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

----- X

In the Matter of

McDONALD'S
(2017-26)

65 North Plank Road
Section 76; Block 1; Lot 1.1
B Zone

----- X

REVISED SITE PLAN

Date: March 15, 2018
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DELUCA
KENNETH MENNERICH
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: LINO SCIARRETTA, ESQ.
BRAD BOHLER

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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McDONALD'S

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CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. We'd like to welcome
you to the Planning Board meeting of the 15th
of March. At this time I'll call the meeting
to order with a roll call vote

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. WARD: Present.

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney, present.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Code
Compliance Supervisor.

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

MS. ARENT: Karen Arent, Landscape
Architectural Consultant.

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

CHAIRMAN EWASUTYN: At this point we'll
turn the meeting over to John Ward.

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McDONALD'S

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MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

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

CHAIRMAN EWASUTYN: This evening we have three agenda items and two board business items. The first agenda item is McDonald's located at 65 North Plank Road in a B Zone. It's a site plan and it's being represented by Bohler Engineering.

MR. SCIARRETTA: Good evening, Mr. Chairman, Members of the Board. My name is Lino Sciarretta, I'm with the law firm of Harris, Beach.

Just to give you a brief overview, since we were last here, Mr. Chairman, Member of the Board and Staff, we submitted a revised site plan for the McDonald's at 65 North Plank Road. We submitted our materials back in February as a result of the response that we received from your Board and the consultants. We've had a chance to review this. We also received three letters from staff, one from Karen Arent Landscape dated

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McDONALD'S

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March 9th; also McGoey, Hauser from Mr. Hines dated March 9th, a letter; and from Creighton, Manning dated February 28th.

With me this evening is Brad Bohler from Bohler Engineering. He'll address the revisions.

CHAIRMAN EWASUTYN: Do you have a business card?

MR. SCIARRETTA: I do but it's for my town attorney position.

CHAIRMAN EWASUTYN: Is the spelling of your name the same?

MR. SCIARRETTA: I'll spell my name. It's L-I-N-O S-C-I-A-R-R-E-T-T-A.

MR. BOHLER: Last time we were here we had some changes that needed to be made to the site plan per the engineering letters as well as comments that were made at the Board presentation. We also went to the Zoning Board and received approval from them.

I'll walk through the changes. The Zoning Board did not have any substantial changes to the plans. In general, there's no major site

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changes. The site plan which you see here does not edit or modify anything further from what we had from a layout perspective.

We did add new decorative lighting along the front of the property. We also included the stonewall, which was in a number of comments within the review letters which we'll talk about in a second, as well as a sidewalk in front of the property. Those are the major site plan changes along North Plank Road.

We agreed to do a milling overlay of the current parking lot that was not being milled with overlay. We showed that on the plans. Essentially the entire property, when it's complete, will have a full new looking parking lot.

We added a bench area and a park area and some additional landscaping on the site as well. That's the big picture changes.

There were some details added from an engineering perspective as well to the set of plans that we included in our resubmission.

CHAIRMAN EWASUTYN: Ken Wersted, Traffic Consultant. You looked at the interior

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circulation.

MR. WERSTED: Yes. We had a few comments relative to this truck access showing how the delivery vehicles are going to circulate, where they'll stop and do their deliveries.

The stonewall, just making sure that that isn't going to interfere with any sight lines as you pull out onto Route 32.

We did some observations of the circulation. We talked about it at work session. I think the improvements to the project itself will help solve some of those. Those in particular were a few people leaving the drive-through lane and making a U-turn and then heading out through the back, and then some people cutting across from like the Big Lots property, cutting through the McDonald's property, kind of going the wrong way, out to the back of the restaurant and Gidney Avenue and exiting out through there. So by pulling back your playground, getting rid of that, and creating the circulation around the front of the building, I think it will help resolve some of those issues.

I was able to circulate this over to

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McDONALD'S

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DOT just to give them kind of a brief, you know, heads up that it was coming. Obviously you'll need a permit for any work in the DOT right-of-way.

