

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X

In the Matter of

METRO PCS - QUAKER STREET
(2010-01)

409 Quaker Street
Section 11; Block 1; Lot 143
AR Zone

----- X

CONCEPTUAL SITE PLAN
SPECIAL USE PERMIT

Date: January 21, 2010
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
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: DANIEL LAUB

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

METRO PCS - QUAKER STREET

2

MR. BROWNE: Good evening. Welcome to the Town of Newburgh Planning Board meeting of January 21, 2010.

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

MR. GALLI: Present.

MR. BROWNE present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. FOGARTY: Here.

MR. WARD: Present.

MR. BROWNE: The Planning Board has professional experts that provide reviews and input for SEQRA determinations as well as code and planning details. I ask them to introduce themselves.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh.

MR. HINES: Pat Hines with McGoey,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

METRO PCS - QUAKER STREET

3

Hauser & Edsall, Consulting Engineers.

MR. COCKS: Bryant Cocks with Garling Associates.

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

MR. WERSTED: Ken Wersted, Creighton, Manning Engineering, Traffic Consultant.

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

(Pledge of Allegiance.)

MR. PROFACI: If you have cell phones, if you could switch them off.

MR. BROWNE: The first item of business we have this evening is Metro PCS on Quaker Street. It's a conceptual site plan for a special use permit. It's being presented by Anthony B. Gioffre.

Did I get that right?

MR. LAUB: Yes, but I'm not him. It would be, but --

MR. BROWNE: And you are?

MR. LAUB: For the record, my name is Daniel Laub, L-A-U-B. I'm with Cuddy & Feder on behalf of Metro PCS.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Good evening. This is for -- I know we have a couple items on your agenda this evening. This is for 409 Quaker Street. Both of these items are probably ones you're familiar with.

This would be the co-location of a telecommunications facility on an existing monopole tower at 409 Quaker Street. The tower itself is 150 foot monopole which already has existing antennas from Sprint Nextel on it. Metro PCS is proposing to go at approximately 127 1/2 feet in height, six antennas on the monopole, and they include associated equipment at ground level, equipment cabinets, 7 by 14 concrete slab. In order to accommodate those we have to make small accommodations in the compound and expand it slightly outwards in order to make sure we can get our equipment in the fenced area of the compound.

We've prepared and submitted for your review engineering information including information that details how we're compliant with the Federal Communications Commission's guidelines in terms of radiofrequency emissions. We've done a cumulative analysis taking into

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

METRO PCS - QUAKER STREET

5

account all the carriers on the monopole. We're well within Federal regulations.

Basically I think -- it's not an -- in terms of site plan and things like that, it's not an active site. It would have one visit a month basically by a technician. It is monitored off site 24/7. Obviously we would use the existing area by Nextel.

This kind of facility doesn't emit any smoke, gas, odors or noise really. It's a passive application. We've provided you with drawings and the other information on our application.

I know that the Town does retain the services of a wireless consultant, I believe it's Mr. Musso from HDR. I'm sure we can coordinate with him. We're already in touch with him regarding trying to conduct a site visit and coordinate that so we can have that I'm sure. He's going to need that to prepare his report.

CHAIRMAN EWASUTYN: Thank you. Mike Musso couldn't be here. He was here earlier at our work session. We have just discussed both projects.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

METRO PCS - QUAKER STREET

6

At this point, before I turn to our consultants, I'll see if the Board Members have any comments. Frank Galli?

MR. GALLI: Nothing further on that.

MR. BROWNE: Nothing technical.

MR. MENNERICH: The comments on landscaping or --

CHAIRMAN EWASUTYN: On anything in general.

MR. MENNERICH: I was just curious. There was never any plantings put in between the site and the Thruway. When you drive up the Thruway it's very obvious. It just seems like there could be some sort of landscaping on that site.

MR. LAUB: I know that there's some existing vegetation around it. In terms of the fencing and the compound area that you can see?

MR. MENNERICH: Yeah. The picture, I think if you look at that, that's taken from the Thruway direction. There's not much there. It's too bad that things hadn't been planted there when the monopole went in. They could have really shaded -- you know, blocked the view of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

METRO PCS - QUAKER STREET

7

the base.

MR. LAUB: The base from the Thruway. We can certainly take a look and see what we can do in terms of putting something along there that would mitigate that.

CHAIRMAN EWASUTYN: Joe?

MR. PROFACI: I don't have anything.

MR. FOGARTY: Who is in charge of actually maintaining that area? You have two other providers using that pole. You're going to be the third one. How do you coordinate that?

MR. LAUB: Basically -- well there's a tower owner who is separate from the Sprint Nextel. Actually, since I think they both went on Sprint and Nextel merged, so it's two. You have one technician who goes and visits for the equipment and the antennas to make sure that the cabinets and everything are okay and then you have -- that would be for Sprint/Nextel. Then you have Metro PCS as well. Then you have the tower owner who is required to maintain the area. Of course if the technician visits and sees something askew and brings it to our attention, we would have contact essentially with our

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

METRO PCS - QUAKER STREET

8

landlord and make sure they're aware of something going on. If you see the gate is loose or something like that, you would contact them.

MR. FOGARTY: Is there any problem with adding the additional weight onto the tower?

MR. LAUB: No. In fact, we provided a structural analysis that indicated it would be fine.

MR. FOGARTY: Thanks.

CHAIRMAN EWASUTYN: John?

MR. WARD: No questions.

CHAIRMAN EWASUTYN: Just for the Board's education, Metro is new coming into this area.

Can you just explain yourself and talk about who and what you are, how long you've been established, just for the benefit of education?

MR. LAUB: Sure. Metro PCS is --

CHAIRMAN EWASUTYN: Is anyone here from Metro?

UNIDENTIFIED SPEAKER: I'm a consultant. I work full time for them.

CHAIRMAN EWASUTYN: Whoever wants to speak.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. LAUB: Metro PCS is essentially a new carrier to the market providing similar services to carriers you already know, Verizon, AT&T, Sprint/Nextel, T-Mobile. They were granted licenses for their part of the PCS spectrum. They are established in other markets in the country, particularly down south you'll see them, in Texas and Florida. You're now seeing commercials for the metro area, especially in New York City, Philadelphia, Boston. This is part of the greater New York metro region buildout. So it's essentially a new competitor to the market as part of the Federal Government's commission to make sure that there's competition in the market to offer competitive prices and competition and choice for the consumer.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I have nothing.

CHAIRMAN EWASUTYN: Pat Hines, you're going to cover for Mike Musso at this meeting.

MR. HINES: Mike had explained to the Board earlier the project. He was interested in scheduling that field review based on Ken's

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

METRO PCS - QUAKER STREET

10

comment and suggest Karen go out and take a look whether landscaping is required there.

