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

- - - - - X

CONTINUED PUBLIC HEARING
AMENDED SUBDIVISION

Date: March 17, 2022
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ANDREI LUKIANOFF

- - - - - 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. I'd
4 like to welcome you to the Town of
5 Newburgh Planning Board meeting of
6 the 17th of March.

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

10 MR. GALLI: Present.

11 MS. DeLUCA: Present.

12 MR. MENNERICH: Present.

13 CHAIRMAN EWASUTYN: Present.

14 MR. BROWNE: Present.

15 MR. DOMINICK: Present.

16 MR. WARD: Present.

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

19 MS. CONERO: Michelle Conero,
20 Stenographer.

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

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

25 CHAIRMAN EWASUTYN: At this

1 P O P P Y L A N E

2 time we'll turn the meeting over to
3 Frank Galli.

4 MR. GALLI: Please stand for
5 the Pledge.

6 (Pledge of Allegiance.)

7 MR. GALLI: Please silence your
8 cellphones.

9 CHAIRMAN EWASUTYN: Charlie,
10 would you be so kind, I don't know if
11 there's anyone from the public out
12 there, to let them know the meeting
13 has started.

14 MR. BROWN: Sure.

15 CHAIRMAN EWASUTYN: The first
16 item of business this evening is
17 Poppy Lane. It's a public hearing
18 continuation on an amended
19 subdivision. It's located north of
20 Lester Clark Road and -- excuse me.
21 North of Lester Clark Road, address
22 114 and 118 Lester Clark Road. It's
23 in an AR Zone. It's being represented by
24 Engineering & Surveying Properties.

25 MR. LUKIANOFF: Happy St.

1 P O P P Y L A N E

2 Patrick's Day to everybody, first of
3 all.

4 Per our last meeting, which was
5 actually February 3rd, we were
6 talking about trying to do some more
7 with the drainage design. Instead of
8 actually going across to the culvert
9 right across the street, we actually
10 tried mapping it to go down the
11 street along Lester Clark and
12 basically onto another existing
13 culvert. That's the main revision we
14 actually ended up doing design wise.
15 We're still in the process of getting
16 some of the survey information for it
17 just to verify some of the pipes,
18 verify some of the slopes and update
19 some of the capacity and such of this.

20 Basically using the rendering I
21 did from before, what I did is really
22 highlight it to the area we're
23 focusing on, really those two catch
24 basins.

25 We got some comments in regards

1 P O P P Y L A N E

2 to this design, which again what
3 we're looking at here is really
4 trying to get additional survey
5 information to verify that this will
6 actually work.

7 Otherwise, the only other item
8 that we're looking at here is really
9 waiting for review from the highway
10 superintendent. We've tried
11 contacting him already a few times
12 and no such luck.

13 CHAIRMAN EWASUTYN: Okay. At
14 this point we'll open the meeting to
15 the public. If you have any
16 questions or comments, please raise
17 your hand and give your name and your
18 address.

19 MR. BARTLEY: My name is Daniel
20 Bartley, I live at 118 Lester Clark
21 Road.

22 The only question I have is do
23 we have an answer for what we're
24 doing with the water yet? I don't
25 know of any culverts in that part of

1 P O P P Y L A N E

2 the street.

3 MR. LUKIANOFF: I think further
4 down the street they actually do have
5 another culvert.

6 CHAIRMAN EWASUTYN: When you
7 say further down the street, does
8 that meet with Lattintown Road, or
9 where down the street?

10 MR. LUKIANOFF: It's heading
11 toward it. There's a catch basin and
12 a culvert shown there.

13 CHAIRMAN EWASUTYN: Did you
14 hear his comment?

15 MR. BARTLEY: Yes.

16 CHAIRMAN EWASUTYN: Are you
17 familiar -- you live on that road or
18 in that neighborhood. Are you
19 familiar with that catch basin that
20 he's speaking of?

21 MR. BARTLEY: Well if you're on
22 Lester Clark heading west, there are
23 no culverts. There is a -- there are
24 no catch basins. There is a culvert
25 going under the road that the Town

1 P O P P Y L A N E

2 replaced last year that's catching
3 water coming from another property
4 and taking it across the road. It is
5 a ways down the street.

6 CHAIRMAN EWASUTYN: Is that
7 what you're referencing?

8 MR. LUKIANOFF: That's what
9 we're connecting to. It's about 400
10 feet away, give or take.

11 MR. HINES: They provided us
12 with a schematic design showing a
13 closed pipe drainage system proposed
14 to go to that culvert. We've asked
15 them for a higher level of detail in
16 our comments, including some
17 additional survey detail, property
18 lines, right-of-way and information
19 pertaining to the culvert that
20 they're tying into, the one you said
21 the Town put in. We're looking for
22 the rims and inverts, the sizes and
23 capacity of that. They have more
24 work to do. This was a scheduled
25 public hearing from the last time

1 P O P P Y L A N E

2 they were here, which is why they're
3 back.

4 MR. BARTLEY: I did see the
5 surveyor came up. They actually just
6 did that this week.

7 CHAIRMAN EWASUTYN: Additional
8 questions or comments from the public?

9 (No response.)

10 CHAIRMAN EWASUTYN: At this
11 point I'll turn the meeting over to
12 Frank Galli.

13 MR. GALLI: Nothing additional.

14 CHAIRMAN EWASUTYN: Stephanie DeLuca?

15 MS. DeLUCA: Nothing additional.

16 MR. MENNERICH: Nothing.

17 MR. BROWNE: Nothing more.

18 MR. DOMINICK: Nothing until we
19 get further detail.

20 CHAIRMAN EWASUTYN: John Ward?

21 MR. WARD: Nothing until there's
22 further detail on the drainage.

23 CHAIRMAN EWASUTYN: Pat Hines?

24 MR. HINES: I have five
25 comments here which basically mirror

1 P O P P Y L A N E

2 what I just said to the gentleman in
3 response to his question.

4 We have the schematic aerial
5 photo sketch that we need more detail
6 on.

7 We're suggesting that
8 additional catch basins may be
9 required.

10 The highway superintendent
11 needs to weigh in on the plan, and it
12 would be helpful if they could get
13 comments before they do the detailed
14 design.

15 We're looking for more detailed
16 design of the proposed system, the
17 existing system and where that
18 discharges to a natural channel.

19 CHAIRMAN EWASUTYN: Jim Campbell?

20 MR. CAMPBELL: Nothing to add
21 at this time.

22 CHAIRMAN EWASUTYN: I apologize.
23 I didn't hear your name.

24 MR. LUKIANOFF: Andrei Lukianoff.

25 CHAIRMAN EWASUTYN: Okay. I

1 P O P P Y L A N E

2 think at this point we'll need more
3 information to satisfy it. We'll
4 continue this public hearing until
5 the 21st of April.

6 MR. LUKIANOFF: Okay. Thank
7 you very much.

8

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 24th day of March 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

NEWBURGH COMMERCE CENTER/SCANNELL
(2021-21)

124 Route 17K
Section 95; Block 1; Lot 58
IB Zone

----- X

PUBLIC HEARING
SITE PLAN/CLEARING & GRADING

Date: March 17, 2022
Time: 7:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MARK WILSON,
CHARLES UTSCHIG & CHARLES GOTTLIEB

----- X

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

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 CHAIRMAN EWASUTYN: The second
3 item of business this evening is
4 Newburgh Commerce Center/Scannell.
5 It's a public hearing on the site
6 plan including grading. It's located
7 on Route 17K in an IB Zone. It's being
8 represented by Langan Engineers.

9 Mr. Mennerich is going to read
10 the 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 New York State
18 Town Law and Chapter 83 of the Town
19 of Newburgh Code (clearing and
20 grading) on the application of
21 Newburgh Commerce Center/Scannell,
22 project 2021-21. The project
23 consists of a spec building to be
24 utilized for uses permitted in the IB
25 Zone, including research, laboratories,

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 manufacturing, warehouse, offices for
3 business, research and professional
4 use. No tenant has currently been
5 identified. The project is situated
6 on 13.8 plus or minus acres of
7 property located on 124 Route 17K.
8 The property is located east of the
9 intersection of New York State Route
10 17K and Corporate Boulevard. The
11 project proposes 44 trailer parking
12 spaces and 107 passenger vehicle
13 spaces. The project will be served
14 by the Town of Newburgh municipal
15 sanitary and water system. The
16 project also includes a request for a
17 clearing and grading permit being
18 sought to remove trees in order to
19 mitigate potential impact to
20 protected bat species. Access to the
21 project site will be off of a new
22 driveway from Route 17K. Stormwater
23 management facilities are proposed. A
24 SWPPP has been prepared for the site.
25 The project is located in the Town's

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 IB Zoning District. The site is
3 known on the Town of Newburgh tax map
4 as Section 95; Block 1; Lot 58. A
5 public hearing will be held on the
6 17th day of March 2022 at the Town
7 Hall Meeting Room, 1496 Route 300,
8 Newburgh, New York at 7 p.m. at which
9 time all interested persons will be
10 given an opportunity to be heard. By
11 order of the Town of Newburgh
12 Planning Board. John P. Ewasutyn,
13 Chairman, Planning Board Town of
14 Newburgh. Dated 4 March 2022."

15 CHAIRMAN EWASUTYN: Thank you.

16 MR. WILSON: Thank you, Mr.
17 Chairman, Members of the Board. My
18 name is Mark Wilson. I'm representing
19 Scannell Properties. With me tonight
20 I have Chuck Utschig, our civil
21 engineer; as well as Charlie
22 Gottlieb, our land use attorney.

23 That was an excellent
24 explanation of our project here. A
25 lot of what I'm going to say is going

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 to be a repeat of what Kenneth had
3 just said.

4 To begin, the location of the
5 project, it's right on 17K. To the
6 east of our building you have 87. To
7 the west you have 84. To the south
8 directly you have Stewart Airport.
9 Along the west and north side you
10 have Industrial Business Park.

11 The building itself is 132,000
12 square feet. On the west side you'll
13 have 44 trailer parking spaces. On
14 the east side you'll have 107 auto
15 parking spaces.

16 You'll notice on our plans that
17 along the south side of the building
18 as well as along the east side of the
19 incoming drive there are proposed
20 sound walls as well as a very robust
21 landscaping plan with over 300 new
22 trees to be planted.

23 As the Board mentioned, utilities.
24 The building will connect to
25 municipal water and sewer.

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 Access is only off of Route 17K.
3 You'll have one turn lane coming in
4 right from eastbound and -- excuse
5 me, westbound. Eastbound you'll have
6 the left-turn lane coming in. There's
7 only one lane coming in but two
8 turning lanes, both a right and a
9 left turn lane, going out of the
10 site.

11 Then one last reminder about the
12 project. It is in the Interchange
13 Business Zone. Again to restate the
14 accepted uses in that zone, they are
15 research laboratories, manufacturing,
16 altering, fabricating or processing
17 projects for materials, warehouse,
18 storage, transportation facilities
19 including bus and truck terminals
20 and, last but not least, offices for
21 business, research and professional
22 uses as well as banks.

23 To restate, we do not have any
24 tenants as of yet. The tenants will
25 be conforming to those allowed uses

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 within the Interchange Zoning
3 District.

4 That's all I have, just a quick
5 overview of our project. I want to
6 thank you again for having us this
7 evening.

8 Now we'll open it up to the
9 public for any questions or comments.
10 Myself, Chuck and Charlie will be
11 happy to answer anything.

12 CHAIRMAN EWASUTYN: Mark, thank
13 you.

14 You heard from Mark Wilson, his
15 presentation. Mark is correct, we'll
16 open the meeting now to anyone in the
17 audience who has questions or comments on
18 the presentation that was just made.

19 The gentleman in the back.

20 MR. KANE: My name is Michael
21 Kane. I live at 126 Route 17K. I
22 know something is going to go back
23 there eventually, offices, labs,
24 whatever. What I'm against is the 40
25 bays of semis and warehousing and --

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 you know, semi trucks back there
3 polluting air, noise. It's just -- I
4 swim back there in my pool with my
5 grand kids. I don't need truckers
6 parked back there with idling engines
7 in the wintertime, or in the
8 summertime staring at us. I mean
9 they propose to put some trees in.
10 Is it going to take ten years for the
11 trees to grow? You could have a 35-
12 foot high berm with trees on top,
13 I'll still see it. It will still
14 light up my backyard. I'll still
15 hear the noise, smell the pollution.

