

TOWN OF NEW WINDSOR

PLANNING BOARD

November 12, 2014

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
HENRY VAN LEEUWEN
DANIEL GALLAGHER
HOWARD BROWN
HARRY FERGUSON

ALSO PRESENT: TAYLOR PALMER, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

CAMMY AMMIRATI
PLANNING BOARD SECRETARY

ALTERNATE: DAVID SHERMAN

MEETING AGENDA:

1. Hill & Dale MPH
2. 119 Caesars Lane LLC
3. UPS
4. Covington Estates
5. Vails Gate Terminal
6. Morrill-Nugent LLC
7. L & M Mertes Realty, LLC
8. Meadowbrook Estates
9. Lands of Van Leeuwen
10. Crestmoore at NY

REGULAR MEETING:

MR. ARGENIO: Let's call the November 12 regular meeting of the Town of New Windsor Planning Board to order. Would everybody please rise for the Pledge of

Allegiance?

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Harry's not here yet, we're going to give him a few minutes, if he doesn't show up by five after, we're going to call up Dave Sherman, certainly we'll call him up before we make any type of a vote. We have a full agenda tonight so we're going to move right along. If I cut anybody off, let me apologize in advance but we're going to move along, there's a lot we need to get through tonight.

APPROVAL OF MINUTES DATED 10/8/14 & 11/4/14

MR. ARGENIO: First item on tonight's agenda approval of minutes dated October 8, 2014, and October 22, 2014 sent out via e-mail on the 24 of October and sent out via e-mail on November 4, 2014 respectively. I'll accept a motion

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: We adopt them as written. Roll call.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

ANNUAL MOBILE HOME PARK REVIEW:

HILL & DALE MOBILE HOME PARK

MR. ARGENIO: Hill & Dale Mobile Home Park, somebody here to represent this?

MR. HERSHEL: Yes

MR. ARGENIO: What's your name, sir?

MR. HERSHEL: Joe Hershel.

MR. ARGENIO: Jennifer, has somebody from your office been out to have a visit?

MRS. GALLAGHER: We have, there are no issues.

MR. ARGENIO: How many units?

MR. HERSHEL: Twenty-two.

MR. ARGENIO: Where is it?

MRS. GALLAGHER: Right by Walter's Mobile Home Park, you turn in at the gas station, Walter's Mobile Home Park, do you know where that is on 207? There's the new Gulf, you turn in.

MR. ARGENIO: Okay.

MRS. GALLAGHER: Right in the back.

MR. ARGENIO: Did you bring a check for the benefit of the town for \$250?

MR. HERSHEL: I did.

MR. ARGENIO: I'll accept a motion we offer one year extension.

MR. BROWN: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion made and seconded that Town of New Windsor Planning Board offer Hill & Dale Mobile Homework one year extension on their permit to operate.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Give that check to Cammy. We always take money, money's good and I'll sign this and you're good to go. David, would you please join us in Harry's spot as I think he's not going to make it tonight?

(Whereupon, Mr. Sherman joined the board on the dais)

REGULAR ITEMS

119 CAESARS LANE LLC D/B/A/ JP EXPRESS (14-17)

MR. ARGENIO: Regular items, first regular item on tonight's agenda 112 Caesars Lane LLC site plan amendment. This application proposes 4,320 square foot addition on an existing 8,000 square foot facility. You can set up right there, sir. Okay, can you introduce yourself?

MR. DOHERTY: Good evening, Paul S. Doherty, III, I am counsel for the applicant.

MR. ARGENIO: What's your name?

MR. DOHERTY: Paul S. Doherty, III

MR. GILCHRIST: John Gilchrist, architect.

MR. ARGENIO: Can you tell us what we're here for tonight?

MR. DOHERTY: I'll let Mr. Gilchrist explain.

MR. GILCHRIST: We'd like to expand an existing truck terminal.

MR. ARGENIO: Where are we exactly in the town?

MR. GILCHRIST: We're exactly, the building in front of us is stores, boats, sells boats.

MR. ARGENIO: That's Uncle Jimmy's old spot, is that right?

MRS. GALLAGHER: Yes.

MR. GILCHRIST: Off 9W and Caesars Lane is our address but our access is closer to 9W.

MR. ARGENIO: Point on the photograph to what's illustrated on the top of the page.

MR. GILCHRIST: This is our building, it's got trucks pointing at the top and bottom.

MR. ARGENIO: I know where it is.

MR. GILCHRIST: Our building is the light part in the

middle of the blue, the blue is the paving so basically the entire this entire blue area is paved, the building is here approximately 134 feet. We'd like to add to it 72 feet which would give us 12 new loading bays. We would lose three that are existing across the back of the building so we'd net nine new bays.

MR. ARGENIO: Jen, where are we at with the sprinkler requirement or not of this facility?

MRS. GALLAGHER: It's 9,000 square foot so if they're adding onto it this would require a sprinkler system throughout the entire building.

MR. ARGENIO: You keyed into that?

MR. GILCHRIST: Yes, somewhat.

MR. VAN LEEUWEN: How big is the parcel?

MR. GILCHRIST: The parcel is almost four acres, 3.99 acres.

MR. VAN LEEUWEN: I figured it was a good size.

MR. ARGENIO: Tell us what variances you're needing for this application.

MR. GILCHRIST: It's an existing non-conforming use, it's an NC neighborhood commercial and it would not permit this type of use, it's a truck terminal.

MR. VAN LEEUWEN: How long has it been there?

MR. DOHERTY: It's been there at least 30 years, it's been there a long time.

MR. ARGENIO: Okay, so the variance would be a use variance, is that correct?

MR. EDSALL: No, it's a, the code allows under 300-73 subsection B-3 pre-existing, non-conforming uses to expand 30 percent. In their particular case, they're up around 54 percent expansion so they need an area variance for exceeding the permissible 30 percent expansion so the use is allowed to continue, they're just adding on more than the code accepts.

MR. ARGENIO: I understand, Mark. And you're aware that this addition is going to require you to sprinkler

the entire building?

MR. GILCHRIST: Yes, we're prepared to fix that, yes.

MR. ARGENIO: Okay, do you guys have any questions, David or Howard?

MR. VAN LEEUWEN: I think we ought to send them to the zoning board.

MR. ARGENIO: Pretty simple.

MR. BROWN: I saw the terminal when you go up Caesars Lane you can see it.

MR. ARGENIO: It's back in the woods there. I'll accept a motion we declare this application incomplete at this time.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. SHERMAN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: The determination has been made that your application is incomplete which effectively sends you to the zoning board where you can get the variances that you, you can attempt to get the variances that you're requesting. If you're successful, we'll see you back here. Good luck to you, sir.

MR. EDSALL: One item, this does have to go to Orange County Planning, we normally do a joint referral with the Zoning Board.

MR. ARGENIO: I don't see why we wouldn't do that.

MR. EDSALL: I wanted to make sure the board didn't want to add anything to the plan before we sent it over.

MR. ARGENIO: No, that's fine.

November 12, 2014

8

MR. ARGENIO: Apply to the Zoning Board, they'll get you on the agenda, see where it goes.

UPS NEW WINDSOR EMPLOYEE PARKING)14-18)

MR. ARGENIO: Next item UPS New Windsor employee parking lot C with Garvey and Company Surveyors and Engineers. Plan is dated 10/23 of '14. This application proposes modifications to the site parking facilities. The plan was reviewed by Mr. Edsall on a concept basis. Will you introduce yourself?

MR. BRIGHT: My name is Dean Britt, I'm the facilities manager for UPS and this is C.W. Garvey and Company.

MR. ARGENIO: You guys do a good job getting packages to my house, I don't know if anybody else has any experience with UPS but and by the way for the record that won't sway my ability to make a decision. Tell us what you're looking to do here, Mr. Garvey.

MR. GARVEY: Well, the existing site has a single access drive off of Wembly which is this dark shaded area in the gray. And what we're proposing is a second entrance off of Wembly that would access 22 spaces which are used for employee parking for the truck drivers which would then also connect to the existing 45 spaces.

MR. ARGENIO: What's here right now right here, what's here?

MR. GARVEY: That would be grass area and that connects to this existing area. We're looking to increase that area of pavement and building above ground 6.6 percent. We're also proposing an additional gravel wrapped surface in the back that would be access for 19 spaces which would be used most by about this time of year when they hire additional drivers from now until after Christmas. So that's somewhat of a temporary area.

MR. ARGENIO: Seasonal need?

MR. GARVEY: Seasonal need, correct. And then we're also kind of fine tuning this front entrance area squaring it off a little bit, putting some spaces in here. There's a customer pickup, an office area in this front corner of the building that gets somewhat clustered around that particular area so we're looking to add some spaces and improve that area in there. We're also because the site is somewhat wet from runoff that comes from an east to west like direction from the Coca-Cola plant area we're proposing one additional

basin that would tie into an existing basin on the site as the existing surface flow's cut off by the new paved area.

