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

JJSK, INC. - RETAIL CANNABIS DISPENSARY
(2024-23)

165 South Plank Road
Section 60; Block 3; Lot 18
IB Zone

----- X

PUBLIC HEARING
SITE PLAN & SPECIAL USE PERMIT

Date: December 5, 2024
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: JOSEPH M. SAFFIOTI

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

1
2 CHAIRMAN EWASUTYN: Good evening,
3 ladies and gentlemen. The Town of
4 Newburgh Planning Board would like to
5 welcome you to our meeting of December 5,
6 2024. We have four agenda items this
7 evening and three Board business items.
8 The first two items on the agenda are
9 public hearings. Ken Mennerich will
10 speak to you on that subject when the
11 meeting starts.

12 At this time I'll call the meeting
13 to order with a roll call vote.

14 MR. DOMINICK: Present.

15 MS. DeLUCA: Present.

16 MR. MENNERICH: Present.

17 CHAIRMAN EWASUTYN: Present.

18 MS. CARVER: Present.

19 MR. WARD: Present.

20 MR. CORDISCO: Dominic Cordisco,
21 Planning Board Attorney.

22 MS. CONERO: Michelle Conero,
23 Stenographer.

24 MS. CAMPBELL: Jim Campbell, Town
25 of Newburgh Code Compliance.

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2 CHAIRMAN EWASUTYN: At this point
3 we'll turn the meeting over to Dave
4 Dominick.

5 MR. DOMINICK: Please stand for the
6 Pledge of Allegiance.

7 (Pledge of Allegiance.)

8 MR. DOMINICK: Please silence your
9 cellphones or put them on vibrate. Thank
10 you.

11 CHAIRMAN EWASUTYN: Our first item
12 this evening is JJSK, Inc. It's a retail
13 cannabis dispensary, project number
14 24-33. It's a public hearing on a site
15 plan and a special use permit. It's
16 located in an IB Zone. It's being
17 represented by Joseph Saffioti.

18 Mr. Mennerich.

19 MR. MENNERICH: "Notice of hearing,
20 Town of Newburgh Planning Board. Please
21 take notice that the Planning Board of
22 the Town of Newburgh, Orange County,
23 New York will hold a public hearing
24 pursuant to Section 274-A of the
25 New York State Town Law and Chapter

1
2 185-48.9 of the Town of Newburgh Code
3 on the application of JJSK, Incorporated
4 - Retail Cannabis Dispensary site plan
5 and special use permit, project 2024-23.
6 The project proposes a retail cannabis
7 dispensary as a special use. The
8 project site contains existing mixed
9 use structures in the Town's IB
10 Zoning District. The project proposes
11 to utilize a 1,660 square foot portion
12 of the existing structure for a
13 cannabis use. A vintage store and a
14 deli use will remain on the site.
15 Cannabis dispensary is a special use
16 in the IB Zoning District. The project
17 requires licensing by New York State
18 for the use to be permitted. The
19 project site is connected to existing
20 Town water and sewer facilities. The
21 project site is located in the Town's
22 IB Zoning District. Access to the
23 site is from South Plank Road/New York
24 State Route 52 and Meadow Avenue, a
25 Town roadway. The site is known on

1
2 the Town tax maps as Section 60;
3 Block 3; Lot 18. The project proposes
4 modifications to the site access and
5 improvements to the parking lot. A
6 landscaping plan had been prepared.
7 A public hearing will be held on the
8 5th day of December 2024 at the Town
9 Hall Meeting Room, 1496 Route 300,
10 Newburgh, New York at 7 p.m. or as
11 soon thereafter as it can be heard,
12 at which time all interested persons
13 will be given an opportunity to be
14 heard. By order of the Town of
15 Newburgh Planning Board. John P.
16 Ewasutyn, Chairman. Dated 6 November
17 2024."

18 I'd like to explain a little bit
19 about how the Planning Board manages
20 the public hearings so as to have an
21 orderly and productive hearing. The
22 project applicant or the representative
23 for the project will give an overview
24 of the project. The Planning Board
25 Chairman will then open the hearing

2 for questions or comments on the
3 project. At this point you can raise
4 your hand and be recognized by the
5 Chairman. Please give your first
6 name before asking any questions or
7 commenting. The applicant or Planning
8 Board technical representatives may
9 respond to your questions. Once you
10 have finished, you need to wait until
11 all persons that want to speak have
12 had a chance. Once everyone has had
13 an opportunity to speak, the Chairman
14 will recognize people that want to
15 speak again. The Planning Board
16 welcomes your comments and input on
17 issues pertaining to the project.

18 Thank you.

19 CHAIRMAN EWASUTYN: At this time
20 I'll turn the meeting over to Joseph
21 Saffioti.

22 MR. SAFFIOTI: Good evening,
23 Mr. Chairman, Members of the Board,
24 Members of the Public. This is our
25 third appearance before this Board.

1
2 This is an existing structure on
3 52 with three stores. The middle
4 store, which was Picture It Framed,
5 is being converted to the cannabis
6 dispensary. There are no changes to
7 the building.

