

**PB# 04-33**

**P & J Properties  
(LLC & SP)**

**68-1-4,5,7.1,10**

TOWN OF NEW WINDSOR  
PLANNING BOARD

APPROVED COPY

DATE: 6/20/05

P.B. # **04-33** P&J PROPERTIES, LLC S.P.  
MERRITS LN. - (TYRKOPLI)

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 08/23/2005

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE: 4.399

STATUS [Open, Withd  
A [Disap, Appr

FOR PROJECT NUMBER: 4-33

NAME: P&J PROPERTIES, LLC PA2004-0401

APPLICANT: P&J PROPERTIES, LLC

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
06/20/2005	PLANS STAMPED	APPROVED
05/11/2005	P.B. APPEARANCE . NEED PROOF OF LOT COMBINATION - COST ESTIMATE AND FEES	APPR COND
02/23/2005	P.B. - PUBLIC HEARING . ADDRESS MARK'S COMMENTS - COMBINE LOTS - NEED FRESH WATER . PERMIT FOR FILE - NEED BARRIER FOR PROPANE TANK -	LA:ND CL PH
12/08/2004	P.B. APPEARANCE . SCHED PUBLIC HEARING AFTER LEAD AGENCY LETTER - LOTS TO BE . COMBINED (4) - ADD NOTE TO PLAN THAT CANOPIES ARE NOT TO BE . ENCLOSED - APPLICANT TO CONTACT FIRE INSPECTOR AND GET HIS . APPROVAL PRIOR TO PUBLIC HEARING BEING SCHEDULED.	LA LTR; SCHED PH
11/03/2004	WORK SHOP APPEARANCE	SUBMIT

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 08/23/2005

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 4-33  
 NAME: P&J PROPERTIES, LLC PA2004-0401  
 APPLICANT: P&J PROPERTIES, LLC

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV1	05/10/2005	MUNICIPAL HIGHWAY	05/11/2005	APPROVED
REV1	05/10/2005	MUNICIPAL WATER	/ /	
REV1	05/10/2005	MUNICIPAL SEWER	/ /	
REV1	05/10/2005	MUNICIPAL FIRE	05/11/2005	APPROVED
REV1	05/10/2005	NYS DOT	/ /	
REV1	05/10/2005	E911 COORDINATOR	05/11/2005	APPROVED
ORIG	01/09/2005	MUNICIPAL FIRE . SEE MEMO IN FILE FROM FIRE INSPECTOR - APPROVING SITE PLAN	01/09/2005	APPROVED
ORIG	12/06/2004	MUNICIPAL HIGHWAY	05/10/2005	SUPERSEDED BY REV1
ORIG	12/06/2004	MUNICIPAL WATER	05/10/2005	SUPERSEDED BY REV1
ORIG	12/06/2004	MUNICIPAL SEWER	05/10/2005	SUPERSEDED BY REV1
ORIG	12/06/2004	MUNICIPAL FIRE . GATE TO HAVE A MINIMUM 15 FOOT CLEAR OPENING FOR FIRE . DEPARTMENT ACCESS; SHOW FIRE LAND AND 25 FOOT PAVED ACCESS . ALONG WEST SIDE PROPOSED 50' X 50' STORAGE BUILDING TO . PERMIT FIRE DEPARTMENT ACCESS TO REAR OF PROPERTY	12/08/2004	DISAPPROVED
ORIG	12/06/2004	NYS DOT	05/10/2005	SUPERSEDED BY REV1

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 08/23/2005

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 4-33

NAME: P&J PROPERTIES, LLC PA2004-0401

APPLICANT: P&J PROPERTIES, LLC

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	12/06/2004	EAF SUBMITTED	12/06/2004	WITH APPLIC
ORIG	12/06/2004	CIRCULATE TO INVOLVED AGENCIES . OC PLAN: APPROVED SUBJECT TO . ISSUED	12/08/2004	AUTH LETR FRESHWATER WETLAND PERMIT
ORIG	12/06/2004	LEAD AGENCY DECLARED	02/23/2005	TOOK LA
ORIG	12/06/2004	DECLARATION (POS/NEG)	02/23/2005	DECL NEG DEC
ORIG	12/06/2004	SCHEDULE PUBLIC HEARING . AFTER LA LETTER 30 DAYS	12/08/2004	SCHED PH
ORIG	12/06/2004	PUBLIC HEARING HELD	02/23/2005	CL PH
ORIG	12/06/2004	WAIVE PUBLIC HEARING	/ /	
ORIG	12/06/2004	PRELIMINARY APPROVAL	/ /	
ORIG	12/06/2004		/ /	
ORIG	12/06/2004	LEAD AGENCY LETTER SENT	/ /	

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/16/2005

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 4-33  
NAME: P&J PROPERTIES, LLC PA2004-0401  
APPLICANT: P&J PROPERTIES, LLC

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
12/06/2004	REC. CK # 16825	PAID		750.00	
12/08/2004	P.B. ATTY. FEE	CHG	35.00		
12/08/2004	P.B. MINUTES	CHG	49.50		
02/23/2005	P.B. ATTY. FEE	CHG	35.00		
02/23/2005	P.B. MINUTES	CHG	49.50		
05/11/2005	P.B. ATTY. FEE	CHG	35.00		
05/11/2005	P.B. MINUTES	CHG	16.50		
06/14/2005	P.B. ENGINEER	CHG	376.20		
06/14/2005	RET. TO APPLICANT	CHG	153.30		
		TOTAL:	750.00	750.00	0.00

LR 6/17/05

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/16/2005

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**APPROVAL**

FOR PROJECT NUMBER: 4-33  
NAME: P&J PROPERTIES, LLC PA2004-0401  
APPLICANT: P&J PROPERTIES, LLC

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/14/2005	SITE PLAN APPROVAL FEE	CHG	125.00		
		TOTAL:	125.00	0.00	125.00



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

**MAIN OFFICE**  
33 AIRPORT CENTER DRIVE  
SUITE 202  
NEW WINDSOR, NEW YORK 12553

(845) 567-3100  
FAX: (845) 567-3232  
E-MAIL: MHENY@MHEPC.COM

**WRITER'S E-MAIL ADDRESS:**  
MJE@MHEPC.COM

**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** P & J PROPERTIES SITE PLAN AMENDMENT  
**PROJECT LOCATION:** MERTES LANE  
SECTION 68 – BLOCK 1 – LOTS 4, 5, 7.1 & 10  
**PROJECT NUMBER:** 04-33  
**DATE:** 11 MAY 2005  
**DESCRIPTION:** THE APPLICATION PROPOSES A STORAGE BUILDING, CANOPY AND SHED AT THE EXISTING SITE. SOME ADDITIONAL SITE MODIFICATIONS ARE ALSO PROPOSED. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 8 DECEMBER 2004 AND 23 FEBRUARY 2005 PLANNING BOARD MEETING.

1. The application is located in the PI zoning district of the Town. This is an amendment of the former Schmidt & Buyl Site Plan (88-24), which was approved by the Board in September 1988. The former approval classified this site as a business office with accessory storage and maintenance of the business vehicles. We are advised this is the same (continued) use.
2. We issued a Lead Agency Coordination letter on 12-22-04 and assumed Lead Agency on 2-23-05. Also at the 2-23-05 meeting, a “neg dec” was declared. SEQRA is complete.
3. As per New York State General Municipal Law (GML 239), this plan was referred to the OCPD for review. A approval letter has been received dated 03-02-05.
4. There were some outstanding comments from the last review. The status of each is as follows:
  - *Bulk Table Correction* – has been corrected
  - *Barrier Protection for Propane Tank* – has been added
  - *Combination of tax lots* – referenced as note #8. Proof of consolidation should be submitted between vote of approval and stamp of approval.

**REGIONAL OFFICES**

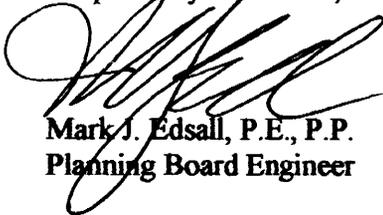
• 507 BROAD STREET • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •  
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

- **Wetlands Permit** – Complete Application notification received 3-15-05. Permit should be obtained from DEC before any work started.

5. At this time, the plan appears to be acceptable for conditional approval, with the following conditions:

- Submittal of proof of proper combination of lots prior to stamp of approval.
- Submittal of a bond estimate be submitted for this Site Plan in accordance with Chapter 137 of the Town Code.
- Applicant must obtain DEC Freshwater Wetlands Permit prior to any work on the site.
- Payment of fees.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

MJE/st  
NW04-33-11May05.doc

6/15/05  
No Cost Estimate Needed  
per Mark



CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 4- 33

FOR WORK DONE PRIOR TO: 06/15/2005

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION	RATE	HRS.	-----DOLLARS-----			
								TIME	EXP.	BILLED	BALANCE
4-33	253157	11/03/04	TIME	MJE	WS P & J PROP S/P AM	99.00	0.40	39.60			
4-33	256865	12/07/04	TIME	MJE	MC P&J PROP S/P	99.00	0.80	79.20			
4-33	257272	12/22/04	TIME	MJE	MC L/A COORD LTR & EMC	99.00	0.50	49.50			
								168.30			
4-33	257323	12/29/04			BILL 04-1410						-168.30
											-168.30
4-33	264124	02/18/05	TIME	MJE	MC P&J PROP S/P	99.00	0.70	69.30			
4-33	265823	03/02/05	TIME	MJE	MC P&J NEG DEC W/MM	99.00	0.40	39.60			
								108.90			
4-33	268025	03/18/05			BILL 05-423						-108.90
											-108.90
4-33	275549	05/10/05	TIME	MJE	MC PJ SITE PLAN	99.00	0.50	49.50			
4-33	274903	05/11/05	TIME	MJE	MM P&J Cond APPL	99.00	0.10	9.90			
					TASK TOTAL			336.60			-277.20
									0.00		59.40
					GRAND TOTAL			336.60			-277.20
									0.00		59.40

6/15/05  
Closeout

.4 39.60

\$ 376.20

May 11, 2005

3

REGULAR ITEMS: \_\_\_\_\_

P & J PROPERTIES, LLC (04-33) \_\_\_\_\_

Mr. Al Mercurio appeared before the board for this proposal.

MR PETRO: P & J Properties, LLC, Mertes Lane. Proposed site plan for storage building in addition to existing construction building on site. Application proposes a storage building canopy and shed at the existing site with some additional site modifications are also proposed. Plan was previously reviewed at the 8 December, 2004 and 23 February, 2005 planning board meetings. PI zone, amendment of the former Schmidt and Buhl site plan. We issued a lead agency coordination on 12/22/04 and lead agency on 2/23/05, negative dec was declared, SEQRA is complete. Referred to Orange County Planning Department for review. Approval has been received, some outstanding comments from the last review, bulk table correction has been corrected, barrier protection for the propane tank has been added, combination of tax lots, reference note number 8 proof of consolidation should be submitted between the vote of approval and stamp of approval and wetlands permit complete, application notification received 3/15/05, permit should be obtained from the DEC before any work is started with the following conditions, proper combination of lots. Do you have that?

MR. MERCURIO: Not as of yet but we will prepare the documents.

MR. PETRO: Submittal of the bond estimates, fresh water permit, we just said that, and payment of fees.

MR. MERCURIO: We do have the permit from DEC, the wetland permit I believe a copy was sent to you, I have an additional copy here.

May 11, 2005

4

MR. PETRO: So Mark that one's done.

MR. EDSALL: Okay.

MR. PETRO: Any other changes to the plans since the last couple times we've seen it? If so, do you want to go over those changes?

MR. MERCURIO: No additional changes other than what you mentioned, the barriers and the additional note merging the lots, so it's the same plan.

MR. PETRO: Mark, we've seen this a number of times now, is there anything else you want to go over except for the couple of comments that you made cause I don't want to keep going over and over the same thing?

MR. EDSALL: No, in good shape.

MR. PETRO: Highway approval 5/11 and fire on 5/11/2005. Any of the board members have anything to add or say onto this application?

MR. ARGENIO: We've seen this quite a few times as I remember.

MR. PETRO: I think what we can do is just do a final subject to the remaining three bullets which I can read in.

