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

----- X
In the Matter of

BALDWIN TRUST SUBDIVISION
(2022-13)

Highland Terrace
Section 9; Block 3; Lot 40.22
R-3 Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: August 18, 2022
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
JOHN A. WARD

ALSO PRESENT: MEGHAN LoCICERO, ESQ.
PATRICK HINES
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVES: CASSANDRA and
MICHAEL GARRITA

----- X

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

1 BALDWIN TRUST SUBDIVISION

2 CHAIRMAN EWASUTYN: Welcome to
3 the Town of Newburgh Planning Board
4 meeting of the 18th of August 2022.
5 The Planning Board has five items on
6 its agenda this evening. The first two
7 items are public hearings.

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

10 MR. GALLI: Present.

11 MS. DeLUCA: Present.

12 MR. MENNERICH: Present.

13 CHAIRMAN EWASUTYN: Present.

14 MR. WARD: Present.

15 MS. LoCICERO: Meghan LoCicero for
16 Planning Board Attorney Dominic Cordisco.

17 MS. CONERO: Michelle Conero,
18 Stenographer.

19 MR. HINES: Pat Hines with MHE
20 Engineering.

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

23 CHAIRMAN EWASUTYN: At this point
24 Michelle Conero will address the meeting.

25 (Pledge of Allegiance.)

1 BALDWIN TRUST SUBDIVISION

2 MS. CONERO: Please turn off your
3 cellphones or put them on silent.

4 CHAIRMAN EWASUTYN: Our first item
5 of business this evening is the Baldwin
6 Trust Subdivision. It's a public hearing
7 on a two-lot subdivision. It's located
8 on Highland Terrace in an R-3 Zone. It's
9 being represented by Day Stokosa
10 Engineering.

11 Ken Mennerich will read the notice
12 of hearing.

13 MR. MENNERICH: "Notice of hearing,
14 Town of Newburgh Planning Board. Please
15 take notice that the Planning Board of
16 the Town of Newburgh, Orange County, New
17 York will hold a public hearing pursuant
18 to Section 276 of the Town Law on the
19 application of Baldwin Family Trust two-
20 lot subdivision, project 2022-13. The
21 project has proposed a two-lot single-
22 family residential subdivision. The site
23 is an existing 8.23 acre parcel of
24 property located in the R-3 Zoning
25 District. The subdivision will result in

1 BALDWIN TRUST SUBDIVISION

2 a total of two residential lots. The
3 premises is located on Highland Terrace
4 in the Town of Newburgh, designated on
5 the Town tax maps as Section 9; Block 3;
6 Lot 40.22. Each lot will be served by a
7 connection to the municipal water service
8 and an on-site sanitary sewer disposal
9 system. Individual driveways are
10 proposed to access Highland Terrace. A
11 public hearing will be held on the 18th
12 day of August 2022 at the Town Hall
13 Meeting Room, 1496 Route 300, Newburgh,
14 New York at 7 p.m. at which time all
15 interested persons will be given an
16 opportunity to be heard. By order of the
17 Town of Newburgh Planning Board. John P.
18 Ewasutyn, Chairman, Planning Board Town
19 of Newburgh. Dated 29 July 2022."

20 CHAIRMAN EWASUTYN: Is there anyone
21 here this evening that represents the
22 project? If so, would you come forward
23 and discuss the project. Do you have
24 maps?

25 MS. GARRITA: We do not.

1 BALDWIN TRUST SUBDIVISION

2 CHAIRMAN EWASUTYN: You do not have
3 maps?

4 MR. HINES: I can lend you these.

5 MS. GARRITA: Thank you.

6 CHAIRMAN EWASUTYN: Would someone
7 describe the subdivision?

8 MS. GARRITA: Yes.

9 CHAIRMAN EWASUTYN: For the record,
10 your name?

11 MS. GARRITA: I'm Cassandra
12 Garrita. This is my husband, Michael
13 Garrita. Derek Day is our
14 representative. He's our engineer. He
15 couldn't make it tonight.

16 We are proposing the two-lot
17 subdivision. They'll both be residential
18 lots. Lot number 2 would be the lot
19 where we would build our home one day.

20 The acreage would be 3.418 acres on
21 lot 2. The lot across from us would be
22 lot 1, and that is 4.81 acres.

23 As you had said, we will have
24 private driveways to access Highland
25 Terrace.

1 BALDWIN TRUST SUBDIVISION

2 CHAIRMAN EWASUTYN: Is there anyone
3 here this evening that has any questions
4 or comments on the subdivision?

5 Would you give your name and your
6 address.

7 MR. BEWICK: Russell Bewick, 81
8 Highland Terrace.

9 My question is has the Town looked
10 at this turnaround? The way it's
11 designed, it's designed very nicely
12 except that in the winter we have trouble
13 with snow as it is in that turnaround.
14 Now you're going to make two driveways
15 off the back of it. I don't know what
16 they're going to do with the snow.

17 CHAIRMAN EWASUTYN: Pat Hines.

18 MR. HINES: We did receive a sign
19 off from the highway superintendent. He
20 has reviewed this.

21 This project was previously
22 approved two years ago. The conditions
23 of approval were not completed, so the
24 approval lapsed. It's here for a
25 re-approval of the previous exact same

1 BALDWIN TRUST SUBDIVISION

2 subdivision. The highway superintendent
3 did sign off on the driveway location.

4 MR. BEWICK: Okay.

5 CHAIRMAN EWASUTYN: Your name,
6 please.

7 MS. BEWICK: Patricia Bewick, 81
8 Highland Terrace.

9 Do I understand you right, this is
10 the turnaround and they are putting two
11 roads in to go to each property? Off
12 that road is going to be a driveway going
13 to the one house and a driveway going to
14 the next? Is that right? Two roads?

15 MR. HINES: Unfortunately they
16 stole my plan. There's an existing shale
17 area there. They will have a separate --
18 the one driveway going in and then it
19 splits to serve both lots.

20 MS. GARRITA: It's one.

21 MS. BEWICK: One driveway?

22 MR. HINES: One driveway goes in,
23 and after it goes in it splits.

24 MR. BEWICK: That's not how it
25 reads.

1 BALDWIN TRUST SUBDIVISION

2 front of our property which is -- so that
3 leaves this part over here for snow?

4 MR. HINES: Yes. The road, what
5 you're calling the turn around now --

6 MS. BEWICK: Well that's what I
7 call it. I don't know what else you
8 would call it.

9 MR. HINES: The driveway comes off
10 passed where that is now. The driveway
11 is tight to the Baldwin parcel and then
12 comes in and splits.

13 CHAIRMAN EWASUTYN: The gentleman.

14 MR. RISANO: I'm Brendon Risano, I
15 live at 71 Highland Terrace. I don't
16 even know if this pertains to you guys.
17 My curiosity was, I'm late to the show, I
18 don't know if that's an easement or an
19 access road that's actually between Mr.
20 Baldwin and myself. Right here. Are you
21 guys putting anything right there?

22 MS. GARRITA: We are not. Someone
23 in this lot, they could potentially
24 because it is an easement, like you said.

25 MR. RISANO: That's what I was

1 BALDWIN TRUST SUBDIVISION

2 trying to figure out. You guys are on
3 the left side or right side?

4 MS. GARRITA: The right side.
5 There will be access to the other lot as
6 well. I don't see --

7 MR. RISANO: How many lots are
8 there in total?

9 MS. GARRITA: Just two.

10 MR. RISANO: So whoever bought the
11 house on the left would be now in control
12 of the property that has the easement
13 between our houses?

14 MS. GARRITA: Correct. That was a
15 part of that property. It's not for
16 sale.

17 MR. RISANO: So now this will be a
18 question for them. Moving forward, if
19 somebody was to build on there and they
20 decided to put a road there, my biggest
21 concern -- you guys, everything is good
22 -- would be the water if they put a road
23 right there. I was concerned about water
24 and erosion, especially since it's on
25 that hill.

1 BALDWIN TRUST SUBDIVISION

2 CHAIRMAN EWASUTYN: Pat Hines.

3 MR. HINES: If that was subdivided
4 in the future, they would be back before
5 us doing this process again. I'm looking
6 at the area and it's very steep there,
7 which is why this driveway is going in
8 where it is as a shared driveway. It's
9 not conducive to access. It's not an
10 easement, it's a fee owned parcel out to
11 the road. I just heard people saying
12 easement.

13 MS. RISANO: I messed that up. I
14 apologize.

15 MR. HINES: The elevations there
16 aren't conducive to the driveway.

17 MR. RISANO: My question is
18 somebody that does build on that left
19 side now, they can technically put a road
20 in there. Correct?

21 MR. HINES: They have to go to the
22 highway superintendent. He's aware that
23 this is a common driveway.

24 MR. RISANO: So if they went there
25 would it be brought up again or is it

1 BALDWIN TRUST SUBDIVISION

2 something they can do at any given time?

3 MR. HINES: It would need a permit
4 from the highway superintendent to make
5 that change.

6 MR. RISANO: Do you have to bring
7 it back to the Board?

8 MR. HINES: The driveway location
9 most likely would not because we're doing
10 a subdivision right now. They're showing
11 it's buildable using that driveway. The
12 highway superintendent would weigh in on
13 that. He would have these plans. He has
14 already weighed in on the location of
15 this driveway.

16 MR. RISANO: Okay. I just want to
17 kind of go on the record that obviously
18 if something was to happen with water
19 from putting a driveway there, I just
20 want it to be known because it is on a
21 hill and it is steep and we are on the
22 lowest part. That was my biggest
23 concern. That was it.

24 CHAIRMAN EWASUTYN: Okay. Any
25 additional questions or comments?

1 BALDWIN TRUST SUBDIVISION

2 (No response.)

