

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X

In the Matter of

BOTRAC PROPERTIES
(2011-21)

Orchard Drive
Section 1; Block 1; Lot 133.0
AR Zone

----- X

CONCEPTUAL
TWO-LOT SUBDIVISION

Date: October 20, 2011
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
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BROWNE: Good evening. Welcome to the Town of Newburgh Planning Board meeting of October 20, 2011.

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

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. FOGARTY: Here.

MR. WARD: Present.

MR. BROWNE: The Planning Board has professional experts that provide reviews on the input and the business before us, including SEQRA determinations as well as code and planning details. I'll ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Newburgh, Code Compliance.

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

MR. COCKS: Bryant Cocks, Planning
Consultant.

MS. ARENT: Karen Arent, Landscape
Architectural Consultant.

MR. BROWNE: Thank you. At this time
I'll turn the meeting over to Joe Profaci,
please.

MR. PROFACI: Please join us.

(Pledge of Allegiance.)

MR. PROFACI: If you would please turn
off any electronic devices.

MR. BROWNE: The first item we have on
our agenda this evening is the Botrac Properties.
It's number 2011-21. It's a conceptual two-lot
subdivision being presented by Lawrence Marshall.

MR. MARSHALL: Good evening. My name
is Larry Marshall from Mercurio, Norton &
Tarolli. The application before you this evening
is a proposed two-lot subdivision on the westerly
side of Orchard Drive. The two lots are
measuring in size approximately 1.6 acres for lot

1
2 1 and 1.3 acres for lot 2. This was previously
3 lot 1 on filed map number 113-07 filed in the
4 County Clerk's office. It was filed in 2007.

5 The proposed lots will be served by
6 individual wells and septic systems. The wells
7 have been located in accordance with all the
8 requirements for separation to neighboring wells
9 and septic systems as required by the Orange
10 County Department of Health. The sewage disposal
11 systems have been designed in accordance with the
12 same standards.

13 The lot 1 driveway will utilize the
14 existing driveway entrance that previously served
15 the farmhouse and barns, and that was also the
16 same location that was previously shown to be
17 utilized for access on the -- on lot 1 of the
18 original subdivision. Lot 2 will utilize a new
19 driveway cut onto Orchard Drive. The sight
20 distance for both driveways exceed AASHTO
21 standards.

22 CHAIRMAN EWASUTYN: I'll start with
23 Jerry Canfield. Do you have any comments for
24 this project?

25 MR. CANFIELD: We have nothing at this

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

time.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: We reviewed the project. As Mr. Marshall just stated, the wells and septic meet the applicable standards and guidelines.

The highway superintendent should weigh in on the new driveway.

Our last comment is we've taken the steps to do a negative dec and scheduling the public hearing. It's pretty straightforward.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: The only addition on the subdivision plans is the 10,000 square foot buildable area requirement from Section 185-48.5. There's plenty of room on there so it's not a problem.

This will need to get referred to the Orange County Planning Department.

We're also going to send this to the Town of Plattekill. So I'll need three plans for distribution.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Other than that, I have no comments.

CHAIRMAN EWASUTYN: Frank Galli,
Planning Board Member?

MR. GALLI: No additional comment.

MR. BROWNE: No comment.

MR. MENNERICH: No questions.

MR. PROFACI: Nothing.

MR. FOGARTY: I have no comments.

MR. WARD: Nothing.

CHAIRMAN EWASUTYN: Mike Donnelly, I'll
turn to you at this point. Since we do have to
circulate to the Orange County Planning
Department, can we make a SEQRA determination
now?

MR. DONNELLY: I believe that you can.
You're not prohibited from doing so.

CHAIRMAN EWASUTYN: Okay. I'll make
this a three-part motion; part one being we grant
conceptual approval. Actually a four-part. Part
two, that we circulate to the Orange County
Planning Department; also that we circulate to
the Town of Plattekill; and we set the 17th of
November for a public hearing.

MR. PROFACI: So moved.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by Tom Fogarty. 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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Thank you. See about getting those maps to Bryant. Bryant will give you the notice for hearing. If you can, please, on the 15th of November, which would be a Tuesday, would you make it a point to bring to the office the return receipts for the certified mailing?

MR. MARSHALL: Absolutely.

CHAIRMAN EWASUTYN: Thank you.

MR. MARSHALL: Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Time noted: 7:05 p.m.)

(Time resumed: 7:35 p.m.)

CHAIRMAN EWASUTYN: I would like to go back to the first item on the agenda. Joe Profaci questioned me and I think it's correct.

I would like to also move to declare a negative declaration for the Botrac Properties. I did forget that.

MR. PROFACI: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by Frank Galli. 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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried. Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOTRAC PROPERTIES

9

(Time noted: 7:36 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.

DATED: November 15, 2011

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X

In the Matter of

NYC DEP DELAWARE AQUEDUCT REPAIR
(2011-15)

Rondout-West Branch Tunnel
Section 8; Block 1; Lot 15.2
B/AR Zones

----- X

CONCEPTUAL
SITE PLAN

Date: October 20, 2011
Time: 7:05 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
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: CHRISTOPHER VILLARI

----- X

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

1
2 MR. BROWNE: The next item of business
3 we have is the New York City Department of
4 Environmental Protection, Delaware Aqueduct
5 Repair, project number 2011-15. We still have it
6 listed as a conceptual site plan being
7 represented by --

8 MR. VILLARI: More than one of us. We
9 do have a PowerPoint presentation, so we'd like
10 to ask how you would like us to orient it so that
11 you can view it?

12 MR. BROWNE: Can we get your name?

13 MR. VILLARI: Chris Villari. I'm the
14 outreach lead for the Water for the Future
15 Program.

16 I do have, for the benefit of the
17 Stenographer, a roll call for who we are in
18 attendance with.

19 While we're setting this up, I wanted
20 to address the Board very quickly. We have a
21 couple of milestones coming up, the first being
22 that in November we plan to submit a completed
23 site plan application to begin formal review.
24 Roughly at about the same time we are also going
25 to release the Draft Environmental Impact

1
2 Statement. So again, both of those happen in
3 November. Right now our schedule that we're
4 carrying forward is for -- following the hearings
5 with the Draft Environmental Impact Statement,
6 we're aiming for a Final Environmental Impact
7 Statement in March of next year, and then our
8 site plan approval. The schedule that we're
9 carrying right now hopefully is latest August of
10 next year. So that's where we're at moving
11 forward.

12 Another item that I'd like to touch on
13 very quickly is I can't remember if we had gotten
14 approval for the monthly --

15 CHAIRMAN EWASUTYN: We'll make that
16 motion as part of this meeting. The consultant
17 meeting coming up?

18 MR. VILLARI: Yes. This coming
19 Tuesday. Great. Thank you very much.

20 CHAIRMAN EWASUTYN: Is it this Tuesday
21 or the 27th?

22 MS. ARENT: It's in my book as this
23 Tuesday.

24 MR. VILLARI: It's the fourth Tuesday.

25 MR. DONNELLY: Have you decided when

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

you're doing the public hearings on the Impact Statement?

MR. VILLARI: When we send out copies of the Draft Environmental Impact Statement there will be a cover sheet with the times and locations of those meetings.

So then with that, I'd like to turn it over to Anthony Russo from AKFR Consulting Engineers to the Water for the Future Program to discuss our current traffic impact assessment.

MR. RUSSO: Good evening. Thanks for your time. I'm going to quickly -- some of the material you've seen before, some of it is new. Feel free to stop me if you have any questions along the way.

Again, this graphic shows the location of the project site. Here's 9W. Here is the construction for the shaft site. That's the main driveway from 9W to the shaft site, Old Post Road, and this shows the dewatering pipe main options that are being considered to go from this site, along Old Post Road, down to the river. I want to give you a bearing for where we are.

