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

- - - - - X  
In the Matter of

POSITIVE WAREHOUSE  
(2022-16)

36 Racquet Road  
Section 86; Block 1; Lot 26.31  
IB Zone

- - - - - X

SITE PLAN - WAREHOUSE

Date: October 20, 2022  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ  
and JAMES MARTINEZ

- - - - - X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845) 541-4163

1           P O S I T I V E   W A R E H O U S E

2                   CHAIRMAN EWASUTYN:   The Town of  
3           Newburgh Planning Board would like to  
4           welcome everyone to their meeting of  
5           October 20, 2022.   We have two agenda  
6           items and one Board business item.

7                   At this point we'll call the  
8           meeting to order with a roll call  
9           vote.

10                   MR. GALLI:   Present.

11                   MS. DeLUCA:   Present.

12                   MR. MENNERICH:   Present.

13                   CHAIRMAN EWASUTYN:   Present.

14                   MR. BROWNE:   Present.

15                   MR. DOMINICK:   Present.

16                   MR. WARD:   Present.

17                   MR. CORDISCO:   Dominic Cordisco,  
18           Planning Board Attorney.

19                   MS. CONERO:   Michelle Conero,  
20           Stenographer.

21                   MR. HINES:   Pat Hines with MHE  
22           Engineering.

23                   MR. CAMPBELL:   Jim Campbell,  
24           Town of Newburgh Code Compliance.

25                   CHAIRMAN EWASUTYN:   At this

1           P O S I T I V E   W A R E H O U S E

2           point we'll turn the meeting over to  
3           Dave Dominick.

4                   MR. DOMINICK:   Please stand for  
5           the Pledge of Allegiance.

6                           (Pledge of Allegiance.)

7                   MR. DOMINICK:   As a reminder,  
8           please silence your cellphones or put  
9           them on vibrate.

10                   CHAIRMAN EWASUTYN:   Our first  
11           item this evening is Positive  
12           Warehouse.   It's a site plan for a  
13           warehouse located on 36 Racquet Road  
14           in an IB Zone.   It's being represented by  
15           Engineering & Surveying Properties.

16                   MR. WINGLOVITZ:   Good evening.  
17           For the record, Ross Winglovitz,  
18           Engineering & Surveying Properties.  
19           I'm here with James Martinez, the  
20           project engineer from Engineering &  
21           Surveying Properties.   We're here on  
22           behalf of Positive Developers.

23                   We were here in July with our  
24           initial presentation.   We had  
25           received some comments from the Board

1           P O S I T I V E   W A R E H O U S E

2                   and your Consultants.

3                           We did do a traffic study.

4                           That was probably the biggest bit of  
5                           information that we provided new to  
6                           the Board. That was prepared by  
7                           Colliers.

8                           We responded to the site plan  
9                           comments of Pat regarding the place-  
10                          ment of the building and so forth.

11                          I'd like to, I guess, just  
12                          review Pat's comments with the Board,  
13                          and Creighton, Manning's comments. I  
14                          know Ken said he was not likely going  
15                          to be here.

16                          We reviewed the traffic  
17                          comments with Phil this morning, Phil  
18                          Grealy. I'll summarize, I guess, our  
19                          position on that. So we have not  
20                          heard from the highway superintendent  
21                          on the driveways. We'll follow up  
22                          regarding their location. We've  
23                          added the sight distances and so  
24                          forth to the plan.

25                          A lot of Pat's comments are

1        P O S I T I V E   W A R E H O U S E

2            regarding future information, more  
3            detailed lighting, landscaping,  
4            stormwater management, which I think  
5            will be the next step for us.

6            I know we need a 239 referral  
7            as well as a lead agency coordination.  
8            We would respectfully request that  
9            the Board consider those this evening.

10           The one substantive comment  
11           here on kind of the layout that I  
12           wanted to clarify for the Board was  
13           the setback. So there's additional  
14           setback here as the property is  
15           adjacent to a residential zone. We  
16           showed it as 125 feet. We'll add it  
17           to the bulk table. Pat's comments,  
18           I didn't notice the asterisk,  
19           but there's an asterisk in that  
20           section of the code that refers to  
21           the height of the building. If we're  
22           over 35 feet we need to add an  
23           additional setback. The client would  
24           like to build a 40-foot high  
25           building. What we're going to do is

1           P O S I T I V E   W A R E H O U S E

2           cut the building back a few feet, it  
3           doesn't amount to much, it's about  
4           1,000 square feet of building area,  
5           to meet that 135-foot setback that  
6           would be required in order to meet  
7           the 40-foot height. So we're going  
8           to just pull that up slightly and  
9           maintain our 40-foot height. They'd  
10          rather have the ceiling height in the  
11          warehouse and a little less square  
12          footage. We're going to make that  
13          change to the sketch plan.

14                 Last was about the traffic  
15          study. We did receive Creighton,  
16          Manning's comments. The substantive  
17          issue is Racquet Road and 17K. As  
18          anybody knows who has tried to go to  
19          the gym coming from the Montgomery  
20          area like I have for years, it's  
21          tough to make a left turn in due to  
22          the traffic flow. It's already in a  
23          failing situation. I know a lot of  
24          our traffic, we have projected, will  
25          go out Racquet, taking a left on Rock

1           P O S I T I V E   W A R E H O U S E

2           Cut Road and then down to the light.  
3           They'll take advantage of that light.  
4           There's still the existing condition  
5           at Racquet Road and 17K that is  
6           currently failing. What we've  
7           proposed, which would not be  
8           something that we can take on  
9           entirely ourselves, is a left-turn  
10          lane and a light. It is already an  
11          existing condition. We would pay our  
12          fair share towards improvements  
13          there. Similarly as we did with the  
14          Polo Club and with Gardnertown and  
15          300 here, what we would propose to do  
16          is we'll do a survey of that  
17          intersection, do a conceptual design  
18          plan so we can show what the  
19          improvements would entail there, and  
20          then, based on that plan, could  
21          calculate, working with your traffic  
22          consultant and our traffic consultant,  
23          on what a fair share contribution  
24          would be. We would at least have a  
25          road map in place, no pun intended,

1           P O S I T I V E   W A R E H O U S E

2           on how these improvements would take  
3           place, what would be needed as far as  
4           acquisitions, if any, and use that  
5           for anybody future coming in so they  
6           can contribute towards it. There's  
7           obviously the large parcel next to --  
8           across the street -- across from  
9           Rock Cut Road that has yet to be  
10          developed. I'm sure that will, at  
11          some point, come in. There's lots  
12          further north of us that would also  
13          be, I'm sure, coming in in the future  
14          potentially.

