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

----- X

In the Matter of

THE POLO CLUB
(2018-12)

Route 300 & Jeanne Drive
Section 39; Block 1; Lots 1 & 2.12
R-3 Zone

----- X

SUPPLEMENTAL EIS SCOPE

Date: August 1, 2019
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
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: JAYNE WEINBERG

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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CHAIRMAN EWASUTYN: We'd like to welcome you to the Town of Newburgh Planning Board meeting of the 1st of August. This evening we have five items of business, agenda items, and there are two items under work session.

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

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. DICKOVER: Robert Dickover, Counsel to the Board, present.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

MR. HINES: Pat Hines with McGoey, Hauser & Edsall Consulting Engineers.

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

CHAIRMAN EWASUTYN: At this time I would like to turn the meeting over to Dave

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THE POLO CLUB

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Dominick.

MR. DOMINICK: Please stand for the
Pledge of Allegiance.

(Pledge of Allegiance.)

MR. DOMINICK: Please silence your cell
phones.

CHAIRMAN EWASUTYN: The first item of
business this evening is The Polo Club. It's
here before us for a Supplemental EIS Scope.
It's located on Route 300 and Jeanne Drive, it's
in an R-3 Zone and it's being represented by
Jayne Weinberg.

MS. WEINBERG: Good evening. We're
here to discuss the scope for the Supplemental
Draft Environmental Impact Statement.

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: I prepared a draft scoping
document for the Board's use based on a review of
the plans and a review of the comments received
over the last couple of Board meetings regarding
the project. I also utilized the original
scoping document for the project, circa 2006,
that was utilized for the original Draft
Environmental Impact Statement. What I did was I

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put in references to those items on the project which have changed since the original Draft Environmental Impact Statement, the FEIS and Findings were complete.

The purpose of the Supplemental Environmental Impact Statement is to evaluate the project changes since the Board last did it's environmental review.

The first page identifies some boilerplate information required on the cover sheet and a project summary outlining bullet points that need to be put in there as kind of an executive summary to identify the project in a concise manner.

The other part is a project description identifying the project location, the site area, changes to unit count, changes to impervious surface, changes in the amount of land to be cleared, the senior density bonus that is currently being sought, stormwater management and drainage, and provisions for water and sewer. Those are kind of the items -- a broad overview of the items that have changed since the project was last reviewed.

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There are many items that were reviewed last time that haven't changed, cultural resources, surveys were done, complete and signed off on. Those haven't changed in the intervening years. And/or impacts from the project. The whole project was studied. A Supplemental Impact Statement leaves those items out that were originally studied and haven't changed.

Section II has the environmental study identifying the water resources on the project. There are changes in water demand, changes to the grading. Army Corp of Engineers wetland boundaries have changed slightly. The applicant is in the process of getting a jurisdictional determination. That will be discussed in there.

The changes in the stormwater management regulations are rather significant since the project was originally reviewed. The current stormwater regulations -- the 2015 regulation changes the requirements for runoff reduction and green infrastructure practices that need to be included.

The transportation section that I provided you identifies existing and proposed

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conditions required. I took the original intersections that were studied in the first Environmental Impact Statement and repeated them as the area to be analyzed for impacts to this project.

I suggested a build and no build timeframe of 2022, putting it out four years, three-and-a-half years for that build traffic analysis.

The utilities, section C, identified the changes in water supply and the sanitary sewer system. There is a sanitary sewer alternative that currently the project is proposing. The preferred alternative is to be an on-site sanitary sewer system treatment plant that was not included in the original design. The original design had an extension of the Town's existing sanitary sewer collection system passed this project and also serving an additional project which is no longer under consideration.

One of the items that did change since the last project is at some point portions of this property were placed into Orange County Ag

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2 District 1. That was not addressed in the
3 original DEIS, FEIS. I don't believe the project
4 was in the Ag District at that time. I think the
5 current owners must have applied sometime in the
6 intervening timeframe. I've added impacts to
7 agriculture and -- several bullet items to
8 address the potential impacts to agriculture
9 based on the project being in the Ag District.

10 Section F is adverse environmental
11 impacts which can not be avoided. That's an item
12 required by SEQRA to be analyzed.

13 III is the alternatives analysis, also
14 statutorily required to be in the Environmental
15 Impact Statement. A required discussion of
16 alternative uses as well as a no action
17 alternative, and then I gave a list of suggested
18 appendices including the underlying studies and
19 reports to show the design basis and studies that
20 are performed under the SEIS.

21 A list of all State, Federal and local
22 agencies contacted.

23 Technical exhibits for traffic,
24 drainage, water supply and sanitary sewer, and
25 any relevant correspondence.

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Mark Taylor, Town Attorney, did request that I emphasize additionally the required permits. While I did have that in the summary, he's requesting that that include approval from the Town Board for the senior citizen density bonus as well as including the potential approval if the sewer alternative for a sewer extension is required. So that will need to be added to the plans.

During the work session we discussed the scope and the Planning Board suggested that we add a section regarding project need and zoning as well as a discussion of the economic impacts, market rate versus the senior use of the project, the senior density bonus again. So those two items would need to be added to this scope to make it a final scope, and we can do that, and then you should issue this as a final document for the applicant to utilize.

That's an overview of the SEIS scope we prepared for the Board.

CHAIRMAN EWASUTYN: Jerry, do you have anything to add?

MR. CANFIELD: Nothing.

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CHAIRMAN EWASUTYN: Rob Dickover?

MR. DICKOVER: No, sir.

CHAIRMAN EWASUTYN: Board Members?

MR. GALLI: That's what we talked about at workshop.

CHAIRMAN EWASUTYN: If I understand then, this action tonight is to adopt the EIS Scope subject to the changes you're going to be adding and that we discussed this evening?

MR. HINES: Correct. I don't know if the applicant has any comments.

MS. WEINBERG: I have one question. On page 5 under anticipated impacts from the project, in the traffic section, bullets 3 and 4, are they just redundant or is one actually --

MR. HINES: We actually talked about that at work session. My intention there was to list other projects that are currently under construction or approved. The other developments are projects in the vicinity that will have an impact. We have projects that are not approved but they're kind of out there. I used Gardner

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THE POLO CLUB

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Ridge as an example. It's been before the Board, every couple years it gets kicked around, so it's out there. It doesn't have any current approvals but we know it exists in the traffic so I'm including some of those. I can work with your consultant as well as Ken Wersted, the traffic consultant, to give you a list of those.

MS. WEINBERG: So it's approved and pending?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Anything else, Ms. Weinberg?

MS. WEINBERG: Nothing.

CHAIRMAN EWASUTYN: Would someone move for a motion to adopt the subject EIS Scope with the modifications that Pat Hines is going to add in?

MR. DOMINICK: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by John Ward. Any discussion of the motion?

(No response.)

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CHAIRMAN EWASUTYN: I'll move for a
roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

David, I checked the mail today --

MR. WEINBERG: I'll drop it off.

(Time noted: 7:08 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 15th day of August 2019.

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

11 BALMVILLE ROAD
(2019-17)

11 Balmville Road
Section 84; Block 5; Lot 26
04 Zone

----- X

INITIAL APPEARANCE
AMENDED SITE PLAN

Date: August 1, 2019
Time: 7:08 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
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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11 BALMVILLE ROAD

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CHAIRMAN EWASUTYN: Item number 2 on this evening's agenda is 11 Balmville Road. It's an initial appearance for an amended site plan. It's located on 11 Balmville Road. It's being represented by Ross Winglovitz.

MR. WINGLOVITZ: Good evening. For the record, Ross Winglovitz with Engineering & Surveying Properties. I'm here this evening with Jim Connolly representing the applicant.

You're all familiar with this project, 11 Balmville Road. It recently I think just received final approval from the Board.

In going through the construction and looking at the project, they wanted to make some modifications to the parking lot to try to save a number of mature trees that are shown actually on the plan here to the rear of the parking lot. We had to reconfigure the parking lot significantly and do away with the second row of parking that was on the original plan, kind of elongate the parking lot, bring some of the parking forward towards the front of the building and add a few more spaces at the front. Originally there were twelve actually approved there. We had thirteen

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up there. We've gotten rid of two handicap that were over on the side. Similar location, just a slightly different configuration.

We're also proposing Belgium block curbing in lieu of concrete as part of the aesthetic upgrade to the parking. I think that will be nice.

We just wanted to get some feedback as to whether it was acceptable.

We have some comments from Pat I'm sure he'll go over. If everything is okay we'll prepare the landscaping and lighting plans to add to this so we can move forward.

CHAIRMAN EWASUTYN: Pat, do you want to speak on your comments?

MR. HINES: Our first comment just addresses this is an amended site plan of a recently approved plan.

This amendment has significantly less grading than the previous proposed project which had a rather large conventional parking lot design on the site as well as a very robust stormwater management plan that had to go along with that larger parking lot.