I just want to put something in

1 perspective here that I think this graph as
2 tabled does a good job at getting to. Talking
3 about the levels of traffic volume we're talking
4 about generating from the project during the peak
5 hour, the a.m. and the p.m. Existing on 9W in
6 the morning you have about 1,500 cars in both
7 directions. In the p.m. you have about 1,800
8 cars. In the future, when we get to 2015, which
9 is the year of peak construction, without the
10 construction project it's going to increase.
11 Using a growth factor and some projects that are
12 currently being constructed on 9W, like the
13 Orchard Hill Condo development, it's projected to
14 increase to about 1,700 in the morning and about
15 1,950 in the p.m. It represents about a ten
16 percent increase in traffic.

17
18 The construction project for the bypass
19 during those hours is projected to add between
20 130 and 144 vehicle trips, that's autos and
21 trucks combined, which represents about a seven
22 to eight percent increase in traffic during the
23 peak hours. During non-peak times -- this is
24 primarily construction workers that make up this
25 increase. During other times of the day when the

1 construction workers are on site, there will be
2 trucking activity, and most of that trucking
3 activity will be on the order of one to five
4 truck trips on 9W. So even in the peak it's not
5 a lot of traffic. And certainly, you know, in
6 the off peak, which is the trucking, it's, you
7 know, generally a minimal amount of traffic.

8
9 MR. BROWNE: Excuse me. The one to
10 five is per hour, per day, per --

11 MR. VILLARI: Per hour in the non-peak.

12 MR. GALLI: That's thirty cars a
13 minute.

14 MR. RUSSO: Again getting to existing
15 conditions. There are traffic lights, traffic
16 signals at intersections. We've done an existing
17 conditions analysis, and everything you see here
18 on this slide will be in the Draft Environmental
19 Impact Statement for the Town and your
20 consultants to review. Most locations operate at
21 level of service D during the peak hour, which is
22 generally considered acceptable conditions during
23 peak hour, with the exception of a couple of
24 intersections -- a couple of movements at some of
25 the intersections, primarily down at where 9W and

1 the I-84 ramps are, and Plank Road. Some of
2 those locations are experiencing worse than level
3 of service D conditions. We have some cueing and
4 congestion. I'm sure it's not a surprise to you
5 since you guys travel through that area quite
6 often I would assume. Also, we have it at 9W and
7 Fostertown Road, especially in the morning with
8 the southbound approach as traffic is going to
9 I-84.
10

11 We've added the new intersection that
12 was requested by the Town. This was not in the
13 scope but we got a comment from the Town
14 consultant and we added 9W, Carter Avenue, and
15 also at some of the approaches in the a.m. and
16 p.m. there's some congestion and delay there.
17 You've got about four intersections, a couple of
18 approaches which are D and worse, and most of
19 them are to the south of the project site.

20 At the unsignalized locations where
21 there's no traffic signal, again most operate at
22 level of service D or better. There are two
23 intersections, Lattinown Road and Old Post Road.
24 Again we do have worse than D operating
25 conditions where the cars, as they're coming out

1
2 of the minor roadways trying to make turns onto
3 9W, are experiencing some delay, which is not
4 uncommon during peak hour times on minor roadways
5 where you have vehicles wanting to turn onto 9W
6 where they're experiencing delay. You see that
7 commonly in unsignalized intersections. 9W and
8 Morris Drive and Cortland Drive. As existing
9 it's showing that same delay issue, however in no
10 build, as you can see now, there's a traffic
11 signal that's going to go up there. I passed
12 that site about a week ago and I noticed that the
13 support poles are up and that construction will
14 move forward. When that becomes signalized it
15 will operate much better and you won't have this
16 condition there anymore.

17 This shows the truck projections over
18 the course of the construction for the various
19 phases, site prep, shaft construction, tunnel
20 excavation, tunnel lining, all the way to the
21 connection, and these are truck trips per day.
22 During the tunnel excavation you can see you're
23 about ninety truck trips per day. During other
24 times -- it goes up and down. This is more of a
25 higher period for the truck trips. Again, that's

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

over a day.

This shows the work projections again over the life of the construction project for the various phases. Again, here is tunnel excavation, here is your three shifts. They're color coded, the shifts. You're talking about 120 worker trips, again per day. It goes up and down but here is your more higher generation. The traffic study focuses on the more conservative period, which is the tunnel excavation on the west side.

MR. GALLI: Trucks are going to strictly use that road from 9W to the site, they're not going to come down Lattintown Road?

MR. RUSSO: No. Our traffic projections have them using the regional highway system, I-84 and going up and down 9W.

MR. GALLI: I'm saying how are they going to get to 9W from the site? The road that you're putting in now?

MR. VILLARI: The new road.

MR. RUSSO: There's going to be a new -- I have it here. There's going to be a new intersection with a traffic signal to take you

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

into the site.

We talked before about the delivery of the tunnel boring machine. DEP is working with their experienced tunnel engineers and contractors and we're determining the best way to get this to the site. It's still a work in progress but we want to see the best way to deliver this and comply with all the Government agencies that have jurisdiction on the roadways so we meet their standards. Where we exceed the standards we would need to sit with them and talk about getting a special permit to do any potential hauling of the TBM to the site. That's still something that we're working with. There will be special coordination with all Government agencies, including the Town, once we determine the way that we're going to get it to the site.

MR. FOGARTY: I have a question. What does this piece of machinery look like?

MR. RUSSO: It's about -- it's about 22 feet in diameter and it's basically like a big drill with teeth on it that's going to be used to create the tunnel as it goes from Newburgh over to Wappingers. It's the sand hogs. I don't know

1 if you've ever seen them on TV when they're
2 making subways. It's the same type of device.
3 So we're deciding how to deliver this. Can it be
4 cut? If it can be cut, can they go on smaller
5 trucks? These are the things we're still looking
6 into right now. We just haven't come to a
7 determination. As we learn more we'll be back to
8 present that. But the trucks for the TBM would
9 only be probably involved for a two-week period
10 where it's being delivered to the site. The TBM
11 and all its various components that go into
12 driving this drill bit so it can create the
13 tunnel. Most trucks that are going to be going
14 to and from the site are the standard
15 construction trucks that you see on 9W now, dump
16 trucks, concrete trucks. Most of them are going
17 to be WB-62 or smaller. WB-62, we have it
18 depicted here, a typical one, which is, you know,
19 70 feet in width. Most of them are going to be
20 smaller. We're modeling the new driveway to the
21 shaft site, you know, for these trucks just to
22 make certain that the geometry works. We're
23 still in the process of doing that. Most of your
24 trucks, except for the TBM, will be what you see
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

now on 9W.

This shows the traffic that is generated by the construction project. It's the incremental increase in traffic, how it's distributed through the network. Again, it gets back to the table that I presented earlier. We're talking roughly about, you know, an eight percent increase during the peak hours on 9W. Again, these graphics will all be in the DEIS for the Town to review and for the consultants to review.

These are traffic conditions with the construction project in place and how it compares to future conditions without it so we can assess impacts.

