

PB# 95-25

DUTCHESS TERMINALS, INC.

33-1-9

Approved 9/5/96

;

;

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

14957

Aug 24 1995

Received of Dutchess Terminals, Inc. \$ 200.00

Two 00/100 DOLLARS

For Planning Board Application # 95-25

DISTRIBUTION:

FUND	CODE	AMOUNT
ck # 2143		200.00

By Dorothy N. Hansen

Town Clerk

Title

© WILLIAMSON LAW BOOK CO. VICTOR, NY 14564

Wilson Jones - Carbonless - S1632-4WCL Duplicate - S1644-4WCL Triplicate

Planning Board

Town Hall

555 Union Ave.

New Windsor, N.Y. 12553

MADE IN U.S.A.

DATE August 24, 1995 RECEIPT NUMBER 95-25

RECEIVED FROM Dutchess Terminals, Inc.

Address 256 North Road

Poughkeepsie, N.Y. 12601 DOLLARS \$ 750.00

FOR Site Plan Escrow

ACCOUNT		HOW PAID	
BEGINNING BALANCE	750.00	CASH	
AMOUNT PAID	750.00	CHECK	#2144
BALANCE		MONEY	

[Signature]
H. P. A.

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12553

General Receipt

15751

Sept. 5 1996

Received from Dutchess Terminals, Inc. \$ 100.00

One Hundred 00/100 DOLLARS

For Planning Board # 95-25

DISTRIBUTION:

FUND	CODE	AMOUNT
ck # 4602		100.00

By Dorothy N. Hansen

Town Clerk

TITLE

WILLIAMSON LAW BOOK CO. VICTOR, NY 14564

WCL Duplicate - S16

Address 256 North Rd. - Poughkeepsie, N.Y.

Five Hundred Seventy-One 99/100 DOLLARS \$ 571.99

Bill + Co

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

14857

Aug 24 1995

Received of Dutchess Terminals, Inc. \$ 200.00

Two 00/100 DOLLARS

For Planning Board Application # 95-25

FUND	CODE	AMOUNT
CR # 2143		200.00

By Dorothy N. Hancock
Town Clerk
Title

© WILLIAMSON LAW BOOK CO. VICTOR, NY 14564

Wilson Jones - Carbonless - S1642-WVCL Duplicate - S1644-4W CL Triplicate
Planning Board
Town Hall
555 Union Ave.
New Windsor, N.Y. 12550
MADE IN U.S.A.
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DATE August 24, 1995 RECEIPT NUMBER 95-25
RECEIVED FROM Dutchess Terminals, Inc.
Address 256 North Road
Poughkeepsie, N.Y. 12601 DOLLARS \$ 750.00
FOR Site Plan Escrow

ACCOUNT		HOW PAID	
BEGINNING BALANCE	750.00	CASH	
AMOUNT PAID	750.00	CHECK	# 2144
BALANCE DUE	- 0 -	MONEY ORDER	

[Signature]
BY Mypal Mason, Secy to the P.B.

Wilson Jones - Carbonless - S1642-WVCL Duplicate - S1644-4W CL Triplicate
MADE IN U.S.A.
© Wilson Jones, 1989

DATE September 5, 1996 RECEIPT NUMBER 95-25
RECEIVED FROM Dutchess Terminals, Inc.
Address 256 North Street - Poughkeepsie, N.Y. 12601
One thousand Five Hundred Twenty - 64/100 DOLLARS \$ 1,590.64
FOR 2% of Cost Estimate (\$79,532.00) = \$1,590.64 Inspect. fee

ACCOUNT		HOW PAID	
BEGINNING BALANCE	1590.64	CASH	
AMOUNT PAID	1590.64	CHECK	# 4603
BALANCE DUE	- 0 -	MONEY ORDER	

[Signature]
BY Mypal Mason, Secy to the P.B.

Wilson Jones - Carbonless - S1642-WVCL Duplicate - S1644-4W CL Triplicate
MADE IN U.S.A.
© Wilson Jones, 1989

DATE September 5, 1996 RECEIPT NUMBER 4604 95-25
RECEIVED FROM Dutchess Terminals, Inc.
Address 256 North Rd. - Poughkeepsie, N.Y.
Five Hundred Seventy-One 99/100 DOLLARS \$ 571.99
FOR Addition to Escrow

ACCOUNT	HOW PAID
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11/15	2001

Town Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, NY 14564

Wilson Jones - Carbonless - S1642-4WCL Duplicate - S1641-4W-CL Triplicate
 Planning Board
 Town Hall
 555 Union Ave.
 New Windsor, N.Y. 12553

DATE August 24, 1995 RECEIPT NUMBER 95-25

RECEIVED FROM Dutchess Terminals, Inc.

Address 256 North Road

Poughkeepsie, N.Y. 12601 DOLLARS \$ 750.00

FOR Site Plan Escrow

ACCOUNT		HOW PAID	
BEGINNING BALANCE	750 00	CASH	
AMOUNT PAID	750 00	CHECK	#2144

[Handwritten signature]

General Receipt 15751

TOWN OF NEW WINDSOR
 555 Union Avenue
 New Windsor, NY 12553

Received from Dutchess Terminals, Inc. \$ 100.00
one hundred 00/100 DOLLARS

For Planning Board # 95-25

DISTRIBUTION:

FUND	CODE	AMOUNT
ck# 4602		100.00

By Dorothy H. Hansen
 Town Clerk
 TITLE

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564

Wilson Jones - Carbonless - S1642-4WCL Duplicate - S16

MADE IN U.S.A.
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RECEIVED FROM Dutchess Terminals, Inc.

Address 256 North Rd. - Poughkeepsie, N.Y.

Five Hundred Seventy-One 99/100 DOLLARS \$ 571.99

FOR Addition to Escrow

ACCOUNT		HOW PAID	
BEGINNING BALANCE	571 99	CASH	
AMOUNT PAID	571 99	CHECK	#4604
BALANCE DUE	-0-	MONEY ORDER	

[Handwritten signature]
 BY Myra Mason, Secy to the P.B.

8/29/96
 Eng.
 \$ 946.99



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
112 DICKSON STREET
NEWBURGH, NY 12550-5324
(845) 562-8368
<http://www.dot.state.ny.us>

ROBERT A. DENNISON, III, P. E.
REGIONAL DIRECTOR

THOMAS J. MADSON, JR.
COMMISSIONER

June 27, 2006

Clarence P. Mans
Mans Brother Realty
P. O. Box 247
Vails Gate, NY 12584

**RE: REQUEST OF NYSDOT'S ACCEPTANCE OF THE
EXISTING CURB CONFIGURATION @ PETROL
AT THE GATE (CENCO Gas Station), Route 207,
Town of New Windsor, Orange County**

Dear Mr. Mans:

This letter is to inform you that, per your request, the Department has investigated and reviewed the situation of the curb configuration that exists at the property referenced above. Currently, this property has three access points on Route 207. It is against Department policy for this type of minor commercial property to have more than one access to a state highway, in efforts to prevent conflicting movements onto the state highway. We understand that this curb configuration has been in effect and functioning in the same manner for many years.

We are also aware that in 1992, you submitted applications for the development of the adjacent property to Petrol at the Gate, for a facility to be named Park, Fly & Drive, Inc. Shortly thereafter, the Department granted a Highway Work Permit (#8-93-0663) for the access to Park, Fly & Drive from Route 207. Mr. Mans, as a condition of the said permit, the Department required you to make modifications to channelize the access to the Petrol at the Gate property. It is evident that those conditions were not met; therefore the work authorized by highway work permit #8-93-0663 has not been satisfactorily completed and has not been accepted by the Department.

Based upon our review of the existing conditions of the two parcels mentioned above, the existing curb configuration for Petrol at the Gate is acceptable for the time being. In the future, if you plan to utilize the Park, Fly & Drive property as originally intended or to develop it into some other type of use, you shall be required to obtain a new Highway Work Permit to modify the access to conform to current NYSDOT standards. At that time, the Department will reassess the existing accesses to the Petrol at the Gate, and may require changes.

Thank you for your cooperation in this matter. The Department appreciates your efforts in maintaining the safety of the traveling public. If you have any questions, please call me at the number above.

Sincerely,



Silby Mary Zachariah-Carbone
Permit Engineer, Orange County East

Cc: Richard Gaupman, P.E., R.E., Res. 8-4
Glenn Boucher, P.E., R-8 Permits
Michael Babcock, Building Inspector, Town of New Windsor
Myra Mason, Planning & Engineering Dept., Town of New Windsor
file

MANS, CASEY - ROUTE 207

MR. BABCOCK: Mr. Mans has contacted my office in order to try to get a C.O. for his detail shop that is with Dutchess Terminals, the gas station right outside of Stewart Airport. I relayed the information to him today that we'd have to do an inspection there and also in my opinion, the curbs are also a problem before I could issue a C.O. As maybe this board remembers the DOT wrote a letter saying they felt the curbs were dangerous.

MR. PETRO: He hasn't done the work, just bonded?

MR. BABCOCK: That's correct, he's relayed through himself and the last tenant that he was trying to get in there, he has no reason to change the curbs and he has no intent to change the curbs.

MR. PETRO: His site plan that was approved shows the curbs being changed and he did put up the money to do that so, well, he has to do it, there's no further discussion really. So I would hold up any C.O.s until it's done.

MR. BABCOCK: Okay.

MR. LANDER: He's saying he's not going to do it, he's telling the town you have my \$6,000 or whatever the amount I think it's 6,000, you do it, hire a contractor, have him do it.

MR. BABCOCK: Well, the only reason for the bond, Ron, is that water district 11 was going right through there and we weren't sure but we were pretty sure that they were going to go right through the curb line, so since they were going to tear them out, we didn't want the applicant to put in new curbs and us tear them out, so we said let's let Dutchess Terminal go into business cause he was ready put up a \$6,000 bond if the contractor rips them out we'll put them back in in the right spot. Well, the contractor went inside the curbs which was probably the smart thing for him to do, so the curbs are still the way they are and the only reason this board I understood to let Dutchess

Terminals open was to put up the bond.

MR. STENT: With the intent if they didn't go through the curbs, the bonds would pay to put the curbs where they are supposed to be.

MR. KRIEGER: He didn't even want to put the bond up.

MR. LANDER: The town has \$6,000.

MR. KRIEGER: No, the town has \$6,000.

MR. LANDER: It's not his money?

MR. KRIEGER: I wouldn't necessarily make that assumption.

MR. BABCOCK: It is Mr. Mans, there was an argument who should put it up, Dutchess Terminals or him, he did put the money up.

MR. PETRO: He either has to put the curbs in, the town's going to put these in, use up \$6,000 bill for the rest or refund and then continue with the C.O. It has to be done, if that was on one of my properties, I'd have to do it. I don't see why there's a question to it.

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DISCUSSION

PETER SCHMITT - DUTCHESS TERMINALS ROUTE 207 LOCATION

Mr. Peter Schmitt appeared before the board for this proposal.

MR. LANDER: Where is that located?

MR. SCHMITT: Located at Dutchess Terminals, 207 across from the airport.

MR. LANDER: Casey Mans?

MR. SCHMITT: Casey Mans owns the property.

MR. PETRO: What would you like to do?

MR. SCHMITT: I'd like to open a service area for automotive repair work.

MR. PETRO: First thing that comes to mind would be parking, where is the parking going to be for that because those designated parking spaces in the front?

MR. SCHMITT: 1, 2, 3, 4, 5, 6, 7, okay there's more space I can have over against the fence parallel to that, if there's even more that I need, Mr. Mans says that he will open the gate and give me parking in his lot which is a big, huge lot.

MR. LANDER: Mr. Mans says?

MR. PETRO: What's going to prevent I pull in spot number 7 there as a customer, or I pull in one of those front spots along the deli but were calculated for the deli's use.

MR. SCHMITT: These will be used by the people using the gasoline, to get to the phone and I guess to go into their sales area.

MR. LANDER: You want to open up the bay that's been closed, they closed one bay and there's one?

MR. SCHMITT: They closed one bay, there's still a door, but I would use the back doors to go in and out of the garage.

MR. BABCOCK: There's two bays there now.

MR. SCHMITT: The gate across from his big parking lot off that driveway, I don't know the name of the driveway, but I can have access going across his big lot to get to a gate over here and pull in.

MR. LANDER: Okay, there's two bays there inside that building, there's two bays, one bay has a garage door, the other does not in the rear of the building there's two garage doors.

MR. SCHMITT: Right.

MR. LANDER: See what I am saying in the front, there's only one garage door, as Mr. Mans had to close the other one off because it would interfere with the parking spots.

MR. BABCOCK: That's correct.

MR. PETRO: Mike, why don't you give us a quick overlay?

MR. BABCOCK: That was my concern, Mr. Chairman, that was the number one is because the parking that is in front of this building is basically for the gas station and retail store. So also no parking for this detail shop, except for in the back of the building.

MR. PETRO: Weren't those spots designated to somewhere?

MR. BABCOCK: The spots in the back of the building were designated for the detail shop and the reason I understood that was is cause the detail and service traffic would be coming from the park, fly and drive unit and that is why they had 12 foot gate which we discussed quite often, whether they should have that or not and Mr. Mans stated that the cars would be coming out from there through the gate entering in and going

back that way and coming around onto 207 and going back into the gas station. The park, fly and drive is not even open yet, it's not approved, it's not built properly and if this use is allowed to go, I mean anybody that, this gentleman is driving down the road and he wants, they want to stop for service, they are not going to know to drive to the back of this building. That is my concern. And they are going to be parking in the convenient shop's parking spaces and then it's going to be a problem. I talked to Mr. Mans today, he said they'd put up a sign saying service area parking in rear of building. The second issue that we discussed was the curbing in the front of this station, we have a letter from DOT saying the curbing is not acceptable and they thought that it was a dangerous condition, if the board remembers something similar to that wording, and then they sent another letter back saying if the board wants to approve these curbs, it would be okay with them and this board said absolutely not, we're not going to approve something that DOT says is a hazardous condition.

MR. PETRO: So, the curbs are not put in properly?

MR. BABCOCK: Right.

MR. LANDER: They were never changed, let's state that fact.

MR. BABCOCK: What happened was Mr. Mans was being pressed to get a C.O. for the gas station so what he did is he put up a bond and we weren't quite sure where the water line was going through this property, whether it was going to take out the curbs or not and it didn't, it went through the parking lot. So Mr. Mans had put up a \$6,000 bond in order to put these curbs in which has never happened. So if we're going to allow another business to open up here with the curbs that have never been done.

MR. LANDER: So, what you're saying is that you will have to activate his bond and take his 6,000 and put the curbs in right way.

MR. BABCOCK: I told him today we don't want to put the

curbs in, we want him to put the curbs in.

MR. LANDER: Basically, that is what he is going to tell you, well, you've got \$6,000 of my money, go ahead have a field day.

MR. EDSALL: Just another update which I filled Mike in about tonight was that Mr. Mans contacted me and was looking to resolve the curb issues and all the park, fly and drive issues. And I suggested that as wonderful as engineers are, he should hire a surveyor and do an as-built to find out what was built right and what was built wrong and apparently, he's moving forward on that, so we're going to get an accurate survey so he knows what to fix and what to leave alone. So that hopefully, he'll make some progress, it's been numerous months and hopefully that suggestion will help get them moving.

MR. LANDER: I think that the state was the ones that had those curbs put in many moons ago.

MR. BABCOCK: That's correct.

MR. LANDER: Then after they were installed, they reviewed them for Mr. Mans' park and fly, they said that the curbs were a hazard to the driving public.

MR. BABCOCK: That's correct.

MR. LANDER: The ones they put in, they designed it and said their design was no good. So now, they're looking for Mr. Mans which I'm just looking at this objectively looking for Mr. Mans to change that.

MR. BABCOCK: I read the minutes and in the minutes, I said that I was the one that realized that and said they have objections to the curbs that they installed. I understand that whole thing, but my problem is that there is curbs that the DOT said to us we have reviewed this project saying they are in a dangerous location.

MR. PETRO: First of all, gentlemen, there's no issue, the curb's got to be replaced under the original plan that was submitted by the applicant, which is Mr. Mans,

he agreed to change them and put them the way that they are supposed to be done. That is why he put up a bond, they need to be done, that is it, there's no other issue, whether or not the state did it, who is going to do it now, they need to be done and that is it, that is all there is to it.

MR. LUCAS: Does that affect the detail shop entering from the rear?

MR. BABCOCK: No, that is the second issue.

MR. PETRO: Second issue which to me is more important is the parking for this operation, a sign, gentlemen, as we know, a sign is just as good as saying the check is in the mail. That is how much effectiveness you're going to get out of the sign which is zero, if I pull in there and see the nice spot and seen a sign, ABC's parking in the rear, I don't see the sign. Secondly, the spots that you are going to use in the rear usually with a fix up repair shop usually winds up getting dead cars and you're going to use them for parking, you're going to have cars coming in for repair, where are you going to park those? You're going to park them in the spots or somewhere on that site, so where is the vehicle storage going to be?

MR. SCHMITT: I can get excess parking from Mans opening the gate and let me have ten more spaces in that huge parking lot parallel to this, I mean right next next to these.

MR. PETRO: Only until the time he wants to open up the park and ride and he's getting 50 bucks a day to park cars there and you want to park a dead vehicle, I doubt that is going to work.

MR. SCHMITT: If I am paying so much rent for the area. He's not going to give me this parking for nothing.

MR. PETRO: That is even beyond. My first objection is to get the cars from Route 207 to get to the rear of your site and I just don't see that happening, under any circumstances, if you had, I don't know, explain it to me, how they are going to do that other than with a

sign.

MR. SCHMITT: Well, if Mans let's me put a sign over at the driveway, an arrow pointing this way and pointing across the huge parking lot how to get there, it would show people driving down the road this is 300, this is 207 and show which way to go in and turn and go across a lot and go into the parking area.

MR. PETRO: I see it as an improper use of the site, you already have the site as being occupied by a gas station, convenient store on you have 9 pounds in the 10 pound bag, we're trying to put 12 now. I don't see it and I'm not going to go for it and usually I go for just about everything. I'm very lenient, I think it's a wrong site for what you're trying to do. It's already too much there and I'm not even getting into the other issues of the curbing wrong and DOT says it's a hazard.

MR. SCHMITT: Excess parking that I can get that has nothing to do with it?

MR. PETRO: Only because it's all in the rear. Where is your handicapped parking going to be in the rear. How are people going to know to go there?

MR. SCHMITT: Right there is a parking spot right next to the building.

MR. LANDER: Where is the sign for that?

MR. BABCOCK: Mr. Chairman, the applicant did not--

MR. SCHMITT: He's stating that this isn't a handicapped parking spot.

MR. LANDER: Sign for the operation.

MR. SCHMITT: Not even made yet.

MR. LANDER: Where would you place the sign?

MR. SCHMITT: Well, I would place it probably at the end of the, his big parking lot, an arrow pointing in.

MR. LANDER: If you have, well, maybe not so much the sign, but if you have the sign on the building that is where people are going to go, see what I'm getting at? So they'd be using the spots.

MR. SCHMITT: Now, I would have one further down on his fence pointing in an arrow and in this direction like you see driving down the road 300 follow, you know.

MR. LANDER: You might only be allowed to have one sign because if you put it on the building, people are going to drive in there, you're going to have to have it on the other end.

MR. SCHMITT: That's all I'm allowed, one sign?

MR. BABCOCK: Mr. Chairman, the reason that there's no handicapped parking in the rear is because this was going to be a valet parking thing, that the people were going to get on the bus and go to Stewart and go on vacation and some worker would bring the car from here over to have it detailed and bring it back. So this really wasn't designed for customer parking, it was, I mean, if somebody wants to drive their car there, that's fine, but there was never any discussion about handicapped parking in the rear because it wasn't really a separate business. The other thing is that parking at park, fly and drive for this gentleman that is a different lot and it's also not approved and it's not constructed properly.

MR. PETRO: You can't use parking on a separate lot for, in other words, if you had 50 acres and that lot wasn't on your application, you can't use parking there because it may be sold some day, may change hands and you say well, you can park on my land, so it has to be self-contained, the parking, you're going to use, has to be on this one lot.

MR. SCHMITT: If I got a written letter from Mans?

MR. PETRO: I'm offering 50 million for the property and he sells that to me and you're off, you can't do it anyway, so what you and I do is one thing.

MR. BABCOCK: Me and Mark were just discussing if the park, fly and drive was in operation, and up to code and ready to go and he had a sign that said park, fly and drive and Schmitt's repair that went through this and came around, I think that that may work.

MR. EDSALL: That would meet the spirit of what the board approved before but the problem with that is that you've got park, fly and drive which has been improperly constructed, doesn't have any authorization to operate because in it's not functional because it was constructed wrong, how can you let another use go through a site that was built wrong and can't operate?

MR. PETRO: How are you going to access that business from another piece of property?

MR. BABCOCK: Right.

MR. PETRO: Doesn't make any sense to me.

MR. BABCOCK: The intent was that people would come in, drop their car off, get in a bus, go on vacation, somebody would take the car off their to detail and service it.

MR. PETRO: This application is no reflection on you because are you going to try and operate this yourself, physically, are you?

MR. SCHMITT: Yes.

MR. PETRO: Again, I'm not picking on you personally about this but this application just is terrible and it doesn't belong there. I would never even, if you can convince me that you can access this off another parcel of property, whether or not Mr. Mans owns both or not is immaterial, because tomorrow morning, it could be sold and someone else could own it. So accessing this off another site to me is not proper. And the parking in the front is absolutely positively going to be obstructed by your business, it's impossible and I can say to you I have already thought of this, I want the front of the building removed, I want it put in solid.

I thought maybe that would work, no garage door on the front, you can have the business but it's going to be from the rear, you have already stated that is your intent. So we remove the garage door, nobody can park in the front that would deter somebody but then to say you're going to access off another site, I don't understand it, you need access off the site that it is part of. Am I making myself clear to anybody here?

MR. ARGENIO: I agree with you, Mr. Chairman.

MR. SCHMITT: To get to 300, you've got to go through 207, so you've got to drive the road to get to that point. I just don't understand why I wouldn't be able to use that until Mans was to sell the property and he claims he's not going to.

MR. PETRO: Maybe with an easement over the property.

MR. ARGENIO: Doesn't the lack of safe ingress egress transcend everything we're talking about here. Does it not or am I missing something? Somebody help me.

MR. PETRO: That is part of it, for sure.

MR. BABCOCK: There was several comments in the minutes that I read for this whole entire project that the cars would come from the park, fly and drive, be brought through the gate, so they'd not come back out on 207 and try to enter into this gas station and with all that and this board hearing all that and the reason for the gate because the board was dead against this gate to access these two different properties and that is what convinced the board to let them put the gate in. And you can't come into this board and I've got to go out there and try to enforce it, that is where my problem is and say this is where the cars are coming from and rent it out to somebody else, now the cars are coming in just the opposite of what we talked about.

MR. PETRO: The gate is immaterial, it should not be there because it's going to another piece of property, we can build a catering hall on that property, you think that man would want vehicles going to the repair shop through his property?

MR. BABCOCK: The theory of the gate when I read the minutes was so it wasn't hazardous, they didn't want, you guys didn't want the cars coming back out on 207 and trying to get through.

MR. PETRO: And there was no staging in the front of building. Originally, he was going to bring cars through that. What if they all came at one time, where would the cars be stacked up? They'd be stacked up on 207.

MR. SCHMITT: With one man working, how many cars are you going to take at once? You know, it's like having ten mechanics behind me, that would be one thing, and have a flow of work, but one guy doing the work.

MR. PETRO: I have to, I'm going recap, you have no parking in the front of the site at all.

MR. SCHMITT: I don't.

MR. PETRO: I don't like the idea of accessing the site off another property, therefore, I cannot, there's no way that I can see this working.

MR. SCHMITT: Well, my father is back there, owns property a quarter of a mile back over another man's area, it's his road and he has right-of-way to drive by this man's house to get to his house, so the guy can get out of here.

MR. PETRO: You may legally have a way to get across the property forever, if the man was in my estimate foolish enough to give you a legal description to cross through the center of his property to fix cars for the rest of the property's life, if you want to go that route.

MR. SCHMITT: How many parking spots do I have to have?

MR. EDSALL: I think he needs four per bay, which is a total of eight.

MR. SCHMITT: So I need one more.

MR. STENT: You still have the access problem.

MR. PETRO: He is going to try to resolve that.

MR. SCHMITT: If I can get it written by Casey.

MR. PETRO: I'm talking about a legal description on the property encumbering that property next to you with a legal easement, permanent easement that you have access over it, that's maybe what your father has.

MR. SCHMITT: This building is a temporary building, it's going to be knocked down, I don't know what time but it's going to be knocked down at some time, okay, this environmental work in there, it there will be a lot more spaces, I can put two, three more spots there.

MR. PETRO: I don't think the spaces are a problem, getting to the spaces is a problem through a different parcel of property, that is what I am trying to say so you need a legal easement to that.

MR. SCHMITT: A legal easement saying that I can have right-of-way across his?

MR. PETRO: Not a handwritten note from Casey Mans, a serious, legal document.

MR. SCHMITT: From his lawyer?

MR. KRIEGER: As long as you're talking to his lawyer, it has to be in recordable form.

MR. PETRO: My second part of this of course I'm one member, if anybody disagrees, speak up, is the front of the building I would see blocked off no garage doors at all on the front.

MR. SCHMITT: You'd want the garage door just wall?

MR. PETRO: That is wall, so no one's going to pull into the front of the property in the convenient store's spots, which are only three there to start with, that was tight to start with.

MR. SCHMITT: Looks like a brand new door to me.

MR. LUCAS: Because you're going to have people that are going to want to pull right in there and block off the three spots.

MR. EDSALL: Mike and I were just talking about if that all works out and you get a proper recorded right-of-way or easement through the property, the issue still remains that the park, fly and drive site must be constructed properly, so it can be used, at least the access.

MR. PETRO: The access still has to be properly constructed, you may physically be able to go there tomorrow and drive through that gate through there, what the engineer is telling you that it has not been properly constructed and there's no C.O. issued to that property so therefore, he'd have to bring all that up to conform.

MR. EDSALL: At least my position is that pertaining to access and that would affect Mr. Schmitt's use of the access to keep on Casey, to get that redone so we can figure out what's wrong.

MR. PETRO: We have given him direction.

MR. LANDER: Mr. Chairman, also he still doesn't have parking.

MR. PETRO: Parking, he said.

MR. LANDER: Many applicants come to the board and ask for relief, Demo's Cafe up in Vails Gate was one, he wanted two story building, he didn't have parking, he wanted to lease it from Waldbaums or whoever owns that piece and he had to construct a one story structure because you cannot least parking spaces.

MR. PETRO: Yeah, but I believe that these particular spaces that he is showing are on the, are they on this site?

MR. BABCOCK: Yes,

MR. EDSALL: The 8 are on there, but the problem with the 8 is that still in the interim with that temporary building there as a stand-alone use to really use those 8 spaces as customer spaces and operational spaces, I don't know that you can provide the correct lanes cause the building is square in the middle of the lot, that is the temporary building recovery system for the contaminated fuel and soil.

MR. PETRO: They have to demonstrate the parking on the lot.

MR. EDSALL: It's a tough site.

MR. BABCOCK: With the handicapped spot for this particular--

MR. EDSALL: I think the board's done a good job saying this is a real difficult site.

MR. SCHMITT: Even if I get the access to the parking, he still has to block off the--

MR. PETRO: That is my suggestion. Number 2, what we just discussed is the parking as it's designed now is not going to work on the plan, you do show 8 spots, but we don't know that that is 8 spots that are usable in the legal terms that are described by town code which goes back out, size of the spots, I don't even see what they are, so without removing that temporary building and we don't know when the temporary building is going to be removed, unless you contacted DEC and get a schedule on that.

MR. SCHMITT: If I get Mans to okay me on the other parking lot, that has still--

MR. PETRO: That has no bearing on this, what Mr. Lander was just saying, that parking would be on a separate parcel and again, you cannot lease or borrow parking from another parcel.

MR. SCHMITT: Why is that?

MR. KRIEGER: Because you don't have control, because it can be taken away as fast as it can be granted.

MR. SCHMITT: If I got a lease from the gentleman for the parking lot?

MR. LANDER: Can't lease the parking spaces.

MR. KRIEGER: This board is not going to get involved in speculating as to the validity of a lease and whether or not it's attackable through litigation or whether it will be and how long it would last and all those questions which would arise.

MR. PETRO: Legally can't be done.

MR. EDSALL: The code specifically prohibits it.

MR. PETRO: Can't do it legally so even if I said yes, you can do that, I'd be breaking the law.