MR. ARGENIO: I'd like to make a motion for final approval of the P & J Properties site plan amendment on Mertes Lane subject to Mark's three bullets and item number 5 which the chairman will read.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the P & J Properties LLC on Mertes Lane with the

May 11, 2005

5

subject-tos, submittal of proof of proper combination of lots prior to the stamp of approval, submittal of the bond estimate in accordance with Chapter 137 and payment of all fees. Any further discussion from any of the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. MINUTA	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 05/11/2005

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 4-33

NAME: P&J PROPERTIES, LLC PA2004-0401

APPLICANT: P&J PROPERTIES, LLC

DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV1	05/10/2005 MUNICIPAL HIGHWAY	05/11/2005	APPROVED
REV1	05/10/2005 MUNICIPAL WATER	/ /	
REV1	05/10/2005 MUNICIPAL SEWER	/ /	
REV1	05/10/2005 MUNICIPAL FIRE	05/11/2005	APPROVED
REV1	05/10/2005 NYS DOT	/ /	
REV1	05/10/2005 E911 COORDINATOR	05/11/2005	APPROVED
ORIG	01/09/2005 MUNICIPAL FIRE . SEE MEMO IN FILE FROM FIRE INSPECTOR - APPROVING SITE PLAN	01/09/2005	APPROVED
ORIG	12/06/2004 MUNICIPAL HIGHWAY	05/10/2005	SUPERSEDED BY REV1
ORIG	12/06/2004 MUNICIPAL WATER	05/10/2005	SUPERSEDED BY REV1
ORIG	12/06/2004 MUNICIPAL SEWER	05/10/2005	SUPERSEDED BY REV1
ORIG	12/06/2004 MUNICIPAL FIRE . GATE TO HAVE A MINIMUM 15 FOOT CLEAR OPENING FOR FIRE . DEPARTMENT ACCESS; SHOW FIRE LAND AND 25 FOOT PAVED ACCESS . ALONG WEST SIDE PROPOSED 50' X 50' STORAGE BUILDING TO . PERMIT FIRE DEPARTMENT ACCESS TO REAR OF PROPERTY	12/08/2004	DISAPPROVED
ORIG	12/06/2004 NYS DOT	05/10/2005	SUPERSEDED BY REV1

Kim  
569-2590

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 05/11/2005

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 4-33  
NAME: P&J PROPERTIES, LLC PA2004-0401  
APPLICANT: P&J PROPERTIES, LLC

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	12/06/2004	EAF SUBMITTED	12/06/2004	WITH APPLIC
ORIG	12/06/2004	CIRCULATE TO INVOLVED AGENCIES . OC PLAN: APPROVED SUBJECT TO FRESHWATER WETLAND PERMIT . ISSUED	12/08/2004	AUTH LETR
ORIG	12/06/2004	LEAD AGENCY DECLARED	02/23/2005	TOOK LA
ORIG	12/06/2004	DECLARATION (POS/NEG)	02/23/2005	DECL NEG DEC
ORIG	12/06/2004	SCHEDULE PUBLIC HEARING . AFTER LA LETTER 30 DAYS	12/08/2004	SCHED PH
ORIG	12/06/2004	PUBLIC HEARING HELD	02/23/2005	CL PH
ORIG	12/06/2004	WAIVE PUBLIC HEARING	/ /	
ORIG	12/06/2004	PRELIMINARY APPROVAL	/ /	
ORIG	12/06/2004		/ /	
ORIG	12/06/2004	LEAD AGENCY LETTER SENT	/ /	

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 05/11/2005

PAGE:

LISTING OF PLANNING BOARD ACTIONS

STAGE: 4.399

STATUS [Open, Wit  
O [Disap, Ap

FOR PROJECT NUMBER: 4-33

NAME: P&J PROPERTIES, LLC PA2004-0401

APPLICANT: P&J PROPERTIES, LLC

--DATE-- MEETING-PURPOSE-----ACTION-TAKEN-----

02/23/2005 P.B. - PUBLIC HEARING LA:ND CL PH  
. ADDRESS MARK'S COMMENTS - COMBINE LOTS - NEED FRESH WATER  
. PERMIT FOR FILE - NEED BARRIER FOR PROPANE TANK -

12/08/2004 P.B. APPEARANCE LA LTR; SCHED PH  
. SCHED PUBLIC HEARING AFTER LEAD AGENCY LETTER - LOTS TO E  
. COMBINED (4) - ADD NOTE TO PLAN THAT CANOPIES ARE NOT TO  
. ENCLOSED - APPLICANT TO CONTACT FIRE INSPECTOR AND GET HI  
. APPROVAL PRIOR TO PUBLIC HEARING BEING SCHEDULED.

11/03/2004 WORK SHOP APPEARANCE SUBMIT

M.E

DEC PERMIT NUMBER <b>3-3348-00226/00001</b>
FACILITY/PROGRAM NUMBER(S) <b>FW #CO-9</b>



**PERMIT**  
Under the Environmental Conservation Law (ECL)

EFFECTIVE DATE <b>April 18, 2005</b>
EXPIRATION DATE <b>December 31, 2006</b>

TYPE OF PERMIT (Check All Applicable Boxes)

New     Renewal     Modification     Permit to Construct     Permit to Operate

<input type="checkbox"/> Article 15, Title 5: Protection of Water	<input type="checkbox"/> Article 17, Titles 7, 8: SPDES	<input type="checkbox"/> Article 27, Title 9; 6NYCRR 373: Hazardous Waste Management
<input type="checkbox"/> Article 15, Title 15: Water Supply	<input type="checkbox"/> Article 19: Air Pollution Control	<input type="checkbox"/> Article 34: Coastal Erosion Management
<input type="checkbox"/> Article 15, Title 15: Water Transport	<input type="checkbox"/> Article 23, Title 27: Mined Land Reclamation	<input type="checkbox"/> Article 36: Floodplain Management
<input type="checkbox"/> Article 15, Title 15: Long Island Wells	<input checked="" type="checkbox"/> Article 24: Freshwater Wetlands	<input type="checkbox"/> Articles 1, 3, 17, 19, 27, 37; 6NYCRR 380: Radiation Control
<input type="checkbox"/> Article 15, Title 27: Wild, Scenic & Recreational Rivers	<input type="checkbox"/> Article 25: Tidal Wetlands	<input type="checkbox"/> Other _____
<input type="checkbox"/> 6NYCRR 608: Water Quality Certification	<input type="checkbox"/> Article 27, Title 7; 6NYCRR 360: Solid Waste Management	

PERMIT ISSUED TO <b>P &amp; J Properties, LLC</b>		TELEPHONE NUMBER <b>(845) 569-2590</b>
ADDRESS OF PERMITTEE <b>P.O. Box 716, Vails Gate, New York 12584</b>		
CONTACT PERSON FOR PERMITTED WORK <b>John Leonette, Manager</b>		TELEPHONE NUMBER <b>(845) 569-2590</b>
NAME AND ADDRESS OF PROJECT/FACILITY <b>P &amp; J Properties, LLC Mertes Lane, Vails Gate, NY 12584</b>		
LOCATION OF PROJECT/FACILITY <b>North side of Mertes Lane, approximately 1,000 feet southwest of the intersection with Temple Hill Road.</b>		
COUNTY <b>Orange</b>	TOWN <b>New Windsor</b>	WATERCOURSE/WETLAND NO. <b>FW CO-9; Class II</b>
		NYTM COORDINATES <b>E: 578.15 N: 4590.05</b>
DESCRIPTION OF AUTHORIZED ACTIVITY  This permit authorizes the following activities within the 100-foot adjacent area of State-designated Freshwater Wetland CO-9, as shown on the plans referenced in Special Condition Number 1 of this permit:  1. Construction of a 50 foot by 50 foot storage building; 2. Construction of a 1,600 square foot, roof-covered concrete slab; and 3. The installation of 4-foot high split-rail fence approximately 10-20 feet landward of the entire wetland boundary on the property.		

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

DEPUTY PERMIT ADMINISTRATOR <b>Scott E. Sheeley</b>	ADDRESS <b>21 South Putt Corners Rd., New Paltz NY 12561</b>	ses
AUTHORIZED SIGNATURE 	Date <b>APRIL 18, 2005</b>	Page 1 of 4

**NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS****Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

**Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

**GENERAL CONDITIONS****General Condition 1: Facility Inspection by the Department**

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**General Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**General Condition 3: Applications for Permit Renewals or Modifications**

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Regional Permit Administrator, Region 3

21 South Putt Corners Road, New Paltz, NY 12561, telephone: (845) 256-3054

**General Condition 4: Permit Modifications, Suspensions and Revocations by the Department**

The Department reserves the right to modify, suspend or revoke this permit in accordance with 6 NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**ADDITIONAL GENERAL CONDITIONS FOR ARTICLES 15 (TITLE 5), 24, 25, 34 AND 6NYCRR PART 608 Protection of Water**

1. If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.
2. The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
3. Granting of this permit does not relieve the applicant of the responsibility of obtaining any other permission, consent or approval from the U.S. Army Corps of Engineers, U.S. Coast Guard, New York State Office of General Services or local government which may be required.
4. All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.
5. There shall be no unreasonable interference with navigation by the work herein authorized.
6. If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.
7. If granted under 6NYCRR Part 608, the NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.
8. All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application. Such approved plans were prepared by \_\_\_\_\_ on \_\_\_\_\_.

**SPECIAL CONDITIONS**

- ◆ The enclosed permit sign must be conspicuously posted in a publicly accessible location at the project site. It must be visible and protected from the elements at all times.
- ◆ The permittee shall require that any contractor, project engineer, or other person responsible for the overall supervision of this project reads, understands and complies with this permit, including all special conditions to prevent environmental degradation.
- ◆ For Article 15, Protection of Waters and Article 24, Freshwater Wetlands permits, the permittee or an authorized representative shall notify the Department by mailing the attached form at least 48 hours prior to the commencement of any portion of the project authorized herein.

Continued on next page . . .

DEC PERMIT NUMBER 3-3348-00226/00001		
PROGRAM/FACILITY NUMBER		PAGE 3 OF 4

**SPECIAL CONDITIONS****For Article 24 (Freshwater Wetlands)**

1. All work shall be performed in accordance with the plan prepared by John Tarolli, P.E., entitled "Survey & Site Plan of Lands of P & J Properties, LLC, P.O. Box 716 Vails Gate, NY 12584", last revised December 14, 2005.
2. No disturbance of the wetland is authorized by this permit. Work shall be limited to the 100 foot adjacent area (and further upland) only.
3. The permittee shall employ measures sufficient to prevent contamination of the freshwater wetland by sediment, fuels, concrete leachate or any other pollutants associated with construction or construction procedures.
4. The split rail fence shall be constructed, as shown and noted on the plans referenced in Special Condition No. 1 of this permit. The fence construction shall be completed prior to completion of the new building or November 1, 2005, whichever occurs first.
5. All areas of soil disturbance resulting from this project shall be seeded with an appropriate perennial grass seed and mulched with hay or straw within one week of final grading. Mulch shall be maintained until a suitable vegetative cover is established.
6. If seeding is impracticable due to the time of year, a temporary mulch shall be applied and final seeding shall be performed at the earliest opportunity when weather conditions favor germination and growth but not more than six months after project completion.

**STATE ENVIRONMENTAL QUALITY REVIEW**

Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as an Unlisted Action with the Town of New Windsor designated as the lead agency. It has been determined that the project will not have a significant effect on the environment.

**Distribution:**

D. Gaugler, DEC Region 3  
 ACOE NY District  
 Town of New Windsor Planning Board  
 J. Tarolli, P.E.

DEC PERMIT NUMBER

3-3348-00226/00001

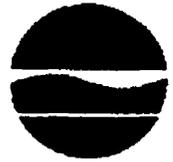
FACILITY ID NUMBER

PROGRAM NUMBER

FW CO-9

Page 4 of 4

THIS IS NOT A PERMIT



**New York State Department of Environmental Conservation  
Notice of Complete Application**

*Date:* 03/15/2005

*Applicant:* P & J PROPERTIES LLC  
PO BOX 716  
VAILS GATE, NY 12584

*Facility:* P & J PROPERTIES LLC  
MERTES LN AT WETLAND CO-9  
VAILS GATE, NY

*Application ID:* 3-3348-00226/00001

*Permits(s) Applied for:* 1 - Article 24 Freshwater Wetlands

*Project is located:* in NEW WINDSOR in ORANGE COUNTY

*Project Description:*

The applicant proposes to construct a new equipment storage building and concrete slab partially within the 100-foot adjacent area of State-designated Freshwater Wetland No. CO-9 (Class II). The project site is located on the north side of Mertes Lane, approximately 1,000 feet southwest of the intersection with Temple Hill Road. Approximately half of the 50 foot by 50 foot building, and 1,600 square feet of the concrete slab, would be constructed within the regulated area. The proposed building site is an existing gravel parking and equipment storage area.

*State Environmental Quality Review (SEQR) Determination*

Project is an Unlisted Action and will not have a significant impact on the environment. A Negative Declaration is on file. A coordinated review was performed.

*SEQR Lead Agency* New Windsor Town Planning Board

*State Historic Preservation Act (SHPA) Determination*

A Structural-Archaeological Assessment Form has been completed. The proposed activity will not impact on registered, eligible or inventoried archaeological sites or historic structures.

*Availability For Public Comment*

Comments on this project must be  
submitted in writing to the Contact  
Person no later than 04/08/2005

*Contact Person*

SCOTT E SHEELEY  
NYSDEC  
21 SOUTH PUTT CORNERS RD  
NEW PALTZ, NY 12561-1696  
(845) 256-~~3054~~  
3050

---

**CC List for Complete Notice**

SUPERVISOR, TOWN OF NEW WINDSOR  
TOWN OF NEW WINDSOR PLANNING BOARD  
D. GAUGLER, DEC REGION 3  
J. TAROLLI, P.E., MERCURIO-NORTON-TAROLLI  
ENB  
File

P & J PROPERTIES, LLC (04-33)

Mr. Al Mercurio appeared before the board for this proposal.

MR. PETRO: Application proposes storage building and canopy and shed at the existing site. Some additional site modifications are also proposed. The plan was previously reviewed at the December 8, 2004 planning board meeting. He's here tonight for a public hearing, it's in the PI zone, this is amendment of the former Smith and Buhl site plan that was before the board in December, 1988. Moving right along.

MR. BABCOCK: That's when the original building was built.

MR. ARGENIO: The other owners, too.

MR. PETRO: Yeah, I know, I'm just making him feel good. All right, go ahead, tell us what you want to do.

MR. MERCURIO: P & J Properties LLC are the owners of 4.399 acre parcel on the north side of Mertes Lane on the easterly side of New York State Thruway. Proposal before you is for a proposed new 50 x 50 storage building for materials which would be open. There's a note so stated on the map. The board had asked that be to the rear of the site and the canopy building which is also in the center shall not be enclosed. Also proposed 50 x 50 storage building highlighted in orange here which would be enclosed and a proposed concrete slab with a wood frame canopy in blue which again note states that it would not be enclosed. We have had completed application from DEC and they said that they would act upon granting a permit when the SEQRA issue is closed.

MR. PETRO: All right, we had a lead agency

coordination letter mailed out 12/22/04, we have not had any response so I will entertain a motion.

MR. ARGENIO: Motion we take lead agency.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the P & J Properties site plan amendment. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: The fire approval was denied on 12/8/2004, a gate to have a minimum of--

MS. MASON: It was approved later.

MR. PETRO: Withdraw that.

MR. MERCURIO: That was an issue of the gate.

MR. PETRO: I stand corrected, it was approved on 1/9/2005 and it was all to do with what you're taking about with the gate so that issue's revolved. I just want, you have it corrected on the plan, it has also been mailed to the Orange County Planning Department for review. Response is pending. This is a public hearing. I'm going to open it up to the public for comment. On the 4th day of February, 2005, 15 envelopes were mailed. If someone is here who'd like to speak for or against or just make comment for this

applicant, be recognized by the chair, come forward, state your name and address your concerns. Yes, sir?

