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

----- X

In the Matter of

ROCK CUT ESTATES
(2019-09)

Rock Cut Road
Section 47; Block 2; Lots 11, 12, 13.2, 14.2 & 15.2
R-1 Zone

----- X

INITIAL APPEARANCE
AMENDED SUBDIVISION

Date: September 19, 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
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: MICHAEL MORGANTE

----- 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: Good evening, ladies and gentlemen. We'd like to welcome you to the Planning Board meeting of the 19th of September. We have three items of business under the Planning Board agenda and we have three items of business under the work session.

At this time we'll call the meeting to order with a roll call vote.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. DICKOVER: Rob Dickover, Counsel, present.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

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

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

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CHAIRMAN EWASUTYN: At this time we'll turn the meeting over to Stephanie DeLuca.

(Pledge of Allegiance.)

MS. DeLUCA: I ask that you kindly turn off your cell phones or silence them.

CHAIRMAN EWASUTYN: Our first item of business this evening is Rock Cut Estates. It's an initial appearance for an amended subdivision. It's located on Rock Cut Road in an R-1 Zone and it's being represented by Arden Consulting Engineers.

MR. MORGANTE: Good evening, everyone. My name is Mike Morgante. I am the project engineer for this application that's before the Planning Board tonight.

As the Chairman eluded to, this site is located off of Rock Cut Road. It is in the R-1 Zone. This project may be similar -- I should say familiar to the Board as I believe about -- this project or this property was before the Board roughly about ten years ago -- actually about ten years ago for a five-lot subdivision. That original subdivision included a private driveway through the site, had a stormwater

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facility over here and consisted of five lots at the time. All of those lots at that time were served by individual residential wells and septic systems and they gained access onto Rock Cut Road.

The property has since transferred hands to another owner. That owner has now come back to the Town of Newburgh Planning Board for a consolidation of the lots. Instead of five lots before the Board, what you see is four lots.

Essentially what we've done is combined lots 4 and 5 to the south of the property. The dwellings essentially -- the remaining dwellings essentially are still located in the same spot. Septic systems and wells are essentially in the same spot.

What this has allowed us to do is remove that dwelling, minimize the site disturbance that was associated with lot 5 and minimize the site disturbance associated with the stormwater detention basin. The site disturbance or soil disturbance is now less than 5 acres which precludes us from having to do a stormwater pollution prevention plan. That stormwater pond

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and it's appurtenances are no longer required.

I believe it's a cleaner and more straightforward subdivision that's now before the Board. That's it.

Again, each individual dwelling is still served by septic and wells. The septic and wells are in the same location. The houses are roughly in the same location. So are the driveways. So is the entrance onto Rock Cut Road.

That's a general overview of the project. I will turn it over to the Board and it's consultants if they've got any other questions.

CHAIRMAN EWASUTYN: Michael, thank you.

At this point we'll turn to Pat Hines from McGoey, Hauser & Edsall who reviewed this application.

MR. HINES: My first comment just reiterates what the engineer said, that it's now a four-lot subdivision rather than five, eliminating the private roadway that was previously proposed.

It does reduce the amount of

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disturbance.

A stormwater pollution prevention plan is still required but it's an erosion and sediment control plan rather than the previous stormwater management with water quantity and quality controls.

The access has a common driveway for three lots and requires approval from the Town Board. You'll have to seek that approval from the Town Board for that use.

An access and maintenance agreement will be required to be filed for those three lots that are served by that common driveway.

Orange County DPW approval will need to be obtained. There's now two driveway accesses where previously there was just one private road, so County DPW will be involved there.

There's a structure to be removed on what is proposed lot 2. That will require a demolition permit, and a note on the plans will be needed.

There's a label on there that the private road was previously identified as Magano Court.

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MR. MORGANTE: I missed that. We'll remove that from the plans.

MR. HINES: In speaking at work session, the common driveway will need a name. We didn't know where that name came from. It's not on the Town's list of road names.

MR. CANFIELD: It's not on the Town official road list.

MR. HINES: It could be changed or you need to apply to the Town Board. When you apply to the Town Board you also need to get a name for that common driveway.

MR. MORGANTE: We can do that.

MR. HINES: Each of the lots has ownership out to the County roadway.

As I mentioned, the project does require a stormwater permit for erosion and sediment control.

I ask that you show the grading for the common driveway on the plans and a cross section for that.

I noted that you are running a closed pipe drainage system down there. As you're doing that grading, if you could eliminate that piping.

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Rather than having that closed pipe drainage, a swale may be more appropriate there.

MR. MORGANTE: Agreed.

MR. HINES: The Planning Board should declare it's intent for lead agency.

The EAF that you did file identified, which wasn't there in 2007 when you filled out the EAF on the DEC's website, it identified a potential habitat for bald eagles. We're asking that you contact the National Heritage Program just to make sure that this project doesn't impact those in any way. At work session we talked, there may be a nest somewhere near the Orange Lake area which is why that showed up. Just to close that out for the SEQRA review.

Lead agency circulation and submission to County Planning could be done at this time.

CHAIRMAN EWASUTYN: Thank you.

Jerry Canfield, Code Compliance?

MR. CANFIELD: Just one thing to add to Pat's. The demo permit on lot 2, I believe there's a swimming pool also. If you're going to demo that, that's a separate permit also.

Also, back on the road name, the

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importance of that is that these lots will need
911 addressing on that road. That's the
importance of that.

MR. MORGANTE: Understood.

MR. CANFIELD: That's it.

CHAIRMAN EWASUTYN: Pat, I don't
remember, would Rob Dickover or the attorney send
a letter to the Town Board for the referral for
three lots off of a private drive?

MR. HINES: Typically the applicant
applies for that directly.

CHAIRMAN EWASUTYN: Thank you.
Comments from Board Members. John
Ward?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No.

MS. DeLUCA: Nothing.

MR. GALLI: Nothing.

CHAIRMAN EWASUTYN: Having heard from
McGoey, Hauser & Edsall, would someone make a
motion to declare our intent for lead agency and
to circulate to the Orange County Planning Board?

MR. WARD: So moved.

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MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward and a second by Dave Dominick. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

MR. MORGANTE: Thank you very much.

CHAIRMAN EWASUTYN: Pat, would you discuss the informational letter at this point?

MR. HINES: I will. The Town of Newburgh has a requirement that within ten days of appearing at this meeting, that you notify landowners within 500 feet of the project. I will prepare that notice and get a copy of a list from the assessor for the addresses in that surrounding area. I will submit that to your

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office. They're mailed out by the Town. You stuff the envelopes, put the notice in there, stamp them and deliver them to the Town Hall here, the personnel department, and they actually do the mailing. They'll give you an affidavit that the mailing is done. I'll work that out with you in the next couple days.

MR. MORGANTE: Thank you very much.

UNIDENTIFIED SPEAKER: Could we ask questions here or what?

CHAIRMAN EWASUTYN: No. It's not a public hearing at this point. There will be a public hearing but that will be another phase. This is just the preliminary stage of it.

(Time noted: 7:08 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 30th day of September 2019.



MICHELLE CONERO

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

----- X
In the Matter of

UNIFIRST
(2018-01)

33 Jeanne Drive
Section 34; Block 2; Lot 38.32
IB Zone

----- X

AMENDED SITE PLAN

Date: September 19, 2019
Time: 7:08 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JASON PITINGARO

----- X

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CHAIRMAN EWASUTYN: The second item of business this evening is UniFirst. It's an amended site plan located at 33 Jeanne Drive, it's in an IB Zone and it's being represented by Jason Pitingaro.

MR. PITINGARO: Good evening. Jason Pitingaro, Pitingaro & Doetsch, representing UniFirst, the applicant tonight.

We were here before the Board on August 1st to discuss this application, the application that I revised from a previous applicant, or representative for the applicant. It started back in January of 2018. We've been working on this a little while.

The project entails the expansion of the building in the front and the rear, mainly to accommodate the delivery vans and tractor trailers that will be delivering the product to the site where it is distributed to the folks who are using UniFirst for their needs.

We're also replacing the septic. It's been moved back to the back corner of the property.

We have a stormwater detention system

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which is handling all the stormwater. We designed a pump system that will convey the stormwater from the loading dock area and did some reconfiguration of the front parking area.

We have received comments from the Board's consultants. I think we've addressed most of the technical comments from Pat's office.

In the last round of reviews there's been some comments that came from Ken's office that discussed the entranceway. We're intending to work with him to make sure that that's adequate, and possibly widen that throat width if necessary.

At this point I think that most of the issues are addressed. We're here to answer any further questions from the Board.

CHAIRMAN EWASUTYN: Ken, as Jason said, you're working out the details. Can you announce that?

MR. WERSTED: Certainly. In response to some of our previous comments the entrance to the truck area has changed. We brought up the issue of how the tractor trailers currently arrive and depart through there. The truck

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that's labeled on the plans is WB-67 and that's the larger interstate trucks. We had done a preliminary analysis to demonstrate that there may be some off-tracking as that truck enters and exits. We suggested that we work with the applicant to identify the exact size of the truck. Typically the interstate trailers have a sleeper cab. The trucks that they are using here may be smaller than that. If we can identify that, we can look at the access in and out to determine whether the driveway throat needs to be widened out a little bit or if the culvert needs to be extended, just to make sure we're not running over the end of it and crushing that or damaging it.

We only had a small, minor comment on the handicap sidewalk at the entrance to the site.

CHAIRMAN EWASUTYN: Jason, are you in agreement with that?

MR. PITINGARO: Yes. Actually, we did do some more research with the operators. It is going to be a slightly smaller truck. We will work with Ken to identify exactly what needs to

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be done to the throat width there to make sure
it's improved.

CHAIRMAN EWASUTYN: And refresh us, the
tractor trailer will be coming how many times per
day?

MR. PITINGARO: Only once a day.

CHAIRMAN EWASUTYN: Do you foresee in
the future that that would increase?

MR. PITINGARO: I can't speak for the
operations, but we don't --

CHAIRMAN EWASUTYN: For the record your
name, please?

MR. MORRIS: Bob Morris. I work for
the UniFirst Corporation out of the corporate
office in Wilmington, Mass.

This is one of my projects. What we
have is off-hour deliveries and return at the
same time. Basically when it's delivered, I
think it's like probably 8:00, 9:00 in the
evening, so it's off-traffic hours, and then go
back up.

What they bring is all the clean
garments and clean other stuff because the stuff
is processed at a plant. This plant is in

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Whippany, New Jersey. The trucks are coming from there.

I wasn't sure if it was a 48-foot trailer or a 53. I called the plant manager and he said it's a 53-foot trailer but they just have a standard cab, there's no sleeper. So they deliver somewhere around 8:00, 9:00 at night. It could be later.

We have two trailer spots because we want to make it easier for the truck driver when he delivers us stuff to hook up and unhook. What happens at the branch is that they fill up all the soiled stuff that comes from their customers. He drops off the clean stuff to be delivered two days -- we have two-day storage. Two days afterwards that stuff there would be brought to the customers. He picks up the soiled and brings it to the plant to be processed, to be cleaned. Basically it goes by the route driver, then it goes by the customer that we're having, then it goes to -- so there's three different locations until it gets to the person that's at that place. Then again it will be again a few days later they'll be bringing the clean -- that stuff

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clean, picking up the other stuff.

 If we had just one spot it would take the truck driver a lot more time to unhook from this one, off to the side, pull the soiled out, bring the other one in. It's so much easier having two trailer spots. There's only going to be one trailer there left. At one time it will be on the right, another time it will be on the left.

 They've been backing in here for I think -- I've been here since '05, and they've been using this small branch that we have now before that. We had different plants. We had one in Connecticut that was doing it for awhile, we had Springfield for awhile, now we've got a big plant up in Whippany. All the products are coming from there. It's usually a two-hour ride or somewhere around. That's how this stuff works.

 So all the truck driving -- the trailer stuff driving is done off hours. I don't know if there's any questions.

MS. DeLUCA: Thank you.

MR. GALLI: I'm good.

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CHAIRMAN EWASUTYN: Pat Hines with
McGoey, Hauser & Edsall.

MR. HINES: Our first comment has to do
with the truck backing that Ken had discussed.

The security fencing has been revised
to completely surround the truck loading portion
of the site.

Water service details have been
provided consistent with the Town's requirements.

The drainage report was updated
pursuant to our comments. There's a slight
portion of the system that's pumped and it
discharges to a subsurface stormwater management
facility.

The septic details have been added to
the plans. The existing septic will be
abandoned.

We are recommending a negative
declaration.

The Board can discuss whether to hold a
public hearing or not on this project.

CHAIRMAN EWASUTYN: Jason, do you have
ARB plans that you can put up this evening?

MR. PITINGARO: Yes, we can do that.

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CHAIRMAN EWASUTYN: That will be part of what we should be doing this evening.

MR. PITINGARO: I did submit reduced copies in the packages. This is the full-size version. We have samples here tonight if the Board would like to see those as well. I believe we can address any concerns as far as aesthetics tonight.

MR. STEVENS: Actually, these are the plant images we discussed at the last meeting.

My name is Bob Stevens, I'm the architect for the project and I work with UniFirst Corporation.

So what you're seeing here is the existing warehouse in this location, and then this is the front office addition, and this is the rear warehouse addition.

This is the front view of the building showing the office addition. The office addition is primarily face brick with an upper fascia of EIFS. It would be material something like this, an off-white tone.

What you're seeing on the warehouse itself is metal siding. The existing metal

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siding and rib metal roofing is in very poor condition. That would be replaced. That would be a color something like this.

This is the dark green tone that would be on the roof. Something like that. That's the actual color. Then the off-white tone, something like that. There's also a kind of a gray metal panel system over the front entrance, and that would be this color right there. There's also kind of a green accent stripe that works around the front fascia, and that would be this color. This is a color that's similar to -- as a matter of fact, this is one of the UniFirst standard colors in terms of what they use inside and outside of the building. It's similar to the green that's also used on their sign in the front of the building.

There is some rooftop equipment. The major rooftop unit is shielded by a screen.

This here, once again you're seeing the warehouse and you're seeing the side of the building with the truck docks. Again, the same materials I just discussed in terms of the metal and the brick. The brick would be probably

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something like this. This is a standard range, a red, orange, brown range of brick. Something like that.

That's a general summary. If you have any questions, we'd be glad to answer them.

CHAIRMAN EWASUTYN: Any questions from the Board Members on the samples and the exhibits being displayed?

MR. GALLI: Is there any difference in the sign that's there now?

MR. PITINGARO: There's a new sign proposed. There's a detail on the plan.

MR. STEVENS: This is our sign that we have at our Albany plant. It's typical. It's a lit sign. We have the flag with it. What we would have here would be very similar to this.

MR. PITINGARO: Right.

MR. STEVENS: Right now I don't think there's a sign. I think it's on the face of the building.

MR. PITINGARO: We would like to request that the public hearing be waived. The operation has been in existence for --

MR. MORRIS: Before `05.

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MR. PITINGARO: -- about fifteen years.

MR. WARD: Is the sign on the plan?

CHAIRMAN EWASUTYN: It is.

MR. HINES: There's a proposed sign on the plan.

MR. WARD: Thank you.

MR. PITINGARO: The sign is here. It meets the requirements of your setback from the property line. There is a detail. It's very much exactly like that.

MR. WARD: Thank you.

MR. PITINGARO: It's an expansion of the building but I think overall it's an aesthetic improvement. There are only commercial entities on Jeanne Drive. We don't feel there's going to be any impact to any residential in the area, and we're not increasing the traffic trips to the facility.

CHAIRMAN EWASUTYN: We'll poll the Board Members. We'll start with John Ward. Do you think we should have a public hearing?

MR. WARD: No.

MR. DOMINICK: No.

MR. MENNERICH: No.

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CHAIRMAN EWASUTYN: No.

MS. DeLUCA: No.

MR. GALLI: NO.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board waived the public hearing on UniFirst.

Jerry Canfield, do you have any comments at this point?

MR. CANFIELD: No.

CHAIRMAN EWASUTYN: Why don't we poll the Board Members. Are you in favor of the ARB renderings that are being shown tonight? Would you approve that?

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Yes.

Would someone make the motion to approve ARB?

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by

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Frank Galli. I have a second by John Ward. Can we please have a roll call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. Carried.

At this point we'll turn to Rob Dickover -- excuse me. Let me stop for a second. I'll move for a motion to declare a negative declaration on the amended site plan for UniFirst.

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich, second by Dave Dominick. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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Motion carried.

At this point we'll turn the meeting over to Rob Dickover, Attorney for the Planning Board, to give us conditions for final approval for the UniFirst amended site plan.

MR. DICKOVER: That as well as the ARB approval.

CHAIRMAN EWASUTYN: Thank you.

MR. DICKOVER: A 239 referral on this application is not required.

Pat, are there any comments that need to be addressed? Any letters?

MR. HINES: Subject to both Ken and I's last comments. Ken does have comments on the traffic.

MR. DICKOVER: Those would be the dates of your last comment letters.

MR. HINES: Yes.

MR. DICKOVER: Architectural Review Board approval.

Stormwater improvement and securities aren't required on this I don't believe.

MR. HINES: It is. It will be on here.

The next thing is going to be the

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UNIFIRST

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landscaping. This is one of those ones that has a very small amount of landscaping.

CHAIRMAN EWASUTYN: I think there are a few shrubs.

MR. HINES: The bonding would be more cumbersome than the planting of the plants. The Board has the flexibility of not requiring that.

CHAIRMAN EWASUTYN: Six or seven shrubs going up the walkway?

MR. PITINGARO: Yeah. There's some plantings along the face of the building and some adjacent to the sign area.

MR. DICKOVER: We will not require a landscape security or inspection fee.

CHAIRMAN EWASUTYN: Correct.

MR. DICKOVER: We will have a stormwater improvement security and inspection fee condition?

MR. HINES: Yes.

MR. DICKOVER: Do we need a stormwater control facility maintenance agreement?

MR. HINES: Yes.

MR. DICKOVER: So that will be a condition as well.

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UNIFIRST

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We do not have water mains or sewer main extensions I don't believe.

MR. HINES: No.

MR. DICKOVER: We will have an outdoor fixtures and amenities provision stating nothing other than what is shown on the site plan is approved. I believe that's it.

CHAIRMAN EWASUTYN: Okay. Any questions or comments from Board Members?

MR. GALLI: Do we need to go on record as a Board as to why we waived the public hearing?

CHAIRMAN EWASUTYN: Okay. Do you want to go on record and make a statement?

MR. GALLI: I would. We'll be scrutinized on it. I think the business has been in business over fifteen years, it's in a completely commercial zone, there's no housing around it and it's all commercial businesses. I just think that that's -- it's just an addition. There's no additional traffic or anything like that in the area. I don't feel the need for a public hearing.

