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

----- X

In the Matter of

NAJORK & ROSETON RIDGE LOT LINE CHANGE
(2017-16)

215 Oak Street & River Road
Section 9; Block 1; Lots 43 & 35
R-1 Zone

----- X

LOT LINE CHANGE

Date: July 6, 2017
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MR. NAJORK

----- X

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

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CHAIRMAN EWASUTYN: Good evening,

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ladies and gentlemen. I'd like to welcome

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you to the Town of Newburgh Planning Board

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meeting of the 6th of July. This evening

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there are seven agenda items. Three of them,

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that will be item numbers 3, 4 and 5, are

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public hearings. At the start of the public

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hearings Mr. Mennerich will read the notice

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of hearing and Mike Donnelly, Planning Board

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Attorney, will provide you with information

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on the purpose and meaning of a public

13

hearing. We welcome you all here tonight.

14

At this time we'll call the meeting

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to order with a roll call vote.

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MR. GALLI: Present.

17

MS. DeLUCA: Present.

18

MR. MENNERICH: Present.

19

CHAIRMAN EWASUTYN: Present.

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MR. BROWN: Present.

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MR. DOMINICK: Present.

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MR. WARD: Present.

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MR. DONNELLY: Michael Donnelly,

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Planning Board Attorney, Present.

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MS. CONERO: Michelle Conero,

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NAJORK & ROSETON RIDGE

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Stenographer.

MR. CANFIELD: Jerry Canfield, Code
Compliance Supervisor.

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

CHAIRMAN EWASUTYN: At this point I'd
like to turn the meeting over to John Ward.

MR. WARD: Please stand to say the
Pledge.

(Pledge of Allegiance.)

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

CHAIRMAN EWASUTYN: The first item this
evening is Najork and Roseton Ridge lot line
change. It's located on Oak Street. It's in the
R-1 Zone. It's a lot line change.

Mr. Najork is here this evening. Thank
you.

MR. NAJORK: Thank you.

CHAIRMAN EWASUTYN: Pat, do you want to
bring us along on this application, the first
one, Najork?

We're looking to close it out this
evening.

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MR. HINES: Yes. This application was before you previously. The only outstanding issue was they had to do the notification to the adjoining property owners within 500 feet. That notice has been sent out.

We have no outstanding comments on this. It's a simple lot line between common property owners.

CHAIRMAN EWASUTYN: Any questions from Board Members?

MR. GALLI: Nothing additional.

CHAIRMAN EWASUTYN: Mike Donnelly, would you present to us the resolution for final approval?

MR. DONNELLY: First, a question to Pat, a standard note. From best available knowledge there are no buried utilities on the plans?

MR. HINES: I think you just carry that as a comment.

MR. DONNELLY: I'll carry it as a condition. Beyond that, the conditions are the standard ones. They talk about the requirement of submitting one reproducible mylar copy. You

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must file the map with the Orange County Real Property Tax Service agency. No deed may be recorded until you do so. You'll get a copy of it but you have to copy the Planning Board in your letter transmitting the deed to Orange County. After filing, the applicant shall provide the Planning Board with two copies of the lot line change plat certified by the office of the Orange County Clerk.

CHAIRMAN EWASUTYN: All right. Having heard the conditions of approval presented by Mike Donnelly, Planning Board Attorney, in the resolution, I'll move for a motion to grant approval for the lot line change of Najork and Roseton Ridge.

MR. WARD: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

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MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you.

MR. NAJORK: Thank you very much.

(Time noted: 7:03 p.m.)

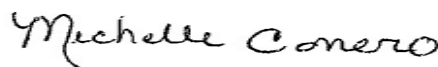
C E R T I F I C A T I O N

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 14th day of July 2017.



MICHELLE CONERO

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

----- X

In the Matter of

VERIZON "NODES"
(2017-19)

Four locations within the Route 9W right-of-way

----- X

INITIAL APPEARANCE

Date: July 6, 2017
Time: 7:03 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: HYDE CLARKE

----- X

MICHELLE L. CONERO
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VERIZON "NODES"

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CHAIRMAN EWASUTYN: The second item on the agenda is Verizon "nodes". It's located within rights-of-ways on Route 9W. It's being represented by Tectonic Engineering.

MR. CLARKE: I'm not from Tectonic Engineering but from the law firm of Young, Sommer. My name is Hyde Clarke, Attorney with Young, Sommer.

We can give a brief overview to the Board, if that works.

CHAIRMAN EWASUTYN: Thank you.

MR. CLARKE: What we have today is an application for four nodes. What a node is -- I know we had the small cell application last month. This is a little different. The nodes actually go on existing utility poles that are owned by Central Hudson Gas & Electric. The nodes are smaller than the small cell. They're 24 inches tall, about 12 inches in diameter.

Three of the nodes will be on existing utility poles. One of the nodes is on a proposed utility pole that will be consistent with the other utility poles that are along Route 9W.

The purpose of the nodes, again, is to

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2 provide hot spot type coverage in an area in
3 need. This allows us to do that without building
4 a new macro facility or putting up some of the
5 small cells. It's just a way that we can provide
6 coverage where there's a need, overlay that on
7 our macro network and be able to do that with
8 minimal visual impact to the community.

9 The ability to co-locate on these
10 existing utility poles, again it's just -- it
11 won't really be visible to the traveling public
12 because everyone is used to looking at utility
13 poles. They have transformers on them, other
14 power units. This is just putting that 24 inch
15 tall, 12 inch in diameter node either on top of
16 the utility pole or off the side of the utility
17 pole as is demonstrated in the construction
18 drawings we provided.

19 We did provide a specific sheet in our
20 construction drawings for each proposed node. I
21 know that the Board is considering the nodes kind
22 of all together because they are located in a
23 public right-of-way.

24 It's requested that the Board consider
25 this under what's called the County of Monroe

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Balancing Test. There's a number of factors that the Board looks at. I note that the -- we discussed this with the Planning Board's Attorney, and I'm sure he'll also comment on that test. Just to give a brief overview, it's really a look at the nature and scope of what the proposal is. Again, it's a small node on an existing utility. Verizon Wireless is considered a public utility itself. We provide emergency services coverage for things that the Town does provide itself. It's our position again, the Planning Board is the one to take this into consideration.

The Planning Board should also look at what would the benefit be to have this go through Zoning. Would there be any gain to have this application, which is a public utility on an existing utility, go through this process? It's our position that it would not be a benefit to the Town to do that.

Other factors that you may look at is alternative locations. This is an alternative location in and of itself. It allows us to provide service without having that traditional

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macro cell. Also, the Board is to look at the impact on local interests. What's the community's interest in taking this through a longer process when you have that existing utility pole?

Also, alternative methods to providing lesser -- you have more restrictive zoning or less restrictive zoning. Again, it's our position, when you have this existing utility, that there are no real alternatives because, again, this is an alternative to providing that service.

To the extent that the public interest is served, again under the Rosenberg Standard, wireless communications is a public utility. By allowing us to install these nodes we are providing a public service to the public.

In terms of intergovernmental participation, we reached out to the Planning Board Attorney, to the Planning Board Chair, the Building Department and the Town's Wireless Consultant. We feel that this is the best approach.

I'll leave any further comment on that

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VERIZON "NODES"

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balancing test to the Planning Board's Attorney.
If I can answer any questions that the Board may
have.

CHAIRMAN EWASUTYN: Questions from
Board Members?

MR. GALLI: I just have one question.
On one of the poles that you showed the picture,
it had a lot of transformers on it. Is that the
one that's getting replaced? Do you know that
answer?