MR. NAPOLITANO: My name is Frank Napolitano, 62 Mertes Lane. I actually live right next door.

MR. PETRO: You live on Mertes Lane?

MR. NAPOLITANO: Yes, I live right next door to the building you're proposing to build and my concern was this is just a storage facility?

MR. MERCURIO: That's correct.

MR. NAPOLITANO: Okay, so what exactly are you going to be storing?

MR. MERCURIO: A construction business, as you know, you see the operation, it basically will be the same operation, storage of equipment.

MR. NAPOLITANO: Additional trucks?

MR. MERCURIO: Not necessarily trucks but equipment, there's many trucks parked outside so they would be put inside but I can't answer that because I'm representing the owner, I'm not the owner.

MR. NAPOLITANO: My concern was more traffic than is already there.

MR. MERCURIO: I don't, I wouldn't think that there would be any increase in traffic.

MR. NAPOLITANO: Okay.

MR. PETRO: What was it being used for, storage of what?

MR. BABCOCK: Equipment, it's a backhoe dump truck

operation.

MR. PETRO: So what you're saying it's not going to increase traffic because it's already there.

MR. MERCURIO: Right, it's going to be stored outside now.

MR. PETRO: Anything else.

MR. NAPOLITANO: That was it.

MR. PETRO: Thank you.

MR. NAPOLITANO: Thank you.

MR. PETRO: Anybody else? I'll entertain a motion to close the public hearing.

MR. ARGENIO: Make a motion we close the public hearing on P & J.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing on P & J Properties site plan amendment on Mertes Lane. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I would open it up back to the board for your comments. You have two or three

issues to take up, you have a copy of Mark's comments?

MR. MERCURIO: Most recent, no.

MR. PETRO: Barrier protection, all tax lots should be properly combined into a single lot, you have to get that completed.

MR. EDSALL: Mr. Chairman, just a note in reviewing the, on the plan the only portion of the site as far as development that was approved was the original building so it should be clear that not only are you considering what's shown on here as proposed but the propane tank, the storage trailers, any outbuildings that exist really occurred in between the last approval and this approval so if you see anything you want to adjust you should.

MR. PETRO: How about setbacks?

MR. BABCOCK: Yeah, they look fine.

MR. EDSALL: They look fine. The only thing I picked up on was protecting the propane tank which the fire inspector might not have seen.

MR. BABCOCK: What's the propane tank used for, do we know?

MR. MERCURIO: I don't know.

MR. BABCOCK: You're not filling cylinders are you?

MR. MERCURIO: Absolutely not. Must be used for heat.

MR. ARGENIO: Mike, on the storage trailers, they're temporary structures cause they don't have footings, is that correct?

MR. BABCOCK: I was going to ask that question, Mr.

Argenio, if these are trailers that he takes from here to job sites with equipment and stuff they're not an issue. If they're storage trailers for the purpose of a building on this lot, they're not acceptable.

MR. ARGENIO: How do you define that?

MR. BABCOCK: Well, we'll have to talk to him, if they have wheels on them and they take them from job site to job site because they use them to hold their equipment--

MR. ARGENIO: Conicks (phonetic) box type thing with no wheels that you have to move on a flatbed you'd have to look at differently.

MR. BABCOCK: That's right.

MR. ARGENIO: The trailer's located on the property line that a note on the plan says they're going to be relocated into the property line, are they subject to setback requirements, Mike, inasmuch as this is, they're quote unquote trailers?

MR. BABCOCK: No.

MR. ARGENIO: I'm asking a question for my own information.

MR. BABCOCK: I'd have to look at them.

MR. ARGENIO: You would have to classify them in your mind.

MR. EDSALL: We have always treated them if they're considered vehicles they would have to be in a parking area that this board would approve, same as you would approve storage areas and everything else.

MR. MERCURIO: There are wheels on the trailers.

MR. EDSALL: They're showing where they're going.

MR. BABCOCK: That's what I thought, he has equipment and he takes them from job site to job site so--

MR. MERCURIO: Right.

MR. PETRO: These trailers are by your house, Frank?

MR. BABCOCK: No.

MR. PETRO: Do you ever see them go in and out?

MR. NAPOLITANO: Trailers?

MR. PETRO: Yeah.

MR. NAPOLITANO: They're mobile.

MR. PETRO: Sometimes they're there, sometimes they won't be.

MR. NAPOLITANO: Right.

MR. BABCOCK: No more than the dump truck or taking a long trailer that he moves his equipment with.

MR. PETRO: Okay, application should advise the progress of the wetlands permit.

MR. MERCURIO: We have a completed application but before DEC would give a permit, they'd have to have the SEQRA issue closed by the board, I believe you have a letter from DEC sent to you.

MR. EDSALL: I see no reason why you couldn't consider a negative dec.

MR. PETRO: Motion to that effect.

MR. ARGENIO: I'll make the motion for negative dec.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec for the P & J Properties site plan amendment on Mertes Lane. Any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. SCHLESINGER: Mark, I have a question on the building that has a fixed roof and these are open buildings, does the parking have to be a certain requirement for that?

MR. EDSALL: When they're open storage, there's not a parking requirement assigned to open storage.

MR. SCHLESINGER: Okay, just--

MR. EDSALL: Basic covered storage.

MR. SCHLESINGER: Whether it be for storage or any other reason?

MR. EDSALL: Well, it does make a difference because if it was a warehouse enclosed we'd have a parking requirement. If it was a pavilion for public gathering, we'd have parking because it had seating and a function but for just covering outside storage we don't, that isn't addressed.

February 23, 2005

17

MR. SCHLESINGER: In other words, not only is the structure, it has to be what the use is for parking.

MR. EDSALL: Exactly.

MR. PETRO: I would suggest you get a copy of Mark's comments, just clean them up a little bit on the plan, you're pretty well there, I would say that the fresh water wetlands permit should be here and should have it in our file, getting the property combined into a single deed lot, that needs to be addressed and done, the barrier protection around the propane tank and I would do that through specific requirements to the fire inspector's office, not just us saying put up a couple of lolly columns in front of it, I think we went over the trailers enough to understand what that's about and that's not a problem. And the Orange County Planning Department their review should be here or not here by the next time you come, therefore, we can bypass it. Thank you.

MR. MERCURIO: Thank you.



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

**MAIN OFFICE**  
33 AIRPORT CENTER DRIVE  
SUITE 202  
NEW WINDSOR, NEW YORK 12553

(845) 567-3100  
FAX: (845) 567-3232  
E-MAIL: MHENY@MHEPC.COM

**WRITER'S E-MAIL ADDRESS:**  
NJE@MHEPC.COM

**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** P & J PROPERTIES SITE PLAN AMENDMENT  
**PROJECT LOCATION:** MERTES LANE  
SECTION 68 – BLOCK 1 – LOTS 4, 5, 7.1 & 10  
**PROJECT NUMBER:** 04-33  
**DATE:** 23 FEBRUARY 2005  
**DESCRIPTION:** THE APPLICATION PROPOSES A STORAGE BUILDING, CANOPY AND SHED AT THE EXISTING SITE. SOME ADDITIONAL SITE MODIFICATIONS ARE ALSO PROPOSED. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 8 DECEMBER 2004 PLANNING BOARD MEETING. THE APPLICATION IS BEFORE THE BOARD FOR A PUBLIC HEARING AT THIS MEETING.

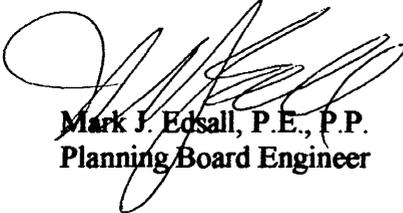
1. The application is located in the PI zoning district of the Town. This is an amendment of the former Schmidt & Buyl Site Plan (88-24), which was approved by the Board in September 1988. A review of that plan indicates that the main building was the only structure approved at that time. As such, the balance of structures and improvements should be reviewed as part of this amendment application.
2. The former approval classified this site as a business office with accessory storage and maintenance of the business vehicles. It is my understanding that this is the same (continued) use. The bulk information is correct for use A-2 of the PI zone, although the table is incomplete. Frontage requirement (N/A) and Max. Building Height (12' per foot to nearest lot line) should be added.
3. I reviewed the plan and have the following comments:
  - Barrier protection should be provided around the propane tank, per specific requirements of the fire inspector's office.
  - All tax lots should be properly combined to a single deed lot, as a condition of this site plan approval.
  - The applicant should advise on the progress of the Freshwater Wetlands Permit from the NYSDEC.

**REGIONAL OFFICES**

• 507 BROAD STREET • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •  
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

4. **The Planning Board issued a Lead Agency Coordination letter on 12-22-04. If responses from involved agencies permit same, I suggest the Board formally assume the position of Lead Agency at this meeting.**
5. **As per New York State General Municipal Law (GML 239), this plan was referred to the OCPD for review. A response is pending.**

**Respectfully Submitted,**



**Mark J. Edsall, P.E., P.P.  
Planning Board Engineer**

MJE/st  
NW04-33-23Feb05.doc



**COUNTY OF ORANGE**

**DEPARTMENT OF PLANNING**

**EDWARD A. DIANA**  
COUNTY EXECUTIVE

124 MAIN STREET  
GOSHEN, NEW YORK 10924-2124  
TEL: (845)291-2318 FAX: (845)291-2533  
www.orangecountygov.com  
planning@co.orange.ny.us

**DAVID E. CHURCH, AICP**  
COMMISSIONER

**ORANGE COUNTY DEPARTMENT OF PLANNING**  
**239 L, M OR N REPORT**

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and countywide considerations to the attention of the municipal agency having jurisdiction.

**Referred by:** Town of New Windsor PB

**Reference No:** NWT03-05M

**Applicant:** P&J Properties, LLC

**Parcel I.D.:** 68-1-7.1; 4; 5;10

**Proposed Action** Site Plan amendment: 50'x50'storage addition

**State, County, Inter-municipal Basis for Review:** Within 500 ft of NYS RTE 300

**Comments:** The Department has received the above amended site plan, and offer the following:

- Although the application specifies the addition of a 50'x50' storage building, there is another free-standing 50'x50' open sided storage shed located in the northwestern corner of the parcel which is also proposed.
- The Department recognizes that the applicant is building **within** the 100' buffer of a New York State designated freshwater wetland. The applicant needs to apply to the NYS DEC for a permit prior to construction.

**Related Reviews and Permits:**

<b>County Action:</b>	Local Determination	Disapproved	Approved
-----------------------	---------------------	-------------	----------

✓ **Approved subject to the following modifications and/or conditions:**

A freshwater wetland permit from the NYS DEC is needed prior to construction.

**Date:** March 2, 2005  
**Reviewed By:** Kathy V. Murphy, Planner

  
**Commissioner of Planning**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

22 December 2004

**SUBJECT: P & J PROPERTIES SITE PLAN AMENDMENT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
(NWPB REF. NO. 04-33)**

To all Involved Agencies:

The Town of New Windsor Planning Board has had placed before it an application for Site Plan (amendment) approval of the P & J Properties site plan project (formerly approved as Schmidt-Buyl Site Plan 88-24), located on Mertes Lane within the Town. The project involves, in general, the construction of a storage building, canopy and shed on the existing commercial site (PI Zone). It is the opinion of the Town of New Windsor Planning Board that the action is an Unlisted Action under SEQRA. This letter is written as a request for Lead Agency Coordination as required under Part 617 of the Environmental Conservation Law.

A letter of response with regard to your interest in the position of Lead Agency, as defined by Part 617, Title 6 of the Environmental Conservation Law and the SEQRA review process, sent to the Planning Board at the above address, attention of Mark J. Edsall, P.E., Planning Board Engineer (contact person), would be most appreciated. Should no other involved agency desire the Lead Agency position; it is the desire of the Town of New Windsor Planning Board to assume such role. Should the Planning Board fail to receive a written response requesting Lead Agency within thirty (30) days, it will be understood that you do not have an interest in the Lead Agency position. Thank you for your attention to this matter. Should you have any questions regarding this notice, please feel free to contact the undersigned at the above number or (845) 567-3100.

Very truly yours,

Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

NYS Department of Environmental Conservation, New Paltz  
George J. Meyers, Town of New Windsor Supervisor (w/o encl)  
Town of New Windsor Town Clerk (w/o encl)  
Orange County Department of Planning  
Myra Mason, Planning Board Secretary  
Planning Board Attorney (w/o encl)  
Applicant (w/o encl)



mniston

Temple Hill Monument

RILEY

Vails Gate Junction

New Windsor Sch.

Vails Gate

Birtcliffe Leigh

Meadowbrook

Bethlehem Ch.

Birtcliffe

West Cornwall

Pumping Station

CORNWALL QUAD

1" = 2000'

Pleasant Hill Cem.



RESULTS OF P.B. MEETING OF: February 23, 2005

PROJECT: P+J Properties P.B. # 04-33  
Public Hearing

**LEAD AGENCY:**

**NEGATIVE DEC:**

AUTHORIZE COORD. LETTER: Y      N       
TAKE LEAD AGENCY: Y ✓ N     

M) A S) S VOTE: A 5 N 0  
CARRIED: Y ✓ N     

M) A S) S VOTE: A 5 N 0  
CARRIED: Y ✓ N     

PUBLIC HEARING: WAIVED:      CLOSED: ✓

M) A S) S VOTE: A 5 N 0 SCHEDULE P.H.: Y      N     

SEND TO O.C. PLANNING: Y       
SEND TO DEPT. OF TRANSPORTATION: Y     

REFER TO Z.B.A.: M)      S)      VOTE: A      N     

RETURN TO WORK SHOP: Y      N     

**APPROVAL:**

M)      S)      VOTE: A      N      APPROVED:     

NEED NEW PLANS: Y      N     

**CONDITIONS - NOTES:**

<u>Frank Napolitano - Mertes Lane</u>
<u>Address Mark's Comments</u>
<u>Combine Lots</u>
<u>Need Fresh Water Permit for file</u>
<u>Barrier for Prepare Tank</u>
<u>O.C. Planning - sent - need review</u>

P & J PROPERTIES, LLC (04-33)

Mr. Al Mecurio and Mr. John Leinette appeared before the board for this proposal.

