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

----- X

In the Matter of

128 NORTH DIX
(2015-22)

128 North Dix Avenue
Section 73; Block 7; Lot 22.1
R-3 Zone

----- X

PUBLIC HEARING

Date: February 18, 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

APPLICANT'S REPRESENTATIVE: ANTHONY COPPOLA

----- X

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

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CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. I'd like to welcome you to
the Town of Newburgh Planning Board meeting of
the 18th of February.

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

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

CHAIRMAN EWASUTYN: The Planning Board
has consultants that advise the Planning Board on
all matters that relate to planning and legal
issues. I'll ask that they introduce themselves.

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Town of
Newburgh Code Compliance Supervisor.

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

CHAIRMAN EWASUTYN: At this point I'd

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128 NORTH DIX

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like to turn the meeting over to Dave Dominick.

MR. DOMINICK: Please stand for the
Pledge of Allegiance.

(Pledge of Allegiance.)

MR. DOMINICK: Please silence your cell
phones.

CHAIRMAN EWASUTYN: This evening we
have five items on the agenda and we have one
Board Business item. The first item this evening
is 128 North Dix Avenue, it's in an R-3 Zone and
it's being represented by Coppola Associates.
It's here for a public hearing. It's both a site
plan and we will be needing to complete an ARB
approval.

I'll ask Mr. Mennerich read the notice.

MR. MENNERICH: "Town of Newburgh.
Notice of hearing, Town of Newburgh Planning
Board. Please take notice that the Planning
Board of the Town of Newburgh, Orange County, New
York will hold a public hearing pursuant to the
Municipal Code Chapter 185-57 Section K of the
Town Law on the application of 128 North Dix
Avenue, Delores Wright, project 2015-22, for a
special use/site plan approval. The project is

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128 NORTH DIX 4

located at 128 North Dix Avenue in the Town of Newburgh, designated on Town tax map as Section 73; Block 7; Lot 22.1. The project proposes an addition to a residential structure creating a two-family home where an accessory apartment previously existed. The public hearing will be held on the 18th day of February 2016 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman. Dated 22 January 2016."

CHAIRMAN EWASUTYN: Mike Donnelly, Planning Board Attorney, would you speak on behalf of the purpose of a public hearing?

MR. DONNELLY: The purpose of the hearing -- let me put it this way: After Mr. Coppola gives his presentation, the Chairman will call on those of you who wish to address the Board to give us your thoughts. The purpose is for you to bring to the attention of the Board issues that the Planning Board may not be aware of through either the reports of their

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128 NORTH DIX

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consultants or their own knowledge. When called upon we would ask you to please address your comments to the Board. If you have questions that can be easily answered, the Chairman will ask either the applicant's architect or one of the Town's consultants to answer them. We would ask you to please step forward so we can hear you. State your name, spell it for the Stenographer if you would, and tell us where you live in relation to the project so we better understand your perspective.

CHAIRMAN EWASUTYN: For the record, there were 111 notices that were sent out for the public hearing before us this evening.

Would you introduce yourself, please?

MR. COPPOLA: Yes. Thank you, Mr. Chairman.

My name is AJ Coppola, I'm the project architect representing Delores Wright who is the owner of 126 --

MS. WRIGHT: 138.

MR. COPPOLA: -- 128 North Dix Street. What we are here for tonight is a proposed two-family house where prior to this there was an

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existing mother/daughter residence.

What we are proposing for the new construction is basically a 781 square foot second floor addition over the existing footprint where Delores is right now.

So the existing setup is basically a side by side mother/daughter. That was approved I think in 2003. Several years ago. So when we applied for the building permit in August we were denied because the zoning had changed and there are new requirements regarding the size of the building lot and setbacks. It is actually a Planning Board requirement for a two-family house now.

So based on that denial we proceeded with the Zoning Board of Appeals first and we received a Zoning Board variance in November. That variance was for -- we were slightly undersized on the lot and a couple other area variances that were required. So we successfully received those variances in November.

Through the course of coming to the Planning Board we have developed a site plan which addresses the Planning Board's issues for

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off-street parking which are shown on the drawing. We've demonstrated that.

This existing house and the existing mother/daughter is -- has both municipal water and municipal septic -- or municipal sewer.

Basically what's being proposed is a -- as I said, it's just a second floor addition over the existing footprint, so there's no change in the existing footprint. Delores's mother currently lives on the right side of the existing structure, and that part of the structure remains unchanged. The left part of the structure we're adding the second floor. That's basically to accommodate her growing family and to add bedrooms where right now it's just basically the space is within the frame of the roof. So the existing roof gets taken off, new eight-foot walls go up and then a new roof goes on after that. The first floor remains unchanged. So that's basically as simple as it is as far as our proposal.

We have submitted to the Planning Board the architectural review form which shows basically the materials that we're going to use.

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128 NORTH DIX

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Real briefly, that's going to be fiberglass shingles for the roof, vinyl siding for the siding, basically closely matching what was there, and the shutters and the windows are all designated on that. We certainly brought samples for that. We can certainly take a look at that in closer detail if anybody wants to do that.

CHAIRMAN EWASUTYN: As Mike Donnelly, the Planning Board Attorney, said at the beginning of the meeting, if there's anyone here that has any questions or comments, please give your name and your address and you'll be recognized.

(No response.)

CHAIRMAN EWASUTYN: Let the record show at this time there's no one in the audience that has any questions or comments for the application at 128 North Dix which is here before us for site plan approval and ARB at this point.

I'll turn to Pat Hines, our Planning Consultant.

MR. HINES: Our previous comments have been addressed. The parking has been shown as adequate.

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The flow acceptance issue with the City of Newburgh has been addressed.

The only requirement outstanding is the architectural review by the Planning Board.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: We have nothing code related outstanding. As Mr. Coppola indicated, they have received the necessary variances. We have nothing outstanding.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. WARD: No.

MR. DOMINICK: No comment.

MR. MENNERICH: Nothing.

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: I'll ask the public one more time, any questions or comments before the motion to close the public hearing?

(No response.)

CHAIRMAN EWASUTYN: Thank you. At this point I'll move for a motion from the Board to close the public hearing for 128 North Dix.

MR. GALLI: So moved.

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MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

For the record, one more time can we go through the ARB so we can conclude that separate from the site plan?

MR. COPPOLA: Yes. We submitted colors and samples. As far as the architectural materials; starting at the top, the roof is going to be a fiberglass shingle, that's a Timberline shingle. I think the color is weather shield. I think that's what we chose. That color is going to be for Delores's side.

You're going to do your mom's side,

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128 NORTH DIX

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too?

MS. WRIGHT: I'm going to do the whole --

MR. COPPOLA: We'll do both roofs with that. The vinyl siding is a clay type of color, and we're going to have accent vinyl shutters, at least on the upper story windows, and white trim throughout.

CHAIRMAN EWASUTYN: Okay. Any questions from the Board Members as far as the architectural review form that was submitted with this application?

MR. GALLI: No.

