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

----- X
In the Matter of

LANDS OF FRATTO
(2007-12)
885 Orchard Drive
Section 1; Block 1; Lot 51.1
AR Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: January 31, 2008
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
JOSEPH E. PROFACI

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

APPLICANT'S REPRESENTATIVE: HOWARD WEEDEN

----- X

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

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. I would like to welcome you to the Planning Board meeting of the 31st of January 2008. We'll call the meeting to order with a roll call vote.

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

MR. PROFACI: Here.

CHAIRMAN EWASUTYN: Myself present.

The Planning Board has experts that provide input and advice to the Planning Board in reaching various SEQRA determinations. They'll introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Court Stenographer.

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

MR. COCKS: Bryant Cocks, Garling Associates, Planning Consultants.

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

LANDS OF FRATTO

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CHAIRMAN EWASUTYN: At this time I would like to turn the meeting over to Dina Haines. Dina.

MS. HAINES: Please stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

MS. HAINES: Please turn off all cell phones.

CHAIRMAN EWASUTYN: The first item of business we have this evening is the lands of Fratto. It's a public hearing for a two-lot subdivision located on Orchard Drive in an AR Zone. It's being represented by Howard Weeden.

I'll ask Mr. Mennerich to read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of lands of Fratto for a two-lot subdivision on premises 885 Orchard Drive in the Town of Newburgh, designated on Town tax map as Section 1; Block 1; Lot 51.1. Said

LANDS OF FRATTO

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hearing will be held on the 31st day of January at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7:00 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated January 8, 2008."

CHAIRMAN EWASUTYN: Thank you.
Dina Haines.

MS. HAINES: The public hearing notice was published in The Sentinel on January 25th and in The Mid-Hudson Times on January 23rd. The applicant's representative sent out seventeen registered letters, thirteen were returned. All mailings are in order.

CHAIRMAN EWASUTYN: Thank you.
Howard.

MR. WEEDEN: Thank you, Mr. Chairman. My name is Howard Weeden. I did the surveying for Mr. Fratto who owns the property on the east side of Orchard Drive between Cronk Road and Route 300. He has an existing house on his 5-acre site. He wants to cut out a lot in the

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front for a proposed dwelling.

We've done septic system design, soils testing. We're showing the proposed well, the proposed house, the proposed driveway. We've shown the adjoining septic, wells and houses. That was required by the Planning Board.

At this time I believe we've answered all the comments currently before us for the Planning Board.

CHAIRMAN EWASUTYN: Thank you. Is there anyone here this evening for the lands of Fratto who has any comments they would like to make?

(No response.)

CHAIRMAN EWASUTYN: Okay. At this time, there doesn't seem to be anyone here from the public, I'll turn to our consultants for their final comments. Pat Hines?

MR. HINES: We had a couple of clean-up items on our 23 January memo. The driveway culvert labeling, the note for the highway superintendent I believe was one. Otherwise the plans are in order.

There's a comment regarding the deed

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2 restrictions or whether the no clearance area was
3 going to be by note, deed or otherwise. I think
4 that's a self-imposed condition that you've
5 placed on the plans. We discussed it with Mike
6 Donnelly at work session and maybe the deed would
7 be the appropriate way to handle that rather than
8 the other mechanisms that we talked about.

9 Otherwise the plans are in order with
10 some clean up. Subject to signing off, approval
11 could be granted.

12 CHAIRMAN EWASUTYN: Mike, do you want
13 to address that?

14 MR. DONNELLY: That's correct. I had
15 given you a letter, Mr. Weeden, as well. This
16 appears to be the type of restriction that is
17 intended to bind the purchaser of this new lot
18 for the benefit of the existing landowner.
19 That's entirely appropriate but it's not an issue
20 that the Planning Board needs to get involved in,
21 and therefore a map note or recorded instrument
22 to the satisfaction of the applicant is always
23 required. I don't recommend any condition be
24 added to the resolution in regard to it.

25 CHAIRMAN EWASUTYN: Thank you.

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Howard, is that satisfactory?

MR. WEEDEN: Yes. That was the intention of Mr. Fratto. There's an existing wooded strip right there that he wants to keep as a buffer between the two dwellings.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: The applicant has met all of our previous comments. Both lots currently meet zoning.

You will need approval from the Town of Newburgh Highway Department for the driveway location on lot 1 and for final approval an engineer and surveyor's seal and signature.

CHAIRMAN EWASUTYN: One more time. Is there anyone here this evening from the public who has a comment or a question on the two-lot subdivision for Fratto?

(No response.)

CHAIRMAN EWASUTYN: I'll turn to Board Members for their final comment.

MR. GALLI: No additional comment.

MR. BROWNE: No comment.

MR. MENNERICH: No.

LANDS OF FRATTO

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MR. PROFACI: No, John.

CHAIRMAN EWASUTYN: At this point I'll move for a motion to close the public hearing for the two-lot subdivision for the lands of Fratto on Orchard Drive.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Joe Profaci. 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. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

Thank you.

Mike, if you would give the Planning Board conditions.

MR. DONNELLY: Yes. There are three conditions. One is the sign-off letter from Pat

LANDS OF FRATTO

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Hines reporting that the issues raised in his memo of January 23rd have been satisfactorily resolved. Approval of the driveway location for lot 1 by the Town of highway -- Town of Newburgh highway superintendent. And the payment of parkland fees for the new lot.

CHAIRMAN EWASUTYN: Thank you. Having heard the conditions of approval for the two-lot subdivision for the lands of Fratto, I'll move for that motion.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have 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. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

LANDS OF FRATTO

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MR. WEEDEN: Thank you very much.

(Time noted: 7:07 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.

