

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X  
In the Matter of

FARRELL INDUSTRIAL PARK  
(2020-16)

New York State Route 300  
Section 34; Block 2; Lot 45  
IB Zone

----- X

PUBLIC HEARING  
SITE PLAN

Date: November 18, 2021  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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

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

APPLICANT'S REPRESENTATIVE: STANLEY SCHUTZMAN,  
JOSEPH MODAFFERI & PHILIP CLARK

----- X

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

1  
2 CHAIRMAN EWASUTYN: Good evening,  
3 ladies and gentlemen. The Town of  
4 Newburgh Planning Board would like to  
5 welcome you to the meeting of the 18th of  
6 November. This evening we have five items  
7 of business and one Board business item.

8 We will start the meeting off  
9 with a roll call vote.

10 MR. GALLI: Present.

11 MS. DeLUCA: Present.

12 MR. MENNERICH: Present.

13 CHAIRMAN EWASUTYN: Present.

14 MR. BROWNE: Present.

15 MR. DOMINICK: Present.

16 MR. WARD: Present.

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

19 MS. CONERO: Michelle Conero,  
20 Stenographer.

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

23 MR. CAMPBELL: Jim Campbell, Code  
24 Compliance.

25 MR. WERSTED: Ken Wersted,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Creighton, Manning Engineering, Traffic Consultant.

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to Jim Campbell.

MR. CAMPBELL: All rise for the Pledge.

(Pledge of Allegiance.)

MR. CAMPBELL: Please put your cellphones on vibrate or off.

CHAIRMAN EWASUTYN: The first item of business this evening is Farrell Industrial Park. It's a public hearing on a site plan. It's located on New York Route 300 in an IB Zone. It's being represented by JMC.

MR. MODAFFERI: Good evening, Chairman, Members of the Board, Members of the Public. For the record, my name is Joe Modafferi. I'm the project manager for the project with JMC. I'm here tonight with Stan Schutzman, the project attorney, and Phil Clark, the project architect.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

As the Chairman stated, we're here tonight for a public hearing on this project which is located on the east side of Route 300. It's for a proposed 290,000 square foot warehouse building. The site is just north of Little Brook Lane, which is down here, and just opposite the Storage Stop facility, which is on the opposite side of the road. The site is zoned IB, Industrial Interchange Business, and just to the north the property line is R-1, Residential District.

Under existing conditions the site is 35 acres. It's one tax lot with two parcels split right here. As part of the project we are proposing to merge the lots into a single parcel, which is part of the project. Again, the warehouse is a 290,000 square foot single building. The Board may recall it was previously a two building project.

They're proposing an office of just under 15,000 square feet, but there

1  
2 are notes on the plans that indicate that,  
3 depending on the end user, it can be up to  
4 15 percent of the floor plan.

5 We're providing 250 parking  
6 spaces on the site where 194 are required.  
7 We are providing 32 loading spaces, which  
8 are facing the east side of the property  
9 away from Route 300 and away from the  
10 Residential District, where 9 are  
11 required. We are providing 34 truck or  
12 trailer parking spaces on the south side  
13 of the property, again not facing the  
14 Residential or Route 300.

15 The project conforms to all of  
16 the Town bulk requirements, including lot  
17 building coverage, building height, lot  
18 coverage, the front setback, the rear  
19 setback, all side yard requirements,  
20 including the side yard requirement that  
21 is stipulated when you're adjacent to a  
22 Residential buffer where the calculation  
23 of the buffer requirement is related to  
24 the distance -- the height of the building  
25 and how far back it has to be from the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

property. That one is I think most significant to mention tonight, where 210 feet is the minimum required, we're providing 265.

Parking, again we're providing 250 where 194 are required. The Board may recall that we used a U.S. EPA calculation to determine how many employees we would have which ran into the calculation. I think it's two spaces per three employees, if I recall correctly.

Circulation is completely internal to the site after you enter the site from Route 300. It's a single entrance. Circulating trucks and employees would come up through here, employees would park in the parking lot and the trucks would enter and turn around in this area, if necessary. The access drive along the Route 300 frontage from the back -- I guess from the east side of the site to the west side of the site where the access drive is will be gated for emergency access only. So all

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

circulation will be internal to the site and stay away from Route 300.

We have an emergency access from Berry Lane which will also be gated.

Landscaping. You can see there's significant landscaping on the plan consisting of over 280 evergreen trees, almost 200 shade trees, almost 100 understory trees, 350 shrubs, and then significant meadow and lawn area to be planted, all of which are primarily native species that we worked through with your landscape architect.

The site utilities. Key to mention here is the water main for the site. The water for the site will be provided via a 16-inch water main located within Route 300 which is a Town main. We'll make a connection to that. We've been advised that that is a private water main extension. We've been working on the submission to the Health Department. That will be submitted as early as tomorrow, if not early next week.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

And then the sewage for the property will be treated by an on-site septic system located right here to the east of the access drive -- south of the access drive. I'm sorry. We already made one submission to the Health Department for that, received some comments, and we're working on those which will be submitted again either tomorrow or early next week.

We're also submitting to the State for the SPDES permit for the septic as well at the same time.

At this point I'd like to turn it over to Phil Clark for the architectural.

CHAIRMAN EWASUTYN: Can we stop for a second? We're moving a little too quickly. I'd like to have Ken Mennerich read the notice of hearing, if you don't mind.

MR. MODAFFERI: Sure.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board



1 of the Town of Newburgh, Orange County,  
2 New York will hold a public hearing  
3 pursuant to Section 276 of the Town Law on  
4 the application of Farrell Industrial  
5 Park, Project 2020-16. The project  
6 consists of a single warehouse  
7 distribution facility consisting of  
8 290,000 square feet. The project will  
9 construct 250 parking spaces, 32 loading  
10 spaces and 34 truck trailer parking  
11 spaces. The project site will be served  
12 by connection to the Town of Newburgh's  
13 potable water system and is a proposed  
14 on-site subsurface sanitary sewer disposal  
15 system. The project is located on a 35.2  
16 plus or minus acre parcel of property  
17 located on the east side of New York State  
18 Route 32, north of Jeanne Drive. The  
19 project is known on the Town tax maps as  
20 Section 34, Block 2, Lot 45. The project  
21 is located in the Town's IB Zoning  
22 District. A public hearing will be held  
23 on the 18th day of November 2021 at the  
24 Town Hall Meeting Room, 1496 Route 300,  
25

1  
2 Newburgh, New York at 7 p.m. at which time  
3 all interested persons will be given an  
4 opportunity to be heard. By order of the  
5 Town of Newburgh Planning Board. John  
6 P. Ewasutyn, Chairman, Planning Board,  
7 Town of Newburgh. Dated 22 October 2021."

8 CHAIRMAN EWASUTYN: Thank you.

9 I apologize. Phil Clark, the  
10 architect, please.

11 MR. MODAFFERI: Before we go to  
12 Phil, I just realized I have in my hand  
13 the affidavits which I e-mailed to the  
14 Chairman.

15 CHAIRMAN EWASUTYN: We get them  
16 also from Charlene Black.

17 MR. MODAFFERI: Okay.

18 CHAIRMAN EWASUTYN: She  
19 automatically gives us that paperwork.  
20 It's in your file. I noticed you sent me  
21 something, a history of all that the other  
22 day. We actually do get that from  
23 Charlene Black. It's part of the  
24 coordinated review.

25 MR. MODAFFERI: Thank you.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: It's a little late now where we seem to have missed a beat on the Planning Board getting site plans. For some reason we kept missing the beat. I think Frank Galli mentioned at the last meeting he'd like to have a set of plans. Somehow we keep -- it's history now.

Mr. Clark, please.

MR. CLARK: Good evening. Phil Clark, I'm a licensed architect, the architect of record for the project. I'm with Claris Construction in Newtown, Connecticut.

It's basically the same building combined for the colors and the glass from last time. We're proposing a gray palette, dark grays, light grays, and then the entrance is a slate structure and a two-story glass entryway. The entryway, of course, is where the offices would be located. Again, depending on what size they need, how many square feet, it's available.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Rooftop units are going to be housed above this parapet here, hidden from view.