MR. MENNERICH: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Then we'll move for a motion to approve the ARB plan as submitted and the architectural review form for 128 North Dix.

MR. DOMINICK: I'll make a motion.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion made by Dave Dominick and a second by Ken Mennerich. Any discussion of the motion?

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(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.

At this point I would like to turn to Mike Donnelly, Planning Board Attorney, to give us conditions for approval in the resolution.

MR. DONNELLY: The resolution will include both the ARB approval that you just granted as well as site plan approval.

You did issue a negative declaration under SEQRA at your January meeting.

The conditions of the resolution: First, we will make reference to the variances that were granted by the Zoning Board in November of last year. We will note that the City of Newburgh has issued it's flow acceptance letter dated January 26, 2016. The standard condition regarding Architectural Review Board approval

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which requires you build what is shown on the architectural material specifications that are submitted. Our standard condition that says the site plan approval allows construction of only what's shown on the plans. No other structures may be built on the site without amended approval.

CHAIRMAN EWASUTYN: We'll turn to our consultants to see if they have any additions to the resolution.

MR. HINES: Nothing further.

MR. CANFIELD: Nothing.

CHAIRMAN EWASUTYN: Questions or comments from the Board?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to grant approval to 128 North Dix subject to the conditions stated by the Planning Board Attorney, Mike Donnelly, in the resolution.

MR. GALLI: So moved.

MR. WARD: Second.

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

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128 NORTH DIX

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(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.

Delores, congratulations.

MS. WRIGHT: Thank you.

(Time noted: 7:14 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 8th day of March 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

MATRIX BUSINESS PARK AT NEWBURGH
(2015-26)

Route 17K
Section 95; Block 1; Lot TBD
IB Zone

----- X

CONTINUED PUBLIC HEARING

Date: February 18, 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: DAVID EVERETT

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CHAIRMAN EWASUTYN: The second item of business this evening is the Matrix Business Park at Newburgh. It's located on Route 17K in an IB Zone. It's being represented by Langan Engineering. It's a continuation of a public hearing.

MR. EVERETT: Mr. Chairman, my name is David Everett, I'm Counsel for Matrix Development.

At the last meeting, if you recall, when we were with the Planning Board you had asked for two items to be placed on the site plan. The first item was an emergency access road from the project site to Corporate Drive, and the second item was to show the limited number of FAA lights that FAA has required be placed on the top of the building. Those have been done. They've been put on the plans. They've been sent to the Board and your consultants. I think your consultants have had an opportunity to review those.

We'd be happy to go over any of the details of those items in more detail with you and answer any questions you may have.

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At this point I guess I'll just bring it up to any questions you might have and we'd be happy to address them.

CHAIRMAN EWASUTYN: If the Board is in agreement, we'll have Pat Hines, our Planning Board Consultant, talk about any questions or comments.

MR. HINES: I don't know if the Board wants to have the applicant's representative just go over for the public the access road realignment. I don't know if the public has seen that yet.

CHAIRMAN EWASUTYN: I think there would be a benefit from that. There were questions raised at the last meeting in reference to that.

MR. HINES: That's the substantive change on the plans. That is the gated emergency access road.

CHAIRMAN EWASUTYN: Welcome. Take your coat off.

MR. UTSCHIG: For the record, my name is Charles Utschig with the firm of Langan Engineering representing Matrix.

As Pat indicated, the major change

1 that's been made to the plans is the addition of
2 a secondary emergency access road. It provides a
3 connection from Corporate Boulevard into our site
4 and allows for two access points in and out for
5 emergency vehicles. This is designated as an
6 emergency vehicle only entrance point. It has a
7 controlled access point at the street. It's a
8 grass street so it's not impervious area. It can
9 withstand the load from fire trucks. That was
10 one of the requests from your staff, to make sure
11 that there was a secondary access. We were able
12 to accomplish that without impacting any of the
13 wetlands that exist in the lower quadrant of the
14 site. It's really pretty straightforward.

16 The topography there is not too bad
17 until you get up around this curve where it gets
18 a little steeper. Again, it's designed to allow
19 for access for fire trucks and other emergency
20 vehicles.

21 CHAIRMAN EWASUTYN: At this point I'll
22 open the meeting up to the public. Again, this
23 is a continuation of a public hearing. Questions
24 or comments from the public? Thank you.

25 MR. BAZYDLO: Good evening, Board. My

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name is Charlie Bazydlo. I've been before the Board several times before about this project. We represent National Realty Development, the adjacent property owners.

I guess my comment is the same as it was back in January, that just basically we don't believe this applicant has access rights to Corporate Boulevard, whether for emergency access or full access. We did discuss that at last month's meeting, and I think the month before too. My client tells me there has been no further conversation between the applicant and his office as far as trying to work out any kind of agreement about it. I guess we have a legal dispute about whether they have access to be able to use the road.

CHAIRMAN EWASUTYN: Thank you, Charlie. And the Board has heard this statement before.

I'll turn to Mike Donnelly, Planning Board Attorney.

MR. DONNELLY: Obviously we've heard two differing opinions as to whether there's access. The Planning Board is not an arbiter of that dispute. However, if this is approved we

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will include a condition that requires, number one, that a copy of the easement that's shown on the plans be given to us for our review, because there's some discrepancy as to how far along that path it goes. And secondly, a condition will be that no certificate of occupancy will be issued for the project until that emergency access way is constructed and operable. If the parties can't reach an agreement, then the courts will have to resolve the dispute and the project will have to await that resolution.

CHAIRMAN EWASUTYN: Any questions from the public at this point in reference to the Matrix project?

(No response.)

CHAIRMAN EWASUTYN: For the benefit of those people sitting in the audience who may not be here for this specific project but are residents of the Town, if you could just elaborate somewhat on the size of the project, the proposed tenant so people will have a brief education of what's going on in their neighborhood so to speak.

MR. UTSCHIG: Surely. The project is

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located basically at the intersection of 87, 84 and 17K. The site is about 74 acres in size. We're proposing to develop about 54 of those acres. The proposed building is about a little over 500,000 square feet. We currently have one tenant to occupy a good portion of that. It will be two -- potentially two tenants. The current tenant is basically a distributor of pharmaceutical type materials for places like CVS or Walgreens or other places like that. They bring material in in bulk, they break it down into pieces and they redeliver it. There's no process here. All the material is within containers, boxes, on pallets. It's basically just broken down and then redistributed. It's a pretty -- it's not a very intense use in terms of what happens in the building.

The building has got loading docks on both sides to accommodate the tractor trailer traffic that will come in with deliveries, and then there's a series of trucks that take it back out again.

We have a single access point from 17K. We worked our way through DOT. There will be a

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light at this intersection which aligns with Orr Drive. There are also some other improvements there as far as turning lanes to accommodate our vehicles coming in and out.

