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

----- X

In the Matter of

PATTON RIDGE
(2012-18)

Request for a Six-Month Extension of Subdivision Approval
from May 18, 2017 through November 18, 2017

----- X

BOARD BUSINESS

Date: May 18, 2017
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
STEPHANIE DELUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD (From 7:05 p.m.)

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

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)541-4163

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PATTON RIDGE

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of the 18th of May. This evening we have five agenda items and one Board Business item.

At this time I would call the meeting to order with a roll call vote starting with Stephanie.

MS. DeLUCA: Here.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

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.

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

CHAIRMAN EWASUTYN: I'd like to turn the meeting over to Dave Dominick at this time.

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PATTON RIDGE

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MR. DOMINICK: Please stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

MR. DOMINICK: Please silence your cell phones if you have them on.

CHAIRMAN EWASUTYN: We're going to start the meeting. We have one item of Board Business. Ken Mennerich will introduce that.

MR. MENNERICH: The one item is Patton Ridge, project 2012-18. They're requesting a six-month extension from May 18, 2017 through November 18, 2017. The letter came to John Ewasutyn, Chairman, Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York regarding Patton Ridge Subdivision, Patton Road and New York State Route 52, Town of Newburgh tax ID 47-1-44, Newburgh Planning Board project 2012-18. Dear Chairman Ewasutyn, kindly let this letter serve to request a six-month extension of the preliminary subdivision approval that was granted Patton Ridge project on November 7, 2013. We continue to await sewer extension approval from the New York State Department of Environmental Conservation. Once the sewer

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PATTON RIDGE

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approval is secured, the Orange County Department of Health will release their approvals. The applicant hopes to break ground on this project this year. The extended subdivision approval would take effect on May 7, 2017 and remain in effect through November 7, 2017. Should you have any questions or require any additional materials, please feel free to contact our office. Respectfully, Kirk Rother, PE.

(John Ward now present.)

CHAIRMAN EWASUTYN: I'll move for a motion to grant the extension for Patton Ridge read by Ken Mennerich.

So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ewasutyn. I have a second by Dave Dominick. Roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:06 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 1st day of June 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

PET HOTEL & DAY CARE FACILITY
(2012-19)

West side of Route 9W, north of Lattintown Road
Section 9; Block 3; Lot 22.22
B Zone

----- X

SITE PLAN

Date: May 18, 2017
Time: 7:06 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DAVID WITTHOHN

----- X

MICHELLE L. CONERO
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CHAIRMAN EWASUTYN: Item number 1 on this evening's agenda is the Pet Hotel & Day Care Facility. It's a site plan located on the west side of Route 9W, north of Lattintown Road, it's in a B Zone and it's being represented by Tom DePuy of DePuy Engineering.

MR. WITTHOHN: Dave Witthohn, W-I-T-T-H-O-H-N.

We recently received the comments from McGoey, Hauser & Edsall. We don't see anything there that's a big deal.

They've recently gone through their need for sprinklers which wasn't addressed in the previous site plans. They have to put sprinklers in. Last week we met with the water department out on the project and they showed us where the water mains are. We had thought that there was something on our side of the road. There's a twelve-inch water main on the opposite side of 9W that we're going to have to obtain a utility permit from the DOT to run a six-inch line across the highway to connect to the sprinkler line. That's the addition to the plan now. The little

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line you see here is the sprinkler line that we have to get.

We've contacted the DOT about the driveway entrances and recently resubmitted another application for the utility permit. I have not heard back from them.

We have submitted to the DEC for the sewage treatment system. They've received it. They've asked for extra copies. That's as far as it has gone with them.

We're just waiting to hear back from those folks.

CHAIRMAN EWASUTYN: I think Stephanie had some questions as far as the operation itself.

MS. DeLUCA: Yes. I was just curious as to how -- was there a certain amount of -- I'm getting all flustered.

CHAIRMAN EWASUTYN: Take your time.

MS. DeLUCA: I was just curious about how many dogs there were going to be on site at any given time? Is that a --

MS. SCHAPER: We're adding an additional 120 rooms. So there will be 120 more

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suites.

MS. DeLUCA: That is how many employees per --

MS. SCHAPER: We do about one staff member to about fifteen dogs.

MS. DeLUCA: Okay.

MS. SCHAPER: Lots of staff, lots of dogs. The industry standard is more like one to twenty, one to twenty-five. We're staffed a little higher.

MS. DeLUCA: All right. Thank you. I was just curious.

CHAIRMAN EWASUTYN: Any comments from Board Members before we bring it to our consultants?

(No response.)

CHAIRMAN EWASUTYN: Pat Hines, do you want to --

MR. HINES: Just a couple of comments. It was an additional 120. How many are there now? Did we get that total number?

MS. SCHAPER: So we have twenty-two suites. We can accommodate right now about sixty dogs overnight.

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MR. HINES: We're looking somewhere around two hundred and ten maximum?

MS. SCHAPER: Yes.

MR. HINES: There's been a fence added to the rear property line. Is that going to be some kind of stockade fence?

MR. WITTHOHN: Yes. It's going to be a solid fence. There is, I call it the border fence. It appears on SP-6.

MR. HINES: We didn't have a detail of that. The only fence detail was a chain link fence detail for the walls.

MR. WITTHOHN: There's a detail on SP-6. Unless you haven't gotten the latest drawings. Tom Swartz prepared an elevation showing the viewshed from the neighbor to the rear.

MR. SWARTZ: Mr. Chairman, we were also requested to bring thirteen sets of elevations. The one we're looking at is in that set.

MR. WITTHOHN: So we've put the fence near the rear property line.

MR. SWARTZ: There's a seven-foot high fence, I believe it's two or four feet off the

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2 rear property line. We've constructed sight
3 lines and the sections from grade at the
4 residence up above, down across the top of that
5 fence and projected it, if you look in the lower
6 corner of that drawing, at three views out of
7 that house, one which was straight to the north
8 side of the building, one to the center of the
9 building, and then one to the south of the
10 building. That's what these three represent
11 here.

12 We've also provided trees for the site
13 plan. We've shown them at planting height five,
14 ten and fifteen-year elevations. So you can see
15 also how rapidly and what types of plants and
16 screening we have back there.

17 So again, visually we're actually
18 reducing the direct view to the building because
19 right now the upper property looks down into the
20 doorway of the existing facility where now, as
21 you can see from the sight lines, they'll be
22 looking at the roof of the new facility. So
23 there won't be any direct sight down into the
24 actual kennel.

25 MR. DOMINICK: What's the material of

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the fence made out of?

MR. WITTHOHN: It's going to be solid vinyl. This is the general appearance. I've only got one so you're going to have to share. You need solid to obstruct the sound. The trees will absorb some of it, the solid will stop it. It will be mitigated quite a bit.

MR. DOMINICK: I didn't know if you had vinyl or wood. That's why I was asking.

MR. WITTHOHN: Vinyl is preferred in my opinion. Vinyl is the no maintenance option.

MR. DOMINICK: It looks nicer.

MR. WITTHOHN: It looks nicer.

CHAIRMAN EWASUTYN: Pat Hines, additional comments? Or Board Members, any other comments on ARB? Pat Hines?

MR. HINES: A stormwater pollution prevention -- a stormwater facility maintenance agreement will need to be filed.

As you're corresponding with DOT and DEC, if you could copy the Board so that the Town has a complete file there.

We noted that a proposed note regarding cutting of the trees restricted to a certain time

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of year. The DEC's -- the environmental assessment form was filled out on DEC's website and identified the potential habitat for Indiana Bats and the other protected bat species.

There's a need for a transportation corporation to maintain the sanitary sewer system. Those documents will need to be prepared. I'd say they go to Mike Donnelly's office but Mike corrected me at work session.

MR. DONNELLY: The Town Board has to approve that.

MR. WITTHOHN: We didn't know whether that was going to be --

MR. DONNELLY: I said at an earlier meeting if you get a regulatory agency to say it's not required, that's one thing. By default you've got a shared system there.

MR. WITTHOHN: Okay.

MR. HINES: DEC is not going to require it if we're not going to impose it. The site is two lots and it has to operate as a unified site plan. They need to be tied together. If one of them sold, it's going to be an issue.

MR. WITTHOHN: I understand.

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MR. HINES: We noted that there was a neighbor comment letter submitted regarding some noise on the site. I don't know if you want to address some of that with the Board, when the animals are outside or how often they're outside.

MR. WITTHOHN: That was why we were putting the fence up and the landscaping and all that.

MR. HINES: I'm hoping there's not two hundred dogs outside at once.

MS. SCHAPER: No.

MR. HINES: How the site operates, maybe you can explain that to the Board.

MS. SCHAPER: There definitely is not. We've actually been operating at the pet hotel for ten years and we've never had a single noise complaint. The dogs are out during the day for sure and they're active in our play yards. We are staffed twenty-four hours a day but our last walk is done by 11, then the dogs are taken out on an as-needed basis. If there's a dog that's crying in it's room that it needs to go out, it's walked outside to go to the bathroom and then back inside. We don't run any play groups or

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2 anything like that during the night. We're not
3 staffed to do so. Honestly, after the letters
4 were sent out for the Zoning Board is when we had
5 the complaint issue with the Town there was an
6 issue with noise. We heard it was dogs barking
7 at all hours and different things. I asked to
8 speak with him directly, gave the -- I don't
9 remember the guy that came to visit me but the
10 gentleman from code compliance, I have my card
11 and said please have them give me a call. There
12 weren't any -- like I said, if there's any exact
13 days or times that you're having an issue, please
14 call me. He just, you know, said it was all
15 times and there was a smell and all these things.
16 Our yards are kept -- we pick up fecal material
17 immediately. It's washed down. The yards are
18 disinfected completely at night. Honestly,
19 that's what happens at night, the yards are all
20 cleaned. So yeah, there's definitely not two
21 hundred dogs in the yard all night.

22 MR. HINES: One of my comments I didn't
23 hit on on the stormwater pollution prevention
24 plan is to address pet waste because of the
25 unique nature of this. As you're completing

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that, if that could be addressed, how that functions as part of the regulated MS-4.

MR. WITTHOHN: Yeah.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Just one question. All of our comments, the fire protection issues have been addressed.

There's an easement for a water line that comes down from the neighbor's property. There are no plans to disturb that or -- there's currently a two-inch domestic service that feeds, I believe, the existing veterinary facility. That's not going to be disturbed or it's still going to be maintained and --

MR. WITTHOHN: There's no plans to disturb that. The water department showed us where the shut off valve is up on Lattintown Road. We don't have any as-built location on the thing. We don't plan on disturbing it. If it's not where it was shown on the original filed map, which I suspect was a sketch -- there is an easement that's described on the old filed map that says it's ten feet -- ten foot wide centered

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on the water line. We didn't have somebody pin it and locate it for us.

MR. HINES: Can we just reference that easement on the map then?

MR. WITTHOHN: It's on the back.

MR. HINES: Understood. There's a label there that says two-inch water line. If you just want to put per deed, liber, whatever, it cleans that issue up.

MR. WITTHOHN: We can do that.

MR. CANFIELD: There's no need or no intent at this time --

MR. WITTHOHN: No.

MR. CANFIELD: -- to disturb it or utilize it?

MR. WITTHOHN: No.

MR. CANFIELD: Thank you.

CHAIRMAN EWASUTYN: Mike Donnelly?

MR. DONNELLY: Nothing.

CHAIRMAN EWASUTYN: So you have Pat Hines' comments. You'll address them prior to your next resubmission.

MR. WITTHOHN: Yes.

MR. HINES: Just for the record also,

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County Planning has come back. The ZBA submission went to the County because of the proximity of 9W. County Planning came back and stated they had not received a submission from this Board. We did check and this was sent to the County during the initial submission in 2012.

CHAIRMAN EWASUTYN: And I did forward to the County --

MR. HINES: Their comments.

CHAIRMAN EWASUTYN: -- their comments after I received --

MR. HINES: I just wanted to clean that up in the record.

MR. WITTHOHN: Can we indulge the Board to consider the lot line change and land consolidation?

CHAIRMAN EWASUTYN: Let's wait until we have everything and we'll do it in it's entirety.

MR. WITTHOHN: Okay. Thank you, gentlemen.

MR. SWARTZ: Mr. Chairman, is there an opportunity for architectural review tonight or --

CHAIRMAN EWASUTYN: Do you have

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samples?

MR. SWARTZ: We have photographs of the existing building in terms of the hardy materials that are on that. I think most people are familiar with that, they are the materials. The colors will be extending onto the new building. The only change to the existing building will be on this appendage closest to the addition. That metal roof, for fire construction purposes, will be removed and a new asphalt shingled roof will go on this area as well as up the back. That is the shingle. Again, as you see in your smaller elevations, but in the larger ones again it's just going to be a continuation of the existing building in terms of grill, windows, the hardy siding, red roof. The fencing is going to be black vinyl.

There are what are called elimination yards, if you look at the floor plan, outside of each of the kennel spaces where it's appropriate, and those will have also black vinyl fence around them. That's probably one of those areas that Charlene was talking about where you may go out and walk a dog at night or take a dog out. These

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are individual yards without going into the play yards in the back where animals would be taken outside.

CHAIRMAN EWASUTYN: Would the Board like to entertain ARB approval this evening? John Ward?

MR. WARD: Yes.

MR. DOMINICK: Yes.

MR. MENNERICH: Yes.

MS. DeLUCA: Yes.

CHAIRMAN EWASUTYN: I do believe in the file we have the ARB form completed.

MR. SWARTZ: That's correct.

CHAIRMAN EWASUTYN: Thank you.

MR. MENNERICH: Could I just ask a question? The removal of the metal roof was for what reason?

MR. SWARTZ: What we're doing is we're creating -- from a fire area standpoint we're creating two buildings right up against each other with a zero lot line. To do that I need to have noncombustible roof two feet each side of this firewall that I'm creating. Because we're not going back in and updating the existing

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building to current code, it's just the magnitude of the addition would cause that, we built a fire wall so everything new will be current code and everything on the other side will be maintained as it is.

CHAIRMAN EWASUTYN: Thank you.

MR. SWARTZ: Stairs and a number of things aren't exactly to today's standards.

CHAIRMAN EWASUTYN: Do I have a motion to approve the ARB for the Pet Hotel & Day Care facility?

MR. WARD: So moved.

CHAIRMAN EWASUTYN: I have a motion by John Ward. Is there a second?

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Second by Stephanie. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll ask for a roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Aye. Motion
carried. Thank you.

(Time noted: 7:19 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 1st day of June 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

CARLOS DOMINGUES II SUBDIVISION
(2015-29)

Section 7; Block 1; Lot 1.5
AR Zone

----- X

FIVE-LOT SUBDIVISION

Date: May 18, 2017
Time: 7:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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CARLOS DOMINGUES II

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CHAIRMAN EWASUTYN: Our second item on the agenda this evening is Carlos Domingues II Subdivision, a six-lot subdivision located on Candlestick Hill Road. It's in the AR Zone. It's being represented by Charles Brown of Talcott Engineering.

MR. BROWN: Thank you, John. It's actually a five-lot subdivision. The parent parcel is 11.14 acres. It's on Domingues Road. It's an existing private road. There's no proposal to extend that road. All the proposed lots will come off of that.

We were before this Board last year. Since then we've had the existing detention pond field topo'd, surveyed. We also did some additional testing witnessed by a representative of Pat Hines' office.

We moved the house from lot 9 from one side of the pond to the other because the soils are better over in that area. We moved the septic to lot 5 further up the hill.

The lots will meet current zoning. That's it for now.

CHAIRMAN EWASUTYN: Questions from

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Board Members?

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: I'm looking for copies of the private road access and maintenance agreement to be submitted to Mike Donnelly for review. That has to be revised for these lots.

The driveway on lot 5 should be evaluated. The driveways run right along that property. I don't know if it can be moved in.

MR. BROWN: I can actually move that in and do a front-loaded garage.

MR. HINES: I think that will -- it's right on the property line.

You have the note for the setback lines. That's been added.

Sizing of the driveway culverts.

MR. BROWN: Actually, on the legend I show it's fifteen inch.

MR. HINES: That's fine. The limits of disturbance to calculate and make sure you're under the acre or you're going to need --

MR. BROWN: We're actually at 2.05.

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MR. HINES: So you'll need a SPDES permit. It's residential so you just need a stormwater, erosion and sediment control.

A public hearing is required.

It is five lots. The amount of easements there had me --

MR. BROWN: Right.

MR. HINES: The balance parcel there is split up by easements. I initially thought it was six but during the review I noticed it was five. I had already done the agenda.

We would recommend a neg dec.

It needs a public hearing. We discussed at work session the first meeting in July, which is July 6th, would be appropriate.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: Just one question. Pat, Mike maybe, the existing stormwater management agreement, is that in place?

MR. BROWN: The pond was actually originally sized for this subdivision. After we had a field talk I did check. The volume is sufficient based upon that original design. I have not gone through and checked what they

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figured for impervious areas versus what we have.
I could do that.

MR. CANFIELD: Charlie, my question
isn't the calculations, it's the agreement. The
maintenance agreement, is that in place? Is it
required to be in place?

MR. BROWN: We can dig that out.
Usually with these -- I didn't do the original
submission. Usually with these we include that
in the maintenance agreement.

MR. HINES: That's something we have to
work out.

My comment 2, the Town is going back
retroactively asking for any maintenance. We're
going to be looking for you to evaluate that
pond, whether anything needs to get done. It's
been there for ten years now.

MR. BROWN: I was getting to that. I
had Carlos mow it before we had the surveyor go
down there. I did go down in there and it's in
pretty good shape. Should I provide a letter to
the Board?

MR. HINES: Yeah. Just that an
inspection was performed.

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MR. BROWN: Okay.

MR. CANFIELD: It is part of our MS-4 requirements for maintenance.

MR. BROWN: Right.

CHAIRMAN EWASUTYN: Mike Donnelly, do you have anything to add?

MR. DONNELLY: No, I don't.

CHAIRMAN EWASUTYN: Having heard from our consultant, Pat Hines, I would move for a motion to declare a negative declaration for the Domingues five-lot subdivision on Candlestick Hill Road and schedule July 6th for a public hearing.

MR. DOMINICK: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Dave, second by Ken. Any discussion of the motion?

(No response.)

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

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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CARLOS DOMINGUES II

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CHAIRMAN EWASUTYN: Aye. Motion
carried.

MR. BROWN: Thank you.

(Time noted: 7:24 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 1st day of June 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

HUDSON ASSET SUBDIVISION
(2017-04)

Union Avenue
Section 34; Block 1; Lot 25.1
R-2 Zone

----- X

FIVE-LOT SUBDIVISION

Date: May 18, 2017
Time: 7:24 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)541-4163

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CHAIRMAN EWASUTYN: Our third item on the agenda this evening is Hudson Asset Subdivision. It's a five-lot subdivision located on Union Avenue in an R-2 Zone. It's being represented by Charles Brown of Talcott Engineering.

MR. BROWN: Thank you, John. This project is a five-lot subdivision. It was before the Board a couple months ago. We have three houses, two of our proposed plus the existing, on common driveways. We got a sign off from the Town Board for that since our last appearance before this Board.

We also got a letter from the Health Department, per Pat's request, specifying that a one-inch line will be sufficient based upon the pressures.

We also took off the proposed septic and proposed house on lot 5 because my client does not intend on building that at this time. We'll go in and test that at a later date.

That sums that one up.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: They received approval for

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three lots on the common driveway. I think there will need to be a common driveway access and maintenance agreement for that. I don't know if there is one now. That will need to be submitted to Mike's office.

The letter identified a letter from the water department. I don't think I received that, although John did say that he saw it.

CHAIRMAN EWASUTYN: It was so dated.

MR. BROWN: I'm sorry?

CHAIRMAN EWASUTYN: It was so dated. I didn't understand that.

MR. BROWN: February 15, 2017?

CHAIRMAN EWASUTYN: Not the one that I got. All right. Let me just see. Now I'm curious. I did see -- I stand corrected. All right.

MR. BROWN: Do you want this copy, Pat?

MR. HINES: If it's a spare one, yes.

Similar to the last one, we're looking for the amount of disturbance.

MR. BROWN: This one is 1.45 acres.

MR. HINES: We'll need that same permit. A stormwater SPDES permit will be

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required.

Then a sign off for the driveways on Union Avenue from the highway superintendent.

The project has progressed to a point where we can recommend a negative declaration.

It does require a public hearing as well.

CHAIRMAN EWASUTYN: Jerry, do we need a -- for the private driveway do we need a road name?

MR. CANFIELD: I believe they did apply to the Town Clerk for that.

MR. BROWN: We have. Generally you wait until after they approve the three on the common driveway before they'll approve the road name. We did submit three possible road names and we're waiting for approval on one of those three.

CHAIRMAN EWASUTYN: Any questions from Board Members?

MR. WARD: No.

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: Having heard from Pat Hines, our consultant, I'll move for a motion

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to declare a negative declaration for the Hudson Asset Subdivision, a five-lot subdivision on Union Avenue, and schedule the 6th of July for a public hearing.

MR. WARD: So moved.

CHAIRMAN EWASUTYN: Motion made by John.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Seconded by Dave. Any discussion of the motion?

(No response.)

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

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you.

MR. BROWN: Thank you.

MR. HINES: I also have to submit that to the County as well.

MR. BROWN: Because it's right up against 84?

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MR. HINES: Yes.

MR. BROWN: Do you need another set of drawings for that?

MR. HINES: Yes.

MR. BROWN: Okay.

CHAIRMAN EWASUTYN: I'll let you have my copy. There's still the office copy.

MR. HINES: That will work.

(Time noted: 7:28 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 1st day of June 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

FABRIZIO TWO-LOT SUBDIVISION
(2017-05)

Gardnertown Road
Section 51; Block 9; Lot 9
R-1 Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: May 18, 2017
Time: 7:28 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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CHAIRMAN EWASUTYN: The fourth item this evening is a public hearing for a two-lot subdivision. It's located on Gardnertown Road in an R-1 Zone.

Mr. Mennerich, would you please read the notice of hearing?

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of Fabrizio two-lot subdivision, project 2017-05, for a two-lot subdivision. The subdivision is a proposed two-lot single-family residential subdivision. The site is a 1.4 plus or minus acre parcel of property located in the R-1 Zone. Premises are located at Gardnertown Road near Lakeside Road, designated on the Town tax maps as Section 51, Block 9, Lot 9. The public hearing will be held on the 18th day of May 2017 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

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order of the Town of Newburgh Planning Board.
John P. Ewasutyn, Chairman, Planning Board Town
of Newburgh. Dated 1 May 2017."

CHAIRMAN EWASUTYN: At this point I'd
like to turn the meeting over to Michael
Donnelly, Planning Board Attorney, to discuss the
purpose of a public hearing.

MR. DONNELLY: Before the Planning
Board takes action on the subdivision it wishes
to afford the opportunity to the public to be
heard. What the Planning Board is interested in
knowing is if there are issues or concerns that
the Planning Board and it's consultant team may
not be aware of that are relevant to
consideration of this application. After Mr.
Brown gives his description of the project the
Chairman will ask those who wish to speak to
raise your hand. If you would, step forward
after you're recognized, give us your name, spell
it for our Stenographer if you would, tell us
where you live in relation to the project.
Direct your comments to the Board. If you have
questions that can easily be answered, the
Chairman will ask either Charlie Brown or a

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member of the Town consultant team to answer those questions.

MR. BROWN: Thank you. This is a 1.32 acre piece on the north end of the Gardnertown Road, very close to the intersection with Lakeside Road. The proposal is a two-lot subdivision being cut into two parcels. It's presently zoned R-1. When my client bought the property it was R-3.

We've been before the Zoning Board to get the variances needed -- required for the subdivision.

There is a newly installed force main along Gardnertown Road that was put in just two lots south of this parcel. The stubs were put in for the subdivision.

We got the variances at the last Zoning Board meeting.

We're here tonight to get comments from the public and the Planning Board.

CHAIRMAN EWASUTYN: Thank you. As Mr. Donnelly had said earlier, if there anyone here this evening that has any questions or comments, please raise your hand and give your name and

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your address. Ma'am.

MS. CALIFANA: Susan Califana,
C-A-L-I-F-A-N-A, we reside at 276 Lakeside Road.

Our property abuts right up against one of your proposed sites there. There's a water issue in that area. It seems like the water table is very high. We've had problems in the past with the water table. One of the reasons that we hooked up when the public came through was because of the water and septic and all that.

One of my main concerns is putting in this property and making adjustments to the water flow. What's that going to do to my property? Has there been a study on this? Has somebody looked into the water?

CHAIRMAN EWASUTYN: Charlie, do you want to comment on that?

MR. BROWN: Yes. Again, these two proposed houses will be single family, by the way, will be tying into the force main that ties into that new sewer that you're hooked up to. They are downhill from your property. Based upon that they won't be impacting your property. They're downhill. Water goes downhill. That's

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the answer to that.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: The Town of Newburgh has stormwater management regulations. A project of this scale doesn't kick in the requirements of those. It doesn't disturb enough acreage.

I was looking here. The project is down gradient of your site. That being said, there are erosion and sediment control plans as part of this project, and there is some regrading of the site.

Your land is uphill from this project based on the topography that was submitted. A project of this size typically doesn't have an impact where a drainage study would be performed. It's not a large enough magnitude to change the numbers on a hydraulic model.

That being said, there is some stormwater management, erosion sediment control implemented for the project.

MS. CALIFANO: Okay.

CHAIRMAN EWASUTYN: Additional questions or comments from the public?

MS. CALIFANO: I have one other. When

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is this project due to start?

MR. BROWN: My client, Tony Fabrizio, is planning on building on this lot right here, and he would like to do that very soon. He's downsized. He sold his house and presently in a not very comfortable situation. This lot will be built pretty much right away, this year.

MR. HINES: When you say this lot, lot 1 nearest to her house?

MR. BROWN: Correct, lot 1.

MS. CALIFANO: Can I ask another question?

CHAIRMAN EWASUTYN: Three for a quarter.

MS. CALIFANO: So my only other concern is the trees. You know, we have the trees border like the back of our property and our neighbors' property. A lot of times when a building comes in they come in and take everything out. What is going -- I see the trees marked with yellow Xs all across there. Is that the plan, they're going to come in and just take all the trees out? That's going to leave like a big open area where everybody is looking at each other all the time.

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Your house is behind my house is behind this house. We're looking at each other. There's not a ton of room back there.

MR. BROWN: Well, we do have a fifty-foot -- actually, the back of his building is proposed to be fifty-five feet from your common property line.

My client is here tonight. Tony, would you be adverse to leaving thirty foot of trees along that line?

MR. HINES: Charlie, the plan shows grading from the 490 property line. There is some ability there to save some. Before you commit to anything --

MR. BROWN: If I bring it around I can make the thirty feet.

Are you all right with that, Tony?

MR. FABRIZIO: What's that?

MR. BROWN: Are you all right with preserving say twenty-five, thirty feet of woods?

MR. FABRIZIO: We didn't have plans on doing those. Those trees are huge and I don't want -- if one of those trees falls it could hit our house. Some of those trees are as tall as

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seventy to seventy-five feet. If one of them falls it would fall right on our house. We had plans on taking all the large, sloppy trees down and re-landscaping that whole area to provide some sort of barrier. That was the plan.

CHAIRMAN EWASUTYN: Is this the right time to ask the question: Do you have any idea in mind now and would you want to note that on the map as to what replacement type of landscaping you have in mind?

MR. FABRIZIO: We were thinking, you know, like a Dogwood maybe, or maybe some evergreens. We didn't really map it out yet. Those trees, like I said, they're huge, they're old, they're sloppy. We wanted to try to make it fresh. I mean between the neighbors.

MR. BROWN: We could show some landscaping on the plan.

CHAIRMAN EWASUTYN: Okay.

MR. BROWN: We'll provide a landscape buffer.

MR. HINES: The Board typically doesn't require screening residential to residential. If the applicant is willing to offer it --

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MR. BROWN: It's to Tony's benefit,
too.

CHAIRMAN EWASUTYN: Additional
questions or comments from the public?

(No response.)

CHAIRMAN EWASUTYN: At this point I'll
turn the meeting over to Board Members.
Stephanie?

MS. DeLUCA: No questions.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: No questions.

MR. DOMINICK: No questions.

MR. WARD: No additional.

CHAIRMAN EWASUTYN: Jerry Canfield, any
questions or comments?

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Our first comment just
notes that variances were granted on 23 March.

A common driveway access and
maintenance agreement for the shared access to --
it's sharing one lot, this subdivision and a
neighboring lot that is lot 4.21 tax map lot
number.

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The highway superintendent's comments are outstanding.

MR. BROWN: The two agreements, the one for the common driveway between Lefevre's lot and our lot 1 and the utility easement for our proposed lots 1 and 2.

MR. HINES: The common sewer.

MR. BROWN: Right. Common sewer, telephone. Pretty much all utilities. I believe that --

MR. DONNELLY: He sent them to me. We'll include it as a condition but I'll sign off on it if they're in proper form.

MR. HINES: Two other issues. Outside user status from the Town Board.

MR. BROWN: We're going to them on Monday.

MR. HINES: You are going?

MR. BROWN: This coming Monday we're on the Town Board agenda.

MR. HINES: A City of Newburgh flow acceptance letter.

MR. BROWN: We sent out the request for that.

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MR. HINES: The City of Newburgh flow acceptance letter is a non-starter for the Board. They can't take action until that is received based on the agreement with the City of Newburgh.

That's the extent of our comments.

CHAIRMAN EWASUTYN: Charlie, at this point, if the Board is in agreement, we'll move for a motion to close the public hearing on the Fabrizio two-lot subdivision. We can't really take any further action at this time.

MR. BROWN: I understand that. We wanted to waive the sixty-two days.

MR. DONNELLY: Thank you.

CHAIRMAN EWASUTYN: Let the record show that -- would you explain that to the public and the new Board Members as far as waiving the sixty-two day time period?

MR. DONNELLY: I can. There's a requirement in State law that within sixty-two days after the close of a public hearing on a subdivision the Planning Board must take action or the application is deemed approved. Rather than put it on the calendar two months from now to dismiss it if they haven't gotten their

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approval, Charlie is willing to waive that sixty-two day limitation so he can pursue both the City of Newburgh flow acceptance and the Town Board out-of-district user agreement. It serves our purposes and his client's as well.

MR. CANFIELD: John, a question. They require the applicant to come back after they receive those sewer approvals?

MR. DONNELLY: He'll need to come back.

MR. CANFIELD: They would have to come back as an agenda item or could it be --

CHAIRMAN EWASUTYN: I think it's easier to manage under an agenda item. What I'm learning is it's much easier to manage as an agenda item to track and to -- then you sometimes could get into a board business agenda that's equal to or greater than the actual agenda.

MR. HINES: It will give us a chance to look at whatever landscaping the applicant is proposing as well.

CHAIRMAN EWASUTYN: Good question. Any other questions?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for

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a motion to close the public hearing on the
Fabrizio two-lot subdivision located on
Gardnertown Road.

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: Motion by Ken.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Second by John.

Roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion
carried.

MR. BROWN: 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 1st day of June 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

U.S. CRANE & RIGGING
(2016-14)

18 Route 17K
Section 97; Block 1; Lot 21.1
IB Zone

CONTINUATION OF PUBLIC HEARING

Date: May 18, 2017
Time: 7:43 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: LARRY WOLINSKY
ANDREW FETHERSTON

----- X

MICHELLE L. CONERO
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CHAIRMAN EWASUTYN: The last item we have this evening is U.S. Crane & Rigging. It's the last item. It's being represented by Maser Consulting engineers.

MR. WOLINSKY: Good evening, Mr. Chairman, Members of the Board. My name is Larry Wolinsky, I'm with the law firm of Jacobowitz & Gubits. I've been here on a number of occasions on behalf of this applicant. We're here for the ongoing review of the site plan.

I just want to briefly advise you of a number of changes that have been made to the program and the plans since we met last to address concerns that were raised by the public and Board at the time. So we have submitted a set of revised plans.

There was a noise study that was prepared. We received some comments to that just today. The building has been moved back twenty-five feet to create some additional distance. That was a suggestion made by Board Members.

We've incorporated sound walls on the southerly and westerly property line. We've also

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installed, at the request of the Board, larger trees between the property line and the sound wall. So there's both landscaping and the wall as a buffer.

We've provided a narrative in detail of what the operation will be on the site.

The architectural rendering has been modified in response to a comment that we received last time. That will be presented.

Also, outside of the Board arena, we did obtain the IDA benefits resolution. I want to point that out because the significance of that is that a lot of the comments that were made about the operations and the practices were vetted by the IDA in order to be in favor of this resolution, which I understand was adopted unanimously. So if there was any real substance to any of those things, the IDA would have certainly sussed those out and acted accordingly. I wanted to point that out so we can have a fair and complete record before the Board.

We're hoping tonight -- we received all the comment letters. We're hoping tonight we can get this public hearing closed. I think we

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should be able to do that because we responded and worked really hard to address your concerns. I think we've ticked off all the issues as best we could. I think it's probably a good time to get this hearing closed.

So without further ado, we'll get you a little bit more of an elaborated presentation from Andrew from Maser.

MR. FETHERSTON: Mr. Chairman, I took you through the plans at our last meeting. I'll give you an abridged version this evening. Maybe I'll just show you some of the changes that Larry had spoken about.

This is the row of trees. One of the members was asking for larger trees. We went to the 10 and 12 feet you were speaking about. We have a vegetated buffer then the sound wall. The same thing here, the larger trees and then the sound wall.

We moved the building, as Larry had said. We're now 61 feet away where the setback is 30 feet. This was that pinch point here. We got down just about as small as we could possibly get it and still have a road and a sidewalk that

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would accommodate the doors and the building.

There's not a lot more changes over what we had done the last time, Mr. Chairman.

CHAIRMAN EWASUTYN: Thank you.

At this point I'll open the meeting to the public. If anybody has a question or comment, your name and address. Thank you.

MR. MARTINI: Good evening, Mr. Chairman, Members of the Planning Board. My name is Jude Martini, J-U-D-E M-A-R-T-I-N-I. I'm the property owner of 26 Route 17K which borders the applicant's property, 18 Route 17K, LLC. If you may recall, I've owned that property for approximately twenty years. It's a professional office building and houses a law office and a licensed psychotherapist.

Just a few comments if I may, Mr. Chairman. The last time we were here the applicant indicated it was going to move the building back away from the Route 17K homes and businesses. If I remember correctly, last time we were here it was at 61 feet, and that was based on moving it back 20 feet. You were going to try to squeeze out a couple more feet; remember, Mr.

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Fetherston? When you said 61 feet, now is it 66 feet with an additional 5 foot?

MR. FETHERSTON: Should I respond, Mr. Chairman?

CHAIRMAN EWASUTYN: I think we'll go through the questions. It's not a trial, it's just --

MR. MARTINI: I'm just inquiring. When I looked on the Town website this afternoon, I've been checking it regularly, the plans which were included on the Town website did not reflect any changes from the last Planning Board meeting that we had. My understanding from reading the minutes and having been here on that evening was that -- my understanding was that Mr. Fetherston was going to supply that to the Board prior to this meeting. I believe he said next week, correct me if I'm wrong.

CHAIRMAN EWASUTYN: Andrew, why don't we stop. What is the setback?

MR. FETHERSTON: It was originally 41 feet on the prior plan. We were able to move it 25 feet. So now it's 66 feet away from the property line.

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We did submit the plans to the Town two weeks ago. However, I have no control about what the Town decides to put on the website. The plans were available to the Town.

CHAIRMAN EWASUTYN: Okay.

MR. MARTINI: Thank you. I wasn't trying to nit pick. It's just he said 61 feet and I knew it was 66 --

CHAIRMAN EWASUTYN: Would you be more comfortable over here? I feel like you're --

MR. MARTINI: It's just that he said 61 feet at the last Planning Board meeting and now he indicated they increased it 20, 25 feet. Thank you. It's actually 66 feet.

MR. FETHERSTON: 66 feet.

MR. MARTINI: That answered that question.

The next question or comment is that at the last Planning Board meeting the issue of sound barrier walls were mentioned for the first time by the applicant after neighbors and business owners made comments regarding the noise. The location, the height and the sound reduction rating was not reflected on the plans

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that I reviewed this afternoon on the Town website. Have they been included in the amended plans?

MR. FETHERSTON: Mr. Chairman, we submitted a sound study. The study recommended a certain insulation for the building which the architect has incorporated into the building. It also included a specification and actually a brand name of a wall which we included in the report. One of the comments from your consultant asked that we provide that specification on the plan, which we will certainly do.

CHAIRMAN EWASUTYN: The height of the wall is one of the questions that was just raised.

MR. FETHERSTON: Is it 8 feet? 8 feet.

CHAIRMAN EWASUTYN: And you want to go from point A to point B as far as the location, the linear feet?

MR. FETHERSTON: Oh, linear feet.

CHAIRMAN EWASUTYN: Well he's asking the location.

MR. FETHERSTON: Sure. It's the pink.

MR. MARTINI: Basically from number

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99-5 straight through?

MR. FETHERSTON: It's about 330 feet on the south border and about 75 feet on the west side. I have an architectural scale. I have the wrong scale. Quick math.

CHAIRMAN EWASUTYN: Pat Hines -- we're not going to digress too much -- you had a comment as far as extending the wall slightly I think during your review?

MR. HINES: Not extending the wall. Extending the landscaping. One of the important things is also to note that there's been a retaining wall added along there. So the fence is actually going to be 3 feet higher because of the 3 foot retaining wall that was added, and then the fence is going to be placed on top of that. You're looking at more like 11 foot from the elevation difference between the rear properties, your property Mr. Martini and the top of the fence, because there will be a 3 foot retaining wall, then the 8 foot fence.

MR. MARTINI: The retaining wall will go where he indicated the pink? The entire sound wall is going to be --

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MR. HINES: No. It goes -- it terminates at the eastern property line. Gaffney, if that helps.

MR. MARTINI: That doesn't include my property. I'm further west.

MR. HINES: I got it. It goes from Gaffney west, the retaining wall.

MR. MARTINI: From Gaffney west. That would include --

MR. HINES: The rear of your property line as well as the one on either side of you.

MR. MARTINI: And that's where the retaining wall is located, just that portion?

MR. HINES: Yes.

MR. MARTINI: Just a comment. You indicated it was 8 foot, sir, is your understanding? The elevation of the properties which border the applicant's property on Route 17K, the elevations are much higher. You may want to consider perhaps a wall or a sound wall which is a bit taller than 8 foot, just because I read the sound analysis report provided by the applicant's engineer and my understanding was to cut down on the sound by blocking the line of

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sight. Since the properties on Route 17K are at a much higher elevation, it may be necessary for the wall to be a bit taller to block the sound from below going up to the residences and businesses above it. Does that make sense?

CHAIRMAN EWASUTYN: Larry, can I turn to John Collins --

MR. WOLINSKY: Absolutely.

CHAIRMAN EWASUTYN: -- who I haven't seen in many, many years.

John, would you introduce yourself?

MR. COLLINS: Yes. John Collins, Maser Consulting.

To answer the question, there are two reasons for the barrier and the recommendation we had in the study. The first is we wanted to make sure that there's no noise from the building, from the operation inside the building, that emanates to the exterior, so therefore we recommended that there will be some sound reduction from going through the building.

The second is because of the vehicle travel, which is one of the things that would make up the noise, the trucks coming in and out,

1 et cetera, we wanted to make sure we took care of
2 the noise barrier on top of the berm or wall,
3 whatever you want to call it, back along the
4 property line, and that would be in the order of
5 8 feet as you indicated previously. Between
6 those two we actually -- the receptors that we
7 measured the actual readings on, the level of
8 noise that would occur because of the blockage of
9 the building with different locations would
10 actually be lower than what it is today. So in
11 fact, by the two measures we're reducing the
12 noise. That doesn't mean we're reducing the
13 noise that emanates from 17K. We're looking at
14 the noise emanating from this particular
15 property. That's a key element. We're looking
16 at the evening hours and night hours, the traffic
17 along 17K with the trucks, et cetera. The
18 existing building, my way of looking at it, is
19 closer to 17K than it is to the rear property
20 line. So we're not reflecting what happens,
21 we're looking at evening hours when in fact the
22 noise during the day would not be from the site
23 but be from 17K and emanating.

25 I think you have to look at the three

1 or four different things that match. We want to
2 stop the noise from coming out of the building,
3 we want to reduce the noise from the trucks, and
4 we are looking at the evening hours or overnight
5 hours to make sure that that noise doesn't
6 disturb the neighborhood. During the day 17K is
7 the primary noise source. I think that's a quick
8 summary of that study.
9

10 MR. MARTINI: Thank you. And for the
11 building itself, the applicant's engineer did
12 recommend a minimum STC rating of 31. I would
13 respectfully suggest to the Board that they
14 impose a higher STC rating than "the minimum
15 recommended by the applicant's engineer or sound
16 specialist."

17 CHAIRMAN EWASUTYN: We discussed that
18 during our work session. Ken Mennerich, do you
19 want to speak on that? Did you bring that up?

20 MR. MENNERICH: We discussed the fact
21 that the entrance to the building, which is on
22 the eastern portion -- eastern side of the
23 building, would be open a lot of times when the
24 steel is coming in and what not. There might be
25 a higher noise level at that eastern spot than

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where your property is, for instance. But then the discussion turned to what does the Town require. There was considerable discussion about what the Town requirements are at the property line. The final result is the applicant has to meet those property line conditions. He can't exceed certain numbers that are required as the maximum. What we were discussing was the possibility of doing some measurements after everything is there to see what the readings are.

I had the same thought you did about well if that's the minimum, maybe for a small increment you can put in some more insulation. I don't know -- you don't know what's the right number. If they feel that that minimum is the right number and they can show it at the property line, they're not exceeding the Town's standard.

MR. MARTINI: Okay. I just was commenting that their own sound engineer said a minimum STC rating of 31. I'm just suggesting respectfully perhaps you might not want to go with the minimum. That's all.

CHAIRMAN EWASUTYN: Mike Donnelly, would you chime in on that? Again, I'll turn,

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after hearing from Ken Mennerich, Mike Donnelly,
to Mr. Wolinsky or the architect involved.

MR. DONNELLY: Generally speaking, when
an area is zoned for industrial purposes, the
Town Board has made a determination that those
uses are appropriate in that area and are
properly situated. Therefore planning boards are
generally not permitted to consider things like
the noise, odors and fumes that may come from an
industrial use. It doesn't end the story here
because the Town does have a noise chapter, and
that noise chapter places maximum limits on the
decibel readings of noise at the property line.
Certainly one condition of our resolution would
be that there must be compliance with that
chapter at all times. The applicant's report
says that with the soundproofing, the walls and
the insulation, it will satisfy that code
provision.

What was discussed in addition at the
work session, not decided but it's something to
discuss, is whether it might make sense at some
interval, after the operation is underway, to do
a follow-up actual study to see what the readings

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2 are. If the readings indicate that there is a
3 problem, rather than make it an enforcement
4 issue, which it certainly could be, maybe some
5 adjustment in the sound attenuation plan be
6 considered. If it's easier for the applicant to
7 say we'll beef something up now so we're sure we
8 won't have to tear the walls down to put in more
9 insulation later, that's their choice.

10 Realistically they're going to have to comply.

11 The Town has the equipment necessary to make the
12 decibel readings at the property line and they
13 will do so if warranted. The Planning Board took
14 all that into consideration, had the study done.

15 The only other thing that was discussed
16 at the work session was whether the location of
17 the receptors are a fair representation of where
18 the noise will come from. It's of less concern
19 to you because the receptors, frankly, I think
20 are close to your building. There don't appear
21 to have been receptors placed near the other end
22 of that wall where the door to the factory floor
23 or the facility floor is open. Again, the
24 applicant has to comply anyway. Perhaps it would
25 make some sense to do an additional receptor

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there. That may determine whether a higher level of soundproofing is required.

We're really trying to work with the neighbors and the applicant to come up with a solution. It's an industrial use in an industrial zone. Noises inherent to it are not fair game. Compliance with the code is absolutely required.

MR. MARTINI: Mr. Donnelly, it's my understanding that it's not Industrial Zoned. It's my understanding that it's an IB Zone, Interchange Business. I notice you used Industrial a couple times. I do agree with you it seems to be industrial use. It is in an IB Zone, at least the last time I checked the zoning map.

MR. DONNELLY: This is a use that's allowed in that zone.

MR. MARTINI: Manufacturing and fabricating. Yes.

MR. DONNELLY: The uses that are inherently -- the uses allowed in the zone per the Town Board are those that have been determined to be appropriate for the

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neighborhood, and the inherent deleterious effects of those are not fair game. Whether we call it industrial, business, I didn't mean to misstate the nomenclature. Nevertheless, we do have the sound code and there has to be compliance. That's what we --

MR. MARTINI: Would that be with the minimum recommended by the engineer?

MR. DONNELLY: What has been recommended and put into the study meets the sound code.

MR. MARTINI: So STC 31?

MR. DONNELLY: That's what the applicant proposes.

CHAIRMAN EWASUTYN: You're the architect. Do you want to speak on that also?

MR. SECKLER: Yes, Mr. Chairman. Thank you very much.

To compliment -- Arthur Seckler with Lothrop Associates, Architects, architect for the applicant.

To compliment Mr. Collins' presentation and the noise report that was prepared, we have developed a narrative that explains the

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construction and composition of the exterior wall.

Along the south and west sides of the building the exterior wall panel will be the Sante Fe panel. It is a 3-inch metal panel that has an STC rating of 24. The panels will be run horizontally as depicted on our rendering elevation. Those panels will vary in width from 24 to 36 inches to create the pattern that we're looking for.

On the interior face of those two exterior walls we are going to supplement it with a 3-inch rigid sound attenuation board. It is the Fab Rock LT 30 panel. I've got some literature here that I can dispute to the Board with cuts of those components, and that will increase the STC reading well beyond or above -- at least at or above the 31 recommended by the noise consultant for those two elevations of the building.

If you'd like I can distribute this, Mr. Chairman.

CHAIRMAN EWASUTYN: Give one to --

MR. HINES: One of the questions the

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Board had at work session, and maybe Mr. Collins can educate the Board, was the 31 we're talking about and what scale that's on. Is it at a 35 out of 100? What is that number? I don't know if you can answer that now. The Board was wondering that.

MR. COLLINS: I'll check.

MR. WOLINSKY: Can you ask Art?

MR. HINES: The Board at work session had the same discussion, that 31 number. What is it 31 out of? Is that out of 100? Is that out of 35?

MR. SECKLER: STC is sound transmission coefficient. It's a rating of the sound waves that travel through a particular material. I'm not sure what the scale is, whether 1 to 100. I would have to research that. The STC rating -- items -- machinery, vehicles, airplanes are all rated with STC ratings. You counter that with attenuation materials to reduce the amount of sound transmission.

MR. WERSTED: I would suspect it's like an insulation R value, the thicker it is the higher the number.

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MR. CANFIELD: I have a question with respect to that. With these lining panels, do you take this into consideration with your COMcheck when you submit?

MR. SECKLER: Yes. From an energy point of view for the COMcheck the insulated panel -- the 3-inch insulated panel should achieve the required -- comply with the energy code. We're adding this 3 inch of mineral wall. It's a dense fiber attenuation board that will be installed between the girds of those two exterior walls. It's not for the thermal value but really for the sound attenuation value that it adds to the sound transmission.

MR. CANFIELD: Thank you.

MR. SECKLER: You're welcome.

MR. MARTINI: At the last Planning Board meeting the Chairman had asked the Town consultant if they could get someone to review the work of Mr. Grealy, the sound consultant. I don't know if that was done or not.

CHAIRMAN EWASUTYN: Ken Wersted will speak on that.

MR. WERSTED: We enlisted the help of

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Tim McAuley from a company called CHANGE,
Consulting for Health, Air, Nature & a Greener
Environment. He's got a number of credentials.
He did provide a review letter for the project
and had a number of questions and comments about
the study. I believe the applicant has a copy of
that and they are looking to go through and
address those changes or address those comments.

MR. MARTINI: Okay. Does anyone have a
copy of that?

CHAIRMAN EWASUTYN: I do.

MR. MARTINI: Do you mind -- that was
also not on the website.

CHAIRMAN EWASUTYN: Three for a
quarter.

MR. MARTINI: I've got a quarter right
here.

MR. WERSTED: I can try and kind of
summarize --

MR. MARTINI: Please.

MR. WERSTED: -- what those comments
were. I did talk to Mr. McAuley and he did note
that the study was generally based on industry
standards, if I can paraphrase for him, in that

1 it did meet some minimum amount of effort here.
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3 It certainly wasn't elaborate in looking at
4 several locations around the site or throughout
5 the neighborhood, which goes to one of his
6 questions why only two monitors were set up. My
7 understanding from Phil Grealy is that those were
8 the areas that were -- they understood to be the
9 most concern, the residences over on the Stewart
10 Avenue side and the properties along 17K. There
11 wasn't any receptor located in the back of the
12 site, kind of further in, which Mr. McAuley
13 thought would give a more broader kind of
14 summation of what the site might actually do with
15 respect to that. I think it would give you some
16 results of what's happening further away from the
17 businesses and the residences on 17K and Stewart
18 Avenue.

19 Then the Maser study references traffic
20 on 17K but it doesn't highlight what the mix of
21 that traffic is, what percentage of that traffic
22 is trucks, what percentage is passenger cars. In
23 the Maser study it does provide a traffic count
24 from 17K that DOT had provided. I did look up in
25 that information and I think I found that the

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heavier vehicles, your tractor trailers, your motor vehicles excluding motorcycles, passenger cars, pick-up trucks, the heavy vehicles generally range from about 5 to 6 percent of the traffic that's on 17K. So the other 94, 95 percent are all passenger cars, buses, smaller vehicles.

Then he also questioned if there were any plans for any pre-monitoring, monitoring during construction and post-monitoring of the sound. As Mr. Mennerich had mentioned, there was some discussion during the work session, and I think Mr. Donnelly also referenced any monitoring after the site was constructed and how it might be determined if it's still conforming with the Town code. So that was the summary of Mr. McAuley's comments.

I put together a lot of notes on my summary of the Maser study coming from kind of an outside perspective, and I also looked up some of the information from the Town Code.

As we had talked about, this is in an IB Zone. I believe Section 125-5 of the Town Code says that the maximum decibel level during

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2 the day, 8 a.m. to 10 p.m., is 80 decibels.
3 Overnight, 10 p.m. to 8 a.m., the maximum is 70
4 decibels. So the anticipated build out of the
5 site as shown in table N-1, I believe, of the
6 Maser study showed that the two receptor sites
7 were going to operate at approximately 69
8 decibels and 71 decibels. So right in that
9 range. My interpretation of that is that during
10 the day they would be in compliance with the Town
11 Code. However, I believe that there's going to
12 be potentially some operation between maybe 6 and
13 8 a.m. So that would fall under the nighttime
14 kind of code which is 70. So the build out of
15 the site may be right on that border, that 69, 71
16 decibel range.

17 As Mr. Collins had mentioned, there are
18 two key mitigation measures, one is the sound
19 attenuation of the building based on it's
20 construction. Table N-1 highlights that that
21 part of the mitigation would reduce the sound
22 levels from let's say that average of 71 decibels
23 down to 61 to 65. So that would put it below the
24 nighttime Town Ordinance. With the addition of
25 the sound wall, that reduces it further down into

1 the 50s, say around 54. So that would
2 essentially make it about equivalent to the
3 residential section of the Town Code which says
4 that overnight should be 56 decibels. I think to
5 the architect's point, and maybe some of the Town
6 Board -- Planning Board is that the minimum of
7 the 31 STC rating may accomplish what the
8 intended mitigation will be.
9

10 Now, they had also recommended a number
11 of other mitigation measures, one of which was to
12 have all the equipment inspected regularly on the
13 site, their vehicles, et cetera, not to allow any
14 vehicles idling unnecessarily. And then also to
15 use an alternative back-up alarm system, so
16 instead of your typical dump truck backing up and
17 you hearing the beeping, there may be some other
18 infrared type of device.

19 Pat, I think you've heard or seen some
20 of those types of devices.

21 They had also recommended that the HVAC
22 units on the building also be baffled, or
23 screened, or pointed away from the residences and
24 businesses.

25 So with those mitigation measures, they

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felt that it would comply with the Town Code and
DEC noise guidelines.

MR. MARTINI: Thank you.

MR. AURINGER: That's for 24 hours, 7
days a week around the clock it's in compliance?

MR. WERSTED: What's your question? I
would deduce that --

MR. AURINGER: That's what I heard.

MR. WERSTED: -- based on the
mitigation measures that are being put together.

MR. AURINGER: We don't really
fabricate at night.

MR. DONNELLY: 6 a.m. you might load.
Between 6 and 8 a.m. That's why Ken brought it
up.

CHAIRMAN EWASUTYN: Sir, there's
someone speaking.

MR. MARTINI: I do note -- thank you,
Mr. Chairman, for allowing me to review --

CHAIRMAN EWASUTYN: I apologize for it
not being on the website. It was just an
oversight.

MR. MARTINI: I'm just glancing over.
I do appreciate you explaining or summarizing it.

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2 I do note, for what it's worth, the
3 consultant that the Town retained indicates, and
4 I'm going to quote, "However, there were some
5 concerns and questions that were not addressed
6 that would warrant further investigation and/or
7 additional clarification to ensure a fully
8 comprehensive and robust evaluation was
9 conducted."

10 CHAIRMAN EWASUTYN: That will be part
11 of the resolution. Thank you.

12 MR. MARTINI: The third comment I have
13 is regarding the last time we were here at the
14 meeting there was a location of exhaust, an HVAC
15 for the building. I believe we touched upon the
16 HVAC. The plans that I looked at did not have
17 the location of the exhaust and HVAC. My
18 understanding is there's going to be welding,
19 fumes from diesel tractor trailers being driven
20 into and out of the building, sandblasting I
21 believe was mentioned at the last meeting. I
22 don't know if that's accurate or not.

23 MR. WOLINSKY: No.

24 MR. MARTINI: For sure there's going to
25 be welding and diesel tractor trailers being

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driven in and out of the building.

Is it reflected as to where that exhaust is going to be placed with respect to the residences and businesses on the south side of the building? I'm just suggesting that it be placed on the north side of the building away from the homes and businesses. I believe that Mr. Bill Feder was here last time and he did inquire about the facilities to filter the air that the applicant will inject into the environment, including volatiles and particulates. I just read the minutes and I was wondering if there was any response to that.

CHAIRMAN EWASUTYN: Pat, Jerry?

MR. HINES: We don't have building level plans for that yet. One of my comments is that the management practices to attenuate sound requirements, the mitigation measures proposed should be added as notes and details to the plans. We have that as a comment moving forward for the applicant to address.

MR. MARTINI: Would that be a problem, placing it on the north side of the building as opposed to the south side?

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MR. AURINGER: We can't change the location of the doors.

MR. MARTINI: No, no, no. The exhaust.

MR. AURINGER: I'm not sure. The HVAC engineer would have to comment on that.

MR. SECKLER: It's a very large building. There are going to be multiple units that will both heat and exhaust the building, the main fabrication shop. If they don't need to go into the exterior wall, they could go through the roof. Those systems have not been fully designed yet. There will be no rooftop units on the fabrication shop. There will be a small rooftop unit on the office administration. We will put the suggested shielding and baffling around those units on the one story. On the fabrication shop it will be through the wall or through the roof for exhaust and penetrations for the unit heaters that will be spaced throughout the building.

MR. MARTINI: I was more concerned about the exhaust, the fumes from the --

MR. SECKLER: They'll have filters on them.

MR. AURINGER: Diesel truck engines are

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all DOT certified. They burn off -- they have diesel --

MR. MARTINI: I appreciate that. People in their backyard would prefer not breathing idling trucks, the fumes from a diesel truck.

If you have a large building, what's the difference if you put the exhaust on the southern side or the northern side? Obviously I'm not an engineer. All things being equal, I think most people agree instead of exhausting the fumes on the southern side, put it on the northern side where you have all this empty property.

MR. CANFIELD: Just for the record, can we have your name?

MR. AURINGER: Tom Auringer.

MR. CANFIELD: Thank you.

MR. MARTINI: The next comment I have is at the last Planning Board meeting it was indicated that we need the description of the activities at the site. The plans that I looked at did not have that reflected.

CHAIRMAN EWASUTYN: We have a narrative

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letter outlining that.

MR. MARTINI: Is that the May 5th narrative? Because at the April 20th Planning Board meeting I believe it was everyone's understanding the loading of the steel would be inside of the building. Correct me if that's not accurate. However, review of the applicant's May 5, 2017 operations narrative states the steel will be loaded on tractor trailers outside of the building.

CHAIRMAN EWASUTYN: That's why we asked for a narrative letter, so we actually have something for the record.

MR. MARTINI: My question is which is after that, what was represented at the Planning Board meeting --

CHAIRMAN EWASUTYN: Mike Donnelly, do you want to speak on that?

MR. DONNELLY: I don't recall what was said.

MR. AURINGER: Can I address that, Mr. Chairman?

CHAIRMAN EWASUTYN: From what I understand, the narrative letter, the way the

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operation is being proposed, would be part of the approved site plan.

MR. DONNELLY: Yes. We would include the narrative and make that the limitation of the use permitted without amended approval. I think what Jude wants to know is is there a discrepancy here and which is which. We're about to hear an answer.

MR. MARTINI: You're correct.

MR. McCAULEY: Timothy McCauley, general counsel, 18 Route 17K, LLC.

The majority of the drop off of the steel will occur inside. However, by virtue of the type of operation, there will be a small percentage of moving steel outside the operation. It would frustrate the purpose of the operation for us to be completely restricted from moving steel outside the building. It's just simply not possible. For example, if you have two buildings going up at the same time in New York City and in one building there's a stop work order, the structural engineers then have to change from one building to the other, which means you're going to have to change your lineup of trailers, which

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means you're going to have to move steel around in order to comply with what the structural engineers in New York City need. That's --

MR. GEORGE: We're not in New York City.

MR. McCAULEY: Excuse me?

MR. GEORGE: We're not in New York City.

CHAIRMAN EWASUTYN: Excuse me. Excuse me. Again, this is the second time. You're out of place.

MR. McCAULEY: That's one example of why the narrative doesn't completely restrict us from moving steel. If you think it through, if our narrative completely restricts us from moving steel, the small percentage of the time we will be moving steel outside the building, an enforcement officer can come and write us a summons even though we would only be moving steel outside the building a small percentage of the time. We simply can not have a 100 percent restriction of moving steel outside the building due to extenuating circumstances. We can't. It would frustrate the purpose of the operation.

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CHAIRMAN EWASUTYN: Okay.

MR. MARTINI: The only reason why I mentioned that and I asked for a clarification is that now I'm questioning the validity of the noise study. I'm going to read from the noise study because it's based upon loading and unloading within the building, not outside of the building. "Loading and unloading of these trailers is done inside the fabrication building", page 4, paragraph 3 of the noise study.

CHAIRMAN EWASUTYN: That's why we're also kind of suggesting some monitoring after it's in operation.

MR. MARTINI: Okay.

MR. COLLINS: Mr. Chairman, my understanding is the movement of the steel is on trailers. So it's not the fact that the trailers are being loaded or unloaded. It's the fact you have a trailer outside ready for delivery and the fact the delivery can't be made so the trailer is going to be moved. That information with respect to the truck -- noise from a tractor trailer moving around the site has already been

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incorporated in the sound -- noise study because we took into account the trailers moving in and out of the building and around the site. The movement of the steel that we're talking about is not the movement of physical pieces of steel, from what I understand, from one trailer to another but the movement of steel that has already been stacked on the trailer from one location outside the building to a different location. When they say moving the steel; yes, they are theoretically moving the steel but they're really just moving the trailer. We're not talking about any fabrication, et cetera outside the building itself. It's just a matter of moving the trailer that's out of position.

MR. MARTINI: That's not what --

MR. McCAULEY: Can I just check your quote for a minute, please? I actually highlighted this quote. What I have is "All steel fabrication takes place inside the building."

MR. MARTINI: Maybe we have different versions of the sound report. I'm going to show the Chairman.

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CHAIRMAN EWASUTYN: You don't have to show me.

MR. MARTINI: It says loading and unloading of these trailers is done inside the fabrication building. Does yours say that as well?

MR. McCAULEY: It must. I'm not going to question you. This is the quote I have, "All steel fabrication takes place inside the building."

MR. MARTINI: Move down a couple paragraphs. One is fabrication, the other is loading/unloading. I challenge anyone to dispute that.

MR. McCAULEY: Sir, I'm not being adversarial. The reason I checked your quote was just to make sure you and I had the same report.

MR. MARTINI: We do.

MR. McCAULEY: The fact of the matter is when you're dealing with steel there is going to be times when you're going to have to move the steel from one position to the other outside your fabrication building. As I stated before, you can not restrict the applicant from moving steel

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when the applicant runs a steel fabrication business. We can not pigeon hole ourselves to that degree. It's just -- it would frustrate the purpose of the operation.

MR. MARTINI: Let the record be clear, I'm not challenging the loading/unloading of steel. I'm challenging the fact that the sound study is based upon the loading/unloading of the steel inside of the building as opposed to outside of the building. I think we all agreed the soundproofing inside of the building is going to be much quieter than outside of the building.

MR. McCAULEY: As I stated, Mr. Chairman, the percentage of times we would be moving steel around outside the building is a small percentage.

You're correct, the unloading of the steel will occur inside the building for a very simple reason. That's where the ceiling cranes are. You can't unload steel without the ceiling cranes. However, there may be times, and I can't think of an example other than the one that I've stated, where we may have to move some steel outside the building. We simply can not restrict

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ourselves 100 percent across the board. I can tell you this. It is a small percentage of the time that we would be doing something like that. I simply can not restrict the facility 100 percent to moving steel completely within the building. It would be disingenuous for me to suggest that.

MR. WOLINSKY: The way I would characterize it is to the extent that that happens, it's intermittent, and infrequent, and not generally part of the normal day-to-day operating conditions. It can't be boxed in. It's an operating facility. They can't be boxed in to not be able to allow that intermittent condition to occur if need be.

MR. MARTINI: I'm not trying to box anyone in.

MR. WOLINSKY: We're clarifying.

MR. MARTINI: I'm reviewing the sound study that was provided and it's based upon loading/unloading within the building. Obviously if the loading/unloading is done outside of the building, the sound level is going to be higher. It's common sense.

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MR. WOLINSKY: The bottom line is we have to comply with the Town Code. This is an intermittent situation. We don't believe that the intermittent situation will exceed the Town Code. We don't believe it's analyzed or studied in that manner.

MR. MARTINI: Thank you, Mr. Wolinsky.

My notes indicate there was going to be a demarcation of outside storage areas. The plans I looked at on the website did not reflect that. Has that changed?

MR. FETHERSTON: We showed some storage containers in this location. We have a dumpster area in this location for scrap steel. There's a few areas outside, Mr. Chairman.

MR. MARTINI: Is it demarcated?

MR. FETHERSTON: Yes, sir. Right here. Storage area. Over here. Yes, sir.

MR. MARTINI: The trucks enter here and come out here?

MR. FATHERSTON: Yes, sir.

MR. McCAULEY: In fact, we placed them there, Mr. Chairman, to keep them away from the buildings on 17K. That's why we put them behind

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the fabrication building.

MR. MARTINI: Thank you. And finally, at last, at the last Planning Board meeting there was mention of blasting for construction of the building. It was briefly addressed at the last meeting but it was not resolved. I heard nothing of that this evening.

CHAIRMAN EWASUTYN: Jerry, if there's blasting that occurs, do you want to discuss blasting in the Town of Newburgh as far as how that's licensed?

MR. CANFIELD: There is a blasting ordinance. Of course it has to be a licensed blaster. The required level of insurance will have to be put in place.

CHAIRMAN EWASUTYN: Do you propose any blasting at this time?

MR. AURINGER: We're going to leave it open.

MR. ZUCKERMAN: My name is Alan Zuckerman. The nature of the rock removal, we can't preclude blasting from being necessary. If we do, there's a series of Town Codes that we're required to comply with, and we will of course

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comply with that.

MR. MARTINI: I believe at the last meeting there was an indication, I think from one of the consultants, I don't recall which, that if blasting was required they may have to reconsider the SEQRA determination. I have the minutes. I don't remember which consultant mentioned that.

MR. HINES: I believe the EAF that was submitted did not identify blasting. That was one of the questions and it was answered no.

CHAIRMAN EWASUTYN: Larry, do you want to answer that?

MR. WOLINSKY: What part of that?

CHAIRMAN EWASUTYN: SEQRA, what was looked at and at one time was considered not to be any blasting. The original SEQRA document claimed there wouldn't be any blasting.

MR. WOLINSKY: I don't believe it was an area of environmental concern that was raised during the initial SEQRA review. I think initially the thought process is that the rock could be ripped out or jackhammered.

MR. ZUCKERMAN: We have to do it in the most efficient and least expensive and noisy

manner.

MR. WOLINSKY: So blasting actually would be a less -- if it had to be hammered, I would think blasting would be a less noisy process.

MR. AURINGER: It would be much less noise. Blasting would be the way. If you're jackhammering, doing the big heavy hammer, you get a lot of noise.

MR. ZUCKERMAN: It has to do with the volume.

MR. WOLINSKY: I'm anticipating when this ultimately is in a position for action, that we would amend the original neg dec. We have to anyway because the use that was described in the original neg dec is no longer the use. Mike and I have discussed this briefly. And then if we need to have a commitment within the determination that in the event of blasting that we would follow all the protocols of the Town Code and what not, we're happy to have that kind of language.

MR. MARTINI: Thank you, Mr. Wolinsky. That's all I have. Thank you very much.

CHAIRMAN EWASUTYN: Additional comments from the public? The gentleman in the back.

MR. GEORGE: We're requesting --

CHAIRMAN EWASUTYN: Your name and your address, please.

MR. GEORGE: My name is Eddie George, New York, New York.

CHAIRMAN EWASUTYN: George what?

MR. GEORGE: Eddie George. We're asking that -- we have a petition going on in reference to the hours of operation. We're hoping to get about 3,000 signatures on that petition so that -- I don't know if you guys have ever been at a construction site where they're banging steel. If you live next to a construction site, if you're working late at night, you could hear every noise, you know. I was an ironworker out in the field. You could hear the noise far away. So to take in consideration to close this public hearing while we have a petition going is absurd because we're trying to get --

The times of operation 6:00. In New York City, because they keep referring to New

York City, if you want to work at night you've got to get a special permit. This is why we're asking not to close the public hearing and to resubmit the applications -- the petition that we have going.

CHAIRMAN EWASUTYN: We'll take that under consideration.

MR. GEORGE: Thank you.

CHAIRMAN EWASUTYN: Additional comments from the public?

(No response.)

CHAIRMAN EWASUTYN: At this point I'll turn the meeting over to Board Members for comments. John Ward?

MR. WARD: I've got a question in reference to you were saying 3-inch panels. They say minimum with everything. Could you possibly, I'm asking, you've come through with the trees, the wall, et cetera and moving the building. Could you possibly make it 4-inch panels? It comes in four inch.

MR. SECKLER: The Sante Fe panel does come in a 4-inch dimension. The STC rating for the 3-inch panel is 24. That's with the

supplementation of the rigid sound attenuation board where we would well exceed the 31. If that's the decision of the Board, the 4-inch panel is an option for us. The acoustical rating, the difference between the 3-inch and 4-inch in talking to the manufacturer for metal panel is minimal. I believe it's only 1 or 2 points in an increase of the STC rating, but the cost of that increased panel is significant.

MR. WARD: And in reference to verify loading outside. In other words, I understand movement of trailers. I think there's a -- I think it's a misunderstanding that people think you're going to take a crane and take the steel off outside.

MR. McCAULEY: There's no cranes.

MR. AURINGER: Mr. Chairman, can I comment to this, please? There's no cranes working outside of the building. The cranes are inside of the building, they're electric and they let the steel off. The raw material comes in, the members get cut, punched, drilled, reloaded and stored outside. There will be some materials from time to time in the rear of the building

outside but they'll be offloaded with a fork truck. There's no cranes involved. They have already loaded in the building with gunnage wood in between it, stacked very nice and neatly. So you have a tier 4 engine fork truck that drives outside, puts the forks on it and maybe offloads it to the next trailer and then it goes. That's going to be very rare, intimate because we don't make money handling the steel twice. That's not how you make money. If you have to handle the steel twice you're losing money. Our goal -- we own over 400, 500 trailers. Our goal is to put the steel on the trailer after it's fabricated in the shop, stow it to where it's got to be stowed as per the drawing, transport it to it's destination, from Buffalo to New York City, it gets offloaded with cranes and it gets placed. The whole thing with the material outside, it's very minimal. It's what we don't want to do. That's not what we're in business to do, double handle steel. If it does get handled it's going to be handled with a tier 4 diesel engine fork truck. The forks go underneath it, it lifts it up, the trailer moves away and it gets placed on

the next trailer, it goes to the floor and gets lifted back up again and placed back on the trailer. There's no noise. There's a diesel engine. That's what it is.

MR. WARD: That's what I needed you to do, explain it to the public.

MR. AURINGER: I just did. Because he's the attorney, I'm the operations guy. I just explained. I think I made it clear. Right, Mr. Chairman?

CHAIRMAN EWASUTYN: Stephanie, is that clear?

MS. DeLUCA: Perfect.

MR. WARD: I'm more concerned about --

MR. AURINGER: To add to that, the steel doesn't make any noise. Once you lift it up, it goes on the ground and there's no noise. It doesn't talk. It's just a solid member.

MR. WARD: Okay.

MR. WOLINSKY: Steel once talked to me. I'm only joking.

MR. WARD: With the studies and all, I know with welding you've got to grind the steel and that makes noise.

MR. AURINGER: In the shop.

MR. WARD: That's why I'm saying the 4-inch. The more the better to make it soundproof. That's why I'm saying it. Because as you hear, there's more concerns about inside and what's going on. I understand you have a sound room. You'd rather make sure you do it right the first time than go back and try to do something. So I'm asking you again for possibly 4 inch. You've worked with the public very well with what you're doing.

My other question is, and I brought it up, I haven't heard anybody talk about it, is your exterior ARB. I suggested not so loud, you know what I'm saying?

MR. SECKLER: We heard it. The rendering we prepared for the last meeting, I think you thought it was a little busy and used some adjectives on describing it. We went back and worked with the client and we have simplified the elevation, kept the basic scheme. We added some color, red. We reduced the busyness of the elevations.

That is the proposed rendering for the

exterior. The panels will run horizontally. There will be a combination of 24 inch high and 36 inch high panels. It will be a mix of blues and some neutral colors, and then we've added an accent of red along the fascia and gutter. The curtain wall frame on the office portion of the addition will be red and just a couple of accent walls. That's the same elevation you were looking at before. The same angle and view. It did get a little simpler. We created a slightly different vantage point of the addition looking from Stewart Avenue into the property.

Hopefully we've addressed your concerns. We think we've enhanced the elevation. It was a good suggestion. The client is happy with this and we're very proud of it.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Arthur, going off of that right there, are you going to do anything to the entrance on 17K? Any type of landscaping or make it more inviting than what it is now?

MR. SECKLER: I'm going to defer to Maser. We're going to assist with designing the

pylon sign along 17K. I'll let Andrew answer some of the other improvements being proposed.

MR. FETHERSTON: We do not have a sign as part of this application.

There's no additional landscaping shown on the plan at this time in the front. There's bushes around signage that's partially remaining. There's not a lot there.

MR. HINES: The front roadway is going to be realigned into a standard DOT access drive and a lot of grass seed planted. Right now it's wide open there. They're going to have a standard, I think it's 40-foot wide access road.

MR. FETHERSTON: We met the City out there, New York State DOT permit engineer. We did show her these -- there's large areas that we're going to make green now.

The edge of the pavement is way back here now, and the other edge is back here. We're going to green up these areas. That's going to be lawn. We incorporated that into the stormwater, reduced the imperviousness. So we got that benefit. A sidewalk is going to go across. No additional plantings at that

location.

MR. DOMINICK: Okay. And then just getting back to what Mr. Martini said, he expressed interest about or a concern about the difference in elevation between the property lines. Any comment from Arthur, Andrew on that?

MR. FETHERSTON: I was in Mr. -- Judge Martini's backyard. The building is higher and it does slope back in his parking lot back towards this site. This one is higher yet. The ones on this side are much higher. As far as sound you're speaking of?

MR. DOMINICK: Right.

MR. FETHERSTON: I mean the sound study incorporated that location.

MR. COLLINS: It did. The sound study was to make sure that at the property line that the Code for the Town is met or exceeded. In other words, not exceeded on the plus side but exceeded on the minus side. That we were able to do. What happens is the minute you make -- that goes to why we didn't pick a lot of receptors. By picking the two we did, we found out if we didn't do the building and didn't do the sound

wall, et cetera, there was no way we were going to achieve the Town Code measurements. Actually improve upon what the Town Code would have in a building like this. So we didn't pick a number of receptors.

One of the things the Town's consultant recommended is post monitoring. We would also recommend that because -- that was from the Board Members, because we want to make sure this does not violate the code.

MR. WOLINSKY: I just wanted to say when I reviewed it I specifically asked the Maser group a question about the height of the wall because I wanted to be sure that the -- because I heard it raised a number of times, particularly the different elevations. The information I received back was that the wall was adequately sized to perform the mitigation function that it's designed to provide for the properties along the southerly and westerly property lines. So when I reviewed the -- I got the review letter today, I looked to see if there were any comments about the wall height and there were not. I'm assuming that collective professionals have

determined that this was an adequate sized wall to do the job.

MR. DOMINICK: Are you referring to the McAuley report?

MR. WOLINSKY: Yes.

MR. DOMINICK: That report also said maybe a receptor outside of the loading area before you drive into the building might have been -- or a couple more receptors would have been adequate.

MR. WOLINSKY: My reading of that report is that the report said -- I believe the report said that what was done was just adequate enough to answer the question but could be more robust. That's what I got. But the report didn't dispute the mitigation recommended. It did not dispute the conclusions reached either.

I mean we're happy to respond to the questions raised in the report, which we'll do obviously. But in terms of the specific question you just asked about wall height; just like you, I knew it was an issue, I asked to make sure that that wall was adequately sized to provide the proper mitigation function, and I was advised it

was. We can double check again on that but that's my information.

MR. DOMINICK: That's it, John.

CHAIRMAN EWASUTYN: Mr. Mennerich?

MR. MENNERICH: The insulation goes on the inside walls of the buildings?

MR. SECKLER: It goes on the inside face of the exterior wall on the south and west walls of the building.

MR. MENNERICH: In this type of arrangement it's not solid?

MR. SECKLER: It is a rigid material. It's a very dense mineral wall, and that's what gives it its sound attenuation values. It will be framed into the girds of the building. The framing of the exterior wall will accept it. It comes as sheets in different sizes. We will frame the building to accommodate those panels on the interior face of the exterior wall. They will not be visible from the exterior, only from the interior of the building. They also come with different faces on the interior face that would be exposed inside the building. We'll work with the building official on the appropriate

facing of those panels.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: I'm going to diverge a little bit from the sound and everything else. Scrap metal. Do you have scrap metal? You have scraps left over?

MR. AURINGER: We remove them.

MS. DeLUCA: They get removed. I was just curious.

MR. AURINGER: Recycled, yeah.

MS. DeLUCA: I heard it brought up. I wasn't sure if there was a building outside for that.

CHAIRMAN EWASUTYN: Would you show on the map where you show the 30-yard container?

MR. FETHERSTON: Right here there's a container that can be filled and then a truck can take it right out. Pick it up, take it out, leave another one. There's dumpsters over here for trash, recycling. The dumpster over here was for the steel recycling. We labeled it so on the plan.

MS. DeLUCA: Got you. Thank you.

CHAIRMAN EWASUTYN: Comments from Jerry Canfield, Code Compliance?

MR. CANFIELD: We originally had a question regarding the available water fire flow. I spoke with Mr. Fetherston today about that. Andrew supplied us with flow test results that were conducted back in April, witnessed by our water department. There are two fire hydrants on site. They provided adequate pressure and flow. The new 6-inch water main will be brought into the site via the access drive off of Stewart. That will facilitate the sprinkler suppression system required for the building. The flow test for that also revealed adequate flow and pressure. Driving lanes are adequate.

Back up to the narrative. We partially requested that narrative to nail down the exact use to take place, which it does comply, in my interpretation of the zoning, for this area.

With that, I have no additional comments.

CHAIRMAN EWASUTYN: Ken Wersted?

MR. WERSTED: I really didn't have any comments other than to help facilitate the

discussion between Maser's consultant and the consultant.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: I have a couple of comments on the noise study, just general comments that they can address. We've discussed most of them already.

We did recommend that the applicants take a look at extending the landscaping across the entire noise wall. It's just a visual thing. That will help soften the look of that noise wall as well from the two other properties to the east where the landscaping stops.

The City of Newburgh flow acceptance letter. I know Andrew made valiant attempts to obtain that today but apparently wasn't successful.

MR. FETHERSTON: Mr. Chairman, I sent out a request for sewer acceptance letter two months ago. I followed up vehemently for that letter. It did go from the Town, it did go to the city engineer. The city engineer replied with another series of forms because of the use. He wanted to know if we had any processes or

anything that would contribute to the sewer system. He's concerned about keeping his sewer in good shape. I understand. We responded to that, but we got that at the last minute. We got that I think Monday of this week. We responded Tuesday once we got everything together, sent it back. I have left multiple message at the city engineer's and multiple e-mails. We never got a response back from them. I'm looking for that. Our sewage is I believe less than five homes. It's just the toilets for the facilities for the employees and the sinks.

MR. HINES: It's actually about one home. 450 gallons I believe.

MR. FETHERSTON: Yeah. We don't have any processes that will contribute to the sewer in the way of operations. I'll get that letter. I'll get that letter. I don't have it now. I'm a little upset about it, but I'll get that letter.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Jerry Canfield talked about the hydrants.

A stormwater facilities maintenance

agreement will be required.

Then as discussed at work session, the design guidelines for the Town direct the Planning Board to have sites designed where parking in the front yard setback doesn't occur. There's three of the five parking spots in front on the Stewart Avenue side projecting into that front yard. It's at the emergency access drive. We're suggesting that based on the emergency access and the landscaping plan, that the Board entertain that waiver. Procedurally I think it's a waiver that's required the Board grant because of that parking in the front yard setback that's been designed.

With that, that's all we have here.

The Board is, as you're aware, restricted from taking any action towards a final approval until the City of Newburgh flow acceptance letter is received based on the agreement between the Town and the City. So it's a major hurdle for the project.

CHAIRMAN EWASUTYN: Mike Donnelly, do you have anything to add?

MR. DONNELLY: A couple of things. We

will need to amend the negative declaration. Maybe Larry, you can take a first crack at it, get it to Pat and myself.

We have the possible issue of a follow-up study. Maybe we want to ask our consultant, I thought something along the lines that at a point six months after opening -- being in operation, that a test be conducted every other week each week on a different day with readings taken at 7 a.m., 10 a.m. and 4 p.m. for a period of a month, two months, something like that, so we get some idea what that baseline is. It's not a forever study. I'm making that up. I think a sound engineer can make a better recommendation as to what is representative. We can incorporate that into the plans. The applicant is willing to do it.

Beyond that, we had to wait for the flow acceptance letter.

I can prepare a resolution for that meeting. We will need to amend the negative declaration.

CHAIRMAN EWASUTYN: Additional questions or comments?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to close the public hearing on U.S. Crane & Rigging.

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich.

MR. WARD: Second.

CHAIRMAN EWASUTYN: A second by John Ward. I'll ask for a roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

Thank you.

MR. FETHERSTON: Thank you, Mr. Chairman.

MR. AURINGER: Thank your, everyone.

CHAIRMAN EWASUTYN: I'll move for to motion that we close the Planning Board meeting of the 18th of May.

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

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

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:55 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of June 2017.

Michelle Conero

MICHELLE CONERO