MR. PETRO: Application proposes storage building canopy and shed at the existing site. Some additional site modifications are also proposed. Plan was reviewed on a concept basis only, PI zone, you'll need to verify the previous use classification. Do you think this will be a problem with zoning?

MR. EDSALL: No, to be honest with you, I couldn't get my hands on this file today and I couldn't figure out how it was classified back when it was approved the first time.

MR. PETRO: It's four separate lots, do you plan on combining the lots?

MR. LEINETTE: Yes, we are.

MR. PETRO: Because right now by having the 4 lots Mark when you look at this problems come up with setbacks or anything?

MR. EDSALL: I think they would.

MR. PETRO: So we can eliminate that by combining the lots then they wouldn't have the problems and have to go to zoning.

MR. EDSALL: Yes.

MR. MERCURIO: They're going to be combined, presently, we have four parcels and they'll be combined as one tax parcel, these parcels were actually residue when New York State Thruway was built, these parcels actually fronted on Riley Road with houses and Thruway was built severed this and left these three parcels.

MR. PETRO: You understand that before I sign the plans the lots all have to be so noted, right?

MR. MERCURIO: Yes.

MR. PETRO: If not it will be non-conforming setbacks.

MR. MERCURIO: Basically this proposal, property is on Mertes Lane, it's 4.399 acres owned by P & J Properties, Inc., it's an existing building, a metal building, there's a proposal of a 50 x 50 building with a concrete pad.

MR. PETRO: Where is the pile of dirt?

MR. MERCURIO: Pile of dirt right here, stockpile.

MR. PETRO: Still there now, is this the old Clean Earth property?

MR. BABCOCK: No, again, this is the old Schmidt and Buhl property at the end of Mertes Lane on the right-hand side, Mr. Chairman, yes.

MR. PETRO: What's the use?

MR. LEINETTE: We have a construction company, it's repair of equipment, storage of equipment, we just need a little more space.

MR. PETRO: Where are the new buildings that you want to build?

MR. MERCURIO: This is not a building, this is a concrete pad attaching it with the wood frame canopy.

MR. LANDER: Now, the WLB wetlands buffer, is that what that signifies?

MR. MERCURIO: This is the end of the wetland, this is the buffer, the building that the existing building is within the buffer, the proposed building is in the buffer, we presently have an application before the DEC to obtain a permit for these two additions.

MR. LEINETTE: Basically we haven't changed the land at all, what happened was the wetlands boundary line is over a hundred feet, when Schmidt and Buhl built the property and over the last five years I believe there's a beaver dam or something blocking water when they came and did the wetlands survey the water had moved closer to our boundary line, our land raised about 3 feet and gravel has, it's been gravel for 20 years so we're not into the wetlands at all.

MR. MERCURIO: We had the previous map, Schmidt and Buhl map indicates that the wetland is a hundred foot from where the existing wetland is now, because of the water being raised by the beavers or what it has pushed it up to this bank thereby pushing the buffer further into this lot, you can ride down this lane, Mertes Lane and you can see how high the water is.

MR. ARGENIO: What are you going to do when they build another beaver house?

MR. MERCURIO: Call the DEC and have them removed.

MR. PETRO: You've got to add a note on the plan where it says proposed 8 inch concrete slab wood frame canopy ends open, put not to be enclosed, basically it's a 50 x 50 storage building is what you want to build?

MR. MERCURIO: Correct.

MR. PETRO: New building, that's the newer building?

MR. MERCURIO: Yes.

MR. ARGENIO: Wait a second, there's also there's two 50 x 50 buildings.

MR. EDSALL: Another one in the back left corner.

MR. MERCURIO: It's proposed, it's an open shed.

MR. ARGENIO: So the one in the front is closed and heated, electric and the one in the back is three sided?

MR. LEINETTE: Just a pole building to store things under, put topsoil.

MR. LANDER: Concrete floor?

MR. MERCURIO: Yes.

MR. PETRO: Also on that one you should put not to be enclosed. What happens later somebody says well, everybody's gone, they may enclose it. Where is all the parking and handicapped? Where is your bathrooms, you know, and then you have a problem. This way we have it on the plan and that's the end of it. We have fire disapproved on 12/8/2004, gate to have a minimum 15 foot clear opening for fire department access, show fire lane and 25 foot paved access along west side, proposed 50 x 50 storage building, that's the one you're talking about, you need access to that building for the fire department one we were just talking about in the back.

MR. ARGENIO: Is he referring to the front of the building? What's he referring to?

MR. PETRO: It says show fire lane in 25 foot paved access along west side proposed 50 x 50 storage building to permit fire department access to rear of property.

MR. BABCOCK: Once they consolidate the lots they should have that, without the lots, they wouldn't probably have the 25 foot from the corner of the new building or just they just, yeah, they would just have 25 foot.

MR. EDSALL: When the lots are combined, they have plenty of room to do what they want to do.

MR. MERCURIO: So their concern is right here you're saying?

MR. PETRO: He wants a paved driveway.

MR. ARGENIO: I wanted to make sure his concern wasn't in the front where it's not controlled by anybody.

MR. BABCOCK: The gate you understand?

MR. LEINETTE: Yeah, the gate, it's a wide gate, it's more than that now.

MR. BABCOCK: Apparently on the plan it's not showing that, it does show 25 feet.

MR. EDSALL: It's about a 25 foot gate.

MR. MERCURIO: It's almost 45 foot, there's a distance on the plan showing the distance from the corner of the building to the corner of the property.

MR. BABCOCK: Gate in the fence.

MR. EDSALL: If these posts are right, it's about 25 foot wide.

MR. MERCURIO: So you want these gates to move to be assured that it's 25 foot.

MR. EDSALL: Twenty-five is what he wants.

MR. PETRO: Gate to have a minimum 15 foot clear opening.

MR. EDSALL: Fifteen foot.

MR. ARGENIO: Show it as 15 feet.

MR. BABCOCK: Are you saying that the, that's asking for--

MR. PETRO: Show fire lane and 25 foot paved access along the west side proposed 50 x 50 storage building.

MR. BABCOCK: We should have the applicant contact them directly and where he wants this.

MR. PETRO: I just said that, he's got the letter now. If I were you, I'd go talk to the fire inspector and try to work this out with him, when I see approved over here, we don't have to discuss it anymore. I don't think it needs to be paved all the way but you have to talk to him about that.

MR. PETRO: Where is all the parking, is it all paved?

MR. EDSALL: Front area is, yes.

MR. PETRO: Existing paving now.

MR. MERCURIO: That's correct.

MR. PETRO: And you're going go stripe each.

MR. MERCURIO: We show nine parking spaces, that's the requirement of the existing and proposed buildings.

MR. PETRO: When you say proposed back building also even though there's a shed there's no parking?

MR. EDSALL: No.

MR. ARGENIO: I don't think there's a requirement.

MR. PETRO: I just said that, okay.

MR. MERCURIO: Parking calculations are right here on the plan so noted.

MR. PETRO: We need to issue a lead agency coordination letter for this also, Mark?

MR. EDSALL: Yes.

MR. PETRO: Entertain a motion.

MR. ARGENIO: I'll make the motion.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare lead agency coordination letter for the P & J Properties site plan amendment on Mertes Lane. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: If you can get a couple copies of maybe three or four copies of the plan plus the EAF in to Myra we can use those for circulation. It's easier to have a public hearing than to waive them, you have it and you're done forever, especially there are, Orange County Planning Department has to review all these

plans so it's going to have to go there. You're aware of that, correct?

MR. MERCURIO: Yes.

MR. EDSALL: We can go forward on that at the same time.

MR. PETRO: You're getting the fresh water wetlands cause you're in the buffer zone so you're working on that.

MR. MERCURIO: Correct, applied for a permit.

MR. PETRO: I think in the meantime why don't we just, we're going to schedule a public hearing, it's not a big deal, we're not going to be holding you up our public hearings are also our regular meeting so it's not like you're wasting time and I think it's a good, you've heard if there's somebody there that has a comment to get it out, we used to do less, now I'm doing more because it's just a lot of times becomes a none-issue and it's best for everybody. Motion to have a public hearing.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded to schedule a public hearing for P & J Properties on Mertes Lane. Any further discussion? If not, roll call.

ROLL CALL

MR. KARNAVEZOS	AYE
MR. SCHLESINGER	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE

MR. PETRO

AYE

MR. PETRO: I'd like to see this fire business cleared up before the public hearing because if is someone here, I'd like to give them real answers, you have that letter, contact the fire guy, get that resolved, give him what he wants on the plan. Mark, what else do you need to have the plan cleaned up?

MR. EDSALL: I'm just going to verify the use compared to the old plan, make sure there's no other issues, it's not a big deal.

MR. MERCURIO: And comments you made tonight we'll make those changes also.

MR. PETRO: Very good. You have a couple additions to the notes not to be enclosed.

MR. MERCURIO: Right.

MR. PETRO: Both buildings. Thank you.



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

**RICHARD D. MCGOEY, P.E. (NY & PA)**  
**WILLIAM J. HAUSER, P.E. (NY & NJ)**  
**MARK J. EDSALL, P.E. (NY, NJ & PA)**  
**JAMES M. FARR, P.E. (NY & PA)**

**MAIN OFFICE**  
**33 AIRPORT CENTER DRIVE**  
**SUITE 202**  
**NEW WINDSOR, NEW YORK 1255.**

**(845) 567-3100**  
**FAX: (845) 567-3232**  
**E-MAIL: MHENY@MHEPC.COM**

**WRITER'S E-MAIL ADDRESS:**  
**MJE@MHEPC.COM**

**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** P & J PROPERTIES SITE PLAN AMENDMENT  
**PROJECT LOCATION:** MERTES LANE  
SECTION 68 – BLOCK 1 – LOTS 4, 5, 7.1 & 10  
**PROJECT NUMBER:** 04-33  
**DATE:** 8 DECEMBER 2004  
**DESCRIPTION:** THE APPLICATION PROPOSES A STORAGE BUILDING, CANOPY AND SHED AT THE EXISTING SITE. SOME ADDITIONAL SITE MODIFICATIONS ARE ALSO PROPOSED. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. The application is located in the PI zoning district of the Town. We will need to verify the previous use classification for consistency with the current code. I will consult the Zoning Officer regarding the current code classification.

The application and plan indicate that the property is actually four different tax lots. The Board should ask the applicant if they intend to combine the lots into a single lot as part of this application. I recommend that the Board require same.

This is a proposed amendment to a previously approved plan. The Board should ask the applicant to verify what changes are proposed in comparison to the previous approval (rather than what may exist if the site is different than the actual approval). We will perform a comparison review of the proposal to the previous approval, following this meeting.

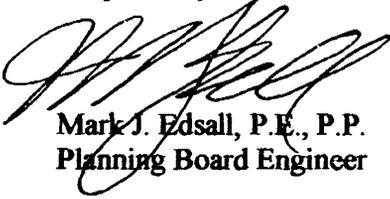
2. The Planning Board may wish to authorize the issuance of a Lead Agency Coordination letter for the project, to begin the SEQRA review process. The applicant should submit five (5) sets of drawings and the environmental form for this purpose. At this time it appears that other involved agencies include, at least, the NYSDEC (Wetlands Permit).
3. The Planning Board should determine, for the record, if a Public Hearing will be required for this Site Plan Amendment, per its discretionary judgment under Paragraph 300-86 (C) of the Town Zoning Local Law.

**REGIONAL OFFICES**

• 507 BROAD STREET • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •  
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

4. Effective September 1, 2004, the Orange County Planning Department resumed review of all projects and actions that meet the requirements of New York State General Municipal Law (GML 239). Effectively, all projects within 500-foot distance requirements of the State statute (to municipal boundaries; county or state park; county or state highway; county drainage channel or right-of-way; county or state property with a building; or farm operation in an agricultural district) must again be referred to the OCPD for review.
  
5. Submittal of this application/plan to the NYSDEC is necessary in connection with impact to the adjacent Freshwater Wetlands.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

MJE/st  
NW04-33-08Dec04.doc

**P & J Properties, LLC**

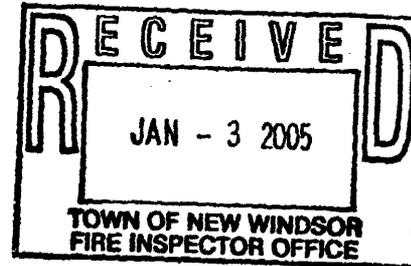
---

PO Box 716  
Vails Gate, NY 12584  
845-569-2590  
845-569-2599 Fax

December 20, 2004

To: Town of New Windsor  
Fire Inspector

Re: PB Fine #04-33 Dated 12/6/04  
Tax map #68-1-7.1, 4, 5, 10



On your project review form you had two concerns:

Concern 1. The entrance gate must have a minimum clear opening of at least 15 feet.

Answer 1. The entrance gate has a clear opening of 20 feet.

Concern 2. Show fire lane and 25 foot paved access along West side of the proposed new building.