It is a concrete structure. They call it tilt-up walls, concrete walls, insulated walls. The roof is rubber. We're proposing a standard concrete slab and foundation.

Again, there is a massive amount of landscaping, which always is the icing on the cake to me for a building.

The circulation is completely around the building. The parking will be concrete curbs and asphalt.

A lot of glass. We have glass proposed for around the building to get natural light into the structure.

CHAIRMAN EWASUTYN: Before we turn it over to the Board Members and our Consultants, if there is anyone here in the audience who has any questions on the proposal, please raise your hand, give your name and your address.

MR. TIRADO: Ernesto Tirado,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

89 Lakeside Road.

CHAIRMAN EWASUTYN: Can you move up further so the Stenographer can hear you?

MR. TIRADO: Ernesto Tirado, 89 Lakeside Road.

I'm just curious as to who the occupant of the building will be and what the use is.

MR. CLARK: It's going to be an electrical distribution facility, lighting distribution company.

MR. TIRADO: And the occupant?

MR. CLARK: That is the occupant. That's what they do.

MR. TIRADO: Okay.

CHAIRMAN EWASUTYN: The gentleman here.

MR. GILMAN: Alberto Gilman from The Mid-Hudson Times.

Is there a proposed timeline for the construction of this project? Is this proposed for next year, 2023, anything like that?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. CLARK: We would like to break ground as soon as we get approvals.

MR. GILMAN: Thank you.

CHAIRMAN EWASUTYN: Any additional questions?

(No response.)

CHAIRMAN EWASUTYN: At this point I'll turn to Board Members. John Ward?

MR. WARD: I have a question. Orange County Planning, did they suggest about solar on top?

MR. CLARK: It's designed to support solar. We do have a consultant on board to go over with the owner what the benefits are. I mean with this size building it's not a home run but it would make a lot of sense. Whether they do it right now or later, the building is wired, the conduit was put in and the building structure is designed to support solar.

MR. WARD: Thank you.

MR. DOMINICK: No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Is the lower image

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

what's visible from 300?

MR. CLARK: This lower image actually -- 300 would be over here. So -- 300 is this long side here.

MR. BROWNE: There's a bunch of trees and stuff between 300 and the building; right?

MR. CLARK: Yes.

MR. BROWNE: Okay. And the entrance that you showed on the other image, that's around the corner coming in?

MR. CLARK: Yes. So 300 is here and you're coming in this way.

MR. MODAFFERI: The entrance is here. The door is here. This frontage that you can see of our site from 300 is really only this near corner which is roughly like right here. So all of this frontage is blocked by these parcels. There will be planting along the slope here as well.

MR. HINES: There's a grade up from 300 to the building.

MR. BROWNE: Okay. Thank you.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. MODAFFERI: It's about 40 feet up or so.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: The entrance looks very nice. It's too bad it's not facing towards 300.

MR. MODAFFERI: Unfortunately the site layout just doesn't allow it to get into more parking and have it operate and all that.

MR. CLARK: Thank you.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No additional.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: It's pretty hard to ask any questions considering I haven't seen any plans yet.

Is there any update from the jurisdictional fire department?

MR. MODAFFERI: I had an e-mail from him. He asked me to move a couple of hydrants. I sent him a markup of where I figured he wanted them.

MR. GALLI: Who is he? The



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

chief?

MR. MODAFFERI: The chief. Chief Robert Dorrman I think is his name. So I sent it to him. I haven't heard back. I'm incorporating those markups into the submission to the Health Department, and I'll continue to follow up with the chief.

MR. GALLI: Okay.

MR. MODAFFERI: And I apologize about the plans. I thought right after the last meeting I sent several copies of the layout plan to everybody, which is what I thought we were asked to do.

CHAIRMAN EWASUTYN: Explain to him how you sent it to them.

MR. GALLI: We couldn't open anything that you sent us.

MR. MODAFFERI: I thought I sent thirteen paper copies to the Board.

CHAIRMAN EWASUTYN: We didn't get them.

MR. MODAFFERI: I could have sworn I did that. I'm sorry.

CHAIRMAN EWASUTYN: All right.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

We'll start off with Ken Wersted. Ken Wersted?

MR. WERSTED: We reviewed the series of plans that were submitted and the traffic impact study. We coordinated with the applicant on a number of comments that have all generally been addressed.

I think the only outstanding issue from our perspective is the contribution that would be made I think relative to a developer's agreement with the Town Board towards the improvements at the Route 300/Gardnertown Road intersection which is right outside there.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance?

MR. CAMPBELL: No additional comments.

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

MR. HINES: Our first comment just notes that DOT did acknowledge the applicant proceed to Phase 2 of the application. So they've granted

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

conceptual approval of the access point and have requested the detailed plans. Ken's office will be working with that in the future.

The status of the Health Department review is outstanding for both the water system extension and the septic system. The DEC septic system permit as well, which was discussed.

Orange County Planning 239 was received with a binding comment regarding the solar and some advisory comments regarding stormwater and landscaping I believe.

The fire protection design company has suggested changes in the size of the on-site water piping, so I'm assuming that the plans sent to the County have that 10-inch water main rather than the 8-inch.

MR. MODAFFERI: That's correct.

MR. HINES: As you're circulating to those other agencies, the County, and receiving comments, if you could, copy the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Board so their file remains complete.

I didn't see the County septic system review comments.

A stormwater facilities maintenance agreement will be required for operation and long-term maintenance of the stormwater facilities. That will be a condition of any approvals.

You'll need cost estimates for landscaping, stormwater management, erosion and sediment control and the water system for establishment of securities and inspection fees for the water system.

We have the comment regarding the emergency services that Mr. Galli had just mentioned.

A 5-acre waiver for the stormwater management will be required. We would request that you submit a letter detailing the reason for the 5-acre waiver so that can be addressed.

I know early on we had talked, and Mr. Schutzman may be able to shed some light on it. There was an extension of

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Berry Lane depicted on some of the survey maps. We just want to make sure that that's been resolved or doesn't exist.

I just have some other comments on the water system.

With that, that's the extent of our comments to date.

MR. SCHUTZMAN: With respect to the issue of Berry Lane and its impact on the site, we had provided Mr. Cordisco, the Planning Board Attorney, with a most recent title report which indicated that there was no impact of Berry Lane onto the site. Pursuant to an earlier meeting, we have taken off that notation from the map.

MR. HINES: Okay. As long as Dominic is good with that, I am.

CHAIRMAN EWASUTYN: Dominic?

MR. CORDISCO: Yes, sir.

CHAIRMAN EWASUTYN: Are you in agreement?

MR. CORDISCO: Yes. That is correct. That is our review and that was accomplished at a prior meeting.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: Any further questions or comments from Board Members or the public?

(No response.)

CHAIRMAN EWASUTYN: Would someone like to make a motion to close the public hearing on the Farrell Industrial Park?

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Was that Dave Dominick?

MR. DOMINICK: John Ward.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by John Ward. May I please have a roll call vote starting with John Ward?

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Motion

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

carried.

MR. HINES: Is there any need for a 62-day timeframe waiver for that, being that there's other outside agencies weighing in on this?

MR. CORDISCO: It depends on what action the Board may consider taking tonight.

CHAIRMAN EWASUTYN: So then the action, based upon the question, is do we have to defer, it would be to go through an ARB approval and also go through site plan approval.

MR. HINES: If the Board is ready to do that, that's fine.

CHAIRMAN EWASUTYN: Are you okay with that?

MR. HINES: I am. If that's the direction the Board is heading in, yes.

CHAIRMAN EWASUTYN: I would assume so at this point. So let's do it in a formal way one more time.

We'll go through looking at, Phil Clark, the ARB of the project so we can

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

approve that and then take each part of the approval process separately. Thank you.

MR. CLARK: Again, Phil Clark, for the record. I'm the architect of record on the project.

For the Architectural Review Board portion, again it's a 40-foot high tall structure. It's a challenge to bring it down. We have a gray palette and nothing obnoxious in the colors. Then we took a darker gray around the building at about 10-feet high in an attempt to get an upper dark row as well in an effort to visually shrink the building.

