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

- - - - - X

In the Matter of

BUCKEYE TERMINALS, LLC  
(2014-21)

River Road/Oak Street  
Section 9; Block 1; Lots 35, 36 & 41  
RI & I Zones

- - - - - X

LOT LINE CHANGE/CONSOLIDATION  
INITIAL APPEARANCE

Date: October 16, 2014  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JAMES GENEROSO  
PETER BORBAS

- - - - - X

MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
(845)895-3018

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BUCKEYE TERMINALS, LLC

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MR. BROWNE: Good evening. Welcome to the Town of Newburgh Planning Board meeting of October 16, 2014. At this time I'll call the meeting to order with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. BROWNE: The Planning Board has experts that give us reviews and input on business that comes before us. I would ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

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

MR. WERSTED: Ken Wersted, Creighton,

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BUCKEYE TERMINALS, LLC

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Manning Engineering, Traffic Consultant.

MR. BROWNE: Thank you. At this time I'll turn the meeting over to John Ward.

MR. WARD: Stand to say the Pledge.

(Pledge of Allegiance.)

MR. WARD: Please turn off your phones or on vibrate. Thank you.

MR. BROWNE: Our first item of business this evening is Buckeye Terminals, LLC, project 2014-21. This is being presented as a lot line change and a consolidation. It's an initial appearance being presented by Borbas --

MR. BORBAS: That's good.

MR. BROWNE: -- Surveying & Mapping.

MR. GENEROSO: My name is James Generoso from Buckeye Terminals, LLC. I'm here tonight just to give a brief overview of what we're trying to accomplish with this plan. I'm joined by Peter Borbas, our engineer who prepared the plan. He can answer any of the technical questions you might have.

This property, if you're not familiar with it, is an operating petroleum products terminal we purchased from Hess Corporation about

1  
2 a year ago as a package of about twenty-three  
3 different terminals across the east coast. In  
4 the time since that acquisition we've been  
5 reviewing these properties and we're trying to  
6 clean up issues of lot lines, nonconforming lots,  
7 split zone lots, like we have here, so that we  
8 can kind of better configure these properties to  
9 meet our operating needs in the future.

10 On this particular property here we've  
11 identified that the land that is basically to the  
12 west side of River Road is zoned residential and  
13 also consists of various steep slopes. It's  
14 basically incompatible for our business  
15 operations. There's nothing we could conceivably  
16 do on the site. We also have a nonconforming lot  
17 on that side of the street. On the other side of  
18 the road we have more issues with nonconforming  
19 lots, lot lines that kind of go through the  
20 middle of buildings and other things like that.  
21 So we're basically just trying to clean this all  
22 up. It just really makes for more efficient  
23 inventory of all these properties we have and  
24 kind of reduces, you know, issues down the road  
25 with, you know, any further options we might

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consider for the site.

With that, I'll turn it over to Peter.

MR. BORBAS: Sure. Last fall Buckeye Partners, Buckeye Terminals acquired approximately twenty Hess terminals on the east coast, from northern New York down to St. Lucia, and this was one of them. The survey at that time for the conveyance from Hess to Buckeye was done by Chazen, and our consolidation plan is based upon the title documents that were provided last fall to Buckeye to ensure the title. So as you look through the different tracts and why there are all these different tracts making up all of this property, it came from the way that Hess had acquired the title over periods of times. You'll see parcel 1, parcel 2, parcel 3. They're not the same numbers as the tax parcels but this is how it came to be. When Buckeye took the title last fall, in their deeds, the deeds listed all these different parcels. So that's where the parcels come from.

The one tax lot, which is 36, currently is on both the north and the south side of River Road and includes River Road and Oak Street. All

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of that is one metes and bounds description right now. As James said, the zoning is different on both sides of the road.

Buckeye said that they wanted to clean this up and separate, for inventory purposes and managing their lands, the one use from the other use. When I looked at your application process here and saw the lot line change, we looked at consolidation and said okay, Buckeye owns a separate little tax lot, parcel 35, on the north side of River Road. They also own this portion of 36. They own 41 on the south side of River Road. The idea was okay, make one parcel here, make this one parcel larger, this parcel larger, 36 goes away, you've got one lot and -- one lot out of the three lots.

Now, I got the review letter today. Thank you very much. The first thing I'd like to note, which concerned me earlier today, was potentially having to go to the Zoning Board of Appeals because of this lot which is right over here, which is 38, which Buckeye owns, passes right between a couple tanks and through a building. Again, this is consistent with the way

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BUCKEYE TERMINALS, LLC

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they took up the title for one of the parcels.  
This happens to be parcel 6. Buckeye has agreed that they can make this lot line go away, join this parcel with the rest of the parcels, and we believe then we wouldn't -- it would eliminate the need for any kind of variances on these buildings and setbacks there.

MR. HINES: It would be both 38 and 37 then?

MR. CANFIELD: There's two lots there.

MR. HINES: 37 is actually the one with the lot line through the building.

CHAIRMAN EWASUTYN: Pat, why don't you come up to the map and work with him.

MR. BORBAS: So you've got 38. Yeah, yeah. I'm sorry.

CHAIRMAN EWASUTYN: Peter, give Pat a moment and he'll come up.

MR. BORBAS: Pat, you're talking about 38 fronting right on Oak Street and that larger piece?

MR. HINES: This is 37.

