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

----- X

In the Matter of

THE PONDS AT BRITAIN WOODS  
(2003-20)

Route 207  
Section 97; Block 1; Lot 40.1  
R-3 Zone

----- X

AMENDED DRAFT SCOPE

Date: December 18, 2008  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: TIM MILLER

----- X

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

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THE PONDS AT BRITAIN WOODS

MS. HAINES: Good evening, ladies and gentlemen. I'd like to welcome you to the Town of Newburgh Planning Board meeting of December 18, 2008.

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

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

MR. PROFACI: Here.

CHAIRMAN EWASUTYN: Present.

MS. HAINES: The Planning Board has experts that will provide input and advice to the Planning Board in reaching various SEQRA determinations. I ask that they introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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

MR. COCKS: Bryant Cocks, Planning

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THE PONDS AT BRITAIN WOODS

Consultant, Garling Associates.

MS. ARENT: Karen Arent, Landscape  
Architectural Consultant.

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

MR. CANFIELD: Jerry Canfield, Fire  
Inspector, Town of Newburgh.

MS. HAINES: At this time I'll turn the  
meeting over to Joe Profaci.

MR. PROFACI: Please join us in a  
salute to the flag.

(Pledge of Allegiance.)

MR. PROFACI: Please turn off your cell  
phones and other electronic communication  
devices. Thank you.

MS. HAINES: The first item of business  
we have tonight is The Ponds at Britain Woods.  
They're here for their amended draft scope. The  
project is located on Route 207, it's in an R-3  
zone and being represented by Tim Miller.

CHAIRMAN EWASUTYN: During the work  
session we had the opportunity to discuss The  
Ponds at Britain Woods, the draft scope. Our  
consultants reported to us. We'll turn to them

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THE PONDS AT BRITAIN WOODS

one more time for their comments and their  
recommendations.

Jerry Canfield.

MR. CANFIELD: Nothing.

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: I have no additional  
comments. All of our comments have been  
incorporated into the draft Bryant prepared for  
tonight.

CHAIRMAN EWASUTYN: Bryant Cocks.

MR. COCKS: We have nothing further. I  
think we got all the consultants' comments put  
together along with the Planning Board's. We  
also were in contact with the applicant and they  
were -- they told us they were okay with it, so  
we have no further comments.

CHAIRMAN EWASUTYN: Karen Arent.

MS. ARENT: I have no comments.

CHAIRMAN EWASUTYN: Ken Wersted.

MR. WERSTED: We had a few comments  
that we passed along to Bryant. I believe those  
were incorporated into the scope.

CHAIRMAN EWASUTYN: Mike Donnelly,  
Planning Board Attorney.

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THE PONDS AT BRITAIN WOODS

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MR. DONNELLY: I recommend that you adopt the draft scope prepared, and after you do so send it to the involved agencies.

CHAIRMAN EWASUTYN: Comments from Board Members, if any?

MR. GALLI: No additional.

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Okay. Then I'll move for a motion to adopt the amended draft scope for The Ponds at Britain Woods.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

(No verbal response.)

CHAIRMAN EWASUTYN: There being no discussion, I'll move for a roll call vote to approve the adoption.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So

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THE PONDS AT BRITAIN WOODS

carried.

The Board would like to report one other thing to you. We took the opportunity of going to the project in Middletown.

MR. GALLI: It was gorgeous. I'm hoping this project is going to look like that one.

MR. BROWNE: That's what we expect.

MR. MILLER: I'll pass that on to the powers to be.

MR. MENNERICH: Could I ask one question relative to garbage removal? We only saw like one dumpster area for the whole project but it seemed like there must be some other method being used.

MR. MILLER: I don't know the answer to that but I will -- I'll ask and I'll get that for you.

MR. MENNERICH: Thanks.

MR. GALLI: The entranceway was gorgeous.

MR. MILLER: Thank you. They do very, very nice projects I have to say. They're the premier developer in the area from my experience.

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Thank you very much. Good night.

CHAIRMAN EWASUTYN: You'll coordinate with Dina when you're ready to submit the DEIS.

MR. MILLER: Yes. I think it's going to be about two weeks.

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

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

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

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DATED: January 5, 2009

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

----- X

In the Matter of

HOLIDAY INN ROUTE 17K  
(2004-21)

Route 17K  
Section 95; Block 1; Lot 16  
IB Zone

----- X

CONCEPTUAL SITE PLAN  
TWO-LOT SUBDIVISION

Date: December 18, 2008  
Time: 7:06 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ANDREW FEATHERSTON

----- X

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HOLIDAY INN ROUTE 17K

MS. HAINES: The second project on the agenda tonight is Holiday Inn, Route 17K. It's a conceptual site plan and a two-lot subdivision. It's located on Route 17K in an IB Zone and being represented by Andrew Featherston.

MR. FEATHERSTON: Good evening, Mr. Chairman, Members of the Board. A brief overview. I have a couple of maps available to describe the project as it is -- the site as it stands today. 17K north is up the page. This is 17K, this is 300. The new traffic light is installed at this point at the base of the driveway which accesses the existing Quality Inn. The existing Quality Inn and the site is a total of 12.4 acres. Everybody is familiar with the site I think. 87, 17K and Route 300.

The existing hotel is 121 rooms, has 210 parking spaces right now. The access is, of course, to 17K and Route 300.

There is an existing residence on another lot. Another tax lot that is. That's down in this lower corner here. That residence will be removed. We're proposing to remove that

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HOLIDAY INN ROUTE 17K

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tax lot line.

MR. HINES: Are you going to remove the residence or the lot line?

MR. FEATHERSTON: The residence will be removed. The building will be removed and the lot line will be removed as well.

We're inside of the water and sewer districts. We've had some initial back and forth with Jim Osborne's office but they want to see that the project is a real project before he goes into giving us a well-served letter for water and sewer.

What we're proposing is a two-lot subdivision. Lot number 1 will hold the existing Quality Inn. Lot number 2 is just over 5 acres for a proposed 140 room Holiday Inn. The Holiday Inn will have a conference meeting center, a restaurant and a lounge area inside of the building. We looked at the zoning. It is the 5 acres for the hotel and then an additional area for the conference room, for the restaurant and then the lounge area also. When all of those numbers are completed and we have all of those exact values on the floor plan, we'll make sure

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HOLIDAY INN ROUTE 17K

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that the subdivision is the correct number. It needs to be 5 acres plus all of those square footages. We'll make sure that that's all right when the architectural plans are finalized. There's no problem with getting to that number. The entire site is 12.4 acres, so achieving that number won't be an issue. There will be no variances required for the site.

CHAIRMAN EWASUTYN: So you may add on?

MR. FEATHERSTON: May add to it, yes.

That line may infringe onto the existing Quality Inn parcel.

The parking, I said before we have 210 spaces today serving the Quality Inn. We're proposing to do some work in the back to maintain the 210 spaces for the Quality Inn and provide 286 spaces for the proposed Holiday Inn. We're showing 50 of those 286 to be land banked if the Board sees fit that that's what we should do.

I have the owner of the facility with me tonight. He has also some hospitality experts. Of course AJ is here tonight also to speak on the interior of the building for questions that we can answer tonight.

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There were a few questions from the consultants on the parking. I would like to address those this evening if we could.

We're proposing to do stormwater down at the bottom. Right now -- I think that's about it. I think that's about it, Mr. Chairman.

MR. COPPOLA: Do you want me to say a couple minutes?

MR. FEATHERSTON: Sure.

MR. COPPOLA: We did not submit these yet, the architectural drawings, but we just -- we'll submit them for the next submission with elevations.

Just real briefly what's going on inside the building, it's four stories, it will be under 50 feet. We understand that that's the maximum height.

This is a full service hotel. It's a Holiday Inn, it's not a Holiday Inn Express. What that means is there's a 300 person banquet hall or meeting room inside that's probably going to be subdividable into a 100, 150-person function room with a large function area around that. There's a full-service restaurant which

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will service those meeting rooms as well as the entire rest of the hotel. That right now is -- has the capacity of 175 people with a bar area off of the lounge, bathrooms and all the associated other support areas, offices and support areas for all the rest of those spaces, kitchens, and also an indoor pool at the end of the building.

So it's four stories, it's 140 rooms. None of the rooms have kitchens. That's based on Holiday Inn's prototype. I know that would be a concern of the Town. Right now none of them have kitchens.

That's really it right now. I mean we've been working on this actually a long time so the floor plan is pretty well thought out. We've also run it by the Holiday Inn prototype people and got a very cursory review from them. We're going to be proceeding with our elevations after this and we'll bring those to the next meeting.

MR. FEATHERSTON: Mr. Chairman, one other thing I wanted to mention was that there is a conference and a meeting room facility inside

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the existing Quality Inn. That will be removed. It will be replaced by another use as to not compete with the new Holiday Inn. So there will be some other parking calculations to be done, removing that conference space and meeting space to be replaced by the new meeting space. That's just something else I wanted to mention, an additional thought. That's it.

CHAIRMAN EWASUTYN: Okay. Initial questions from Planning Board Members. Frank Galli?

MR. GALLI: What's the space going to be used for when you eliminate the conference room center? Is that going to be parking?

MR. FEATHERSTON: Asef Juvet is the owner of the facility.

MR. GALLI: Does he own both of them now?

MR. FEATHERSTON: Yes, he owns both of them.

Can you respond to the comment about the Quality Inn, the conference space?

MR. JUVET: I think we're looking at something that may make it more office space or

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HOLIDAY INN ROUTE 17K

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something because the building is there, there's no sense to demolish it. We don't need the parking, we have enough parking. We'll keep it but minimize the use of the parking. As compared to a catering facility or restaurant, if you have an office facility it requires less parking.

MR. GALLI: Will he need to know that when he comes back for the parking calculations?

MR. FEATHERSTON: Right now we're providing enough for the both facilities to operate. If the Board sees fit to land bank some of these -- we took a number like fifty based on how many people are staying there, how many people that are staying there are also using the conference center or staying there and also using the restaurant so that it's not completely additive. A lot of the people that are using the facility are staying there.

MR. GALLI: Since that one doesn't have frontage on Union Avenue, where are you going to put the sign?

MR. COPPOLA: We haven't really thought about signage yet.

MR. GALLI: If you don't have a lot of

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HOLIDAY INN ROUTE 17K

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frontage on Union Avenue you might need a  
variance.

MR. COPPOLA: Based on that little  
sliver. It's only like 50 feet wide.

MR. FEATHERSTON: Maybe.

MR. GALLI: That's all.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: The signage was the main  
thing. We discussed if there was a -- if they are  
using kitchens in there and we were just told no  
kitchens. The Town's definition of a kitchen is  
any area used to prepare food.

MR. COPPOLA: I think we're talking  
about -- what are those units called, the small  
refrigerator with the small microwave on top of  
it? I think that's going to be in every room.

MR. BROWNE: That was what we were  
discussing. This is the definition of the Town.  
I don't know how it's going to fall in.

MR. COPPOLA: I think we want that in  
some of the rooms. What do they call them,  
microtechs or something. It's a combination  
refrigerator with the little microwave on top of  
it, the one unit.



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HOLIDAY INN ROUTE 17K

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MR. BROWNE: No sink; right?

MR. COPPOLA: No. There's no separate sink, just the bathroom sink. Nothing else to cook with.

MR. CANFIELD: With that, we wouldn't view that as a kitchen.

MR. BROWNE: That's it.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: The roadway in from Route 300, whose property is that?

MR. FEATHERSTON: That's on the adjoining lot. I'll get that answer for you from the surveyor. That is on the adjoining lot. We have rights to use it. I'll have to get that answer for you. We didn't do the surveying on it, Mr. Weeden's office did. I'll get the actual easement language for the Board and clear that up.

MR. MENNERICH: Well, it will be covered when we get to the consultants' comments I think. I'll pass for now.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Are there any plans to renovate the Quality Inn and bring it up to --

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HOLIDAY INN ROUTE 17K

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MR. FEATHERSTON: Any plans to renovate the Quality Inn?

MR. JUVET: The Quality Inn is pretty much the way it is. We have kind of an understanding with the owner on the other side of the Holiday Inn, the franchise. Maybe replace it within the next three years with the other branch. That we'll have to check with the Town limitations and what not. It's the building and it's only two floors and it's very hard to kind of renovate and bring it to the level to the new market.

What I have done is -- as a matter of fact, they're coming next week if the weather is good. With the Holiday Inn the way it is, we are debating that they'll give us a new flag. We might take one portion out and reduce the number of rooms. It's like 120 rooms. We might bring it to 80 or 90 rooms, and when that's done we'll take the other out and have the new. We would know within the next few months what we're going to do. Renovating it completely -- it's maintained well but renovating it completely, there's a way to do it. It still won't compete

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with the new projects coming into the market. With the airport coming they're going to have more hotels and we'll still have a long two-floor building. We're working with them. If we can get a new flag, we'll reduce the number of rooms and make better use of the land and the entire building. Those are the future plans which could be incorporated.

MR. PROFACI: What does it mean to get a new flag?

MR. GALLI: Changing the name.

MR. PROFACI: You mean changing the franchise, getting a new flag?

MR. JUVET: We have to stay with the -- we have a contract with them, we have to stay with them. Instead of Quality we might make it Comfort Suites. They have Comfort Inn on 84 so we may not get that because it's going to be too close. They have another brand called Cambria Suites. We might try for that or something else. They have Suburban. They have new flags, Holiday Inn, Holiday Inn Express, Crown Plaza. Like Hilton, they have Hilton, Hampton but they're all the same family. We'll stay with the Quality

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HOLIDAY INN ROUTE 17K

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family but we might bring a different flag,  
meaning a different brand.

MR. PROFACI: What does that mean to  
the property?

MR. JUVET: I'm sorry?

MR. PROFACI: What does that mean for  
the property itself, for the facilities? Does  
that mean that you're changing the facilities in  
any way?

MR. JUVET: Yeah, it would be changing.  
We will eventually demolish the building.

MR. PROFACI: That's what I wanted to  
know.

MR. JUVET: The Quality Inn is like an  
L-shaped building. As I said, it's old. More  
than being old, the biggest problem is that it's  
only two floors and so there's not much to be  
done. If you put \$2,000,000, \$3,000,000 it will  
still be a problem. People have to come outside  
and take the stairs to go up. It's not going to  
compete with the new Hilton Gardens or whoever  
comes in to Town. When I spoke to them they had  
suggested that maybe we should replace with a new  
building, and that's why we're working on it. As

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HOLIDAY INN ROUTE 17K

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I said, at the tail end of this project we should have everything worked out with them and maybe present it that we'll take one wing out, put the new building there and then take the building out. In any case, whatever happens it's going to be less rooms than what is there now because the Holiday Inn is going to be another 140. Instead of 120 we might bring it down to 80 or 90 rooms.

MR. PROFACI: Thank you.

CHAIRMAN EWASUTYN: I have two questions. From what you're describing now, are there studies that are done for this area that project the future needs in reference to the amount of rooms that are being proposed? Do you know of that?

MR. JUVET: We have done the feasibility study for this project. Having said that, I think the study came in that it's justified, it's needed, it would hold with the market. The other one qualifies because if we're putting in 140 room addition to 120 and we want to bring the 120 to 80, we would have less rooms than we would have.

CHAIRMAN EWASUTYN: You do the study in

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order to substantiate what you need, or why have you done the study?

MR. JUVET: We did the study for two reasons. One, for the loan. The other one, in bringing this project what type of strain it will have, the market can absorb, will we need another 140 rooms. It answers both questions in the study. We have the preliminary report for the next meeting. I think Bob wanted to come in here.

MR. FEATHERSTON: Yes. We have a hospitality expert, he's from Boston. He could not make it this evening. I said it would be very helpful at the public hearing, at the very least, to have his information, to have him present.

CHAIRMAN EWASUTYN: In thinking about the conference center and banquet room, my knee-jerk reaction is should a site like this have a certain area of parking that's set aside for stretch limos or buses. I would assume you're going to have either stretch limos or buses, and where do you park them, where do you stage them during the time that they're here, and should you

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HOLIDAY INN ROUTE 17K

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consider that in the site plan layout?

MR. JUVET: Yes, I think we would. We were talking about valet parking. I think that would include the --

MR. FEATHERSTON: The area furthest down. A stretch limo could take up to two spaces.

CHAIRMAN EWASUTYN: Do you have signage that designates -- I'm just saying now maybe at a later time you should demonstrate that to us just for the -- if it is a tight site, just for the -- just for the movement of vehicles, storage. I would like to know something about that.

MR. FEATHERSTON: Okay. We'll probably speak something about also the valet which may take that into account. Okay.

CHAIRMAN EWASUTYN: Any further comments from the consultants before I turn to -- Ken.

MR. MENNERICH: Yes. One other question. The property is shown as two separate parcels. In your agreements with the hotel chains, the group, are you locked into being with that chain or could one of these parcels be sold

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off?

MR. JUVET: It could be sold off but I think that if we do it the flag has to come with it. Whoever buys it has to take the Holiday Inn for example if we want to sell the Holiday Inn. If they don't then we have to liquidate with the franchise to get out of the contract. So it's not set in stone that it's going to be a Holiday Inn no matter what. Like I said, if somebody comes and gives me \$10,000,000 tomorrow, I'll sell it, pay \$500 to Holiday Inn. This is all in the contract, what can be done, what can not be done. There I have to get the contract. We already deserve the flag, then we go back and they say we can't give you the Holiday Inn because somebody else is going to put one near the airport. We have to reserve the flag first. There are some clauses in there that the contract is going to be for the next ten to fifteen years. We have an five-year window where both the parties could terminate it on certain grounds, or if we don't reach through the period then you have some damages or performance damages or whatever you call it. If they don't live up to



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the contract we can seek for the damages and if we want to get out while everything is in place then we have to pay whatever they figure out.

MR. MENNERICH: The management of the property with the two different hotels on it under your ownership, the maintenance of the facility, landscaping, snowplowing and all that stuff, how would that be handled?

MR. JUVET: We really haven't thought of it. We're going to more likely -- as far as the physical management goes, I think we might have to bring in an outside company. With the size of the loan the bank might require somebody with like national recognition to manage it. So that remains to be seen. Obviously if we bring them we might have to keep it separate, or we can do it in contract. Since it's local, contract out both places to the same people and tell them we have two properties, whoever manages it. So I think we can combine some of the lawn care and snowplowing.

MR. FEATHERSTON: One parcel does have the interest to keep the maintenance. Both would have use of both access points. I absolutely see

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your point. Possibly something like an HOA for a residential site where one entity would take control of the maintenance.

MR. BROWNE: What we've done on other projects that are more than one parcel is have one designated point of contact for the Town or whoever. That would help on our end because in the event you sold one lot, one parcel and kept the other parcel, we would have two different owners and then we would have issues with these other kinds of things. When we get down to that point, that's down the road further, that's something I would like to see put in place.

CHAIRMAN EWASUTYN: Mike, can you put that in simple terms, in simple language?

MR. DONNELLY: What we've usually required are two documents, one -- and I can show you copies of these we've used elsewhere, we call a simplified Town/owner impact. That's an agreement that the designated owner enters into an agreement with the Town Board under which that owner becomes fully responsible for code compliance, resolution condition compliance and so forth. Secondly, we've required that a

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2 reciprocal easement agreement, which you are  
3 probably going to have anyway, be entered into  
4 and contain clauses that allow each lot to use  
5 the other for whatever purpose, whether it's  
6 access or parking, in which the right of the  
7 designated agent/owner to compel the other owner  
8 to perform when the Town knocks on his door is  
9 set forth, and those two documents we've used in  
10 shopping centers where they're very complicated.  
11 Here stripped down they would be fairly simple,  
12 and we can talk about the details later. The  
13 Town gets the advantage that it only has to deal  
14 with one owner for all purposes and that owner  
15 has the right to compel the other owner, and I  
16 know it's going to be jointly owned, the other  
17 can compel the other owner to perform.

18 CHAIRMAN EWASUTYN: Additional comments  
19 from any of the Planning Board Members?

20 MR. GALLI: No.

21 CHAIRMAN EWASUTYN: We'll turn to our  
22 consultants at this time. Jerry Canfield.

23 MR. CANFIELD: As we discussed at the  
24 work session prior, because of the building  
25 height, Chapter 5, aerial access roads, of the

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fire code, applies. The requirement is twenty-six foot road widths in the immediate vicinity of the building, which was determined to be the front and the rear. I think you may have that.

MR. FEATHERSTON: We have twenty-six throughout, Jerry, right now.

MR. CANFIELD: It was too close with my scale to see.

Also the building is required to be sprinklered. I think you mentioned earlier on, Andrew, you had touched base with the Town. The Town water supply must be analyzed. There's recent flow data from the Palmerone Farm site across the street. That's relatively recent. And then with the elevation difference you can calculate --

MR. FEATHERSTON: Yes.

MR. CANFIELD: -- like a hydraulic. Because of the height of the building it may be an issue but it needs to be examined beforehand.

That's all I have.

CHAIRMAN EWASUTYN: Okay. Pat Hines, Drainage Consultant.

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MR. HINES: Some of my comments will be repeated. The parking calculations you identified will need to be shown for each of the sites so they can stand alone and show that there is enough.

The land banking issue, I think the Board is in favor of it. We're in favor of it if you don't need the parking. The mechanism that triggers the need to construct it is so if it is needed it will get constructed. We'll look to Mike Donnelly for that one.

The subdivision plan you submitted with Howard Weeden's title block doesn't conform to what you're showing.

MR. FEATHERSTON: We'll get that fixed.

MR. HINES: Along with that, and I know you'll hear it, the surrounding uses, the old Fleet Bank building, the car wash, those other uses need to be shown that are in close proximity.

MR. FEATHERSTON: Right. I showed you that I had this map. We're going to get that all on here. I think that's just about everybody.

MR. HINES: You discussed in your

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presentation my other comment regarding the need to have additional lot area above the five acres for those various uses on top of the building.

You addressed the residential building that's going to go away.

Water and sewer issues you talked about.

The rest we're just awaiting engineering details.

I think the plan has sufficient information for concept and lead agency.

CHAIRMAN EWASUTYN: Thank you.

Bryant Cocks, Planning Consultant.

MR. COCKS: My comments were -- one was the parking, and that has to be cleared up.

The other was the access drive on the adjacent parcel. You're also going to have to show how wide that is. I don't know if that's going to be an issue with the building code.

You did just mention all the adjacent parcels. We're going to need to see the buildings on there. That's going to be especially important in regard to the landscape plan and how it's going to be screened. I know

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there's a grade change going down near where the Auto Spa is.

Just a note, I know it's going to be tough but to try to adhere to the design guidelines as much as possible. This isn't going to be seen from any street. I mean that's one of the issues, just with landscaping and the architectural styles, and also to screen it from adjacent uses.

You guys indicated in the EAF that there was a possibility of endangered species.

MR. FEATHERSTON: We wrote that down prior to having correspondence from DEC. I do have something from DEC, I'll submit it next time, that says that -- renegs that.

MR. COCKS: Just a note that they're going to need to provide a traffic study, and stormwater management report, and engineered site plans during that submission.

The project is going to need approvals from the DOT, Orange County Health Department, Orange County Planning Department, and the DEC for a SPDES permit.

Other than that I think everything has

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been addressed previously.

CHAIRMAN EWASUTYN: Thank you.

Karen Arent, Landscape Architect.

MS. ARENT: I was concerned -- I'm concerned about the space between your parking lot and the property lines, and I was just -- I don't know if this is possible but I was looking at your plan and wondering if the center for the setbacks between the hotel site and residential is similar to shopping centers. When they're subdivided there's relief from setbacks. That might help. I don't know if there's a way to get some more space so that you can make a nice traditional grade as well as provide landscaping between adjacent units. So I was wondering if maybe that might be considered to get you some more space.

MR. FEATHERSTON: Which parcels were you speaking about?

MS. ARENT: I was speaking about the two sites that you're subdividing. Perhaps you don't need such a big -- I don't know. Maybe if there was relief from the setback requirement from property line to building --



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MR. FEATHERSTON: Right.

MS. ARENT: -- that would get you some more space between the edge of the parking lot and the property lines.

CHAIRMAN EWASUTYN: Karen, can you come up to the easel? You're talking and he's not following you at all.

MR. FEATHERSTON: I'm looking at --

CHAIRMAN EWASUTYN: I think I know. Why don't we move forward on this.

MS. ARENT: Especially since this building might not stay as is. If you had relief from this setback line and this setback line, maybe you can shift this over and get more space.

MR. FEATHERSTON: You want more space on the line. Understood.

MS. ARENT: You have a big grade change. It's going to be hard to make that grade, and if you have to put a wall. I was wondering if you would want to think about something like that.

MR. FEATHERSTON: Okay.

CHAIRMAN EWASUTYN: If you have a five-foot wall will that require some type of fencing

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on top of it?

MR. HINES: Yes.

MR. FEATHERSTON: That would require going to the Zoning Board for relief.

MS. ARENT: Just to consider to see if it's worthy of doing it.

MR. FEATHERSTON: Okay.

MS. ARENT: Some of the guidelines require you to screen from use. Like Bryant said, if you show carefully what exactly -- how close you are to the parking lot and other site -- other elements within the other sites, you might be able to do that.

CHAIRMAN EWASUTYN: What made you limit the area to the five feet and why did you not consider -- five acres? Why did you not consider six acres? What was the deciding factor in subdividing the property?

MR. FEATHERSTON: Just not knowing what was going to go down.

CHAIRMAN EWASUTYN: You were allowing for the greater potential use?

MR. FEATHERSTON: Exactly. The applicant didn't have a hard exactly what he

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wanted to do there. That was a variable.

CHAIRMAN EWASUTYN: Okay.

MS. ARENT: The existing site is in need of work, and especially I would think where you're going to share parking. There probably should be curbs, and so I guess show what improvements you're planning to make on the existing site to bring it up to Town of Newburgh standards.

Some of the other comments about the existing site, like the old big rusted sign that faces the Thruway be removed as part of this project.

Since you put it in your plan to use some of the parking in the back there, consider some site improvements to the existing, especially since you're using the existing to account for your parking.

MR. FEATHERSTON: Right.

MS. ARENT: I was also wondering if you will find out if this road that accesses Union Avenue will become more of a main entrance for the site during maybe a traffic study, or you do consider it to be a main access at this point in

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time?

MR. FEATHERSTON: Well, certainly it would help with the light. Absolutely. Sure.

MS. ARENT: We were also wondering who owns that strip of land and what --

MR. FEATHERSTON: I'll have to get that for you. We didn't do the surveying on it so I'll get that for you.

MS. ARENT: If that becomes a main access, because it's so narrow maybe a sidewalk should be considered along it. And then also consider perhaps linking 17K with the sidewalk and --

CHAIRMAN EWASUTYN: I know you frown but you don't see the Town the way we do as far as the need for a walk there. What we're finding happen is that people stay at these motels and then they'll go across the street to the Longhorn or the Denny's and there's no way of moving pedestrians from one point to the other. Once that light went in, it's a walkway for people.

MS. ARENT: People are crossing all the time. Every time I go by there's people crossing. That's another thing to consider --

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well, Ken will take care of that.

MR. FEATHERSTON: You better not have a big meal walking back up that hill.

MS. ARENT: And there's a nice stonewall in here. If you can do anything on site with some of the stones, fine. If not, at least sell the stones to local landscapers, don't just throw them out. It's really a nice -- there's a lot of stone in there. You might just make a note in the plans to do something with it rather than -- sometimes I even see the stones being buried which surprises me. That's it.

CHAIRMAN EWASUTYN: Ken Wersted, Traffic Consultant.

MR. WERSTED: We looked at just briefly the trip generation of the site and we estimated it would be between sixty and eighty trips during the morning and afternoon peak hours, and then obviously that would be split up between two driveways.

We wanted to look at just internal signage. Anybody who is coming up, even to the Quality Inn from Route 300, won't even see that building behind the Holiday Inn. So some type of

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internal signing there to direct them around that hotel.

In addition, depending on where they're going, some directional signs that say if you want to go to 300 use this, if you want to go to 17K go out here.

Also on that note about the main access, as you guys know the Thruway is under construction at the exit 17 interchange, and a lot of the traffic that now comes down off of the toll booths and comes down on 17K, they would come out to here. With the changeover of the interchange a lot of that traffic will now get off on Route 300. So they'll be directed down 300 and the main access will be the first one they pass.

MR. FEATHERSTON: Right.

MR. WERSTED: Since we're talking about the access, Karen mentioned people. The Planning Board's observation has been people crossing Route 300 and using those new facilities. Some of the Planning Board Members are frequent travelers. Often times when you get to a hotel and you've been driving all day it's nice to take

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a little walk and visit a restaurant that's close by. In regards to that, I did speak with DOT and they're not -- it's a little unclear as to what they're looking for and what they'll allow. They said they aren't opposed to sidewalks and so forth but they just don't want them everywhere and disconnected and so forth. DOT is agreeable to coming in to an early work session at some point next year. It wouldn't necessarily be for this project specifically but, you know, of the Town's general interest. So we'll look for an opportunity to have that happen in the coming year.

Relative to that, it ties into this project in the sense that people from these hotels would be able to get across 300 and over to the new restaurants that have opened up right across the street.

MR. FEATHERSTON: Sure.

MR. WERSTED: Some of our other comments, we talked about there's an existing kind of dirt driveway that's between I believe the Super 8 and the Route 300 access. We had talked about perhaps making that some type of

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formal access that that hotel could use to access Route 300, however it doesn't look like it's on your property. I would imagine if that property owner wants to do that they could always come in and expand that.

MR. FEATHERSTON: It's probably advantageous with the light there.

By the way, we tried out that access this evening. It's not in very good condition.

CHAIRMAN EWASUTYN: Submit a bill to us.

MR. DONNELLY: Whose car?

MR. FEATHERSTON: Actually, his car.

MR. WERSTED: Certainly it's a dry weather access.

The other comments I think -- that was all we had.

CHAIRMAN EWASUTYN: Mike Donnelly.

MR. DONNELLY: I think the few issues are of a legal nature.

Andrew, if you could get me that easement agreement for my file.

MR. FEATHERSTON: Yes, I will.

MR. WERSTED: I do have one more



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regarding the parking calculations. If you could provide the industry data you're using to calculate this, I can compare it to my industry data and see if the land banking and number of parking spaces --

MR. FEATHERSTON: Absolutely.

CHAIRMAN EWASUTYN: Andrew, I think the action before us this evening, if the Board moves in that direction, is to declare our intent for lead agency and to approve the conceptual sketch plan.

MR. FEATHERSTON: Great.

CHAIRMAN EWASUTYN: So at this point in time I'm going to make a motion to the Board to grant conceptual site plan approval and to declare our intent for lead agency.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by Ken Mennerich. Any further discussion?

(No response.)

CHAIRMAN EWASUTYN: There being no further discussion, I'll ask for a roll call vote

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starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So  
carried.

If you get plans to Bryant Cocks'  
office he'll do the necessary circulation.

MR. FEATHERSTON: Absolutely.

CHAIRMAN EWASUTYN: Thank you.

MR. FEATHERSTON: Thank you.

Merry Christmas. I'm sorry for your  
loss for the Board Members.

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

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DATED: January 5, 2009

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

----- X  
In the Matter of

DRURY HEIGHTS  
(1994-41)

Amended Findings Statement

----- X

BOARD BUSINESS

Date: December 18, 2008  
Time: 7:43 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

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DRURY HEIGHTS

CHAIRMAN EWASUTYN: Dina, you're managing Board Business now. For the convenience of the people from Drury Heights, would you please start with them.

MS. HAINES: Sure. On Board Business tonight we have Drury Heights and we're going to go over the Amended Findings Statement.

CHAIRMAN EWASUTYN: For the record Liz, do you want to give your name and your company?

MS. MELLO: Liz Mello from Brooker Engineering.

CHAIRMAN EWASUTYN: With you this evening is?

MS. MELLO: Lane Demuro, owner of the property.

CHAIRMAN EWASUTYN: Mike, do you want to chime in?

MR. DONNELLY: As you know, this application has been here for a long time and a number of things have happened. Of late, as the applicant moves toward seeking an approval, because of the stipulation that was entered into in court between the Town and the Planning Board and revisions to the project that flowed from

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that stipulation, we felt the need to amend the SEQRA Findings Statement that had earlier been issued, and in the last week or so you had been copied on a number of revisions to the original Findings Statement that resulted from the input of your consultants and from the applicant as well. The applicant did have a first stab at the amendments to the Findings. We discussed them a little bit in the work session. I don't know that we need to go through them in great detail.

One thing we did notice in the work session, and that is that on present page 12 of the non-grid line copy, under the solid waste section, item number 3, that addresses the applicant's proposal to make improvements to the Colden Park sanitary sewer system. We believe that that same language should also appear on page 9 under the section dealing with wastewater or sewer service, and Bryant can make the necessary copying of that language and move it over to that section. Pat Hines had felt that it was missing because he expected to see it in the sewer section and then we noticed it is the solid waste. It would be helpful to have it in both

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places.

Beyond that, I think your consultants had input. We all recommend that the Findings are in order. The applicant has indicated their agreement with the Findings as well. I think it's appropriate that you take action on them this evening. What we foresee after this I think is that the applicant who is pursuing his other agency approvals will likely come in with a request for simultaneous preliminary and final approval rather than ask for a preliminary approval, which is just a cycle of effort that's not necessary because the final -- the other agency approvals appear to be imminent at this point. I will begin to try to prepare that resolution and make it dovetail with the provisions of the stipulation, some of which change our normal processing of items such as bonding, and have that resolution ready so that when those other agency approvals are final the applicant can come back and request action from you.

MS. MELLO: Currently at this time we're waiting for the Orange County Health

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DRURY HEIGHTS

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Department to sign off on the water and sewer. We were supposed to have comments today but they're running a little bit behind. After we have those comments, all the other agencies have been satisfied at this point, we'll take those comments, whatever they may be, and any comments left over from Karen and incorporate them into one final resolution.

CHAIRMAN EWASUTYN: Any comments from the Board Members?

MR. GALLI: No.

MR. BROWNE: I'm good.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Then I'll move for a motion to adopt the Amended Findings Statement for Drury Heights.

MR. PROFACI: So moved.

MR. GALLI: Second.

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

(No response.)

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



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DRURY HEIGHTS

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So  
carried.

MS. MELLO: Thank you very much.

Brian couldn't be here tonight, he's  
sick.

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

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

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DATED: January 5, 2009

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

----- X  
In the Matter of

HUDSON HEALTH PLAN  
(2008-18)

Final Approval

----- X

BOARD BUSINESS

Date: December 18, 2008  
Time: 7:48 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

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2

MS. HAINES: The first item on Board

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Business is Hudson Health Plan. We received

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the approval from the Orange County

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Department of Planning, so they're ready for

6

their final approval.

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CHAIRMAN EWASUTYN: I'll move for a

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motion to grant final approval for the Hudson

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Health Plan.

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MR. GALLI: So moved.

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MR. MENNERICH: Second.

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CHAIRMAN EWASUTYN: I have a motion by

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Frank Galli. I have a second by Ken Mennerich.

14

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

15

Galli.

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MR. GALLI: Aye.

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MR. BROWNE: Aye.

18

MR. MENNERICH: Aye.

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MR. PROFACI: Aye.

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CHAIRMAN EWASUTYN: Myself yes. So

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carried.

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(Time noted: 7:49 p.m.)

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

----- X  
In the Matter of

BARRY WHITE  
(2008-02)

Final Approval

----- X

BOARD BUSINESS

Date: December 18, 2008  
Time: 7:50 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

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BARRY WHITE

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MS. HAINES: The second project on  
is also for final approval. It's Barry White  
and it's a two-lot subdivision.

CHAIRMAN EWASUTYN: We were waiting for  
a sign off from the Orange County Department of  
Public Works.

MR. COCKS: That was provided. We were  
also waiting for him to resubmit the EAF and make  
some changes and put seals and signatures on the  
plans. We finally got that stuff so I think  
we're ready to go.

CHAIRMAN EWASUTYN: Then I'll move for  
a motion to grant final subdivision approval for  
the lands of Barry White.

MR. DONNELLY: Can I just ask one  
question first? Under the resolution this  
requires a landscape security or no?

MR. COCKS: It's a two-lot subdivision.

MR. DONNELLY: There's no stormwater,  
there's no roadway so there's no other securities  
required.

CHAIRMAN EWASUTYN: Do you want to  
present the resolution, Mike?

MR. DONNELLY: I can quickly. What I

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BARRY WHITE

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have in the resolution is there was a variance earlier granted. We attached or incorporated its conditions into this. I think the only other condition would be the payment of parkland fees for the new lots in the subdivision.

MS. HAINES: We received that today.

MR. DONNELLY: You received the payment?

MS. HAINES: Yes.

CHAIRMAN EWASUTYN: Having heard the conditions for approval for the two-lot subdivision for Barry White, I'll move for that motion.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.



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BARRY WHITE

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(Time noted: 7:52 p.m.)

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

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

----- X  
In the Matter of

LONGVIEW FARM  
(Summer Kim Corp.)

Extension of Preliminary Approval

----- X

BOARD BUSINESS

Date: December 18, 2008  
Time: 7:52 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

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LONGVIEW FARM

MS. HAINES: The third item today is Longview Farms, Summer Kim Corp. We received a letter from Tom Depuy dated December 11, 2008 requesting an additional extension of his preliminary approval that was originally granted on January 17, 2008. His current approval expires January 19, 2009. With an extension the approval will be valid through July 18, 2009.

CHAIRMAN EWASUTYN: I'll move for a motion to grant an extension of preliminary approval for Longview Farms, Summer Kim Corp.

MR. PROFACI: So moved.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by --

MR. GALLI: Second.

CHAIRMAN EWASUTYN: -- 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.

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LONGVIEW FARM

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MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So  
carried.

(Time noted: 7:53 p.m.)

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

I, Michelle Conero, a Shorthand  
Reporter and Notary Public within and for  
the State of New York, do hereby certify  
that I recorded stenographically the  
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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD

----- X  
In the Matter of

LANDS OF DIANE TAYLOR  
(2006-54)

Discussion by Patrick Hines Re: Site Inspection

----- X

BOARD BUSINESS

Date: December 18, 2008  
Time: 7:53 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

MICHELLE L. CONERO  
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Wallkill, New York 12589  
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LANDS OF DIANE TAYLOR

MS. HAINES: Next on Board Business is the lands of Diane Taylor. It's a discussion by Pat Hines regarding his site inspection.

MR. HINES: We discussed it at work session. I don't know if we need to repeat it.

CHAIRMAN EWASUTYN: Your recommendation to the Board is?

MR. HINES: To grant preliminary approval subject to the conditions in my memo regarding the drainage improvements and easement. I'll get Mike the memo. He doesn't have it before him tonight.

CHAIRMAN EWASUTYN: And also a recommendation to the Department of Health, too.

MR. HINES: Correct. That's in my memo regarding the septic systems on lots 12 and 13. I'll include a letter to them saying when they do their review to specifically look at those two lots.

CHAIRMAN EWASUTYN: Mike Donnelly, the conditions in the resolution for preliminary approval for the lands of Diane Taylor?

MR. DONNELLY: The sign-off letter from

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Pat's memo that we just spoke about. I believe this will ultimately -- let me stay with the other agencies. The Health Department approval before final, the Town Board will have to approve the roadway names.

Does this need a drainage district?

MR. HINES: Yes.

MR. DONNELLY: I think it also needs a flood plain development permit. Jerry's office will issue that later. A landscape security, stormwater improvement security, water or sewer main extensions.

MR. HINES: Neither.

MR. DONNELLY: Neither. Town road security and the payment of parkland fees at the time of final approval.

CHAIRMAN EWASUTYN: Having heard the conditions for granting of preliminary approval for the lands of Diane Taylor presented by Mike Donnelly, Planning Board Attorney, I'll move for that motion.

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich.

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LANDS OF DIANE TAYLOR

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: A second by Joe Profaci. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

(Time noted: 7:55 p.m.)



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

----- X  
In the Matter of

LOCAL LAW AMENDING THE ZONING MAP

Discussion by Michael Donnelly

----- X

BOARD BUSINESS

Date: December 18, 2008  
Time: 7:55 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

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2 MS. HAINES: The last thing we have  
3 for Board Business is regarding the local law  
4 amending the zoning map to include additional  
5 properties in the business zoning district,  
6 in the IB interchange zoning district, and  
7 amending Chapter 185 entitled zoning of the  
8 code of the Town of Newburgh to provide for  
9 veterinary offices as a permitted principal  
10 use subject to the site plan review in the B  
11 zoning district.

12 MR. DONNELLY: As you know, an earlier  
13 version of this law had been sent to you and it  
14 lay dormant for some period of time. There are  
15 some changes in this law. I don't know exactly  
16 how many text changes there are but Mark Taylor's  
17 letter indicates that there are some.

18 What the law does I think is three  
19 things. Number one, it allows explicitly a  
20 defined veterinarian office use in the B zone.  
21 Number two, it amends the zoning map where a  
22 portion of the B and IB zone intersect or meet in  
23 a fashion that I don't have -- I didn't look  
24 carefully at the map but they are intentionally,  
25 in order to accomplish the results of the law,

1                   redesignated the B and IB zones so as to  
2                   determine where the veterinary use can be  
3                   allowed. The third and principal piece of the  
4                   law is a declaration that veterinarian offices  
5                   shall not be permitted in any district other than  
6                   the B and the AR districts, and it's always been  
7                   allowed in the AR district either as an accessory  
8                   use, a permitted use, a use subject to site plan  
9                   review, and shall not be interpreted as falling  
10                  within the category of office use, business or  
11                  research use or as an accessory use to a retail  
12                  store, a mini-mall or shopping center. So the  
13                  intent was to make clear that the veterinary  
14                  office use is a principal use only, may only be  
15                  conducted in the B and the AR, and may not be a  
16                  part or as an accessory to any other use in any  
17                  other zone. I think that's a legislative  
18                  prerogative of the Town Board to make that  
19                  determination.  
20

21                                The law has not been enacted. They're  
22                                asking for your report and comments on the law.  
23                                I don't know if they said when the -- January  
24                                29th. I'm sorry, that's when it was before. I  
25                                don't know when they'll take it up again but I'm

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sure they will. They declared themselves lead agency.

CHAIRMAN EWASUTYN: For Planning Board Members, the matter now is just to I think refer it back to the Planning Board, acknowledge to the Town Board that we looked at it, unless you have anything to say. Any Board Members?

MR. BROWNE: Did they have a definition of veterernarian? How was it defined?

MR. DONNELLY: They define it as a veterinary office. Any office operated by a duly licensed veterinerian which provides for the medical care of domestic animals including attendant services such as boarding, grooming or breeding so long as all activities associated with such use are accomplished within an enclosed and suitably ventilated building.

CHAIRMAN EWASUTYN: I'll move for a -- Ken.

MR. MENNERICH: A quick question. This was referred to us back in January of this year. Did we make any comments? I can't remember if we commented. We did?

MR. COCKS: I made a couple comments

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and submitted it to the Planning Board. I believe we passed it on to the Town Board already.

MR. MENNERICH: Okay.

CHAIRMAN EWASUTYN: Then I'll move for a motion to have Mike Donnelly prepare a letter from the Planning Board acknowledging the fact that we took the opportunity to look at the proposed Town of Newburgh local law and we have no further comments.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

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(Time noted: 7:57 p.m.)

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

----- X

In the Matter of

THE MARKETPLACE  
(2004-54)

Litigation

----- X

BOARD BUSINESS

Date: December 18, 2008  
Time: 7:57 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

MICHELLE L. CONERO  
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THE MARKETPLACE

CHAIRMAN EWASUTYN: A few last minute things that aren't on here. Mike, I'd like to congratulate you for the services you provided us with The Marketplace litigation and the success that we had.

MR. DONNELLY: We still have one more hanging out there. We'll see how long that one takes.

(Time noted: 7:58 p.m.)

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

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

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DATED: January 5, 2009

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

----- X  
In the Matter of

ASSOCIATION OF TOWNS

----- X

BOARD BUSINESS

Date: December 18, 2008  
Time: 7:58 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

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ASSOCIATION OF TOWNS

CHAIRMAN EWASUTYN: Again for the  
Planning Board Members, anyone interested, you  
have until January 15th in going to the  
Association of Towns. Let Charlene know and  
she'll sign you up for registration for that. I  
think the Town is going to do day trips this  
year.

(Time noted: 7:58 p.m.)

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

----- X  
In the Matter of

U-HAUL

Discussion

----- X

BOARD BUSINESS

Date: December 18, 2008  
Time: 7:58 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
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JOSEPH E. PROFACI

ALSO PRESENT: DINA HAINES  
MICHAEL H. DONNELLY, ESQ.  
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PATRICK HINES  
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GERALD CANFIELD  
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U-HAUL

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CHAIRMAN EWASUTYN: Mike, did you ever hear from Steve Gaba? You weren't here that evening. You couldn't make it. He was going to be talking to you about the U-Haul and the necessary variances. Did he ever get back to you?

MR. DONNELLY: No.

CHAIRMAN EWASUTYN: The last thing I think we'll take the opportunity is to wish Eddie O'Donnell a merry Christmas. It was a good year. Does anybody have anything to add?

(No response.)

CHAIRMAN EWASUTYN: Thank you all and I look forward to seeing you next year.

I'll move for a motion to close the Planning Board meeting of the 18th of December.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

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MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself.

(Time noted: 8:00 p.m.)

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