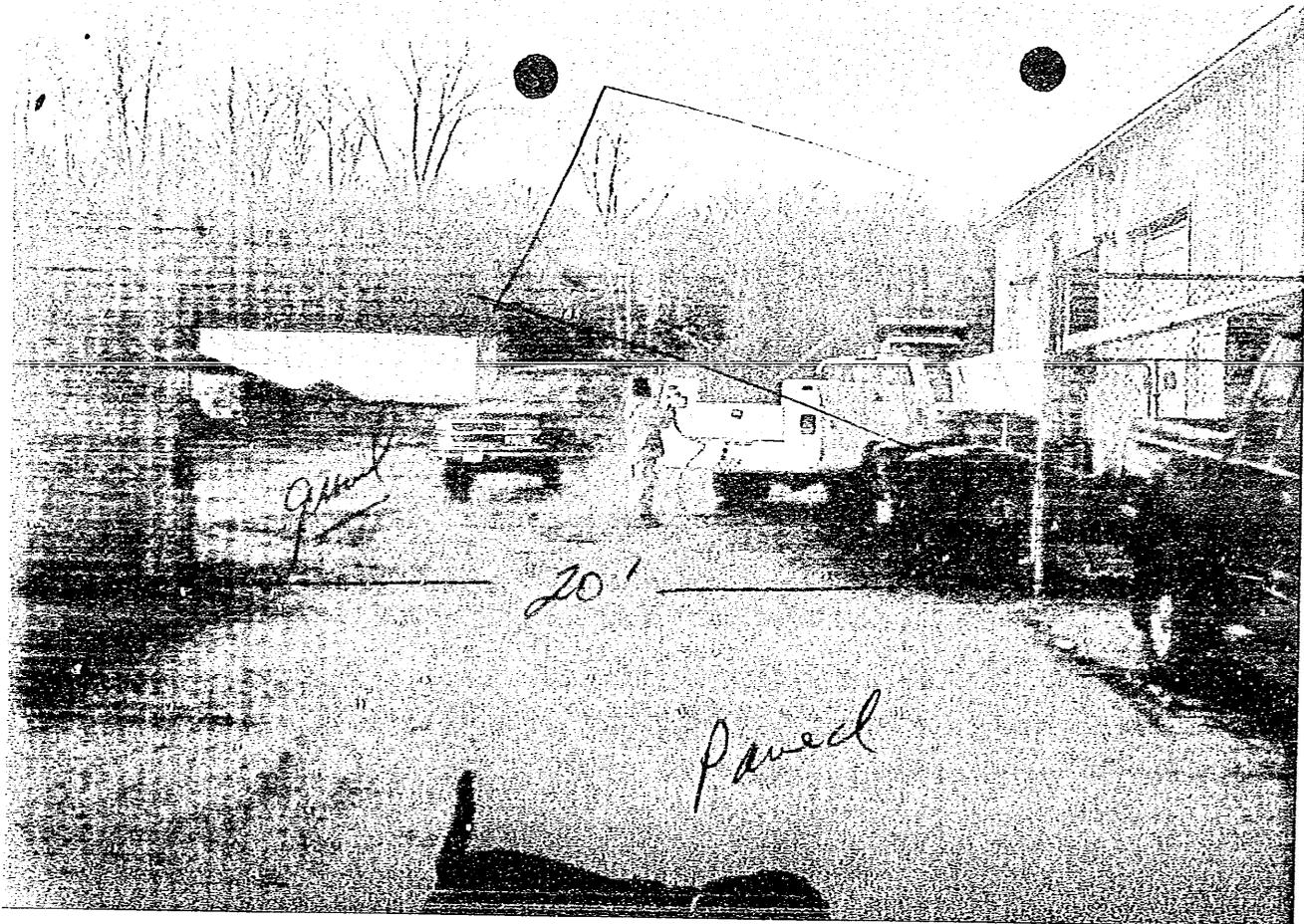
Answer 2. The existing yard is all hard gravel. There will be an open gravel yard at least 150 feet all around the new building. We do not plan to install blacktop since this is a construction yard with tract machines going into the building for repairs and service.

There will not be a problem accessing either of our buildings. Enclosed are two pictures taken on December 17, 2004 showing our yard. I have indicated where the building is going.

I can be reached at 569-2590 or 914-755-6466 (cell). Through the holidays, it would be best to call my cell number.

Sincerely,

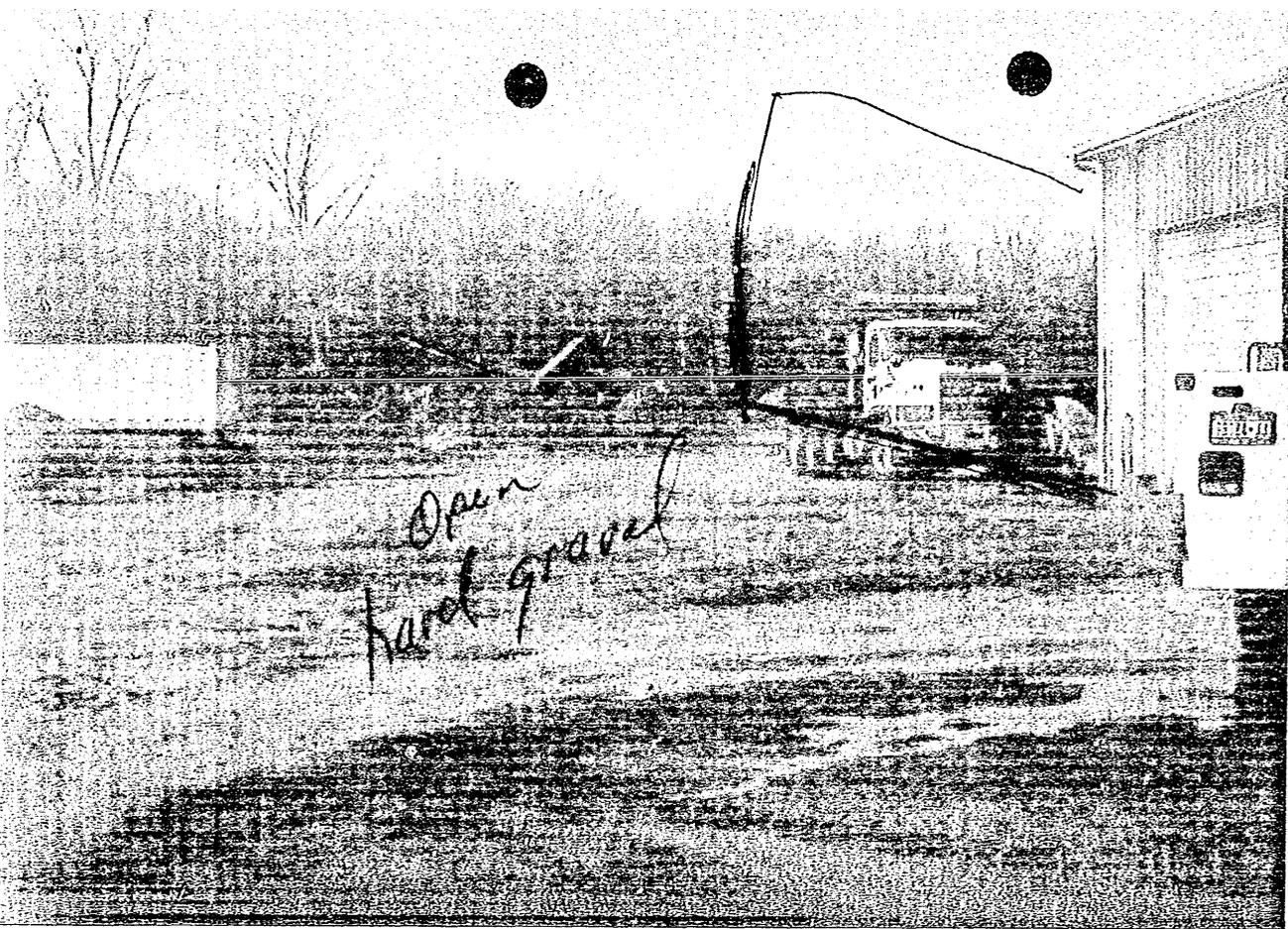
  
John Leonette  
Partner



*20'*

*20'*

*Paved*



Open  
hard gravel

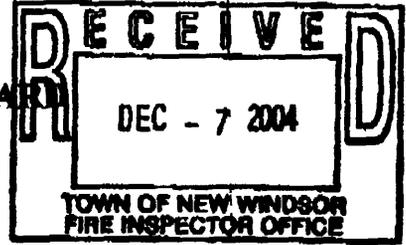


# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

## PROJECT REVIEW SHEET



TO: **FIRE INSPECTOR**

P.B. FILE #04-33      DATE RECEIVED: 12-06-04      TAX MAP #68-1-7.1,4,5,10

**PLEASE RETURN COMPLETED FORM TO MYRA  
BY: A.S.A.P. TO BE ON AGENDA FOR THE 12-08-04 PLANNING BOARD  
MEETING.**

THE MAPS AND/OR PLANS FOR:

### P&J PROPERTIES, LLC SITE PLAN

Applicant or Project Name

SITE PLAN XXX, SUBDIVISION     , LOT LINE CHANGE     ,  
SPECIAL PERMIT     

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DISAPPROVED:

Notes: ① Gate to have a minimum 15 foot clear opening  
for Fire Department Access. ② Show Fire Lane and  
25 foot paved access along west side proposed 50'x50'  
Storage Building to permit Fire Department access to  
REAR of property

Signature: [Signature]      12/8/04  
Reviewed by      date

**FIRE INSPECTOR'S  
INTER-OFFICE CORRESPONDENCE**

**TO:** James Petro, Planning Board Chairman

**FROM:** John McDonald, Fire Inspector

**SUBJECT:** PB-04-33  
P & J Properties  
SBL: 68-1-7.1, 4,5,10

**DATE:** December 9, 2004



**Fire Prevention Reference Number: FPS-04-051**

**A review of the above referenced Site Plans have been conducted and are disapproved for the following reasons:**

- 1. Gate to have a minimum 15 foot clear opening for Fire Department access.**
- 2. Show fire lane and 25 foot paved access along west side Proposed 50' x 50' storage building to permit Fire Department Access to rear of property.**

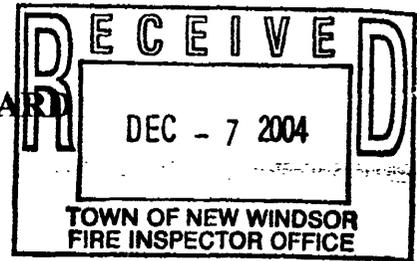
051



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD



## PROJECT REVIEW SHEET

TO: FIRE INSPECTOR

P.B. FILE #04-33 DATE RECEIVED: 12-06-04 TAX MAP #68-1-7.1,4,5,10

PLEASE RETURN COMPLETED FORM TO MYRA  
BY: A.S.A.P. TO BE ON AGENDA FOR THE 12-08-04 PLANNING BOARD  
MEETING.

THE MAPS AND/OR PLANS FOR:

### P&J PROPERTIES, LLC SITE PLAN

Applicant or Project Name

SITE PLAN XXX, SUBDIVISION \_\_\_\_\_, LOT LINE CHANGE \_\_\_\_\_,  
SPECIAL PERMIT \_\_\_\_\_

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DISAPPROVED:

Notes: ① Gate to have a minimum 15 foot clear opening  
for Fire Department Access. ② Show Fire Lane and  
25 foot paved access along west side proposed 50'x50'  
Storage Building to permit Fire Department access to  
REAR of property

Signature: [Signature] 12/8/04  
Reviewed by \_\_\_\_\_ date



**LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on **FEBRUARY 23, 2005** at 7:30 P.M. on the approval of the proposed Site Plan for **P & J PROPERTIES, LLC**

Located at **MERTES LANE - NEW WINDSOR, NY**

(Tax Map #Section **68**, Block **1**, Lot **7.1, 4, 5, & 10**) . Map of the proposed project is on file and may be inspected at the **Planning Board Office**, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.

Date: **JANUARY 27, 2005**

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr., Chairman





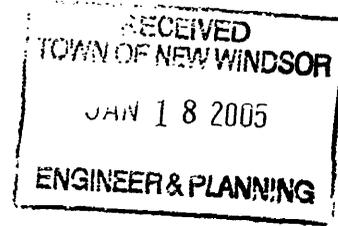
# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

January 14, 2005

Merurio-Norton-Tarolli  
P.O. Box 166  
Pine Bush, NY 12566



Re:68-1-7.1; 68-1-4; 68-1-5; 68-1-10

BP#04-33 (15)

To Whom It May Concern:

According to our records, the attached list of property owners are across the street or abutting the above referenced property.

The charge for this service is \$35.00 , minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

*J. Todd Wiley (baw)*

J. Todd Wiley, IAO  
Sole Assessor

JTW/baw  
Attachments

CC: Myra Mason, Planning Board

65-1-36  
George & Mildred Garrison  
143 Riley Road  
New Windsor, NY 12553

George J. Meyers, Supervisor  
Town of New Windsor  
555 Union Ave  
New Windsor, NY 12553

65-1-37  
Fitzhugh & Dolores Kennedy  
137 Riley Road  
New Windsor, NY 12553

Deborah Green, Town Clerk  
Town of New Windsor  
555 Union Ave  
New Windsor, NY 12553

65-1-38  
Dana Spencer  
131 Riley Road  
New Windsor, NY 12553

Andrew Krieger, ESQ  
219 Quassaick Ave  
New Windsor, NY 12553

65-2-1.3 68-1-2  
BJS Holding, LLC  
38 West 32<sup>nd</sup> Street, Suite 1201  
New York, NY 10001

James Petro, Chairman  
Planning Board  
555 Union Ave  
New Windsor, NY 12553

68-1-6  
Herbert & Justa Livingstone  
P.O. Box 497  
Vails Gate, NY 12584

Mark J. Edsall, P.E.  
McGoey and Hauser  
Consulting Engineers, P.C.  
33 Airport Center Drive Suite 202  
New Windsor, NY 12553

68-1-8 68-1-9  
Felice & Carmela Napolitano  
62 Mertes Lane  
New Windsor, NY 12553

68-2-4  
Pedro & Ana Lugo  
43 Mertes Lane  
New Windsor, NY 12553

68-2-5 68-2-6  
Isidora Casas  
P.O. Box 469  
Vails Gate, NY 12584

68-2-7  
James McGrane  
P.O. Box 7041  
Newburgh, NY 12550

68-2-16  
Janum Management  
132 Montfort Drive  
Belle Mead, NJ 08502

# TIMES HERALD-RECORD

40 Mulberry Street, Middletown, NY 10940

State of New York:  
County of Orange: ss:

**Patricia Foddrill**

Being duly sworn deposes and says that the ORANGE COUNTY PUBLICATIONS Division of Ottaway Newspapers-Radio, Inc. is a corporation organized under the laws of the State of New York and is, at all the times hereinafter mentioned, was the printer and publisher of The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Rockland, Dutchess, Pike, PA, Delaware and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York, that despondent is the

