

1
2 STATE OF NEW YORK : COUNTY OF ORANGE
3 TOWN OF NEWBURGH PLANNING BOARD

4 -----X
In the Matter of:

5 GERENTINE TIMBER HARVEST
6 (21-05)

7 Old Post Road
8 Section 8; Block 1; Lot 49.1-49.7
9 AR Zone
-----X

10 INITIAL APPEARANCE
11 CLEARING AND GRADING

12 Date: March 18, 2021
13 Time: 7:00 p.m.

14 Place: Town of Newburgh
15 Town Hall
16 1496 Route 300
17 Newburgh, New York 12550

18 BOARD MEMBERS: JOHN P. EWASUTYN, Chair
19 KENNETH MENNERICH
20 CLIFFORD C. BROWNE
21 STEPHANIE DELUCA
22 DAVID DOMINICK
23 JOHN WARD

24 ALSO PRESENT: DOMINIC CORDISCO, ESQ., Board Counsel
25 PAT HINES, P.E., Town Engineer
KEN WERSTED, Highway Consultant

APPLICANT'S REPRESENTATIVE: CHRIS PRENTIS

Reported by: Kari L. Reed

23 MICHELLE L. CONERO
24 3 Francis Street
25 Newburgh, New York 12550
(845) 541-4163

1 Proceedings

2 CHAIR EWASUTYN: May I have a motion to
3 close the work session of the Planning Board for
4 March 18th, 2021?

5 MR. BROWNE: Motion.

6 MR. MENNERICH: Second.

7 CHAIR EWASUTYN: I have a motion by
8 Cliff Browne, I have a second by Ken Mennerich.
9 Can I have a roll call vote, please?

10 MR. BROWNE: Aye.

11 MS. DeLUCA: Aye.

12 MR. MENNERICH: Aye.

13 CHAIR EWASUTYN: Aye.

14 MR. WARD: Aye.

15 MR. DOMINICK: Aye.

16 CHAIR EWASUTYN: Good evening, ladies
17 and gentlemen. We'd like to welcome you to the
18 Town of Newburgh Planning Board meeting of the
19 18th of March. This evening we have four items
20 of business, agenda items, and two board business
21 items. And at this time we'll call the meeting
22 to order with a roll call vote.

23 MR. BROWNE: Present.

24 MS. DeLUCA: Present.

25 MR. MENNERICH: Present.

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2 CHAIR EWASUTYN: Present.

3 MR. WARD: Present.

4 MR. DOMINICK: Present.

5 MR. CORDISCO: Dominic Cordisco,
6 Planning Board attorney.

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

9 MR. WERSTED: Ken Wersted, Creighton
10 Manning Engineering, traffic consultant.

11 CHAIR EWASUTYN: Okay. At this point
12 we'll turn the meeting over to Ken Mennerich.

13 MR. MENNERICH: Please rise for the
14 Pledge.

15 (Pledge of Allegiance.)

16 MR. MENNERICH: Please put your phones
17 on vibrate.

18 CHAIR EWASUTYN: Our first agenda item
19 is Gerentine Timber Harvest, planning Board No.
20 21-05. It's located on Old Post Road, an AR
21 zone. It's initial appearance for clearing and
22 grading. And it's being represented by Chris
23 Prentice of Lower Hudson Forestry Services.

24 Chris.

25 MR. PRENTIS: Good evening. I'm here

1 Proceedings

2 today for the initial appearance for a clearing
3 and grading timber harvesting permit on seven tax
4 parcels, 8-1-49.1 through 49.7, located on Old
5 Post Road. The parcels total 26, or 24.61 acres,
6 of which the proposal is to harvest 18 acres.
7 Trees are all marked with blue paint by a
8 certified forester. All hardwood species ranging
9 in size from eight to 35 inches in diameter, a
10 total of 154 trees to be harvested. Once the
11 trees are harvested they'll be utilized down to
12 approximately a ten inch top, the tops will be
13 lopped to no greater than three feet off the
14 ground.

15 The erosion control plan is going to
16 follow the state best management practices for a
17 timber harvesting. The ground is fairly flat, so
18 there's not going to be a lot of need for erosion
19 control devices, but where there are I guess some
20 steeper grounds then we'll put in water bars.
21 All of the trails will be regraded smooth. And
22 the landing area will also be cleared and graded
23 smooth and regraded and seeded upon completion.

24 In the application packet you'll see
25 the letter or the email from the DEC regarding

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2 two rare threatened and endangered species, the
3 bald eagle and Indiana bat. The project being
4 far enough away from the eagle nest, the DEC
5 determined there'd be no significant impact.
6 They did say that for Indiana bat they suggested
7 a seasonal harvest restriction, so harvesting can
8 only take place between October 1st and March
9 31st, which we'll abide by that.

10 It's expected that we'll take two to
11 three weeks to complete the job. Approximately
12 nine to ten truck loads, three to four truck
13 loads per week. And, you know, if the weather is
14 not conducive then it make take a little bit
15 longer, but the plan is if the weather is right,
16 then two to three weeks to completion.

17 CHAIR EWASUTYN: Questions from Board
18 members?

19 MR. BROWNE: None.

20 MS. DeLUCA: None.

21 CHAIR EWASUTYN: Pat Hines?

22 MR. HINES: Yeah. My first comment
23 just identifies what Mr. Prentis said, that it's
24 an 18 acre harvest on 24.6 acres, totaling 154
25 trees, which is approximately nine trees per

1 Proceedings

2 acre. It's similar in scale to other forestry
3 applications that Mr. Prentis has represented
4 before the Board. It's a selective harvest at
5 that rate.

6 We did identify the endangered species
7 in the EAF, and the DEC has sent their
8 jurisdictional permit screening letter which
9 identifies that the project will not impact the
10 eagles, and that the harvest restriction that was
11 identified for the time of year, October 31st
12 through March 31st, for the cutting, actually I
13 think we'll -- of course there will be no impact
14 to the bats.

15 We're suggesting the highway
16 superintendent comment on the location of the
17 access road and landing zone. We wanted to
18 confirm that the trees were marked, which
19 Mr. Prentis just did.

20 We discussed the erosion sediment
21 control. The hours of operation, the Town has
22 hours of operation that are required to be
23 complied with, I think it's seven a.m., so no
24 activity before then.

25 And the project requires a public

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2 hearing. So we would suggest that this project,
3 based on the information from the DEC and the
4 information from the applicant, we would have no
5 issue with the Board issuing a negative
6 declaration and scheduling a public hearing.

7 CHAIR EWASUTYN: What date would you
8 recommend to the Board for scheduling the public
9 hearing?

10 MR. HINES: Typically a month out.

11 CHAIR EWASUTYN: Excuse me?

12 MR. HINES: I'm looking at it right
13 now.

14 MR. CORDISCO: Mr. Chairman, if I may,
15 Mr. Hines, I believe your comments mentioned that
16 the project is located in the Orange County
17 Agricultural District.

18 MR. HINES: Yes.

19 MR. CORDISCO: And as such you
20 suggested that they circulate for lead agency.

21 MR. HINES: Well, I -- more so than
22 that, it was more that the County Planning
23 referral was required.

24 MR. CORDISCO: Got it, understood.
25 Yeah.

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2 MR. HINES: I don't know if there was
3 any other.

4 MR. CORDISCO: Yeah. I was only
5 questioning because I didn't -- I did not
6 identify any other agencies that would have
7 jurisdiction.

