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

----- X
In the Matter of

ALL GRANITE & MARBLE
(2011-14)

Request for a Six-Month Extension
from May 4, 2017 to November 4, 2017

----- X

BOARD BUSINESS

Date: May 4, 2017
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
STEPHANIE DELUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: TAYLOR PALMER

----- X

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

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CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. I'd like to welcome you to
the Town of Newburgh Planning Board meeting of
May 4th. This evening we have four items on the
agenda. We also have a Board Business item.

We'll start the meeting with John Ward.

MR. WARD: Present.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

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

MR. WARD: Please stand to say the
Pledge.

(Pledge of Allegiance.)

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

CHAIRMAN EWASUTYN: The first item
we'll take up this evening is the Board Business
item.

We received a letter from All Granite &
Marble for a six-month extension. The applicant

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is here.

Would you introduce yourself?

MR. PALMER: Mr. Chairman, my name is Taylor Palmer, I'm with the law firm of Cuddy & Feder. I'm here on behalf of the applicant. We appreciate the Board's time this evening in moving this ahead on the agenda.

We're here before this Board to request an additional six-month extension. At this time we're still working with our adjacent property owner to access the water easement agreement. Our client has prepared an executable CCR letter agreement which involves existing covenants and restrictions that were on the property when purchased from Pepsi when it was subdivided.

Additionally, we have an execution document ready for a water line -- for a water easement and waste easement. As we were prepared to sign those documents, Pepsi's attorney retained additional engineering counsel who brought up issues of recent concern involving an existing sewer line. Our client was asked to open the sewer line to indicate where it was located on our client's property, which we have

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ALL GRANITE & MARBLE

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done.

At this time we're also coordinating an additional easement with Pepsi which involves that sewer line, to formally go through the process of having it.

At this time we have an additional document that we're preparing, but we are continuing to work with Pepsi to access this water easement and waste easement together with the covenants and restrictions documents, and finally this new sewer line easement agreement so that Pepsi would have access to the pipe that goes over our client's property.

CHAIRMAN EWASUTYN: Any questions from Board Members?

(No response.)

CHAIRMAN EWASUTYN: Thank you. At this point then I would move for a motion to grant the six-month extension for All Granite & Marble from May 14, 2017 through May 4, 2017 -- excuse me, November.

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by John

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ALL GRANITE & MARBLE

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Ward. A second by Dave Dominick. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you.

MR. PALMER: Thank you, Mr. Chairman,
Members of the Board.

(Time noted: 7:03 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 17th day of May 2017.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

ORANGE COUNTY/POUGHKEEPSIE LP
d/b/a VERIZON WIRELESS
(2017-15)

181 South Plank Road
Section 60; Block 3; Lot 14.1
B Zone

----- X

INITIAL APPEARANCE

Date: May 4, 2017
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
STEPHANIE DELUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: HYDE CLARKE

----- X

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CHAIRMAN EWASUTYN: The first item of business is the Orange County/Poughkeepsie LP, Verizon Wireless application. It's located in a B Zone on South Plank Road. It's being represented by Young, Sommer.

MR. CLARKE: Good evening, Mr. Chairman. My name is Hyde Clarke, Attorney with Young, Sommer. I'm here on behalf of the applicant.

Just to give a brief overview to the Board tonight, we are proposing a small cell antenna on the peak of the roof located at 181 South Plank.

From this image here you can see it's on either side of the peak. That peak is thirty-two feet. When you take into account to the top of the antenna, we're only going four-and-a-half feet above that.

Just to give you a brief overview of what small cells are -- this is kind of where some of the industry is heading right now -- it allows us to give relief to our macro cells. This one in particular is our macro by the mall. So the people that are using, they're not just

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making phone calls, they're using data, going on the internet. What the small cell acts as is a hot spot, so it provides -- it's almost like a wireless router. It provides capacity for that data. What you have here is a location again Route 52 and Route 300, a lot of businesses, shopping malls, a lot of traffic. So really all we're trying to do is provide relief to about 1,000 square foot radius.

Again, it's nice because we can provide that relief without building a new structure, when you see these macro facilities where you have a number of antennas, and still be able to provide that service to the customers. That's just a brief overview of what we're proposing.

We did receive Mr. Musso's report. The only comment that I think we would have to address is the question about a utility pole on the property. We do have a proposed utility pole because Central Hudson is requiring that. The poles that were on the site weren't able to handle this small cell. We do have to put a new utility pole in as required by Central Hudson, just because of how the line would run to our

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VERIZON WIRELESS

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equipment.

Just to clarify that, Mr. Musso did ask is there going to be a new pole. Yes, there's going to be a new pole as shown on our construction drawings.

I can answer any questions the Board may have.

CHAIRMAN EWASUTYN: Questions from Board Members?

MR. GALLI: No additional.

