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

----- X

In the Matter of

MONTI TIMBER HARVEST  
(2014-12)

Lakeside Road  
Section 28; Block 1; Lot 10  
R1 Zone

----- X

PUBLIC HEARING  
CLEARING & GRADING  
TIMBER HARVEST

Date: July 3, 2014  
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  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER PRENTIS

----- X

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

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MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of July 3, 2014.

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

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. BROWNE: The Planning Board has professional experts that provide reviews and input on the business before us, including SEQRA determinations as well as code and planning details. I'd ask them to introduce themselves.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor, Town of Newburgh.

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

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MR. WARD: Please stand for the Pledge.  
(Pledge of Allegiance.)

MR. WARD: Please turn off your cell phones or put them on vibrate.

MR. BROWNE: First on our agenda we have two public hearings. At this time I would ask Mike Donnelly to give a brief overview of the purpose of these public hearings.

MR. DONNELLY: Sure. For certain types of applications the Planning Board is required to hold public hearings before they take action. We have two of those this evening. One is a site plan, which is an optional hearing; the other is a clearing and grading permit which requires a public hearing.

The purpose of the hearing is for the Planning Board to ask you, the members of the public, to bring to the attention of the Planning Board Members any issues or concerns that the Board may not have realized through their own knowledge or advice from their consultant team. After the applicant in each case gives their presentation, the Chairman will ask those that wish to be heard to raise your hand and to speak.

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We ask when you do so, would you please step forward so we can hear you and give your name, if you would, for the Stenographer, and spell it so we get it correct in the transcript. Direct your comments and concerns to the Planning Board. If you have a question that can be easily answered, the Chairman will either ask the applicant's representative or a member of the Town's team to try to answer that question for you.

MR. BROWNE: Thank you, Mike.

The first item of business is Monti Timber Harvest. This is project number 2014-12. This is a public hearing for a grading and clearing permit and timber harvest. This is being presented by Lower Hudson Forestry Services.

I would ask that the notice of hearing be read at this time.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to the Municipal Code of the Town of Newburgh, Chapter 83-8, Section E, on

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the application of Monti Timber Harvest, project 2014-12, for selective harvesting of timber. The project site is located off of Lakeside Road, north of Orange Lake, east of the little league fields, designated on Town's tax maps as Section 28, Block 1, Lot 10. The applicant has applied for a selective timber harvest of 12 acres of a 212 acre parcel. Trees will be between 17 and 40 inches in diameter with a total of 130 trees to be removed, 11 trees per acre. Said hearing will be held on the 3rd day of July 2014 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. or as soon thereafter as can be heard. All interested parties either for or against the project will be given an opportunity to be heard regarding the timber harvesting. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated June 6, 2014."

MR. BROWNE: Thank you. Would you introduce yourself and do your presentation.

MR. PRENTIS: Good evening.  
Christopher Prentis, Forester, Lower Hudson Forestry Services.

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As the public notice stated, it's a selected timber harvest on 12 acres of an approximately 212 acre lot. There's a total of 131 trees marked for removal. Each tree was marked by a forester with blue paint. It turns out to be approximately 11 trees per acre.

The trees will be skidded out on to property owned by the Newburgh Little League. Permission has been granted by the Little League for the logging contractor to use the property.

The closest homes to the actual harvest area is just over 1,100 feet. So close to a quarter mile from the actual harvest area. About 1,600 feet to Lakeside Road, a straight line distance. That's about it.

CHAIRMAN EWASUTYN: Okay. Is there anyone here this evening who has any questions or comments for Mr. Prentis on the Monti Timber Harvest that was just discussed, if you would raise your hand and give your name and your address, please?

(No response.)

CHAIRMAN EWASUTYN: Okay. Let the record show that there was no public comment this

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evening.

At this point I'll turn to the Board Members. Frank Galli?

MR. GALLI: Nothing additional.

MR. BROWNE: Nothing more.

MR. MENNERICH: No questions.

MR. DOMINICK: No questions.

MR. WARD: Who were you dealing with at the Town of Newburgh Little League? Who signed the permission slip?

MR. PRENTIS: It went straight through the logging contractor, Klein & Sons Logging. Mr. Hines has the contract, so I'd have to refer to him to see who signed it.

MR. HINES: I can't decipher that. It's only a signature, it's not printed.

MR. PRENTIS: I mean I could find out for you exactly who signed it. I know he's been dealing with either the president or the vice president of the little league.

When I first went there to mark the trees last summer I was met by a gentleman who presented himself as the vice president.

MR. WARD: Okay. And do you know the

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schedule of when you're doing the work and if anybody is at the Little League property at the time?

MR. PRENTIS: I discussed this with the logging contractor and he's spoken with the Little League. They said that normal business hours of operation wouldn't actually interfere with their little league games or practices. So he's typically thinking starting work at 8:00, 8:30 and being done by 4:00 so there's no conflict.

