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

----- X

In the Matter of

RESTAURANT DEPOT
(2015-33)

New York State Route 300
Section 95; Block 1; Lot 8
IB Zone

----- X

SIGNAGE PLAN

Date: December 1, 2016
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: LARRY MARSHALL

----- X

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

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. We'd like to welcome you to the Town of Newburgh Planning Board meeting of December 1st. We have two items on the agenda this evening.

At this point we'll turn the meeting over to Frank Galli.

MR. GALLI: If everyone would stand, please, for the Pledge.

(Pledge of Allegiance.)

MR. GALLI: Silence your cell phones.

CHAIRMAN EWASUTYN: The first item of business this evening is Restaurant Depot. It's here for a signage plan. It's located on New York State Route 300 in an IB Zone and it's being represented by Larry Marshall.

MR. MARSHALL: Good evening. As stated, these are the proposed signs for the Restaurant Depot currently under construction on Route 300 and the New York State Thruway.

We just received our variances for the proposed signage, not only sign area but also the setback for sign I.

As a condition of the approval from the

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ZBA they did request that we remove sign H from consideration, which we have done. There was no other conditions.

Since we've been back -- since we've been in front of the Board, there were several comments from the Town Engineer. Mainly the only one that required any modification was the creation of the monument sign detail plan showing the exact location of that sign along with the landscaping around that sign. Due to the relatively low sign, it being only four feet tall in total, that's sign I in your packet, it's a thirty-inch tall sign with an eighteen-inch base, the applicant has requested just to provide ground cover, a landscaping ground cover around the sign to prevent any impact of the vegetation to the proposed signage. We have shown just some Vinca Minor or Periwinkle, just a standard ground cover, the cover that gets a little purple flower on it.

I understand that there was another comment from Pat that if there's any modifications from the Board, that you would request that landscaping. As long as it doesn't

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RESTAURANT DEPOT

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impact the sign, my client has no -- takes no exception.

MR. HINES: They have a very different suggestion you're going to hear.

CHAIRMAN EWASUTYN: We actually discussed it, Larry, and we thought maybe it would be more favorable just to have a concrete slab underneath there. The thought of Periwinkle, since it is a creeping ground cover, in a relatively short period of time, if you are successful, it will be out two feet or so and the next thing you know they'll be mowing it and before you know it, two years later, you know, it will disappear. Maybe just keep it -- whatever you want to do underneath there, just leave it low maintenance, i.e. whether it be a concrete slab, if you want to put some pavers in there. I mean decorative pavers. I don't think it's really necessary to landscape it.

MR. MARSHALL: Okay. Is there something specific that the Board --

CHAIRMAN EWASUTYN: I think really just keep it low maintenance.

MR. HINES: Rye grass.

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RESTAURANT DEPOT

MR. MARSHALL: Rye grass?

MR. WARD: Natural.

MR. MARSHALL: That's fine.

MR. DOMINICK: Turf.

MR. MARSHALL: Okay. That won't be an issue.

CHAIRMAN EWASUTYN: Everything is natural.

MR. HINES: Larry, you had sent me an e-mail the other day regarding a piece of guardrail that you were proposing. If you show the Board that, too, I think we can clear that issue up.

MR. MARSHALL: Sure. I apologize, I wasn't prepared for that. If anybody has been up to the site, there's two entrances once you get to the top of the hill, the customer entrance, which is right in front of the building, and then there's a truck entrance that goes around back to the loading area. In between those two entrances, right in this area here, there's a bioretention area and it drops pretty quickly. While we have curbing on the customer entrance, there is no curbing along the truck entrance for

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purposes of conveying that water into the treatment practices, both the dry swale and bioretention area. The owner, Restaurant Depot, is concerned about trucks leaving the site in possibly -- you know, in less than ideal conditions. They want to make sure that that area is protected. They've asked the Board to consider allowing them to add a short section of guide rail along that curve where the bioretention area is just to protect that.

MR. HINES: It will define that curve for the trucks so they don't cut it short and end up with the back of the truck in the bioretention area.

MR. MARSHALL: There is curbing that wraps around this corner and protects the light pole on the corner, but it does end right when it starts straightening out and going into the entrance. Basically the guide rail would begin from there and extend up into the bioretention area.

CHAIRMAN EWASUTYN: Larry, when do they expect to open?

MR. MARSHALL: They are expected to be

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done with completion at the end of the month or beginning of month next depending on timing. It will take about four to six weeks for them to outfit. So they're saying the beginning to the middle of February for opening.

