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

----- X

In the Matter of

2016 PLANNING BOARD REAPPOINTMENTS

----- X

BOARD BUSINESS

Date: January 7, 2016
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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

----- X

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

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PLANNING BOARD REAPPOINTMENTS

2

CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. I'd like to welcome you to the first meeting of the year for the Planning Board, January 7th.

At this time I'll call the meeting to order with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

CHAIRMAN EWASUTYN: The Planning Board has consultants that work for both the Planning Board and for the Town and the public. I'd like for 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,

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Hauser & Edsall Consulting Engineers.

CHAIRMAN EWASUTYN: Okay. At this time I'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

MR. WARD: Please turn off your cell phones or put them on silent. Thank you.

CHAIRMAN EWASUTYN: The first item of business we have is the reorganizational meeting for the Planning Board. At this point we're going to reappoint personnel.

I'll start off by looking for a motion to reappoint Ken Mennerich as Vice Chairman of the Planning Board.

MR. DOMINICK: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by Frank Galli. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

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PLANNING BOARD REAPPOINTMENTS

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye myself. Okay.

The next appointment would be Michael Donnelly, Attorney for the Planning Board. Do I have a motion for that?

MR. MENNERICH: I'll make that motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich and 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. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

The next appointment is McGoey, Hauser & Edsall, Patrick Hines to represent the Planning Board as an Engineer and Planner. I'll move for

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that motion.

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. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself aye. So carried.

The next is for Karen Arent, Landscape Architect, to assist the Planning Board in reviewing landscape plans.

MR. DOMINICK: So moved.

MR. WARD: Second.

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

(No response.)

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PLANNING BOARD REAPPOINTMENTS

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Next is for Kenneth Wersted, PE to be the Traffic Engineer for the Planning Board.

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. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

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The next is for Michael Musso, PE. He reviews telecommunication projects, both new cell towers and upgrades on panels. I'll move for a motion for his reappointment.

MR. WARD: So moved.

MR. DOMINICK: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

The last one is for Michelle Conero, Stenographer to the Planning Board. I'll move for a motion to reappoint her.

MR. MENNERICH: I'll make that motion.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: A motion by Ken

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Mennerich, second by Dave Dominick. 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. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

The next item we have is for the Planning Board to adopt the meetings for the year 2016. The schedule starts with January 7th, and that would be the first and third Thursdays of every month. It's what's listed.

I'll move for a motion to adopt the 2016 Planning Board meeting dates.

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

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MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

The last item is the Planning Board has
consultants' work session meetings. They are
listed. That would be the last Tuesday of every
month.

MR. HINES: The fourth Tuesday. If
there's a fifth, it's always the fourth.

CHAIRMAN EWASUTYN: I'm sorry?

MR. HINES: The fourth Tuesday of the
month.

CHAIRMAN EWASUTYN: I apologize. The
fourth Tuesday of every month starting in
January.

I'll ask the Board to adopt that
schedule.

MR. WARD: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

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PLANNING BOARD REAPPOINTMENTS

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So

carried.

Thank you. I congratulate everyone for
their reappointment.

(Time noted: 7:06 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 20th day of January 2016.

Michelle Conero

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

----- X

In the Matter of

CVS PHARMACY/STORE
(2015-23)

Corel Place (Route 52)
Section 60; Block 3; Lot 5.2
B Zone

----- X

SITE PLAN

Date: January 7, 2016
Time: 7:06 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
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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CVS PHARMACY/STORE

12

CHAIRMAN EWASUTYN: We have two items of business. The first item is CVS Pharmacy. The attorney asked that this be taken off the agenda this evening. He's waiting for the City flow acceptance letter for sewer. He hasn't received that, so that will be off the agenda this evening.

(Time noted: 7:07 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 20th day of January 2016.

Michelle Conero

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

----- X
In the Matter of

RIDGEVIEW SUBDIVISION
(2015-34)

3 Ridgeview Drive
Section 98; Block 1; Lot 14.3
R-3 Zone

----- X

INITIAL APPEARANCE
TWO-LOT SUBDIVISION

Date: January 7, 2016
Time: 7:07 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ANDREW WILLINGHAM

----- X

MICHELLE L. CONERO
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Wallkill, New York 12589
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CHAIRMAN EWASUTYN: The only other item we have scheduled is Ridgeview Subdivision. It's a two-lot subdivision. It's the initial appearance. It's on 3 Ridgeview Drive in an R-3 Zone and it's being represented by Willingham Engineering.

Good to see you. I spoke to you enough

MR. WILLINGHAM: It's been awhile.

Good evening. My name is Andy Willingham with Willingham Engineering. I'm here to present a two-lot subdivision at 3 Ridgeview Drive.

The lot is .72 acres and allowed under code is -- the lot is a little over 30,000 square feet. 12,500 is allowed under code. We'd like to subdivide the lot into two residential lots.

The existing house is kind of pushed to the west. It kind of works well with the subdivision.

We basically want to break the bottom into two equal halves and keep the existing house on the western lot and build the new house on the eastern lot, have the new driveway off Ridgeview

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RIDGEVIEW SUBDIVISION

15

Drive and connect to existing water and sewer on Ridgeview Drive.

CHAIRMAN EWASUTYN: Okay. Any questions from Board Members? Frank Galli?

MR. GALLI: No. Not at this time yet.

MR. MENNERICH: I have one question. On lot 2, the sanitary line looks like it's running right down the middle of the driveway. Is that the way you're going to do that?

MR. WILLINGHAM: Yeah. I mean I could push it over -- I mean push it off the edge of the driveway perhaps so you can dig it up. I could do that. That's fine.

CHAIRMAN EWASUTYN: Additional questions?

MR. HINES: They need to maintain the ten-foot separation between the water and sewer. Wherever they fall, there's a ten-foot separation requirement.

MR. DOMINICK: No questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Not at this time.

CHAIRMAN EWASUTYN: At this point I'll turn to Pat Hines, our Planning and Engineering

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Consultant.

MR. HINES: As you identified in your cover letter, the house on proposed lot 1, the existing structure, has a setback issue with the front yard. It has two front yards. One of the front yards encroaches into the setback. 40 feet is required and 38.7 is provided. That's going to need a referral to the Zoning Board of Appeals. There's no exception for pre-existing nonconforming conditions in the Town. The ZBA referral from the Board is an action that you'd be seeking tonight.

The lot area chart identifies the lot in the AR-1. It is an R-3. The bulk table is correct but you have that one chart that's mis-labeled.

Moving forward we ask that the highway superintendent review the driveway, and you can coordinate directly with him, due to the proximity of the driveway to the turn in Ridgeview Drive which is a horseshoe off of Stewart Avenue.

The proposed house location on lot 2 is positioned exactly at the side yard setback to

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the east side of the lot. If you propose the house to remain there, we have a standard note that says that a stakeout by a licensed surveyor needs to be provided prior to the issuance of a building permit, just to make sure that doesn't get positioned -- I think you can move the house a little bit to make sure that that doesn't happen.

Note 7 identifies Ridgeview as a private road with a maintenance agreement. It is a Town road. That note can go away.

I'll provide you with the updated Town 2015 version of the water and sewer notes. There are just two notes that have changed since the last time you submitted to the Town. There's some updated note requirements which we'll get you.

And then drainage at the proposed driveway, the flow moves from a westerly to easterly direction and there's likely a need for a pipe at that driveway location.

That's all we have.

The only action we can recommend tonight would be a referral to the ZBA for the pre-existing front yard setback.

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CHAIRMAN EWASUTYN: Mike Donnelly,
would you prepare a letter and at this time
discuss --

MR. DONNELLY: Just for your
understanding, noncompliant building protection
is lost on subdivision. You need to convert to a
variance. With the Board's direction I will
write a letter to the Zoning Board but you will
need to apply directly to them referencing that
letter.

MR. WILLINGHAM: That's the only way to
resolve that is to actually get the variance from
the Zoning Board?

MR. HINES: Or tear the house down.

MR. WILLINGHAM: Push it a little?

CHAIRMAN EWASUTYN: You will need a
demo permit if you do that.

MR. WILLINGHAM: Got it.

MR. GALLI: Lot 2, how come the house
is so close to the side yard?

MR. WILLINGHAM: The side yard --

MR. GALLI: You have a lot of property.

MR. WILLINGHAM: I can move it to the
middle. I was thinking a little bit sort of

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spacing it between the houses and the sides.

MR. GALLI: You might want to give yourself a couple feet to play with.

MR. WILLINGHAM: I was going to move it. I think I'll just move it a little bit to the west and solve that.

MR. CANFIELD: That would make sense. If there's ever going to be a side deck or porch or landing you need to give yourself some room or else it would be another zoning variance at that time.

MR. WILLINGHAM: Okay. I'll just put it in the middle.

CHAIRMAN EWASUTYN: Mr. Willingham, Pat Hines will get a list from the assessor's office so you can notify the people within 500 feet of the proposed subdivision. There will be an informational letter that will be required to be mailed out, and also you'll coordinate with Cindy Martinez at Gil Piaquadio's office to look over the mailing and the envelopes when you're ready to mail them.

MR. HINES: The Town has a process. There's no certified mailings. You stuff the

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envelopes, address them, stamp them, bring them here and the Town physically mails them. It saves on the certified mailing costs. We'll work that out as the project moves forward.

MR. WILLINGHAM: Okay.

CHAIRMAN EWASUTYN: So you'll prepare -- I'll move for a motion to refer this to the Zoning Board of Appeals for a front yard setback.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(Time noted: 7:15 p.m.)

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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 20th day of January 2016.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

SERIOTA SITE PLAN
(2015-28)

Request for Final Approval

----- X

BOARD BUSINESS

Date: January 7, 2016
Time: 7:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MICHAEL LYNCH

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
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CHAIRMAN EWASUTYN: The next item of business this evening is Sierota. It's here for final site plan approval.

Dave Lynch is your name?

MR. LYNCH: Mike.

CHAIRMAN EWASUTYN: Mike Lynch. I apologize.

Mike Lynch is with Engineering Properties. His company represents the applicant.

MR. LYNCH: This is the Sierota site plan. It's for use of an existing building. We've been in front of the Board for a few months now. I believe all the comments have been satisfied.

I know we are awaiting the County's response.

CHAIRMAN EWASUTYN: Pat Hines spoke with me. I'll let Pat speak.

MR. HINES: Today the Planning Board received, actually late this afternoon, the County Planning comments. They have a Local determination.

They mentioned that the Board should

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review the signage. There's signage shown on the plans but there's no detail of it. The Board had discussed previously the signage on the site.

There's a drainage comment which I brought up early on. Ross from your office has addressed that through the grading and installation of the berm.

They had no other comments and recommended a Local determination. With that out of the way, the Board is in a position to grant approval.

She said that she had faxed this over, but I do have an e-mail copy of it.

MR. LYNCH: Pat, could I ask, in reference to the sign, that was the commercial sign?

MR. HINES: She may not know that. It looks like that sign. That's why she probably brought up the sign. That's an off-site site.

MR. LYNCH: It has nothing to do --

MR. HINES: We're aware of that. She probably wasn't.

MR. LYNCH: I just want to make sure. That's all. Thank you.

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CHAIRMAN EWASUTYN: Do you want to discuss fees that need to be posted and such?

MR. HINES: There will be a landscape security.

There are no stormwater improvements. It's an existing site. They are maintaining most of the existing drainage courses. The drainage on the site -- the site is now going to be paved, after discussions with the Board. It was going to be gravel. All the vehicular traffic areas on the site are now curbed and paved, rather than using catch basins and curbs, to allow the water to discharge across the open front yard area.

The only security will be the landscape bonding requirements for the landscape improvements including the berm and the stonewalls that were put in as a feature along 17K.

CHAIRMAN EWASUTYN: So they would have to be approved and in place along with other items that Mike Donnelly will mention before the plans can be signed.

MR. LYNCH: Okay.

CHAIRMAN EWASUTYN: More often than not

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that's sometimes forgotten.

MR. CANFIELD: Excuse me, John. The landscape dollar amount for bonding, who is going to approve that?

MR. HINES: I've been doing the smaller ones.

MR. CANFIELD: All right. Is that on Town Board approval?

MR. HINES: I get a cost estimate from the applicant, review it based on our standard cost estimates that the Town utilizes, then we write a letter. It actually goes through Jim Osborne to the Town Board for acceptance.

CHAIRMAN EWASUTYN: We did that with Kia and all the others.

MR. HINES: Yup.

CHAIRMAN EWASUTYN: Mike Donnelly, could you --

MR. DONNELLY: The resolution is for site plan approval. This is a Type 2 action. No further compliance with SEQRA is required.

You did, at an earlier meeting, waive the design guideline requirement that parking not be in the front yard due to the fact that there

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are three front yards on this property and that the applicant has delivered on the spirit of the provision by putting in berming, planting and the stone anchors.

The conditions are that lot 61 and lot 62 need to be consolidated, and appropriate proof that that's been accomplished needs to be delivered before the site plan is signed.

There's no ARB because there are no changes to the building other than the addition of an overhead door on the east side of the building. The condition is that no building permit will be issued for anything that's different than what was shown on those plans without ARB approval.

There's a landscape security and inspection fee of \$1,000.

Finally, the standard condition that no outdoor fixtures, buildings or amenities can be built on site that are not shown on the plan without approval from the Planning Board.

CHAIRMAN EWASUTYN: Any questions or additions to the resolution for approval presented by Planning Board Attorney Mike

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Donnelly?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Do I have a motion to approve Sierota subject to the conditions presented by our Planning Board Attorney, Mike Donnelly?

MR. DOMINICK: I'll make a motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. 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. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried. Thank you.

MR. LYNCH: Thank you very much.

CHAIRMAN EWASUTYN: Since we lost one item this evening, we're actually closing shop much earlier.

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We have three public hearings scheduled for the meeting of the 21st, one being Matrix, the second being Westport and the third being Vilardi on Route 300, along with two other applications.

At this point I'll move for a motion to close the Planning Board meeting of the 7th of January.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:21 p.m.)

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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 20th day of January 2016.

Michelle Conero

MICHELLE CONERO