MR. CLARKE: The node that is getting
replaced --

MR. GALLI: The pole.

MR. CLARKE: The pole is being replaced
-- it's node 3 I believe is the replacement pole.
So that would be sheet --

MR. HINES: The one that has the
transformers is sheet C-2 which is labeled as
node 2.

The question is there appears to be
three transformers on that pole in the photo that
you supplied. In the detail it's not depicted.
There are no transformers. It looks like that
pole is pretty loaded up right now. Again, it

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VERIZON "NODES"

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may not be our issue if we continue on with this process.

MR. CLARKE: I mean I can follow up with the engineer. I don't have the answer to that at this moment.

MR. GALLI: If this was to take place, how long would it take for this process to be complete?

MR. CLARKE: I'm not sure if the Town would require a building permit also. Once the building permit is issued, we start construction.

Mark, do you want to answer that question? Introduce yourself to the Board.

MR. KULIK: My name is Mark Kulik, I'm with Tilson Technologies. We're assisting Verizon in terms of the real estate side of this.

In terms of the pole that you're asking about, the transformers, there are not any transformers on that pole. I'm not exactly sure what picture you had, but -- so it's in the drawing? I think the picture is just wrong.

MR. HINES: It could be that the picture is incorrect.

MR. KULIK: The picture itself is

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incorrect. By policy with Central Hudson, we can't go on a pole that has an existing transformer. That's due to safety reasons. We wouldn't go on those.

In terms of the length of construction, each one of these would take approximately six hours to build. So it's one day per each one. Obviously there's some optimization at some point in the future. In terms of the installation, it's a simple three bolt. The equipment is just bolted to the poles.

MR. GALLI: Thank you.

CHAIRMAN EWASUTYN: A question came up as far as a building permit. Do you have a comment on that?

MR. CANFIELD: We believe that the building permit process, this is subject to. So there would be a permit for each location, at which time that would give the Town the opportunity to have our Telecommunications Consultant review items such as the RF emittance and the NEIR in compliance with all the FCC requirements.

MR. CLARKE: So the administrative side

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of it once we get to that point?

MR. CANFIELD: Yes.

CHAIRMAN EWASUTYN: Additional questions from Board Members?

MR. DOMINICK: Yes. Mark, maybe you could help answer this. If Verizon puts a node on this pole for example, can a competitor come and share that node, that same node?

MR. KULIK: The equipment that we're using; no, they can't. There are instances where you can do that, which would be a neutral host, but then the pattern changes and you'd end up having a lot more. So no. In this case only one carrier would go. If another one wanted to, they would look to the next available pole somewhere down the line.

MR. DOMINICK: So you have sole propriety to that pole? Another carrier couldn't put their node under yours?

MR. KULIK: Correct. It comes down to utilization of the pole for safety reasons. If there's too much equipment on it, then the power company or the communications company can't work on the poles. Once you put a certain amount of

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VERIZON "NODES"

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equipment, it kind of locks up what else can be done there. It's just one and done for the most part.

MR. DOMINICK: Thank you.

MR. WARD: The power source with the nodes, where is the power source coming from on the pole?

MR. KULIK: The power source will be from that pole. What happens is a meter will be put on the pole. I believe the meters are at 8 feet.

MR. CLARKE: 6 to 8 feet.

MR. WARD: It comes from the top?

MR. KULIK: It comes from the top down. Everything is up. Nothing is accessible to the public.

MR. WARD: Very good.

CHAIRMAN EWASUTYN: Mike Donnelly?

MR. DONNELLY: I provided the Members with a memo outlining the law of the matter of the Monroe case. We discussed it at work session. In essence, that doctrine is when one governmental entity seeks approval of another governmental entity for land use purposes, it is

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entitled to the benefit of the matter of the Monroe Test where you weigh the benefits to the public against the goals of that municipality's zoning provision. The courts have determined that when a public utility such as Verizon wants to install facilities on State-owned facilities like the Route 9W right-of-way, they are entitled to that same balancing. So I've laid out the law. I've prepared a draft resolution for you that assumes that you accomplish that balancing and that you find that it should be granted to Verizon for these four nodes on this scale on those State right-of-way poles. I'm not going to read the whole resolution but I've gone through the factors. They were outlined earlier. We've articulated a basis for each of those. The conclusion of the resolution is that the approval for authorization to operate an outdoor distributed antenna system facility involving four node antennas along the U.S. 9W right-of-way without receiving site plan or special permit approval from this Board, and viewing the scope and contour of the proposal, the applicant is hereby granted immunity from the requirement of

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VERIZON "NODES"

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submitting to the Planning Board for site plan review.

CHAIRMAN EWASUTYN: Jerry, would you like to add the note that a building permit will be required?

MR. CANFIELD: Yes.

MR. DONNELLY: Sure.

CHAIRMAN EWASUTYN: All right. Having heard the language from Mike Donnelly in reference to the application before us for the Verizon nodes located on Route 9W, I'll move for a motion to approve that action.

MR. DOMINICK: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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Motion carried. Thank you.

MR. CLARKE: Thank you.

(Time noted: 7:15 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 14th day of July 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 DOMINQUES II SUBDIVISION
(2015-29)

Candlestick Hill Road
Section 7; Block 1; Lot 1.5
AR Zone

----- X

PUBLIC HEARING
FIVE-LOT SUBDIVISION

Date: July 6, 2017
Time: 7:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
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CHAIRMAN EWASUTYN: Of the three public hearings this evening, this is a public hearing for Carlos Dominques. It's a six-lot subdivision located on Candlestick Hill Road in an AR Zone. It's being represented by Talcott Engineering.

I'll ask Mr. Mennerich to 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 Carlos Dominques II Subdivision, project 2015-29, for a five-lot single-family residential subdivision. The site is an existing 11.14 acre parcel of property located in the AR Zone. The intent of the project is to subdivide the existing parcel into five single-family residential lots. The premises is located off of Dominques Road which is a private roadway extending from Candlestick Hill Road. The parcel is known on the Town tax maps as Section 7, Block 1, Lot 1.5. The public hearing will be held on the 6th day of July 2017

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at the Town Hall Meeting Room, 1496 Route 300,
Newburgh, New York at 7 p.m. at which time all
interested persons will be given an opportunity
to be heard. By order of the Town of Newburgh
Planning Board. John P. Ewasutyn, Chairman,
Planning Board Town of Newburgh. Dated 12
January 2017.

CHAIRMAN EWASUTYN: Thank you, Ken.

Mr. Donnelly, will you please speak to
the public?

MR. DONNELLY: There are three
subdivision applications on the Planning Board's
agenda tonight. Before the Planning Board takes
action on a subdivision application it's required
to hold a public hearing. Mr. Brown will give a
presentation first of what is proposed. After
that the Chairman will ask any member of the
public that wishes to speak to please raise your
hand. When you're called upon would you step
forward so we can hear you, give us your name,
spell it for the Stenographer if you would, tell
us where you live in relation to the project so
we have a feel for the perspective you bring to
bear. Please direct your comments to the

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Planning Board. If you have an easy question that can be answered by either Mr. Brown or the Town's consultants, the Chairman will ask one or the other to give that answer. Each person will get a chance to speak. As the Chairman will tell you, no one will get a chance to speak a second time until everyone has had a chance to speak at least once.

MR. BROWN: Thank you. My name is Charles Brown, I'm the engineer for the applicant.