MS. DeLUCA: No.

MR. DOMINICK: No.

MR. WARD: Where do you plan on putting the pole?

MR. CLARKE: If you go to our application, I think it's sheet C-1 should show where the new pole is located. It's towards the front right corner, towards Plank Road. So it's kind of in the bottom off -- near where those parking spaces are running. It's off that but it's on private property.

MR. DOMINICK: Is that by the movie theater? The entrance to the movie theater?

MR. HINES: It's between the parking

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lot and the movie theater access drive.

MR. WARD: Pat, my question is what you were saying with the property owner, the location, is it appropriate there?

MR. HINES: Yeah. It's on this site. It's in the landscaped area between the retaining wall for this site's parking lot and the access drive to the movie theater.

MR. WARD: Thank you.

MR. CANFIELD: It's also back far enough that it doesn't appear to be a visual obstruction on Route 52.

MR. HINES: It's probably forty feet back.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Pat Hines, you reviewed the application for the Planning Board.

MR. HINES: The only question that came up during work session is if there's a dumpster located in the vicinity of where the equipment area is proposed.

MR. CLARKE: Yeah.

MR. HINES: There are some photographs in Mr. Musso's information that show it like

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VERIZON WIRELESS

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right where that is going to be. I don't know if they are moving the dumpster or if it needs get moved, where it's going to go.

MR. CLARKE: I also have the site acquisition specialist here, Chris Borncamp. He's been in contact with the landlord. I'll let him walk through where that dumpster will be moved.

MR. BORNCAMP: The landlord is willing to move it to the opposite side of the building, in the back as well. It's not going to take up any parking spaces. The actual photo that the consultant provided is directly pictured at the dumpster but our equipment is going to be kind of tucked to the right of that. We're hoping we can get it where it won't be an intrusion. If it is, if we do need to move it, the landlord has agreed to move it to the opposite side of the building in the back.

MR. HINES: It looks like there's a couple of dumpsters. It looks like each of the tenants have one. There may be room. There is an area in the rear.

MR. BORNCAMP: If you'll notice, in

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that picture there's about six or eight feet to the right of that. We're going to try to tuck it all in that area.

MR. HINES: Mike Musso has a couple of recommendations. I think the most important part of this process is as a telecommunication wireless facility, Section 186-16 of the Wireless Code, requires a public hearing. It's a shall, it's not optional. I did read further into it. The notice requirement was to get the mailing addresses. It is a ten-day mailing. We had talked maybe having to push that off. I think we can schedule that as a normal public hearing. There's not an extended timeframe as I read further.

CHAIRMAN EWASUTYN: So then we'll hold that on the 1st of June as compared to the 15th of June.

MR. HINES: I think we can do that.

CHAIRMAN EWASUTYN: Jerry, do you want to bring up the issue of the \$75,000 as it follows the code or do you want to wait on that?

MR. CANFIELD: Actually, Chapter 168, our Telecommunication Code, requires that all

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telecommunication towers and facilities are required to post a \$75,000 removal bond. We talked at the work session. Your options are either to post the bond or perhaps solicit the Town Board for a waiver to that.

MR. DONNELLY: Given that that's intended for large towers that are expensive to have to removed, we don't have the authority to waive that, the Town Board might be able to.

MR. HINES: Our code hasn't kept up with your technology.

MR. CLARKE: I understand. Your position with the waiver provision in the Telecom Law would come in, I think it's 168-29, as a waiver provision in terms of not allowing the Planning Board to do that? It would be your position it has to be the Town Board?

MR. DONNELLY: Let me look.

CHAIRMAN EWASUTYN: Let's stop for a moment and look at that.

MR. DONNELLY: It does talk about the Board in the context of Planning Board review. It does allow -- any applicant desiring relief or exemption from any aspect or requirement of this

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chapter may request such from the Board, but it's in the context of the Planning Board, at a pre-application meeting provided the relief or exemption is contained in the original application for either the special permit or, in the case of an existing or previously granted special permit, a request for modification. The burden of proving the need is on the applicant. The proof must be to the satisfaction of the Board. I believe that gives you authority to waive that fee or to reduce it to something.

MR. CANFIELD: Also, the relief sought, I think it says here, Mike, also the applicant has to request a pre-application meeting.

MR. DONNELLY: It says that's when you can make it, yeah. I mean this is the first meeting.

MR. HINES: They did have earlier conversations with Mike Musso's office. It hasn't been with the Board. The project has been before Mike Musso's office for awhile. They did, in their application -- section 5 of their application, the waiver of the pre-application meeting based on previous meetings with Mike

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Musso was requested. The application may have to be amended to request a waiver and probably a proposal from you to address the bonding requirements for removal.

MR. CLARKE: If we could provide something, and then I can also provide to the Board what that cost is to remove -- what the average cost is. We can have that provided.