CHAIRMAN EWASUTYN: Any other questions, comments from Board Members?

MR. GALLI: No.

MR. DOMINICK: With that guardrail proposal, will that in any way interfere with snow clearing operations?

MR. MARSHALL: No. No. It will be relatively low and they're going to set it back a couple feet off of the edge of the pavement. There is a water line that runs up through there so they have to make sure that they're not over top of that. The water line pretty much runs that edge of pavement so they're going to run a few feet back. The snow removal, it won't have any impact.

CHAIRMAN EWASUTYN: Any other questions?

MR. WARD: You did a beautiful job with the driveway too, with the swale going up.

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MR. MARSHALL: Down here?

MR. WARD: Yes.

MR. MARSHALL: I drove past it tonight.
What a difference. It actually looks like a
drivable road now.

MR. WARD: Instead of being a steep
hill up.

CHAIRMAN EWASUTYN: Who designed it?

MR. MARSHALL: I don't know but whoever
reviewed it did a great job.

CHAIRMAN EWASUTYN: We thank you.

Mike Donnelly, do you want to speak to
us as far as a resolution?

MR. DONNELLY: The resolution will be
both amended site plan and an amended sign plan.
I think the conditions are fairly
straightforward. We'll recite that all
conditions attached to the original approval
shall continue except to the extent modified.
Given the discussion on the guide rail, I will
add a condition that says the applicant is
permitted to amend the plans to add a guide rail
protecting the possibility of trucks crossing
into the bioretention area. We will mention the

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grant of the variance by date and incorporate
it's conditions into the resolution of approval.
We'll note that the sign plan as hereby approved
shall govern signs on the site. I think I should
add Vinca Minor may be replaced by grass in the
area of the sign so that's not lost.

CHAIRMAN EWASUTYN: Questions or
comments from Board Members?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a
motion then to grant approval for the site plan
for Restaurant Depot subject to the conditions
presented by Planning Board Attorney Mike
Donnelly.

MR. WARD: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion

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carried.

MR. MARSHALL: Thank you very much.

CHAIRMAN EWASUTYN: Happy holiday,
Larry.

MR. MARSHALL: Same to you.

CHAIRMAN EWASUTYN: Any further word on
the hotel?

MR. MARSHALL: I received an e-mail
today. They're still working out the contract of
sale. There are some nuances and the applicant
will not proceed without a contract.

(Time noted: 7:06 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 14th day of December 2016.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

MAVIS/MIXED USE
(2015-03)

1413 Union Avenue
Section 60; Block 3; Lot 40.2
IB Zone

----- X

AMENDED SITE PLAN

Date: December 1, 2016
Time: 7:07 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MICHAEL MANES
ROBERT BOHLER

----- X

MICHELLE L. CONERO
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CHAIRMAN EWASUTYN: The second item on the agenda this evening is Mavis/Mixed Use. It's located on 1413 Union Avenue in an IB Zone, it's an amended site plan being represented by Bohler Engineering.

MR. MANES: My name is Michael Manes, I'm with Mavis Tire Supply. Thank you for seeing us tonight on short notice.

We're here before you because there were some minor changes to the site plan that were precipitated by the Central Hudson utility company, the moving of our transformer.

We received comments on the proposed changes. They're all pretty minor and we're prepared to address them.

I'm here with our engineer, Rob Bohler, and our site contractor, Phil Apap, Hudson River Contracting.

CHAIRMAN EWASUTYN: Pat Hines, you brought this forth to the Planning Board.

MR. HINES: We received the changes. It was driven by Central Hudson wanting to relocate the transformer. Some of these things we consider field changes but this one impacted

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traffic flow on the site, landscaping, the location of dumpsters and other features. I thought it would be best to bring it to the Board to review that.

Previously you were able to drive between the proposed Buffalo Wild Wings and the Mavis site. With this modification to the curbing and enlarging that island you'll no longer be able to do that if vehicles are parked in the area.

I also initially thought we were going to lose some parking spaces by the change. It looks like they were able to preserve the parking spaces, although the numbering did change. You must have thought you were losing parking spaces too. The 8 and 9 spaces are still there.

There were also some changes to the utilities that we didn't address but that my office looked at and found to be okay for a field change, things that are buried and no one would see on the site. They were worked out with the Town water and sewer personnel subsequent to the Planning Board's approval. So we're okay with those as field changes.