MR. BORBAS: Yeah. That's it.

MR. HINES: If both of those get

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BUCKEYE TERMINALS, LLC

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combined with this, it eliminates the front yard, side yard, lot building issues. I think it eliminates the need for any of the variances.

MR. BORBAS: Sure. Well it would take one, two, three -- four lots right there and combine them into one.

MR. HINES: Yup.

MR. BORBAS: Buckeye is agreeable to doing that.

I would like to discuss, I think there was --

CHAIRMAN EWASUTYN: The right-of-way?

MR. BORBAS: Buckeye is agreeable to the right-of-way. The configuration for the right-of-way that we have on our consolidation plan, when Chazen prepared the survey for the conveyance and title insurance, Chazen had noted these lines and they assumed the public easement line, but there's no written easement. We did take the lines that Chazen had on their survey. From looking at the suggestion of the right-of-way being fifty feet wide, I would assume you would want that twenty-five feet from the center of the roadway?



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MR. HINES: Correct. There's a couple of areas where you don't control both sides. I think you do have the ability to do the fifty feet there for cleaning it up.

MR. BORBAS: Yeah. So one question I have is wherever Buckeye does get to control that property, you want that right-of-way line to be twenty-five feet from the center of the pavement?

MR. HINES: Correct. But I'm going to come up again. There's a couple of spots where -- not necessarily the center line. If you look right here, this narrows up here.

MR. BORBAS: Correct.

MR. HINES: You do have control of this side. So that could be made fifty so in the future, if any roadway improvements were done there, the Town would have a fifty-foot right-of-way.

MR. BORBAS: And Pat is talking about on lot 40 where the deed for lot 40 actually passes through the pavement of the road. Of course Buckeye would have no way to widen -- do a dedication on somebody else's property. Setting that to be a minimum of fifty feet from their

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deed line certainly can be done.

MR. HINES: Similar here. Once you eliminate these lot lines -- obviously these you don't control. Here you do. So this one could be fifty and make that fifty across.

MR. BORBAS: Yeah. What Pat is talking about is down on Oak Street -- Oak Street is part of the title of -- Buckeye is now part of the greater tax lot 36. So what Pat is saying is where 38 -- lots 38 and 37 are, Buckeye could in fact make that right-of-way fifty feet from the lot lines on the opposite side of Oak Street. Buckeye agrees that they would do that.

At this point I think I've explained this -- James and I have explained this and I'm open for questions.

MR. HINES: We couldn't find parcel 6.

MR. GALLI: That was that little parcel he just told us. Parcel 6 he just said was part of the lot line change right in there. Up a little more. Next to 8. To your right. Right there.

MR. HINES: That's 4.

MR. BORBAS: Let me take a look.

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MR. HINES: We think it might be further to the south.

MR. GALLI: I thought he said that was parcel 6.

MR. BORBAS: Oh, if I may -- okay. Parcel 6 happens to be this portion on the south of River Road right here. Buckeye owns this. This comes around and there's that -- there's the hill and the cut in the hill where the other tank is that's down past Oak this way. So it comes down around here. For that matter, on the Chazen survey, River Road, Oak Street, Buckeye owns this parcel 6 right here.

MR. HINES: That has those tanks down by the --

MR. BORBAS: Yes. In this particular area Buckeye could also widen to make sure we've got the fifty-foot right-of-way in that area also.

MR. HINES: That would be great.

MR. BROWNE: We're not doing anything on parcel 6 other than that?

MR. BORBAS: There's no intention to do anything other than to clean up these lines, give

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the Town proper dedications on the public right-of-ways, eliminate all these unnecessary lot numbers and parcel numbers.

MR. BROWNE: What you're presenting now, we're not addressing anything on 6?

MR. BORBAS: No, we are not.

MR. HINES: Well there is the potential -- now that they have acknowledged where it is, I think it would be helpful if the fifty-foot right-of-way could be extended if they are willing to grant that dedication at this time.

MR. BORBAS: Pat brings up a very good point. In this area of the Burke's property and lot 39, Oak Street -- the width of Buckeye's deeded lands right now is very, very, very narrow. And for that matter, the width of that area of the lot is much less than the width of the pavement.

MR. HINES: It is.

MR. BORBAS: So Pat brings up a very good point about widening that.

MR. HINES: The lands under water, can you discuss those for a bit?

MR. BORBAS: Yes, I can. Lands under

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water. There are a number of grants. There's a pier out there and just recently we have prepared the documents for the grants for the land under water to go to the State. Through the title process and the purchase and through investigations, researching with the State, Buckeye has found out -- we have found out that there were some gaps for some of the moorings and some of the piers over time. This goes back to the Rose Brick Company and all and where they had acquired rights. There are a few gaps. Again, Buckeye is trying to clean up that title where they are utilizing lands under the water. They've prepared documents to go to the State to do that.

MR. HINES: You have an area on the east side of the tracks identified as parcel 2.

MR. BORBAS: Yes.

MR. HINES: It doesn't look like it's addressed as parcel 2 any more. What's the status of that?

MR. BORBAS: We did not include -- we did not include that on this drawing. There are lands on the other side of the railroad. So the

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railroad owns --

MR. HINES: I'm assuming the railroad has fee ownership.

MR. BORBAS: The railroad has a right-of-way in fee and then Buckeye owns on the other side of the railroad.