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Our second comment is the reduction in impervious surfaces is identified as having .66 acres of disturbance. The applicant's representative said that is below the 1 acre threshold for DEC, however the Town stormwater management regulations kick in at 10,000 square feet. We'll have to take a look at that. We're suggesting that you take another look at the usable level spreader and having that all go to one spot.

MR. WINGLOVITZ: I think that's a good comment. We originally envisioned that we were going to have to do a centralized stormwater treatment system. Once we finished grading it out we realized we were under an acre. We just let it go where it was going to go and put a level spreader. Looking at it in hindsight, breaking up a couple spots --

MR. HINES: I think that will work.

MR. WINGLOVITZ: That was a good idea.

MR. HINES: The revised plan puts some additional parking in the front. The original approval avoided putting parking in the front. I think the parking in the front will probably be

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very well utilized on the site. It may work but we're suggesting that it be screened. We did have a discussion that the Overlay Zone -- the Office Overlay Zone has a requirement of no parking in the front yard area. I think we've determined that the front yard area is the front yard setback, so it's not an issue being as far back as you are with that.

MR. WINGLOVITZ: There was some screening on the original plan. The landscaping will address that.

MR. HINES: I think when you have that plan, Karen will look at that.

I know the Board prefers stonewalls along the front. I think this may beg that with the look of the building there.

MR. WINGLOVITZ: I discussed that with Jim earlier. We're going to look at that as an option.

MR. HINES: There's a one-way traffic flow pattern on the plan. We're looking to have that delineated so people coming in know it's a one-way circular in the front.

That's all we have.

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There's less impervious surface on the site as proposed. I think the intent of saving the trees will be met by doing that. The other project design had it cleared all the way to the property line. We would have looked out of the back of the building and seen all of Interstate 84. This preserves a lot of the large trees between 84 and the site.

CHAIRMAN EWASUTYN: Karen, any recommendations or suggestions as far as screening?

MS. ARENT: Just to update the landscape plan. A stonewall would be very nice. That would be great.

Right in front of the building you're showing the asphalt to remain like in that jagged shape.

MR. WINGLOVITZ: There are a lot of shrubs in there. That's kind of why the pavement is in that configuration.

MS. ARENT: Can it be saw cut to make it neater?

MR. WINGLOVITZ: We would have to remove some of the vegetation.

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MS. ARENT: I think they weren't doing so well, if I remember correctly.

MR. WINGLOVITZ: Were you planning on removing those, Jim, the bushes in the front?

MR. CONNOLLY: They're all removed now.

MS. ARENT: I thought they were going to be removed.

MR. WINGLOVITZ: We can square that up.

MS. ARENT: Make it nice and neat.

Thank you.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: Nothing. Nothing additional.

CHAIRMAN EWASUTYN: Rob Dickover?

MR. DICKOVER: Nothing.

CHAIRMAN EWASUTYN: We will have to circulate this to -- this is within 500 feet?

MR. HINES: The amended site plan will have to go to County Planning, yes. I think your original SEQRA -- we can continue under your original SEQRA review as a modified project but it will have to go to the County.

CHAIRMAN EWASUTYN: That will be handled at this point?

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MR. HINES: I think we can do that now.

CHAIRMAN EWASUTYN: You'll work with Pat Hines as far as additional plans --

MR. WINGLOVITZ: We appreciate getting that out.

CHAIRMAN EWASUTYN: -- to the Orange County Planning Department.

Any additional comments or questions?

MR. MENNERICH: Will the Orange County Planning want the lighting plan and stuff that isn't done yet?

MR. WINGLOVITZ: I was questioning countywide significance in some of the reviews. We've reached out to the lighting company. We can see what we can do about getting that in the plan to the County.

MR. HINES: I don't know that they had any comments the first time. I don't recall.

CHAIRMAN EWASUTYN: I don't remember.

MR. WINGLOVITZ: I'll have the lighting within a week. At least we'll get that on there. Landscaping may take a little bit.

MR. HINES: We can circulate. If they comment on it we can follow up. It will get that

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time period going.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to circulate this to the Orange County Planning Department.

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich, second by Frank Galli. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

MR. WINGLOVITZ: Thank you very much.

(Time noted: 7:15 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 15th day of August 2019.

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

UNIFIRST
(2018-01)

33 Jeanne Drive
Section 34; Block 2; Lot 38.32
IB Zone

----- X

AMENDED SITE PLAN

Date: August 1, 2019
Time: 7:15 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
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: JASON PITINGARO
ROBERT STEVENS

----- X

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UNIFIRST

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CHAIRMAN EWASUTYN: Item number 3 is Unifirst. It's an amended site plan located on 33 Jeanne Drive, it's in an IB Zone and it's being represented by Jason Pitingaro.

MR. PITINGARO: Good evening. Jason Pitingaro, Pitingaro & Doetsch Engineers. We're here with Bob Stevens, the project architect, and a representative from Unifirst as well that manages this particular facility here.

What we have is a 7,800 square foot commercial lot on Jeanne Drive which is off of Route 300. It's a commercial cul-de-sac. This property is actually located towards the rear of the cul-de-sac here.

There's an existing metal building on site that houses Unifirst's operations which is basically an operation where laundered materials come in and are offloaded and then sent out to clients. That's basically what's going on here. It's kind of like a distribution of laundered materials.

Currently there's a loading area on this side here where vans back up and load. The material is brought to the site via tractor

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trailer and hand offloaded into the building.

This area is all packed gravel parking area. There's some paved parking area up here that's for the employees and there's some office space within this metal building area.

The proposal for the project is to add a small addition towards the rear of the building for an additional loading area. It's going to house a dedicated tractor trailer loading dock -- actually two loading docks although they only need one. That will be about 1,600 square feet.

There will be an addition towards the front of 3,300 square feet which will be designated office space, and that will allow some of the kind of commingled office space within the metal building section to be repurposed to allow for the distribution area for the van trucks.

There will be van truck loading here. This is a slightly lower loading dock than the full loading dock that a tractor trailer would be. Materials would be brought into the site here, offloaded and then put into these vans for distribution.

In addition to that, in keeping with

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the expansion we are going to pave this entire parking area here which is a hard pack now. It will just be a better finished surface.

There is a stormwater system that's been designed. The site is relatively flat overall. There's some steep area along this back corner here but it doesn't have really any impact on the overall site. To be able to drain the loading dock, which is basically subsurface, we have a little pump station that goes to the stormwater detention system.

There's also a replacement septic system that's being proposed. The septic system at the facility now is in need of replacement regardless. There will be an upgraded system installed.

There was a previous application before the Board. This application is fairly similar. There's obviously some modifications.

Prior the septic system was located under the parking area. We've removed it from under the parking area and put it up in the grassed area where it probably will function better.

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UNIFIRST

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We've made some other minor improvements. At one time there was additional parking shown along the back here. We've eliminated that as well.

All the other aspects of the project are compliant with zoning.

We have some renderings of the building here tonight as well, what we're expecting it to look like.

CHAIRMAN EWASUTYN: Can you present the renderings, please?

MR. STEVENS: Sure. What you're seeing here --

CHAIRMAN EWASUTYN: For the court reporter can you please give your name?

MR. STEVENS: My name is Robert Stevens, I'm the project architect.

What you're seeing here is the front elevation which would show the office addition after it's completed. We're proposing a brick facade, an upper fascia which would consist of EIFS which is a synthetic stucco.

In the background you're seeing siding which is metal siding that would be used on the

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warehouse portion.

This higher portion here is the existing building. The siding is in very poor condition, so that siding will be taken off and replaced.

The same is true of the roof which is a rib metal roofing system.

This is the warehouse addition in the back which would be metal siding.

This is generally representative of the colors. Unifirst has the corporate color which consists of different shades of green. We have a green roof, we have green accent doors. This is an off white color that would be used on the vertical surfaces of the siding. A similar color on the fascia. There's a green accent band that would be directly under the fascia. There's a canopy out front which would be a gray tone.

If you're interested, at some point we do have samples, color samples. This is the green we would use on the roof. This is the off white we'd use on the siding. This is the gray color that would be at the entrance canopy. This is the color that Unifirst uses as their accent

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around the front facade.

They use similar colors also in their signage. We can provide details. Their typical sign is something like this. This is part of the future package. You can see it has similar colors. It's basically a light green, a dark green on the white background.

MR. GALLI: Where is that sign going to be?

MR. PITINGARO: The sign is located next to the easterly entrance. Keep going up a little bit. Right there. The setback regulates how close the sign can be to the property line and such. It's compliant with those regulations. It's an internally illuminated sign.

MR. HINES: Static? Not a message?

MR. PITINGARO: No message.

MR. STEVENS: This view here just shows the side of the building where you have the loading docks. It's the same colors. The doors would be white and the docks are a dark gray or a black color.

CHAIRMAN EWASUTYN: One has a 4 foot elevation, the other has a 2 foot loading

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elevation?