8 MR. HINES: Right.

9 MR. CORDISCO: And we've already gotten
10 comments from the DEC.

11 MR. HINES: Yeah.

12 MR. CORDISCO: So that's very helpful.

13 MR. HINES: So the suggested date would
14 be April 15th.

15 CHAIR EWASUTYN: Is the Board all right
16 with April 15th for the public hearing?

17 (Several "yeses.")

18 CHAIR EWASUTYN: And so Chris Prentis
19 will work with you, the adjoiner's notice and the
20 public hearing notice will be sent together or
21 just the public hearing notice?

22 MR. HINES: Well, typically when we
23 have them that fast tracked they would go
24 together, but we can't get them out in time. The
25 adjoiners notice has to be within ten days of

1 Proceedings

2 today's date.

3 CHAIR EWASUTYN: Right.

4 MR. HINES: And the public hearing
5 could be later than that. But I'll work with
6 Mr. Prentis to see if we can't do one mailing
7 with both of them.

8 CHAIR EWASUTYN: Okay. And you know
9 the procedure is you work with Pat and then
10 you'll know the referral coming in.

11 MR. PRENTIS: Mm-hmm.

12 MR. CORDISCO: Mr. Chairman, but prior
13 to scheduling the public hearing I would suggest
14 that you consider the adoption of the negative
15 declaration, which is typically this Board's
16 practice prior to scheduling a public hearing.

17 CHAIR EWASUTYN: Thank you, Dominick.
18 would someone move -- can we make both
19 actions, declare a negative declaration and set
20 the 15th of April for the public hearing, or do
21 we have to do them individually?

22 MR. CORDISCO: I have no objection.

23 CHAIR EWASUTYN: All right, thank you.

24 would someone move for a motion to
25 declare a negative declaration and to set April

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Proceedings

15th for a public hearing for Gerentine Timber
Harvest on Old Post Road?

MR. DOMINICK: I make a motion.

MR. WARD: Second.

CHAIR EWASUTYN: I have a motion by
Dave Dominick, I have a second by John Ward. May
I please have a roll call vote?

MR. BROWNE: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIR EWASUTYN: Aye.

MR. WARD: Aye.

MR. DOMINICK: Aye.

CHAIR EWASUTYN: Motion carries. Thank
you.

MR. PRENTIS: Okay, thank you. Have a
good evening.

(Time noted: 7:08 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 30th day of March, 2021.

Kari L. Reed

KARI L. REED

1
2 STATE OF NEW YORK : COUNTY OF ORANGE
3 TOWN OF NEWBURGH PLANNING BOARD

4 -----X
In the Matter of:

5 GASLAND PETROLEUM - 9W
6 (19-16)

7 5208 Rt. 9W
8 Section 43, Block 5, Lot 1
9 Zone: B and R3 (and LHI Overlay)
10 -----X

11 INITIAL APPEARANCE
12 SITE PLAN
13 CONVENIENCE STORE/MIXED USE

14 Date: March 18, 2021
15 Time: 7:08 p.m.

16 Place: Town of Newburgh
17 Town Hall
18 1496 Route 300
19 Newburgh, New York 12550

20 BOARD MEMBERS: JOHN P. EWASUTYN, Chair
21 KENNETH MENNERICH
22 CLIFFORD C. BROWNE
23 STEPHANIE DELUCA
24 DAVID DOMINICK
25 JOHN WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ., Board Counsel
PAT HINES, P.E., Town Engineer
KEN WERSTED, Highway Consultant

APPLICANT'S REPRESENTATIVE: CHRIS LAPINE

Reported by: Kari L. Reed

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

1 Proceedings

2 CHAIR EWASUTYN: The Planning Board's
3 second agenda item this evening is Gasland
4 Petroleum, located on Route 9W, Planning Board
5 number 19-16, located on Route 9W, it's in a B
6 and R3 and an LHI Overlay district. It's an
7 initial appearance for the site plan, a
8 convenience store/mixed use. And it's being
9 represented by Chris Lapine of Chazen
10 Engineering.

11 MR. LAPINE: Good evening,
12 Mr. Chairman, members of the Board. I'm Chris
13 Lapine of the Chazen Companies representing the
14 applicant, Gasland Petroleum this evening. This
15 is a project I believe you're familiar with. We
16 were before you last in May of 2020 for a, at
17 that time a subdivision of this 4.5 acre site,
18 where Pat's Towing is located, along with a
19 diesel operations. They also have an auto
20 mechanic shop, a single family home, and a
21 barn/apartment, which is also rented out.

22 At the time when we were before you
23 Gasland was proposing a subdivision of a one acre
24 lot for themselves, which would include a 2,600
25 square foot convenience store along with six

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2 pumps. And the remaining operations associated
3 with Pat's Towing, the single family home and the
4 barn and apartment were to remain.

5 we had a lot of feedback from the
6 Planning Board during 2020, equally the same with
7 the Zoning Board, we were before them in June, we
8 were successful at obtaining our variances.
9 Based upon the feedback we received, the
10 applicant determined that it would be in his best
11 interests to pursue the purchase of the property,
12 and disconnect the towing operations on a full
13 time basis away from the investment that he's
14 making into the site. He went ahead and has made
15 an offer. They are under contract so that the
16 applicant can now purchase the property. He is
17 no longer interested in performing a subdivision
18 of the property, but he would like to make some
19 modifications to the proposal that was previously
20 before you.

21 One, and I think most important to the
22 town, he wants to completely eliminate the towing
23 operations at the property. He wants to convert
24 the rear parcel for the rear building strictly
25 for auto body or auto mechanic shop. One of the

1 Proceedings

2 things when we first came back to you in May of
3 last year, there was a proposal to eliminate this
4 kind of landscaping buffer that we had talked
5 about in early 2020, but still accommodate the
6 towing operations. This gives the applicant the
7 opportunity to screen the rear of the property
8 and the building. He plans on redoing the facade
9 and putting a small addition. But, you know,
10 kind of giving him that vegetative buffer and
11 screening between the two operations.

12 This new proposal before you not only
13 eliminates the towing operations but it also
14 eliminates the single family dwelling that was
15 there that was renting out four or five rooms.
16 The intention is to keep the barn with the
17 apartment on the southern end of the property. A
18 slightly expanded convenience store, from 2,640
19 feet to 2,940 feet. Continue with the six pumps
20 and add two diesel islands to the operation.

21 The proposal before you has 24 parking
22 spaces associated with the convenience store, 16
23 parking spaces associated with the auto body
24 shop, and we also has two spaces identified for
25 the single family apartment/barn. We reduced the

1 Proceedings

2 number of access points down to one. We
3 previously had two for the operations there.

4 I think overall this is a better
5 project than what we had presented to you last
6 May, that we at this point feel comfortable
7 moving forward with. We still would require
8 almost the same variances that we did before.
9 We'd require two variances for the continuing
10 operations of the gasoline facility and the auto
11 shop because they're within 1,000 feet of the
12 existing fueling facility. The single family
13 home is still, well, the single family apartment
14 would still require three variances associated
15 with height, side yard setback and front yard
16 coverage. These were the same five variances
17 that were granted last June, but since this is a
18 new application and no longer a subdivision, it's
19 our understanding, based upon our workshop
20 session, that we would need another referral from
21 the Planning Board to reinstitute those variances
22 within a separate application.

23 MR. BROWNE: Right.

24 MR. LAPINE: The applicant is still
25 looking to give you the same type of

1 Proceedings

2 architectural features that he had indicated to
3 the Board when we last met. He's going to be
4 doing some facade improvements on the existing
5 auto shop as well.

