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

----- X

In the Matter of

NPA GAS STATION
(2017-03)

NYS Route 747 Boulevard
Section 89; Block 1; Lots 80.1 & 80.2
IB Zone

----- X

SITE PLAN

Date: July 20, 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

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

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

----- X

MICHELLE L. CONERO
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Newburgh, New York 12550
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NPA GAS STATION

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CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. Welcome to the Town of
Newburgh Planning Board meeting of the 20th of
July.

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

MS. DeLUCA: Present.

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, Town of
Newburgh.

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

CHAIRMAN EWASUTYN: At this point we'll
turn the meeting over to Dave Dominick.

MR. DOMINICK: Please stand to say the
Pledge.

(Pledge of Allegiance.)

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MR. DOMINICK: Please silence your cell phones.

CHAIRMAN EWASUTYN: This evening we have seven items of business. The first item on the agenda is the NPA Gas Station. It's a site plan located on Route 747 in an IB Zone. It's being represented by Zen Design, Ken Lytle.

MR. LYTLE: Good evening. Since our last presentation we made the adjustments that Pat had asked for, added the landscape area along the front, shifted the building to be within the setback.

We're at the preliminary stage. We're looking to go to the Zoning Board to get both of the variances and make sure we have those.

CHAIRMAN EWASUTYN: Ken, for the record, Pat Hines has reviewed it, can you speak to us as to what variances you need to be referred to the ZBA for?

MR. LYTLE: We need the front yard. Where the gas station is, Pat made reference to the canopy. If they do a canopy we'll need a variance. If we do that as a pad I don't think there's a variance required. Only if it's a

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NPA GAS STATION

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canopy.

MR. HINES: You may need one for fire suppression. I'm not sure.

MR. LYTTLE: I'll assume we'll need it for that also.

CHAIRMAN EWASUTYN: Pat, can I ask you a question? From what I understand, fire suppression is no longer required.

MR. HINES: That's what Jerry just --

MR. CANFIELD: In the new 2015 fire code there have been some changes with respect to suppression systems and canopies. There are conditions. If the conditions are met the suppression system may be able to be omitted.

MR. LYTTLE: Thank you.

CHAIRMAN EWASUTYN: Pat, do you want to discuss the variances before us?

MR. HINES: I took a look at it. The variances I saw were front yard setback, 60 feet is required where 21.8 is provided; a side yard setback for the canopy, 50 feet is required. I scaled it off the drawing so it's not exact but it looks like 30 feet is provided; the garage on the lot identified as lot 2A, a rear yard and a

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front yard setback as well as an accessory structure in the front yard, and an accessory structure that's not accessory to any use. I would think the garage is going to go away.

MR. LYTLE: We'll take that away pending that.

MR. HINES: That should be labeled. We suggest the bulk table should be labeled for what variances are required.

MR. DOMINICK: Ken, in the workshop we discussed there was a lot of detail here. Do you have any idea where the gas tanks would go, where they'll be located or where the gas truck would come in, turning radius and stuff like that?

MR. LYTLE: Those are details we have to work out. We believe the gas tanks would go up actually on the bottom right-hand corner to the left of the parking lot. Fuel up to that area we believe. Again, we'll work out with the gas company where they prefer to have them.

MR. CANFIELD: Just one comment on that, John. Ken, if you're going to the ZBA you may want to show those tanks because there is a property line separation requirement that's in

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NPA GAS STATION

6

the Zoning Code. You can show compliance with that.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Michael, would you --

MR. DONNELLY: Ken, if you heard what Jerry just said, in order to avoid making two trips, you want to have a chance to come back and show where those tanks are to make sure you're not going to have a problem.

MR. LYTTLE: I believe we can locate that. If it's okay I'll put them on the map and send it over to Pat.

MR. DONNELLY: In view of the fact that Ken is going to remove the garage structure from the rear lot, the referral to the Zoning Board would be for a front yard setback, as Pat said 21.8 where 60 is required, a side yard setback of 30 where 50 feet is required.

CHAIRMAN EWASUTYN: Thank you, Michael.

Having heard the recommendations from

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NPA GAS STATION

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Mike Donnelly, Planning Board Attorney, I'll move for a motion for Mike Donnelly to prepare a letter to the ZBA for the two necessary variances for the NPA Gas Station.

MR. DOMINICK: So moved.

MR. MENNERICH: Second.

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

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DONNELLY: I think we said that the plans are not adequate to do a lead agency notice of intent or to send to the Planning Department.

MR. HINES: There's not the level of detail required.

We did have some concerns also. It is a sketch plan but truck traffic circulation, how that's going to function. It's going to be something we're looking for. The turning radius and such are going to have to be addressed on how a truck can get in or out.

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Stormwater management is not addressed
on the plans.

Also, because of the use of the
building, it will be required to be sprinklered.
That could be an expensive item with lack of a
water supply.

Just a heads up on those comments.
It's something we'll be looking for.

MR. LYTLE: Okay.

CHAIRMAN EWASUTYN: Ken, thank you.

MR. LYTLE: Thank you very much.

(Time noted: 7:04 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 4th day of August 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

McNALLY/SIEGEL LOT LINE CHANGE
(2017-12)

Grand Avenue 7 Glen Lane
Section 43; Block 3; Lot 36.21
Section 82; Block 1; Lots 3.2, 3.3 & 3.4
R-1 Zone

----- X

LOT LINE CHANGE

Date: July 20, 2017
Time: 7:05 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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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CHAIRMAN EWASUTYN: The second item on this evening's agenda is McNally/Siegel Lot Line Change on Grand Avenue and Glen Lane. It's in the R-1 Zone. It's being represented by Charles Brown of Talcott Engineering.

MR. BROWN: Thank you, John. Since our last time before the Board we were given a referral to the Zoning Board because of the accessory use on the lot without a primary use. We have since revised the map rather than go to the Zoning Board. We have taken that lot out of the application and reconfigured the transfer between the other lots to the satisfaction of both of my clients.

CHAIRMAN EWASUTYN: Jerry Canfield, do you have any comments on this?

MR. CANFIELD: I have nothing.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We just noted that the lot that had the accessory use, the pool, it's not accessory and it has been removed.

We had a comment regarding the 25 foot right-of-way and the lot geometry on the McNally lot, kind of preventing that to be used as access

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in the future and if that needed to be --

MR. BROWN: Mr. Siegel is going to put the balance of these two lots into a conservation easement so they're never going to be built on. I did discuss that with him and he's okay with it, the way it's shown on the maps.

MR. DONNELLY: We're either going to need to see a revision to the private driveway easement or the conservation easement. You don't want to leave it and have a problem show up later.

