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

- - - - - X

In the Matter of

O'HERRON TIMBER HARVEST  
(2017-29)

O'Herron Road & Ridgefield Lane  
Section 6; Block 2; Lots 120.2 & 133  
AR Zone

- - - - - X

INITIAL APPEARANCE  
TIMBER HARVEST

Date: December 7, 2017  
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  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: CHRISTOPHER PRENTIS

- - - - - X

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

CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. We'd like to welcome you to the Planning Board meeting of the 7th of December. This evening we have two items on the agenda.

At this time we'll turn the meeting over to Frank Galli.

MR. GALLI: Everyone stand for the Pledge, please.

(Pledge of Allegiance.)

CHAIRMAN EWASUTYN: The first item we have this evening is O'Herron Timber Harvest. It's an initial appearance for a timber harvest. It's located on O'Herron Road and Ridgefield Lane, it's in an AR Zone and it's being represented by Christopher Prentis.

MR. PRENTIS: Good evening. We are here today in front of the Board for a clearing and grading timber harvesting permit for lands owned by Mary Beth O'Herron.

There are two tax parcels, 17-2-120.2 and 17-2-133. The two parcels are comprised of 39 acres of which 16 acres are going to be harvested. All trees are hardwood tree species

1 ranging in size from 14 to 32 inches in diameter  
2 and all have been marked with orange paint by a  
3 professional certified forester. A total of 239  
4 trees are marked, about 15 trees per acre for the  
5 project. No other vegetation, clearing, brush or  
6 anything like that will be cut or disturbed.  
7 It's just the trees that are marked.  
8

9 The property does have a conservation  
10 easement from the Orange County Land Trust. In  
11 the application packet I included the letter from  
12 them. We had a site visit and then the letter  
13 following up with what their suggestions and  
14 recommendations are. The easement does allow for  
15 forest management, so this is a permitted use  
16 under the terms.

17 There is a small old farm pond in the  
18 middle of the property. They did ask we leave a  
19 75 foot uncut, undisturbed buffer. That on the  
20 map is what you see as the circle there in the  
21 middle.

22 The erosion control plan is going to  
23 follow the State BMP, Best Management Practices,  
24 manual. Skid trails and a landing will be  
25 regraded and smooth. Water bars, water diversion

1 devices will be installed where necessary. The  
2 landing area will be on Ridgefield Lane. Once  
3 the job is completed the landing will be cleaned,  
4 smoothed and reseeded back to native vegetation.  
5

6 MR. GALLI: Did you hire a logger yet?

7 MR. PRENTIS: No. The intention was to  
8 start the permit process, and then what I was  
9 going to do was put the project out for bid.  
10 What I was asking is that once I did get a bidder  
11 I would supply insurance certificates from them  
12 to the Planning Board.

13 MR. GALLI: The other question is where  
14 the dot is on the map, is that where the landing  
15 zone is going to be, your entrance and stuff for  
16 the trucks?

17 MR. PRENTIS: Yes.

18 CHAIRMAN EWASUTYN: Additional  
19 questions from Board Members?

20 (No response.)

21 CHAIRMAN EWASUTYN: During the course  
22 of the logging will you be inspecting the  
23 activities? Who would be the responsible agent?

24 MR. PRENTIS: That would be me.

25 CHAIRMAN EWASUTYN: Okay. And if there

are any spoils that go out onto Ridgefield Lane, they'll will swept up, picked up as soon as possible?

MR. PRENTIS: Yes. A tracking pad will be installed, crushed stone, shale. It's fairly typical that most towns will require at least 50 to 75 feet of that to prevent exactly what you're describing.

CHAIRMAN EWASUTYN: Jerry, you had some questions about restoration.

MR. CANFIELD: There will be a restoration bond. There's a dollar amount in the code, and I believe it's \$1,500 an acre. I'm sure Mike or Pat will follow up on that. It's just like the previous applications.

MR. PRENTIS: Mm'hm'.

CHAIRMAN EWASUTYN: Anything else?

(No response.)

CHAIRMAN EWASUTYN: Okay. Then I'll move for a motion from the Board to set a public hearing for O'Herron Timber Harvest for the 21st of this month.

MR. GALLI: So moved.

MR. WARD: Second.

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CHAIRMAN EWASUTYN: I have a motion by  
Frank Galli and a second by John Ward. I'll ask  
for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. PRENTIS: I appreciate it. Thank  
you. Have a good evening.

(Time noted: 7:04 p.m.)

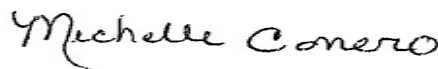
## C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 17th day of December 2017.



