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

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In the Matter of

THE RIDGE HUDSON VALLEY (f/k/a THE LOOP)  
(2017-01)

Route 300 & Route 52  
Multiple Sections, Blocks & Lots  
IB & R-3 Zones

----- X

PROJECT STATUS UPDATE

Date: April 4, 2019  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: GREG DAY

----- X

MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845)541-4163

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. We'd like to welcome you to the Town of Newburgh Planning Board meeting of the 4th of April 2019. We have four items on the agenda this evening. The second and third items are public hearings.

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

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney, present.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh.

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

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the

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Pledge. Please stay standing so we can have a moment of silence for Andy Zarutskie, our Town Clerk that passed last Sunday. Thank you.

(Pledge of Allegiance and Moment of Silence.)

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

CHAIRMAN EWASUTYN: The first item on the agenda this evening is The Ridge Hudson Valley, also The Loop. It's a project status update. It's located in an IB and an R-3 Zone on Route 300 and Route 52. It's owned by the Waterstone Properties Group. We have with us this evening Greg Day, director, who will be speaking on behalf of the corporation.

MR. DAY: Yes. Thank you. Again, Greg Day with Waterstone Properties Group.

We are requesting from the Board to extend the approval for site plan amendment number 6 which, as the Board may recall, was approved June 20, 2017 and is scheduled to expire in June of this year. We had somewhat of a, I guess, financial setback with executing the original development plan. We were seeking to get

1  
2 a PILOT financing approved. When that was  
3 rejected that forced us to rethink how to best  
4 execute the development plan for this project.  
5 It's a big undertaking, obviously. We've been  
6 dedicating resources to that effort and expect to  
7 have decisions on it shortly. In the interim,  
8 though, we'd like to preserve the approvals that  
9 we do have in place.

10 We have done some work on the site. We  
11 have completed the wetlands fill and mitigation  
12 work and continue to monitor the neighboring  
13 water wells on a monthly basis.

14 Our hope is to start the project this  
15 year. We're still somewhat making some final  
16 decisions on how to execute it.

17 CHAIRMAN EWASUTYN: Questions from  
18 Board Members?

19 (No response.)

20 CHAIRMAN EWASUTYN: Pat Hines, do you  
21 want to speak to the Board as far as the  
22 extension?

23 MR. HINES: This is going to be an  
24 extension of a final site plan -- conditional  
25 final site plan I believe.

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MR. CANFIELD: Final.

MR. HINES: Is it final?

MR. DAY: Final.

MR. HINES: Final site plan for the sixth amendment, I think it was 480,000 feet plus or minus.

MR. DAY: 530.

MR. DONNELLY: When was it granted?

MR. DAY: The resolution for site plan amendment number 6, it was effective June 20, 2017.

MR. HINES: `17. So it will be two years.

MR. DONNELLY: It can have a total of three years.

MR. HINES: It can have another year. Two years with a one-year extension.

CHAIRMAN EWASUTYN: Michael, would you advise us to do the complete one year at this point?

MR. DONNELLY: It's already been two. We can only have one more. What you've heard, I think another year makes sense. They're either going to get things done or not.

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CHAIRMAN EWASUTYN: You were originally discussing six months, were you not?

MR. DAY: Yeah. Obviously a year would be fantastic.

MR. DONNELLY: It's permissible to grant a year.

MR. HINES: It's a site plan, not a subdivision.

MR. DOMINICK: Do you still plan to go the retail route or are you going to go in another direction?

MR. DAY: Retail will definitely be a component of it. I can't say if it's going to be the entire project. That's part of what's being reevaluated. So, you know, we're exploring all potential uses for the site.

CHAIRMAN EWASUTYN: Michael, do you want to give us the language?

MR. DONNELLY: I think it would just be you'd move to grant an extension of conditional final site plan approval for this project through April 4, 2020.

CHAIRMAN EWASUTYN: Having heard the language for the extension of the site plan to

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April 4, 2020 --

MR. DONNELLY: I'm sorry, John. Since it was to expire -- what did you say the date was?

CHAIRMAN EWASUTYN: That's what I thought.

MR. DAY: It's stamped June 20th.

CHAIRMAN EWASUTYN: We'll go from June to June.

MR. HINES: It's also final site plan, not conditional.

MR. DONNELLY: There were conditions in it; right? June 20th then.

MR. HINES: That's what I meant.

MR. DAY: I'm sorry. I didn't know what you meant by that.

MR. HINES: I was surprised when you said there were no conditions.

CHAIRMAN EWASUTYN: We'll grant an extension from June 20, 2019 through June 20, 2020.

MR. DONNELLY: Correct.

CHAIRMAN EWASUTYN: Would someone make that motion, please?

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MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by John Ward, second by Dave Dominick. Roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

I wish you the best.

MR. DAY: Yes. Thank you very much.

MR. CANFIELD: John, also I'd like to thank Greg.

Just for the benefit of the Board, the front of the property on 300 was in need of cleaning, a lot of debris from the winter and blowing bags and what not. I e-mailed Greg and his company and they were out there. I think with the assistance of the State, they were there as well.

MR. DAY: Right.

MR. CANFIELD: It's all been cleaned up. Thank you for your quick response.



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MR. DAY: Absolutely. Thank you for letting us know.

CHAIRMAN EWASUTYN: Pat, why would they still be monitoring the wells if there's no actual activity?

MR. HINES: They're looking to build that database up for a long period of time. The more data you have assists them should someone make a claim. So they are continuing to do that. Less frequent. I believe they're only doing monthly monitoring. Prior to the blasting they were doing weekly, or when they were ramping up to do the work they were doing more frequent. The longer term they can collect that data the better it is for the applicant to have that database available for them.

CHAIRMAN EWASUTYN: Do you get periodic reports on that?

MR. HINES: Yes, I do.

CHAIRMAN EWASUTYN: Okay. Thank you.

MR. HINES: We share those with Jim Osbourne's office when they come in, and Jerry's office.

MR. CANFIELD: I have a copy of those

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reports in our office if you'd like to see them.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:07 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 22nd day of April 2019.

*Michelle Conero*

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MICHELLE CONERO

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

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In the Matter of

A PLUS AUTO & TRUCK, LLC  
(2018-17)

12 Little Lane Road  
Section 53; Block 4; Lots 4.21 & 17  
B Zone

----- X

PUBLIC HEARING

Date: April 4, 2019  
Time: 7:08 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

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MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845)541-4163

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A PLUS AUTO & TRUCK, LLC

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CHAIRMAN EWASUTYN: The second item of business this evening is A Plus Auto & Truck, LLC. It's a public hearing. The subject property is located on 12 Little Lane Road. It's in a B Zone. It's being represented by Ross Winglovitz of Engineering & Surveying Properties.

Mr. Mennerich will 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 public hearing pursuant to the Municipal Code of the Town of Newburgh Chapter 185-57 Section K and Section 276 of the Town Law on the application of A Plus Auto & Truck, LLC, project 2018-17, for a change of use on an existing site to permit automotive repair. The project is located at 12 Little Lane Road, Newburgh, New York. The project site is designated on Town tax maps as Section 53, Block 4, Lots 4.21 and 17. The project is proposed to amend the existing site plan to permit automotive repairs on the site.

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The site contains an existing single-family residential structure. The project also involves a lot consolidation between the site plan parcel and Section 53, Block 4, Lot 4.22 to eliminate the need for a rear yard variance from the existing structure. The premises is located at 12 Little Lane in the Town of Newburgh, designated on Town tax maps as Section 53, Block 4, Lots 4.21 and 4.22. A public hearing will be held on the 4th day of April 2019 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 25 February 2019."

CHAIRMAN EWASUTYN: Thank you.

At this point we'll turn the meeting over to Mike Donnelly.

MR. DONNELLY: We have two public hearings this evening. The purpose of the hearing is for you, the members of the public, to address the Board before the Board takes action on the project. It may be that you that live

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near the project have a different perspective that could bring useful information to the Board. After the applicant gives his presentation the Chairman will ask those that wish to speak to come forward. Please move up to the front of the room, give us your name, spell it if you would for our Stenographer so we get it down correctly. Please address your comments to the Board. If you have questions that can be easily answered, the Chairman will ask either Mr. Winglovitz or one of the Town's consultants to answer those questions.

CHAIRMAN EWASUTYN: Thank you.

Ross.

MR. WINGLOVITZ: Good evening. Ross Winglovitz, Engineering & Surveying Properties. I'm here on behalf of A Plus Auto. I'm here with my client this evening, Tony -- you're going to have to give your last name.

MR. LOSPALLUTO: Lospalluto,  
L-O-S-P-A-L-L-U-T-O.

MR. WINGLOVITZ: Thank you.

Tony is the proprietor of A Plus Auto who is moving in to the existing building on the

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A PLUS AUTO & TRUCK, LLC

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corner of Little Lane and New York Route 52. It's a building that has been in commercial use for many years. Different types of commercial uses. Tony moved in thinking that the use was approved. He later found out that it wasn't and has been in front of the Board here pursuing the site plan approval.

We've had several meetings with the Board and incorporated a number of changes and comments from the Board and the Board's consultants, including landscaping, parking lot reconfigurations, appropriate notes and so forth.

The property sits on 2 acres. Again as I said, the building is existing, the parking area is existing.

The significant improvement will be some paving and widening of the access driveway into the property of 25 feet for safety.

I'd be glad to answer any questions that the Board directs to me.

CHAIRMAN EWASUTYN: Comments from Planning Board Members?

MR. MENNERICH: Not at this time.

MR. DOMINICK: No.

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MR. WARD: Not at this time.

CHAIRMAN EWASUTYN: Ross, the only thing I don't see here, and it may be on the revised, your final sheets, because Pat has a note as far as landscape cost estimates. Do you know?

MR. HINES: Yes. There is --

CHAIRMAN EWASUTYN: I don't see a schedule for the material or the size. Do you?

MR. HINES: I'm looking here. It says existing landscaping. There is landscaping typical, though.

CHAIRMAN EWASUTYN: Excuse me?

MR. HINES: Is the landscaping existing or proposed?

MR. WINGLOVITZ: The stonewall is existing. The two shrubs in front of the stonewall are existing. We're proposing some additional shrubs behind the stonewall additionally.

MR. HINES: The Chairman is asking there's no schedule or list of what type those are.

MR. WINGLOVITZ: We can add that.



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MR. HINES: I know it says landscaping bonds are required. The landscaping is minimal. I think we have flexibility in the past where smaller projects like this weren't required to be bonded and it would be an issue for the certificate of occupancy. This one may be one you may want to consider on that. There's literally five or six shrubs being added.

MR. WINGLOVITZ: Most of it is existing. There's four or five shrubs behind the stonewall. The stonewall is existing. It's a very nice feature if you've seen it. Landscaping in front of the wall has been provided and actually exists right now.

CHAIRMAN EWASUTYN: Does the Board think we should require a landscape bond or do they want to just waive that?

MS. DeLUCA: I think waive it.

MR. MENNERICH: Waive it.

MR. DOMINICK: Waive it.

MR. WARD: Waive it.

CHAIRMAN EWASUTYN: At this point the majority of the Board feels we won't require it.

MR. HINES: We'll need that schedule

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added.

CHAIRMAN EWASUTYN: Yes. Any questions or comments from the public?

MR. FETTER: Bill Fetter, Rockwood Drive. Other than the letter that I had written to the Board, I did not remember the configuration of the property. I didn't even realize -- don't know if to rear of the property that could be afforded as a swale that collects the water that was discussed. That's it.

CHAIRMAN EWASUTYN: Ross, I did, I believe, e-mail you or Sam a copy of the letter.

MR. WINGLOVITZ: Yes.

CHAIRMAN EWASUTYN: No different than I made copies for everyone on the Planning Board and also to Councilman Manley, which is a standard procedure. Do you want to speak on behalf of Mr. Fetter's letter?

MR. WINGLOVITZ: We did receive it. We'll take a look at the plan and talk with Pat to see if there is anything we can do to help address that. We don't have any specific improvements that we could propose. We would talk to Pat and see if there's anything we can do to

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address it.

MR. HINES: The project doesn't meet the threshold for the Town of Newburgh stormwater regulations or the DEC's. It's fairly restricted between the building and the location of the stream. The stream is right along the back of the building. My concern would be that the construction of the swale may be more of a detriment than the benefit it has. I can certainly discuss that with the applicant's engineer. We will have some conditions anyway. That can be included.

CHAIRMAN EWASUTYN: Mr. Fetter.

MR. FETTER: I realize the property is pretty flat and runoff is not going to be a typical consistent concern. Just we've been back there. So much runs off from there. That storage unit place is nearby. I'm trying to think. That's further down. The auto parts place is behind -- across the creek there, that runs off the golf cart repair place. That has just sheet runoff.

MR. HINES: One of the benefits of this project is the required lot consolidation. The

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existing front lot only is about a half an acre and there's about an acre-and-a-half of property that's going to be combined with this. That will prevent the future development of it. Based on this plan there's no access to it. There will be that acre-and-a-half of land --

MR. FETTER: Enough said.

MR. HINES: -- quasi preserved in the rear.

MR. CANFIELD: Also Bill, if there's any development proposed for the back, they'd have to traverse that stream which is a flood zone as well. It will be back before this Board.

MR. FETTER: Thank you.

CHAIRMAN EWASUTYN: Any other questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to close the public hearing on A Plus Auto & Truck, LLC.

MR. DOMINICK: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick, second by Ken Mennerich. Can I please

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A PLUS AUTO & TRUCK, LLC

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have a roll call vote?

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion  
carried.

Mike Donnelly, would you give us  
conditions for approval?

MR. HINES: The one issue, John --

CHAIRMAN EWASUTYN: Thank you. Bring up  
the DOT.

MR. HINES: During the SEQRA  
coordination we copied the DOT as part of the  
lead agency coordination. We did receive a  
letter back from them, I think today.

CHAIRMAN EWASUTYN: I think I e-mailed  
you that also, Ross.

MR. WINGLOVITZ: Yes.

MR. HINES: The DOT was looking for a  
traffic report/study. I don't know exactly what  
they're looking for. One of the conditions we  
talked about at work session was to include a  
condition that any substantive changes required

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by the DOT would require a resubmission back to this Board. If you can work it out with them that doesn't change the plan, you won't need to come back. We'll need you to address the DOT comment, whether you do a meeting in the field --

MR. WINGLOVITZ: We have no improvements on the State highway. We're on Little Lane which is a Town road. I don't know that we're subject to any jurisdiction of the DOT. I'd be glad to respond back to them. This is an existing property, existing uses. There's no increase in traffic.

MR. HINES: If you can convince them of that, that comment -- that will be fine.

MR. DONNELLY: In terms of conditions, we issued a lead agency notice of intent in February so our lead agency is now final. No other agency has disputed that. You will need to issue a declaration of significance this evening before acting or in conjunction with your resolution of approval. It seems to me from everything in the file that would be a negative declaration. You have heard back from the County Planning Department with a recommendation that

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this is a matter of local concern. In terms of conditions, we will need a sign-off letter from Pat's office on the possibility of stormwater control measures being added to the plans. We'll need the DOT conditions that Pat mentioned that would require you to return if they impose changes to the plan. The condition required in the consolidation of the lots, we will note that the ZBA granted a variance and carry forth any of their conditions into this resolution. We will note that there will be no certificate of occupancy issued until the landscaping shown on the plans is installed. You'll have to provide the Board with a schedule of that landscaping before the plans are signed. Lastly, ARB is within the jurisdiction of the Board. You proposed no changes to the building. We will note, however, that changes to the building in the future would require ARB approval.

CHAIRMAN EWASUTYN: Thank you.

MR. HINES: We also received a County Planning report for a local determination, just for the record.

MR. WARD: I had one question. The

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signage. Is there any changes with the sign?

MR. LOSPALLUTO: The only change would be LED lighting in the front. That's it. It will be the name. I'm going to change out the bulbs. It's going to be updated.

MR. HINES: That's fine.

MR. WARD: Thank you.

MR. LOSPALLUTO: Thank you.

CHAIRMAN EWASUTYN: Then the first motion that I suggest we make for A Plus Auto & Truck, LLC is to declare a negative declaration.

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Ken, second by John. Roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Having heard the conditions of approval for A Plus Auto & Truck, LLC presented by Mike Donnelly, Planning Board Attorney, would someone



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move for a motion to grant approval subject to those conditions?

MR. DOMINICK: I'll make a motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion made by Dave Dominick, second by John Ward. Roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

MR. WINGLOVITZ: Thank you very much.

(Time noted: 7:21 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 22nd day of April 2019.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

NGO TWO-FAMILY  
(2019-03)

Northeast Corner of Route 300 & Mountain View Avenue  
Section 14; Block 1; Lot 20  
AR Zone

----- X

PUBLIC HEARING

Date: April 4, 2019  
Time: 7:21 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CRAIG MARTI

----- X

MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845)541-4163

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CHAIRMAN EWASUTYN: The third item this evening, which is also a public hearing, is Ngo Two-Family, public hearing, located on the northeast corner of Route 300 and Mountain View Avenue. It's in an AR Zone. It is being represented by Valdina Consulting Engineers. Craig Marti is representing the application this evening.

MR. MARTI: I'm representing Ngo, owner of the property at the northeast corner of Mountain View Avenue and Route 300.

The proposal is to build a two-family house which will be occupied I believe by he and his wife. The second unit would be rented for additional occupancy.

The project is served by a single driveway off Mountain View Avenue which is located as far away from Route 300 as we can get for safety reasons and sight distance.

The property will be served by on-site septic. There's municipal water available to serve the property.

CHAIRMAN EWASUTYN: Is there anyone here this evening that has any questions?

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(No response.)

CHAIRMAN EWASUTYN: Let the record show that there were no public comments.

Stephanie, do you have any questions?

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Do you want to walk us through the building one more time? I think the last time Stephanie had asked how many bathrooms were in there.

MR. MARTI: There's a single entryway. The first floor will have a bath on each side of the unit and then there are bathrooms upstairs to serve the three bedrooms upstairs as well. There basically would be three bedrooms, three bathrooms per unit. It would be served by the common system heading out to the common septic system from there.

The last time we were here we went through a series of comments from Mr. Hines. I did review those and I concur with the minor discrepancies in the flow rate. The table that I had had the normal State standard. The calculations and the system is actually designed for a more stringent Orange County Appendix 75A.

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I also looked at the specifications which he referred to with regard to the sand for the Elgin sand system. The Eljen system -- the Eljen manual, which I referenced by note also, recommends that we have another series of notes pertaining to the installation of that with the filter fabric. I'll add those notes as well to the final set of documents for Mr. Hines' review.

In regards to the architectural review, I promised last time I would try to do a better job with the color matching. I went through several iterations with the company website and the company representatives so we could get it to look nice on the computer. When it transfers to paper it doesn't come out so well. The actual sample you can pass around. It's a desert tan, Certainteed color. The roof will be gray shingles with white trim for the window and door trims.

CHAIRMAN EWASUTYN: We do have an ARB application in the file on this?

MR. CANFIELD: A form. Yes.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: Do you want me to read

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NGO TWO-FAMILY

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it?

CHAIRMAN EWASUTYN: Read it.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to the Municipal Code Chapter 185-57 Section K of the Town Law on the application of Ngo Two-Family, project 2019-03, for site plan and ARB approval. The project is located on the northeast corner at the intersection of Route 300 and Mountain View Avenue in the Town of Newburgh, designated on Town tax map as Section 14, Block 1, Lot 20. A public hearing will be held on the 4th day of April 2019 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 25 February 2019."

CHAIRMAN EWASUTYN: Thank you. I apologize for that.

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Do you have any comments?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: No questions.

CHAIRMAN EWASUTYN: John?

MR. WARD: No.

CHAIRMAN EWASUTYN: Then I'll move for a motion to close the public hearing on Ngo Two-Family located on the northeast corner of Route 300 and Mountain View Avenue in an AR Zone.

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion made by Ken Mennerich, second by Stephanie DeLuca. I'll ask for a roll call vote.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Michael, the action this evening is site plan approval and ARB?

MR. DONNELLY: Site plan and ARB. This is a Type 1 action. You issued a notice of



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intent to serve as lead agency back in February. No one challenged that, therefore your lead agency is final as of this evening.

You will need to issue a declaration of significance before you act. It appears that a negative declaration is appropriate. The Orange County Planning Department has reported that this is a matter of local significance.

In terms of conditions, I think we'll need a sign-off letter, Pat, that the minor revisions that Craig mentioned have been made to the plans. We will have the standard Architectural Review Board condition that requires that the structure be built as shown on the plans, the standard condition regarding no outdoor fixtures or amenities that may be built without amended approval. Finally, you'll need to post multi-family fees for the Town for each of the units at \$2,000 each or \$4,000.

CHAIRMAN EWASUTYN: Can we have a motion to declare a negative declaration on the site plan for Ngo Two-Family?

MR. MENNERICH: So moved.

MR. WARD: Second.

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CHAIRMAN EWASUTYN: Motion by Ken Mennerich, second by John Ward. Roll call vote, please.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Having heard the conditions of approval for both the site plan and ARB presented by Mike Donnelly, Planning Board Attorney --

MR. HINES: John, did this gentleman want to speak?

Were you raising your hand to speak?

UNIDENTIFIED SPEAKER: No.

MR. HINES: I'm sorry.

MR. DOMINICK: So moved, John.

CHAIRMAN EWASUTYN: Do I have a second?

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick, second by Ken Mennerich. I'll ask for a roll call vote starting with Stephanie, please.

MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

I don't think you'd be involved in it but if someone could just monitor the tracking pad when they get into construction because of the close proximity up and down that grade.

MR. MARTI: Sure. I can mention that to the client. He seems very amenable to whatever guidance we've given him so far. He's also been looking for recommendations with regard to contractors. We may not be directly involved but have a little bit of influence there.

CHAIRMAN EWASUTYN: Thanks.

(Time noted: 7:30 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 20th day of April 2019.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

CBPS REALTY, LLC SELF STORAGE  
(2018-20)

North Plank Road  
Section 35; Block 1; Lot 21.2  
D-8 Zone

----- X

SITE PLAN

Date: April 4, 2019  
Time: 7:30 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
STEPHANIE DeLUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JOHN NOZAK

----- X

MICHELLE L. CONERO  
PMB #276  
56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(845)541-4163

CHAIRMAN EWASUTYN: The last item of

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business this evening is CBPS Realty, LLC Self Storage located on North Plank Road in a D-8 Zone. It's being represented by Alfred Fusco Junior and Fusco Engineering.

MR. NOZAK: Good evening. John Nozak, Fusco Engineering. I'm here before the Board tonight for a proposed site plan for self-storage units representing CBPS Realty.

This parcel is approximately four acres in size and it's located on North Plank Road. We're proposing access off a State highway in this fashion here with a total of nine retail storage units with access between them.

At this time we're not proposing to -- it's not going to be manned, it's going to be one of those where you go in with your key and the gate opens and closes. It's pretty simple in terms of we're not proposing an office or anything like that at this time.

For storm drainage we're going to collect the stormwater runoff through a few swales. We'll collect the water and take it down to a stormwater detention pond, water quality treatment basin which will collect, temporarily

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hold the water, store it as well as to treat it before it discharges off site as it does under existing conditions.

I did get Pat's comments. I don't know if the Board wants to go over them or if there's specific ones we need to discuss.

CHAIRMAN EWASUTYN: I think we had the opportunity -- your name, sir?

MR. CONSORTI: Matthew Consorti.

CHAIRMAN EWASUTYN: You are one of the principals in the property?

MR. CONSORTI: Yes, sir. How are you doing, Chairman?

CHAIRMAN EWASUTYN: Matt, there seems to be sort of -- we're trying to get a clarity on the project. It went from three buildings -- Pat will explain it. We're trying to get focused.

MR. CONSORTI: That's fine. Whatever you've got to do.

How are you doing, Pat?

MR. HINES: The application that was originally presented to us contained about 30,000 plus or minus square feet in three buildings. This plan has approximately 40,000 plus square

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feet in nine buildings.

MR. CONSORTI: I asked them to max it out, get as much as you can on there.

MR. HINES: I just bring it up because the application fees and the application --

MR. CONSORTI: I'll pay more money. Whatever it is. No issue.

MR. HINES: Also the environmental assessment form that came with this set of plans still identifies three buildings and has some other issues. I didn't list them all because there's a lot of changes that need to be done.

CHAIRMAN EWASUTYN: Did you get a copy of his review?

MR. NOZAK: We have it.

CHAIRMAN EWASUTYN: Do you have a copy?

MR. CONSORTI: No, sir. May I?

CHAIRMAN EWASUTYN: Let me give you a copy.

MR. CONSORTI: May I come up there?

MR. CANFIELD: I can give him mine, John.

MR. CONSORTI: Thank you.

MR. HINES: A stormwater pollution



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prevention plan will need to be submitted once we work out the details.

John, I think you need to take a look at the grading plan.

MR. NOZAK: Right.

MR. HINES: The grading would cause the water to flow against each of the buildings.

MR. NOZAK: It has to be regraded in between. I think the grading was kind of shown as a conceptual type of grading. It definitely needs to be fine tuned, yes.

MR. HINES: I don't think it will work for your client.

MR. CONSORTI: Do you want topos on there, Pat, too?

MR. HINES: They're on there. It's just the way the grading is shown, it runs contrary to where the buildings are.

MR. CONSORTI: Which way the water is going to run?

MR. HINES: Yeah. The grading plan needs to be revised. Just now it isn't functional the way the building layouts are.

I think, John, maybe the finished floor

1 elevations on each of the buildings would help  
2 define that grading. I think there needs to be a  
3 series of catch basins collecting that and  
4 running it out to a central pipe down to the  
5 stormwater management facility.  
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7 I think Mr. Nozak sees the intent of  
8 that comment.

9 The DOT will be included in the lead  
10 agency circulation. We can't do the lead agency  
11 circulation until we get an EAF consistent with  
12 the plan that was submitted to us here. We sent  
13 it to the DOT. While there may not be a  
14 requirement to modify the driveway, this traffic  
15 and the plan do front on the State highway so  
16 they will be included in the lead agency  
17 circulation.

18 The retaining walls being located at  
19 the property lines I think are going to cause you  
20 to do extensive filling that may or may not be  
21 needed. If those retaining walls are moved  
22 closer to where the buildings are it may  
23 eliminate the need to fill all the way up to the  
24 property line. If you can take a look at where  
25 those retaining walls are proposed.

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MR. NOZAK: Okay.