He did state they have a structural report submitted and they'll be reviewing that.

It's the third antenna array on the tower. It will be the third one down from the top at 126 1/2 feet.

He's reviewing the application with regard to the Town's wireless co-location requirements. He did inform the Board that there is no new equipment building but there will be a cement pad with four equipment cabinets. The fence will be bumped out approximately ten feet to accommodate that. An additional fence will be boxed out around that. It looks like there will be some vegetation clearing as well based on the site plan map. That will be something to look at at the field review.

That's all he had. He did believe the plans were in okay shape in the report for conceptual and he'll commence his review.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: My only comment is this

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

METRO PCS - QUAKER STREET

11

needs to be referred to the Orange County
Planning Department.

CHAIRMAN EWASUTYN: Anything else from
the Board?

MR. FOGARTY: I have just one other.
The last page of the report is that ruling from
the FCC on that 90 day, 150 day. I was just
curious, I mean I would assume that the FCC came
out with something like that because there's been
a problem from your end of delays.

MR. LAUB: Right.

MR. FOGARTY: Is that the case?

MR. LAUB: That's the case. You see in
a lot of cases -- let's put it this way: When
you go to other municipalities it would not be as
organized as this. You probably are all aware of
that. You can experience some considerable
delays even with simple co-locations. I mean I
think you're all aware this is -- where your code
asks us to go. Certainly review is still
required but you can find situations in other
municipalities where the effort to review these
things is slow, the progress is hindered and
things just are held up for a long, long period

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

of time no matter how you try to purge these things up to -- I've seen roof co-locations on roof tops take a year-and-a-half because things just get delayed and delayed. There are other carriers up there so there's really no reason not to but there's reasons within -- you know, political or otherwise, and things kind of get slowed down. That's happened across the country in many municipalities. It was something that was brought to the FCC by the industry collectively and they brought forth evidence indicating that, so they came up with these guidelines. I think the guidelines were generally what the FCC felt were what was already in place with applications that were worked on, you know, diligently, brought forth and they were complete and it usually took about three months to kind of get through things in terms of public hearings, site visits with the consultants and things like that in terms of co- location. Longer obviously if it was a new site.

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: Any other comments from our consultants?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HINES: Jerry and I were just talking. There is a requirement in the ordinance for removal, dismantling bonds. That will be applied. I think this may already have one in place. If not, that's a requirement.

MR. DONNELLY: If not we're requiring them, or incrementally if it wasn't paid in full, the difference.

MR. LAUB: Just to clarify. If there is not one in place it would be for the entire tower?

MR. DONNELLY: Yes.

MR. LAUB: So it's one or the other. We just have to make sure we coordinate that with the landlord. I imagine there's one in place.

MR. CANFIELD: One additional thing. Some of the requirement of the tower owner is for identification. The tower owner is Crown Castle.

MR. LAUB: It's actually I believe a sub-entity.

MR. GALLI: It says Crown Castle on the site.

MR. LAUB: Right. I think it's a --

MR. GALLI: Crown Atlantic Company.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

METRO PCS - QUAKER STREET

14

MR. HINES: Global Signal Acquisitions.

MR. LAUB: Global Signal Acquisitions.

MR. HINES: They're probably owned by
Crown Castle.

MR. GALLI: The one on Valley View is
owned by Crown.

MR. LAUB: The one on Valley View is.

CHAIRMAN EWASUTYN: Karen, you had
something?

MS. ARENT: There's a really strange
triangular piece of property between your
facility and the Thruway. That's not owned by
you?

MR. LAUB: By the tower company?

MS. ARENT: Yes.

MR. LAUB: No. No. I can make sure
what the parameters are.

MS. ARENT: We wanted to do some
screening. The ideal place to do that is the
triangular piece of property. It's landlocked,
so --

MR. HINES: It's the same owner as the
parent parcel.

MS. ARENT: So he would be able to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

METRO PCS - QUAKER STREET

15

request screening on that if so desired?

MR. HINES: It's a separate parcel. It could be. It is the same owner so it might be a little easier to accomplish.

MR. LAUB: It may possibly be outside of our technical lease area but we may be able to reach something with the landlord.

MS. ARENT: That may be something to check into. You have space between your facility and the property.

CHAIRMAN EWASUTYN: Any additional comments?

(No response.)

CHAIRMAN EWASUTYN: Okay. Then I'll move for a motion from the Board to grant conceptual approval for the site plan and to circulate to the Orange County Planning Department.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by Tom Fogarty. Any discussion of the motion?

(No response.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried. Daniel, if you could get copies to Bryant Cocks, Bryant will circulate to the Orange County Planning Department.

MR. LAUB: How many did you need?

MR. COCKS: Just one.

MR. LAUB: Just one.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 11, 2010

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X

In the Matter of

METRO PCS - VALLEY VIEW DRIVE
(2010-02)

Valley View Drive
Section 15; Block 1; Lot 10
R-1 Zone

----- X

CONCEPTUAL SITE PLAN
SPECIAL USE PERMIT

Date: January 21, 2010
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
CLIFFORD C. BROWNE
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: DANIEL LAUB

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BROWNE: The next item of business is Metro PCS, same applicant, Valley View Drive, here for a conceptual site plan and special use permit.

MR. LAUB: This again is an existing tower facility. It is almost a 150 foot lattice tower, 149 feet 8 inches.

There are existing carriers already on the tower facility, Omnipoint, Verizon, Nextel. I think Central Hudson is on also.

Metro PCS is proposing to put antennas up 137 feet in height. Similar to the other application, it would be cabinets, slab on grade, a 7 by 14 slab within the existing compound.

Again, it is an existing tower owned by Crown Castle.

We've also submitted in this case radiofrequency compliance information. We are still very well below the Federal standards, under 1 percent. So it's well compliant with the Federal guidelines.

Again, it's a co-location. Very simple passive use. Again the visits to the site would be minimal. We'll have technicians visiting for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

METRO PCS - VALLEY VIEW DRIVE

20

maintenance of the equipment, checking things. No overhead, things along those lines.

CHAIRMAN EWASUTYN: Thank you.

Questions from Board Members?

MR. GALLI: Are you aware on this one there might be a load capacity?

MR. LAUB: We were made aware of that by Mr. Musso. We brought that to the attention of our structural engineers. I believe that was brought forth before the Town in the Verizon co-location application.

MR. GALLI: They're not up there yet. You have to take that into consideration also.

MR. LAUB: For the purposes of the structure I think they were aware of Verizon going on.

MR. HINES: The Verizon facility is doing structural modifications to the tower. There may be some additional structural supports needed for your antennas also.

MR. LAUB: I'm not sure what the extent of their application is. I know sometimes their facilities are larger.