6 We haven't gotten into the
7 apartment/barn. That's simply going to be a new
8 paint job. That exterior is not in too terrible
9 of a shape.

10 But we're before you this evening to
11 kind of initiate the proposal, hopefully seek a
12 referral back to the Zoning Board so that we
13 could then reinstitute those variances and come
14 back and getting some fresh dialogue as to the
15 details of the site design.

16 CHAIR EWASUTYN: we'll open it up to
17 the Board for discussion. Board members, anyone?

18 MR. WARD: It's a big improvement from
19 the first time. And do you have the sidewalk
20 connected to the convenience store there?

21 MR. LAPINE: We do along the front of
22 the building it's connected. Are you referring
23 to the Route 9W?

24 MR. WARD: Right 9W to the store.

25 MR. LAPINE: We don't, but I think

1 Proceedings

2 that's a good --

3 MR. WARD: Yeah.

4 MR. LAPINE: -- a good insight, a good
5 input that we should do.

6 MR. WARD: Yes, thank you. And what
7 buildings are being demolished?

8 MR. LAPINE: They're going to demolish
9 the single family home that's right here.

10 MR. WARD: Okay.

11 MR. LAPINE: This shed is going to be
12 removed that's right over here. They're keeping
13 the barn/apartment over here. They're keeping
14 the auto shop here. They're eliminating all the
15 vehicular storage along the front. This is
16 vehicular storage over the entire site, if you
17 know what I mean.

18 MR. WARD: Very good. And all of the
19 cars are going to be gone?

20 MR. LAPINE: Yes, they will. That's --

21 MR. WARD: Thank you.

22 MR. LAPINE: That's the purpose of
23 buying this.

24 MR. WARD: Yeah.

25 MR. DOMINICK: Does that include the

1 Proceedings

2 three I think charter bus coach motor homes and
3 all that stuff?

4 MR. LAPINE: Once they take over and
5 redo the site, there'll be no more storage of the
6 tractor trailers that I just saw out there on my
7 way in. The buses, there are some other
8 miscellaneous vehicles. That's not -- that's not
9 the image that Gasland wanted to portray here.

10 MR. DOMINICK: That's good to hear,
11 because we have been actively pursuing the 9W
12 corridor for all new applicants coming in to
13 clean that area up, to present it much more than
14 it is now. So I'm glad to hear that.

15 MR. LAPINE: Yeah. I mean, we know
16 along the frontage of the site we know what the
17 town is going to want to see in terms of trees,
18 stone walls along the corridor, the lighting
19 requirements, we know that level of detail here,
20 we've done that before the Town of Newburgh. But
21 I think our first step was to come in and kind of
22 solicit the input to see if we are moving in the
23 right direction before we get into further detail
24 design.

25 MR. BROWNE: I think the current plan

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2 has very much improved and I'm looking forward to
3 the completion of it. One of the items that we
4 talked about with our traffic consultant was your
5 exit out, and noted the time that it would take
6 to make a left turn or a right turn with one lane
7 going out. There was a, have they thought about
8 possibly making that like a double lane out so
9 you could make a right turn if you wanted to,
10 that way you wouldn't be out two to three minutes
11 for the left turn?

12 MR. LAPINE: Yeah, that's a good point.
13 We've got about 20 foot of width based on some
14 initial dialogue with our traffic consultant.

15 MR. BROWNE: Yeah.

16 MR. LAPINE: That we'd be left with two
17 ten foot wide travel aisles, but we can certainly
18 expand it.

19 MR. BROWNE: Ken can talk to that.

20 MR. LAPINE: Yeah.

21 MR. WERSTED: Yeah, we discussed that,
22 and I know it's tricky, because the more you have
23 two cars next to each other and they're trying to
24 compete, you know, for sight distance, each one
25 is kind of looking around the other one and then

1 Proceedings

2 that car pulls out a little bit further and now I
3 can't see around them so I pull a little bit
4 further and eventually you're nosing out so far.
5 But if there's -- there needs to be a
6 conversation with DOT.

7 MR. LAPINE: Correct, it does. We --
8 the initial layout right here is based on
9 conversations we've had with DOT and with Collier
10 Engineering, who's going to be doing traffic.

11 MR. WERSTED: Okay.

12 MR. BROWNE: Thank you.

13 MR. LAPINE: And I also did review your
14 comment letter, and I agree there probably is
15 going to be a need to examine the, whether it's a
16 left turn lane in is going to be required, most
17 likely they're going to require it, that seems to
18 be the course that the DOT is taking now for all
19 gas stations and facilities.

20 MR. WERSTED: Yeah.

21 MR. LAPINE: Sorry if I missed you.

22 MR. BROWNE: Thank you.

23 CHAIR EWASUTYN: Just as a conversation
24 piece, if you do intend on having outdoor storage
25 of materials in the front of the building, then

1 Proceedings

2 maybe you should make note of it somewhere down
3 the line, whether it's on firewood or, you know,
4 whatever it might be, but just make it just so
5 we're aware of what you might be storing out
6 there.

7 MR. LAPINE: Yeah. When we -- that's a
8 good point. One of the things we talked about at
9 our, one of the previous meetings was identifying
10 the areas where we would have any sort of ice
11 storage --

12 CHAIR EWASUTYN: Thank you.

13 MR. LAPINE: -- or propane tanks.

14 CHAIR EWASUTYN: Thank you.

15 MR. LAPINE: The intention was to
16 locate them on this side, but as I'm looking at
17 this more and the corridor plan, it would
18 probably be in our best interest to shift them to
19 the side where they're obscured from the Route 9W
20 view, as I'm taking a second look at that.

21 CHAIR EWASUTYN: The rear of the
22 building, the finish would be similar to the
23 front of the building?

24 MR. LAPINE: Yeah.

25 CHAIR EWASUTYN: I only raise that as

1 Proceedings

2 far as vehicles traveling that would be south on
3 9w, there would be a finish that would be
4 similar?

5 MR. LAPINE: Similar siding to it.
6 Most likely false windows because they'd probably
7 have the coolers on the back end. But they would
8 have some sort of something that would give you a
9 semblance of like windows, something that
10 connects it to the rest of the architecture.

11 CHAIR EWASUTYN: I'm pleased to hear
12 that you're going to change the facade on the
13 existing mechanic building because that siding is
14 rather faded. And when you speak about the
15 single family home, whether it's painting changes
16 or not, those shingles on the overhead need to be
17 updated.

18 MR. LAPINE: Correct.

19 CHAIR EWASUTYN: It looks good, sounds
20 good. Karen, you have Karen's comments, so you
21 are up on that. Karen also suggested that where
22 the picnic benches be placed that you make it
23 comfortable for people who want to stop and, you
24 know, do what they have to.

25 MR. LAPINE: Okay. The only comment I

1 Proceedings

2 actually received were Ken's comments.

3 CHAIR EWASUTYN: You didn't receive
4 Karen's?

5 MR. LAPINE: I didn't receive any other
6 comments from the Town but Ken's.

7 CHAIR EWASUTYN: Pat Hines, he didn't
8 receive your comments?

9 MR. HINES: Yeah, apparently not. I'll
10 follow up on that. I know Kathleen is out this
11 week, so.

12 CHAIR EWASUTYN: I have them there,
13 I'll give them to you.

14 MR. LAPINE: From what I --

15 CHAIR EWASUTYN: Should I ask him for a
16 quarter?

17 MR. LAPINE: We had issues yesterday,
18 we weren't receiving all our email.

19 MS. DeLUCA: I have them here.

20 CHAIR EWASUTYN: You have them there?

21 MS. DeLUCA: Yes.

22 CHAIR EWASUTYN: All right. That's
23 Karen's and Pat's?

24 MS. DeLUCA: Karen's.

25 CHAIR EWASUTYN: Do you have Pat's

1 Proceedings

2 there?

