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

----- X

In the Matter of

FRISCHKNECHT  
(2015-06)

2 Chevy Lane  
Section 70; Block 3; Lot 1  
R-3 Zone

----- X

PUBLIC HEARING  
TWO-LOT SUBDIVISION

Date: May 5, 2016  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

----- X

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

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FRISCHKNECHT

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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 the 5th of May.

This evening we have six items on the agenda. We'll start by calling the meeting to order with a roll call vote.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

CHAIRMAN EWASUTYN: We have consultants that work for the Planning Board and for the Town. They'll introduce themselves.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

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

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CHAIRMAN EWASUTYN: At this point in the meeting I'd like to turn it over to Frank Galli.

MR. GALLI: Please stand for the Pledge.

(Pledge of Allegiance.)

MR. GALLI: Please silence your cell phones.

CHAIRMAN EWASUTYN: The first item on the agenda is Frischknecht. It's a public hearing on a two-lot subdivision located on Chevy Lane in an R-3 Zone. It's being represented by Jonathan Cella. Ken Mennerich will read the notice of hearing.

MR. MENNERICH: "Town of Newburgh, notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of Frischknecht subdivision, project 2015-06, for a two-lot subdivision known as Frischknecht at 2 Chevy Lane in the Town of Newburgh. This site is designated on the Town tax map as Section 70,

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Block 3, Lot 1. The project is a two-lot subdivision on a 0.643 acre parcel of property with access off of Fifth Avenue. The project fronts on Eastview Road and Chevy Lane, two private roadways. Access for the new proposed lot will be from a driveway cut into Fifth Avenue, a Town roadway. The public hearing will be held on the 5th day of May 2016 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board, Town of Newburgh. Dated 18 April 2016."

CHAIRMAN EWASUTYN: Thank you. Before Mr. Cella introduces the two-lot subdivision to the public; Mike Donnelly, the Planning Board Attorney, will speak to you on the meaning and purpose of a public hearing.

MR. DONNELLY: The purpose of tonight's public hearing is to allow you, the members of the public, to bring issues or concerns to the Members of the Planning Board before they take action on this project. Sometimes those that

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live in the vicinity know things either Planning Board Members nor the Town's Consultants themselves know. After Mr. Cella gives a presentation outlining the project, the Chairman will ask those who wish to speak to please raise your hand. When you're called upon we would ask you to step forward, give us your name and tell us where you live in relation to the project. It would be helpful if you'd spell your name for the Stenographer so we get it down correctly. Please address your comments to the Board. If you have questions that can be easily answered, the Chairman will ask either a Town Consultant or the applicant's representative to attempt to answer that question.

CHAIRMAN EWASUTYN: Thank you, Michael.  
Jonathan.

MR. CELLA: Good evening. I'm Jonathan Cella representing the owner of the subdivision.

The subdivision is a two-lot subdivision of the parcel located at the southeast corner of Fifth Avenue and Eastview Road. Currently it has one existing residence in the rear of the property. We're proposing one

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new lot which will front on Eastview Road and Fifth Avenue.

The parcel is located in the R-3 zoning district and the two lots will each be a third of an acre after the subdivision.

We first appeared before the Planning Board approximately a year ago, 2015 May, at which time we were referred to the Zoning Board for some front lot setback variances required on the existing residence due to it's proximity to Chevy Street and Eastview Road. We got these variances in October 2015 and we came back to the Planning Board and we addressed the remaining comments at that time.

The only construction that would be involved in this subdivision would be for a single-family residence serviced by Town water and sewer.

We received approval from the City of Newburgh for tying into the City's sewer system and the Town for the water tap.

CHAIRMAN EWASUTYN: Is there anyone here this evening that has any questions or comments, please raise your hand and give your

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name. This gentleman.

MR. COLEMAN: My name is Ron Coleman, I'm on 9 Chevy Street, actually behind the house there.

In the Zoning Board meeting it had come up that Chevy Street, behind there was a private drive. They only had egress coming up Eastview and not onto Chevy. My question will be that they're still using Chevy Street even though at this point they know they're not supposed to. Would it be incorporated into this final planning, those changes?

CHAIRMAN EWASUTYN: Michael.

MR. DONNELLY: It sounds to me like -- I know nothing about what right they have to use it. The Planning Board can't be the arbiter of that. If they are not permitted to use it, the Planning Board can't dictate that. I don't think that the access you show is being used. Is it?

MR. COLEMAN: It's for the setback on the upper house basically. But it had come up in the other meeting and so I was just curious if when this goes through, if that would be part of the thing. It's already in paper form. I guess

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they had come across it at that time.

MR. DONNELLY: I guess the question is are you proposing to use that roadway on your plan?

MR. CELLA: Not for the new residence. The existing residence has a driveway onto Eastview Road. As he stated, sometimes the occupant of the residence uses Chevy Street. When you're on the parcel this would be the driveway for the existing residence, but the existing residence, actually the front door faces Chevy Street and a lot of times the occupant drives around.

MR. DONNELLY: Whether he can use it or not is really a private issue as between those that control that roadway and the lot owner. It's really not an issue the Planning Board can take a position on.

MR. HINES: There's not a driveway into that lot; right? They're parking on the private road easement I guess.

MR. CELLA: They have a decorative rock wall along the frontage of Chevy Street that's historically been open to Chevy Street. There



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was a parking pad here that's been there historically as well.

MR. COLEMAN: Just to clarify. Historically it was a sidewalk and ever since he's moved in they've broken the wall down and made it a parking area basically.

CHAIRMAN EWASUTYN: Ma'am, would you give your name also.

MS. COLEMAN: Hi. I'm Dawn Coleman, I'm his wife. I also live at the residence of 9 Chevy Street. I was also there during the boarding zone thing.

My thing -- my question is if they build a house up there -- the man that owns the house now, I guess he's the one that wants to build it. They had a lot of disrespect over the years. He had originally bought that house from Kelly and Bill who -- you know, he promised it would be a single-family home. For years I've had to fight to get in and out of my driveway. There's been many people there, not just one family. At the time -- I think right now there may be one family. They have been very disrespectful of going in and out. They have a

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younger girl there that is just really fresh. She'll have her boyfriend sit there and move. If they put a house there is it really going to be a single family and are they going to come up again and, you know, fraternize with the landlord, because he's always there? That's my concern, more traffic.

We pay for that private road. I bought that house. I can't have my grandchildren there. I can't for years. They can't play on that road with the bicycle. And now with more traffic. I mean yes, they may stay up there but they may not. It may be a single family, it may not. These are my concerns.

