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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)

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

----- X

AMENDED SITE PLAN

Date: September 21, 2017
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ALAN ROSCOE

----- X

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

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McDONALD'S

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CHAIRMAN EWASUTYN: Good evening.
I'd like to welcome you to the Town of
Newburgh Planning Board meeting of the 21st
of September 2017.

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

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney, present.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Town of
Newburgh Code Compliance Department.

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

CHAIRMAN EWASUTYN: At this point
we'll give the meeting over to John Ward.

MR. WARD: Please stand to say the
Pledge.

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McDONALD'S

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(Pledge of Allegiance.)

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

CHAIRMAN EWASUTYN: We have two items on the formal agenda this evening, the first being McDonald's. It's located on Route 300, it's in an IB Zone. It's being represented by -- do you want to come forward? You're with Core States Group? Do you want to introduce yourself?

MR. ROSCOE: Sure. Alan Roscoe with Core States Group. Our office is in Watertown, Massachusetts.

I'll run through the --

CHAIRMAN EWASUTYN: Why don't you run through what you're going to be making adjustments to and bring us along to the 5th of October.

MR. ROSCOE: This McDonald's is a remodel project at the site in front of the Newburgh Mall. This program is basically a freshening and a renovation of the brand.

The color scheme is much more neutral and muted. The signage is actually being scaled back as part of this program. Typically it

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involves three to four elements, interior renovations to the building including ADA compliance issues, exterior re-skin, so it's getting a whole new facade. Gone are the days of the garish golds and reds. It's more muted and neutral. In this case it's going to be a tone of beige. Then on the exterior we do ADA compliance items as well, including a path of travel to the handicap spaces or ADA spaces. If conditions warrant we try to get a pathway out to the public right-of-way. In this case we have topographic considerations and we're not going to be able to do that. Most sites get one of two different versions of a drive-through upgrade, but because of issues that we've previously discussed in this particular case, we're not going to be doing any structural changes or any site changes to the drive-through.

We are going to improve or replace the ordering equipment consistent with the new grant. The ordering boards will be now digital.

We'll be doing pavement markings and directional signage. That's really about it.

In this case here is the restaurant on

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McDONALD'S

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the leased parcel. I've outlined the leased area in yellow. This is the existing restaurant.

In terms of site plan improvements, this area in blue, this dark blue, is the area that will be refined, grading and repaving and resurfacing the ADA spaces with concrete. It's much easier to work with in terms of elevation and slope control to make sure that we comply with the ADA requirements.

The pathway back to the building is the remainder of the work. We'll do some fine grading and repave the area in blue. That's really about it in terms of site work.

We've already appeared before you for ARB to approve the building changes back in April of this year. Now we're back before you to get the site plan elements approved as part of the site plan approval process.

We have a couple of amendments and a landscape plan to provide to you, understanding that the County has started their time clock. We expect to appear before you again in early October.

CHAIRMAN EWASUTYN: Any questions from

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McDONALD'S

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any one of the Board Members?

MR. MENNERICH: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We had a couple of technical comments. A lot of those had to do with the drive-through component that was on the original concept plan. That's been eliminated.

The scope of the site work is relatively minor.

The signage we discussed at work session. They're going to provide an analysis of the proposed signage and the existing signage to determine if it is a lesser quantity of signage on the site in order to make sure that the entire site, the Newburgh Mall site itself, remains in compliance with the signage regulations.

Also the opportunity to enhance the landscaping which has kind of grown up over the number of decades this facility has been here. So we'll be looking for a landscaping plan when it comes back.

The County Planning referral will be timed out or we'll hear from them before the next

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McDONALD'S

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meeting. That won't be an issue either.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: Just in addition to what Pat said, the landscape, we'll need cost estimates and security and inspection fees.

MR. ROSCOE: Do we determine the cost?

MR. HINES: No.

MR. ROSCOE: We submit it and --

MR. HINES: You'll submit it and we'll review it. It is a two-year -- the Town has a landscape ordinance that requires two years guarantee security for that.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to set this up for the agenda of the 5th of October.

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by John ward. Second by Dave Dominick. Roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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McDONALD'S

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CHAIRMAN EWASUTYN: Aye.

Motion carried.

MR. DONNELLY: Is it fair to assume
you're waiving the public hearing?

CHAIRMAN EWASUTYN: I'll poll the Board
Members. Thank you, Michael.

Would the Planning Board Members like
to have a public hearing on the McDonald's
located on Route 300?

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Let the record show
that the Planning Board has the discretion to
waive public hearings on site plans. All the
Board Members moved to not hold a public hearing.

Thank you.

MR. ROSCOE: Thank you, folks.

(Time noted: 7:08 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 27t day of September 2017.

Michelle Conero

MICHELLE CONERO

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McDONALD'S

10

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

----- X

In the Matter of

DIAMOND PROPERTIES - OCC SITE PLAN
(2017-21)

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

----- X

AMENDED SITE PLAN

Date: September 21, 2017
Time: 7:08 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

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 second item of business this evening is Diamond Properties, formerly Orange County Choppers. It's a site plan located on 14 Crossroads Court. It's an amended site plan in an IB Zone and it's being represented by Anthony Morando.

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 a quick update from the last time we were here, which was September 7th. We went back to the Town Board, they adopted the zoning text amendment that authorizes indoor amusements in the IB Zone, putting the Board in a position to act.

I think we had closed the door on the comments with your consultants. Of course we'll see what they say.

At this point I think you were hoping to move towards a site plan approval subject to any comments or questions you may have.

CHAIRMAN EWASUTYN: Any comments or questions from Board Members?

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MR. MENNERICH: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Mike Donnelly,
would you speak to the Board, please?

MR. DONNELLY: Sure. I have prepared a
resolution. The resolution is actually a
seconded amended site plan approval for the
Orange County Choppers because there had been an
earlier amendment.

ARB is unchanged, so there is no ARB
approval. You had earlier issued a negative
declaration.

What did the Orange County Planning
Department say on this? Local?

MR. HINES: Yes.

MR. DONNELLY: We had discussed at work
session the issue of the DOT open permit for the
traffic light. Consistent with your discussion
from your last meeting, you were not, nor do you
have the authority to impose a requirement that
they install that light. We wanted to note the
status of it. I put language in the findings
section of the resolution that recites that
current status and the fact that the applicant

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has agreed to work cooperatively with the DOT to closeout that permit with or without the help of other users.

In terms of conditions, we will note that the use of the property is authorized by the recently enacted Local Law 1 of 2017. We will require that the two parcels that had earlier been in separate ownership and subject to a restricted covenant for parking purposes are now in single ownership and they will be merged, and that merger needs to be accomplished before the plans are signed. We will note that all other conditions of the original approval shall remain in effect. We will note that the indoor recreational uses are described in a narrative and that will be the limit of the extent of the approval granted.

There were certain requirements of the code that apply here in terms of parking area maintenance, the authorization of the Town to enforce Vehicle & Traffic Law violations on what would otherwise be private property, and the signing of a stormwater facilities maintenance agreement. Those things might all have been

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2 done, they were conditions of the earlier
3 approval, but we will leave them in the
4 resolution, checklist fashion, to determine
5 whether they have been accomplished. If not,
6 they need to be accomplished now. Finally, our
7 standard condition that says nothing may be built
8 on the site other than what is shown on the
9 approved site plan.

10 CHAIRMAN EWASUTYN: Jerry Canfield,
11 Code Compliance, do you have anything?

12 MR. CANFIELD: Nothing additional.

13 CHAIRMAN EWASUTYN: Pat Hines?

14 MR. HINES: We have nothing additional.
15 There are no exterior changes to the site. It's
16 all interior to the building, the indoor
17 recreation component.

18 The good thing here is also they're
19 combining the lots. One was the auxiliary
20 parking lot for Choppers. The applicant now owns
21 both parcels and is combining them. That takes
22 away the issue of who owns that parking lot and
23 the long-term use and maintenance of it.

24 With the traffic signal issue being
25 worked out with DOT, we don't have anything

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further.

CHAIRMAN EWASUTYN: Having heard the conditions of approval for the amended site plan for Diamond Properties presented by Planning Board Attorney Mike Donnelly, I'll move for a motion to approve the amended site plan.

MR. WARD: So moved.

MR. MENNERICH: Second.

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

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried. Thank you.

MR. MORANDO: Thank you very much. I appreciate your time and moving us quickly.

(Time noted: 7:12 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
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I further certify that I am not
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Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

OVERLOOK FARMS

Review of Zoning

----- X

BOARD BUSINESS

Date: September 21, 2017
Time: 7:12 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

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CHAIRMAN EWASUTYN: Michael, if you would take over the Board Business.

MR. DONNELLY: On Overlook Farms rezoning, the owner of that property had petitioned the Town Board for a remapping of it's property. The Town Board has prepared a local law that would accomplish that and are awaiting your report as required by Section 185-60 of the Code.

Specifically what is proposed is that, I think four tax maps that are in the vicinity of New York State 9W and Morris Drive be remapped from AR, Agricultural Residential Zoning district, to R3, Residential.

MR. HINES: It's two tax maps.

MR. DONNELLY: Two of them?

MR. HINES: A total of 29 acres. One is 25 and one is 4.

MR. DONNELLY: It's 29.039. It just looked like a lot of numbers here. You're right, two parcels.

The local law recites that it is consistent with the amended comprehensive plan update of the Town of Newburgh. The R3 Zoning

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District is adjacent. We're just moving the line over to cover that. As Pat pointed out, it's 29 acres.

The code requires that you report to the Town Board on four specific factors. The first of those is whether the use as permitted by the proposed change would be appropriate in the area of concern. Here we're shifting from AR to R3. It essentially limits the uses more than anything else. Residential would have been allowed in an AR anyway.

MR. HINES: Multiple family would be allowed under this.

MR. DONNELLY: I would be happy to report in this letter whatever concerns or feelings you have regarding whether the uses that will now be permitted, the multi-family, and I think the uses that would no longer be permitted, whether those are consistent in the area of concern, noting that it is in the vicinity of Route 9W and Morris Drive.

CHAIRMAN EWASUTYN: Are we in favor?

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

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MR. DOMINICK: Yes.

MR. WARD: Yes.

MR. DONNELLY: It's consistent.

Next, whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result.

Is there water and sewer in that area?

MR. CANFIELD: Water. No sewer.

MR. HINES: They're actually petitioning the Town to connect to the Roseton Hill Sewer District. In order to develop multi-family in that area there will be a need for a private or centralized sewer system. There is an existing Town owned and operated facility, just recently Town owned, serving Orchard Hills and Parr East and West.

CHAIRMAN EWASUTYN: The capacity is there?

MR. HINES: There will be a need for an expansion. The existing plant is very close to capacity with the recent additions. They're taking the pump station at Parr West and transferring -- the sewage treatment plant at

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Parr West is becoming a pump station and they are going to pump that flow up to the Orchard Hills sewage treatment plant. There will be a need for expanding of the sewer to support the multi-family. Better to have an expanded single one than having two separate ones. That's the idea behind expanding the one.

MR. DONNELLY: We will report that those things would be required to accommodate. Of course schools simply need enough time to adjust to their needs.

Thirdly, whether the proposed change is in accord with any existing or proposed plans in the vicinity.

What else is proposed or existing in that area?

MR. HINES: The most recent is the Orchard Hills. There's several multi-family projects in that area. Orchard Hills, the existing Parr East and West.

MS. DeLUCA: What about Cortland Commons?

MR. HINES: That's right in the vicinity.

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MS. DeLUCA: It's just opposite.

MR. CANFIELD: That's two buildings.

MR. DONNELLY: Lastly, whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Town. It obviously increases the ability of the Town to have more multi-family housing.

MS. DeLUCA: You mean that it's going to be mostly like condos like Parr Valley?

MR. DONNELLY: It's certainly permitted. The fact it allows it doesn't mean that that's what it will be.

MR. HINES: The change would allow that use to occur on that 29 acres.

MR. CANFIELD: Currently it doesn't.

MR. HINES: It would also allow a senior type component that wouldn't be allowed right now.

MR. DONNELLY: Clearly it would allow those opportunities. What are the probable effects?

MS. DeLUCA: Increase in enrollment in the school district.

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MR. DONNELLY: I assume traffic.

MS. DeLUCA: Yeah. That's pretty huge
actually.

MR. DONNELLY: All right. I'll put
those notes in a letter to the Town Board on your
behalf.

CHAIRMAN EWASUTYN: Thank you.

Any other questions or comments?

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

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

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Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

CINTAS

Sewage Treatment System Upgrades

----- X

BOARD BUSINESS

Date: September 21, 2017
Time: 7:17 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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MR. HINES: During work session a recent site plan amendment was shown prepared by Maser Consulting for the Cintas facility on Route 300. They're planning upgrades of their sewage pretreatment system, eliminating a pump house, changing some above ground piping to underground piping, adding two new truck fills. The site currently trucks all of their effluent off site into an off-site sewage treatment plant.

We discussed it with the Board. I think the location of the facility is behind and down gradient of Route 300 and behind the facility so it's not going to be visible at all. Probably the elimination of all the above ground piping for underground piping will be a more aesthetic look to the rear of the property.

It was the feeling of the Board that that would not need site plan approval and be handled through the building department.

CHAIRMAN EWASUTYN: Is the Board in favor?

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

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CINTAS

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MR. WARD: Yes.

CHAIRMAN EWASUTYN: Any other questions?

MS. DeLUCA: I do have a question. What's the area like behind the building as far as ground?

MR. HINES: It's heavily wooded, vacant land. I think it had approval at one point for an industrial park that connected through there.

MR. CANFIELD: It was a site plan.

MR. HINES: There was a site plan in the past for industrial.

MR. CANFIELD: It was never developed or carried forward.

MS. DeLUCA: Okay.

CHAIRMAN EWASUTYN: Let the record show the Board Members were in favor of the building department managing the alteration.

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

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

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In the Matter of

MVP - NEWBURGH MALL

Expansion of Office Use

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BOARD BUSINESS

Date: September 21, 2017
Time: 7:19 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

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

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MVP

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CHAIRMAN EWASUTYN: Pat, do you want to discuss the second one? We'll cover the MVP at the Newburgh Mall.

MR. HINES: In addition, at work session the Board had referred to it from the building department a proposed change of use of an 1,800 square foot portion of what is now retail in the Newburgh Mall to convert to office use to expand the existing MVP office use, kind of on the north end of the mall towards the Thruway. The existing office use got approval from this Board in the past, it must have been --

CHAIRMAN EWASUTYN: Ten years ago.

MR. HINES: It was going to say a decade ago. It's an expansion of that. They see a need for additional office space and there's some retail space available. It's immediately adjacent to their existing office space.

The Board was also leaning towards referring that to the building department for issuance of permits.

CHAIRMAN EWASUTYN: Does the Board agree?

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MVP

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MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Okay. Let the record so show.

Anything else, Dave?

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: Then I'll move for a motion to close the Planning Board meeting of the 21st of September.

MR. WARD: So moved.

MS. DeLUCA: Second.

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

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:21 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 27th day of September 2017.

Michelle Conero

MICHELLE CONERO