MR. ARGENIO: Do you have some type of swale running in this area here that will bring the water to that basin?

MR. GARVEY: Yeah, there's an existing, there's arrows on the plan, there's an existing swale that runs there, that drains from this area now the rest of it drains to the rear.

MR. ARGENIO: I see the arrows but the contours don't--

MR. GARVEY: Fairly flat.

MR. ARGENIO: Or indicate the presence of that type of swale but that's okay, you know, it's your facility.

MR. GARVEY: Based on the topographic survey we did which has a lot of spot elevations on it, Mr. Chairman, you can actually, this one here actually in the red shows the flow, you can see the elevations where it's flowing.

MR. ARGENIO: Very good, okay. Mark, I want to read for the benefit of the members of Mark's comments, this is a minor amendment to this site plan, although knowing the site I believe the site will, the site function will be appreciably improved. That's one of Mark's subjective comments. The application involves non-residential development. Oh, Harry, what happened?

(Whereupon, Mr. Ferguson entered the room and joined the board on the dais.)

MR. FERGUSON: Baby-sitter issues.

MR. EDSALL: That's less than, by the way, in that comment little typo there.

MR. ARGENIO: Yes, less than one acre, right. Danny and Harry? The record should reflect that Harry just came in. You guys work there, Mark seems to feel that this is an improvement and will help the flow of traffic there. You guys are there all the time, you probably are more familiar than the rest of us, do you guys have any comments on it?

MR. FERGUSON: Going to clean it up because they park

right now all over the grass.

MR. GALLAGHER: That's the grass area that probably they're proposing before you came in they're proposing parking right there.

MR. FERGUSON: Where the opening is right there they park right on that opening on the grass.

MR. GARVEY: Right here.

MR. ARGENIO: What about the idea of a public hearing or not? And I'm going to specifically Danny and Harry, I'm going to go to you guys on this, I hear you guys saying that you guys think it will be an improvement to the site knowing the area. I'm really kind of neutral, that's very much a commercial area and Mark seems to feel it's an improvement so I guess what I'm saying I kind of my thought is to defer to you guys unless you guys have another--

MR. GALLAGHER: I don't see it affecting Coca-Cola's business.

MR. VAN LEEUWEN: I make a motion to waive the public hearing.

MR. ARGENIO: Do you guys agree?

MR. SHERMAN: Yes.

MR. BROWN: Yes.

MR. ARGENIO: Motion has been made.

MR FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that we waive the public hearing on the UPS parking lot expansion. Roll call.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. FERGUSON	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I just want to read some of Mark's

comments, some of the bulleted items they look to be very procedural, you know, the title block, folding of the plans, you need to include, sir, you need to include handicapped parking per State Code. Mark, do we know that what that is specifically what the deficiency is?

MR. EDSALL: I'll work with Jen to decide if it needs only one spot. I think they have one now in front of the building itself, I think we needed to have it signed and I think that one might be enough but I wanted to check with Jen, one in front by the office doors.

MR. ARGENIO: Mr. Britt, Mark is also recommending that you guys try to identify via signage where the customer parking is. Are you okay with that?

MR. BRITT: Yes, we do have additional handicapped parking in the rear of the building so we can, you want that denoted on the plan?

MR. ARGENIO: Yes, you need to show that. I don't want to oversimplify it but they're expanding their parking lot, it's not a real involved application. Are you paving the rest of the facility or just the new parking?

MR. BRITT: Just the new parking area.

MR. ARGENIO: If anybody sees fit, let me just read this, there's no other involved agencies for this application, we don't have to circulate, Mark?

MR. EDSALL: No, you can take lead agency and take action.

MR. ARGENIO: I'll accept a motion that declare ourselves lead agency.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. FERGUSON	AYE

MR. ARGENIO AYE

MR. ARGENIO: If anybody sees fit, I'll accept a motion for we declare negative dec under the SEQRA process.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare negative dec under the SEQRA process. Roll call.

ROLL CALL

MR. BROWN AYE
MR. GALLAGHER AYE
MR. VAN LEEUWEN AYE
MR. FERGUSON AYE
MR. ARGENIO AYE

MR. ARGENIO: I don't want to oversimplify it but it seems to me it's as similar as a parking lot expansion and we have Danny and Harry here who have firsthand knowledge of the area. Is there any reason why we can't move this right along?

MR. EDSALL: No, it's very simple and in many cases people start to make parking modifications without working with the town to maybe tweak things and make it even better. In this particular case, the applicant has been very cooperative, took some input from the workshop and in fact improved the plan a little bit more. So I think we should thank them for taking the cooperative approach rather than have Jen come in, say they've done it not talking to anybody now we're on damage control. I think the plan is very simple and taking benefit of improvement which we all like to see.

MR. ARGENIO: Jen, anything else?

MRS. GALLAGHER: No.

MR. ARGENIO: Any specter behind the wall lurking around the corner?

MRS. GALLAGHER: No.

MR. VAN LEEUWEN: Motion to approve.

MR. ARGENIO: Hold that thought for one second. Do you have a copy of Mark's comments?

MR. GARVEY: Yes, I do.

MR. ARGENIO: Any approval will be subject to Mark's comments.

MR. GARVEY: That's fine.

MR. ARGENIO: Henry.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer final approval for UPS New Windsor parking lot expansion. Roll call.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. FERGUSON	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Guys, we try and keep it simple.

MR. BRITT: It was very simple.

MR. ARGENIO: Have a good night.

COVINGTON ESTATES PHASE II (10-24)

MR. ARGENIO: Next is Covington Estates. I see Mr. Winglovitz and Mr. Weinberg. Application is for the second section of the subdivision application which is an overlay on the approved multi-family site plan as noted. Ross, if I remember right, we approved this entire project so why are you here for approval for the second part?

MR. WINGLOVITZ: You approved the enter project then we went back and filed it in sections. Now we want to proceed with the filing of section two. We have a tweak to the plan which is a request to modify the rear yard setback requirement from 20 feet to 10 feet, probably primary reason we're here.

MR. ARGENIO: I have that memo, point to that area please.

MR. WINGLOVITZ: It would be the rear yards of these buildings here.

MR. ARGENIO: Why are you doing that, Mr. Weinberg?

MR. WEINBERG: What we found there is a tremendous outpouring from local citizens for a first floor master bedroom on the first floor.

MR. ARGENIO: Tremendous outpour from local citizens? My, you must be wired, my friend.

MR. WEINBERG: But I'll tell you the truth is that about half the people that come into our sales office are looking for a townhouse or living where they don't have to walk up the stairs, okay, and I'm finding that my empty nesters, those my age and looking for the--

MR. VAN LEEUWEN: And my age.

MR. WEINBERG: -- looking to downsize and stay in the area, they're all looking for the master bedroom downstairs and it's been a heartbreak for me to have them walk out the door and go look some other places, they want to stay in New Windsor. And so we have come in with a plan that keeps the facade the same but it requires us to pull out, push out of the back of the building.

MR. ARGENIO: So the building is deeper?

MR. WEINBERG: The building is deeper.

MR. ARGENIO: By how much?

MR. WEINBERG: About eight, nine feet.

MR. ARGENIO: Okay.

MR. VAN LEEUWEN: No more than 10, in other words?

MR. WEINBERG: No more than 10 so we're--

MR. VAN LEEUWEN: Then you're going to have, in other words, it's 20 foot in the back now what you're going to do is you're going to take away nine feet of that so it will be 11 foot left over, correct?

MR. WEINBERG: Correct.

MR. WINGLOVITZ: Correct.

MR. ARGENIO: Do you guys have any questions, Harry?

MR. VAN LEEUWEN: I don't, I think it's a great idea to have the bedrooms downstairs because people get older like me, okay.

MR. ARGENIO: I get it, my mom is the same way, she lives on all one level and she loves it on one level. So Ross, it's fair to say that it's these units here?

MR. WINGLOVITZ: Yes.

MR. WEINBERG: In both section two and three?

MR. WINGLOVITZ: This is section two which we're looking to start construction on soon so it's the downhill units basically.

MR. VAN LEEUWEN: How are the sales, pretty good?

MR. WEINBERG: Getting better, right.

MR. VAN LEEUWEN: Not good but getting better.

MR. WEINBERG: We have four units left in phase one.

MR. VAN LEEUWEN: So it is pretty good?

MR. WEINBERG: Yeah, pretty good.

MR. VAN LEEUWEN: Glad to hear that.

MR. ARGENIO: You crushing that rock?

MR. WEINBERG: I'm going to soon, I have enough of it.

