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

----- X

In the Matter of

VOLKSWAGEN OF NEWBURGH
(2013-11)

Route 17K & McDonald Street
Section 95; Block 1; Lot 53
IB Zone

----- X

SITE PLAN

Date: May 1, 2014
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DOMINIC CORDISCO

----- X

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

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CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. I'd like to welcome you
to the Town of Newburgh Planning Board
meeting of the 1st of May.

At this time I'll ask for a roll
call vote.

MR. GALLI: Present.

MR. MENNERICH: Present.

MR. WARD: Present.

CHAIRMAN EWASUTYN: Myself present.

The Planning Board has consultants that
assist the Board, and I'll ask that they
introduce themselves at this time.

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Code
Compliance Supervisor.

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

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

MR. RUGGIERO: Paul Ruggiero, Town of

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VOLKSWAGEN OF NEWBURGH

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Newburgh Town Board.

CHAIRMAN EWASUTYN: At this time I'd like to turn the meeting over to John Ward.

MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

MR. WARD: Please turn your phones off or on silent. Thank you.

CHAIRMAN EWASUTYN: We have two items on the agenda this evening. The first item is Volkswagen of Newburgh. It's a site plan located on Route 17K and McDonald Street in an IB Zone. It's being represented by Dominic Cordisco.

MR. CORDISCO: Thank you very much, Mr. Ewasutyn. Please the Board, for the minutes I'm Dominic Cordisco of the firm of Drake, Loeb. Once again it's my pleasure to appear before you on behalf of Volkswagen of Newburgh.

We were recently before you and the project received preliminary site plan approval. Since that time we've made some minor corrections to the plans to address Mr. Hines' comments, and we've also adjusted the site via the architectural drawings.

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So at this point I'd like to turn it over to Mr. Clark, the architect, so that he can show you the revisions to the plan.

MR. CLARK: Good evening. My name is Phil Clark, I'm with Claris Construction, the architect of record on the project.

On the east elevation we've added four panes of glass per request by Volkswagen's architects. It was a horizontal metal and it's now more glass. It's actually an upgrade, if you will, to the drawing. That's the change. I did want to alert you of the change in the drawing.

CHAIRMAN EWASUTYN: Okay. Comments from Board Members?

MR. GALLI: That was the only thing?

MR. CLARK: That's it.

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Dominic, since we last met you received a City flow acceptance letter?

MR. CORDISCO: That's correct, Mr. Chairman.

CHAIRMAN EWASUTYN: Comments from our consultants. Jerry Canfield?

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MR. CANFIELD: On the site plan we had requested one hydrant which has been added.

If I may speak with Joe about it's location. I don't think I was clear as far as the exact location. It's in an island. Maybe we can just move it to the other side a little bit.

MR. SARCHINO: Absolutely.

MR. CANFIELD: That's all I have outstanding.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: The applicants have revised the grading and stormwater management plans to eliminate the need for a DEC permit. They've pulled all of the gradient and work along the eastern property away from the stream alongside of the site.

The City of Newburgh flow acceptance letter has been received with the condition that an oil/water separator be provided in the car wash bay portion of the facility.

A stormwater maintenance agreement must be filed as a condition of approval which is required as the Town is an MS-4, that the operation and the maintenance of the best

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management practices that have been proposed on the site are maintained during construction and post construction.

The water main and water service details have been revised to identify restraining joint pipe rather than thrust blocks.

The sign has been located fifteen feet from the property line as required by the code.

And then any approvals must be conditioned on receipt of the DOT permit for access, utilities and modification to the traffic signal at the intersection.

All of our other previous comments have been addressed.

In addition to the grading changes, the retaining walls have been located on the north and south side of the buildings to accommodate that change in the grading along the western property line, and those are shown there now as well.

CHAIRMAN EWASUTYN: Thank you. Ken Wersted, Traffic Consultant?

MR. WERSTED: We didn't have any additional comments. Their March 21st submission

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had addressed all of our previous comments.

CHAIRMAN EWASUTYN: Mike Donnelly, can you bring the Board along as to where we are in the remaining process?

MR. DONNELLY: As you'll remember, you granted preliminary site plan approval and ARB approval on April 1st of this year. What's before you now is final site plan approval and, from what we've heard, a revised ARB approval.

I'm going through the conditions of the original resolution and I have questions as to whether some are satisfied. It sounds to me, Pat, that your memo of April 1st, satisfaction of those items which was a condition, has been taken care of.

MR. HINES: That's correct. I think we should reference my now May 1st memo.

MR. DONNELLY: I will do that.

There was a condition in the preliminary resolution that said that the approval was not intended to constitute an approval of the signs shown on the plans which would be approved at the time of final approval. Is that something that's been accomplished now?

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MR. HINES: They have submitted information on the signage which they may want to display to the Board at this time. The signs have been moved compliant with zoning. There was a bulk requirement issue previously.

MR. DONNELLY: If the Board needs to see them --

CHAIRMAN EWASUTYN: For the record, would you give a presentation on that?

MR. CLARK: The regulations allow us 182 -- 186 square feet of signage. We're going to show you approximately 151 -- 152 square feet. So we're below the allowable limit. The pylon sign, as stated last month, is twenty feet high, has the Volkswagen emblem. It's the medallion top on the building. Our silver standard Volkswagen symbol, approximately four feet by four feet. It has a metallic look to it. The directional sign is four feet high by three feet seven wide, and that's customer parking and parts and service. Again, all these add up to approximately 152 square feet.

CHAIRMAN EWASUTYN: Questions from Board Members. John Ward?

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MR. WARD: No comments.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: Does it include the friendly sign that's over --

MR. CLARK: Yes.

CHAIRMAN EWASUTYN: Mike, that question has been answered.

MR. DONNELLY: I'll remove that. The other conditions I'll go through quickly. We tie into the Zoning Board of Appeals variance approval, the requirement of New York State DOT approval, demolition permits. We had a condition in the original preliminary approval that the approval is subject to review and approval with a class A stream discharge permit, and there was talk about changing the plans so that wouldn't be necessary. Is that still a condition?

MR. HINES: No, that is no longer a condition. The plans have been revised to remove any of the work within twenty-five feet of the banks of the stream.

MR. DONNELLY: We'll recite the

1
2 issuance of the City of Newburgh sewer flow
3 acceptance letter dated April 17th. We will
4 repeat the Architectural Review Board approval on
5 a revised basis. At the time of the site plan
6 approval the full application packet for ARB was
7 not submitted and there was a condition that it
8 would be, meaning the material sheets and color
9 charts. I take it that's all been done now?

10 MR. CLARK: Yes.

11 MR. HINES: I don't know that that's
12 been done.

13 MR. CANFIELD: I don't think so.

14 MR. DONNELLY: Still needed?

15 MR. HINES: The Town has an actual form
16 that you need to submit that identifies each of
17 the materials, type, referenced by manufacturer,
18 number, color.

19 MR. DONNELLY: We'll keep that then.

20 We'll continue to keep the condition
21 that no retaining wall above four feet in height
22 may be constructed except upon approval of plans
23 by the Code Compliance Department, stamped by a
24 licensed engineer. There will be a requirement
25 of a landscape security and inspection fee. I

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take it the inspection fee is \$2,000. A stormwater improvement security and inspection fee together with a stormwater control facility maintenance agreement. And then the standard condition that prohibits the construction of any structures or fixtures not shown on the approved site plan.

CHAIRMAN EWASUTYN: Dominic Cordisco, do you have any questions or comments in reference to the final site plan resolution?

MR. CORDISCO: No, sir.

CHAIRMAN EWASUTYN: Any questions or comments from our consultants?

MR. HINES: I don't have any more, no.

MR. GALLI: No additional.

MR. CANFIELD: John, just one question on the retaining walls. On the plans it says designed by others. The face is just concrete?

MR. SARCHINO: It's probably going to be a segmental wall. I don't know if the final detailing of the retaining wall has been completed yet but it will most likely be a segmental wall type system. It will be sent to you, signed and sealed by an engineer.

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MR. CANFIELD: Is that something the Board would like included in the ARB submittal?

CHAIRMAN EWASUTYN: So we don't have that before us this evening?

MR. HINES: Jerry is suggesting it be on the form.

MR. CANFIELD: It gets included.

CHAIRMAN EWASUTYN: I think so, for your office working out in the field to know what you're looking at and what was approved. Good checks and balance.

MR. CANFIELD: Right.

MR. SARCHINO: That would be part of the submission.

MR. CANFIELD: Thank you, Joe.

CHAIRMAN EWASUTYN: Any additional questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant final site plan approval for Volkswagen of Newburgh subject to the conditions presented by the Planning Board Attorney, Mike Donnelly, in the final resolution.

MR. WARD: So moved.

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MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Thank you.

MR. CORDISCO: Thank you very much. We're looking forward to getting started, as you might imagine.

(Time noted: 7:11 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: May 22, 2014

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

----- X

In the Matter of

CRYSTAL RUN MEDICAL OFFICE
(2013-18)

1000-1006 Union Avenue/NYS Route 300
Section 97; Block 3; Lots 6, 7 & 8.28
Section 4; Block 1; Lot 72.2 (New Windsor)
IB Zone

----- X

PUBLIC HEARING

Date: May 1, 2014
Time: 7:11 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DOMINIC CORDISCO

----- X

MICHELLE L. CONERO
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Wallkill, New York 12589
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CHAIRMAN EWASUTYN: The next item on the agenda this evening is Crystal Run Medical Office building. It's a public hearing. The property is located on Union Avenue in an IB Zone. It's being represented by Dominic Cordisco.

At this point I'll ask Mike Donnelly, Planning Board Attorney, to review with the Board and the audience the purpose of a public hearing.

MR. DONNELLY: The purpose of the public hearing is for the Board to seek out the input of members of the public before it takes action on this project. After the applicant gives his presentation, the Chairman will ask those in the public who wish to speak to raise your hand and the Chairman will identify you. Step forward if you would, give us your name, spell it for our Stenographer so we get it down correctly in the record. Please address your comments to the Board. If there is a need for a question of either a Town consultant or the applicant's team, the question will be put to them.