This is a residual piece of a subdivision that was done in 2008. That was a five-lot subdivision, created four lots. It created the private road and put in the drainage infrastructure for that subdivision plus this subdivision. As the notice says, it's a little over 11 acres. In the back we have a Central Hudson easement. Behind that is the County and town line with Marlboro/Ulster County.

The proposal shows five lots. The lots range from 1.1 acres to 6.1. They'll be serviced by in ground wells and septic and will be all accessed off of the existing private road.

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CHAIRMAN EWASUTYN: Thank you. Is there anyone here this evening that has any questions or comments on the Dominques subdivision that was just spoken of?

(No response.)

CHAIRMAN EWASUTYN: All right. Let the record show that there was no participation on the part of the Carlos Dominques subdivision.

At this point we'll turn it over to Pat Hines.

MR. HINES: Our previous comments have been addressed.

We have a couple -- actually, the private road access and maintenance agreement must be modified. We're looking for that to be submitted to Mike Donnelly's office for review just to make sure it was taken care of. It may have been envisioned early on.

MR. BROWN: Dan Bloom is working on that. Apparently there was never one filed with the original subdivision according to him. He sent me a draft, and with that e-mail he said he was going to provide another one for the drainage facilities. I told him that with the private

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CARLOS DOMINQUES II

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road he might as well do them in the same agreement. That was my last communication with him. He was working on that.

MR. HINES: We previously tasked the applicant's engineer with reviewing the previous drainage report which we have as a copy. The detention pond facility, when it was constructed with the original subdivision, was designed to attenuate and treat the runoff from the subdivision that's before you tonight.

There is an application for a stormwater SPDES permit which will be required prior to final approval. That application was submitted to our office. We will provide the municipal authorization for the Town Supervisor's signature with that moving forward.

Those are the only comments that we have outstanding.

CHAIRMAN EWASUTYN: Questions or comments from Board Members?

MR. GALLI: No additional.

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. BROWNE: Nothing more.

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MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Any questions or
comments from the public?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for
a motion to close the hearing on Carlos Dominques
Subdivision II, the six-lot subdivision located
on Candlestick Hill Road.

MR. GALLI: So moved.

MR. MENNERICH: Second.

MR. BROWN: It's five lots.

CHAIRMAN EWASUTYN: Five-lot
subdivision. We have a motion by Frank Galli, a
second by --

MR. MENNERICH: Ken Mennerich.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWN: Aye.

MR. DOMINICK: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

At this point we'll turn to Michael Donnelly, Planning Board Attorney, to give us conditions in the resolution for final approval.

MR. DONNELLY: Let me first ask, did we hear back from the Orange County Planning Department?

MR. HINES: We have not.

MR. DONNELLY: We have not. Okay.

CHAIRMAN EWASUTYN: We need that because of the adjoining municipality?

MR. HINES: Right.

MR. DONNELLY: Yes. We'll report that they have not sent a report in and the time to do so has expired.

In terms of conditions, this is approval of preliminary and final subdivision. We will note the necessity of a stormwater NOI which Pat has reported has been done already. The private roadway easement and maintenance agreement will need to be reviewed by my office. There will be a requirement of the posting of parkland fees for the new lots in the amount of

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CARLOS DOMINQUES II

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\$8,000.

CHAIRMAN EWASUTYN: That being heard,
I'll move for a motion to grant final approval
subject to the conditions in the resolution
presented by Planning Board Attorney Mike
Donnelly.

MR. GALLI: So moved.

MS. DeLUCA: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion
carried.

MR. BROWN: Thank you.

(Time noted: 7:22 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 14th day of July 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

PUBLIC HEARING
FIVE-LOT SUBDIVISION

Date: July 6, 2017
Time: 7:22 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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CHAIRMAN EWASUTYN: The fourth item on the agenda this evening is a public hearing for Hudson Asset Subdivision. It's a five-lot subdivision located on Union Avenue in an R-2 Zone. It's being represented by Talcott Engineering.

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 Hudson Asset Subdivision, project 2017-04, for a five-lot subdivision on Union Avenue in the Town of Newburgh, designated on Town tax maps as Section 34, Block 1, Lot 25.1. The project proposes three lots running on Union Avenue and two lots to be located off on a common driveway. Lots are proposed to be served by on-site septic and public water. The public hearing will be held on the 6th day of July 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 order of

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the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 12 January 2017."

CHAIRMAN EWASUTYN: Thank you, Ken. Charlie.

MR. BROWN: Thank you. This is an existing 12-acre parcel. It's on Union Avenue. There's a Town water line running down Union Avenue. It backs up to the New York State Thruway. There's a little bit of Federal wetlands in there. As the notice says, we have two proposed building lots running off of Union Avenue and two running off an existing driveway to service the Smith house.

We had to go to the Town Board for approval of three lots on a common driveway. That was granted.

The houses are served by in ground septic and Town water.

CHAIRMAN EWASUTYN: Questions or comments from the public? Ma'am.

MS. KISSAM: Good evening, everyone. My name is Sandra Kissam and I reside at 1261 Union Avenue here in the Town of Newburgh. My

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residence is south of the proposed subdivision but I am intensely interested and concerned about this subdivision. I've prepared remarks. They will not be very long.

 This property is not suitable for residential construction as it abuts the New York State Thruway. The Pilgrim Pipeline project is proposed for 170 miles of the Thruway right-of-way through all of Orange County, and each twenty-inch pipeline will carry 8.4 million barrels per day of two different types of substances. This is adjacent to the property. I want to make that very clear. Dual pipelines will fill one six-foot trench. One will go south with crude oil, which is quite explosive, and the other will go north with refined products including gasoline, jet fuel and kerosine. The right-of-way varies in width but the location of the trench can be changed. 600 acres of trees would be removed and 50 temporary and permanent access roads planned for construction access with parked equipment will be established, and may very well be established in this neighborhood. There will also be four pump stations and ten

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meter stations.

The developer should get on the Pilgrim Pipeline's website, check out this info and include it in a full EIS. The Towns of Newburgh, New Windsor, Cornwall, Plattekill and the Newburgh City Council all passed resolutions against the pipeline. Also, the Wallkill School District sent a letter of opposition to the State. Town Board Member Betty Green is not even as close to the Thruway as one of these planned homes and she is very concerned and upset about the project, the Pilgrim project.

There are ratifications for homeowners insurance or even mortgage implications. These need to be researched by the developer or the properties are being sold fraudulently.

Local landowners have already been approached by the company, Pilgrim, for surveying, and the company is trying to buy easements.

A lateral single pipe is also planned to be constructed from the Thruway at Mill Street out to the Danskammer and Roseton area in the Town and another lateral in New Windsor. These

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lines would carry gasoline and similar products.

Why should we worry? Aren't pipelines safe? No. They leak all the time, and that's why the Town is so concerned.

The Thruway crosses wetlands that feed into Chadwick Reservoir, and even a small leak could contaminate our water supply. Leaks continue for hours or days. The data shows that citizens, not the company, report them most of the time.

The developer should get on the PHM, that's Pipelines, Hazardous Materials, and research all the dreadful leaks from oil and gas pipelines and include references in a full EIS. Check out the recent gasoline pipeline leak in Alabama that exploded and caused a fuel shortage on the east coast. Bakken oil is very explosive. It's the same product that's carried on bomb trains. There's also the danger of explosion. We all know how explosive gasoline and related products are. So there's more risk.

