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

----- X
In the Matter of

POPPY LANE
(2021-26)

North of Lester Clark Road
Between 114 and 118 Lester Clark Road
Section 6; Block 1; Lots 113, 114 & 115
AR Zone

----- X

PUBLIC HEARING
AMENDED SUBDIVISION

Date: February 3, 2022
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ANDREI LUKIANOFF
& JOHN CAPPELLO

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

1 P O P P Y L A N E

2 CHAIRMAN EWASUTYN: Good
3 evening, ladies and gentlemen. We'd
4 like to welcome you to the Town of
5 Newburgh Planning Board meeting of
6 February 3rd. This evening we have
7 five items on the agenda. The first
8 two items are public hearings.

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

12 MS. DeLUCA: Present.

13 MR. MENNERICH: Present

14 CHAIRMAN EWASUTYN: Present.

15 MR. BROWNE: Present.

16 MR. DOMINICK: Present.

17 MR. WARD: Present.

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

20 MS. CONERO: Michelle Conero,
21 Stenographer.

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

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

1 P O P P Y L A N E

2 to Section 276 of the Town Law on the
3 application of Poppy Lane Amended
4 Subdivision, project 2021-26. The
5 amended subdivision will address
6 issues existing from a previous
7 subdivision approved in 1988 as filed
8 map 8866. The amended subdivision
9 provides a design of the proposed
10 private roadway as well as a design
11 of the subsurface sanitary sewer
12 disposal system. The project is
13 seeking a waiver from the Planning
14 Board for the private road cul-de-sac
15 in favor of a hammerhead turnaround
16 and the percentage grade at the
17 entrance drive. Existing property
18 lines will remain as approved on the
19 1988 subdivision. All lots are
20 proposed to be serviced by onsite
21 wells and septic systems. Access to
22 the private road will be from Lester
23 Clark Road. The project is located
24 in the Town's AR Zoning District. A
25 public hearing will be held on the

1 P O P P Y L A N E

2 3rd day of February 2022 at the Town
3 Hall Meeting Room, 1496 Route 300,
4 Newburgh, New York at 7 p.m. at which
5 time all interested persons will be
6 given an opportunity to be heard. By
7 order of the Town of Newburgh
8 Planning Board. John P. Ewasutyn,
9 Chairman, Planning Board Town of
10 Newburgh. Dated 13 January 2022."

11 CHAIRMAN EWASUTYN: Thank you.

12 MR. LUKIANOFF: My name is
13 Andrei Lukianoff with Engineering &
14 Surveying Properties.

15 CHAIRMAN EWASUTYN: Can you
16 hear that, Michelle?

17 MS. CONERO: So far it's okay.

18 CHAIRMAN EWASUTYN: Do you have
19 a business card?

20 MR. LUKIANOFF: I have it
21 probably in the car, along with the
22 rest of the stuff over here.

23 I'm from Engineering &
24 Surveying Properties. I was actually
25 trying to work a little bit more with

1 P O P P Y L A N E

2 evening is a public hearing. If
3 anyone has any questions or comments,
4 please raise your hand and give your
5 name and your address.

6 The gentleman in the back.

7 MR. DODDO: Hi. My name is
8 Matteo Doddo.

9 Can you hear me?

10 MS. CONERO: Your name again?

11 MR. DODDO: My name is Matteo,
12 M-A-T-T-E-O, Doddo, D-O-D-D-O. I
13 live at 140 Lester Clark Road.

14 I guess for me it's more -- my
15 wife and I, we live right next to
16 that property. It's more -- we came
17 tonight to gather more information.

18 Like the gentleman said, he had
19 spoken with neighbors regarding this
20 property and regarding this land, and
21 we're concerned because it is right
22 behind our house. So for us it's
23 more about gathering information. We
24 have not been spoken to or advised to
25 what is going to happen to that land.

1 P O P P Y L A N E

2 It is literally feet -- 50 feet
3 behind where we live.

4 So I guess for us more -- since
5 it is a public forum, to gather more
6 information as to what actually is
7 going to happen, and if communication
8 is going to happen with all the
9 neighbors, not just the one or two,
10 really because it's impacting our
11 property, or right next to our
12 property. I know it was recently
13 acquired or sold, so I'm not quite
14 sure if more communication is going
15 to happen. So that's part one.

16 Part two of my question or my
17 comment is after this forum, what
18 happens next? Will there be another
19 forum following this to gather more
20 information for all the neighbors
21 that are there that would be impacted
22 by whatever the next steps are with
23 this property or what's being
24 proposed?

25 CHAIRMAN EWASUTYN: There won't

1 P O P P Y L A N E

2 be another meeting after this
3 meeting. The purpose of the meeting
4 tonight is it's required that there
5 will be a public hearing.

6 I think the applicant can speak
7 to you as to the proposed square
8 footage of the homes that are coming
9 up. If you go up to the board and
10 look at it, he can give you that kind
11 of information.

12 The subdivision before us, and
13 Pat Hines will speak to that,
14 conforms to -- I'll let Pat Hines
15 speak as far as the bulk schedule for
16 the zoning.

17 MR. HINES: I think one of the
18 important points here is that these
19 lots exist today. The project is
20 before us for an amendment of a 1988,
21 I believe, subdivision filed map.
22 That subdivision just had notes that
23 said a private road will be
24 constructed, and the other note said
25 that the sanitary sewer systems would

1 P O P P Y L A N E

2 be designed. That wouldn't fly in
3 this day and age, but in 1988
4 apparently those notes were okay.

5 The applicant is before the
6 Board now to clean up that former
7 subdivision in that the private road
8 is now designed. They're seeking
9 waivers for the cul-de-sac to not be
10 included or to not provide a
11 cul-de-sac in compliance with the
12 Town private road ordinance.

13 Also, as you heard the
14 applicant's representative discuss,
15 there are some issues with drainage
16 at Lester Clark Road.

17 There's three existing lots now
18 and there will be three lots at the
19 end. This is more to address some
20 deficiencies in the 1988 approved
21 plans.

22 I see your house is a flag lot
23 adjacent to this. I can see that
24 here now. There will be one
25 residential house to the west of your

1 P O P P Y L A N E

2 lot. But the lot exists today.
3 They're before us to address some of
4 the deficiencies, as I said.

5 MR. DODDO: Thank you for that.
6 That was one of the other questions I
7 had, what is the difference between
8 what is being proposed from the 1988
9 with the road? It looks like the
10 road would be further south maybe,
11 but you said west. The house
12 directly west of our property.

13 I guess for us it's more the
14 impact of what's going to happen near
15 our property, because it looks like
16 it's going to be very close.

17 MR. HINES: It may be best if
18 maybe you can approach and they can
19 show you where the house locations
20 are. That's why the map is up there.

21 MR. CAPPELLO: I would just add
22 that the road location --

23 MR. HINES: Is the same.

24 MR. CAPPELLO: -- is within the
25 50-foot right-of-way.

1 P O P P Y L A N E

2 The issue here is this was
3 approved without -- it's not that
4 we're changing anything, we're just
5 adding information because it was
6 approved without the road
7 specifications, as your engineer
8 said.

9 MR. HINES: Their house is
10 right behind lot 3.

11 MR. DODDO: When we read the --
12 you know, what you read sir, we were
13 concerned about where everything
14 really falls. So it is directly
15 behind our property?

16 MR. HINES: Your property is
17 right behind existing lot 3. Your
18 name is there.

19 MS. DODDO: We're right there.
20 This road is entering off there.
21 We're here.

22 MR. LUKIANOFF: Actually more
23 this way going up.

24 MS. DODDO: Your entrance is
25 here. Ours is there.

1 P O P P Y L A N E

2 MR. LUKIANOFF: Correct.

3 MR. DODDO: These are the
4 homes.

5 No drainage or anything is
6 happening on this side?

7 MR. LUKIANOFF: Not as far as I
8 know.

9 MR. HINES: Actually, the
10 drainage comes off your lot onto this
11 property. From your lot to this
12 property.

13 MR. DODDO: So they're going to
14 complain about us then.

15 If you can understand, we're
16 trying to like figure out, because we
17 talked to a real estate person.
18 There was some confusion about what
19 our lot looks like. You know, the
20 way it was outlined versus what was
21 going to be done here. So okay.

22 MR. HINES: You also should
23 have received a notice back in
24 October.

25 MR. DODDO: We did, but --

1 P O P P Y L A N E

2 MR. HINES: I just wanted to
3 make sure.

4 MR. DODDO: I think that's the
5 same notice, if I'm not mistaken.

6 MR. HINES: Close to the same.
7 The intent of the October notice was
8 to alert you that this process was
9 going on before the Board and that
10 this is the legal public hearing
11 tonight.

12 MR. DODDO: Thank you.

13 CHAIRMAN EWASUTYN: The
14 gentleman in the orange jacket.

15 MR. BARTLEY: My name is Daniel
16 Bartley, B-A-R-T-L-E-Y. I live at
17 118 Lester Clark Road.

18 Poppy Lane will go right up
19 alongside my property. I have no
20 concerns with the hammerhead if they
21 want to put it at the top.

22 I received a letter about the
23 code things. I went and saw Code
24 Compliance and understood what was
25 going on there.

1 P O P P Y L A N E

2 I actually have five things --
3 questions, I would guess, about the
4 drainage they're proposing at the end
5 of the road that will be alongside of
6 Lester Clark.

7 My first question would be how
8 large, or how long, or how wide is
9 the proposed drainage they want to
10 put in?

11 The next one is how far down
12 the street will this drainage go from
13 the one side, which would be the east
14 side of the road, down Lester Clark,
15 because that tends to be the
16 direction the water flows?

17 The next question I have is who
18 is going to be responsible for
19 maintaining a drain if it is put in?
20 You know, dirt, silt, rocks, things
21 happen. It freezes. Who is going to
22 be taking care of that?

23 The next question is where is
24 the water going that the drain is
25 going to collect?

1 P O P P Y L A N E

2 I was contacted by Mr. Budziak
3 who lives at the end of Lester Clark
4 who owns all the property along the
5 other side of the property
6 practically. He currently is in
7 Florida. His wife had surgery and
8 cannot travel. He called and asked
9 if I might be able to voice some of
10 his concerns. His real concern is
11 that if we put in a drain at the end
12 of Poppy Lane, it drains across
13 Lester Clark onto his property. If
14 it should come out some form of
15 piping, which I think it would, it
16 would then create an erosion across
17 his property.

