,
13 what we do is at each -- well, each
14 every other dock there is block
15 heaters for that. That is to limit
16 or to allow -- the reason they idle
17 their trucks, of course, is to keep
18 warm. So, that's provided in all of
19 those locations because they have to
20 still abide by New York State law of
21 three or five minutes. I can't
22 remember what that is.

23 SAM: If they are delivering
24 frozen goods, they have keep the
25 trailer cold.

1

2

MR. ANDERSON: That's correct.

3

4

SAM: And they might be out there all day.

5

6

7

8

9

10

11

12

13

MR. MUCCIN: I will also add one more thing because we did the study on this. As part of the last approval, similar to traffic, there is a post-construction monitoring on this as well. So, there will be noise measurements taken, and it will be compared to what we had in our report, so...

14

15

16

17

18

19

MR. WERSTED: Idling appears to be limited to five minutes outside of New York City. In New York City, it's three minutes, and that may be for the tractor, not necessarily the compressor on the actual trailer.

20

21

22

23

24

25

MR. CAPELLO: I do recall the prior approval, which I assume most of the conditions carried over and modifier increased didn't have specifics about truck idling and times, which we would be amenable to

1

2 again.

3 CHAIRMAN EWASUTYN: Gentleman

4 there.

5 CHARLES: My name is Charles,

6 my wife and neighbors, actually. At

7 the risk of sounding redundant and

8 backpedalling to some of our other

9 meetings, reality is you are asking

10 us to accept something that we don't

11 even know anything about. And we

12 don't really know how it is going to

13 impact the quality of our lives. And

14 what happens after it's built? Do we

15 get it, and we are listening to

16 trucks all day? And any number of

17 things, inconveniences. The

18 environment of our neighborhood is

19 likely going to change. Most of us

20 probably have accepted that, but

21 we're not happy with it, you know?

22 This is tongue and cheek, but if

23 we're not happy with it, can we get

24 rid of it after it's built? I mean,

25 we are in a really difficult

1
2 predicament here. We don't know what
3 it's going to be like to live next to
4 this thing. Anyway.

5 SAM: But they got to make
6 money.

7 CHARLES: Anyway, I am totally
8 against it, but it is what it is.
9 And I would imagine that everybody in
10 our neighborhood is also. But it is
11 what it is.

12 NANCY: It is very close to a
13 neighborhood. I don't see where they
14 put these things up like that close
15 to a neighborhood. I haven't see it
16 yet. It could be out there, but I
17 haven't seen it yet.

18 CHARLES: I'm reminded of
19 something, you know, putting a square
20 peg in a round hole. It almost feels
21 that way right now to me. Maybe I'll
22 feel different once it's up, but
23 maybe I wont. Maybe it will be
24 worse. Anyway, you've put us in a
25 real predicament. Just letting you

1

2

know that.

3

UNIDENTIFIED SPEAKER: It's our

4

homes.

5

CHARLES: It's our homes.

6

CHAIRMAN EWASUTYN: Dominic,

7

you want to say something?

8

MR. CORDISCO: Yes. I mean,

9

this Public Hearing is exactly that,

10

an opportunity for the public to

11

voice your concerns regarding the

12

project. But you should understand

13

that the nature of the Planning Board

14

is that it's not truly a

15

discretionary board. It doesn't get

16

to say yes or no based on factors

17

like neighborhood is changing

18

necessarily. The reality of the

19

matter is that this project is

20

actually permitted at this location.

21

And so, as a result, the Planning

22

Board's responsibility is to ensure

23

that the plans meet the code

24

requirements and also minimize the

25

environmental impacts to the extent

1

2

that they can be minimized. It

3

doesn't mean that the Planning Board

4

has the authority to simply stay this

5

is a bad location for that because

6

the Town Board has already

7

established the zoning for this

8

particular project a long time ago.

9

The zoning hasn't changed. So, as a

10

result, the Planning Board doesn't

11

have the kind discretion that you may

12

think that they should have. What

13

they are doing is they are trying to

14

evaluate real word impacts to you and

15

the neighbors as to what could

16

possibly be done with the project.

17

But they can't simply tell it to go

18

away.

19

CHARLES: Can I speak to that

20

for a moment?

21

MR. CORDISCO: Please.

22

CHARLES: When that land was

23

zoned, how many warehouses like it

24

were in the area or in the Town?

25

None.

1

2

NANCY: None.

3

MR. CORDISCO: Understood.

4

5

CHARLES: So, in a way, the zoning of that property is antiquated.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

CHARLES: I am sympathetic to what you're saying.

21

22

23

24

25

CHAIRMAN EWASUTYN: So am I, but in a real life sense. And I am not being sarcastic, and I don't mean that at all. I think people adapt to the environment, and I think that

1
2 they also shoot themselves in the
3 foot because they like the
4 convenience of ordering online. So,
5 it's almost like how can you have
6 both, or if you are going to have it,
7 then you are going to have to have
8 warehouses.