---

MICHELLE CONERO

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

- - - - - X  
In the Matter of

RHINEBECK REALTY - ASPEN DENTAL  
(2015-03)

1409 Route 300  
Section 60; Block 3; Lot 40.2  
IB Zone

- - - - - X

AMENDED SITE PLAN

Date: December 7, 2017  
Time: 7:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: BRIAN O'CONNOR

- - - - - X

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



CHAIRMAN EWASUTYN: The next item we have is Rhinebeck Realty. The remaining site pad is being built and will be occupied by Aspen Dental. It's on Route 300 in an IB Zone.

Brian O'Connor?

MR. O'CONNOR: Yes.

CHAIRMAN EWASUTYN: Thank you. Brian O'Connor from Frohling Sign Company is here to discuss with us the awning.

MR. O'CONNOR: Good evening. My name is Brian O'Connor from Frohling Sign.

Basically what we're proposing or requesting of the Planning Board is the initial site plan addressed the signage for Aspen Dental but they did not include the awnings which is part of the branding of the franchise. We're requesting an amendment to permit the awnings on the building.

Basically what we're requesting is they're a signature blue awning, which I can show you a sample of the color. It's a fixed awning. It's fire retardant. It's, again, what they primarily do on most of their new locations.

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They would be located on the north, east and south elevations of the building.

CHAIRMAN EWASUTYN: Can we see the color of them?

MR. O'CONNOR: Sure. So this is the color blue.

CHAIRMAN EWASUTYN: That's a nice color.

MS. DeLUCA: Yes.

MR. O'CONNOR: It's an all aluminum frame and they would be installed over the windows. That's basically it. This is what they would look like over the elevation of the doors and the windows. It's a fairly low profile. The footprint facing 300 is fairly narrow compared to the parking areas on the south and north elevations.

MR. DOMINICK: How wide are these?

MR. O'CONNOR: I believe they are three feet.

MR. WARD: And the building extends out three feet?

MR. GALLI: Four feet.

MR. O'CONNOR: They're four feet.

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Sorry. The projection off the building is three feet. They're four foot, the projection is three feet.

MR. WARD: Thank you.

MR. DOMINICK: These are a four-season type awning?

MR. O'CONNOR: Yes.

MR. DOMINICK: During the wintertime you're not going to bring them in?

MR. O'CONNOR: No. They're fixed. They're permanently mounted to the building.

We would be submitting to the building department drawings as far as wind load and snow load and so on.

MR. DOMINICK: That's what I was getting at. Thank you.

MR. MENNERICH: The lights that are on the side of the building, some of them look like they'll be blocked by the awnings. Are they going to have to change the location of the lights?

MR. O'CONNOR: I am not a hundred percent sure as far as that. No. Actually, no. The awnings are designed so that they're over the

1 actual windows. Where you see the light, that  
2 will not be part of it. It's not a continuous  
3 awning. They're made so that they would be over  
4 the windows themselves, so they would not  
5 interfere with any of the lighting you see on the  
6 drawing.  
7

8 MR. MENNERICH: Thank you.

9 CHAIRMAN EWASUTYN: Any other  
10 questions?

11 MR. DOMINICK: No.

12 MR. WARD: No.

13 CHAIRMAN EWASUTYN: Jerry Canfield,  
14 code compliance, is going to be speaking with you  
15 as far as the total square footage of signage  
16 that was permitted for the site. We may be  
17 walking in a gray area now.

18 Jerry.

19 MR. CANFIELD: Thank you. In 2015 the  
20 site engineer and one of the project promoters or  
21 developers went to the Zoning Board for a  
22 variance. In the Town of Newburgh the signage  
23 calculations are based on linear frontage on the  
24 roadway. In the submittal they talk about zones  
25 and what's permitted in what zone. That's not

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the case in the Town of Newburgh.

MR. O'CONNOR: Correct.

MR. CANFIELD: It's site specific to the frontage. In 2015 the applicant went to the Zoning Board for a zoning variance for an area variance for the total signage because the available square footage, it was quite limited. With this mixed use site, three buildings, at that time Mavis Tire, Buffalo Wild Wings were identified. The third tenant or building such as Aspen was not identified as such, so there was a generic number put there. However, I do see the application you submitted to the building department. The actual signage that you propose now exceeds what was granted back in 2015.

With all that being said, this is kind of like a two-part application you have here, although overall it's an amended site plan. The first issue is the ARB, which was the awnings, which the Planning Board discussed. The second part is the actual signage, which I believe the code compliance department can handle. After we review the actual numbers that were submitted, you may have to go back to the Zoning Board to

re-up this variance so it's applicable to the accurate numbers that you're asking for.