15                 Other than that, I'd be glad to  
16                 discuss any comments the Board has or  
17                 additional clarifications or comments  
18                 that your consultants may have.

19                         CHAIRMAN EWASUTYN: Comments  
20                         from Board Members?

21                         MR. GALLI: You know this is  
22                         going to fall under the new tree  
23                         preservation law.

24                         MR. WINGLOVITZ: I'm sorry?

25                         MR. GALLI: The tree



1           P O S I T I V E   W A R E H O U S E

2           preservation that the Town passed.

3                   MR. WINGLOVITZ: I don't know  
4           about that.

5                   MR. GALLI: You will soon.

6                   MR. WINGLOVITZ: What is it  
7           called?

8                   MR. GALLI: Tree preservation.

9                   MR. WINGLOVITZ: Tree  
10          preservation. So I need to locate  
11          trees?

12                   MR. GALLI: There's different  
13          ways you can do it. Look it up on  
14          the Town website.

15                   MR. WINGLOVITZ: Okay.

16                   MR. GALLI: You can buy your  
17          way out of it or save the trees.

18                   MR. WINGLOVITZ: Save the  
19          trees. All right. I'll check it out.

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

22                   CHAIRMAN EWASUTYN: Stephanie,  
23          do you have something?

24                   MS. DeLUCA: You may have  
25          already stated this, but I was just

1           P O S I T I V E   W A R E H O U S E

2           curious as to the size of your trucks  
3           and things like that that would be  
4           going in and out?

5                   MR. WINGLOVITZ:   So we  
6           projected a WB-62.  One of Ken's  
7           comments was that a WB-67, the  
8           largest vehicle, will be able to  
9           access this site -- should be able to  
10          access the site.  We've done turning  
11          movements for a WB-62, which is I  
12          think the 48-foot trailer.  Ken was  
13          looking for the 53-foot trailer.  
14          We're going to evaluate that in  
15          regard to the design of the project.

16                   MS. DeLUCA:  Thank you.

17                   MR. MENNERICH:  On Racquet Road  
18          there were some improvements that  
19          were listed in Ken's letter.  Is that  
20          something that should be discussed  
21          with the Town's highway engineer?

22                   MR. WINGLOVITZ:  We'd be glad  
23          to discuss that with the Town.  We  
24          have no problem making some shoulder  
25          improvements, tree clearing and

1        P O S I T I V E   W A R E H O U S E

2                striping. We have no problem with  
3                those recommendations.

4                        MR. MENNERICH: Okay.

5                        CHAIRMAN EWASUTYN: I think in  
6                the same review it talked about  
7                tractor trailers coming from the  
8                east, making the right-hand turn into  
9                Racquet Road and not having the width  
10              at the neck of that road. They might  
11              be sort of swinging entirely over to,  
12              at that point, the outbound lane.  
13              That intersection may not accommodate  
14              maybe a 53-foot trailer.

15                      Dominic Cordisco will kind of  
16              talk with you as far as maybe the  
17              comparison between the three  
18              businesses on Route 32 that were  
19              going to be part of the fair share  
20              contribution whereas right now we're  
21              just kind of talking in the air about  
22              something that doesn't exist and yet  
23              for the potential new project.

24                      MR. CORDISCO: That's  
25              absolutely correct. When you talk

1           P O S I T I V E   W A R E H O U S E

2           about a fair share contribution, the  
3           question is sharing with whom.

4           MR. WINGLOVITZ: There's got to  
5           be a first. I guess we're the first.

6           MR. CORDISCO: First and  
7           perhaps only, because we just don't  
8           know. I mean there are a couple  
9           alternatives there. One would be to  
10          wait, perhaps, to see if there's  
11          another project that materializes.  
12          In the absence of that, you know, if  
13          there are off-site traffic mitigation  
14          costs, the typical approach would be  
15          for the applicant that triggers those  
16          to be put into place would pay for  
17          those costs.

18          MR. WINGLOVITZ: Our point is  
19          that they're already triggered so  
20          we're not the trigger. It's already  
21          an existing condition. That's why  
22          we're looking for a fair share  
23          contribution as opposed to we're  
24          adding a new driveway on 17K that now  
25          is the trigger to create the need for

1           P O S I T I V E   W A R E H O U S E

2           that left-turn lane.  It's already  
3           there.

4                       MR. CORDISCO:  You can find  
5           other funding sources, I think either  
6           through a CFA proposal or get the  
7           County to chip in or somewhere else.  
8           I think that's fine.  Right now we're  
9           not aware of other potential  
10          contributors towards a fair share  
11          contribution.  We just want to flag  
12          that as an issue at the outset.

13                      MR. WINGLOVITZ:  Understood.

14                      MR. CORDISCO:  Of course this  
15          is the beginning of the process.  
16          This is only your second appearance.  
17          As it may be, we didn't want you to  
18          continue on with the thought that  
19          there's only going to be a percentage  
20          responsible for your client because  
21          that might not ultimately be the case.

22                      MR. WINGLOVITZ:  Understood.  
23          They're the owners of the real  
24          property at this point.  I think the  
25          path they have is to go forward and

1           P O S I T I V E   W A R E H O U S E

2           explore what would be needed and how  
3           it could be funded.