CHAIRMAN EWASUTYN: Thank you.

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At this point I'll turn to Planning Board Member Ken Mennerich to read the notice of hearing.

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 joint public hearing pursuant to Section 274-A of the New York Town Law and Chapters 185 and 83 of the Town of Newburgh Code on the application of CRH Realty VIII, LLC, Project 2013-18 ,in regard to an application for a site plan approval and a grading permit for the construction of a new 66,075 square foot Crystal Run Healthcare medical office building together with 370 parking spaces on property located off of Union Avenue (Route 300) in proximity to Wal-Mart and Old Little Britain Road, designated on Town tax map as Section 97; Block 3; Lots 6, 7, 8, 26 and one lot in the Town of New Windsor designated on Town tax map as Section 4, Block 1, Lot 72.2. The applicant proposes to grade 6.5 plus or minus acres of material for site preparation from an 8.1 plus or minus acre parcel of property.

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Stormwater features during construction include swales, check dams, construction entrance, silt fence, concrete truck washout area, stockpile areas and temporary detention facilities.

Permanent stormwater management facilities will include rain gardens, bio-retention areas, porous pavement and a retention pond with trash rack and gate valve, catch basins with oil/water separator hoods. The property is located in the IB zoning district in the Town of Newburgh and designated shopping district in the Town of New Windsor.

Access points will be utilized to enter and exit the property from Union Avenue and Old Little Britain Road. The project has received a building height variance and a zoning code interpretation from the Town of Newburgh Zoning Board of Appeals, as well as a clearing permit from the Town of Newburgh Planning Board. Said hearing will be held on the 1st day of May 2014 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. or as soon thereafter at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board.

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John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated April 4, 2014."

CHAIRMAN EWASUTYN: Thank you. At this time I'd like to turn the meeting over to John O'Rourke from Lanc & Tully and Dominic Cordisco from the law firm of Drake, Loeb.

MR. CORDISCO: Thank you very much, Mr. Chairman, Members of the Board. As you're aware, the site is located off of Route 300 at the intersection of Old Little Britain Road. Before I commence I also want to mention in addition to Mr. O'Rourke we also have our construction managers here tonight. That would be Michael Archangel and Nick Rosen, as well as our traffic consultant Dr. Phil Grealy, in case there's any questions or issues that anyone wants to direct to them. We're more than happy to answer any question.

This particular site has quite a bit of history. In 2008, although I was not involved with the project, my understanding is that the site appeared before this Board and was the subject of prior approvals for retail development at that time, including all the way through

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approvals and as well as reaching an agreement with the City of Newburgh at that time to allow the site to utilize a certain portion of City owned property that would allow stormwater from the project, once developed, to drain onto the City of Newburgh property, and that easement was executed and authorized by the City in 2008 and was recorded and is part of the chain of title for this project. Of course after 2008, when the bottom fell out of the market and that retail development never occurred, the site has been laying dormant since that time. Crystal Run Healthcare has entered into a contract relationship -- into a contract with the Flannery family to purchase the majority of the site with the exclusion of the corner which will be retained by another party and which is subject to a separate application. Crystal Run Healthcare, as you know, is offering to and intending to bring it's medical office building here to Newburgh, Town of Newburgh, and benefiting the entire eastern portion of the county.

What it is, it's going to be a 65,000 square foot medical office building where they

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are going to offer all their healthcare services, and they are going to be bringing about 237 jobs at a minimum is what they are estimating for this site, as well as approximately 37 to 40 new doctors that would be employed within this facility.

We have been appearing before the Board since September and working with you on the project to refine the plans and get them to a state where they are ready for approval. The project has gone through a number of meetings, basically meeting every month. On the subdivision and the tree clearing aspects of the project, we also had prior public hearings, both in December and in January on those aspects. So this actually is the third night of public hearings on the project. I mention that only to put it in context because, as everyone is well aware, the City of Newburgh has certainly raised concerns regarding the potential impacts from this project onto Lake Washington, which you can see is over here. This is all City owned property that lies in between the project and Lake Washington, which certainly serves as a

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drinking water reservoir for not only the City of Newburgh but also surrounding communities. Since that time -- and really those issues became most apparent in January. We've been working with the City of Newburgh and we've had a number of meetings and the city engineer has raised a number of comments, technical in nature, regarding the stormwater pollution prevention plan. Now of course I'll defer to Mr. O'Rourke on the details of the stormwater pollution prevention plan, but as an attorney what I understand the basics of it is is that of course the State requires us to treat 100 percent of the stormwater that's on the site prior to it leaving the site. Because of our proximity to Lake Washington, the Town, although it doesn't have a regulation to this effect, the Town however requested that we treat 110 percent of that stormwater on the site prior to it leaving the site. We of course agreed to do that. Our initial plans that were submitted actually show I think we treated actually 122 percent of stormwater, based on the design at that time, before it left the site. That was around the

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time that the City of Newburgh first made it's
comments regarding the plans. As a result we've
been continuing to refine the stormwater system
on site, and it's my understanding that we're
currently at approximately 135 percent. So we're
35 percent above what the State requires and
we're 25 percent above what the Town asked us to
do. We've incorporated all of those changes in
the current version of the plan, but we've also
gone one step far and above that. We've had, as
I mentioned, a series of meetings with the City
and their representatives and we entered into an
above and beyond agreement. The above and beyond
agreement allows the City of Newburgh to come on
the site and inspect our stormwater system at any
time without any prior notice. So once it's
constructed or during construction they can come
on and they can inspect our site. We also have
installed a valve on the project at the outlet of
the stormwater system, and the valve will have a
key that will be controlled by the City of
Newburgh so that in case there was ever any
pollution issue regarding pollution that might
have been caught in the pond, because everything

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drains towards the stormwater pond, the City of Newburgh will have the ability to turn off the valve so that whatever is stuck in the stormwater pond remains there until it can be cleaned up.

We also agreed to provide the City of Newburgh with simultaneous reports regarding all inspections regarding our stormwater system. And we also agreed to provide the City with simultaneous notice that in case there ever was some kind of spill on this property in the future that would require, for instance, notice to the DEC, such as an oil spill, that we would notify them at the same time that we notify DEC. We entered into that agreement, and the city council voted unanimously to approve that agreement. So we were very happy to do that in the sense that we believed we were being a good neighbor and satisfying the City of Newburgh. We understand there are still additional concerns, and perhaps we'll hear about them tonight. The point is that we've made every technical change that we could make, and we've gone as far as we can with all the changes to the project.

At this point I'd like to turn it over

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to Mr. O'Rourke so that he can walk you through the current version of the project and also familiarize anyone who might not be familiar with the current plans.

MR. O'ROURKE: Okay. I don't think Dominic left me much to say. He spelled everything out.

Before we go on to the stormwater, just an overview of the utilities just so the Board is aware. We're tying into Old Little Britain Road with a six-inch water line coming into the building. We also have several hydrants on the site. The Town asked for an additional hydrant which we've added. We've also allowed provisions for this access road and water line also to tie into this corner lot. I know they haven't been in front of you directly but for future development we've allowed them to have a connection to the water line there and to utilize this area. We've also sized this basin above and beyond looking at this site if it was completely impervious.

We haven't done any stormwater management design on this yet but as part of

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this, this pond is actually oversized. This lot would most likely be under the one-acre disturbance but we did the whole site and also included that as well.

The sewer is going to be under Route 300. There's an existing sewer line that runs under Route 300 now. It's too small. At that time it was for I believe the veterans -- the animal hospital. We're going to do a boring under Route 300. We made application to New York State Department of Transportation for that. So we're not digging up the road. It's all going to be underneath there.

Access points are from, again, Old Little Britain Road, one lane in, two lanes out, and again we're coordinating again with the DOT for traffic improvements at the Wal-Mart intersection.

Again it's a 66,000 square foot building. Both the building and the lot coverage are well below the zoning requirements. And again, this is a permitted use.

All storm drainage, all impervious areas are drained interior towards the site and

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either going through a series of bio-retention areas, rain gardens, porous pavement, and ultimately, after that treatment, it's brought to the stormwater basin and then discharged into the City of Newburgh property through a level spreader. No water from the impervious area is draining directly onto the City of Newburgh. We've regraded this so everything back pitches into our property and all the water from the site is treated through these basins.

We coordinated with the County and Orange County Transit on the bus location. When we were first in front of the Board they had indicated they wanted an area up to the northeast. After that they had requested that it be relocated, so we've relocated an island over here with the bus drop off, and that seems to coordinate well with their bus plans. It's my understanding they come from Wal-Mart, across through our lot, drop off, pick up at this location, extend through our lot to Old Little Britain Road and continue on to the Home Depot complex which is just on the other side of the road.

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I believe that's a brief overview.
Maybe Phil wants to speak on the traffic.

MR. GREALY: Good evening. Phillip Grealy, Maser Consulting. The access has been described for the project. Just a little history. The previous application for the retail development was at a point where we were ready to pull our permits from DOT, we just needed to present bonds. So on this application we've been working with the DOT. There's been some changes in terms of the design -- the signal design of the Wal-Mart intersection. We were hoping to use a lot of that equipment to meet current standards. We have to basically replace it, and it looks like they now want us to use mast arms in that installation.

We're also making accommodations in terms of a right-turn lane coming northbound into the site. DOT has indicated that they would like that as part of the permit work. Right now this section of Union Avenue/Route 300 has, during the afternoon rush hour, close to 3,000 vehicles an hour. This project this size will generate somewhere on the order of 200 vehicles total

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entering and exiting, disbursed to the two driveways.

Some of the other modifications that we're making in terms of replacing and upgrading the signal at Wal-Mart will be fully actuated and a pedestrian crossing across towards Wal-Mart interconnecting and improving the coordination with the existing signal at Old Little Britain Road. That's all part of our work that the applicant is paying for as part of the work improvements.

