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

----- X

In the Matter of

11 OLD BALMVILLE ROAD
(2018-18)

11 Old Balmville Road
Section 84; Block 5; Lot 26
04 Zone

----- X

PUBLIC HEARING

Date: March 21, 2019
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JUSTIN PITINGARO

----- X

MICHELLE L. CONERO
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Newburgh, New York 12550
(845)541-4163

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CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. We'd like to welcome you
to the Planning Board meeting of the 21st of
March. We have three items on the agenda this
evening and we have one matter of Board Business.

At this time we'll turn the meeting
over to Frank Galli for a roll call vote to open
the meeting.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. DOMINICK: 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

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11 OLD BALMVILLE ROAD

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Architectural Consultant.

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

CHAIRMAN EWASUTYN: At this point Stephanie DeLuca will lead the Pledge.

(Pledge of Allegiance.)

MS. DeLUCA: Please silence or turn off your cell phones. Thank you.

CHAIRMAN EWASUTYN: The first item of business this evening is Old Balmville Road. It's a public hearing on a site plan. It's located on 11 Old Balmville Road in an 04 Zone. It's being represented by Jason Pitingaro.

At this point Mr. Mennerich will 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 on the application of 11 Old Balmville Road, project 2018-18, for the conversion of an existing senior home to an office use. The project sponsors intend to convert a 15,671

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11 OLD BALMVILLE ROAD 4

square foot structure formerly used as a senior home to an office use. The project is located in the Town's R, Residential, Zoning District with a Professional Office Overlay approval. The project will involve the construction of additional parking in the rear of the existing structure along with stormwater management improvements. A stormwater pollution prevention plan has been prepared. The site is served by existing municipal water and sewer. The premises is located at 11 Balmville Road and is known on the Town of Newburgh tax maps as Section 84, Block 1, Lot 26. A public hearing will be held on the 21st day of March 2019 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."

CHAIRMAN EWASUTYN: Mike Donnelly, for the audience can you discuss the public hearing?

MR. DONNELLY: The Planning Board holds this public hearing tonight in order to get you, the members of the public, to bring to it's

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attention issues or concerns that it may not be aware of. We will begin by having a presentation by the applicant's engineer. After that the Chairman will ask those that wish to speak to please raise your hand. When you're recognized please come forward, tell us your name and spell it for our Stenographer if you would so we get it down correctly, tell us where you live in relation to the project so we can better understand your perspective. Please address your comments to the Board. If you have questions that can be easily answered, the Chairman will ask either one of the members of the Town consultant team or the applicant's engineer to answer that question.

CHAIRMAN EWASUTYN: Jason.

MR. PITINGARO: Good evening. Jason Pitingaro from P&D Consulting Engineers. We're here tonight, as mentioned, for our project on 11 Balmville Road.

It's approximately a 6.6 acre site. It's the site of the old John's home which, as mentioned, is being converted. The proposed use is professional office space.

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We've proposed to redevelop the site with some additional parking to provide the parking necessary for the office use.

We'll also be including some stormwater features.

The existing utilities are all going to remain in place, so there will be no new utility connection.

All of the construction as far as the site work that's going to be performed is to the north of the building, towards the highway side and behind the building, so towards the west. There will be no new construction out front besides a bit of resurfacing of the existing driveway that's there. No new construction to the south.

There also won't be any new construction to the building itself. The building will remain. It's an approximately 15,000 square footprint and it's going to remain as that.

There is some lighting that's proposed around the parking areas and landscaping that will be proposed throughout the site, or is

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proposed throughout the site.

Besides that there won't be very much overall change to the site itself.

CHAIRMAN EWASUTYN: All right. We'll open the meeting now to the public. If you have any questions or comments, please raise your hand and give your name and your address.

(No response.)

CHAIRMAN EWASUTYN: Let the record show that there was no public comment for the public hearing on 11 Old Balmville Road.

At this point we'll turn the meeting over to Karen Arent. Karen, you looked at the landscaping.

MS. ARENT: Yes. We met out at the site and we reviewed different options for the landscaping. Jason made a majority of the changes. There are just a few little things to tweak that we just need to go over.

The landscaping will now hide the big gas pipe in front of the building and will have plants that are lower in the foreground than the plants in the background. They also have a nice hedge along Balmville Road. The landscaping will

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be quite -- it's simple but it will be quite nice.

CHAIRMAN EWASUTYN: Ken Wersted with Creighton, Manning. You looked at the possibility of impacts with traffic and just the overall interior.

MR. WERSTED: We didn't have any concerns with traffic based on the previous use and the proposed use.