MR. SCHMITT: Okay, gentlemen, forget it, then sort of like just give up on it.

MR. PETRO: I'm not saying that directly but--

MR. SCHMITT: You're kind of hinting to me that.

MR. PETRO: Seems to me that it is going to be a difficult site to do what you want do there, it will be a difficult application.

MR. SCHMITT: Okay.

DUTCHESS TERMINALS SITE PLAN (95-25) ROUTE 207

Mr. James Spratt and Mr. Vosoughi appeared before the board for this proposal.

MR. SPRATT: Good evening. Since my last meeting I attended the Zoning Board of Appeals based on the variances that we required, we obtained all variances except one, and that was the height of the sign and we acquiesced to having the sign at 15 and not 19 feet. So the documents have been all corrected according to I believe all the notes between town engineer and everything. And if there's anything maybe Mark can--

MR. EDSALL: Maybe it would be worthwhile to just quick go through them if it's okay.

MR. PETRO: Yes.

MR. EDSALL: Mr. Spratt has been very cooperative but we have been able to resolve everything. The only outstanding issues, and it's not because it's something he couldn't do, it's something that the board should, it should put closure on, under 2A, discuss the 12 foot gate as to whether not you want to restrict its existence and the ability to go between the two sites, 2B, you have got a letter on record from I believe it's Mr. Mans' attorney or is this Dutchess Terminal's attorney?

MR. BABCOCK: Dutchess.

MR. SPRATT: No, this wouldn't be Dutchess, I don't know the man.

MR. EDSALL: I believe it's Mr. Mans' attorney. Relative to the issue of the, I believe that is relative to the issue of being able to close the project out when there is an ongoing contamination correction issue and 2C, which is just I think a note that Jim didn't get a chance to finish which is just regarding the paving in the rear of the site. Other than that, we have been successful in dotting I believe every i and crossing every t that we needed to accomplish.

MR. SPRATT: I believe Casey paved everything up to the back of the building, that is why I didn't make that note. When he paved the back, he just kept paving right on up. Every day I had to go and see what has changed but I can make that note on the final plan.

MR. DUBALDI: Change that on the map.

MR. SPRATT: Sure.

MR. PETRO: The six foot fence that is existing on the rear of this site, what is it made of?

MR. SPRATT: Chain link fence.

MR. PETRO: Because I notice on the other side, Park and Ride, there was a wood fence put up and we requested chain link, I'm not saying that is bad, I talked to the building inspector and we looked at it and thought it didn't look too bad. So I don't think unless other members have a problem with that, I just want to get that out in the open and on record.

MR. SPRATT: Casey has put up a chain link fence as per the Drive, Park and Fly site plan.

MR. PETRO: In the rear there was a wood fence put up, wood slate fence.

MR. SPRATT: Rear of that parcel.

MR. BABCOCK: Yes.

MR. SPRATT: I'm sorry, I'm only talking about the division fence.

MR. PETRO: I had asked what's on this particular parcel and you told me chain link.

MR. SPRATT: Right.

MR. PETRO: I just wanted to get it in the minutes now and on the record because frankly, it wasn't what we had asked for in the rear of the other site, but it

doesn't look too bad. I have been there, I think the building inspector has been there and it's a good time to get that clarified.

MR. BABCOCK: Right.

MR. PETRO: Any of the other members have a problem with it?

MR. STENT: You're talking about the Park and Ride?

MR. PETRO: No, it has nothing to do with this.

MR. BABCOCK: Maybe for some of the guys, I don't know whether everybody was here when this Park and Fly started, but one of the concerns that the board had was that the rear fence, there's a mobile home park behind there, and as people come in and out go out all hours of the night, the board had suggested that they put a chain link fence up with slats to protect the headlights from shining in the mobile home windows.

MR. LUCAS: Is there any room for any other type of buffer?

MR. BABCOCK: What it is, is the fence is about midway of the property, he's doing, he has like a Phase 1, Phase 2 project. If the Park and Fly is successful, I assume he is going to expand it. I looked at the fence myself and mentioned it to Jimmy, it's 1 X 6 board and batten type fence, will serve the same purpose as what the board I thought required for it.

MR. LUCAS: No problem with the high or low beams?

MR. BABCOCK: No.

MR. PETRO: I don't think we have, I just wanted to get that in the minutes so we knew what we were doing there. I had mentioned at the last meeting in November about the 12 foot gate, I wasn't excited about that at time because I really didn't want traffic coming through this particular site on to the other site, as Mr. Mans told me in the meantime that he's putting a beautiful curb cut in on the other property, on the

Park and Fly property, he intends on using it, this would just be an access gate in case somebody wants to get the car serviced or cleaned while they have it at the Park and Ride. Since we thought that and I think maybe it is a good idea to have the gate there, it might actually work to lessen a potential problem of staging problems on the small lot in front of the service area. So I want to get that into the minutes. If anyone else wants to talk about it, now is the time to do it. Mark, do you have any problem with the gate?

MR. EDSALL: I think your conclusion is very much on target because if you don't have vehicles that need to be serviced brought through that 12 foot gate in the rear, you're going to be increasing the traffic load at the intersection of Brunning Road and Route 207. So I think that actually is a disadvantage, so I think you're a hundred percent right.

MR. PETRO: You know, I also--

MR. STENT: So the purpose of that gate is going to be only for service to that building for vehicles to be serviced, not an entrance onto 207?

MR. PETRO: No, I think what he wants to do, if you, if you park your car at Park and Fly and want to go away for three days, you might want to have an oil change, instead of going out onto 207 and coming back through the front, they can access it through the rear.

MR. STENT: Strictly a service gate?

MR. PETRO: Right.

MR. LUCAS: Is that the only entrance to that?

MR. STENT: No.

MR. PETRO: All the curbing is done over by where Joseph's Pizza used to be by Larkin's, there's new curbs.

MR. STENT: I have no problem with the gate as long as it's used for service purposes.

MR. KRIEGER: One other thing I point out with the relocation of the gate seems to be unlikely that that would be used as a means of ingress egress to the Park, Ride and Fly because it would be frankly looks like more trouble trying to snake your way back to the gate than just go in.

MR. PETRO: Probably would, just didn't want in the service area where it says service area in the existing building, not in the park, in the gas station property, you can put up a little booth, you do away with the other curb cut, start giving out tickets, they start bringing them in through the gate, that is what I was trying to head off.

MR. SPRATT: Dutchess Terminals lease which the lease isn't your problem but the lease they have everything in front of this building is in their control, it's not Casey's control.

MR. PETRO: Nothing to do with Park and Ride.

MR. SPRATT: Right or Casey even in the building.

MR. PETRO: That is further argument to go along with the reasoning for keeping the gate, I don't see it as a problem then.

MR. KRIEGER: I would suggest that if there is any residual concern perhaps placing a note on the map to that effect.

MR. PETRO: I think we have got that in the minutes.

MR. KRIEGER: If there is a concern, I'm not saying that it is required.

MR. SPRATT: Well, it's tough to define service, we know what it is today but then what happens later?

MR. DUBALDI: I have a question about the lack of a projection around the dumpster. Usually, we ask for some kind of protection, similar to the make of the building and all I see is a 6 foot high chain link

fence around the dumpster, pretty much in the middle of the parking lot, anyway, we can put that in a better location?

MR. BABCOCK: Mr. Chairman, maybe I can address that for one second. Carmen, at a previous board meeting, a few months ago I guess, this temporary building they are hoping won't be there forever and the parking areas where you see 11, 12 and 13 their intentions are to move that dumpster area to that back fence, that is what Mr. Mans and also Dutchess Terminals, I assume we have discussed that this is a temporary location for the dumpster because it would block parking anywhere else.

MR. DUBALDI: What guarantee do they have that that is going to happen?

MR. BABCOCK: Probably none, except that if the temporary building comes down and myself or one of the board members see it, then we can make sure it does happen.

MR. PETRO: I don't think he would want it there, it's in the flow of traffic.

MR. DUBALDI: I would like to see something on the map stipulating once the temporary building comes down, that all of this that you just said will happen because I have a sneaky suspicion if we don't get it put on the map, that we don't stipulate that it will happen, that it will not happen.

MR. SPRATT: That can be a condition of approval.

MR. PETRO: What will happen to parking lot 11, 12 and 13, are you going to add them to eight and ten there?

MR. EDSALL: Why don't we just request that they give us a new layout for the rear of the site as far as parking, once the building is removed, cause we don't know that something else might not happen, maybe the building is going to change in size.

MR. DUBALDI: Subject to Mike's approval.

MR. EDSALL: Bring it in for the record to the planning board.

MR. KRIEGER: Certain time be specified on the map for removal of the building, whichever is sooner because otherwise--

MR. EDSALL: They can't do anything until the building is removed.

MR. SPRATT: Are you looking for a concrete block enclosure, is that what you're looking for?

MR. DUBALDI: Yes, sir. We request that of everybody that comes before us.

MR. STENT: Something that matches decore of the building?

MR. PETRO: And or they can also use the slats.

MR. SPRATT: I think it would be better for Casey and he's not, I'm going to speak for him tonight, if we change this to what I want where it is and then you don't have all the notes and all the changes.

MR. EDSALL: Then it won't match what the planning board, the plan cannot match what's out there, which is a problem. You add a note that once the need for the temporary building ceases within two months, they'll submit a revised plan for the rear area and that way you'll just add it to this file. They won't need a separate application but you'll just at that point revise the rear layout. And I'm saying the need for the building because we don't know that when the DEC says it's fine that Casey wouldn't use to it store tires or something else in. So once the need for purposes of environmental cleanup ceases within two months, they'll come back in with a revised rear.

MR. KRIEGER: Define need.

MR. EDSALL: Need for environmental purposes ceases

within two months.

MR. SPRATT: That is important.

MR. EDSALL: They'll come in with a plan and remove the building and lay out the back again.

MR. PETRO: But we do allow, Carmen, I want to state we have allowed, if you have other type of fencing or material that is used on the site, such as the chain link with the slats in it, would that be more conducive to a block structure on the rear of the property, just wrap it around but it just can't be obviously a chain link fence, got to match the rest of the fencing with the slats or that wood fencing in the other rear.

MR. DUBALDI: My experience with fences like that they tend to get bumped into by the garbage trucks that come to take the garbage dumpster away. You find a lot of the plans that we did put that on, the fence kind of disappears after a while or gets bent and does not serve the purpose. I'm only one member, Mr. Chairman.

MR. PETRO: Well, okay, I'm not going to belabor that.

MR. SPRATT: Do you want slats in the chain link that I have there?

MR. PETRO: That you have now on the property line now.

MR. BABCOCK: Around the dumpster area.

MR. SPRATT: You mentioned--

MR. PETRO: As it stands now, well, should be, yes.

MR. SPRATT: Well, I just--

MR. PETRO: When you have the final location, you might want to add a couple bollards.

MR. SPRATT: That will come in as a site plan, it's going to come in as a site plan.

MR. PETRO: Let's go to landscaping here cause it is

right in front of the gate, I know we have gone over this before, just bring me up to date about the landscaping.

MR. LUCAS: What landscaping?

MR. SPRATT: The only landscaping was in the original subdivision and that I started with, I don't know anything more than to say that is what was on the approval for the Park and Ride.

MR. PETRO: We have a sidewalk that goes around the existing building and says new pavement to meet sidewalk grade, you have some bushes four foot high, evergreen screen three foot on center spacing existing, they've already been complied with.

MR. SPRATT: Yes.

MR. PETRO: So they are existing there now?

MR. SPRATT: Yes and they are on the other original site plan.

MR. BABCOCK: On the original site plan, if you remember the board wanted to look at their property, the Park and Fly plus the house so the landscaping plan is attached to the Park, Fly and drive.

MR. PETRO: Encompassed the whole project?

MR. BABCOCK: Yes and quite honestly, the last time I went by there, most of the landscaping has been completed, I shouldn't say most, there's been a lot put in.

MR. PETRO: Did we have a public here on this? I know you obviously did at the zoning board. Was there anybody who showed up at the planning board, was there?

MR. SPRATT: Well, the people, there was a group that had trouble with Casey in regard to the school kids getting in the bus and it was on his property he told them to get off the property, it was some parents and some school busses.

MR. PETRO: I believe we had that when we had the original public hearing for the Park and Ride that was down from the trailer park.

MR. SPRATT: Other than that, I believe there was a competitor that spoke up which was down the road, I forget which one.

MR. PETRO: But you did have a public hearing recently?

MR. SPRATT: Yes, I believe on the 11 of March, I believe.

MR. STENT: On the pavement sidewalk in the front of the building you got to bring that pavement up to the grade of the sidewalk so there will be no curbing there.

MR. SPRATT: Right.

MR. STENT: You're going to, what is it going to be used for, no parking in front of the building?

MR. SPRATT: You can't service a car at the pump and still get somebody by to park.

MR. DUBALDI: What about a ramp so someone who's handicapped can get up on the sidewalk?

MR. BABCOCK: That is why they are doing it.

MR. STENT: Paving is going to be at sidewalk level.

MR. LUCAS: Where is the landscaping you're talking about?

MR. PETRO: It's on the original map, Mike, that was filed with the Park and Ride.

MR. LUCAS: Where would it be if you are looking at this?

MR. SPRATT: We have some along between the garage, the service station and the residence and then he has on

the Park and Ride there's landscaping all along here.

MR. LUCAS: Cause the rest of it is concrete pavement.

MR. SPRATT: Right.

MR. PETRO: Just go over the facade of the building, I know that you have a plan in front of it, just exactly what are you going to be doing with the upgrade of the station itself?

MR. SPRATT: Primarily it will be putting on an exterior of stucco exterior, very plain beige stucco exterior, take off what's there and neaten it up that way and just put the Citgo stripes on the top and that is basically what it will be, clean up the exterior.

MR. PETRO: New overhead doors in the front?

MR. SPRATT: Correct.

MR. PETRO: New windows. Canopy, you have received all the variances, you have them all on the map, they are all listed?

MR. SPRATT: Yes.

MR. LUCAS: Is there handicapped bathrooms with this?

MR. SPRATT: Yes, they are inside.

MR. STENT: Is there some way, I'm concerned about the service area in the back, mainly concerned about motor homes being stored in the back of this building. Is there anything that can be put in there where vehicles have to be registered or can't be stored there for more than two days in the back?

MR. SPRATT: What do you have in the zoning if there's more than two cars?

MR. EDSALL: I think he's saying for storage for an extended period.

MR. STENT: This is commercial property, I don't want

to have motor home storage all over the place, that is why I'm asking Andy.

MR. BABCOCK: That would be a different use. I'm not disagreeing with what Ed's saying, I think I do agree but I think that we would have, if somebody was parking cars or vehicles for sale, I think they would not be in compliance with the site plan approval that you are going to give them.

MR. STENT: So you could have him move them out?

MR. BABCOCK: We'd violate him for not being in compliance with the site plan, we could do that.

MR. PETRO: Just to the west of the building, the sales area there's two arrows, one is facing in, one facing out, is that going to be used as a drive?

MR. EDSALL: That is the access drive to the rear.

MR. SPRATT: From the front to the back if anyone wishes to use it.

MR. LUCAS: Employees, you mean?

MR. SPRATT: Yes, because basically, as I say, Dutchess Terminal has complete control of the front by lease and we're not looking to have vehicles in front to serve him in the back. So I mean it's really a situation that it's there, it's convenient more than anything else to give expansion to the lot, not have it all bound up in a very small space.

MR. STENT: You're granting him access to the back to service vehicles on the spots there.

MR. SPRATT: Yes.

MR. EDSALL: Jim, can I ask a question? Are you saying that your lease provides you no benefit for use to the rear, to the rear area?

MR. VOSOUGHI: We agreed to give him access to the driveway.

MR. EDSALL: You have use of the rear area, right?

MR. SPRATT: Yes.

MR. EDSALL: I'm getting two answers.

MR. VOSOUGHI: I am Mr. Vosoughi, president of Dutchess Terminals. Originally, we didn't, since we agreed to give him the access to the driveway, they gave us dedicated parking spot in the back.

MR. EDSALL: You can use those spaces.

MR. VOSOUGHI: Yes.

MR. EDSALL: Although the lease may only be to the front, they should also have benefit of the rear because let's keep in mind that is the required parking.

MR. VOSOUGHI: If you notice we also have propane tank in the back, so we would have access to both sides of the fence.

MR. STENT: You're going to control the propane?

MR. VOSOUGHI: Yes.

MR. PETRO: We have municipal highway approval on 5/2/96, water on 5/2/96, I'm sorry, 5/3/96 and 5/6/96 and we have fire approval on 5/6/96.

MR. STENT: I notice you're going to do the facade, is that going to wrap around both ends of the building?

MR. VOSOUGHI: One end where the bathrooms are, one end and the entire front, not the house side.

MR. STENT: The house side is going to be covered by shrubs?

MR. LUCAS: What is it now.

MR. SPRATT: We're going to remove it on the front and

on the west side.

MR. LUCAS: On the house side?

MR. VOSOUGHI: There is nothing there now.

MR. DUBALDI: You're not doing the entire four sides of the building?

MR. SPRATT: No.

MR. DUBALDI: Repeat it one more time, you're going to do the three sides?

MR. SPRATT: Front and the west side.

MR. VOSOUGHI: The visible side.

MR. EDSALL: I just want to get on the record since there may be some confusion, the bottom line is as far as the use of the site that the planning board to approve this we have to understand that the entire rear area is usable as part of this site plan because all 13 spaces are distributed over the entire site. So in answer to one of Ed's concerns, if they began to store for long term purposes motor homes in the rear, they would be obstructing the required parking on the site plan and that would be a site plan violation.

MR. PETRO: Would the applicant have a problem with putting a note on the plan that no motor homes should be stored on this property?

MR. STENT: I don't think that is necessary, based on what the building inspector said.

MR. VOSOUGHI: We don't want them there as much as you don't but to speak on Casey's behalf.

MR. SPRATT: I think you have to show us something to agree with that.

MR. EDSALL: We have advised the applicant and since Mr. Mans did sign a proxy authorizing Mr. Spratt to represent him, in effect we have notified Mr. Mans that

he cannot use the site for this purpose.

MR. LUCAS: Is that cost prohibitive to do the at least one other side or are you telling me it's not visible at all?

MR. VOSOUGHI: It's not visible, it's useless, you don't see any part of it anyway, the building, the house prevents it.

MR. BABCOCK: Are you going to paint the back and the side?

MR. VOSOUGHI: Casey probably has to do it, that would be his part, yes, he has to, he can't leave it the way it is, yes.

MR. SPRATT: East side and the back is really Casey's responsibility by lease and that is why we can't answer.

MR. LUCAS: Yeah, but if this site plan is the parking lot is going with the back and the front really they are not, am I right with that?

MR. VOSOUGHI: Obviously, if you want this plan to be contingent on painting the back and the side of the building, we would go, we'd go ahead with it and paint.

MR. PETRO: As read in the minutes.

MR. KRIEGER: Just paint it so the color's consistent.

MR. LUCAS: We appreciate it.

MR. PETRO: You understand that that is an obligation now?

MR. VOSOUGHI: Yes.

MR. DUBALDI: I think the mobile homes owners behind you would appreciate that.

MR. SPRATT: It can be Citgo number so and so, I don't know the number.

MR. LUCAS: Off the record.

(Discussion was held off the record)

MR. PETRO: Look at where this is located, it's out of the site, in other words, he's not seeing it from any angle, it can't be seen.

MR. LUCAS: You never know when the temporary building is going to be gone.

MR. STENT: Two months, he is going to come back with another site plan where the building is.

MR. LUCAS: That is up to the DEC, if they decide they are going to remove it.

MR. STENT: Once the DEC moves out, then he has two months to come back with a site plan for that back lot.

MR. LUCAS: DEC doesn't have to move out for two years, right?

MR. STENT: Then we have a chain link fence with slats.

MR. LUCAS: Then we'll worry about it.

MR. BABCOCK: That is correct.

MR. PETRO: I want to go over to number 3, Mark, in the comments and I think what we have to do and everybody has the letter from Richard Feinstein, attorney at law, environmental issue concerning site plan approval, I'm not going to read it into the minutes, but it seems that they have a very good way to review this, I don't see any problem. I have read this letter, unless Andy or Mark tells me something to the contrary or another member doesn't like it, I think we can take, we have taken lead agency, we can make a determination as far as this board is concerned under the SEQRA process and then give it to them for their final approval or stamp. Do you see anything wrong with that procedurally, Mark?

MR. EDSALL: No, I think what Mr. Feinstein is proposing makes sense.

MR. PETRO: I think what we can do is we can again go under the SEQRA process, we'll make our determination subject to the signing of the plan by the regional office.

MR. STENT: We can take negative dec on the SEQRA.

MR. PETRO: That is what I am looking for.

MR. STENT: I make a motion that we declare negative dec under SEQRA process at this time.

MR. DUBALDI: Subject to.

MR. STENT: Subject to.

MR. PETRO: I can read it in, go ahead.

MR. DUBALDI: Second it.

MR. PETRO: State your motion one more time, Ed please.

MR. STENT: I make a motion that we declare negative dec under SEQRA process.

MR. EDSALL: Off the record.

(Discussion was held off the record)

MR. PETRO: Mr. Stent, make the motion again.

MR. STENT: Motion to declare negative dec for Dutchess Terminal site plan.

MR. LUCAS: Second it.

MR. PETRO: Motion has been made and second that the New Windsor Planning Board declare negative dec for the Dutchess Terminal site plan on 207. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. DUBALDI AYE
MR. STENT AYE
MR. LUCAS AYE
MR. PETRO AYE

MR. PETRO: Again, this is going to go along with the letter to the Department of Environmental Conservation as we have just hashed out for the last ten minutes. Well, gentlemen, I think we have seen this plan a number of times, it's been through the zoning board, he's received the necessary variances, except for one on the sign which they have agreed to the 15 foot height instead of the 19. They have a landscaping plan on file.

MR. DUBALDI: Jim, did we waive public hearing?

MR. PETRO: Not yet.

MR. DUBALDI: How can we waive the public hearing before we declare negative dec under SEQRA process?

MR. PETRO: This is for special permit.

MR. EDSALL: Continuation of a special permit.

MR. PETRO: So we need a public hearing?

MR. EDSALL: It's debatable, don't forget that you have already issued an approval on this site plan. This is an amendment to it and if you determine, my opinion that if you determine that there is no zoning change or change in the operational hours or anything extensive and it's a continuation of existing special permit use. You don't need to have a public hearing and if you make that determination, do so, don't say you're going to waive it cause you can't waive it.

MR. PETRO: I would make that decision myself, I think we have, he's just had a public hearing, we have had a public hearing on it.

MR. LUCAS: Do we need that in the form of a motion?

MR. PETRO: Just make a determination, we can poll the board.

MR. KRIEGER: You want to do that and have it on record so there's a formal determination of the board that a public hearing is not necessary because there's no substantial change requiring any public hearing.

MR. PETRO: Poll the board at this time then.

MR. DUBALDI: I think it's in the best interest of the applicant to have a public hearing but I'm only one member.

MR. STENT: I don't think it's necessary based on the changes.

MR. PETRO: This isn't just to have the public hearing, because of the special use permit, remember he's just had a public hearing at the zoning board, so it's only that we would require the public hearing for the special use permit.

MR. EDSALL: Just something else to the benefit, don't forget you had a public hearing when you looked at the total site with Park, Fly and Drive, the residential and the site plan, so you had a public hearing.

MR. LUCAS: So it is not required.

MR. EDSALL: You already had a public hearing for the total site plan now he's back for an amendment.

MR. BABCOCK: This amendment includes the canopy, and the change from just the regular gasoline station to a convenient store, convenient mart that is what the changes are here for tonight.

MR. EDSALL: Special permit use is effectively being somewhat decreased cause you're taking some of it and making it retail.

MR. PETRO: Mr. Dubaldi, with the new information,

still feel the same?

MR. DUBALDI: Yup.

MR. PETRO: Mr. Stent, need for public hearing?

MR. STENT: No.

MR. LUCAS: No.

MR. PETRO: And myself, no. No being that we don't need the public hearing, the SEQRA process is done correctly, the planning board should require that a bond estimate be submitted for this site plan in accordance with paragraph A1G of Chapter 19 of the Town Code.

MR. DUBALDI: Was the motion you made and seconded to waive the public hearing?

MR. PETRO: We did it by a poll.

MR. KRIEGER: You don't waive a public hearing, you simply declare you don't need one.

MR. PETRO: Only for the special use permit, the extenuation of that wasn't for the entire site plan. I read in the water, sewer and highway department approval dates, I think that subject to Mark we're going to have is once the temporary building comes down.

MR. EDSALL: I have provided Mr. Spratt with a suggested note to address that new site plan for the rear, the second condition should be that prior, I would think prior to a building permit or any work on the site that the applicant will proceed with the course suggested in Mr. Feinstein's letter and third one is the bond estimate.

MR. PETRO: And the painting of the back of the building we discussed that.

MR. EDSALL: Painting of the rear and other side.

MR. PETRO: And Mr. Mans is going to agree not to put the mobile home units on the rear of this property.

MR. VOSOUGHI: You're making it as a condition or--

MR. PETRO: You can speak, we have a proxy on behalf of him.

MR. STENT: Based on Mike's remarks before.

MR. BABCOCK: These 13 supposed spots.

MR. STENT: Prohibits him from putting the mobile homes there.

MR. PETRO: So we only have the four subject-tos then and if we have a motion to approve, we'll note them as part of the approval process.

MR. STENT: I make a motion that we approve the Dutchess Terminal site plan with the subject-tos that we have to them coming back when the building's down in the back and subject to Mr. Feinstein's letter, painting the sides of the building that were previously left in metal and the bond estimate submitted.

MR. PETRO: Motion has been made and seconded that the new Windsor Planning Board grant final approval to the Dutchess Terminal site plan on Route 207 subject to what just was just read into the minutes. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. DUBALDI	AYE
MR. STENT	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. LUCAS: I haven't seen it since I was on the board before, is there flag poles here? This is the first thing that people see when they enter the Town of New Windsor from the airport.

May 8, 1996

35

MR. SPRATT: You want a flag?

MR. LUCAS: We usually require.

MR. PETRO: We're going to have a memo on that, let's let that go for tonight, Mike, I'll explain to you.

MR. SPRATT: I think Park and Ride has more room.

MR. PETRO: It's right next door and we'll get back, remind me to get back to you on that. Any further discussions from the board members? There's a motion on the floor.

ROLL CALL

MR. DUBALDI	CAUTIOUSLY AYE
MR. STENT	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. PETRO: Remind you that all eyes are on you, you're right at the entrance of the town there so please do a good job and try to adhere to the plan the best that you can.

MR. EDSALL: Or make it better.

MR. SPRATT: Thank you very much.

DUTCHESS TERMINAL SITE PLAN (95-25) RT. 207

Khosrow (Russo) Vosoughi of Dutchess Terminal, Inc. appeared before the board for this proposal.

MR. VOSOUGHI: Mr. Spratt could not be here tonight, I'm Russo Vosoughi of Dutchess Terminals so the way I understand they had a meeting at the workshop, I'll do my best to answer any questions, as many questions as I possibly can.

MR. PETRO: I just want to make it clear for anyone here, this application is for the gas station parcel only, is that correct?

MR. VOSOUGHI: Yes.

MR. PETRO: Has nothing to do with the Park and Ride whatsoever?

MR. VOSOUGHI: Right.

MR. PETRO: This is only for the gas station parcel, not the Park and Ride where the gas station sits.

MR. EDSALL: There's a connection only by virtue of the fact that the previous application included all three sites, this effectively is an amendment for a portion of the previous site plan Park, Fly and Drive, although this plan addresses only that piece.

MR. DUBALDI: So this doesn't involve the other site plan approval?

MR. BABCOCK: Correct.

MR. EDSALL: The previous application did address all three sites, this one effectively becomes an amendment of the middle piece of that larger puzzle.

MR. PETRO: Go ahead.

MR. VOSOUGHI: This is, as you can see, it's the operator for the existing station for the two bay garage with one door access to the front and two doors

access from the back of the building, 8 parking spaces for the two because five parking spaces for the convenient store with the underground storage tank for gasoline, kerosene, two MPD, multi product dispensers and canopy with the sign as shown on the plan.

MR. PETRO: Service area in this building is for what purpose?

MR. VOSOUGHI: When you say service area, would be for the mechanic shop and/or detail work.

MR. PETRO: For what, for whose business, you're renting that?

MR. VOSOUGHI: No, it would not, it would be used for a service station for the gas station.

MR. VAN LEEUWEN: Which section are you going to be--

MR. VOSOUGHI: I would be controlling this section right here, the sales area.

MR. DUBALDI: What's going to happen to the other section?

