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

----- X

In the Matter of

DANSKAMMER ENERGY
(2021-24)

994 River Road
Section 8; Block 1; Lots 75.211, 75.22, 75.42 &
75.3
I Zone

----- X

INITIAL APPEARANCE
CLEARING & GRADING

Date: October 7, 2021
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
KEN WERSTED

APPLICANT'S REPRESENTATIVE: THOMAS GRAY,
JOHN McGAHAN, JOHN FURST

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. The Town of Newburgh Planning Board welcomes you to our meeting of the 7th of October 2021. This evening we have eleven items on the agenda.

At this point we're going to call the meeting to order with a roll call vote.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. HINES: Pat Hines with MHE Engineering.

MR. CAMPBELL: Jim Campbell, Code Compliance.

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

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Consultant.

CHAIRMAN EWASUTYN: Thank you.
At this point we'll turn the meeting over to Dave Dominick.

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

(Pledge of Allegiance.)

MR. DOMINICK: Please silence your cellphones or turn them off. Thank you.

CHAIRMAN EWASUTYN: The first agenda item is Danskammer Energy. It's an initial appearance for a clearing and grading. It's located on 994 River Road in an I Zone and it's being represented by SCS Engineers.

MR. GRAY: My name is Thomas Gray. I'm the chief financial officer at Danskammer Energy. I'm joined by John McGahan who is our plant manager as well as John Furst from Catania, Mahon & Rider.

Our project here is to request clearing and grading permits for the final closure of what is a partially open coal

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ash landfill facility which is a legacy component of our business. This coal ash landfill has been basically in operation since the facility has been operating on coal. We no longer use it in terms of adding any additional materials. The plant ceased operations of coal in 2012.

 This process here is -- we did close the portions that are currently highlighted in green. The three phases within the landfill have been permanently capped and the purplish area is a remaining open area, phase 3, where our intention is to install a final cover liner system. The cover liner system is a synthetic material. It's manufactured by a company called Watershed Geo. It consists of primarily a membrane material which goes over the landfill after it's graded and sloped to the requisite characteristics to manage stormwater runoff, and then there's a material that looks like Astroturf that you would see -- a bit more industrial than would probably

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be at a sporting arena or anything, but this is then put over the top, and then there's a sand in-fill that is put into that as the permanent capping material. So this has a regular permeability rate. We do expect higher amounts of stormwater runoff once this is installed, but this would be the final closure for the facility.

We've already secured all of the capping material. It's on our site. It's staged, ready to go. Once we secure the requisite permits, we would intend to start our project in the springtime of 2022. The process will take approximately through the end of August of next year.

Just a couple of things before I turn it over to John to go through some of the more intricate details of the plan. I just want to make it clear that we do have a conditional permit from the Department of Environmental Conservation. They do oversee this landfill, and, as such, they do have it as an Unlisted action under

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SEQRA currently. If there's anything additional that you need us to do in relation to a long form EAF, let us know and we'll have all that prepared.

But the intention here is to only take existing materials that are inside the landfill, that only consists of coal ash in here, and to reconfigure it for sloping and grading to manage stormwater such that the majority of the stormwater will run from this ridge line to the northeast and then down through various culverts and go through existing really topographical swales and other aspects whereby it will run down through outfalls, you know, into the Hudson River. So from that perspective there's really no intended addition of clean fill to be brought into the site. This will just be reconfiguring. Once the lining material is put on, that should be the final closure.

John, do you want to go through specific details? And then we'd be happy

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to ask any questions -- answer any questions.

MR. McGAHAN: Sure. Tom actually gave you a very good introduction.

This map we just kind of put up here for you. It gives you an idea of our property line in relation to the railroad tracks and the river. The next page actually is a little bigger and a little easier to see, so I'm going to jump to that. Maybe I ought to stand on this side. So this is just a little bit blown up. It doesn't show the whole property line. I'll stay to the side the best I can.

So again, the bluish area that Tom mentioned, this blue in here is the landfill that we want to cover, the geoturf. This top part here is existing. It's not part of the landfill. It is the steep slope that comes down into the landfill, but we'll also use that same material on it to prevent erosion on the steep slope up here right now. It will

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all be contoured. If you're up close you can see, but it will all be contoured. So about from this green line, water that rains here will flow to the south and come down around the landfill, cross our road, actually under our road, and then flow down the existing swale and out to the outfall down at the river. The other direction from about here flowing this direction, it will be sloped such that the water will come to this side and down.

Swales will be built. There's one here. This is actually an existing access road. But the water will come down alongside it. If I can find -- at the same time, it will go into -- there's an existing swale around the outside to prevent rainwater from running in. This will join that existing rainfall or rain swale here into the existing temporary stream. Is that what they call them?

MR. GRAY: Yes. Intermittent streams.

MR. McGAHAN: Intermittent

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streams. And there will be one more swale in here.

MR. GRAY: Down under, the area here.

MR. McGAHAN: There it is here. That will take water from this existing grass area. It's grass right now. It will remain grass. But any water runoff from here would be captured and brought out this swale, down the side of the hill and down to the Hudson River. Eventually it will make its way down there.

MR. GRAY: Any existing materials that still are captured from the landfill are treated through a leachate treatment system that we still have on site. Those all come down to a sump pump underneath that run along the bottom liner of the landfill. That water is captured and then it travels down to catchment ponds that we have here on our property. These catchment ponds are then run through wastewater treatment facilities that we have on the site. So we hope that we'll

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dry out the landfill over time once we put the final cover system on it. But in the interim we'll continue to operate as normal in terms of treatment of leachate under DEC standards for discharge.

And then a lot of the other design here is to capture stormwater that historically had been commingled with leachate from the landfill and redirect that to maintain itself as pure stormwater and go to stormwater outfalls as opposed to being captured into our system on a go-forward basis.

As John pointed out, there's additional stormwater work that we need to do to enhance it.

As I mentioned earlier, this material has a very high runoff rate. So what we're going to see -- we designed it with our engineers and the DEC to achieve 100-year stormwater events such that as the water comes to these toes within the closed landfill, they'll be redirected and managed through enhancements to this

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swale. Then, as John pointed out, there's an additional shoot here and an enhancement to this existing swale.

As water also runs off this side, there's going to be a disperse and rip rap trench installed along this side such that when water comes off, it will slow down to meet flow standards such that it then goes into this area which is already heavily wooded with plenty of trees and other aspects.

So we do have a small amount of tree cutting that we're going to be required to do to install this trench down on this side, but beyond that -- most of the work is inside the landfill. It's definitely less than 10 acres in terms of the management of additional stormwater runoff.

CHAIRMAN EWASUTYN: Thank you. Before we turn it over to Dominic Cordisco, Planning Board Attorney, and Pat Hines with McGoey, Hauser & Edsall, comments from Board Members. Frank Galli?

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MR. GALLI: No. It was very
informative.

CHAIRMAN EWASUTYN: Stephanie
DeLuca?

MS. DeLUCA: No. I agree.

CHAIRMAN EWASUTYN: Ken
Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Dave
Dominick?

MR. DOMINICK: No. Great
presentation.

CHAIRMAN EWASUTYN: All right.
Procedurally we're going to open it up to
discussion with our Attorney, Dominic
Cordisco, with Drake, Loeb. Dominic.

MR. CORDISCO: Yes. Thank you
very much, Mr. Chairman.

As you mentioned at the beginning
of your presentation, you discussed the
fact that the DEC treated this as an
Unlisted action under SEQRA. I appreciate
that as far as the DEC's jurisdiction is
concerned. We see this as being an

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alteration of more than 10 acres of disturbance which is a Type 1 action under SEQRA. It requires a coordinated review and it requires a long form EAF.

I was glad that you made that clarification at the outset because I wasn't sure exactly what transpired with DEC because there was no reference to it in the permit that they issued. It's an interesting situation because the DEC basically did SEQRA on their own without involving the Town. Now here we are where you're in front of the Town. We have to abide by the SEQRA rules that are in place.

So I would think at a minimum for your next submission that you should include a long form EAF. It requires circulation to other interested and involved agencies. It's an odd scenario because the DEC has already issued their approval for this to move forward, but to be prudent and to inform them of what we're doing, I think we would need to

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coordinate with the DEC to advise them that you are in front of us for a clearing and grading permit.

MR. GRAY: Understood. That makes sense. It's a bit of an issue where it's hard to navigate between municipal and State law.

From our 2018 permit which allowed us to do final cleanup of the area and to take any remaining coal ash, they do list in that permit that it's an Unlisted action under SEQRA, but in the conditional permit that they issued for us to begin the closure it wasn't necessarily specified in there, as you pointed out.

MR. CORDISCO: That was the one I was looking at. It was not a criticism. It's just procedurally --

MR. GRAY: No. That's why we're here and that's why we took the conservative route through the whole process.

The other things; Pat, I know that you mentioned it in your aspect, we

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are preparing an upgraded erosion control plan, as well as a dust control plan, as well as sediment. We're going to revise that plan. When we meet next we'll submit that prior along with all the other requisite permit applications that need to be prepared that, Pat, you had mentioned in your write-up.

CHAIRMAN EWASUTYN: Tom, if you don't mind, can we turn it over to Pat Hines to hear his comments?

MR. GRAY: Sure. Sorry.

MR. HINES: My first comment just addresses the project. It's approximately 14.2 acres of landfill geomembrane cover that as was previously discussed.

And we note that the DEC permit was issued on July 1, 2021 for the work associated with it.

We identified the short environmental assessment form, and we are requesting a long environmental assessment form.

You did identify the DEC's SEQRA

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process. I was hoping that they had issued and included us to save you that effort, but as Dominic just said, we need to do that.

There's Army Corp wetlands on the site. The project has identified that there is no impact to the Army Corp wetlands, and copies of the Army Corp's jurisdictional determination were submitted in the application.

We're looking for the stormwater management reports that were prepared --

MR. GRAY: We will submit that.

MR. HINES: -- to complete the Town's file. We will review them as the regulated MS-4.

We noted that the perimeter rip rap drainage swale to the upgradient of the property remains intact and will divert stormwater as it does today.

We're looking for a draft notice of intent for coverage under the DEC's permit, and we will -- once we process that and move this project towards

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approval, we'll issue a municipal authorization from the Town to allow you to obtain coverage under the general permit.

We had some comments on the erosion sediment control plan. We're looking for additional details including the fugitive dust control that you had mentioned.

CHAIRMAN EWASUTYN: Thank you.

Dominic Cordisco, for the record can you advise the Planning Board as to what procedurally the next step is?

MR. CORDISCO: The next step for this would be to wait for the applicant to submit a long form EAF. I don't think I have any other steps that the Board could take this evening.

MR. HINES: John, we would be sending out the adjoiner's notice as well. That's required by the Town Code. We'll work with, I guess Mr. Furst or -- to do that. Who wants to be the contact for that I guess?

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MR. GRAY: Myself is fine.

Thomas Gray.

MR. HINES: We will work with you on getting that adjainer's notice out as well.

MR. GRAY: We will be ready to mail it.

MR. HINES: Okay.

MR. FURST: I just have a quick question. So would it be possible for the Board to declare their intent to circulate subject to us submitting an EAF that's approved by your engineers so we don't have to wait? I don't know when your next meeting is.

MR. CORDISCO: I mean it's possible. I mean there's -- it's not as if there's going to be another lead agency for this particular action. They do have to submit a long form EAF. I think subject to Mr. Hines' review for sufficiency, the Board could then circulate the notice and authorize him to do so.

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CHAIRMAN EWASUTYN: Okay. Having heard from Attorney Dominic Cordisco, would someone make the motion to declare our intent for lead agency?

MR. GALLI: John, who was that gentleman who just spoke?

MR. FURST: My name is John Furst. I'm the attorney with Catania, Mahon & Rider. F-U-R-S-T.

MR. GALLI: I'll make that motion, John.

