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

----- X

In the Matter of

GOLD'S GYM
(2018-07)

15 Racquet Road
Section 86; Block 1; Lot 26.21
IB Zone

----- X

INITIAL APPEARANCE
AMENDED SITE PLAN

Date: May 3, 2018
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
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JAY DIESING

----- 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: Good evening,

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ladies and gentlemen. We'd like to welcome

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you to the Town of Newburgh Planning Board

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meeting of the 3rd of May. There are two

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items on the agenda this evening, the first

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is an application for Gold's Gym, the second

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is for a timber harvest permit, that's a

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public hearing, and one item of Board

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Business.

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At this time we'll call the meeting

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to order with a roll call vote.

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MR. GALLI: Present.

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MS. DeLUCA: Present.

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MR. MENNERICH: Present.

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CHAIRMAN EWASUTYN: Present.

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MR. BROWNE: Present.

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MR. WARD: Present,

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MR. DONNELLY: Michael Donnelly,

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Planning Board Attorney, present.

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MS. CONERO: Michelle Conero,

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Stenographer.

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MR. CANFIELD: Jerry Canfield, Code

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Compliance Supervisor

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MR. HINES: Pat Hines with McGoey,

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Hauser & Edsall Consulting Engineers.

MS. ARENT: Karen Arent, Landscape
Architectural Consultant.

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

CHAIRMAN EWASUTYN: Thank you. At this
time we'll turn the meeting over to Stephanie
DeLuca.

(Pledge of Allegiance.)

MS. DeLUCA: We ask that you turn off
your cells or put them on vibrate.

CHAIRMAN EWASUTYN: Our first item of
business this evening is Gold's Gym. It's an
amended site plan located on Racquet Road in an
IB Zone. It's being represented by Mauri
Architects.

MR. DIESING: Good evening, Chairman,
Board Members. I'm Jay Diesing with Mauri
Architects.

Our proposal for you tonight is a small
addition on the south side of the existing Gold's
Gym building. We're proposing a roughly 2,700
square foot addition off of the previous addition
that we built two years ago. This space is going

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to be utilized for a -- kind of a spread out

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expansion of the free weight program that's in

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Gold's Gym at this end of the building. Gold's

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feels it's a little tight right now and they want

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to spread that out. There will also be a

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functional training area, direct staff training

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area with some of the members.

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The facade of the building -- this here

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is the existing addition that we did in 2016.

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We're just basically extending that roof line out

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on the south side. It's all the exact same

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finish materials and colors that the building is

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now, so there's no changes there.

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We've submitted just a real simple

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lighting plan. We're moving two of the lights

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off the south end of the building, around that

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south wall, and putting them on the south wall of

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the addition, and we're adding a third light just

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to light the driveway in the back.

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So there really aren't any other major changes on

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the site.

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In reviewing the parking for the

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property, the addition itself technically would

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generate about fifteen additional parking spaces

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required based on what is the suggested rate in your zoning code. In discussing that with Gold's, they feel the parking is adequate. They don't seem to have any problems with that now. We're feeling like what we have there is fine and we're hoping not to expand the parking area. The only place that really it could be expanded is in the back which abuts some of the residential neighbors to the rear. We're hoping to avoid having to do any of that.

That's a basic overview of the project.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: No.

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. BROWNE: Nothing.

MR. WARD: Is it going to be the same contractor?

MR. DIESING: The same contractor, yes.

MR. WARD: Just make sure he follows the plan. You know what I'm saying?

MR. DIESING: Absolutely.

MR. WARD: Thank you.

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CHAIRMAN EWASUTYN: Pat Hines with
McGoey, Hauser & Edsall.

MR. HINES: We have technical comments.
I believe the applicant's representative has
them.

There's a note on the map stating that
the roof leaders are going to connect to the
existing underground drainage. We're going to
need some more detail on that, the location of
that, where that's connected, where it
discharges.

The sanitary sewer force main runs
under a portion of the addition you did recently
as well as now this new building. We're just
looking for some detail on how you're going to
handle that. That is a pressure line. Should it
break under the building it could cause you some
issues. Whether you're going to sleeve it or
leave access or --

MR. DIESING: We'll sleeve it. The new
foundation -- as you said, it does run through
the existing foundation. We'll protect it.

MR. HINES: Parking calculations, we're
going to need -- as you discussed, based on the

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calculations there's a deficiency in parking. The Board is going to need some additional information on how you arrived at your parking calculations based on existing square footage proposed. They're going to have to make a determination on the adequacy of that parking. That will need to be provided.

Any increase in the sanitary sewer, we'll need something from you whether or not it's going to increase the use.

MR. DIESING: We don't anticipate any. We can state that.

MR. HINES: We'll have to get that.

Just a note for the Board, they're adding one additional light fixture. Two of them are going to be moved. There's one wall-pack mounted light fixture. They gave us the footcandle intensity. There is no fugitive light spread from the site.

Notification letters to the adjoining property owners within 500 feet will have to go out before the next meeting. A County Planning referral. I believe the property is within 500 feet of the County road, Rock Cut Road.

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

MR. CANFIELD: Nothing additional.

MR. DIESING: Also, are we set for a public hearing at the next meeting? Is that what --

CHAIRMAN EWASUTYN: Are we ready to set it for a public hearing, Pat?

MR. HINES: Is the Board going to have a public hearing on it I guess would be the first question, whether this warrants a public hearing or not.

CHAIRMAN EWASUTYN: We did for the last one.

MR. HINES: For the last addition there was some interest from the neighbors to the rear.

CHAIRMAN EWASUTYN: Can we do that now?

MR. HINES: You'd have to do a neg dec first, and then you could schedule it for a public hearing on a date out.

CHAIRMAN EWASUTYN: And then the notification letter as far as the informational letter would also contain the public hearing notice.

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MR. HINES: Normally when those coincide we would do that. It needs to get to County Planning eventually, and there's the thirty-day clock for that. You may want to put the public hearing out more than a month.

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CHAIRMAN EWASUTYN: So it coincides with the thirty days?

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MR. HINES: Right.

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CHAIRMAN EWASUTYN: What would be the appropriate date then?

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MR. HINES: The first meeting in June would be the 7th. It would be tight to get that. We could get it to the County tomorrow.

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CHAIRMAN EWASUTYN: What is the date we're agreeing on?

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MR. HINES: June 7th would be the earliest. The second meeting in June would be the 21st.

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CHAIRMAN EWASUTYN: What would the Board prefer?

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MR. GALLI: How quick can you get it there? Is it pushing it for the 7th?

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MR. HINES: It is.

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MR. GALLI: Do the 21st.

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MR. HINES: It would have to be hand delivered to the County tomorrow to make that work. The 21st would be a comfortable -- there would be plenty of time.

CHAIRMAN EWASUTYN: Then I'll move for a motion that we declare a negative declaration for the amended site plan for Gold's Gym and set the public hearing for the 21st of June.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you.

MR. DIESING: Thank you.

(Time noted: 7:08 p.m.)

(Time resumed: 9:05 p.m.)

CHAIRMAN EWASUTYN: Excuse me. Ken,

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would you follow up with Mauri Architects as far as when you have a chance to bring that up, your comments on the delineation of the parking lot?

MR. WERSTED: Absolutely.

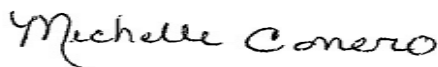
C E R T I F I C A T I O N

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 17th day of May 2018.



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

PUBLIC HEARING

Date: May 3, 2018
Time: 7:08 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
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER PRENTIS

----- X

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CHAIRMAN EWASUTYN: The next item of business is the Serviss Timber Harvest. It's a public hearing. It's located on Union Avenue in an R2 and RR Zone. It's being represented by Chris Prentis. Ken 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 the Municipal Code of the Town of Newburgh, Chapter 83-8 Section E, on behalf of the Serviss Timber Harvest, project 2018-04, for a selective harvest of timber. The project is located on a vacant lot off of Union Avenue. The parcels involved are designated on the Town tax maps as Section 34; Block 1; Lot 25.2 harvested parcel and Section 14; Block 1; Lot 48 landing and loading parcel. The applicant has applied for a selective timber harvest of 80 plus or minus acres of a 98 plus or minus acre parcel, tax lot 25.2. The timber harvest will remove approximately 1,170 marketable trees, which equates to approximately 15 trees per acre.

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Said hearing will be held on the 3rd day of May 2018 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at --

UNIDENTIFIED SPEAKER: Could you speak up a little bit?

MR. MENNERICH: -- all interested persons will be given the opportunity to be heard regarding the proposed timber harvest. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 16 March 2018."

CHAIRMAN EWASUTYN: Michael Donnelly, would you introduce this.

MR. DONNELLY: Before the Planning Board takes action on this project it wishes to hold a public hearing. The purpose of the hearing is to make sure that you, the members of the public --

MS. SAGER: We can't hear a thing anybody is saying back here.

MR. GALLI: There's seats up front.

MS. SAGER: I have good hearing. It's just not loud enough.

MR. DONNELLY: The purpose of the

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public hearing is to give the public the opportunity to address the Board and to bring concerns that you may have to the Board's attention before it takes action. That makes sense because I assume most of you live in that area. After the applicant makes his presentation the Chairman will ask those that wish to speak to please raise your hand. When you're recognized we'd ask you to stand and come forward so we can hear you. If you'd give us your name, we'd ask you to spell it for our Stenographer so we get it down correctly. Tell us where you live in relation to the project. Please address your comments to the Board and not to the applicant. If you do have questions and if they can be easily answered, the Chairman will ask either the applicant's representative or one of the Town's consultants to try to answer that question for you.

MS. KISSAM: Excuse me. Could we have one of the microphones placed over here?

MR. DONNELLY: They're not on.

MS. KISSAM: Why not? That's part of the public hearing.

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CHAIRMAN EWASUTYN: You'll have to come forward and speak louder.

MS. SAGER: Yeah, because --

CHAIRMAN EWASUTYN: Jane, you could -- when the time comes you can move forward and speak. We'll all be able to hear you.

MS. SAGER: I'm just saying for everyone in the room to be able to hear --

CHAIRMAN EWASUTYN: If you can't we'll ask someone to speak louder.

MS. KISSAM: What's the problem with the microphones?

CHAIRMAN EWASUTYN: I don't know what the problem is. We're going to start the meeting now, Sandra. We're not going to analyze the system.

Chris Prentis, would you introduce the project?

MR. PRENTIS: Good evening.

CHAIRMAN EWASUTYN: Speak louder and face the audience.

MR. PRENTIS: My name is Chris Prentis, Lower Hudson Forestry Services. I'm the applicant's representative for a selective timber

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harvest on Harry Serviss's property located off of Union Avenue.

As the public hearing announcement said, we're proposing a harvest on 80 acres of a 90 acre parcel. All hardwood trees, 14 inches to 32 inches are proposed to be harvested. A total of 1,170 trees or 15 trees per acre.

It's proposed two landing areas, one on a parcel which would come right onto Union Avenue, the other would be on the parcel that is currently owned by Mr. Serviss and would be accessed from his driveway back into an existing field.

No excavating, grading, anything like that will be occurring. Just the trees will be cut and lopped to a height of no more than 3 feet off the ground. All skid trails and landings will be smoothed, graded in accordance to the State Best Management Practices for timber harvesting. Both landings will be seeded and hayed at the end of the project.

CHAIRMAN EWASUTYN: Now if anyone has any questions or comments, please raise your hand. To keep a sense of order to the meeting,

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we'd like to have everyone have an opportunity to speak first, and when we respond to all those individuals, if you have a second question, then you'll please reintroduce yourself.

The lady who raised her hand.

MS. KISSAM: My name is Sandra Kissam and I reside at 1261 Union Avenue. I would like the minutes to reflect the fact that a microphone was not available for this meeting and that I personally think that that problem could have been solved before the meeting. Thank you very much.

Good evening, gentlemen. My first comment is that this meeting is in fact -- this hearing is premature because many of the items in the clearing and grading law that will have to be provided by the applicant to my knowledge are not yet available. One of the first is under B, B-1, the names and addresses and the section, block and lot numbers of all contiguous properties and owners and of those property owners on the opposite side of any public street contiguous with the parcel. I haven't seen that documented.

Drawings and plans must show the

1 boundary of the 100 year floodplain together with
2 designated wetland boundaries, and 100 foot
3 buffer, and all water courses and water bodies
4 where applicable. I haven't seen that document.
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6 Then also we should know the depth to
7 permanent groundwater aquifers on the site
8 proposed for site preparation activities and soil
9 types that could be disturbed by the proposed
10 activity.

11 Finally, all the temporary and
12 permanent drainage, erosion and sediment control
13 facilities, including such facilities as ponds
14 and sediment basins, identified as to the type of
15 facility, the materials from which it is
16 constructed, it's dimensions and it's capacity in
17 gallons.

18 We the public do not have this
19 information as I stand here, and so I am
20 recommending, before I even continue my comments,
21 that this public hearing this evening is
22 premature and should therefore be continued to
23 another night. So I want the record to please
24 reflect that, that we need to have a continuation
25 of this public hearing.

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Now, I noticed that in the previous presentation just now the meeting ended with a declaration of a negative dec, a SEQRA determination of no environmental -- negative environmental impact. Is it your intention this evening to declare yourselves lead agency and to make a declaration of significance?

CHAIRMAN EWASUTYN: Mike Donnelly?

MR. DONNELLY: If the Board is going to take action they will need to issue a declaration of significance before they do so.