DATED: February 14, 2008

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

----- X

In the Matter of

BROOKSIDE FARM PLACE
(2007-48)

Northern side of Brookside Road
Section 97; Block 1; Lot 20.2
IB Zone

----- X

CONCEPTUAL SITE PLAN

Date: January 31, 2008
Time: 7:08 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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

APPLICANT'S REPRESENTATIVE: ANDREW FEATHERSTON

----- X

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

BROOKSIDE FARM PLACE

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CHAIRMAN EWASUTYN: The next item of business this evening is Brookside Farm Place. It's a conceptual site plan located on the northern side of Brookside Road, west of the intersection of South Plank Road. It's in an IB Zone and it's being represented by Andrew Featherston.

MR. FEATHERSTON: Mr. Chairman, thank you. Andrew Featherston, Maser Consulting.

As you stated, the property is on the north side of Brookside Farm Road just to the west of the intersection with Route 52 and also adjacent to I-84. I-84 borders the northern property line. The west side is bordered by the Quassaick Creek.

The property is 3 1/2 acres and my client is seeking approval for a building of 28,162 square feet. That's total square footage broken into three different levels. The third level or the highest floor occupies the entire footprint. The lower floor only occupies a portion of the footprint. We were trying to step the building into the site. We were trying to also gain ground level access to each of the

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three stories. That's the reason for the configuration of the parking lots and the three different access points.

We have designed a subsurface stormwater system under the rear parking lot. We have yet to do some soil testing in that area but we did look at some other information to confirm that that would be feasible.

We were planning on doing the landscaping and lighting submission after this initial component to get the Planning Board and the consultants' opinions.

CHAIRMAN EWASUTYN: Do you have any idea at this time who your tenants are, what the proposed use is?

MR. FEATHERSTON: Do you have a tenant?

MR. PEREZ: Well Mr. Ewasutyn -- Mike Perez, Hillside Companies. We have a tenant -- actually, a purchaser who would like to remain nameless. He would occupy the top floor for retail. What we had figured was the center floor of approximately 5,000 and change feet would be office and then the lower level which would also, you know, walk in off grade, that would also be

BROOKSIDE FARM PLACE

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retail of approximately the same size, 5,000 and change.

CHAIRMAN EWASUTYN: All right. We'll start with Pat Hines, our Drainage Consultant.

MR. HINES: We're looking for some additional information on the plans. The driveway for -- there's an emergency driveway for Pepsi. For orientation sake, across the street should be shown. We're looking for information from the highway superintendent. Three accesses to one site is unusual, so we need to have the highway superintendent's sign off on that to allow for those three accesses. Ken Wersted's comments should be received regarding those accesses also.

There's some grading shown over the Town sewer easement. Jim Osborne's input on that is required.

The retaining walls on the site, we'll hear this later from the other consultants. The sixteen-foot high retaining wall along Brookside Farm Road I think is going to be an issue with the Board. There's an existing retaining wall on the site, the actual design of which will be

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required if they continue. I think there may need to be redesign of the site with regard to those.

You discussedg7.

The stormwater management report. It was incomplete, the copy we received at least. I don't know if it was a photocopying thing or whatever. We'll need that information. As you said, the on-site soil testing will be required.

There appears to be some use of parking bumper stops or wheel stops.

MR. FEATHERSTON: They were called out on this plan but not on the other. We wanted to try to have some breaking up the impervious area, some flow of the green areas and then a drain inlet in the center to do some low impact design.

MR. HINES: We've done that before using drop curbs to allow that water through there. I think it's a good idea to do that but I think drop curbs are more permanent, a cleaner way to do that.

That's the extent of our comments.

Eventually the jurisdictional fire department's letter will be required.

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The City of Newburgh flow acceptance letter will also be required. That's all we have.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant.

MR. COCKS: My first comment was we're going to need a survey sheet of the existing conditions on the next submission.

A wetland delineation is going to be needed.

Topography is going to need to be shown on the initial dimension plan.

The bulk table should have the actual dimensions instead of just the minimum setbacks.

Then I had a bunch of comments regarding this project with the design guidelines. The design guidelines for the Town of Newburgh have several themes in it that have not been addressed on this plan. One involves tucking the parking on the sides or the back of the building and have the building closer to the street to create sort of a street scape. I know there's lot of grade changes coming up the site and the sixteen-foot retaining wall there.

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2 That's going to have to be worked out. The
3 building is probably going to have to be
4 relocated and the parking either moved to the
5 side or back, and also screened from the road.
6 The site is just not pedestrian
7 friendly. There's no provisions for sidewalks or
8 pedestrian access throughout the site or from
9 parking lot to parking lot.
10 Just the parking lot design in general,
11 having three separate lots is, as Pat mentioned,
12 and three accesses off Brookside Road is not
13 usually something we do.
14 There was just really no landscaping or
15 use of open space for any natural features on the
16 site. The Quassaick Creek is down at the bottom
17 and that really isn't utilized in the site plan
18 whatsoever. We're asking you to take a look at
19 that.
20 Just overall aesthetic impact of the
21 site. We haven't seen any architectural drawings
22 or a lighting plan, or landscaping really so we
23 can't look at that yet but we feel as though the
24 site is going to have to be redesigned to meet
25 more with the design concepts and the design

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guidelines.

CHAIRMAN EWASUTYN: Karen Arent,
Landscape Architect.

MS. ARENT: I have very similar
comments as Bryant. I think two things jump out
that are not in accordance with the design
guidelines, and I think one of the big ones is
the impact of the parking area should be
minimized, and I don't think -- I think that this
view from the road is all parking and some --
besides the wall and some of the building,
there's no space to mitigate that.

The other one is the very high wall.
That would in and of itself need buffering. It's
only three feet from the property line. On the
previously submitted project there was a wall and
we did a lot of work to try to mitigate the
impact of that wall. It was integral with the
building so it was part of architecture. It was
at least ten feet from the property line and
there was space to landscape it so that the
street scape didn't have just this big, giant
wall along it. I think the view from the street
scape really needs to be considered, and you need

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2 space in order to mitigate whatever you're doing.
3 Look at trying to make a whole concept rather
4 than just using these prefabbed walls to make
5 flat spaces for parking.