We just wanted to make sure that the parking was adequate for their intended uses.

They had a large cafeteria/atrium area separating two parts of the building. The concern there was that the whole space would be used with the higher intense use. They've indicated that the areas would be broken up into kind of sitting areas, meeting spaces, so it wouldn't have as much impact as we first originally assumed. We're fine with where the project is going.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: We have nothing outstanding.

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CHAIRMAN EWASUTYN: The building as it is today is --

MR. CANFIELD: Yes. We did speak of, and perhaps later on you'll get into ARB, about maintaining the architecture on the exterior.

CHAIRMAN EWASUTYN: Thank you.

Pat Hines with McGoey, Hauser & Edsall?

MR. HINES: The majority of our previous comments were addressed.

As was mentioned, the existing utilities will continue to serve the site.

We received a revised stormwater pollution prevention plan earlier this week which we're finishing up the review on.

We would take no exception to the Board issuing final approval conditioned on a final sign off from the consultants.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: No comments. They've all been addressed.

CHAIRMAN EWASUTYN: Cliff?

MR. BROWNE: Just with the

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architecture, we're going to look at that at another time?

CHAIRMAN EWASUTYN: I think what we discussed, I have a brief note on it, the building is going to remain in the original condition it's in today. There's going to be no changes.

MR. BROWNE: Okay. As long as that's in the record.

MR. MENNERICH: No questions.

MS. DeLUCA: No.

MR. GALLI: I'm good.

MR. PITINGARO: Do you want the mailers for the record?

CHAIRMAN EWASUTYN: I'll take that tonight.

Stephanie DeLuca, Board Member, would like to arrange some day to meet with you out at the site to become familiar with it.

MR. PITINGARO: Definitely.

MS. DeLUCA: Do you have a card?

MR. PITINGARO: I'll grab you one before I leave.

MR. DOMINICK: I would, too.

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11 OLD BALMVILLE ROAD

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CHAIRMAN EWASUTYN: And Dave Dominick
also.

If there's no comment from the public,
we'll move for a motion to close the public
hearing on 11 Old Balmville Road.

MR. WARD: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by John
Ward, second by Stephanie DeLuca. May we please
have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

At this point Mike Donnelly, Planning
Board Attorney, will give us the conditions for
approval in the final resolution.

MR. DONNELLY: The approval is for both
site plan and ARB. We'll need a sign-off letter
from Pat Hines on his memo of January 31, 2019.
We'll need a sign-off memo from Karen that the

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suggested changes to the landscaping that she's made have been completed. The ARB condition will be that the building is approved as it is and that no changes can be made to it without amended ARB approval. We'll need a landscape security and inspection fee.

Karen, do you know roughly what the inspection fee would be?

MS. ARENT: We'll work on that.

MR. DONNELLY: A stormwater improvement and security inspection fee, Pat?

MR. HINES: Yes.

MR. DONNELLY: And a stormwater control facility maintenance agreement.

MR. HINES: Yes.

MR. CANFIELD: A question. Do we have cost estimates on landscaping and stormwater?

MR. HINES: We do not.

MR. CANFIELD: That's outstanding.

MR. DONNELLY: The standard condition that no outdoor fixtures or amenities can be built on the site that are not shown on the approved site plan without an amended site plan approval.

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CHAIRMAN EWASUTYN: Any comments or additions from the Board Members?

MR. GALLI: No additional.

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. BROWNE: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Having heard the presentation by Mike Donnelly for site plan approval and ARB approval, with the understanding that the building will remain as original, would someone move for a motion to grant that approval?

MR. DOMINICK: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by John Ward. Can I please have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Congratulations.

MR. HINES: There were a series of conditions there that need to be complied with prior to the plans being stamped. Each of those resolution items needs to be addressed and then there will be a letter issued from my office when they are. Each of those need to be accomplished first.

MR. PITINGARO: Okay. Very good.
Thank you.

CHAIRMAN EWASUTYN: You'll get a copy of the signed resolution within a week or so.

(Time noted: 7:11 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 29th day of March 2019.

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

A. DUIE PYLE MAINTENANCE BUILDING
(2019-09)

1000 Corporate Boulevard
Section 95; Block 1; Lots 69.1 & 79
IB Zone

----- X

INITIAL APPEARANCE
SITE PLAN & LOT LINE CHANGE

Date: March 21, 2019
Time: 7:12 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHUCK UTSCHIG

----- X

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A. DUIE PYLE

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CHAIRMAN EWASUTYN: The second item of business this evening is A. Duie Pyle Maintenance Building. It's an initial appearance for a site plan and a lot line change. It's located on 1000 Corporate Boulevard and it's in an IB Zone. It's being represented by Langan Engineers.