MR. HINES: It was just a dish antenna

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

that communicates tower to tower, it wasn't to provide actual service. It did require some structural modifications to the tower in their application. We're assuming there may be additional structural supports. You'll need to put a whole new antenna array up. Mike Musso can speak to that and provide with you that information I think.

MR. LAUB: Okay.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: In addition to that, this particular tower, there's a gas tank for heat and stuff. Are you going to be partaking in that at all?

MR. LAUB: There's a gas tank for heat or a generator?

MR. BROWNE: The generator or something.

MR. LAUB: A generator. I imagine that's for Verizon. No, we wouldn't be using that. That's typical of their sites for back-up power. With Metro PCS, if there is a power outage it would deem it necessary for mobile generators in the case of an extended power

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

outage.

MR. BROWNE: I would have concern of the reinforcement of the tower, to make sure whatever Verizon is doing will satisfy your needs as well --

MR. LAUB: Right.

MR. BROWNE: -- obviously.

MR. LAUB: It sounds like we should get their information as soon as possible.

MR. OLSON: Typically what happens is --

CHAIRMAN EWASUTYN: For the record please can I have your name?

MR. OLSON: It's Christopher Olson, radiofrequency engineer.

CHAIRMAN EWASUTYN: With whom?

MR. OLSON: My company is Airwave Solutions but I work at Metro PCS.

What happens is the tower owner, when we do a structural, takes into account any current or future items that are going on the tower. So if Verizon was not planned when we did our structural application they would have come in afterwards and done it afterwards. Maybe

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

METRO PCS - VALLEY VIEW DRIVE

23

that's -- we'll find that out for sure. It's typically taken into account ahead of time.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No questions.

CHAIRMAN EWASUTYN: Tom?

MR. FOGARTY: No questions.

CHAIRMAN EWASUTYN: John?

MR. WARD: You covered everything I needed, John.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Mike addressed the structural issue with the Planning Board. This is a unique co-location. They're kind of sneaking in between two existing antenna arrays.

Again, coordinate with Mike on the structural. I know he's going to review your submittal for completeness.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. COCKS: The same as the last one.
It has to be referred to the Orange County
Planning Department.

CHAIRMAN EWASUTYN: Karen Arent?

MS. ARENT: I went out to the site and
checked the evergreen trees that were planted.
There are three dead ones. I don't know if the
Planning Board wants to ask for them to be
replaced. If they could be replaced.

CHAIRMAN EWASUTYN: I think as you
similarly mentioned with the other application,
we'd ask that you contact the owner of that
property and stress the importance and come to
terms with them as far as who will take the
responsibility of replacing the dead evergreens.
They were installed as a result of a public
hearing and the residents that are contiguous to
this property, so in good faith and spirit of the
interest of the general public, that is an item
that would have to be addressed.

MR. LAUB: That shouldn't be a problem.
What was the suggestion for replacing?

MS. ARENT: Norway Spruce.

MR. LAUB: That's what's there now?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. ARENT: There is a mixture of Blue Spruce and Norway Spruce.

MR. LAUB: Sometimes we end up replacing something that keeps dying because it's in the shade or something.

MS. ARENT: Norway Spruce can tolerate more shady conditions than a Blue Spruce.

MR. LAUB: That makes sense.

CHAIRMAN EWASUTYN: Additional comments from the Board Members?

(No response.)

CHAIRMAN EWASUTYN: Okay. I would then move for a motion to grant conceptual site plan approval for the Metro Valley View location and to circulate to the Orange County Planning Department.

MR. WARD: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Joe Profaci. Any discussion of the motion?

(No response.)

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

MR. DONNELLY: John, both of these will require a public hearing. In view of the ninety-day rule, I don't know if you want to think in terms of when you want to schedule that or wait for the County to come back.

CHAIRMAN EWASUTYN: I have thought about that. Again, a lot -- the first one is sort of simple in the sense that structurally it seems to be sound. To follow your train of thought, it may be possible to or we can move to set this up for the February 18th agenda, which means you would have to do your due diligence as far as coming up with the supporting documentation. If that documentation was approved and we hear back from the Orange County Planning Department, we could then make a SEQRA determination, in which case, allowing for the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

time for mailing and circulation, we would set
March 18th for a public hearing.

We think well together.

MR. DONNELLY: You can wait until then
to fix the hearing. As long as you have some
idea.

CHAIRMAN EWASUTYN: That was the
guideline. I could move for a motion now to set
this for the February 18th agenda and it would be
your responsibility, in coordination with our
consultants and Mike Musso, to move in a
favorable direction. If that's what you'd like.

MR. LAUB: I think we can do that.

CHAIRMAN EWASUTYN: Then I would move
for a motion to set Metro PCS Quaker Street and
Metro PCS Valley View Drive, to schedule them for
the meeting of February 18th.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

METRO PCS - VALLEY VIEW DRIVE

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
married.

Thank you.

MR. LAUB: Okay. I thank the Board for
your time and attention to this matter. I
appreciate that.

(Time noted: 7:26 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 11, 2010

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

SOUTH UNION PLAZA
(2010-41)

NYS Route 300 & Little Britain Road
Section 97; Block 3; Lots 1, 2, 6, 7 & 8
IB Zone

----- X

CONCEPTUAL AMENDED SITE PLAN

Date: January 21, 2010
Time: 7:26 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
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: GREGORY SHAW

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SOUTH UNION PLAZA

MR. BROWNE: Our next item of business is South Union Plaza, a conceptual amended site plan. It's being presented by Gregory Shaw of Shaw Engineering.

MR. SHAW: Thank you. With me tonight is Phil Grealy of John Collins Engineering, our traffic consultant. If the Board has detailed questions with respect to the position of the DOT, we'd be more than happy to answer it.

It's been over a year since we got conditional final approval on this project. As a lot of commercial projects in the area, they suffered the economic downturn. Staples, which used to be on this site is no longer. It's moving to the north. Walgreen's which left this site may be returning to the site. We are here tonight to discuss the modifications to the plan, and that pretty much centers around Walgreen's.

In the submission I sent to you I outlined in pink the area which changed from the approved plan. Everything else is the same. It really deals with the slip-in lane coming off of 300 that allows you to make a right-hand turn into the site. The slip-in lane was done by

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Phil's office and he submitted it to the DOT for an informal review. They finally came back and it was tweaked a little bit but the entrance as you see it is acceptable to the DOT.

The slip-in lane is a requirement of Walgreen's. No slip-in lane, no Walgreen's. It's just that simple. It's unfortunate that they can dictate these terms but unfortunately with the economic climate that we have they can. It just comes down to whether everybody can live with those terms, including this Board. I understand that.

