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

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In the Matter of

NYC DEP DELAWARE AQUEDUCT REPAIR  
(2013-05)

Roundout - West Branch Tunnel  
Section 8; Block 1; Lots 15.2 & 22.2  
B/AR Zones

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PROJECT UPDATE  
FIELD CHANGES/AMENDMENTS

Date: October 2, 2014  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
PAUL RUGGIERO

APPLICANT'S REPRESENTATIVE: CHRISTOPHER VILLARI

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MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
(845)895-3018

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MR. PROFACI: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of October 2, 2014.

At this time I'll ask for a roll call starting with Frank Galli.

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. PROFACI: The Planning Board employs various consultants to advise the Board on matters of importance, including State Environmental Quality Review Act, otherwise known as SEQRA, issues. I ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. HINES: Pat Hines with McGoey,

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Hauser & Edsall Consulting Engineers.

MR. PROFACI: Thank you. At this time I'll turn the meeting over to Cliff Browne.

MR. BROWNE: Please rise and join me in the Pledge.

(Pledge of Allegiance.)

MR. BROWNE: Would you please shut off your devices so we don't get interrupted by bells and buzzers.

MR. PROFACI: The first item on tonight's agenda is the New York City DEP Delaware Aqueduct Repair, project 2013-05. It is a project update, associated field changes and amendments, Section 8, Block 1, Lots 15.2 and 22.2, located in the B/AR Zone, being represented by Chris Villari.

MR. VILLARI: Thank you very much, as always, for having us. It's good to see you guys. It's been a year since we were last here.

As always, I do want to hand out a roll call of all the folks that are here with me.

This evening I have with me Shane Odar who is part of the communications group from DEP; I have Dan Michaud who all of you folks have met

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before; Phil Simmons; and George Schmitt, the construction manager for the work going on here and in Wappingers.

We are going to talk about maybe five or six different things, some of which is old business, some of which is upcoming business. I'll introduce the other folks on the team in more detail.

I do want to preface this by saying one major item we are going to bring up today is that we are interested in extending the work to Saturdays. We did send you guys a letter formally requesting that, and Phil Simmons will reference it. We ask that tonight. The main order of business is to get approval to do the work on Saturdays, and then some of the other more miscellaneous stuff we'll cover.

So should I start with George for the Saturday work?

MR. SCHMITT: Good evening. Basically the project has been running now with the shaft work for about nine months, ten months. We had an issue back in the end of June with our crane. The crane had a major failure which required the

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contractor to switch out cranes so we lost about three weeks' time. The site in Newburgh here is the site that's critical as far as the timeline because it's a deeper shaft, it takes longer to get it finished than the other shaft in Newburgh which is only 700 feet deep. We're requesting that we work on Saturdays. The contractors' activities will be strictly limited to mucking out the shaft and drilling holes down in the shaft to about 325 feet deep at this point. So we weren't going to look to do any blasting, any other site work or anything like that. Specifically just production work, which will be called production work, which keeps the project on schedule and hopefully makes up some more time.

CHAIRMAN EWASUTYN: Just for the record, would you go through the hours?

MR. SCHMITT: It would be a typical 7 to 4. I don't think we're looking to do anything more than that.

CHAIRMAN EWASUTYN: Just for communication, the crane problem that you had, what was that problem, just for education?

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MR. SCHMITT: The crane -- the drum of the crane is run on a series of hydraulic motors. One of the motors failed and the crane is -- I think it was thirty-six years old. It was well used and a heavily used crane. So we had spoken with the contractor. The root cause of the failure was not conveyed to us in a manner where we were satisfied, so we told them until they told us what it was that failed, and they couldn't really tell us. They went to the manufacturer and the manufacturer basically told them it's an old crane, this is what happens. It's not something that's made for this type of work. They went out and procured a crane at their own cost. It probably cost them \$3,000,000. We told them we would support -- if they switched the crane out, we told them we would support them when it came to assessing any delays at the end of the job. We're trying to work with them to get the job on time. This is one of their proposals that they came back with. They were falling behind schedule. This is one of the proposals they came back to look to extend some of the productive work, which we don't feel

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on our end is going to impact anything as far as the rest of the site. It strictly would be shaft work, drilling out and cleaning out the shaft once -- after a blast but no blasting activities.

MR. HINES: The Saturday work was always permitted for site work. It's the shaft work that was restricted. I think you're 250 some feet down.

MR. SCHMITT: 325 feet.

MR. HINES: So that work that they're doing is going to be a football field below grade as a noise issue.

MR. SCHMITT: It's just lifting up a bucket, dumping it, sending it back down. They'll go all day long, thirty-five, forty, forty-five buckets in an eight-hour shift, roughly. And then if they are drilling, they'll probably get three-quarters of the area drilled out and that way it will be ready to load on Monday morning, and if they were to do the blasting at this point. So we had told them we didn't want them doing trucking. The site work -- they're not looking to do the site work because it's not in the critical path. Strictly

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the shaft work is on the critical path to get them back on schedule.