MR. VAN LEEUWEN: How are you going to get into the other section right here?

MR. VOSOUGHI: Right next to the building, it goes to the back, we put a driveway right next to it, a two-way driveway on top of the bank.

MR. BABCOCK: Over top of the tank.

MR. VAN LEEUWEN: Tank's not going to be taken out?

MR. VOSOUGHI: Tanks are out. These are proposed new tanks.

MR. DUBALDI: You're going to be using this for service area as well? I didn't understand, I'm sorry. You're going to be using the sales area obviously for sales and you're going to be using the service area for your business?

MR. VOSOUGHI: No, that would be subleased.

MR. STENT: Would you be subleasing that out?

MR. VOSOUGHI: Well, the owner would be subleasing. I would be leasing just the sales area and the gas pumps.

MR. DUBALDI: This is going to be part of a different business then?

MR. KRIEGER: Excuse me--

MR. VOSOUGHI: Two separate businesses on the same property.

MR. KRIEGER: Excuse me, if I may, my confusion is with the term sublease, I understand you're going to be leasing the sales area?

MR. VOSOUGHI: Just the sales area, correct.

MR. KRIEGER: You're not going to be leasing the service area in any way?

MR. VOSOUGHI: Correct.

MR. KRIEGER: So, if the service area is going to be used, that would be a separate arrangement then, the owner and whoever that user is?

MR. VOSOUGHI: Correct.

MR. KRIEGER: So you won't be subleasing, it would be another lease unrelated to yours?

MR. VOSOUGHI: Correct.

MR. VAN LEEUWEN: What are you going to do to the existing building?

MR. VOSOUGHI: We're going to do stucco on the front of the building.

MR. VAN LEEUWEN: See this changes the original site

plan, we already approved the site plan for that building once.

MR. VOSOUGHI: I'm not aware of it.

MR. PETRO: This is the amended site plan.

MR. VOSOUGHI: Yes.

MR. VAN LEEUWEN: I don't go for the idea of stucco.

MR. VOSOUGHI: Stripes on the stucco, window, one door, another door, access to the storage units, window, front door window and side door and the bathroom on the side.

MR. VAN LEEUWEN: Well, the bathroom is there now there's two bathrooms?

MR. VOSOUGHI: Yes, correct.

MR. PETRO: Mark, why don't you touch on some of your comments so I don't have to read them all and digest them. What's your most pertinent?

MR. BABCOCK: Just for your knowledge, the canopy is going to need a referral to the ZBA. I don't know whether the board is aware of that or not, it's one foot from the property line.

MR. EDSALL: My comment two is just noting that they are showing the bulk requirements for the B7 use which is the special permit use but as well they are proposing A6, which is the retail, the bulk requirements for B7 are more restrictive in all cases but one they do need some variances as Mike indicated there are some noncompliances that are existing. So I don't think that is really a problem, so they do need to go to the ZBA. The parking they have resolved pursuant to several workshops, they do need to fix the handicapped parking detail which is not a big issue at this point. They also need to obtain a variance for having two signs on the property that are closer than 300 feet because the new sign ordinance does allow if you have two main entrances to a site to have two

project signs but not when they are this close. As well the new sign ordinance restriction sign height is 15 foot, they are showing 27, it restricts it to 64 square foot total, they have got almost 300 per sign so they have some significant variances.

MR. VAN LEEUWEN: Got to go to the zoning board first.

MR. EDSALL: Not just the building, they've got signs and other issues. One issue you may want to talk about is the comment was made that the access to the service areas would be from the rear. That is partially true. There is as well an overhead door in the front so that bay number 2 can be accessed from the front. My comment is that you should be aware of that and discuss it but as well, the entire building in the front is proposed to be upgraded and new windows, new finish but it appears that that one door is supposed to remain in its existing condition. My only comment is it seems kind of foolish to put two new doors in the back and leave the old door in the front when you're redoing the building.

MR. VAN LEEUWEN: We discussed this before, all new doors, all new windows we were promised.

MR. EDSALL: Other than that, Jim, I think that the next thing you have to do is pass it on to the ZBA.

MR. PETRO: Before we get that far, gentlemen, I want the board to listen to me a little bit here too. I'm going to address this to the owner and the applicant. I don't necessarily have a problem with the two occupants, in other words, sales area, you want to have service area and it's a garage and there you go. I see a 12 foot gate in the rear of the property, which accesses the Park and Ride. I can tell you from myself, I'll not vote on this until it's eliminated. I want the fence completely around. There's no accessing from the Park and Ride to this site. Number 2, I also want an assurance, a note on the map that this site will not have anything to do with the Park and Ride namely the service area. The service area cannot be used to bring cars in checked and whatever they are going to do, you want to bring cars there, bring them

*Changed
at next
meeting*

around and do what you want to do but there's no staging area in the front of this building. You understand what I mean, to be bringing cars in to go put in the Park and Ride, drive them through, ticket them, go through the 12 foot gate which happens to be conveniently put there and start using the Park and Ride, that is to be eliminated. And I want a note on the plan that this will not be used for the Park and Ride, that is I'm one vote, that is my opinion, we have gone over this ten times and I know that you are not maybe too familiar with it, Mr. Mans, and again I don't have any other problem with the plan, other than I think the landscaping and the detail of the building might have to be looked at as Mr. Van Leeuwen pointed out.

MR. DUBALDI: Is there a dumpster enclosure?

MR. EDSALL: Yeah, it's behind the rear parking.

MR. VOSOUGHI: Behind the temporary building.

MR. PETRO: Does anybody have anything to add, what I just said as far as the Park and Ride?

MR. VAN LEEUWEN: Jimmy, you addressed the comments, exactly the gate is one of them, I saw the gate there and I agree with you on that because being used for the Park and Ride which we know that is going to happen. Second of all, the only other thing I have is that the building be upgraded so it looks halfway decent because the of our town is right across the street, I'm getting tired of looking at that every day, it's a dump.

MR. STENT: Does the building owner have any idea what he is going to be doing with the service because as far as renting them out--

MR. MANS: First of all, we're not sure exactly who might go into those services because I mean we have had different people that have mechanical shops now that have requested or they want to talk about what will be done there. I mean, the thing that I don't quite understand is why the Park, Fly and Drive and this operation has to be completely disconnected. Simple

reason, I mean there will be cars serviced out of that Park, Fly and Drive, it's not for parking, it's for servicing cars that come to that Park, Fly and Drive and instead of going out and around and causing a hazard on the highway, this is why the gate was put in.

MR. PETRO: Let me ask you this. Why would a car be serviced that comes to a Park, Fly and Drive? What would you do to a car that comes to that facility?

MR. MANS: There's a lot of things that might be done, he might want it detailed, might want it washed, might want the oil changed, greased, he might want all these these things which could will be requested when they come in for parking.

MR. PETRO: When I go to the an airport, the last thing I'm thinking about is an oil change when I'm flying out.

MR. MANS: You haven't had that opportunity.

MR. PETRO: We're not opposed to that, that is fine but I do not want--the problem is I can see it happening, there's no staging in front of this building, you follow what I am saying, staging, if you are going to be bringing cars in eventually going to be bringing them in through the service area and going out through that gate, that is what's going to happen.

MR. MANS: Going out through the gate.

MR. PETRO: Through the rear of the property on to the Park and drive.

MR. STENT: What Jim is trying to say, people are going to drop their cars off in the front of the service area, sales area, then would you take them around, bring them through?

MR. MANS: No, the toll booths will be as you enter near the old tavern there, there will be a parking officer shed right there and this is where all the parking customers will come in, they'll be solicited for any kind of service work that they might want as

Jim said, he's never done that. Well, you haven't had the opportunity because nobody furnished the facility. But we really think that it will be an accommodation to people that are parking.

MR. PETRO: I'll stand corrected, it is a great idea, it's a great service when you bring the cars over, you're going to go out of the front, bring them in, service them, bring them back the same way, you don't need to go through the 12 foot gate.

MR. MANS: You don't have to but what about the hazard back and forth back and forth on to the highway?

MR. VAN LEEUWEN: You're not out on--

MR. STENT: You're not out on the highway, are you?

MR. EDSALL: Yes.

MR. MANS: And the other thing is in regard to let me address that door, that door is going to be a brand new door and aesthetically, it will be much better than what they were when I came before you with that plan before, we showed a mansard and we showed, I don't know what we had.

MR. VAN LEEUWEN: Brick fascia, showed a lot of things that is not on there now, you're making a change again.

MR. MANS: What I have said at the time I says we don't have a sketch plan for this but I said we'll guarantee a nice appearance and a nice front. We'll do whatever is--

MR. VAN LEEUWEN: I'd like to see detailed sketches of it because what we have there that doesn't amount to a hill of beans for me.

MR. MANS: Like I said, there's a brand new door going on, all the glass will be all in concurrence, one size and shapes and types, they'll all be the same on the west side of the building and along the entire front, there will be a large window to the left of the entrance door to the service because there will be a

storage area for his C store, then there will be a large window or two there where the two existing bay doors are right now which I agree are terrible looking, you intended, Russo, did you not to go around the building with the same windows.

MR. VOSOUGHI: Yes.

MR. BABCOCK: Mr. Mans, one statement Mr. Mans on the plan, the overhead doors in the back it says overhead door new in the front, it says existing overhead door it's a matter of--

MR. MANS: It's wrong because the new door is going in the front, the two better doors are going to be shifted to the back and they'll be refinished and repainted you're not going to see that.

MR. EDSALL: What we need to have you do is put on the plan what you intend so that there's no misunderstanding.

MR. MANS: It's only new doors in the rear because they were being cut.

MR. EDSALL: New means new, it doesn't mean old repainted.

MR. PETRO: Just have your engineer fix it up the way it's supposed to be.

MR. DUBALDI: I have two questions, number one, I asked my question from before about a dumpster detail, I don't know if you told me there was one and you told me that there was one, I don't see one.

MR. VOSOUGHI: Next to the temporary building.

MR. DUBALDI: How much is it going to be enclosed?

MR. VOSOUGHI: It's not going to be.

MR. VAN LEEUWEN: Got to be enclosed.

MR. EDSALL: We had a long discussion about this at the

workshop, the problem is that the temporary building obviously temporary gives you a clue that it is not meant to stay there, that is for the contamination of the soils on the site, the dumpster location is really temporary and they wanted to use chain link fence, slated or something because they didn't want to build a masonry structure and have to tear it down.

MR. DUBALDI: Where is it going to be located?

MR. EDSALL: Show a temporary location and show permanent, show the masonry that you want, might be a good idea.

MR. DUBALDI: I'm looking for a dumpster enclosure, an enclosure meaning cinder block or something that matches the character of the building that you are modifying.

MR. VOSOUGHI: Because of the temporary building we were limited, it will be shifted to the side of the building.

MR. DUBALDI: You can't do that, you concurrently have parking spots.

MR. VOSOUGHI: It will be right on this side.

MR. DUBALDI: Why can't you build it now?

MR. VOSOUGHI: Because of the access to the parking you can't have access to the parking because this building you won't have access to the parking. We'll put parking spaces alongside here once this building is removed and we would have a dumpster right here.

MR. PETRO: You're going to shift these four spots to the other side, is what you're saying?

MR. DUBALDI: And you're going to put the dumpster up against the building?

MR. BABCOCK: It's a temporary building.

MR. EDSALL: It can't be against the building, you have

to maintain an offset.

MR. VOSOUGHI: It would be an offset but it would be behind the building closer to the building.

MR. VANE LEUWEN: Last but not least, are you going to be able to get the letter from DEC that we can declare negative dec on this, negative declaration? Otherwise, we can't act on it, you realize that?

MR. VOSOUGHI: DEC would be called to the site once the new tanks are going in, they have to approve the site, otherwise they would not allow us to unload the tank there.

MR. VAN LEEUWEN: Sir, we have rules we have to go by, that is what they call positive declaration or a negative declaration, we cannot sit here at this time and give this a negative dec because we know what the problems that are there are, we brought this up to Mr. Mans before. I would pursue that before I go any further because you might run into a block wall and we get to a block wall and you have nothing.

MR. VOSOUGHI: What would you like the letter to say from DEC?

MR. VAN LEEUWEN: That it is, okay, to use that as a gas station.

MR. VOSOUGHI: And there's no contamination.

MR. VOSOUGHI: This is the existing gas station, DEC cannot oppose that site as being a gas station, it was a gas station, it was a gas station. Only objection DEC is going to have if there's contaminated dirt at which point DEC would send a representative when we dig the hole here for a new tank they would check.

MR. VAN LEEUWEN: But we have to know that. We cannot sit here and create a negative dec on that property.

MR. PETRO: Let Andy explain how it's going to work.

MR. KRIEGER: Before the planning board can grant any

approval of the site plan or any site plan amendment, it has to find by law that there is no adverse environmental impact and there is a list of criteria that, a list of things that they have to look into. Not later on, trust us on this, the DEC will look into it sometime later and dig up the dirt and let us know sometime later, no, they have to decide before it is granted. Now, if there is a doubt in their mind about that and I would suggest the existence of this temporary building right here on this map would be enough to create a doubt which would be upheld by a court then they have to issue a positive declaration. If they issue a positive declaration, there's a lot of things that you have to do. I'm not going to sit here and detail all the things that could happen and all the things that you have to do. But that it is that which Mr. Van Leeuwen was referring to and it is a requirement that this board look into this before any approval is granted, not sometime later, not sometime when they dig it up, not later, now.

MR. VOSOUGHI: DEC is aware, is already aware that the ground water is contaminated, remediation plan is already on the way. That is why they are cleaning the ground. This could take two years. It could take them ten years. This remediation plan is going to keep, they are going to continue it until the ground water is clean to DEC's satisfaction. DEC is not going to come out today and say we think in ten years this place is going to be clean. They obviously know it's not.

MR. KRIEGER: And that won't answer the requirement, it is not within the province of the planning board at this point to usurp the DEC's authority here, it is not within their province to tell the DEC what to do or when to do it. All you're being advised is it is a legal requirement of this board that the plan meet the minimum standards required for it to say that it knows that there is no problem.

MR. MANS: I speak to that just a moment. DEC is well aware of what the situation is out there. We have already spoken to DEC. We didn't know that you needed a letter from them but they have already given us the verbal go ahead, in fact, they wanted us to blacktop,

they wanted us to get the operation in process as far as I know and I think anybody else has spoken to him gets that idea, certainly gets the idea they have given us verbal approval.

MR. KRIEGER: If I may, so you say, but you must understand that this board is required to be satisfied on that and your verbal assurances of some conversations that you had are not going to be legally sufficient to allow this board to discharge its responsibilities. Nobody from this board is going to talk to DEC, that is not the responsibility of the members of this board. It's your responsibility.

MR. MANS: Russo did ask the question a while ago.

MR. DUBALDI: Who is lead agency on this project?

MR. PETRO: As of this point, nobody.

MR. EDSALL: The letter went out. Myra, how many responses have we received? I think DOT wanted a plan.

MS. MASON: We sent that.

MR. DUBALDI: First we have to establish who is lead agency on this project and that has not been established.

MR. EDSALL: At this point, you have issued a letter indicating that you care to be lead agency and no one else has, 30 days is up.

MR. PETRO: We can declare ourselves lead agency.

MR. VAN LEEUWEN: Can you sit here and you can declare negative dec on that?

MR. PETRO: Here is what I am going to suggest and Henry's right a hundred percent, we're going to move forward, we're going to review it tonight, probably going to refer you to zoning board, we're not going to hold up the process but in the meantime we're going to need a letter from the DEC stating that at some point in our due process of planning, board approval or

disapproval whatever the case maybe, we're going to declare a positive or negative dec to move forward under SEQRA process and we're going in order to do that we're going to need a letter from them stating that it is, what's the right words, that it is okay with them that we can do so and that the property at this time can be declared either positive or negative dec, we're going to need some information from them to go on.

MR. VOSOUGHI: My question to you is the letter you need from DEC, what would you like to see be mentioned in the letter, not exactly.

MR. VAN LEEUWEN: That you have the okay to take the tanks out, put new tanks in under supervision and that this planning board can sit here and declare a negative dec and vote on it that is what we need.

MR. PETRO: Obviously, we can't declare a positive declaration because then we can't do an approval so we have to have the negative dec.

MR. BABCOCK: Jim, quite honestly, this is your service station that is here, it's an approved service station, it's an existing service station, it's still approved. The reason that I think it's here tonight is because they've changed it to a mini-mart which requires planning board approval to change the use of the building and also the canopy. Right now, if he wanted to just have a service station, he can get a building permit to put in new tanks.

MR. PETRO: I don't dispute that but during our process we're still, someone's going to say I make a motion to declare negative dec.

MR. BABCOCK: But I think what you're looking at is the retail sales and the canopy, the service.

MR. PETRO: But we have to do a negative dec on the site itself no matter what we do.

MR. VAN LEEUWEN: Cause you might be out looking in.

MR. PETRO: Maybe the attorneys could get involved to

give us some form of an okay that we can do that I don't know the answer how to do it and I don't know exactly what we're going to.

MR. VOSOUGHI: I have done this many times, this is the only time this question was put before me to get a letter from the DEC.

MR. KRIEGER: Have you ever done it before on a project where there's been an oil spill and the DEC has erected a temporary building to clean it up?

MR. VOSOUGHI: Yes, because the remediation plan is--

MR. KRIEGER: All those prior times you never had a question with respect to SEQRA?

MR. VOSOUGHI: DEC does not issue letters for a property saying it is clean or is not clean, especially on a property where remediation plan is already in process. Therefore, they already know the soil is contaminated.

MR. VAN LEEUWEN: Mobil just did it, they got a plant in the back of their yard and they got a letter, why can't you get a letter?

MR. VOSOUGHI: If the board was so kind enough to give you me a copy of the letter, I'll get that same letter for you if Mobil got the letter.

MR. VAN LEEUWEN: We couldn't approve it without it.

MR. PETRO: We're not going to belabor any further. Well, we have left it up to you, if you want to get in touch with Mobil to come up with some formula when the time comes, it's going to be a month or two months that we can look at it and say yes, we can declare negative dec and go on with final approval but you have to give us some information.

MR. VAN LEEUWEN: I make a motion to approve.

MR. DUBALDI: Before do you that, there's just two or three minor things I just wanted to touch on before we

send it away to the ZBA. Number one, what's the limit of the paving, is all of this already paved front and back?

MR. VOSOUGHI: No, the front will be paved, the entire front will be paved.

MR. DUBALDI: Where is the line that is going to be delineated between what's front and back is going to be paved?

MR. VOSOUGHI: Whole area is going to be paved.

MR. DUBALDI: The entire area in the front?

MR. VOSOUGHI: In the front and in the back.

MR. DUBALDI: And in the back, I'm sorry?

MR. BABCOCK: Put a note on the plan.

MR. VOSOUGHI: Yes, it would be.

MR. PETRO: I don't see anybody taking notes. You have got to put a note on the plan to that effect, change the garage door in the front to a new overhead door and show us a permanent location for the dumpster, once the temporary is dismantled, and you also have to give us a better rendering of the building than the one that is drawn there, more of an architectural review.

MR. VOSOUGHI: Like what?

MR. PETRO: Some shrubbery, some coloring.

MR. VOSOUGHI: This is stripes along the top.

MR. PETRO: Type of materials, just needs to be more of an architectural rendering than just a facade like that.

MR. EDSALL: Mr. Russo, do you have other facilities where you have used this identical finish?

MR. VOSOUGHI: Yes, I believe so.

MR. EDSALL: Maybe you would be good to bring in some pictures of some facilities where you have used this finish.

MR. DUBALDI: Getting back to the dumpster, what guarantee do we have that this dumpster is actually going to have an enclosure at some point in time?

MR. VAN LEEUWEN: Be a bond, it will be bonded automatically.

MR. VOSOUGHI: We can always build that.

MR. PETRO: It will be taken up at the site plan, it will be bonded. The money will be withheld but he is going to show it on the plan.

MR. DUBALDI: And show enclosure detail.

MR. VOSOUGHI: Yes.

MR. MANS: Is a stockade fence for temporary, it's there temporarily, the building is wood and it would, not that it is going to blend cause you're not going to see it from back but would a stockade fence around that, if you want an enclosure?

MR. PETRO: What type of fence is there, chain link?

MR. MANS: There's going to be chain link.

MR. DUBALDI: That gets to my other comment, what type of fence is going to be put around the exterior of this property? I don't see any fence detail of what's going to be there, how high is the fence going to be, is it going to be two feet?

MR. MANS: Six foot with rebars.

MR. DUBALDI: Can you put something on the plan that says what it is going to be so we know what it is going to be?

MR. EDSALL: I think that was on the original site

plan, we'll make sure that they copy that over onto this.

MR. DUBALDI: About the propane tank, Mike, is that going to be proper protection for a propane tank, there's no protection from the back.

MR. BABCOCK: Yes, the dots, the darker dots, it doesn't come out on everybody's plan, there are ballards in front of it.

MR. DUBALDI: What if something comes through the fence from the back, there's nothing, you don't require any protection in the back?

MR. BABCOCK: I think Bobby Rogers, is there an approval from him?

MR. PETRO: Yes, 6/95.

MR. VAN LEEUWEN: There's one heck of a ditch back there. I make a motion.

MR. DUBALDI: If he says it's okay, it's okay with me then.

MR. MANS: And the most logical answer if you are really looking for a permanent spot for that, would be straight back through the driveway near that propane tank, I don't know what the requirement is.

MR. DUBALDI: Second Mr. Van Leeuwen's motion.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Dutchess Terminal site plan on Route 207. Is there any further discussion from the board members? Mark, just my comment before about the 12 foot gate and access through for the Park and Ride, do you have anything to add or prove me wrong on that or I should not be concerned with it?

MR. EDSALL: I don't think it's a matter of being right or wrong, I think what the board's review of the site plan is indicating that you don't believe that these

two sites should operate as one, that you have got one which is a gas station with sales area and repair and you have got a car parking, Park, Fly and Drive operation and you in your judgment don't believe there should be a 12 foot gate, I don't think it's a matter of being right or wrong, part of the site plan review.

MR. PETRO: I can picture someone pulling into the service area, getting out, getting a ticket cause it's snowing like hell, we'll leave it here, drive it over there and you have got two or three cars backed up over there.

MR. EDSALL: The scenario you are proposing could occur is exactly what you went over on a previous application and the reason you felt that was unsafe is that you would then create a situation where cars would stack and potentially hang out into the state highway which would be very dangerous so--

MR. MANS: Going out into the entrance to Park, Fly and Drive.

MR. EDSALL: You're looking back at a potential or an operation that is unsafe and you believe this 12 foot gate can promote that so I can't disagree with you.

MR. VAN LEEUWEN: I agree with you. Move the question.

MR. EDSALL: It should be noted that the original site plan for Park, Fly and Drive did have a gate but it was a pedestrian type gate for just access to either side of the fence, it was not a vehicle gate.

MR. PETRO: We'll get back to it, I guess, give it some serious thought. Did you have one more thing to add?

MR. KRIEGER: Yeah, I just want to see, make sure that my understanding is correct, this particular parcel is separately described and owned by a different entity than the Park, Fly and Drive parcel?

MR. MANS: That is correct.

MR. KRIEGER: Two different parcels?

MR. MANS: Right.

MR. KRIEGER: Then Mr. Chairman, I would point out if you have an access situation where one distinct parcel is having substantial access to another parcel that there is obviously an intent to use them together and you can't simply consider one without considering the whole thing.

MR. MANS: Let me ask this. What's wrong with the intent to use the gate to have Park, Fly and Drive customers that we might want to service? Why can I not have a gate that goes to my neighbor Pendergast to the right, I mean if it's mutually agreed between Pendergast and myself.

MR. KRIEGER: Before, in this town, before you can use a property for commercial purposes, before you can get a C.O., you have to have site plan approval from the planning board. If you show the planning board a plan which shows that you intend to use as part of the commercial operation for which you were applying some other property, you can't say don't review the other property, even though we obviously intend to use it, only confine your review to this one property because we don't want you to look at the other property, you can't have it both ways. If you intend to use them both then they both must be before the board. If you intend that they be separately used, then they don't have to both be in front of the board.

MR. VOSOUGHI: If I may say something. Earlier you were reviewing a plan, I think it was number 2, the opposite scenario you were trying to achieve to have access from one property to the other property.

MR. EDSALL: Different situation because that is--

MR. VAN LEEUWEN: Let's not open up another can of worms, Mr. Chairman. I move the question.

MR. EDSALL: Just for the record, Jim, this is internal access between two properties. This involved an existing curb cut to the state highway that already

exists and they were attempting to not obstruct something that already exists.

MR. PETRO: Motion has been made and seconded for final approval. Is there any further discussion from the board? If not, roll call m.

ROLL CALL

MR. VAN LEEUWEN	NO
MR. STENT	NO
MR. DUBALDI	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been sent to the zoning board to acquire the necessary variances that you may require once you have received those variances and post them on the plan. We'll put you on the next agenda that is available and you'll appear before this board. Please have the corrections at this board as stated on the plan at that time.

MR. EDSALL: Maybe what we can do to get some business moving on this, I assume because the time has expired you may want to take the position of lead agency now and what I would suggest you do then is we have still got the open issue of this curbing along the state highway, so we don't delay Casey, we should have you assume the position of lead agency and I'd refer this plan to DOT and ask them what the heck you want to do with the curbs.

MR. VAN LEEUWEN: Move for lead agency.

MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Dutchess Terminal on Route 207.

ROLL CALL

MR. VAN LEEUWEN	AYE
MR. STENT	AYE

November 8, 1995

60

MR. DUBALDI AYE
MR. PETRO AYE

MR. EDSALL: I'll refer that with a letter.

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/05/96

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 95-25

NAME: GAS STATION UPGRADE

APPLICANT: DUTCHESS TERMINALS

---DATE---	MEETING--PURPOSE-----	ACTION-TAKEN-----
09/05/96	PLANS STAMPED	APPROVED
09/03/96	CONDITIONS MET	READY TO STAMP
05/08/96	P.B. APPEARANCE	ND: APPROVE COND.
01/17/96	WORK SESSION APPEARANCE	REVISED Z.B.A. FORM
11/08/95	P.B. APPEARANCE . CORRECT PLAN - REFER	LA: CORRECT/TO ZBA TO Z.B.A.
11/01/95	WORK SESSION APPEARANCE	NEXT AGENDA
10/18/95	WORK SESSION APPEARANCE	REVISE & RETURN
10/04/95	WORK SESSION APPEARANCE	REVISE & RETURN
09/13/95	P.B. APPEARANCE	REVISE RET. TO W.S.
08/16/95	WORK SESSION APPEARANCE	REVISE & SUBMIT

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/05/96

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 95-25
NAME: GAS STATION UPGRADE
APPLICANT: DUTCHESS TERMINALS

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV2	05/02/96	MUNICIPAL HIGHWAY	05/03/96	APPROVED
REV2	05/02/96	MUNICIPAL WATER	05/06/96	APPROVED
REV2	05/02/96	MUNICIPAL SEWER	/ /	
REV2	05/02/96	MUNICIPAL FIRE	05/06/96	APPROVED
REV1	11/01/95	MUNICIPAL HIGHWAY	05/02/96	SUPERSEDED BY REV2
REV1	11/01/95	MUNICIPAL WATER	11/02/95	APPROVED
REV1	11/01/95	MUNICIPAL SEWER	05/02/96	SUPERSEDED BY REV2
REV1	11/01/95	MUNICIPAL FIRE	11/06/95	APPROVED
ORIG	08/22/95	MUNICIPAL HIGHWAY	11/01/95	SUPERSEDED BY REV1
ORIG	08/22/95	MUNICIPAL WATER	08/30/95	APPROVED
ORIG	08/22/95	MUNICIPAL SEWER	11/01/95	SUPERSEDED BY REV1
ORIG	08/22/95	MUNICIPAL FIRE . READ INTO MINUTES REFERENCE TO UNDERGROUND TANKS	09/05/95	APPROVED
ORIG	08/22/95		11/01/95	SUPERSEDED BY REV1
ORIG	08/22/95		11/01/95	SUPERSEDED BY REV1

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/05/96

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 95-25
NAME: GAS STATION UPGRADE
APPLICANT: DUTCHESS TERMINALS

DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG 11/08/95	EAF SUBMITTED	08/24/95	WITH APPLICATION
ORIG 11/08/95	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG 11/08/95	LEAD AGENCY DECLARED	11/08/95	TOOK LEAD AGENCY
ORIG 11/08/95	REQUEST FOR INFORMATION	/ /	
ORIG 11/08/95	DECLARATION (POS/NEG)	05/08/96	DECL. NEG DEC.

