

March 11, 2009

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TOWN OF NEW WINDSOR

PLANNING BOARD

MARCH 11, 2009

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN  
NEIL SCHLESINGER  
HENRY VAN LEEUWEN  
HOWARD BROWN  
DANIEL GALLAGHER

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

JENNIFER GALLAGHER  
ASSISTANT BUILDING INSPECTOR

MYRA MASON  
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.  
PLANNING BOARD ATTORNEY

ABSENT: HENRY SCHEIBLE

REGULAR\_MEETING

MR. ARGENIO: I'd like to call to order the March 11,  
2009 meeting of the New Windsor Planning Board. Please  
stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was  
recited.)

MR. ARGENIO: First things first, Mike Babcock is not

here, Mike Babcock is taking what we would consider I don't know technically what you'd call it but it's either a permanent leave or absence or he's left on disability and the new building inspector be it temporary or otherwise is Jennifer Gallagher. Welcome, Jennifer Gallagher. You will notice she bears a striking resemblance to Danny Gallagher, that's cause that's his wife, when you live together long enough, you start to look like one another. That's the deal with that. That said, Jennifer, welcome and we're certainly glad to have you here and I'm certain you're going to be a very important asset to the town moving forward and best of luck to you. Whatever help we can give you, whatever help this board can give you we certainly will.

MR. VAN LEEUWEN: Absolutely.

MR. ARGENIO: The first couple of items are going to be very important and we're going to need some input from you.

ANNUAL\_MOBILE\_HOME\_PARK\_REVIEW

WINDEMERE\_MOBILE\_HOME\_PARK\_REVIEW

MR. ARGENIO: Windmere Mobile Home Park on Mt. Airy Road. Is somebody here to represent that? Sir, can I have your name and your address for the benefit of the stenographer please?

MR. JOHNSON: Richard Johnson, Post Office Box 1742, Wappingers Falls, New York.

MR. ARGENIO: I will tell the members of the board that I did speak to Mike Babcock who by the way will remain on as a consultant for a period of time to assist Jennifer in her challenging transition that's in front of her, I did speak to Mike today specifically about Windemere and somebody from his office has been there to visit and Mike tells me that there are no issues there, everything is fine and I don't have anything here from the fire inspector to indicate otherwise. As such, I'll accept a motion that we offer them one year extension subject to you having the fees in the amount of 470 plus \$100.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded we offer one year extension to the Windemere Mobile Home Park. I'll have a roll call.

ROLL CALL

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

MONACO\_MOBILE\_HOME\_PARK

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MR. ARGENIO: I have Monaco Mobile Home Park. Is somebody here to represent that? Sir, can I have your name and address please for the benefit of the stenographer?

MR. COLANDREA: It's Michael Colandrea, 97 Vertiles (phonetic) Road, Walden, New York 12586.

MR. ARGENIO: Do you have a check with you in the amount of \$200 made out to the benefit of the Town of New Windsor?

MR. COLANDREA: I do.

MR. ARGENIO: I also spoke with Mike specifically about this mobile home park and he indicated everything seems to be in order and again having nothing to the contrary here that would indicate otherwise I will accept a motion we offer them one year extension.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that we offer the Monaco Mobile Home Park one year extension on their permit. I'll have a roll call.

ROLL CALL

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

MR. ARGENIO: You can bring that check up to Myra, sir.

SILVER\_STREAM\_PARK

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MR. ARGENIO: Silver Stream Mobile Home Park.

MR. PUCIO: Mike Pucio, 9 Bivona Lane, New Windsor.

MR. ARGENIO: Have you brought a check with you made out on behalf of the Town of New Windsor for \$720?

MR. PUCIO: Yes.

MR. ARGENIO: I also spoke with Mr. Babcock today about this specifically and I have no information here from the fire inspector indicating that there's any problems. Mike indicated to me that everything seems to be in order at this mobile home park. As such, I'll accept a motion we offer this a one year extension.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer one year extension to the Silver Stream Park. I'll have a roll call.

ROLL CALL

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

APPROVAL\_OF\_MINUTES\_DATED\_2/3/09

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MR. ARGENIO: I'm going to back up to the first item that I missed the minutes for the planning board dated 2/3/09 and sent out on 3/5/09 via electronic format are on the agenda tonight. If all have read them, I will accept a motion that we accept them as written unless anybody takes exception to that.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board accept the minutes dated 2/3/09. I'll have a roll call.

ROLL CALL

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

REGULAR\_ITEMS:

\_\_\_\_\_ \_\_\_\_\_  
DUNKIN\_DONUTS\_(09-13)  
\_\_\_\_\_ \_\_\_\_\_

MR. ARGENIO: Regular items Dunkin Donuts site plan on Route 207. This application proposes the demolition of the existing residence on the site and the development of .5 acre site with a retail restaurant, obviously Dunkin Donuts. This plan was reviewed on a concept basis only. Is there somebody here to represent this application? Sir, please come forward and state your name and the firm you're with for the benefit of the stenographer. Guys, this is the first time we're seeing this application and as I said earlier, we're reviewing this on concept basis. What's your name sir?

MR. INTERRANTE: Ciro Interrante, I'm the architect for this project.

MR. ARGENIO: Tell us what your thoughts are.

MR. INTERRANTE: This property is exactly next to the gas station, gas station is here and there's an ice cream stand her, there's an abandoned house right between the two, it's boarded up. The house is right in this location. We're proposing to tear that down and develop the Dunkin Donuts building which is this right here and we're going to a two way traffic coming in this way and around back out the Route 207. There's handicapped parking in this location and the front of the building the entrance point is right on this corner. There's parking along this side, along this side and in the front of the building. This plan called site layout shows the dimensions from the property corners to the location of the building and the size of the building. This plan shows you the grading which is how we're going to adjust the grades, the grade drops off on this side, we're going to be doing a modular retaining wall along this side.

MR. ARGENIO: How high is that wall?

MR. INTERRANTE: I believe it's going to be about 8 1/2 feet, 9 feet high.

MR. ARGENIO: Eight and a half or 9 feet tall?

MR. INTERRANTE: Yes.

MR. ARGENIO: Which side is the finished side?

MR. INTERRANTE: This side.

MR. ARGENIO: Facing the--

MR. INTERRANTE: Facing the ice cream stand, we're filling in from grade 87 to 95.5 so about 8 1/2.

MR. VAN LEEUWEN: I didn't think there was that big of a drop there.

MR. INTERRANTE: The second drawing shows landscaping plan on the left-hand side with the lighting plan on the right-hand side, sheet SP2 and the third drawing SP3 is details of the modular retaining wall on the left-hand side, light fixture details on the top of the page, other site details, on the bottom on the right-hand side of the page the dumpster detail, handicapped parking signs, sidewalk and paving. We have reviewed this with the town engineer and consultant at a couple of work session meetings, this is our first time here.

MR. ARGENIO: Do you have a copy of Mark's comments?

MR. INTERRANTE: I do not.

MR. ARGENIO: Guys, take a look at this, think about it a little bit, I have a couple things I just would like to hit. I want to read one of Mark's comments

indicates proposed height value in feet not stories of the building, I think it's important that you effectively demonstrate, well, let me ask you a question, the trucks that will service this building in this facility on this tight site, what type of trucks are they? Are they tractor trailers or your typical box trucks?

MR. INTERRANTE: The owner is here, you want to answer that question, Mike?