MR. UTSCHIG: Good evening, Mr. Chairman, Members of the Board. For the record my name is Chuck Utschig with the firm Langan Engineering. The subject site is 1000 Corporate Boulevard, also known as the New Penn facility. Actually, A. Duie Pyle has owned this property for plus or minus ten years but has leased it to New Penn over that time.

The intent now is for A. Duie Pyle to take over the facility. As part of that they would like to make this kind of modest upgrade in reality.

The current site is about 5.5 acres, plus or minus. In order to accommodate this expansion, it's really about a 9,000 square foot maintenance building,

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A. DUIE PYLE

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we've approached Matrix and their site and are looking to purchase, and actually I have a contract, about 3 acres of property that we want to buy. That's the reason why our application also includes a lot line adjustment.

So this is the Matrix site. This is the A. Duie Pyle site. The colored area, just less than 3 acres, is the property that we are going to acquire from Matrix and add to this property.

Part of our submission included a zoning analysis of both parcels. By taking the 3 acres away from the Matrix site and adding it to our site, both lots and both developments still stay in compliance with the underlying zoning. I think that was confirmed by your technical staff.

The existing site has a building that's about 24,000 square feet. There are 39 parking spaces generally located in the front and there are about 90 trailer spaces.

What we're proposing to add is a building that's just less than 9,000 square

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A. DUIE PYLE

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feet. It's a maintenance facility. It has a truck wash where the trucks drive through and get washed and it provides minor maintenance, repair of tires, oil changes. They don't replace engines here. It's just intended to be minor maintenance of the equipment. As you can tell by the size of the building, you couldn't accommodate too much more. About a third of it is the truck wash.

In addition to the building we're expanding the amount of parking available to make sure it's code compliant. It brings it up to about 63 spaces total. We're adding about 33 tractor trailer spaces and we are adding about 26 cab spaces.

Overall the additional impervious area is about 1.4, 1.5 acres. The total additional disturbance is a little over 3 acres to accomplish this. The darker gray highlights the new pavement, the colored building is the 9,000 square foot building proposed.

We've got stormwater management and we've submitted a complete SWPPP. We do

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A. DUIE PYLE

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have some comments from your technical staff that we have to address.

The utilities in essence will be taken from the existing services that come to the building.

There's a fire hydrant and a private line that come to this building now. We will tap off that and provide domestic and fire protection to the building.

The same holds true for sewer, gas, telephone and electric.

We're going to use and maintain the existing driveway off of Corporate Boulevard. There won't be any changes there.

That's really kind of the general overview. This fits into the industrial park that's there. It's a consistent use that you've seen before. There will be no change.

Really the addition of this maintenance building, if you go back to the original plans in, I want to say 1995, thereabouts, there was actually a maintenance facility included as part of this plan. I think it was contemplated as part of this

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A. DUIE PYLE

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use. It's a normal and customary piece to a primary use like this. We think it's pretty much a modest expansion to the facility and really a cleanup of the facility.

With that, I'd be glad to answer any questions that the Board might have.

I do have representatives of A. Duie Pyle here and the architect if there are questions that you would like to ask them also.

CHAIRMAN EWASUTYN: I think it's always nice to hear from someone from A. Duie Pyle as to how long you've been in business, where you're located throughout the United States, just to educate us and learn more about you.

MR. UTSCHIG: With that I'll introduce Tim Koch. He's a representative of A. Duie Pyle.

MR. KOCH: Good evening, Mr. Chairman, Members of the Board. I'm Tim Koch with A. Duie Pyle. The company started in 1924 by a gentleman by the name of Alexander Duie Pyle. That was the original owner. In the '30s the depression happened, they continued to grow. 1940s, the war effort. They had one daughter, her name was

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Eleanor Pyle. She married a fellow by the name of Jim Latta in 1941. Soon after they got married he went off to the war effort in India and Burma. When he came back he joined the company. The company is now controlled by the Latta family. Ms. Latta, Eleanor Latta passed away about three years ago but they had five children. The three sons run the company today. Hardest working, honest guys of integrity.

I was happily employed twenty-four years ago in a job I liked. I had friends that worked at Pyle and they said come meet this guy. I was intrigued by him. Twenty-four years later I still enjoy coming to work every day. It's a fantastic company to work for.