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/05/96

PAGE: 1

LISTING OF PLANNING BOARD FEES
4% FEE

FOR PROJECT NUMBER: 95-25
NAME: GAS STATION UPGRADE
APPLICANT: DUTCHESS TERMINALS

---DATE---	DESCRIPTION-----	TRANS	---AMT-CHG	-AMT-PAID	---BAL-DUE
09/03/96	2% OF 79,532.00 INSPECT FEE	CHG	1590.64		
09/05/96	REC. CK. #4603	PAID		1590.64	
		TOTAL:	<u>1590.64</u>	<u>1590.64</u>	<u>0.00</u>

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/05/96

PAGE: 1

LISTING OF PLANNING BOARD FEES
APPROVAL

FOR PROJECT NUMBER: 95-25
NAME: GAS STATION UPGRADE
APPLICANT: DUTCHESS TERMINALS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
09/03/96	S.P. APPROVAL FEE	CHG	100.00		
09/05/96	REC. CK. #4602	PAID		100.00	
		TOTAL:	<u>100.00</u>	<u>100.00</u>	<u>0.00</u>

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/05/96

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 95-25
NAME: GAS STATION UPGRADE
APPLICANT: DUTCHESS TERMINALS

---DATE---	DESCRIPTION-----	TRANS	---AMT-CHG	-AMT-PAID	---BAL-DUE
08/22/95	REC. CK. #2144	PAID		750.00	
09/13/95	P.B. ATTY. FEE	CHG	35.00		
09/13/95	P.B. MINUTES	CHG	72.00		
11/08/95	P.B. ATTY. FEE	CHG	35.00		
11/08/95	P.B. MINUTES	CHG	99.00		
05/08/96	P.B. ATTY. FEE	CHG	35.00		
05/08/96	P.B. MINUTES	CHG	99.00		
08/29/96	P.B. ENGINEER	CHG	946.99		
09/05/96	REC. CK. #4604	PAID		571.99	
		TOTAL:	<u>1321.99</u>	<u>1321.99</u>	<u>0.00</u>

9/2/96

Have fee amounts
to J. Spratt.

SITE PLAN FEES - TOWN OF NEW WINDSOR
(INCLUDING SPECIAL PERMIT)

APPLICATION FEE:.....\$ 100.00

ESCROW:

SITE PLANS (\$750.00 - \$2,000.00).....\$ _____

MULTI-FAMILY SITE PLANS:

_____ UNITS @ \$100.00 PER UNIT (UP TO 40 UNITS).....\$ _____

_____ UNITS @ \$25.00 PER UNIT (AFTER 40 UNITS).....\$ _____

TOTAL ESCROW PAID:.....\$ _____

PLAN REVIEW FEE: (EXCEPT MULTI-FAMILY) \$ 100.00 (1)

PLAN REVIEW FEE (MULTI-FAMILY): A. ~~\$100.00~~
PLUS \$25.00/UNIT B. ~~_____~~

TOTAL OF A & B: \$ _____

RECREATION FEE: (MULTI-FAMILY)

\$500.00 PER UNIT

~~NUMBER OF UNITS~~

@ \$500.00 EA. EQUALS: \$ _____

SITE IMPROVEMENT COST ESTIMATE: \$ 79,532.00

2% OF COST ESTIMATE \$ _____ EQUALS \$ 1,590.64 (2)

TOTAL ESCROW PAID:.....\$ 750.00

TO BE DEDUCTED FROM ESCROW: 1,321.99

RETURN TO APPLICANT: \$ _____

ADDITIONAL DUE: \$ 571.99 (3)



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

2 August 1996

MEMORANDUM

TO: Myra Mason, Planning Board Secretary

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

SUBJECT: DUTCHESS TERMINALS SITE PLAN
NEW WINDSOR PLANNING BOARD NO. 95-25

Subsequent to the Conditional Site Plan approval granted by the Planning Board on 8 May 1996, I have had several telephone conversations with the Project Engineer, Jim Sprat, and have as well received certain letters and information from him. As well, I have reviewed the various information required as a result of the conditions of approval for the Site Plan. Please be advised of the following:

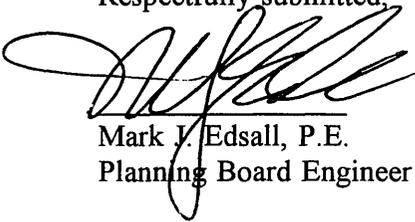
1. With regard to the bond estimates for the project, it is my opinion (as also noted in my memo to you dated 18 June 1996) that the initial cost estimates can be used as a reference for the site improvements on the project. As well, the building improvements estimate could also be used as a reference. Both these estimates were prepared by Paul Cuomo as part of the initial submittal and, in an effort to move this project forward, the Applicant's Engineer has agreed to utilize these as a reference, making any necessary adjustments in the field. Copies of the referenced estimates are attached hereto.
2. With reference to the "DEC write-off" for the project, attached hereto please letters from Land Tech Remedial, a Consultant to DEC, regarding the site remediation. LTR has established certain requirements such that the work can be coordinated with the on-going remediation work; these should become a condition of the approval.

2 August 1996

3. It should also be noted that on 2 August 1996, I contacted Joe McArthy of the NYSDEC, who indicated that it is the DEC's position that they don't object to the site plan approval or site improvements, as long as the work doesn't interfere with the remediation. Obviously, the work must comply with the requirements and suggestions from Land Tech Remedial.
4. Based on the requirements of the Planning Board, certain notes must be added to the plan before same will be acceptable for stamp of approval. As well, reference must be made to the Land Tech Remedial requirements. Jim Sprat should review the minutes and my review comments, adding all appropriate notes. Once the plans are available, I will review same to verify acceptability.
5. Until such time that the final plan is submitted and reviewed, I cannot provide you with the final review costs from our office.

If you have any questions regarding the above, please do not hesitate to contact the undersigned.

Respectfully submitted,



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

MJesh
Encl.as
a:dutchess.sh

CUOMO ENGINEERING
STEWART INTERNATIONAL AIRPORT
2005 D STREET, BUILDING NO. 704
NEW WINDSOR, NEW YORK 12553
PHONE NUMBER 914-567-0063

C O S T E S T I M A T E
NEW WINDSOR PLANNING BOARD
PARK, FLY AND DRIVE
G A R A G E R E F A C I N G
CASEY MANS
ROUTE 207
NEW WINDSOR, NEW YORK



JOB NUMBER: 91284

NOVEMBER 2, 1994



PAUL V. CUOMO, P.E.
CUOMO ENGINEERING

ITEM	QUANTITIES	UNIT PRICE	AMOUNT
ASPHALT PAVEMENT RESURFACING PAVING FOR PARKING LOT IN FRONT OF BUILDING	6,375 SQ.FT.	\$1.00/SQ.FT.	\$ 6,375.00
INSTALL NEW TANK			\$25,000.00
REPAIR BUILDING REPLACE DOORS			\$40,000.00
INSTALL NEW CANOPY			\$18,500.00
TOTAL			\$69,875.00
SAY			\$90,000.00

MANSARD ROOF (L.S.)	110 L.F. 4 FT MANSARD		\$15,000.00
NEW DOOR PLUS LABOR			\$ 2,000.00
NEW WINDSOR PLUS LABOR (1,000 L.S./WINDOW)			\$ 8,000.00
FACE BIRCK 2 FACES 82" X 12 + 26" X 12 = 924 SF + 336 SF = 1320 S.F.			
1320 ^{SF} X 7 PIECES = 9,240 PIECES 9.2 X 321 / 1000 = 3,000 PIECES			\$ 3,185.00
LABOR FOR FACING			\$10,000.00
TOTAL			\$38,185.00
SAY			\$40,000.00

2

ITEM	QUANTITIES	UNIT PRICE	AMOUNT
4" COMPACTED SHALE	593 CU.YD.	\$16.00/CU.YD.	\$ 9,488.00
4" COMPACTED SHALE (STATE R.O.W.)	15.2 CU.YD.	\$16.00/CU.YD.	\$ 243.20
NEW ASPHALT	27,635 SQ.FT.	\$ 1.25/SQ.FT. ^{1.11}	\$ 35,543.00 ^{30,705.00}
NEW ASPHALT (STATE R.O.W.)	1,232 SQ.FT.	\$ 1.25/SQ.FT.	\$ 1,540.00
NEW ASPHALT COVER	6,861 SQ.FT.	\$ 1.00/SQ.FT.	\$ 6,861.00
NEW ASPHALT COVER NEW STATE R.O.W.	2,150 SQ.FT.	\$ 1.00/SQ.FT.	\$ 2,150.00
CONCRETE CURBS	200 L.F.	\$ 8.00/L.F.	\$ 1,600.00
FENCING	947 L.F.	\$ 5.00/L.F.	\$ 4,735.00
<u>SITE LIGHTING</u>			
5 FIXTURES	5 EACH	\$750.00/FIX. ⁹⁰⁰	\$ 3,750.00 ^{4,500.00}
WOOD POLES	3 EACH	\$200.00/EACH	\$ 600.00
WIRING	1,000 FT	LUMP SUM	\$ 500.00
CATCH BASIN FOR 38 X 37 PIPE ARCH INCLUDING INSTALLATION	1	LUMP SUM	\$ 1,500.00 ^{4,500.00}
KIOSK	1	LUMP SUM	\$ 2,500.00
<u>LANDSCAPING</u>			
4' HIGH HICKS YEW <i>INSTALLED</i>	154	\$27.00/SHRUB ^{55.00}	\$ 5,670.00 ^{8,470.00}
LANDSCAPING (INSTALLATION)	N.A.	LUMP SUM	\$ 4,500.00
LANDSCAPE SUPPLIES MULCH, SEED, ETC. <i>500+ 1000</i>	N.A.	LUMP SUM	\$ 2,500.00 ^{1,500.00}
STRIPING AND SPACE DILINEATION	50 SPACES	\$10.00/SPACE ^{\$8.00}	\$ 500.00 ^{400.00}
HANDICAPPED SIGNS <i>AND BLUE DELINEATION</i>	3 SIGNS ^{2 SPACES}	\$13.00/SIGN ^{100.00}	\$ 39.00 ^{200.00}
TRAFFIC SIGNS	5 SIGNS	\$28.00/SIGN	\$ 140.00
TOTAL			\$ 84,387.20 ^{79,532.00}

4

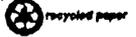
Handwritten signature/initials

INSPECTION FEE 2590.64

**PREVIOUS
DOCUMENTS
IN POOR
ORIGINAL
CONDITION**



Land Tech Remedial, Inc.



July 10, 1996

James Spratt
P.O. Box 156
Hyde Park, NY 12538

**RE: Gas Station Upgrade at 639 Little Britain Road
NYSDEC Spill # 93-12082**

Dear Mr. Spratt,

Based on your verbal commitment today that the concerns of Land Tech Remedial, Inc. (LTR) as stated in the letter dated July 3, 1996 will be resolved, LTR does not foresee any interference of your proposed station upgrade with our presently operating remediation system.

LTR will keep in contact with you to avoid any interference when trenching from BR-2 to the remediation shed and it was agreed that LTR will be contacted during the installation of the 20,000-gallon and 6,000-gallon underground storage tanks (UST) to determine whether impacted soils are being removed.

If you have any further concerns, please call the undersigned at 1-800-587-3722 at your convenience.

Sincerely,
Land Tech Remedial, Inc.

Carolyn J. Taylor
Project Geologist

John A. Bondos
Senior Project Manager

c: Joe McCarthy, NYSDEC - Region 3

X 3117



Land Tech Remedial, Inc.



July 3, 1996

James Spratt
P.O. Box 156
Hyde Park, NY 12538

**RE: Gas Station Upgrade at 639 Little Britain Road
NYSDEC Spill # 93-12082**

Dear Mr. Spratt,

At the request of the New York State Department of Environmental Conservation (NYSDEC), Land Tech Remedial, Inc. (LTR) has reviewed the plans for the proposed gas station upgrade at 639 Little Britain Road. In general, LTR is concerned with maintaining accessibility to all existing above-ground remediation system equipment and monitoring wells. An additional concern is to not damage any existing (or proposed) underground piping associated with the remediation system. Enclosed is a site map showing the present (and proposed) remediation system. These concerns could probably be resolved with a site visit and/or discussion with you. The specific concerns are discussed below.

- The proposed location of the 500-gallon propane tank in the southeastern portion of the property may interfere with the approved addition of bedrock wells BR-2 and BR-5 to the current groundwater treatment system. This modification will involve trenching within the next month from BR-2 and BR-5 (both located in the southeastern portion of the property) to the remediation shed. LTR believes coordination and communication of both proposed activities can resolve this issue.
- The dumpster and chain link fence proposed west of the remediation shed may cover the bedrock monitoring well BR-4 and Hi-Vac well IIV-3. LTR suggests relocating the dumpster 5 feet away from the wells.

569 Main Street
Monroe, Connecticut 06468
Tel: (203) 261-2673 Fax: (203) 261-4941

Letter to James Spratt

July 3, 1996

Page 2

- Due to the possibility of remaining contaminated soils in the area of the proposed 20,000-gallon and 6,000-gallon USTs (west and northwest of the former DBL building), LTR requests to be on-site during these installations to determine whether impacted soils are being removed. If contaminated soils are discovered during the excavation activities, they will need to be properly staged on-site and ultimately disposed.

LTR is available to discuss these concerns and to work with you to resolve them. Please call the undersigned at 1-800-587-3722 at your convenience.

Sincerely,

Land Tech Remedial, Inc.

Carolyn J. Taylor

Carolyn J. Taylor
Project Geologist

John A. Bondos

John A. Bondos
Senior Project Manager

encl.: Figure showing remediation system
c: James Hardy, NYSDEC - Region 3



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

18 June 1996

- Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

MEMORANDUM

TO: Myra Mason, Planning Board Secretary

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

SUBJECT: DUTCHESS TERMINAL SITE PLAN
IMPROVEMENT COST ESTIMATES
NEW WINDSOR PLANNING BOARD NO. 95-25

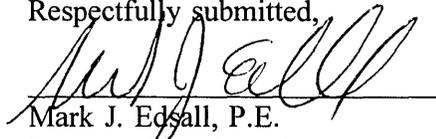
This memo is written in response to your question as to the adequacy of the Improvement Cost Estimates submitted for the park, fly and drive application (NWPB No. 92-11) relative to the updated and new application for Dutchess Terminals (NWPB 95-25).

Please be advised that it is my opinion that the Site and Building Cost Estimates submitted for Application 92-11 are acceptable for use for Application 95-25, based on the intended use in the Code and the ability to make minor modifications to the cost distribution based on final site construction. With regard to the Building Improvement Estimate, this number is not intended for use in conjunction with the Building Permit Application, but is rather a general Cost Estimate for exterior building finishes, as was requested by the Planning Board during the review of the former application.

In closing, I see no problem in carrying over the Cost Estimates and fees for this site from Application 92-11 to 95-25, as long as you find this procedurally acceptable.

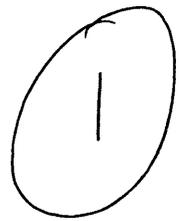
Please contact me if you have any questions.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer
MJEmk
A:6-18-E.mk

CUOMO ENGINEERING
STEWART INTERNATIONAL AIRPORT
2005 D STREET, BUILDING NO. 704
NEW WINDSOR, NEW YORK 12553
PHONE NUMBER 914-567-0063

C O S T E S T I M A T E
NEW WINDSOR PLANNING BOARD
PARK, FLY AND DRIVE
G A R A G E R E F A C I N G
CASEY MANS
ROUTE 207
NEW WINDSOR, NEW YORK



JOB NUMBER: 91284

NOVEMBER 2, 1994



PAUL V. CUOMO, P.E.
CUOMO ENGINEERING

ITEM	QUANTITIES	UNIT PRICE	AMOUNT
ASPHALT PAVEMENT RESURFACING PAVING FOR PARKING LOT IN FRONT OF BUILDING	6.375 SQ.FT.	\$1.00/SQ.FT.	\$ 6,375.00
INSTALL NEW TANK			\$25,000.00
REFACE BUILDING REPLACE DOORS			\$40,000.00
INSTALL NEW CANOPY			\$18,500.00
		TOTAL	\$89,875.00
		SAY	\$90,000.00

MANSARD ROOF (L.S.)	110 L.F.	4 FT MANSARD	\$15,000.00
NEW DOOR PLUS LABOR			\$ 2,000.00
NEW WINDSOR PLUS LABOR (1,000 L.S./WINDOW)			\$ 8,000.00
FACE BIRCK 2 FACES 82" X 12 + 28" X 12 = 924 ^{SF} + 336 ^{SF} = 1320 S.F.			
1320 ^{SF} X 7 PIECES = 9,240 PIECES 9.2 X 321 / 1000 = 321,120 PIECES			\$ 3,185.00
LABOR FOR FACING			\$10,000.00
		TOTAL	\$38,185.00
		SAY	\$40,000.00

2

APPLICATION FEE (DUE AT TIME OF SUBMITTAL)

\$ 150.00 Pd

PLAN REVIEW FEE: (APPROVAL)

150.00

PLAN REVIEW FEE (MULTI-FAMILY):
PLUS \$25.00/UNIT

A. ~~\$150.00~~

B. ~~_____~~

TOTAL OF A & B:

↓
150.00

SITE IMPROVEMENT COST ESTIMATE:

\$ 79,532.00

A. 4% OF FIRST \$50,000.00
B. 2% OF REMAINDER

A. 2,000.00

B. 590.64

TOTAL OF A & B:

\$2,590.64

\$ 2700.50 over Escrow

3

562-6003 Casey Mans

ITEM	QUANTITIES	UNIT PRICE	AMOUNT
4" COMPACTED SHALE	593 CU.YD.	\$16.00/CU.YD.	\$ 9,488.00
4" COMPACTED SHALE (STATE R.O.W.)	15.2 CU.YD.	\$16.00/CU.YD.	\$ 243.20
NEW ASPHALT	27,635 SQ.FT.	\$ 1.25/SQ.FT.	\$ 35,543.00
NEW ASPHALT (STATE R.O.W.)	1,232 SQ.FT.	\$ 1.25/SQ.FT.	\$ 1,540.00
NEW ASPHALT COVER	6,861 SQ.FT.	\$ 1.00/SQ.FT.	\$ 6,861.00
NEW ASPHALT COVER NEW STATE R.O.W.	2,150 SQ.FT.	\$ 1.00/SQ.FT.	\$ 2,150.00
CONCRETE CURBS	200 L.F.	\$ 8.00/L.F.	\$ 1,600.00
FENCING	947 L.F.	\$ 5.00/L.F.	\$ 4,735.00
<u>SITE LIGHTING</u>			
5 FIXTURES	5 EACH	\$750.00/FIX.	\$ 3,750.00
WOOD POLES	3 EACH	\$200.00/EACH	\$ 600.00
WIRING	1,000 FT	LUMP SUM	\$ 500.00
CATCH BASIN FOR 38 X 57 PIPE ARCH INCLUDING INSTALLATION	1	LUMP SUM	\$ 1,500.00 4,500.00
KIOSK	1	LUMP SUM	\$ 2,500.00
<u>LANDSCAPING</u>			
4' HIGH HICKS YEW <i>INSTALLED</i>	154	\$37.00/SHRUB	\$ 5,698.00
LANDSCAPING (INSTALLATION)	N.A.	LUMP SUM	\$ 4,500.00
LANDSCAPE SUPPLIES MULCH, SEED, ETC. <i>500+ 1000</i>	N.A.	LUMP SUM	\$ 2,500.00 1,500.00
STRIPING AND SPACE DILINEATION	50 SPACES	\$10.00/SPACE	\$ 500.00
HANDICAPPED SIGNS <i>AND BLUE DELINEATION</i>	3 SIGNS <i>2 SPACES</i>	\$13.00/SIGN	\$ 39.00 200.00
TRAFFIC SIGNS	5 SIGNS	\$28.00/SIGN	\$ 140.00
TOTAL			\$ 84,387.20 79,532.00

4

Handwritten signature

INSPECTION FEE 2590.64

RECEIVED JUL 24 1996

James Spratt, P.E.
Consulting Engineer
P.O. Box 156, Hyde Park, NY 12538-0156

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, N Y 12553

July 23, 1996
RE: Dutchess Terminals, Inc.
Gas Station Up-grade
Route 207, New Windsor

Dear Sirs,

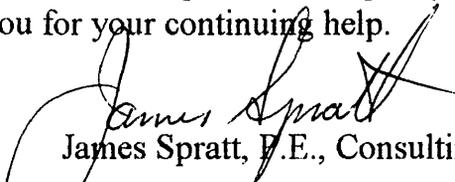
The estimated cost to up-grade the former Petro at the Gate, Inc. gas station at 639 Little Britain Road (State Route 207) is \$ 100,000 per my letter dated May 10, 1996.

The following breakdown indicates the estimated costs for various elements of the proposed re-construction.

Underground storage tanks (2)	\$ 20,000
Gasoline pumps and island	18,000
Pump island canopy	14,000
Piping	8,000
Building exterior	18,000
Labor and misc.	22,000
Total	\$ 100,000

A completion bond for uncompleted work will be submitted based on these estimates when we request an occupancy permit.

Thank you for your continuing help.


James Spratt, P.E., Consulting Engineer

CC: C. Mans
Town Engineer
Dutchess Terminals

James Spratt, P.E.
Consulting Engineer
P.O. Box 156, Hyde Park, NY 12538-0156

May 10, 1996
RE: Petro at the Gate, Inc.
Former DBL Service Station Site
Route 207, New Windsor, NY

Regional Office
NYS. Dept. of Environmental Conservation
21 South Putt Corners Road
New Paltz, New York, 12561-1696

Dear Sirs,

The Planning Board of the Town of New Windsor has conditioned the approval of a site plan on your review.

Attorney Richard P. Feirstein had contacted your office in regard to this review.

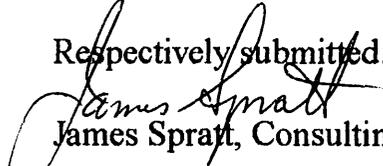
My client Dutchess Terminals, Inc. plan to up-grade the former DBL service station as per the enclosed drawings. The up-grade will include new pumps, new canopy and a new underground tank with monitoring system and having double walls for leak prevention and protection.

Due to the present "site remediation" being carried on by your Department at this location, your review of our plans is requested.

Please notify this office if any further information is required for your review of possible conflicts with your operation on the site.

All progress on obtaining our building permit is being held in abeyance until your review is completed. We respectfully request that your review is timely.

Respectfully submitted.


James Spratt, Consulting Engineer

c.c. Planning Board ✓



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

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

REVIEW NAME: DUTCHESS TERMINALS SITE PLAN
(LANDS OF C.P. MANS)
PROJECT LOCATION: NYS ROUTE 207 (OPPOSITE BRUENIG ROAD)
SECTION 33-BLOCK 1-LOT 9
PROJECT NUMBER: 95-25
DATE: 8 MAY 1996
DESCRIPTION: THE APPLICATION PROPOSES REVISIONS TO THE GAS
STATION DEPICTED ON THE PREVIOUSLY APPROVED
PARK, FLY AND DRIVE SITE PLAN. THIS APPLICATION
WAS PREVIOUSLY REVIEWED AT THE
13 SEPTEMBER 1995 AND 8 NOVEMBER 1995 PLANNING
BOARD MEETINGS.

1. The Applicant was referred to the Zoning Board of Appeals for necessary variances. It is my understanding that the Applicant has received all necessary variances. A copy of the ZBA's decision should be on file with the Planning Board before approval action.

2. I have reviewed the latest plans submitted and they appear to address the great majority of my Technical Review Comments and the Planning Board's comments from the 8 November 1995 Planning Board meeting. The following items require further review by the Planning Board:

- a. The Board should discuss the 12' gate at the rear - east side of the site, accessing the parking, fly and drive site.
- b. The Board should review the letter from Richard Feirstein, Esq., with regard to the environmental issue at the site.

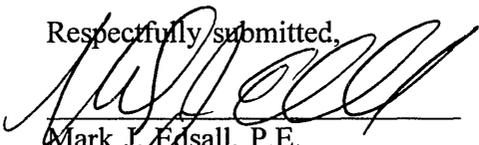
**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS
PAGE 2**

REVIEW NAME: DUTCHESS TERMINALS SITE PLAN
(LANDS OF C.P. MANS)
PROJECT LOCATION: NYS ROUTE 207 (OPPOSITE BRUENIG ROAD)
SECTION 33-BLOCK 1-LOT 9
PROJECT NUMBER: 95-25
DATE: 8 MAY 1996

c. The note on the site plan, to the rear of the building, appears to be incomplete. I would expect that this note is intended to reference that the entire area within the fencing and in the back of the building is to receive 4" subbase and 2-1/2" asphalt concrete pavement.

3. The Planning Board may wish to make a **determination** regarding the type action this project should be classified under SEQRA and make a determination regarding environmental significance.
4. The Planning Board should require that a **bond** estimate be submitted for this **Site Plan** in accordance with Paragraph A(1)(g) of Chapter 19 of the Town Code.
5. At such time that the Planning Board has made further review of this application, **further engineering reviews** and comments will be made, as deemed necessary by the Board.

Respectfully submitted,


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

MJEmk

A:DUTCHESS2.mk

RESULTS OF P.B. MEETING

DATE: May 8, 1996

PROJECT NAME: Dutchess Terminals PROJECT NUMBER 95-25

LEAD AGENCY: * NEGATIVE DEC: Subject to final plans
* be signed

M) S) VOTE: A N * M) S S) LU VOTE: A 4 N 0

CARRIED: YES NO * CARRIED: YES: NO

PUBLIC HEARING: M) S) VOTE: A N

WAIVED: YES NO

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.E.A.: M) S) VOTE: A N YES NO

RETURN TO WORK SHOP: YES NO

APPROVAL:

M) S) VOTE: A N APPROVED:

M) S S) LU VOTE: A 4 N 0 APPR. CONDITIONALLY: 5-8-96

NEED NEW PLANS: YES NO

DISCUSSION/APPROVAL CONDITIONS:

Complete note on plan (Mark's comments 2-C)

Need note on plan:

Protection around dumpster will be solved when temporary
Bldg is removed and dumpster is moved

Need new layout for parking once temp. bldg is removed.

(Within 2 Months)

Need Bond Estimate

Sub. to Mr. Feirstein's letter ← OK with Mark 8/2/96

May 8, 1998

14

DUTCHESS TERMINALS SITE PLAN (95-25) ROUTE 207

Mr. James Spratt and Mr. Vosoughi appeared before the board for this proposal.

MR. SPRATT: Good evening. Since my last meeting I attended the Zoning Board of Appeals based on the variances that we required, we obtained all variances except one, and that was the height of the sign and we acquiesced to having the sign at 15 and not 19 feet. So the documents have been all corrected according to I believe all the notes between town engineer and everything. And if there's anything maybe Mark can--

MR. EDSALL: Maybe it would be worthwhile to just quick go through them if it's okay.

MR. PETRO: Yes.

MR. EDSALL: Mr. Spratt has been very cooperative but we have been able to resolve everything. The only outstanding issues, and it's not because it's something he couldn't do, it's something that the board should, it should put closure on, under 2A, discuss the 12 foot gate as to whether not you want to restrict its existence and the ability to go between the two sites, 2B, you have got a letter on record from I believe it's Mr. Mans' attorney or is this Dutchess Terminal's attorney?

MR. BABCOCK: Dutchess.

MR. SPRATT: No, this wouldn't be Dutchess, I don't know the man.

MR. EDSALL: I believe it's Mr. Mans' attorney. Relative to the issue of the, I believe that is relative to the issue of being able to close the project out when there is an ongoing contamination correction issue and 2C, which is just I think a note that Jim didn't get a chance to finish which is just regarding the paving in the rear of the site. Other than that, we have been successful in dotting I believe every i and crossing every t that we needed to accomplish.

MR. SPRATT: I believe Casey paved everything up to the back of the building, that is why I didn't make that note. When he paved the back, he just kept paving right on up. Every day I had to go and see what has changed but I can make that note on the final plan.

MR. DUBALDI: Change that on the map.

MR. SPRATT: Sure.

MR. PETRO: The six foot fence that is existing on the rear of this site, what is it made of?

MR. SPRATT: Chain link fence.

MR. PETRO: Because I notice on the other side, Park and Ride, there was a wood fence put up and we requested chain link, I'm not saying that is bad, I talked to the building inspector and we looked at it and thought it didn't look too bad. So I don't think unless other members have a problem with that, I just want to get that out in the open and on record.

MR. SPRATT: Casey has put up a chain link fence as per the Drive, Park and Fly site plan.

MR. PETRO: In the rear there was a wood fence put up, wood slate fence.

