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

----- X

In the Matter of

RICHARD LEASE TIMBER HARVEST
(2012-22)

Forest Road
Section 1; Block 1; Lot 12.0
AR Zone

----- X

PUBLIC HEARING
CLEARING & GRADING PERMIT

Date: November 15, 2012
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER PRENTIS

----- X

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

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RICHARD LEASE TIMBER HARVEST

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MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of November 15, 2012.

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

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. FOGARTY Here.

MR. BROWNE: The Planning Board has professional experts that provide reviews and input on the business that's before us, including SEQRA determinations as well as code and planning details. I'll ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of

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RICHARD LEASE TIMBER HARVEST

3

Newburgh Code Compliance.

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

MR. COCKS: Bryant Cocks, Planning
Consultant.

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

MR. PROFACI: Please join us in a
salute to the flag.

(Pledge of Allegiance.)

MR. PROFACI: If you have cell phones
or any other electronic devices, please turn them
off now. Thank you.

MR. BROWNE: Thank you. Our first item
of business this evening is Richard Lease Timber
Harvest. This is a public hearing.

Before we start this I would ask Mike
Donnelly to review the purpose of a public
hearing for us.

MR. DONNELLY: I guess tonight we have
one public hearing. It's on a timber harvesting
permit. The purpose of the public is for you,
the members of the public, to bring to the
attention of the Planning Board issues or

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concerns that the Board may not itself have yet recognized, either on their own or through the advice of their consultants. After the applicant gives its presentation, the Chairman will ask those members of the public who wish to be heard to address the Board. We would ask you to please step forward, give us your name, your address so we know where you live in relation to the project location, and address your comments to the Board. If you have a question, either the applicant's representative or one of the Town's consultants will, if it's appropriate, answer those questions for you.

MR. BROWNE: Thank you. At this time I'd ask Ken Mennerich to read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to the Municipal Code of the Town of Newburgh, Chapter 83-8, Section E on the application of Richard Lease Trustee Timber Harvest, Town project number 2012-22, for a

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timber harvesting. The project site is located on Forest Road in the Town of Newburgh, designated on Town maps as Section 1, Block 1, Lot 12.0. The applicant will be clearing approximately 26 acres of the 40.7 acre site. The trees will be between 16 inches and 42 inches in diameter with a total of 366 trees to be removed (14 trees per acre). The public hearing will be held on the 15th day of November 2012 at the Town Hall, Town of Newburgh Town Hall, 1496 New York State Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard regarding the timber harvesting. By order of the Planning Board of the Town of Newburgh. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated November 1, 2012."

MR. BROWNE: As soon as Frank Galli is finished coordinating the mailings and the publication, I'd ask him to report on that.

CHAIRMAN EWASUTYN: Chris, do you want to make your presentation in the meantime?

MR. PRENTIS: Christopher Prentis, Lower Hudson Forestry Services. I'm in front of

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the Board tonight for a timber harvesting permit on the Richard Lease parcel located on Forest Road. 366 trees have been marked with blue paint about breast height, 4 1/2 feet off the ground, on one spot on the stump. About 26 acres of the 40.7 acre parcel are going to be harvested. The remaining acreage is either wetlands or open fields. The loading and landing area will be located on Forest Road.

For the project I do need to cross one DEC classified stream, and I've provided the DEC permit in my application. So the DEC has given me permission to cross that stream between December 15th and March 15th, during the wintertime, under frozen conditions.

The project should take approximately a month from beginning to end, and with the restriction we will only be working in the wintertime.

I also have an Orange County temporary driveway permit that I've gotten in the meantime, and I wanted to present that as well.

The trees to be harvested are 16 to 42 inches in diameter. Limbs, tops will all be

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lopped to within 3 feet of the ground.

The skid trail and stream crossing will have some skidder mats and bridges per the DEC recommendation to prevent erosion and sedimentation into the classified stream. All skid trails, landing areas will be smoothed, free of debris at the completion of the job.

Water bars and erosion control devices will be installed where needed.

The property is relatively flat, 5 percent grade max, so erosion and sedimentation will be minimal. The erosion control devices should be sufficient.

CHAIRMAN EWASUTYN: Thank you.

MR. GALLI: I'm ready for the public hearing notice. The notice of hearing was published in The Mid-Hudson Times and The Sentinel. The applicant mailed out 30 notices, 22 were returned signed for and 8 are still out there. That's all in order.

CHAIRMAN EWASUTYN: We'll open the meeting now to the public. Is there anyone here that has any questions or comments on the presentation that was made?

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(No response.)

CHAIRMAN EWASUTYN: At this point we'll turn to our consultants.