MR. DOMINICK: I'll second that, John.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Dave Dominick. May I please have a roll call vote starting with Frank Galli?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: The only thing I would suggest of you, don't

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project the next Planning Board meeting and whether you'll be on it or not, just as a matter of record.

MR. FURST: That's exactly why I was asking.

CHAIRMAN EWASUTYN: That's why we have eleven items on the agenda tonight. The way materials are coming in --

MR. FURST: Right. So it's one less item on your agenda for the next time.

CHAIRMAN EWASUTYN: I appreciate that.

Okay, Tom?

MR. GRAY: Yes. Thank you.

MR. McGAHAN: Thank you.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:13 p.m.)

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

I, MICHELLE CONERO, a Notary
Public for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this
proceeding by blood or by marriage and that I
am in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 18th day of October
2021.

MICHELLE CONERO

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

----- X
In the Matter of

UNIFIRST
(2021-14)

33 Jeanne Drive
Section 34; Block 2; Lot 38.32
IB Zone

----- X

SITE PLAN/ARB

Date: October 7, 2021
Time: 7:13 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
KEN WERSTED

APPLICANT'S REPRESENTATIVE: LEO MALDONADO,
OLIVER WILHELM, GEORGE FARANOCKUS

----- X

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3 Francis Street
Newburgh, New York 12550
(845) 541-4163

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UNIFIRST

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CHAIRMAN EWASUTYN: The second item of business this evening is Unifirst. It's before us this evening for a site plan approval and an ARB approval. It's located on 33 Jeanne Drive in an IB Zone and it's being represented by Jason Pitingaro.

MR. MALDONADO: Good evening, gentlemen. I'm Leo Maldonado. I'm the branch manager with Unifirst Corporation. Jason could not be here.

CHAIRMAN EWASUTYN: Do you have a business card?

MR. MALDONADO: One was provided last time I was here.

CHAIRMAN EWASUTYN: What was that?

MR. MALDONADO: One was provided the last time I was here. I can grab one from the car.

CHAIRMAN EWASUTYN: Go ahead.

MR. MALDONADO: Jason could not make it. We do have our architect that will be representing us.

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MR. WILHELM: Good evening.
Oliver Wilhelm, Cybul, Cybul, Wilhelm,
Architects. We are the architects of
record for this project, Unifirst. My
senior project manager, George Faranockus,
is also here to help me with that
presentation.

My understanding is that we had
gotten a Planning Board approval at the
last meeting with Jason and we're here for
the ARB portion of the presentation.

From a global point of view,
we're basically on the street right now
looking at the site. The existing
building is the prefabbed white building
in the back. We are adding an office, a
one-story office structure in the front,
along with some new parking and new
grading.

We have a road -- obviously with
the Planning Board, we have a road there
that goes around and allows all the trucks
to go back, come into the loading docks
and come back out.

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The one-story building has got a cladding on it. It is contiguous with the presentation that we had submitted prior.

MR. FARANOCKUS: So the two additions in the front and back, and you'll see it on the plan as well, we have chosen a metal skin colored thunder gray to provide a little contrast and still stay relatively neutral with the consistency of this building and what's around it.

All the trim, the windows, the storefront and the entrance, external features like lights, scuffers and leaders, are going to be dark anodized bronze.

The glass for the storefront entry is going to be a silver/gray PPG color. In keeping with Unifirst's branding and color, we chose the color green for the overhead doors and the loading docks, and a little accent of trim at the front entrance.

This is just an idea of what the

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existing metal clad building looks like right now. It's white -- or off white. Dirty. It's going to need a little bit of a facelift and cleaning. But that was the idea of the concept of the color scheme that we're proposing.

If you want to go to the plans, we can walk you through -- or is this presentation primarily for the exterior? Do we need to go over the plans as they were already reviewed on the site plan approval?

CHAIRMAN EWASUTYN: As a matter of record, I'm not certain that we approved the site plan at the last meeting. I think we made it subject to a combination of approving the site plan and the ARB which is before us this evening.

MR. MALDONADO: Okay.

CHAIRMAN EWASUTYN: Again, the action is to approve the site plan and to grant ARB approval. I don't think we necessarily have to go through the site plan at this point.

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MR. MALDONADO: Right.

CHAIRMAN EWASUTYN: Ken Wersted, our Traffic Consultant, you're satisfied with the circulation on the site?

MR. WERSTED: Yes. From our comments over the summer they had addressed those.

In this latest addition relative to the submission for architecture, we didn't have any comments on that.

MR. MALDONADO: Good.

CHAIRMAN EWASUTYN: Maybe at this point we'll turn it over, if you don't mind Mr. Wilhelm, to the Planning Board Members for their comments --

MR. WILHELM: Absolutely.

CHAIRMAN EWASUTYN: -- on the ARB.

Frank Galli?

MR. GALLI: No additional.

MS. DeLUCA: I have no additional comments. The colors are nice.

MR. FARANOCKUS: Very good. Thank you.

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MR. MENNERICH: The architectural coloring scheme sounds like it will come out nice.

MR. WILHELM: Good. Thank you. We're pleased with it. We like the green tint.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance, do you have anything to add?

MR. CAMPBELL: Nothing to add.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We have no outstanding comments.

We will need a stormwater and landscaping security, which was included in our last comments, as a condition of approval.

MR. FARANOCKUS: I believe the retention system is being designed by Jason's office right now.

MR. HINES: We've already reviewed that and found it acceptable. It's just that it needs to be -- there needs to be a security based on the Town's

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Code for that and the landscaping.

MR. FARANOCKUS: Very good.

MR. MALDONADO: Understood.

CHAIRMAN EWASUTYN: In your final submission you'll complete the ARB form?

MR. FARANOCKUS: I think we did.

MR. MALDONADO: We already submitted that. May I?

CHAIRMAN EWASUTYN: Okay.

MR. MALDONADO: I just brought a copy.

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to Dominic Cordisco, Planning Board Attorney, to give us conditions of approval for both the site plan and ARB.

MR. CORDISCO: Thank you, Mr. Chairman.

Just to confirm, at the Board's September 2nd meeting the Board adopted a SEQRA negative declaration at that time. You also waived the public hearing on this matter. You identified the conditions for the approval, but the fact is that the

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architecturals were outstanding and so the Board deferred taking any action at that time until the architecturals were submitted.

So for conditions of approval, everything will be built together in one resolution that would grant both site plan and Architectural Review Board approval. Those particular conditions for this particular application would include the posting of landscape security, stormwater security, and the fact that the plans and the building has to be built in accordance with not only the site plan but also the architectural rendering.

MR. MALDONADO: As well as the New York State Building Code, clearly.

CHAIRMAN EWASUTYN: Thank you.

Having heard the conditions of approval for Unifirst for both the site plan and ARB presented by Planning Board Attorney Dominic Cordisco, would someone move for a motion to grant those two approvals?

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MS. DeLUCA: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Stephanie DeLuca. I have a second by Ken Mennerich. May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. CORDISCO: Mr. Chairman, I have one other matter. In connection with this, the ARB approval portion of the resolution will reference these particular plans, but I went back through my records and I do not see having received a copy of these plans. If I could get a copy of the architectural renderings, if I could just get an electronic copy of those, because I want to make sure that I reference the right set of plans in the resolution.

MR. WILHELM: I'm sorry. The rendering only or the -- you did receive

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UNIFIRST

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these. Right?

MR. CORDISCO: I have the site plans. Just the rendering.

MR. MALDONADO: We have one we can forward to you.

MR. CORDISCO: Thank you.

MR. MALDONADO: Are you sure you don't want to put it up someplace?

CHAIRMAN EWASUTYN: Can we move forward then with the approval?

MR. CORDISCO: You're all set. You had a motion that was seconded and a vote.

MR. MALDONADO: Thank you.

CHAIRMAN EWASUTYN: We have a motion and a second. Can I please have a final approval then?

MR. CORDISCO: We took the roll call vote.

CHAIRMAN EWASUTYN: We did?

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: All right. Thank you.

(Time noted: 7:22 p.m.)

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

I, MICHELLE CONERO, a Notary
Public for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this
proceeding by blood or by marriage and that I
am in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 18th day of October
2021.

MICHELLE CONERO

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

----- X

In the Matter of

BARTON-SITE PLAN & LOT LINE CHANGE
(2021-08)

Auto Park Place & Unity Place
Section 97; Block 2; Lots 27.32, 40 & 47
IB Zone

----- X

LOT LINE/SITE PLAN/ARB

Date: October 7, 2021
Time: 7:23 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
KEN WERSTED

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

----- X

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CHAIRMAN EWASUTYN: The third item of business this evening is the Barton site plan, lot line change and ARB. It's located on Auto Park Place and Unity Place. It's in an IB Zone. It's being represented by Larry Marshall.

MR. MARSHALL: Good evening, everyone.

So this application has been here before the Board several times. Just to bring the Board back up to speed, we're doing a lot line change, reconfiguring the three existing lots that make up this application. We're taking some land away from existing lot 5, adding some land to existing lot B-1, and then expanding existing lot A-6. That's the lot line change portion of this. All of the zoning criteria are met. That's just a reconfiguring of three existing parcels.

And then we have the site plan which is an expansion of the existing Barton dealership, a Chevy Cadillac dealership, adding a little bit more than

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21,000 square feet of building space and then some parking or drive aisles around the outside as part of that. We do have the stormwater treatment facilities on the site to handle all of the runoff.

In the last submission that we made we didn't include any updated plans so we didn't -- because there were no necessary changes to them.

We did provide to the Board some elevations, some preliminary elevations provided to us by the applicant, as well as photographs of the existing building.

Really the exterior of this building is going to be -- it's going to match the existing facility in color. It will be white. It's just going to have an EIFS finish. So basically it's a white stucco finish. The existing building has a couple different finishes, but the most recently added service area has a split faced block. The applicant is electing to go with an EIFS finish as opposed to a split faced block finish for the proposed

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addition, but it will match in color. It will just have a slightly different texture.

CHAIRMAN EWASUTYN: Thank you.

At this point we'll turn the meeting over to Ken Wersted, our Traffic Consultant.

MR. WERSTED: We reviewed the project previously. We didn't have any additional comments on the architecture where they stand now.

CHAIRMAN EWASUTYN: Jim Campbell with Code Compliance?

MR. CAMPBELL: No comment.

CHAIRMAN EWASUTYN: Pat Hines with McGoey, Hauser & Edsall?

MR. HINES: We did circulate to the City of Newburgh for a flow acceptance letter for the increased sanitary flow of 315 gallons based on the 15 gallons per day per employee.

We confirmed that the parcels -- two of the parcels have stormwater management agreements filed. There is one

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parcel involved in the lot line change that is not proposed for development that is not included in those, and that will be required should that site become developed.

We are recommending a negative declaration based on the plans and reports that were received.

We did note that a large portion of the area to be developed is currently paved behind the structure to kind of offset the drainage, but the applicants have provided a stormwater management plan and report to both provide water quantity and quality control. We find those acceptable.

CHAIRMAN EWASUTYN: Comments from Board Members at this time. Frank Galli?

MR. GALLI: No additional.

MS. DeLUCA: No.

MR. MENNERICH: No questions.

MR. DOMINICK: No. I think it makes sense to centralize everything.

CHAIRMAN EWASUTYN: Let's first

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start by having a motion to declare a negative declaration on the Barton site plan and lot line change. Would someone move for that motion?

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Frank Galli. Can I please have a roll call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Under the Town Code for site plans the Planning Board can waive the need for a public hearing provided that they have a foundation for granting that waiver. Would someone -- first let me poll the Board Members to see if they believe we should have a public hearing.

Frank Galli?

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MR. GALLI: No. In the commercial zone that it's in, it's all businesses around there, like BJ's and stuff. I don't think we should have a public hearing on it.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: Agreed.

MR. MENNERICH: I agree.

MR. DOMINICK: I agree.

CHAIRMAN EWASUTYN: Frank Galli, for the record would you bring that conversation forward and we'll make that part of the motion to not have a public hearing on the Barton site plan.