CHAIRMAN EWASUTYN: Questions from Board Members?

MR. BROWNE: No trucking, just the shaft?

MR. SCHMITT: Yes.

MR. BROWNE: Would this extend -- from the way you described it, my assumption is that it would only be -- I'm sorry. That the Saturday work would cease once the shaft is at that --

MR. SCHMITT: Correct.

MR. BROWNE: Okay.

MR. SCHMITT: Which at that point we will be in the process of another contract, which again I don't think that was -- it's not in that part of the approval anyway.

MR. HINES: No. That was only the discussion of the shaft. I think the reason was that that work is going to be some 900 feet below grade after that.

MR. BROWNE: Thank you.

MR. DONNELLY: Is there any need to amend your SEQRA findings? Was that also a



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findings condition or just a site plan  
resolution?

MR. SCHMITT: I believe it was a site  
plan.

MR. SIMMONS: The site plan resolution  
followed from the SEQRA findings.

MR. DONNELLY: You're the lead agency.

MR. SIMMONS: We'll put a letter in the  
file. We don't expect any adverse impacts or  
existing -- the noise mitigation plan will stay  
in effect.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I have a question later.

MR. GALLI: Have you had any noise  
complaints?

MR. SCHMITT: No. Not at all.  
Actually, the data we have is strictly the  
traffic on Route 9W.

MR. GALLI: That's normal.

MR. SCHMITT: That's the one that  
triggers the bulk of the noise.

MR. VILLARI: We should add our  
construction management staff has a dedicated  
person who communicates with our neighbors

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immediately around before and after any blasting.  
So we're very tight with all of them.

MR. SCHMITT: We have a nine-person --  
nine-person group that we deal with the  
surrounding properties. We give them a call  
before each blast, tell them when it's going to  
happen, ask if there's any concerns. We usually  
set up a seismograph. We alternate the  
properties, go from one to the other to get  
seismograph readings on those properties.

MR. GALLI: Have they been in range of  
what you thought?

MR. SCHMITT: Yeah. They were all  
within ten percent of what the max allowable is.

MR. MICHAUD: We just had them over the  
site, was it last week?

MR. SCHMITT: We did on Monday.

MR. MICHAUD: I showed them around and  
kind of gave an open house to keep a comfort  
level with the neighbors.

CHAIRMAN EWASUTYN: Every now and then  
you have to mention your name.

MR. MICHAUD: Dan Michaud.

CHAIRMAN EWASUTYN: Any other questions

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from Board Members?

(No response.)

CHAIRMAN EWASUTYN: How much of a lead time and would it be possible for the Board and its consultants to -- I think last time we were up there the shaft was at like 20 feet. Can we possibly get up there in the course of time and --

MR. SCHMITT: Yeah.

CHAIRMAN EWASUTYN: -- update?

MR. SCHMITT: Right now we have two more blasts, one is tomorrow, one will probably be Tuesday or Wednesday. From there we are going to start a concrete cycle. So going down to be bottom of the shaft there's going to be concrete up so the workers won't be at the bottom of the shaft, they'll be working their way out. Once the next blasting cycle, probably five to six weeks, we could look to set something up. Sure.

CHAIRMAN EWASUTYN: Keep us in the loop and then we'll come together with a list of people.

MR. SCHMITT: Okay. I'd say six weeks tentatively. Maybe right before Thanksgiving,

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right after. Somewhere around there.

CHAIRMAN EWASUTYN: Great. Pat Hines,  
do you have anything to add?

MR. HINES: No. Not for that. The  
noise protocol will still be there so that  
monitoring will be available if there's any  
complaints. I think the depth they're at,  
they're not going to impact any of their  
neighbors.

CHAIRMAN EWASUTYN: Okay. So they'll  
be mucking out and drilling. The hours will be  
between 7 and 4 on Saturdays.

Mike, would you speak.

MR. DONNELLY: I think you should do it  
with the formality of a motion to amend the site  
plan approval to allow the Saturday work.

MR. HINES: I think they have a couple  
more changes.

MR. GALLI: On the hours, is it -- you  
can go 7 to 7. Can't they?

MR. DONNELLY: If you're talking about  
our code, I believe those are the hours.

MR. GALLI: You only want 7 to 4?

MR. SCHMITT: We made it 7 to 4, yes.

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MR. GALLI: Okay.

CHAIRMAN EWASUTYN: So Mike, for the audience, for the Stenographer, would you give the language for granting --

MR. DONNELLY: This portion would be a motion to amend the site plan approval, to modify the condition that prohibited tunnel work on Saturdays to allow limited tunnel work in the nature of mucking and drilling between the hours of 7 and 4.