As Pat will point out, he had a comment about the stonewall being in the DOT right-of-way. If that's going to stay there, DOT would have to look at a safety assessment of it, make sure it's not going to be a hazard to cars, otherwise it's probably going to be easier to move it on to --

MR. BOHLER: One of the conference calls was moving that back from the property. We would agree to do that.

MR. WERSTED: They had also mentioned if there's going to be a sidewalk along that frontage, they need at least I think four feet of it to be within the DOT right-of-way, otherwise they might need an easement if it's going to be kind of straddling the border.

The curb radii at the entrances/exits are pretty small for a DOT entrance. I'm sure they'll look at that in more detail and give you some direction. That was, for the most part, a

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McDONALD'S

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lot of their comments.

They did also look at the two double exit lanes from the restaurant onto North Plank Road. Their concern is when you have two people lining up side by side, each trying to look in front of the car next to them to make turns out of there can sometimes be difficult. They recognize it's an existing condition but they may direct you to look at accidents in that area.

MR. BOHLER: Okay.

MR. WERSTED: If I can get your card afterwards I can --

MR. BOHLER: Sure.

MR. WERSTED: -- e-mail you those comments.

MR. BOHLER: I appreciate it.

MR. WERSTED: I think for the most part that was all of our comments.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect.

MS. ARENT: My first comments have to do with lighting. There's two types of lights that are specified. I was wondering if just the ornamental light could be used to make it look

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McDONALD'S

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more uniform throughout the site, and if they can be at different heights -- different height poles. I think it would look a little awkward to have the very modern fixture and also the very ornate fixture on the same property.

MR. BOHLER: We can look at that. The situation we run into with the decorative lights is you have to have a lot more of them from a lighting perspective. We were trying to minimize the trail between decorative lights and the regular standard lights that McDonald's likes to use. We can look at a higher decorative light but we may end up with more lights.

MS. ARENT: I think that may be better than having this really tall modern fixture with all the small decorative lights. It just doesn't -- it's out of scale with the building, too. It's really, really tall.

MR. BOHLER: Okay. We can certainly look at that.

MS. ARENT: And you just have to show the perpendicular pole mount for the light so that it matches the other buildings across the street. Those lights are also bronze. If you

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McDONALD'S

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can -- I think you specified black on the --
unless that goes with the building better, but
across the street is bronze. It would be nice to
use the same --

MR. BOHLER: Sure. The black is a
corporate standard for McDonald's and does match
with their building. We're okay with the bronze
if that's what the Board and the Town would like.
We prefer black.

MS. ARENT: We'll have to look at that
with the architectural drawings and see if it
makes sense or not.

MR. BOHLER: Okay.

MS. ARENT: And then we're looking for
the colors to be specified regarding the
crosswalks.

MR. BOHLER: Sure.

MS. ARENT: The stonewall should match
the stonewalls across the way.

You should take the detail note off
saying that the Town is going to provide the
detail.

MR. BOHLER: Sure.

MS. ARENT: Let's see. The outdoor

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McDONALD'S

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eating area on the lawn, I think it's going to turn into mud. If you could consider some kind of pavement underneath the picnic tables, and also specify the furniture and trash cans and recycle cans.

MR. BOHLER: Okay.

MS. ARENT: It would also be nice if the posts of all the signs were more decorative rather than the steel color. Like if you had a color match or --

MR. BOHLER: Which signs are you referring to?

MS. ARENT: All the parking lot signs. Like the handicap sign.

MR. BOHLER: Oh, okay. We can do that.

MS. ARENT: Because there are so many of them. If you have a nice uniform color, it will look so much better.

MR. BOHLER: Okay. That's not a problem.

MS. ARENT: And then the other comment is in reference to the trees. If you could specify native trees rather than the -- there's very similar shaped native trees. That would be

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McDONALD'S

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better for bird habitat.

MR. BOHLER: Sure.