MR. VAN LEEUWEN: What else you going to do with it, truck it away?

MR. ARGENIO: Mark, excuse me, guys, Mark or Taylor, are there any, is there anything else with this that we need to talk about?

MR. PALMER: If I may, Mr. Chairman, the New Windsor Code Chapter 300, Section 34 specifically states there are no minimum lot size or frontage requirements for yard, or the yard requirements within a PUD so it's the board's discretion based on dictating for health, fire, other functionalities before considerations are made.

MR. ARGENIO: Is there anything behind there? It's woods as I remember.

MRS. GALLAGHER: I believe so, this is the side on Continental Manor.

MR. WEINBERG: We're sided on one side by Continental Manor.

MR. WINGLOVITZ: Which is separated by the storm water pond.

MR. WEINBERG: The other side's the railroad tracks that goes all the way across the entire property and the last section is Route 300 so I have no real neighbors except on the other side of the railroad tracks.

MR. ARGENIO: And on the other side of your pond.

MR. WEINBERG: And on the other side of the pond.

MR. ARGENIO: Please finish, Taylor.

MR. VAN LEEUWEN: Do you have any, is that railroad tracks still working? No, that's not working anymore.

MR. WEINBERG: Well, it's still in service quote

unquote but nobody uses it. I haven't seen anybody use it in three or four years.

MR. PALMER: Ultimately if the planning board determines that the buffers aren't greatly affected by the proposal it's within the planning board's discretion to approve the requested setbacks.

MR. EDSALL: Just so the record is clear, actually two applications going on here as Ross indicated, the site plan was one whole package that was application 01-41 so that application will have a slight adjustment to the rear of the buildings just because of the footprint modification. The second application that you're actually entertaining tonight is the subdivision application which is 10-24, that's the one that we're getting approved in sections. So I think the record should be clear that they're effectively amending the layout of 01-41 and the setbacks of 10-24.

MR. ARGENIO: Duly noted. David or Howard to my right, do you guys have any question or thoughts?

MR. BROWN: It's not going to disturb, they're doing exactly what they did before, it's just being pushed out for bedrooms.

MR. ARGENIO: That's about what it sounds like.

MR. VAN LEEUWEN: Extensions of the bedrooms.

MR. ARGENIO: Danny or Harry?

MR. GALLAGHER: I have no problem with it.

MR. VAN LEEUWEN: I don't either, they answered my question.

MR. ARGENIO: Okay.

MR. VAN LEEUWEN: I'd like to see the bedroom on one floor, it's for older people and I'm old, I'm an old fart, okay.

MR. WEINBERG: I'm with you, don't you put that in the minutes.

MR. ARGENIO: Taylor or Mark, is there anything procedurally we need to do other than just have a vote on it for final?

MR. PALMER: Looks like we're going to need two separate votes because it's a site plan and subdivision.

MR. ARGENIO: We'll combine them.

MR. EDSALL: From a SEQRA standpoint, it's clear from the discussion that there are no known impacts as a result of this very minor change and there's no reason to reopen SEQRA.

MR. ARGENIO: That's correct so go ahead.

MR. WEINBERG: One other issue that we wanted to discuss and that was the fence issue along Route 300. We originally, the original site plan called for split rail fence coming along the back of these units on Route 300. I'm asking the board if they would permit board on board fence instead of the split rail fence.

MR. ARGENIO: One in the front, one in the back?

MR. WEINBERG: Right, it's a double sided fence so nobody has the bad side.

MR. GALLAGHER: There's a section that's there now?

MR. WEINBERG: That's the board on board fence.

MR. ARGENIO: They probably installed and he's asking for forgiveness.

MR. EDSALL: The only condition is if you can make it stay the natural color and not be stained either light or overly dark, that it be allowed to weather and it appears to fit in very nicely at this point cause it's in the historic corridor so that's one of the things that you considered.

MR. ARGENIO: Do you guys to my right have an issue with the fence?

MR. BROWN: No.

MRS. GALLAGHER: Do you have a height requirement?

MR. ARGENIO: What's the requirement?

MRS. GALLAGHER: Six foot unless you guys allow it

higher.

MR. EDSALL: What's out there?

MR. WEINBERG: The fence is actually six foot but it depends on how much we can raise it or lower it because it goes on, it's on a slant.

MR. ARGENIO: Jen, is there an issue? I'm okay with the six foot.

MRS. GALLAGHER: I want to know because I'm going to make them get a permit for the fence if you guys, so it's six foot, it's going to be six foot?

MR. ARGENIO: Six foot.

MR. VAN LEEUWEN: They didn't ask for any bigger.

MRS. GALLAGHER: The panels themselves have to be six foot.

MR. WEINBERG: But it's alright to be on a slope.

MR. GALLAGHER: There is a good three foot gap on the bottom of the panel, you have the bottom of the six foot panel and you can probably see a three foot gap because it's on a hill.

MR. ARGENIO: You have to grade it so the grade of the earth is within a few inches of the bottom of the panel.

MR. WEINBERG: Right, we'll do that.

MR. ARGENIO: Okay, so I'll accept a motion we offer approval to application 01-41 which is the revised site plan and 10-24 which is the subdivision.

MR. EDSALL: And you're granting phase two approval only, they still have to come back for phase three.

MR. ARGENIO: Still have to come back for phase three. Henry has made the motion for approval.

MR. GALLAGHER: Second it.

ROLL CALL

MR. BROWN

AYE

MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. FERGUSON	AYE
MR. ARGENIO	AYE

MR. WEINBERG: Thank you very much.

MR. ARGENIO: Thanks for telling us about the fence, appreciate that, Dave, keep that in mind going forward.

VAILS GATE TERMINAL (13-01)

MR. ARGENIO: Vails Gate Terminal. Application proposes an LP distribution facility with office building on the existing site. The plan was previously reviewed at the 27 February 2013 and 12 June 2013 planning board meetings. Where have you guys been?

MR. WINGLOVITZ: Ross Winglovitz with Engineering Properties.

MR. ARMENTANO: Joseph Armentano, C.E.O. of Paraco Gas.

MR. WINGLOVITZ: We were last here in February of last year. Since that time--

MR. ARGENIO: Ross, if I can interrupt you, you guys know where this is? Yes members? Go ahead. No, no, 94, across from Tarkett.

MR. WINGLOVITZ: The site is located on 94 and at the railroad crossing here.

MR. VAN LEEUWEN: You know, on Ruscitti Road, right?

MR. ARGENIO: No, that's a different venue.

MR. WINGLOVITZ: No, there's no existing facility, there's, Old Riley Road is on the west, 94 on the south and the railroad tracks to the west.

MR. ARGENIO: Paraco.

MR. WINGLOVITZ: So the proposal is for a new rail siting, four 60,000-gallon liquid storage tanks for propane, they'll be buried and mounted situations so they're not going to be exposed, they'll be buried and an entrance road off Route 94. Basically, you'll come in, be able to fuel, go out, little office building, couple marking spots and back out to 94, pretty straightforward, simple, not a lot involved. When we were last here, there were questions about safety. We met with the fire department several times, the fire inspector, Mark's office, Jennifer, we've hired a consultant to prepare fire safety analysis which is a requirement of the code, that was done, we did that last August, submitted a revised one again this July. We have also performed an analysis of potential failures. There was a question from the fire department what would happen in a potential failure

situation which we think is very highly unlikely because the site is designed with so many safety features and redundant shutoffs and the fact that the tanks are buried, the likelihood of any kind of failure of the system is very, very low we believe.

MR. ARGENIO: How low?

MR. WINGLOVITZ: Joe's going to talk a little bit about that.

MR. ARMENTANO: Thank you, appreciate putting us on the agenda. I don't know if anybody needs any information on the company but I do have some additional brochures if you want me to leave them because you asked the question Paraco Gas.

MR. ARGENIO: Yeah, that'd be great.

MR. ARMENTANO: That's number one. I'd like to see if I can make a few points for the board and I'm here really to answer any questions that the board may have regarding the points that I'm going to make and I want to see if we can move this process forward. So the objective here is to see if we can move the process forward. I know there are some issues regarding perception on this facility and on this terminal. I have been doing this a long period of time. I have been the C.E.O. of Paraco Gas since 1988. My dad started the business out of a garage in 1968. We have very a similar facility in River Head, Long Island, very close ironically to the tanker facility out there and not anywhere near the state of the art that this facility is. So I'd like to see if I can make a few points regarding the facility. As I make the points, if you want to ask the questions, please don't hesitate. First of all, the facility is a propane terminal, it's governed under the National Fire Protection 58, very similar believe it or not to how your gas stations in this town are governed. It's not a refinery, it distributes energy, again, whether it's any energy source such as gasoline, propane, diesel, they're all going to be under sections of NFP 58 so that's point number one. And I will say and I'm obviously very prejudiced about this but I will make a pretty bold statement here, I actually believe that this facility is safer than the gas stations that you have in your town. But that's something I will address as we move forward that again I know this is a pretty bold facility, you don't think propane terminals and

gas stations sometimes in the same breath. So number two, this facility is state of the art. When I say state of the art, their safety features are redundant, this facility has got something that they're buried tanks, unlike the one we have in River Head that are above ground, they're mounted tanks.