9 NANCY: Just, like, how many
10 warehouses can the Town of Newburgh
11 handle? How many more? I mean, I
12 know you guys aren't in charge of
13 that, but you know people who are in
14 charge of that, I think, other people
15 who are Town counsel or whatever.
16 But how many -- I mean, when is it
17 going to -- you know? How many more
18 are going to be built in our town?

19 CHAIRMAN EWASUTYN: It's a good
20 question.

21 NANCY: It's a good question.
22 I mean, it's a question that a lot of
23 people have. Everybody I talk to
24 just about in town has that question
25 so, anyway.

1

2

3

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CHARLES: I'm also wondering, you know, we talked about environmental studies, and sewage, and traffic, and et cetera, et cetera, but how is this going to impact the people that live there? Are there any studies that show how those people in other areas where things like this have gone up, how they have been affected and their quality of life has been affected?

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board attorney?

MR. CORDISCO: I mean, so, what the Board's authority is is under the State Environmental Quality Review Act. And so, they are very particular environmental concerns, you know, like storm water, waste water, water usage, air quality. These are things that the Board has the authority by law to look at and to evaluate whether or not there is going to be a significant impact from

1
2 those particular levels, particular
3 types of environmental impacts. But,
4 you know, changes to neighborhood is
5 not really an environmental impact in
6 and of itself.

7 CHARLES: I would beg to
8 differ.

9 MR. CORDISCO: I appreciate
10 that. I am sympathetic to your
11 concerns. It's just that the Board
12 has very limited, to my earlier
13 point, very limited jurisdiction over
14 what you would like to see here.

15 CHAIRMAN EWASUTYN: Additional
16 questions or comments from those who
17 haven't spoken? John?

18 JOHN: I just want to say that
19 Mr. Minuta's main concern is the
20 buffering, adding more trees to this
21 view. Was there ever a time you
22 looked at adding more of the trees in
23 between the potential pond and the
24 building, as opposed to the street
25 side, so the back side of the

1

2

detention hall?

3

4

5

6

7

MR. ANDERSON: So, that actually comes up right to that retaining wall because this is lower, and this is up higher. So, there is no space there.

8

JOHN: Okay.

9

10

11

12

13

14

15

16

17

18

MR. CAPELLO: We could, you know, and I would be willing to speak with Joe and Elliot -- you know, we understand his concern. If there is a direct shot, if there is a way to do some planting, we certainly, you know, given the context of all of this, you know, we would certainly work to do what we can to mitigate any potential impact.

19

20

CHARLES: Can I make one more comment?

21

22

23

24

25

About 20 years ago, there was a proposed building project that was made by the Jehovah Witness -- the Witnesses. They put up the convention center behind us. They

1
2 have been good neighbors, I think,
3 personally. And all of the concerns
4 that I had prior to the construction
5 project basically disappeared. I am
6 hoping the people who own this will
7 also be good neighbors to us.

8 CHAIRMAN EWASUTYN: Thank you.
9 It is nice to have a positive
10 comment. And I am not saying that
11 all of your comments aren't positive,
12 but I think that was nicely put. And
13 that does accommodate, I think,
14 1,800-seating capacity -- and we find
15 in general, as far as the work they
16 do, the craftsmanship -- Jim Campbell
17 could speak of them. Jim, how they
18 apply all of the right work centers.

19 MR. CAMPBELL: They definitely
20 do follow all of the rules, yes.

21 NANCY: No, they -- yeah.

22 CHARLES: Every once in a while
23 there be will someone that knocks on
24 the door, but I remind them we have
25 an agreement, and I don't see them

1

2 any more.

3

4

5

6

CHAIRMAN EWASUTYN: If there's no more questions or comments from the public, I'll turn it over to Board members. John Ward?

7

8

MR. WARD: For the record, you are having two tenants, right?

9

10

11

MR. ANDERSON: So, we don't know. It's set up so we're able to have two tenants.

12

13

14

MR. WARD: I wanted the public to hear that. That's why I am saying it.

15

MR. ANDERSON: Yes, absolutely.

16

17

18

19

20

21

22

MR. WARD: And second, they mentioned about idling and everything else. I would like to see signage up with the five minutes, or two minutes, or whatever it is legally, so there is enforcement by the Town, all right?

23

MR. ANDERSON: Yup.

24

MR. WARD: Thank you.

25

CHAIRMAN EWASUTYN: Lisa

1

2 Carver?

3 MS. CARVER: I have nothing
4 further. Just thank you for all of
5 your comments.

6 MR. WARD: And thank you to the
7 public, too.

8 CHAIRMAN EWASUTYN: Cliff
9 Browne?

10 MR. BROWNE: I have no more
11 comments. Thank you.

12 CHAIRMAN EWASUTYN: I think no
13 at this time. Stephanie DeLuca?

14 MS. DeLUCA: I just want to say
15 thank you for all of your comments.
16 And I'm sympathetic towards your
17 concerns. But thank you for coming
18 out.