CHAIRMAN EWASUTYN: Okay.

MR. HINES: Where you said tunnel, we're going to say shaft.

MR. SCHMITT: Before I lose track of my thought, there may be times when they may look to do a maintenance shift as well, which is just maintenance on equipment and no other productive work.

CHAIRMAN EWASUTYN: Mucking out, drilling and maintenance.

MR. HINES: The maintenance is permitted under the previous approvals.

MR. SCHMITT: I just wanted to mention that.

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MR. HINES: Site work is allowed. It was strictly the shaft work that was restricted in the original approval.

CHAIRMAN EWASUTYN: So we won't add maintenance.

MR. HINES: It's permitted.

CHAIRMAN EWASUTYN: Okay. Having heard the language for an amended schedule for work presented by Mike Donnelly, I'll move for that motion.

MR. GALLI: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli, a second by Joe Profaci. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Aye.

Is there anything else you want to talk about?

MR. VILLARI: Yes. We do have a few more items. I'd like to ask Phil to step forward. The next thing we'd actually like to discuss is the stream crossing over by the Poland Spring property on 9W. We have made some minor changes that we wanted to present to you guys to make a more formal submission. We came prepared for that.

MR. SIMMONS: George will help me out. What we had originally been permitted to do was put our water main and our force main along 9W. This is Old Post Road, this is the Colandrea property with the Poland Spring tenant. Originally we were going to run the lines here, cross the stream. This is where the stream runs here. Basically connect the two green parts, and we're going to have to put a dog leg in it because we found a gas line that we didn't anticipate. In order to cross it safely we need to run this way. We'll be working -- we've been working with the property owners to make sure we

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get proper permission from them. We're working with the Army Corp and DEC to make sure we get the appropriate permits. We also need to come to you because this would be a different field change relative to our existing site plan approval.

George, I don't know if you have anything.

MR. SCHMITT: It's basically the same means and methods of work. We were supposed to come down to about this point and then jack the pipe underneath the stream here and then come back on this line. We found that as we jacked the pipe under the stream it crosses under Central Hudson's gas line as well. Central Hudson won't allow us to cross their live gas line without it being exposed and visually inspected. So it basically takes away this option. So we're coming back here where the pipe is closer to the right-of-way, we're going to cross it by digging up and exposing it here and then crossing the stream at this point, and then just retracing the pipe back down to the original spot.



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MR. HINES: Ken, that's that TP line;  
right? That's a big one.

MR. SCHMITT: It's a twelve-inch.

MR. MENNERICH: Where you're going --  
the new location you're going to come across,  
you'll be able to expose it?

MR. SCHMITT: Yes. It runs pretty much  
along the edge of the road here. We were always  
on the west side. As we crossed the stream --  
this is it right here actually. Right here. As  
we cross the stream we had to cross underneath it  
as well. Central Hudson's policy. We worked out  
with them now -- they also wanted us to run a  
pipe their pipe here. We worked it out where we  
can run it over by exposing a bigger area of  
pipe, so they're satisfied it's not being  
damaged, and then placing fill and our pipe over  
the top of it. This is going to be a temporary,  
for the most part, set up, especially force main.  
They were okay with that.

MR. GALLI: You said temporary setup.  
What happens --

MR. SCHMITT: The force main is just  
built for the project. It's going to come out at

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the end of the project. The water main is going to stay for the Town's use, about 1,500 feet up the road.

MR. HINES: The force main is designed to just run dewatering, water down to the Hudson River.

CHAIRMAN EWASUTYN: So that would be an accepted field change at this point?

MR. HINES: Yeah. Just that plan needs to get updated, and the SWPPP too. That's the only issue.

MR. SIMMONS: We do have drawings today we can leave with you. The SWPPP isn't quite prepared. The SWPPP amendment should come in in the next week or so.

MR. HINES: Okay.

CHAIRMAN EWASUTYN: Chris, do you have any other matters that you want to bring?

MR. VILLARI: We do, if you don't mind. So Phil I think will actually -- we're going to talk about landscaping.

MR. SIMMONS: Yes, the landscaping. Unfortunately we ran into an issue with the landscaping along 9W. We had six Shadblow trees

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that wouldn't fit along the edge of the property because of some survey issues. The right-of-way for the DOT was a little bit further to the west. So we have six Shadblow trees that were going to go along the edge of the stormwater basin. We can't put them next to the road in that right-of-way. We've been in touch with Karen Arent to see if we could find another place to put them. She had a suggestion and we've looked into this place, but unfortunately with the geology and the grading they won't fit there. So what we're going to have to do is go back to the drawing board and see if we can find a place for those trees.