16 Not only am I going to get it
17 from that end, they're going to put
18 it in the front of my house too where
19 it already takes me ten minutes to
20 get out of my driveway on some days.
21 You have three red lights between
22 Industrial Park and Amscan. I just
23 measured today and it's four-tenths
24 of a mile. Now they want to put
25 another red light in there and a turn

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 lane. It's going to be a nightmare.
3 I'll have to wait for people to let
4 me get out of my driveway. It's just
5 a bad situation, especially with the
6 trucks.

7 CHAIRMAN EWASUTYN: Mark, do
8 you have any response to that?

9 MR. UTSCHIG: Mr. Chairman,
10 Members of the Board, for the record
11 my name is Charles Utschig with the
12 firm of Langan Engineering.

13 So the highway improvements,
14 currently we're not proposing a
15 signal at that intersection. It's
16 just going to have a turn lane.
17 Based on our traffic study, the
18 existing signals on either side
19 actually provide gaps in the traffic
20 that allow our traffic to move out of
21 our driveway.

22 We submitted a traffic study
23 that demonstrated that there really
24 shouldn't be a reduction in level of
25 service. I can't say there won't be

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 more trucks because you do have
3 132,000 square feet of space. I think
4 our studies indicate that the
5 improvements we're proposing will
6 mitigate our traffic.

7 Relative to the noise, at this
8 Board's direction we were required to
9 do a noise study. The results of
10 that noise study included over 700
11 feet of sound walls that are placed
12 up close to the building, hopefully
13 to mitigate that noise impact. I
14 think our study concluded that we
15 would meet not only the New York
16 State DEC guidelines for noise levels
17 but the Town's own guidelines. So
18 we've tried to be sensitive to that
19 issue with this Board's urging.

20 Relative to lighting, we have a
21 very specific type of fixture. The
22 County is keen on making sure that
23 there's as little light pollution as
24 possible. We tried to design the
25 lighting so it wouldn't affect you.

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 So we've tried to create the
3 mitigation to address these. We
4 submitted that information to the
5 Board and made it available for the
6 public to look at.

7 It is an IB zoned property and
8 this is a permitted use in the IB
9 Zone. To that extent, we have tried
10 to mitigate our impacts specifically
11 along the edges where we have these
12 residential uses.

13 MR. KANE: They're going to put
14 another pond, you know, 100 feet
15 away, or whatever, from -- we already
16 have a pond on the other side.

17 CHAIRMAN EWASUTYN: Pat, would
18 you discuss the purpose of the
19 detention ponds?

20 MR. HINES: Sure. The
21 gentleman just said it's a pond.
22 It's going to be dry in between storm
23 events. This pond is not going to
24 look like the one at Corporate
25 Boulevard that has a permanent pool.

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 This one is designed to fill up and
3 act like a bathtub and meter the
4 water out. In addition, the bottom
5 of the pond has been designed to
6 provide filtering of the stormwater.
7 There's a 4-foot bed of specific soil
8 with mulch on top of it that's
9 required for water quality. That
10 allows it to seep through between
11 storm events. So it will be normally
12 dry during small storm events. It
13 will only percolate through the soil
14 during significant storm events. It
15 will fill up and drain down.

16 We did note and the Board did
17 require the sound study that was
18 mentioned. There is a proposed 13
19 foot high solid fence barrier between
20 your property, if you take a look at
21 the second house from the project.
22 There's been a noise barrier proposed
23 along the entire rear of your
24 property. It actually projects back
25 towards the commercial properties,

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 kind of on an angle right behind your
3 house. The landscaping plan has been
4 provided per the Town's requirements
5 -- in excess of the Town's
6 requirements, and the trees are
7 identified -- the trees are
8 identified at 2.5 inch caliber.
9 They're not small, little trees.
10 They're not large. We have a
11 landscape architect consultant that
12 reviews that for the Board. She's
13 provided some comments regarding the
14 landscape plan as well that will be
15 addressed.

16 It is in the Town's IB Zone.
17 They received a variance to be closer
18 than 500 feet to Route 17K. That was
19 not from this Board, that was from
20 the Zoning Board of Appeals. That
21 permitted them to construct -- to
22 propose the building where it is
23 depicted now on the plan.

24 I think that's the best way I
25 can respond.

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 MR. KANE: I don't want to
3 stare at a big cement wall either.

4 MR. HINES: It's not cement.
5 It's an engineered design. Between
6 the sound barrier and your house
7 there's an extensive planting plan
8 proposed. The plants are between
9 your rear property line and the sound
10 barrier. I don't know if you saw the
11 plan.

12 MR. KANE: Little trees this
13 big that are going to take twenty
14 years to grow.

15 MR. HINES: They're not so
16 little. We have heard from our
17 landscape consultant in the past that
18 trees any much larger than this, when
19 they transplant them they don't
20 thrive as well as trees this size.
21 There's a reason they pick trees this
22 size. When they're transplanted they
23 are more viable and able to survive.
24 When they move larger trees, our
25 landscape architect consultant has

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 told us their ability to survive the
3 transplant is less than trees of this
4 caliber, which is why they're
5 typically designed at that.

6 MR. KANE: They proposed that
7 in the beginning it was just going to
8 be office space or whatever, doctors
9 or whatever. They added on the
10 warehousing part of it with the 40
11 bays. I mean one was, you know -- the
12 first part, you know, I don't have an
13 argument with. It's just the semi
14 part of it and the warehousing part
15 of it.

16 CHAIRMAN EWASUTYN: Additional
17 questions or comments from the public?

18 (No response.)

19 CHAIRMAN EWASUTYN: I'll take
20 comments from Board Members. Frank
21 Galli?

22 MR. GALLI: First of all, what
23 kind of wall is it going to be? Is
24 it going to be like a Mafia block
25 designed wall?

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 MR. UTSCHIG: We have a sample
3 of it. It's a textured vinyl block.
4 Those get connected together. It
5 will look like a panelized wall.
6 It's 13 feet high in this location.
7 It's 11 feet high in the other
8 location. It's got that gray texture
9 to it.

10 MR. WILSON: Almost like big
11 Legos.

12 MR. UTSCHIG: We tried to pick
13 one that --

14 MR. GALLI: The trees will be
15 in front --

16 MR. UTSCHIG: In front of it.
17 They'll be on the residential
18 property side. The wall sits up
19 close to the pavement and then the
20 screening is here.

21 MR. GALLI: Are the trees going
22 to be up on a berm or are they going
23 to be equal to the ground?

24 MR. UTSCHIG: So the fence is
25 higher by a few feet in grade.

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 Because the grade slopes down, we
3 weren't able to create a berm. We
4 were kind of working against
5 ourselves with the grade. These are
6 all -- as you go up here you have a
7 layer of trees, you have the top of
8 the fence, and in close proximity to
9 -- you're almost looking -- I don't
10 want to say you're not going to be
11 able to see the top of the building
12 but it's a pretty severe angle from
13 these properties looking up to this.

14 MR. GALLI: How close are the
15 trees together when you plant them?

16 MR. UTSCHIG: We're actually --
17 I want to say six to eight feet. We
18 were given very specific directions
19 by your landscape consultant to make
20 sure we got that right. She was very
21 concerned about the point that Pat
22 made, making sure you don't buy too
23 big a tree because they don't
24 survive. She's very concerned about
25 planting them too closely because

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 they don't actually do well when you
3 plant them too closely. So we've
4 taken her direction on that in terms
5 of how they should be planted.

6 MR. GALLI: Okay.

7 MR. UTSCHIG: We're planting
8 365 trees, all of which are focused
9 in the front third of the site. This
10 is one of those situations where
11 you're getting substantially more
12 trees planted than the number that
13 are being removed.

14 For those of you familiar with
15 this, this isn't a heavily treed
16 piece of property now. It's fairly
17 open, as a matter of fact.

18 MR. HINES: I think your
19 clearing and grading permit
20 identified 156 trees to be removed.
21 They're before you tonight for that
22 clearing and grading permit as well.

23 MR. GALLI: That's all I had,
24 John.

25 CHAIRMAN EWASUTYN: Stephanie

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 DeLuca?

3 MS. DeLUCA: The questions I
4 had were already asked. Thank you.

5 MR. KANE: What kind of trees
6 are these?

7 CHAIRMAN EWASUTYN: They're a
8 variety of trees. They're pines,
9 they're balsam, they're red maples,
10 they're oaks. They're a variety of
11 mix. Evergreens and deciduous trees.

12 MR. MENNERICH: On the sections
13 of this sound wall, is there any
14 material that goes inside this?

15 MR. UTSCHIG: Yes. The cells
16 get filled. The outside is just the
17 pretty picture. The inside is the
18 insulation that goes in it that gives
19 it the sound value.

20 MR. MENNERICH: That was my
21 concern. If it was hollow it didn't
22 look like it would do much.

23 MR. UTSCHIG: You wouldn't get
24 much out of a hollow.

25 CHAIRMAN EWASUTYN: In reference to

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 the trees, the Town has a code.
3 There's a two-year guarantee on the
4 trees. There is an inspection that's
5 done periodically. Any trees that
6 look weak or dying will be replaced.

7 Cliff Browne?

8 MR. BROWNE: With respect to
9 the sound, could you explain what you
10 did as far as with reference to the
11 degree of sound that you mitigated
12 with the plan?

13 MR. GALLI: Did you do a
14 decibel reading?

15 MR. BROWNE: You projected kind
16 of like a worst-case scenario with
17 the numbers and whatnot. I want to
18 have a comfortable feeling for the
19 public as to how far you went to
20 utilizing this material and what it
21 means.

22 MR. UTSCHIG: What the
23 reduction was. I'm not sure I can
24 answer that question.

25 MR. WILSON: The sound?

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2 MR. UTSCHIG: Yes.

3 MR. WILSON: I believe when
4 they -- so the mitigation from the
5 sound wall was between 5 decibels
6 and, I believe it was 11 decibels
7 depending on which residence you're
8 at. The mitigation of 5 decibels is
9 seen as a minor mitigation, but 11
10 decibels is almost cutting the noise
11 in half. So what 5 or 11 decibels
12 sounds like is --

13 MR. HINES: It's an increase of
14 5 to 11, not 5 to 11 decibels. You
15 can't hear that. It's an increase
16 above the background I think is what
17 you're trying to --

18 MR. WILSON: Correct.

19 MR. UTSCHIG: Mark's point was
20 -- I'm not sure I can give you the
21 quantitative number. I'll have to
22 look. I think what Mark is saying is
23 the measures that we've proposed have
24 mitigated the increase in sound to
25 those -- that we've reduced it. In

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2 most cases we talk about balancing
3 those things, no negative impact to
4 them. So these measures had a
5 reduction of those kind depending on
6 where you stood to listen to the
7 sound. They were compared against --
8 I don't want to get this wrong. New
9 York DEC talks about 65 decibels
10 during the day as an acceptable
11 limit. Town code is 80. Residential
12 at night is 50 and 70.

13 MR. GALLI: That's residential.
14 Right?

15 MR. UTSCHIG: That's relating
16 it to a residential. So that's what
17 we did, we related it to a residential.

18 The numbers are -- I want to
19 say we -- we're below those levels by
20 between 5 and 10 decibels.

21 MR. BROWNE: That's what I want
22 to get across. The mitigation that
23 has been put in place, you are well
24 below the allowable limit based on
25 the code, State code, County code and

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2 all that stuff. You're well within
3 the limits. We worked through that
4 during the whole plan so that you're
5 -- you're good at this point.

6 MR. WILSON: Correct.

7 +MR. UTSCHIG: You said it
8 better than I did. I mean we also
9 have -- we don't account for the
10 noise that comes from the airplanes.
11 So the runway for the airport is
12 right there. You've got the ambient
13 noise of 17K. This study was really
14 to kind of understand the noise
15 levels from our site as compared to
16 those criteria, and we are below.

17 MR. BROWNE: Thank you.

18 CHAIRMAN EWASUTYN: Dave Dominick?

19 MR. DOMINICK: I was trying to
20 track down the same question, but you
21 answered it, that Cliff had. I
22 appreciate that. That's why I wanted
23 a sample of the wall, just to see how
24 much reduction. Between the trees
25 and the wall, you've done a

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2 considerable job of reducing that
3 pollution, noise pollution. Thank
4 you.

5 CHAIRMAN EWASUTYN: John Ward?

6 MR. WARD: In reference to
7 where the two homes are and having
8 the buffer, are there trees there now
9 between your wall where you propose
10 and the residents' property?