MR. ARGENIO: Do you mean underground or do you mean imported earth that's covering the tanks?

MR. ARMENTANO: Technical term is mounded.

MR. ARGENIO: Tank is at grade but it has earth around it, under it and on top of it?

MR. ARMENTANO: Which is an incredibly additional safety feature that--

MR. WINGLOVITZ: Not required by NFP 58 but something they offered to do.

MR. ARMENTANO: I think the key on the redundant safety features and self-contained and worst case scenario is really the report that we submitted to you from an expert called Slegers who basically did a report based on our conversation with the fire department, fire department and us had a sitdown and we sat down and basically I went specifically on what are your concerns, what are your three or give me the concerns that you basically have regarding this facility and we do a study to basically see how that will be impacted, what's the zone of impact on worst case scenario. So you've got two issues. One, what's the probability of a worst case scenario, what's really and what happens under worst case scenario. Our study didn't get into probabilities because probabilities are minutia.

MR. ARGENIO: But you can't say zero.

MR. ARMENTANO: Never can say zero. This is my point about any product you can't say zero for gas station can't say zero for your airport that's here, you, know, in Stewart Airport you can never say zero but for the most part the study really goes through redundant failures, multiple failures of the system which would have to be again you can never say zero but are incredibly improbable but even under those scenarios when the three different liquid withdrawal from the rail, so how would the rail product be unloaded into the facility, they wanted to study, see how safe,

that's how that would occur. Number two is the storage tanks to transport, so when they transport, when the storage tanks are there and very similar type transports.

MR. ARGENIO: Eighteen wheeler?

MR. ARMENTANO: Nine thousand to 10,000 gallon transport, again very similar to the same trucks that go fill up the gas stations, no different than those trucks that go and fill up the very same and looking at what that impact would be if there was an accident that occurred on the transfer of liquid from the storage tanks into a transport. And then lastly they looked at going reverse in case the product did not come in by rail it came in by transport, transport back to the storage tanks.

MR. ARGENIO: What did they find, they looked at these things, what did they find?

MR. ARMENTANO: They found a very low impact radius. Again, very, you know, and I think this is where the project got side turned a little bit in my personal opinion, again, it's only a personal opinion.

MR. ARGENIO: Why would you say--

MR. ARMENTANO: I think where it got sidetracked when the fire marshal initially came out and started to talk about a half mile radius and a one mile radius and started to bring into the picture that well, we have the Thruway over here and the buses over here and we have this over here and this over here and in reality, that will not even be a consideration or should not be a consideration for this board if the Slegers Report is correct, if the report is correct and accurate this should not be a consideration.

MR. ARGENIO: You should not purport to say what's a consideration, let me finish, you should not purport to assume what's important to the board or not because just like every other planning board in Orange County we're citizens of this town and, you know what, everybody has different thoughts, I have appeared personally with counsel in front of other planning boards, planning board in Montgomery and that board is, I don't know, Ross, I'm sure you've appeared there at some point in time or another and there are things that they focus on, I don't understand quite frankly. So

please don't purport to understand exactly what is, you know, makes us folks tick.

MR. ARMENTANO: I unequivocally apologize but I will, if you don't mind, I will restate my statement that I was going to make. I think that the board if they look at Slegers Report and look at the fact and they believe that the Slegers Report is correct, okay, if they believe it's correct then I believe the board will then take a different viewpoint of this project.

MR. ARGENIO: No offense taken.

MR. ARMENTANO: Believe me, I've been before boards and believe me I've seen, when I first came here I saw, I can't remember what the issue was, but I was, there was about 75, 100 people in the audience and I really know this is a professional board, not to blow smoke, but I really saw how this was handled. And what we are looking for is a fair process as we go through, we want to go through, present our cases as much as possible and try to really get away from perception and make sure that we're dealing with facts and that's my job is to deal with as many facts.

MR. ARGENIO: I'm sure nobody here disagrees.

MR. CAPPELLO: John Cappello, Jacobowitz and Gubits, I'm the attorney on this. And I appreciate everything you said but I did want, and when we talk about going on perceptions, one thing Joe and I talked about and one thing we have offered in our letters is planning boards do come, you know, with your own individual thoughts and we appreciate that and each board is different in a way. But we want to make sure that you base this on the reality of what this actual project is because it is something different, it's not something that is, has come before, a subdivision is a subdivision, we all know what a single-family house is, we all have dealt with those types of applications again and again, this is something a little bit new and unique and that's why I think Joe had offered early on we do have a site in River Head that is not that terribly far which was built with, was state of the art at the time it was built and now it's improved beyond that but we have offered if the town wanted or the planning board wanted it contingent to go there, actually look see what's around there, talk to the people, the fire department there, the municipal government there cause then you're dealing with what

the actual facility is and I think--

MR. ARGENIO: John, I appreciate everything you're saying and I agree with 100 percent of what you said. And in the interest of not going sideways and getting focused on Mr. Armentano and the facility and any issues that are out there where I was going just a moment ago I was going to Mark and you were talking about the safety, et cetera, and I was going to ask Mark if during your discussions at workshop and with the fire commissioners, et cetera, what insight you have to offer. But before I allow you to do that and I said this before I think we as a board, you know, I'm not a fireman expert nor am I a code enforcement expert, we, I rely on these folks to give us expertise and commentary, a lot of it's good, some of it's not so good, but we have to go where the expertise is. But that said Mark, what do you have, do you have any additional insight?

MR. EDSALL: Just general observation that there have been many discussions about redundancy and trying to maximize the levels of protection. Notwithstanding that, ongoing discussion it's clear to me that there are still concerns that the Vails Gate Fire District and the town fire inspectors have expressed so those issues in my mind are ones that need to be resolved.

MR. ARGENIO: Do they have possession of the report that Mr. Armentano was referring to?

MR. EDSALL: I'm not sure.

MR. ARMENTANO: We have, we sent it to them and I believe and again little bit of frustration so I apologize if I get a little frustrated and July 21, 2014 I believe right around that day is when we sent them the report and that's part of our delay, part of our delay from February was twofold. One was obviously meeting with the fire department then getting the right expert and getting the expert on board, we get busy in the winter so probably waited until the spring and started to get the expertise on and waiting for this response from the fire department or at least the meeting to go through this response and we have not been able to get that and that's been--

MR. ARGENIO: Well, I'm sure counsel and your esteemed engineer will both represent to you that this board is not in the business of holding people up. We try as

best we can, best we're able to move things forward, be it good, be it bad, we agree, we disagree, whatever it is we try to move things forward. Pretty accurate?

MR. WINGLOVITZ: Accurate.

MR. CAPPELLO: Absolutely, and that's, you know, why we understand the concerns of the fire department. We have met, we tried to come here and wish we had come here and said, you know, everything's taken care of, we went and did our homework beforehand which we believe we did our homework but the reality is there's some, you know, questions you're going to have to balance and weigh because as a fire department or anyone if you're looking at your one area and you're only looking at that area, it's easy to say.

MR. ARGENIO: You couldn't be more correct my friend, I couldn't agree more.

MR. CAPPELLO: From their perspective.

MR. ARGENIO: It's very easy to focus on your level of minutia and disregard everything that's going on around you, I couldn't agree more, well spoken John.

MR. CAPPELLO: So we're here now to ask you to look at the whole picture, we'll provide you with any questions you have to try to get you the entire story and make your decision hopefully.

MR. ARGENIO: But if you could--

MR. ARMENTANO: Two more points, so we talked about River Head and John beat me to the punch on the River Head facility but we have been operating that safely since 1988 and it's no where near--

MR. ARGENIO: Any incidents?

MR. ARMENTANO: -- no incidents, no issues.

MR. ARGENIO: That's verifiable?

MR. ARMENTANO: Verifiable, that's one of the reasons I gave you some information on our company but I think you obviously whoever--

MR. ARGENIO: I think that's important, history is important.

MR. ARMENTANO: I think you'll also find and, you know, in the record that and this is the last point I want to make, that propane rail safety is very safe, this is not crude oil, there's a lot of publicity that's--

MR. ARGENIO: What are the tankers called, we went to that seminar?

MR. EDSALL: Bakken (phonetic) fuel.