MR. HINES: The landscaping. The Town has a landscaping requirement. We'll need a landscaping plan to be produced as well as a site lighting plan. Both of those issues are reviewed by this Board as well as County Planning once we get plans suitable for that.

The topography on the plan sheets is from I think publicly available databases, it's not specific to the site. There's been some filling activities on this site. I think the submission said it was going to be provided in the future. Once that topography has been determined we'll be looking for the review of that. You may want to wait to do the grading plan until you get the actual field topography.

MR. NOZAK: We have no choice or we'll just end up doing it twice.

MR. HINES: The rip-rap outlet discharging from a detention pond is shown off the property line. That needs to get cleaned up.

Grading in the area of the detention pond, there's some contours there that would prevent the discharge -- there's two 426 contours

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which would not allow that water to flow into there based on that grading.

The outlet control structure is not consistent with the plans. I think it was a standard detail or something from another project. The elevations are not there, the pipe sizes are different. I think once you do the stormwater pollution prevention plan the detention pond may change in size anyway based on that, and then a specific outlet control structure consistent with the stormwater pollution prevention plan should be provided.

Similar with the pond profile. It is not consistent with the pond that is on this plan. It must be from a different one.

I previously requested the notes for the Town of Newburgh zoning with regard to self-storage. I didn't intend that they be put in there verbatim regarding storage of RVs and boats and the caretaker's house. They need to be customized to this project. The intent of having them there is the definition of dead storage and the allowable uses. If there's not a caretaker's house, those notes need to be edited off.

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MR. NOZAK: We're not proposing a caretaker's house, however the question came up as to whether they would be allowed. If they had somebody with a boat would they be allowed to have a boat space, or space for equipment, or contractor equipment or things of that sort?

MR. HINES: The zoning permits that. It needs to be depicted on the plans if it's going to be utilized. Then it goes back to the landscaping plan and screening. So if in fact you do want to have that outdoor storage which is allowed by definition in the code of boats and RVs, and only those two items, those areas need to be depicted on the plan.

Similarly with the caretaker's house. We discussed the caretaker's residence.

We discussed the need for restroom facilities at the site. If your clients are there there's really no facility for them. We need to take a look at that. It may change because I believe these buildings need to be sprinklered pursuant to the Town of Newburgh's code. Maybe not for the State building code but the Town of Newburgh has a sprinkler code

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separate and above that. We need that checked out. Appropriate water lines need to be provided into the plans to provide for that. The jurisdictional fire department should receive a copy through Jerry's office I believe.

An Orange County Planning submission will be required.

The zoning bulk tables are incorrect on side yards and rear yards.

In addition, the lot line depicted parallel to the State highway as it comes in here, that is also a front yard setback.

MR. NOZAK: Our front yard is measured from the right-of-way line of the State highway?

MR. HINES: Correct. If you come down there's also a front yard parallel to the highway there.

MR. NOZAK: Okay.

MR. HINES: As is this. I'm trying to point. Between the adjoining lot and the front there, that is also a front yard.

MR. NOZAK: This is a front yard?

MR. HINES: No. Come down.

CHAIRMAN EWASUTYN: Further down.

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MR. HINES: In front of the one-story  
4300. Right in front of the first building.  
That is a front yard.

MR. NOZAK: I see.

MR. HINES: That needs to be 60 feet as  
well. It's currently shown at 50. That may  
change your layout.

Side yards and zoning bulk table as  
well as rear yards are labeled. You need to look  
at those, they're not correct.

The fencing, I have a concern more  
aesthetically. The fencing runs along those  
buildings creating little slivers or triangles  
between the buildings. Those fences that are  
probably going to be a maintenance issue for you.

MR. NOZAK: We talked about that. Are  
you suggesting that we loop the road around all  
the buildings and put the fence behind it?

MR. HINES: I don't mind if you loop  
the road. I think the fence shouldn't have those  
little narrow spots. They're going to collect  
garbage or have a security issue for you.

Someone could sneak around back there between the  
fence and the building. I think you may be better

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off if you block those off or do as John said,  
provide the fence around the outside.

MR. CONSORTI: Do you want an  
eight-foot fence?

MR. HINES: Whatever is required.  
You're creating dead space that is not accessible  
and it's going to collect debris. Similarly  
there's a corner jog in the one building there on  
the opposite side. With the fence you're not  
going to be able to get in there. That kind of  
fencing and stuff doesn't really -- it's not  
conducive to the site plan.

MR. CONSORTI: We have to revisit this  
-- I understand. I got where we're at. We have  
to reconfigure it more.