MR. HINES: Which has a similar tax lot number, currently 36. It has the same --

MR. BORBAS: 91-36 parcel 2.

MR. HINES: I assume it remains part of parcel 2? It looks like it's getting lost in the process.

MR. BORBAS: That's a good point. I would probably leave it to your recommendation as to how to handle -- does it get a different parcel -- does it get a different tax lot number because it's not abutting the other lands because it's separated by the railroad?

MR. DONNELLY: Tax map numbers, parcel numbers and a piece of real estate, a lot, are not necessarily the same. Under the definitional provisions of the Newburgh code, lots are automatically -- if they are separated or bisected by either a railroad, right-of-way or

1 public street, they're automatically made into  
2 two separate lots. They may carry the same tax  
3 map parcel number for convenience of billing and  
4 a whole lot of other reasons, but they are, in  
5 the view of subdivision regulations, separate  
6 lots already. So your lot across the residential  
7 lot is already separate from these over here, and  
8 the lot on the other side of the railroad tracks  
9 is already a separate lot regardless of what the  
10 tax map parcel numbers are.

11  
12 MR. HINES: This map will go a long way  
13 to clean that up title wise.

14 MR. DONNELLY: If it makes sense to  
15 you, you may want to straighten out with the  
16 assessor's office tax map parcel numbers that  
17 make sense for your purposes, your future  
18 purposes, recognizing what is a separate lot and  
19 what is not. With the consolidation it might be  
20 a lot easier for you to have one bill instead of  
21 multiple bills.

22 MR. BORBAS: Again, I think that's what  
23 Buckeye is after is to clean this up instead of  
24 trying to manage numerous parcels at one terminal  
25 facility.

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MR. DONNELLY: The question came up earlier whether this is a subdivision or a lot line change. That really matters only for the level of formality required. Definitionally a lot line change under the code is an alteration in proposed boundary areas that will result in land area becoming part of an existing adjacent lot without the creation of a new lot and without making any lot nonconforming or making any existing lot more nonconforming. I think I said that twice. But I think then this is not a subdivision because the total number of lots is being reduced through consolidation, no new lot is being created and no lot is being made nonconforming.

MR. HINES: The way Mr. Borbas explained it, it does do that because parcel 1 becomes larger under this theory. There's two lots existing on the west side of River Road and there will be one. So I think we are in a lot line change.

CHAIRMAN EWASUTYN: What recommendation then would you make to the Planning Board?

MR. HINES: I think there needs to be



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some revisions to the map --

MR. BORBAS: Yes.

MR. HINES: -- based on the  
conversations tonight. If we can get a revised  
map, we can proceed forward after we get that.

CHAIRMAN EWASUTYN: Can they submit the  
map to you, you would look at the map and then  
advise the Planning Board and we could take this  
up under Board Business?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Thank you.

Is the Board in agreement with that?

Jerry?

MR. CANFIELD: I'm sorry, I just had  
one question. Is there any -- this may be  
premature -- any future plans? Currently this  
facility is just combustible fuels, 2, 4 and 6  
fuel. Do you know of any plans to dispense of  
gasoline or anything like that, flammables?

MR. BORBAS: That question goes to  
Buckeye himself.

James, you would have to answer that.

MR. GENEROSO: It could be a  
possibility in the future. There aren't any plans

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BUCKEYE TERMINALS, LLC

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at the moment.

MR. GALLI: Is there storage in the tanks now, stuff in the tanks now?

MR. GENEROSO: That's not my area of expertise but there likely -- there likely is some. It's an active facility.

MR. GALLI: Okay.

CHAIRMAN EWASUTYN: Is the Board in agreement that James would resubmit revised maps to Pat Hines and then Pat Hines would make a recommendation to us and we'll set it up for a Board Business item?

MR. GALLI: Yes.

MR. BROWNE: Yes.

MR. MENNERICH: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Okay. Peter, thanks for coming out.

MR. BORBAS: Thank you very much for having us this evening.

(Time noted: 7:17 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

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DATED: October 28, 2014

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

----- X  
In the Matter of

WEBB PROPERTIES  
(2014-10)

Route 17K & Auto Park Place  
Section 97; Block 2; Lots 35 & 43  
IB Zone

----- X

SITE PLAN & LOT LINE CHANGE

Date: October 16, 2014  
Time: 7:17 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ROBERT JAMES  
RONALD BARTON

----- X

MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
(845)895-3018

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MR. BROWNE: Our next item of business is Webb Properties, project number 2014-10. This is a site plan and lot line change being presented by --

MR. JAMES: Bob James of A. Diachishin & Associates.

Okay. We've made a few changes since we were here last. We'll start out with the first sheet which is a subdivision/lot consolidation plan. We originally had the subdivision as part of a lot line revision but what we've done in addition to that is created an additional lot. The original lot line revision concerned a fifteen-acre parcel on which the GM service center was on, and then the vacant tax lot 35 and the existing -- the former bank, tax lot 43. There were two lot line revisions, one with the former bank, parcel 43, and parcel 35, and also a lot line change between parcel 1322 and 35. 1322 is now broken into two lots along the center of Auto Park Place. So what we're doing is creating basically four different -- four lots, one new lot with different -- with lots 1, 2 and 3 having different acreages.

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Lot 1 is the lot that the proposed dealership is going on, it's about 5.1 acres. Lot 2 is the former bank parcel. That's going to be 1.34 acres. Lot 3 is a vacant lot on which the detention pond -- the existing detention pond and the proposed detention pond is on. That's going to be about 4.5 acres. And then the GM service center to the south of Auto Park Place is going to be about 10.5 acres.

In addition to the new subdivision plan we've provided a site grading plan, a drainage plan, a utility plan with construction details, as well as an erosion control plan and a stormwater pollution prevention plan.

The site plan shows the drainage as well as the proposed detention pond with retaining walls around it. The drainage is contained within the site in water quality underneath the parking lot leading to the detention pond. The detention pond is sized for the full build out of lot 3, the lot between the dealership lot, Auto Park Place, 17K and Enterprise Rental to the east.

I just received a comment -- comments

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from Pat Hines.

That's my narrative for the time being.  
We can go over the letter or -- how do you want  
to proceed from here?

CHAIRMAN EWASUTYN: There's a lot of  
detail that Pat is saying in his letter needs to  
be addressed.

MR. JAMES: Yes.

CHAIRMAN EWASUTYN: Let Pat speak to  
how he'd like to see it and when he would like to  
see it.

Pat.

MR. HINES: Well, I don't know if the  
Board wants to go through all these or if it  
would be a candidate for a technical work session  
later in the month. We do have those scheduled  
the last Tuesday -- the fourth Tuesday of each  
month, if that would be appropriate.

I do have some concerns. Just the  
display of the vehicles for sale on what is the  
bank lot brings up a zoning issue of displaying  
those vehicles not on the auto dealership parcel.  
I don't believe that's permitted by zoning. I'm  
looking to Jerry a little bit for that. I know we

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discussed at work session that would not be a permitted use. The two displays that are on the proposed dealership lot are fine. The one that's off site would be inconsistent with the zoning provisions.

There are cross grading easements, access easements that need to be worked out.

One of the concerns we have is what the balance parcel, the lot not proposed to be built on right now, will look like. We need some detail on that. Whatever that's going to look like, grass, lawn, or whatever landscaping plan is implemented.

We do have numerous technical comments on the stormwater that I think could be resolved during the technical work session.

That's probably the extent of our comments at this point. I do believe this would be a good candidate for that work session.

I do want to bring up I have a concern, and it's more for the owner who I know is here tonight. The retaining walls that are proposed along the east property, they're rather large. They're proposed cast-in-place concrete. I don't



1  
2 know if you have a price on those yet but I'm  
3 concerned that when you get the cost for those  
4 precast or poured-in-place retaining walls, that  
5 you may have some sticker shock. So it's kind of  
6 a red flag for you to take a look at that.  
7 There's hundreds of feet of retaining wall in  
8 excess of eight feet high, twelve inches thick at  
9 the top and eighteen inches thick at the bottom  
10 in some locations. You're talking some big  
11 dollars there. If you want to work with your  
12 representative to figure that out.

13 MR. BARTON: We've kicked that back and  
14 forth. I don't know if there's a simpler  
15 solution, but without the retaining walls the  
16 scope of those ponds ends up taking up -- it  
17 almost doubles in size coming over to this  
18 buildable --

19 MR. HINES: I identified that for the  
20 Board. I think you're trying to retain value for  
21 the balance lot there.

22 MR. BARTON: So by trying to push it  
23 over and consolidate it, you're into, you know,  
24 taking advantage of whatever you can on that  
25 land. The sticker shock -- I mean we knew it was

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going to be expensive, the numbers coming in. I mean I could dump a quarter of a million dollars into retaining walls, I mean but that's to make them look good. That's to make them so they're not an eyesore. We're not only taking care of the detention for the facility we're building on but, as you pointed out Pat, we've got, you know, the better part of three, three-and-a-half acres, you know, on 17K. You know, if I were on the back part of the property we wouldn't be putting any walls in or anything. If there was a way to get that water to another location through a pipe, we'd be doing that.

MR. HINES: I just wanted to bring it up so you're aware. As long as you're aware of it. We've had site plans such as this come in in the past and when they go to build it we see them back on.

MR. BARTON: I'm getting sticker shock on the whole thing, by the way. It's not just this.

As far as the landscaping of this parcel, I mean I think we've done a good job of presentation on 17K with vacant land, keeping it

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mowed, keeping it green. That's really all our plan is with this.

MR. HINES: That's fine. It's up to the Board. We need to have the level of detail showing how it's going to be --

MR. BARTON: Just define it, even though we're just leaving it as is?

MR. HINES: The amount of topsoil, a the seeding spec, the erosion control needs to be addressed on that site, some timing, how long it's going to look like that.

MR. BARTON: This one pod over here on the bank parcel, that was really a display vehicle for the bank so that they could advertise they do auto loans. I mean I was just giving them a vehicle to use.

MR. HINES: We'll let you work that out with code enforcement. Sounds like a car salesman, you know.

MR. DONNELLY: He is.

CHAIRMAN EWASUTYN: While we have the opportunity, we have Ken Wersted here. There was a point in this process where your first concern was getting a negative declaration and to move it

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on to the DOT, and for some design issues that you want. We did have a consultants' work meeting with that in mind and that was, at that point in time, the only outstanding feature. I'd like a summary from Ken Wersted on how far that's gone before we go on to what probably should be a second meeting to resolve what needs to be resolved. We're kind of bound by a procedure and we have to sort of guarantee our product. What we don't want is any recalls because recalls are very expensive. So that's why we need the amount of detail that we still have to get. I apologize.

MR. BARTON: I know it's part of the process. Thanks, John.

MR. WERSTED: On the topic of traffic, as the Chairman had mentioned, at the work session I believe in September, maybe it's October now, I provided you and your applicant or/and your engineer with a scope of work. They expanded on that. They did go beyond that. I believe that might have been in part with some consultation with DOT.

That traffic impact study was provided to us. Generally speaking, it followed the

1 industry standards both in the methodologies and  
2 the trip generation estimates.  
3

4 The noteworthy things that came from it  
5 was that the study included, obviously, the  
6 analysis of the proposed dealership, it assumed  
7 the reoccupancy of lot number 2, which is the  
8 existing former use as a bank, and also analyzed  
9 a possible use of lot 3 as a restaurant. It also  
10 assumed the continued use or reoccupancy of the  
11 existing GM center as an additional car  
12 dealership. On top of those things it also  
13 included a number of other developments that are  
14 being proposed in the area, and then analyzed the  
15 traffic impacts for Route 17K at Route 300, at  
16 Unity Place and at the proposed site driveway on  
17 17K opposite the park and ride lot. With the  
18 analysis, the results show that the Route 300/17K  
19 intersection wasn't going to change substantially  
20 with the project. They did note that there are  
21 some timing plan adjustments that could be made  
22 by DOT that might help improve those. The  
23 intersection with 17K and Unity Place wasn't  
24 going to change substantially, but they had also  
25 assumed construction of a right-turn lane on 17K

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and Unity Place. And then at the site driveway intersection it's going to continue to be unsignalized. The operations coming out of the site would be a level of service C in the morning, level of service C -- I'm sorry, E in the afternoon peak hours and level of service F on a Saturday, which is consistent with what we would expect for an unsignalized intersection on 17K. We don't feel that there's any need to do any traffic signal improvements to that intersection or try and change the control there because drivers who are exiting that area will have the opportunity to come out to Auto Park Place and go over to Unity Place and make a left turn at a traffic signal if that's their desire.

They are proposing to take the painted median on Route 17K and restripe that as a left-turn lane to get into the site, and we agree with all of those items.

The improvements that are proposed out there will obviously have to go before DOT. I did send DOT my comments. They did ask if they were going to receive a set of plans and a copy of a traffic study. I replied that that will likely

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be the direction of the Board tonight, to send the material over to them to get their input.

The only other couple of comments that I had related to the site plan is that on lot 1 the delivery truck circulation should be shown just so we know how the trucks are going to come in, the car carriers mainly, where they are going to drop off and circulate through the site.

The lot 3 site, we also recommended that any access to that lot be from the site driveway and not have a direct access to Route 17K, just because it would be in close proximity to kind of existing intersections along there.

And then lastly was putting a sidewalk in for Unity Place, either down to the site driveway or down to the curb cut for the Michael Bigg Junior property which would be consistent with other recently improved developments in the Town in that area.

That was the extent of our comments.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: Where do you want the sidewalk again? I missed that before.

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MR. WERSTED: It would be along the property frontage in front of the bank, connecting to Unity Place, down past the proposed dealership. Also across lot 3 to the next property over, which is the Michael Bigg Junior property.

MR. HINES: Enterprise Rent-a-Car I believe is there.

MR. BARTON: Would this be in the DOT land or --

MR. WERSTED: It would be in the DOT right-of-way. To put it on your property would be set back pretty far. People would be walking way out of their way to get on the sidewalk.

MR. BARTON: We mentioned that with DOT, and that came up in conversation, and that was a real big bugaboo, about maintaining sidewalks. They didn't want to have anything to do with it. In fact, I believe it was the town supervisor who was at the meeting and indicated that the Town -- I was a little surprised to see that in the comments about the sidewalk.

MR. CANFIELD: Typically with that, with other projects when the property is on the



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DOT's property we require an agreement with the DOT for maintenance thereof. Walgreen's is an example. That was one of the those projects that that sidewalk ended up out in the DOT, and it was a task to execute that agreement.

MR. HINES: Crystal Run is a recent one that has it in there.

MR. CANFIELD: Yes. I don't know that there's any other sidewalks on 17K, though. I know in the past that's been an issue. A sidewalk to where? Where does it go? Just a point for consideration.

MR. BARTON: I know from Union Avenue to the city line there's no sidewalks on 17K on either side.

MR. CANFIELD: Right.

CHAIRMAN EWASUTYN: Okay.

MR. GALLI: I mean you see people walking to the bus terminal there all the time from the City of Newburgh, but they walk on the Target side and they walk in the grass. You see the path all worn out. I don't know if they are going to cross the street and walk up to Nissan.

MR. WERSTED: It's offered for the

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Board's --

CHAIRMAN EWASUTYN: Does the Board want to see a sidewalk? Ken Wersted said it's up to the Board.

Frank?

MR. GALLI: I don't want to see a sidewalk.

MR. BROWNE: I don't see a need for it, unless he cuts them a good deal and they walk back and forth to the bank.

MR. MENNERICH: No.

MR. DOMINICK: I don't see a reason.

MR. WARD: No.

CHAIRMAN EWASUTYN: Then we won't see a sidewalk on the site plan.