Again, the entrance may be not the ideal perfect place, but it is an attractive entrance where it needs to be on the site.

There is a lot of glass. It's all clear glass except the clear story glass will be tinted because we can't have direct sunlight at that height.

It is painted concrete. That is



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

what the structure is.

It is an EPDM roof right now, rubber roof, which will be black. It might go to a TPO roof which is white. It depends on the energy study. In the Energy Code certain things are required. The heat absorption, we haven't run that yet. So it will be a black or white roof which, unless you're in an airplane, you're not going to see.

It is a two-story structure in the front for potential offices. That's not the layout yet.

Again, a lot of attractive deciduous trees and ferns around the building.

That's pretty much it.

CHAIRMAN EWASUTYN: For the record, the building is wired for the potential for solar panels in the future?

MR. CLARK: Yes. It's wired and the structure is designed for the extra 5 pounds per square foot for the roof load of the solar array.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: And the final determination as to installing solar panels, who makes that decision?

MR. CLARK: The owner of the facility. But the initial numbers that were run, I was in the meeting, it's very attractive. It's very attractive.

CHAIRMAN EWASUTYN: To put up solar?

MR. CLARK: Yes. Absolutely. That would be on the roof. It wouldn't be on the ground.

So you would not see those as well. And then, again, the rooftop units would be hidden behind the slate parapet in the lower section.

CHAIRMAN EWASUTYN: John Ward, any questions or comments on the architecture?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: No. It looks good.

CHAIRMAN EWASUTYN: Cliff Browne?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. BROWNE: Nothing in what you presented. Have you filled out the forms identifying specifically the materials and all that kind of material so our Code Compliance can verify what you're putting in?

MR. CLARK: I have not. I will do it immediately.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I don't really have any questions on that.

I did want to make sure that you were aware of what Orange County Planning put in about the possible financing for rooftop solar projects.

CHAIRMAN EWASUTYN: Why don't you be specific and state the actual --

MR. MENNERICH: It said --

MR. CLARK: Incentives?

MR. MENNERICH: It said Orange County has adopted the C-PAC, Commercial Properties Assessment Clean Energy Program

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

that can provide financing up to a hundred percent of the cost of a rooftop solar project. For more information visit [www.orangecountygovernment.gov.com/295/c-pac](http://www.orangecountygovernment.gov.com/295/c-pac).

MR. CLARK: Thank you. That specific program was discussed.

MR. MENNERICH: Okay.

CHAIRMAN EWASUTYN: Thank you. Stephanie DeLuca?

MS. DeLUCA: No. It looks rather sleek and it's a nice design.

CHAIRMAN EWASUTYN: Thank you. Frank Galli?

MR. GALLI: I'm okay with the ARB.

CHAIRMAN EWASUTYN: Thank you. Would someone move for a motion to grant ARB approval for the Farrell Industrial Park?

MR. DOMINICK: I'll make a motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

motion by Dave Dominick. I have a second  
by John Ward. May I please have a roll  
call vote starting with John Ward?

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: It seems like  
the sequence changed because Frank Galli  
requested at the last meeting that --  
okay.

At this point, with the  
coordination between Ken Wersted, Pat  
Hines and our Attorney, Dominic Cordisco,  
can we discuss the resolution of approval  
and also stating a reason for the County  
wanting solar? I guess we have to have a  
majority plus one vote.

MR. CORDISCO: Yes. So in  
connection with the County 239 report,  
once again it's written in a way that is a

1  
2 little unclear from my perspective because  
3 it's identified as a binding comment and  
4 then it says that the project should  
5 integrate solar. So it's a binding  
6 comment for a recommendation that gives  
7 some flexibility and option.

8           And, of course, it's very helpful  
9 to identify the fact, as Mr. Mennerich  
10 said, that there's a hundred percent  
11 financing available if the applicant so  
12 chooses.

13           Nonetheless, the applicant has  
14 identified the fact that they are  
15 considering the integration of solar into  
16 the facility.

17           One potential way forward for  
18 this would be to include that specific  
19 language as a condition of any approval  
20 resolution that the Board may adopt, and  
21 that's basically carrying forward the  
22 County's recommendation in that regard.  
23 My proposal would be to include the exact  
24 language that the County has recommended,  
25 which is that the applicant should

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

integrate solar, and mention the potential financing. That would be one condition of approval.

The other option would be if the Board was not inclined to include that as a condition, the Board would have to override the County's recommendation with specific reason, and it would have to be by a supermajority vote of the Board. It would have to be by a five-Member vote.

CHAIRMAN EWASUTYN: So what is the position that the Board wants to take? Frank Galli? Override?

MR. GALLI: No, I don't want to do the override.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No. I'm not in favor of the override.

MR. MENNERICH: Dominic, the word should versus shall, is that the difference we're talking about?

MR. CORDISCO: Yes. As a former English major, you know, it jumps off the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

page at me because, you know, there are a lot of things I should do and things I should not do but I do them anyway.

CHAIRMAN EWASUTYN: Your position, Ken, is should?

MR. MENNERICH: I don't think we should override it.

CHAIRMAN EWASUTYN: You should consider it?

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: And I would take the same position, you should consider it.

MR. BROWNE: The same.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Yes, they should consider it.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Yes, consider it.

CHAIRMAN EWASUTYN: So that will be part of the language in the conditional final approval?

MR. CORDISCO: Yes. That would



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

be one of the conditions. There's a number of others that I've identified for the Board's consideration.

The next one would be entering into a developer's agreement with the Town Board which would include the applicant's contribution towards its fair share cost sharing for the traffic improvements.

The next one would be the requirement to enter into a stormwater facilities maintenance agreement.

And then the next one would be, as Mr. Hines had identified, that the applicant must submit the rationale and materials associated with the 5-acre waiver for stormwater disturbances.

There are a number of estimates for site development costs, and so all of the provisions relating to site development costs for landscaping, stormwater management and control, the water line, the water system improvements would all have to be identified and included as a condition of the resolution.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Since we haven't received a response from emergency services referrals, a confirmation that the plans are acceptable to emergency services should also be received. The plans should also be revised to address a number of comments that your consulting engineer had identified in his most recent comments.

And then the last one that I have, as Mr. Clark had mentioned there is an ARB form that needs to be submitted as well.

CHAIRMAN EWASUTYN: Pat Hines, do you have anything to add to this?

MR. HINES: I don't know if we should specifically call it the DOT permit as well, but it's in my comments.

MR. CORDISCO: All outside agency permits is the standard condition.

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

MR. CAMPBELL: Nothing to add.

CHAIRMAN EWASUTYN: Ken Wersted?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. WERSTED: Nothing. Thank  
you.

CHAIRMAN EWASUTYN: Comments from  
Board Members. John Ward?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Dave  
Dominick?

MR. DOMINICK: Nothing further.

MR. BROWNE: Just to clarify for  
myself, the fair share contribution is  
that they shall negotiate with the Town  
Board to whatever that comes out to. So  
we're just saying they need to negotiate?

MR. CORDISCO: That's correct.  
That's correct. Similar to the process  
that the Board undertook with The Polo Club.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Ken  
Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Stephanie  
DeLuca?

MS. DeLUCA: No questions.

CHAIRMAN EWASUTYN: Thank you.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Frank Galli?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Okay. Would someone move for a motion to grant site plan approval subject to the conditions that were presented by the Planning Board Attorney, Dominic Cordisco?

MR. HINES: It's a lot consolidation, too.

MR. CORDISCO: Yes. That will be included in the resolution.

MR. MENNERICH: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Cliff Browne. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: May I please have a roll call vote starting with John Ward.

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. BROWNE: Aye.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. GALLI: No.

CHAIRMAN EWASUTYN: Okay. Motion  
approved.

Thank you.

MR. SCHUTZMAN: Thank you very  
much.

MR. MODAFFERI: Thank you.

(Time noted: 7:28 p.m.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 2nd day of December  
2021.

*Michelle Conero*

---

MICHELLE CONERO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

- - - - - X

In the Matter of

POPPY LANE  
(2021-26)

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

- - - - - X

AMENDED SUBDIVISION

Date: November 18, 2021  
Time: 7:28 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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

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

- - - - - X

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: The Planning Board's second item this evening is Poppy Lane. It's north of Lester Clark Road, between 114 and 118 Lester Clark Road. It's in an AR Zone. It's being represented by Engineering & Surveying Properties.

(No representative present.)

MR. DOMINICK: Should I go outside and check?

CHAIRMAN EWASUTYN: Please.

MR. WERSTED: I can go check.

(Pause.)

MR. WERSTED: There is no one.

CHAIRMAN EWASUTYN: Is anyone in the foyer?

MR. WERSTED: No. Nobody is outside, no one is in the hallway.

CHAIRMAN EWASUTYN: Let the record show that Engineering & Surveying Properties weren't here this evening for Poppy Lane.

(Time noted: 7:30 p.m.)



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 2nd day of December  
2021.

*Michelle Conero*

---

MICHELLE CONERO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X

In the Matter of

ADS PROPERTIES/SHEELEY CAR WASH  
(2021-04)

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

----- X

SITE PLAN

Date: November 18, 2021  
Time: 7:30 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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

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

APPLICANT'S REPRESENTATIVE: NICHOLAS RUGNETTA  
& GLEN SHEELEY

----- X

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: The third item that the Planning Board has is ADS Properties/Sheeley Car Wash. It's a site plan located on Route 300 in an IB Zone. It's being represented by Pietrzak & Pfau.

MR. RUGNETTA: This is the ADS Properties, LLC car wash located on New York State Route 300.

So we're proposing a car wash 100 foot by 35 foot. That's 3,500 square feet.

Just recently we appeared before the Zoning Board to reaffirm the variances that were discussed at the last Planning Board meeting. We had pushed the building up a few feet, 6 feet, and the Zoning Board did reaffirm their variances on that modification.

We're at the Board tonight to discuss any comments that they might have regarding the project and possibly schedule a public hearing.

CHAIRMAN EWASUTYN: Thank you. For the record, you are?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. RUGNETTA: Nick Rugnetta from Pietrzak & Pfau. This is Glen Sheeley, the applicant.

CHAIRMAN EWASUTYN: I think we'll open the meeting up to discuss the project with you.

The concern is how functional this site is as far as stacking. It does show one point that the cars, if need be, can pull into the center island, if there are that many vehicles, to mitigate the potential of cars being on Route 300.

The question then is what happens for those people who want to use the vacuums or who are entitled to use it? The further question is this site, possibly can it be developed without the vacuums so it would have better circulation?

Apparently the site in Wawayanda has been sort of a dual-edged sword out that way. We're not quite sure how functional this might be.

MR. SHEELEY: I'll explain. So

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

on the --

CHAIRMAN EWASUTYN: You are?

MR. SHEELEY: Glen Sheeley. I'm the applicant for the car wash.

So during our normal business hours you're running cars in dual lanes stacked up and then we have our emergency plan when the cars start stacking, which is you bring them through the vacuum area and you would have two rows. So your first was the vacuums. When we do this plan in our White Plains store, we shut all the vacuums off. All you do is pull the hoses out and we discontinue vacuuming for those days that we have heavy volume, and then we place an attendant here and here. Theirs is a little different setup there, but they have the same thing. They have attendants.

So you have four lanes of traffic coming in. Nobody gets mad that you pulled in here and I'm here and the traffic is going quicker. So that's how we do that in White Plains. That's worked

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

out well for us there to keep the traffic off.

Yes, we have the Wawayanda one. That does get traffic on the road. We're actually in the process now of getting approvals for another site in Middletown that hopefully will alleviate the congestion on the road there.

CHAIRMAN EWASUTYN: At this point, whoever wants to speak on the Board to discuss the project may do so. It's an open Board. So Frank, do you have something to say?

MR. GALLI: No. I'm okay. If they shut the vacuums down, then you've got plenty of room to cue back and stuff like that.

MR. SHEELEY: You don't want it backing up.

MR. GALLI: Our concern is someone parking out on Union Avenue and getting rear-ended because there's no shoulder there, and then you're going to be in trouble.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. SHEELEY: As soon as you open this up and you go into that extra stacking plan, you just pull the hoses off.

MR. GALLI: How many employees do you say you have on that site at one time usually?

MR. SHEELEY: There's two. If somebody is pulling in -- the manager is usually walking back and forth to the kiosk or taking care of unlimited memberships. This one here has the license plate recognition so we can eliminate some of the tags. Nobody likes the sticker in their car.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: I appreciate the emergency plan that you came up with. That kind of satisfied my question.

MR. SHEELEY: Thank you.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: I'm concerned about people trying to make a left-hand

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

turn when they're leaving the facility.  
The traffic gets backed up from the  
stoplight on 17K all the way --

MR. SHEELEY: You want a right  
only out?

MR. MENNERICH: It seems like a  
right out would be the best possibility.  
It's going to be suicide for people trying  
to make a left-hand turn out of there I  
think.

MR. SHEELEY: Right. I'm not  
opposed to that.

MR. RUGNETTA: It is going to be  
difficult. There are other businesses on  
that side of the road, I believe, that  
don't have just a right only.

So, you know, if someone is  
sitting there for a minute or two and they  
couldn't get out at peak hours, I'm  
assuming they would just go the other way.  
If they have to go left, they would turn  
around in the plaza.

CHAIRMAN EWASUTYN: That's a  
merry-go-round. Go ahead.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. RUGNETTA: Like I said, there are businesses on this side of the road that do have entrances to Route 300 and aren't just right turn only.

CHAIRMAN EWASUTYN: I guess in a broad sense how functional in some ways is it to have someone leave there and then go into someone else's business and then turn around and go in a direction? I mean that's your choice.

Would there be some kind of notice to those people, assuming they were coming in to get their car washed or to vacuum their car, that there is not any use of the vacuums that day? I mean if I were a customer, and I'm not a nickel and dime guy, so I wouldn't -- I still go to sleep at night. Some people feel they paid for a service and now they are not getting the benefit of that service.

MR. SHEELEY: It's like going to the buffet and they have no dessert that day and you paid for the dessert. I hear you a hundred percent. So what we would

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

do is we would put a sign out here with the employee that would say during these busy hours, you know --

CHAIRMAN EWASUTYN: Do you add an additional employee during these peak hours? That was the main question. You start out with two. You have someone up front and you have a manager that floats.

MR. SHEELEY: Right. I'm sorry. Under the busy days you would add one of the two people. At first I would probably do two to make sure everything can get done. You might be able to do it with one. I would probably add two. I thought you meant normally on business hours. You would add some people on those days. Correct.

CHAIRMAN EWASUTYN: Ken Mennerich, anything else?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: What would trigger your decision to turn off the vacuums for the day or part of the day or whatever?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. SHEELEY: If it started backing up on the road.

MR. BROWNE: So you would actually wait until people backed up on the road before you did that?

MR. SHEELEY: Well, if you started seeing cars sitting here at the turn, once somebody is sitting here all you have to do is pull the hoses off and send somebody out, run them through. That's how we do it at the other location that we have.

CHAIRMAN EWASUTYN: In White Plains?

MR. SHEELEY: Yes, sir.

MR. BROWNE: Okay.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I appreciate that, but I'm still concerned about the safety and the cueing and the backing up on Route 300. I don't think this plan that you have here, this emergency plan, is going to cut it.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A couple of things. January, February, busy time. After that snow, everyone wants the salt off their cars. You're going to get backing up of cars, they're going to go on 300. 12:00 on a Saturday, that area alone, snow or sunny day, cars cue up past Stewart Avenue, okay. So you're going to have a lot of congestion in that area.

Is it possible to change your business model and have vacuuming as they first enter the chute there? That will free up more space on this site to accommodate cars.

You said on a normal day you have two people working. Now on your high volume days you're going to have two more people, that's four, but you only have parking for two. Where are the other two parking?

MR. SHEELEY: Especially on our other sites, they park on the exit road on those busy days. We never use this. This is just for an emergency if somebody

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

couldn't go through the car wash.

You asked a couple questions.

First is change it --

MR. DOMINICK: Change your business model to where as you vacuum the car -- take away all the vacuum stalls, you vacuum the car as it first goes into the chute of the car wash.

MR. SHEELEY: We're not a full-service car wash. We don't do full service. You're saying have employees vacuum the car?

MR. DOMINICK: Right.

MR. SHEELEY: That actually takes longer. That takes five to ten minutes to wash your car. We wash three cars a minute, so it would actually take longer.

And then you're saying take the vacuums away?

MR. DOMINICK: Yes. If you were to take the vacuums away in the complex and have a central vacuum in one spot before the chute, that would free up more area to maybe do a different drive

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

pattern, put more cars in the cueing and basically alleviate anything that appears on 300 during peak hours or peak time of cleaning.

MR. SHEELEY: Right. Doing that would do the opposite because you would only be able to process -- I mean you have full-service car washes in this Town.

Right now you can watch and time them. You know, five, ten minutes it takes to wash your car. Manually people have to vacuum it and then prep it and then go through the car wash. Even if you said to dry it, that would be a full-service model. We don't vacuum, we don't prep cars, we don't dry cars.

CHAIRMAN EWASUTYN: But you look to do volume, and volume could create a stacking. That's what we're beginning to talk about.

MR. SHEELEY: Right. So then you're saying if I --

CHAIRMAN EWASUTYN: So you're saying you can get them in and out quicker

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

than they can at a neighboring car wash,  
and that's what we're trying to visualize  
and understand.

MR. SHEELEY: Right.

CHAIRMAN EWASUTYN: You're set up  
for doing how many cars a minute? Three?

MR. SHEELEY: Three a minute.

CHAIRMAN EWASUTYN: And people  
are looking for --

MR. GALLI: That's a lot of cars.

CHAIRMAN EWASUTYN: It's a lot of  
cars.

MR. SHEELEY: That's at our peak.  
That peak conveyor speed.

CHAIRMAN EWASUTYN: Why do you  
feel safe about this project?

MR. SHEELEY: I'm sure --

CHAIRMAN EWASUTYN: I'm asking  
you. Not I'm sure. Why do you feel sure?

MR. SHEELEY: Because in this  
climate here in Newburgh compared to our  
other ones in Middletown -- I know that's  
what I'm being compared to, Middletown.  
In Middletown there were no car washes.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

There was a couple of dump washes there. I was the only guy. I came in and I had the pick of the litter.

In Newburgh there's a dozen car washes and there's a couple good operators around here. It's not as easy to get the volume here. Is the volume huge out there? It is. We were surprised just as much as the town is. I know Pat got some grief about that.

This one here is a much smaller facility. It's a smaller tunnel. That place is a super complex. I've had huge competition around here. I mean I love Chaz that has the wash down the road, and he does great volume. I know his numbers. I know the owners of Bubble Barn. I know the volume there. They just don't have the volume here in Newburgh with the amount of competition that I'll have.

I agree with you, on some busy days it will get busy, but that's why I have that plan to pull it off. In White Plains there's a similar demographic. I



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

think there's one or two more washes in the area, and that's what we do there and it's worked well.

CHAIRMAN EWASUTYN: What's the tunnel size in White Plains?

MR. SHEELEY: 100 foot. A 100-foot tunnel.

MR. DOMINICK: You said the magic word there. All of your competition has stacking. You're right. There is so much competition around here and they do have stacking every critical high volume day. You're just going to be included in that mix. And given your location on Route 300 really concerns me because I know they are going to stop and cue right on 300.

MR. SHEELEY: We have more stacking than the existing washes that are here.

MR. DOMINICK: You have a smaller footprint, I think, and they have larger footprints and double lanes and still have cueing toward the roads. 17K has it, 32 has it.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. SHEELEY: Newburgh Auto Spa is single.

MR. DOMINICK: It's double.

MR. GALLI: They just put an extra one in.

MR. DOMINICK: Because it got crazy.

MR. SHEELEY: And then Old Canary's old car wash is one lane in all the time.

MR. GALLI: He has the vacuums across the street. So they have to pull across the street and then they do it there. The traffic isn't really --

MR. SHEELEY: Well, that whole road is closed down right now.

MR. DOMINICK: And then, also, what Ken said, I think it has to be a right turn only.

MR. SHEELEY: I'm not opposed to the right turn only thing. I agree with that. It's common sense. It's hard to get --

MR. GALLI: Pat, would the DOT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

approve, you know, those curbs they put in so you can only make a right? I know they don't work all the time because I see people come in at BJ's.

CHAIRMAN EWASUTYN: That's a question for Ken Wersted.

MR. GALLI: I'm sorry, Ken.

MR. WERSTED: They would. They would certainly take that into consideration given the volume that's there.

I think comparatively to the other sites that are along that section of road, you've got the restaurant to the north here, the Ramada Inn is behind here, the Denny's is to the south. If you do have a right turn out, people could just wind up going into Denny's, cutting through the parking lot and then they're trying to take a left out from there. So there's some pros and cons to it. From my observations there are times where traffic signals are timed such that you do have a pretty big gap that you could pull

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

out onto 300, but I'm not there all the time. There are times, as Dave Dominick had seen, where traffic is backed up, you know, from the signal all the way up to the overpass. Those conditions, you know, you probably aren't going to want to take a left turn out because to do so you're going to have to be cutting in between cars to try and find that lane. It's definitely a challenge.

MR. GALLI: Would it change the New York DOT work permit if they were working with the DOT on the design of it?

MR. WERSTED: It wouldn't change. I mean they would just continue through the process, take into consideration the Board's comments.

I don't think DOT would say no, we don't want to provide you with only a right out, but I think DOT obviously is going to look at it as a whole. It would be nice to consolidate many of those driveways together, but I know there's differences in topography.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. GALLI: If they left the driveway the way it is and just put a sign up no left out, would DOT get involved then, too? Would it be part of the sign package on the property?

MR. WERSTED: I think DOT would be involved in that. They'd want to see it because the sign would most likely be out in the right-of-way, short of putting it on the private property side of things. I think they would just have an interest.

MR. GALLI: That brings us back to the sign package. Do they have enough room for the signage on the property if they add that one sign, Jim?

MR. CAMPBELL: I do not know.

MR. HINES: Directional signs aren't part of that. DOT signs are exempt from that. Directional signs and signs that DOT would require aren't part of that.

DOT is going to review this. They're going to need a highway work permit from DOT.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. GALLI: So they might come back and tell them to do that, anyway. Okay.

CHAIRMAN EWASUTYN: John Ward?

MR. DOMINICK: I have one more.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: What is your price point?

MR. SHEELEY: 8, 12, 14 and 18.

MR. DOMINICK: So \$8 a month or --

MR. SHEELEY: \$8 a wash.

MR. DOMINICK: And an unlimited package?

MR. SHEELEY: It goes from 18.95 up to 34.99.

MR. DOMINICK: It's still going to be the cheapest around. You're going to have volume.

MR. SHEELEY: It's \$7 down the road at Matt's place.

MR. DOMINICK: No. I mean for the membership.

MR. GALLI: That's not the cheapest. That's about normal. Minute

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Car Wash I think was 19.

MR. DOMINICK: Okay. Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: What road is it on in White Plains?

MR. SHEELEY: Tarrytown Road.

MR. WARD: Tarrytown. That's a busy road like 300. I know the site very well. I appreciate you blocking off the top entrance. You switched it around so that you had one entrance, but I brought it up at work session about the left turn. No matter what you do, in the middle of the day they're flying from 84 coming down 300. There's no way you should have a left turn, period.

MR. SHEELEY: I'm okay with the right turn.

MR. WARD: And nobody brought it up, but employee parking, where are they parking?

MR. SHEELEY: He did. There's two here now.

MR. RUGNETTA: Another thing we

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

did is we actually shifted -- the machine is in the back of the building. So we actually shifted the entrance coming in this way in the front of the building so we could add a spot or two here and another spot or two at this side. That would still allow usage of the bypass. So we were thinking about adding more employee parking spaces in that location.