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Because of the changes to the landscaping, the traffic flow and the parking, I thought it best that the Board review those things rather than treat it as a field change.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: I'm fine with it.

MR. MENNERICH: I'm fine with it.

CHAIRMAN EWASUTYN: Michael, one question. I notice the Mavis dealerships store a lot of their used tires contiguous to the building itself. I forget how we left off with this site. Are you storing tires on the outside?

MR. MANES: No. There is enough room. This is a new facility so we made allowances to store scrap tires inside. We'll have enough capacity to handle the recycling.

MR. HINES: There's actually a note on the plans and in the resolution that no outdoor storage of new or waste tires is permitted.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: In work session we discussed in this new area down here, do you still need that stop sign?

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MR. BOHLER: Good question. I know it was in Pat's letter as well. The stop bar in question here would be this one where this is the older plan. So just for reference, we used to have this connection here. We've removed that now and incorporated additional green space here, got rid of this small landscaped island and put that green space down into here. So the question is since we don't have this access through here any more do we need that stop bar. Not necessarily mandatory or required but I think it adds a good element to the project if we keep it in there. It will keep cars coming through here in a traffic calming condition where it will slow them down and stop them before they've got to make this 90-degree turn and impact anybody coming around the corner. I think it's a good measure to keep in place.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: When is your proposed finish date?

MR. MANES: He's the site contractor. Buffalo Wild Wings I understand is in for permit. I think they're close. They'll probably start

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going vertical in the next couple of weeks.
Mavis and the professional office building will be built at the same time. Mavis is going to develop both of them, or at least the shell of the professional office. We'll start in late winter/early spring. Our goal is to get it fully opened probably late May, sometime in June.

MR. HINES: The only other comment we had is that island that you did remove that was there before had seven or eight landscape plants. It looks like they just went away. I didn't know if they could be incorporated into the site. It's not a big deal but just for the Board, they did take out some landscaping.

MR. BOHLER: What we did is tried to balance the landscaping. When the transformer relocated from this area down to here we did put some additional plantings. I know the Board had a concern previously about the proximity of this pedestrian connection to the dumpster. We slid that pedestrian connection over further to get more separation. What we did was we maintained that separation but now have more landscaping between the two. So we thought you'd like that.

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As far as additional landscaping down here, around the transformer and the dumpster, I talked with Michael about that and if the Board is inclined we're okay with adding additional plantings there.

CHAIRMAN EWASUTYN: What was the plant material that you moved over by the dumpster?

MR. BOHLER: Over here?

CHAIRMAN EWASUTYN: Yes.

MR. BOHLER: Off the top of my head I want to say they were maybe Hues and some Holly, if I remember correctly.

CHAIRMAN EWASUTYN: Moment of silence.

MR. HINES: It looks like possibly Rhododendrons.

CHAIRMAN EWASUTYN: I seem to remember that earlier.

MR. HINES: RCNC it looks like. Some form of Rhododendrons.

MR. DONNELLY: If you ask Pat what you should plant over there he'll tell you rye grass.

MR. HINES: I think that's the only time I'm ever going to tell anyone that.

I just want to note, I didn't realize

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you had relocated those plants. I just thought they went away. It's up to the Board. The large trees -- the three trees are still proposed there but it may be that there is the opportunity to screen that transformer and dumpster area. It's up to the Board there.

MR. BOHLER: We're fine with that.

CHAIRMAN EWASUTYN: Do you have any suggestions as to what you might want to screen it with?

MR. MANES: Something low maintenance.

MR. BOHLER: We have to look at our landscape schedule, Mr. Chairman. I don't know off the top of my head what we may already have on that plan. Let me do that. We might as well settle it and make sure you're good with it.

MR. HINES: Just to note, they do have 713 Vinca Minors proposed on this site right now. A lot of plantings there.

MR. BOHLER: Out of what we already have on the landscape plan, I'd say probably the Rhododendrons or the Hues.

CHAIRMAN EWASUTYN: Hues would probably be hardier than the Rhododendrons.

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MR. BOHLER: Definitely. Yeah.

CHAIRMAN EWASUTYN: And they are an upright and not a spreading. What you're showing is upright. It has a red berry on it.

MR. BOHLER: Okay. So that would be great. We could introduce some additional Hues in front of the transformer, between the transformer and the parking lot, and then around the dumpster enclosure as well.

CHAIRMAN EWASUTYN: That would be nice.

MR. BOHLER: Okay.

CHAIRMAN EWASUTYN: Any additional questions or comments from the Board?