MS. ARENT: And then the Eastern Redbuds, if you could just move them closer and eliminate the two that are in the islands too close to the road. They have a smaller canopy and a lower branch. The branches start at a lower point and they would interfere with traffic a little bit.

MR. BOHLER: Okay.

MS. ARENT: If you could instead put shrubs in those islands, like low shrubs.

MR. BOHLER: Sure. That's not a problem.

MS. ARENT: That's it.

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

MR. HINES: Our first comment just notes that the stormwater pollution prevention plan for the redevelopment of the site is acceptable to our office. The use of proprietary stormwater quality devices is also acceptable.

The implementation of that plan will require a stormwater facilities maintenance

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McDONALD'S

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agreement. We have a standard agreement in the Town that ensures long-term operation of those devices.

An erosion and sediment control inspection fee will be required.

We noted that the stonewall encroaches on the DOT right-of-way which may be an issue. I think you stated it's going to go back behind the property line. We'll look for a detail similar to Karen's comment for that.

Our previous comments identified that the roadway on both the Town road frontages are currently shown to the center line of the road. If this was a subdivision we'd be requesting a dedication. I don't know if --

MR. DONNELLY: We can ask. If it's something you're comfortable with, the Town likes to acquire the fee interest when possible. If it doesn't work for you, just let us know.

MR. BOHLER: We'll inquire about that.

MR. DONNELLY: It may impact your lot width dimension. You've got to look at that carefully.

MR. HINES: And your lot area

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McDONALD'S

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calculation.

MR. BOHLER: Both of which are well above currently, so we're okay.

MR. HINES: This needs a referral to the Orange County Planning Department. I know you went once for the ZBA but we also have to refer it as an action.

Our previous comment, the stormwater management plan, while that's acceptable, it's designed with an 18-inch diameter pipe discharging to an existing 12-inch under Gidney Avenue. We had asked previously for the capacity of that pipe.

MR. BOHLER: That was in the stormwater report. I'll get it and show you the location.

MR. HINES: I didn't see that. Maybe you can point me to that and I can look at that.

Confirmation of the lighting fixtures. I provided your office with the plans for the developments across the street.

MR. BOHLER: Yes.

MR. HINES: It didn't look like those were similar lighting fixtures. If we can confirm that those are acceptable or similar,

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that would be helpful. The Town has a design guideline that requires more pedestrian scale lighting on sites such as this. We noted early on that your poles I think were 20 feet high which are in excess of the 16. I think the Board was okay with that. The higher poles won't meet that design guideline. That's where the request for the pole heights come from. It's more of a lower pedestrian scale design.

That's all we had on this.

CHAIRMAN EWASUTYN: Jerry Canfield,
Code Compliance.

MR. CANFIELD: Just one question. The site reveals that you'll bring a 4-inch sprinkler line to the building.

MR. BOHLER: Yes.

MR. CANFIELD: I'm assuming that you did your design calculations to assure that that 4-inch is enough?

MR. BOHLER: Yeah. In general the 4-inch is enough for this type of use. Generally that's what we show into the building.

MR. CANFIELD: Very good. That's all I have.

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McDONALD'S

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CHAIRMAN EWASUTYN: Comments from Board
Members. Stephanie?

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I think the design is
definitely an improvement over what's currently
there. It's positive.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: What was the overall height
of the wall again?

MR. BOHLER: We spec'd out two feet.
We actually measured the wall across the street.

MR. WARD: That's what I want to
confirm.

The lights, we did suggest looking
across the street and everything else. We're
pushing that issue because we're trying to
coordinate the whole area over there. If you can
put extra lights with the right lights, that's
what I'm pushing for.

MR. BOHLER: Okay.

MR. WARD: And you can talk to

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McDONALD'S

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corporate or whoever, but that's what we're pushing.

At the same time, Ken had a question in reference to the radius for the entrances and exits.

MR. BOHLER: Yes. We ran the entrance turning movements for the truck and for the car. It works. We can provide truck turns. The exit points also work. We would work with DOT if they have comments about that radius and enlarge it. We do need a permit from them anyway, so it would be no problem to talk to them.

MR. WARD: Where did we include the dumpster? Back where it was?

MR. BOHLER: Yes.

MR. HINES: With that dumpster, I was looking at it, there's not a dumpster in there. They use garbage cans? There's no way to drive up to that dumpster.

MR. BOHLER: There's a gravel area in front of it from Gidney. They actually do access it that way.

MR. HINES: They come in from Gidney. Okay.

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McDONALD'S

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CHAIRMAN EWASUTYN: Pat, we'll refer to you as far as a SEQRA determination.

MR. HINES: I only have the one technical issue on the stormwater management. If it's in the report, I didn't see it but we'll look for that. Based on the redevelopment of the site, we would recommend a negative declaration.

CHAIRMAN EWASUTYN: I'll move for a motion then to declare a negative declaration on the McDonald's site plan located on North Plank Road.

MR. WARD: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by John Ward. Second by Ken Mennerich. Roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Okay. I'll move for a motion to set a public hearing for McDonald's site plan for the 19th of April. Will someone make that motion?

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MR. BROWNE: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Cliff.
Second by John. I'll ask for a roll call vote
starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Brad, you'll get plans to Pat so he can
circulate that to the Orange County Planning
Department, and then Pat will coordinate with you
as far as the mailing and everything that goes
along with the public hearing.

MR. BOHLER: Yes. Thank you.

MR. SCIARRETTA: Thank you very much.

(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 26th day of March 2018.

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

ALUMIL FABRICATION
(2017-30)

1900 Corporate Boulevard
Section 95; Block 1; Lot 67
IB Zone

----- X

CHANGE OF USE SITE PLAN

Date: March 15, 2018
Time: 7:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DELUCA
KENNETH MENNERICH
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DAWN KALISKY

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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CHAIRMAN EWASUTYN: Alumil -- am I saying it right -- Fabrication. It's located on Corporate Boulevard. It's a change of use site plan and it's being represented by Dawn Kalisky from Lanc & Tully.

MS. KALISKY: Good evening. We were here back in January and presented the concept for a change of use site plan for an existing warehouse building for light manufacturing and warehousing.

We attended a work session with the consultants. There's outside storage areas that Alumil is looking to get approved and to tidy up the site. It's been a point of contention and concern between the operations and where to put everything. After our meeting with the consultants, we're proposing to put a concrete pad, a 25 by 30 plus or minus because it's on the radius, a dumpster enclosure/refuse 40 yard container. It will have two 40 yard containers, one for general refuse, the other for aluminium recycling. We propose to have an 8 foot high chain-link fence with green privacy slats around it to enclose the containers. We are also

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proposing eight Thuja Plicata. It's a Western Red Cedar. They grow only to 10 foot high and 5 foot diameter. So that would hopefully properly screen that without getting too high and interfering with building heights or anything.

We're also proposing a 20 by 80 foot outside storage for the aluminum racks that they use in the fabrication of their products.

We're taking out nine parking spaces at the rear of the building. It will reduce the parking count down to 143 available, however with the existing and proposed change of use only 60 parking spaces are required by code. We'd still exceed that parking requirement considerably.

We've included the details for the chain-link fence, the bollards, the tree planting and tree schedule.

We've added notes regarding the Town code requirements for the outside storage area.

I'm here with Rob Bickerton this evening. He's in charge of operations at Alumil. If you want -- if the Board wishes to ask more about the operations of how the site would be in fact maintained, Mr. Bickerton is here for that

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purpose.

CHAIRMAN EWASUTYN: Pat, Jerry, you attended the work session.

MR. HINES: We had a work session regarding some of the technical issues. The main issue for the work session was the legal issue regarding access. Jerry was able to bring us the plan from the original mid `90s approval, so that cleared up the access. It was proposed that way, approved the way it is shown now back in the mid `90s. It is shown on an approved plan.