11 CHAIRMAN EWASUTYN: There's a
12 tree inventory. You can put that up.

13 MR. UTSCHIG: I'm not sure I
14 brought that board. I have a lot of
15 boards but I'm not sure I have that
16 one. There are, along that line
17 within this swath --

18 MR. HINES: It looks like nine.

19 MR. UTSCHIG: -- there are
20 about nine or ten trees. We're
21 keeping a few here. So there are
22 nine or ten existing trees. I think
23 we're keeping maybe two of those. So
24 they're basically spread from here to
25 here. By the time you get to this

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2 corner, across the entire front of
3 this center there's probably only
4 twenty-five, plus or minus, in this
5 entire area.

6 MR. WARD: What I'm asking is
7 basically to preserve the trees
8 there. When the other trees grow, at
9 least it will fill in.

10 MR. HINES: Their grading plan
11 doesn't allow that right now.

12 MR. UTSCHIG: Currently we
13 weren't able to do that. One of the
14 things that we -- we could look at
15 that. I understand what you're
16 suggesting. These look to be about 2
17 inches or so. Some were 8-inch
18 trees. There are a few. We could
19 potentially tweak this corner of the
20 grading a little bit to try and save
21 a few of those. I think that would
22 be here. If that were a condition,
23 that would be something I think we
24 could figure out.

25 MR. WARD: Anything is helpful,

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2 especially for the residents.

3 And the sound barrier, we're
4 experienced with that with other
5 projects. Thank you very much for that.

6 Can you explain where you're
7 clearing and grading the 156 trees?

8 MR. UTSCHIG: I'll have to look
9 at the plan. So the trees are spread
10 out fairly evenly. If you can see
11 the dark Xs, those are the trees that
12 are being removed. This site at 13.8
13 acres didn't give us a lot of leeway,
14 you know, in terms of trying to be
15 able to save many of the trees. I
16 would say for 13 acres at 150 trees,
17 that doesn't -- it's not like we
18 would treat this as a wooded site. I
19 think the best way to describe this
20 is that the trees are evenly spread
21 out around the entire perimeter of
22 the site and some through the middle.

23 MR. WARD: Very good. Thank you.

24 CHAIRMAN EWASUTYN: Frank, you
25 had something?

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2 MR. GALLI: The only concern I
3 have about trying to save seven trees
4 or eight trees, don't let it impact
5 the new trees you're going to put in.
6 If they get in the way, then the new
7 trees aren't going to grow.

8 MR. UTSCHIG: I agree. With
9 new planting we do it in a specific
10 way to ensure the survival of what we
11 plant. Maybe the condition could
12 suggest that with your landscape
13 architect consultant's input, the
14 viability of those trees, being able
15 to save them, if she agrees then we
16 will try to. If she does not, then I
17 would suggest that our plan may, in a
18 little bit longer time because they
19 are not quite as big, in a little bit
20 longer time may be a more robust
21 situation.

22 MR. HINES: I caution you, I
23 believe you need to take those trees
24 down in the very near future.

25 MR. UTSCHIG: That's the other

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2 problem is we don't have time to wait.

3 MR. HINES: I just wanted to --

4 MR. UTSCHIG: I'm glad you
5 reminded me of that.

6 MR. WARD: Thank you.

7 MR. UTSCHIG: Sorry. Thanks, Pat.

8 CHAIRMAN EWASUTYN: Jim Campbell, Code
9 Compliance?

10 MR. CAMPBELL: Nothing at this time.

11 CHAIRMAN EWASUTYN: Pat Hines with
12 McGoey, Hauser & Edsall?

13 MR. HINES: We have comments
14 that were outstanding from the technical
15 comments regarding the design.

16 They're here tonight really for
17 the clearing and grading permit. As
18 stated in the public hearing notice,
19 they're here for the clearing and
20 grading permit because of a
21 timeframe, a clearing restriction
22 that's been imposed by the DEC for
23 areas that have potential habitat for
24 protected bat species, and they're up
25 against a timeframe to meet that

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2 which is why we scheduled the public
3 hearing for that tonight.

4 So our comments are outstanding
5 from the last meeting. They're
6 working with DOT on the access drive.

7 We have comments on the
8 off-site drainage improvements still.

9 That's the extent of our
10 comments right now.

11 The Board could consider
12 closing the public hearing on the
13 clearing and grading and leaving the
14 site plan open if there are issues
15 regarding the site plan itself and
16 not issues regarding the ten trees
17 per acre proposed to be removed --
18 plus or minus, proposed to be removed
19 within the timeframe they need it to
20 happen.

21 CHAIRMAN EWASUTYN: Dominic
22 Cordisco, Planning Board Attorney?

23 MR. CORDISCO: That's correct.
24 One of the options for the Board to
25 consider would be to close the

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2 clearing and grading public hearing.
3 If the Board was satisfied, the Board
4 could then move on to approval for
5 the clearing and grading to allow
6 just the removal of the trees but no
7 grading on the site. We call it a
8 clearing and grading permit because
9 that's how it's defined in the code,
10 but what we're really talking about
11 is just clearing.

12 CHAIRMAN EWASUTYN: The gentleman
13 in the back.

14 MR. KANE: I want to know what
15 they are going to do on 17K. How are
16 they going to alleviate the problem
17 that's already there now by adding
18 another turning lane or two more
19 turning lanes or whatever? How are
20 they going to cope with that problem
21 and the traffic?

22 CHAIRMAN EWASUTYN: I think Pat
23 Hines did say they're coordinating
24 that with the Department of
25 Transportation because the Department

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2 of Transportation, in a broad sense,
3 owns 17K. So whatever impact this
4 site plan has on their property, the
5 DOT would make sure that it wouldn't
6 affect their road. So what we're
7 doing here as part of the SEQRA
8 process, the State Environmental
9 Quality Review Act, we're doing a
10 coordinated review with the
11 Department of Transportation. They
12 are the permitting agency. They're
13 the ones that will permit the final
14 impact on that road and what needs to
15 be mitigated. They have a traffic
16 consultant. You have a traffic
17 consultant who works for you through
18 this Board. They've done their due
19 diligence. They made application to
20 the DOT. I think what Pat Hines said
21 is that's one of the outstanding items.

22 Pat, would you elaborate on the
23 site plan?

24 MR. HINES: The DOT issued
25 comments regarding the access road.

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2 As the Chairman said, we have a
3 separate traffic consultant that
4 works for the Planning Board. He's
5 not here tonight. He typically is.
6 He is reviewing their traffic study,
7 which is a rather thick volume of
8 studies.

9 The DOT has commented on --
10 they're proposing the ability for two
11 lanes out. DOT has asked for
12 additional information supporting
13 that. It doesn't look like they're
14 in favor of that. The impacts are
15 on-site impacts. It will restrict
16 the amount of traffic that can leave
17 the site by potentially limiting
18 those turning movements. It won't
19 affect the 17K corridor.

20 They are proposing turning
21 lanes -- left turning lanes in order
22 to allow traffic to pass on the east
23 and westbound so that they can --
24 that through traffic can continue and
25 won't get held up.

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2 There are no new traffic lights
3 proposed because, as you mentioned,
4 there's already several traffic
5 lights along there.

6 MR. KANE: I seen a big traffic
7 light sign right out in front of my
8 house. I'm like that must mean
9 they're going to put one there.

10 MR. HINES: That's not proposed
11 at all for this project. The DOT
12 most likely would not allow a traffic
13 light here because of the spacing of
14 the lights. There's a certain
15 distance -- I'm not the traffic
16 consultant, but there's a certain
17 distance that they will permit them.
18 This applicant is not proposing them
19 and we have not heard DOT is going to
20 require a traffic light because of
21 the existing series of lights along
22 the road.

23 MR. KANE: If those lights were
24 to come about, they could move them
25 down further where there's a brick

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2 house there now that's probably going
3 to be knocked down. That's probably
4 far enough away from us.

5 MR. HINES: There is one house
6 to be removed on this parcel almost
7 where the access drive is. If that's
8 the brick house --

9 MR. KANE: Where the access is?

10 MR. HINES: Their access is
11 coming out right where the one
12 existing house is proposed to be
13 removed.

14 MR. UTSCHIG: It is the red
15 brick house.

16 MR. HINES: The red brick
17 house. It was a troopers' barracks,
18 wasn't it?

19 MR. CAMPBELL: No.

20 MR. HINES: Right where that
21 existing house on this parcel is,
22 where their access road is proposing
23 to come out, that house is being
24 eliminated.

25 MR. KANE: The entrance is

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2 closer to us.

3 MR. HINES: It's about midway
4 on their lot. It's probably almost
5 exactly midway.

6 MR. KANE: I just want to get
7 that. I can't see those maps.

8 CHAIRMAN EWASUTYN: You're
9 welcome to come up. You're welcome
10 to come up.

11 MR. HINES: We also post these
12 maps. The maps, before the meeting,
13 are available online on the Town's
14 website.

15 MR. UTSCHIG: So the entrance --

16 MR. HINES: Chuck, his house is
17 the second house up. You can point
18 it out to him.

19 MR. UTSCHIG: This is the
20 stormwater management. The existing
21 house is about where this driveway
22 is. If you're familiar with the
23 driveway to the existing house,
24 that's where the proposed driveway is.

25 MR. KANE: It looks far away

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2 but it's really not.

3 40 bays of trucks. I can see 20
4 tractors in a row.

5 CHAIRMAN EWASUTYN: Any
6 additional questions or comments from
7 the public at this time? The
8 gentleman in the back.

9 MR. ECKERT: Hi. My name is
10 Conor Eckert, I'm vice president of
11 the Orange County Partnership. I'm
12 also a member of this community.

13 I wanted to applaud this
14 Planning Board for the diligence
15 you've done in mitigating some of the
16 impacts this could potentially have
17 on the community. I look forward to
18 the positive impacts this project is
19 going to have on our community.

20 So thank you.

21 CHAIRMAN EWASUTYN: Any further
22 questions or comments from the people
23 in the audience? This gentleman.

24 MR. GILMAN: Previously before
25 the Planning Board, the applicant was

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2 looking to extend the bus route to
3 this site. If that's still the case,
4 because I know that you have the Town
5 of Newburgh and you also have the
6 City of Newburgh where they could
7 potentially -- if an applicant or
8 tenant does make their way to this
9 property. Is that still the case?

10 MR. UTSCHIG: I think the
11 commitment that the applicant has
12 made is that if and when bus service
13 extends down 17K in this direction by
14 one of the municipalities, then we
15 would be willing to provide a bus
16 stop on our site in order to let
17 folks on and off. We've committed to
18 that if and when bus service extends
19 here. I think that's consistent with
20 what this Board has tried to get
21 applicants to do in the past. So if
22 and when the service comes, there is
23 a place for a bus stop for people to
24 get safely on and off.

25 MR. GILMAN: Thank you.

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2 CHAIRMAN EWASUTYN: Any further
3 questions from the people in the
4 audience?

5 (No response.)

6 CHAIRMAN EWASUTYN: Having
7 heard from those in the audience this
8 evening, having heard from our
9 consultants and our Planning Board
10 Attorney Dominic Cordisco, would
11 someone move for a motion to close
12 the public hearing?

13 MR. CORDISCO: Mr. Chairman,
14 actually we were discussing before
15 the final round of comments was that
16 the Board has a couple of different
17 options. One would be to close the
18 public hearing on the clearing and
19 grading and yet you could leave open
20 the public hearing regarding the site
21 plan based on additional changes
22 being necessary.

23 CHAIRMAN EWASUTYN: Correct. I
24 heard you. That's what you said
25 originally in your presentation.

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2 MR. CORDISCO: It was. That is
3 one option. The other option would
4 be to close both public hearings, but
5 the difficulty --

6 CHAIRMAN EWASUTYN: We can't.
7 We don't have the information to
8 justify that.

9 MR. CORDISCO: Correct. I just
10 wanted to make sure the record was
11 clear on the public hearing that's
12 being closed.

13 CHAIRMAN EWASUTYN: Having had
14 a clarification on the action before
15 us this evening to close the public
16 hearing, the closing of the public
17 hearing would be strictly for the
18 clearing and grading application
19 that's listed on our agenda, would
20 someone make a motion for that?

21 MR. MENNERICH: So moved.

22 MR. WARD: Second.

23 CHAIRMAN EWASUTYN: We have a
24 motion from Ken Mennerich. We have a
25 second from, was that John Ward?

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2 MR. WARD: Yes.

3 CHAIRMAN EWASUTYN: Any
4 discussion of the motion?

5 (No response.)

6 CHAIRMAN EWASUTYN: Can I have
7 a roll call vote starting with Frank
8 Galli?

9 MR. GALLI: Aye.

10 MS. DeLUCA: Aye.

11 MR. MENNERICH: Aye.

12 CHAIRMAN EWASUTYN: Aye.

13 MR. BROWNE: Aye.

14 MR. DOMINICK: Aye.

15 MR. WARD: Aye.

16 CHAIRMAN EWASUTYN: Dominic
17 Cordisco, Planning Board Attorney,
18 can you give us conditions for the
19 approval of the clearing and grading
20 application before us this evening?

21 MR. CORDISCO: Yes. Certainly.
22 So the clearing and grading permit
23 could be acted on by the Board at
24 this time. You had already adopted a
25 SEQRA negative declaration at your

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2 last meeting.

3 There are standard conditions
4 that are attached to a clearing and
5 grading permit approval, including
6 the ones that were applied by this
7 Board for other projects. This is
8 Chapter 83 of the Town Code. There's
9 a performance guarantee in the amount
10 of \$3,500 per acre that has to be
11 posted to the Town by either a
12 certified check or a letter of credit
13 in a form that's acceptable to the
14 town attorney. There's an initial
15 inspection fee deposit in the amount
16 of \$3,500. The applicant must abide
17 by the Indiana Bat and the Northern
18 Long Eared Bat tree clearing
19 restrictions, meaning there shall be
20 no tree clearing between April 1st
21 and October 1st. If there is going
22 to be any ground clearing or ground
23 disturbance, then the applicant would
24 also have to obtain coverage under
25 the SPDES general permit.

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2 MR. HINES: This clearing and
3 grading permit is strictly for
4 felling the trees and not pulling the
5 stumps. It's only for cutting of the
6 trees and not any other site
7 disturbance. Not pulling the stumps.
8 We don't have the stormwater
9 pollution prevention plan or NOI DEC
10 permits in hand yet. This is
11 strictly to mitigate the Indiana Bat/
12 Northern Long Eared Bat issues. It's
13 only cutting the trees, not removing
14 the stumps.

15 MR. CORDISCO: The Board has
16 also imposed in the past a
17 restriction on the hours of operation
18 which are limited between 7:30 a.m.
19 and 6:00 p.m. whenever they're within
20 1,500 feet of any residence. There
21 are no activities on Sundays or
22 public holidays.

23 Those are the specific
24 conditions attached to the clearing
25 and grading permit.

1 NEWBURGH COMMERCE CENTER / SCANNELL

2 CHAIRMAN EWASUTYN: Any
3 questions from Board Members on the
4 conditions that Dominic Cordisco
5 presented for the cutting of trees
6 for the Newburgh Commerce Center?

7 MR. GALLI: No additional.

8 MS. DeLUCA: No.

9 MR. MENNERICH: No.

10 MR. BROWNE: No.

11 MR. DOMINICK: No.

12 MR. WARD: No.

13 CHAIRMAN EWASUTYN: Would
14 someone make a motion to approve the
15 clearing and grading application,
16 which is specifically just for
17 cutting of trees, based upon the
18 presentation of the resolution
19 presented by Dominic Cordisco,
20 Planning Board Attorney?

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

23 MS. DeLUCA: Second.

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

1 NEWBURGH COMMERCE CENTER / SCANNELL

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

4 MR. GALLI: Aye.

5 MS. DeLUCA: Aye.

6 MR. MENNERICH: Aye.

7 CHAIRMAN EWASUTYN: Aye.

8 MR. BROWNE: Aye.

9 MR. DOMINICK: Aye.

10 MR. WARD: Aye.

11 CHAIRMAN EWASUTYN: Dominic,
12 back to you. The second part of
13 this, how do we manage the public
14 hearing? This public hearing for the
15 site plan will still be held open.
16 Will there be a specific date? How
17 is that managed?

18 MR. CORDISCO: It should be
19 coordinated with the applicant as far
20 as when they expect to be able to
21 respond to the comments that have
22 been made by the Board Members or its
23 consultants and members of the
24 public. My recommendation would be
25 to hold this over to a particular

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2 date where it also gives the
3 applicant enough time to respond to
4 those comments. If you don't and you
5 just, you know, hold it over to a
6 point where they make a submission,
7 then it's very difficult for the
8 members of the public to know when
9 that's going to be.

10 My recommendation would be to
11 schedule it for a specific meeting
12 date tonight.

13 CHAIRMAN EWASUTYN: We have a
14 meeting on the 7th and then we have a
15 meeting on the 21st. I'm talking
16 just about the month of April. We
17 could further that out. I would ask
18 for advice from Pat Hines or Jim
19 Campbell.

20 MR. UTSCHIG: I think we have
21 outstanding SWPPP comments that we're
22 expecting.

23 MR. HINES: We haven't seen the
24 redesign of the off-site drainage
25 improvements and the results of the

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2 DOT comments on the access drive.

3 There are five Thursdays in
4 March. There's three weeks between
5 now and the 7th and five weeks
6 between now and the 21st.

7 MR. UTSCHIG: I think my client
8 won't let me say anything other than
9 we'd like to be on the agenda for the
10 21st and think we can accommodate the
11 plan changes and the submissions by then.

12 CHAIRMAN EWASUTYN: Dominic,
13 could you note that for the record?

14 MR. CORDISCO: This public
15 hearing on the site plan for the
16 Newburgh Commerce Center/Scannell
17 project would be held over until
18 April 21st. It will be on the agenda
19 for that evening. There will be no
20 further public notice. This is the
21 public's notice that the hearing will
22 be continued at that meeting.

23 MR. UTSCHIG: Mr. Chairman, we
24 will at that time want to do the
25 architectural review of the building.

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2 If you'll recall, at the last meeting
3 we took a lot of time and didn't get
4 to that. We understand that has to
5 be done. We'll come prepared to do
6 that at the next meeting.

7 CHAIRMAN EWASUTYN: Thank you.

8

9 (Time noted: 7:45 p.m.)

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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

12

13

14

15

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.

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Michelle Conero

MICHELLE CONERO

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

- - - - - X

In the Matter of

U-HAUL - ORANGE LAKE MOTEL
(2021-17)

427 South Plank Road
Section 47; Block 1; Lot 39.2
B Zone

- - - - - X

AMENDED SITE PLAN

Date: March 17, 2022
Time: 7:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MANOJKUMAR PATEL

- - - - - X

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

1 U - H A U L / O R A N G E L A K E M O T E L

2 CHAIRMAN EWASUTYN: The third
3 item of business this evening is the
4 Orange Lake Motel. It's an amended
5 site plan. It's located on South
6 Plank Road, and that's -- I think we
7 have a misrepresentation on the zone.
8 It's a B Zone. It's being
9 represented by Mr. Patel, a licensed
10 engineer.

11 Sir.

12 MR. PATEL: Good evening. I'm
13 back here again in front of you.
14 Last time we saw this was in
15 December.

16 The project proposed is a new
17 use of the property for U-Haul truck
18 rentals. The owner is proposing a 60
19 foot by 60 foot paved parking spot.
20 No other permanent structures are
21 proposed.

22 The parking is for four trucks
23 -- a maximum of four trucks that will
24 be used for U-Haul rentals.

25 We were in front of the Zoning

1 U - H A U L / O R A N G E L A K E M O T E L

2 Board and got the variance approvals.

3 At the last meeting we were
4 referred to Orange County Planning,
5 which I believe the submission was made
6 and we didn't hear anything back.

7 We are in front of you again to
8 get your opinion.

9 CHAIRMAN EWASUTYN: Thank you.

10 Comments from Board Members.

11 Frank Galli?

12 MR. GALLI: No additional.

13 CHAIRMAN EWASUTYN: Stephanie?

14 MS. DeLUCA: No. No additional.

15 MR. MENNERICH: No questions.

16 MR. BROWNE: No.

17 MR. DOMINICK: No.

18 MR. WARD: No.

19 CHAIRMAN EWASUTYN: Pat Hines,
20 would you bring this together for us?

21 MR. HINES: Sure. So as the
22 applicant's representative said, this
23 Board referred it to the Orange
24 County Planning Department. My
25 office submitted it on February 2nd.

1 U - H A U L / O R A N G E L A K E M O T E L

2 It would have timed out the day
3 before your last meeting. It's
4 before you tonight for approval. We
5 did not hear back from the County.
6 The thirty days elapsed and we have
7 no outstanding comments on this.
8 There are no required securities,
9 landscape, stormwater. It's a
10 permitted -- with your approval,
11 motels are allowed to rent up to ten
12 rental cars. They're proposing four
13 of the U-Haul type trucks. They are
14 providing a paved pad for that.

15 CHAIRMAN EWASUTYN: Dominic
16 Cordisco, would you provide us with
17 the conditions for approval of the
18 locating of the U-Haul at the Orange
19 Lake Motel?

20 MR. CORDISCO: Certainly. The
21 conditions are fairly straightforward.
22 They're general conditions. There's
23 nothing specific in connection with
24 this application other than that the
25 use must be as described on the plan.

1 U - H A U L / O R A N G E L A K E M O T E L

2 Any changes or expansions of that
3 use would require a return to the
4 Planning Board --

5 MR. PATEL: Understood.

6 MR. CORDISCO: -- for an
7 amendment of the approval. All fees
8 must be paid. Final plans have to be
9 provided to the Board for signature.

10 MR. PATEL: Okay.

11 CHAIRMAN EWASUTYN: Would
12 someone move for a motion to approve
13 the U-Haul at Orange Lake Motel?

14 MR. GALLI: So moved.

15 MR. WARD: Second.

16 CHAIRMAN EWASUTYN: Motion by
17 Frank Galli. Was that John Ward?

18 MR. WARD: Yes.

19 CHAIRMAN EWASUTYN: Second by
20 John Ward. May I please have a roll
21 call vote?

22 MR. GALLI: Aye.

23 MS. DeLUCA: Aye.

24 MR. MENNERICH: Aye.

25 CHAIRMAN EWASUTYN: Aye.

1 U - H A U L / O R A N G E L A K E M O T E L

2 MR. BROWNE: Aye.

3 MR. DOMINICK: Aye.

4 MR. WARD: Aye.

5 CHAIRMAN EWASUTYN: Thank you.

6 MR. PATEL: Thank you.

7

8 (Time noted: 7:50 p.m.)

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U - H A U L / O R A N G E L A K E M O T E L

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 24th day of March 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

FOREST PARK SUBDIVISION
(2022-06)

231 Forest Road
Section 1; Block 1; Lot 12
AR Zone

- - - - - X

FOUR-LOT SUBDIVISION

Date: March 17, 2022
Time: 7:50 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
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 FOREST PARK SUBDIVISION

2 CHAIRMAN EWASUTYN: The fourth
3 item of business this evening is the
4 Forest Park Subdivision. It's a
5 four-lot subdivision on Forest Road
6 in an AR Zone. It's being
7 represented by Talcott Engineering,
8 Charles Brown. Charles.

9 MR. BROWN: Thank you, John.
10 We were here before this Board two
11 weeks ago. We showed the four lots.

12 We had a 50-foot strip into the
13 back on the other side of the
14 wetlands. We were told to take that
15 out. We did. We resubmitted the
16 plans.

17 We also added the septic systems.

18 We're here to hopefully get
19 this thing moving along by having
20 this Board declare its intent for
21 lead agency.

22 CHAIRMAN EWASUTYN: Okay. Jim
23 Campbell, Code Compliance, do you
24 have any questions or comments?

25 MR. CAMPBELL: Just note my

1 F O R E S T P A R K S U B D I V I S I O N

2 only comment was that the front yard
3 setback should be revised.

4 MR. BROWN: I got that.

5 CHAIRMAN EWASUTYN: Can you
6 speak on what needs to be done?
7 What's being said or what's the
8 actual footage?

9 MR. BROWN: 60 feet.

10 MR. CAMPBELL: There's a
11 section of the code that, being it's
12 on a County road, it needs to be 60
13 feet from the property line instead
14 of the 40 I believe in that zone.

15 CHAIRMAN EWASUTYN: Thank you.
16 Pat Hines?

17 MR. HINES: Our first comment
18 picked up on Mr. Campbell's comment
19 and just restated that.

20 The plan contains four lots
21 now, lot 4 becoming a 27.09 acre
22 parcel.

23 The DEC validation block needs
24 to be signed by -- I believe Mr.
25 Nowicki did that, not the DEC. It

1 FOREST PARK SUBDIVISION

2 should bear his signature and
3 appropriate date.

4 We held off on the adjoiners
5 notice at the last meeting because it
6 was coming back this meeting.
7 Adjoiners notices must be sent now
8 that the lot geometry has been more
9 firmed up and eliminated the issue
10 regarding the wetlands.

11 We have a couple comments on
12 the septic systems. One is probably
13 just a typo and the other one was
14 questioning the deep soil tests on
15 lots 3 and 4 which the applicant can
16 address.

17 It needs Orange County DPW
18 approval for the driveways. There's
19 two shared driveways proposed.

20 We're suggesting the Board
21 could declare -- circulate for intent
22 for lead agency as the County and DEC
23 would be involved agencies in the
24 project.

25 MR. BROWN: As far as the 60

1 FOREST PARK SUBDIVISION

2 foot, right now our property line
3 goes to the center of the road. This
4 plan shows us giving some additional
5 property to the County for the roads.
6 We meet the 25 off the center line.
7 The 60 foot would be from the new
8 property line.

9 MR. HINES: Yes.

10 MR. BROWN: With regard to the
11 septics, I had a summer intern who
12 misunderstood the notes.

13 MR. HINES: And the deep tests
14 look like there may not be adequate
15 soil.

16 MR. BROWN: Those are the ones
17 that he put on the plan. I'll get
18 that straightened out.

19 MR. HINES: Okay.

20 CHAIRMAN EWASUTYN: Dominic
21 Cordisco, do you have anything to add
22 at this point?

23 MR. CORDISCO: At this point
24 the adjoiners notices are required.
25 The Board would also be in a position

1 FOREST PARK SUBDIVISION

2 to circulate for lead agency. That's
3 about the only actions that the Board
4 can take tonight.

5 MR. BROWN: Agreed.

6 CHAIRMAN EWASUTYN: Then would
7 someone move for a motion to circulate
8 -- for Pat Hines to circulate the
9 adjoining notice and for this Board
10 to circulate for intent for lead
11 agency?

12 That would be for the
13 Department of Public Works and the
14 DEC, Pat?

15 MR. GALLI: So moved.

16 MR. DOMINICK: Second.

17 CHAIRMAN EWASUTYN: I have a
18 motion by Frank Galli --

19 MR. BROWN: I'm sorry. It
20 would also be the County Planning
21 Department.

22 CHAIRMAN EWASUTYN: County who?

23 MR. BROWN: Planning.

24 CHAIRMAN EWASUTYN: Are we
25 circulating now to the Orange County

1 FOREST PARK SUBDIVISION

2 Planning Department?

3 MR. HINES: I didn't think we
4 were doing that yet. Normally we do
5 that procedurally later in the
6 process, once we're lead agency and
7 the adjoiners notices are out. Plus
8 I'd like the septic systems deep test
9 issue resolved.

10 MR. BROWN: Okay. Do you need
11 additional sets?

12 MR. HINES: I think I have them
13 electronically.

14 MR. GALLI: So moved.

15 MR. DOMINICK: Second.

16 CHAIRMAN EWASUTYN: Thank you.
17 I have a motion by Frank Galli. I
18 have a second by Dave Dominick. May
19 I have a roll call vote starting with
20 Frank Galli?

21 MR. GALLI: Aye.

22 MS. DeLUCA: Aye.

23 MR. MENNERICH: Aye.

24 CHAIRMAN EWASUTYN: Aye.

25 MR. BROWNE: Aye.

1 F O R E S T P A R K S U B D I V I S I O N

2 MR. DOMINICK: Aye.

3 MR. WARD: Aye.

4 MR. BROWN: Thank you very much.

5 (Time noted: 7:55 p.m.)

6

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

8

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

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

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

19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 24th day of March 2022.

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Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

CURALEAF - NEWBURGH
(2021-34)

8 North Plank Road
Section 80; Block 5; Lot 15
B Zone

- - - - - X

SITE PLAN

Date: March 17, 2022
Time: 7:55 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE,
MARSHALL ROSENTHAL, PHILIP GREALY

- - - - - X

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

1 CURALEAF - NEWBURGH

2 CHAIRMAN EWASUTYN: The fifth
3 item of business this evening is
4 Curaleaf - Newburgh. It's a site
5 plan located on North Plank Road in a
6 B Zone. It's being represented by
7 Darren Doce of Vincent J. Doce
8 Associates.

9 MR. DOCE: I also have Marshall
10 Rosenblum, the architect, to address
11 any of the architectural, and Dr.
12 Grealy to address any questions that
13 the Board may have on traffic.

14 We were at the last meeting in
15 December. At that meeting we were
16 referred to the ZBA to address two
17 nonconformities with the existing
18 site. We received that approval on
19 February 24th. We have a front yard
20 variance and a lot surface coverage
21 variance.

22 Since that time we also
23 submitted to the DOT for review.
24 They requested a traffic impact study
25 be done. That study was to analyze

1 CURALEAF - NEWBURGH

2 two access options. We have two
3 existing access drives. They wanted
4 it to be looked at to limit one as an
5 entrance in and the westerly as an
6 exit only or to combine them into one
7 single exit/entry option. The
8 traffic impact study done by Colliers
9 determined that the better option of
10 the two was to have -- limit one as
11 an entrance and one as an exit only.
12 The DOT concurred with that. They
13 asked for those changes to be shown
14 on the plan. Those changes were
15 shown.

16 They also asked for some
17 signage one way, do not enter signage
18 and some pavement markings.

19 One other change they had
20 requested was the westerly exit be
21 reduced in size to 15 feet so that
22 only one vehicle could exit at a
23 time.

24 All of those changes were made,
25 submitted back to the DOT. I'm

1 CURALEAF - NEWBURGH

2 awaiting their final okay. Basically
3 that's where this project stands
4 right now.

5 CHAIRMAN EWASUTYN: Questions
6 from Board Members?

7 MR. GALLI: No additional, John.

8 MS. DeLUCA: No.

9 MR. MENNERICH: No.

10 MR. BROWNE: No.

11 MR. DOMINICK: No.

12 MR. WARD: No.

13 MR. BROWNE: The turn in off
14 the road, can you elaborate on that?
15 That seems pretty awkward.

16 DR. GREALY: Philip Grealy from
17 Colliers Engineers. Darren did a
18 good job of describing what the DOT
19 asked for as part of this entry
20 movement. This will now be the entry
21 driveway. Right now they are both
22 two-way driveways. This geometry
23 here, you're talking about this curb
24 radius. So part of their focus was
25 to get the exit drive so it was only

1 CURALEAF - NEWBURGH

2 one lane exiting. On this entry you
3 will now be able to turn just into an
4 entry as opposed to an entry/exit.
5 Right now if someone is exiting here,
6 it's almost impossible to turn in
7 because it's two-way traffic. So now
8 you have more room. I'm surprised,
9 and maybe it will come in their final
10 comment, they wouldn't want us to do
11 some striping here to create that
12 path so that as you make that turn,
13 visually it will be easier. I think
14 they've given us 90 percent of their
15 comments. I think on the final plan
16 you'll see that being tweaked
17 slightly.

18 MR. BROWNE: I've never seen,
19 in any of our plans, a turn that
20 tight coming in, making that left in
21 there.

22 DR. GREALY: I think that was
23 one of the reasons why they asked for
24 an evaluation, to see what would
25 happen if the two two-way driveways

1 CURALEAF - NEWBURGH

2 were modified. We felt that the one-
3 way circulation is the best, and they
4 concurred with that. I think that
5 comment you'll see in their final
6 review. They'll have us either doing
7 some striping or maybe even adjusting
8 that curb, similar to what we're
9 doing in terms of bringing this down.

10 MR. BROWNE: Thank you.

11 CHAIRMAN EWASUTYN: Dave Dominick?

12 MR. DOMINICK: Nothing further.

13 MR. WARD: So what you're
14 saying is you'll possibly change that
15 little triangle on the bottom?

16 DR. GREALY: In this area here.
17 My feeling is that they'll either
18 have us do a striping change here so
19 that the effective radius in here is
20 away from that curb or they'll have
21 us just cut that back.

22 MR. WARD: Round it out?

23 DR. GREALY: Yes.

24 MR. WARD: I suggest like a
25 ramp curb too instead of straight up.

1 CURALEAF - NEWBURGH

2 DR. GREALY: Yes.

3 MR. WARD: Thank you.

4 DR. GREALY: I think if those
5 are the items the Board wants, as we
6 finalize with the DOT we can actually
7 suggest that.

8 CHAIRMAN EWASUTYN: Jim
9 Campbell, Code Compliance?

10 MR. CAMPBELL: No additional
11 comments.

12 CHAIRMAN EWASUTYN: Pat Hines
13 with McGoey, Hauser & Edsall?

14 MR. HINES: We had a comment
15 regarding the City of Newburgh flow
16 acceptance letter. Mr. Doce reminded
17 me he submitted a cover letter to my
18 office. We'll get that out to the
19 City of Newburgh. The flows are
20 minimal. It's less than 300 gallons
21 a day based on the employee count for
22 the addition.

23 We just discussed the DOT
24 access. I know DOT and Ken Wersted
25 had given some comments earlier.

1 CURALEAF - NEWBURGH

2 This needs to go to County
3 Planning now that the entrance drives
4 have been -- the DOT issue has been
5 addressed. We're suggesting that can
6 go now to County Planning.

7 MR. DOCE: That's fine. Would
8 you like Mr. Rosenblum to present?

9 CHAIRMAN EWASUTYN: Why don't
10 we act on that when we approve the
11 site plan. We'll do both the site
12 plan and the ARB all at one time if
13 you don't mind.

14 MR. DOCE: Okay.

15 CHAIRMAN EWASUTYN: Sorry to
16 bring you out, Marshall. It's a lot
17 easier managed.

18 Would someone move for a motion
19 to circulate Curaleaf to the Orange
20 County Planning Department?

21 MS. DeLUCA: So moved.

22 MR. MENNERICH: Second.

23 CHAIRMAN EWASUTYN: Motion by
24 Stephanie DeLuca. Second by Ken
25 Mennerich. Can I have a roll call

1 CURALEAF - NEWBURGH

2 vote starting with Frank Galli?

3 MR. GALLI: Aye.

4 MS. DeLUCA: Aye.

5 MR. MENNERICH: Aye.

6 CHAIRMAN EWASUTYN: Aye.

7 MR. BROWNE: Aye.

8 MR. DOMINICK: Aye.

9 MR. WARD: Aye.

10 MR. DOCE: Thank you.

11

12 (Time noted: 8:00 p.m.)

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C U R A L E A F - N E W B U R G H

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 24th day of March 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

GASLAND PETROLEUM - 9W
(2019-16)

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

----- X

SITE PLAN
CONVENIENCE STORE/MIXED USE

Date: March 17, 2022
Time: 8:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER LAPINE,
PHILIP GREALY, DON PETRUNCOLA

----- 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 sixth
3 item of business this evening is
4 Gasland Petroleum. It's a site plan
5 for a convenience store/mixed use.
6 It's located on Route 9W. It's zoned
7 B/R-3 and RHI Overlay. It's being
8 represented by Chris Lapine of Chazen
9 Engineering.

10 MR. LAPINE: Good evening, Mr.
11 Chairman and Members of the Board.
12 Once again, I'm Chris Lapine with
13 LaBella Associates, formerly Chazen.

14 We appeared before you in
15 February with this site plan
16 application at 5200 Route 9W. Since
17 the time we appeared before you we've
18 made some changes to the site plan
19 based on the comments we received in
20 writing from both the town engineer,
21 your landscape consultant and your
22 traffic consultant.

23 We've also submitted to the
24 Town a copy of a traffic impact study
25 which was prepared by Colliers

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

2 Engineering who is here this evening
3 to discuss their findings.

4 We also brought an improvement
5 plan along 9W to share with you.

6 We also submitted to you as
7 part of this application a series of
8 elevations for the proposed building
9 and canopy, the foundation of the
10 auto shop in the back and some minor
11 facade changes to the existing
12 apartment.

13 With us this evening is Don
14 Petruncola of LNV who will review
15 that.

16 I'm just going to spend a few
17 minutes summarizing the changes we
18 made to the site plan at the request
19 of the Board. I'll identify the one
20 technical oversight that I didn't
21 make a change on.

22 With regard to the water line,
23 we increased that to an 8-inch
24 diameter as requested by the town
25 engineer.

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

2 The incoming island here, as
3 requested there is now a mountable
4 curbing surrounding that paver area
5 as you enter into the site.

6 There are a number of
7 additional plantings that were
8 requested by your landscape
9 consultant. Particularly in this
10 island we were asked to add 12 shrubs
11 surrounding these existing birch
12 trees. We were asked to provide some
13 spruce trees beyond this southern
14 side of the site to screen this
15 existing two-story dwelling to the
16 south. There are a series of
17 landscape notes we were also asked to
18 incorporate, and there was some
19 specifics about replacing certain
20 trees on the site with, I believe an
21 autumn brilliance is what was
22 requested.

23 You, the Board, had asked if we
24 can incorporate between the break
25 lines in these trees along Route 9W a

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

2 series of fieldstone walls which we
3 did at each location here. It's
4 shown on our plans.

5 Additionally, we made some
6 slight modifications and provided
7 some turning movements associated
8 with the diesel trucks to be situated
9 here. Our plans were based on a
10 worst-case scenario of a WB-67 coming
11 in here. We've shown how the
12 alignment would work with all three
13 vehicles that are stacked in the area
14 which I like to call 2, 3 and 4
15 position. A concern raised by Ken
16 was the ability of tractor trailer
17 number 1 going in, this being the
18 position here, the northernmost
19 position. As indicated in our plans
20 that we provided, if, God forbid,
21 locations 2, 3 and 4 are occupied,
22 this island here has no signage on
23 it, and once again it's mountable
24 curbing. The individual in the
25 tractor trailer could drive up over

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

2 this island and go around the
3 existing tractor trailers that are
4 here. This was a comment or a
5 concern and clarification that was
6 asked for by Ken. There is no
7 signage on this mountable island here
8 so there should be no concern with
9 regard to that.

10 We did hold off on the
11 submittal of our septic design. We
12 are still in the process of working
13 on those which we will be submitting
14 shortly to the Town.

15 We will be submitting a
16 retaining wall design to you as part
17 of the site plan application as
18 opposed to waiting for the building
19 permit.

20 The one other comment that was
21 made was if we can shift our fuel
22 tanks to the north, the concern being
23 was they were sticking out a little
24 further here to the south. There was
25 concern that Ken raised about

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

2 potential for hoses while they're
3 filling the tanks that could impede
4 the traffic lanes. We brought them
5 into the site right adjacent to the
6 unloading area.

7 So what I'd like to do now is
8 turn it over to Phil Grealy. He can
9 kind of give an overview of the
10 traffic and off-site improvements
11 that are being proposed. Then at
12 your discretion I could answer more
13 questions on the site plan and the
14 off-site traffic, and then we can
15 turn it over to an architectural
16 review of the plans that were
17 submitted.

18 DR. GREALY: We prepared --
19 Philip Grealy again. We prepared the
20 traffic study for the site. We did
21 receive the comments from Creighton,
22 Manning. There were twelve comments,
23 some of which we had already
24 addressed in terms of looking at the
25 improvements that could be done here.

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

2 So no surprise.

3 Our study determined that to
4 allow left turns into the site we
5 would have to develop a left-turn
6 lane on Route 9W. The survey
7 boundaries in terms of right-of-ways
8 are being established right now just
9 to make sure that we can fit it in
10 per DOT standards. In order to do
11 that improvement we will have to
12 widen and replace the existing
13 shoulders. There would be some
14 widening along our frontage, some
15 widening along the opposite side of
16 9W that would be required. So we
17 have a conceptual plan at this point
18 that depicts that. It's shown on an
19 aerial for now. Basically as you're
20 heading southbound on 9W, there would
21 be some widening along the west side
22 of the roadway, again within the
23 highway boundary. The final design
24 may shift slightly. More widening on
25 this side versus on the east side of

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

2 the street because once we get past
3 our property boundary, we don't have
4 control of the right-of-way. So the
5 plan is to develop a separate left-
6 turn lane for any vehicles turning
7 in. That lane would then transition
8 as you head further south.

9 In terms of the design of the
10 driveway, it's for a single lane exit
11 based on DOT's current requirements.
12 Up the road at Quickchek you have two
13 lanes exiting, a left and a right.
14 DOT's current standard is at an
15 unsignalized intersection they don't
16 want two lanes exiting side by side
17 because of sight lines and vehicles
18 blocking one another.

19 I think one of Ken Wersted's
20 comments was just about the width and
21 how you treat that. We need width
22 for turning movements. We may have
23 to do some mountable curb or some
24 striping. The design is to have just
25 one lane of traffic exiting.

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

2 In terms of a traffic study,
3 for this type of use a lot of it is
4 going to be attracting off the
5 traffic stream here. This section of
6 road, the peak hour volumes are
7 between 1,600 and 1,800 vehicles
8 total passing this point. It's a
9 heavy traffic corridor. In a
10 corridor like this, probably 80
11 percent of the trips will be people
12 that are on the road. DOT doesn't
13 let us design for that. They only
14 let us take up to a 40 percent credit
15 for that.

16 In terms of the comments from
17 Ken, the counts that were done were
18 done in January. There was an
19 adjustment based on historical data.
20 There was a minor increase, a couple
21 of percent increase in that base
22 traffic to get it up to typical
23 conditions. In January we were still
24 seeing some effects of the COVID and
25 seasonal, which actually late last

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

2 year, November, we were pretty much
3 getting back to normal traffic
4 patterns, at least in peak hours. In
5 January you saw a little bit of a
6 dip. So the traffic numbers were
7 adjusted upward to reflect that.

8 His other comments were
9 relative to slight differences in the
10 distribution, whether people would be
11 coming from the north or the south.
12 We're pretty much in agreement there.
13 The pattern shifts. The morning is
14 slightly different than the
15 afternoon.

16 We did look at accidents. We
17 did look at signal warrants at the
18 driveway to see if we would have
19 enough traffic generation to warrant
20 the signal. It doesn't appear, but
21 we would recommend that it would be
22 monitored for potential
23 signalization. Again, that's DOT's
24 determination. We haven't heard back
25 from them which way they want to go.

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

2 Typically they would require us to at
3 least monitor for that.

4 So the details in terms of the
5 widening, it's pretty involved
6 because we have to take out the
7 shoulders, build them as full depth
8 areas, replace the shoulders. There
9 would be, you know, maintaining
10 traffic while this work is being
11 done. There would be some widening
12 done on one side, shift the traffic
13 over and then do the widening on the
14 other side so that two lanes of
15 traffic could be maintained at all
16 times.

17 The other comments were pretty
18 minor, the comments that he had in
19 his letter.

20 We also analyzed the signalized
21 intersection with Carter to make sure
22 that we weren't going to impact that,
23 and that's fine.

24 I think that's pretty much a
25 quick synopsis.

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

2 CHAIRMAN EWASUTYN: Questions
3 from Board Members. Frank Galli?

4 MR. GALLI: No additional.

5 CHAIRMAN EWASUTYN: Stephanie DeLuca?

6 MS. DeLUCA: Just a comment. I
7 appreciate the drawing and the
8 explanation of the traffic. I live
9 in that area and I know there's very
10 heavy traffic, especially that one
11 corridor.

12 I was wondering how you were
13 going to get tractor trailer trucks
14 to turn. So thank you for the
15 explanation.

16 MR. MENNERICH: No questions.

17 CHAIRMAN EWASUTYN: When you
18 say you may have to monitor, that
19 would be over the course of a year,
20 the course of -- what's the length?

21 DR. GREALY: Typically they
22 want it done after -- not done any
23 sooner than a month after it opens,
24 after the traffic kind of subsides.
25 Then it would be done within a year

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

2 time period to make a determination
3 whether or not a signal would be
4 necessary.

5 CHAIRMAN EWASUTYN: Thank you.
6 Cliff Browne?

7 MR. BROWNE: The proposed left
8 turn lane, how much stacking would go
9 in there?

10 DR. GREALY: So the stacking we
11 have shown here conceptually would be
12 for two tractor trailers basically.
13 This may have to extend a little
14 further. Conceptually it would be
15 about 150 some odd feet that we're
16 showing in this drawing right now.

17 MR. BROWNE: I was curious
18 because when you were talking about
19 -- you said you only have control
20 over the area on the property. I
21 didn't know how long that would be.

22 DR. GREALY: In terms of the
23 widening, it extends beyond our
24 property. You would then start
25 transitioning back down to a two-lane

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

2 section. You have the three-lane
3 section for almost the entire
4 frontage and then it starts to
5 transition down. The way this shows,
6 most of the widening is on the west
7 side of the roadway because then we
8 don't have to worry as much about
9 where the adjacent property lines
10 are.

11 MR. BROWNE: You're figuring
12 basically two tractor trailers, the
13 big guys --

14 DR. GREALY: Yes.

15 MR. LAPINE: That's the
16 equivalent of about eight cars?

17 DR. GREALY: Yes.

18 MR. LAPINE: That would be
19 equivalent to about eight passenger
20 vehicles as well.

21 MR. BROWNE: Thank you.

22 MR. DOMINICK: Nothing further.

23 CHAIRMAN EWASUTYN: John Ward?

24 MR. WARD: Nothing further.

25 CHAIRMAN EWASUTYN: Jim Campbell?

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

2 MR. CAMPBELL: No comment.

3 CHAIRMAN EWASUTYN: Just
4 talking specifically the traffic
5 presentation right now. Do you have
6 any comments on that, Pat?

7 MR. HINES: My only concern,
8 now that I hear you're widening the
9 road, and I ran into this with one
10 project just north of you as well as
11 one in Marlborough, is the Central
12 Hudson, Tuxedo, Poughkeepsie line. I
13 don't know if that's in front of your
14 site but I believe it runs on your
15 side of Route 9W. It was an issue
16 for both of those projects with
17 Central Hudson and costs associated
18 with working in and around it.

19 DR. GREALY: Yes.

20 MR. HINES: I want to make sure
21 you're aware of that.

22 DR. GREALY: Thank you.

23 CHAIRMAN EWASUTYN: Okay. Do
24 you have anything on traffic you want
25 to raise?

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

2 MR. CORDISCO: No, sir.

3 CHAIRMAN EWASUTYN: Okay. You
4 had mentioned earlier, Chris, you
5 want to bring others forward to speak
6 about the site plan.

7 MR. PETRUNCOLA: Don Petruncola
8 with Luscum, McCormack, VanVoorhis
9 Architects. We are presenting the
10 elevations and intended materials for
11 the buildings on this site.

12 This is the front of the
13 convenience store. We have an eave
14 height of about 16 feet. The mean
15 height to the roof is 22'10" here.

16 We're looking at a mix of
17 materials including cultured stone,
18 James Hardie clapboard siding,
19 cornice of PVC material and some
20 standing seam roof canopies, some
21 clapboard and James Hardie product
22 and a standard GAF Timberline asphalt
23 shingle roof. This is the front of
24 the building, this is the rear, these
25 are the two sides.

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

2 CHAIRMAN EWASUTYN: Can you
3 discuss the rear for a second,
4 because people driving south on 9W I
5 assume are going to be looking at the
6 rear of the building?

7 MR. PETRUNCOLA: This is the
8 one-story motel right here. We're
9 pretty well screened with the planned
10 landscaping. It's essentially
11 nothing more than a service corridor
12 in the back of that building.

13 CHAIRMAN EWASUTYN: Thank you.

14 MR. PETRUNCOLA: The materials
15 specifically are identified as -- the
16 cultured stone is Bucks County
17 Southern Limestone. The James Hardie
18 is Navajo Beige. The clapboard --
19 the shakes in the gables are going to
20 be a Timber Bark which will pick up
21 the dark brown in the stone. The
22 shingles are Colonial Slate. The
23 standing seam roof and the storefront
24 are both going to be in the dark
25 bronze. The cornice trim is going to

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

2 be white. The existing canopies are
3 going to be upgraded where we'll
4 enclose the column supports, carry
5 the cultured stone around the base,
6 develop a nice kind of colonial
7 square profile, and cornice for the
8 columns, as well as for -- at the top
9 and bottom of the canopy itself will
10 have some decorative trim on that.

11 CHAIRMAN EWASUTYN: Will there
12 be signage on that?

13 MR. PETRUNCOLA: At this point
14 we don't have signage identified.
15 Either it will be a separate
16 application or, if there will be
17 signage, we'll get that in for the
18 next submission.

19 CHAIRMAN EWASUTYN: Jim Campbell?

20 MR. LAPINE: Signage isn't
21 permitted.

22 MR. CAMPBELL: Signage is not
23 permitted on the canopies.

24 MR. PETRUNCOLA: There's no
25 pole mounted sign. As far as we know

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

2 with the building --

3 MR. LAPINE: There is a
4 monument sign in the front of the
5 site for the gas.

6 CHAIRMAN EWASUTYN: That was
7 just for the record we brought that
8 up.

9 MR. PETRUNCOLA: To the rear of
10 the building is the existing metal
11 garage building. We're going to
12 dress that up as well, carrying
13 cultured stone along the base of the
14 building and painting the metal
15 Benjamin Moore Montgomery White with
16 the trim being done in a Northwood
17 Brown. We'll replace the windows.
18 The garage doors are in good
19 condition. Those going to stay. We
20 do have one minor addition to that
21 garage which is here, and it is 10
22 foot to the eave. It's just a little
23 office space for servicing on that
24 garage.

25 CHAIRMAN EWASUTYN: Chris, at

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

2 the last meeting, and I see when you
3 brought in your revised plans, I had
4 suggested you replace that small
5 section of sidewalk.

6 MR. LAPINE: In the front of
7 it. That's the technical oversight I
8 was referring to. We had it as
9 existing but that was to be replaced.
10 That's going to be a heavy duty
11 concrete.

12 MR. PETRUNCOLA: Finally for
13 the existing residence on the site,
14 we're going to dress that as well.
15 We're going to essentially remove the
16 building envelop, the finishes.
17 We'll replace them all with James
18 Hardie siding in the Navajo Beige.
19 We'll replace the roof shingles as
20 well in the Colonial Slate. We'll
21 upgrade the trim again with the Aztec
22 product in white. The existing porch
23 is in pretty good shape. We feel
24 that that's good to stay.
25 Essentially we're creating a color

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

2 palette and materials that are
3 consistent throughout the site. We
4 kind of got a nice visual improvement
5 of the site and created a bit of a
6 cohesive campus look for all three
7 buildings with the convenience store
8 being the primary.

9 Thank you.

10 CHAIRMAN EWASUTYN: Any comments
11 from Board Members?

12 MR. GALLI: It looks nice.

13 MR. MENNERICH: I'm glad to see
14 you didn't just focus on the
15 convenience store and you did all the
16 buildings on the site. It will make
17 a nice project.

18 MR. PETRUNCOLA: Quite a visual
19 improvement. I live in that area,
20 too.

21 MS. DeLUCA: A very big
22 improvement. Thank you.

23 MR. DOMINICK: You said it was
24 going to be a visual improvement.
25 What came to my mind was night and

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

2 day. Congratulations. Very well
3 presented. Nice job.

4 One quick question on the
5 house. You say you're going to keep
6 the existing porch. Are you going to
7 -- what's that material? Is that a
8 wood porch? Are you going to paint
9 it?

10 MR. PETRUNCOLA: That is a wood
11 porch. Everybody can see that.
12 That's a wood porch.

13 MR. DOMINICK: Are you going to
14 paint that?

15 MR. PETRUNCOLA: Yes.
16 Everything will be refinished. I
17 believe we're replacing the windows.
18 New vinyl windows, new vinyl
19 shutters. I'm filling in for the
20 other architect. He's calling out
21 new PVC trim and fascia. I believe
22 the structure of the porch is in good
23 shape and we're not really changing
24 the design. We're going to keep as
25 much of that as possible.

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

2 MR. DOMINICK: Thank you for
3 clarifying. I appreciate it.

4 CHAIRMAN EWASUTYN: John Ward?

5 MR. WARD: Thank you for all
6 the improvements. It looks great.

7 MR. PETRUNCOLA: Thank you.

8 CHAIRMAN EWASUTYN: We'll open
9 up the meeting now to Pat Hines of
10 McGoey, Hauser & Edsall.

11 MR. HINES: We circulated for
12 lead agency back in February. You
13 would be in a position now to declare
14 yourself lead agency -- affirm
15 yourself lead agency.

16 We talked about the DOT.

17 We received responses from
18 Orange County Planning. Chris, if
19 you could provide a narrative
20 response to those. It was advisory
21 comments. Just to address each of
22 those would be helpful for the Board.

23 We do appreciate the upgrading
24 of the water main. There will need to
25 be easements and dedication of that

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

2 in the future for the Town. That's a
3 good improvement for the Town to get
4 water along that 9W corridor which
5 currently lacks water.

6 You stated you're going to
7 design the retaining wall. You have
8 the option of either doing that or
9 putting the note to defer until
10 building permit.

11 The water main extension,
12 because of the hydrants and the
13 numerous buildings, will require
14 Orange County Health Department
15 approval.

16 We're awaiting the design of
17 the septic system.

18 I also added the note, which
19 you discussed, with the apron on the
20 Pat's Towing. That was just addressed.

21 MR. LAPINE: It was actually
22 addressed in the office already.
23 These are copies of the plans we
24 submitted.

25 MR. HINES: I think I sent you

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

2 an e-mail on it.

3 MR. LAPINE: It was addressed
4 fifteen minutes after that e-mail.

5 CHAIRMAN EWASUTYN: Can we go
6 through the comments for the record
7 that we received from the Orange
8 County Planning Department, please?

9 MR. LAPINE: Sure. Would you
10 like me to read them?

11 CHAIRMAN EWASUTYN: I think you
12 could do it.

13 MR. LAPINE: Okay. I'll start
14 with the septic system. The proposed
15 septic system requires Orange County
16 Department of Health approval. My
17 understanding is it requires Town of
18 Newburgh.

19 MR. HINES: I concur with that.
20 It's not greater than 1,000 gallons
21 per day.

22 MR. LAPINE: A valid highway
23 work permit from the DOT is required
24 for the entrance curb cut along 9W
25 per Section 136 of the Highway Law.

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

2 I concur with that statement.

3 Stormwater. The Department
4 reminds the applicant that before
5 commencing construction activity, the
6 owner or operator of a construction
7 project that will involve a soil
8 disturbance of 1 or more acres must
9 obtain coverage under the State
10 Discharge Elimination, ED, general
11 permit with construction activity.
12 In order to gain coverage under the
13 general permit for the stormwater
14 discharge with construction activity,
15 an owner/operator must develop a
16 stormwater pollution prevention
17 prevention plan in accordance with
18 the requirements of the general
19 permit for stormwater discharge for
20 construction activity. We recommend
21 that the applicant include low-impact
22 development techniques to decrease
23 stormwater runoff. An example would
24 be permeable pavement, rain barrels,
25 rain gardens, open drainage swales,

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

2 curbless parking areas and dry wells.
3 We've submitted a stormwater
4 pollution prevention plan. The one
5 thing I don't concur with is these
6 types of sites aren't recommended for
7 infiltration type practices such as
8 permeable and dry wells because
9 they're considered hot spots by the
10 DEC.

11 MR. HINES: Infiltration is
12 actually prohibited on the site.

13 MR. LAPINE: Vegetation and
14 screening. Due to the close
15 proximity of the residential
16 dwelling, the Department recommends
17 the installation of a fence and
18 vegetation along the southwest
19 portion of the parcel for screening
20 purposes. We do have some screening
21 here. They're also asking for a
22 fence over here as well.

23 Is that something that the
24 Board would want to see, a fence
25 along that corridor, or are you

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

2 pleased with the landscaping that we
3 currently are proposing here?

4 CHAIRMAN EWASUTYN: John Ward,
5 your opinion?

6 MR. WARD: I think the
7 landscaping is fine.

8 CHAIRMAN EWASUTYN: Dave Dominick?

9 MR. DOMINICK: I agree with John.

10 MR. BROWNE: The same.

11 MR. MENNERICH: The same.

12 MS. DeLUCA: That's fine.

13 MR. GALLI: The same.

14 CHAIRMAN EWASUTYN: What's
15 being shown meets the standards of
16 the Town. Thank you.

17 MR. LAPINE: This is where they
18 give us a pat on the back. The
19 Department commends the applicant for
20 the inclusion of trees along the
21 sidewalk. Trees should be retained
22 on site to the maximum extent
23 possible during construction. This
24 will serve to minimize the impact of
25 the site, reduce erosion and maximize

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

2 retention of rural character. One
3 option for tree preservation is to
4 flag all trees over a certain
5 diameter to be determined by the
6 municipality to ensure that mature
7 trees are maintained. The
8 landscaping plan should screen the
9 proposed building with vegetation in
10 an attractive way and preserve
11 existing vegetation around the
12 perimeter of the property to the
13 maximum extent possible.

14 There's not much vegetation in
15 our areas where we're developing.
16 We're actually adding vegetation to
17 this project area. There may be some
18 scattered trees where we're putting
19 our septic system. I think with what
20 we're replacing versus what we're
21 removing, I think it's an overall
22 increase in vegetation on the entire
23 site.

24 CHAIRMAN EWASUTYN: Let the
25 record show that KALA, Karen Arent,

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

2 our landscape architect, is reviewing
3 the project for aesthetics. I think
4 we covered that.

5 MR. LAPINE: I think from a
6 building perspective, I think we've
7 got a decent amount of screening
8 already in front of the building.
9 We've got two rows of trees here. We
10 have shrubs around the building. I
11 think we've done a decent job from
12 that perspective. Also the
13 screening. As you're traveling
14 southbound you're really screened by
15 the motel to the north of it. So I'm
16 not sure if adding additional
17 landscaping along this western
18 portion of the property would be a
19 benefit. Quite frankly, I think it
20 would be a bit overcrowded and you're
21 not able to focus on the landscaping
22 that is being presented.

23 Lighting. The Department
24 commends the applicant for the
25 proposed dark sky compliant lighting

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

2 fixtures. Lighting for the proposed
3 facility is designed, located and
4 directed in such a manner as to
5 prevent objectionable light at and
6 across property lines to prevent
7 direct glare at or near any location
8 on or off the property. I concur
9 with that comment.

10 The proposed sidewalk along
11 Route 9W will introduce pedestrian
12 traffic. The Department recommends
13 that the applicant install additional
14 pedestrian scale light fixtures,
15 prominent light fixtures along the
16 sidewalk. This will eliminate
17 pedestrian areas and improve safety.
18 I think that's something we would
19 need to discuss with the DOT because
20 this is something that would be in
21 their right-of-way. This would be a
22 public amenity that would have to be
23 taken over by Central Hudson.

24 The Department commends the
25 proposed monument sign. Monument

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

2 signs provide clear visibility to the
3 motorists and pedestrians and can be
4 designed to compliment the existing
5 architecture.

6 The County recommendation is a
7 Local determination.

8 CHAIRMAN EWASUTYN: Thank you.

9 MR. HINES: So during the
10 architectural review Jim called up
11 the street view. The structure at
12 the bottom that we talked about is
13 proposed to be removed. The building
14 to remain is the barn with the
15 apartment above it.

16 CHAIRMAN EWASUTYN: For the
17 record would you put that up on the
18 easel one more time and point to what
19 we're discussing?

20 MR. LAPINE: Sure. Two things.
21 One is just to show this. This
22 building is actually being removed.
23 This is the red barn here. That is
24 to be preserved.

25 CHAIRMAN EWASUTYN: Thank you.

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

2 MR. GALLI: That's getting
3 taken down?

4 MR. LAPINE: This one is
5 getting taken down.

6 MR. GALLI: Good.

7 MR. LAPINE: I would say the
8 same complimentary colors are going
9 to be used on that red barn. We can
10 provide an update on that.

11 MR. GALLI: What do they use
12 that red barn now for?

13 MR. LAPINE: It's a one-bedroom
14 unit.

15 MR. HINES: It's got an
16 apartment on the second floor.

17 MR. DOMINICK: So I'm not going
18 to have a porch?

19 MR. HINES: You can have the
20 porch. It just has to get delivered
21 somewhere.

22 MR. LAPINE: Are you looking
23 for a one-bedroom apartment?

24 We will provide an updated
25 elevation for that red barn.

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

2 CHAIRMAN EWASUTYN: Pat,
3 Dominic Cordisco, the recommendation
4 at this point in the meeting?

5 MR. HINES: Prior to a SEQRA
6 determination we're looking for a
7 definitive plan for the DOT
8 improvements, and also we're awaiting
9 the subsurface sanitary disposal
10 design for the site.

11 MR. LAPINE: Do we need to have
12 a public hearing for this project as
13 well?

14 MR. HINES: Yes, but we can't
15 do that until after we do a SEQRA
16 determination. I think those two are
17 pretty major issues that the Board
18 may want to address before they make
19 a determination.

20 MR. LAPINE: In terms of the
21 DOT's plan, you mentioned a final
22 plan. If they add a conceptual
23 approval --

24 MR. HINES: That's typically
25 what we look for, a letter from them.

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

2 Certainly not the permit. That's
3 further on. A conceptual approval
4 letter from the DOT is what we're
5 looking for.

6 MR. LAPINE: So Phil, you'll
7 have that in two weeks?

8 DR. GREALY: DOT is backed up.

9 MR. LAPINE: All right. Three
10 weeks.

11 So what we'll do is we'll
12 coordinate with the Town Engineer's
13 office on the septic design and the
14 retaining wall design while we wait
15 for the DOT approval for this, and
16 then hopefully we can get something
17 of a conceptual approval from them
18 that we can move forward.

19 CHAIRMAN EWASUTYN: Understood.

20 MR. LAPINE: Thank you very
21 much for your time this evening.

22

23 (Time noted: 8:34 p.m.)

24

25

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

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 24th day of March 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

GUELBERG & MCGOWAN LOT LINE CHANGE
(2021-32)

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

- - - - - X

BOARD BUSINESS

Date: March 17, 2022
Time: 8:34 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
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 G U E L B E R G & M C G O W A N

2 CHAIRMAN EWASUTYN: We have two
3 items of Board Business this evening.

4 At our last meeting I erred in
5 that I put Guelberg & McGowan on the
6 agenda for a lot line change. We
7 called out for the applicant's
8 representative and he wasn't present.
9 What I failed to realize is that Ken
10 Mennerich had noted at the meeting
11 before that we take this action under
12 Board Business. That was my
13 mis-scheduling.

14 The action we have before us
15 this evening is the approval of the
16 lot line change.

17 Pat Hines, do you want to speak?

18 MR. HINES: At the last meeting
19 we were just waiting for the
20 adjoiners notices to be sent out ten
21 days prior. The applicant's
22 representative missed that at the
23 meeting before. That has been
24 accomplished.

25 We have no outstanding comments

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

2 on the lot line change.

3 CHAIRMAN EWASUTYN: Dominic
4 Cordisco, can you give us the
5 conditions of approval for the lot
6 line change?

7 MR. CORDISCO: Yes. It would
8 be payment of all fees and submission
9 of final plans and mylars for
10 stamping.

11 CHAIRMAN EWASUTYN: Any
12 comments or questions from the Board?

13 MR. GALLI: No

14 MS. DeLUCA: No.

15 MR. MENNERICH: No.

16 MR. BROWNE: No.

17 MR. DOMINICK: No.

18 MR. WARD: No.

19 CHAIRMAN EWASUTYN: Would
20 someone move for a motion to approve
21 the lot line change for Guelberg &
22 McGowan subject to the conditions
23 presented by Dominic Cordisco,
24 Planning Board Attorney?

25 MR. DOMINICK: So moved.

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

2 MR. MENNERICH: Second.

3 CHAIRMAN EWASUTYN: I have a
4 motion by Dave Dominick. I have a
5 second by Ken Mennerich. May I
6 please have a roll call vote starting
7 with John Ward?

8 MR. WARD: Aye.

9 MR. DOMINICK: Aye.

10 MR. BROWNE: Aye.

11 CHAIRMAN EWASUTYN: Aye.

12 MR. MENNERICH: Aye.

13 MS. DeLUCA: Aye.

14 MR. GALLI: Aye.

15

16 (Time noted: 8:37 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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I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

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

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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.

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Michelle Conero

MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD
----- X
In the Matter of

LOCAL LAW
PROPOSAL TO REZONE PROPERTY LOCATED AT
UNION AVENUE AND UNION AVENUE EXTENSION
FROM R-3 TO THE B ZONING DISTRICT

----- X

BOARD BUSINESS

Date: March 17, 2022
Time: 8:37 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
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 - LOCAL LAW

2 CHAIRMAN EWASUTYN: Dominic, we
3 received a local law rezoning
4 property at Union Avenue and Union
5 Avenue Extension from an R-3 to the
6 adjacent B Zoning District. Will you
7 please take your time and discuss
8 this with us?

9 MR. CORDISCO: Yes. As you
10 mentioned, the Town Board has
11 introduced a local law that proposes
12 to make a zoning map amendment at
13 Union Avenue and Union Avenue
14 Extension from the R-3 District to
15 the B District. This is being done
16 at the request of the owner of the
17 particular lot at that location which
18 is JM & DM Holdings, LLC.

19 At this point I'm not aware of
20 any particular project that's being
21 proposed for that.

22 MR. HINES: There was a public
23 hearing at the Town Board meeting
24 Monday night on the project. It's a
25 .62 acre parcel at the triangle of

1 BOARD BUSINESS - LOCAL LAW

2 the intersection up here. JM & DM,
3 LLC is the owner. He is an
4 ophthalmologist, eye doctor, maybe
5 optometrist, I don't know which. He
6 has a facility in Newburgh, I believe
7 at the Marshalls plaza right now.
8 He's looking to downsize his business
9 and move it into that facility.

10 The house was previously
11 utilized as a home occupation, as a
12 chiropractor office, although it was
13 questionable whether it was ever a
14 home occupation. It was being
15 utilized as a professional office
16 previously with an apartment in it.

17 There were local residents in
18 the area that were concerned what
19 would come if it wasn't that. Once
20 it's a B Zone there are uses in the B
21 Zone other than that professional
22 office. The lot size really limits
23 any of the proposed uses in the B
24 Zone. Most of them require 40,000
25 square feet or more. There are some

1 BOARD BUSINESS - LOCAL LAW

2 that are 15,000 square feet which
3 would be permitted there. The gist
4 of a lot of the comments was the
5 existing traffic conditions and what
6 could go there if this gentleman
7 doesn't put his facility there.
8 After the public hearing, at the end
9 he stood up and introduced himself.
10 I know he had a long meeting with
11 some of the people in the hallway
12 afterwards.

13 MR. DOMINICK: Pat, that's the
14 house with the solar panels?

15 MR. HINES: Yes. It looks like
16 there's some activity there. They
17 had a large tree removed and a gas
18 service was replaced. While it looks
19 like someone is building something
20 there -- the chimney was repaired,
21 the roof was put on. There were
22 things normal residents would do as
23 well.

24 MS. DeLUCA: Again, when
25 bringing up the issue about the

1 BOARD BUSINESS - LOCAL LAW

2 traffic, because we know there's a
3 one -- which way is the traffic going
4 to go? Right now --

5 MR. HINES: There's access off
6 both of the roads. Right now there's
7 two small parking lots.

8 MS. DeLUCA: Okay. But I mean
9 like you can't turn into -- I mean
10 say you're coming from 52, can you
11 make that turn?

12 MR. HINES: They're doing it
13 now. It will need site plan.

14 MS. DeLUCA: Not a lot, though,
15 I don't think.

16 MR. DOMINICK: There's a no
17 left turn there.

18 MS. DeLUCA: I was just
19 wondering --

20 MR. HINES: It's a no left turn
21 onto the --

22 CHAIRMAN EWASUTYN: Can I say
23 something? Let's be polite. One
24 conversation at a time. Okay.

25 MS. DeLUCA: Okay.

1 BOARD BUSINESS - LOCAL LAW

2 CHAIRMAN EWASUTYN: Stephanie.

3 MS. DeLUCA: I was just
4 wondering, like Dave was saying,
5 there's no left turn. The house is
6 just how many feet down from that?
7 Are they going to be able to turn
8 into that driveway that way or not?

9 MR. HINES: The no left turn is
10 for Union Avenue Extension. It
11 doesn't prohibit a left turn from
12 Route 300 into that driveway.

13 MS. DeLUCA: Okay.

14 MR. HINES: There's a driveway
15 on both of the roads, my
16 understanding. That's what was
17 discussed at the meeting. I haven't
18 been on Union Avenue Extension.
19 Because it's one way, I don't turn
20 there. Apparently there's a driveway
21 off of that as well.

22 MS. DeLUCA: I was just curious
23 as to how that was going to work.
24 Okay.

25 MR. HINES: It will be coming

1 BOARD BUSINESS - LOCAL LAW

2 back before you. Should the zone
3 change happen, it needs site plan
4 approval from you, and may need some
5 variances because it being a State
6 highway it has a 60 foot front yard
7 setback which will be close. I don't
8 know where the right-of-way starts
9 there. It may need multiple other
10 approvals for this site.

11 CHAIRMAN EWASUTYN: Dave Dominick?

12 MR. DOMINICK: I'm good. Thank
13 you.

14 CHAIRMAN EWASUTYN: Do you want
15 to further this as far as getting
16 back to the Town?

17 MR. CORDISCO: Sure. In
18 connection with the zoning map
19 amendment, there's specific criteria
20 that's sets out, in the Town Zoning
21 Code, that when a law like this or a
22 proposal like this is referred from
23 the Town Board to the Planning Board,
24 the Planning Board is supposed to
25 look at these very specific criteria.

1 BOARD BUSINESS - LOCAL LAW

2 The first one is whether or not
3 the uses permitted by the proposed
4 change would be appropriate to the
5 area.

6 The second --

7 MR. HINES: Just on that point,
8 it's connected to the B Zone across
9 the street. There are some -- there
10 are residences nearby. There are
11 also some other commercial uses in
12 the buildings up near there.

13 MS. DeLUCA: I'm sorry. Is
14 that section B zoned on that end?

15 MR. HINES: Across the street
16 is zoned B. Anything surrounding
17 this is in one of the R zones, I
18 don't recall which.

19 MR. CORDISCO: R-3 I believe.

20 MS. DeLUCA: Thank you.

21 MR. CORDISCO: The second
22 criteria is whether adequate public
23 school facilities and other public
24 services exist or can be created to
25 serve the needs of any additional

1 BOARD BUSINESS - LOCAL LAW

2 residences likely to be constructed
3 as a result of such change. I don't
4 think that applies here because it's
5 going from residential to business.

6 Whether the proposed change is
7 in accord with any existing or
8 proposed plans in the vicinity and
9 whether the proposed amendment is
10 likely to result in an increase or
11 decrease in the total zone
12 residential capacity of the Town and
13 the palpable effect thereof.

14 Negligible increases overall.

15 MR. HINES: It's a .62 acre lot.

16 MS. DeLUCA: I'm sorry. For
17 clarification, the zone change would
18 be just for that particular lot?

19 MR. CORDISCO: That's correct.

20 MS. DeLUCA: Okay.

21 MR. CORDISCO: The owner of
22 that lot said please change the map
23 so this is zoned for commercial uses
24 rather than residential essentially.

25 MS. DeLUCA: Okay.

1 BOARD BUSINESS - LOCAL LAW

2 CHAIRMAN EWASUTYN: Is everyone
3 in favor of Dominic Cordisco
4 preparing a letter to be sent to Mark
5 Taylor in reference to this local
6 law?

7 MR. GALLI: Yes.

8 MR. MENNERICH: Yes.

9 MR. BROWNE: Yes.

10 MR. DOMINICK: Yes.

11 MR. WARD: Yes.

12 CHAIRMAN EWASUTYN: Stephanie?

13 MS. DeLUCA: Yes. Okay.

14 CHAIRMAN EWASUTYN: Let the
15 record show that the Planning Board
16 is authorizing Dominic Cordisco to
17 prepare a letter to go to Mark Taylor
18 in reference to this proposal for the
19 zoning change.

20 That being said --

21 MR. DOMINICK: Just out of
22 curiosity, how did the chiropractor
23 before get away with it?

24 MR. HINES: Apparently it
25 received approval as a home

1 BOARD BUSINESS - LOCAL LAW

2 occupation.

3 MR. DOMINICK: Home occupation?

4 MR. HINES: Yeah. I don't know
5 how it -- it had approval for that.
6 I don't know that anyone ever lived
7 there or if they continued to live
8 there, or what happened. It's been
9 sold and that's not there. It was a
10 professional office use legally.

11 MR. CAMPBELL: I think someone
12 did live there. I think that was the
13 driveway off the 300 side, and then
14 the chiropractic office was on the
15 Union Avenue side.

16 MR. HINES: I think that was an
17 apartment. I don't know if the owner
18 lived there.

19 MR. DOMINICK: Thank you.

20 CHAIRMAN EWASUTYN: If there's
21 no further conversation, would
22 someone please make a motion to close
23 the Planning Board meeting of the
24 17th of March?

25 MR. GALLI: So moved.

1 BOARD BUSINESS - LOCAL LAW

2 MS. DeLUCA: Second.

3 CHAIRMAN EWASUTYN: I have a
4 motion by Frank Galli. I have a
5 second by Stephanie DeLuca. May I
6 please have a roll call vote?

7 MR. GALLI: Aye.

8 MS. DeLUCA: Aye.

9 MR. MENNERICH: Aye.

10 CHAIRMAN EWASUTYN: Aye.

11 MR. BROWNE: Aye.

12 MR. DOMINICK: Aye.

13 MR. WARD: Aye.

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15 (Time noted: 8:45 p.m.)

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1 BOARD BUSINESS - LOCAL LAW

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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 24th day of March 2022.

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Michelle Conero

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MICHELLE CONERO

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