MR. GALLI: Right. So I propose we don't have a public hearing on the site plan because of the reasons I just proposed, where it's located and the zone it's in, and it's all existing. It's just adding on to the existing location that's already there.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board waived

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the public hearing for the Barton site plan and lot line change.

MR. GALLI: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Second by Dave Dominick. May I please have a roll call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to Dominic Cordisco, Planning Board Attorney.

MR. CORDISCO: Thank you, Mr. Chairman. The action before you now would be consideration of the resolution of approval for the site plan amendment and the lot line change.

CHAIRMAN EWASUTYN: Do you have conditions for the Planning Board?

MR. CORDISCO: No special conditions that I'm aware of.

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MR. HINES: Landscape security,
stormwater security and inspection fees.

MR. CORDISCO: It's a good thing
that I have you.

MR. HINES: That's what I'm here
for.

CHAIRMAN EWASUTYN: Just for the
record, Dominic. There was discussion
with Pat Hines and Dominic Cordisco in
reference to the conditions of approval
for the lot line, site plan and ARB
approval for Barton Chevrolet. Can we
have that mentioned one more time so the
Board can motion on that?

MR. CORDISCO: Yes. The special
conditions would be the posting of
landscape security and stormwater
security.

CHAIRMAN EWASUTYN: Having heard
the conditions of approval for the Barton
site plan, lot line change and ARB
approval, can someone move for a motion to
approve that subject to the conditions
presented by Planning Board Attorney

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Dominic Cordisco?

MR. DOMINICK: I'll make a motion.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: We have a motion by Dave Dominick. We have a second by Stephanie DeLuca. May I please have a roll call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried. Thank you.

MR. MARSHALL: Thank you very much.

CHAIRMAN EWASUTYN: It was good to see you, Larry.

MR. MARSHALL: Same to you.

(Time noted: 7:31 p.m.)

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

I, MICHELLE CONERO, a Notary
Public for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this
proceeding by blood or by marriage and that I
am in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have
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2021.

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

----- X
In the Matter of

SERVISS-2 LOT SUBDIVISION
(2021-07)

1298 Union Avenue
Section 14; Block 1; Lot 48
R-2 Zone

----- X

TWO-LOT SUBDIVISION

Date: October 7, 2021
Time: 7:31 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
KEN WERSTED

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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CHAIRMAN EWASUTYN: Our fourth item of business this evening is the Serviss two-lot subdivision located on Union Avenue in an R-2 Zone. It's being represented by Charles Brown of Talcott Engineering. Charles.

MR. BROWN: Thank you. This is an existing 40 plus acre lot with an existing residence and one new building lot. It's in the R-2 Zone and it has Town water on Union Avenue.

We're proposing a common driveway entrance. If you look at Pat's comments, I think I'll move that whole driveway until we get passed the widening of the lot so we have more room for the water line and the swales.

We've been here before. I think that's it.

CHAIRMAN EWASUTYN: Have you submitted plans to the Highway Department?

MR. BROWN: On this one I don't think we have yet. We can do that tomorrow.

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CHAIRMAN EWASUTYN: Pat, would you recommend that?

MR. HINES: Yes. That's my first comment, is to get a signoff from the highway superintendent for the driveway locations.

We previously commented on the driveways. There's an existing driveway relatively close to the flag lot, this flag lot, and so we've requested the applicant combine them as Mr. Brown just said. That's been done, but I think you're going to do another revision to center it.

MR. BROWN: We'll center it all the way back to where it widens out.

MR. HINES: Which is my second comment. The water line was running very close to the adjoining property and I felt it was too close and may impact the adjoining property. By moving that driveway and the water line more center to the site will be an improvement.

Grading for the driveway has been

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shown.

It needs to go to Orange County Planning. We measured recently that it is within 200 and some feet of the Thruway at the entrance to Union Avenue, so it needs to go to County Planning.

MR. BROWN: Do you need another set of drawings for that?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Charlie, at some point in time can you put some kind of marker out there so Planning Board Members can have a better understanding of where the subject property is, where the proposed --

MR. BROWN: What we actually do for the Highway Department is we give them the center line and then five foot offsets on each side. That will show exactly where the driveway goes.

CHAIRMAN EWASUTYN: Okay. We'll need something like that because Board Members had suggested they weren't certain as to what they were visualizing in the

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field.

MR. BROWN: Okay. No problem.

CHAIRMAN EWASUTYN: Jim Campbell,
Code Compliance, do you have any comments?

MR. CAMPBELL: No comments.

CHAIRMAN EWASUTYN: Ken Wersted,
I don't believe you have anything as part
of this.

MR. WERSTED: Nothing to add.

MR. BROWN: Would it be premature
to ask for a public hearing, especially
since it's going to County?

CHAIRMAN EWASUTYN: We can't do
that until we hear back from the County.

MR. BROWN: Okay. Very good.
Thank you.

CHAIRMAN EWASUTYN: I need to,
number one, hear from Planning Board
Members and then I need to have someone
make a motion to refer this to the Orange
County Planning Department.

MR. GALLI: No additional comment
on the project.

MS. DeLUCA: No. None.

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MR. MENNERICH: The only comment, Charlie, is on the location map. It's even harder to read on this version than the last version.

MR. BROWN: Okay. I'll take care of that.

CHAIRMAN EWASUTYN: Would someone please make a motion to refer the Serviss two-lot subdivision on Union Avenue to the Orange County Planning Department?

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ken Mennerich. May I please have a roll call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. HINES: That plan will be revised with the driveway and the water line changed.

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CHAIRMAN EWASUTYN: Charlie,
would you be so kind as to send an e-mail
to the Planning Board when the entryway is
marked so I can forward it on to Planning
Board Members?

MR. BROWN: Of course.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:35 p.m.)

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

----- X
In the Matter of

SLUSZKA 2 LOT SUBDIVISION
(2021-22)

2103 NYS Route 300
Section 3; Block 1; Lot 82
AR Zone

----- X

TWO-LOT SUBDIVISION/TWO FAMILY

Date: October 7, 2021
Time: 7:35 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
KEN WERSTED

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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CHAIRMAN EWASUTYN: The Planning Board's fifth item of business this evening is the Sluszkas two-lot subdivision and two family approval located in an AR Zone, represented again by Talcott Engineering, Charles Brown.

MR. BROWN: Thank you. This is a roughly 24.5 acre site which contains an existing two-family residence. We were here last month and there was some question about whether that residence had ever been approved. We did find that approval and forwarded it to Pat's office and I believe the Planning Board.

There are no proposed site improvements. The house is serviced by an onsite septic and well.

It's on New York State Route 300. Again, the driveway is existing. My client does also own various other parts that go all the way through to the Montgomery Town line.

CHAIRMAN EWASUTYN: At this point I'd like to turn the meeting over to Code

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Compliance, Jim Campbell.

MR. CAMPBELL: Basically it's an existing two family nonconforming.

CHAIRMAN EWASUTYN: Pat Hines, do you have anything to add at this time?

MR. HINES: This project was before the Board many years ago as the Valardi two family. At that time it received approval for the two-family use. It is an existing, approved two family, as Mr. Campbell just said, which cleared that up.

The project does need to go to Orange County Planning as a subdivision along the State highway. We will also circulate to DOT. It's an existing driveway. It should not be an issue, but we'll do that as we circulate to County Planning. The initial notices have been sent out.

After we hear back from County Planning, a public hearing will be required for the two-lot subdivision. The two-family residences require ARB.

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In this case it's an existing structure so I would suggest the applicant provide photographs of --

MR. BROWN: I was going to ask you that.

MR. HINES: -- the house. I think that would be the best way to handle the ARB for the two family.

So referral to the County Planning is the only action tonight.

MR. BROWN: I have to get a set of drawings for that, too.

CHAIRMAN EWASUTYN: Would someone make a motion to refer the Sluszka two-lot subdivision and two family to the Orange County Planning Department?

MR. DOMINICK: I'll make a motion.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick. Second by Stephanie DeLuca. May I please have a roll call vote?

MR. GALLI: Aye.

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MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. BROWN: Thank you very much.

(Time noted: 7:40 p.m.)

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related to any of the parties to this
proceeding by blood or by marriage and that I
am in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 18th day of October
2021.

MICHELLE CONERO

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

----- X

In the Matter of

PIETROGALLO LOT LINE CHANGE
(2021-20)

Paddock Place
Section 20; Block 1; Lots 134.2 & 14.3
R-2 Zone

----- X

LOT LINE CHANGE

Date: October 7, 2021
Time: 7:40 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
KEN WERSTED

APPLICANT'S REPRESENTATIVE: JONATHAN MILLEN

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

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CHAIRMAN EWASUTYN: The Planning Board's sixth item on this evening's agenda is the Pietrogallo lot line change. It's located on Paddock Place in an R-2 Zone. It's being represented by Jonathan Millen.

MR. MILLEN: So on this project we are back to three lots involved. Three tax lots.

This line here is the lot line that's being removed. Originally parcel A was all of this. There was an existing driveway that had been built on parcel A. It was a mother and daughter situation. The mother would like to have all of the driveway on her property, so we've created a lot line change that accommodates that.

The portion in green is going to be the new parcel A.

I should mention that parcel B used to be, from the lot line over, landlocked. This portion of parcel A is now going to become parcel B. It has access to Paddock Place.

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That pretty much does it.

CHAIRMAN EWASUTYN: Jonathan, at this point we'll open the meeting to Pat Hines who reviewed the property.

Pat?

MR. HINES: Yeah. We appreciate the change in the lot line to eliminate the previous landlocked parcel. I think that is a benefit to the site.

Since parcel B has no proposed house, utilities or driveways, we're suggesting that a note be put on the map saying it's not a building lot at this time. I think your clients were okay with that.

MR. MILLEN: I did add a note to that effect. It says, "Note: Parcel B is not a building lot at this time. Approval from the Planning Board of the Town of Newburgh will be required prior to any development of this lot."

MR. HINES: Yup. The side yard setback from lot A to lot C, it changes because of the jog in the lot line. It

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wasn't changed in the bulk table.

MR. MILLEN: I did add that.

MR. HINES: We'll need that updated.

Jim Campbell's office did review this. I'm kind of jumping in here. You show the minimum lot size as 40,000 square feet, but we believe that the lots are served by water and sewer municipal and that drops the minimum lot size to 15,000 square feet.

MR. MILLEN: Okay.

MR. HINES: So that lot, where we've identified previously that that needs a variance, I think if you update the bulk table to show the water and sewer, the lot size for lot C will meet the zoning requirement. I believe the only zoning issue you'll have right then is the one side yard setback of 13.6 which is existing.

And also both side yards, where 80 feet is required, you have 50.1.

The lot width you identified as

1
2 needing a variance. Lot width for that
3 size lot is only -- so the side yard has
4 also changed. You will need the one side
5 yard variance where 13 feet exists and
6 it's -- 13.6 is existing and 15 is
7 required. Because of the lot size issues
8 you just had, it's also a reduced side
9 yard of 15 and 30. So that isn't
10 required, either.

11 So if you would, update that bulk
12 table as well. I believe one variance is
13 needed for that existing side yard of 13.6
14 where 15 is required.

15 MR. MILLEN: Okay.

16 CHAIRMAN EWASUTYN: Jim Campbell,
17 Code Compliance, do you agree with --

18 MR. CAMPBELL: I agree with that,
19 yes.

20 CHAIRMAN EWASUTYN: Any questions
21 from Board Members?

22 MR. GALLI: No.

23 MS. DeLUCA: No.

24 MR. MENNERICH: No.

25 MR. DOMINICK: No.

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CHAIRMAN EWASUTYN: Okay. So this evening the adjoiner's notice will be warranted and prepared by Pat Hines' office. You'll do the mailing on that?

MR. MILLEN: Yes.

CHAIRMAN EWASUTYN: Thank you.

At this point I'd like to hear from Dominic Cordisco, Planning Board Attorney, because Dominic will prepare the referral letter to the ZBA. If the Board would motion to approve Dominic Cordisco to forward that referral letter.