CHAIRMAN EWASUTYN: Michael, do you want to respond to that?

MR. DONNELLY: Certainly we can add a condition that says that the Planning Board, by granting this approval, does not endorse the use of Chevy Drive by either of these dwellings. We can't declare that they have no right. That's whatever the recorded instruments and history shows, and it's between you and them. We're not endorsing that use because it's not shown as an

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FRISCHKNECHT

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access way on the plan. I think that's the best we can do for you.

MR. HINES: Also the lot sizes are only -- the size of the proposed lots will only permit a single-family residence. A two-family residence is not permitted in this zone based on those lot sizes. Zoning code wise they're single-family residences.

MS. COLEMAN: Well so is the only one. There was twelve people in that home. There's still a lot of oil tanks and garbage coming down my road. Like I said, that stonewall my husband was talking about, Kelly and Bill, that was in the, you know, papers, if they -- it's an entrance like a walkway. That is never supposed to have been a driveway. He originally was the one that broke it down, you know, because there were vans and there's taxis early in the morning beeping. It's just -- you know, now I have more people and more -- you know, who's to say he's not going to put twelve people in that get picked up in a van every morning like they were before. And I have to deal with it, you know. I live on a dead-end road. My husband goes to work. I

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have a young daughter. There's all this rip rap going in there. I'm just concerned there's going to be more rip rap because of what I've seen from the actions of what this man has done before to my area. That's all I have to say.

MR. DONNELLY: We can include that condition.

CHAIRMAN EWASUTYN: Any additional comments from the public?

(No response.)

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

MR. GALLI: Is it going to be a three-bedroom or a four-bedroom house?

MR. CELLA: It's a pretty -- there's not much building envelop, so it most likely will be a three.

MR. GALLI: It's going to be three?

MR. CELLA: We have water and sewer. We're not locked in by septic restraints.

MR. GALLI: The only access we see on our map is the access off of -- they only have a driveway off Fifth Avenue, nothing off Eastview?

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MR. CELLA: Correct. That was the access that was approved by the town highway department.

MR. GALLI: Right. Okay. Is he selling this lot?

MR. CELLA: That was the goal, was to sell lot number 1.

MR. GALLI: Okay. That's all I had, John.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I guess the maintenance of Chevy Street, who is responsible for that?

MS. COLEMAN: My husband.

MR. COLEMAN: I've been taking care of it. We've been up there since 1993.

MS. COLEMAN: Blacktopped it and everything.

MR. MENNERICH: There's no other parties that are obligated to --

MR. COLEMAN: We don't really have a written agreement for the road basically. Since I do landscaping and I have a snowplow, I usually do the plowing. A few years ago, actually when he just recently bought the house, I did get

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everyone together and we re-blacktopped part of it. Other than that, it's kind of -- there's no written road agreements other than the very old ones which just say ingress and egress, and that's pretty much it. Nothing about maintenance.

MR. MENNERICH: Thanks.

CHAIRMAN EWASUTYN: John, your City flow acceptance letter that you received, that was based upon how many gallons and how many bedrooms?

MR. CELLA: 520, four-bedroom.

CHAIRMAN EWASUTYN: So that would be four bedrooms that it was approved for?

MR. CELLA: Yes.

CHAIRMAN EWASUTYN: There is a possibility of this being four bedrooms.

MR. CELLA: That's what we requested. Based upon the area, the building envelop, it's not a big building envelop.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Jonathan, I'm just a little puzzled. When Frank asked you how many bedrooms, you said possibly three. With John a

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similar question and it's four. You just didn't seem competent on how many bedrooms total.

MR. CELLA: Again, the lot is going to be for sale. We requested a four -- the flow acceptance letter for four bedrooms. You know, the current owner is not proposing to build it, so --

MR. DOMINICK: Okay.

MR. CELLA: -- I can't answer that, you know.

MR. DOMINICK: Okay. Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: My question would be what stops the owner who buys it to make it a four bedroom? If it's in the building envelop is there --

MR. CANFIELD: It's permitted to be up to four bedroom according to the flow acceptance.

CHAIRMAN EWASUTYN: Okay.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We don't have any outstanding comments.

We had previously commented on some

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grading issues. It did go to the ZBA because of the pre-existing nonconforming setbacks on the existing structure. Those were received. The highway superintendent has signed off on the access off of Fifth Avenue through the -- there's two existing stone pillars.

All of our previous comments have been addressed.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: We have nothing additional.

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

MR. COLEMAN: Yeah. I just have a question. So right now they're getting the planning for the house but they're not going to build it and they're just going to sell the lot?

MR. HINES: That's what we just heard, yeah.

MR. COLEMAN: The story changes a lot from one time to the another. I'm just clarifying.

MS. COLEMAN: If he sells the lot it



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will be like another person buying it for a home instead of him with more people.

MR. COLEMAN: The person will have to build it to the design he's giving you guys right now?

MR. DONNELLY: There's no design shown. He's just showing a possible house within the building envelop.

MR. HINES: He shows a typical house. It can be built anywhere within the zoning setbacks. Because of the lot geometry, it's fairly limited on that lot because it has two front yards.

MS. COLEMAN: Is he saying he's going to sell it? See. Mm'hm'. Yeah. Another twenty people.

MR. GALLI: The driveway has to come off Fifth Avenue.

MR. HINES: The driveway location is cast off of Fifth Avenue.

MS. COLEMAN: I didn't buy a home for this.

CHAIRMAN EWASUTYN: Any other questions or comments?

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FRISCHKNECHT

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(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to close the public hearing on the two-lot subdivision for the Frischknecht subdivision located on Chevy Lane.

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.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

At this point we'll turn to Mike Donnelly, Planning Board Attorney, to give us the conditions in the final resolution for approval for the two-lot subdivision.

MR. DONNELLY: Pat, one question first. Is the flow acceptance letter that's received adequate or do we need an amended one?

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MR. HINES: It's adequate. It allowed them up to a four bedroom.

MR. DONNELLY: In terms of conditions, we will reference the granting of the ZBA approval and any conditions it included will be incorporated into this resolution. I will include a condition that says by granting this approval the Planning Board does not endorse any right to the use of Chevy Drive. There is a piece of land that's shown to be dedicated. Those dedication documents will have to be delivered to the town attorney. Lastly, a fee in lieu of parkland for the new lot created will need to be paid to the Town. That fee is in the amount of \$2,000.

CHAIRMAN EWASUTYN: Having heard the conditions stated in the resolution for final approval for the two-lot subdivision presented by Mike Donnelly, any questions?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to approve the two-lot subdivision.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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FRISCHKNECHT

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion  
carried.

Thank you for coming out.

(Time noted: 7:16 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 25th day of May 2016.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X  
In the Matter of

MAVIS/MIXED USE  
(2015-03)

1413 Union Avenue  
Section 60; Block 3; Lot 40.2  
IB Zone

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SITE PLAN  
ARCHITECTURAL REVIEW BOARD

Date: May 5, 2016  
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  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ROBERT OSTERHOUDT

----- X

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

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CHAIRMAN EWASUTYN: Our second item of business this evening is the Mavis/Mixed Use site plan. It's located on Union Avenue in an IB Zone. It's being represented by Bohler Engineering.

If you don't mind Mr. Osterhoudt, can we start out with the ARB first --

MR. OSTERHOUDT: Absolutely.

CHAIRMAN EWASUTYN: -- then we'll move into the site plan.

For the record would you introduce yourself.

MR. MANNIS: Michael Mannis, Mavis Tire.

Mr. Chairman, Members of the Board, thanks for having us this evening. So the nature of the changes are pretty minimal. In discussions with the proposed tenant in the professional office, they wanted to tweak the design a little bit, which I think helps a great deal. They wanted some -- the major changes are the arches got moved around a bit. This one was centered over here. Now the doorway, it was here but the arch is now over the doorway. They added

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windows to the north elevation. They added some scoring to the EIFS. We tweaked or zoned in on the EIFS colors that are a little closer to their prototype. That was basically it.

The other minor changes have to do with Buffalo Wild Wings. Again, we've taken the colors from the professional office, the Vandyke and the clover, and used those on this facade. The center portion went to a black EIFS which I think it was a charcoal gray before. We changed the yellow color to a Sherwin Williams citrus which is very similar to the yellow color previously shown. We also added brick pilasters to the Buffalo Wild Wings that reflect what's going on on the elevation.

There are no changes to the Mavis, the entryway. I'm sorry. Yes. The entryway got changed. The CEO of our company preferred to have a front door facing Union Ave. It got moved to the east elevation. We still have a man door on the north elevation. So it's moved from here to there.

CHAIRMAN EWASUTYN: Michael, while we have you up there, you did get a variance for



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your signage. Do you want to -- it is noted on your ARB form. Do you want to just go through the signage with us, also that will kind of tie in, or you're not ready?

MR. MANNIS: Yes. I don't believe it's changed. It hasn't changed in terms of area or position. For Mavis we'll have three building signs, they're each 70 square feet. Where the professional office is, three signs on the elevations exposed to either the mall or the road, and those are 90 square feet facing south and east and 51.17 square feet facing north. Buffalo is a moving target but the areas we worked out are 104.7 square feet on the south and a 31.57 square feet logo also on the south elevation. The primary elevation facing east would be a 63.6 square foot logo and a name sign, Buffalo Wild Wings, at 31.8 square feet. There's a monument sign 15 feet high, 6 feet wide. Those signs are 20 square feet, 14 square feet, and the north is 14 square feet.

CHAIRMAN EWASUTYN: Thank you.

Questions from Board Members. John Ward?

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MR. WARD: Not right now. Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: It looks very nice.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Okay. Then I'd like to, if the Board is in agreement, move for a motion to approve the ARB for the site plan of Mavis/Mixed Use located on Union Avenue in an IB zone.

MR. DOMINICK: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

Mike Donnelly, whatever part of the

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resolution for ARB, you'll tie that in to the site plan?

MR. DONNELLY: Correct.

CHAIRMAN EWASUTYN: Thank you.

If you don't mind, now we'll do a presentation on the actual site plan. I guess you could bring us along for where we last saw you, the changes that occurred and where we are tonight.

MR. OSTERHOUDT: Very good. One of the conditions of the prior approval was the New York State DOT review of the project because that was ongoing. So one of the first changes that you'll see here, starting at the road looking at the site, is that we had two egress lanes previously. DOT has reviewed the project, came back and told us they were only going to allow a single egress drive from the site. We've narrowed that driveway down to get rid of the second egress lane. They've also indicated that they want us to put a sign up on the opposite side of Union Ave to indicate that -- well, they haven't indicated that the sign is necessary now, but in the future if there's a problem with left turns

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out of the site, that allows DOT to put up a sign on the other side of the road to restrict that. That's why they didn't want the two lanes.

We also made some changes to the office building here. The square footage on that that was previously approved was 3,200 square feet. That's increased by 300 square feet to 3,500 square feet. The building configuration was extended a little bit with a tampered corner here to make sure we met setback requirements.

The parking around the building was modified as well.

On the Mavis Tire Center, Michael indicated in the ARB review the access -- the main access into the building for the retail space is on the front of the building facing Union Avenue. That man door that he referenced is right here at the crosswalk that we have connecting all of the various buildings here.

On the Buffalo Wild Wings portion of the site, this building footprint was revised. It was actually shrunk in depth by about 12 feet. What we did was shrunk that building in order to maintain the 7,500 square foot that was

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previously approved. The difference is, and the reason why that building was shrunk in depth, is because the outdoor dining area with the patio space is now a covered and enclosed patio space. Buffalo wanted to incorporate that into the design of the building.

Let's see. The pedestrian access over here on the north side of the building. That was another condition of the prior approval was that we modify the pedestrian access to get it away from the dumpster here. So what we've done is we've introduced a jog. This used to go straight through. We've introduced a jog in the crosswalk, and the sidewalk is now located on the far side of the dumpster on the backside of the transformer.

We talked through the building changes. The only other change, and it doesn't show on this rendering, it's related to the utilities. The water service was previously shown going out into Union Ave, into the drive lanes, the travel lanes. There have been some further -- there's been some further investigation done and it's been determined that the six-inch hydrant service

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that feeds the hydrant out in this access drive today is sufficient to supply water to the site, so that way we don't have to go out into Union Avenue and tear up the pavement and have a lot of concerns there. There will be more information. I know Mr. Hines has commented on that in his review, and there will be some more information provided as we go through any conditions and review comments.

Those are the significant changes that we made. We're here to answer any questions you may have.

CHAIRMAN EWASUTYN: On the site plan, we'll start with John Ward. John.

MR. WARD: Two things. The back going out, the roadway, is that one way or two?

MR. OSTERHOUDT: That's a one way. We secured a variance for that.

MR. WARD: I'm going to ask to recommend a sidewalk on 300 possibly.