3 MR. LAPINE: This is two pieces, so
4 this is different. I know the important points,
5 he's already --

6 CHAIR EWASUTYN: Pat, do you want to
7 review your comments now?

8 MR. HINES: Sure. The first comment
9 just states the changes to the site plan.
10 There's a former towing company is no longer
11 proposed to be on the site, and a multiple family
12 structure is proposed to be removed.

13 We have identified the variances. I
14 wasn't aware that they had received their
15 previous variances, but there are significant
16 enough changes to this to refer them to the
17 Zoning Board. There's additional fuel islands
18 that are proposed that weren't on I guess the
19 original ZBA.

20 So I've identified the four variances
21 that I found on the site, and I know Dominic has
22 those to incorporate. But the major one is the
23 distance to the nearby gas station, a side yard
24 setback, a maximum percentage of yard area for
25 the accessory structure, and then no building

1 Proceedings

2 closer to the street frontage than the main
3 building. Will future plans need to address
4 stormwater management, and the Town will touch on
5 traffic issues. There's a cleanup item on the
6 bulk table where it says that the front yard
7 setback is 50 feet but on state highways it's got
8 to be 60 feet. The project complies, it's just a
9 cleanup item. There will be designs for new
10 septic systems for servicing the site which will
11 be required. I have provided the applicant's
12 representative with the adjoiners notice of
13 mailing list, which I believe has been sent out
14 recently. We did re-send it because of the
15 significant change to the project. So that
16 adjoiners notice has gone, I believe it's gone
17 out.

18 MR. LAPINE: Yes, we came in and
19 dropped everything off last week.

20 MR. HINES: Yes.

21 Existing wells on the site should be
22 shown to be abandoned with notes requiring that
23 they are complying with AWWA standards.

24 we did note that the bulk storage
25 regulations in the Town have a five year approval

1 Proceedings

2 time frame. So any approvals for the bulk
3 storage for the petroleum products will have to
4 have that condition. That section 185.39 also
5 identifies numerous items regarding petroleum
6 bulk storage, that should be addressed as plan
7 notes.

8 We're suggesting that you coordinate
9 with the Water Department for serving the
10 numerous structures on the site, how that's going
11 to be billed, the meter, they may want one main
12 meter, they don't like chasing various meters
13 around sites. And then Jerry Canfield, who's not
14 here right now but was at the work session, did
15 clarify that the building will need to be
16 sprinklered in compliance with the Town of
17 Newburgh's code.

18 MR. LAPINE: Yes.

19 MR. HINES: They're smaller than what
20 would be required by New York State code, but the
21 Town has its own code. So there may be need to
22 upgrade that water line that it's citing, so that
23 will need to be addressed in future submissions.

24 We'll need to do a county referral, but
25 we need a more complete application prior to

1 Proceedings

2 doing that. I think we're going to recommend
3 this be referred to the ZBA, so we will hold off
4 on lead agency. So this Board will have to do
5 ARB approval for all the structures on the site.

6 The EAF identified the Indiana Bat
7 habitat. I don't think there's a lot of trees to
8 be cleared, but if there are, that note
9 restricting the clearing time frames should be
10 added.

11 I have a comment regarding the existing
12 petroleum storage tanks, but Gerry Canfield at
13 work session believed that those have been
14 removed from the site.

15 MR. LAPINE: No, they were not --

16 MR. HINES: They're removing them now
17 or they were?

18 MR. LAPINE: They were, but I don't
19 think they got complete sign-off.

20 MR. HINES: Okay. So that may be an
21 open permit.

22 MR. LAPINE: Yup.

23 MR. HINES: And then any demolition of
24 structures require a permit, and we'll be looking
25 for a note on that future plan.

1 Proceedings

2 The Town of Newburgh has design
3 guidelines, which you referred to, and they'll be
4 looking for those to be complied with along the
5 project frontage.

6 MR. LAPINE: With regards to the
7 frontage, there's two sets of drainage lines.
8 There's one in the DOT right-of-way and then
9 there's one that runs along the front of our
10 property and continues on the adjoining
11 properties. We've done some research and we
12 can't find -- is that a town dedicated, is that a
13 town drainage plan that happens to be on the
14 property? Is that something you might have some
15 knowledge of? We haven't been able to --

16 MR. HINES: I'm not aware of that, but
17 we could take a look at that.

18 MR. LAPINE: Okay.

19 MR. HINES: I doubt it is the Town's
20 because of being along the state highway there,
21 but it may be something that was private and
22 remained, but I'm not aware of there being any
23 town drainage system.

24 MR. LAPINE: It seems to continue down
25 the Route 9W corridor parallel to the Route 9,

1 Proceedings

2 Route 9W drainage as well, so that's why I
3 thought it may be the Town. I figured I'd ask
4 while I was here.

5 MR. HINES: It may be something that
6 you want to contact the highway superintendent
7 on --

8 MR. LAPINE: Okay.

9 MR. HINES: To -- see if he has any
10 input on it.

11 MR. LAPINE: Okay.

12 MR. HINES: But I doubt it because of
13 it being a state highway corridor.

14 CHAIR EWASUTYN: Dominic Cordisco,
15 Planning Board Attorney.

16 MR. CORDISCO: Yes. As Mr. Hines
17 mentioned, this project is, no longer involves a
18 subdivision and has been modified. Even though
19 these are improvements it should be re-referred
20 to the ZBA for the variances that are relevant at
21 this time, which are included in Pat's review
22 comments. I can go through them if you'd like,
23 he already did, but my suggestion at this point
24 would be for the Board to authorize a re-referral
25 of this matter to the Zoning Board for the

1 Proceedings

2 variances as identified in Pat's comments.

3 CHAIR EWASUTYN: Okay. would someone
4 make a motion to authorize Dominic Cordisco to
5 prepare a referral letter to the Zoning Board of
6 Appeals for the necessary variances?

7 MR. WARD: So moved.

8 MR. MENNERICH: Second.

9 CHAIR EWASUTYN: That's a good one.
10 Let's say John ward for a motion, Ken Mennerich
11 for a second. Can I have a roll call vote
12 starting with Cliff?

13 MR. BROWNE: Aye.

14 MS. DeLUCA: Aye.

15 MR. MENNERICH: Aye.

16 CHAIR EWASUTYN: Aye.

17 MR. WARD: Aye.

18 MR. DOMINICK: Aye.

19 CHAIR EWASUTYN: Anything else?

20 MR. WARD: I have one thing. With your
21 address on here for the tax parcel, it says 52
22 Route 9w. Our agenda says 5208.

23 MR. LAPINE: Okay, it's 5208.

24 MR. WARD: That's what I'm asking.

25 MR. NESHEIWAT: It is 5200, the

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Proceedings

business.

MR LAPINE: 5200 Route 9w.

MR. WARD: Thank you.

MR. LAPINE: Tell you what, we'll
correct that going forward.

MR. WARD: Yeah. Thank you.

MR. NESHEIWAT: Thank you, good night.

MR. LAPINE: Have a happy Easter.

MR. WARD: You too.

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

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C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 1st day of April, 2021.

Kari L. Reed

KARI L. REED

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

-----X

In the Matter of:

ADS PROPERTIES, LLC
(21-04)

1295 Route 300
Section 95, Block 1, Lot 14.1
Zone: 1B

-----X

INITIAL APPEARANCE
SITE PLAN/CAR WASH

Date: March 18, 2021
Time: 7:29 p.m.

Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chair
KENNETH MENNERICH
CLIFFORD C. BROWNE
STEPHANIE DELUCA
DAVID DOMINICK
JOHN WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ., Board Counsel
PAT HINES, P.E., Town Engineer
KEN WERSTED, Highway Consultant

APPLICANT'S REPRESENTATIVE: NICK RUGNETTA

Reported by: Kari L. Reed

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

1 Proceedings

2 CHAIR EWASUTYN: The Planning Board's
3 third item on the agenda is ADS Properties, LLC,
4 Project Number 21-04. It's an IB Zone. It's an
5 initial appearance for a site plan/car wash. And
6 it's being represented by Pietrzak & Pfau.

7 MR. RUGNETTA: My name is Nick Rugnetta
8 from Pietrzak & Pfau Engineering, and I'm here
9 with the applicant, Glen Sheeley.

10 So this is the ADS Properties, LLC Car
11 Wash. and the property is located on 1295 Route
12 300, and that's also referred to as Union Avenue.
13 So the section, block and lot for this property
14 is 95-1-14.1, and currently there's a Meineke
15 auto repair facility there. The site is located
16 about 1,100 feet north of New York State Route
17 17K. And the area of the parcel is about .62
18 acres. As the Chairman stated, this is, the
19 property is zoned for interchange business, which
20 car washes are a use subject to site plan review.
21 And the property is currently serviced through
22 central water and sewer facilities, and are
23 proposed to be serviced with central water and
24 sewer facilities as well.

25 So on to the proposed project here.

1 Proceedings

2 We're proposing a car wash. It's about 3,500
3 square feet in size. We also have ancillary
4 vacuum spaces which are for use of, you know,
5 customers going through the car wash and entering
6 the vacuum area. Currently there are two
7 entrances or access points to Union Avenue, and
8 we're proposing one main access, so we'd be
9 removing, you know, the one that's there now, or
10 at least one of them.

11 And tonight what we are looking for is
12 just initial discussion and any comments from the
13 Board. We will need a referral to the Zoning
14 Board for the rear yard setback as well as both
15 sides yards.

16 CHAIR EWASUTYN: Comments from Board
17 members?

18 MR. DOMINICK: John.

19 CHAIR EWASUTYN: Dave.

20 MR. DOMINICK: Nick, could you explain,
21 in your narrative you said it's going to be a
22 hybrid car wash. Is that recycle, just another
23 word for recyclable? I'm just looking for what
24 hybrid means.

25 MR. SHEELEY: Hybrid meaning that we

1 Proceedings

2 high pressure wash the cars before they go
3 through so it's not a friction wash. So if
4 you've ever been to like a gas station where it's
5 touchless first, we actually do that through the
6 track of the car wash right before we send you
7 through the car wash. That's why we call it a
8 hybrid system. And if we do recycle our water as
9 you were stating, we recycle our rejection water.
10 We actually refine the city's water. We really
11 don't waste a drop. We have a couple of
12 facilities now if anybody wanted to take a look
13 or see actually how we do it. The Board is
14 always welcome to come by and check it out.

15 MR. DOMINICK: Okay. And how many
16 employees do you have plan to have per average
17 per shift?

18 MR. SHEELEY: Per shift, at least
19 three.

20 MR. DOMINICK: Three, okay. And that
21 leads to a question that came in during workshop
22 session from Mr. Cordisco here. Where would
23 employee parking be?

24 MR. RUGNETTA: Yeah, so we could, you
25 know, right now we're proposing about 15 vacuum

1 Proceedings

2 spaces, and I think we could, maybe we'll add a
3 space here and here on the ends. So that would
4 be two, and we could remove a vacuum space if we
5 need to. So we'll look into that and
6 accommodate, you know, two to three parking
7 spaces for employees.

8 MR. DOMINICK: Okay. And another thing
9 too, and any idea where you would place a
10 Dumpster, because you know, this type of
11 establishment creates a lot of Dumpster type
12 waste material.

13 MR. SHEELEY: They do.

14 MR. DOMINICK: Where would you think
15 about putting a Dumpster?

16 MR. SHEELEY: We can always come in
17 early before we --

18 THE ARBITRATOR: Yes, yes, we can put
19 that on the, you know, on the exit out of the car
20 wash.

21 MR. DOMINICK: Okay. And just, you
22 know, if you could also take into consideration
23 having that, some type of screening around it,
24 maybe use block type or to match, you know, the
25 decor or the architecture styling that you plan

1 Proceedings

2 to go with.

3 MR. SHEELEY: Yeah, absolutely.

4 MR. DOMINICK: Thank you.

5 CHAIR EWASUTYN: Yes, go ahead.

6 MR. WARD: You have two entrances going
7 in for right now as the property. The south
8 entrance, you'll talk to our traffic consultant,
9 but I think that that would be a better access.
10 Because when they come down 300, with the north
11 one it's very tricky and it gets backed up and
12 everything else. They're flying down there. And
13 the south one, at least you have space in
14 between, they're not going over the little hill
15 there. I'm familiar with the site, that's why I
16 say it.

17 MR. RUGNETTA: So to get to your point,
18 I want to talk about here, I wanted to introduce
19 the project that we submitted to the Board, but
20 we did look into that and, you know, we did
21 actually just pretty much mirrored the site. So,
22 like I said, I wanted to introduce the project
23 with the plans that were submitted. But this
24 shows the entrance going here. And I received
25 Ken's comments, and I think this would facilitate

1 Proceedings

2 with cars and vehicles, you know, entering and
3 not having to cross over with the vehicles
4 exiting the site.

5 MR. WARD: Right.

6 MR. RUGNETTA: So we have, I think, a
7 little bit of additional queue area as well.
8 They had gone ahead and done that already.

9 MR. WARD: Thank you.

10 MR. DOMINICK: Dominic, you had a
11 question as far as this design, and whether that
12 may possibly add for an additional variance, did
13 you not?

14 MR. CORDISCO: Yes.

15 CHAIR EWASUTYN: What were your
16 thoughts on that?

17 MR. CORDISCO: Thank you, Mr. Chairman.
18 So I don't want to get ahead of Mr. Hines, but he
19 identified, as you did, the fact that the
20 variances are required for the rear yard and for
21 the side yard. And my question was, in light of
22 the recommendation from Mr. worsted, whether or
23 not any of these additional site modifications
24 were going to perhaps increase those variances
25 that you would need. And so we would just want

1 Proceedings

2 to be careful that when the Planning Board does
3 refer you to the Zoning Board we're referring you
4 for what you need, you know, based on any -- the
5 most latest plan set, if you will.

6 MR. RUGNETTA: Yeah. So I checked
7 today when I got Ken's comments yesterday, pretty
8 much mirrored the site. And the variances, the
9 only thing we did is we shifted the building this
10 way a little bit to accommodate the vehicles
11 coming in on the north end now, but the variances
12 would remain the same.

13 CHAIR EWASUTYN: Thank you, Dominic.
14 Other questions from Board members?

15 MS. DeLUCA: No.

16 CHAIR EWASUTYN: You will have to
17 reference at some point the design guidelines as
18 far as parking vehicles along the front of the
19 road and what you might have to do with
20 mitigating that based upon the design guidelines,
21 because we would have to, the Planning Board
22 would have to move to grant a waiver based upon
23 the design guidelines for parking.