MR. WARD: This way it's out of the way. Bubble Barn down here, the employees park in the back.

MR. SHEELEY: Right.

MR. WARD: That should do it.

CHAIRMAN EWASUTYN: Ken Wersted with Creighton, Manning, do you want to summarize the potential impact for traffic and, if there isn't any, what you've studied?

MR. WERSTED: Our concern has always been the impact on Route 300. The site doesn't have any shoulders. When it is one of those nice days after a storm and it's a heavy use day, you have that



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

potential to back up to the intersection. If people decide they still want to get a wash and not come back later, there's no room essentially for them.

I like the contingency plan of driving through the vacuum area. It did add a bunch of stacking to the site to accommodate that.

We did get responses from the applicant's traffic engineer documenting some different trip generation rates. My comment back to them on Friday was just -- they provided the letter but they didn't provide the backup material. We just want to make sure that we're comfortable with those numbers. I know you have access to all the data that you have from your different sites. So that would be our concern, just making sure that we have enough info. I think potentially there's always going to be that risk of it's a super nice day, it's after a storm, and traffic is just going to overwhelm the capacity of any of the car washes in

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Newburgh.

CHAIRMAN EWASUTYN: Jim Campbell,  
Code Compliance?

MR. CAMPBELL: I have no  
comments.

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

MR. HINES: I heard the emergency  
traffic plan. I just wonder about  
enforcement of that, how that could be  
enforced, how it's going to be  
implemented. It requires additional  
employees on the site but it doesn't get  
implemented until there is a backup. I  
don't understand how the additional  
employees will be available. I think that  
needs to be more detailed, somehow be  
enforceable either through the resolution  
or through map notes. But I think  
reacting at the backup on that road, it  
will back up that road past this building.  
It's just too late when the vehicles start  
stacking there. If you block one lane of  
Route 300, it's going to domino down the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

road. So I still have a concern on how that's going to be implemented.

DOT approval will be required for the entrance drive.

We provided the engineer with the water sprinkler system detail.

There's a large retaining wall in the rear. We need a note that that will require a building permit and be designed by a licensed professional.

The vehicle stacking plan depicts the vehicles stacked in front of the vacuums. There's vacuum stalls in front of that vehicle stacking lane.

MR. RUGNETTA: I think there's one right in the center. You said that comes out.

MR. HINES: I think the hose comes out. The vacuum doesn't come out.

MR. SHEELEY: Right. You're having essentially two lanes. You just stack two cars here and you have an employee take turns.

MR. HINES: So the plan you show

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

there will have the cars running right into that vacuum --

MR. WERSTED: The vacuums are on arms, so they'll be going underneath.

MR. RUGNETTA: He's saying the one in the center.

MR. HINES: There's one in the center of that aisle there. That needs to be reviewed.

The sanitary connection is connecting to a manhole. We don't permit that. It has to connect to a saddle on that. That will need to be revised.

We did send it to the City of Newburgh and we did receive the City of Newburgh flow acceptance letter.

You need to show the location of the water main.

We reviewed your stormwater report and found that to be acceptable.

This will require referral to the Orange County Planning Department as it's located on the State highway.

CHAIRMAN EWASUTYN: Dominic

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Cordisco?

MR. CORDISCO: Yes. In connection with that, the referral to Orange County Planning and their response is required before this Board can consider making a determination under SEQRA. This Board typically makes its determination -- its SEQRA determination, I should say, prior to scheduling a public hearing.

At the outset of tonight's appearance there was a request for consideration of a public hearing. Procedurally it's not ready for that yet, given the fact that we have not heard yet from the Orange County Planning Department. I listened and understood that there are a number of concerns relating to the stacking and cueing of cars on Route 300. Has an application been made yet to the New York State DOT?

MR. RUGNETTA: Yes. I spoke to the permitting engineer, Siby Zachariah, and she has the permit as well as the SWPPP and the full plan set. She's

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

reviewing it currently.

MR. CORDISCO: My suggestion to the Board is that it may be helpful to the Board in making the SEQRA determination to actually have it back from DOT, because the primary concern here seems to be traffic and traffic impacts on Route 300 which is a State road. In the absence of having input to the Board from DOT, it might be premature to consider a negative declaration at this time.

CHAIRMAN EWASUTYN: Okay. That being said, you'll work with Pat Hines as far as a referral to the Orange County Planning Department.

And Pat Hines had commented, and it crossed my mind also, for lack of any way of describing it, I think you should have an emergency contingency plan that we can discuss at the next meeting. If the Board finds that it's suitable -- I guess one of the statements is you said we would have notes on the final site plan, because, again, all of a sudden there's

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

stacking and then you need someone and you don't have someone. By the time someone gets there, the problem is greater than it would have been had you had the manpower to solve it. So you'd have to provide us with some information --

MR. SHEELEY: I understand.

CHAIRMAN EWASUTYN: -- as to how you're going to staff it.

MR. SHEELEY: Right. And obviously, we know, just like you said, salt days are busier days after a storm. Obviously we get that, too. We would pre-man -- actually, May is the busiest month for us with the pollen. Actually, the salt months are -- they're busy, but May is the busiest month. Pollen is the worst.

CHAIRMAN EWASUTYN: Do you find that during January, February when people come in to have their car washed, that there's a possibility of ice buildup on the road from the water that's coming from the car wash?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. SHEELEY: Usually what we do on other sites is speed bump the exit so they're stopping.

A lot of reasons why car washes get a lot more water on the road is they run their undercarriage at the end of the tunnel. We run the undercarriage at the beginning of the tunnel because that water drips off from underneath the car down. Obviously having a huge amount of blowers also helps with that. A lot of the washes around here only have four blowers or five blowers. The more blowers that you have, you're pushing that water out of the cracks and nooks and crannies of the car. We flash dry two feet after the water droplets hit the car when the water droplets are biggest. We're blowing it off and then we're keeping that water moving and getting it off. Our Middletown site has fifteen blowers. White Plains I think has eighteen blowers. So the more volume of air you have, you can keep those cars dryer and less water proceeding out



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

of the tunnel. It ultimately makes a happier customer because water drips off and water makes water spots.

If you wanted to be a car wash guru, if you go through a car wash and you see the big long water trail as you go through, you'll get more spots on your car. If you go through a car wash and you see less water, even if they're a busier wash, you'll get less spots on your car because they move that water off the car.

CHAIRMAN EWASUTYN: What qualifies you as a guru? How many locations do you have?

MR. SHEELEY: Forty-two at this time.

CHAIRMAN EWASUTYN: Congratulations. I don't mean that sarcastically. I respect your success.

MR. SHEELEY: My grandfather started in the car wash business in 1969. The Village of Walden was our first one. And then my father, obviously, and then myself. Now we are with a bigger group of

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

guys and we build washes and express models, which are really the only model we build now.

CHAIRMAN EWASUTYN: Interesting. So if you could, work on that emergency plan.

MR. SHEELEY: Yup.

CHAIRMAN EWASUTYN: You'll work with Pat Hines as far as circulating to the Orange County Planning Department. We look forward, when the timing is right, to have you back before us.

The County has thirty days to respond once it's circulated. If you want to try and work with the County to respond earlier than thirty days, you're of course entitled to that.

I guess today being the 18th, in the best of all worlds, the last meeting for this year is the 16th of December. We may not see you now until January. But that's just conversation.

MR. SHEELEY: Okay.

CHAIRMAN EWASUTYN: In the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

meantime, happy Thanksgiving.

MR. RUGNETTA: Thank you.

MR. SHEELEY: Thank you.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 2nd day of December  
2021.

*Michelle Conero*

---

MICHELLE CONERO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X

In the Matter of

55 SOUTH PLANK ROAD/18 BROOKSIDE AVENUE  
(2021-30)

55 South Plank Road & 18 Brookside Avenue  
Section 71; Block 5; Lots 8 & 18.1  
R-3 Zone

----- X

INITIAL APPEARANCE  
LOT LINE CHANGE

Date: November 18, 2021  
Time: 8:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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

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

APPLICANT'S REPRESENTATIVE: KEVIN GAGLIANO

----- X

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: Our fourth item of business is 55 South Plank Road and 18 Brookside Avenue. It's an initial appearance for a lot line change. It's located in an R-3 Zone and it's being represented by -- are you with Lanc & Tully?

