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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)

5182 Route 9W
Section 43; Block 5; Lots 41.2 & 42
IB Zone

----- X

AMENDED SITE PLAN

Date: June 5, 2014
Time: 7:56 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
JOSEPH E. PROFACI
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

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

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DEPEW ENERGY

62

MR. GALLI: The next item of business we have is Depew Energy, project number 2014-09. It's an initial appearance for an amended site plan, being represented by Ross Winglovitz.

MR. WINGLOVITZ: Good evening. Ross Winglovitz with Engineering Properties here on behalf of Depew Energy. This is an amended site plan for their property on New York State Route 9W. We submitted an application, an EAF and a letter explaining what we're proposing here.

Some time ago the Depews acquired the neighboring property which was a garage. Apparently they stored parts in there and use it for service of some of their equipment. They want to expand that. In addition, they have two tanks at the rear -- one existing tank and they are proposing a second propane storage tank at the rear of the property.

We'll require grading. I saw Pat's comment. This is just an initial sketch plan submission.

What I'm trying to do with this plan and what I laid out as far as the uses in my letter is to bring the site into conformance with

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the current zoning for our proposed use of the tanks and the service shop and identifying how the existing building is being used. We tied this up in a current site plan for the property.

I'd be glad to answer any questions you might have.

CHAIRMAN EWASUTYN: Questions from Board Members. Frank Galli?

MR. WINGLOVITZ: Pardon me, John?

CHAIRMAN EWASUTYN: I'm following your recommendation and beginning to ask Board Members if they have any questions.

MR. GALLI: Not yet.

MR. BROWNE: Not yet.

MR. MENNERICH: No.

MR. PROFACI: No questions now.

MR. DOMINICK: Nothing.

CHAIRMAN EWASUTYN: We'll turn to our Consultant, Pat Hines, Planning and Drainage Consultant.

MR. HINES: The structure on lot 42, the storage service building, doesn't meet front yard setbacks, so the addition to that will require a variance.

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MR. WINGLOVITZ: The addition would
comply. The building doesn't.

MR. HINES: It loses that protection by
adding on to the building.

The proposed service bay on that lot
seems to cross across the septic system. You can
address that. It looks like the existing one
also does.

MR. WINGLOVITZ: This area is currently
used as a driving area and driving aisle for the
property. You currently drive overtop of that
septic system now. I can't tell you I recommend
it.

MR. HINES: The existing sign on the
neighboring lot does not meet zoning and would
require a variance. There's at least a 15 foot
separation there. So that needs to be relocated
or a variance, as that lot also is having an
expansion proposed on it.

Grading for the propane tanks you just
discussed.

The lot that's getting the propane
tank, it looks like there's a proposal to pave
some of it but not all of it. We did discuss at

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work session whether the Board would allow the gravel parking area to remain in the rear. I'll leave that open for discussion with the Board as they move forward. I know there's an existing condition. Also, I just need to clarify if that line is the limits of paving that's shown. It's shown on the driveway up, limit of paving, but nothing on the northern portion of the site.

MR. WINGLOVITZ: Where are you talking about, Pat?

MR. HINES: It says proposed paved surface.

MR. WINGLOVITZ: I'm going to add -- we propose it to end here. The idea was to pave the more retail area where customers come in and pay their bills.

MR. HINES: You labeled the limit of pavement on the one side.

MR. WINGLOVITZ: I didn't on the other. We'll darken it up.

MR. HINES: County and DOT referral is required.

Currently outdoor storage exists on the site with tanks and various other items that I

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think they use in their business. Outdoor storage needs to be addressed in compliance with Section 185-30, and that needs to be stored behind, fenced and opaque. There's a whole outdoor storage section there. So compliance with that needs to be shown.

There's a Building Code or a Town Code requirement that doesn't allow for the storage of flammable liquids in a zone greater than, I think it's 2,000 gallons unless Jerry Canfield's office and I believe the jurisdictional fire department sign off on a couple of conditions that are in that section. So that needs to be done.

There's a water line shown from the rear of the parcel. We need to show easements and some kind of shared agreement between those two lots for that to exist. I don't know how it gets here. It must go across some other adjoining neighbors' lots.

MR. WINGLOVITZ: Neither do I.

MR. HINES: When this project was before us several years ago I don't believe the water line was there. It may be relatively new. I'm not sure. That needs to be addressed as you

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DEPEW ENERGY

move forward.

Obviously future plans will need landscaping, grading, soil erosion control, paving, et cetera.

And then because it's on two separate lots it needs to have notes which we've done before on other uses that share lots. A unified site plan note that the uses are tied together and one of the lots is no longer in the ownership than the use is no longer valid on both lots.

That's our comments to date.

MR. WINGLOVITZ: Regarding compliance with 107-9 B and C, the zoning specifically permits it. So it's kind of at odds to each other. This is a 1980 law. Zoning specifically permits storage of this type under Section 185-39. So I guess I would refer to Mike on how to rectify -- reconcile those two issues.

MR. HINES: It permits it but limits it to 2,000 gallons in that other section. It's not a show stopper as long as you can convince the two agencies that have jurisdiction, Jerry's office and --

MR. WINGLOVITZ: It does throw it back

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DEPEW ENERGY

to Jerry.

MR. CANFIELD: Yes. If I can comment on that. There's a previous 30,000 gallon tank on the site that was permitted to be there under -- Section 107-9 C is what permits liquid petroleum. Providing what -- well, what's needed to happen so that can be allowed, as well as the last application, is that a fire service -- fire safety analysis will need to be done on that site which will include adding water for fire protection. The previous application required the applicant to put in a 6,000 gallon water tank for fire protection. There's calculations that predetermine that. NFPA 58 is the jurisdictional document that dictates what those flows are. I believe they're in the vicinity of 250 -- 250 gallons a minute for a duration of at least ten minutes I think it is. It's all in that document. You need to perform that survey and submit it to our department so we can report to this Board that it will or will not be permissible. Again, that can be achieved in two different ways. Perhaps another underground tank, or, if you're able, the optimum way is if

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DEPEW ENERGY

69

you can secure this water line and size it large enough and perhaps bring the hydrant down, that would be the best of both worlds.

MR. WINGLOVITZ: I understand. I'm familiar with that, B-58. We'll take a look at that.

CHAIRMAN EWASUTYN: Any additional questions from Pat Hines' presentation?

MR. WINGLOVITZ: Nope. I think I'm good.

CHAIRMAN EWASUTYN: Okay. Any other questions or comments from Board Members?

MR. WARD: No.

MR. PROFACI: No.

CHAIRMAN EWASUTYN: Mike, this seems to be similar to the Britain Plaza. No. Britain Plaza did have to go to the ZBA. Webb Properties.

This evening we would declare our intent for lead agency, circulate to the Orange County Planning Department.

Ross, you'll have make it a point of getting additional plans to Pat Hines.

Mike, do you want to discuss --

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MR. DONNELLY: There will be a ZBA referral letter for consideration of two variances. First, the existing sign doesn't meet the 15 foot setback. Secondly, loss of the nonconforming or noncomplying building protection for the existing structure on lot 2 due to the building addition.

CHAIRMAN EWASUTYN: Having heard the two reliefs that will be needed from the Zoning Board of Appeals presented by Attorney Mike Donnelly, then we'll move to declare our intent for lead agency, circulate to the Orange County Planning Department and referral to the ZBA. I'll move for that motion.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by John Ward. 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.

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DEPEW ENERGY

71

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So

carried.

MR. WINGLOVITZ: Thank you very much
for your time.

(Time noted: 8:07 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.

DATED: June 30, 2014