24 MR. RUGNETTA: And that would be in
25 reference to the vacuum spaces along --

1 Proceedings

2 CHAIR EWASUTYN: Yeah, the activity
3 that you would see along the corridor.

4 MR. WARD: And what we've been doing
5 with corridors has been sidewalks for safety on
6 the, right there at the --

7 MR. SHEELEY: All the way down.

8 MR. WARD: Right there, yeah. Thank
9 you.

10 CHAIR EWASUTYN: Any other comments
11 from Board members?

12 Ken Wersted, do you want to join in on
13 what the changes and how it's coming about as far
14 as the entry?

15 MR. WERSTED: Certainly. I think my
16 most substantive comment was about the
17 circulation. And the original plan had a
18 crossover of vehicles entering and vehicles
19 exiting. The alternative plan, moving the
20 driveway and changing the circulation I think
21 would help address that.

22 I know we did have a comment because
23 we're familiar with the wawayanda site. would
24 your vacuums be exclusive to if you purchased a
25 car wash?

1 Proceedings

2 MR. SHEELEY: Yes.

3 MR. WERSTED: So there would likely be
4 some type of gate mechanism --

5 MR. SHEELEY: Yes.

6 MR. WERSTED: -- on the exit, so as you
7 came out of the tunnel you can go in and use the
8 vacuums, and then as you exit the vacuums, to
9 then continue out to Route 300 you would pass
10 through a gate to --

11 MR. SHEELEY: Yes.

12 MR. WERSTED: -- prevent people from
13 turning in, so those details I think would need
14 follow on.

15 The Town with, obviously Route 300 is a
16 state road and there really isn't any queuing,
17 you know, on the road, it's a travel lane, there
18 isn't a shoulder there. So on those busy days,
19 you know, you would have to be adequately
20 concerned about traffic spilling back onto Route
21 300.

22 CHAIR EWASUTYN: Ken Mennerich would
23 like to add two comments.

24 MR. MENNERICH: It's a very tight site
25 and you've filled it up. Concerning any kind of

1 Proceedings

2 landscaping, have you had any consideration of
3 what you would do?

4 MR. SHEELEY: Well, we haven't, you
5 know, put a plan together yet. I mean, on all
6 our other sites we like local, local, you know,
7 having shrubs and perennials come up every year
8 and whatnot.

9 MR. MENNERICH: So you're going to be
10 developing something?

11 MR. SHEELEY: Oh, absolutely,
12 absolutely, yeah.

13 MR. MENNERICH: All right. Thank you.

14 CHAIR EWASUTYN: Further comments from
15 Board members?

16 Pat Hines of McGoey, Hauser & Edsall.

17 MR. HINES: Yeah. What we're looking
18 for are, you know, more detailed plans, existing
19 condition plan as it develops. The topography, I
20 don't know where it came from, it looks like it
21 may have been interpolated off of something, so
22 we'll -- I realize this is just a concept.

23 You did identify two variances, but I
24 believe there's a third for lot area. The
25 minimal lot sizes in this zone is 40,000 square

1 Proceedings

2 feet, and this lot is 27,173, so it would lose
3 its protection by making application, so that's
4 an additional variance that you will need for lot
5 area.

6 I have a concern, as Ken mentioned to
7 the Board, I'm very familiar with the Wawayanda
8 site, as you're aware.

9 MR. SHEELEY: Yes.

10 MR. HINES: We cannot have vehicles
11 queuing on New York State Route 300, and I think
12 you need -- a closer look needs to be taken to
13 how much queuing is there and how we prevent
14 vehicles on your busy days from stacking onto New
15 York State Route 300. I'll say that now, but I'm
16 going to wait for your consultant to work that
17 out in the future.

18 The Long Form EAF identifies Indiana
19 Bats, so any tree clearing issue must be
20 addressed by notes on the plan. But I don't even
21 know if there are any trees to be cleared.

22 MR. SHEELEY: There's some on the side.

23 MR. HINES: There's some in the corners
24 there, so that will need to be looked at.

25 Any structures to be removed from the

1 Proceedings

2 site will require demolition permits. There
3 should be a note placed on the future plans that
4 any of those structures will require a permit
5 prior to removal. I know there's a fuel island
6 canopy there. I don't know if the fuel tanks
7 have been removed or if you have any history on
8 that, so we'll look for that.

9 MR. SHEELEY: We did do a phase one and
10 everything on that. Everything is removed but
11 we're going to remove the canopy and everything.

12 MR. HINES: Okay. I just identified
13 that your, you know, your vacuum area is
14 identified being restricted, but that's shown on
15 this plan. I haven't seen that revised plan.

16 We're suggesting a traffic study may
17 need to be done. Pulling out of here and making
18 a left can be a challenge on this road. So I
19 think we have both stacking and queuing issues
20 when making a left turn. That's something that
21 Ken's office will address.

22 There will be a redevelopment site for
23 stormwater, so we'll need to look at that in the
24 future. Water and sewer details will need to be
25 provided. You wouldn't think I would say this,

1 Proceedings

2 but this building is required to be sprinklered.

3 MR. SHEELEY: Is it really?

4 MR. HINES: Yes.

5 (Laughter)

6 MR. HINES: The Town of Newburgh has
7 its own sprinkler requirements, and this building
8 is of that size. I am familiar with a recent
9 fire in a, a vehicle fire in a car wash that took
10 the whole car wash down. You wouldn't think it
11 would, but it happens.

12 MR. SHEELEY: Okay.

13 MR. HINES: So you'll have to work with
14 Gerry Canfield's office on our sprinkler
15 requirements or what portions of the vehicle --
16 of the building are required to be sprinklered.

17 You're going to the ZBA, so I would
18 suggest, with Dominic's concurrence, that lead
19 agency circulation be held up until that.

20 CHAIR EWASUTYN: Pat, would this
21 require a referral, city flow acceptance letter?

22 MR. HINES: It probably will use less
23 because of the recycling, but I'll take a look at
24 the EAF and determine what kind of water use they
25 use now versus what they will in the future.

1 Proceedings

2 They do recycle a lot of water on the site.

3 CHAIR EWASUTYN: Dominic Cordisco, do
4 you want to speak on the conjunction that Pat
5 Hines' referral to the ZBA?

6 MR. CORDISCO: Yes. Thank you,
7 Mr. Chairman. There are three variances
8 identified on the plan set. One is for lot area,
9 where 27,173 square feet is provided, but the lot
10 requires 40,000 square feet. And then there's a
11 second variance for both side yards, which is
12 supposed to equal 80 feet, and only 71 feet is
13 provided. And for the rear yard, ten feet is
14 provided where 60 feet is required. So at this
15 point --

16 MR. HINES: I just want to make sure
17 that those are consistent with the revised plan.

18 MR. RUGNETTA: Yeah.

19 MR. HINES: The 71 stays the same?

20 MR. RUGNETTA: Yeah.

21 MR. HINES: Okay.

22 CHAIR EWASUTYN: Okay. would one of
23 the Board members move for a motion to authorize
24 Dominic Cordisco to prepare a referral letter to
25 the zoning Board of Appeals?

1 Proceedings

2 MR. WARD: Motion.

3 MS. DeLUCA: Second.

4 CHAIR EWASUTYN: I have a motion by
5 John Ward, I have a second by Stephanie DeLuca.
6 May I please have a roll call vote starting with
7 Cliff Browne?

8 MR. BROWNE: Aye.

9 MS. DeLUCA: Aye.

10 MR. MENNERICH: Aye.

11 CHAIR EWASUTYN: Aye.

12 MR. WARD: Aye.

13 MR. DOMINICK: Aye.

14 John, one more question?

15 CHAIR EWASUTYN: By all means.

16 MR. DOMINICK: One quick question.

17 will you have any type of retail establishment,
18 either indoor selling car accessories,
19 fresheners, mats, or outdoor, like vending
20 machines?