We also know that with other developments coming up -- as you know, we're looking to purchase the Bell property. We realize we have to come up with another landscape plan in any case. So with this particular field change, the six trees we have to move, we'll add those in to our overall landscape plan we'll be submitting as a formal amendment in the future. It will cover the Bell property, this particular field change and some other minor field changes

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as far as landscaping goes.

MR. GALLI: I drove by there yesterday and it looks nice. One tree was a little crooked but --

CHAIRMAN EWASUTYN: So you'll consolidate everything into one complete landscape plan?

MR. SIMMONS: Exactly. Obviously if we doubled the site we'll have to submit another amendment.

CHAIRMAN EWASUTYN: Okay.

MR. VILLARI: This is Chris Villari again. I think when we contract -- I know we had a few things more to discuss. Maybe we can just circle back to some older business.

I guess the last time I think we were here we had discussed changes to the retaining walls and the design on site. So we've made -- I think we're making some additional changes now.

Phil, would you mind going through that?

MR. SIMMONS: George, jump in when you need to for the technical issues.

Relative to our access road, we talked

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about the Gabion walls and other retaining walls about a year ago that we'd like to put in there. Also along the blasted rock face, along the interior road we've -- we're going to put what we call rock bolts to stabilize, and also cover those with Shotcrete, so sprayed on concrete. And then further up the road we've run into a slope stabilization issue where the top of rock wasn't where we thought it would be relative to the design. So we've run into essentially an emergency soil stabilization issue. We're going to use soil nails and again more Shotcrete on the interior of the site to make certain we can stabilize the slopes. This will be another field change, another site plan amendment. We'll also relate to the SWPPP. We can get that to you in the next week or so, the SWPPP portion. So we can make sure we again make certain all the drawings and the site plan are current.

Again, due to the emergency situation or the -- because of the stabilization issue, we wanted to make certain that was taken care of. So we're moving forward with that as we speak.

MR. HINES: There's a good portion of

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that done already. I've seen it in the SWPPP reports.

MR. SIMMONS: One thing to keep in mind is all the Shotcrete is on the interior of the site. You can't see it from exterior. When we deal with the Bell landscaping and have renderings and what not, we'll be able to show you evidence that that's interior to the site and not visible from the road.

MR. HINES: They may be able to see that at their site visit if that coincides.

MR. SIMMONS: You'll be able to see it.

MR. BROWNE: As a novice, what is a soil nail?

MR. SCHMITT: It's basically the same as a rock bolt. It holds the soil in place. It's basically a drilled hole about five inches in diameter, like this, they stick a steel rod that's coated with -- basically coated so the environment doesn't wear away and wear away the steel, and it's grouted in place with cement. It basically -- it's like sticking a toothpick in a sandwich basically, for lack of a better term. It holds everything together. It's the same as a

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rock bolt but --

MR. HINES: All you see is the head of a large eight-inch bolt.

MR. SCHMITT: There are spots where -- typically we would grade the soil back in a shallower grade but there's spots on the site where we can't do that based on the limits of the edge of the property. So instead of having a wall like this we would shave it back like this. There's spots we can't go far enough back, so we're going to put the Shotcrete and the soil nails on that part of the stabilization and then slope it back afterwards.

MR. BROWNE: Thank you.

MR. VILLARI: I just want to address; John, you said you had a question you wanted to --

MR. WARD: With Wappingers, what are your hours over there on Saturday?

MR. SCHMITT: We asked them to work a handful of Saturdays to do some paving work. That was three Saturdays back in July.

MR. WARD: What were their times?

MR. SCHMITT: It was 8 to -- I want to

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say 8 to 3:30.

MR. WARD: Okay. Thank you.

MR. VILLARI: And I think, Pat, you said you had some comments or questions as well?

MR. HINES: No. I was just -- the Shotcrete I knew was coming up. I've seen that in the photos I was getting.

MR. SIMMONS: Oh, another issue. This is just a hold over of old business. I do believe, and Dan you can probably speak best to this regarding the PRV vault location. We've come to agreement with the Town to put it in the triangle off of Old Post Road.

MR. MICHAUD: Correct. Yes. Dan Michaud, for the record. I believe the resolution came in from the Board recently, Jim Osborne and the Town put that through, to accept an agreement with New York City to move the location of the pressure reducing vault, which was supposed to be at the corner of the water line we discussed earlier at Poland Spring. We received a call from Jim Osborne to consider moving it down the road to a different location which would provide better ease of access for the Town staff, DPW



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staff who have to maintain and manage this piece of infrastructure. It took a little bit of land acquisition and discussions to get there but I think we finally got to the point where all are happy on our side and the Town's attorney, et cetera. So at this point we're making plans to do that. I think we'll see that PRV vault be put in, George, maybe this fall, or is that going to be --

MR. SCHMITT: Yeah. As soon as we get the okay.

MR. MICHAUD: That will be deeded or dedicated to the Town once we put it in. We're putting it in under the project cost similar to the water line.

MR. SCHMITT: The same installation is just being moved to a different location. Same layout and everything.

MR. MICHAUD: The same hydraulic concept.

MR. VILLARI: I will take this visual cue from Phil that we are going to give you guys a little insight into the Bell property and it's potential future use.

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MR. SIMMONS: This is just a reminder that we are working to purchase the Bell property.

Currently -- just to give you some geography. 9W is here. This is the 5B site that we already own. This is the developed property here that we're looking to purchase. We're doing our due diligence. We're going through our environmental site assessments, et cetera, making certain that it's worthwhile to buy and what not. We'll be in touch in the future with our final decision and site plans, et cetera.

If you recall, what we're going to do with the site is mainly use it to place excavated material from the tunnel that we bring out from the shaft, we'll transport it and mainly put it in this area. We'll also use the site for water treatment. We'll have water treatment that -- water that comes -- construction water that comes from the tunnel, we'll treat it in settling ponds as well as a treatment system here, similar to what we already have, and we'll also use it for storage. The segments that we will use to line the tunnel we'll store in this area as well.

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Anyway, all of that is under development. Obviously if we more than double the size of the site we owe you a site plan modification.

CHAIRMAN EWASUTYN: Mike, would that entail a new application?

MR. DONNELLY: I wouldn't think so. I mean a separate one or an amended one?

MR. HINES: We have a 2013 number still open, so --

MR. SIMMONS: When we discussed it with the consultants, I believe that was in March, we looked at it as an amendment to the existing. We would still have to do the same work anyway. If you want a new one, that's fine.

MR. DONNELLY: It's better to keep it amended so we see the whole thing at once.

MR. MICHAUD: I just want to add something. The obvious benefit to doing this is to keep the truck traffic off of Newburgh roads and keep it interior to the site. In this operation all that muck would be placed essentially on the site. It significantly changes the character of the project in a good

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way.

MR. HINES: While you have that map up, can you indicate where the Shotcrete was? I know where it is.

MR. SCHMITT: Basically as you come up the hill here to about this point, we're pretty much following the grade here. Once we get here, basically this entire loop is all blasted out. Anywhere from five feet to twenty plus feet below the grade here. So the inside -- this entire area here, the part of the area back here, here and on the inside here, the rock was anywhere from ten to twelve feet lower than what we expected.

MR. HINES: I wanted the Board to see how far interior to the site it was.

MR. SCHMITT: The area is like this. We can't shave the hill back.

MR. HINES: We had that discussion earlier. It's just a change of your methods to stabilize it.

MR. SCHMITT: Exactly. The soil nail is basically taking place.

MR. MICHAUD: The road sits down so

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it's cut in. When you look up there it's --

MR. HINES: It's a canyon.

MR. SCHMITT: -- you can about see to right here and that's about it.

MR. MICHAUD: You'll get a tour.

MR. SCHMITT: Even the top here, because of the hillside, you're only seeing the top of the hill. You're really not seeing anything behind it.

CHAIRMAN EWASUTYN: Are you satisfied with where you are at this point?

MR. VILLARI: I think we are with the exception of the problem with the crane, and so our now need to extend the work hours to catch up and make sure we stay on schedule. Otherwise, yeah.

MR. SCHMITT: Their production has been very good. Because they lost the time -- we knew from day one that the sinking of the shaft was on a critical path of all the work, and we are pushing them to keep on that schedule so we can get the next phase ready to go. We want the next contractor ready to get into that shaft and start with the tunnel as soon as the shaft is finished.

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So for us this is the driving part of this project is getting the shaft finished.

CHAIRMAN EWASUTYN: And the actual tunnel you expect to begin on or about when?

MR. SCHMITT: The procurement is going to take us to probably the middle of next year. So we should have somebody on board with a registered contract by the end of June next year. Right now the deadline for the milestone for finishing the shaft is the middle of April 2016. So we are giving the tunnel contractor approximately nine to ten months to procure a new TBM so when he's ready to get into that shaft the TBM will be close. Typically it's anywhere from eight to twelve months if they are going to procure a new machine, which is what we're expecting at that point.

CHAIRMAN EWASUTYN: All right. Thank you.

MR. VILLARI: Anything else?

MR. SIMMONS: That's it. Would you like us to drop off the drawings for the dog leg or we can send them to you later?

CHAIRMAN EWASUTYN: Do you have a copy

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of those, Pat?

MR. HINES: I don't. If you have one tonight, I'll take it tonight.

MR. SIMMONS: Other than that, I believe that's it.

MR. VILLARI: Thank you very much for your permission for the extended hours. And as is your right but definitely our pleasure, we will set up a site visit and have you guys out there.

Thank you guys very much.

(Time noted: 7:26 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

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DATED: October 15, 2014



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

----- X  
In the Matter of

261 NORTH PLANK ROAD  
(2014-18)

261 North Plank Road  
Section 34; Block 2; Lot 23.2  
IB Zone

----- X

SITE PLAN/CHANGE OF USE

Date: October 2, 2014  
Time: 7:27 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
PAUL RUGGIERO

APPLICANT'S REPRESENTATIVE: JOHN O'ROURKE

----- X

MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
(845)895-3018

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MR. PROFACI: The next item on tonight's agenda is 261 North Plank Road, project 2014-18, Section 34, Block 2, Lot 23.2. It is a site plan and change of use located in the IB Zone. It's being represented by John O'Rourke.

MR. O'ROURKE: Thank you very much. John O'Rourke with Lanc & Tully Engineering. I'm here with Steve Gaba as well.

This is not as exciting as a tunnel. We have an existing 31,000 square foot building on North Plank Road. Previously it was the Winnie & Knickers retail store.

When last in front of you we were here for a change of use to a professional office. Since that time we've appeared in front of the ZBA and have obtained -- we had a public hearing and obtained our variances for the pre-existing nonconforming uses.

Now that we've obtained that, we're back in front of this Board again to continue on with the process for the change of use. It's a 31,000 square foot building in the IB Zoning District. A professional office building is a permitted use in that zone. We're not proposing

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any changes to the site. It's a less intensive use. We estimate we only need about nine parking spaces. There's plenty of room on the site. It has existing sewer and water.

We're basically doing interior modifications at this time.

CHAIRMAN EWASUTYN: Pat Hines, Planning Consultant?

MR. HINES: We did receive the County Planning comments yesterday and they're recommending a Local determination. They had no comments.

We did forward a lead agency coordination to the DOT as well, as the project is located along the State highway.

There is a need for a handicap accessible parking spot on the site. That needs to be shown.

If you could just confirm, I wasn't aware it was in the sewer district.

MR. O'ROURKE: It's on-site sure.

MR. HINES: You just need to show that area on the plan, whatever best information you have on that. I'm not sure where it is.

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MR. O'ROURKE: Sure.

MR. HINES: And then the public hearing is required but could be waived by the Planning Board if they desire.

CHAIRMAN EWASUTYN: Was there anyone who attended or any comments at the ZBA public hearing?

MR. O'ROURKE: There was one person in attendance and they commented for the project.

MR. GABA: That was the neighbor behind it.

MR. HINES: That's a really close house.

CHAIRMAN EWASUTYN: I'll poll the Board Members now if they would -- discretionary with site plans, if they want to hold a public hearing.

Frank Galli?

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. PROFACI: No.

MR. DOMINICK: No.

MR. WARD: No.

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261 NORTH PLANK ROAD

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CHAIRMAN EWASUTYN: Let the record show that the Planning Board waived the public hearing for 261 North Plank Road.

Can we take action on this this evening without hearing back from the DOT, Pat?

MR. HINES: Excuse me?

CHAIRMAN EWASUTYN: Can we take action on this tonight without hearing from the DOT? Mike?

MR. DONNELLY: The SEQRA can't be closed out until -- lead agency can't be finished until either thirty days has passed or they tell us that it's okay.

CHAIRMAN EWASUTYN: And the thirty-day time period, the clock ends what date?

MR. DONNELLY: Next week.

MR. HINES: They were sent out September 10th, after the 7th meeting. So Monday they went out.

CHAIRMAN EWASUTYN: We'll have to hold this over for Board Business. We'll take it up at Board Business. The next meeting would be the 16th. Is that all right with you?

MR. GABA: That's fine. Thank you.

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MR. O'ROURKE: I appreciate it.

CHAIRMAN EWASUTYN: Mike, do you want to review the resolution at this point? Why don't we take advantage of that.

MR. DONNELLY: The ARB is no change but we will include a condition that says any changes to the building in the future may require amended ARB approval. We'll reference the Zoning Board decision and carry forth any conditions that they have included. We'll need a sign-off letter from Pat on the items he just outlined in his letter. We'll make this subject to DOT approval. If they impose any changes on the configuration you'll need to return.

I don't think there's any landscaping.

MR. HINES: No. It's an existing site.

MR. DONNELLY: No stormwater. The last condition would be our standard condition that says you may not construct anything that is not shown on the site plan by way of outdoor fixtures or amenities without an amended approval.

MR. GABA: Mike, on that --

CHAIRMAN EWASUTYN: Just give your name for the record.

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261 NORTH PLANK ROAD

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MR. GABA: Steven Gaba, the owner of  
261 North Plank.

The roof needs to be re-shingled.  
We're going to be replacing the shingles  
substantially like they are now, the same basic  
color.

MR. DONNELLY: We'll note that in the  
ARB.