MR. WARD: Okay.

CHAIRMAN EWASUTYN: Additional questions or comments from Board Members?

MR. GALLI: No.

MR. BROWNE: No.

CHAIRMAN EWASUTYN: Pat Hines, you reviewed the application?

MR. HINES: We reviewed the application. We have no outstanding comments other than whether this agreement is sufficient for the Town's purposes.

I do note that the logger has apparently offered a donation to the Little



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League also on page 2 of the agreement. So there's been some monetary consideration.

It looks like the person who signed its name begins with a C, and it was signed on the 19th of June.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Just one clarification. At the last appearance there was discussion, Chris, with respect to the additional \$1,000 inspection fee to be posted. Looking at the minutes, I think there was a conversation, and it was unclear of the end result of that conversation, whether previous monies posted could be doubled as this inspection fee. The answer to that question, we've researched it, and it's no. So the \$1,000 inspection fee is separate, which needs to be posted as well.

MR. PRENTIS: It was posted two weeks ago to your office.

MR. CANFIELD: The additional \$1,000 was?

MR. PRENTIS: Yes.

MR. CANFIELD: Okay. You turned it in

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to our office?

MR. PRENTIS: Mm'hm'.

MR. CANFIELD: Okay.

MR. PRENTIS: Yup. It was the same day that I sent in the application for Mozo.

MR. CANFIELD: Okay. I'll double check that. I may have misspoke.

CHAIRMAN EWASUTYN: Mike Donnelly, Planning Board Attorney?

MR. DONNELLY: Before you take action you'll need to issue a declaration of significance. You didn't do lead agency, so you can do both of those at once. Beyond that, I have a number of conditions that are not particularly involved which I'll recite for you.

First, we will need the highway superintendent's chiming in on weight regulations in the location to make sure there's no problem with the Town roads being utilized. Pat does have a copy on his phone of the letter but I'm going to keep the condition that requires that a written copy -- and Pat, if you could forward that -- be delivered to the Town Planning Board office. The resolution recites that the

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applicant shall comply with the requirements of Section 83-10 which is the standard for granting permits. A \$5,000 roadway bond and \$1,000 inspection escrow is due. We reference Section 83-11 that talks about the hours of operation. We require the posting of appropriate warning signs before any work under the permit may begin. The permit is good for one year. That's it.

CHAIRMAN EWASUTYN: Thank you, Mike.

I'll move for a motion to declare our intent for lead agency.

MR. MENNERICH: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich and a second by Cliff Browne. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

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MONTI TIMBER HARVEST

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. Okay.

I'll move for a motion to close the public hearing for the Monti Harvest.

MR. GALLI: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Dave Dominick. 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. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Okay. Then I'll move for a motion to declare a negative declaration for the Monti Timber Harvest.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich and 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. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Mike Donnelly, Planning Board Attorney, reviewed with us the conditions of approval for the Monti Timber Harvest. I'll move for a motion to adopt those conditions for the final approval.

MR. GALLI: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Thank you. I have a motion by Frank Galli, a second by Dave Dominick. Any discussion of that motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a

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MONTI TIMBER HARVEST

roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So  
carried.

Mr. Prentis, thank you.

MR. PRENTIS: Thank you.

(Time noted: 7:08 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: July 29, 2014

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

----- X  
In the Matter of

MOZO PROPERTIES  
(2014-14)

Mountain View Avenue  
Section 4; Block 1; Lot 44

----- X

CLEARING & GRADING  
TIMBER HARVEST

Date: July 3, 2014  
Time: 7:09 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  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER PRENTIS

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



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MR. BROWNE: The next item of business is Mozo Properties, project number 2014-14. This is a clearing and grading, timber harvest, initial appearance. Once again, it's being presented by Lower Hudson Forestry Services.

MR. PRENTIS: I thought you were going to do both the public hearings.

Chris Prentis, Lower Hudson Forestry Services. This application is for a clearing and grading permit on Section 4, Block 1, Lot 44. It's located on Mountain View Road. It is northwest of Chadwick Lake.

It's proposing to remove 134 trees from approximately 13 acres. The parcel size is approximately 14.4 acres.

This project does run down to the creek that feeds Chadwick Lake. We're proposing a fifty-foot no-cut buffer from the creek high water mark and proposing that all skid ways, landing area and any haul road be water guard to prevent sedimentation. We would even propose that there's some silt fence to be used around the landing area to prevent any water quality issues.

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At the end of the project all skid trails will be cleaned, water guard where needed. The landing area will be smoothed, left free of debris, and it will be seeded and hayed to try to establish some ground cover as quick as possible.

CHAIRMAN EWASUTYN: Questions from Board Members. John Ward?