MR. ARGENIO: And the tankers are the '10-11 tankers, do you guys know, John, do you know what's the name of the tankers that are deficient? Do you know, Ross, they're running up and down the river keeper's making a big deal, the '10-11 tanks?

MR. WINGLOVITZ: They're not DOT.

MR. ARGENIO: Up the DOT standards.

MR. ARMENTANO: The propane it's all double walled, they have an excellent safety record, CSX who is an operator has an excellent safety track record. Also as part of this project, they were willing to invest somewhere in the neighborhood of a million to two million dollars on upgrading the railroad crossings on Union and I think two or three of them altogether but actually putting in a million and a half, I think it's a million and a half dollars.

MR. ARGENIO: That answers your question, Mr. VanLeeuwen, about the railroad behind Mr. Weinberg's project, if this project were active, that railroad would probably be active, I would imagine.

MR. ARMENTANO: So they would be more than happy to upgrade, more than happy to bring a representative to talk about their safety record, track record, how they handle propane, how they'd handle the propane coming in and again, I think that sometimes you get caught in bad timing and that crude oil thing just got it, really it gave the whole energy rail industry a bad reputation.

MR. ARGENIO: I couldn't agree more, they struck a nerve and I went to a couple of the symposiums and there's burning tankers and fire and brimstone, I mean Henry, you had a question?

MR. VAN LEEUWEN: Yeah, is this going to reduce our prices for propane? My house is heated under propane.

MR. WINGLOVITZ: Supply and demand.

MR. VAN LEEUWEN: It's going go raise it, right? I vote no.

MR. ARGENIO: Let's talk about this just a little bit, let's talk about this a little bit. Danny and Harry, David, Howard, if you have any questions, please chime in, I'm just going to speak a little bit.

MR. BROWN: Is there residential areas in the vicinity of this?

MR. ARGENIO: Howard, where this is if you were to take 94 from Vails Gate going out towards my house, I think it's just before the railroad crossing on the right side, I believe it's adjacent to the Thruway, is that correct?

MR. WINGLOVITZ: No, there's two properties between.

MR. ARGENIO: It's within a couple hundred yards of the Thruway.

MRS. GALLAGHER: There's three houses behind this, what they're proposing, and there's a house across the street as well.

MR. ARGENIO: How are they accessed, Jennifer, those homes?

MRS. GALLAGHER: The three are accessed by Old Riley Road.

MR. ARGENIO: Which is next door to this facility?

MRS. GALLAGHER: That's correct.

MR. ARGENIO: Here's some of the things that are going through my mind. Danny, and again, I have an open mind, I think I have demonstrated that year in and year out here sitting up on this board as to the rest of these members have an open mind. One of the things that goes through my mind is the proximity to the Thruway, God forbid something should happen you're right next to the Thruway and again, I'm just for the moment I'm discounting what you were saying about how

safety is, I'm sure it's very, very safe, very safe. But you can never say zero. One of the things that's in my mind is that. Another thing that is in my mind is there's an elementary school maybe a quarter of a mile away, third of a mile, something like that, I don't know what the distance is, Ross, I mean you would probably know better than me. The other thing that's on my mind specifically is there are at least two senior citizen facilities, senior housing complex I should say that would be a better description within again a quarter of a mile or third, Amber Grove is the second one, there's another senior facility that's slated to be built right over on Temple Hill Road near the railroad tracks that you're referring to.

MR. WINGLOVITZ: Was this the site, this was previously approved?

MR. ARGENIO: Ross, Temple Hill right near the tracks, are you with me, if you're heading towards Neil Schlesinger's restaurant, you go over the tracks, just passed Weinberg's project on the right, you're familiar with Dave Weinberg's project?

MR. WINGLOVITZ: I think I've been there.

MR. ARGENIO: So and again, I'm throwing thoughts that are going through my mind, the bus garage is almost across the street from this school.

MR. VAN LEEUWEN: This is Temple Hill and the Old Patterson House.

MR. ARGENIO: I don't know the traffic counts, I truly don't know the traffic counts and I'm not going to guess but probably Five Corners is amongst one of the top three busiest intersections in the town. So safety is a concern, I mean, it's a concern, nothing is insurmountable, I'm not saying anything's insurmountable here but these things are a concern to me as I sit here.

MR. VAN LEEUWEN: Mine too.

MR. ARGENIO: And I think there are items that we really need to be looking very closely at. Now, I can't tell you cause I don't know as I sit here at this particular moment specifically what issues the code enforcement/firemen have, I don't know, Ross, I honestly don't, I know that they have, they're

concerned and John, you bring up a good point where we can't, we, and that means us as a society, us as a board, we can't have tunnel vision and just be focused on these four pens and this is all I care about and the world is burning down around me, we don't do that, I think you know that. But this safety thing's got me a little bit concerned. So but I want to hear from the other members, I thought about this quite a bit, I've seen the letters, I've read them, and there's merit in a lot of places, sometimes there's not a lot of merit but I do want to hear from the members about some of the things that I brought up and possibly they may have some additional concerns. I'll start on my left with Danny and/or Harry.

MR. GALLAGHER: You hit the major points of the school, the bus stop, the major intersection, all of our concerns. My biggest concern is making sure that the fire department and code enforcement--

MR. ARGENIO: I forgot to mention there's a fire station quarter of a mile away, good point, I didn't think of that.

MR. GALLAGHER: Just making sure they're on board because honestly, I'd have to defer a lot of their expertise to this. We can sit here and make sure that the curb cuts are right and everything else is going on but they're the ones with the expertise for what's going on.

MR. FERGUSON: I agree with Danny as well, they know their business more than we do so, I mean, safety is a concern, it is a congested area over there with a lot of different buildings so I do think safety is really the key glitch there.

MR. ARGENIO: I think it is, I think you guys are on the right track with the mounded tanks or buried tanks, whatever the proper term is that takes that component out of it now, we don't have to worry about that now. The only, I shouldn't say the only, it says there's one other thing that's off the table.

MR. ARMENTANO: If I can just address I do think if you, again, I went back to the Slegers Report as you know if it's accurate and again it's a report by an expert that doesn't mean that somebody on the planning board shouldn't be looking at it because the fire department should look at it and should be able to

question it and determine whether or not they think it's accurate or not and if it, but if it is accurate that zone of impact, that zone of impact that you're talking about does not affect school buses.

MR. ARGENIO: What's the report?

MR. ARMENTANO: Slegers Report.

MR. ARGENIO: Spell it please.

MR. ARMENTANO: S-L-E-E-G-E-R-S, and it would not affect the Thruway, would not affect and it may have a slight, six scenarios they went through and in one scenario it could affect the residential housing to some degree but again, the method of discharge that would occur on worst case scenario on a propane accident and the way this is designed it's hard to say and again I am obviously prejudice because we're applying here but this is as self-contained of a propane facility and state-of-the-art facility as you're ever going to find in the United States. It's so self-contained, something really does happen the person or probability of anybody that's going to get hurt is really anyone who's working on the facility.

MR. ARGENIO: Dave, I want to just, one second, Mr. VanLeeuwen wanted to make a comment, he's been tapping me for about a minute.

MR. VAN LEEUWEN: No, that's okay, I have concerns also.

MR. ARGENIO: I want to, Dave, I would like to hear your comments but I'm not going to and I'm going to tell you why with all due respect, I want to make sure that our protocol is appropriate and proper for this application as with every other and we're a five person board with all due respect, Dave.

MR. SHERMAN: Got it.

MR. ARGENIO: But Howard, I'm going to go to my right and say I said some things, the people to my left said some things, the other members, what thoughts do you have?

MR. BROWN: Well, I'm sure the facility is up to modern standards and it's the transportation of the stuff getting to it that concerns me, that's where I think

anything can go wrong is where it's going to go wrong.

MR. ARGENIO: Okay, Taylor or Mark, do you guys have any additional thoughts on this?

MR. PALMER: We certainly can lead into the discussion about making a determination and ultimately looking at the SEQRA process.

MR. ARGENIO: That's where I'm headed.

MR. PALMER: In this case the board has previously circulated its notice of intent for lead agency, at this time it would be appropriate for the board to declare itself lead agency and because this is a Type I action, it would need to consider making a determination of significance in this case again because it is a Type I action it would have to either issue a positive or ultimately a negative dec, negative declaration. So considering the board would need to consider the magnitude and importance of ultimately the proposal as it exists is here one of the considerations identified in the New York Code Rules and Regulations Section 617.7C which sets forth the criteria for determining significance was by the words and that is the creation of a hazard to human health so ultimately the board would need to determine the significance here whether they'd issue positive dec or negative dec considering all the materials presented by the applicants and the board's considerations and those of the consultants from the fire department and any other considerations.

MR. VAN LEEUWEN: I would like to see it in an area where there's not too close to houses as this is and I will tell you the traffic coming out of your terminal towards Vails Gate is astronomical, there's always, always, always 200 or better cars waiting to get across that light, matter of fact, usually it takes three times to get across that light.

MR. ARGENIO: Let's, and here's my suggestion is that I want to focus on this application for what it is, that's not to say that I disagree with you but I want to focus on this for what it is. So--

MR. VAN LEEUWEN: Didn't mean to lead you off.

MR. ARGENIO: No, it's okay, it's all good. So, do we need to, I'll accept a motion that we declare ourselves

lead agency.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that we declare ourselves lead agency, Town of New Windsor Planning Board.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. FERGUSON	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'm not an attorney, Taylor, but I'm going to tell you my understanding of SEQRA and the way it works and if I misspeak, please correct me, members, please follow me on this. If we determine that there is one or more significant impacts by any application --

MR. PALMER: Adverse impacts.

MR. ARGENIO: We should, we should be declaring a positive dec which will compel the applicant to look at these impacts closer, is that correct?

MR. PALMER: That is correct. Ultimately, you'd be, if that were the instance, you would be issuing a positive dec which would require the applicant to prepare a Draft Environmental Impact Statement that would assess those.

MR. ARGENIO: And we'll have a scoping exercise where we can look at traffic, my big thing is safety, I've got to tell you, I don't know that the traffic thing's got me too banged up because I don't think it's going to be a tremendous amount of vehicles but I'm only one member, Danny or Harry Ferguson, do you guys have any questions or comments that you want to add to this?

MR. GALLAGHER: Couple was the human health concern that Taylor triggered being there's some residential right there, to me that would be one of the ones that would trigger it.

MR. VAN LEEUWEN: We've got to have a public hearing, if one of those tanks is 60,000, how many gallons is that tank, 60,000 gallons blew up, you could put all the dirt in the world?

MR. ARGENIO: We're not going to argue that point, I don't--

MR. ARMENTANO: Can I make a request?

MR. ARGENIO: You can make a request but I don't disagree with anything that you said tonight because of your reputation because of your facility down in Long Island, I'm sure it's all great, but we have an obligation of due diligence.

MR. ARMENTANO: And I do appreciate your obligations, I do understand your concern, believe me. I would love to be able to at least get that meeting with the fire department and really go through that report in some detail and get another opportunity to see how they react to this because again, we spent, you know, from as a business person, we had a meeting with the fire department, we told them what we were going to do, we spent the money to get this report, I do think we do, we are owed a feedback on that report, somebody should basically say to us yes, cause we, that report was based on our conversation with the fire department, wasn't based on us just putting a report together cause I've been doing this thing for a long time and I understand that the fire department's support tends to be very critical in applications like this.

MR. ARGENIO: I don't dispute anything you just said.

MR. ARMENTANO: I'd like to make the request to get them to--

MR. ARGENIO: I said I don't dispute anything he just said.

MR. ARMENTANO: That's my only request.

MR. ARGENIO: Howard, any additional thoughts on this?

MR. BROWN: No.

MR. ARGENIO: So we're all on about the same thought process more or less, safety is my big thing. Taylor or Mark, I think, I know what I need to do procedurally

or what we need to do procedurally, is there anything else you guys have to add?

MR. EDSALL: No.

MR. PALMER: In this case the board has represented its opinion about what it's using to determine the significance of the impact in this case.

MR. ARGENIO: I think we have--

MR. CAPPELLO: I would just request if you could allow us to meet with the fire department, allow us maybe to set up a meeting, I want to make sure regardless of what your decision is that you go through the proper procedures, I'm not trying to, you know--

MR. ARGENIO: I don't think there's any issue Taylor or Mark, any issue that actually John I would encourage that quite frankly--

MR. CAPPELLO: The one thing I just want to leave the board with is, you know, you have perceptions in your mind that this use is somehow different but in your residential zones and I told Joe not to mention this but I'm going to, I don't know how many gas stations you have, you know, near residential with tanks that are flammable, you know, to the X degree more than propane, how many planes you have flying into Stewart carrying cargo with gasoline flying over the Thruway and over the schools and thank God in Heaven that nothing has ever happened. But the likelihood is exponentially greater that something would happen from all those uses than would happen from this use because take your propane tank for your gas grill, put it under dirt, light a match over it when it's under dirt, see what happens.

MR. ARGENIO: You know what, you could be very well correct in everything you just said. Unfortunately, Mr. Armentano's in the propane business and the burden of convincing folks otherwise is on them, not the average lay person, planning board member or the firemen code enforcement people, it's on him, I have no predisposed opinion either way, I don't think the rest of the members do either, I know all these guys pretty well but we have echoed our concerns.

MR. CAPPELLO: That's why we're asking that you and your experts we'd make our best attempt to meet that

burden by having the best experts we can find in the field, not the attorney or not the guy who runs the business or the engineer here but the experts in the field who are independent experts prepare that report to you and that's what we're asking for, read it, have your consultants read it, ask us questions about it, if you want to have someone else read it, you know, we're here but we just want to base it on the facts so we're all working off the same page.

MR. ARGENIO: In the interest of again moving this application forward and taking the next step if somebody agrees, I'll accept, we the Town of New Windsor Planning Board I'll accept a motion that the Town of New Windsor Planning Board declare positive declaration under the SEQRA process.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board make a positive declaration under the SEQRA process for the Vails Gate Terminal Company LLC site plan in that there are one or more possible adverse impacts associated with this site and I'll have a roll call.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. FERGUSON	AYE
MR. ARGENIO	AYE

MR. PALMER: More than one, one or more potential impacts.

MR. ARGENIO: I did say that.

MR. PALMER: Potential.

MR. ARGENIO: Potential, possible, same thing, we don't have any predisposed thoughts.

MR. PALMER: And if I just may clarify further just that specifically it is a concern of safety and it was human health which is one of the significant factors in making such a significant determination.

MR. ARGENIO: That's going to be part of a scoping issue at some point in time?

MR. PALMER: Correct.

MR. CAPPELLO: We'll receive a written positive declaration?

MR. ARGENIO: Yes, you'll receive that from counsel.

MR. PALMER: We'll prepare that.

MORRILL - NUGENT LOT LINE CHANGE (14-20)

MR. ARGENIO: Next on tonight's agenda Morrill-Nugent lot line change. The applicant proposes transfer of approximately 1.75 acres from lot 54.1 to lot 75.1. The plan was reviewed on a concept basis. What's your name, sir?

MR. MERCURIO: Al Mercurio.

MR. ARGENIO: I knew that but Franny doesn't know that. Do you want to share with the members what we're doing here?

MR. MERCURIO: Sure, the lot line change is between the lands of James E. Nugent, 2.395 acre parcel and the lands of Jessie Morrill and Angela June which is a 0.547 acre parcel with existing house.

MR. ARGENIO: Would you point out to them directly which lot line is being extinguished and where it's being re-established?

MR. MERCURIO: The 40 feet strip of land is going to be added to the Morrill and June parcel increasing the area to 0.722 acres and naturally eliminating 0.175 acres.

MR. ARGENIO: Why is Jimmy doing this, not that it's any of my business?

MR. MERCURIO: Why?

MR. ARGENIO: Yeah.

MR. MERCURIO: I would imagine they want 40 more feet of land, I have no justification.

MR. ARGENIO: That's okay, that's fine.

MR. VAN LEEUWEN: We all know Jimmy, he sat on the zoning board many, many years.

MR. ARGENIO: We can take lead agency, Taylor, is that right?

MR. PALMER: That's correct.

MR. ARGENIO: Accept that motion.

MR. VAN LEEUWEN: Motion made.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare itself lead agency.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. FERGUSON	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Now we're lead agency. Mark, this has to go to county?

MR. EDSALL: It was sent to county very recently, we do have the time clock running.

MR. ARGENIO: Do you guys have any questions on this? I mean I knew what he was doing, I knew where the lot lines where, that's where I had him point to you guys for the benefit of you guys. I don't, Mark, is there any secrets here again, no specter behind the curtain?

MR. EDSALL: As with lot line changes, there's no construction proposed, just shifting a lot line. In this case, they're taking a very large lot that's way over the zoning and transferring 40 feet to a lot that's substandard so it makes it a little more conforming so it's a good thing.

MR. ARGENIO: Anybody want to waive the public hearing?

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded we waive the public hearing for Nugent. Roll call.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. FERGUSON	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I don't know what else we have to talk about other than we'll see you in a month. Mark, does he even need to come back?

MR. EDSALL: Well, it's your call.

MR. ARGENIO: Does he have to come back?

MR. EDSALL: No, if the authority or the review of the County Planning had not expanded itself to include lot line changes you could dispose of this tonight but unfortunately it's not, 30 day clock with the Planning Department, you could always tell the applicant if it comes back local determination that you may just process the approval at the next meeting.