3 CHAIRMAN EWASUTYN: Comments from
4 Board Members. Frank, you had a
5 question.

6 MR. GALLI: There's someone else.

7 MS. MCGUINNESS: Lorraine
8 McGuinness. I'm with Mr. Risano at 71
9 Highland Terrace.

10 I just wanted to know, what is the
11 clearing plan for lot 1? Are you going
12 -- you're not on lot 1. Whoever is on
13 lot 1.

14 MR. RISANO: It's already been
15 subdivided. I don't think they can
16 subdivide it again. Right? Those are
17 the two subdivisions and that's it?
18 There's no more other subdivisions?

19 MS. GARRITA: What's being approved
20 is this. If someone bought lot 1 and
21 wanted to do something different, they
22 would have to come back and do what we've
23 done.

24 MR. RISANO: Perfect. So you're
25 only here for lot 2. Lot 1 is nothing

1 BALDWIN TRUST SUBDIVISION

2 right now?

3 MS. GARRITA: Right. It would
4 still be owned by his grandparents who
5 are your neighbors.

6 MR. RISANO: Understood.

7 MS. GARRITA: That land for the
8 most part is majority cleared. It was an
9 apple orchard and he took down all the
10 trees.

11 MR. RISANO: So nothing is being
12 put on lot 1?

13 MR. HINES: There is a proposed
14 house shown right now.

15 CHAIRMAN EWASUTYN: I think her
16 question is is someone going to come in
17 -- she did have the floor. If someone
18 were to come in, are they going to
19 clearcut all the trees on the property.
20 That was her thought process. Please
21 allow her to speak.

22 Pat, is there a restriction that
23 someone purchasing the new lot, that
24 there would be a number of trees that
25 would be in excess of what they were

1 BALDWIN TRUST SUBDIVISION

2 permitted to cut?

3 MR. HINES: There isn't right now
4 on this lot. Someone could develop the
5 lot. They're showing it buildable right
6 now in compliance with the underlying
7 zoning. They could change the house
8 location. The topography on that lot --
9 the house location shown is dictated
10 because it's steep on either side of the
11 house location. That's why the house is
12 shown where it is. The septic system is
13 defined in that area and cannot be moved.
14 There is some flexibility on the lot if
15 someone does buy that lot and can move
16 things around.

17 MS. McGUINNESS: It can't be
18 subdivided again?

19 MR. HINES: Because it's in the R-3
20 Zone and has Town water, there is a
21 potential to subdivide it, yes. The
22 minimum lot size is 15,000 square feet.
23 These lots are in the 4-acre size.

24 MS. McGUINNESS: So another house
25 could potentially be closer to 71

1 BALDWIN TRUST SUBDIVISION

2 Highland Terrace's backyard, which is a
3 hill coming down? That's where the
4 concern is. I'm concerned about the
5 drainage. If there's enough clearing
6 there, would that affect 71 Highland
7 Terrace coming down the hill, if there's
8 a lot of clearing? I'm talking about
9 real future. If it's subdivided again.

10 MR. HINES: They would be back
11 before the Board if they were to put
12 anything other than one single-family
13 house on that lot.

14 CHAIRMAN EWASUTYN: Frank.

15 MR. GALLI: He's got a permit to
16 take the barn and stuff down. Did you
17 close it out?

18 MS. GARRITA: We would have to
19 check on that. Everything should be
20 closed out, yeah. He submitted the, I
21 guess tags.

22 MR. GARRITA: For the dumpsters.

23 MR. GALLI: Who did you submit that
24 to? The Town?

25 MR. GARRITA: Yeah.

1 BALDWIN TRUST SUBDIVISION

2 MR. CAMPBELL: I can tell you the
3 permit is expired and has not been closed
4 out.

5 MS. GARRITA: It hasn't?

6 CHAIRMAN EWASUTYN: For the record,
7 you are?

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

10 CHAIRMAN EWASUTYN: Thank you.

11 MR. GALLI: Jim, that needs to be
12 done?

13 MR. CAMPBELL: The permit needs to
14 be renewed. The last time I was there on
15 April 28th there was still some debris on
16 the site and dumpsters were there.
17 Basically it just needed all that picked
18 up and the tickets for the dumpsters.
19 That would have been a done deal.

20 MS. GARRITA: Okay. We'll get that
21 to you. Thank you.

22 CHAIRMAN EWASUTYN: Additional
23 questions or comments from Board Members?

24 MS. DeLUCA: No.

25 MR. MENNERICH: No.

1 BALDWIN TRUST SUBDIVISION

2 MR. WARD: No.

3 CHAIRMAN EWASUTYN: At this point,
4 if there are no further questions or
5 comments from the public, we'll move for
6 a motion to close the public hearing.

7 MR. MENNERICH: So moved.

8 MR. GALLI: Second.

9 CHAIRMAN EWASUTYN: I have a motion
10 by Ken Mennerich. I have a second by
11 Frank Galli. May I please have a roll
12 call vote.

13 MR. GALLI: Aye.

14 MS. DeLUCA: Aye.

15 MR. MENNERICH: Aye.

16 CHAIRMAN EWASUTYN: Aye.

17 MR. WARD: Aye.

18 CHAIRMAN EWASUTYN: Pat Hines along
19 with Meghan, can you help the Board in
20 putting together a conditional final
21 resolution?

22 MR. HINES: The outstanding
23 comments we would have would be a common
24 driveway access and maintenance agreement
25 would need to be approved by Meghan's

1 BALDWIN TRUST SUBDIVISION

2 office.

3 We would suggest as a condition
4 that the outstanding permit for the
5 demolition of the garage be closed out
6 prior to signing the maps.

7 CHAIRMAN EWASUTYN: Meghan, any
8 additional questions or comments?

9 MS. LoCICERO: No. We can prepare
10 the resolution.

11 CHAIRMAN EWASUTYN: Let the record
12 show there are two conditions associated
13 with the approval of the Baldwin Trust
14 subdivision.

15 Would someone move forward a motion
16 to approve it subject to those conditions.

17 MR. GALLI: So moved.

18 MS. DeLUCA: Second.

19 CHAIRMAN EWASUTYN: I have a motion
20 by Frank Galli. I have a second by
21 Stephanie DeLuca. May I please have a
22 roll call vote starting with John Ward.

23 MR. WARD: Aye.

24 CHAIRMAN EWASUTYN: Aye.

25 MR. MENNERICH: Aye.

1 BALDWIN TRUST SUBDIVISION

2 MS. DeLUCA: Aye.

3 MR. GALLI: Aye.

4 CHAIRMAN EWASUTYN: Motion carried.

5 MS. GARRITA: Thank you.

6 CHAIRMAN EWASUTYN: Pat, there's a
7 rec fee associated with this?

8 MR. HINES: The rec fee has not
9 been paid.

10 CHAIRMAN EWASUTYN: That would be
11 part of the condition.

12 MR. HINES: Yes.

13 CHAIRMAN EWASUTYN: The rec fee
14 would be how much?

15 MR. HINES: \$2,000.

16 CHAIRMAN EWASUTYN: Did you hear
17 that? There's a recreation fee of
18 \$2,000.

19 MS. GARRITA: Okay.

20 CHAIRMAN EWASUTYN: Meghan, you'll
21 add that to the resolution.

22 MS. LoCICERO: Yes.

23

24 (Time noted: 7:14 p.m.)

25

1 BALDWIN TRUST SUBDIVISION

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

4

5

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

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

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

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 27th day of August 2022.

17

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19

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Michelle Conero

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MICHELLE CONERO

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

----- X
In the Matter of

GASLAND PETROLEUM - 42 SOUTH PLANK ROAD
(2021-23)

42 South Plank Road
Section 71; Block 2; Lot 11
B Zone

----- X

PUBLIC HEARING
SITE PLAN

Date: August 18, 2022
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
STEPHANIE DeLUCA
KENNETH MENNERICH
JOHN A. WARD

ALSO PRESENT: MEGHAN LOCICERO, ESQ.
PATRICK HINES
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: KYLE BARDWELL

----- X

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

1 G A S L A N D P E T R O L E U M - 4 2 S O U T H P L A N K R D .

2 CHAIRMAN EWASUTYN: Our second item
3 this evening is Gasland Petroleum. It's
4 located on 42 South Plank Road. It's a
5 public hearing on a site plan. It's
6 located in a B Zone. It's being
7 represented by Chazen Companies.

8 Ken Mennerich will read the notice
9 of hearing.

10 MR. MENNERICH: "Notice of hearing,
11 Town of Newburgh Planning Board. Please
12 take notice that the Planning Board of
13 the Town of Newburgh, Orange County, New
14 York will hold a public hearing pursuant
15 to Section 274-A of the New York State
16 Town Law on the application of Gasland
17 Petroleum, Route 52, Project 2021-23.
18 The project involves the proposed
19 demolition of an existing convenience
20 store and gas filling to be replaced with
21 a new convenience store. Existing gas
22 filling and canopies are proposed to
23 remain on the site. Access improvements
24 are proposed to more clearly define site
25 access to New York State Route 52 and

1 GASLAND PETROLEUM - 42 SOUTH PLANK RD.

2 Fifth Avenue. The new building is
3 proposed to connect to the existing Town
4 of Newburgh water and sewer
5 infrastructure within Fifth Avenue. Site
6 lighting and landscaping plans have been
7 revised. The project is located in the
8 Town's B Zoning District. The site is
9 known on the Town tax maps as Section 71;
10 Block 2; Lot 11. A public hearing will
11 be held on the 18th day of August 2022 at
12 the Town Hall Meeting Room, 1496 Route
13 300, Newburgh, New York at 7 p.m. or as
14 soon thereafter as can be heard, at which
15 time all interested persons will be given
16 an opportunity to be heard. By order of
17 the Town of Newburgh Planning Board.
18 John P. Ewasutyn, Chairman, Planning
19 Board Town of Newburgh. Dated 29 July
20 2022."

21 CHAIRMAN EWASUTYN: For the record,
22 you are?

23 MR. BARDWELL: My name is Kyle
24 Bardwell, B-A-R-D-W-E-L-L.

25 It's been a while since I presented

1 GASLAND PETROLEUM - 42 SOUTH PLANK RD.

2 in front of this Board on this project.
3 Chris Lapine from my office of LaBella &
4 Associates has been presenting on behalf
5 of our applicant, Gasland Petroleum, who
6 is looking to reinvigorate the site at
7 the intersection of South Plank Road and
8 Fifth Avenue in the Town of Newburgh.

9 Since the last submittal we've made
10 some changes to our site plan, added some
11 more detail. Specifically we did
12 investigation on site to determine
13 exactly where some of the water hookups
14 and sewer hookups would be.

15 We've added a demolition plan to
16 our set.

17 In addition, we've also really
18 looked at the vehicle maneuvering on
19 site. There's been some concerns in the
20 past with getting a vehicle to maneuver
21 around the site. There were some
22 comments about the exact vehicle we were
23 using. Since then we have updated our
24 vehicle maneuvering plan to show a WB-50
25 accessing and getting through the site

1 GASLAND PETROLEUM - 42 SOUTH PLANK RD.

2 without any implications.

3 There were some concerns about
4 vehicles making a maneuver out on to
5 Fifth Avenue with the existing conditions
6 on site, however we are proposing a new
7 island on Fifth Avenue that would prevent
8 that specific vehicle maneuvering that
9 has been a big concern.

10 Tonight I wanted to open the floor
11 to the public to hear any questions that
12 they may have and see if I can answer
13 them to the best of my abilities and move
14 forward.

15 CHAIRMAN EWASUTYN: Kyle, thank
16 you.

17 Anyone here this evening that has
18 any questions or comments, please raise
19 your hand and give your address.

20 (No response.)

21 CHAIRMAN EWASUTYN: Let the record
22 show that there was no comment from the
23 public for the proposed Gasland Petroleum
24 site plan.

25 Do you have any architectural

1 GASLAND PETROLEUM - 42 SOUTH PLANK RD.

2 renderings? I don't believe we've done
3 ARB approval.

4 MR. BARDWELL: I did bring them
5 just in case the Board wanted to discuss
6 them tonight.

7 So we have two sheets. They're
8 very similar. Our client has a variety
9 of different gas stations in the local
10 area. In my opinion obviously, it is a
11 very nice looking establishment. There's
12 stone veneer that comes up the sides of
13 the building.

14 CHAIRMAN EWASUTYN: We're looking
15 at what part of the facade?

16 MR. BARDWELL: Sure. So this would
17 be -- this is your front elevation, so if
18 you're facing looking at it like this.
19 This would be the left side looking from
20 the west. That would be looking from
21 this way at the building.

22 There's a mock second floor with
23 windows on these buildings.

24 MR. HINES: Is that an asphalt
25 shingle? Is that what we're looking at?

1 GASLAND PETROLEUM - 42 SOUTH PLANK RD.

2 MR. BARDWELL: They're colonial
3 slate. I wouldn't be able to answer
4 specifically if they were asphalt.

5 So this would be the rear of the
6 building. This would be the view looking
7 from Fifth Avenue.

8 CHAIRMAN EWASUTYN: At completion
9 of the site plan you will have to fill
10 out the ARB form. That's necessary.

11 MR. BARDWELL: So that's something
12 that would be finished after site plan?

13 CHAIRMAN EWASUTYN: It would be
14 part of the signing of the final site
15 plan. That would be a reference for the
16 Building Department.

17 Would you happen to know the
18 materials on the -- I know there's a
19 question about is the roof an asphalt
20 roof. The walls of the building itself,
21 do you know what that might be?

22 MR. BARDWELL: Right. So this
23 calls out a beige clapboard siding, which
24 is what we're seeing with the
25 establishments. Below that is the stone

1 GASLAND PETROLEUM - 42 SOUTH PLANK RD.

2 veneer. It calls out CertainTeed roof
3 shingles, colonial slate. I can't say if
4 they're asphalt.

5 MR. HINES: They are, based on
6 that.

7 CHAIRMAN EWASUTYN: I'll open it up
8 to Board Members for comments.

9 MR. GALLI: Would you put the site
10 plan back up?

11 MR. BARDWELL: Sure.

12 MR. GALLI: When a fuel truck comes
13 in to deliver fuel, right now it comes in
14 off of 52, usually from the 84 side, it
15 swings up and it swings across the front
16 of the lot and it blocks Fifth Avenue.

17 MR. BARDWELL: Right.

18 MR. GALLI: The tail hangs out the
19 side. So how is it going to come in now?
20 It's going to be the same size truck?

21 MR. BARDWELL: We're actually -- we
22 did the truck maneuver for a WB-50. It's
23 anticipated the fuel trucks out there are
24 between the size of a WB-40 and a WB-50,
25 so we felt we were conservative by

1 GASLAND PETROLEUM - 42 SOUTH PLANK RD.

2 running the WB-50, the larger vehicle.

3 MR. GALLI: It's always the large
4 one.

5 MR. BARDWELL: A WB-40 is a very
6 large one. In terms of large vehicles, a
7 WB-50 is even larger.

8 As you were saying, the concern is
9 on Fifth Avenue. With this new proposed
10 island that we're incorporating, it would
11 kind of prevent that ability for a truck
12 to do that. With that, we have this
13 turnaround area where a truck would be
14 able to come in, fuel and turn around.
15 This would be for the refuse truck to
16 turn around. So right now we're able to
17 have a loading truck come in, a WB-50,
18 and make this movement without having to
19 go out on Fifth Avenue.

20 MR. GALLI: Okay. So all the front
21 -- right now where the front is
22 landscaped, where your little point is in
23 the front up here, that's the front where
24 it's landscaped and the sign is now.

25 MR. BARDWELL: Okay.

1 GASLAND PETROLEUM - 42 SOUTH PLANK RD.

2 MR. GALLI: That's all going to
3 stay landscaped?

4 MR. BARDWELL: This mulched island
5 right here. That's correct.

6 MR. GALLI: So then on Route 52 is
7 there going to be any blockage for the
8 islands or is it going to be wide open?

9 MR. BARDWELL: So we're keeping the
10 existing curbed islands on 52. Those are
11 shown kind of here and --

12 MR. GALLI: Okay. So the truck --

13 MR. BARDWELL: He would be able to
14 squeeze in coming in here and coming
15 around, out of that exit.

16 MR. GALLI: Good luck. I think
17 it's going to be difficult.

18 MR. BARDWELL: Right. With the
19 reestablishment of some parking here and
20 the new building location, it's a little
21 bit easier fit. We show an actual image
22 of this on the vehicle plan that we
23 submitted in the last submission.

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

25 CHAIRMAN EWASUTYN: Any other

1 GASLAND PETROLEUM - 42 SOUTH PLANK RD.

2 questions or comments from Board Members?

3 MR. WARD: You've always said your
4 company has smaller trucks to do the
5 deliveries. Everything we see going
6 there is the bigger trucks as of today.
7 So which is it? Is it going to be the
8 big trucks or the small trucks?

9 MR. BARDWELL: I can't say for
10 certain what truck will be used on a
11 specific day. Sometimes it changes, their
12 routes change. We wanted to make sure
13 that we had a plan that would fit. If
14 the largest truck did make it on site,
15 that there would be no issues with
16 circulation and pedestrians and
17 passengers.

18 MR. WARD: Okay.

19 CHAIRMAN EWASUTYN: Anyone else?

20 MR. MENNERICH: When the truck is
21 offloading the fuel, are some of the
22 pumps blocked off then?

23 MR. BARDWELL: That's a good
24 question. The pumps wouldn't be blocked
25 off. I think he would actually sit right

1 GASLAND PETROLEUM - 42 SOUTH PLANK RD.

2 in this area here so he could fill the
3 tanks in here.

4 MR. MENNERICH: Okay.

5 MR. BARDWELL: It would still allow
6 circulation for vehicles to get in and
7 out.

8 MR. GALLI: Are they moving the
9 tanks?

10 MR. BARDWELL: As far as I know the
11 tanks are going to stay in place.

12 MR. GALLI: I think the tanks are
13 closer to 52.

14 MR. BARDWELL: Well so these are --
15 all these lids here are related to the
16 underground fuel tanks. They're actually
17 pretty large. Usually you only see the
18 manholes coming out of the ground. This
19 whole concrete area --

20 MR. GALLI: That's more toward this
21 area. I see the lids. So the tank could
22 be over toward the Fifth Avenue side but
23 the lids are toward the Route 52 side.
24 When he pulls in now, he unloads in front
25 of that mulch. Right where your pen is,

1 GASLAND PETROLEUM - 42 SOUTH PLANK RD.

2 that's where the lids are. That's where
3 he's dumping the fuel. His truck is way
4 up there. I don't think he's going to
5 have a hose dragged all the way across
6 the parking lot to those lids.

7 MR. BARDWELL: Right. My
8 understanding, looking at the plan when
9 they showed the vehicle up here, I
10 assumed they would be able to access via
11 the lids on this side of the concrete.
12 This whole concrete pad has the tanks
13 underneath it. All these little circles
14 show the lids. It's a good question that
15 you bring up. The fact is the actual
16 fuel goes in one of these lids. I can
17 follow up with that and present it at the
18 next meeting. However, it was my
19 understanding that they would be able to
20 bring a hose out and connect by parking
21 in that area.