18 Currently water comes down that
19 access road, hits Lester Clark, kind
20 of fans out across the road and
21 dissipates over the hill. There's
22 almost no erosion whatsoever. If a
23 drain is put in, this collects water
24 off of Poppy Lane and off of Lester
25 Clark. It could then create almost a

1 P O P P Y L A N E

2 stream which could do damage to his
3 property on the other side of Lester
4 Clark, or even more erosion depending
5 on where they might put it. There's
6 a telephone pole there and those
7 kinds of things.

8 These are the concerns that I
9 have living right next to it.

10 CHAIRMAN EWASUTYN: Will you
11 address the closed piping system and
12 how the water will be handled?

13 MR. LUKIANOFF: All right. Now
14 with the drainage we're currently
15 trying to seek alternate methods so
16 that way it's not influencing the
17 potential erosion that could be
18 happening across the way into this
19 neighbor's parcel. Mr. Budziak we
20 tried contacting in regards to this
21 because of that same exact idea of
22 drainage. We're hoping actually to
23 work with him also, as well as the
24 town highway superintendent, to
25 actually correct it and try directing

1 P O P P Y L A N E

2 it maybe more toward the east along
3 Lester Clark Road.

4 As for the maintenance, there's
5 supposed to be a maintenance
6 agreement in effect already that was
7 previously submitted on that one.

8 With the water, that's
9 something we are still trying to do.
10 Again, drainage and runoff, we're
11 trying to look at that further to
12 come up with alternatives that will
13 work out for everybody.

14 CHAIRMAN EWASUTYN: Did that
15 answer your question? They don't
16 have direct answers for you now.

17 MR. LUKIANOFF: Not
18 immediately.

19 MR. BARTLEY: I have not heard,
20 or seen, or talked to anyone about
21 any kind of road maintenance
22 agreement.

23 CHAIRMAN EWASUTYN: Dominic
24 Cordisco, the Planning Board
25 Attorney, could speak on that right

1 P O P P Y L A N E

2 now.

3 MR. CORDISCO: There's an
4 existing road maintenance agreement
5 from 1990 that covers these lots that
6 are part of this amended subdivision
7 approval. That has been satisfactory
8 as far as addressing the road
9 maintenance requirements for the
10 future owners of these particular
11 lots.

12 MR. HINES: So Dominic, Mr.
13 Bartley owns the original lot that
14 was developed. Was that included in
15 that?

16 MR. CORDISCO: Yes, it was.

17 MR. HINES: It was one of the
18 four. Your lot is included in that
19 road maintenance agreement for Poppy
20 Lane.

21 MR. BARTLEY: Is there a way I
22 can get a copy of that?

23 MR. CAPPELLO: I will give you
24 my card. If you e-mail -- I will
25 give you my card after this is over.

1 P O P P Y L A N E

2 If you send me your e-mail, I will
3 grab you a copy and send it over to
4 you.

5 MR. BARTLEY: My e-mail is on
6 my card (handing business card).

7 MR. CAPPELLO: Okay.

8 CHAIRMAN EWASUTYN: Additional
9 questions or comments from the Board?

10 The gentleman in the back.

11 MR. FETTER: Bill Fetter. I'm
12 just wondering if any approval by the
13 Board will be contingent on
14 resolution of the drainage issues?

15 CHAIRMAN EWASUTYN: Pat Hines.

16 MR. HINES: I would not
17 recommend the Board approve this at
18 this time. There is the drainage
19 issue out there. The highway
20 superintendent has been involved in
21 some conversations. The property
22 owner on the other side of Lester
23 Clark Drive apparently has dismissed
24 the drainage plan that is depicted on
25 this plan. There is going to be a

1 P O P P Y L A N E

2 need to revise this drainage plan.
3 At this point there's most likely not
4 going to be any approvals issued
5 until that's resolved.

6 CHAIRMAN EWASUTYN: The
7 gentleman in the orange jacket.

8 MR. BARTLEY: Will there then
9 be another meeting if and when a new
10 proposal comes out for the drainage?

11 CHAIRMAN EWASUTYN: That's to
12 be decided after we hear from the
13 public and hear from our consultants.

14 MR. BARTLEY: Okay.

15 CHAIRMAN EWASUTYN: Mr. Fetter?

16 MR. FETTER: No.

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

20 (No response.)

21 CHAIRMAN EWASUTYN: Pat Hines.

22 MR. HINES: We have a couple of
23 technical comments. Our first one
24 just acknowledges that that road
25 maintenance agreement from the 1990s

1 P O P P Y L A N E

2 has been submitted.

3 An erosion and sediment control
4 plan has been prepared for the
5 project. The project will be
6 required to obtain coverage under the
7 DEC's stormwater permit.

8 Coordination with the Highway
9 Department is to be undertaken. The
10 status of the Highway Department's
11 review of the access drive and
12 drainage along Lester Clark Road is
13 outstanding.

14 And then also there will be a
15 requirement to post security for the
16 construction of the private road to
17 assure its construction in compliance
18 with the approved plans.

19 CHAIRMAN EWASUTYN: Okay.

20 MR. HINES: We have that
21 drainage issue and a couple of those
22 procedural matters outstanding.

23 CHAIRMAN EWASUTYN: John, when
24 do you anticipate having resolved the
25 drainage matter?

1 P O P P Y L A N E

2 MR. CAPPELLO: You have to go
3 to Andrei on that.

4 MR. LUKIANOFF: I'm hoping over
5 the course of the next month or so to
6 actually talk a little bit more with
7 the highway superintendent as far as
8 Mr. Budziak to see what we can come
9 up with in that regard. Right now
10 we're looking at different
11 alternatives as well as talking with
12 Pat to see if we can actually come up
13 with something that works in
14 everybody's favor.

15 CHAIRMAN EWASUTYN: Thank you.

16 Pat, the second meeting in
17 March is what date?

18 MR. HINES: That will be the
19 same day as today. Oh, no. The
20 second meeting would be --

21 MR. CORDISCO: March 17th.

22 MR. HINES: Which is St.
23 Patrick's Day I might add.

24 CHAIRMAN EWASUTYN: Will you be
25 here? I'm serious.

1 P O P P Y L A N E

2 them between now and then.

3 Everything for these meetings is

4 posted prior to the meetings.

5 MR. CAPPELLO: Thank you very

6 much.

7 MR. LUKIANOFF: Thank you very

8 much.

9

10 (Time noted: 7:17 p.m.)

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1 P O P P Y L A N E

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

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 7th day of February 2022.

18

19

20

21

Michelle Conero

22

MICHELLE CONERO

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

----- X
In the Matter of

ADS PROPERTIES, LLC - CAR WASH
(2021-04)

1295 Route 300
Section 95; Block 1; Lot 14.1
IB Zone

----- X

PUBLIC HEARING
SITE PLAN

Date: February 3, 2022
Time: 7:18 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: NICHOLAS RUGNETTA

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

1 A D S P R O P E R T I E S - C A R W A S H

2 CHAIRMAN EWASUTYN: Our second
3 item of business this evening is ADS
4 Properties - Car Wash, project number
5 21-04. It's a public hearing on a
6 site plan. It's located at 1295
7 Route 300 in an IB Zone. It's being
8 represented by Pietrzak & Pfau.

9 Ken Mennerich will read the
10 notice of hearing.

11 MR. MENNERICH: "Notice of
12 hearing, Town of Newburgh Planning
13 Board. Please take notice that the
14 Planning Board of the Town of
15 Newburgh, Orange County, New York
16 will hold a public hearing pursuant
17 to Section 276 of the Town Law on the
18 application of ADS Properties, LLC -
19 Car Wash, project 2021-04. The
20 project involves the proposed
21 demolition of an existing motor
22 vehicle service station and
23 replacement of the structure with a
24 proposed 3,500 plus or minus square
25 foot car wash facility.

1 A D S P R O P E R T I E S - C A R W A S H

2 Modifications to the site access
3 drive in coordination with New York
4 State DOT permitting is proposed.
5 The existing fuel canopy is proposed
6 to be removed. The project site will
7 be served by existing municipal water
8 and sewer connections. The project
9 site is located in the Town's IB
10 Zoning District. The site is an
11 existing .62 plus or minus acre
12 parcel of property. The site is
13 known on the Town tax map as Section
14 95; Block 1; Lot 14.1. A public
15 hearing will be held on the 3rd day
16 of February 2022 at the Town Hall
17 Meeting Room, 1496 Route 300,
18 Newburgh, New York at 7 p.m. at which
19 time all interested persons will be
20 given an opportunity to be heard. By
21 order of the Town of Newburgh
22 Planning Board. John P. Ewasutyn,
23 Chairman, Planning Board Town of
24 Newburgh. Dated 13 January 2022."

25 MR. RUGNETTA: Thank you. My

1 A D S P R O P E R T I E S - C A R W A S H

2 name is Nick Rugnetta from Pietrzak &
3 Pfau Engineering. I have with me
4 Glenn Sheeley, the applicant.

5 As stated, this is the ADS
6 Properties, LLC car wash.

7 The project is located about
8 1,100 feet north of the intersection
9 with Route 300 and 17K.

10 What we're proposing here is a
11 3,500 square foot car wash and the
12 demolition of a Meineke car care
13 center. Part of the project will
14 include the demolition of the
15 building, the canopy as stated, any
16 pavement.

17 Also there are currently two
18 entrances, one here and one here. In
19 coordinating with the DOT, we're
20 going to straighten this entrance
21 out. It will now become an entrance
22 and an exit.

23 We've also discussed proposing
24 a turn lane, which we are now also
25 coordinating with the DOT on that.

1 A D S P R O P E R T I E S - C A R W A S H

2 Really the gist of the site is
3 that the cars will come in off the
4 turn lane and then, you know, there's
5 a 200 foot cue that will continue
6 through the wash and then exit and
7 use the complimentary vacuums if
8 they'd like to. If not, they can
9 exit the site.

10 That's really pretty much
11 everything.

12 We went to the Zoning Board for
13 variances on the lot area, rear yard
14 and side yards. We received those
15 variances. Now we're coordinating
16 with the DOT and finalizing any
17 comments that the Planning Board has.