MR. OSTERHOUDT: That was something that we had talked about earlier in the process on the original application. I don't want to speak for the Board but I believe, my

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recollection is anyway, that there are no other sidewalks along the corridor so that we weren't looking for a sidewalk along Union Avenue. That's why the pedestrian connection was requested here. Again, I don't want to speak for the Board. If I'm misstating anything, we're here to talk through it. I'm glad you brought that up because that is an item that DOT has requested some clarification on.

MR. WARD: We're trying to establish on 300 sidewalks. That's like a bridge connecting. That's why I'm saying it.

MR. OSTERHOUDT: Okay.

MR. WARD: Further down on 300 you have Crystal Run with the full sidewalk, you've got the Dunkin Donuts with the sidewalk. We're working our way down 300 with the projects.

MR. OSTERHOUDT: Okay.

MR. WARD: Thank you.

MR. OSTERHOUDT: If that's something that the Board would like us to address, we'll talk through that as well.

CHAIRMAN EWASUTYN: I think at this point, in support of John Ward, I think the Board

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Members discussed it and we are now in conjunction with what you're showing to Valvoline. The Planning Board will move and respond to the DOT letter by saying we are requesting a sidewalk.

MR. OSTERHOUDT: Okay.

CHAIRMAN EWASUTYN: Dave Dominick, are you in agreement?

MR. DOMINICK: Yes. And the pedestrian access was a different topic/subject with sidewalks. The main goal for the pedestrian access was connecting the properties. The sidewalks is a separate issue. I am for the sidewalks as John and John have said.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I think something that has changed is DOT's attitude concerning sidewalks. I think this Planning Board had desired to have sidewalks for many years but DOT's position was -- has come around to where we were trying to get.

MR. OSTERHOUDT: Okay. Very good.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: I just have a question on



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the enclosed seating. You said it was covered and enclosed?

MR. OSTERHOUDT: Yeah. They want to make that -- I'm not sure if it's going to be a three-season type area. My understanding is that this will have some type of enclosure to it so that it can be used for more than just the summer season and the outdoor --

MR. GALLI: Glass enclosure?

MR. OSTERHOUDT: Some type of roll up glass.

MR. GALLI: It's not going to be open in the front?

MR. OSTERHOUDT: That's right. The enclosed area would be these two sides there. We have an egress out here and on the backside.

MR. GALLI: There will be some kind of wall in front of it?

MR. OSTERHOUDT: Yeah. That showed up on the elevations. There's like a masonry wall, almost like a wainscoting base to it, the enclosed area.

MR. GALLI: How many seatings are out there?

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MR. OSTERHOUDT: What we did is we maintained the total seating which is about 360 seats. That was affected by the shrinkage of the building.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: For the record, it's basically for the pedestrian safety going on the major highway.

MR. OSTERHOUDT: I don't disagree. It was just different from what we had done previously. Thank you.

CHAIRMAN EWASUTYN: The other thing we couldn't find on the plans, and maybe you could point out to us now, the stonewall along Route 300, there's no detail sheet on that.

MR. OSTERHOUDT: On the site plan the stonewall is out here along the landscaping that's shown here. There's a heavy dashed line on the plan that's labeled on the site plan as a stonewall. On the landscaping plan the line shows but we didn't have it labeled. I think we can help to clarify that.

CHAIRMAN EWASUTYN: What's the height, what's the width of the wall?

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MR. OSTERHOUDT: I believe we settled on a two-foot high wall.

MR. WARD: Twenty-four inch.

MR. OSTERHOUDT: Yup.

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

(No response.)

CHAIRMAN EWASUTYN: I'd like to turn it over to Pat Hines, Planning Consultant.

MR. HINES: Our first comment had to do with the City of Newburgh flow acceptance letter. I have received copies of those.

The second comment has to do with the building footprint modifications. We are suggesting that -- several of the buildings are located at the bulk table setback lines, so there needs to be a note stating that a survey plot plan will be provided to the building inspector's office prior to issuance of the building permit in order to alleviate any issues with potential setback issues during construction.

The project is still a two-phase project. There is a phasing plan consistent with what the Board had reviewed previously.

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The access drive has been revised per DOT comments. We're just looking to keep the Board's file complete. Any correspondence with DOT back and forth, copy the Board on.

The water main shows thrust blocks. The Town of Newburgh does not allow that. They have to be restraining block pipe. That detail has to be modified and a restraining pipe chart added to the plans.

Health Department approval for the water main will be a condition of approval. There's hydrants on that water line serving the project, so Health Department approval is required.

A stormwater facility maintenance agreement providing for long-term operation and maintenance of the proposed stormwater management facility will be required.

Bonding and inspection fees for both the landscaping and stormwater management on the site will be required.

The sanitary sewer pump station design and details will be required to be submitted. It currently says by others. We'll need that

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detail. An engineer's report showing how that's going to work tying into the force main out in the street.

The operation and maintenance of the pump station is going to be the responsibility of the site owner or is there going to be some shared responsibility there?

MR. MANNIS: It will be the site owner.

MR. HINES: The site owner. We were suggesting that if -- on a site plan like this there may be a need for agreements for maintenance. The restaurant facility is probably going to be generating some issues with the pump station. I know there is a grease trap. That could cause some issues with the pump station.

Electric lines are crossing the grease trap. That needs to be cleaned up.

Details of the force main cleanout. Based on that restaurant use it was suggested that there be a force main cleanout provided somewhere in the plans.

Sanitary sewer manhole.

The next comment is just for the Planning Board, that the light poles are proposed

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at 20 feet high, and that is proposed based on the scale of the project.

The last comment has to do with labeling the stonewalls, providing a detail.

Now we'll need details for the sidewalk because those are incorporated into the project frontage.

I believe those are all technical in nature and can be conditions of approval.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance Officer?

MR. CANFIELD: Just one question. Rob, you had said on the left turn out it would be monitored to see if there would be a change. Who would monitor that?

MR. OSTERHOUDT: That would be New York State.

MR. CANFIELD: The DOT?

MR. OSTERHOUDT: Yes. They didn't put any -- in the DOT correspondence that I passed along, there's no requirement for the applicant to monitor that. They don't feel it's going to be an issue now but they wanted to reserve the right, in case there's any issue in the future,

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that they could make modifications.

MR. CANFIELD: Also in conjunction with Pat's comment on utilizing the six-inch water main, prior to building permit all of these buildings will need to be sprinklered. Prior to the building permit we'll need to see hydraulic calculations that that six-inch will support the fire suppression system. I don't expect a problem in this area, it's just something that --

MR. MANNIS: Our architect is working on it.

MR. OSTERHOUDT: Quick question. Pat, is there a template for the stormwater maintenance agreement?

MR. HINES: Yes, there is. I can provide that.

MR. OSTERHOUDT: Thank you.

MR. HINES: Send me an e-mail and I'll send you a copy of it.

MR. OSTERHOUDT: Thank you.

MR. CANFIELD: Last, you had discussed and required a sidewalk. I think Mike will talk about the maintenance agreement for that.

That's all I have.

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CHAIRMAN EWASUTYN: We all understand that from this point forward, when you do receive conditional final approval, that your next phase is really working with Pat Hines, working with Jim Osborne and ultimately Mark Taylor and the Town Board for posting the securities. So depending upon your due diligence and coming to completion on that, it could take as many weeks as it might take. I think it's important that you leave here with an understanding amongst yourselves who is going to lead the charge on that.

MR. OSTERHOUDT: Okay.

CHAIRMAN EWASUTYN: Many times, Michael, there's sort of a lag on that and time is going to cost you time.

MR. MANNIS: Yeah.

MR. DOMINICK: Gentlemen, can you walk me through the construction process? It's going to be a two-phase process. What's phase 1 and phase 2?

MR. OSTERHOUDT: So on the site plans we incorporated a phasing line, and that essentially identifies the Mavis as being phase



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1. I don't have that on my presentation board. Bear with me for one second. Looking at the site plan, Mavis is the phase 1 portion of the project. That phase 1 also includes this parking area, obviously the main access, this parking area, the parking down here off to the south side of Buffalo, the parking to the west side of Buffalo, and the access out to the road. Phase 2 would be everything else in between.

MR. DOMINICK: What's the site going to look like between phase 1 and phase 2? Are we going to see mounds of dirt and debris all up where the proposed office space is or Buffalo Wild Wings?

MR. OSTERHOUDT: That's a very good question. All of the demolition of the existing facilities will be done at one time and removed from the site. The phasing plan shows basically these pads being graded out and calls for seeding of those pad areas until such time as they're developed.

I think things are going to move forward pretty closely. I don't know that you're really going to see much from a phasing

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perspective.

MR. MANNIS: I think a little closer to reality might be these will get developed at the same time. We're obligated to turn over this pad I think in early fall. It's quite likely that most of this will be done and this will be the only area that's sodded or seeded.

MR. HINES: All the mass grading is going to be done in phase 1. The site will be graded and there will be a need to revegetate whatever is not going to be impervious surface. Also the landscaping along the entire frontage is part of phase 1 as well. All the stormwater management improvements are in phase 1.

MR. DOMINICK: It sounds like it's going to be manicured properly.

MR. OSTERHOUDT: That's right. Thanks for mentioning that, Pat. All the landscaping is going to be done, and then obviously the stormwater.

MR. DOMINICK: Thank you.

MR. OSTERHOUDT: Thank you. Very good question.

CHAIRMAN EWASUTYN: Additional

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questions on the site plan?

(No response.)

CHAIRMAN EWASUTYN: Mike Donnelly,  
Planning Board Attorney, can you give us the  
language for approval?

MR. DONNELLY: Sure. We'll have the  
standard ARB condition. We will need a sign-off  
letter from Pat Hines saying that all the items  
raised in his letter have been satisfactorily  
addressed. We will also require that you submit  
a revised plan that shows a sidewalk in the  
chosen location, and that Pat has signed off on  
that as well. You will need to enter into a  
sidewalk maintenance agreement with the DOT and  
provide us with a copy of that. You'll need  
Health Department approval for the fire hydrant  
connection to the main, a stormwater security  
agreement with a -- stormwater security together  
with the stormwater maintenance agreement,  
landscape security, a highway work permit from  
the DOT. We will reference the ZBA granted a  
variance. We will include a condition that  
addresses the phasing and note in particular that  
no stockpiling of dirt will be permitted between

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the phases. Pat had mentioned earlier the requirement of foundation staking through the building department to make sure there's no potential mislocation.

MR. HINES: Mike, for the landscaping and stormwater securities, there's also an inspection fee. I know you were going to include it in the language.

MR. DONNELLY: Yes. It would be \$2,000 on the landscaping. Do you know what it would be on the stormwater?

MR. HINES: It's going to be \$4,000.

CHAIRMAN EWASUTYN: Any questions, Michael?

MR. MANNIS: I don't think so, no.

MR. OSTERHOUDT: I'm good. Thank you.

CHAIRMAN EWASUTYN: Jerry Canfield, anything to add?

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: I'll move for a motion to grant site plan approval for the Mavis/Mixed Use location on Union Avenue in an IB Zone based upon the conditions presented by the Planning Board Attorney, Mike Donnelly.

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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 move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

MR. OSTERHOUDT: Thank you for your time tonight. We appreciate it.

MR. MANNIS: Thank you.

(Time noted: 7:42 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 26th day of May 2016.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

FISCHER  
(2015-31)

154 Route 17K  
Section 94; Block 1; Lots 12, 13, 14 & 15  
B Zone

----- X

AMENDED SITE PLAN

Date: May 5, 2016  
Time: 7:43 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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

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FISCHER

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CHAIRMAN EWASUTYN: The next item on this evening's agenda is Fischer. It's an amended site plan located on Route 17K. It's in a B Zone. It's being represented by Darren Doce.

MR. DOCE: I'm Darren Doce representing the Fischers on this application. Mrs. Fischer is in the audience with her son.

This past November I appeared before the Board for the proposal for the construction of a separate building for pet boarding that was going to be added to an existing veterinary practice that consisted of medical in one building and some grooming -- pet grooming in a separate building. At that time the tax parcel that the boarding facility was going to be located on was to be combined with the site that housed the medical care and the pet grooming building.

Since that time Mrs. Fischer has been settling her husband's estate. She has a prospective buyer who would like to purchase the practice -- the building practice for the grooming and medical care facility but at this time does not wish to purchase the boarding



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FISCHER

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facility.

Mrs. Fischer would still like to construct this building and has agreed either her or some of her associates would own and operate the boarding facility.

Since the two sites will be under separate ownership now, we can't combine the parcels. The design of the -- the original design will remain the same with the exception now the two parcels will remain in separate ownership. We're proposing the project to be developed as a common scheme where the medical care and the grooming will remain on tax parcel 12 and the proposed boarding facility will remain on tax parcel 13.2. The site will still function as one but the parcels, as I say, will remain under separate ownership. All conditions will be enforced as if they were under one ownership, similar to what we had done previously at Newburgh Towne Center with Warwick Savings Bank and what was I believe more recently done at the Shoppes at Union Square where Cosimo's remained on a separate parcel under the ownership of CPK Union and the remaining shopping center was under

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ownership by a different party.

We're here now tonight to present this and to address any questions that the Board might have.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: There are three separate lots behind it?

MR. DOCE: At this time they stay separate.

MR. GALLI: They're not going to be combined into it?

MR. DOCE: That's not planned at this time.

MR. HINES: That leads in. The parcel that has the pet grooming, that was originally three parcels I believe.

MR. DOCE: The pet grooming?

MR. HINES: Yes.

MR. DOCE: This was originally one parcel.

MR. HINES: Right. The pet grooming I believe.

MR. DOCE: The boarding?

MR. HINES: Boarding.

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MR. DOCE: It was originally.

MR. HINES: My question is have they been combined?

MR. DOCE: Yeah. Dr. Fischer had requested of the assessor's office that they be combined into one parcel.

MR. HINES: They were not combined with 12?

MR. DOCE: No, they were not.

MR. HINES: I just wanted to make sure. That's fine.

MR. DOCE: It's 12 and 13.2.

MR. HINES: We want to make sure we don't have a subdivision in front of us right now.

MR. DOCE: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: On the previous plan there wasn't the outside fenced exercise area.

MR. DOCE: Correct.

MR. MENNERICH: How do you envision that they're going to be using that?

MR. DOCE: We did not show that on the previous plan. At the meeting that was

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questioned. The Board had asked Dr. Fischer if he would have an outside area. He said yes and it was requested that we show it.

The way I believe the zoning reads is that they have to have supervision if pets are in that area. They have to have supervision for that. They can't be let out alone.

MR. MENNERICH: Okay.

MS. FISCHER: Definitely.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Mrs. Fischer, on behalf of the Board, our deepest condolences for your loss. I'm sorry to hear that.

MS. FISCHER: Thank you very much.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Nothing right now. Thank you.

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to Pat Hines.

MR. HINES: By not combining the lots there's now some zoning issues, because the lot line that was between the two parcels was proposed to be going away.

The minimum lot area for the pet

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boarding lot, 13.2, is proposed to be 26,072 where 40,000 is required. The minimum lot width, 85.1 is proposed where 150 feet is required. The side yard setback, 10 feet is proposed where 30 feet is required. Then there's also the requirement for landscaping along Route 17K. Because of the proximity of the intersection, it's 45 feet. I don't know if you're going to make that or if you want to include that in your variances.

MR. DOCE: I do show 45 feet to the parking area.

MR. HINES: That's fine.

MR. DOCE: It's a green area now. There are six or seven substantial trees that will remain in that area.

MR. HINES: There are no improvements there. That's fine. Those three variances will be required.

We just noted that there's going to be a need for kind of cross grading, cross access unified site plan notes. We discussed it at work session. I'm sure Mike Donnelly can provide that language for you.

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The outdoor dog run, we discussed it at work session. There may be a need for some hours of operation type notes on the plans so that they're out there at reasonable hours. I don't know how close the residential structures are in the area. I'll leave that to the Board.

We just talked about the status of the lot consolidation.

That's all we have.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Just in respect to Pat's comments, there is a section of the Zoning Code, 185-45, that deals with these type occupancies. We're going to need compliance with that.

They do mention a 75 foot separation from the nearest residence. I believe there's not an issue there but it should be noted that that section of the code does apply.

CHAIRMAN EWASUTYN: Mike Donnelly, would you give us the outline for the referral letter to the Zoning Board of Appeals?

MR. DONNELLY: At your direction I'll send a letter to the Zoning Board referring for

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their consideration, although you'll have to apply yourself, the need for the following variances: A lot area variance for 26,072 feet where 40,000 feet is required, a lot width variance of 85.1 where 150 feet is required, and a side yard variance of 10 feet where 30 feet is required.

CHAIRMAN EWASUTYN: Thank you. I'll move for a motion for Mike Donnelly to prepare the letter, the referral to the Zoning Board of Appeals for the lands of Fischer.

MR. DOMINICK: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

MR. HINES: Lot 12 currently stands on

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it's own, so I don't think there's anything holding up lot 12's purchase, sale, whatever. I just want to make that clear. Other than the agreement for the cross access. If that was accomplished sooner rather than later, I think lot 12 is almost not party to this application.

MR. DOCE: Right. Thank you.

(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 26th day of May 2016.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

LANDS OF RUDIE & ALBERT  
(2016-06)

411/417 Lakeside Road  
Section 28; Block 3; Lots 15 & 36  
R-1 Zone

----- X

INITIAL APPEARANCE  
LOT LINE CHANGE

Date: May 5, 2016  
Time: 7:51 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: BRIAN McGUIRE

----- X

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

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CHAIRMAN EWASUTYN: Item 4 on this evening's agenda is the Lands of Rudie and Albert. It's a lot line change, initial appearance, being represented by KC Engineering.

MR. MCGUIRE: Brian McGuire with KC Engineering. I'm here as the applicant's engineer. This is the applicant, Mr. Donald Rudie.

He and his wife are proposing a lot line change for their existing dwelling located on Orange Lake, Lakeside Road. They currently reside in lot number 2, which is adjoining a lot of about 5 acres to their north, which has one dwelling on it which formerly did have some cottages that were demolished.

Their lot accesses Lakeside Road through a driveway that crosses onto lot 1 for about 350 to 450 feet before entering the property basically parallel to their house.

To clean up the lots and remove any existing encroachments, they are proposing to relocate their northerly lot line 35 feet, plus or minus, to the north to the adjoining lot. The

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new lot line won't create new encroachments and it will allow the existing driveway to be maintained under the ownership of the Rudies.

Other than that, there are no other changes. There's no construction proposed. There's nothing else going to be going on with these lots.

CHAIRMAN EWASUTYN: Frank Galli, Planning Board Member?

MR. GALLI: No. No additional.

MR. MENNERICH: No questions.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: This project, like the similar one we just had, because of the change in the lot area it loses its pre-existing nonconforming protections for both requirements. There are a couple of them. Lot 1 which has the house closest to Lakeside Road, the front yard is 49 feet where 50 is required. The habitable floor area is 1,272 where 1,500 is required. Lot 2, which is the lot that is gaining property, the lot width is 144 feet where 150 is required. One

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side yard is 2 feet where 30 is required. That has also the habitable floor area, it has 1,331 where 1,500 is required.

We're just looking for a map note on lot line changes that the -- there are no utility encroachments that will incur due to the lot line change.

We saw on the map that there's a note stating that the property line is the existing edge of water, but then it appears like your office struck a straight metes and bounds line across the rear property lines.

MR. MCGUIRE: The deed -- I did get a response from our surveyor, which I can present that to the Board. The deed does call out the edge of Orange Lake as the property line. It also calls out a tide course to create a closure and get area on there. I'm not a surveyor so I'm speaking based on what he's told me. Just to clean up the inconsistencies that might come along based on that line.

MR. HINES: That's why we raised the question. Providing that letter is fine.

MR. MCGUIRE: I can present that to the

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Board.

CHAIRMAN EWASUTYN: Why don't you present it to Mike Donnelly. Do you have extra copies?

MR. McGUIRE: I do.

CHAIRMAN EWASUTYN: And to Pat Hines, Jerry Canfield, myself.

As Pat Hines stated, similar to item number 3, the Fischers, the Planning Board will turn to Mike Donnelly, Planning Board Attorney, to prepare the referral letter to the Zoning Board of Appeals.

MR. DONNELLY: At the Planning Board's direction I will refer to the Zoning Board the need for the following variances, you will need to apply for those directly yourself: For lot 1, a front yard variance for the 49 feet where 50 is required, a habitable floor area of 1,272 where 1,500 square feet is required. For lot 2, a lot width variance for 144 feet where 150 feet is required, one side yard of 2 feet where 30 feet is required, and habitable floor area of 1,331 where 1,500 square feet is required.

CHAIRMAN EWASUTYN: I'll move for a

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motion --

MR. McGUIRE: Can I just interject?

Lot 2, the proposed lot line is 178 feet. It's 178.9. I don't believe that a lot variance would be required on that. The existing is 144.

MR. HINES: Okay.

MR. DONNELLY: So no lot width. The side is still 2, though.

MR. McGUIRE: Still 2, yes.

MR. DONNELLY: Very good. I'll make that change.

CHAIRMAN EWASUTYN: I'll move for a motion from the --

MR. RUDIE: I have a question. Could somebody tell me, when did the necessity for having to go for a Zoning Board variance for property like this go into effect? This property has been sold in 1976. Obviously there was no requirement for a variance that I'm aware of. On the other hand, the house was built in 1912, and I'm not sure if there was a requirement for setbacks at that point in time. When did these go into effect?

MR. DONNELLY: If you were not making

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any change you would be noncomplying and protected. You would not need a variance. By virtue of your wanting to change the property line, that protection is lost and now you have to shift from a noncomplying lot protection to a variance protection.

MR. RUDIE: Well, the property line was changed in 1976 and they did not have to have a variance at that point. So it must have occurred later than that.

MR. DONNELLY: I can't address when the language that's in its present form was enacted. I don't know.

MR. HINES: The Zoning Board has ruled that that was required.

MR. DONNELLY: Certainly from the '80s on.

MR. RUDIE: I just wanted to know.

MR. DONNELLY: I understand. Not all codes would require that.

CHAIRMAN EWASUTYN: All right. Then I'll move for a motion to refer this, the Lands of Rudie lot line change, to the Zoning Board of Appeals subject to the letter that will be



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written by Planning Board Attorney Mike Donnelly.

MR. WARD: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

I have a question for you.

MR. RUDIE: Yes, sir.

CHAIRMAN EWASUTYN: Who was the first person to be allowed to rent that house?

MR. RUDIE: Which house?

CHAIRMAN EWASUTYN: The house that you're currently in.

MR. RUDIE: You mean this one?

CHAIRMAN EWASUTYN: Yup.

MR. RUDIE: We use that.

CHAIRMAN EWASUTYN: Freddie and Jenna Dovali.

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MR. RUDIE: Oh, yes. Oh, yes.

CHAIRMAN EWASUTYN: I remember that.

MR. RUDIE: Freddie worked for Bulova. He would say his motor boat is percolating now. I was out waterskiing with him and we were going down in the lake and he said I'll get it percolating. We didn't have a life jacket.

CHAIRMAN EWASUTYN: He was the only one to have a boat in those days.

MR. RUDIE: Except New York City detectives.

CHAIRMAN EWASUTYN: Good seeing you again. Thank you.

MR. RUDIE: Good seeing you. Thank you.

(Time noted: 8:00 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 26th day of May 2016.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

RIDGEVIEW SUBDIVISION  
(2015-34)

3 Ridgeview Drive  
Section 98; Block 1; Lot 14.3  
R-3 Zone

----- X

TWO-LOT SUBDIVISION

Date: May 5, 2016  
Time: 8:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ANDREW WILLINGHAM

----- X

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

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CHAIRMAN EWASUTYN: The fifth item on this evening's agenda is Ridgeview Subdivision. It's a two-lot subdivision located in an IB Zone and it's being represented by Willingham Engineering.

MR. WILLINGHAM: Good evening. The last time we were here we were referred to the Zoning Board to get a front yard setback variance for the existing house. It was a foot-and-a-half over. We did that back in March. We are back.

We addressed some of the comments from Pat Hines. We made some very minor changes regarding how the drainage is going to work for the driveway, some sewer notes.

We found out that although there's central sewer on the road and although the owner thought she was connected, she wasn't. We are now proposing to connect the existing house and the new house.

CHAIRMAN EWASUTYN: Okay. Any comments from Board Members. Frank Galli?

MR. GALLI: No additional.

MR. MENNERICH: Nothing.

MR. DOMINICK: No.

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MR. WARD: No.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: The project has received  
it's variances.

The change for the additional house  
connecting to the sewer is going to require a  
modified City of Newburgh flow acceptance letter  
for the hydraulic loading for both. It does need  
to connect because the lot areas are based on  
having central water and sewer, so it is a  
requirement.

A public hearing is required and could  
be scheduled after a neg dec is issued.

Our water and sewer notes we requested  
have been added to the plans.

I know you're lacking, right now, the  
information on the depth of the sewer. You only  
have the rims. We're looking for a finished  
floor elevation, sewer elevation to be added  
between now and when you get your final  
approvals.

We would recommend a negative dec and  
schedule another public hearing.

CHAIRMAN EWASUTYN: Jerry Canfield,

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Code Compliance?

MR. CANFIELD: The tying into the sewer will be a condition.

MR. DONNELLY: That's what they're proposing. So any septic will be switched over?

MR. HINES: Yes, because it controls the lot area.

MR. CANFIELD: That's all I have.

CHAIRMAN EWASUTYN: Then I'll move for a motion to declare a negative declaration on the two-lot subdivision on Ridgeview Drive and set the 2nd of June for a public hearing.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

Andrew, you'll work with Pat Hines as

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RIDGEVIEW SUBDIVISION

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far as the mailing and posting and everything  
that's required.

MR. WILLINGHAM: Sure.

CHAIRMAN EWASUTYN: Thanks ever so  
much.

MR. WILLINGHAM: Thank you.

(Time noted: 8:03 p.m.)



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

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blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 26th day of May 2016.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

WTF NY, INC.  
(2014-07)

979 & 983 Route 32  
Section 2; Block 1; Lots 46 & 42  
RR Zone

----- X

INITIAL APPEARANCE  
AMENDED LOT LINE CHANGE

Date: May 5, 2016  
Time: 8:04 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
KENNETH MENNERICH  
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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WTF NY, INC.

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CHAIRMAN EWASUTYN: The final item on the agenda this evening is WTF NY, Inc. It's an amended subdivision located in an RR Zone on Route 32. It's being represented by Talcott Engineering, Charles Brown.

MR. BROWN: Thank you, John. It's actually an amended lot line.

CHAIRMAN EWASUTYN: Thank you.

MR. BROWN: We got the conditional final on this back in, I think it was February of this year.

Pat astutely commented on the note we have for the adjoining driveway which isn't being used at this time. We had a note to be abandoned. Since we don't own that property we have no right to do that. We took that up with Zibby Zachariah because she's the one that requested that note, from the DOT. She said if it's not going to be deemed to be abandoned we would have to move our driveway over a little bit, which we did. She's seen that and forwarded the letter to you from the DOT. It doesn't change any lot parameters other than a slight change in lot area of a tenth of an acre swap

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WTF NY, INC.

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between lot 42 to lot 43. That's it.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We don't have any outstanding comments on it. It's a DOT condition.

CHAIRMAN EWASUTYN: Mike Donnelly, is there language associated with this?

MR. DONNELLY: I think, Charlie, because the map has not been filed we don't even need to call it a lot line change, just an amended resolution to subdivision approval, and then you'll be able to have the revised plat signed and filed.

We will carry forth all of the other conditions. We will note that the reason for the amendment is to accommodate the requirements of the DOT that addresses the lot sizes.

MR. BROWN: Six months from today or back to the original approval?

MR. DONNELLY: This will be -- I think we'll start anew from now.

MR. BROWN: Okay. Thank you very much.

MR. DONNELLY: I'll include that language in the resolution.

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WTF NY, INC.

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CHAIRMAN EWASUTYN: Having heard conditions from Planning Board Attorney Mike Donnelly for the amended resolution for WTF NY, Inc., I'll move for that motion.

MR. GALLI: So moved.

MR. DOMINICK: Second.

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

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Aye. Thank you.

MR. BROWN: John, I have an unrelated question on a lot line -- I have a lot line coming up that actually splits the Town and City lines. I guess I should give you a call about the fees on that.

CHAIRMAN EWASUTYN: Michael, I don't know where he's going. He has a lot line change. Both parcels are split between the City and Town.

MR. DONNELLY: I can't speak to the

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WTF NY, INC.

other side of the line. On ours it would be a lot line change. I think it would require the City, at least informally, endorse it even if they don't have to give it subdivision approval.

MR. BROWN: Okay. The residence of the -- okay. It's entirely in the Town. I figured that way we would go to the Town as lead agency.

MR. DONNELLY: You're changing a property boundary within the City you said?

MR. BROWN: The boundary splits the City and the Town.

MR. DONNELLY: If they require subdivision approval, you would need that level of formality there and lot line there. If they have no problem with it and they can accommodate the lot line, Get us communication as to what their position is.

MR. BROWN: Thank you.

CHAIRMAN EWASUTYN: As you send me an e-mail, just send mike Donnelly -- send Mike one and Pat Hines and Jerry Canfield.

MR. BROWN: Okay.

CHAIRMAN EWASUTYN: Then we'll broad brush it.

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WTF NY, INC.

MR. BROWN: Thank you.

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

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

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

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

I further certify that I am not  
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MICHELLE CONERO

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

----- X  
In the Matter of

ELM FARM  
(2000-09)

Request for a Six-Month Extension of Final  
Subdivision Approval  
May 5, 2016 until November 5, 2016

----- X

BOARD BUSINESS

Date: May 5, 2016  
Time: 8:08 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

MICHELLE L. CONERO  
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ELM FARM

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CHAIRMAN EWASUTYN: John, would you read Elm Farm.

MR. WARD: "Dear Mr. Ewasutyn, I am requesting a six-month extension of the Board approval for final subdivision for Elm Farm Associates to continue efforts to meet the conditions outlined in the final resolution. Thank you for your consideration of this request. Sincerely, Katherine Lang Busch."

CHAIRMAN EWASUTYN: I'll move for a motion to grant the six-month extension for Elm Farm.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. HINES: That will be from today's date until November 5, 2016.

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(Time noted: 8:09 p.m.)

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

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MICHELLE CONERO

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

----- X  
In the Matter of

PATTON RIDGE SUBDIVISION  
(2012-18)

Request for a Six-Month Extension of  
Preliminary Approval  
May 7, 2016 until November 7, 2016

----- X

BOARD BUSINESS

Date: May 5, 2016  
Time: 8:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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CHAIRMAN EWASUTYN: The next item of Board Business, Dave Dominick.

MR. DOMINICK: This letter is dated May 2, 2016 from Kirk Rother in regards to Patton Ridge Subdivision. "Dear Chairman Ewasutyn, kindly let this letter serve to request a six-month extension of the preliminary approval that was granted to the Patton Ridge project on November 7, 2013. The project is in the final stages of securing all necessary agency approvals. We expect to have all regulatory approvals in place within a month and hope to break ground before summer of 2016. The extended approval would take effect on May 7, 2016 and remain in effect through November 7, 2016. Should you have any questions or require any additional materials, feel free to contact our office. Respectfully, Kirk Rother."

CHAIRMAN EWASUTYN: I'll move for that motion to approve the extension presented by Dave Dominick.

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by

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John Ward, a second by Frank Galli. I'll ask for a roll call vote starting with John Ward.

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

I'll move for a motion to close the Planning Board meeting of the 5th of May.

MR. GALLI: So moved.

MR. DOMINICK: Second.

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

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:10 p.m.)

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*Michelle Conero*

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MICHELLE CONERO