MR. O'CONNOR: Yes. We did submit sign permit applications for the signage for Aspen Dental for the three elevations. I believe it's three elevations. We're working with -- we're a local company installing for the national sign company which is based in Dallas, Texas. We did explain to them that there was a variance in place for the signage and they put in a proposal for the signs. I believe they meet the square footage that was permitted under the Zoning Board resolution but they wanted -- they were proposing a different configuration. The generic square footage that was permitted -- that was granted under the Zoning Board resolution, they were looking for more -- a more linear layout of the signage versus a stacked configuration. So let's say it was -- just as an example, let's say they were granted a 5 foot by 20 foot area, 100 square foot, they were looking to spread out the Aspen Dental on a more linear basis. Maybe it might have been -- it could have been like a 4 by 25 foot. The building department said that we had

1 to stay within the footprint that was permitted  
2 under the Zoning Board resolution. So if it was  
3 a 5 by 20 area, the sign had to fit in that 5 by  
4 20 area irregardless of if it was the same square  
5 footage or not.  
6

7 MR. CANFIELD: I am the code compliance  
8 department. That's what I supervise. Mr.  
9 Mattina, who is one of our inspectors who  
10 reviewed the application, authored this review.  
11 It was sent on August 18th to your company.  
12 Basically it said the signage dimensions are not  
13 per the approved site plan, they are larger than  
14 the space designed for the signage. There's a  
15 designated sign space 15 by 6 for two sign, a  
16 little less for the third sign.

17 MR. O'CONNOR: Right.

18 MR. CANFIELD: So again, with that  
19 being said --

20 MR. O'CONNOR: But that was what the  
21 issue was, that the signs -- it wasn't the square  
22 footage, it was the actual footprint of the sign  
23 itself. It wasn't fitting in the 5 by or the 6  
24 by whatever the size was. They were trying to do  
25 a more linear layout. The sign company has gone

1 to Aspen Dental, explained the situation to them.  
2 Their preferred layout is the linear layout but  
3 they do have a stacked layout. They haven't  
4 given us the authorization yet to amend the sign  
5 permit application.  
6

7 MR. CANFIELD: There's an amendment  
8 coming to us?

9 MR. O'CONNOR: There should be.

10 MR. CANFIELD: Very good. Okay.

11 MR. O'CONNOR: We're not there yet.

12 MR. CANFIELD: Understood.

13 MR. O'CONNOR: We asked them to do  
14 that.

15 MR. CANFIELD: A very good discussion,  
16 though. I think for the record, basically you're  
17 aware of the signage requirements --

18 MR. O'CONNOR: Absolutely.

19 MR. CANFIELD: -- and what the variance  
20 was granted for?

21 MR. O'CONNOR: Yes.

22 MR. CANFIELD: My response to all of  
23 that is if your signage package complies with the  
24 variance that was granted, then you should be  
25 fine.



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MR. O'CONNOR: Right.

MR. CANFIELD: If it's over, then you may have to do something.

MR. O'CONNOR: We've explained that to them as well.

MR. CANFIELD: Very good.

MR. O'CONNOR: They're aware.

CHAIRMAN EWASUTYN: How would you advise the Board? Can the Board tonight grant ARB approval for the awnings separate of the signage issue?

MR. CANFIELD: Yes. I feel comfortable that you could. You could.

CHAIRMAN EWASUTYN: Would the Board like to act on the awnings this evening?

MR. GALLI: Sure.

MR. WARD: Sure.

MR. CANFIELD: One point on that, John. We talked at the work session with respect to the overall site and the planning and scheduling of the site. Great detail was spent to provide a certain view shed for Buffalo Wild Wings. It was not something requested by this Board and I don't know that it's this Board's concern at this time.

1  
2 However, I think it's fair that you should know  
3 that that exists. It should be part of the  
4 record that this Board is not taking any part of  
5 approving or disapproving that view shed. If  
6 there are any contractual obligations on the  
7 site, it's site specific between the tenants,  
8 amongst yourselves.

9 MR. O'CONNOR: Understood.

10 MR. CANFIELD: I think that's a fair  
11 assumption.

12 MR. O'CONNOR: Understood. I live in  
13 Cornwall, so I'm --

14 MR. CANFIELD: Well aware of that.

15 MR. O'CONNOR: Yes.

16 MR. CANFIELD: Very good.

17 CHAIRMAN EWASUTYN: Okay. That being  
18 said, we'll reference the minutes, the comments  
19 that Jerry Canfield has just stated, the ARB  
20 resolution that Mike Donnelly will have a chance  
21 to read those minutes and memorialize them. We  
22 always do have an ARB resolution, so we'll  
23 include that in the ARB resolution.

24 At this point I'll move for a motion  
25 from the Board to grant ARB approval for the blue

awnings that were presented tonight by Brian  
O'Connor of Frohling Sign Company.