You heard me briefly discuss there's also a secondary access point that allows emergency vehicles to get into our site from two locations. Our primary driveway is a couple thousand feet long, so it goes well into the site. And really from 17K there will be -- you'll be able to see the building just due to the size of it. It's about 45 feet tall in height but it is set well back into the site. It's kind of right in the corner of where 84 and 87 come together. It's just off of the one exit ramp.

CHAIRMAN EWASUTYN: Thank you. Any questions or comments from the public?

(No response.)

CHAIRMAN EWASUTYN: Okay. I'll return it to Pat Hines, Planning Consultant.

MR. HINES: I have a couple of comments on the revised plans. We're looking for a detail of the emergency access gate that's going to

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restrict access to the roadway that was just discussed. Just for use so that Jerry's office and the emergency jurisdictional -- emergency services, to make sure they are okay with it. It just says bollard and chain. I don't know if they'll request something more elaborate.

Information pertaining to the access easement identified on the survey should be provided to Mike Donnelly's office.

In addition, if you could draw the access easement on the grading and drainage plan that were submitted for that and the details so we can see the limits of that easement on that plan.

The typical grass street section identified should -- there's a couple options. It's the catalog cut sheet or the manufacturer's information that has some options. We'll be looking for those to be eliminated and the actual section to be utilized here for the emergency vehicle access be depicted.

Just a note, and we discussed at work session with the Board, stormwater management practice signs have been added throughout the

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plan for the best management practices that have been incorporated. It's just a nice feature that as you drive by you know what the function of those various practices are. It also helps people accessing the site and seeing what those are.

The architectural plan for the FAA lighting has been submitted. I was a little surprised at the location. Apparently they're all located on one side of the building, which may have to do with the flight path. The applicant may want to do a presentation for the Board. There's eight lights on the building. When we got the FAA information I assumed there were going to be the four corners and along various parts of the buildings. It looks like they're all going to be located on that -- the side of the building towards the airport I guess would be the easterly -- southerly side of the building.

MR. UTSCHIG: Pat is correct.

Basically based on the directives from the FAA, the consultant prepared a plan that provides the required lighting. It is all located at one end

1 of the building and it does relate to the flight
2 pattern. These are kind of standard red lights
3 that you see on water towers or others. They're
4 generally spaced around 150 feet so they go back
5 into the building about 300 feet on both sides
6 and along the one end. There's a slight parapet
7 on this building. These are basically mounted on
8 twelve-inch posts that sit on that parapet.
9

10 MR. HINES: That's all we have.

11 CHAIRMAN EWASUTYN: Jerry Canfield,
12 Code Compliance?

13 MR. CANFIELD: Just comments on the
14 emergency access road. Per our traffic
15 consultant, he describes the access road as
16 approximately a 9.2 percent grade, which is
17 within the maximum allowable limits of 10
18 percent. It's 20 feet wide which is acceptable
19 for the New York State Fire Code access
20 requirements.

21 CHAIRMAN EWASUTYN: Thank you.

22 Comments from Board Members. Frank
23 Galli?

24 MR. GALLI: Nothing additional.

25 MR. MENNERICH: I was wondering if you

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could address the maintenance of the emergency access road?

MR. UTSCHIG: So it will be plowed along with all the rest of the parking lot basically. Grass requires hopefully a little maintenance. Again, this is only used, you know, when we can't get in the main entrance. So it will be plowed and cleared and it will be routinely maintained when they do the maintenance around the facility in terms of making sure that there's nothing growing close to it or trees that impact it or anything like that. It's really included as part of the overall maintenance of the facility. It does get plowed when the parking lots are plowed so if something should happen during those kind of weather conditions, it will be accessible.

MR. MENNERICH: Thanks. Do you also have to cut the grass when it gets a certain height?

MR. UTSCHIG: No. It doesn't really grow very high. It's kind of a misnomer when we call it grass. There are openings in it that are intended to be grass. It does require periodic

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maintenance. I can't say it will never be.
Typically the grass does not grow very high.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I had two questions.
Ken covered the first one, the maintenance of the
access road.

The second question; Charlie, the FAA
lighting, it's just going to be that southern
part of the corner?

MR. UTSCHIG: Yes. We didn't actually
prepare the plan. There was a consultant
obtained by Matrix to do that. They went through
the FAA requirements, and this, according to
them, meets the requirements. So it's a -- it
really relates simply to the flight pattern.
That's really about all I can offer on the plan.

MR. DOMINICK: Part of the building is
in the flight path, the other probably is not.

MR. UTSCHIG: We meet all the elevation
heights and we went through that process and the
FAA acknowledged the height of the building and
the equipment. The net end result from there is
basically to identify this end of the building.

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I'm not sure I can explain the full rationale to it but that meets the requirements.

MR. DOMINICK: Okay.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I have two questions, too. Can you address to the public how many truck bays you're going to have and where the trailers are?

MR. UTSCHIG: So the entire building, there are 90 bays. 60 of them go with the known tenant and then the end of the building has the balance. Basically all the bays are lined up alongside of this building. The way that the truck pattern has been designed, it allows plenty of circulation for the trucks to be able to make those maneuvers and get to those loading docks. So there's a total of 90 and split between the two potential users.

MR. WARD: Okay. My other question, I've said it before and I want to know if you talked to the traffic consultant in reference to going out and making a right turn instead of a left going down to 300? At 17K, going up to 84, take 84 to the Thruway, instead of making a left going down to 300 and making a left to go to 84?

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It's going to be a traffic jam no matter what you do.

MR. UTSCHIG: So I guess the best way for me to answer that is based on the traffic study that we did do and the anticipated patterns that these trucks will generally follow, they generally want to be on the highway as quickly as they can be. So I think the addition of the light at least at our driveway allows us to control that movement and make them safe -- provide for safe turning movements. I think that's why it was allowed. I think you'll find that the trucks want to get to the highway as quick as possible. If there is a backup it's going to tend to be in our driveway based on the amount of time allocated to the signal and how many can get out. We don't see -- there wasn't any increase in delays on 17K as a result of the addition of the signal and the way the distribution of traffic was anticipated.

MR. WARD: Well, they're going to find out it's quicker to go the other way. I'm just telling you.

MR. HINES: I know Ken Wersted's office

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did take a look at that distribution based on your comments.

CHAIRMAN EWASUTYN: Any other questions or comments from the Consultants or the Planning Board Members?

MR. HINES: I just wanted the Board to be aware that the proposed emergency access drive is on an easement on the adjoining parcel, not on this property. I don't know if that was clear to the public. There's an access paralleling this property line out to Corporate Boulevard.

CHAIRMAN EWASUTYN: Okay. And the distinguishing point about what you're referencing is?

MR. HINES: I always envisioned, when we talked about the emergency access drive, it was coming and going in a very different direction, not knowing that access easement was there. At work session we discussed where it was located. It actually avoids the potential wetland impacts that I thought would be prohibitive to putting the emergency access easement across there. It's interesting that there was that easement available. And probably

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because of the wetlands in that area it was placed there during the original subdivision to address that many years ago.

CHAIRMAN EWASUTYN: So that relieved -- that was a mitigation measure as far as impacting --

MR. HINES: Apparently someone viewed that. There's a large detention pond in that area. When that was designed into the Corporate Park to the west of this subdivision -- to the west of this parcel, that access easement apparently was provided to provide -- to avoid the wetland impacts.

CHAIRMAN EWASUTYN: Corporate Park was approved on or about 1987.

MR. HINES: Before me.

CHAIRMAN EWASUTYN: That was proposed for approximately a 2.2 million square foot build. To this day the project hasn't been fully developed. More recently, in the last couple of years, we needed to go back and look at that project in reference to other projects and we found out that the traffic volumes that were projected in 1987 and the growth associated with

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the build out would reach a certain level. Fast forwarding back about five years, the growth and the impacts of the traffic wasn't nearly as high as what was projected. Okay.

Are there any questions or comments from the public at this point? The gentleman in the back.

MR. FETTER: I'm Bill Fetter from Rockwood Drive.

A couple questions. How many trips a day are anticipated of trucks? Is it like a UPS operation where everybody is going to come out in the morning and it really creates havoc or --

MR. UTSCHIG: No. This is more -- they don't operate this way where that kind of facility -- usually the tractor trailers come in overnight and then there's a distribution of those supplies and they all go out in the morning at 8:00 or 8:30 and go on their routes. This is more spread out over a day's period in terms of how the trucks come in and out. It just doesn't get distributed the same way as one of those bulk carriers does. Unfortunately I don't have with me the trip volumes. I can tell you that they are

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fairly well distributed out over a day's period. When we did our traffic analysis there was no reduction in what traffic engineers call level of service along 17K. That's just an indication of how the traffic is spread out.

MR. FETTER: One other comment. If the FAA has been involved already in reviewing that site, that correspondence should be available to the Board for your satisfaction as far as lighting balance.

MR. HINES: We have it.

CHAIRMAN EWASUTYN: We do have that.

MR. HINES: The FAA issued permits for not only the building but every individual light pole on the site.

MR. FETTER: Thank you.

CHAIRMAN EWASUTYN: Any additional questions or comments from the public?

(No response.)

CHAIRMAN EWASUTYN: Okay. Then I'll move for a motion to close the public hearing on the Matrix Business Park at Newburgh on Route 17K.

MR. MENNERICH: So moved.

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MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. 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.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Mike Donnelly, would you review with the Planning Board at what stage they are now?

MR. DONNELLY: Yes. The applicant is before you for both site plan and ARB. If the ARB is also approved tonight I'll include those conditions in the resolution as well.

You issued a SEQRA negative declaration in the past, so the matter is ready for action.

You do have a report from the Orange County Planning Department.

In terms of conditions, first we'll

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need a sign-off letter from Pat Hines that the issues that were raised in his comment memo that he just reviewed have all been satisfied. Next we'll need a copy of the access easement for the proposed emergency access way, and that will need to be reviewed by me before the plans are signed. As I mentioned earlier, we will impose a condition that says no certificate of occupancy will be issued until the emergency access way is constructed and operable. As was volunteered earlier, we will impose a requirement that the emergency access way be maintained at all times throughout the year, including snow removal, so it can serve it's purpose. The Planning Board will make a recommendation to the Town Board, given the scale of this project and the number of issues and inspections that need to be handled, that a developer's agreement memorialize all of those provisions at the time that financial securities is posted to ensure completion of the public improvements. We'll tie into the fact that the DOT has given it's concept approval and indicate that the site plan approval is conditioned upon the DOT actually issuing a

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highway work permit.

Pat, at one point in time I had notes indicating that the Thruway Authority also had to review this. Is that --

MR. HINES: We included them in the lead agency circulation. They have no approval authority. We do want to keep them in the loop as they're an adjoining property owner basically.

MR. DONNELLY: I will remove the condition that requires their approval but certainly notice them.

We'll need Health Department approval for both the water main and the sewer main, or just the water main?

MR. HINES: Just the water main. The sewer main is a lateral. Because there's hydrants on the service line for the water, the Health Department will review those.

MR. DONNELLY: We will note that the approval is conditioned upon compliance with the conditions of the FAA's approval we spoke of earlier. We will tie into the issuance of the City of Newburgh flow acceptance letter and include any conditions within it as conditions of

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this approval.

 This is within the sewer district.
There's no need for an out-of-district agreement here.

MR. HINES: Correct.

MR. DONNELLY: We will note that the Zoning Board has issued certain variances on both November 24th and January 28th, and we will tie into those in this resolution.

 There is a drainage easement required, Pat. Is it one that runs to the Town or is it simply private as between the two parcels?

MR. HINES: I don't know that there is a drainage easement. There's a grading easement on an adjoining parcel.

MR. DONNELLY: That's in existence?

MR. HINES: No. Not that I'm aware of. There is a requirement for a grading easement on, I believe the Debrizzi parcel next door. On the access road.

MR. DONNELLY: We'll need to ensure a copy of that has been provided, reviewed and it will be a condition of the approval. I'll remove the reference to a drainage easement. The

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2 applicant had asked that the clearing and grading
3 permit work that had been authorized earlier be
4 explicitly authorized by your resolution to be
5 permitted to be carried out from dawn to dusk
6 seven days a week. We spoke about it in work
7 session. I think it's the feeling of the Board
8 that it's not their call, it's the building
9 department's call. The code provisions apply.
10 We will remove that language but we will include
11 language that makes clear, in case there's any
12 doubt about it, that the site plan approval does
13 not take away any of the authority you have to
14 conduct clearing and grading activities under
15 those permits. That continues as you move
16 forward.

17 MR. EVERETT: Could I ask a question
18 about that? One of the concerns that we have is
19 you've issued the clearing and grading permit and
20 we posted security for that. We still need to
21 post some additional security for that as well.
22 You made reference to the need for the
23 developer's agreement that had to be signed to
24 kind of pull together all that stuff. We just
25 want to make sure we don't --

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MR. DONNELLY: Continue to work under the clearing and grading permit.

MR. EVERETT: Prior to the execution of the developer's agreement. Okay. Thank you.

MR. DONNELLY: You had also asked that we make specific reference to your immediately being able to clear and grade the access road. I don't think that was covered by the clearing and grading permit. Was it?

MR. HINES: It was not.

MR. DONNELLY: So that's going to have to await the site plan review and approval. You can do all the other clearing and grading work.

We will of course impose a condition that you comply with all applicable code provisions regarding --

MR. HINES: Mike, that work is now shown on the plans. I wouldn't have a problem extending that clearing and grading permit to include that.

MR. DONNELLY: What they've asked is if they posted performance security and inspection fees could they commence that work.

MR. HINES: Correct. I believe so.

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MR. DONNELLY: If that's acceptable,
we'll leave that.

MR. HINES: I think that work -- last
time we didn't have it but we have the plan
before us now. I think it could be included in
the clearing and grading permit.

MR. DONNELLY: We'll include that.