MR. WARD: No questions.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No questions.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: The only question we have will be brought up by Pat, the question about the watershed in the area there and the requirements in that area.

CHAIRMAN EWASUTYN: Okay. The CEA or this being a Type I action?

MR. BROWNE: Yes.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: The same. I'm just waiting for Pat to go through.

CHAIRMAN EWASUTYN: Pat, would you

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educate the Board as far as the zoning in the area and the designation that it has?

MR. HINES: The project is located in the reservoir zone, but more importantly the Town of Newburgh, in 1987, created what's known as a critical environmental area like we discussed at the work session. There's some added environmental protections in those areas due to the fact that this is in immediate proximity to the Chadwick Lake water supply. Most importantly is that any action in there becomes a Type I action for SEQRA review which requires -- Type I actions require the submission of a long form EAF, which we don't have yet. So we'll need that.

There's a proposal here for a fifty-foot buffer. We're suggesting, because that is in the watershed, that that be marked in the field by the applicant's representative during the harvest to make sure there's no accidental encroachment there.

Chris, you have my comments? I e-mailed them.

MR. PRENTIS: Yes, I have them.

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MR. HINES: There appears to be two tax lots involved here. I checked the Orange County tax maps just to get a view of the parcel and it looks like there's a 14.1 and a 14.2.

MR. PRENTIS: I reviewed your comment today. I pulled up the most current tax map off Orange County and it still only shows --

MR. HINES: They may have been combined at some point.

MR. PRENTIS: It still only shows 44. I can provide you a copy. I just downloaded it this morning. I'm not quite sure why --

MR. HINES: It's the total acreage. It ends 40.4.

The next issue is that if it is a 14.2 acre parcel, it looks like your harvest area doesn't quite carve out the 13 acres that you're showing. There's probably, I don't know, a little less than 25 percent not impacted there.

MR. PRENTIS: It's an approximation. Maybe it's 12 acres then.

MR. HINES: Because of the proximity of this in the watershed, we need to have that additional detail there. If you can update that

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map to do that.

The securities required are typical for the timber harvest.

The highway superintendent's comments. This is accessing directly to the Town road, so we need his comments on that.

The hours of operation. It is in proximity to a residential area to the north, so the hours of operation of the clearing and grading should be stated on the application.

There's two tax maps there, so I think the Board needs that long form EAF prior to taking any action on this. It does require a public hearing, so I don't know if you want to schedule that now.

CHAIRMAN EWASUTYN: Okay.

MR. PRENTIS: Can I ask a couple questions? The tax parcel that's on the intersection of Route 300 and Mountain View Avenue owned by Crawford, 22 Mountain View Avenue, was just logged within the last year. I was wondering how the Town handled that, because it's in the same critical environmental area?

MR. HINES: We never had an application

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for that.

CHAIRMAN EWASUTYN: Crawford was just before us at the last meeting. Not for logging, for the lot line change.

MR. HINES: It sounds like they did that without our knowledge. We haven't had a clearing and grading by the name of Crawford.

MR. PRENTIS: I mean it's right on the corner of the State highway, so he didn't try to hide it. I was just wondering. I went by and said that was just logged within the last year, and I know it's inside your critical environmental area, so I was just wondering how they went. I guess if you don't go in front of the Board you can do, I guess, what you want.

MR. HINES: If you don't get caught.

MR. HINES: We have retroactive enforcement power. Jerry is making notes there.

MR. CANFIELD: Thank you.

MR. PRENTIS: If you go up Mountain View Avenue, look at the first house on your right. It's clearly cut. If you look at the aerial photos on the Orange County website from 2013, it wasn't cut in 2013. I mean I'm just

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asking.

MR. CANFIELD: Thank you for the info. I'll research it and also report back to the Board our findings. We haven't had an application before us for that, so --

MR. PRENTIS: That's one of the reasons why earlier I asked about what's the minimum lot size, because if you add those two tax parcels up, they're less than 10 acres. I thought maybe there was a provision in the Town Code.

MR. CANFIELD: It's 1 acre.

MR. HINES: 1 acre is the threshold.

CHAIRMAN EWASUTYN: We will need to have a long form completed.

MR. PRENTIS: Mm'hm'.

CHAIRMAN EWASUTYN: Pat, what would be the next thirty-day timeframe to set for a public hearing?

MR. HINES: It would be the first meeting in August.

CHAIRMAN EWASUTYN: That would be the 3rd or the 7th?

MR. HINES: It's the 7th.

CHAIRMAN EWASUTYN: Can we make that

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window? Is that posting it too early? I guess that would be fine.

MR. HINES: Yes. We don't have a problem with making the deadline, getting it in the paper and the mailing.

CHAIRMAN EWASUTYN: Okay. Michael, at this point should we declare our intent for lead agency?

MR. DONNELLY: I don't think there's any other agency technically except the DEC on any Type I, so yes.

CHAIRMAN EWASUTYN: And the date again, Pat, you were saying was the 3rd of August?

MR. HINES: The 7th.

CHAIRMAN EWASUTYN: Excuse me.

MR. PRENTIS: Do you mind if I ask if you can bump it to the next one in September, only because I'll be on vacation on the 7th of August?

CHAIRMAN EWASUTYN: The 21st?

MR. PRENTIS: I think the 21st would work.

MR. HINES: Otherwise you're at September 4th.



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MR. PRENTIS: September 4th? September 4th would be fine. I mean if that's all right with the Board.

MR. HINES: It's very rare that the applicants push off their public hearings.

MR. PRENTIS: It's not one of those things that he needs to do tomorrow. There's plenty of work and he can push it off until September.

CHAIRMAN EWASUTYN: I'll move for a motion to declare our intent for lead agency and to set the public hearing for the Mozo Property Timber Harvest for the 4th of September.

MR. WARD: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward and a second by Ken Mennerich. 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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MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So  
carried.

You'll work with Pat Hines as far as  
the mailing list and the circulation.

MR. PRENTIS: Yes.

CHAIRMAN EWASUTYN: Okay.

MR. PRENTIS: Do you want me, Pat, just  
to send you the long form?

MR. HINES: If you can do that.

CHAIRMAN EWASUTYN: I should have a  
copy. Send me a copy also and then I'll make  
copies for the Board Members.

MR. PRENTIS: Okay. Thank you. Have a  
good evening.

(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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DATED: July 29, 2014

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

----- X

In the Matter of

JEHOVAH WITNESS CIRCUIT ASSEMBLY HALL  
(2014-11)

Unity Place  
Section 97; Block 2; Lot 42  
IB Zone

----- X

PUBLIC HEARING  
AMENDED SITE PLAN

Date: July 3, 2014  
Time: 7:18 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JASON ANDERSON

----- X

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

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MR. BROWNE: Our next item of business is Jehovah Witness Circuit Assembly Hall, project number 2014-11. It's a public hearing for an amended site plan being presented by Doce Associates.

Would you introduce yourself, please?

MR. ANDERSON: My name is Jason Anderson. I'm not with Doce Associates. I'm with Farr & Anderson Architects. Mr. Doce and Mr. Eldred regret not being here but with the holiday weekend they had me pitch hitting.

I'll give you a little brief overview. So what we're looking to do is -- I'll turn this, actually -- add a few light fixtures, LED light fixtures to the upper overflow parking lot. So basically what we have is we have eight fifteen-foot high LED light fixtures, 75 watt, as well as six bollard lights along the walkway.

This is a lot of what was approved in 2008. At that point we thought we didn't need lighting up there. It's an overflow lot. It's still an overflow lot. At that point we didn't see that there would be a need, however for safety concerns for those that use it, in the few

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times that it is used, it has become a need.

So what we're proposing is to -- with these fixtures, to use pedestrian fixtures. Not the fixtures you see in the parking lots which are about twenty-five feet high. Rather they be fifteen-foot poles, so that puts them at sixteen feet or sixteen-and-a-half feet off the ground. That's really it. Everything else is existing. It's just the light fixtures that we're here for.

CHAIRMAN EWASUTYN: Okay. At this time we'll entertain any questions from the public.

We should let Ken Mennerich read the notice first.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law and Chapter 83 of the Town of Newburgh Code on the application of Jehovah Witnesses Circuit Assembly Hall for an amended site plan. The applicant proposes to install eight light poles in an existing parking lot located on the southeast portion of the site. The project is

1 located on a portion of a 13.7 acre parcel  
2 located in the IB Zone. The premises is located  
3 at 23 Unity Place in the Town of Newburgh,  
4 designated on Town's tax map as Section 97,  
5 Block 2, Lot 42. Said hearing will be held on  
6 the 3rd day of July 2014 at the Town Hall Meeting  
7 Room, 1496 Route 300, Newburgh, New York at 7  
8 p.m. at which time all interested persons will be  
9 given an opportunity to be heard. By order of  
10 the Town of Newburgh Planning Board. John P.  
11 Ewasutyn, Chairman, Planning Board Town of  
12 Newburgh. Dated June 6, 2014."

14 CHAIRMAN EWASUTYN: Ken, thank you.

15 Ma'am, would you give your name and  
16 your address, please?

17 MS. FAYO: Michelle Fayo, 108 Old  
18 Little Britain Road. I just have a question  
19 about where they're going. Are they going  
20 outside the parking lot or in the parking lot?

21 MR. ANDERSON: They are -- would you  
22 like me to answer directly or wait until after  
23 the hearing?

24 CHAIRMAN EWASUTYN: Oh, you can talk to  
25 her. That's fine.

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MR. ANDERSON: They're actually within the lot. You'll notice they're actually within the islands.

MS. FAYO: I'm to the right of that lot, 108 Old Little Britain Road.

MR. ANDERSON: That would be --

MR. GALLI: The construction building down at the bottom of the hill.

MR. ANDERSON: They're all up in this area and they're all facing towards the lot.

MS. FAYO: Good. Thank you.

MR. HINES: They're in the existing parking lot. This isn't new.

MS. FAYO: I wasn't sure if they were going outside the parking lot.

CHAIRMAN EWASUTYN: Additional questions or comments? Ma'am.

MS. FERN: Good evening. I'm Louise Fern, I live at 9 Lakeview Drive. My property is directly behind this parking lot. We're very distressed about having lighting now in our backyard.

The history of this thing is that originally when they first put up the building



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they said there was not going to be any further construction or expansion, and then they came and then they put in this parking lot, took down almost twenty acres of woods. And then at the time they wanted lighting but they were denied by the Board I believe. And so now here we are again with the lighting, which is very intrusive I feel.

This commercial lighting is a major cause of light pollution, it's a disturbance to humans and wildlife. Sky glow, as it's called, is the cause of sleep deprivation and a diminished view of the night sky. As an amateur astronomer I am frequently out there looking at, and I think this will, you know, ruin a hobby of mine. So it's just too close to my property to be insignificant, as he calls it, and I just respectfully request that, you know, the motion be denied.

CHAIRMAN EWASUTYN: The hours of operation, how do the lights operate? When will they be operating?

MR. ANDERSON: They'll be operating with a photo cell and timer. However, the hours

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of operation, it will purely be for when events are in use and that overflow lot. They're not on the same timer switch. It will be separate so that it's only when that upper lot is required during times of operation, and, second to that, in times of maintenance, primarily snowplowing.

MR. GALLI: What's the time of operation? When are their events?

MR. ANDERSON: It varies. Historically, looking back, the majority end by about 5:00. So that means everybody is generally gone by about 6:00, 6:10. If you think from November until March would be -- you know, actually it probably wouldn't get dark until probably November. Probably December until maybe February would be until that 6:00, 6:30 mark. So that would be the majority. Historically there's been about four evening events that occur a year which is between the hours of 7 and 9. So if the overflow lot was required at that point, then it would be during that. Essentially it's just when that lot is in use, not necessarily the building. And maintenance.

MR. BROWNE: At the last presentation

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there was a question about the amount of light being generated by each pole. On this submission that had been addressed and clarified. Could you explain that?

MR. ANDERSON: Yes. Basically the foot candles, if you were to look at the plan, there are quite a few numbers that are laid out here, many of them 0s. These are cut-off pictures by the way, so not only are they lower at sixteen feet but also they're cut off so they're not having light spillage beyond what is typical, what you would see at like a gas station or something of that affect. So these light levels are shown throughout here. Actually, these light levels are -- because it is an overflow lot, it's not your standard, let's say mall parking lot where you have a higher light level. So you're down in the .1 in some areas, even on the lot where it's 0, but we feel they'll still be able to see ahead of them. The light levels are more like you would find along a walkway as opposed to a parking lot.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

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MR. DOMINICK: You said the lights were sixteen feet high, approximately, with a one foot base?

MR. ANDERSON: Fifteen with the one foot base.

MR. DOMINICK: What's the height of the existing building?

MR. ANDERSON: The height of the existing building I believe is, if I remember correctly, thirty-six feet. The existing poles are twenty-five feet. I believe the building itself is around thirty-six, maybe thirty-eight feet.

MR. DOMINICK: Is there an existing tree line in this upper parking lot?

MR. ANDERSON: The tree line is all through back here, and there is a -- there's berms that have been created back here.

MS. FERN: There's no berm on that property on that side.

MR. ANDERSON: The berm, doesn't it come -- wraps around up here?

MS. FERN: It's further north. It's not where you want to put the lights. There's no

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berm. It's ground level with my property.

CHAIRMAN EWASUTYN: Additional questions?

MR. WARD: My question is, I understand it's pedestrian like a walkway with the light and all, but addressing to the public, maybe you would want to put some shrubbery or something just there to have a little resistance. Even though I understand it's like a sidewalk light, it's just the principle of it there.

And the light is not going to be on all the time; right.

MR. ANDERSON: That's correct.

MR. WARD: Okay.

MR. ANDERSON: That is correct. And just the point, this is -- these are all trees that you see here. So if you were to come up close, you'd actually see the trees that have been surveyed and the full landscaping. These darker areas are shrubs and other plantings that were done and approved during the first application.

CHAIRMAN EWASUTYN: The gentleman, give your name and your address.

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MR. FERN: My name is Anthony Fern and I also live at 9 Lakeview Drive which is the property adjacent to the parking lot. Our house overlooks the parking lot, so we get a bird's eye view.

We opposed this when they put it in back in 2008 also. This whole property has a history of getting something approved and then going through the next thing or starting to add more. This parking lot is very intrusive. We have car alarms going off all the time and it's not used infrequently. It's used frequently. They had buses back there idling, waiting for the people to get done in the place. So like my wife said, it's very intrusive to our property. I don't think they should be allowed to do it. That's my --

MR. ANDERSON: If I could address just a couple of those comments. Back in 2008, I went back through and read the record of what was stated. Actually, it was the Board's recommendation at that point to have lighting up there. It wasn't something that we had come forward with. We were actually the ones that

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wanted not to have the lighting up there, and that was really to try to see if we could operate there without having that so as to have the minimum impact. Since then it's become a safety concern. As a result, we have put light poles up, those temporary ones you rent so that if there's an event, as I was mentioning, where it would be more during the evening, okay, so we rent them, have the light fixtures up there, which are much more obtrusive than what's being presented here. I just want to make that clarification, we were the ones actually trying originally not to have that impact, but it's just not feasible.

MR. GALLI: Where do the buses stage?

MR. ANDERSON: The buses actually stage down here. I don't even -- I don't believe they would even try to traverse up there and be up in that lot. The radius is not for a bus up there.

MR. MENNERICH: Is there existing light poles in that southwest parking lot?

MR. ANDERSON: This parking lot here?

MR. MENNERICH: No. The one where you said the buses are.

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MR. ANDERSON: Yes. This was all --  
these are all the ones --

MR. MENNERICH: I saw it shown on this  
side but it wasn't shown over here.

MR. ANDERSON: You're right. It's not  
shown there.

MS. FERN: How many lights in all are  
on the property?

MR. ANDERSON: That I don't know.

MS. FERN: There's lots of lighting.

MR. GALLI: How many new lights are you  
putting in?

MR. ANDERSON: We are putting in eight  
poles, and then along this walkway --

MR. GALLI: The walkway ones you can't  
see?

MR. ANDERSON: Yeah.

MR. GALLI: So you're putting in eight  
new lights back in the parking lot and the drive  
going to it, --

MR. ANDERSON: That is correct.

MR. GALLI: -- total? And I see a  
couple of them are up front. The ones up there.

MR. ANDERSON: Here, yes.



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MR. GALLI: There's three of them there. So back near her property there's two?

MR. ANDERSON: That's correct. They're actually not at the edge of the lot. They were pulled forward to within the islands.

MS. FERN: Can you point to them again? The map online wasn't very clear.

MR. ANDERSON: Those two here.

MS. FERN: So they're pretty close to the -- at the edge of the lot.

MR. ANDERSON: They're over a hundred feet from the property.

MS. FERN: Light travels.

MR. HINES: That's a forty scale map, for the Board. An inch is forty feet on that map.

MR. GALLI: They're not the tall ones they have in the parking lot, they're the short ones.

MR. HINES: That's correct.

CHAIRMAN EWASUTYN: Additional questions from the Board Members?

MR. MENNERICH: The contours of the land that goes to that lot, I realize it's

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higher; right?

MR. ANDERSON: That's correct.

MR. MENNERICH: After where the parking area is does it continue to rise up the terrain?

MR. ANDERSON: Yes, it continues to rise.

MR. MENNERICH: Thank you.

MR. DOMINICK: If it continues to rise, these sixteen foot lights are higher; correct?

MR. ANDERSON: No. They're lower. The grade continues to rise behind.

MR. DOMINICK: Got you.

MR. ANDERSON: I meant the other way. I'm sorry.

MR. DOMINICK: Got you.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: Just one comment with respect to the Ferns' concern about idling buses. Although it's not in the Municipal Code, it is enforceable by the police department. It is a DEC regulation on the idling of vehicles which is limited to, I believe, two or four minutes. We've come across this with a previous project, I believe it was Pilot, and we included it as a

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condition of approval in the resolution.  
However, it is something that is enforceable by the police department. So a suggestion may be if that's a complaint, to call the local police department and they can come and enforce that.

MR. HINES: I suggest a little further that possibly them installing a no buses sign at that entrance drive, because I do agree that the radiuses here are not conducive to moving buses through there. It's more of a car parking lot. I don't know if that's something that the applicant would entertain as part of this, to add that sign to the map.

MR. ANDERSON: We would.

MR. HINES: Internally restrict themselves from having a bus idle there. I certainly wouldn't want a bus idling behind my house.

MR. CANFIELD: That's a good point, to even add the no idling in your bus parking area.

MR. ANDERSON: We are fine to do that.

MR. CANFIELD: There are time restrictions on how long they can run.

MR. ANDERSON: Absolutely.

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MS. FERN: I have another question about the occupancy. I believe -- I question the legitimacy about the maximum occupancy of 1,200 when they have these three huge parking lots and then at times I've seen at least three buses there. It just seems like there's more people there than what should be. Lots of children. Can you answer that question? Do you ever feel you go over your maximum occupancy?

MR. ANDERSON: We never go over our maximum occupancy.

MS. FERN: How many people do you think are there on Saturdays and Sundays with all the buses?

MR. ANDERSON: I'm sure it ranges within what we originally had as part of the approval process on the building, which was 1,800 to 2,200. Probably it's more on the 1,600 person range.

MS. FERN: That's what it says? I thought it was like 1,200.

MR. ANDERSON: No, it was not. 1,800 to 2,200.

MS. FERN: Thank you.

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CHAIRMAN EWASUTYN: Any further  
comments from the public?

(No response.)

CHAIRMAN EWASUTYN: I'll turn to Pat  
Hines, Planning Consultant.

MR. HINES: We reviewed the initial  
submission and found what we felt were  
discrepancies in the lighting levels on the plan.  
This plan has been revised to reflect the actual  
lighting levels for the proposed fixtures based  
on that comment. They are, as the applicant's  
representative said, full cut-off fixtures. The  
light is directed down, not out and to the sides.

The foot candles that they have  
provided, because of the nature of the fixtures,  
have a zero foot candle level, probably a hundred  
feet from the property line. In other words,  
there's no fugitive light spread based on the  
foot candle analysis there. They are directed  
downward.

I would suggest that the -- if the  
Board is going to take action on this, that the  
resolution include that the lighting should be  
turned off within one hour of the end of the

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event so there's some enforceable action in the resolution which would give the building department the ability to enforce, as well as the buses.

This parking lot is gated I believe.

MR. ANDERSON: It does have, yes, at the lower level.

MR. HINES: That restricts access.

That's all we have on that as technical comments.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I have nothing additional.

MR. FERN: Can I ask one more question? These light fixtures, are they the type that you can go and take the bulb out and put a more powerful, higher wattage bulb?

MR. ANDERSON. No. They're the LEDs. They're all the little bulbs.

MR. FERN: So you're restricted to what you've got?

MR. ANDERSON: It goes -- yeah. It's built for that fixture. It's not a screw in or a

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replacement.

MR. HINES: The LED bulbs are very directal. When they're facing down that light is going down.

CHAIRMAN EWASUTYN: Is there any further comment from the public?

(No response.)

CHAIRMAN EWASUTYN: Any comment from Board Members?

MR. GALLI: We're going to put in the resolution about the five-minute idling rule that the State has and the bus access sign? Are we putting that in as far as part of the resolution of the approval?

MR. HINES: This parking lot was never intended to have bus traffic in it. I think if the applicant is willing to stipulate to that, it could be put in the resolution and that would make that enforceable.

MR. GALLI: The two signs. Okay.

CHAIRMAN EWASUTYN: No buses and no idling.

MR. GALLI: I know they have them at Pilot.

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MR. DONNELLY: In the resolution there were several map notes that had to do with lighting. I was going to incorporate them into the resolution and the conditions of the approval. We'll require as a condition of the resolution that a no bus idling sign be placed even in the existing lot, and a no bus entry sign to the upper or rear lot there. A condition that all lights must be completely off within one hour of the end of any event.

MR. ANDERSON: We'd like -- I think we have one exception to that, though. In times of maintenance, snowplowing and --

MR. DONNELLY: Except maintenance. Beyond that, we'll carry over the original conditions of the amended resolution from 2008 that allowed the parking lot to be there in the first place.

I don't think there's any financial security required.

CHAIRMAN EWASUTYN: Jerry?

MR. CANFIELD: I do have an additional request. Typically with private property such as shopping centers the police department does not



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2 have any enforcement authority unless the  
3 property owner authorizes the municipality,  
4 specifically the police department, to come on  
5 your property and enforce parking regulations.  
6 In the past we've requested applicants to submit  
7 a letter of request to the police department to  
8 do so. I suggest perhaps that it would be  
9 fitting here.

10 MR. DONNELLY: Section 1660 of the  
11 Vehicle & Traffic Law. I'll include that as  
12 well.

13 CHAIRMAN EWASUTYN: Any further  
14 questions or comments from the Board?

15 MR. GALLI: No additional.

16 MR. BROWNE: Nothing more.

17 MR. MENNERICH: No.

18 MR. DOMINICK: No.

19 MR. WARD: No.

20 CHAIRMAN EWASUTYN: I'll move for a  
21 motion to close the public hearing on the Jehovah  
22 Witness Circuit Assembly Hall amended site plan.