MR. STEVENS: That's correct. This is 2 foot 8 where the vans are and then the shuttle bus is 4 feet in the back.

CHAIRMAN EWASUTYN: Any additional questions or comments from the Board?

MR. GALLI: No.

MR. MENNERICH: The AC unit shown on the addition of the office space, is that on the roof of that building?

MR. STEVENS: There's an AC unit that's on the roof -- there's an air handler unit on the roof of the office addition. Is that what you're referring to?

MR. MENNERICH: Yes. Is that going to be screened?

MR. STEVENS: It is. It's screened with a metal siding material to match the metal siding of the building.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Jason, I'm not sure you noted that in your office. Are there plants that are going to be put in there?

MR. PITINGARO: There's some plant

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scaping we'll provide up front. There's also landscaping adjacent to the signs. We can talk with Karen and get that in order.

CHAIRMAN EWASUTYN: Karen, did you hear that?

MS. ARENT: I just wanted to ask the Board if you're interested in having it landscaped in accordance with the rest of the Jeanne Drive and any perimeter landscaping around the property line?

CHAIRMAN EWASUTYN: Jeanne Drive isn't that well landscaped.

MS. ARENT: No. You want it a little bit better?

CHAIRMAN EWASUTYN: I think what he wants to put for the signage, the walkway, we'll work with that.

MS. ARENT: Okay.

CHAIRMAN EWASUTYN: We can improve the signage. Jeanne Drive is of a nature onto itself.

MR. PITINGARO: I'm just going to slide this down for a second. This area here is -- this lot is, I don't want to say significantly

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higher but it's a plateau. It's above this area. This area wouldn't really lend itself to landscaping. This is actually kind of almost like a contiguous lawn up to here. I think dressing up the front area with landscaping would work well.

MS. ARENT: I'll be happy to work with them if you so desire.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: The office workers have a separate parking lot; right?

MR. PITINGARO: Yes. The office workers have this parking area here. This parking area here is separate from the van loading area as well. There's a couple parking spots back here for vans that may not be in use next to the dumpster.

There was a comment from Ken. I guess in the previous version of his comments, which I wasn't aware of, he mentioned about potentially rotating the parking lot. He included that when he sent me his recent comments. We'll discuss that with the client.

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MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: The first comment just notes that this is the same project but a new engineer that's representing the project.

Ken Wersted's comments regarding the site should be identified.

I wasn't aware there were two loading docks. I see only one truck parked there. There are two?

MR. PITINGARO: There is space for two, yes.

MR. HINES: Last time I think it was only one. I'm not sure that it was two. We never discussed two. I think Ken should look at the truck turning.

This is the site that all the vehicles have to back in from Jeanne Drive. We talked about that previously. So the Board is aware, there is really no internal circulation. It's backing in the tractor trailer trucks. I guess it's been occurring there for years now.

There's discrepancies in the septic system design, links, laterals.

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MR. PITINGARO: I'll verify that.

MR. HINES: The number of employees.

The septic system design identifies a certain number of employees but there's an awful lot of loading docks, delivery trucks, the smaller vans. I want to confirm the number of employees, that it jives with the septic design.

MR. PITINGARO: We did talk about that this afternoon. We'll make sure to clarify that.

MR. HINES: It looks like a lot of parking for the office. I'm seeing six delivery vans and tractors. It may be a little busier there.

The fence doesn't appear to go all the way around the site. I don't know if that's the intent, to break the fence and start again.

MR. PITINGARO: It should encompass the whole site. We'll make sure that's clear on there.

MR. HINES: Fire sprinklers I'll defer to Jerry on. If it needs to be sprinklered, then a water system needs to be designed per Town standard with the valving such that the potable water will be turned off if the fire sprinkler

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water is turned off.

We're looking for more detailed grading at the loading dock -- there's an elevation change -- so when the trucks are at the loading dock, there's a stormwater pump system designed to do that. Spot elevations should be provided there.

It looks like there's going to be a retaining wall.

MR. PITINGARO: There's a retaining wall along the side, yes. We'll put some top and bottom of grade elevations. At the upper area of the loading dock it's at a 16.5 grade and this contour that wraps around is 17. There's some grade transition there but not entirely significant.

MR. HINES: The loading dock itself is at 4 foot 11. That transition is pretty steep.

MR. PITINGARO: Yes. Well this is limited to -- it's not noted here. It's 414.2, it's not 411. It's about 2.5 feet. That's actually only 3 percent. That was a Unifirst requirement. That's less than what's required.

MR. HINES: We're looking for a design

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for the stormwater system. You have an underground stormwater system for that pump system. If we can get the design details on that.

MR. PITINGARO: There's a drainage report. We'll add the design of the detention system to that as well.

MR. HINES: That's good. It's considered a stormwater hotspot. There may be some initial treatment needed, take a look at that, because of the truck use on that site. That was my other comment.

The road here with the gate that goes to nowhere, what is the function of that?

MR. PITINGARO: We considered eliminating that but it was just -- it was there before and they asked we keep it for right now. It was there in the prior version of the site plan.

MR. HINES: It begs the question of where it's going. It's a road to grass.

MR. PITINGARO: The other project had shown future parking here. It's not something they're contemplating now. They figured if they

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put this road in, if it's ever to be constructed that would be there already. I guess it would minimize how much work they had to do in the future.

MR. HINES: We may need a note on there no vehicle traffic in that area. It hasn't been designed for that. It looks like someone is intending on using it for something other than the lawn that's currently proposed.

That's what we have for comments.

MR. PITINGARO: Just no vehicle parking there?

MR. HINES: Yes. You've got a roadway to a gate that doesn't go anywhere. For Jerry's office's benefit we want a note so when the gate gets opened and the tractor trailers start parking there, it's an enforcement issue.

MR. PITINGARO: Understood.

CHAIRMAN EWASUTYN: Jerry, comments on sprinklers?

MR. CANFIELD: To continue on Pat's comment, your project narrative and the drawings indicate that you're going to sprinkler the entire building. Correct?

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MR. PITINGARO: That's my understanding.

MR. CANFIELD: There's a 6 inch water main coming to the building and the narrative indicates they're going to sprinkler. Just one thing to bring to your attention, you should schedule a water flow test with the water department after you establish what your demand will be to assure that there's enough water and volume and pressure.

Currently the facility, being somewhat familiar with it, has racking and they store their commodities on the racking. Again I just bring to your attention that if with the addition the racking need becomes larger and higher, there may be an in-rack sprinkler system required. Just take a look at that. I don't know, I can't tell, you don't have enough detail there now for what the commodity will be and the storage configuration to make that determination. It can get a little expensive. Just take a look at it and see if it applies.

MR. PITINGARO: I know the Town has a specific fire protection code. Is that racking

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part of the Town's code or just the overall code?

MR. CANFIELD: That's FPA-231. It also comes out of the State Fire Prevention Code.

CHAIRMAN EWASUTYN: Rob Dickover, Planning Board Attorney?

MR. DICKOVER: I'm just looking back at some notes in the file. It appears the Board circulated notice of it's intention to be lead agency back in January 2018. That was based on an EAF of August 2017. With the changes in this project, perhaps a revised EAF should be filed with the Board.

CHAIRMAN EWASUTYN: Would you do that?

MR. PITINGARO: Sure.

CHAIRMAN EWASUTYN: Thank you.

MR. WARD: I have a question. I remember backing up the trailers it was a big issue with Jeanne Drive and the radius and all this. Ken knows all that but at the same time it's a long distance.

MR. PITINGARO: Okay.

MR. WARD: That was a big issue last time.

MR. PITINGARO: We'll have a further

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discussion with Ken. We did receive comments from him. He noted -- I guess he had a recent site visit as well. We'll have a discussion with him, make sure he's comfortable. It seems it's kind of how the operation has gone. Those drivers that are servicing the facility have been comfortable so far.

CHAIRMAN EWASUTYN: I think you mentioned something about the delay. Based upon interference with the traffic flow on Jeanne Drive, it was not that long of a delay. He referenced as far as minutes or seconds.

MR. PITINGARO: I've been to Jeanne Drive to visit the site, I think three or four times now. It's pretty modest as far as traffic there. We are towards the rear of the site so there isn't that much that's going on there, especially once you get past this last site here which has some of the oil trucks that are operating out of it.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: So you'll submit, as Mr. Dickover had said, a revised EAF, --

MR. PITINGARO: Yes.

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CHAIRMAN EWASUTYN: -- address the comments from our consultants, and then we'll look forward to entertaining you when everything is complete.

MR. PITINGARO: And then after that we'll have a public hearing?

CHAIRMAN EWASUTYN: At that time we'll see what the Board's desire is, if they want a public hearing. Under the regulations we can waive a site plan public hearing. We'll wait until we receive your revised plans, if the Board is in agreement with that.

MR. PITINGARO: Thank you. Good night.