So with that we now have a lane which comes in off 300. You can either go up directly into the spine road or you can make a quick right into the parking area in front of Walgreen's. There are no parking spaces within the slip-in lane as it extends all the way up to the main access aisle. Again, that's a requirement of the DOT to allow the traffic to get off the highway as quickly as possible and not have any interference where the traffic could get back out onto the highway.

With that, we originally had a right-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

hand turn lane in front of Walgreen's. We have now extended that to the south further down to accommodate this new slip-in lane. So that was the plan that was submitted to your Board.

I might as well get into part B. It will be up to the Board whether you want to discuss it tonight. I was kind enough to get a copy of Ken Wersted's comments yesterday. Particular attention to comment number 3 regarding the access around Walgreen's in this fashion which got me to kind of re-examining this slip-in lane and is there any way that we can improve on it. I would like to just show you another drawing. If the Board wants to discuss it, fine. If you want to save it for another meeting, I understand that also. What we have with Walgreen's on the south side is the drive-through lane. That has not changed. If you notice, immediately south of that is the slip-in lane and then some parking, some angled parking. If I can just slip this over, this modified plan now has a drive-through lane. That has not changed. What we have is the slip-in lane which is now moved further to the south. In between we

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SOUTH UNION PLAZA

have allocated a lane coming off their main access aisle to the front of Walgreen's. What this does for us is, one, has the slip-in lane similar to the previous plan but that slip-in lane is probably only going to handle a limited amount of access into the site, primarily everybody heading in a northerly direction. You may have some traffic coming in through the light off of Wal-Mart but anybody headed in a northerly direction is going to go down Old Little Britain Road or come in this site. The same thing with everybody on Old Little Britain Road heading for 300. What this does for us, in addition to allowing access in this fashion, you would continue in front of Walgreen's and then just come down into the front of the building. So you would access from Old Little Britain Road the front door of Walgreen's in two fashions, one is continuing on in front of the building and making two consecutive right-hand turns, which I think is an easier access, or coming up the incline and making a 180 degree turn and pulling in front of Walgreen's in that fashion.

I talked pretty quickly. I hope I

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SOUTH UNION PLAZA

35

covered all the bases. It's really the Board's -- what scheme do you want to review, I guess that's really what it comes down to, the one that was submitted or the alternate that I just presented.

CHAIRMAN EWASUTYN: Phil, what do you think? For the record you are?

MR. GREALY: Phillip Grealy, John Collins Engineers.

I think Greg did a pretty good job of explaining it. Just a little bit more history. When Walgreen's came to us --

CHAIRMAN EWASUTYN: Which one do you support?

MR. GREALY: The modified plan.

CHAIRMAN EWASUTYN: And why is that?

MR. GREALY: It just improves the circulation around Walgreen's. You know, partly we were focused on getting people in but we weren't looking at the whole layout of the site. We went through several schemes -- just to kind of step back a bit. Walgreen's asked us to look at -- they really want a right turn in and a right turn out onto Route 300. We felt the right

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

turn out was not a good idea but we asked DOT, they came back and said no. The right turn in we don't have a problem with as long as the entry movement is protected. We worked up several schemes. We came up with a scheme which was the first plan that Greg had. The original reason we didn't have this other aisle is we were concerned about parking, but Greg was able to shift things around and we got parking spaces back. I believe this is a better plan in terms of it accomplishes everything that DOT wants. They asked us to extend the right-turn lane that Greg is referring to. We've kept this, no cross connection in here. The inbound flow is unimpeded.

What the benefit of this plan is is that it provides better access to Walgreen's and both areas of parking around the Walgreen's building. The drive-through still works great. So I think this is a better plan than what we first came with, and I take it in the comments that Ken had he kind of brought it to our attention to focus on this. I think that was very useful.

That's pretty much where we are

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SOUTH UNION PLAZA

37

depending on any other questions the Board has.
I think we're in good shape with this plan with
DOT because it's the same concept, it just
improves the internal flow.

CHAIRMAN EWASUTYN: Ken, can you come
forward and review this with us, please?

MR. SHAW: Mr. Chairman, I have some
extra copies if the Board Members want to look at
them up close.

CHAIRMAN EWASUTYN: Did anyone want a
copy?

MR. FOGARTY: I'd like to see one.

MR. WERSTED: The first concern I had
when I first saw the plan as submitted a week or
so ago, there was supposed to be three driveways,
three parking lots --

CHAIRMAN EWASUTYN: I should have one
for the record.

MR. WERSTED: On the south side of
Walgreen's there was three drive aisles all
heading into the main internal road. One was from
the drive-through, one was from the slip ramp to
come into the site, and then the other was where
the front parking lot aisle that parallels 300

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

turns and then comes back into it. So you have a lot of one-way traffic heading back into the spine road, otherwise traffic from the north and from the east, the only way to get to the Walgreen's would be to come in from Old Little Britain Road and drive from the back of the store, around the loading dock area around to the front. So I raised that concern in my review. One of them is, you know, for the Board's consideration, which is the aesthetics from that direction. I did note that the extension of the right-turn lane was I think 300 feet or some odd which basically centers it past where the right turn slip ramp would be. I confirmed that with Phil, that that was at the insistence of DOT because they didn't want people in the through movement slowing down to make a right turn into the driveway. They wanted that right-turn lane extended so people could get out of the Route 300 traffic, move into the right-turn lane and then make the turn into the site.

I also went out to the site this afternoon, just before 5 o'clock, and just kind of observed that area a little bit. The traffic,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

you know, wasn't extremely heavy going in the northbound direction. There is no right-turn lane there now so all the traffic is confined to just the two lanes. I think with the right-turn lane, that would certainly help accommodate this right-turn movement.

I think Ken or Cliff had asked about how much traffic would be northbound turning right into this. At the Wal-Mart signal the traffic study said between about 70 to 90 cars would go northbound turning right into here, and I think from the Walgreen's standpoint that probably would be between 10 to 15 cars in the peak hours that would use this to head in towards Walgreen's. I think a majority of the rest of the traffic being generated by the remainder of the retail buildings would continue to turn right at the Wal-Mart signal.

Relative to the new plan, I think this helps address some of the concerns that I had noted in my review, that from this side of the building there really wasn't any way to get to the front of the Walgreen's. There's a combination of cars coming in from the spine

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SOUTH UNION PLAZA

40

road. Whether it be originally coming in from Old Little Britain Road or Route 300 from the north, they can make their way into here.

One of the things I was looking at over there was the rectangle areas here behind the store are shown for two trash compactors. They kind of give you the impression that that's where a truck might be parked I think for, you know, an extended amount of time. Really I think that's going to be where, you know, the garbage truck will come in, open up the gates, lift the dumpster and get rid of the trash.

MR. SHAW: Correct.

MR. WERSTED: So it doesn't sound like they'll be sitting there for an amount of time.

