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

----- X

In the Matter of

MOBILITY  
(2017-23)

6 Orr Avenue  
Section 96; Block 1; Lot 11.1  
IB Zone

----- X

INITIAL APPEARANCE

Date: September 7, 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  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: PAUL COSTA

----- X

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

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MOBILITY

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CHAIRMAN EWASUTYN: Good evening,  
ladies and gentlemen. We would like to  
welcome you to the meeting of the 7th of  
September. This evening we have four items  
on the agenda.

I'll call the meeting to order with  
a roll call starting with Frank Galli.

MR. GALLI: Present.

MS. DeLUCA: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. DONNELLY: Michael Donnelly,  
Planning Board Attorney.

MS. CONERO: Michelle Conero,  
Stenographer.

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

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

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

(Pledge of Allegiance.)

MS. DeLUCA: If you have a cell phone,

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MOBILITY

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please turn it off or on mute. Thank you. Put it on vibrate. Thanks.

CHAIRMAN EWASUTYN: The first item of business this evening is Mobilite. It's located on 6 Orr Avenue. It's in the IB Zone. It's represented by Paul Costa.

MR. COSTA: My name is Paul Costa. Actually it's Mobility is the name. We are a wireless solutions company and we build wireless solutions for networks to increase capacity. We do it through towers, data systems. Right now we're building a big network for Sprint of small cell sites.

The reason for this is that the mobile carriers, they built their traditional solutions with the large towers and the panel antennas on the rooftops. What you're seeing now is a demand for data as everyone uses their phone now as a computer. This demand for data is overpowering the networks. There's this increase data demand that you see when they offer unlimited data service and they'll throttle you back at a certain point. The way that Sprint and other carriers are building out their networks is to

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build out small cell sites. What they do is they're able to offload the data to existing macro sites throughout the area. Essentially if you have a huge dinner table and it gets crowded, you add a card table and everyone has room. What the technology does is allows it to be on existing utility poles or even light poles. It allows it to be closer to the end user which lowers the latency and speed that they can get access to.

So just a little bit about what we're doing. We have about 7,000 of these sites. We're looking to build in all 50 states. There's 600, 800 in New York alone. We have agreements with New Paltz, Kingston, Westchester, White Plains, Yonkers, New York City and throughout the country. So we're looking to build one here in Newburgh.

Just some examples of our small cell sites as well. We can build them on street lights or utility poles. That's what we propose here. The equipment is just a five-foot antenna, a radio, a meter and a UA relay which is a canister that will relay to the donor site, and

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the AC cutoff power.

What we're proposing is to attach it to an existing guide pole, a Central Hudson pole on Orr Avenue. There's a photo sim of the proposed site in your package. The antenna would go on top, extending the structure to about 30 feet, and then the UA relay would be above the guide -- the electrical wire there, and then the radio would be below that, and then the AC and meter would be below that as well.

The goal -- the reason they chose the site is you can see from this colorful chart, the red is all competing data demand. The critical area for data are large shopping centers, Home Depot along Route 300. Then the yellow is above average. So by placing the site here it will cover about a quarter of a mile -- square mile coverage area and offload this data demand to the existing site on Snake Hill. This will increase the capacity of the entire area for both data and voice. There's more capacity within the cell network. That's what we're seeking the Board's approval and the Town's approval, to be able to co-locate on the existing Central Hudson pole.

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MOBILITY

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CHAIRMAN EWASUTYN: Questions from  
Board Members?

MR. GALLI: You're doing these projects  
for Sprint?

MR. COSTA: Sprint.

MR. GALLI: In New Paltz, and they're  
all for Sprint?

MR. COSTA: All for Sprint.

MR. GALLI: In other words, when you  
put this baby cell tower up, it only is for this  
particular area here? It's going to increase the  
capacity for this area?

MR. COSTA: Yeah. It has kind of a  
ripple effect throughout the area as it offloads  
that data and then the cell has more power.

MR. GALLI: The one on Snake Hill --

MR. COSTA: It will back haul to the  
internet and core network.

MR. GALLI: It speeds up the capacity  
for like Home Depot?

MR. COSTA: If you're in that area,  
yeah.

MR. GALLI: Okay. So is it more for  
retail users or mobile users?

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MOBILITY

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MR. COSTA: Any Sprint user. Any Sprint user.

MR. GALLI: Okay. And Central Hudson allows you to put them on telephone poles?

MR. COSTA: Yes. We have an agreement with them that allows that.

MR. GALLI: Do you know who is responsible for the pole, if something happens to the pole? Still Central Hudson?

MR. COSTA: I'm not sure of the nuts and bolts of the agreement. I think we're responsible for the equipment, and then if something happens to the pole we would know beforehand as the site would be offline and then we'd let Central Hudson know.

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

CHAIRMAN EWASUTYN: Any additional questions?

MR. MENNERICH: Yes. If you do lose electric to the site what happens?

MR. COSTA: There's no backup or -- just because of the size of the equipment. You would need a large battery to back that up. Unfortunately if the power goes down, the site is

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down.

MR. MENNERICH: Thanks.

MR. DOMINICK: Paul, you said it's a very small footprint of coverage that this will have here. What about the tower that's 30 feet down the street connecting to that? Is that an option?

MR. COSTA: I think they didn't look at that as an option. I think part of it -- it's a higher tower and once you start using those, the RF frequency, depending on where the other tower is, could merge and get mixed up. I don't think they saw that as a viable option.

MR. DOMINICK: Can you just explain what your note is on this map here? The top right corner says major roads will require data services from connected cars and connected emergency vehicles in the future.

MR. COSTA: I think that's just kind of planning for the future, where if you have driver-less cars or emergency vehicles they'll have access along the road.

MR. DOMINICK: You mean cars with wi-fi?



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MR. COSTA: Cars with wi-fi or driver-less cars. Anything that needs to be connected to the internet in the future. These sites also allow kind of the carriers to set up for 5G as well by increasing density of the network and the speed. This technology on a pole can be easily upgraded as well to kind of make room for that capacity when it rolls out.

CHAIRMAN EWASUTYN: Further questions from the Board?

MR. WARD: Who owns the property the pole is on?

MR. COSTA: It's the Town's right-of-way.

MR. WARD: It's the Town's right-of-way. All right.

MR. COSTA: I do believe, yeah.

MR. WARD: I'll let Pat answer that one.

CHAIRMAN EWASUTYN: Pat Hines, you had an opportunity to review this application.

MR. HINES: We reviewed the submittal. Our first comment just has to do with if in fact that pole is located on the Town's property, that

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MOBILITY

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Town Board approval or some form of permission is likely required. We would refer you to the Town Board for that. I believe the Town attorney does have an opinion on that. Moving forward, that's a requirement.

On the site plan, SP-1 has a note that states that it is -- the site plan was generated without the use of a survey. Property lines, right-of-ways, power, telephone/utility point connections, routes and easements shown on the plans are estimated. We're going to request that a survey be provided. This pole is located very close to the adjoining property line. There's a lot of plus or minus dimensions on the site plan that was submitted. Where that property line actually falls and whether this is a road by use or where that right-of-way falls is going to be important to make sure that that pole is not located on --

MR. COSTA: Private property.

MR. HINES: -- someone else's property.

MR. COSTA: We'll get that surveyed for you.

MR. HINES: The Town has a wireless

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ordinance. There is provisions for waivers. We're asking that as you go through that wireless ordinance and identify the various waivers, things like fault zones, separation of property lines, a required RF analysis, et cetera, we need to have a list of what waivers from the wireless ordinance you are requesting so the Board can evaluate those.

Then I have some comments on the environmental assessment form which need to be addressed. The environmental assessment form wasn't filled out utilizing the DEC's interactive website.

MR. COSTA: It was. The two yeses that came up, I went further. Within the area there was no impacts. I can run that again.

MR. HINES: Normally there would be additional pages.

MR. COSTA: I didn't include those.

MR. HINES: That's what led me to believe it wasn't. If you could submit that as well, that will clear that up.

MR. COSTA: Sure.

MR. HINES: That's the extent of our

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MOBILITY

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comments. The Board has a wireless consultant that it uses at times. I think the Board will have some discussion with the code department to determine at which point the Town's wireless consultant will review the application moving forward.

CHAIRMAN EWASUTYN: Mike Donnelly, any questions or comments?

MR. DONNELLY: No.

CHAIRMAN EWASUTYN: Pat, would this be something we would circulate to the Orange County Planning Department?

MR. HINES: Yes. It does need to go to County Planning. It is within 500 feet of a highway.

CHAIRMAN EWASUTYN: Should we take an action to circulate it tonight to the Orange County Planning Department?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: I'll move for a motion to circulate application 17-23 to the Orange County Planning Department.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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CHAIRMAN EWASUTYN: Motion by Frank  
Galli. Second by Ken Mennerich. Roll call vote,  
please, starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you.

Any questions?

MR. COSTA: No.

(Time noted: 7:10 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 26th day of September 2017.

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

U.S. CRANE & RIGGING  
(2017-11)

18 Route 17K  
Section 97; Block 1; Lot 21.2  
IB Zone

----- X

INITIAL APPEARANCE  
AMENDED SITE PLAN

Date: September 7, 2017  
Time: 7:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ANDREW FETHERSTON

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

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CHAIRMAN EWASUTYN: The second item of business this evening is U.S. Crane & Rigging. It's an amended site plan located on Route 17K in an IB Zone. It's being represented by Maser Consulting.

MR. FETHERSTON: Good evening, Mr. Chairman, Members of the Board. Andrew Fetherston, Maser Consulting.

We prepared an amendment to the site plan as the workings of the internal building and the operations of the building allowed the applicant to remove two large vehicular doors that were formerly shown on the north side of the building. We removed those doors. There was no need for the ramp that was taking us down from this upper level down to the larger lower level. That was the main change for this amended site plan.

There was another addition made to the plan, and that was that we added a sign out in the front. We originally had on the site plan that the Planning Board approved, there are two brick signs, one on either side, which were slated to be removed. We added a sign there.



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Unfortunately the detail didn't get submitted to the Board. I have it. I'll submit it in the future. We did not submit that sign detail. I don't think anybody saw it. I wanted to mention that it was there. That was our fault we didn't get that submitted.

In getting rid of the two doors that were here, I had a large ramp taking vehicles -- the flow of the site was taking the vehicles in, offloading steel, unloading steel, taking them through the site and then back out or around the site to be staged and possibly go to their destination in another day, or whenever the schedule is. That ramp was no longer needed. That ramp required extensive excavation to bring the site down from this level down to the lower level. There's retaining walls in this whole area.

What I'd like to do -- Pat Hines reviewed the plan. What I'd like to do is just go through Pat's comments. I think it takes us through everything that might be -- most of the things that might be the Board's concern.

Pat's first comment was regarding back-

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up beepers. Now we have to back trucks up out of the building. Like I said, the original notion was to drive the trucks through the building and then circulate them through the site, having a less level of backing up. We're proposing to bring the vehicles in, have them offloaded, unloaded and then back up and then circulate through the site to either be staged or to go right out of the site at that time. So the trucks are no longer going to exit from the north doors. We did have trucks and we did have backing up with beepers for the vehicles that were going to park, all the trailers that could park in those staged areas. It's not like we didn't have any backing up at one time. We did have a lot of backing up because I have -- I think there's 30 slots there for trucks to stage and to be stored prior to leaving the site.

We also had the sound wall. I highlighted the sound wall just so you could pick it out on the drawing a little better. From the end of the -- from the east end of the building the sound wall currently extends, what was on the approved plan, 120 feet beyond the edge of this

1 building. A tractor trailer with a 53 foot box  
2 or a flatbed, maybe 70, 75 feet long. There was  
3 an additional 120 feet of sound wall that was  
4 already proposed on the plan. I think the  
5 biggest thing with sound on this site is that in  
6 the resolution -- in our approval for resolution  
7 for the prior site plan we agreed to sound  
8 monitoring once this site is built. We agreed to  
9 post-construction sound monitoring. If some of  
10 the levels are exceeded, then some additional  
11 mitigation would have to be provided. If they  
12 are not exceeded, then nothing would have to be  
13 provided. We have to meet the code. We  
14 understand that clearly.

