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

----- X  
In the Matter of

MAVIS/MIXED USE  
(2015-03)

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

SITE PLAN - INITIAL APPEARANCE

Date: February 19, 2015  
Time: 7:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MICHAEL MANNIS &  
ROBERT OSTERHOUDT

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

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MR. PROFACI: The next item is Mavis/Mixed Use, project 2015-03, located at 1413 Union Avenue, Section 6, Block 3, Lot 40.2, located in the IB Zone. It is a site plan and this is the initial appearance, being represented by Bohler Engineering.

MR. MANNIS: My name is Michael Mannis, I'm with Mavis Discount Tire. We're representing the company tonight.

Just a brief background. It's a 3-acre site on Route 300. We selected it because of its proximity to shopping. Our customers typically --a typical stay on a busy Saturday is up to two hours, sometimes a little longer in the winter, and it gives them an opportunity to walk to other shopping in the neighborhood without being held captive in our store.

Our prototype is an eight-bay prototype with a showroom on one side. There are three essential components, the service bays, the showroom and some tire and parts storage in the back. So the business model is essentially selling tires, brakes, mufflers, struts, that sort of thing, and installing it on the cars.

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2           The prototype is 6,800 square feet. We  
3 developed the site. We thought it would be  
4 better to develop the site in discrete pieces as  
5 opposed to, you know, one long strip center or  
6 some other configuration. We tried about twenty  
7 different options and we kept coming back to this  
8 arrangement in terms of a layout. So Mavis would  
9 be here with the service bays -- actually, I  
10 think we're facing two sides. We have some  
11 service bays here and some there with the  
12 showroom, which is the most presentable facade,  
13 facing the road.

14           We have interest from a sit-down --  
15 casual sit-down restaurant, and because they're  
16 more of a destination, I'm sure they'd prefer to  
17 be up on the road, but it's not worked out that  
18 way. They're back here. I think that's about  
19 7,000 square feet. And we had some space left  
20 over. Again, some retail on site for our  
21 customers' convenience. We don't really have  
22 anyone lined up for these spaces yet. So again,  
23 it would be the showroom portion on the road,  
24 service bays back here and some storage I think  
25 would be at the end.

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We looked at site configurations. Bohler came up with a single entrance and access here across from the existing curb cut on Route 300, and we were looking at a right turn out, for convenience sake, at this end of the site. I saw the comments. They really didn't support that. We'd be happy to let that go if we had to. This I think was previously proposed or accepted, the exit, so people can get back out to Route 300 if they -- out to a light so they don't have to make a left-hand turn on a busy Saturday afternoon.

I think that's about it.

MR. OSTERHOUDT: I can walk through the site plan in a little bit more detail if there's interest.

CHAIRMAN EWASUTYN: Sure. For the record would you give your name, please?

MR. OSTERHOUDT: Absolutely. Good evening. Rob Osterhoudt with Bohler Engineering.

CHAIRMAN EWASUTYN: Do you have a card?

MR. OSTERHOUDT: I do.

CHAIRMAN EWASUTYN: Do you mind giving that to the Stenographer.

MR. OSTERHOUDT: It could be a tough

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one to spell. I certainly understand that.

We did a good overview of the site. I'll walk you through in a little bit more detail. What I have is an aerial exhibit of the site. Just to give you a little background on the existing conditions, I'm sure everybody is fairly familiar with the site being that it's in a high profile location right next to the mall. But this is the existing condition aerial, Route 300 over here to the east side of the site, north up the page, the mall setting just south of us here.

It's an old trucking terminal, thirty or thirty-two bay trucking terminal. There's an accessory garage structure back here on the site. You can see -- the black line that you see here is the property line. Pretty much the entire site is developed today. Impervious areas, whether it's building, asphalt, concrete pads, it extends all the way to the back of the site here. It's probably 95 percent impervious today.

What you see here off the back side of the property is an easement for access purposes. It's a fifty-foot wide easement from the site out

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to the mall road here. As Michael indicated, that ultimately gains us access to Meadow Hill Road and to the signal at Route 300 a little bit further to the north of the site.

So we look at our proposed conditions. We've got some significant improvements from an access perspective. We're reducing the curb cuts. There's a curb cut out here today on the north end of the site and then another one down here on the south end. We're reducing those into one main access point directly opposite the plaza drive across the street. So there's some efficiencies as to the layout there. As Michael had indicated, we've got the right out for convenience purposes here. We did see the comments about that and, you know, we can revisit that as we move forward if we need to.

