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MEETING HELD REMOTELY VIA ZOOM

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

----- X

In the Matter of

YOUNG SUBDIVISION
(2020-02)

50 Mill House Road
Section 8; Block 1; Lot 52.2
AR Zone

----- X

FOUR-LOT SUBDIVISION

Date: June 4, 2020
Time: 7:00 p.m.

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

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YOUNG SUBDIVISION

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. We'd like to welcome you to the Planning Board meeting of June 4, 2020.

We'll start the meeting out with a roll call vote, and then I'll ask Dominic Cordisco, Planning Board Attorney, to discuss with us the procedure of the meeting.

We'll start with a roll call vote.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

CHAIRMAN EWASUTYN: With us this evening, Dominic and others, would you introduce yourself.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

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

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

CHAIRMAN EWASUTYN: Dominic Cordisco,

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would you reintroduce the executive order that's before us?

MR. CORDISCO: Thank you. So this meeting is being held consistent with Governor Cuomo's Executive Orders which have allowed for meetings to continue during the pandemic provided that there is -- for meetings to continue remotely, I should say, during the pandemic, provided that there is means for either videoconferencing or teleconferencing for the public to participate and observe. The recording of this meeting will be posted to YouTube with a link posted to the Town's website. The minutes of the meeting, which are being taken by Michelle Conero, will also be posted to the Town's website.

I note for tonight's agenda there are no public hearings tonight, so there will be no opportunity for the public to speak. But there is also no opportunity for follow-up written comments either, because, like I said, there are no public hearings tonight.

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

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YOUNG SUBDIVISION

MR. HINES: Ken, are you going to get us a flag? There we go.

I'll ask you to join me in the Pledge of Allegiance to the flag.

(Pledge of Allegiance.)

CHAIRMAN EWASUTYN: The first item of business this evening is the Young Subdivision. It's a four-lot subdivision located on Mill House Road. It's in an AR Zone. I believe it's being represented by Ross Winglovitz.

MR. WINGLOVITZ: Good evening. Yes. For the record, Ross Winglovitz with Engineering & Surveying Properties, here on behalf of the Youngs for their proposed four-lot subdivision.

This was previously in front of the Board and was previously in front of the Town of Marlborough Board.

There are two existing homes. There are two new lots proposed with two proposed homes and septic systems that are both in the Town of Marlborough.

The Town of Marlborough has issued a negative declaration for the project.

We're here tonight to ask the Board to

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set a public hearing so that we can proceed with the subdivision portion in the Town of Newburgh.

CHAIRMAN EWASUTYN: Pat Hines, you're familiar with this subdivision?

MR. HINES: Yes. As Ross had said, the Town of Marlborough assumed lead agency because the two new houses and all of the driveway access points are in the town. They have issued a negative declaration. I provided copies to the Board. It was a Type 1 action due to the proximity of the Gomez Mill House, and that has been addressed. The Office of Parks, Recreation and Historic Preservation has signed off on the phase 1 A and B reports there.

Both Ulster County and Orange County Planning have issued 239 review letters. All of those issues have been addressed on the plans.

As Ross had mentioned, the septic approvals will be done by Ulster County. They're currently not approved yet as Ulster County was not going out doing fieldwork. Hopefully that will be resolved by the time the public hearing is held in the Town of Newburgh.

The Town of Marlborough did hold a

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public hearing on May 18th. There were some comments from neighbors. I would anticipate the same neighbors are going to be notified. Ross has agreed that they are going to notify in the Town of Marlborough, and the Town of Marlborough did notify within the 500 foot radius into the Town of Newburgh as well.

There were some issues with drainage on the Town road, which I know Ross has had time to take a look at, regarding a previous subdivision. That may be a non-issue. It seems that there are no drainage improvements that were installed.

There was a comment regarding the site having a wood cutting operation on it in support of the applicant's desire to cut firewood I believe. The status of that should be addressed.

There was some reference to vehicles stored, I believe on lot 4 in the area of the power line.

Then there's a sight distance issue that the Town of Marlborough highway superintendent has requested some modifications, and we're suggesting a note be added to those plans.

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At this point, as Dominic explained at work session, the Town of Marlborough's neg dec has a coordinated review. It stands for this Board as well. A public hearing should be scheduled.

CHAIRMAN EWASUTYN: Dominic Cordisco, any additional comments?

MR. CORDISCO: Nothing additional. He took my comments, so that's all I have to say. Thank you.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: No additional, John.

MS. DeLUCA: Nothing.

MR. MENNERICH: No questions.

MR. DOMINICK: No additional.

CHAIRMAN EWASUTYN: May I have a motion to set the Young four-lot subdivision for a public hearing on the 2nd of July?

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli. A second by -- was that Ken Mennerich?