23 MR. GALLI: So moved.

24 MR. MENNERICH: Second.

25 CHAIRMAN EWASUTYN: I have a motion by

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JEHOVAH WITNESS

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Frank Galli. I have a second by Ken Mennerich.  
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.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So  
carried.

Mike, do we have to make a SEQRA  
determination?

MR. DONNELLY: Let me look. You did  
not do that before, so you need to. I'm sorry.

CHAIRMAN EWASUTYN: I'll move for a  
motion from the Board to declare a negative  
declaration on the Jehovah Witness Circuit  
Assembly Hall amended site plan.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: A motion by Frank

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Galli, a second -- was that Dave Dominick?

MR. DOMINICK: It was John.

CHAIRMAN EWASUTYN: 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. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

I'll move for a motion from the Board to approve the Jehovah Witness Circuit Assembly Hall amended site plan subject to the conditions presented by our Attorney, Mike Donnelly.

Mike, one more time would you bring forth those conditions?

MR. DONNELLY: Sure. We will carry over the conditions of the amended approval from 2008, we will incorporate the map notes that exist already regarding limitations on the use of

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2 lighting as conditions of the approval, we'll  
3 require an amendment of the plans to show a no  
4 bus idling sign in the original parking lots and  
5 a no bus entry sign to the rear lot where the  
6 lights are proposed to be installed, and a  
7 requirement that a Vehicle & Traffic Law Section  
8 1660 petition be submitted to the Town Board  
9 authorizing police and emergency services to  
10 enforce Vehicle & Traffic Law and fire lane  
11 violations within all of the parking lots.  
12 Finally, a condition that says except during  
13 maintenance activities, all lights in the new  
14 parking lot must be turned off within one hour  
15 following the end of all events.

16 CHAIRMAN EWASUTYN: Okay. Any  
17 questions or comments?

18 (No response.)

19 CHAIRMAN EWASUTYN: I'll move for a  
20 motion to approve the Jehovah Witness Circuit  
21 Assembly Hall amended site plan subject to the  
22 conditions presented by our Attorney, Mike  
23 Donnelly, in the final resolution.

24 MR. GALLI: So moved.

25 MR. WARD: Second.

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

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

Thank you.

MR. ANDERSON: Thank you.

(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: July 29, 2014

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

----- X  
In the Matter of

ZONING AMENDMENT FOR BANKS IN THE IB ZONE

----- X

BOARD BUSINESS

Date: July 3, 2014  
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  
DAVID DOMINICK  
JOHN A. WARD

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

----- X

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

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CHAIRMAN EWASUTYN: We received a letter from Mark Taylor, Town Board Attorney. I believe sometime in August there's going to be a public hearing on the zoning amendment for banks in the IB Zone. I think they'd like to hear from us one more time.

Is that it, Mike.

MR. DONNELLY: If you have any additional comments. I wrote them a letter following the informal presentation to you, I think at the June meeting, where you recommended favorably on the changes as well as the drive-through window change. I don't know if there's anything further you want to add. I could write a letter that says that the Planning Board has no comments to add beyond that which was put in our last letter, or if you have additional ones I'll include those.

CHAIRMAN EWASUTYN: Does the Board have anything additional?

(No response.)

CHAIRMAN EWASUTYN: That is in August; correct?

MR. DONNELLY: In June we made --



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BOARD BUSINESS

CHAIRMAN EWASUTYN: I mean the --  
they're having a public hearing.

MR. DONNELLY: I forget what the memo  
said. August 4th. Yes.

CHAIRMAN EWASUTYN: We'll be  
entertaining this application at the meeting of  
the 17th.

MR. DONNELLY: Right.

CHAIRMAN EWASUTYN: So I'll move for a  
motion to have Mike Donnelly draft a letter and  
send it on to the Town Board in reference to the  
proposed zone change.

MR. DOMINICK: I'll make the motion.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion  
made by Dave Dominick, a second by Ken Mennerich.  
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.

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MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

(Time noted: 7:45 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: July 29, 2014

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

----- X  
In the Matter of

LANDS OF TARBEN, INC.  
(2004-43)

Request for an Extension of Conditional Final  
Approval until September 18, 2014

----- X

BOARD BUSINESS

Date: July 3, 2014  
Time: 7:45 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  
DAVID DOMINICK  
JOHN A. WARD

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

----- X

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

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LANDS OF TARBEN, INC.

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MR. BROWNE: The last action this evening is we received a letter from Tarben, Inc. They're looking for an extension on the subdivision until September 18, 2014. I'll move for that motion.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ken Mennerich. 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.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Thank you all for coming out this evening.

I'll move for a motion to close the

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LANDS OF TARBEN, INC.

Planning Board meeting of July 3rd.

MR. GALLI: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: A motion by Frank  
Galli. A second by Dave Dominick. 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.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

(Time noted: 8:46 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: July 29, 2014