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

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In the Matter of

CHADWICK LAKE/CROWN (VERIZON)  
(2014-13)

490 Quaker Street  
Section 11; Block 1; Lot 143  
AR Zone

----- X

SITE PLAN - WIRELESS COMMUNICATION

Date: June 19, 2014  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: SCOTT OLSON

----- X

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

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CHAIRMAN EWASUTYN: Good evening,  
ladies and gentlemen. I'd like to welcome you  
to the Town of Newburgh Planning Board meeting  
of the 19th of June.

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

MR. GALLI: Present.

MR. MENNERICH: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

CHAIRMAN EWASUTYN: Present.

We have consultants that work for the  
Planning Board. I'll ask that they introduce  
themselves.

MR. DONNELLY: Michael Donnelly,  
Planning Board Attorney.

MS. CONERO: Michelle Conero,  
Stenographer.

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

MR. MUSSO: Mike Musso, HDR Wireless  
Communications.

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

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CHADWICK LAKE/CROWN (VERIZON)

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MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

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

CHAIRMAN EWASUTYN: There will be a slight rearrangement of the agenda this evening. It had been posted that the Elm Farm Subdivision, a 52-lot subdivision, would be the first item before us. If you don't mind, we'll make you the second item.

MR. EWALD: No problem.

CHAIRMAN EWASUTYN: At this point we'll call for the record the Chadwick Lake/Crown (Verizon), project number 2014-13. It's a site plan for a wireless communication. It's the initial appearance. It's on Quaker Road. It's being represented by Scott Olson.

MR. OLSON: Correct. Good evening. This is the initial appearance. I'll make it short. It's a pretty simple application.

Before you is a site plan application. I represent Verizon Wireless. Verizon is looking to install some antennas and equipment on the

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existing tower. The tower is at 409 Quaker Street. It's an existing 150 foot tower, it's a monopole tower. It's owned by Crown Castle.

We are looking to put our antennas at the 112 foot level, so there will be no increase in height.

We're looking to put a 12 foot by 30 foot equipment shelter at the base, the southern part of the shelter.

We're going to take away part of the fence to join our shelter. Our shelter on two sides will be used as -- it will be used to secure the rest of the facility.

So before you is the application. I want to rundown a couple things we provided for you. I'm sure you've seen them before. We've given you our FCC licenses that shows that we have a license and we're authorized to broadcast in this area.

Obviously the site plan has full-size site plans as well as reduced copies.

Probably the most important thing is the RF analysis. The reason we're doing this simply is we have other facilities in the area

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but we're running into a capacity issue. It's not so much there's absolutely no coverage in the area for us. We do have some coverage. Our metrics basically are showing us our capacity is getting close to the limit. We've modified all the towers surrounding us to try to increase our capacity to the maximum extent possible. We're left with no other choice but a new facility. Luckily there's this tower that would fit right in with our network. If we can install the antennas and equipment there, we would boost our capacity tremendously. It will obviously help that immediate area. It will help the other areas where we have the other towers because we can pull those signals back a little bit. We look at it as a win-win. You don't get a new tower, we get to improve our network and provide for the increased demand that never seems to stop down in this area.

We're also giving you some of the specifications on the antennas. I think Mike reviewed them. Actually, Mike reviewed the draft application. We submitted that before we submitted the final to you. We went back and

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CHADWICK LAKE/CROWN (VERIZON)

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forth on a couple of issues and tweaked some things here and there.

We've given you the environmental assessment form, the SEQRA form that you have to obviously complete at some point in the process, the structural analysis that shows the tower as currently constructed can accommodate our tower and equipment. We will also have a generator inside of our building, and we've given the Board the specs on the generator also.

So I guess with that, I'd be happy to answer any questions if you have any.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: I have no additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: What's the fuel for the generator?

MR. OLSON: It will be diesel. Just to expand upon that, we have -- it's basically a tertiary leak design system. It's going to be a double walled steel tank. It's going to have -- I can never pronounce it correctly but it's going to have an electronic leak detection system so that if moisture is detected between those walls

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CHADWICK LAKE/CROWN (VERIZON)

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it will signal our operations center that we have a problem and we'll dispatch somebody, and then it's going to be set on top of a polyurethane concrete basin that's designed to hold one-and-a-half times the volume of our tank, which is about -- I think it's 210 or 250 gallons.