MR. GABA: That's the only exterior  
change. I wouldn't want to have to come back  
just to re-shingle the roof.

CHAIRMAN EWASUTYN: Especially at that  
point in time we'd have a public hearing. The  
visual impact.

Thank you.

MR. O'ROURKE: Thank you very much.

CHAIRMAN EWASUTYN: The discussion on  
whether or not you want to come to that meeting  
or not --

MR. O'ROURKE: On the 16th? Thank you  
very much for your time.

(Time noted: 7:32 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

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DATED: October 15, 2014



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

----- X  
In the Matter of

DEPEW ENERGY  
(2014-09)

5192 Route 9W  
Section 43; Block 5; Lots 41.2 & 42  
B Zone

----- X

AMENDED SITE PLAN

Date: October 2, 2014  
Time: 7:32 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
PAUL RUGGIERO

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
(845)895-3018

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MR. PROFACI: The next item on tonight's agenda is Depew Energy, project 2014-09, located at 5182 Route 9W, Section 43, Block 5, Lots 41.2 and 42, located in the B Zone. It's an amended site plan being represented by Ross Winglovitz.

And Mr. Chairman, for the record I am recusing myself from this matter.

MR. WINGLOVITZ: Good evening. Ross Winglovitz, Engineering Properties regarding the Depew Energy site plan.

We were before you last month after we had received a variance from the ZBA regarding the setback of the existing building.

There was some discussion about paving of the parking lot. We subsequently sat down with my client and came up with a plan that I hope addresses your needs. It definitely addresses their needs. We were going to pave the entire front of the building and the parking area to the rear where they have the trucks parked overnight and all the parking spots. Anywhere there's typical traffic from either trucks or visitors, you'll have that paved.

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DEPEW ENERGY

43

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No. No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Good. Thank you.

MR. MENNERICH: I'm glad to see that you were able to agree to do that paving.

MR. WINGLOVITZ: I think it makes a lot of sense.

MR. DOMINICK: No, thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I want to say thank you, too.

CHAIRMAN EWASUTYN: I'll turn the meeting over now to Pat Hines.

MR. HINES: There's a proposed deed restriction identified in general note 9 for what we call the cohesive site plan. There's two lots involved and it has to operate as one lot. If there's any change in ownership of one of the lots, the site plan will become void. That language needs to be submitted to Mike's office for review.

We just discussed the paving. That

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sounds acceptable to the Board.

Jerry Canfield had some fire protection questions. That will be a technical issue.

Our hands are a little tied right now since Orange County Planning has not weighed in on this one, although they received it the same time as the previous one. That's an outstanding item that's going to restrict the Board from taking action.

CHAIRMAN EWASUTYN: I don't remember at the last meeting or not, if I am I'm repeating myself, does the Board want to have a public hearing?

MR. DONNELLY: You waived it.

CHAIRMAN EWASUTYN: We did. Thank you. So we can't make a SEQRA determination. We're waiting for the County response. We're waiting for DOT response.

MR. HINES: As the SEQRA lead agency also. They haven't been answering very many of these smaller ones.

CHAIRMAN EWASUTYN: Mike, do you have a draft final resolution or anything?

MR. DONNELLY: Sure. Yes. The

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approval is for site plan. There are no changes proposed to the building so no ARB is required. We'll need a sign-off letter from the items in Pat Hines' letter of September 29th. There is a ZBA variance that was granted and we'll tie into that. We note that this approval is further conditioned upon the removal of certain existing free-standing signs on the premises that were directed to be removed within a 2007 decision of the Town of Newburgh Zoning Board of Appeals. If they are gone already, that's fine. A water line easement I think is needed allowing utilization of a water line crossing an adjoining property. That will need to be reviewed by me and signed off on. It requires DOT approval. If they impose changes on the driveway configuration you'll need to return for an amended approval.

There is no outdoor storage other than the tank, the materials?

MR. WINGLOVITZ: Right. What we've done as part of this revision is moved any of the storage back to the back of the site, around the existing tanks.

MR. DONNELLY: We'll tie into Section

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DEPEW ENERGY

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185-30 that simply says --

MR. WINGLOVITZ: It will be screened by the fence.

MR. HINES: It's going within the existing fence.

MR. DONNELLY: Pat talked about the need for the condition if you're not able to merge the parcels, and I take it you're not, we'll need to record some kind of declaration that restricts it, and I'll need to approve that. There's no financial security required of any kind. The final condition will be the standard one that says you may not build any fixtures or amenities other than what's shown on the plan without amended approval from the Planning Board.

CHAIRMAN EWASUTYN: Ross, are you acceptable to that?

MR. WINGLOVITZ: Pardon me?

CHAIRMAN EWASUTYN: Are you acceptable to that?

MR. WINGLOVITZ: Yup. We are.