19 CHARLES: Thank you for
20 allowing this forum so we could
21 speak.

22 CHAIRMAN EWASUTYN: It is your
23 living room. I mean that sincerely.
24 It is your living room. Dave
25 Dominick?

1

2

MR. DOMINICK: Yeah. Thank you

3

to the seven that spoke. We

4

appreciate that and your comments.

5

And then for Jason and all of

6

your team, abiding by things we've

7

asked, especially the height bar and

8

restricting truck traffic out of

9

Little Britain Road. So, I

10

appreciate you guys taking it into

11

consideration and following through.

12

CHAIRMAN EWASUTYN: Pat Hines?

13

MR. HINES: We have some

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technical comments. We provided

15

rather extensive comments on the

16

storm water management plan recently

17

that the applicants will have to

18

address. They do need a County

19

Health Department approval the for

20

the water main extension with

21

hydrants. They will need a new

22

five-acre waiver from the Town Board.

23

The ARB approvals will include the

24

building and the signage. We noted

25

the post-construction traffic

1
2 monitoring. Just today we received a
3 City of Newburgh flow acceptance
4 letter for the increase discharge
5 from the facility. There are
6 existing easements to be eliminated
7 that Dominic Cordisco will review.
8 There is a roadway dedication parcel
9 for the frontage area on the two lots
10 that they recently obtained.
11 Previously, the roadway dedication
12 was done on the balance of the
13 parcel, but now with new lots there's
14 another dedication required. There
15 will be securities and inspection
16 fees for the storm water management.
17 Tree preservation and landscaping
18 will be required. That's where we
19 are at with that.

20 We did receive correspondence
21 from the City of Newburgh as they are
22 your neighbor to the south, which
23 will also have the applicant's
24 representatives address those
25 comments as well.

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CHAIRMAN EWASUTYN: So, where we are now with the Public Hearing, are we going to be closing the Public Hearing, Dominic Cordisco?

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MR. CORDISCO: It would be an option for the Board to consider closing it, or we could keep it open.

9

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CHAIRMAN EWASUTYN: Can you speak louder? I can't hear you.

11

12

MR. CORDISCO: I'm sorry. It's the Board's option.

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CHAIRMAN EWASUTYN: So, at this point, I will move for motion from the Planning Board to close the Public Hearing on the Unity Place Warehouse, project number 25-34.

18

19

20

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22

MR. HINES: John, I caution if the applicant would waive the timeframes for approval because we have made a SEQRA determination on this, I believe, or did we not?

23

24

MR. CORDISCO: I don't think that we did.

25

MR. HINES: So this wouldn't

1

2 affect...

3 CHAIRMAN EWASUTYN: Can someone
4 move for that motion?

5 MR. WARD: So moved.

6 MR. BROWNE: Second.

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

11 MR. WARD: Aye.

12 MS. CARVER: Aye.

13 MR. BROWNE: Aye.

14 CHAIRMAN EWASUTYN: Aye.

15 MS. DeLUCA: Aye.

16 MR. DOMINICK: Aye.

17 CHAIRMAN EWASUTYN: Motion
18 carried.19 Dominic, you mentioned
20 something in one of your recent
21 emails, and we're talking about it
22 now. Are we going to act on ARB
23 approval this evening?24 MR. CORDISCO: I would suggest
25 that you wait.

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CHAIRMAN EWASUTYN: Explain
that to me.

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MR. CORDISCO: The ARB approval
is codified in any approval
resolution for the overall approval.
So, in other words, the site plan
approval and as well as ARB approval.

9

10

11

12

CHAIRMAN EWASUTYN: If I
understand you, then it is going to
come back before us for final site
plan and ARB approval?

13

14

15

MR. CORDISCO: Correct.

CHAIRMAN EWASUTYN: Do we
understand that?

16

17

MR. ANDERSON: Does that
require a Public Hearing?

18

19

20

21

22

MR. CORDISCO: No, sir. Rather
than doing two separate resolutions,
my concern with two separate
resolutions is it can become
confusing.

23

24

25

CHAIRMAN EWASUTYN: So, is
there any further business this
evening as far as the application

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2 before you?

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MR. CORDISCO: I don't see in my notes that it received a negative declaration. Is that your understanding John?

7

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MR. CAPELLO: That's is correct.

9

10

11

MR. CORDISCO: That we did not, so there are no timeframes running as far as a default is concerned.

12

MR. HINES: Okay.

13

14

CHAIRMAN EWASUTYN: So, we can move forward?

15

MR. CORDISCO: Yes, sir.

16

MR. CAPELLO: Did we vote?

17

18

CHAIRMAN EWASUTYN: We did vote, I thought?

19

20

21

22

MR. CORDISCO: You did vote on closing the Public Hearing. And it's our understanding that the applicant will resubmit.

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MR. CAPELLO: Thank you.

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(Time noted 8:45 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF ORANGE)

I, VICTORIA CHUMAS ARIAS, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth was duly sworn and that such examination is a true record of the testimony given by that witness.

I further certify that I am not related to any of the parties to this action 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 17th day of March 2026.



VICTORIA CHUMAS ARIAS

Trident

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

-----X

In the Matter of

TRIDENT
(26-04)

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

-----X

INITIAL APPEARANCE
EV CHARGING STATION -
AMENDED SITE PLAN

Date: March 5, 2026
Time: 8:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, CHAIRMAN
CLIFFORD BROWNE
LISA CARVER
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE:
Greg Demarse, Apex Energy Tek, LLC

-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

Trident

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CHAIRMAN EWASUTYN: Let the record show that we tabled application Trinity -- excuse me, I need glasses -- Trident, project number 26-04, which was scheduled for the first item on the agenda. And let the records show that the representative did not show and that's it for the day. Thank you.

(Time noted 8:48 p.m.)

Trident

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VICTORIA CHUMAS ARIAS

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

-----X

TOWN OF NEWBURGH PLANNING BOARD
EXECUTIVE SESSION

-----X

Date: March 5, 2026
Time: 8:50 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, CHAIRMAN
CLIFFORD BROWNE
LISA CARVER
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

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

-----X

VICTORIA CHUMAS ARIAS
Court Reporter, CopyCAT Court Reporting

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CHAIRMAN EWASUTYN: Dominic, would you explain that those would be the only people to allow to sit in on the executive session? And explain to Victoria what we're entering into now. I guess someone will be responsible, Dominic, you will let her know as to what was done and what time it was finished?

MR. CORDISCO: Yes. And just to clarify, with an executive session, an executive session is a statutory creation under New York State Law regarding the Public Officers Law and the Open Meetings Law that allow the Board to basically go into a private session where no minutes need to be kept. The public is not privy to the discussions, so you can have closed conversations regarding very particular matters.

One of those matters is to discuss litigation, which is the intent tonight. And this is okay to

1
2 keep on the minute notes. There are
3 other criteria, for instance,
4 contract negotiations is another one
5 that's typically in.

6 That's separate from the
7 Board's common law right, "common
8 law" meaning that it's not written in
9 any one particular place, but it is
10 based on the body of caselaw that's
11 been developed since the time of the
12 Magna Carta, that the Board always
13 has the option to have a consultation
14 with your attorney, you know, because
15 you have an attorney, and you are
16 entitled to have a confidential
17 conversation with your attorney.

18 That would be an
19 attorney-client session, which the
20 Board is also entitled to go into.
21 But in this case, you know, going
22 into an executive session, the Board
23 could invite other consultants and
24 other participants to be part of that
25 session. The executive session can

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be closed to the public, but the

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Board could choose to invite. I say

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that, but I am also going to suggest

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that guests here tonight be excused

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from the session because it relates

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to legal matters, which I'm fully

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prepared to brief the Board on. And

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their presence isn't necessary, and

10

my understanding is it's supposed to

11

get icy to the north of here, and so

12

Mr. Wersted in particular might want

13

to start driving back home.

14

CHAIRMAN EWASUTYN: Thank you.

15

I remember Pat Hines giving us the

16

example where we went into another

17

executive session that he was of the

18

opinion that he should be present.

19

Do you remember that?

20

MR. CORDISCO: There is a --

21

CHAIRMAN EWASUTYN: An example

22

of something came up in another

23

municipality.

24

MR. CORDISCO: Yes, and that

25

was in connection with an

1
2 attorney-client session where they
3 actually -- so the adverse is not
4 true. If you have an attorney-client
5 session, that conversation is
6 confidential, but it's only
7 confidential if it's the attorney and
8 the client. If you invite someone
9 else in to an attorney-client
10 session, you breach the ability to
11 actually have a confidential
12 conversation because there is no
13 confidentiality once you have a
14 third-party there.

15 CHAIRMAN EWASUTYN: Questions
16 from Board members as to what we're
17 getting ready to do?

18 (No response.)

19 CHAIRMAN EWASUTYN: So, for the
20 records, Dominic, you want to state
21 for the records what we are doing?

22 MR. CORDISCO: Yes. My
23 suggestion would be that we go into
24 an executive session to discuss
25 litigation, since that is one of the

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permitted bases to have an executive session, and that you dismiss the Board's other consultants.

CHAIRMAN EWASUTYN: Thank you.

(Time noted 8:52 p.m.)

MR. CORDISCO: The Executive Session concluded at 9:02 p.m.

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