8 We've addressed, we believe, all
9 the comments of the Board Members and
10 the Consultants.

11 We have a signoff from New York
12 State DOT that no highway permit is
13 required, a signoff from the Highway
14 Department for the Meadow Avenue
15 entrance, a signoff from Orange
16 County Planning.

17 We do have a license in place
18 that requires us to be open by April 1st.

19 The latest modifications to the
20 plan were the parking lot improvements
21 with the placement of the top coating.

22 The sign has been removed. A
23 new sign location is shown on the plan.

24 We've enlarged the dumpster
25 location so the two dumpsters, one

2 for the other tenants and one for the
3 cannabis use, will be provided. The
4 cannabis dumpster will be a locked
5 facility. They have a bar to lock
6 it. There is very little or non-
7 disposed product. Most of the
8 product is sold. They tell me if it
9 has to be disposed, the State has
10 regulations in place as to how it has
11 to be processed before it can be put
12 in the dumpster so it's unusable.

13 The landscaping was revised to
14 provide more landscaping, mainly to
15 the rear of Meadow Avenue, screening
16 the dumpster enclosure. We removed
17 the Boxwoods near the parking lot and
18 added some additional trees.

19 CHAIRMAN EWASUTYN: Thank you.

20 At this time I'll turn the meeting
21 over to the public. If anyone has any
22 questions or comments, please raise your
23 hand.

24 (No response.)

25 CHAIRMAN EWASUTYN: Let the record

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show there is no public comment.

At this time I'll turn the meeting over to Jim Campbell, Code Compliance.

MR. CAMPBELL: Am I reading Pat's comments?

CHAIRMAN EWASUTYN: Why don't you do a combination of both, please.

MR. CAMPBELL: Okay. The access location for Meadow Avenue is proposed to be defined via the installation of curbing. The highway superintendent's comments regarding this access should be received. I believe we received them and that was okay.

You addressed the dumpster enclosure.

The last item on Pat's list was regarding the landscaping. I think that could be deferred to the Building Department. If it's not able to be done before receiving a CO for the business, then it can be a security.

MR. SAFFIOTTI: That's fine.

MR. CAMPBELL: The only issue I had

1
2 was with the new sign. We would need a
3 little more information on the sign.

4 MR. SAFFIOTI: At a later date
5 we'll make an application for a sign
6 permit.

7 MR. CAMPBELL: Also the logo and
8 stuff, if they are using a logo.

9 MR. SAFFIOTI: We'll have to get a
10 sign permit for those. We're using the
11 existing sign on the building. The
12 owners will look at a new freestanding
13 sign at a later date.

14 MR. CAMPBELL: Usually the logos
15 are looked at here, too.

16 MR. SAFFIOTI: Okay. I don't know
17 if my client prepared the logos.

18 MR. SINGH: We do not have any
19 logos yet. It's going to be simply
20 canvas. No logos.

21 MR. CAMPBELL: Just writing,
22 letters?

23 CHAIRMAN EWASUTYN: For the record,
24 your name please?

25 MR. SINGH: Jasbinder Singh.

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CHAIRMAN EWASUTYN: Do you have a business card?

MR. SINGH: I don't, but --

CHAIRMAN EWASUTYN: Can you help her with the spelling?

MR. SAFFIOTI: He's a principal of JJSK.

MR. SINGH: J-A-S-B-I-N-D-E-R, last name S-I-N-G-H.

CHAIRMAN EWASUTYN: Thank you, Mr. Singh.

Comments from Board Members.

Dave Dominick.

MR. DOMINICK: Mr. Saffioti, thank you for taking our suggestions about the landscaping. We appreciate that.

MR. SAFFIOTI: They were good suggestions. They made sense.

MR. DOMINICK: Also, the prior two times you were here there wasn't going to be an additional dumpster because you said the antique shop carried their stuff out, the deli owns the gas station so they use that. You made that change to

1
2 accommodate the dumpster, and that's the
3 smart thing to do. As you know, things
4 change in time.

5 MR. SAFFIOTI: A new tenant --

6 MR. DOMINICK: Exactly. Thanks for
7 taking care of that stuff.

8 CHAIRMAN EWASUTYN: Stephanie DeLuca.

9 MS. DeLUCA: I guess the only thing
10 I really wanted to know was the name of
11 your business.

12 MR. SINGH: We are JJSK, Inc. We
13 can do the business as Cannabis Art.

14 MR. SAFFIOTI: Cannabis Art.

15 MS. DeLUCA: Thank you.

16 CHAIRMAN EWASUTYN: Ken Mennerich.

17 MR. MENNERICH: I think the job
18 that was done on the entrances from the
19 State road and the Town road, and the
20 paving, is going to be very beneficial to
21 the site.

22 MR. SAFFIOTI: It's going to dress
23 the site up to modern standards.

24 CHAIRMAN EWASUTYN: No comments.

25 MS. CARVER: I was just curious

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about the name also. Thank you.

MR. WARD: Thank you for working with us. You did a nice job.

MR. SAFFIOTI: Thank you.

CHAIRMAN EWASUTYN: Okay. If there are no further comments from the public, would someone make a motion to close the public hearing on JJSK, Inc. - Retail Cannabis Dispensary.