(Time noted: 7:33 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 15th day of August 2019.

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
(2019-16)

5200 Route 9W
Section 43; Block 5; Lot 1
B, R-3 & LHI Overlay Zones

----- X

INITIAL APPEARANCE
SITE PLAN & LOT LINE

Date: August 1, 2019
Time: 7:33 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
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: CHRISTOPHER LAPINE

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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CHAIRMAN EWASUTYN: Item number 4 on this evening's agenda is Gasland. It's an initial appearance for a site plan and lot line change. It's located at 5200 Route 9W, it's in a B, R-3 and LHI Overlay District. It's represented by Chazen Engineering.

You are for the record?

MR. LAPINE: Good evening, Mr. Chairman, Members of the Board. My name is Chris Lapine with the Chazen Companies. With me this evening is the applicant of Gasland Petroleum represented by Mitch Nesheiwat.

CHAIRMAN EWASUTYN: Do you want to make the presentation?

MR. LAPINE: Sure. Gasland Petroleum is currently under contract with P&J Property Walnut Street, LLC to contract for a 1.1 acre portion of their existing 4.5 acre parcel located on Route 9W.

As you indicated, the parcel is actually bifurcated by the zoning district boundary line where the R District is to the east and the B District is to the west. The proposed gasoline and convenience store project is located

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within the Business District.

The current parcel itself consists of a Pat's Towing and repair business. He runs both his towing operation and repair operation out of the rear portion of the property. He also operates on this parcel a diesel fuel facility as well. There are two pump islands and an office on the northern portion of the site. On the southern portion of the site there is an existing single-family home that is used for rental purposes as well as an existing barn and a single-room apartment within that barn.

The existing parcel itself currently consists of about 1.7 acres of impervious area. The remainder of the site is grass and forested.

All of the facilities on the site are served by a combination of well and septic. It's our understanding from some of our initial evaluations that there are two wells on the site and two septic systems on the site.

There are a couple of changes proposed, not only as part of the proposal for the gasoline and convenience store but there are also some modifications that are going to take place to the

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tow business as well.

I'll start with actually the gasoline facility first. It's the intent to create two separate means of access off of Route 9W. The access to the gasoline and convenience store would be a 30 foot wide access subject to DOT review. It would be then to utilize 6 pump islands and a 2,600 foot convenience store.

We have ample parking provided. We have 18 parking spaces provided on the site in addition to the parking beneath the pump islands.

The site would be served by a septic disposal system and there would be a water connection out to Albany Post Road. Within that trench for the water connection to the convenience store we would also establish a separate set of domestic water connections to the towing facility and the existing single-family home, barn and apartment. The barn, the apartment and the towing facility would then be served by a new septic disposal system, as would the convenience store.

The towing facility itself would no longer cater to public repair. This facility

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would then be converted strictly to maintenance of Pat's fleet of 24 tow vehicles going further in the future. Some of them would be stationed here. That's purely what the intended purpose of this facility would be.

The car storage that you see in the eastern portion of the site, there's also some significant car storage right now on the southwestern portion of the property, that would all be eliminated as part of this overall project.

One of the other benefits that we see from this project is there's going to be an increase in green space associated with this. We had the opportunity to reduce the overall impervious on the site by 25 percent. That also gives us the opportunity to dress up the frontage along the site as it relates to Route 9W and kind of provide some needed screening for the operations that are taking place in the facility.

That's kind of an executive summary of what we're proposing. Right now we've prepared it as a concept plan because we wanted to solicit some feedback from the Board.

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We didn't necessarily produce a set of elevations but what we did do, if you would like to see, is kind of a palette of some of the most recently constructed facilities in the last three years which kind of is in the direction of where we would like to go for the architecture. What we have here is we've got their station that they recently completed in Wallkill which was a combination of brick, hardy board and awnings, a combination of full windows and actual windows.

Here's a recent renovation. This was a redevelopment of a contaminated site in East Fishkill. It's across from John Jay High School. This is the architecture that we proposed. It was a combination of shingles, fieldstone and hardy board along with some full windows and a series of dormers to give it more of a residential appeal.

This recent project here occurred in the Village of Wappingers Falls which was also another redevelopment of a contaminated site. This was actually a site Gasland had purchased from the county. It had been off the tax rolls and delinquent for about seven years. They did

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the cleanup with the oversight of the DEC. This is a mixed use zone that the village changed. They wanted residential apartments on top of the convenience store. This particular site here has a separate entryway for the convenience portion of it and it has parking in the rear and a whole separate entrance and facade for the residential apartments above.

CHAIRMAN EWASUTYN: How many residential apartments are there?

MR. LAPINE: There were two residential apartments in there.

Here's one of their other most recent projects that was completed. This was actually operating two months ago. Two months ago it received it's CO.

This one has been in operation for a year here.

This one has been in operation for two years.

This particular site here, Myers Corners Road, has been in operation now for about seven months in the Town of of Wappingers. Once again this was purchased from a previous owner

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and a cleanup as it related to a consent order. Mr. Nesheiwat worked with the town because the existing station in it's current location, which was surrounded by residential neighbors, really didn't fit into the character of the neighborhood. There was some back and forth working with the planning board and also the councilmen involved and we came up with a design that didn't focus so much on fieldstone and not so much on the hardy board but really relied heavily on natural brick with a touch of hardy board that blended in to some of the surrounding neighbors. This was a great project in the fact that it kind of helped kick start the redevelopment of the adjoining parcel. They mimicked some of the architectural features that this particular project had.

I also brought with us another project which was not within the last few years but this is another project in the Town of Hyde Park in terms of architecture to kind of give you the flavor of the palette of options and products that Mr. Nesheiwat has built over the last years. The carriage house at the Vanderbilt Estate,

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there was a desire to mimic the architecture of the actual building and canopies to that of the carriage house. There was some back and forth that went into play in terms of the brick and the facade treatments. This was the final product of this. I bring this to you because it was a gas station that actually won the architectural design award in the Town of Hyde Park because of it's ability to try to mimic something historic in the area. This is just to kind of give you a flavor, as I said, of the types of products Mr. Nesheiwat constructs. He tries to develop an architecture that's unique to the particular area that's being focused on.

We think this particular area can use the upgrade that's being contemplated here.

CHAIRMAN EWASUTYN: Thank you.

I'll turn the meeting over to Frank Galli and the other Board Members.

MR. GALLI: On your convenience store is there going to be anything else located inside of it, like Subway?

MR. NESHEIWAT: No. Just the convenience store.

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MR. LAPINE: Just the convenience store.

MR. GALLI: That's all I have.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Nothing at this time.

MR. DOMINICK: Nothing.

MR. WARD: Nothing.

MR. GALLI: Actually John, I do have one more question if you don't mind.

On the subdivision part of it, when you do the subdivision are you purchasing the front piece?

MR. NESHEIWAT: We purchased the front piece.

MR. LAPINE: Correct.

MR. GALLI: Pat's going to have control of their piece?

MR. LAPINE: With the remaining 3.4 acres.

MR. GALLI: Pat's would?

MR. LAPINE: Pat's would.

MR. GALLI: So he won't have control over the upkeep of Pat's lot, he'll just have control over the --

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MR. NESHEIWAT: We have control. We have deed restrictions. He can not park or store any trucks or cars in the front. It's part of my contract.

CHAIRMAN EWASUTYN: Meaning the tow trucks that are along --

MR. NESHEIWAT: Yes. This was my biggest complaint to him. I made sure.

CHAIRMAN EWASUTYN: For the record can you give your name?

MR. NESHEIWAT: My name is Mitch Nesheiwat, I'm the president of Gasland Petroleum.

CHAIRMAN EWASUTYN: Do you have a business card? I only say that because the spelling of the name would be beneficial.

MR. NESHEIWAT: There are restrictions made part of the site plan approval. I don't want to see no cars in front. That will hurt my business.

MR. DOMINICK: Sir, tell me a little bit about your corporation. How long have you been in business? How many stores nationwide?

MR. NESHEIWAT: I'm in business since

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1979, forty years. We deal all the way from Syracuse to New York and also Pennsylvania. We have over 100 some stores and we carry 5 brands, Exxon Mobil, Shell, Sunoco, Gulf and Phillip 76.

CHAIRMAN EWASUTYN: I think that was quite an honor what you received in Hyde Park. I would imagine Hyde Park would be a community that has high standards.

MR. NESHEIWAT: They throw us a party.

CHAIRMAN EWASUTYN: Congratulations. That's an honor.

MR. LAPINE: If I could just add to that. In 2017 Dutchess County recognized Gasland Petroleum and awarded them the Green LED award for the county for their willingness to work with the DEC and the county on the cleanup and remediation of over seven stations, bringing them back to the tax roll, significant clean up and off-site improvements which were beyond what the consent orders required as well.

CHAIRMAN EWASUTYN: I think what the Planning Board has a concern with, the product that you're presenting is a quality product, the comparability of the activity that's going on on

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the other subject property is sort of a detriment to Route 9W. It would also be a detriment to your new business. Again, you eluded to one of them. There's the tow trucks along Route 9W and there's all those limousine buses that are in that one corner. There's a lot going on there that's out of control.

MR. NESHEIWAT: This facility, my area -- it happened to me in Wappingers. So if you see any abandoned buildings next to it --

CHAIRMAN EWASUTYN: Jerry Canfield, your office has been involved in the activities on that site.

MR. CANFIELD: Yes. There's a lot going on here with the subdivision and the site plan and what not. If I understand correctly, Pat's Towing portion on the rear lot will be no longer there and the building, the existing building, will be utilized only for the repair and service of his towing vehicles. Is that correct?

MR. LAPINE: The fleet of 24. That's what his real estate agent has conveyed to us, Jay Feinstein.

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MR. CANFIELD: All of the vehicles there will be removed?

MR. LAPINE: The vehicles that are adjacent to the building to the south we've been informed will be removed. There's also vehicles stored over here and it's been shared with us that they'll be removed.

The sole purpose of this building -- unfortunately Jay is stuck in Sullivan County tonight. He would say this to you but he's offered us to say it. The sole purpose of this building would be for the repair, maintenance and upkeep of the fleet of 24 tow trucks that they operate. They believe there will be three to four employees working from the station on a daily basis for the upkeep of those vehicles.

MR. CANFIELD: As in the past we've recommended that if the Board -- at a point in time should it come that it gets approved, we would recommend to the Board to put notes on the site plan and perhaps in the resolution to help the Code Compliance Department with the ability to enforce that that's what happens there. The applicants for the overall site that's here now

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probably would not be part and parcel to that enforcement action as it will be a separate lot, a separate entity.

While we're talking about that particular portion of the site, there is a zone line that goes right through the property. I don't know that that delineates exactly where it is in relation to that back building that's in question. Future submissions should perhaps delineate that line so we know exactly where that is. It's a B Zone up to that line and then it's R-3. That may be a problem for that building if the line is at the building.

MR. LAPINE: From a review of the zoning boundary map it appears that it runs parallel to this rear property line. Actually adjacent. Along the rear property line through this property here. So it appears that it is certainly in the B Zone, the existing building.

MR. CANFIELD: We need to see that --

MR. LAPINE: Okay.

MR. CANFIELD: -- so we can make that determination.

MR. LAPINE: Absolutely.

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MR. CANFIELD: There are a few variances that are required that Pat will touch on.

The convenience store itself, there is a local sprinkler ordinance that will apply to this.

I see the plan calls for the water to come down from Albany Post Road in the back because that area of Route 9W does not have municipal water. I'm sure there will be easements and requirements for that as well.

That's all I have at this time, John.

MR. WARD: My question is in reference to the back area. On the plan it should be emphasized 24 trucks maintained. We've had other projects and they told us 5 trucks and all of a sudden you see 10, 15 around. A number that high seems pretty high to keep control of for yourself. I think it should be a lower number to help all around.

At the same time I see you have a vision of what you want to do. On the corridor of 9W we've been putting sidewalks and the wall and all that. I'm sure you've driven up and down

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and see how we're connecting the dots. I think it's going to be very good what you're doing. Like we were saying, the limousines and the tow trucks, we're trying to control that.

MR. NESHEIWAT: I don't know what limousines. All I thought is towing.

CHAIRMAN EWASUTYN: On that one corner.

MR. NESHEIWAT: That will be removed.

CHAIRMAN EWASUTYN: It would be the southerly corner. I didn't stop to count them but there's anywhere between 6 or 8 limousine style buses. It has a name, I didn't retain it, that are white. They're just stockpiled there. Take a look.

MR. LAPINE: Would it benefit the Board if we can have the current owner of the property provide a narrative, something in writing documenting the intent? I know we say 24 vehicles. I'm just playing devil's advocate from the owner's perspective. If his business was to expand, not all 24 are stationed there.

CHAIRMAN EWASUTYN: I think you would have to show the parking for the 24 storage tow trucks, you would have to show the dimensions. I

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think they would probably vary in size.

MR. LAPINE: You're correct.

CHAIRMAN EWASUTYN: I think there has to be a lot of detail. Then what happens on an active night where they go out and they bring in, for conversation, 8 or 10 vehicles that are no longer functional. How long do they stay? Where are they stored there? Then you get back into the storage issue.

MR. LAPINE: The one thing I do want to say for clarification purposes, I may have not earlier, what's been conveyed to us, and once again I wish Jay was here to state this, is the vehicles won't be stored here, they're only going to be maintained here. It's not expected that all 24 will be here. My understanding is he has three other locations where these vehicles will be stored if they are functioning. They'll only come here for maintenance and upkeep and any repair items associated with it. I do hear what you're saying. Delineate storage, get an idea of what the size of their vehicles are, delineate those storage areas for when those vehicles come on the site. If you have more than what the

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interior of the building can handle, depict that on the plans for the Board. I can do that as well.

CHAIRMAN EWASUTYN: Again, if they picked up 6 cars that night, are they actually stored there or do they --

MR. LAPINE: No.

CHAIRMAN EWASUTYN: Where do they go?

MR. LAPINE: The cars go to their other facilities.

CHAIRMAN EWASUTYN: I know the one in New Windsor. I did see another one. Where is the other location?

MR. LAPINE: They mentioned another one in possibly Montgomery.

CHAIRMAN EWASUTYN: I did see another Pat's Towing somewhere else.

MR. NESHEIWAT: I think they're in transition of purchasing another site based on this. They want to actually move out of here.

MR. LAPINE: There's a site we've been aware of that they're working on in Montgomery.

CHAIRMAN EWASUTYN: Maybe that's where I saw it, Pat's Towing in Montgomery.

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MR. LAPINE: All cars that are picked up will not come to this facility, they'll go to the other facilities.

CHAIRMAN EWASUTYN: That would be part of the final resolution I would think also.

MR. CANFIELD: If I can just add something. It's important for you to understand that what is there has lost it's existing protection because of the subdivision and you're creating new lots or new site plans. So moving from this point forward the Board has the ability to direct what is and what isn't to be there as long as it's in compliance with the zoning, what's allowed. That kind of gives the background as to why they're being so particular, because there's not a level of detail there. What exactly is going to be there? That's the point they're trying to make. Again, because it's an existing repair facility and who knows what, I don't think any of us have a clear vision as to what is there, that's what we're trying to nail down. Yes, we need to see exactly what is going to be there to make that determination if it's permitted, and, if so, then how can we control

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the enforcement of it.

CHAIRMAN EWASUTYN: Chris, would you allow Pat Hines to speak now?

MR. LAPINE: Sure.

CHAIRMAN EWASUTYN: We could go back. I think what we're saying is we need detail. You're prepared to offer us detail for the new convenience store. Who is going to be responsible for the plans that are returned and showing that detail? That's going to be part of the site plan, subdivision.

Pat Hines.

MR. HINES: The project, as it appears before us in this conceptual form, looks like it's going to need some Zoning Board of Appeals relief. The existing side yard for the barn/apartment that you said is shown as 12.7 where 15 feet is required. All of these pre-existing nonconforming, as Jerry just said, lose their protections when the subdivision changes the lot size. They'll need to do that.

The other significant one is the gasoline dispensing within 1,000 feet of another gasoline dispensing station, the Stewart's up the

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road, this property line and their property line.

MR. NESHEIWAT: That's a fuel station.
It has a canopy and a 12,000 gallon tank.

MR. HINES: It loses those protections
when you subdivide it. I'm trying to find the
section of the code. 185-28. If you read 185-28
it will specify that.

MR. LAPINE: It specifies the setback
of 1,000 feet?

MR. HINES: 1,000 feet.

MR. CANFIELD: It goes from property
line to property line.

MR. LAPINE: So I just want to make
sure I understand this. The existing fueling
operation, because it's occurring on this
particular parcel itself and it's being
subdivided, it loses it's fueling rights?

MR. HINES: Yes.

MR. CANFIELD: It's existing
nonconforming protection, not fueling rights. It
loses it's existing nonconforming zoning.

MR. LAPINE: The Stewart's was
constructed after this. I'm just --

MR. CANFIELD: It doesn't matter when

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the Stewart's was constructed. That doesn't matter.

MR. HINES: That section of the code may not have existed when Stewart's was constructed. Take a look at that. There may be others. We need to see that zone line that can relate to other ZBA requirements.

The two single-family residences in the B Zone, they may very well lose their single-family -- existing single-family residences are allowed in the B Zone the way it reads. Jerry and I are going to have to work on whether or not that loses it's protection as well. It may not. We'll discuss that and get back to you.

The DOT will be an involved agency.

One of the other zoning issues -- I'm going out of order here, I'm trying to hit the zoning issues -- the front yard setback you show at 40 feet. There's a section of the code that states on State highways, Section 185-18(4)(b) --

MR. LAPINE: 60 feet.

MR. HINES: 60 feet. I don't think it's an issue -- it will be for your expanded canopies.

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MR. LAPINE: Is a canopy considered a structure?

MR. HINES: It's not allowed in that front yard setback. That will need a variance as well. We've consistently held that.

MR. LAPINE: Okay.

MR. HINES: We've had several fueling stations. The ZBA has granted them but that 60 foot setback needs to be depicted.

Minimum lot size for your bulk table in the B Zone that has two or more street frontages is 30,000 feet. You have it at 20. I just want to clean up that bulk table. I gave you the section of the code for that.

One of the other sections, 185-28(b), entrance and exit drives --

MR. LAPINE: Yes.

MR. HINES: -- will have a 25 foot, no more than 50. They need to be located 10 feet. I think your entrance drive to the --

MR. LAPINE: We have 10 feet approximately over here but it's right to the paving. We can shift that over if need be.

MR. HINES: If that's a 26 foot wide

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driveway, that looks a lot less than 10 feet.

MR. LAPINE: We can shift that.

MR. HINES: Take a look at that.

MR. LAPINE: They meet your width requirements.

MR. HINES: They do meet the width requirements. It's just the 10 foot setback. Take a look at that.

Typically for these kinds of uses -- 185-28 has a list of repair business type of uses. You can document by note on the plan each of those sections and compliance.

MR. LAPINE: We comply with those. I went through those.

MR. HINES: As well as 185-39, petroleum bulk storage. Have a list on the plans stating each one of those and showing compliance.

You have the landscaping requirements.

MR. LAPINE: The buffer on the southeast corner adjoining the septic for the residential.

MR. HINES: More important is you have a residential neighborhood behind you. I don't know how visible it is. I know this site to the

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rear, it doesn't look like there's many trees there. The Board is going to be looking to make sure that those residences on Albany Post Road are adequately screened from whatever uses are there. We may want some visuals on that as you move forward.

Just interesting, is the site an existing spill site? I just heard that all of your sites --

MR. NESHEIWAT: This site is polluted.

MR. HINES: I kind of heard that was the MO.

MR. NESHEIWAT: This site is polluted. We know that. We're going to remove all the diesel, all the tanks and everything. The pumps, canopy.

MR. HINES: I heard as your engineer was speaking that seems to be what you do. The EAF should identify that if it is a remedial site. I haven't reviewed the EAF in detail. When we get the detailed plans that should be addressed as well, what the site is going to look like during that process, and the extent of that contamination as well.

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MR. LAPINE: The comment about the visual as it relates to the neighbors, we're working within the confines of the existing kind of gravel area, fenced area and car storage area. The vegetation to the east of this isn't being disturbed. Would it be necessary to do that visual analysis without a disturbance to the east?

MR. HINES: I'll defer to the Board. I think once we have a better handle on what's going on on the tow company lot, for lack of a better term, I think the Board would be in a better position to answer that.

Sanitary sewer disposal system. We will want to know the extent of that contamination. I think it's the Board's purview under SEQRA to take a look at that.

The plans should address the requirements for concrete curbing and pavement. Typically on redevelopment business sites -- I think your site is clearly going to be paved and curbed. The extent of that requirement on the balance parcel should be addressed on the plans. Certainly DOT is going to want curbing on their

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entrance drive. It may be a way to further define the tow company site by putting in curbing and pavement that will show where vehicles are allowed to be stored and where they're not so the site doesn't grow as it has been on the site. As you're developing those plans for the use of that site, the Board typically requires commercial sites to be curbed and paved for that very reason, it defines the site, it controls the limits of the site.

Water and sewer notes need to be added to the plans for both septic and the potable water that you're providing.

A field survey will be required.

We'll be looking for traffic information, as well as DOT, for this site. You may want to make sure DOT is going to give you left turns in and out. A traffic study should be performed.

The location of the zoning boundary and the stormwater pollution prevention plan, which both of these sites I believe would be addressed as hotspots. You may be able to address them under a redevelopment as well. We'll be looking

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for that plan that shows that.

CHAIRMAN EWASUTYN: Karen, any early suggestions, recommendations for landscaping?

MS. ARENT: If there's no overhead wires, street trees would be great along 9W, as well as possibly preserve as much existing vegetation in the rear. It looks like you guys do a nice job landscaping.

MR. NESHEIWAT: We try.

MS. ARENT: Make it like Hyde Park.

MR. LAPINE: We plan on incorporating the stonewalls on 17K. He did the Homewood Avenue project.

MS. ARENT: Yes, I remember. I do remember you. Okay. On 17K.

CHAIRMAN EWASUTYN: You were representing people out of Millerton I think.

MR. NESHEIWAT: Yes.

CHAIRMAN EWASUTYN: The engineering company from Millerton, were they not?

MR. LAPINE: Homewood we took over for the local engineer here.

CHAIRMAN EWASUTYN: Thank you.

MS. ARENT: That would be great.

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MR. NESHEIWAT: The only thing I have a concern about is the 1,000 foot. If this will be an obstacle I don't want to go ahead with the project. I'm not going to spend money and all of a sudden I won't get the variance.

CHAIRMAN EWASUTYN: I can't answer that except to say it is in the code, and we discussed that. The ZBA has granted that type of variance, area variance in the past, so there is a record of it.

Jerry, do you want to speak on that?

MR. CANFIELD: That's a difficult question, to be honest. The Zoning Board is an entirely different board that's made up of different individuals and they are charged with the task to make these determinations on variances. As John has indicated, in the past they have, however each application that's presented before them presents a different scenario. It's very difficult to say what the Zoning Board will or will not do. It's a separate entity. I think that's the best advice we can give you.

MR. HINES: It's something that you can

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pursue sooner rather than later before you get well into the project.

MR. NESHEIWAT: The Zoning Board first.

MR. LAPINE: I was going to ask --

CHAIRMAN EWASUTYN: I know what you're going to ask. I think what Pat was defining is eventually Rob Dickover is going to prepare a letter to the ZBA letting them know that you'll be appearing before them. He'll list the variances that will be required. The one we're discussing now, the 1,000 foot separation, would be one of them. At this time we don't have enough detail.

MR. HINES: I think we need a plan that depicts the variances. I think Chris's office knows what we're looking for there. There will be an initial cost to develop the survey and the plan, but I would -- you don't have to do the stormwater management and septic designs. We do need the survey to show -- I think these measurements were taken off of kind of a Google Earth map.

MR. LAPINE: If I'm hearing it correctly, produce the boundary survey of the

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parcel to depict where the setbacks are --

MR. HINES: Boundary and planimetrics.

MR. LAPINE: -- to the existing buildings here. That would give you -- you're within 1,000 feet to Stewart's. The only thing we're really trying to get our arms around is this setback here.

MR. HINES: And the location of the zone line.

MR. LAPINE: Correct. I'm saying for the variances before the Zoning Board we would be looking at the southern --

MR. HINES: I think your canopy is in the mix too.

MR. LAPINE: That's easily resolvable. That's not an issue. It seems like there's two variances upfront that have been identified. Is that an accurate statement, assuming the canopy gets shifted?

MR. HINES: I don't feel comfortable saying that until I have the boundary survey. I kind of gave you the ones I picked off this level of detail. I think if you go by the things I cited here and take a look at your survey. I

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think right now the canopy, the side yard setback and the distance are the ones that are very evident. I don't know where that zone boundary is. That could change where the building is. Those are the kind of details I would need. I only want to send you there once. I don't want to send you there more than once. We would need that level of detail.

MR. LAPINE: So the process would be to have a boundary survey prepared and come back with that information to understand the required variances?

CHAIRMAN EWASUTYN: In which case Rob Dickover, Planning Board Attorney, will outline them in a letter to the Zoning Board of Appeals.

MR. LAPINE: Okay.

MR. HINES: When you say boundary, we need planimetrics.

MR. LAPINE: At this stage I'm not going to do the topographic if there's no --

MR. HINES: I don't necessarily need topography for that.

MR. LAPINE: I'm saying for his benefit, if he doesn't --

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MR. HINES: As long as he doesn't mind the surveyors going out twice.

MR. LAPINE: If he doesn't get the variance he saved money.

CHAIRMAN EWASUTYN: Frank?

MR. GALLI: Pat, a quick question. I'm sure there's going to be some kind of signage. If he's going to the Zoning Board and we don't want him to go twice, is there something on the signage he should know now for zoning purpose?

MR. CANFIELD: We have no idea what they are proposing.

MR. GALLI: That's what I'm -- if he's going --

MR. HINES: Take a look at our sign ordinance, that may be something to review. Good suggestion because if you do need a variance for your signage --

MR. GALLI: I'm not saying you do but just in case. If you see something in the sign ordinance that doesn't comply with what you want, you might as well go once instead of going back a second time, this way you get it over with in one expense.

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CHAIRMAN EWASUTYN: Frank, does that mean there should also be a representation of if Pat's Towing is going to have signage?

MR. GALLI: I mean if that's his -- it's hard because I don't know what Pat's Towing -- he can't speak for Pat's Towing.

MR. NESHEIWAT: I would not even show it. To me, I wouldn't even show it.

MR. HINES: He can pursue his own variances later.

MR. LAPINE: We will get input from him if there's a sign variance for general conformance with the sign code.

CHAIRMAN EWASUTYN: On your resubmission, once you've done everything that Pat Hines is suggesting you do, you'll also have this informational letter from Pat's Towing?

MR. LAPINE: Correct. We will provide the informational letter from Pat to clarify what's being sought. We'll show you -- kind of delineate what the intended parking is. We'll kind of take this concept, put it on top of the new boundary and planimetric survey and give you a feel as to how that fits in with the property

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line so that you can better identify the
variances.

CHAIRMAN EWASUTYN: And whether he
proposes to remove what's along the frontage of
9W?

MR. LAPINE: Correct. That will all be
within the narrative, and we'll depict that on
the plans as well.

CHAIRMAN EWASUTYN: Rob, do you have
anything to add?

MR. DICKOVER: Just to reiterate the
idea of the narrative. I think this project calls
out for it, especially with respect to Pat's
Towing in the back and what use is going to be
there. It's a way for the Board to have some
control over it in the future for compliance
purposes. In that narrative you would describe,
or Pat would describe what the activity is that's
going to occur there. If he falls out of that he
would then be in violation of the site plan
approval and it would give our Building
Department some code enforcement authority. When
you present that narrative give it as detailed as
you can so it doesn't have to be redone.

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MR. NESHEIWAT: The front yard I would have the deed restrictions. We're not allowed to park in the front.

CHAIRMAN EWASUTYN: I think that would be considered a private matter.

MR. DICKOVER: It would be.

MR. NESHEIWAT: That is in my contract. When I saw that, it's like a junkyard.

MR. DICKOVER: A narrative with a statement that there will be a private covenant with respect to deed restrictions for non-parking on the front parcel. If you want to make that part of the narrative, that should be in there.

MR. LAPINE: Sounds good. Thank you very much for your time.

(Time noted: 8:15 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 15th day of August 2019.

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

CBPS REALTY, LLC SELF STORAGE
(2018-20)

North Plank Road
Section 35; Block 1; Lot 21.2
D-8 Zone

----- X

SITE PLAN

Date: August 1, 2019
Time: 8:15 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
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: JOHN NOZAK

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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CHAIRMAN EWASUTYN: The fifth item on this evening's agenda is CBPS Realty, LLC Self Storage site plan located on North Plank Road. I think it's in a B Zone. It's represented by --

MR. NOZAK: John Nozak, Fusco Engineering.

CHAIRMAN EWASUTYN: Thank you.

MR. NOZAK: Good evening. Again, John Nozak with Fusco Engineering. I'm here before you tonight for the CBPS Realty site plan. The Board has seen some prior versions of previous site plans. Essentially we went back to the drawing table. At our last meeting there were a lot of issues that needed to be addressed. We have resubmitted a new site plan. We feel this site plan is a much better site plan, it works better for what they are looking to do and it also allows us to meet the zoning requirements.

That being said, probably one of the bigger issues was the minimum front yard setback from the property line being 80 feet. The previous layouts have the proposed buildings within that 80 feet which was not permitted. Essentially what we did was we reoriented the

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self-storage units so that they're pretty much perpendicular to North Plank Road but are still and now would be a minimum of 80 feet from the front property line.

The total square footage is still less than the original application. We do have one, two, three, four -- five self-storage units and a little office. The total square footage still being a little bit less than what the original application was for.

We also spent a fair amount of time redoing the grading, the drainage. We're proposing to collect all the drainage to a culvert pipe, a basin here, and redirecting it all the way down through a swale to get it to a stormwater treatment area, a fairly detailed one consisting of two bio-retention areas for water quality treatment, runoff reduction requirements per the New York State DEC requirements as well as a water quality stormwater detention pond.

We did prepare a stormwater pollution prevention plan. I know Pat has some comments on it. That was a requirement.

Some of the other things, just to touch

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on real quick, the Board had asked us and Pat to provide a septic system for the office. We did our perc test and test pits. We do show a septic design for the sewage disposal for the office area.

There was a comment pertaining to the DOT and the DOT's review of this project. We did copy the Town. We did submit a copy of the plan to Zibby. I tried to get a hold of her today and I was not successful. I don't know if the Board has actually seen the entrance here but it's paved, it's curbed, it's got the curb tapered, it's got the angle coming in to North Plank Road. We're not really proposing at this time to do anything with it. We think it actually meets the DOT's current codes. I'm hoping Zibby agrees. I have to this point been unable to get a hold of her. That was one item.

We did again prepare the SWPPP.

We prepared a bio-retention design for stormwater.

The other thing we had revised is the contours. There were some contour inconsistencies that I think have been tidied up.

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Our plans are now, we feel, much more detailed.

Incidentally, we did add -- because we had to move the buildings back, it did leave us room here for some equipment storage and/or boat, RV storage. We kind of wanted to take advantage of that since there is from time to time people who need that type of space.

That's pretty much it.

We prepared detailed plans, landscaping and lighting and detailed engineering drawings. There are some comments. I know they're not a hundred percent but we're hoping that the Board feels that this is complete enough possibly to move us forward to a public hearing.

CHAIRMAN EWASUTYN: Before we turn to our consultants, I think we all understand that in order to have a public hearing the action before us is that we declare a negative declaration. Do you understand that?

MR. NOZAK: Yes.

CHAIRMAN EWASUTYN: That's just part of the procedure. I think you will have to be more descriptive as to what the storage that you added of equipment would be.

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MR. NOZAK: Okay.

CHAIRMAN EWASUTYN: Again, not now. We're not going to design the plan now. I'll turn it over to -- let's start with the Board Members and see if there are any questions or comments they have. Frank?

MR. GALLI: On the proposed RV, boat storage and equipment, most of these storage facilities you see boat and RV storage, it's usually on the side or behind, not on the road front. You've got 24 spots for storage. That seems like a lot for boat and RV storage.

MR. NOZAK: Consorti Brothers, they're pavers. I think the Town knows that. They do have some paving equipment that they would -- they do want to do boat and RV storage. They were hoping they could use some of this for their own equipment storage if the Board deems that to be acceptable.

MR. GALLI: Is it going to be landscaped in front of that to screen all that?

MR. NOZAK: We do have landscaping here. We can add more.

MR. CONSORTI: We'll do that.

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MR. NOZAK: Whatever landscaping.

MR. GALLI: It's wide open. It has cranes back there and trucks.

MR. NOZAK: There's one crane there.

MR. CONSORTI: That's not mine.

MR. HINES: There are two issues, the boat and RV storage, but there's something added to the plans this round that says storage of equipment and materials that's separate of that. So the boat and RV storage is accessory to the self storage but then there's this area over here that no one spoke to yet.

MR. NOZAK: To clarify that, the equipment storage, if permitted by the Board, would be strictly for their operation.

MR. GALLI: Whose equipment is it back there now, all that stuff?

MR. CONSORTI: That's the tenant. There's a separate boundary right there, a lot line. The barber shop, that's theirs, the construction company.

CHAIRMAN EWASUTYN: For the reporter can you please give your name?

MR. CONSORTI: Matthew Consorti,

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Consorti Brothers Paving.

MR. GALLI: So that's a separate parcel of land?

MR. CONSORTI: Yes. Right where that crane is, that's where it separates.

MR. NOZAK: His property line is behind the crane going back.

MR. CONSORTI: I know exactly what you're talking about. We'll put a fence in there, put some slats, green slats or black slats.

MR. GALLI: The reason why I'm bringing it up is all of a sudden piles of stuff appeared and there was equipment and there was -- it's just one big huge lot. Personally I couldn't tell who owns what or where is what. I'm just trying to get my bounds here on what's where and who belongs to what.

MR. CONSORTI: The only thing I'm trying to do is have the storage. I've got dump trucks, some front end loaders.

MR. GALLI: You're on 52 by Dairy Queen?

MR. CONSORTI: Correct.

MR. HINES: I would think that --

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MR. CONSORTI: I'm just trying to keep my equipment there. Make good of what I can.

MR. HINES: The boat and RV storage, that's not a contractor yard use. We haven't determined whether these two uses are allowed to be together. There would be a lot more detail needed on what storage of equipment and material is rather than just a highlighted area. That area would also have to be developed into -- if there's mulch bins and equipment, how much equipment. There's no grading shown for that, no stormwater management. It just got thrown in here.

MR. CONSORTI: Last time as you spoke last meeting you said just identify it on the plans. That's what we did.