CHAIRMAN EWASUTYN: Then I'll move for a motion from the Board to set this up for Board Business at our meeting on the 16th of October.

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MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. Thank you.

MR. WINGLOVITZ: Thank you very much.

As a side note, we did a site visit to the shaft on Tuesday night with the Engineers Society and it was pretty impressive. It's really something else to see how they do it. Very nice. If you get a chance, have them give you -- one of the engineers I used to work with is the lead engineer. He had a little PowerPoint presentation with kind of the history of it and why they're doing it.

CHAIRMAN EWASUTYN: What time of the evening did you go up there?

MR. WINGLOVITZ: 5:00 I think. 5:30 to

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DEPEW ENERGY

48

7:00 I guess it was.

MR. MENNERICH: Did they let you go  
down in the shaft at all?

MR. WINGLOVITZ: No. We looked down in  
the shaft. That's as far as we got. We only  
paid 20 bucks. It's 50 to get down in the shaft.

(Time noted: 7:40 p.m.)

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

I, Michelle Conero, a Shorthand  
Reporter and Notary Public within and for  
the State of New York, do hereby certify  
that I recorded stenographically the  
proceedings herein at the time and place  
noted in the heading hereof, and that the  
foregoing is an accurate and complete  
transcript of same to the best of my  
knowledge and belief.

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DATED: October 15, 2014



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

----- X  
In the Matter of

POLO CLUB  
(2006-09)

Request for a Six-Month Extension of Preliminary  
Approval from September 29, 2014 until March 29, 2015

----- X

BOARD BUSINESS

Date: October 2, 2014  
Time: 7:40 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
PAUL RUGGIERO

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
(845)895-3018

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POLO CLUB

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MR. PROFACI: We have three items of Board Business. The first is Polo Club, project 2006-09.

The applicant is requesting a six-month extension of preliminary approval which will run from September 29, 2014 to March 29, 2015.

CHAIRMAN EWASUTYN: Mike, let's review it. Is it six months or is it ninety days?

MR. DONNELLY: This is a site plan so it can be six months.

CHAIRMAN EWASUTYN: The history on where the project is right now?

MR. WINGLOVITZ: Still in for the DEC sewer main extension.

CHAIRMAN EWASUTYN: That's good news.

MR. WINGLOVITZ: That's the big thing.

CHAIRMAN EWASUTYN: How long might that take? I wasn't being wise.

MR. HINES: I've had a project before them for eighteen months, no response.

MR. WINGLOVITZ: It could take another year or so.

CHAIRMAN EWASUTYN: All right. I'll move for a motion to grant the six-month

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extension.

MR. DOMINICK: I'll make the motion.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by  
Dave Dominick. I have a second by Joe Profaci.  
I'll ask for a roll call vote starting with Frank  
Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So  
carried.

(Time noted: 7:42 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

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

----- X  
In the Matter of

DRISCOLL SUBDIVISION  
(2005-46)

Request for a Six-Month Extension of Preliminary  
Approval from September 29, 2014 until March 29, 2015

----- X

BOARD BUSINESS

Date: October 2, 2014  
Time: 7:42 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
PAUL RUGGIERO

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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MR. PROFACI: The next item is the Driscoll Subdivision, project 2005-46.

The applicant is requesting a six-month extension of preliminary approval which will run from September 29, 2014 to March 29, 2015.

MR. DONNELLY: All this one is is a subdivision, it's a preliminary subdivision approval, then you can grant extensions in six-month increments. It's only conditional finals that are limited to ninety-day extensions.

CHAIRMAN EWASUTYN: This again is --

MR. WINGLOVITZ: It's the same sewer main extension.

CHAIRMAN EWASUTYN: Okay. I'll move for that motion.

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: Do I have a second?

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

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MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WINGLOVITZ: Thank you. Have a  
good evening.

(Time noted: 7:43 p.m.)

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

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the State of New York, do hereby certify  
that I recorded stenographically the  
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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD

----- X  
In the Matter of

DOMINGUES - HICKORY HILL ROAD SUBDIVISION  
(2011-17)

Request for a Ninety-Day Extension of  
Conditional Final Approval from October 2, 2014  
until January 2, 2015

----- X

BOARD BUSINESS

Date: October 2, 2014  
Time: 7:43 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
PAUL RUGGIERO

----- X

MICHELLE L. CONERO  
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MR. PROFACI: The last item of Board Business is the Domingues - Hickory Hill Road Subdivision, project 2011-17.

The applicant is requesting a ninety-day extension of conditional final approval which will run from October 2, 2014 to January 2, 2015.

CHAIRMAN EWASUTYN: Does someone want to make a motion for that?

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by --

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Good meeting.

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I'll move for a motion to close the  
Planning Board meeting of the 2nd of October.

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:44 p.m.)

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

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DATED: October 15, 2014