MR. SPRATT: Rear of that parcel.

MR. BABCOCK: Yes.

MR. SPRATT: I'm sorry, I'm only talking about the division fence.

MR. PETRO: I had asked what's on this particular parcel and you told me chain link.

MR. SPRATT: Right.

MR. PETRO: I just wanted to get it in the minutes now and on the record because frankly, it wasn't what we had asked for in the rear of the other site, but it

doesn't look too bad. I have been there, I think the building inspector has been there and it's a good time to get that clarified.

MR. BABCOCK: Right.

MR. PETRO: Any of the other members have a problem with it?

MR. STENT: You're talking about the Park and Ride?

MR. PETRO: No, it has nothing to do with this.

MR. BABCOCK: Maybe for some of the guys, I don't know whether everybody was here when this Park and Fly started, but one of the concerns that the board had was that the rear fence, there's a mobile home park behind there, and as people come in and out go out all hours of the night, the board had suggested that they put a chain link fence up with slats to protect the headlights from shining in the mobile home windows.

MR. LUCAS: Is there any room for any other type of buffer?

MR. BABCOCK: What it is, is the fence is about midway of the property, he's doing, he has like a Phase 1, Phase 2 project. If the Park and Fly is successful, I assume he is going to expand it. I looked at the fence myself and mentioned it to Jimmy, it's 1 X 6 board and batten type fence, will serve the same purpose as what the board I thought required for it.

MR. LUCAS: No problem with the high or low beams?

MR. BABCOCK: No.

MR. PETRO: I don't think we have, I just wanted to get that in the minutes so we knew what we were doing there. I had mentioned at the last meeting in November about the 12 foot gate, I wasn't excited about that at time because I really didn't want traffic coming through this particular site on to the other site, as Mr. Mans told me in the meantime that he's putting a beautiful curb cut in on the other property, on the

Park and Fly property, he intends on using it, this would just be an access gate in case somebody wants to get the car serviced or cleaned while they have it at the Park and Ride. Since we thought that and I think maybe it is a good idea to have the gate there, it might actually work to lessen a potential problem of staging problems on the small lot in front of the service area. So I want to get that into the minutes. If anyone else wants to talk about it, now is the time to do it. Mark, do you have any problem with the gate?

MR. EDSALL: I think your conclusion is very much on target because if you don't have vehicles that need to be serviced brought through that 12 foot gate in the rear, you're going to be increasing the traffic load at the intersection of Brunning Road and Route 207. So I think that actually is a disadvantage, so I think you're a hundred percent right.

MR. PETRO: You know, I also--

MR. STENT: So the purpose of that gate is going to be only for service to that building for vehicles to be serviced, not an entrance onto 207?

MR. PETRO: No, I think what he wants to do, if you, if you park your car at Park and Fly and want to go away for three days, you might want to have an oil change, instead of going out onto 207 and coming back through the front, they can access it through the rear.

MR. STENT: Strictly a service gate?

MR. PETRO: Right.

MR. LUCAS: Is that the only entrance to that?

MR. STENT: No.

MR. PETRO: All the curbing is done over by where Joseph's Pizza used to be by Larkin's, there's new curbs.

MR. STENT: I have no problem with the gate as long as it's used for service purposes.

MR. KRIEGER: One other thing I point out with the relocation of the gate seems to be unlikely that that would be used as a means of ingress egress to the Park, Ride and Fly because it would be frankly looks like more trouble trying to snake your way back to the gate than just go in.

MR. PETRO: Probably would, just didn't want in the service area where it says service area in the existing building, not in the park, in the gas station property, you can put up a little booth, you do away with the other curb cut, start giving out tickets, they start bringing them in through the gate, that is what I was trying to head off.

MR. SPRATT: Dutchess Terminals lease which the lease isn't your problem but the lease they have everything in front of this building is in their control, it's not Casey's control.

MR. PETRO: Nothing to do with Park and Ride.

MR. SPRATT: Right or Casey even in the building.

MR. PETRO: That is further argument to go along with the reasoning for keeping the gate, I don't see it as a problem then.

MR. KRIEGER: I would suggest that if there is any residual concern perhaps placing a note on the map to that effect.

MR. PETRO: I think we have got that in the minutes.

MR. KRIEGER: If there is a concern, I'm not saying that it is required.

MR. SPRATT: Well, it's tough to define service, we know what it is today but then what happens later?

MR. DUBALDI: I have a question about the lack of a projection around the dumpster. Usually, we ask for some kind of protection, similar to the make of the building and all I see is a 6 foot high chain link

fence around the dumpster, pretty much in the middle of the parking lot, anyway, we can put that in a better location?

MR. BABCOCK: Mr. Chairman, maybe I can address that for one second. Carmen, at a previous board meeting, a few months ago I guess, this temporary building they are hoping won't be there forever and the parking areas where you see 11, 12 and 13 their intentions are to move that dumpster area to that back fence, that is what Mr. Mans and also Dutchess Terminals, I assume we have discussed that this is a temporary location for the dumpster because it would block parking anywhere else.

MR. DUBALDI: What guarantee do they have that that is going to happen?

MR. BABCOCK: Probably none, except that if the temporary building comes down and myself or one of the board members see it, then we can make sure it does happen.

MR. PETRO: I don't think he would want it there, it's in the flow of traffic.

MR. DUBALDI: I would like to see something on the map stipulating once the temporary building comes down, that all of this that you just said will happen because I have a sneaky suspicion if we don't get it put on the map, that we don't stipulate that it will happen, that it will not happen.

MR. SPRATT: That can be a condition of approval.

MR. PETRO: What will happen to parking lot 11, 12 and 13, are you going to add them to eight and ten there?

MR. EDSALL: Why don't we just request that they give us a new layout for the rear of the site as far as parking, once the building is removed, cause we don't know that something else might not happen, maybe the building is going to change in size.

MR. DUBALDI: Subject to Mike's approval.

MR. EDSALL: Bring it in for the record to the planning board.

MR. KRIEGER: Certain time be specified on the map for removal of the building, whichever is sooner because otherwise--

MR. EDSALL: They can't do anything until the building is removed.

MR. SPRATT: Are you looking for a concrete block enclosure, is that what you're looking for?

MR. DUBALDI: Yes, sir. We request that of everybody that comes before us.

MR. STENT: Something that matches decore of the building?

MR. PETRO: And or they can also use the slats.

MR. SPRATT: I think it would be better for Casey and he's not, I'm going to speak for him tonight, if we change this to what I want where it is and then you don't have all the notes and all the changes.

MR. EDSALL: Then it won't match what the planning board, the plan cannot match what's out there, which is a problem. You add a note that once the need for the temporary building ceases within two months, they'll submit a revised plan for the rear area and that way you'll just add it to this file. They won't need a separate application but you'll just at that point revise the rear layout. And I'm saying the need for the building because we don't know that when the DEC says it's fine that Casey wouldn't use to it store tires or something else in. So once the need for purposes of environmental cleanup ceases within two months, they'll come back in with a revised rear.

MR. KRIEGER: Define need.

MR. EDSALL: Need for environmental purposes ceases

within two months.

MR. SPRATT: That is important.

MR. EDSALL: They'll come in with a plan and remove the building and lay out the back again.

MR. PETRO: But we do allow, Carmen, I want to state we have allowed, if you have other type of fencing or material that is used on the site, such as the chain link with the slats in it, would that be more conducive to a block structure on the rear of the property, just wrap it around but it just can't be obviously a chain link fence, got to match the rest of the fencing with the slats or that wood fencing in the other rear.

MR. DUBALDI: My experience with fences like that they tend to get bumped into by the garbage trucks that come to take the garbage dumpster away. You find a lot of the plans that we did put that on, the fence kind of disappears after a while or gets bent and does not serve the purpose. I'm only one member, Mr. Chairman.

MR. PETRO: Well, okay, I'm not going to belabor that.

MR. SPRATT: Do you want slats in the chain link that I have there?

MR. PETRO: That you have now on the property line now.

MR. BABCOCK: Around the dumpster area.

MR. SPRATT: You mentioned--

MR. PETRO: As it stands now, well, should be, yes.

MR. SPRATT: Well, I just--

MR. PETRO: When you have the final location, you might want to add a couple bollards.

MR. SPRATT: That will come in as a site plan, it's going to come in as a site plan.

MR. PETRO: Let's go to landscaping here cause it is

right in front of the gate, I know we have gone over this before, just bring me up to date about the landscaping.

MR. LUCAS: What landscaping?

MR. SPRATT: The only landscaping was in the original subdivision and that I started with, I don't know anything more than to say that is what was on the approval for the Park and Ride.

MR. PETRO: We have a sidewalk that goes around the existing building and says new pavement to meet sidewalk grade, you have some bushes four foot high, evergreen screen three foot on center spacing existing, they've already been complied with.

MR. SPRATT: Yes.

MR. PETRO: So they are existing there now?

MR. SPRATT: Yes and they are on the other original site plan.

MR. BABCOCK: On the original site plan, if you remember the board wanted to look at their property, the Park and Fly plus the house so the landscaping plan is attached to the Park, Fly and drive.

MR. PETRO: Encompassed the whole project?

MR. BABCOCK: Yes and quite honestly, the last time I went by there, most of the landscaping has been completed, I shouldn't say most, there's been a lot put in.

MR. PETRO: Did we have a public here on this? I know you obviously did at the zoning board. Was there anybody who showed up at the planning board, was there?

MR. SPRATT: Well, the people, there was a group that had trouble with Casey in regard to the school kids getting in the bus and it was on his property he told them to get off the property, it was some parents and some school busses.

MR. PETRO: I believe we had that when we had the original public hearing for the Park and Ride that was down from the trailer park.

MR. SPRATT: Other than that, I believe there was a competitor that spoke up which was down the road, I forget which one.

MR. PETRO: But you did have a public hearing recently?

MR. SPRATT: Yes, I believe on the 11 of March, I believe.

MR. STENT: On the pavement sidewalk in the front of the building you got to bring that pavement up to the grade of the sidewalk so there will be no curbing there.

MR. SPRATT: Right.

MR. STENT: You're going to, what is it going to be used for, no parking in front of the building?

MR. SPRATT: You can't service a car at the pump and still get somebody by to park.

MR. DUBALDI: What about a ramp so someone who's handicapped can get up on the sidewalk?

MR. BABCOCK: That is why they are doing it.

MR. STENT: Paving is going to be at sidewalk level.

MR. LUCAS: Where is the landscaping you're talking about?

MR. PETRO: It's on the original map, Mike, that was filed with the Park and Ride.

MR. LUCAS: Where would it be if you are looking at this?

MR. SPRATT: We have some along between the garage, the service station and the residence and then he has on

the Park and Ride there's landscaping all along here.

MR. LUCAS: Cause the rest of it is concrete pavement.

MR. SPRATT: Right.

MR. PETRO: Just go over the facade of the building, I know that you have a plan in front of it, just exactly what are you going to be doing with the upgrade of the station itself?

MR. SPRATT: Primarily it will be putting on an exterior of stucco exterior, very plain beige stucco exterior, take off what's there and neaten it up that way and just put the Citgo stripes on the top and that is basically what it will be, clean up the exterior.

MR. PETRO: New overhead doors in the front?

MR. SPRATT: Correct.

MR. PETRO: New windows. Canopy, you have received all the variances, you have them all on the map, they are all listed?

MR. SPRATT: Yes.

MR. LUCAS: Is there handicapped bathrooms with this?

MR. SPRATT: Yes, they are inside.

MR. STENT: Is there some way, I'm concerned about the service area in the back, mainly concerned about motor homes being stored in the back of this building. Is there anything that can be put in there where vehicles have to be registered or can't be stored there for more than two days in the back?

MR. SPRATT: What do you have in the zoning if there's more than two cars?

MR. EDSALL: I think he's saying for storage for an extended period.

MR. STENT: This is commercial property, I don't want

to have motor home storage all over the place, that is why I'm asking Andy.

MR. BABCOCK: That would be a different use. I'm not disagreeing with what Ed's saying, I think I do agree but I think that we would have, if somebody was parking cars or vehicles for sale, I think they would not be in compliance with the site plan approval that you are going to give them.

MR. STENT: So you could have him move them out?

MR. BABCOCK: We'd violate him for not being in compliance with the site plan, we could do that.

MR. PETRO: Just to the west of the building, the sales area there's two arrows, one is facing in, one facing out, is that going to be used as a drive?

MR. EDSALL: That is the access drive to the rear.

MR. SPRATT: From the front to the back if anyone wishes to use it.

MR. LUCAS: Employees, you mean?

MR. SPRATT: Yes, because basically, as I say, Dutchess Terminal has complete control of the front by lease and we're not looking to have vehicles in front to serve him in the back. So I mean it's really a situation that it's there, it's convenient more than anything else to give expansion to the lot, not have it all bound up in a very small space.

MR. STENT: You're granting him access to the back to service vehicles on the spots there.

MR. SPRATT: Yes.

MR. EDSALL: Jim, can I ask a question? Are you saying that your lease provides you no benefit for use to the rear, to the rear area?

MR. VOSOUGHI: We agreed to give him access to the driveway.

MR. EDSALL: You have use of the rear area, right?

MR. SPRATT: Yes.

MR. EDSALL: I'm getting two answers.

MR. VOSOUGHI: I am Mr. Vosoughi, president of Dutchess Terminals. Originally, we didn't, since we agreed to give him the access to the driveway, they gave us dedicated parking spot in the back.

MR. EDSALL: You can use those spaces.

MR. VOSOUGHI: Yes.

MR. EDSALL: Although the lease may only be to the front, they should also have benefit of the rear because let's keep in mind that is the required parking.

MR. VOSOUGHI: If you notice we also have propane tank in the back, so we would have access to both sides of the fence.

MR. STENT: You're going to control the propane?

MR. VOSOUGHI: Yes.

MR. PETRO: We have municipal highway approval on 5/2/96, water on 5/2/96, I'm sorry, 5/3/96 and 5/6/96 and we have fire approval on 5/6/96.

MR. STENT: I notice you're going to do the facade, is that going to wrap around both ends of the building?

MR. VOSOUGHI: One end where the bathrooms are, one end and the entire front, not the house side.

MR. STENT: The house side is going to be covered by shrubs?

MR. LUCAS: What is it now.

MR. SPRATT: We're going to remove it on the front and

on the west side.

MR. LUCAS: On the house side?

MR. VOSOUGHI: There is nothing there now.

MR. DUBALDI: You're not doing the entire four sides of the building?

MR. SPRATT: No.

MR. DUBALDI: Repeat it one more time, you're going to do the three sides?

MR. SPRATT: Front and the west side.

MR. VOSOUGHI: The visible side.

MR. EDSALL: I just want to get on the record since there may be some confusion, the bottom line is as far as the use of the site that the planning board to approve this we have to understand that the entire rear area is usable as part of this site plan because all 13 spaces are distributed over the entire site. So in answer to one of Ed's concerns, if they began to store for long term purposes motor homes in the rear, they would be obstructing the required parking on the site plan and that would be a site plan violation.

MR. PETRO: Would the applicant have a problem with putting a note on the plan that no motor homes should be stored on this property?

MR. STENT: I don't think that is necessary, based on what the building inspector said.

MR. VOSOUGHI: We don't want them there as much as you don't but to speak on Casey's behalf.

MR. SPRATT: I think you have to show us something to agree with that.

MR. EDSALL: We have advised the applicant and since Mr. Mans did sign a proxy authorizing Mr. Spratt to represent him, in effect we have notified Mr. Mans that

he cannot use the site for this purpose.

MR. LUCAS: Is that cost prohibitive to do the at least one other side or are you telling me it's not visible at all?

MR. VOSOUGHI: It's not visible, it's useless, you don't see any part of it anyway, the building, the house prevents it.

MR. BABCOCK: Are you going to paint the back and the side?

MR. VOSOUGHI: Casey probably has to do it, that would be his part, yes, he has to, he can't leave it the way it is, yes.

MR. SPRATT: East side and the back is really Casey's responsibility by lease and that is why we can't answer.

MR. LUCAS: Yeah, but if this site plan is the parking lot is going with the back and the front really they are not, am I right with that?

MR. VOSOUGHI: Obviously, if you want this plan to be contingent on painting the back and the side of the building, we would go, we'd go ahead with it and paint.

MR. PETRO: As read in the minutes.

MR. KRIEGER: Just paint it so the color's consistent.

MR. LUCAS: We appreciate it.

MR. PETRO: You understand that that is an obligation now?

MR. VOSOUGHI: Yes.

MR. DUBALDI: I think the mobile homes owners behind you would appreciate that.

MR. SPRATT: It can be Citgo number so and so, I don't know the number.

MR. LUCAS: Off the record.

(Discussion was held off the record)

MR. PETRO: Look at where this is located, it's out of the site, in other words, he's not seeing it from any angle, it can't be seen.

MR. LUCAS: You never know when the temporary building is going to be gone.

MR. STENT: Two months, he is going to come back with another site plan where the building is.

MR. LUCAS: That is up to the DEC, if they decide they are going to remove it.

MR. STENT: Once the DEC moves out, then he has two months to come back with a site plan for that back lot.

MR. LUCAS: DEC doesn't have to move out for two years, right?

MR. STENT: Then we have a chain link fence with slats.

MR. LUCAS: Then we'll worry about it.

MR. BABCOCK: That is correct.

MR. PETRO: I want to go over to number 3, Mark, in the comments and I think what we have to do and everybody has the letter from Richard Feinstein, attorney at law, environmental issue concerning site plan approval, I'm not going to read it into the minutes, but it seems that they have a very good way to review this, I don't see any problem. I have read this letter, unless Andy or Mark tells me something to the contrary or another member doesn't like it, I think we can take, we have taken lead agency, we can make a determination as far as this board is concerned under the SEQRA process and then give it to them for their final approval or stamp. Do you see anything wrong with that procedurally, Mark?

MR. EDSALL: No, I think what Mr. Feinstein is proposing makes sense.

MR. PETRO: I think what we can do is we can again go under the SEQRA process, we'll make our determination subject to the signing of the plan by the regional office.

MR. STENT: We can take negative dec on the SEQRA.

MR. PETRO: That is what I am looking for.

MR. STENT: I make a motion that we declare negative dec under SEQRA process at this time.

MR. DUBALDI: Subject to.

MR. STENT: Subject to.

MR. PETRO: I can read it in, go ahead.

MR. DUBALDI: Second it.

MR. PETRO: State your motion one more time, Ed please.

MR. STENT: I make a motion that we declare negative dec under SEQRA process.

MR. EDSALL: Off the record.

(Discussion was held off the record)

MR. PETRO: Mr. Stent, make the motion again.

MR. STENT: Motion to declare negative dec for Dutchess Terminal site plan.

MR. LUCAS: Second it.

MR. PETRO: Motion has been made and second that the New Windsor Planning Board declare negative dec for the Dutchess Terminal site plan on 207. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. DUBALDI AYE
MR. STENT AYE
MR. LUCAS AYE
MR. PETRO AYE

MR. PETRO: Again, this is going to go along with the letter to the Department of Environmental Conservation as we have just hashed out for the last ten minutes. Well, gentlemen, I think we have seen this plan a number of times, it's been through the zoning board, he's received the necessary variances, except for one on the sign which they have agreed to the 15 foot height instead of the 19. They have a landscaping plan on file.

MR. DUBALDI: Jim, did we waive public hearing?

MR. PETRO: Not yet.

MR. DUBALDI: How can we waive the public hearing before we declare negative dec under SEQRA process?

MR. PETRO: This is for special permit.

MR. EDSALL: Continuation of a special permit.

MR. PETRO: So we need a public hearing?

MR. EDSALL: It's debatable, don't forget that you have already issued an approval on this site plan. This is an amendment to it and if you determine, my opinion that if you determine that there is no zoning change or change in the operational hours or anything extensive and it's a continuation of existing special permit use. You don't need to have a public hearing and if you make that determination, do so, don't say you're going to waive it cause you can't waive it.

MR. PETRO: I would make that decision myself, I think we have, he's just had a public hearing, we have had a public hearing on it.

MR. LUCAS: Do we need that in the form of a motion?

MR. PETRO: Just make a determination, we can poll the board.

MR. KRIEGER: You want to do that and have it on record so there's a formal determination of the board that a public hearing is not necessary because there's no substantial change requiring any public hearing.

MR. PETRO: Poll the board at this time then.

MR. DUBALDI: I think it's in the best interest of the applicant to have a public hearing but I'm only one member.

MR. STENT: I don't think it's necessary based on the changes.

MR. PETRO: This isn't just to have the public hearing, because of the special use permit, remember he's just had a public hearing at the zoning board, so it's only that we would require the public hearing for the special use permit.

MR. EDSALL: Just something else to the benefit, don't forget you had a public hearing when you looked at the total site with Park, Fly and Drive, the residential and the site plan, so you had a public hearing.

MR. LUCAS: So it is not required.

MR. EDSALL: You already had a public hearing for the total site plan now he's back for an amendment.

MR. BABCOCK: This amendment includes the canopy, and the change from just the regular gasoline station to a convenient store, convenient mart that is what the changes are here for tonight.

MR. EDSALL: Special permit use is effectively being somewhat decreased cause you're taking some of it and making it retail.

MR. PETRO: Mr. Dubaldi, with the new information,

still feel the same?

MR. DUBALDI: Yup.

MR. PETRO: Mr. Stent, need for public hearing?

MR. STENT: No.

MR. LUCAS: No.

MR. PETRO: And myself, no. No being that we don't need the public hearing, the SEQRA process is done correctly, the planning board should require that a bond estimate be submitted for this site plan in accordance with paragraph A1G of Chapter 19 of the Town Code.

MR. DUBALDI: Was the motion you made and seconded to waive the public hearing?

MR. PETRO: We did it by a poll.

MR. KRIEGER: You don't waive a public hearing, you simply declare you don't need one.

MR. PETRO: Only for the special use permit, the extenuation of that wasn't for the entire site plan. I read in the water, sewer and highway department approval dates, I think that subject to Mark we're going to have is once the temporary building comes down.

MR. EDSALL: I have provided Mr. Spratt with a suggested note to address that new site plan for the rear, the second condition should be that prior, I would think prior to a building permit or any work on the site that the applicant will proceed with the course suggested in Mr. Feinstein's letter and third one is the bond estimate.

MR. PETRO: And the painting of the back of the building we discussed that.

MR. EDSALL: Painting of the rear and other side.

MR. PETRO: And Mr. Mans is going to agree not to put the mobile home units on the rear of this property.

MR. VOSOUGHI: You're making it as a condition or--

MR. PETRO: You can speak, we have a proxy on behalf of him.

MR. STENT: Based on Mike's remarks before.

MR. BABCOCK: These 13 supposed spots.

MR. STENT: Prohibits him from putting the mobile homes there.

MR. PETRO: So we only have the four subject-tos then and if we have a motion to approve, we'll note them as part of the approval process.

MR. STENT: I make a motion that we approve the Dutchess Terminal site plan with the subject-tos that we have to them coming back when the building's down in the back and subject to Mr. Feinstein's letter, painting the sides of the building that were previously left in metal and the bond estimate submitted.

MR. PETRO: Motion has been made and seconded that the new Windsor Planning Board grant final approval to the Dutchess Terminal site plan on Route 207 subject to what just was just read into the minutes. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. DUBALDI	AYE
MR. STENT	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. LUCAS: I haven't seen it since I was on the board before, is there flag poles here? This is the first thing that people see when they enter the Town of New Windsor from the airport.

May 8, 1996

35

MR. SPRATT: You want a flag?

MR. LUCAS: We usually require.

MR. PETRO: We're going to have a memo on that, let's let that go for tonight, Mike, I'll explain to you.

MR. SPRATT: I think Park and Ride has more room.

MR. PETRO: It's right next door and we'll get back, remind me to get back to you on that. Any further discussions from the board members? There's a motion on the floor.

ROLL CALL

MR. DUBALDI	CAUTIOUSLY AYE
MR. STENT	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. PETRO: Remind you that all eyes are on you, you're right at the entrance of the town there so please do a good job and try to adhere to the plan the best that you can.

MR. EDSALL: Or make it better.

MR. SPRATT: Thank you very much.

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(518) 465-3052

Fax: (518) 465-3659

May 1, 1996

Town of New Winsor Planning Board
Attention: Jim Petro
555 Union Avenue
New Winsor, NY 12553

Re: Environmental Issue Concerning Site Plan Approval
Petrol at the Gate, Inc.
Former DBL Service Station Site

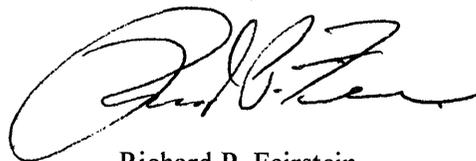
Dear Members of the New Winsor Planning Board:

I am the attorney retained by Petrol at the Gate, Inc., and Casey Mans to represent their interests concerning the environmental remediation at the former DBL site in New Winsor. It is my understanding that this Board wants to know if the proposed improvements to this property will be consistent with the environmental remediation taking place at the site. In an attempt to satisfy the concerns of this Board I have formally contacted the local Regional office of the Department of Environmental Conservation.

The Regional Office will not issue a letter to anyone signing off on the proposed improvements; this is not their function. What I propose instead is that the Board attach as a condition to its approval that prior to the commencement of on site activities under a conditional approval, that final plans be submitted to the Regional Office for staff review and that work not proceed on site until after the Regional Office staff has confirmed to the applicant that the proposed improvements will not interfere with the ongoing on site remediation effort.

This condition would be fully consistent with the existing obligation of the owner and lessee of the site under the Environmental Conservation Law. They would be subject to enforcement action if the site improvements were not consistent with the ongoing remediation activities. Please feel free to contact me if you have any questions.

Very truly yours,



Richard P. Feirstein

cc: Casey Mans

cc P.B. Members

#1 ZBA SET UP FOR P/H
2-5-96
#2 ZBA 3-11-96 APPROVED

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 95-25

DATE: 6 DEC 95

APPLICANT: Dutchess Terminals
256 North Road
Poughkeepsie, N.Y. 12601

REVISED 17 JAN 96
WJF

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED _____

FOR (~~SUBDIVISION~~ - SITE PLAN) _____

LOCATED AT South side Route 207

_____ ZONE _____

DESCRIPTION OF EXISTING SITE: SEC: 33 BLOCK: 1 LOT: 9

IS DISAPPROVED ON THE FOLLOWING GROUNDS: FRONT YARD

SETBACK VARIANCE FOR PROPOSED CANOPY.

APPROVED

(40 FT REQ'D, 1 FT PROPOSED 39 FT VARIANCE);

HEIGHT VARIANCE POSSIBLY REQ'D FOR CANOPY.

SIGN VARIANCES -

DISAPPROVED

HEIGHT - 4 FT

APPROVED

AREA - 56 SQ. FT.

Michael J. Edsall P.E. Inc.
MICHAEL BABCOCK,
BUILDING INSPECTOR

REQUIREMENTS

PROPOSED OR AVAILABLE

VARIANCE REQUEST

ZONE NC USE B-9

MIN. LOT AREA 15,000 SF 17,067 —

MIN. LOT WIDTH 125 FT 150 —

APPROVED REQ'D FRONT YD 40 FT 36 FT 4 FT *

APPROVED REQ'D SIDE YD. 15 FT 9 FT 6 FT *

REQ'D TOTAL SIDE YD. 30 FT 42 FT —

REQ'D REAR YD. 15 FT 68 FT —

REQ'D FRONTAGE N/A N/A —

MAX. BLDG. HT. 23 FT 17 FT —

FLOOR AREA RATIO 0.5 FT 0.13 —

MIN. LIVABLE AREA N/A N/A —

DEV. COVERAGE N/A % N/A % — %

O/S PARKING SPACES 13 SPACES 13 —

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT: (914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.
 * Possibly pre-existing non-conforming.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

DUTCHESS TERMINAL SITE PLAN (95-25) RT. 207

Khosrow (Russo) Vosoughi of Dutchess Termnal, Inc. appeared before the board for this proposal.

MR. VOSOUGHI: Mr. Spratt could not be here tonight, I'm Russo Vosoughi of Dutchess Terminals so the way I understand they had a meeting at the workshop, I'll do my best to answer any questions, as many questions as I possibly can.

MR. PETRO: I just want to make it clear for anyone here, this application is for the gas station parcel only, is that correct?

MR. VOSOUGHI: Yes.

MR. PETRO: Has nothing to do with the Park and Ride whatsoever?

MR. VOSOUGHI: Right.

MR. PETRO: This is only for the gas station parcel, not the Park and Ride where the gas station sits.

MR. EDSALL: There's a connection only by virtue of the fact that the previous application included all three sites, this effectively is an amendment for a portion of the previous site plan Park, Fly and Drive, although this plan addresses only that piece.