MR. MENNERICH: Yes.

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YOUNG SUBDIVISION

CHAIRMAN EWASUTYN: A second by Ken Mennerich. May I please have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried.

MR. WINGLOVITZ: Thank you very much.

We have that same list I think we're going to use, Pat, as we did in Marlborough.

MR. HINES: Marlborough and Newburgh.

MR. WINGLOVITZ: Okay. Very good.

Thank you.

(Time noted: 7:10 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 11th day of June 2020.

Michelle Conero

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

GASLAND - 42 SOUTH PLANK ROAD
(2020-07)

42 South Plank Road
Section 43; Block 5; Lot 1
R-3 Zone

----- X

INITIAL APPEARANCE

Date: June 4, 2020
Time: 7:10 p.m.

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: NICHOLAS WARD-WILLIS

----- X

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GASLAND - 42 SOUTH PLANK ROAD

11

CHAIRMAN EWASUTYN: Our second item of business is Gasland. It's located on 42 South Plank Road. It's an initial appearance. It's in the R-3 Zone. It's being represented by Keane & Beane.

MR. WARD-WILLIS: Good evening, Mr. Chairman. Nicholas Ward-Willis with Keane & Beane on behalf of Gasland Petroleum.

This is an application for --

CHAIRMAN EWASUTYN: If you don't mind, I'd like to have Pat Hines start. We'll forward it.

MR. WARD-WILLIS: I apologize. I misheard you. My phone went on to mute and I had to unmute.

CHAIRMAN EWASUTYN: You're speaking. Go ahead. Continue on, Mr. Willis. Thank you.

MR. WARD-WILLIS: I apologize. So thank you, Mr. Chairman. I'm representing Gasland Petroleum. We have an application before the Board for a site plan for a modification and upgrading of the existing -- preexisting nonconforming use of a gas station.

The property is located in the R-3

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District, adjacent to the IB and the Business District. As the Board I'm sure knows, this has been a gas station site for an extended period of time.

We propose a number of improvements to the site flow, the traffic circulation, aesthetics with respect to the refuse area, the parking layout, deliveries, access to the site, recognizing that it was presently unrestricted access. We're voluntarily coming in to improve some of these conditions, but obviously there's a benefit to us, and that benefit is to put an addition to the store, a small 750 square foot addition out the back of the building that you can see on the plan that's up on the screen being outlined in red. It's approximately 750 square feet, 15 feet by approximately 55 feet. It's significantly set back from the adjoining property to the rear, to the north. We're respecting the setbacks in the Residential district.

We understand that this is a unique application in the sense that it is a pre-existing nonconforming use.

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I did have an opportunity to listen to the Board's work session. We are in receipt of Mr. Hines' review memorandum.

We've agreed it's a preexisting nonconforming use as has been identified in our application. We respectfully disagree with Mr. Hines and Mr. Cordisco that the property requires a use variance. We don't believe that under your code or the existing case law that it warrants a use variance, that it's not an impermissible modification of the preexisting nonconforming use. It won't be the first time that Dominic and I have disagreed with each other, but I do understand that that's an issue not before your Board and it's a discussion we should have with the Town's consultants and with the Zoning Board of Appeals. I won't belabor the point other than to say on the record we did submit a letter setting forth our position.

I do want to comment briefly, Mr. Chairman. I appreciated the comments and suggestions from the Board Members during the work session, their observations of the site. I think we agree it's a tight site, it's a

1
2 difficult site. If we don't process this
3 application it remains a tight site. It remains
4 a difficult site. It remains no defined parking.
5 It remains with an unsightly refuse area. It
6 remains without the landscaping. It remains
7 without the improved access entry points. So we
8 see this as an opportunity to improve the site
9 and to make sure it better serves the community
10 with the 750 square foot addition that would
11 allow us to meet the existing needs and modernize
12 the facility to reflect the needs of today's
13 customers. So if we -- I would submit that the
14 750 square foot addition is not driving the
15 concerns that were expressed by the Board. The
16 tight site exists. The access, the traffic flow,
17 that's not going to be really exacerbated or
18 increased by the 750 square foot addition. If we
19 were starting with a clean slate, obviously the
20 station and property would look a little
21 different. We're not. It's a pre-existing
22 nonconforming use.

23 We think that the plan that we
24 presented mitigates a lot of the concerns that
25 your Board Members have identified tonight to the

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greatest extent possible. It's going to be certainly better than it is now if we proceed with these improvements.

The suggestion that we require a use variance is a significant hurdle that may well mean this project and this site can't get improved, which I think is unfortunate for my client but also unfortunate for the community because it is at a key intersection and provides all of us with an opportunity to cooperatively work together and find a way to make that more attractive and in keeping with the character of the community. We'll speak with staff and go to the Zoning Board.

I appreciate the Board's comments from the work session. They were helpful.

CHAIRMAN EWASUTYN: Thank you.

Since we're in agreement that it will be necessary for an interpretation from the ZBA, and you were polite enough to mention some of the comments from the Planning Board Members, I'd like to have the Planning Board Members speak one more time on what they believe the concern is for meeting the needs and the addition.

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Frank, your immediate concerns about the site?

MR. GALLI: The parking is an issue. Right now it's a free for all in there. As he said, it's a tight site. He understands that.

As we move forward, you know, I'd like to see what the DOT has to weigh in on and what they say, because that's going to make a big difference on how the site functions after they -- their comments, whether it's going to make it worse and no matter what you try to do to mitigate it's not, if they tighten up those driveways and stuff.

And then the other concern was the trucks making the deliveries. Just overall -- I mean there's room behind the site. I don't know if there could be any parking behind the site. It's a big grassed area between -- I realize there's a residential buffer between the back of that building and that first neighbor there. There's a fence there now covering them up. I don't know if any additional parking can be put there, to the left side between the -- Ken, on the left side of the building I'm looking at

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where all those trees are. If any parking could be put in there for the future. If they close up that driveway on 52, it's going to be tough to park on the side of that building like you have it now laid out.

Like I said, I'm willing to wait to see what the DOT says, and then really what the Zoning Board says to move forward. I mean if the Zoning Board doesn't give them the right answer, they might not be able to move forward. Instead of prolonging it, let's see what the Zoning Board says and wait to see what the DOT and the Highway Department say.

MR. WARD-WILLIS: Thank you.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: I agree with everything that Frank just said.

I guess my additional concern was, again, the traffic flow coming in and out of the area from Fifth Avenue to Route 52. That's it.

CHAIRMAN EWASUTYN: Ken Wersted -- excuse me. Ken Mennerich?

MR. MENNERICH: I concur with what both of the Planning Board Members have said.

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The concern is the parking, too. The two parking spots over on the Fifth Avenue side that would be added, that people will not use those, they'll just pull up in front of the store and park in front of the store like what goes on now. So the parking on the side would work. And Frank's suggestion might be a solution to get a better parking arrangement back further.

Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Thank you, John. Yes, I echo what fellow Board Members said. Parking is an issue.

Deliveries are an issue, not only for fuel but even for other products within the convenience store, whether it be chips, milk, et cetera. It's a small area and a tight spot.

Also Nick, with all due respect, I disagree with your statement that you made in your opening statement that said that by getting this approved and expanded, the 750 square feet, that would basically solve the problems. That's kind of what you're eluding to. When you have a lot of problems now at a small footprint,

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enlarging that footprint, you still need to address those problems because they become bigger problems.

CHAIRMAN EWASUTYN: Is that it?

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: Mr. Willis, is there any way to -- we can't police that or monitor that. Is there any way to, I won't say restrict but have fuel oil -- fuel deliveries at an hour of the morning or late evening where they wouldn't be in conflict with the customer traffic?

MR. WARD-WILLIS: I will go back to the client and discuss that. I wasn't aware that was a concern. I will get some more details as to what their concerns are. If you have that now, please tell me and I'll go back to discuss whether it's in their ability to regulate those deliveries.

CHAIRMAN EWASUTYN: I think I hear the Planning Board Members saying it's such a tight site, vehicular movement on the site doesn't really seem to work the way it is. Then when you combine a tanker truck coming in at an

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inappropriate time, you just have a problem. So the hours of the day or the morning where there's less vehicles, that might help mitigate some of the circulation problems.

MR. WARD-WILLIS: Okay. I will go back and discuss that with the client.

I appreciate the Board Members' comments. I did not mean to suggest that this would solve or make this be the perfect site. I just see that this is an opportunity to mitigate or reduce the impacts to a more acceptable level, recognizing that it's still going to be a tight site. The traffic flow is what it is. There's opportunity to improve the existing conditions.

CHAIRMAN EWASUTYN: It's not as easy as it sounds. Dave Dominick, during the work session, and I believe you were listening at that point, brought up a matter that we all seem to forget until we look out our window and we see that it's snowing. This would be a prime example. Where would you -- how would you stockpile snow that, one, wouldn't eliminate a parking area, and, two, cut off visibility for getting out of the site? It seems like people

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use the entry/exit point.

MR. WARD-WILLIS: There might be an opportunity to stockpile snow in the back on the lawn area to the north of the site, especially --

CHAIRMAN EWASUTYN: And if the person responsible for that contract would be responsible to manage that appropriately. Give that some thought, please.

MR. WARD-WILLIS: I will do so, Mr. Chairman. Thank you.

CHAIRMAN EWASUTYN: Pat, do you want to read aloud what you believe the variances to be?

And Dominic, when do you think you could prepare a referral letter to the Zoning Board of Appeals?

MR. CORDISCO: The referral letter will be ready tomorrow and will go out tomorrow if that's what the Board decides to do.

As Pat had commented and was included in his review memo, there's a fairly plain reading of the provisions relating to nonconforming uses. And put simply, nonconforming uses are allowed to continue, they preserve their right to continue, but they are

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not to be enlarged or reconstructed.

Mr. Ward-Willis has written to the Board this afternoon setting forth his opinion as to why the use itself is not being expanded, even though of course we're just looking at a plan that includes physical expansion of the building and other site improvements. I understand the argument that he's making, but, as I said during the work session, questions of interpretation of the Zoning Code are properly addressed to the Zoning Board of Appeals.

It would be my recommendation that the applicant would seek an interpretation for failing that, a use variance, so the Board could consider both -- the Zoning Board could consider both at the same time.

CHAIRMAN EWASUTYN: Pat, do you want to read into the minutes, or Dominic would you like to read into the minutes what the referral letter will be stating?

MR. HINES: Go ahead, Dominic.

MR. CORDISCO: No. You go ahead, please.

MR. HINES: What we're referring them

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for is an interpretation whether or not a use variance is necessary. And if they determine that a use variance is necessary, that's what they would be seeking before the Zoning Board. There are no bulk requirements for this use in that zone, so there would not be -- that would be something for the Zoning Board to consider once they move forward in addressing a use variance.

MR. GALLI: I have a question on that, Pat, with the zoning part of it. If they put an addition on the building, the canopy and everything all meets zoning requirements --

MR. HINES: They do not. There's no bulk table to compare it to because the use isn't allowed. You go to the zoning chart and there's nothing there. That's the indication that the use isn't allowed. So there's no underlying bulk tables to compare it to. The Zoning Board, in issuing a use variance, would also give them permission to set certain setbacks, either existing or proposed.

MR. CORDISCO: Similar to the Darrigo solar decision from the Zoning Board where they established what the setbacks were because the

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use was not otherwise allowed.

MR. GALLI: Thank you.

CHAIRMAN EWASUTYN: Additional questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Mr. Willis, thank you. It was nice to hear from you. It was a good presentation. It's a challenge for all of us.

MR. WARD-WILLIS: Thank you, Mr. Chairman. I hope to be seeing you soon again.

CHAIRMAN EWASUTYN: Likewise. You have a good evening.

MR. WARD-WILLIS: Good night.

(Time noted: 7:24 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 11th day of June 2020.

Michelle Conero

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM
STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X

In the Matter of

MADAN SUBDIVISION
(2020-06)

Orchard Drive
Section 1; Block 1; Lot 132
AR Zone

----- X

THREE-LOT SUBDIVISION

Date: June 4, 2020
Time: 7:24 p.m.

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: LARRY MARSHALL

----- X

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CHAIRMAN EWASUTYN: Our third item of business this evening is the Madan Subdivision. It's located on Orchard Drive in an AR Zone. It's a three-lot subdivision. It's being represented by Larry Marshall.

MR. MARSHALL: Good evening.

CHAIRMAN EWASUTYN: Larry, do you want to bring us along on the revised subdivision map?

MR. MARSHALL: Sure. Since the last Planning Board meeting that we had for this project, we made some minor revisions to the site, to the proposed subdivision to address Pat Hines' comments from May 7th.

We widened the proposed easement for the utility lines serving proposed lot 1. That was probably the largest revision that we made.

We made some -- we revised the sight distance as was requested.

We've also submitted the plans to the Town of Newburgh highway superintendent for review of the proposed entrances to the two lots, lots 2 and 3. We submitted those plans -- mailed the plans on May 14th, and then we followed up with a call to him on May 19th to let him know

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that the driveways -- the proposed driveway entrances were staked and asked him to review them. To date we haven't heard anything back, but given the circumstances that's not surprising.

We did receive Pat's comments. We take no exception to them, and certainly have no issue with revising -- making any revisions necessary.

CHAIRMAN EWASUTYN: Pat, do you want to discuss your comments?

MR. HINES: Our first comment is just that we submitted the project to Orange County Planning on May 11th. We have not heard back and their time has not timed out, so that's a continued compliance which will be addressed in the future.

We will coordinate with the Town of Plattekill, if a public hearing is scheduled tonight, to include them in the circulation of the project.

We discussed the highway superintendent.

There were some clearing notes, I believe, that were requested or depicted on the

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plans that we can review as well.