6 In my comments, I think they were faxed
7 over to you, I just listed all the design
8 guidelines that were not adhered to with this
9 plan so that you could maybe look at that and try
10 to figure out a way to design according to the
11 guidelines.

12 MR. FEATHERSTON: Okay.

13 CHAIRMAN EWASUTYN: I'll speak for Ken
14 Wersted since he couldn't be here this evening.
15 I think his two most direct points, one being
16 that you should provide sight distances. That
17 needs to be measured.

18 He also referenced that you note 320
19 vehicles during p.m. hours and he's requesting a
20 traffic study because the Harley Davidson site,
21 when we reviewed that, had an estimate for 80
22 trips for peak hours.

23 At this point I'll turn to my Board
24 Members. Frank Galli?

25 MR. GALLI: No additional comment at

1
2 this time, John.
3 CHAIRMAN EWASUTYN: Cliff Browne?
4 MR. BROWNE: Basically all the comments
5 and the concerns have to be worked out.
6 CHAIRMAN EWASUTYN: Ken Mennerich?
7 MR. MENNERICH: I agree with what was
8 said.
9 CHAIRMAN EWASUTYN: Joe Profaci?
10 MR. PROFACI: I have nothing at this
11 time.
12 CHAIRMAN EWASUTYN: Michael, do you
13 have anything you want to add?
14 I think you may be under pressure on
15 this site or not?
16 MR. FEATHERSTON: Well --
17 CHAIRMAN EWASUTYN: In terms of time.
18 MR. PEREZ: We'll go back and we'll
19 work on it. What I'd love to do if possible is
20 maybe meet with the consultants to get a better
21 feel of what they'd like to see and turn it
22 around quick. I'd like to do that if that's
23 possible.
24 CHAIRMAN EWASUTYN: The Board had
25 discussed that and the Board doesn't move in that

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direction until the Board approves the concept
plan because what we feel is we're not in the --
the Planning Board isn't in the position to
design projects, it's up to the applicant to
design the project. Once we have the design in
place we can get into the engineering issues.

MR. PEREZ: Okay. We'll address the
issues I guess and reply. Not reply. Hopefully
not reply. Certainly reconvene.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:18 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: February 14, 2008

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

----- X
In the Matter of

LANDS OF CORLISS
(2007-47)
777 Orchard Drive
Section 1; Block 1; Lot 27
AR Zone

----- X

CONCEPTUAL SKETCH PLAN
TWO-LOT SUBDIVISION

Date: January 31, 2008
Time: 7:19 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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

APPLICANT'S REPRESENTATIVE: JOHN TAROLLI

----- X

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

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CHAIRMAN EWASUTYN: The next item of business is the lands of Corliss. It's a conceptual sketch plan for a two-lot subdivision located in an AR Zone. It's being represented by Lawrence Marshall. Oh, Lawrence sent you tonight.

MR. TAROLLI: As noted by your consultants' comments, this is lot 5 of the original Northeast Construction Corporation subdivision. For several years the owner, Corliss, had their house constructed in the rear of that lot, established it and paved the driveway and now they would like to subdivide the parcel off in the front of about 1.8 acres.

They wish not to share the driveway primarily because it's paved and established and they know in building their own driveway when the concrete trucks came when the shale was down it seems to do damage to any kind of a driveway. They're thinking if they shared a driveway, then conceivably during construction that the first fifty or a hundred feet of their current driveway might be damaged. To that end we've shown a separate driveway.

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The septic system is shown.

As you probably are aware, we've submitted to the Town Board a request for a waiver from the requirement of a drainage study for the lot because the lot in the front is 1.8 acres or less than 2. We've given them our rationale for asking for the waiver. As I stated in my letter to the Town Board, we could easily have drawn the line for the smaller lot behind the stonewall and made it over 2 acres and not have to meet that requirement, however the owners, Corliss, in the back would like to keep that stonewall as a natural boundary under their control for privacy and so on. We're hoping that the Town Board does go along with our request for the waiver. If not, we'll simply move the line back behind the stonewall and make the front lot at least 2 acres.

MR. HINES: I don't have a problem with that. We routinely don't require those for subdivisions that don't have construction of private roads or town roads. So I don't think that's an issue at all.

MR. TAROLLI: I've read both your

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2 consultants' comments and we agree to do
3 everything. There are only three or four items
4 that we need to do, add some notes and a copy to
5 the highway superintendent.

6 The only one that I need help with is
7 they would like us to renumber the lots, not to
8 use 5-A and 5-B. The reason we did that is
9 because the face of the map is going to have to
10 refer to this as lot 5 of the Northeast
11 Construction subdivision. That won't disappear.
12 If I call it 1 and 2 of the Corliss subdivision,
13 that's possible. We always like to provide some
14 chain. The county clerk doesn't have a problem
15 with 5-A and 5-B. If you do, just give us the
16 numbers.

17 MR. COCKS: The Town doesn't like
18 having As and Bs.

19 MR. TAROLLI: Is 1 and 2 acceptable?

20 MR. COCKS: Corliss 1 and 2.

21 MR. TAROLLI: Now there's a Northeast
22 Construction subdivision that has two lot 1s and
23 two lot 2s, although this portion was done by the
24 Corlisses and not by Northeast. We're happy with
25 1 and 4.