This side of the table shows future conditions without the construction of the bypass. This shows it with construction of the bypass. These highlighted approaches or movements at intersections, like here's 9W and the I-84 ramps. According to the City methodology, CEQRA, City Environmental Quality Review technical manual, this identifies potential impacts associated with the additional traffic from the

1 project, the incremental traffic, how it impacts
2 roadways. And there's a couple of locations,
3 mainly about five locations, the same ones that
4 we talked about earlier, you have 9W and the I-84
5 ramps, 9W and the westbound ramps, Plank Road and
6 the westbound ramps, 9W and Fostertown Road and
7 9W and Carter, where it may be necessary, due to
8 the additional traffic generated by the project,
9 to do an optimization or retiming of traffic
10 signals in order to make things work better with
11 the additional traffic. This is something that
12 would have to be worked out with New York State
13 DOT to get their input on these retimings and re-
14 optimizations. Again, this will be in the EIS
15 for Town review and for your consultants to look
16 at.
17

18 This shows in the a.m. In the p.m. --
19 in the a.m. there were five locations and in the
20 p.m. there's less, there's only two, Fostertown,
21 9W and Carter. But it's the same principle.
22 It's basically a reallocation of green time and
23 optimizing the traffic signal so it works better
24 with the construction traffic added.

25 This slide gets to the duration of the

1
2 impacts at each of the intersections that I just
3 discussed. For the most part, over the
4 approximate nine-year construction period for the
5 project, most of the impacts will be there
6 between fifty percent and a hundred percent of
7 the time. So some will be there for half the
8 number of years, some will be there for the full
9 amount. That's one of the reasons why we're
10 recommending the optimization and rephasing the
11 traffic signals, because they will be there for a
12 bit and we want to make sure that the
13 intersection is operating as efficiently as
14 possible with the construction traffic.

15 To get to your question earlier, there
16 will be a new driveway that will be constructed
17 with the traffic signal at 9W and the shaft site,
18 and this shows how it's going to operate. It
19 basically operates of level of service A or B,
20 which is on the top of this scale for
21 intersections. A being the best, F being the
22 worst, this operates very well, the new shaft
23 driveway on 9W with the construction traffic.

24 This shows a schematic. I think this
25 is the sixty-percent design. You have 9W here,

1 this is the driveway to the shaft site. You're
2 going to have a -- we're going to widen 9W along
3 the frontage of the project site to accommodate a
4 northbound left turn into the site, a southbound
5 right turn into the site. And then coming out
6 you have the new traffic signal for any vehicles
7 making a left. They'll be controlled by the
8 traffic signal and then have a channelized right
9 turn to take you onto 9W. The purpose of this is
10 to make certain that the traffic that's going to
11 and from the site does not interfere with through
12 traffic on 9W as it exists today. So we're going
13 to hold the traffic off associated with the
14 project and have a through lane so 9W traffic can
15 continue unimpeded unless it's stopped by the
16 traffic signal.

17
18 We met with the Marlboro School
19 District and we're going to meet with the
20 Newburgh School District on Tuesday. One of the
21 big concerns for the school was just a need for
22 communication and to have a point person that
23 they can speak to at DEP while the project is
24 under construction. The DEP has agreed to have a
25 representative available to the school district

1
2 to talk to through the entire process, and
3 they're going to maintain a website where any
4 major construction activity that's going to go
5 on, like the TBM delivery -- that's really
6 expected to happen at night, 11 to 7 with these
7 oversized vehicles, but in the event that
8 something changes, they're going to post on the
9 website any important instruction information so
10 the school district, the Town, anybody can see
11 it. If they have an issue ahead of time, they
12 can contact DEP to discuss any concerns about how
13 that traffic would interact with busing activity
14 on 9W and the Marlboro School District. And
15 we'll do the same thing with Newburgh. So they
16 seem pretty pleased as long as there's a point
17 person for communication, and media, whether the
18 website, social media, e-mail blast. They seem
19 content with that process. It was good meeting
20 with them.

21 There will be a formal traffic
22 management plan in the EIS that will go through
23 all the items I just said. Again, that would be
24 for your view.

25 That kind of sums up where we are now.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

If you have any questions, I'll open it up.

MR. WARD: I mentioned the last time about getting rid of the muck and everything else, and you mentioned it was going to be an outside contractor.

MR. RUSSO: Correct.

MR. WARD: The trucks you're showing, that would be the outside contractor?

MR. RUSSO: Correct.

MR. WARD: Okay. But the traffic study doesn't show -- they can't make a left and go anywhere.

MR. RUSSO: We do have, coming out of the project site driveway, the new intersection, we do have a small percentage of trucks and workers going north. Most of them are going to the south. We did do a census data examination of where construction workers live within a radius, and it kind of backs our assessment. About 90 percent of them come from the south. We did, to be conservative, have some traffic go to the north making the right turn out of there.

MR. WARD: I'm concerned more -- going south to 84 it's more commercial. When you go

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

north, say a guy goes with the tractor trailer trucks through Marlboro and all.

MR. RUSSO: I understand. It's ten percent of our traffic. I mean that comes to a truck trip, you know, here or there. It's not much. It's really focused towards I-84.

MR. WARD: Okay.

MR. BROWNE: With that same -- I think I questioned last time, too. The assumption is that 90, 95 percent of your truck traffic is going to be heading south on 9W to 84. How are you going to guarantee that?

MR. RUSSO: DEP, you know, can not tell the contractor where -- when he has muck, where they can go with it. What makes sense to us, you know, given the fact that you have 9W and I-84, and from I-84 you can go pretty much to all areas you want, it would make sense to have a focus of the assignment going in that direction.

MR. BROWNE: That was kind of where I was going. If you're making the assumption they're going to go down there, it seems logical. If you come across an outfit that you contract out to that says I'm going to find a spot ten

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

miles north, twenty miles north, it would be a heck of a lot cheaper for me to do that, but you didn't factor that in to your --

MR. RUSSO: We did factor it in. We factored in ten percent.

MR. BROWNE: A small amount. I guess what I'm saying is if that's your assumption, then somehow I would think you would have to guarantee that your contractor or your trucking company, that that will also be folded in. That they would be forced to, by contract, go south on 84 rather than the other way.

MR. RUSSO: Right.

MR. BROWNE: Is that something that you can do in contract with whoever you contract out to?

MR. RUSSO: I'll let DEP answer that.

MR. TRELSTAD: That's something that's necessary and we can't tell them they have to turn right.

MR. BROWNE: What I'm looking at is if you're doing the EIS and the assumption of the EIS is that's where they're going to go, if that's the assumption, my thinking is that then

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

somehow that has to be -- that has to happen,
otherwise the EIS doesn't work.

MR. RUSSO: At the driveway, like Mark
said, they can tell their contractor to go south.

MR. BROWNE: That's what I'm asking
for, if that can be folded in there somehow so
that's assured that that's the way it's going to
happen, then --

MR. PAGE: You can either do that in
the contract or there's -- everybody here thinks
the most logical is they're going to turn right.
If that doesn't happen, we can do a supplemental
review and evaluate whether --

MR. DONNELLY: In the event that a
contractor was proposing to go in the other
direction, you do a follow-up study and make the
corrections that we need.

MR. BROWNE: My understanding from what
we were told last time is that they contract out
to the trucking company, and at that point it's
hands off.

MR. PAGE: No, no. The trucking
company works for us. We would tell the trucking
company tell us who your customer is. Right now

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

we don't know who their customer is. Once we actually know who is working for us, we can say who is your customer, please provide us with the route you plan on taking.

MR. BROWNE: I had the impression from the last conversation that you weren't going to entertain that at all.

MR. PAGE: Today we can't tell you anything, but in the future when we have them --

MR. WARD: That's what we're asking. If he's in Poughkeepsie, if he's going that way, we're saying we'd like to see them go down 9W but the logical way for weighted and --

MR. RUSSO: If something changes, like Mark said, there will be a supplemental examination.

MR. MENNERICH: The optimization of the lights on 9W, have you begun discussion with New York State DOT on that?

MR. RUSSO: Tomorrow. We have a meeting with DOT tomorrow to discuss the new driveway, and the traffic signal, and the optimization and timing plans to see what their position on that is.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: Upon completion of the project do you take down the traffic signal?