Closer to the building there's an area obviously for a loading area. I think when we were originally looking at it we thought that the truck might be parked there for a long time and could block traffic getting in, but I don't think that's necessarily the case anymore.

MR. SHAW: Correct.

MR. WERSTED: I also just quickly sketched up a different kind of configuration for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SOUTH UNION PLAZA

41

this area, still maintaining the wider boulevard type of area right near the slip ramp but it kind of brings the inbound and the outbound together into a single point. So that's something I can share with you.

MR. GREALY: That would work fine.

MR. SHAW: This was put together in a flurry. This started this morning and it was done by noontime. It was more important to get it into your hands than to fine tune it.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I like the redesign much better.

MR. SHAW: We do, too.

MR. BROWNE: Pat raised an issue during work session. We're going to get into that later, John?

CHAIRMAN EWASUTYN: You can talk when ever you'd like. You can bring it up now.

MR. BROWNE: Are you going to phase this thing or are you going to do that whole

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SOUTH UNION PLAZA

intersection by Wal-Mart at the same time?

MR. SHAW: What's going to happen is assuming we get a green light, the developer is prepared to move forward with Walgreen's and the southernmost retail building. For that to happen -- let me just rephrase that. This is a fill site, okay. We're going to start filling from 300 and fill all the way back. The reason we have to continue filling past those two buildings is we have utilities that are in the back. With that we have to build retaining walls to hold up the fill to allow to us bring the access drive out onto 300 across from Wal-Mart. So basically what's going to happen is the entire site is going to get filled. We're going to construct the two buildings, all the infrastructure for the site to support those two buildings. The two pad sites, which would be for that retail building -- retail number 1 and number 3, they would be brought to grade and they would just be grass areas. The parking that goes along with these, okay, and it very may well be this area right here or this area here, would be brought to grade and it would be grass. We would be creating the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

pad sites, putting in the infrastructure to those pad sites and just leaving them grass while we pretty much have to develop and fill the whole site because of that reason.

MR. BROWNE: Another thing we talked about, John, was the parking spaces for the drug store as being different than the requirement.

CHAIRMAN EWASUTYN: Can you talk about that?

MR. WERSTED: I think it's similar to the Sembler site, the Walgreen's over on Route 32, in that because the Town Code doesn't have any specific requirement for pharmacies, it defaults to the retail square footage, meaning one space per 225 square feet of square leasable area. I believe the Walgreen's area would require approximately 64 spaces. And just counting up the spaces in this area, I think it's between 70 and 75. My experience on the Sembler site was that we did some calculations of the square footage based on what parking would actually be generated in terms of how many cars you would have out there. I want to say it's more -- closer to the magnitude of 40 to 50 cars.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SOUTH UNION PLAZA

44

Your average might be 30 cars. So while there's a lot of parking in comparison provided around it, you might have only the area right near the entrance that would be parking.

MR. BROWNE: So with that, if I remember right, wasn't there a thing where we could reduce the number of spaces required?

MR. DONNELLY: You could.

CHAIRMAN EWASUTYN: During the review Karen was looking at the first amended plan and thought if you were to remove certain parking stalls, that effectively you could landscape it and make for a better area. So the question was raised if you eliminate those six or seven parking spaces based upon what is proposed and based upon what is required, can you effectively remove the six? Based upon the interpretation that was just given, that there isn't something for parking, you would be deficient. Then we began to talk about what we're now discussing with Ken Wersted, that we can. The Board has that right.

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: Would you explain

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SOUTH UNION PLAZA

45

that, Mike?

MR. DONNELLY: Ken started to. There's a provision that allows the Board to fix parking when the specific use is not listed, and drug stores are not, consistent with ASHTO or some other --

MR. WERSTED: ITE.

MR. DONNELLY: ITE manual. We have done that.

I guess one of the first questions is is Walgreen's insisting upon this full number of spaces or can they do with less and maybe we can create some landscaping.

MR. SHAW: I don't have the answer to that. I do not have a copy of the lease. My gut feeling from trying to get, you know, Walgreen's approved -- not approved on the site but dealing with Walgreen's for a year-and-a-half, I think they're going to want this in its entirety. It works and it flows. If there's additional parking spaces, it's only to their benefit. I can find out for you, all right. That's what my feeling is. If we can save on pavement and put in landscaping, you know, sure. Just make it a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SOUTH UNION PLAZA

46

better job.

CHAIRMAN EWASUTYN: All right. So that's --

MR. GREALY: If I can just add to that. My experience with Walgreen's, if you're talking about five or six spaces, I think for this size store, based on our experience, and I've done a couple of these stand-alone locations, we probably could talk to them and see if we can get that. If we're talking that order of magnitude, I think it's probably doable.

MR. DONNELLY: I think Walgreen's was the drug store involved when we lessened the --

MR. GREALY: The Sembler site.

CHAIRMAN EWASUTYN: It was shown as 113 and amended -- adjusted it down.

MR. GALLI: Personally I would like to see -- by the time they do that that site should be open over there. I would be curious to see how that functions. I would rather see the parking stay the same for now instead of reducing it.

MR. SHAW: Interesting.

MR. GALLI: Only because I don't know

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SOUTH UNION PLAZA

47

what's going to go on that other site. If a restaurant pops up or something like that and you have an overflow, then you have it. If you start taking away spots, even seven makes a difference.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I like the second plan better. I think it's less likely that people would use this as a cut over to avoid the light at Old Little Britain Road because there's more roads coming out to your through road here. It's not going to be an easy path to go in a fast fashion.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I also like the second plan, I'm really glad you brought it, --

MR. SHAW: Thank you for letting us present it.

MR. PROFACI: -- as opposed to the first one. With this plan I kind of agree with Frank that we should be leaving the parking spots as they are until we have a better grasp of how many Walgreen's might use. We can look at what they're doing on North Plank Road and what's going in in the rest of the development.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SOUTH UNION PLAZA

MR. SHAW: Thank you.

CHAIRMAN EWASUTYN: Tom?

MR. FOGARTY: I like the second one,
too.

I had a question about the loading area. It would seem to me if there are trucks at that loading area it's going to block off that exit and that entrance, but at least you have the capability of just going down and around.

MR. SHAW: The way the loading area works is that if a tractor trailer does come in, regardless of when they come in, they are going to be backing in and they're going to be parallel with the building. They're going to be in this area designated as loading area. That still allows a 25 foot aisle for two-way traffic to go by even if a vehicle was there. These dashed lines you see, they are just, for lack of a better term, refuse trucks. You have two compactors on the side of the building which you put material in during the course of the day and it's compacted, and it eventually goes into a bin. During the off-peak hours, primarily at nighttime, the refuse truck will come in as they

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SOUTH UNION PLAZA

49

normally do, pick up the refuse material, dump it and go. So those dashed lines really just represent the position of the refuse trucks with respect to the compactor to make sure you can get them to that site, to that point of the site.