Ken, would you prefer to get the map to send to the DOT, should we have it brought to Pat Hines' office and he can circulate it to the DOT?

MR. HINES: It's probably easier for them to get it to me.

MR. WERSTED: Circulate it to Pat's office.

CHAIRMAN EWASUTYN: If you get a copy of the map to Pat, since we are the lead agency

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we'll do the coordinated response with the involved agencies. It works better internally that way.

MR. HINES: The map and the traffic study. This also needs to go to County Planning, which it's at that level of detail now. I think we can do that also.

MR. JAMES: Do we need a full set? There are some details that DOT would like to see I'm sure.

MR. HINES: I would like to get DOT the traffic studies as soon as possible, even if you're going to generate additional studies in the future. We should get it up to them to make sure they are still on board.

MR. JAMES: So basically just the single sheet and the site plan sheet?

MR. HINES: And the traffic study.

MR. JAMES: And the traffic study, right.

MR. HINES: And for the County we need a complete set of everything, which will be the traffic study, the drainage, the EAF, the application, traffic study.

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CHAIRMAN EWASUTYN: Pat, what's the date of the consultants' meeting?

MR. HINES: The 28th.

CHAIRMAN EWASUTYN: Are you in agreement with that?

MR. BARTON: The 28th --

MR. DONNELLY: Of October.

MR. BARTON: -- this month?

MR. HINES: For the technical work session.

MR. BARTON: Yes.

MR. JAMES: Absolutely.

CHAIRMAN EWASUTYN: That would be 1:00 in the afternoon?

MR. HINES: I'll send out a schedule. I believe there's going to be a couple items, at least one more potentially.

CHAIRMAN EWASUTYN: The other one that we're going to have is for Newburgh Toyota.

MR. HINES: Right.

CHAIRMAN EWASUTYN: Okay. Any additional questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Okay. I'll make two

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parts to the motion on this. I'll make first that we circulate to the Orange County Planning Department, and then next is that we move to set this for a consultants' work session for the 28th of October.

MR. DOMINICK: I'll make that motion.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. So carried.

I apologize for the delay but we need to get a sign off from everyone --

MR. BARTON: Understood.

CHAIRMAN EWASUTYN: -- before we move forward.

MR. BARTON: Thank you.

(Time noted: 7:38 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

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DATED: October 28, 2014

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

----- X  
In the Matter of

261 NORTH PLANK ROAD  
(2014-18)

Final Amended Site Plan Approval

----- X

BOARD BUSINESS

Date: October 16, 2014  
Time: 7:38 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: STEPHEN GABA

----- X

MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
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CHAIRMAN EWASUTYN: Since we have two representatives from a project with us this evening, I'll ask you to give me a moment to jump along on the Board items.

The first one, number 6, is 261 North Plank Road. Mr. Gaba is here this evening.

Mike Donnelly, would you help with the actions that are necessary this evening?

MR. DONNELLY: Sure. When we were here last we were waiting for your lead agency status to be complete. You had otherwise felt satisfied with the state of the plan and were ready to act. After you confirmed your lead agency, because you heard from no other agency disputing that, you would need to issue a declaration of significance. After you've done that I can review the conditions. I'll review the conditions in the resolution.

CHAIRMAN EWASUTYN: You're saying right now declare ourselves lead agency?

MR. DONNELLY: You did that back on August 7th. Now it's final and you can issue a declaration of significance.



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The conditions are fairly straightforward. We need a sign-off letter from Pat Hines on the items in his September 29th memo. We'll make reference to the Zoning Board of Appeals decision to tie into it. There's a DOT approval that's required. We're noting the Architectural Review Board approval but no changes are being proposed to the building other than the reroofing, and what is there is satisfactory. Finally, your standard condition that says the site plan allows only construction of what's shown on the plans and no other construction can take place without an amended approval from the Board.

MR. HINES: The DOT approval, I think we're going to use the same language as the Depew Energy one. There's really no approval but if there's a highway work permit required it will be necessary. There's no proposed work in the DOT right-of-way.

CHAIRMAN EWASUTYN: Any questions or comments from Board Members?

(No response.)

CHAIRMAN EWASUTYN: So there will be a

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261 NORTH PLANK ROAD

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two-part action: One, a negative declaration; and two, agreeing to the conditions spelled out by Attorney Mike Donnelly for the final resolution.

Is that correct, Mike?

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: Can I have a motion for that?

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli and a second by John Ward. Any discussion of the motion?

MR. BROWNE: John, I want to mention so it's clear that this is for project number 2014-18.

CHAIRMAN EWASUTYN: Okay. We had a motion by Frank Galli, a second by John Ward. We had discussion by Cliff Browne to mention the project number which is 2014-18. Any further discussion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote.

MR. GALLI: Aye.

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MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(Time noted: 7:42 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

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DATED: October 28, 2014

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

----- X  
In the Matter of

DEPEW ENERGY  
(2014-09)

Final Approval

----- X

BOARD BUSINESS

Date: October 16, 2014  
Time: 7:42 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: PAUL DEPEW

----- X

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DEPEW ENERGY

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CHAIRMAN EWASUTYN: In the audience this evening we have Paul Depew, owner of Depew Energy, project number 2014-09.

Mike Donnelly?

MR. DONNELLY: When this was last on we were waiting to hear back from the Orange County Planning Department. Have we heard from them.

MR. HINES: We have not but the time has lapsed.

MR. DONNELLY: The time has lapsed. Okay. So we'll recite that within the resolution.

MR. HINES: It was sent the same time as the lead agency. Maybe they stuck it in the same file.

CHAIRMAN EWASUTYN: Magyar we never got back either.

MR. HINES: It seems like that two-week period was --

MR. DONNELLY: Maybe a change in personnel.

We need a sign-off letter from Pat Hines for the items in his September 29th memo.

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We'll make reference to the Zoning Board decision of July 24th. There was a specific condition in an older resolution of the Zoning Board that we will repeat here, and that is that this approval requires removal of certain existing free-standing signs from the premises that were directed to be removed within a 2007 decision of the ZBA. We will need a water line easement allowing utilization of a water line crossing adjoining property. We will need a highway work permit from the DOT. If they change anything on the site you'll need to return to this Board. You have to comply with the commercial performance standards of Section 185-30. Some of those are recited within the resolution. And there's a merger of several parcels on the site. Before the plans are signed you'll have to deliver appropriate proposed documentation in a form suitable for recording showing that merger. If the merger is not possible you'll need to prepare an agreement that will be recorded as a declaration. Those are both set forth here.

MR. HINES: They're not merging.  
They're going to do that unified site plan.

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MR. DONNELLY: We have both alternatives in here.

Again, ARB approval will reference the existing building because no changes are proposed. Finally, no fixtures or structures can be built on the site that were not shown on the site plan being approved tonight.

CHAIRMAN EWASUTYN: Questions or comments from Board Members?

(No response.)

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

MR. CANFIELD: No, nothing.

CHAIRMAN EWASUTYN: All right. I'll move -- I'll look for a motion to grant final approval to Depew Energy, project number 2014-09, subject to the conditions presented by Planning Board Attorney Mike Donnelly.

MR. WARD: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward, a second by Ken Mennerich. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

I just wanted to accommodate those  
people in the audience.

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



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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

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DATED: October 28, 2014

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

----- X  
In the Matter of

PATTON RIDGE SUBDIVISION  
(2012-18)

Request for a Six-Month Extension of Preliminary  
Approval from November 7, 2014 until May 7, 2015

----- X

BOARD BUSINESS

Date: October 16, 2014  
Time: 7:45 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD

----- X

MICHELLE L. CONERO  
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Wallkill, New York 12589  
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MR. BROWNE: For discussion, Patton Ridge Subdivision, 2012-18. The applicant is requesting a six-month extension of preliminary approval which will run from November 7, 2014 to May 7, 2015.

CHAIRMAN EWASUTYN: I'll make a motion to move that.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: A motion by John Ewasutyn, a second by Ken Mennerich. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:46 p.m.)

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

----- X  
In the Matter of

9W GAS & CONVENIENCE STORE  
(2009-14)

Request for an Extension of  
Amended Site Plan Approval

----- X

BOARD BUSINESS

Date: October 16, 2014  
Time: 7:46 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD

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MR. BROWNE: 9W Gas & Convenience Store, project number 2009-14, extension of amended site plan approval.

CHAIRMAN EWASUTYN: I'll look for a motion to grant the extension.

MR. GALLI: So moved.

MR. DOMINICK: Second.

MR. DONNELLY: Six months? Somewhere in the middle of April. April 20th.

MR. HINES: Was that for 9W?

CHAIRMAN EWASUTYN: Yes.

MR. HINES: They were requesting a year.

MR. DONNELLY: Okay.

CHAIRMAN EWASUTYN: Have we been granting them for a year, Mike?

MR. DONNELLY: This is a site plan. It was first approved -- oh, the amended approval. When was it granted? It's good for two years and can only be extended for one additional. As long as we're within that time period.

MR. HINES: It would have expired October 7th and they are requesting --

MR. DONNELLY: That was the two-year

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period?

CHAIRMAN EWASUTYN: Good thing you raised that. I wasn't sure.

MR. DONNELLY: A site plan is good for two years and can be extended for one additional year.

MR. HINES: That was the two year based on the job number.

MR. DONNELLY: So it can be extended for one additional year.

CHAIRMAN EWASUTYN: And that would bring us to?

MR. HINES: October 7, 2015.

CHAIRMAN EWASUTYN: We'll move for that one-year extension.

MR. BROWNE: Would it be appropriate to include the words in there that this is the final?

MR. DONNELLY: The resolution says so. The original resolution.

MR. HINES: Actually, Dominic Cordisco's letter says original site plan approval was valid for two years. You already granted one one-year extension. Actually, you

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granted one on  
October 8, 2012 until October 7, 2013. This would  
be the next --

MR. DONNELLY: You can't go beyond  
that.

MR. HINES: They would have needed one  
-- apparently there was a one-year lapse in  
requesting this.

MR. DONNELLY: Even apart from that,  
the approval was October 7, 2010. You get two  
years, until `12, and then they get another year.

MR. HINES: Until `13. 2013.

MR. DONNELLY: It's expired.

MR. CANFIELD: It expired.

MR. HINES: It looks like we missed a  
year and it expired already.

CHAIRMAN EWASUTYN: Mike, you'll send a  
letter to --

MR. DONNELLY: Yes. To Dominic.

CHAIRMAN EWASUTYN: This is an example  
of where they didn't rescind their conditional  
final approval and they have to go back to  
preliminary.

MR. DONNELLY: I see no indication that



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the approval was a preliminary one.

CHAIRMAN EWASUTYN: That's what I wondered when I got the letter.

MR. BROWNE: Is there further discussion on the landscape and security management?

CHAIRMAN EWASUTYN: Not at this point.

(Time noted: 7:48 p.m.)

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

----- X  
In the Matter of

VALLEY CONTRACTING SEPTIC SERVICE

Section 185-19.C2

----- X

BOARD BUSINESS

Date: October 16, 2014  
Time: 7:48 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD

----- X

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MR. BROWNE: Okay. Valley Contracting Septic Service, Section 185-19.C2.

CHAIRMAN EWASUTYN: Let the record show that Mike Donnelly will be preparing a letter to send in response to Sheila O'Donnell's letter informing her of the manner in which we have to approve the use of the property and the fees associated with it.

Is that a good way of stating it, Mike?

MR. DONNELLY: Yes. I will inform her of the escrow, the application fee and the requirement that some type of plot survey or existing condition photos along with a narrative of the proposed use be submitted in order that you might consider granting the under 2,500 square foot exemption.

CHAIRMAN EWASUTYN: Okay. I'll move to have Mike Donnelly authorize a letter to Valley Contracting Septic Service.

MR. MENNERICH: Second.

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

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MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So  
carried.

(Time noted: 7:49 p.m.)

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

----- X  
In the Matter of

TOYOTA OF NEWBURGH

Schedule for a Technical Work Session  
Re: New Parking Area

----- X

BOARD BUSINESS

Date: October 16, 2014  
Time: 7:50 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD

----- X

MICHELLE L. CONERO  
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MR. BROWNE: The next item is Toyota of Newburgh, parking area, to set it up for a technical work session.

MR. HINES: I briefly discussed this at the last meeting. Toyota of Newburgh has gone ahead and constructed accessory parking areas on the lands of Manheim, or the Auto Auction, whoever owns that these days. They need to amend their site plan. There are some zoning issues involved with that also. It was suggested that they also come in to the technical workshop and meet with myself and Jerry and the rest of the Town's consultants to see if there is something we can do or at least give them guidance on how they need to move forward with the plan. We did request that they hire a consultant, which they have. They've hired Ross Winglovitz' company, so he's going to represent them. Now we have someone who can speak to the issues at the work session. Ross will be representing them at the work session.

CHAIRMAN EWASUTYN: I'll move for a motion to set Newburgh Toyota for a consultants' work session on the 28th of October.

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MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli -- excuse me. A motion by John Ward, a second by Frank Galli. Any discussion on that?

(No response.)

CHAIRMAN EWASUTYN: I'll ask for a roll call vote.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:51 p.m.)

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

----- X  
In the Matter of

MAGYAR BUDGET TRUCK RENTAL  
(2011-04)

Request for Final  
Amended Site Plan Approval

----- X

BOARD BUSINESS

Date: October 16, 2014  
Time: 7:52 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD

----- X

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MR. BROWNE: The last item is Magyar Budget Truck Rental, project 2011-04, for final amended site plan approval.

MR. DONNELLY: The last time this was on we had not heard from the Orange County Planning Department and the thirty-day time period had not run. It has now run and we have not heard from them, so you are authorized to take action.

The conditions in the resolution: Firstly, I recite specifically what is being allowed, and that is full-time parking for twenty-nine rental trucks, full-time parking for ten rental cars, and temporary seasonal overflow parking for no more than thirty-six vehicles is herein after limited, and the continuation of the existing landscape business. The second condition is the overflow parking area shown on the plan may be used only during the period from November 20th in each year through January 15th of the year immediately following. Overflow parking of vehicles is authorized for not more than three days at a time during the authorized time period. Further, we need DOT driveway

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utilization approval. We're going to tie into the Zoning Board of Appeals decision. We have our standard condition limiting outdoor storage as per the code. Finally, a condition that allows only construction of that which is shown on the plans.

CHAIRMAN EWASUTYN: I'll move for a motion to grant final amended site plan approval subject to the conditions presented by Planning Board Attorney Mike Donnelly.

MR. GALLI: So moved.

MR. BROWNE: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:53 p.m.)

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

----- X  
In the Matter of

NEWBURGH RETAIL DEVELOPMENT  
(2005-35)

Release of Landscape Security

----- X

BOARD BUSINESS

Date: October 16, 2014  
Time: 7:53 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
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ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
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CHAIRMAN EWASUTYN: The last item on the agenda is -- it's not on the agenda. We'll memorialize it under Board Business. The landscape release for a project number 2005-35, the subject property being the Newburgh Plaza landscape.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli and a second by Ken Mennerich. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DONNELLY: I'll send a letter to the Town Board.

CHAIRMAN EWASUTYN: Thanks ever so much.

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NEWBURGH RETAIL DEVELOPMENT

MR. HINES: Newburgh Retail is the project name I believe.

MR. CANFIELD: Not Newburgh Plaza.

MR. HINES: Newburgh Retail Development.

CHAIRMAN EWASUTYN: I'm reading it under Karen's memo. It's Newburgh Retail?

MR. HINES: I believe it was called Newburgh Retail Development.

CHAIRMAN EWASUTYN: I'll move for a motion from the members to close the Planning Board meeting of October 16th.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli and a second by John Ward. A roll call vote.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:54 p.m.)

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