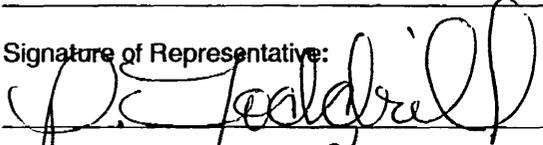
**Legal Sales Representative**

of said The Times Herald-Record acquainted with the facts hereinafter stated, and duly authorized by said Corporation to make this affidavit; that the

**Legal Notice**

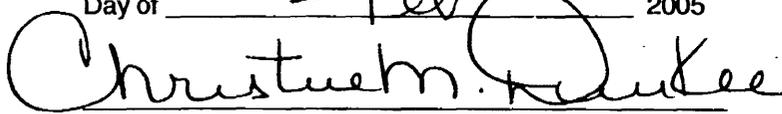
a true printed copy of which is hereunto annexed, has been duly and regularly published in the manner required by law in said The Times Herald-Record in each of its issues published upon each of the following dates, to wit: In its issues of

\_\_\_\_\_  
\_\_\_\_\_  
2/8/05  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Representative:  


Sworn in before me this 8

Day of Feb 2005



Notary Public, Orange County



**TOWN OF NEW WINDSOR  
LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on February 23, 2005 at 7:30 P.M. on the approval of the proposed Site Plan for:

P & J PROPERTIES, LLC (04-33) Located at MERTES LANE - NEW WINDSOR, NEW YORK. (Tax Map # Section 68, Block 1, Lot 7.1, 4, 5, & 10). Map of the proposed project is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing

Date: January 27, 2005

BY ORDER OF:  
TOWN OF NEW WINDSOR  
PLANNING BOARD  
JAMES R. PETRO, JR.,  
CHAIRMAN

**Ad Number: 1729782 Advertiser: NEW WINDSOR, TOWN**

Phone: 8455634615 Sys No: 1194114 Caller: MYRA MASON

**INVOICING CUSTOMER:**

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE  
NEW WINDSOR NY 12553

**ORDER:**

Printed By: THRFDDRRL Date: 02/04/2005 Assigned Sales: TOWNOFNEWWINDSOR LEGALNOTICE NOTKEISH AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

**NOTES:**

Change Reason:

**INSERTION:**

Product: THH Paper: IN Class: 999X

Schedule: Start Date - 02/08/2005 End Date - 02/08/2005

Sort: TOWN OF NEW WINDSORLEGAL NOTICENOTICE IS

**PRODUCTION:**

Text Size: 2 x 25.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tearsheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

**PRICING:**

Price: 44.75 Payment Method: BI Amount Paid: 0 Amount Owed: 44.75

PriceMethod: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LEL

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Multi. Content: 0

**New York State Department of Environmental Conservation**  
**Region 3, Division of Environmental Permits**  
21 South Putt Corners Road, New Paltz, NY 12561-1696  
(845) 256-3000 FAX (845) 255-3042  
Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



Erin M. Crotty  
Commissioner

January 27, 2005

John Tarolli, P.E./L.S.  
Mercurio Norton Tarolli  
45 Main Street, P.O. Box 166  
Pine Bush, New York 12566

RE: P&J Properties, LLC - Mertes Lane Facility  
Town of New Windsor, Orange County  
DEC Application No. 3-3348-00226/00001

SECOND NOTICE OF INCOMPLETE APPLICATION

Dear Mr. Tarolli:

The New York State Department of Environmental Conservation (DEC) has reviewed the additional information you provided on behalf of P&J Properties, LLC for the above-referenced application.

The project involves the construction of additional commercial storage areas within the 100-foot adjacent area of State-designated Freshwater Wetland CO-9 (Class II). Based on our review, the additional information satisfactorily addresses our comments related to freshwater wetlands and stormwater noted in Items 1-4 of our prior Notice of Incomplete Application dated November 22, 2004.

However, the Town of New Windsor Planning Board has recently initiated a coordinated review of the project pursuant to the State Environmental Quality Review Act (SEQR) and DEC has been identified as an involved agency. Therefore, the requirements of SEQR must be met before the permit application can be considered complete. When available please provide a copy of the Town Planning Board's SEQR determination of significance for this project. By copy of this letter, we are advising the Town of New Windsor Planning Board of our comments.

If you have any questions about this notice, please call me at (845) 256-3050. Thank you.

Sincerely,

Scott E. Sheeley  
Deputy Regional Permit Administrator

cc: J. Leonette, P&J Properties, LLC  
D. Gaugler, DEC Region 3  
Town of New Windsor Planning Board

New York State Department of Environmental Conservation  
Division of Environmental Permits, Region 3  
21 South Putt Corners Road, New Paltz, New York 12561-1696  
Phone: (845) 256-3054 FAX: (845) 255-3042  
Website: www.dec.state.ny.us



JANUARY 25, 2005

TOWN OF NEW WINDSOR PLANNING BOARD  
555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

Re: P&J PROPERTIES SITE PLAN AMENDMENT

Town: NEW WINDSOR County: ORANGE

DEC Project No. 3- 3348-00226/00001

Dear PLANNING BOARD MEMBERS:

We have reviewed the SEQR lead agency coordination request for the above referenced project which our office received on JANUARY 12, 2005.

Department Jurisdiction

Based upon our review of the circulated documents, it appears that the project will require the Department permits that are indicated below by a checked box:

- Article 15, Protection of Waters:** For physical disturbance to the bed or banks of a protected stream, excavation or fill within a navigable waterbody, or repair/construction of a dam (see enclosed map).
- Article 24, Freshwater Wetlands:** For physical disturbance proposed within or near State-designated Freshwater Wetland Co-9, or its 100-foot adjacent area (see enclosed map). If the project sponsors have not already done so, they should contact the Department to have the wetland boundary field inspected and validated by DEC staff, as noted in the enclosed sheet entitled "Delineating and Surveying Freshwater Wetland Boundaries". The applicant will be required by DEC to demonstrate that the project meets the permit issuance standards contained in the Freshwater Wetland Permit Requirements Regulations (6 NYCRR Part 663.5; copy available upon request or on-line at "[www.dec.state.ny.us/website/regs/index.html](http://www.dec.state.ny.us/website/regs/index.html)"). \* (SEE ADDITIONAL COMMENTS BEL)
- Compliance with the SPDES General Permit for Stormwater Discharges from Construction Activities:** For the proposed disturbance of over 1 acre of land. When other DEC permits are required, the sponsor must provide a copy of the required Stormwater Pollution Prevention Plan (SPPP) with their permit application for DEC review and approval. Authorization for coverage under the SPDES General Permit is not granted until approval of the SPPP and issuance of any other necessary DEC permits.
- \*Other:** AN ARTICLE 24 FRESHWATER WETLAND PERMIT APPLICATION HAS BEEN SUBMITTED TO THE DEPARTMENT, WHICH IS CURRENTLY UNDER REVIEW.
- Other:**

By copy of this letter, we are advising project representatives of the potential need for these permits. It is possible that the New York State Department of Environmental Conservation permit requirements noted above may change based upon additional information received or as project modifications occur.

Additional Comments **NONE**

In addition to the permit requirements noted above, the resources that are indicated below by a checked box should be evaluated during the review of this project under SEQR:

- Threatened & Endangered Species:** According to Department records, the following state-listed threatened or endangered species has(have) been recorded within or near the project site:

Species: \_\_\_\_\_ NYS Status: \_\_\_\_\_

Species: \_\_\_\_\_ NYS Status: \_\_\_\_\_

The potential impacts of the proposed project on this(these) species should be fully evaluated during the review of the project pursuant to SEQR. In addition, project modifications may be needed to adequately mitigate any potential impacts identified. For further guidance on this matter, please contact the undersigned analyst.

- Cultural Resources:** We have reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. Therefore, the DEC review of the project will require preparation of a cultural resources assessment and the review of the New York State Office of Parks, Recreation and Historic Preservation.
- Other:**

\* In addition to transmitting the above comments, this letter also serves to confirm that we have no objection to your board/agency assuming lead agency status for this project.

Questions pertaining to the Department's jurisdiction or related matters should be directed to the undersigned analyst assigned to the project. Please refer to the DEC project number identified above in all correspondence to the Department. Thank you.

Sincerely,

*Scott E. Sheeley*  
SCOTT E. SHEELEY

Division of Environmental Permits  
(845) 256- 3050

Enclosures as Indicated

cc: Project Sponsor (~~w/enclosures~~): **LETTER ONLY**  
J. TAROLLI, PE/LS.  
J. LEONETTE, P&J PROPERTIES LLC  
D. GAUGLER, DEC REGION 3



**DELINEATING AND SURVEYING FRESHWATER WETLAND BOUNDARIES**

1. The purpose of the delineation of freshwater wetland boundaries is to provide a precise identification of the regulated wetland boundary and its 100 foot adjacent area in order to aid in the planning and design of projects which may affect the wetland resource.
2. New York State regulated freshwater wetlands may be delineated by qualified consultants. However, for a delineation to be official (e.g., for use in permit applications), it must be validated by Department of Environmental Conservation (DEC) staff. For more information, call the appropriate staff, as follows:
 

(845) 256-3091	Michael Clancy	Dutchess, Ulster & Westchester
(845) 256-3057	Doug Gaugler	Orange, Putnam, Rockland & Sullivan
3. In general, DEC requires that sponsors of development projects retain licensed engineers or surveyors to accurately plot the delineated wetland boundary on project plans. However, such surveys may not be needed for very small projects, inquiries of a general nature, or certain land sales.
4. Surveys and development plans for DEC permit applications must include the following validation block:

<b><u>NYSDEC FRESHWATER WETLAND BOUNDARY VALIDATION</u></b>	
The freshwater wetland boundary as represented on these plans accurately depicts the limits of Freshwater Wetland _____ as delineated by _____ on _____.	
DEC Staff: _____	Surveyor/Engineer: _____
Date: _____	SEAL
<p>Wetland boundary delineations as validated by the New York State Department of Environmental Conservation remain valid for 10 years unless existing exempt activities, area hydrology, or land use practices change (e.g., agricultural to residential). After 10 years the boundary must be revalidated by DEC staff. Revalidation may include a new delineation and survey of the wetland boundary.</p> <p>Any proposed construction, grading, filling, excavating, clearing or other regulated activity in the freshwater wetland or within 100 feet of the wetland boundary as depicted on this plan requires a permit from the NYS Department of Environmental Conservation under Article 24 of the Environmental Conservation Law (Freshwater Wetlands Act) prior to commencement of work.</p>	

5. In addition to the accurate identification of the freshwater wetland boundary, the limit of the 100 foot adjacent area must also be plotted on development plans and survey.
6. Copies of plans or surveys containing the boundary delineation and validation block must be submitted to the appropriate DEC staff person as listed above in item #2 for validation and original signature before applying for a DEC permit. One copy will be retained by DEC as a file copy. **The signature and seal of the surveyor/engineer must be present prior to requesting DEC validation.**



November 22, 2004

John Tarolli, P.E./L.S.  
Mercurio Norton Tarolli  
45 Main Street, P.O. Box 166  
Pine Bush, New York 12566

RE: P&J Properties, LLC - Mertes Lane Facility  
Town of New Windsor, Orange County  
DEC Application No. 3-3348-00226/00001

**NOTICE OF INCOMPLETE APPLICATION**

Dear Mr. Tarolli:

The New York State Department of Environmental Conservation (DEC) has reviewed the above-referenced permit application you submitted on behalf of P&J Properties, LLC.

The project involves the re-construction of additional commercial storage areas within the 100-foot adjacent area of State-designated Freshwater Wetland CO-9 (Class II). Based on our review we have determined that the application is incomplete. The following additional information and items are required:

**Freshwater Wetlands**

1. Please provide a brief project narrative that explains the purpose and need for the project and contains an evaluation of alternatives that would avoid construction within the wetland and its 100-foot adjacent area. To meet permit issuance standards, the amount of disturbance to the 100-foot adjacent area must be avoided and minimized to the extent practicable.
2. Based on the photos provided, it appears that portable equipment and storage units are currently placed within the 100-foot adjacent area elsewhere on the property. To minimize the potential for future impacts to the wetland that may result from operations at this site, a plan should be developed for construction of a permanent or semi-permanent barrier consisting of woody plantings, a fence, or other linear structure along the limits of the wetland. Please provide a revised plan that shows the recommended barrier.
3. The project plan must be revised include a "Limits of Disturbance" line that shows the limits of all clearing, grading, and other construction activities proposed for the entire project, including areas not within the wetland or its 100-foot adjacent

**Stormwater Management**

4. Please calculate the amount of total area that will be disturbed during construction of the project, including areas not within the wetland or its 100-foot adjacent area. If the project will result in the disturbance of over one acre of land, a Stormwater Pollution Prevention Plan (SWPPP) must be prepared and submitted for DEC review in accordance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities. If necessary, please provide two copies of the SWPPP for this project.

Mr. Tarolli; November 22, 2004  
P&J Properties  
Page 2

Unless otherwise indicated, please submit three copies of the requested materials to my attention. No further action can be taken on your application until all of the materials are received. Depending on your response and the plans you provide, additional information may be required.

If you have any questions about this notice, please call me at (845) 256-3050. Thank you.