Mr. Marshall had noted that the utility easement serving lot 1 has been widened. There's also a note, I believe, required that that will be completed prior to filing of the subdivision so that the utilities don't exist on lot 2 and become an issue in the future. As a condition of approval, the relocation of those utilities should be accomplished prior to filing.

We've reviewed the EAF submitted and would recommend a negative declaration for the minor subdivision.

The Board is in a position to consider a public hearing if they desire.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional, John.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: Nothing, John.

MR. MENNERICH: No questions.

MR. DOMINICK: No questions, John.

CHAIRMAN EWASUTYN: No questions at this point.

Would someone move for a motion to set

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this for a public hearing on the 2nd of July,
please?

MR. DOMINICK: I'll make a motion.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Dave Dominick, and
there was a second by whom?

MR. GALLI: Stephanie.

MS. DeLUCA: Yes.

CHAIRMAN EWASUTYN: By Stephanie
DeLuca. Can I please have a roll call vote
starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Thank you.

(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 11th day of June 2020.

Michelle Conero

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

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

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

----- X

RE-APPROVAL - SIXTH AMENDED SITE PLAN

Date: June 4, 2020
Time: 7:30 p.m.

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JOHN CAPPELLO

----- X

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

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CHAIRMAN EWASUTYN: The fourth item of business this evening is The Ridge. It's the re-approval of the sixth amended site plan. It's located on Route 300 and Route 52. It's in an IB Zone and an R-3 Zone. I think it's being represented by John Cappello.

MR. CAPPELLO: Yes. Good evening, everyone. I don't know if you can hear me. I also believe on the call are Mark Gratz, our engineer, and Greg Day, one of the principals in the application.

As you recall, we were here last month to present the application. We're not looking to build anything new. We're really just looking to reauthorize the plan to give us more time to go pursue the ability to build it. If it turns out it's modified, obviously we would come back to the Board to request the modification. Really what we're looking for tonight is just a reauthorization of the approval that was originally granted in, I believe, 2017, and then amended in 2018 and 2019 -- extended. So we would need to get a re-authorization.

It was forwarded to County Planning. I

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believe you received the letter yesterday.

With that, we're here to answer any questions the Board would have. We hope you could move towards that reauthorization this evening.

CHAIRMAN EWASUTYN: Questions from Board Members starting with Frank Galli?

MR. GALLI: No, John. Nothing additional.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No. Nothing.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions, John.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No questions, John.

CHAIRMAN EWASUTYN: I have no questions at this time.

Let's start with Dominic Cordisco.
Dominic.

MR. CORDISCO: Thank you, Mr. Chairman.
The applicant has filed an application for a new approval for site plan for The Ridge project. They are not proposing any physical changes whatsoever to the previously approved plans. The

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only purpose for the new application is the prior application had been fully extended and no further extensions were available to them under the Town's zoning code. So as a result, they have filed a new application seeking a new approval that would essentially restart the clock on the approval itself.

They provided updated traffic information for the Board to consider, and the Board's consultants to consider. They also have indicated that they are not going to make any changes at this time to the plans.

The Board had previously conducted extensive environmental reviews in connection with this project and its different iterations over time. The Board, at its last meeting, had determined that a public hearing, which is discretionary, would not be required for this particular application.

If the Board is satisfied, you could adopt a determination of consistency, or declare a determination of consistency under SEQRA that there are no new environmental impacts associated with this previously reviewed and approved plan.

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And you could also issue -- or adopt, rather, a resolution of approval containing the identical conditions that were previously established that would have to be satisfied prior to construction.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: I don't have anything to add. Everybody has touched on all of our comments. I think it's ready for the Board's action.

MR. GALLI: John, just to be clear to the public --

CHAIRMAN EWASUTYN: Ken Wersted, you looked at the traffic -- revised traffic study I believe?

MR. WERSTED: Correct. We looked at the updated information that they provided to us and we compared that to the last update that they had in 2017. We noted that traffic on Route 300 had increased by about 2 percent per year, which is pretty standard. And we had noted that in comparison of the volumes on Route 52, generally traffic volumes on Route 52 have decreased by anywhere from 5 to 8 percent.

They're still proposing to do all the

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same off-site improvements. That roundabout over on Route 52 and Powder Mill, the traffic signal and widening of the intersection of Route 300 and their site driveway.

So with that, we think that the improvements will stand that they have proposed.

CHAIRMAN EWASUTYN: Frank Galli. I apologize.

MR. GALLI: That's okay. I was just going to say just to reaffirm that if they decide to come forward and make any changes to the site plan besides the one that we approve, they would have to come back to the Planning Board anyway. If they decide to put an office or medical or anything like that, they would have to come back to us for approval. And then if we had to, we could hold another public hearing. That's correct?

CHAIRMAN EWASUTYN: Correct.

MR. GALLI: Okay. Thank you.