Dominic?

MR. CORDISCO: Yes. That would be the next step in this process, to refer this matter to the Zoning Board of Appeals due to the loss of the prior nonconforming protections associated with the side yard setback for lot C.

MR. MILLEN: When is the next Zoning Board meeting?

MR. CORDISCO: I would have to look.

MR. HINES: They're the fourth

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Thursday of the month. I don't know how you get on the schedule. The ZBA meetings are the fourth Thursday of the month.

MR. MILLEN: So it wouldn't be until --

MR. HINES: It's at the end of this month.

MR. MILLEN: Right. Would it be possible to have this before the Zoning Board this month at the next meeting?

MR. CORDISCO: I would send the referral as soon as tomorrow.

MR. MILLEN: Okay. Because I have the applications prepared so I can --

MR. CORDISCO: I will send the referral tomorrow, assuming that the -- I'm getting ahead of myself -- assuming that the Board makes the motion.

CHAIRMAN EWASUTYN: As a matter of record; Siobhan, who manages the Zoning Board of Appeals' office, won't be back in town until Tuesday of next week. You'll have to kind of wait on your submission until she returns. Okay?

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MR. MILLEN: Okay.

CHAIRMAN EWASUTYN: Just for the benefit of everyone.

MR. MILLEN: Sure.

CHAIRMAN EWASUTYN: Would someone motion to have Dominic Cordisco, Planning Board Attorney, present the referral letter for the Pietrogallo lot line change for the side yard variance, it's currently shown as 13.6 and 15 is required, please.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ken Mennerich. May I please have a roll call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Jonathan, very good. Thank you.

MR. MILLEN: Thank you. I

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appreciate your time.

MR. HINES: Jonathan, I'll work with you on the adjoiner's notices as well.

MR. MILLEN: Thank you, Pat.

(Time noted: 7:45 p.m.)

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

I, MICHELLE CONERO, a Notary
Public for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this
proceeding by blood or by marriage and that I
am in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 18th day of October
2021.

MICHELLE CONERO

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

----- X

In the Matter of

MONARCH WOODS SENIOR COMMUNITY
(2019-28)

Monarch Drive
Section 103; Block 7; Lot 18
Section 47; Block 1, Lot 46
R Zone

----- X

LOT LINE CHANGE/SITE PLAN

Date: October 7, 2021
Time: 7:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
KEN WERSTED

APPLICANT'S REPRESENTATIVE: JANE SAMUELSON &
JOHN CAPPELLO

----- X

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CHAIRMAN EWASUTYN: The Planning Board's seventh item of business this evening is Monarch Woods. It's a senior community located on Monarch Drive in an R Zone. It's a lot line change and site plan. It's being represented by Engineering & Surveying Properties.

MS. SAMUELSON: How are you? Jane Samuelson from Engineering & Surveying Properties. I'm here with John Cappello from Jacobowitz & Gubitza representing the project.

Since the last time we were here we made a few plan changes. We extended the sidewalk across the road here so it matches up with the sidewalk that's on the other side.

We made some changes to the setbacks.

We also prepared a Part 3 -- an extended Part 3 outline for you to review so that we can provide the environmental information for you.

CHAIRMAN EWASUTYN: I believe you

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have something you'd like to say before we turn it over to Pat Hines and Dominic Cordisco.

MR. CAPPELLO: I would just add that since our last appearance before the Planning Board we had received the authorization from the Town Board pursuant to 185-48 to proceed with this development. This is, on the zoning table, a use that is permitted subject to site plan and subject to meeting the conditions of Section 185-48 which allows the Board to adjust the gross density based upon the provisions in that section. In that section there is no bulk table for either the listed item of senior housing or affordable housing.

There was a question, therefore, on the height. We did go to the ZBA and pointed that out to them and requested an interpretation. The ZBA did issue an interpretation that since there was nothing to vary the height from, there was no need for a variance and that it was

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2 encompassed under the rules, and there is
3 no need for authorization from the
4 Planning Board because -- I mean from the
5 Town Board because the Town Board can
6 authorize you, when necessary, to modify.
7 It is necessary to modify as to density
8 but it's not necessary to modify as to
9 height because there's simply no height
10 requirement in the Zoning Code for the
11 district for this use.

12 I would point out that this, I
13 believe, at its peak is 42 or 45 feet.
14 There are uses in the B Zoning District,
15 such as hotels and motels, that have a
16 minimum height of 50 feet. So we're not
17 out of character with the zone. I think
18 what the ZBA determined is that as part of
19 your SEQRA review, as part of your
20 aesthetics review, as part of your
21 analysis of the project you will determine
22 if the height is appropriate on this
23 parcel due to all circumstances relating
24 to this development.

25 CHAIRMAN EWASUTYN: Thank you.

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At this point we'll open the meeting up to Pat Hines with McGoey, Hauser & Edsall, and then we'll ask also Dominic Cordisco from Drake, Loeb to be part of this comment period.

MR. HINES: Sure. My first comment references the ZBA decision that was just discussed. This use in the B Zone is Column B-14 which does have blanks for the minimum requirements. If you read Section 185-48(B), which I believe Mr. Cappello was just referring to, it gives the Town Board, based upon recommendations of the Planning Board, the ability to modify sections of these chapters based on dimensions, building setbacks and density.

So I think, as Mr. Cappello disclosed, it's up to the Planning Board to have the ability to modify any of those or to set those dimensions for height, setbacks, et cetera. I think that was the take on the last sentence I heard from Mr. Cappello.

MR. CAPPELLO: Yes. Yes, it is.

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MR. HINES: I do concur with that now. I thought your original letter was that they weren't there and there was no need for any change. So the Board has the ability to review those issues.

I do have a concern with the height. This is a sketch plan at this point. With those building heights and the number of stories, it looks like access to the rear of the two senior components is difficult for jurisdictional emergency services. They haven't weighed in yet, but typically these buildings have a center corridor with apartments off each side which means roughly 50 percent of the apartments will open to the back of the structure which are very large. Access to those structures is difficult, and certainly more difficult should there be two feet or three feet of snow on the ground. So I think there needs to be some discussion with the jurisdictional fire department and the Code Office on provisions for emergency services' access

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there as we move forward.

There is a comment from DEC from the lead agency circulation that there is a jurisdictional DEC wetland across Route 52. That has an associated 100-foot buffer that may come across the road as well. We want that shown. I know the applicant is working towards that.

There was a need for a market analysis. I don't have that in the file and the Planning Board may not. I think to complete the Planning Board's file, that market analysis would be helpful for the Board Members to review.

MR. CAPPELLO: I have it. I'll submit it. That's what was submitted to the Town Board. I only have two copies.

CHAIRMAN EWASUTYN: For a matter of record, I'll need copies for all the Planning Board Members.

MR. CAPPELLO: We will submit them.

CHAIRMAN EWASUTYN: Let me know when you're submitting them so I can

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notify them at the front that you're submitting them.

MR. HINES: The Town Senior Code 185-48(D) has items 1 through 5 that are required, certain assurances that the project will remain senior and other items. The applicants are asking to defer those to later in the process, but we just noted them there.

So there's a setback -- I guess this goes back to the discussion we had earlier. There's a setback line to the rear where the lot jogs and the setback -- the rear yard setback changes on that line.

MS. SAMUELSON: Well, I guess we didn't consider this part to be the rear --

MR. HINES: It looks like it should arc.

MS. SAMUELSON: -- and this to be a side. Because it is an oddly shaped lot, you know, these two we were thinking were the sides and this would be the rear

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line.

MR. HINES: Okay. What I suggested was that maybe Dominic can take a look at that, too, in relation to the definitions of side and rear. It's basically a corner lot with two front yards.

MR. CAPPELLO: We did provide two front yards and then a rear yard. That is kind of a -- actually, a pentagon.

MR. HINES: Typically I would consider that whole lot line a rear yard.

MS. SAMUELSON: Again, those setbacks are not defined in your code.

MR. HINES: They're not defined in there. Again, the Planning Board has the ability to review those.

MR. CAPPELLO: We did just note the 75-foot larger setback is provided in the area that's closest to the residence where technically the side yard is located adjacent to a commercial, you know, property. So it was done. I have to check the code again, but usually when you

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do have two front yards there is provision that you can choose the rear yard. So the question is whether that's a different --

MR. HINES: Or if that rear yard continues. I think we can work on that as we go through.

The bank lot, lot 1, appears to have a canopy over the drive-thru window into the front yard setback. It wasn't very detailed, but there looked like --

MS. SAMUELSON: We can cut that back so that it's not --

MR. HINES: That will need to be changed.

Just some place keepers. The City of Newburgh flow acceptance letter will be required. Orange County referral will be required. Stormwater management plans and reports.

We did look at your draft Part 3 and didn't take exception to any of the information you've identified to provide.

CHAIRMAN EWASUTYN: Before I turn it over to Dominic Cordisco, are you

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recommending to the Planning Board that we accept the 45-foot height as proposed?

MR. HINES: I am not. I'm thinking the Planning Board should review that based on the fact that you've now learned that it is in your purview to set those setbacks and heights.

CHAIRMAN EWASUTYN: Okay. Is there anything else that you would suggest that the Planning Board hold off on based upon whether it be the side yard requirements or anything else in reference to this?

MR. HINES: So that rear yard discussion needs to be held, too, because if we determine that that portion of the lot passed the, I'll say jog out, is rear yard, it encroaches on the one structure.

MS. SAMUELSON: So how about if I add a section to the expanded Part 3, consistency with the character of the neighborhood, and we'll address those issues?

CHAIRMAN EWASUTYN: I think maybe

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we should have an opportunity to further discuss this before we start putting notes on.

I think it's also important that through Jim Campbell, Code Compliance, we have plans provided so we could present them to the jurisdictional fire department as far as emergency access.

Jim Campbell, are you okay with that?

MR. CAMPBELL: Yes.

CHAIRMAN EWASUTYN: Dominic Cordisco?

MR. CORDISCO: A number of things to offer, if I may.

CHAIRMAN EWASUTYN: Please.

MR. CORDISCO: So I'd like to go back, actually, to the very beginning of the discussion that Mr. Cappello was having about the process for the Town Board to authorize the Planning Board to consider the site for senior housing. I don't necessarily disagree with what Mr. Cappello was saying, it's just that I

1 think that there is an additional nuance
2 as far as how the process itself is
3 implemented. It's also complicated a
4 little bit by the fact that there's been a
5 referral to the Zoning Board of Appeals,
6 which referral remains open because the
7 Zoning Board is waiting for this Board to
8 conclude its SEQRA process before it can
9 finish and grant or consider and grant
10 variances for the project, although you
11 already have, apparently, an
12 interpretation that the height --

14 MR. CAPPELLO: We had an
15 interpretation on height. Yes, I did fail
16 to mention that we did ask for a variance,
17 because that is within Section 185-48 on
18 the maximum unit size, to allow an alcove
19 in a certain number of the units.
20 Because this is a coordinated SEQRA
21 review, as Mr. Cordisco said, the ZBA
22 adjourned the public hearing to wait for
23 the Planning Board to make a determination
24 under SEQRA before they made a
25 determination on that area variance.

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That's for the interior size of the unit. We certainly can, you know, discuss that as part of the SEQRA review. It's really just to provide kind of an alcove for, you know, a little computer in some of the units.

 If it wasn't used for the apartments, it would be used for mechanicals, but it wouldn't change the footprint of the building, or really change anything as it relates to the site.

 MR. CORDISCO: Okay. In regards to the Town Board, my understanding is the way that the Town has implemented the procedure for consideration of senior housing is that there was an initial referral from this Board to the Town Board looking for authorization to proceed and that occurred.

 MR. CAPPELLO: Yes.

 MR. CORDISCO: Yes. There's also a second part of this process where the plans, when they're at the point where SEQRA is concluded and all aspects have

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been reviewed, there is typically a condition of the approval where it gets referred back to the Town Board for confirmation and final approval from the Town Board. That's my understanding of how this process has worked on other projects, and that's an important point in the context of this where certain bulk requirements are being left to the discretion of the Planning Board. It's not unfettered discretion because the discretion of the Planning Board is contingent on the Town Board's authorization. So at the time that the Town Board made the initial authorization to this Board, some of these items were not necessarily fleshed out or identified as being some of the things that were being asked to be established as bulk requirements for this project.

So I think that based on prior applications of a similar nature, that it's in all likelihood proper for this application, once it's completed its

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review before the Planning Board, to be referred back to the Town Board for final authorization, and that may address some of the concerns at that time.

The other point that I was going to suggest is in connection with what's the rear yard, that since you have an open Zoning Board of Appeals application, it may be more appropriate for you to ask the Zoning Board of Appeals for their interpretation as to what would be an appropriate rear yard, because this Board is put in a difficult position where we're typically not making those types of interpretations. So it's a recommendation. There's no clear path forward on this particular item. It could be something that gets referred back to the Town Board. Since you're before the Zoning Board already, it might be helpful to get that determination.

MR. CAPPELLO: We would like to, you know, reply. I mean I understand going back to the Town Board after it's

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all there to get that. That's not an issue.

On the yard I would go back to, once again, what are we varying from, because there's nothing in the code to vary from.

MR. CORDISCO: I didn't say variance. I said ask for an interpretation as to that, this is the way that we read it, what should be the rear yard. The interpretation, as you know, doesn't require a conclusion of the SEQRA process in order to get it because --

MR. CAPPELLO: We'll respond. I don't think we're going to settle it right now. I mean we provided 75 because we really picked that --

MS. SAMUELSON: We can call this a rear yard.

MR. CAPPELLO: Whether it's a rear yard or a side yard, there's no number as to how big the yard needs to be.

MR. CORDISCO: You don't have to convince me on this particular point. I'm

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just, you know, offering the advice that since you already have an active Zoning Board application, that this is more typical of a Zoning Board determination rather than the Planning Board.

MS. SAMUELSON: So could I just ask one question? So you're asking us to ask the ZBA which yard should be the rear but not the distance?

CHAIRMAN EWASUTYN: What generally happens, if the Board motions, Dominic Cordisco, Planning Board Attorney, will prepare a referral letter to the Zoning Board of Appeals to discuss the interpretation that's now before us so it will be clear before we try and understand it. We'll move in that direction.

Before we get to that final point, I'd like to hear from Ken Wersted, our Traffic Consultant, and then also from Jim Campbell, Code Compliance.

MR. WERSTED: Thank you. We reviewed the Part 3 outline which seeks some advice on the traffic study side of

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things.

We also reviewed a 2020 letter from DOT asking for a traffic study relative to the Route 52/Monarch Drive intersection. We agree with that as well as analyzing the site driveway intersection.

We had suggested that traffic counts be done at those two intersections along with traffic on Monarch Drive. The applicant's office can contact us and we can help them identify any background projects in the area.

At the work session we had talked about also checking to see if there's the potential need for a traffic signal at that intersection with Route 52. During our meeting tonight I was thinking that it may also be useful to have an intersection to the south done in case the residents are concerned with traffic coming down in that direction. We can talk with your traffic engineer and work out the details of that.

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CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance, do you have anything to add at this time?

MR. CAMPBELL: The only thing I have a comment on, I don't know if it's going to actually help or hinder or whatever, but 185-17 deals with corner lots. It says front yard setbacks are required on both street frontages, and one yard other than such front yards shall be deemed to be rear yard, and the other yard shall be the side yard.

So I don't think there's really anything that specifies which yard is -- you know, which is the rear and which is the side.

MR. CAPPELLO: That's exactly what we did. We provided two front yards. We provided the rear. The issue is it's kind of a triangle.

CHAIRMAN EWASUTYN: I don't think we can move too much further.

If the Board is in agreement, we'll have our Planning Board Attorney,

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Dominic Cordisco, prepare a referral letter to the Zoning Board of Appeals for an interpretation of the side yard as it relates to Monarch Woods Senior Housing Community.

Pat, is there anything else you want to add?

MR. HINES: No.

MR. CAPPELLO: I would just request that the Board -- I mean all of this hinders upon SEQRA and the review of this.

The designation of whether that is a side or a rear, I think your code enforcement officer just told us there is support for the way we interpreted it but there is no number. I don't see that halting the review until we get that interpretation -- because we're going to need this review anyway, whether we make it 75 or 40 feet from there.

Before we talk about the height, we certainly would like to get the comments of the fire department and start

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getting the comments of your professionals to design this, and then as it proceeds through the process, whatever we designate that yard, we'll designate that yard. If we need to pull it in, we'll pull it in and we'll re-modify it. So much of it is going to really be based upon your review and your consideration of the environmental issues, the traffic issues, the emergency access, you know, to the facilities, the streaming and all of that. That's what we would like to begin to proceed to through the expanded EAF to give, not just you but any other boards, the Town Board, eventually, and the ZBA if they become involved -- they will at least for the unit size, but give everyone the information upon which to make those decisions. Instead of, you know, making them now or doing it piecemeal, let's get all the information in hand and then everybody will make their decisions based upon the details and based upon the facts as they exist today with the project.

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CHAIRMAN EWASUTYN: We're going to poll the Board Members, and thank you for your comment, to see the action the Board wants to take.

Does the Board want Planning Board Attorney Dominic Cordisco to prepare a referral letter to the Zoning Board of Appeals for interpretation of the side yard?

I'll start with Frank Galli.

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: Okay. Let the record show that the Planning Board was unanimous that Dominic Cordisco, Planning Board Attorney, will prepare a referral letter to the Zoning Board of Appeals for an interpretation of the side yard. Okay.

MR. CAPPELLO: I respectfully don't agree. I think your building inspector just gave an interpretation and

1
2 you appealed the determination of the
3 building inspector. He read the code.
4 I mean we will certainly go there, but I
5 would ask that the Board, in addition,
6 continue the environmental review of this
7 so we can move forward and get the
8 information so the Board will have it. If
9 we go to the ZBA, they may well say they
10 want to wait until SEQRA is completed
11 anyway.

12 CHAIRMAN EWASUTYN: If that's the
13 case, then that's the procedure that we'll
14 follow.

15 So having heard from the Planning
16 Board Members, it's unanimous that they
17 want Planning Board Attorney Dominic
18 Cordisco to prepare a referral letter to
19 the Zoning Board of Appeals for
20 interpretation of the side yard.

21 Dominic, would you make that?

22 MR. CORDISCO: Yes. I will
23 certainly do that.

24 CHAIRMAN EWASUTYN: Thank you.

25 (Time noted: 8:08 p.m.)

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

I, MICHELLE CONERO, a Notary
Public for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this
proceeding by blood or by marriage and that I
am in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 18th day of October
2021.

MICHELLE CONERO

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

----- X

In the Matter of

HADID - SITE PLAN
(2021-10)

34 Susan Drive
Section 46; Block 5; Lot 21
R-1 Zone

----- X

CLEARING & GRADING

Date: October 7, 2021
Time: 8:09 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
KEN WERSTED

APPLICANT'S REPRESENTATIVE: REUBEN BUCK,
JOHN CAPPELLO

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

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CHAIRMAN EWASUTYN: The Planning Board's ninth item of business this evening is the Gas Land, 42 South Plank Road --

MR. DOMINICK: John, you missed number eight.

CHAIRMAN EWASUTYN: I'm sorry. I apologize.

The eighth item of business this evening is the Hadid site plan. It's a clearing and grading application. It's located on 34 Susan Drive in an R-1 Zone. It's being represented by Engineering & Surveying Properties.

MR. BUCK: Good evening, everyone. Reuben Buck, Engineering & Surveying Properties. I'm here with John Cappello, Attorney for the applicant. Since we were last before the Board, we received a geotechnical report from Daniel G. Loucks stating some of the concerns and issues they had with the report prepared by GES.

We also received the technical

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review letter from Pat Hines. The only comment he had was that we would address the concerns in the letter from Daniel.

We received a revised geotechnical report from GES dated September 29th. This report was forwarded to the Chairman, Pat Hines and Daniel. Our office will prepare a formal submission so that all Board Members and consultants can review this report.

If the Board doesn't have any additional comments, we would respectfully request being placed or being scheduled for a public hearing for the November 4th Planning Board meeting.

CHAIRMAN EWASUTYN: Thank you.

At this point we'll turn the meeting over to Pat Hines with McGoey, Hauser & Edsall.

MR. HINES: Yes. I have nothing technical additional to add to the applicant's representative's statements there.

We did submit the report, upon

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the request of the Planning Board, to a geotechnical sub from my office. There was a back and forth with the applicant's geotech. The geotech sub from my office has concurred with the revised report.

The clearing and grading ordinance, Chapter 83, has a hierarchy of approvals. The first step is the Building Department for under a certain amount. the second is a Planning Board review with a possibility of the Planning Board recommending a public hearing. The third is that the Planning Board must hold a public hearing. This one falls in the middle where a public hearing is an option for the Planning Board. I think the applicant just suggested to you that you schedule a public hearing. That's where we're at in this process.

MR. CAPPELLO: The applicant would certainly consent if you decided you didn't want to.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney?

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MR. CORDISCO: Yes. In addition to what Mr. Hines had just commented on, I'm sure that the Board is aware that there have been a number of concerns from neighboring properties, given attendance at prior meetings in connection with this application. While you do have the ability to waive a public hearing as you noted before, your waiver should be based on a specific reason and a rationale. For this one, if you decide to waive the public hearing, you should do so with some specificity and in consideration that there are interested members of the public that have expressed concerns regarding the clearing and grading of the site.

CHAIRMAN EWASUTYN: Thank you.

Would someone make a motion to schedule a public hearing on the 4th of November for the Hadid site plan clearing and grading?

MR. DOMINICK: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a

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motion by Dave Dominick. I have a second
by Ken Mennerich. May I please have a
roll call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: You'll work
with Pat Hines as far as the notice of
public hearing?

MR. BUCK: Yes, sir.

CHAIRMAN EWASUTYN: And then
you'll coordinate that with Charlene Black
as far as what day you could bring that
notice in to be notarized?

MR. BUCK: Okay.

CHAIRMAN EWASUTYN: Thank you.

MR. BUCK: Thank you.

(Time noted: 8:13 p.m.)

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

I, MICHELLE CONERO, a Notary
Public for and within the State of New York, do
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That hereinbefore set forth is a
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I further certify that I am not
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IN WITNESS WHEREOF, I have
hereunto set my hand this 18th day of October
2021.

MICHELLE CONERO

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

----- X

In the Matter of

GAS LAND - 42 SOUTH PLANK ROAD
(2021-23)

42 South Plank Road
Section 71; Block 2; Lot 11
B Zone

----- X

INITIAL APPEARANCE
SITE PLAN

Date: October 7, 2021
Time: 8:13 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
KEN WERSTED

APPLICANT'S REPRESENTATIVE: KYLE BARDWELL

----- X

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CHAIRMAN EWASUTYN: Having heard the first time around, thanks to Board Members, the ninth item that the Planning Board has scheduled this evening on the agenda is Gas Land, 42 South Plank Road. It's in a B Zone. It's an initial appearance for a site plan. It's being represented by Chazen Companies.

MR. BARDWELL: Good evening, Board. My name is Kyle Bardwell from the Chazen Companies. It's spelled K-Y-L-E B-A-R-D-W-E-L-L.

I'm here on behalf of our applicant, Gas Land Petroleum, seeking a site plan approval for the construction of an approximately 2,300 square foot convenience store at the intersection of Fifth Avenue and South Plank Road in the Town of Newburgh.

Currently there's approximately a 1,500 square foot convenience store with eight fuel pumps at the intersection of Fifth Ave and South Plank Road. Our applicant is looking to construct a new

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2,300 square foot building approximately 18 feet north of the existing building on the site.

We're proposing no work to be done on the existing fuel pumps or underground fuel tanks.

Currently there's a large curb cut on Fifth Avenue into the site. Our applicant is looking to propose curbed islands with parking to help with protection of people exiting and entering the site, to give it a more controlled exit and enter.

Right now the site is in the B District which was rezoned in 2020. There are multiple variances that we're seeking approval for. Tonight I was going to give you a little more synopsis of our project and then seek a referral to the Zoning Board of Appeals.

Currently the site is on central water and central sewer. The proposed project only increases the flow by a minimal amount. The disturbance is

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proposed to be less than an acre, so a stormwater pollution prevention plan will not be proposed or required.

The variances required for the site include a separation, a minimum setback from the proposed parking on site, a front yard setback off of Route 52 and a setback to the nearest intersection.

Right now as the lot exists all of these variances are required as well as existing nonconformities. By pushing the building back we are decreasing the nonconformity for the front yard setback on Route 52.

Looking at an environmental resource mapper, we found that there were no wetlands, streams or water courses nearby.

Looking at the DEC, there are no threatened or endangered species on site. U.S. Fish and Wildlife indicated that there are possibly Long Eared or Indiana Bats on site, however we are not proposing any tree cutting that would affect these

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species.

At this time I'd be happy to take any comments from the Board and would request to go to the ZBA for variances.

CHAIRMAN EWASUTYN: Kyle is your name?

MR. BARDWELL: Kyle, correct.

CHAIRMAN EWASUTYN: Kyle, thank you.

At this point we'll turn the meeting over to Ken Wersted with Creighton, Manning, our Traffic Consultant.

MR. WERSTED: Thank you. Will you have to close down the existing store to construct the new store?

MR. BARDWELL: So the plan is as it is being constructed approximately 18 feet away, they were planning on doing the construction to start to develop the new building while keeping the existing building in use for as long as possible to a specific point where they're not going to be able to keep that store in service

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while they're constructing the other one.
The plan is to kind of do the two
simultaneously to the best possible.

MR. WERSTED: Okay. As Pat will
point out too, truck deliveries for
fueling, we'd like to see the turning
templates for those. We understand
currently where they offload fuel into the
underground tanks. We just want to make
sure that still can be accommodated when
you create the two driveways onto Fifth
Avenue.

For the most part that is the
extent of our comments.

CHAIRMAN EWASUTYN: Kyle, would
you know, is there a regular delivery of
fuel and what is the window that that
occurs, or is it a random delivery of
fuel?

MR. BARDWELL: I would have to
double check on that. I believe it is
somewhat random. Sometimes they kind of
get into a pattern. It's possible that if
someone else was delivering, it could be

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changed. I could follow up on the times of delivery.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance?

MR. CAMPBELL: No comments at this time.

CHAIRMAN EWASUTYN: Pat Hines with McGoey, Hauser & Edsall?

MR. HINES: Sure. I put together a list of the variances that were identified from the applicant's bulk table and then I added a couple that I picked up on. I don't know if you want me to go over all six of them, but they're --

CHAIRMAN EWASUTYN: Please, because Dominic Cordisco can then reference them as far as a letter to the Zoning Board of Appeals.

MR. HINES: So because the project is before this Board for a site plan, it loses any of the previously grandfathered protection that it had.

The first variance identified is from the frontage on New York State

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Route 52, 60 feet is required where 41.3 is provided. It's noted that exceptions to the Town Code allow for the front yard depth of 50 feet for the average of all lots within 300 feet. So it appears that a 50-foot setback could be interpreted because of the location of the other structures. We'll leave both of those up to the ZBA, but 41.3 is provided. Either way they need a variance.

Setback to the intersection, 50 feet is required where 22 feet is provided.

Town Code Section 185-13(B) (2), no parking in required front or side yard adjacent to a residential district. The variances required for parking spaces in both front yards. Minimum required setbacks to a parked car, 10 feet required where 4.5 feet is provided.

This one is not listed, but it appears that the canopy -- the existing gasoline canopy will require a variance from the 40-foot minimum required front

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yard of Fifth Avenue and the minimum front yard setback to New York State Route 52 of 50 feet.

We're also asking that the applicant confirm that the underground fuel tanks are not within 15 feet of the property line. I know the fuel fills are depicted further than that, but we all know those tanks are very large. You may want to pull the building permit for when those tanks were installed. That may need an additional variance if it depicts those tanks within 15 feet of a property line. I know you show the fills, but that's irrelevant based on where the tanks are. They're buried.

We're suggesting that DOT be included in the review of this project as there are numerous DOT access points. DOT typically takes advantage of these redevelopment of sites to evaluate how those sites function.

Truck turning radius, as mentioned by Ken Wersted, should be shown.

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I will note that I drove by the site at quarter to 9 this morning and there was a tractor trailer truck on the site delivering fuel.

We're asking that you take a look at sight distance based on the proposed cedar fence on the western property boundary just to make sure that looking left -- looking right out of the site isn't obstructed by your fence.

We will need a City of Newburgh flow acceptance letter.

We'll need a hydraulic loading from your site, either based on employee count or square footage for the retail.

You did submit a short environmental assessment form.

We talked at work session, this may be a Type 2 action. We noted for the Board that pedestrian scale lighting is provided with dark sky compliant, full cutoff bulbs. I think that will be an improvement to the site. The canopy lighting is going to stay as it is. The

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proposed lighting on the site is more pedestrian scale and is consistent with the smaller site there.

We're asking that you consider placing the rear lights on motion sensors. The area is going to be fenced off. While we realize you need security there, there's no need to have those lights on all night.

MR. BARDWELL: I'm sure that should be fine. We'll check with the applicant.

MR. HINES: We're asking that the fence close into the dumpster enclosure. It's kind of -- you can get around to the back around the dumpster enclosure right now which kind of defeats the purpose of fencing 95 percent of that rear lot and leaving that 5 percent open.

Future submissions need detailed site development.

There will be a need for an adjoiner's notice to be sent out. I'll work with your office. Am I going to work

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with you or Chris Lapine?

MR. BARDWELL: You can direct it to Chris Lapine.

MR. HINES: Okay. I'll work with Chris Lapine on the adjoiner's notice.

In the future an Orange County Planning referral will be required as well.

CHAIRMAN EWASUTYN: Comments from Planning Board Members. Frank Galli?

MR. GALLI: On the fencing, you have cedar fencing that you're going to put around the whole property?

MR. BARDWELL: Yes.

MR. GALLI: And how high is that fence going to be?

MR. BARDWELL: I believe we submitted the detail for it.

CHAIRMAN EWASUTYN: Is it going to be vinyl or cedar?

MR. HINES: It says cedar.

MR. GALLI: It says cedar on the plan.

CHAIRMAN EWASUTYN: Do you think

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that vinyl is going to be long lasting?

MR. GALLI: The fencing that's around there now is pretty dilapidated.

CHAIRMAN EWASUTYN: Will you make a recommendation then that it be a vinyl fence?

MR. GALLI: Would you consider vinyl?

Then I have a question on the entrances. The one on Fifth Avenue, you have the one that's -- the two are going to remain and then you've got concrete curbing that you're going to put all through the center there and you're going to make two parking spots there?

MR. BARDWELL: Correct.

MR. GALLI: In the center there's going to be a berm with landscaping?

MR. BARDWELL: Correct.

MR. GALLI: How high is that berm going to be?

MR. BARDWELL: It would only be a half a foot curbed and it wouldn't berm more than that. So some bushes would be

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additional, probably a couple of feet.

MR. GALLI: Because when they snowplow and salt that road, they come in and the State turns around, I don't know if they're going to survive or not.

When the truck comes in -- is there going to be still enough room with that island there for the trucks to come in? Because I know a truck comes in off of 52, comes in off Fifth Avenue, makes the first left there and then parks diagonal or parallel to the sign, the gas sign, and drops the load off in those tanks. Is he still going to have enough room to turn in without running over the curbs and stuff?

MR. BARDWELL: So we will be preparing a vehicle maneuvering plan to address that concern.

MR. GALLI: It's a very tight site.

MR. BARDWELL: Correct.

MR. GALLI: I mean every now and then they block Fifth Avenue going up when

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they try to get a truck in there. It's a pretty busy site. So just take a look at that.

That's all I have, John.

CHAIRMAN EWASUTYN: Thank you.

Stephanie DeLuca?

MS. DeLUCA: I guess the only thing that I appreciated hearing was number 8 from Pat Hines about placing lights in the rear for the motion detector. I thought that was a good idea for the sake of the neighborhood and for the sake of security. I thought it was a good idea.

MR. BARDWELL: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I have no questions.

CHAIRMAN EWASUTYN: For a matter of record, the hours of operation?

MR. GALLI: Right now I think it's 24/7.

MR. BARDWELL: I believe they

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were going to stay as they are now, 24/7.

CHAIRMAN EWASUTYN: Dave

Dominick?

MR. DOMINICK: Kyle, I agree with Pat's comments about the fencing continuing all the way to isolate the front and backyard to keep it all secured, keep customers from wandering back there. If you can take care of that.

And Frank made a good point, making that vinyl. I think that would dress up that corner, making that vinyl fencing there.

MR. BARDWELL: The vinyl fencing.

MR. DOMINICK: And then, also, another point Frank made about that landscape island. You might want to think of some other alternative there as well. Just something to think about.

I know you're going to get the truck turning radius, as Mr. Wersted said. Maybe just something a little bit different because it is a tight spot, it's a busy spot. You've got a lot there going

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on.

MR. BARDWELL: Sure. Sure. I know the big reason for that island is, you know, as it is currently more or less a curb cut across the whole -- it was to direct traffic just so someone wouldn't kind of shoot in the middle. So that was kind of the expectation of that. We'll definitely revisit that just to see if there is anything else we can do there.

MR. DOMINICK: Like they do now.

MR. BARDWELL: Right.

CHAIRMAN EWASUTYN: The difficulty with designs like that is, number one, are the plants salt tolerant. Number two, are the plants irrigated. The longevity of designs like that generally aren't very functional. They may seem attractive on paper, but --

MR. DOMINICK: They don't survive.

CHAIRMAN EWASUTYN: Consider something that may be more in the way of an industrial design. Possibly pavers.

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All right. If there's nothing else, then I think at this point Dominic Cordisco, you have Pat Hines' review comments --

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: -- which outlines the necessary variances?

MR. CORDISCO: Yes, I have them. There are six of them. I have all six.

CHAIRMAN EWASUTYN: Would someone make a motion to have Dominic Cordisco prepare a referral letter to the Zoning Board of Appeals outlining the -- six variances, did you say?

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: -- the six variances necessary for the Gas Land, 42 South Plank Road site plan?

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Dave Dominick. May I please have a roll call vote?

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MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Thank you.

Very good presentation.

MR. BARDWELL: Thank you, Board.

I really appreciate it.

(Time noted: 8:28 p.m.)

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

I, MICHELLE CONERO, a Notary
Public for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this
proceeding by blood or by marriage and that I
am in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 18th day of October
2021.

MICHELLE CONERO

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

----- X

In the Matter of

FARRELL INDUSTRIAL PARK
(2020-16)

NY Route 300
Section 34; Block 2; Lot 45
IB Zone

----- X

SITE PLAN

Date: October 7, 2021
Time: 8:28 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
KEN WERSTED

APPLICANT'S REPRESENTATIVE: JOSEPH MODAFFERI,
JOHN PAULEY, STANLEY SCHUTZMAN

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

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CHAIRMAN EWASUTYN: The Planning Board's tenth item on the agenda this evening is Farrell Industrial Park. It's a site plan located on Route 300 in an IB Zone. It's being represented by JMC.

MR. MODAFFERI: Good evening, Chairman, Members of the Board. For the record, my name is Joe Modafferi. I'm the project manager with JMC. I'm here tonight with the project attorney, Stan Schutzman, and the project architect, John Pauley.

MR. PAULEY: Good evening.

MR. MODAFFERI: We were last before you in July, early July, and at that time you had directed us to go back to the Zoning Board of Appeals. We went to the Zoning Board of Appeals in late August, heard some concerns from the Board about the variance we were requesting due to the proximity of our site adjacent to a residential zone to the north mostly.

We took those comments and concerns into consideration and are back

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in front of you tonight with a redesigned -- a slightly redesigned project, I'll give it.

Where we previously had two buildings proposed at 290,000 square feet, the current project is a single building at 290,000 square feet.

I would present to you, as outlined in our letter, that this project actually reduces the -- maintains or reduces the environmental impacts that were looked at during your SEQRA. That included several of the bulk requirements where building height is 7 feet less. Again, not requiring a variance. Maximum lot coverage was reduced by about 4.5 percent. The rear setback was increased by about 150 feet. The side yard setbacks were increased -- a single setback was increased by 20 and the dual set -- or both setbacks were increased by 150. Most significantly, the side setback that faces the residential zone was increased by 124 feet.

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We also note that because of the change in the height of the building, the code is written in such a way that the building has to -- the required setback is currently 220 feet. It was previously 228. It has to be a certain distance from the site, from the line, and then an extra 10 feet for every 5 feet over something. I don't know the -- I don't recall the specifics of the way it was written. Because we reduced the height of the building, the requirement allowed us to put it closer but we actually pushed it further away. And then again, the ZBA was -- is no longer required.

Overall land disturbance was reduced by two acres. We've done that by pushing basically both sides of the site here by eliminating basically this truck bay that -- previously it was two buildings on both the left and right side of the site with a combined truck aisle and loading docks on each side. We eliminated the single -- the second

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loading dock.

Then with the grading that we did we were able to reduce the disturbance of the -- you know, down from the building, catching grade as we went down the hill.

In terms of earthwork, we are essentially -- our analysis has indicated that the project site is balanced. There is an excess of topsoil, which would be expected on a project site such as this. All in all the analysis shows that the project site is balanced. That analysis was included within the SWPPP which is under review by Mr. Hines and his office.

The demand on water, liquid waste, disposal, all the same, again because we have the same 290,000 square foot total building which generates the same number of employees, et cetera.

Stormwater runoff, again, is the same.

You know, again, in our letter we provided a comparison of the table that was in your EAF and indicating again that

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we've decreased impervious surface and increased our landscape or pervious areas.

So at this point I would suggest that maybe we hear any comments or questions that we have from the Board. We look to move forward with this process.

CHAIRMAN EWASUTYN: Joseph, thank you.

Since you do have some renderings, can we take the opportunity of completing your presentation by reviewing that?

MR. MODAFFERI: Sure.

CHAIRMAN EWASUTYN: Thank you.

MR. PAULEY: So pretty much the same design as it was previously. You have your main entrance set up here. On the site it's this point here.

As the buildings got combined together -- they're two different lengths. So as we combined them we created more parking area here. Basically the building is very similar to what it was before.

In the front you will have

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possible office, if required, two story. Total will be 29,000 square feet depending on what the final fit-out is, which will be designed and presented.

The colors are navy blue, gray and a light and dark gray. It doesn't print as well. It doesn't look as gray. It looks sort of tan here, but they're base grays.

MR. HINES: In your plans the front does not have the office. It's on the side and rear of where that's depicted.

MR. PAULEY: Yes.

MR. HINES: Just for the Board's clarity, it's not going to look like that.

MR. PAULEY: The front entrance is here.

MR. MODAFFERI: Facing the back of the site.

MR. PAULEY: Facing the back of the site. Sort of facing the parking.

MR. HINES: I just wanted to clarify that for the Board because you

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said the front. Your front is clearly where you've measured your frontage and your height.

MR. GALLI: So when you drive into your site on that left-hand corner of the picture, the one where you had your hand, you're driving into the site and then that's -- okay.

MR. PAULEY: And then the entry is here.

CHAIRMAN EWASUTYN: We're not granting ARB approval at this point, but is the Board in a position to give a favorable look at it? Frank Galli?

MR. GALLI: Yes.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: Thank you, Dave.

All right. At this point we'll turn the meeting over to Ken Wersted, our

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Traffic Consultant.

MR. WERSTED: With the revisions to the project there's no net change in the amount of traffic leaving the site, therefore the change in the project doesn't have any affect on the previous reviewed application.

We did note that there's a substantial decrease in the number of loading docks and truck parking spaces with the combined buildings, and that the building itself relative to residences on the west side and the north side have gotten further away from those properties.

Thank you.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance?

MR. CAMPBELL: No comment at this time.

CHAIRMAN EWASUTYN: Pat Hines with McGoey, Hauser & Edsall?

MR. HINES: Sure. Our first comment just notes that the building has become one single 290,000 square foot.

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I did check the regulations regarding the need to send out a new adjoiner's notice. This does not meet the threshold for the requirements of a new adjoiner's notice.

We did receive a stormwater pollution prevention plan of some revised 600 pages and we're reviewing it.

We're just checking on the status of the DOT review.

MR. MODAFFERI: So we're looking to submit probably tomorrow or early next week.

One thing that I should have mentioned is there are some slight modifications to the front entry of the site where we had previously had striping along this edge where the areas are striped for the trucks to get in and out.

CHAIRMAN EWASUTYN: Right.

MR. MODAFFERI: It was just a white stripe. DOT had asked us to make that a mountable curb even though it's paved beyond that. It will be striped

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beyond that. This has been changed in the plans to be a mountable curb. They had asked for us to do some things, like reduce this island between the drive aisles because it's slightly bigger, I think, than their maximum that they permit. We're asking for a -- I forget the word that it's called, but the variance from them to allow for the wider island. We're submitting that application to them. They were all very minor comments. We're looking to submit probably tomorrow or early next week.

CHAIRMAN EWASUTYN: Joseph, why do you feel that, and it's fine, that you want to have the island the way you designed different than what the DOT is recommending?

MR. MODAFFERI: It's just -- it gives more space for the trucks. It makes it, you know, a little bit more open. It doesn't -- I'd rather have it not feel so confined. If you've got a truck coming in and going out, you know -- I mean it would

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obviously work, but give them some space.

MR. HINES: I believe when we discussed it at work session, the change in the plans needs to be resubmitted to Orange County Planning, which we can do if the Board authorizes.

I noted that the finished floor elevation was reduced by one foot. You had previously provided us with a geotech report and kind of a clouded area of where you were going to encounter rock. I just wondered if that was going to increase. If you could show us that change in elevation from the finished floor elevations now versus the previous one, we could take a look at the impacts on rock.

MR. MODAFFERI: So the earthwork analysis that I mentioned earlier, that's within the SWPPP, because it's required, because we're looking for the five-acre waiver. That details all of that rock removal, et cetera.

MR. HINES: All right. So that will be -- and we did previously show that

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to the Board. We'll do that again.

I think if they haven't been, the plans should be resubmitted to the jurisdictional fire department and code enforcement office with regard to hydrants and accessibility of the revised plan.

In looking at the plan, the revised plan, the 34 truck parking spaces that are against the south end of the building, I was just wondering, for the emergency services, if those could be flipped and put on the other side allowing access to the building there. It may function better. I'm just suggesting it to you. It's not required. It seems like you're blocking the whole south side of the building with trucks that are just really parked there. They're not even trucks. It's just tractor trailer staging. If they could be put against the other side exactly opposite on the drive there to the south.

MR. MODAFFERI: We can take a look at it.

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MR. HINES: Just a suggestion. I don't know why they're against the building.

MR. MODAFFERI: Well, it allows for, I think, better flow of the trucks coming around and getting in and out and around the site as opposed to, you know, just -- I'd have to look at it. If we're coming in closer to the building, then we might lose a loading bay or two. I'm not sure. We'll look at that for sure.

And the other thing, too, is that may -- and again, we can look at it and make adjustments, but that would potentially impact our building height analysis because -- so the way that we made the building height work was our finished floor is at 54.5. The road along Route 300 is higher than the finished floor because we need -- we were asking for the variance because we needed the 38 foot clear within the building. You know, we could have done this solution on the front building and addressed the issue,

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2 but we still had the building behind where
3 you can't raise the floor where the
4 loading docks were, or raise the grade
5 outside where the loading docks were.
6 So the grade outside the frontage that
7 faces Route 300 is 3 or 4 feet higher as
8 it goes up. We've provided that
9 calculation in our plans, that it meets
10 the 40 foot maximum requirement. So, you
11 know, it can be -- it can be looked at and
12 the grades could be adjusted for sure.

13 MR. HINES: It's just a
14 suggestion. It's not a requirement.

15 MR. MODAFFERI: Yup.

16 MR. HINES: A stormwater
17 facilities maintenance agreement will be
18 required, which is just a carryover
19 comment.

20 The septic system needs review by
21 DEC and Orange County. I know there were
22 some changes to it because now there is
23 only one septic tank, et cetera. So those
24 modifications need to be sent to them.

25 I didn't know if the splitting

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the buildings -- combining them into one changes your fire flow needs and fire areas. I just want to make sure you don't need a tank here based on the new single building size.

MR. MODAFFERI: I would guess that we would check that with the mechanical engineer.

MR. PAULEY: I do not believe it's going to change.

MR. HINES: I just wanted to make sure that we don't end up with a tank two months down the road here that wasn't on the plans.

MR. MODAFFERI: I think we previously submitted a letter from an engineer. We'll go ahead and put that together again.

MR. HINES: The fire areas may have been very different when they were split in two buildings.

Landscaping plans to Karen Arent.

Ken talked about the traffic.

We talked about the rock being

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encountered.

The domestic fire flow we just talked about.

We're just requesting that Jerry and Jim's office confirm that building height calculation that you've provided.

MR. MODAFFERI: In terms of the septic review, we submitted, I can't remember how far back, but we just received today a comment letter from them which, you know, obviously we have to submit to them again with the revised change.

MR. HINES: If you can copy the Board on all those outside agency submittals. It keeps the Board's file complete as well.

MR. MODAFFERI: Okay. I was fairly certain I did. But if I didn't, I'll certainly forward it on.

MR. HINES: That's all we have at this point. I think circulation to Orange County Planning would be in order tonight.

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CHAIRMAN EWASUTYN: Pat, who is going to be responsible as far as getting the plans to the jurisdictional fire department?

MR. HINES: I think Jim's office does that as a matter of course. Right?

MR. CAMPBELL: Yes.

CHAIRMAN EWASUTYN: Can you see that Jim Campbell with Code Compliance receives a copy of the plans to forward to the jurisdictional fire department?

MR. MODAFFERI: Yes.

CHAIRMAN EWASUTYN: Any additional comments? Dominic Cordisco?

MR. CORDISCO: No, other than the Board should consider the re-referral to Orange County Planning.

CHAIRMAN EWASUTYN: Would someone make a motion to refer the Farrell Industrial Park site plan to the Orange County Planning Department?

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a

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motion by Frank Galli. I have a second by
Stephanie DeLuca. May I please have a
roll call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Thank you.

MR. MODAFFERI: Thank you.

MR. PAULEY: Thank you very much.

(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 Notary
Public for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this
proceeding by blood or by marriage and that I
am in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 18th day of October
2021.

MICHELLE CONERO

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

----- X

In the Matter of

FROZEN RIDGE VILLAS SUBDIVISION
(2021-25)

Frozen Ridge Road
Section 6; Block 1; Lot 43.5
AR Zone

----- X

INITIAL APPEARANCE
24-LOT SUBDIVISION

Date: October 7, 2021
Time: 8:46 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
KEN WERSTED

APPLICANT'S REPRESENTATIVE: MICHAEL MORGANTE

----- X

MICHELLE L. CONERO
3 Francis Street
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CHAIRMAN EWASUTYN: The eleventh and final Planning Board item this evening is Frozen Ridge Villas Subdivision. It's an initial appearance for a 24-lot subdivision located on Frozen Ridge Road in an AR Zone. It's being represented by Michael Morgante with Arden Consulting.

MR. MORGANTE: Good evening. It's good to see everyone again. Thank you for squeezing me in on a very busy agenda. I do appreciate that.

So what we have here before you for your review is essentially what will be a 24-lot subdivision. It's the same concept plan format. I wanted to come in and have a discussion with the Board, let everyone take a look at the layout.

As the Chairman had noted, this site is located in the AR district. The concept plan as shown right now, every individual lot meets all the bulk zoning requirements.

We do have one entrance shown here located off of Frozen Ridge Road.

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There's adequate sight distance.

Just to give everybody an idea of the situation with the lot, Dogwood Drive is to the north and Colandrea Road is just to the south. This particular road right here, which is called Road 1, comes in off of Frozen Ridge, which is just noted, and kind of turns parallel to the contours of the land. It's better situated that way to minimize environmental site disturbances once we have actually prepared a grading plan for this.

Each individual lot will have a proposed well and a septic system.

We will begin soil testing on this project probably in the next week or so, get preliminary information, after which we will make a submittal to the Health Department for their review and approval. That will be required for the subdivision.

We also have another road shown here looking more to the northwest. The applicant has actually just recently

1 purchased the actual Gondolfo property
2 right here. There will be some
3 modifications to the map in terms of
4 ownership and stuff like that.
5

6 The idea here is for this
7 particular project to connect ultimately
8 to this point here on Gondolfo Drive,
9 continue forward and access again down
10 here off of Frozen Ridge Road again.
11 The reason why we've segmented the roads
12 and not connected them is because we have
13 this large wetland, a New York State DEC
14 wetland, with a 100-year flood zone
15 associated with it. It just seemed to be
16 a much better approach with a lot less
17 environmental disturbance if we actually
18 have two separate roads that actually
19 access Frozen Ridge Road. That was the
20 purpose for the purchase of the Gondolfo
21 property, and to ultimately try to connect
22 back to Frozen Ridge Road.

23 The wetlands that are shown
24 currently on the map have already been
25 field delineated by the New York State

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2 DEC. We will be submitting maps shortly
3 for their actual approval block to be
4 noted on the plans. I think that's pretty
5 much it. They're very well aware of the
6 actual crossing that needs to occur here
7 through that small section of the wetland.
8 We already discussed that in the field.
9 We'll be filing for a water certification
10 permit for that.

11 That pretty much summarizes the
12 project in general right there.

13 CHAIRMAN EWASUTYN: Frank Galli,
14 Planning Board Member, comments?

15 MR. GALLI: So each house,
16 they'll have to be -- they'll have to go
17 have ARB on them.

18 MR. MORGANTE: Of course.

19 MR. GALLI: They can't be cookie
20 cutters.

21 Do you know what size of houses
22 they're thinking about?

23 MR. MORGANTE: I will provide
24 that shortly to the Board. There are some
25 pretty interesting concepts this applicant

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has in mind, actually. I think that from an ARB perspective you guys might really like this.

MR. GALLI: You say it's in a 100-year flood zone?

MR. MORGANTE: Yeah. So if you can see here, there's like a thick dashed gray line. So that 100-year flood zone kind of almost follows the actual extent of the wetlands.

MR. GALLI: What's the closest house to it in distance?

MR. MORGANTE: We're nowhere in the flood zone with any of the houses. The closest house to the flood zone would either be on lot 12 or it looks like possibly Lot 8.

MR. GALLI: Roughly how far are they from that line?

MR. MORGANTE: Probably looking at well over 100 feet.

MR. GALLI: Okay. That's all I had, John.

CHAIRMAN EWASUTYN: Stephanie

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DeLuca?

MS. DeLUCA: No. No further questions right now.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: What's going to be involved with the road that's going to go through the property to the north?

MR. GALLI: Gondolfo Drive.

MR. MORGANTE: So before the applicant did anything with these properties, I advised them at that point to consider doing some research to find out what rights they had to that access. We are in the process of getting those documents and we'll provide them to the Board as soon as we get them.

MR. MENNERICH: There are houses that are already connected to that road. Right?

MR. MORGANTE: That's correct.

MR. MENNERICH: And it's a private road?

MR. MORGANTE: That's correct.

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CHAIRMAN EWASUTYN: Michael, did you say they're in the process of purchasing the contiguous Gondolfo property?

MR. MORGANTE: Yeah. So this particular --

CHAIRMAN EWASUTYN: How many acres is that?

MR. MORGANTE: -- applicant now owns the actual Gondolfo parcel right here. They're the owners of that. So actually this map might change a little bit, too, because I don't know if the applicant will want me to try to see if there's a way to get a few more lots out of that Gondolfo property as far as the project is concerned. It would be foolish not to think they would want me to try to take a look at that. The plan could change slightly when I come back next time.

CHAIRMAN EWASUTYN: Just as a matter of conversation, the applicant proposes to build out all of these lots?

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MR. MORGANTE: Yes. Yes. The applicant in this case will be the developer also.

CHAIRMAN EWASUTYN: Is there a possibility, at some point in time, the applicant could come before the Planning Board to just discuss his plans and the design?

MR. MORGANTE: Absolutely.

CHAIRMAN EWASUTYN: I think it's very beneficial to everyone.

MR. MORGANTE: Yup.

CHAIRMAN EWASUTYN: That's all I have to say.

Dave Dominick?

MR. DOMINICK: No. Ken asked that question. It was addressed properly. Thank you.

CHAIRMAN EWASUTYN: At this point, because I know he wants to go home, we'll hear from -- you also, I'm sure, Michael. We'll hear from Ken Wersted with Creighton, Manning.

MR. WERSTED: Thank you. We did

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2 a quick estimate of the traffic generated
3 by each of the sections of development.
4 The Road 1 quadrant would generate
5 anywhere from ten to twelve trips in the
6 a.m. and the p.m. peak hours based on the
7 number of units in there. The Road 2, 3,
8 4 section would generate about twelve to
9 fifteen trips. So that will give you an
10 idea of how much traffic each of these
11 neighborhoods would generate.

12 Our primary concern was how the
13 Road 2, 3, 4 section of it connects to the
14 remainder of the private road because, as
15 it stands now, it's a 10 foot -- 8 to 10
16 foot wide gravel, grass trail. It's
17 unimproved and the plan doesn't show any
18 improvement to it.

19 As the plans progress, there will
20 have to be some reasonable connection from
21 the western lots to the remainder of the
22 private road.

23 Thank you.

24 CHAIRMAN EWASUTYN: Jim Campbell
25 with Code Compliance?

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MR. CAMPBELL: No comment at this time.

CHAIRMAN EWASUTYN: Pat Hines with McGoey, Hauser & Edsall?

MR. HINES: Sure. Our first comment has to do with the road dead ending at the neighboring property, which we had some discussion about already.

I would be interested to see what impacts the wetland has as it crosses, I guess -- is it north, onto the property you purchased. There may be some additional wetland impacts to upgrade that private road.

MR. MORGANTE: If I can comment. We brought that up to Mike Fratz when we were out in the field which is why he has flagged all the wetlands off site. There's something I think potentially here. We did already look at what was going on here. So we'll look at that.

MR. HINES: The stormwater facilities are located on what looks like private property. Long-term maintenance

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of those should be addressed.

Further on I have a comment that I don't believe DEC allows stormwater facilities to be constructed in adjacent areas anymore.

MR. MORGANTE: I've recently gotten permits --

MR. HINES: Okay.

MR. MORGANTE: -- for stormwater facilities in adjacent areas.

MR. HINES: We've seen those comments in the past where they didn't.

There's a tax lot 43.4 with an existing house on it. It didn't look like it was in the application.

MR. MORGANTE: I'll revise the application.

MR. HINES: It sounds like you're revising it again, anyway. Just have that in there.

The project is located in Orange County Ag District 1. It will be a Type 1 action due to that and disturbance of greater than 10 acres.

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Once we get the project more defined, we can do a lead agency circulation.

I have some comments on the EAF. I know the EAF says it's a cluster subdivision, but it's really a conventional subdivision as depicted. There were some comments regarding the record owner on the plans and in the County records, so if we can clear that up.

Private roads have to own to the center line of the private roadway, so that will be a plan modification as well.

I think it's premature right now to do a lead agency circulation knowing the project is going to change.

MR. MORGANTE: Agreed.

CHAIRMAN EWASUTYN: I think it probably might even be premature, speaking with Dominic Cordisco, to have a favorable consideration on the concept plan because the concept plan hasn't been fully developed yet.

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MR. MORGANTE: Yes.

CHAIRMAN EWASUTYN: Dominic?

MR. MORGANTE: I don't disagree. We'd like to do some soil testing out there and confirm some of the septic system soils because that alone can greatly impact the design of the project.

MR. CORDISCO: Even in the EAF it has a couple of points that need to be addressed.

MR. MORGANTE: Yes, agreed. Agreed.

CHAIRMAN EWASUTYN: Okay. I guess that's it for this evening. Correct, Pat?

MR. HINES: For this one, yeah.

CHAIRMAN EWASUTYN: Thank you.

MR. HINES: I'm hoping that your client can make friends with the existing residents on Gondolfo Drive rather than have them --

MR. MORGANTE: I believe this was a discussion we had many months ago. So we'll find out pretty soon. And we

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further had another conversation about it
today, actually.

(Time noted: 8:57 p.m.)

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

I, MICHELLE CONERO, a Notary
Public for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this
proceeding by blood or by marriage and that I
am in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 18th day of October
2021.

MICHELLE CONERO

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

----- X

In the Matter of

LANDS OF ZAZON
(2004-29)

Requesting a Six-Month (180 Day)
Extension from October 7, 2021 to April 7, 2022

----- X

BOARD BUSINESS

Date: October 7, 2021
Time: 8:57 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
JAMES CAMPBELL
KEN WERSTED

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845) 541-4163

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CHAIRMAN EWASUTYN: The final matter of business this evening, Ken Mennerich will read the letter received from the Lands of Zazon, Project Number 04-29, requesting a six-month extension starting from October 7th through April 7, 2022.

MR. MENNERICH: The letter is dated September 30, 2021 to Mr. John Ewasutyn, Chairman, Town of Newburgh Planning Board, 5 Hudson Valley Professional Plaza, Newburgh, New York 12550, regarding Lands of Zazon in reference to 04-29. "Dear Mr. Ewasutyn, please let this letter serve as our request for a six-month extension (two 90-day extension)," that's in parenthesis, "of the conditional final approval for the above referenced project. Our office is currently working with the Health Department to obtain re-approval of the Realty Subdivision approval. The project received conditional final approval at the April 15, 2021 Planning Board meeting.

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Thank you for your attention to this matter. Should you have any questions or require anything further, please do not hesitate to contact this office."

CHAIRMAN EWASUTYN: Can someone verify the dates so when we memorialize the extension we have the exact dates?

MR. HINES: Yes. Six months from now will be April 7th. 180 days may be something short of that.

CHAIRMAN EWASUTYN: So the motion would be to grant the six-month extension from October 7, 2021 to April 7, 2022?

MR. CORDISCO: My apologies. I was shutting down my computer. I'm looking up the date. 180 days from today would be Tuesday, April 5th. The Board's first meeting of that month would be April 7th.

MR. HINES: It's actually the 7th.

MR. CORDISCO: So my suggestion would be to extend it to April 7th to make it clear.

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CHAIRMAN EWASUTYN: Thank you.

Would someone move for a motion then to grant the 180-day extension for the Lands of Zazon from October 7, 2021 to April 7, 2022?

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli, a second by Ken Mennerich. May I please have a roll call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Would someone make a motion to close the Planning Board meeting of the 7th of October 2021?

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. May I please have a second?

MS. DeLUCA: Second.

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CHAIRMAN EWASUTYN: Second by
Stephanie DeLuca. May I please have a
roll call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

(Time noted: 9:01 p.m.)

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

I, MICHELLE CONERO, a Notary
Public for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this
proceeding by blood or by marriage and that I
am in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 18th day of October
2021.

MICHELLE CONERO