MR. MENNERICH: Is that in the building?

MR. OLSON: It is. That shelter is designed specifically -- that's why the shelter is 30 feet long. About 10 or 12 feet of that is just a specific room that's coridored off so it's just for that facility -- that generator.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: David Dominick?

MR. DOMINICK: Will the generator power your part or the other networks on the system, on the tower?

MR. OLSON: It's just for us but it's not intended to power the system on a regular basis. It's only an emergency backup, with the exception that it will run, per manufacturer warranty, I think one time per week for about an hour. It's scheduled for Tuesday, I think

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CHADWICK LAKE/CROWN (VERIZON) 8

usually 10 a.m. or 11 a.m. in the morning. That can be adjusted if it needs to be. We do that because we have -- actually, I don't think we have a mandate from the FCC just yet for backup. They tried to enforce something like that in the past and we know that it's coming. So we have an obligation to our customers. Basically if there's a problem with electricity, we want to make sure that the cell phones are working.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I understand you're going to be running the cables on the outside. If you can, color coordinate with everything.

MR. OLSON: We can do that.

MR. WARD: Because of future development, just in case. Even though now it's secluded, future wise you never know.

MR. OLSON: We can paint the cables to match the exterior of the tower.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Mike Musso from HDR LMS represents the Planning Board and the Town with the formal application that was discussed just now.



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Mike, would you advise the Board?

MR. MUSSO: Just to reiterate what the applicant rep went through, this would be a preferred site under the existing wireless ordinance, not going into a new neighborhood for a new tower or a new structure. This is using existing infrastructure.

It's important to note the existing monopole will not be increased in height. No lighting or anything like that would be added. There's three arrays on that tower now. This would be, if approved, a fourth array below the other ones.

A couple comments in that I have reviewed emergency generators in the past for office-type of development, not necessarily for cell towers. I'm familiar with the spec. The generator itself is built with the containment system. As the applicant rep mentioned, these sites, as you know, are monitored, Verizon, Sprint, Metro PCS, for example, are on this site. They do monitor signal, power, frequency and any problems. Of course it's the carrier's incentive to correct them quickly -- to detect them and

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correct them quickly. The emergency generator would be tied into that system as well. Yes, it's within the existing shelter. It's enclosed, not out in the open. I will certainly discuss the spec with Jerry Canfield as well to make sure he's comfortable about it or if there's any other notifications. Yeah, we are seeing this more, just anecdotally after Super Storm Sandy.

I can tell you what the city is doing in terms of redundancy, and many municipalities and carriers. The idea of having your cell phones down in a bad situation weather wise or any other kind of event, is something that the wireless carriers are very interested in remedying. Generators are not atypical at these types of facilities. Again, I'm familiar with the spec. They'll run only during an emergency, and usually one day a week they'll be fired up just to make sure that they can run and that they're in good working condition when and if they are needed.

A couple other things that we'll review, and we'll of course put this into a tech memo or letter report prior to the next meeting

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on this. There's twelve panel antennas. The size and shape are very common to what's up on that tower now with the other providers. I think it's a good point about color matching, not only the cables that will run along the outside of the monopole but also the support structure that's being proposed, and the color of the panel antennas as well.

At the ground the equipment shelter is about 30 foot by 12 foot in dimensions and about 11 feet tall, consistent with the ground-based equipment that's there now. So those colors and textures we could finalize and make recommendations for that as well.

We've looked a little bit at the structural analysis and there is a certification which we always look for on the applicant's end by a New York State PE. Because this is a co-location we're going to look at that a little bit closer, at the design assumptions and things like that. Between now and the time that our tech memo is issued, I'll probably have some clarifications -- some last questions or clarifications for the applicant rep, especially

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CHADWICK LAKE/CROWN (VERIZON) 12

with regard to the structural issue and also with regard to the need for the site. You heard tonight that it's really based on the capacity and other neighboring sites really being overstressed. The applicant has submitted a very thorough radiofrequency analysis showing those trends, and I do believe the site is justified but it's not the typical gap in coverage that you're used to reviewing when a new site or new equipment comes on board or is being proposed.