22 CHAIRMAN EWASUTYN: We might wind
23 up making that a condition of approval as
24 far as the presentation at the next
25 meeting. That will be a sign off from

1 GASLAND PETROLEUM - 42 SOUTH PLANK RD.

2 Ken Wersted, our Traffic Consultant.

3 MR. MENNERICH: With the truck
4 there unloading, will the access to Fifth
5 Avenue be blocked?

6 MR. BARDWELL: That's a good
7 question. It likely won't be blocked for
8 two reasons. So with the truck here, if
9 for some reason the truck came a little
10 further and blocked partially this
11 entrance, there would still be the
12 entrance on Fifth Avenue to use. Vice
13 versa, if the truck sat nicely in the
14 middle of this island, it's very possible
15 that both of these accesses would be
16 maintained. If the truck was further
17 this way, you would still be able to use
18 this access.

19 MR. MENNERICH: Thank you.

20 MR. HINES: It looks like, from the
21 turning template, the Fifth avenue access
22 closest to Route 52 would be blocked
23 during the loading. There's also a
24 backing movement involved in getting the
25 vehicles circulating around. It shows

1 GASLAND PETROLEUM - 42 SOUTH PLANK RD.

2 the truck having to back up as it heads
3 out of the site. At least one back-up
4 movement.

5 CHAIRMAN EWASUTYN: Do you want to
6 go back to ARB. Does the Board want to
7 approve the ARB renderings that were
8 shown tonight?

9 Do you want to put them up on the
10 board.

11 Would someone make a motion to
12 approve ARB subject to the applicant
13 filling out the required form?

14 MR. GALLI: Is there going to be
15 any signage on the building? Any signage
16 on the building?

17 MR. BARDWELL: I will have to
18 follow up on that. As of right now we're
19 not showing any signage.

20 MR. GALLI: If we approve ARB
21 tonight and they put a sign up --

22 CHAIRMAN EWASUTYN: The Building
23 Department would notice that. Correct,
24 Jim?

25 MR. CAMPBELL: Correct.

1 G A S L A N D P E T R O L E U M - 4 2 S O U T H P L A N K R D .

2 MR. GALLI: You said upstairs is
3 all dummy space?

4 MR. BARDWELL: Correct.

5 CHAIRMAN EWASUTYN: Is the Board
6 satisfied with the ARB that's shown this
7 evening?

8 MR. GALLI: I mean the building
9 looks okay.

10 MS. DeLUCA: Yeah. It's a clean
11 look.

12 CHAIRMAN EWASUTYN: Does someone
13 want to make a motion to approve the ARB
14 for Gasland Petroleum subject to the
15 applicant filling out the ARB form and
16 with the understanding that there will be
17 no signage on the building?

18 MR. MENNERICH: So moved.

19 MS. DeLUCA: Second.

20 CHAIRMAN EWASUTYN: I have a motion
21 by Ken Mennerich. I have a second by
22 Stephanie DeLuca. Can I have a roll call
23 vote starting with John Ward.

24 MR. WARD: Aye.

25 CHAIRMAN EWASUTYN: Aye.

1 G A S L A N D P E T R O L E U M - 4 2 S O U T H P L A N K R D .

2 MR. MENNERICH: Aye.

3 MS. DeLUCA: Aye.

4 MR. GALLI: Aye.

5 CHAIRMAN EWASUTYN: Pat Hines,
6 would you go through the review of this
7 project, please.

8 MR. HINES: Sure. There will be a
9 requirement for landscape security.
10 There's a landscape plan that has been
11 approved.

12 I had a note for the small fuel
13 truck to be utilized on the site. It
14 looks like the note should be changed to
15 the maximum size vehicle would be a
16 WB-50.

17 We have the ARB form.

18 A sign off from Ken Wersted on the
19 truck access plan.

20 I had signage, but we've addressed
21 that in the ARB.

22 There are no stormwater
23 improvements on the site. The whole site
24 is only half an acre and there's minimal
25 disturbance.

1 GASLAND PETROLEUM - 42 SOUTH PLANK RD.

2 CHAIRMAN EWASUTYN: Meghan, this is
3 a Type 2 action?

4 MS. LoCICERO: Yes.

5 CHAIRMAN EWASUTYN: As a Type 2
6 action, can you explain to the Board what
7 that means?

8 MS. LoCICERO: As a Type 2 action
9 -- I'm sorry, I don't have notes on that
10 from Dominic.

11 CHAIRMAN EWASUTYN: I think, I'm
12 not quite sure, a Type 2 action is
13 anything that's under 4,000 square feet.

14 MS. LoCICERO: That's correct.

15 MR. HINES: Less than 4,000 square
16 foot commercial, Type 2. There is no
17 need for a SEQRA. We've identified that
18 at the public hearing as well.

19 CHAIRMAN EWASUTYN: Comments from
20 Jim Campbell?

21 MR. CAMPBELL: No additional.

22 CHAIRMAN EWASUTYN: Would someone
23 make a motion to close the public hearing
24 on Gasland Petroleum.

25 MR. GALLI: So moved.

1 G A S L A N D P E T R O L E U M - 4 2 S O U T H P L A N K R D .

2 MR. WARD: Second.

3 CHAIRMAN EWASUTYN: We have a
4 motion by Frank Galli. We have a second
5 by John Ward. Can I have a roll call
6 vote starting with John Ward.

7 MR. WARD: Aye.

8 CHAIRMAN EWASUTYN: Aye.

9 MR. MENNERICH: Aye.

10 MS. DeLUCA: Aye.

11 MR. GALLI: Aye.

12 CHAIRMAN EWASUTYN: Meghan and Pat
13 Hines, can you lead the Planning Board
14 with the approval for Gasland Petroleum.

15 MR. HINES: Sure. The conditions
16 would be a landscape security and
17 inspection fee, Ken Wersted's sign off on
18 the truck access plan.

19 Does the Board want to keep the
20 condition that the WB-50 be the largest
21 vehicle accessing the site?

22 MR. GALLI: If that's what they
23 tested with.

24 MR. HINES: That's what they showed
25 with the template.

1 GASLAND PETROLEUM - 42 SOUTH PLANK RD.

2 A restriction that the maximum
3 vehicle length would be a WB-50. WB
4 stand for wheel base, just for the
5 Board's information.

6 The ARB form must be submitted.

7 Those are the four conditions I
8 have, landscape, the truck, the ARB and
9 Ken Wersted's sign off.

10 CHAIRMAN EWASUTYN: Does anyone
11 else want to add to that or question
12 that?

13 (No response.)

14 CHAIRMAN EWASUTYN: Meghan, is that
15 satisfactory?

16 MS. LoCICERO: Yes.

17 CHAIRMAN EWASUTYN: Thank you. At
18 some time would someone please make a
19 motion to approve Gasland Petroleum
20 subject to the conditions that were just
21 mentioned.

22 MR. MENNERICH: So moved.

23 MR. GALLI: Second.

24 CHAIRMAN EWASUTYN: I have a motion
25 by Ken Mennerich. I have a second by

1 GASLAND PETROLEUM - 42 SOUTH PLANK RD.

2 Frank Galli. Can I have a roll call vote
3 starting with John Ward.

4 MR. WARD: Aye.

5 CHAIRMAN EWASUTYN: Aye.

6 MR. MENNERICH: Aye.

7 MS. DeLUCA: Aye.

8 MR. GALLI: Aye.

9 CHAIRMAN EWASUTYN: Very good for a
10 person who was called in at the last
11 minute.

12 MR. BARDWELL: Thank you, sir. I
13 appreciate it. Have a good night, Board.

14

15 (Time noted: 7:32 p.m.)

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1 G A S L A N D P E T R O L E U M - 4 2 S O U T H P L A N K R D .

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

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6

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

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10

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

11

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14

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.

15

16

IN WITNESS WHEREOF, I have hereunto set
my hand this 27th day of August 2022.

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Michelle Conero

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MICHELLE CONERO

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

----- X
In the Matter of

SAM NEWBURGH, LLC
(2022-20)

1420 Route 300
Section 60; Block 3; Lot 22.222
IB Zone

----- X

INITIAL APPEARANCE
CHANGE OF USE SITE PLAN

Date: August 18, 2022
Time: 7:32 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
JOHN A. WARD

ALSO PRESENT: MEGHAN LoCICERO, ESQ.
PATRICK HINES
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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

1 S A M N E W B U R G H , L L C

2 CHAIRMAN EWASUTYN: Our third item
3 of business this evening is Sam Newburgh,
4 LLC. It's an initial appearance for a
5 change of use site plan. It's located on
6 Route 300 in an IB Zone. It's being
7 represented by Darren Doce of Doce
8 Associates.

9 MR. DOCE: Good evening. I'm
10 Darren Doce, I'm representing Sam
11 Newburgh on this application.

12 As you're aware, this is the
13 existing Sam's site on Union Avenue.
14 There's an existing 38,500 square foot
15 building, a cinema, on the site. The
16 proposal is to convert that to an indoor
17 self-storage facility. The total square
18 footage of that will be 85,000 square
19 feet on three floors.

20 There will be no changes to the
21 building envelop. All the work will be
22 done within the building.

23 The building is 23 feet high in the
24 front and 31 feet in the back. They can
25 put the three floors by lowering some of

1 S A M N E W B U R G H , L L C

2 the flooring in the front of the building
3 to provide three levels. There will be
4 708 storage units within the building.