If you grant Architectural Review Board
approval we will have our standard ARB
conditions. We will also note that no retaining
wall above four feet in height may be constructed
without approval of the code compliance
department based upon plans prepared by a
licensed engineer. There will be a requirement
of a landscape security and inspection fee. That
inspection fee will be, as I understand it,
\$4,000. A stormwater improvement security and
inspection fee together with a stormwater control
facility maintenance agreement.

Dave, you asked about does the Town
have a standard form. It does. You can get that
from Mark Taylor, the Town Attorney.

MR. EVERETT: Do you happen to know
what the standard inspection fee is for

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stormwater? Is it a standard set fee or is it a percentage?

MR. HINES: It's going to be \$4,000. That's the maximum. It's an escrow deposit, actually.

MR. EVERETT: Would you be amenable to putting that into the resolution similar to the landscape fee?

MR. DONNELLY: If Pat tells me that's how much it is, I have complete confidence. I will include it.

MR. EVERETT: Thank you.

MR. HINES: The landscape inspection fee would also be \$4,000.

MR. DONNELLY: That's what I have in there already.

And finally the standard condition that says you may not construct anything on site that is not shown on the approved plan without an amended approval from the Planning Board.

CHAIRMAN EWASUTYN: Any comments, questions from our consultants?

MR. HINES: I have nothing further.

CHAIRMAN EWASUTYN: Jerry?

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MR. CANFIELD: I have nothing further.

CHAIRMAN EWASUTYN: Questions or
comments from Board Members. Frank Galli?

MR. GALLI: Nothing.

MR. MENNERICH: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Okay. If the Board
is in favor, I'd like to first move for a motion
to grant site plan approval for the Matrix
Business Park subject to the conditions and terms
presented by Planning Board Attorney Mike
Donnelly.

MR. DOMINICK: I'll make a motion.

MR. MENNERICH: Second.

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

MR. DOMINICK: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye myself. So carried.

Are you prepared to complete ARB approval this evening? Do you have renderings and such?

MR. UTSCHIG: Yes.

MR. EVERETT: We can at least talk about it.

CHAIRMAN EWASUTYN: Do you have renderings?

MR. HINES: Do we need to amend that clearing and grading permit to include that work.

MR. DONNELLY: Do you want it under the permit or is it okay with the site plan?

MR. HINES: It's okay with the site plan. I guess the site plan is not going to be signed until those other conditions. I think if we amend the previously approved clearing and grading --

MR. DONNELLY: Consider it amended to allow that work.

MR. CANFIELD: The previous approval was just for clearing.

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MR. HINES: We added grading last time. They did get the grading. We now have that plan before us.

CHAIRMAN EWASUTYN: Do you want to give us the language?

MR. DONNELLY: I'll include language that says that the existing clearing and grading permit is deemed revised so as to allow the clearing and grading of the access road shown on the plans in addition.

MR. EVERETT: Could I ask a question? The way that I thought you had the site plan set up was that it would only need to be signed if certain conditions that were specified had been satisfied.

MR. DONNELLY: That's the problem Pat is raising. If they are not we don't want to hold you up on your driveway work. You would like to do it at the same time you get equipment to grade.

MR. EVERETT: My point is that I thought the way you had written the resolution is that we could satisfy certain conditions and start that grading work, for example.

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MR. HINES: You can. We're just making sure that that incorporates the access road which previously it didn't.

MR. DONNELLY: There can be time involved in getting the financial security approved, and you're not getting your site plan signed until it is. That may take some time with the Town Board. We're trying to not put up barriers.

MR. EVERETT: I thought the site plan approval essentially trumped the --

MR. DONNELLY: It's not good until it's signed. If you would like, I'll remove that condition.

MR. EVERETT: That's fine.

CHAIRMAN EWASUTYN: Mike, if you don't mind, one more time.

MR. DONNELLY: The resolution will recite that the existing clearing and grading permit is deemed revised so as to allow clearing and grading activities on the access driveway as well as on the site property.

CHAIRMAN EWASUTYN: Pat, are you in agreement with that?

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MR. HINES: Yes.

CHAIRMAN EWASUTYN: Having heard the conditions for amending the clearing and grading permit for the Matrix Business Park, allowing for activities on the access road presented by Mike Donnelly, I'll move for that motion.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli, 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: Aye. Motion carried. Thank you.

Now we'll review the ARB. Can you go through the colors with us? We will need the form. I don't know if you've completed the form or not.

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MR. EVERETT: We submitted it.

MR. UTSCHIG: Basically the construction of the exterior is straight concrete panels. There's a blue band that goes with the Amerisource's color scheme should I say.

Basically the windows and the entrance way are at the front corner of the building, so that's what you're seeing here and over in this corner. That one corner where basically you come into the site, this is where the office space is generally at. That's where there are windows into the building, and then there's -- there are bands that break up the panels as you go up. It's kind of a -- it's kind of a repeat because of the way the loading docks work out. You have the same kind of configuration on both the long sides. So these are the loading bays. Again the articulation is in the panels basically so there are some -- it's not just a straight concrete panel but they're in sections. You'll see that there are in essence bands at these panels. It's just a fairly gray building with these blue highlights to them, and that occurs on both the long sides of the building. It's a pretty

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straightforward rectangular shaped consistent building on both sides. There's really not much to describe about it.

Really the only place where there's any articulation in the building is at the offices where the glass and the entrances are where the employees come in. Otherwise you've got a row of loading docks and then kind of concrete panels above that. In total there's three panels to get us to the height of the building. Again, it's a concrete gray building with blue bands.

CHAIRMAN EWASUTYN: And the office area is approximately 16,000 square feet?

MR. UTSCHIG: Yeah. It occupies basically this -- it's actually kind of outlined in the plan. This corner of the building here where you come in. As you recall, this parking lot is basically the employee parking lot. There's an entrance into that space, kind of that front door which is located right in this area.

CHAIRMAN EWASUTYN: Thank you. Any questions or comments from Board Members?

MR. GALLI: I have one. Is there signage out in the road?

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MR. UTSCHIG: Yes. There's a monument sign at the entrance, there's a directional sign as you get up right to this location, and then there are wall mounted signs both for Amerisource, and then at the other end of the building we've gotten -- we've got signs that are similar to this that will identify other -- the other tenant in the space. It's kind of a repeat of this, just at the other end of the building.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Questions.

MR. WARD: No questions.

CHAIRMAN EWASUTYN: Mike Donnelly, would you give us conditions for approval of the ARB?

MR. DONNELLY: It will be your standard ARB condition which in essence requires that the building permit application itself incorporate what's shown in the architectural plans. No construction will be authorized if not consistent with the plans.

CHAIRMAN EWASUTYN: Okay. Having heard

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the conditions of approval presented by our Attorney, Mike Donnelly, and the resolution for Matrix Business Park at Newburgh for ARB approval, I'll move for that motion.

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: 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.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself aye. So carried.

Thank you, gentlemen.

MR. EVERETT: Thank you.