We did issue seven points before the final application was filed about a week ago. All of those were addressed by the applicant. We asked a little bit about the configuration of the ground-based area, how it fits into the existing fencing. You heard tonight it's a little bit of a bump out, a change in that area.

We did ask about the generator. We wanted to see a specification on that and a couple clarifications on the plans, including how the cables would be routed.

So to our satisfaction we think that the application is certainly comprehensive and we're ready to finalize our findings report for

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CHADWICK LAKE/CROWN (VERIZON)

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the Board.

CHAIRMAN EWASUTYN: Any questions from Board Members?

MR. GALLI: No.

MR. MENNERICH: Mike, on the generator sound level, noise level, it's a pretty small lot there. I think there should be something in there to indicate what the sound level is at the property line. It's a pretty small lot.

MR. MUSSO: We could look at that.

MR. MENNERICH: It is in a building, so I'm sure -- it's probably not a problem but I think it should be addressed.

MR. MUSSO: Right. Again, that would be tested usually like on a late morning during the weekday. And you're right, the Verizon equipment shelter is pretty hardy. I mean there's also HVACs that run these and other things that would typically generate some noise. We could look at the spec in common on that. I'll be sure to make a note of that.

CHAIRMAN EWASUTYN: Additional questions from Board Members?

(No response.)

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CHAIRMAN EWASUTYN: Pat Hines, Planning Consultant?

MR. HINES: The only thing we have is the parent parcel was subject to a recent subdivision which was filed I think as late as last week. We're looking for the maps to be updated to depict the new lot lines. It's not a 29.3 acre parcel anymore.

And then the proposed house location from that subdivision to be added. I think that's evolved as you've been working on the project actually. If that can be shown.

MR. OLSON: Okay.

CHAIRMAN EWASUTYN: Mike Donnelly, Planning Board Attorney?

MR. DONNELLY: We talked at the work session about issuing a declaration of significance. I also note that this has to be sent to the Orange County Planning Department. You may want to do both of those things this evening.

CHAIRMAN EWASUTYN: Do you have an extra set of plans or does Mr. Olson have to get you a set of plans?

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CHADWICK LAKE/CROWN (VERIZON)

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MR. HINES: I would need a set to send.  
I received one.

CHAIRMAN EWASUTYN: Do you have a  
set --

MR. OLSON: I do.

CHAIRMAN EWASUTYN: -- we can circulate  
to the Orange County Planning Department?

Mike, we can make a SEQRA determination  
now or would you wait?

MR. DONNELLY: I think you could. Is  
part II of the EAF filled out? I haven't seen  
it. If not, it should wait until we've filled  
out part II. From what we discussed at work  
session, there are no significant adverse impacts  
present from the site.

MR. OLSON: It's not completed.

MR. DONNELLY: We'll need to do that.  
We'll put off the declaration of significance.

CHAIRMAN EWASUTYN: At this point we'll  
move for a motion to set the Chadwick Lake/Crown  
(Verizon) site plan application located on Quaker  
Road for a public hearing on the 19th of July.

MR. GALLI: So moved.

MR. WARD: Second.

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CHADWICK LAKE/CROWN (VERIZON)

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MR. HINES: The 17th.

CHAIRMAN EWASUTYN: The 17th. Excuse me. I have a motion by Frank Galli. A second by?

MR. WARD: John Ward.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Pat, can we package the public hearing notice and the informational letter together?

MR. HINES: Yes. We'll do the same, similar to the next public hearing.

CHAIRMAN EWASUTYN: If you'll work with Pat Hines, he'll help you walk through the notification.

MR. OLSON: Will do.

CHAIRMAN EWASUTYN: Thank you.

Any additional comments or questions?



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CHADWICK LAKE/CROWN (VERIZON)

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(No response.)

CHAIRMAN EWASUTYN: Thank you.

I'll move for a motion to circulate it to the Orange County Planning Department.

MR. DOMINICK: So moved.

MR. GALLI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Thank you.

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

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

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

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DATED: July 14, 2014

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

----- X  
In the Matter of

ELM FARM SUBDIVISION  
(2000-09)

Wells Road & Fostertown Road  
Section 39; Block 1; Lot 12.44  
R-2 Zone

----- X

FIFTY-TWO-LOT SUBDIVISION

Date: June 19, 2014  
Time: 7:13 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: TRAVIS EWALD

----- X

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

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CHAIRMAN EWASUTYN: Now we'll move to the originally first noted item, and that's the Elm Farm Subdivision, a project that first came before us in the year 2000. It's a fifty-two lot subdivision located on Wells Road and Fostertown Road in an R-2 Zone. It's being represented by KC Engineering & Land Surveying.

Travis, for the record your last name?

MR. EWALD: Ewald, E-W-A-L-D.

CHAIRMAN EWASUTYN: Travis Ewald will be representing the subdivision this evening.

MR. EWALD: Good evening. How are you?

CHAIRMAN EWASUTYN: Good, thank you.

MR. EWALD: Would you like me to give you a quick synopsis to bring you back up to speed, I guess from the last time we went before the Board?

CHAIRMAN EWASUTYN: Please.

MR. EWALD: Let me put this up on the board actually. It's a proposed fifty-two lot residential subdivision which will be served by internal -- two internal roads and a cul-de-sac feeding off one of them.

The access for the parent parcel is off

1  
2 of Fostertown Road on the northern side and off  
3 of Wells Road on the western side. The majority  
4 of the lots will all receive access from the  
5 internal road structure.

6 The proposed residential lots will be  
7 served by municipal extensions for water and  
8 sewer. The water main will be looped from  
9 Fostertown Road through the site and back over to  
10 Wells Road which will get a little bit more  
11 consistent with the pressure within the municipal  
12 water lines. The sewer will be extended out to  
13 Wells Road. The last couple lots near the  
14 entrance to Fostertown will be -- sewer will be  
15 individual pump stations for those lots.

16 This project had a full stormwater  
17 pollution prevention plan done. It's in a  
18 residential R-2 Zone.

19 It received preliminary approval I  
20 believe in November of 2012. Since that time  
21 we've had applications to Orange County Health  
22 Department and received realty subdivision, and  
23 we received approval for the water main  
24 extension. We also met with the Army Corp of  
25 Engineers and obtained a jurisdictional

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determination for the wetland boundary. We obtained our water quality permit from the New York State DEC and they reviewed the wetlands. Then we had our sewer extension approved from the New York State Department of Environmental Conservation.

At this point we're before the Board seeking final subdivision.

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

MR. GALLI: Did you get approval for your water from the City of Newburgh?

MR. EWALD: I believe we did, yes. I'll check but I'm pretty sure that was done through the -- some correspondence with the Town Board.

MR. GALLI: Usually they would send you a letter.

MR. EWALD: I'll check our files on that.

MR. GALLI: You would need that before final.

MR. DONNELLY: The sewer flow acceptance letter. Yes, we need a letter from

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them. I didn't see one.

MR. GALLI: The other question is are sidewalks still on the table?

MR. EWALD: Sidewalks are proposed on one side of the proposed roadway. The road width has been reduced to twenty-four feet, and then I believe we're showing sidewalks running on this side all the way around, and then they -- so basically they're on the southern eastern side.

MR. GALLI: Who is going to maintain them?

MR. EWALD: I don't think we have an agreement on that yet.

MR. HINES: You don't.

MR. EWALD: We would be more than happy to take them off if you'd like.

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

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Nothing at this time.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Nothing.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Nothing.

CHAIRMAN EWASUTYN: At this point we'll

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turn it over to our Planning Consultant, Pat Hines.

MR. HINES: We have a series of technical comments that the applicant's representative has. The major issues that are outstanding are the sewer flow acceptance letter. We're not a hundred percent sure that the sewer outside user agreement has been completed with the Town Board, so if you can provide us with information on that, and I believe there's a --

MR. EWALD: Sorry.

MR. HINES: -- check that will be required to be issued to the Town, which may be the holdup.

MR. EWALD: That might be it. I have a letter in the file regarding the outside user agreement. Yeah, I think it was -- yeah, I think there's a large outstanding balance for that.

MR. HINES: That's not unusual.

The issue with sidewalks I think is big, the maintenance of those. And if those are to remain, how they're going to be maintained and who is going to do that. I did note in my comments that a significant portion of the



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2 sidewalks are in front of what is a drainage  
3 district lot, so there won't be a residential --  
4 even if the Town made an ordinance that the  
5 residential lots front the sidewalk, you have to  
6 maintain them. There's an issue outstanding with  
7 that as well as two of the lots are not party to  
8 this subdivision right now but the road runs  
9 alongside and in front of. That issue with the  
10 sidewalk needs to be addressed with the Town and  
11 the Town Board.

12           The other comment that needs to be  
13 discussed with the Board is the phasing of the  
14 project, whether this is going to be a  
15 traditionally phased project or if it's  
16 construction phase. I did note you provided three  
17 separate bond estimates. Normally for a phased  
18 project we would have one bond estimate at a time  
19 as the project came in phasing. I don't know if  
20 you can talk to the Board about the plans for the  
21 developer to phase this.

22           MR. EWALD: I think the intention was  
23 if he could file it in three separate phases.  
24 That's why we prepared the three bond estimates.

25           CHAIRMAN EWASUTYN: That makes sense.

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MR. HINES: Just what will happen is if phase I is the phase you're filing, that bond estimate will be signed off now. We're not going to approve bond estimates that may be years down the road. If that's the case, we'll look at it that way. You'll need preliminary on the entire.

MR. DONNELLY: He has preliminary on the entire. You have to submit a map just for phase I because that's all you could file.

MR. EWALD: Okay. I wasn't sure how it was handled in this municipality. In the past we've received conditional final on the plans we presented and then we would receive, you know, a final approval on each phase as we -- as we --

MR. DONNELLY: The problem is the bonding is a moving target. If it's years down the road, costs change. I don't think the Board would be inclined to grant final for all four phases. We'd grant you final for the phase you want to start, bond that. In all likelihood, by then you would have satisfied all the conditions and it should be a pro forma approval but for the updating of the bonding.

MR. HINES: The other issue is the

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conditional final. You'd have a total and you'd be in here every ninety days to see us for an extension.

MR. DONNELLY: We're not that much fun.

MR. EWALD: Okay. So we either have one bond estimate, and those would just be construction phases, or we have to have three separate plans?

MR. DONNELLY: The others you'll take off the map. You'll stay at preliminary as to the balance of the site. Each time you're ready to do another phase, you come in with a new estimate and get an approval and file that part of the map.

MR. EWALD: I'll see which direction our client wants to go on that.

MR. HINES: I think, as we talked at work session, possibly setting this up before the Board for a technical work session on the last Tuesday of the month so we can work through some of these technical issues and those issues such as sidewalks and phasing with the applicant's representative.

CHAIRMAN EWASUTYN: John Ward, do you

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have anything?

MR. WARD: If you're phasing, what are you doing in reference to the infrastructure??

MR. EWALD: This is a little tough to see. There's a second sheet of the plan set. The first phase was going to be the main road, Blackdon Court which connects from Fostertown to Wells Road, and that's where our water service would go from. It loops those two roads. Then the main sewer trunk line would be along there. It also contains the stormwater infrastructure that would serve all those lots. So the first phase would be basically right through here, and then phase II would just be a small portion because this is a high point along Tamarack Drive and it splits in grade this way and this way. So this sewer and stormwater flows around over to here and this comes down to here. So this would be the next section, and all of that would be served by the existing infrastructure already put in, and then the final phase.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: On phases II and III,

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is your plan to leave the existing vegetation there until you actually build those?

MR. EWALD: If they move into those areas. If we continue with this direction, then yes, we would leave that area undisturbed. If you have to stockpile some soil or something along that line, maybe you would move it there. Generally speaking it wouldn't be like you'd be going in and roughing out roads or something.

MR. MENNERICH: I would suggest you discuss that at the consultants' meeting.

MR. WARD: When you're saying stockpiling dirt and everything else, if you never get to the phase and you have a pile of dirt there for the residents, that's a big factor, too. So when you're at the workshop, just work that out, too.

MR. EWALD: Okay. We will.

CHAIRMAN EWASUTYN: Pat Hines, do you want to continue?

MR. HINES: That's all. I have spelling issues.

CHAIRMAN EWASUTYN: What is the date, the last Tuesday of this month?

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MR. HINES: The 24th. It's actually next Tuesday.

CHAIRMAN EWASUTYN: Mike, are you available on the 24th?

MR. DONNELLY: I am.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: I am, yes.

CHAIRMAN EWASUTYN: Then you'll coordinate with Jerry Canfield and the others.

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Any additional questions or comments from this Board?

MR. DONNELLY: What time, Pat?

MR. HINES: 1:00.

CHAIRMAN EWASUTYN: I'll move for a motion to set this for a consultants' work session for the 24th, you said, of June?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: For the 24th of June.

MR. DOMINICK: I'll make a motion.

CHAIRMAN EWASUTYN: A motion by Dave Dominick.

MR. MENNERICH: Second.

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CHAIRMAN EWASUTYN: Second by Ken  
Mennerich. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So  
carried.

Look hard for the City flow acceptance  
letter.

MR. EWALD: I found it in our file, so  
I'll provide a copy.

CHAIRMAN EWASUTYN: Great. Good.  
Thank you very much.

Just for our convenience, would you  
make a copy and a point of e-mailing it to the  
Planning Board office?

MR. EWALD: Certainly.

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

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DATED: July 14, 2014



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

----- X  
In the Matter of

LANDS OF CRAWFORD  
(2014-04)

NYS Route 300 & Mountain View Avenue  
Section 14; Block 1; Lots 17 & 18  
AR Zone

----- X

LOT LINE CHANGE

Date: June 19, 2014  
Time: 7:25 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MR. CRAWFORD

----- X

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

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CHAIRMAN EWASUTYN: The last item on the agenda this evening is the lands of Crawford. It's a lot line change located on Route 300 and Mountain View Avenue in an AR Zone. It's being represented by Mr. Crawford.

MR. CRAWFORD: Right. Mr. Yanosh had a prior commitment, a moving up ceremony for his grandson in Rochester. He spoke to Mr. Hines yesterday.

MR. HINES: He never did get to me.

MR. CRAWFORD: He faxed you the information, or e-mailed.

MR. HINES: I wasn't in my office.

MR. CRAWFORD: I've got copies if you need to see it.

MR. HINES: If you'll give me a copy of whatever it is, I'll take a look at it now.

MR. CRAWFORD: I thought this is what you had sent to him, but --

MR. HINES: That is what I sent to him.

MR. CRAWFORD: I just made copies. May I approach?

CHAIRMAN EWASUTYN: Copies of the

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response?

MR. CRAWFORD: Yeah, for the description of the lands.

CHAIRMAN EWASUTYN: Okay. That's fine.

MR. CRAWFORD: It's pretty straightforward. The intent is just my grandparents' house that we built in 1971, just to make it a little larger and a little more compliant. There's not much room since the Thruway --

CHAIRMAN EWASUTYN: Pat, the action before us this evening?

MR. HINES: The action this evening would be a neg dec and approval of a lot line change subject to an access and maintenance agreement. There's a shared driveway here which continues to exist, so I think there needs to be an access and maintenance agreement.

MR. CRAWFORD: I thought we talked about just making the driveway wider if we need to. There was enough room.

MR. HINES: You can do that. It needs a note on the plan.

MR. CRAWFORD: I thought he did when he

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discussed it with you back a month or so ago.

MR. HINES: We did but the driveway is not wider. He put the lot line out in the center of the driveway. In other words, vehicles entering the large lot will still cross the new lot line then.

MR. CRAWFORD: Okay.

MR. HINES: I think it would be better to do an access and maintenance agreement rather than involve DOT in a new driveway. It wouldn't take that much. You're in family ownership, it shouldn't be an issue.

MR. CRAWFORD: It's just down the road we're trying to make it easy.

MR. HINES: It will make it easier down the road.

MR. DONNELLY: It will. It will.

MR. HINES: If he went to sell it and someone said there's no access and maintenance, whose driveway is it.

I think with that condition it's ready for approval. They received all the other variances that they needed.

CHAIRMAN EWASUTYN: Mike Donnelly,

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would you review with the Planning Board?

MR. DONNELLY: After you issue your negative declaration, it will be our standard lot line resolution. We don't need a sign-off letter from Pat. We'll reference the variances that were granted by the Zoning Board of Appeals. We'll impose the requirement that a common driveway easement and maintenance agreement satisfactory to me be recorded. The standard conditions, the applicant must confirm that there are no buried utilities. The requirements of the code, and I'll go through them quickly. One, a reproducible mylar, ten copies, you have to file a map with the Real Property Tax Service, copy us on your letters, two copies of the lot line plat certified by the Orange County clerk. It will expire 62 days after signing, so you've got to get all that done in time.

CHAIRMAN EWASUTYN: Mike, let's re-review the ten maps. I know that's --

MR. DONNELLY: That's what the code says.

CHAIRMAN EWASUTYN: It's not really the action.

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MR. DONNELLY: I'll just take it out.  
The code still says -- how many copies? One  
mylar and --

CHAIRMAN EWASUTYN: This is a simple  
lot line change. I can take six copies but  
ordinarily if it's anything that consists of a  
certain amount of sheets, then I ask for one  
mylar, one paper copy, sign the mylar and the  
applicant run off the necessary copies.

MR. DONNELLY: One reproducible mylar  
and six copies. Okay.

MR. CRAWFORD: You'll send myself or  
Dan a letter?

MR. DONNELLY: I'll give this to Dan.

CHAIRMAN EWASUTYN: I'll move for a  
motion to declare a negative declaration on the  
lands of Crawford lot line change.

MR. WARD: So moved.

CHAIRMAN EWASUTYN: I have a motion by  
John Ward.

MR. GALLI: Second.

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

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MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: I'll move for a motion to grant final approval for the lot line change subject to the conditions presented to us by Planning Board Attorney, Mike Donnelly.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you.

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

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

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

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DATED: July 14, 2014



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

----- X  
In the Matter of

ZERO LOT LINE

Discussion by Michael Donnelly, Esq.

----- X

BOARD BUSINESS

Date: June 19, 2014  
Time: 7:31 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD BROWNE (from 7:34 p.m.)  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

----- X

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

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CHAIRMAN EWASUTYN: We have two items of Board Business this evening. We'll let Mike Donnelly discuss with us the zero lot line the Town has developed. It's a zoning amendment.

MR. DONNELLY: The Polar Club applicant has approached the Town Board and requested that the Town Board consider revising it's zoning chapter provisions to allow multi-family housing development with what they are calling, it makes sense, zero lot lines. The concept is rather than have condominium style ownership, there be fee ownership. Under the code today it wouldn't be permitted because it wouldn't satisfy the various bulk table setback requirements of the code. To the applicant it makes a more marketable project because financing of the units by purchasers is much easier, and they point out, and I think Mark Taylor echoed this in his own letter, that the Town may well benefit because the method of imposing real property taxes generally results in higher revenues to the Town for fee ownership than it does for condominium ownership.

The concept is set forth in a letter

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dated February 3rd to the Town Board. There are no real specifics as to how they would achieve the objective. They did make reference to the Town of New Windsor which has, they say, done this already. Perhaps one could look at their code to see how they have accomplished it.

The referral to you is not based upon an actual local law but merely the concept, and the Town Board wishes to know whether you have any comments or whether you look on the change favorably.

We discussed it briefly at work session. By and large it does not implicate much in the way of planning because the project would look identical from the outside whether it was condominium ownership or there were lot lines on a piece of paper. It would require subdivision approval in the case of zero lot line multi-family housing whereas when you have a condominium style development it is site plan approval only.

If you wish me to deliver any comments to the Town Board, whether thumbs up or thumbs down, or any concerns, I'd be happy to write the

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ZERO LOT LINE

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letter for you.

CHAIRMAN EWASUTYN: Pat, do you have anything to add?

MR. HINES: I know several municipalities that do it that way.

CHAIRMAN EWASUTYN: Questions, Frank Galli?

MR. GALLI: I don't have any.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No.

MR. MENNERICH: On that concept, when you have multiple buildings how do the -- is there provisions in that kind of a code that there's going to be certain spacing between the buildings?

MR. DONNELLY: There's lots of ways to do it. Pat mentioned earlier, and I've seen some developments that actually leave a portion of the yard in front of or behind the building to be owned by the individual homeowner so that they can have a garden or some space and lawn to sit in. Of course all of the remaining land that's not dedicated to the zero lot line units would still have to be owned by some type of homeowners

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ZERO LOT LINE

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association. I think there's lots of ways to skin the apple.

MR. HINES: I would imagine your zoning provisions would prevail. Your rear building setbacks and such would still --

MR. DONNELLY: The buildings themselves. I'm sorry.

MR. MENNERICH: Okay.

MR. HINES: -- those would still, I'm assuming, remain.

MR. DONNELLY: The project would not change at all. It's compliant now. The site plan would not change at all. We would simply drop a subdivision map on top of it where the lines would follow the common walls between the units.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No.

CHAIRMAN EWASUTYN: Would the Board like to have Mike Donnelly prepare a letter in one form or another to forward on to the Town

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ZERO LOT LINE

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Board?

MR. GALLI: Sure.

MR. BROWNE: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

MR. DONNELLY: Favorable without particular comment or is there anything you want to add?

CHAIRMAN EWASUTYN: What would the Board like it to read?

MR. GALLI: Just the overlay, we're in favor of it and there's no problem.

CHAIRMAN EWASUTYN: Any specifics that anyone wants to add to that?

(No response.)

CHAIRMAN EWASUTYN: Okay.

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

(Time resumed: 7:37 p.m.)

MR. MENNERICH: On the Zero lot line, the concept of having an area for a garden, I suppose depending on how the lines were spaced. Also there could be a patio if it was on the ground level, that kind of thing. I can -- I can

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see where owners would like some of those provisions, it gives them some flexibility, but it also could make the physical appearance of the whole project stand out by somebody that's, you know, doing something that's ridiculous.

MR. DONNELLY: You wouldn't have a cohesive planting plan, you'd have everybody with their own front yard plantings. So you would recommend against it?

MR. HINES: A bunch of pink flamingoes on the ground.

CHAIRMAN EWASUTYN: I think what he's saying is the concept of an outdoor living space should be looked at as far as the pros and cons of it.

MR. MENNERICH: Yeah, yeah. I think we should alert the Town Board to the fact that --

MR. DONNELLY: The potential pitfall in doing it. I'll mention that.

MR. HINES: You can do it without doing that, too. You can use the front wall of the building as the zero.

MR. MENNERICH: We really don't know whether they're asking the -- the developer is

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ZERO LOT LINE

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asking for just that or --

MR. DONNELLY: There's no specifics.

CHAIRMAN EWASUTYN: A project that has been built that does have a zero lot line is up where Pat Hines' office is. It was just recently built out by Baker Brothers.

MR. HINES: The Grove.

CHAIRMAN EWASUTYN: The Grove. It was a remarkable project actually that was built out in almost the course of a year.

MR. HINES: It's probably been two years but they have been selling units even when nothing else was selling. They're just finishing up some of the final buildings now.

CHAIRMAN EWASUTYN: What would be a good street for that to approach if they were interested in looking at it?

MR. HINES: It's Airport Center Drive. If you go into the airport as if you're going to the terminal and you make the first left and come up the hill, you'll hit it.

CHAIRMAN EWASUTYN: First left or first right?

MR. HINES: If you come in from the



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terminal.

CHAIRMAN EWASUTYN: You're right.  
You're right. All right.

(Time noted: 7:39 p.m.)

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

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

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DATED: July 14, 2014

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

----- X  
In the Matter of

DOMINIGUES - HICKORY HILL  
(2011-17)

Request for a Ninety-Day Extension  
from June 6, 2014 until September 6, 2014

----- X

BOARD BUSINESS

Date: June 19, 2014  
Time: 7:35 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

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CHAIRMAN EWASUTYN: The last item under Board Business is the lands of Hickory Hill, Section 46, Block 1 -- Dominigues, thank you. Dominigues, Hickory Hill, project 2011-17.

The applicant is requesting a ninety-day extension from June 6, 2014 to the 6th of September 2014.

MR. GALLI: So moved.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

We do have a meeting the day before July 4th. We do have right now two public

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hearings scheduled. Sorry about that.

(Time noted: 7:37 p.m.)

(Discussion on the Zero Lot Line  
took place.)

(Time resumed: 7:39 p.m.)

CHAIRMAN EWASUTYN: I'll move for a  
motion to close the Planning Board meeting of  
June 19th.

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: A motion by Frank  
Galli.

MR. WARD: Second.

CHAIRMAN EWASUTYN: A second by John  
Ward. I'll move for a roll call vote starting  
with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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

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

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DATED: July 14, 2014