MR. DUBALDI: So this doesn't involve the other site plan approval?

MR. BABCOCK: Correct.

MR. EDSALL: The previous application did address all three sites, this one effectively becomes an amendment of the middle piece of that larger puzzle.

MR. PETRO: Go ahead.

MR. VOSOUGHI: This is, as you can see, it's the operator for the existing station for the two bay garage with one door access to the front and two doors

access from the back of the building, 8 parking spaces for the two because five parking spaces for the convenient store with the underground storage tank for gasoline, kerosene, two MPD, multi product dispensers and canopy with the sign as shown on the plan.

MR. PETRO: Service area in this building is for what purpose?

MR. VOSOUGHI: When you say service area, would be for the mechanic shop and/or detail work.

MR. PETRO: For what, for whose business, you're renting that?

MR. VOSOUGHI: No, it would not, it would be used for a service station for the gas station.

MR. VAN LEEUWEN: Which section are you going to be--

MR. VOSOUGHI: I would be controlling this section right here, the sales area.

MR. DUBALDI: What's going to happen to the other section?

MR. VAN LEEUWEN: How are you going to get into the other section right here?

MR. VOSOUGHI: Right next to the building, it goes to the back, we put a driveway right next to it, a two-way driveway on top of the bank.

MR. BABCOCK: Over top of the tank.

MR. VAN LEEUWEN: Tank's not going to be taken out?

MR. VOSOUGHI: Tanks are out. These are proposed new tanks.

MR. DUBALDI: You're going to be using this for service area as well? I didn't understand, I'm sorry. You're going to be using the sales area obviously for sales and you're going to be using the service area for your business?

MR. VOSOUGHI: No, that would be subleased.

MR. STENT: Would you be subleasing that out?

MR. VOSOUGHI: Well, the owner would be subleasing. I would be leasing just the sales area and the gas pumps.

MR. DUBALDI: This is going to be part of a different business then?

MR. KRIEGER: Excuse me--

MR. VOSOUGHI: Two separate businesses on the same property.

MR. KRIEGER: Excuse me, if I may, my confusion is with the term sublease, I understand you're going to be leasing the sales area?

MR. VOSOUGHI: Just the sales area, correct.

MR. KRIEGER: You're not going to be leasing the service area in any way?

MR. VOSOUGHI: Correct.

MR. KRIEGER: So, if the service area is going to be used, that would be a separate arrangement then, the owner and whoever that user is?

MR. VOSOUGHI: Correct.

MR. KRIEGER: So you won't be subleasing, it would be another lease unrelated to yours?

MR. VOSOUGHI: Correct.

MR. VAN LEEUWEN: What are you going to do to the existing building?

MR. VOSOUGHI: We're going to do stucco on the front of the building.

MR. VAN LEEUWEN: See this changes the original site

plan, we already approved the site plan for that building once.

MR. VOSOUGHI: I'm not aware of it.

MR. PETRO: This is the amended site plan.

MR. VOSOUGHI: Yes.

MR. VAN LEEUWEN: I don't go for the idea of stucco.

MR. VOSOUGHI: Stripes on the stucco, window, one door, another door, access to the storage units, window, front door window and side door and the bathroom on the side.

MR. VAN LEEUWEN: Well, the bathroom is there now there's two bathrooms?

MR. VOSOUGHI: Yes, correct.

MR. PETRO: Mark, why don't you touch on some of your comments so I don't have to read them all and digest them. What's your most pertinent?

MR. BABCOCK: Just for your knowledge, the canopy is going to need a referral to the ZBA. I don't know whether the board is aware of that or not, it's one foot from the property line.

MR. EDSALL: My comment two is just noting that they are showing the bulk requirements for the B7 use which is the special permit use but as well they are proposing A6, which is the retail, the bulk requirements for B7 are more restrictive in all cases but one they do need some variances as Mike indicated there are some noncompliances that are existing. So I don't think that is really a problem, so they do need to go to the ZBA. The parking they have resolved pursuant to several workshops, they do need to fix the handicapped parking detail which is not a big issue at this point. They also need to obtain a variance for having two signs on the property that are closer than 300 feet because the new sign ordinance does allow if you have two main entrances to a site to have two

project signs but not when they are this close. As well the new sign ordinance restriction sign height is 15 foot, they are showing 27, it restricts it to 64 square foot total, they have got almost 300 per sign so they have some significant variances.

MR. VAN LEEUWEN: Got to go to the zoning board first.

MR. EDSALL: Not just the building, they've got signs and other issues. One issue you may want to talk about is the comment was made that the access to the service areas would be from the rear. That is partially true. There is as well an overhead door in the front so that bay number 2 can be accessed from the front. My comment is that you should be aware of that and discuss it but as well, the entire building in the front is proposed to be upgraded and new windows, new finish but it appears that that one door is supposed to remain in its existing condition. My only comment is it seems kind of foolish to put two new doors in the back and leave the old door in the front when you're redoing the building.

MR. VAN LEEUWEN: We discussed this before, all new doors, all new windows we were promised.

MR. EDSALL: Other than that, Jim, I think that the next thing you have to do is pass it on to the ZBA.

MR. PETRO: Before we get that far, gentlemen, I want the board to listen to me a little bit here too. I'm going to address this to the owner and the applicant. I don't necessarily have a problem with the two occupants, in other words, sales area, you want to have service area and it's a garage and there you go. I see a 12 foot gate in the rear of the property, which accesses the Park and Ride. I can tell you from myself, I'll not vote on this until it's eliminated. I want the fence completely around. There's no accessing from the Park and Ride to this site. Number 2, I also want an assurance, a note on the map that this site will not have anything to do with the Park and Ride namely the service area. The service area cannot be used to bring cars in checked and whatever they are going to do, you want to bring cars there, bring them

around and do what you want to do but there's no staging area in the front of this building. You understand what I mean, to be bringing cars in to go put in the Park and Ride, drive them through, ticket them, go through the 12 foot gate which happens to be conveniently put there and start using the Park and Ride, that is to be eliminated. And I want a note on the plan that this will not be used for the Park and Ride, that is I'm one vote, that is my opinion, we have gone over this ten times and I know that you are not maybe too familiar with it, Mr. Mans, and again I don't have any other problem with the plan, other than I think the landscaping and the detail of the building might have to be looked at as Mr. Van Leeuwen pointed out.

MR. DUBALDI: Is there a dumpster enclosure?

MR. EDSALL: Yeah, it's behind the rear parking.

MR. VOSOUGHI: Behind the temporary building.

MR. PETRO: Does anybody have anything to add, what I just said as far as the Park and Ride?

MR. VAN LEEUWEN: Jimmy, you addressed the comments, exactly the gate is one of them, I saw the gate there and I agree with you on that because being used for the Park and Ride which we know that is going to happen. Second of all, the only other thing I have is that the building be upgraded so it looks halfway decent because the of our town is right across the street, I'm getting tired of looking at that every day, it's a dump.

MR. STENT: Does the building owner have any idea what he is going to be doing with the service because as far as renting them out--

MR. MANS: First of all, we're not sure exactly who might go into those services because I mean we have had different people that have mechanical shops now that have requested or they want to talk about what will be done there. I mean, the thing that I don't quite understand is why the Park, Fly and Drive and this operation has to be completely disconnected. Simple

reason, I mean there will be cars serviced out of that Park, Fly and Drive, it's not for parking, it's for servicing cars that come to that Park, Fly and Drive and instead of going out and around and causing a hazard on the highway, this is why the gate was put in.

MR. PETRO: Let me ask you this. Why would a car be serviced that comes to a Park, Fly and Drive? What would you do to a car that comes to that facility?

MR. MANS: There's a lot of things that might be done, he might want it detailed, might want it washed, might want the oil changed, greased, he might want all these these things which could will be requested when they come in for parking.

MR. PETRO: When I go to the an airport, the last thing I'm thinking about is an oil change when I'm flying out.

MR. MANS: You haven't had that opportunity.

MR. PETRO: We're not opposed to that, that is fine but I do not want--the problem is I can see it happening, there's no staging in front of this building, you follow what I am saying, staging, if you are going to be bringing cars in eventually going to be bringing them in through the service area and going out through that gate, that is what's going to happen.

MR. MANS: Going out through the gate.

MR. PETRO: Through the rear of the property on to the Park and drive.

MR. STENT: What Jim is trying to say, people are going to drop their cars off in the front of the service area, sales area, then would you take them around, bring them through?

MR. MANS: No, the toll booths will be as you enter near the old tavern there, there will be a parking officer shed right there and this is where all the parking customers will come in, they'll be solicited for any kind of service work that they might want as

Jim said, he's never done that. Well, you haven't had the opportunity because nobody furnished the facility. But we really think that it will be an accommodation to people that are parking.

MR. PETRO: I'll stand corrected, it is a great idea, it's a great service when you bring the cars over, you're going to go out of the front, bring them in, service them, bring them back the same way, you don't need to go through the 12 foot gate.

MR. MANS: You don't have to but what about the hazard back and forth back and forth on to the highway?

MR. VAN LEEUWEN: You're not out on--

MR. STENT: You're not out on the highway, are you?

MR. EDSALL: Yes.

MR. MANS: And the other thing is in regard to let me address that door, that door is going to be a brand new door and aesthetically, it will be much better than what they were when I came before you with that plan before, we showed a mansard and we showed, I don't know what we had.

MR. VAN LEEUWEN: Brick fascia, showed a lot of things that is not on there now, you're making a change again.

MR. MANS: What I have said at the time I says we don't have a sketch plan for this but I said we'll guarantee a nice appearance and a nice front. We'll do whatever is--

MR. VAN LEEUWEN: I'd like to see detailed sketches of it because what we have there that doesn't amount to a hill of beans for me.

MR. MANS: Like I said, there's a brand new door going on, all the glass will be all in concurrence, one size and shapes and types, they'll all be the same on the west side of the building and along the entire front, there will be a large window to the left of the entrance door to the service because there will be a

storage area for his C store, then there will be a large window or two there where the two existing bay doors are right now which I agree are terrible looking, you intended, Russo, did you not to go around the building with the same windows.

MR. VOSOUGHI: Yes.

MR. BABCOCK: Mr. Mans, one statement Mr. Mans on the plan, the overhead doors in the back it says overhead door new in the front, it says existing overhead door it's a matter of--

MR. MANS: It's wrong because the new door is going in the front, the two better doors are going to be shifted to the back and they'll be refinished and repainted you're not going to see that.

MR. EDSALL: What we need to have you do is put on the plan what you intend so that there's no misunderstanding.

MR. MANS: It's only new doors in the rear because they were being cut.

MR. EDSALL: New means new, it doesn't mean old repainted.

MR. PETRO: Just have your engineer fix it up the way it's supposed to be.

MR. DUBALDI: I have two questions, number one, I asked my question from before about a dumpster detail, I don't know if you told me there was one and you told me that there was one, I don't see one.

MR. VOSOUGHI: Next to the temporary building.

MR. DUBALDI: How much is it going to be enclosed?

MR. VOSOUGHI: It's not going to be.

MR. VAN LEEUWEN: Got to be enclosed.

MR. EDSALL: We had a long discussion about this at the

workshop, the problem is that the temporary building obviously temporary gives you a clue that it is not meant to stay there, that is for the contamination of the soils on the site, the dumpster location is really temporary and they wanted to use chain link fence, slated or something because they didn't want to build a masonry structure and have to tear it down.

MR. DUBALDI: Where is it going to be located?

MR. EDSALL: Show a temporary location and show permanent, show the masonry that you want, might be a good idea.

MR. DUBALDI: I'm looking for a dumpster enclosure, an enclosure meaning cinder block or something that matches the character of the building that you are modifying.

MR. VOSOUGHI: Because of the temporary building we were limited, it will be shifted to the side of the building.

MR. DUBALDI: You can't do that, you concurrently have parking spots.

MR. VOSOUGHI: It will be right on this side.

MR. DUBALDI: Why can't you build it now?

MR. VOSOUGHI: Because of the access to the parking you can't have access to the parking because this building you won't have access to the parking. We'll put parking spaces alongside here once this building is removed and we would have a dumpster right here.

MR. PETRO: You're going to shift these four spots to the other side, is what you're saying?

MR. DUBALDI: And you're going to put the dumpster up against the building?

MR. BABCOCK: It's a temporary building.

MR. EDSALL: It can't be against the building, you have

to maintain an offset.

MR. VOSOUGHI: It would be an offset but it would be behind the building closer to the building.

MR. VANE LEUWEN: Last but not least, are you going to be able to get the letter from DEC that we can declare negative dec on this, negative declaration? Otherwise, we can't act on it, you realize that?

MR. VOSOUGHI: DEC would be called to the site once the new tanks are going in, they have to approve the site, otherwise they would not allow us to unload the tank there.

MR. VAN LEEUWEN: Sir, we have rules we have to go by, that is what they call positive declaration or a negative declaration, we cannot sit here at this time and give this a negative dec because we know what the problems that are there are, we brought this up to Mr. Mans before. I would pursue that before I go any further because you might run into a block wall and we get to a block wall and you have nothing.

MR. VOSOUGHI: What would you like the letter to say from DEC?

MR. VAN LEEUWEN: That it is, okay, to use that as a gas station.

MR. VOSOUGHI: And there's no contamination.

MR. VOSOUGHI: This is the existing gas station, DEC cannot oppose that site as being a gas station, it was a gas station, it was a gas station. Only objection DEC is going to have if there's contaminated dirt at which point DEC would send a representative when we dig the hole here for a new tank they would check.

MR. VAN LEEUWEN: But we have to know that. We cannot sit here and create a negative dec on that property.

MR. PETRO: Let Andy explain how it's going to work.

MR. KRIEGER: Before the planning board can grant any

approval of the site plan or any site plan amendment, it has to find by law that there is no adverse environmental impact and there is a list of criteria that, a list of things that they have to look into. Not later on, trust us on this, the DEC will look into it sometime later and dig up the dirt and let us know sometime later, no, they have to decide before it is granted. Now, if there is a doubt in their mind about that and I would suggest the existence of this temporary building right here on this map would be enough to create a doubt which would be upheld by a court then they have to issue a positive declaration. If they issue a positive declaration, there's a lot of things that you have to do. I'm not going to sit here and detail all the things that could happen and all the things that you have to do. But that it is that which Mr. Van Leeuwen was referring to and it is a requirement that this board look into this before any approval is granted, not sometime later, not sometime when they dig it up, not later, now.

MR. VOSOUGHI: DEC is aware, is already aware that the ground water is contaminated, remediation plan is already on the way. That is why they are cleaning the ground. This could take two years. It could take them ten years. This remediation plan is going to keep, they are going to continue it until the ground water is clean to DEC's satisfaction. DEC is not going to come out today and say we think in ten years this place is going to be clean. They obviously know it's not.

MR. KRIEGER: And that won't answer the requirement, it is not within the province of the planning board at this point to usurp the DEC's authority here, it is not within their province to tell the DEC what to do or when to do it. All you're being advised is it is a legal requirement of this board that the plan meet the minimum standards required for it to say that it knows that there is no problem.

MR. MANS: I speak to that just a moment. DEC is well aware of what the situation is out there. We have already spoken to DEC. We didn't know that you needed a letter from them but they have already given us the verbal go ahead, in fact, they wanted us to blacktop,

they wanted us to get the operation in process as far as I know and I think anybody else has spoken to him gets that idea, certainly gets the idea they have given us verbal approval.

MR. KRIEGER: If I may, so you say, but you must understand that this board is required to be satisfied on that and your verbal assurances of some conversations that you had are not going to be legally sufficient to allow this board to discharge its responsibilities. Nobody from this board is going to talk to DEC, that is not the responsibility of the members of this board. It's your responsibility.

MR. MANS: Russo did ask the question a while ago.

MR. DUBALDI: Who is lead agency on this project?

MR. PETRO: As of this point, nobody.

MR. EDSALL: The letter went out. Myra, how many responses have we received? I think DOT wanted a plan.

MS. MASON: We sent that.

MR. DUBALDI: First we have to establish who is lead agency on this project and that has not been established.

MR. EDSALL: At this point, you have issued a letter indicating that you care to be lead agency and no one else has, 30 days is up.

MR. PETRO: We can declare ourselves lead agency.

MR. VAN LEEUWEN: Can you sit here and you can declare negative dec on that?

MR. PETRO: Here is what I am going to suggest and Henry's right a hundred percent, we're going to move forward, we're going to review it tonight, probably going to refer you to zoning board, we're not going to hold up the process but in the meantime we're going to need a letter from the DEC stating that at some point in our due process of planning, board approval or

disapproval whatever the case maybe, we're going to declare a positive or negative dec to move forward under SEQRA process and we're going in order to do that we're going to need a letter from them stating that it is, what's the right words, that it is okay with them that we can do so and that the property at this time can be declared either positive or negative dec, we're going to need some information from them to go on.

MR. VOSOUGHI: My question to you is the letter you need from DEC, what would you like to see be mentioned in the letter, not exactly.

MR. VAN LEEUWEN: That you have the okay to take the tanks out, put new tanks in under supervision and that this planning board can sit here and declare a negative dec and vote on it that is what we need.

MR. PETRO: Obviously, we can't declare a positive declaration because then we can't do an approval so we have to have the negative dec.

MR. BABCOCK: Jim, quite honestly, this is your service station that is here, it's an approved service station, it's an existing service station, it's still approved. The reason that I think it's here tonight is because they've changed it to a mini-mart which requires planning board approval to change the use of the building and also the canopy. Right now, if he wanted to just have a service station, he can get a building permit to put in new tanks.

MR. PETRO: I don't dispute that but during our process we're still, someone's going to say I make a motion to declare negative dec.

MR. BABCOCK: But I think what you're looking at is the retail sales and the canopy, the service.

MR. PETRO: But we have to do a negative dec on the site itself no matter what we do.

MR. VAN LEEUWEN: Cause you might be out looking in.

MR. PETRO: Maybe the attorneys could get involved to

give us some form of an okay that we can do that I don't know the answer how to do it and I don't know exactly what we're going to.

MR. VOSOUGHI: I have done this many times, this is the only time this question was put before me to get a letter from the DEC.

MR. KRIEGER: Have you ever done it before on a project where there's been an oil spill and the DEC has erected a temporary building to clean it up?

MR. VOSOUGHI: Yes, because the remediation plan is--

MR. KRIEGER: All those prior times you never had a question with respect to SEQRA?

MR. VOSOUGHI: DEC does not issue letters for a property saying it is clean or is not clean, especially on a property where remediation plan is already in process. Therefore, they already know the soil is contaminated.

MR. VAN LEEUWEN: Mobil just did it, they got a plant in the back of their yard and they got a letter, why can't you get a letter?

MR. VOSOUGHI: If the board was so kind enough to give you me a copy of the letter, I'll get that same letter for you if Mobil got the letter.

MR. VAN LEEUWEN: We couldn't approve it without it.

MR. PETRO: We're not going to belabor any further. Well, we have left it up to you, if you want to get in touch with Mobil to come up with some formula when the time comes, it's going to be a month or two months that we can look at it and say yes, we can declare negative dec and go on with final approval but you have to give us some information.

MR. VAN LEEUWEN: I make a motion to approve.

MR. DUBALDI: Before do you that, there's just two or three minor things I just wanted to touch on before we

send it away to the ZBA. Number one, what's the limit of the paving, is all of this already paved front and back?

MR. VOSOUGHI: No, the front will be paved, the entire front will be paved.

MR. DUBALDI: Where is the line that is going to be delineated between what's front and back is going to be paved?

MR. VOSOUGHI: Whole area is going to be paved.

MR. DUBALDI: The entire area in the front?

MR. VOSOUGHI: In the front and in the back.

MR. DUBALDI: And in the back, I'm sorry?

MR. BABCOCK: Put a note on the plan.

MR. VOSOUGHI: Yes, it would be.

MR. PETRO: I don't see anybody taking notes. You have got to put a note on the plan to that effect, change the garage door in the front to a new overhead door and show us a permanent location for the dumpster, once the temporary is dismantled, and you also have to give us a better rendering of the building than the one that is drawn there, more of an architectural review.

MR. VOSOUGHI: Like what?

MR. PETRO: Some shrubbery, some coloring.

MR. VOSOUGHI: This is stripes along the top.

MR. PETRO: Type of materials, just needs to be more of an architectural rendering than just a facade like that.

MR. EDSALL: Mr. Russo, do you have other facilities where you have used this identical finish?

MR. VOSOUGHI: Yes, I believe so.

MR. EDSALL: Maybe you would be good to bring in some pictures of some facilities where you have used this finish.

MR. DUBALDI: Getting back to the dumpster, what guarantee do we have that this dumpster is actually going to have an enclosure at some point in time?

MR. VAN LEEUWEN: Be a bond, it will be bonded automatically.

MR. VOSOUGHI: We can always build that.

MR. PETRO: It will be taken up at the site plan, it will be bonded. The money will be withheld but he is going to show it on the plan.

MR. DUBALDI: And show enclosure detail.

MR. VOSOUGHI: Yes.

MR. MANS: Is a stockade fence for temporary, it's there temporarily, the building is wood and it would, not that it is going to blend cause you're not going to see it from back but would a stockade fence around that, if you want an enclosure?

MR. PETRO: What type of fence is there, chain link?

MR. MANS: There's going to be chain link.

MR. DUBALDI: That gets to my other comment, what type of fence is going to be put around the exterior of this property? I don't see any fence detail of what's going to be there, how high is the fence going to be, is it going to be two feet?

MR. MANS: Six foot with rebars.

MR. DUBALDI: Can you put something on the plan that says what it is going to be so we know what it is going to be?

MR. EDSALL: I think that was on the original site

plan, we'll make sure that they copy that over onto this.

MR. DUBALDI: About the propane tank, Mike, is that going to be proper protection for a propane tank, there's no protection from the back.

MR. BABCOCK: Yes, the dots, the darker dots, it doesn't come out on everybody's plan, there are ballards in front of it.

MR. DUBALDI: What if something comes through the fence from the back, there's nothing, you don't require any protection in the back?

MR. BABCOCK: I think Bobby Rogers, is there an approval from him?

MR. PETRO: Yes, 6/95.

MR. VAN LEEUWEN: There's one heck of a ditch back there. I make a motion.

MR. DUBALDI: If he says it's okay, it's okay with me then.

MR. MANS: And the most logical answer if you are really looking for a permanent spot for that, would be straight back through the driveway near that propane tank, I don't know what the requirement is.

MR. DUBALDI: Second Mr. Van Leeuwen's motion.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Dutchess Terminal site plan on Route 207. Is there any further discussion from the board members? Mark, just my comment before about the 12 foot gate and access through for the Park and Ride, do you have anything to add or prove me wrong on that or I should not be concerned with it?

MR. EDSALL: I don't think it's a matter of being right or wrong, I think what the board's review of the site plan is indicating that you don't believe that these

two sites should operate as one, that you have got one which is a gas station with sales area and repair and you have got a car parking, Park, Fly and Drive operation and you in your judgment don't believe there should be a 12 foot gate, I don't think it's a matter of being right or wrong, part of the site plan review.

MR. PETRO: I can picture someone pulling into the service area, getting out, getting a ticket cause it's snowing like hell, we'll leave it here, drive it over there and you have got two or three cars backed up over there.

MR. EDSALL: The scenario you are proposing could occur is exactly what you went over on a previous application and the reason you felt that was unsafe is that you would then create a situation where cars would stack and potentially hang out into the state highway which would be very dangerous so--

MR. MANS: Going out into the entrance to Park, Fly and Drive.

MR. EDSALL: You're looking back at a potential or an operation that is unsafe and you believe this 12 foot gate can promote that so I can't disagree with you.

MR. VAN LEEUWEN: I agree with you. Move the question.

MR. EDSALL: It should be noted that the original site plan for Park, Fly and Drive did have a gate but it was a pedestrian type gate for just access to either side of the fence, it was not a vehicle gate.

MR. PETRO: We'll get back to it, I guess, give it some serious thought. Did you have one more thing to add?

MR. KRIEGER: Yeah, I just want to see, make sure that my understanding is correct, this particular parcel is separately described and owned by a different entity than the Park, Fly and Drive parcel?

MR. MANS: That is correct.

MR. KRIEGER: Two different parcels?

MR. MANS: Right.

MR. KRIEGER: Then Mr. Chairman, I would point out if you have an access situation where one distinct parcel is having substantial access to another parcel that there is obviously an intent to use them together and you can't simply consider one without considering the whole thing.

MR. MANS: Let me ask this. What's wrong with the intent to use the gate to have Park, Fly and Drive customers that we might want to service? Why can I not have a gate that goes to my neighbor Pendergast to the right, I mean if it's mutually agreed between Pendergast and myself.

MR. KRIEGER: Before, in this town, before you can use a property for commercial purposes, before you can get a C.O., you have to have site plan approval from the planning board. If you show the planning board a plan which shows that you intend to use as part of the commercial operation for which you were applying some other property, you can't say don't review the other property, even though we obviously intend to use it, only confine your review to this one property because we don't want you to look at the other property, you can't have it both ways. If you intend to use them both then they both must be before the board. If you intend that they be separately used, then they don't have to both be in front of the board.

MR. VOSOUGHI: If I may say something. Earlier you were reviewing a plan, I think it was number 2, the opposite scenario you were trying to achieve to have access from one property to the other property.

MR. EDSALL: Different situation because that is--

MR. VAN LEEUWEN: Let's not open up another can of worms, Mr. Chairman. I move the question.

MR. EDSALL: Just for the record, Jim, this is internal access between two properties. This involved an existing curb cut to the state highway that already

exists and they were attempting to not obstruct something that already exists.

MR. PETRO: Motion has been made and seconded for final approval. Is there any further discussion from the board? If not, roll call m.

ROLL CALL

MR. VAN LEEUWEN	NO
MR. STENT	NO
MR. DUBALDI	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been sent to the zoning board to acquire the necessary variances that you may require once you have received those variances and post them on the plan. We'll put you on the next agenda that is available and you'll appear before this board. Please have the corrections at this board as stated on the plan at that time.

MR. EDSALL: Maybe what we can do to get some business moving on this, I assume because the time has expired you may want to take the position of lead agency now and what I would suggest you do then is we have still got the open issue of this curbing along the state highway, so we don't delay Casey, we should have you assume the position of lead agency and I'd refer this plan to DOT and ask them what the heck you want to do with the curbs.

MR. VAN LEEUWEN: Move for lead agency.

MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Dutchess Terminal on Route 207.

ROLL CALL

MR. VAN LEEUWEN	AYE
MR. STENT	AYE

November 8, 1995

60

MR. DUBALDI AYE
MR. PETRO AYE

MR. EDSALL: I'll refer that with a letter.

ZONING BOARD OF APPEALS
Regular Session
February 5, 1996

REVISED AGENDA: 7:30 P.M. - ROLL CALL

Motion to adopt minutes of the January 22, 1996 meeting as written if available.

PRELIMINARY MEETING:

SET UP FOR P/H

1. VGR ASSOCS./GOLUB CORP. - Request for 6.77 ft. x 11.5 ft. sign variance for facade, plus a variation from Sec. 48-18H(1)(b)[1] of the Supp. Sign Regs. to allow more than one facade sign on the future Price Choppers Supermarket located at Vails Gate (formerly Waldbaum's) in a C zone. (69-1-6).

SET UP FOR P/H

2. SCHUMACHER, LOUISE - Request for 20 ft. front yard, 15 ft. side yard variances for proposed attached garage, and 40 ft. rear yard variance for proposed attached rear deck at 1425 Route 207 in an R-1 zone. (55-1-3).

SET UP FOR P/H

3. MANS, C.P./DUTCHESS TERMINALS - Referred by Planning Board. Request for 4 ft. front yard variance for existing building, 39 ft. front yard variance and 6 ft. side yard variance and possible height variance for canopy, plus 56 s.f. area variance and 4 ft. height variance for proposed free-standing sign on Route 207 in an NC zone. Present: James Spratt, P.E. (33-1-9).

SET UP FOR P/H

4. WAL-MART/HUDSON VALLEY FEDERAL CREDIT UNION - Referred by Planning Board for 36 ft. front yard, 20 ft. side yard and 31 ft. 8 in. maximum building height, and sign variance for construction of a commercial building on the w/s Union Avenue at Wal-Mart entrance. Present: Greg Shaw, P. E. (4-1-3).

SET UP FOR P/H

5. ABBOTT, MARGARET - Request for 5,552 s.f. lot area, 8 ft. front yard on John St. and 9 ft. front yard on Ledyard, 5 ft. side yard and 2 ft. 6 in. rear yard variance on existing residence at 33 John Street (B.P. #131 issued 10/15/69). (14-8-5).

PUBLIC HEARING:

AFFECED
6. PETRO METALS INC. - Referred by Planning Board. Applicant proposes construction of two buildings as follows: Request for 9 ft. side yard variance for gymnasium, 7 ft. 0 in. max. building height variance for retail building, 25 ft. 0 in. max. building height variance for gymnasium, plus interpretation and/or use variance as to whether or not the proposed gymnasium falls into the C zone under use, and interpretation and/or area variance regarding required gymnasium parking on w/s of Windsor Highway/Willow Lane in C & PI zones. Present: Greg Shaw, P.E. (35-1-43).

APPROVED

7. KIM, SUNG HWAN - Request for 3.5 ft. x 33 ft. sign area variance for facade sign at 323 Windsor Highway (Sugar Peas) in a C zone. (45-1-40.23).

DISCUSSION: PRICE CHOPPERS

FORMAL DECISIONS: (1) ROBERTS, (2) DORI ASSOCS., (3) OLSEN,
(4) RE-MAX

PAT - 563-4630 (O)
562-7107 (H)

APPROVED

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

(Revised)

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 95-25

DATE: 6 DEC 95

APPLICANT: Dutchess Terminals
256 North Road
Poughkeepsie, N.Y 12601

REVISED 17 JAN 96

C.P. Mans (owner) ^{9/12/95} REVISED 22 JAN 96
①

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED _____

FOR (~~SUBDIVISION~~ - SITE PLAN) _____

LOCATED AT South side Route 207

_____ ZONE _____

DESCRIPTION OF EXISTING SITE: SEC: 33 BLOCK: 1 LOT: 9

IS DISAPPROVED ON THE FOLLOWING GROUNDS: FRONT YARD

(CANOPY) →

SETBACK VARIANCE FOR PROPOSED CANOPY.

(40 FT REQ'D, 1 FT PROPOSED 39 FT VARIANCE)

HEIGHT VARIANCE POSSIBLY ACCORDANCE CANOPY

FREE STANDING SIGN VARIANCES -
HEIGHT - 4 FT
AREA - 56 SQ. FT.

Michael J. Edrall P.E. Inc.
MICHAEL BABCOCK,
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>NC</u> USE <u>B-9</u>		
MIN. LOT AREA	<u>15,000 SF</u>	<u>17,067</u>
MIN. LOT WIDTH	<u>125 FT</u>	<u>150</u>
REQ'D FRONT YD (Building)	<u>40 FT</u>	<u>36 FT</u>
FRONT YD (CANOPY)	<u>40 FT</u>	<u>9 FT</u>
REQ'D SIDE YD.	<u>15 FT</u>	<u>9 FT</u>
REQ'D TOTAL SIDE YD.	<u>30 FT</u>	<u>42 FT</u>
REQ'D REAR YD.	<u>15 FT</u>	<u>6 FT</u>
REQ'D FRONTAGE	<u>N/A</u>	<u>N/A</u>
MAX. BLDG. HT.	<u>23 FT</u>	<u>17 FT</u>
FLOOR AREA RATIO	<u>0.5 FT</u>	<u>0.13</u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>N/A</u>
DEV. COVERAGE	<u>N/A %</u>	<u>N/A %</u>
O/S PARKING SPACES	<u>13 SPACES</u>	<u>13</u>

4 FT *
39 FT *
6 FT *

* Possible, pre-existing non-compliance

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

(Revised)

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FOR (~~SUBDIVISION~~ - SITE PLAN) _____

LOCATED AT South side Route 207

ZONE _____

DESCRIPTION OF EXISTING SITE: SEC: 33 BLOCK: 1 LOT: 9

IS DISAPPROVED ON THE FOLLOWING GROUNDS: FRONT YARD.

SETBACK VARIANCE FOR PROPOSED CANOPY.

(40 FT REQ'D, 1 FT PROPOSED 39 FT VARIANCE).

HEIGHT VARIANCE POSSIBLY REQ'D FOR CANOPY

(CANOPY) →

FREE STANDING SIGN VARIANCES -
HEIGHT - 4 FT
AREA - 56 SQ. FT.

MICHAEL BABCOCK,
BUILDING INSPECTOR

REQUIREMENTS

PROPOSED OR AVAILABLE

VARIANCE REQUEST

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>NC</u> USE <u>B-9</u>		
MIN. LOT AREA	<u>15,000 SF</u>	<u>17,067</u>
MIN. LOT WIDTH	<u>125 FT</u>	<u>150</u>
REQ'D FRONT YD. (Building)	<u>40 FT</u>	<u>36 FT</u>
FRONT YD. (CANOPY)	<u>40 FT</u>	<u>1 FT.</u>
REQ'D SIDE YD.	<u>15 FT</u>	<u>9 FT</u>
REQ'D TOTAL SIDE YD.	<u>30 FT</u>	<u>42 FT</u>
REQ'D REAR YD.	<u>15 FT</u>	<u>6 FT</u>
REQ'D FRONTAGE	<u>N/A</u>	<u>N/A</u>
MAX. BLDG. HT.	<u>23 FT</u>	<u>17 FT</u>
FLOOR AREA RATIO	<u>0.5 FT</u>	<u>0.13</u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>N/A</u>
DEV. COVERAGE	<u>N/A %</u>	<u>N/A %</u>
O/S PARKING SPACES	<u>13 SPACES</u>	<u>13</u>

4 FT.*
39 FT.
6 FT.*

* Possible fire trucking access

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
 (914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
 OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

(Revised)

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 95-25

DATE: 6 DEC 95

APPLICANT: Dutchess Terminals

REVISED 17 JAN 96

256 North Road

C.P. Mans. (owner)

REVISED 22 JAN 96

Poughkeepsie, N.Y. 12601

Ⓜ

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED _____

FOR (~~SUBDIVISION~~ - SITE PLAN) _____

LOCATED AT South side Route 207

_____ ZONE _____

DESCRIPTION OF EXISTING SITE: SEC: 33 BLOCK: 1 LOT: 9

IS DISAPPROVED ON THE FOLLOWING GROUNDS: FRONT YARD

SETBACK VARIANCE FOR PROPOSED CANOPY.

(40 FT REQ'D, 1 FT PROPOSED 39 FT VARIANCE)

HEIGHT VARIANCE PARTIALLY ACCORD TO CANOPY

FREE
STANDING SIGN VARIANCES -

HEIGHT - 4 FT

AREA - 56 SQ. FT.

MICHAEL BABCOCK,
BUILDING INSPECTOR

(CANOPY) →

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>NC</u> USE <u>B-9</u>		
MIN. LOT AREA <u>15,000 SF</u>	<u>17,067</u>	<u> </u>
MIN. LOT WIDTH <u>125 FT</u>	<u>150</u>	<u> </u>
REQ'D FRONT YD <u>(Building) 40 FT</u>	<u>36 FT</u>	<u>4 FT *</u>
FRONT YD <u>(CANDY) 40 FT</u>	<u>1 FT.</u>	<u>39 FT</u>
REQ'D SIDE YD. <u>15 FT</u>	<u>9 FT</u>	<u>6 FT *</u>
REQ'D TOTAL SIDE YD. <u>30 FT</u>	<u>42 FT</u>	<u> </u>
REQ'D REAR YD. <u>15 FT</u>	<u>6 FT</u>	<u> </u>
REQ'D FRONTAGE <u>N/A</u>	<u>N/A</u>	<u> </u>
MAX. BLDG. HT. <u>23 FT</u>	<u>17 FT</u>	<u> </u>
FLOOR AREA RATIO <u>0.5 FT</u>	<u>0.13</u>	<u> </u>
MIN. LIVABLE AREA <u>N/A</u>	<u>N/A</u>	<u> </u>
DEV. COVERAGE <u>N/A %</u>	<u>N/A %</u>	<u> </u>
O/S PARKING SPACES <u>13 SPACES</u>	<u>13</u>	<u> </u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT: (914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.
 * Possible Pre-trial meeting and mediation

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE



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

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

REVIEW NAME: DUTCHESS TERMINALS SITE PLAN
(LANDS OF C.P. MANS)
PROJECT LOCATION: NYS ROUTE 207 (OPPOSITE BRUENIG ROAD)
SECTION 33-BLOCK 1-LOT 9
PROJECT NUMBER: 95-25
DATE: 8 NOVEMBER 1995
DESCRIPTION: THE APPLICATION PROPOSES REVISIONS TO THE GAS STATION DEPICTED ON THE PREVIOUSLY APPROVED PARK, FLY AND DRIVE SITE PLAN. THIS APPLICATION WAS PREVIOUSLY REVIEWED AT THE 13 SEPTEMBER 1995 PLANNING BOARD MEETING.

1. Since the September Planning Board meeting, the Applicant has attended several Technical Work Shops such that a more complete plan could be submitted for the Board's review.
2. The property is located within the NC Zoning District. The Applicant proposes a combination of uses A-6 and B-7 at the site. The bulk table on the plan reflects information relative to Special Permit Use B-7. In all cases, with the exception of total side yards, the B-7 bulk requirements are more restrictive than the A-6 uses.

It may be beneficial for the notes on the plan to include a reference that the site also includes A-6 (retail) use, and the fact that the bulk table shows the more restrictive special permit bulk requirements.

The bulk table indicates three (3) non-compliances with regard to the required bulk information. It appears that two of these items are existing non-conformances. The third item involves the setback for the proposed canopy at the site. Based on the information submitted, it would appear that a referral to the Zoning Board of Appeals is necessary.

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS
PAGE 2**

REVIEW NAME: DUTCHESS TERMINALS SITE PLAN
(LANDS OF C.P. MANS)
PROJECT LOCATION: NYS ROUTE 207 (OPPOSITE BRUENIG ROAD)
SECTION 33-BLOCK 1-LOT 9
PROJECT NUMBER: 95-25
DATE: 8 NOVEMBER 1995

3. The table includes a parking requirement's calculation. Based on my understanding of the proposed uses and area for each, the parking calculation appears correct.

It should be noted, however, that the handicapped parking space is incorrectly detailed on the plan, although adequate space has been reserved for the required space.

4. The plan depicts two (2) free-standing signs on the property. Two signs would not be permitted for this site, unless a variance is granted. Section 48-18(H)(1)(a)[4] indicates that the Planning Board may approve two signs where two main vehicular entrances exists, however, these signs can be spaced no closer than 300'. These signs are less than 180' apart.

In addition to this non-compliance, the signs depicted on the plan appear to have a total height of 27'. Section 48-18(H)(1)(a) limits this sign to a total height of 15'. Under the same section, the sign is also limited to 64 square feet; each sign appears to have 276.5 square foot per sign.

5. I direct the Planning Board's attention to the site plan and the "building perspective" for the upgraded building. You will note that one of the front overhead doors is being replaced by a new window and the other existing overhead door is being maintained. Previous plans indicated that the overhead door would be made "inoperable"; on this plan this is no longer the case.

First, the Planning Board should discuss and make a determination with regard to the acceptability of the front and rear access to the second service bay. If the Board finds the layout acceptable, the Board may wish to discuss the merits of replacing the front door, such that same is consistent with the upgrade and new facade for the building. The existing door is in questionable disrepair.

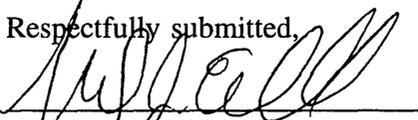
6. On 5 October 1995 a Lead Agency Coordination Letter was issued with regard to this project. The status of the responses from involved agencies should be reviewed with the Planning Board Secretary.

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS
PAGE 3**

REVIEW NAME: DUTCHESS TERMINALS SITE PLAN
(LANDS OF C.P. MANS)
PROJECT LOCATION: NYS ROUTE 207 (OPPOSITE BRUENIG ROAD)
SECTION 33-BLOCK 1-LOT 9
PROJECT NUMBER: 95-25
DATE: 8 NOVEMBER 1995

7. Once the Board is comfortable with the site plan layout items above being resolved, it may be appropriate to forward this application to the Zoning Board of Appeals for necessary action.

8. At such time that the Applicant returns from the ZBA with the necessary variances, I will be pleased to provide further review of the site plan application, as deemed appropriate by the Planning Board.

Respectfully submitted,

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

MJEmk

A:DUTCHES.mk

DUTCHESS TERMINAL SITE PLAN (95-25) RT. 207

Khosrow (Russo) Vosoughi of Dutchess Terminal, Inc. appeared before the board for this proposal.

MR. VOSOUGHI: Mr. Spratt could not be here tonight, I'm Russo Vosoughi of Dutchess Terminals so the way I understand they had a meeting at the workshop, I'll do my best to answer any questions, as many questions as I possibly can.

MR. PETRO: I just want to make it clear for anyone here, this application is for the gas station parcel only, is that correct?

MR. VOSOUGHI: Yes.

MR. PETRO: Has nothing to do with the Park and Ride whatsoever?

MR. VOSOUGHI: Right.

MR. PETRO: This is only for the gas station parcel, not the Park and Ride where the gas station sits.

MR. EDSALL: There's a connection only by virtue of the fact that the previous application included all three sites, this effectively is an amendment for a portion of the previous site plan Park, Fly and Drive, although this plan addresses only that piece.

MR. DUBALDI: So this doesn't involve the other site plan approval?

MR. BABCOCK: Correct.

MR. EDSALL: The previous application did address all three sites, this one effectively becomes an amendment of the middle piece of that larger puzzle.

MR. PETRO: Go ahead.

MR. VOSOUGHI: This is, as you can see, it's the operator for the existing station for the two bay garage with one door access to the front and two doors

access from the back of the building, 8 parking spaces for the two because five parking spaces for the convenient store with the underground storage tank for gasoline, kerosene, two MPD, multi product dispensers and canopy with the sign as shown on the plan.

MR. PETRO: Service area in this building is for what purpose?

MR. VOSOUGHI: When you say service area, would be for the mechanic shop and/or detail work.

MR. PETRO: For what, for whose business, you're renting that?

MR. VOSOUGHI: No, it would not, it would be used for a service station for the gas station.

MR. VAN LEEUWEN: Which section are you going to be--

MR. VOSOUGHI: I would be controlling this section right here, the sales area.

MR. DUBALDI: What's going to happen to the other section?

MR. VAN LEEUWEN: How are you going to get into the other section right here?

MR. VOSOUGHI: Right next to the building, it goes to the back, we put a driveway right next to it, a two-way driveway on top of the bank.

MR. BABCOCK: Over top of the tank.

MR. VAN LEEUWEN: Tank's not going to be taken out?

MR. VOSOUGHI: Tanks are out. These are proposed new tanks.

MR. DUBALDI: You're going to be using this for service area as well? I didn't understand, I'm sorry. You're going to be using the sales area obviously for sales and you're going to be using the service area for your business?

MR. VOSOUGHI: No, that would be subleased.

MR. STENT: Would you be subleasing that out?

MR. VOSOUGHI: Well, the owner would be subleasing. I would be leasing just the sales area and the gas pumps.

MR. DUBALDI: This is going to be part of a different business then?

MR. KRIEGER: Excuse me--

MR. VOSOUGHI: Two separate businesses on the same property.

MR. KRIEGER: Excuse me, if I may, my confusion is with the term sublease, I understand you're going to be leasing the sales area?

MR. VOSOUGHI: Just the sales area, correct.

MR. KRIEGER: You're not going to be leasing the service area in any way?

MR. VOSOUGHI: Correct.

MR. KRIEGER: So, if the service area is going to be used, that would be a separate arrangement then, the owner and whoever that user is?

MR. VOSOUGHI: Correct.

MR. KRIEGER: So you won't be subleasing, it would be another lease unrelated to yours?

MR. VOSOUGHI: Correct.

MR. VAN LEEUWEN: What are you going to do to the existing building?

MR. VOSOUGHI: We're going to do stucco on the front of the building.

MR. VAN LEEUWEN: See this changes the original site

plan, we already approved the site plan for that building once.

MR. VOSOUGHI: I'm not aware of it.

MR. PETRO: This is the amended site plan.

MR. VOSOUGHI: Yes.

MR. VAN LEEUWEN: I don't go for the idea of stucco.

MR. VOSOUGHI: Stripes on the stucco, window, one door, another door, access to the storage units, window, front door window and side door and the bathroom on the side.

MR. VAN LEEUWEN: Well, the bathroom is there now there's two bathrooms?

MR. VOSOUGHI: Yes, correct.

MR. PETRO: Mark, why don't you touch on some of your comments so I don't have to read them all and digest them. What's your most pertinent?

MR. BABCOCK: Just for your knowledge, the canopy is going to need a referral to the ZBA. I don't know whether the board is aware of that or not, it's one foot from the property line.

MR. EDSALL: My comment two is just noting that they are showing the bulk requirements for the B7 use which is the special permit use but as well they are proposing A6, which is the retail, the bulk requirements for B7 are more restrictive in all cases but one they do need some variances as Mike indicated there are some noncompliances that are existing. So I don't think that is really a problem, so they do need to go to the ZBA. The parking they have resolved pursuant to several workshops, they do need to fix the handicapped parking detail which is not a big issue at this point. They also need to obtain a variance for having two signs on the property that are closer than 300 feet because the new sign ordinance does allow if you have two main entrances to a site to have two

project signs but not when they are this close. As well the new sign ordinance restriction sign height is 15 foot, they are showing 27, it restricts it to 64 square foot total, they have got almost 300 per sign so they have some significant variances.

MR. VAN LEEUWEN: Got to go to the zoning board first.

MR. EDSALL: Not just the building, they've got signs and other issues. One issue you may want to talk about is the comment was made that the access to the service areas would be from the rear. That is partially true. There is as well an overhead door in the front so that bay number 2 can be accessed from the front. My comment is that you should be aware of that and discuss it but as well, the entire building in the front is proposed to be upgraded and new windows, new finish but it appears that that one door is supposed to remain in its existing condition. My only comment is it seems kind of foolish to put two new doors in the back and leave the old door in the front when you're redoing the building.

MR. VAN LEEUWEN: We discussed this before, all new doors, all new windows we were promised.

MR. EDSALL: Other than that, Jim, I think that the next thing you have to do is pass it on to the ZBA.

MR. PETRO: Before we get that far, gentlemen, I want the board to listen to me a little bit here too. I'm going to address this to the owner and the applicant. I don't necessarily have a problem with the two occupants, in other words, sales area, you want to have service area and it's a garage and there you go. I see a 12 foot gate in the rear of the property, which accesses the Park and Ride. I can tell you from myself, I'll not vote on this until it's eliminated. I want the fence completely around. There's no accessing from the Park and Ride to this site. Number 2, I also want an assurance, a note on the map that this site will not have anything to do with the Park and Ride namely the service area. The service area cannot be used to bring cars in checked and whatever they are going to do, you want to bring cars there, bring them

around and do what you want to do but there's no staging area in the front of this building. You understand what I mean, to be bringing cars in to go put in the Park and Ride, drive them through, ticket them, go through the 12 foot gate which happens to be conveniently put there and start using the Park and Ride, that is to be eliminated. And I want a note on the plan that this will not be used for the Park and Ride, that is I'm one vote, that is my opinion, we have gone over this ten times and I know that you are not maybe too familiar with it, Mr. Mans, and again I don't have any other problem with the plan, other than I think the landscaping and the detail of the building might have to be looked at as Mr. Van Leeuwen pointed out.

MR. DUBALDI: Is there a dumpster enclosure?

MR. EDSALL: Yeah, it's behind the rear parking.

MR. VOSOUGHI: Behind the temporary building.

MR. PETRO: Does anybody have anything to add, what I just said as far as the Park and Ride?

MR. VAN LEEUWEN: Jimmy, you addressed the comments, exactly the gate is one of them, I saw the gate there and I agree with you on that because being used for the Park and Ride which we know that is going to happen. Second of all, the only other thing I have is that the building be upgraded so it looks halfway decent because the of our town is right across the street, I'm getting tired of looking at that every day, it's a dump.

MR. STENT: Does the building owner have any idea what he is going to be doing with the service because as far as renting them out--

MR. MANS: First of all, we're not sure exactly who might go into those services because I mean we have had different people that have mechanical shops now that have requested or they want to talk about what will be done there. I mean, the thing that I don't quite understand is why the Park, Fly and Drive and this operation has to be completely disconnected. Simple

reason, I mean there will be cars serviced out of that Park, Fly and Drive, it's not for parking, it's for servicing cars that come to that Park, Fly and Drive and instead of going out and around and causing a hazard on the highway, this is why the gate was put in.

MR. PETRO: Let me ask you this. Why would a car be serviced that comes to a Park, Fly and Drive? What would you do to a car that comes to that facility?

MR. MANS: There's a lot of things that might be done, he might want it detailed, might want it washed, might want the oil changed, greased, he might want all these these things which could will be requested when they come in for parking.

MR. PETRO: When I go to the an airport, the last thing I'm thinking about is an oil change when I'm flying out.

MR. MANS: You haven't had that opportunity.

MR. PETRO: We're not opposed to that, that is fine but I do not want--the problem is I can see it happening, there's no staging in front of this building, you follow what I am saying, staging, if you are going to be bringing cars in eventually going to be bringing them in through the service area and going out through that gate, that is what's going to happen.

MR. MANS: Going out through the gate.

MR. PETRO: Through the rear of the property on to the Park and drive.

MR. STENT: What Jim is trying to say, people are going to drop their cars off in the front of the service area, sales area, then would you take them around, bring them through?

MR. MANS: No, the toll booths will be as you enter near the old tavern there, there will be a parking officer shed right there and this is where all the parking customers will come in, they'll be solicited for any kind of service work that they might want as

Jim said, he's never done that. Well, you haven't had the opportunity because nobody furnished the facility. But we really think that it will be an accommodation to people that are parking.

MR. PETRO: I'll stand corrected, it is a great idea, it's a great service when you bring the cars over, you're going to go out of the front, bring them in, service them, bring them back the same way, you don't need to go through the 12 foot gate.

MR. MANS: You don't have to but what about the hazard back and forth back and forth on to the highway?

MR. VAN LEEUWEN: You're not out on--

MR. STENT: You're not out on the highway, are you?

MR. EDSALL: Yes.

MR. MANS: And the other thing is in regard to let me address that door, that door is going to be a brand new door and aesthetically, it will be much better than what they were when I came before you with that plan before, we showed a mansard and we showed, I don't know what we had.

MR. VAN LEEUWEN: Brick fascia, showed a lot of things that is not on there now, you're making a change again.

MR. MANS: What I have said at the time I says we don't have a sketch plan for this but I said we'll guarantee a nice appearance and a nice front. We'll do whatever is--

MR. VAN LEEUWEN: I'd like to see detailed sketches of it because what we have there that doesn't amount to a hill of beans for me.

MR. MANS: Like I said, there's a brand new door going on, all the glass will be all in concurrence, one size and shapes and types, they'll all be the same on the west side of the building and along the entire front, there will be a large window to the left of the entrance door to the service because there will be a

storage area for his C store, then there will be a large window or two there where the two existing bay doors are right now which I agree are terrible looking, you intended, Russo, did you not to go around the building with the same windows.

MR. VOSOUGHI: Yes.

MR. BABCOCK: Mr. Mans, one statement Mr. Mans on the plan, the overhead doors in the back it says overhead door new in the front, it says existing overhead door it's a matter of--

MR. MANS: It's wrong because the new door is going in the front, the two better doors are going to be shifted to the back and they'll be refinished and repainted you're not going to see that.

MR. EDSALL: What we need to have you do is put on the plan what you intend so that there's no misunderstanding.

MR. MANS: It's only new doors in the rear because they were being cut.

MR. EDSALL: New means new, it doesn't mean old repainted.

MR. PETRO: Just have your engineer fix it up the way it's supposed to be.

MR. DUBALDI: I have two questions, number one, I asked my question from before about a dumpster detail, I don't know if you told me there was one and you told me that there was one, I don't see one.

MR. VOSOUGHI: Next to the temporary building.

MR. DUBALDI: How much is it going to be enclosed?

MR. VOSOUGHI: It's not going to be.

MR. VAN LEEUWEN: Got to be enclosed.

MR. EDSALL: We had a long discussion about this at the

workshop, the problem is that the temporary building obviously temporary gives you a clue that it is not meant to stay there, that is for the contamination of the soils on the site, the dumpster location is really temporary and they wanted to use chain link fence, slated or something because they didn't want to build a masonry-structure and have to tear it down.

MR. DUBALDI: Where is it going to be located?

MR. EDSALL: Show a temporary location and show permanent, show the masonry that you want, might be a good idea.

MR. DUBALDI: I'm looking for a dumpster enclosure, an enclosure meaning cinder block or something that matches the character of the building that you are modifying.

MR. VOSOUGHI: Because of the temporary building we were limited, it will be shifted to the side of the building.

MR. DUBALDI: You can't do that, you concurrently have parking spots.

MR. VOSOUGHI: It will be right on this side.

MR. DUBALDI: Why can't you build it now?

MR. VOSOUGHI: Because of the access to the parking you can't have access to the parking because this building you won't have access to the parking. We'll put parking spaces alongside here once this building is removed and we would have a dumpster right here.

MR. PETRO: You're going to shift these four spots to the other side, is what you're saying?

MR. DUBALDI: And you're going to put the dumpster up against the building?

MR. BABCOCK: It's a temporary building.

MR. EDSALL: It can't be against the building, you have

to maintain an offset.

MR. VOSOUGHI: It would be an offset but it would be behind the building closer to the building.

MR. VANE LEUWEN: Last but not least, are you going to be able to get the letter from DEC that we can declare negative dec on this, negative declaration? Otherwise, we can't act on it, you realize that?

MR. VOSOUGHI: DEC would be called to the site once the new tanks are going in, they have to approve the site, otherwise they would not allow us to unload the tank there.

MR. VAN LEEUWEN: Sir, we have rules we have to go by, that is what they call positive declaration or a negative declaration, we cannot sit here at this time and give this a negative dec because we know what the problems that are there are, we brought this up to Mr. Mans before. I would pursue that before I go any further because you might run into a block wall and we get to a block wall and you have nothing.

MR. VOSOUGHI: What would you like the letter to say from DEC?

MR. VAN LEEUWEN: That it is, okay, to use that as a gas station.

MR. VOSOUGHI: And there's no contamination.

MR. VOSOUGHI: This is the existing gas station, DEC cannot oppose that site as being a gas station, it was a gas station, it was a gas station. Only objection DEC is going to have if there's contaminated dirt at which point DEC would send a representative when we dig the hole here for a new tank they would check.

MR. VAN LEEUWEN: But we have to know that. We cannot sit here and create a negative dec on that property.

MR. PETRO: Let Andy explain how it's going to work.

MR. KRIEGER: Before the planning board can grant any

approval of the site plan or any site plan amendment, it has to find by law that there is no adverse environmental impact and there is a list of criteria that, a list of things that they have to look into. Not later on, trust us on this, the DEC will look into it sometime later and dig up the dirt and let us know sometime later, no, they have to decide before it is granted. Now, if there is a doubt in their mind about that and I would suggest the existence of this temporary building right here on this map would be enough to create a doubt which would be upheld by a court then they have to issue a positive declaration. If they issue a positive declaration, there's a lot of things that you have to do. I'm not going to sit here and detail all the things that could happen and all the things that you have to do. But that it is that which Mr. Van Leeuwen was referring to and it is a requirement that this board look into this before any approval is granted, not sometime later, not sometime when they dig it up, not later, now.

MR. VOSOUGHI: DEC is aware, is already aware that the ground water is contaminated, remediation plan is already on the way. That is why they are cleaning the ground. This could take two years. It could take them ten years. This remediation plan is going to keep, they are going to continue it until the ground water is clean to DEC's satisfaction. DEC is not going to come out today and say we think in ten years this place is going to be clean. They obviously know it's not.

MR. KRIEGER: And that won't answer the requirement, it is not within the province of the planning board at this point to usurp the DEC's authority here, it is not within their province to tell the DEC what to do or when to do it. All you're being advised is it is a legal requirement of this board that the plan meet the minimum standards required for it to say that it knows that there is no problem.

MR. MANS: I speak to that just a moment. DEC is well aware of what the situation is out there. We have already spoken to DEC. We didn't know that you needed a letter from them but they have already given us the verbal go ahead, in fact, they wanted us to blacktop,

they wanted us to get the operation in process as far as I know and I think anybody else has spoken to him gets that idea, certainly gets the idea they have given us verbal approval.

MR. KRIEGER: If I may, so you say, but you must understand that this board is required to be satisfied on that and your verbal assurances of some conversations that you had are not going to be legally sufficient to allow this board to discharge its responsibilities. Nobody from this board is going to talk to DEC, that is not the responsibility of the members of this board. It's your responsibility.

MR. MANS: Russo did ask the question a while ago.