CHAIRMAN EWASUTYN: Does someone want

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UNIFIRST

to make a second to support that statement?

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Second by Ken Mennerich. We'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you.

(Time noted: 7:26 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 30th day of September 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

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

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

----- X

SITE PLAN/SPECIAL USE

Date: September 19, 2019
Time: 7:26 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ANDREW FETHERSTON,
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 and last item of business under the Board agenda is BJ's Wholesale Club - Newburgh. It's a site plan and special use. It's located on New York State Route 17K and Auto Park Place, it's in an IB Zone and it's being represented by Andrew Fetherston.

MR. FETHERSTON: Good evening, Mr. Chairman. I'm here to address ARB and what I believe are some final issues on the site plan.

CHAIRMAN EWASUTYN: Can we start with ARB, and that way if the Board is in agreement after your exhibits, any conversation could possibly move in the direction of approving that, and then we'll move closer to the details and the conditions as relates to final site plan approval.

MR. FETHERSTON: Okay. That's fine. Sure.

This is the board that I think the Planning Board is familiar with. What we did was -- what I can bring up is a sample board. Would you like me to bring it up to the Board so you can take a look?

These are some of the finishes that

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will be applied to the building. I put them in the exact same order as what was on the lower right-hand corner of that drawing just so you can get a look -- get a feel and take a look.

There's a ground face that's kind of smooth and this is the split face that's broken. That's the only difference between the two, how they were cut or severed, separated.

The other part of that, Mr. Chairman, is the fueling facility. This is the finish on the fueling facility, the colors.

CHAIRMAN EWASUTYN: Nice.

MR. WARD: It looks like the standard.

MR. FETHERSTON: Standard stuff.

That's really it for the ARB portion, Mr. Chairman.

CHAIRMAN EWASUTYN: Jerry, as head of Code Compliance, what kind of detailed information would you like to see as it relates to the ARB approval for the file?

MR. CANFIELD: The rooftop screening, did we talk about that?

CHAIRMAN EWASUTYN: I don't believe we have.

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MR. CANFIELD: We need it.

MR. FETHERSTON: I'll talk about the parapet wall and how high that roof is above that line.

MR. GODDARD: I believe the parapet is designed to obscure the HVAC, or certainly screen them to the extent necessary.

CHAIRMAN EWASUTYN: They'll screen it where necessary. Is the Board satisfied with that?

MR. HINES: The code has a requirement that the rooftop mounted units are not visible. It is a requirement. Possibly a note on the ARB plans would be appropriate.

MR. CANFIELD: Just how that's going to be addressed so we know what to look for.

MR. FETHERSTON: Is that something we would put on your form, Jerry?

MR. CANFIELD: Yes.

MR. FETHERSTON: All right.

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

MR. HINES: To the ARB, no.

CHAIRMAN EWASUTYN: Comments from the

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Board as far as ARB?

(No response.)

CHAIRMAN EWASUTYN: Would someone move for a motion to approve the ARB renderings for BJ's?

MR. HINES: The only issue, John, is that the signage will have to come back.

CHAIRMAN EWASUTYN: Let's take one thing at a time. Thank you.

MR. DOMINICK: I'll make a motion.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by Ken Mennerich -- Stephanie DeLuca. I apologize. Can I have a roll call vote starting with Frank Galli?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Pat Hines raised a valid point and it will be stated in the resolution. You'll be coming back at a later time for signage approval.

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MR. FETHERSTON: That's correct.

CHAIRMAN EWASUTYN: Mr. Dickover,
you'll make that part of the conditions of the
resolution.

MR. DICKOVER: Yes.

CHAIRMAN EWASUTYN: Let's go through
the details of the final site plan approval.
We'll start out with Ken Wersted.

MR. WERSTED: At our last meeting we
talked about the potential for DOT to require the
main entrance to Route 17K to be changed to a
right in, left in and a right out. The
applicant's engineer had prepared an alternative
design, which is provided on the site plan as an
alternative. We provided a couple of comments
regarding that. It's the DOT's jurisdiction, so
their comments will be focused on the
applicability of that alternative design or the
present one proposed.

We had also noted that Maser has been
in contact with Transit Orange and they did
identify that there is a bus route that goes
between the Town of Newburgh and the City of
Newburgh and drops off passengers along Route

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17K. We had suggested that they get in touch with the local operator of that route and have them advise as to whether they think a bus stop pad or some amenity for waiting there would be proper in that area.

Our final comment had to do with an item that came up at the last meeting with regard to resurfacing. In my notes I misspoke and called it Unity Place. I believe it's actually Auto Park Place was the road that we were speaking of. Those limits should be identified on there.

Then we have one final comment on the striping actually on Unity Place near where the Riverside Bank driveway will be removed, to connect some of the striping there.

MR. FETHERSTON: We have no problem with those comments, Mr. Chairman.

MR. WERSTED: During the work session we also talked about the stop bar for the Riverside Bank right-turn out only driveway. If there isn't one present, to show that one as well.

MR. FETHERSTON: Okay.

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CHAIRMAN EWASUTYN: Andrew, the
comments are noted?

MR. FETHERSTON: Yes, sir. No problem.

CHAIRMAN EWASUTYN: Jerry Canfield,
Code Compliance, do you have any comments at this
point?

MR. CANFIELD: No. Nothing additional.

CHAIRMAN EWASUTYN: Pat Hines with
McGoey, Hauser & Edsall?

MR. HINES: Our comments had been
previously addressed. A lot of our comments had
to do with conditions of approval, the
requirements for a stormwater facilities
maintenance agreement for all the lots involved,
stormwater and landscaping security and
inspection fees, DOT approval for the access
points.

The City of Newburgh flow acceptance
letter had previously been received.

A petroleum bulk storage permit will be
required as part of the fueling at the facility.

The stormwater permit will be required
prior to issuance of a building permit.

Notes on the map should identify the

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milling and repaving of Auto Park Place as previously discussed.

I've worked with Mr. Dickover's office on a resolution including all of these conditions.

CHAIRMAN EWASUTYN: And the site plan that we're approving tonight will be with a traffic light or without a traffic light?

MR. HINES: I think I'm going to defer to the applicant. I believe we're approving the one with the traffic light at this time.

MR. FETHERSTON: We're seeking the traffic light. We put that other driveway on for the Board's information, really just to see how could it be done otherwise.