4                   MR. CORDISCO:   On that point, I  
5           believe that your plans call for the  
6           potential for work that may be  
7           required outside of the right-of-way,  
8           if I read that correctly, and so that  
9           would require additional  
10          acquisitions, potentially, from your  
11          client of those other third parties  
12          that might need to enhance different  
13          aspects of the traffic mitigation.

14                   MR. WINGLOVITZ:   Understood.

15                   CHAIRMAN EWASUTYN:   Ross, as  
16          far as the language goes, when you  
17          talk about the failing intersection,  
18          how is it determined?  Is there a  
19          letter that is used to describe  
20          failing?  I think it starts out with  
21          an A and then moves to B, C.  In this  
22          particular case it's failing.  What  
23          is the current level of that  
24          intersection?

25                   MR. WINGLOVITZ:   It's level of

1           P O S I T I V E   W A R E H O U S E

2           service F during, I think evening  
3           peak hours turning into the --

4           CHAIRMAN EWASUTYN:   And what is  
5           beyond F?  Is there another or is F --

6           MR. WINGLOVITZ:   Not that I'm  
7           aware of.  It's just the total time of  
8           the delay.

9           CHAIRMAN EWASUTYN:   Thank you.

10          Cliff?

11          MR. BROWNE:   I was going to  
12          raise the question that you just went  
13          through, the fair share thing.  Thank  
14          you.

15          CHAIRMAN EWASUTYN:   Dave?

16          MR. DOMINICK:   Ross, you've got  
17          45 parking spaces, right, for 28  
18          employees?

19          MR. WINGLOVITZ:   Yup.

20          MR. DOMINICK:   Can we add 4 EV  
21          charging stations?

22          MR. WINGLOVITZ:   Can we add EV  
23          charging stations?  Certainly.

24          MR. DOMINICK:   4 of them?

25          MR. WINGLOVITZ:   Yes.

1           P O S I T I V E   W A R E H O U S E

2                   MR. DOMINICK:   That's all.

3                   MR. WARD:   Racquet Road going  
4                   out to Rock Cut, that's a busy  
5                   intersection there, the volume on  
6                   Rock Cut.   Everybody is looking at  
7                   17K, making a left out of there and  
8                   making a left on 17K. Making a left  
9                   out is treacherous no matter what  
10                  time of day, and making a left into  
11                  from 17K.   On Racquet Road you've got  
12                  volume going and high speed.

13                  MR. WINGLOVITZ:   Through volume.

14                  MR. WARD:   You have private  
15                  residences on both sides owning that  
16                  property.   With the radius of trucks  
17                  and everything else, that's got to be  
18                  looked at, too.

19                  MR. WINGLOVITZ:   The intersection of  
20                  Racquet Road and Rock Cut?

21                  MR. WARD:   Yes.

22                  MR. WINGLOVITZ:   They did do --  
23                  I'm pretty sure that was part of the  
24                  analysis as far as traffic and level  
25                  of service.   I think that that was an



1           P O S I T I V E   W A R E H O U S E

2           acceptable level of service at that  
3           intersection. I'll circle back and  
4           make sure.

5                       CHAIRMAN EWASUTYN: Jim  
6           Campbell, do you have any comments?

7                       MR. CAMPBELL: No comments at  
8           this time.

9                       CHAIRMAN EWASUTYN: Pat Hines?

10                      MR. HINES: Ross touched on the  
11           majority of mine.

12                      I think the Board would be in a  
13           position tonight to circulate intent  
14           for lead agency.

15                      I don't think there's enough  
16           information on the sketch plan to  
17           send it to County Planning. We would  
18           just get a litany of comments back.

19                      I think that's probably the  
20           only action that we can take tonight.

21                      CHAIRMAN EWASUTYN: Dominic  
22           Cordisco, Planning Board Attorney, do  
23           you have anything in addition?

24                      MR. CORDISCO: No. I support  
25           circulating for lead agency at this

1           P O S I T I V E   W A R E H O U S E

2           time.

3                   CHAIRMAN EWASUTYN:  Would  
4           someone make a motion to circulate  
5           for lead agency?

6                   MR. DOMINICK:  I'll make a  
7           motion.

8                   CHAIRMAN EWASUTYN:  I have a  
9           motion by Dave Dominick.  Do I have a  
10          second?

11                   MR. MENNERICH:  Second.

12                   CHAIRMAN EWASUTYN:  I have a  
13          second by Ken Mennerich.  Can I have  
14          a roll call vote starting with John  
15          Ward.

16                   MR. WARD:  Aye.

17                   MR. DOMINICK:  Aye.

18                   MR. BROWNE:  Aye.

19                   CHAIRMAN EWASUTYN:  Aye.

20                   MR. MENNERICH:  Aye.

21                   MS. DeLUCA:  Aye.

22                   MR. GALLI:  Aye.

23                   CHAIRMAN EWASUTYN:  Thank you.

24                   MR. WINGLOVITZ:  A 239 referral?

25                   MR. HINES:  I don't think

1           P O S I T I V E   W A R E H O U S E

2           there's enough.  There's not enough  
3           there.  They're going to want  
4           lighting plans and more level of  
5           detail.

6                       MR. WINGLOVITZ:  Thank you.

7                       MR. HINES:  Ross, I'll send you  
8           the tree preservation law that was  
9           recently adopted, too.

10                      MR. WINGLOVITZ:  Thank you.

11

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

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

I, MICHELLE CONERO, a 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 28th day of October 2022.

*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

FABULOUS EVENTS, INC.  
(2022-23)

NYS Route 32 & Crab Apple Court  
Section 34; Block 2; Lots 25.2, 54, 74 & 76 & 77  
IB Zone

----- X

INITIAL APPEARANCE - SITE PLAN

Date: October 20, 2022  
Time: 7:14 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

APPLICANT'S REPRESENTATIVE: DAVID HIGGINS

----- X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845) 541-4163

1       FABULOUS EVENTS, INC.

2                   CHAIRMAN EWASUTYN:  The  
3           Planning Board's second item of  
4           business this evening is Fabulous  
5           Events.  It's an initial appearance  
6           for a site plan.  It's located on New  
7           York State Route 32 and a private  
8           road called Crab Apple Court.  It's  
9           in a B Zone.  It's being represented  
10          by Lanc & Tully.

11                   MR. HIGGINS:  Good evening.  
12          David Higgins from Lanc & Tully  
13          Engineering & Surveying on behalf of  
14          Fabulous Events, Incorporated.

15                   The application that we have  
16          here is for four lots which are  
17          located on the north side of New York  
18          State Route 32.  The four lots  
19          comprise a total of 5.42 acres.  It's  
20          essentially located just west of Crab  
21          Apple Court.

22                   The proposal is for a 56,000  
23          square foot business.  It's a  
24          building that would be used for party  
25          rentals.

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2                         With me tonight is Isaac  
3           Deutsch, who is the owner of Fabulous  
4           Events, Incorporated, who can provide  
5           a description of what the business  
6           entails and what they are looking to  
7           do with the property.

8                         Essentially we had shown on the  
9           plan half of the building as related  
10          to the office for the business. The  
11          other half of the building is storage  
12          of the equipment that they would be  
13          renting out to customers that would  
14          be using those for events, various  
15          events. We showed some parking  
16          calculations on there. Basically  
17          there's 8,000 square feet of office  
18          space. Half of the building is  
19          essentially classified as the office.  
20          8,000 square foot was the office  
21          space. The remaining is restrooms,  
22          mechanical rooms, staging areas for  
23          equipment that's coming in, going  
24          out, a --

25

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2                   MR. ABRAHAM: Showroom.

3                   MR. HIGGINS: -- showroom for  
4                   people that might want to come in.

5                   At this time it might be  
6                   helpful to have Isaac provide a brief  
7                   description of their business.

8                   MR. DEUTSCH: Good evening. So  
9                   we are -- I'm Isaac Deutsch. We're a  
10                  family business based out of Rockland  
11                  County since 1975, third generation.  
12                  We provide services for events,  
13                  tents, staging, flooring, tables,  
14                  chairs, linens, dishes for events.  
15                  We've been in Rockland County in  
16                  several different areas. We service  
17                  the full tri-state area. We've  
18                  grown. We've grown out of our  
19                  location. We just need a bigger shop  
20                  to prepare our equipment and get it  
21                  ready to -- it goes out and comes  
22                  back in after the weekend. We need a  
23                  place to store it. It's been hard to  
24                  find a location. This provides a  
25                  very good access point as we service



1       FABULOUS EVENTS, INC.

2           upstate, we go to Jersey, we go to  
3       Westchester. This location near 87  
4       provides a location for us, and it's  
5       not too far from Rockland which is  
6       our home base. It covers a lot of  
7       bases for us. I like the prospect of  
8       this property.

9           CHAIRMAN EWASUTYN: You made a  
10       comment. Are you part -- you said  
11       showroom. Can you give your name and  
12       just kind of --

13           MR. ABRAHAM: My name is Jack  
14       with Landmark Commercial Solutions.

15           CHAIRMAN EWASUTYN: Jack, do  
16       you have a last name?

17           MR. ABRAHAM: Abraham. I'm  
18       helping to put all this together. We  
19       do this with multiple different projects.

20           What I said about a showroom is  
21       that --

22           CHAIRMAN EWASUTYN: Can you  
23       stand, please?

24           MR. ABRAHAM: I'm sorry. I  
25       apologize.

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2                   CHAIRMAN EWASUTYN:  You can sit  
3       but I think we can hear you better.

4                   MR. ABRAHAM:  It's  
5       disrespectful to sit.  I'm sorry.

6                    Basically it's just part of the  
7       operations that there's an area --  
8       just going through the descriptions,  
9       one of the things is actually a  
10      showroom where the people, by  
11      appointment, come in and look at  
12      equipment.  It's not like people stop  
13      by.  People like to see what chair,  
14      pick the tables, pick the linens.  
15      They have clients that come in by  
16      appointment to look at the stuff.  
17      They have an area, a large area set  
18      up as a showroom so people can see  
19      what they are renting.

20                   CHAIRMAN EWASUTYN:  That makes  
21      a lot of sense.  It's always smart to  
22      picture something that you're  
23      unfamiliar with.

24                   MR. DEUTSCH:  Especially brides.  
25      They have many -- they see a lot.  We

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2               present and it takes up space.

3               CHAIRMAN EWASUTYN:  A third  
4               generation business is something to  
5               be proud of.

6               MR. DEUTSCH:  I am proud of it.  
7               Thank you.  Thank you very much.

8               CHAIRMAN EWASUTYN:  I would be also.  
9               Questions from Board Members.

10              Frank Galli?

11              MR. GALLI:  The outdoor storage  
12              area, what is --

13              MR. DEUTSCH:  There are bulky  
14              -- like poles for the tents.  We put  
15              it on a nice cantilevered rack  
16              instead of bulking it inside the shop  
17              space.  It just gives additional, you  
18              know, --

19              MR. ABRAHAM:  Maneuvering.

20              MR. DEUTSCH:  -- maneuvering.

21              MR. GALLI:  How many box trucks  
22              do you plan on, roughly, storing on  
23              site?  Do you know yet?

24              MR. DEUTSCH:  Yeah.  We're in business.  
25              We have five box trucks, --

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2                   MR. GALLI: Five box trucks?

3                   MR. DEUTSCH: -- a pick-up  
4           truck and a van.

5                   MR. GALLI: I'll let someone  
6           else ask questions.

7                   MS. DeLUCA: You explained your  
8           business. I was curious to know what  
9           your business was about. You've  
10          answered those questions. Thank you.

11                   MR. DEUTSCH: Thank you.

12                   CHAIRMAN EWASUTYN: Ken Mennerich?

13                   MR. MENNERICH: Just one point.  
14          On the map Berry Lane is not where  
15          it's indicated on your detailed map.  
16          It's correct on the upper corner but  
17          it's in the wrong spot there.