Sincerely,



Scott E. Sheeley  
Deputy Regional Permit Administrator

cc: J. Leonette, P&J Properties, LLC  
D. Gaugler, DEC Region 3  
~~Member of New Windsor Planning Board~~



RESULTS OF P.B. MEETING OF: December 8, 2004

PROJECT: P&J Properties P.B. # 04-33

**LEAD AGENCY:**

**NEGATIVE DEC:**

AUTHORIZE COORD. LETTER: Y  N

M)  S)  VOTE: A  N

TAKE LEAD AGENCY: Y  N

CARRIED: Y  N

M) A S)  VOTE: A 5 N 0

CARRIED: Y  N

PUBLIC HEARING: WAIVED:  CLOSED:

M) L S) A VOTE: A 5 N 0 SCHEDULE P.H.: Y  N

SEND TO O.C. PLANNING: Y   
SEND TO DEPT. OF TRANSPORTATION: Y

REFER TO Z.B.A.: M)  S)  VOTE: A  N

RETURN TO WORK SHOP: Y  N

**APPROVAL:**

M)  S)  VOTE: A  N  APPROVED:

NEED NEW PLANS: Y  N

**CONDITIONS - NOTES:**

<i>Lots to be combined (4) Lots</i>
<i>Add Note - "Not to be enclosed" on Canopies</i>
<i>John Loretto</i>
<i>Al Mercurio</i>
<i>applic to Contact fire Inspector for his comments - <del>when</del> before P.H. scheduled</i>

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#1209-2004**

12/07/2004

Whispering Pines Dev. Corp. *# 04-33 P.B.*

Received \$ 125.00 for Planning Board Fees, on 12/07/2004. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 12/06/2004

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**ESCROW**

FOR PROJECT NUMBER: 4-33  
NAME: P&J PROPERTIES, LLC PA2004-0401  
APPLICANT: P&J PROPERTIES, LLC

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
12/06/2004	REC. CK # 16825	PAID		750.00	
		TOTAL:	0.00	750.00	-750.00



12/6/04

**FIRE INSPECTOR'S  
INTER-OFFICE CORRESPONDENCE**

**TO:** James Petro, Planning Board Chairman

**FROM:** John McDonald, Dept. Head

**SUBJECT:** PB-04-33  
SBL: 68-1-7.1,4,5,10  
P & J Properties, Inc.



**DATE:** May 11, 2005

**Fire Prevention Reference Number: FPS-05-016**

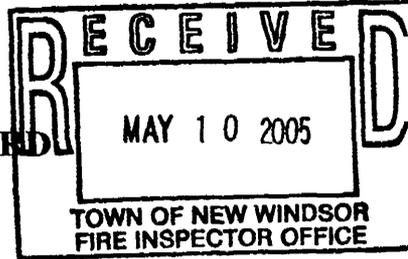
**A review of the above referenced site plan was conducted and visited by Asst. Fire Inspector, Kenneth Schermerhorn and the physical site layout meets acceptable conditions that were raised in disapproval on 12-09-2004.**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD



## PROJECT REVIEW SHEET

TO: **FIRE INSPECTOR**

P.B. FILE #04-33      DATE RECEIVED: 04-25-05      TAX MAP #68-1-7.1,4,5,10

PLEASE RETURN COMPLETED FORM TO MYRA  
BY: A.S.A.P. TO BE ON AGENDA FOR THE 05-11-05 PLANNING BOARD  
MEETING.

THE MAPS AND/OR PLANS FOR:

**P&J PROPERTIES, INC.**  
Applicant or Project Name

SITE PLAN XXX, SUBDIVISION     , LOT LINE CHANGE     ,  
SPECIAL PERMIT     

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

**APPROVED:**

Notes: Site visit by K Schenmerhorn  
and physical site layout meets acceptable  
conditions that were raised in Disapproval on  
12/9/04

**DISAPPROVED:**

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: [Signature]      5/10/05  
Reviewed by      date

**FIRE INSPECTOR'S  
INTER-OFFICE CORRESPONDENCE**

copy

**TO:** James Petro, Planning Board Chairman

**FROM:** John McDonald, Fire Inspector

**SUBJECT:** PB-04-33  
P & J Properties  
SBL: 68-1-7.1, 4,5,10

**DATE:** December 9, 2004

**Fire Prevention Reference Number: FPS-04-051**

**A review of the above referenced Site Plans have been conducted and are disapproved for the following reasons:**

- 1. Gate to have a minimum 15 foot clear opening for Fire Department access.**
- 2. Show fire lane and 25 foot paved access along west side Proposed 50' x 50' storage building to permit Fire Department Access to rear of property.**

**FIRE INSPECTOR'S  
INTER-OFFICE CORRESPONDENCE**

**TO:** James Petro, Planning Board Chairman

**FROM:** John McDonald, E911 Coordinator

**SUBJECT:** PB-04-33  
SBL: 68-1-7.1,4,5,10  
P & J Properties, Inc.



**DATE:** May 11, 2005

**Fire Prevention Reference Number: FPS-05-015**

**A review of the above referenced site plan was conducted and found to be acceptable.**





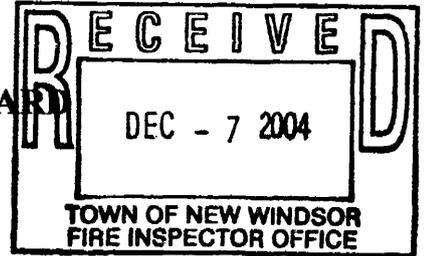


# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

## PROJECT REVIEW SHEET



TO: FIRE INSPECTOR

P.B. FILE #04-33 DATE RECEIVED: 12-06-04 TAX MAP #68-1-7.1,4,5,10

PLEASE RETURN COMPLETED FORM TO MYRA  
BY: A.S.A.P. TO BE ON AGENDA FOR THE 12-08-04 PLANNING BOARD  
MEETING.

THE MAPS AND/OR PLANS FOR:

### P&J PROPERTIES, LLC SITE PLAN

Applicant or Project Name

SITE PLAN XXX, SUBDIVISION \_\_\_\_\_, LOT LINE CHANGE \_\_\_\_\_,  
SPECIAL PERMIT \_\_\_\_\_

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DISAPPROVED:

Notes: ① Gate to have a minimum 15 foot clear opening for Fire Department Access. ② Show Fire Lane and 25 foot PAVED ACCESS ALONG WEST Side Proposed 50'x50' Storage Building to permit Fire Department access to REAR of property

Signature: [Signature] 12/8/04  
Reviewed by \_\_\_\_\_ date



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

Main Office  
33 Airport Center Drive  
Suite #202  
New Windsor, New York 12553  
(845) 567-3100  
e-mail: mheny@mhepc.com

Regional Office  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhempa@mhepc.com

Writer's E-mail Address:  
mje@mhepc.com

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN/VILLAGE OF: New Windsor P/B APP. NO.: \_\_\_\_\_

WORK SESSION DATE: 3 Nov 04 PROJECT: NEW \_\_\_\_\_ OLD \_\_\_\_\_

REAPPEARANCE AT W/S REQUESTED: 12/1/04 RESUB. REQ'D: \_\_\_\_\_

PROJECT NAME: P. J. Krenter

REPRESENTATIVES PRESENT: John Saville & John

MUNICIPAL REPS PRESENT: BLDG INSP. \_\_\_\_\_ FIRE INSP. \_\_\_\_\_  
ENGINEER X PLANNER \_\_\_\_\_  
P/B CHMN \_\_\_\_\_ OTHER \_\_\_\_\_

ITEMS DISCUSSED: Merte Co.

- PER day, worked boundary
- will need permit.
- Old Schmidt + Bysl. 9/2
- Pkg in front to be different than prev approved
- new pkg. layout + calc

STND CHECKLIST:

DRAINAGE \_\_\_\_\_

DUMPSTER \_\_\_\_\_

SCREENING \_\_\_\_\_

LIGHTING \_\_\_\_\_  
(Streetlights)

LANDSCAPING \_\_\_\_\_

BLACKTOP \_\_\_\_\_

ROADWAYS \_\_\_\_\_

APPROVAL BOX \_\_\_\_\_

PROJECT TYPE

SITE PLAN \_\_\_\_\_

SPEC PERMIT \_\_\_\_\_

L L CHG. \_\_\_\_\_

SUBDIVISION \_\_\_\_\_

OTHER \_\_\_\_\_

PROJECT STATUS:  
ZBA Referral: \_\_\_\_\_ Y \_\_\_\_\_ N  
Ready For Meeting \_\_\_\_\_ Y \_\_\_\_\_ N  
Recommended Mtg Date 12-8-

04-33



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (914) 563-4615  
Fax: (914) 563-4693

## PLANNING BOARD APPLICATION

### TYPE OF APPLICATION (check appropriate item):

Subdivision \_\_\_\_\_ Lot Line Change \_\_\_\_\_ Site Plan  Special Permit \_\_\_\_\_

Tax Map Designation: Sec. 68 Block 1 Lots 7, 1, 4, 5, 10

1. Name of Project P & J PROPERTIES, LLC SITE PLAN

2. Owner of Record P & J PROPERTIES, LLC Phone 569-2590

Address: MERTES LANE  
P.O. BOX 716 VALE GATE, NY 12584  
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant SAME Phone \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan MERCUPIO NORTON TAROLI Phone 744-3620

Address: 45 MAIN ST  
P.O. BOX 1166 PINE BUSH, NY 12566  
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:

JOHN TAROLI PE/LS 744-3620  
(Name) (Phone)

7. Project Location:

On the NORTH side of MERTES LANE ± 1600 feet  
(Direction) (Street) (No.)  
WEST of TEMPER HILL RD  
(Direction) (Street)

8. Project Data: Acreage 4.399 Zone PI School Dist. NEWBURGH

DEC - 6 2004

(PLEASE DO NOT COPY 1 & 2 AS ONE PAGE TWO-SIDED)

04-33

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes \_\_\_\_\_ No X

\*This information can be verified in the Assessor's Office.

\*If you answer "yes" to question 9, please complete the attached "Agricultural Data Statement".

10. Description of Project: (Use, Size, Number of Lots, etc.) ADD 50'x50' OPEN STORAGE SHED, ADD 50'x50' STORAGE BLD'G, ADD WOOD CANOPY TO EXISTING BUILDING & STORAGE AREA

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes \_\_\_\_\_ no X

12. Has a Special Permit previously been granted for this property? yes X no \_\_\_\_\_

ACKNOWLEDGMENT:

IF THIS ACKNOWLEDGMENT IS COMPLETED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

19<sup>th</sup> DAY OF November 2004

John Leonette  
APPLICANT'S SIGNATURE

Debra E. MacEwen  
NOTARY PUBLIC

DEBRA E. MACEWEN  
Notary Public, State of New York  
Reg. No. 01MA6086498  
County of Orange  
Commission Expires 1-21-07

JOHN LEONETTE  
Please Print Applicant's Name as Signed

\*\*\*\*\*

TOWN USE ONLY:

DEC - 6 2004

04-33

DATE APPLICATION RECEIVED

APPLICATION NUMBER

**TOWN OF NEW WINDSOR PLANNING BOARD**

**SITE PLAN CHECKLIST**

**ITEM**

1.  Site Plan Title
2.  Provide 4" wide X 2" high box directly above title block  
(preferably lower right corner) for use by Planning Board in  
affixing Stamp of Approval (ON ALL PAGES OF SP)
3.  Applicant's Name(s)
4.  Applicant's Address
5.  Site Plan Preparer's Name
6.  Site Plan Preparer's Address
7.  Drawing Date
8.  Revision Dates
9.  Area Map Inset and Site Designation
10.  Properties within 500' of site
11.  Property Owners (Item #10)
12.  Plot Plan
13.  Scale (1" = 50' or lesser)
14.  Metes and Bounds
15.  Zoning Designation
16.  North Arrow
17.  Abutting Property Owners
18.  Existing Building Locations
19.  Existing Paved Areas
20.  Existing Vegetation
21.  Existing Access & Egress

DEC - 6 2004

**PROPOSED IMPROVEMENTS**

- 22. NA Landscaping
- 23. - Exterior Lighting
- 24. NA Screening
- 25. ✓ Access & Egress
- 26. ✓ Parking Areas
- 27. ✓ Loading Areas
- 28. ✓ Paving Details (Items 25 - 27)
- 29. NA Curbing Locations
- 30. NA Curbing through section
- 31. ✓ Catch Basin Locations
- 32. NA Catch Basin Through Section
- 33. ✓ Storm Drainage
- 34. - Refuse Storage
- 35. ✓ Other Outdoor Storage
- 36. ✓ Water Supply
- 37. ✓ Sanitary Disposal System
- 38. ✓ Fire Hydrants
- 39. ✓ Building Locations
- 40. ✓ Building Setbacks
- 41. - Front Building Elevations
- 42. - Divisions of Occupancy
- 43. NA Sign Details
- 44. ✓ Bulk Table Inset
- 45. ✓ Property Area (Nearest 100 sq. ft.)
- 46. ✓ Building Coverage (sq. ft.)
- 47. ✓ Building Coverage (% of total area)
- 48. ✓ Pavement Coverage (sq. ft.)
- 49. ✓ Pavement Coverage (% of total area)
- 50. ✓ Open Space (sq. ft.)
- 51. ✓ Open Space (% of total area)
- 52. NA No. of parking spaces proposed
- 53. ✓ No. of parking spaces required

DEC - 6 2004

04-33

REFERRING TO QUESTION 9 ON THE APPLICATION FORM IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

54. \_\_\_\_\_ Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.
55.  (NA) A disclosure Statement, in the form set below, must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

"Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leaser shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

**PREPARER'S ACKNOWLEDGMENT:**

THE PLAT FOR THE PROPOSED SITE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY: J. Taralli PE/LS 11/19/04  
Licensed Professional Date

DEC - 6 2004

04-33

PROJECT ID NUMBER

617.20  
APPENDIX C

SEQR

STATE ENVIRONMENTAL QUALITY REVIEW

### SHORT ENVIRONMENTAL ASSESSMENT FORM

for UNLISTED ACTIONS Only

#### PART 1 - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT / SPONSOR <b>P&amp;J PROPERTIES, LLC</b>	2. PROJECT NAME <b>SITE PLAN : LANDS OF P&amp;J PROPERTIES</b>
3. PROJECT LOCATION: Municipality <b>(T) NEW WINDSOR</b>	County <b>ORANGE</b>
4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc - or provide map	
5. IS PROPOSED ACTION : <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification / alteration	
6. DESCRIBE PROJECT BRIEFLY:  <b>ADDITION OF 50'x50' STORAGE BUILDING</b>	
7. AMOUNT OF LAND AFFECTED: Initially <b>4.4</b> acres      Ultimately <b>4.4</b> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No      If no, describe briefly:	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.) <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park / Forest / Open Space <input type="checkbox"/> Other (describe)	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No      If yes, list agency name and permit / approval:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No      If yes, list agency name and permit / approval:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant / Sponsor Name <b>P&amp;J PROPERTIES, LLC</b>	Date: <b>10/29/14</b>
Signature <b>J. Tarolli PE/LS Project engineer</b>	

If the action is a Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

**MERCURIO, NORTON & TAROLLI**  
Land Surveying - Engineering  
P.O. Box 166  
Pine Bush, NY 12566

04-33

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.  
 Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:  
 NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:  
 NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  
 NO

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  
 NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  
 NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:  
 NO

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:  
 NO

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly):  
 Yes  No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:  
 Yes  No

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

Town of New Windsor Planning Bd  
 Name of Lead Agency

2-27-05  
 Date

JAMES PETRO  
 Print or Type Name of Responsible Officer in Lead Agency

P.B. CHAIRMAN  
 Title of Responsible Officer

*[Signature]*  
 Signature of Responsible Officer in Lead Agency

*[Signature]*  
 Signature of Preparer (If different from responsible officer)

RECEIVED  
 TOWN OF NEW WINDSOR  
 PLANNING BOARD  
 2/27/05

PROJECT ID NUMBER

**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
for UNLISTED ACTIONS Only

**PART 1 - PROJECT INFORMATION** (To be completed by Applicant or Project Sponsor)

1. APPLICANT / SPONSOR P&J Properties, LLC	2. PROJECT NAME P & J Properties, LLC SITE PLAN
3. PROJECT LOCATION: Municipality CTY NEW WINDSOR	County ORANGE
4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc - or provide map MERTES LANE	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification / alteration	
6. DESCRIBE PROJECT BRIEFLY:  ADDITION OF STORAGE BLD'G, CANOPY & SHEDS TO EXISTING CONSTRUCTION BUILDING & YARD	
7. AMOUNT OF LAND AFFECTED: Initially 4.4 acres Ultimately 4.4 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly:	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.) <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park / Forest / Open Space <input type="checkbox"/> Other (describe)	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit / approval: NUSDEC WETLANDS PERMIT	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit / approval:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant / Sponsor Name P&J PROPERTIES, LLC Date: 11/19/04 Signature [Signature] Project Engr.	

