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

----- X

In the Matter of

182 SOUTH PLANK ROAD
(2019-08)

182 South Plank Road
Section 64; Block 2; Lot 8.21
B Zone

----- X

PUBLIC HEARING

Date: July 18, 2019
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
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
FRANK FILICCIOTTO

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

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

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182 SOUTH PLANK ROAD

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CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. We'd like to welcome
you to the Planning Board meeting of the 18th
of July. This evening we have four items of
business.

At this time I'll start the meeting
with a roll call vote.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. DICKOVER: Rob Dickover, Counsel to
the Board, present.

MS. CONERO: Michelle Conero,
Stenographer.

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

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

MS. ARENT: Karen Arent, Landscape
Architectural Consultant.

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182 SOUTH PLANK ROAD

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MR. FILICCIOTTO: Frank Filiciotto,
Creighton, Manning, Traffic Engineers.

CHAIRMAN EWASUTYN: At this time I'll
turn the meeting over to Cliff Browne.

(Pledge of Allegiance.)

CHAIRMAN EWASUTYN: Our first item of
business this evening is 182 South Plank Road.
It's a public hearing located at 182 South Plank
Road. It's in a B Zone. It's being represented
by Maser Consulting.

I'll ask Mr. Mennerich to read the
notice of hearing.

MR. MENNERICH: Notice of hearing, Town
of Newburgh Planning Board. Please take notice
that the Planning Board of the Town of Newburgh,
Orange County, New York will hold a public
hearing pursuant to the Municipal Code of the
Town of Newburgh, Chapter 185-57 Section K, on
the application of 182 South Plank Road, project
2019-08, amended commercial site plan. The
proposed project consists of an amended site plan
for a previously approved 3,000 plus or minus
square foot eating and drinking establishment
with access on Old South Plank Road and New York

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182 SOUTH PLANK ROAD 4

State Route 52. The site previously had 20 parking spaces proposed. The project before the Board is to change the use to an office use from the previous proposed eating and drinking use. Dormers will be added to the second floor for additional office space. Minor site plan changes have been proposed and a sidewalk has been proposed on the southern portion of the site. The building will now have two floors with a total usable area of 3,890 square feet. The project will be served by municipal water and sewer. The project is located at 182 South Plank Road in the B Zone District. The site is known on the Town tax maps as Section 64; Block 2; Lot 8.21. The public hearing will be held on the 18th day of July 2019 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 20 June 2019.

CHAIRMAN EWASUTYN: Thank you.

At this point I'd like to turn the

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182 SOUTH PLANK ROAD

5

meeting over to the Planning Board Attorney, Rob Dickover.

MR. DICKOVER: Good evening. Robert Dickover, Counsel to the Planning Board.

Before we begin let me try to orient all of those present as to the purpose of this public hearing, what's it about and, just as importantly, what it is not about. Tonight's hearing is concerned with the site plan proposal for Farrell Building Company for property located at 182 South Plank Road, as you just heard from the reading of the public notice. The site plan before this Board is the specific proposal for this project. It shows the location of the building and the various accessory infrastructure elements that make up the proposal. This hearing is designed to hear your comments on these specifics. We invite any comments or suggestions which you may have regarding the project concerning it's layout, the building, et cetera. The Board wants your comments. This hearing is designed to receive them. We will listen to you carefully, however there should be and there will be dignity and order to these proceedings. In a

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moment the applicant's consultants will outline the project. It is not possible to explain every nuance of what is proposed. We will then turn to you for comment. Just as it is not possible to explain every nuance of the project, it is not possible to answer every question you may have, at least not to any great extent. Our task is to learn from you what the Board or it's consultants might not yet have considered, therefore we ask you to not ask questions but rather to raise issues. Your questions will not likely be answered tonight but we will consider all of your comments and questions and incorporate all of the issues you raise into our future procedures.

In order to hear from you in an orderly fashion I have been directed to announce certain rules. Number one, before making a comment you must identify yourself and state your address. We ask that you spell your name slowly for our stenographer. Please address all of your comments to the Board. Do not address your comments to either the applicant or any other speaker. You may of course note your agreement or disagreement with a prior speaker but tell the

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182 SOUTH PLANK ROAD

7

Board about that disagreement, not that speaker. Please present your comments in a courteous manner. Do not make personal comments about public officials, town residents, the applicant or other speakers. The Board is interested in issues but is not interested in the number of people who share interest in each issue, therefore, please, if the issue has already been raised, if the point has already been made, we ask you not to raise it or make it again. We will deal with each issue brought to us after the hearing is closed.

Mr. Chairman.

CHAIRMAN EWASUTYN: Thank you.

At this point we'll turn the meeting over to Maser Consulting.

MR. DATES: Good evening. Justin Dates from Maser Consulting.

I'll make the summary of the project for everyone. The project site is located at 182 South Plank Road. It's a very narrow linear lot, .65 acres in size. On the north side is Old South Plank Road. On the south side is South Plank Road/New York State Route 52.

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As mentioned, the prior application was for a 3,000 square foot, one-story eating and drinking establishment with an access to Old South Plank and another access to Route 52.

There were 20 proposed parking spaces associated with that project and we received an approval -- site plan approval from the Planning Board.

As most of you may know, the building is up and unoccupied. It's a vacant building at this point. Farrell Building Company is proposing to change the use to office space. It would be a total of 3,890 square feet of office space. They'd be looking to get the additional space by adding dormers to the western side of the building, so there would be a second floor.

The overall height of the building would not change from the previous approval either.

Again, the parking spaces, 20 as proposed, remains the same.

The only additions, aside from the building modification, we did add a sidewalk to the south side of the building because there are

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182 SOUTH PLANK ROAD

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two entry doors being added to that space.

We have been before the Zoning Board of Appeals. As I mentioned, the lot is very narrow so we needed two front yard variances for the building as well as a lot depth variance. We received those on April 25th from the Zoning Board of Appeals. That's it.

CHAIRMAN EWASUTYN: All right. If there are any questions or comments, please raise your hand and give your name and your address.

Okay. Can we have your name and your address?

MS. KISSAM: Yes. Sandra Kissam, 1261 Union Avenue. Your name is Mr. Donovan; correct?

MR. DICKOVER: No. Unless they put his placard up there instead of mine. I'm Robert Dickover.

MS. KISSAM: How do you do. Mr. Dickover, I appreciate all the instructions that you gave to the public about being courteous, not attacking people and that sort of thing. I think that's very wise of you to say that, although I imagine that courtesy in this group is as great a courtesy as anywhere.

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I do have an issue with the comment you made about not repeating what other people said and not asking the same question or hitting the same points. I would like to have a citation for where it says in the law that if you come to a public hearing you have to be very careful not to repeat anything else that was brought up. Could you tell me?

MR. DICKOVER: I would if you were my client, and you are not.

MS. KISSAM: Excuse me --

MR. DICKOVER: I'm Counsel to this Board and I would answer that question if asked to do so by them. I'm not here to answer your questions.

MS. KISSAM: We are all your clients. This is a public Board and you are, this evening in any case, or perhaps all the time, representing the legal field to this Board. This Board is a public Board and we are the public. We are in a sense your clients.

Unless the Planning Board doesn't want people to know the law, I would like you to justify with a citation, and if you can't

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182 SOUTH PLANK ROAD

11

remember it that's okay. That's okay. But I would like you to justify your comment that at this public hearing no one can repeat a point or a question that was raised by someone else, because I think you're making it up as you go along. So give me proof.

MR. DICKOVER: I've made my statement, Ms. Kissam.

MS. KISSAM: So that's your story and you're sticking with it. Right? Thank you.

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

MR. FETTER: Bill Fetter, 29 Rockwood Drive. Is there any rendering of what the building will look like once it's completed?

MR. DATES: As I mentioned, the building is complete.

MR. FETTER: You're right. I'm sorry. It will stay --

MR. DATES: That's correct. The dormers of the addition, they'll match the colors --

MR. FETTER: The siding and everything?

MR. DATES: That's correct.

MR. FETTER: Thank you.

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

(No response.)

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to Pat Hines, Planning Consultant and Engineer.

MR. HINES: Our comments are just a narrative that the project was previously approved by the Planning Board as an eating and drinking establishment. It was previously proposed to be Noto's Deli moving across the street. The project is now before the Board as an office use.

As mentioned, dormers are proposed to allow use of the second floor as additional space.

All of our previous comments have been addressed. The project is substantially the same as that project which was previously proposed in it's physical form and approved by the Board.

We did submit the project again to the Orange County Planning Department and to the New York State DOT. Neither of those agencies responded with comments.

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Orange County came back with a local determination with no advisory comments.

The necessary variances have been received.

The project continues to be a Type 2 action under SEQRA, commercial less than 4,000 square feet, so there is no additional SEQRA action required this evening.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I have nothing additional.

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over for questions or comments from the Planning Board. John Ward?

MR. WARD: No comments right now.

MR. DOMINICK: Nothing additional.

MR. BROWNE: Nothing more.

MR. MENNERICH: No questions.

MS. DeLUCA: No.

MR. GALLI: No.

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

MR. FETTER: Bill Fetter, 29 Rockwood.

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182 SOUTH PLANK ROAD

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Is this the site that had the septic that had to be remediated?

MR. HINES: No. This is connected to municipal service.

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

(No response.)

CHAIRMAN EWASUTYN: There being no further questions or comments from the public, I'll move for a motion to close the public hearing on the site plan for 182 South Plank Road.

MR. DOMINICK: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by -- Frank Galli? Second by Frank Galli. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Aye.

At this time I'll turn the meeting over to Rob Dickover for conditions of approval in the resolution.

MR. DICKOVER: Yes, Mr. Chairman. This would be a resolution of approval for amended site plan and architectural review for the Farrell Building Company for premises at 182 South Plank Road. The resolution recites the property involved, the zoning district, the set of plans that have been submitted as well as the history of the application, the SEQRA determination and the 239 referral. It contains a set of findings in the resolution of approval to approve the site plan as proposed and depicted on the plans that are identified within the resolution and to grant ARB approval upon the following conditions. If I state one that's not applicable, please bring it to our attention.

There is a condition for Architectural Review Board approval that the building permit shall be issued authorizing construction of the structures that are consistent with the architectural renderings submitted and approved

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by the ARB as part of this approval. Karen Arent, the Town's Landscape Architect, shall review the building plans when submitted to the Building Department in order to ensure compliance with the approved architectural renderings as well as to inspect the work done for the same purpose. There is to be a landscape security and inspection fee deposited by the applicant. Prior to the signing of the plans or issuance of the building permit, the applicant shall deliver a performance security to the town clerk in order to guarantee to the Town that the applicant will faithfully cause to be constructed and completed the required stormwater improvements and related measures as shown on the plans. A bond in an amount to be -- in the amount set by the Town Board and satisfactory to it and the town attorney. This approval is conditioned upon the applicant executing a stormwater control facility maintenance agreement as required by Town Code. The plans shall not be signed until that agreement has been executed and the required inspection fee paid. The plan approval allows construction of only that which is shown on the

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182 SOUTH PLANK ROAD

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plans. No outdoor amenities, accessory structures or outdoor fixtures may be constructed, placed or erected except as shown on the plans. Then the resolution has what are otherwise general conditions. Do you want them stated?

CHAIRMAN EWASUTYN: Not at this point.

MR. DICKOVER: That would be the resolution for adoption.

CHAIRMAN EWASUTYN: Any questions or comments? Jerry.

MR. CANFIELD: One comment. John, the Board may want to authorize the Landscape Architect to review the landscaping cost estimate and prepare that memo to the Board.

CHAIRMAN EWASUTYN: Would you add that to the resolution?

MR. DICKOVER: I will.

CHAIRMAN EWASUTYN: Good comment, Jerry.

Additional comments?

(No response.)

CHAIRMAN EWASUTYN: Would someone move for a motion to approve the 182 South Plank Road

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182 SOUTH PLANK ROAD

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site plan and ARB subject to the conditions presented by Rob Dickover, Planning Board Attorney?

MR. WARD: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: Motion by John Ward. Second by Cliff Browne. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

(Time noted: 7:14 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 26th day of July 2019.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

THE POLO CLUB
(2018-12)

Route 300 & Jeanne Drive
Section 39; Block 1; Lots 1 & 2.12
R-3 Zone

----- X

SENIOR HOUSING SITE PLAN

Date: July 18, 2019
Time: 7:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
FRANK FILICCIOTTO

APPLICANT'S REPRESENTATIVE: JAYNE WEINBERG

----- X

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CHAIRMAN EWASUTYN: The second item of business this evening is the Polo Club. It's a senior housing site plan located on Route 300 and Jeanne Drive. It's in an R-3 Zone and it's being represented by Ms. Weinberg.

MS. WEINBERG: Good evening and thank you. My name is Jayne Weinberg and I'm the attorney for the applicant. I've been asked by the applicant to take the lead for our project team as we move forward into the environmental review.

Since our last meeting here we met with the Town Board on June 24th with regard to the senior housing density bonus and we received a preliminary nod to move forward with the analysis of the plan with that density bonus. As has been discussed before, the Town Board can't make it's final determination on the density bonus until this Board has concluded it's SEQRA review.

At this point in the process we'd like to begin our environmental review of the project. To that end we submitted a proposed outline for a supplemental draft environmental impact statement. As Pat Hines laid out in his review

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letter, we had previously prepared and submitted a DEIS, an FEIS and a Findings Statement for the project which had been approved by the Board. We have a changed site plan now. We propose that our Supplemental DEIS focus on the environmental impacts that will result from the proposed changes.

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

MR. HINES: Our comments detail the history of the project. This was originally before the Board in May of 2006 where the Board declared it's intent for lead agency. At that time this project was a 138 plus or minus three-bedroom townhouse unit project. After that designation of lead agency, I cited all the dates and times where the Board issued various approvals, in August of 2008 the SEQRA process was concluded with a Findings Statement adopted. A modification to the project occurred in 2009 to change the site, and the Board adopted amended Findings in September of 2011.

The applicants are before the Board at this time for 246 rental units with a bedroom

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count of 64 one-bedroom and 192 two-bedroom.
That may have changed slightly with the change in
the total unit count recently.

The Board has discussed the revised
concept layout and has identified some potential
impacts which were not reviewed in the original
DEIS, FEIS and Findings Statement. I have
outlined those potential changes and the
potential significant impacts.

Number one, the senior housing density
bonus changing the unit count and the bedroom
count.

Changes in the parking requirements on
the site.

There is now a proposal for an on-site
sewage treatment plant versus the previously
proposed connection to municipal sewer. It is
noted that the project is still investigating a
potential municipal sewer connection but right
now the plans before the Board have an on-site
sanitary sewer treatment plant proposed, so any
environmental review will be done with the
analysis of both of those potential sewage
treatments.

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Changes to the stormwater regulations and designs have occurred. There's a need to incorporate green infrastructure, runoff reduction and other design changes which have occurred since 2006 to date in the DEC and Town regulations.

The jurisdictional wetland boundary has expired and the applicants have identified that a new jurisdictional determination is in the process. There may be slight changes to the wetland boundary.

Since the project was previously before the Board, the new environmental assessment form has identified the project is in an agricultural district now. One of the lots is identified in the Orange County Agricultural District 1. That's significant because it changes the SEQRA threshold to 25 percent of any of the Type 1 action thresholds. It's kind of a mute point because the Board is heading towards a detailed environmental review.

Changes to the site traffic impacts, and potential changes to area roadway circulation, and changes in the water supply and

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fire protection flow is required.

I prepared for the Board a draft of a lead agency -- establishing yourself as lead agency and a draft positive declaration identifying each of those items and the potential significant impacts and requesting that the applicant -- requiring the applicant prepare a supplemental environmental impact statement. Supplemental environmental impact statements are similar to the same process as you would with a new DEIS and lead agency. The SEQRA requirement and timeframes are similar with the exception that public scoping of a supplemental environmental impact statement is not required.

Tonight the Board should determine whether or not it's going to have a public scoping or just develop it's own scope based on the suggestions from your Consultants and Members of the Board.

CHAIRMAN EWASUTYN: Thank you. Frank, with Creighton, Manning engineers?

MR. FILICIOTTO: Thank you, Mr. Chairman. Our comments essentially pertained to the increase in traffic that would result as a

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result of a change from 138 units to 246. The applicant scoped out what they believed to be the necessary work surrounding the traffic engineering investigation for this. We concur with that. We thought that was acceptable. We await that additional analysis.

We do believe that the increase will be substantial enough to study. When you consider that this project is no longer coupled with the Driscoll Subdivision, there may be a reduction in overall traffic to the regional area where this project is.

We also know that DOT is involved here. They had a letter, I believe in early April, requesting similar documents. As that progresses we should be in coordination with them as well.

At this time we have no other comments.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect?

MS. ARENT: I didn't review the plans but I do remember from last time that we made sure the main road was well screened and as many of the existing trees -- we actually went out and looked at all the trees and marked them. I'm

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hoping they're still in good condition and they can be preserved.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: What's before us now is a concept plan, the level of detail that was provided.

I bring to your attention Section 185-25 of our Zoning Code which has criteria for these types of projects, building separations, lot setbacks and all of that. You may want to just take a closer look at that.

MS. WEINBERG: Okay.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: Not at this time.

MR. DOMINICK: Not at this time.

MR. BROWNE: It's too early for me.

MR. MENNERICH: No questions.

MS. DeLUCA: No.

MR. GALLI: No questions.

CHAIRMAN EWASUTYN: The motion before us this evening is to reaffirm our lead agency. Do I have a motion to reaffirm our lead agency?

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MR. GALLI: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

The next motion is to declare a positive declaration for The Polo Club, senior housing site plan --

MR. HINES: For a supplemental --

CHAIRMAN EWASUTYN: -- for a

supplemental --

MR. HINES: -- environmental impact

statement.

CHAIRMAN EWASUTYN: -- environmental

impact statement. Thank you.

MR. MENNERICH: So moved.

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

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: A second by
Stephanie DeLuca. I'll ask for a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

Pat, you'll prepare a draft scope for
the meeting of the 1st of August?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: At this point I'll
poll the Board Members to see if they want to
have a public scoping on the draft scope.

Frank Galli?

MR. GALLI: No.

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. BROWNE: No.

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MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: No.

Let the record show the Planning Board
voted not to have a public scoping.

That's it.

MS. WEINBERG: Thank you.

(Time noted: 7:23 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 26th day of July 2019.



MICHELLE CONERO

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

----- X
In the Matter of

BJ'S WHOLESALE CLUB - NEWBURGH
(2019-07)

NYS Route 17K & Auto Park Place
Section 97; Block 2; Lots 44, 45 & 46.2
IB Zone

----- X

SITE PLAN/SPECIAL USE

Date: July 18, 2019
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
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
FRANK FILICCIOTTO

APPLICANT'S REPRESENTATIVE: ANDREW FETHERSTON,
JUSTIN DATES, LARRY WOLINSKY

----- X

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

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CHAIRMAN EWASUTYN: Our third item of business is BJ's Wholesale Club, a site plan and special use permit, located on Route 17K and Auto Park Place in an IB Zone. It's being represented by Maser Consulting.

MR. FETHERSTON: Good evening, Mr. Chairman, Members of the Board. I'd just like to thank the Board and their Consultants for so rapidly getting us their comments before the meeting. We appreciate it.

Mr. Chairman, we made some changes to the site plan. One of those was to address the concerns of your traffic consultant for trying to prevent people bypassing the entrance and perhaps racing through the bypass on the drive-thru to access Route 17K and the traffic light. What we did was we necked down that driveway. We believe that there's -- there's a lot of capacity at this drive-thru. There's three lanes there. Of course it requires the bank to provide tellers to work all of those lanes. The traffic consultant asked us to seek a letter from the bank, which we're going to do.

The rest of the changes that we made

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were really landscaping in nature. Justin is here.

Justin, can you speak on the landscaping portion of these changes?

MR. DATES: At our last meeting, at the Board's request we did meet with Ms. Arent to go over the landscaping and what we're proposing to do there.

CHAIRMAN EWASUTYN: Can you speak a little bit louder?

MR. DATES: Yes, sir. On July 3rd we met with Ms. Arent at the Board's request to go over the proposed landscaping. The applicant was also in attendance, as well as Mr. Barton.

The revisions that we made -- again, I think it's been described to the Board. There's views from 17K, Auto Park Place we're looking to preserve for the dealership at the rear of the site. So what we modified was we removed some of the shade tree plantings/ornamental plantings within the islands. We do have those types and sizes of trees planted around the perimeter and along Auto Park Place. Here we've also maintained screening of the loading area at the

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back of BJ's. That all remains.

At Ms. Arent's request we looked to, I'll say beef up some of the landscaping along 17K in conjunction with the car display pads. We have a detail provided on the plan which shows the face of each pad is going to have a stonewall brought into it, which we have a maximum height of about 30 inches at most. There will be an accent along the front of those. Then we have landscaping around and in between each of those to really dress up that area of frontage of 17K. We also maintained some of the shade tree plantings at the access to 17K and also added more perennials to those median islands in that area.

CHAIRMAN EWASUTYN: Karen?

MS. ARENT: Yes. We discussed the need to provide 81 shade trees on the site in accordance with the Zoning Code. The Board is open to seeing where you could put these 81 shade trees. That gives 1 tree for every 8 parking spaces. So wherever it does not impede with your view, we would like to see the shade trees. You could add more in front of the BJ's building

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perhaps. The Board thought about perhaps putting some around the back and exchanging some of the screened evergreen trees for shade trees. That's what we were looking into. It is an actual code, I cited that in my review comments, that requires the landscaping, the shade trees.

CHAIRMAN EWASUTYN: Karen, if you take the 1 tree per every 8 parking stalls, what would be the total number of trees?

MS. ARENT: Sorry. It's 50. I got -- 51 trees. It's 405 spaces; correct?

MR. HINES: There's 347.

MR. DATES: For BJ's we have 374 spaces. That's the calculation that we came up with in reference to your code. Right now we have 39. We're required 47. We'd be looking to add the 8 additional to meet the code.

MS. ARENT: There's 39 shade trees?

MR. DATES: Shade trees and ornamental trees, there will 39 on the site.

MS. ARENT: They're two, two-and-a-half minimum?

MR. DATES: The shade trees are two, two-and-a-half inches. The ornamental trees, we

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have a River Birch and Hawthorn ornamental trees,
so it's a slightly smaller caliber.

MS. ARENT: I'll look at that. I
didn't realize they had that many shade trees.

CHAIRMAN EWASUTYN: So then would the
Board be in agreement where there's a minus
balance, there's proposed in the evergreen
section four different species of evergreens,
that that number be reduced in quantity and
replaced with either shade trees or ornamental
trees to meet the requirements of the code?

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: So you have some
numbers to work with there.

MS. ARENT: Justin, we did not see the
detail for the car display.

CHAIRMAN EWASUTYN: I don't think it's
there.

MR. HINES: I didn't see it either.

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MR. DATES: We did add that to the plan.

MS. ARENT: We need to get another sheet because it didn't come with our sets.

MR. DATES: The detail sheets?

MS. ARENT: We didn't see it.

MR. DATES: There is one on the plans. We can get that to you.

CHAIRMAN EWASUTYN: Just what the material is going to be. It's not clear.

MR. DATES: All right.

MS. ARENT: I have to look at species and how many shrubs are in the islands. I didn't have a chance to do everything thoroughly because there was a quick turnaround.

MR. BROWNE: I would like to see a rendering of the car display pad areas with and without cars. My concern is that at some point down the road there may be a decision made by the owner to not have cars in the display area for whatever reason. I would like to see that it's attractive with and without so if he decides not to put the cars out there, then it's still a very attractive looking area.

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MR. DATES: Yes, we can provide that.

MR. WARD: My question is in the parking lot you're not going to have any trees showing?

MR. DATES: So there's a series of islands that run -- kind of flank either end of the parking directly across the west side of BJ's. Those have shrubs and some ground cover within them. On the outside is where we have shade trees. Around the rest of the building is where shade trees, ornamental trees, the evergreen screening is all proposed.

MR. WARD: I was going to suggest in the back where the bank is, that line where the parking is -- go further to the right. Go to the right.

MR. DATES: Here?

MR. WARD: Where the parking lot is.

MR. DOMINICK: One over.

MR. DATES: This row here?

MR. WARD: That row. It's a visual. You can see in the back. Just to break it up with the bank and the BJ's itself, you've got to look this way. I think it should have possibly a

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tree here and there between the spots.

MR. DATES: Okay. That's what we'll look at.

MR. WARD: As a visual from 17K. It won't block anything that way for what you're looking for.

MR. DATES: We'll review that.

CHAIRMAN EWASUTYN: Pat, I think the action before us tonight is to declare our intent for lead agency?

MR. HINES: Yes. I've prepared a notice for the Board's use. It was reviewed by the various consultants as well as Mark Taylor. That would be the action. I can circulate it as early as tomorrow to get this out to the other interested and involved agencies.

CHAIRMAN EWASUTYN: Mr. Wolinsky, would you like to add anything this evening?

MR. WOLINSKY: The only additional thing, Mr. Chairman, is if the Board could guide us as to where we might be for having a public hearing, not having a public hearing. If we're going to have a public hearing, we're hoping that our plans are advanced enough to get that set up,

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a date for that.

CHAIRMAN EWASUTYN: Generally speaking, we make a SEQRA determination. We also haven't heard back from the County.

Pat, do you want to respond to that?

MR. HINES: The Board has a practice that we do make a SEQRA determination prior --

MR. WOLINSKY: Before the hearing?

MR. HINES: -- to the hearing in order to declare the application complete. I think you may want to ask the Board if they intend to hold a public hearing. They may or may not. I don't know.

CHAIRMAN EWASUTYN: I'll motion from the Board if they want to hold a public hearing. Frank Galli?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. BROWNE: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Okay. Let the

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record show the Planning Board waived the public hearing.

MR. WOLINSKY: I have nothing further, Mr. Chairman.

CHAIRMAN EWASUTYN: All right.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of July 2019.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

317 NORTH PLANK ROAD
(2018-23)

317 North Plank Road
Section 35; Block 3; Lots 6 & 7
B Zone

----- X

SITE PLAN/LOT LINE CHANGE

Date: July 18, 2019
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 C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
FRANK FILICCIOTTO

APPLICANT'S REPRESENTATIVE: ADAM GASPARRE

----- X

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

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317 NORTH PLANK ROAD

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CHAIRMAN EWASUTYN: The fourth and last item of business is 317 North Plank Road. It's a site plan and lot line change.

MR. GASPARRE: Good evening. I'm Adam Gasparre, Hudson Land Design on behalf of Mr. Jackson and 317 North Plank Road site plan.

We appeared before this Board in the December meeting, so it's been awhile. I'll give a brief overview just to remind everyone of what we have going on here. This is two parcels off of South Plank Road -- excuse me, North Plank Road, parcel 35-3-6 and parcel 35-3-7. There is an existing two-story frame building on 35-3-6 that was previously a single-family residence. The applicant is proposing to turn it into an office building for his contracting company. It is currently serviced by a private well and a private sewage disposal system. We are proposing to turn this single-family residence into an office building to serve his business.

We are showing a parking lot area pretty much to the south of the building. It

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will have nine spots with one ADA spot.

We are showing an upgraded sewage disposal system to today's standards.

We are proposing to use the existing well for water service.

The last time we were here we needed two variances from the Zoning Board of Appeals, a front yard variance and a side yard variance. We appeared before the Zoning Board at the March 28th meeting where a resolution was granted to us stating that we were approved for those two variances. I believe that I've included that within the submission package for your review.

We have also met with the State DOT, Ms. Zibby Zachariah. We met out on site on June 12th to go over their concerns, preliminary concerns for the entrance. How we have the entrance and the parking lot configured currently is within what they are looking for as far as commercial entrances. She requested no curbing along the entrance for drainage reasons. We have shown curbing on two sides of the parking lot and we are

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going to allow runoff to sheet flow back towards the property and to a pea gravel driveway.

We've addressed quite a few -- almost all of the comments per the consultants, landscaping, traffic generation, stuff like that. Excuse me. Not so much traffic generation but Creighton, Manning had concerns about parking which we have rectified and they are all in compliance with Town Code.

CHAIRMAN EWASUTYN: Frank, have you had an opportunity to speak with Ken on this?

MR. FILICIOTTO: Yes, Ken and I spoke. What the gentleman said is accurate, the comments were adequately addressed. We don't have any further comments.

CHAIRMAN EWASUTYN: Karen, we'll need you to look at the proposed landscaping. There's no quantity schedule, there's no botanical name, there's no common name, there's no size of material, generally speaking arborvitae. If you're satisfied with the variety of arborvitae, that would be hardy. Generally speaking, the

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size we normally look for I believe is six to seven feet. As far as the Holly, there again whether it's a 24 or 26 inch Holly. You know how that works. We do need a planting schedule.

Pat Hines.

MR. HINES: Our first comment notes that the applicant did receive the variances that were required.

The applicant is requesting to utilize the existing well which services the single-family home. The project does have municipal water available. It's on the opposite side of the State highway. Any waiver of that requirement should be sought through Jim Osborne's office, the town engineer. The County Health Department regulations do require a connection to potable water supply when it is available. We'll defer to the town engineer and the water department regarding that. It is located on the opposite side of the State highway which could be a financial constraint for the applicant.

DOT comments must be received.

We recommend this Board declare it's

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intent for lead agency because the DOT is an involved agency.

The plans will have to be referred to County Planning.

Notes pertaining to an as-built plan and certification for the subsurface sanitary sewer disposal system must be added to the plan.

Subsurface note number 3 identifies a pump chamber while there is not a pump depicted on the plans. We need to see if the well is to remain, the separation distances identified between the well and the septic.

We did note that the DOT access drive does not show curbing, however curbing is shown on two sides of the parking lot. The rear of the parking lot is shown to allow the runoff to flow off and sheet flow. A pea gravel diagram, which is a trench filled with small diameter stone, has been provided in order to allow that to percolate into the soil. The amount of disturbance does not warrant, under the Town's code, a stormwater management analysis but I do want to note the rear of the parking lot right now is proposed not to be curbed. Typically we do require curbing.

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If it was curbed they would require a closed pipe drainage system and some extensive work. I think the site will function fairly well the way the applicant has proposed it and allow the water to percolate into the soil. That is the Board's call regarding the curbing.

There was a note on the plans, and I think maybe the plans have changed, but there's credit for parking in front of the garage in the parking chart. I don't believe that's needed and I don't believe there is access to the garage from the parking lot.

MR. GASPARRE: No, sir. Per the DOT, obviously they wouldn't let us back out onto North Plank Road. All that asphalt will be removed and a low growing grass will be planted.

MR. HINES: Is there a driveway to the garage now or no?

MR. GASPARRE: Pretty much --

CHAIRMAN EWASUTYN: There is a driveway to the garage now.

MR. GASPARRE: Yes, sir. The whole frontage of this parcel is paved. If you can see this hatched area here, this is all the asphalt

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317 NORTH PLANK ROAD

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that will be removed. Grass vegetation will be planted for stabilization.

MR. HINES: The driveway to the garage is going to remain?

MR. GASPARRE: No, sir. That's will be removed as well. The garage will be rendered inoperable for parking.

MR. HINES: We had a comment on the landscaping plan that Karen will address.

Our last comment identifies the stormwater treatment from the pea gravel diagram.

A notice of intent for lead agency and circulation to County Planning are the actions the Board could take tonight.

CHAIRMAN EWASUTYN: Pat, Jerry, are we responsible for an ARB review of this?

MR. CANFIELD: Yes.

CHAIRMAN EWASUTYN: So you will supply renderings. I don't have the file in front of me. There is a form with the application that needs to be completed as it relates to the materials, colors and such.

MR. GASPARRE: Yes, sir.

CHAIRMAN EWASUTYN: Jerry, do you have

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317 NORTH PLANK ROAD

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anything to add?

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: Rob Dickover?

MR. DICKOVER: I may be incorrect. I believe the proposal is to eliminate an existing lot and join them?

MR. GASPARRE: Yes, sir. Yes. This lot line in the middle, obviously separating these two parcels, will be extinguished and it will be consolidated into one lot.

MR. DICKOVER: I'm new to your code, Mr. Chairman, but I suspect that might be a lot line change. The record probably needs to reflect that.

MR. HINES: A lot consolidation we would call it.

MR. CANFIELD: Right.

MR. HINES: Typically we require that that be a condition of approval, that the lot consolidation be submitted to the Board prior to signing of the site plan.

MR. CANFIELD: Rob, that can be done in our Town through the assessor's office.

MR. DICKOVER: Through them, not

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through this Board?

MR. CANFIELD: Yes.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Basically with the blacktop and all, can you emphasize what you put in there, whether it's grass or whatever, that it's on the plan?

MR. GASPARRE: Yes, sir. We have a call out just stating grass which will be mowed. Any Kentucky Blue Grass. Obviously we don't want to impede any sight distances coming out of the driveway.

MR. WARD: On the right side of the driveway looking at it from here, the driveway going out, what's that little curb? Is that going to be grass over there?

MR. GASPARRE: You're saying this area, sir?

MR. WARD: Yes.

MR. GASPARRE: We're just showing here where the asphalt will be removed. This is the actual entrance radii. Obviously that's not going to remain. It's going to be re-asphalt -- re-paved. The curb is just kind of showing --

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MR. WARD: You'll blacktop there and take the other out?

MR. GASPARRE: Yes, sir. Yes, sir. We're actually reducing impervious on this site.

MS. ARENT: Can you make sure that you require the base course and the asphalt to be removed to perhaps the depth of one foot and good soil put in so the plants grow that you are going to install?

MR. GASPARRE: Yes, ma'am.

CHAIRMAN EWASUTYN: Anything more, John?

MR. WARD: No. Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No. I had similar concerns that John addressed.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No questions.

MR. MENNERICH: No.

MS. DeLUCA: No.

MR. GALLI: Nothing.

CHAIRMAN EWASUTYN: At this point is the Board willing to accept the site plan as shown without curbing in the parking lot?

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MR. GALLI: Do we have to see what the building is going to look like or anything?

CHAIRMAN EWASUTYN: Are you saying you want to wait?

MR. GALLI: I'm just saying we didn't -- is it going to be -- what's the building going to look like?

MR. GASPARRE: It's an existing structure. Mr. Jackson could talk about colors and what his vision for it is.

MR. JACKSON: The framing will stay exactly the same. Window openings, right now they are kind of cheap vinyl sliders. We're going to go with a nice new construction window. It will either be double hung or double casings. We're going to try to utilize a lot of the openings. It will just be an improved look from the exterior.

The actual structure, no dormers, nothing really changing. The shell is exactly what it is. Window locations, whether it's a hardier vinyl siding, that hasn't been determined. It will be a thirty-year asphalt shingle. Other than that, it's going to look

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pretty similar to what's there now.

MR. GALLI: Okay.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: Refresh my memory. What kind of business is this?

MR. JACKSON: Construction. We do insurance restoration and also we own real estate so we have office management for that. We're just looking for three office spaces for me.

MR. MENNERICH: I'm okay with the curbing as proposed now on the plans.

MR. BROWNE: I'm good.

MR. DOMINICK: Good.

CHAIRMAN EWASUTYN: As it's shown now, whatever curbing is shown, that's adequate as far as the Board is concerned.

So then the motion before us tonight is to circulate to the Orange County Planning Department and to declare our intent for lead agency.

MR. DOMINICK: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by John Ward.

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317 NORTH PLANK ROAD

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I'll ask for a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

MR. GASPARRE: Thank you.

CHAIRMAN EWASUTYN: At this point
you'll speak to Pat Hines as far as what he may
need for circulation to the Orange County
Planning Department.

MR. GASPARRE: Certainly.

CHAIRMAN EWASUTYN: And what he may
need also for circulation for intent for lead
agency.

MR. GASPARRE: Yes, sir.

CHAIRMAN EWASUTYN: I'll move for a
motion now to close the Planning Board meeting
for the 18th of July.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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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 Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:50 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 26th day of July 2019.

Michelle Conero

MICHELLE CONERO