MR. UTSCHIG: Thank you.

(Time noted: 7:49 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 8th day of March 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

ROUTE 300 REALTY, LLC
(2015-30)

128 Old South Plank Road
Section 64; Block 2; Lot 22
B Zone

----- X

AMENDED SITE PLAN

Date: February 18, 2016
Time: 7:50 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: DARREN DOCE

----- X

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

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CHAIRMAN EWASUTYN: The third item on the agenda this evening is Route 300 Realty, LLC. It's located on Old South Plank Road in the B Zone. It's being represented by Vincent Doce, Darren Doce. It's an amended site plan.

MR. DOCE: I'm Darren Doce. It's Route 300 Realty and Grace Community Church on this application.

The site was previously approved by the Planning Board for an office/bank use. The building owner now has a tenant, the church, that's interested in leasing the building. We're back before the Planning Board for an amended site plan approval to allow that building to be used as a church.

There were a few area variances that were required for us to do that. Last month we received approval of those area variances.

The building and the site is built out with the exception of landscaping. I showed the landscaping that was previously approved. That landscaping will be installed as per the previously approved plan.

I believe we've addressed all other

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comments of the consultants. We're here just to request approval.

CHAIRMAN EWASUTYN: Dave Dominick has received a letter from the contiguous property owners. Dave would like to raise a question to you as the applicant's representative.

MR. DOMINICK: Yes. We received a letter -- I think, first of all, we are happy that finally there is going to be an occupant/tenant in this building, especially a place of worship. That's great.

The concern was with the residents on Shady Lane. The east side rear parking lot, a privacy issue was raised. Having vegetation and plants put in place there just wouldn't allow enough privacy for those residents. Would you be willing -- we discussed this at our Board Business meeting prior -- to eliminate some of that landscape and put up a fence of some type?

MR. DOCE: I assume we're talking the landscaping in this area?

MR. DOMINICK: Right around there. Correct.

MR. DOCE: You're suggesting

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eliminating this and replacing it with a fence?

MR. DOMINICK: Correct.

MR. DOCE: I don't see where we would have a problem with that.

CHAIRMAN EWASUTYN: We'll be specific for the record so there's an understanding as far as the materials. Dave will discuss that and Pat Hines will scale out what we believe to be the required linear feet of fencing.

Pat Hines.

MR. HINES: We looked at it at work session. It looks to be, just a rough estimate, 30 scale about 120 feet of fence. It would be on the entire radius of the curb.

MR. DOCE: Maybe 100 feet along this --

MR. HINES: Right along there. Roughly it looked like 120. The intent is to do that entire radius right at the curb line. Because the property drops off significantly there, the fence would have to be at the -- just behind the curb line, forward of where the trees are shown. Probably right at the back of the curb would be the most effective spot.

We're looking for a type of fence

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that's opaque, you're not able to see through.
We're going to leave the type of fence up to your clients but we're not looking for chain link, we're looking for something more solid.

MR. DOCE: Solid could be a vinyl.

MR. HINES: We're going to leave that up to you.

CHAIRMAN EWASUTYN: The height of the fence?

MR. HINES: The maximum height is 6 foot that's allowed. Placing it at the curb line will probably place it 6 1/2 feet from the parking lot assuming a six-inch curb reveal which is typical. That should effectively screen the properties to the east.

CHAIRMAN EWASUTYN: Are the Board Members in favor of that?

MR. GALLI: Yes.

MR. MENNERICH: It's also our thought that stockade fencing does not meet the opaque criteria. Right? In other words, a wood stockade fence would not be acceptable.

MR. GALLI: We don't want wood.

MR. WARD: Vinyl.

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MR. DOMINICK: Vinyl.

MR. HINES: I'm fine with that. I thought we were going to leave it up to them. The vinyl seems certainly to be effective.

CHAIRMAN EWASUTYN: Dave Dominick, anything?

MR. DOMINICK: No questions.

CHAIRMAN EWASUTYN: John Ward, are you in favor?

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Pat, where are we in the review process?

MR. HINES: There's a couple items. We did note the landscaping plan that was submitted and that there was some public input on that.

We sent the plans to County Planning on January 19th. I believe the Board received back a response from them with a Local determination. They did ask issues regarding traffic which were addressed, and Ken Wersted's office has been reviewing the traffic concerns with the DOT. I think if there was an approval the condition would be subject to DOT's approval as one of the access points is on DOT's road.

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The Board needs to determine whether or not a public hearing will be held on this. I'm advised there was a public hearing at the Zoning Board with very little public input. I think that's the next step.

There is no new construction proposed, but maybe a reaffirmation of your previous negative dec would also be in order.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: Before we go on to some motions, with approval of the project from the time -- when do you see occupancy occurring on this?

MR. SAVACOOOL: Sometime in June.

CHAIRMAN EWASUTYN: In June. And the reason being that we are now in the month of March and in June -

MR. SAVACOOOL: Yeah. Fit out.

MR. HINES: Your name for the record?

MR. SAVACOOOL: Eric Savacool, Grace Community Church. I'm on the board.

CHAIRMAN EWASUTYN: That sort of has

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some benefits. We'll still need a grace period of around two months to implement the landscaping and such, and it will coincide with the certificate of occupancy.

Okay. I'll poll the Board Members to see if they want to have a public hearing.

Frank Galli?

MR. GALLI: I was at the Zoning Board and only two people spoke up and they were both in favor of it, so I would say no.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

MR. DOMINICK: I don't think it's necessary, no.

MR. WARD: No.

CHAIRMAN EWASUTYN: Myself would be no. Mike Donnelly, would you discuss with the Board reconfirming the negative declaration that was granted for this project?

MR. DONNELLY: This is an amended site plan resolution. Site plan was granted probably ten or more years ago. We will carry forth all of the conditions of that original resolution. We will also reflect the ARB that was approved at

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that time and reaffirm it's applicability here. We'll need a sign-off letter from Pat Hines on the issue he raised in the memo he reviewed a moment ago. We will make note of the ZBA granted variance and include any conditions within in as if they are conditions here. We will note that the landscaping plans are to be amended to substitute a six-foot high opaque fence at the northeast corner of approximately 120 linear feet in place of the landscaping that is shown there. I say opaque. If the applicant has agreed to vinyl and that's the preference, we can include the word vinyl in the resolution. Whatever your choice is. I don't know whether the landscape security that was up at the time of the original approval is still valid or we need new landscape security.

MR. HINES: If it is not still posted it would need to be posted again. I don't believe it was released.

MR. CANFIELD: It was not.

MR. DONNELLY: The same thing with stormwater.

MR. HINES: All the stormwater

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improvements are in place and the site is stabilized.

MR. DONNELLY: Do we have need for a stormwater control facility maintenance agreement, which probably wasn't applicable at the time?

MR. HINES: I did add that as a comment last time. I know Darren has been working towards getting that executed.

MR. DOCE: I sent it over.

MR. DONNELLY: Security isn't needed but the control facility maintenance agreement will be. The standard condition of outdoor fixtures and amenities. You can't construct anything that's not shown on the plan.

MR. HINES: Darren, you said you sent something to me?

MR. DOCE: I sent something to Mark Taylor.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance, do you have anything to add to this?

MR. CANFIELD: Nothing.

CHAIRMAN EWASUTYN: So then this

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ROUTE 300 REALTY, LLC

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evening we're reaffirming the negative declaration and subject to the conditions presented by Mike Donnelly, Planning Board Attorney, we're approving the amended site plan for Route 300 Realty.

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: It's really not a public hearing. Are you satisfied with the mitigation measures?

MR. HOEY: Very satisfied.

THE REPORTER: Can we have your name, please?

MR. HOEY: Thomas Hoey Junior, 13 Shady Lane.

CHAIRMAN EWASUTYN: Then having heard the conditions -- I'll repeat myself one more time -- from Planning Board Attorney Mike Donnelly for reaffirming the negative declaration and for granting amended site plan approval for Route 300 Realty, I'll move for that motion.

MR. DOMINICK: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by John Ward.

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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. So carried.
Thank you all for attending.

(Time noted: 8:00 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 8th day of March 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

WTF NY, INC.
(2014-07)

979 & 983 Route 32
Section 2; Block 1; Lots 46 & 42
RR Zone

----- X

INITIAL APPEARANCE
LOT LINE CHANGE

Date: February 18, 2016
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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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WTF NY, INC.

CHAIRMAN EWASUTYN: The fourth item of business this evening is WTF NY, Inc. It's located on Route 32. It's in an RR Zone. It's a lot line change presented Charles Brown of Talcott Engineering.

MR. BROWN: Thank you, John. This was before the Board back in early 2014. It's two exiting lots. The rear lot is just under 3 acres, it has no frontage. The front lot is 1.84 acres currently, so it's undersized for the RR zone which requires 2 acre lots. With that we propose a lot line to make the front lot larger so it meets the lot area and provide frontage to the rear lot through a flag pole.

It's served by a common driveway from Route 32. Zibby Zacharia has seen this. She's been out there. She has not signed off on it yet.

We did need a variance from the Zoning Board for lot width to achieve the 15,000 square foot minimum buildable area. We had to put the lot width back in here somewhere and we were around 146 feet. We got that variance from the Zoning Board last month.

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WTF NY, INC.

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That's it.

CHAIRMAN EWASUTYN: Pat Hines, Planning
Consultant?

MR. HINES: We just need the plans
stamped by the surveyor.

There's a DOT approval needed for the
access drive and drainage pipes, which would need
to be a condition of approval.

Similarly there's an offer of
dedication they must also approve.

There's a note on the map that says the
Griffin Lane entrance would be abandoned. That
lot is not a party to this application, so that
note should state neither of these two lots are
to utilize it. We can't force someone not part
of this abandonment. A common driveway access
and maintenance agreement needs to be reviewed by
Mike Donnelly's office.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: Just one question.
Charlie, both of these parcels will be addressed
on 300?

MR. BROWN: Correct.

MR. CANFIELD: Okay.

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WTF NY, INC.

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CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: You brought up at the work session something about a lot line change or not being a lot line change.

MR. DONNELLY: At first I thought definitionally it was not a lot line change because a variance was required. I must have been thinking of another municipal code. I checked the language. That doesn't disqualify it. It is a lot line change and you may act on it as such.

MR. HINES: The difference would be it would require a public hearing if it was a subdivision. Your ordinance allows lot line changes to be processed without that, although the adjoiner notices have been sent out.

MR. BROWN: I do have the paperwork on that too. The public hearing at the Zoning Board, I might add, we had no comments at all from the public.

MR. MENNERICH: No questions.

MR. DOMINICK: No questions.

MR. WARD: No questions.

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WTF NY, INC.

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CHAIRMAN EWASUTYN: Mike Donnelly, it's a lot line change. Do we have to make a SEQRA determination?

MR. DONNELLY: Yes. And you have not done so.

CHAIRMAN EWASUTYN: I'll move from the Board to declare a negative declaration for WTF NY, Inc., a lot line change located on Route 32 in an RR Zone.

MR. GALLI: So moved.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Mike Donnelly, would you give us conditions for approval for the lot line change?

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WTF NY, INC.

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MR. DONNELLY: You'll need a sign-off letter from Pat Hines on the issues raised in his February 12th memo. We will need the DOT approval for the access driveway and the drainage pipe. A common driveway easement and maintenance agreement will need to be reviewed before the plans are signed. The standard condition regarding no buried utilities. The submission of plans. You must file a map with the Orange County Real Property Tax Service. The applicant is to copy the Planning Board in it's letter transmitting the deed to the Orange County Clerk, and after filing a copy of the deed with recording information should be delivered to the Town.

CHAIRMAN EWASUTYN: Pat Hines, Jerry Canfield, would you like to add to that?

MR. HINES: Nothing further.

CHAIRMAN EWASUTYN: Having heard the conditions of approval presented by Planning Board Attorney Mike Donnelly for WTF NY lot line change, I move for that motion.

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

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WTF NY, INC.

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CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich, a 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.

Thank you.

MR. BROWN: Thank you.

(Time noted: 8:06 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 8th day of March 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

RESTAURANT DEPOT
(2015-33)

NYS Route 300
Section 95; Block 1; Lot 8
IB Zone

----- X

CLEARING & GRADING PERMIT

Date: February 18, 2016
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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

----- X

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

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CHAIRMAN EWASUTYN: The final item on the agenda this evening is Restaurant Depot. It's located on Route 300 in an IB Zone. It's here for a clearing and grading permit. It's being represented by Larry Marshall.

MR. MARSHALL: Good evening. I'd first like to thank the Board for seeing this application on such short notice.

This clearing and grading permit is for the clearing of approximately 7.2 acres of land. This coincides with the limits of disturbance that's being proposed for the Restaurant Depot off of Route 300. Because of the potential presence of two species of bats, there is a clearing restriction that comes into play after March 31st. So we're asking the Board to consider this clearing permit to allow the clearing of the existing trees on the site prior to March 31st. We understand that this application requires a public hearing.

CHAIRMAN EWASUTYN: Thank you. Pat Hines, Planning and Drainage Consultant?

MR. HINES: Our first comment just goes

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along for the need to remove the trees prior to
March 31st.

A public hearing is required on
clearing and grading permits.

There is a requirement that erosion and
sediment control securities be posted prior to
commencing clearing and grading activities, those
are \$3,500 per acre of disturbance, as well as a
portion of the erosion and sediment control that
needs to be in there, not the detention ponds but
the perimeter erosion and sediment control
devices. That should be included in that
security.

MR. MARSHALL: I'm sorry. Would that
include the stabilized construction?

MR. HINES: Yes.

We've discussed at work session the
possibility of scheduling this for March 3rd but
I don't think we would have a SEQRA determination
and be able to get the paper in time. We may be
able to get the paper in time but the lead agency
issue would be out there still, unless the
applicant could somehow hear from all the lead
agencies -- circulated agencies.