CHAIRMAN EWASUTYN: Jerry Canfield, that would be --

MR. CANFIELD: I think in your pre-application meeting you have to demonstrate how and why you feel that you're exempt from these -- actually, there's two areas you need to address if you're going to waive, or attempt to waive the special use permit requirement, and then also the bonding.

MR. HINES: I don't think we're waiving the special use permit.

MR. CLARKE: I think we were here before for the special use permit. I don't have a problem with that. I'm hoping that I can provide to the Board, before the public hearing, what the cost is and then we could come up with a

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VERIZON WIRELESS

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reasonable amount. I can tell you that industry standard is 75,000 for a new tower. It's usually 25,000 for a co-location on an existing tower. I don't have an estimate on a small cell. These are a little newer. I could --

MR. CANFIELD: Excuse me. That \$25,000 number --

MR. CLARKE: If you were going to co-locate on an existing tower.

MR. CANFIELD: With two others. Our code specifically says 75.

MR. CLARKE: Yeah.

MR. DONNELLY: You usually get the money back from the others.

MR. CANFIELD: Right.

MR. BORNCAMP: Just to point out, historically these small cells cost about 20,000 to actually build. Removal would be much, much less than that.

MR. HINES: We talked about that at work session.

MR. CANFIELD: We did. And also keep in mind this is the first of this type application in our municipality.

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VERIZON WIRELESS

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MR. CLARKE: Absolutely.

CHAIRMAN EWASUTYN: I know I read it, but what's the average weight of one of these?

MR. BORNCAMP: The actual antenna?

CHAIRMAN EWASUTYN: What's the actual weight?

MR. BORNCAMP: So there's a couple components that go into the weight. There's an equipment cabinet --

CHAIRMAN EWASUTYN: I'm talking about the canister on the roof.

MR. BORNCAMP: They're about 20, 25 pounds depending on the model.

CHAIRMAN EWASUTYN: Would it be an inconvenience the night of the public hearing to bring one?

MR. BORNCAMP: Yes. They're actually ordered only for use of installation. We don't really have them on shelves per se. They're actually pretty expensive and we don't just keep them in.

CHAIRMAN EWASUTYN: Just so we would be more familiar.

MR. BORNCAMP: That's a good question.

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VERIZON WIRELESS

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They're about the size of a five-gallon bucket.
A Home Depot bucket or something like that.
That's about the size of the antennas.

MR. CLARKE: 17 to 23 pounds.

CHAIRMAN EWASUTYN: Jerry, so come up
with some kind of value?

MR. CANFIELD: That's going to be up to
them to come back to us.

MR. HINES: I think they'll have to
amend the application, section 5. They have
quite a few waivers. The radiofrequency emission
analysis they requested, which I think Mike Musso
is okay with. A short form EAF in lieu of the
long form because of the scope of the project. A
waiver of some of the visual requirements of your
code for a visual analysis. They did provide you
a photo simulation. Topography and
geomorphologic study they're requesting a waiver.
They're requesting a waiver of the pre-
application meeting based on conversations
they've had with Mike Musso over the last couple
months. They're requesting a waiver of the
public hearing. I don't think that's waivable
under your code. The liability insurance to be

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waived to a smaller amount. I'm not sure what the indemnity waiver is. You might be able to discuss that. There's an indemnification requirement to the Town but this is on private property.

MR. CLARKE: That's on private property.

MR. HINES: Those are the ones they're requesting. I think they need to amend that to request a reduction in the security for decommissioning.

CHAIRMAN EWASUTYN: All right.

MR. CANFIELD: Yes.

CHAIRMAN EWASUTYN: Pat, we have to circulate to the Orange County Planning Department?

MR. HINES: We do.

CHAIRMAN EWASUTYN: Okay. At this point in time do we make a SEQRA determination, Mike?

MR. DONNELLY: We certainly could if you feel satisfied.

MR. HINES: Mike Musso has reviewed this and provided the Board with a significant

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VERIZON WIRELESS

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amount of information regarding it. There were no significant environmental impacts identified in his report.

CHAIRMAN EWASUTYN: Okay. I'll pole the Board Members. Would the Board like to make a SEQRA determination?

I'll move for a motion to declare a negative declaration for the Orange County/ Poughkeepsie LP, Verizon Wireless installation, to circulate to the Orange County Planning Department and to schedule the 1st of June for a public hearing.

MR. GALLI: So moved.

MR. DONNELLY: John, on the date, the County has thirty days to respond. While they may get it in sooner, it may require two appearances for the applicant if we put it on for the 1st.

CHAIRMAN EWASUTYN: What would you suggest?

MR. DONNELLY: Make it the 15th and then there's more than enough days.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I had discussion by Mike Donnelly.

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There's a recommendation that we reschedule the public hearing to June 15th. I'll re-make that motion. Frank Galli?