If the action is a Coastal Area, and you are a state agency,  
complete the Coastal Assessment Form before proceeding with this assessment

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.  
 Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly:  
 Yes  No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:  
 Yes  No

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from responsible officer)

**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR PLANNING BOARD

JOHN LEONETTE (P&J Properties), deposes and says that he resides  
(OWNER)

at \_\_\_\_\_ in the County of \_\_\_\_\_  
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map

(Sec. 68 Block 1 Lots 7, 11, 4, 15, 10)  
designation number (Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_) which is the premises described in

the foregoing application and that he authorizes:

\_\_\_\_\_  
(Applicant Name & Address, if different from owner)

MERCURIO NORTON TAROLL, PC

(Name & Address of Professional Representative of Owner and/or Applicant)

P.O. Box 106

to make the foregoing application as described therein.

Date: 11/19/04

[Signature]  
Witness' Signature

[Signature]

[Signature]  
Owner's Signature

[Signature]  
Applicant's Signature if different than owner

[Signature]  
Representative's Signature

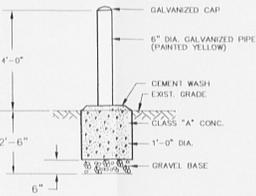
**THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.**

DEC - 6 2004

04-33

# Legend

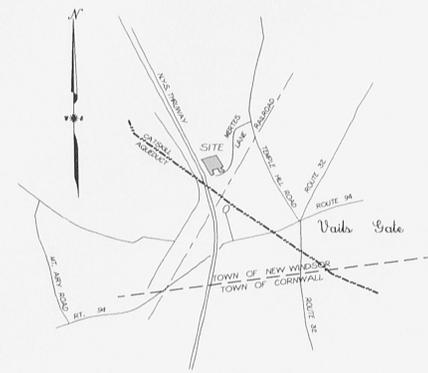
- PROPERTY LINE & CORNER
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 



Bollard Detail

# Zoning Legend : PI

- MINIMUM LOT SIZE \_\_\_\_\_ 40,000 SF
- MINIMUM LOT WIDTH \_\_\_\_\_ 150'
- MINIMUM FRONTAGE \_\_\_\_\_ N/A
- MINIMUM YARDS \_\_\_\_\_
- FRONT \_\_\_\_\_ 50'
- SIDE \_\_\_\_\_ 15' / 40' (BOTH)
- REAR \_\_\_\_\_ 20'
- MINIMUM FLOOR AREA RATIO \_\_\_\_\_ 0.6
- MAXIMUM DEVELOPMENT COVERAGE \_\_\_\_\_ 85%
- MAXIMUM BUILDING HEIGHT \_\_\_\_\_ 12' PER FOOT TO NEAREST LOT LINE



Location Map

SCALE: 1" = 2,000'

TOTAL BUILDING COVERAGE WILL BE: 5% (10,000 SF)  
 TOTAL PAVING COVERAGE IS: 6% (12,000 SF)  
 OPEN SPACE: 1.1 ACRE (2.3%)

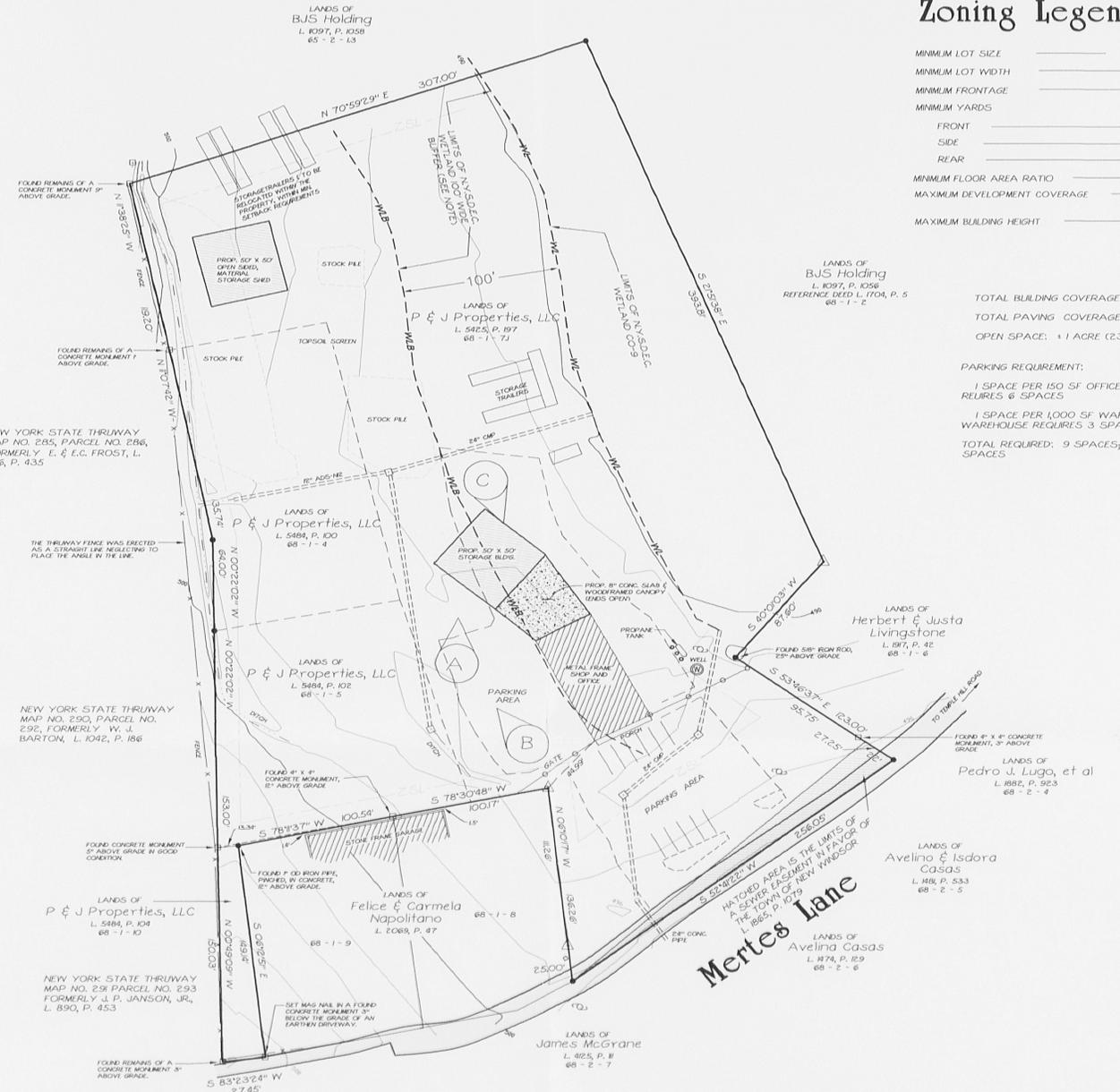
PARKING REQUIREMENT:  
 1 SPACE PER 150 SF OFFICE: EX. 800 SF OFFICE REQUIRES 6 SPACES  
 1 SPACE PER 1,000 SF WAREHOUSE: EX. 2,400 SF WAREHOUSE REQUIRES 3 SPACES  
 TOTAL REQUIRED: 9 SPACES; EX PARKING HAS 9 SPACES

### Notes:

- 1) SUBJECT TO ANY FACTS THAT MAY BE REVEALED BY AN ACCURATE, UP TO DATE, TITLE ABSTRACT REPORT.
- 2) SUBJECT TO THAT PORTION OF LAND WITHIN THE BOUNDS OF MERTES LANE FOR USE AS A PUBLIC HIGHWAY.
- 3) SUBJECT TO UTILITY GRANTS OF RECORD.
- 4) SUBJECT TO NEW YORK STATE DESIGNATED FRESHWATER WETLAND "CO-9" AND APPLICABLE 100'-WIDE BUFFER AREA. (SEE NOTE)
- 5) REFER TO APPROPRIATION MAPS FOR NEW YORK STATE THRUWAY, CATSKILL SECTION, SUBDIVISION 6, AS INDICATED.
- 6) SUBJECT TO EASEMENTS TO NY TELEPHONE CO L. 106, P. 301, L. 106, P. 299, L. 125, P. 174.
- 7) THE EXISTING BUILDING IS CONNECTED TO THE PUBLIC SEWER.
- 8) TAX MAP PARCELS 68-1-4, 5, 7A, & 10 SHALL BE COMBINED INTO A SINGLE TAX PARCEL.



New York State Thruway  
CATSKILL SECTION SUBDIVISION 6



### NYSDEC Freshwater Wetland Boundary Validation

THE FRESHWATER WETLAND BOUNDARY AS REPRESENTED ON THESE PLANS ACCURATELY DEPICTS THE LIMITS OF FRESHWATER WETLAND "CO-9" AS DELINEATED BY ALPHONSE MERCURIO, L.S. IN JUNE, 2004.

DEC STAFF: \_\_\_\_\_ SURVEYOR/ENGINEER: \_\_\_\_\_

DATE: \_\_\_\_\_ SEAL: \_\_\_\_\_

WETLAND BOUNDARY DELINEATIONS AS VALIDATED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION REMAIN VALID FOR TEN YEARS UNLESS EXISTING EXEMPT ACTIVITIES, AREA HYDROLOGY, OR LAND USE PRACTICES CHANGE (E.G. AGRICULTURAL TO RESIDENTIAL). AFTER TEN YEARS THE BOUNDARY MUST BE REVALIDATED BY DEC STAFF. REVALIDATION MAY INCLUDE A NEW DELINEATION AND SURVEY OF THE WETLAND BOUNDARY.

ANY PROPOSED CONSTRUCTION, GRADING, FILLING, EXCAVATING, CLEARING OR OTHER REGULATED ACTIVITY IN THE FRESHWATER WETLAND OR WITHIN 100 FEET OF THE WETLAND BOUNDARY AS DEPICTED ON THIS PLAN REQUIRES A PERMIT FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION UNDER ARTICLE 24 OF THE ENVIRONMENTAL CONSERVATION LAW (FRESHWATER WETLANDS ACT) PRIOR TO COMMENCEMENT OF WORK.

REVISIONS			
NO.	DATE	DESCRIPTION	
1	8-20-05	ENR COMMENTS	LJM

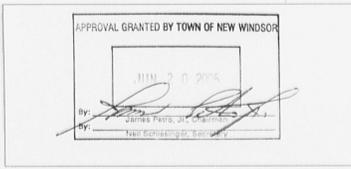
MAP REVISED 11-2-04 NOTE 6, SEWER EASEMENT.

Prepared by:

**MERCURIO-NORTON-TAROLLI**  
 Land Surveying & Engineering, P.C.  
 P.O. BOX 166  
 45 MAIN STREET  
 PINE BLUSH, N.Y. 12566  
 TEL 845-746-3620  
 FAX 845-744-3805  
 E-Mail: MNTPCBCS.com

*JL Tarolli*

\* UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S IMBROSSED SEAL IS A VIOLATION OF SECTION 2209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.  
 \* ONLY COPIES FROM THE ORIGINAL TRACINGS OF THIS SURVEY MAP MARKED WITH THE LAND SURVEYOR'S IMBROSSED SEAL SHALL BE CONSIDERED VALID TRUE COPIES.  
 \* CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR ADOPTED BY THE NEW YORK STATE ASSOC. OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THOSE NAMED INDIVIDUALS AND/OR INSTITUTIONS FOR WHOM THE SURVEY WAS PREPARED. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS, INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS, OR SUBSEQUENT OWNERS.



## 4.399 Acres Total (1,916,620 SF) Survey & Site Plan of Lands of **P & J Properties, LLC**

P O BOX 716, VAILS GATE, NY 12584

TAX MAP REFERENCE	DEED REFERENCE
68-1-7J	LIBER 5425, PAGE 197
68-1-4	LIBER 5484, PAGE 100
68-1-5	LIBER 5484, PAGE 102
68-1-10	LIBER 5484, PAGE 104

Situate in the Town of New Windsor  
 Orange County, New York State  
 Scale 1" = 50' June 2004

Map by: AM Map Check: MJM 7-1-04 Map No. 2974