MS. KISSAM: So this project is in fact subject to SEQRA?

MR. DONNELLY: Yes, it is.

MS. KISSAM: I'm glad you clarified that because I was not sure. I was not sure. So there will be a SEQRA determination?

MR. DONNELLY: There will need to be one, yes.

MS. KISSAM: Okay. Then my first question is where is it stated by the developer or his representative whether or not there will be additional reasons for clearing these mature trees? I'm assuming mature trees.

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MR. PRENTIS: I want to clarify. You're using the word developer. There's no intention of development on this property.

MS. KISSAM: It is an action. It is an action.

MR. PRENTIS: It is an action. It's not a development. I'm not quite sure why you're going down that road, but it's not a development.

MS. KISSAM: Well then let me ask you what is the purpose of the action?

MR. PRENTIS: To harvest timber, to generate revenue and to thin out the forest, to have the remaining trees have a more vigorous, faster growth rate and to get rid of the overmature trees.

MS. KISSAM: And are you doing this under the auspices of the DEC? They have a timber harvesting program where they monitor how things are done and then check later. Are you doing this under their auspices?

MR. PRENTIS: I am actually a DEC recognized forester. I'm also a certified forester under Society of American Foresters. We are following the State's Best Management

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Practices for timber harvesting.

MS. KISSAM: So do you require a permit from the DEC?

MR. PRENTIS: Not for timber harvesting in the State of New York.

MS. KISSAM: All right. Thank you very much.

CHAIRMAN EWASUTYN: You're welcome.

The lady in the back.

MS. SAGER: I'm asking questions --

CHAIRMAN EWASUTYN: Jane, Jane. The lady in the back, I acknowledged her.

MS. SAGER: Oh, I'm sorry.

CHAIRMAN EWASUTYN: She had her hand up.

MS. O'CONNOR: I'm Carmen O'Connor. I'm here because I got a letter about the harvesting of these trees. My question is I really -- the letter didn't say where -- what area. It didn't have a map. It didn't tell me anything. All I know is you're harvesting trees in this area. I assumed when I got the letter that it's near me. So I really need to know exactly where you're doing this. You don't have

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a map?

MR. PRENTIS: I have a map.

MS. O'CONNOR: For yourself but not for us.

MR. PRENTIS: It's all available on the Town of Newburgh's website. I just pulled it up this afternoon.

UNIDENTIFIED SPEAKER: It's a hearing. It should be here.

CHAIRMAN EWASUTYN: Excuse me. What we have to do is we have to maintain a sense of order. Carmen is speaking. Chris responded to her.

MS. O'CONNOR: I just feel there's too many trees being taken for the amount of acreage. It just seems so much.

And who -- the Town is the one who is getting this money from this income that you said just now? You just said that you were making some revenue from it.

MR. PRENTIS: The owner is making the revenue.

MS. O'CONNOR: If it's the Town that's making the revenue, then I can see the interest.

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If it's some outside concern or company, then it really is not good to be taking these trees for that.

MR. PRENTIS: It's the landowner who gets the revenue.

MS. O'CONNOR: The landowner. So the landowner is the one who is doing this?

MR. PRENTIS: Correct.

MS. O'CONNOR: So why doesn't he just take it from his own little parcel?

MR. PRENTIS: This is his parcel.

MS. O'CONNOR: You mean all that property is his?

MR. PRENTIS: Yes. Do you think he's harvesting somebody else's property? He owns two parcels --

CHAIRMAN EWASUTYN: Chris, we're having a clarification. Carmen is looking for a clarification. It's not a question of, you know, someone is fishing. She just wants to have a definitive answer and to have a general idea.

MR. PRENTIS: I apologize.

CHAIRMAN EWASUTYN: Do you have a colored map?

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MR. PRENTIS: I do.

CHAIRMAN EWASUTYN: Can you put the colored map up on the easel? Can you put it in the center for a second? Carmen will come up and you can roughly discuss it with Carmen.

UNIDENTIFIED SPEAKER: A larger map.

CHAIRMAN EWASUTYN: We don't have that so we'll work with what we have, with all due respect.

MR. PRENTIS: Mr. Serviss owns both the parcels.

MR. DONNELLY: He owns roughly 125 acres.

MR. PRENTIS: Correct. Where do you live? Which street?

MS. O'CONNOR: Right here. Exactly right there. So those are the trees that are behind the house. All those woods are gone?

MR. PRENTIS: They won't be gone.

MS. O'CONNOR: They're gone if you take the trees. Oh, my God.

MR. PRENTIS: If you take 15 trees per acre, you're still going to have about 50 trees per acre.

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MS. O'CONNOR: That is criminal. I'm sorry. That's my opinion. That's right behind my property.

CHAIRMAN EWASUTYN: Jane, do you want to come forward? You had a question. Jane, come forward now. I'll manage --

MS. SAGER: His property is involved, mine isn't.

CHAIRMAN EWASUTYN: The gentleman.

MR. HEITMULLER: My name is Paul Heitmuller, H-E-I-T-M-U-L-L-E-R, 28 Floral Drive.

First off I'd like to say just looking at this map, and I believe if you can answer, this little blue outlet here is considered wetlands.

MR. PRENTIS: Correct.

MR. HEITMULLER: Actually, my house is right here and it goes way up this. I was just using a drone the other day and took photos of it. There's water, streams coming down. It literally comes down through here. You can almost see on this map this trail that goes down into here. If this is the only little section you're going to avoid -- there's water all

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throughout this. I'm not sure, have you had the DEC do an environmental impact study?

MR. PRENTIS: For a timber harvesting they don't need to do an environmental impact study. We have talked with the DEC wetlands biologist, and what I offered was --

CHAIRMAN EWASUTYN: You have to clear your throat, take a deep breath, feel comfortable speaking so everyone can hear you. Relax.

MR. PRENTIS: I don't have a problem speaking, I have a cold right now.

CHAIRMAN EWASUTYN: Take your time. Please, please.

MR. PRENTIS: What I offered, and we spoke about this on the phone earlier, was that a wetlands biologist from the DEC offered to come out to the site, before anything occurred, and flag out any areas that he had concerns with. Myself and the owner was okay with that. So, you know, that would take care of any of your concerns.

MR. HEITMULLER: Okay. To that point, when would they be doing that?

MR. PRENTIS: It would probably be

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sometime in the next, I would imagine month. I could arrange it and arrange a day and a time and we can do it.

MR. HEITMULLER: Because especially the water level now is extremely high. I'm concerned about the water being diverted into my backyard, for one, and everybody else in the neighborhood.

Also, if there's any type of frogs or species of animals that -- I thought there was a law, a mitigated wetlands law that for every acre you disturb you have to put two more back. Is that true?

MR. PRENTIS: That is if you permanently disturb wetlands. We're not actually permanently disturbing any wetlands.

MR. HEITMULLER: How would you not be using the equipment there?

MR. PRENTIS: A skid trail is not a permanent alteration of the wetlands.

CHAIRMAN EWASUTYN: Pat, do you want to speak on behalf of that also?

MR. HINES: There's a DEC regulated wetland on the portion of the property that is not being logged but is being utilized for a

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landing zone. My office also spoke with the DEC wetlands biologist and concurs with the forester's plan that they are going to meet and delineate those areas where the DEC would have some concerns. There are no DEC regulated wetlands in the area of the proposed timber harvest. DEC only regulates wetlands that are 12.5 acres or larger, and those wetlands they regulate have a 100 foot adjacent area also regulated. On the parcel in question that's being harvested, there are no regulated wetlands by the DEC. The removal of -- when they cut the timber the stumps remain, so there's no ground disturbance other than the equipment utilized to haul the logs to the landing zone. As the forester said, there is no permanent disturbance to the land. The wetlands aren't an issue. There are DEC regulated wetlands on the other parcel and they're going to work with the DEC to flag those.

MR. HEITMULLER: So the DEC did an environmental study and you're saying that's why you know there's not 12 acres of wetlands back there?

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MR. HINES: The DEC has mapped all wetlands that they regulate that are 12.5 acres or less.

MR. HEITMULLER: When was the last time that was regulated or looked at, evaluated?

MR. HINES: As far as I know --

MR. HEITMULLER: When was that assessment?

MR. HINES: They officially mapped the wetlands in 1987. They have updated those maps. They have not adopted them yet. If this area was in that region they would have been -- they are exercising jurisdiction on wetlands that they could regulate but do not. Often times they'll negotiate with the landowner for a reduced size buffer is what we've found. So they have updated their mapping. They haven't adopted the maps. Rumor has it it's because they don't have enough money to send out the certified mailings to adopt the new wetlands maps. They do utilize those maps in order to regulate those wetlands.

MR. HEITMULLER: I would like to -- I'm just curious, the process of taking 14 to 32 inch trees versus not touching the other ones, I have

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a big question mark. How does that happen, one?
I guess we'll start with that.

MR. PRENTIS: A professional logger can directionally fall trees any which way he wants. Care is taken not to disturb saplings or other trees that are not being designated for removal. That's how it's going to be done.

MR. HEITMULLER: There's another parcel of land that Serviss owns currently now that's already been clearcut. Do you know anything about that? Were you involved in that project?

MR. PRENTIS: I was not.

MR. HEITMULLER: Do you know about that project itself?

MR. PRENTIS: I know where you're talking about but I don't know what he did.

MR. HEITMULLER: One of our neighbors, which I don't see here tonight, his property is near there. I think maybe the Board would know, if there was supposedly 137 approved removal of trees, does that sound familiar? A lot that was supposed to remove 137 or thereabouts. The gentleman said he went back or used a drone and it was 410 that was removed and not the 137 that

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was agreed upon or suggested or inferred. I'm curious as to stop you -- where is the checks and balances regarding 1,112 trees versus 3,000 or 4,000 trees, because nobody is going to be back there watching this? Can somebody speak to that?

CHAIRMAN EWASUTYN: Chris.

MR. PRENTIS: I supervise the job.

MR. HEITMULLER: You're getting paid by Mr. Serviss; right?

MR. PRENTIS: I get paid as an hourly rate by Mr. Serviss, yes. He was paid for 1,170 trees. So it wouldn't be beneficial for him to have somebody else cut additional trees because essentially they would be stealing from him.

MR. HEITMULLER: Are you cutting the trees?

MR. PRENTIS: No.

MR. HEITMULLER: You just --

CHAIRMAN EWASUTYN: Please, please.

MR. PRENTIS: I am his representative in the timber harvesting deal, so --

MR. HEITMULLER: So you suggested 1,170 trees that were marketable?

MR. PRENTIS: Mm'hm'.

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MR. HEITMULLER: Are they all marked?

MR. PRENTIS: They're designated with dots.

MR. HEITMULLER: All 1,170 are dots?

MR. PRENTIS: Not all of them are marked.

MR. HEITMULLER: Because that's what was in the minutes from the last meeting I read. When were they supposed to be marked?

MR. PRENTIS: They're not marked. It doesn't have to be marked.

MR. HEITMULLER: Didn't the minutes say last time -- does anybody have the minutes from the last meeting?

UNIDENTIFIED SPEAKER: How do they count the trees?

MR. PRENTIS: I do plot inventories through the project area. The inventory generates trees per acre, species. That's how you get the number of trees.

UNIDENTIFIED SPEAKER: So it's an estimate?

MR. PRENTIS: It's an estimate with a plus or minus. I think it came out to four-

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and-a-half percent. It's a pretty good and robust inventory.

MR. HEITMULLER: Are you done?

MR. PRENTIS: Yes.

MR. HEITMULLER: The minutes from last meeting said that you had worked with the Board I believe in the past, --

MR. PRENTIS: Mm'hm'.

MR. HEITMULLER: -- and one of the comments from the Board Members was it seems to be a little more intense than it used to be or for a previous project where it was 10 trees per acre. Now we're looking at 15.

MR. PRENTIS: Right. If you look at the meeting minutes from last time, I also brought up a harvest that I just finished last week that actually had 18 trees per acre.

UNIDENTIFIED SPEAKER: That's irrelevant.

MR. PRENTIS: Well, if he's bringing up previous projects at 10, then it is relevant at 18.

CHAIRMAN EWASUTYN: Again I have to ask you to excuse yourself because it's more often

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than once that you decided to take a lead on the speaking. You'll have an opportunity. I'd like everyone to be polite. We're not here to argue points back and forth.

Will the trees be marked, I guess that's the question, and when will they be marked? That's all.

MR. PRENTIS: Like I say, it's more of just the diameter specification. There was not any intention to mark it.

MR. HEITMULLER: The concern that I have is really who is going -- how are you going to be held accountable? You could say I'm going to take 2 and take 20. It's easier to ask for forgiveness than permission. That's one of my bigger concerns.

You know, regarding also the no buffer comment, no buffer at all, it's a later cut. I don't understand. If he's trying to raise money, I understand, that's his property and all that. Maybe the Board can help me. I believe the land was purchased and it is considered -- I don't know what zone. Do you know what zone?

CHAIRMAN EWASUTYN: If you'd allow us

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to go back to the introduction of the project.
It went on to say it is the Serviss Timber
Harvest located on Union Avenue, it went on to
say in an R2 and AR Zone. That was mentioned in
the beginning of the hearing.

MR. HEITMULLER: Okay. But when he
purchased it what was it zoned at? Is that the
same one, R2?

CHAIRMAN EWASUTYN: I don't believe the
zoning has been changed.

UNIDENTIFIED SPEAKER: The paperwork
says RR. The EAF says RR and R2. RR is
reservoir residential.

CHAIRMAN EWASUTYN: I understand that.

MR. HINES: Just to clarify, it is RR.
That was a typo in the -- it's RR and R2. There
is no harvesting in the RR portion.

MR. HEITMULLER: Where is the RR
portion?

MR. HINES: It's the portion of the
balance lot that is tributary to Chadwick Lake.
The lot that is not being harvested.

MR. HEITMULLER: So back to my point of
a buffer zone. The reason why the gentleman here

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-- this is the lot on 300 over here, the loop that was supposed to be done. This is more obviously clearcut. But the concern that we know is that the neighbors who have this property, now you can see it up on the hill. The winds whip right through there and their heating bill doubled. I'm concerned about the similar situation where my heating bill is going to go up because he's just ripping out all these without anybody accounting for how many there are. Is there going to be a buffer zone of say 150 feet at least, and you have 80 acres?

MR. PRENTIS: 150 buffer around 80 acres is a lot of acreage.

MR. HEITMULLER: So is 80 acres.

MR. PRENTIS: I understand, but not all 80 acres --

MR. HEITMULLER: How much would that be, approximately?

MR. PRENTIS: You'd have to figure out the length and the distance. Without a calculator I don't know.

CHAIRMAN EWASUTYN: Paul, can we drop back and leave the buffer issue on the table for

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now rather than debating the mathematics of it?
You raised a point. You're asking for a buffer.
We'll keep that on the table. Okay.

MR. HEITMULLER: Okay. And then
regarding the company he's using, is that Empire
I believe?

MR. PRENTIS: No.

MR. HEITMULLER: What company is he
using?

MR. PRENTIS: Tri-State Harvest.

MR. HEITMULLER: Tri-State?

MR. PRENTIS: Yes.

MR. HEITMULLER: Is that fully insured?

MR. PRENTIS: Workers' Compensation,
full liability.

MR. HEITMULLER: Do they have to have a
permit, a license with the DEC or anything?

MR. PRENTIS: Not in New York.

MR. HEITMULLER: Not in New York.

MR. PRENTIS: He's a reputable company.
He's been around for thirty plus years. He has a
yard on Route 209 in Stone Ridge.

MR. HEITMULLER: Are there any previous
lots that you've done that we could see some

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aerial footage or something, a before and after, this is what it looks like, so we can have a warmer feeling about what is going to happen behind our house?

MR. PRENTIS: From him?

MR. HEITMULLER: From a previous project. You can show this is prior to taking out 10 trees, this is prior to taking out 18 and this is what it looks like after the fact.

MR. PRENTIS: I could probably provide you some addresses. I don't have aerial footage of -- I mean I have whatever the State provides for aerial photos. I don't have aerial photos, especially current ones.

MR. HEITMULLER: You understand what I'm saying? I want to see the before and after, in my opinion devastation of the lands. The reason I say that, it's personal to me. I've lived there for fifty years. I bought the house from my parents. Behind our house there's deer, there's turkey, there's barn owls, foxes, coyote. There's everything back there. When you clearcut this land you're going to devastate the animals back there.

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MR. PRENTIS: Just to reiterate please, we're not clearcutting. There's going to be, like I say, 40 to 50 trees per acre remaining after this.

MR. HEITMULLER: What size are those?

MR. PRENTIS: Anywhere between 6 inches to 14, 15 inches.

MR. HEITMULLER: You said you're taking the 14s. So it's 13. 13 and below.

MR. PRENTIS: Not all 14 inch trees are going to be taken, just the ones that are merchantable. When you do harvesting you will actually create a different kind of habitat. So now you're going to have young growth. You're going to attract animals you haven't seen there in fifty years.

MR. HEITMULLER: You're also not going to see the ones that were there.

CHAIRMAN EWASUTYN: Paul, I think we understand your point. We understand your point.

The gentleman in the back.

MR. ABBOTT: Ken Abbott, A-B-B-O-T-T. I live at 30 Floral Drive. You said you were going to have a DEC representative come in and

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look at the property?

MR. PRENTIS: The wetlands biologist.

MR. ABBOTT: Will that information be available to us and how?

MR. PRENTIS: In what kind of format do you want it? Like a GPS file?

MR. ABBOTT: I want to hear what they have to say. Are they going to just go back there and do a report of some sort? Are they going to look at it and say thumbs up, thumbs down? They're going to write a report about it I would assume.

MR. PRENTIS: I can ask them to write a report.

MR. HINES: It's my understanding that they're going to go out. Typically when a wetlands biologist from DEC goes out they hang flags and delineate the wetlands based on the presence of wetlands vegetation. They will delineate those portions of the wetlands. Again, there are no regulated DEC wetlands on the parcel to be harvested.

MR. ABBOTT: They're going to have someone come in and take a look. I'd like to

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have their findings available to us. I have a feeling if they're negative we won't hear anything more about it.

CHAIRMAN EWASUTYN: Ken, let him speak.

MR. HINES: I've never seen DEC generate a report on a wetlands delineation. They physically mark them in the field.

MR. ABBOTT: I'm sorry. Is that what we're talking about? What did you say they were going to come in and inspect, or you would have them assess?

MR. PRENTIS: We talked about the wetlands, yes.

MR. ABBOTT: Okay. So they're going to come in and assess the wetlands. Okay.

MR. HINES: What's called delineate the wetlands in the area of any proposed impacts. The wetlands, again, are not on the site that's being harvested, they're on the site adjacent to it that's going to be used as a log loading area. There's an existing --

MR. ABBOTT: There's actually two spots of wetlands, isn't there? There's two spots of wetlands? By Krolls Acres I believe?

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MR. HINES: My understanding --

MR. ABBOTT: In the application it says two; right?

MR. PRENTIS: One is along the road which has all the fragmities in it you can see behind the red house, and that's not forested wetlands so there's -- you're not going to go anywhere near that. The other one is the small unclassified wetland in the far southern portion of the property.

MR. ABBOTT: So yeah, two.

MR. HINES: One DEC regulated wetland.

MR. ABBOTT: The one by Union Avenue is actually DEC regulated?

MR. PRENTIS: No. The one on the parcel that's not being harvested but used as a landing and loading area, there's a DEC regulated wetlands on that parcel. The two that are on this parcel are not large enough to be DEC regulated.

MR. ABBOTT: So the information you gather, will that be available to us?

MR. PRENTIS: I can make it available to the Town.

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MR. ABBOTT: Could you make it available to the Town? Yes. That would be good.

And could you be more specific on exactly where the landing zones are going to be? How do we know? That's a pretty big parcel.

MR. PRENTIS: One is on -- there's an existing old woods road that comes out right onto Union Ave. About 100 feet south of that.

MR. ABBOTT: I know where that is.

MR. PRENTIS: The other one is in the field behind his house. You won't be able to see it from the road. It's existing field with a gravel driveway into it.

MR. ABBOTT: And the landing zone is what exactly? Where you load trucks?

MR. PRENTIS: Correct.

MR. ABBOTT: That area will be cleared?

MR. PRENTIS: Correct. They're typically less than a quarter acre will be cleared, and then obviously the one that's in the field, there's nothing to clear. It's the field.

MR. ABBOTT: Okay. That's all I have.

CHAIRMAN EWASUTYN: Thank you.

The gentleman in the back.

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MR. ARTHUR SIEGFRIED: Hi. I'm
Siegfried, 41 Floral Drive, S-I-E-G-F-R-I-E-D.

I just got off the phone with the DEC
today. I got lucky enough to meet the head of
the DEC last year at a cleanup I did with them up
at Blue Hole, Sundown. I was speaking with their
office today and I was telling them a little bit
about what's been going on in the Town of
Newburgh and they were a little bit upset. When
I told them what was going on with this project
they blew a gasket. They had no idea what was
going on. I sent them pictures of the wetlands
that are on Union Avenue by Walnut. This
wetlands grew from a small pond to a stream to
almost all -- it's 15 feet away from Union Avenue
right now, 15 feet, because of the Town's neglect
and actions. You guys are not taking geology
into effect when you do these planning things. I
don't even know what to call them. Wetlands,
water tables.

You screwed up the water table and
raised it years ago when you put in Town water,
and you raised everybody's water system because
you would take it out with the well and put it

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back in with the septic system. When you hooked up everyone to Town wells, you're putting it in now and not taking it out. So you raised in the Town everybody's water table up higher.

We had to put 30 truckloads of dirt in our property, had artesian wells with an anaerobic septic system. You know, that's 16 grand right there. I mean this is insane, what happened, because of that one little mistake you guys made, all right.

They're freaking out, the DEC. They're going to start an investigation. They're coming down here. I sent them the pictures. They were livid.

Wetlands and the water for wetlands isn't just the streams that flow, it's the groundwater that goes underneath them, and all these are connected. The projects you approved on upper Union Avenue, those new houses going in there up by the Thruway, across the street by Serviss's and over on this section, all that is connecting and it's flooding out protected wetlands. And not only that, it's raising the water levels of everyone in the neighborhood's

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property because the trees absorb the water.

When you cut down the trees, they're not there,
you killed them.

I grew up, I know every single inch of
these woods from here to Chadwick Lake to Orange
Lake. Every inch of this. I've been in these
woods since I was a kid. There are not 15
harvestable trees per acre in those woods
because these woods are so old. You've got
massive trees and then you've got a whole bunch
of little ones. If you harvest 15 per acre, what
you're going to end up getting is a bunch of
sticks sticking out of the ground.

A bad mistake was made by you guys a
few years ago, about eight years ago when you
harvested Little Brook Farms. You didn't even
check with the DEC there and you destroyed a
malis population that was on the endangered
species list. That's gone forever now. It's
gone. And the land looks like someone reached in
and scraped it for the last eight years. You can
ride on that road and you can see Krolls Acres.
We're just right over the top of that hill.
That's how bad that is. And the land is eroding.

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These things have to be taken into effect when you're on the Planning Board for the Town. This is what you're planning. You're not approving people doing jobs. We need a plan for the Town of the water, what's going on with the water tables, what's going on with the drainage. They didn't do that in south Florida years ago with the Everglades and they destroyed it. We're doing the same thing again. The exact same thing again. These things have to be planned out extremely carefully.

So this should be shelved, tabled until the DEC comes in and does a report on this land. They are livid. I was on the phone with them today. They couldn't believe it. They couldn't believe anything I was telling them. It's not going to be good unless this is done the proper way because you're going to have lawsuits. You're already going to have lawsuits from some Town residents.

You have an easement that goes from people's property that you haven't maintained in 60 years. You have destroyed their driveways and the foundations of their homes. People have been

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coming down here -- I personally have been coming down for eight to ten years trying to get you guys to fix it. I was at Cindy's last day here, that's how -- hanging out with them partying because I've been down here so long, trying to get them to fix that situation. What do they do? They replace a tube and not the thing that goes through one, two, three, four -- eight properties. Didn't touch it. They replaced a tube that went through the road and then repaved the road. The original pavement has been destroyed for forty years. It lasted about twenty but for forty years you haven't fixed it. It's been cleaned out but the water goes under now, and it's raised the water table. That flows like a river and that empties into the DEC wetlands.

So there's a lot of factors that are going on that no one is taking into effect. It seems like -- I know he seems like a nice guy, he just wants to come in and cut some timber, but it's not working like that. We're destroying lands. We're causing homeowners' foundation cracks, destroying their driveways, and we

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haven't admitted to the situations we've already destroyed. You know, I personally have been coming down here for eight years, sitting at Cindy's desk, trying to talk to supervisor after supervisor. Everyone. Go to this one, go to the highway department, go to this one to try and get this fixed. They still will not fix that drainage ditch that the Town pumps their water through private property and into those wetlands. So when the DEC sees that also, I think they're going to be a little livid. This is something that you guys have to just stop right now, shelf this, table this, let the DEC come in, look at what's going on in the Town, because we need a plan and we don't have a plan. I mean you guys -- I know you guys have a lot of work to do and we sometimes get lost and think no developing is good, cutting trees is good but it's not. We're causing more problems in the long run.

Tomorrow take your cars, each and every one of you sitting here, and drive up Union Avenue and go right to Walnut and park your car and walk in there and watch what happens. Walk down the road a little bit . When you get to

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Third Street, which is the first entrance of Krolls Acres, right across from the house there where a guy who I think works for the City highway department decided he was going to fill in the wetlands so he could have a parking spot. He's got his own little parking spot filled in on wetlands. If you need photos of that I've got that. You can stand right there in the road and there's the water. The water should not be there. It was a little pond originally when I was -- in the `80s when I was testifying that was wetlands when I was a kid because I knew the land. It was a small pond and a stream that fed it. Now all the trees are dead and it's a swamp. It's been destroyed because of overdevelopment. We're not planning these things out right. You can't just divert all the water into things like this. This is the exact same thing that's going to happen again but worse this time because you're going to affect people's homes. And I'll tell you what, they're going to sue you. You're about ready to have a few lawsuits because, what, over ten years of someone asking you to correct one of your problems and not fixing it, you're

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destroying driveways and foundations of homes because you won't fix them. That's negligence and you're liable for that. So if this goes on you're going to be liable for neighborhoods. And we're not just talking hundreds of thousands of dollars. We're talking hundreds of millions of dollars.

For a small little project like this it is better to wait, have the DEC come in and investigate this land before we just push it ahead and go ahead, we'll get this report and once we get the report everything will be fine. No, it's not. We need to stop this right now tonight and take a stand for this area or else we're going to turn this into a bad combination of Yonkers and old south Florida. Yonkers with most, it's not going to work.

I'm watching everyone I grew up with leave this area. There's nothing to do here. There's nothing in this area. What do they do? If you ask yourself when you do something at night, if you don't go to a bar or a restaurant, you leave. You go to New Paltz, Woodstock, Beacon. Why? Because it's crazy here. There's

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nothing here, and the things that are here are disgusting. And then I drive -- I have a storage unit I put things in so I don't clutter up. Every time I go to that storage unit at the storage shop and I see what you guys did to Little Brook Farms, what you allowed to happen to Little Brooks Farms, I'm disgusted. There's a well back there from the Revolutionary War. An old horseshoe well that fills up. We found a coin there when we were kids from the 1700s, I still have it, in the well. That's still back there. Why? Because it fills up with water naturally. That's how wet these lands are. And if you cut these trees down they're just going to flood out. I'm telling you, his house is going to get flooded and he's going to be suing you. His house is going to get flooded and he's going to be suing you. His house is going to get flooded, he's going to be suing you. They're going to be suing you for their entire homes because they're going to be destroyed.

The water level is not that high. I have an artesian well in the yard. I can go like this with a stick and it goes up like this, and

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you guys created that when you put the Town water in. You guys created that. Thirty truckloads of dirt and an anaerobic sewage system still hasn't fixed it.

There's my neighbors right there. They've had water issues for years. We've been battling with each other trying to blame each other, but it's not each other, it's the water tables. I studied geology in college to figure it out.

CHAIRMAN EWASUTYN: Thank you.

MR. ARTHUR SIEGFRIED: And nobody is being held responsible for their actions.

CHAIRMAN EWASUTYN: Pat Hines has spoken with the DEC. Did you not?

MR. HINES: I did.

CHAIRMAN EWASUTYN: Okay. Are they aware of this clearing and grading timber harvest?

MR. HINES: Yes. The gentleman I spoke with is very aware of it.

MR. ARTHUR SIEGFRIED: I spoke with them today and they said they were not aware of it.

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CHAIRMAN EWASUTYN: For the record, who did you speak with?

MR. ARTHUR SIEGFRIED: Kelly up at the New Paltz office.

CHAIRMAN EWASUTYN: I don't know. You spoke with him. What's his name?

MR. ARTHUR SIEGFRIED: It's her name. She runs the New Paltz office. I'm sorry, I can't remember if it's Kelly or Kerri.

CHAIRMAN EWASUTYN: Do you remember her name?

MR. ARTHUR SIEGFRIED: You can go to the website and look. It's either Kelly or Kerri.

CHAIRMAN EWASUTYN: That's not what I'm looking to do.

MR. ARTHUR SIEGFRIED: I'm sorry, I'm a little right now. It's the head of the DEC in New Paltz. You know exactly who I mean.

MR. HINES: Kelly Tutoro. She would not be aware of this.

CHAIRMAN EWASUTYN: We understand.

MR. ARTHUR SIEGFRIED: Already you're aware of what happened to the wetlands on Union

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SERVISS TIMBER HARVEST

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Avenue by Walnut.

CHAIRMAN EWASUTYN: I'd like to move on to another person to speak. Thank you.

Questions from the audience? The gentleman back there.

MR. PARKER: Robert Parker, 22 Floral Drive.

CHAIRMAN EWASUTYN: Thank you.

MR. PARKER: A little while earlier you offered some addresses that we might be able to find out what the product looks like after your style of clearing, of harvesting. If you could provide those -- some of those addresses. Do you think that we would be able to see what they look like from Google Maps?

MR. PRENTIS: My suggestion would be to go on the county website. They have the better photos. Google Maps has the leaf-on photos.

MR. PARKER: You suggested there might be photos available at the county what?

MR. PRENTIS: The County's tax map.

MR. PARKER: The County tax map. Only on a map?

MR. PRENTIS: Right.

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MR. PARKER: Not photos?

MR. PRENTIS: No. They're aerial photos.

MR. PARKER: They are. All right.

MR. PRENTIS: They were taken in the spring of 2016.

MR. PARKER: Has anybody investigated in there if there's any endangered or protected species?

MR. PRENTIS: Yes.

MR. PARKER: And?

MR. PRENTIS: The DEC's environmental mapper is the outlet that you use to search properties for rare, threatened and endangered species and things of that nature. The short form EAF and DEC shows that there are no species of concern or endangered species on or near the property.

MR. PARKER: And that report is available to us?

MR. PRENTIS: It's public knowledge. You can go look on the website.

MR. HINES: The answer to that is yes. The short form EAF that the applicant filled out

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off the DEC's website is available in the Town's files.

MR. PARKER: Thank you.

MR. HINES: In addition, after the last time this applicant was here I actually ran it through a long form EAF and confirmed that information.

MR. PARKER: Thank you. And I had one last thing here. In the event that this project gets approved, how long would this project be in process?

MR. PRENTIS: Well, weather depending --

MR. PARKER: Rough?

MR. PRENTIS: -- six to seven months.

MR. PARKER: Six to seven months?

MR. PRENTIS: Yes.

MR. PARKER: That would depend on the season?

MR. PRENTIS: Correct.

MR. PARKER: I have a curious question. When you talked about the landing areas and the access roads, won't there have to be other trees taken out of the way of whatever size to create

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the width of the road and those landing areas?

MR. PRENTIS: The landing area, as I mentioned, the one has no trees in it so there wouldn't be any clearing. The other one is mainly brush and saplings. The trails, the majority of them are pre-existing either old skid trails or wood roads, farm trails or ATV trails.

MR. PARKER: The length of these logging trucks coming out, that is a two-lane road at that juncture, isn't it?

MR. PRENTIS: Yes.

MR. PARKER: Yes. And they'll be able to turn their logging trucks on that road without disturbing the traffic flow?

MR. PRENTIS: Yes.

MR. PARKER: Oh, yeah?

MR. PRENTIS: Yes. One truck per day.

MR. PARKER: One truck per day would be all that would be going out of there?

MR. PRENTIS: Correct.

MR. PARKER: And that would have one load of marketable lumber -- marketable timber?

MR. PRENTIS: Correct.

MR. PARKER: A mix of 14 inch diameter

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to 32 inch diameter?

MR. PRENTIS: Correct.

MR. PARKER: And the type of -- the length and the type of trees you want, you're not going to take short trees because it doesn't make for lumber; correct?

MR. PRENTIS: The logs' minimum length is 8.5 feet.

MR. PARKER: Right. So anything shorter than that should be saved?

MR. PRENTIS: Anything shorter than that is going to be fairly small.

MR. PARKER: That wouldn't make the diameter criteria?

MR. PRENTIS: Correct.

MR. PARKER: So you're talking about one truck per day going out of there with approximately twenty pieces of timber; correct? Approximately?

MR. PRENTIS: It's probably going to be a little bit more than that depending on the size.

MR. PARKER: How long are these trucks?

MR. PRENTIS: A picker truck, which is

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a log truck with a loader on it, probably 30 feet.

MR. PARKER: Are these semi --

MR. PRENTIS: No.

MR. PARKER: -- tractor trailers or straight rigs?

MR. PRENTIS: Straight rigs.

MR. PARKER: And you said how long they were?

MR. PRENTIS: About 30 feet.

MR. PARKER: Including the cab?

MR. PRENTIS: Yes. They're not tractor trailers. No 45 foot trailer on the back.

MR. PARKER: And you said approximately six, seven months depending on the weather?

MR. PRENTIS: Right. If it's a rainy summer than -- the gentleman who does the logging is fairly conscientious and he will not be cutting when it's muddy or raining. So, you know, if we have a winter like we just had and it rains or it's very wet for a couple months, then it very well could be suspended for a month or two and then he'll come back. If it goes into the fall, it's typically mud season around here,

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so it may very well be suspended in the fall.

MR. PARKER: One last question. If you could reiterate to clarify for me, who is exactly going to be the oversight organization to make sure that it's not overcut, that it's not taking trees that they shouldn't and -- there must be some accountability here.

MR. PRENTIS: Well as I mentioned, I work for the owner.

MR. PARKER: Yes. I understand that. So everybody has a boss.

MR. PRENTIS: Mm'hm'.

MR. PARKER: And even companies have oversight. There are organizations, there are commissions.

MR. PRENTIS: Mm'hm'.

MR. PARKER: Who would be responsible to even just spot sight you to make sure that you're not clearing what you shouldn't be clearing?

MR. PRENTIS: Probably --

MR. PARKER: Or we take it for your word?

MR. PRENTIS: It ultimately could fall

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on the Town. I would be more than happy to welcome if Pat wanted to come out.

MR. HINES: The Town of Newburgh as part of the clearing and grading permit application has a system where the applicants post an escrow where my office, which represents the Town of Newburgh, does basically for a timber harvest -- a post-harvest inspection to make sure that the erosion and sediment control has been addressed and to make sure that there have been no impacts to neighboring properties. So we do have that system in place.

MR. PARKER: Not to contradict you. You say it's a post inspection. Once the tree is gone the tree is gone.

MR. HINES: Yup.

MR. PARKER: So in the interim if this organization takes trees that they shouldn't or taking more than the 1,100 plus trees than they have contracted for, then what?

MR. HINES: The applicant's certified forester is in charge of that.

MR. PARKER: He loses his escrow; right? Is that correct? Their bond?

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MR. HINES: Potentially, yes.

MR. PARKER: Are they bonded?

MR. HINES: There is a requirement for bonding but only for impacts to the Town road. You don't bond the harvest. These are private agreements between the applicants and their forester. So there is a bond to secure any potential damage to the road.

MR. PARKER: So again back to my point. If they overcut and we don't know about it until after, what is the penalty and how is it enforced?

MR. HINES: They would be, I guess, in violation of their approvals. They could be taken to court by the code enforcement officer.

MR. PARKER: And then they bring the trees back?

MR. HINES: They would be subject to whatever the court's determination is.

MR. DONNELLY: They could be required to replant.

CHAIRMAN EWASUTYN: Mr. Parker, Mike Donnelly, Planning Board Attorney.

MR. DONNELLY: They could be required

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to replant. Karen, our Landscape Architect, in the past when those have occurred has recommended that they replant equivalent basal area, which would be an extensive amount of planting.

MR. PARKER: Okay. So there are repercussions?

MR. DONNELLY: If the Town brought an enforcement action, there would most certainly be repercussions.

MR. PARKER: And they're aware of that?

MR. DONNELLY: That's what he does for a living.

MR. PARKER: Not everybody does their job all that well. Thank you very much for your time.

CHAIRMAN EWASUTYN: You already spoke. The lady in the back.

MS. HART: My last name is Hart, H-A-R-T, I live at 129 Foxwood Drive South. I have two questions. When I was reviewing the materials that are posted today, number 4 on the technical review comments spoke to the no cut buffer to residential areas. I wanted to know a little bit more about that. Like everybody here,

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I'm concerned about the impact of this project on the value of my home. I don't want to look out my window and see a sparse amount of trees, because I've had the benefit of living in the last house on the cul-de-sac that is currently surrounded by beautiful trees. I think the wetlands is probably closer to my area. But I wanted to better understand if there is going to be a no cut buffer, what that amount is going to be, and if there's not, why isn't that considered something that's important to, you know, the Town Planning Board but also to somebody who is maintaining the landscape of our community?

CHAIRMAN EWASUTYN: I'm sorry, I didn't get your first name.

MS. HART: Diane.

CHAIRMAN EWASUTYN: I think Chris, maybe we're at a point now, since Diane raised the buffer, Paul raised the buffer, I think it's a good time to put the buffer on the table, see if you're willing to provide a buffer and what that footage would be, that way we don't have to have repeated questions over and over.

MR. PRENTIS: Okay. I mean I'd be

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willing along the areas that impact the subdivisions. So, you know, there's I think two sides that are subdivisions. If you want to do 25 foot no cut, I'd be okay with that.

MS. HART: Right now is there a no cut buffer for the wetlands at 75? Did I read that right? What was the no cut buffer for the wetlands?

MR. PRENTIS: The small one to the south was 75. The large one to the north, there's isn't actually any merchantable trees within 100 or 120 feet of it. Just the way it worked out, you're not going to have anything for at least 100 plus feet.

MS. HART: Would it be a consideration to keep it consistent, make it 75?

MR. PRENTIS: You know, the reason why I don't do it is because 75 feet wide by 1,500 or 2,000 feet long, it adds up. You may not think it but it adds up. If you all wanted to get together and I could give you 100 foot no cut. I could cruise all the timber that's in that 100-foot strip, tell you what today's market value is and you pay him for it, then you'd have

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100 foot of no cut.

UNIDENTIFIED SPEAKER: Okay.

MS. HART: I think we're all property owners.

MR. PRENTIS: You have to make sure everyone wants to chip in.

UNIDENTIFIED SPEAKER: Maybe we would.

MR. PRENTIS: Fair market value for it.

CHAIRMAN EWASUTYN: Excuse me. Excuse me. Sir, sir. Please, let's keep a sense of order.

Pat Hines.

MR. HINES: So what Diane is reading from is actually my technical review comments. In looking at the property plans that were submitted, I did note in the review that there are at least three areas where this property being harvested abuts up to residential property. So that was the gist of my comment to the Planning Board, was that we did note in this application there was no "buffer area". So that's the comment we're having. We have seen timber harvests in the past where there was some buffer.

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CHAIRMAN EWASUTYN: What would your recommendation be to the Planning Board as far as the width of the buffer in these residential districts that feel they possibly could be impacted? The final decision lies with the Planning Board and not the applicant.

MR. HINES: The other reason for a buffer is to keep incidental trees from being cut that would potentially land along the property lines too, which is sometimes an issue. I would suggest, based on the tree heights, typically in this area, a 50-foot area along the residential portion where this property abuts existing residential houses, and I believe there's three areas where that is, is that the applicant's representative consider a 50-foot buffer in that area. There could be some trees that could need to be cut. There could be merchantable timber that should be removed that's at the end of growth that may benefit to be removed to allow additional trees to grow, rather than have a tree that's going to be dying in a couple years because of other issues and not have it removed at this time. So there could be some

1 flexibility. I know you had talked about a light
2 cut or working with at least marketing -- marking
3 -- physically marking those trees within the
4 buffer to be cut so that they can be monitored.
5 To say you're not going to cut anything, it could
6 be an issue for the forester. There could be
7 trees that should be cut and removed as a safety
8 issue or, you know, some marketable timber could
9 be removed from that area. A 50-foot along those
10 areas would be our recommendation with some
11 flexibility to the forester.
12

13 We have had -- this forester has done
14 numerous projects in Town. We're familiar with
15 his work. We have never had an issue on any of
16 his projects, just to let the Board and the
17 public know.

18 CHAIRMAN EWASUTYN: Comments from
19 Planning Board Members at this point?

20 MR. GALLI: I have one. Pat, I know
21 there's nothing on the table now for development.
22 If the gentleman that owns the property wanted to
23 put a house in that section, he could come right
24 up to the property line; right?

25 MR. HINES: If a subdivision comes

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in --

MR. GALLI: If you're going house to house, there doesn't have to be a buffer?

MR. HINES: There is not a requirement in the zoning ordinance for buffers between residential and residential. No.

MR. GALLI: If someone comes in and say they leave 25 foot, two years down the road a gentleman comes in and wants to put a house, let's say the young lady behind her or next to her, wherever that is, they could cut right back up to her property line and nobody could say anything?

MR. HINES: Correct.

MR. GALLI: Just so they're aware of that, it's a possibility that could happen. Even though we're saving the buffer now, in the future it might not necessarily be there if someone ever developed the property.

MS. HART: To address that comment specifically if I may. I think the larger concern for people in my neighborhood is all of the trees would be gone rather than just one person or somebody would buy. Part of the reason

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why I ask that is because I'm obviously a mom and I have multiple little kids and so do my neighbors. We are worried about the noise, we're worried about our resale value. I get who knows who could come in in the future and develop this, which I understand isn't a consideration right now but was one of my earlier questions. There's a big difference between developing one area of land for one house and having a huge 80 acre area having no trees along it for resale for my house and everybody else's. One house at a time I completely understand. 80 acres at a time is a lot.

CHAIRMAN EWASUTYN: Frank, what would you consider for a buffer in the areas that Pat Hines spoke about?

MR. GALLI: I'm okay with Pat. Like I said, as long as the public is aware of what could happen in the future if need be, that we don't want them coming back screaming at us saying we said 25 has to stay forever.

UNIDENTIFIED SPEAKER: He said 50.

MR. GALLI: If it's 25 now it doesn't have to be 25 in the future. There's nothing on

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the table for development.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: I really appreciate a lot of the comments, a lot of the discussion because I've learned a lot in hearing the back and forth. I would be concerned too as far as having a buffer and it not being sparse as far as looking out my window. I'm also concerned for the environment in itself.

CHAIRMAN EWASUTYN: Would 50 foot as Pat is recommending within these residential -- three residential districts be satisfactory?

MS. DeLUCA: Yes. Yes, I would say so.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I would say 50 foot would be acceptable. I think there still should be the option for certain trees within that 50 feet to be cut --

UNIDENTIFIED SPEAKER: That's not a buffer.

MR. MENNERICH: -- based on Chris's marking the trees. What I haven't heard anybody talk about is what are the advantages of having the trees harvested.

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UNIDENTIFIED SPEAKER: There isn't any.

UNIDENTIFIED SPEAKER: We know those woods by heart.

CHAIRMAN EWASUTYN: Before we address Ken Mennerich's comment to the public, I'd like to continue on with the dialogue from the Planning Board.

Cliff Browne, as far as the buffer and the width of the buffer?

MR. BROWNE: The residential areas we're talking about as strictly aesthetics and whatever everybody feels is good is good. Personally, I don't see a problem with the owner doing what he wants to do with the property with the harvest. It's his property. He bought it, he owns it, he pays the taxes on it. It's his.

CHAIRMAN EWASUTYN: John Ward ?

MR. WARD: I mentioned at the last meeting about having a buffer. I recommend 50 foot. We did talk about possibly picking and choosing the ones that definitely need to be taken out. People don't realize you need to let the trees breathe, too. You've got to take down big trees so more light goes to the other trees.

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People don't realize. Up at the Grasslands they did a burn because they rejuvenated the Grasslands. It's part of nature. It comes back. When you had a fire up at the mountains, all the trees, they're all coming back. So it needs -- nature takes it's place. I don't agree with taking a lot of trees.

I'd like to know one thing. When you say sections and you're going around picking trees, are you limited to that section of taking 20 trees in that section or are you taking 5? Is there a balance number, like 10 this section, 10 that.

MR. PRENTIS: You know, it all depends on how the trees are growing. It's an average across the 80 acres. There may be some areas where you're only taking 3, there may be some areas where you take 16, 17. Like I say, it's an average.

MR. WARD: What I'm trying to say is I understand what you're saying but you don't need a hole in the middle of the woods. That's what I'm trying to say. Balance it out that way. As a buffer, I pushed the issue last time and you

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know that. So thank you.

CHAIRMAN EWASUTYN: Let the record show that the Board -- Pat Hines, can I have your attention?

Let the record show that the Planning Board and you will work with Chris Prentis. In the three residential districts that we discussed there will be a 50-foot buffer and that there could be a selective cutting of certain trees in that buffer if necessary. Let the record also show that a biologist from the DEC will go out and delineate the wetlands.

Pat Hines, one more time, would you describe what a delineation is?

MR. HINES: Actually, the DEC biologist, I spoke to -- Mike Fratz is the region 3 wetlands biologist, and he did offer -- I know the forester spoke to him as well -- that he would coordinate, prior to the harvest, a delineation of the wetlands. DEC delineates wetlands based on wetland plants. They go out and they do transections and mark the actual boundaries of their regulated wetlands. Mike Fratz has offered to do that for this project.

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CHAIRMAN EWASUTYN: Karen Arent,
Landscape Architect, do you have anything to add?

MS. ARENT: I think you -- well, I
would say that you probably won't know -- well,
if you didn't walk through the woods all day
throughout your whole life -- every day
throughout your whole life and this was done in
your backyard, next year you would not know that
the harvesting took place because it's not very
noticeable. I think keeping a buffer will help
you realize that this --

CHAIRMAN EWASUTYN: Is there anyone
here this evening who hasn't spoke? Jane.

MS. SAGER: I can not believe that you
could be in harvesting all these trees when you
said previously that no one really knew about it
in the State, in the County. I can't believe it.
I can not believe that you're going to take huge
trees down, go through a backwoods, bring it on
Union Avenue, residential houses. And where is
it going to go from that? Traffic can't move
down there yet. And then behind Floral where we
live, Floral Drive, that development was put in
there before this building was here. There was a

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police station, there were police on the thing. All that was all prior to. The beautiful residential area, a lot of people that live there stayed there all their lives. Now you have some people come in, want to make a few bucks or a lot of bucks. How do we know the man that owns the property even owns it and he paid all his bills and taxes? Can you give anything like that? Does he really have it?

MR. PRENTIS: You can go to the Town or the County --

MS. SAGER: That's another question.

MR. PRENTIS: If you'd let me answer, ma'am. You can go to the county clerk and see. His deed is filed with the county clerk.

MS. SAGER: And I just can't see why all this now into a residential area and nobody in this Town knows about it. I'm shocked by some of you guys on the Board because I can remember, man, you were right in there going, going, going, going, asking. Jerry's still here, God bless him. You guys were here. You John, too. You were one of the best. I wanted to come down here where you represent the people of the Town of

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Newburgh and speak up. Let them hear you on the microphone. Let them know you got brains in there and you care; right?

CHAIRMAN EWASUTYN: I don't know about brains but you're right, I've been here.

MS. SAGER: Go back to the old days and inform the people that live here and let them feel comfort and that they're not going to get screwed. Thank you.

CHAIRMAN EWASUTYN: I'll let Jerry Canfield speak about the process. What we're here for tonight is called a permit. I'll let Jerry Canfield, Code Compliance, talk to you about the permit process. I don't want to get too far into something, but there's a Town Code, Chapter 83.13, which Jane Sager read part of, that describes the permit, whether it be clearing and grading or a timber harvest.

Jerry, will you speak on that as far as you received the permit first?

MR. CANFIELD: The chapter of the Municipal Code that John is speaking of is chapter 83. It governs the rules and regulations regarding clearing and grading and timber

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harvest. It's plateaued as far as the amount of clearing and grading and the amount of harvest to be done as to what level of review it receives. Because of the size of this, my department, the Code Compliance Department, is required to disapprove it and forward it to the Planning Board for the level of review that it's receiving tonight. The Board, should they choose to approve the application, it comes back to my office for issuance. I issue the permit. As Pat has explained, we will receive an escrow account from the applicant with respect to us having our consultants monitor the work that's done out there as it is performed.

One question that I do have that has come up and I didn't get an answer to my satisfaction, the marking of the trees. Typically in the past, Chris, we have had trees marked at different elevations so when the stump remains we know that it's one of the marked or delineated trees to come down.

MR. PRENTIS: Right.

MR. CANFIELD: Could you clarify that that is what's going to happen here?

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MR. PRENTIS: Well, it's not actually what's going to happen. The reason why is because the Town Code doesn't specify that I actually have to mark it. It just says that it has to be a tree count by species and diameter and volume. So that's the reason why I can choose to do it either marking it or by doing plot estimations. This size, I chose to do a plot estimation.

MR. CANFIELD: The reason, though, we don't want to mark the trees? The time and effort to do it?

MR. PRENTIS: Particular with the cost to the applicant. It could have taken a lot of money and time. If the Town Code specified I would have had to mark it I would have. I believe three or four months ago you approved a harvest without marking for I think Green Lumber. He did essentially the same thing, plot estimations.

MR. CANFIELD: I think it was much less.

MR. PRENTIS: Yeah, it was a smaller harvest area.

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MR. CANFIELD: It was a smaller harvest.

My recommendation to the Board regarding this would be to have them marked. It would be easier for our consultants to monitor so we don't get the overcut as was discussed. It's a system that we're pretty much accustomed to.

But again, once the permit is issued, the work is performed, our consultants go in, do a post inspection. I'll also add it's not limited to just the post inspection. Soil erosion control in the areas that were mentioned, Pat's office goes in and monitors that as well and gives us reports. If he discovers any violations, then it becomes our responsibility to enforce what is supposed to be done. So pretty much that's it. Once the post inspection is done, everything is satisfactory, there are no violations, the permit is closed, that's the end of it.

CHAIRMAN EWASUTYN: Chris, would you be willing to mark the trees in compliance with what Jerry Canfield is requesting?

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MR. PRENTIS: I would have to discuss it. It's not a \$500 bill for the owner. I can't say --

CHAIRMAN EWASUTYN: I think the Board will make that a condition of permit approval.

Frank Galli?

MR. GALLI: Yes.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: Yes.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

CHAIRMAN EWASUTYN: John Ward ?

MR. WARD: Yes, because of the volume of trees. That's why.

MR. PRENTIS: I understand. My suggestion would be to modify your code to say all trees should be marked at breast height. Many towns have that in their code.

CHAIRMAN EWASUTYN: Okay. So let the record show that of the -- where you mention that there will be 1,170 trees that will be cut, that's about 15 trees per acre, we now understand that it may be 12 trees per acre and it may be 17

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trees per acre. That being said, the 1,170 trees will be marked so there will be an inventory and there will be no worry about whether or not it turns out to be more or less. I'm sure no one is concerned about less.

Is there anyone here this evening that hasn't spoke? I'll start here and work my way around and then we'll close the hearing.

MR. CULLEN: Jim Cullen, 115 Foxwood Drive South. I've been in the Town about sixteen years, Orange County about thirty. It's been an interesting education listening to my neighbors and the Planning Board. Thanks for inviting me. I appreciate it. I have a few points. I'll try to make them quick.

First of all, I want to start with the comments about the buffer zone. Yes, people can clearcut, or whatever, to the edge of their property line, but then you have a property value issue, you have an aesthetics issue and quality of life issue. One of the things I'm noticing about the Town recently -- I normally don't participate in Town events or these kinds of things. You've got the 5G tower that just went

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up, you have Consorti on the corner with his mulch pile, you have young people starting their families. There's like three people who just bought houses on my street and now they're going to have to deal with this. I came here to just kind of listen. That's why I waited to say something.

I'll just go on. First of all, in the public notice it didn't say anything about a second landing. This is the first time I'm hearing about that.

MR. PRENTIS: The Planning Board asked if we could do one landing last time. Logistically it wouldn't make sense to do just one. The original application did show two. The map shows two. We would prefer to have two. To be honest with you, I think the residents right there along Union Ave near Mr. Serviss's house would probably prefer to have two because then every truck wouldn't be going past their house.

MR. CULLEN: I'm just saying there was a discrepancy between the public notice and what was discussed. That's all. It doesn't have asymmetry, which then leads me -- we kind of

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talked about the roads and the traffic. It's going to impact regardless.

There's going to be how many trucks? One per day for six or seven months or whatever it is. That leads me to -- where I live, it's a year or two ago, or when ever it was, when he cleared off that lot last time. I spent the entire summer listening to the squeaking treads and chainsaws and the activity when he cleared that lot. And the firearms afterwards. That's another subject. So now there's going to be less trees to stop bullets.

But anyway, so you're going to be doing this. When is this going to start? Say the timeline according to the Planning Board and everything, when is this going to start?

MR. PRENTIS: If it gets approved now I would imagine it would start sometime in June.

MR. CULLEN: So all summer long we're going to be listening to the equivalent of the equipment making the roads and dragging the trees, the felling of the trees. The biggest amount of noise was the trees going over. That's a lot of noise.

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The skid roads, do you have any idea like the length and surface area, or whatever, that these roads are going to be? Is there some kind of a shape, some kind of a method that you're going to use to do this?

MR. PRENTIS: Typically they try to utilize existing because to construct new trails is not actually easy. You try to utilize open areas and existing trails as much as possible. You want to put one main trail down the middle and then cut a branch off from there. It all depends --

MR. CULLEN: There's no plan for these skid roads?

MR. PRENTIS: The existing trails.

MR. HINES: There is a plan for the skid road. I don't want to --

MR. CULLEN: Is that in the public record?

MR. HINES: They are depicted on the map.

MR. CULLEN: Then I'll look at that.

This is more of an opinion, but I've watched logging operations. I lived in

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Washington state. My brother lives in Oregon. I watched them harvest a bunch of timber in the Adirondacks. What are you going to do with the brush?

MR. PRENTIS: It gets lopped down basically three feet high or lower and it gets recycled back into the soil.

MR. CULLEN: So some of the wildlife will benefit, the rodents.

MR. PRENTIS: You'll get deer, rabbits, squirrels, some birds.

MR. CULLEN: Let this be a warning to the Town. There's a bunch of coyotes back there. They're going to get scattered. I don't know where they're going to go. We should have a plan to deal with the coyotes that come out of there.

I would like to actually thank some of my neighbors for making some of their comments. One of them which resonated with me was the lack of a master plan. That is what results in some of this stuff, what's going on around the Town. So I'd like to reiterate that. Somebody really should come up with a plan.

I'd like to also echo one of the

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comments that the public notice that came around, the letter was very nice, I appreciate the invitation, but it did not include a map. I had to go to the building department, tax assessor's office and find out where this was going to be.

I think that's pretty much it.

CHAIRMAN EWASUTYN: Jim, I'm going to take a question from everyone who hasn't spoken. The lady in the back.

MS. LOBIG: Judith Lobig, L-O-B-I-G, at 1285 Union Avenue. I am across the street where the other access that's going to happen.

My biggest concern is oversight. There have been -- there's a subdivision that went up right around my house. The plans that were presented for the application, for the permits to build and for the subdivision, were not followed. Clearing is a perfect example. They show a set area that they're going to clear, they come in from the road all the way back and they just take everything down. That's my concern with over there. And the previous property up the road, the 40 acres that Mr. Serviss does own, I've gone to the DEC because when that property was

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purchased it was all wooded. Looking at those pictures that are online with the County, there were wetlands back there. They cleared everything. The DEC went in there, all of a sudden there's a culvert, and they don't know anything about it, which diverted, and now the wetlands that were back in that 40-acre lot are gone. I know it has nothing to do with you.

MR. PRENTIS: I can't speak about it.

MS. LOBIG: What I'm saying is there really needs to be oversight. Like everyone else has said, once you destroy it it's gone. You know, just monitor. Watch what's going on before it becomes the problem that it is. You take all these trees -- that property where you're going to be -- they're going to be cutting up on the hill, you take the large overgrowth as down the road, the water, the rain, the heavy rain, it's all going to come washing down the hill.

CHAIRMAN EWASUTYN: Mike, although it's not part of the permitting process, can we make part of the approval a permit -- we're discussing now the 50-foot buffer, we're discussing the delineation of the wetlands, --

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MR. HINES: Marking the trees.

CHAIRMAN EWASUTYN: -- marking of the trees -- thank you -- the 1,170 trees. Can we also make part of the permit process that there would be an inspection fee?

MR. DONNELLY: I think that's built into the code.

CHAIRMAN EWASUTYN: So the inspection fee, I'll let Pat Hines talk about that Judith. The inspection fee as far as how his office will periodically do a field inspection.

Pat.

MR. HINES: As we said before, part of the ordinance does require posting of an escrow fee that is utilized to pay a consultant for the Town, which is my office does that, that work. We would have a field representative periodically check that. Jerry and I were discussing before the marking of the trees. It would be very difficult for my office to do that, checks and balances, without having the typical timber marked usually at four feet high and there's a mark on the stumps corresponding so you can tell if the tree was supposed to be cut or not. Most

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all the timber harvests we've had in the Town do that as part of that checks and balances because otherwise you just don't know.

MS. LOBIG: I seen what went on with the subdivision on either side of me. I looked at all the maps and it delineates right on there that this is what we're going to do, this is where we're going to clear, wherever everything is going. They come in and -- I'm telling you, right from road -- you know, you've been there. From the road right back. So there's no -- you lose everything. You just lose everything. The few trees that were left on the property, like they're going to be coming down because they're not in good shape. Just that things are monitored.

MR. HINES: This permit specifically has that monitoring requirement in it.

MS. LOBIG: Thank you.

CHAIRMAN EWASUTYN: We're finalizing the questions. This gentleman hasn't spoken.

MR. FRANK SIEGFRIED: How are you doing? Frank Siegfried, 21 Floral Drive. I just want to reiterate a lot of the things that have

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been said here tonight about the lack of the master plan for the Town of Newburgh. There really have been a lot of things going on that I think a lot of people don't really know because they don't travel the lands and stuff like that.

One thing in particular I'd like to mention right now is the variance codes in the Town. I looked on the website, and according to the codes you're only allowed to take 5 trees per half acre.

MR. HINES: Without a permit.

MR. PRENTIS: You need a variance.

MR. HINES: Without a permit.

MR. FRANK SIEGFRIED: Without a permit?

MR. HINES: That would then trigger -- I don't know if it's 5.

MR. FRANK SIEGFRIED: 5 per half acre which is 10 an acre.

MR. HINES: After that you need a permit.

MR. FRANK SIEGFRIED: That's 800 trees. Now we're up to 1,170. That's almost 400 trees more.

MR. DONNELLY: There are three tiers,

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one at which you need no permit at all, that's what you're talking about. The next level you get a permit by going to Jerry's office and not here. And the third tier is you have to come here to get an authorization for Jerry to issue the permit.

MR. FRANK SIEGFRIED: What are we discussing here?

MR. DONNELLY: The highest tier.

MR. HINES: That's why we're here.

MR. FRANK SIEGFRIED: Who decides that they're allowed to take more than what the code says they can?

MR. DONNELLY: No one. They're not allowed to take more.

MR. FRANK SIEGFRIED: So they can only take 10 an acre?

MR. DONNELLY: No. You're wrong. Not at this tier.

MR. FRANK SIEGFRIED: What are the different tiers? That's where I think I might be confused. Tiers for what?

MR. HINES: Whether or not you need a permit, whether or not it needs a public hearing.

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This is above the threshold where it needs a public hearing and approval by the Planning Board. Less than 5 trees per acre --

CHAIRMAN EWASUTYN: Diane, thank you. I understand you need your night's rest. God bless you.

MR. HINES: As we said, there's three tiers. There's a certain amount of work you can do without a permit, there's a certain amount of work you can do with a permit from the building department, and then anything above that threshold requires to come to the Planning Board and have a public hearing. We're at that threshold.

MR. FRANK SIEGFRIED: The people that live around the area where all this work is going around don't have any say as to what --

MR. DONNELLY: That's why we have a public hearing.

MR. FRANK SIEGFRIED: That's what we're trying to do, express all these concerns. That's what I'm trying to figure out, how it's okay for 5 trees on a half acre here, 10 trees on a half acre here, 15 trees on a half acre there. What's

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the difference? The size of the project?

MR. HINES: Exactly. The scale of the project.

MR. FRANK SIEGFRIED: That's a little ridiculous, isn't it?

MR. HINES: No.

MR. FRANK SIEGFRIED: Part of the master plan -- I mean that's the whole thing. That's one of the reasons why my yard is falling apart, because the water table is crazy. This is just ridiculous. Is everybody in this just to make a profit and make things grow around this Town? Like Mrs. Sager said, this is a nice community. People come in here and have bought parent's houses, second and third generation because they love it here, and people are leaving because of the nonsense.

MR. DONNELLY: Can I just make one comment? It's been said a number of times tonight that the Town of Newburgh does not have a master plan. The Town of Newburgh has a master plan and it has a zoning chapter that controls what activities and at what intensity those activities may be carried out in the Town. You

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might not like it and the citizens of the Town
might not like it but it's incorrect to say there
isn't one.

MR. FRANK SIEGFRIED: What is the
master plan?

MR. DONNELLY: I think it's available
online. It's a rather thick document. It's
rather extensive. And there's a zoning chapter
that goes on for hundreds of pages as well.

MR. FRANK SIEGFRIED: To make it more
confusing for all of us?

MR. DONNELLY: I hope not. The master
plan is quite readable I think if you'd like to
read it.

MR. FRANK SIEGFRIED: Again, all this
stuff -- doesn't anybody drive by and see what
goes on when you take a bunch of trees out?
Union Avenue, there's water, it's just
ridiculous. Nobody is doing anything about it.
Does any of this stuff get taken into
consideration when these --

CHAIRMAN EWASUTYN: Frank, Frank,
Frank.

MR. FRANK SIEGFRIED: The young lady

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back there was talking about the trees that were taken down --

CHAIRMAN EWASUTYN: Mike Donnelly discussed with you the code, the bulk requirements for the zoning district. That's what the Planning Board --

MR. DONNELLY: Master plans can be updated. The things we're hearing tonight might suggest that the Town may want to consider updating it's master plan. I just wanted to correct the fact that the Town does not have one. It has one and it's rather extensive.

MR. FRANK SIEGFRIED: When was the last time it was updated?

MR. DONNELLY: `90 something.

CHAIRMAN EWASUTYN: 2000 something.

MR. ARTHUR SIEGFRIED: I asked last year. You promised me last year you would update it.

CHAIRMAN EWASUTYN: I'm going to carry on. We're not going to have dialogue back and forth on a lot of these questions that we answered. It seems like the impact and the concerns that were raised we mitigated as best as

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possible.

MR. FRANK SIEGFRIED: I mean I'm speaking on behalf of everybody here. I'm sure we all just want to be provided with a sufficient level of detail to demonstrate that this project is going to have little or no impact on the natural features or ecological foundations and functions of his property or our bordering properties. That's what the Town code is supposed to help us do.

CHAIRMAN EWASUTYN: That's what we're doing.

MR. FRANK SIEGFRIED: Thank you.

CHAIRMAN EWASUTYN: With the delineation of the wetlands we're doing those things.

MR. FRANK SIEGFRIED: Good. I understand it's his property, he can do what he wants. I can't burn leaves on my property without getting in trouble.

CHAIRMAN EWASUTYN: We're closing the hearing now.

Paul, you have a chance to speak one more time.

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MR. HEITMULLER: Can I talk again?

CHAIRMAN EWASUTYN: Go ahead.

MR. HEITMULLER: Paul Heitmuller. One, I want to keep this open, this public hearing open. I don't think anything is resolved. It sounds like you're trying to wrap it up. That's okay. It's a school night, I understand that. I'd like to say we'd like to keep this open. Anybody else here, aye?

AUDIENCE: Aye.

CHAIRMAN EWASUTYN: The decision lies with the Planning Board based upon the questions that you raised and if in fact there's mitigation measures. Thank you.

MR. HEITMULLER: One thing I thought of and I'd like to suggest it is during the tagging, if there's paint on top, paint on the bottom so you can count that was marked, this was marked. If I just used a blue paint, someone is actually going to count these trees? What I would like to see, just like they do with deer tags, or if you've ever watched the show Swamp People, these guys hunt gators, they're given a certain amount of tags. Give them 1,170 tags, make sure that

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they can be counted. If there's a cost to it, I think everybody in here would chip in a couple bucks so we can account for those. Every one of those tags has to be left on the tree and has to be accounted for. It shouldn't be that difficult to go through and count them all. I'll volunteer, with the permission of the owner, to say 1,170 trees. That's it. From what I'm hearing from the lady, it went to more than they expected. 400 something from one of the neighbors. I don't know if you guys still have original tree clearing of 137 to like 410. So my concern is unfortunately it's the type of world you think he's coming in to get his foot in the door and he's going to open up the trees, he's going to take more than he has to, and next thing you know he's going to develop. Even though right now it's just no, no, no. Originally I thought he had an agricultural permit.

CHAIRMAN EWASUTYN: The application before us is just what we discussed. What you heard, what he might be doing is not before us. We don't know about it. What we understand, Paul, is he's going to mark those trees. There

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are 1,170 trees that he agreed to mark, and that's how we're going to end it.

MR. HEITMULLER: Can we suggest the tags?

CHAIRMAN EWASUTYN: You can make that suggestion. If the Planning Board wants to make that part of the final condition, that's for the Planning Board to decide.

MR. HEITMULLER: Will you -- a lot of ones you've already made comments on and suggested to do this --

CHAIRMAN EWASUTYN: Does the Planning Board want to have him come up with a certain tag that you can post to the tree. Frank Galli?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: Yes.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: I don't think so. I think the double painting is for a purpose, so you know what was taken and what was -- what hasn't.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No. The double paint

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thing is again not required by code for what he's doing but he's already agreeing to do it. That's one of our conditions. He's already going beyond the requirement in doing that.

MR. HEITMULLER: That's not my fault.

CHAIRMAN EWASUTYN: Okay. John Ward ?

MR. WARD: Just for the record, the system does work that way. I know what you're trying to do with the tags and all this, but it does work. It's worked in the past. It's been inventoried. He will be watched. That's the whole thing. Everybody is scared that way, but we've experienced enough that bad things have happened, we've learned from them from other people. That's why we're here.

Chris, I'm asking you if you could possibly explain the good part of what you're doing.

CHAIRMAN EWASUTYN: Ken Mennerich brought that up earlier.

MR. HEITMULLER: I'd like to say -- I hate to be a pessimist on this. It seems like he was supposed to -- and it's not about that, but he was supposed to have an agricultural permit to

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grow Hostas. I want to know, has he put a single plant down, how long has he had that permit?

CHAIRMAN EWASUTYN: There isn't one before us so I can't answer that question.

MR. HEITMULLER: Somebody told me there was an agricultural permit. He probably changed his tax zone, which I would understand too.

MR. GALLI: It's not this Board.

CHAIRMAN EWASUTYN: There is nothing before this Board.

MR. HEITMULLER: Lastly, because I know you want to wrap it up, I know a couple of guys, you're like look, whatever, let's just get it over with, I don't see a problem with it. I want you on a personal note to think if your house was along these border properties and you've lived there pretty much all your life and you had beautiful forest behind you and you're going to hear for six months or seven months trees coming down and it's going to be all behind your property, I'm sure you would not be going whatever, okay, I don't think it's necessary. It's just personal. Obviously it's personal. It's going to affect everybody, and for all the

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other reasons we stated here today. I don't want to take this lightly and say oh, we heard them, we're done, move on.

CHAIRMAN EWASUTYN: Thank you.

We're summarizing it. Who ever hasn't spoken, we'll end with this.

MR. MANHEIM: Good evening. Bruce Manheim, 1 Tulip Lane. I just have two questions. One is -- first of all, the Planning -- I understand this is a private rights against public welfare concern basically. The Planning Board, my understanding, is supposed to represent the community. So my first question is, and other people have asked it, what's the benefit -- normally when you have a project or you have a building there's a benefit to the community and there's a benefit to the private person. Both people have a benefit. So in this instance what is the benefit to the community?

CHAIRMAN EWASUTYN: Mike Donnelly, do you want to answer?

MR. DONNELLY: The Town Board has allowed this activity in this zoning district. That constitutes a legislative determination that

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this activity is appropriate in this area. The Planning Board is not permitted to second guess that. It must approve the permit if the conditions are satisfied and the potential environmental impacts are adequately mitigated.

MR. MANHEIM: Without any benefit to the community?

MR. DONNELLY: The Town Board made a legislative determination that allowing this activity, balancing it against the detriment to the overall community, wins. That is a done deal. That's not subject to review here tonight.

MR. MANHEIM: My other question is just personally with all of these millions of acres of uninhabited land, why do they have to cut these trees in the back of our backyard?

CHAIRMAN EWASUTYN: Mike Donnelly.

MR. DONNELLY: Again, the activity is permitted. I think you've heard from two members of the Board that would like to have an opportunity to have Pat Hines or the applicant's forester explain to you the benefits that come to the forest itself from foresting activities on a limited basis like this.

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MR. MANHEIM: Wouldn't it be better if the owner of the property were here instead of a surrogate?

MR. DONNELLY: Why? He doesn't have any knowledge about how to cut trees.

CHAIRMAN EWASUTYN: Please, again, we're coming to a close. Ken Mennerich raised the question. John Ward raised the question. Chris Prentis, the benefit of cutting trees?

Karen, if there's anything you want to add to that as a Landscape Architect.

MR. PRENTIS: The benefit is it's essentially like a garden, it needs to be thinned out. Eventually trees start choking each other out. They fight for water, they fight for nutrients, they fight for light. When you thin it out you create a much healthier environment that helps trees fight off disease, it helps fight off insect infestations. The State of New York right now is doing thinning projects in Long Island in pine stands because of the Southern Pine Beetles. It's been proven if you thin out a stand you increase the vigor, you can fight off the Southern Pine Beetles and other insects

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without insecticides. A byproduct of that is it's going to generate some revenue, but it also then creates a different age class in the forest, so now you have young saplings, seedling stage, whereas then you also have mid stage forty to fifty year old trees and you still have an older stage of some older trees scattered in the overstory. It does benefit wildlife. They actually say that younger trees will sequester more carbon out of the atmosphere. They are growing at a faster rate than an older tree. So there are actually benefits. I guess one of the big ones is that everybody uses wood. I'll guarantee everybody sitting in this room right now lives in a wooden house. Where do you think it comes from? It doesn't come from someplace halfway around the world. It comes from someplace here in the United States or Canada. It's a renewable resource. It grows back. New York harvests 10 percent of what actually grows in the State of New York every year. So it's definitely a renewable resource.

CHAIRMAN EWASUTYN: Karen Arent,
Landscape Architect, would you like to add to

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that?

MS. ARENT: No. I think that's sufficient.

CHAIRMAN EWASUTYN: This gentleman here. The last two people in the back and we'll close it.

MR. VANASCO: Geo Vanasco, 24 Floral Drive, G-E-O V-A-N-A-S-C-O. I have a question that hasn't been brought up. It's about the trees that are either on or right next to the line. We have a big rock wall that was put there, I guess when it was subdivided, and it goes all the way down the property line. It's a question here. I want to know would those trees either on the wall or right next to the wall be fair game?

MR. PRENTIS: Since we're negotiating the buffer, trees definitely on the wall or right next to the wall, no.

MR. VANASCO: Well the buffer, there was still like a statement in there that maybe some of them would still be cut down even if there was a buffer.

MR. PRENTIS: I'm going to be the one

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that's marking them and I will tell you I won't mark anything right next to the wall or on the wall.

MR. VANASCO: Thank you for your time.

CHAIRMAN EWASUTYN: The last three questions. The gentleman back there.

MR. PELLINO: My name is Bill Pellino, I live at 114 Foxwood Drive South. First I'd like to thank the Board. I know everybody is upset with this. I came in here thinking, no offense, that it was just going to be us talking and they weren't going to do anything about it. I actually am a little encouraged that the things that you mentioned, the buffer, the wetlands, all these things that you kind of voted on, it sounds like you're listening.

My question is when we leave tonight, when you went and asked everybody with the buffer and everything, does that mean it's going to be a condition or is that just we're going -- he just said negotiate.

CHAIRMAN EWASUTYN: Mike Donnelly, would you discuss the resolution of approval?

MR. DONNELLY: When we're done here,

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and I'll do it now if you'd like, I will outline for the Board a resolution that includes the conditions we've agreed to already as well as the ones that were discussed here tonight. The Board will vote on that. It will then be typed up, filed in the Town Clerk's office, a copy given to the applicant's representative and to Jerry's office, and to Pat, and that will become the parameters, the outer limit of the activities that can be carried out under the permit that Jerry can issue. It will all be in writing.

MR. HINES: That resolution also contains standard conditions that we apply to all clearing and grading timber harvests as well. There will be multiple items that we haven't discussed but are standard in our resolutions and required for such things.

MR. PELLINO: You just said vote after.

MR. DONNELLY: Stick around.

MR. PELLINO: That's fine. I'll stick around. My point is he went through each person. Why would you have to vote again on those specific conditions?

MR. DONNELLY: We're going to have it

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as a whole to make sure all the members are satisfied.

MR. PELLINO: It sounded like everybody was satisfied when you went down the line.

MR. DONNELLY: Those aren't the only conditions in the resolution.

MR. PELLINO: I'm just talking about those individual ones.

The other thing was is this over? Is the public hearing closed after I guess I speak or someone else?

CHAIRMAN EWASUTYN: The public hearing will be closed tonight.

MR. HEITMULLER: Can we request it be open? There are still people that haven't had a chance to talk.

CHAIRMAN EWASUTYN: I think the questions that were raised this evening covered the issues before us.

MR. HEITMULLER: How do you know if you haven't heard all the questions?

CHAIRMAN EWASUTYN: Paul, because the questions keep going back to the same concerns.

MR. ARTHUR SIEGFRIED: I have other

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concerns and it's not even 9:00.

CHAIRMAN EWASUTYN: We're not basing this based upon the time.

MR. ARTHUR SIEGFRIED: This is a crucial issue. I mean I think we should be allowed to at least stay for a little while longer.

CHAIRMAN EWASUTYN: What's your last comment? Your name for the record.

MR. ARTHUR SIEGFRIED: Arthur Siegfried. Last year I was here when her development was going on and I spoke to you about the plan. You said you were going to fix it, and that's on the record. You can look it up from a year ago. We talked about the traffic jams and how screwed up this area already is, and we were dealing with twice they tried to put a planned development on that spot. The neighbors know that's going to be going up there again. Someone is going to try to do it again.

Little Brook Farm has not been fixed. I haven't heard you say anything about landscaping, what you're going to do for the last eight years to fix Little Brook Farm. It was

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stripped away of everything.

The DEC is going to come in here, and I have been recording this all night for them so they can hear what your decision is because they want to know what's going to go on. I warned you and told you what's going on with the wetlands. This man has already destroyed wetlands and you're going to approve his permit. I'm going to have this on record that you guys are going to approve the permit of a man who has once already destroyed wetlands, and you've been told that, by her house. He doesn't care what you guys wanted. You guys have no power it seems to these people. They don't care.

So now the DEC is really upset. They want to know what's going on with you guys. They're going to -- I'm going to give you a heads up. You're going to be investigated. They're scared that this whole area is going to be destroyed. The wetlands -- tomorrow drive up to Walnut and go look at how big it is now. It's all swamp. It looks like when you're driving out to Middletown and you see the road that's all the dead trees and the swamp, that's what that turned

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into because you guys failed to act, because you haven't been acting.

The guy who applied for the permit tonight destroyed wetlands and you're going to give him another permit. Deny it on that alone, or at least postpone it until the DEC can get in here. You don't have to approve this. The man destroyed wetlands already. That in itself should be immediate denial of his permit until an investigation could be done with the wetlands he destroyed and the future ones he's going to destroy. You know, you shoot someone, the second time it becomes easier. This is going to happen again.

You know, you guys, this little piece of land is next to Little Brook Farm. This whole area is going to wash out. That's what's holding Little Brook Farms still in place. The top part of it hasn't been ripped apart yet. That's what I mean. You guys have to look at this whole picture. You're going to cause major damage in the millions of dollars, not to mention Union Avenue is going to be under water pretty soon. You guys have to go out there and look at this.

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Like I said, you can deny his permit tonight based solely on the fact that he's already damaged wetlands and had no respect for the law, for you guys or wetlands, until you can get out there and take a look at what's really going on. This is what you're supposed to do, the Planning Board. You're supposed to also be protecting for us. You're protecting us, not just going okay, he's getting his permit tonight and maybe you'll get a buffer zone or whatever you people want just to shut them up. There's a major problem going on here and that's what I'm worried about.

And yes, we talked about the whole zoning plan last year, that was it was broken and needed to be fixed. It's been a year since you guys haven't fixed it. In the last fifteen months I gave my mother Hospice and I gave my spouse Hospice for cancer, so I've been really out of it and I haven't been able to keep on top of you guys. If I did we wouldn't have this meeting right now. That man would have been in jail. His boss would have been in jail for destroying the wetlands. The wetlands are not

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something you can mess with in the DEC.

Like I said, this entire meeting has been recorded tonight and it's going up to them tomorrow. How you vote tonight, each and every one of you, you say your name loud and say your vote because I'm asking you to have this postponed until the DEC can come in and investigate it and until you guys can go out there and investigate what's been going on. You guys don't know. How can you vote on something you don't know what's going on? When Jane Sager was on the Board she used to put on her mucks and get out there and walk through the woods. You guys haven't seen this. You don't know what's going on to the land, and because you haven't been looking it's been getting destroyed. I really don't care about buffer zones and how it affects the property values like that. The ecology of the system is so fragile and you guys have almost completely destroyed it. You have destroyed wetlands already. You've allowed wetlands to be destroyed. And no one has put the guy in check on the corner of Third Street who filled in wetlands for a parking spot across from

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his house, even after I reported it several times. She reported the destruction going on by her house by the same man. You're going to give him another permit tonight. That's idiotic. It's like saying if I shoot you you give another gun permit. No. Investigate what's going on with this guy because this is wrong.

I will hold every single one of you accountable for this. I'm not playing around. And the DEC will. Once the time comes up, if you vote in favor for this, consider yourself retired because I will work like a dog to make it happen.

CHAIRMAN EWASUTYN: Thank you for your comment.

MR. ARTHUR SIEGFRIED: I just want to clear up, John, we spoke last year about the zoning. It's on record a year ago.

CHAIRMAN EWASUTYN: Mike, would you address the zoning -- would you address the zoning issues as far as what the Planning Board has the authority to or not?

MR. DONNELLY: There are various parts of the Town of Newburgh government that have jurisdiction over land use issues.

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UNIDENTIFIED SPEAKER: Speak up,
please.

MR. DONNELLY: The Town Board that
promulgates the master plan and writes the zoning
chapter, the Planning Board that implements that
chapter. It can only approve what's allowed and
it can't deny to any landowner those things that
are allowed. And then Jerry's office, which is
the enforcement division. The Planning Board
can't write code, the Planning Board can't
enforce the code. The Planning Board only
implements applications that come before it.
It has no authority to enforce it.

MR. ARTHUR SIEGFRIED: You've been
warned what he's done already.

MR. DONNELLY: I'm telling you --

MR. ARTHUR SIEGFRIED: How the land is
broken. Can't you stop --

MR. DONNELLY: Not the Planning Board,
no.

CHAIRMAN EWASUTYN: Paul, listen to
what he's saying. We can't stop it.

MR. DONNELLY: We are also including a
condition, if you were listening earlier, that no

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work can begin until the DEC sends out their wetlands biologist and ensures everyone that the areas that are in need of protection are adequately protected.

MR. ARTHUR SIEGFRIED: But how -- see, this is what's not fair to the residents of this area. This guy, it could be his buddy who's up at the DEC.

MR. DONNELLY: I assure you it isn't.

MR. ARTHUR SIEGFRIED: How did this guy already get away with destroying --

CHAIRMAN EWASUTYN: I think we can't get into this kind of dialogue of conspiracy.

MR. ARTHUR SIEGFRIED: It's not conspiracy. The wetlands have been destroyed, John. John, the wetlands have been destroyed.

CHAIRMAN EWASUTYN: I'm going to put a -- we have to put a stop to it. You raised this point at this meeting and you raised it at the prior meeting. We understand what you're saying. You have it on tape. You can present the tape to the DEC and we'll end it now.

Anyone here who feels they have something different to add, please raise your

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hand, otherwise we're going to -- Ken I think your name is. Ken, last comment.

MR. ABBOTT: Ken Abbott. Just another question that came up while you were talking. You had said that to get to the selected trees, the trees you selected, you have guys who know how to fall trees with chainsaws so they don't take down other trees. So there will be no heavy equipment used?

MR. PRENTIS: A skidder will be used. That's the only --

MR. ABBOTT: The skidder has the skid to get in. The trees that are taken out for access, do they count as the trees you're taking?

MR. PRENTIS: Like I say, the existing roads will be used. There's not going to be any trees taken out for access.

MR. ABBOTT: Also the other thing, so you won't be making any new trails for the skidders?

MR. PRENTIS: Just temporarily through open areas.

MR. ABBOTT: Through open areas. So you won't take down trees while you do that?

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MR. PRENTIS: No.

MR. ABBOT: To do that? Okay. And is there a time as far as like when you can run heavy equipment that we have to listen to if the project gets approved?

CHAIRMAN EWASUTYN: The code allows from 7:30 in the morning until 6:00 in the evening. It's not permitted on Sundays. That's in the code as Mike Donnelly has explained to you.

MR. DONNELLY: It's actually even more limited than that. It will be in the resolution the hours of operation shall be from 8 a.m. to 6 p.m. Monday through Friday. Log hauling truck activity shall be limited to the hours of 10 a.m. to 2 p.m. Monday through Friday. No activities of any kind shall be conducted on Saturdays, Sundays or public holidays.

MR. ABBOTT: Okay. Okay. And also, I keep hearing you bring up the word of clearing and grading. You said there's going to be no grading of the land; correct?

MR. DONNELLY: This falls under the chapter called clearing and grading.

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MR. ABBOTT: Because that's the name of the chapter. But there's no grading happening?

MR. PRENTIS: The skid trails and the landings will be graded once the project is done. That's just to return it back to it's natural state.

MR. ABBOTT: No bulldozer, things of that nature going into where the trees are?

MR. PRENTIS: Only at the end to grade the trails. You don't want to leave ruts. You're going to need to put water bars in. You can't do that with a skidder. You have to do that with a bulldozer.

MR. ABBOTT: So you're putting in water what?

MR. PRENTIS: Water bars. They're erosion control devices.

MR. ABBOTT: So the trees you remove, do they count as the trees -- the 1,170 that you do for the grading for water bars?

MR. PRENTIS: The water bars, it's a mound in the dirt. There's no trees being removed for it. You can go online and look it up, it's under the Best Management Practices.

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MR. ABBOTT: Water bars is the way to keep the groundwater where it is so my property doesn't flood; is that correct?

MR. PRENTIS: It's used to get water -- slow down the acceleration of water on the skid trail and kick it off into the woods to filter it.

MR. ABBOTT: No grading except on your way out?

MR. PRENTIS: Correct.

MR. ABBOTT: Okay.

MR. HINES: Often times the grading is done with the log skidder. The log skidders have a small blade.

MR. ABBOTT: I can see them becoming streams.

MR. HINES: That's the intent of the water bars. That will be part of the inspection prior to closing out the permit.

CHAIRMAN EWASUTYN: Any further questions from Board Members? Frank Galli?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No.

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MR. MENNERICH: No.

MR. BROWNE: No.

CHAIRMAN EWASUTYN: Jerry Canfield, do you have anything you want to add?

MR. CANFIELD: Nothing.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: No.

CHAIRMAN EWASUTYN: Karen Arent?

MS. ARENT: No.

CHAIRMAN EWASUTYN: Ken Wersted?

MR. WERSTED: No, thank you.

CHAIRMAN EWASUTYN: I'm going to move for a motion from the Board to close the public hearing on the Serviss Timber Harvest located on Union Avenue.

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. Do I have a second?

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Second by Ken Mennerich. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

Mike Donnelly, would you present the resolution for approval on the permitting?

MR. DONNELLY: Before the resolution is approved, you had issued a lead agency designation --

UNIDENTIFIED SPEAKER: Speak up, please.

MR. DONNELLY: You had issued a lead agency designation on March 15, 2018. As we discussed earlier, before you can act you need to issue a declaration of significance.

CHAIRMAN EWASUTYN: I'll move for a motion from -- Pat Hines, are we ready to declare a negative declaration?

MR. HINES: Yes. The applicant submitted a short environmental assessment form. As I mentioned earlier, I did a long environmental assessment form through the DEC's interactive website to check the information

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there. The short environmental assessment form proved accurate. Based on the information provided there and the plans, we would recommend a negative declaration.

CHAIRMAN EWASUTYN: Thank you. Having heard from our consultant Pat Hines of McGoey, Hauser & Edsall, I'll move for a motion to declare a negative declaration on the Serviss Timber Harvest.

MR. WARD: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

MR. DONNELLY: The resolution is an authorization to Jerry to issue the timber

1 harvesting permit. The conditions are as
2 follows: Number one, this approval is subject to
3 review and approval by the Town of Newburgh
4 highway superintendent concerning any possible
5 weight limit regulations applicable to this
6 project. If required, a roadway bond must be
7 posted to his satisfaction. Two, the applicant
8 shall comply with the requirements of Section
9 83-10, entitled standards for granting permits,
10 at all times. Three, as required by Section
11 83-11 entitled site requirements, the following
12 requirements shall govern the permit: A, hours
13 of operation under the permit shall be from 8
14 a.m. to 6 p.m. Monday through Friday. Log
15 hauling truck activity shall be limited to the
16 hours from 10 a.m. to 2 p.m. Monday through
17 Friday. No activities of any kind shall be
18 conducted on Saturdays, Sundays or on public
19 holidays. B, any contractor-performed activities
20 under this permit shall state that it is subject
21 to Chapter 83 of the Newburgh Code and to the
22 terms and conditions of this resolution.
23 Condition 4, the applicant shall be required to
24 post appropriate warning signs before any work
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under the permit may begin. Next, all trees to be harvested shall be double marked in the field with paint before harvesting begins. I'll put in parenthesis there 1,170 -- 1,170 trees. Next, before tree cutting begins the applicant shall meet with a DEC wetlands biologist in the field to mark any areas of concern to ensure that no disturbance occurs in those areas. Next, a 50-foot no cut buffer shall be established within those areas where existing residential homes adjoin the area to be harvested. The applicant's harvester is hereby granted flexibility to remove trees within that area that due to their health, location or condition deserve to be removed. Next, the applicant shall be required to post an inspection fee to the satisfaction of the Town of Newburgh before any work begins. And lastly, this permit shall have a duration of one year from issuance pursuant to Section 83-8(h). And then the standard conditions requiring what needs to be submitted and the payment of fees.

CHAIRMAN EWASUTYN: Any additional comments from Board Members? Frank Galli?

MR. GALLI: No.

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CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: Just a clarification of the flexibility of how many trees are to be taken down. Can you clarify that again?

MR. DONNELLY: We're leaving -- I said the harvester, I guess I mean to Chris, that -- I'll read the language again. A 50-foot no cut buffer shall be established within those areas where existing residential homes adjoin the area to be harvested. The applicant's -- what's your title, Chris? Forester?

MR. PRENTIS: Forester.

MR. DONNELLY: The applicant's forester is hereby granted flexibility to remove trees within that area that due to their health, location or condition, I'll put warrant removal.

MR. HINES: Those should be marked, Mike. Only marked trees.

MR. DONNELLY: Okay. I'll add that. All right.

CHAIRMAN EWASUTYN: Is that okay?

MS. DeLUCA: Yes. Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

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SERVISS TIMBER HARVEST

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No questions.

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

MR. HINES: The only addition; Mike, if
you can add my office be notified when the DEC
and the forester are meeting. We can coordinate
that.

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

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: Karen Arent?

MS. ARENT: Nothing.

CHAIRMAN EWASUTYN: Ken Wersted?

MR. WERSTED: Nothing.

CHAIRMAN EWASUTYN: Then I'll move for
a motion to approve the Serviss Timber Harvest
subject to the conditions that were presented in
the resolution by Planning Board Attorney Mike
Donnelly.

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

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CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Stephanie DeLuca. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried. Thank you.

(Time noted: 9:01 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 16th day of May 2018.



MICHELLE CONERO

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

----- X

In the Matter of

CUMBERLAND FARMS
(2016-05)
Discussion of Architectural Review Board changes

REQUEST TO THE TOWN BOARD RE:
MARKING OF TREES FOR A TIMBER HARVEST

----- X

BOARD BUSINESS

Date: May 3, 2018
Time: 9:05 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
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 one more item this evening under Board Business.

Jerry, Pat Hines, do you want to come forward and review with us the Cumberland Farms, the ARB?

MR. HINES: As we discussed at work session, the Cumberland Farms has made an application for their building permit. It was noted during the building department review that the plans that were submitted with the approved site plans were basically mirrored. The entrances to the Cumberland Farms were shown in different locations. The original plans showed this entrance which faces 17K to be in this location and also had the outdoor seating area in the wrong location. The plans that were shown for the Rock Cut roadside had the entrance over here which were basically opposite. They had two entrances opposite. The actual plans that were submitted would have an entrance here and an entrance here, on opposite corners, which is what they want to build.

There were some minor changes as well to the manufacturer or the producer of the stone

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drip edge there, some changes to the siding type around the Cumberland Farms, and then they identified changes to the gauge of the gutters.

The site plan is consistent with these latest renderings that have been provided. The original renderings were basically mirrored showing the entrances in different locations. That came up during the building department review. We thought it would be good to show the Board to basically re-approve the architectural plans consistent with the site plans.

CHAIRMAN EWASUTYN: I think what we discussed at the work session, there would be a correction, as Cliff Browne had said, in A3-1.

MR. HINES: A3-1, A3-2.

CHAIRMAN EWASUTYN: And we would be approving the submittal of the 18th of October.

MR. HINES: I'm looking -- yes. Actually this is the correct one.

MR. CANFIELD: Yes.

MR. HINES: Yes. The 18 October had the -- yes. 18 October `17 are the latest corrected renderings.

CHAIRMAN EWASUTYN: Can you please give

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us the verbiage so it could be part of the record?

MR. HINES: I think the Planning Board is going to modify it's ARB approval consistent with the site plan drawings as to the location of the entrances to the building, and based on those drawings along with the manufacturer of the stone four-foot -- three-foot high stone edge and some slight modifications to the materials in the gable ends.

CHAIRMAN EWASUTYN: Do I have a motion from someone to approve those changes?

MR. WARD: So moved.

MR. BROWNE: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you.

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MR. BROWNE: I would like to raise one. I think it might be appropriate for us to request the Town Board to modify the code with reference to the marking of the trees to what we are asking this applicant to do.

MR. DONNELLY: Pat, you understand how that's done?

MR. HINES: I can provide verbiage to that.

CHAIRMAN EWASUTYN: Mike Donnelly, why don't you prepare an outline, bring it to us at the next meeting and we'll take that further.

MR. DONNELLY: You also want to include authorization to create buffers around existing residential areas. We did it tonight but it's not specific.

You give me the language, Pat, I'll put together a letter.

CHAIRMAN EWASUTYN: That being said, I'd like to close the Planning Board meeting of the 3rd of May.

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Frank

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Galli. Second by Stephanie DeLuca. I'll ask for
a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 9:08 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 16th day of May 2018.

Michelle Conero

MICHELLE CONERO