The dumpster enclosure we discussed at the work session. It was going to be located opposite the loading docks than where it is currently shown, but during the review process by the site owner, not the applicant, they preferred it to be on the opposite side towards Corporate Drive. It still works in that location and it's adequately screened with vinyl slats in the fence and plantings on two of the three sides of it. That addresses that comment.

The outdoor storage notes have been added to the plans from the zoning. We did just suggest that the swing gates that are shown

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opening into the two parking spaces open the other way to prevent that from being an issue and preserving those two parking spaces.

Otherwise all of our previous comments and that legal issue regarding access have been addressed.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: I'm satisfied. I have nothing outstanding.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: When you were here the last time you said you had overall storage coming in and you had nowhere to put it. Where are you today with everything?

MR. BICKERTON: We freed up space inside the facility to store some of the items. We are doing -- like I said at the last meeting, we're constantly removing stuff from the site. We've got five projects we're working on right now and we're storing attic glass, which the building owner buys from us and stores on site for any glass breakage and stuff. Our profile is the aluminum we bring it to manufacture the

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project is diminishing. We're close to 60 percent complete on one of the projects we're working on and there's a little bit left from the other ones that we'll either discard or sell to the building owners. That's going to free up about 20,000 square feet inside the facility. Because the schedules worked out the way they were, that's how we wound up in such a mess. We didn't have room inside the facility, we had no room outside. The resources, trying to get people to pick up the wood as it was without breaking it down was difficult. It got away quickly. So the chain-link fence along the south side of the building towards the west end will afford us some storage space for our transportation racks and some glass racks.

MR. HINES: It's been cleaned up substantially. I've been out on the site.

MR. WARD: From 84 it looks a lot better. I appreciate -- even though you explained in Canada and everything else, I appreciate you doing the right thing and trying to clean it up and all. Thank you.

MR. BICKERTON: Thank you.

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CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No more comments.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No questions.

CHAIRMAN EWASUTYN: Pat, you said we
have to circulate this?

MR. HINES: We did. On January 23rd we
got a Local determination back.

CHAIRMAN EWASUTYN: I guess the action
before us -- Michael, there's no SEQRA
determination on this, is there?

MR. DONNELLY: No. We did not do one
yet.

CHAIRMAN EWASUTYN: Would you suggest
that we declare a negative declaration?

MR. DONNELLY: I think that's
appropriate.

CHAIRMAN EWASUTYN: Having heard from
Planning Board Attorney Mike Donnelly, I'll move
for a motion to declare a negative declaration
for the change in use site plan for Alumil
Fabrication.

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MR. MENNERICH: So moved.

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MS. DeLUCA: Second.

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CHAIRMAN EWASUTYN: Motion by Ken
Mennerich. Second by Stephanie DeLuca. Roll
call vote starting with Stephanie.

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MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

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MR. BROWNE: Aye.

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MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Aye.

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Motion carried.

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Michael, would you give us conditions
for approval for the change of use?

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MR. DONNELLY: The resolution is site
plan approval. The first condition will be our
standard Architectural Review Board condition.
It simply will note that there are no changes
being made. If there are going to be, they'll
need to come back. We will incorporate the
provisions of Section 185-30, outdoor storage,
into the resolution of approval.

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Pat, I take it there's no stormwater or
stormwater management --

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MR. HINES: No.

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MR. DONNELLY: -- agreement needed since this is an existing site?

MR. HINES: Correct. I believe the extent of landscaping would allow for a waiver of any bonding of that. There's only eight trees proposed.

MR. DONNELLY: Our standard condition regarding outdoor fixtures and amenities, meaning you can't construct anything on the site that's not shown on the site plan without getting approval from the Board.

CHAIRMAN EWASUTYN: All right. Any questions or comments from the Board?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant final site plan approval subject to the conditions presented by Planning Board Attorney Mike Donnelly.

