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

----- X

In the Matter of

AT&T UPGRADE AT NEWBURGH MALL
(2012-18)

7 Meadow Hill Road
Section 60; Block 3; Lot 35.1
IB Zone

----- X

SITE PLAN & SEUP

Date: February 7, 2013
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ANTHONY MORANDO

----- X

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

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MR. PROFACI: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of February 7, 2013.

At this time I'll ask for a roll call starting with Frank Galli.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. WARD: Present.

MR. PROFACI: The Planning Board employs various consultants to advise the Board on matters of importance, including SEQRA issues. I ask them to 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 Consultant.

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

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MR. WARD: Please stand to say the Pledge of Allegiance.

(Pledge of Allegiance.)

MR. WARD: If you have any cell phones, please turn them off or on vibrate. Thank you.

MR. PROFACI: The first item on tonight's agenda is the AT&T upgrade at Newburgh Mall, project 2012-28, located at 7 Meadow Hill Road, Section 60; Block 3; Lot 35.1, located in the IB Zone. It's a site plan and it's being represented by Anthony Morando.

MR. MORANDO: Good evening. As I said, my name is Anthony Morando, I'm an Attorney with the law firm of Cuddy & Feder and I'm here on behalf of AT&T. Normally John Furst is here but unfortunately he had a conflict tonight. I'll just give you my card so it's easier for the spelling.

I believe at this point, according to my conversations with John, we were waiting on this application particularly for the County comments to be submitted. At this point we have received a copy of the County comments. I believe the Town has as well. I don't believe we

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have any issues with it.

At this point I can go through the application again or I can defer if you have any comments or concerns at this time.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant, for the record.

MR. COCKS: We did receive a local determination dated January 24, 2013 from the County. That was the last thing we were waiting for.

We did have Mike Musso's comments at the previous meeting, and he didn't have any additional issues.

I think we're ready for final approval.

CHAIRMAN EWASUTYN: Mike Donnelly, are you prepared to discuss the resolution?

MR. DONNELLY: I'll recite the local determination from the Planning Department. We had reviewed the resolution conditions last month. They are standard ARB condition requirements. Condition number 2, the applicant maintain its operation in accordance with the Town's wireless ordinance and other relevant provisions of the code. The requirement that the

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equipment cables, et cetera, and warning signage be inspected and maintained periodically. There has to be color matching, I forgot to mention, of the equipment colors. The final condition says that nothing can be built that isn't shown on the approved site plan.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: No.

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: The only action before us is to grant final site plan approval for AT&T subject to the resolution presented by Mike Donnelly?

MR. DONNELLY: Correct.

CHAIRMAN EWASUTYN: That would be the motion.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

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

(No response.)

CHAIRMAN EWASUTYN: I'll move for a

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AT&T UPGRADE AT NEWBURGH MALL

6

roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye myself. So
carried.

Thank you.

MR. MORANDO: Thank you very much.

(Time noted: 7:05 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.

DATED: February 26, 2013

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

----- X

In the Matter of

AT&T UPGRADE AT BANNERMAN VIEW DRIVE
(2013-01)

Bannerman View Drive Cell Tower
Section 22; Block 4; Lot 2.0
R-3 Zone

----- X

SITE PLAN & SEUP

Date: February 7, 2013
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
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ANTHONY MORANDO

----- X

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

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2 MR. PROFACI: The second item on
3 tonight's agenda is AT&T upgrade at Bannerman
4 View Drive, project number 2013-01, located on
5 Bannerman View Drive Cell Tower, Section 22;
6 Block 4; Lot 2, located in the R-3 Zone. It's
7 a site plan and also being represented by
8 Anthony Morando.

9 MR. MORANDO: Thank you very much.

10 Again, this application here tonight is a very
11 similar application to the one we just discussed.

12 This application involves an upgrade to
13 an existing wireless facility on an existing
14 current lattice tower that is 88 feet tall. This
15 is similar to the other application in
16 furtherance of what AT&T calls LTD deployment for
17 enhanced data and voice services.

18 The existing facility now has nine
19 antennas mounted on the lattice tower below two
20 other carriers at a height of 62 feet with an
21 associated equipment shelter within the fenced
22 compound at the base.