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CHAIRMAN EWASUTYN: It may be safe to stick within our normal timeframe of thirty days.

MR. MARSHALL: That's what we were anticipating.

MR. HINES: The next meeting would be the 17th of March.

CHAIRMAN EWASUTYN: Jerry Canfield, you received the application. Just for public record how that works.

MR. CANFIELD: Yes, we did receive the application for the clearing. We referred it to the Planning Board as per protocol --

MR. HINES: Based on the size.

MR. CANFIELD: -- based on the size. Our clearing and grading regulations are based upon the area and the size of the project. It takes it into consideration. So that's what brings you here.

It should be stated, though, that this is a very small window. Should you seek or receive these approvals from the time that you have to actually get the trees cut down, a very important part of this is getting securities posted. Prior to them being posted they need to

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be approved by the Town Board. So there's not much room for error here. Everything needs to be done sequentially to accomplish what you propose to accomplish.

MR. HINES: I think in this case we may need to get them pre-approved by the Town Board in order to get this to work for you. That's why I'm suggesting we get them sooner rather than later.

MR. MARSHALL: Pat, we can work with you on the amounts?

MR. HINES: You'll submit a cost estimate based on what I just told you and I can process that towards the Town Board. It goes through Jim Osborne's office. The Town Board needs to approve it at a meeting. We need to do that sooner rather than later if you're going to meet the deadlines. It would be the first time we did it that way. Knowing the time constraints, we'll work with you.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: Nothing additional.

MR. MENNERICH: No questions.

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MR. DOMINICK: No.

MR. HINES: Just in speaking to Larry, I know he's done some tweaking of the site plan in order to reduce the amount of fill leaving the site. I think you're getting a plan set submitted tomorrow that raises the site up a little bit to eliminate the need to transport material off the site, similar to what we discussed on other projects.

CHAIRMAN EWASUTYN: We also received a letter from Jim Osborne, which he received from the City of Newburgh, granting a City flow acceptance letter.

I'll move for a motion to set Restaurant Depot for a clearing and grading permit for the 17th of March.

MR. WARD: So moved.

CHAIRMAN EWASUTYN: I have a motion by John Ward.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Second by Frank Galli. 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 yes. So
carried.

Thank you.

MR. MARSHALL: Thank you very much.

(Time noted: 8:11 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 8th day of March 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

TRINITY SQUARE
(2006-53)

Request for an Extension of Preliminary Approval
from February 21, 2016 to August 21, 2016

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BOARD BUSINESS

Date: February 18, 2016
Time: 8:11 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

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

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TRINITY SQUARE

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CHAIRMAN EWASUTYN: The final item of business we have this evening is we received a letter from Trinity Square for a six-month extension.

I'll ask that Frank Galli read that into the record.

MR. GALLI: From Verizon?

CHAIRMAN EWASUTYN: No. You're going to do Verizon also. We forgot Verizon during the work session.

MR. GALLI: "Mr. Ewasutyn, additional final site plan approval for Trinity Square, project 2006-53, will expire February 21st. Mr. Cocchio is requesting another six-month extension of this approval. If you have any questions or comments, please feel free to contact our office. Thank you for your time and consideration. Respectfully, Darren C. Doce."

CHAIRMAN EWASUTYN: I'll move for a motion to grant the extension for Trinity Square subject to the outline written by Darren Doce.

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Thank you. I have

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TRINITY SQUARE

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a motion by Ken Mennerich. I have a second by Dave Dominick. 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: And myself. So carried.

(Time noted: 8:13 p.m.)

(Whereupon, the Verizon application was reviewed.)

(Time resumed: 8:15 p.m.)

MR. HINES: Trinity Square, Jerry and I were talking. We may have returned their securities.

CHAIRMAN EWASUTYN: We did on the landscaping.

MR. CANFIELD: That was the landscaping.

CHAIRMAN EWASUTYN: That was the landscaping.

MR. HINES: Is that done or was it -- is it something we should condition -- should

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TRINITY SQUARE

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they repost that if they are going to come in for a building permit?

CHAIRMAN EWASUTYN: I think one of the reasons why they asked for the release was in the near future they didn't see themselves building the project and they wanted the release of the money.

MR. HINES: If they do come in --

MR. DONNELLY: I think that was the term upon which we released it.

MR. HINES: Okay. It looks like they're trying to preserve the approval but not build it.

CHAIRMAN EWASUTYN: Darren Doce's concern, he called, and Mike Donnelly can answer this, he was wondering how many times he could be granted an extension on a preliminary approval.

MR. DONNELLY: As many times as you think appropriate. There's no limit.

MR. CANFIELD: Can I make a suggestion? We put a note there to flag it that at such time the security --

MR. DONNELLY: I usually make a note in my file.

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MR. CANFIELD: As a tickler.

MR. DONNELLY: Okay.

(Time noted: 8:16 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 8th day of March 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

VERIZON
(2015-30)

Equipment Cabinet Change

----- X

BOARD BUSINESS

Date: February 18, 2016
Time: 8:13 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
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VERIZON

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CHAIRMAN EWASUTYN: Jerry, do you want to take a moment to speak us about the cabinet change for Verizon?

MR. CANFIELD: The Verizon project, the tower that was constructed and approved, 17-19 Orr Avenue, previously this Board approved the installation of a new, I believe it's 140 foot monopole with some accessory cabinets, cabling and what not. We've issued a building permit to do so.

Now the applicant, Verizon, has submitted a request to change, which is in my opinion not anything earth shattering or substantial but it is a change to the site plan. I feel it's necessary that this Board at least have the opportunity to review it and see if you want to accept it as a field change.

What they propose to do is -- originally it was approved a 12 by 30 shelter for their equipment, the cabling to come down into a shelter. Now they propose to not install the shelter but install an 11 foot by 16 foot platform which will have two smaller cabinets and a smaller generator on it. It's actually less

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VERIZON

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surface area covered. It's less of a big massive structure to see, although 12 by 30 isn't a massive structure. It's much smaller. It is something different than what you approved. Should you look at the site, I felt it was important that you had the opportunity to see if it's a field change. It fits the description of a field change. I don't see any problem with it. I think it's up to the Board's discretion how they feel.

MR. HINES: It's all within the footprint of the fence, too.

MR. CANFIELD: Yes.

MR. HINES: You'll see it less than you would have seen the building.

CHAIRMAN EWASUTYN: Board Members, are we in favor of the field change for the Verizon cabinet as proposed by Jerry Canfield?

MR. GALLI: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

MR. CANFIELD: Thank you.

(Time noted: 8:15 p.m.)

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(Discussion commenced regarding Trinity Square.).

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

CHAIRMAN EWASUTYN: Anything else?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to close the Planning Board meeting of February 18th.

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Motion by John Ward, second by Frank Galli. 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 EWASUTYNE: Myself aye.

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

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Michelle Conero

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