Jerry Canfield, Code Compliance?

MR. CANFIELD: I think Pat and Bryant have comments on it. I don't have anything additional.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: The only outstanding comment we have is the Town typically requires a bond for the timber harvest. The last one was \$5,000. I think to be consistent it would be the same for this one.

This accesses a County road so the Town has less of an issue. The County is going to issue a permit for it also. Otherwise we have no additional comments.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: The applicant has addressed my comment regarding the DEC permit and the Orange County DPW with permit.

Just as a note, the Orange County Planning Department will not be referred to.

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Because this is a clearing and grading permit and not a site plan or subdivision, no referral is necessary.

Just another note. The applicant indicated they'll be installing crushed stone or shale at the entrance to prevent soil being left on the surrounding roadways. I know that was a concern at the last public hearing.

CHAIRMAN EWASUTYN: Any comments from Board Members. Frank Galli?

MR. GALLI: Chris, are you the one that was before us on the Chapel Road one?

MR. PRENTIS: Yes.

MR. GALLI: Are you doing this one, too? I know you're not doing Chapel Road any more. Are you doing this one yourself?

MR. PRENTIS: It's for Klein & Sons Logging. I believe the Chapel Road one they're still going to do.

MR. GALLI: I'm just curious. I thought you were the same person. That's the only question.

MR. PRENTIS: I'm the same person.

MR. GALLI: That's all I had.

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CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing more.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No questions.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: Chris, when you mentioned the erosion control, you mentioned the term water bars. What does that mean?

MR. PRENTIS: It's basically a small mound of dirt that diverts water off of the skid trail and let's it filter out through the woods or grass so you don't have water having the chance to build up velocity and pick up dirt and other sediment and bring it down the trail.

MR. FOGARTY: If you have a winter like you did last winter where you never really got a hard frost or a hard freeze, what's the plan?

MR. PRENTIS: Well, we did discuss that with the DEC, and if that does occur then I guess we will have to put it off until next winter because that was one of the stipulations was it needed to be cold, dry to go across that stream.

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MR. HINES: The permit addresses that with the requirement to use mats or other engineering controls. They could use, if they wanted to, large timber mats for the crossing.

MR. FOGARTY: Once you go in how long is it going to take you to get these trees?

MR. PRENTIS: Approximately one month.

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: If there's no further questions from the public and our Consultants or Board Members, I'll move for a motion to close the public hearing on the Richard Lease Trustee Harvest clearing and grading permit.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

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MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

Jerry Canfield, Mike Donnelly, would
you present us with the conditions for approval
and the resolution?

MR. DONNELLY: This does not require a
referral to the Orange County Planning
Department, it still is an action under SEQRA and
you will need to issue a negative declaration.
I've incorporated that into the resolution. If
you want to vote on it at the same time, I think
that's all right.

The conditions are the usual in these
timber harvesting permits. The applicant shall
comply with the requirements of Section 83-10 at
all times. Those are the standards of work. In
addition, as required by Section 83-11, the
following requirements shall govern the permit,
hours of operation as provided for in the code
and a requirement that any contract to perform
activities under the permit shall state that it
is subject to Chapter 83 of the Newburgh Code.
The applicant shall be required to post

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appropriate warning signs before any work under the permit may begin. This permit shall have a duration of one year from issuance. And finally, the requirement of a performance guarantee, as Pat Hines mentioned.

CHAIRMAN EWASUTYN: I'll move for a motion first to declare a negative declaration for the clearing and grading permit.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich and a second by Joe Profaci. I'll ask for a roll call vote.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

I'll move for a motion to grant approval for the clearing and grading permit subject to the conditions presented to us by Mike Donnelly, Planning Board Attorney.

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MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

They made the application, they referred it to us, and now we refer it back to you with the approval; right, Jerry?

MR. CANFIELD: Yes. By the action the Board has taken, Mike will file a resolution on tonight's action and the applicant is required to file the bond. Once we see assurance that the bond has been filed, then we can issue the permit.

MR. PRENTIS: Okay.

CHAIRMAN EWASUTYN: Thank you.

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MR. PRENTIS: Thank you.

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

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

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

DATED: December 7, 2012

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

----- X
In the Matter of

NOAH ESTATES SECTION II
(2012-24)

Noah Place & Rock Cut Road
Section 86; Block 1; Lot 95.1
R-2 Zone

----- X

CONCEPTUAL FOUR-LOT RESIDENTIAL SUBDIVISION

Date: November 15, 2012
Time: 7:13 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY

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

APPLICANT'S REPRESENTATIVE: ROBIN CAPITELLO

----- X

MICHELLE L. CONERO
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MR. BROWNE: The next item of business is Noah Estates Section II, project number 2012-24. It's being presented -- it's a conceptual four-lot residential subdivision being presented by Daniel --

MS. CAPITELLO: I'm not Mr. Yanosh. He was unable to make it this evening. My name is Robin Capitello and I'm here on behalf of the development.

We are before the Board for a four-lot subdivision. This is a private road, Noah Place, coming off of County Road 23, Rock Cut Road.

As of now we do have an existing house back here on lot number 6. There are other lots on the other half of this. We were before the same Board back in 2007 for that approval.

This is for just -- right now it's just one large lot with an existing house. What we're seeking to do is break it into four lots.

CHAIRMAN EWASUTYN: Thank you.
Comments from our consultants. Jerry Canfield?

MR. CANFIELD: I have nothing.

CHAIRMAN EWASUTYN: Pat Hines?

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MR. HINES: We have some comments. Lot 8 of the proposed subdivision has the house at the front yard setback and we're suggesting our standard note be added to the plan requiring stake out of that house location and submission to the building department prior to pouring the foundations to eliminate any potential variances in the future.

We need to see the driveway culverts at the three driveways that are proposed. In front of the first two driveways there is some stormwater management practices that are part of the original subdivision. There's a dry swale that was constructed there. So those crossings need to have the culvert shown.

The disturbance limits are shown at 1.19 acres, and that is over what would require a SPDES permit. The limits of disturbance are rather generous. We've drawn around what could be disturbed. We're suggesting that the applicant's representative take a look at that to see if they could limit those to 1 acre or less and not require a SPDES permit for the project. If they can't do that, then they need to file for

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a notice of intent and get a SPDES permit for that. It's up to the applicant if they want to do that. I think with some redrawing of the disturbance limits a little tighter on the site, they can eliminate the need for that.

I just noted that the DEC and Federal wetlands that are on the site have been avoided by the project, so I don't think there's an issue there.

We would take no exception to a neg dec for this project.

CHAIRMAN EWASUTYN: Can we do that without circulating to Orange County Planning Department?

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: We can?

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: Thank you.

Bryant Cocks, Planning Consultant?

MR. COCKS: In regards to zoning, the only outstanding issue is the demonstration of the 10,000 square foot buildable area requirement, section 185-48.5, just being shown on the plan in the bulk table. It looks like all

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the lots will meet it.

There is, on lot 8, that wetlands that's close to the house, but it still looks like you can fit 10,000 square feet in the area. The wetland is pretty far away from the house. I would assume it's 150 feet. It shouldn't be a problem.

As John mentioned, we'll have to refer this to the Orange County Planning Department.

I will request the mailing list from the assessor and we can send out the adjainer notice with the public hearing notice.

CHAIRMAN EWASUTYN: Allowing for the necessary timeframe, our last meeting in December is -- will you be in Town at the end of December?

MS. CAPITELLO: Yes, I will.

MR. HINES: The 20th.

CHAIRMAN EWASUTYN: Will that allow us enough time?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: No additional.

MR. BROWNE: No. I'm good. Thank you.

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MR. MENNERICH: No.

MR. PROFACI: No additional comment.

MR. FOGARTY: Maybe Pat or Jerry.

Maybe these are common notes that are put on all plans. Under the septic system note it says the contractor shall inspect the septic tank after the first year's operation to ensure against abnormal sludge. Is that -- how do we know that's done?

MR. CANFIELD: That's not common.

MR. HINES: It's a standard note for this design engineer. The design engineer could do it. Actually, it's not normally done.

MR. FOGARTY: It's not.

MR. HINES: Especially after a year. You can get three years out of a residential septic system, especially the first three years.

MR. FOGARTY: I thought that was --

MR. HINES: It might be a fundraiser for the engineer.

MR. FOGARTY: It just caught my eye.

MR. CANFIELD: Good catch.

CHAIRMAN EWASUTYN: I'll move for a motion to -- if you would be so kind as to get

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plans to Bryant Cocks who will circulate it to the Orange County Planning Department.

I'll move for a motion to circulate to Orange County Planning Board -- Orange County Planning Department, and declare a negative declaration, and to set the 20th of December for a public hearing.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

Thank you.

MS. CAPITELLO: Thank you very much for your time.

(Time noted: 7:20 p.m.)