23 As part of the upgrade AT&T is
24 proposing to add three antennas for a total of
25 twelve. Going from nine to twelve. That would

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be very consistent with what's up there now, just adding another to each sector.

The new antennas are similar in size and shape. As I said, they'll be installed at the same location and height below the other two carriers. They'll be painted to match as with the other facility we discussed. There will be a couple of additional equipment modifications within the shelter at the base. There will be no improvements at grade. The site will remain the same.

Beyond that, I think what we were here tonight to hopefully do, obviously receive comments from the Board, and hopefully schedule a public hearing.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant, can you speak to the Board on behalf of the public hearing?

MR. COCKS: Yes. I did speak to John Furst on the matter. He did submit the notice of hearing to the two newspapers and they were put in this week, so that's on time. He will receive the mailing list and put out the certified mailings.

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The next available date would be the 21st. I did send a copy to the County, so we should have their comments back. Last Friday I sent it. I know John was in contact with Chad Wade, and he assumes the Orange County Planning Department comment letter will be in.

CHAIRMAN EWASUTYN: So the motion before us this evening is to set the 21st of February for a public hearing?

MR. COCKS: Yes.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli, a second by John Ward. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Myself. So carried.
Thank you.

MR. MORANDO: Thank you very much.
Have a nice evening.

(Time noted: 7:07 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.

DATED: February 26, 2013

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

----- X

In the Matter of

FOAM AND WASH
(2012-02)

175 North Plank Road
Section 76; Block 4; Lot 5
B Zone

----- X

ARCHITECTURAL REVIEW

Date: February 7, 2013
Time: 7:08 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
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JAY DIESING

----- X

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MR. PROFACI: The next item on tonight's agenda is Foam and Wash, project 2012-02, located at 175 North Plank Road, Section 76; Block 4; Lot 5, located in the B Zone. It's ARB and it is being represented by Jay Deising.

MR. DIESING: Yes, sir. I'm with Mauri Architects. I'm working with Gary Baright of Foam and Wash. We were here and got our conditional site plan approval last month I believe, and we're just returning to do our Architectural Review Board.

I have an architectural rendering of the building and the site, and I just want to go over with you the materials and the changes to the building.

The main building on the site is existing split faced concrete block, and that's going to be colored in a light gray and a dark gray pattern as you can see here. The upper portion of the building right now, which is a metal corrugated panel, it's red, it's going to be clad with aluminum panels and this color up here. It's a silver color. That's going to have

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a blue stripe across the top which is indicated up here. The front building on the site, which is the new building after the gas pumps come down, is going to be the dog wash building, and that's going to be constructed out of a glazed concrete block material. That's meant to coordinate with the blue that's on the aluminum fascia of the building.

Other than that, we also have decorative metal trellises on our sign stand and there's going to be also the same blue that's on the building.

Other than that, there really isn't much change to the existing building itself. The concrete block that's there is split faced and going to be colored.

CHAIRMAN EWASUTYN: In your final submission you'll fill out the ARB form as far as the colors?

MR. DIESING: Sure.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No additional. When do you plan on starting?

MR. DIESING: We want to talk about

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that. A couple of our conditions but first is we need to have DOT approval before we get a building permit I believe. We're in that process now. It's going to take a little while.

What Mr. Baright has brought up is that the existing canopy gas pumps and the underground tank need to come out. Because of insurance purposes, they want to take those out right away. The gas station is going to close March 3rd, and we'd like to hopefully get a demo permit for that while we're working on our DOT permit. We wanted to talk with hopefully the Board and the building department, but I see the building inspector is not here tonight.

MR. HINES: That would be a process you would address with Jerry Canfield's office. The Board normally doesn't get involved with demolition permits. It may be something he can issue. You'll have to talk to him.

MR. DIESING: We were just concerned that as a condition of the Planning Board approval we had to have a DOT permit, but maybe there's some flexibility with Jerry.

MR. HINES: I think that was more for

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FOAM AND WASH

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the new construction. If there's a timeframe for demolition, Jerry's office may be able to work with you.