21 MR. SHEELEY: No, sir.

22 MR. DOMINICK: Okay. Thank you.

23 MR. SHEELEY: And we have a couple of
24 sites, like I said, if you want to come visit
25 them, one we're finishing, my dad and I, next

1 Proceedings

2 week, a brand new site. So if anybody wants to
3 come visit the site, or our wawayanda site, but
4 they're all an exact copy of each one, what we
5 have -- what we'll have here.

6 MR. DOMINICK: Where's your new
7 location?

8 MR. SHEELEY: White Plains, 280
9 Tarrytown Road.

10 MR. DOMINICK: Thank you.

11 CHAIR EWASUTYN: And the one out on
12 wawayanda is, where is that?

13 MR. SHEELEY: 1020 Dolson town Road.

14 CHAIR EWASUTYN: Excuse me?

15 MR. SHEELEY: 1020 Dolson town Road.

16 CHAIR EWASUTYN: Okay, I think that's
17 it for this evening.

18 MR. RUGNETTA: Right, thank you. Have
19 a good night.

20 CHAIR EWASUTYN: Do you have comments?

21 MR. HINES: Yes.

22 CHAIR EWASUTYN: We have comments, do
23 you want them?

24 MR. HINES: Yeah, I apologize. I'll
25 email them in the morning.

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Proceedings

MR. RUGNETTA: Yeah, that's fine.

Thank you.

MR. HINES: Kathleen was out this week
and I think there was a disconnect.

CHAIR EWASUTYN: Should we have
Kathleen at the meetings?

MR. HINES: We may. She just does it
as a matter of course, so I just --

CHAIR EWASUTYN: She's the consultant's
consultant I guess, is that how you put it?

(Time noted: 7:44 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

I further certify that I am not
related, by blood or marriage, to any of the
parties in this matter 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 April, 2021.

Kari L. Reed

KARI L. REED

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

-----X
In the Matter of:

HAMMOND SUBDIVISION
(20-08)

Cronk Road
Section 1, Block 1, Lot 62.23
Zone: AR

-----X

5 LOT SUBDIVISION

Date: March 18, 2021
Time: 7:45 p.m.

Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chair
KENNETH MENNERICH
CLIFFORD C. BROWNE
STEPHANIE DELUCA
DAVID DOMINICK
JOHN WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ., Board Counsel
PAT HINES, P.E., Town Engineer
KEN WERSTED, Highway Consultant

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA, P.E.

Reported by: Kari L. Reed

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

1 Proceedings

2 CHAIR EWASUTYN: The fourth item on the
3 Planning Board agenda this evening is the Hammond
4 Subdivision, project number 20-08. It's on Cronk
5 Road in an AR zone with a five lot subdivision.
6 And it's being represented by Jonathan Cella.

7 MR. CELLA: Good evening. Thank you
8 all. We're enclosing a five lot residential
9 decision of a just under 45 acre parcel. The
10 parcel is mainly covered by wetlands on the north
11 end, New York State DEC wetlands on the north end
12 of the property. And the subdivision will be
13 roughly on eight acres of the property in the
14 front. We're proposing a private road to access
15 the roads -- to access the residences, which will
16 be approximately 650 feet. Of the five lots
17 we're proposing two two family dwellings and
18 three single family dwellings. The property --
19 the project is less than five acres of property.
20 And all the residences will be served by
21 individual wells and septic systems.

22 I believe we addressed most of the
23 comments. We didn't receive any comment letter,
24 I was hoping there wasn't one.

25 (Laughter.)

1 Proceedings

2 MR. HINES: That seems to be the trend
3 this evening. They are posted online though.

4 MR. CELLA: Oh, okay.

5 MR. DOMINICK: No, they're not.

6 MR. HINES: I did that myself.

7 CHAIR EWASUTYN: Did Kathleen forget
8 that also?

9 MR. HINES: I did that myself.

10 CHAIR EWASUTYN: I do have -- do you
11 have it there? Thanks.

12 MR. CELLA: If you don't mind.

13 MR. HINES: Ken highlighted the
14 important parts too apparently.

15 So I can jump in here. The project
16 contains two duplex residences, so an
17 architectural review by this Board is required
18 for those. I will note that sheet two of seven
19 shows lot one as a two family lot. That will
20 need to be cleaned up.

21 MR. CELLA: Sorry about that.

22 MR. HINES: So that needs a -- the
23 project will require a road name approved by the
24 Town Board moving forward prior to the final
25 approval.

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2 would recommend a negative declaration based on
3 the environmental data submitted to date and the
4 SWPPP that was submitted along with the revised
5 plans.

6 CHAIR EWASUTYN: Comments, any comments
7 from the Board members?

8 MR. BROWNE: No.

9 MS. DeLUCA: Just a question. What
10 number on that, on Cronk Road, is there a number
11 or --

12 MR. CELLA: It's not a number yet but,
13 I didn't bring my previous notes, but I had
14 identified the two parcels and I can provide that
15 again if you'd like. There's a strip of, a small
16 strip of trees between two existing residences.

17 MS. DeLUCA: Okay.

18 MR. CELLA: And the --

19 CHAIR EWASUTYN: You'll be able to
20 notice the trees somewhat, he's right there. No,
21 when I say that, as far as where the access is,
22 because of the homes on either side.

23 MS. DeLUCA: Okay.

24 CHAIR EWASUTYN: It's not overwhelming
25 but it is noticeable.

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2 MR. CELLA: Yeah.

3 CHAIR EWASUTYN: After one turns
4 around.

5 MS. DeLUCA: Okay.

6 CHAIR EWASUTYN: And once you go
7 slightly beyond that, the next opening would be,
8 is it Monte Cristo?

9 MR. CELLA: Yeah, Monte Cristo. It's
10 just after the --

11 MS. DeLUCA: Okay.

12 CHAIR EWASUTYN: You know, it's just
13 sort of back -- how many feet --

14 MS. DeLUCA: Thank you.

15 CHAIR EWASUTYN: -- if you were to back
16 up from Monte Cristo for a reference for
17 Stephanie what would you say it would be?

18 MR. CELLA: About maybe five -- it's
19 two, two lots from Monte Cristo.

20 MS. DeLUCA: Okay.

21 MR. CELLA: There's two lots on Cronk,
22 fronting on Cronk, and then there's our parcel.

23 CHAIR EWASUTYN: It's an interesting
24 road to drive down because that is a town road,
25 and I think the curbing that went in on that road

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2 is exceptional, and there's some nice homes on
3 that road.

4 MR. CELLA: It's the same applicant as
5 well.

6 MS. DeLUCA: Okay, thank you.

7 CHAIR EWASUTYN: Dominic Cordisco?

8 MR. CORDISCO: At this time if the
9 Board has no other concerns, you're in a position
10 to adopt a negative declaration and schedule a
11 public hearing.

12 CHAIR EWASUTYN: Pat, what date would
13 you suggest to the Planning Board for a public
14 hearing?

15 MR. HINES: April 15th.

16 CHAIR EWASUTYN: Having heard from
17 Dominic Cordisco and Pat Hines as far as the
18 SEQRA determination, would someone move for a
19 motion to declare a negative declaration and set
20 April 15th for a public hearing?