5 No site work is being proposed.

6 There's two access points, a signal
7 access at Union Avenue and a secondary
8 access on Route 52.

9 That's the basic proposal. I can
10 answer any questions that you have.

11 CHAIRMAN EWASUTYN: Questions from
12 Board Members?

13 MR. GALLI: What are they going to
14 do with all the extra parking?

15 MR. DOCE: Well at this time we're
16 slightly over on surface coverage.
17 Obviously there's a lot more parking than
18 they need. We were going to remove the
19 periphery green areas to bring us down to
20 the 60 percent so we would conform to the
21 lot surface coverage by the zoning. The
22 only variance would be the building
23 height. At this time they don't want to
24 remove the parking. They don't know what
25 the future may hold as far as -- I mean

1 S A M N E W B U R G H , L L C

2 there's enough area on this lot to
3 actually get another building lot. It's
4 8.5 acres. Possibly have some outdoor
5 storage if it bears that that's a need
6 after they open the site. So in this
7 area they don't really propose to remove
8 any of the parking. It's not needed at
9 this time but they don't want to take it
10 out if it's not required and then have to
11 put it in at a later date. I mean
12 primarily they're going to use the hashed
13 area and the entrances which is about 2
14 acres. This would be about 2.5 acres of
15 parking space that isn't really needed at
16 this time.

17 MR. GALLI: What are they going to
18 do to upgrade the parking lot?

19 MR. DOCE: The proposal is at this
20 time they would like to just re-mill and
21 re-level and overlay the entrance and the
22 area around the building, just clean up
23 the weeds and the growth that's come up
24 through the pavement. Of course I mean
25 we'd listen to the comments and

1 S A M N E W B U R G H , L L C

2 recommendations of the Board. That's
3 their intention right now.

4 MR. GALLI: That's all I have right
5 now, John.

6 CHAIRMAN EWASUTYN: Other comments
7 from Board Members?

8 MR. MENNERICH: Is it a climate
9 controlled storage?

10 MR. DOCE: Yes, it's climate
11 controlled. All the accesses are secure.
12 That's another reason why we didn't want
13 to fence the entire site, because it's a
14 secure building, there's no outdoor
15 storage, we didn't feel the need to. All
16 that fencing could be unsightly also, and
17 unnecessary.

18 CHAIRMAN EWASUTYN: John Ward?

19 MR. WARD: What about the entrance
20 going down to 52?

21 MR. DOCE: They're going to keep
22 that entrance, if you'll allow the
23 secondary way out, to avoid the
24 intersection at Union Avenue. Route 52,
25 for any vehicles headed east, to get them

1 SAM NEWBURGH, LLC

2 out that way.

3 MR. WARD: What's the plan? To
4 demolish the movie theater itself?

5 MR. DOCE: No. The building is
6 going to remain. All the work is going
7 to be contained within the building by
8 adding floors within building. There's
9 going to be no outside work on the site
10 other than some repaving where it's
11 deemed required.

12 MR. WARD: And outside storage?

13 MR. DOCE: There's no outdoor
14 storage proposed right now.

15 MS. DeLUCA: And lighting? Is
16 there any need for lighting?

17 MR. DOCE: Just the existing
18 lighting on the building and in the
19 parking area.

20 MS. DeLUCA: Coming down into --

21 MR. DOCE: There's lighting. It's
22 all existing.

23 MS. DeLUCA: Okay.

24 CHAIRMAN EWASUTYN: Explain to me
25 how people get their goods into the

1 S A M N E W B U R G H , L L C

2 building? Is there an elevator?

3 MR. DOCE: Well yes, there's an
4 elevator.

5 CHAIRMAN EWASUTYN: Can you explain
6 that?

7 MR. DOCE: I know there's an
8 elevator in the building.

9 CHAIRMAN EWASUTYN: There is one
10 now?

11 MR. DOCE: Not now, no.

12 CHAIRMAN EWASUTYN: It would be
13 something wide enough for --

14 MR. DOCE: Yeah. I can bring --
15 the architect obviously will come as we
16 progress. I mean he's done some layouts
17 of the building. There are elevators. I
18 believe there's an elevator on each end
19 of the building. They'll just access
20 through the existing doorways.

21 CHAIRMAN EWASUTYN: And the loading
22 area then would be -- the loading and
23 offloading area would be in the front of
24 the building?

25 MR. DOCE: Right. Also there are

1 S A M N E W B U R G H , L L C

2 some existing doorways in the rear that
3 take you to the bottom floor.

4 CHAIRMAN EWASUTYN: That will be
5 shown on future plans?

6 MR. DOCE: Right. We just wanted
7 to get in here, get some discussion
8 going.

9 We do need the one variance for
10 building height. Possibly get referred
11 to the ZBA for that.

12 CHAIRMAN EWASUTYN: Is the building
13 currently sprinklered?

14 MR. DOCE: I can't say a hundred
15 percent but I would assume so.

16 CHAIRMAN EWASUTYN: Would it have
17 to be sprinklered?

18 MR. HINES: Even if it is currently
19 sprinklered, the addition of multiple
20 floors will require modifications to the
21 sprinkler system.

22 CHAIRMAN EWASUTYN: Jim Campbell,
23 do you have anything to add?

24 MR. CAMPBELL: Nothing to add at
25 this time.

1 S A M N E W B U R G H , L L C

2 and I don't believe they fenced the
3 entire --

4 MR. HINES: They're proposing to
5 fence not the entire -- a majority of the
6 site is proposed to be fenced.

7 MR. DOCE: Their outdoor storage
8 areas.

9 MR. HINES: Which are extensive.
10 They have acres of outdoor storage.

11 The Planning Board should evaluate
12 the existing landscaping with regard to
13 the self-storage regulations. There are
14 sections in the self-storage code that
15 say the site will be screened. Some of
16 the landscaping on the site is dated.
17 The Board may want to take a look at
18 having this opportunity to upgrade that.

19 A County Planning referral will be
20 required.

21 We have a comment addressing the
22 maintenance of the existing parking lot
23 and the potential to remove existing
24 excess parking, which was touched on but
25 should go to the Zoning Board. It could

1 S A M N E W B U R G H , L L C

2 be easily remedied by removing some of
3 the parking.

4 Architectural review will be
5 required in the future.

6 DOT will be an involved agency
7 during the SEQRA review.

8 I just have a comment. While you
9 were talking I did note that this is two
10 parcels. There's an opportunity here to
11 combine those. There's an existing
12 landlocked parcel 1 that's a half acre
13 parcel.

14 MR. DOCE: I believe it's one tax
15 lot. It's described in the deed as --

16 MR. HINES: That's a deed parcel,
17 not a tax lot. Just check on that.

18 We would suggest notes be required
19 for no outdoor storage.

20 The loading dock should be shown on
21 future submissions.

22 That's the extent of our comments.

23 We can do a lead agency
24 notification at this point. County
25 Planning is going to want to have further

1 S A M N E W B U R G H , L L C

2 detail before we can submit to them.

3 CHAIRMAN EWASUTYN: Meghan, do you
4 have more to add to this?

5 MS. LoCICERO: Adjoiners' notices
6 will also be required.

7 CHAIRMAN EWASUTYN: You'll work
8 with Pat Hines. Pat Hines will give you
9 the information and you'll prepare the
10 referral letter to the Zoning Board of
11 Appeals.

12 MS. LoCICERO: Yes.

13 CHAIRMAN EWASUTYN: So then the
14 action right now before the Planning
15 Board is -- one more time, Pat.

16 MR. HINES: I think the only action
17 we can take tonight is a notice of intent
18 for lead agency.

19 CHAIRMAN EWASUTYN: What I meant by
20 action is the referral to the ZBA.

21 MR. HINES: The ZBA referral will
22 be for building height, 15 feet is the
23 maximum, 23 feet is existing; lot
24 coverage, 60 percent is the maximum where
25 73 percent exists. I think while you're

1 S A M N E W B U R G H , L L C

2 going there, a variance or an
3 interpretation of section 185-35 F
4 regarding fencing.

5 CHAIRMAN EWASUTYN: Having heard
6 the outline that would be prepared by
7 Meghan's office to refer to the Zoning
8 Board of Appeals, would someone make for
9 a motion to approve that.

10 MR. MENNERICH: So moved.

11 CHAIRMAN EWASUTYN: Motion by Ken
12 Mennerich. Do I have a second?

13 MR. WARD: Second.

14 CHAIRMAN EWASUTYN: Second by John
15 Ward. May I have a roll call vote
16 starting with Frank Galli.

17 MR. GALLI: Aye.

18 MS. DeLUCA: Aye.

19 MR. MENNERICH: Aye.

20 CHAIRMAN EWASUTYN: Aye.

21 MR. WARD: Aye.

22 CHAIRMAN EWASUTYN: Motion carried.

23 At this point we'll declare our
24 intent for lead agency.

25 MR. HINES: Yes, you could.

1 S A M N E W B U R G H , L L C

2 CHAIRMAN EWASUTYN: And also to
3 have Pat Hines prepare the adjoiners'
4 notice which they'll send out.

5 Anything else?

6 MR. DOCE: Thank you.

7 MR. MENNERICH: So moved.

8 MR. GALLI: Second.

9 CHAIRMAN EWASUTYN: Can I have a
10 roll call vote starting with Frank Galli.

11 MR. GALLI: Aye.

12 MS. DeLUCA: Aye.

13 MR. MENNERICH: Aye.

14 CHAIRMAN EWASUTYN: Aye.

15 MR. WARD: Aye.

16 CHAIRMAN EWASUTYN: Thank you.

17 That was to circulate for lead agency and
18 to send out the adjoiners' notice.

19

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

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1 S A M N E W B U R G H , L L C

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

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

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

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

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 27th day of August 2022.

