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

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In the Matter of

NYC DEP DELAWARE AQUEDUCT REPAIR
(2011-15)

Rondout-West Branch Tunnel
Section 8; Block 1; Lots 15.2 & 22.2
B/AR Zones

----- X

AMENDED SITE PLAN

Date: February 20, 2014
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
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER VILLARI

----- X

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

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MR. PROFACI: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of February 20, 2014.

At this time I'll ask for a roll call starting with Frank Galli.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. WARD: Present.

MR. PROFACI: The Planning Board employs various consultants to advise the Board on matters of importance, including the State Environmental Quality Review Act, otherwise known as SEQRA, issues. I ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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

MR. HINES: Pat Hines with McGoey,

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Hauser & Edsall Consulting Engineers.

MR. MUSSO: Mike Musso with HDR
Wireless, Telecommunications Consultant.

MR. PROFACI: Thank you. The first
item on tonight's agenda is the New York City DEP
Delaware Aqueduct Repair, project 2011-15, the
Rondout-West Branch Tunnel, Section 8; Block 1;
Lots 15.2 and 22.2, Zone B and AR. It's an
amended site plan for an off-site force main and
the Bell property, 30.8 acres. There's no name
here for the representative.

MR. VILLARI: So then I will just begin
with an introduction. My name is Christopher
Villari, I'm the communications lead for the
Water for the Future, which is the repair.

I would like to formally acknowledge on
behalf of the City, the Planning Board Chair is
getting younger all the time and just recently
celebrated turning one year younger if I
understand correctly. So happy birthday on
behalf of the whole team.

As is customary, I am joined here today
by Dan Michaud from the Bureau of Water Supply.
We have Phil Simmons. I will be referring to Ted

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Dowey.

We have two items, as was mentioned. If you recall, during the EIS process, and as mentioned in the EIS, we have a force main coming down Old Post Road and out to the Hudson River, we'll discuss that first, then we have some new business which is we'd like to introduce the concept that we're interested in the Bell property which is immediately north of our current property. So we'd like to introduce some ideas of what we'd like to do with that property and how they will actually positively impact our environmental impact.

So with that I will turn it over to Phil.

MR. SIMMONS: The basic idea is to -- this was included in our EIS when we did our initial site plan approval for the 5B site, where we're sinking the shaft off of 9W. The basic idea is we're going to get infiltration from our underground construction when we dig our bypass tunnel, similar to what we did when we were digging our shaft. However, during the shaft construction we were getting small amounts of

1 water. So we'll get up to 1,000,000 gallons a
2 day. We're currently treating that water and the
3 infiltration processed water from the
4 construction, and we're able to discharge it to
5 the on-site stream. Again, that's only up to
6 1,000,000 gallons a day. We haven't reached that
7 limit yet.

8
9 During the tunnel bypass construction
10 -- the bypass tunnel construction we'll actually
11 get upwards of 10,000,000 gallons a day. The on-
12 site stream can't accommodate that volume too
13 much, so we need to pump that water to the Hudson
14 River, obviously a larger water body that can
15 accommodate that.

16 So what we need to do is get site plan
17 approval for the extension of our force main.
18 The first leg is actually covered under the
19 existing site plan, and I'll show you the -- if
20 you see the yellow tag on the 11 by 17s, that
21 would be the correct drawing. It shows you the
22 force main route. So the basic idea is we have
23 our shaft 5B site on 9W. The existing -- I
24 should say, it doesn't exist yet, the approved,
25 the plan approved force main route is this

1 stretch along 9W from the site down to Old Post
2 Road, and that also happens to be the same route
3 as our water main line is going to go in. The
4 extension of the route extends from 9W along Old
5 Post Road, through the corner of the cemetery,
6 around the ridge in the back which is actually
7 the former Dynergy property, now CCI, crosses
8 River Road onto the former Dynergy property
9 proper, down to an inlet off the Hudson River.
10 We have all the approvals necessary from the Army
11 Corp, DEC, et cetera.
12

13 Now we just need -- since we didn't
14 have a final design during the original site plan
15 application process, we're coming to you to
16 basically collaborate and figure out how best to
17 include this in a site plan modification.

18 So our idea tonight is to introduce
19 this to the Planning Board and then do what we
20 need to do to work with the Planning Board.
21 Hopefully we'll be able to meet with the Planning
22 Board Consultants to work through the various
23 issues of design and application for
24 modification.

25 CHAIRMAN EWASUTYN: So I guess the

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question really that you're raising would be directed toward Pat Hines, Jerry Canfield and Mike Donnelly. Gentlemen.

MR. DONNELLY: I'll start. Our initial reaction at the work session was although there is obviously an interest in the Town in seeing this done correctly and having plans in the file that show where it is, I'm not sure it's really a site plan element for your property because no part of the line -- I'm sure some part of it, maybe that's an amendment. Most of the line is off property in other places that you can do a utility installation. I'm not convinced that there's a large Planning Board role in terms of site plan approval except for that part of the line that's on the DEP property itself where that may be a different element than what was shown before. Clearly the ability of the Town to know what's going on, have some input and have record plans on file are important issues.

MR. SIMMONS: Okay.

CHAIRMAN EWASUTYN: Jerry Canfield, do you agree with that?

MR. CANFIELD: Yes, I do. Just one

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item, Phil, we had talked about at the work session, and it can be handled through the code compliance department. This utility line passes through three separate flood zones, okay. So that would need to be addressed with a flood plain development permit for each location. We can handle that.

MR. DONNELLY: The administrator is code compliance, not the Planning Board.

MR. SIMMONS: Okay. So Jerry, we would work directly with you to give you submissions that you need?

MR. CANFIELD: Yes, that's correct.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: You said you have the Army Corp and DEC permits already?

MR. SIMMONS: Yes. We're going to have to modify them for our final location.

MR. HINES: They were issued previously.

MR. SIMMONS: Previously we had it at the head of the inlet. Now it's somewhat to the side. The route has changed a little bit from what we submitted initially to them.

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MR. HINES: If you could just provide copies of those to the Planning Board to keep that file complete.

MR. SIMMONS: Sure.

MR. HINES: The highway superintendent should get a copy of the plans as you're going down a good portion of the Town road on Old Post Road.

The Town road repair, your detail currently says to replace in kind. Typically when we get the replacement it needs to be in Town spec with the Town road. That section should be addressed to the Town road specifications.

The stormwater pollution prevention plan needs to be revised for the revised routing, and the Town has the MS-4 -- regulation of MS-4 for the permitting and approving of that portion of the project.

There was some discussion when this first came up of the Town having an interest in owning, maintaining and keeping portions of this pipeline you're putting in for some potential drainage benefits along there after you're done

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using it. So that discussion should be held. I don't know if this new routing is conducive to that. We previously envisioned it going down Old Post Road. There may be some easement issues and long-term operation and maintenance. Just to keep it on the table. I know you said you're going to abandon it when you're done.

MR. SIMMONS: Certainly. If there are portions -- we won't need it once we're done. That's fine.

MR. HINES: That's all we have on the force main installation. Again, I think it's more of a utility installation than a site plan issue.

CHAIRMAN EWASUTYN: Frank Galli, Planning Board Member?

MR. GALLI: I don't have any additional. I'm curious how fast they got their Army Corp permit.

MR. SIMMONS: It was six to eight months. Not so fast.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Joe Profaci?

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MR. PROFACI: No questions, John.

MR. WARD: No questions.

CHAIRMAN EWASUTYN: Okay. Would you still, at this point, want to meet for a consultants' meeting as it relates to the shaft? You said that earlier. Do you think that's still necessary?

MR. SIMMONS: For this issue, probably not. If we can work with Jerry and Pat --

MR. HINES: For the next issue there certainly is a need.

MR. SIMMONS: For the next issue, yes.

CHAIRMAN EWASUTYN: Mike, do you want to summarize this for us at this point?

MR. DONNELLY: I think our minutes can note this part of the amended application doesn't require site plan approval. It will require a flood plain development permit. It will require review and approval by the highway superintendent. We invite you to work with the Town officials to make sure that any concerns the Town has are satisfied and ultimately record plans are on file. The bottom line is no site plan approval will be required.

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CHAIRMAN EWASUTYN: Phil and Chris, are you in agreement?

MR. SIMMONS: Yes.

CHAIRMAN EWASUTYN: Good. Okay.

MR. VILLARI: Let's move on to the new business.

MR. SIMMONS: We'll jump right into it. So the next bit of business has to do with the Bell property which is immediately adjacent to the north of our 5B site. So that's a 30.8 acre site, 31 acres. We were lucky enough to have an opportunity to enter into a contract. We haven't executed that contract yet as far as purchase but we have an opportunity to basically streamline our tunnel construction. After we dig the shaft and we have our what we call BT2, the second contractor who is actually going to dig the bypass tunnel, after they come on we can use the Bell property to the north. Here's our 5B site. Immediately to the north is this roughly 31 acre site. We have an opportunity to use that acreage for storage mainly of interliners, the steel interliner that will line the inside of the tunnel.

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We also had the opportunity to add some stormwater and also process water treatment so that we can treat the water that's coming from the tunnel and then put it into the force main which we just described. We also had the ability, this was the main purpose, to streamline our excavating material placement. So what we'd like to be able to do is place on the order of 325,000 cubic yards of material on the site, and that saves our trucking costs, and also for the Town, keeps our trucks that would be hauling on the roads internal to our site. So that's part of our plan which addresses one of our environmental impacts as shown in our EIS.

So the basic idea with this, you know, we were essentially doubling -- just a little bit more than doubling our site. We assume that this actually would be a site plan modification and that we need to continue the collaborative process we had in getting the 5B site approved.

So the basic idea is we have a design concept, so we're introducing what we have now. Obviously it's incomplete. Over the course of the spring we hope to complete our design and

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have a formal submission in the early summer, then if we could work with the Town consultants and the Planning Board towards an approvable design and hopefully get site plan approval for the modification in the late summer or early fall.

What we can do if you'd like, Ted can walk you through the actual design and how we would address certain aspects.

CHAIRMAN EWASUTYN: Ted.

MR. DOWEY: You have in front of you the drawings that we have here. The first one shows the location of the Bell property as it is. This is the existing property. If you notice in the existing property, the Bell property is very close to shaft 5B. So the close proximity allows us a very good place to put the rock that's excavated from the tunnel.

The first or the second drawing we have -- I should just say that we're in the design phase right now. We're approaching thirty percent design. So if anybody wants to weigh in on, you know, any of the issues along the way, please feel free.

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2 The second drawing shows -- it's
3 virtually the same but it shows a sixty-foot
4 buffer all the way around the property. We
5 decided that we could work within the area inside
6 of the sixty-foot buffer, and the sixty-foot
7 buffer would provide both a visual and to some
8 degree a noise barrier and would sort of isolate
9 ourselves from the neighboring properties. It
10 was sort of an arbitrary decision but we wanted
11 to have a robust buffer because we thought we
12 could work inside that buffer and still have
13 enough space to do what we wanted to do.

14 The next drawing shows how we intend to
15 use the property. Initially the concept was
16 primarily a place to put the excavated rock.
17 Rather than trucking it down the hill, on the
18 roads, dumping it somewhere else, having trucks
19 running back and forth, here we have property
20 directly next to us. This is a substantially
21 sized property. We figure there's about 325,000
22 cubic yards of material that would come from the
23 tunnel, and we believe this could be accommodated
24 in the lower section of the property. But the
25 more we thought about it, also if we had the

1 ability to use the site for a couple other
2 reasons, it would be advantageous to us. One of
3 the things we have to be prepared for is we're
4 planning for as many as 5,000 gallons a minute on
5 a short-term basis of water being up pumped out
6 of the tunnel. That water has to come up to the
7 surface, it has to be treated and then it goes
8 into the force main before it can be discharged.
9 If we have more room for settling basins, that
10 would really help us be prepared for these larger
11 amounts of water. So we're proposing some
12 settling basins being built on the top of the
13 drawing, which is actually the western part of
14 the property. So we pump the water up out of the
15 shaft, up to the settling basins, and it will
16 flow like gravity from one settling basin to
17 another. And then we have a bunch of boxes here
18 where we would actually treat the water, get it
19 up to snuff so that it could be discharged,
20 meeting our permit requirements. We then have
21 yet to determine exactly how it will hook up to
22 the force main which is going to be installed in
23 9W, and ultimately the water would go down to the
24 Hudson River. So we're sort of looking at
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pumping the water up to the high portion up here and then the water would sort of flow through the entire treatment process by gravity.

The second use would be for the storage of the concrete segments, we have two kinds of storage requirements, which would be good. If we end up using a tunnel boring machine, the tunnel boring machine builds segments behind it and these segments are manufactured at an off-site location. The manufacturing of these segments is done on a batch basis. They like to get started and produce them all and then they're done and the plant can go do something else. If required, there's a large place to put all these things. We have some storage in 5B. We were kind of anticipating there would be additional storage required offsite. If we could create a storage area up here, it would reduce our cost of paying for storage somewhere else and we could avail ourselves of a place here to store these concrete segments while we're excavating the tunnel if we're using the tunnel boring machine.

When we are finished excavating the tunnel we're going to place 9,000 feet of steel

1 interliner in the tunnel. Similarly, those
2 interliners need to be stored also. They're
3 about three-quarters of an inch thick, they're
4 about maybe 38 feet long, they're 16 feet in
5 diameter and there's a lot of them, enough to
6 make up 9,000 feet of tunnel. So we could again
7 avail ourselves of some of this property in order
8 to store them and save ourselves some costs of
9 storing it somewhere else along the route. Where
10 somebody knows that these guys have a lot of
11 these things and we're right on the route and
12 they need to store it, we could charge whatever
13 we'd like. So this would help with that as well.

15 You'll see two other things in the
16 concept. One is the stormwater basin number 1,
17 the other is stormwater basin number 2. This is
18 -- I'm not really well versed in the stormwater
19 pollution plans but the initial design, this
20 would -- the upper basin would take some of the
21 off-site water and address some of the flow that
22 comes onto the site, and then the second
23 stormwater basin would handle the rest of the
24 flow that occurs on the site, then presumably
25 that would be treated to the same degree and then

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go through the treatment plant, and it would be eventually sent to the Hudson River.

We talked about what do we do with the rock that's excavated. So the next drawing shows the concept for how we would place that rock. You'll notice we're in sort of a large flat area that extends to the north end of the property. There are substantial elevations on the south -- on the east side of the property, similar to what you see on the 5B site. So this is our initial concept of how this would work. We would probably take the rock from the shaft, take it to the far end of the property and sort of fill our way back in this direction. We've kind of thought that sort of a common sense approach would be to provide a flat area so when we're done there's some other uses for it, whatever it would be, for housing or whatever. So we proposed sort of a flat area up here. We're in the process of getting some borings to determine what the soil underneath this is like, as soon as the snow melts. And then we have experienced presently taking the shaft rock and filling this area over here. So it would be a similar process

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of building out this area to find a place for the 325,000 cubic yards of rock that we're going to take out of the tunnel which we then have to put in trucks and drive to a different location.

So that's sort of the concept that we have behind these.

CHAIRMAN EWASUTYN: Questions from Board Members. Frank Galli?

MR. GALLI: You said on the water treatment part of it, that it was going into boxes or you're going to have a water treatment plant?

MR. DOWEY: A water treatment plant which is represented by boxes.

MR. GALLI: I was confused by the plant or boxes.

The 30 acre site, I see you have a buffer even next to your site. What would be the purpose of buffering it off of your site? I can see around to the other people.

MR. DOWEY: We thought that there might be some -- we do see many visual impacts that you might get from the southeast if we were to put the settling basins up in here. To maintain the

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buffer up through here would sort of hide anything that went on in this area.

MR. GALLI: The 30 acres that you're supposedly purchasing, or haven't purchased yet but in the process of purchasing, what are you going to do with that after you fill it in with rock and you're done with your project?

MR. DOWEY: Well we don't really intend on keeping it. The property would be owned by BWS. I don't think BWS has any particular interest in the use of the property.

MR. GALLI: What is BWS?

MR. DOWEY: Bureau of Water Supply.

MR. GALLI: I heard you say housing. It's going to be all rock. I don't know what kind of housing you're going to put on there.

MR. DOWEY: We think that we would be creating an area which would support a house. We would be compacting the rock in a way that it could be used.

MR. GALLI: Okay. And the upper stormwater pond, you said what's going to drain into that?

MR. DOWEY: There's presently some

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water coming from off the site onto the site. Rather than funneling it down to the lower basin, the intent is to capture it up here before it becomes a nuisance or creates any gullies across the site, and then you could bring it down to the lower basin and control it.

MR. GALLI: The site looks pretty good now. I've driven by there numerous times and 9W looks pretty good from the road.

MR. DOWEY: I'm not entirely sure what it's going to look like but I think it's going to be substantially hidden from the 9W vantage point.

MR. GALLI: That's all I had.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: The quality of the water after you go through all this process before it goes into the river, is there some sort of a standard that you have to meet?

MR. SIMMONS: Actually there is. We do have an existing SPDES permit. We treat to the parameters we're obliged to meet. We have to meet tunnel suspended solids, settleable solids, oil and grease, pH and just volume. And our --

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let's see. We've been discharging for a month from the shaft site and the treatment systems have been working and we've had no exceedences of our permitted effluents.

CHAIRMAN EWASUTYN: The height of the materials that you're going to be storing for your future construction, are they stacked or -- are they stacked to be 30 feet tall, are they stacked to be 60 feet tall? How high will these stacks of materials be?

MR. DOWEY: The segments usually come -- one ring of a tunnel segment is 5 or 6 pieces, and they're usually stacked on top of each other, and there may be 10, 12 feet high. So there would be a whole series of them. That's about the extent of the height of them. The steel interliners are 16 feet high and some 30 plus feet, maybe 35 feet long. They wouldn't be any higher than the 16 feet.

CHAIRMAN EWASUTYN: Thank you. That's my only question.

MR. PROFACI: A question on the water treatment. Does that require the addition of any kinds of chemicals? You said pH regulation

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and --

MR. SIMMONS: They're using carbon dioxide to adjust pH. So as far as residual, there's none. And then they're using Chitosan is the name. The trade name is Flock Clear. It's a flocculent that is acidic acid based.

MR. PROFACI: Okay. Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Ted, you covered everything I had to ask, so thank you.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: There's no questions. I think we're all in agreement it is classified as a public utility. That issue is not a question.

The question I do have, Ted, at one point in time I thought we had talked about whether these concrete liners would be manufactured on site. That's not the case now? They're all going to be brought to the site?

MR. DOWEY: We are putting this job out, so the contractor will have an option of drill and blast or the tunnel boring machine. It's unlikely the segments would be made on site.

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2 There's going to be a specialty operation,
3 probably done at a place offsite. We are going
4 to have a concrete batch plant on site, however,
5 no matter what you do, and whether that's
6 producing grout for backfill and concrete for the
7 final lining or if we go for drill and shoot,
8 backfill around the still cans and on the inside
9 of the still cans, we will have a concrete plant
10 on site regardless but it won't be for the
11 manufacture of that.

12 MR. CANFIELD: That will stay on the
13 original site. That's not proposed for this
14 portion?

15 MR. DOWEY: Right. It's planned for
16 this sort of flat area right down here next to
17 the road.

18 MR. CANFIELD: That's all I have, John.

19 CHAIRMAN EWASUTYN: Pat Hines?

20 MR. HINES: My first comment just
21 concurred with what Jerry just said, we're
22 reviewing this as a public utility structure.

23 The next comment you addressed already
24 was whether you were going to combine the lots
25 and the reason for the 60 foot buffer. If you

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didn't have that along your common property line it may give you some more room for the settling ponds. That's certainly up to you. If you're going to dispose of the property in the future you may want to keep it as a separate lot at this time. Again, these are based on this preliminary plan.

There appears to be a couple structures on the parcel. Those will require a demolition permit unless that's been covered under the building permit that exists.

Your figures 2 and 3 don't have the same lot line as the actual parent parcel. There's a projection out on 9W on the northern portion of the site. That needs to get cleaned up.

MR. DOWEY: Yes. That's an error.

MR. HINES: The grading plans will need to be coordinated with the existing grading plans. I know you went through great lengths to avoid impacts to the adjoining property and now you have the ability to do that.

We're looking for a detailed description of the settling basins, how the

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groundwater will be discharged to them. You'll probably need some sort of pump station on the site now that wasn't proposed. You did say they were going to be run in series. We're looking for that information and the details of that.

Will there be a new pump station required to discharge the 10,000,000 gallons per day or is that going to be a gravity feed that comes under pressure?

MR. DOWEY: We don't know yet at this point. To be honest with you, we will have a series of pumps to bring the water to the surface. Whether there's additional pumping required to set it up for settling basins, we're not a hundred percent sure yet. How the force main will work in it's entirety, we're in the process of modeling that presently. We did actually anticipate a pumping station, so we're prepared for a pumping station if we need one. This would be located down along 9W. We're in the process of modeling the entire force main from start to finish.

MR. HINES: The stormwater pollution prevention plan will need to be modified for each

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2 of the two phases you described.

3 I had a comment. Has the storm basin
4 number 1 is depicted on the highest portion of
5 the lot, you did describe you were going to
6 intercept upgradient water rather than routing it
7 around.

8 Similar to the first phase of the
9 project, the visual assessment of the clearing
10 and grading, some sight lines through the site
11 should be provided so we can get a look at what
12 the site is going to look like from 9W or if that
13 existing grade and vegetation are adequate to
14 screen the activities there.

15 You currently have noise requirements
16 that were addressed in the DEIS. We're going to
17 look for how that's going to continue. You are
18 moving closer to the houses to the north, so
19 we'll look for some information on that.

20 A landscaping plan as well as a site
21 remediation plan should be provided.

22 Portions along the eastern portion of
23 the site look like they're lower than your
24 stormwater basin 2. They are lower than the
25 stormwater basin 2. So the stormwater management

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plan will have to address how those flows are going to be treated and addressed in compliance with the Town and DEC regulations.

Then if you could give some information on the number of truck trips that will be eliminated by utilizing the adjoining property so the Board can have that when they make their decision.

Those are the comments we have on the preliminary plans. We'll make sure the applicant gets copies of those so they can address them.

MR. SIMMONS: If I might. We do have a preliminary account of truck trips. We figured between 12 and 15 truck trips a day would be avoided by not trucking the material offsite. We can give you a harder number, a more firm number later.

MR. HINES: That won't eliminate the need for the traffic light then, will it?

MR. SIMMONS: Probably not. We'll still have deliveries.

MR. DONNELLY: How would one access the flat area if the property were proposed for a future use?

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MR. HINES: It has fee ownership out to 9W.

MR. DONNELLY: I see that. But the topo --

MR. HINES: It's very difficult, yes.

MR. DOWEY: But there's also -- I'm not the person involved with the easements but there's an easement to the property from the west I believe, from the owner's road, providing it out to whatever road that is.

MR. GALLI: Lockwood.

MR. DONNELLY: So we're not creating something that can't be used?

MR. MICHAUD: We're creating a useful end property. That's the idea and that's why they designed it with filling it in for potential use.

MR. HINES: It looks like some ball field will fit in that area.

MR. VILLARI: Funny you should say that.

MR. HINES: That's all we have.

CHAIRMAN EWASUTYN: So Michael, the action before us tonight is to grant conceptual

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approval and circulate to the Orange County
Planning Department?

MR. DONNELLY: I would think so. SEQRA
has been closed out.

You're not going to supplement SEQRA in
any way you don't believe?

MR. SIMMONS: Actually we will. Just
for our own interest, we'll, at the very least,
have a letter to the file explaining the analyses
that we go through for noise and air.

MR. DONNELLY: Okay. But at the time
you ask us to take action on the site plan you
will give us some documentation on whatever level
of further SEQRA review has been accomplished?

MR. SIMMONS: Yes, we will.

MR. DONNELLY: Conceptual approval and
referral to the Orange County Planning Department
are the only things needed now.

CHAIRMAN EWASUTYN: Okay. So then I'll
move for that motion.

MR. GALLI: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by
Frank Galli. I have a second by Joe Profaci.

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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. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

A consultants' meeting?

MR. VILLARI: Yes. So I wanted to make sure we touched on that point as well. How soon do you think we'll be ready to discuss this with the professionals?

MR. SIMMONS: My guess would be probably at the end of March.

CHAIRMAN EWASUTYN: There's one this coming Tuesday and then the following -- Pat, what's the date in March for the consultants' meeting?

MR. HINES: The 25th.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to schedule this for a

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consultants' work session for the 25th of March.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

MR. DONNELLY: What proposal do you have in regard to public input on this site plan? Are you proposing we conduct a public hearing or will you recommend we do not? The Board will have to make that decision, but where do you stand?

MR. SIMMONS: We're still in the preliminary design. We haven't actually gotten that far. We'll be in contact.

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MR. DONNELLY: Very good.

CHAIRMAN EWASUTYN: Thank you. So as Pat Hines said, any correspondence you've had with the Army Corp of Engineers or the DEC, this is a matter of record for our files, we should have it as complete as possible.

MR. SIMMONS: Sure.

MR. VILLARI: Thank you very much.

(Time noted: 7:35 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: March 5, 2014

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

----- X
In the Matter of

SPRINT NEXTEL
(2014-01)

7 Meadow Hill Road
Section 60; Block 3; Lot 35.1
IB Zone

----- X

PUBLIC HEARING
WIRELESS TOWER UPGRADE

Date: February 20, 2014
Time: 7:36 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
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CARA BONOMOLO

----- X

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

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MR. PROFACI: The next item on tonight's agenda is a public hearing.

At this time I will ask Michael Donnelly, Planning Board Attorney, to explain the purpose of a public hearing.

MR. DONNELLY: Sure. On certain types of applications, before the Planning Board acts we're required to hold a public hearing. The purpose of the public hearing is for you, the members of the public, to inform the Board of what issues or concerns you have that the Board may not have recognized or their consultants have not brought to their attention. After the applicant makes it's presentation the Chairman will ask those members of the public who wish to speak to please raise your hand. You will be invited to step forward. We'll ask you to give us your name, spell it if you could for our Stenographer so we get it down correctly, and tell us where you live in relation to the project. Address your comments to the Board. If you have questions and they can be easily answered, the Chairman will ask either the Town's consultants or the applicant's representative to

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answer those questions.

MR. PROFACI: This item is Sprint Nextel, project 2014-01, 7 Meadow Hill Road at the Newburgh Mall, Section 60; Block 3; Lot 35.1, located in an IB Zone. It's a wireless tower upgrade. As I've already said, this is a public hearing. It's being represented by Cara.

MS. BONOMOLO: Yes.

MR. PROFACI: This time it's right.

MS. BONOMOLO: Good evening. My name is Cara Bonomolo and I'm an Attorney with the law firm of Snyder & Snyder, LLC. I'm here this evening on behalf of the applicant, Sprint. Sprint is seeking approval to modify its existing wireless telecommunications facility located on the existing monopole at the Newburgh Mall located at 7 Meadow Hill Road.

The proposed modification will consist of the replacement of nine existing panel antennas and radial covers with three new panel antennas and a microwave dish and related equipment on the existing monopole. The overall number of Sprint antennas on the monopole will be reduced and the height of the monopole will not

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be increased.

In addition, Sprint proposes to replace two existing equipment cabinets with three new cabinets and a junction box which will all be located on the existing equipment platform within the existing fenced compound.

CHAIRMAN EWASUTYN: At this point I'll ask Ken Mennerich to read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law and Chapter 168 of the Town of Newburgh Code on the application of Sprint Nextel, project 2014-01, for an amended site plan on premises 7 Meadow Hill Road in the Town of Newburgh, designated on the Town's tax map as Section 60, Block 3, Lot 35.1. The applicant proposes a technology upgrade of an existing monopole cell tower, changing out nine panel antennas with three new panel antennas, a satellite dish and associated technology upgrades. The project is located generally to the rear of the Newburgh

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Mall facility. Said hearing will be held on the 20th day of February 2014 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, Planning Board Town of Newburgh. Dated January 17, 2014."

CHAIRMAN EWASUTYN: Thank you.

At this point we'd like to turn the meeting over to the public. If there's anyone here this evening that has any questions or comments, would you please raise your hand and give your name and your address.

MR. SANCHEZ: My name is Juan Sanchez, I work for Cofinance Group. We own the Newburgh Towne Centre. We'd like to know how, if any, this project would affect us, the tenants, how long is the project and what would be the process?

MS. BONOMOLO: I'm sorry, I don't think I understand. How long will what take?

MR. SANCHEZ: How long would it take for the project to be completed?

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MS. BONOMOLO: I would say the construction for a facility like this would probably take about a month.

MR. SANCHEZ: Okay.

MR. HINES: This is going on the existing -- I don't know if you understand. It's going on the existing cell tower at the Newburgh Mall. It's just changing out the antennas on the top. They're going to be replaced with new ones is all this involves.

MR. SANCHEZ: Thank you.

MR. HINES: I hope that clarifies it.

CHAIRMAN EWASUTYN: Do you have a business card?

MR. SANCHEZ: Yes, I do.

CHAIRMAN EWASUTYN: Can you give that to the Stenographer, please.

Any additional questions or comments?

MR. SANCHEZ: Not at this time.

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to Mike Musso from HDR, Mike Musso represents the Planning Board and the Town of Newburgh, to give us his report on the proposed action.

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MR. MUSSO: Mr. Chairman, Members of the Board and members of the public, thanks for having us back tonight.

I'd like to just briefly go over the findings of our January 10th letter report. As described tonight, HDR performed a review of the minor upgrade application from Sprint Nextel, an existing 150 foot monopole. As Cara explained, nine antennas exist now. They'll be taken down and replaced with three like-sized panel antennas. Associated equipment also along the top of the pole where the antennas would be situated will be one satellite dish about two feet in diameter and some ancillary equipment known as radiohead units which will sit behind the antennas.

The whole purpose of the upgrade is to keep Sprint current with changes in technology, including long-term evolution. We sometimes hear LTE or 4G on advertisements. That's really the principle of this application.

The ground-based area is not changing significantly at all. The same footprint will be used. Some of the equipment cabinets, which are

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about the size of small refrigerators or dishwashers, if you think of it that way, will be swapped out to run with the change in technology that's being proposed for the site.

In general we don't foresee any increase in the net radiofrequency emissions. In fact, it will probably decrease for the ground-based area at the site.

Aesthetically there's really no change. The antennas are situated at the same height. The monopole is not getting higher. No increase in lighting at the base of the monopole or at the top is required or proposed. Really in terms of traffic, these sites remain relatively remote, as you know. Sometimes they're visited by the carriers on a monthly basis during normal working hours.

I could venture the construction timeframe as well with this sort of upgrade, mobilization may occur and in the course of two to three weeks things could be completed in terms of the upgrade.

So that's kind of the level of magnitude of the upgrade.

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Two other points we looked at, aesthetics were a big part of it and the changes that are being proposed, but also the structural capacity of the existing monopole. We're actually losing some load, going from nine antennas with the radial covers to three antennas of similar weights. They range from about 30 to 50 pounds each in terms of without the attachments but with the antennas themselves. So we did not review the structural analysis in detail as is common because we have a New York State professional engineer that went through all the calculations and sealed the certification letter. The monopole will now be at approximately seventy percent capacity for the structural load.

So that would really cover the extent of the review. There's a little more detail in our January letter report which you have. We really have no further comment on it.

CHAIRMAN EWASUTYN: Any recommendations with this approval that you offer the Planning Board?

MR. MUSSO: In our memo reports,

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including upgrade applications such as these, we do always have some recommendations at the end of the reports. These are relatively blanket to cover cell sites, be them rooftops, be them monopoles or other types of towers. We do recommend the security fencing around the ground base of the equipment and the required signage, which is a Federal Communications Commission requirement, be routinely inspected and maintained at the site. That obligation goes to the applicants, Sprint and the other carriers that are operating there.

We also recommend color matching. This monopole, as you know, I think works relatively well on a nice clear day. It has a Sherwin Williams vapor blue I believe is the spec on that. Certainly we want to maintain consistency, so new equipment that's coming in that's visible, we'd expect that to be color matched with a matt finish to match all the existing antennas that are on that monopole.

And then really the general recommendation as always is the operation should be maintained in accordance with the Town's

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SPRINT NEXTEL

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Wireless Ordinance. If there is any change -- further change proposed by Sprint in the future, they'd have to go through this process again, or whatever appropriate process is within the Wireless Code.

CHAIRMAN EWASUTYN: Thank you.

Questions or comments from Board Members. John Ward?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No comment.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No comment.

MR. GALLI: No additional. Just actually to the gentleman in the audience for the Town Centre, the work they'll be doing on the monopole will have no affect on that shopping center next door; right? The entrance way, they're opposite the road and everything like that. It's really not going to affect the Town Centre.

MR. MUSSO: Even during construction there should be really no disturbance to anyone. There's ample room on that side road that runs in

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front of the Town Centre.

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

(No response.)

CHAIRMAN EWASUTYN: I'll move for a
motion to close the public hearing on the Sprint
Nextel application.

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 have a roll
call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

Mike Donnelly, would you give us --
Jerry Canfield, do you have anything you want to
add?

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MR. CANFIELD: Nothing.

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

MR. DONNELLY: Yes. The resolution of approval is for an amended site plan, renewal of the special permit that already exists and for ARB approval for the new structures.

The first condition, no building permit shall be issued authorizing construction of structures inconsistent with what is approved here tonight.

Next, the applicant shall at all times maintain its operation in accordance with the Town's Wireless Ordinance and all other relevant provisions of the Town Code.

Next, the proposed antenna, mounting structures and coaxial cables shall be color matched with a matt finish to the existing tower and equipment. The base equipment compound fencing shall conform to the existing fencing in place.

Next, the applicant shall, pursuant to Section 168-23 of the Newburgh Code, file an annual letter certifying to the Town of Newburgh

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that the NIER levels at the site are within the threshold levels adopted by the FCC.

Next, any future proposed increase in antenna size or number/sizes of the ground-based equipment cabinet shall be approved by the Town prior to implementation of such changes.

And lastly, the antennas, coaxial cables, security fencing around the ground-based equipment and FCC warning signage should be routinely inspected and maintained at the site by the applicant.

CHAIRMAN EWASUTYN: Any questions, comments or additions to the resolution presented by Mike Donnelly for Sprint Nextel for an amended site plan and for ARB approval?

(No response.)

CHAIRMAN EWASUTYN: There being no questions, additions or comments from the Consultants or Planning Board Members, I'll move for approval of that resolution.

MR. PROFACI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Approval by Joe Profaci. A second by John Ward. Any discussion

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SPRINT NEXTEL

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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. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

Cara, thank you.

MS. BONOMOLO: Thank you very much.

(Time noted: 7:50 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: March 5, 2014

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

----- X
In the Matter of

FICHERA SUBDIVISION & LOT LINE CHANGE
(2013-23)

Mountain View Avenue & Stonewall Lane
Section 4; Block 1; Lots 54.1, 60 & 61
RR & AR Zones

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION & LOT LINE CHANGE

Date: February 20, 2014
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
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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2 MR. PROFACI: The next item on
3 tonight's agenda is also a public hearing. It's
4 the Fichera subdivision and lot line change,
5 project 2013-23, Mountain View Avenue and
6 Stonewall Lane, Section 4; Block 1; Lots 54.1, 60
7 and 61, located in the RR and AR Zone. It is a
8 two-lot subdivision and lot line change. Three
9 lots are becoming five lots.

10 At this time I'll ask Ken Mennerich to
11 read the notice of hearing.

12 MR. MENNERICH: "Notice of hearing,
13 Town of Newburgh Planning Board. Please take
14 notice that the Planning Board of the Town of
15 Newburgh, Orange County, New York will hold a
16 public hearing pursuant to Section 276 of the
17 Town Law on the application of Fichera
18 Subdivision and Lot Line Change, project 2013-23,
19 for a two-lot subdivision and lot line change,
20 three lots to five lots total, on premises
21 Mountain View Avenue and Stonewall Lane in the
22 Town of Newburgh, designated on Town tax map as
23 Section 4, Block 1, Lots 54.1, 60 and 61. The
24 applicant proposes to create a subdivision and
25 lot line changes which will result in existing

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2 three lots to become five lots total (two new
3 residential lots created) on 16.1 total acres,
4 located at Mountain View Avenue and Stonewall
5 Lane in the RR and AR Zoning District. Newly
6 created lots will access off the private roadway.
7 All lots will utilize individual wells and septic
8 systems. Said hearing will be held on the 20th
9 day of February 2014 at the Town Hall Meeting
10 Room, 1496 Route 300, Newburgh, New York at
11 7 p.m. at which time all interested persons will
12 be given an opportunity to be heard. By order of
13 the Town of Newburgh Planning Board. John P.
14 Ewasutyn, Chairman, Planning Board Town of
15 Newburgh. Dated January 17, 2014."

16 MR. PROFACI: The project is being
17 represented by Charles Brown.

18 MR. BROWN: Thank you. As the notice
19 stated, this is three existing lots. Lots 60 and
20 61 as shown in orange are owned by Mary Fichera.
21 Lot 54.1, this is the existing tax map, is owned
22 by Anthony Fichera, Mary's son.

23 As of right now there's a private lane
24 that runs through here to about this point called
25 Stonewall Lane, and that's a private road. The

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right-of-way does extend all the way to the back of the properties.

The proposal is to create two new building lots, which are the ones that are shown in the hatched areas there. They'll be served by individual wells and septics. They'll have access off of that existing private road. We did have to make some modifications to the existing private road right-of-way because there's a well for an adjoining parcel that is in that right-of-way. So we shifted the right-of-way over and provided an easement for well access and utilities to that parcel.

The parcels that will be serviced off the private road are the three that were already serviced off the private road plus the two new lots. The existing residence that's off of Mountain View Avenue will still be accessed off of Mountain View Avenue.

CHAIRMAN EWASUTYN: At this time I'd like to turn the meeting over to the public. If there's anyone here this evening that has any questions or comments on the subdivision that was just listened to, would you please raise your

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hand and give your name and address.

(No response.)

CHAIRMAN EWASUTYN: Let the record show that there's no one in the audience this evening who has any questions or comments.

At this point I'll turn to our Consultants. Pat Hines, Drainage Consultant?

MR. HINES: Our previous comments have been addressed. We previously commented on the wells and septics, the issue that Mr. Brown addressed, the well being in the private road right-of-way.

All of our previous comments have been addressed with the -- the only outstanding issue is that the new private road right-of-way as well as the access and maintenance agreement requires approval from Mike Donnelly's office.

MR. BROWN: Tom Murphy is working on that as we speak.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Our previous comments regarding the abandoned tanks were addressed by Mr. Brown. They're going to be removed. I have

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nothing additional.

CHAIRMAN EWASUTYN: John Ward, Planning Board Member?

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Again one more time, is there anyone in the audience that has any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to close the public hearing on the Fichera subdivision.

MR. MENNERICH: So moved.

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.

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MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

At this time I'd like to turn to Mike Donnelly, Planning Board Attorney, to give us the conditions of the resolution for the two-lot subdivision and lot line change.

MR. DONNELLY: The resolution is for preliminary and final subdivision approval. There are not many conditions, however we'll need sign-off letters on the private roadway easement and maintenance agreement which must show a revised description of the right-of-way, and we'll need easements for the access to the well located within the right-of-way for the lot it serves as well as a provision for access to the adjoining lot that it crosses, which is, as I understand, the way it's described. Also we need parkland fees for the two new lots created in the subdivision, and that totals \$4,000.

CHAIRMAN EWASUTYN: Any additional questions or comments from Planning Board Members

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or Consultants for the resolution presented by
Mike Donnelly for preliminary and final approval?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for
a motion to grant that action.

MR. PROFACI: So moved.

MR. WARD: Second.

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

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

MR. BROWN: Thank you. Happy birthday
again, John.

(Time noted: 7:56 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: March 5, 2014

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

----- X
In the Matter of

MAGYAR SERVICE CENTER
(2010-25)

5465 Route 9W
Section 9; Block 1; Lots 3 & 6
B Zone

----- X

AMENDED SITE PLAN

Date: February 20, 2014
Time: 7:56 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
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: FRANK VALDINA

----- X

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

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MR. PROFACI: The next item on tonight's agenda is the Magyar Service Center, project 2010-25, located at 5465 Route 9W, Section 9; Block 1; Lots 3 and 6, located in the B Zone. It's an amended site plan and this is the initial appearance, being represented by Frank Valdina.

MR. VALDINA: The reason I'm here this evening is the Magyars have an approved site plan for their truck rental operation and are contemplating also the rental of automobiles. Based on their analysis there isn't any automobile rental from Newburgh north for quite some distance. They plan on starting off with only two or three vehicles and ultimately going to maybe eight to ten vehicles. That's the maximum. The vehicle storage will be behind the fence in the overflow storage area which was shown on the approved site plan.

The only other revision we'll make is on their sign. You can see the current sign basically grammatically has Budget then underneath that truck rental. The only change is they're going to add car in front of the truck

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rental. No other change is proposed to the site.

The existing area behind the fence is all crushed shale.

Basically that is the scope of the proposal.

CHAIRMAN EWASUTYN: At this point I'll turn to Planning Board Members. Frank Galli?

MR. GALLI: I don't have any comment.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I'll wait for --

CHAIRMAN EWASUTYN: Okay. Joe Profaci?

MR. PROFACI: No.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Not yet.

CHAIRMAN EWASUTYN: Okay. I'll turn to Jerry Canfield, Code Compliance.

MR. CANFIELD: Frank, during the work session we had discussed the functionality of the site with the trucks, the number of trucks and now the number of cars. As you indicated, you're going to start out with two or three and then perhaps or hopefully expand to more as the need arises. I must say, although it's a separate issue, there are some noncompliance issues with

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the previously approved site plan. Although the compliance segment of this is the responsibility of the Code Compliance Department and not the Planning Board, we'll keep them separate.

The only question I have for you is on those noncompliance issues will you be representative for the applicant or should we deal directly with the applicant for those?

MR. VALDINA: My suggestion is deal directly with them. If they want me involved they'll request my input.

MR. CANFIELD: Understood. There is a huge zoning issue that Pat has picked up on, and it's significant to this. It deals with 185-28 which is the section of the Zoning Code that deals with service centers and rental agencies, and it deals with the number of vehicles permitted to be stored outside in a B Zone, which in this case is ten. At this point we're over that. With the proposal, that will put you even further over that.

At the work session we had talked about the Planning Board referring this application to the ZBA to secure a variance to that number ten

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-- to exceed that ten should you choose to do that. I think that's the biggest issue that is before us right now.

MR. VALDINA: In my opinion we have two separate issues. You have the truck rental which the Magyars did get a ZBA variance, retaining the rental of the trucks years ago. So now -- and the Planning Board took that into consideration when they approved the site. The parking was shown for more than ten trucks at that point in time. Now we're coming in with a maximum ten automobiles which is in accordance with the code.

MR. DONNELLY: It would be helpful, we didn't recognize there had been that variance, that you get us a copy of that variance so we have it.

MR. VALDINA: I believe it was presented with the previous application. To be honest with you, --

MR. DONNELLY: It could be.

MR. VALDINA: -- I would have to research and see if I can find it.

Back then when we were given the variance the only stipulation the ZBA had was all

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the trucks had to be behind the fence.
Unfortunately no one ever knew where the fence was. When we came back in for the site plan approval the Planning Board required all the vehicles to be stored behind the fence with the vinyl covering so they wouldn't be visible -- as visible from the road.

CHAIRMAN EWASUTYN: Pat Hines, I know you had some comments along the same note.

MR. HINES: My comments echo what Jerry said. It clearly says ten motor vehicles. It doesn't specify cars, trucks, trailers. Motor vehicles or trailers. I think the limit is ten. If the ZBA granted some relief, I'm not sure what that is, I don't have that.

MR. VALDINA: I don't know if anybody in Town has ten vehicles or less -- less than ten.

MR. HINES: Just in doing the zoning review for the application I came across that. Maybe it was missed last time. I wasn't doing that review at that time.

MR. DONNELLY: I do have the earlier resolution of approval and there's no mention of

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a variance. I'm not saying there wasn't one. That suggests to me more perhaps the issue was missed than the variance exists. Clearly if a variance exists and it allows more than ten, then we need to see it and --

MR. VALDINA: -- my recollection of the variance is it didn't limit it to any number. It just indicated the vehicles were to be stored behind the fence, which there isn't any physical evidence of the fence. There wasn't any plans submitted to the ZBA. The owners didn't recall any fence. It was a condition of the ZBA approval.

MR. DONNELLY: My suggestion --

MR. VALDINA: That's the only condition.

MR. DONNELLY: -- is if you want to wait until the next time you come and show us the variance, great. If not, we can refer you there now and if you find the variance you don't have to make that application. We're trying to save you the extra month it would take.

MR. VALDINA: Well --

MR. CANFIELD: I have a question with

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regard to this variance that we're speaking of.
Is there an issue if the variance granted -- I believe what Frank is talking about is a variance that goes back perhaps into the '80s when it was vacant property. If in fact that variance was granted prior to this 185-28 being put into effect, the variance would supercede so to speak?

MR. DONNELLY: Generally speaking, yes. If it specifically allowed what we're talking about, yes.

MR. CANFIELD: Okay.

MR. GALLI: So the variance was given before the building and everything was even in question?

MR. CANFIELD: I don't know when it was given but I'm just asking Frank --

MR. VALDINA: It was given before this.

MR. CANFIELD: It was given before this.

MR. VALDINA: Quite a few years ago.

MR. CANFIELD: Yeah. It was just a vacant lot. I think that's what the original application was. I believe it was back into the '80s but I don't remember the exact date.

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MR. HINES: Would the new site plan supercede that?

MR. DONNELLY: I think we have to look at the language of the variance and see what it says.

MR. CANFIELD: Perhaps would the minutes from that --

MR. DONNELLY: There was a time when they were not formal decisions but rather a discussion in the minutes and a vote. The minutes may be the decision. We'll need to see them.

MR. VALDINA: I never got copies of the minutes.

MR. CANFIELD: Do you have a copy of the variance?

MR. VALDINA: I'll search. I've been throwing things out. I may have to check with the Town and see if they still have it on file. It should be on file.

CHAIRMAN EWASUTYN: We really couldn't take action tonight if we wanted to because we have to circulate to the Orange County Planning Department under 239 of the Municipal Law. So

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that would be an action that we do have to take tonight.

With that being said, there's a thirty-day window in which time you could do, if you don't mind, the necessary research and let us know how you want to move forward.

MR. VALDINA: Very good.

CHAIRMAN EWASUTYN: Okay. Is everyone in agreement with that?

MR. PROFACI: Yes.

MR. HINES: Are you going to declare intent for lead agency?

CHAIRMAN EWASUTYN: Thank you.

MR. WARD: One question. How many uses are on that property right now as businesses?

MR. VALDINA: It's two different businesses, --

MR. WARD: Okay.

MR. VALDINA: -- the truck rental and the landscape business.

MR. GALLI: There's a sign out front, Frank, that says Lightning Auto Repair or something. There's a portable -- I was up there today and there's a sign up to the left of the

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entrance.

MR. VALDINA: Here?

MR. GALLI: It says Lightning Auto
Repair or Lightning --

MR. VALDINA: When I discussed with the
Magyars as far as the -- any maintenance on the
vehicles, he said no, that would be offsite.

MR. GALLI: I'm not saying they have
it. If they leased out the garage or something
maybe.

MR. VALDINA: I have no idea. When I
was there there wasn't any sign indicating that.

MR. GALLI: It was there today.

MR. VALDINA: I can't comment
because --

MR. GALLI: I realize that.

MR. VALDINA: I'm not doubting it. If
you say it's there, I'm sure it's there.

CHAIRMAN EWASUTYN: You'll get plans to
Pat Hines.

I'll move for a motion this evening to
declare our intent for lead agency and to
circulate to the Orange County Planning
Department.

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MR. MENNERICH: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. VALDINA: Thank you.

CHAIRMAN EWASUTYN: Thank you, Frank.

(Time noted: 8:07 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: March 5, 2014

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

----- X
In the Matter of

ELM FARM SUBDIVISION
(2000-09)

Request for a 180-Day Extension of
Preliminary Subdivision Approval

----- X

BOARD BUSINESS

Date: February 20, 2014
Time: 8:07 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

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

----- X

MICHELLE L. CONERO
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MR. PROFACI: We have two items of Board Business. We have the Elm Farm Subdivision, project 2000-09. The applicant is requesting a 180-day extension of preliminary subdivision approval from 1 April 2014 to 1 September 2014.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

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

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

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DATED: March 5, 2014

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

----- X
In the Matter of

TRINITY SQUARE SITE PLAN
(2006-53)

Request for a 180-Day Extension of
Preliminary Site Plan Approval

----- X

BOARD BUSINESS

Date: February 20, 2014
Time: 8:08 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
JOSEPH E. PROFACI
JOHN A. WARD

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

----- X

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TRINITY SQUARE

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MR. PROFACI: The next item is the Trinity Square Site Plan, project 2006-53. The applicant is requesting a 180-day extension of preliminary site plan approval from the 1st of March 2014 to the 1st of August 2014.

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

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

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

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DATED: March 5, 2014

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

----- X
In the Matter of

TOWN OF NEWBURGH LOCAL LAW AMENDING CHAPTER 185

----- X

BOARD BUSINESS

Date: February 20, 2014
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
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

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

----- X

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CHAIRMAN EWASUTYN: Mike Donnelly,
would you prepare a letter and send it to Mark
Taylor in reference to the proposed Town of
Newburgh local law amending Chapter 185 entitled
Zoning Code of the Town of Newburgh, Off-Street
Parking of Commercial Vehicles in Residential
Districts, and Camping Trailers, Recreation
Vehicles and Boats, on behalf of the Planning
Board?

MR. DONNELLY: I can do that.

Quickly, the factors we discussed
briefly at work session are whether such changes
are consistent with the aims and principles
embodied in the chapter as to the particular
districts concerned. I think parking regulations
are not a major part of the aims and principles
but obviously restricting parking is. If that
sounds correct to you, I'll include that in the
report.

Next, which areas and establishments in
the Town will be directly affected by such change
and in what way they'll be affected. Obviously
it has an impact throughout all of the zones --
the home occupation zones covered by it.

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Whether such amendment is consistent with the aims of the master plan. I don't really think there's any specific discussion in the master plan about parking.

So I'll simply report that in the letter if that's your inclination.

CHAIRMAN EWASUTYN: Okay. Is everyone in agreement?

Thank you, Michael.

I'll move for a motion to close the Planning Board meeting of the 20th of February.

MR. WARD: So moved.

CHAIRMAN EWASUTYN: I have a motion by John Ward.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: A second by Joe Profaci. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you all.

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(Time noted: 8:11 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: March 5, 2014