MR. DOMINICK: So moved.

MS. CARVER: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by Lisa Carver. Can I have a roll call vote starting with John Ward.

MR. WARD: Aye.

MS. CARVER: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney, conditions of approval.

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2 MR. CORDISCO: Before I do so, I
3 think the Board should determine whether
4 or not they agree with Mr. Hines'
5 recommendation that the landscaping
6 security be waived and can be dealt with
7 with the Building Department.

8 CHAIRMAN EWASUTYN: Board Members?

9 MR. DOMINICK: Yes.

10 MS. DeLUCA: Yes.

11 MR. MENNERICH: Yes.

12 CHAIRMAN EWASUTYN: Yes.

13 MS. CARVER: Yes.

14 MR. WARD: Yes.

15 CHAIRMAN EWASUTYN: Let the record
16 show that the Planning Board is
17 acknowledging the last comment from MH&E
18 as far as authorizing the Building
19 Department to be the responsible agent
20 for the installation of the landscaping.

21 MR. CORDISCO: The conditions of
22 approval -- before I mention that, I
23 should also, for the record, acknowledge
24 that this is a Type 2 action under SEQRA.
25 There's no determination that needs to be

2 made as far as that's concerned.

3 The Board, at this point, could
4 consider granting conditional final
5 approval. This would be for both the
6 site plan and special use permit for the
7 cannabis dispensary.

8 The conditions would include
9 providing the signage details to the
10 Building Department as well as addressing
11 any outstanding comments from Mr. Hines.
12 They also will require a highway work
13 permit, as noted by Mr. Hines, if the
14 milling of the existing pavement disturbs
15 areas within the DOT right-of-way. The
16 applicant will be required to maintain
17 their cannabis license. If the license
18 lapses or is revoked or is transferred,
19 then the special use permit would be
20 terminated and they would be required to
21 reappear before the Board.

22 The site plan is approving only the
23 fixtures that are shown on the site plan.
24 If anything in the future is proposed,
25 such as an additional dumpster or

2 anything else that's a change to the
3 exterior, that would also require an
4 amended approval from the Board.

5 There's a limitation on the use as
6 well. Only what is authorized for sale
7 in a cannabis dispensary as of the time
8 of this approval would be authorized as
9 part of this special use permit. If
10 additional substances were authorized in
11 the future, then they would have to come
12 back for an amended approval.

13 Lastly, there would be the
14 requirement to pay any outstanding fees
15 and maintain their escrow deposit.

16 CHAIRMAN EWASUTYN: Any questions
17 or comments from Planning Board members?

18 MR. WARD: The signage.

19 MR. CORDISCO: I mentioned that.
20 That was the first condition, they have
21 to provide the signage details to the
22 Building Department.

23 CHAIRMAN EWASUTYN: Having heard
24 the conditions of approval for JJSK
25 Retail Cannabis Dispensary as presented

1
2 by Planning Board Attorney Dominic
3 Cordisco, would someone move for approval
4 subject to those conditions.

5 MR. MENNERICH: So moved.

6 MR. WARD: Second.

7 CHAIRMAN EWASUTYN: I have a motion
8 by Ken Mennerich. I have a second by
9 John Ward. Can I have a roll call vote
10 starting with John Ward.

11 MR. WARD: Aye.

12 MS. CARVER: Aye.

13 CHAIRMAN EWASUTYN: Aye.

14 MR. MENNERICH: Aye.

15 MS. DeLUCA: Aye.

16 MR. DOMINICK: Aye.

17 MR. SAFFIOTI: Thank you very much.

18 Have a good holiday.

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20 (Time noted: 7:15 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 12th day of December 2024.

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 COLANDREA
(2024-31)
7 Anchor Drive
Section 121; Block 1; Lots 8, 9.2 & 10.2
R-1 Zone

----- X

PUBLIC HEARING
LOT CONSOLIDATION & CLEARING & GRADING PERMIT

Date: December 5, 2024
Time: 7:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: MARK DAY

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: Our second item
3 of business this evening is Lands of
4 Colandrea, project number 24-31. It's a
5 public hearing on clearing and grading.
6 It's located on 7 Anchor Drive in an R-1
7 Zone. It's being represented by Mark
8 Day.

9 MR. DAY: Good evening. Mark Day,
10 Day & Stokosa.

11 As the Chairman mentioned, I'm here
12 to represent Mr. and Mrs. Colandrea.
13 We're at 7 Anchor Drive. We are here
14 tonight for a public hearing on the
15 grading and the other permits that we
16 need. Actually, this is a subdivision,
17 too.

18 CHAIRMAN EWASUTYN: Thank you.

19 MR. DAY: We are combining the
20 three lots. We're here tonight to
21 basically show what we're doing.

22 We are using one of the -- one of
23 the lots to the south, lot 10, we're
24 going to be utilizing the existing septic
25 system on that lot.

2 We have filed with the Board of
3 Health to show them that this is still a
4 viable option. We did submit the
5 paperwork. I have not heard back.

6 Other than that, we did get a
7 letter from the Highway Department saying
8 they were -- they visited the site, they
9 were happy with the location of the
10 proposed driveway.

