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

----- X

In the Matter of

PLANNING BOARD REORGANIZATION FOR 2013

----- X

BOARD BUSINESS

Date: January 17, 2013
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
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MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of January 17, 2013. At this time we'll call the meeting to order with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. FOGARTY: Here.

MR. WARD: Present.

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

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Code
Compliance Supervisor.

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

MR. COCKS: Bryant Cocks, Planning
Consultant.

MR. MUSSO: Mike Musso with HDR,
Wireless Telecommunications Consultant.

MR. BROWNE: At this time I'll turn the
meeting over to Joe Profaci.

MR. PROFACI: Please rise for a salute
to the flag.

(Pledge of Allegiance.)

MR. PROFACI: If you have any cell
phones, would you please turn them off now.

MR. BROWNE: This evening we have three
items of business actually before us. The first
item, however, is an organizational meeting. We
are doing this this evening following the Town of
Newburgh session. So we are required to do it
this evening.

At this time I move that the Vice Chair
and the Consultants be reappointed to the
positions that will be subsequently listed in the
fee schedule stated in their respective letters
of interest, and that these positions will be

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effective until the reorganizational meeting of the Town of Newburgh Planning Board to be held January of 2014 or until such time that their positions are terminated by this Planning Board, which ever comes first.

With that, Ken Mennerich to Vice Chair of the Planning Board; Dickover, Donovan, Donnelly & Biagi, Attorney for the Planning Board; McGoey, Hauser & Edsall Consulting Engineers, P.C., Consulting Engineers to the Planning Board; BC Planning, LLC, Consulting Planner to the Planning Board; Creighton, Manning Engineers, LLP, Consulting Traffic Engineer to the Planning Board; KALA, Consulting Landscape Architect to the Planning Board; HDR LMS, Telecommunications Consultant to the Planning Board; Michelle L. Conero, Stenographer to the Planning Board. And also with this, the adoption of the 2013 Planning Board meeting schedule as posted as well as the adoption of the 2013 consultants' work session planning meeting as posted.

CHAIRMAN EWASUTYN: I'm move for that motion to make those appointments.

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REORGANIZATIONAL MEETING

5

MR. GALLI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Thank you.

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

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

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

DATED: January 26, 2013

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

----- X

In the Matter of

AT&T UPGRADE AT NEWBURGH MALL
(2012-28)

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

----- X

PUBLIC HEARING
SITE PLAN & SEUP

Date: January 17, 2013
Time: 7:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOHN FURST

----- X

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Wallkill, New York 12589
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MR. BROWNE: The next two items we have on the agenda are both public hearings. With that, I would like to turn the meeting over to Mike Donnelly to give us an overview about what a public hearing is and its purpose in this case.

MR. DONNELLY: There are two items on the agenda this evening that require public hearings. The first is what's called a special permit, the second is a subdivision. The special permit involves an upgrade to a cell tower here in the Town. The subdivision is just that, a subdivision of land into two lots.

The Planning Board holds public hearings before it makes decisions on these matters in order that you, the members of the public, can bring to the attention of the Planning Board issues or concerns that the Planning Board may not be aware of or that have not come out of the memos that the consultant team has provided to the Planning Board.

We will begin each public hearing with a description of the proposal by the applicant's representatives. Following that, the Chairman will recognize the members of the public that

1 wish to speak. We would ask you to please raise
2 your hand, when you are recognized would you step
3 forward, give us your name. If you could give us
4 your address so we know where you are in relation
5 to the project, that would be helpful. Spell
6 your name for our Stenographer so that we can get
7 it down correctly. We would ask you to direct
8 your comments to the Planning Board. If you have
9 a question and the question can easily be
10 answered, the Chairman may direct that question
11 to either one of the Town's consultants or the
12 applicant's representatives.

14 Generally speaking, the Chairman will
15 tell you that if multiple people want to speak,
16 he wants everyone to have a chance to speak at
17 least once before we go back around for a second
18 round.

19 MR. BROWNE: Thank you, Mike.

20 The first item is a public hearing,
21 site plan and special use permit for AT&T upgrade
22 at Newburgh Mall, project number 2012-28. It's
23 being presented by John Furst.

24 At this time I would like to ask Ken
25 Mennerich to read the notice of hearing, followed

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by Frank Galli to give the status of the mailings and notices.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to the Municipal Code of the Town of Newburgh, Chapter 185-57 Section K and chapter 168-16 Section A, on the application of AT&T Upgrade at Newburgh Mall, project 2012-28, for a site plan and special permit for the installation of two new panel antennas and six small radio head units and junction boxes to the tower on premises 7 Meadow Hill Road in the Town of Newburgh, designated on Town tax map as Section 60; Block 3; Lot 35.1; IB Zone. Said hearing will be held on the 17th day of January 2013 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated January 2, 2013."

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MR. GALLI: The applicant had the notice of hearing in The Mid-Hudson Times and in The Sentinel. The applicant mailed out twelve notices, eight were returned and signed for and four were not deliverable. The notice of hearing is in order.

CHAIRMAN EWASUTYN: Mr. Furst, please.

MR. FURST: My name is John Furst, F, as in Frank, U-R-S-T. I'm an Attorney with Cuddy & Feder. We represent the applicant, New Cingular Wireless PCS, otherwise known as AT&T.

We're here tonight for a simple upgrade of an existing facility. It's an existing tower. It's 154 -- I'm sorry, 150 foot monopole off Meadow Hill Road. It's right by the Newburgh Mall.

Right now there's five carriers on the pole. AT&T has an existing facility there. They already have seven antennas with a center line height of 127 feet above grade level.

They also have an unmanned equipment shelter at the base of this tower within an existing fenced-in compound.

The tower has been up there many years.

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I'm sure most of you are all familiar with it. In fact, I think AT&T was probably here about three or four years ago for its 3G upgrade. Right now they're here for the long-term evolution of the 4G upgrade which will increase capabilities, capacity and be a better experience for its users.

The proposal, as part of this LP deployment, includes two new panel antennas which are going to be similar in size to the existing panel antennas, as well as the associated LTE equipment. As highlighted in the notice, there's these remote radio heads, there are six of those, and they actually go behind the antennas. They act as sort of amplifiers to help increase the capabilities and capacities of these panel antennas. There's so much information that's flowing through these antennas, through people's phones, they need these remote radio heads installed behind the antennas.

Also at the base they're -- they're not doing anything at the base. They're putting an equipment rack inside the shelter. There's going to be no change at the base at all.

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Given the height of the tower, the height of the antennas, the small size of the antennas and the equipment, there's going to be no visual change at all. It's basically going to look the same as it currently exists. I mean that's really it in a nutshell. It's a very simple upgrade application and I would be happy to answer any questions you may have, or the public.

CHAIRMAN EWASUTYN: Is there anyone here this evening that has any questions or comments on the presentation for the change of panels that AT&T is proposing?

(No response.)

CHAIRMAN EWASUTYN: Okay. Let the record show there is no one in the audience that has any questions or comments.

At this time we'll turn to our Consultant, Mike Musso, who reviewed the application.