MR. FOGARTY: The trucks that are coming in are to be parallel?

MR. SHAW: The trucks that are going to be unloading into Walgreen's will be parallel to this face of the building and this loading area. They will not be at an angle to the building.

MR. FOGARTY: Okay. Good.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I do like the plan a lot better than the other one.

Back to the loading. I was more concerned when they're backing in to there going into the main road, you know, they pull in and they're going to turn in.

MR. SHAW: Well, what's going to happen is that a tractor trailer is going to be coming in off Old Little Britain Road, pull in in this fashion and then back in, okay, into the loading area. For the most part that only is going to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

happen during very early in the morning or late in the day. That's when the deliveries are scheduled, just so you don't have tractor trailers in the site during the peak hours.

MR. WARD: Right. I appreciated you going over -- like explaining your plan of filling in, the reason, and setting up the pads and the intersection at Wal-Mart going in to make everything work.

MR. SHAW: It's nice to say we can just do a piece but it's not that kind of piece. We have to bring everything to grade, and at that point you have to put three-quarters of the utilities in. The only thing that's not going to be done is where you're going to build the buildings in the future and the parking that goes along with it. Similar to the Kohl's site, it's graded, ready to go. Just waiting for a tenant.

MR. WARD: You're saving a lot of headaches.

MR. HINES: Except we don't want fallen down fence for motif.

MR. GALLI: They fixed it.

MR. CANFIELD: This week.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SOUTH UNION PLAZA

51

CHAIRMAN EWASUTYN: Jerry Canfield,
Code Compliance?

MR. CANFIELD: Conceptually we have no
issues with either proposal as far as access,
accessibility.

The one story Walgreen's building is
under thirty feet. That's not an issue. It
doesn't present an issue at all.

CHAIRMAN EWASUTYN: As far as the fall
zone?

MR. CANFIELD: I'm sorry?

CHAIRMAN EWASUTYN: Is that in
reference to the fall zone condition?

MR. CANFIELD: The fire code
accessibility lanes.

With future submissions we can take a
look at the details as far as hydrants.

I know we spent some time with Greg
originally and the jurisdictional fire department
relocating hydrants.

MR. SHAW: All that is done.

MR. CANFIELD: Nothing changed with
respect to the utilities?

MR. SHAW: We have Health Department

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SOUTH UNION PLAZA

52

approval on the water system which was a function of the hydrant locations which we had to work out first. So that's signed off on.

MR. CANFIELD: We have no issues at this time.

Construction sequencing, though, we may need to talk about in future submissions.

MR. SHAW: Mm'hm'.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: As Jerry just led in, construction sequencing on these sites is important because we've seen phased sites in the past where it needs to be very clear for the building department what needs to be built. So the retail 1 and 3 need to be clearly shown as to be built in the future and what that's going to look like. Karen will address that. In between needs to be addressed on the plan set.

MR. SHAW: I would think in addition to the documents that this Board has approved and that we are going to revise to reflect this layout, there's going to be at least an additional plan showing okay, at first blush what

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

are you going to build and what goes along with it. I think that's what you're asking for. So you can see how the utilities work with the two buildings and also how the parking works with the two buildings and how the areas that are not going to be built, how are they going to be graded and finished off.

MR. HINES: Exactly. That was the main gist of my comments there. As long as that can be addressed in the future.

CHAIRMAN EWASUTYN: Mike Donnelly, as part of this conversation and the phasing and what will happen next, that will all be tied into a resolution?

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: Do you want to speak?

MR. DONNELLY: Greg, I think you've been through this. We want to see a very specific construction phasing plan, the manner in which those will be seeded, what the seed is, whether there be any plantings, and we'll tie that into an amended site plan resolution.

MR. SHAW: Okay. From a procedural

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

point of view, and I know you may have some consultants to talk to, I'm under the assumption that I'm going to take the drawings which we got conceptual approval on, revise them, get additional information regarding the phasing plan and come back to this Board for a new --

MR. DONNELLY: Amended site plan.

MR. SHAW: -- amended conditional site plan?

MR. DONNELLY: I believe that would be the process.

MR. SHAW: Fine.

CHAIRMAN EWASUTYN: I think Karen will speak, and you talked about it earlier, is the aesthetics of the site because what appears to be a point of entry to the site equally as great as Union Avenue is Little Britain Road. With the very first site plan that we approved we took the aesthetics of the rear of Walgreen's into consideration. Karen will talk to us and you about how that would also now have to be considered to a greater extent because we limited an area that had been much wider on what is the east side of the building.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

At this point let's talk to Bryant Cocks, our Planning Consultant.

MR. COCKS: At the time of the original approval we discussed the crosswalk in between building 1 and the sidewalk. That was never put on the plans. I think that was part of the conditions.

MR. SHAW: Okay. It very well may be.

MR. COCKS: Also in regards to sidewalks, I think that one should probably be installed on the property where the lip is going to be because I would think if anyone is walking this way, they're not going to go all the way to the end and use this sidewalk. So I think a sidewalk would probably be a good idea going in there.

Other than that, I think they addressed all my other comments.

Just one thing. Now you're allowed to defer the payment of the landscape bond until the time of the building permit. So if you would like to do that, then I will send you the notes that need to go on the plan.

MR. SHAW: Fine. If you would please.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: Karen Arent,
Landscape Architect?

MS. ARENT: The big concern on the new revised plan is the entrance that John spoke about because you view right up to your trash compactors and the back of the building and there's very limited green space where you could possibly screen.

In addition to that, with the site line being able to see intersection of the road that's exiting, we can't put evergreens in that area, so it's going to -- you are going to see the back of the building and the trash compactors and everything. So I don't know -- I know the original plan we -- it was a dead end and that whole space was green and the back of the building was very well screened. There's no opportunity to do that on this new plan.

MR. SHAW: You're correct.

MS. ARENT: So that's something the Board should take into consideration.

CHAIRMAN EWASUTYN: The other thing we had talked about, Greg, in reference to this site was how we had worked with Walgreen's in

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SOUTH UNION PLAZA

57

reference to the North Plank Road location, the style of building there. We would be working with a similar goal in mind with this particular building.

MS. ARENT: There is a striped island, a huge striped asphalt area. I don't know why that needs to be striped. If that was all evergreens, that would be helpful. That is a major viewpoint into the site.

If you could screen part of the wall around the trash compactor, that would be helpful.

Also, you're showing a 24-inch high wall now. You might want to look at whether that would be acceptable as opposed to the 36 which is shown.

MR. SHAW: Karen, just to back up for a second. Are you referring to this striped area?

MS. ARENT: Yeah. Yup. It doesn't work to make it just an exit only that way traffic wise, because that would give you a lot of --

MR. SHAW: I know it would. Did you generate any comments?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SOUTH UNION PLAZA

58

MR. COCKS: Yes. You can have this. I sent it out in e-mail.

MR. SHAW: I didn't get it.

MR. COCKS: Okay.

MR. SHAW: Did you generate any comments today?

MS. ARENT: Yes.

MR. SHAW: I didn't get them.

MS. ARENT: And then of course the phasing plan to show exactly what you're doing so we don't have an issue.

CHAIRMAN EWASUTYN: We're trying to say we're going to need your cooperation and Walgreen's cooperation as far as the design of this building and how it relates to Little Britain Road. The fact that people more than likely are going to come from places like Adam's through the rear side of -- between Home Depot and Kohl's and come in this way.

MR. SHAW: I agree.

CHAIRMAN EWASUTYN: That's where we really wanted to make sense.

Ken Mennerich brought to our attention a few meetings ago how if you looked across the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SOUTH UNION PLAZA

59

road to Home Depot -- why don't you speak.

MR. MENNERICH: Basically the evergreens have really grown up along there and you don't see the building as you're going north on Route 300.

MR. SHAW: You're right.

CHAIRMAN EWASUTYN: Anything else?

(No response.)

CHAIRMAN EWASUTYN: Do you want to give a number to this? I'll call it the second amended site plan.

MR. SHAW: It's dated today, John. If you want to refer to a date.

CHAIRMAN EWASUTYN: Thank you. I'll move for a motion to approve the amended site plan presented by Shaw Engineering dated 1/21/2010.

MR. WARD: So moved.

MR. PROFACI: Second.

MR. DONNELLY: Is it conceptual?

CHAIRMAN EWASUTYN: Conceptual approval, thank you, of the amended site plan presented by Greg Shaw dated 1/21/2010. I have a motion by John Ward. I have a second by Joe

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SOUTH UNION PLAZA

60

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.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. SHAW: Thank you for deviating from
your standard procedure by looking at that second
plan. I think it makes sense for all of us.
Thank you.

(Time noted: 8:00 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 11, 2010

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

GOLDEN VISTA
(1999-33)

Schedule for Attendance at the Consultants'
Work Session on 1/26/10

----- X

BOARD BUSINESS

Date: January 21, 2010
Time: 8:00 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
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

GOLDEN VISTA

63

MR. BROWNE: Board business. Let's do Golden Vista first.

CHAIRMAN EWASUTYN: We received a letter from Stan Schutzman requesting that Golden Vista be put on the next consultants' work session for January 26, 2010 to discuss the proposed changes to the project known as Golden Vista, including eliminating the senior housing project requirement and allowing for rental units.

I'll move for a motion to set January 26th for a consultants' work session for Golden Vista.

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Bryant Cocks, you'll notify the
applicant.

MR. COCKS: Yes.

(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 11, 2010

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

DISCUSSION BY MICHAEL DONNELLY REGARDING
THE NEW STORMWATER MANAGEMENT LOCAL LAW

----- X

BOARD BUSINESS

Date: January 21, 2010
Time: 8:02 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
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BROWNE: The next item of business under Board business is the discussion of the amended law, zoning law, stormwater management

CHAIRMAN EWASUTYN: Mike, do you want to talk to us?

MR. DONNELLY: If you remember, at your last meeting Pat Hines went over the rather lengthy changes to the stormwater code regulations of the Town to accommodate our status as an M4 community. These two local laws simply incorporate the new drainage section and all of its provisions in appropriate places in the code that you work from.

So the first of the local law adds a new section, 185-57.1, and that's in the zoning article, and it makes reference to the new stormwater regulations in Chapter 157 and sets forth that the requirement for preliminary and final site plan approval shall be a stormwater management plan that complies with the requirements of Chapter 157.

The second local law, and it's in a separate law because it refers to a separate

1 chapter of the code, adds a new section to
2 Section 163, or Chapter 163 which is the
3 stormwater management drainage and flood plain
4 control chapter of the code that requires
5 whenever a stormwater management drainage or
6 flood plain plan is approved under that section,
7 that all of the provisions of Chapter 157 and 109
8 of the drainage law be incorporated into those
9 plans. So it's simply a matter of incorporating
10 the new regulations in the appropriate places in
11 the sections of code used for processing
12 applications. It's rather mundane but it
13 achieves that result.

14
15 CHAIRMAN EWASUTYN: I would move for a
16 motion for Mike Donnelly to write to the Town
17 Board in reference to our response for this new
18 local law.

19 MR. GALLI: So moved.

20 MR. PROFACI: Second.

21 CHAIRMAN EWASUTYN: I have a motion by
22 Frank Galli. I have a second by Joe Profaci.
23 Any discussion of the motion?

24 MR. BROWNE: What is our response?

25 MR. DONNELLY: You report favorably.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STORMWATER MANAGEMENT LOCAL LAW

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Joe Profaci. I had discussion by Cliff Browne. Any further discussion?

(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.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(Time noted: 8:06 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 11, 2010

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

EXETER
(2002-26)

DISCUSSION BY MICHAEL DONNELLY REGARDING
THE NEW LAWSUIT

----- X

BOARD BUSINESS

Date: January 21, 2010
Time: 8:06 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
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXETER

71

CHAIRMAN EWASUTYN: Mike Donnelly,
for the record the Exeter Article 78 will be on
the court dockets when?

MR. DONNELLY: I believe -- give me one
second and I'll tell you what the date is. The
court has set it for a conference date, which of
course might change, on -- I know it's in
February. Maybe I didn't write it in. I don't
see it in my diary but there is a conference date
in front of Judge Slobod at some point in
February. The Town really has twenty or thirty
days to answer, which can be extended in any
event when counsel is appointed. So I doubt that
date is cast in stone. I'll keep you abreast as
that litigation proceeds.

CHAIRMAN EWASUTYN: Thank you so much.

(Time noted: 8:08 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 11, 2010

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

DISCUSSION BY JOHN WARD REGARDING
BLACKTOP CURBING

----- X

BOARD BUSINESS

Date: January 21, 2010
Time: 8:09 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
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOARD BUSINESS

MR. WARD: John, the curbs.

CHAIRMAN EWASUTYN: Thank you ever so much. Thanks. I knew -- I kept saying to you I'm forgetting something, I'm forgetting something. We did forget something.

We're going to discuss this evening -- as a result of a discussion the other night in reference to blacktop curbing, John Ward put some time into the matter and thought that we would give consideration to hear him talk and possibly write a letter on to the Town Board.

John.

MR. WARD: Well, two weeks ago when we had the developer come in and we had the concrete curbs and basically said the highway department said he wanted blacktop, I was saying to myself how can you have a development right down the road concrete, beautiful, say \$300,000, \$600,000 homes, and you're going to put blacktop curbs. I said to myself if I'm going to buy a house I'm going to look here and then I'm going to look over in Montgomery or Chester or wherever. If I'm going to see curbing I'm going to buy a house. For revenue for the Town, for one. For

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOARD BUSINESS

two, the answers I've gotten why there's blacktop is it's easier to repair, it's cost efficient, blah, blah, blah. But at the same time another person told me with concrete the contractors, when they're building the houses they break them up with the excavators going over them and all; The snow plows, they can hit the concrete; and it's hard to maintain.

Well there's different type curbs you can put out there, angled 45 degrees, whatever. To me you can sell a house with concrete curbs. With the new stormwater DEC regulations, I think that's a factor. And just the appearance.

I know it could go in front of the Board and everything else, but I'd like to see it presented because the Town code is concrete. There's nothing in there under blacktop. Blacktop, it breaks up easy. They don't even have the right mix for what they're doing. They're just throwing out patch and it's not even formed to -- they have a machine but I've never seen this machine. I've never seen the blacktop. If you go anywhere in any township, there's all concrete developments. The money is there. If a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOARD BUSINESS

developer is doing it it's just the maintenance of what they say. Once the concrete is broken, how do you fix it? Well there's machines to fix it cost efficiently, too. I looked on the internet. They're all over the place in the United States, how to fix a concrete curb compared to cheap blacktop. It's just an excuse I feel.

But as Town code and everything else, I feel we should push the issue. Personally, I take pride in being here and I felt embarrassed when he just smirked and said your highway superintendent said he wanted blacktop. I know I'm on minutes. So that's basically -- you can see what's on the paper and everything. The diagrams are from 2000 from the DOT. Different types of -- Ken, do you want one?

MR. WERSTED: I'll come and get one.

MR. WARD: You know what I'm saying. And safety wise to. Another thing is safety, too. It's like they don't fix the blacktop curbs. They're sitting on the side. They look like rocks after -- you know, they can say they maintain them but they don't. If you hit a curb

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOARD BUSINESS

with the snow plow, you shouldn't be driving the snow plow.

MR. FOGARTY: Do we determine the type of curbs when we act?

MR. WARD: It's in the Town code.

MR. FOGARTY: When the plan comes to us?

MR. HINES: Yes. On the plans that you approve. Typically most plans I approve have concrete curbs. However, when they go out in the field and meet with the highway superintendent, he encourages the asphalt curb to be placed.

MR. FOGARTY: But if we approve concrete then it's changed out in the field --

MS. ARENT: Yes.

MR. DONNELLY: If they make it a field change somehow.

MR. GALLI: Basically what I think we've been doing is instead of insisting on concrete here, we usually change it before it gets out in the field.

MR. HINES: It's happened on numerous occasions where I go out in the field and say this isn't allowed. They say the highway

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOARD BUSINESS

superintendent prefers it. I've drove around the highway superintendent's truck where he was trying to sell me on asphalt curbs. I don't think they have the look and character of the neighborhood they're trying to develop either. It's a benefit for the developers. The cost is fractions of the cost of the concrete curb when you do the asphalt.

MR. BROWNE: From a technical standpoint, too. What John also raised and I -- if our code says concrete then we can not pass anything except concrete. We can't make that change. That's not our --

CHAIRMAN EWASUTYN: I think what it's saying here on the materials when it talks about asphalt, concrete and/or hot mix curb, it's talking about a bituminous product which in fact would be blacktop. Right, Pat?

MR. HINES: Yes. This is a DOT spec John has given us. This isn't ours.

CHAIRMAN EWASUTYN: I'm sorry.

MR. WARD: Ours says curbs.

MR. MENNERICH: John, are you thinking we should be sending a letter to the Town Board

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOARD BUSINESS

suggesting either we stick with the curb requirements --

MR. WARD: I feel, yes, because now is the time.

MR. MENNERICH: Or if they elect not to stick with that requirement, that they ought to update the --

MR. WARD: Yeah. Get it to specs. Get it to specs to whatever. I'm not saying give in to blacktop but if push comes to shove, have the right type blacktop and have it look nice. They don't, they just pile it on and it's not professional.

MR. BROWNE: How about which one is greener?

MR. WARD: Concrete. Let's put it this way: I have friends in the concrete business, John knows, and the specs the Town has for the concrete is excellent for what they want for curbs.

MS. ARENT: Belgium block is a greener thing probably.

MR. HINES: Belgium block is an acceptable offer in the Town's code currently.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOARD BUSINESS

MS. ARENT: And it can be fixed easier.

MR. WARD: Which one?

MR. HINES: It's number 5.

CHAIRMAN EWASUTYN: In the case of what happened up on Cronk Road, he put in a mountable curb which is --

MR. HINES: He tipped it.

CHAIRMAN EWASUTYN: Yes. It's an exceptionally nice curb.

MR. GALLI: What did Brighton Green use?

MS. ARENT: Belgium block.

MR. WARD: What I'm saying is anything but blacktop. You know, it just doesn't look right. We're trying to like -- economically you want to give everything you can for selling a project for revenue for the Town. It's not going to work. It looks rundown.

MR. BROWNE: It looks cheap.

CHAIRMAN EWASUTYN: You're suggesting that we would have -- Pat Hines is more familiar with this type of language, prepare a letter to the Town Board from us suggesting either concrete or Belgium block curb?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOARD BUSINESS

MR. HINES: I think the letter would say that the Planning Board prefers the --

MR. GALLI: Code.

MR. HINES: -- existing Town specification and that we are requiring that on the plans. We found out that that's not what's being placed in the field. I don't want to start a battle with the highway superintendent.

CHAIRMAN EWASUTYN: That's a fine line. Very good.

Is the Board in agreement with that?

MR. GALLI: Yes.

MR. BROWNE: Yes.

MR. HINES: They can always come back and change the spec.

MR. WARD: Well that's it.

CHAIRMAN EWASUTYN: Then I'll move for a motion from the Board that on behalf of the Planning Board, Pat Hines, our Drainage Consultant, write a letter to the Town Board recommending that curbing -- new curbing for projects comply with the Town of Newburgh code.

MR. GALLI: So moved.

MR. MENNERICH: Second.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOARD BUSINESS

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.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself.

I apologize for forgetting it. I knew I was forgetting something. Thank you.

Now I'll move for a motion to close the Planning Board meeting of the 21st of January 2010.

MR. GALLI: So moved.

MR. BROWNE: Second.

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

MR. GALLI: Aye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOARD BUSINESS

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So

carried.

(Time noted: 8:16 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 11, 2010