

TOWN OF NEW WINDSOR

PLANNING BOARD

September 25, 2013

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

ALTERNATE: DAVID SHERMAN

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

CAMMY AMMIRATI
PLANNING BOARD SECRETARY

MEETING AGENDA:

1. KWG Realty Corp./Gallagher Truck Center
2. GSA/Acquest Development, LLC

REGULAR MEETING:

MR. ARGENIO: Welcome everybody to the regular meeting of the Town of New Windsor Planning Board for September 25, 2013. Everybody please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Welcome everybody. For the benefit of the members, you've seen on your agenda there Hudson Valley SPCA asked to be removed from the agenda. There

was some outside agency issues that they need to take care of. Without getting into specifics, it was Department of Health, State of New York, DOT, they're not changing the curb cuts they have, they need to take care of these things. Typically, the planning board is the last stop and I asked Mark when I received the first version of the comments why are they even coming in if they have these things undone? And he called the engineer and the engineer didn't have an answer so as such, they asked to be removed.

APPROVAL OF MINUTES DATED 8/14/13

MR. ARGENIO: That said, the first item on tonight under our regular orders of business is approval of the minutes dated August 14, 2013

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded by Mr. Gallagher that they approve the minutes as written. Roll call.

ROLL CALL

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

REGULAR ITEMS:

KWG REALTY CORP./GALLAGHER TRUCK CENTER (13-13)

MR. ARGENIO: First regular item tonight is KWG Realty Gallagher Truck Corporation. The plan proposes construction of a 27,280 square foot truck center at the location of a previous building destroyed by fire. Plan was reviewed on a concept basis only. I see Mr. Gallagher in the audience, I assume you're going to represent this, sir?

MR. F. GALLAGHER: Yes, I am.

MR. ARGENIO: I happen to know your engineer's in North or South Carolina.

MR. F. GALLAGHER: One of the features of dealing with a semiretired engineer.

MR. ARGENIO: So tell us.

MR. VAN LEEUWEN: I think we just ought to vote no, period.

MR. ARGENIO: What do you have there, Mr. Gallagher? I certainly am familiar with your building, I certainly am aware it burnt down, can you give us a brief rundown of what you're doing here?

MR. F. GALLAGHER: Main reason I'm here tonight before you is for this building here. But I do want to point out a few other changes that we've made on the property before I get to describing that building. Through here we have enlarged our parking but we did it with shale so we did not add anymore impervious surfaces.

MR. ARGENIO: When did you do that?

MR. F. GALLAGHER: Over the summer.

MR. ARGENIO: Okay.

MR. F. GALLAGHER: And here there's a new fuel island, we're trying to separate ourselves completely from our tenant, Campbell Freightliner, the fuel tanks and previous fuel island are over here at the west end of the building. The problem is that when all the school buses come back, they typically fuel up at the end of their morning runs, lot of traffic and we're getting in

our tenant's hair. So we're divorcing ourselves. The tanks are still there but we have trenched up to here, in fact, in concrete, half of it was poured today. And the school buses will be able to come in the internal drive, cut through here, fuel and then park back here so that we're not bothering our tenant.

MR. ARGENIO: So you basically have in the rear on the top left of the drawing that's in front of you you have an office where you run your school bus and your Leprechaun Line business?

MR. F. GALLAGHER: Right.

MR. ARGENIO: Says here existing office repair center and wash bay but all that's there now, we're not talking about any of that?

MR. F. GALLAGHER: Correct, just pointing out a few things we've changed recently.

MR. ARGENIO: Do you have any issues?

MRS. GALLAGHER: No, they have all their permits.

MR. ARGENIO: So go ahead.

MR. F. GALLAGHER: This building here is the new proposed building, 27,000 square feet at this end, it's two stories, parts room, service writeup area, general offices and parts, storage and machine shop work. From this wall over it's all truck bays, there's I think six, six bays that drive completely through.

MR. ARGENIO: Okay.

MR. F. GALLAGHER: It will be a pre-engineered steel building.

MR. ARGENIO: Fireproof?

MR. F. GALLAGHER: Yes, sprinklered.

MR. ARGENIO: Yes, it's quite large.

MR. F. GALLAGHER: I've learned the value of sprinklers.

MR. VAN LEEUWEN: The hard way.

MR. F. GALLAGHER: The hard way.