MR. MUSSO: Good evening, everyone, members of the public. Mike Musso from HDR working on behalf of the Town of Newburgh Planning Board.

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To add on a little bit of what the applicant rep presented tonight, this is an existing facility that AT&T has at 127 feet on the existing monopole behind the Newburgh Mall. It's a light blue monopole that's been in operation or been built for several years.

We reviewed the application for modification and confirmed there's really no appreciable change to the physical aspects of the monopole. They're not increasing the height. They're not adding any special lighting. The ground-based area, which is off a small gravel drive on Meadow Hill Road, the size of that is not changing at all.

They do have an equipment building within that fenced-in compound. That building will remain and there will be some changes made within that building. That really will not be visible to the general public at all.

We did confirm the reasons for upgrade. As was mentioned, AT&T, along with other commercial carriers in our area, are moving to 4G long-term evolution, and we're seeing this not only in Newburgh but in many municipalities we

1 work for. These types of upgrades are happening.
2 In many cases the equipment has been in place
3 since the late 1990s. So these technology
4 changes are necessary over time.
5

6 A couple of the important things that
7 we did look at in terms of the modification. We
8 always look at the radiofrequency emissions or
9 the RF levels that may be associated with the
10 tower site, or any wireless site. We did look at
11 the calculations that were put together. We
12 wanted the applicant, AT&T in this case, to also
13 consider the four other wireless carriers that
14 are on that monopole. As expected and as
15 confirmed, those radiofrequency emission levels
16 are all within the acceptable criteria for the
17 general public in the area. That's no surprise.
18 That was expected based on our experience on many
19 of these.

20 There's also a structural and
21 foundation analysis submitted with a New York
22 State PE certifying. HDR looked at some of the
23 assumptions that were made, the appropriate
24 building code and tower industry criteria for
25 assumptions. The monopole really, since it's not

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being modified significantly, it's well within capacity to structurally take on these modifications that are being proposed.

Other than that, we put in a couple bullet recommendations that if the Board wants to consider or entertain an approval of this modification, these recommendations we feel should go into a resolution, and they would include maintaining the security fencing around the ground-based area and also signage that exists and is required by the FCC, putting a note in for color matching proposed antennas and other 4G equipment. All the cabling, by the way, will be within the monopole also, so you won't see cables on the outside of the structure. But it's understood that color matching could be done for conformity. That's always important.

A general recommendation we've had in the past about all operations is the facility has to stay in compliance with the Town's wireless ordinance and anything else applicable in terms of the Town Code.

So essentially I think that's a summary of the modification and our review of the

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modification.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

MR. BROWNE: Nothing.

MR. MENNERICH: No questions.

MR. PROFACI: Nothing.

MR. FOGARTY: I just have one. You know that the integrity of the pole has always been one of my concerns.

MR. MUSSO: Sure.

MR. FOGARTY: Have you found, Mike, what we've seen, at least in the Town of Newburgh, is that AT&T or Sprint, whoever it may be, in order to upgrade they have to change a panel, upgrade a panel or replace the panel. Is that what is being seen? Instead of having to build new poles in the Town and stuff like that, is that pretty much what's being seen in the area that you service?

MR. MUSSO: That's an interesting question. I think it would depend a little bit on the carrier. AT&T and Verizon have different plans for their network. But I believe it's

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being phased a little bit. I think the first approach would be to go to existing sites and towers, and really from a cost perspective making those necessary upgrades, changing out the panels for newer, more advanced panels that accommodate new frequencies. And not only phone and voice but internet, e-mail and all the things that are available on cell phones or smart phones.

That being said, I think there is a longer term trend that we're starting to realize now and it's really seeing more cell facilities lower to the ground and just more frequently. I think the applicant eluded to there's a limit to the number of antennas that could be placed on a given tower. In this case they're going from seven antennas to nine. But there's no stop, it seems, in the increase of use and data and downloads and everything else that's coming through these types of facilities. So it is a trend that I think is starting to be realized, that there is more need for more tower sites, and generally those are lower to the ground and lower power. But right now what we're seeing mainly is going back to these first generation facilities

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that were built in the late 1990s and sometimes earlier and trying to change those equipment, upgrade the equipment, at least for the time being.

MR. FOGARTY: Thank you.

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Just one comment.

Should the Board choose to accept Mr. Musso's recommendations, I would like to see perhaps a definition on these color matching panels and how that will be achieved and what will they be. Will they be added in new drawings submitted for Mike to review? How are we going to handle that?

CHAIRMAN EWASUTYN: I think we would handle it no different than we would where the Planning Board is the ARB Board and if you have ten houses or more, that we leave it up to the discretion of the building department to make sure that it's color coordinated. No?

MR. GALLI: Mm'hm'.

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: It's a one stop

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shop.

MR. CANFIELD: So it would not be something this Board would want the applicant to come back to then?

CHAIRMAN EWASUTYN: No.

MR. CANFIELD: Okay.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: My only comment is that this will have to be referred to the Orange County Planning Department since it is within 500 feet of the --

CHAIRMAN EWASUTYN: You never referred it to them?

MR. COCKS: No. You have to make the motion.

CHAIRMAN EWASUTYN: So we can't act on it this evening then.

MR. COCKS: With the previous one we waited to make it a Board Business item once we got the letter in.

MR. FURST: Okay. All right. You guys meet in early February; correct?

CHAIRMAN EWASUTYN: We can make it an

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agenda item.

MR. FURST: I'll see if I can pull some strings and get a letter for you guys.

CHAIRMAN EWASUTYN: Any additional questions or comments from the public?

(No response.)

MR. DONNELLY: John, I think you could take action under SEQRA. You have not issued a declaration of significance and we treated these as unlisted actions.

CHAIRMAN EWASUTYN: Okay. There will be several parts to the motion. Number one, I'll move to close the public hearing on the AT&T upgrade at the Newburgh Mall, to declare a negative declaration, and to circulate to the Orange County Planning Department.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by, was that Tom Fogarty or John Ward?

MR. PROFACI: It was me.

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

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(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Mike, do you want to give us conditions or do you want to wait for the Orange County --

MR. DONNELLY: I can run through them quickly. Mike spoke about them. We have our standard ARB condition that says they can only build that which is shown on the plans. The requirement the applicant shall maintain its operation in accordance with the Town's wireless ordinance and all other relevant provisions of the Town Code. Antennas, coaxial cables, security fencing around the ground-based equipment and FCC warning signage should be routinely inspected and maintained at the site.

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By the way, that first condition also included the requirement of color matching of the antennas and ground-based equipment.

And lastly, the requirement that nothing other than what is shown on the plans may be built on the site, whether in the equipment area or in the tower itself.

CHAIRMAN EWASUTYN: Any questions or comments from Board Members?

(No response.)

CHAIRMAN EWASUTYN: Okay. I'll move for a motion to approve the resolution presented by Planning Board Attorney Mike Donnelly.

MR. WARD: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

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MR. MENNERICH: Question. Can we approve it before we get Orange County Planning Department --

MR. DONNELLY: No. I reviewed the conditions but you can't approve it.

CHAIRMAN EWASUTYN: Okay.