MR. ARGENIO: Are you okay with that?

MR. VAN LEEUWEN: I'll make a motion.

MR. ARGENIO: We don't need a motion so if it comes back local determination we'll just process it, you know, for final approval with you in absentia but if they have comments, you'll have to come back and address them. Very good, thank you.

MR. MERCURIO: Thank you. Are you going to inform us?

MR. EDSALL: We'll give you a call.

(14-15)

MR. ARGENIO: L & M Mertes Realty. Looks like you have a good plan here guys, Ahmad and Ray.

MR. DRABICK: I'm Stephen Drabick, I'm a licensed land surveyor. Basically, I'm on board for this project to provide exactly what you said, a more detailed plan of what exactly is currently on this site, as well as to show a proposed location for construction of a new pole building. It's 60 by 100 feet and located generally positioned in front of the existing scale that's on their site. The idea here was to keep the building within 10 feet of the scale so that the office area would have direct view of the vehicles coming and going. With regard to the use of the current site just to run through it briefly, from my understanding based on the first plan the site itself has two access points, both are gated and coming through those access points is the only paved portions on the site which ramps leading up to the scale for the trucks. The majority of the structures just about all the other structures that exist on the site are various forms of trailers to include the office area which is currently being housed in a trailer. With the proposed new building we're looking to move that office area into a small section of the pole building.

MR. ARGENIO: Now Ahmad, you didn't say that last time you guys were here.

MR. AZATLLAH: It was on the old plan.

MR. ARGENIO: Not the office, the office was not part of that pole building.

MR. AZATLLAH: Do you have a copy of it?

MR. ARGENIO: I don't have it, I mean, I don't remember, I mean, I don't recall.

MR. VAN LEEUWEN: So the office trailer and the storage trailer, yeah, I know that's going to be, they're going to go.

MR. EDSALL: Didn't show that on the original plan.

MR. AZATLLAH: They'll go, yes.

MR. ARGENIO: Jen, where are we at with this building

being sprinklered with the office in it, is that a problem?

MRS. GALLAGHER: It wouldn't trigger sprinkler per se, we'd have to look at the plans. When they first came in, this was a canopy type of structure completely open and you were going to dismantle cars underneath it. There was no mention of an office when you first came in, when you first came in they did have it on the plan but when they first came in, there was no mention of this office at all.

MR. ARGENIO: Steve and Ahmad, here's why I'm bringing it up, I want to make sure you guys are going in eyes wide open, no surprises later on from the town or anybody else. So they don't have to the sprinkler?

MRS. GALLAGHER: They might not but you might have to put in a fuel alarm system, we don't know without seeing plans.

MR. ARGENIO: I put up the same thing, I had to put up a fire alarm in my building, it's a heat sensor, something in the ceiling, I don't know what it is but the low voltage people do it. It's not that big a deal but I had to do it in my building too.

MRS. GALLAGHER: They plan on doing this office, what are you doing with this office trailer on the site?

MR. AZATLLAH: We're going to get rid of both trailers.

MR. VAN LEEUWEN: How about the storage trailers in the back, they're going too?

MR. AZATLLAH: No, the storage trailers are there but just the existing office will no longer be there.

MR. ARGENIO: Just so we're clear, Ahmad, these trailers here are going?

MR. AZATLLAH: Yes.

MR. ARGENIO: And these you use for your business?

MR. AZATLLAH: Yes.

MR. ARGENIO: Along with these as well?

MR. AZATLLAH: Correct.

MRS. GALLAGHER: Can we put that on the plan that these are to be removed because it does not state that?

MR. ARGENIO: Ahmad, are you okay with that?

MR. AZATLLAH: I'm okay, absolutely okay with that.

MR. DRABICK: The sole purpose for the canopy building is to currently move the operation where they drain the fluids and disassemble the vehicles which is currently being done outside in all kinds of weather, get it inside out of the whether.

MR. ARGENIO: Agreed. Yeah, so this has to go to county which it did go to county. Now that we have a good set of plans and Ahmad I congratulate you for hiring a good engineer.

MR. AZATLLAH: We appreciate you guys recommending him.

MR. ARGENIO: We're trying, we don't want to see you jammed up, we're trying to, we try to help as best we can. Is there any reason Mark or Taylor that we can't assume lead agency for this project?

MR. EDSALL: You can go ahead as far as I'm concerned.

MR. ARGENIO: I'll accept that motion.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare itself lead agency for L & M Mertes site plan.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. FERGUSON	AYE
MR. ARGENIO	AYE

MR. ARGENIO: So we're lead agency. Steve, as I'm sure you're aware we're within 500 feet of the state road so this does have to go to county by statute and it has been sent. Now that we have a good plan, we sent it.

I do want to address something though members we need to talk about the need or not for a public hearing. I asked at the last meeting if you guys remember that you guys take a ride over there, take a look at the neighborhood and make a decision.

MR. VAN LEEUWEN: Yes, you did say that.

MR. ARGENIO: And we'll decide, I was kind of advocating for not but again, I'm only one vote on the board of five so is there, anybody have any thoughts on the need or not for a public hearing?

MR. FERGUSON: I don't think so.

MR. GALLAGHER: I don't believe there's a need, I believe it's cleaning up the site.

MR. VAN LEEUWEN: I'll make a motion to waive the public hearing, it's in a PI zone.

MR. ARGENIO: It's a smoke stack.

MR. VAN LEEUWEN: It's off in another direction, it's not going to hurt anybody, there's only a couple houses there.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded. Roll call.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. FERGUSON	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Guys, what else can we do tonight, Mark?

MR. EDSALL: Unfortunately, you can't close out SEQRA and you can't grant approval cause the same as the last application because of the, even though this is only a site plan amendment, the County Planning has to comment so there's nothing more we can ask for at this point the board asked for a more detailed plan, you got one that shows everything.

MR. ARGENIO: Ahmad, you did what we asked you to do.

I think you can tell, Steve, you've been here before plenty of times the tone of this board is very favorable to what you're doing here. But by statute, we can't act until we hear from county. So it's been sent to county, they have an obligation to respond in 30 days, I'm sure they will. They typically do and Cammy, you'll notify them?

MS. AMMIRATI: Yes.

MR. EDSALL: You could if you so desire handle this the same as the prior one as long as it comes back local determination.

MR. ARGENIO: You know what Mark, I don't want to do that and I'm going to tell you why because the other one was so basically incredibly dead nuts, simple as moving a lot line 40 feet to the left, it doesn't get more basic than that. This is a site plan and prefer not to do that unless any of the members disagree?

MR. FERGUSON: I agree.

MR. VAN LEEUWEN: I'm not going to disagree.

MR. ARGENIO: We'll let you know and we'll keep you moving and get your building up and do what we need to do and it's all good.

MEADOWBROOK ESTATES (01-42)

MR. ARGENIO: Meadowbrook Estates. This applicant has submitted an application to amend their final subdivision approval for a cluster type configuration. Submittal was previously reviewed at the 28 July 2010, 15 September 2010, 9 February 2011, 8 March 2011, 11 May 2011, 9 November 2011 and 11 September 2013 planning board meetings, I see Mr. Pfau is here. I know why you're here, Joe, can you please tell the members why you're here?

MR. PFAU: Yeah, this was a map that was previously approved, it's basically a minor subdivision from the Meadowbrook Estates cluster subdivision. The purpose of the minor subdivision is to cut off the open space parcel which is going to be dedicated to the town. The town is interested in pursuing this quickly so we have prepared this map, I actually even have mylars with me if everybody is okay so we can promptly file the map and turn that piece of property over to the town.

MR. ARGENIO: Joe, specifically what do you need from this board to allow that to happen?

MR. PFAU: I need an approval for the minor subdivision and the chairman to sign the maps and mylar so we can file them with the county.

MR. ARGENIO: What's the minor subdivision, is that the lot line relocation?

MR. PFAU: Yes, what it is--

MR. ARGENIO: Show the members so they can see.

MR. EDSALL: I can jump in, you've already approved as we're calling it the initial phase of the subdivision which would be the minor subdivision. This is exactly what you approved previously and it's a correction map. There was one line near Mt. Airy on the back of a single-family residential lot that had to be shifted.

MR. ARGENIO: That's this line right here, correct?

MR. PFAU: Yes, it's about .16 acres, it's on the, there's a wetland in the middle, doesn't affect anything that the town wants to do with that piece of property.

MR. EDSALL: Because the town is desirous of accepting the deed and that one boundary had to be revised we asked Joe to prepare a map correction.

MR. ARGENIO: Do we have the deed yet, Mark?

MR. EDSALL: We have the description, it's been referred to the town attorney, it's been reviewed, the supervisor and the town attorney have indicated that this map correction is a hundred percent acceptable so you really just gotta reapprove what you've approved in the past.

MR. ARGENIO: Any corrections on this?

MR. VAN LEEUWEN: I don't, I know what it's all about, I'll make a motion to approve it.

MR. BROWN: Second it.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. FERGUSON	AYE
MR. ARGENIO	AYE

LANDS OF VAN LEEUWEN (14-21)

MR. ARGENIO: Next item on tonight's agenda Lands of VanLeeuwen subdivision. The application proposes the subdivision of the 36.1 acre parcel into four lots. The plan was reviewed on a concept basis. Off the record.

(Whereupon, a discussion was held off the record.)

(Whereupon, Mr. VanLeeuwen stepped down from the board for this proposal.)

MR. ARGENIO: Yes, Mr. Pfau, you're here to represent the VanLeeuwen subdivision?

MR. PFAU: The map that you have in front of you is a proposed four lot subdivision. It shows a private road off of Toleman Road which serves three of the proposed lots and the fourth lot has direct access onto Toleman Road. We had a workshop session last Wednesday and Mr. VanLeeuwen and was going back and forth between a few different layouts and after that workshop, Mr. VanLeeuwen was desirous of modifying the plan. So I would like to just let you know that we're in the throws of modifying the plans, it's becoming a five lot subdivision, I just wanted to let you guys know that.

MR. GALLAGHER: We would normally throw people out for that.

MR. PFAU: That's why I'm presenting this plan here.

MR. ARGENIO: So Joe, it would seem to me that probably that would be extracted from lot one, is that right?

MR. PFAU: Actually, what it was extracted, basically what we did was break lot one into two lots.

MR. ARGENIO: Turn it around.

MR. PFAU: Okay.

MR. ARGENIO: Thank you, so it will be extracted from lot one, correct?

MR. PFAU: Correct.

MR. ARGENIO: Can you please point to the lot line, it's a little confusing?

MR. PFAU: Lot one is the large lot here, it goes through here, all of that lot two, three and then four is this long lot here, lot four this was part of a previously approved subdivision.

MR. ARGENIO: So these are separate lots up here, is that right?

MR. PFAU: That's correct, those houses are built.

MR. ARGENIO: So Mr. Van Leeuwen's big parcel that he owns is over here?

MR. PFAU: That's correct, yes, yes, right up here in the location map, this area over here.

MR. ARGENIO: Alright, I understand.

MR. PFAU: Now we have since done the soils test on the fifth lot and we'll be scheduling a joint soils inspection with Mark's office.

MR. ARGENIO: Mark, are we in an AG district here?

MR. EDSALL: I believe it is, I'd have to check the AG mapping but I believe it is.

MR. ARGENIO: So it's going to have to go to county then.

MR. EDSALL: Yes, yes.

MR. ARGENIO: Okay, what's in the AT&T easement, is it underground or overhead?

MR. PFAU: It's underground, that's been there forever, goes all the way out to 207.

MR. ARGENIO: What are those drains going through there?

MR. PFAU: When the original subdivision was done with these lots up front here, these lots required curtain drains so there was a drainage system put in with easements to all the lots which that curtain drain discharges to.

MR. ARGENIO: Is there a reason you have not shown the homes on those other four lots, the existing lots?

MR. PFAU: No they just haven't been surveyed but I can certainly show those on there.

MR. ARGENIO: I just don't think it would hurt, I don't think it's a requirement but if you had the data it wouldn't hurt to show them. Mark needs, Mark's office needs to witness the perc data out there, this is a tough area in the town, there's a lot of clay out there. Guys, any question on this? Looks pretty simple. You're going to have to go to county, Joe's going to make some changes to lot one, I think what I'm hearing he's going to try to squeeze another lot out of this, I would think the access is going to be off Toleman Road.

MR. GALLAGHER: Is that a private cul-de-sac?

MR. PFAU: Yes, proposed to be private.

MR. ARGENIO: Private road?

MR. PFAU: Private road, yes.

MR. ARGENIO: Less than 500 foot long, right Joe?

MR. PFAU: It's--

MR. ARGENIO: Better check it.

MR. PFAU: Alright, I'll have to check that.

MR. ARGENIO: Do you measure to the beginning of the cul-de-sac, center or end?

MR. PFAU: Depends how long it is.

MR. ARGENIO: Beginning of cul-de-sac, 800 is the code.

MR. EDSALL: Eight hundred is the limit and tie goes to the runner, we'll give him the beginning.

MR. ARGENIO: Yeah, yeah, beginning of the cul-de-sac, see I did learn something from being up here for so many years. You guys have anything else on this? Taylor, anything we should be doing procedurally?

MR. PALMER: At this point, you can declare lead agency, actually, you have to go to county.

MR. ARGENIO: Let's go to county and then do that, Joe,

nothing else we can do, go do your homework, very straightforward seems to me. Danny and Howard, got anything?

MR. FERGUSON: No.

MR. GALLAGHER: No.

MR. ARGENIO: Okay, Joe, thank you for coming in.

MR. PFAU: Thank you very much.

DISCUSSION

CRESTMORE AT NEW WINDSOR S.P. (13-02)

MR. ARGENIO: Discussion, Crestmoore, what about Crestmoore, Mark?

MR. EDSALL: They're looking for an extension of approval and obviously there's a lot of, it's a very large project, I'm sure they've got a lot of other issues ongoing.

MR. ARGENIO: Where is it?

MR. EDSALL: Crestmoore is the care facility along Route 32.

MR. ARGENIO: Right, it's Duffer's.

MR. EDSALL: Yes, I recommend that you grant the appropriate extension while they work out whatever the financing.

MR. ARGENIO: Two 180 day extensions?

MR. PALMER: Yes.

MR. ARGENIO: What's their problem?

MR. EDSALL: I'm not aware but it's a large project that has quite a bit of financing and approvals besides what this board granted.

MR. ARGENIO: Anybody have any questions?

MR. GALLAGHER: Still moving forward, right?

MR. EDSALL: Last we heard, I don't think there's any obstructions, it's timing.

MR. ARGENIO: Okay, motion?

MR. GALLAGHER: Make a motion for two 180 day extensions.

MR. FERGUSON: Second it.

ROLL CALL

MR. BROWN AYE

MR. GALLAGHER AYE
MR. FERGUSON AYE
MR. ARGENIO AYE

OLD THREE BROTHERS CITGO STATION CONVERTING TO MOBIL

MRS. GALLAGHER: Did Cammy give you the pictures?

MR. ARGENIO: No, she's holding them back.

MRS. GALLAGHER: So this is the gas station, the old Citgo on Quassaick and Union. The Three Brothers Citgo, it's now turning into a Mobil Station right next to, right next to Walden Savings Bank.

MR. BROWN: Right on 94 opposite--

MR. ARGENIO: Oh, right, got it, yes.

MRS. GALLAGHER: So--

MR. ARGENIO: Diagonally across from what used to be Cumberland Farms, Jen, it's Sunoco now?

MRS. GALLAGHER: They're proposing as you can see where he drew those lines a fence, he wants to put a six foot and four foot fence to as you can see on the pictures kind of alleviate I guess people walking through. I guess they have a lot of people that cut across there, they have a lot of people that come in and throw stuff, garbage and stuff in the wooded area there where you see their dumpster, he's just trying to clean it up a little bit I guess and we wanted your opinion on it.

MR. ARGENIO: Do you have any issue with it, Jennifer?

MRS. GALLAGHER: I don't.

MR. ARGENIO: Do you members have any issue with that?

MR. BROWN: No.

MR. FERGUSON: No.

MR. ARGENIO: I'm going to make a suggestion we allow Jennifer to handle it with her own discretion.

MR. BROWN: Fine.

MANDELBAUM PROJECT

MR. ARGENIO: Last thing I'm going to tell you guys just so everybody is aware there was, there's an application over behind Mandelbaum project where they were going to, the Orthodox Jewish folks were going to do some expansions and some other things and there was a woman that came and complained that the children in her yard, et cetera, and at the time, I mean, I don't know what you guys were thinking, but I was like I'm not sure is she credible, blah, blah, blah. Well, let me tell you something, my company just did a little project down on Forge Hill Road and the children from that place, the Hasidic Jewish children were all over the equipment the moment we shut it off, sitting in the machines, taking pictures, couple of my guys showed up after hours to gas up some pumps, we were working in the stream, gas up some pumps, all over the equipment, sitting in it, on top of it, standing on the boom, multiple times. I told George too, just FYI, so it was unbelievable, Leo, so just FYI so that woman probably was telling the truth. I'm good, anybody else good, anything? Motion?

MR. GALLAGHER: Motion to adjourn.

MR. FERGUSON: Second it.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. FERGUSON	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer