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

----- X

In the Matter of

NYC DEP DELAWARE AQUEDUCT REPAIR
(2011-15)

Roundout-West Tunnel Branch
Section 8; Block 1; Lot 15.2
B/AR Zone

----- X

SITE PLAN

Date: July 5, 2012
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
THOMAS P. FOGARTY

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER VILLARI

----- 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 July 5th.

At this time we'll call the meeting
to order with a roll call vote starting with
Frank Galli

MR. GALLI: Present.

MR. MENNERICH: Present.

MR. FOGARTY: Here.

CHAIRMAN EWASUTYN: Present.

The Planning Board has consultants
and professionals that make recommendations to
the Planning Board. I ask that they introduce
themselves at this time.

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Town of
Newburgh, Code Compliance.

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

MR. COCKS: Bryant Cocks, Planning

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Consultant.

CHAIRMAN EWASUTYN: At this point I'd like to turn the meeting over to Tom Fogarty.

MR. FOGARTY: Would everyone please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

MR. FOGARTY: Would everyone please turn off their cell phones.

CHAIRMAN EWASUTYN: The one item we have on this evening's agenda is New York City DEP Delaware Aqueduct Repair. It's a site plan and it's being represented by the New York City DEP. Their point person this evening is Chris Villari.

MR. VILLARI: Yes.

CHAIRMAN EWASUTYN: Please.

MR. VILLARI: Thank you very much. As the Chair said, I am Chris Villari, the Outreach Lead for Water for the Future, the program to repair the Delaware Aqueduct.

Normally I have a roll call sheet for everyone. Unfortunately today I forgot it. Instead I'll just read them directly into the record. Phil Simmons, Todd West, Mark Page and

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Jennifer Farmwald, all from DEP.

So what I'd like to let you know, and as you probably already are aware, the commissioner very recently signed the Findings Statement, so as lead agency that concluded the EIS process.

We have also provided the Planning Board's Attorney with a draft -- well, a PDF of the signed version and then a Word document version so that he could craft the Findings Statement on behalf of the Planning Board.

As always, we came prepared to go through the different stages and present in more formal pattern, although if you're okay with that we can forgo that and ask if you have any further comments on the site plan?

CHAIRMAN EWASUTYN: How would you like to --

MR. GALLI: Any way you want to manage it.

CHAIRMAN EWASUTYN: Any final comments on the site plan?

MR. GALLI: No.

MR. MENNERICH: I'm just curious. The

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Findings Statement, Mike has a copy of that?

MR. DONNELLY: Yes.

MR. MENNERICH: Okay.

MR. DONNELLY: You've seen it as well;
right?

MR. MENNERICH: Yeah. Yeah. When he
mentioned that you would be developing the
Findings for the Planning Board, that's the
resolution?

MR. DONNELLY: No. Well, under SEQRA
the lead agency must issue a Findings Statement.
Other involved agencies, agencies that have
permit approval authority over the project, may
issue their own findings if they feel it's
warranted. We had discussed whether or not we
would need to do that, and the applicant has
delivered to us, last Thursday I guess it was, a
copy of the Findings, and they were good enough
to give me one in Word format in case we wanted
to use it as a template, so to speak, to issue
our own. Pat, Ken Wersted, Bryant and myself
have all looked at the Findings that the DEC
issued, and our recommendation to you is you need
not issue your own, that they're adequate.

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2 Between the built-in mitigation measures, the
3 existence of the discussion to develop a
4 memorandum of understanding or letter agreement
5 with the Town on the few issues that were not
6 fully resolved within the EIS and the fact that
7 we have now crafted a resolution of approval that
8 contains conditions, we're not recommending to
9 you that you issue your own independent Findings
10 and rely on the Findings issued by the DEP
11 itself.

12 CHAIRMAN EWASUTYN: Tom Fogarty?

13 MR. FOGARTY: I have no further
14 questions.

15 CHAIRMAN EWASUTYN: Okay. Do you want
16 to begin discussing the resolution?

17 MR. DONNELLY: Sure. I can go through
18 the draft resolution. The DEP team has had a
19 chance to see it in its various drafts, were good
20 enough to fix my typos, to correct the name of
21 their agency. I knew it was the Department of
22 Environmental Protection, I just got crazy.

23 I'll just go through the pages. I'm
24 not going to recite it from the beginning. On
25 page 2 where you see property involved, I've been

1
2 given a copy of all of the tax map numbers and I
3 will insert those in that section under the
4 heading property involved.

5 The guts of the resolution begin on
6 page 12 when it comes to the individual
7 conditions. Condition number 1 was simply a
8 placeholder in case we came up with something
9 tonight. If we do not, and I'm not anticipating
10 that we will, everything will renumber with
11 condition number 2 beginning as condition number
12 1.

13 We say in the first section on page 12
14 all of the mitigation measures within the EIS and
15 the SEQRA Findings are hereby incorporated into
16 this resolution as conditions as if they were set
17 forth herein at length. In order to make sure
18 that those EIS and Findings mitigation measures,
19 particularly those having to do with the well
20 monitoring protocol, the blasting protocol, the
21 noise mitigation blend, those are all to be
22 incorporated or entered into an agreement with
23 the Town. That is going through drafts right now
24 and I'm sure that will be finalized in the near
25 future.

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2 Additionally, and I think it's a
3 resolved issue but it will be in the agreement,
4 how the New York State Uniform Building Fire and
5 Prevention Code applies here, who is to issue
6 building permits and certificate of occupancies
7 in the main. They will not be issued by the Town
8 but rather by the New York City DEP itself. All
9 of those issues have been discussed with the Town
10 Board, with Mark Taylor the Town Attorney, and
11 they are the subject of that agreement. The
12 resolution is simply tying into it.

13 In condition number 4 we say what has
14 also been agreed to, and that is the provisions
15 regarding lighting and illumination on the site
16 will be governed by the Town Code of the Town of
17 Newburgh.

18 The next page, noise mitigation. There
19 is ongoing discussion with the Town Board as to
20 whether the noise mitigation plan will satisfy
21 the terms of the code regarding noise. If it
22 does not, then it is not incorporated into the
23 agreement, then the applicant will need to get a
24 variance from the ZBA from those noise
25 provisions, which although they're not in the

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zoning code are subject to ZBA appeal.

Traffic. We mention again the traffic improvements required on the plans and in the EIS and Findings.

Condition number 7 was the subject of our discussion earlier and the discussion with Ken Wersted in a conference call of last week, and you have a letter memo from him before you. You will recall that the EIS made assumptions and projections as to truck traffic coming and leaving the site carrying the materials that would -- the muck, as we call it, that comes up out of the shaft. It was important to you in the earlier discussions that those assumptions and projections, which are just that because there is not yet a project to which the fill material will be taken, if there was a radical departure, that you wanted to make sure that you would hear further from the New York City DEP. We had a lengthy discussion on the telephone, and when we recognized where the site was, how many cross streets there were to the north and the fairly small number of truck trips that are projected to go to the north, the feeling was that the

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appropriate trigger would be a doubling or -- I'm sorry, an increase of more than fifty percent and that there would be no need for further study or amended mitigation measures, simply a report to you on that change in truck traffic. If I'm stating it correctly, that's the conclusion and recommendation of Ken Wersted, your Traffic Engineer.

The following pages list the large number of agency approvals the New York City DEP will need to receive, and some of them may or may not apply. The language makes that clear in case those agencies say there's no need for permit approval.

Condition number 9 is a slight rewording of your usual condition that requires that when the applicant pursues their applications to other involved agencies, that they copy you on all of their letters of correspondence. Both Chris and the Chairman pointed out to me that we don't really want to see all those hundreds of letters, the ones that do not matter. So the language has been modified to say the relevant correspondence and the

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2 approvals themselves. We would make one
3 additional change to the language where it says
4 provide evidence of permit approvals from those
5 agencies to the Planning Board, and we would also
6 request that you add and BC Planning, Bryant
7 Cocks, because he is the gatekeeper and it will
8 be important for him to receive those copies and
9 keep track of where we are in that approval
10 process.

11 We talked a little bit about
12 landscaping installation and maintenance in
13 conditions 10 and 11 on pages 17 and 18.
14 Starting on page 18 we then have a number of
15 conditions that relate to financial security. As
16 we discussed earlier at the work session, this
17 project, with a governmental applicant, is a
18 little -- there's a very small amount of public
19 improvements. It's in a little different boat
20 than a private developer who is building a Town
21 roadway system or sewer and water lines that the
22 Town will eventually take ownership of. In those
23 circumstances it's important that you have
24 performance bonding in place so that if that
25 private developer went belly up and walked off

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2 the job, that the Town would have a place to fund
3 to complete the roadway, water lines or sewer
4 lines as the case may be. That does not apply in
5 the main here. You have a governmental agency
6 which is not likely to go bankrupt. Obviously
7 governmental agencies and municipalities can.
8 But moreover, most of the work to be done is work
9 the Town would never undertake to complete itself
10 in any event. What's more important is that
11 there be some agreement reached on restoration in
12 the event the job were to cease for a lengthy
13 period of time or to be abandoned by the DEP.
14 That type of bonding I think can better be
15 handled by discussions with the Town Board and
16 incorporation into the agreement. However, as a
17 backstop, in the event that agreement is not
18 reached, the Planning Board has to comply with
19 the code.

20 In conditions 14 and so on, we begin
21 our usual language that requires the bonding and
22 inspections fees with a caveat that says unless
23 modified by an agreement entered into with the
24 Town Board, the applicant would have to post the
25 financial security. In general the inspection

1 fees for the three classes of improvements here,
2 the water mains, stormwater and landscaping, will
3 remain in place. Again, the Town Board has the
4 authority to modify that as well.
5

6 And we finish with condition 19 which
7 is your standard condition that simply says that
8 the applicant may not build anything on the site
9 of a structural or fixture nature that's not
10 shown on the plans without an amended approval.
11 It doesn't mean a whole lot here because the
12 applicant, when they're done, is going to leave a
13 concrete slab over the shaft. There really isn't
14 anything that will be built, although there
15 certainly will be equipment and trailers and
16 structures on site during the lengthy process of
17 construction.

18 So I think that covers all of the
19 issues. I don't believe your technical
20 consultants have made any recommendations for
21 additional conditions.

22 There were some language changes that
23 the DEP requested. Those are built into the
24 current draft before you.

25 I think we should ask the DEP whether

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2 there's anything objectionable in what they see.
3 I believe that they're satisfied that they can
4 live with these conditions and they are
5 appropriate for what you're proposing.

6 CHAIRMAN EWASUTYN: Before I introduce
7 that concept to DEP, I'll hear from our
8 consultants if there's anything they want to add
9 or change.

10 Bryant Cocks, Planning Consultant.

11 MR. COCKS: I have nothing further. We
12 were in contact with both Chris Villari and Mike
13 Donnelly in regards to the Findings Statement and
14 the resolution. So we have nothing further.

15 CHAIRMAN EWASUTYN: Pat Hines, Drainage
16 Consultant?

17 MR. HINES: We have nothing additional
18 and note a lot of the requirements are being
19 handled by the intergovernmental agreement with
20 the Town Board that's being worked out.

21 CHAIRMAN EWASUTYN: Jerry Canfield,
22 Code Compliance?

23 MR. CANFIELD: The only issue that I do
24 have, as Pat has mentioned, on page 12 we talk
25 about the items that will be addressed in the

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2 intergovernmental agreement. One point of
3 contention between both parties, DEP and the
4 Town, is the application of the New York State
5 Uniform Building and Fire Prevention Code. It is
6 understood by both parties that the Town will not
7 issue a building permit, however the governing
8 document, Title 19, that the -- that governs
9 building code enforcement specifies that the
10 entity, including the City of New York, will
11 administer or be responsible to administer its
12 own authority over the New York State Building
13 Code. I believe DEP's contention is that they
14 wanted to say the City of New York Building Code.
15 So that's just an issue that Mark Taylor, myself
16 and the State is in the process of working out.
17 I don't know if that language should be changed
18 or held off until perhaps we get this worked out.

19 MR. DONNELLY: Well these are simply
20 subject matters that are to be included within
21 the agreement, not the terms of what the
22 agreement itself will say. I think it's flagged
23 for that purpose.

24 CHAIRMAN EWASUTYN: Tom Fogarty,
25 questions?

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MR. FOGARTY: We had a recent memo from Ken regarding the number of truck trips and so on. They're estimating twenty-four truck trips during the peak hours. What do you determine to be the peak hours?

MR. PAGE: In the EIS the peak hours, we conservatively assumed they are the commuter peaks. However, we basically assumed it would be the twenty-four trips every hour.

MR. FOGARTY: Every hour over the twenty-four --

MR. VILLARI: Over the construction phase that's applicable.

MR. HINES: They haven't done actual traffic counts to determine those peaks. They were identified in both the draft and final impact statements.

MR. DONNELLY: That's the time of the day it matters, even though they may be uniform throughout, because they sit on top of that peak.

MR. FOGARTY: Okay. Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I have no questions.

CHAIRMAN EWASUTYN: Frank Galli?

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MR. GALLI: No.

MR. DONNELLY: There was one other change from what's before you, and that's on page 22 in the general conditions.

Chris, it's consistent with what we spoke of earlier, and that is the two-year provision. It is tied under our code, the issuance of a building permit, which is not going to happen here. We said instead, because we need to be mindful of that section, that the approval will become null and void unless construction authorized by this approval has commenced within that time, which is more appropriate to what we're facing here. That simply means not that you're going to finish the job in the two -- by the way, it can be extended for an additional year under the code but you have to ask for it. Not that construction has to be completed but that it has to commence. Realistically it has already, the construction authorized by the site plan, which will self satisfy itself in no time.

MR. FOGARTY: Has the process started in the selection of a general contractor?

MR. VILLARI: Yes.

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MR. FOGARTY: It has. Do you know when that will be completed?

MR. VILLARI: We're expecting it back in late July.

MR. FOGARTY: In late July.

MR. PAGE: They're not going to get awarded until the end of the year.

MR. FOGARTY: Good. Thank you.

CHAIRMAN EWASUTYN: My only comment when we were reviewing this under financial securities, and that would be more within the Town itself, ideally it would be good if all securities referenced the project number, because at some point in time monies paid may be looked to be released. I don't know if the contractor will be posting some of these and in some cases their d/b/a for different securities. It could be more than one. When the time comes to release it, it's really difficult to track that all down.

MR. DONNELLY: I forgot to mention that in condition 12 on page 18 we're going to add a requirement that all applications -- for all submissions having to do with financial securities and inspection fees include the

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project number. That's how we track everything here. It's impossible without it.

CHAIRMAN EWASUTYN: Jerry?

MR. CANFIELD: Knowing how the accounting department posts these securities, it would be beneficial if we could request that the security be posted under the name of DEP or by the DEP, simply because --

CHAIRMAN EWASUTYN: I don't know if -- are you willing to do that?

MR. CANFIELD: -- accounting lists -- even though the project number, they can not handle and do it that way, by project number. We are all accustomed to use the project number but accounting does not. Who ever's name is on the check is what it gets listed under.

MR. VILLARI: Well, I don't expect that it's going to be the agency releasing the funds. It's going to be the contractor who will be required, as part of the spec, to cover these performance bonds.

CHAIRMAN EWASUTYN: That's why their names could vary left and right.

MR. DONNELLY: The Town suggested the

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2 agreement with the Town cover how that's to be
3 handled. I would think the Town is going to want
4 the obligation to remain with the applicant, the
5 DEP, but the financial posting, or whatever is
6 required to come from the contractor. But they
7 don't -- I wouldn't think they would want to see
8 the contractor as the sole, you know, responsible
9 party because otherwise then they want full
10 bonding because they're relying upon the good
11 faith and full credit of the New York City DEP
12 and waiving some of that requirement. So you're
13 going to have to take that up with the Town
14 Board. I think Jerry's suggestion makes sense.

15 MR. VILLARI: Okay. Thank you.

16 CHAIRMAN EWASUTYN: Do you agree with
17 everything that was said this evening?

18 MR. PAGE: We do.

19 CHAIRMAN EWASUTYN: Then I'll move for
20 a motion from the Board to grant site plan
21 approval for the New York City DEP Delaware
22 Aqueduct repair site plan subject to the
23 conditions that were presented by the Planning
24 Board Attorney, Mike Donnelly.

25 MR. GALLI: So moved.

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MR. FOGARTY: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Congratulations.

CHAIRMAN EWASUTYN: Thank you for your partnership thus far. We fully expect that over the life of this program we'll return with modifications and amendments. We look forward to it.

MR. DONNELLY: At least you know how to get here.

MR. VILLARI: Excuse me?

MR. DONNELLY: At least you know how to get here.

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

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

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

DATED: August 3, 2012

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

----- X
In the Matter of

CHILI'S EXTERIOR RE-IMAGE
(2012-09)

Request for a 60-Day Extension of Final ARB Approval

----- X

BOARD BUSINESS

Date: July 5, 2012
Time: 7:21 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
THOMAS P. FOGARTY

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

----- X

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CHAIRMAN EWASUTYN: Bryant, do you want to walk us through Board business, please?

MR. COCKS: Sure. The first item of Board business is for the Chili's exterior re-image. They're requesting a sixty-day extension of the final ARB approval which will run from July 14, 2012 to September 14, 2012.

CHAIRMAN EWASUTYN: And that's in reference to the awnings?

MR. COCKS: The awnings, yes.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

(Time noted: 7:22 p.m.)

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

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

DATED: August 3, 2012

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

----- X
In the Matter of

DISCUSSION
BY MICHAEL DONNELLY & BRYANT COCKS

Proposed Local Laws Regarding Home Occupations,
Patton Road Re-Zoning, Marina Townhome Regulations
and Public Hearing Notifications

----- X

BOARD BUSINESS

Date: July 5, 2012
Time: 7:23 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
THOMAS P. FOGARTY

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

----- X

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MR. COCKS: The next item of Board Business are four local laws sent to us by the Town Board.

Would you like to go through each individually?

CHAIRMAN EWASUTYN: For the record, please.

MR. COCKS: First is regarding home occupations in the Town of Newburgh. There were several changes to the definition of home occupation, including taxi service or yard and in residential zones uses which entail maintenance, services, repairing, loading or unloading or storage of outdoor machinery, motor equipment or commercial vehicles, outdoor activities conducted on the property containing the dwelling.

They added several items that will change. One is that the applicant will need to go to the Zoning Board of Appeals for a special permit. They have a new list of home occupations that are prohibited, including a clinic, a hospital, barbershop, beauty parlor, restaurant, animal hospital, commercial animal breeding, and uses in residential zones which include

1 maintenance, servicing, testing, cleaning, repair
2 of outdoor machinery, loading, unloading, storage
3 of outdoor machinery, taxi or ambulance service
4 or yard. Any such use which has previously
5 received a special permit from the ZBA or
6 existing prior to prohibition of the building
7 code shall be deemed nonconforming, and then
8 several other lists of new regulations regarding
9 home occupations.
10

11 So we did discuss this at the Planning
12 Board work session and I will be working with
13 Mike Donnelly to send a letter to the Town Board
14 regarding four items that should be discussed
15 with zoning text amendments, which are whether
16 the use is permitted by the proposed change would
17 be appropriate in the area concerned, whether
18 adequate public school facilities and other
19 public services exist or can be created to serve
20 the needs of any additional residences likely to
21 be constructed as a result of such a change,
22 whether the proposed change is in accord with any
23 existing or proposed plans in the vicinity, and
24 whether the proposed amendment is likely to
25 result in an increase or decrease in the total

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zone residential capacity of the Town and the probable effect thereof.

CHAIRMAN EWASUTYN: Questions or comments from Board Members?

MR. GALLI: No.

MR. FOGARTY: I have no comment.

CHAIRMAN EWASUTYN: Okay. Then I'll move for a motion to authorize Bryant Cocks and Mike Donnelly to formalize a letter in response to this with our comments.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

Thank you, Bryant. The next one.

MR. COCKS: The next one is a rezoning of the zoning map for a property bounded by

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2 Patton Road and South Plank Road from B to the
3 adjacent R2 zoning district. That is tax map
4 Section 47; Block 1; Lot 44. That is a 9.4 acre
5 parcel, again bounded by Patton Road and South
6 Plank Road. The change from the B to the R2
7 zoning district is also conditioned that the
8 property be used for single-family residences
9 consistent with the character of the adjoining
10 residential neighborhood as represented in the
11 owner's application for the amendment.

12 CHAIRMAN EWASUTYN: Okay. I'll move
13 for a motion to -- in this case you'll be
14 managing just as a direct response to the Town
15 Board?

16 MR. COCKS: Yes. And that's not a
17 zoning text change, that's a zoning map
18 amendment.

19 CHAIRMAN EWASUTYN: Okay. So Bryant
20 Cocks, Planning Consultant, will draft a letter
21 in response for the Planning Board.

22 I'll move for that motion.

23 MR. FOGARTY: So moved.

24 MR. MENNERICH: Second.

25 CHAIRMAN EWASUTYN: I have a motion by

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Tom Fogarty. I have a second by Ken Mennerich.
I'll ask for a roll call vote starting with Frank
Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried. Thank you.

MR. COCKS: The third local law is
regarding Section 185-34 B(3) entitled accessory
uses, and section 185-34 entitled marinas,
amended to read as follows: A marina must
contain at least 20 boat slips and no more than
40 boats slips, which has changed from the
previous 100 boat slips and no more than 150 boat
slips.

CHAIRMAN EWASUTYN: Okay. I'll move
for a motion to have Bryant Cocks respond on
behalf of the Planning Board to the Town Board.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

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Fogarty.

MR. FOGARTY: Aye.

MR. MENNERICH: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Aye. The motion is carried. Thanks.

MR. COCKS: The final local law is regarding the notification provisions for public hearings for clearing and grading, subdivision of land, telecommunications facilities and zoning. The main changes to this are in regards to the 500-foot notification for all mailings for public hearings; the inclusion of a notice to adjoining applicants, which I don't have in this, at the beginning of the process notifying them that a new proposal is coming in; the inclusion of an 11-by-17 inch copy of the notice being posted at the property, which also needs to have a notarized affidavit of posting and a photograph of the posting. That's to be sent to the secretary of the ZBA. And also a change in the description in the notice of hearing which will now include the size of the lot, the size of each building's footprint, the number of stories in

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height and a detailed description of the proposed use provided by the applicant.

CHAIRMAN EWASUTYN: I'll move for a motion to have Bryant Cocks and Mike Donnelly respond on behalf of the Planning Board with some concerns that we may have and a difficulty in implementing.

MR. DONNELLY: We took notes of those during the work session.

CHAIRMAN EWASUTYN: Notes were taken during the work session.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

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All right. I thank you all.

I'll move for a motion to close the Planning Board meeting of July 5th. We meet again on the 19th, and we have several applications for that meeting.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. FOGARTY: Aye.

MR. MENNERICH: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Aye.

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

DATED: August 3, 2012