MR. HINES: I meant in detail, --

MR. CONSORTI: All right. That's his job now.

MR. HINES: -- not a circle on the map.

MR. CONSORTI: I wasn't trying to go around it.

MR. NOZAK: So you want to know two dump trucks, one front end loader, one paver,

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whatever? The locations for what they want. That's what they do. It kind of makes sense, at least they feel, that this is kind of a self-storage facility, there's nobody living there, people come in and out and store -- it's a good location for them. They own the property and they would kind of like to take advantage of their equipment.

MR. CONSORTI: Mine only. No tenants.

MR. NOZAK: Not to sub rent it to somebody else.

CHAIRMAN EWASUTYN: We have a lot of conversations going on here.

MR. HINES: That portion we need in more detail, what's going to happen here.

CHAIRMAN EWASUTYN: To keep in order, we're going to go through some of the comments now. With the understanding that we discussed this at the work session, the Planning Board is going to move to set it up for the last Tuesday in August for our consultants' meeting, which is the 28th, Frank?

MR. GALLI: The 27th.

CHAIRMAN EWASUTYN: The 27th. Thank

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you.

It will be on the 27th to define all of these loose ends because we seem to be spending a lot of time. You just got done saying you wanted to do storage but it goes beyond that. Let's just kind of continue on with a flowing conversation. Ken Mennerich may have something, Dave Dominick, John Ward, our consultants. Our goal this evening is to set this up for a consultants' work session on the 27th of August for the benefit of all parties.

Ken?

MR. MENNERICH: Basically the items that Pat has outlined on his report are the main things. I don't have anything to add.

CHAIRMAN EWASUTYN: Okay.

MR. DOMINICK: I agree with Ken.

Also on that, you said we'll just put a black fence and some slats and some landscaping.

MR. CONSORTI: I can make a nicer fence. Just tell me what you'd like. I'll put trees up, pine trees. I'll block it for you. I know what you want.

MS. ARENT: I have a list.

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CHAIRMAN EWASUTYN: I think at some point in time we need to have an understanding what the unit is going to look like, what color you're proposing for the units, are there any parapets proposed in front of the units. We need to be able to visualize this site based upon how you're going to be using it. You talk about green slats in the fence.

MR. CONSORTI: Or black slats.

CHAIRMAN EWASUTYN: It's not a matter of I'll give you this, I'll give you that. What's compatible with what the color of the units are going to be. That's what we're looking for.

MR. CONSORTI: I just picked a color in my head.

CHAIRMAN EWASUTYN: Again I understand that. We do need detailed information.

MR. CONSORTI: Okay.

CHAIRMAN EWASUTYN: Also we need renderings. Mitch came forward with a rendering of his building. He's at that particular time. Unifirst came in with a rendering of what the colors will look like on that building. So if

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you sit in the audience and you listen to these different site plans, you begin to realize these people are prepared with renderings of what they are planning to construct. We need that same kind of detail from you.

MR. CONSORTI: Okay.

MR. WARD: As I look at it it's like a conceptual plan. It's a lot better than the beginning. It's an improvement.

At the same time, everything in the dark is what I'm looking at. When you had the other section where you were parking your stuff, it needs to be one.

Like John said, we need details like lighting, landscaping, everything. Seeing the overall picture. Right now you have the right idea but fine tune it.

CHAIRMAN EWASUTYN: The lighting is shown on sheet 5. It is wall mounted units.

MR. NOZAK: Yes.

CHAIRMAN EWASUTYN: So they were noted. That's where Ken Wersted had noted that the storage area and the size on sheet 5 was approximately 1,570 square feet. That same

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building up front was noted as being around 1,200 square feet. That's a minor adjustment.

You will have to show parking in that area where there's going to be an office. It's these kind of things.

I will make a suggestion that the dumpster enclosure which is constructed of slats maybe be constructed of a precast block.

MR. CONSORTI: Split face block.

CHAIRMAN EWASUTYN: Pat Hines, do you want to move forward?

MR. HINES: Sure. I think we've touched on a lot of my comments.

I have detailed comments on the stormwater pollution prevention plan, I have some comments on the septic system design, the finished floor elevations for each of the structures. There is some grade across there. That goes along with the architectural. There's four or five feet of elevation difference across the buildings. I think they probably have to be stepped.

MR. NOZAK: They're going to be stepped. They'll probably be two tier.

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MR. HINES: Show how that's going to work.

MR. NOZAK: Maybe three tiers.

MR. HINES: The equipment storage for your Consorti Brothers equipment needs to be further detailed on the plans.

Karen I'm sure will note the landscaping plan consists of 39 of the same species of trees. Typically we like to see a little more variety there in case something happens to one of those species of trees.

I know that the code requires these to be sprinklered. I believe a variance request has been submitted. Depending on what occurs with that variance request, there could potentially be changes to the water system if the variance is not approved. That's a whole separate process outside of this Board.

Town of Newburgh water and sewer notes will be needed on the plans for the septic system.

I know the Board is going to set this up for a technical work session where we can go over each of the technical details that are in my

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comments.

It will eventually need County Planning Board referral. I think we need the additional level of detail before we send it.

CHAIRMAN EWASUTYN: We can't really act on the project until we hear back from the Orange County Planning Department.

MR. NOZAK: Okay.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: Rob Dickover?

MR. DICKOVER: Nothing at this time.

CHAIRMAN EWASUTYN: I'll move for a motion from the Planning Board to set this up for a consultants' work session on the 27th of this month.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli, a second by John Ward. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

That will be for the benefit of everyone.

MR. CONSORTI: Thank you. I appreciate that.

What time would that be, John?

CHAIRMAN EWASUTYN: Pat Hines is responsible for that. Pat will set that up.

MR. HINES: Yes.

MR. NOZAK: So I'm clear on my end what we need to do for the site plan, if I understand the Board correctly you would like to see some sort of architectural renderings?

MR. CONSORTI: The colors?

CHAIRMAN EWASUTYN: Will there be parapets or anything in front of the units?

MR. CONSORTI: He can give you a call if he needs to ask you a couple questions?

MR. HINES: Absolutely. He knows where to find me.

(Time noted: 8:32 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
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That hereinbefore set forth is a
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MICHELLE CONERO

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

----- X
In the Matter of

- 1. ROYAL POOLS & SPAS (2019-13)
Final Approval
- 2. ORANGE BANK & TRUST COMPANY (2019-14)
Final Approval

----- X

BOARD BUSINESS

Date: August 1, 2019
Time: 8:32 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
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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CHAIRMAN EWASUTYN: We have two items of Board Business this evening. We have Royal Pools & Spas for final approval and we have Orange Bank & Trust Company for final approval.

Pat, if you could just for the record speak on these two matters.

MR. HINES: We can do them together?

CHAIRMAN EWASUTYN: Please.

MR. HINES: The two electronic messaging signs that were before us, both of them required submission to Orange County as they were both located on State highways. We submitted those to Orange County. Just today we got the one back for Orange County Bank & Trust.

The Board has been reviewing those under the new sign ordinance. They've been referred to you as special uses. We have reviewed them.

The Board waived the public hearing requirement on both of them.

Having heard back from the County at this point, the Board would be in a position to issue a negative declaration and a final approval if they so desired.

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CHAIRMAN EWASUTYN: Rob Dickover, would you like to add to that?

MR. DICKOVER: I think Pat covered it. The only thing probably in the resolutions would be two conditions, the electronic message display sign shall comply in all respects with 185-14(b)(2) which are the standards and requirements for those types of signs, and also that the applicant must apply for and obtain a building permit pursuant to 185-14(q). Other than that, the normal conditions, pay the fees, present the proper plans.

CHAIRMAN EWASUTYN: Jerry, do you have anything to add?

MR. CANFIELD: No.

That's the correct cite of the sections?

MR. DICKOVER: I think so. I checked them.

MR. CANFIELD: I'll check them.

MR. DICKOVER: That's probably a good idea for clarification.

MR. CANFIELD: I think with the new sign ordinance it may have changed.

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CHAIRMAN EWASUTYN: I apologize, is a
SEQRA determination -- no. This is a Type 2
action.

MR. DICKOVER: Type 2 actions.

CHAIRMAN EWASUTYN: The action before
us is to grant approval for these two
applications subject to the conditions that Pat
Hines and Rob Dickover, Planning Board Attorney,
stated.

MR. HINES: Just for the stenographer,
Royal Pools & Spas is 19-13 and the other one,
Orange County Bank & Trust Company, is 19-14.

CHAIRMAN EWASUTYN: Would someone move
for that motion?

MR. DOMINICK: I'll make the motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Dave
Dominick, second by John Ward. Can I have a roll
call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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Would someone make a motion to close
the Planning Board meeting of the 1st of August?

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Motion by John
Ward, second by Frank Galli. Can I have a roll
call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:36 p.m.)

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

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