MR. WARD: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: Motion by John Ward. Second by Cliff Browne. I'll ask for a roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

MS. KALISKY: We thank you very much
for your help.

(Time noted: 7:23 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 26th day of March 2018.

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

SERVISS TIMBER HARVEST
(2018-04)

Union Avenue
Section 34; Block 1; Lot 25.2
R2 & RR Zones

----- X

INITIAL APPEARANCE
TIMBER HARVEST

Date: March 15, 2018
Time: 7:23 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DELUCA
KENNETH MENNERICH
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER PRENTIS

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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CHAIRMAN EWASUTYN: The third and last item of agenda business this evening is Serviss Timber Harvest. It's on Union Avenue in an R2 and RR Zone. It's being represented by Christopher Prentis.

MR. PRENTIS: Good evening, Members of the Board. I'm Christopher Prentis, Lower Hudson Forestry Services.

I'm proposing a selective timber harvest on lands of Terry Serviss, tax parcel 34-1-25.2. The parcel is 98 acres of which 80 acres is being proposed for the harvest. All the trees are hardwood species, 14 inches to 32 inches in diameter --

MR. CANFIELD: Excuse me. Chris, can you speak up a little bit?

MR. PRENTIS: Sure. Hardwood species are all being selected, 14 inches to 32 inches in diameter. 1,170 trees are being proposed to be harvested, which is about 15 trees per acre. No other vegetation is being removed. Tops and limbs will be lopped down to a height no greater than 3 feet.

There will be no grading, excavating

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taking place on the site.

The erosion control plan for the property is to follow the State's best management practices for timber harvesting which includes smoothing of trails, landing areas, installing erosion control devices where necessary.

There are two unclassified wetlands on the property. The first is along Union Avenue. It's not a forested wetland so no harvesting will take place in it or within 150 feet of it. The second is a small wetland in the far southern portion of the tax parcel. This wetland is forested but there will be a 75 foot no cut buffer implemented around it.

There's also a DEC classified stream that comes out of that small wetland, but the stream only runs through a small section of the property so we will not need to cross it in any way.

CHAIRMAN EWASUTYN: Thank you.

Comments from Pat Hines?

MR. HINES: Our first comment, one of the landing/log loading areas is depicted on an adjoining lot, tax lot 48. We're suggesting that

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that lot be added to the application. The significance of that is the notification requirements of the 500 foot radius since that lot is involved in the harvest.

It's a further comment further on but I'll hit it now. You're proposing two landing areas for log loading. We're just wondering if the entire project can't be done from tax lot 48, negating the need for an additional access point on Union Avenue. It looks like it's a rather long haul out to Union Avenue when you already have that one on the adjoining lot. It looks like there's a disturbed area there already and there's an existing access road already. I didn't know the logic of having the two.

MR. PRENTIS: I think it was just the preference of the purchaser. So you're saying that you would prefer to have it on lot 48 instead of coming out --

MR. HINES: Right. There's an existing access road. It looks like there's been a construction access road in there. It looks like there's a cleared area already opened up. Rather than clearing an area and possibly impacting

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those wetlands that you had mentioned along Union Avenue, I think it works better.

MR. PRENTIS: Okay.

MR. HINES: It keeps it out of the -- in that immediate area of the road. It looks like it would be more conducive, using that. I didn't know, unless there was some other reason why there was two. The other reason why there's two access points, they would require bonding of each of those access points. You'd be increasing the amount of security required for the access to the Town road there.

MR. PRENTIS: Okay.

MR. HINES: Just a note for the Planning Board. This harvest is slightly more intense than the ones we've seen in the past. We usually see around 10 trees per acre. This is 15. We have had many projects done by Mr. Prentis successfully in the past with little or no issues on the site. Actually, no issues on the site. It's not a concern, I was just mentioning it for the Board based on the intensity.

The other issue, there's three kind of

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residential areas bordering various locations on the site. The harvest lines are going right to the property lines in those areas. I didn't know if you had taken into consideration a no cut buffer in the area of those residential parcels. It looks like some of the residential areas are actually encroached onto your property. If you can address that with the Board.

MR. PRENTIS: I can offer a lighter cut. I don't want to say 75 or 100 foot no cut. I mean to be fair, the landowner paid taxes all the way to that property line. I'd be willing to negotiate and say we could do a lighter cut. I definitely don't want to say no cut.

And just to -- there is I guess a little reference. The O'Herron Timber Harvest from about four months ago was 13 trees an acre. We're really only talking 2 extra trees an acre on average. It's not significant.

CHAIRMAN EWASUTYN: Good point.

MR. HINES: I had addressed with the Board that we had a previous timber harvest last month and the forester identified that there was in excess of 60 trees per acre in that forest.

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Not harvested. There were that many stems remaining after the harvest.

MR. PRENTIS: Typical hardwood stands in this area are anywhere between 50 and 100, 120 stems per acre. If you take 15 you still have quite a bit left.

MR. HINES: Financial security will be required for a post-harvest review.

Compliance with the Town's clearing and grading ordinance time periods should be incorporated into the narrative report and certainly will be included in the resolution.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: Chris, for the benefit of the Board could you explain a lighter cut, what that would actually entail as opposed to what's proposed?

MR. PRENTIS: Well we can be a little more selective, maybe leaving some larger diameter trees towards the subdivisions and not cutting say 16 or 17 inch trees and just take some of the larger mature and overmature trees. I mean it would act as I guess a visual screen. It aesthetically would look a little nicer.

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MR. HINES: The intent of the comment was to be sensitive to those residential areas.

MR. PRENTIS: Right.

MR. HINES: We will have a public hearing on this.

MR. PRENTIS: I'm sure you'll have comments.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Exactly what you said was what I was going to ask you with the buffer and the property. If you could, like 14 to 16 along the whole area where the residents are, pick and choose. At the same time, the bigger ones I understand. The 16 inch will be bigger later.

MR. PRENTIS: That's true.

MR. WARD: If you could definitely work with that. Thank you.

MR. PRENTIS: Mm'hm'.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I guess just the hours of cutting, that's all spelled out in the code. The days and the hours and all that. Going by your previous work, the assumption is you'll have no problem following those guidelines.

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MR. PRENTIS: Yeah. It's laid out in the, right, provisions.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I agree with Cliff and John on the lighter cut concept. I think that would work good. I have no other questions.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: I agree also. I was going to say the same thing.

CHAIRMAN EWASUTYN: Pat, our first meeting in May, what's the date on that? We'll set it for a public hearing.

MR. DONNELLY: April or May?

CHAIRMAN EWASUTYN: May. We have one on the 15th already of April. We'll do one for May 1st, or whatever it is in May.

MR. HINES: We have one March 19th -- I'm sorry. April 19th is what we just scheduled. The first meeting in May is May 3rd.

CHAIRMAN EWASUTYN: I'll move for a motion to set this for a public hearing on the 3rd of May.

MR. MENNERICH: So moved.

MR. WARD: Second.

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

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Pat will work with you as far as all
the information for the public hearing.

MR. PRENTIS: Okay. Thank you.

(Time noted: 7:34 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 22nd day of March 2018.

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

ELM FARM
(2009-09)

Request for a One-Year Extension of
Preliminary Subdivision Approval
from March 15, 2018 until March 15, 2019

----- X

BOARD BUSINESS

Date: March 15, 2018
Time: 7:35 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DELUCA
KENNETH MENNERICH
JOHN A. WARD

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

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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CHAIRMAN EWASUTYN: We have two Board Business items.

MR. MENNERICH: The first one is Elm Farm, project 2009-09. The letter is addressed to John P. Ewasutyn, Chairman, Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York 12550. It's regarding Elm Farms Subdivision, Planning Board file number 2000-09, Wells and Fostertown Road, Town of Newburgh, Orange County, New York. Dear Chairman Ewasutyn, the final approval for the above-mentioned project is set to expire on April 20, 2018. The applicant is requesting a one-year extension of this final subdivision approval. Please place this matter on the Planning Board's next available agenda for consideration. Please do not hesitate to contact our office if you have any questions. Sincerely, John D. Bolger, PE, project engineer.