So with primary access being here, we've got a main drive aisle coming into the site and then traffic can disperse to the different uses. We've got the Mavis center here. This access point right here would be one way out only. So any access into the site would come through here. Access into the Mavis would have

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to come in through here where parking can take place here or circulate down to the front here and park. And then we have the access along, I'll call it the back side of the building here. There are service bays on either side. The reason why you see this bump out here in the pavement is to allow the vehicles backing out of the service bays to have room to maneuver and get out.

The 2,600 square foot retail building is up here. Again we don't have specific tenants in mind right now. We laid everything out to be flexible for potential tenants to come in.

The restaurant is 360 seats or so, 7,500 square feet.

Storage, dumpster area, service areas are located to the back of the building which is the main theme we've held here with the entire site layout. So we've got some circulation patterns to get through the site.

The one-way access off the backside of the site here is strictly an egress, one way egress, much as it was on the previous project that had been proposed for this site.

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We've actually retained the same ecological consultant that was used on that previous project. Wetlands permitting has been in place for that drive-through with the Army Corp of Engineers. We're maintaining that same design, so the permits can just be reapplied for and brought under the current project applicant.

From a stormwater perspective there's a lot of impervious, as I mentioned, out there on the site today. There's no stormwater management in place on the site today. Everything just free flows to the back of the site and off the site.

We're proposing incorporating a fair amount of green space on the site. We've got green space situated to the back where we'll be reclaiming some of that impervious area to provide stormwater management facilities. Those stormwater management facilities would be in accordance with New York State DEC requirements, and we would be subject to SPDES permitting with DEC as well.

As far as wetlands, threatened and endangered species and those types of things are concerned, we had the ecologist go out and look



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at the site specifically for wetlands and threatened and endangered species. The site is clean from that perspective. The only wetlands are back on the easement area. Again, there was a permit in place for that previously. We'll be applying for that as we move forward as well. From a threatened and endangered species perspective there's no concerns. Archeological, there's no concerns on the site.

So with that, I'll open it up to any other questions or comments you may have.

CHAIRMAN EWASUTYN: Thank you.

Questions or comments from Board Members?

MR. GALLI: On your auto service building, you have four bays in the front and four bays in the back?

MR. OSTERHOUDT: Correct. Four bays over here and four bays over here.

MR. GALLI: Storage for your scrap tires and scrap metal?

MR. MANNIS: It's all inside.

MR. GALLI: I didn't see any sign proposal.

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2 MR. OSTERHOUDT: We do not have signs  
3 on the plan at this point. We're still in the  
4 process of figuring out signage.

5 MR. GALLI: Okay. And I think that was  
6 it on that.

7 CHAIRMAN EWASUTYN: Ken Mennerich?

8 MR. MENNERICH: How would the  
9 maintenance be handled? Who would be responsible  
10 for taking care of the landscaping and the paved  
11 areas, plowing, that sort of thing?

12 MR. MANNIS: We contract out on a  
13 regional basis. It would be once a week and as  
14 required for snow removal, but we're on a  
15 schedule. Yes, once a week.

16 MR. OSTERHOUDT: Rhinebeck Realty is  
17 the applicant and Rhinebeck Realty would be  
18 retaining ownership of the site and would be  
19 responsible for all of that.

20 MR. MENNERICH: Okay.

21 CHAIRMAN EWASUTYN: The only question  
22 we discussed at the work session was we  
23 previously approved the easement. I think it was  
24 referred to the ZBA. I'll have Jerry Canfield or  
25 Pat Hines talk about that.

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MR. CANFIELD: The previous proposal for this site had a fuel dispensing facility. There's a section of our Zoning Code, 185-28, that deals with those type occupancies. Although this proposal does not reveal that you will be dispensing fuel, per zoning use you're still -- you still fit that same category as a service facility. With that being said, the same requirement for that rear exit width is in place. The previous project did receive a Zoning Board variance from I believe the twenty-five feet to the eighteen feet, but that's null and void at this time because it applied to that project. So you will need to go back before the ZBA for that width.

MR. OSTERHOUDT: Okay. Can I ask a question that's related to that?

CHAIRMAN EWASUTYN: Sure.

MR. OSTERHOUDT: I believe it's in that same section, Jerry, there's a provision for a fifty-foot driveway for these types of uses. So how would that apply to the project? Would that require a variance as well? We're not proposing a fifty-foot wide access.

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MR. CANFIELD: That would be your variance. It would be one in the same.