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Michelle Conero

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MICHELLE CONERO

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

----- X
In the Matter of

32 EXPRESS - 689 ROUTE 32
(2022-21)

689 Route 32
Section 4; Block 2; Lot 6
RR Zone

----- X

INITIAL APPEARANCE
SITE PLAN

Date: August 18, 2022
Time: 7:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
JOHN A. WARD

ALSO PRESENT: MEGHAN LoCICERO, ESQ.
PATRICK HINES
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: ALEXANDER URDA

----- X

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

1 3 2 E X P R E S S - 6 8 9 R O U T E 3 2

2 CHAIRMAN EWASUTYN: Item number 4
3 this evening is 32 Express. It's located
4 on 689 Route 32. It's an initial site
5 plan appearance. It's in an RR Zone.
6 It's being represented by Urda
7 Engineering.

8 Is that correct?

9 MR. URDA: Perfect. My name is Al
10 Urda, I'm with Urda Engineering. I'm a
11 site designer. We do the site
12 engineering, stormwater, you name it, for
13 sites. We are also doing buildings for
14 this client and their colleagues.

15 I'm here tonight with the Patels.
16 They currently own the existing facility.
17 They operate it. Ritesh operates a
18 facility in Swan Lake which is very
19 similar. I did provide a similar
20 building structure just to look at.

21 Basic overview. We're south of
22 Terrizzi Drive. We're in your reservoir
23 district, as far as I know. I didn't
24 find any paperwork on prior variances or
25 anything relative to grandfathering. I

1 3 2 E X P R E S S - 6 8 9 R O U T E 3 2

2 have some questions on zoning tonight for
3 you guys.

4 The existing building is about
5 1,800 square feet. It's pretty tight to
6 the road.

7 The prior fueling stations were
8 maybe 15 feet off the edge of the State's
9 right-of-way. Those are inactive now.
10 The tanks had been removed previously by
11 the current owners. They did a phase 1,
12 phase 2 environmental review --
13 assessment and review to make sure
14 everything was clean underground.

15 We'd like to put new tanks here and
16 push everything back. This grayish area
17 would be the new fueling island. I've
18 seen some of the comments from CME. The
19 traffic consultant had some comments.
20 There are four stations there that would
21 allow eight vehicles to park underneath
22 that canopy. We have space currently to
23 have four more that could stack between
24 the right-of-way and the island. There's
25 some question as to if this opening will

1 3 2 E X P R E S S - 6 8 9 R O U T E 3 2

2 be allowed to remain. Nobody currently
3 is actually -- I think I'm just maybe 3
4 feet less than what is there currently.
5 We wanted to see how it would go if we
6 proposed it to stay as is roughly. I
7 understand the State's stance is
8 typically 30 foot openings, one in/one
9 out or two ins/two outs. Your traffic
10 engineer questioned if the State might
11 require access here and here with
12 something in the middle to block that.
13 We'll find that out through your -- I'll
14 be reporting directly with the State on
15 that. That will also occur through your
16 239 or County review process.

17 The building is little more than
18 double of what was existing. The
19 existing building, if you've seen it, is
20 in pretty rough shape. It's time to get
21 that thing replaced. The owner
22 recognizes it's in rough shape. They
23 like the building format that's in Swan
24 Lake and they want to mimic that. We've
25 made it a little longer. Swan Lake is 60

1 3 2 E X P R E S S - 6 8 9 R O U T E 3 2

2 by 60 with a little bump out on the side.
3 This is 60 by 72. We're just over that
4 4,000 threshold. We do have a version
5 that is 3,600 square feet. I don't see a
6 reason to downsize it because of the
7 environmental review.

8 One thing that we've tried to do is
9 in the back and the side -- the sides of
10 the site, more so on the south and west,
11 is to retain some of the existing
12 landscaping. I originally wanted to keep
13 this entire third untouched just to
14 provide that much existing. There's some
15 mature trees there that would currently
16 be a buffer to this area.

17 In the process of designing -- the
18 septic system sits in a horrible spot and
19 it's not in great shape. We put a septic
20 system reserve area in the back. We ran
21 some perc tests for it. We think we can
22 fit it in the footprint here.

23 There is an existing well. We'll
24 be relocating -- we'll be abandoning the
25 well that's here. It's not in a great

1 3 2 E X P R E S S - 6 8 9 R O U T E 3 2

2 spot for anything proposed. We'll put in
3 a new well.

4 Let me see my other comments. For
5 tonight's review we basically wanted to
6 come in informally. I talked to the
7 Chairman and asked what do I need to do
8 to at least get in and have a discussion
9 with the Board and with codes and the
10 engineers. It will help me relieve some
11 of the questions and get clarification on
12 what parking is required for a
13 convenience store/fueling station. Also
14 questions on the zoning.

15 I have a concern on the zoning with
16 the use. I know that we exist there as a
17 convenience store. I want to make sure
18 what my next steps are to know we can
19 still move ahead with this.

20 Some of the discussions tonight on
21 some of the other facilities were
22 building height. We are right around --
23 the other version of this is about a 33
24 foot height. Because I've gone out a
25 little wider, I think I'm around a 36

1 3 2 E X P R E S S - 6 8 9 R O U T E 3 2

2 foot height. We use the scissor trusses
3 inside. You have the roof pitch and the
4 trusses on the inside. It will look like
5 this inside and then come back down. It
6 keeps that high peak inside just for
7 looks. It keeps the space nice and airy
8 in there. We can manipulate that height.
9 I didn't know -- again through the code,
10 I didn't know in this zone what this use
11 allowed, what would be my height
12 requirement. I wanted to question that.

13 I think that's a little bit of
14 everything. We know we have some steps
15 to go to get through all of your
16 environmental review. I know I need to
17 get you landscape plans and a full set of
18 plans with grading.

19 We did have it all surveyed. It's
20 relatively flat with trees. It only
21 comes up about 2 feet from front to
22 middle. It actually sits in here.
23 There's a low spot.

24 We'll be preparing a final set of
25 everything similar -- you had another gas

1 3 2 E X P R E S S - 6 8 9 R O U T E 3 2

2 station tonight. We're mimicking that
3 same process. We'll get you the vehicle
4 staging. I'll show a dumpster truck
5 coming through, show the maneuvering for
6 the tanker delivering fuel.

7 I have a photometric plan for
8 lighting in the works as well.

9 I'll just answer any questions.

10 CHAIRMAN EWASUTYN: I'll open it up
11 to Board Members for their questions or
12 comments.

13 MR. GALLI: Nothing yet.

14 MS. DeLUCA: My biggest concern is
15 that it's very near our watershed. I'm
16 not very comfortable with putting a gas
17 station there. A convenience store I can
18 see. A gas station would be a concern.

19 MR. URDA: All right. To help with
20 that, it is the DEC review. The DEC does
21 have to permit the underground storage
22 tanks and fueling stations. There's some
23 part of that that helps out some of those
24 concerns. It's a double walled poly
25 system tank as opposed to the single

1 3 2 E X P R E S S - 6 8 9 R O U T E 3 2

2 walls that were there in the past. Thank
3 you.

4 CHAIRMAN EWASUTYN: Ken Mennerich?

5 MR. MENNERICH: No comments at this
6 time.

7 CHAIRMAN EWASUTYN: Will you be
8 selling diesel fuel, just as a general
9 question?

10 MR. PATEL: We will be.

11 CHAIRMAN EWASUTYN: For the record
12 can you give your name, please?

13 MR. PATEL: Ritesh Patel.

14 CHAIRMAN EWASUTYN: Can you spell
15 that?

16 MR. PATEL: R-I-T-E-S-H
17 P-A-T-E-L.

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

20 MR. URDA: I have his name in the
21 application, if that helps.

22 CHAIRMAN EWASUTYN: The
23 stenographer doesn't get the application.

24 MR. URDA: So yes to diesel and
25 super regular.

1 3 2 E X P R E S S - 6 8 9 R O U T E 3 2

2 CHAIRMAN EWASUTYN: John Ward?

3 MR. WARD: When it comes down to
4 it, when you establish the driveways with
5 DOT, around Town, you look at Route 300,
6 9W, down the line, we've been putting
7 stonewalls for the entrances, 24 inches
8 or whatever. Keep that in mind for
9 breaking it up if you go with two
10 driveways.

11 MR. URDA: We do have some room to
12 work in there if it comes down to that
13 request. We can enhance this a little
14 bit as well --

15 MR. WARD: Thank you.

16 MR. URDA: -- for visual.

17 CHAIRMAN EWASUTYN: Jim Campbell,
18 do you have any comments at this point?

19 MR. CAMPBELL: Pat's comments, when
20 he gets to that, are pretty much
21 addressing --

22 CHAIRMAN EWASUTYN: Do you have any
23 comments?

24 MR. CAMPBELL: Nothing additional
25 to these.

1 3 2 E X P R E S S - 6 8 9 R O U T E 3 2

2 CHAIRMAN EWASUTYN: Pat Hines.

3 MR. HINES: So the project, as was
4 mentioned, is in the RR Zoning District,
5 the Reservoir Residential. There is an
6 existing convenience store on the site
7 which is a preexisting nonconforming use.
8 The proposed use is not permitted in the
9 RR Zone. The project will require a use
10 variance. The project, because it's
11 before this Board, would lose any of its
12 preexisting grandfathered protection.
13 Any change to the site plan eliminates
14 that protection, and the Town Zoning
15 Board has been consistent on that. So
16 the project is going to need a use
17 variance.

18 There is no underlying bulk tables
19 for this use, building height, setbacks
20 and such. Those will all have to be
21 resolved if the Zoning Board issues the
22 use variance.

23 I would be careful when you go to
24 the Zoning Board that that is the layout
25 that you do want. I know you had a

1 3 2 E X P R E S S - 6 8 9 R O U T E 3 2

2 smaller building proposed. The Zoning
3 Board, if and when it weighs in on this,
4 will only be approving that which is
5 shown on the plan that you give them.
6 Again, I'm sure you're familiar, use
7 variances have a high threshold to get
8 approved.

9 The project is located in the
10 Town's critical environmental area. The
11 Chadwick Lake Reservoir is identified as
12 a critical environmental area due to the
13 fact that it is a very important part of
14 the Town's water system.

15 DOT will look at the access. I
16 don't think they are going to grant you a
17 200 foot wide plus or minus access
18 uncontrolled off the State highway.
19 That's going to change that plan.

20 The proposed building must be
21 sprinklered. The Town of Newburgh has a
22 more stringent sprinkler fire suppression
23 code than the State Code. Any building
24 greater than 2,500 square feet is
25 required to have a fire suppression

1 3 2 E X P R E S S - 6 8 9 R O U T E 3 2

2 system. That will need to be addressed.

3 Section 185-28, Motor Vehicle
4 Service Stations, there are numerous
5 items under that that would have to be
6 addressed on the plans.

7 The project identifies .98 acres of
8 disturbance. The Town of Newburgh
9 stormwater code is more stringent than
10 the DEC's code, so you will need a
11 stormwater pollution prevention plan even
12 though under its current plan you
13 identify less than 1 acre.

14 MR. URDA: What's your threshold?

15 MR. HINES: It's any site plan
16 approval greater than 10,000 square feet.
17 This will be identified as -- if you're
18 successful at the ZBA and come back, it
19 will be addressed as a stormwater
20 hotspot.

21 I think your major hurdle here is
22 to try to obtain a use variance before
23 the Zoning Board.

24 MR. URDA: That was the big
25 question for the night.

1 3 2 E X P R E S S - 6 8 9 R O U T E 3 2

2 MR. HINES: It clearly needs a use
3 variance under our code.

4 MR. URDA: Is your hotspot criteria
5 the same as the DEC's?

6 MR. HINES: Yes.

7 CHAIRMAN EWASUTYN: Meghan LoCicero.

8 MS. LoCICERO: Adjoiners' notices
9 will be required for this as well as a
10 referral to County Planning. You could
11 circulate now for lead agency.

12 MR. HINES: I would suggest we hold
13 off on lead agency until the Zoning Board
14 weighs in. They wouldn't be able to make
15 a decision until we, as lead agency, make
16 a SEQRA determination. That will give
17 them some flexibility if we do an
18 uncoordinated review at this point.

19 MR. MENNERICH: Can I ask a
20 question?

21 CHAIRMAN EWASUTYN: What's your
22 question?

23 MR. MENNERICH: Since you're
24 basically redoing everything on the site,
25 how come you can't move it further off

1 3 2 E X P R E S S - 6 8 9 R O U T E 3 2

2 the road?

3 MR. URDA: Further off the road?

4 MR. MENNERICH: Yes.

5 MR. URDA: It's possible.

6 MR. MENNERICH: It seems like your
7 jammed up in the front.

8 MR. URDA: One of the discussions
9 was just to leave that buffering space.
10 I pinched it actually. The owners did
11 want it actually I think 20 feet further
12 back than what I have shown. That's an
13 option. Knowing that there's more
14 stringent stormwater may flex things
15 around now a bit more anyway.

16 CHAIRMAN EWASUTYN: Are there
17 tenants in the rear if you were to push
18 it back? Who is located behind the
19 property?

20 MR. URDA: This is Joel Kop. There
21 isn't a house immediately here. It's
22 further back. He sits up. They have
23 some of their own landscaping. We're
24 trying to maintain that landscape buffer
25 to the residential.

1 3 2 E X P R E S S - 6 8 9 R O U T E 3 2

2 CHAIRMAN EWASUTYN: Something to
3 consider relocating even maybe 20 feet
4 plus.

5 Do you want to give us the language
6 for a letter that will be prepared for
7 the Zoning Board of Appeals?

8 MR. HINES: The project is located
9 in the Town's RR Zone. The use is not a
10 permitted use in the RR Zone. The only
11 permitted uses in the RR Zone are single-
12 family dwellings not to exceed one
13 dwelling per lot. There is no underlying
14 bulk table for this, so the Zoning Board
15 of Appeals will have to issue in their
16 decision, should they grant the use
17 variance, what setbacks, height
18 requirements, et cetera would apply.

19 CHAIRMAN EWASUTYN: Pat Hines'
20 office along with Meghan's office, Drake,
21 Loeb, will prepare a referral letter to
22 the Zoning Board of Appeals for
23 interpretation of a use variance.

24 Would the Board make a motion to
25 approve that.

1 3 2 E X P R E S S - 6 8 9 R O U T E 3 2

2 MR. WARD: So moved.

3 MR. MENNERICH: Second.

4 CHAIRMAN EWASUTYN: We have a
5 motion by John Ward. We have a second by
6 Ken Mennerich. Can I have a roll call
7 vote starting with Frank Galli.

8 MR. GALLI: Aye.

9 MS. DeLUCA: Aye.

10 MR. MENNERICH: Aye.

11 CHAIRMAN EWASUTYN: Aye.

12 MR. WARD: Aye.

13 CHAIRMAN EWASUTYN: As recommended
14 by Meghan, we'll send out the adjoiners'
15 notice.

16 MR. HINES: Yes. I will work with
17 Mr. Urda to do the adjoiners' notice. We
18 have a procedure in the Town that within
19 ten days of appearing the first time
20 before the Board, that notices go out to
21 properties within 500 feet. I will
22 prepare the notice, I will get you a list
23 of the mailing. You do the addressing,
24 stamping, stuffing of the envelopes and
25 the Town -- first class mail the Town

1 3 2 E X P R E S S - 6 8 9 R O U T E 3 2

2 actually does the mailing to avoid the
3 need for certified mailings. I will
4 contact you.

5 MR. URDA: As far as zoning
6 application deadline?

7 MR. HINES: No idea.

8 MR. URDA: All right.

9 MR. HINES: You have to check.
10 Their meeting is next week, so it's
11 certainly not this month.

12 MR. URDA: Okay. I was going to
13 say probably coming up or it already
14 past.

15 MR. HINES: They're the fourth
16 Thursday. You wouldn't make this meeting
17 coming up. You have to make a submission
18 for September.

19 MR. URDA: Okay.

20 MR. HINES: Fourteen days you said?

21 MR. CAMPBELL: Ten days. Probably
22 ten business days.

23 CHAIRMAN EWASUTYN: Thank you.

24 MR. URDA: Thank you.

25 (Time noted: 8:01 p.m.)

1 32 EXPRESS - 689 ROUTE 32

2

3

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

4

5

6

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

9

10

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

11

12

13

14

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.

15

16

IN WITNESS WHEREOF, I have hereunto set
my hand this 27th day of August 2022.

17

18

19

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Michelle Conero

21

MICHELLE CONERO

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

----- X

In the Matter of

FAC SELF-STORAGE/U-HAUL - MIDDLEHOPE
(2021-33)

5325 Route 9W
Section 20; Block 2; Lot 2
B/SC Zone

----- X

SITE PLAN

Date: August 18, 2022
Time: 8:02 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
JOHN A. WARD

ALSO PRESENT: MEGHAN LoCICERO, ESQ.
PATRICK HINES
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: LARRY MARSHALL,
PHILLIP APAP, JAMIE MAPES

----- X

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

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 CHAIRMAN EWASUTYN: Our last item
3 of business this evening is FAC
4 Self-Storage/U-Haul - Middlehope. It's
5 located on Route 9W. It's in a B/SC
6 Zoning District. It's being represented
7 by Larry Marshall.

8 MR. MARSHALL: Good evening. It's
9 been a couple months since we presented
10 before the Board regarding this project.
11 During that time we've been working
12 primarily with New York State Department
13 of Transportation on the proposed
14 entrance to the site. After many rounds
15 of comments, iterations to the plans, we
16 do have approval of the proposed
17 entrance. We do not have approval of the
18 design of the proposed entrance, we just
19 have approval for where it's going to be
20 located.

21 There aren't any substantive
22 changes that have been made since the
23 Board has last seen this plan to what is
24 occurring along Route 9W.

25 Primarily what we've provided them

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 with is additional information. They
3 asked for additional profiles of the
4 drainage structures, including profiles
5 that extend well into the site, outside
6 of what I consider their purview. We've
7 provided all of the information that they
8 have asked for. We're just waiting for
9 them to complete their -- hopefully their
10 final review of the various documents
11 that we submitted and hopefully grant
12 approval of the proposed design.

13 We're at a point now that I believe
14 that the Board, if they choose to do so,
15 could act on this. I don't believe that
16 there's any substantive changes that will
17 be made to the proposed entrance. We may
18 have to modify some -- the worst case, I
19 would anticipate modification to the pipe
20 sizes or maybe locations of catch basins.
21 As it relates to the Town's consultants,
22 we have -- since the last presentation we
23 made, we have been working with Pat Hines
24 and Karen Arent to address the remaining
25 concerns that they had. The landscaping

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 plan has been modified to substantially
3 increase the plantings along the
4 southerly border of the site as well as
5 supplement additional plantings along the
6 northerly portion of the site to screen
7 this proposed development from the north
8 and south properties. Additionally, we
9 have supplemented some of the landscaping
10 along the easterly side of the proposed
11 building to try to soften the front of
12 the building a little bit. We do have a
13 letter of acceptance from Karen regarding
14 this. I think those issues have been
15 satisfied.

16 Additionally, we've been working
17 with Pat. Other than some administerial
18 items, I believe that we are in pretty
19 good shape with him.