MR. BROWNE: We're just approving the conditions?

MR. DONNELLY: The language of the conditions.

MR. MENNERICH: Okay. Aye.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Then we'll set it up under Board Business when we receive a sign-off from the Orange County Planning Department for final approval.

MR. FURST: Okay. Do you know who the planner is that's usually assigned?

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CHAIRMAN EWASUTYN: Chad --

MR. COCKS: Wade.

CHAIRMAN EWASUTYN: Chad Wade.

Bryant will circulate to Chad.

MR. FURST: Thank you.

(Time noted: 7:20 p.m.)

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

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

DATED: January 26, 2013

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

----- X
In the Matter of

RICHICHI SUBDIVISION
(2011-31)

105 Coach Lane
Section 95; Block 1; Lot 4.222
R-2 Zone

----- X

PUBLIC HEARING
THREE-LOT SUBDIVISION

Date: January 17, 2013
Time: 7:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: SUSAN RICHICHI

----- X

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MR. BROWNE: The next item of business is another public hearing. This is a three-lot subdivision. This project is known as Richichi Subdivision, project number 2011-31 ,and being presented by --

CHAIRMAN EWASUTYN: Susan Richichi.

MR. BROWNE: -- Susan Richichi.

I will again ask Ken Mennerich to read the notice of hearing, followed by Frank Galli to give the status of the mailings and notices.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of Richichi Subdivision, project 2011-31, for a two-lot subdivision on premises Coach Lane in the Town of Newburgh, designated on Town tax map as Section 95; Block 1; Lot 4.222. The street address is 105 Coach Lane. The applicant is proposing to subdivide a 10.78 acre parcel into two new lots with residential homes. The new homes will be accessed through an existing 25-foot wide

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easement through the Richichi property. The property is in the R-2 zoning district and the lots will be serviced by municipal water and sewer service. Said hearing will be held on the 17th day of January 2013 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated December 13, 2012."

MR. GALLI: The notice of hearing was published in The Mid-Hudson Times and in The Sentinel. The applicant mailed out 112 mailings, 86 of them were signed and returned okay, 22 of them were not picked up, and 4 were returned undeliverable. The notice of hearing is all in order.

CHAIRMAN EWASUTYN: Thank you.

Susan, do you want to make your presentation?

MS. RICHICHI: I live on 105 Coach Lane in the Town of Newburgh. I have a 25-foot easement going through my property. I have a

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raised ranch and the parcel that's in the back.

There will be two lots, one is a little over 1 acre and the other one is approximately 9.5 acres. There will be one house on each lot.

CHAIRMAN EWASUTYN: Questions or comments from those in the audience, please raise your hand and give your name and your address.

Ma'am.

MS. MAIORANO: My name is Nancy Maiorano, M-A-I-O-R-A-N-O. What are you going to do -- like I'm at the bottom of the V. I'm at 91 Coach. I get a lot of flooding that comes flowing down. I'm wondering if you're going to do anything about the flooding problem like I have. When Sandy came through I lost four big pines.

MS. RICHICHI: The houses are going to be at the top.

MS. MAIORANO: In the back. But that whole -- way back where I am and in the back more, you know, in your property, it's swamp.

MS. RICHICHI: It's all wooded acres, so --

MS. MAIORANO: It's still swamp. Are

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RICHICHI SUBDIVISION

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you going to do -- is there anything about -- no?

MR. GALLI: The area she's talking about is way in the back lot.

MR. HINES: These houses are located up on the high point.

MS. MAIORANO: Right. It's going to flow down. It all flows down. I'm at the bottom of it.

MR. HINES: I'm trying to find your house.

MS. MAIORANO: 91.

MR. HINES: I don't have it numbered that way.

MR. CANFIELD: Do you know your lot number?

MR. HINES: I have a lot number but I'm not seeing --

MR. CANFIELD: Do you know your lot number?

MR. GALLI: I have it.

MS. MAIORANO: And I'm also concerned about creeping developments. You know, this year two, next year another two, the year after that another two. Before you know it I've got

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neighbors behind me.

CHAIRMAN EWASUTYN: One question at a time.

MS. MAIORANO: Okay.

MR. HINES: The Town of Newburgh has a stormwater management ordinance. This project doesn't exceed the thresholds where a stormwater report would be required. I am familiar with the site. I did take a look at the site. There is a large culvert in the vicinity of what's identified here as lots 24 and 23.

MS. MAIORANO: I'm at one of them because we have that stream.

MR. HINES: You have the stream there?

MS. MAIORANO: Yeah.

MR. HINES: This project involves a rather small construction on 11 acres of property. It's going to be the shared driveway. It doesn't meet the threshold where that analysis would be required.

As for the creeping subdivision question, this project was approved by the Town Board for what's called an open development area for only these two lots because it has access

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only by easement. It doesn't have fee ownership out to the street. So the two lots that are proposed here are the maximum amount that could be. No further development would be allowed here because they're on a shared driveway and not a private road. So this is the --

MS. MAIORANO: I'm okay with your two.

MR. HINES: This is the maximum development permitted on this 11 acres because of the access issue.

MS. MAIORANO: But as far as the coming downhill, it's not bad enough?

MR. HINES: It doesn't meet the thresholds that would require that analysis. Over 11 acres, the area of those roofs, it's a deminimus amount of water that would be generated based on the whole watershed this is in.

MS. MAIORANO: It's in the backyard.

MR. GALLI: The lot is 58-6-9, if it goes by that.

MR. HINES: I saw that. They run from 40 down to 12 on this plan.

MR. GALLI: Okay.

MR. HINES: I can't -- I think I have

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an idea based on the culvert I talked about, it's either lot 23 or 24 shown on here.

MS. MAIORANO: I'm lot 9. Will that two restrictions, will that end up in the deed somehow?

MR. HINES: It won't end up in the deed. It would not be allowed to be subdivided based on the zoning because of the access issue. There's not allowed to be any additional houses accessing off the easement.

MS. MAIORANO: Okay.

MR. HINES: So the easement will be in those deeds but the restriction won't specifically be mentioned in those deeds because zoning wouldn't allow it. It had to go that extra step to go to the Town Board before it came to this Board to even allow it by access fee easement.

MS. MAIORANO: Thank you.

CHAIRMAN EWASUTYN: The gentleman in the back.

MR. CRAWFORD: Yes. My name is Russell, R-U-S-S-E-L-L, last name is Crawford, C-R-A-W-F-O-R-D. I'm a homeowner at 107 Coach

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Lane. I'm the immediate neighbor of the applicant property at 105 Coach Lane. I've been a Town of Newburgh resident for 28 years. I've been in that present residence for 27 years of those years. I owned the property prior to building at the 105 lot location.

I also prepared a letter in opposition to this application for each Board Member. I would appreciate it if I could give each Board Member a copy of this, Mr. Chairman, --

CHAIRMAN EWASUTYN: Sure.

MR. CRAWFORD: -- and also summarize my opposition. Although I'm short one.