CHAIRMAN EWASUTYN: Michael, refresh my memory with subdivisions. We can grant a one-year extension?

MR. DONNELLY: For a preliminary subdivision approval, which this is, yes. Final

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you're limited to ninety-day increments.

CHAIRMAN EWASUTYN: So then I'll move for a motion to grant the extension of the Elm Farm subdivision to April 20, 2019.

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Second by Stephanie DeLuca. Roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. HINES: The letter from KC Engineering regarding Elm Farm references a final subdivision approval. I don't believe that's the case.

MR. DONNELLY: I don't think it was. It was preliminary.

CHAIRMAN EWASUTYN: Okay.

MR. DONNELLY: My notes show it's preliminary.

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MR. HINES: I actually think it was one of those ones that went back.

MR. DONNELLY: They surrendered it at an earlier time.

(Time noted: 7:37 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:

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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

IRONWORKERS LOCAL 417
(2015-02)

Request for a Six-Month Extension of
Subdivision Approval
from March 18, 2018 until September 18, 2018

----- X

BOARD BUSINESS

Date: March 15, 2018
Time: 7:37 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DELUCA
KENNETH MENNERICH
JOHN A. WARD

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

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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MR. MENNERICH: The second item is from the Ironworkers Local 417. It's a letter dated March 5, 2018 to Chairman John P. Ewasutyn, Town of Newburgh, 308 Gardnertown Road, Newburgh, New York 12553, regarding Ironworkers Local 417, Planning Board number 2015-02, Section 4, Block 3, Lot 5.2, Town of Newburgh, Orange County, New York, project number 14000837A. Dear Chairman Ewasutyn, on behalf of the Ironworkers Local 417 (the applicant), we respectfully submit this request for a six-month extension of the site plan approval granted by this Board for the proposed construction of a 6,500 square foot addition to the ironworkers facility and associated site improvements located on New York State Route 32 in the Town of Newburgh. The original approval had an expiration date of September 18, 2017. The Board granted a six-month extension which will expire on March 18, 2018. The applicant has submitted a building permit for the project and is in the process of addressing some comments received from Mr. Joseph Mattina at the

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building department. We expect these to be

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addressed very soon but do not want the

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Planning Board approval to expire. Therefore

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we respectfully request that the site plan

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approval be extended for an additional six

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months to September 18, 2018. We hope that

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you will find the applicant's request

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acceptable and that it is considered at the

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next available Planning Board meeting that

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this Board sees fit. If you have any

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questions, please do not hesitate to contact

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me. Thank you in advance for your

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consideration in this matter. Very truly

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yours, Maser Consulting, Justin E. Dates,

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associate.

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CHAIRMAN EWASUTYN: They're requesting

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an extension for the Ironworkers Local 417,

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moving it forward to September 18, 2018. I'll

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take a motion to grant that extension.

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MR. WARD: So moved.

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CHAIRMAN EWASUTYN: Motion by John

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Ward.

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MR. MENNERICH: Second.

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CHAIRMAN EWASUTYN: Second by Ken

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Mennerich. Roll call vote starting with
Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DONNELLY: I'll just note that it's
their final extension because the maximum
duration of a site plan approval is three years.
The original duration was two. It expired on
September 18, 2017, so this is the final
extension.

CHAIRMAN EWASUTYN: Thank you, Michael.

At this point I'll move for a motion to
close the Planning Board meeting of the 15th of
March 2018.

MR. WARD: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by John
Ward. Second by Stephanie DeLuca. I'll ask for
a roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

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MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:48 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
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I further certify that I am not
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IN WITNESS WHEREOF, I have hereunto
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Michelle Conero

MICHELLE CONERO