MR. BROWN: Okay. We do have the proposed conservation easement in our file. I can provide that.

MR. DONNELLY: Then we'll need to record it as part of this.

MR. BROWN: Okay.

MR. HINES: That's all the comments we have.

We mentioned the standard note of no encroachments. Otherwise it meets the requirements for the lot line portion of your zoning.

CHAIRMAN EWASUTYN: Dave, do you have

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any questions or comments?

MR. DOMINICK: No additional.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Mike Donnelly,
would you be so kind to give us the language in
the resolution?

MR. DONNELLY: The first condition is
the recording of the conservation easement we
just spoke about. Number two, the addition of
the no encroachment note if it's not already on
the plan. The other conditions relate to the
number of copies of the plans that need to be
submitted and the requirement that we be copied
on the letter transmitting the map for filing and
to be copied on the deed after it's recorded with
the Orange County Clerk.

CHAIRMAN EWASUTYN: Thank you. Do I
have a motion?

MR. DOMINICK: I'll make a motion.

CHAIRMAN EWASUTYN: Dave Dominick made
a motion. A second to the motion?

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MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Seconded by
Stephanie. Roll call vote starting with Dave
Dominick.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you.

MR. BROWN: Thank you.

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

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That hereinbefore set forth is a
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I further certify that I am not
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set my hand this 4th day of August 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

MOZO PROPERTIES
(2016-11)

286 North Plank Road
Section 34; Block 2; Lot 55
B Zone

----- X

SITE PLAN

Date: July 20, 2017
Time: 7:08 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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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CHAIRMAN EWASUTYN: The third item on this evening's agenda is Mozo Properties. It's a site plan. It's located on North Plank Road. It's in a B Zone. It's being represented by Talcott Engineering, Charles Brown being the representative.

MR. BROWN: Thank you, John. This one also was before the Planning Board in the past. Since then we met with the DOT. Based upon Siby Zachariah's comments we modified the access, restricted it. She signed off on that. The sign off was submitted to this Board.

We noted a demolition permit is required for structures in the back to be demolished.

We show a handicapped spot.

We've also reduced the amount of disturbance. It's less than an acre. Based on conversations with my client, they wanted to scale it back.

They also are no longer going to be renting power tools for landscaping.

CHAIRMAN EWASUTYN: Questions from Board Members. Dave Dominick?

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MR. DOMINICK: Charlie, what's the exact use of the property going to be?

MR. BROWN: This is to service their landscape business. They've got a bunch of equipment in the back here. They're going to be storing landscape materials. They keep their equipment on the lot and what not.

MR. DOMINICK: How many trucks do they have?

MR. BROWN: The last time I was out there they had a half a dozen. An exact count I could probably get from them.

MR. DOMINICK: Where will those trucks be stored?

MR. BROWN: They were stored in the back next to where the structure will be demolished.

MR. DOMINICK: Where is that?

MR. BROWN: Back here.

MR. DOMINICK: What's that surface now? Gravel?

MR. BROWN: Gravel and mud. Yeah. It's pretty muddy. We'll have to come up with some kind of treatment. Probably a geofabric and

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more gravel. It is very level back there so when it rains the water just sits there.

MR. DOMINICK: That's it, John.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: Charlie, on the location map, it really doesn't pin it down to anything dealing with the site. I think you could show the road across the street or something.

MR. BROWN: I'm not doing that on purpose. These are the location maps.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: I don't have anything.

CHAIRMAN EWASUTYN: This will be used for retail use, though?

MR. BROWN: I'm sorry?

CHAIRMAN EWASUTYN: It will be used for retail use?

MR. BROWN: Yes. It's in the B Zone.

CHAIRMAN EWASUTYN: Excuse me?

MR. BROWN: It's in the B Zone.

CHAIRMAN EWASUTYN: I'll turn it over to Jerry Canfield. Jerry?

MR. CANFIELD: Charlie, I looked

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briefly before the meeting today for wetlands.

MR. BROWN: Wetlands?

MR. CANFIELD: There's Federal wetlands there, at or near the site.

MR. BROWN: I'll check that.

MR. CANFIELD: That's all I have at this time.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We have a little history here. It appears this project shows up every July. This is it's third year. I don't know whether that's a coincidence or not.

I heard you say that the project is only going to disturb one acre. We believe that the project has already disturbed more than one acre. There was work done on this site while it was an application in 2014, 2015. That area has been disturbed. What you have as proposed material storage and shale, that's recently disturbed, and been done without approval. The new clearing area certainly is at or near the acre.

We believe that a stormwater pollution prevention plan needs to be prepared addressing

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what is there on the site today.

The wetlands map that Jerry has printed out has none of the improvements that are on this map shown behind what was the two-car garage/office. That is all wooded in a fairly recent couple year old aerial photo.

MR. BROWN: Unfortunately I got involved with this after the first submission to the Planning Board.

MR. HINES: Understood. There's been several design professionals involved. Your client can't take credit for the work he's been doing as he's been progressing this before the Board once a year for a couple of years.

MR. BROWN: Understood.

MR. HINES: I think what we need is a much more developed site plan depicting what's going to be there, an area for the material storage. I think that has to be fenced for outdoor storage of materials in this zone. The amount of those materials, the type of materials to be stored, a grading plan, take a look at the wetlands. I have a 2015 comment letter when Steve Dravick was the applicant's representative

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that kind of outlines some of the information we're looking for.

MR. BROWN: From July 10, 2015?

MR. HINES: I think I included it. I heard that you were discussing it with the DOT. The Planning Board is going to need, at some point, to declare lead agency and circulate to them. It needs to go to Orange County Planning, so we need that level of detail that Orange County Planning typically looks for, lighting, landscaping, all the details the Town asks for. If we sent this plan to the County we would get extensive comments back. I think this may be considered a schematic sketch plan of what the site looks like today when we're going to need to know what it's going to be used for.

I see some steel overseas containers. I don't think they're allowed to be used. I'll defer to Jerry. The use of overseas containers I don't think is permitted on site plans. Those are shown.

MR. CANFIELD: There's a section of the code in the zoning that deals specifically with pods and cargo containers.

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MR. BROWN: They are on the site plan.
I'll check that. Thank you.

MR. HINES: We need some additional
level of detail that your client is going to have
to give us.

I think the wetlands issue is
significant based on the wetlands map that I'm
looking at here. There's Federal jurisdictional
wetlands almost to the rear of the proposed
office building.

MR. CANFIELD: One other thing.
Charlie, if you could, I understand that you're
the second or third design professional to take a
crack at this. If you can urge your client on
the urgency of bringing this site into
compliance, I think it would be in everyone's
best interest --

MR. BROWN: I will do that.

MR. CANFIELD: -- if they could
expedite --

MR. BROWN: I talked to them today and
got all the contact information. I'll get back
to them.

CHAIRMAN EWASUTYN: Pat, at this point

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you're suggesting we hold off on lead agency
circulation?

MR. HINES: I think we need a level of
design detail before we do that. I would like to
get a handle on those Federal wetlands and what,
if any, impacts have already occurred on that
site.

MR. BROWN: Okay. Thank you.

(Time noted: 7:15 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 4th day of August 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

LAKESIDE SENIOR HOUSING
(2016-19)

21 Lakeside Road
Section 86; Block 1; Lots 39.22 & 39.23
IB Zone

----- X

SITE PLAN - MULTI-FAMILY
ARCHITECTURAL REVIEW BOARD

Date: July 20, 2017
Time: 7:15 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

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

APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH
JAMES REYNOLDS

----- X

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CHAIRMAN EWASUTYN: The fourth item of business this evening is Lakeside Senior Housing. It's a site plan for a multi-family use. It's located on Lakeside Road in an IB Zone. It's being represented by Barry Medenbach.

MR. MEDENBACH: Good evening. We're back here tonight. Since we were here last we met with the Town Board and they voted and authorized us to have the senior citizen project on this site. It was the end of June, the 26th maybe. I don't know if the Board received anything.

CHAIRMAN EWASUTYN: We were discussing that at the work session. To the best of my knowledge I don't remember receiving that.

Michael, did you?

MR. DONNELLY: No. We knew you were on the agenda but we have not received their action.

MR. MEDENBACH: I guess we need that in writing. They did vote on it. Basically the restrictions were the number of units, and density, and the criteria we had on the site plan.

We also addressed some of the issues

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Pat had concerning the generator. We moved it back, relocated it.

A couple other revisions. We added a sign. I think somebody from the Planning Board requested a sign somewhere. We proposed a sign at the -- once you come into the site, you have a little bit of fill in this landscaped area. We put a monument type sign. It will say Lakeside Seniors.

Other business, the Town Board had inquired whether we had clearance from the FAA, which we filed and obtained for each of the buildings.

We have the DEC basic approval.

I think that's it.

We have a full SWPPP on this. We're ready for approval.

MR. HINES: One more step.

CHAIRMAN EWASUTYN: Stephanie, any questions or comments?

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Dave?

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MR. DOMINICK: Yes. Did you have some type of picture or rendering of the sign?

MR. MEDENBACH: Yes. It's in the back of the set. I can tell you what sheet that is. It might be D-1 or D-2. No, it's not there.

MR. DOMINICK: I didn't see it. I only saw a reference to it.

MR. MEDENBACH: On sheet 12 of 17 we put it in with the landscaping. There it is. 12 of 17. It's basically 4 feet high. The sign itself is only 3 square feet, which I think is -- because we don't have any road frontage we're not entitled to much in the way of a sign other than to identify the property I believe, which allows us 3 square feet. We came up with a sign with a stone base, a wood frame around it. The sign itself would be 3 square feet just saying Lakeside Seniors. Did you find it there?

MR. DOMINICK: No, I didn't.

MR. MEDENBACH: I'll show you on this set here.

MR. DOMINICK: Thank you. You're only allowed 3 square feet?

MR. HINES: Barry, what sheet was that?

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MR. DONNELLY: D-1.

MR. MEDENBACH: 12.

We also have an architect that was supposed to show up here tonight with a presentation.

CHAIRMAN EWASUTYN: What we thought was since we only had four members, we'll defer that to the next meeting.

MR. MEDENBACH: Okay. He may show up any minute. I don't know if he got stuck in the rain or something.

MR. DOMINICK: Thank you. The only other question I had, personally I think I was a little disappointed in the landscaping. I think it's just very -- it wasn't inviting. We asked you to go to the other projects we had just to see where they made these outdoor communities. It's a little sterile in my opinion.

MR. MEDENBACH: I thought we had quite a bit. Did you look at the plant details?

MR. DOMINICK: I did. Even your cover page was very bland.

MR. MEDENBACH: We didn't do it in color.

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MR. DOMINICK: Your cover page was very bland.

MR. MEDENBACH: This doesn't represent the landscaping at all. This is just a cover sheet for the building. I was hoping the architect would be here for the presentation. Reproducing these in color is problematic. When you print them the colors all look wrong. I didn't submit it in color.

MR. DOMINICK: Color or black and white, visually that looks very sterile. It's just a bunch of boxes next to each other.

CHAIRMAN EWASUTYN: The grass in one corner, Lilac in one corner, grass on the other corner.

MR. MEDENBACH: Here he is.

MR. REYNOLDS: Good evening.

MR. MEDENBACH: Why don't you put the boards up, James.

CHAIRMAN EWASUTYN: For the record would you introduce yourself?

MR. REYNOLDS: My name a James Reynolds, I'm the architect.

CHAIRMAN EWASUTYN: We're going to hold

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off on the architectural until we have the majority of the Board Members.

We do want to go through, Dave Dominick has some comments.

MR. DOMINICK: James, thank you for coming. I was just saying I think it's very sterile. I don't think we hit the mark like we asked, to go to visit other communities and residential homes like we have here to see. It just looks very cookie cutter and uninviting. Not the community sense I'm getting from this. It's a lot of redundancy from building 1 to building 2 to building 3.

MR. REYNOLDS: Would you like a response?

MR. DOMINICK: Yes.

MR. REYNOLDS: Well I'd say there's some virtue in the economy. I think I tried to respond to the situation where we had a practical approach. We don't have a lavish budget, and certainly the buildings are very similar. Two of them are identical. The third one responds to the site. We're trying to grab some affordable, efficient senior housing. I think in terms of --

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look, aesthetics is certainly in the eye of the beholder. I think that there's some virtue in just a practical solution. I think the plans are pretty well worked out. They are some nice units. Each unit has it's own inside/outside space. It's got a nice layout.

MR. MEDENBACH: Can we do a presentation of the layout?

CHAIRMAN EWASUTYN: I think we're losing track. I think Dave Dominick is saying the landscaping is lacking and not really --

MR. REYNOLDS: I certainly want to respond.

CHAIRMAN EWASUTYN: Go ahead. Why don't we start with that. I don't think we're talking about the building.

MR. DOMINICK: No. I'm talking about the landscaping.

MR. MEDENBACH: We'll take a look at the landscaping. I thought we were pretty generous with the landscaping. This is not the landscaping plan.

CHAIRMAN EWASUTYN: Barry, --

MR. MEDENBACH: Yes.

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CHAIRMAN EWASUTYN: -- generally speaking, Lilac isn't a foundation planting.

MR. MEDENBACH: Okay.

CHAIRMAN EWASUTYN: I think that's pretty common. Lilac is something that may accent in the field but --

MR. MEDENBACH: I'll talk to my landscape designer about that.

CHAIRMAN EWASUTYN: I think what Dave is saying is there's no scale to it. It's just one, two, three, one, two, three, one, two, three. What we had thought was that you were doing something similar to the Stewart Housing project. Anyway --

MR. MEDENBACH: What was that?

CHAIRMAN EWASUTYN: Originally you came in to say that this was somewhat of a prototype to Harry Lipstein's --

MR. MEDENBACH: Yes. I think if you compare our plan to his, because we did compare his plans, we have I think more plantings on this site than that site. We have a lot of features, too. We have a hiking trail. It is a heavily wooded site. There's lots of heavy canopy of

1 trees so you can walk around underneath the
2 forest. We're going to create a hiking trail.
3 We're going to put a gazebo and continue that
4 trail along here, run along the edge of our
5 stormwater facility which will actually be a
6 landscape feature. We'll have common water. It
7 also has a bio-retention zone that's heavily
8 landscaped with various types of wetland
9 features. That trail would come up, and we've
10 created a lawn/picnic area here for residents to
11 hang out. Every building has an exercise room in
12 it, has a community room. Also the ground floors
13 have a lot of nice outside space.

15 I'll show you right here. The entrance
16 has a nice big covered entrance. What is this,
17 20 by 25 or something? There will be benches and
18 seating along here. There's also a nice
19 gathering area here.

20 A couple of the buildings -- this is
21 the third building. The first two buildings,
22 because of the grading, the first floor will have
23 a front and a rear entrance. We created that
24 same outside area in the rear as well as the back
25 which would have a large covered entrance where

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you have a sitting/gathering area as well as a lobby kind of area inside. So we put a lot of attention on this design to accommodate community gathering, both inside the building and outside.

MR. DOMINICK: I still think it lacks curb appeal.

MR. MEDENBACH: What's that?

MR. DOMINICK: I think it lacks curb appeal.

MR. MEDENBACH: It lacks curb appeal?

MR. DOMINICK: I've seen fast food restaurants have more curb appeal. I'm sorry to be blunt like that. It's someone's home, where they are going to live. You're going to invite people outside to congregate.

MR. MEDENBACH: Maybe it's in my presentation. Let me work on that. Let me talk to my landscape guy, some of the uniformity in the landscaping.

CHAIRMAN EWASUTYN: Right now you have five different varieties of plants. I don't know the scale of the building. You have Spirea, Holly, Lilac. It's a lot of area just to go from A, B, C, A, B, C. You're the landscape

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architect. We're just looking at it as far as the flatness of it. That's Dave's comment.

Ken, do you have any comments?

MR. MENNERICH: I guess what I would suggest is for the public hearing, if the details you talked about could be explained at the public hearing because you don't really see it on the drawings, at least the package I have.

MR. MEDENBACH: You need a presentation. We can work on that.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No further comment.

CHAIRMAN EWASUTYN: Jerry?

MR. CANFIELD: I have nothing additional.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: They've addressed our previous comments.

The Board issued a negative declaration.

DEC is processing their wetland permit.

I did have a comment on the status of the senior housing from the Town Board. We don't have anything from the Town Board. Obviously you

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were there, so we'll await submission of the letter or the minutes approving that.

We've reviewed the stormwater pollution prevention plan. That's been modified and found to be acceptable.

A public hearing is required. The next available date for that would be, it looks like August 17th. That would be the second meeting in August. That's all I have.

CHAIRMAN EWASUTYN: Then I'll move for a motion --

MR. MEDENBACH: I won't be here on August 17th.

CHAIRMAN EWASUTYN: So we'll move it forward. What's the date in September?

MR. HINES: That will be September 7th.

MR. MEDENBACH: You couldn't do it the first meeting in August?

MR. HINES: We couldn't get the mailings out in time. I couldn't get it in the newspaper and do the mailings in time.

MR. MEDENBACH: September 7th?

MR. HINES: The 7th is the first meeting. There's five Thursdays in August.

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CHAIRMAN EWASUTYN: I'll move for a motion to set the public hearing for Lakeside Senior Housing for the 7th of September.

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

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

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MEDENBACH: Thank you.

(Time noted: 7:34 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 4th day of August 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

DeGROAT, SEXTON & SMITH
(2017-13)

68 & 78 Forest Road
Section 3; Block 1; Lots 33.11 & 33.22
AR Zone

----- X

LOT LINE CHANGE

Date: July 20, 2017
Time: 7:34 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

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

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

----- X

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

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2 CHAIRMAN EWASUTYN: The fifth item of
3 business this evening is DeGroat, Sexton and
4 Smith. It's a lot line change on Forest Road in
5 an AR Zone. Larry Marshall is representing this.

6 MR. MARSHALL: Good evening. This
7 project is a proposed lot line change between the
8 lands of Sexton, Smith and DeGroat, transferring
9 approximately 1.24 acres of land from the DeGroat
10 parcel to the Sexton and Smith parcel.

11 We had previously been in front of this
12 Board and we received a referral to the ZBA for
13 the side yard setback, an existing dwelling, on
14 tax map parcel 3-1-33.22, lands of DeGroat. On
15 the June 22nd Planning Board -- or at the ZBA
16 meeting we received the necessary variance for
17 the side yard. We're back in front of this Board
18 for consideration of the lot line change.

19 CHAIRMAN EWASUTYN: Pat, you had an
20 opportunity to review this?

21 MR. HINES: Yes. The application has
22 received it's variances from the ZBA. I don't
23 have the determination but I do have the minutes.
24 I did check them. It was granted on 22 June.

25 The adjoiners' notices were submitted

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as required.

This is ready for a negative declaration and an approval.

CHAIRMAN EWASUTYN: Comments from Board Members?

(No response.)

CHAIRMAN EWASUTYN: Michael, would you be so kind to discuss the resolution?

MR. DONNELLY: There are no specific conditions beyond the standard ones, and that is a requirement that the map note that says there are no encroaching utilities. That may be on there already. If not, it needs to be added. The other conditions relate to, and we've seen these before, the number of copies of the map you must submit, the requirement that you copy us on your letter of transmittal of the filing of the map and the recording of the deed for the transfer of land. We want to see a recorded copy of that deed after it's returned to you by the Orange County Clerk.

MR. MARSHALL: All right.

CHAIRMAN EWASUTYN: Having heard the conditions of approval presented by Mike Donnelly

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for the DeGroat, Sexton, Smith lot line change,
would someone like to make a motion?

MR. DOMINICK: I'll make a motion.

CHAIRMAN EWASUTYN: Dave Dominick makes
a motion. Do I have a second of the motion?

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Stephanie made a
second. At this time I'll ask for a roll call
vote of approval starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

(Time noted: 7:37 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 4th day of August 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

RAM HOTELS, INC.
(2016-21)

Unity Place
Section 97; Block 2; Lots 37
IB Zone

----- X

SUBDIVISION/SITE PLAN

Date: July 20, 2017
Time: 7:37 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

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

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

----- X

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

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RAM HOTELS, INC.

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CHAIRMAN EWASUTYN: The sixth item on the agenda this evening is the RAM Hotels. It's a subdivision and site plan located on Unity Place in an IB Zone. It's being represented by Larry Marshall.

MR. MARSHALL: This application is a two-part application, the first part being the proposed subdivision of the lands which is two lots, lot 1 being the proposed lot for the hotel, being 6.42 acres in size, and then the remaining lands being lot 2 which are not being proposed to be developed at this time but would be at 2.05 acres in size.

As previously stated, the lots are intending to enter in a common driveway maintenance agreement for the shared entrance along the property line. There are several easements associated with stormwater conveyance, accessing utilities and such.

The subdivision plan really has primarily remained unchanged for quite some time other than the revision of an easement line, and I'll talk about that in a minute. That easement line is associated with -- it's in favor of lot 2

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for the purpose of the stormwater basin.

As discussed at the previous meeting, one of the major concerns for this site plan is the number of parking spaces. As requested by the Board, we added the 13 additional parking spaces and then showed a total of 13 additional spaces that are proposed to be banked or just a reserved area and could be built at a future date. We've added primarily the spaces along the southwesterly corner of the building, along the easterly side of the building and then the northeast corner of the building as well. As I said, we've increased the number of parking spaces up to currently proposed 130 parking spaces with, as I said, the 13 parking spaces being banked.

The other major change that we made to the plans is the addition of the stormwater basin, the bio-retention area to be located on the southerly portion of proposed lot 1. That basin is intended to serve as the treatment for future development on lot 2. It does not receive runoff from any of the impervious surfaces for the hotel site but it would serve at a later date

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for any development on lot 2. That has been shown at the request of the owner of lot 2 so that that can be handled at a later date. Obviously in order to size it we used hypothetical calculations. They would have to go through that with the Board, if it came back in, to confirm that the basin is appropriately sized.

The stormwater pond as a whole has been designed to handle 80 percent coverage on lot 2 as well as all the proposed coverage on lot 1. We feel that the stormwater basin, the detention pond will be able to handle the development on lot 2 regardless of what is proposed there because 80 percent is the maximum coverage permitted by zoning. Again, if lot 2 were to be developed, they would obviously have to come back in before the Board and analyze the function of the proposed pond.

We've provided to the Board, finally, the flow acceptance letter from the City of Newburgh which we received two weeks ago. That was one of the major outstanding items.

We also provided the ARB form for consideration of the architecturals. I

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RAM HOTELS, INC.

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understand the Board is a little light this evening. If so desired, we can speak to that this evening. The finishes on the proposed hotel are primarily EFIS or stucco finishes with a cultured stone near the bottom and then aluminum coping around the edges, around the windows and trims. Two different tones of gray, one being gauntlet gray, the other being dorian gray, then the light gold and white.

CHAIRMAN EWASUTYN: Questions on what Larry just spoke of?

(No response.)

CHAIRMAN EWASUTYN: We'll start with Jerry Canfield. Jerry?

MR. CANFIELD: I have nothing additional.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We received the revised stormwater pollution prevention plan, last revised 7 July, and find that document acceptable. We concur with Mr. Marshall's description of that, that it's been now designed and sized for the two-acre parcel that is part of the subdivision.

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A pre-construction notification to the Army Corp of Engineers for the wetlands disturbance is required prior to undertaking that disturbance.

The architectural review form has been submitted for the material for the Planning Board's use.

We note that the parking has been adjusted per Mr. Marshall's conversations, and Ken Wersted has provided the Board with comments stating he finds that acceptable based on his review of the required parking, the ITE manual and Newburgh's code.

A security and inspection fee will be required for stormwater improvements and landscaping.

A stormwater facility maintenance agreement must be provided. That's going to be a combination document requiring both of the lots in some way to participate with the maintenance of those facilities.

There is a comment in Mr. Marshall's letter that the common access road easement will also be adjusted to serve as the stormwater

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RAM HOTELS, INC.

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agreement between the two parcels, so that will need to be provided for Mike Donnelly's review.

That's the extent of our comments. There are no procedural issues. The technical comments have been addressed.

CHAIRMAN EWASUTYN: Larry, the matter of signage?

MR. MARSHALL: Yes. We submitted for the previous meeting the sign packet that is being proposed by the applicant. The total area of the signs on the site is -- I believe it's 940 square feet. It does exceed the maximum permitted by zoning. It's 940.2 square feet of sign area. That includes both sides of the monument signs, pylon signs and then the single sided building signs. We do request that the Board allow us -- consider the site plan and subdivision and then allow us to proceed with the signage at a later date, if the Board would consider that.

CHAIRMAN EWASUTYN: That sounds reasonable.

MR. MENNERICH: It will have to be referred to the ZBA for the signage?

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RAM HOTELS, INC.

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CHAIRMAN EWASUTYN: Are you proposing now for Mike Donnelly and Pat Hines to discuss with you the referral letter to the ZBA for a signage variance?

MR. DONNELLY: He can go with a letter from Jerry's office.

MR. CANFIELD: He can apply for the permit and we can refer it.

MR. MARSHALL: That's fine.

CHAIRMAN EWASUTYN: Would the Board like to act on the ARB this evening or would they rather postpone that until we have more Board Members?

MR. DOMINICK: Are you ready?

MR. MARSHALL: Yes.

MS. DeLUCA: I was just going to say as far as the aesthetics, the coloring, first of all -- I'll be blunt -- it's a lot better than the first model that you had shown with the greens, reds and everything. It's toned down quite a bit. It's a little bit more pleasing to the eye. I'm still getting used to the colors. That's all.

MR. MARSHALL: I'm sorry. I don't mean

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RAM HOTELS, INC.

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to --

MS. DeLUCA: That's okay.

MR. MARHSALL: This is the Hilton Garden in current brand standard. It's the coloring that's associated, the two tone of the grays and then this gold color. That is their standard.

MS. DeLUCA: Okay.

MR. MARSHALL: That's what we've presented this evening.

MS. DeLUCA: Okay.

MR. MARSHALL: I don't know what's better to get a perspective of the colors.

MR. MENNERICH: I think the lower one is better.

CHAIRMAN EWASUTYN: It's more of a close-up.

MR. MARSHALL: This is intended to be what you would see from Unity Place just past the first entrance. There are some other perspectives that we provided to the Board. This would be the rear of the site or the rear of the building. It's coming back down the hill. So it's really -- the front and back mimic one

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RAM HOTELS, INC.

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another. Obviously there's some architectural features that are a little bit different. The back has slightly smaller areas of the gold, little larger areas of the gray. This would be -- it's not -- other than signage and the main entrance, it really doesn't have a back of the building look. It's really intended to be consistent on all four sides.

MS. DeLUCA: Nice.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: It will be interesting to see what it looks like when it's built. From the pictures it looks fine.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Very good. Nice job.

CHAIRMAN EWASUTYN: Would the Board like to act now on a motion to grant ARB approval for the RAM Hotel located on Unity Place?

MR. DOMINICK: Yes.

MR. MENNERICH: Yes.

MS. DeLUCA: Yes.

CHAIRMAN EWASUTYN: So someone can make a motion.

MR. DOMINICK: I'll make the motion.

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RAM HOTELS, INC.

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CHAIRMAN EWASUTYN: Motion by Dave Dominick.

MR. MENNERICH: Second.

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

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried for ARB approval.

Mike Donnelly, would you discuss with us the resolution for approval for the subdivision and site plan for RAM Hotels?

MR. DONNELLY: The resolution will recite all three approvals, that is final subdivision, site plan and ARB.

The first condition will be a sign-off memo from Pat -- sign-off letter. I think most of the conditions are satisfied but just in case we'll leave it in there. In terms of the signs, the resolution will state that this approval is not intended to constitute an approval of the signs shown on the plan which are to be approved

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2 by the building inspector and, if necessary, by
3 the Zoning Board of Appeals. Third, this
4 approval is subject to and conditioned upon
5 delivery of the written approval by the Orange
6 County Department of Health for the water main
7 extension with hydrants. Next, the requirement
8 of a pre-construction notice to the Army Corp.
9 The next condition will be to note that the
10 Zoning Board granted variances on October 27th
11 and that the conditions of those variances are
12 incorporated into this resolution. We'll next
13 reflect that the City of Newburgh has issued it's
14 flow acceptance letter, and any conditions of
15 that approval will be incorporated by reference
16 into this approval. The next condition relates
17 to the parking area. Without reading the whole
18 thing, it states that you have shown that the
19 required parking has been met but it need not all
20 be built at this time, and the Town reserves the
21 right to require the construction of the
22 additional parking. We will require a recorded
23 instrument to that effect.

24 CHAIRMAN EWASUTYN: Any additions?

25 MR. DONNELLY: There's still more.

1 We'll ask you to file with the Town Board a
2 request under Section 1660-A of the Vehicle &
3 Traffic Law. It irrevocably authorizes the Town
4 of Newburgh Police, Parking Enforcement and Code
5 Compliance personnel to enter the site for
6 purposes of enforcing parking and other Vehicle &
7 Traffic Law violations on the site, most
8 particularly fire lane parking and handicapped
9 parking spaces. The plans shall not be signed
10 until that authorization is delivered to the Town
11 Board. We'll need a common driveway easement and
12 maintenance agreement for my review. It must be
13 submitted and approved before the plans are
14 signed. We also need the stormwater easement in
15 favor of lot 2. If those are all incorporated in
16 the same recorded document, that's all right.
17 The standard condition will be recited in terms
18 of Architectural Review Board approval. You'll
19 need to file a landscape security and inspection
20 fee, a stormwater security and inspection fee.
21 You'll need to enter into a stormwater control
22 facility maintenance agreement with the Town.
23 The final condition is that the site plan
24 approval allows construction of only that which
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RAM HOTELS, INC.

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is shown on the plans. No outdoor amenities or accessory structures and fixtures may be constructed without amended approval from the Planning Board.

CHAIRMAN EWASUTYN: Thank you. I'm sorry for interrupting.

Any questions or comments from Board Members, Consultants?

MR. HINES: No.

MR. DOMINICK: No.

MR. MENNERICH: No.

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Having heard the resolution for the subdivision and site plan approval, and also ARB, presented by Planning Board Attorney Mike Donnelly, will someone make a motion for that approval?

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich.

MS. DeLUCA: Second.

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

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RAM HOTELS, INC.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

Thank you, Larry.

MR. MARSHALL: Thank you very much.

Have a good evening.

(Time noted: 7:53 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 4th day of August 2017.

Michelle Conero

MICHELLE CONERO

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RAM HOTELS, INC.

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

----- X
In the Matter of

DIAMOND PROPERTIES - ORANGE COUNTY CHOPPERS
(2017-20)

14 Crossroads Court
Section 95; Block 1; Lots 47.2 & 74
IB Zone

----- X

AMENDED SITE PLAN

Date: July 20, 2017
Time: 7:53 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

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

APPLICANT'S REPRESENTATIVE: ANTHONY MORANDO

----- X

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

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CHAIRMAN EWASUTYN: Our seventh item and last item on this evening's agenda is Diamond Properties - Orange County Choppers. It's the initial appearance for an amended site plan. It's located on 14 Crossroads Court in an IB Zone. It's being represented by Cuddy & Feder.

MR. MORANDO: How are you?

CHAIRMAN EWASUTYN: Good, thank you.

MR. MORANDO: Good evening. My name is Anthony Morando, I'm an attorney with the law firm of Cuddy & Feder. I'm here on behalf of Diamond Properties. Bill Diamond from Diamond Properties is here as well.

This matter involves the Orange County Chopper site, which you all know probably better than I do. I believe there's two items before this Board, actually. One of them involves a referral from the Town Board regarding a proposed zoning code text amendment, and the second of course is the request for an amended site plan approval.

We submitted a narrative explaining the materials with regard to the Town Board and also

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explaining the amendment itself and the support and reasoning behind the amendment. I won't go through the whole thing but if you'll indulge me I'll just explain it to you so we're all on the same page.

The proposed text amendment is essentially adding the phrase indoor amusement establishment to the IB District table of bulk and use requirements. I have a copy of that table if you want to actually see where it would be added. Long story short is in one of the columns, column D row 2, we would add that phrase to the end. That's what is being proposed before the Town Board. We explain in our narrative that we think it's appropriate based on the existing zoning law, consistency with the comp plan and really the nature of the IB District, the Interchange Business District.

I'll walk you through a little bit of the reasoning behind it, but first I think it's important to see where it all started. Diamond Properties purchased the Orange County Chopper site and they're seeking to renovate internal space within the existing building. They're not

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proposing any external changes at this time. You know the Orange County Chopper site is near Stewart Airport, I-87, off 17K. They currently have manufacturing use there, retail, the restaurant, bar. Diamond is proposing to essentially renovate internal space to allow for additional entertainment uses. What happened was they filed an application to make those changes, and the changes that were proposed, which include converting the existing garage to a go-cart track -- again that's inside the existing garage -- converting retail space to some additional arcade space, and converting some of the manufacturing to a laser tag area. By filing that application it was raised with the Building Department/Code Compliance Department that while this is an indoor amusement use and while indoor amusement is permitted in the B District, it's not expressly permitted in the IB District. To avoid any vagueness, that's where the origins of the text amendment come from.

When we looked at this and how to phrase this with the Town, again working with the Building Department first, it essentially made

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sense when you think about it, the B District is generally a more restrictive district. It allows less intense uses overall. It has mini-malls and retail, personal services, restaurants. The IB District allows all of those things plus manufacturing, dealerships. To have it allowed in the B District and not the IB District seemed like something that should naturally be updated.

The location of the IB District is also appropriate, in our opinion, given the comp plan which talks about encouraging pass-through tourism, encouraging development in the southern portion of the Town near travel corridors. That's exactly what the Interchange Business District is. That's really the basis behind it and why we're asking for it.

Bill is here to really explain the nature of what their operation is, their experience in this field, which is vast. He'll explain some of their other facilities. We do think it provides a really great opportunity for the Town to encourage those items that are identified in the comp plan.

I'll hand it over to Bill to talk about

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that a little bit.

MR. DIAMOND: Sure. What we've seen -- Diamond Properties primarily is a real estate company. We do have an entertainment division. Grand Prix New York, Spins Bowl are some of the brands. We operate in that division. What we've seen happen all over the country in the last five years is traditional retail has really started to take a plummet due to the whole Amazon phenomena and everything. We've begun to see this morphing of entertainment and retail where a lot of traditional retail facilities, like malls, shopping centers, that used to just focus on movement of goods to survive, they have sort of adopted a lot more entertainment. If you've been to the Palisades Mall recently you'll see it's more of an entertainment center that is -- it's almost like an entertainment center that has a bunch of shops in it. It's got bowling alleys, it's got ferris wheels, all sorts of stuff in there. That's what people want today. So a traditional mall or shopping center that doesn't have entertainment is more and more going to have a challenging situation going forward. Amazon

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and online just continues to grab that.

Our entertainment concepts are very family oriented. We attract families, adults, millennials. We focus on generally larger facilities that have things like bowling, go carting, arcade, laser tag, good food and beverage. That's kind of becoming an increasingly big thing in sort of entertainment, these sort of entertainment venues that have everything from trampoline parks, to laser tag, to bowling, to go-carting. They're good for corporate event, families.

We have a couple of these near here. We have one in Poughkeepsie, we have one in Wappingers Falls, we have one in Carmel. We have a big grand prix location in Mount Kisco. All together we have about eight locations. This will be our ninth location.

We're not actually proposing to do really any construction inside the building. It's really just repurposing some of the spaces that exist now in the Orange County building. They have a huge retail store in there. They probably need a tiny portion of that. That will become

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our arcade. They have a big area upstairs that they use for manufacturing. We would convert that to laser tag. We're not really tearing up the inside of the building as much as kind of just repurposing what is already there.

If I could say, one of the things that people ask is the question regarding traffic and stuff. One of the nice things of our uses, unlike traditional retail where people pull up, grab something and then are gone, and then the next people pull up, like a drug store, our venues are less trafficky than that. Usually at our type of facilities people come for a couple hours, two hours. Anywhere from two to three hours for birthday parties, events. If you come you're using the restaurant, you're going to the arcade, maybe doing go-cart racing. It's the same people using different functions. People don't generally come and do one thing and take off. It's kind of a shared use around the building.

MR. MORANDO: Tonight we're here, obviously, to introduce this to the Board. We have a couple meetings coming up with the Town

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Board as well. After speaking with them, not putting words in anyone's mouth, it sounded like they wanted this Board to handle the lead agency role. We were hoping to move forward with that process and some other procedural items, like referrals and things like that.

MR. DONNELLY: I discussed with the Board at the work session that the way I seen the progression is we would issue a notice of intent to serve as lead agency. We understand the Town Board would not object but we would need to wait that time period out. We would then conduct whatever level of environmental review was necessary for both the site plan and the zone change. We would then, when SEQRA is closed out, notify the Town Board of that and send the report for the text change that's required under Section 185-60 B of the Code. You would then proceed to the Town Board for a public hearing on the zone change. If and when it's granted, you'd return here to complete site plan review. So the task at hand tonight would be to send it to the -- to issue the notice of intent to serve as lead agency.

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CHAIRMAN EWASUTYN: Jerry Canfield, any comments?

MR. CANFIELD: Just a question. Bill, currently in that building there's a mezzanine area over the retail space. What are your plans for that?

MR. DIAMOND: Just leave it as it is. We don't really have any plans to change that. The building is so custom. That area will just stay as it is. It may be used as a --

MR. CANFIELD: Just an open area?

MR. DIAMOND: Yeah.

MR. CANFIELD: Thank you.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: You said you purchased the Orange County Chopper building. Did you purchase the accessory parking lot?

MR. DIAMOND: Yes, we did.

MR. HINES: So you have ownership of that. That wasn't clear when I was reviewing that.

The plan sheet you included is from the original Orange County Chopper plan.

MR. MORANDO: We did an updated copy of

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the survey which showed a lot of detail. I can give you a copy of that.

MR. HINES: I didn't receive that.

CHAIRMAN EWASUTYN: I should probably have one for the record also.

MR. MORANDO: I thought we included it.

MR. HINES: We do suggest that we have sufficient information to declare lead agency tonight.

It will require circulation to Orange County Planning. They actually contacted my office when they received the Town Board's referral. I e-mailed them a copy of this unofficially, so they have that. We'll have to send an official 239 referral to them.

Ken Wersted, DOT may be involved. I have to check the property lines and distance to the intersection. Ken Wersted, our Traffic Consultant for the Town, should weigh in on traffic generation.

There are some discrepancies in the parking lot counts between the narratives and what's shown. Ken needs to get a handle on the parking requirements so he can report to the

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Board.