MR. HINES: That's the gist of the  
comments. I think getting the actual field  
topography is going to be important. Getting the  
grading to work so the drainage works on the site  
and getting a stormwater pollution prevention  
plan are going to be some big hurdles.

We need a long form EAF consistent with  
the plan proposed so we can declare our intent  
for lead agency and then circulate that.



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MR. CONSORTI: Can I ask you a question? Wasn't this approved one other time for storage? Can I FOIL the blueprint for that and see what they had?

MR. HINES: I believe there was an application but no approval. Sunshine Properties or something like that.

MR. CONSORTI: Was that pretty good with you guys or --

MR. HINES: I don't know. I think it was Eastern Sunshine Properties was the name.

MR. CANFIELD: Yes.

MR. HINES: Yes, that would be available to look at at the Town.

MR. CONSORTI: That was stamped already?

MR. HINES: No.

MR. CONSORTI: It wasn't. Was it close? No. All right. I'm just trying to save a step. If I could follow their plan and see what was guys are looking for and save a few steps.

CHAIRMAN EWASUTYN: Matt, there's a misconception as far as what we're looking for.

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We're not looking for anything.

MR. CONSORTI: I understand.

CHAIRMAN EWASUTYN: I think you have to -- we're trying to understand what it is you want to do. Once you show us something concrete that you want to do, then the consultants will look at it based upon the code. It's really that simple.

MR. CONSORTI: I understand. I didn't mean --

CHAIRMAN EWASUTYN: Myself, I don't know anything about self-storage buildings. Expecting me to give you some positive input, you know --

MR. CONSORTI: Me either. We're doing the best we can.

CHAIRMAN EWASUTYN: We're trying to save you money because this becomes redundant, his time, Karen Arent's time, the other consultants. You're going to be paying unnecessarily for second and third reviews of what may have been accomplished after one meeting.

MR. CONSORTI: I understand.

CHAIRMAN EWASUTYN: We really try to

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save you money.

MR. CONSORTI: I appreciate it. Thank you for taking the time to help me out. Thank you.

MR. NOZAK: The only question -- I understand all the comments. With regard to the County Planning, the Planning Board has to send to County Planning? We can't send directly?

MR. HINES: Correct. For that submission we need what they call a complete application. We need the EAF, we need the stormwater pollution prevention plan and we need the details I talked about, site lighting, some of those other details, all worked out prior to being able to send that to them.

CHAIRMAN EWASUTYN: Any questions from Board Members?

MR. WARD: Yes. With your buildings, it looks like you just drew the boxes there. What Pat is trying to say and I am going to say, there should be space between the fence and the buildings.

MR. CONSORTI: Yes.

MR. WARD: You just squeezed them

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against the line. You just drew it out.

At the same time, I don't know if there's a requirement between the buildings for car access. On the side you see the little slots? Do you see the spaces between the buildings? Is there a certain dimension --

MR. HINES: Your code requires 24 feet for self-storage buildings for drive aisles.

MR. WARD: That should be on the plan.

MR. HINES: It says drive aisles have to be 24 feet. That's a minimum.

CHAIRMAN EWASUTYN: Matt, have you visited any of the self-storage buildings between Newburgh, New Windsor to see if there's a configuration that you found appealing?

MR. CONSORTI: Not yet. I've been to the one in Middlehope.

CHAIRMAN EWASUTYN: Have you been to the one -- I think you would need access, but have you been to the one by Wal-Mart? Do you know which one I'm talking about? It's next to the place --

MR. HINES: Liner Road behind Wal-Mart and Sonic.

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CHAIRMAN EWASUTYN: That has a similar  
-- I've been there. It has sort of a similar  
flare maybe to what you're looking to do.

MR. CONSORTI: Okay. I drive by and  
stuff.

CHAIRMAN EWASUTYN: Go in there.  
Besides the fact that they have bollards on the  
corner to protect the building and so on and so  
forth. I would try and tweak some of those  
places.

MR. CONSORTI: I will.

MR. NOZAK: All right. We have a lot  
of homework to do so I guess we will revise the  
plans and resubmit to the Board.

MR. CONSORTI: Thank you for your time,  
gentlemen. Have a good night. The next one is  
going to be better.

CHAIRMAN EWASUTYN: If there is no  
further business this evening, I move for a  
motion to close the meeting of April 4, 2019.

MS. DeLUCA: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by  
Stephanie, second by Ken Mennerich. Roll call

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CBPS REALTY, LLC SELF STORAGE

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vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:46 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 22nd day of April 2019.

*Michelle Conero*

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MICHELLE CONERO