MR. GAGLIANO: I'm not. I'm Kevin Gagliano. I'm actually the applicant and also the representative.

I don't know if the paperwork was unclear, but Lanc & Tully prepared the map so I'll be presenting the application. If Lanc & Tully would be needed, I'd be happy to have them appear.

So good evening, Board Members. My name is Kevin Gagliano. I'm a local attorney. I also own the subject parcel of this application which is section, block and lot 71-5-8.

The gist of this application is that I am in agreement to purchase, pending Planning Board approval, 120th of an acre from my neighbors who are behind

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

me. In essence, I have the lot adjacent on this side which is 71-5-7. That lot line goes all the way back to the fence line of the neighbors at 71-5-18.1.

This lot line change would just even out the lot line for the second adjacent lot and just make it more clean.

It's pretty simple. It's a relatively small piece of land and I don't really foresee any impact to any neighbors because it really wouldn't change the use. It's just changing the existing line.

CHAIRMAN EWASUTYN: And from what you're looking to create, how many variances might you need?

MR. GAGLIANO: Well, viewing it through the lens of current nonconforming uses, those will still be as they are. For the lot that I'm purchasing, the piece from their setback in the front yard is less than zoning requires. Pretty much the setbacks from all sides of 71-5-8 are not in conformance with the current zoning.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: Jim Campbell,  
comments on this?

MR. CAMPBELL: Pat already has  
comments on this which would be required  
for variances.

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

MR. HINES: Sure. So the Town of  
Newburgh Zoning Board of Appeals has  
determined that once you subdivide, alter  
or change a use, that you lose your  
grandfathered protection of the  
preexisting nonconforming items that are  
identified in the bulk table.

I've listed on Tax Lot 8, which  
is the parcel that this gentleman owns,  
the lot size is required to be 12,500.  
Even after the lot line change it will be  
9,525.25. Lot width, 85 is required where  
50 exists. Front yard, 40 is required  
where 30.7 exists. Side yard, 15 for both  
where 9 and 9.3 are existing. Then as the  
gentleman stated, Tax Lot 18.1 has a  
deficient front yard setback, 40 feet



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

required where 36.8 exists.

This Board would be in a position to refer this to the Zoning Board of Appeals for those necessary variances.

The only other comment I have is I note that there is no municipal sewer in the front. I'm assuming the sewer goes to the rear.

MR. GAGLIANO: The sewer line runs through the adjacent lot on the site, 71-5-9, and connects to Brookside Avenue. They connect to sewer. My lot, 71-5-8, it's just a septic in the back. That's what those manholes are on the map.

MR. HINES: So then that's going to change the minimum lot size requirement. The lot sizes differ for --

CHAIRMAN EWASUTYN: Sewer and not sewer.

MR. HINES: Yes, sewer and not sewer. We'll take a look at that as well. It identifies having sewer. Being familiar with no sewer in the front, I thought maybe there was an easement

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

through the back. I was hoping those manholes cut through the adjoining parcel.

MR. GAGLIANO: That would be nice.

MR. HINES: Now may be your opportunity to work that out.

CHAIRMAN EWASUTYN: Are you pretty clear on how the code works?

MR. GAGLIANO: Yeah. I understand that I will have to go before the Zoning Board, unless there's a mechanism of waiver, which I doubt. But yeah, I understand.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: Any specific purpose why you're doing this? Just to pick up --

MR. GAGLIANO: So this house actually is occupied by my grandfather. He's 89. This is a quaint house and it's kind of the centerpiece of our family. My brother comes and visits, my aunts and uncles still come and visit my grandfather. I live next door because I

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

kind of look out for him, keep him company and take care of his house and him. Really it's just to have a backyard space. It's not the nicest kind of -- it's not the most peaceful area, so we're just kind of looking to have a space to put a picnic table and just have a little bit of a backyard. That was pretty much the idea, to clean it up, because right now it's just debris from trees. It's not really well kept. We just kind of wanted to clean it up and make the lot line a little more normalized from what it is.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No. No comments.

MR. MENNERICH: No questions.

MR. BROWNE: Frank asked my question. Thank you.

MR. DOMINICK: It sounds like a good plan. Good presentation.

MR. WARD: It's very good.

CHAIRMAN EWASUTYN: What will happen now, and I'll let Dominic Cordisco,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Planning Board Attorney, speak as far as the next step procedurally for the referral to the Zoning Board of Appeals.

MR. HINES: I took the opportunity while we were speaking there to --

CHAIRMAN EWASUTYN: Thank you. The size of the lot?

MR. HINES: The size of the lot becomes 15,000 with just water where the 9,525.25 is, and the lot width changes from 85 feet to 100 feet where 50 feet is existing. So that will change the variance requests.

CHAIRMAN EWASUTYN: So just to clarify, and for Dominic's benefit, can we go through the required and the proposed in preparation of the letter?

MR. HINES: Sure. Lot size, required is 15,000. After the lot line it will be 9,525.25. Lot width, required is 100 where 50 feet is existing. The front yard continues the same, 40 feet required, 30.7 existing. Side yard is one 15, both

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

30, where 9 and 19.3 are existing. Tax Lot 8 remains the same. 18.1 remains the same.

CHAIRMAN EWASUTYN: Dominic Cordisco, can you then speak on behalf of the Planning Board?

MR. CORDISCO: Yes. So the next step in the process would be to refer this application to the Zoning Board of Appeals for the variances as enumerated by Mr. Hines.

If it pleases the Board, I would prepare that referral letter and that would open the way for the applicant to make an application to the Zoning Board of Appeals. Even though the referral letter is done by me, the application still has to be made by the applicant.

CHAIRMAN EWASUTYN: Would someone move for a motion to have Planning Board Attorney Dominic Cordisco prepare a referral letter to the Zoning Board of Appeals?

MR. DOMINICK: I'll make the motion.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by John Ward. May I please have a roll call vote starting with Frank Galli?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Okay.

MR. GAGLIANO: Thank you. Have a good night.

(Time noted: 8:09 p.m.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 2nd day of December  
2021.

*Michelle Conero*

---

MICHELLE CONERO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X

In the Matter of

FUCHECK SUBDIVISION  
(2021-31)

26 Tarben Way  
Section 6; Block 1; Lots 11 & 12  
AR Zone

----- X

INITIAL APPEARANCE  
FIVE-LOT SUBDIVISION

Date: November 18, 2021  
Time: 8:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: The last item of business this evening, besides Board Business, is the Fucheck Subdivision. It's an initial appearance for a five-lot subdivision located on 26 Tarben Way. It's in an AR Zone and it's being represented by Charles Brown of Talcott Engineering.

MR. BROWN: Thank you, John. This is two existing lots. One is 4.4 acres, roughly, and it's vacant. The other one is owned by Ray Fucheck's son and -- son-in-law and daughter. It's the same kind of house on that one.

We have done testing for all the septics. The tests are viable.

We propose to create the four additional building lots over a private road that comes off of Tarben Way.

CHAIRMAN EWASUTYN: Is that it?

MR. BROWN: That's it.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: Are you going to keep that big rock out front? It's pretty

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

nice. When you're done, that's going to be a private road so it has to be brought up to private road specs.

MR. BROWN: Yes.

MR. GALLI: Right now it's pretty rough.

MR. BROWN: Yes. It's a driveway now for the existing house.

MR. GALLI: I didn't go all the way back because I didn't know if somebody would be yelling and screaming at me. I turned around.

MR. BROWN: It's easy to do in there.

MR. GALLI: No questions as of yet, John.

MR. BROWN: I don't know if you all remember, but originally we wanted to bring these residents the access off of Still Hollow Road. We did do testing back then where the septic area is. We actually started clearing that, but all the people from Still Hollow Road wouldn't let us have access.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. GALLI: Now all your access is from Tarben Way?