MR. DIESING: All right. So just to answer your question, we're looking to start hopefully demolition and pull the tanks out in the beginning of March.

MR. BARIGHT: We were going to start the end of April or beginning of May. Our insurance company notified us they will not insure the gas tanks as of April 1st, which tells us -- the company we've had insurance with for a long time said no more gas tanks. Of course our broker said you have to have everything out and everything done by April 1st. We're going to start March 3rd so we have leeway just in case. The last thing we want to have is have April 1st come and not have it done.

MR. GALLI: You have that big one over in Wappingers.

MR. BARIGHT: Yeah. We're switching that one. We don't want to get insurance for three weeks. We're kind of stepping it up a little bit.

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CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Joe?

MR. PROFACI: So if this weren't planned and you had this notification, you would have had to have closed the gas station anyway?

MR. BARIGHT: No. We would be getting new insurance. We don't want to get another insurance company for a month because then we dig the tanks up and we'll have a new insurance company.

MR. PROFACI: You're planning to take them out.

MR. BARIGHT: We had them forever and the broker said do you want to stay with them. At the time everything is closed down we want the insurance company to be done and --

MR. GALLI: Take the old one instead of the new one.

MR. BARIGHT: Nobody is going to insure it for three weeks while we take everything out.

MR. PROFACI: That's all I had.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I was just curious. How do

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FOAM AND WASH

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you go about a dog wash?

MR. DIESING: It's popular.

MR. BARIGHT: It is popular.

MR. DIESING: He has two locations now.

MR. BARIGHT: It's not real populated. It's just one of those -- we did it in Fishkill. I work on Sundays and it would rain every Sunday before we built it and we tried to figure out what else we could do. I'm watching the dogs walk around Cracker Barrel. I remember reading a magazine and I went to the Planning Board in Fishkill. The first time they were rolling.

MR. WARD: It's different.

MR. BARIGHT: It's nice. It brings in families. It brings in the husband, the wife, the kid, the dog. A day like today you wash maybe three dogs. In the spring on a nice Saturday it will be not busy but it'll be steady. Nobody talks about a car wash. It kind of gets people to talk about your site. The new one we have now, there's a vacuum in there, there's wet vacuums, there's air dryers, shampoos. It all comes out of the nozzles. It's up on a tub so you're not bent over, and it's controlled water

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and all that stuff. It's neat.

MR. PROFACI: How do the dogs like going through the conveyor belt?

MR. BARIGHT: I tell people you're not going to pay your mortgage with it, the friends who want to do it. It's kind of nice to have.

CHAIRMAN EWASUTYN: Bryant Cocks, any follow up?

MR. COCKS: I just double checked to make sure the signage chart is on the approved site plan. It's not on the ARB drawing. It is fine and they are under the allowed amount of signage for the site. As long as the ARB drawing has the color and sample materials labeled for the building department, I don't have any issue.

MR. DIESING: We had one question regarding signs. The existing pylon sign is out at the street. Right now it's the car wash, the Mobil and then the Mobil gas price sign. That's due to be replaced with a sign for the dog wash. What Mr. Baright would like to do is replace that with an LED sign that can be programmed to have different things appear on it. It's not going to be changing in signage every three seconds if

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FOAM AND WASH

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something else comes up. For the day, if there's a special that day, he'd like to say dog wash sale or car wash sale. I didn't see anything in the code that prohibited it.

MR. HINES: There was but it's allowed now.

MR. COCKS: For about a year-and-a-half there was a prohibition on it, then they changed it back. That is allowed.

MR. DIESING: That is allowed. Okay.

MR. BARIGHT: A day like today the dog wash isn't really a big signage thing. For St. Jude's we do fundraisers but it wouldn't have things flying through. Just stationary.

MR. GALLI: Tomorrow you can sell snow shovels.

CHAIRMAN EWASUTYN: Do you want to give us conditions in the resolution for ARB?

MR. DONNELLY: Do we need the listing of architectural materials and color specs or is that included?

MR. COCKS: It will be on the drawings and then it will also be on the ARB form that they fill out.

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MR. DONNELLY: That's what we're missing, the ARB form. I'll include a condition that requires the submission of that.

There's only one condition and that's the standard one, no building permit shall be issued authorizing construction other than is shown on those plans.

MR. DIESING: Okay.

CHAIRMAN EWASUTYN: I'll move for a motion then to grant ARB approval.

MR. WARD: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

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MR. DIESING: Thank you.

MR. BARIGHT: Thank you.

(Time noted: 7:15 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.

DATED: February 26, 2013

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

----- X
In the Matter of

RICHICHI SUBDIVISION
(2011-31)

OPEN DEVELOPMENT AREA RECOMMENDATION
TO THE TOWN BOARD

----- X

BOARD BUSINESS

Date: February 7, 2013
Time: 7:15 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
JOHN A. WARD

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

----- X

MICHELLE L. CONERO
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Wallkill, New York 12589
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CHAIRMAN EWASUTYN: I'll move for a motion to close the Planning Board meeting of the 7th of February.

MR. DONNELLY: Do you want to note at all in the minutes the recommendation on Richichi or did we handle that at work session?

CHAIRMAN EWASUTYN: Let's do that. I'll table that motion for a second. I'll have Mike Donnelly speak.

MR. DONNELLY: We discussed during the work session the requirement that before the Town Board can act on the open development area you are to be given an opportunity to give them your advice and recommendations.

In essence, after hearing from the public and your consultants, it appears that while the driveway seems adequate to serve the two additional lots, your feeling is that there should be a regulation imposing a no more than two lot -- no more than two additional lot requirement during the creation of the open development area. With your permission I'll render that report to the Town Board.

CHAIRMAN EWASUTYN: Okay. Is the Board

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in approval of Mike Donnelly referring that
comment?

MR. GALLI: Yes.

MR. MENNERICH: Yes.

MR. PROFACI: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Let the record show
that the Board is in favor of that.

At this point I'll move for a motion to
close the Planning Board meeting of the 7th of
February.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by
Frank Galli and 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. WARD: Aye.

CHAIRMAN EWASUTYN: Myself.

(Time noted: 7:17 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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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X
In the Matter of

LOCAL LAW

RECOMMENDATION TO THE TOWN BOARD ON
PUBLIC HEARING MAILING REQUIREMENTS

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BOARD BUSINESS

Date: February 7, 2013
Time: 7:17 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
JOHN A. WARD

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

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

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MR. DONNELLY: One other, the local law change.

CHAIRMAN EWASUTYN: Do we have to make a recommendation?

MR. DONNELLY: It is in the zoning chapter.

CHAIRMAN EWASUTYN: We'll amend the close of the hearing and Mike Donnelly will discuss with us a recommendation to the Town Board on the new local law.

MR. DONNELLY: You may remember that I guess a meeting or two ago you recognized, particularly in regard to the Richichi application, that the requirement of certified mailings, when the Town expanded the mailing radius by 500 feet, it became rather expensive for some applicants, particularly a small scale application like Richichi. You recommended to the Town Board that they reconsider the mailing requirements.

It ends up that the code didn't require certified mailings, just the tradition and practice of the Town did. Nevertheless, the Town has changed the mailing requirements explicitly

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and they now provide in this local law, if it's enacted, that the applicant will bring envelopes addressed with postage to the Zoning Board or the Planning Board, as the case may be, and the Planning Board will accomplish the mailing. The Town employee who accomplished the mailing will file an affidavit with the Planning Board listing the date and swearing to that the mailing has been accomplished at that point in time. There are no other changes to the requirements. Instead of applicants doing mailings certified, it will be regular first class mail, no certification, but the mailing will be done by the Town itself. I think that's generally in keeping with the recommendations you made.

With your permission, if you agree, I'll write a quick letter to the Town Board saying we endorse the change.

CHAIRMAN EWASUTYN: In favor?

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

MR. PROFACI: Absolutely.

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CHAIRMAN EWASUTYN: Let the record show
the Planning Board Members are all in favor.

Then we will close the Planning Board
meeting, if there's no further discussion, of the
7th of February. Thank you all.

(Time noted: 7:20 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.

DATED: February 26, 2013