MR. RUSSO: The plans right now, based on our preliminary with DOT, is that yes, the plan is to take it down. It needs to meet warrants in order to stay up. There's not enough volume I think from the motel and the businesses on the other side to justify it, although the school district said they do like having the traffic signal there because they do turn around in the motel and it's easier with the traffic light to get in and out. They might enjoy it over the nine years that it's there.

CHAIRMAN EWASUTYN: We were talking earlier just in general. We couldn't remember at what phase of this operation you would be working seven days a week, twenty-four hours a day.

MR. WOODEN: That operation would probably commence when you get into the tunnel excavation phase -- sorry, the connection phase.

MS. CONERO: Can I have your name?

MR. WOODEN: Mike Wooden with Arcadis. We're a design consultant.

MR. VILLARI: `15 until `18.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. WARD: Three years?

MR. VILLARI: Yeah.

MR. RUSSO: Anything else?

MR. MENNERICH: If your discussions with New York State DOT shows that optimization of lights, they're acceptable, you know, they agree with that approach, is there any possibility that they -- that that might be instituted prior to your project starting up?

MR. RUSSO: That would be the plan, before we start trucking or construction activity to get that in place.

MR. MENNERICH: Thanks.

MR. RUSSO: Again, they own the traffic signal so it's up to them. That would be our recommendation.

MR. MENNERICH: Thanks.

MR. FOGARTY: I just have one non-traffic. When you're done with the drill, I'm fascinated with the drill, what happens to it?

MR. RUSSO: It's going to be removed from the Wappingers side. Extracting is different than delivering. With extracting it

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

can be cut into smaller pieces and still be salvageable to some level and trucked away. I guess it's for the DEP to decide what they're going to do with it.

MR. PAGE: The contractor.

MR. WARD: This is a scenario, and I'm just asking. There's been times it's closed the Newburgh/Beacon Bridge for a few hours. How would that affect say prime time?

MR. RUSSO: Like for the big truck delivery? Again I'm not certain where it's coming from so I'm not certain it's going to be going over the Beacon/Newburgh Bridge. So we have to see.

MR. PAGE: The stockpiles are put on the site.

MR. SIMMONS: As far as removing material, we also have enough storage for a couple of days.

MR. WARD: That's what I'm asking.

MR. SIMMONS: Phil Simmons with DEP.

MR. RUSSO: Thank you.

MR. VILLARI: Just to recap our schedule; in November two things, the Draft

1
2 Environmental Impact Statement, submission of the
3 completed site plan application. Final EIS we're
4 looking at March of next year. And then between
5 March and latest, we hope, August of next year
6 for the site plan approval. However, I think the
7 purpose of all the pre-application meetings was
8 that we could hit the ground running after the
9 site plan was completed, or the application was
10 completed.

11 All right. Thanks very much.

12 Oh, and the motion.

13 CHAIRMAN EWASUTYN: Let's get back to
14 our seats if you don't mind.

15 I'd move for a motion to set the New
16 York City DEP Delaware Aqueduct Repair for the
17 consultants' meeting on the 25th of this month.

18 MR. GALLI: So moved.

19 MR. WARD: Second.

20 CHAIRMAN EWASUTYN: I have a motion by
21 Frank Galli. I have a second by John Ward. Any
22 discussion of the motion?

23 (No response.)

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you.

Anything else?

(No response.)

CHAIRMAN EWASUTYN: Chris, when you're ready to submit the other documents, just give a call to the office or give me a call so we can arrange delivery. All right?

MR. VILLARI: Yes.

Per request of John, I'm going to send a PDF of this presentation and the last presentation.

(Time noted: 7:35 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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.

DATED: November 16, 2011

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

VERIZON - 7 MEADOW HILL ROAD
(2011-22)

7 Meadow Hill Road
Section 60; Block 3; Lot 35.1
IB Zone

----- X

CONCEPTUAL
SITE PLAN & SEUP

Date: October 20, 2011
Time: 7:36 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
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: SCOTT OLSON

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BROWNE: The next item of business we have is Verizon 7, Meadow Hill Road. I don't see a project number.

MR. FOGARTY: 2001-22.

MR. BROWNE: Thank you. It's a conceptual site plan and special --

CHAIRMAN EWASUTYN: Use permit.

MR. BROWNE: -- special use permit being presented by Scott Olson.

MR. OLSON: Correct. I'm Scott Olson with Cooper, Erving & Savage, Albany, New York.

What we have before you I think is a pretty straightforward application. We're looking for authority to replace twelve existing antennas that we currently have installed and operational on the 145-foot tower behind the Newburgh Mall. We want to take those twelve antennas down and put twelve new antennas up. The antennas are very similar in shape, size and color to what we currently have up there.

You may be asking why we're doing this. We've been here -- we've been here before on the Valley View tower site. Essentially we're trying to get ready to roll out the advanced long-term

1 evolution service, which is a fancy way of saying
2 fourth generation service, which, by the way, we
3 have up in Albany and it's faster than lightning.
4 When it gets down here you're going to love it.
5

6 There are no other changes to the
7 compound, and the equipment change out will be
8 located within our shelter. Cabling that we have
9 would be switched out and will be again inside
10 the monopole, so no one is going to notice a
11 thing. We provided similar information as we did
12 for the prior application. We've included a
13 short Environmental Assessment Form also.

14 With regard to SEQRA, we believe it's a
15 Type II action, because it's a reciprocal
16 replacement, and that no further SEQRA review is
17 required by this Board. That in a nutshell is
18 what we're trying to do.

19 CHAIRMAN EWASUTYN: Jerry Canfield,
20 Code Compliance?

21 MR. CANFIELD: We have nothing
22 outstanding. At the work session we did discuss
23 Mike Musso from HDR, the Planning Board's tower
24 consultant, Mike's report which he feels that
25 everything at this time is compliant. We did

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

discuss the structural report. We discussed some issues with that which I did speak with Mike on the clarification of. We see nothing outstanding at this point in time.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: My only comment is that the project needs to be referred to Orange County Planning Department.

CHAIRMAN EWASUTYN: Frank Galli, Planning Board Member?

MR. GALLI: No additional comment.

MR. BROWNE: Just would it be appropriate to mention what those discrepancies were that we're saying are okay from Mike's report for the record?

CHAIRMAN EWASUTYN: That's your motion to make. I'm not going to make a judgment.

MR. BROWNE: If nobody is concerned, then fine.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I have no questions.

MR. PROFACI: Nothing.

MR. FOGARTY: No comment.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. WARD: No questions.

CHAIRMAN EWASUTYN: Mike, so a SEQRA determination?

MR. DONNELLY: It's a Type II so you don't need one. It is a special permit the way the code reads at present, therefore you need to schedule it for a public hearing and, as Bryant said, send it to the Orange County Planning Department.

CHAIRMAN EWASUTYN: Then we'll grant conceptual approval, we'll circulate to the Orange County Planning Department, and we'll set the 17th of November for a public hearing for the Verizon - 7 Meadow Hill site plan and special use permit.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So
carried.

Get the material to Bryant Cocks and
he'll circulate it to the Orange County Planning
Department. Bryant will give you the notice of
hearing for the mailing. We ask that on the 15th
of November, which is a Tuesday, that it be
delivered to the Planning Board office with
return receipts for the certified mailing.

MR. OLSON: Will do. Thank you very
much.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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.