MR. ARGENIO: Knock on wood. It looks like the new building is very similar if not the same in size as the old one, is that correct or incorrect?

MR. F. GALLAGHER: It's slightly larger.

MR. VAN LEEUWEN: Can you give us an idea of how many square feet bigger it is than the old one?

MR. F. GALLAGHER: Like 6,000.

MR. ARGENIO: Mark, do you have any additional information on this? I have yet to go through your comments but what do you have there?

MR. EDSALL: The first comment I'm just noting that there are three minor bulk corrections for the bulk table, although they do meet more restrictive use which is the A-12, these would just be on the final plan that if the board considers approval will clarify some of the specific A-6 bulk requirements, so that's a minor correction. As Mr. Gallagher indicated and was conveyed to me by Mr. Shaw in work sessions, they have made an effort to nail down the current conditions and as well some of the proposed adjustments in the overall site layout. So they're submitting this not just to deal with the replacement of the building that burned down but also an overall adjustment in the entire site as far as parking, as far as Mr. Gallagher indicated a relocation of the fueling island, those kind of minor items relative to the total area of the site. So this is a new current site plan as I might call it. But as Jennifer alluded to, the other buildings that are shown on the site all were appropriately applied for to the planning board and received approvals in the past. So that is my comment two that it's an overall as-built again with the proposed adjustments. Comment three there's to my knowledge no real other involved agencies, it's an existing site and it is truly a reconstruction of an existing building that unfortunately was lost to fire. It was referred as I note in comment four to the Orange County Office of Planning and the Planning Department came back with a local determination.

MR. ARGENIO: They did respond? I was going to say that's going to be an issue.

MR. EDSALL: Came back local determination. The Planning Department, I had intended to send it a little bit earlier, I neglected to do so, it was my error to have it go out there a little bit late. And we put a request in if they could turn it around and we very much appreciate that they got back to us as they did, it was truly an appreciated cooperative effort from the county. So they're local determination but they did point out that the aerials do note that there are some areas that are shown for improvements as part of the site plan that may not be completed now or at least when the aerial photography that they referenced--

MR. ARGENIO: Say that again.

MR. EDSALL: They're claiming they looked at aerial photography and there are some improved areas that are shown on the site that may not be that way based on the aerial photos. But I'm certain that Mr. Gallagher intends to finish up the site the way it's shown and the town will do follow-up reviews in the field.

MR. F. GALLAGHER: I think, Mr. Argenio, what they're referring to they're mainly concerned about the parking area between building 100 and building 300. Now--

MR. ARGENIO: Shale parking area.

MR. F. GALLAGHER: Right, so when they referred to looking at recent aerial photographs, well, what's the definition of recent?

MR. ARGENIO: That could be a whole host of things.

MR. VAN LEEUWEN: Could be 10 years ago.

MR. F. GALLAGHER: Right, it was put in place in August so it would have to be very recent aerial photographs to match what we're depicting here and what is in fact on the ground.

MR. EDSALL: I don't think Chad Wade from the County Planning Office was making a huge deal about it but he was just pointing it out and it's our normal policy before C.O.s are issued there's a field review made and we look to see that everything that's proposed on the plan truly is there to support the buildings. So we'll heed Mr. Wade's comment and it's our normal procedure. Comment five, you do need to consider the need for the public hearing. It is discretionary and optional, can

be waived. SEQRA's got to be dealt with and then comment seven are just a couple minor procedural items, the adjustment to the approval box and such.

MR. ARGENIO: Let's get to SEQRA first. It's been there for many, many years. I'll accept a motion we declare negative dec.

MR. GALLAGHER: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec for this application. Roll call.

ROLL CALL

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

MR. ARGENIO: So that's that. On the thought of a public hearing, I mean, this is a reconstruction of an existing building.

MR. VAN LEEUWEN: I don't think it's necessary.

MR. ARGENIO: I don't think it's necessary but Tommy McDonald is sitting in the audience and I don't know, we want to certainly do the right thing and I'm going to do something I normally don't do so I'm going to say Tommy, do you have any thoughts on this?

MR. MC DONALD: Excuse me?

MR. ARGENIO: Do you have anything you want to say about this?

MR. MC DONALD: Yeah, I'm really concerned about the water runoff that's now since the fire happened and a regrading of the property is now running down across the tracks into my property. And we're getting flooded out. The water that used to run down the front of the driveway and down the railroad tracks, Ted's Cycles Museum they put a dam up across the railroad tracks.