This is my concerns. I have a number of concerns. I think this development will have a number of potential issues, but I'm particularly concerned about the area of safety in that this intersection or the easement would actually intersect with Carriage and Coach Lanes which in essence would make this a four-way intersection. It is a T intersection now. The property at 105 is at the end of Carriage Drive.

I further think that the ambient noise level in our area now is of moderate quality. I

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think it would be of high quality if you were to remove trees, excavate foliage, excavate land to build these two particular lots. My property is only 100 yards from the fence line of Interstate 84 and this property. As you can see here, it's just a long strip of land that separates the homes on Coach Lane from the interstate itself.

I propose that this was never a property that was intended for this type of development. I think that in the 25 years that I've been there, the Grants have -- I know them as Susan and Wilbur Grant -- had asked me to purchase 100 yards or so in back of my property. At that time my attorneys told us that that property was being held by Department of Transportation for a possible expansion of the interstate and that it was residual property left over from the creation of the Meadow Hill development and never had the intent for this type of expansion.

Additionally, the driveway or easement that's being proposed is a blind driveway. I submitted photos in that packet that will show that if you're westbound on Coach Lane, you can

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not see that access point. There was a red fence painted to kind of illuminate a little bit, but as you can see in those photographs, you can not see Coach Lane westbound from the driveway itself. You can not see the driveway from Coach Lane itself. I respectfully request that should this continue, that in depth road studies be done.

There is a number of issues that I think this Board should consider before approving this application.

I think that there's safety concerns. Being in law enforcement for 38 years, I'm retired from the New York State Police after a 30-year career, I had the opportunity to have people in the neighborhood confide their complaints to me. The majority of these complaints were about the driveway at 105 Coach Lane. If I may, so that this doesn't seem self-servicing, I would refer these complaints to the appropriate Town entity. So I respectfully request if you make inquiry to the Town Police Department, the Town Building Department, that you'll find reference of these complaints there.

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To be neighborly and to promote community harmony, I never would approach the Grants about it, I would just refer them.

MS. MOORE: May I ask a question?

CHAIRMAN EWASUTYN: Excuse me?

MS. MOORE: May I ask him a question?

CHAIRMAN EWASUTYN: Can you give your name and address?

MS. MOORE: My name is Cindy Moore, I live at 24 Frozen Ridge Road, Newburgh, New York.

My question is do you have anything to support your safety concerns? Is there a number of problems on that street? Have there been accidents? Are you also stating that two homes being built in that area is going to change the sound by a significant amount?

MR. CRAWFORD: I think that it would change the sound by a significant amount. I believe that my professional career in law enforcement, and investigating traffic accidents, and receiving complaints, that these complaints have some merit. I would suggest that I don't know if these complaints were valid. I don't know if they were investigated. I'm just making

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inquiry that there is an issue that this driveway is problematic.

MS. MOORE: But what problems have you -- I'm asking you --

MR. CRAWFORD: Me personally?

MS. MOORE: No, not you personally. You're mentioning there's safety concerns. My question to you is what are -- what is the validation of your safety concerns?

MR. CRAWFORD: I've never seen you before in my life and I've lived in --

MS. MOORE: That's okay. I'm just a public figure asking a question and I'd like to know what validates your safety concerns.

MR. CRAWFORD: My safety concerns are safety concerns. They're my personal safety concerns, they're safety concerns in the community that I confide complaints in.

MS. MOORE: No. You just said something about a blind area, that it's dangerous. I was just wondering --

MR. CRAWFORD: It's obvious that the driveway is a blind driveway.

MS. MOORE: Okay. Thank you. Sorry.

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Thank you very much.

CHAIRMAN EWASUTYN: Susan.

MS. RICHICHI: On Coach Lane there's houses all along and everyone has a driveway. I don't know what the difference of my driveway is.

MR. CRAWFORD: The difference of the driveway is the proposed two lots that will access the main road from that driveway.

MS. RICHICHI: It's an easement.

MR. CRAWFORD: It's going to be in essence -- 105 Coach Lane, the easement that we're speaking of was no more than a driveway when you first built your home. I mean it has been expanded by your landscaping company to fit the minimum requirements of an easement I think. I'm just -- I've never had a problem with -- this is not a personal issue. I found out about this entire project twelve days ago by registered mail after living next to Susan Grant for 25 years. So this is not a personal issue. I mean this is -- I have no animosity or anything like that toward the applicant. We've been friends for 25 years. I just found out about this twelve days ago.

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So the concern is about the driveway having been in existence far post this application, and I think that the Board, if you made inquiry about these complaints, would find that.

CHAIRMAN EWASUTYN: Mike Donnelly, Planning Board Attorney, as far as the Town permitting an open development agreement or allowing for two lots off this area?

MR. DONNELLY: I think the Town Board would have been the place that would have heard that. They've already authorized the use of this easement for the development of two lots.

MR. CRAWFORD: Like I said, I saw the date on the application was 2011. The first I think any resident that I know about in the immediate area, 105 Coach Lane, knew about this project was twelve days ago. So I can understand it being approved but this is the first I heard of it. Ms. Grant has never spoken to me about this. I believe my neighbors that are not present here now for certain reasons are -- were miffed by it. I mean these are people who live in the immediate area. That's why I said I don't

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know this ma'am -- this young lady here. I've never seen her before. I know everybody in our immediate area and I think that whoever is here from that area would agree.

MR. DONNELLY: Just so you understand the two boards and the two approvals -- I'm not faulting you for not having known about the earlier approval. The Planning Board approves the layout of the lots and whether they comply with code. Before these lots may obtain their access through an easement, the Town Board has to approve the easement and determine how many lots can be supported on that. They elected to say these two lots are what could be supported. I don't think the Planning Board can second guess that determination, it's already been made by the Town Board.

MR CRAWFORD: I understand, sir. I'm just voicing my opposition to the application in the best way I know how. I think this building lot affects the quality of life in this neighborhood. I think that this building -- this is my personal opinion. I think this building lot is not a traditional lot. I think there's

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ample building lots and homes for sale in the Town of Newburgh that would spur growth and enhance our Town other than squeezing these two homes into a thin piece of property that separates the homes on Meadow Hill -- on Coach Lane from the interstate that sits only a half a mile from the runways at Stewart Airport and the National Guard Airbase. I think that this was not, I wouldn't think, anyone's intention for this type of development.

I also would respectfully say that I don't think it would be of any monetary disadvantage or hardship to the applicant and that it's my understanding that this residual land was defaulted to this property, to the lot at 105 Coach Lane. I don't know that to be a fact but I think that that's something that perhaps this is not the forum for, maybe the Planning -- I mean Planning Board -- not the Planning Board.

MR. DONNELLY: Town Board.

MR. CRAWFORD: -- Town Board that you spoke of would address. I'm just voicing my opposition to the application as a 28 year

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resident of Newburgh. As you can see, I go into more detail in my written response to the Planning Board, respectfully, and I have given some pictures to answer your question. Anyone viewing the pictures can see that this is a blind driveway, and what I call a blind driveway in that you can not see traffic coming out unless they make a complete stop or you're feet away from the driveway. Those photos were taken only two homes away from the driveway. Yes.