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2 MR. HINES: In the past what they have
3 done is gone to the next consecutive number up.
4 One would be lot 5 and one would be -- it would
5 be lot 5 and 11.
6 MR. TAROLLI: We prefer 1 and 2.
7 MR. HINES: It sounds like it.
8 MR. TAROLLI: 11 and 12? Is that okay?
9 MR. COCKS: If that was a new lot it
10 would have to be 11 if you wanted to keep that as
11 5.
12 MR. TAROLLI: Are you all right with 11
13 and 12?
14 MR. DONNELLY: I don't know that you
15 can take the 5. 5 was part of Northeast.
16 MR. HINES: In the past they've
17 consecutively numbered them up. They're usually
18 adjoining along the road.
19 MR. DONNELLY: This lot would be 5 and
20 the other would be 11?
21 MR. HINES: Yes.
22 MR. COCKS: They're changing lot 5. I
23 don't know if they would make them change that
24 number.
25 CHAIRMAN EWASUTYN: Who would make the

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final determination on that?

MR. COCKS: I think the County doesn't care. I think the Town would.

MR. DONNELLY: Is it the assessor who --

MR. COCKS: Yes.

CHAIRMAN EWASUTYN: So then can you make it a point of --

MR. COCKS: Asking how they want to number it. Absolutely.

CHAIRMAN EWASUTYN: We'll do it that way. John, we'll let you know after Bryant speaks with Mike Fogarty.

MR. TAROLLI: Okay. When the County does file a map they will put on the tax map this will be known as the Corliss subdivision. I think as long as it's got the name Corliss, not Northeast, that 1 and 2 are fine. Let's just make it 1 and 2.

MR. COCKS: I'll call them anyway.

MR. TAROLLI: Okay.

CHAIRMAN EWASUTYN: Bryant, do you have anything you want to add at this time?

MR. COCKS: No. He mentioned the map

1
2 note that we were asking for with the stonewall
3 along the front property line.
4 They removed the section from the
5 driveway. That was it.
6 CHAIRMAN EWASUTYN: Frank Galli?
7 MR. GALLI: No additional.
8 MR. BROWNE: No.
9 MR. MENNERICH: No questions.
10 MR. PROFACI: No.
11 CHAIRMAN EWASUTYN: Then I'll move for
12 a motion to grant conceptual sketch plan approval
13 and to declare a negative declaration for the
14 two-lot subdivision for the lands of Corliss and
15 to set it up for the next available date for a
16 public hearing.
17 MR. GALLI: So moved.
18 MR. BROWNE: Second.
19 CHAIRMAN EWASUTYN: I have a motion by
20 Frank Galli. I have a second by Cliff Browne.
21 Any discussion of the motion?
22 (No response.)
23 CHAIRMAN EWASUTYN: I'll move for a
24 roll call vote starting with Frank Galli.
25 MR. GALLI: Aye.

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2 MR. BROWNE: Aye.
3 MR. MENNERICH: Aye.
4 MR. PROFACI: Aye.
5 CHAIRMAN EWASUTYN: Myself. So
6 carried.
7 Dina, is it the 22nd of February, --
8 MR. COCKS: 21st.
9 CHAIRMAN EWASUTYN: -- our next
10 meeting?
11 MS. HAINES: 21st.
12 CHAIRMAN EWASUTYN: Then I'll move for
13 a motion from the Board to set this up for a
14 public hearing for the 21st of February.
15 MR. PROFACI: So moved.
16 MR. GALLI: Second.
17 CHAIRMAN EWASUTYN: I have a motion by
18 Joe Profaci. I have a second by Frank Galli.
19 I'll ask for a roll call vote starting with Frank
20 Galli.
21 MR. GALLI: Aye.
22 MR. BROWNE: Aye.
23 MR. MENNERICH: Aye.
24 MR. PROFACI: Aye.
25 CHAIRMAN EWASUTYN: And myself. So

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carried.

Dina, would you make it a point to check with the assessor's office for a mailing list?

MS. HAINES: Yes, sir.

CHAIRMAN EWASUTYN: Then just update the agendas and add this on for a public hearing.

I have one question for you that comes to mind. I don't remember the -- I once raised that to Karen and she didn't remember. We couldn't remember the name of the project, the twelve-lot subdivision that you did on Rock Cut Road.

MR. TAROLLI: Yes.

CHAIRMAN EWASUTYN: Was that detention pond approved and designed to have a chain-link fence going around it? It seems so contradictory. It contradicts what we've always been approving.

MR. TAROLLI: I would have to say yes because there's no way my clients would have voluntarily introduced a chain-link fence.

MR. HINES: Normally it's black vinyl coated. That's the question, right? Or the

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stockade.

MS. ARENT: Stockade.

CHAIRMAN EWASUTYN: What was the name of the project?

MR. HINES: Blue Sky.

MR. TAROLLI: Blue Sky.

CHAIRMAN EWASUTYN: Can we check our records just out of curiosity?

MR. TAROLLI: Maybe with the small detention area --

CHAIRMAN EWASUTYN: Actually I think what we were concerned about is there was a whole visual impact of that pond in the front and doing everything we can to sort of mitigate it. The fence stood out in my mind. Let's look into it.

MR. TAROLLI: I remember on subsequent ones Karen had some input with some screening. That one, I don't recall it.

CHAIRMAN EWASUTYN: Why don't we just look for curiosity.

(Time noted: 7:27 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: February 14, 2008

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

- - - - - X

In the Matter of

LANDS OF GASLAND PETROLEUM

Route 17K and Homewood Avenue
Section 92; Block 5; Lot 9.2
IB Zone

- - - - - X

CONCEPTUAL SITE PLAN

Date: January 31, 2008
Time: 7:28 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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

- - - - - X

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

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CHAIRMAN EWASUTYN: The next item of business is the lands of Gasland Petroleum. It's a conceptual site plan located on Route 17K and Homewood Avenue. It's in an IB Zone and it's being represented by Charles Brown.

MR. BROWN: The site contains an existing gas station with a full canopy. It has six pumps at this time, three are in front of the building and three are behind the building. The canopy goes over the entire building and the pumps. The building is approximately 1,200 to 1,300 square feet.

The proposal is to put a new building in, 4,000 square foot, and relocate the six pumps with a much smaller canopy.

We're here tonight to see if we can get a referral to the Zoning Board because the existing building is over the front yard setback which along State highways is sixty feet.

The proposed building would have a drive-through with a drive-through window at this corner right here, and that would be for a Dunkin Donuts.

That's your intent, Mitch?

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MR. MITCH NESHEIWAT: Yes.

MR. BROWN: We've cleaned up the parking, the flow, based upon what is currently there now. The parking is in front of the building. That's about it.

CHAIRMAN EWASUTYN: Okay. Dunkin Donuts would be permitted in this zone?

MR. HINES: If it's in the IB Zone the fast food use is allowed.

MR. GALLI: We have one going in across the street.

MR. MITCH NESHEIWAT: My name is Mitch Nesheiwat, I'm from Gasland. This Dunkin Donuts is not a cooking place.

MR. HINES: There's a proposal a half a mile north of you on 17K for a Dunkin Donuts facility.

MR. MITCH NESHEIWAT: We understand. They come in for Dunkin Donuts, and I hope they're going to get it. We are a Dunkin Donuts franchisee also.

MR. DAVID NESHEIWAT: This is corporate approved.

MR. MITCH NESHEIWAT: We have the

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approval. You might try to get -- they are trying to sell the lease to Dunkin Donuts, a bank pad or fast food pad. That's not true.

MR. HINES: They're doing architectural review for a Dunkin Donuts.

MR. MITCH NESHEIWAT: I'm a Dunkin Donuts franchisee. This has been approved for us. I'm corporate approved. I will get you --

MR. DAVID NESHEIWAT: It's non-traditional because it's going to be a coffee selling place anyway. It's not free standing.

CHAIRMAN EWASUTYN: We'll take comments from our consultants at this time. Pat Hines.

MR. HINES: The plans need a surveyor's stamp.

It's going to get sent to DOT for comments regarding the access because of the increase in size. It's almost triple the size of the existing facility. I know you're utilizing or proposing to utilize the same entrances.

County Planning will be required.
Jurisdictional fire department review.

One of our significant comments is the site grading. You're proposing an eighteen-foot

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2 vertical cut to the rear of the facility. We need
3 to take a look at that cut and how traffic is
4 going to flow. It doesn't look like vehicles can
5 make the turning radius that's proposed. The
6 visual impacts of that eighteen-foot cut, there's
7 only seven feet of horizontal distance there,
8 which is very steep. It's going to kind of look
9 like a quarry in the back there. I know it has a
10 rock cut there. It's going to be approximately
11 ten feet higher into the back hill there. The
12 rear corner of that building has an eighteen-foot
13 high rock cut depicted there now. It's unclear
14 how the drive-through will function. There's
15 sidewalks shown all along the building. That
16 needs to be cleaned up and the access to the
17 drive-through shown on the plans there.

18 There are some monitoring wells shown
19 on the site. The fire inspector was here
20 earlier. I don't know what the status of those
21 are.

22 MR. MITCH NESHEIWAT: One time one of
23 the trucks for gasoline made a spill and DEC
24 required the monitor well. On this site we have
25 a clean bill of health. That's only for DEC.

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MR. HINES: You just want to make sure you don't hit anything.

Stormwater management will be addressed on the site due to the increase in impervious surfaces.

Provisions for water and sewer for the new structure must be shown.

Because the size of the building is increasing, a sign-off letter from the City of Newburgh for the flow will be required.

Traffic circulation for delivery vehicles should be addressed.

The finished floor elevation should be shown on the grading plan.

You're putting a lot on that site. It's a small site. The grading issues I think are the biggest comment that Mr. Brown is going to have to overcome there. I know Karen has some landscaping comments regarding that also.

MR. BROWN: We did the grading based upon the 2 on 1 for the rock. Is the problem the slope or --

MS. ARENT: The view.

MR. HINES: I didn't get a 2 on 1. It

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was steeper than that when I checked the calculations. Eighteen feet and seventeen.

MR. BROWN: I'll verify that.

MR. HINES: How you're going to grade that out is going to be an issue I think, what it's going to look like.

MR. MITCH NESHEIWAT: We can put some kind of retaining wall with the -- those face block, whatever it is.

MR. HINES: Again, Charlie can handle that for you.

MR. MITCH NESHEIWAT: We did that in the Town of Beekman -- LaGrange. We did one Sunoco station on Noxon Road with a Dunkin Donuts in there.

CHAIRMAN EWASUTYN: I was in LaGrange today.

MR. MITCH NESHEIWAT: If you look at the gasoline Sunoco station with a Dunkin Donuts, we're perfect. We did one in the Town of Beekman. We did one in Highland on 9W, the Sunoco just north of the bridge.

CHAIRMAN EWASUTYN: I'm somewhat familiar with you from working with Ira Conklin

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many, many years ago. For the benefit of the Board I think you should explain maybe how many stations you have and your familiarity because you're talking from knowledge and I think it's nice to share your knowledge.

MR. MITCH NESHEIWAT: My name is Mitch Nesheiwat and I own Gasland. It's a family run business since 1979. We own and operate eighty-four gas stations. We became as a Dunkin Donuts franchisee. I own about eight to nine locations in Newburgh. I'm here in Newburgh for the past eighteen years. I could tell you I own three, four stations in the City of Newburgh, I own one location, the Citgo station which is leased on 52. I own about ten to eleven locations in the City of Newburgh. We bought three alliance locations, the Exxons. We'll probably come to you for another two locations.

And the buildings, bring them to -- when the Quick Chek came into Newburgh Newburgh became depressing, everybody losing money. We can not make it in the gas business. Gas is \$3.15 a gallon and nobody making money. You've got to have some kind of food or something inside

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to stay alive. If nobody had fuel you would have a lot of abandoned stations. That Quick Chek --

MR. HINES: In New Windsor?

