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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)

1274 Route 300
Section 97; Block 2; Lot 34
IB Zone

----- X

AMENDED ARCHITECTURAL REVIEW

Date: July 19, 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
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: LAUREL WALYGA

----- X

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

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MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of July 19, 2012.

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

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. FOGARTY: Here.

MR. WARD: Present.

MR. BROWNE: The Planning Board has professional experts that provide reviews and input for us on business before us, including SEQRA determinations as well as code and planning details. I would ask them to 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 Supervisor.

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

MR. COCKS: Bryant Cocks, Planning
Consultant.

MR. BROWNE: Thank you. At this time
I'll turn the meeting over to Joe Ward -- John
Ward.

MR. WARD: Please stand to say the
Pledge.

(Pledge of Allegiance.)

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

MR. BROWNE: This evening we have a
public hearing, which is the last item on the
agenda. I'm going to hold off asking Mike
Donnelly to discuss that until we get to that
point in the agenda.

So the first item we have this evening
is Chili's exterior re-imaging, project number
2012-09. This is an amended ARB being presented
by Laurel --

MS. WALYGA: Walyga.

MR. BROWNE: Thank you.

MS. WALYGA: I know you guys haven't

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seen the revisions. Do you want me to turn it --

CHAIRMAN EWASUTYN: Please.

MS. WALYGA: My name is Laurel Walyga, I work for Core States Group and we are the consultants for Brinker. Chili's is doing a national re-image to all of their restaurants.

I was here in May I believe, or before that, and it was approved, but tonight we're going to discuss signage.

From what was approved in the previous meeting, what we've had to do is take off the graphics from the awnings because it put us over on what we were allowed. We're allowed 200 square feet.

The only other change -- we kept this one graphic at the "To Go" door, and then we removed the 61 square foot sign that was here. So we're at 200 square feet again. That's the only difference.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant, did you have a chance to review this?

MS. WALYGA: No.

MR. COCKS: I didn't get a chance to

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see the new plans, but she is correct in that they were allowed 200 square feet of signage for the overall site. As long as they meet that requirement, I have no issues with it.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I agree with Bryant, as long as the signage complies with the allotted signage, which in this case was 200 square feet, if it complies there's no need for any additional variances.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: If they decide not to go to the Zoning Board and go with the 200 square feet, that's fine.

MR. BROWNE: Good.

MR. FOGARTY: One question.

MS. WALYGA: Sure.

MR. FOGARTY: I notice that the awning -- the bottom of the awning is 7 foot 2 inches from the sidewalk to the bottom of the awning. I didn't know -- is that within our code? Is there something written that determines what the height

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CHILI'S EXTERIOR RE-IMAGE

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has to be? I don't mean to put you on the spot.

MR. CANFIELD: You did.

MR. FOGARTY: Sorry. I usually don't do that. It just dawned on me.

MR. CANFIELD: I'll have to look at it. You mean the height off the ground?

MR. FOGARTY: Yes.

MR. CANFIELD: It's taller than the door width -- I mean height.

MR. WARD: It's landscaped there, too; right?

MS. WALYGA: Yeah.

MR. FOGARTY: I see what you're saying. In front of the awning it's landscaping. It doesn't show here.

MR. WARD: Right.

MS. WALYGA: Except on the side elevation.

MR. FOGARTY: That's fine.

CHAIRMAN EWASUTYN: Mike, would you give us conditions for approval for the amended ARB for the Chili's exterior re-image.

MR. DONNELLY: I will recite the nature of the change to this amended ARB. We will

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CHILI'S EXTERIOR RE-IMAGE

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include the standard conditions, which are no building shall be authorized for construction from anything that's inconsistent with the architectural plans, and you may not build anything on site that isn't shown on either the site plans or the architectural renderings.

CHAIRMAN EWASUTYN: Any questions or comments from the language that was presented by Attorney Mike Donnelly to grant the amended ARB approval for Chili's?

(No response.)

CHAIRMAN EWASUTYN: Then I would move for that motion.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have 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.

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CHILI'S EXTERIOR RE-IMAGE

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MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

Thank you. You came all the way from
Virginia?

MS. WALYGA: No. I came from New
Jersey. The sign company sent me again.

And I have the site plan for you.

(Time noted: 7:04 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 15, 2012

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

----- X
In the Matter of

ROUTE 300 CENTER
(2012-05)

1413 Route 300
Section 60; Block 3; Lots 40 & 41.22
IB Zone

----- X

CONCEPTUAL SITE PLAN

Date: July 19, 2012
Time: 7:04 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
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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MR. BROWNE: The next item of business we have is the Route 300 Center, project number 2012-05. This is a conceptual site plan being presented by Timothy Onderko.

He's not here.

CHAIRMAN EWASUTYN: Bryant, you may want to notify them that we reviewed it during the work session and if they'd come back with revised plans so we can consider the application.

(Time noted: 7:05 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.

DATED: August 15, 2012

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

----- X

In the Matter of

MOUNTAIN LAKES SUBDIVISION
(2004-61)

Rock Cut Road
Section 28; Block 1; Lot 8.12
R-1 Zone

----- X

AMENDED SUBDIVISION

Date: July 19, 2012
Time: 7:05 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
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DOMINIC CORDISCO

----- X

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MR. BROWNE: Moving on to the next item then is Mountain Lakes Subdivision, project number 2004-61. This is an amended subdivision being presented by Dominic Cordisco

MR. CORDISCO: Good evening, everyone. It's nice to see you all again.

I'm here tonight requesting that the Board consider amending a condition of its approval for the Mountain Lake Subdivision. There was a condition that related to the colors of the residential homes on certain numbers of lots, that actually was lots 27 through 43 of this subdivision, that were potentially viewable from other residents on Mountain Lake. As a result, the Board had imposed a condition that those homes that were going to be constructed on lots 27 through 43 would be of earth tone colors. Unfortunately the plat that ended up being filed in the county clerk's office had a note on it that was overbroad and actually applied those earth tone colors to the entire subdivision, which was not the original intent of the Board as my understanding in terms of reviewing the record.

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So at this point we're proposing to amend those conditions of the approval to make it clear that what the Board intended is actually what the restriction is.

CHAIRMAN EWASUTYN: Mike Donnelly, do you want to bring us along on this?

MR. DONNELLY: Dominic just stated it well. You have a letter from Jim Loeb as well and a draft resolution that the Drake, Loeb firm has prepared. I reviewed it and it's in order. You discussed this sometime back when Dominic was here on another occasion. It was an error on the plat to cover more lots than was intended. This resolution corrects that.

CHAIRMAN EWASUTYN: Jerry Canfield, any comments?

MR. CANFIELD: Nothing.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: I have no additional.

CHAIRMAN EWASUTYN: Board Members?

MR. BROWNE: Nothing.

CHAIRMAN EWASUTYN: I would move for a motion to grant amended subdivision approval for

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MOUNTAIN LAKES SUBDIVISION

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the Mountain Lakes Subdivision subject to the conditions presented by Mike Donnelly, Planning Board Attorney.

MR. FOGARTY: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Tom Fogarty. I have 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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

MR. CORDISCO: Thank you all very much. I appreciate the consideration.

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

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

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DATED: August 15, 2012

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

----- X
In the Matter of

LOWER HUDSON FORESTRY SERVICES
(2012-11)

Union Avenue
Section 14; Block 1; Lot 48
RR Zone

----- X

PUBLIC HEARING
TIMBER HARVEST PERMIT

Date: July 19, 2012
Time: 7:07 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
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER PRENTIS

----- X

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MR. BROWNE: The next item, and actually the last item, is a public hearing, Lower Hudson Forestry Services, project number 2012-11, for a timber harvesting permit. This is being presented by Barnett Forest Products.

Prior to going into this I would ask Mike Donnelly to give us an overview about a public hearing and its purpose.

MR. DONNELLY: The application before you is not for development of this particular property but rather for a permit that the Town Code provides for the property's owner to harvest trees, cut down timber on the property. In a moment you'll see a description of where that is, how much and how it will be accomplished. The purpose of the public hearing is to hear from you, the members of the public. It's the hope of the Planning Board that you can bring to the attention of the Planning Board issues and concerns that the Planning Board may not itself have thought of. After the applicant gives his presentation of what is proposed, the Chairman will ask those who wish to be heard to raise your hand. We'd ask you, if you could, to step

1 forward so that we can hear you better. We'd
2 appreciate it if you would tell the Stenographer
3 your name and spell it so we can get it correctly
4 in the transcript. We'd ask you to direct your
5 comments to the Planning Board. If there are
6 questions that can be easily answered, the
7 Chairman may ask either the applicant's
8 representative or one of the Town's consultants
9 to give that answer.
10

11 MR. MENNERICH: "Notice of hearing,
12 Town of Newburgh Planning Board. Please take
13 notice that the Planning Board of the Town of
14 Newburgh, Orange County, New York will hold a
15 public hearing pursuant to the Municipal Code of
16 the Town of Newburgh, Chapter 83-8 Section E, on
17 the application of Lower Hudson Forestry
18 Services, Town project number 2012-11, for timber
19 harvest. The project is located on Union Avenue,
20 just south of Chapel Road, in the Town of
21 Newburgh, designated on Town tax map as Section
22 14; Block 1; Lot 48. The applicant will be
23 clearing approximately 21 acres of the 40.4 acre
24 site. The trees will be between 16 inches and 31
25 inches in diameter with a total of 160 trees to

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be removed. That's 7.5 trees per acre. The public hearing will be held on the 19th day of July 2012 at the Town of Newburgh Town Hall, 1496 New York State Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard regarding the timber harvesting. By order of the Planning Board of Town of Newburgh. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated June 27, 2012."

MR. BROWNE: Thank you. Frank Galli will give the status of the mailings.

MR. GALLI: The notice of publication and the hearing was published in The Mid-Hudson Times and The Sentinel. The applicant mailed out 49 registered letters, 36 were signed for and came back, 3 were undeliverable. The mailings are all in order.

CHAIRMAN EWASUTYN: Thank you. Would you make your presentation.

MR. PRENTIS: Good evening. My name is Chris Prentis, Lower Hudson Forestry Services. I'm here tonight to present an application for timber harvesting, 21 acres of a 40.4 acre lot.

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As you said, 160 trees marked and about 7.5 trees per acre.

The public notice did say it was 21 acres of clearing. I do want to make clear that this is not clearing, this is not development, it is all vegetation, stumps. There will be no excavating. Everything will be retained that is not marked in the woods.

Access will be made off of Union Ave Extension. The parcel has a 53-foot wide right-of-way that goes back into the lot. The Town's highway supervisor has approved the entrance, and it will be graveled and opened up, and then at the end of the project it will be closed back up so cars or anything else can not get back in there.

The harvester will be using a current road, an old woods road that was in there, an old farm road. At the completion of the job, the landing area, the access road and all the skid trails and wood roads will be cleaned, smoothed off and allowed to be naturally revegetated.

I also brought some location maps and then zoomed-in maps for the public if they want

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to take a look. You're going to probably have to share. That's the location.

Once the trees are cut, all tops will be loped down to a height of less than three feet to allow to naturally decay in the woods. The hours of operation, days of operation will be in compliance with the Town's Code.

CHAIRMAN EWASUTYN: For the record, do you know the days that are permitted by the Town Code and the hours of operation?

MR. PRENTIS: I don't. That's one thing I do want to find out tonight. Typically it's 7 to 7 Monday through Saturday, but it does vary a little bit from town to town. I just wanted to make sure what it is for this Town.

CHAIRMAN EWASUTYN: Jerry, would you know offhand?

MR. CANFIELD: I believe it is. I can look right now, though.

MR. HINES: The duration of the project, for the public, how long will it take to harvest these 160 trees?

MR. PRENTIS: Depending on conditions, weather, when he does start, it shouldn't take

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more than three weeks.

CHAIRMAN EWASUTYN: Questions from Board Members?

MR. FOGARTY: Chris, you're going to be going into 21 of the 40 acres to get these 160 trees. Are there any other side roads? How do you go in and get the tree out? Is there any damage done to the other areas in order for you to get into that acre to get the designated tree cut down?

MR. PRENTIS: To get into it will be temporary roads which are called skid roads that the skidder will go in, hook on to a tree, two or three at a time, and then pull out to the landing area which will be located near Union Ave. But they're not permanent roads, they're not bulldozed in or anything like that. Damage will be kept to a minimum.

MR. FOGARTY: Do you know, are there any other plans, besides this one, to do any further harvesting in this area down the road or is this it?

MR. PRENTIS: Well, depending on what the landowner's objective is. I know originally

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his objective was to develop the property. He's decided against that. So, you know, if he does want to harvest and he still owns the property in fifteen or twenty years, there would still be plenty of trees left to do that.

MR. FOGARTY: I knew very little about this. I read some of the articles. One of the things they talk about is a stewardship that the people who own the property now have to be concerned down the road, in a hundred years, what it's going to look like. Is there any plan to replant any trees?

MR. PRENTIS: No. In the northeast tree planting after harvesting is not done. It's all natural regeneration.

MR. FOGARTY: Okay. Thank you.

CHAIRMAN EWASUTYN: Any other questions? John Ward?

MR. WARD: What's the procedure on picking out the trees and marking? How do you know if you're taking ten in one spot or is there a procedure?

MR. PRENTIS: The procedure is typically trees that are hardwood trees in the

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northeast that are over 20 inches in diameter are typically viewed as financially mature. So depending on the objective of what the landowner wants, those trees are typically marked. Trees with poor form, crooks or rot in them are also marked for removal. Then to select other trees, if you know that you have a nice formed, in this area mainly red oak or white oak and you want to retain that for the next harvest, you free up around that tree to allow it to grow. That's typically how you choose.

MR. WARD: And my other question is say you have allotted the trees that you want all in one area and you have like a bald spot, a hole, how does that work? Do you skip and maybe pick another tree or try to keep it?

MR. PRENTIS: You know, again it depends on what the owner, his objective. A small four or five-tree area that if you took all four or five of them, you know, a bald spot you're talking is probably only a fifth of an acre. So, you know, that opens it up and it will naturally revegetate.

MR. GALLI: The staging area on Union

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Avenue, how close to Union Avenue is the staging area going to be for the logs, I'll call them, when you strip them all down?

MR. PRENTIS: It's going to be back off the road about 120 feet. That's just because the way that the right-of-way goes in, it goes in straight and then opens up. It's going to be back to where it opens up and is wider.

MR. GALLI: Okay.

MR. HINES: Would it be helpful if -- I have the larger map, the original subdivision, if we can put it up for the public?

CHAIRMAN EWASUTYN: Sure.

MR. GALLI: Do they wait until they're all down before they start pulling them out with the trucks?

MR. PRENTIS: They usually pull them out when they have enough to have a truckload of them, then they bring the truck in. So, you know, they don't wait until all of them are on the ground to start pulling them out.

MR. GALLI: The traffic pattern is going to be down Union Avenue to 300?

MR. PRENTIS: Yes.

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MR. GALLI: Do they plan on having this done before school starts?

MR. PRENTIS: His intention is to start immediately, so it should be -- it should be done before school starting, somewhere around the 1st of September.

MR. MENNERICH: The parts of the trees that you don't take that are left there, what's your process for handling that?

MR. PRENTIS: Quite a bit of the tree that's not going to be a log is actually going to be used for firewood, and then the remainder is loped and crushed down to usually knee high or lower, and then it's allowed to naturally decay.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Comments from the public? As Mike Donnelly had said earlier, if you'd raise your hand and give your name and address please.

The gentleman in the back.

MR. WOODRUFF: Frank Woodruff, W-O-O-D-R-U-F-F. Your staging area is going to be here?

MR. PRENTIS: Yes, sir.

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MR. WOODRUFF: Well that's only -- my house is only eight foot from the property line. I want to know what kind of impact it's going to have on my yard, the trucks going in and out.

MR. PRENTIS: Well, we can push it back. The square is not -- it's not going to be exactly on the line.

MR. WOODRUFF: Right. What I'm saying is, you know, I don't have much room, eight feet from my house to the line.

MR. GALLI: Could you show us where your house is, or his house, on the map, roughly?

MR. HINES: It's right in that lower left corner there.

MR. GALLI: Where is the staging area going to be?

MR. WOODRUFF: Right here.

CHAIRMAN EWASUTYN: Chris, why was that chosen as the staging area?

MR. PRENTIS: Because that's really the only access that would work. He does have two access points but the other access point leads to a stream. So this was the only area that was open and would work for a truck and for a

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skidder.

MR. GALLI: Is there another spot that they could go for the staging? They're just going to leave the logs there? They just stack them up?

MR. PRENTIS: They just stack them.

MR. GALLI: And then the truck comes in and picks them up. The truck doesn't stay there a week or two?

MR. PRENTIS: No. Once the truck is loaded it leaves.

MR. GALLI: So it comes in that day, loads that day, probably a couple hours loaded, and off it goes?

MR. PRENTIS: Typically in forty-five minutes to an hour it's gone.

MR. GALLI: So it's not even an hour?

MR. PRENTIS: Yeah. I'd be willing to work something out where we could push it back as far as we can towards the back corner of your property. You know --

MR. WOODRUFF: That's where it widens out, too.

MR. PRENTIS: Right. I don't have a

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problem with doing that. Just for the other access, I don't have another option.

MR. GALLI: Not with the stream.

MR. WOODRUFF: Thank you.

MR. PRENTIS: Yup.

CHAIRMAN EWASUTYN: What's the height of the logs when they're staged there? How high are they stacked?

MR. PRENTIS: Usually six, seven foot. So not terribly high.

CHAIRMAN EWASUTYN: Additional comments from the public?

MR. KODILANEN: Rich Kodilanen, K-O-D-I-L-A-N-E-N.

CHAIRMAN EWASUTYN: First name?

MR. KODILANEN: Richard. I'm on the other side of the 53-foot right-of-way. I'm concerned about how many vehicles and how large are going to be coming out of there. Union Avenue is very, very narrow and you have a wide right turn to go down to 300.

MR. PRENTIS: The only vehicles will be the log truck and the logger's pick-up truck.

MR. KODILANEN: How large is that log

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truck?

MR. GALLI: Usually about 40 feet,
aren't they?

MR. PRENTIS: Yeah. I don't have an
exact. He has more than one truck. They're
usually about 40, 45 foot.

MR. KODILANEN: How many pieces of
equipment per day are going to be operating in
there besides the skid steer?

MR. PRENTIS: That's it.

MR. KODILANEN: A chainsaw?

MR. PRENTIS: No, just chainsaws.

MR. KODILANEN: We don't know the hours
of operation yet from code compliance?

MR. GALLI: Jerry.

CHAIRMAN EWASUTYN: I think he's looking
at it now, Richard.

MR. KODILANEN: Because my main -- it
is a residential area. It's not a forest.
Everyone -- there's a lot of kids in the area,
everyone has to work. We don't like having a lot
of noise, like trucks coming in at 6:00 in the
morning to start and staying until 7:00 at night.
It's a definite residential area. You have every

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right to do it.

Another concern is invading the wetlands. That's a little bit further south. When he was in there previous five years ago he was doing some holes digging. He just tore down every stonewall, every stream he could find. It is definitely a designated wetland and we don't want to see that ruined.

MR. PRENTIS: Like I said, there is no harvesting in the wetlands. You know, the remaining 19 acres or so, the reason why we're not harvesting is because they're wetlands, so --

MR. KODILANEN: Is that going to be watched at all by the DEC or that's just you?

MR. HINES: There's actually two areas proposed where there's no harvesting. It's the front area along Union Avenue with the exception of the access road and the land.

Chris, I believe your map shows -- your small scale U.S.G.S. map does show some harvesting within the wetland adjacent area and possibly within the wetland. That's permitted by the DEC. Selected harvesting is not a regulated activity in the wetlands. If there's

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2 merchantable timber in there, it can be
3 selectively harvested. They can't clear cut in
4 the wetlands, but with 160 trees over 21 acres
5 it's not by any stretch a clear cut, especially
6 if they are limiting themselves to 16 inches or
7 larger. There may be some trees in that wetland
8 adjacent area, at least based our map. That map
9 shows the designated wetlands. The shaded area,
10 the hatched area is the buffer, at least in 2001.

11 MR. PRENTIS: There are trees in the
12 buffer, but, you know, once you get into --

13 MR. HINES: If you hit wetland you're
14 going to stop.

15 MR. PRENTIS: Once you get into the wet
16 areas there's no trees.

17 MR. KODILANEN: One other concern. I
18 was back there. You have a nice 20-inch tree, 8
19 other smaller trees. In order to cut down that
20 20-inch tree you're going to have to destroy all
21 those other trees in that one spot. That's going
22 to exceed your 7.5 trees per acre.

23 MR. PRENTIS: Well, you know, it's --
24 you're typically -- if you go and mark 160 trees
25 and you harvest 160 trees, you always figure

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you're going to probably either break, knock down or damage a tree, you know, typically probably 5, 6 extra. So, you know, over the course of 160 you're looking at a percent or two over. It's typical. I mean it doesn't matter if you use the chain saw or the machine.

MR. KODILANEN: That's my concern. You're going to leave a big hole here and not even 12 feet away there's another 18-inch tree with the same situation. We're going to have a big hole here, 12 feet away another big hole.

MR. PRENTIS: Well the logger is going to try everything he can to prevent damage --

MR. KODILANEN: To those other areas.

MR. PRENTIS: Yeah. As I mentioned, in 15 or 20 trees, if we do come back it behooves you to have those trees undamaged because then they're merchantable.

MR. KODILANEN: I think that's it. Okay. Thank you.

CHAIRMAN EWASUTYN: Is there anything in the code that talks about the hours of operation and the days?

MR. CANFIELD: Yes. That's found in

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the noise and illumination chapter, which is Chapter 125 of the Municipal Code. The hours of operation are to be 7 a.m. to 7 p.m. Monday through Saturday. I might add, too, that should the Board choose to approve this application, the Board can limit the time of expiration on the permit, maximum not to exceed one year. That's in Chapter 83.

MR. PRENTIS: You know, if noise and hours of operation are a concern, I've done it with other towns, especially on Saturday. If people are very concerned about that, we just don't work on Saturday. So I mean that's -- Monday through Friday, 7 to, it does say 7 at night but typically 5:00 they're done. But Saturdays I don't have a problem with. To appease the neighbors, I don't have a problem with that.

CHAIRMAN EWASUTYN: Richard, does that satisfy one of your requests?

MR. KODILANEN: Yes. It's a very personal neighborhood. We're all neighbors here. As long as Chris is willing to work with us, that's fine. No one mows their lawn before 9:00.

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CHAIRMAN EWASUTYN: Especially in the last week or two.

MR. KODILANEN: I haven't mowed mine in two weeks, let me tell you.

CHAIRMAN EWASUTYN: Again, Mike, would you make note of that in the resolution?

MR. DONNELLY: Yes. Do you want to also place a duration on the permit, up to a year?

CHAIRMAN EWASUTYN: Would that satisfy you?

MR. KODILANEN: Yes.

CHAIRMAN EWASUTYN: Additional questions or comments from the public?

MR. GREENE: Dominick Greene, G-R-E-E-N-E, 25 Chapel Road. A couple questions. How many total movements of the logging truck do you anticipate at this time for the 160 trees?

MR. PRENTIS: For 160 trees, somewhere between 6 and 8.

MR. GREENE: Will you be using a trailer attached to the truck or will it just be the logging truck itself?

MR. PRENTIS: I believe he does use a

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trailer. So it would be the truck and the trailer.

MR. GREENE: So the truck, based on DOT, is usually 40 tons. The trailer is another 20 tons. We have Union Avenue that's only been built to handle 9 tons. If you damage the road will you take responsibility to rebuild the road, and can the Planning Board put that as a requirement?

MR. DONNELLY: That's not in our Code, no. It's not the Town's road.

MR. GREENE: Union Avenue is a Town road.

MS. GREENE: Union Avenue is a Town road.

MR. DONNELLY: You're correct.

MR. PRENTIS: The highway supervisor has looked at the site and I told him what the intention was, and he didn't have a problem with the truck weight on that road.

MR. GREENE: Well, I have a lot of experience, and that is a problem with weights on the Town roads. You could be moving 60 tons on a 9 ton road.

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The hours that you're planning on transporting the logs could vary throughout the day from 7 a.m. to 7 p.m.?

MR. PRENTIS: Mm'hm'.

MR. GREENE: My next point is there's approximately anywhere between 10 and 20 school buses. If you're not done by the first day of school would you only do your trucks after school buses have left the area?

MR. PRENTIS: Yeah. I've done that before. Limit trucking to say 10 in the morning until 1 in the afternoon. That wouldn't be a problem if it does overrun.

MR. GREENE: Thank you.

CHAIRMAN EWASUTYN: The lady.

MS. GREENE: Elizabeth Greene. First of all, Union Avenue, a Town road, it is only the width of the paved road. It is a road by use. It is not where we have shoulders and all like that. It's an old cow path I think that eventually got paved just for that particular width. It is a very busy road from 7:15 to about 9:00, forgetting school buses. It is a great cut-through for many people heading down, wanting

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to avoid the traffic light at Holtz Corners and things like that. I'm very concerned, and I have to say, and I have had Town residents chastise me that I happen to be, they guess, the only one who ever goes 30 miles-an-hour, the speed limit.

UNIDENTIFIED SPEAKER: That's true.

MS. GREENE: Thank you. So I'm thinking of cars coming along there at 45 and 50 miles-an-hour to come around that bend and have that logging truck and the trailer behind it as a big surprise to them, and for them to be able to slow down and be able to stop, because when the police run their radar there they have a field day. So that's one of my concerns about your hours.

The other thing that I wanted to ask, you talked about the trees there, that some of them would be used for firewood. Would that be carted away to be sold at other locations? You said that remaining limbs and trimmings and things like that, that you felt that it would be then sold for firewood. Would that be from that site or are they going to haul it away to sell it?

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MR. PRENTIS: No. It's hauled away.

MS. GREENE: It's hauled away.

MR. PRENTIS: It's log lengths. There would be no processing of firewood on the site, splitting or anything like that.

MS. GREENE: And you talked about damaged trees and all like that that would be taken down. Those damaged trees, that would be part of your 160?

MR. PRENTIS: They would be in excess.

MS. GREENE: They would be in excess. So in essence, for what you're planning, really 160 trees is not the total that you would be taking from that property is what you're telling us?

MR. PRENTIS: 160 trees are marked with blue paint.

MS. GREENE: Okay. But it does not mean that 160 trees is the only number of trees.

The other thing, in looking at your map here, both of the spots to go into the property are marked that it's wetlands first before you get to where it opens up. How are you addressing going through the wetlands and possibly tearing

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it up?

MR. HINES: Those are the non-cut areas, those hatch marks on the smaller plan.

MS. GREENE: Okay. That's not the wetlands?

MR. HINES: No. The wetlands are limited to the back of the parcel there. There is a stream crossing. We checked the classification for the stream. It is a class C stream, which is an unprotected stream. They do have to meet water quality standards. There's going to be a culvert installed and then removed for that crossing and that proposal.

When I looked at it I said that must be the wetlands too, and I looked at it last week, which is why I pulled the 12-acre subdivision out, I wanted to see where the wetlands were. The wetland -- DEC regulated wetlands are to the rear of the parcel. That area in the front is where there's no trees to be cut other than for the landing and the access road.

MS. GREENE: Okay. And I will take this up with our highway superintendent as to what he was looking at when he gave approval, if

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he was also looking at the road structure and any damage to that or was he looking at where the cuts were going to be to come out onto Union Avenue. That road, frankly with the two percent cap nowadays, I don't have any money -- I'm on the Town Board. I don't have any money to spare to repair that road. We just recently sealed it and did work onto it. So that is another one of my concerns. But I will be calling Mr. Benedict first thing in the morning.

MR. HINES: We would also suggest possibly some construction crossing signs or truck traffic signs temporarily for the three weeks that you're going to be there, men working type signs, to alert the traveling public that there could be trucks coming out.

MR. PRENTIS: Okay.

MS. GREENE: Thank you, Mr. Hines.

CHAIRMAN EWASUTYN: Okay. The gentleman in the back.

MR. GREENE: I apologize for not asking this question earlier. If there's debris on the road, we'll be able to contact you to sweep the road?

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MR. PRENTIS: Yes.

MR. GREENE: If the gravel is --

MR. PRENTIS: Yes.

CHAIRMAN EWASUTYN: I think more importantly, keeping that thought in mind, is there -- who would be the field contact person? Are you going to be there? I think what he's saying, they would be looking for a response and who is going to be the responsible person?

MR. PRENTIS: I can forward the logger's phone number.

MR. GREENE: So if there's mud on Union Avenue, that person would have the authority to hire a street sweeper to clean the road?

MR. PRENTIS: Well, I mean hire a street sweeper --

MR. GREENE: Or have one on contract. Have one available.

MR. PRENTIS: The intention is --

MS. GREENE: They can get out there with a broom.

MR. PRENTIS: Right, a broom and a shovel. The intention is hopefully there's not going to be any mud with the gravel that's going

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to be put down.

MR. DONNELLY: Let me just add one piece. There is a requirement that there be a performance guarantee posted with the Town Board, and while that amount, by its terms, may not allow repairs to a damaged roadway surface, it clearly would cover the performance of the contractor, which would include keeping the roadway clear during the course of construction. So that bonding or that financial security money could be used for the purpose you're referring to.

MR. GREENE: As a neighbor I could contact either Mr. Canfield or Mr. Benedict when the road was covered with debris?

MR. DONNELLY: I think that would be the place to start. If that money needed to be used, that would have to be authorized by the Town Board, but certainly you could start with either the highway superintendent or Mr. Canfield.

MR. GREENE: Thank you.

MR. CANFIELD: In addition to that, the code compliance department, that's whose

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jurisdiction this is to enforce all the regulations and any conditions that the Planning Board may impose upon the applicant. The cleaning of the roads, that is something that our department is responsible to assure that the contractor does maintain. In the event that this application is approved and there is construction started, the road becomes muddy or dirty, just call our department and we'll get someone out there. In the past we've had several contractors track mud on our roads. Our police department is very sensitive to that, and generally they contact my office, we send someone out and we get the contractor to clean it up. The contractor, just to put you on notice, we do have the authority to stop all work. So if, you know, we can't come to terms and get the road clean, that's an option of enforcement that we do have. We don't choose to exercise that but it's a possibility.

MR. PRENTIS: Right.

MR. GALLI: Also, this contractor has worked in other towns and they've done a fairly neat job I heard.

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MR. HINES: I don't know the track record. I'm aware of Mr. Prentis working with other municipalities I represent and we have not had an issue.

MR. GALLI: Hopefully we don't have an issue in the Town either.

CHAIRMAN EWASUTYN: Ma'am.

MS. GREENE: Have you ever done any work in the Town of Newburgh before this?

MR. PRENTIS: Yes.

MS. GREENE: Can you tell me whereabouts?

MR. PRENTIS: Up on Forest Road.

MS. GREENE: Okay. And my only other concern is that in essence it says 160 trees but in talking with you I know that that 160 trees is going to be many, many more by the time you get to a certain tree that you've marked or something like that. I really feel very concerned that we're going to be looking at 180 or 200 trees by the time this whole project is completed.

MR. PRENTIS: Well --

MS. GREENE: That's my only other comment.

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MR. PRENTIS: -- like I say, every tree is marked at breast height and they're on the stump. So if there's a tree that's cut down that wasn't marked, the stump is not going to have paint on it. The contract that the logger signs with the landowner states how many trees, and if the logger then decides well I'm going to go and cut more, then he's in breach of the contract. My job is to go and look and say why is this stump -- why doesn't it have paint on it and, you know, you put them in line. Like I say, there's going to be two, three, four that get broken. We're not talking big trees, we're talking small trees. When you say 200, absolutely not. That's not the way that it operates.

MS. GREENE: As a neighbor there I'll be really interested as to how that goes.

When you say it will reforest in 20 years, I hope my neighbors and I are all there in 20 years.

MR. PRENTIS: Well, like I say, it's -- you can go out and look. There's paint on every one of the stumps.

MR. KODILANEN: We can go take

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pictures?

MR. PRENTIS: It's not my property.

MR. KODILANEN: It's not marked no trespassing. We can actually go there and see what's going on.

MR. PRENTIS: I'm not saying you can trespass. If you want to you can. Everybody is in there anyway, so it doesn't matter. I mean there's hunting stands and ATV trails all over the place.

MR. KODILANEN: I still ride my motorcycle there.

MR. CANFIELD: I want to remind you, this is being recorded. You might not want to say that.

MR. KODILANEN: I whispered that one, Mr. Canfield.

MR. GALLI: John, a couple more.

CHAIRMAN EWASUTYN: The gentleman in the back.

MR. PRESUTTI: Jim Presutti, P-R-E-S-U-T-T-I. For species distribution do you have the species that you're removing?

MR. PRENTIS: I don't believe there are

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any actually.

MR. PRESUTTI: You are aware that Orange County is a quarantine county?

MR. PRENTIS: I am aware, yes.

MR. PRESUTTI: And Betty, as a forester myself, and I know of Chris, and he's doing a selective harvest is what he's doing. And yes, some trees are going to get broken, and they're going to be the smaller trees. As a forester he's marking the tops and bottoms so he can keep his thumb on the logger, okay. So when he goes out, he looks at the stump and if there is anything he holds that logger responsible for that. Usually he'll put some stipulation, I don't know if you do it, put a stipulation in your contract that you may have to pay a fine for taking a tree that he's not supposed to take, just to explain that.

MS. GREENE: And I thank you. I do value your opinion concerning these subjects. I really do.

MR. PRESUTTI: Thank you.

MR. KODILANEN: One more question. Mr. Hines, I asked Chris before, there's trees marked

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out there with a blue ring around the stump and there's other trees marked with a green X. Is that anything you would know about, why there's so many in the --

MR. HINES: Chris marked them.

MR. PRENTIS: The green Xs were there before I marked them.

MR. HINES: I don't know the answer to that either.

MR. PRENTIS: Who knows how long ago they were marked. I don't know.

MR. KODILANEN: The paint is just as bright as your blue paint.

MR. PRENTIS: Only the blue marked trees are to be cut, not the green Xs.

CHAIRMAN EWASUTYN: The lady in the back. Would you give your name and address.

MS. ECKERT: Virginia Eckert, 1302 Union Avenue. I have a question. How far up off our property lines will you be cutting the trees?

MR. PRENTIS: Whereabouts are you located?

MS. ECKERT: I'm one house up from where you're going in.

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MR. PRENTIS: The houses along Union Ave, other than I believe your house --

MS. ECKERT: Is the closest one.

MR. PRENTIS: -- is about the only place you're going to be able to see any harvesting. The rest of them are going to be back further, 75, 80 feet from the line. And it worked out that way simply because from your property line, 60, 70 feet in, it was just grapevine and brush anyway.

MR. HINES: It's almost to the stream, if you're aware of where the stream is. From the stream back is where they're cutting, the majority of that is going to be.

MR. KODILANEN: You're going to open that 53-foot wide all the way back to your cutting areas for the trucks to come in?

MR. PRENTIS: Just to an area where they can turn around in. As we discussed, it's going to be somewhere behind your corner in the back.

MR. McCARTNEY: Michael McCartney, 19 Cindy Lane. I live in the property that's below and at the bottom of where they are harvesting.

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My yard is wet right now. You know the weather we've been having. I'm worried about pulling trees and drainage and more water in my property and what's happening with that. That's one thing. I have a lot of concerns.

My concern with noise is not the concern of the noise in the three weeks it's going to take them to harvest 160 trees. My concern is the noise from the Thruway that those trees are blocking, for myself, my neighbors. That's long-term noise that we're all dealing with, okay.

My concern is the water. There's a wetlands below where they're harvesting. Silt is going to get into that wetlands. You might as well muddy them up right now. That unprotected stream flows into our reservoir. Silt is going to go into that unprotected stream which is going into the reservoir. There's a lot of things here that are not being discussed. We're discussing the basics of harvesting.

Trees protect us against severe weather, tornadoes and things like that. Trees protect us against those things. Taking out

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trees, especially older trees which are the ones they want to take out, are going to potentially cause more of that type of weather to be free to come through our neighborhoods and our homes. It's a residential zoning area, my understanding. Tree harvesting is a business. I'm not sure how that works out.

And then a number of times we've asked this gentleman about what's the owner's objection, what's the owner's thing, and a lot of things he says he can't say, he's not sure and he doesn't know. So what is the objective here besides harvesting more than 160 trees, because of damage, and what's the long-term effect going to be?

Also, I'm fine with fining a logger because he takes down the wrong tree but that doesn't do me any good for 20 years. You all know that that money is not going to come to us. It might come to our Town but it's not going to end up in our wallets and it's not going to end up in my ear and things like that. Loggers do take down more trees than they have to. Historically they do take down more trees than

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they said they would, and historically they don't go in with ginger hands and make the harvest. They go in with chain saws and get out whatever is in their way and take out trees. We all know that historically.

CHAIRMAN EWASUTYN: Pat, do you want to review with us the DEC's position as you said earlier?

MR. HINES: The issue I can address is regarding the stormwater. The DEC, and actually the Town has adopted the DEC's model stormwater ordinance, has exempted subcultural activities, forestry operations from their stormwater management regulation. These are specific exemptions that there is no requirements for water quantity, quality control other than the existing water quality standards. They can't make mud, as you said. I'm aware of many properties much larger than this that have been logged and there's been no downstream impacts. Actually, when the vegetation grows back to cover in that forested area, there's less runoff because it's more of a grass and flora type of vegetation than trees. There's actually more

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vegetation after the removal when it grows back. That's probably the logic behind the DEC exempting these kind of practices, much like they exempt the practice from the wetlands and the buffers. You can't selectively harvest in those. I wouldn't anticipate significant downstream impacts based on the DEC's track record with those and their specific exemptions from those stormwater regulations.

You had before you a plan that had 12 residential houses on there that in 2001 through 2005 was before this Board. That plan would have removed significantly more than the 160 trees we're talking about and would have had impacts on the watershed that you are concerned about. That's not what we're reviewing here. It's a selective harvest of the trees. It complies, because of those exemptions, with the Town and DEC stormwater regulations. They do have to implement the best management practices for soil erosion and sediment control. The DEC won't allow them to silt up that stream.

I'm not a hundred percent sure, I do not believe that stream goes into the reservoir

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because of that class C classification. If it went to the reservoir it would have a class A.

MR. KODILANEN: I'm talking about the map.

MR. HINES: I don't believe that's tributary to the reservoir because tributary to the reservoir would have a class A protected water quality requirement with the DEC. I believe that stream doesn't go to the reservoir just because of that. I'm not a hundred percent sure but the DEC would have classified that as class A.

MR. KODILANEN: 90 percent of the Town --

MR. HINES: I did look at traffic -- I ran through.

MR. KODILANEN: Not the classification. The fact the stream is on the map and it goes directly into --

MR. HINES: It goes across Chapel Road I know, the stream that we're in front here, and I did run the classification because I wanted to check that.

MR. KODILANEN: No. I'm talking about

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this stream here.

MR. HINES: The one in the back in the wetlands?

MR. KODILANEN: This stream.

MR. HINES: The one in the back. Yes, that one does. That's not involved in this harvest, with the exception of some of the buffer area.

MR. KODILANEN: What I'm saying -- I'm not telling you anything you don't know. Water moves. I'm saying there is a stream that's going to be affected by this harvest that does flow into our reservoir.

MR. HINES: Through the wetlands.

MR. KODILANEN: The stream. If we fill in the wetlands with silt --

MR. HINES: I don't believe that's the intent.

MR. KODILANEN: I don't think it's the intent.

MR. HINES: There's no removal of the stumps. The stumps stay. They're cut at grade. There's some issues, best management practices, for the trails that have to be implemented.

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That's why they have a professional harvester on board here. It's not just a contractor. That's his role here. That's what he gets paid to do.

MR. PRENTIS: Plus in the project area, topography generally less than 5 percent grade, so, you know, your erosion and sedimentation potential is drastically lower than if you were working on a hillside.

MR. KODILANEN: My home is at the bottom of the hillside. Like I said before, it's wet now. I don't know how wet it's going to be later if there's no trees there. And we're in a dry summer right now.

CHAIRMAN EWASUTYN: James, do you want to add anything to this as a forester from experience?

MR. PRESUTTI: Not really. I mean he's -- from what I hear, he's doing the management practices, he's using the standard. I don't see where there's a problem with anything.

I did look at the topography, and, like he said, the grade is minimal. I don't think you'll see a major silt runoff at all from what I see from this here. They're doing it -- they're

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not using mechanical means for cutting. When you use mechanical means for cutting, which are shears and bunkers, then you tend to run more of a problem with that kind of a situation. Here they're going to have men in the woods walking with a chain saw and cutting, and then they're going to be skidding.

Are you using a grapple skidder?

MR. PRENTIS: Cable.

MR. PRESUTTI: Cable skidder. Right there, again, you don't use a cable rather than a grapple skidder that's going to make further marks. Their impact on the environment is going to be minimal at best.

CHAIRMAN EWASUTYN: Thank you.

Additional comments from the public?

(No response.)

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: Just the resolution for the approval, I just think we need to put a couple comments about the signs on the road once they're working. I think we ought to limit Monday through Friday, eliminate Saturday, and hopefully

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they're done before the school year starts.

CHAIRMAN EWASUTYN: Okay.

MR. HINES: The timing of the trucks also, as was mentioned.

MR. GALLI: That's what I'm saying. I hope before the school year starts.

MR. HINES: What he offered was to restrict truck traffic out of the site between 9 and 2.

CHAIRMAN EWASUTYN: The peak hour traffic was between 7:15 and 9 a.m. It's being suggested --

MR. GALLI: If they get into the school year itself.

CHAIRMAN EWASUTYN: Maybe we might consider that to be the hours of operation that we want to currently restrict due to the fact it isn't school but just for the fact it's a cut through for people going to work in the morning.

MR. DONNELLY: You want to separate the trucking from the cutting?

CHAIRMAN EWASUTYN: Exactly.

MR. WARD: Maybe 10 to 2.

MR. GALLI: The problem is in the

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summertime, if you limit the trucking now, you might prolong the process into the school year.

MR. DONNELLY: The offer was to limit the trucking, if it extended into the school year, between the hours of 10 a.m. to 1 p.m.

MR. GALLI: Hopefully they're done by then so we don't have that problem. Don't try to limit them now to slow them down.

CHAIRMAN EWASUTYN: What would those hours be then?

MR. GALLI: During the school year.

MR. DONNELLY: I thought I heard 10 to 1. Did I hear you wrong?

MR. PRENTIS: That's what I offered. I don't know when the first school bus comes by.

MR. GALLI: They're usually done picking up by 9:00, 9:30.

MR. PRENTIS: So 10 to 1, 10 to 2, if that would work.

CHAIRMAN EWASUTYN: Jerry, how does this process work for the public to understand? They make an application to your department under the code, you're responsible to refer it to the Planning Board. So the public understands how

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we reach the point where we are this evening, can you explain that?

MR. CANFIELD: Sure. The applicant has submitted what is known as a clearing and grading application which is governed by Chapter 83 of our Municipal Code. The criteria for any entity granting that application is based on the amount of area to be disturbed or the amount of trees to be cut. In this case, because of the area that's involved, Chapter 83 dictates what level of review that is required and by what entity. Because there's over, I believe it's 5 acres involved in this, it gets referred to the Planning Board. Under that plateau the code compliance department is authorized to issue clearing and grading or timber harvest permits, but because this application falls beyond that plateau, it got referred to the Planning Board. Also because of the size of the area, which, as Pat has indicated, by nature of this type of project isn't all that large, however it does exceed the plateaus in Chapter 83, that requires the Planning Board to have a public hearing, which is why the people got noticed to come to

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this public hearing. I should also add that the notice for public hearing was in accordance with the new local law proposal, which is 500 feet, which most of you got noticed because of that. Now the application before the Board, we have the public hearing, the Board has to now take into consideration its consultants' comments, the advice and concerns presented by the public, the Board needs to take that into consideration, and then it's up to the Board's discretion whether to grant this approval. If they so choose to grant an approval, they do have the ability to enforce conditions or stipulations. After that process is complete, the Attorney for the Planning Board will draft what's called a resolution, which is a resolution of approval. In that resolution it will list all of the conditions -- any and all of the conditions that the Planning Board may wish to impose. The enforcement of those conditions are imposed upon the code compliance department. So items such as we speak, truck traffic and certain hours of operation, are all important items that need to be listed into that resolution. That now becomes the code compliance

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department's road map of enforcement. Should the application be approved and any one of the public has concerns that some of those conditions or items that they've heard tonight are not adhered to, you can contact the code compliance department and they're the ones that will enforce those regulations.

CHAIRMAN EWASUTYN: Are there any comments or questions the public may have on the presentation that was made by Mr. Canfield?

MR. KODILANEN: Will we be able to see those resolutions after they're adopted by the Town Board if they are so agreed to?

MR. CANFIELD: You can FOIL it. It becomes a public document at that time. It is FOIL'able. I don't believe that the resolutions get posted online.

CHAIRMAN EWASUTYN: That's a good question. I don't believe they do either.

MR. CANFIELD: I don't believe we do. They are a FOIL'able document.

MR. HINES: These minutes are posted online.

MR. CANFIELD: The minutes are. That's

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correct. You can go to the Town website under the minutes section and it will list all of tonight's meeting.

MR. KODILANEN: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: On the resolution, there ought to be something put in about moving the landing area back. I don't know how it can be worded, if there's some specific distance you think you can move it back.

CHAIRMAN EWASUTYN: Frank and Chris, I thought you came to some kind of agreement that you would meet out in the field.

MR. PRENTIS: We'll move it back as far back as we can. I mean once you get back too far you're in the woods, so -- I mean we can't move it back that far but --

CHAIRMAN EWASUTYN: Frank, do you have any input or anything you'd like to say?

MR. WOODRUFF: The other thing I'm concerned with, like I said, my house is only 8 feet from the property line. The road is going to be right on top of me.

MR. KODILANEN: You should have the big

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tree that I have.

CHAIRMAN EWASUTYN: Mike, do you have any suggestions on that?

MR. DONNELLY: I think the easiest way -- obviously the neighbor and the applicant can work to see if they can arrange that location, but I think the best way to make sure that you're satisfied, that Pat Hines will determine whether or not it is moved back as far as reasonably practical. To simply say it has to be to the agreement of one neighbor gives that neighbor absolute veto power. I think there should be cooperation, but if the issue becomes that's as far back as we can move it, then I think Pat should be the one that sends you the sign-off letter.

CHAIRMAN EWASUTYN: Frank, that protects everyone's interest.

MR. WOODRUFF: Right.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I have a large concern with the item that was brought up about the road condition and the actual weight of the trucks.

MR. DONNELLY: That's going to be for

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the highway superintendent. It's not a Planning Board issue. This is a road that the Town has imposed weight limitations on, then that's an issue for the highway superintendent, and the police and code compliance if necessary. It's not a Planning Board issue.

MR. BROWNE: There's nothing there that would be a bond thing or anything like that?

MR. DONNELLY: There is a bond required.

MR. BROWNE: A bond for the highway department?

MR. DONNELLY: You're going to require a performance security for this project. What I'm saying is I look at the criteria of what the performance security is for, and it does not include repair to damage to the roadway surface or base. Not to say that there may not be some ability to discuss with the applicant, when the Town has that money, using it for that purpose, but that's not part of what the bonding is for.

MR. BROWNE: Should part of our resolution be the highway superintendent review this project once more for completion?

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MR. DONNELLY: We can certainly ask for him to do so. It's like the speed limits in every project you approve too and it's not really your issue. Those are for the enforcement agencies.

MR. BROWNE: I'd like to make sure that that is in fact addressed by the proper authority.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: Nothing.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Chris, I've got a few things. How long do you anticipate from -- say you started tomorrow, --

MR. GALLI: Three weeks.

MR. WARD: -- how long do you anticipate it taking?

MR. PRENTIS: If the weather cooperates, two to three weeks.

MR. WARD: Okay. I'm asking you basically for trucking out the logs, to be 10 to 2 starting from when you log, because you have camps going on, Chadwick Lake. Nobody is considering that. There is heavy traffic there.

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That shouldn't slow you down because you're cutting down the logs for shipping them out. It shouldn't be that many trips.

Another thing was the working time. I think it should be 8:00 to 6:00 because, I'm sorry, I'm in a neighborhood, somebody gets up and is cutting down the trees 7:00 in the morning, it's a little loud. 6:00 is pretty decent. Like you said, shutoff time is usually 5, if you get stuck it's 6. I would like to document the time to be 8 to 6 if that's possible.

MR. PRENTIS: That can be arranged.

MR. WARD: The working signs, it's important because that's on the peak of the hill. When you're coming there, traffic flies, you want to be aware of what's going on.

That should do it.

MR. PRENTIS: Mm'hm'.

CHAIRMAN EWASUTYN: Do you agree with the moving of materials between the hours of 10 and 2?

MR. PRENTIS: You know, if that's what it's going to take, then sure. I mean it's -- if

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it's for the safety and for the neighbors, I don't have a problem with that. We can always work something else out.

MR. FOGARTY: Is that going to delay the project where it would then go past September 1st?

MR. PRENTIS: No, because the trucks don't come every day.

MR. HINES: You're talking eight truck trips.

MR. WARD: In three weeks, that's nothing.

MR. PRENTIS: Typically a truck will come once every three days, two days. You're not talking every day, especially when they start. You won't see the first truck probably for four to five days. So 10 to 2 is acceptable to me.

The one thing I did want to bring up is that I think you have the applicant and the representative flip flopped. I'm the representative, the applicant is actually Barnett Forest Products.

MR. DONNELLY: You're the applicant's representative here for us?

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MR. PRENTIS: Right. I believe on the public notice it said I was the applicant. I just want to make sure that if a permit is granted, it is in Barnett Forest Product's name and not Lower Hudson Forestry Services.

MR. HINES: They are the contract vendee for the logs?

MR. PRENTIS: Correct.

MR. DONNELLY: Barnett Forestry Products?

MR. PRENTIS: Forest Products.

CHAIRMAN EWASUTYN: Mike Donnelly -- number one, before I ask Mike Donnelly to present the conditions in the resolution for granting this approval, is there any further comments from the public?

(No response.)

CHAIRMAN EWASUTYN: Okay. There being no further comments from the public, I'll move for a motion from the Board to close the public hearing for the Lower Hudson Forestry Services timber harvesting permit.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ken Mennerich. Would there be 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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

At this point we'll turn to the Planning Board Attorney, Mike Donnelly, to give us conditions for granting approval for the Lower Hudson Forestry timber harvest permit.

MR. DONNELLY: This is a timber harvest activity but the permit is actually a clearing and grading permit. It is an action under SEQRA. Before you act you will have to issue a declaration of significance.

In terms of the conditions, the standard clearing and grading permit that you

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2 issue always includes compliance with Section
3 83-10 which includes the performance standards
4 for the clearing and grading permit. For the
5 public, they go from A to Y. There's a whole
6 list of specific things that need to be complied
7 with. In addition, Section 83-12 requires a
8 financial security be in place to the
9 satisfaction of the Town Board.

10 There was discussion and there is
11 authority under 83-8 of the clearing and grading
12 code for limiting the duration of the permit for
13 up to a one-year period, and I will include a
14 condition that limits the activities to one year
15 under the clearing and grading permit.

16 Beyond that, we will need a sign-off
17 letter from the highway superintendent on the
18 weight limit issue. We will need a letter from
19 Pat Hines' office reporting that the landing area
20 has been moved back as far as practicable. The
21 applicant's representative has agreed to limit
22 the hours of operation from 8 a.m. to 6 p.m.
23 Monday to Saturday. We will include that.

24 MR. FOGARTY: Monday to Friday.

25 MR. DONNELLY: I'm sorry. Monday to

1 Friday. Yes. No work on Saturdays. I'll
2 include that as a condition. And all logging and
3 truck hauling activity shall take place only
4 between the hours of 10 a.m. and 2 p.m. Finally,
5 men working signs must be posted to the
6 satisfaction of the town police and/or the
7 highway superintendent.
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9 MR. HINES: Let's just say signage. It
10 may say trucks or whatever they agree to.

11 MR. DONNELLY: Okay.

12 CHAIRMAN EWASUTYN: Any additional
13 comments or recommendations? Jerry Canfield,
14 Code Compliance?

15 MR. CANFIELD: I have nothing
16 additional.

17 CHAIRMAN EWASUTYN: Pat Hines, Drainage
18 Consultant?

19 MR. HINES: The only additional, after
20 the gentleman over here commented I did check and
21 it shows up on the DEC map that I did run, the
22 stream you were talking about is a class A stream
23 and it is tributary. I just wanted to
24 acknowledge that you are correct. That rear
25 stream on the opposite side of the wetland is

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regulated.

You need to be conscious of that, that that rear wetland is tributary to the water supply and it shows up here as a class A stream. The one you're crossing with the trucks and the crossing is a class C.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: I have nothing additional.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No.

MR. BROWNE: Nothing more.

MR. MENNERICH: No.

MR. FOGARTY: Nothing more.

MR. WARD: Nothing more.

CHAIRMAN EWASUTYN: There's two parts to this motion. The first motion is to grant a negative declaration for the Lower Hudson Forestry Services timber harvesting permit.

MR. MENNERICH: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich, a second by Tom Fogarty. Any discussion of the motion?

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(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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you. Myself.
So carried.

And the last motion is to grant
approval for the Lower Hudson Forestry Services
timber harvesting permit subject to the
conditions presented by our Attorney, Mike
Donnelly, in the final resolution.

MR. WARD: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by
John Ward. 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.

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MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

Richard, what happens is within the
course of the next working day or two, Mike
Donnelly will prepare the final resolution. That
will be e-mailed to the office. There's two
places on that that I sign, it's stamped and
delivered to the Town Clerk, Andy Zarutskie, for
him to sign, it's then sent back and he'll have a
copy in his office, I'll have a copy in the
Planning Board's office. I'll make a copy for
the building department's files. So those
records will be established that way.

Anything else?

(No response.)

CHAIRMAN EWASUTYN: Thank you all for
attending.

(Time noted: 8:08 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 15, 2012

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

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In the Matter of

SECURE PROPERTY MANAGEMENT
(2006-19)

Request for Conditional Final Subdivision Approval

----- X

BOARD BUSINESS

Date: July 19, 2012
Time: 8:09 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
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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

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CHAIRMAN EWASUTYN: Bryant Cocks,
will you bring us along, please?

MR. COCKS: Board Business for tonight
is Secure Property Management, project number
2006-19.

The Planning Board granted conditional
preliminary subdivision approval on March 15,
2012. The applicant received the Town Board
waiver for three lots on a common driveway, the
City of Newburgh sewer flow acceptance letter.
The applicant is now requesting consideration of
conditional final subdivision approval.

I did review the plans and the
conditions of the preliminary approval and it
looks like the applicant, besides the posting of
the \$6,000 recreation fee, is ready for the plans
to be signed. So these were the last two items
before final approval could be granted.

CHAIRMAN EWASUTYN: That was all part
of the resolution.

MR. DONNELLY: Was there a conditional
final subdivision resolution?

MR. COCKS: No. We needed to wait
until these two issues --

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MR. HINES: We didn't have the City of Newburgh letter.

MR. DONNELLY: You'll need to vote to carry forth all the conditions and reflect the flow acceptance letter has been issued.

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

MR. GALLI: No.

MR. BROWNE: Nothing.

MR. MENNERICH: No.

MR. FOGARTY: No.

CHAIRMAN EWASUTYN: Then I'll move to grant final subdivision approval for Secure Property subject to the conditions presented in the final resolution by Planning Board Attorney Mike Donnelly.

MR. MENNERICH: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. 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.

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MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

All right. Bryant, you'll contact
Langan Engineers and ask them to present to us
formal engineering plans with lighting,
landscaping, drainage, and then we'll begin
discussing the project at that point.

Darren, any update on the -- is there a
bank going into the property?

MR. DOCE: We still haven't formally
signed anything. Joe Bonura doesn't want to come
in for an amendment until he knows for sure. He
was going to give them like one or two more
weeks. If not, we'll just finalize what we got
amended last time.

CHAIRMAN EWASUTYN: Thank you. I
appreciate it.

I'll move for a motion to close the
Planning Board meeting of July 19th.

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MR. FOGARTY: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Tom Fogarty, a second by John Ward. I'll ask 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: 8:12 p.m.)

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