The driveway connection out to Old Little Britain Road has also been described. I think from a traffic standpoint this project generates less traffic than what the previous proposal was for this site during peak hours but we still have to complete these improvements to the signal, the road widening and some restriping along Route 300. So in a nutshell that's pretty much where we are.

Applications have been made for permits with DOT.

CHAIRMAN EWASUTYN: Thank you.

MR. GREALY: Thank you very much.

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MR. CORDISCO: One thing that I forgot to mention, and I think this is important at this time. We've been working on the project and we are requesting a grading permit tonight. The purpose of that is so we can start the work. The reason that we need to start work is because of Crystal Run's timing in terms of hiring doctors. Doctors who are going to become available for hire for next year have to be placed under contract this year. We anticipate that it's going to take approximately a year to construct this 65,000 square foot building. So in order to actually have a place to put the new doctors and all the rest of the new staff that are going into this building, we need to have it open next year at this time. I'm just being very transparent about that. That's the reason why we're asking to now -- we've cleared the site previously. We did that because Indiana Bat concerns, so we didn't disturb the Indiana Bats while they're out during the summertime. Now we're seeking further approval for grading because, quite simply, we need to get to work in order for this project to work for Crystal Run. If the timing of the

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construction and the opening of the building does not match up with the availability of the doctors, we have a very difficult situation on our hands. So we appreciate your considerations in that regard, and that's why we're seeking a grading permit now.

CHAIRMAN EWASUTYN: Thank you.

At this point we'll turn the meeting over to the public. If you'd raise your hand, give your name and your address, you'll have the opportunity to speak. I'd like to have everyone have a first round and then we'll go back to someone that had spoken earlier. Let's allow everyone to have an opportunity. So again, I'll open it to the public.

MR. GOLDEN: Good evening Chairman, Members of the Board, Consultants. My name is Richard Golden, Burke, Miele & Golden, a law firm in Goshen, New York. I'm special counsel to the City of Newburgh in connection with the City's interest in this project.

We have been here before this Board. As Dominic has previously said, the City has various concerns with respect to its drinking source

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adjacent to this site. The City very much appreciates the benefits that this project could bring to the community with respect to the health benefits, the jobs, et cetera. But what can not be forgotten is that is the City's reservoir that's nearby here and that needs protection. We have been working with Crystal Run, as Dominic has said, and Crystal Run has been very responsive. Of the various comments that the City had and the city engineers had, they have adjusted their plans, either the ones presently before you or have otherwise agreed to since those plans, all of the comments except for one.

What I would like to do with the Board's indulgence is hand out the most recent comment letter from the city engineer, Jason Morris.

CHAIRMAN EWASUTYN: Can I ask you a question? I've never understood this about the process. Why is it that people wait until the eleventh hour to hand something to a board that doesn't allow the board to have an opportunity to read it and to digest it prior to it's being handed out? I've known you for years and I could

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never comprehend that. I received late today from Dominic Cordisco the certified mailing in the office at 3:30 in the afternoon. I made twelve copies of this. Why? Because my Board likes to read information and prepare for a meeting. So I say it respectfully. I'm always amazed by this. I just don't understand. But please, hand it out.

MR. GOLDEN: Thank you. I will respond to the comment. If I'm an applicant before you I do have timeframes in which I have to address it. This is a public hearing which I believe stands on a different footing. With respect to this particular instance, these were issues that we've been trying to work with with Crystal Run. We have been able to address all of those, save for one. We have had to go -- because we are a municipality, we've had to go and get Jason's input, we've had to get the City council's input, corporation counsel's input. Those things can not happen very quickly. Sometimes it takes until the night of the meeting. I apologize for the inconvenience. I ask your indulgence to allow me to do that.

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Thank you.

MR. DONNELLY: Rick, is this different than the earlier letter?

MR. GOLDEN: Yes. It's a letter dated today. As I said, we're down to really one issue. The majority of this -- it's a very lengthy letter, but the majority is simply a recasting of the prior letters, prior comments, and that all those comments have now been satisfied, as I said, save for one. So if I could direct your attention simply to the bold language on page 14. That's really the only item outstanding. What it is is that the City's engineers believe that there is a need for a vegetative buffer between the parking lot and the improved property and the City's property. As Dominic has indicated, they have been willing to adjust their plan to the point that they have now but no further. Their position has been, with respect to this vegetative buffer, that in order to install that on their property it would take away some of the parking that they have. The parking is in excess of -- great excess of the minimum required. They believe, and I'm sure in

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all due fairness, they need that excess parking in order to properly conduct their business and carry on their good work. But the cost of that, they say they can't adjust the area to allow for the vegetative buffer as additional protection for Washington Lake.

What is the most recent attempt by the City to protect it's drinking source is on page 14, and that is to have the buffer as much on their property as possible, which is about five feet, and then an additional approximately twenty feet onto the City's property. This is not -- we're not really asking for an off-site impact. It's that we would prefer it be all on their property but they're saying they refuse to reduce the number of parking spaces so it can't happen on their property. As a compromise the City is trying to have this particular vegetative buffer located in a way that will provide the additional protection necessary for the City.

CHAIRMAN EWASUTYN: Can you show that by hand?

MR. GOLDEN: Sure. I asked Jason to quickly put something on a plan this afternoon.

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CHAIRMAN EWASUTYN: For the record,
Jason's name is?

MR. GOLDEN: Jason Morris, City
Engineer for the City of Newburgh.

MR. MORRIS: Jason Morris, Engineer for
the City of Newburgh. You can see the area
highlighted in green is the proposed area for the
vegetative buffer. Again as Mr. Golden pointed
out, this is the final request of the City for
this project, and we urge the Planning Board to
make the applicant comply.

CHAIRMAN EWASUTYN: We'll open this up
for discussion at this point. Dominic Cordisco?

MR. CORDISCO: At this particular time,
this is not the first time we've heard this.
This has been an issue that the City has raised
since we've been meeting with them, and we're
well aware of it. It's not as if we're ignoring
it. Mr. Golden said we can't forget the drinking
water. We haven't forgotten the drinking water.
We haven't forgotten it at all. That's why we're
treating 135 percent of the stormwater on the
site. What they're asking for is a vegetative
buffer as you can see, and I appreciate the fact

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they have now shifted it onto their property. But reality is, and I'll let John O'Rourke speak to this, there's no technical basis to require this. This is really a question of perception. I don't know what's being perceived here because as a result of the tree clearing, if you've driven past the site you can see the vegetative buffer. The vegetative buffer is this. It's this. It's all the property that's in between us and the actual boundary of the lake. I mean I have some photographs I could hand out as well with regard to it, but that is a stand of mature trees that most recent photographs -- this photograph shows it's bland in color because the leaves are off. You can see from these photographs that when it's summertime these are actual viable trees. So I'll hand these out if I may. We just came with these tonight because we were aware of the current request. So it's not as if it's something that we've been ignoring at all, and I say that because it's not just a question of providing a vegetative buffer. Originally the request was to provide the vegetative buffer on our property. This building

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is designed very specifically by Crystal Run. Crystal Run is not new at this game. They've been designing and using these buildings throughout the region, and so they have a very particular model that they're looking to use for the business practices which they know very well. They know what size building they need, they know how much parking they need. It fits on this site the way that we've been designing it since September.

While we've agreed to everything that we could agree to, we've made all the other technical changes as requested by the City, this is the one that we can't change because it changes our business model, and we can't do that. So we've been very consistent in saying that we can't do this. We agreed to everything else, including the agreement that I mentioned earlier with the City of Newburgh that gives them access rights to our property that, quite frankly, otherwise they're not entitled to. We gave it to them because we felt we were satisfying them, and we did it and we weren't unclear. We were very clear that we agreed to everything that's been

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agreed to. This I understand is still an issue that they're asking for but it's just not something we can accommodate.

MR. GALLI: I have a question, John.

CHAIRMAN EWASUTYN: Go ahead.

MR. GALLI: 52 parking spaces you're talking about? You would be losing 52 parking spaces?

MR. O'ROURKE: 24 and the 28. Correct. This line.

MR. GALLI: What about the retaining wall?

MR. O'ROURKE: That was the point that I don't quite understand. The retaining wall drains towards our site. The vegetative buffer wouldn't capture any of our water. Typically a vegetative buffer -- if I was doing sheet flow off a parking lot we would put that in. We're draining everything away. The concern is we're going to be cutting down quite a large amount of tree cover, exposing that and putting in underbrush and smaller trees, but the only water that's falling on that point is the water from the sky because none of our water is going to be

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treated through that vegetative buffer. Again, everything drains in this direction, to either the bio-retention area or the pond.

MR. GALLI: What would that do to your retaining wall if you had to entertain their request? Would the retaining wall have to be moved?

MR. O'ROURKE: No. I believe the request was -- the retaining wall is about five feet from the property. I believe the City is asking for a vegetative buffer beyond the retaining wall. The retaining wall would stay. Again, none of our drainage would go in their direction.

MR. GALLI: There's a buffer behind there now, isn't there?

MR. O'ROURKE: Yeah. If you look -- again, it becomes a different buffer. This is heavy trees in through here. Typically if I was doing a parking lot and sheet flowing it there I would put understory, I'd put brushes and grasses to slow the water down. But again, the water is not going in that direction. I feel the loss of the tree cover, so now the rain is not blocked by

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the trees and the branches in the summer and the heavy spring.

MR. GALLI: What's going to go in the place of the 52 spots?

MR. O'ROURKE: Nothing.

MR. GALLI: That would be all wall, all trees in there?

MR. O'ROURKE: No, no, no. They're asking for the buffer zone beyond this green line. They're asking for the buffer zone on their property.

MR. GALLI: Okay. So you can't plant a bunch more trees there and leave the parking?

MR. O'ROURKE: We want to leave the parking. That's a given. Planting more trees in there doesn't benefit because none of our water goes in that direction. The disturbance to that area I think far outweighs the increase of rainfall falling in that spot. It doesn't gain any water quality from us, or for them to be honest with you.

MR. MENNERICH: Does the City have a response for the need given that the water flows away from the retaining wall back towards the

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building?

MR. MORRIS: Jason Morris, engineer for the City of Newburgh. I question will there be drains for the retaining wall and where will they discharge?

MR. O'ROURKE: We show weep drains in the retaining wall. This is an area of fill. That's going to be groundwater that would be entering the site. Again, we don't expect much of that because we are in a fill area and everything is pitched away and it's paved. Very little groundwater would be weeping from the retaining wall.

MR. MORRIS: The City asked the question is there a history of pollutants on the site and a history of spills?

MR. O'ROURKE: A history of spills, not in this particular area. There was a DEC site from the transmission place in that direction.

MR. MORRIS: Is there any possibility that stormwater, groundwater could make it through the soil, through the site to the retaining wall?

MR. O'ROURKE: I don't believe so, no.

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MR. MORRIS: Is that guaranteed?

MR. O'ROURKE: Is it guaranteed? We don't guarantee. It's 95 percent unlikely that would occur. This whole area is being regraded and the DEC has basically cleared the site of any existing or any leftover potential pollutants. Again, we're bringing this in fill. We're not excavating here and digging deeper. The contaminated soils were over by, I think everybody knows the transmission shop which is over in this area here.

MR. GALLI: Anything that's been in that transmission shop has runoff before this happened.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant for the Town, comments?

MR. HINES: We've reviewed the stormwater management plan and the grading plan and do concur with the applicant's representative that the stormwater has been directed from the impervious surfaces on the site into the closed pipe drainage system.

I think it's important for the Board, the buffer area or -- the City property from the

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property line from the Crystal Run site to the existing water of Washington Lake on the City property is identified as approximately 450 feet of woods. So the addition of some planting strips along there doesn't significantly increase the amount of vegetation between the site and the water. You have again a football field and-a-half of heavily dense wooded area between the site and the water surface of the Washington Lake.

CHAIRMAN EWASUTYN: Okay. Can we leave this on the table and go for other questions or do you want to go back and forth on this?

MR. GOLDEN: I think we can leave it on the table and go to other questions. I do want to make one remark. Mr. Cordisco had indicated that we basically want to change their model plan. That is not the intention of the City at all. We're not trying to adjust their model and trying to say that they should have less parking than they do. That's not our argument. In fact, this plan, which was a compromise, is to address that issue and try to take that into consideration to go ahead and have this

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vegetative buffer which we believe ought to be on their property. In deference to their model and their willingness to change on some of these other issues, they're willing to move it off there and basically move almost all of it onto the City's property and have this vegetative buffer on the City's property. We are certainly not trying to adjust Crystal Run's model, and I don't think that's a proper statement. But having said that, you've heard the input of the City engineer. If anybody else has any questions, the City engineer would be happy to answer their questions.

MR. HINES: The concern is not the location of the retaining wall, it's a proposal to plant vegetation between the face of the proposed retaining wall and the existing tree line, for lack of a better term?

MR. MORRIS: Correct.

MR. GOLDEN: Yes.

MR. MORRIS: Low level plantings is not a tall tree canopy. Tall trees currently exist in this area as the applicant stated and is correct. We're looking for lower level pollutant

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type uptake plantings.

MR. HINES: Can you give me an example of a pollutant uptake type planting?

MR. MORRIS: I'm not a landscape architect but I could have a landscape architect give you some demonstrations.

MR. ARCHANGEL: I'd love to hear them.

CHAIRMAN EWASUTYN: Do you have someone here this evening?

MR. MORRIS: No, I don't.

CHAIRMAN EWASUTYN: I think you put yourself at a disadvantage not having someone professional to speak on your behalf because now we have a question to your proposal and we don't have an answer.

MR. MORRIS: We could certainly give you an answer in writing.

CHAIRMAN EWASUTYN: Mike Donnelly, do you have anything to say?

MR. DONNELLY: No. I think it's your responsibility to determine whether or not what is proposed has any relativity versus the disadvantages to the applicant and the cost to the applicant. You've heard both sides of that

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equation and I think it's for you to make that determination. The applicant is not willing to do it. It goes beyond any regulation the State or the Town has. Be mindful of the importance of the reservoir. You need to think it through. Whether or not -- what I'm hearing is the possibility that some pollutant might get into the ground and come out of a weep hole and that is what this design is to prevent, and I think that's what you need to focus on. Clearly it's not to take care of the stormwater that's on the site because that's being treated elsewhere.

MR. O'ROURKE: If I may. If the only concern was the potential for groundwater pollutants, we can redesign and connect the underdrain from the retaining wall and tie it into one of our catch basins. I think that would work. I would much rather do that than cut 25 feet of heavily grown trees down. If that is actually a concern, I think we could easily connect that underdraining to our catch basin.

CHAIRMAN EWASUTYN: City engineer?

MR. MORRIS: I would certainly be willing to consider that. I would question if

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you can truly make grade into a catch basin.

MR. O'ROURKE: Again as I said, I'm designing off the top of my head, I believe we can. We're certainly willing to look at that. Otherwise I don't see any reason to put that buffer in.

MR. CORDISCO: I would suggest to the Board that if we can do that we will do that. I mean it's just subject to actual design. Certainly if we can do it we'll do it. That should address that concern.

MR. GALLI: If you can't?

MR. CORDISCO: Then I think what we're left with is the issue as Mr. Donnelly had mentioned, you're evaluating the risk and potential contaminant that otherwise would not go into the stormwater system, would go actually through the wall and into the groundwater on the other side of the property.

MR. HINES: The City is not suggesting that you cut down mature trees to plant new trees in place; correct?

MR. MORRIS: Correct.

MR. DONNELLY: I thought that was

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the --

MR. HINES: The limits of clearing right now terminate at fairly mature --

MR. O'ROURKE: You want us to plant between --

MR. MORRIS: Essentially yes, and within that five-foot buffer between the City's property and your retaining wall.

MR. HINES: So it would be kind of an in-fill planting?

MR. MORRIS: Yes.

MR. HINES: I'm just throwing it out there. It would be a lot cheaper to do some in-fill planting than an underdrain system along 700 feet of retaining wall.

MR. O'ROURKE: The underdrain system is there. It would actually be 20 feet to tie it back into the catch basin. If it's just fill in, I have honestly my doubts on the growth with the cover. I think we can get a growth in the five foot. I don't think you're going to get a growth of understory bushes underneath the existing canopy. We can certainly discuss that if it's a matter of just a couple shrubs. Again, I don't

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know what they're going to do. The drainage coming underneath a weep hole which is going to, honestly, 95 percent be dry because it's paved over top.

MR. DONNELLY: Is the applicant willing to include a proposal at it's option to either do the understory plantings or propose a feasible redesign of the underdrains to feed into the catch basin and make that a condition of the approval?

MR. ARCHANGEL: I would say yes. We would prefer the underdrain method if we have gravity. Again, what does underplanting and pollutant planting mean? I don't really know.

MR. DONNELLY: It's going to be at your election. The City can send you a letter but I don't think it's fair to put you in the position when they haven't set forth the species.

MR. ARCHANGEL: We don't understand what that truly means.

MR. HINES: We're not cutting down large diameter trees to plant trees.

MR. ARCHANGEL: That would be the primary concern. I guess the option is open.

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Again, I don't understand the benefit thereof.

CHAIRMAN EWASUTYN: Any other comments besides the ones that we've been speaking of now? If you would raise your hand and give your name and your address. The gentleman in the back, please.

MR. CHURCH: Dave Church. How are you?

CHAIRMAN EWASUTYN: Are you familiar with low level pollutant plantings?

MR. CHURCH: Actually a little bit. I could maybe text somebody and get you something. I don't know personally.

CHAIRMAN EWASUTYN: If you could take the time.

MR. CHURCH: I'll ask our landscape architect and get you something, John.

I'm here for two purposes. Dave Church, Orange County Commissioner of Planning. On the firsthand I'm here for County Executive Neuhaus who is elsewhere but had hoped to be here tonight to note that conceptually the County and his office are in full support of this project.

As Planning Commissioner I want to appreciate and express the appreciation that the

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applicant came to the Town and for taking seriously and apparently in consideration our technical comments and review, in particular the binding comment that after some multiple meetings with the applicant and some discussion with the Town, the binding comment which appears to be taken seriously about public transit. The other two are pedestrian service, which I'm pleased they're in discussions with DOT about, which I understand to be a challenge logistically but nonetheless worth a try. We're also pleased you've been working obviously along with the applicant and City of Newburgh to protect the water supply. As the Town knows, we've been working actively with both New Windsor and the Town and City of Newburgh to look at the feasibility of actually linking everyone's water supply systems for future growth and future protection. So I appreciate the time. Thank you.

CHAIRMAN EWASUTYN: It's nice to have you here.

MR. CHURCH: John, good to see you on occasion.

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CHAIRMAN EWASUTYN: The lady in the back.

MS. DANA: I'm Amanda Dana, Orange County Partnership. I had the privilege of sitting down at a table with Crystal Run Healthcare principals and municipal leaders and sat down and talked it over with the City and the Town about some of the concerns here. I'm always surprised by the different things that come up at the last second, but I can tell you from an economic perspective that this project is stellar in this community.

Crystal Run Healthcare, as you know, is the largest provider -- private provider of employment in the County, 1,700 employees. I personally love this project. A lot of different types of companies and industries could have went to that property but they chose it. I'm so glad they did.

This project, as you know, \$22,000,000 in capital investment, over 200 full-time employees, over 200 construction jobs. I'm probably being repetitive but I have to bring it down to what's important to this County.

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Crystal Run Healthcare should go forward. This process should go forward. It's a fantastic project. I speak on behalf of the Economic Development of Orange County. I'm very supportive of this project and I think it should go forward. Thank you.

CHAIRMAN EWASUTYN: Thank you.

Further comments from the public? The gentleman in the back.

MR. HUGHES: Thank you for recognizing me, Mr. Chairman. I have several --

CHAIRMAN EWASUTYN: Can we have your name?

MR. HUGHES: My name is Hughes. I live in the Town of Newburgh.

CHAIRMAN EWASUTYN: Thank you.

MR. HUGHES: This is not the project that we sought to begin with. This thing has been segmented and moved along with so many different faces on it that my first question at the knee jerk is why did we take that little piece on the corner now with the prospect of a gas station and not move the parking up near 300 and get it away from the reservoir to begin with?

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I sat through every meeting this project had and they've been dancing around and through and over and above. I'm not for the project, I'm not against the project. What I have my eye focused on is several things in the procedural processes that seemingly didn't take place.

The Town and the City own the sewage treatment plant together and they were supposed to agree on major water drinking projects, which this is one of them. On the EAF it says 6,225 gallons per day. I find that hard to believe. My estimate of it is it has to be double that. And if so, why didn't your Town council and the City's town council sit down and make the agreement of the powwow that's necessary because they co-own the treatment plant and they are putting themselves out of business with total buildout because they haven't considered these factors in this and other projects as well.

The gateway that was put there from the past project I think is a mute point and it should be revisited. It's unnecessary and it's a danger.

The segmentation on how this thing came

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about, the County's IDA had a meeting at 10:00 in the morning which no one from the public was able to attend, and it was such a ridiculous time of the day that only one of their members, the chairperson, showed up. In the State of New York if a public hearing is set and there's not a quorum, it can't move forward. However, it went forward anyway and then went to planning, went to zoning, and now we're back here again with a horse of a different color all together. Now I'm not saying anybody is stacking the deck. I'm not saying anybody is doing something that they shouldn't be doing. It blows my mind that my taxes continue to go through the roof with all these IDA blessed projects, 2 and 300 million dollars left and right and my taxes keep going through the roof.

Now, as it went along, the impropriety of the IDA allowing the meeting go on and then passing the ball to the Planning Board with a segmented clearing permit, and now you're looking for a grading permit, and now we've got two more entities on the same piece of property, that really doesn't add up except that we're moving

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cells around all the time and I'd like to start with a P underneath one of them when we get going. I don't know if there ever is one. So we move from here to there to there and we've got a horse of a different color every meeting, and because you guys don't go after the site and you don't send a representative to the IDA meeting, and you don't have anybody from either council speaking with each other or going to all of these meetings. I go to all of these meetings. I know what everybody says in these meetings. I don't know if any of you people do. I don't know if any of you guys know what was said. So we've got this thing floating in space and it's -- it might be a good design, I don't know. It's gone from a three-story building to a two-story building to so many square feet to a different number of square feet and the gallons of consumption and everything. Every time the story is told it has a different cloak on it. I'd like to know the real story.

Number one, you've four members of your Board here tonight. Where is the other three? This is happening all the time. Shouldn't you be

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telling the applicant that they need a unanimous decision on this thing or has it already been spoken and settled? I find this a very piss poor way of doing business.

I've been involved with planning and zoning for a long time. I've been in the construction industry for fifty years. I have never seen such a fiasco continue to carry on like this with this snowballing effect, with everybody channeling it to the following, moving it to the middle to get it done when there's a lot more questions here than there are answers.

I agree with the City, I agree with New Windsor and everybody who is concerned about what's going to happen. We've got a reservoir that's supposed to be joined in unis by all three of us. Would you like to be drinking that water when all of the stuff that comes off 300 and all the stuff that comes off this parking lot, and that reservoir is in the middle of a triangle where there's nothing but bad stuff going on? We need to look at our drinking water. This is serious stuff. This is a medical facility thumbing it's nose at drinking water. Where the

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hell have we landed? This is nuts.

CHAIRMAN EWASUTYN: Does anyone care to respond to that?

MR. GALLI: I have one response. I've been to the site probably fifty times already.

MR. HUGHES: You don't have a lot of company.

MR. GALLI: I don't go to any of the meetings, you are correct. I do make a living, I have to work. I've been to the site at least fifty times already and I've walked it.

MR. HUGHES: What's your special interest for going there fifty times?

MR. GALLI: Just to look to see what's going on. When they cleared it, make sure they did what they had to do. I've walked the site, I've been in the buildings, near the buildings.

MR. HUGHES: You're alone on that one.

MR. GALLI: If I'm alone I'm alone.

MR. HUGHES: I stand corrected. I apologize for indicating you were part of that.

MR. GALLI: Thank you.

CHAIRMAN EWASUTYN: Additional comments from the public? The gentleman in the back.

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MR. PERRY: My name is Scott Perry, I'm a Goshen resident. I understand there's always concerns with projects and it might be easy for me to be in favor of it, but if it was in my town I would be more in favor. I'm speaking as a business owner. I have a security guard services company and without new projects like this my industry is stagnant. I have plenty of employees from this side of the county. My phone rings off the hook with people looking for jobs. Most of the new work we've gotten in the last couple of years has come from projects like these. I'm in favor of it, and I would be even more strongly in favor of it if it was in my own community. Thank you.

CHAIRMAN EWASUTYN: Additional comments from the public?

(No response.)

CHAIRMAN EWASUTYN: At this point I'll turn to Jerry Canfield, Code Compliance. Jerry, any questions or comments?

MR. CANFIELD: Nothing at this time.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

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MR. HINES: We have some comments. With regard to the lot line change map, the filing of the map can not occur until all the structures on the site are removed. The existing structures create both use and bulk issues. That's been discussed for a long time now, and I believe that a legal mechanism to assure the buildings are removed should be discussed and included into the resolution prior to the filing of the map. I know there's some ways of doing that regarding escrow and the attorneys holding on to that. That needs to be addressed.

DOT permits are required for access and utilities which has been addressed tonight.

The stormwater pollution prevention plan as revised was reviewed by my office. Myself and John Szwariski have worked with the applicant over many months here and we continue to believe the stormwater management plan is acceptable. I do want to just clarify, in the beginning it was discussed 120 percent of the stormwater. It's actually a percent of the water quality volume. Those calculations are based on the 90 percent storm. Storms around -- 90

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percent of the storms are 1.2 inches or less and that's how we base the water quality design. Those percentages that were the 110, 120 and now the 135 percent treatment is of that water quality volume. The hundred year storm isn't receiving that treatment. It's 135 percent of the required treatment of that water quality volume, just to clarify that.

The stormwater maintenance agreement must be executed. The Town, as an MS-4 community, requires commercial projects such as this to execute those agreements, and that has to be performed as a condition of approval.

Then we noted we were in receipt of an agreement between the applicant and the the City of Newburgh and feel that any approval resolution should incorporate that agreement by reference.

That's all we have.

CHAIRMAN EWASUTYN: Ken Wersted, Traffic Consultant?

MR. WERSTED: Upon the submission of the project originally, we had been reviewing it and comparing it to what was previously approved as a retail project. The access points and the

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general plan of it relative to traffic accessing Route 300 is consistent with what was approved for the previous project. Access out to Route 300 and Old Little Britain Road are in the same spots.

The site itself is going to generate less traffic than when it was a retail project.

We looked at it for it's internal circulation and we had a number of comments over the past several months. To date all of those have been addressed.

We understand that the applicant is working with DOT to gain their permits and complete their design of their access out to Route 300. Replacement of the signal may actually help maintain traffic through there. You can keep the old signal running while you build the new one, which is probably of particular interest to Wal-Mart since it will be key for them to maintain their access coming and going out.

CHAIRMAN EWASUTYN: Rick Golden?

MR. GOLDEN: Thank you, Mr. Chairman. I had an opportunity to confer with Jason Morris,

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the City Engineer. We are agreeable, if the Board is willing to do that, to have the alternative condition that Mr. Donnelly was speaking about. The particulars of it I agree are a problem. I understand the applicants need to have an approval as quickly as possible. A method that is often used in these types of conditions that haven't been fully fleshed out at the end when an approval is being considered is to have the details of say that buffer and the type of plantings, et cetera to be subject to your consultants, and in this case allowing the input of the City and the Planning Department of the County but that the decision would be made by your consultants, and obviously with the applicant. But we'd be satisfied with that condition.

CHAIRMAN EWASUTYN: I would propose to the Board Members that we depend upon the Orange County Planning Department and Chade Wade, who basically represents this half of the Town, to work with a design that shows low level pollutant plants as an example of what would be used and in the good spirit of having the collaborative

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effort, if the Board is in favor of that.

MR. GALLI: That's one of the things,
but --

MR. MENNERICH: I'm still confused
about where we're talking about planting. Is it
in the five foot --

MR. GALLI: Over the wall.

MR. GOLDEN: It would be five on their
property and an additional twenty on the City's
property.

CHAIRMAN EWASUTYN: Along the rear side
of the wall.

MR. MENNERICH: A total of twenty-five
feet underplanting --

MR. GOLDEN: That's correct.

MR. MENNERICH: -- for the full length
of the wall?

MR. GOLDEN: As determined on this
plan, and we'll submit this plan.

MR. GALLI: I thought it was five feet?

MR. GOLDEN: Five feet on the -- what
is being proposed is the five feet on the
applicant's property and twenty on the City's
property for the underplantings, if that is the

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option chosen by the applicant.

MR. GALLI: If we go twenty feet do we have to take down big trees?

MR. DONNELLY: No trees come down. Just planting.

CHAIRMAN EWASUTYN: Low level pollutant plants right in place.

MR. GOLDEN: Not taking down trees.

CHAIRMAN EWASUTYN: They would be plants, as was spoken about earlier, that could survive and live under that type of canopy because of the shade, the roots. That's where we depend upon Chade Wade, who is a landscape architect, to make recommendations.

MR. DONNELLY: John, why don't we broaden that and invite the City Engineer as well as the Orange County Planning Department to submit simultaneously to the applicant's team and the Town their recommended plantings. I agree with Mr. Golden, let the final arbiter of whichever method they select and whether it's adequate be in the hands of the Planning Board Engineer.

CHAIRMAN EWASUTYN: Okay.

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MR. GOLDEN: That's perfect with us.

CHAIRMAN EWASUTYN: Frank, are you satisfied with that?

MR. GALLI: Yeah. I was just confused on the footage because five foot on this side of the wall is going to be in the parking.

MR. DONNELLY: They've offered you a construction access easement.

MR. O'ROURKE: If I may, from the base of the wall there's five feet to our property line. It's basically the light green strip here. You'd have a green strip, a wall and our parking away from it. It would be that strip there.

MR. GALLI: Good.

MR. CORDISCO: If I may address this. I'm sure --

CHAIRMAN EWASUTYN: Let me finish. I was polling the Board Members.

MR. CORDISCO: I apologize.

MR. MENNERICH: I'm in agreement.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Yes.

MR. CORDISCO: I need to state on the record that we're highly skeptical of the

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ethicasy and value of what we're talking about in terms of stormwater value. We appreciate that it's being offered in the sense that it would be Crystal Run's option to either connect the underdrain or to do these plantings. We certainly don't want to disturb the existing forested buffer between us and Lake Washington. To accommodate what we're talking about here, even if it was a more sensible option to proceed with this undergrowth vegetated buffer, we would require an easement from the City of Newburgh that we currently don't have. I think that has to be placed on the record.

MR. GOLDEN: Absolutely.

MR. CORDISCO: We can't be held hostage to a plan that's received as something but then yet we don't have City Council --

MR. DONNELLY: In their letter they offer one.

MR. CORDISCO: I haven't read it so -- but thank you. As long as it's our option we'll certainly evaluate it. Those who might know better, such as the County Planning Department, if they are able to suggest something that, upon

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our review, makes sense, we'll certainly evaluate it and keep an open mind as far as that's concerned. As far as making a decision, I just want the record to be clear it would be Crystal Run's option because this is above and beyond. Also, that we would then prepare a plan that would be submitted to the Town and the Town's Consultants would be making the decision as to how it would be implemented.

CHAIRMAN EWASUTYN: Michael, for the record can you summarize?

MR. DONNELLY: Did you close the hearing of do you want to --

CHAIRMAN EWASUTYN: Just what we're discussing now since Mr. Golden had a chance to do a presentation, Dominic Cordisco did.

MR. DONNELLY: I propose, from what I've heard and what appears to be agreed to, we include a resolution in the approval that in addition to Pat signing off on the items in his memo of May 1st, that he also sign off on the election taken by Crystal Run to either install or plant understory plantings within the twenty-five foot strip that's shown on the plan

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before us, taking into consideration the recommendation made by the City and/or the Orange County Planning Department, or the election, instead, to redesign the underdrains serving the retaining wall to feed those into the catch basin, and that he tell us that one option or the other has been taken and that he's satisfied with the proposal supporting that option, and the plans not be signed until we have that sign-off letter.

CHAIRMAN EWASUTYN: All parties in agreement?

MR. GOLDEN: Yes. I only have the one copy tonight. We can give that to Pat. I'll submit copies tomorrow along with the letter formally to the Planning Board.

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

MR. GALLI: I have one for Pat. Pat, on the water coming in, did we discuss the six inch or larger?

MR. HINES: We discussed larger. The applicant's representative provided us with

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design calculations depicting that the six-inch pipe provides adequate fire flow and potable water. I forget offhand but the water pressure in that area is very high.

MR. GALLI: It is. Okay.

MR. HINES: Those calculations have been provided by the applicant's engineers.

CHAIRMAN EWASUTYN: At this point I'll move for a motion to close the public hearing on the CRH Realty site plan.

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. MENNERICH: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

At this point I would like to turn the

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meeting over to Mike Donnelly, Planning Board Attorney, to present the conditions for final site plan approval and the resolution before us this evening.

MR. DONNELLY: There are actually three actions before you. One is for approval of a preliminary and final subdivision. The second is the approval of the site plan, and although we have not spoken about it, the ARB which I assume you'll also deal with tonight maybe separately. The third one is the request for a modified or a second clearing and grading permit, and we haven't discussed that at any particular length yet. Although they all are interrelated, I think it's best to handle them as three separate resolutions.

Perhaps I'll begin with the subdivision resolution because I think that and the site plan have been fully discussed. The nature of the subdivision is the consolidation of, I believe it is seven separate parcels into three. I've had different numbers at different times but I see there are seven tax map parcels. We recite the history of the matter. We will reference the

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County 239 referral and it's two recommendations. Frankly, while they may not relate specifically to the subdivision, I think that they relate to the project and therefore we will include reference to them here. The two binding recommendations will be included as conditions. The applicant has already made contact with Transit Orange on both the local bus service as well as pedestrian safety issues but we'll include them as conditions in any event.

In terms of conditions, we'll need a sign-off letter from Pat Hines on the issues in his May 1st memorandum. There is the requirement of the DOT approval that will be in both the site plan as well as the subdivision. We need demolition permits from the Code Compliance Department. We have a City of Newburgh flow acceptance letter.

MR. HINES: Can I interject? I don't know that the DOT needs to weigh in on the subdivision.

MR. DONNELLY: On the subdivision. Okay. I was carrying it in both.

The City of Newburgh flow acceptance

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letter is the one dated 2008 which was for a larger project but it covers -- more than covers the flows for the current project. The two conditions relating to Transit Orange that are included in the County's binding recommendations. There is the issue regarding the chicken and the egg, that is the demolition permits and the removal of the structures. On one hand we have a condition that says the structures -- the map may not be filed until the structures are removed. There has been discussion between Dominic Cordisco, Bob DiNardo and myself and the likely result, and I've included that language here, is for the map to be signed by the Chair, to be held by the opposers as escrow agent, and the map will be brought to the closing. If the bank is satisfied seeing the map filed, they'll issue the funds, the funds that are necessary to pay for the removal of the demolition structures, and from there the map can then be filed. I think a mechanism like that is workable, and I've made provision for it within the resolution. I don't think there are any offers of dedication of land to either the Town or the DOT. Those are the

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conditions of the subdivision resolution.

CHAIRMAN EWASUTYN: Subdivision and site plan; correct?

MR. DONNELLY: No. I'm going to separately do the site plan. The parties are different. The subdivision has more parties than the site plan. I think we need separate resolutions.

CHAIRMAN EWASUTYN: Then I'll move for a motion to approve the subdivision based upon the conditions in the resolution that were presented by the Planning Board Attorney Mike Donnelly this evening.

MR. WARD: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Myself. So carried.

At this point Mike Donnelly, Planning Board Attorney, will give us conditions in the resolution for final approval of the site plan.

MR. DONNELLY: Correct. The first condition is that which we spoke of earlier, and that is a sign-off letter from Pat Hines, both on the issues in his May 1st memorandum as well as the election and the approval of the election taken by the applicant regarding either understory plantings or redesign of the understory drains for the retaining wall.

Ken, I think you have no outstanding issues left so we don't need a sign-off letter for you.

MR. WERSTED: Right.

MR. DONNELLY: Next we'll tie into the variance granted by the Zoning Board of Appeals on October 24, 2013 the requirement that the DOT approve the proposed driveway configuration. We will need a Health Department approval for the hydrant locations. I understand a City of Newburgh flow acceptance letter has been received

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dated June 20, 2008. There is a proposal for a second freestanding sign shown on the plans. We recite that that sign is not being approved and needs relief from the Zoning Board of Appeals if it's to be constructed. No retaining wall above four feet in height may be constructed except following presentment and approval by the Code Compliance Department of plans prepared and stamped by a licensed professional engineer. Again we carry the conditions regarding Transit Orange for bus stop locations and pedestrian safety, which I know the overture has been made but we're going to recite them as conditions to comply with the County's binding recommendation. We will mention, as Pat recommended, that the applicant and the City of Newburgh have entered into a stormwater agreement dated April 17, 2014 and the requirements imposed on the applicant under that agreement are hereby incorporated into this resolution of approval as if set forth herein at length. The site plan itself shall also not be signed until the subdivision map has been filed with the Orange County Clerk's office because you can't construct on the lot

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configuration the way it is. I will include, if and when we get to it, the standard ARB approval condition but we're not going to vote on it at this point in time because you haven't discussed it. We need a landscape security and inspection fee. I assume the inspection fee is in the amount of \$2,000. We need a stormwater improvement security and inspection fee together with a stormwater control facility maintenance agreement. And lastly, our standard condition which says that no structures may be built on the site that are not shown on the approved site plan.

CHAIRMAN EWASUTYN: Additional questions or comments from our consultants?

MR. HINES: I have none.

CHAIRMAN EWASUTYN: Planning Board Members?

MR. GALLI: No additional.

MR. MENNERICH: None.

MR. WARD: None.

CHAIRMAN EWASUTYN: I'll move for a motion to grant final site plan approval subject to the conditions in the resolution presented by

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our Planning Board Attorney, Mike Donnelly.

MR. WARD: So moved.

MR. GALLI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Mike, I think the next two items are ARB and the grading?

MR. DONNELLY: Correct.

CHAIRMAN EWASUTYN: Do you have ARB drawings that you'd like to show this evening? Would you want to come back for a final on that?

MR. ARCHANGEL: Mike Archangel. This elevation, a rendering if you will, is what I presented to the Board. Originally we were a

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three-story building. We went through a series of changes with Crystal Run in the efficiency and the whole medical provider changes that have taken place, and they found going to a two-story building less than forty feet now. So this is what I've shown the Board previously. It's no different. This is the rendering that you'll see. We have floor plans. We've been constantly working on them ever since we've been to the Board several months ago.

As you can see, there's many different plans. The latest thing that we've changed, which is on the site plan currently, is we've done away with the mobile MRI. It's going to be interior to the building. That was a change since we originally started.

Essentially it's a 66,000 plus or minus square foot building. This is the basic elevation that you'll see. It's less than -- slightly less than the 40 foot height even though we do have a variance to exceed that. This is what we're ready to build, providing the Board grants us approval. What I'm saying is nothing has really changed since that point with the

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exception of the MRI.

If there's any questions, I'd be happy to answer them.

MR. GALLI: That faces 300, that frontage there?

MR. ARCHANGEL: The sign itself, we would come back for sign approval. This is a pictorial of what it might like look, what the size is in relationship to the elevation. Whether it truly ends up to be this -- we haven't reviewed the sign code. This is basically what it looks like in other locations.

MR. GALLI: That's the Route 300 side?

MR. ARCHANGEL: Yes. This would be the other elevation. Again, whether that meets the sign code, we would get into that with the sign person.

MR. HINES: Frank, I think that faces the stop light.

CHAIRMAN EWASUTYN: 300 would be more to the left.

MR. HINES: The building is kind of angled.

MR. ARCHANGEL: It's visible from both

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up and down 300. It's a little different than the last building we built over in the Town of Wallkill on Rykowski Drive. This is a little more modern building. It's two story. This will be our first two story.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Could you tell us a little bit about what kind of materials those are that are going to be on the building, and also what's on the roof and whether it will be screened?

MR. ARCHANGEL: The roof itself, all the screening for all the mechanicals that's part of the Town code, we would screen from all four sides. As far as the materials are concerned; Richie, this is Rich Rosen from Columbia, he's more familiar with the types and choices.

MR. ROSEN: My name is Rich Rosen with Columbia Development. A very different design than what you typically see from the Crystal Run branding if you will, some of their other facilities. They did want to brand themselves with their facilities both in Wallkill and out in Rock Hill. This is based on a design. They went

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out to Seattle, Washington to a place called the Everett Clinic. It's a new way of seeing patients and trying to cut down on patient wait time, the amount of time a patient has to go through the entire building. They look at everything from where they park their cars to how far they've got to walk to where the waiting room is. It's a little more of a progressive design than they're typically used to.

 This portico here is basically for three cars to pull under to drop patients off. It's a cantilevered portico that goes off the entrance drive.

 If you look at the front door, the front door basically lines up with the light out on 300. As you can see, the architect took great stakes to do some central features to draw people's attention to the front door. You have this pop up. Even though it's a two-story building it will have a higher atrium type. This design here gives the signage opportunity because again branding is an important thing with Crystal Run Healthcare. Like Michael said previously, we would be back, obviously, to get the required

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permits for the signage. This is cementitious board panel. Behind it would be a waterproof membrane and drainage system in case water did get behind these panels. This is -- the long block modularity if you will, this is a cementitious panel. This will be masonry from here down, then a distinctive water course and different masonry products. You have two masonry products and a cementitious panel is basically the exterior materials that create the field and the elevation of this project.

Any questions in regards to -- I mean, like Mike said, the roof has a parapet. It will have some additional screening if warranted to make sure all the mechanical equipment can not be seen. The architects are very conscientious you will be able to see this building from Old Little Britain Road and all along Route 300, so the design was to be -- you look at this thing in its entirety, not just one front fancy elevation.

Any questions?

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: How high is the canopy going

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over for clearance?

MR. ROSEN: We looked at the regulation. I'm sure it's probably around thirteen, fourteen feet. Whatever the height requirement is. We'll check with the local fire department just to make sure they don't have an apparatus that might get in trouble if it pulls under there. We'll make sure we put it to the right height so it doesn't get ripped down.

CHAIRMAN EWASUTYN: Jerry Canfield, Building Department?

MR. CANFIELD: I don't think it's advisable to put an apparatus under the canopy anyway.

MR. ROSEN: It happens. Delivery trucks, those type of -- yeah. And even if required, we'll work with the building department. If they want us to label the actual clearance on each side of the canopy --

MR. CANFIELD: That would be required. John, I do have a question on the building. Essentially we're looking at a type 2 construction, noncombustible block and steel.

MR. ROSEN: Correct. But it will still

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be 100 percent fully sprinklered, protected by a
sprinkler system.

MR. CANFIELD: 2A or 2B?

MR. ROSEN: I believe it's 2B. Don't
quote me on that because I am not the architect
of record on the design. Typically it's 2B.

MR. CANFIELD: Thank you.

CHAIRMAN EWASUTYN: Pat Hines, anything
on the ARB?

MR. HINES: I have nothing.

CHAIRMAN EWASUTYN: Mike Donnelly,
would you remind the applicant and his
representatives what will be needed to be
submitted along with this?

MR. DONNELLY: The standard condition
of the ARB approval, no building permit shall be
issued authorizing construction of structures
inconsistent with the architectural rendering
submitted and approved by the Architectural
Review Board, nor shall any certificate of
occupancy be issued for any structures
constructed except in conformance with such
renderings. The Town's landscape architect
should review the building plans when submitted

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to the Building Department in order to ensure compliance with the approved architectural renderings, and the work shall be inspected before a certificate of occupancy is issued. If you haven't submitted the formal application with the specific list of the architectural materials by manufacturer and sheet number, you'll need to do that before the ARB approval.

MR. ROSEN: Very good.

CHAIRMAN EWASUTYN: Questions or comments from Board Members?

MR. GALLI: No additional.

MR. MENNERICH: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Then subject to the conditions presented by our Attorney, Mike Donnelly, in the resolution for ARB approval for the Crystal Run medical building, I'll move for that motion.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

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(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

The last item of discussion this evening is the grading permit for Crystal Run medical building. Michael?

MR. DONNELLY: Have they presented or do you need to hear further from them?

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We had an opportunity at work session to discuss the proposal for a grading permit. It was our feeling that the site plans are developed enough that the grading permit could be issued, however there was a request from the applicant that certain items that are site plan related items were incorporated in their retaining walls, drainage, other site infrastructure. The intent of the grading permit is strictly that for moving mass

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earth grading on the site in preparation for construction. The components of the stormwater management system that are required to protect the downgradient properties as well as meet the requirements of the stormwater management plan can be installed, that being mainly the stormwater detention pond facility which in the construction phase acts as a sediment trap. But the installation of water, sewer, drainage piping, retaining walls and such is not part of the grading permit. So with that caveat, that the grading permit -- we feel a grading permit can be issued but not the site plan related aspects that the applicant requested.

CHAIRMAN EWASUTYN: John O'Rourke?

MR. O'ROURKE: If I may, just a clarification on the retaining wall. Because of the grading we're doing and we're building that up, we would request that the retaining wall be included. I certainly understand the utilities but to do grading on that site we're raising that portion and trying to get away from the City of Newburgh property. So that's where the grading is actually going to be occurring. It's one of

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the first steps.

MR. HINES: We have in the past approved small retaining walls associated. The All Granite site had a similar issue. This retaining wall is approximately 700 feet long. I don't know how the Board feels about that. It also needs stamped plans to be submitted and a building permit issued.

MR. O'ROURKE: We certainly understand the building department having to review those. Our hope would be that we have the DOT permit and the final approvals. In case we don't --

MR. HINES: That's what we're hoping, too.

MR. DONNELLY: Is the danger if the wall isn't there then the runoff and erosion that shouldn't but might possibly occur would head to the lake instead of back to a temporary --

MR. O'ROURKE: We're building a wall from our property back. One of the things we do is layer those first courses and layer it back.

MR. HINES: As a construction phasing issue it certainly would make sense to install the wall if grading activities are going to occur

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anywhere on that southerly portion of the site.

MR. DONNELLY: While you have allowed certain items of infrastructure that were necessary to the wall, this is a little different. Given the concerns of the City, you may want to consider allowing the wall to go up to make sure no runoff goes in that direction.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: I was going to say I don't have a problem with that if it's going to protect the lake. To install that part of it for the grading part I don't have a problem. The other stuff I do. Utilities and stuff. That part, that needs to be done to protect it. I'm fine with that.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I kind of agree that that should be included. I mean under standard work items we said the retaining walls needed to complete both grading. I think that's needed for grading.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I think it's a good way to protect the watershed one way or another.

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CHAIRMAN EWASUTYN: Jerry Canfield, you had a comment.

MR. CANFIELD: I don't disagree with what I'm hearing with respect to the need for the retaining wall in the sequence. It makes sense. Procedurally I guess this question is for Mike. Can the Building Department issue a building permit without a signed site plan?

MR. HINES: A signed grading plan.

MR. DONNELLY: Can the clearing and grading permit itself authorize the building permit? I mean I know we're doing --

MR. CANFIELD: The clearing and grading permit but a building --

MR. DONNELLY: A site plan would authorize a building permit. Can't we take the position here for what we're trying to protect, that the issuance of the clearing and grading permit can itself be the trigger that authorizes the building permit for the retaining wall that's being authorized by the clearing and grading permit.

MR. CANFIELD: I would suggest then the conditions are spelled out authorizing that.

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MR. DONNELLY: Okay. Are we going to need, Pat, for them to submit a revised set of specs that show what they are and are not doing so there's no doubt about --

MR. HINES: Yeah. I would recommend the applicants give us a plan sheet depicting the retaining wall and that grading plan, and that could be attached to the clearing and grading permit as a guide for both Jerry's office, my office and the City of Newburgh representatives that have access to the site.

The other issue is, as Jerry just spoke to me, is the building permit being issued prior to the lot consolidation. I think that may be required to be happening although the retaining wall is all on one lot.

MR. DONNELLY: Who is the applicant on the clearing and grading permit application? Is it all of the lot owners or all of the owners of the lots over which the retaining wall and grading activities will take place?

MR. CORDISCO: It was CRH Realty VIII with the proxies from the current owners.

MR. DONNELLY: Normally if we had a

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retaining wall that was spanning property lines
we'd want to have --

MR. CORDISCO: It's one parcel.

MR. DONNELLY: -- cross grading
easements.

MR. HINES: It's an old road bed that
runs along the back of lot 26.

MR. DONNELLY: Even the clearing and
grading activities, usually we want to see cross
grading easements and access. Since we know they
are all going to be consolidated, I think we're
trying to make sure we don't hurt the reservoir.
I don't think if we have proxies and the
applicant has obtained those and the property
owner knows that those activities are going to
take place, that we have much of a problem.
Ultimately they're going to be consolidated in a
way that will remove the problem completely.

MR. CORDISCO: Hopefully very soon.

MR. HINES: So it may not be an issue.

MR. CORDISCO: Correct. We are looking
to close as soon as possible, as you might
imagine.

CHAIRMAN EWASUTYN: John Ward?

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MR. WARD: My question is with the retaining wall as to timing. I'm just saying for the resolution, you're building off the retaining wall so should the retaining wall go up first and grade off it?

MR. HINES: That's what has to happen.

MR. CANFIELD: That's the sequence.

MR. HINES: And the retaining wall is constructed from Crystal Run's site back.

CHAIRMAN EWASUTYN: Any additional questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Mike, do you want to review with the public and the Planning Board the resolution of approval for the grading permit?

MR. HINES: We do need resolution of that -- the option of the plants or the retaining because they're going to be for the retaining wall design.

CHAIRMAN EWASUTYN: Low level pollutant. We'll make that part of this resolution.

MR. HINES: That has to be before the

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grading commences.

MR. O'ROURKE: The plan that we would submit for Pat's review for the grading plan would -- it would show either a revised underdrain --

MR. HINES: Or the vegetation.

MR. ARCHANGEL: We'll make that decision before.

CHAIRMAN EWASUTYN: Mr. Golden, would you like to add anything to that?

MR. GOLDEN: No. I think that's the proper way to go. I think it makes sense for purposes of the clearing and grading permit, and I appreciate the Board's and Crystal Run's actions and the consultants' actions with respect to that in order to try to make that fit to best protect the reservoir, and I think it makes sense to have the election that whatever they are going to make, make prior to that so when it's submitted everything can be done in a proper way.

I just would like to make one other comment. I just wanted to thank -- on behalf of the City I want to thank the Board for considering the City's request with respect to

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the reservoir as well as Crystal Run. Thank you.

CHAIRMAN EWASUTYN: Thank you for being here.

Mike, do you want to give us the language?

MR. DONNELLY: First we're going to need a sign-off letter from Pat that a revised application has been submitted showing, to his satisfaction, exactly what is to be done, and more importantly what part of the work on the current application is not to be done. That shall include the materials that show the retaining wall, after the option is exercised either with understory plantings or with the underdrains revised to go to the pond so that that can happen during the grading and construction work. We'll need the level of detail for the wall that would authorize the issuance of a building permit. Specifically the resolution will authorize the code compliance department to issue that building permit. The conditions will be the standard ones, requirement that there be compliance at all times with Section 83-10, 83-11 in terms of time of days

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when the work can be done, et cetera. The Town's noise and illumination regulations must be complied with at all times. The permit will have a duration of one year. A performance guarantee will be required. Typically we have that before us but we'll need a recommendation from Pat after the applicant has prepared that. I think it's usually based upon acreage; right?

MR. HINES: Yes. The clearing and grading permit standard is \$3,500 per disturbed acre if that activity is taking place prior to a site plan. I think, Mike, as we're going along we should probably add the City's agreement with Crystal Run into that, similar as we did with the site plan.

MR. DONNELLY: How much would the security be? Do you know the acreage?

MR. O'ROURKE: The total acreage is 8.1. I think we're disturbing 6.5 or 7.

MR. DONNELLY: 6.5 times \$3,500.

MR. HINES: \$22,750.

MR. DONNELLY: Okay. Let me write that down before I forget it. Those are the standard conditions.

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MR. CANFIELD: And Mike, with that fee also is a \$2,000 inspection fee.

MR. DONNELLY: Yes. That's in there. Yes.

CHAIRMAN EWASUTYN: Any additional questions or comments from our consultants?

MR. HINES: I have none.

CHAIRMAN EWASUTYN: Planning Board Members?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant the grading application based on the conditions that were presented in the resolution by our Attorney, Mike Donnelly.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

Gentlemen, thank you.

MR. CORDISCO: Mr. Chairman, Members of
the Board, it's been my privilege to be here
before you on this project. Thank you very much
for all of your thoughts and considerations.

(Time noted: 8:45 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: May 22, 2014

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

----- X

In the Matter of

DISCUSSION OF SOLAR ORDINANCE AND SIGN ORDINANCE

----- X

BOARD BUSINESS

Date: May 1, 2014
Time: 8:47 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

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CHAIRMAN EWASUTYN: We have two items under Board Business then I'd like to close the meeting.

The first item we have under Board Business, we received from Mark Taylor that the Town is proposing a solar ordinance. Any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Jerry Canfield, do you want to give us a brief overview of that?

MR. HINES: Of the 140 pages.

MR. CANFIELD: The solar panel issue that's before the Board, what Mark has done is he provided the Town Board I believe several different options. I think there's five different options based on his research on how different municipalities handle solar panels. Putting it short and for the benefit of Paul being here, I've researched as well different municipalities that I interact with, and pretty much how they handled it, solar panels and panel arrays is as accessory structures. They put coverage requirements, perhaps some glare or visual requirements on it, but they're basically just

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handled as accessory structures.

The problem with it as it stands now in our current zoning code is that it is not listed, and typically our zoning code says if it's not listed it's not permitted. So I think that's pretty much the crux of all of that in there. There's many different options in there as far as solar panels go.

With signage, the Town is also taking on the task to address what's known as the inadequacy of our signage code which is quite old. There is new technology out there as far as lighting requirements and signage schemes that our code simply does not address. We are sending a lot of applications to our Zoning Board, again because what's being proposed is not listed nor addressed so therefore it's not permitted. That I think is going to take a lot more work and research.

My suggestion to the Board is to perhaps hire someone from the industry and today's technology to assist them with coming up with some good applicable language that's going to serve the Town, not only for today, in the

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future's requirements.

MR. GALLI: What are they doing now? Barton Chevrolet is all solar on top. I see houses getting full solar. Do they come for a permit?

MR. CANFIELD: Yes, they do. If the panels are on the structure they become part of the structure and they can be handled with a building permit. The issue that has raised the question is these separate stand-alone solar arrays. There's a project in New Windsor just over the city line that has several of them. There are several projects out there.

MR. DONNELLY: You had an application here that went to the Zoning Board.

MR. CANFIELD: We have two applications, one for 20,000 square feet of solar panels, which is a lot of panels. But again, our Zoning Code doesn't address how to handle it. The Zoning Board I think is at a loss on how to rule on the application.

MR. HINES: Jerry may speak to this. There have been some firefighters hurt on roofs that have these contraptions on them.

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MR. CANFIELD: That raises a whole level of concerns. Even the State building code has not fully addressed and caught up with the technology that's available out there. But like Pat says, from a firefighting standpoint, panels on the roofs do introduce a whole new list of hazards, whether it be additional structural load, limited access points for ventilation and that type of thing. It's cutting edge technology.

MR. DONNELLY: The request from the Town Board is whether the Planning Board has any particular recommendations at this early stage. I'm sure we'll get a report letter again when it's in draft form. I don't know how much you had a chance to digest that and whether you have anything you want to communicate.

MR. HINES: One of the issues is the side yard setback. If you consider them an accessory use, the side yard setbacks don't seem to be that great when you have 20,000 square feet of them in your backyard. I wouldn't want one five or ten feet off my property line.

MR. CANFIELD: The key issue too is lot

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2 coverage. Again, when you get an array of panels
3 the current zoning does permit, there are
4 perimeters on the maximum amount of lot coverage.
5 That's going to be I think paramount to lot size
6 whereas it's the same thing in the old days with
7 a smaller house and big lot and as the market
8 changed you have the larger house on the smaller
9 lot. I think the same applies here where you
10 don't want to get too many panels on a small lot
11 where now you have 80, 90 percent coverage of a
12 lot. Those are the things that need to be
13 examined.

14 CHAIRMAN EWASUTYN: Any questions or
15 comments?

16 (No response.)

17 CHAIRMAN EWASUTYN: Mike Donnelly will
18 just forward an overview letter to the Town
19 Board.

20 MR. DONNELLY: You want me to? Jerry,
21 do you want to? I can do it. You know a lot
22 more about it than I do.

23 MR. CANFIELD: We can work together if
24 you'd like.

25 MR. DONNELLY: You have no particular

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recommendations, just the concern the side yard setback be examined and lot coverage? Okay.

CHAIRMAN EWASUTYN: Signage ordinance. You'll work with Jerry on the sign issue.

MR. GALLI: The flashing signs.

MR. CANFIELD: The illumination is a large issue right now.

MR. MENNERICH: On the panels, are there proposals to put them in the front yards of houses? Have you gotten any of those?

MR. CANFIELD: I haven't seen anything to that effect yet.

MR. HINES: You're not allowed to have accessory structures in the front yard.

CHAIRMAN EWASUTYN: What made you think of that?

MR. MENNERICH: There's certain things you can't put in the front yard.

MR. WARD: I want to say thank you to Paul for helping the Board for the signage, too.

MR. RUGGIERO: We're just starting. We're not going to look at the whole signage. We're looking at just certain parts of it basically. A lot of it is just every day.

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MR. WARD: Just to get it moving.

MR. RUGGIERO: We're just focused on certain parts so we can get this going without spending six months on it.

With the solar panels, really it's the setbacks on the property. I think we're basically saying the same thing with the free-standing, you know, as an accessory to be free standing. I think that would be the easiest way. I mean if we do with the accessory we don't have to worry. My big concern is not just the ones on the stantions, it's the ones on the roofs. Who is watching them being installed, are they being properly anchored to the house, snow gets on these things, are they going to slide off the roof if they're not properly anchored, are they anchored to good wood. These companies are coming in and installing these things on these roofs and a heavy snow load like we had this year could wipe out and pull them off the roof. Using, you know, sheet rock screws, are they putting in bolts. You don't know who is going to regulate these companies coming in and installing them. That's my big concern with that.

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MR. CANFIELD: Just for Paul, the panels that are going on the buildings, part of the requirement for the permit is a structural engineer report. We have come across, I won't name but a particular motel in the Town that wanted to put panels on the roof that wouldn't even support the gutters on the building. So they were denied. But there is a process for them on the buildings.

CHAIRMAN EWASUTYN: Any further questions or comments?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to close the Planning Board meeting of the 1st of May.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli and a second by Ken Mennerich. I'll ask for a roll call vote.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. WARD: Aye.

CHAIRMAN EWAUSTYN: Aye.

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(Time noted: 8:55 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: May 22, 2014