21 MR. DOMINICK: I make a motion.

22 MR. WARD: Second.

23 CHAIR EWASUTYN: Motion by Dave
24 Dominick, second by John Ward. May I please have
25 a roll call vote?

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2 MR. BROWNE: Aye.

3 MS. DeLUCA: Aye.

4 MR. MENNERICH: Aye.

5 CHAIR EWASUTYN: Aye.

6 MR. WARD: Aye.

7 MR. DOMINICK: Aye.

8 CHAIR EWASUTYN: The motion carries.

9 MR. CELLA: Thank you very much. Just
10 one question, would you like another submission
11 before the public hearing or are we --

12 MR. HINES: No.

13 CHAIR EWASUTYN: No, I don't think so.

14 MR. CELLA: Thank you very much.

15 CHAIR EWASUTYN: If you happen to be in
16 the neighborhood between now and maybe the
17 weekend where maybe Mr. Hammond could hang
18 something noticeable to help Stephanie locate,
19 and I mean that in all sincerity, no, Stephanie,
20 I'm not making a joke out of it.

21 MR. CELLA: If I email you with the
22 street numbers of the two existing houses again,
23 would that --

24 CHAIR EWASUTYN: Yeah, you could email
25 them and I will forward that on to all the

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2 Planning Board members.

3 MR. DOMINICK: Thank you.

4 MR. CELLA: Thank you very much.

5 MR. DOMINICK: Thank you.

6 CHAIR EWASUTYN: Okay, we have two
7 items of Board business this evening. And I will
8 ask Mr. Mennerich to read those, the first one
9 Zazone, and the second one being Baldwin Family
10 Trust, is that what it is?

11 MR. HINES: Yes.

12 CHAIR EWASUTYN: Ken.

13 MR. MENNERICH: The letter is dated
14 March 9th, 2021. It says, (Reading:) Mr. John
15 Ewasutyn, Chairman, Town of Newburgh Planning
16 Board, regarding Lands of Zazone, project number
17 2004-29. Dear Mr. Ewasutyn, please let this
18 letter serve as your -- our request for a six
19 month extension, two 90 day extensions, of a
20 preliminary approval of the above-referenced
21 project. The property is currently in contract,
22 and the purchaser is working with this office to
23 seek the approvals required to begin building as
24 soon as possible. As you will recall, this
25 project was previously granted conditional final

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2 approval. In a letter dated August 29th --
3 August 19th, 2013, the Board granted two 90 day
4 extensions, from September 19, 2013 to March
5 19th, 2014, and the August 21st, 2014 Planning
6 Board granted an additional 180 day extension to
7 March 19th, 2015. And in March 2015 we received
8 an extension from September 19th, 2015. And in
9 September requested an additional six month
10 extension --

11 MR. HINES: Do you want to stipulate
12 that they received numerous extensions?

13 CHAIR EWASUTYN: Yeah, I agree with
14 that. Why don't we just move for the extensions.

15 MR. MENNERICH: I can skip a whole
16 bunch of stuff.

17 CHAIR EWASUTYN: Yeah.

18 MR. CORDISCO: Six months, if I may,
19 from now would be -- would take you to your
20 September 16th meeting.

21 MR. MENNERICH: Okay. At the October
22 16th, 2020 meeting the project was granted an
23 additional two 90 day extensions to March 30th,
24 2021. Thank you for your attention to this
25 matter. Should you have any questions or require

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2 additional -- anything further, please do not
3 hesitate to contact our office. Very truly
4 yours, Pietrzak & Pfau, Caleb Pawelski, Engineer.

5 CHAIR EWASUTYN: I've always had a hard
6 time with that one.

7 All right, Dominic, you're suggesting
8 then that we grant the six month extension to
9 September 15th, 2021?

10 MR. CORDISCO: September 16th, sir.

11 CHAIR EWASUTYN: 16th, thank you.

12 Having heard from the Planning Board
13 attorney, Dominic Cordisco, would someone move
14 for a motion to extend the six months to
15 September 16th, 2021?

16 MS. DeLUCA: So moved.

17 MR. MENNERICH: Second.

18 CHAIR EWASUTYN: I have a motion by
19 Stephanie DeLuca and a second by Ken Mennerich.
20 May I please have a roll call vote starting with
21 Cliff?

22 MR. BROWNE: Aye.

23 MS. DeLUCA: Aye.

24 MR. MENNERICH: Aye.

25 CHAIR EWASUTYN: Aye.

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2 MR. WARD: Aye.

3 MR. DOMINICK: Aye.

4 CHAIR EWASUTYN: And then the next one
5 is for the family trust.

6 MR. MENNERICH: Yes. It is dated March
7 3rd, 2021, to Mr. John Ewasutyn, to the Planning
8 Board Chairman, regarding Baldwin Family Trust,
9 two lot subdivision, Highland Terrace, Town of
10 Newburgh, Section, Block, Lot number 9-3-40.22,
11 project number 20-12, request for extension
12 approval. (Reading:) Dear Mr. Ewasutyn, the
13 above project received conditional final approval
14 from the Town of Newburgh Planning Board on
15 October 4th -- October 1st, 2020. The applicant
16 has addressed many of the remaining comments with
17 the Board and the Town Engineer. The only
18 remaining comment is that the existing on-site
19 garage must be demolished prior to the filing of
20 the map. The expiration of the approval is April
21 1st, 2021. We respectfully request an extension
22 on the expiration of this approval. Please feel
23 free to contact me if you require any further
24 information or have any questions. Very truly
25 yours, Derrick J. Day.

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2 CHAIR EWASUTYN: Dominic Cordisco, do
3 we grant a six month extension?

4 MR. CORDISCO: Yes. And I would
5 suggest that that would run again to the
6 September 16th meeting, because six months, a
7 strict six months from the April 1st as they
8 requested would take them only to February,
9 excuse me, Friday, October 1st, and that's not
10 one of your regular meeting dates.

11 CHAIR EWASUTYN: Okay, so we'll do to
12 September 16th, 2021.

13 MR. CORDISCO: That's my
14 recommendation, sir.

15 CHAIR EWASUTYN: Okay. Having heard
16 from Planning Board Attorney Dominic Cordisco to
17 grant a six month extension to September 16th,
18 2021, would someone please make that motion?

19 MR. MENNERICH: So moved.

20 MR. WARD: Second.

21 CHAIR EWASUTYN: I have a motion by Ken
22 Mennerich, a second by Dave Dominick -- with a
23 mask it's so hard to hear, a second by John Ward.
24 May I please have a roll call vote?

25 MR. BROWNE: Aye.

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2 MS. DeLUCA: Aye.

3 MR. MENNERICH: Aye.

4 CHAIR EWASUTYN: Aye.

5 MR. WARD: Aye.

6 MR. DOMINICK: Aye.

7 CHAIR EWASUTYN: All right. I think
8 that's summarizes it. would someone please make
9 a motion to close the Planning Board meeting of
10 18th of March, 2021?

11 MR. WARD: So moved.

12 MR. DOMINICK: Second.

13 CHAIR EWASUTYN: Motion by John ward,
14 second by Dave Dominick. May I please have a
15 roll call vote?

16 MR. BROWNE: Aye.

17 MS. DeLUCA: Aye.

18 MR. MENNERICH: Aye.

19 CHAIR EWASUTYN: Aye.

20 MR. WARD: Aye.

21 MR. DOMINICK: Aye.

22 CHAIR EWASUTYN: All right, that's
23 good, we did well.

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

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Proceedings

C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such proceedings.

I further certify that I am not
related, by blood or marriage, to any of the
parties in this matter 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 April, 2021.

Kari L. Reed

KARI L. REED