CHAIRMAN EWASUTYN: So save me from tripping, stumbling and falling over the declared determination of consistency based upon the initial SEQRA review and approval. Would it be

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correct, Dominic, to ask the Board to move for that or do you want to give us the language for both the determination of consistency and also the re-approval and make one motion?

MR. CORDISCO: Thank you, Mr. Chairman. My suggestion would be to do two motions, if you will. The first motion would be a motion to determine that the new application for re-approval of the project is consistent with all prior SEQRA reviews and findings statements that were previously adopted for this project.

CHAIRMAN EWASUTYN: Thank you. Would someone please move to make that motion?

MR. DOMINICK: I'll make the motion.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: We have a motion by Dave Dominick and a second by Frank Galli. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Dominic Cordisco, the conditions for re-approval in the resolution?

MR. CORDISCO: Yes. The conditions for the re-approval will be the exact same, identical conditions that were contained in the approval that was granted two years ago by the Board. I will prepare a resolution that sets forth those conditions and also explains procedurally all the items that we've discussed tonight.

CHAIRMAN EWASUTYN: Dominic, would there be an addition to that as far as the requirements for a new application and a public hearing fee?

MR. CORDISCO: Yes. As far as the fees are concerned, the condition is the standard language that the fees have to be paid. It's my understanding that the applicant has been advised by the Town Board that the Town will accept the base application fee for this re-approval action. And so as a result, the additional fee, which is based on the square footage of the overall

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project, which was previously paid would not have to be paid again for the same project.

CHAIRMAN EWASUTYN: I think the Planning Board, when receiving that application fee and also public hearing fee, will work with Mr. Day as far as replenishing the escrow account.

MR. HINES: I saw at the Town Board the public hearing fee. I think the Board waived the public hearing for it. Does that eliminate the need for that, just for paperwork?

CHAIRMAN EWASUTYN: They mentioned it in some correspondence. Initially when they asked me about fees, I didn't bring that fee amount up. The only reason why I brought it up now is because we decided at the last meeting we wouldn't be having a public hearing. Just from a paperwork standpoint, I think we will accept a new application fee, a new public hearing fee. Be prepared for it when that time comes. And also replenish the escrow account.

Would someone make a motion to approve the re-approval based upon the conditions that were presented by Planning Board Attorney

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THE RIDGE

41

Dominic Cordisco?

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: Motion by Ken
Mennerich. Do I have a second?

MR. GALLI: Second.

CHAIRMAN EWASUTYN: 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.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried.

MR. CAPPELLO: Thank you very much.
Enjoy the rest of the evening.

(Time noted: 7:40 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 11th day of June 2020.

Michelle Conero

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

READY COFFEE
(2019-26)

Gardnertown Road (southwest quadrant)
Section 76; Block 4; Lot 3
B Zone

----- X

AMENDED SITE PLAN

Date: June 4, 2020
Time: 7:40 p.m.

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: MICHAEL BERTA &
DANIEL KOEHLER

----- X

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

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CHAIRMAN EWASUTYN: Our last item this evening is Ready Coffee. It's an amended site plan located in the B Zone.

We haven't yet heard back from the Orange County Planning Department.

We have received maps today from Lothrop Associates. They seem to be on the agenda for the 18th of June at this point.

Who is present for this? Mike, are you here?

MR. BERTA: Yes. Good evening, Mr. Chairman. How are you tonight?

CHAIRMAN EWASUTYN: Good. Thank you.

MR. BERTA: Thank you for your help, by the way, this afternoon.

Well again, my name is Michael Berta. I'm the engineer for the applicant. I'm with Lothrop Associates.

Megan was not in the office today so they had me e-mail her. I think I forwarded you her e-mail. It said she wrote the letter yesterday and will communicate with you guys, but she never said what she wrote in the letter. So I'm not sure if she had -- was able to reach out

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READY COFFEE

45

to you.

CHAIRMAN EWASUTYN: She said that in the foreground there's a bottle in the ocean and that bears her review comment. Reach out and grab it. If you don't mind turning around, please.

MR. BERTA: Not a problem. The background is wishful thinking.

CHAIRMAN EWASUTYN: Right now we're all wet. Let's say that.

MR. BERTA: You don't want to see my disaster of an office.

So we're waiting on that.

We did receive Mr. Hines' comments.

Dan Koehler is also on the call right now.

We worked out the drainage, so that's been taken care of.

We did respond to all the comments from last month from the consultants.

CHAIRMAN EWASUTYN: If you would do us a favor. You submitted maps today. I didn't have a chance to put them up. Is there a resubmission letter with those maps?

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READY COFFEE

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MR. BERTA: I'm not sure if it got out to you today. If not, it will be out to you tomorrow.

CHAIRMAN EWASUTYN: Thanks ever so much. That way I can forward that on to the Planning Board Members.

MR. BERTA: No problem.

CHAIRMAN EWASUTYN: I think most importantly -- everything is important. We'll go back to the matter that we were wrestling with at our last meeting and hear from Planning Board Members as to the saw cuts for the resurfacing of areas that would fall under the construction work zone.

Planning Board Members -- we'll start with Frank Galli -- what would you like to see?

MR. GALLI: If they could square it off where it goes into -- like it jogs in there, Ken, at the top of the screen. Right there. Just square it off all the way across. I think it would just look nicer and better and would just finish it off just correctly. That was one of my concerns.

CHAIRMAN EWASUTYN: On the same matter,

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READY COFFEE

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Stephanie DeLuca?

MS. DeLUCA: Nothing additional.

CHAIRMAN EWASUTYN: Would you like to see the curb cut -- excuse me, the saw cut shown this way?

MS. DeLUCA: I agree with Frank.

CHAIRMAN EWASUTYN: Thank you. Ken Mennerich?

MR. MENNERICH: I agree with Frank also.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Yes, I agree with Frank and the rest of the Board Members to square that off.

CHAIRMAN EWASUTYN: We'll discuss, Mike, you and Ken Wersted, how the design of the sidewalk will work along North Plank Road.

MR. BERTA: We've had a couple -- we actually spoke with Siby from New York State DOT. I met with the utility companies out on site. They will be -- if you see the one guidewire that goes right into the middle of the sidewalk. They're going to be relocating that guidewire.

CHAIRMAN EWASUTYN: There were a lot of

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READY COFFEE

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people out there that day.

MR. BERTA: Yes, there was.

CHAIRMAN EWASUTYN: I drove by then. I said there must be six or seven people.

MR. BERTA: Yeah. There were two from Spectrum and everybody else was from Central Hudson.

CHAIRMAN EWASUTYN: Thank you. That will be relocated?

MR. BERTA: Yup. Do you see the guidewire that goes back towards the parking lot? One of the wires that's there now is loose so we were trying to pull it tight, taut, and realized that with the sidewalk there we should be able to get our 6'8" clearance underneath it. It will be definitely no worse than McDonald's sidewalk. So Spectrum will be tightening that up any day now.

Then we created the sidewalk. We made it 5 feet wide. Siby had just said that we need to be 2 to 3 feet from the edge of pavement, is what she would like as a minimum for a snow buffer, and that we could -- Central Hudson said if we had to we could go right up to their pole. Siby also said if we needed to, the State would

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be okay with going down to 4 feet around the pole. So what we've done is we've -- on the updated plans, what we've done is we've moved it a little bit closer to the property line. Pretty much where it is on the property line right now but we made it 5 feet wide.

We have updated the crosswalk and everything else. That's been updated.

All of the handicap accesses have been updated as per -- as per Ken's memo.

As soon as we get -- backing up again to the pole. As soon as we get approval, Central Hudson will be out to move back the guidewire.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional, John.

MS. DeLUCA: No. It looks good, John.

CHAIRMAN EWASUTYN: I agree.

MR. BERTA: If I could address one other thing in regards to the saw cut. With that parking lot being relatively -- it was re-topped not that long ago. Would the Board be okay if we just squared off the sealant instead of ripping out all that extra asphalt? I'm thinking

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READY COFFEE

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environmentally here.

CHAIRMAN EWASUTYN: I agree. I think most all of us agree that the existing surface is a nice surface.

MR. BERTA: Yeah.

CHAIRMAN EWASUTYN: So why would it be necessary to remove the asphalt?

MR. BERTA: Well in order to square up the saw cut -- are you just talking about the saw cut line and leaving the rest of the surface or -- I just want to get a little clarity I guess. That triangle, are you looking for that to be new pavement or are you just looking for the line to go straight, the cut line?

MR. HINES: Not the cut line. They're looking for the pavement to go straight through there.

MR. BERTA: That's what I thought. That's why I was wondering if we could just reseal it with seal so it's all one color. It's just environmentally that's just a lot of blacktop and pavement to come out that is in good shape.

MR. KOEHLER: The plans that we

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READY COFFEE

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submitted show it that way right now. If the Board has time to look at the plans, granted that it was today the plans got there, we submitted it for this. Frankly, the reasoning behind the turn in the saw cut is because that is a daylight line for the grading basically. So we're grading from that point along the saw cut line, down towards the catch basin and the proposed grades throughout the site. If we have them cut it straight across, we have to give them certain special elevations in the middle or where the saw cut line is on the angle so that they can -- so that the contractor would know to grade from that point and then basically take pavement out to just replace it in the exact same spot it was in before. Environmentally, economically it would be a little bit much. We're hoping that we can go ahead with the sealer portion of it and try to go with that as the plan.