And I would respectfully say we all have friendships and all but this is not a personal matter for me. This is my home for 27 years and I think I deserve to be critical of this development that I think would affect me and my family.

Another issue I have, every time a car turns into 105 Coach Lane, which is in essence a driveway. It could be an easement. Maybe it's 25 feet, maybe it's 20, I don't know. Every time a car pulls in, the headlights illuminate every bedroom in my house. To create this fivefold with two homes back there, all aspects of this property, there would be a decrease in quality of

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life for me.

That's all I have to say. I thank you
for your time.

CHAIRMAN EWASUTYN: Thank you.

Additional comments or questions from
the public?

MR. CROSS: I have a question. Fred
Cross, 71 Coach. I don't know where the houses
are going to be located yet. I haven't been able
to find the drawing.

MS. RICHICHI: Here.

MR. CROSS: Can you just point? I'm at
71.

MS. RICHICHI: They're going to be up
close behind my house.

MR. CROSS: Both houses?

MS. RICHICHI: Yes.

MR. CROSS: Okay. My concern was the
sound abutment. The trees back there help us an
awful lot, and when I moved in there was no 84,
and then 84 came, and then we lived through that,
and it's acceptable, you have to, but then the
State came along and they were going to put the
sound wall up. Well, they started a few houses

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up from me and they said they ran out of money. Nobody has come back yet. They were going to do it in piece work. Knowing what's going to happen, we'll never see it. We know that. So anyway, that was my -- one of my concerns right there was that was going -- trees were going to be taken down and the noise level, obviously, will go up, any house between 84 and Coach. So that was my concern, if the foliage was going to be left alone.

MS. RICHICHI: Pretty much where the houses will be --

MR. CROSS: I understand that.

MS. RICHICHI: -- it's clear already.

MR. CROSS: I understand that. Further down there's no plans to -- yeah, all right. I don't know if there's anything that can ever be struck against that. It is -- that would affect every house on Coach Lane if they -- somebody came in and cleared out all the trees. It would be unbearable noise. It's only getting worse every year because there's more truck traffic every year on 84. That was my concern.

There's a lot of wildlife in there,

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hawks, deers, bears.

CHAIRMAN EWASUTYN: Pat Hines, the clearing and grading, if someone wanted to come in and log that?

MR. HINES: The plans before the Board tonight for the two residential houses have a limit of disturbance which would be enforceable as to the initial development, but then after the certificate of occupancies are issued it would -- the residents would be able to do what they want with their property. I don't envision anyone could go in there and cut a lot of trees. The topography from the houses down, as the woman previously stated, drops to a lower, rather wet area. Once it's private residential property -- initially during the construction phase there are limits of disturbance. After that it would be similar to any other resident that could do what they want with their property.

CHAIRMAN EWASUTYN: The size of the limit of disturbance is?

MR. HINES: Between the two lots it's 25,000 square feet, roughly half an acre.

CHAIRMAN EWASUTYN: Combined?

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MR. HINES: Combined.

MR. CROSS: And that's just for the construction?

MR. HINES: Yes.

MR. CROSS: After they receive deed they can do what they want?

MR. HINES: Similar as you can with your property. Yes.

MR. CANFIELD: Not necessarily so.

MR. CROSS: See, that was my question. Is there any -- also, is there any restrictions or anything that can be put in this that --

MR. CANFIELD: If I may, sir. I supervise the Code Compliance Department which is both the building and fire inspector's office. The Town of Newburgh, as John had mentioned, clearing and grading regulations are in existence. The threshold's for everyone. Just because you're a homeowner does not authorize you to go in and do what you want with your property with respect to clearing. There are thresholds that, once exceeded, will dictate what permits and what reviews are required. The threshold of clearing or timber harvest or cutting trees is

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20,000 square feet. Anything above that would warrant either us to come and do an investigation or require the applicant or the building owner to get a permit. Depending on the threshold that it exceeded, it could be an application to come back before this Board if it were that large.

MR. CROSS: Okay. All right.

CHAIRMAN EWASUTYN: And if in which case it did come back before the Board, the requirement of the code is that there would be a public hearing held on it.

MR. CROSS: All right.

CHAIRMAN EWASUTYN: Additional comments or questions from some of the audience that hasn't spoken yet? Ma'am.

MS. TRUNCALE: Susan Truncale, T-R-U-N-C-A-L-E, I'm at 101 Coach Lane. On the tax map I am number 18. I live two doors from 105 Coach.

I do want to say, Mr. Russell, I agree with everything you said.

MR. CRAWFORD: Thank you.

MS. TRUNCALE: If it were proper I would have applauded.

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I would also like to say in 1986 my husband and I bought our property. Sue Grant's property at that time was vacant. I was told that the person that owned that property could eventually build on it but the land behind my house was landlocked and nothing would ever be done with it. All right, so a realtor told me that.

As it turned out, in 1987 my dry property in the back became very wet because of the building of 105 Coach. I have not had a dry backyard in many, many years. My lawn person comes, he'll do the front yard, he can't do the back because it's wet.

My fear of course is water in my basement, which I don't have presently but that is a concern.

In 1989, '90, I'm not sure, the Grants cleaned out a good portion of the woods behind my house. I was told it was a buffer and had I spoken up at the time the Board would have done something so that I didn't have to listen to 84 in the wintertime and the summertime, all year long. I didn't say anything.

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My water pressure is very low. I'm concerned about the additional use of our Town water supply, of our Town sewer.

Another concern of mine is that the property that was cleared behind my house was at one time used as a dirt bike track. So not only did I have clearing, I also had to listen to dirt bikes for many years when Sue's kids were younger.

There is a huge parcel, the second lot, will be behind my house and behind everyone else's house in this room, and the people can do what they want with that property if that house should go up. I fear they're going to clear more of the trees. As it is, I look out my yard and I can see the industrial park across 84's billboard. I also say to people -- when they say where are you on 84, I always say I'm across from that billboard. Just turn to the left and there I am. You can see my house.

I bought in the Town of Newburgh because the taxes were affordable, the neighbors are neighborly and friendly, and I like the school district. I'm concerned, as are William

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and Amalia Crowthers. They are at 95 Coach Lane. They called me tonight. They can't be here, she has a sore throat, but they agree with the water pressure, they agree with the sewer problem, with the excess water in our backyards. I think that's it.

Oh, the stop sign. The stop sign is an issue. I try to remember to stop there all the time, and luckily I don't have any little kids any more. If anyone were to move into the neighborhood, that stop sign is ignored by many people, and they go right through it. My fear is that easement is going to be a thoroughfare for people to just fly right across Coach Lane, and it's very scary to think that that stop sign and the surrounding traffic is going to be dangerous.

CHAIRMAN EWASUTYN: Pat Hines, do you want to talk about the capacity of the water and sewer in the Town?

MR. HINES: Yes. The Town has adequate water and sewer supplies to support, obviously, two residential houses. A four-bedroom residential house has a hydraulic loading of approximately 440 gallons a day, and the Town

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certainly has excess capacity in both their water and sewer systems for those uses. I'm not aware of any flow and pressure issues in there but the volume of water that is utilized here would not affect the flow or pressure in a subdivision such as this.

CHAIRMAN EWASUTYN: Nancy, before I go back to you I want to see if there's anyone else that has any questions or comments.

MS. TRUNCALE: Can I make one additional comment?

CHAIRMAN EWASUTYN: Sure.

MS. TRUNCALE: The property that is at 105 Coach, I don't know if any of you are from Meadow Hill but it is used as storage for some trucks and some equipment, and that's -- I thought there were restrictions against that but apparently in the Town of Newburgh there are not any restrictions. I'd like to address that concern also, possibly at a later date.

CHAIRMAN EWASUTYN: We can do that, Ms. Truncale, this evening.

Jerry Canfield, again your responsibility with the Town.

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MR. CANFIELD: Yes. As all the residents have been speaking I've been making notes for the issues that I am in charge of. The storage of equipment, and I thought I heard Mr. Crawford say something about a landscape business. I can research that and report. You must understand they become enforcement issues and they are separate from this application. It's something that my department is solely responsible for, and I will look into it.

A question for Mrs. Truncale. Your low water pressure concerns, have you spoken with anyone from the Town, the engineer or the water department?

MS. TRUNCALE: No.

MR. CANFIELD: As Pat had indicated, that's municipal water up there. There's adequate flow and there should be pressure. If you, only you, are experiencing a low pressure issue, it could be an indication of something wrong.

MS. TRUNCALE: My shower is terrible. My kitchen, the water in the sink is fine but the refrigerator water is very low. It's -- you

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know, we can flush our toilets, we can take a shower but it's not the greatest pressure.

And the wet backyard is very, very --

MS. MAIORANO: It's not only her.

MR. CANFIELD: I will forward that complaint to the water department. As a matter of fact, the commissioner of the department of public works, I will forward that to him and Jim Osborne, the Town engineer, and see if we can get some information regarding that.

MS. TRUNCALE: Thank you.

CHAIRMAN EWASUTYN: Additional questions or comments from those in the audience who haven't had a chance to speak?

MR. NAPOLI: Russ Napoli at 109 Coach Lane, N-A-P-O-L-I. Next door to Russell.

I was concerned about the garbage because most of the time Sue leaves her garbage cans out in the front, continuously. Now you're going to put two more houses in the back. And that's also a school stop, a bus stop area.

Also, you guys came in and tore up Carriage Drive, which was also an ice skating rink. I was wondering what was up with the

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garbage and telephone poles and electric getting back there. Is it going to be underground or above ground?

CHAIRMAN EWASUTYN: Picking up of garbage cans, I don't believe that's --

MR. NAPOLI: Are they going to get a dumpster or are they going to, you know --

MR. CANFIELD: The amount of rubbish or refuse -- I need to look at it to qualify what you're alleging. Yes, there are some ordinances regarding that. The Town, as most of you know, we do not provide any garbage or refuse collection. It's all done by independent contractors. It's up to the homeowner to do that. However, I have entertained complaints with excessive garbage cans and cans not being emptied, becoming unsanitary situations, and we can look into that as well. But again, not to discredit your concerns, don't get me wrong, but they are of an enforcement nature. They really have nothing to do with this application before this Board.

MS. RICHICHI: Can I say one thing? I have one garbage can for garbage, one garbage can

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for recyclables. They're big cans. The excessive garbage, I don't know what you're talking about.

MR. NAPOLI: You always leave your cans on the road.

MS. RICHICHI: No, I don't.

MR. NAPOLI: It's rare you bring it back.

MS. RICHICHI: Usually I bring it up. Once in awhile when there's ice and snow, because I don't have a paved driveway and it's really hard to get back up, I will leave it at the end. Usually we put it right against my retaining wall. The day the garbage comes we bring it down to the road.

MR. NAPOLI: I was always told that we can't bring it out until after 5 and it has to be back --

MS. RICHICHI: I bring it out the night before, because usually it comes and wakes everybody up at 5 in the morning. So I put it out the night before and usually bring it right back up and put it in -- there's one can of each. Half the time my recyclable isn't even full so I

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only put that out once a month. I don't know what excessive garbage you're talking about.

MR. CANFIELD: Also sir, if I may, there are no restrictions as to what time you take your garbage out.

MR. NAPOLI: No?

MR. CANFIELD: And there's no requirement as to what time your cans have to be in. Just to clarify.

CHAIRMAN EWASUTYN: Additional questions or comments?

MR. CRAWFORD: I would like to clarify the statement I made about the complaints. The complaints, in essence, I think were related to a landscaping company, a commercial business being run from 105. But the nexus of those complaints was about the traffic, was about the pick-up trucks coming in and out of the driveway.

I think if you research that, sir, you will find -- the actual complaints that you will find reference to this because in my being in the neighborhood, I referred these complaints there to be neighborly and have you -- have the appropriate Town entities handle it. I'm sure

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you will find that the issue was not so much the landscaping company which was started by her son, which everybody understood, and wasn't as much of a problem as the traffic coming in and out was, at least in what I was told. Thank you.

MS. RICHICHI: I can answer part of that, too. Years ago my son did live with me and he did have a landscaping business, which people did complain and we were told he would have to keep his equipment someplace else, which he did. And temporarily he is living with me right now because he's in between places, and he does have a truck which he drives at my house. As far as the business being run out of my house, that is not happening.

MR. CRAWFORD: In all respect Susan, I use your company to cut my lawn. I just paid you at 105 Coach Lane.

MS. RICHICHI: Yes. The office is at the house but my son has not lived at my house. He has lived in Plattekill for --

MR. CRAWFORD: We're talking about the business at your office.

MS. RICHICHI: Right. There's an

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office, a little office with a computer at my house. That's it. It's not the business being run -- his equipment and everything being run out of my house.

CHAIRMAN EWASUTYN: The Town was considering, and I think they discontinued, a home occupancy change, were they not, recently?

MR. GALLI: It's on hold.

MR. CANFIELD: There's a determination that landscape businesses are not permitted as home occupations. But again, hearing what I heard tonight, I will myself go up and take a look and we will make the determination if we feel a business is being run out of the residence. But again, I must say they are compliance issues. They're not something that this Board can entertain or follow up or enforce. It's solely with our department.

CHAIRMAN EWASUTYN: Frank Galli, you had something to say?

MR. GALLI: The only comment I have, I listened to the audience, is the traffic. If they are running a landscape business, I don't know if they are or not. If you have trailers

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there with lawn mowers on them -- I know everybody has to drive whatever they drive. If you drive a truck in and out, I don't consider that him running a business there. If he has the trailers attached to it and he's leaving them there and stuff like that, and he has employees, then I would be concerned with the traffic. If it's just neighborhood traffic, Meadow Hill is pretty large, Coach Lane is the one that wraps completely around the whole outside of it, I think from one end of the development to the other, to the outside road, and so in order to travel that road people must be living in the neighborhood because it's not a cut through to get to some shortcut because you can't get to 84 from there. I don't know where they put the barrier up compared to where the houses are.

MS. TRUNCALE: Not behind us.

MS. RICHICHI: They were supposed to.

MR. CRAWFORD: They're 18 houses away.

MR. GALLI: I see the barrier on 84, I just don't know exactly where.

As far as anybody that moves in has not the right to strip it but if they want to cut

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down a tree. Unfortunately anybody that lives there, if I were buying a house back there I would probably want to put up more trees or some kind of barrier.

MS. TRUNCALE: Can I ask one more question?

CHAIRMAN EWASUTYN: Ms. Truncale, the lady in the green sweater hasn't had an opportunity to speak.

MS. SCHREINER: Hi, I'm Linda Schreiner, 109 Coach Lane. I just had a question. If this was already approved by the Planning Board, I don't see the purpose of this meeting.

MR. GALLI: It wasn't approved by the Planning Board. It was approved by the Town Board to give her access to the back property for an easement.

MS. SCHREINER: Okay. So the actual building of it hasn't been approved then?

MR. GALLI: That's correct.

MS. SCHREINER: Okay.

CHAIRMAN EWASUTYN: Ms. Truncale?

MS. TRUNCALE: Will the two homes, if

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they are built, be sold to strangers or to family members?

CHAIRMAN EWASUTYN: That's not a Planning Board matter, whether they're sold --

MS. TRUNCALE: If she sells to her son and he's in the landscaping business, there's equipment. Here we go with compliance.

CHAIRMAN EWASUTYN: Right.

MS. TRUNCALE: It's a concern.

CHAIRMAN EWASUTYN: I think as Mr. Canfield said, he's going to look at 105 Coach Lane to see the order that it's in right now.

MS. TRUNCALE: Lot 2 is behind my house and that's 8 plus acres, and I'm very concerned.

CHAIRMAN EWASUTYN: Okay. Do you have intention of selling any of your lots to family members?

MS. RICHICHI: I would like to. Whether that's going to work out I'm not sure. I have older kids, so that is something we're working on. As far as my son, he does not plan to live there.

CHAIRMAN EWASUTYN: Additional comments or questions from the public? Nancy.

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MS. MAIORANO: How is this going to affect our property values, especially if they clear out and I see 84 even more? How will this affect our property values?

CHAIRMAN EWASUTYN: Mike Donnelly?

MR. DONNELLY: I can't answer the question for you, but construction, and zoning, and uses often affect property values, sometimes upward, sometimes downward. I could not predict for you what will happen here but it's not a legitimate concern for the Planning Board. The Town Board sets policy on what level of development is allowed, whether residential, commercial, what lot sizes are required, and clearly those determinations have impacts on property values.

MS. MAIORANO: Not for nothing, I think we all should have been more -- like before this point, I think we should have been notified at the last step that you did. Susan?

MS. RICHICHI: I just did what they told me.

MS. MAIORANO: As neighbors. Other than finding out like a couple days ago.

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I'm still concerned about the flooding because I live in a marsh. The flooding in the basement, which is where the children stay, the mold from flooding, the fact that our backyards were all swamps.

MS. TRUNCALE: Soaking wet.

MS. MAIORANO: We're all swamp. With every tree that seems to go down we get even swampier. That's what I'm concerned about. The fact that I can't go in my backyard without putting on hip boots.

CHAIRMAN EWASUTYN: Pat Hines is the Drainage Consultant for the Planning Board. Again, we refer to Pat as far as drainage.

MR. HINES: Again, as I said earlier, this project specifically doesn't meet the thresholds to require a drainage study. If the Board wants, I can go out and take a look at the situation out there. There are some culvert pipes shown on the subdivision plan that I can take a look at. They're probably Town owned, maintained pipes and then DOT pipes. If the Board wants, it's something I can take a look at. While I'm there I can look at the access issues

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that were discussed and the driveway further.
It's up to the Board if you want to authorize me
to do that. Those are the three comments that
I'm taking back from the people tonight.

MS. RICHICHI: Can I say something? My
mom has lived at 5 Cole Place, which is in Meadow
Hill, like two blocks over from where I live. I
grew up in that house. She's been there for
almost 50 years. Her backyard -- Meadow Hill is
all backed with houses. Her backyard is the same
thing, there's water problems. It doesn't have
anything to do with -- there's no trees, no
anything.

Right, Cindy? You know my mom very
well.

When it rains a lot, you go back and
her backyard is wet. That's not anybody's fault.
That's just the way it is.

CHAIRMAN EWASUTYN: Okay.

MS. MAIORANO: I'm just saying the
trees soak up -- if the trees go.

And what about -- how long are these
houses going to take to build? Noise pollution.
I know you're going to have excavating equipment

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in there, people hammering. I'm sorry, I sleep days.

CHAIRMAN EWASUTYN: There's an ordinance as to the hours that you're allowed to construct in the Town. That is from 7 to 7 I believe. It also states the days that you're allowed to construct. I don't believe on Saturdays you're allowed to operate heavy equipment but you are allowed to construct on a Saturday. That's all spelled out in the code.

MS. MAIORANO: I'm just wondering about the noise pollution, how fast -- my neighbor sleeps days, I sleep days. There's some of us who sleep days. There's noise.

CHAIRMAN EWASUTYN: There are measurements of 65 DBLs that relate to ambient noise. The general construction that we're talking about does not come close to exceeding those decibels.

MS. MAIORANO: Unless you're trying to sleep. Unless you're trying to sleep.

CHAIRMAN EWASUTYN: Pat Hines, do you want --

MR. GALLI: I don't have a problem with

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Pat going out to take a look at it.

MR. BROWNE: That's fine. I think it's probably appropriate with all the comments, although keep in mind that in the United States of America, New York State, Orange County, Newburgh, people are allowed to, in fact encouraged to develop their property within code, within law. As of at this point in time this applicant has crossed every T and dotted every I required at this point. So unless there's something dramatic, they will get their permits. Just letting you know that's the way it's going to end up going unless there's something dramatic that comes down. I don't think Pat is going to see anything that dramatic to stop it but it's possible.

MR. CRAWFORD: I would --

CHAIRMAN EWASUTYN: Excuse me. Excuse me. Excuse me.

MR. CRAWFORD: I'm sorry.

CHAIRMAN EWASUTYN: Excuse me, Mr. Russell. At this particular point I'm polling the Board Members. The Board now has an opportunity to relate to one another, and I ask

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you to allow us that due consideration.

MR. CRAWFORD: I apologize.

CHAIRMAN EWASUTYN: And I mean just so we -- there's a balance to all this.

Ken Mennerich?

MR. MENNERICH: I would appreciate getting Pat's input on this. I'm sure he'll look at the culverts and make sure they're not plugged up, and also he has a sense of the road conditions and can report back to us.

CHAIRMAN EWASUTYN: Okay. Joe Profaci?

MR. PROFACI: I would say with respect to the people in the neighborhood who have come out and voiced their concerns, I would like Pat to go out and take a look. But again, unless he comes back with some very, very dumbfounding information that we had no way of knowing, this is an approved application. She meets all of the requirements for a subdivision in the Town.

CHAIRMAN EWASUTYN: Ms. Truncale, the same thing, I'm polling the Board Members.