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

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

DATED: December 6, 2012

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

----- X
In the Matter of

HILTON GARDEN INN SIGNAGE PLAN
(2012-06)

Crossroads Court off 17K
Section 95; Block 1; Lot 45.22
IB Zone

----- X

SITE PLAN & ARB

Date: November 15, 2012
Time: 7:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY

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

APPLICANT'S REPRESENTATIVE: ANDREW FETHERSTON

----- X

MICHELLE L. CONERO
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MR. BROWNE: The next item of business we have is Hilton Gardens signage plan, project number 2012-06. This is a site plan and ARB being presented by Andrew Fetherston.

MR. FETHERSTON: Good evening. The last we were in front of the Board was sometime in April. We have been going back and forth with New York State DOT regarding a sign that we had previously proposed or had wanted to put out in the right-of-way of Route 17K. The right-of-way in that area is abnormally wide, and we think it's that wide for a possible replacement of the bridge at some date in the future over Route 87. I'm thinking maybe possibly leave the bridge, construct another and remove then the bridge. We were trying to get a sign at that location and saying if at any time in the future DOT wanted that property, needed that right-of-way or wanted that sign removed, we could do that, we would remove the sign.

The issue came -- the issue was that, for the DOT, that the parcel that the sign would be representing was not abutting that section of the right-of-way. It's owned by the same owner

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but it was not abutting the sign for the use. So that was denied by New York State DOT. We've since removed that sign. Our whole argument was the eastbound traffic coming around the knob that remains for the cemetery, that remains on high of course. One area that wasn't excavated of course, the cemetery use. It obscures the view of the traveling public. Almost at the speed that they're traveling, they could almost go right on by. We weren't successful with that so we removed that sign. That was going to be a free-standing sign. We removed that so that's no longer part of our application. As such, it removed quite a good quantity of signage which we would have required a variance for anyway.

The other part that we changed on this was we had the pole sign located down adjacent to 87. We did get a permit for that sign from the Thruway Authority. I have copies. I don't know if you have that but I have copies I could hand out.

We acknowledge the Board's request and your insistence that there was nowhere in the Town that had a sign -- I think we were proposing

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50 or 60 feet. It was quite tall. We're down to 40 feet. That's still going to work for my client. So we proposed a reduced height down to 40 feet on that sign, the same size.

We also proposed that one directional sign down at the bottom of the cul-de-sac, but the Code requires that it would be setback 15 feet from the property line. That really obscures it given the landscaping that's there. It really just wouldn't do any purpose if it was setback 15 feet. We have it back not quite 3 feet off of that property line so that it will be visible and will be a useful sign.

As far as the directional signs in the code for that, it's slightly oversized. I think it's -- I think it's 2 square feet over what is permitted. So we're seeking variances and we're looking to be directed to the Zoning Board.

CHAIRMAN EWASUTYN: Bryant, in your review you outline the variances. Can you, for the record, speak of them now?

MR. COCKS: The directional sign, a variance for square footage for the sign is required. 5 square feet is proposed and 3 square

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feet is the maximum. And also for the directional sign facing Crossroads Court, a variance for sign location where it's 2.8 feet away from the property line as proposed and 15 feet is required. For the pylon sign next to the Thruway, a variance for the total site signage is required, where 421.75 square feet is proposed and 20.75 square feet is existing on the building and 43.1 square feet is the maximum allowed.

CHAIRMAN EWASUTYN: Jerry Canfield or Pat Hines, do you have anything you want to add?

MR. HINES: I have nothing on it.

CHAIRMAN EWASUTYN: Anything from the Board Members?

(No response.)

MR. COCKS: The only other thing is this will need to be referred to the Orange County Planning Department. I don't know if you want to do that now or when they come back from the ZBA.

CHAIRMAN EWASUTYN: I think we'll expedite it.

MR. FETHERSTON: That's great.

CHAIRMAN EWASUTYN: Okay. Mike

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Donnelly, you'll prepare a --

MR. DONNELLY: I will. I'll use the list. With your permission, I'll advise the Zoning Board that it's satisfactory to the Planning Board if they wish to conduct their review on an uncoordinated basis under SEQRA, otherwise we'll have to await your declaration of significance which you have not issued.

CHAIRMAN EWASUTYN: Is the Board in agreement with that?

MR. PROFACI: Yes.

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: I would move for a motion to refer this to the Orange County Planning Department and have Mike Donnelly forward a letter to the Zoning Board of Appeals.

MR. PROFACI: So moved.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a second by Ken Mennerich. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

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HILTON GARDEN INN SIGNAGE PLAN

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

Thank you, Andrew.

MR. FETHERSTON: Thank you.

CHAIRMAN EWASUTYN: With that I'll move
for a motion to close the Planning Board meeting
of the 15th of November.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: Aye.

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

DATED: December 6, 2012