MR. ARGENIO: Who are you, sir?

MR. NAFASH: I'm the owner of the Dunkin and the property.

MR. ARGENIO: The Dunkin, what does that mean?

MR. NAFASH: I'm going to operate the Dunkin Donuts, one of my entities bought the property as well.

MR. ARGENIO: What's the answer to the question, Mike?

MR. NAFASH: The answer to the question is--

MR. ARGENIO: Can you give your name to Franny?

MR. NAFASH: Michael Nafash.

MR. NAFASH: It will be serviced by whatever can fit on the site, if we have to bring in a smaller truck because they can't get around that's what the Dunkin will send. It's actually not us that services the site in terms of bringing the product in, its a Dunkin distribution center.

MR. ARGENIO: It's the franchise?

MR. NAFASH: Yes, and this will bring in whatever this can fit, if they can't bring in a tractor trailer they

won't, we have a number of other sites in the area so we can always transport in vans if we had to.

MR. ARGENIO: I'm sorry, what's your name?

MR. INTERRANTE:  Ciro Interrante.

MR. ARGENIO:  Mr. Interrante, would you be so kind as to whatever truck or delivery vehicle that you guys intend to service this would you be kind enough to show us that site geometry on your plan?

MR. INTERRANTE:  Next time around.

MR. ARGENIO:  Yeah, demonstrate that that vehicle whatever you intend to service this thing with actually fits.

MR. INTERRANTE:  Okay.

MR. ARGENIO:  And indicate to us what the type of vehicle that you're going to do that with.

MR. INTERRANTE:  Okay.

MR. ARGENIO:  I want to read one of Mark's comments and for the benefit of the members and I'd like to have you guys chime in on it.  Mark's comments says the use of the lands on the gas station property is not indicated, and it must be verified against that approved site plan.  Question, does it eliminate parking.  Now what he's referring to is the link to the gas station next door and he also goes on to say there's a 6 foot elevation difference shown on the plans over roughly 20 feet which is a 30 percent slope, that certainly would be a problem and he goes on to say an agreement of some sort should be prepared between the property owners to be reviewed by the board and its consultants.  I just want to give for the benefit of the members a little feedback to help make a decision.  Neil obviously lives

out this way, I live out this way.

MR. VAN LEEUWEN: So do I.

MR. ARGENIO: Henry does too. I don't think there's any parking problem with the gas station next door. Matter of fact, I know there is no parking problem, I go there quite frequently to buy my orange juice in the morning and such so I'm not going to get frothed up. I don't think we should get frothed up about losing the spots or two spots for that link. I'm going to assume and I see Mr. Crotty is in the audience and I know he's some type of partner of the property next door.

MR. CROTTY: Yes, I'm one of the owners of the gas station next door.

MR. ARGENIO: For the record, Phil Crotty.

MR. CROTTY: Phil Crotty, 8 Stable Way, Cornwall-on-Hudson.

MR. ARGENIO: I assume that this is a deal that you guys have, that both you guys mutually consent to this link?

MR. CROTTY: Yes, that's correct, if it works with the grades then we'd like to see it there.

MR. ARGENIO: Yeah, I'm okay with that so I don't think we should get twisted up about the parking. Neil, do you agree? I mean, there's a ton of parking there.

MR. SCHLESINGER: Well, there is a lot of parking on the west side of the parking lot because I know the kids wait there for the bus, is that right, gas station, so I don't think parking is an issue at the gas station.

MR. ARGENIO: Yeah, I agree with that and the other

thing and this is a comment and Dominic and Mark and the members should chime in on this, if anybody has a concern, I'm really not quite frankly worried about some kind of interrelationship agreement because in my mind if at some point in time Mr. Crotty sells the gas station and the new owner doesn't want the link, close it, if it's, if at some time Dunkin Donuts doesn't want the link anymore, close it. I mean, I think it should be that simple. Mark, can it be?

MR. EDALL: My only reason for bringing it up is that I want the record clear that it is not a site plan requirement if it's shown and that there are no rights being given to any parties that they can't or they have no authority to close off the link if either party decides to do so unless there's some kind of a written easement agreement that gives rights. I think we should make it clear in the record that there are no rights that either party can disconnect the cross driveway any time they want and the planning board is not imposing it as a requirement to have that connection.

MR. ARGENIO: Yeah, I'm a big advocate of keeping it simple and as long as the counts and the ingress egress of Dunkin Donuts stands on its own which it should I'm okay with it.

MR. EDSALL: My reason is that we've had cases where we've shown things on plans and when they go to be eliminated the record isn't clear. So I just think it would be good to have it in the minutes.

MR. CORDISCO: Wouldn't be creating any type of access easements as a result of this whatever rights that either owner has to access the other person's property is whatever they have at this point and if they're both in agreement in terms of providing a cross connection at that location so much the better.

MR. ARGENIO: And if you're not in agreement one guy can and should and will close it. Dan, are you okay with those?

MR. GALLAGHER: I agree.

MR. VAN LEEUWEN: No problem.

MR. BROWN: No problem.

MR. VAN LEEUWEN: Simpler for us not to get involved.

MR. ARGENIO: That's my point, I don't want to get in the middle of the agreement. Phil, you certainly understand you were town attorney long enough to know what kind of a mess that can turn into.

MR. CROTTY: I think, I just think it's in the interest of all parties because if cars from the gas station go out onto 207 and then make an immediate right turn to go into the Dunkin Donuts I don't think that's good traffic flow and there's a liability and that's one thing we don't need.

MR. ARGENIO: I agree and, you know, Phil, similar to the thing that we did at Schlesinger's Deli and the car wash there, I mean, somebody goes to the car wash and then they want to get a sandwich, well go across and get the sandwich or vice versa and to date, I'm not aware of any issues. I'm not going to ask the building inspector if there's been any issues cause she's obviously new but if there was something going on there I'm sure Mike Babcock would have told me.

MR. CROTTY: Generally speaking we do support the project and we're happy to see a dilapidated building next door come down.

MR. ARGENIO: Yeah, I am too and Phil my wife will like it, she loves Dunkin Donuts and it's on her way to

work.

MR. CROTTY: This is the window to the airport, at least the back door.

MR. SCHLESINGER: Two things, number one, we're talking about tractor trailers or trucks, you have your dumpster in the far corner, you know, they come in with a pretty big truck themselves so we just want to make sure that this is an accessible place for the dumpster. The second comment I have is that I don't see on the plan but I'm assuming by reading here there's going to be a drive-thru window?

MR. INTERRANTE: Yes, there is.

MR. SCHLESINGER: I'd like to see some sort of traffic lane in your plans to show the flow indicating the flow of the cars and making sure it's not going to be blocking another car.

MR. ARGENIO: If you look at drawing SP1 on the left side top of the drawing.

MR. INTERRANTE: The drive-thru window is right here and we didn't put any.

MR. SCHLESINGER: Drive-thru window is where?

MR. INTERRANTE: Right here, we didn't put any parking here and this lane is 24 feet wide so that the people that are in lane to pick up their donuts are going to be the inside lane and outside lane is enough for people to bypass.

MR. SCHLESINGER: But the people, hey, I hope you have a ton of cars waiting for donuts in the morning but I hope that somebody who's parked in spot number one and number two are not going to get in an argument about somebody blocking them I hope.

MR. INTERRANTE: We allowed for a cuing line 8 or 9 cars from this point all the way back to here I can show that when I show--

MR. ARGENIO: Be a good idea, it's a good point, Neil. You guys need to work out the 30 foot slope business.

MR. INTERRANTE: Where is that, Mark?

MR. EDSALL: The cross connection, if you look at the contours.

MR. INTERRANTE: Right here?

MR. EDSALL: Yeah.

MR. INTERRANTE: That's on his property.

MR. EDSALL: The point being is that if it's going to be shown it should be viable and right now it's a 6 foot drop.

MR. INTERRANTE: It's not on our property, we're showing a curb cut here and we have turned the curbs in to show a radius so if this gentleman wants to pick up he can pick up at that point but we're stopping the curbs, there's not a hell of a lot we can do with the grade of our property and still make this work. Are you asking us to do work on his property?

MR. ARGENIO: I didn't ask you to do anything.

MR. INTERRANTE: That's a question, Mark.

MR. ARGENIO: Hold it, do you have any thoughts about that?

MR. CROTTY: If it works on our property of course we'll have to do the work on the property, if it

doesn't work then it just won't work.

MR. INTERRANTE: During our review we were asked to turn these radius in and end them which is approximately four or five feet into the property and a that point the other gentleman can pick up against our curbing and extend his curbing however he wants to.

MR. ARGENIO: I don't care about the curb. I care about the driveway. Look, here's the way it is, I think the cross connection is a good idea, Phil, I think it will benefit you too and I think that's a good thing, I think we just have to and I say we, I don't mean we, I mean you guys have to figure out something that's equitable for everybody to make that driveway work. Phil, it might involve, I don't know, maybe some curbs coming in and just kind of extending it into the parking lot a bit to flatten it out somewhat, I think that would be good. But are you guys okay with that cross connection?

MR. SCHLESINGER: I think the cross connection is fine but I don't, I wouldn't want to see a curb cut going to never-never land, that's all and they've got to work it out.

MR. INTERRANTE: I would like to request that that comment be taken off of our responsibility for that work, the comment about the grade, I went through significant effort to get the grades to work out on this site for our development if those grades do not apply to this site.

MR. ARGENIO: This is a very simple thing, that's a very simple thing, Mr. Crotty has indicated that it's something that he would like.

MR. INTERRANTE: And we agree.

MR. ARGENIO: So he has every incentive in the world to

get ahold of you and say hey, look Mr. Engineer for Dunkin Donuts, this is what we're going to propose. Mr. Crotty has more years of municipal experience than I care to admit, let me finish, than I care to admit or that I know about, he probably I'm sure he has a good idea for whatever what we're talking about, he'll get with you and say look show us why and that will work and it will be fine. But if it's something that can't be accomplished, you show a straight line across there, that's it, you move on with your application.

MR. INTERRANTE: The point I'm trying to make is for us to work those grades out they'd have to go significantly onto the other person's property and at what point do you want us to be responsible for this project and at what point should the adjacent property owner logically pick up his responsibility for the rest of the development of his property?

MR. CROTTY: At the property line.

MR. VAN LEEUWEN: We're getting into something we shouldn't be getting into.

MR. ARGENIO: Go ahead, Phil, you're going to say something.

MR. VAN LEEUWEN: You two have to get together.

MR. CROTTY: It would be the property line on our property, it's our responsibility, if it doesn't work, doesn't work.

MR. ARGENIO: That's a perfectly reasonable response.

MR. INTERRANTE: All right, okay.

MR. SCHLESINGER: Don't show the curbs what happens.

MR. ARGENIO: You should show it if it's going to be

part of the plan Phil has the right attitude and the right answer, you do your bit, the line, the property line's a property line, Mr. Crotty will get with you guys and you guys are being, don't get me wrong, very benevolent in making the deal and he'll say look beyond that it's that property owner, the gas station property owner's responsibility, why don't we do it this way, why don't we do this, draw it in there, let's move forward.

MR. INTERRANTE: Well--

MR. ARGENIO: It's going to be a couple meetings, you're not going to get your approval tonight.

MR. INTERRANTE: I expect that when you say draw it in there I mean there's a contract limit you have to put a contract limit line on there, does the board understand that that's the end of our responsibility?

MR. ARGENIO: Isn't that what we just said?

MR. INTERRANTE: Yes, but you're saying that on there, are you saying work out the grades on his property and draw it on here, I mean, I don't understand that.

MR. ARGENIO: Again, like Mr. Van Leeuwen just said I don't want to get in the middle of that, you guys talk about it, if you can put it together, maybe he's got to compensate you to draw that on the plan, I don't know. I'm not going to get in the middle of it. Here's the point and only one point, this board does not object to the cross over, we don't object, as a matter of fact, I think conversely I think we look favorably upon it.

MR. VAN LEEUWEN: I do because in case the traffic backs up they can always go across.

MR. ARGENIO: I think we look favorably on it. If you put it together it might benefit you. That said now

that that horse is dead, I'm not going to go through Mark's comments one at a time, a lot of them are typical, I think I'll save them until we make the comment, this is Freedom Road, this is a historical corridor for the Town of New Windsor, I don't know exactly where it ends or begins, you should consider a flag pole somewhere.

MR. VAN LEEUWEN: Absolutely, my sentiments exactly.

MR. ARGENIO: Mark, I have my questions about this, in your opinion, are we at a level of fitness here where this can go to county or the state?

MR. EDSALL: Oh, I think so. My comments, many of them are just minor corrections and I'm sure Ciro will get very quickly on the plan so with your permission, I'll have the plan sent over to Planning, Orange County Planning and to the DOT.

MR. INTERRANTE: Mark, if I have any questions, can I talk to you on the phone?

MR. EDSALL: Just give me a ring or e-mail.

MR. ARGENIO: I want to point something out to you, sir, I'm going to read this to you, I have a list of different agencies in the town, municipal fire, insufficient fire lane 30 foot required, insufficient access at curb.

MR. INTERRANTE: These are comments from one of your departments. Can I get a copy of those comments?

MR. ARGENIO: Myra, will you see to that? Here it is right here, you can have this. Call those folks, see if you can get squared away with them, that would be very helpful. I don't want to speak for them, they're their own deal, let them.

MR. CORDISCO: Mr. Chairman, this application requires DOT approval, the application should be subject to a lead agency circulation notice.

MR. ARGENIO: I was going to hit that next. If anybody sees fit, I'll accept a motion that we circulate lead agency coordination letter to begin SEQRA.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we circulate for lead agency. Roll call.

ROLL CALL

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

MR. SCHLESINGER: I have another question. How close is the closest residential home to you?

MR. VAN LEEUWEN: Down the street on the other side.

MR. INTERRANTE: It's down over here.

MR. VAN LEEUWEN: There's a house and on the other side there's a house. You've got the ice cream stand, you've got a house, okay, and he's got that across from the, from the gas station he's got that shack sitting there from Casey Manns, that's it.

MR. GALLAGHER: What's directly behind the house that's coming down?

MR. INTERRANTE: This is all woods, there's a road.

MR. GALLAGHER: Is that the road going into the trailer park?

MR. INTERRANTE: There's a road over here and there's, this is a house, the back side of the house and another one over here, this is a gas station but all back in here is all woods.

MR. ARGENIO: I want to hit one thing, what about this wall, Mark, we don't have a law but we typically the board as a group typically frowns on these SMU walls when they get too tall.

MR. EDSALL: I can go over that with Ciro. When we have direct loading from vehicles on this type walls we've had some quality problems, failure problems.

MR. ARGENIO: Failures, cave-ins.

MR. EDSALL: So in the long run given it's so critical to keep that stability it may be better just to put a concrete reinforced wall and you're good permanently.

MR. ARGENIO: You're talking about a concrete reinforced wall at 11, 12 hundred bucks a square yard. The other thing you may want to consider and subject to Mark's review and I don't know what it's called but that it's a type of wall that's over at Guardian Self Storage on 32, it's these large concrete blocks with an open cell and they fill the cell with stone so you don't have any hydraulic pressure, the water drops out of them, we've approved them at heights of 6 and 8 and 9 feet but the SMU walls I mean I personally witnessed failures and it's a car crash, I mean, it's a problem.

MR. INTERRANTE: If they're done right with geo-grid.

MR. ARGENIO: And designed and installed right, I agree.

MR. INTERRANTE: I'll get--

MR. ARGENIO: Would you give some thought to that, either poured in place concrete with some kind, and again, we're on 207 which as Mr. Crotty pointed out in the center of the airport, if it's going to be in concrete it would be nice to have some kind of facade like they make the forms for the cast in place wall with like a plastic mold that like, like a faux stone or the wall that I described something of that nature certainly would put you in much better stead than an SMU wall.

MR. VAN LEEUWEN: Down the street they have one between the car wash and the deli there's one of those walls, only got two blocks high, just down the street towards Town Hall here.

MR. ARGENIO: Mark, am I missing anything here?

MR. EDSALL: Only the comment number 5 on the public hearing, I think the plans are adequate that if you were going to want to have a public hearing you could go ahead and authorize it.

MR. INTERRANTE: Can I request that we forego the public hearing if it's not required? We're making improvement to the site, I don't think there will be any resistance to it.

MR. ARGENIO: You can make whatever request you like but quite frankly that public hearing is a subjective decision that this board makes but your request--

MR. INTERRANTE: If I wanted to do that in writing and address it to you the chairman?

MR. ARGENIO: I don't know why you'd do it in writing, you said it, everybody heard it and that's fine. Truly

and I don't mean to be sarcastic but we review each plan on its own merit and on where it's located and on who's around it, that type of thing but I would agree with you, I mean, you're probably making an improvement to the neighborhood, you know, so I will go around as I typically do, Neil and Howard, you guys have any thoughts on the public hearing?

MR. SCHLESINGER: It's surrounded by residential areas, trailer park back there.

MR. VAN LEEUWEN: The man that owns the ice cream stand is sitting there in the audience.

MR. ARGENIO: You're not allowed to talk in this meeting but I will pretend that we didn't hear you. I appreciate that though.

MR. SCHLESINGER: That's one of the reasons I asked about the residential, I thought I knew the answer but I'm not positive about it but there's enough residences around that, I can't picture the ice cream stand or the gas station and Phil Crotty objecting to it but there maybe some residents that may want some answers.

MR. ARGENIO: Howard?

MR BROWN: I think it should be presented to the public for people who live in the area.

MR. ARGENIO: What did you say?

MR. SCHLESINGER: I think possibly also.

MR. ARGENIO: Danny?

MR. GALLAGHER: I think that, I don't think we would have any push back but I think if we're going to have some 18 wheelers going in there.

MR. VAN LEEUWEN: I see no case for it, the people right next to it are both here, they both have no problem with it so why go to the extra and make these people write all kinds of letters to everybody in the trailer park and they're going to come storming in there so that's my feeling.

MR. ARGENIO: Trailer park's within 500 feet.

MR. GALLAGHER: There's residences there.

MR. VAN LEEUWEN: I'll tell you something--

MR. SCHLESINGER: They may love the idea.

MR. ARGENIO: Myra tells me that it's only adjoining property owners, it's not everybody within 500 feet which is good, 500 feet is special permit, Henry, and I'm going to tell you that I think we should have it because of the level of exposure that's there. But having said that, sir, we're going to vote in a moment, you need to understand that based on where you are at right now the fact that we have to contact county, we need to hear from state, it will not cost you any time at all and you know what as my predecessor used to say if you have it, you had it and nobody can call and complain later. I think that there's too much exposure there to not have it and contrary to what your thoughts are about the trailer park it will not be noticed if it's only adjacent. I'll accept a motion.

MR. SCHLESINGER: I make a motion to schedule a public hearing.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board schedule a public hearing for this Dunkin Donuts plan.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	NO
MR. ARGENIO	AYE

MR. ARGENIO: Not going to cost you any time but as I said, as Jimmy Petro said before me, nobody can ever come in and say I wasn't warned and you already have feedback on the record from probably the most significant person that could potentially offer you any resistance spoke out of turn.

MR. INTERRANTE: As far as sending the letters, is that ours to do?

MR. ARGENIO: Get with Myra, she'll tell you what to do, she'll help you out and you'll be off to the races, it will be good to have a Dunkin Donuts right down the road from me. Thank you very much.

SCREEN\_GEMS\_(07-31)

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MR. ARGENIO: Screen Gems. Application proposes two story addition to the existing building on the triangular property. The plan was previously reviewed at the 12 December, 2007, 10 September, 2008 planning board meetings. I think we saw it more than that but I'm going to go with this because that's what it says here. For those of you who are not aware, this is where Ruscutti Road goes off 32 near my office.

MR. VAN LEEUWEN: I know it well.

MR. ARGENIO: Where Eggbert used to be.

MR. VAN LEEUWEN: No, that's Devitt's.

MR. ARGENIO: Near where Devitt's used to be.

MR. VAN LEEUWEN: Devitt's used to own this but right across the street.

MR. ARGENIO: Across Ruscutti Road from Devitt's and this is a very, very difficult site, it's a very difficult site, if you guys remember the DOT chopped up and did those folks a tremendous disservice in my estimation and they're here trying to tighten this thing up. So that said, I see Mr. Coppola standing in front of me, what do you have to say tonight there Anthony?

MR. COPPOLA: Thank you, Mr. Chairman. Real quickly, we were here last fall, we have since then most of what we did the central plan is the same, most of what we did through one or two workshops with Mark is doing a lot of clean-up on the plans. There were some dimensional changes made, sight distances noted, we relocated the dumpster to around the rear, very difficult like Jerry said, it's a very awkward site with the triangular lot line, so cleared those things

up, introduced some new curbing. There's existing curb cuts that DOT had put in so we're working with those, we're not really doing any work in their right-of-way except for extending the curbs out to where they already put in the aprons.

MR. ARGENIO: Anthony, you're aware you're going to have to get a permit for this it seems?

MR. COPPOLA: Now we're doing work in their right-of-way so we have a detail on there for their curb, yes.

MR. ARGENIO: You're aware of that?

MR. COPPOLA: A work permit, yes. So that's new and without really belaboring the point, I spoke to Ken Schermerhorn last week and Myra just handed me his letter, I think they have an issue with the fire lanes which I know nobody here can really speak to.

MR. ARGENIO: Where you at with that specifically and concisely?

MR. COPPOLA: Well, he said come to the meeting then I've got to make a variance application to the board, I think it's the board of whatever, Board of fire.

MR. ARGENIO: Board of fire PRevention.

MR. COPPOLA: So I needed this.

MR. ARGENIO: You needed what?

MR. COPPOLA: I needed the piece of paper, in other words, the referral to do the variance, we'll well do that. He understands that everything is pre-existing, he does not think there will be a problem but of course can't say that but it's an exercise I have to go through.

MR. ARGENIO: You're going to pave the gravel drive?

MR. COPPOLA: Yes, there's the outline of the existing gravel is shown on there, everything is being repaved with one and a half inches and then where it's gravel there will be a sub, a bottom course of subgrade to that.

MR. ARGENIO: There's shale there now. Danny, I see you looking up there.

MR. GALLAGHER: There's a telephone pole somewhere.

MR. VAN LEEUWEN: You just took the words out of my mouth.

MR. SCHLESINGER: It's not a telephone, it's a utility pole which it's on the second page, look on the second page and it's within the curbed area in front of the store if I'm right.

MR. ARGENIO: So he addressed it.

MR. GALLAGHER: It's staying there.

MR. SCHLESINGER: That was a concern of ours at the last meeting.

MR. ARGENIO: Danny, if I remember correctly last time he was here that pole was in the driving or parking area and you wisely pointed out that that could be problematic.

MR. SCHLESINGER: Right.

MR. ARGENIO: If I recall correctly.

MR. GALLAGHER: Yes.

MR. SCHLESINGER: Right so he buried it in the island which is good.

MR. COPPOLA: That was part of the extension on the curbs there.

MR. SCHLESINGER: The dumpster in the back has access?

MR. COPPOLA: Around back here it's going to be around back here.

MR. SCHLESINGER: How do the trucks--

MR. ARGENIO: From the railroad, Neil, it's railroad car refuse pick-up. Anthony, what are we doing with that?

MR. COPPOLA: Well, he's using the back of this now to access the back of his property, he's got a lower level down here.

MR. ARGENIO: So the garbage truck can go down to the lower level of the property and access the refuse enclosure. What the board is missing is some spot elevations in that area so we can look at it and determine that that refuse enclosure is actually on the lower level parking lot level.

MR. COPPOLA: Yes, looking for spot elevations, I don't see one.

MR. ARGENIO: Put them on there.

MR. COPPOLA: Actually, there's one there 96.7, it's just the top there and then there's 109.

MR. ARGENIO: You don't have an elevation on the pad though, Anthony.

MR. COPPOLA: I don't, we can probably add that based

on the lower level.

MR. ARGENIO: Anybody have anything on this? Again, another horse that died a slow and miserable death before tonight. Danny?

MR. GALLAGHER: I think it makes the site look a lot better than previously.

MR. VAN LEEUWEN: I don't have anything, it's a rough spot.

MR. ARGENIO: It's a rough spot, I agree, it's a rough spot. Do you guys have anything?

MR. SCHLESINGER: No, I think it cleans it up.

MR. BROWN: Any improvement there.

MR. ARGENIO: Myra's pointed out to me wasn't there some easement that some sewer cleanout or some such thing?

MR. COPPOLA: That note is not on this drawing, that note was left off the drawings, there it is.

MR. VAN LEEUWEN: I have it here, sewer main with pump.

MR. ARGENIO: Do we need an easement?

MR. EDSALL: Look at sheet SP2, the note I asked for is on there.

MR. ARGENIO: The easement is on there?

MR. EDSALL: Not an easement, it's a note regarding the responsibility for the private pump station.

MR. ARGENIO: So we don't need the easement marker as long as we have the note, is that what I'm hearing?

MR. EDSALL: Correct, it's not an easement, it's more an acknowledgement that it's not a pump station.

MR. ARGENIO: Are you agreeing with that?

MR. CORDISCO: No, I'm not aware of anything that would make Mr. Edsall incorrect in this circumstance.

MR. ARGENIO: Do you guys have anything else with this? I think Anthony that the deal is that you should get this thing squared away with the firemen, you should add that elevation on that dumpster pad. Was there anything? Did I miss anything, material on the dumpster pad, Anthony or the enclosure?

MR. COPPOLA: That's masonry, there's a detail.

MR. ARGENIO: Split face block hopefully.

MR. COPPOLA: I think it's on SP3.

MR. ARGENIO: Anthony, you'll also add a note that says the parking lot will be paved?

MR. COPPOLA: Yes.

MR. VAN LEEUWEN: Anthony, can I ask you a question? How come the stairway is exterior?

MR. COPPOLA: That's the first.

MR. VAN LEEUWEN: Is that going to be enclosed at all?

MR. COPPOLA: No, that's higher, that's to get to the first floor, this staircase are you asking about?

MR. VAN LEEUWEN: Yeah.

MR. ARGENIO: I think--

MR. VAN LEEUWEN: That should be covered or something because when you have snow on it, people are going to go there and fall.

MR. COPPOLA: That door swings in.

MR. VAN LEEUWEN: That should be enclosed.

MR. ARGENIO: Enclosed or covered?

MR. VAN LEEUWEN: Covered accomplishes what your thoughts are.

MR. COPPOLA: I think the building code requires covered over typically an out-swinging door, this door's swinging in but we can cover it and it's flush so it probably should be covered.

MR. ARGENIO: Are you okay with that?

MR. VAN LEEUWEN: Not really but go ahead. If the wind blows the snow still blows in.

MR. ARGENIO: This is a major tough site, major tough site and I'll tell you what else.

MR. VAN LEEUWEN: I've been in that building 100 times.

MR. ARGENIO: It's on one of the major corridors coming into this town and it's been a problem and I'm not going to say an eyesore, I'll stop short of that for as long as I can remember. Mark or Dominic, anything else?

MR. EDSALL: If the only open item other than the minor corrections, the pad elevation, the note about the parking lot pavement remains, a write-off from the fire inspector's office, I would suggest that you consider a conditional approval because I think if the, and 99.9

percent of the time I see eye-to-eye with the fire inspector's office but I think in this particular case if they look at it again they're going to realize that it's impossible to have a 30 foot fire lane because the building's 11 feet from the property line.

MR. ARGENIO: Anthony, you've spoken to them?

MR. COPPOLA: I spoke to Kenny, called him about something else and then he actually thought I was calling about this but again his feeling, he knew everything was pre-existing, he knew there were really some very strong things going on between the property line and the curbing, the distance is there he felt it was a technicality, I think that was fair.

MR. ARGENIO: Anybody have a problem with this?

MR. SCHLESINGER: No.

MR. BROWN: No.

MR. SCHLESINGER: I'm fine.

MR. ARGENIO: Howard, are you okay with this?

MR. BROWN: Yes.

MR. CORDISCO: You need to do SEQRA, you have already gotten a response that it's a local determination from the County Planning Department so procedurally you're in a position where you can take action under SEQRA.

MR. ARGENIO: So we're going to need a motion for a negative dec.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Lead agency or negative dec?

MR. CORDISCO: It would be a negative dec.

MR. ARGENIO: I'll accept a motion we declare negative dec for the Screen Gems.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative on the Screen Gems site plan. Roll call.

ROLL CALL

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

MR. ARGENIO: Anybody have anything else? I've got a few subject-tos if anybody wants to take this over the wire.

MR. VAN LEEUWEN: Do you want a motion to waive public hearing?

MR. ARGENIO: No, offer final approval subject to what I'll read in.

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

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer final approval to Screen Gems subject to the note for the top

course being added to the plans and it being done, obviously, I need to see finished floor elevation for the enclosure, make sure that there's a clear note on there that the dumpster enclosure will be split face block and we need a maintenance bond for this, I believe. Did I hit everything?

MR. EDSALL: Fire inspectors.

MR. ARGENIO: Oh, biggest thing and that the fire inspectors approve your plan, Anthony.

MR. COPPOLA: Okay.

MR. ARGENIO: And Mr. Van Leeuwen's comment.

MR. VAN LEEUWEN: Stairway.

MR. ARGENIO: Cover the stairway, you cover the stairway, okay, cover the stairway. Roll call.

MR. VAN LEEUWEN: Make sure no snow gets in.

ROLL CALL

MR. SCHLESINGER AYE

MR. BROWN AYE

MR. GALLAGHER AYE

MR. VAN LEEUWEN AYE

MR. ARGENIO AYE

MR. CORDISCO: We'll prepare written resolution.

MR. ARGENIO: Please do that, Dom I appreciate that.

CAR\_CARE\_BY\_C\_&\_N\_(05-30)

MR. ARGENIO: Next item Car Care by C & N represented by the esteemed Mr. Coppola.

MR. COPPOLA: Thank you, Mr. Chairman, this application is over near I want to say Macbeth, to the east of Macbeth, to the west of the city filter plant.

MR. ARGENIO: Application proposes adding used car sales to the existing car repair facility formerly known as C & N. Plan also includes an addition to the auto repair building and residence on the property. The application was previously reviewed at the 28 September, 2008 planning board meeting. I understand what he's trying to do guys in this tumultuous economy is expand his business base so he has more of an opportunity to make a profit. Is that right, Anthony, more or less?

MR. COPPOLA: Yes, that's correct and basically the purpose of this addition is also to enable him to service larger vehicles because his existing garage he's restricted by his overhead doors.

MR. ARGENIO: What size vehicles?

MR. COPPOLA: I want to say moderately sized trucks.

MR. ARGENIO: What's a moderately sized truck, is it over 18,000 pounds?

MR. COPPOLA: I didn't know.

MR. ARGENIO: That's where the DOT draws the line.

MR. COPPOLA: That I don't know exactly but I know we're going to be two feet higher in terms of his interior.

MR. ARGENIO: I want you on the record with what size trucks he's going to service.

MR. COPPOLA: I can ask that of him. We're going with 14 x 14 overhead doors on the new addition.

MR. VAN LEEUWEN: That's for 12,000 pound, what they call cargo vans.

MR. COPPOLA: I'm not sure cargo van would fit in there.

MR. VAN LEEUWEN: Yes, it would, they're a little over 8 feet high.

MR. ARGENIO: Neil, 14 foot gives him the ability to go for New York State inspection license, the limit is 14 foot on your overhead door, motor vehicle inspector. Go ahead.

MR. COPPOLA: So it's about 2,000 square foot addition to the garage, we're going to basically we were at the zoning board last fall, received a use and a set of area variances for the plan that you see.

MR. ARGENIO: You did receive?

MR. COPPOLA: We did receive both sets of variances, the area variances were for setbacks, I think lot coverage, lot coverage, we're not going any closer to the rear property line than he is now, the building tapers on the lot, those variances were granted and the second variance that was granted was to permit used car sales which we have that area noted on the plan, it was basically, we basically gave evidence that the used car operation preceded my client so that was part of the preceding use, there was evidence given.

MR. VAN LEEUWEN: This property's been recently sold.

MR. COPPOLA: I think two years ago.

MR. VAN LEEUWEN: Cause he was selling used cars there before and he's selling used cars there right now.

MR. COPPOLA: But the previous owner was selling used cars too.

MR. SCHLESINGER: You've got a variance from the town to give up the right to do that? I'm not so sure that the previous owner had the right to do that.

MR. COPPOLA: Well, we gave the zoning board documentation that that use existed before so they accepted that use.

MR. SCHLESINGER: They accepted it?

MR. VAN LEEUWEN: Been there for six or seven years.

MR. COPPOLA: There was talk at the meeting of who owned it at the meeting so anyway that's part of the application here, that's noted on the drawings, there's going to be a separation of the two the house dwelling which is where Mr. Mira (phonetic) and his family live and we have designated some new parking areas, we have introduced some new catch basins, there's an existing catch basin down a little bit by the road so of course if you know the site everything goes downhill towards the right-of-way.

MR. ARGENIO: Yu're not changing 207 entrance?

MR. COPPOLA: Not changing the entrance at all.

MR. ARGENIO: I want to ask you a question, Anthony, and I want you to be very careful how you answer the question, okay, that parking where it says auto repair parking area 17 spaces and the auto display sales area parking places, what is it your applicant's intent to

park there?

MR. COPPOLA: Well, I mean, his business would never have, you know, he can service only he's going to have four garage bays so how many vehicles can he possibly service at one time, probably no more than four. The idea is he's going to use a certain number of spaces in the front for auto sales and then most of his, the customers he does have a small retail business in here which is existing.

MR. ARGENIO: Anthony, I asked you where the light switch is and you're telling me how to build a power plant. What will be the condition of the vehicles he's going to be parking there, the status of same?

MR. VAN LEEUWEN: Wrecks or no?

MR. ARGENIO: That's my question.

MR. COPPOLA: I think they're the vehicles that he services so I don't think you're going to see wrecks there, we can, I can ask him.

MR. ARGENIO: Is your applicant here?

MR. COPPOLA: No, he was actually ill so he's not here tonight.

MR. VAN LEEUWEN: Something should be put into play for that.

MR. ARGENIO: Mark, I don't know how we do this but you and Dominic, somebody's going to have to figure out how to do this and somebody disagrees with me chime in, any of the members, I want verbiage on this plan and there's another guy around town who tends to store vehicles that are inoperable on his property who shall remain nameless. We need verbiage on this plan that indicates that the vehicles that are parked in that

area in plain sight of 207 need to be operable quote unquote vehicles. I don't know that they specifically have to be registered but they have to be operable vehicles or vehicles that have been inoperable for a limited period of time.

MR. EDSALL: The difficulty in enforcement and I have gone through this with Mike Babcock many, many times we've got to make something that's enforceable and what works best for the code enforcement people is if it's cut and drive, if it says it's got to be currently registered and currently inspected, if it happens to have been in an accident, if it happens to have a malfunction that makes it inoperable that's very difficult for a code inspection person to determine how long it's been there.

MR. ARGENIO: What you're suggesting is include a note to say currently registered vehicles?

MR. EDSALL: And there for repair and not storage, bottom line is code enforcement sees something for six months it's clearly in storage not registered, no plates, not inspected.

MR. VAN LEEUWEN: You can't do that.

MR. ARGENIO: Why not?

MR. VAN LEEUWEN: He's selling cars here.

MR. EDSALL: For the repair spaces, not the sales.

MR. ARGENIO: Anthony, I want that note, note on the plans and I want you to understand I'm going to go on the record, the spirit of what we're trying to do is make sure it doesn't turn into a junk yard, not that your client would do that but he can sell the property and the next guy might not care and he's parking a 1971 Chrysler Coronet there that hasn't run in seven years I

need you to do that, we need you to do that.

MR. CORDISCO: That language should be added to the plan.

MR. ARGENIO: Do that.

MR. COPPOLA: We'll add that.

MR. EDSALL: One comment that I heard and I just want to make sure I didn't hear wrong you made a reference to a retail operation on this site, I don't see any reference on the plan.

MR. COPPOLA: No, it's there. If you look at the existing building, existing retail service it's retail/service.

MR. ARGENIO: Retail repairs, Mark?

MR. EDSALL: Says retail/service so the question is.

MR. ARGENIO: Auto parts store.

MR. EDSALL: I'm making sure we know what you're approving.

MR. COPPOLA: Everything is existing that's there, if you walk in there to the existing, we, if you walk in there, there's a small service counter, he sells, there's a small display area of all auto related merchandise.

MR. SCHLESINGER: Tires?

MR. COPPOLA: Not that big.

MR. ARGENIO: Air fresheners?

MR. COPPOLA: Exactly, that type of thing.

MR. EDSALL: I don't have any table with me, is retail allowed in the PI zone?

MR. ARGENIO: I'll make it simple, take the retail off there.

MR. EDSALL: It's incidental.

MR. ARGENIO: Take it off and if your client's selling air fresheners and miscellaneous things associated with cars nobody's going to bother him. The retail, there's a lot of other things and I think Mark is very correct about that. Anybody got a problem with that? Any of you guys got a problem with that? Neil, you're looking at me?

MR. SCHLESINGER: I have absolutely no problem.

MR. ARGENIO: I'll accept a motion we declare lead agency under SEQRA.

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 declare lead agency under the SEQRA process for the Car Care by C & N site plan. Roll call.

ROLL CALL

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

MR. VAN LEEUWEN: See where he's going to add 5,600

square feet to the house too.

MR. ARGENIO: Yes.

MR. SCHLESINGER: He's going to have to come back.

MR. ARGENIO: I don't know about that, we're going to be talking about number 5 which is the public hearing but I've been kind of trumping the floor and I want to hear if you guys have any other concerns.

MR. SCHLESINGER: I think that he's going to add the cars that are going to be displayed for sales, cars that are going to be in storage, is he going to be using this area for cars that are not registered?

MR. ARGENIO: There's no cars on the site that are not registered.

MR. EDSALL: Other than the sales ones up front.

MR. ARGENIO: Other than the active sales area.

MR. SCHLESINGER: Right, okay.

MR. EDSALL: We'll work on that.

MR. SCHLESINGER: I would think that he's going to have cars that maybe need to be repaired that are not registered.

MR. EDSALL: That's not the tone of what I'm hearing.

MR. ARGENIO: Neil, when I crashed my wife's car the other day and smashed the bumper, I smashed it bad, it was great, in my own driveway, I brought it to Babcock's to get repaired and I did not take it off the road while it was being repaired.

MR. SCHLESINGER: Of course not.

MR. ARGENIO: I'm just saying I don't think the registration thing is something that we should be--

MR. SCHLESINGER: He's a licensed dealer, he goes to the auction, he gets a car that's not registered.

MR. ARGENIO: Bring it in your shop, prep it, put it down in the sales area, it can be unregistered in the sales area.

MR. SCHLESINGER: I understand but it's a car that needed to be a salvage car, he's going to have to restore and rebuild it.

MR. ARGENIO: Bring it in, repair it, put it in the sales area.

MR. SCHLESINGER: Where does he keep it while he's working on it?

MR. ARGENIO: Inside, he's putting bays on.

MR. SCHLESINGER: Okay.

MR. BROWN: Neil's just saying if he brings the car from the auction and he's going to repair it he doesn't want it sitting out in the lot for a week or two weeks without plates.

MR. ARGENIO: If it did here's my thought and you guys know who I was talking about before, here's my thought if he did that's probably okay, what I want to avoid is cars being stored there in perpetuity that are 20 years old and rusted with oil, gas and battery acid leaking out of this, that's what I'm trying to avoid. If the guy buys something at the auction and again I'm going contrary to what we talked about, buys something at the auction not registered, brings it in, it sits in his yard for three or four days in his storage area before

he brings it in his shop, I mean, I don't see it as a big issue. Is he in violation, yeah, he certainly is, is Jen going to write him up, probably not, unless there's a complaint. Go ahead, Dom.

MR. CORDISCO: Well, at this point, I think the engineer, excuse me, the architect has offered to place a note on the plan that would restrict the auto repair parking spaces to be those solely for vehicles that are both registered and have a current inspection and that way if there's a complaint then it will be clear for the building inspector to be able to go out there and enforce it. I think it's a fairly simple note to add to the plan.

MR. ARGENIO: I can't agree more.

MR. SCHLESINGER: Is that parking area 17 cars that are going to be there?

MR. COPPOLA: Yes.

MR. SCHLESINGER: Okay, I'm just confused why you allotted 17 spaces for cars that are going to be repaired and 7 for cars that are going to be sold. I'd rather it the other way around.

MR. ARGENIO: You're probably right, Neil, but we can't run everybody's business.

MR. SCHLESINGER: God bless him if he's got 17 cars waiting to repaired and four in the bay, God bless him.

MR. EDSALL: When the ZBA reviewed this they established 17 and 7, did the Zoning Board have input or was that code versus bays?

MR. COPPOLA: I don't know, I was just looking to see if I can answer that.

MR. EDSALL: I know that you've got the calculation for the service bays which says 28 so I suspect 17 is there because of a code calculation.

MR. COPPOLA: Well, that's a minimum area that he needed I think the way this worked out is the area that he needed to meet the parking requirement and then we added what we could, I think that's the way this went.

MR. ARGENIO: Relative to number 5, I did also ask Mr. Babcock about the play that the zoning board received in the public hearing and he said there was really not any play to speak of so we're going to talk about that in a moment but Neil, you seem to be focused a bit on the site plan. Do you have any other questions?

MR. SCHLESINGER: Our concern is the aesthetics of the property, I'll say this that prior to C & N going in there they cleaned up the area a lot, I mean, I'm familiar with the operation, I'm familiar with the area, I drive by often and did a fine job to change it up when it was there before that's him, I don't know who's going to be there tomorrow and our concern is that we don't want it to become a junk yard and that's why I'm questioning, I'd like to see 17 spaces for nice cars being sold, 7 spaces for cars that need to be repaired and put a little emphasis on the kind of cars that are going to be repaired, I just am questioning that only cause of our concern.

MR. EDSALL: I will answer that cause I just did look at the plan, refreshed my memory on the calculation, the parking spaces for repair is just because that's what the code says he has to have. So if you took some of the spaces and allocated this many for sales he would need to get a variance for parking. The reality of it is if he had a couple more cars for sale I don't think anybody would really notice the difference but if it gets out of control I'm sure Jen will dispatch all the enforcement people in the world to keep his parking

in order.

MR. COPPOLA: He's never going to need 26 spaces for his business.

MR. SCHLESINGER: God bless him if he does.

MR. ARGENIO: Anything else? What about number 5 the public hearing? I'll start with Danny cause I started on this side last time, Danny, do you have any thoughts about the necessity or not of a public hearing for this application? The water department is to the east, Macbeth is to the west, I don't know what's behind them, quite frankly, Henry, do you have any thoughts on that?

MR. VAN LEEUWEN: I don't see any reason.

MR. BROWN: No.

MR. SCHLESINGER: No.

MR. COPPOLA: Nobody came to the zoning board public hearing.

MR. SCHLESINGER: This has been there for a while, I don't think there's anything.

MR. ARGENIO: Accept a motion we waive.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we waive the public hearing for Car Care by C & N. Roll call.

ROLL CALL

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

MR. ARGENIO: My professionals, am I missing anything?

MR. EDSALL: You did lead agency, did you do negative dec?

MR. ARGENIO: I'll accept a motion for negative dec.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec under the SEQRA process for C & N site plan amendment. Roll call.

ROLL CALL

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

MR. EDSALL: Anthony, one thing you can do for us so that this plan is a little more usable when it's folded up and in the file put the applicant's project name down on the bottom right-hand part of the fold. Right now says proposed site plan, that's all we see and the street address, maybe you can put something down there.

MR. COPPOLA: Hang my title block.

MR. EDSALL: Try to make that a habit.

MR. ARGENIO: Do it correctly, how's that?

MR. COPPOLA: This is an easy one.

MR. ARGENIO: Let's that carry over, Anthony, into any of the architectural work that you may be doing for any of your clients. Do you understand?

MR. COPPOLA: That's well noted.

MR. EDSALL: Thank you.

MR. ARGENIO: Do you understand, Anthony?

MR. COPPOLA: Yes, I understand exactly.

MR. VAN LEEUWEN: Make a motion we give final approval.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer final approval subject to the comments that we just discussed relative to the notes on the plans about the restrictions on the storage area that we don't have any junk cars there, Anthony should include that verbiage and Mark should review that verbiage along with our esteemed attorney.

MR. EDSALL: Could you add my comment number 2 about two minor corrections and also--

MR. ARGENIO: And that Mark's very minor corrections contained in his comment number 2.

MR. EDSALL: And 7 for the bond estimate.

MR. ARGENIO: And that we prepare a bond estimate for this site plan. Roll call.

March 11, 2009

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ROLL CALL

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

CIMORELLI'S\_ECONO\_COLLISION\_CENTER\_(08-12)

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MR. ARGENIO: Site plan amendment plan proposed addition to the rear of the site. The plan was previously reviewed at the 29 October, 2008 planning board meeting.

Mr. Joseph Minuta appeared before the board for this proposal.

MR. ARGENIO: Myra, you got to check these things because I swear we saw this thing twice along with Screen Gems, I swear we saw that twice but it is what it is.

MS. MASON: I didn't do that.

MR. EDSALL: I'll go right home and check it tonight.

MR. ARGENIO: We have some significant things, discussions about the firemen, can you please bring us up to date relative to that first and then tell us what you've done with the site plan?

MR. MINUTA: I'll make it very simple for you. We had met with the fire bureau, they have granted us what we requested with the stipulations. They forwarded, the letters were approved as far as they're concerned, I spoke with Mr. Bedetti about that, he wrote a letter stating same. We have met with the fire departments regarding the building code to the extent that was found necessary, you'll find on S2 there's a plan showing new fire service features, technically speaking, it is serviceable from the roadway and from the front portion of the property, when you drive in, there's 150 foot hose requirement to be able to access, we've gone the extra route and we're actually paving this back section with binder course.

MR. ARGENIO: You're such a good guy.

MR. MINUTA: We're opening up, we're changing out this gate, there's an existing gate there, it's going to be 20 feet wide and basically that takes care of it, the entire back. There was a question last time about dumpster enclosures, the entire back portion of this lot is fenced so the dumpster locations where they are located is really of no significance from the public view.

MR. ARGENIO: If my memory serves me that fence has slats, does it not?

MR. MINUTA: That's correct, it's actually screened, the dumpster locations you'll take a look on S1 you'll see them top right corner pointed out two square areas, we have relocated the shed which was on the side where we're proposing the fire lane access and is essentially that's it.

MR. ARGENIO: I want to read a letter for the benefit of the other members from Francis Bedetti, Town of New Windsor Planning Board Fire Inspector's Office. I'm not going to read the whole thing, I'm going to read the highlights, this is for the benefit, I want to make sure this is on the record, upgrade that you guys need to upgrade fire detection system to meet current NFPA standards, do you agree?

MR. MINUTA: Agree.

MR. ARGENIO: Your current occupancy would be limited to one paint booth and one prep station, do you agree?

MR. MINUTA: Yes.

MR. ARGENIO: Fire apparatus access road to the rear of the building has to comply with Chapter 5 of the Fire Code of the State of New York. Do you agree with that?

MR. MINUTA: Yes.

MR. ARGENIO: As I remember that was the sticking point this was simple, they want to put a paint booth, they're local people, they have been in this town a long time, they want to expand their business just like everybody, Neil and you of all people can certainly understand that. I'll accept a motion that we declare negative dec under SEQRA.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec under SEQRA process for the Cimorelli's Econo Collision Center plan. Roll call.

ROLL CALL

MR. SCHLESINGER AYE

MR. BROWN AYE

MR. GALLAGHER AYE

MR. VAN LEEUWEN AYE

MR. ARGENIO AYE

MR. ARGENIO: What thoughts do you guys have, anybody have anything?

MR. VAN LEEUWEN: I don't see any big problem, it's only a paint booth.

MR. ARGENIO: It's a paint booth.

MR. MINUTA: That's correct.

MR. ARGENIO: Cause he had one.

MR. MINUTA: No, that's being replaced with a new state

of the art paint booth, uses water spray which is environmentally friendly, there's a whole litany of issues.

MR. ARGENIO: We've got the firemen to look at it and some things have been cleaned up, the handicap's been cleaned up, so I think this is a situation where everybody kind of wins, the town, the residents of the town and the client he's going to spend probably a little bit more than he would have anticipated but you know what he'll have a nice place here.

MR. MINUTA: Mr. Cimorelli's here, I think we're all familiar with how he operates, it's a very nice place.

MR. VAN LEEUWEN: I have no problem with it.

MR. ARGENIO: Any other?

MR. GALLAGHER: No.

MR. ARGENIO: I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded for final approval for Cimorelli's subject to Mark's comments. Is there anything else?

MR. CORDISCO: Comments from Mr. Bedetti.

MR. ARGENIO: I read them into the minutes already.

MR. CORDISCO: Correct.

MR. EDSALL: There's five of his comments, are you going to make them subject to all five?

MR. ARGENIO: There are Mark but comment 1 is no other additions or alterations are to be made to the building that's covered because we have a plan and he can't do any additions.

MR. EDSALL: And the sprinkler system would be a permit issue.

MR. ARGENIO: And additionally any change of usage will have to make the building come into compliance with Town Code 142.16 sprinkler systems and again that would prompt a visit to this board so I didn't kind of focus on that either.

MR. EDSALL: Just for clarification, you don't need these conditions to be on the plan, they're in the record instead.

MR. ARGENIO: They're in the record.

MR. EDSALL: So my third minor bullet there of adding them onto the plan can be eliminated that since they're on the record.

MR. ARGENIO: Roll call.

ROLL CALL

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

MR. ARGENIO: Joe, thank you for your patience, you did a good job with that and I know the fire thing can sometimes be a pain in the neck but it's necessary, it's safety and you know we don't skimp when it comes to that, we don't trump them, they have a job to do, you know the routine, you sat here. Okay, thank you,

Joe.

MR. CORDISCO: The only thing I will prepare resolutions for Car Care and Cimorelli.

MR. ARGENIO: Motion to adjourn. Jen, you did a fantastic job tonight.

MS. GALLAGHER: Thank you.

MR. VAN LEEUWEN: Motion to adjourn.

MR. SCHLESINGER: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth  
Stenographer