Furthermore, having truck traffic can disturb pipe wells and cause leaks. Traffic accidents can cause ruptures to the lines. These

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leaks can contaminate the soil around the planned homes, and clean up is incredibly expensive with the offensive, sickening odors that are long lasting.

Air quality is affected. Consider that the fuel lines often have to relieve pressure. Pump stations and meter stations also have emissions and generate disturbing noise.

Won't public pressure stop this pipeline project? We don't know. The proposal is alive now and the Thruway could make revenue that the governor could then sink into the Tappan Zee Bridge. The governor has carefully avoided taking a position or pulling the project, which he could do. This is very troubling.

There are other drawbacks to the property location. The Thruway Authority has the discretion to justify widening and adding lanes to the highway. As a transportation entity, they can condemn land easily and quickly. Watch out.

If any other fuel or spill occurs on the highway, nearby homes and lands are at high risk for contamination. An accident can send vehicles into your front or your rear yard.

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Traffic noise is 24/7. I know that because I live there. Take it from me, my home is a couple of yards from the arterial. The traffic causes air pollution levels that are probably higher than surrounding areas, and these should be measured and studied and published in the full EIS.

Oh, and finally, the EAF is incomplete. What about the developer's intentions regarding the lands that are not being currently developed? Unless they're in the preservation easement, the company can come back and do more later and be illegally segmenting the project. Are we to accept that a new roadway over the wetlands and a stream would only be constructed for one home? Do a full EIS that includes all your build out plans. If the subject parcel has stream connected wetlands, any construction disturbance can cause increased flood potential for the adjacent properties. This is very significant.

The full EIS needs to look at drainage, runoff, pollution from same in very great detail.

Thank you for the opportunity to present these comments. Here are Google

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references to spills. It's only the tip of the iceberg.

CHAIRMAN EWASUTYN: Thank you.

Additional questions or comments from the public?

Would you give your name and your address, please?

MS. KISSAM: 1261 Union Avenue, Sandra Kissam.

CHAIRMAN EWASUTYN: Thank you, Sandra.

Additional questions or comments from the public? Ma'am.

MS. LOBIG: Hi, Members of the Board. My name is Judith Lobig, L-O-B-I-G. I reside in the parcel between the two on Union Avenue.

Looking at the plans that I was able to see and get copies of, it appears that by making the change to the right-of-way and permitting two more houses besides the original one, by doing this plan they are going to block what is now access, without disturbing streams, wetland, any of the surrounding area, to that large piece of property that is behind the wetlands.

The homes that are currently built on

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Union Avenue that surround this property were built in the `50s when the parcel was originally subdivided. Every home that is on that land, near that land has issues with high groundwater, flooding. We all have sump pumps, problems with water.

The house that has already been constructed, which started clearing, et cetera prior to building permits being issued, prior to the EAF being submitted, makes me wonder why these things were allowed to happen if the Town was aware. I had been in touch with Joe Matina and he brushed me off. This is prior to any building permits, anything that was out there.

If you would allow the access to simply be behind that right-of-way, it would not interfere with the wetlands or building roads which you're going to have -- it's going to cause flooding. It's going to cause flooding for every house that abuts that because we all sit down low and the water table is so high. I don't see engineering wise how you're going to be able to do this without causing problems to the surrounding homes.

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The house that is up, I've already filed two complaints with the Town because of the raised septic and the water that is now already running down that property into my property, undermining my driveway and my septic field which falls below all of this.

CHAIRMAN EWASUTYN: Thank you, Judith.

CHAIRMAN EWASUTYN: Charlie, comments in response?

MR. BROWN: On the plot plan for this residence -- first of all, we moved the septic because even though due to it is Town water, she has a well behind her house. She did bring that up to the Town. As a result of that we moved our septic over.

These are all shallow systems. We did soil testing. We got adequate separation and adequate perc tests to do the septic systems. There is, however, supposed to be a swale running down the common property line. That existing house now and Judith's, I'll make sure that that swale gets put in there so the water does drain there.

As far as access to the back, the

1 residual property, there is an old logging road
2 with a culvert right here. We do have the
3 ability to do that. In addition to that, we were
4 permitted to fill in a tenth of an acre of
5 Federal wetlands on a nationwide permit.
6

7 MR. GALLI: Charlie, where is that?
8 Can you show me that on the map? It's not marked
9 on mine.

10 MR. BROWN: Right here. That's why we
11 left all of this frontage without a proposed
12 house, so that we can get a road back in there in
13 the future.

14 If we did do that, again there's no
15 plans for that right now, but if we did do that
16 with that project, because there would be a road,
17 they would have to do a full blown drainage
18 analysis per the Town's regulations.

19 CHAIRMAN EWASUTYN: Pat Hines,
20 additional comments?

21 MR. HINES: The project involves a
22 common driveway rather than a private road which
23 accesses lots 3 and 4. The Town Board has
24 approved access to lots 3 and 4 via a common
25 driveway. The road name has been approved as

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Jake's Way.

MR. BROWN: Jake's Way, yes.

MR. HINES: We had requested that the notice of intent be filed for the stormwater pollution prevention plan. Again, it's residential, less than 5 acres disturbance, so the stormwater pollution prevention plan is basically an erosion and sediment control plan. We have received that and we will process the municipal authorization form for the supervisor's signature.

We have a June 28th memo from the highway superintendent that is requesting some design changes to the plan, some additional driveway details, additional piping and sight distance improvements and signage. Those must be addressed.

The balance residual lot, lot 5, we're suggesting that a note not for building purposes, something to that effect acceptable to Mike Donnelly's office, be added to those plan sheets.

We did review the subsurface sanitary disposal system plans. Those do comply with the Public Health Law 75-A.

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The Planning Board did request a letter from the water department regarding the ability to supply potable water to the site, and that was received.

One of the speakers had contacted the Department of Environmental Conservation. We were copied on the response identifying no DEC permits are required for the project. They did indicate that there are freshwater wetlands under the jurisdiction of the Army Corp of Engineers, however there is no disturbance of those freshwater wetlands proposed in this subdivision.

There is no record of endangered or threatened species on the site.

They did identify that a State SPDES permit for stormwater is required. We are in the process of processing that through.

So with the exception of the highway superintendent's comments, our technical comments have been addressed on the project.

CHAIRMAN EWASUTYN: Thank you.

Sir.

MR. CHOMANCZUK: My name is Marco,
M-A-R-C-O C-H-O-M-A-N-C-Z-U-K. I live at 1289

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Union Avenue.

Where he has the wetlands and the stream, there is actually a stream connecting both. When the wetlands get to a certain level it does drain off so it doesn't flood my property and my neighbors. If they put a road in there and close that off, my property is going to flood.

MR. HINES: There is no road proposed there.

MR. CHOMANCZUK: Okay. He just mentioned that there might be. Once that happens, I'm flooded.

MR. HINES: If in fact that does occur, it's not in the plans now, they'll be back before the Board going through the same process.

MR. CHOMANCZUK: I just wanted to make sure.

MR. BROWN: That would require another public hearing and a whole other submission.

MR. CHOMANCZUK: I just don't see it on that map. That's why I was questioning it. It does flood, so --

CHAIRMAN EWASUTYN: Any additional

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questions or comments?

MR. CRILL: My name Kyle Crill, K-Y-L-E
C-R-I-L-L. Our concern and question really is
the common driveway. It's supposed to be
expanded. Our shed right now is currently 10
feet off of the property line. It expands onto
ours. Where does that leave us with the shed?

MR. BROWN: The expansion of the common
driveway is only at the entrance down here.
We're going to put a new culvert in there that
will help the drainage and catch basin so it
drains underneath the road. The rest of it is
going to remain the same. Regardless, we can't
go beyond the 30 feet that we have there in
width. 25 foot? 25 feet. So it will be within
that. We will not be doing anything over the
property line.

MR. CRILL: Thank you.

CHAIRMAN EWASUTYN: Additional
questions or comments from the public? Judith.

MS. LOBIG: I have another question.
What about the 50 foot buffer between my property
and what is going to be lot number 2? What is
the purpose of that?

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MR. BROWN: There's no specific purpose right now.

MS. LOBIG: Is it for down the road? Again, like I said earlier, for a road to go in through and now we're going to be disturbing wetlands again.

MR. BROWN: This project now doesn't disturb any wetlands.

MS. LOBIG: Then we're going to, down the road, do something and we're going to have this creeping subdivision where --

MR. BROWN: I didn't say we were doing anything down the road. I said there's nothing planned at this time. If we do anything down the road, that will be another process, another public hearing. Anything we do with the wetland would have to be addressed.

MS. LOBIG: The other question I have is in the EAF that is on file, it was noted that Winona Lake was the fire department. It is not. It is Orange Lake.

My other concern is if this approval goes through as things are and that right-of-way/ common driveway is only 25 feet wide, how are you

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going to get emergency vehicles in and out of there? There's going to be no way for them to get in, turn around. If there's a fire or some other catastrophe down there, someone elderly is sick, the fire comes, the police comes, the ambulance comes, how are they going to be able to get in and out of there safely?

CHAIRMAN EWASUTYN: Pat, do you want to respond to that, the 25 feet?

MR. HINES: The 25 foot width provides access -- legal access to it. The Town has a limit of common driveways of two lots. The Town Board has granted this project an exception to allow three lots on a common driveway rather than a private road being constructed. So they have that approval from the Town Board to design it that way.

MR. BROWN: I'd like to add that the Town Board actually did ask the fire department to review that request before they granted the three on the driveway.

MS. LOBIG: But not the actual fire department. I mean I know it's all Town of Newburgh fire department.

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2 My concern also with this is that this
3 property was purchased as an LLC. There are
4 people, I'm assuming, affiliated with this LLC,
5 one of them being Mr. Michael Maher who is on
6 your Zoning Board of Appeals.

7 MR. GALLI: Not our Zoning Board.

8 MS. LOBIG: The Town of Newburgh Zoning
9 Board of Appeals. It just seems to me with the
10 things that have transpired thus far, with
11 permits not being issued yet work being done.
12 And who else is on this where strings are being
13 pulled that are not -- you have code and
14 compliance and it raises the question. It just
15 appears to be things are happening that should
16 not be happening.

17 CHAIRMAN EWASUTYN: Thank you.

18 MS. LOBIG: You're welcome.

19 CHAIRMAN EWASUTYN: Additional
20 questions or comments from the public?

21 MS. SMITH: I'm Crystal Smith, I live
22 at 1293 Union Avenue, which will be the common
23 drive. There's a question about water that's
24 going to come down. Like we've all said, it's a
25 very high water content. There is a ditch, or if

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you want to say a runoff that has been created.
What is going to be done about the culvert and
then the ditch that goes around the side so that
now that they're going to put the culvert in it's
going to fly to the culvert? We've done a lot of
work to make sure we don't flood anymore.

CHAIRMAN EWASUTYN: Charlie, can you
answer that question?

MR. BROWN: If you're referring to the
swale that's at the back of your property --

MS. SMITH: All alongside our property.

MR. BROWN: -- that's not going to be
modified at all. There's going to be no changes
to that. That discharges to the balance of this
property here.

MS. SMITH: It actually comes down
around the back of my property and it goes down
into their property.

CHAIRMAN EWASUTYN: Please, Crystal is
speaking.

MS. SMITH: It comes right down around
the back and it drops down into their two lots in
the front. You're going to take away all the
vegetation and all that stuff that slows it down.

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MR. BROWN: We have no proposed work between your house and these houses here.

MS. SMITH: They're going to take all the trees down.

MR. BROWN: There's nothing going on here. Here they're all higher than you.

MS. SMITH: My house is right here.

MR. BROWN: I understand that.

MS. SMITH: They're going to put a pipe and that little ditch goes right around and drops down right in like this. It goes right around my property like this.

MR. BROWN: This is the proposed pipe down here.

MS. SMITH: There has to be another one here because there's a ditch here. They're going to have to put a culvert pipe in here and they're going to have to cross it. I discussed that with him. Where is the water going to go? It goes right around and it comes right down and it dumps right into the back of their property.

MR. BROWN: Okay.

CHAIRMAN EWASUTYN: Pat, do you have any comments on that?

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MR. HINES: I can't comment specifically on that. This project does not exceed the threshold where it would require a stormwater management report. I can review that in the field, if the Board wishes, to take a look at that and make sure we're not going to impact that neighbor's property.

MS. SMITH: Can I just show you?

MR. HINES: Sure.

MS. SMITH: The water comes -- here is 3 and 4 and here is me. Right here, this old road, comes all the way up and there's a ditch. It runs all the way around like this and then dumps down into their two properties there. It's not just a straight road that goes all the way up.

MR. HINES: There is a swale shown there.

CHAIRMAN EWASUTYN: All right, Crystal. Pat Hines will do a field inspection and advise the Board as to what mitigation measures may have to be incorporated into the final plans.

MS. SMITH: Okay. Thank you.

CHAIRMAN EWASUTYN: Additional

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questions or comments from the public?

MR. CRILL: I just had another quick question. Also that is a concern of ours, that water does come down and does flood our backyard with 8 plus inches of water when it rains.

You said the driveway is currently 25 feet wide. The whole driveway?

MR. HINES: The easement.

MR. CRILL: Just the front? The opening?

MR. BROWN: The property -- part of this parcel is 25 feet wide. That 25 feet is part of this parcel.

MS. SMITH: So it goes to their fence.

MR. CRILL: Okay. Thank you.

CHAIRMAN EWASUTYN: Crystal?

MS. SMITH: There's a rock wall that runs there. Are they going to disturb that entire rock wall, the natural rock wall and the fence, making the driveway wider? That's our only access in and out. It's only about 12, 15 feet wide now. One car, that's it.

MR. BROWN: Except for lot 4, we've stayed out of that rock wall.

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MS. SMITH: There's trees along the side and there's a rock wall.

MR. HINES: There's also going to be two water lines running down that road as well.

CHAIRMAN EWASUTYN: Pat will make note of that when he goes out into the field. Pat Hines.

Further questions or comments from the public? Judith.

MS. LOBIG: I just want the Board to know we're not opposed to subdivision and building, we just want it done responsibly and we want the least impact on us and our way of living. I've been here for over 35 years. We've done a lot of things, as Crystal has, to try to prevent damage that was being done because of developments further up the road, the water running down the hill further up on Union Avenue. That's all that we're looking for. We want a minimal disturbance on the property that's on lot 5 because that forms our natural buffer to the noise that happens on that Thruway. These houses that were built were put up before that Thruway went through. When we bought our homes we were

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aware it was there. Now if you're going to start clearing and possibly down the road do other things, it's going to affect us, not to mention what it's going to do to our property values.

CHAIRMAN EWASUTYN: Thank you.

Comments from Board Members. Frank Galli?

MR. GALLI: Just first of all, the Winona Lake Fire Company and the Orange Lake Fire Company are run by the Orange Lake Fire District. They are the ones that make the determination for fire.

The second thing is I don't know everybody on the Zoning Board. No one is pulling my strings. I make my own decisions. I'm on the Planning Board, not the Zoning Board. No one pulls our strings.

As far as the house that's under construction illegally or without permits and stuff, our Code Compliance Officer, Jerry Canfield, maybe can walk us through that and what was granted, and how it was granted, and the proper way it was done.

CHAIRMAN EWASUTYN: Jerry.

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MR. CANFIELD: Thank you. There currently is a permit for that residence. There was one issued prior to construction.

As far as the clearing you mentioned before construction, I'm not aware of that but I can research that for you as well.

Like Mr. Galli stated, I can assure you no one pulls my strings either to illegally do anything. There is a legal permit for that. The permit that was issued was for the whole parcel, which is perfectly legal to be done.

As far as the clearing without a permit, I can check the sequence on that. I've got your name and address.

MS. LOBIG: I had filed requests when they first started to clear, was there a permit. I was told no. I filled out a FOIL request, went down to Code Compliance, was told that there was none, that I needed to speak with Mr. Matina. I went home, called him, left a voicemail message. He never returned my call. I went back two days later and he was actually in office. I questioned him about clearing the property, did they need a clearing permit. He told me no, it's

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with the building permit. I left and it wasn't -- I have the dates. I can give that to you if you need it.

MR. CANFIELD: There's no separate clearing and grading permit required if a building permit is issued. So it sounds like it's a timely sequenced.

MS. LOBIG: He explained that it was but the clearing began over two weeks prior to, which is why I questioned. At the time Joe did tell me that it was tied to the building permit. It was after the fact then that I found out the building permit was not issued until November. In the meantime --

MR. CANFIELD: I'll research that.

MS. LOBIG: -- most of the property had been cleared.

MR. CANFIELD: Can you give me your phone number?

MS. LOBIG: 845-566-9365.

MR. CANFIELD: 9365. Thank you.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: Nothing.

CHAIRMAN EWASUTYN: Ken Mennerich?

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MR. MENNERICH: No questions.

MR. BROWNE: Just a comment. Is it possible to have Pat, when he's looking at the other drainage issue, to look at the swale situation between Judith's property and next door to see if that swale that Charlie was talking about was going to be adequate for that drainage issue?

CHAIRMAN EWASUTYN: Pat, make note of that.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No. Frank and Cliff covered my questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I'd like to thank everybody that came. We listened to everything. We have a professional Board and engineers and consultants for everything.

At the same time, Charlie, I would like to know if you could possibly look at the access road where Judith was talking about with the wetland and in between his property and all?

MR. BROWN: Yes. Based upon the

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topography -- and they're right, we do need a culvert back here where that swale is underneath our driveway where we're extending it beyond Crystal's. But that swale discharges into this little pocket of wetland which, again, there's a culvert here which is probably crushed or buried on one end. You can see the water coming out on the downstream end and then this drains that way. Water from that swale, there's no way it gets to these two houses in the front because they're uphill, unless this area fills up here and tops over. So I could talk to my client about actually putting a culvert in there or cleaning out the one that's there. Finding it and cleaning it out. It looks very old. There was a very old logging road in there. Again, it comes from that swale, drains into this, comes through here and drains this way. That's the drainage path of the water that's off site to the north.

MR. DOMINICK: Charlie, that would address I think -- Crystal said they had water issues. That would address that issue as well?

MR. BROWN: If we take care of this crossing right here, yes.

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MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Any further questions or comments?

MS. LOBIG: I just have one other question.

CHAIRMAN EWASUTYN: Your name please?

MS. LOBIG: Judith Lobig.

CHAIRMAN EWASUTYN: I heard you before.

MS. LOBIG: I know, John. There is the issue -- the wetlands that are there -- do you need me to stand?

CHAIRMAN EWASUTYN: No.

MS. LOBIG: The water that goes under the road and drains into there, there's a huge amount of wetlands that are across the street also. It's not just the property from Crystal where that is draining into this little thing. There's a big section of wetlands across the street, which if you follow it back is actually coming from runoff off of Chadwick Lake that goes in and through. After it passes the property for Hudson Asset, that wetland opens and closes all the way down to where you get to where Dairy Queen is. I mean it's a constant huge amount of

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wetlands. Even though there's a small amount on his property, it's all affected by what is before his property, and it's going to affect the people that are after his property, in addition to these homes that are sitting right on this property.

CHAIRMAN EWASUTYN: Pat -- why don't we stop for a second -- thank you, Judith -- and just review what you'll be doing out in the field as far as drainage, additional piping and --

MR. HINES: I've made notes as the individual speakers identified these conditions. I'm going to go out in the field and will walk these individual swales through the property. I may coordinate that with Mr. Brown's office and we can do that together, come up with some suggestions. If there are issues that can be addressed, we'll have them added to the plans prior to approval.

CHAIRMAN EWASUTYN: Any further questions or comments? The lady in the back.

Sandra, you can stay there.

MS. KISSAM: I'm not going to move forward. I just want to say that listening to other people's comments, it seems very clear to

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me the impacts of this development proposal will have impacts on adjacent properties south of it and are related to properties north of it. In view of the fact that these are -- many of these statements have to do with the natural topography, and the wetlands, and the fact that it is adjacent to the Thruway with all of the ramifications of that, that that includes, I see it's very important and I want to urge the Planning Board to give this a positive declaration so that a full EIS can be done, otherwise many of these questions can be informally explained but will never be documented and the solutions will never be documented. If something is not documented, then that really pulls the rug out from everyone. So I urge the Board to do a positive declaration and get a full EIS for this project. Thank you.

CHAIRMAN EWASUTYN: Thank you.

Any further questions or comments from the Board?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to close the public hearing on Hudson

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Asset Subdivision. It's a five-lot subdivision located on Union Avenue.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

At this point I'll turn to Mike Donnelly, Planning Board Attorney, to give us conditions of approval for the five-lot subdivision of Hudson Asset located on Union Avenue.

MR. DONNELLY: Do you want to do that

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or do you want to wait until you've gotten Pat's report back?

CHAIRMAN EWASUTYN: Pat, what's your recommendation?

MR. HINES: I feel more comfortable going out in the field and setting it up for another agenda.

CHAIRMAN EWASUTYN: I'll move for a motion to set this up for the next available agenda when all the information is provided.

MR. DONNELLY: Did we receive the report from the Orange County Planning Department?

MR. HINES: I don't think we got that one either.

MR. BROWN: Thank you.

(Time noted: 7:58 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 15th day of July 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

TERRIZZI SUBDIVISION II
(2017-07)

Terrizzi Drive
Section 4; Block 2; Lot 5.4
RR Zone

----- X

PUBLIC HEARING
FOUR-LOT SUBDIVISION

Date: July 6, 2017
Time: 7:58 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER TERRIZZI

----- X

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

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CHAIRMAN EWASUTYN: The next item of business this evening is a public hearing for the Terrizzi Subdivision. It's located on Terrizzi Drive in an RR Zone. It's being represented by Christopher Terrizzi.

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 John Terrizzi, a four-lot subdivision, project 2017-7, for a four-lot subdivision creating three new residential lots and a vacant parcel of property to be transferred for municipal use. The site is a 12.31 acre parcel of property located in the RR Zone. Premises is located at the end of Terrizzi Drive, a private roadway. The land is designated on Town tax maps as Section 4, Block 2, Lot 5.4. The public hearing will be held on the 6th day of July 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 order of the Town of

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Newburgh Planning Board. John P. Ewasutyn,
Chairman, Planning Board Town of Newburgh. Dated
23rd of June 2017."

CHAIRMAN EWASUTYN: Judith, I do owe
you and apology for transposing your telephone
number and talking into space.

MS. LOBIG: That's okay. I sorted it
out.

CHAIRMAN EWASUTYN: I did try.

MS. LOBIG: I saw when I saw your note
what happened. That's okay. We're good.

CHAIRMAN EWASUTYN: My hearing isn't
the greatest.

Please continue.

MR. TERRIZZI: Thank you. This is a
four-lot subdivision, as stated, off the end of
the existing Terrizzi Drive cul-de-sac, near the
intersection of Route 32.

Three of the proposed lots are
residential lots. The fourth is to be an
unimproved lot to be transferred to the Town for
the protection of Chadwick Lake.

The three residential lots will be
served by on site septic and wells as well as by

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a 16 foot wide common driveway which was approved by the Town Board.

The Cronomer Valley Fire Department also weighed in on the common driveway. Their comments were incorporated into the plan. They wanted the pull off area indicated on the map.

We're here hopefully to receive further approval.

CHAIRMAN EWASUTYN: Questions or comments from the public? Sir.

MR. WOODARD: Good evening. I'm Richard Woodard, I live at 6 Terrizzi Drive in the cul-de-sac where the subdivision is going to be behind. I'm representing the other two residents as well at 2 and 5 Terrizzi.

We just had a couple of questions. What is the proposed date for the -- start date for the project?

The intentions for the property donated to the Town, will that incur any more traffic on the private road?

Will there be a private road sign added to the existing road sign?

The last question is there were three

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2 surveys done at the location. The initial survey
3 displayed all the current homeowners and
4 residents on Terrizzi Drive property deed maps.
5 The second and third surveys were completed for
6 Mr. Terrizzi. The first and second surveys had
7 the center point of the properties at the same
8 location whereas the third survey, the center
9 point had shifted approximately 11 feet from what
10 is listed on the three property maps. How is
11 this possible without the other surveys being
12 shifted?

13 I also want to state that we have no
14 problem at all with the subdivision. We actually
15 want it to happen. They're great people and we
16 just have those questions. Thank you.

17 CHAIRMAN EWASUTYN: Can you start out
18 with the property that the Town is taking over?

19 MR. TERRIZZI: Sure. As far as I know,
20 the Town does not plan on doing anything with
21 that parcel. The Town does not want access to
22 that parcel either. They are specifically
23 excluded from the common driveway agreement.
24 As far as I know there shouldn't be any traffic
25 in there, visiting that parcel at all.

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MR. HINES: It's my understanding the intent of the Town accepting the dedication of the four acres as well as a significantly larger portion to the south is because those areas are tributary to the Chadwick Lake water supply. It's their intention to obtain ownership of those to prevent future development of those to protect the watershed.

CHAIRMAN EWASUTYN: The possible discrepancy as far as what was discussed?

MR. TERRIZZI: As far as that goes, I'll have to check with my surveyor on that. I will look into that.

CHAIRMAN EWASUTYN: You're asking the name of the extension? Is that what you asked for?

MR. GALLI: Private road.

MR. WOODARD: The sign says Terrizzi Drive but it's a private road. It doesn't say private road on there.

CHAIRMAN EWASUTYN: Interesting. In fact, it should state that. You're right. You're right. There is a stop sign there, though; correct?

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MR. WOODARD: Yes.

CHAIRMAN EWASUTYN: It should state private road. Good point. Thank you.

Additional questions or comments from the public?

(No response.)

CHAIRMAN EWASUTYN: At this point I'll turn to Pat Hines to review the project.

MR. HINES: This project, being in the Chadwick Lake watershed, is in the Town's critical environmental area which makes the project a Type I action for the SEQRA review. The difference is the applicant is required to submit a long form EAF. That was submitted to the DEC for a coordinated review because of the Type I action. This Board granted a negative declaration for the project back on June 1st, prior to scheduling the public hearing, so that closed out SEQRA.

The DEC did identify that the work potentially needed an Army Corp of Engineers permit for the crossing of the private roadway -- private driveway across Federal wetlands. The applicant submitted to the Army Corp of Engineers

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2 and the DEC for those required permits. The Army
3 Corp of Engineers for the pre-construction
4 notification, their time has timed out. My
5 office was copied, as well as Mr. Terrizzi as the
6 applicant's representative, to Brian Rozel's
7 e-mail from the Army Corp of Engineers stating
8 that the project has timed out and by default the
9 pre-construction notice is granted to them. They
10 do require a DEC water quality certification as
11 part of that Army Corp pre-construction
12 notification. That is outstanding. It's been
13 applied for. We provided the negative
14 declaration, which the DEC was waiting for, so
15 they could issue that permit. Any approvals
16 would be conditioned on that DEC water quality
17 certification.

18 We've reviewed the wells and septic
19 systems and found them to be in compliance with
20 the applicable regulations.

21 I'm not sure if this needs a separate
22 road sign or if it's going to be an extension of
23 Terrizzi Drive.

24 MR. CANFIELD: Terrizzi Drive.

25 MR. HINES: With that, we have no

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additional technical comments.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: After we're done, maybe if he could talk to the gentleman about the start date. He had a question on the start date also.

No other questions.

CHAIRMAN EWASUTYN: Do you know?

MR. TERRIZZI: The start date for this lot 6 is hopefully this fall.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No questions.

MR. MENNERICH: Nothing.

MR. DOMINICK: Nothing.

MR. WARD: Is everything covered for 911 on that?

MR. CANFIELD: Yes. There's plenty of numbers available.

MR. WARD: Thank you.

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

(No response.)

CHAIRMAN EWASUTYN: Then we'll move for a motion to close the public hearing on the

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Terrizzi four-lot subdivision located on Terrizzi Drive.

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich. Second by John Ward. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: Move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

Mike Donnelly, Planning Board Attorney, I'll turn the meeting over to you for conditions of final approval for the Terrizzi Subdivision.

MR. DONNELLY: The resolution is for preliminary and final subdivision approval. The following conditions will apply:

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First, as Pat mentioned, we'll need to see a written copy of the New York State DEC water quality certification. We will note that the Town Board approved three lots on a common driveway and incorporated their decision into this resolution. We will need a common driveway easement and maintenance agreement. I will need to review that and approve it. I will also need to see a copy of the existing private roadway easement and maintenance agreement to make sure that it does not compel the Town to maintain it. We believe that since it's tied to a building permit the Town will not seek a building permit, that there will be no obligation on their part, but I need to verify that. We will include a note that says in the event that lot number 7, the lot to be conveyed to the Town, is not transferred to the Town, said lot may not be used for purposes of development. Finally, you'll need to pay parkland fees in the amount of \$6,000 before the plans are signed.

CHAIRMAN EWASUTYN: Any additions, Pat?

MR. HINES: No.

CHAIRMAN EWASUTYN: Board Members?

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MR. WARD: No.

CHAIRMAN EWASUTYN: Then we'll move for approval of the Terrizzi Subdivision located on Terrizzi Drive, subject to the conditions presented by Planning Board Attorney Mike Donnelly. I'll move for that motion.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Second by John Ward. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:05 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 15th day of July 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

OPR ASSOCIATES
(2017-17)

NYS Route 300
Section 3; Block 1; Lot 140
AR Zone

----- X

SITE PLAN - TWO-FAMILY

Date: July 6, 2017
Time: 8:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

----- X

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

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CHAIRMAN EWASUTYN: The sixth item on the agenda this evening is OPR Associates, a site plan for a two-family located on Route 300 in an AR Zone. It's being represented by Larry Marshall.

