

TOWN OF NEW WINDSOR

PLANNING BOARD

APRIL 8, 2015

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN  
DANIEL GALLAGHER  
HOWARD BROWN  
HARRY FERGUSON  
DAVID SHERMAN

ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

VERONICA MC MILLAN, ESQ.  
PLANNING BOARD ATTORNEY

CAMMY AMMIRATI  
PLANNING BOARD SECRETARY

ABSENT: HENRY VAN LEEUWEN  
JENNIFER GALLAGHER, BUILDING INSPECTOR

MEETING AGENDA:

1. Cedar Avenue MHP
2. 119 Caesar's Lane LLC
3. Tractor Supply
4. Tractor Supply

**REGULAR MEETING:**

MR. ARGENIO: Welcome everybody to the April 8, 2015 regular meeting of the Town of New Windsor Planning Board. Would everybody please stand for the Pledge of Allegiance?

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Mr. Van Leeuwen's not with us this evening.

APPROVAL OF MINUTES DATED 2/25/15 & 3/11/15

MR. ARGENIO: The first item of business here is approval of minutes dated 2/25/15 and 3/11/15 sent out via e-mail on March 12 and April 1st, somebody sees fit, I'll accept a motion.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

ANNUAL MOBILE HOME PARK REVIEW:

CEDAR AVENUE MOBILE HOME PARK

MR. ARGENIO: Mobile home park review, Cedar Avenue Mobile Home Park, somebody here to represent this? Come on up. Loud and clear, ma'am, what's your name for the stenographer?

MS. CINTRON: Gina Cintron.

MR. ARGENIO: Are you the owner or do you--

MS. CINTRON: I'm the owner's daughter

MR. ARGENIO: Number of single trailers 26, number of double trailers two. I spoke to Jennifer about this yesterday and she says everything seems to be in order. Cammy, do you have anything to add? Have you spoken to her, any additional information?

MRS. AMMIRATI: No, everything's fine.

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

MS. CINTRON: Yes.

MR. GALLAGHER: Motion for one year extension.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board offer Cedar Avenue Mobile Home Park one year extension of their permit to operate. Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Do you have the check? Give it to her if you'd like. Tell your dad he's good to go for another year, we'll see you then. Thank you.

REGULAR ITEMS:

119 CAESAR'S LANE LLC D/B/A JP EXPRESS (14-17)

MR. ARGENIO: First regular item on tonight's agenda  
119 Caesar's Lane.

MR. GILCHRIST: My attorney's not here, I'm the  
architect.

MR. ARGENIO: Your attorney is not here?

MR. GILCHRIST: No.

MR. ARGENIO: Do you want to have your attorney present  
to proceed, I assume?

MR. GILCHRIST: It's up to you.

MR. ARGENIO: You know what, if you're okay with that,  
your attorney's coming?

MR. GILCHRIST: He's coming.

MR. ARGENIO: Then I'm going to move on to Tractor  
Supply, which is a public hearing and I see the  
gentleman representing this is here already, we'll have  
him first and then we'll have you come up.

MR. GILCHRIST: Okay.

PUBLIC HEARINGS:

GUARDIAN SELF STORAGE (15-02)

MR. EDSALL: Mr. Chairman, possibly just for the minutes on item number two, Guardian Self Storage was on the agenda, it was on perspective that we would hear back from Orange County Planning Department and from the Town of Newburgh. Time clock has not elapsed and we never heard from them so they have been postponed.

MR. ARGENIO: Okay, duly noted.

TRACTOR SUPPLY COMPANY (14-13)

TRACTOR SUPPLY COMPANY (14-14)

MR. ARGENIO: That said, the next item on tonight's agenda is Tractor Supply Company minor subdivision and Tractor Supply Company site plan. We're going to review these together and I'll read Mark's header into the minutes. This application proposes the subdivision of the overall parcel into two lots, one for development as part of the companion site plan application and the second parcel for future development. The lots will be served by a shared commercial accessway. This plan was previously reviewed at the 24 September 2014 and 11 March 2015 planning board meetings. Tonight they're here for a public hearing on the site plan. This application proposes, that is the site plan application, proposes site plan for a 19,097 square foot retail establishment on the 4.7 acre parcel. This plan was previously reviewed at the 24 September 2014 and 11 March 2015 planning board meetings. It is also here for a public hearing this evening. What's your name again?

MR. IVES: My name is Rodd Ives.

MR. ARGENIO: My apologies, I'm terrible with names.

MR. IVES: That's fine.

MR. ARGENIO: That said, Rodd, can you please tell us particularly on the site plan or if there's anything you want to point us to on the subdivision plan any highlights that you have to show us or any changes that have occurred since our last gathering? Then we'll open it up to the public after.

MR. IVES: Since our last gathering, no, we have been working diligently on Mr. Edsall's comments, we're about 90 percent there. I do not feel it appropriate to submit something that was not quite a hundred percent done. So as far as plan wise, what you have before you or what you have seen is where we're at. I'm hoping that deadline is next Friday for the May 18 meeting if I'm correct.

MRS. AMMIRATI: May 13.

MR. IVES: We'll have the amended plans for both the subdivision and site plan that address Mr. Edsall's comments at that time.

MR. ARGENIO: The plan you have here this evening is significantly similar to what you're going to be submitting next week, I would think?

MR. IVES: Correct. As far as the subdivision plan, the site plan, you know, we have moved the building to get it, there was a comment that we were too close to the side yard that we would need a variance so we have moved the building south like eight feet to accommodate that.

MR. ARGENIO: Refresh my memory, where did you land with the structures that are on your property that are owned by the neighbor next door?

MR. IVES: Well, my understanding is that when MCB originally bought the property, those were, they did not know that those parcels were encroaching and then they found out about that, is that right?

MR. BANNON: That's been settled. My name is Jim Bannon, one of the partners in MCB Properties. We have agreed with Esquire Realty on the purchase of that, those buildings and that parcel, so there's going to be a lot line change that's going to now incorporate those buildings onto their property.

MR. ARGENIO: So the final subdivision plan is going to reflect a jog in the property line?

MR. BANNON: No, sir, we're going to carry their line straight to 300.

MR. ARGENIO: I don't understand, I'm seeing a line right now that goes through the building.

MR. BANNON: Right, well, this is going to be, this is their fence line so now we're going to bring this line up to where the old existing driveway was going to be, they're moving the driveway towards the Five Corners and then their parcel so Esquire will just have a squared up lot there.

MR. ARGENIO: The property line as it's shown right now is going to move?

MR. BANNON: Correct.

MR. ARGENIO: That's what I meant in my first comment.

MR. BANNON: Instead of us holding onto that parcel which is of no use to us, we're just going to bring it right to the road.

MR. GALLAGHER: You're going to move that curb line to the--

MR. IVES: Well, yes, we're proposing to eliminate this existing driveway and--

MR. GALLAGHER: Make it a shared access still?

MR. IVES: Yeah, between the two parcels.

MR. ARGENIO: Where do we land on the entranceway, Mark, didn't we talk about trying to make that a little wider because of all the commingled car traffic?

MR. EDSALL: It's 30 now which is quite wide. There was quite a bit of discussion the fact that we're focusing all the truck traffic in with Tractor Supply customer traffic it might be a benefit to making it a little wider, there's plenty of room.

MR. ARGENIO: Did we talk about making it two lanes going out and one lane coming in, did we discuss that?

MR. EDSALL: You and I had a discussion about a wider incoming lane to make maneuverability for trucks fairly convenient and possibly for egress a left and right turn lane. But again, that would all be subject to ultimate DOT approval. I think we should maximize that shared commercial accessway given the mix of traffic.

MR. ARGENIO: Rodd, are you with us on that?

MR. IVES: Yes, and in my discussion with DOT they were willing to go with a wider driveway.

MR. ARGENIO: When you say wider, do you mean three lanes, one in and two out or do you mean just wider?

MR. IVES: Well, me, it's just wider, my concern is the trucks coming northbound and trying to swing into the ProBuild site, there is some crossing of lanes in there as the trucks come up and then you know how many conflicts there will be. Tractor Supply is not a huge tractor generation so I don't see that as a sticking point let's say.

MR. ARGENIO: ProBuild still has other entrances, yes?

MR. IVES: They have a driveway on the north side of their site, correct. So this would, this entrance as far as ProBuild is concerned and from what I, my observation of their site would strictly be for their deliveries to get back into their fenced-in yard, you know, their let's say passenger vehicle traffic or their contractors can use the north entrance and to access the parking lot.

MR. ARGENIO: You guys have any questions before we do the public hearing? I mean, obviously, nobody's here for this.

MR. BROWN: On the tractor trailers coming to ProBuild, they're going to use the same entrance, right?

MR. IVES: Yes, well, that's what, right now they're using the existing driveways right here.

MR. BROWN: But you're moving that.

MR. IVES: Yes, we're taking that out and just moving it 30 feet.

MR. BROWN: Have your tractor trailers plus ProBuild's coming in?

MR. IVES: Correct.

MR. BROWN: And the customers?

MR. IVES: And the customers, yeah, and that easement, the cross access easement to my knowledge right now is in front of SY Realty to get their approval.

MR. ARGENIO: Let's do this, this seems to be more of a formality than anything else but we do typically have public hearings for projects within proximity of Five Corners. On the 19th day of March 2015, Cammy compared eight addressed envelopes containing the notice of public hearing that she received from our tax assessor, Mr. Wiley, notices were sent out announcing the public hearing this evening. If there's anybody in the audience that would like to speak for or against or just comment on this application, please raise your hand and be recognized. Seeing no hands.

MR. GALLAGHER: Motion to close the public hearing.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that we close the combination public hearing for these applications, for subdivision and site plan.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. EDSALL: We're going to make sure that it's referred to as a joint public hearing.

MR. ARGENIO: Mark, can we talk just a little bit about this entrance business? And I'd like to get your opinion for the benefit of the members of the board on this entrance. Do we see the need, do you see the need from an engineering perspective to have two lanes out and one in or is it your opinion from an engineering perspective that one lane in, one lane out with extra width to make the tractor trailers make the turn is appropriate?

MR. EDSALL: My gut having traveled this area many, many times and exited the adjoining Price Chopper Plaza is that left turns many times of the day are very difficult coming out. If you don't have a separate left turn lane, you now are cueing all the right turn traffic that could easily move out and not block up the intersection.

MR. ARGENIO: You've been in Price Chopper trying to get out onto 300?

MR. EDSALL: If one person wants to turn left, everybody waits and you may end up with eight cars waiting for one left turn person. My gut feeling given the traffic condition because you're looking at a heavily used roadway, this whole Five Corners area, it would be better to have separate left and right turn egress lanes. But you then would have to make sure as Rodd has pointed out I've got, I won't call it a difficult move, but you've got a move which will require adequate room and turning radii to have a tractor trailer delivery be able to come in off 300 and

get into the adjoining ProBuild site.

MR. ARGENIO: I'm glad to hear you say that cause I agree with that. Now Rodd, let me just point something out to you. There's a ton of room in here and there's a ton of room in here, now you not being from this area admittedly you're not familiar with the site just to the south, the Price Chopper site, if you try to get out of Price Chopper onto 300 when there's any kind of traffic as Mark pointed out, it becomes impossible, the cueing becomes very long. Your client will benefit from this exercise because without the benefit of that additional lane this entrance or this access drive is gone, may as well not exist because it will be backed up passed that all the time and on a Friday or a Saturday at 11:00, in addition to that, it will be backed up passed here quite by accident.

MR. EDSALL: Jerry, if I was trying to lay this out to adjust for those movements, I would take the curb portion that's on the north along the very front and have that portion wider. There's no need for the rest of the shared commercial accessway to be the same width as the access off of 300. So you could widen just that portion to make it possible to get in and turn into ProBuild and perhaps a shoulder line could be drawn that would match the width of the shared commercial accessway which almost creates a shoulder on just the entrance on the north side.

MR. ARGENIO: That's also those, for those tractor trailers going to ProBuild, it's less motion, less turning, less steering.

MR. EDSALL: You've seen many times when tractor trailers go through a tight maneuver their trailer wheels go back up over the curb. We should try to adjust the width for that movement now.

MR. ARGENIO: Do you guys agree with this premise?

MR. BROWN: Yes.

MR. FERGUSON: Yes.

MR. GALLAGHER: Absolutely, yeah. My concern, the tractors trailers coming south towards Vails Gate on 207 turning into ProBuild right now, now they use that, your property now, they pull in and turn back around to go into ProBuild, so they come down, they pull in. So

for them to come south and flip around is going to be tough. I see them coming into your parking lot and going back in.

MR. ARGENIO: He's going, Rodd, you have to put your templates on there, your tractor trailer turning radius templates to make sure that that movement works.

MR. IVES: I just want to flip real quick, there's an aerial, southbound tractor trailers may use their northerly entrance, I'd have to check with them to see what they're doing because even right now that would, they're still, you know, while it's not as severe as what it would be, you know, it's still a difficult maneuver as it is right now.

MR. ARGENIO: I think I'm absolutely convinced your client is going to benefit from that.

MR. IVES: I agree, I just know I might need something from the town when I go back to the DOT to say we're looking for one in and two out because our traffic generation isn't going to make that threshold requiring two lanes going out. And so the feedback from the town will help me with the DOT, say hey, you know, this was a recommendation from the planning board, it doesn't come--

MR. ARGENIO: We make that recommendation to you because we know as residents in this town that that corridor is extraordinarily busy, very, very busy.

MR. IVES: I absolutely agree and I appreciate your willingness to provide that input for me, I just know working with DOT that they--

MR. ARGENIO: Mark, you can assist with that, can't you?

MR. EDSALL: Yeah. There's still another lot to be developed in the rear so it's not just this use and we don't, so we're really designing for capacity for an additional user.

MR. ARGENIO: Yeah, so Jim's going to do something in the back at some point in time.

MR. IVES: Absolutely.

MR. ARGENIO: He's going to certainly want to get

whoever his tenant is going to be in and out of there in a timely fashion. Okay, I don't want to beat it to death. You have your direction. Let's just have a look at some procedural issues here. Lead agency coordination letter was circulated on March 5. At this time, it's appropriate that the planning board assume lead agency. If anybody sees fit, I'll accept a motion to that effect.

MR. GALLAGHER: 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 Tractor Supply Company minor subdivision and for Tractor Supply Company site plan. I'll have a roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Have we had a look at the landscaping? Are we good with that?

MR. EDSALL: My prior comments had asked for some adjustments, Mr. Chairman so--

MR. ARGENIO: What are you looking for, Mark?

MR. EDSALL: We're trying to create something that would create that shared commercial accessway more as a boulevard to delineate it which is something we've done on most.

MR. ARGENIO: You're not proposing an island down the middle?

MR. EDSALL: No, just some street trees.

MR. ARGENIO: You good with that, Rodd?

MR. IVES: Well, I, when I discussed this with DMK, their concern is that this is not their parcel, it's going to remain as MCB's parcel and they only have an

easement over it and until such time as something gets developed in there as far as the maintenance of those trees, you know, sprinklers, they're not going to be able to put sprinklers to keep those trees watered so they just have a concern about putting trees in a piece of property that they only have an easement across.

MR. ARGENIO: Can you come up with something, maybe some light growth, maybe some low growth to delineate it a bit as opposed to coming up with--

MR. EDSALL: There's ornamental trees that are very hardy that don't need sprinklers.

MR. ARGENIO: I don't think we're looking for golf course style.

MR. EDSALL: No, just a couple.

MR. BANNON: Just a comment on the tree aspect of it and we still fight it on 300 and I know Price Chopper still fights it, we put trees in front of the Quick Lube there, we're constantly trimming those and battling those growing out on the road and overhead issues with people walking on the sidewalk. So I'd really like to consider what we're going to put in there, if something is going to be needed because if we're going to have traffic eventually trucks and everything else.

MR. ARGENIO: Well, Jim, possibly some low level ground cover, something like that.

MR. BANNON: A hedge or something like that I'm not opposed to accommodating.

MR. ARGENIO: Your commentary is not falling on deaf ears, unless somebody here is dug in on it, I'm okay with that, that makes sense. Mark, makes sense, yes?

MR. EDSALL: Yeah. And again we've got all the room in the world here, there's no sidewalks so, you know.

MR. IVES: We do have that drainage as well in through here to catch the runoff that comes up from the north so we need to, you know, space isn't--

MR. ARGENIO: If anybody sees fit I'll accept a motion for negative dec unless somebody disagrees under the SEQRA process.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare a negative declaration under the SEQRA process for the Tractor Supply site plan application and for the subdivision application. If there's no further discussion, roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: What else you seeing here, Mark? You've done a technical review, everything works?

MR. EDSALL: As Rodd indicated, we went through this very tight, they're correcting the plans, adding items to the plan, I think they're going to come back in with a hundred percent set next meeting.

MR. IVES: The only question I have in regards to Mark's comments, there's one of his comments just about the banked parking to make sure the planning board's okay with what we're proposing.

MR. ARGENIO: How is the lighting, Mark?

MR. EDSALL: I had no objections to it.

MR. IVES: We have revised that a little bit and that will be in the set to, we've moved, we've added a pole, moved it around just to get some more light over the driveways, the poles are still on our property but they're providing more light in this area. Plus we did get approval from the utility company, they see it as no problem to put a cobra head directed back.

MR. EDSALL: Which is one of the discussions we had at the workshop, make sure that the access points are well lit.

MR. ARGENIO: Is there, is your sign lighted, the

street sign?

MR. IVES: Yes, I've talked to them how they'd like to address that and I've bounced this off Mark. In our site plan set, we'd like to show two sets of dimensions, one that meets code and then one that would be Tractor Supply's preference and they're aware that they'd need a variance for that. I don't do sign approvals, that's outside of my wheelhouse and I asked Mark if we can take it off altogether off of the site plan set and leave it to the sign manufacturer to come in and get approvals.

MR. ARGENIO: My point is that if you want to put a sign up that requires a variance, why aren't you pursuing that at this juncture?

MR. IVES: My client wants to get the site plan approved, so whatever, however course we can try to get the site plan approved so that he can close on the property with MCB.

MR. EDSALL: Jerry, as they explained to me, they want to be here with the complying sign or their preferred sign but they want to be here.

MR. GALLAGHER: The one on the building or by the road?

MR. IVES: Total sign package.

MR. EDSALL: So I felt uncomfortable with removing it and not having the planning board participate in the review, so this way they would show what their proposal is and it would say sign would only be allowable if a variance is granted by the zoning board.

MR. ARGENIO: I think this should only show what is per code.

MR. EDSALL: What's permitted.

MR. ARGENIO: Show that if you want to go to Plan B, go to Plan B, I don't care what Plan B is because it muddies the waters one dimension and I want it to meet code.

MR. EDSALL: Show complying plan but they're going to disclose that they're going to pursue a variance.

MR. ARGENIO: That's fine, if you want to do that at

some point do it, that's fine. I mean, I can't speak for the zoning board, but unless you're proposing something that's outlandish, I can't see it being an insurmountable hurdle. But let's not muddy the waters, put down what you want to do there, don't put down Option A and Option B, let's get it done once and be done with it. Howard, Harry, you guys got anything else? Howard, what's the matter?

MR. BROWN: Just wondering is there any way to have a rendering of what it's going to look like?

MR. IVES: I can ask the architect, yeah, sorry, I always forget, we do have elevations, colored elevations.

MR. ARGENIO: Bring them along.

MR. IVES: Okay.

MR. EDSALL: Do you want to show him this one?

MR. IVES: Sure, actually, Mark's got this from our original.

MR. FERGUSON: I have one, Mark.

MR. EDSALL: You dropped this off before.

MR. FERGUSON: I think he's looking for a rendering of the street sign.

MR. BROWN: The one that Tractor would like to have.

MR. IVES: I have this in color so I can just--

MR. ARGENIO: Is that the one you're proposing or the one you'd want?

MR. IVES: This is what they want, this is the, we would need a variance for this.

MR. ARGENIO: Rodd, get it out of the plans, get it out of the plans for me, please do.

MR. IVES: Okay.

MR. ARGENIO: Mark? What else, Veronica?

MR. EDSALL: That's it.

MR. ARGENIO: Rodd, anything else?

MR. IVES: One question I have, Mark's comment to our land banked parking, just ask for planning board's input, I just want to make sure I'm clear on the direction from the planning board as far as our land banked parking.

MR. ARGENIO: Mark, I don't have that as part of these comments, do you have old comments?

MR. EDSALL: Those are from the prior meeting.

MR. ARGENIO: What's the question? What's the issue?

MR. IVES: Well, again, it's just as part of the authorization planning board must consider a list of things I just want to make sure we're all okay with.

MR. EDSALL: The code requires that you as part of a determination that land banked parking is acceptable, have to make some conclusions, you can indicate that you believe it's appropriate and Veronica can build the determinations into the resolution.

MR. IVES: We're providing 79 parking spaces out front, Tractor Supply usually wants 70 as a threshold so--

MR. ARGENIO: It's going to be a grass area?

MR. IVES: Correct.

MR. ARGENIO: Do we need a surety?

MR. EDSALL: We've got a procedure, we'll build that in.

MS. MC MILLAN: In the past we've handled this through a developer's agreement.

MR. ARGENIO: What about financial surety?

MS. MC MILLAN: There will be the estimates for the bonds.

MR. ARGENIO: Bonds, that's the word I want to hear.

MR. EDSALL: If after three years the board determines that the, that there's no need for the spaces they can

release the bond.

MR. ARGENIO: Anybody have a problem with that? My big issue is the surety.

MS. MC MILLAN: Yes.

MR. ARGENIO: Nothing to talk about, Rodd, thank you. You know what you have to do, please explain that entrance thing to your client, I think that's really going to be important to him, for them.

119 CAESAR'S LANE LLC D/B/A JP EXPRESS (14-17)  
(CONTINUED)

MR. ARGENIO: Next is 119 Caesar's Lane. Application proposes 4,320 square foot addition on an existing 8,040 square foot facility. The plan was previously reviewed at the 12 November 2014 planning board meeting. This is Caesar's Lane, I don't remember this one, what is this? What's your name, Mr. Tardy?

MR. DOUGHERTY: I apologize, I thought it was 7:30, obviously, I was incorrect.

MR. ARGENIO: What's your name?

MR. DOUGHERTY: Paul Dougherty.

MR. GILCHRIST: John Gilchrist, architect on behalf of the applicant.

MR. ARGENIO: What do you have here, guys?

MR. DOUGHERTY: We're back before you, we received zoning board approval because the proposed addition to the truck terminal located on Caesar's Lane required that and it's site plan approval that Mr. Gilchrist explained.

MR. ARGENIO: What relief did you need? What was your variance?

MR. GILCHRIST: It's an addition to a non-conforming use and the addition exceeds 30 percent so that was the relief.

MR. ARGENIO: That was it?

MR. GILCHRIST: Yes.

MR. DOUGHERTY: It's a 54 percent expansion of a non-conforming use, the code only permits a 30 percent expansion.

MR. ARGENIO: Okay, what trucking terminal is in there?

MR. GILCHRIST: JP Express.

MR. ARGENIO: We just have to read Mark's comments, he has it right here as a pre-existing, non-conforming use, the modification of the structure is permitted to

expand a maximum of 30 percent as per Section 300-73 (b)(3) of the town code. This application proposes extension of approximately 54 percent. You obtained your variances, I guess?

MR. GILCHRIST: Yes.

MR. DOUGHERTY: We did.

MR. ARGENIO: The applicant may be constructing the structure within the flood plain and will be required to conform to the necessary requirements established by the code enforcement officer. It is noted that the area of construction is a developed paved area. Mark, what kind of requirements are you referring to?

MR. EDSALL: It might just be submittal requirements in the building plans, they just nip the hundred year flood plain.

MR. ARGENIO: The building does?

MR. EDSALL: Building does so I'm just cautioning they should be aware of, here's a copy of the comments, they should be aware of that as they make this submittal to the building department but again it's a paved area, it's currently developed.

MR. ARGENIO: I only have one plan sheet, Mark, I see the addition on what appears to be the south side, is all the pavement remaining or are you doing any work there?

MR. GILCHRIST: The parcel is about four acres, just under four acres, the blue represents what is currently paved, our addition will be built within the paved area, yes, so everything is, we're not changing the coverage.

MR. ARGENIO: No additional parking?

MR. GILCHRIST: No additional parking.

MR. ARGENIO: No additional impervious area?

MR. GILCHRIST: No additional impervious or paving. We're adding truck docks but we're also taking away truck docks, there's three across the back so the net increase I guess is nine.

MR. ARGENIO: I'm curious, why you didn't show the parking?

MR. GILCHRIST: There's parking just outside the gate.

MR. ARGENIO: Do we have any issue with that?

MR. EDSALL: No, the discussion we had at the workshop was the number of employees was not changing, they're just creating a reorganization and some additional space so it was no increase in the number of employees at the site.

MR. ARGENIO: No other involved agencies in this application. As such, I'll accept a motion that we declare ourselves lead agency if anybody sees fit?

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that we declare ourselves lead agency.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: If anybody sees fit, I'll accept a motion for negative dec.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare negative dec for 119 Caesar's Lane site plan amendment.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Now that we've declared the negative dec, how likely is it that area would flood during a tremendous storm? I mean, I know that, Mark, we're acutely aware of that flooding in that area because of the damage to the sewage treatment plant back during hurricane Hurricane Sandy I think it was or Irene.

MR. EDSALL: Irene.

MR. ARGENIO: But in my mind I don't know how much lower or higher our sewer treatment plant is in this facility. Quite frankly, I don't know how relevant the question is.

MR. EDSALL: My comment was generated from the review of the hundred year flood maps. It looks as if the existing building is in the hundred year flood plain but the addition will either be completely out of it or just nip the flood plain because the line actually leaves the back of the building as not being in the flood plain, very strange. So the hundred year flood, if the mapping is right, it won't flood. But the storm you're referring to with Irene was akin to a 500 year storm so I can guarantee you it will flood at that point.

MR. ARGENIO: Mark, they're under the sprinkler threshold, aren't they?

MR. EDSALL: I believe so. If there's any particular code issues they'll deal with it with the building plans.

MR. GILCHRIST: Just to the flood plain issue, the building is four feet above the ground, its leading dock height, so if the ground floods we're still four feet above that, we're just nicking it.

MR. ARGENIO: I don't know how much of a planning board issue that is but the Moodna as well as, I mean, during that storm it changed course, yeah, I mean the footprint of the storm, the footprint of the creek, you know two months after the storm was substantially different than the footprint of the creek prior to the storm. But whatever, it's going to be your issue. But it's funny, we have another warehouse in the Town of New Windsor in Helmer's development that was built in an area that gets wet and it certainly became a planning board issue, did it not, Mt. Ellis?

MR. EDSALL: I remember it well.

MR. ARGENIO: Oh my goodness. What else do we need to talk about on this, Mark? Lead agency, negative dec, Veronica, anything else?

MR. EDSALL: Just a couple cleanups on the plan, bring it in and have it stamped if the board goes in and votes.

MR. ARGENIO: Do you have Mark's comments? Do you have any problem with anything on there?

MR. DOUGHERTY: Let me show them to Mr. Gilchrist.

MR. GILCHRIST: Sounds okay.

MR. ARGENIO: Pretty reasonable, wouldn't you agree, guys, have anything else on this?

MR. BROWN: No.

MR. FERGUSON: No.

MR. GALLAGHER: No.

MR. SHERMAN: No.

MR. GALLAGHER: Motion for final approval for 119 Caesar's Lane site plan amendment a/k/a JP Express.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we offer final approval, when I say we, I mean, the Town of New Windsor Planning Board offer final approval to 119 Caesar's Lane LLC subject to Mark's comments. Roll call.

ROLL CALL

MR. FERGUSON                    AYE

MR. BROWN                      AYE

MR. SHERMAN                    AYE

MR. GALLAGHER                 AYE

MR. ARGENIO                    AYE

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

MR. DOUGHERTY: Thank you.  
HIGHVIEW ESTATES

MR. ARGENIO: The last thing I have is Highview Estates Rackowicki subdivision which I believe is like the Mecca Drive extension, if you guys remember. To refresh your memory, this is the one where the cul-de-sac was gonna, all that earth work was going to happen and the family came in all concerned about--

MR. GALLAGHER: Their houses were higher up.

MR. ARGENIO: My relocation of their transformer, et cetera, and we agreed to let the developer leave the cul-de-sac in place and it made the people feel better, everybody walked out of the building feeling good so they all won. In any event, that particular subdivision, those, how many lots was it, Mark, 9, 12?

MR. EDSALL: Well, that was phase one.

MS. MC MILLAN: Phase one is nine lots.

MR. EDSALL: I don't recall the total number.

MR. ARGENIO: They have approval and Ed Biagini he's asking for relief on the sidewalks. I couldn't remember so I rode out there, all of the sidewalks leading in from Beaver Dam on Mecca, I'm sorry, all the sidewalks, all of the roads leading in from Mecca in Beaver Dam, I don't remember the name of those other roads, there's no sidewalks there, it's front yards and that's it. And this is the back of that particular subdivision that's already built out that does not have sidewalks. And what this developer's asking for is relief from having to put sidewalks in. Personally, I don't see the need, as I said, it's the back of the subdivision and nothing in the front has sidewalks so essentially, they would be sidewalks to nowhere. But I'm only one guy and I did, take a ride out there and have a look. So if you guys agree, we'll give him a waiver.

MR. BROWN: I agree.

MR. ARGENIO: Howard, are you making the motion that we--

MR. BROWN: Make a motion that we omit the sidewalks.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that we eliminate the sidewalks for the Rackowicki subdivision. Shouldn't be for the whole subdivision, right?

MR. EDSALL: I would think you've got a phase one conditional final approval and you've got the balance with the preliminary approval so you could just grant it to the entire subdivision.

MR. ARGENIO: I think that would be the smart money. Why do we need to make this guy come back, write another letter? What do you got, Veronica?

MS. MC MILLAN: Just considering whether or not it would require a new set of plans from the applicant to reflect the removal of the sidewalks.

MR. ARGENIO: Will not, it will be grass, that will be it.

MR. EDSALL: We'll put the copy of the minutes in the building department file.

MR. ARGENIO: Motion made that we waive it for phase one and two.

MR. GALLAGHER: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. SHERMAN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Will you send him a letter and make sure we tell him we waived it for one and two? Veronica or Mark, nothing else? Motion to adjourn?

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. FERGUSON	AYE
--------------	-----

APRIL 8, 2015

27

MR. BROWN	AYE
MR. SHERMAN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer