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

----- X

In the Matter of

McDONALD'S SITE PLAN
(2017-14)

1403 Route 300
Section 60; Block 3; Lot 41.21
IB Zone

----- X

SITE PLAN

Date: August 17, 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: PATRICK HINES
GERALD CANFIELD

----- X

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

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McDONALD'S

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CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. We'd like to welcome
you to the Town of Newburgh Planning Board
meeting of August 17, 2017. There are three
items on this evening's agenda and one item
of Board business.

At this time we'll call the meeting
to order with a roll call vote.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Gerald Canfield, Code
Compliance Supervisor.

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

CHAIRMAN EWASUTYN: At this point we'll
turn the meeting over to Frank Galli.

MR. GALLI: Everybody please stand.

(Pledge of Allegiance.)

MR. GALLI: If you have a cell phone,

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McDONALD'S

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either turn it off or put it on vibrate.

CHAIRMAN EWASUTYN: The first item of business is McDonald's site plan. It's located on Route 300 in an IB Zone and it's being represented by Core States Group.

MR. GALLI: I don't think there's anybody out in the hallway.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to table at this moment McDonald's site plan until a later time in the evening.

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Motion by John Ward. Second by Frank Galli. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 28th 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

HUDSON ASSET
(2017-04)

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

----- X

FINAL - FIVE-LOT SUBDIVISION

Date: August 17, 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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CHAIRMAN EWASUTYN: The next item of business is Hudson Asset. It's a final five-lot subdivision located on Union Avenue in an R2 Zone. It's represented by Talcott Engineering.

MR. BROWN: Thank you, John. At this time it's my understanding we have addressed all of the comments and concerns. We respectfully request final approval.

CHAIRMAN EWASUTYN: Pat Hines, Planning Board Consultant?

MR. HINES: The outstanding items from the last meeting, we were awaiting a report from Orange County Planning. We received that report from County Planning earlier this week. Initially the County stated that it did not have a complete submission. I contacted Megan Tennermann from the County and we discussed those comments. Subsequent to that I received an e-mail from Ms. Tennermann. I'll paraphrase the e-mail. It says per our conversation this afternoon, the Orange County Planning Department is comfortable accepting the materials as presented as a full statement for the purposes of

1 SEQRA and recommending a Local determination.
2
3 The applicant does not in fact need to prepare a
4 full stormwater pollution prevention plan for
5 projects which the area of disturbance is between
6 one and five acres, which is the case here. This
7 project will disturb approximately one-and-a-half
8 acres at full build out for each of the lots.
9 All that is required is an erosion and sediment
10 control plan.

11 The next item is regarding the
12 incremental development. The plan does include
13 all the information required for a major
14 subdivision. They continue to state that this is
15 a major subdivision, although your memo, being
16 mine, of July 30th and documentation submitted by
17 the applicant says lot 5 is their residual. The
18 project is a minor subdivision and this is not --
19 this is me talking. The project is not a major
20 subdivision as there are only four lots, less
21 than five acres in size, and the balance parcel
22 which is not intended to be developed at this
23 point in time.

24 So County Planning has issued a Local
25 determination for the Board.

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There are a couple other items that are advisory, one being wetlands, one being water access and previous submittals which I know the Board has.

The Board would be in a position to make a decision on the project this evening based on that Local determination and the County having a full statement.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance, do you have anything to add?

MR. CANFIELD: I have nothing to add to that.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No questions.

MR. WARD: No questions.

CHAIRMAN EWASUTYN: Pat, I think you have a resolution prepared by Michael Donnelly, Planning Board Attorney, for final approval.

MR. HINES: As Mike Donnelly couldn't

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make it tonight, I worked with Mike on the resolution. He submitted this to me.

The first item is the 239 General Municipal Law referral. It states that the application has been referred to the Orange County Planning Department for review and report. The Planning Department has reported that this matter is one of Local determination, there being no significant inter-municipal or county-wide considerations found to exist.

The resolution contains the standard boilerplate information with the exception of the specific conditions which I will read. It says specific condition number one, the plans shall not be signed until the receipt of a letter from the Planning Board Engineer certifying that the plans have been modified in accordance with his memo, and that will be the memo from tonight. We'll plug that date in there. Number two, the approval is subject to proof of filing (prior to construction) of a notice of intent for stormwater discharges associated with construction activity under the SPDES general permit and delivery of the same to the Town

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Engineer. Item three, the approval is subject to conditions of a resolution of the Town Board authorizing three lots on a common driveway. Number four, a common driveway easement and maintenance agreement satisfactory to the Planning Board Attorney must be submitted and approved before the plans are signed. That instrument must be recorded as a condition of approval. The fifth item is the payment of parklands. The applicant shall deliver payment by cashier's check or certified check drawn to the order of the Town of Newburgh of a fee of \$2,000 for each new lot created in this subdivision, bringing a total due of \$8,000, and then it specifies the section of the Town Code that requires that. Those are the specific conditions that were identified in the resolution of approval.

CHAIRMAN EWASUTYN: Questions or comments from Board Members?

MR. GALLI: Nothing additional.

MR. MENNERICH: No.

MR. DOMINICK: No.

MR. WARD: Is there a note on the plan

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HUDSON ASSET

11

about the fifth lot?

MR. HINES: Yes, there is. We had previously commented on that. Mike Donnelly reviewed that note and found it to be acceptable. The balance parcel is not considered a building lot at this time, and any development of that parcel, including the construction of a single-family home, would require return to this Board for review and approval.

CHAIRMAN EWASUTYN: Having heard the conditions in the resolution written by Mike Donnelly, presented by Pat Hines, I'll move for a motion to grant final approval for the five-lot subdivision of Hudson Asset.

MR. GALLI: So moved.

MR. DOMINICK: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

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MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

MR. BROWN: Thank you.

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

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

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

That hereinbefore set forth is a
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I further certify that I am not
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set my hand this 29th 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

LITTLE BRITAIN, LLC
(2017-22)

227 South Plank Road
Section 61; Block 1; Lot 11.1
B Zone

----- X

AMENDED SITE PLAN - CHANGE OF USE

Date: August 17, 2017
Time: 7:08 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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Newburgh, New York 12550
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CHAIRMAN EWASUTYN: The next item of business this evening is Little Britain, LLC. It's an amended site plan, change of use for 227 South Plank Road. It's in a B Zone. Again it's being represented by Talcott Engineering.

MR. BROWN: Thank you, John. This is the old Algonquin Supply Building. It's changed ownership. The new owner wants to rent a portion of the building to an auto glass company similar to Safelite. We're here for that.

I did get a copy of Pat's comments. The one that was addressed was the proposed -- the bollards and the propane tanks. I talked to my client today about that and he's going to take those tanks out of there, so the need for that goes away.

Regarding the parking calculation, what do I use for the rental garages?

MR. HINES: We had discussed this a little bit at work session. I would suggest that there be one parking space for each one of them. I'm assuming they're utilizing it as some form of self-storage at this point.

MR. BROWN: I think so. I'll get

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clarification on that.

MR. HINES: There is the potential that each user of those could show up at any one time.

CHAIRMAN EWASUTYN: Jerry, why don't you chime in at this point.

I think right now we're working with both Pat Hines and Jerry Canfield. Jerry has a broader understanding of the site. He may have been speaking about the necessity to sprinkler the building.

MR. CANFIELD: A couple of things, Charlie. First and foremost, as you're aware, some of the zoning setbacks are area variances. This Board will eventually refer you to the ZBA. To assure that what they send to the ZBA is accurate, I think it's appropriate that perhaps you need to display a little bit better in depth the detail of what is on the site. There currently is a lot of activity. There's landscapers, there's excavation equipment, the rental of these garages.

I myself have a question with respect to the auto glass occupancy. If you could perhaps describe a little more in detail what

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that function is. Is it a mobile type thing or do they actually do the repairs here? Is it a garage where cars pull in the garage and they work on them?

MR. BROWN: It's going to be both, yes.

MR. CANFIELD: That helps us make a determination -- helps me make a determination if that portion of it is an auto repair facility. The only thing that fits close to this type of use, and again keep in mind what we're trying to quantify here, or classify, is the overall use of the site. It lends itself that it may comply with a mixed use. To make that determination I would feel more comfortable with a little more detail and also what the future of the site will be as far as the landscaper, the excavation equipment, is that a continued use. If so, we need to identify that. So again, like I said, with that being said, it's imperative to have a more accurate description of what's going on with the site so this Board can make an accurate referral to the ZBA.

MR. BROWN: Okay. Again, the auto glass, the front portion of it is the showroom

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office space, the first 21 feet. The rear is the closed garage door where they can pull in and store their trucks overnight. Also, I think from what I'm told, they can also replace windshields and what not in the building.

Again like Safelite, they do a lot of on-site type of work. I'll get a ratio on that. I'll break out the square footage for the showroom versus the office versus the garage portion. I'll go through the rest of the site with them.

MR. CANFIELD: One thing on that, Charlie, if I may. With what you had described to us, I'm a little more convinced it needs to comply with 185-28 which deals with auto repair facilities. You may want to look at that just to make sure that all of those items are complied with.

MR. BROWN: Okay. The other thing Pat, my client did say it is on Town water and sewer. He has the water and sewer bills. I can produce those.

MR. HINES: That's fine. There's a well in the rear of the property.

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MR. BROWN: We'll take care of the well. We'll get that archived per AWWA.

MR. CANFIELD: Just one thing before we shift to Pat's comments. We discussed at the work session also this is a change of use which is why you're here before this Board. It also triggers the Town of Newburgh sprinkler requirement. So that's something -- that's a costly item that must be addressed.

That's all I have, John.

MR. BROWN: Excuse me, Jerry. Would that be for the entire building or --

MR. CANFIELD: Yes. Yes.

MR. BROWN: Because of the various uses?

MR. CANFIELD: Yes.

MR. BROWN: All right. It's not as costly as it used to be.

CHAIRMAN EWASUTYN: Any questions or comments from Board Members?

MR. DOMINICK: Yes, I do.

CHAIRMAN EWASUTYN: You do?

MR. DOMINICK: Charlie, we also talked at work session of having a dumpster enclosure to

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try and clean up that area. If you can come back with some type of idea, that would be great.

MR. HINES: We talked about where do these windshields go. It looks like there needs to be a dumpster. I think this is an opportunity to get the site cleaned up at this point.

MR. BROWN: Mm'hm'.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Basically how many vans are there going to be on site?

MR. HINES: That's one of the -- the parking calculation, we're trying to figure out how that came about. I see shop for custom work. If they are going to have six, eight vans or one or two, we need to know that in a narrative as to where they are going to park. Also, if they are going to bring five or six customers that are going to leave their car for repair, maybe we should see an area where those are going to be staged. I think that section Jerry had, there's a certain number of vehicles that can be outside for repair at any one time.

MR. WARD: In the rear you have a lot of landscaping equipment and all.

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MR. BROWN: When I was out there I didn't see any. I'll talk to my client and get that clarified.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Charlie, before we refer you to the ZBA we'd like for you to come back with a better understanding of what the uses are, and then, if necessary, variances associated with those uses.

MR. BROWN: Okay. Thank you.

MR. MENNERICH: Charlie, on the entrances off of Route 32, is that basically the same as what's there today?

MR. BROWN: That's what's there right now. We put calls in to Siby. She's very busy right now. We do intend to bring her out to the site and do a field review. She most likely will make us close one of the three. That's typically what's she's been doing, --

MR. MENNERICH: Okay.

MR. BROWN: -- which may help with the parking actually.

CHAIRMAN EWASUTYN: Thank you.

MR. BROWN: Thank you.

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(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
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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

LONGVIEW FARM/SUMMER KIM CORP.
(2006-39)

Request for a One-Year Extension

----- X

BOARD BUSINESS

Date: August 17, 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
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: PATRICK HINES
GERALD CANFIELD

----- X

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CHAIRMAN EWASUTYN: We have one item of Board Business and I think at that point we'll close the meeting.

Ken Mennerich, would you read the extension letter?

MR. MENNERICH: The letter is addressed to John Ewasutyn, Town of Newburgh Planning Board, regarding Longview Farm/Summer Kim Corporation sections 1 and 2, Section 20, Block 1, Lots 1 and 3.35, Town of Newburgh town job number 2006-03. Dear Mr. Chairman, on July 7, 2016 we requested the preliminary approval of the above-referenced project which expired on July 16, 2017 be granted an extension. On behalf of Summer Kim Corporation and Kara Corporation, we wish to request a one-year extension for this project. If you have any questions, please do not hesitate to contact us. Thank you. Very truly yours, Thomas M. Depuy.

CHAIRMAN EWASUTYN: Thank you. Having heard the request read by Ken Mennerich for the extension of Longview Farms, I'll move for a motion for someone to approve that.

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MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:17 p.m.)

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

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I further certify that I am not
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Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

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

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

----- X

BOARD BUSINESS

Date: August 17, 2017
Time: 7:17 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: PATRICK HINES
GERALD CANFIELD

----- X

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MR. HINES: The only other item we discussed at work session, if the Board wants to include, was U.S. Crane at 18 Route 17K.

We briefly discussed the request from the applicant's engineer regarding some site modifications. It was the feeling of the Board at work session that the plan should be developed and submitted for an amended site plan review and the potential that that would require an additional public hearing.

(Time noted: 7:18 p.m.)

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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 24th 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

1900 CORPORATE BOULEVARD

Determination for Site Plan Review

----- X

BOARD BUSINESS

Date: August 17, 2017
Time: 7:18 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: PATRICK HINES
GERALD CANFIELD

----- X

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

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1900 CORPORATE BOULEVARD

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CHAIRMAN EWASUTYN: On a separate note;
Jerry Canfield, would you speak on behalf of 1900
Corporate Boulevard?

MR. CANFIELD: Yes. We also spoke at
the work session regarding 1900 Corporate
Boulevard which is currently a 100,000 square
foot building which has been divided into two
separate occupancies . The new occupancy is a
manufacturing use per our determination and must
come before the Board for a site plan review as
it does constitute a change of use.

CHAIRMAN EWASUTYN: Thank you. Any
other comments or additions?

MR. WARD: No.

CHAIRMAN EWASUTYN: I'll move for a
motion then to close the Planning Board meeting
of August 17, 2017.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Frank
Galli. Second by John Ward. Roll call vote
starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

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MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 29th day of August 2017.

Michelle Conero

MICHELLE CONERO