MR. MARSHALL: Good evening. This application is for a site plan for a two-family residence, for a single family residence which was previously approved.

The Board last entertained this application on the June 1st agenda. We've revised the plans to address the Board's comments as well as the Planning Board Engineer's comments. We have resubmitted the plans for consideration of scheduling a public hearing. No other changes have been made other than just to address those comments.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We have circulated the project to County Planning because of the location on the State highway. We also sent it to DOT for their review. County Planning won't time out until July 20th.

We do believe that the project could be

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issued a negative declaration and a public hearing scheduled.

I have a similar comment for the next application as well.

MR. DONNELLY: I think you issued a negative declaration on June 1st.

MR. HINES: That's fine. A public hearing, if the Board so desires to have one. I think we discussed at work session you would. August 3rd would be the next available Planning Board meeting.

CHAIRMAN EWASUTYN: We'll take one application at a time. So having heard from Pat Hines, we have declared a SEQRA determination, I'll move for a motion to set --

MR. MARSHALL: John, I'm sorry. My notes don't reflect that you issued a negative dec.

MR. DONNELLY: Let's do it now, though.

MR. MARSHALL: You circulated for lead agency but I don't have any notes that a -- I may be incorrect.

CHAIRMAN EWASUTYN: I think you're right.

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OPR ASSOCIATES

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MR. DONNELLY: I put the date in the wrong box.

CHAIRMAN EWASUTYN: Thank you. Good. I stand corrected.

I'll move for a motion to declare a negative declaration for OPR Associates, project number 2017-17, and to set a public hearing for the 3rd of August.

MR. DOMINICK: I'll make a motion.

MR. WARD: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Thank you.

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

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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 15th day of July 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

OPR ASSOCIATES
(2017-18)

NYS Route 300
Section 3; Block 1; Lot 141
AR Zone

----- X

SITE PLAN - TWO-FAMILY

Date: July 6, 2017
Time: 8:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

----- X

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Newburgh, New York 12550
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CHAIRMAN EWASUTYN: The seventh and final item before us this evening is again OPR Associates, a different section, block and lot, the same location, Route 300. It's also a site plan for a two-family.

Pat, you said earlier your comments applied to this application?

MR. HINES: That's correct. They mirror each other.

CHAIRMAN EWASUTYN: Any questions or comments from Board Members?

(No response.)

CHAIRMAN EWASUTYN: We'll move for a motion then to declare a negative declaration for project 2017-18 and set August 3rd for a public hearing.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

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OPR ASSOCIATES

85

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion
carried.

MR. MARSHALL: Thank you very much.

(Time noted: 8:12 p.m.)

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Michelle Conero

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

----- X
In the Matter of

IRONWORKERS LOCAL 417
583 Route 32

(2015-02)

Request for Final Approval

----- X

BOARD BUSINESS

Date: July 6, 2017
Time: 8:12 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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CHAIRMAN EWASUTYN: We have two items this evening under Board Business.

Pat Hines, I'll ask you to present for the record the changes that the Ironworkers had proposed and move for the Board to approve that.

MR. HINES: The Ironworkers site plan received conditional final approval several months ago. I think it may have been back in March. It's project number 2015-02. They have come back and requested a final approval subject to the outstanding comments, however their final approval letter identified a 156 square foot change to the building facade. The eastern side, that side of the building that fronts on Route 32, had a small jog in the building previously in the design when you reviewed it for architectural review. They have come back with a design that has the building flush in the front and took that little jog out. It added 156 square feet. As I said, your resolution, as it typically does, says nothing can be built not shown on the originally approved plan. So I have not issued that final approval. I wanted to bring it to the

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Board. I showed at work session where that was. We're just looking for the Board's concurrence that that's a minor, not substantive change and would be acceptable to the Board to allow that to occur, and then I'll issue the final approval letter.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Yes, I approve.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Approve.

MR. BROWNE: Yes.

MR. MENNERICH: Yes.

MS. DeLUCA: Yes.

MR. GALLI: Yes.

CHAIRMAN EWASUTYN: Then let the record show that the Planning Board took into consideration the minor change to the Ironworkers.

Do you have a project number on that?

MR. HINES: It's 2015-02.

CHAIRMAN EWASUTYN: 2015-02. We approved that field change.

MR. HINES: I'm going to give you a revision date. The revisions are May 9, 2017.

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CHAIRMAN EWASUTYN: Thank you.

(Time noted: 8:15 p.m.)

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

----- X
In the Matter of

DIXON SUBDIVISION II
(2014-15)

Request for a Ninety-Day Extension of
Conditional Final Approval

----- X

BOARD BUSINESS

Date: July 6, 2017
Time: 8:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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CHAIRMAN EWASUTYN: I'll have Mr. Mennerich read the extension letter.

MR. MENNERICH: The letter is dated June 28, 2017 and it's addressed to the Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York 12550, attention John Ewasutyn, Chairman, regarding approval extension Dixon Subdivision II, two lots, Planning Board project number 2014-15, section, block and lot 3-1-103.31, job number 13074-PEI. "Dear Chairman and Members of the Board, at this time we are requesting a ninety-day extension for the above referenced project which was given a conditional final approval on August 4, 2016. The applicant has drilled the well. Respectfully yours, Charles T. Brown, PE, President, Talcott Engineering.

CHAIRMAN EWASUTYN: Having heard the request for the extension as read by Ken Mennerich, I'll move for that motion.

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Ken -- motion moved by Frank Galli. A second by

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion

carried.

(Time noted: 8:17 p.m.)

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

----- X
In the Matter of

PRICE CHOPPER/MARKET 32

Facade & Name Change

----- X

BOARD BUSINESS

Date: July 6, 2017
Time: 8:17 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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CHAIRMAN EWASUTYN: At the last meeting we approved the facade change to Price Chopper on North Plank Road as being purchased by another national organization. Correct?

MR. CANFIELD: Market 32.

CHAIRMAN EWASUTYN: We did approve the rendering that was proposed by the Building Department, Code Compliance, Jerry Canfield. We would like to go on record as noting that.

MR. MENNERICH: It's still a Price Chopper corporation that has the 32 stores; right?

CHAIRMAN EWASUTYN: No. They're being purchased. Correct?

MR. CANFIELD: I believe so. By Market 32.

CHAIRMAN EWASUTYN: That's why the whole change.

MR. DONNELLY: Did you want to note any action under the New York City DEP request?

CHAIRMAN EWASUTYN: No. We'll do that when we actually meet on the 20th. That was just to sort of bring Stephanie up to date on this.

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MR. MENNERICH: Ken Wersted showed the pictures from the ones up there by --

MR. GALLI: He didn't say anything about them being sold. He said they are changing the market strategy. If it makes a difference I don't know. He didn't say anything about them being purchased by somebody else.

CHAIRMAN EWASUTYN: I thought they were.

MR. CANFIELD: I thought the Goleb Group -- it's a whole entirely different look.

CHAIRMAN EWASUTYN: Anyway, we're approving the facade change.

Thank you all. At this point I'll move for a motion to close the public hearing of July 6, 2017.

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Motion by John Ward. I have a second by Frank Galli.

MR. GALLI: Yes.

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

MR. GALLI: Aye.

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MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

(Time noted: 8:19 p.m.)

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