11 There is a retaining wall being
12 proposed on Anchor Drive. It's basically
13 there to minimize some of the erosion
14 that's happening there. That was part of
15 the grading permit.

16 If you have any questions.

17 CHAIRMAN EWASUTYN: I'll have Ken
18 Mennerich read the notice of hearing.

19 MR. MENNERICH: "Notice of hearing,
20 Town of Newburgh Planning Board. Please
21 take notice that the Planning Board of
22 the Town of Newburgh, Orange County,
23 New York will hold a public hearing
24 pursuant to Section 274-A of the
25 New York State Town Law and Chapter

2 185-48.9 of the Town of Newburgh Code
3 on the application of Lands of
4 Colandrea, amended subdivision,
5 project 2024-31. The project is an
6 amended subdivision to consolidate
7 three existing lots approved within
8 the Anchorage Subdivision, filed map
9 216-02. The project proposes to
10 combine the three lots to create a
11 4.043 plus or minus acre parcel of
12 property. A single residential house
13 is proposed on the combined lot. The
14 project will be served by an onsite
15 well and an onsite subsurface sanitary
16 sewer disposal system. Orange County
17 Health Department approval for the
18 amended subdivision is required. A
19 retaining wall is proposed along the
20 west side of Anchor Drive to stabilize
21 existing slopes. A stormwater pollution
22 prevention plan/erosion sediment control
23 plan has been provided. The project is
24 located in the Town's R-1 Zoning District.
25 The project is designated on Town tax

2 Jim Campbell.

3 MR. CAMPBELL: I have no comments.

4 Do you want me to read Pat's
5 comments?

6 CHAIRMAN EWASUTYN: Yes.

7 MR. CAMPBELL: You touched on the
8 sanitary sewer, that you're going to the
9 Orange County Department of Health.

10 I believe during the work session
11 Pat mentioned the stormwater prevention
12 plan was received. Did you give him
13 that?

14 MR. DAY: We submitted it. I spoke
15 to Pat yesterday. He had sent us a
16 letter, and the way it was worded, it was
17 like he asked for it but he never
18 received it. I spoke to him and he said
19 he did receive it.

20 MR. CAMPBELL: Okay. Confirmation
21 that no trees exist on the site should be
22 received in order to comply with the
23 Town's Tree Preservation Ordinance.

24 Additional information regarding
25 the pipe discharge from the sediment trap

2 located on the south end of the retaining
3 wall is to be provided.

4 MR. DAY: Which we did provide that
5 as well.

6 CHAIRMAN EWASUTYN: Is there an
7 acknowledgement that there are no trees
8 on the site?

9 MR. DAY: There are none.

10 CHAIRMAN EWASUTYN: Dave Dominick.

11 MR. DOMINICK: Nothing further.

12 CHAIRMAN EWASUTYN: Stephanie DeLuca.

13 MS. DeLUCA: Nothing.

14 MR. MENNERICH: No.

15 MS. CARVER: No.

16 MR. WARD: No.

17 CHAIRMAN EWASUTYN: Would someone
18 make for a motion to close the public
19 hearing on Lands of Colandrea for both
20 the -- Mark, we're calling it a lot line
21 consolidation?

22 MR. DAY: It's a lot line
23 consolidation.

24 CHAIRMAN EWASUTYN: Thank you. And
25 the clearing and grading.

2 MS. DeLUCA: So moved.

3 MS. CARVER: Second.

4 CHAIRMAN EWASUTYN: I have a motion
5 by Stephanie DeLuca. I have a second by
6 Lisa Carver. Can I please have a roll
7 call vote starting with John Ward.

8 MR. WARD: Aye.

9 MS. CARVER: Aye.

10 CHAIRMAN EWASUTYN: Aye.

11 MR. MENNERICH: Aye.

12 MS. DeLUCA: Aye.

13 MR. DOMINICK: Aye.

14 CHAIRMAN EWASUTYN: Dominic Cordisco,
15 Planning Board Attorney, the conditions
16 for approval.

17 MR. CORDISCO: Yes. At the outset
18 I would note that this is a Type 2 action
19 under SEQRA, so no SEQRA determination is
20 required.

21 The conditions of approval will be,
22 and this is for both -- a consolidated
23 resolution is what I would propose for
24 both the lot line consolidation and the
25 clearing and grading approval.

2 MR. CORDISCO: We'll allow
3 Mr. Hines to confirm that. Assuming
4 that that's the case, you won't need
5 to satisfy that condition.

6 Lastly, with subdivisions where
7 there are new lots being created, a
8 rec fee would typically be required.
9 In this case three lots are being
10 combined.

11 MR. DAY: Does the Town owe us for
12 two?

13 MR. CORDISCO: You can take that up
14 with the Town Board. Good luck with that.

15 The point would be that as a
16 typical requirement for subdivisions,
17 payment of a rec fee. In this case I
18 would recommend to the Board that no rec
19 fee be required.

20 CHAIRMAN EWASUTYN: Any questions
21 or comments from Planning Board Members?

22 MR. DOMINICK: No.

23 MS. DeLUCA: No.

24 MR. MENNERICH: No.

25 MS. CARVER: No.

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MR. WARD: No.

CHAIRMAN EWASUTYN: Would someone make a motion to approve the lot line consolidation and clearing and grading as presented by Dominic Cordisco as far as conditions.

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Dave Dominick. Can I have a roll call vote starting with John Ward.

MR. WARD: Aye.

MS. CARVER: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried.

(Time noted: 7:23 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 12th of December 2024.

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

3 MARINERS COURT
(2024-35)

3 Mariners Court
Section 121; Block 1; Lot 7
R-1 Zone

----- X

INITIAL APPEARANCE
CLEARING & GRADING PERMIT

Date: December 5, 2024
Time: 7:23 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: DAVID NIEMOTKO

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: The third item
3 this evening is 3 Mariners Court, project
4 number 24-35. It's an initial appearance
5 for clearing and grading. It's located
6 on 3 Mariners Court in an R-1 Zone. It's
7 being represented by David -- could you
8 pronounce your last name, David?

9 MR. NIEMOTKO: Excuse me?

10 CHAIRMAN EWASUTYN: Your last name.

11 MR. NIEMOTKO: Niemotko. John, you
12 forgot me? It hasn't been that long.

13 CHAIRMAN EWASUTYN: There's a lot
14 of things I forget. That's what I like
15 about myself, I make a lot of mistakes.

16 MR. NIEMOTKO: I'm in that club
17 also.

18 CHAIRMAN EWASUTYN: It's challenging.

19 MR. NIEMOTKO: Everyone, I'm David
20 Niemotko with the architectural firm
21 representing the project. We're here
22 before you for a grading and fill permit.

23 The site originally was very steep
24 on the southwest side of the property.
25 That's the only part of the property

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that's being affected by our proposed work. Originally approximately 10 to 20 feet off the side of the house, the slope -- the grade began to slope down quite a bit. In fact, over 40 feet, which is probably double the size of the height of this room. This is probably about 20 feet. That depression extended for approximately 200 feet. The current owner wanted to fill this area and grade it so he could maintain the side of the house much more readily and easily and make it that much more attractive. Previously it was a basin that collected water and really didn't serve a purpose. Now we're filling it and grading it per typical industry standards. He will be able to maintain this portion of the house effectively and keep it maintained to the extent it needs to.

As a result, we've provided -- we submitted a permit application for grading and fill. It was referred to you. We prepared plans C-1 and C-2 in

2 preparation of this meeting.

3 We did receive Pat's comments. I'm
4 open to talk about that at your
5 convenience.

6 CHAIRMAN EWASUTYN: Why not. Sure.

7 MR. NIEMOTKO: So 1 and 2 are
8 pretty straightforward. It just
9 acknowledges that there are no trees in
10 existence.

11 Number 3 acknowledges the amount of
12 cubic yards that we're proposing. We did
13 a cut and fill analysis, which is on the
14 bottom of plan C-1, where we're proposing
15 approximately 7,987 cubic yards of fill.

16 Item number 4 acknowledges a public
17 hearing would be needed. That's standard.
18 We agree.

19 Number 5, Pat talks about the fill
20 coming up to the property line. We're
21 impacting the southwest portion of
22 the property. To maintain a good slope,
23 we are going to be close to the
24 property line here for approximately
25 50 feet. Later on in his letter he

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does ask for additional erosion and control measures, which we're prepared to talk about.

Number 6, to evaluate the grades and stabilize the construction entrance. Yes. A construction entrance has been somewhat created to the south or west portion of the property. It extends for approximately 23 to 25 feet per code. Pat is correct in a sense that across that 23 feet we traverse existing grades from 70 -- 60 to 70, so that's a 1:2 slope. I wanted to talk to him about that further. It doesn't bother me because after the grading is completed, we can -- obviously that construction entrance has to be removed, then the completed grading can happen at that time. The 1:2 slope doesn't impact the trucks going in. It really doesn't impact the site. I was hoping to talk to him about allowing that to remain.

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Number 7, we have not received the highway superintendent's comments yet, so we welcome that opportunity.

Number 8, inverts for the proposed driveway culverts. We do show the inverts. I wanted to -- perhaps I can have a further discussion with Pat on that. We do have inverts noted on plan C-1 and a flared section at the end so that any water distribution that comes across from the upper end of the property underneath the driveway here would be dispersed upon the property in an effective manner.

Number 9, the slopes between grades 90 and 60 have been identified. Specialized erosion and sediment control techniques would be -- would most likely be required to stabilize the structure. We're in agreement with that. We can propose a stabilized fabric across those areas to allow the soil to maintain its integrity until

2 further growth of grass and
3 everything comes into place. We can
4 introduce that into the plans.

5 CHAIRMAN EWASUTYN: At this point
6 we'll turn the meeting over to Jim
7 Campbell. Jim Campbell, Code Compliance.

8 MR. CAMPBELL: I have nothing
9 additional.

10 CHAIRMAN EWASUTYN: Dave Dominick.

11 MR. DOMINICK: My only concern,
12 Dave, is you're moving over 20,000 square
13 foot of earth and fill and grading. What
14 impact to the neighbors to the west and
15 south is this going to have?

16 MR. NIEMOTKO: Well, it would only
17 be on the southwest property line. We're
18 grading down to their existing grade.
19 We're not overbearing onto or impacting
20 the property line. We're meeting their
21 existing grade of around 60 -- around 55
22 at the property line. I believe that can
23 be blended into place.

24 Pat had mentioned additional
25 erosion and control measures. During

2 construction we could introduce hay bales
3 here, just to make sure it doesn't impact
4 the property for this portion of the
5 fill.

6 CHAIRMAN EWASUTYN: Dave, I don't
7 think the DEC acknowledges hay bales for
8 stabilization. I think they've been
9 obsolete for quite some time.

10 MR. NIEMOTKO: Along roadways and
11 things of that --

12 CHAIRMAN EWASUTYN: I think in this
13 example also.

14 MR. NIEMOTKO: We can introduce
15 other measures.

16 CHAIRMAN EWASUTYN: Pat Hines will
17 have the design factor on that.

18 MR. NIEMOTKO: Okay.

19 MR. DOMINICK: Thank you.

20 CHAIRMAN EWASUTYN: Stephanie DeLuca.

21 MS. DeLUCA: Nothing. No comment.

22 MR. MENNERICH: No questions.

23 CHAIRMAN EWASUTYN: No questions.

24 MS. CARVER: Nothing.

25 MR. WARD: With the construction

2 entrance, Pat, our Town Engineer, was
3 recommending to you in reference to where
4 the driveway is coming down.

5 Also, I agree with him a hundred
6 percent, because of the elevation. There
7 are times with the trucks coming in and
8 out, trucks can tip over down the line.
9 You don't know weather conditions,
10 everything. Even though it's temporary,
11 it's temporary to come in from the
12 driveway, too, up top.

13 MR. NIEMOTKO: You know what, the
14 point is well taken obviously. We could
15 address that by moving the construction
16 entrance a little further to the
17 northeast and coming down with the grade
18 so it extends it beyond 23 feet and keeps
19 it to a 1:1 ratio. We would have to
20 extend it approximately 50 feet instead
21 of the current 23 feet to get a 1:1
22 slope.

23 MR. WARD: Another issue. It's
24 been said with the Board tonight in
25 reference to the neighbor on the bottom.

2 We're here for the Town itself. We're
3 protecting our neighbors and you for what
4 we're talking on the slope there. With
5 his property, too.

6 MR. NIEMOTKO: Absolutely. I don't
7 want to have an impact onto other
8 properties. That's why we won't
9 introduce hay bales but we'll introduce
10 another measure.

11 CHAIRMAN EWASUTYN: I'm not being
12 sarcastic. There are all kinds of
13 measures now.

14 MR. NIEMOTKO: Hay wraps and things
15 like that. Not a problem.

16 MR. WARD: Thank you.

17 CHAIRMAN EWASUTYN: I think the
18 only action before us tonight is you'll
19 work with Pat Hines as far as the
20 adjoiners' notice.

21 MR. NIEMOTKO: Yes.

22 CHAIRMAN EWASUTYN: That's required
23 to go to people 500 feet to the subject
24 property.

25 Before we can move forward with a

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public hearing, you'll have to submit revised plans to Pat Hines. Okay?

MR. NIEMOTKO: Yes.

CHAIRMAN EWASUTYN: Great.

MR. NIEMOTKO: We'll make the submission date. We expect to aim to have the public hearing as scheduled or your next scheduled public hearing.

CHAIRMAN EWASUTYN: That would then be the 16th, if it works out, of January.

MR. NIEMOTKO: Thank you.

CHAIRMAN EWASUTYN: Happy holidays.

MR. NIEMOTKO: Happy holiday. Good to see everyone.

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

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

I, MICHELLE CONERO, a 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 12th day of December 2024.

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

ATHBOY ROAD
(2024-36)

Athboy Road
Section 8; Block 1; Lot 105
AR Zone

----- X

FOUR-LOT SUBDIVISION

Date: December 5, 2024
Time: 7:32 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: CHRISTOPHER TERRIZZI

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: Our last agenda
3 item is Athboy Road, project number
4 24-36. It's an initial appearance for a
5 four-lot subdivision on Athboy Road in an
6 AR Zone. It's being represented by
7 Terrizzi Engineering.

8 MR. TERRIZZI: Thank you, Chairman.
9 Good evening. Good evening, Members. My
10 name is Chris Terrizzi, engineer
11 representing the owner of this parcel.

12 We're proposing a four-lot
13 subdivision. It's the Smith subdivision
14 at the end of -- it's lot 4 of the Smith
15 subdivision at the end of Athboy Road.
16 There's an existing private road there.
17 It's in the AR Zone.

18 All lots will be served by onsite
19 wells and septic.

20 We're proposing two common driveways
21 to serve the four lots, just to kind
22 of minimize disturbances.

23 That's the gist of the project.

24 I did receive Pat's comments. We
25 can zip through those if you want to

2 do that.

3 CHAIRMAN EWASUTYN: Sure. Why not.

4 MR. TERRIZZI: Adjoiners' notices,
5 I'll work with him on that.

6 Number 2, Planning Board Attorney
7 comments regarding the ability to access
8 the lots from the existing private road.
9 I guess I need some clarification on
10 that.

11 MR. CORDISCO: Yes. If you have a
12 title report or other information that we
13 can look at to see if there are any
14 restrictions of record regarding the
15 private road. Sometimes there are
16 restrictions such as no further
17 subdivision, no additional lots. We want
18 to make sure that there are not any
19 restrictions that would affect the
20 ability for the Board to move forward
21 with this application.

22 MR. TERRIZZI: Okay. Understood.

23 MR. CORDISCO: The simplest thing
24 is if someone has a title report handy
25 for this particular property, that would

2 probably take care of it.

3 MR. TERRIZZI: Okay. I can find
4 that out. Thank you.

5 MR. CORDISCO: Of course.

6 MR. TERRIZZI: Number 3, I
7 acknowledge and I agree with that.

8 4 is about the fire department
9 turnaround. I can speak with the local
10 chief.

11 Number 5 is about the house on lot
12 4 close to the setback. I'll add the
13 note requiring a stakeout. That's fine.

14 Location of percs and deeps. They
15 are shown on the plan. They're maybe
16 difficult to see. I can enhance that a
17 bit.

18 Compliance with the Town's Tree
19 Preservation Ordinance. I recognize
20 that. That will be -- I'll include it in
21 the next submission.

22 Septic, note 9, I can revise that.
23 There's no issue there.

24 Grading easements for the common
25 driveways. That's fine. I'll address

2 those.

3 Comment 10 is about the SWPPP.

4 The SEQRA action, I provided a full
5 environmental assessment. It wasn't
6 required, it was just part of the
7 application package that I saw so I just
8 filled out the form. I can clarify that,
9 though.

10 As far as the SWPPP goes, that's in
11 progress and will be submitted as required.

12 The project being forwarded to
13 County Planning, who takes care of that
14 part?

15 CHAIRMAN EWASUTYN: Pat Hines will
16 coordinate that.

17 MR. TERRIZZI: Pat takes care of
18 that. Okay.

19 Similar for the Historic Preservation
20 office?

21 CHAIRMAN EWASUTYN: You'll work out
22 those details with Pat Hines.

23 MR. TERRIZZI: Thank you. That's
24 about all I have.

25 CHAIRMAN EWASUTYN: Chris, it is a

2 Type 1 action. Do you agree with that?

3 MR. TERRIZZI: I believe so.

4 CHAIRMAN EWASUTYN: Comments from
5 Board Members.

6 MR. DOMINICK: Nothing at this
7 time.

8 MS. DeLUCA: No.

9 CHAIRMAN EWASUTYN: Ken Mennerich.

10 MR. MENNERICH: Could you put a
11 better location map, a bigger scale so
12 you can see it?

13 MR. TERRIZZI: I can handle that,
14 yes.

15 MR. MENNERICH: Thank you.

16 CHAIRMAN EWASUTYN: No comment.

17 MS. CARVER: Nothing further.

18 MR. WARD: No comment.

19 CHAIRMAN EWASUTYN: Jim Campbell,
20 Code Compliance.

21 MR. CAMPBELL: Just regarding the
22 access for the fire department emergency
23 vehicles, I'm going to refer you to the
24 2020 Fire Code of New York State, Section
25 511 Appendix D. That's what it needs to

2 comply with.

3 MR. TERRIZZI: I am familiar with
4 that. Thank you for that reminder.

5 MR. CAMPBELL: If you could, show
6 in a few spots the dimensions of the
7 driveways. How wide are the driveways
8 and such.

9 MR. TERRIZZI: Okay.

10 CHAIRMAN EWASUTYN: We have the
11 adjoiners' notice.

12 Dominic, do we declare our intent
13 for lead agency since it's a Type 1
14 action?

15 MR. CORDISCO: Yes, sir.

16 CHAIRMAN EWASUTYN: What else in
17 addition?

18 MR. CORDISCO: Nothing. That would
19 cover it.

20 CHAIRMAN EWASUTYN: Would someone
21 make a motion to declare our intent for
22 lead agency for Athboy Road Subdivision,
23 project number 24-36.

24 MR. DOMINICK: So moved.

25 MS. DeLUCA: Second.

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CHAIRMAN EWASUTYN: I have a motion
by Dave Dominick. I have a second by
Stephanie DeLuca. Can I have a roll call
vote starting with John Ward.

MR. WARD: Aye.

MS. CARVER: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

MR. TERRIZZI: Thank you.

CHAIRMAN EWASUTYN: Happy holiday.

MR. TERRIZZI: You as well.

(Time noted: 7:38 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 12th day of December 2024.

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

LONGVIEW FARM SUBDIVISION
(2006-39)

Request for a Six-Month Extension
of Final Subdivision Approval

----- X

BOARD BUSINESS

Date: December 5, 2024
Time: 7:38 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
JAMES CAMPBELL

----- X

MICHELLE L. CONERO
Court Reporter
845-541-4163
michelleconero@hotmail.com

2 CHAIRMAN EWASUTYN: We have three
3 items under Board Business.

4 I'll ask Ken Mennerich to read
5 those into the record.

6 MR. MENNERICH: The first one is
7 Longview Farm Subdivision, project
8 2006-39, requesting a six-month extension.
9 It's a letter dated November 1, 2024
10 to John Ewasutyn, Town of Newburgh
11 Planning Board. It's regarding Longview
12 Farm in the Town of Newburgh. "Dear
13 Mr. Chairman, on behalf of the owner,
14 Longview Estates Development, LLC, we
15 wish to be placed on the December 5,
16 2024 Planning Board agenda to request
17 an extension of the resolution of
18 final subdivision approval for Longview
19 Farm. We are awaiting final signoff
20 by the Orange County Health Department.
21 All other items have been completed.
22 Thank you. Very truly yours, Thomas
23 M. DePuy, PE LS."

24 CHAIRMAN EWASUTYN: Would someone
25 make the motion.

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MS. CARVER: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by Lisa Carver. I have a second by, I think that was Stephanie DeLuca. Can I have a roll call vote starting with Dave Dominick.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

(Time noted: 7:39 p.m.)

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Michelle Conero

MICHELLE CONERO

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

- - - - - X

In the Matter of

NEWBURGH CHICKEN
(2023-17)

Conceptual Approval Letter from
New York State Department of Transportation

- - - - - X

BOARD BUSINESS

Date: December 5, 2024
Time: 7:40 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
JAMES CAMPBELL

- - - - - X

MICHELLE L. CONERO
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michelleconero@hotmail.com

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MR. MENNERICH: The second item concerns Newburgh Chicken, project 2023-17, concerning the conceptual approval letter from the New York State DOT. This is going to be discussed at next month's meeting. Right?

CHAIRMAN EWASUTYN: The purpose of this being under Board Business is the Board had agreed that in a general sense there are three stages to the DOT approval. We agreed that once the applicant receives conceptual approval, which is kind of favorable, we also have that in our own application. So it's a favorable ruling that they can move forward in the direction. We're in agreement with the applicant once they receive that, which they have.

At tonight's meeting we'll go on the record as saying that we're scheduling Newburgh Chicken, project number 23-17, for a public hearing on the 19th of December.

Would someone move for that motion.

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MR. MENNERICH: So moved.

MS. CARVER: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich and a second by Lisa Carver to schedule Newburgh Chicken, project number 23-17, for a public hearing on the 19th of December.

I'll ask for a roll call vote starting with Dave Dominick.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MS. CARVER: Aye.

MR. WARD: Aye.

(Time noted: 7:41 p.m.)

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

----- X
In the Matter of

PATTON RIDGE
(2012-18)

Request for an Extension of
Conditional Final Subdivision Approval

----- X

BOARD BUSINESS

Date: December 5, 2024
Time: 7:41 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
JAMES CAMPBELL

----- X

MICHELLE L. CONERO
Court Reporter
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michelleconero@hotmail.com

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MR. MENNERICH: The last item is Patton Ridge, project 2012-18, an extension request. It's a letter dated November 25, 2024 to John Ewasutyn, Chairman, Town of Newburgh Planning Board, regarding Patton Ridge Subdivision, Patton Ridge and New York State Route 52, Town of Newburgh Tax ID 47-1-44, our project 05191.0, Town of Newburgh Board task 2012-18. "Dear Mr. Ewasutyn, kindly let this letter serve to request an extension of the conditional final subdivision approval that was granted to the Patton Ridge project on April 7, 2022 and subsequently filed with the town clerk on May 23, 2022. The project is currently extended through December 1, 2024. The applicant intends to pay the required bonds and fees in the coming weeks. The final paper and mylar sets of plans are currently at the Department of Health awaiting signature. It is expected that the plans will be delivered to your office

2 for signature next week. Because the
3 current approval also expires next
4 week, the applicant asked that the
5 Planning Board grant an additional
6 six-month extension which extends the
7 final approval through June 1, 2025.
8 Respectfully, Kirk Rother, PE."

9 CHAIRMAN EWASUTYN: Would someone
10 make a motion to grant a six-month
11 extension to Patton Ridge, project number
12 12-18, to the 1st of June 2025.

13 MR. WARD: So moved.

14 MR. DOMINICK: Second.

15 CHAIRMAN EWASUTYN: I have a motion
16 by John Ward. I have a second by Dave
17 Dominick. Can I have a roll call vote
18 starting with Dave Dominick.

19 MR. DOMINICK: Aye.

20 MS. DeLUCA: Aye.

21 MR. MENNERICH: Aye.

22 CHAIRMAN EWASUTYN: Aye.

23 MS. CARVER: Aye.

24 MR. WARD: Aye.

25 CHAIRMAN EWASUTYN: Would someone

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move for a motion to close the Planning Board meeting of the 5th of December 2024.

MS. DeLUCA: So moved.

MS. CARVER: Second.

CHAIRMAN EWASUTYN: I have a first by Stephanie DeLuca and a second by Lisa Carver. Can I have a roll call vote starting with John Ward.

MR. WARD: Aye.

MS. CARVER: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. DOMINICK: Aye.

(Time noted: 7:43 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 12th day of December 2024.

Michelle Conero

MICHELLE CONERO