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Michael, thank you for your input.

MR. CLARKE: All set. Thank you.

(Time noted: 7:15 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 17th day of May 2017.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

GARDNERTOWN COMMONS
(2016-03)

Gardnertown Road
Section 75; Block 1; Lot 21
R-3 Zone

----- X

FINAL APPROVAL

Date: May 4, 2017
Time: 7:16 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DELUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: STANLEY SCHUTZMAN
JOSEPH SARCHINO

----- X

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CHAIRMAN EWASUTYN: The second item of business this evening is final approval for Gardnertown Commons. It's located in an R-3 Zone on Gardnertown Road. It's being represented by JMC Planning, Engineering, Joe Sarchino, and the Attorney, Stan Schutzman.

MR. SCHUTZMAN: Good evening, Members of the Board. We're here tonight to obtain the approval of the Planning Board for my client's amended site plan application. The site plan application is seeking the change from 104 residential units to 164 residential units, 20 of which would be allocated for senior housing.

We've received an approval from the Town Board with respect to the senior housing density at this time.

We've entered into -- there's an existing developers agreement with respect to road construction that has been assigned to the applicant with the approval of the Town Board.

The Town Board has also extended an existing outside user agreement for another year, to May 31st of 2018. That agreement was also assigned to the applicant with the approval of

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the Town Board.

We're here today to seek the Planning Board's approval with respect to the site plan, as well as the subdivision approval which will involve taking five tax lots and combining them into a single tax lot.

CHAIRMAN EWASUTYN: Comments from Board Members at this point. Frank Galli?

MR. GALLI: No. It actually came out pretty good.

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. DOMINICK: No. You guys did a real good job pulling this together. It really looks nice.

MR. WARD: I agree. How it's refigured, it looks nice.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We've received responses to our previous comments. They've addressed each of them.

The stormwater pollution prevention plan has been updated per our comments and is now acceptable.

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We received a letter from the project architect regarding the accessibility of the units on the eastern portion of the site. There are off-site improvements that are required. They are addressed in the developers agreement.

And then we had a comment which we talked about at work session regarding bonding and security that will be required. Those issues have been incorporated into Mike's resolution.

With that, we don't have any outstanding technical comments.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Just one comment referencing Pat's accessibility comment. The architect for the project has submitted a response to that which at the time of the building permit we will review for applicability. It can be addressed at that point.

MR. SARCHINO: Thank you.

MR. CANFIELD: We have nothing else outstanding.

CHAIRMAN EWASUTYN: At this point I'd like to turn the meeting over to Mike Donnelly,

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Planning Board Attorney, to discuss the final resolution.

MR. DONNELLY: The resolution will actually have three components. One is a third amended site plan approval, an amended subdivision approval for the lot consolidation, an Architectural Review Board approval. It was actually voted upon, I checked my notes, by you on December 1, 2016. The approval will allow the conversion of this project with the senior citizen density bonus granted by the Town Board to a multi-family development consisting of 164 residential units, 20 of those being senior housing units. They've complied with the State Environmental Quality Review Act in the past.

In terms of conditions, we'll need a sign-off letter from Ken Wersted, the Traffic Engineer, that he has inspected the design details of the Gidney/Gardnertown Road intersection and finds them satisfactory. We believe that the Town Board will need to approve at least the entranceway, road name if not all of the road names within it for 911 purposes. That's a condition of the approval as well. We

1
2 will recite the density bonus provision approval
3 by the Town Board and incorporate it's conditions
4 into this resolution of approval. We'll need the
5 highway superintendent's sign off on the driveway
6 entrance. We'll need written approval from the
7 Orange County Department of Health for the water
8 main extension. There's a developers agreement
9 that was in existence in the past that will be
10 amended and modified. That amended developers
11 agreement will need to be signed and on file
12 before the plans are signed. We'll note that the
13 traffic improvements that are to be made to that
14 intersection need to be completed before the
15 first CO is issued. Beyond that, all of the
16 conditions of the original site plan, subdivision
17 and ARB approval are to remain in effect.

18 Financial security will be required.
19 The types, performance, restoration, et cetera
20 will be recited within the developers agreement.
21 Specifically there will be a landscape security
22 and inspection fee. I don't know if that was
23 posted already.

24 MR. SARCHINO: No.

25 MR. DONNELLY: The inspection fee in

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the draft I gave you, Stan, was incorrect. It's \$4,000. In the past when it was a phased project, I mistakenly added up each of the phases. You don't need that with one, so the inspection fee is \$4,000. A stormwater improvement security and inspection fee. You will need to execute a stormwater control facility maintenance agreement with the Town Board. Mark Taylor can get you the standard form if you don't have it already. The sewer main extension and inspection fee. There will be certain offers of dedication that will need to be made to the Town Board, particularly for the traffic improvements that are involved at the intersection. The standard condition that outdoor fixtures and amenities not shown on the plan may not be constructed without amended approval of the site plan. And finally, the posting of multi-family fees. I don't know if they were posted but you have 164 units, it's \$2,000 per unit. Those are the conditions.