MR. DOMINICK: I'll make the motion.

MR. WARD: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thanks for coming.

MR. O'CONNOR: Thank you very much.

CHAIRMAN EWASUTYN: We discussed having  
someone here. Obviously there were great  
benefits.

MR. O'CONNOR: Thank you.

(Time noted: 7:18 p.m.)

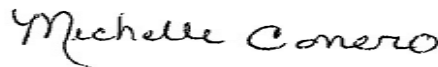
## C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 17th day of December 2017.



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MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD  
----- X  
In the Matter of

McNALLY/SIEGEL LOT LINE CHANGE  
(2012-17)

Request for a Six-Month Extension of Conditional  
Final Approval  
from December 7, 2017 to June 7, 2018

----- X

BOARD BUSINESS

Date: December 7, 2017  
Time: 7:18 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: GERALD CANFIELD

----- X

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

CHAIRMAN EWASUTYN: We have two items of Board Business this evening. Mr. Mennerich will present that to the Board.

MR. MENNERICH: First is a letter from Talcott Engineering dated November 16, 2017 to the Town of Newburgh Planning Board, attention John Ewasutyn, Chairman, requesting approval extension McNally/Siegel lot line change; Town project 2017-12; Section, block and lot 43-3-36.21, 82-1-3.2, 3.3 and 3.4; job number 16154-NBM. Dear Chairman and Members of the Board, at this time we are requesting two 90-day extensions for the above-referenced project which was given a conditional final approval on July 20, 2017. Respectfully yours, Charles T. Brown, PE, President, Talcott Engineering.

CHAIRMAN EWASUTYN: Would someone like to make a motion?

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: A motion by Frank Galli and a second by Stephanie DeLuca. I'll ask for a roll call vote starting with Frank Galli.

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MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

(Time noted: 7:20 p.m.)

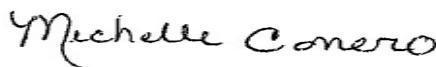
## C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 17th day of December 2017.



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MICHELLE CONERO



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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD  
----- X  
In the Matter of

LANDS OF ZAZON  
(2004-29)  
  
Request for a Six-Month Extension of Conditional  
Final Approval  
from December 7, 2017 to June 7, 2018

----- X

BOARD BUSINESS

Date: December 7, 2017  
Time: 7:20 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: GERALD CANFIELD

----- X

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

MR. MENNERICH: The second Board Business item relates to the Lands of Zazon, reference project number 2004-29. The letter is dated November 7, 2017, addressed to John Ewasutyn, Chairman. Dear Mr. Ewasutyn, please let this letter serve as our request for a six-month extension of conditional final approval for the above-referenced project as the applicant is currently in the process of satisfying the remaining conditions of final approval. As you will recall, this project was previously granted conditional final approval. In a letter dated August 19, 2013 the Board granted two 90-day extensions from September 19, 2013 to March 19, 2014. At the August 21, 2014 the Planning Board granted an additional 180-day extension to March 19, 2015. In March 2015 we received an extension to September 19, 2015, and in September requested an additional 6-month extension to March 19, 2016. At the March 3, 2016 Planning Board meeting the Board granted a 6-month extension to September 20, 2016. At

1 the September Planning Board meeting the  
2 Board granted an extension to December 15,  
3 2016, at which time the Board granted an  
4 extension to June 15, 2017. At the June 1,  
5 2017 Planning Board meeting the Board granted  
6 an additional extension to December 15 of  
7 2017. Thank you for your attention to this  
8 matter. Should you have any questions or  
9 require anything further, please do not  
10 hesitate to contact this office. Very truly  
11 yours, Pietrzak & Pfau, PLLC.  
12

13 CHAIRMAN EWASUTYN: Would anyone here  
14 be able to pull up on their cell phone or  
15 anything like that a date that would be six  
16 months out from December 7, please? That way we  
17 can make that part of the record.

18 MR. DOMINICK: June 7th. It looks like  
19 there's a typo also in the note. It should be  
20 June 7, 2018.

21 CHAIRMAN EWASUTYN: Then would someone  
22 move to make that motion, to grant the extension  
23 to June 7, 2018?

24 MR. WARD: So moved.

25 MR. DOMINICK: Second.

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CHAIRMAN EWASUTYN: Motion by John Ward  
and a second by Dave Dominick. Roll call vote  
starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion  
carried.

That being said, I'll move for a motion  
to close the Planning Board meeting of the 7th of  
December.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Frank  
Galli. Second by Ken Mennerich. I'll ask for a  
roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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(Time noted: 7:23 p.m.)

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

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 17th day of December 2017.

  
\_\_\_\_\_  
MICHELLE CONERO