MR. HINES: So the plan we're approving tonight is the plan set that has the improvements associated with the traffic light. If there's any substantive change to that, the plan would have to come back for approval.

MR. GODDARD: I think that's true except that the revised sheet has the alternate on it.

MR. HINES: I understand. The Board

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typically doesn't -- has never approved a plan that has alternates. It has a specific condition that says that what's shown on the plans will be constructed. If there's a change it would have to come back. That's been a standard procedure for the Board.

MR. WOLINSKY: Do you want us to remove that insert off the plan then?

MR. HINES: I believe that was for informational purposes, for Ken's office and the Board to see that it can happen. We just can't have a multiple choice plan. In deference to Jerry's office and the construction activities, there needs to be one plan approved.

MR. WERSTED: I think in the end we need to have DOT weigh in on what that's going to look like. The practicality of taking that insert and just moving it off to the side, save it for later in case DOT comes back and says that's what we want, then you'll replace the main entrance on the main site plan.

MR. WOLINSKY: My understanding is that we, meaning everybody that's reviewed this, thinks the light makes sense.

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MR. GODDARD: We don't know whether DOT is going to consider that.

MR. WOLINSKY: I know that. If DOT sees a plan that the Planning Board has approved with a light, it will carry some weight I think.

CHAIRMAN EWASUTYN: So for the record, we're approving the site plan for BJ's tonight showing a traffic light on 17K; correct?

MR. WOLINSKY: Yes.

CHAIRMAN EWASUTYN: We wanted to make that clear.

John, you had a comment?

MR. WARD: Are you going to remove that from the plan?

MR. FETHERSTON: Yes. Yes, sir.

MR. WARD: I had one more question. In reference to out front, in my paperwork I'd seen the shuttle loop goes through there and drops off in the front. You said you got in touch with --

MR. FETHERSTON: You know what I did, first I got their schedule. The schedule shows that when they're going eastbound on 17K they stop on the edge of the road and they discharge passengers now. That's a two-lane highway,

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shoulder, grass and a drop off. If the folks are going -- there's no place to go here but for the bank or the dealerships on foot. This is just a large grass field. If they were going to go across the street they'd be doing so with no crosswalk, no stop light. It's a very unsafe condition.

MR. WARD: Where would they stop now if the project is there?

MR. FETHERSTON: We'll have to talk with them. I think it's going to be between Transit Orange and -- DOT is going to have to understand that we want to work with them and see if we're going to have some place to pull over with a pad. We'll have to work it out, John. It has sight distance issues. Is the bus going to go into the site? It does go into a lot of the other sites. It does go into Adams, for example. It's shown on the route map. So there's going to be some conversation to see how they want to work it out, and if we're going to do a pad like Ken is suggesting or they're just going to come into the site. With a light and a crosswalk, at least people could get from one side to the other.

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CHAIRMAN EWASUTYN: Any other questions?

(No response.)

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: At this point I'll turn the meeting over to Rob Dickover, Planning Board Attorney, to give us conditions for approval for the BJ's Wholesale Club in Newburgh.

MR. DICKOVER: This would be a proposed resolution for approval for site plan and ARB for the project.

The resolution will describe the nature of the application, the property involved, the zoning district and recite the date of the last plans as now submitted. We'll call for the plans to be amended to remove the alternative entrance presently shown on the plans and would show the no traffic light condition. We'll say the --

MR. FETHERSTON: It will show the traffic light condition, the approved plans.

MR. DICKOVER: I'm sorry.

CHAIRMAN EWASUTYN: The insert is the one that showed no traffic light. You were right, Rob. I think you were referencing the

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2 insert being removed and it would show no traffic
3 light. Continue.

4 MR. DICKOVER: It will recite the
5 public hearing had been waived on September 5th,
6 a SEQRA determination having been made by this
7 Board on September 5, 2019. A 239 referral was
8 required but the Planning Department has not
9 provided a report and their time to do so has
10 timed out. There will be a general finding of
11 approval by this Board with respect to the site
12 plan as well as the ARB renderings submitted and
13 approved this evening. Without signs having been
14 presented, the applicant will have to return to
15 this Board for sign approval. There will be
16 conditions, specific ones, that the applicant
17 will comply with the last comments of Ken
18 Wersted, the Town's Traffic Engineer. I believe
19 that Pat Hines' comments have been satisfied.
20 There will be other agency approvals noted. The
21 Orange County Department of health, you need a
22 water main extension, the approval on that having
23 been received and granted already. There's a New
24 York State Department of Environmental
25 Conservation approval for a SPDES permit

1 required. You need a New York State Department
2 of Transportation approval on the concept for
3 access with a point including the traffic signal.
4 You'll need a petroleum bulk storage permit to be
5 submitted to the Town Building Department.
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7 MR. HINES: That is a DEC one.

8 MR. DICKOVER: From New York State DEC.
9 Thank you.

10 CHAIRMAN EWASUTYN: We could add that
11 there will be a final sign-off letter from KALA,
12 our consulting Landscape Architect.

13 MR. DICKOVER: I'll have that in a
14 moment.

15 The approval is subject to and
16 conditioned upon delivery of written approvals
17 from the agencies just noted. The plans should
18 not be signed until their approval is granted.
19 The applicant will copy the Planning Board on all
20 correspondence with those agencies. Any
21 amendment to the existing plan set be approved by
22 the Planning Board's Consultants or as required
23 by any consultant or by the Planning Board
24 itself. If there is any significant change by
25 the New York State DOT with respect to the

1 entrance, the applicant will need to return to
2 this Board. There will be an Architectural
3 Review Board approval approving those plans and
4 renderings delivered and approved this evening.
5 Karen Arent, the Town's Landscape Architect,
6 should review those building plans when submitted
7 to the Building Department to ensure compliance
8 with them. She should also inspect the work
9 before a certificate of occupancy is issued to
10 ensure compliance with the approved architectural
11 renderings. There will be a general parking lot
12 maintenance condition pursuant to Section 131-1
13 to 131-5 of the Code of Ordinances of the Town.
14 There will be a Vehicle & Traffic Law enforcement
15 authorization requirement that the applicant
16 submit the parking lot general jurisdiction to
17 the Newburgh Police for parking enforcement and
18 other traffic control purposes. There will be a
19 landscaping maintenance plan required. There
20 will be a landscape security and inspection fee
21 provision. There will be a stormwater
22 improvement security and inspection fee
23 condition. There will be an outdoor fixtures and
24 amenities provision stating, in sum and
25

1 substance, that no approvals are given for
2 anything other than what is shown on the approved
3 plan. There will be a mill and paving condition
4 that prior to the issuance of any certificate of
5 occupancy for the improvements shown on the plan,
6 the applicant shall mill and pave the existing
7 road surface of Auto Park Place. The applicant
8 has contacted Transit Orange in order to discuss
9 whether a stop and standing pad is warranted
10 along the property frontage on 17K. The
11 applicant will discuss the feasibility of
12 providing accommodations for a local bus service
13 stop along 17K with New York State DOT. Should
14 those discussions result in changes to the site
15 plan, the applicant must return to the Planning
16 Board for further review. The applicant shall
17 copy the Planning Board on all correspondence
18 sent to or received from Transit Orange. No
19 signs are approved by this decision. The
20 applicant must pursue the proposed signage by
21 subsequent application and approval of the
22 Planning Board. I believe the last note would be
23 one with respect to obscuring rooftop fixtures by
24 means of screen fencing to the satisfaction of
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Karen Arent.

Those would be the specific conditions. Otherwise the general conditions being submit all necessary plans, pay all due fees and an expiration date for the approval of the plan.

CHAIRMAN EWASUTYN: Any comments from Ken Wersted, Traffic Consultant?

MR. WERSTED: No.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: I just have two clean-up items. The DEC stormwater SPDES permit should be a building permit. The bulk storage should be a CO, not plan signing. Both of those are more of a subsequent in the process.

I may have missed it but the stormwater facilities maintenance agreement was in there?

MR. DICKOVER: I may have missed it myself but it should be. A stormwater control facilities maintenance agreement will be required.

CHAIRMAN EWASUTYN: Thank you both.

Jerry Canfield, are you satisfied?

MR. CANFIELD: Yes. Nothing additional.

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CHAIRMAN EWASUTYN: Any questions or comments from the Board?

MR. GALLI: No additional.

MR. MENNERICH: I have one question. I might have missed it. Is there a provision in the resolution that allows the Town of Newburgh Police to --

MR. GALLI: Yes.

MR. MENNERICH: I missed it. Sorry.

CHAIRMAN EWASUTYN: Any additional questions?

(No response.)

CHAIRMAN EWASUTYN: Would someone like to make a motion to grant conditional site plan approval -- final site plan approval for BJ's Wholesale subject to the conditions presented by Planning Board Attorney Rob Dickover?

MR. DOMINICK: I'll make a motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick, a second by John Ward. Can I have a roll call vote starting with Frank Galli?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

MR. WOLINSKY: Thank you very much.

MR. FETHERSTON: Thank you very much.

(Time noted: 7:45 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 30th day of September 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

ELM FARM
(2006-39)

Request for a Six-Month Extension
from September 19, 2019 to March 19, 2020

----- X

BOARD BUSINESS

Date: September 19, 2019
Time: 7:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: KATHRYN BUSCH

----- X

MICHELLE L. CONERO
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56 North Plank Road, Suite 1
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ELM FARM

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CHAIRMAN EWASUTYN: We have three items under Board Business this evening to discuss. The first?

MR. MENNERICH: The first item is concerning Elm Farm Subdivision. I understand Kathy Busch is here.

CHAIRMAN EWASUTYN: Do you want to read the letter?

MR. MENNERICH: The letter is dated August 13, 2019 to Mr. John Ewasutyn, Chairman, Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York 12550. It's regarding Elm Farm Subdivision, Wells and Fostertown Road, Newburgh, New York. Dear Mr. Ewasutyn, the conditional final approval for Elm Farm expires on 9/19/19. I am requesting appearance at the 9/19/19 meeting to request further extension and to discuss other concepts for the property. In addition, I am enclosing a check for \$600 for the escrow account for the project. Thank you for your consideration. Sincerely, Kathryn Busch, Elm Farm Associates.

CHAIRMAN EWASUTYN: Welcome.

MS. BUSCH: Thank you. Just to

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introduce myself to all of you, my name is Kathryn Busch and I'm a partner in the Elm Farm project.

The reason we're requesting the extension is we would like to change the site plan from individual units to cluster apartments. Over the last two years there have been two different occasions where we had a buyer interested in developing the project. Both times, after completing their due diligence, the cost for the infrastructure, and particularly the soft housing market, they chose not to pursue. At this time the cluster apartment concept is more in line with the current real estate market.

What I'm looking for from you is next steps and guidance in how to pursue making the change to the site plan.

CHAIRMAN EWASUTYN: You've owned the property since how far back?

MS. BUSCH: Oh, I would say probably total maybe twelve years, approximately.

CHAIRMAN EWASUTYN: Okay. I would like to make a recommendation to the Board that we set this up for a consultants' work session with

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ELM FARM

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Jerry Canfield and Pat Hines to discuss the steps
you may need to take --

MS. BUSCH: Okay.

CHAIRMAN EWASUTYN: -- and the risk
possibly moving in a second direction --

MS. BUSCH: Okay.

CHAIRMAN EWASUTYN: -- to help you sort
of have a clear understanding of the challenges
in front of you.

MS. BUSCH: Okay. I would appreciate
that.

CHAIRMAN EWASUTYN: I think the history
of this property is greater than twelve years.

MS. BUSCH: Yeah. It could be maybe
fifteen. There's been a lot of different issues
that have intervened over the years.

CHAIRMAN EWASUTYN: Would someone move
for that motion?

MR. GALLI: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

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ELM FARM

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MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Pat, what is the next date for the
consultants' meeting?

MR. HINES: It's this Tuesday, the
24th.

CHAIRMAN EWASUTYN: Your phone number
is on your extension --

MS. BUSCH: Yes, it is.

CHAIRMAN EWASUTYN: -- letter? Pat
Hines' office will reach out to you.

Would you explain to her where the
meeting is held?

MR. HINES: The meeting is held in this
room. You would be the first one on there for
that date. That would be at 1 p.m. here.

MS. BUSCH: Okay. Very good. And I
should --

MR. HINES: Do you have a consultant on
board already?

MS. BUSCH: Yes. I'll bring him along.

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Very good. Thank you.

(Time noted: 7:51 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 30th day of September 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

CORTLAND COMMONS
(2017-11)

Request for a Six-Month Extension
from September 19, 2019 to March 19, 2020

----- X

BOARD BUSINESS

Date: September 19, 2019
Time: 7:51 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

----- X

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MR. MENNERICH: The second request comes from Stanley Schutzman, Attorney at Law, and it's a letter dated September 9, 2019 addressed to Mr. John P. Ewasutyn, Chairman, Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York 12550, regarding project name Cortland Commons, project number 2017-11, premises Meadow Hill Road, Section 9, Block 1, Lot 60, Zone R-3. Request for extension of site plan approval. Dear Chairman Ewasutyn, I write this letter in follow up to our phone call and on behalf of my client, JG Farrell III Real Estate, LLC, the above project applicant and owner. At the outset I refer to the Town of Newburgh Planning Board's resolution of approval/site plan granted on October 5, 2017 and entered in the office of the Town clerk on October 19, 2017. Another copy of the said approved resolution is enclosed for ease of reference.

I write this letter on behalf of the applicant to request that the Planning Board extend the effectiveness of the aforesaid site plan approval resolution for a further six-month period of time, this so as to permit sufficient

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time for my client to finalize the matters of the septic system for the project, including proceeding with the process necessary seeking Health Department approval and New York State DEC approval concerning the septic system.

By way of background, there has been an ongoing discussion and review concerning sewer capacity for the project, including whether or not it would proceed with connection to an on-site septic system or the Town's Roseton sewage treatment plant. At this point and after much consideration, I'm advised that the applicant has decided that the project should move forward with an on-site septic system. As a result, I'm advised that my client's engineering firm, JMC Site Development Consultants, recently made an application to the New York State Health Department and will also be coordinating this matter with the New York State DEC as needed. In view of the foregoing, my client respectfully requests the Town of Newburgh Planning Board's approval in extending the approval resolution so as to permit sufficient time for it to finalize and proceed with the foregoing.

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Further in connection with the extension request, I note that both the applicant and the Planning Board have made a significant investment in this project, and that there should be no negative consequences in the Planning Board granting the requested extension.

I thank you for your advice that this extension request can be included on the meeting agenda for the September 19, 2019 Planning Board meeting without the necessity of the applicant's appearance. Also, please let me know the status of my client's escrow account so I can guide my client accordingly.

Thanking you and the Planning Board Members in advance for the due consideration and approval of this extension request. I am
Sincerely Yours, Stanley Schutzman.

CHAIRMAN EWASUTYN: Pat, with JMC Site Development working with the New York State Health Department, from your experience, their approval based upon submittals takes about how long?

MR. HINES: Four to six months.

CHAIRMAN EWASUTYN: Okay.

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MR. HINES: They need the plan approval because less than \$10,000 comes through the Health Department, but also the DEC process is the SPDES permit for that groundwater discharge.

CHAIRMAN EWASUTYN: And they work jointly together on something like this?

MR. HINES: Yeah. The Health Department does the plan review and the DEC will give them the parameters for the discharge. They happen simultaneously.

CHAIRMAN EWASUTYN: Comments from Jerry Canfield?

MR. CANFIELD: I have nothing.

CHAIRMAN EWASUTYN: Board Members?

(No response.)

CHAIRMAN EWASUTYN: Pat, can you give us the ending date? They're asking this evening from September 19th for a six-month extension. If we move to grant that extension the closing date would be?

MR. HINES: March 19th.

MR. WARD: Is it 19?

MR. HINES: For tonight it would be the 19th.

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MR. WARD: March 19th.

CHAIRMAN EWASUTYN: March 19th, and that would be 2020.

MR. HINES: Yup.

CHAIRMAN EWASUTYN: Would someone want to make a motion to grant a six-month extension to Cortland Commons until the 19th of March 2020?

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. HINES: My math is bad. It's February. I started in October. February.

CHAIRMAN EWASUTYN: We'll amend that motion to grant them a six-month extension to February 19th. That being amended, the motion was first presented by Frank Galli and seconded by Ken Mennerich. Are you both in agreement?

MR. HINES: It is March. I was correct the first time.

CHAIRMAN EWASUTYN: So we'll amend the second amendment to include an extension to March 19, 2020. The motion was originally

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made by Frank Galli. There was a second by
Ken Mennerich. Do you gentlemen approve that
motion?

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Roll call vote
starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you both.

(Time noted: 7:58 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 30th day of September 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

LANDS OF ZAZON
(2004-29)

Request for a Six-Month Extension
from September 19, 2019 to March 19, 2020

----- X

BOARD BUSINESS

Date: September 19, 2019
Time: 7:58 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

----- X

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CHAIRMAN EWASUTYN: I think you have one other item.

MR. MENNERICH: One more. This is a letter from Pietrzak & Pfau Engineering & Surveying, LLC dated August 20, 2019. Mr. John Ewasutyn, Chairman, Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York 12550, regarding Lands of Zazon, reference project number 2004-29, P&P project 23153.01.

Dear Mr. Ewasutyn, please let this letter serve as our request for a 6-month extension (two 90-day extensions) of conditional final approval of the above-referenced project.

As discussed with the Board at March 7, 2019, the applicant is currently trying to sell the property and to date has not been able to do so. The applicant is asking the Board to grant an additional extension in order to keep the conditional final approval as this makes the property more desirable for a potential purchaser.

As you will recall, this project was previously granted conditional final approval. In a letter dated August 19, 2013 the Board

1 granted two 90-day extensions from September 19,
2 2013 to March 19, 2014. At the August 21, 2014,
3 the Planning Board granted an additional 180-day
4 extension to March 19, 2015, and in March 2015 we
5 received an extension to September 19, 2015, and
6 in September requested an additional 6-month
7 extension to March 19, 2016. At the March 3,
8 2016 Planning Board meeting the Board granted a
9 6-month extension to September 20, 2016. At the
10 September Planning Board meeting the Board
11 granted an extension to December 15, 2016, at
12 which time the Board granted an extension to June
13 15, 2017. At the June 1, 2017 Planning Board
14 meeting the Board granted an extension to
15 December 7, 2017, at which time the Board granted
16 a 6-month extension to June 7, 2018. The Board
17 then granted an extension to December 7, 2018.
18 At this meeting the Board requested the applicant
19 appear at the March 7, 2019 meeting to explain
20 the status of the project to the Board. At the
21 March 7, 2019 meeting the Board granted an
22 extension to September 19, 2019.
23

24 Thank you for your attention to this
25 matter. Should you have any questions or require

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anything further, please do not hesitate to contact this office. Very truly yours, Joseph J. Pfau.

CHAIRMAN EWASUTYN: Just a matter of reference for someone that may not have been with us in the early days; the Lands of Zazon, this was a standard subdivision, I believe, of approximately eleven lots.

MR. HINES: Yeah. That seems to be correct. It's been a long time.

CHAIRMAN EWASUTYN: There's an older nice dwelling on the property. There was a nice barn that had horses, and even I think a paddock there. Mr. Zazon purchased it, got an approval for single-family lots. There again was a time when market conditions changed.

Pat, what would be the date for a 6-month extension?

MR. HINES: It's March 19th, and you have a meeting that night.

CHAIRMAN EWASUTYN: We have a meeting that night?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Thank you.

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Would someone move for a motion to grant a 6-month extension for the Lands of Zazon to the 19th of March 2020?

MR. GALLI: So moved.

MR. HINES: I believe what we did last time was also require a final public hearing would be held because of the fifteen years that have passed since the approval.

CHAIRMAN EWASUTYN: We'll act on that on the 19th.

Let the motion show we're granting a 6-month extension to the 19th of March 2020 at which point we'll speak to the applicant about the requirements for circulating and scheduling a public hearing.

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Do I have a second?

MR. WARD: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.
MR. DOMINICK: Aye.
MR. WARD: Aye.
CHAIRMAN EWASUTYN: Aye.
Thank you.
(Time noted: 8:05 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
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blood or by marriage and that I am in no way
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IN WITNESS WHEREOF, I have hereunto
set my hand this 30th day of September 2019.



MICHELLE CONERO

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

----- X
In the Matter of

CBPS REALTY, LLC SELF-STORAGE
(2018-20)

Attendance at the Consultant's Work Session
on September 24, 2019

----- X

BOARD BUSINESS

Date: September 19, 2019
Time: 8:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

----- X

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Newburgh, New York 12550
(845)541-4163

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CHAIRMAN EWASUTYN: That ends the Board Business. Pat Hines, do you want to update us on the last consultants' work session. Is it CBSC?

MR. HINES: CBPS. I believe it's Consorti Brothers Public Storage.

At that previous consultants' meeting last month numerous items were still outstanding on the proposed storage facility on Route 300 -- Route 32/North Plank Road such that we felt that they should come back for another technical work session once they worked out some of those items, the major one being that the nearby zoning line was mislabeled as a B Zone when in fact it's an R-2 Zone -- an R-1 Zone, which was discovered, which requires some additional buffering. So it was recommended that they come back for another work session. They requested that the Board schedule that for next Tuesday, the 24th, at, I would say approximately 1:45 now that we have the other project before them.

CHAIRMAN EWASUTYN: Would someone move for a motion to set the project up for a consultants' meeting on Tuesday? The date of

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that again?

MR. HINES: The 24th.

CHAIRMAN EWASUTYN: The 24th of
September.

MR. WARD: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you.

(Time noted: 8:07 p.m.)

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

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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

GARDNERTOWN COMMONS
(2016-03)

Field Change

----- X

BOARD BUSINESS

Date: September 19, 2019
Time: 8:07 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: ROBERT J. DICKOVER, ESQ.
PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

----- X

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CHAIRMAN EWASUTYN: The last discussion is Gardnertown Commons.

MR. HINES: We received information submitted from the applicant's representative for Gardnertown Commons. As you know, that project has been under construction. They have been doing some work on the as-builts and finishing up sidewalks.

They located a retaining wall closer to the interior of the site than was designed. They were requesting that that be addressed as a field change. Knowing we had the meeting tonight, I had this blown up and colorized the way they had it colored. Previously there was a retaining wall, a landscape strip and a sidewalk proposed along this strip of some twenty parking spots. In addition, the dumpster location was located over here. They are proposing to relocate the dumpster to a more central location between these three buildings and add the two parking spots that they lost by doing that in this area.

More importantly, they're losing the sidewalk between the parking lot and the retaining wall as there's not enough room for a

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conventional sidewalk, the five-foot sidewalks they're proposing.

They're also proposing to stripe this area where the sidewalk was previously proposed into the new parking areas.

So with the elimination of those pedestrian facilities, I thought it was something the Board should review and it was beyond the scope of what I would consider a field change. The people coming out of their cars are either going to cross the street to the house -- the apartments or they're going to walk along the roadway to the other two.

If the wall is built it would be a substantial cost to them if they tore that wall down to move it four feet out to provide for the sidewalk. It's an as-built condition.

MR. GALLI: It wasn't our fault.

MR. HINES: It's not your fault by any means. I have the original plan.

CHAIRMAN EWASUTYN: There is a sidewalk, though --

MR. HINES: Across the street on this side there's a sidewalk along this building.

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They're both uphill and downhill. There's a sidewalk on this side of the street, yes.

CHAIRMAN EWASUTYN: Jerry Canfield, Ken Wersted, any comments?

MR. WERSTED: My suggestion was going to be that they continue that sidewalk on this side, from the last building out to the corner towards those two parking spaces that are kind of isolated, that way those two spaces can just cross the street and then walk along the sidewalk. Most likely they'll be using this building here, so it will just be a matter of -- it's probably twenty or thirty feet, maybe forty feet they're extending the sidewalk here to that corner.

CHAIRMAN EWASUTYN: Jerry, do you concur with that?

MR. CANFIELD: I'm fine with that.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: I'm okay with the sidewalk.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: I agree with that. It makes sense.

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MR. DOMINICK: I like Ken's idea.

MR. WARD: The retaining wall is net with the road? That's what you're saying?

MR. HINES: With the parking. There's parking and then the retaining wall. It's at grade and then the retaining wall drops down from there. Because it was located a couple of feet further towards Gardnertown Road, there's just not the room.

MR. WARD: I agree.

MR. WERSTED: Is there any guide rail or --

MR. HINES: There's a guide rail.

CHAIRMAN EWASUTYN: Would someone make a motion to approve the modifications to the Gardnertown Commons as presented by Pat Hines as a field change?

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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

MR. GALLI: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by Frank
Galli. Second by Dave Dominick. I'll ask for a
roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:10 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 30th day of September 2019.



MICHELLE CONERO