MR. OSTERHOUDT: We'd be in for an eighteen foot on the back and less than fifty on the front?

MR. CANFIELD: That's correct.

MR. OSTERHOUDT: Thank you.

MR. CANFIELD: I believe Ken, when we get to Ken, has some comments on the front.

MR. OSTERHOUDT: Thank you.

CHAIRMAN EWASUTYN: That's all I had.

MR. PROFACI: The elevation that you have, I assume that's preliminary, very preliminary?

MR. OSTERHOUDT: Yes. The elevation that we have with us tonight is more of a representative. The footprint is somewhat different. This shows the eight bays all on one side. The building design hasn't been completed at this point but we wanted to bring something to at least introduce the Board to what the prototypes would be for the Mavis center, the colors, the banding, the cornices, that type of information.

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MR. PROFACI: That one side will also be visible from Route 300, the long end, the long side?

MR. OSTERHOUDT: We'll have both, yup. Both of those will have some visibility to 300. I think that's the approach Mavis is taking here with the building having bays on both sides. I think it's very fitting for this so that you don't have just a straight block wall. Instead what we'll have is some overhead doors with nice grills to them and it would enhance the look rather than just be a flat block wall.

MR. PROFACI: Thank you.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: In our workshop we discussed parking. Is there going to be designated employee parking areas and is parking going to be common for all three structures?

MR. MANNIS: We'll have a cross parking agreement among the three users of the site. So no, there won't be any dedicated parking.

CHAIRMAN EWASUTYN: John?

MR. WARD: They already covered what I had. Thank you.

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CHAIRMAN EWASUTYN: At this point I will turn it over to Ken Wersted, our Traffic Consultant. He's with Creighton, Manning Engineers.

MR. WERSTED: We reviewed the site plan and the context and location, and we also referred to the previous application to get a little bit of the history on the project. We thought that the main driveway was in a good location, opposite the Newburgh Commons Plaza opposite the site. It takes advantage of the existing striping that's already out on Route 300. With the proposal of having two exit lanes, a left and a shared through and a right-turn lane, we thought the right out only was a little bit redundant, having that extra driveway there. The proposal is narrowing down the overall curb cuts. We thought elimination of the other one would reduce the number of conflict points and curb cuts out onto Route 300.

The rear access is proposed at eighteen feet. There would be an advantage if it was opened up to two-way traffic, simply because the only way to get into the site under the proposal

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is to come out onto Route 300. So if you do have any of the neighbors up on Meadow Hill Road or anybody from the mall that wanted to come into the facility, they would be able to come through the back access if it was open up to two way. There may be implications to doing that, the wetlands, et cetera. So we would just ask, you know, for more explanation of what those implications are.

The proximity of the site to, you know, residential areas in the neighborhood, both on the east and west side, could result in people walking through this area, this being a highway, a big destination for traffic, but also because of the proximity of the residential neighbors, people could walk to it. We would ask the applicant and Board to discuss whether a sidewalk would be desirable across this frontage. It wouldn't necessarily connect to anything. There's no existing sidewalks out there. I think anecdotally members of the community have seen people walking through that area.

The dumpsters for the retail and the restaurant seemed a little bit -- it looked a

1  
2 little bit difficult to get a truck into to get  
3 dumpsters out of there without having to pull the  
4 dumpster out and maneuver it. The dumpster for  
5 the retail auto service it appeared that a truck  
6 could just drive up to it, grab the dumpster and  
7 be on it's way. The other two seemed a little  
8 bit more difficult to get to.

9 We had given the Board kind of an  
10 estimate of the trips being generated. We  
11 thought that the weekday evening or afternoon  
12 peak would be the busiest with the restaurant,  
13 the retail and the Mavis being operated.  
14 Saturday would be a little less, particularly if  
15 the restaurant was generating as much traffic as  
16 it would during typical evening traffic, dinner  
17 hour.

18 Coming to and from the site. Getting  
19 in is pretty straightforward, you just come up to  
20 Route 300 and enter. Exiting to the left will be  
21 difficult, particularly in the peak hours,  
22 because of the traffic on Route 300. You'll have  
23 to find a gap in the southbound and the  
24 northbound traffic. The advantage that you have  
25 is that you have that rear access. As you had



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mentioned, you can go out to Meadow Hill Road and gain access to Route 300.

We didn't feel it necessary to change any of the striping, not that you were proposing it, but on Route 300, particularly going northbound. The two-way left turn lane I think is adequate to service the site and also accommodate the existing plaza across the street.