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

MR. SCHUTZMAN: Yes, we are in

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agreement and all that is acceptable.

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

MR. DOMINICK: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Thank you.
Motion carried.

MR. SARCHINO: Thank you.

MR. SCHUTZMAN: Thank you very much.

(Time noted: 7:22 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 17th day of May 2017.



MICHELLE CONERO

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

----- X
In the Matter of

HURLBERT TWO-LOT SUBDIVISION
(2017-09)

Pressler Road
Section 4; Block 2; Lot 41.22
RR Zone

----- X

TWO-LOT SUBDIVISION

Date: May 4, 2017
Time: 7:23 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DELUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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CHAIRMAN EWASUTYN: The third item on the agenda is Hurlbert, a two-lot subdivision on Pressler Road in an RR Zone. It's here tonight by Talcott Engineering, Charles Brown.

MR. BROWN: Thank you. It is a two-lot subdivision of roughly a 40 acre piece. It is in the RR Zone. We're cutting off one lot that has the existing residence on it that was just CO'd I believe last month.

We were here before the Board back in March and got comments from Pat. I believe we took care of all that.

We're here to move this along and get it scheduled for a public hearing.

CHAIRMAN EWASUTYN: I apologize. I kind of forgot to put it on the earlier agenda. You had submitted in time for that but it was my error.

MR. BROWN: He's not in a rush. It's okay.

MR. HINES: This project is ready for a public hearing. I'm not sure if we did a negative dec yet.

MR. DONNELLY: You did notice of intent

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to be lead agency. It is a Type 1 action. That time has run so you can confirm your lead agency status and, if appropriate, issue a negative declaration.

MR. HINES: Charlie, this is not a Type 1 action.

MR. BROWN: This is outside.

MR. HINES: Although it's in the RR -- we initially thought because it was in the RR Zone that it would have been a Type 1 action. This one is outside of the critical environmental area.

MR. BROWN: Right.

MR. HINES: We did circulate to County Planning and the Town of Plattekill because of the proximity to the Town of Plattekill/Ulster County line. Those submissions have been made.

CHAIRMAN EWASUTYN: So then we don't have to declare our intent for lead agency?

MR. DONNELLY: You had but -- it's finalized. You can just do the negative declaration.

CHAIRMAN EWASUTYN: Then I'll move for a motion to declare a negative declaration and to

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schedule June 1st for a public hearing on
Hurlbert two-lot subdivision on Pressler Road.

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWN: Thank you.

CHAIRMAN EWASUTYN: Thank you.

Cindy told me you covered a mailing
recently for Fabrizio I believe in her absence.
She's coordinating that with you.

MR. BROWN: That got mailed out
yesterday I believe.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:27 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 17th day of May 2017.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

THE RIDGE (f/k/a THE LOOP)
(2017-01)

Routes 300 & 52
Section - Block - Lot (multiple)
IB & R-3 Zones

----- X

SIXTH AMENDED SITE PLAN

Date: May 4, 2017
Time: 7:27 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DELUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: THOMAS GODFREY, MARK GRATZ,
PHILIP GREALY, STEVEN LOPEZ

----- X

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CHAIRMAN EWASUTYN: The next item on the agenda is The Ridge. It's here for the sixth amended site plan. It's located on Route 300 and Route 52. It's in an IB and R-3 Zone. It's being represented by Mark Gratz.

MR. GODFREY: Good evening. Tom Godfrey with Waterstone Development. With me tonight is Mark Gratz, Steve Lopez, Phil Grealy.

We're here tonight for site plan amendment number six for The Ridge, formerly known as The Loop. In addition to the site plan amendment that we have filed, we also have procedurally filed a request for an architectural review -- a conceptual architectural review approval that we have pending with the Board as well.

I'd like to just briefly touch on what we've been doing since the last meeting on March 16th, just update the Board on some of the comments that were gotten, comments from the Board, from the consultants and from the County that we've been responding to.

One of the things from the last meeting that we have done and submitted to

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THE RIDGE

the Board is we've extended the connection down to Brookside Road in this area. It has a little detail of it here. We've pulled back the length of Brookside so that we will be demolishing about 300, 400 feet of roadway, constructing a new cul-de-sac, shortening that roadway, and in conjunction with that we'll be demolishing the three remaining homes, two of them on Brookside, one of them on South Plank out here, as part of that.

In addition to that, we have been fine tuning and refining the landscaping. We've been adding some shrubs, moving some different plant material in and out, evergreens species. More recently we've added a little larger and additional plantings on the rear here. We've been dealing with that.

We've also been dealing with some comments on the architectural review side of things, screening of rooftop units in terms of adding some notes on plans. As part of the architectural review process we've added

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details on the plans here that say the detail plantings that will go around the buildings will be dealt with at the next level, which is when the buildings will come in for formal architectural review. So those details will be provided. The architect and the landscape engineer will work together, put a detailed plan together and will come in on a building-by-building basis for a specific architectural review of that exact building.

In addition to the landscape notes that we have here, there were some recent notes today that Mark has added to the plan dealing with rooftop screening and that we will, on a case-by-case basis, review each building, look at the sight lines, the visibility and come up with a screening program, again on the Architectural Review Board basis, at that level once the buildings are designed. The buildings are not designed yet. We've got some conceptual plans shown.

In addition, we've shown some conceptual plantings, curbing and other

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things on that submittal, that was also submitted to the County. That demonstrates some of the pedestrian features and things like that.

Since the last meeting we also have received additional comments from the County which we have been addressing this week. One of those comments dealt with the bus shelters which we had proposed on site. The project in the past had received comments from the County asking about providing bus stops within it. This time around the comment came back that they do not have the ability to come into the project to serve and they've asked us to look at potentially having a bus stop at the entrance. I guess their schedule does not allow them to extend into the project. We've got a prior condition -- a site plan amendment, but there is a condition already in one of the prior site plan approvals that obligates us to work with the transit authority and try to provide bus service for everything that's going on in the project.

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They also asked about some of the pedestrian features and the sidewalks. We provided additional detail to them that highlighted on our plan, which I think has been submitted as well, that shows the extent of the sidewalk system and how we've tried to make it work and connect everything up on both sides as well as internally. Also highlighted some of our pedestrian features that are in our architectural review package that you have in front of you, shared that with the County as well so that they can incorporate that into the review.

So those have been the major points that we've kind of touched on. We're obviously willing and able to answer any questions or additional comments or concerns that the Board may have.

CHAIRMAN EWASUTYN: With the first presentation from Tom, do any of the Board Members have any questions?

MR. GALLI: I do. On the access -- the third access location coming out on Brookside Farm Road --

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MR. HINES: Brookside Road.

MR. GALLI: -- in the future if it develops farther where they need that for a third entrance, they have to do it back out to 52?

MR. HINES: Yes. If they exceed the square footage that requires the third entrance. It can be done. The idea here was to provide the emergency access while not impacting the State highway, the associated expense of construction required for that. This provides an emergency access off the Town road rather than off of 52. The access drive is only proposed to be I think 16 feet wide. It would have to be widened out to a much wider width --

MR. GALLI: If they ever needed it to the third entrance they would have to bring everything up and put it out to 52?

MR. HINES: Yes. The majority of the access road is being constructed to facilitate the connection to the sewer, and then on the opposite side of Quassaick Creek, and then the spur that was added for emergency access is connected to Brookside Road.

MR. GALLI: Since it's only considered

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a maintenance road, I think I read somewhere they still have to plow it in the winter.

MR. HINES: We notice it's labeled as a maintenance drive. We're suggesting that maintenance drive be changed to emergency access. Clearly that's what it's used for.

MR. GALLI: That's all I had.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: Not so much for the site itself but in regards to the bus, could there possibly be shuttle buses within the area, the shopping area, or is it too -- would that be too congested as far as setting them up?

MR. GODFREY: Internally, just within here?

MS. DeLUCA: Or is that --

MR. GODFREY: We typically don't have them in a project of this size.

MS. DeLUCA: I see.

MR. GODFREY: The County did cite that there is what's called dial-a-bus type service that might be available to serve internally here.

MS. DeLUCA: Okay.

CHAIRMAN EWASUTYN: Good point, though.

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MS. DeLUCA: I was just thinking,
shopping --

MR. GODFREY: Long term I'm not sure if
the County, once it's built and it's demand,
things change. There may come a time where the
route becomes important, or there's a ridership,
or they get additional funding or additional
grant where they can add two minutes to their
schedule and swing in is essentially what it's
coming down to and extend their schedules.

MS. DeLUCA: Okay. Just curious.
Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Karen Arent, on the
landscaping, had memos dating back to, I think
it's January 31st. Have there been meetings
between your representatives and Karen?

MR. GODFREY: Yes. We met with Karen
in the workshops and we have gone back and forth.
Steve, our landscape architect --

MR. LOPEZ: On the phone.

MR. GODFREY: -- has gone back and
forth directly with Karen on trying to address
all of her comments and concerns.

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CHAIRMAN EWASUTYN: Karen is satisfied at this point with the revisions to the landscape. The species of trees that Steve had once written about that Karen felt the difficulty with those trees, although they would be maybe native, they're near impossible to find in the area. The other thing to keep in mind sometimes is if you're testing these new trees in an area that seems to work, who bears the cost of replacement when they die? So Karen is trying to put together a landscape planting material that will be successful. She recently gave the example that -- we were talking in general that a lot of Junipers are recommended for planting in Orange County. The difficulty with that is Junipers are grown primarily in New Jersey where they have a sandy soil. When you bring them up to Orange County and you have a clay soil, the survival rate isn't that good. So Karen has been picking through this. Karen will be part of the public hearing for matter of record. Karen has a point right now that at some point in time we should consider the visual impact. Maybe we'll spend a minute talking about the wall.

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Let's do that now if you don't mind.

MR. LOPEZ: Mark, have you identified a specific --

MR. GRATZ: Not a particular --

MR. GODFREY: I'll try to explain the wall. I may need Mark's help on the technical details. I believe she's talking about the retaining wall here. We've got the off ramp from 84 west coming here. As you come down 84 there's Jersey barriers. We've got a rock face that's probably twenty to thirty feet high, potentially higher when you get off the off ramp. We are probably thirty to forty feet in grade difference as you come off the off ramp. We're well above the ramp. It's a fairly steep slope. We do have vegetation outside the property line in the right-of-way, probably at least twenty or thirty feet thick. So we've got two things going on there, grade differential, existing vegetation, and we do have a retaining wall back in here. I believe it varies in height from zero to maybe ten feet. It used to be almost twice as long and I believe twice as tall on average. So it used to extend further out here and here. We've

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reduced the height of that by, I believe less than half.

MR. GRATZ: I think the original one went up to twenty-three feet in height.

MR. GODFREY: Karen wanted details in terms of it's location to the property line to make sure it was properly installed and maintained. We addressed that comment.

The most recent one I've seen is that she suggested colors in terms of what she thought would be an appropriate color for the wall. We're fine with the two suggestions. I think I saw, in terms of what she was looking for, a beige or a natural gray I think is what she was looking for.

CHAIRMAN EWASUTYN: Ken, anything?

MR. MENNERICH: No.

MR. GODFREY: To add one thing on that wall, I believe it's specified as like a small keystone wall, Versa-Lok, smaller block.

CHAIRMAN EWASUTYN: Again, she will be here for the public hearing. That will be part of the final comments for closure, if we do close it. Thank you. I know it's been going back and

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forth. She doesn't miss much, does she? There's not many things she doesn't have an opinion on.

MR. HINES: She may read the minutes.

MR. LOPEZ: She changed her mind a few times, she changed my mind a few. Give and take.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I had two concerns. Frank and Pat addressed the first one, meaning the maintenance road versus the access road. I think it's really valuable to have it maintained, cleared, plowed, upkeep, the whole nine yards.

The second was the retaining wall which you just commented on.

Third, just from a consumer standpoint, I don't agree with what the bus company said. Dropping off on 300 and hiking in, it's quite a walk for an outdoor mall. That's just my personal opinion on that.

MR. GODFREY: It's difficult to execute because it's a State highway.

MR. LOPEZ: Do they have restrictions on accessing private property the way school buses do?

MR. HINES: They pull into the Wal-Mart

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right now.

MR. DOMINICK: And the mall across the street I believe they pull into. Thank you for taking our thoughts and comments from the previous meeting into consideration.

MR. DONNELLY: Probably because you're from Boston.

MR. GODFREY: I'll respectfully --

CHAIRMAN EWASUTYN: This isn't open to public comment.

MR. GODFREY: I won't comment on that.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: At the end of Brookside, for the neighbors' sake how are you going to finish off landscaping or anything?

MR. LOPEZ: We had two sets of plans. One was for the road in the future. Because it extended, we had a fairly significant wall and screening. I don't think -- we're not showing anything at this point with the emergency connection because it's not -- obviously it won't be trafficked much at all. It will simply be an extension of the informal emergency access into an existing wooded area.

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MR. WARD: As long as it's clean looking and everything that way. I'm looking at it as the neighbors seeing it. I just want to make sure it's presentable for them.

MR. LOPEZ: Right.

CHAIRMAN EWASUTYN: Phil Grealy, do you have anything you'd like to add this evening?

MR. GREALY: Nothing really new. We made the revisions. If there were any questions about our report -- I think it's pretty clear. The two internal traffic signals going in, the details of the emergency access have been discussed. I don't really think there's anything else at this point.

CHAIRMAN EWASUTYN: Thank you.

I want to turn the meeting over to Pat Hines.

MR. HINES: We just reviewed the County Planning comments and how they were addressed. They did provide you with some supplemental information recently showing the internal pedestrian access walks and sidewalks and such, as well as the location of the proposed bus stop. The bus apparently is not going to access. As

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Mr. Godfrey said, they may --

MR. GREALY: In the future.

MR. HINES: -- in the future. They have addressed our previous comments on the plans. The major issues that were brought up at the previous meeting are all detailed on the plans.

Ken Wersted's comments regarding the traffic signals. The County did bring up -- Phil, maybe you can fill the Board in -- some technology issues they felt didn't work on some other project.

MR. GREALY: Philip Grealy again. They voiced a concern about wireless interconnect as opposed to hard wired interconnect. It's a DOT call. Our experience has been much better with the wireless. It's really not the wireless per se, it's more of the software implementation. Whether it's wireless or hardwired, it's usually the software that's the problem. Working with DOT, that has gone a long way. As long as you have line of sight from one signal to the other, the wireless works fine. In fact, we're working on one up in Ulster County right now, in New

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Paltz, that's wireless. So that's something we'll fine tune with DOT. I think the concerns that the County raised, they stated the wireless versus hardwired interconnect, it's not the problem, it's really the software that they were running into problems with. It should not be an issue.

CHAIRMAN EWASUTYN: Thank you.

MR. HINES: We are suggesting that as we head towards revised SEQRA findings, that the applicant's representatives provide us with a new sixth amended site plan SEQRA findings as a first draft and then the Board and it's consultants can revise that as they see appropriate.

The Board was discussing the public hearing date. I think the plans are in sufficient form for the public hearing. The majority of the comments are addressed. We're down to very technical issues.

CHAIRMAN EWASUTYN: What is the date you would suggest?

MR. HINES: We were talking the June 1st date. We've added a couple things to that.

CHAIRMAN EWASUTYN: Jerry Canfield,

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Code Compliance?

MR. CANFIELD: Just a comment. I'd like to thank Mr. Godfrey and his professional design team for their efforts in the improvements, especially the emergency access. I think it's a nice added feature to the project.

On the demo of the three houses, you're going to need demo permits for those. I know you had called. I hope that's what you wanted to talk about.

MR. GODFREY: Yes. I've got some older asbestos reports that I think need updating. I just wanted to review the details of what's required for a demo permit. We have made efforts to clean up around the houses and the use there on that street. We will move forward. We've got those shown on the plan as being demolished. We will move forward and have new asbestos reports done in preparation for the final demolition permit.

MR. CANFIELD: Thank you. Also just a request. I know there's been correspondence with Karen with respect to rooftop screening. How ever that's decided and acceptable to the

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Architectural Review Board, that that gets carried over into the architectural drawings. It helps us on the plan review side, especially permitting and C of Os, that we know what we're looking for up there. It's a feature in planning that does get carried right through to building permit.

CHAIRMAN EWASUTYN: Good point.

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

CHAIRMAN EWASUTYN: Mike Donnelly, do you want to bring us along to what stage we are at this evening?

MR. DONNELLY: I agree with Pat, we will need to have amended SEQRA findings. It would be helpful for you to do the first draft. You probably can find in the file the series of other amended findings so you get the flavor of --

MR. GODFREY: I have multiple consistency rulings and some phasing and amended filings.

MR. DONNELLY: You take a crack at those documents, I'll work on the resolution as we move foward. As you said, it's time for the

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public hearing. We can take action after that.

CHAIRMAN EWASUTYN: I'll move for a motion to set a public hearing for June 1st for The Ridge located on Route 300 in an IB and R-3 Zone. Again, the 1st of June.

MR. WARD: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Pat, you'll work with the applicant as far as the notice for the public hearing.

MR. HINES: Yes.

MR. GODFREY: Thank you very much.

MR. LOPEZ: Thank you very much.

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

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

I, MICHELLE CONERO, a 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 2017.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

KENTUCKY FRIED CHICKEN

Signage

----- X

BOARD BUSINESS

Date: May 4, 2017
Time: 7:50 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DELUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

----- X

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

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CHAIRMAN EWASUTYN: We can go on the record as far as Kentucky Fried Chicken, that the Planning Board is okay with the signage.

Under separate voucher, I'll go on record as saying that the Planning Board -- we have a memo in front of us from Joe Mattina from the Building Department as it relates to Kentucky Fried Chicken.

It says, "John, here is the sign packet proposed by Kentucky Fried Chicken. They will need a variance from the Zoning Board. They're permitted 66 square feet and are requesting 276 feet. Do you have any questions or comments?"

It was a complete package of the signage, the new sign and the board I believe.

I'll ask for a motion now. I would like to comment back to Joe Mattina that we have no concerns about the variance that's being offered.

MR. GALLI: Okay.

MS. DeLUCA: Okay.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board is in favor of Joe Mattina moving forward on the needed variance for

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Kentucky Fried Chicken.

At this point I'll move for a motion to close the meeting of the 4th of May 2017.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:51 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 17th day of May 2017.

Michelle Conero

MICHELLE CONERO