MR. FOGARTY: I don't have any problem with Pat going out. I echo what our other Board Members are saying. There's just so much we as

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the Planning Board can do. In this particular case, Ms. Richichi has gone through all of the requirements to get this approval. But I would be interested to hear what Pat has to say.

MR. WARD: I think it's peace of mind and appropriate for Pat to check it out one way or another so everybody is on the same page.

CHAIRMAN EWASUTYN: Okay. I'll move for a motion to approve Pat Hines going out to 105 Coach Lane to look at the issues relating to drainage and safety and traffic.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

The lady with the red hair, please.
I'm sorry. It's hard to -- if I said green, the
lady next to you has green on.

MS. NAPOLI: Violet Napoli, 109 Coach
Lane.

CHAIRMAN EWASUTYN: Your name, please?

MS. NAPOLI: Violet Napoli. The
concern I have is that the noise is so bad,
sometimes I can't sleep at night, and if it got
any worse I would want to sell my home. If the
other people wanted to sell their homes, and
people can't buy homes today, you'll see a lot of
empty homes because people can't pay their taxes.
I think the Town of Newburgh won't appreciate
having a bunch of empty houses for two.

CHAIRMAN EWASUTYN: Any additional --
Mr. Russell, did you have something to add?

MR. CRAWFORD: No, sir.

CHAIRMAN EWASUTYN: Ms. Truncale?

MS. TRUNCALE: I have a question. Many
years ago when George Miller owned the property
at 103 Coach, the Grants brought this up to the

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Board to be -- to subdivide back then. How is it any different this time than it was back in the late -- late '80s, early '90s? What changed? What Town law changed that now enables her to put houses back there that were not allowed?

MR. DONNELLY: It was four lots proposed back then.

MS. RICHICHI: Yes, it was. Thank you. It was a four-lot subdivision. What happened was my little girl was very sick for five years. Extremely ill. You know what happened, I didn't ask for the extensions. Because I was so concerned with my daughter being so ill and having numerous medical bills, that I didn't ask for the extensions. It was all approved subject to engineering, and then I didn't ask for the extensions with the concern for my daughter, and I had to start all over again. That's what happened.

MS. TRUNCALE: So Sue, why didn't you decide to do four subdivisions back there this time?

MS. RICHICHI: Because the law changed and the most they would allow me to do is two.

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MS. TRUNCALE: But it was approved?

MS. RICHICHI: The easement has been deeded in for years. It's been recorded in Goshen for years.

MS. TRUNCALE: I thought George Miller had to give his okay at that time.

MS. RICHICHI: Excuse me?

MS. TRUNCALE: George Miller, I thought he had to give the okay.

MS. RICHICHI: The easement is in my property. The easement is a 25 foot deeded easement that has been there for years. I've owned the property since 1983 and the lots were separate. My lot that I put my house on was one lot, the 11 acres in the back was a separate lot. I pay taxes on it all the time. It was separate. I purchased it at the same time and started to subdivide it years ago.

MS. TRUNCALE: What about the building on 103 Coach Lane that has -- their property, their housing, their building is right there on your driveway. What about that?

MS. RICHICHI: Which?

MS. TRUNCALE: Tracey's driveway. Her

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house is how many feet from your driveway?

MS. RICHICHI: Everything is -- my house is totally --

MS. TRUNCALE: It's all within limits?

MS. RICHICHI: Yes.

CHAIRMAN EWASUTYN: Pat?

MR. HINES: I believe that your driveway is between Mr. Russell's house and your house.

MR. CRAWFORD: No, sir.

MS. RICHICHI: Tracey's --

MR. NAPOLI: I think that privacy fence separates it.

MS. RICHICHI: Mr. Crawford is on the other side. Our driveways aren't the same. My driveway is the same with Tracey.

MS. MONTALVO: I'm on the other side of her.

MR. HINES: This map is showing your existing driveway between Mr. Crawford's house and your house.

MS. RICHICHI: No.

MR. CRAWFORD: That's why I said this project needs some studying.

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MS. RICHICHI: It's here. It's all on my map.

MS. MONTALVO: I'm on the right side of her.

MR. HINES: I don't show a driveway on the right side.

MS. RICHICHI: Tracey is right here.

MR. CRAWFORD: I submit that that's why I --

CHAIRMAN EWASUTYN: He's going to go out and do a field inspection. That's fine.

Your last question, Ms. Truncale.

MS. TRUNCALE: That was it. Has anyone on the Board been there to see where this road is going to go, because I just -- if you get a chance, please take a ride and look to see what we're upset about. Thank you.

CHAIRMAN EWASUTYN: Any additional questions or comments from the public before I close the public hearing?

(No response.)

CHAIRMAN EWASUTYN: Okay. I'll move for a motion to close the public hearing for the Richichi two-lot subdivision on Coach Lane.

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MR. PROFACI: So moved.

MR. FOGARTY: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So
carried.

Jerry Canfield?

MR. CANFIELD: John, just one comment
for the applicant. For future submissions, on the
panel which indicates the zone, the verbiage is
two-family with central sewer. That should be
removed and it should be indicated they're one
family and not two family residence.

CHAIRMAN EWASUTYN: Okay. We'll wait

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back to hear from Pat Hines to report to the Planning Board. It will be an agenda item.

MR. DONNELLY: Did we hear from the Orange County Planning Department?

MR. HINES: Yes. Local determination.

MR. WARD: I have one question. 105 with the picture here with the fence, is that your fence?

MS. RICHICHI: No. Well there is one fence. I have -- Tracey has a permanent fence, wire fence. I have just a short --

MR. CRAWFORD: Sir, the red fence in your photograph is 105. The brown fence is the neighbor in that photograph, 103.

MR. WARD: I'm trying to see the blindness you're talking about is the curve coming down or the fence?

MR. CRAWFORD: The photo taken out of the driveway, you can not see the traffic coming westbound.

MS. RICHICHI: I've lived there for 25 years and never had a problem.

CHAIRMAN EWASUTYN: Pat Hines will make it a point to do a field inspection of the

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property. Thank you.

(Time noted: 8:11 p.m.)

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

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

DATED: January 26, 2013

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

----- X
In the Matter of

LANDS OF TARBEN, INC.
(2004-43)

Request for an Extension of
Conditional Final Subdivision Approval

----- X

BOARD BUSINESS

Date: January 17, 2013
Time: 8:12 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

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

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LANDS OF TARBEN, INC.

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CHAIRMAN EWASUTYN: We have one item of Board Business this evening.

MR. BROWNE: We have one item of Board Business to discuss. That's the Lands of Tarben, project number 2004-43.

The applicant is requesting an extension of conditional final subdivision approval which will run from December 27, 2012 through March 27, 2013.

CHAIRMAN EWASUTYN: I'll move for a motion to grant a three-month extension for the Tarben subdivision located on Revere Road in the Town of Newburgh.

MR. GALLI: So moved.

MR. BROWNE: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

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MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

I'll move for a motion to close the
Planning Board meeting of January 17, 2013.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

(Time noted: 8:15 p.m.)

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

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

DATED: January 26, 2013