MR. ARGENIO: That's an issue.

MR. F. GALLAGHER: That sure is an issue.

MR. MC DONALD: Yes, which is stopping the flow onto his property and it can't go out and it comes down into my, my drains are hooked into his drains so when the water is such that it can't get out, it can't get out.

MR. ARGENIO: Okay.

MR. MC DONALD: Now my building is, we were eight inches full of water in our back corner, so that's, I have a two foot, two and a half foot pit which is full of water too.

MR. ARGENIO: Okay, thank you for that.

MR. MC DONALD: And I have videos of it and photographs if you'd like.

MR. F. GALLAGHER: I just provided them some.

MR. ARGENIO: Thank you, Tommy. Here's, I just want to say this, make this kind of disclaimer. In my mind, certainly the replacement of the building is amenable, I don't see the need to get into and again, we're a board of five so everybody has a vote, the building was there before, the building's going back again, granted a bit bigger but there's no other site plan improvements so it's almost not a planning board issue almost but it is, it is.

MR. F. GALLAGHER: What complicates the matter is that Ted's Cycle is in the City of Newburgh, the borderline runs right down.

MR. MC DONALD: He's also in the Town of New Windsor too. He's got three acres in the Town of New Windsor.

MR. F. GALLAGHER: But that's in the back.

MR. ARGENIO: Frank, he came here for his approval and I think we were the lead on that. Mark, is that right on Ted's Cycle?

MR. EDSALL: I know it was a joint review, I don't recall, I believe we were the lead and the City of Newburgh planner provided us comments.

MR. ARGENIO: Let me ask you this, you have 27,000

square foot of roof, where does that water go?

MR. F. GALLAGHER: There are some very effective roof drains from the original building that we were able to preserve. So building the building will help the water problem because they go down and are dispersed in cisterns underground.

MR. ARGENIO: That water now is going over land to somewhere.

MR. F. GALLAGHER: Correct, right.

MR. ARGENIO: I don't know where.

MR. F. GALLAGHER: Well, if you look at the plan, the low spot on the property is right over here which, and Mr. McDonald is right there.

MR. ARGENIO: Jennifer, Ted's Cycle came here with a site plan and we approved it?

MRS. GALLAGHER: Yes.

MR. ARGENIO: Do you know anything about the berm that Tommy's talking about?

MRS. GALLAGHER: No.

MR. ARGENIO: Can we check on that?

MRS. GALLAGHER: Sure.

MR. ARGENIO: I'll tell you why I say that because I think that putting it seems to me that putting the building up and installing the roof drains would certainly be an improvement. But to take this to a different level going through a host of machinations for somebody, an applicant, be it Mr. Gallagher or anybody else who had a business in this town suffered a loss like he suffered and then just wants to put his building up, I think to take this above where it should really be is not fair, it's not fair to anybody. But I saw Mr. McDonald come in and I figured he had something on his mind. Normally, we would not have somebody speak outside of a public hearing but you're here and I think we should waive the public hearing. We've heard you and I think we should also look into this thing with Ted's Cycle, have your guys go down there and see what's going on. If he created some kind of a berm

that's causing a problem here I think that we have an obligation to take a look at it if it's outside of what was shown on his plans.

MRS. GALLAGHER: Okay.

MR. VAN LEEUWEN: We definitely do.

MR. ARGENIO: It sounds to me like, I mean, you can see it in here the pictures that you see here you see the berm.

MR. F. GALLAGHER: You can see the railroad tracks right there too in the first picture.

MR. ARGENIO: It's holding back the water. Mark, do you have any additional thoughts on this? I think the roof drain thing is the right answer too. I think 27,000 feet is a lot.

MR. EDSALL: It just so happens that Mr. McDonald's neighbor Tom Polarmo from Tomlin Holding who's just to the south had filed a drainage complaint with the town and I, because I, we've been playing phone tag for about a week I did make it out there today, we were able to connect and meet. It seems to me that the sheet flow that's coming across from the applicant's property runs into the drainage ditch that runs along Conrail and it, from everything Mr. Polarmo told me it seemed to operate fairly well and he had maintained the portion along his property and he had many times spoke with Mr. McDonald about keeping it open through his property. Clearly, number one, when the folks downstream of both of these gentlemen block it off well it's pretty obvious what the result's going to be.

MR. ARGENIO: Everybody loses.

MR. EDSALL: That's number one. Number two, I agree with you a hundred percent that collecting 27,000 square foot or thereabouts actually probably footprint 21,000 because of the second floor but 21,000 square foot footprint and containing that so it's not part of that sheet flow would be very helpful. I do think that being that there's an existing system we should ask Mr. Gallagher, have his engineer look at making sure what's there does the best possible, if they have to add a couple seepage pits at the corners to make sure that they hold that water from running over land it would help these folks out, whatever we can do.

Because right now, I think it's aggravated because it's all just running off the property. So we're going to pluck off quite a bit of square footage and contain it on site. There's also a problem with the state piping, Mr. Polarmo is calling the state following our meeting today, there's a drainage system they have that's dumping into, supposed to dump into the swale, looks as if the pipe's collapsing, evidence shows it might be running around onto Gallagher's property and it may be in fact running where it doesn't belong, it's not quite clear but it does look as if the pipe's collapsed so there's a number of contributing issues.

MR. ARGENIO: Do you get water from, the top slot drain on the highway, does it work?

MR. MC DONALD: Yeah, that works fine and the only, I understand the building's gone but they also in the cleanup they regraded it back to that back corner along that fence line so now that's an added material there which has now raised the property line up there, so it doesn't hold anything and it just flows over into that corner. So most of the water that was coming down into my property was coming from that corner across the track from across the tracks and down and whatever comes off from the other goes down the drain and comes down the tracks when it can't get out.

MR. ARGENIO: Seems as though the getting out is a big part of the problem, the water getting out.

MR. MC DONALD: Yes, and the amount of water that's coming down.

MR. VAN LEEUWEN: The land's always been flooded, in a bad storm four or five feet of water there's nothing there, goes down within one or two days but it's always been flooded.

MR. ARGENIO: We talked about this a bit and I'm glad we had a chance to talk about it. So it seems to me that between getting the Ted Cycle issue resolved and giving the water a place to go and Mr. Gallagher, do you agree to having your engineer investigate and ensure that these roof drains are working properly?

MR. F. GALLAGHER: Certainly.

MR. ARGENIO: And if you need to do any additional work around that to ensure that they're working properly,

it's important that that roof water go underground and that will be an improvement from what you had prior to this prior to your building burning down I think that's a good accommodation, it seems to me, I don't know if you guys agree Harry or Howard, you guys care to weigh in? I think we're headed in the right direction.

MR. BROWN: Yes.

MR. GALLAGHER: Yes, makes sense.

MR. VAN LEEUWEN: Yes.

MR. ARGENIO: I think that's the right thing to do. If anybody agrees or sees fit, I'll accept a motion we waive the public hearing.

MR. GALLAGHER: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion made and seconded that we waive the public hearing on this application. Roll call.

ROLL CALL

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

MR. ARGENIO: Yeah, we need to do this, so you'll do this, get somebody down to take a look and maybe they can even meet with Mr. McDonald, they can show him what the deal is, what he's seeing out there and we can give them a hand in attending to this.

MRS. GALLAGHER: Absolutely.

MR. F. GALLAGHER: Let me know when you're coming.

MRS. GALLAGHER: Okay.

MR. ARGENIO: Mark, I see a water main for the obviously the sprinkler system.

MR. F. GALLAGHER: There's also a hydrant.

MR. ARGENIO: I see that as well in the island. What

else do we need to talk about with this application?

MR. EDSALL: Mr. Gallagher pointed out the other subtle adjustments on the plan. You've picked up on the other one which is the water line so he can have his sprinklers and also a hydrant and other than that, it's reconstruction of the building.

MR. ARGENIO: Building burnt down, he's going to put the building back up.

MR. VAN LEEUWEN: He has to, not much choice.

MR. EDSALL: Quite simple.

MR. ARGENIO: Procedurally, we're in a good place, we've heard from planning, yes?

MR. CORDISCO: That's correct.

MR. ARGENIO: Mark has a couple other comments here, modification to the approval box, a bond estimate for key site improvements, we need to make sure, Mark, that we include whatever investigative work needs to be done to make sure the roof drains are working properly, get the water underground. Anybody else have anything on this?

MR. VAN LEEUWEN: Motion in order?

MR. ARGENIO: Yes.

MR. VAN LEEUWEN: I'll make a motion to give final approval.

MR. GALLAGHER: Second it.

MR. CORDISCO: We need negative declaration.

MR. ARGENIO: We did negative dec.

MR. EDSALL: You may want to have that prior motion include both lead agency and negative dec.

MR. ARGENIO: Please ensure that the minutes reflect that we were lead agency and then we do the negative dec, one motion.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

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

MR. VAN LEEUWEN: Motion to approve.

MR. GALLAGHER: Second it.

ROLL CALL

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

MR. ARGENIO: Frank, be good to see you get the building back up and running and that will be good if we can get this thing for Mr. McDonald taken care of because fair is fair and there's no sense in dragging this thing on and on.

MR. F. GALLAGHER: Ted's cycle is most of the problem.

MR. ARGENIO: That's the issue, take care of that. Thank you very much. Tommy, thank you.

MR. MC DONALD: Thank you.

GSA/ACQUEST DEVELOPMENT, LLC (13-14)

MR. ARGENIO: Next is GSA site plan, office building, Avenue of Americas Airport Center Drive, Sylvestri Architectural. This application proposes 25,680 square foot two story office building on the 2.45 acre parcel. Somebody here from C & S?

MR. O'BRIEN: That would be me. My name is Victor O'Brien with C & S Engineers.

MR. ARGENIO: Are you from Syracuse?

MR. O'BRIEN: I'm actually from their Buffalo office. I'm here on behalf of Acquest and the tenant, I'll give you a quick presentation.

MR. ARGENIO: Ever so briefly before he starts his presentation for those of you who are not familiar with this, this is the FBI crime lab up at the airport that was originally I think supposed to go on Port Authority property, is that right, Mark or Dominic?

MR. CORDISCO: That's correct.

MR. ARGENIO: Yeah, through lobbying and discussions, it's now going to be on our parcel up there which is certainly a good thing. So that said, please go ahead.

MR. O'BRIEN: Okay, well, as you have already said, it's Stewart Airport on Avenue of the Americas, two and a half acre plus minus parcel, it's a two story 25,700 square foot building. I actually have here, I don't believe you've gotten these just so for your viewing pleasure I've got, I don't know if you just want to pass them around, some building elevations.

MR. ARGENIO: That would be great.

MR. O'BRIEN: So you can see on the site plan the proposed plan is to have the building towards the front with parking around the back. We've got approximately 108 parking spaces, five of which are handicapped. Right now, the site's just a parking lot, it's got an eight foot tall chain link fence around the whole thing with barbed wire around the top. We're proposing another eight foot tall fence around the secure portion, you see over on the south side, actually two parking areas this would be for visitors and non-secure and then the fence runs this way. And I also have some

cut sheets on the fence, it's a decorative metal type of fence, picket type fence. We prefer this to a chain link, we think it looks nicer.

MR. ARGENIO: What's that facility in the top left there?

MR. O'BRIEN: That's a dumpster.

MR. ARGENIO: Go ahead.

MR. O'BRIEN: So we have two access points, again, the secured area there will be card readers for personnel to come in and out and that's pretty much it for the site, unless you have any specific questions. As far as landscaping--

MR. ARGENIO: Let me just get my bearings a little bit, I'm looking at that drawing from where I'm sitting now, 207 is which way?

MR. O'BRIEN: 207, I'm not that familiar with the highways around here.

MR. EDSALL: Jerry, the Airport Center Drive which is the road, our road which is the road to the left diagonal, you continue down the paper you'd be going up the hill. If you go up the page, you're heading to Breunig, Avenue of the Americas which goes left to right on the page, if you continue up that road you'd get to Dominic's office.

MR. ARGENIO: Avenue of the Americas takes me to Dominic's office.

MR. EDSALL: It goes in passed the rental car site and then sweeps to the left and heads over to Hudson Valley Avenue.

MR. CORDISCO: Right at the base of the hill.

MR. EDSALL: Ignore the Bill Larkin Drive because that's really a paper drive.

MR. GALLAGHER: Turn off 207 by the Cenco Gas Station.

MR. EDSALL: You come in Breunig, you turn left on Airport Center Drive and the first left is this intersection on the left side of the page.

MR. ARGENIO: So diagonally going up the page that's up to your office?

MR. EDSALL: No, that's going toward Breunig. The top of the page is the MTA parking lot, the new parking lot that's probably got about three cars in it in the history of its use.

MR. ARGENIO: I got it. I know about where it is.

MR. EDSALL: Not your parking lot.

MR. ARGENIO: I don't know precisely the exact location, go ahead.

MR. O'BRIEN: So pretty much the footprint of the development you see here is what the parking lot is out there now. So this area on the corner we're just going to leave this alone, it's grass, these trees are going to remain, there's a few trees out in the front, one of them here is dead, there's two pine trees that will have to come out. We have submitted the landscaping plan that shows the additional trees that we'll be adding, plants around the building, I can flip to that page if you'd like.

MR. ARGENIO: Go ahead.

MR. O'BRIEN: This is the landscaping plan, you can see the additional trees, we're adding plantings around the building, we've got the planting list. As far as drainage goes, site right now drains all towards the back, there's kind of an overgrown grass area in here, it appears the water sits there, I couldn't find an outlet. What we're proposing is to put a completely engineer closed drainage system so we'll have inlets with pipe and we'll have a storm water treatment unit back in this corner and then there's a storm, existing storm sewer that runs along here that we'd like to tie into to discharge the water.

MR. ARGENIO: Okay.

MR. O'BRIEN: We're exceeding the one acre threshold so we're complying with all the DEC regulations for storm water quality and quantity control. This is a redevelopment project so since we're not increasing the amount of pervious area, actually reducing it a little bit, it falls under their redevelopment criteria. So we aren't proposing any handling ponds because we

aren't adding anymore hard surface, just the treatment device in the back corner.

MR. ARGENIO: Tell us the intent is to get this applicant referred to the zoning board I believe, that's my understanding, you need some variances, I'd like to understand them, please.

MR. O'BRIEN: Correct, we actually on Monday had our preliminary hearing. We're looking for five variances. The first one is a setback variance. We have 36.4 feet, required to have 50. Number two would be a height variance, I have them on the plan here in the bulk box, we're allowed 18.2 and we're going to 34.7. The third would be for parking, we're proposing 108 spaces which is actually quite a little bit more than what they actually need, I believe your code requires 128. And then there are two variances with respect to the fence. We're proposing an eight foot fence which is actually what's there now but the code requires four foot maximum height on the front and six foot I guess on the sides and the rear.

MR. ARGENIO: Obviously this is a very unique use.

MR. O'BRIEN: Yeah, pretty much with the exception of the parking I'm saying that those are really security dictated because of the tenant, the fence and even the setback of the building with the parking in the back.

MR. ARGENIO: I--

MR. VAN LEEUWEN: How high is the fence going to be?

MR. O'BRIEN: We'd like to get eight foot.

MR. VAN LEEUWEN: Need a variance for that too.

MR. O'BRIEN: Yeah.

MR. VAN LEEUWEN: What about the electric service, is that going underground or stay aboveground?

MR. O'BRIEN: I don't know that that's been coordinated yet.

MR. EDSALL: I think it's shown on the utilities drawings.

MR. O'BRIEN: Shown underground coming off this pole so

you have underground electric, gas comes in here, we've got a sewer tap for sewer and also got across the road for water also and it's a fully sprinklered building as well.

MR. ARGENIO: How many square feet is the building?
It's 25,680.

MR. O'BRIEN: There you go.

MR. ARGENIO: Members, Danny or Harry, Howard, you guys have any thoughts on this, any additional things? They're going to go to zoning, certainly this is something we'd like to see in our town at the airport.

MR. VAN LEEUWEN: Absolutely.

MR. BROWN: Are they going to need a generator for times like a blackout or something like that?

MR. ARGENIO: That's a good thought, what's the answer?

MR. O'BRIEN: I believe there is a generator, you know, there's not, can you answer that?

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

MR. ABU-SITTA: Omar Abu-Sitta with Acquest. There's a generator that's going to be placed on the roof.

MR. ARGENIO: On the roof? You're kidding me.

MR. ABU-SITTA: No.

MR. VAN LEEUWEN: That way nobody can tamper with it.

MR. ABU-SITTA: That's correct.

MR. ARGENIO: Propane?

MR. ABU-SITTA: I believe that it is, actually, don't know the answer.

MR. VAN LEEUWEN: Can't be electric.

MR. ABU-SITTA: My guess is it's natural gas.

MR. O'BRIEN: Usually natural gas is efficient until you get really large and then you go to diesel and we're not showing any tanks.

MR. ABU-SITTA: There won't be a tank up there.

MR. ARGENIO: It makes sense that it would be on the roof, I mean--

MR. VAN LEEUWEN: New way to put something like that, otherwise, somebody can cut it off, they can play with it, this way, they can't.

MR. ARGENIO: Are you speaking from experience, Henry?

MR. VAN LEEUWEN: No, just wondering.

MR. ARGENIO: That's a good question. Do you have any other thoughts on this?

MR. BROWN: Flag pole too.

MR. ARGENIO: It's an FBI building, do you have a flag pole?

MR. O'BRIEN: We've got to add that.

MR. ABU-SITTA: The flag pole is not shown on the plans that you guys have. It was something that was pointed out on Monday at the ZBA meeting and we determined that we think it's going to go by the main entrance on the east side of the building up here.

MR. ARGENIO: So it's on your radar.

MR. GALLAGHER: All pavers leading out?

MR. ABU-SITTA: Yes.

MR. ARGENIO: Mark has lot of detail comments that I don't really like to waste everybody's time with, not to say they're unimportant cause they're important but they're engineering details, they're drafting things, things of that nature. This board has always looked for the sidewalk with six feet, if your bumper or your front wheels is going to be over the curb because the nose of the car hangs over the sidewalk and you need to have room for people to walk and Mark has that covered in his commentary. We need to wait for zoning before we can consider taking SEQRA action. So you guys should think about that. And we should talk about at our next meeting the specific nuances of whether we should or should not have a public hearing. And it

would seem to me that on a project like this, this is part of our property and I say our property, I mean the Town of New Windsor at the airport and typically, the tenants are us and us, usually we don't have public hearings up there unless it's a significant building. And I think this is probably significant. But I was just going to say they're going to have a public hearing at the zoning board and unless there's a significant outcry at that level, you know, I'm, my opinion is that we can just move on. But again, I'm only one of five but we'll cross that bridge at a later date. And when we talk about SEQRA, again, that SEQRA determination will be is this development consistent with the development that we have considered for this 122 or 126 acre parcel, whatever it is because the SEQRA declaration applies to the whole parcel. Do you have any other questions on this or Henry VanLeeuwen? We'll see this again. Howard, go ahead.

MR. BROWN: Is there going to be any signage on the building or in front?

MR. O'BRIEN: No.

MR. VAN LEEUWEN: Just a number, right?

MR. ARGENIO: You have to sign a waiver to say that you recognize they were not here tonight. Anything else from you guys? If anybody sees fit, I'll accept a motion that we declare this application incomplete at this time.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

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

MR. ARGENIO: Sir, you have been referred to the Town of New Windsor Zoning Board. Certainly this is a project that the planning board looks favorably upon, please reflect that, those sentiments to the zoning board so they'll be hopefully guided accordingly and good luck to you. As soon as you get your variances

that you're looking for we'd love to see you back. We'll put you on the agenda as soon as your plans are fit and the time is right which hopefully will be very, very soon because it will be good to see that get started.

MR. VAN LEEUWEN: When do you guys want to start or shouldn't you answer that question?

MR. ARGENIO: That's a secret.

MR. ABU-SITTA: We're shooting for the end of February, early March to break ground if the weather's right.

MR. ARGENIO: Okay, thank you for coming in, good luck.

MR. O'BRIEN: Thank you for your consideration.

DISCUSSION

PROPOSED PROPANE SITE ON ROUTE 94

MR. ARGENIO: I have something I want to bring up. You guys have anything other than what we talked about?

MR. CORDISCO: No.

MR. EDSALL: No.

MR. ARGENIO: Dominic's going to give a three and half minute dissertation after I've finished.

MR. CORDISCO: You promised me five.

MR. ARGENIO: Cammy, we received a few letters at the planning board office from folks, official type folks relative to the propane facility on 94, the proposed propane facility on 94. Would you see to it that the members get those letters from the firemen and our fire inspector because they're quite specific. And I think that we should be talking about them as well when we talk about the application. I get a lot of mail as planning board chairman, I don't send all of it to you guys but if it has a particular relevance, I want to make sure you guys have the benefit of the information.

MR. VAN LEEUWEN: Whereabouts is that?

MR. GALLAGHER: Tarkett.

MR. ARGENIO: Across from Tarkett. You'll get the letters, I want you guys to know what I know and everybody speaks their mind and votes what they gotta vote. But I want everybody to be as informed as you can be. That said, Dominic has a couple things he wants to share with us this evening. Go ahead, Dominic.

NEW SEQRA FORMS

MR. CORDISCO: Yeah, just very briefly for the first time in 30 years, DEC has come out with new SEQRA environmental forms. And starting on October 7, any application that comes in after that date has to use the new forms. Anything that's pending from before that doesn't have to use the new forms and that's a good thing for the pending applications. You're all familiar with the short form EAF, the new short form is

basically like a mini long form now where it requires a lot more information. And it actually requires the form to evaluate that information and categorize different areas of environmental impact, either to whether it has no or small impact or a moderate to a large impact. And the goal here from DEC's perspective is to require you guys and every other lead agency throughout the state to focus very clearly on these impacts and then provide a written reason, elaboration as to why you decide what you do. So what I wanted to do was brief you on this before we get to this point. But in October, you're going to be getting applications in. What I'm going to suggest is I'll prepare a checklist of items that you can then make sure that you hit them all at least in your deliberations and this is, bear in mind, I'm not suggesting in any way, shape or form that you're not doing this already, you're all familiar with the community, I mean you're all from here, you're all familiar with what were typical environmental issues that every application faces. What this process is going to require you to do is to spell it out before you get to your decision making and that's what we'll do for the board to make sure that every decision that you make is sustainable and we want to be sure that if there's any litigation about these new forms it's not litigation about New Windsor and New Windsor--

MR. ARGENIO: Litigation in another town hopefully. Dominic and I have talked about this and what we're going to try to do and in the interest of certainly not circumventing but in the interest of streamlining there will be a list Dominic is going to craft and the chairman, whoever it may be, myself or whoever it is is going to say has everybody considered this, that, this, that, this, that, and does everybody agree that it falls under this category and there's two categories.

MR. CORDISCO: It's no to small impact and then moderate to large. Things that fall in the moderate to large impact trigger more analysis so you're going to have to decide and there might be projects that may have for instance a traffic impact that's a moderate to a large traffic impact and so before you can move on to grant approval for that, you're going to have to elaborate what the applicant is going to do to address those impacts.

MR. ARGENIO: Dominic, so if we say it's a moderate impact, that's the same as saying it's a large impact

from a DEC perspective? Doesn't seem quite equitable to me.

MR. CORDISCO: DEC made a number of changes and that was one of them. On the old forms, on the old long form you had a small impact, you had three categories and they have reduced it to two and by reducing it to two, it puts something that might be a moderate impact requiring further analysis.

MR. ARGENIO: So what does that trip on the behalf of the applicant if we say it's a moderate to extreme severe, whatever the word is?

MR. CORDISCO: Take traffic for instance, if someone came before you and was proposing a project and it was, and you found in your opinion that there's going to be a moderate traffic impact you turn back to the applicant and say how are you addressing this and if the applicant doesn't address it to your satisfaction because you're lead agency, your options at that point are to declare positive declaration to require an environmental impact statement.

MR. ARGENIO: That makes sense. So we would say what have you done to mitigate what we have identified as an issue? And that individual standing before us would have to have what we would consider this group a reasonable answer that would address the issue.

MR. CORDISCO: If not, they'd go down the road of--

MR. ARGENIO: Pos dec.

MR. CORDISCO: Correct, which requires alternatives and different measures in terms of analysis that has to be part of a record before you even reach a decision.

MR. ARGENIO: So under the SEQRA determination we still have, do we still have the classification of Type I action, Type II action?

MR. CORDISCO: Correct.

MR. ARGENIO: We still have that?

MR. CORDISCO: Correct, correct, the law hasn't changed, it's how you get to your decision making that's being changed.

MR. GALLAGHER: Trying to pull more details out of it.

MR. ARGENIO: I said exactly that to Dominic when we talked about it, they're trying to extract our thoughts.

MR. GALLAGHER: Not just yes and no, it's why.

MR. VAN LEEUWEN: The governor says he's business friendly, the DEC says no, no, we don't want nothing to happen, just leave it the way it is and pay more taxes, that's all. That's the DEC.

MR. ARGENIO: Thank you, Henry. I don't want to speak for anybody else, but certainly the DEC has had a big impact on a lot of our lives, some would argue great, some would argue not so great. But they have certainly had an impact on everybody, especially Dominic, he's made a career of it. Anybody have anything else? Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth
Stenographer