And then we had a comment about the parking, if that was going to be shared or not. You had answered that already.

That was the extent of our comments.

MR. MANNIS: Thank you.

CHAIRMAN EWASUTYN: Pat Hines, Planning Consultant?

MR. HINES: Our first two comments have to do with the need for demolition permits and specific notes that will need to be added to the plans, which we can provide you with those.

The second comment is standard notes for the Town of Newburgh water and sewer, which we provided as an attachment, need to be on the plans.

The project does not comply with

1  
2 several of the Town of Newburgh design  
3 guidelines. Town of Newburgh has a separate  
4 design guideline, specifically parking in the  
5 front yard setback and some of the lighting and  
6 landscaping information that needs to be  
7 provided. We're requesting that your consultant  
8 take a look at those design guidelines to see if  
9 they can comply with those on the site, and then  
10 they would be required to ask for specific  
11 waivers of any of those that you can't meet that  
12 the Board does have the ability to grant.

13 A City of Newburgh flow acceptance  
14 letter is required prior to any approvals. That  
15 has to do with your sanitary sewer flow.

16 Information regarding that existing  
17 easement should be submitted as part of the  
18 application for the Planning Board Attorney to  
19 review.

20 The delineation of the Army Corp of  
21 Engineers boundary and any work within that  
22 easement area should be detailed on the plans.  
23 There's retaining walls and piping and such  
24 that's not currently shown in detail. We'll need  
25 that.

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As Ken stated, DOT review of the access is required.

You're going to need to talk to the water department regarding the three proposed services. Typically they would require one service. The same with the sewer line, you're proposing two separate sewer services. There may be a need to combine those and have one water and sewer lateral servicing the entire site. Right now you're proposing three water services and two sewer services which is not consistent with what the Town permits.

Outdoor storage of waste tires. You stated it's going to be inside. We're going to require a note on the plans because there are separate requirements for outdoor storage of those items, and they would have to be screened or behind fencing which is not shown.

Stormwater management will be reviewed when you submit it.

There's another Zoning Code issue, Section 185-18(4)(b), requiring that front yards on State and County roadways be at least sixty feet. You're currently showing a fifty-four or

1  
2 so foot front yard setback for the Mavis  
3 building. There are some exceptions to that in  
4 that code regarding adjoining parcels and other  
5 building within three hundred feet. So if you're  
6 requesting that waiver you would need to document  
7 where those buildings are or comply with that  
8 sixty foot setback along the State highway.

9 We discussed the access drive to the  
10 rear.

11 The Code also has a requirement  
12 regarding the proximity of your service station  
13 to the existing Mobil station. You'll have to  
14 take a look at that. 185-28(G) has to do with  
15 that. It was more so for the gasoline but it  
16 states service stations and gasoline stations are  
17 the same, so your use may be similar.

18 And then outdoor storage of anything  
19 needs to be documented. If there is any, it  
20 needs to comply with the outdoor storage  
21 requirements.

22 I think that zoning front yard setback  
23 issue is a big one that you're going to need to  
24 take a look at.

25 MR. OSTERHOUDT: Okay.

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CHAIRMAN EWASUTYN: Jerry Canfield,  
Code Compliance?

MR. CANFIELD: Just one additional  
comment. For future submissions, it's been our  
experience with multiple buildings on one site  
we're going to require some type of construction  
sequencing. I know it's not a phased plan at  
this time. If it's going to be all constructed  
at once it would be great. When it comes time to  
issue COs we need to have a construction  
sequencing plan.

MR. MANNIS: Okay.

MR. CANFIELD: So with future  
submissions we can address that.

MR. MANNIS: Very good.

CHAIRMAN EWASUTYN: Can someone take  
the time now and give an example of, if they are  
ready, and we do refer them to the ZBA, what  
referral that would be for?

MR. HINES: They may want to take a  
further look at the front yard setback, --

CHAIRMAN EWASUTYN: That's what I  
thought.

MR. HINES: -- if they need that, or we

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can refer it should they need it.

MR. CANFIELD: John, what they need to display to us, like Pat had mentioned, there is an exception to allow them that ten foot credit to go to fifty feet, but you need to display that to us. If you want to go to the ZBA and display it there --

MR. DONNELLY: We can send them for both the twenty-five foot driveway variance as well as the fifty foot setback if needed. The applicant may demonstrate he's entitled to an exemption.

CHAIRMAN EWASUTYN: The choice -- that's what we're discussing now, your options and what you would prefer.

MR. OSTERHOUDT: So if we were to look at some options where we could maybe avoid that setback for the front yard, what would the process be? Would we come back to the Planning Board with a revised plan or would it be an informal review where we don't come in front of the Planning Board?

MR. DONNELLY: You would certainly have to come back to the Planning Board, but you would

1  
2 not need to apply to the Zoning Board for both  
3 variances, just the one which you clearly need,  
4 which is the twenty-five foot entrance driveway.  
5 The way I read the section, it says your entrance  
6 driveways have to be at least twenty-five feet  
7 but not more than fifty feet. I think you're  
8 proposing eighteen. So it would be an eighteen  
9 against a twenty-five.

10 MR. OSTERHOUDT: Okay.

11 MR. DONNELLY: What happens is I will  
12 write that letter to the Zoning Board with the  
13 highway setback, I'll say if required, and you  
14 will only apply for the one or both if necessary.

15 MR. OSTERHOUDT: Okay. Yeah, if you  
16 could write it up that way, then I would confer  
17 with our client and see how they would like to  
18 proceed and you can revise from there.

19 CHAIRMAN EWASUTYN: It's too early on,  
20 as Frank Galli mentioned earlier, about signage.  
21 If you thought you were exceeding signage, this  
22 would probably be the correct agenda to sort of  
23 accomplish rather than going so far along in the  
24 proposal and have to be referred back. That's  
25 your choice.

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MR. OSTERHOUDT: Okay.

MR. GALLI: If you don't meet signage you have to go to the Zoning Board again.

MR. OSTERHOUDT: Okay. We'll talk about that as well then. Thank you.

MR. CANFIELD: I think that's a good point at this point because the signage ordinance currently is fifty percent of the road frontage is the total allowable square footage of signage. For this multiple building site it doesn't lend itself to a lot of signage. You may have greater needs. It may be the time to look at that.

MR. DONNELLY: You may not want to make multiple trips to the Zoning Board. We'll send you if you want. You may want to wait until you know whether you need the fifty feet, until you know whether you need the sign even though you know presently you need the twenty-five foot driveway, that way you can apply once for the one, the two or the three that you require.

MR. MANNIS: I think we'll probably just go for -- I have to look at the site plan about the fifty foot front yard setback. I can't really make that decision right now. Probably



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just the rear drive.

MR. OSTERHOUDT: So do you want to handle signage maybe later and we'll ask for the letter for the other two items now and address the signage separate?

CHAIRMAN EWASUTYN: So then if I understand, Michael, the action before us this evening is to declare our intent for lead agency, circulate to the Orange County Planning Department, and the ZBA referral would cover what areas?

MR. DONNELLY: It would be for a variance from the twenty-five foot entrance and exit driveway requirement of Section 185-28(4)(b) where eighteen feet is shown, and a possible variance from the fifty foot setback requirement of 185-18(4)(b) unless an exemption is demonstrated.

CHAIRMAN EWASUTYN: Is the Board clear on that? Okay. Then I'll move for a motion that will combine all three actions that Mike Donnelly, Planning Board Attorney, will write a referral letter to the ZBA as just stated. We will circulate our intent for lead agency and

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also send plans to the Orange County Planning Department. If you could see that Pat Hines gets sets of plans and he'll do the circulation.

MR. OSTERHOUDT: Okay. Very good.

MR. MENNERICH: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DONNELLY: One item I want to make sure you understand. Pat mentioned earlier the need for a City of Newburgh acceptance letter. The sewage disposal goes to the City plant. There's a contract between the City of Newburgh and the Town that has a certain allocation. Before we can approve any project you have to show your allocation figures to the City and they must approve them so they apply against the

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Town's credit. We can't issue an approval until you get that. You can talk more with Pat about the procedure. You'll need to apply for and obtain that sign-off letter from the City of Newburgh before you can get approval.

MR. OSTERHOUDT: It sounds like we'll need to go both through the Town or the connection to the Town but also the City for the acceptance of the flow.

MR. HINES: There's a process. If you give me a call I can walk you through the process.

MR. OSTERHOUDT: Very good. Thank you.

CHAIRMAN EWASUTYN: Is it a similar building to what you have in New Windsor?

MR. MANNIS: I'm not familiar with New Windsor.

CHAIRMAN EWASUTYN: You do have a site in New Windsor at the Shop Rite. Okay. Thank you.

MR. OSTERHOUDT: Thank you for your time tonight.

MR. MANNIS: Thank you.

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