MR. MITCH NESHEIWAT: The new one. I don't know if they are going to stay in business. I don't know how they're doing it. We can not afford it. Even major companies are moving out of the area. Alliance, they own seven hundred gas stations. They are losing money. That Quick Chek hurt every small business person in Orange County. Selling gas below cost just to drive them inside the store, and they're giving everything away inside. If we didn't do nothing here, any small stores, any person can't have any food inside or anything like that we have to close down. We can not afford.

CHAIRMAN EWASUTYN: Maybe it's good that you spoke. What we're balancing here, as the consultants will talk, is the site the way it exists, the guideline standards that are now in place, and for the lack of any other word your hardship associated with trying to stay in business. So let's try and talk about a formula on this one way or the other. I'm going to have

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the consultants talk based upon the guideline standards.

MR. MITCH NESHEIWAT: I understand that. That canopy is half the size. Maybe it looks bigger but it's smaller and less hazard for fire department. The store right now which is that Exxon, the way they operate off the highway they want the gas stations and they want people to buy munchies and get out. They are not in the store business. Now the industry has changed. If you look at the canopy now, the existing canopy is almost double this size. That canopy which is a structure is half what the canopy is now. The store is increasing but we're cutting the canopy in half. I mean take that into consideration. Go and look and see how huge the canopy is.

MR. HINES: The building is actually under the canopy.

MR. MITCH NESHEIWAT: Under the canopy. That's what I'm trying to say. We're taking the canopy down completely. A brand new station, five, six years old because of the hardship we can not make it since Quick Chek came in. I'll close it down. Honestly we can not afford to be

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in business for that reason.

CHAIRMAN EWASUTYN: Let's talk about the existing guideline standards. Let's spend a little bit of time on this.

MR. HINES: It was interesting, the impact of Pilot. Was it Pilot or Quick Chek?

MR. MITCH NESHEIWAT: I own a location in Highland by 9W. You can look what kind of quality.

MR. HINES: I'm looking at the impact of Quick Chek versus Pilot.

MR. MITCH NESHEIWAT: Maybe I misspoke or you misunderstood me. I said I own one of the locations with Dunkin Donuts in Highland by 9W. If you're coming down to -- I go to Newburgh, it's 10 cents cheaper. Over here everybody is hurting. The people around the Quick Chek, everybody is suffering.

MR. HINES: The one at Union Avenue and 32?

MR. MITCH NESHEIWAT: That's New Windsor. That's Quick Chek. That gas station does 700,000. Average location we used to do 60,000 to 80,000 gallons. That location is doing

1
2 700,000. That's fifteen gas stations put
3 together. Oh, yes. As anybody knows, it hurts
4 everybody in the area. Same thing with these
5 guys that come in the area. I don't know how
6 they buy the gas. Nobody could afford to buy it.

7 CHAIRMAN EWASUTYN: Let's take the
8 opportunity and talk about the current guideline
9 standards and the comments that both Karen Arent,
10 our Landscape Architect, had presented and Bryant
11 Cocks.

12 Either one of you could start out.
13 That's fine.

14 MR. COCKS: Okay. First I just have a
15 question. The Dunkin Donuts, is that going to be
16 a separate entrance from the convenience store?

17 MR. MITCH NESHEIWAT: No.

18 MR. COCKS: It's one convenience store
19 and the coffee is --

20 MR. BROWN: The format of these is
21 actually like a mini version of the rest areas
22 along the Thruway. In other words, there's an
23 entry, then you have the store on one side, the
24 Dunkin Donuts on the other and then possibly a
25 couple other cubicles that deal with cell phones.

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A good example is the gas station we just finished up in Highland just north of the bridge which is actually a tighter site than this. As far as the format of the store itself, it's one entrance.

MR. HINES: The Hess station next to Applebee's I think functions like that with a couple different users in there.

MR. COCKS: I just wanted to clarify that because I wasn't sure when you said with the Dunkin Donuts.

As Pat mentioned, the DOT is going to have to approve this project.

You guys have an easement on there and I didn't know who it was for or what it was doing.

MR. BROWN: It's an existing grading easement. I really don't know either but I'll get that information.

MR. COCKS: In the E.A.F. it said that there are no threatened or endangered species on site but that was only confirmed by you. That has to be confirmed by the DEC.

Getting to the design guidelines, there

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2 actually is a picture of a gas station in the
3 design guidelines. The way they showed the
4 layout of it is the building towards the front of
5 the site. This is kind of a corner lot so it
6 would be kind of facing the corner and have the
7 parking and the pumps like hidden in back and
8 screened by landscaping on the sides. This is
9 kind of the exact opposite of that.

10 I know the tanks are going to stay
11 underground; right?

12 MR. BROWN: The tanks are to remain.
13 They won't be affected.

14 MR. COCKS: I know there's a line,
15 since there's pumps on both sides, already going
16 back there. I don't know if it's possible to
17 flip flop with where the building and the gas
18 pumps are going to be. That was the way the
19 design guidelines kind of showed gas stations.
20 Just as a general theme they were talking about
21 moving the building up front on each site and,
22 you know, making it more of a pedestrian friendly
23 environment and trying to take the importance
24 away from the automobile. So they were looking
25 to try to do that.

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MR. BROWN: I can appreciate that. Again, this particular site already is a gas station.

MR. MITCH NESHEIWAT: We put the building here. This is our entrance for the gas pumps.

MR. BROWN: Based upon the entrances and the traffic flow I don't see that as a workable plan. I mean -- you know, again I don't know if design guidelines or guidelines are subject to the interpretation of the Planning Board, if you have the decision on that.

MR. DONNELLY: Why don't you demonstrate your arguments as to why it's not workable. I don't mean tonight, I mean on paper.

MR. BROWN: An alternate plan based upon the guidelines?

MR. DONNELLY: Yes.

MS. ARENT: Then Ken could review it too to see if it functions nice.

CHAIRMAN EWASUTYN: I think it's important that you do that. If we base a decision on that we'll need a record to base it on.

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MR. BROWN: Understood. You don't want to set a precedent.

CHAIRMAN EWASUTYN: I would like to have Karen review her concept. This isn't the time to go back and forth. I know you --

MR. MITCH NESHEIWAT: I understand that. This is a stacking for the Dunkin Donuts. The cars will be in the street and that's the only spot that will work because the entrances for the stacking for the drive-through, for the gas pumps --

MS. ARENT: That's something that if Charlie demonstrates it, maybe show the cars stacking so that it's a visual representation of what -- the guidelines are for the Planning Board to make an educated -- to help them figure out a nice design. If there's a reason why it doesn't work nicely on your site, you can illustrate that with the drawing and then the Planning Board can make an educated decision whether or not your idea is better than what the guidelines are telling us to do.

MR. MITCH NESHEIWAT: No problem.

MS. ARENT: And if you do -- like on my

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2 original review I thought that it would be
3 difficult to pump the gas from the tanks and I
4 thought it would be difficult to put the canopy
5 in the back. I understand that's not that
6 difficult. If you do -- if the Planning Board
7 does choose to go according to a design like
8 you're showing, what's going to be very important
9 is for the architecture of the canopy to be nice
10 looking because that's going to be the first
11 thing you see.

12 MR. MITCH NESHEIWAT: Not a problem.

13 MS. ARENT: As well as, you know, the
14 architecture of the building would have to be
15 very nice. That would have to be reviewed by the
16 Planning Board. That would be after I think you
17 show conceptual drawings to make sure that they
18 agree with what you want to do.

19 There's no longer any internally
20 illuminated signage allowed. I don't know that
21 you are changing your existing sign at Route 17K.
22 For any of your future signs on your buildings
23 you're not allowed to have those internally
24 illuminated boxes.

25 Your building, you're only showing a

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2 four-foot wide walkway in the front. When the
3 cars pull up and their bumpers overhang it will
4 only be two feet. You need a five-foot clear
5 space for handicap people to get in and out of
6 buildings, plus the door opens out. You have to
7 really study the relationship of the sidewalk to
8 door to car bumpers and handicap access.

9 MR. BROWN: Okay.

10 MS. ARENT: Then I just had minor
11 comments. You're going to have to make sure you
12 can get vehicles around the drive-through the way
13 you're showing it, and that would be something
14 again Ken would review to make sure that it can
15 work.

16 If you're going to have an overhang,
17 that needs to be shown to make sure that you
18 don't go into any setback lines with the
19 overhang.

20 Just show where you would locate a
21 loading space for any deliveries.

22 The big thing is the slope in the back.
23 You're going to have to figure out a nice way to
24 maybe do terraced walls, --

25 MR. MITCH NESHEIWAT: We did --

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MS. ARENT: -- landscaping or something.

MR. MITCH NESHEIWAT: We did one in Beekman. I'll get you pictures. We have like twenty feet wide and we did a couple of retaining walls eight foot high.

MS. ARENT: Charlie is going to have to show them on the plans.

MR. MITCH NESHEIWAT: We put the rocks against it. We can show any cut rock.

MS. ARENT: The existing landscape is pretty nice so it would be nice to save as much as of that as you can. It kind of does provide some screening. Some of the trees are getting to be a nice size now, so it would be nice if you could save that. You know, if you can't -- well I guess it would be nice for you to show where the landscaping is and what you can save and what you can't and how you're going to supplement it.

MR. BROWN: Very good.

CHAIRMAN EWASUTYN: Any other comments? Frank Galli?

MR. GALLI: Actually I saw the gas station up in Highland and it looked like a tight

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site and it does look nice.

MR. MITCH NESHEIWAT: It's a bigger building than this. Smaller than Highland.

MR. GALLI: I think if you follow the design guidelines of the Town this could be a beautiful building also.

MR. MITCH NESHEIWAT: With the Beekman location, because everybody is speaking about it, it's even used as a model in Poughkeepsie. They took our station in the Town of LaGrange on Noxon Road. If the Board is passing by --

CHAIRMAN EWASUTYN: If the price of gas wasn't so expensive I would drive over there. It's too expensive to drive over.

MR. MITCH NESHEIWAT: If you guys are there just pass by and take a look at the canopy. We made the canopy look like part of the building. We matched it similar to the Hess on Route 9.

MR. DAVID NESHEIWAT: It has crown molding.

MR. MITCH NESHEIWAT: We have the crown molding.

MR. GALLI: On Noxon Road.

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MR. MITCH NESHEIWAT: By Gold's Gym. Take a look at it. By the way, we have two entrances over there. One entrance on the side which is in case somebody park on the side there. We want to do the same setup. We could have a door right here enter and a door up front. Just if somebody wants to come they can get out that way.

CHAIRMAN EWASUTYN: Frank, tell us where it is and we'll try to get over there.

MR. GALLI: Yup.

MR. MITCH NESHEIWAT: You're welcome to go and look.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWN: While the comment --

CHAIRMAN EWASUTYN: Let me finish with the Board at this point.

MR. BROWN: Sure.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I think with the DOT, if they have a problem with your entrances then things could change.

MR. BROWN: The entrances aren't changing. We're using the same entrances.

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MR. BROWNE: Maybe not. You plan to.

MR. BROWN: Right.

MR. BROWNE: But the DOT may say no because you're increasing the size of the same thing. My understanding is because of that increase the DOT is going to get involved and look at the plan. If they come back and say sorry -- they may come back and say fine, no problem. You know, that may change. I don't know. If it does change the whole thing is going to change.

MR. MITCH NESHEIWAT: That's fine.

MR. BROWNE: I think you need to jump on that as soon as you can.

