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

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In the Matter of

MATRIX BUSINESS PARK AT NEWBURGH  
Project No. 2015-26

Route 17K  
Section 95; Block 1; Lot TBD  
IB Zone

----- X

1496 Route 300  
Newburgh, New York 12550  
November 19, 2015  
7:00 p.m.

BOARD MEMBERS: JOHN EWASUTYN, Chairman  
FRANK GALLI  
CLIFFORD BROWNE  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN WARD

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

APPLICANT'S REPRESENTATIVE: DAVID EVERETT

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

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MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of November 19, 2015.

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. DOMINICK: Present.

MR. WARD: Present.

MR. BROWNE: The Planning Board has professional experts that give us guidance and direction on plans that are before us, and we ask that they introduce themselves at this point.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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

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

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

MR. BROWNE: Thank you. At this time  
I'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the  
Pledge.

(Pledge of Allegiance.)

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

MR. BROWNE: The first item of business  
we have this evening is Matrix Business Park at  
Newburgh, project number 2015-26. This is a site  
plan review being presented by Langan  
Engineering, Environmental, Surveying &  
Landscape.

Whoever is going to take the lead,  
please step up.

MR. EVERETT: Good evening. My name is  
Dave Everett, I'm Counsel for Matrix. We  
apologize but our engineer was stuck in traffic,  
he's a little bit delayed. We were wondering if  
you could maybe put us a little further down on  
the agenda and take the next item until he gets  
here. I hope that's going to be okay.

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CHAIRMAN EWASUTYN: That's fine.

MR. EVERETT: Thank you.

(Time noted: 7:02 p.m.)

(Time resumed: 7:13 p.m.)

MR. BROWNE: Matrix, are we set?

MR. EVERETT: Yes.

MR. BROWNE: Let's go back to Matrix Business Park at Newburgh, project number 2015-26. Again this is a site plan and it will be presented by Langan Engineering.

MR. EVERETT: Yes.

MR. BROWNE: Would you present your name again for the Stenographer?

MR. EVERETT: Thank you, everybody, for the indulgence. I'm Dave Everett, Counsel for Matrix. I have with me tonight -- by way of introduction, we have Ken Griffin, principal of Matrix, and Chuck Utschig with Langan Engineering who is the project engineer.

We would be happy to do whatever the Board would like at this point. We could give you an update on the site plan. It's been a couple of months since we were before you. We did make some revisions to the plan, some minor

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revisions, to address some of the comments we received from your consultants. We sent in a revised set of plans. We've got some initial comments from your consultants. We would be happy to go over each one of those as the Board deems necessary.

Some of the things that we'd like you to consider tonight, if you think that we're ready, we'd like the Board to consider designating itself as lead agency under SEQRA. The thirty days has expired after the notice was sent out to the other agencies. The other thing we'd like you to consider is maybe scheduling a public hearing. We've applied, as you know, for a critical grading permit, and we'd like you to consider at least scheduling the public hearing for one or both of those at an upcoming meeting, which ever you feel is appropriate.

We feel we've addressed most of the SEQRA issues, so we'd like you to consider potentially adopting a negative declaration tonight. If you think there are some additional items that have been to be addressed, please let us know and we'll take a look at that.

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With that, we look for some direction from the Board as to how you would like to proceed.

CHAIRMAN EWASUTYN: I think at this particular point, for the public and the Board itself, you can give us a brief overview of what you've accomplished from the first meeting to now being the second meeting?

MR. EVERETT: Sound greats.

MR. UTSCHIG: Mr. Chairman, Members of the Board, I apologize for being late. That one was on me.

The changes that have occurred to the plan are really almost all technically related. So we have the same configuration of the building, we have the same configuration of the parking lot, the loading bays, we have the same configuration of our access drive. Really many of the things that we -- comments that we got from your technical staff related to the stormwater management and some of the perimeter grading. We've made adjustments to those and I think your engineering consultant has acknowledged that. The stormwater pollution

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prevention plan is satisfactory from his concern.

So the configuration of the site generally is exactly as it was when we were here the last time to present it to you. We actually made some adjustments. For example, there was discussion about the height of the light poles. We originally had forty-foot light poles. We reduced that down to thirty-five foot high light poles around the perimeter. Some of the fixtures mounted on the building are still at forty feet but the perimeter lighting has been reduced down to thirty-five feet.

We still do have overhead utility lines coming into the site, and those go underground where we get to about this last switch back, in the driveway it goes underground and into the building.

The other place where we made a lot of progress is with DOT. We've had several meetings with them. They've come to an agreement that we can install a traffic signal at our intersection, and then there's some lane configurations, some widenings that will occur as part of that. We're still working out the details of that but they've

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acknowledged the need for a signal at that intersection. They're working out the lane configuration.

I think the open items have to do with providing access for bicycles along the edge of our frontage and some other related kind of items. We're close to being done with DOT in terms of a plan that they'll find acceptable.

That's really -- there hasn't been a lot of change. Those are really kind of the high points. We did have a long list of items but most of them were stormwater related. I think we have a fairly short list of comments now that we've gotten, from at least your engineering staff, relative to our application.

We know that your traffic consultant also has had some comments. I think he's pretty much acknowledged or concurred that our traffic study was appropriate, and I know that he's interacting with DOT on the design of the intersection and the signal.

He did have a couple comments about the size and configuration of our internal storage locations for our tractor trailers. This is a



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2 model that Matrix uses on almost all their  
3 centers. They are tight and they do that  
4 purposely. It allows them to accommodate more  
5 trailers. But there is adequate room within the  
6 site to maneuver. I guess from the Town's  
7 perspective that is an internal issue to the  
8 operation of our site and it doesn't -- wouldn't  
9 have any adverse affect on the public or out of  
10 our driveway. It's really an internal  
11 operational thing and it is something that Matrix  
12 has used as a dimensional requirement on their  
13 other sites, and they do manage to make it work.

14 CHAIRMAN EWASUTYN: Comments from Board  
15 Members at this point. Frank Galli?

16 MR. GALLI: No. I'll wait to bring up  
17 the issue on the access I guess. I have no  
18 others really.

19 Actually, I do have one question. How  
20 did you get the DOT to sign off on the traffic  
21 light so quickly?

22 MR. UTSCHIG: I'm not sure. A lot of  
23 persistent effort. We spent a lot of time with  
24 them. We were persistent and I think ultimately,  
25 you know, the evidence of the traffic on 17K and

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our contribution to that lead them to the conclusion that a traffic signal here could be accommodated and still deal with the signals at the intersection on either side of our driveway.

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

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: We did discuss the internal truck traffic, how that would work in our work session. We essentially came to the conclusion that hey, it's up to you guys. If you want to bang up mirrors and stuff, that's fine. If it works for you it works.

MR. UTSCHIG: Those are all kind of in excess of what your code requirements are. So they're to accommodate the tenant. I think the downside is if it doesn't work and Matrix feels like they have an operational problem, they can always submit an amendment to their site plan to change that spacing. It still is not a code-related issue. I would imagine that would be a pretty straightforward process if they found it necessary.

MR. MENNERICH: On this latest plan you're not planning on phasing the two buildings?

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MR. UTSCHIG: Correct. The goal is to build the entire complex at one time. We understand that if that changes we have an obligation to deal with site plan related issues that would come along with that in terms of making sure that we have a single phased plan that met your code requirements and was operational, functional. The goal now is to build them both at the same time.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Have you identified who tenant number 2 is?

MR. GRIFFIN: No. We don't have a tenant for that second space yet.

MR. DOMINICK: Are you in talks with anybody?

MR. GRIFFIN: I wouldn't say talks, no.

MR. DOMINICK: I kind of disagree with your one comment about the tight radius of the trucks there. It might be an internal operation. Also it might also foster emergency operations if something were to happen. It might be just a little bit too tight in that area.

MR. UTSCHIG: I mean these spaces that

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we're talking about are basically the ones that are offset from the building. You know, the complication here is how many maneuvers the truck has to make to back into the spot. It's not about the width of the aisles. So even if a truck was maneuvering there, there's still such a wide aisle that emergency vehicles still could get around the site. I mean this is a short-term period where a truck is backing into a spot. I understand the concern. Again, Matrix has got a substantial number of these facilities they operate that way. We've sized the spaces and the aisle configuration. We've put on the technical truck turning templates to demonstrate that it can work. You may have a driver or two that's not quite as good as getting in a ten-foot space as another. We think that there would be minimal disruption on the site as a result of that, being careful about accessing those few spots that we're talking about.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Back to the poles. We have guidelines for a reason. Throughout the Town of Newburgh we don't have forty-foot poles,

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2 thirty-five foot poles. We have twenty-four foot  
3 poles. Whether it's trucking, warehouse,  
4 whatever it is. Visual impact, you're going to  
5 have lights on forty-foot high overall. You've  
6 got residents across from 84, you've got  
7 residents on Fletcher Drive, and at the same time  
8 you've got two interstates right there, and  
9 you've got the FAA to worry about. I'm  
10 emphasizing it.

11 MR. UTSCHIG: One of the difficulties  
12 with lighting these operations is the issue that  
13 we're talking about in terms of the size of the  
14 pavement and the depth of those pavements in  
15 order to get the light spread. We did submit a  
16 plan that demonstrates that there's no spillover  
17 of light adjacent -- beyond our property lines.  
18 The internal lights that circle the property are  
19 thirty-five foot high. There's only a series of  
20 poles coming in that are at the forty-foot  
21 height, and that's to deal with the electric  
22 lines. The mounted fixtures are at thirty-five  
23 feet. We've tried to balance what we can do with  
24 getting adequate lighting here versus, you know,  
25 the Town's kind of preference to have light

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fixtures that are more like twenty-four feet. We could not get the necessary coverage through here, especially in these wider expanses, with shorter poles.

MR. WARD: And the height of the building, we require lower than what you have, so --

MR. UTSCHIG: Correct. We are seeking a variance on the building height. The code allows forty feet and we are proposing forty-five.

MR. WARD: All right.

CHAIRMAN EWASUTYN: Pat Hines, do you want to open up with some of your questions, some of the responses, some of the outstanding issues.

MR. HINES: We had the opportunity to discuss them at work session with the Board. Our first comment has to do with the proposed -- the proposal for emergency access off of Corporate Boulevard. We did receive correspondence from an attorney representing Matrix but it looks like most of those negotiations previously had to do with when the site was originally a casino site and/or for permitted access to the site. We want

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to clarify the legalities. I know Mike Donnelly hasn't had a chance to review that.

The access from Corporate Boulevard based on the fact that one of the lots in the subdivision that was combined to create this had it's sole access to Corporate Boulevard prior to the lot line change, and also just to document that the discussions were for an emergency access which would not increase the traffic on Corporate Boulevard. I understand Corporate Boulevard not wanting traffic from a casino mixed in with their truck traffic but I don't see why they would have an aversion to emergency access which may or may not be utilized more than a couple times a year, if that. So that issue is still outstanding. We did get the narrative from your counsel regarding that but it wasn't real clear that that was regarding an emergency access, only gated and controlled.

I don't know if you want to hit each one of these, John.

MR. DONNELLY: How is it that you lost the right to access Corporate Boulevard? On the original subdivision that was where the access

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was.

MR. GRIFFIN: Well it's detailed in the letter. It's essentially because the -- there was one lot up at the end of Corporate Boulevard that's part of the association. The other larger lot is not part of the association. We went through a great amount of effort to gain access to Corporate Boulevard and we were not permitted because the covenants of the association do not require -- do not allow for more than the little piece that is part of the park to have access. So that was --

MR. DONNELLY: That was an inquiry you made, not the casino?

MR. GRIFFIN: That was before the casino. I'm not sure if the casino discussions -- they had discussions with the park or not. Matrix, our original plan was to have access there and we were denied. We weren't able to get it.

MR. DONNELLY: Would you be willing to make another try and just ask for emergency access? That's what the need is. It does tie into a building permit issue with New York State



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Fire Code.

MR. GRIFFIN: We will try. We are confident we don't have the right but we'll try and ask again.

MR. DONNELLY: Okay.

MR. HINES: Our next comment just identifies the phasing has been removed from the plan. There has not been a phasing plan showing one or both of the warehouses standing alone or separate, so the entire project will be constructed at once. It's under one building permit and one CO with all the associated improvements being constructed.

The FAA/Port Authority discussion. The Planning Board received a determination of potential hazard from the FAA. Apparently you have applied to the FAA for a site specific study. If you could just bring the Planning Board up to date on that process and where you're at with that?

MR. UTSCHIG: Sure. We have made application to the FAA relative to our building height and some of the poles coming up the driveway. It has been accepted and it's under

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review. We've had some preliminary discussions with them and it's anticipated that they're going to want us to put the red lights at the corner of the buildings and potentially spaced out. Basically what they've told us is there will be some requirement to place lights. We don't have the specifics on exactly where at this point.

MR. HINES: For the Planning Board, I just brought that up as an architectural review and visual impact issue for the Board to work through during the process.

The threatened and endangered species report should be submitted to DEC. We did receive a response from DEC based on the lead agency circulation, and they were looking for a copy of that report to be submitted. It looks like their only issue has to do with potential impacts to the two bat species that they currently identify as transient users of this -- potential transient users of the site.

We previously discussed the need for a protection water permit. It was identified on the original plans that it was needed. We discussed it. That came out of the DEC's lead

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2 agency response to identify the potential need  
3 for that protection of the water permit based on  
4 the classification of the streams on the site and  
5 whether or not some of those tributary fingers  
6 are regulated. We'll leave that to you to work  
7 out with the DEC.

8 Orange County Health Department  
9 approval is required for the water main  
10 extension.

11 We're suggesting coordination from the  
12 jurisdictional fire department be received. At  
13 work session we heard it has been submitted to  
14 the Orange Lake Fire District for review.

15 In your response letter to our previous  
16 comments regarding the Planning Board's policy of  
17 requiring orange construction fencing to  
18 delineate the limits of disturbance, granted it's  
19 a lot of orange construction fence but a lot of  
20 your limits of disturbance are at environmentally  
21 sensitive areas, so we are suggesting that that  
22 still be required. I did note on the plans it  
23 has been added to the plans but I guess not  
24 updated in the response. The plans identify the  
25 orange construction fencing to delineate the

1 limits of disturbance. The response letter  
2 wasn't as definitive. We're going to go with the  
3 plans and assume that you are going to install  
4 the construction fencing as part of the site plan  
5 approval when the plans are submitted.  
6

7 A five-acre waiver has been requested,  
8 which we will issue as a matter of course based  
9 on the amount of disturbance. Obviously the  
10 buildings themselves are greater than five acres  
11 so there's no way to construct them without  
12 having a five-acre waiver.

13 We did note twice weekly inspections  
14 were identified in that letter.

15 There's also the additional requirement  
16 of stabilization within seven days based on that  
17 five-acre waiver.

18 We requested information about the  
19 Thruway drainage system. We did circulate to the  
20 New York State Thruway, including a submission of  
21 the drainage report. We did not hear back from  
22 them but they did receive that information. We  
23 were looking for you to show the drainage path to  
24 that Thruway property, to show where it goes.  
25 That needs to be added to future plans.

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A public hearing is required for both the potential clearing and grading permit and a site plan approval which is discretionary but I think the Board is going to hold.

That's the extent of our comments at this point.

CHAIRMAN EWASUTYN: Pat, have we received a response back from the Orange County Planning Department?

MR. HINES: Yes. We recently received a response from Orange County Planning. They identified several of the issues on the site. It was a local determination.

I do add that site access was their last item on there, and I quote, "We advise the Town to ensure that a secondary access point from Corporate Boulevard is not necessary for the project." So they're looking to make sure that it's not needed. There were maybe building code issues that do require it, and the jurisdictional fire department hasn't weighed in.

The rest of their comments were advisory in nature and regarding green infrastructure, runoff reduction. They're

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commending the applicant. The flight path issues and working with the Port Authority and the FAA, which is currently underway.

They have some comments regarding protection of water which requests that the Town do some kind of sampling. The Town is not going to do sampling but it is a potential based on these users that the applicant may have under the multi-sector general permit if it's required based on the uses. The Town does not and will not sample stormwater coming from this site.

CHAIRMAN EWASUTYN: We received that yesterday. Any response back at this point?

MR. UTSCHIG: I think most of the comments are engineering related. We understand and we'll work towards addressing them.

The one probably worth paying a little more attention to is about the endangered species, and specifically the bat issue. As far as studies that we've done on the site, we've done a full habitat assessment. In general the conclusion to that is -- based on the part of the site that's being developed, the portions that are being left alone, primarily the wetland

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areas, the type of trees that are on the site and a list of other items, the conclusion that we reached is that this does not appear to warrant or be a significant bat habitat. I think the mitigation to that is as suggested in the DEC's own letter, and that is our intent is to clear the site within the allowable timeframes, basically over the winter, so that we're not affecting trees during the summertime when they roost. That report we've submitted to your staff and we intend to submit -- I believe it has been submitted to the DEC for their review. We're fairly confident the outcome will be the mitigation of clearing during the appropriate timeframes.

CHAIRMAN EWASUTYN: Thank you.

MR. DONNELLY: And you need a clearing and grading permit to accomplish that?

MR. UTSCHIG: That's correct.

The potential waters, we were trying to reach out to the reviewer to get an answer on that. We think there's some confusion over, one, the existing detention basin wetland area that exists on the site and some concern that we may

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be impacting it. Our position is that we don't believe we have any activities that would warrant that permit. We're not within the jurisdictional distance with our proposed grading, so we think that's a matter of kind of working out with the DEC, that issue. By doing so we'll resolve the question raised by the County.

CHAIRMAN EWASUTYN: Pat, are you satisfied with the response to your questions?

MR. HINES: Yes. We'll just wait for the response from those agencies.

CHAIRMAN EWASUTYN: Ken Wersted on traffic?

MR. WERSTED: We reviewed the site plan and the traffic study. We had a couple comments which we forwarded to the applicant.

Chuck, you had spoken to some of those. The first couple had to do with the truck parking and the circulation. The trailer parking area might be narrow but if the tenant is operating under those parameters at other places, this may be adequate. One of the options, if it does come to fruition that it isn't adequate, they would re-stripe it and provide wider parking



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spaces there.

Chuck, one of the questions that came up to me during the work session is the trailer parking is kind of on the warehouse B side. Is it the intent that warehouse A would share that with tenant B or is it designated for either one of them?

MR. UTSCHIG: It's not specifically designated for either one, but I think the operation of the primary tenant is at the loading dock and that there's not that need for additional storage spaces. Many of them are really driven by the potential tenant and accommodating that anticipated use.

MR. WERSTED: Okay. Thank you.

We also had a comment about the chain link fence around the employee lot. I think the intent is that it's not going to be screened with anything, so a driver would be able to, for the most part, see through it. If they are looking along the fence line, then it will be restricted a little bit. They do have a gated access when they are coming to and from the employee parking lot. They'll be coming to a stop to pull out

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into kind of their internal drive aisle.

Dave, to your comment about the width there, they've got about seventy feet between the trailer parking on the far side of the aisle and the loading dock side. So except for when a trailer might be pulling in and out, it should be pretty clear through there. I don't know what other fire department requirements would be to get up close to the building.

We reviewed the traffic study and agree with the assumptions and the conclusions. The site would be generating traffic through the primary intersection down at the bottom of their driveway. They're estimating a trip generation of fifty-four trips in the morning and seventy trips in the afternoon. Of that, twenty to thirty percent of them are going to be trucks. So that equates to about fourteen to eighteen truck trips during those peak hours.

The transfer station across the street at Orr Avenue does generate quite a bit of traffic. As of right now the transfer station closes around 3:30, so it's kind of quiet later than that. Having worked with DOT and had them

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agree to a traffic signal, I think that will help. Obviously it will help this site with their trucks and passenger cars turning left out of there. Ultimately I think it will help Orr Avenue with the transfer station hours.

Based on the proposed traffic signal timings, a majority of the timing will be given to Route 17K, so that's projected to operate at level of service A and B, while the side street, that being the driveway, is anticipated to be level of service D. So you'll still have the ability to get out but it's not going to be favored. I think that's the intent of DOT as well.

The only other comment that we really had was the striping proposed on 17K between the site driveway and Crossroads Court. There may be an opportunity to modify or provide striping that would accommodate the gas station adjacent to this to facilitate their left turns out. I had spoken to DOT late last week after I had sent them our review. I would encourage you to work with them as well to see if that's a solution that's amenable to them.

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MR. UTSCHIG: We've had a discussion with DOT. It's really a striping situation. So from our perspective, if we can make that movement in and out of the gas station better by virtue of the striping, that's fine. We just need to get DOT to buy into it basically.

MR. WERSTED: Ultimately they're reviewing the widening proposed and the striping and the infrastructure out there. We offer that as a suggestion.

MR. UTSCHIG: We've had those same discussions. Our position is that we have to leave it up to DOT to make that final decision. From our perspective that would be fine.

MR. WERSTED: That was the extent of our comments.

CHAIRMAN EWASUTYN: Thank you.

Questions or comments from the Board Members at this point?

MR. WARD: I have one.

CHAIRMAN EWASUTYN: John Ward.

MR. WARD: What was the reasoning behind like the stormwater ponds, not putting the fencing around?

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MR. UTSCHIG: Typically the ponds that we've designed, generally they don't -- they only hold water during the storms. They're not wet basins. They don't have permanent pools. They're generally designed to drain out, I won't say all of them at twenty-four hours but the principal thought was that the intent is to protect someone from falling into a pond. We really don't have those situations. That was the reasoning.

MR. WARD: Thank you.

MR. HINES: We had an opportunity to discuss that during the work session that we had. Jim Osborne, the Town Engineer, was there and concurred while if they were Town dedicated, municipally owned, part of a drainage district, they would be required to be fenced. We are going to leave it up to the applicant as to their issues regarding liability on that. So it's going to be their choice. We don't have a policy of requiring fencing on private improvements but if they were a municipal improvement they would be protected.

CHAIRMAN EWASUTYN: Any additional

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questions or comments from Board Members?

(No response.)

CHAIRMAN EWASUTYN: Jerry Canfield,  
Code Compliance?

MR. CANFIELD: I have nothing  
additional.

CHAIRMAN EWASUTYN: Mike Donnelly, at  
this point the applicant asked us to consider  
declaring ourselves lead agency.

MR. DONNELLY: You sent out a notice of  
intent in September. There has been no agency  
that has challenged that, so you can finalize  
your status.

CHAIRMAN EWASUTYN: I'll move for a  
motion from the Board to declare ourselves lead  
agency for the Matrix Business Park at Newburgh.

MR. DOMINICK: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by  
Dave Dominick. 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.

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MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself.

Mr. Everett asked us to consider scheduling the site plan -- a public hearing on the site plan and the clearing and grading. I think Mike Donnelly explained that in order for us to actually do that we have to declare a SEQRA determination.

I'll let Mike explain that.

MR. DONNELLY: I believe that, particularly for the site plan, less for the clearing and grading permit, but that you need to issue either a negative declaration or have in hand an environmental impact statement before you hold your public hearing. The issue before you is if you're comfortable with the extent of the information provided to you by the applicant in the EAF and it's submission that there are no significant adverse impacts that will flow with the project, a negative declaration seems

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appropriate.

CHAIRMAN EWASUTYN: Pat Hines, Mike Donnelly, your advice to the Board?

MR. HINES: I would suggest that the Board take a look at the individual issues in the long form EAF. We would recommend that based on each of those issues, that there would be a small to moderate. The issues are impacts to groundwater. The project is proposing to use municipal water for their potable water and fire protection. There is no use of groundwater on the site. Any of the areas where the activities are going to occur are going to be impervious surfaces, so impacts to groundwater is not a significant issue.

Stormwater management and erosion and sediment control. We have reviewed the SWPPP along with the revisions that were proposed and we find that the stormwater management and erosion and sediment control meet the requirements of the DEC and the Town's stormwater regulations.

Traffic. We've heard from Ken Wersted and the DOT as well. Traffic is going to be



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mitigated through the installation of the traffic signal and the revised striping along the corridor there.

The Fish & Wildlife issues. We have received the habitat report and the comments from the DEC. DEC has identified the site and the balance of Orange County as potential transient habitat for several bat species of concern. They have proposed to clear the trees greater than four inches in diameter during the winter months when the bat species that were identified are hibernating. They are cave type hibernating bats that are not on this site.

The community character. The project is consistent with your underlying zoning. It will need some ZBA approvals for things such as building height, but the underlying zoning allows the use.

Impacts to water and sewer. They are proposing connections to the Town's municipal system for both. A flow acceptance letter from the City of Newburgh will ultimately be required, but there is capacity in the Town's system for both water and sewer.

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2           Impacts to air and noise have been  
3 addressed in the EAF. We don't believe that  
4 there's going to be substantial impacts to air  
5 and noise. It is in a commercially zoned portion  
6 of the Town and that zoning envisions the truck  
7 traffic and uses proposed on the site.

8           Cultural resources have been evaluated  
9 and there's been no impact identified to cultural  
10 resources. There is a sign off from State Office  
11 of Parks, Recreation, Historic Preservation for a  
12 previous project on this site that there would be  
13 no impact to cultural or archeological resources.

14           The other item is the use of energy.  
15 This project is going to use additional energy  
16 for construction activity and operation and  
17 maintenance of the site, but it doesn't exceed  
18 any of the SEQRA thresholds in Part 2.

19           Based on that, we would recommend that  
20 a small to moderate impact be identified on each  
21 of those categories in the part 2 of the EAF and  
22 are comfortable recommending a negative  
23 declaration.

24           CHAIRMAN EWASUTYN: Questions or  
25 comments from Board Members?

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MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Okay. At this point I'll move for a motion to declare a negative declaration for the Matrix Business Park at Newburgh.

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 ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

The last item, I'll move for a motion to set December 17th for a public hearing on the clearing and grading application and also on the site plan.

Is that correct, Mike Donnelly?

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MR. DONNELLY: Yes. As long as you're doing the hearing on the clearing and grading, I think you should have a site plan public hearing as well.

MR. DOMINICK: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick, 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. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

You'll work with Pat Hines as far as the circulation for the public hearing.

MR. EVERETT: Yes.

Thank you very much.

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(Time noted: 7:48 p.m.)

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

STATE OF NEW YORK )

: SS.:

COUNTY OF ULSTER )

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

That the proceedings hereinbefore  
set forth is a true record.

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 9th day of December 2015.

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MICHELLE CONERO

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

----- X  
In the Matter of

ONE POWELTON AVENUE  
Project No. 2015-19

Powelton Avenue  
Section 80; Block 6; Lot 7  
B Zone

----- X

SITE PLAN

1496 Route 300  
Newburgh, New York 12550  
November 19, 2015  
7:02 p.m.

BOARD MEMBERS: JOHN EWASUTYN, Chairman  
FRANK GALLI  
CLIFFORD BROWNE  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN WARD

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

APPLICANT'S REPRESENTATIVE: STEPHEN WHALEN

----- X

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

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MR. BROWNE: Moving right along.

The next item then would be One Powelton Avenue, project number 2015-19. This is a site plan being presented by Highlands Architecture, PLLC.

Again if you would introduce yourself.

MR. WHALEN: My name is Stephen Whalen, I'm an Architect with Highland Architectural. I'm representing the owners for One Powelton Road.

To go over what we're planning to do -- this is our second presentation to the Planning Board. Our proposal is for an existing two-story building. We're proposing three additions and some renovations. The first proposed addition is for a 1,500 square foot third-level addition across the entire existing footprint of the building. We also have another addition on the southeast side of the building which is located here, and that's to house the elevator, stair and lighting for each floor. Since the last time we presented, the square footage of that addition has been reduced. It was 326 square feet. It's

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now been reduced to 270 square feet. We have moved it back so that the existing setback, which is 17 feet from the North Plank Road side, so this will also be 17 feet from that property line. The setback from the Powelton Road side has also been reduced. It was 16 feet. It's now been reduced to 16.75 feet. Our third addition is for a 136 square foot stair addition. That's going to be on the northwest side of the building. Again, that also was larger. That was 154 square feet. That's been reduced to 136 square feet. That setback has also changed. It used to be 13.5 feet from the side property line. That's been now changed to 13.75 feet.

The lot building coverage has been reduced. It was 19 percent. It's now been reduced to 18.2.

The lot surface coverage, the existing site plan had 66 percent coverage. With our proposal we're actually reducing the impervious coverage down to 65 percent. Our plans are now to replace the existing parking lot in the same location. What we want to do is we want to pitch that parking lot towards Powelton Road. Right



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now it actually pitches towards the neighboring property. We want to address that issue.

We're also planning on a new septic tank and possible leachfields. Right now there's an existing septic tank. We don't have much information on it. We do have a civil engineer looking into that. Our proposal is for a new septic tank and possible leachfields.

Again with the drainage, our proposal is for all of the roof drainage to now drain to the North Plank Road side of the property. Right now it drains to the back into the parking lot and then onto the neighboring properties.

We have adjusted the height. The average grade for this property is 226.5 feet.

The highest feature on this, we have a tower feature which is for the elevator. The height of that would be 33 feet above that elevation.

We're also proposing that, as it was a concern at the ZBA meeting that we attended, for the obstructions that are on the corners. Since we've now moved this addition further back along the building, we're also going to eliminate some

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of the obstructions. There's a building sign here and there's some landscaping. We're going to remove all that so there's no obstructions from Powelton Road onto North Plank.

We're also looking at possibly additional parking for staff along here. I haven't shown that on the site plan because we're waiting to see what comes back with the septic tank and leachfield information before we propose to do anything back here. If we do something back here it would be impervious -- pervious. I'm sorry.

I think that's about it.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: How many parking spaces did you add since the Zoning Board meeting?

MR. WHALEN: We left that the same. We didn't want to increase the impervious.

MR. GALLI: It was a big issue about the parking. I was at the meeting.

MR. WHALEN: Okay.

MR. GALLI: Did you shorten the building?

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MR. WHALEN: The two additions, we shrunk their footprint.

MR. GALLI: Because what you're telling me here, what I'm listening to, it doesn't seem like there's a lot changed compared to the last plan you had.

MR. WHALEN: We changed -- we moved the additions around because we know at that ZBA meeting there was a concern about having this addition protruding out past the building with the view. So we wanted to move that back. We shrunk down the size of it. We wanted to -- we know drainage and septic are an issue here, so we didn't want to have any change in the impervious. I mean we could put several more parking spaces here and pave this out to the maximum, but that's not really the avenue we want to take.

MR. GALLI: I think that's just one of the issues you're going to be facing when you go back to the ZBA. That's their call. I can't speak for them. You're talking less than one percent lot coverage you're giving them.

Height, you know, 26 square feet is 5 by 5. It's not much there. I mean it's your

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call but I'm just saying. You know, I was at that meeting and there were a lot of concerns. I think you're going to have an uphill battle with this plan.

MR. WHALEN: Right. But we want to address the major concerns right now, one of which is septic and drainage. This owner, she could move in here and just open up her practice without touching the outside of the building and those issues would still be there.

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

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing, John.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I have nothing at this point.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Nothing.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Not right now.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We have some comments. Our first comment has to do with the discussion that the applicant's representative just had. We were

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hard pressed to find any changes in the plan.  
Now we find there's a 3 inch difference in their rear yard and 25 square foot in the front. The tower I guess has been moved.

          If you are successful at the ZBA, when you come back we are going to request you evaluate the drainage conditions across the property. Directing additional water to Powelton Avenue, we're going to want to see where that additional water is going to go. Right now it goes to the neighbor's yard. Putting it out on Powelton Avenue may not be the answer either. If you do have a civil engineer looking at your septic, you may want to task them with taking a look at the drainage. There's an existing catch basin on the, I think, northeast corner of the property there. That may be able to be extended to collect up that water if you want to take a look at that.

          The other issue is more for Jerry but I believe with the size of the building it may need to be sprinklered.

MR. CANFIELD: Yes.

MR. HINES: That's going to be a

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consideration for your client as they increase the size of this structure, the cost associated with sprinklering the entire building.

MR. WHALEN: We looked into that. We're going to go in with type 5-A construction which allows you to have three stories at 9,000 square feet per floor.

MR. HINES: The Town of Newburgh has -- I'll defer to Jerry. There's a separate sprinkler ordinance in the Town.

I have your City of Newburgh flow acceptance letter. Not realizing this was on septic, we will be looking at that septic design in the future.

I believe there's also a private force main in the vicinity of this project which you could probably investigate connecting to.

MR. WHALEN: I got in touch with the engineer that designed that and we could possibly do it. It would be a very large sum of money to do it.

MR. HINES: I understand the history there. I know who owns it.

MR. WHALEN: It's a great solution.

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Believe me, I'd love to be able to tap into that.

MR. HINES: You'll look at that.

We have a comment on your curb detail. Also, they're proposing bumper blocks and I don't see the regrading associated with the change in grading for the parking lot. The Planning Board typically requires defined curbs. It would have been an issue if you continued the drainage in that direction, but that may help you prevent the drainage from going in that northwesterly direction that it goes now by putting curbing on the site. Typically commercial sites that are upgraded like this do require curbing. You are curbing the southern part of the parking lot and we're asking you to evaluate curbing the entire parking lot to define the parking lot and to control the drainage from it.

MR. WHALEN: Yup.

MR. HINES: The parking lot striping detail needs to comply with Town of Newburgh.

When it comes back it will have to be referred to County Planning because of the frontage along the State highway.

Those are the technical comments we

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have now. They're only going to be in effect if it makes it back from the ZBA.

MR. DONNELLY: I think we have a report from the County; right?

MR. HINES: For this one?

MR. DONNELLY: Yeah.

MR. MENNERICH: A Local determination.

MR. HINES: Okay.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: No. It needs to be referred back to the ZBA. We need to determine the exact dimensions of what the referral will be for. I think the number of variances are the same, it's just the dimensions of those area variances may change. That's what we need.

MR. WHALEN: What was changed for the front now, it's going to be existing nonconforming. We're maintaining that 17 feet along the North Plank Road side.

MR. CANFIELD: Right. I believe the initial one was like 23 feet is what it was, or --

MR. WHALEN: That was on the Powelton Road side. We're actually coming closer than the



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ONE POWELTON AVENUE

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existing building is to North Plank Road. Now we're staying in line with that. So we're not increasing the nonconformity.

MR. CANFIELD: Right. The need for the variance still exists.

MR. WHALEN: Correct.

MR. CANFIELD: And just to further reiterate Pat's comment regarding the sprinkler system, Town of Newburgh has a more stringent sprinkler requirement than the New York State Fire Code, and that's what will be applied here. So that's the reasoning why that needs to be done.

MR. WHALEN: Okay.

MR. CANFIELD: That's all I have.

CHAIRMAN EWASUTYN: All right. Michael and Steve, I guess if you both could come to an understanding of what the referral is to the ZBA.

MR. DONNELLY: I'll send the letter. I think I know what the variances are but not the quantity. Lot area is the same?

MR. WHALEN: Yup.

MR. DONNELLY: The lot width requirement -- that's unchanged, too; --

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MR. WHALEN: Correct.

MR. DONNELLY: -- right? The front yards, we had the need for two because it was a corner lot. What are the new dimensions now?

MR. WHALEN: From North Plank Road it's 17 feet and from Powelton Road it's 16.75.

MR. DONNELLY: And the required is?

MR. WHALEN: From North Plank is 60 and from Powelton is 40.

MR. DONNELLY: Side yard?

MR. WHALEN: Required is 15, the new dimension now is 13.75.

MR. DONNELLY: Did I hear a rear yard as well?

MR. WHALEN: No. That complies.

MR. HINES: There's lot building coverage and surface -- no. You're fine.

MR. WHALEN: They also comply.

MR. HINES: Yes, those comply.

MR. DONNELLY: So I'll send a revised letter for lot area; lot width; two front yards, one 17 where 60 is required and the other 16.75 where 40 is required; and the side yard of 13.75 where 15 is required. Are there any others?

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ONE POWELTON AVENUE

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MR. WHALEN: Just the five.

CHAIRMAN EWASUTYN: I'll move for a motion to have Mike Donnelly prepare the referral letter to the Zoning Board of Appeals for the application before us this evening, that being One Powelton Avenue.

MR. WARD: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. 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. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you.

MR. WHALEN: Thank you.

(Time noted: 7:13 p.m.)

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

STATE OF NEW YORK )

: SS.:

COUNTY OF ULSTER )

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

That the proceedings hereinbefore  
set forth is a true record.

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 9th day of December 2015.

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MICHELLE CONERO

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

----- X  
In the Matter of

ROUTE 300 REALTY, LLC  
Project No. 2015-30  
  
128 Old South Plank Road  
Section 64; Block 2; Lot 22  
B Zone

----- X

INITIAL APPEARANCE  
AMENDED SITE PLAN

1496 Route 300  
Newburgh, New York 12550  
November 19, 2015  
7:48 p.m.

BOARD MEMBERS: JOHN EWASUTYN, Chairman  
FRANK GALLI  
CLIFFORD BROWNE  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN WARD

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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

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MR. BROWNE: Our next item of business is Route 300 Realty, LLC, project number 2015-30. This is an initial appearance for an amended site plan being presented by Vincent Doce Associates, Darren Doce.

MR. DOCE: Good evening. I'm Darren Doce. I also have Pastor Scott of the church, a member of the church, with me tonight.

The site in question was previously approved in February of 2005 as an office use with an attached bank. The site has been built out with the exception of the landscaping, which is yet to be installed, and the enclosure around the dumpster location.

Since the time of the approval the building owner has been trying to find a tenant, an office tenant for the site, and until this time has been unsuccessful. The church has been interested in leasing space, and that's the reason we're here, to get an amended site plan for the change in use from

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the office use to a place of worship.

The design of the site is going to obviously not change other than the landscaping being installed as per the previously approved plan.

As a result of the change in use, the bulk requirements are different for that, a place of worship and an office. The side yards increase to require 50 feet. The lot width increases to require 200. As a result of the change of use we're going to need a number of area variances.

CHAIRMAN EWASUTYN: Pastor, would you be kind enough just to talk to us about your operation just so -- it's always more --

PASTOR SCOTT: Sure.

CHAIRMAN EWASUTYN: Thank you.

PASTOR SCOTT: We have our main campus in Washingtonville. We have three other campuses. There's one in Warwick, one in Middletown, one in Newburgh. Presently we're at Anthony's Pier 9 at the present time. We thought that it would be very easy to find a building to rent. We've been trying for two-and-a-half years

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to find one that fits us. We looked at some buildings that were too big, too small, too rundown. This one seems to be perfect for us. It's about the right size, pretty much ready to go. That gives a little background.

CHAIRMAN EWASUTYN: You would be working at the building or using the building seven days a week? How does your operation work?

PASTOR SCOTT: Typically from Monday through Saturday there would be several folks in the building, maybe six to seven folks, doing paperwork, phone calls, prepping for the services on Sunday, and then our first service will start at 9:00 in the morning, our second service would be at 10:30. That would be a typical week. And then several times during the week we might have twenty or thirty people at the church at night for some special event or bible study or something like that. Then on Sunday evenings once a month we would have our communion service, so we would have another service as well on Sunday evening.

CHAIRMAN EWASUTYN: Weddings on Saturday or Sunday?



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PASTOR SCOTT: Very minor. We might have a couple during the year.

CHAIRMAN EWASUTYN: Questions from the Board Members?

MR. GALLI: How many people are in your congregation?

PASTOR SCOTT: Our total congregation, we're about 3,000 total. Our campus right now, for adults we're probably around 200. Of course we have the kids and so forth on top of that.

MR. BROWNE: Your evening activities, what time would they normally start?

PASTOR SCOTT: Generally they're probably 6 to 9. Something like that typically.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I have a question on the site plan. I know there's three significant areas of concern, wildlife, privacy and landscaping. They seem to be addressing that. I want you to really keep that in mind when you do the final landscape or final project for this, especially for the residents on Shady Lane.

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They're really concerned that it used to be a wooded area and now it's open. It's going to be used/occupied seven days a week. They're losing some of the privacy, especially in the summertime.

MR. DOCE: Right. The landscape plan was approved previously. We plan on adhering to the previously approved landscape plan.

MR. DOMINICK: Okay.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Nothing.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: My first comment is just that the project is here for a change of use.

The project will require several zoning variances based on the change of use and the different bulk tables for the use. Jerry has them analyzed. I'm sure he'll hit on them.

Dovetailing on Dave's comment, the landscaping for the site was never complete based on the original plan, so that landscaping -- the original proposal should be depicted on the plans.

There has been concern that the

1 neighbors along Shady Lane had some issues. The  
2 site was kind of vacant. There were some  
3 vehicles congregating in the back there, and  
4 there were some concerns at one point brought to  
5 the Board regarding those vehicles back there,  
6 and also the visibility of the back yards along  
7 Shady Lane. As you look at the landscaping plan,  
8 take a look at if something can be done to  
9 enhance the rear. It could even involve  
10 potentially moving some of the plants. Maybe not  
11 looking for more landscaping but maybe targeting  
12 some of the plants that were there to screen the  
13 residences. It's going to be up to the Board  
14 ultimately but that may be a way to address the  
15 neighbors' impacts and not cause a big change to  
16 the project.

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18 The parking calculations need to take  
19 into account the entire building. I believe  
20 right now the narrative report that you gave us  
21 identified parking for the place of worship and  
22 not the other portions of the structure. So it  
23 needs to take a look at the calculations based on  
24 that.

25 I think there's 2,200 plus or minus

1 square foot of seating. The whole building is  
2 15,000 square feet. We need to take a look at  
3 the parking requirements for the whole structure  
4 including the 2,200 square foot utilized for  
5 seating.  
6

7 There's a proposed dumpster to be added  
8 to the site plan. We're looking for details on  
9 that. That's probably a good addition that  
10 wasn't there before.

11 We will need to send the amended site  
12 plan to DOT and Orange County based on it's  
13 location on a State highway.

14 The project had the stormwater  
15 management facilities installed during an initial  
16 construction. The Town has a requirement for a  
17 stormwater control agreement. I don't know if  
18 this project predates that. If it doesn't  
19 predate it, a stormwater facilities control  
20 agreement will need to be executed for the  
21 amended site plan. It requires long-term  
22 operation and maintenance of the stormwater  
23 improvements. If it was executed, then we're  
24 going to look for a report based on the current  
25 status and any maintenance that's required over

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the time since it's been installed.

Note 11 identifies that any requirements of the initial site plan will be installed. We're just looking for you to list any of those other items that were not installed that will be installed under this proposal.

CHAIRMAN EWASUTYN: Ken Mennerich, you looked at the traffic counts. I mean Ken Wersted. I apologize.

MR. WERSTED: Yes. We went back to the original traffic study that was provided in 2005 with the original site plan and compared it to the operations that are being proposed now. Overall I think the site would have less of a traffic impact if you look at it as a whole week because much of the activity is going to be limited to Sundays whereas as an office, I think one of the previous tenants was going to be a bank, that would be operating five to six days a week, particularly during the peak times. So I did a comparison of the traffic volumes on Route 300 on a Sunday morning versus that during the week. A Sunday morning, say 10:00, would be approximately 12 percent less than the traffic

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you would see on a weekday morning and about 28 percent less than you would see on a weekday in the afternoon peak rush hour.

We would expect, however, that particularly at the end of a service as people get out and come back to their cars and they are heading home, that there will be a concentrated departure and that traffic would be backed up from the parking lot, you know, out onto Old South Plank Road and then up to Route 300. So with the concentration of traffic exiting, people are going to be waiting on that road. Give it fifteen minutes and it's going to have dissipated and then it will be kind of like any other Sunday morning.

I don't think we really had anything else other than that. That was the extent of our comments.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Just to reiterate, Pat and Darren identified there will be four variances required.

CHAIRMAN EWASUTYN: Can you speak to

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them?

MR. CANFIELD: The change of use --

CHAIRMAN EWASUTYN: You want to speak out loud on them one more time?

MR. CANFIELD: Okay. There will be four variances required. One will be a lot area, the second would be lot width, a side yard setback and both side yard setbacks.

Darren, you're going to have to identify the exact footages, on here we have plus or minus, so we can do the referral and be specific.

MR. DONNELLY: Engineers always do that.

MR. DOCE: We also had lot surface coverage. Did you --

MR. CANFIELD: We did not do that.

MR. DONNELLY: What are the dimensions on the plus or minus basis? The side yards are what?

MR. DOCE: The side yards are required to be 50. We have 41.3 and 44.6.

MR. DONNELLY: Lot width?

MR. DOCE: Lot width is 200, we have

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174.

MR. DONNELLY: Area?

MR. DOCE: Area is fine.

MR. DONNELLY: Lot area is fine? No.

MR. CANFIELD: Area is 2 acres. In your narrative you identified it --

MR. DOCE: We have 2.1.

MR. CANFIELD: You show 2.1 plus or minus. You identified it in your narrative so I didn't know if you --

MR. DOCE: Okay. If we don't need area I can --

MR. CANFIELD: If you don't need it just show us that you don't.

MR. DONNELLY: Lot surface coverage?

MR. DOCE: Required --

MR. CANFIELD: The previous site plan showed the overall site was I think 91,827 square feet. That was the previous site plan. Maybe just take a look at that.

MR. DOCE: Okay.

CHAIRMAN EWASUTYN: So it is or isn't required, lot area?

MR. HINES: 91,000 would be fine.



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MR. CANFIELD: Correct.

MR. DOCE: Surface coverage is 50 max and we have 60 percent.

MR. DONNELLY: Okay.

MR. DOCE: Total side yards, 100 and we have 85.9.

We also have another question. The buffer between the B and the R-3 is half the minimum required side yard, which would be 25 feet if we use this use. We have portions of this drive that would fall within that. I'm not sure if that's a variance or --

MR. DONNELLY: The buffer --

MR. HINES: It's up to the Board. I think you can propose screening to address the buffer. The building is not in that area. If you increase --

MR. DONNELLY: But the driveway is.

MR. HINES: The driveway is. The Board has, in the past, looked at what screening is existing to make sure that it meets the intent. Or if you can add screening in that buffer area to meet that intent. I don't have the landscaping plan in front of me here. It's up to

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the Board to make that call, if in fact the buffer is adequate to meet that.

MR. CANFIELD: I think what we're talking about --

MR. DOCE: So if the driveway is within the buffer, though, that's the question.

MR. CANFIELD: That triangular piece, which is basically a vacant parking lot for the car wash is what's there.

MR. DOCE: There will be a small portion of this parking area and this drive that would be in the required 25 feet. So is that a variance required? That's the question I have.

MR. CANFIELD: That's at the Board's discretion.

MR. DONNELLY: It's a Board waiver, not a Zoning Board variance.

MR. DOCE: Okay.

MR. DONNELLY: But it has to be based upon existing landscaping; right? I think that's how it reads. Then you can add more to it. In other words, if it's existing and it's sufficient, you don't need to plant more. If you have some but you need more -- you don't have to

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show it tonight --

MR. DOCE: Yeah. If the Board requires more landscaping we'll provide it.

MR. DONNELLY: Show us what you can do in your next plan submission.

CHAIRMAN EWASUTYN: I think from now until the next time you appear before us, if the Board Members have time we'll go out and do a visual site inspection of the driveway so we'll be better prepared to make a decision or offer a waiver.

Mike, for the record one more time would you present --

MR. DONNELLY: With your permission I'll send a referral letter to the Zoning Board.

Darren, you'll have to apply, nevertheless.

In terms of side yards, you need two side yard variances, one of 41.3 feet where 50 is required. The other is 44.6 where 50 feet is required. A total side yard variance of 85.9 feet where 100 feet is required. Lot width, you need a variance for the 174 feet you're showing where 200 is required. You exceed the lot

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surface coverage maximum of 50 percent because  
you're showing 60 percent of lot coverage.

CHAIRMAN EWASUTYN: Thank you.

Having heard the area variances that  
will be needed for this use presented by Attorney  
Mike Donnelly, I'll move for that motion to refer  
the letter on to the Zoning Board of Appeals.

MR. WARD: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Pat, what additional plans do you need  
to circulate? You have to circulate to the  
Orange County Planning Department; correct?

MR. HINES: Yes. And for lead agency.  
I guess it will have to go to DOT as well.

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MR. WARD: I have one question. Jerry, with the change of use, how does that affect the inside for the sprinklers and everything else?

MR. CANFIELD: Very little. The building is sprinklered. The occupancy that's proposed, the church and the daycare, is a low hazard. The sprinkler design for the original building was an office occupancy which was also a low hazard. So minimal. No change pretty much.

MR. WARD: Thank you.

(Time noted: 8:06 p.m.)

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

STATE OF NEW YORK )

: SS.:

COUNTY OF ULSTER )

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

That the proceedings hereinbefore  
set forth is a true record.

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 9th day of December 2015.

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MICHELLE CONERO

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

----- X  
In the Matter of

FISHER  
Project No. 2015-31

154 Route 17K  
Section 94; Block 1; Lots 12, 13, 14 & 15  
B Zone

----- X

INITIAL APPEARANCE  
SITE PLAN/LOT CONSOLIDATION

1496 Route 300  
Newburgh, New York 12550  
November 19, 2015  
8:06 p.m.

BOARD MEMBERS: JOHN EWASUTYN, Chairman  
FRANK GALLI  
CLIFFORD BROWNE  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN WARD

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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

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FISHER

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MR. BROWNE: The next item of business we have is Fisher, project number 2015-31. This is an initial appearance, site plan, lot consolidation. Once again, Vincent Doce Associates, being presented by Darren Doce.

MR. DOCE: I also have Dr. Fisher in the audience.

It's an existing veterinarian practice at 157 New York State Route 17K. We're proposing an additional 1,800 square foot building to board approximately 25 dogs or pets.

We're providing the required 9 parking spaces to support the building, a second access onto Fletcher Drive.

This building will connect to the sewer and water that's out in Route 17K.

That's basically what we're proposing.

CHAIRMAN EWASUTYN: Are you expanding the existing use to this or is this an addition to the overall business?

DR. FISHER: It's in addition. The main building now is a veterinary hospital. This would be basically a complimentary aspect of it.



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FISHER

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CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

MR. BROWNE: Nothing, John.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: The new building, would the animals be contained in the building or would they be in runs?

DR. FISHER: They'll be contained in the building, and then there would be an enclosed outdoor area for exercise -- supervised exercise, playtime, that kind of thing.

MR. HINES: That will need to be shown.

CHAIRMAN EWASUTYN: What's that?

MR. HINES: That will need to be shown on the plans.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I actually had a similar question as Ken. Will the outside area be fenced in?

DR. FISHER: Yeah. Absolutely.

MR. DOMINICK: That's it.

CHAIRMAN EWASUTYN: At this point I'll turn it over to Pat Hines.

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MR. HINES: The first comment just has to do with the size of the proposed structure. It's a consolidation of four lots I believe. It may be more as I go through here.

I have a question on the use of the building identified as existing building that's about 5 feet off the property line to the rear?

MR. DOCE: There's nothing in there now other than storage of some materials.

MR. HINES: So it is an access --

MR. DOCE: We're considering it at this time an accessory building. If he ever wanted to use it he'd have to come back here and either get a variance or combine the parcel to the rear, which he owns.

MR. HINES: Okay. I wanted to make sure it wasn't a residence.

A lot consolidation plan will need to be filed to combine all the lots.

The title block doesn't identify lots 15 and 16.

MR. DOCE: I saw that. I identified them in the notes.

MR. HINES: It needs to be clear that

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those are part and the structure goes over into those.

MR. DOCE: Right.

MR. HINES: The curbing should be clearly identified on the site. Typical to the previous comment on the previous project, the Town usually requires commercial sites to be curbed. If there's some reason why it can't be done, you need to address that. Curbing defining the parking areas is typically required.

The stonewall that's along the common property line with the veterinary office and this parcel as it exists, it doesn't seem there's any connection through.

MR. DOCE: Well there's going to be a connection. That portion will be removed where the parking lot connects to the existing parking lot.

MR. HINES: That makes a lot more sense. Okay.

The driveway location on Fletcher Drive should be evaluated. If it's closer to the intersection than a standard would require, I think there's 150 foot typical separation, you

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need to get with the highway superintendent and make sure they are okay with that, there's no sight distance issues or issues with vehicles pulling out. When cars are coming around, making that right off 17K onto Fletcher, that they don't have any issues there. It may be just to check the sight distance to make sure that's acceptable.

DOT approval for the water and sewer utilities is required, and we will be submitting it to them because of the proximity to the State highway.

A County Planning submission is required.

A City of Newburgh flow acceptance letter would also be required.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: I have nothing additional.

CHAIRMAN EWASUTYN: Darren, you'll see that the necessary plans get to Pat Hines' office.

MR. DOCE: Okay.

MR. DONNELLY: Pat, with the DOT's

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involvement should we do a lead agency notice of intent?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Should I move for a motion to --

MR. DONNELLY: Yes. Issue a lead agency notice of intent.

CHAIRMAN EWASUTYN: I'll move for a motion to issue a lead agency declaration for intent.

MR. WARD: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

(Time noted: 8:12 p.m.)

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

STATE OF NEW YORK )

: SS.:

COUNTY OF ULSTER )

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

That the proceedings hereinbefore  
set forth is a true record.

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 9th day of December 2015.

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MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD  
----- X  
In the Matter of

SERIOTA SITE PLAN  
Project No. 2015-28

NYS Route 17K  
Section 94; Block 1; Lot 61  
IB Zone

----- X

SITE PLAN

1496 Route 300  
Newburgh, New York 12550  
November 19, 2015  
8:13 p.m.

BOARD MEMBERS: JOHN EWASUTYN, Chairman  
FRANK GALLI  
CLIFFORD BROWNE  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN WARD

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

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MR. BROWNE: Our next item of business is Seriota Site Plan, project number 2015-28. This is a site plan being presented by Engineering & Surveying Properties, Ross Winglovitz.

MR. WINGLOVITZ: Good evening. Ross Winglovitz with Engineering Properties on behalf of Greg Seriota with his site plan application for reuse of the existing warehouse building on the corner of Cohecton Avenue and 17K for a service station for his fleet vehicles.

We were here before you last month. We made a resubmission with a number of replies to Pat's comments, including the landscape plan. We're here to address any comments you may have, and, if you feel it's appropriate, any SEQRA action that may be taken.

CHAIRMAN EWASUTYN: Pat Hines, do you want to go through your review sheet, please?

MR. HINES: Ross, just to clarify, it states that you're going to be combining lot 57 I want to say. 57? It looks like lot 57 is also on the other side of the road.

MR. WINGLOVITZ: Yup. That is part of



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the application. It does not extend across the road, you're asking?

MR. HINES: Correct. You're not going to combine the whole of 57 with this parcel; right?

MR. WINGLOVITZ: It's only this small sliver here.

MR. HINES: We need to clarify on the map that there's going to be a lot consolidation.

MR. WINGLOVITZ: Okay. I'm not sure what's unclear, though.

MR. HINES: Because it states that lot 57 is going to be combined.

MR. WINGLOVITZ: Right.

MR. HINES: But lot 57 also exists on what's the other side of Willow Street.

MR. WINGLOVITZ: Existing on the other side?

MR. GALLI: It's on the map.

MR. WINGLOVITZ: Okay.

MR. HINES: Do you see what I mean? It exists over here, too. Lot 57 seems to have some strange geometry.

MR. WINGLOVITZ: That's 51 across the

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street. 94:1:57 in the back.

MR. CANFIELD: This one says 57.

MR. WINGLOVITZ: I think that's just a wrong label.

MR. HINES: Okay. That's driving the confusion.

MR. WINGLOVITZ: A drafting carryover is what it looks like.

MR. HINES: If that's 51, it just needs to get cleaned up.

Just a note that they're going to request a sprinkler waiver for the structure. If they don't get that waiver, additional utilities will be required.

MR. WINGLOVITZ: We have shown -- just for everybody's purpose, we have shown a fire sprinkler connection because we didn't want the plan to be incomplete in case we didn't get the waiver. The applicant, as part of his building permit process, plans on requesting a waiver. If he doesn't get the waiver we do show the fire sprinkler connection on the plans, so it's complete as far as that.

MR. HINES: Just a note that the

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landscape plan has been submitted for review. A later comment identifies that the landscape buffer should include a stonewall typical to the other developments. The Planning Board has a policy consistent with the design guidelines that they require along this corridor --

MR. WINGLOVITZ: The Auto Auction.

MR. HINES: The Auto Auction.

MR. WINGLOVITZ: Toyota.

MR. HINES: Toyota. All those. As the plan gets developed the Planning Board will be looking for that. They have an opportunity here to clean up this site and make it look consistent with the rest of the corridor.

The petroleum tank has been relocated away from the property line. They have identified that they'll be fueling their vehicles here approximately twice a week. I think you identified they have about forty vehicles in their fleet.

MR. WINGLOVITZ: Yeah. Two times a week. That's what he estimates.

MR. HINES: I'm just wondering if 1,000 gallon tank is big enough to support that many

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vehicles.

MR. WINGLOVITZ: He's going to be filling the tank once a day.

MR. HINES: That's added traffic for the Board as you're reviewing this. It is going to be used as a fuel depot for the fleet.

Note 9 should be revised. It says four vehicles are going to be on the site for repairs. The Town's requirements are only three vehicles can be on the site.

MR. WINGLOVITZ: These are standard notes. We'll need to correct number 9 to be consistent with the standard conditions.

MR. HINES: If the Board feels this plan is ready, County referral is required.

There's a missing contour line between the swale and the landscape buffer. There's a 490 contour missing. I don't know why. The swale is at 489 or something. Clean that up.

The applicants are not proposing curbing on the site throughout the entire paved parking area. Consistent with the two previous projects, the Board normally requires curbing. If that's going to be a waiver, that should be

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specifically requested of the Board.

MR. WINGLOVITZ: We would request a waiver from curbing. Our proposal is basically just to pave the existing gravel area. We don't want to create any new drainage patterns or change anything other than to pave the existing gravel areas. There is a gravel area off the site that we're going to topsoil and seed, so that will provide an edge on the east side of the project.

Pat had a comment about fencing. He wanted us to provide fencing around the entire facility. I didn't think that was something the Board wanted to see because of aesthetics. The split rail, maybe that's a good medium.

MR. HINES: The concern that I have in looking at this, the site is flat and there's nothing to control -- if there's ten vehicles on the site that day, there's nothing to control -- without the benefit of curbing, you could start double stacking vehicles. I'm looking, at least, for the Board's review to keep them in that paved area. I think --

CHAIRMAN EWASUTYN: Let's poll the

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Board Members and see if they want curbing or not.

John Ward?

MR. WARD: If there's a modification, even if it was a post rail fence along the blacktop so cars or anything can't go there. As I look, I know what you're saying with the fencing around. We don't want that. The curbing was the idea of them going over to go into the field. If there's some modification of something that's decorative, that would be fine. It keeps them from going out there.

MR. WINGLOVITZ: I don't think -- he actually wanted it around the whole facility and I said I don't think that's a good idea. I think that's a good compromise.

CHAIRMAN EWASUTYN: I'm not quite sure I understand what we're talking about. Are we talking about fencing or are we talking about curbing on the site?

MR. DONNELLY: I think John is saying he would go with waiving curbs if there was a fence to control vehicle movement.

CHAIRMAN EWASUTYN: Is the purpose of

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the curbing to control -- I'm lost.

MR. HINES: The site is so flat, it's not to control the drainage but it's more to control the vehicles. It's a relatively large site. We know there's a forty vehicle fleet.

CHAIRMAN EWASUTYN: The fence won't get in the way with snowplowing?

MR. HINES: I'm sure they can modify it.

MR. WINGLOVITZ: We can probably set it five feet in front of the pavement so that there will would be room for snow removal.

MR. HINES: You could leave it six feet off. A split rail, you can remove a couple of rails during the winter. It's just a suggestion.

CHAIRMAN EWASUTYN: I'm just trying to follow it. That's all.

Dave, you're suggesting a fence?

MR. DOMINICK: I'm going with curbing. I think you're going to run into a big obstacle in the wintertime with snow. You're going to push it against the fence and the fence is going to tip and look like hell come spring and all year long. It's probably not going to get

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replaced in an expedient manner. I think curbing.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I also agree with Dave, the curbing would be best. That's what we required in other facilities similar to this.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I think the curbing, yes.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: Curbing.

CHAIRMAN EWASUTYN: Curbing. It's a majority vote.

MR. WINGLOVITZ: Is there flexibility of what type of curbing we provide?

CHAIRMAN EWASUTYN: Standard curbing.

MR. WINGLOVITZ: Concrete curbing?

CHAIRMAN EWASUTYN: Concrete curbing, twenty inches deep.

MR. HINES: The size of the landscaping plants is left off the landscaping plan. We need the size of those.

Also, typical to other vehicle maintenance storage areas in Town, they generate used tires, cardboard, other waste, we're



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suggesting that a dumpster should be provided on the site. It could be located back by the petroleum tank area there. With the requirements for recycling cardboard and waste tires, I just don't want to see them piled up.

MR. WINGLOVITZ: Any suggestions on where you'd like to see it? I'd like to put it over here in this corner.

MR. HINES: I can't see that far.

CHAIRMAN EWASUTYN: I think that's up to the user of the property, what would be the most convenient place.

MR. WINGLOVITZ: Okay. We'll screen it. We'll provide a fence around it.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: One comment on the petroleum tank. Provide a containment area. It's only 1,000 gallon tank but it still requires a containment area, spill containment. That can be done like a double walled tank or whatever.

CHAIRMAN EWASUTYN: Ross, I'm not really certain but it's just a minor issue. That's a metal roof on that building?

MR. WINGLOVITZ: A metal roof, yes. I

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believe it is.

CHAIRMAN EWASUTYN: The only thing I say is look at where you have the plants along the front of the building, look at the snow load on the roof, when it slides off, whether it will be falling on the plants and if you should move the plants a few feet out.

So the motion before us now is to circulate to the Orange County Planning Department.

MR. DONNELLY: Certainly we can do that.

You had mentioned SEQRA. I think this is under 4,000 square feet, a Type 2, so there's no further SEQRA compliance.

We do need to send it to County Planning.

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

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich and a second by Dave Dominick.

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I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

You'll get plans to Pat Hines.

MR. WINGLOVITZ: Yes. Then we'll have one more meeting before we set a public hearing, assuming everything is okay at the next one?

CHAIRMAN EWASUTYN: I'll poll the Board Members now to see if they want to have a public hearing.

MR. GALLI: How many residences are around there?

MR. WINGLOVITZ: None. This is wooded. It's wooded on this side and then you have the Auto Auction, you've got a distribution/trucking facility here, a real estate office there, there's a business here.

MR. GALLI: No. I'm good.

MR. BROWNE: No.

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MR. MENNERICH: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Let the record show  
that we waived the public hearing.

MR. WINGLOVITZ: Thank you very much.  
We'll be back.

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

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

STATE OF NEW YORK )

: SS.:

COUNTY OF ULSTER )

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

That the proceedings hereinbefore  
set forth is a true record.

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 9th day of December 2015.

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MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD  
----- X  
In the Matter of

DRISCOLL SUBDIVISION  
Project No. 2009-12

Request for a Six-Month Extension of Preliminary  
Subdivision Approval  
September 29, 2015 until March 29, 2016

----- X

BOARD BUSINESS

1496 Route 300  
Newburgh, New York 12550  
November 19, 2015  
8:24 p.m.

BOARD MEMBERS: JOHN EWASUTYN, Chairman  
FRANK GALLI  
CLIFFORD BROWNE  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN WARD

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

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CHAIRMAN EWASUTYN: You have some item extensions. Do you want to take the time and save Cliff Browne from talking?

MR. WINGLOVITZ: I have two letters, one for an extension of the Driscoll Subdivision which was the 112 lot subdivision across the street here on 300, and then one for an extension of the Polo Club townhouse project that was approved up on the right-hand side. Those have been ongoing since 2008 or so.

I did mess up and missed the deadline, which was September 29th. What I'm asking for is that the Board grant the retroactive extension.

MR. DONNELLY: These are preliminary approvals. There's no problem in that.

MR. GALLI: Anything happening with the projects?

MR. WINGLOVITZ: The issue is --

MR. GALLI: They're dead in the water?

MR. WINGLOVITZ: Sewer is the big issue because the sewer main, you have to extend it down. It's not viable currently. It's getting there. They're going in the right direction.

CHAIRMAN EWASUTYN: Do you want to make

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a motion?

MR. BROWNE: Driscoll Subdivision,  
2009-12, the applicant is requesting a six-month  
preliminary subdivision approval extension from  
September 29, 2015 to March 29, 2016.

CHAIRMAN EWASUTYN: I'll move for that  
motion.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:26 p.m.)



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

STATE OF NEW YORK )

: SS.:

COUNTY OF ULSTER )

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

That the proceedings hereinbefore  
set forth is a true record.

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 9th day of December 2015.

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MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD  
----- X  
In the Matter of

POLO CLUB  
Project No. 2006-09

Request for a Six-Month Extension of Preliminary  
Site Plan Approval  
September 29, 2015 until March 29, 2016

----- X

BOARD BUSINESS

1496 Route 300  
Newburgh, New York 12550  
November 19, 2015  
8:26 p.m.

BOARD MEMBERS: JOHN EWASUTYN, Chairman  
FRANK GALLI  
CLIFFORD BROWNE  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN WARD

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

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MR. BROWNE: The Polo Club, project 2006-09. The applicant is requesting a six-month preliminary site plan approval extension from September 29, 2015 to March 29, 20 16.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: The motion was made by John Ewasutyn, seconded 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.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:27 p.m.)

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

STATE OF NEW YORK )

: SS.:

COUNTY OF ULSTER )

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

That the proceedings hereinbefore  
set forth is a true record.

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 9th day of December 2015.

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MICHELLE CONERO

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

----- X

In the Matter of

PATTON RIDGE SUBDIVISION

Request for a Six-Month Extension of Approval  
November 7, 2015 until May 7, 2016

----- X

BOARD BUSINESS

1496 Route 300  
Newburgh, New York 12550  
November 19, 2015  
8:27 p.m.

BOARD MEMBERS: JOHN EWASUTYN, Chairman  
FRANK GALLI  
CLIFFORD BROWNE  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN WARD

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

----- X

MICHELLE L. CONERO  
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MR. BROWNE: We have a third item,  
discussion on the correspondence on the  
Patton Ridge Subdivision from Kirk Rother.

CHAIRMAN EWASUTYN: I guess he's  
looking for an extension from November 7,  
2015 through May 7, 2016.

I'll move for that motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: The motion was made  
by John Ewasutyn, seconded 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.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. HINES: That project is moving,  
Patton Ridge. There's activity with it and  
bonding going on.

CHAIRMAN EWASUTYN: Your sense is?

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MR. HINES: I think they're going to get started soon.

CHAIRMAN EWASUTYN: I'll move for a motion to wish everyone a happy Thanksgiving, and enjoy the site inspection tomorrow.

I'll move for a motion to close the Planning Board meeting of the 19th of November.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:28 p.m. )

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\_\_\_\_\_  
MICHELLE CONERO