CHAIRMAN EWASUTYN: Pat, your recommendation to the Board?

MR. HINES: I don't like the sealer idea. I think they'll end up with three different colors out there then. I would defer

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to the Board to decide whether they want it straight. If they don't, I wouldn't recommend they seal it either because I think you'll have the existing pavement triangles of sealer that's not going to match the new section of pavement.

CHAIRMAN EWASUTYN: Let's try and summarize this in very short conversation. We've spent enough time on this. We'll start with Frank Galli.

Frank, what would you like to see?

MR. GALLI: I'd like to see it go back. Like I said, just a straight line. Have them take it out, do it correctly and make it look all as one.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: I mean having heard the explanation, I mean now I understand why it was cut that way. I was curious about that. I guess I agree with -- I'd agree with Frank, though, on that one as far as it being consistent.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I think the increased area that's involved is pretty small in comparison to the entire paving that's going on.

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READY COFFEE

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I guess I would like to see it go straight.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Well I was kind of leaning towards the sealing idea until Pat spoke, Pat's point of view. So I'm back to in line with the other Board Members of a straight cut across as Frank originally stated.

CHAIRMAN EWASUTYN: You heard from the Board Members. I agree with the Board. We'll move forward with the change that's illustrated before us.

MR. BERTA: Okay. Thank you.

CHAIRMAN EWASUTYN: Pat Hines, Dominic Cordisco, do you have anything, Ken Wersted, that you would like to add at this point?

MR. HINES: We discussed at work session the Board declaring this a Type 2 action so we can coordinate that decision with DOT.

CHAIRMAN EWASUTYN: Do we have to make a motion to declare --

MR. CORDISCO: You should make a motion to determine that it is a Type 2 action under SEQRA.

I have to say that I'm going to start

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READY COFFEE

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making engineering comments. I'm just warning
you all.

MR. HINES: You better talk first.

CHAIRMAN EWASUTYN: What's your
comment?

MR. CORDISCO: No, no, no. I just
meant generally.

MR. HINES: I keep stealing his
comments.

MR. CORDISCO: Yes, he does.

CHAIRMAN EWASUTYN: All right. Do we
have a motion to declare this a Type 2 action as
a commercial project? It is under 4,000 square
feet.

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by
Ken Mennerich. I have a second by Stephanie
DeLuca. Can we have a roll call vote starting
with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

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MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried.

All right, gentlemen. We look forward to seeing you at our meeting on the 18th of June. Correct?

MR. BERTA: Yes. I will get that letter e-mailed out to everybody tomorrow.

CHAIRMAN EWASUTYN: Right. I haven't distributed the plans because, number one, I was surprised they even came in today.

MR. BERTA: That was a miscommunication between me and the client. They missed -- the e-mail came in after they were already on their way up to you.

CHAIRMAN EWASUTYN: Fine.

Okay. Would someone make a motion to close the Planning Board meeting of the 4th of July -- excuse me, 4th of June?

MR. MENNERICH: So moved.

MR. KOEHLER: Mr. Chairman, really quick if you don't mind. Since you do have those plans already, what I'd like to do is have the opportunity to submit that different saw cut line change and resubmit just those plans out of that.

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READY COFFEE

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So if we would be able to maybe substitute those plans out.

CHAIRMAN EWASUTYN: That sheet?

MR. KOEHLER: Yeah. That way you guys can see what we're doing which is going to be in line with what your suggestions are at this point. What you're going to see if you look at the plans that you have in your hands now, as of today, is the sealer option in the triangular pieces.

CHAIRMAN EWASUTYN: For the record, you are?

MR. KOEHLER: Dan Koehler, Hudson Land Design.

CHAIRMAN EWASUTYN: Thank you. When do you think you might be submitting that? Why I say that, I'd like to notify the Building Department that something is coming in.

MR. KOEHLER: Yeah. I think your original e-mail from before was that they could be submitted up until Monday. I'll have no problem getting them to you by Monday.

CHAIRMAN EWASUTYN: So I'll leave a note that you'll be leaving these revised sheets

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READY COFFEE

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by Monday. The Planning Board Members will know not to come in until Monday to get them. That makes sense.

MR. KOEHLER: Thank you so much. I appreciate that.

CHAIRMAN EWASUTYN: So I think we had a motion but I lost track of it. Would someone make a motion to close the Planning Board meeting of the 4th of June?

MR. DOMINICK: I'll make the motion.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Dave. Second by Stephanie DeLuca. Can I have a roll call vote starting with Frank Galli?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

(Time noted: 7:53 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 11th day of June 2020.

Michelle Conero

MICHELLE CONERO