18 CHAIRMAN EWASUTYN: Can you
19 elaborate on your coordinating with
20 the DOT? The Board in general, their
21 comfort zone is at a certain point
22 realizing that the DOT does have the
23 kind of final say. So can we talk
24 about that a little bit more?

25 MR. RUGNETTA: Understood. As

1 A D S P R O P E R T I E S - C A R W A S H

2 of right now we've applied for the
3 permit for the entrance. I've had
4 discussions with Sibby Zachariah who
5 is the eastern Orange County permit
6 coordinator. She discussed in her
7 office with regard to the turn lane.
8 I'm currently finalizing the design
9 for that and will be submitting it to
10 the DOT for review prior to the
11 Planning Board's approval.

12 As far as review of the turn
13 lane, they haven't conducted that
14 yet. It's really just been a verbal
15 okay, you know, we're open to it.
16 Obviously you have to provide design
17 plans, which we're working on right
18 now. That's really where we're at
19 with the DOT.

20 CHAIRMAN EWASUTYN: Questions
21 from Board Members. John Ward?

22 MR. WARD: Did you mention
23 about the no left turn coming out to
24 DOT?

25 MR. RUGNETTA: I don't know if

1 A D S P R O P E R T I E S - C A R W A S H

2 there was a formal decision from the
3 Planning Board. We're open either
4 way. If it's a two-way or if we want
5 to just do right only.

6 MR. SHEELEY: I think we're
7 going right only anyway.

8 MR. RUGNETTA: Okay. We can go
9 right only.

10 MR. SHEELEY: I think we talked
11 about that last time. That's fine.

12 MR. RUGNETTA: No problem.

13 CHAIRMAN EWASUTYN: Anything else?

14 MR. WARD: That's it.

15 CHAIRMAN EWASUTYN: Dave Dominick?

16 MR. DOMINICK: Can you just
17 elaborate. Do you still have the
18 plan B in case cueing gets too much
19 into the busy time of year that you
20 have to shut down the vacuums? Can
21 you elaborate more on what that
22 option is?

23 MR. SHEELEY: Sure. Talking
24 about the cue option. So there would
25 be -- we're going to submit a plan

1 A D S P R O P E R T I E S - C A R W A S H

2 with the staggered loop into the
3 entrance lane. Cars sit in each loop
4 for a certain time. It's the same
5 thing for a traffic light where you
6 sit there in terms of the light. You
7 would speed up the conveyor. When it
8 would speed up, as more of them got
9 through, as it hit the one here it
10 would change a digital sign that
11 would say new traffic for busy times.
12 It would automatically shut the
13 vacuums down and then you have both
14 lanes. It would also cut power to the
15 gate here and the gate here which
16 would open up. When it would hit the
17 second loop it would start notifying
18 management and district managers at
19 all of our sites through e-mail and
20 text and what not to get employees
21 there. Even if we -- that's just in
22 case. We know when busy times are
23 coming. We would have employees
24 there. But just in case we had a
25 sporadic one, it would e-mail

1 A D S P R O P E R T I E S - C A R W A S H

2 everybody prior to hitting the last
3 loop which would kick in. The plan
4 would be automatic even if nobody was
5 there. It would automatically shut
6 the vacuums off, open the gates up,
7 have a digital sign showing the
8 traffic pattern.

9 MR. DOMINICK: With this plan B
10 so to speak, how many can you cue
11 within the property?

12 MR. SHEELEY: I think it's 40.

13 MR. DOMINICK: An additional 40?

14 MR. RUGNETTA: Right around 40.

15 MR. DOMINICK: Thank you.

16 CHAIRMAN EWASUTYN: Cliff Browne?

17 MR. BROWNE: In the event you
18 have an issue with DOT and they do
19 not allow the lane -- what you call
20 the right lane entrance thing, what
21 are you proposing if they deny that?

22 MR. RUGNETTA: Well we haven't
23 gotten to that situation yet. I did
24 have a great conversation with the
25 permit coordinator. Like I said,

1 A D S P R O P E R T I E S - C A R W A S H

2 they discussed it internally and said
3 that really the only thing with them
4 is maintenance. Obviously plowing.
5 I don't foresee any issues.
6 Obviously that would be something we
7 would have to receive prior to the
8 Planning Board's final approval.

9 MR. BROWNE: As of right now
10 your feeling is that they will
11 approve that?

12 MR. RUGNETTA: I do.

13 MR. BROWNE: Thank you.

14 CHAIRMAN EWASUTYN: Ken Mennerich?

15 MR. MENNERICH: I have no questions.

16 CHAIRMAN EWASUTYN: Stephanie DeLuca?

17 MS. DeLUCA: No further questions.

18 CHAIRMAN EWASUTYN: At some point
19 in time we will need to have an
20 architectural review and
21 architectural approval.

22 MR. RUGNETTA: I actually have
23 the architectural on the other side,
24 the rendering, just for preliminary
25 discussion.

1 A D S P R O P E R T I E S - C A R W A S H

2 MR. BROWNE: That's exactly
3 what you're proposing for this
4 property?

5 MR. RUGNETTA: Yup.

6 MR. DOMINICK: It's nice.

7 MR. BROWNE: It looks nice but
8 it looks rather large. It looks
9 nice.

10 MR. RUGNETTA: 36 cars stacked,
11 just to clarify.

12 MR. MENNERICH: How tall is the
13 building on the left?

14 MR. RUGNETTA: It will be under
15 35 feet. That's the requirement.

16 CHAIRMAN EWASUTYN: At some
17 point in time we'll be having
18 examples of the colors that are being
19 proposed. At some point in time
20 we'll be kind of summarizing the
21 signage on the property.

22 Have we looked at signage, Pat,
23 Jim Campbell, as far as the --

24 MR. HINES: I have not seen a
25 sign plan.

1 A D S P R O P E R T I E S - C A R W A S H

2 CHAIRMAN EWASUTYN: We need a
3 signage plan.

4 MR. RUGNETTA: We'll put that
5 together.

6 CHAIRMAN EWASUTYN: Jim
7 Campbell, can you think of other
8 things we may need?

9 MR. CAMPBELL: Nothing, no.

10 CHAIRMAN EWASUTYN: Pat Hines,
11 where are we in the process?

12 MR. HINES: So I think the DOT
13 approval is going to be important,
14 and the design of that is going to be
15 important for the Board to take a
16 look at.

17 I provided Nick with copies of
18 the Town's standard water notes and
19 details that need to be added to the
20 plans.

21 Procedurally, prior to the
22 plans being stamped we'll need
23 security for the stormwater erosion
24 and sediment control, and landscaping
25 as well.

1 A D S P R O P E R T I E S - C A R W A S H

2 If the Board is going to close
3 the public hearing tonight, I guess
4 you'd have to waive the 62 day
5 timeframe.

6 MR. CORDISCO: For site plan
7 it's a 45 day timeframe in the Town
8 Code. It doesn't result in a default
9 approval but it does say that the
10 Board shall make approval within 45
11 days of closing the public hearing.
12 So if the Board is inclined to close
13 the public hearing, we would request
14 that the applicant waive that
15 timeframe since there are outstanding
16 items that the applicant has to
17 provide.

18 MR. RUGNETTA: Okay.

19 CHAIRMAN EWASUTYN: Are you
20 prepared to waive the 45 day time
21 period if we close the public hearing
22 this evening?

23 MR. RUGNETTA: Yup. We have to
24 coordinate with the DOT for approval.

25 CHAIRMAN EWASUTYN: Anything

1 A D S P R O P E R T I E S - C A R W A S H

2 else from Board Members. John Ward?

3 MR. WARD: No.

4 CHAIRMAN EWASUTYN: Dave Dominick?

5 MR. DOMINICK: I'm good.

6 CHAIRMAN EWASUTYN: Cliff Browne?

7 MR. BROWNE: Okay, yes.

8 CHAIRMAN EWASUTYN: Ken Mennerich?

9 MR. MENNERICH: Okay.

10 MS. DeLUCA: Okay.

11 CHAIRMAN EWASUTYN: Jim Campbell?

12 MR. CAMPBELL: No comments.

13 CHAIRMAN EWASUTYN: Okay.

14 Would someone move for a motion to
15 close the public hearing on --

16 MR. FETTER: We didn't get to
17 speak.

18 CHAIRMAN EWASUTYN: I'm sorry.
19 Public comments.

20 MR. GILMAN: Good evening. My
21 name is Alberto Gilman, I'm a
22 reporter from The Mid-Hudson Times.

23 I have a few questions with
24 regard to the actual property. I
25 don't know if the Board has looked at

1 A D S P R O P E R T I E S - C A R W A S H

2 this property. Is there a
3 possibility or a suggestion to
4 include say a road say where the
5 Denny's diner is, to actually add
6 access to that street instead of
7 having that left-hand -- the right-
8 hand turn to actually get out? Say
9 if there was a little extension of
10 road that was built to connect the
11 lots -- the Denny's lot to the
12 property, that way they could come
13 out to that light, for safety?

14 And then the other question I
15 had, I'm not familiar with the actual
16 property itself. Do you know when
17 actually it closed?

18 The Third question I have is I
19 know you mentioned the text/e-mail
20 system. Is there any chance that
21 there is either say maybe an app
22 development? Some companies use app
23 systems that could update their
24 customers regularly so they don't
25 have to worry about too many texts or

1 A D S P R O P E R T I E S - C A R W A S H

2 e-mails in their inboxes.

3 I also have a business card for
4 you.

5 That's all I have. Thank you.

6 CHAIRMAN EWASUTYN: Pat, the
7 probability of getting access to the
8 other properties?

9 MR. HINES: I don't know that
10 Denny's has an access to the
11 adjoining road. The grade doesn't
12 connect to Denny's.

13 MR. SHEELEY: You're right.
14 The Ramada.

15 MR. HINES: The Ramada. That
16 would be a rather circuitous route to
17 bring them around. The access road
18 is going to be under the jurisdiction
19 of DOT. They're going to be the ones
20 that have the final say on how this
21 site gets accessed.

22 I did note that at the work
23 session we talked about the multi-
24 turn lane in the center. It does --
25 I have this aerial photo now. It

1 A D S P R O P E R T I E S - C A R W A S H

2 does extend well past the site, which
3 I did think it did. There would be
4 multiple properties involved in
5 trying to get that access to the
6 Restaurant Depot access road with the
7 light that aren't involved in this
8 project right now. But the Denny's
9 does not. There's a hill up to
10 there.

11 MR. GILMAN: Thank you.

12 CHAIRMAN EWASUTYN: Bill Fetter.

13 MR. FETTER: Bill Fetter,
14 Rockwood Drive.

15 A couple of questions. Is the
16 site fully automated? The way you're
17 speaking, it's not going to be
18 attended at all.

19 MR. SHEELEY: It will be
20 attended.

21 MR. FETTER: It will be
22 attended. Okay.

23 Are there exit drains at the
24 road cut to prevent water runoff onto
25 300?

1 A D S P R O P E R T I E S - C A R W A S H

2 MR. RUGNETTA: We have catch
3 basins near the entrance. We have --
4 I don't know if you can see it from
5 here. We have one here and then one
6 maybe 50 feet in or so.

7 MR. FETTER: Okay. And third,
8 the right-turn contingency, will that
9 be arguable since all the other
10 businesses on that little stretch
11 there don't have that mandate? Are
12 you going to be able -- I agree that
13 it should be right turn only, but are
14 they going to be able to argue the
15 point that no one else has to do it
16 or is it not a grandfather issue that
17 you can mandate something for the
18 development?

19 CHAIRMAN EWASUTYN: Nick, do
20 you want to speak on that?

21 MR. RUGNETTA: So we had some
22 discussions here at the Planning
23 Board with regard to stacking on the
24 site. We did speak with the traffic
25 consultant and presented the idea.

1 A D S P R O P E R T I E S - C A R W A S H

2 We spoke to the DOT. Really it's
3 just for this application. We don't
4 propose any stacking that goes into
5 the turn lane. Ideally we want to
6 get the cars in the southbound lane
7 to continue, and then anyone going
8 into the wash can go on the shoulder
9 in the turn lane before they make
10 their turn.

11 MR. SHEELEY: He's talking
12 about exiting.

13 MR. RUGNETTA: You're talking
14 about the right turn only out?

15 MR. FETTER: Correct.

16 MR. HINES: I think the
17 applicant is offering that at this
18 point.

19 MR. SHEELEY: We're not arguing
20 that. I think it's a good idea.
21 It's kind of like the chance of
22 death.

23 MR. RUGNETTA: You have to wait
24 ten minutes.

25 CHAIRMAN EWASUTYN: Bill, I

1 A D S P R O P E R T I E S - C A R W A S H

2 don't know if you were here at the
3 meeting. I'll have Mr. Sheeley speak
4 again on how the new systems work as
5 far as washing the undercarriage
6 first in the process, and then by the
7 time it leaves, we'll call it the car
8 wash, most of that water will be kind
9 of dissipated.

10 Speak on that based upon the
11 old system.

12 MR. SHEELEY: You're talking
13 about drip off from the car wash is
14 what you're saying?

15 MR. HINES: Yes.

16 MR. SHEELEY: What we do is --
17 a lot of car washes run undercarriage
18 at the exit of the wash and run a
19 small blower system. We put our
20 undercarriage here. That's where
21 most of that water drips out on the
22 exit because you're spraying
23 underneath the car and it's pulling
24 away and dripping off. We spray it
25 in the beginning so it can drip off

1 A D S P R O P E R T I E S - C A R W A S H

2 and we can contain it. Secondly, we
3 run a huge blower system, probably
4 triple the size of most washes. We
5 want -- obviously our customer is
6 happy when we make a dryer car, but
7 it also contains more water in our
8 facility, down the sanitary sewer,
9 not letting it go down the storm
10 sewer and on the public roads.

11 MR. HINES: Their facilities
12 are also set up to direct them --
13 when they come out they get directed
14 into a vacuum area. They're not
15 immediately leaving onto the State
16 highway. They go into another
17 parking area where they provide
18 vacuum service.

19 MR. FETTER: Is there another
20 facility in the region that's
21 functioning at this point?

22 MR. SHEELEY: Middletown, White
23 Plains, Brockport, Spencerport, Long
24 Pond in upstate New York. We have
25 quite a few. We could give you a

1 A D S P R O P E R T I E S - C A R W A S H

2 list of them if you want to go see
3 them.

4 MR. FETTER: Thank you.

5 CHAIRMAN EWASUTYN: Are there
6 any additional questions or comments?

7 (No response.)

8 CHAIRMAN EWASUTYN: Thank you.
9 I apologize.

10 Then would someone make a
11 motion to close the public hearing
12 for ADS Properties - Car Wash subject
13 to the applicant waiving the 45 day
14 timeframe for a decision.

15 MR. MENNERICH: So moved.

16 MS. DeLUCA: Second.

17 CHAIRMAN EWASUTYN: I have a
18 motion by Ken Mennerich and a second
19 by Stephanie DeLuca. May I please
20 have a roll call vote.

21 MS. DeLUCA: Aye.

22 MR. MENNERICH: Aye.

23 CHAIRMAN EWASUTYN: Aye.

24 MR. BROWNE: Aye.

25 MR. DOMINICK: Aye.

1 A D S P R O P E R T I E S - C A R W A S H

2 MR. WARD: Aye.

3 CHAIRMAN EWASUTYN: I think for
4 the benefit of everyone, the next
5 time you come before us we can have a
6 final site plan sheet for the
7 Planning Board Members to look at.

8 MR. RUGNETTA: Yes. We have
9 some minor comments from Pat we have
10 to address. There are a couple
11 things. Obviously the right-turn
12 only note.

13 MR. HINES: We don't have the
14 DOT design either.

15 MR. RUGNETTA: I'm finalizing
16 that right now. I'm waiting to get
17 the water main locations so we can
18 have that on there, and that's really
19 the last of the comments.

20 CHAIRMAN EWASUTYN: Okay. And
21 then you and I have to closeout some
22 business matters I think next.

23 MR. RUGNETTA: Glenn has it.

24 CHAIRMAN EWASUTYN: I thought
25 that's what was in your pocket.

1 A D S P R O P E R T I E S - C A R W A S H

2 MR. RUGNETTA: Thank you.

3 CHAIRMAN EWASUTYN: This is an
4 escrow check for the -- the Town has
5 what's known as a T-86 account. The
6 T-86 account is to recover the cost
7 of the consultants. I e-mailed the
8 applicant that we needed to replenish
9 that account.

10 The way the letter of the law
11 is, when it reaches 40 percent of its
12 original deposit, we're allowed to
13 request that they replenish it up to
14 75 percent of the original deposit.
15 So the check in front of me is a
16 legal check based upon the Town Code.

17 Thank you.

18

19 (Time noted: 7:38 p.m.)

20

21

22

23

24

25

1 A D S P R O P E R T I E S - C A R W A S H

2

3

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

4

5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 7th day of February 2022.

18

19

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Michelle Conero

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MICHELLE CONERO

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

----- X
In the Matter of

O'DONNELL SITE PLAN
(2022-03)

NYS Route 52
Section 47; Block 1; Lot 48
B Zone

----- X

INITIAL APPEARANCE
SITE PLAN

Date: February 3, 2022
Time: 7:39 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

1 O'DONNELL SITE PLAN

2 CHAIRMAN EWASUTYN: The third
3 item of business is the O'Donnell
4 Site Plan. It's an initial
5 appearance for a site plan. It's
6 located on New York State Route 52 in
7 a B Zone. It's being represented by
8 Talcott Engineering, Charles Brown.

9 MR. BROWN: Thank you, John.
10 This is an 11.2 acre parcel that's
11 mostly New York State wetlands.

12 We are asking for -- it's going
13 to be office and/or retail. I
14 calculated out the property based
15 upon the retail which was a higher
16 rate.

17 It's one story, 130 foot by 140
18 foot building, 5,200 square feet.

19 The Town does have Town water
20 and sewer on Route 52. They've
21 already been stubbed into the
22 property.

23 The entrance is already there
24 for the DOT.

25 We have a permit from the DEC

1 O ' D O N N E L L S I T E P L A N

2 to expand the limits of the wetland
3 buffer. That was just renewed in
4 December of this year.

5 We are asking for a waiver for
6 the parking count. That's
7 inconsistent with the other
8 commercial buildings in the area.
9 Also, it reduces the amount of
10 disturbance. If we had to put the
11 parking behind the building, it would
12 put the building at a 60 foot front
13 yard setback. We'd be well into the
14 approved area of disturbance of the
15 DEC.

16 This is our first trip before
17 the Board. We're looking to get some
18 input, especially on that request for
19 the waiver.

20 CHAIRMAN EWASUTYN: Okay. John
21 Ward?

22 MR. WARD: I have no comments
23 right now.

24 CHAIRMAN EWASUTYN: Dave Dominick?

25 MR. DOMINICK: The main use of

1 O'DONNELL SITE PLAN

2 this building, Charlie?

3 MR. BROWN: I'm sorry?

4 MR. DOMINICK: The main usage
5 for this building? Storage for
6 retail or --

7 MR. BROWN: It will be retail
8 or office.

9 MR. DOMINICK: Okay.

10 MR. BROWN: This is my client,
11 Michael O'Donnell.

12 CHAIRMAN EWASUTYN: For the
13 record would you give your name,
14 please?

15 MR. O'DONNELL: I'm Michael
16 O'Donnell. My wife, Sheri O'Donnell.

17 MR. DOMINICK: That's all.

18 CHAIRMAN EWASUTYN: Cliff Browne?

19 MR. BROWNE: To me it's too
20 early yet. We'll see where it goes
21 from here.

22 CHAIRMAN EWASUTYN: Okay. Ken
23 Mennerich?

24 MR. MENNERICH: You mentioned a
25 waiver. What was that, Charlie?

1 O ' D O N N E L L S I T E P L A N

2 MR. BROWN: The Town of
3 Newburgh design guidelines wants the
4 parking to be behind the building.
5 Because we have a 60 foot front yard
6 setback because we're on the State
7 highway, if I put the building at 60
8 feet and put the parking behind the
9 building, it puts it well into the
10 buffer line. It's consistent with
11 the other buildings there. Stewart's
12 Plaza, the daycare building, the
13 other building in front of the condos
14 there, all of those buildings all
15 have the parking in the front.

16 MR. MENNERICH: Within the Town
17 of Newburgh there are a lot of
18 buildings where they put parking in
19 the front but they've also done
20 landscaping, stonewalls or some sort
21 of feature to break up the view of
22 the cars or trucks.

23 MR. BROWN: I've already
24 informed my client of that. That's
25 one of the reasons we left it 10 foot

1 O ' D O N N E L L S I T E P L A N

2 from the property line to the parking
3 areas, so that we can do that
4 screening.

5 CHAIRMAN EWASUTYN: Stephanie
6 DeLuca?

7 MS. DeLUCA: No additional.
8 They've been answered.

9 CHAIRMAN EWASUTYN: Can we not
10 make a decision this evening on
11 waiving the design guidelines until
12 we see how you're proposing to
13 mitigate the impact of the vehicles?

14 MR. BROWN: Okay. Okay.

15 CHAIRMAN EWASUTYN: Kind of
16 like one for the other type of a
17 thing.

18 MR. BROWN: Understood.

19 CHAIRMAN EWASUTYN: At this
20 point I'll turn it over to Jim
21 Campbell. Jim Campbell, do you have
22 any comments?

23 MR. CAMPBELL: I did notice
24 that there are some flood zones in
25 the area. If they can be delineated.

1 O ' D O N N E L L S I T E P L A N

2 MR. BROWN: I can have the
3 surveyor take care of that. We're
4 well above -- these are 2 foot
5 contours. We're a good 10 foot above
6 the wetland there. I'll look at the
7 maps.

8 MR. CAMPBELL: That's all I
9 have.

10 CHAIRMAN EWASUTYN: Pat Hines?

11 MR. HINES: Our first comment
12 just identified the wetland there.
13 Mr. Brown did provide me with the
14 extension notice for the DEC wetlands
15 permit. If you could get me a copy
16 of the actual permit, too. I only
17 got the extension. I don't know if
18 there are any conditions on there. I
19 did note that the extension letter
20 referenced some deed restrictions,
21 and I don't know what those are. The
22 extension letter said we acknowledge
23 the deed restrictions that were
24 received. Maybe there was a
25 condition of no further -- it might

1 O'DONNELL SITE PLAN

2 have to do with the limit of
3 disturbance or something. I don't
4 know. The letter you gave me today
5 referenced acknowledging receipt of
6 the deed restrictions. That may have
7 been a requirement of the permit.

8 MR. BROWN: I'll get that to
9 you.

10 MR. HINES: I don't know what
11 those are and what the results of
12 that is. We're looking for that.

13 We talked about the front yard
14 parking. You're going to provide
15 mitigation, so the Board can address
16 a waiver for the design guidelines
17 possibly.

18 Just clean up the narrative. I
19 read the narrative there. It looks
20 like there are some jumbled words in
21 the sentence there. Before we send
22 that out, we'd like that cleaned up.

23 MR. BROWN: Will do.

24 MR. HINES: It's located on a
25 DOT highway. I notice you have a

1 O ' D O N N E L L S I T E P L A N

2 1993 permit, and that's in the
3 approved location. We will, when we
4 declare lead agency, circulate to
5 them anyway so they're aware what's
6 going on and if they have any
7 concerns they can be addressed.

8 The building will be required
9 to be sprinklered. The water service
10 needs to be designed per the Town
11 standard where if the sprinklers are
12 turned off, the potable water is
13 terminated.

14 We need the Town sewer notes on
15 the plans. I noted that the sewer
16 line in front of the property is
17 identified as an 18-inch steel.

18 MR. BROWN: I'll verify that.

19 MR. HINES: I would be
20 surprised if that was really a metal
21 pipe.

22 MR. BROWN: I'll verify that.

23 MR. HINES: We're looking for
24 the grading plan on the site to be
25 coordinated with the elevations and

1 O'DONNELL SITE PLAN

2 the curbing.

3 Is the entire site proposed to
4 be curbed or just along the front?

5 MR. BROWN: Just along the
6 front and the side where the
7 sidewalks are.

8 MR. HINES: I bring that up for
9 the Board's attention. It probably
10 works on this site for the drainage,
11 to allow it to sheet flow rather than
12 having to collect it and pipe it to a
13 point discharge.

14 MR. BROWN: That's why I did
15 that.

16 MR. HINES: I'm going to leave
17 that to the Board. The Board
18 normally requires sites to be curbed
19 to control the parking and the
20 vehicle traffic. We can work through
21 that as we go along.

22 MR. BROWN: I'll label the
23 curbs better too so it shows up
24 better on the plan.

25 MR. HINES: We're looking for a

1 O ' D O N N E L L S I T E P L A N

2 drainage plan. It may be sheet flow.
3 If you can give us a grading plan
4 that shows that. I don't think you
5 gave us a grading plan with this
6 submission.

7 A lighting plan will be
8 required.

9 A landscaping plan will be
10 required.

11 We're suggesting the Board
12 declare its intent for lead agency as
13 the DEC and DOT are involved,
14 although those permits uniquely have
15 already been issued. I never had
16 that before.

17 The EAF identifies
18 archeologically sensitive areas, so
19 we'll circulate to Parks & Rec as
20 well. It may have nothing to do with
21 this area. They draw large circles
22 around their areas.

23 MR. BROWN: I know.

24 MR. HINES: I believe this area
25 had been extensively filled long ago

1 O'DONNELL SITE PLAN

2 to make this high and dry spot there.

3 That's all we have so far.

4 CHAIRMAN EWASUTYN: So the
5 action before us this evening would
6 be to declare our intent for lead
7 agency?

8 MR. HINES: Yes.

9 CHAIRMAN EWASUTYN: We don't
10 have enough detail to circulate to
11 the Orange County Planning Board?

12 MR. HINES: They're going to be
13 looking for lighting and landscaping
14 and such.

15 We will also coordinate with
16 Mr. Brown's office on the adjoiners
17 notice.

18 CHAIRMAN EWASUTYN: Would
19 someone then make the motion to
20 declare our intent for lead agency?

21 MR. DOMINICK: I'll make a
22 motion.

23 MR. WARD: Second.

24 CHAIRMAN EWASUTYN: I have a
25 motion by Dave Dominick. I have a

1 O'DONNELL SITE PLAN

2 second by John Ward. May I please
3 have a roll call vote starting with
4 John.

5 MR. WARD: Aye.

6 MR. DOMINICK: Aye.

7 MR. BROWNE: Aye.

8 CHAIRMAN EWASUTYN: Aye.

9 MR. MENNERICH: Aye.

10 MS. DeLUCA: Aye.

11 MR. HINES: Also at work
12 session we noticed there are three --
13 there are four overhead doors located
14 to the rear. I don't know if that's
15 consistent. We heard retail and
16 office. The overhead doors seem to
17 lead to maybe a different use.

18 MR. BROWN: Oh, that's what
19 we're showing on the plan right now.
20 I have to talk it over more with
21 Mike. Again, he's an excavator. He
22 does want to use part of the building
23 for his office. He has small
24 equipment that he wants to store
25 inside so it doesn't walk away.

1 O ' D O N N E L L S I T E P L A N

2 MR. HINES: We just need to
3 determine that. The overhead doors
4 caught our attention. We need to
5 define that use. If it's going to be
6 more of a contractor yard, I think it
7 can be in the zone.

8 MR. BROWN: Accessories are
9 permitted.

10 MR. HINES: It is a two-story
11 building?

12 MR. BROWN: No. One story.

13 MR. HINES: Okay.

14 CHAIRMAN EWASUTYN: So maybe on
15 the rear, if there's going to be any
16 storage of equipment, you should note
17 on the site plan that in that section
18 of the rear yard on the outside,
19 you'll be storing equipment.

20 MR. BROWN: Stored exterior,
21 yes. Okay.

22 Thank you very much.

23

24 (Time noted: 7:48 p.m.)

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O ' D O N N E L L S I T E P L A N

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 7th day of February 2022.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

GUELBERG & McGOWAN
(2021-32)

255 & 259 Fostertown Road
Section 39; Block 1; Lots 23 & 24
R-2 Zone

- - - - - X

LOT LINE CHANGE

Date: February 3, 2022
Time: 7:49 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: KENNETH LYTTLE

- - - - - X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

1 G U E L B E R G & M C G O W A N

2 CHAIRMAN EWASUTYN: The fourth
3 item of business this evening is --
4 Guelberg, is it, --

5 MR. LYTLE: Yes.

6 CHAIRMAN EWASUTYN: -- and
7 McGowan, project number 21-32. It's
8 a lot line change located at 255 and
9 259 Fostertown Road in an R-2 Zone.
10 It's being represented by Ken Lytle.

11 Can you speak to us as far as
12 -- we have no minutes or anything
13 relating to the ZBA meeting the other
14 night.

15 MR. LYTLE: We went to the ZBA
16 the other night and we got approval
17 for the zoning variances. Obviously
18 the one that Pat brought up was
19 actually on the west side of the
20 existing home, the right side of the
21 home as you look at it.

22 During the actual meeting Joe
23 Mattina brought up the actual front
24 yard setback from the County road.

25 We actually got approval for

1 G U E L B E R G & M C G O W A N

2 both of those at the meeting. The
3 minutes have not been typed up yet to
4 get those to this Board.

5 CHAIRMAN EWASUTYN: Let's go
6 through it in its completeness one
7 more time.

8 MR. LYTTLE: Okay. We have two
9 parcels, one a large existing parcel
10 and, again, a very small one in the
11 northwest corner of the property.
12 The larger parcel is actually looking
13 to give approximately 60 feet by 110
14 feet to the smaller home, giving it a
15 nice rear yard. In doing so we had
16 to go, obviously, before the Planning
17 Board to do the lot line change. We
18 got before the Planning Board and it
19 actually brought up the issue of,
20 again, we will lose our
21 grandfathering for nonconforming
22 because we're making a Planning Board
23 change.

24 They each have an individual
25 septic.

1 G U E L B E R G & M C G O W A N

2 The one larger lot is still on
3 an existing well and the smaller lot
4 is on Town water.

5 CHAIRMAN EWASUTYN: John Ward,
6 questions?

7 MR. WARD: No comment.

8 CHAIRMAN EWASUTYN: Dave Dominick?

9 MR. DOMINICK: Nothing further.

10 MR. BROWNE: No. All good as
11 long as we get the thing from the
12 ZBA.

13 CHAIRMAN EWASUTYN: Pat Hines?

14 MR. HINES: Your Zoning Code
15 has a streamlined lot line procedure.
16 It's not considered a subdivision
17 under your code. There's no public
18 hearing required.

19 We did provide the applicant's
20 representative with the adjoiners
21 notices, which I've been notified
22 have been sent out.

23 With the ZBA approvals that
24 were granted, we believe there are no
25 other outstanding items.

1 G U E L B E R G & M C G O W A N

2 CHAIRMAN EWASUTYN: Has the
3 thirty days elapsed since the
4 information letter has gone out?

5 MR. HINES: It's ten days.

6 CHAIRMAN EWASUTYN: It's only
7 ten days?

8 MR. HINES: Yes.

9 CHAIRMAN EWASUTYN: I didn't
10 realize that. I thought it was
11 thirty.

12 MR. HINES: Ten days prior to
13 coming back.

14 CHAIRMAN EWASUTYN: So ten days
15 is over with?

16 MR. HINES: I believe so. I
17 don't have that. That's coordinated
18 through Charlene's office.

19 CHAIRMAN EWASUTYN: Would you
20 happen to know?

21 MR. LYTLE: I believe we're
22 under the ten days. I actually didn't
23 realize there was a ten-day mark on
24 this. I e-mailed it as soon as I had
25 spoken so Pat about that. I believe

1 G U E L B E R G & M C G O W A N

2 we're short of the ten days at this
3 point. The same exact notices were
4 given out during the Zoning Board
5 application, and we had nobody come
6 out for that at all except for a
7 neighbor down the street.

8 MR. HINES: If it hasn't been
9 ten days -- the code is very clear
10 that it requires ten days before the
11 Board can take action.

12 CHAIRMAN EWASUTYN: Dominic
13 Cordisco, do you have anything to
14 add?

15 MR. CORDISCO: That's correct.
16 It provides an opportunity for the
17 public to comment, even though the
18 public was previously notified
19 regarding the variances that you
20 needed.

21 CHAIRMAN EWASUTYN: Let the
22 record show that we'll reschedule the
23 lot line change before us for the
24 meeting of the 17th of February, in
25 which case the time will be --

1 G U E L B E R G & M C G O W A N

2 MR. MENNERICH: Can we just do
3 it as Board Business then?

4 CHAIRMAN EWASUTYN: Would the
5 Board be okay with doing it under
6 Board Business?

7 MS. DeLUCA: Yes.

8 MR. MENNERICH: Yes.

9 MR. BROWNE: Yes.

10 MR. DOMINICK: Yes.

11 MR. WARD: Yes.

12 CHAIRMAN EWASUTYN: Let the
13 record show Ken Mennerich mentioned
14 we'll do it under Board Business.

15 MR. LYTLE: Thank you. Have a
16 good evening.

17 MR. HINES: The adjoiners
18 notice has to go out ten days prior
19 to returning to the Planning Board.

20 CHAIRMAN EWASUTYN: There's a
21 thirty day timeframe for the
22 response?

23 MR. HINES: No. Uniquely,
24 because this is a lot line, there is
25 no provision -- I always write that

1 G U E L B E R G & M C G O W A N

2 in the adjoiners notice. There's no
3 provision for public hearing or
4 public comment. They get the notice
5 kind of making them aware of it.
6 With no public hearing, there's
7 really no forum for them to address
8 it.

9 CHAIRMAN EWASUTYN: And that's
10 true of subdivisions?

11 MR. HINES: No. Subdivisions
12 you would have a public hearing.

13 CHAIRMAN EWASUTYN: Excuse me?

14 MR. HINES: You would have a
15 mandatory public hearing for a
16 subdivision.

17 CHAIRMAN EWASUTYN: With site
18 plans?

19 MR. HINES: Site plans I put
20 the word may in the notice because
21 you have the ability to waive site
22 plan public hearings. You don't do
23 it often but you have done it where
24 they are surrounded by commercial and
25 there's not likely to be public

1 G U E L B E R G & M C G O W A N

2 input.

3 CHAIRMAN EWASUTYN: Actually
4 what we're saying is the adjoiners
5 notice has to be sent out ten days
6 after the appearance before the
7 Planning Board?

8 MR. HINES: Yes. For its first
9 appearance.

10 MR. CORDISCO: Right.

11 MR. HINES: I did provide those
12 notices to Mr. Lytle, I think January
13 13th.

14

15 (Time noted: 7:58 p.m.)

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1 G U E L B E R G & M C G O W A N

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

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5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 7th day of February 2022.

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Michelle Conero

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MICHELLE CONERO

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

----- X
In the Matter of

GASLAND PETROLEUM
(2019-16)

5208 Route 9W
Section 43; Block 5; Lot 1
B, R-3 & LHI Overlay Zones

----- X

INITIAL APPEARANCE
SITE PLAN

Date: February 3, 2022
Time: 7:58 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER LAPINE

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

1 G A S L A N D P E T R O L E U M

2 CHAIRMAN EWASUTYN: The final
3 item of business this evening is
4 Gasland Petroleum. It's located on
5 Route 9W, project number 19-16. It's
6 a site plan for a convenience store
7 and mixed use. It's located on Route
8 9W in an B and R-3 (LHI Overlay)
9 Zone. It's being represented by
10 Chris Lapine of Chazen Engineering.

11 MR. LAPINE: Good evening, Mr.
12 Chairman, Members of the Board. This
13 is a project that I believe you're
14 familiar with. We presented to you
15 in the fall, the potential
16 redevelopment and adaptive reuse of
17 the Pat's Towing facility.

18 Just to give you a brief
19 overview, as part of this
20 redevelopment the existing office and
21 vehicle operations would be converted
22 to a convenience store with full
23 gasoline and diesel operations.

24 The existing four-bedroom
25 dwelling that sits approximately in

1 G A S L A N D P E T R O L E U M

2 this location is intended to be
3 removed.

4 All towing operations
5 associated with the project would be
6 removed from the site, including the
7 storage of the trailers.

8 The applicant intends on
9 continuing use of the existing metal
10 building in the back. The intent is
11 to lease that out to an auto mechanic
12 or an auto body repair shop.

13 Since we were last before the
14 Board we have since obtained all of
15 our variances from the ZBA. Just to
16 give you a brief overview of what
17 they were, it was the setback between
18 motor vehicle service stations. They
19 can't be within 1,000 feet. As you
20 recall, we have the existing
21 Stewart's in close proximity to the
22 existing diesel operations. So we
23 have both the variance for the new
24 operations of the fueling facility to
25 Stewart's, the auto body shop which

1 G A S L A N D P E T R O L E U M

2 is also considered a motor vehicle
3 service station within the 1,000 foot
4 separation to Stewart's, and 1,0000
5 foot separation between the two as
6 well that occur on the same site.
7 The other variances that were granted
8 were for existing non-conformities
9 associated with the single-family
10 apartment barn that's located on the
11 southern portion of the site. That
12 was for the accessory structure being
13 closer to the fronting street than
14 the main structure. Building height
15 from accessory use, maximum coverage
16 in the front yard and the side yard.

17 Since we got those variances we
18 further went into the detail of
19 designing our site, which we
20 submitted our site plans.

21 We've developed a stormwater
22 pollution prevention plan which we
23 submitted as part of our application.
24 We understand it's still under
25 review.

1 G A S L A N D P E T R O L E U M

2 We got a little bit more into
3 the details of our grading and
4 on-site sewer explorations. We have
5 determined that the best location for
6 the on-site septic system to support
7 the new use is located on the eastern
8 portion of the site. That being
9 said, our intent is to maintain the
10 existing soils in this area. As a
11 result, we have to include in our
12 proposal a retaining wall over here
13 so that we can maintain the existing
14 soils for the septic system. This
15 retaining wall is going to vary in
16 height between 2 feet up to 7 feet.
17 We understand that it will require a
18 design by a professional engineer,
19 which that needs to be submitted
20 along with the building plans. The
21 intent is whatever the facade of
22 this, it will be in synergy with the
23 architecture of the new convenience
24 store.

25 We took into account some of

1 G A S L A N D P E T R O L E U M

2 the comments that we had received
3 from the Board back in September
4 regarding perhaps including some
5 additional landscaping. If you
6 recall, we had shown a series of
7 trees that were going parallel to
8 Route 9W and we had kind of these
9 gaps between the trees. We tried to
10 offset those gaps with some
11 additional trees to the east along
12 the curb line that runs internal to
13 the site. So we did take into
14 account some of the feedback we had
15 received back in the fall, and that's
16 illustrated on our detailed
17 landscaping plan that we provided of
18 the site.

19 We also provided, as part of
20 our application, a very detailed
21 photometric plan. We're using
22 architectural style lampposts within
23 the frontage of the site adjacent to
24 Route 9W. In the rear of the site
25 we've limited it to single-arm light

1 G A S L A N D P E T R O L E U M

2 posts. It's a little bit more
3 sleeker in nature. Since it doesn't
4 abut 9W, we didn't need to really
5 look at the from an architectural
6 standpoint. We didn't focus so much
7 on the heads being obvious.

8 Some of the other things that
9 we included in here, if I recall
10 there was talk about a seating area.
11 We've delineated a seating area
12 adjacent to the convenience store.
13 We've got that situated on a
14 bluestone flag area.

15 We've also identified the
16 location of where propane and ice
17 would be outside of the building. It
18 would be to the left of the building.

19 We've given you more detail, as
20 requested, with regard to the refuse
21 enclosures. We've located them to
22 the east of the building and to the
23 west of the existing auto body shop.
24 The intent is it's fully screened
25 from 9W so you're no longer looking

1 G A S L A N D P E T R O L E U M

2 into the site with that.

3 I think that -- if I recall
4 from September, that was some of the
5 additional detail you requested.

6 The applicant has also retained
7 the services of Colliers Engineering.
8 Colliers Engineering has been working
9 with the DOT as it relates to the
10 traffic improvements associated with
11 the project. To date, the
12 confirmation we received is they're
13 in agreement with the closing of the
14 existing entrances and consolidation
15 down to one entry point. The
16 preferred location is where we have
17 it located. The DOT, their initial
18 response to them has been there is
19 most likely going to be a need for a
20 left-turn lane. I understand there
21 are a number of other projects that
22 are occurring within the Town of
23 Newburgh that are going along the
24 Route 9W corridor. They would like
25 to have a discussion not only about

1 G A S L A N D P E T R O L E U M

2 this project but the other projects
3 as a whole and look at the
4 improvements being proposed along 9W.
5 I understand your traffic consultant
6 is going to be engaging with the DOT.
7 Perhaps Colliers Engineering can be a
8 part of that. For now we know we are
9 going to be asked to do a left-turn
10 lane. We're currently in the process
11 -- Colliers Engineering is in the
12 process of obtaining right-of-way
13 information on the opposite side, the
14 west side of 9W, to understand how
15 much area is associated within the
16 right-of-way for the purpose of
17 including a left-turn lane.

18 One other aspect of the project
19 that we've included since we were
20 last before the Board, there was a
21 request from Mr. Hines' office about
22 the potential of extending the water
23 main from Old Post Road that we would
24 be connecting to Route 9W. I notice
25 that that hydrant did not occur

1 G A S L A N D P E T R O L E U M

2 within Route 9W. We did include this
3 as a 6-inch line. We received
4 comments requesting that we upgrade
5 this to 8-inch. The applicant has no
6 issue upgrading this to an 8-inch
7 line as suggested. We can coordinate
8 with where we end that. I think we
9 should have a hydrant there as well.

10 MR. HINES: The Town
11 appreciates that. There are some
12 other lots in that area that have
13 some issues with their well water
14 supply. The idea there is it would
15 make that available for potential
16 future extension.

17 MR. LAPINE: We can coordinate
18 the easement with you. Obviously,
19 because of the setbacks, you may not
20 necessarily get your courtesy lane
21 that you requested.

22 MR. HINES: 20 would be fine.
23 We'll work that out.

24 MR. LAPINE: I think that's the
25 overview of what we've done since

1 G A S L A N D P E T R O L E U M

2 we've last been before you.

3 Our objective tonight is we're
4 hoping that the information we
5 provided you satisfies you enough so
6 that we can at least circulate for
7 lead agency.

8 CHAIRMAN EWASUTYN: Thank you.
9 John Ward?

10 MR. WARD: I see you're putting
11 in the sidewalk --

12 MR. LAPINE: Yes.

13 MR. WARD: -- along there. At
14 the same time, Pat mentioned about
15 moving it in the right-of-way.

16 MR. HINES: So the sidewalk
17 meanders into the right-of-way and
18 then back onto your site. DOT has
19 most recently told us that sidewalks
20 are going to be in their
21 right-of-way. They don't want them
22 either/or. As you're working through
23 that DOT process, I believe they're
24 going to tell you to put it in the
25 right-of-way.

1 G A S L A N D P E T R O L E U M

2 MR. LAPINE: Just for the
3 Board's understanding why we have a
4 little bit of a meandering going on
5 there, there are decent size utility
6 poles at those locations. What we're
7 trying to do is work our way around
8 those utilities poles. We'll have to
9 have those discussions with the DOT.

10 It's funny you say that. We
11 actually have one project where the
12 DOT has asked us and we're placing it
13 now on our property and we're giving
14 them an easement.

15 MR. HINES: I think they are
16 probably going to want one or the
17 other.

18 MR. LAPINE: So that may be
19 another alternative. That just came
20 up yesterday, which kind of knocked
21 me out of my chair. But that was
22 yesterday and this was submitted a
23 few weeks ago. I think we want to --
24 we'll work with both the Town and DOT
25 on that.

1 G A S L A N D P E T R O L E U M

2 MR. WARD: We mentioned about a
3 stonewall. I'm not saying a
4 stonewall all the way down, but is it
5 possible to have a partial stonewall
6 along there or --

7 MR. LAPINE: Sure. What we
8 could do is maybe we can look at
9 maybe integrating some stonewalls in
10 between some of these tree areas. I
11 don't want them to get to a point
12 where they are impacting future root
13 growth. Let us take a look at how we
14 can integrate that and function with
15 the landscaping design.

16 MR. WARD: Very good. Thank
17 you very much for your presentation.

18 MR. DOMINICK: Chris, thank you
19 very much for your presentation and
20 following our comments. You did a
21 great job.

22 In the south corner you talk
23 about tearing down that small
24 dwelling that's there?

25 MR. LAPINE: I'm sorry if I

1 G A S L A N D P E T R O L E U M

2 said the small dwelling. I meant the
3 four-bedroom dwelling.

4 MR. HINES: The south one
5 stays. The garage/apartment.

6 MR. LAPINE: The multi-story
7 dwelling. Let me turn this. It
8 might help if I turn it upside down.
9 So this is the existing four-bedroom
10 one that is being removed.

11 MR. DOMINICK: Okay.

12 MR. LAPINE: The intent is to
13 keep this existing.

14 MR. DOMINICK: The one that is
15 existing, is that the one that has
16 probably half a dozen old tractor
17 trailers, motor homes? Is that going
18 to be removed or are they staying as
19 well?

20 MR. LAPINE: The only thing
21 remaining afterwards is the dwelling.
22 The intent is --

23 MR. DOMINICK: All of those
24 wrecked vehicles or disabled
25 vehicles, large vehicles, will be

1 G A S L A N D P E T R O L E U M

2 removed?

3 MR. LAPINE: Unauthorized
4 vehicles, yes, will be removed. The
5 intent is to remove all of that. The
6 only thing, obviously, is the
7 dwelling. We're providing two spaces
8 for the dwelling. That will remain.

9 MR. DOMINICK: Thank you.

10 That's all, John.

11 CHAIRMAN EWASUTYN: Cliff Browne?

12 MR. BROWNE: I echo the
13 comments. I appreciate your
14 presentation. Very good. Your
15 narrative, very good. Thank you.

16 CHAIRMAN EWASUTYN: Chris, the
17 only two comments I have is the
18 addition of the 180 square foot
19 office shows a new concrete
20 sidewalk --

21 MR. LAPINE: Yes.

22 CHAIRMAN EWASUTYN: -- running
23 parallel. When you look further
24 north, there's an existing sidewalk
25 that's to remain. I'd like to make a

1 G A S L A N D P E T R O L E U M

2 suggestion that you tie that whole
3 area in with a new sidewalk.

4 MR. LAPINE: Is this the one
5 along the frontage --

6 CHAIRMAN EWASUTYN: Yes.

7 MR. LAPINE: -- here? Okay.
8 We can -- so your thought process
9 is --

10 CHAIRMAN EWASUTYN: To make it
11 look neat.

12 MR. LAPINE: Similar width?

13 CHAIRMAN EWASUTYN: Yes.

14 MR. LAPINE: Okay.

15 CHAIRMAN EWASUTYN: The other
16 question I have is on the refuse
17 locations that you have, you show a
18 cedar door that would open and close.

19 MR. LAPINE: Yes.

20 CHAIRMAN EWASUTYN: I was
21 wondering if you could put in
22 something that's hardier than that.
23 Maybe a chain link fence with slats
24 or something.

25 MR. LAPINE: You know what --

1 G A S L A N D P E T R O L E U M

2 can I make another suggestion? What
3 we've recently done on a site, and I
4 know where you're going is because
5 sometimes somebody hits it and then
6 the cedar fence is wrecked. We've
7 recently employed -- on two other
8 projects we've done they made a fence
9 out of Trex.

10 CHAIRMAN EWASUTYN: Out of
11 what?

12 MR. LAPINE: Trex. Trex
13 material. If you would allow us to
14 consider that as part of this
15 application, because it doesn't get
16 dented, doesn't require the
17 maintenance of staining it on an
18 annual basis, and when somebody hits
19 it, it's not breaking.

20 CHAIRMAN EWASUTYN: Great. Is
21 everyone in agreement with that?

22 MS. DeLUCA: Yes.

23 MR. MENNERICH: Yes.

24 MR. BROWNE: Yes.

25 MR. DOMINICK: Yes.

1 G A S L A N D P E T R O L E U M

2 MR. WARD: Yes.

3 CHAIRMAN EWASUTYN: Ken
4 Mennerich is going to go out there
5 when it's erected and drive into it
6 with his car just to prove a point.

7 MR. LAPINE: You have
8 insurance; correct? Just for your
9 car, not for our fence.

10 MR. MENNERICH: He knows what
11 the back of my truck looks like.

12 MR. LAPINE: It's interesting
13 you brought that up because I brought
14 it to my client's attention on one of
15 their sites where I saw it when I
16 went to get gas. The fence was
17 impacted on their refuse enclosure.
18 That was on a Saturday. I got there
19 on Wednesday and it still hadn't been
20 rectified. They said you know what
21 the problem is, every time we fix
22 them, someone hits them again. So
23 the next two sites we did, we
24 employed a different standard.

25 CHAIRMAN EWASUTYN: That's fine.

1 G A S L A N D P E T R O L E U M

2 Ken Mennerich?

3 MR. MENNERICH: No questions.

4 CHAIRMAN EWASUTYN: Stephanie DeLuca?

5 MS. DeLUCA: No.

6 CHAIRMAN EWASUTYN: Thank you.

7 Jim Campbell, any questions or
8 comments?

9 MR. CAMPBELL: I'm just
10 wondering about site signage. Have
11 you looked into that yet?

12 MR. LAPINE: The intent is
13 we're going to have one site sign. I
14 believe we included that in our site
15 details for this application.

16 As it relates to the building
17 itself, I think we may have included
18 that on our original architectural
19 renderings that we submitted back in
20 -- quite some time ago.

21 MR. HINES: August I think.

22 MR. LAPINE: We can resubmit
23 that and show that to you. I suspect
24 it's probably going to be
25 "Neighborhood Mart", what they are

1 G A S L A N D P E T R O L E U M

2 going to call it, on the front of it.

3 MR. CAMPBELL: What about
4 canopy signage or anything? Just so
5 you know, that's not allowed in our
6 code.

7 MR. LAPINE: Understood.

8 MR. CAMPBELL: Just to look at
9 that. All right.

10 CHAIRMAN EWASUTYN: That's it?

11 MR. CAMPBELL: That's it.

12 CHAIRMAN EWASUTYN: Pat Hines?

13 MR. HINES: So our first
14 comment has to do with the fact that
15 we deferred lead agency since the
16 project had to go to the ZBA. We
17 believe it's appropriate at this time
18 for the Board to declare it intent
19 for lead agency. We will circulate
20 it to the other involved agencies,
21 including DOT.

22 We talked about the sidewalk
23 and the location of that. It will
24 probably be determined by DOT but I
25 believe it's going to be in the

1 G A S L A N D P E T R O L E U M

2 right-of-way or out of the
3 right-of-way and not a combination.
4 We'll address that as they move
5 forward.

6 We'll need the design of the
7 septic system. I did note it's a
8 higher elevation than --

9 MR. LAPINE: We're going to
10 have to --

11 MR. HINES: It will have to be
12 a pump. That's not shown right now.

13 MR. LAPINE: The intent is to
14 maintain the existing septic system
15 to this building here and
16 maintain the existing septic.

17 MR. HINES: So with the
18 addition of the office you may be
19 adding flow. Take a look at that. I
20 don't know if you have -- it looks
21 like there's a seepage pit there or
22 something.

23 MR. LAPINE: There is a seepage
24 pit. The intent of the office --
25 really there's no office at the

1 G A S L A N D P E T R O L E U M

2 facility. The intent is to have
3 customers walk into an office as
4 opposed to walking into the existing
5 auto shop. So there are no
6 additional restroom facilities within
7 here. They'll continue to use their
8 existing bathroom here. It's just
9 for a client to come in, exchange
10 their keys, warm area.

11 MR. HINES: Maybe to address
12 that, when you do the septic design
13 for the convenience store, if you
14 could provide for, in your future
15 expansion, the ability to connect
16 that. When you do the design of the
17 septic system for the new convenience
18 store, if you could include in the
19 design the ability to connect that
20 structure should that seepage pit
21 system fail. I don't think the flows
22 are very much. At least it will give
23 you provisions for the future.

24 We just talked about the
25 septic.

1 G A S L A N D P E T R O L E U M

2 The retaining wall you
3 mentioned.

4 Orange County Planning
5 Department is required. I believe
6 they have sufficient detail where we
7 could also circulate at this time.
8 The plan sheets have been developed
9 to that point.

10 We did receive the stormwater
11 pollution prevention plan which we
12 are reviewing.

13 There's also the need for --
14 the traffic information Ken Wersted
15 is reviewing.

16 The water service, we talked
17 about upgrading that to 6 inches.

18 The easement and, again, the
19 septic system has been been deferred.
20 We'll be looking for that in the
21 future.

22 I think the lead agency
23 circulation and County Planning could
24 be done tonight.

25 CHAIRMAN EWASUTYN: Would

1 G A S L A N D P E T R O L E U M

2 someone move for a motion to declare
3 our intent for lead agency and to
4 circulate to the Orange County
5 Planning Department?

6 MR. WARD: So moved.

7 MR. DOMINICK: Second.

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

12 MR. WARD: Aye.

13 MR. DOMINICK: Aye.

14 MR. BROWNE: Aye.

15 CHAIRMAN EWASUTYN: Aye.

16 MR. MENNERICH: Aye.

17 MS. DeLUCA: Aye.

18 CHAIRMAN EWASUTYN: Anything
19 else?

20 MR. HINES: No.

21 MR. LAPINE: I know we have to
22 wait the thirty days. What I was
23 going to ask is if we wanted to make
24 a submission and start discussing a
25 little bit more of the architecture

1 G A S L A N D P E T R O L E U M

2 and elevation on the site, is that
3 something that the Board would
4 entertain prior to the thirty days?

5 CHAIRMAN EWASUTYN: How soon?

6 MR. LAPINE: If we made it -- I
7 know --

8 CHAIRMAN EWASUTYN: Let me say
9 this. The agenda for the 17th is
10 just about filled.

11 MR. LAPINE: Okay.

12 CHAIRMAN EWASUTYN: If you're
13 willing to wait -- what's the first
14 meeting in March, Pat?

15 MR. HINES: It will be the 3rd.

16 CHAIRMAN EWASUTYN: Can you
17 wait until the 3rd?

18 MR. LAPINE: Absolutely. I
19 know you have to wait the thirty days
20 for site plan for circulation. That
21 would be fantastic.

22 CHAIRMAN EWASUTYN: When you're
23 reaching that point that you're going
24 to submit, you'll send an e-mail to
25 the Planning Board office and we'll

1 G A S L A N D P E T R O L E U M

2 coordinate that submission. At the
3 same time we'll let everyone know
4 that it's coming in and we're looking
5 to put it on the agenda for the 3rd.

6 MR. LAPINE: I appreciate it.
7 We're going to get into the middle
8 of --

9 CHAIRMAN EWASUTYN: We
10 understand that. We understand that
11 you want final approval in April. If
12 that's what you're leading into --

13 MR. LAPINE: I'm not leading
14 into it. We have some coordination
15 to do.

16 CHAIRMAN EWASUTYN: I'm only
17 kidding you.

18 MR. LAPINE: You guys are going
19 to need to be involved in that as
20 well along the way. I just want to
21 make sure from an architectural
22 standpoint, we have a series of
23 meetings, I'm ahead of it as opposed
24 to --

25 CHAIRMAN EWASUTYN: The project

1 G A S L A N D P E T R O L E U M

2 has been around for quite some time
3 now.

4 MR. LAPINE: I think you all
5 understood we went back and forth on
6 the variances. There was an Article
7 78. So we're moving forward.

8 MR. WARD: Thank you.

9 MR. LAPINE: Thank you very
10 much for your time. Safe travels
11 this evening. If you have the
12 ability to work remotely tomorrow,
13 take advantage of it.

14

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

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1 G A S L A N D P E T R O L E U M

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

4

5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 7th day of February 2022.

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Michelle Conero

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MICHELLE CONERO

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

----- X
In the Matter of

EAST COLDENHAM OVERLAY DISTRICT

----- X

BOARD BUSINESS

Date: February 3, 2022
Time: 8:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

1 BOARD BUSINESS

2 CHAIRMAN EWASUTYN: Dominic
3 Cordisco will finalize the letter
4 that will be sent to the Town Board
5 in reference to the Overlay District.

6 MR. CORDISCO: If the Board
7 would kindly authorize me to send its
8 report to the Town Board. The Town
9 Board has asked for the Planning
10 Board's report on the proposed East
11 Coldenham Hamlet Overlay Zone that is
12 being considered by the Town Board.
13 In connection with a text change
14 there is a very specific requirement
15 asking whether or not such a change
16 is consistent with the aims and
17 principles embodied in the zoning as
18 to the particular districts
19 concerned, in which case this would
20 be the Hamlet Overlay.

21 The second criteria is which
22 areas and establishments in the Town
23 will be directly affected by such
24 change and in what way they'll be
25 affected.

1 BOARD BUSINESS

2 The third criteria is whether
3 there's indirect implications of such
4 change.

5 The last criteria is whether or
6 not the proposed amendment is
7 consistent with the Town's master
8 plan.

9 MR. MENNERICH: From our
10 previous discussions in the work
11 session, did you get enough
12 information to draft answers to that?

13 MR. CORDISCO: Yes. I believe
14 I do. It's certainly consistent with
15 the comprehensive plan. It's
16 specifically identified in the 2005
17 comprehensive plan as a
18 recommendation to consider hamlet
19 intense -- hamlet related to
20 development in East Coldenham.

21 As far as the other ones,
22 they're fairly vague. This is a very
23 particular set of proposals that
24 would apply to this Overlay District
25 and only this Overlay District.

1 B O A R D B U S I N E S S

2 CHAIRMAN EWASUTYN: Is everyone
3 in agreement or do they want to add
4 something? We have to make for a
5 motion to authorize Dominic Cordisco
6 to prepare that letter and send it to
7 the Town Board. Any additional
8 questions or comments you want to add
9 to that?

10 MR. WARD: With the master
11 plan, does it go according to height
12 and --

13 MR. CORDISCO: There's nothing
14 in particular in connection with the
15 master plan regarding the potential
16 for larger or taller buildings in the
17 hamlet. It's a function of the fact
18 that the hamlet density is based on
19 an expectation that there would be
20 commercial development on the ground
21 floor with apartments above.

22 MR. MENNERICH: There was
23 information about the steepness of
24 roofs and that sort of thing, which
25 would also cause --

1 BOARD BUSINESS

2 MR. CORDISCO: Architectural
3 features that add to the height are
4 calculated as part of the height as
5 well. That is correct.

6 MS. DeLUCA: So when you're
7 mentioning about the architectural,
8 that would be more of a design that
9 would be complimentary to the area,
10 not --

11 MR. CORDISCO: That's correct.
12 Rather than the appearance of flat
13 roofs which would not be consistent
14 with the surrounding area and the
15 roof structures.

16 MS. DeLUCA: Okay.

17 CHAIRMAN EWASUTYN: Would
18 someone move then for a motion to
19 authorize Dominic Cordisco to prepare
20 a response letter to the Town Board?

21 MR. BROWNE: So moved.

22 MR. DOMINICK: Second.

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

1 B O A R D B U S I N E S S

2 please have a roll call vote starting
3 with John Ward.

4 MR. WARD: Aye.

5 MR. DOMINICK: Aye.

6 MR. BROWNE: Aye.

7 CHAIRMAN EWASUTYN: Aye.

8 MR. MENNERICH: Aye.

9 MS. DeLUCA: Aye.

10 CHAIRMAN EWASUTYN: Motion
11 carried.

12 Would someone make a motion to
13 close the Planning Board meeting of
14 the 3rd of February?

15 MR. MENNERICH: So moved.

16 MS. DeLUCA: Second.

17 CHAIRMAN EWASUTYN: I have a
18 motion by Ken Mennerich and a second
19 by Stephanie DeLuca. May I please
20 have a roll call vote.

21 MS. DeLUCA: Aye.

22 MR. MENNERICH: Aye.

23 CHAIRMAN EWASUTYN: Aye.

24 MR. BROWNE: Aye.

25 MR. DOMINICK: Aye.

1 BOARD BUSINESS

2 MR. WARD: Aye.

3

4 (Time noted: 8:20 p.m.)

5

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

7

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

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

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

18 IN WITNESS WHEREOF, I have hereunto
19 set my hand this 7th day of February 2022.

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Michelle Conero

MICHELLE CONERO