16 The second comment from Pat was  
17 regarding the rock crusher and the concrete batch  
18 plant which is proposed to be used on the site.  
19 That's proposed to be used on the site -- I'll  
20 start with the rock crusher. It's supposed to be  
21 used on the site to make it a more efficient  
22 means of construction. We told you when we had  
23 the approvals we did some test borings,  
24 especially up at our deepest cut, we told you we  
25 found rock. We don't know if we're going to have

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to blast that rock or ripping would be appropriate. Either way, the rock has to come out of the site. If the rock comes out and we don't crush it, we're going to have to take it off site and bring in material. By using the rock that's on the site and crushing it to a material size that we could use, we could reutilize that material for the building. We have a cut here and we have a large fill here. This whole side of the building is cut, it's excavated out, and this side is in the fill. This is that elevated area on the site. There's a slope here and then there's a retaining wall just about that far around. So this is about 9 feet or 8 feet above this entire area right now. The rock crusher will make this a more efficient operation because it can reuse the material that's on the site rather than trucking it out and then taking another truck to bring back material that's suitable. We're going to make select fill material out of this, crushed stone. If we blast rock and have shards and large boulders of rock, it's really not usable for this site. I don't have that type of material, rip

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rap and large boulders. I don't have that use on this site. Understanding the entire site is paved, it's built out. We're taking this existing paved area and we're modifying it to fit a building.

I don't show every -- I've never shown construction vehicles or equipment where it's placed on a plan -- on a site plan. In this particular case we're talking about putting that rock crusher behind the existing car wash building. That's where we're proposing to put it. I don't have it on the plans but that's where it's proposed to be sited.

Using the rock crusher is probably going to cut the amount of trucks in and out. If I had to get rid of all this material and then bring in suitable material, I think I'm cutting the truck trips in half. That truck trip was approved by this Board because we didn't know if we were going to reuse this material. We weren't talking about rock crushers at that time. We were talking about taking out anything that's not suitable and bringing in suitable material. Now we realize what material we have. The extensive

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geo-technical program has been done for the building, including the rock. We know where the rock is, we know about how much we have to take out. We just don't know how hard that rock is as you get down. Can you chip it, do you blast it? What's the most efficient? Do we want to be there chipping away for an extended period when getting a blasting permit and doing all the things that are required for the permit would be the more efficient, more practical, more expedient way to get this thing done. We don't know yet. If we need to get a blasting permit we'll apply for one.

The concrete batch plant is similar in that we're going to take a lot of trucks off the road. If we have our own source of ready mix, a lot of the ready mix trucks are going to come off of the road. We're going to need the materials to make the concrete, yes, but we're going to take a lot of the trucks off road. That's the reason for those two pieces of equipment.

I wanted to add that in the Newburgh Code, Section 125-9(d)(2), the code states that sounds created by construction activities during

1 the period from 7 a.m. to 7 p.m. are exempted  
2 from the limitations of this chapter. The  
3 limitations of the chapter was the sound that we  
4 wanted to keep down during the business hours to  
5 the operation of the steel fabrication plant.  
6 That's what we agreed to. The four-inch  
7 insulation in the walls which we agreed to and  
8 got approved, and also the sound wall which I  
9 highlighted on the other plan. It runs this  
10 entire length here and there's another length  
11 over here. That's what we agreed to to keep the  
12 sound down, but not during construction. It had  
13 nothing to do with construction. It had to do  
14 with the operation of the plant. The  
15 geo-technical findings during the exploration  
16 found that some of the soil needs to be mixed.  
17 We want to take that rock crushing, that  
18 material, mix it with the on-site soils and not  
19 have to truck off any unsuitable soil and bring  
20 in more soil that is suitable. We're trying to  
21 eliminate that. That's what the geo-technical  
22 program has achieved.

24 Number three was regarding the storage  
25 area. We had a ramp here. We have a storage

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area here. We have a dumpster here that we had on the original plan for scrap steel for recycling. We have this area for the truck staging and storage for the trailers. There's another storage area over here. I left a flat area. It's a flat area now. That's what's there now. We don't need more parking. I left an area in case, you know, you get backed up. You have a lot of stuff on the site. You've got to store stuff for a couple days. You can't bring it down to the site where it can be used because other things are going on. You have to store it for some temporary period of time. My client has made it real clear to me that he does not want to store steel out here. He's got to move the steel. He's got to get it down where it's got to be. He's got to fabricate it and move it. He can't stockpile it on the site. He's not making any money doing that. The storage area we're thinking is going to be temporary storage of steel in the interim of construction scheduling.

There's a stormwater facilities maintenance agreement which is required. That's understood. That has to be worked out with --



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MR. DONNELLY: The standard form. Mark Taylor will get it to you.

MR. FETHERSTON: Comment number five was to resubmit to New York State DOT and Orange County Planning. I have a real -- I really don't want to do that, of course. DOT has still not gotten back to us on our original application. Just so you know how long this takes in this realm. There's no reason whatsoever to go back to New York State DOT or to Orange County Planning when I'm not changing this entrance. I haven't changed the building, the use, the number of people that are going to be in there. I took two doors off here that would have facilitated the drive-through and removed that ramp and provided storage in it's place. There's absolutely no reason to go back to DOT for that. There's no reason to go back to Orange County Planning either because Orange County Planning originally looked at it and they stated it's going to be a local determination for your Board. No significant inter municipal or countywide considerations. What possible countywide consideration or change is there from removing

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two vehicle doors and a ramp? You know what it changes? It changes the internal circulation of the site. Nothing off site. Certainly nothing countywide. I don't think that we should have to be subjected to go there. We could discuss that.

The limit of disturbance was comment number six. We had something in our stormwater report. We moved the table to a different page. We have the table in there but we'll flag where that is in response to these comments.

The notice of -- seven was the notice of intent. We're going to make a change on that, as Pat noted to me, and also something on long-term operation and maintenance. I'm going to make a revision we didn't catch.

Do you want to -- I think it would be helpful to the Board -- I showed you I removed the doors. You don't know why I removed the doors. Do you have the drawings for the inside of this? I think you might be interested in seeing the inside of this facility. All of the steel fabrication, cutting, punching, bending, welding equipment, has been purchased, purchased for this site, along with the steel building.

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MR. AURINGER: The equipment.

MR. FETHERSTON: The cranes.

MR. AURINGER: Everything.

MR. FETHERSTON: Maybe you should show them the overhead cranes. That's pretty extensive. Just so you get a feel for how far along we are.

MR. SECKLER: Good evening, Mr. Chair and Members of the Board. I'm Arthur Seckler. We're the partners at Lothrop Associates Architects. I've been in front of this Board previously.

This particular drawing is the architectural floor plan for the proposed building. Just to orientate you, that's the east end of the building with the three overhead doors. The two removed doors were here on the northwest corner of the building. This floor plan reflects the deleted overhead doors. Everything else in the plan remains unchanged.

This drawing is the upper level of the fabrication shop. What it's illustrating is the overhead crane system that will run the full length of the building. The overhead cranes will

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be three bays, bay 1, bay 2 and bay 3. On those bays there will be a continuous what they call runner beam. It will run the entire length of the building. The ridge beams, which are the perpendicular beams, will span from runway beam to runway beam and travel up and down the building. Each of those bridge cranes have multiple cranes on it of different capacities that will lift the crane as it moves throughout the building. So there would be four bridge cranes in bay 1, two bridge cranes in bay 2 and then four bridge cranes or overhead cranes in bay 3.

The way the operation works from a fabrication point of view, the steel will come in this center door, and this illustrates a series of equipment. It's cutters, planers, punchers. It's all state-of-the-art equipment that the applicant has purchased from Peddinghaus, a world renowned fabricator of equipment for fabrication of steel. So the steel will come in and go through the various steps of fabrication. When it gets to the end of the fabrication process, it will then be traversed to either bay 1 or bay 3.

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In bay 3 there's one additional piece -- two additional pieces of equipment that perform other fabrication operations. Or it goes to bay 1, gets loaded and then taken back out of the building. So that's the way the process will work. Steel will come in, go through the fabrication process, and because of that process these doors were no longer needed. Beams, when they're finished being fabricated, will get shifted or transferred either to bay 1 or bay 3 from the center bay, which is the fabrication bay, and then loaded on trucks and brought out of the building.

Is there any questions regarding the operation and the change?

MR. DOMINICK: How many tractor trailers can fit lengthwise in the building at one time?

MR. SECKLER: If a tractor trailer is 75 feet long, the building is 365 feet.

MR. FETHERSTON: Four. Probably four. Four on each -- four lengthwise.

MR. SECKLER: It really depends on the order that's being fabricated at the time and how

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many loads of steel are needed and what happens. All those trucks need to come in to these last two bays when they're transferred off from the fabrication process.

MR. DOMINICK: When truck 1, all the way on the west end of the building, is done and 2, 3 and 4 are sitting behind it, it has to wait?

MR. FETHERSTON: You're making the assumption that they're lined up inside the building. I don't know that that's a safe assumption.

MR. AURINGER: That's not how it works. Raw material comes in on a delivery, gets offloaded on a transfer and then gets fabricated. You bring in an empty trailer and it gets loaded and goes in.

MR. SECKLER: They're done in order as it's needed on the job site. The shop drawings are done for a particular building or structure showing what pieces of steel they need. That's the way it would be fabricated.

MR. DOMINICK: Where I was heading with this is that it just doesn't seem productive or counterproductive backing all the way in.

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MR. AURINGER: It doesn't back all the way in. The trailers come in to bay 1 and bay 3 with raw material, it gets offloaded and then it goes on to transfer which is the center bay. It goes through the first machine that marks and identifies the pieces and then it goes to the saws and the drill machines, then it goes down to the end and the material rotates to the work benches in bay 1 and 3 where they get assembled, the pieces. The overhead cranes take them down to the empty trailers at the end and they load the trucks. The whole operation is done inside that building.

MR. SECKLER: You have the overhead cranes that will move that material. Once it's traversed out, the overhead cranes will move the steel.

MR. AURINGER: Each one of those bridge canes have auxiliary cranes. There's two cranes on each one of those. There's twelve cranes in that shop.

MR. HINES: I just need your name for the stenographer.

MR. AURINGER: Thomas Auringer, I'm the

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owner.

MR. WARD: My question is why are we seeing this now and not the first time? You yourself said for the flow, circulation going in one door, out the other using the cranes to load and unload whatever it is. Now we're looking at something different. We understand it. It opens up a scenario of backing up, traffic flow, noise.

MR. SECKLER: No, it doesn't.

MR. AURINGER: What noise?

MR. FETHERSTON: Tom, did you have the equipment purchased at the time we were here?

MR. AURINGER: No.

MR. FETHERSTON: He knew exactly what he was laying out. We had the size of the building. Exactly where the fabrication machines were going to be and how they were laid out in the most efficient way, that's only recently come to pass.

MR. SECKLER: We've only been working with Peddinghaus, the manufacturer of that equipment, over the last four to six weeks on finalizing the process for the fabrication.

MR. FETHERSTON: What you're talking



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about for noise, --

MR. AURINGER: What noise?

MR. FETHERSTON: -- we got the approved four-inch material. Now we have less doors where the noise could actually escape.

MR. WARD: Like Dave said, you have more production the other way.

MR. AURINGER: No. This is more -- after sitting with the experts at -- Peddinghaus is the largest manufacturer of equipment in the world. After sitting down with all of their professional engineers and their designers, this was the most efficient way to do the production for the shop. Everything from unloading to loading in it's entirety is done inside that building to eliminate the noise. So we got completely rid of the noise and we got rid of the doors at the end which creates more noise in the back. We eliminated the noise if anything.

MR. DOMINICK: You're going to have trucks backing up making noise.

MR. FETHERSTON: We had those before.

MR. DOMINICK: Not in the original plans.

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MR. FETHERSTON: We had trucks driving through but we also had slots for I think 30 or more trucks to back into place. I mean you would have had beepers.

MR. DOMINICK: You're adding to that.

MR. FETHERSTON: Could be. Back-up beepers are required on an industrial site.

MR. AURINGER: It's an OSHA regulation.

MR. DOMINICK: That's my point.

MR. SECKLER: We go back to the post-construction monitoring we agreed to and we'll do. If we were to exceed it, then we'll have to mitigate it.

MR. FETHERSTON: That was in place with the original agreement.

MR. DOMINICK: How many trucks could you load a day would you say? What would be your quota, or goal, or average?

MR. AURINGER: What we said at the last meeting, it could be anywhere between two and six trailers a day in and out.

MR. WARD: You can only load so much.

MR. AURINGER: Depending on what the demand is for the jobs we're doing. Tim is going

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to have a closing statement on everything. Do you want us to do it now?

MR. McCOLGAN: The only thing I wanted to talk about is where we are contractually now with this --

MR. DONNELLY: Would you --

MR. McCOLGAN: Timothy McColgan, general counsel to U.S. Crane & Rigging.

The proposals and monies have been distributed for the pre-engineered building, the overhead cranes and a series of equipment to the tune of 5 to 7 million dollars. We've hired local employees. We expected to have -- we expected to break ground by September 1st. The five local employees that we've hired are now on standby.

The interesting thing about the batch plant and the rock crusher, and I think our noise expert will state this, is that not only do we meet the conditions attached to the site plan but because of the program, this actually reduces the noise level originally agreed to by this Board and the conditions attached to the site plan because you don't have those trucks coming in and out. That fill is taken out, crushed and filled

1 back in. My estimation is, and I think Mr.  
2 Grealy agrees and Andrew agrees, that the truck  
3 traffic as a result of this program is actually  
4 reduced by fifty percent. That clearly -- not  
5 being an expert I would still argue that it  
6 reduces the noise level when you reduce truck  
7 traffic by fifty percent.  
8

9 CFR Section 1917, 1918 and 1926  
10 requires that if a vehicle is -- contains a  
11 back-up alarm, it is illegal to remove it. It is  
12 illegal to turn it off. This is an industrial  
13 zoned site. Any business that went into this  
14 site would have to comply with those OSHA  
15 regulations. Not only that, if you do remove or  
16 turn off a back-up alarm and something occurs,  
17 under OSHA you have violated your general duty  
18 and the fines could be in the hundreds of  
19 thousands of dollars. This rule applies to any  
20 business that would enter that site, including  
21 the business that was there before us, which was  
22 I believe an auto auction that had tractor  
23 trailers coming in and out. So there's no way to  
24 escape the back-up noise from those alarms.

25 Number two, we don't know whether those

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2 back-up alarms actually exceed the ordinance  
3 level within the code either during the day or at  
4 night. It could be that they do not. That's why  
5 the condition of the monitoring once the project  
6 was completed to see whether any noise on that  
7 site exceeds the code in connection to daytime  
8 use and nighttime use. We simply do not know.  
9 There is a condition within the site plan that  
10 says if it does we must engage in mitigation.

11 We submit that not only does this  
12 program with the rock crusher and the portable  
13 batch plant comply with the original site plan  
14 conditions, it actually reduces the noise level.

15 Finally what I'd like to say is each  
16 and every one of these contracts, the  
17 pre-engineered building, the overhead cranes, the  
18 equipment, those contracts come with liquidated  
19 damages in the event we breach the timelines.  
20 Now obviously we were reasonable in our  
21 timelines. Now we're getting nervous that we're  
22 up against a liquidated damage issue because the  
23 project may be delayed in connection to this  
24 amendment.

25 I just sort of wanted to give the Board

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a sense of where we are on a business level and that we are in compliance with the site plan and it's conditions. In fact, we believe the noise is reduced as a result.

MR. AURINGER: Excuse me. Furthermore, I am already contractually obligated with major infrastructure projects in New York City which I'm under contract and under a timeline. I have to get this place up and running. My goal is to have it up and running CTCO by June 1, 2018 to meet my obligations. We went through -- obviously everybody knows -- the IDA approval process. All the lawyers, all the fees, everything has all been paid. I pay all my professional engineers, my attorneys, all the fees that I was supposed to do. We went through the whole process. We're here to employ people. People from this Town are waiting for me to get my permit to start working. So everything is in place. We're all ready to go and we've got to move forward now. I have to get to work.

MR. WARD: I want to say thank you for explaining how the machinery works. The Board doesn't know. The public doesn't know. I do.

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Also, you mentioned the concrete crusher and all. Is that going to be on site after the project is over?

MR. AURINGER: No.

MR. McCOLGAN: It's temporary. Three months max.

MR. AURINGER: Our foundation, we assume, is going to take plus or minus three months from the beginning to the end, from the excavation process to actually pouring the concrete, and then the actual construction of the building, the pre-fab building with the overhead crane installation, is going to take another three months. That's our target.

MR. McCOLGAN: The batch plant and the rock crusher are temporary. We expect three months.

MR. AURINGER: Everything is on tracks and wheels.

MR. McCOLGAN: It's portable.

MR. WARD: Thank you.

MR. GALLI: I have a question. I don't have an issue with the back-up noise. I realize tractor trailers, you're going to back up on the

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site the whole time. You have the beep, beep, beep. That was discussed at the public hearing and stuff. The noise level I think a lot of us are concerned about was the rock crushing. I think the original proposal was -- I'd have to go through the minutes to actually look. I think it said there was going to be no blasting. I might be wrong. I'd have to look in the minutes. With no blasting, of course I realize if you hit rock you have to do something with it, either pound it away, which is noisy, or when you do finally get it out you have to truck it off site, or in your case you want to crush it. A rock crusher makes a lot of noise. I've heard them in quarries. They do make a lot of noise. Our concern, I think a few of us, is the rock crushing noise more than the beep, beep, beep of the truck. I think that's the issue where we explained to the public that the noise level during a portion -- I don't think you'll be crushing rock at night. It's not in the ordinance.

MR. AURINGER: No.

MR. GALLI: During the day if you're out there crushing rock, I don't think the public



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was aware of that particular issue or the blasting, which I know you have to follow the protocol of the Town which is strict. You know, blasting -- one blast and then you do your thing and then another blast. It isn't a constant like the rock crusher.

Then our other concern is a project of that size having a batch plant. I mean we just put up a building here, Matrix, which is probably ten times the size of your building and they didn't have a batch plant. I mean so I don't know the purpose of a batch plant. It doesn't make noise as a rock crusher will. I think our main concern is the rock crusher. I realize you have to get rid of your rock somehow. I think if we knew upfront about the rock crusher, I don't think we would be here today. Your process would have been through, you would have been done, you would have been finished and say we closed the two doors, we have a couple more beep, beep and then we'd be finished. I think we're going to have an issue with the rock crusher.

MR. AURINGER: If we can get the ball rolling here and I can get permitted to start my

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excavation, we'll lose the crusher. I don't have a problem with that.

MR. GALLI: That isn't my say. I don't give the permits. I can't issue a permit.

MR. AURINGER: Whatever we have to do.

MR. McCOLGAN: One of the things I'd like to comment on is the issue of means and methods in the construction phase. My understanding, correct me if I'm wrong, is that from 7 to 7 p.m. during the construction phase the noise ordinance does not apply. We are excepted from the noise ordinance. I'm not trying to make a nuance legal argument. I'm just saying that for purposes of approval, or my understanding as we called in and said, you know, we want to do this, what's the process, and the Town engineer said okay, put it in a letter and send it to us. We did that and now we're before you. I don't believe that any further proceedings are necessary given the 7 to 7 exception during the means and methods and construction phase.

MR. FETHERSTON: Tim, Phil just had an idea on the rock crusher. Maybe you want to

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bring it up.

MR. GREALY: Good evening. Phillip Grealy, Maser Consulting.

A couple things relative to the rock crusher. The way that the code is written is 7 to 7. When we did the noise study we looked at traffic volumes and sound levels throughout the day. Really between 8 and 6 you'll see levels relative to the traffic on 17K in this area in the same range as what the rock crusher would be at an offset distance of 100 feet. We actually were given information on the equipment that they're going to use. Some of those levels range from 80 to 85 decibels. At times of the day when the heaviest traffic is you'll see levels that high. We observed it when we did the measurements out in the field. It's stated in our May 4th report.

One of the thoughts I had, just from what I remember, the distribution of the traffic picks up and when it drops off, was maybe to limit it to between 8 and 6 even though the code says you can do it from 7 to 7. That would be more in line with when the peak traffic levels

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are out there. I think that would be helpful.  
Number two is -- you know, you have people up  
moving around.

Number two is there is some benefit in  
noise reduction by not having the trucks moving  
in and out during the construction activity. I  
think that's what Tom was referring to. So it's  
a little bit of an offset. You're reducing  
traffic, you're reducing the noise due to the  
truck traffic, and you're going to have that  
temporary, you know --

MR. GALLI: I think it's a benefit of  
the truck traffic because there's a bus place  
across that street. There are school buses.  
They leave every morning and come back every  
afternoon.

Like I said, the only issue I  
personally had was the noise issue, what we told  
the public was going to happen and what was going  
to happen.

As far as with what the building is  
going to look like and the beep, beep, I think  
that's understandable.

I think if the crusher is going to make

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-- I'm going by crushers in the old days. If they make a lot of noise people are going to call the Town and say this wasn't in the plan, why are they doing this, and then it's going to come back to us.

MR. FETHERSTON: It's interesting you say it's not in the plan. It never would be.

MR. GALLI: The rock crusher would be.

MR. FETHERSTON: On the site plan? The rock crusher would never be on the site plan.

MR. GALLI: We would know what you were doing.

MR. FETHERSTON: We never did discuss it. We never would discuss means and methods. I happen to be working for a New York City contractor who is pretty savvy on how to do things efficiently. That's where I'm at with this project.

MR. AURINGER: To answer that, there's not going to be that much rock crushing. I mean it's not like three -- you're talking like a couple of weeks or a week. It's higher technology now. This isn't like machinery. This is 2015, 2016 equipment. It's not like it's

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antique equipment that they designed them to eliminate -- I thought we had a Cat consultant here today.

CHAIRMAN EWASUTYN: Let me ask you a question. The materials that you're going to be processing and crushing, they would exclusively be materials that are on site?

MR. AURINGER: Yes.

CHAIRMAN EWASUTYN: So they're on-site materials?

MR. AURINGER: They get mixed up. It will eliminate that truck traffic. It's minimal. There's not that much rock.

CHAIRMAN EWASUTYN: We're going to keep going back and forth with the question on the batch plant. Just again, the duration of the use for flexibility would be approximately?

MR. AURINGER: I don't think you'd be crushing more than a month. Not even. There's not that much rock there.

CHAIRMAN EWASUTYN: Do you want to limit yourself to thirty days? Do you want to have a window of sixty days? I'm asking you. If we were to move forward with a crusher and batch

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plant and that's the Board's decision, then that duration would be noted in the amended resolution I believe.

MR. AURINGER: I think sixty days would be more than fair.

CHAIRMAN EWASUTYN: Then we're talking about the hours of operation for the crusher being between 8 and 6. Correct? I'm just bringing this up. What I'm trying to do is collect our thoughts and our conversations without crushing everything to death, if that makes any sense.

MR. HINES: Do we know where the crusher is proposed, Andrew? Can you point that out for the Board? I heard behind the car wash.

CHAIRMAN EWASUTYN: I agree. That's a good point.

MR. FETHERSTON: That's the entire 90 plus acre site. The entrance off of 17K is here. There's Stewart Avenue, Tar Road, there's the two existing buildings. The little one is the car wash. We're thinking somewhere back here.

CHAIRMAN EWASUTYN: So you'll crush your staging material there, and then when you

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need the material, whether it be on the yuke or what have you, you would then bring it back to the site?

MR. McCOLGAN: For filling.

MR. AURINGER: My goal would be to get rid of the crusher as quick as possible. We're trying not to blast. We're trying to do everything, we always have been doing everything to accommodate the Board, the public and everything. Our goal is to rip, chop and not blast, get materials in the back, break it up in the crusher, create our pile, and then we have our mix, get it acceptable for special inspections and then put it back in and get to lay our rebar and pour our concrete. The faster I get rid of the crusher the better it is for me. We're paying a lot of money for it. I think like \$30,000 a month. We don't want it there for more than a month. We want to crush up whatever materials we pull out, break it up, get rid of it and get rid of the crusher. Done with it. Sixty days would be more than enough. It shouldn't take me more than thirty. Thirty would be probably minimum, sixty would be the maximum.



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2 CHAIRMAN EWASUTYN: Can we pause for a  
3 second? The point you were arguing or debating,  
4 we'll refer now to Mike Donnelly and Pat Hines as  
5 far as 239M of the Municipal Law.

6 MR. DONNELLY: I'll start. We have  
7 asked, in private meetings, the Orange County  
8 Municipal Planning Federation, the Orange County  
9 Planning Department what their position is on  
10 amended site plan applications. Do they, if they  
11 fall within the 500 foot trigger distance,  
12 require a referral in all cases? What about in  
13 cases where the initial referral there was a  
14 local determination report? We can't get an  
15 answer out of them. So it's been our position, I  
16 think generally, that when the Board feels that  
17 the proposed amendment has any significance in  
18 terms of inter municipal or countywide concerns,  
19 that the safer course is to refer it for a  
20 follow-up report. It's a gray area. It's not a  
21 black and white. We wish we could get a  
22 definitive answer out of the Orange County  
23 Planning Department but they have not given us  
24 one.

25 MR. FETHERSTON: So it begs the

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question. What is the decision of the Board?  
Does this cause inter municipal or countywide  
impacts?

MR. GALLI: We haven't made one.

MR. FETHERSTON: Right. I'm asking for  
it. I'm asking.

CHAIRMAN EWASUTYN: I think at this  
point we will refer to counsel. That would be  
the safest point.

MR. FETHERSTON: What do you say, Mike?

MR. DONNELLY: I said it's a gray area.  
They can choose to refer it or not.

CHAIRMAN EWASUTYN: Pat Hines, do you  
want to comment before I poll the Board Members?

MR. HINES: The Board typically does  
refer any items that are within the limitations  
of the 239 referral to County Planning. I think  
it's up to the Board to determine if this is a  
substantive change to what was submitted last  
time, the regrading of the site, the removal of  
the doors.

CHAIRMAN EWASUTYN: Let's do something  
different for a change. Rather than poll the  
Board Members from one end to the other, I'll ask

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the Board Members to speak openly as to what they prefer doing and then we'll just take all the comments and have a yeah or nay.

Does anyone want to comment first?

MR. DOMINICK: I think we go to the County.

MR. GALLI: Pat, on the issue with the County, is it because of the regrading, would that be part of it, or is it because of the blasting or --

MR. HINES: The blasting is a side item to the amended site plan. The change to the site plan is the architectural removal of the doors. I think the traffic flow is something. Does it have a countywide impact, I don't know. We often send very small projects to the County. The regrading of the site in proximity to Stewart Avenue is a change.

MR. GALLI: The traffic issue would be less? The traffic issue would be less because of less trucks going out with material?

CHAIRMAN EWASUTYN: I think that would be a question more for Ken Wersted to comment on than Pat Hines.

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Ken.

MR. WERSTED: Certainly any material that they can use on site and process, keep it on site rather than trucking it off to dispose of it or bring it in to build a building would help the off-site traffic. I think we saw that on the DEC project where they were able to use some of the material on site. That cut down on the amount of material they were moving to and from the site on 9W.

MR. GALLI: So that answers that question.

Now the architectural look of the building. Would the County weigh in on that, changing the doors?

MR. HINES: They typically do not.

MR. GALLI: Basically we have the grading of the site and that. Okay.

Go ahead, Ken.

MR. MENNERICH: If it was to be referred to the County, thirty days they have. Most likely they'd give us a local determination.

MR. HINES: They did give you a local determination last time.

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MR. MENNERICH: They did?

MR. HINES: Yes.

MR. MENNERICH: Would that affect your schedule?

MR. AURINGER: Thirty days, it really does. We were really trying to start our excavation process like -- we're already behind schedule, unfortunately.

MR. MENNERICH: Personally with the doors -- changing the doors on the building, sometimes that happens as a field change, you know, after the project is in progress even. I really don't have any problem with the fact that the doors have changed and some of the layout. I mean the doors that are being removed wouldn't even be noticeable to the public because they're on the backside of the building.

Now that I've heard the information about the crusher, I guess because of the design of the crusher, where it's going to be located, Phil is saying the noise from that is not going to be worse than the noise that's coming already from 17K and the local traffic, at least from the hours from 8 to 6. So I guess, you know --

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MR. HINES: Just for reference for the Board, I know they showed you the car wash building. What's labeled as the car wash is over 400 feet away from the nearest property line.

MR. MENNERICH: Phil, had you done any attenuation of what that crusher noise would be at that distance away?

MR. GREALY: The specs on the unit that they're planning to use actually has details in terms of how much it's reduced. Right at the crusher you would be up around 100 decibels. You go 80, 90 feet away and you're down in the 80 decibel range. For each doubling of distance you're going to drop off significantly. I think in terms of the placement of that further away from some of the residences and even some of the heavy truck traffic on 17K in this case.

As Ken said, the reduction in the traffic is a good thing from the traffic flow standpoint, but also the traffic noise out on the roads in the area would be kept down.

MR. WARD: Put yourselves in our shoes. When we received the plans we see rock crusher and see doors going out, access going in and out.

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That's why you're here. On your shoes you're telling us why. That's what we needed to hear. You explained it the right way because we're thinking you're having a concrete business down the line. You pushed the issue of the flow, I remember that well. I wanted the right answer. You gave it.

Me personally, the traffic flow and everything else, I don't think it should go to the County.

CHAIRMAN EWASUTYN: All right. That being the case, if the Board wants we'll start with a position. We'll hear from John Ward.

MR. WARD: No.

CHAIRMAN EWASUTYN: I would ask from Dave Dominick.

MR. DOMINICK: I think we should --

CHAIRMAN EWASUTYN: Okay.

MR. DOMINICK: -- based upon Mike saying it's a gray area and he's not sure. We should go through our process.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Stephanie?

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MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No. I'm okay with that.

CHAIRMAN EWASUTYN: I'm okay with it also. Let the record show that the Board -- Michael, what would be the verbiage for that?

MR. DONNELLY: Given this was a local determination initially, there's no need to refer this to the Orange County Planning Department.

CHAIRMAN EWASUTYN: Let the record show that the vote was one, two, three -- five in favor of not referring it and one in favor of referring it. So that point has been covered.

What other points do we have outstanding?

MR. HINES: Ken Wersted culled up the minutes of the May 18th public hearing. There was an extensive discussion regarding the presence of rock and blasting. We had the opportunity to read it while Andrew was speak. They did identify that there was the potential for blasting. They reserved -- the owner himself had reserved whether or not they were going to



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blast. There was quite a discussion on blasting. So it was disclosed and discussed with the neighbors at the public hearing. There was no representation they weren't going to blast. They did say that they reserved the right to blast. Jerry Canfield had commented on the process of obtaining the necessary permits. So there was several pages of discussion on blasting at the public hearing.

CHAIRMAN EWASUTYN: So that was outstanding?

MR. HINES: That was addressed.

Andrew, do you have the volume? I know you have a geo-tech reported the Board didn't have.

MR. FETHERSTON: Cut, fill? I do not, Pat. I can tell you the building floor elevation is proposed to be 231. That's right here. So this is in the -- here's the 231 contour. That's the finished floor. This is all in the cut. The office of course was set up high at the mezzanine level to look down on the floor. That's not going to be in a deeper cut. That's actually going to be up. The 231 contour is here. This

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material is basically going to be mixed and then moved down to this area.

MR. HINES: And the rock is not exposed so there is some volume of soil.

MR. FETHERSTON: There's no exposed rock. I think it was --

MR. McCOLGAN: 5 feet.

MR. AURINGER: 9 feet.

MR. FETHERSTON: If we're down 9 feet, the corner here, Pat, is 239. We're bringing the floor to 231. You have to go down for foundations and that. You're talking about a strip of foundation around here and some area of this for the rock. That's it.

MR. HINES: I'm not sure -- if I recall, I think you had a diagram of where the rock was at the public hearing. I'm not a hundred percent sure if that was this project.

MR. FETHERSTON: I might have it with me. Let me see if I've got it with me.

MR. HINES: I'm trying to get a handle for the Board. I think it goes a long way for the applicant consenting to a timeframe for the construction-related material on the site. That

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will keep it a temporary nature.

The only other comment I do have, and hearing that the former ramp area is now proposed for outdoor storage, I believe outdoor storage in the IB Zone is required to be fenced. We'll need to have that added to the plans if that is in fact an outdoor storage area.

MR. FETHERSTON: There's pretty extensive fencing around the site that's existing there. We're showing some of it. I mean there's miles and miles of fence.

MR. HINES: What kind of fence?

MR. FETHERSTON: It's chain link. It's six foot chain link.

MR. HINES: It's opaque fence that the ordinance states.

MR. FETHERSTON: I'm sorry. I misunderstood.

MR. HINES: Not a security issue but a screening issue. If you look at that section of the ordinance. Again, based on whatever the Board decides tonight, that could be a condition.

Moving forward, I think those areas -- the crusher should be shown on the plan, at least

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the general area, so that there is a location for that. It could be boxed out I think, not exactly surveyed in. If that material processing could be shown.

The other comment, a stormwater facilities maintenance agreement. It echoes off the last one. There are some changes to the supplemental stormwater management report that are technical in nature.

MR. FETHERSTON: I don't have that. I have that -- we weren't the geo-tech engineer, Pat, but we did do borings out there.

CHAIRMAN EWASUTYN: Pat, is that critical at this point?

MR. HINES: No. I'm just trying to get a flavor for how much material is there. Regardless of how much material is there, if the applicant is willing to impose a certain timeframe. I heard sixty days. I don't want to get you -- you have a weather issue where all of a sudden it's 35. I want you to be careful how long --

MR. AURINGER: We understand. We'll have the -- how would that work? We would

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contact you when we start the rock crushing and then we would contract you when it's finished?

MR. HINES: It would be a self-imposed condition in any future resolution that's going to come here. The building department would be able to monitor that. I do caution sixty days.

MR. AURINGER: Compile it into one area and say okay, now we're going to start crushing? Put it in writing or notice?

MR. HINES: I think it was the whole rock removal operation. That's why I'm suggesting sixty days may be a little tight. Give yourself some leeway.

MR. AURINGER: That's the whole first area, the back corner.

CHAIRMAN EWASUTYN: Do you want to limit the duration? The duration for the crusher would be a shorter period of time I would imagine. The batch plant would be needed beyond that.

MR. HINES: The batch plant is not a big noise generator.

MR. AURINGER: The batch plant, it's electric.

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MR. HINES: That's not a noise issue.

MR. MENNERICH: The issue about the screening fence for that area in the back, the building is going to screen that area from 17K.

MR. HINES: I mean the Board has in the past for outdoor storage allowed an analysis of existing vegetation. We don't have that tonight.

MR. MENNERICH: The other point is the other road --

CHAIRMAN EWASUTYN: Stewart Avenue.

MR. MENNERICH: -- to the west, that's up so high, any fence you put down low is --

MR. FETHERSTON: There is a 10-foot embankment, minimum, right here. It's 10 foot of difference. It rises up to the granite place back here.

MR. GALLI: So you can see down on it, what Ken is saying.

MR. HINES: I do agree there is the elevation change and there probably is some vegetation. We have in the past allowed applicants to demonstrate that it was adequately screened by existing grades, vegetative buffers, et cetera.

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MR. DONNELLY: Code Section 185-30 says all outdoor storage areas shall be appropriately screened with landscaping. That's why when it's existing landscaping that does the trick so as to provide an opaque site barrier at least 8 feet in height. In no case shall materials be stored so as to exceed the height of the barrier. So existing vegetation will work.

MR. FETHERSTON: There's existing vegetation on the bank. It's not all ours. We don't own all of it. There will be a bank that goes to the adjacent property. There is some proposed vegetation.

MR. DONNELLY: You need an opaque landscaped barrier not less than 8 feet in height, and no materials can be stored higher than 8 feet.

CHAIRMAN EWASUTYN: Can we go with -- if the code requires that, can we go with a chain link fence with slats?

MR. FETHERSTON: Yes.

CHAIRMAN EWASUTYN: That is much stronger. Landscaping I think is great. No one maintains it. It's a short period of time.

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MR. FETHERSTON: Right.

CHAIRMAN EWASUTYN: Why don't we just do that. We'll kind of reach a point in the meeting where we'll minimize the conversation and bring it to a close if you don't mind.

MR. FETHERSTON: I agree.

CHAIRMAN EWASUTYN: Thank you.

Any further questions or comments from Board Members?

MR. HINES: We'll need a submission of the sign detail as well.

CHAIRMAN EWASUTYN: Thank you all.

Michael, do you want to give us the language for granting an amended site plan approval for U.S. Crane & Rigging?

MR. DONNELLY: From my notes this will be amended site plan approval. We will carry forth all of the conditions of the original approval except as modified in this resolution. First, we'll need a sign-off letter from Pat Hines on the technical memo that he submitted tonight. The site plan will have to be amended to show the sign detail and the location of the rock crusher. We will note that the rock crusher



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and the concrete batch plant are to be removed once construction is completed. The rock crusher may not be used for a longer period than sixty days. That's a volunteered representation that we'll incorporate as a condition. If blasting is required you must comply with the provisions of the code. We need a revised stormwater management agreement and a condition relating to outdoor storage of materials.

MR. GALLI: Mike, on the blasting, between 8 and 6.

MR. DONNELLY: The code has very strict time periods within --

MR. GALLI: 7 to 7.

MR. DONNELLY: I don't remember what they are.

MR. GALLI: The code is 7 to 7.

MR. DONNELLY: They've agreed to do 8 to 6?

MR. AURINGER: Yes.

MR. DONNELLY: Okay.

CHAIRMAN EWASUTYN: Pat Hines, do you have anything else?

MR. HINES: No. Is there a need to do

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U.S. CRANE & RIGGING

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a SEQRA consistency to determine the changes are not substantive?

MR. DONNELLY: I think we should note the SEQRA consistency, yes.

CHAIRMAN EWASUTYN: Ken Wersted, do you have anything to add?

MR. WERSTED: Nothing more.

CHAIRMAN EWASUTYN: Comments from Board Members?

(No response.)

CHAIRMAN EWASUTYN: Okay. I'll move for a motion to grant final approval for the amended site plan to U.S. Crane & Rigging subject to the conditions stated in the final resolution being prepared by Mike Donnelly, Planning Board Attorney.

MR. MENNERICH: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Opposed.

CHAIRMAN EWASUTYN: Motion carried.

Thank you.

MR. FETHERSTON: Thank you.

MR. AURINGER: Thank you very much.

(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 26th day of September 2017.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

DIAMOND PROPERTIES - OCC SITE PLAN  
(2017-20)

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

----- X

AMENDED SITE PLAN

Date: September 7, 2017  
Time: 8:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ANTHONY MORANDO

----- X

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

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CHAIRMAN EWASUTYN: The third item of business this evening is Diamond Properties, OCC site plan. It's an amended site plan located at 14 Crossroads Court in an IB Zone.

It's being represented by -- you are?

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

Just quickly. As you probably know, we've been here a couple times, this is an application involving both a zoning text amendment to allow indoor amusement establishments in the IB Zone. Also it's an associated site plan, an amended site plan request to this Board to do some internal renovations to the Orange County Choppers building that's there now. There's no external or physical changes to the outside of the property.

As a quick update, since the last time we were here in the beginning of August, August 3rd, this Board issued a positive recommendation to the Town Board. We went back to the Town

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Board and we had a public hearing on the proposed text amendment. The Board held that hearing, closed that hearing that night, on August 14th, and we're now returning back to this Board to proceed with the SEQRA process. We're on before the Town Board on September 11th pending action of this Board on SEQRA. So that's sort of where we've been the last month or so.

One update I'll add. We've received the memos from your consultants. We also received a letter from the Department of Transportation which you may have received back in August. Our client, Diamond Properties, Bill Diamond who has been here in the past, he did reach out to the author of that letter at the DOT, spoke with the gentleman. They had a very cooperative conversation. They discussed in particular the open permit for the traffic signal on 17K. Our client, Mr. Diamond, spoke with him and said to the extent that the DOT is requiring it, they will work with them to assist in installing it. They're not looking to argue that point. I would note I think it is associated more so with an open permit the DOT is looking

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at, not so much this project. Again, it's internal changes to the facility. Diamond is not looking to create any major issues.

So that's the update I have for the Board. I'm happy to answer any questions.

CHAIRMAN EWASUTYN: I'd like to turn to Mike Donnelly. Michael, would you summarize it for us?

MR. DONNELLY: I think Anthony outlined the steps. I'll go through them again. There was an application for the zone change and for site plan. You became the lead agency. The Town Board held their public hearing. They can't act until you close out SEQRA. You can't act until they do the zone change. So the chicken or the egg has to go first. You're the chicken and you need to do that. What will move the process forward is issuance of a negative declaration. If you issue that negative declaration the Town Board can then take action on the zone change. If they change the zoning, you can thereafter act on the site plan.

I think you should hear from Pat as to his recommendation on the negative declaration.



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I will point out that the requirement of the DOT the traffic light be installed is one that we'll have to discuss, when, timing and communicate with the DOT. The primary issue is since a traffic light is needed and there's a permit open and applied for, I don't believe that that's an environmental issue that would prohibit you from issuing a negative declaration. You can take no other action beyond that this evening.

CHAIRMAN EWASUTYN: We can make mention, you're correct, during our work session we discussed that Ken Wersted, our Traffic Consultant, will reach out to the officials of the DOT and further along this conversation on the traffic light.

Ken, do you want to speak on that?

MR. WERSTED: Sure. We'd like to identify the timing of that. You had mentioned assisting DOT to get that installed. If there was any resolution to that, whether the applicant is going to fund that and implement that or whether there's going to be any further discussion as to whether it's warranted as part of this project or not.

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We had some discussion at the work session as to whether it was part of the Diamond application or part of the cafe that was originally -- that was proposed here at one time or going back to the original OCC project when that was built. We don't recall when that open permit became open or what implemented that. It had probably to do with one of those early two projects.

MR. MORANDO: Yeah. I'm getting my information from others. I know our client did ask the DOT for copies of things. We did get a copy of an old plan set related to this. My understanding was it wasn't specific to Orange County but rather that access dealing with the hotel as well. So I'm not -- I don't want to say that I know for certain. The impression that I've been given is this project isn't generating the need for the light, it's something that's been outstanding that they want to address.

As far as funding goes, our client has absolutely been willing to have that conversation. Of course before anybody agrees to anything you want to know exactly the dollar

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amount. I don't want to sit here and tell you tonight that they're going to pay for every last dollar. I know that they've been very willing to have that conversation with the DOT and figure out what that number is, if there's an allocation that another property owner may be responsible for. They've been nothing but cooperative in that regard.

MR. WERSTED: I do recall that there may have been plans, at least in concept, prepared for that signal. Phil Greal, Maser Consulting, may have prepared that. I believe he was involved in the original OCC and then also the Hampton Inn updates. So to some degree there may already be plans for that intersection for the installation of the signal. As you mentioned, it's going to be a matter of working out with DOT the funding, who is going to be responsible for getting it installed. Also, we're looking to identify the timing of it. Is it something that is going to be completed before this project is finalized? Is it within a year? Those are the discussions we need to have with DOT to firm it up.

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MR. MORANDO: Absolutely. I'm happy to put you in contact with our side as well. From my side I can say this is a pretty quick renovation for this building to get open. This isn't a major construction project. I would say, and I think I said this to Mike at one point, we wouldn't want that light to hold up this getting quickly done and open of course. Certainly we can work out the mechanics and timing on that.

CHAIRMAN EWASUTYN: Pat Hines, SEQRA determination?

MR. HINES: We would recommend a negative declaration on this. It's all internal work to the project. There are no external -- with the exception of a potential traffic light in the DOT right-of-way -- changes to the project site.

We circulated also to the Orange County Planning for the 239 lead agency. I believe a letter was sent to the Town Board in response to that --

CHAIRMAN EWASUTYN: I copied you on that.

MR. HINES: -- with a local

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determination and a suggestion that they incorporate a definition of indoor recreation into the code. So that process has been completed.

There was a City of Newburgh flow acceptance letter issued for the original OCC facility. The applicants have provided us with detailed information regarding existing flows from the site as well as information from a similar site that they operate. Cumulatively those are lower than the original City of Newburgh flow acceptance letter, so that issue has been resolved.

The only other outstanding comment was the legal documents on the parking of the adjoining parcel. However, I believe that the parcels are going to be combined negating any of the easement agreements that previously existed.

With that, we would recommend a negative declaration for the project. That's the only action the Board could take tonight until the Town Board acts.

CHAIRMAN EWASUTYN: Questions or comments from the Board?

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MR. GALLI: No.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Okay. I'll move for a motion to, number one, declare lead agency, and to declare a negative declaration for the amended site plan for Diamond Properties, and to set this for --

MR. HINES: It's not just the amended site plan. It's the change in the zoning.

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: The adoption of the local law amending the zoning code's text as well as the amended site plan approval. I'll repeat that one more time. The negative declaration is the action, the adoption of a local law amending the zoning code's text as well as the amended site plan approval.

MR. DONNELLY: Correct.

CHAIRMAN EWASUTYN: Do I have anyone?

MR. DOMINICK: I'll make the motion.

MR. GALLI: Second.

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

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MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

I'll also make a motion to set this --  
you sent an e-mail you're looking to be on the  
agenda the 21st of September. Is that correct?

MR. MORANDO: Yes. If that's okay with  
the Board of course.

CHAIRMAN EWASUTYN: The way your e-mail  
was written you were saying that's how I want it.  
If you want to re-send your e-mail, we'll wait  
until you re-send it.

MR. MORANDO: We would like to be on  
the 21st if possible.

CHAIRMAN EWASUTYN: You're more  
pleasant in person.

MR. MORANDO: My e-mails are pretty  
kind I thought. No?

CHAIRMAN EWASUTYN: I'll move for a  
motion to set this for the agenda of the 21st of  
September.

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MR. HINES: Does the Board want to consider waiving of a public hearing at this point for the amended site plan?

CHAIRMAN EWASUTYN: Because the Town Board has had hearings on this all along? Why don't we do that. I'll poll the Board Members to see if they want to have a public hearing on Diamond Properties/OCC.

MR. GALLI: No.

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Thank you. Let the record show the Board waived the public hearing. Now we're setting this for an agenda item for the 21st of September.

Thank you, Anthony.

MR. MORANDO: Thank you very much.  
Have a great evening.

(Time noted: 8:24 p.m.)



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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 26th day of September 2017.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

LAKESIDE SENIOR HOUSING  
(2016-19)

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

----- X

PUBLIC HEARING

Date: September 7, 2017  
Time: 8:24 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH

----- X

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

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CHAIRMAN EWASUTYN: Our last item of business this evening is a public hearing for Lakeside Senior Housing.

I'll ask Mr. Mennerich to read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to the Municipal Code of the Town, Chapter 85-48, Section 274 of the New York State Town Law and 6 NYCRR part 617, SEQRA, on the application of Lakeside Senior Housing, project 2016-19. The project is located off of Lakeside Road in the vicinity of the Ice Time Sports Complex. The proposed project is a 102 unit age restricted senior housing development within proposed three buildings. The project is located on a 19.23 plus or minus acre site. Access to the project is via right-of-way shared with the Four Points Sheraton Hotel. The access road is approximately 1,000 feet northeast of the New York State Route 17K/Lakeside Road intersection. The project site is known on the

1 tax maps of the Town of Newburgh as Section 86,  
2 Block 1, Lots 39.22 and 39.23. The public  
3 hearing will be held on the 7th day of September  
4 2017 at the Town Hall Meeting Room, 1496 Route  
5 300, Newburgh, New York at 7 p.m. at which time  
6 all interested persons will be given an  
7 opportunity to be heard. By order of the Town of  
8 Newburgh Planning Board. John P. Ewasutyn,  
9 Chairman, Planning Board Town of Newburgh. Dated  
10 7 August 2017."

12 CHAIRMAN EWASUTYN: Thank you.

13 Mr. Donnelly, would you --

14 MR. DONNELLY: Before the Planning  
15 Board takes action on certain projects like this  
16 one it decides to hold a public hearing. The  
17 purpose of the public hearing is to ask you, the  
18 members of the public, to bring to the attention  
19 of the Planning Board issues or concerns that  
20 they may not themselves have recognized or have  
21 not been brought to their attention by their  
22 consultant team. After the applicant gives his  
23 presentation, the Chairman will ask those who  
24 wish to speak to please raise your hand. When  
25 called upon we ask you to step forward, give us

1  
2 your name, spell it if you would for our  
3 stenographer so we get it down correctly, tell us  
4 where you live in relation to the project.  
5 Please direct your comments to the Planning  
6 Board. If you have questions that may be easily  
7 answered, the Chair will ask either a Town  
8 consultant or one of the applicant's  
9 representatives to answer those questions.

10 CHAIRMAN EWASUTYN: Thank you.

11 Barry Medenbach, please.

12 MR. MEDENBACH: I'll give my  
13 presentation. For the benefit of the public, I  
14 will start with the location plan so everybody is  
15 clear as to where the site is. This is an aerial  
16 view of the site. This is 84 and 17K heading  
17 west. This is Lakeside Road. This is the Four  
18 Points Hotel. This is the Ice Time Sports  
19 Complex. Our access would use the same entrance  
20 driveway from Lakeside.

21 Can the Board see?

22 CHAIRMAN EWASUTYN: I think for the  
23 public. We're familiar with this.

24 MR. MEDENBACH: This is the property,  
25 the 19 acres. The access will be the same

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entrance that's used by the Four Points Hotel. It will be extended further into the back. The area is pretty much surrounded by undeveloped land. A large part of this is wetlands.

This is another blowup of the site. This is the entrance. The hotel is here. Ice Time rink is here. This is the alignment of the three buildings. This is the property in question. There's the pond that's located here. It's along the property line between the hotel and the ice rink. It extends a little bit into our property with a little bit of wetlands associated with that. There's also a larger State wetland in the back here that comes into the property. We have 100 foot buffer line here. All of our activity will take place upslope of that area.

UNIDENTIFIED SPEAKER: Excuse me, I have a question.

CHAIRMAN EWASUTYN: Sir, sir. What happens is Mr. Medenbach will give his presentation. When he's finished with his presentation we'll ask the audience for questions.

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UNIDENTIFIED SPEAKER: Thank you.

MR. MEDENBACH: So that's the general location. A blowup of that is this plan. This area, this is the pond area. It ends down here at the Ice Time complex. We actually will be building a connecting emergency access to the park so that the total facility is not just dependent on one access in the event of emergency and that access is closed off.

The three buildings are located in a row. Parking is pretty much surrounding it.

This is an area that's pretty heavily wooded, mature trees. We'll be cutting them out but the area will be surrounded by a very nice stand of woodland. It's the kind of woodland you can walk into. It has a nice canopy overhead. It's not thick brush below or anything. We're going to take advantage of some of that by putting a hiking trail through here. There's like a little high point knoll here in the woods. We're going to put a little gazebo up there for people just to go out and relax, take in nature and then a walk along. Down below here, these are water features that are part of our

1 stormwater management plan that will be  
2 landscaped. It will be kind of a nice hike  
3 through here. We're also proposing a picnic area  
4 over here with a table, a lawn area.  
5

6 These are the three buildings. We have  
7 a visual of the buildings. This is how it's  
8 going to look. There's a main entrance in the  
9 front. In the back of each building we'll have  
10 two entrances. The entrances, we actually put a  
11 lot of time into designing them so they'll be  
12 more of a community center.

13 This is a close-up of the entrance  
14 which is about 20 by 25 feet. What we  
15 incorporated here is some outside benches. This  
16 is the plan view of it. This is the vestibule  
17 going into the building. Each building will have  
18 two entrances, one in the front, one in the back.  
19 It's kind of like a gathering area so it becomes  
20 more of a community rather than just a whole  
21 bunch of apartments that people live in. There  
22 will be areas out here to gather and sit. As  
23 well as inside there's a lobby area front and  
24 back. Some of that lobby area space may be used  
25 for like maybe a small office or something for a



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manager, but it's quite a big area. The entrances are all landscaped.

That pretty much summarizes the project.

There's 102 apartments. 70 of them will be two-bedroom and 30 will be one-bedroom. They are age restricted to 55 or older. We're kind of thinking it's going to be for really working seniors, people who want to downsize from individual homes.

CHAIRMAN EWASUTYN: If you would give your name and your address.

MR. GANCI: Robert Ganci, G-A-N-C-I, 26 Pomarico Drive. My concern is the parking lot of the hotel. How will that road affect that parking lot? Our property is adjacent to that.

MS. GANCI: Is someone here from the Sheraton Hotel? No.

CHAIRMAN EWASUTYN: One question at a time.

Barry, do you want to answer that?

MR. MEDENBACH: I can be a little more specific. Where do you live? Which parking lot

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are you referring to?

MR. GALLI: The hotel he said.

MR. MEDENBACH: You're at the hotel?

MR. GALLI: The parking lot.

CHAIRMAN EWASUTYN: His property is  
contiguous. Pomarico Drive.

MR. MEDENBACH: You come in this way.

MR. GANCI: There's another chart. The  
previous chart shows our house.

MR. MEDENBACH: The aerial map?

MR. GANCI: Correct.

MR. MEDENBACH: So you're over in here?

MR. GANCI: No.

MR. WARD: On top.

MS. GANCI: That's where we are. We're  
the second house in.

MR. GANCI: Okay. Yes.

MS. GANCI: That's our house.

MR. MEDENBACH: It's this house here.  
This is where 84 Lumber was. I guess it's one,  
two, three -- four structures there.

MR. GANCI: Three.

MS. GANCI: We're the second. Our  
property adjoins the truck parking lot of the

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Sheraton.

MR. MEDENBACH: I can show you. I believe your house does show up on this.

MR. HINES: It does.

MR. MEDENBACH: What was your name again?

MS. GANCI: Ganci.

MR. MEDENBACH: This is your house here. So our buildings don't start until you're down past the next house.

MR. GANCI: Our concern is where your road is going to affect the parking lot.

MR. MEDENBACH: This parking lot? We're actually on the very edge of it and actually flare off of it at the bottom here. So we're really not interfering with that at all.

MS. GANCI: Are they going to maintain that parking lot? They put trucks there.

MR. MEDENBACH: I think some of those trucks were over the line. We were going to ask them to move them.

MS. GANCI: That's my interest. That's why I was hoping someone from the Sheraton --

MR. MEDENBACH: We have no control

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over --

MR. GANCI: First of all, that parking lot is dirt.

MR. MEDENBACH: It's gravel. Yeah.

MR. GANCI: It's dirt.

MR. MEDENBACH: There's not much to it. Once you get past the pavement --

MR. GANCI: We get dust from the parking lot. You're going to get dust from the parking lot.

MR. MEDENBACH: Well, the paved area ends here like this and this is all gravel up to the property line.

MR. GANCI: It's dirt.

MS. GANCI: Yeah.

MR. GANCI: There's no trees. They never put trees in there. The original site plan called for a row of trees between our homes and the parking lot. Never done.

MS. GANCI: Talk about noise.

MR. GANCI: You're going to get trucks running twenty-four hours a day. You're going to get dust from the trucks. You're going to get people going in there at night doing wheelies.

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The police control it as best they can but it's a problem. It's a problem area. More construction increases the problem.

MR. MEDENBACH: I don't know how that is. Maybe during construction there may be some issues with dust.

MR. GANCI: You're going to have traffic going in and out of there.

MR. MEDENBACH: With cars. We have a paved road we're building all the way in. Our parking lots are all paved. All our traffic will be on a paved road and they have no business going into that lot. I think with the additional residents here you might be able to put enough pressure on the hotel.

MR. GANCI: They've been through three owners. We've been promised paving. The original plan called for trees. They raised the level of the property with shale and then we were told by the Town oh, it's impossible to plant trees in shale, they won't live. So there's no trees. We put in a row of trees on our side. But now there's more construction, more traffic and the parking lot hasn't changed.

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MR. GALLI: I don't think the parking lot issue is going to affect his people because --

MR. GANCI: Absolutely.

MR. GALLI: -- all his customers are going to be on a paved road like a Town road.

MR. GANCI: They're still going to get the dirt from the parking lot.

MR. GALLI: Yeah. He's going to get dirt from the parking lot. That's an issue he's going to take up with the diner.

MR. GANCI: It's not the diner. The diner is another problem. They don't do anything there.

MR. GALLI: Unfortunately he can't do anything about that because it's not his property.

MR. GANCI: I'm just saying there's a problem today. You put more cars back in there, you're going to have more of a problem. You're going to put more people in there and they're going to be complaining. When it gets really dry and the wind blows from west to east you're going to get dirt all over those nice new homes.

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MR. GALLI: Maybe with more complaints the Town will do something.

MR. GANCI: They haven't in the past.

MR. GALLI: We have no control over that. We can't do anything about that.

MR. GANCI: I complained about the lack of the trees on the site plan. What I was told was you can't plant trees in shale. I said why did you put shale in there when you knew you were going to put trees in there. So there's no trees. There's no buffer.

MS. GANCI: My reason for being here -- I'm Joan Ganci, 26 Pomarico Drive. I thought maybe the Sheraton -- someone would be here representing the Sheraton Hotel and I was going to ask if they were going to keep that truck parking lot. I was hoping maybe they wouldn't.

MR. GANCI: We complained to the police -- she complained to the police, trucks running twenty-four hours a day. They're not refrigerated units. We've had trucks left in there. People go somewhere else and leave their trucks running in the parking lot.

MR. WARD: What's between your driveway

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blacktop and their parking lot?

MR. MEDENBACH: Right now you can drive in over the paved -- it's paved all the way up to the end here and then two goes into a gravel area. You can drive on that.

MR. WARD: On the left?

MR. MEDENBACH: Our road is going to start to cut down. Once you get about 50 feet into that gravel area you won't be able to drive onto that.

MR. WARD: Your driveway is part of their parking lot?

MR. MEDENBACH: A very little piece of it. Most of ours -- there's actually -- I'm just trying to think if it shows up better on another plan I have here. The existing road runs up. It's paved all the way up to here, and then what happens is our road is going to fork off to the right. It's going to veer away from that gravel area. In fact, the end of this guardrail we have to take out and replace because our road -- our right-of-way that we have is actually off of that gravel area. So there's only a little bit of it, basically the entrance road up to it, that we



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would share.

CHAIRMAN EWASUTYN: Additional questions or comments from the public?

MR. WILLIAM VALLEAU: I have a question.

CHAIRMAN EWASUTYN: Your name?

MR. WILLIAM VALLEAU: William Valleau, my house is 103 Lakeside Road. Your requirements are going to be somewhat in a vacuum, quite in the far distance.

My concern is the traffic flow right now on Lakeside Road which is -- it was developed for a farming community years ago and it really hasn't increased in size. It's quite crazy there at the end of Lakeside, 17K up by Pilot on the other side. It's always a traffic jam, especially in the morning and later on in the evening with people coming home from work. So you're going to have an additional how many people maybe living there? 600, 400 people?

MR. MEDENBACH: It won't be that many people.

MR. WILLIAM VALLEAU: How many apartments?

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MR. MEDENBACH: There's 72 -- I'm  
sorry. 102.

MR. WILLIAM VALLEAU: 102. So possibly  
200, 300 people.

MR. MEDENBACH: Maybe 200, 300.

MR. WILLIAM VALLEAU: You're going to  
put them coming right out onto Lakeside Road,  
probably making a right turn and going out to  
17K. There's a light there with a traffic jam  
right there. It's going to be crazy.

MR. MEDENBACH: We had a traffic study  
done of --

MR. GANCI: Have you seen what the  
tractor trailers do on 17K?

MR. WILLIAM VALLEAU: It's dangerous  
right now.

MR. MEDENBACH: There's a problem  
coming out of Pilot.

MR. WILLIAM VALLEAU: And Lakeside  
Road.

MS. GANCI: And out of the diner. They  
pull across the road and sit there and wait for  
the light. They're blocking Lakeside Road.

MR. GANCI: They'll start to turn and

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stop because they can't get in and just block 17K which will then block up Lakeside Road and the whole intersection just stops.

MR. WILLIAM VALLEAU: By increasing that population right there, I see it as a major problem. I don't know what the traffic study was or who did that.

CHAIRMAN EWASUTYN: Ken Wersted, do you want to speak on behalf of the volume and traffic?

The traffic study was done. The impacts were looked at and studied. Ken Wersted is the Traffic Consultant.

MR. WERSTED: Maser Consulting had prepared a study for the project and they analyzed the intersection of Lakeside Drive and the Sheraton Hotel entrance, and then also Lakeside Drive and 17K. They had also looked at the number of units proposed and used studies of other senior housing projects to estimate how much traffic would come from this project. In that analysis the operations of these senior housing facilities do not generate the same amount of traffic as you would a normal market

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rate apartment complex or, you know, non-age restricted resident housing because there is a higher percentage that are retired or they don't have to go out at 7 a.m. to go to a job, they don't have to come back at 4 or 5 o'clock in the evening to return home from a commute.

MR. WILLIAM VALLEAU: Which could also be a concern. There may be a lot of elderly people that probably shouldn't have a drivers license to begin with and they are going to be going out to that area. It's dangerous as it is now. It's just a fact.

MR. WERSTED: The DMV might have to take issue with the testing requirements of that.

MR. GANCI: Did they do the study between 4 and 6 o'clock?

MR. WERSTED: Yes. 7 to 9 o'clock in the morning and 4 to 6 o'clock in the afternoon of a weekday. That's typically when you have your commuters commuting back and forth through that area. They've included a number of other projects that are proposed in the area and accounted for those and their background growth rate. They had studied or estimated the amount

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of traffic coming from the project. They had estimated it based on a slightly different detached type of senior housing which is roughly 50 percent higher than what this project will actually generate. So their analysis is conservative in that sense.

The way we look at traffic studies is we look at how much traffic will come through the intersection and we look at the geometry of the intersection, how many lanes are there, what's the traffic controls, is it a stop sign, a traffic signal, et cetera. There is a description similar to a school report card. A level of service A is great, there's very little delay there. Level of service F is poor, you have to wait a long time, longer delays. So the intersection of Lakeside and the site driveway would operate at level of service A. There isn't going to be a lot of delay to come out from the hotel or from this project. Then you get over to the intersection of 17K and Lakeside Drive and they have -- overall the intersection would operate anywhere from level of service C to level of service E during the a.m. and p.m. peak hours.

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It's kind of a moderate to getting close to capacity in that range.

One of the recommendations that they had was to change the striping, change the lane arrangement over on the Pilot approach to better improve the operations there. So that was a recommendation of the traffic study.

They also looked at the intersection of Lakeside and the site driveway and identified sight distance limitations. So as you pull out of that intersection there's a lot of vegetation, particularly over in the pond area, that limits your ability to see if there's any oncoming cars coming down Lakeside Drive. So the recommendation there is to clean that up, cut back some of that vegetation so you have a better sight line.

MR. GANCI: Did you address cars making a left-hand turn out of the diner going onto Lakeside Road?

MR. WERSTED: That wasn't explicitly addressed.

MR. GANCI: That is very, very difficult.

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MR. WERSTED: The issue there is you probably have a number of tractor trailers stopping there to eat, and when they pull out --

MS. GANCI: They pull out onto Lakeside Road.

MR. WERSTED: -- there's not enough room for them to pull a quarter to half of their truck onto the road and then they're stopped there waiting for the traffic light to turn, so it effectively blocks any ability for a vehicle to come out Lakeside and turn right.

MR. GANCI: Or coming off 17K at times to come into Lakeside. If you're making a left-hand turn out of the diner, you can't clear because what happens is you've got traffic sitting there waiting at the light to go out onto 17K. You can't see cars that are coming off of 17K onto Rock Cut Road.

MS. GANCI: Not Rock Cut.

MR. GANCI: Lakeside Road.

MR. WERSTED: The stop bar to the diner entrance on Lakeside Drive is probably 20 to 30 feet from the stop line to the center of the driveway. So from a car's perspective you can

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fit one, maybe two cars at that stop bar before you kind of affect that diner driveway. If you're a truck it's -- you know, half a truck will stop there and block that.

MR. GANCI: And when you're trying to make a left-hand turn you can't see cars coming that are coming off of 17K onto Lakeside Road. What you have to do is literally inch your way out and hope you don't get hit. More traffic going to this complex is just going to make that worse.

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

MR. JAMES VALLEAU: Jim Valleau, the same address as him, 103 Lakeside Road.

Obviously there's only a few of us here but we do have a lot of concerns over the traffic. I'm not against a project like this but I think somebody really needs to look at the traffic there on 17K and Lakeside Road. Right now with an additional 200 to 300 people it's going to be even worse.

Another question I had relates to it's senior housing but I've never heard or saw



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anything concerning affordable senior housing.  
Is there any plan to have any number of these  
units for low income seniors?

MR. MEDENBACH: No. These are all fair  
market. The Town code does limit the size of the  
apartments. They'll be moderately -- fairly  
priced. They won't be super luxury apartments  
because of the size.

MR. JAMES VALLEAU: They're rental  
units?

MR. MEDENBACH: They'll be rental  
units.

MR. JAMES VALLEAU: That's all I had.

CHAIRMAN EWASUTYN: Any comments from  
Board Members at this point?

MR. GALLI: No additional.

MS. DeLUCA: I was just curious, in  
looking at your site plan, your plans inside, are  
there -- is there a place for laundry?

MR. MEDENBACH: Each apartment will  
have a hookup for laundry, an up and down type  
unit.

MS. DeLUCA: All right.

MR. MEDENBACH: Each apartment will

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have their own utilities, own heat, hot water.

MS. DeLUCA: Thank you.

MR. MEDENBACH: Also, some of the other features that we're providing for is some community rooms that will be available for the community. Each building will have a community room. The one building, the third building in, because it's up against the hill, the bottom floor will only have apartments in the front. In the back will be basically in the basement area, if you want to call it that. Those spaces there will be available for tenant storage, bicycles and stuff like that. Also some exercise rooms. We've incorporated a lot of space in the building to be used for community type of use. How that's fully developed, we don't have those plans yet. That's down the road a little. We've got to get an apartment manager involved before we start really getting into taking it to the next level. Right now we're trying to get site plan approval.

MS. GANCI: They don't have garages, do they?

MR. MEDENBACH: No garages. They have elevators. There's central location entrances.

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I have floor plans. There's an entrance in the front, the back, there's parking in the back and the front. There's also a stair access entrance on the ends of the buildings. The center lobby will have an elevator and go up to the three stops.

This will be -- building 1 and 2 will have these opposite entrances on the first floor. Building 3 will have one on the lower floor but the back one will be on the second floor, the entrance area.

The apartments are all mixed between the ones and twos. We've put a lot of effort into making them very functional, a little open. The kitchen open to the living room area. Balconies, not on all the units but some of them that we tried to illustrate in this rendering. We have one here. We think the building has some nice architectural features. It has more of a colonial type of fitting.

MR. JAMES VALLEAU: Is that facing the east?

MR. MEDENBACH: This entrance would be facing the east. That's correct. This view.

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2 This is down in the wetland area. We actually  
3 simulated this from the site topography. What we  
4 don't show here is a lot of this green area is  
5 wooded. Those trees would have blocked the  
6 building out, so we cut those trees out. This  
7 would be wooded. The entrance would be wooded on  
8 both sides coming in. The stonewall actually  
9 exists. On this side of it is the wetland. The  
10 pond area kind of turns into a wetland as you get  
11 further up into the site.

12 MR. JAMES VALLEAU: That's all swamp in  
13 the front.

14 MR. MEDENBACH: We call it wetlands.

15 MR. JAMES VALLEAU: Mosquitoes. I know  
16 that area very well. It's just one hill that's  
17 up above. Everything else is --

18 CHAIRMAN EWASUTYN: Stephanie, is that  
19 it?

20 MS. DeLUCA: Yes.

21 CHAIRMAN EWASUTYN: Ken?

22 MR. MENNERICH: No questions.

23 MR. DOMINICK: Barry, great job with  
24 your presentation tonight to the public. It was  
25 clear, it was descriptive, it was precise. Well

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done.

MR. MEDENBACH: Thank you.

MR. DOMINICK: The landscape, total 360 from what we saw before. That looks ten times better. It's inviting, it's welcoming, it's community.

MR. MEDENBACH: We actually always had that in and I failed to present that.

MR. DOMINICK: You did well.

MR. MEDENBACH: I hope I did a better job tonight.

MR. DOMINICK: I'd shake your hand but I see you're injured there.

MR. MEDENBACH: A little problem.

MR. DOMINICK: Great job.

MR. MEDENBACH: Just on the landscaping, we've been working with Karen Arent. She sent us a markup, asked us to add some trees, change some plants. We did everything but we haven't gotten feedback from her that it's in compliance. We were hoping to have that before tonight but it didn't happen.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Your aerial view, I need to

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look at it with your driveway if you can.

MR. MEDENBACH: This here, the  
overall --

MR. WARD: The picture.

MR. MEDENBACH: The aerial photo.

MR. WARD: Your driveway going in from  
Lakeside, it's blacktopped up to a certain point.

MR. MEDENBACH: To the back here.

MR. WARD: From that point to your  
place, that's going to be blacktopped. What  
keeps any tractor trailer trucks or anything  
going on your blacktop? Your parking lot is  
right there.

MR. MEDENBACH: They wouldn't be able  
to shoot across the parking lot into our  
driveway. Our driveway is going to be down a  
little bit. There's an embankment. The parking  
lot is level and our driveway is going to slope  
down. There will be an embankment there where  
they wouldn't be able to just pull into our  
parking area. Plus we're curbed. Right now it's  
paved up to the entrance into that, I'm calling  
it a gravel parking lot. You can call it dirt or  
whatever. It's paved right up to that. We're

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going to actually shoot off to the right with the extension of that pavement. It will only be about a 30 foot connection between the paved driveway and where they can enter that parking lot. Basically the area they enter now.

MS. GANCI: Can I ask -- excuse me.

MR. WARD: Wait, wait. I'm still talking.

MS. GANCI: I'm sorry.

MR. WARD: Ken.

MR. WERSTED: I wanted to get a little bit of clarification. I think the concern of the residents are that the use of that area will continue kind of as it is today and when this new driveway is put in and there is some elevation difference, will it continue to be used?

MR. MEDENBACH: I think Pat might have the right sheet here. Here we go. This is it. This is all curbing in here. This is the pavement line here and -- we have so much going on in here. I think it's right here. See this line right here, that's where the pavement ends. This is the parking lot here. You can see our grading starts to slope off here. This is that

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station, like 5, say 25. So you can see we start -- we start coming down. This is the parking lot level here. You can see where we're coming off on that vertical curb.

MR. WERSTED: Whereas today they have kind of a free reign of that gravel area along this --

MR. MEDENBACH: The gravel area actually is this line right here. So we're really, you know, pushing it outside of that.

MR. WERSTED: Understood. The area that goes off to the west towards the residents, that will still be able to be used by the Marriott.

MR. MEDENBACH: We have no control over that.

MR. HINES: They won't be able to come through the extension of this road because of the grading.

MR. MEDENBACH: They'll still be able to come into here. We're not eliminating -- we're showing our curb ending here. This opening, 60 foot I'm showing. That's the opening into their parking lot in the back.



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CHAIRMAN EWASUTYN: Once improved the grade is too steep for someone.

MR. HINES: Beyond that.

CHAIRMAN EWASUTYN: That's important to know.

MR. WERSTED: The truck activity in that gravel area won't be able to spill into --

MR. MEDENBACH: No.

MR. WERSTED: -- the senior housing project.

MR. MEDENBACH: They would be pinched off right here.

MR. WERSTED: It will still be able to be used --

MR. MEDENBACH: It could still be a problem to the neighbors. There's storage containers that were over the property line. I think they pulled them back some. They were on our property basically. They're leftover from when they did the reconstruction.

MR. WERSTED: I just wanted to clarify. When you started to talk about the road dipping down, my impression was that the gravel area would be cut off.

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MR. HINES: No.

MR. MEDENBACH: We specifically showed that width at 60 feet. We would end our curbing here. We put a return curb here.

MR. HINES: About 75 feet past the entrance or the edge of pavement.

MR. GANCI: I have a question. Is this road going to become a Town road?

MR. MEDENBACH: No.

MR. GANCI: Where is your mail going to be delivered?

MR. MEDENBACH: We have to work that out with the Postal Service. Probably a central mailbox.

MR. GANCI: They won't come in.

MR. MEDENBACH: Probably in the foyers of each of the buildings.

MR. GANCI: They won't come in our private road.

MR. MEDENBACH: This is a different type of facility.

MR. GANCI: Our mailboxes are on 17K because it's a private road. The post office will not bring your mail in.

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MR. MEDENBACH: I don't know why they don't bring it onto your street but they'll bring it to public buildings.

MR. GANCI: Which means your mailboxes are going to be on Lakeside Road.

CHAIRMAN EWASUTYN: That's a point that they would have to finalize with the Postal Service. It's not a Planning Board matter.

MR. GANCI: That will increase the traffic. People are going to be stopping there to get their mail.

CHAIRMAN EWASUTYN: Again, it's something between the builder of the project and the United States Postal Service. You are correct, in most cases the Postal Service does not deliver on a private road. It's not a Planning Board matter at this point.

MR. GANCI: It will be if it's a traffic issue.

CHAIRMAN EWASUTYN: We understand that. You discussed traffic. Traffic was studied by a traffic consultant and we're concluding that matter now.

MR. GANCI: If people are stopping to

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get --

CHAIRMAN EWASUTYN: We understand what you're saying. We understand what you're saying. It's part of the record.

MR. GALLI: I think what will happen is where his private road starts, the mailboxes will be right at the end of that road.

MR. MEDENBACH: I think there's provisions where you can have the Postal Service bring it into the building. There's probably a fee you pay. I know a lot of people who live in apartment buildings where the Postal Service comes in and brings them into a mailbox in the lobby.

MR. DONNELLY: It's common.

CHAIRMAN EWASUTYN: Pat Hines, final comments?

MR. HINES: They have addressed all of our previous comments. This has been before the Board for probably over a year now. We have commented on the stormwater, on the utilities, various site plan activities. They have received their DEC permit for the emergency access road crossing the wetland buffer. A City of Newburgh

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flow acceptance letter has been received. They have addressed all of our previous comments. We have no outstanding comments.

CHAIRMAN EWASUTYN: Ken Wersted?

MR. WERSTED: All of our previous comments have generally been addressed.

Going forward, there were recommendations from the traffic study in regards to the intersection changes at Lakeside and Route 17K, and then also the sight distance clearing at Lakeside and the site driveway. We just look to have those followed up and clarified if DOT will accept those changes at 17K and the improvement in sight distance on the Town road of Lakeside.

CHAIRMAN EWASUTYN: Any further comments from the Board?

MR. GALLI: No additional.

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: I'll move for a motion to close the public hearing on the Lakeside Senior Housing project.

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MR. GALLI: So moved.

MS. DeLUCA: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

Mike Donnelly, I think at this point the motion is for ARB approval and also for site plan approval.

MR. DONNELLY: Correct. You, at an earlier meeting, discussed the height of the light poles in the parking lot and granted a waiver, to the extent it was necessary, from the provisions of the design guidelines.

In terms of conditions, we'll need a sign-off letter from Karen Arent that the changes to the landscaping plan are satisfactory to her.

1 We'll need a letter from Ken that the  
2 recommendations of the draft report have been  
3 followed up with the DOT and with the sight  
4 distance clearing. We will note that there is no  
5 approval being granted of the entrance sign other  
6 than it's location. That will require ZBA and  
7 code compliance approval. We note that this  
8 approval is granted for operation of a 102 unit  
9 senior housing development, 72 two-bedrooms and  
10 30 one-bedroom units as approved by the Town  
11 Board in their resolution. All the units must  
12 comply with the requirements of Section 185-48,  
13 including the provisions of that section relating  
14 to unit size limitations. In the Town Board's  
15 approval resolution they require that they  
16 receive written assurances regarding ownership,  
17 age restriction and future maintenance  
18 responsibilities, and that letter that those have  
19 been received will need to be received by the  
20 Planning Board before the plans are signed. The  
21 approval is subject to the Orange County  
22 Department of Health approval on the water main  
23 extension. We will note the issuance of the City  
24 of Newburgh flow acceptance letter and the  
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1 conditions of it will be incorporated into this  
2 resolution. We will have our standard  
3 Architectural Review Board condition that will  
4 require a sign off from Karen Arent. We will  
5 need a landscape security and inspection fee.  
6 The amount of that inspection fee is \$2,000. We  
7 will need a stormwater improvement and inspection  
8 fee as well as a stormwater control facility  
9 maintenance agreement satisfactory to the Town  
10 Board and the Town Attorney.

11 Pat, I think there is no water main  
12 extension.

13 MR. HINES: It's private service.

14 MR. DONNELLY: No offers of dedication.  
15 Our standard condition including a prohibition on  
16 the construction of outdoor fixtures and  
17 amenities not shown on the site plan. The  
18 applicant will need to post fees in lieu of  
19 parkland in the amount of \$2,000 per dwelling  
20 unit. We'll have to do that arithmetic but it's  
21 102 times 2,000. Then our standard conditions.

22 CHAIRMAN EWASUTYN: Questions or  
23 comments from Board Members?  
24

25 MR. GALLI: No.



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MR. MENNERICH: No.

CHAIRMAN EWASUTYN: I'll move for a motion to grant final approval for the Lakeside Senior Housing project for both the site plan and ARB approval subject to the conditions stated in the resolution presented by our Planning Board Attorney, Mike Donnelly.

MR. DOMINICK: I'll make the motion.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick. Second by Ken Mennerich. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried. Thank you.

MR. MEDENBACH: Thank you.

(Time noted: 9:05 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 26th day of September 2017.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X

In the Matter of

IRONWORKERS LOCAL 417  
(2015-02)

Request for a Six-Month Extension  
of Site Plan Approval  
From September 7, 2017 to March 7, 2018

----- X

BOARD BUSINESS

Date: September 7, 2017  
Time: 9:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

1  
2 MR. MENNERICH: The first one is the  
3 Ironworkers Local 417, project 2015-02. The  
4 letter is addressed to Chairman John P. Ewasutyn,  
5 regarding Ironworkers Local 417, Planning Board  
6 project 2015-02, Section 4, Block 3, Lot 5.2,  
7 Town of Newburgh, Orange County, New York. "Dear  
8 Chairman Ewasutyn, on behalf of the Ironworkers  
9 Local 417, the applicant, we respectfully submit  
10 this request for a six-month extension of the  
11 site plan approval granted by this Board on  
12 August 20, 2015 and filed with the Town Clerk on  
13 September 18, 2015 for the proposed construction  
14 of a 6,500 square foot addition to the  
15 Ironworkers facility and associated site  
16 improvements located on Route 32 in the Town of  
17 Newburgh. The current approval will expire on  
18 September 18, 2017. Based upon the commitment of  
19 the applicant to move forward with the  
20 development of the project in accordance with the  
21 approvals duly issued by the Town of Newburgh and  
22 in accordance with the Town of Newburgh Zoning  
23 Code 185-58 (e), we respectfully request site  
24 plan approval be extended for six months to  
25 March 18, 2018. We respectfully request that

1  
2 the applicant's request for extension be  
3 considered at the next available Planning  
4 Board meeting that this Board sees fit. If  
5 you have any questions, please do not  
6 hesitate to contact me. Thank you in advance  
7 for your consideration in this matter. Very  
8 truly yours, Maser Construction, Justin E.  
9 Dates, RLA Associate."

10 CHAIRMAN EWASUTYN: Having heard the  
11 letter being read by Ken Mennerich, I'll move for  
12 a motion to grant that six-month extension.

13 MR. GALLI: So moved.

14 MR. MENNERICH: Second.

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

18 MR. GALLI: Aye.

19 MS. DeLUCA: Aye.

20 MR. MENNERICH: Aye.

21 MR. DOMINICK: Aye.

22 MR. WARD: Aye.

23 CHAIRMAN EWASUTYN: Aye.

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25 (Time noted: 9:07 p.m.)

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

----- X

In the Matter of

McDONALD'S  
(2017-14)

Request for a 239 Referral

----- X

BOARD BUSINESS

Date: September 7, 2017  
Time: 9:07 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

MICHELLE L. CONERO  
3 Francis Street  
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(845)541-4163

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McDONALD'S

128

CHAIRMAN EWASUTYN: The next item of Board Business.

MR. MENNERICH: The second item is McDonald's, project 2017-14. It concerns a 239 referral to the Orange County Planning Department.

CHAIRMAN EWASUTYN: We have to do that. I'll make a motion to refer McDonald's to the Orange County Planning Department.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 9:08 p.m.)



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

----- X

In the Matter of

CORTLAND COMMONS  
(2017-11)

Scheduling of a Public Hearing for  
October 5, 2017

----- X

BOARD BUSINESS

Date: September 7, 2017  
Time: 9:08 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

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MR. HINES: Cortland Commons has requested a public hearing. It's possible we can make the 21st but it's going to be very difficult. Maybe we can schedule it for the 21st with a default to the first meeting in October. I don't know about the mailing. The mailing list is going to be extensive. It has the condominiums on both sides of it. I haven't requested that yet from the Town. I doubt we'll have that in the mail by Monday. Actually, it would need to be tomorrow for ten days. Monday is the 11th, so the 21st would be -- I think it has to be the first meeting in October.

CHAIRMAN EWASUTYN: Is that what you want to set it for? We'll do that now.

MR. HINES: I think so.

CHAIRMAN EWASUTYN: The first meeting date is what?

MR. HINES: The 5th.

CHAIRMAN EWASUTYN: October 7th?

MR. HINES: 5th.

CHAIRMAN EWASUTYN: I'll move for a motion to set Cortland Commons for a public hearing on the 5th of October.

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MR. WARD: So moved.

MS. DeLUCA: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

I think that makes more sense.

The last item is we'll move for a motion to close the Planning Board meeting of the 7th of September.

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.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 9:10 p.m.)

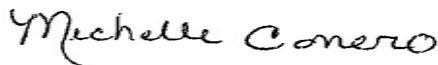
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