18                   MR. HIGGINS: Okay.

19                   CHAIRMAN EWASUTYN: I have no  
20          questions.

21                   MR. BROWNE: With your  
22          equipment coming back in and the  
23          cleaning process, I assume all that  
24          can be done on site, --

25                   MR. DEUTSCH: Yes.

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2                   MR. BROWNE:  -- whether it's  
3           tents, whether it's all the  
4           silverware and all that kind of thing?

5                   MR. DEUTSCH:  Yes.

6                   MR. BROWNE:  It's all on site?

7                   MR. DEUTSCH:  Yes.  Linens, we  
8           work -- I actually have a company that  
9           takes care of my linens offsite.

10                  MR. BROWNE:  Okay.  All right.

11                  MR. DEUTSCH:  Rinsing the  
12           chairs, tents, tops, vinyl.  That's  
13           the reason why the staging area -- we  
14           need a large staging area, in  
15           addition to the storage space, just  
16           to set up and clean up and those  
17           types of things.

18                  MR. BROWNE:  Okay.  Thank you.

19                  MR. DOMINICK:  I just have two  
20           questions.  First, Isaac, thank you  
21           for the presentation.  Very good.

22                  Are you closing the Rockland  
23           store and opening this or are you  
24           having both stores operational?

25                  MR. DEUTSCH:  No.  I'm looking

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2           to move out, to bring people up here.  
3           I live in Pomona which is sort of in  
4           between Nyack -- a little closer to  
5           Nyack. I already mentioned I like  
6           the idea because --

7           MR. DOMINICK: That was my  
8           second question.

9           MR. DEUTSCH: Definitely. The  
10          first question was?

11          CHAIRMAN EWASUTYN: Are you  
12          moving?

13          MR. DEUTSCH: We're looking to  
14          close down Nyack and bring our  
15          business here totally. We've been in  
16          Rockland since 1975 so we have a very  
17          strong presence. I still have the  
18          ability to service, you know, both  
19          spaces. Also coming out here, it  
20          brings me that much closer up north  
21          as well. It opens up the prospect of  
22          going further north as well.

23          MR. DOMINICK: Thank you.

24                 David, going back to the EV.  
25          We've got 67 parking spaces. I know

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2               we talked in workshop, and Pat might  
3               elude to this in his comments, it's  
4               an abundance of parking. All that  
5               aside, can we add about 4 EV charging  
6               stations?

7               MR. HIGGINS: I don't think  
8               that would be a problem.

9               You like the idea of that as  
10              well?

11              MR. ABRAHAM: You drive a  
12              Tesla.

13              MR. DEUTSCH: I do, yeah.

14              MR. HIGGINS: We actually think  
15              we have a lot more parking than we  
16              really need. They're forecasting 20  
17              to 25 employees maximum. There is a  
18              showroom. There would be people  
19              coming in by appointment to look at  
20              the equipment. We would have a lot  
21              more parking than we think we  
22              actually really need.

23              CHAIRMAN EWASUTYN: Hours, days  
24              of the week you'll be open? Hours of  
25              operation?

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2                   MR. DEUTSCH: We're closed on  
3           the weekend.

4                   CHAIRMAN EWASUTYN: You're  
5           closed on the weekends?

6                   MR. DEUTSCH: The appointments  
7           are only on Sunday. The hours of  
8           operation are 9 to 5, Monday through  
9           Friday.

10                  CHAIRMAN EWASUTYN: One minor  
11           thing. On the application I believe  
12           you list the acreage as 6. something  
13           acres. In the literature --

14                  MR. HIGGINS: Okay.

15                  CHAIRMAN EWASUTYN: -- we're  
16           referencing it as 5.46 I believe.  
17           Minor detail, but change that.

18                  MR. HIGGINS: Okay.

19                  CHAIRMAN EWASUTYN: John Ward?

20                  MR. WARD: Where in Rockland  
21           are you right now?

22                  MR. DEUTSCH: Nyack.

23                  MR. WARD: Route 59?

24                  MR. DEUTSCH: Right at the  
25           bottom in the center of town.



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2                   MR. WARD:  Why do you not use  
3           the road going in the back for access?

4                   MR. HIGGINS:  Crab Apple?

5                   MR. WARD:  Yes.

6                   MR. HIGGINS:  Well I think he  
7           wanted to have direct access off a  
8           State highway, which is why we have  
9           it here.  We haven't shown it there  
10          but it's something we can certainly  
11          look into potentially as a secondary  
12          access to Crab Apple.

13                   MR. WARD:  DOT is going to be  
14          talking to you in reference to that.

15                   What type of events do you do?  
16          Weddings or --

17                   MR. DEUTSCH:  Weddings.  Not so  
18          many concerts.  More social.  
19          Weddings, gradations.

20                   MR. GALLI:  Firehouse events.

21                   MR. DEUTSCH:  Firehouse events.  
22          Absolutely.

23                   MR. GALLI:  We just spent 30  
24          grand on rental stuff.

25                   MR. DEUTSCH:  Those kind of

1       FABULOUS EVENTS, INC.

2               events.

3                       CHAIRMAN EWASUTYN: Conflict of  
4               interest.

5                       MR. ABRAHAM: He didn't offer a  
6               discount yet.

7                       MR. DEUTSCH: Come in.

8                       MR. WARD: Thank you.

9                       CHAIRMAN EWASUTYN: Pat Hines?

10                      MR. GALLI: I have one more  
11               question.

12                      CHAIRMAN EWASUTYN: I'm sorry.

13                      MR. GALLI: Is there going to  
14               be a sign out on the road?

15                      MR. DEUTSCH: I would like to.  
16               I guess so.

17                      MR. GALLI: You might want to  
18               -- when the DOT decides if you can  
19               put an entrance or not, the sign.

20                      If you can dress up the  
21               building. Maybe put a nice stonewall  
22               out front, make it look decent.

23                      MR. ABRAHAM: That wasn't even  
24               a question.

25                      MR. DEUTSCH: Definitely.

1           F A B U L O U S   E V E N T S ,   I N C .

2                   MR. GALLI:   Very good.   Thank  
3           you.

4                   CHAIRMAN EWASUTYN:   Any  
5           additional comments from Board Members?

6                   (No response.)

7                   CHAIRMAN EWASUTYN:   Dominic,  
8           we'll come to you last if you don't  
9           mind.

10                  MR. CORDISCO:   Of course.

11                  CHAIRMAN EWASUTYN:   Pat Hines?

12                  MR. HINES:   Our first comment  
13           has to do with the access off of Crab  
14           Apple Court.   With the frontage you  
15           have there, I'm not sure that DOT is  
16           going to give you that access drive.  
17           You need to contact them sooner than  
18           later.   Normally when there's an  
19           alternative, they're going to want  
20           you to use that rather than their DOT  
21           right-of-way.

22                  We'll need a lot consolidation  
23           map that will need to be filed.   All  
24           the lots will have to be on one parcel.

25                  The outdoor storage section

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2               needs to comply with Section 185-30  
3               of the outdoor code. Jim Campbell is  
4               going to talk about it being in the  
5               front yard and the need for a  
6               variance.

7                       We'll be looking for stormwater  
8               management in the future.

9                       County Planning will be required.

10                      The front yard setbacks need to  
11                      be 60 feet. You're more than that  
12                      but the bulk table doesn't have that  
13                      in there.

14                      That's all we really have on  
15                      the sketch plan at this point. We'll  
16                      need some additional detail.

17                      The storage area, or the  
18                      showroom area for what you're calling  
19                      it, there's no accounting for that in  
20                      the parking. We have to really look  
21                      at -- you may need a variance or call  
22                      that something. We can't have a  
23                      building -- we know your use now, but  
24                      it could be sold for something else  
25                      and then wouldn't have adequate

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2           parking. You had a stump there for  
3           20,000 square feet at the work  
4           session and we were looking at where  
5           that is on the parking calculations.  
6           I understand your business may not  
7           require all that much parking, but it  
8           may be used for a different business  
9           in the future. Our code specifically  
10          says that if there are uses in the  
11          table, that you have to apply that  
12          parking or possibly seek a variance,  
13          go through the process where maybe  
14          you can show where the parking could  
15          be in the future and then get a  
16          variance for what you really need.

17                 MR. HIGGINS: The code does  
18                 allow for the use of the ITE tables  
19                 as well. Correct?

20                 MR. HINES: Where there's not  
21                 one published. So we have office and  
22                 warehouse published. It refers to  
23                 the ITE if it's not there.

24                 MR. HIGGINS: Okay. I'll  
25                 review that with John Queenan who is

1       FABULOUS EVENTS, INC.

2               working on the design. Okay.

3                       CHAIRMAN EWASUTYN: Jim Campbell?

4                       MR. CAMPBELL: So the project  
5                       is in a B District where warehousing  
6                       is not allowed. We're considering  
7                       this to be office space with  
8                       incidental storage. We'd like to  
9                       have some wording on the plan as far  
10                      as warehousing not allowed or  
11                      something.

12                      Fire sprinklers will be  
13                      required. There may be low water  
14                      pressure in that area. We need to  
15                      find that out.

16                      Fire access for aerials.  
17                      Because of your height, you're over  
18                      30 feet, you may have to widen some  
19                      of your drive aisles to 26.

20                      The proposed outside storage is  
21                      located in the front yard to Crab  
22                      Apple Court. It needs to be  
23                      relocated or a variance may be  
24                      required.

25                      MR. HIGGINS: Okay.

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2                   CHAIRMAN EWASUTYN: Jim, for  
3           the record, you said we. Who is we?

4                   MR. CAMPBELL: The Code  
5           Compliance Department and my supervisor.

6                   CHAIRMAN EWASUTYN: Thank you.  
7           Dominic Cordisco?

8                   MR. CORDISCO: Similar to the  
9           last application, the Town's new tree  
10          preservation law could come into play  
11          here. I'm not familiar personally  
12          with the site as to whether or not  
13          there's any trees on it. If there  
14          are, they need to be identified and  
15          either preserved or, as Mr. Galli  
16          said, there's a mechanism in place  
17          for making a contribution into the  
18          Town's tree preservation fund. We  
19          can get you a copy of that law. It's  
20          not up on general code yet but it has  
21          been adopted by the Town Board.

22                   MR. HINES: I made myself a  
23          note to send it to you tomorrow.

24                   MR. HIGGINS: Thank you, Pat.

25                   MR. HINES: Do you want it to

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2             go to John Queenan?

3                     MR. HIGGINS:  It's probably  
4             better to go to John.  Thank you.

5                     CHAIRMAN EWASUTYN:  At this  
6             point actually, and we'll go back and  
7             forth with this, let's start out with  
8             the adjoiners' notice.  We'll begin  
9             with the adjoiners' notice.  Correct?

10                    MR. HINES:  I think you're  
11             familiar.  We have a process that we  
12             notify all property owners within 500  
13             feet after your first appearance  
14             before the Board.  I'll generate the  
15             notice and provide you with the  
16             mailing list through the assessor's  
17             office.  You stamp, address, stuff  
18             the envelopes.  You have to  
19             coordinate with Charlene in the  
20             Personnel Department to drop them  
21             off.  It's first class stamps.  The  
22             Town physically mails them for you.  
23             We'll work through that process with  
24             you.

25                    MR. HIGGINS:  Okay.



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2                   CHAIRMAN EWASUTYN:  Mr.  
3       Cordisco, the action before us this  
4       evening is to circulate our intent  
5       for lead agency?

6                   MR. CORDISCO:  Yes. That would  
7       be an appropriate step to take at  
8       this time.

9                   CHAIRMAN EWASUTYN:  Would  
10      someone make that motion, to  
11      circulate our intent for lead agency?

12                  MR. GALLI:  So moved.

13                  MR. DOMINICK:  Second.

14                  CHAIRMAN EWASUTYN:  I have a  
15      motion by Frank Galli.  I have a  
16      second by Dave Dominick.  May I  
17      please have a roll call vote starting  
18      with John Ward.

19                  MR. WARD:  Aye.

20                  MR. DOMINICK:  Aye.

21                  MR. BROWNE:  Aye.

22                  CHAIRMAN EWASUTYN:  Aye.

23                  MR. MENNERICH:  Aye.

24                  MS. DeLUCA:  Aye.

25                  MR. GALLI:  Aye.

1           FABULOUS EVENTS, INC.

2                   CHAIRMAN EWASUTYN:  Let's have  
3           a little further discussion on the  
4           possibility of, as Mr. Campbell said,  
5           the variance for having outdoor  
6           storage in the front yard.

7                   Dominic, would you explain  
8           normally how that procedure works, if  
9           there is a variance that's required.

10                  MR. CORDISCO:  If there is a  
11           variance that's required, the plans,  
12           after they've been reviewed and  
13           revised perhaps by the applicant,  
14           would be presented back before this  
15           Board.  Once the variance has been  
16           identified, it would be referred to  
17           the Zoning Board of Appeals for their  
18           consideration.

19                  MR. HIGGINS:  Okay.

20                  MR. ABRAHAM:  Can that be done  
21           as a secondary step?  If they choose  
22           not to go with the outdoor storage at  
23           this part and do that as a later  
24           application?

25                  MR. CORDISCO:  Yes.

1       FABULOUS EVENTS, INC.

2                   CHAIRMAN EWASUTYN:  Is there an  
3                   urgency to be somewhat in,  
4                   constructed by a certain date?

5                   MR. ABRAHAM:  For the owner,  
6                   yes, because he's -- you know, he's  
7                   running out of space and it's hurting  
8                   his business.  Outdoor storage is a  
9                   nice add-on.  If we could do that as  
10                  a secondary step, that's probably the  
11                  best way to do it.

12                  CHAIRMAN EWASUTYN:  Isaac, in  
13                  the best of all worlds, you're  
14                  looking to have a turnkey operation  
15                  by about when?

16                  MR. DEUTSCH:  In a great world,  
17                  two years --

18                  CHAIRMAN EWASUTYN:  Okay.  That  
19                  sounds reasonable.

20                  MR. DEUTSCH:  -- to pull my  
21                  first truck in.

22                  CHAIRMAN EWASUTYN:  All right.  
23                  I guess we can circulate our intent  
24                  for lead agency.

25                  I guess the next time around,

1       FABULOUS EVENTS, INC.

2           if you'd revise your plans, you'll  
3           show it without the outdoor storage.

4           MR. HIGGINS: Likely, yes.

5           CHAIRMAN EWASUTYN: Anything else?

6           MR. BROWNE: At what point  
7           should they go to DOT to look at that?

8           MR. HINES: We'll circulate for  
9           lead agency which will trigger their  
10          review. Again, they often see an  
11          alternative access point and kind of  
12          direct you to use that.

13          MR. HIGGINS: Who is the  
14          resident engineer for Newburgh?

15          MR. HINES: I'm not sure.

16          MR. HIGGINS: Is that Rich  
17          Galvin or is it Siby?

18          MR. HINES: Siby still does the  
19          permitting.

20          MR. HIGGINS: Probably Siby  
21          then. We'll contact Siby.

22          MR. HINES: The lead agency  
23          circulation goes to Poughkeepsie. Is  
24          there a Dave Gaucher? I think he's  
25          been doing that review there.

1           F A B U L O U S   E V E N T S ,   I N C .

2                           CHAIRMAN EWASUTYN:   Larry  
3           Marshall would know.

4                           MR. HINES:   Yes, he would.

5                           MR. ABRAHAM:   The personnel has  
6           been shrinking over there.

7                           CHAIRMAN EWASUTYN:   Thank you.  
8           Isaac, thank you.

9                           MR. DEUTSCH:   Thank you very  
10          much.

11                          MR. HIGGINS:   Have good night.

12

13                          (Time noted:   7:33 p.m.)

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1 FABULOUS EVENTS, INC.

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

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

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

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

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 28th day of October 2022.

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*Michelle Conero*

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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  
(2021-13)

- Withdrawal of site plan application
- Field changes - self-storage units

VERIZON WIRELESS  
(2022-18)

- Balloon test - 11/5/2022

- - - - - X

BOARD BUSINESS

Date: October 20, 2022  
Time: 7:34 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
JAMES CAMPBELL

- - - - - X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845) 541-4163

1 BOARD BUSINESS

2 CHAIRMAN EWASUTYN: Ken  
3 Mennerich will read the last Board  
4 business item.

5 MR. MENNERICH: This is an  
6 e-mail from John Queenan to Planning  
7 Board, Town of Newburgh, subject CBPS  
8 Realty site plan application,  
9 2021-13. "Good afternoon, Chairman  
10 Ewasutyn. The applicant, CBPS  
11 Realty, LLC, would respectfully  
12 request to withdraw the application  
13 of the site plan development which is  
14 before the Planning Board. The  
15 applicant has decided not to pursue  
16 the proposed use for this property.  
17 Please let my office know of any  
18 paperwork or information that you may  
19 need to close the project with the  
20 Planning Board. Thank you, John  
21 Queenan, PE, Lanc & Tully Engineering."

22 CHAIRMAN EWASUTYN: Pat Hines,  
23 Dominic Cordisco, I don't think we  
24 need any paperwork. Do we?

25 MR. CORDISCO: Nothing further.



1 BOARD BUSINESS

2 You can closeout based on their  
3 application. Note in the file that  
4 it's been withdrawn by the applicant  
5 and closeout the escrow as well.

6 CHAIRMAN EWASUTYN: Thank you.

7 Having heard from Dominic  
8 Cordisco, Planning Board Attorney,  
9 just for the record can we have a  
10 roll call vote as far as closing out  
11 project number 21-13.

12 MR. GALLI: Okay.

13 MS. DeLUCA: Yes.

14 MR. MENNERICH: Yes.

15 CHAIRMAN EWASUTYN: Yes.

16 MR. BROWNE: Yes.

17 MR. DOMINICK: Yes.

18 MR. WARD: Yes.

19 CHAIRMAN EWASUTYN: Pat, let's  
20 go back to the work session item as  
21 far as the field changes.

22 MR. HINES: We had a  
23 presentation from John Nosek  
24 regarding the other Consorti Brothers  
25 public storage site on Route 32.

1        B O A R D   B U S I N E S S

2                    They're in the construction  
3                    phase right now. The Building  
4                    Department picked up on some site  
5                    plan issues and changes. They  
6                    proposed and they have actually  
7                    constructed the foundations and the  
8                    buildings approximately 2.5 feet  
9                    higher in elevation than the proposed  
10                    grading plan. They added a retaining  
11                    wall in the vicinity of the  
12                    stormwater management facility. The  
13                    reason was it gave them a little more  
14                    access around the buildings. Rather  
15                    than having a slope down to the  
16                    retention pond, the retaining wall  
17                    provided them with some additional  
18                    area between the buildings and there.

19                    They have modified the drainage  
20                    between the structures to provide for  
21                    -- they added roof leaders to the  
22                    buildings and they are going to hard  
23                    pipe that to the detention ponds.

24                    In addition, they've modified  
25                    the grading between the self-storage

1 BOARD BUSINESS

2 units to provide for a swale between  
3 the units, kind of a small graded  
4 swale in the asphalt, to allow that  
5 to discharge to the center between  
6 the buildings rather than alongside  
7 the buildings.

8 I think the Board had the  
9 general consensus it could be handled  
10 as a field change.

11 We did note that the revision  
12 date on the plans is 30 September  
13 2022. The field change would be  
14 reflected on those plans with that  
15 date. That's it.

16 CHAIRMAN EWASUTYN: Jim Campbell,  
17 you had an addition to that?

18 MR. CAMPBELL: No. I just had  
19 comments about if a guide rail was  
20 needed.

21 CHAIRMAN EWASUTYN: We're  
22 making that part of the change  
23 eventually.

24 MR. HINES: Yes.

25 CHAIRMAN EWASUTYN: Dominic

1 BOARD BUSINESS

2 Cordisco, do we have anything else to  
3 do with this?

4 MR. CORDISCO: In connection  
5 with referring it back to the  
6 Building Department for authorization  
7 to treat these changes as a field  
8 change, my recommendation would be to  
9 have a motion and a vote that would  
10 authorize the Building Department to  
11 treat these changes as discussed,  
12 including the addition of the  
13 guardrail, which is not shown on the  
14 plans, as a field change rather than  
15 a site plan amendment.

16 CHAIRMAN EWASUTYN: Would  
17 someone move for that motion based  
18 upon the presentation given by  
19 Planning Board Attorney Dominic  
20 Cordisco?

21 MR. BROWNE: John, could I ask  
22 with the guardrail, do we need to  
23 specify where that needs to be or is  
24 that something that Code Compliance  
25 would just know where it's supposed

1 BOARD BUSINESS

2 to go?

3 CHAIRMAN EWASUTYN: I think it  
4 was based upon the wall that was --

5 MR. HINES: It will be on top  
6 of the retaining wall --

7 MR. GALLI: The engineer knew.

8 MR. HINES: I'll say on the  
9 western side of the buildings there's  
10 a retaining wall.

11 MR. BROWNE: As long as it's  
12 not left ambiguous. Okay.

13 CHAIRMAN EWASUTYN: Would  
14 someone make a motion to approve the  
15 field change that was presented this  
16 evening and discussed with John  
17 Nosek, engineer for Consorti  
18 Brothers, and also with Pat Hines  
19 with McGoey, Hauser & Edsall as  
20 acceptable?

21 MR. WARD: So moved.

22 MS. DeLUCA: Second.

23 CHAIRMAN EWASUTYN: I have a  
24 motion by John Ward. Who made the  
25 second?

1 BOARD BUSINESS

2 MS. DeLUCA: I did.

3 CHAIRMAN EWASUTYN: Seconded by  
4 Stephanie DeLuca. May I please have  
5 a roll call vote starting with John  
6 Ward.

7 MR. WARD: Aye.

8 MR. DOMINICK: Aye.

9 MR. BROWNE: Aye.

10 CHAIRMAN EWASUTYN: Aye.

11 MR. MENNERICH: Aye.

12 MS. DeLUCA: Aye.

13 MR. GALLI: Aye.

14 CHAIRMAN EWASUTYN: Motion  
15 carried.

16 So I guess the next thing,  
17 weather permitting, will be the  
18 balloon test.

19 MR. CORDISCO: Correct.

20 CHAIRMAN EWASUTYN: That's kind  
21 of coming together.

22 MR. HINES: Yes. Mike Musso is  
23 handling that. The publications are  
24 done, and the legal notices.

25 MR. CORDISCO: That will be on

1 BOARD BUSINESS

2 Saturday, November 5th.

3 CHAIRMAN EWASUTYN: Would  
4 someone make a motion to close the  
5 Planning Board meeting of October  
6 20th?

7 MR. GALLI: So moved.

8 MS. DeLUCA: Second.

9 CHAIRMAN EWASUTYN: I have a  
10 motion by Frank Galli and a second by  
11 Stephanie DeLuca. May I have a roll  
12 call vote starting with John Ward.

13 MR. WARD: Aye.

14 MR. DOMINICK: Aye.

15 MR. BROWNE: Aye.

16 CHAIRMAN EWASUTYN: Aye.

17 MR. MENNERICH: Aye.

18 MS. DeLUCA: Aye.

19 MR. GALLI: Aye.

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21 (Time noted: 7:43 p.m.)

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1 BOARD BUSINESS

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

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

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

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

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 28th day of October 2022.

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*Michelle Conero*

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MICHELLE CONERO

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