There needs to be an analysis of the City of Newburgh flow acceptance letter. This is going to bring a lot more people to the building. The Town has an agreement with the City of Newburgh that treats the Town's sanitary sewer that no approvals can be granted. We need to take a look at what the sanitary sewer flows were attributed to this approval, as well as when the restaurant/bar facility was added, versus what the hydraulic loading was on this. We'll be looking to your engineers to provide us with that report. It's probably based on the number of anticipated clients that you'll have in the building.

You just stated that you own the parking lot, which is our next comment.

Our other one has to do with the parking lot counts.

Your EAF identified the Cronomer Valley Fire District. It's actually Orange Lake.

MR. MORANDO: That was my mistake.

MR. HINES: You had both.

MR. MORANDO: I'll cross it out.

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MR. HINES: We're suggesting that the existing conditions plan that you submitted, the cover sheet for the OCC Cafe, just be updated, which you appear to have.

We would recommend the Board declare it's intent for lead agency. I think that updated plan sheet should be received before we circulate to Orange County Planning, and that will start those timeframe clocks.

CHAIRMAN EWASUTYN: If someone will make a motion to declare our intent for lead agency.

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Second by Dave Dominick. I'll ask for a roll call vote starting with Dave Dominick.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

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MR. HINES: I will note, and I know we discussed it, it is a Type 1 action because that change affects more than 25 acres in the IB Zone. I'm looking to Mike, kind of talking out loud here. I want to make sure I circulate correctly.

MR. MORANDO: We did do a full EAF.

MR. HINES: That makes the DEC an involved agency.

MR. DONNELLY: We made that mistake before.

MR. HINES: At least I learned from it.

MR. MORANDO: If I may just ask a couple timing process questions. The Town Board set a public hearing for the middle of August. We were wondering if -- of course I'll annoy Mark about maybe their meeting on Monday to consent to lead agency. Would it be possible for us to come back at the Board's first meeting in August to just sort of get out some of these things so when we get back to the Town Board for our public hearing in the middle of August we move the ball forward a little bit?

CHAIRMAN EWASUTYN: You're kind of pushing it.

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DIAMOND PROPERTIES

MR. MORANDO: I don't want to overstep.

MR. HINES: You did.

MR. MORANDO: Sorry.

MR. DONNELLY: But you did it politely.

MR. MORANDO: I smiled and said it.

Okay.

CHAIRMAN EWASUTYN: All right.

MR. MENNERICH: I have one question about the go-carts. What kind of motor power?

MR. DIAMOND: Electric. Most people are switching to electric now.

MR. DOMINICK: Any change to the restaurant/bar or any expansion of that?

MR. DIAMOND: No, no.

MR. MORANDO: Thank you very much.

CHAIRMAN EWASUTYN: Michael, you won't be here the meeting of the 17th. Would you prefer then that we schedule this for the meeting of the 3rd?

MR. DONNELLY: If you're thinking of sending a report back to the Town Board and you want me to draft a letter, it will be better to do it on the first meeting than the second.

CHAIRMAN EWASUTYN: Mike Donnelly has

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said he wanted to do it differently. Michael.

MR. DONNELLY: I'm not going to be here, Anthony, at the meeting -- the second meeting in August. I think the thought was while the first meeting is too soon, the second may be fine. I usually write the report letter back to the Town Board on the factors under the code. If it can be squeezed into the agenda, it would make it more smooth if we did it at the first meeting in August, otherwise it should go to the September meeting.

CHAIRMAN EWASUTYN: So that meeting would be the 3rd.

MR. HINES: The lead agency circulation will not have expired by then.

MR. DONNELLY: Usually we wouldn't send the report back to the Town Board.

MR. HINES: That's why I brought up the Type 1 action. The Type 1 actions have to be circulated to the DEC as well.

MR. DONNELLY: The report we send to the Town Board is not a discrete action, it's a recommendation. It's not the site plan approval. I think we could do it as kind of like a concept

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approval or something. It doesn't commit anyone to a course of action so it's not a violation of segmentation. I think we could do that report even before lead agency was closed out.

CHAIRMAN EWASUTYN: We'll call you in your car on the way home. Can I have your cell number? I think I have it all over my desk blotter.

We'll set you for the meeting of the 3rd of August.

MR. MORANDO: Thank you very much. We appreciate that.

(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 4th day of August 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

NYC DEP
(2017-20)

Project Discussion

----- X

BOARD BUSINESS

Date: July 20, 2017
Time: 8:05 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

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

----- X

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

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CHAIRMAN EWASUTYN: The only other item we have, we'll make it part of the minutes and we'll bring it up now. During our work session this evening the DEP came forward to discuss with us project number, I believe it's 2015-16, and that was to update us on their work hours.

Would someone like to bring us along on that discussion?

MR. DONNELLY: I can do it even though I missed part of it.

The DEP, for a number of reasons, wants to enhance the hours of work at the site.

Number one, there's a continuing emergency situation with leaks in the existing tunnel. Number two, they lost some time due to some crane malfunction issues. They're at a point where they're so far underground there's little likelihood of anyone even noticing that the work is ongoing.

They requested that they be authorized to extend the work crew operations to six days a week, twenty-four hours per day, with an equipment maintenance shift on Sundays that would

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be from 7 a.m. to 4 p.m. They've delivered to us a copy of the amended SEQRA findings issued by the DEP as lead agency that approves of that from an environmental point of view. It's not a formal approval on our part, it's an amendment of the conditions we had in the past. I think our discussion showed that it's not troublesome to us, and Jerry's office has no objection. I think all they need is some communication from you with this level of formality of it being in the minutes that that's authorized.

MR. HINES: We also discussed modification number 8 to the stormwater pollution prevention plan where they are going to install a pumping system on the lower easterly most detention pond in order to accommodate the grade changes and the water flow on the site. That pumping system is going to be run by a generator.

My office has reviewed the information submitted. That SWPPP is a living document. We don't take any exception to their modification. I just think that should be placed on the record as well.

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CHAIRMAN EWASUTYN: Jerry Canfield,
would you like to add anything?

MR. CANFIELD: No. Nothing additional.

CHAIRMAN EWASUTYN: Then I'll move for
approval to grant the extension of the work hours
at the DEP project along with the changes to the
SWPPP.

MR. HINES: Yes.

MR. DOMINICK: So moved.

MR. MENNERICH: Second.

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

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

Anything else?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a
motion to close the Planning Board meeting of
July 20th.

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

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

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:10 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 4th day of August 2017.

Michelle Conero

MICHELLE CONERO