DATED: November 15, 2011

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

CINGULAR WIRELESS PCS, LLC (AT&T)
(2011-23)

39 North Plank Road (Mid-Valley Mall)
Section 75; Block 1; Lot 11
B Zone

----- X

CONCEPTUAL
SITE PLAN & SEUP

Date: October 20, 2011
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
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: JOHN W. FURST

----- X

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

1
2 MR. BROWNE: The next item of
3 business is Cingular Wireless PCS, LLC. It's a
4 conceptual site plan & SEUP. I don't have the
5 project number but --

6 MR. FOGARTY: 2011-23

7 MR. BROWNE: Thank you. This is a
8 special use permit presented by John Furst.

9 MR. FURST: Correct. Good evening, Mr.
10 Chairman, Members of the Board. My name is John
11 Furst, I'm an attorney at Cuddy & Feder and we
12 represent the applicant, Cingular Wireless.

13 Similar to the previous application,
14 this is an upgrade of an existing site. They're
15 looking to enhance their voice and data services.

16 The Planning Board originally approved
17 this facility just in July of 2010. What they're
18 proposing now is one very small backhaul antenna
19 that serves as a backup to the existing land
20 lines that service this site, and also will
21 enhance the speed and reliability for AT&T's
22 existing data services and voice.

23 It's located at the Mid-Valley Mall.
24 It's a 24.2 acre site. There's a shopping plaza
25 as well as the Mid-Valley Mall water tank. The

1
2 water tank is 132 feet tall. It's business
3 zoned. Sprint, Nextel, T-Mobile and AT&T are
4 currently located and operating at this site.

5 AT&T was approved for twelve antennas.
6 That's what they've constructed. The antennas
7 are about 123 feet above ground level. The
8 backhaul antenna will be about 118 feet above
9 ground level, and it's actually going to be
10 located on the same piping mound as the existing
11 antennas. So we're not adding any piping mounds,
12 it's just getting attached to an existing piping
13 mound. The antenna itself is only two feet in
14 diameter. It's a very small dish antenna.

15 In addition to the antenna there will
16 be one cable that will run up with the existing
17 cables. It will be painted to match the existing
18 cables.

19 There's going to be no site work on the
20 ground. No equipment is going to be added. So
21 nothing is going to happen on the ground. We're
22 not increasing the height of the tank, obviously.
23 It's going to have a minute impact on the
24 neighbors.

25 We would like to schedule a public

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CINGULAR WIRELESS PCS, LLC

47

hearing on November 17th, but I would be happy to answer any questions.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: We have nothing outstanding on this application either.

We've referred to Mike Musso's report in which he feels that the structural compliance, safety factors have been met.

Other than that, we have nothing outstanding.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: My only comment is just the referral to the Planning Department.

CHAIRMAN EWASUTYN: Any comments from Board Members?

MR. GALLI: No additional.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. PROFACI: No.

MR. FOGARTY: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Then I'd move for a

1 motion to grant conceptual approval, to circulate
2 to the Orange County Planning Department and to
3 set the 17th of November for a public hearing.
4

5 MR. FOGARTY: So moved.

6 MR. PROFACI: Second.

7 CHAIRMAN EWASUTYN: I have a motion by
8 Tom Fogarty. I have a second by Joe Profaci. I'll
9 go with a roll call vote starting with Frank
10 Galli.

11 MR. GALLI: Aye.

12 MR. BROWNE: Aye.

13 MR. MENNERICH: Aye.

14 MR. PROFACI: Aye.

15 MR. FOGARTY: Aye.

16 MR. WARD: Aye.

17 CHAIRMAN EWASUTYN: Myself. So carried.

18 As I said to the earlier applicant,
19 Bryant Cocks will do the circulation. He'll
20 provide you with the mailing, and on the 15th of
21 November would you get the returns to us?

22 MR. FURST: Absolutely. Thank you very
23 much for your time.

24
25 (Time noted: 7:44 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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.

DATED: November 15, 2011

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

ORANGE COUNTY CHOPPERS
(2005-58)

Crossroads Court & Orr Avenue
Section 95; Block 1; Lot 45.32
B Zone

----- X

AMENDED SITE PLAN

Date: October 20, 2011
Time: 7:45 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
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: ROBERT DALY

----- X

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

1
2 MR. BROWNE: Our next item of
3 business is Orange County Choppers, project
4 number 2005-58. It's an amended site plan
5 being presented by Day Engineering.

6 MR. DAY: My name is Robert Daly and
7 I'm the planner for the project. Mark Day won't
8 be with us this evening, his wife is in the
9 hospital in Albany and he's up there.

10 I will run through this with you. What
11 we have before the Board tonight is an amended
12 site plan for the restaurant at the Orange County
13 Choppers' headquarters building. There are a
14 couple items that we did provide to the Board, a
15 brief narrative along with the Environmental
16 Assessment and a couple of -- the updated site
17 plan and the elevation of the view that you're
18 looking at.

19 The key changes to this modification
20 are that the project sponsor will now be Orange
21 County Choppers Cafe U.S.A., LLC and the
22 applicant will be Full Throttle Construction
23 Management, LLC, both located at the building in
24 Newburgh.

25 The essential changes with regard to

1
2 the project itself are that there's a reduction
3 in the size of the restaurant. It's being
4 reduced from 8,500 square foot to 5,700 square
5 foot. The seating area for patrons will be
6 reduced to 2,300 square foot. That provides a
7 capacity for 154 patrons. This reduction is more
8 in scale with the sponsor and applicant's sizing
9 for it.

10 That has a direct impact on the parking
11 calculation. The overall number of spaces that
12 we calculated for the project is 199 spaces for
13 the entire building, and with the additional
14 parking to be provided on the Orr Avenue lot
15 you'll have 262 spaces. So you'll have plenty of
16 spaces there.

17 There will be some alteration to the
18 front entrance. This is, in particular, what
19 you'll see. It's making use of the existing
20 walkways and stairs, railings, and bringing the
21 canopy out to the entrance. Maybe I'll step back
22 and let you see it over there. The canopy --
23 just a minor change. The canopy will have some
24 graphics on it which would qualify as a sign.
25 You're seeing an example of it in this elevation

1
2 . There are a couple of other items which
3 will change on the site plan. There's a
4 modification to the front of -- I should call it
5 really the north side of the building which faces
6 towards Route 17K up here. On the front side of
7 the building -- if this is the parking area, on
8 the front side of the building there were two
9 emergency accesses that were provided in the
10 initial plan. They were emergency egress. It's
11 been reduced to a single egress for this
12 application as the seating capacity in the
13 restaurant does not require that there be two
14 emergency egress on that side of the restaurant.

15 The walkway and such remains the same,
16 and you can see it heading over to the parking
17 lot.

18 We did get some comments back from
19 Planning Board Members, and I would address those
20 at this time. Very simply, I had -- I'll take
21 them in no particular order. Ken Wersted felt
22 that there was no impact -- no change in impact.
23 In fact, it would be smaller so the action that
24 was already taken by the Board was fine.

25 Pat Hines from McGoey, Hauser & Edsall

1
2 asked about the restaurant seating calculation
3 and we did provide that on the -- on both the
4 modification to the site plan, the calculation
5 for it, and the seating and its adjustment to the
6 -- the subsequent adjustment to the parking
7 calculation. So it is on there.

8 Pat also requested that we not use the
9 word overflow in the parking, and I noted that
10 and we'll take that out.

11 One other item that you had was
12 stormwater management. There was no stormwater
13 management as submitted previously, so we didn't
14 resubmit that item because we had not originally
15 submitted one.

16 I note here Bryant Cocks had also
17 provided several comments on the seating capacity
18 and reduced parking calculations. We noted the
19 comment.

20 Also we noted that the City of Newburgh
21 should be notified with regard to the sewer flow
22 projections. Even though the projections are
23 decreasing, just to provide them with notice.
24 The comment is noted and we certainly will.

25 With regard to the issue of Orange

1
2 County Planning, since it had already been an
3 issue of Local determination, the recommendation
4 I guess is that the Planning Board can decide on
5 this, and we noted that comment.

6 With regard to additional lighting to
7 fix this issue that Bryant raised about the
8 walkway to the lot over there, I just refer to a
9 comment that I had back from Jim Sonic. Jim said
10 the lighting plan and foot candles were designed
11 to provide adequate lighting in the parking area
12 and along the parkway from the parking lot.
13 Thought was placed into not creating an overly
14 lighted area directly in front of the building
15 but to create a more pleasant experience for the
16 areas that were limited to pedestrian use. There
17 are a couple lights over there as you saw on the
18 photometric. Jim's sense was that that was
19 adequate.

20 I have one other area of comment there
21 with regard to the ARB canopy. I certainly --
22 that would lead me into the comments of Karen
23 Arent with regard to that. Certainly this review
24 would be part of your action. The rendering
25 shows several OCC logos on the side of the

1 banner. A question Karen had raised with us is
2 were those logos indicated in the bulk, and the
3 narrative, and on the site plan that the area of
4 the logos was 70 feet. With the calculation of
5 the required area for -- the area that was
6 available based upon the frontage formula which
7 the Town uses, we had 75 plus feet available, so
8 it fell within the limit of the prescribed
9 formula. The calculation for that, I went over
10 it with Anita O'Dell from Day Engineering, we can
11 provide you that. The graphics that are shown in
12 white on the canopy would be the area that would
13 be an applied graphic that goes onto the canopy,
14 and the area of it calculated out along with the
15 area of the ones on the side were 70 square foot.
16

17 MS. ARENT: You did it --

18 MR. DAY: Yes, we did.

19 MS. ARENT: Okay.

20 MR. DAY: There was another note. We
21 had a question here about the foot candles on the
22 lighting plan. I referred that to Jim Sonic from
23 Sonic Design. Jim has provided comment back
24 indicating that the fade -- you know, that they
25 may very slightly over time but, you know,

1
2 they're typical wall lighting bulbs and will be
3 replaced as they fade.

4 With regard to -- there were some
5 errors of fact, Karen, as you will note in the
6 statistical area summary on the maximum foot
7 candles in the parking area. It was shown as 5.1
8 but the maximum is actually 1.9 with the minimum
9 .5 average foot candles.

10 That was the balance of the comments
11 and the responses as part of the consulting
12 group.

13 Just in summary, what we've proposed we
14 think is a very clean looking amendment using
15 colors which are already the accent colors for
16 the building and working to provide a smaller
17 scale restaurant with a new sponsor and applicant
18 for this project amendment.

19 MR. DONNELLY: Can I ask a quick
20 question? You said the owner is now Full
21 Throttle Management, LLC?

22 MR. DAY: The project sponsor and owner
23 is Orange County Choppers Cafe U.S.A., LLC. The
24 applicant will be Full Throttle Construction
25 Management, LLC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. DONNELLY: Orange County --

MR. DAY: Choppers -- it's all spelled out -- Cafe. I don't know if you use the accent on that or not. My French.

MR. DONNELLY: Orange County Choppers Cafe, LLC?

MR. DAY: U.S.A., LLC.

MR. DONNELLY: Thank you.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: The total square footage of the actual restaurant is 5,700 square feet?

MR. DAY: That's correct.

MR. GALLI: You took the seating calculation off the 2,300 square feet?

MR. DAY: That's correct.

MR. GALLI: I think in the Town aren't you supposed to take it off the total square footage? Are you supposed to take the square footage off the 5,700 for parking?

MR. CANFIELD: According to the floor plan that was submitted, roughly calc'ing it out, there's little more seating and drinking space and entertainment space than 2,300 square feet.

1
2 Out of the total 5,700, it looks like about 3,700
3 of it could be eating, drinking and entertainment
4 which is assembly space which is what your
5 parking calculations are based on.

6 MR. DALY: Okay. I understand what
7 you're saying. So you're looking -- let's just
8 put that up so we can show you that again. This
9 is -- just so we understand from our calculation,
10 this is the restaurant space. It includes the
11 booths which run along the wall here and the
12 seating around the bar, and then the table
13 seating which is in the center of the floor.
14 This area here, the hostess stand and, you know,
15 the access area in front of it was not included
16 in that. What you're saying is you want to have
17 that included in it because it's not being used
18 in the sense of seating calculation?

19 MR. CANFIELD: When the Code Compliance
20 Department sets occupant loads for assembly
21 space, they net out all the available space.
22 It's based on if it's available it will be used.
23 So it's a worst-case scenario or a maximum
24 occupancy. So when it's built out you'll be
25 given a certificate with that occupant load on

1
2 it, and that's the maximum occupant load that you
3 can put in the building. The Planning Board has
4 discretion to base their parking requirements on
5 the seating capacity. So there is a relation
6 between what the occupant load will be and the
7 parking requirements.

8 Uniquely enough, I'm not quite sure how
9 you derived your numbers because they don't
10 really comply with what we're used to using in
11 our municipal code, but your numbers come up very
12 close.

13 The formula used for the parking for
14 the employees, we had discussed that also. Mike
15 Donnelly had brought up, on the previous
16 resolution for this building, that the basement
17 was not to be utilized for public parking, it was
18 going to be employees only. At this point you
19 have a different employee count but you take
20 credit for utilizing the basement and parking
21 calculations. Perhaps you may need to explain to
22 the Board what your wishes will be as far as what
23 you're going to utilize that basement parking
24 for. Is it going to be for employees? If your
25 employee count now is as you say, only sixteen

1 full time, then so be it. But I think the Board
2 needs to be clear on what it is you're taking
3 credit for.
4

5 Like I said, uniquely enough your total
6 parking calculation count comes out to quite near
7 to what is needed. What I'm confused at is how
8 you derived it because we know there's many uses
9 in this building. You only list 18,000 square
10 feet of retail space, which I believe is just the
11 first floor. I think there may still be some
12 type of assembly space on the second floor, and
13 the office space that's up there as well. So the
14 parking calculations take all of that into
15 consideration to get a total number. There's
16 different formulas for each occupancy.

17 MR. DAY: We did divide it out by
18 occupancy and by use, if you would, within the
19 building.

20 On the site plan where the parking
21 calculation is provided for -- this might be too
22 small on this one here -- it showed the parking
23 calculations for manufacturing and industrial
24 showing two spaces per three employees as the
25 retail, one space per 150 square foot, and then

1 showing the total square footage of the retail
2 being 18,435, and then the restaurant, one space
3 per 40 square feet, 2,300 square feet of
4 restaurant seating which provided a total of 65.
5 So I don't -- I'm not quite sure --
6

7 MR. HINES: The issue there is that the
8 math doesn't work out.

9 MR. DAY: The math doesn't work out
10 for --

11 MR. HINES: 40 divided by 2,300 is not
12 65. Uniquely if you divide 40 by our calculated
13 size, it comes up to 68. It's close.

14 MR. CANFIELD: 61.

15 MR. HINES: You may have enough. In
16 spite of the math errors, you may still have
17 enough is what we're saying. That needs to get
18 cleaned up there, that chart.

19 MR. DAY: Let me just make sure I'm
20 correctly understanding. What you're saying is
21 the -- your calculation is the assembly area, and
22 that's the number that you're looking at?

23 MR. HINES: It's everything that you
24 show in the restaurant that's not kitchen or
25 bathroom facilities.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. DAY: That's not kitchen or facilities.

MR. HINES: I think you want to use that. I don't know that you want to restrict yourself to those smaller numbers because I think you have adequate parking on this site.

MR. DAY: That's what my feeling was.

MR. HINES: Let's not box yourself in to that.

MR. CANFIELD: It needs to be accurate and relative to what is happening in the building.

Another thing. What you didn't show is the industrial component, which is basically the manufacturing portion of it for the motorcycles that takes place there, okay. So that's part of the square footage that's on the first floor.

MR. DAY: Right.

MR. CANFIELD: You're calling it all retail but that's not accurate. There's more square footage in the building that's being used than the 18,000 square feet. That's what we're saying.

MR. DAY: Well, what we've shown under

1
2 the parking calculation is for manufacturing or
3 retail. The requirement wasn't based on square
4 footage. It was two spaces for every three
5 employees as we read the code. That's what the
6 plan is reflecting under the parking calculation,
7 that there are two spaces for every three
8 employees. That was the number that was derived
9 and provided on the parking calculation.

10 MR. CANFIELD: That may be best cleaned
11 up if it was -- this is what you're applying this
12 number to, okay. If you read your table, one may
13 believe that there's only 20,000 square feet in
14 that building, and that's not true. The building
15 is much larger than that. To give an accurate
16 accounting of the square footage and how you
17 allocated your parking, that's what we're saying.

18 MR. DAY: I see what you're saying.
19 You just want to see -- I mean because the square
20 footage doesn't enter into the calculation of the
21 manufacturing.

22 MR. CANFIELD: If the occupancy is
23 there, you should display it.

24 MR. DAY: I understand. I just wanted
25 to -- so in other words, just put in there what

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the square footage is so you know what it is.
I've got you. I think we've shown that in the
past. That's not a problem.

MR. CANFIELD: Yes, you did.

MR. DAY: Will do.

MR. FOGARTY: I notice that you show a
stage, which I assume you're going to have bands
and stuff like that playing. I'm just wondering
where the dance floor is?

MR. DAY: Dance floor?

MR. FOGARTY: I have a funny feeling
this thing is going to attract more people than
you're showing. You bring a band in there, it's
going to attract people. You were talking about
getting rid of one egress. I think you should
probably keep that, especially if you have a
band, you're going to have more people than you
thought. Nowhere does it show where there's a
dance floor if you're going to have a band there.

MR. DAY: You know, there isn't a dance
floor shown there. I was going to say this is
more, you know, listening music. It wasn't
anticipated that it would be that kind of a get
up and go out and dance arrangement.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. FOGARTY: Then why a stage?

MR. GALLI: For the band to be up.

MR. DAY: You've got to provide a band
a place to --

MR. FOGARTY: If you have a band, I
assume people are going to want to dance.

MR. KROLL: We've had that there for
years. It's not a big --

MR. FOGARTY: You already have an idea
who --

MR. KROLL: We've had a band for years.
They play during the day to practice once in
awhile. It doesn't attract people.

MR. HINES: You need a new band.

MR. GALLI: A special events band.

MR. KROLL: They actually go out on the
road more.

CHAIRMAN EWASUTYN: Pat Hines, Drainage
Consultant?

MR. HINES: The issue with the drainage
I'm sure I can work out with Mark Day when he's
available. The question is -- and the drainage
report I'm talking about has to do with the
parking area, the new parking area on the lot

1 owned by Geo Remtech or something like that.
2 That's the issue. Unfortunately the regulations
3 have changed since you were last here, but
4 because you're using infiltration practices I
5 think we can resolve those between my office and
6 Mark Day's office.
7

8 The other is to reference to overflow
9 parking because it's not overflow parking, it's
10 actually required.

11 MR. DAY: Noted.

12 MR. HINES: That's all we have on this.

13 CHAIRMAN EWASUTYN: Bryant Cocks,
14 Planning Consultant?

15 MR. COCKS: All of my previous comments
16 have been discussed. The only issue is just the
17 Planning Board to decide whether to send this to
18 the Orange County Planning Department.

19 CHAIRMAN EWASUTYN: I think, since it
20 was already determined that it's a Local
21 determination, I would --

22 MR. DONNELLY: That's my
23 recommendation. Once they determine it to be
24 Local, I don't think any further amendments need
25 to go. When the first amendment came we didn't

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

send it to them I believe.

CHAIRMAN EWASUTYN: Karen Arent?

MS. ARENT: Will you be revising that statistical area summary --

CHAIRMAN EWASUTYN: Karen, you have to speak up.

MS. ARENT: Will you be revising the statistical area summary table --

MR. DAY: Yes.

MS. ARENT: -- to reflect the accurate figures?

MR. DAY: Yes.

MS. ARENT: You submitted a landscape cost estimate that was acceptable. Whenever you submit further information and checks or anything, please use the Town of Newburgh project number for your landscape bond.

MR. DAY: Okay.

MS. ARENT: And you answered all my other questions.

CHAIRMAN EWASUTYN: Final questions from Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BROWNE: Nothing more.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: The light was suggested by two of our consultants on the walkway going up to the parking lot. I would think you would want to add more light there. That's a walkway where people are going to be going up to their cars. To put a light on the side of the building to -- I think there's some gray there, too. People have to see if there's going to be ice on the sidewalk or whatever. It just seems like from a safety viewpoint you should add some light there.

MS. DAY: There are two lights there.

MR. WARD: In the middle.

MR. KROLL: There's also the whole side of the building is glass lit.

MR. MENNERICH: There's light going out through the glass of the building?

MR. KROLL: That whole end is glass, and there's actually lights up there also.

MR. MENNERICH: It's all lights. I didn't know that.

MR. KROLL: It is flat. It is over top of that coaltech system and it is very flat.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I would just like, from Karen, clarification about the foot candles in the lighting for the parking lot. I think you had said something about it being kind of low.

MS. ARENT: It is a little low. The .5 is a low level of light for a parking area. It's usually recommended to be 1 to 2 foot candles. It sounds like that table that they submitted, very slightly over time, which I'm not really sure exactly what that means but I think it will be relatively -- that table is relatively accurate. So it is a little -- it's going to be a little dark but it is -- does have some light. It's about a half a foot candle off of what a normal parking lot is.

MR. PROFACI: So how much --

MS. ARENT: It's hard to tell you how much in foot candles.

MR. PROFACI: I just feel that that parking lot could become a menace. It's too dark. Just because of -- I don't know how to say this. I'm sure there are great people that are attracted to this facility, but now there's a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

bar, it's nighttime. I think it has to be visible. People have to see what's going on around them. Before it was a manufacturing facility and store, that's different. Now it's different. So I think it's --

MS. ARENT: If the Board wants me to, I could call Jim Sonic, the landscape architect for this project, to see -- to discuss this with him if so desired.

MR. PROFACI: This is all being provided by the wind-operated, battery-powered light fixtures?

MR. DAY: That's correct.

MR. GALLI: The last time they were before us we made arrangements to have them wired.

MR. PROFACI: That was one of the things we talked about, would they be hard wired as backup.

MR. GALLI: They came back and said yes.

MR. PROFACI: Is that the case?

MR. DAY: Yes, that's correct.

MR. PROFACI: How would that work with

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the hard wiring? Would it take over automatically once there's a deficiency in the power of the batteries or --

MR. DAY: I mean the mechanical engineer, I don't have them here but I would imagine that -- we have backup power at the site and that will be a system loop that will have to be tied into what we have existing.

MR. PROFACI: Karen, can you find out how that's actually going to work?

MS. ARENT: And I'll make sure there's a note on the drawing.

MR. PROFACI: Thank you.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: I have no comments.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I remember when we were talking about the parking lot and the lighting the previous time. If the lights are that low, maybe increase it with a few more fixtures in the parking lot itself.

MR. DAY: You know, this whole issue of lighting, as you probably are well aware in the planning community, is really reversed. It's

1
2 gone away from the highlighting of the, you know,
3 mall or the K-Mart parking lot and moved more in
4 the area of the dark skies concept where we're
5 trying to limit the light and offensive lighting
6 on project sites. One of the objectives of your
7 code is to keep that light so that it doesn't
8 travel off the site. That's a key component of
9 your code. As you begin to increase the foot
10 candles here in use on the site, you're sort of
11 moving away from that, and I think perhaps a more
12 meaningful -- when we speak of foot candles, very
13 few people have a good understanding of what
14 we're talking about. Maybe to be able to provide
15 you with a visual of what that lighting actually
16 looks like.

17 MS. ARENT: We're not asking for you to
18 light it up like a Wal-Mart. 1 to 2 foot candles
19 is not lit up like a Wal-Mart. They're 4 to 5
20 foot candles, to give you an idea of how bright
21 the Wal-Mart is. 1 to 2 is generally considered
22 enough for safety. If Jim Sonic feels
23 comfortable with the .5, saying that that's a
24 safe level of light, I don't know if the Board
25 would be comfortable with that. I know 1 to 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

foot candles is considered a safe amount of light for a parking area and it's not overly lit.

CHAIRMAN EWASUTYN: Are they complying with code now?

MS. ARENT: I don't think we have a minimum foot candle.

MR. DONNELLY: We have a maximum at the property.

MS. ARENT: We have a maximum of 5 foot candles.

CHAIRMAN EWASUTYN: So it is optional then.

MS. ARENT: I think so.

CHAIRMAN EWASUTYN: So that's what we're talking about, whether or not they're comfortable with it or whether we're comfortable with it.

MS. ARENT: Right.

CHAIRMAN EWASUTYN: That's really what it sort of simmers down to.

MS. ARENT: And if the design professional is comfortable with it, if he writes something to you or --

CHAIRMAN EWASUTYN: Can your design

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

professional provide something?

MR. DAY: Yes.

MR. FOGARTY: Karen, what's the difference between a .5 and a 1 or 2? Is it the size of the bulb? Is that all we're talking about here?

MR. PROFACI: The wattage. The spread.

MS. ARENT: The brightness of the light. To change it, I don't know with this kind of light.

MR. BROWNE: The further you get away from the light, it decreases to a lower amount.

MR. DAY: It depends on where it is and --

MS. ARENT: This type of light, I don't know if you can just -- in a traditional light you can put in a different bulb and it will be a different foot candle. With this new solar-powered, wind-generated light, I'm not sure if that's an option.

MR. HINES: The other factor varies with the height of the fixtures. The higher up you go, the more spread you get.

MR. GALLI: You've got to realize if

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the parking lot is too dark people aren't going to go there anyway. I mean they're hurting themselves if they don't have enough light.

CHAIRMAN EWASUTYN: Will we be satisfied if Mr. Sonic signs off on this?

MS. ARENT: If he feels it's a safe level of light.

CHAIRMAN EWASUTYN: We'll do it that way.

Mike Donnelly, would you want to give us conditions of approval for the amended site plan for Orange County Choppers?

MR. DONNELLY: We'll need a series of sign-off letters from Bryant, from Pat. From Jerry Canfield on the corrected parking calculation table. From Karen and from the design professional for the applicant on the adequacy of the lighting plan for the parking lot.

In terms of other agency approvals, we need the Orange County Department of Health for the restaurant connection. I don't know if you've gotten that. We might have. We'll leave it in anyway. We'll need, as we did before, a

1
2 declaration committing -- a recorded declaration
3 committing the ancillary parking area to be
4 permanently connected with this site as part of
5 the parking. You'll need to discuss, if you need
6 to discuss it further, the ARB change, which is
7 primarily the canopy on the restaurant door. The
8 other conditions are what was here before, that
9 is the requirement of parking lot maintenance
10 under the code, the need to petition the Town
11 Board under the Vehicle and Traffic Law
12 authorizing Town Police, Parking and Code
13 compliance personnel to enter the project site
14 enforcing parking and other Vehicle and Traffic
15 Law violations within the parking areas. We've
16 always required, and we will again, a narrative
17 of the use, and I think it needs to be amended
18 slightly to take account of the decrease in the
19 size of the restaurant. There will be conditions
20 prohibiting the outdoor storage or display of
21 motorcycles and a note that the storage area
22 shown on the plans may be used for the purpose of
23 storage only. I believe we're continuing the
24 requirement that the basement parking area is to
25 be utilized by employees only. And finally, we

1
2 will need a landscape security and inspection
3 fee, which I believe is \$2,000, a stormwater
4 improvement security and inspection fee and our
5 standard condition regarding outdoor fixtures and
6 a note that says nothing may be built on the site
7 that is not shown on the approved site plan.

8 CHAIRMAN EWASUTYN: Any additions or
9 comments as far as the conditions of the
10 resolution for final approval for the amended
11 site plan for Orange County Choppers?

12 MR. DONNELLY: I'll just add one thing
13 to that. You may want to include in the
14 resolution we reaffirm the negative declaration
15 given the discussion about the change in the
16 nature of the use.

17 CHAIRMAN EWASUTYN: Okay. Pat Hines,
18 how do we handle the City flow acceptance letter?
19 Should that go through Jim Osborne again?

20 MR. HINES: It should because the City,
21 even though it's a smaller flow, is keeping track
22 of those flow numbers against the 2,000,000 the
23 Town has at the expansion. If it's reduced, then
24 the Town certainly would like those numbers to be
25 reduced the same.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: So rather than calculating that yourself, make it a point to present that information to Jim Osborne and we'll move forward with the City of Newburgh.

Okay. Mike, if I understand it, we'll be granting amended site plan approval and also, if the Board wants to act, we could do it separately if the Board wants to approve the ARB at this time.

MR. PROFACI: Yes.

CHAIRMAN EWASUTYN: Do I have a motion to grant ARB approval for the amended site plan for Orange County Choppers?

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by John Ward. 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

At this point I'll move for a motion to
grant amended site plan approval for the Orange
County Choppers subject to the conditions of the
resolution that was presented by the Planning
Board Attorney, Mike Donnelly.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by
Frank Galli. I have a 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.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Congratulations. When do you think you
want to move forward with this?

MR. KROLL: As soon as everything is
set. We'll move as quickly as possible.

(Time noted: 8:19 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.

DATED: November 15, 2011

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

BRYANT SUBDIVISION
(2007-22)

Cronomer Heights Drive
Section 75; Block 1; Lot 46
R-3 Zone

----- X

TWO-LOT RESIDENTIAL SUBDIVISION

Date: October 20, 2011
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
CLIFFORD C. BROWNE
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

----- X

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

1
2 MR. BROWNE: The last item of business
3 we have on the agenda is Bryant Subdivision,
4 project number 2007-22, a two-lot residential
5 subdivision. It was to be presented by Ken
6 Lytle. We received notice from Ken that he
7 requested that it not be on this agenda, it be
8 pushed out.

9 CHAIRMAN EWASUTYN: Thank you. There
10 being no Board Business this evening, I'll move
11 to close the Planning Board meeting of October
12 20th.

13 MR. FOGARTY: So moved.

14 MR. GALLI: Second.

15 CHAIRMAN EWASUTYN: I have a motion by
16 Tom Fogarty and a second by Frank Galli. I'll
17 ask for a roll call vote starting with Frank
18 Galli.

19 MR. GALLI: Aye.

20 MR. BROWNE: Aye.

21 MR. MENNERICH: Aye.

22 MR. PROFACI: Aye.

23 MR. FOGARTY: Aye.

24 MR. WARD: Aye.

25 MR. EWASUTYN: And myself.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Time noted: 8:20 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.

DATED: November 15, 2011