20 I know that the Board had raised
21 some concerns over the size of the trench
22 drain pipe which we have modified. We
23 increased the size of that substantially.
24 Previously it was proposed to be 8
25 inches. We went up to 18 inches which

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 will adequately be able to convey any
3 stormwater that is received by that
4 trench drain.

5 MR. HINES: Larry, can you talk
6 about the drainage along the southerly
7 property line? I think we have some
8 interested parties in the audience.

9 MR. MARSHALL: So on the southerly
10 property line there's two drainage
11 structures or series of conveyances.
12 There's a series of pipes and drainage
13 manholes that are located all the way on
14 the southerly border of the site. They
15 are set into the site, they're not right
16 on the property line. What those are
17 designed to do is convey the water that
18 currently drains down to the existing
19 24-inch box culvert that's located on the
20 southeast corner of the property. So
21 what we're doing is we're installing a
22 swale to a catch basin up near the corner
23 of the property right before it widens
24 out, and then through a series of pipes
25 and closed top manholes convey that water

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 down to the State right-of-way and into
3 the existing culvert. That is designed
4 to take existing drainage, not to take
5 any drainage from the proposed parking
6 area or any of the proposed development.
7 We're simply taking what currently drains
8 down the hill -- a portion of the water
9 that currently drains down the hill and
10 bringing it down to where it currently
11 drains to.

12 The second set of -- the second
13 stormwater system that we have set up is
14 a swale along the southerly edge of the
15 parking area. That will be a rip-rap
16 lined swale that is located along the
17 entire southerly bounds of the proposed
18 pavement, basically right from the
19 entrance all the way up, and then that --
20 within that is a couple catch basins, a
21 pipe to convey that water down to the
22 proposed infiltration basin that's
23 located between the proposed building and
24 Route 9W. That water, as designed, will
25 all be conveyed to the existing culvert

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 that's located on the northeasterly
3 corner of the property and under Route
4 9W.

5 CHAIRMAN EWASUTYN: Larry, do you
6 have any examples of the ARB on the
7 building? I'm not necessarily sure we
8 approved that.

9 MR. MARSHALL: I didn't bring -- I
10 know we had previously provided you with
11 renderings. I do apologize, I did not
12 bring them with me this evening.

13 CHAIRMAN EWASUTYN: Okay. If the
14 Board is in agreement, can we approve the
15 site plan subject to ARB approval at a
16 later date?

17 MR. HINES: You can. I know that
18 in the past the Board -- they did have
19 their architect here at a couple of the
20 meetings. I don't know if the Board
21 recalls that or not. You can approve the
22 site plan and have ARB approval later.
23 If you recall the previous submissions --
24 I may have them. I'll check.

25 CHAIRMAN EWASUTYN: Jim, do you

1 FAC SELF-STORAGE/U-HAUL - MIDDLEHOPE

2 have them?

3 MR. MARSHALL: Sorry. I should
4 have brought them.

5 CHAIRMAN EWASUTYN: Do you want us
6 to wait and you go home and get them?

7 MR. MARSHALL: If you want to wait
8 that long. I'll be back in about an
9 hour.

10 MR. HINES: We have them.

11 MR. MARSHALL: I'm sorry it's a
12 little small.

13 Phil, do you want to talk about the
14 finishes?

15 This is the proposed building.
16 Phil Apap from Hudson River Contracting
17 can speak to what the finishes are.

18 MR. APAP: The construction of the
19 building is an insulated metal panel with
20 an embossed surface on the exterior.
21 This currently is a white panel with
22 painted striping as part of the U-Haul
23 scheme. This also is an insulated metal
24 panel that's an embossed surface as well.
25 Below here we have a cultured stone that

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 will be mimicking the same stone as the
3 U-Haul currently across the street. With
4 these here, these are false open doors,
5 similar to what's across the street as
6 well.

7 Currently we are showing storefront
8 window systems that will be black framed
9 and clear glass.

10 CHAIRMAN EWASUTYN: On the north
11 side of the building?

12 MR. APAP: The north side of the
13 building will just have --

14 MR. HINES: I think there's other
15 renderings there.

16 MR. APAP: The north side of the
17 building will just be a white surface,
18 similar to the west.

19 CHAIRMAN EWASUTYN: Questions from
20 Board Members?

21 MR. GALLI: Nothing.

22 MS. DeLUCA: No.

23 MR. MENNERICH: No.

24 MR. WARD: I remember when you did
25 present you did like a mirror image

1 FAC SELF-STORAGE/U-HAUL - MIDDLEHOPE

2 across the street. I remember that very
3 well.

4 MR. HINES: The original had a lot
5 more orange. They toned it down based on
6 the Board's suggestion.

7 MR. WARD: Thank you.

8 CHAIRMAN EWASUTYN: Would someone
9 make for a motion to approve the ARB?

10 MR. WARD: So moved.

11 MS. DeLUCA: Second.

12 CHAIRMAN EWASUTYN: I have a motion
13 by John Ward. I have a second by
14 Stephanie DeLuca. This is subject to the
15 ARB form being filled out.

16 The motion was by John Ward.
17 Second by Stephanie DeLuca. In addition,
18 that the ARB form be filled out. Can I
19 have a roll call vote starting with Frank
20 Galli.

21 MR. GALLI: Aye.

22 MS. DeLUCA: Aye.

23 MR. MENNERICH: Aye.

24 CHAIRMAN EWASUTYN: Aye.

25 MR. WARD: Aye.

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2 CHAIRMAN EWASUTYN: Stephanie had
3 an additional question.

4 MS. DeLUCA: I was just curious.
5 What do the pods look like?

6 MR. APAP: The what?

7 MS. MAPES: Jamie Mapes. They're
8 portable storage units. They are 5 by 8
9 by 7.5. We have two different kinds.
10 One is a wood box and they have vinyl
11 covers that go under for transport, but
12 they are just wood inside the building.
13 Then we have our honeycomb boxes.

14 MR. APAP: All of which would be
15 stored in the building. Nothing is
16 outside.

17 MS. DeLUCA: Thank you.

18 CHAIRMAN EWASUTYN: Board, are we
19 ready for conditions for the site plan
20 approval subject to --

21 MR. HINES: I've listed them in my
22 comment letter, the ones I had.

23 No building permit will be issued
24 until the New York State Department of
25 Transportation access permit is issued.

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2 Any substantive change to the access
3 drive will require re-review and approval
4 by the Planning Board. That's a similar
5 condition that we have with the former
6 BJ's and Scannell projects that hadn't
7 had their DOT approval. It's contingent
8 on building permit, not signing the map.
9 It moves the project forward.

10 Stormwater erosion and sediment
11 control security and inspection fees are
12 required. Those fees do require approval
13 from the Town Board. As soon as we get
14 those, we can address those. They do
15 need an appearance at the Town Board for
16 approval.

17 Similarly, a landscaping security
18 and inspection fee must be posted. Those
19 are also approved by the Town Board.

20 The DEC stormwater SPDES permit
21 must be issued.

22 A stormwater facilities maintenance
23 agreement must be executed. The Town has
24 a standard agreement.

25 Then there are the typical standard

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2 site plan conditions, including only that
3 which is shown on the plans can be
4 constructed.

5 Dominic's office has some other
6 standard conditions.

7 CHAIRMAN EWASUTYN: Meghan, do you
8 have a record of your office's additional
9 comments?

10 MS. LoCICERO: I don't.

11 CHAIRMAN EWASUTYN: Pat Hines, do
12 you have that?

13 MR. HINES: The standard
14 conditions. There's boilerplate
15 conditions Dominic includes in each of
16 them. The major one is that only that
17 which is shown on the approved plans, and
18 Dominic identifies the revision dates on
19 the plans, can be constructed.

20 Procedurally there's some Town
21 Board items that need also to get done
22 prior to stamping of the plans.

23 CHAIRMAN EWASUTYN: I think you're
24 familiar with the time that it takes to
25 get that approved.

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2 Jim Campbell, do you have anything
3 to add?

4 MR. CAMPBELL: Nothing to add.

5 CHAIRMAN EWASUTYN: Having heard
6 the conditions of approval that were
7 presented by Pat Hines with McGoey,
8 Hauser & Edsall and Meghan with Drake,
9 Loeb attorneys, would someone move for a
10 motion to grant approval --

11 MR. WARD: So moved.

12 CHAIRMAN EWASUTYN: -- for the FAC
13 Self Storage/U-Haul subject to those
14 conditions.

15 I think we have a motion by John
16 Ward. Do we have a second?

17 MR. GALLI: Second.

18 CHAIRMAN EWASUTYN: Second by Frank
19 Galli. Can I have a roll call vote
20 starting with John Ward.

21 MR. WARD: Aye.

22 CHAIRMAN EWASUTYN: Aye.

23 MR. MENNERICH: Aye.

24 MS. DeLUCA: Aye.

25 MR. GALLI: Aye.

1 F A C S E L F - S T O R A G E / U - H A U L - M I D D L E H O P E

2 CHAIRMAN EWASUTYN: Motion carried.

3 MR. MARSHALL: Thank you very much.

4 CHAIRMAN EWASUTYN: If someone
5 would make a motion to close the Planning
6 Board meeting of the 18th of August 2022.

7 MR. GALLI: So moved.

8 MS. DeLUCA: Second.

9 CHAIRMAN EWASUTYN: Motion by Frank
10 Galli. Second by Stephanie DeLuca. Can
11 I have a roll call vote starting with
12 John Ward.

13 MR. WARD: Aye.

14 CHAIRMAN EWASUTYN: Aye.

15 MR. MENNERICH: Aye.

16 MS. DeLUCA: Aye.

17 MR. GALLI: Aye.

18

19 (Time noted: 8:17 p.m.)

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