MR. BROWN: So at this point it's important to get DOT confirmation that the existing entrances will suffice and then we can take care of the other issues regarding the DOT as far as construction of the right-of-way.

MR. BROWNE: Is that something they can look at now?

MR. HINES: You can go over to the DOT.

MR. MITCH NESHEIWAT: I want to say one thing to the Board. When Pilot opened the

1 station up the road, Quick Chek, this is more
2 money, Exxon Mobil lost sixty to seventy percent
3 of the business. I mean total traffic. This gas
4 station is at thirty percent capacity to what it
5 was before Pilot and Quick Chek opened. That
6 used to do 400,000 gallons. It's doing now
7 60,000 gallons.
8

9 MR. HINES: In a month?

10 MR. MITCH NESHEIWAT: Yes. We have the
11 records years back. Because of the Pilot with
12 the truck stop, it cut the business in half.
13 Quick Chek then came into the area. Everything
14 got defected. Sunoco built a new one on Route
15 17, it has the gas station. Everything got
16 damaged. We didn't do nothing with it. We can't
17 live on 60,000 gallons.

18 MR. HINES: If it's any consolation,
19 Quick Chek hasn't come back.

20 MR. MITCH NESHEIWAT: It's coming back?

21 MR. HINES: They haven't.

22 MR. MITCH NESHEIWAT: I don't know how
23 they can do it. They have five, six guys working
24 inside. To be honest with you, I think we got
25 the same buying power maybe on the gas level.

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2 The store, I don't know. I don't know how they
3 could do it. They are losing money. I'm telling
4 you the truth. They're losing money on gas.
5 Hess can't compete with them. If Hess has to
6 travel to one location, they have six, seven
7 locations they have to drive to every site. I
8 have to drive to two locations here. It's the
9 same.

10 CHAIRMAN EWASUTYN: Ken Mennerich?
11 MR. MENNERICH: No questions.
12 CHAIRMAN EWASUTYN: Joe Profaci?
13 MR. PROFACI: No comment.
14 CHAIRMAN EWASUTYN: Do you want to add
15 something?
16 MR. BROWN: I don't have any issues
17 with any of the consultants' comments.
18 CHAIRMAN EWASUTYN: We can't refer you
19 to the ZBA until you come back with --
20 MR. BROWN: My point being how much of
21 that do you need to make your referral? All of
22 it?
23 CHAIRMAN EWASUTYN: Yeah, because
24 eventually we're going to approve the concept
25 plan. The concept plan may be the one you're

1
2 showing now. That will be the necessary variance
3 you need, that front yard variance. Right now
4 we're not prepared to -- we're not in a position
5 to approve this concept plan until we see an
6 alternate plan.
7 MR. BROWN: I don't have a problem with
8 that. A lot of the more detailed comments, can
9 we defer those until later?
10 CHAIRMAN EWASUTYN: What do you mean by
11 detailed comments?
12 MR. BROWN: Detailed comments. In
13 other words, you want a sign off from the DOT for
14 the entrances. I guess you would need that.
15 Landscaping?
16 CHAIRMAN EWASUTYN: Speak to the
17 consultants. He wants to know what details you'll
18 need in the alternate plan when he comes back
19 with --
20 MS. ARENT: I think it might make sense
21 to review his plans and --
22 CHAIRMAN EWASUTYN: As complete as
23 possible.
24 MS. ARENT: -- make a decision on it
25 then.

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MR. DONNELLY: What complicates it a little bit -- let me ask you this: Is the building 4,000 square feet --

MR. BROWN: Yes.

MR. DONNELLY: -- or under?

MR. BROWN: The proposed building.

MR. MITCH NESHEIWAT: That's the outside line.

CHAIRMAN EWASUTYN: Talking about SEQRA.

MR. DONNELLY: It makes a difference. Under 4,000?

MR. BROWN: Right now we have it right at 4,000.

MR. DONNELLY: If you take a square foot off it makes it a Type II action, then we would not have to issue a negative declaration before we sent it to the ZBA.

MR. MITCH NESHEIWAT: We'll lose it.

MR. DONNELLY: And the negative declaration would require we review the landscaping because the visual impact is fair game. That's an issue to think about.

CHAIRMAN EWASUTYN: The other thing you

1
2 should try and put together really to look at
3 this is you may have to go to the ZBA for a
4 signage variance.
5 MR. MITCH NESHEIWAT: I'm not
6 increasing the signage.
7 CHAIRMAN EWASUTYN: It has nothing to
8 do with adding anything for Dunkin Donuts.
9 MR. MITCH NESHEIWAT: The Dunkin Donuts
10 will be only on the building.
11 MR. BROWN: That counts.
12 CHAIRMAN EWASUTYN: I'm just saying to
13 you check your calculations to see that they
14 conform with what you're proposing to do.
15 MR. MITCH NESHEIWAT: Even if we have
16 it on the side?
17 CHAIRMAN EWASUTYN: Again, this is
18 something that you're going to have to work out.
19 MR. BROWN: I understand. It's based
20 upon the frontage, et cetera.
21 CHAIRMAN EWASUTYN: Anything else?
22 MR. BROWN: No. Thank you.
23 MR. MITCH NESHEIWAT: Thank you very
24 much.
25 CHAIRMAN EWASUTYN: Do you have a

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business card?

MR. MITCH NESHEIWAT: I don't have one on me.

CHAIRMAN EWASUTYN: I would say for the Stenographer.

We're going to just allow the necessary documentation to come forward as to whether or not they're in the sewer district or they're not in the sewer district.

Any questions from anyone?

(No response.)

CHAIRMAN EWASUTYN: I need everyone who is here tonight to be here on the 7th. Cliff Browne will be out of town.

Anything else?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to close the Planning Board meeting for the 31st of January 2008.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by Ken Mennerich. I'll ask for a roll call vote starting with Frank

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Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself. So
carried.

(Time noted: 8:02 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.

DATED: February 14, 2008