Greg passed out some of the literature. We've been in Newburgh since '08, '09 when we bought this building from New Penn. Two-and-a-half years ago we needed the building but New Penn wasn't ready to negotiate with us and leave, so we leased the facility down the road, on Stone Castle Road, and have been in that building for two years. We finally came to terms with New Penn and they consolidated their

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A. DUIE PYLE

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operation. They are a little bit shrinking right now. One of our largest competitors, New Penn Motor Express, filed for bankruptcy three, four weeks ago. I think they had a facility in Newburgh somewhere.

We're in Newburgh. We started in Westchester, Pennsylvania. Back in the '40s and '50s we grew really as a flatbed hauler, a steel hauler. Our first customer in 1924 was Lukens Steel Company. We are still the inhouse carrier for that plant today. It's changed names, ISG, U.S. Steel. The owners are very proud of the fact they still have the first customer that their grandfather had in 1924. We have a presence now in Baltimore, in Pittsburg, Altuna, Pennsylvania, in Buffalo, Syracuse. Right now we have twenty-four truck facilities just like this one. We also have ten commercial warehouses throughout the northeast, just a little over 3,500,000 square feet.

We've got really an integrated logistics company now. Instead of just trucking we do warehousing, we do contract dedicated services. We haul for people like Wegman's.

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Years ago we were never into the grocery business. That's something we stayed away from. As the company has grown and diversified and we found specialized services that we could participate in, and quite frankly make a dollar at, a couple years ago we went out and bought tankers and haul water for Nestle water. If there's opportunities out there, the company has grown.

When I started with the company in 1996, twenty-four years ago, we had about 400 employees, about a quarter million dollar company. Last year we had just under 3,500 employees. The growth has been, I don't want to say aggressive. We have not grown because of the ego of the men. It's customer driven. It's healthy growth. We're looking forward to that business growing here.

Chuck mentioned the shop. The brothers are proud of their equipment. They want clean equipment, they want shiny equipment. We try to do that right. 75 percent of that wash water is recycled. We try to contain everything inside that thing and do things the right way.

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A. DUIE PYLE

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If you have any questions I'm happy to answer them.

CHAIRMAN EWASUTYN: Any questions for Tim?

MR. DOMINICK: Thank you. Sir, two quick ones. Where is the corporate office?

MR. KOCH: Westchester, Pennsylvania.

MR. DOMINICK: And besides food and water and stuff like that, what other freight do you transport?

MR. KOCH: Everything. All commercial products. Paper. If it goes to a Lowes store or Home Depot. There's a variety of products in there. Nowadays with the diversification we handle some drugs, we handle some electronics. There's just a wide range of products that we can handle. Generally we stay away from fireworks and those kind of explosive type commodities. Generally they're in a class 1 to 4 hazmat and we're not doing any of the crazy stuff. If we do we have fifty or sixty people throughout the company and some at most terminals that are hazmat trained.

We have our own inhouse loss prevention

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A. DUIE PYLE

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people. Some of those came from outside consultants that now work for the company that handle our plants. We do all that loss prevention inhouse.

MR. DOMINICK: Thank you.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Jerry Canfield, it meets code?

MR. CANFIELD: Yes. Pat will address the zoning. There are no outstanding issues that I see.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: As Mr. Utschig mentioned, we did take a look at the Matrix site and this site. The bulk tables identify that both projects meet the underlying zoning regulations even after the lot line change.

We have some technical comments on the water and sewer regarding Town of Newburgh details that can be addressed.

We have comments on the initial comments on the SWPPP. We did a preliminary review. This will be identified as a stormwater hot spot, so the SWPPP needs to address that, due

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to the trucking nature of it as well as the maintenance facility.

That leads into the site is tributary to a class A stream, so we're looking to have that addressed as well. It's tributary to Washington Lake -- eventually to Washington Lake. There will be some concern regarding that and the issues with that.

The Town of Newburgh has a policy to require 110 percent of the water quality volume. I know Mr. Utschig is familiar with that, we went through it with the Matrix site recently. We'll be looking for those changes to the stormwater pollution prevention plan as it goes forward.

The site will require a City of Newburgh flow acceptance letter for the increased flow.

We did identify that some of the components of the truck wash facility look like they were going to discharge to the stormwater. We would suggest that go to the sanitary sewer. That needs to be changed.

There are some questions on the grading between the parking lot.

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There's an accessible parking spot identified on the other side of a fence. I just want to make sure that's addressed and that is accessible.

We talked about the watershed issue. That needs to be addressed.

There's extensive retaining walls to the rear of the parcel. The entire rear parcel towards the Matrix site has retaining walls varying in height from 3 feet to the highest of 10 feet. We'll be looking for the design of that. Any of those walls will need stamped design plans prior to the issuance of a building permit.

One of the things that isn't addressed in the SWPPP and probably should be is that the original site was constructed prior to current stormwater regulations. The nature of the stormwater that was put in, it all comes together at one point prior to discharging to the detention pond. We're looking to see if the applicant would be willing to do some water quality improvements there in consideration of the location of the project in the watershed. If

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A. DUIE PYLE

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you can do that as you're developing the SWPPP, I think that may alleviate concerns of the adjoining municipality that's concerned about that watershed.

That's our preliminary comments.

We do need to circulate to Orange County. I believe it's within 500 feet of Interstate 84. It will need County circulation. We would recommend lead agency circulation at this point as well.

CHAIRMAN EWASUTYN: Ken Wersted, you looked at the site plan as far as the possibility for additional truck traffic and if there were any concerns about that.

MR. WERSTED: We didn't have any concerns on the traffic itself.

We did note that the employee parking lot out in front of the gate, the surface itself is in pretty rough shape. The striping is pretty much nonexistent. You mentioned overlaying the parking space lot. That's going to lead a little bit to the concrete driveway. If you can replace that as well. If you can replace the 13 car parking space lot as well, resurface that,

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that would be great. Obviously re-stripping all of it to be visible.

MR. KOCH: It will be re-stripped during the project obviously. We have the good fortune -- I have the good fortune of having an inhouse maintenance staff and our own striper, so it will stay that way.

MR. WERSTED: The only other comment we had as noted on the development itself is just some off tracking of trucks out at the intersection of Corporate Boulevard and Route 17K. That may be an issue for the overall project owner -- the development owner and DOT.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: No additional.

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. BROWNE: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Okay. Then at this time the Board will make a motion to declare our intent for lead agency and also to circulate to

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the Orange County Planning Department. Do I have a motion for that?

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich, second by John Ward. Can I have a roll call vote starting with Frank Galli?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

Thank you.

MR. UTSCHIG: Thank you.

MR. KOCH: Thank you.

MR. DOMINICK: Thank you for the background information.

(Time noted: 7:28 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 29th day of March 2019.



MICHELLE CONERO

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BJ'S WHOLE SALE CLUB - NEWBURGH

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

----- X
In the Matter of

BJ'S WHOLESALE CLUB - NEWBURGH
(2019-07)

Route 17K & Auto Park Place
Section 97; Block 2; Lots 27.32, 44, 45 & 46.2
IB Zone

----- X

INITIAL APPEARANCE - SITE PLAN

Date: March 21, 2019
Time: 7:28 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ANDREW FETHERSTON
LARRY WOLINSKY

----- 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 final item of Board business this evening is BJ's Wholesale Club - Newburgh. It's a site plan. It's located on New York State Route 17K and Auto Park Place.

In addition to the section, block and lots there was -- I think Andrew Fetherston reminded us that we have to add 27.32, 44, 45 and 46.2. Correct, Andrew?

MR. FETHERSTON: Correct.

CHAIRMAN EWASUTYN: Thank you. It's in an IB Zone and it's being represented by Maser Consulting. Andrew Fetherston will make the presentation.

MR. FETHERSTON: Mr. Chairman, we made some modifications, as you've stated. Last time we were here two of your Board Members were not here. Would you like to take it through?

CHAIRMAN EWASUTYN: Please.

MR. FETHERSTON: Andrew Fetherston, Maser Consulting, representing a project for an 89,000 square foot BJ's Warehouse Club on Route 17K and Unity Place. This is Auto Park Place that bisects the site essentially. The total

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site is just over 15 acres.

This is the existing Barton Chevrolet dealership. This is the existing Riverside Bank. The remainder of the property is mostly undeveloped, open fields.

There is a large stormwater pond or detention area here on this portion of the site. We're not inside of the 100-year floodplain. There was a stream that was essentially conveyed -- it's now conveyed in a box culvert. It comes down Unity Place and discharges beside the bus depot.

The bus depot driveway is directly across from our proposed driveway. The off ramp from I-87 meets right here over at the traffic signal.

I wanted to say that our site is not tributary to Lake Washington.

What we're proposing is a consolidation of two of the four lots. There's one, two, three and four lots. These two lots are going to be consolidated. The other two lots will be joined by cross easements.

What we're proposing. In addition to

1
2 the BJ's Warehouse Club there will be an integral
3 tire shop inside of the building, propane sales
4 and storage. There will be a gasoline filling
5 station at this location as well.

6 We're proposing, as part of the
7 shopping center, car display pads, two on Unity
8 Place -- the intersection of Unity Place and Auto
9 Park Place and ten in the front fronting on Route
10 17K.

11 We exceed the minimum number of parking
12 spaces required by the BJ's Club and also for the
13 entire facility. There's 489 spaces encompassing
14 the entire shopping center.

15 The stormwater pond that exists we're
16 proposing to modify to address the stormwater --
17 the current stormwater permit. There will be
18 some subsurface stormwater also to mitigate for
19 the increase in the impervious area. That's in
20 kind with what was done previously when Ron
21 Barton was originally going to put a dealership
22 out here and had some plans he brought before the
23 Town.

24 Another part of the project is that the
25 overhead utility lines in the right-of-way of

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Route 17K directly in front of the site, the applicant wants to bury them. He wants to put them all underground. Electric, cable TV, communications, telephone lines, get them all underneath.

We're looking for a referral to the ZBA and circulating for lead agency.

I'll let Larry tell you about some of the zoning variances that we're looking for.

MR. WOLINSKY: Okay. Larry Wolinsky, law firm of Jacobowitz & Gubits representing the applicant.

Essentially there's a rear yard variance required as a result of this jut out here at the site. We're looking for a small variance in this location.

The rest of the building meets the rear yard requirement.

MR. FETHERSTON: You have the one variance in the back of the BJ's building that's -- it's the bump out for the truck loading. There's another one on this side where the canopy for the gas filling station would encroach into what we believe is the side yard.

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There's an existing overhang from the drive-thru for the bank at 57 feet where 60 is required. That's an existing building in the back.

The Barton building, there's a minor variance there for, I think that's the two side yards.

MR. WOLINSKY: These are already existing --

MR. FETHERSTON: Right.

MR. WOLINSKY: -- and approved. So what we have on our list and what Andrew didn't mention yet, there's also the 45 foot landscape area that's required along Route 17K. There would be some -- because of the auto display, there would be some encroachment into that as well as about three foot of parking space encroachment into that area. The area will be landscaped around there, as currently shown on the plan, and be developed further in consultation with you guys. We will technically need a variance from the ZBA on that issue. Barton had already gotten a display variance when it had it's original application from the ZBA in

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order to do this kind of thing up front there, which is, from what I understand, not unusual for the car dealerships in the corridor there.

We need some further guidance. We had some late e-mail discussion today as to whether the -- this isn't a building, it's a canopy, but because it's a structure it has to meet the yard requirements -- as to whether this is a corner lot and requires two front yards, I assume one would be Unity Place and one would be -- I'm sorry. One would be Auto Park Place and one would be Unity Place, or whether it is in fact a side yard. We need your direction or final direction on that so we can define that because if it's a front yard it's a 60 foot front yard, if it's a side yard it's 50 feet. We need to nail that down. If it's a front yard there would be two 60-foot area requirements and only one side yard and one rear yard. So we're going to be looking to you tonight, to your consultants and Jerry, for some guidance on that. I think that covers the variances.

We're not ready yet with signage. That is still underway and being developed. It should

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be finalized hopefully within the next month or so. We want to get to the ZBA for the site variances while we finish up the master signage plan.

I believe that's it with respect to variances.

CHAIRMAN EWASUTYN: Jerry, do you want to speak on behalf of the possibility --

MR. CANFIELD: Sure. Just first and foremost, back up to Andrew's presentation. I believe, Andrew, you had said that the parking of the vehicles is accessory to the shopping center. I don't believe that to be correct. As per the determination that our department has made and issued, this is a site plan with multiple uses, meaning that the car dealership is not part of the shopping center use. So with that being said, the parking of the vehicles becomes accessory or ancillary to the dealership, not the shopping center. Okay. That should be noted.

Also Larry, with your presentation, that's a 35 foot buffer, not 45 feet on 17K. That would be one of the variances you're going for. I thought you had said 45 feet.

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MR. HINES: It's both of those. It's 45 feet within 350 feet of the intersection and then 35 feet for the rest of it.

MR. WOLINSKY: Got you.

MR. CANFIELD: Just to clarify that.

Also, the guidance that you're looking for; on the existing bank, because it's a separate lot and there was a variance granted for that I believe when it was constructed, we had discussed that at the work session and that previous variance stays with the property, so therefore you will not need a variance for that. That is determined also a corner lot, however the existing variance is in place.

The canopy is determined to be a corner lot with two front yards.

MR. WOLINSKY: Okay. So our question on that is if it's determined to be a corner lot, there would only be one side yard?

MR. HINES: Yes.

MR. CANFIELD: Correct.

MR. WOLINSKY: So the regulation that says you have to have -- both side yards have to be 100 feet would not apply?

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MR. HINES: Correct.

MR. DONNELLY: There's no side yard relief needed.

MR. WOLINSKY: Okay. Got it.

CHAIRMAN EWASUTYN: Pat Hines, do you have anything to add?

MR. HINES: Our first comment just discussed, and has been discussed at length in the last couple days, that it is a site plan with a shopping center use and the automobile use together.

The next numbered comment has to do with the front yard that we just talked about on Unity Place.

I don't believe Auto Park Place is an issue here because it's just an internal road to the site plan, so that is not an issue.

A City the Newburgh flow acceptance letter will be required.

An Orange County Planning referral will be required once you have additional detailed plans.

DOT review.

The issue that I also brought up, the

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Board has in the past been looking towards putting sidewalks along the State highway corridors. We've done extensive work along Route 300. Whether the Board wants to consider sidewalks. It would be in the State right-of-way which they're allowing now but to begin that process along 17K as well.

CHAIRMAN EWASUTYN: So at this point the motion from the Board would be to refer this to the ZBA.

Mike Donnelly, do you think it would be necessary for you to go through one more time the list of referrals?

MR. DONNELLY: I think it would be helpful.

CHAIRMAN EWASUTYN: And then also we would be moving to declare our intent for lead agency. I think that's what you're here for this evening.

MR. WOLINSKY: Correct.

CHAIRMAN EWASUTYN: Then let's move forward with that conversation.

MR. DONNELLY: The variances required are a rear yard setback of 53.2 feet where 60

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feet is required, a front yard variance for the fuel canopy of 36.5 feet where 50 feet is required.

MR. WOLINSKY: I think front yard is 60.

MR. HINES: I thought that was only along the State highway. We can clarify that. Because it was a State highway it has an additional front yard.

MR. DONNELLY: Relief from the command of Section 185-14(4)(c) requiring the 35 foot landscaping buffer expanded to 45 feet for those sections of frontage on Route 17K within 300 feet of intersecting streets, and allowing parking and/or vehicle display within that protected area.

At the work session we had a discussion as to because the design guidelines have an implication here too that prohibits parking in that front yard. I think we'll ask the Zoning Board whether the display of vehicles is parking under the design guidelines or is something different, meaning display of vehicles, because that would clarify the authority of the Board

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under the design guidelines and whether a waiver was needed.

We will note in the referral letter that the bank canopy already has a variance in place.

When we are issuing a notice of intent to be lead agency it will mean that the Zoning Board will not be able to closeout that variance with a decision, although they can hear from you, until SEQRA is closed out.

MR. HINES: Just to clarify, that front yard is 60 for the shopping center use. It is 60. It's 50 for other uses but the shopping center is 60 for front yard.

MR. WOLINSKY: That's what I thought.

CHAIRMAN EWASUTYN: Do the Board Members have anything to add to this referral to the ZBA and declaring intent for lead agency?

MR. GALLI: The existing one for the dealer showroom now to 56.9, that stays that range; correct? That's an existing one?

MR. HINES: That's for the bump out.

MR. GALLI: I mean Andrew said there was one there --

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MR. WOLINSKY: This one here.

MR. GALLI: -- that's existing.

MR. FETHERSTON: The two side yards
combined.

MR. HINES: I don't know if they ever
got a variance for that before. If it didn't it
probably should.

MR. GALLI: They said they had a
variance for it when they put the building up.

MR. CANFIELD: The bank.

MR. GALLI: The showroom.

MR. HINES: If it has a variance it
continues with that protection. If it doesn't it
would be a good time to clean it up.

MR. CANFIELD: I can research that.

CHAIRMAN EWASUTYN: Good question.
Stephanie DeLuca?

MS. DeLUCA: No. No questions.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. BROWNE: Nothing.

MR. DOMINICK: Nothing.

MR. WARD: In reference to the parking,
the parking lot by 17K, they have regular parking

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and display parking. Wasn't there a question with the parking being in the front yard for the parking?

MR. HINES: That's what Mr. Donnelly just discussed. It was going to be referred to the ZBA.

MR. CANFIELD: Within that 35 feet.

MR. DONNELLY: Under the design guidelines there is a prohibition of parking in the front yard. It's waivable and the Board has waived it in the past with certain mitigation that occurs. One of the questions becomes whether the display of vehicles is parking within the meaning of the design guidelines. Certainly the parking is.

MR. WOLINSKY: So we're looking for an interpretation on that issue?

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: Pat, soon we'll circulate the informational letter to people within 500 feet of the property?

MR. HINES: Yes. Prior to the next time they're at the Board we'll have to do that. We'll do that in conjunction with the lead agency

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and Orange County circulation. I'll do them all at the same time.

CHAIRMAN EWASUTYN: Thank you ever so much.

Then having heard the required variances for BJ's Wholesale Club - Newburgh presented by both Larry Wolinsky and Mike Donnelly, I think we've outlined that, at this point we'll make the referral, if the Board so desires, to the ZBA and declare our intent for lead agency.

As Pat Hines said, we don't have enough detail on the site plans to yet circulate, correct, to the Orange County Planning Department?

MR. HINES: Yes. They're going to be looking for the SWPPP and that information.

CHAIRMAN EWASUTYN: So we have those two motions. If someone would make the motion.

MR. DOMINICK: I'll make the motion.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick, I have a second by Frank Galli. May I please have a roll call vote starting with

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Frank.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried. Thank you.

MR. FETHERSTON: Thank you.

MR. WOLINSKY: Thank you.

(Time noted: 7:47 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 29th day of March 2019.

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 SUBDIVISION
(2000-09)

Request for an Extension of
Preliminary Subdivision Approval
from March 21, 2019

----- X

BOARD BUSINESS

Date: March 21, 2019
Time: 7:48 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

----- X

MICHELLE L. CONERO
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56 North Plank Road, Suite 1
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(845)541-4163

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CHAIRMAN EWASUTYN: We just have one item of Board Business this evening. I'll have Mr. Mennerich read the letter.

MR. MENNERICH: It's to John P. Ewasutyn, Chairman, Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York 12550. It's dated March 1, 2019. "Dear Chairman Ewasutyn, the preliminary approval for the above-mentioned project is set to expire on April 20, 2019. The applicant is requesting a one-year extension of this preliminary 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 P. Voegler, PE, project engineer."

CHAIRMAN EWASUTYN: Mike, at this time please explain to us what we are permitted to grant as far as an extension.

MR. DONNELLY: My notes show that this action received preliminary subdivision approval on June 16, 2005. It was a preliminary subdivision approval that never received final.

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You've extended that approval roughly twenty times in six-month intervals. If you extend it another six-month interval, that would be March 19, 2020. At times when there is a great number of extensions like this you ask the applicant, on perhaps a shorter lease than six months, to come in and explain the status, what their plans are, what other agency approvals they've been able to receive and when they plan to finish the subdivision. If you'd like to do that we can shorten that six months to something shorter and ask them to appear in the meantime. If you're satisfied it's entitled to continue to get extensions, six months would be correct and March 19, 2020 would be the date.

MR. DOMINICK: Isn't that a year?

MR. DONNELLY: September. I'm sorry.

CHAIRMAN EWASUTYN: September 19, 2020.

MR. HINES: The 19th would be six months.

MR. DONNELLY: Start over.

CHAIRMAN EWASUTYN: Comments?

MR. BROWNE: This project has been

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going on since 2000? Eighteen years? I think it would behoove us to have these guys come in rather than just give extensions.

MR. HINES: I think this was also a candidate for a final public hearing. In the nineteen years that have passed the properties around the project may have changed hands, the people may have forgotten. I just don't want to see it going from preliminary to final without any further public notice.

MR. DOMINICK: I agree with Cliff. After nineteen years let's see where it is now.

MS. DeLUCA: Where is it?

CHAIRMAN EWASUTYN: Wells Road between Fostertown Road and Brewer Road. The property was originally purchased by Richard Lang. His wife is now in partnership with a fellow by the name of Slutsky. That's really the history of it.

MR. GALLI: All the wetlands and stuff like that.

CHAIRMAN EWASUTYN: In granting an extension to September 19, 2019, Mike Donnelly will prepare a letter. In that letter does the

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Board wish to have Mike Donnelly add a sentence or two informing them that they would need to appear before us on that date to give us an update as to --

MR. GALLI: Yes.

CHAIRMAN EWASUTYN: Michael, would you --

MR. DOMINICK: A question, John. Instead of granting that extension at this point can we call them in and listen to their reason and then proceed that way?

CHAIRMAN EWASUTYN: He needs to get an extension.

MR. DOMINICK: He needs the extension first. Okay.

CHAIRMAN EWASUTYN: Would you agree we just add that he comes in on the 19th of September?

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: Would someone make that motion?

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Frank

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Galli, second by Ken Mennerich. May I please
have a roll call vote starting with Frank Galli?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

At this point can I have a motion to
close the meeting of the 21st of March?

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Frank
Galli, second by Stephanie DeLuca. Roll call
vote, please.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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(Time noted: 7:52 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 29th day of March 2019.

Michelle Conero

MICHELLE CONERO