(No response.)

CHAIRMAN EWASUTYN: Mike Donnelly, are you ready to discuss the resolution of approval?

MR. DONNELLY: The approval would be amended site plan. I guess since we're talking landscaping, it can be amended ARB as well.

The first condition is to carry forth all of the conditions of the earlier approvals except to the extent that they're amended. I'll add a condition to state that the plan must be amended to show the addition of Hues in the

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vicinity of the transformer, and did we say and
the dumpster?

MR. HINES: Yes.

MR. BOHLER: Yes.

MR. DONNELLY: Okay. I don't think
there are any other conditions required.

CHAIRMAN EWASUTYN: Additional
questions or comments from Board Members?

MR. GALLI: None.

CHAIRMAN EWASUTYN: I'll move for a
motion to approve the amended site plan subject
to the conditions presented by Planning Board
Attorney Mike Donnelly.

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. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself aye.

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Congratulations.

MR. MANES: Thank you very much for
your time tonight.

MR. WARD: Good luck.

(Time noted: 7:16 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 14th day of December 2016.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

LETTER TO THE TOWN BOARD FROM MICHAEL DONNELLY
RE STEWART SENIOR HOUSING/HARRY LIPSTEIN

----- X

BOARD BUSINESS

Date: December 1, 2016
Time: 7:16 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
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CHAIRMAN EWASUTYN: Michael, do you want to discuss the letter with us now?

MR. DONNELLY: This is on the Stewart Senior Housing. At the last meeting we met with Harry Lipstein and you had asked me to transfer the report of the discussion to the Town Board. I prepared that letter but unfortunately didn't send it, in part because I was waiting -- my impression was Harry was going to try to provide me with more information. That's not necessary. I've provided you with a draft of the letter. If it looks satisfactory I'll have it delivered tomorrow.

CHAIRMAN EWASUTYN: Is the Board in agreement?

MR. DOMINICK: Absolutely.

CHAIRMAN EWASUTYN: Let the record show that Mike Donnelly will be sending a letter on to the Town Board in reference to the meeting we had with Harry Lipstein who developed Stewart Woods, his thoughts and suggestions for senior housing communities.

I'll move for that motion.

MR. GALLI: So moved.

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BOARD BUSINESS

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.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:18 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 14th day of December 2016.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

LANDS OF ZAZON
(2004-29)

Appearance at the December 15, 2016
Planning Board meeting

----- X

BOARD BUSINESS

Date: December 1, 2016
Time: 7:18 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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10 Westview Drive
Wallkill, New York 12589
(845)895-3018

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MR. DONNELLY: At the same time I waited on that letter, I unfortunately waited on another which is related to the Zazon project. You will recall that the applicant had asked for an extension of site plan approval which you granted through December 16th. You had told the applicant at the time that you would not grant further extensions unless they appeared before you to explain where they are going and the cause of the delay. You had asked me to contact them and ask them to come tonight, on this agenda. Because I didn't send that letter they didn't know about that request. Because the approval is good through the 16th, we can put this on, if it makes sense, for your meeting on the 15th, and I'll send that letter tomorrow.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: A motion by John Ewasutyn. A second by Dave Dominick. I'll ask for a roll call vote starting with Frank Galli.

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MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. So carried.

(Time noted: 7:20 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 14th day of December 2016.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

DISCUSSION OF LETTER FROM DAVID CHURCH
ORANGE COUNTY PLANNING DEPARTMENT

----- X

BOARD BUSINESS

Date: December 1, 2016
Time: 7:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

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CHAIRMAN EWASUTYN: We have one more meeting to conclude the end of 2016. That meeting is on the 15th of this month. We know we'll have Cumberland Farms coming in. At this moment that's about the only thing that I know of.

So I'll move for a motion to --

MR. DONNELLY: Did you want to talk about David Church's letter?

CHAIRMAN EWASUTYN: Please. Thank you.

MR. DONNELLY: A letter was sent, and I don't know if it came to Newburgh but I think it did to most municipalities in the county, by David Church from Orange County Planning.

As you know, we have to make certain referrals to the Orange County Planning Department. The law that requires that is Section 239-M of the General Municipal Law that specifies what needs to be sent. It's essentially whatever documents this Board would need to make its determination under SEQRA. Generally we send a copy of the application and the environmental assessment form.

The County has recently apparently

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enacted an ethics law which requires employees of the County to disclose if they have any conflicts. David Church had noticed that the Town of Monroe had recently passed a law that required applicants for land use approvals that were corporations, or partnerships, or limited liability companies to disclose the names of the principals behind those companies. The reason why the Town of Monroe enacted that is many properties in Monroe are owned by limited liability companies and there was a fear among planning board members that they wouldn't know if they had a conflict because the real party in interest or owner of the project was not disclosed to them. So they passed a law requiring that type of disclosure.

I think -- I'm reading between the lines -- the County recognized the benefits of that for them and their employees. The County has -- the County Planning Department has asked that applicants be required, as part of the 239-M referral, to disclose any persons who have an ownership interest in the project, I think it was of more than five percent.

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Frankly I don't think the County has the authority to require that. Mark Taylor and I had a go-around. We're not looking to cause trouble. One of the ways we could do it would be by local law. I think Mark's thought and what he wanted to convey to you is why don't we just take that form that David Church had attached as a suggested referral piece, include it as part of the 239-M referral and require applicants to disclose that information. There's some tricky ins and outs. It doesn't mean the owner of the property or the applicant who is often just signing off on a proxy. What if the limited liability companies, one of the members is a corporation, do we need to know who owns the corporation? But we'll play this game out as it goes.

What they're asking for is the applicant -- to ask the applicants to provide that information. Hopefully it works. I don't think it needs to be onerous but I think we just have to work the kinks out of it. Unless and until there's a need to create a local law, we won't do it. Again I question the authority of

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the County to require it, but if it's not a difficult thing to accomplish why don't we try to cooperate.

CHAIRMAN EWASUTYN: Scott, any thoughts on that?

MR. MANLEY: Actually Mark Taylor talked to myself and Gil about that just today. He mentioned Monroe and he said Monroe just seems like it went too far or was too involved. Mark wasn't --

MR. DONNELLY: I'll remain silent on that.

MR. MANLEY: Mark was not objectionable.

MR. HINES: Mike wrote it.

MR. DONNELLY: Kicking and screaming.

MR. MANLEY: Mark was open minded about maybe doing some of it or doing our own. He just kept -- I don't know if I want to use the word it was too restrictive or too open.

MR. DONNELLY: One of the reasons why New York recognizes corporations, and particularly limited liability companies, is so that principals that have ownership interest need

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not disclose their interest.

MR. HINES: A lot of people form those to hide behind them.

MR. DONNELLY: To require people to disclose it, you may find some resentment.

Part of the reason I think David Church suggested that maybe it should be done by local law rather than by mere policy is that might carry it forth further. I think there's an advantage to the Town by saying this is what the County required, not us. If you have an issue in that regard, take it up with them.

I'll talk more with Mark about it. It's got some interesting ins and outs. I don't think we want to be uncooperative. I don't think they thought through what they're asking and what their authority is to ask.

MR. MANLEY: I can see both ends.

MR. HINES: They're going to say this liability company is owned by this liability company.

CHAIRMAN EWASUTYN: For now Pat Hines will make that --

MR. DONNELLY: You have the form and

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I'll send it to you. You attach it and they are required to fill it out when they give you the plans.

MR. HINES: It's almost something that has to be in the application packet at this point. I think it should be added so when they get the application they can list it. By the time I'm sending it to the County we won't have an owner. We could have an engineer, like you said, a representative, but not the owner.

MR. DONNELLY: Where it will come to a head is if an applicant refuses to fill it out and the County then takes the position the referral to us is incomplete and we will not send you a report until it is filled out, the law is until the County reports or thirty days goes by which they should have reported, you, the Planning Board, wouldn't have jurisdiction to act. We could find ours boxed into that corner. When that happens I'll turn it over to Mark.

CHAIRMAN EWASUTYN: Scott, following and agreeing with how it should be part of the application, then we would ask you to speak to Gil as far as revising our online application,

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because safe to say that probably 95 percent of our applications, new applications, are gotten from online.

MR. MANLEY: That would be easy to put online.

MR. DONNELLY: We have a form. It's a PDF.

MR. MANLEY: As far as a new form for the Planning Board, you don't have to go to any vote or put anything in the code or anything?

MR. DONNELLY: It's administrative. I think this discussion here would be good enough authorization.

CHAIRMAN EWASUTYN: Okay. Thanks for reminding me of that, Mike.

So again I'll move for a motion to close the Planning Board meeting of December 1st.

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

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BOARD BUSINESS

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 14th day of December 2016.

Michelle Conero

MICHELLE CONERO