MR. BROWN: Yup.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No questions at this time.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions at this time.

CHAIRMAN EWASUTYN: You did all the testing for the septic you say?

MR. BROWN: Yes.

CHAIRMAN EWASUTYN: And you think you're going to be proposing three or four bedroom homes?

MR. BROWN: Yes.

CHAIRMAN EWASUTYN: Four bedroom?

MR. BROWN: Four bedroom. Usually we size it both ways, three and four.

CHAIRMAN EWASUTYN: Okay. No further questions.

Cliff Browne?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. BROWNE: I'm good for now.

MR. DOMINICK: Nothing further.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I'm good for now.

CHAIRMAN EWASUTYN: Jim Campbell,  
do you have any comments?

MR. CAMPBELL: No additional  
comments.

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

MR. HINES: Our first comment  
just states that there are existing two  
lots, one with a single-family home.  
There is going to be proposed five lots  
after the consolidation and  
re-subdivision.

The EAF identifies the project in  
the Orange County Ag District 1.

The project will result in  
greater than 2.5 acres disturbance so it's  
a Type 1 action. The Board would need to  
declare lead agency and circulate for that  
Type 1 action. The information  
regarding the existing right-of-way, which

1  
2 I believe is on Tax Lot 10, identified as  
3 Burn Brick Builders should be submitted to  
4 Dominic's office regarding the ability to  
5 construct a private road in there. I know  
6 there's a 50-foot right-of-way, but I  
7 don't know what rights that right-of-way  
8 grants. So if you can, get that for  
9 Dominic's review.

10 The construction of a private  
11 roadway requires compliance with the Town  
12 of Newburgh stormwater management  
13 regulations. That's in addition to the  
14 DEC regulations. The private roadway  
15 kicks in the stormwater management regs.

16 We need some additional  
17 information on the culvert crossing. It  
18 looks like there's a large retaining wall  
19 built alongside of the culvert.

20 MR. BROWN: No.

21 MR. HINES: I looked at the  
22 aerial photos. It looked like something  
23 was out there.

24 MR. BROWN: It's got to be a  
25 shadow or something. I'll check it.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. HINES: It could be. It sure looked like there was a wall along there.

MR. FUCHECK: No, there is no wall.

MR. HINES: At the culvert crossing?

MR. FUCHECK: No.

MR. HINES: The information on that culvert crossing should be provided.

It looks like there's an issue with the grading plan at that culvert crossing, the 518 contour. You need to take a look at that.

MR. BROWN: It actually drops down below 518, up a little more and then down again.

MR. HINES: It's just not addressed on the plans.

MR. BROWN: I see that.

MR. HINES: The location in the Ag District will require submission to Orange County Planning after the Board does its lead agency circulation.

We'll need metes and bounds for

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

all the lots.

The soil testing data should be placed on the plan.

The location map, you should do something better than that so we can see where this is. It's kind of difficult to orient on there.

We just talked about the retaining wall.

The aerial photo also identified what looks like a large disturbed area on proposed Lot 2. I don't know if there was a fill in the vicinity up by the house location there.

MR. BROWN: Lot 2? Proposed lot 2?

MR. HINES: I'm sorry. Lot 5.

MR. BROWN: Lot 5. That's what I was talking about before. We originally cleared that area for the septic. We have a septic design for that from before the house was built.

MR. HINES: I just noticed there was a large disturbed area there.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. BROWN: We were going to come in from Still Hollow Road and we were prevented from doing that. We moved the location and designed a new septic closer to Tarben Way.

MR. HINES: The existing house, the driveway where you show isn't really where it's shown. The driveway looks to be in front of the garage, unless it's changed since the latest aerial photos were done.

MR. BROWN: It could have been. It's a fairly new house. I'll verify.

MR. HINES: Check that out.

And then note 3 identifies that the DEC wetlands were flagged by Mike Nowicki.

MR. BROWN: These are Federal.

MR. HINES: We'll need that note revised. You had me stumped for a little bit. I checked the maps and didn't find them.

I think we need some further information prior to us circulating for --



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

the lead agency I think we can do. County Planning, we would have to wait for the septic designs.

CHAIRMAN EWASUTYN: Who would be the outside agencies as we circulate?

MR. HINES: For Type 1 actions I believe DEC is by default. We would include Orange County Planning as an interested agency. That's probably it.

CHAIRMAN EWASUTYN: Okay. Would someone make a motion to declare our intent for lead agency and circulate to the New York State DEC and Orange County Planning as an interested agency?

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Stephanie DeLuca. May I please have a roll call vote starting with Frank Galli?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

MR. BROWN: Thank you.

CHAIRMAN EWASUTYN: I have an understanding of why it's called Still Hollow Lane. What's your understanding?

MR. BROWN: I have no idea.

CHAIRMAN EWASUTYN: What's your understanding? Tom Chadwick owned the property before. Tom Chadwick owned a lot of mills in the City of Newburgh. He owned the property. There was a water course that went through those acreages. There was a still on that road, a notorious still, and people would go there during prohibition and drink.

MR. BROWN: Now I know.

(Time noted: 8:18 p.m.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 2nd day of December  
2021.

*Michelle Conero*

---

MICHELLE CONERO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X

In the Matter of

SARA DAVIS LOT LINE CHANGE  
(2021-27)

Lot Line Change Approval

----- X

BOARD BUSINESS

Date: November 18, 2021  
Time: 8:18 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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

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

----- X

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: Pat, would you discuss tonight's Board Business, please?

MR. HINES: Yes. At the second meeting in October there was a lot line change before the Board, the Sara Davis lot line change east of 9W in the Middlehope area.

The only requirement for that lot line change was the circulation of the adjoiners' notice or the 500-foot notice. I prepared that and gave it to Mercurio-Norton-Tarolli-Marshall, Zach Peters. That notice has been sent and the Board is in a position tonight under Board Business to entertain an approval for that lot line change.

CHAIRMAN EWASUTYN: And your recommendation to the Board?

MR. HINES: I would recommend the Board issue a -- well, lot line changes are Type 2 actions. I would recommend to the Board to approve the lot line change.

CHAIRMAN EWASUTYN: Dominic

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Cordisco, do you have anything to add to that?

MR. CORDISCO: Nothing further. The resolution could be prepared.

CHAIRMAN EWASUTYN: Okay. Would someone make a motion to approve the lot line change of Sara N. Davis? Is that who it is?

MR. HINES: No. I think her name is Sara Davis.

CHAIRMAN EWASUTYN: Sara Davis. She was here that evening.

MR. HINES: The lots are in common ownership.

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Dave Dominick.

Dominic, do you want to discuss the resolution at all?

MR. CORDISCO: Yes. The resolution also will reflect the fact that a public hearing has been waived by this

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Board, and it would have the standard conditions in connection with presentation of mylars and the payment of all fees, including a rec fee -- no. I'm sorry. It's a lot line change.

MR. HINES: It wasn't even waived. Public hearings are not required by code.

MR. CORDISCO: It's not required. My apologies.

CHAIRMAN EWASUTYN: Having heard the conditions of approval by Planning Board Attorney Dominic Cordisco, we had a motion by John Ward. We had a second by Dave Dominick. We entered into a discussion.

May I please have a roll call vote for approval.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you.

I guess that being said, can I have a motion to close the Planning Board meeting of the 18th of November?

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: Frank Galli won't be at the meeting for the 2nd. Cliff Browne won't be at the meeting for the 2nd.

Will you be present?

MS. DeLUCA: Yes.

CHAIRMAN EWASUTYN: Will you be present?

MR. MENNERICH: Yes.

MR. HINES: Pat Hines won't be at the meeting on the 2nd, either.

CHAIRMAN EWASUTYN: Can I have a motion to close the meeting?

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: All right then. Have a happy Thanksgiving.

MR. GALLI: You have to vote on it.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: Thank you.

MS. DeLUCA: I'll second it.

CHAIRMAN EWASUTYN: Okay.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

(Time noted: 8:22 p.m.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 2nd day of December  
2021.

*Michelle Conero*

---

MICHELLE CONERO