MR. DUBALDI: Who is lead agency on this project?

MR. PETRO: As of this point, nobody.

MR. EDSALL: The letter went out. Myra, how many responses have we received? I think DOT wanted a plan.

MS. MASON: We sent that.

MR. DUBALDI: First we have to establish who is lead agency on this project and that has not been established.

MR. EDSALL: At this point, you have issued a letter indicating that you care to be lead agency and no one else has, 30 days is up.

MR. PETRO: We can declare ourselves lead agency.

MR. VAN LEEUWEN: Can you sit here and you can declare negative dec on that?

MR. PETRO: Here is what I am going to suggest and Henry's right a hundred percent, we're going to move forward, we're going to review it tonight, probably going to refer you to zoning board, we're not going to hold up the process but in the meantime we're going to need a letter from the DEC stating that at some point in our due process of planning, board approval or

disapproval whatever the case maybe, we're going to declare a positive or negative dec to move forward under SEQRA process and we're going in order to do that we're going to need a letter from them stating that it is, what's the right words, that it is okay with them that we can do so and that the property at this time can be declared either positive or negative dec, we're going to need some information from them to go on.

MR. VOSOUGHI: My question to you is the letter you need from DEC, what would you like to see be mentioned in the letter, not exactly.

MR. VAN LEEUWEN: That you have the okay to take the tanks out, put new tanks in under supervision and that this planning board can sit here and declare a negative dec and vote on it that is what we need.

MR. PETRO: Obviously, we can't declare a positive declaration because then we can't do an approval so we have to have the negative dec.

MR. BABCOCK: Jim, quite honestly, this is your service station that is here, it's an approved service station, it's an existing service station, it's still approved. The reason that I think it's here tonight is because they've changed it to a mini-mart which requires planning board approval to change the use of the building and also the canopy. Right now, if he wanted to just have a service station, he can get a building permit to put in new tanks.

MR. PETRO: I don't dispute that but during our process we're still, someone's going to say I make a motion to declare negative dec.

MR. BABCOCK: But I think what you're looking at is the retail sales and the canopy, the service.

MR. PETRO: But we have to do a negative dec on the site itself no matter what we do.

MR. VAN LEEUWEN: Cause you might be out looking in.

MR. PETRO: Maybe the attorneys could get involved to

give us some form of an okay that we can do that I don't know the answer how to do it and I don't know exactly what we're going to.

MR. VOSOUGHI: I have done this many times, this is the only time this question was put before me to get a letter from the DEC.

MR. KRIEGER: Have you ever done it before on a project where there's been an oil spill and the DEC has erected a temporary building to clean it up?

MR. VOSOUGHI: Yes, because the remediation plan is--

MR. KRIEGER: All those prior times you never had a question with respect to SEQRA?

MR. VOSOUGHI: DEC does not issue letters for a property saying it is clean or is not clean, especially on a property where remediation plan is already in process. Therefore, they already know the soil is contaminated.

MR. VAN LEEUWEN: Mobil just did it, they got a plant in the back of their yard and they got a letter, why can't you get a letter?

MR. VOSOUGHI: If the board was so kind enough to give you me a copy of the letter, I'll get that same letter for you if Mobil got the letter.

MR. VAN LEEUWEN: We couldn't approve it without it.

MR. PETRO: We're not going to belabor any further. Well, we have left it up to you, if you want to get in touch with Mobil to come up with some formula when the time comes, it's going to be a month or two months that we can look at it and say yes, we can declare negative dec and go on with final approval but you have to give us some information.

MR. VAN LEEUWEN: I make a motion to approve.

MR. DUBALDI: Before do you that, there's just two or three minor things I just wanted to touch on before we

send it away to the ZBA. Number one, what's the limit of the paving, is all of this already paved front and back?

MR. VOSOUGHI: No, the front will be paved, the entire front will be paved.

MR. DUBALDI: Where is the line that is going to be delineated between what's front and back is going to be paved?

MR. VOSOUGHI: Whole area is going to be paved.

MR. DUBALDI: The entire area in the front?

MR. VOSOUGHI: In the front and in the back.

MR. DUBALDI: And in the back, I'm sorry?

MR. BABCOCK: Put a note on the plan.

MR. VOSOUGHI: Yes, it would be.

MR. PETRO: I don't see anybody taking notes. You have got to put a note on the plan to that effect, change the garage door in the front to a new overhead door and show us a permanent location for the dumpster, once the temporary is dismantled, and you also have to give us a better rendering of the building than the one that is drawn there, more of an architectural review.

MR. VOSOUGHI: Like what?

MR. PETRO: Some shrubbery, some coloring.

MR. VOSOUGHI: This is stripes along the top.

MR. PETRO: Type of materials, just needs to be more of an architectural rendering than just a facade like that.

MR. EDSALL: Mr. Russo, do you have other facilities where you have used this identical finish?

MR. VOSOUGHI: Yes, I believe so.

MR. EDSALL: Maybe you would be good to bring in some pictures of some facilities where you have used this finish.

MR. DUBALDI: Getting back to the dumpster, what guarantee do we have that this dumpster is actually going to have an enclosure at some point in time?

MR. VAN LEEUWEN: Be a bond, it will be bonded automatically.

MR. VOSOUGHI: We can always build that.

MR. PETRO: It will be taken up at the site plan, it will be bonded. The money will be withheld but he is going to show it on the plan.

MR. DUBALDI: And show enclosure detail.

MR. VOSOUGHI: Yes.

MR. MANS: Is a stockade fence for temporary, it's there temporarily, the building is wood and it would, not that it is going to blend cause you're not going to see it from back but would a stockade fence around that, if you want an enclosure?

MR. PETRO: What type of fence is there, chain link?

MR. MANS: There's going to be chain link.

MR. DUBALDI: That gets to my other comment, what type of fence is going to be put around the exterior of this property? I don't see any fence detail of what's going to be there, how high is the fence going to be, is it going to be two feet?

MR. MANS: Six foot with rebar.

MR. DUBALDI: Can you put something on the plan that says what it is going to be so we know what it is going to be?

MR. EDSALL: I think that was on the original site

plan, we'll make sure that they copy that over onto this.

MR. DUBALDI: About the propane tank, Mike, is that going to be proper protection for a propane tank, there's no protection from the back.

MR. BABCOCK: Yes, the dots, the darker dots, it doesn't come out on everybody's plan, there are ballards in front of it.

MR. DUBALDI: What if something comes through the fence from the back, there's nothing, you don't require any protection in the back?

MR. BABCOCK: I think Bobby Rogers, is there an approval from him?

MR. PETRO: Yes, 6/95.

MR. VAN LEEUWEN: There's one heck of a ditch back there. I make a motion.

MR. DUBALDI: If he says it's okay, it's okay with me then.

MR. MANS: And the most logical answer if you are really looking for a permanent spot for that, would be straight back through the driveway near that propane tank, I don't know what the requirement is.

MR. DUBALDI: Second Mr. Van Leeuwen's motion.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Dutchess Terminal site plan on Route 207. Is there any further discussion from the board members? Mark, just my comment before about the 12 foot gate and access through for the Park and Ride, do you have anything to add or prove me wrong on that or I should not be concerned with it?

MR. EDSALL: I don't think it's a matter of being right or wrong, I think what the board's review of the site plan is indicating that you don't believe that these

two sites should operate as one, that you have got one which is a gas station with sales area and repair and you have got a car parking, Park, Fly and Drive operation and you in your judgment don't believe there should be a 12 foot gate, I don't think it's a matter of being right or wrong, part of the site plan review.

MR. PETRO: I can picture someone pulling into the service area, getting out, getting a ticket cause it's snowing like hell, we'll leave it here, drive it over there and you have got two or three cars backed up over there.

MR. EDSALL: The scenario you are proposing could occur is exactly what you went over on a previous application and the reason you felt that was unsafe is that you would then create a situation where cars would stack and potentially hang out into the state highway which would be very dangerous so--

MR. MANS: Going out into the entrance to Park, Fly and Drive.

MR. EDSALL: You're looking back at a potential or an operation that is unsafe and you believe this 12 foot gate can promote that so I can't disagree with you.

MR. VAN LEEUWEN: I agree with you. Move the question.

MR. EDSALL: It should be noted that the original site plan for Park, Fly and Drive did have a gate but it was a pedestrian type gate for just access to either side of the fence, it was not a vehicle gate.

MR. PETRO: We'll get back to it, I guess, give it some serious thought. Did you have one more thing to add?

MR. KRIEGER: Yeah, I just want to see, make sure that my understanding is correct, this particular parcel is separately described and owned by a different entity than the Park, Fly and Drive parcel?

MR. MANS: That is correct.

MR. KRIEGER: Two different parcels?

MR. MANS: Right.

MR. KRIEGER: Then Mr. Chairman, I would point out if you have an access situation where one distinct parcel is having substantial access to another parcel that there is obviously an intent to use them together and you can't simply consider one without considering the whole thing.

MR. MANS: Let me ask this. What's wrong with the intent to use the gate to have Park, Fly and Drive customers that we might want to service? Why can I not have a gate that goes to my neighbor Pendergast to the right, I mean if it's mutually agreed between Pendergast and myself.

MR. KRIEGER: Before, in this town, before you can use a property for commercial purposes, before you can get a C.O., you have to have site plan approval from the planning board. If you show the planning board a plan which shows that you intend to use as part of the commercial operation for which you were applying some other property, you can't say don't review the other property, even though we obviously intend to use it, only confine your review to this one property because we don't want you to look at the other property, you can't have it both ways. If you intend to use them both then they both must be before the board. If you intend that they be separately used, then they don't have to both be in front of the board.

MR. VOSOUGHI: If I may say something. Earlier you were reviewing a plan, I think it was number 2, the opposite scenario you were trying to achieve to have access from one property to the other property.

MR. EDSALL: Different situation because that is--

MR. VAN LEEUWEN: Let's not open up another can of worms, Mr. Chairman. I move the question.

MR. EDSALL: Just for the record, Jim, this is internal access between two properties. This involved an existing curb cut to the state highway that already

exists and they were attempting to not obstruct something that already exists.

MR. PETRO: Motion has been made and seconded for final approval. Is there any further discussion from the board? If not, roll call m.

ROLL CALL

MR. VAN LEEUWEN	NO
MR. STENT	NO
MR. DUBALDI	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been sent to the zoning board to acquire the necessary variances that you may require once you have received those variances and post them on the plan. We'll put you on the next agenda that is available and you'll appear before this board. Please have the corrections at this board as stated on the plan at that time.

MR. EDSALL: Maybe what we can do to get some business moving on this, I assume because the time has expired you may want to take the position of lead agency now and what I would suggest you do then is we have still got the open issue of this curbing along the state highway, so we don't delay Casey, we should have you assume the position of lead agency and I'd refer this plan to DOT and ask them what the heck you want to do with the curbs.

MR. VAN LEEUWEN: Move for lead agency.

MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Dutchess Terminal on Route 207.

ROLL CALL

MR. VAN LEEUWEN	AYE
MR. STENT	AYE

November 8, 1995

60

MR. DUBALDI AYE
MR. PETRO AYE

MR. EDSALL: I'll refer that with a letter.

RESULTS OF P.B. MEETING

DATE: November 8, 1995

PROJECT NAME: Dutchess Terminals PROJECT NUMBER 95-25

LEAD AGENCY: * NEGATIVE DEC:
*
M) V S) S VOTE: A 4 N 0 * M) S) VOTE: A N

CARRIED: YES NO * CARRIED: YES: NO

PUBLIC HEARING: M) S) VOTE: A N

WAIVED: YES NO

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.B.A.: M) V S) D VOTE: A 4 N 0 YES NO

RETURN TO WORK SHOP: YES NO

APPROVAL:

M) S) VOTE: A N APPROVED:

M) S) VOTE: A N APPR. CONDITIONALLY:

NEED NEW PLANS: YES NO

DISCUSSION/APPROVAL CONDITIONS:

- Correct parking detail
- Note on plan re: New doors on bay
- Note on plan for Pavement
- Better sketch of Bldg. (Photos of existing location)
- Permanent location for Dumpster
- fence on plan

REGULAR ITEMS:

DUTCHESS TERMINALS SITE PLAN - (95-25) ROUTE 207

Mr. Jim Spratt appeared before the board for this proposal.

MR. PETRO: Have you seen our engineer's comments at this time?

MR. SPRATT: No, I have not.

MR. EDSALL: Even before Jack gets into his presentation, my hopes in preparing the comments was to provide the board with some comparison between this site plan and the one that was previously approved and outlined some of the differences and as well advise you of some concerns that you may want to discuss relative to the approach of using a leased parcel so I will leave it at that and that will give you an idea how I tried to approach the comments.

MR. VAN LEEUWEN: Can I ask a question? Who is the owner of this building?

MR. SPRATT: Casey Mans.

MR. VAN LEEUWEN: Don't say no more.

MR. SPRATT: I represent Dutchess Terminal, who is going to lease the building from Casey Mans?

MR. PETRO: We do have a proxy in the file.

MR. SPRATT: Good evening, I'm Jim Spratt, professional engineer from Hyde Park and I represent Dutchess Terminals. Our main intent is to upgrade the gas station and get the property up into certainly better shape than it has deteriorated in. Doing that, we anticipate working on the parcel that is left over from the park, fly and drive site plan that has been before you previously and primarily, that is a parcel that goes behind the gas station and into apparently this rear portion occupied by the building for the environmental work that is being done there, then we

come out, go passed the pump island to the west and out to the 207 and likewise on the east, on the dividing line between another parcel of Casey Mans. You got the picture where we're at?

MR. VAN LEEUWEN: Oh, I know definitely where you're at.

MR. SPRATT: I had trouble finding where I was myself so I just wanted to make sure.

MR. KRIEGER: There's no location map in the comments. Do you want to comment about that?

MR. EDSALL: Well, I mean that is true, I'm looking at this as a partial site plan of something you already reviewed. I somewhat assumed that the board was extremely familiar with the location.

MR. KRIEGER: Yes, they are but--

MR. EDSALL: There is a lot of normal stuff missing.

MR. PETRO: If you can make a brief presentation of what you want to do, I don't think we're going to get too deep into this because I'd rather you go back with some of the comments and do some housekeeping and come back with a more complete site plan.

MR. SPRATT: Well, we go to the second sheet is the actually the blow-up of the area that we're most particular with and that would be the installation of a new gas pump with a canopy, basically, in the same location that the existing pumps are in. The exterior improvement of the building that exists there and primarily anything else would be the new tankage underground which you would not see. The third sheet gives you an idea how the interior is going to be broken up. Dutchess Terminal will use the most westerly portion over to the line which runs between plan and elevation here and anything to the right would be Dutchess Terminal and it would be primarily a store combination gas station store in that area. The remainder will be separately Mans' and he's to operate from that facility to the back use, the rear of the

property. The lease line that we're talking about which doesn't have a tremendous bearing would come across the front, it goes back along this partition, then it goes to the west and that is how the building will be.

MR. PETRO: So this site will have a multiple use?

MR. DUBALDI: Two different businesses that will be operating?

MR. SPRATT: There will be two different businesses.

MR. STENT: Upgrading the whole building.

MR. SPRATT: We'll be upgrading the whole building.

MR. VAN LEEUWEN: What's the plans for the building? Let's have a look at that first.

MR. SPRATT: This is the perspective that we have put together, just to give you an idea how we have taken out the overhead doors, except the last one that Casey Mans requires and a door to his office and then from here on will be all our use and we'll be using the Citgo buff colors with just a tri-ban across the top which is their normal logo and in each window, you'd have the same repetition of that and you'd just have the Citgo logo on the front. But it would be a complete improvement of the exterior of the entire building and the interior we'll be responsible for the west half.

MR. VAN LEEUWEN: What's going to happen to the other half?

MR. SPRATT: Well, Casey will be doing that and he was to be here, I really--

MR. VAN LEEUWEN: That is the part I'm worried about.

MR. DUBALDI: Can't imagine why he's not here.

MR. VAN LEEUWEN: Right now, it's a junk yard. The other day there was three junk cars sitting in front of

there.

MR. SPRATT: They are not there tonight.

MR. PETRO: The remainder of the building that Mr. Mans is going to use, what use will that be for?

MR. SPRATT: As far as I know from him that he has told me, it will be an office and something to service vehicles connected with the park and fly now that is the only thing I heard from him.

MR. PETRO: To service the vehicles.

MR. SPRATT: I don't know if that is the vehicles that go back and forth with the people that park there. In other words, vans that pick up and go back and shuttle and they would be serviced there, I really haven't been representing him.

MR. LANDER: One question here when you have parking in front of overhead doors?

MR. SPRATT: It's not to be used.

MR. LANDER: You are not going to use the overhead door.

MR. SPRATT: Why don't we block it off if Mr. Mans is not going to use it because I know what will happen, it will be going up and down, we'll have cars going through there.

MR. KRIEGER: Now, if I may--

MR. VAN LEEUWEN: What he is trying to do, he's trying to tie this in with another site plan and you can't do that.

MR. KRIEGER: If I may, there's been a number of indications of which that I have seen in the comments in addition to what Mr. Spratt just said about the adjacent parcel, it seems that this parcel is proposed to be used in some way in connection with the adjacent parcel. If that is the case, and the planning board

can't look at this parcel all by itself, my understanding frankly before tonight was that it was going to be completely separate and devoid from, divorced from the adjacent use that appears to be not the case and in that case, the planning board cannot look at this parcel in a vacuum without looking at the adjacent parcel as well. I think that was the, it's the basis of the comments that Mr. Van Leeuwen was making and I believe that to be the case. That is the first thing. Second thing is I heard in the course of Mr. Spratt's, some discussion about new tankage quote unquote. Mr. Spratt, you should understand that the existence of fuel tanks underground, although they may not be of great interest to this board and this board must look at all of that in connection with its review under environmental conservation law. When the site is last presented, nothing was ever said about those underground tanks and since then, there's been a significant problem. They must be shown, they must be fully shown, they must be on the first sheet, not somewhere on the second sheet. They have to be shown here and it appears that it's possible, I can't tell from looking at it, it's possible that one or more of those underground tanks may encroach on the neighboring parcel. If so, then I refer you to my earlier comments about having to review the entire parcel. It cannot be reviewed separately. All of them must be shown and must be complete disclosure as far as that is concerned, both existing and proposed.

MR. SPRATT: I have proposed only on here I mean the proposed is the only ones I have on here.

MR. KRIEGER: There's some mention of underground tanks, some depiction of them on sheet 2, they do not appear to be, in my looking at any depiction on sheet one, which is the overall plan and it is absolutely necessary that that be done.

MR. SPRATT: Are you speaking of the existing ones on sheet one or the proposed ones to go on sheet one?

MR. KRIEGER: Or both.

MR. SPRATT: Okay.

MR. KRIEGER: I'm speaking of both.

MR. SPRATT: On the same sheet, sheet number one?

MR. KRIEGER: Yes. Clearly marked and delineated as need be but they have to be exactly located and it has to be clear what the status is.

MR. STENT: Are you planning on removing any of the tanks there now?

MR. VAN LEEUWEN: They are gone.

MR. SPRATT: I believe that is what's underway now.

MR. VAN LEEUWEN: They are all out of the ground.

MR. KRIEGER: If they do not exist at the time this application is made, then there's no reason to depict them. The map does not have to depict what in essence is history. If it's proposed that ones be put in, then they must be depicted. If they are still there they must be depicted.

MR. PETRO: Mike, I have a sales area and storage then we're going to have service because in the other half of the building, is that going to be feasible in this building?

MR. BABCOCK: They are going to have to put a fire separation between it.

MR. PETRO: Next question is obviously this is beyond--Mr. Mans, you are here at this point, correct me if I am wrong, the left-over part of the building that Jack is not using is going to be in direct relationship to the park and ride, is that correct, which is on the other parcel?

MR. MANS: That is correct.

MR. PETRO: So, our attorney is telling us that we need to review the entire two site plans, the site plan for the park and ride parcel and this site plan so at this

point, we only have half a site plan before us to look at. So we'll need the entire site and again review the entire site. Mark, do you agree with this?

MR. EDSALL: Yeah. Matter of fact, one of my comments was that they are apparently giving us an indication that access to this office and service area would be from the rear but unfortunately, the former site plan did not allow for any access to that rear area. So I was kind of wondering how the cars were to get back there and at this point, I was assuming that this 12 foot gate that is now proposed between the park, fly and drive and the rear of the gas station is what will be used for access, unfortunately that 12 foot gate is directly aimed at the parking spaces on the park, fly and drive site plan. So obviously, needs some coordination. So I agree with you a hundred percent. If we have as we did in the past two adjoining parcels with different uses and you're going to review the inter-relationship between both of them, you need a complete site plan that shows both.

MR. KRIEGER: If they are not inter-related, you don't. If they are, you do.

MR. EDSALL: Obviously in the past, they made an application showing both and it was--

MR. KRIEGER: If they are inter-related, you have to.

MR. PETRO: The last time we reviewed this also but as far as driving through this building, we did not go along with that I believe.

MR. EDSALL: That is correct.

MR. PETRO: Staging in front of the building was a problem and it was just a door in the rear of the building, correct?

MR. EDSALL: But I don't believe there was any access but I'm saying any access from the park, fly and drive for vehicles to the rear of this gas station.

MR. PETRO: Now there will be because they are going to

be servicing.

MR. EDSALL: There's some other questions since we have got Mr. Mans, we can possibly have him enlighten us.

MR. SPRATT: There was a five foot gate.

MR. EDSALL: Tough to fit a car through.

MR. EDSALL: But there's some other questions, I mean they are using the left part of the building for a service and we now understand it to be park, fly and drive and an office. I agree with Ron that if that overhead door in the front is not to be used, it's something that should be eliminated. Otherwise, it obviously has the great potential for a business but they are showing a door for access to the office. To me, that would lend the occurrence of people coming and parking in front to use that as access to that office and this site plan doesn't provide for any parking for that office. So there should not be in my mind any access to the office or service area from the front, it should all be from park, fly and drive so that is another, as far as I'm concerned, defect in the layout.

MR. PETRO: Mark, before you get off on another tangent, I want to agree what you and Mr. Lander said that that garage door should be eliminated.

MR. EDSALL: And I'm saying the door, it's a man door unless the board disagrees.

MR. PETRO: Unless they can provide parking in the front, I don't see how they can do that.

MR. SPRATT: No, we can't.

MR. STENT: Passage door.

MR. EDSALL: Yeah, cause I look at it as being if it's an office and they are going to come there for the purpose of business, they are going to use those parking spaces and those parking spaces are reserved for the retail of the garage.

MR. STENT: Maybe would have to be like an emergency exit door.

MR. EDSALL: Emergency exits out the side, whatever the building inspector believes is necessary but for site plan purposes, they don't have any parking, that is excess.

MR. VAN LEEUWEN: Other thing we're going to need a letter from DEC saying we can declare negative dec.

MR. PETRO: And/or have DEC become lead agency.

MR. VAN LEEUWEN: I can't sit here and declare negative dec.

MR. SPRATT: No, I believe that is up to the owner to clean up what he has, I can't say anything towards that, Casey's here if you want.

MR. KRIEGER: I have been supplied, I have been in touch with an individual who has told me that he rents from Mr. Mans on this, another attorney, and I have been supplied with certain information with respect to the DEC. Nothing, nothing is clear as what has been asked for, however nothing is simple and straightforward but because of that problem and other problems I want to go on record as he can go on Mr. Edsall's comments and suggestions I'm going to make it my own as well that a coordination letter be circulated because I think it's absolutely critical to have the DEC input in as early a stage as is appropriate.

MR. PETRO: I'll note Mr. Spratt on the plan we have a letter from the fire department, this site plan is acceptable but I do believe that it should become part of the minutes, that all underground storage tanks be installed in accordance with the requirements of the New York State Department of Environmental Conservation, we know that is going to happen but a note on the plan to that effect.

MR. SPRATT: Yes.

MR. PETRO: Mark, the canopy in the front of this

building I see it's right, do they need a variance for that?

MR. EDSALL: That is one of the other things I need once they get--

MR. PETRO: If anyone wants to jump in and interrupt me, feel free to do that, I don't want to review this any further. There's four pages of comments, should be two site plans.

MR. EDSALL: Obviously, at the workshops, there's only certain amount of information I can give Mr. Spratt, a lot of it has to do with my presumption of what the board wants and doesn't want, so maybe I can just ask a couple questions of the board and that way we have a little better understanding when they come back to the workshop, does the board have any problem with the whole concept of the lease separation, something that they need to do, any changes or work?

MR. VAN LEEUWEN: I have got a problem because that is not part of the other site plan that we approved.

MR. EDSALL: They bring in a complete site plan and show the inter-relationship, is it worthwhile them pursuing?

MR. PETRO: I think if it meets building codes and you can do it properly with a site plan.

MR. KRIEGER: Mr. Spratt's earlier comment about the lease line not being of direct concern to the planning board was in a sense well taken regardless of the division of use on this property, it is necessary that the planning board review the entire parcel and now it appears the park, fly and drive parcel as well since they appear to be inter-related, regardless of the use or the division of use where a lease line exists, if it isn't a property line, if not of direct concern legally to the planning board but the planning board has to overall look at the site and take into account all proposed uses of the site, so if they are going to do a dual use and so forth, it is not legally prohibited but the planning board must look at all that they see.

MR. EDSALL: So we need complete information on the secondary use as well so they've got to have that on the plan. Andy, you see no problem in them having the fuel tank that services the leased portion 2/3 on the non-leased portion, I mean is that going to be a legal problem they got the tank off.

MR. KRIEGER: Well, it's a problem that or it's a difficulty that can be cleared up when it's appropriate. I'll want to see lease provisions so that I know that it becomes the responsibility of the owner of the property to take care of those tanks, regardless of whether the owner chooses to lease part of the property or not and before there's an approval on this parcel, the maps should so indicate and I should review lease provisions to make sure that the owner is providing for itself the necessary access to maintain that cause it's the owner's responsibility.

MR. EDSALL: All right, I'm assuming in my comment 3B the dumpster isn't shown in the rear anymore, now we have two uses, so I'm going to be assuming at the workshop they are going to have to show us two dumpsters one for each use or some type of receptacle and I assume that you are still requiring the landscaping buffering between the parcel to the east and this parcel, there was some evergreens planted along between the multi-family.

MR. PETRO: Yes.

MR. EDSALL: That has got to remain, it's been eliminated as part of this plan. Curbing is going to still be a big issue. My suggestion to be very candid if you are revising the site, that the DOT get a copy of the plan and perform normal procedure, let's see what they tell us and deal with it then.

MR. VAN LEEUWEN: I think we should have a site visit and take a look at the site, any changes have happened since we originally approved it as a park and fly.

MR. STENT: Didn't we get a letter from the DOT in reference to the curbing?

MR. EDSALL: You'll notice on my page 3 of the comments I excerpted some of their quite interesting comments and the reason I believe we should send it back to them is that if they are very concerned about the safety of the curbing and in fact now we have an actual application for this site, let them comment again.

MR. LANDER: Now Mark, are they referring to the new curbing that is on the plan for the park and ride?

MR. EDSALL: Their comments were relative to the existing curbing suggesting that it be changed to make it safer and that was the proposed curbing that was on the site plan you previously approved.

MR. VAN LEEUWEN: You couldn't do anything at that point because we couldn't declare positive dec at that particular time.

MR. LANDER: My question is because they are installing the new curbing creating a problem for the curbing that has been in existence for--

MR. EDSALL: When you reviewed the site plan which included both parcels, do the math, those recommendations were added to the plans and then the board approved the plan. After I approved it, the applicant said we can't live with those changes, we don't want the new curb arrangement and it's been in limbo for more or less since then as far as should they put the curbing in.

MR. STENT: At that point, we didn't.

MR. EDSALL: You got a letter from DOT which basically told you that you can, that you can make them put in the new curbing but they couldn't and they proceeded to tell you they felt it was an unsafe condition in its current state so I suggest that if you have a new application, you send it back to DOT and let's see what this round brings, that is really all I wanted to talk about.

MR. PETRO: I'm confused, you asked the board earlier

whether or not we could accept the fact that there's going to be two uses in this building.

MR. EDSALL: I was questioning if you had any problem with the leased approach, the split use with a lease but we've gotten our answer. You can have more than one use on a site but you have to depict them and however you lease out the particular uses is a legal matter.

MR. PETRO: It's either legal or not legal.

MR. EDSALL: We just need a complete plan.

MR. PETRO: Our opinion is not important.

MR. KRIEGER: I wouldn't say that. It is a permitted use but it is required that the planning board review the entire thing, review both uses.

MR. PETRO: No, I understand, that was in regards just to the dual use. Let the minutes show that Mr. Mans is now before the board. He's the owner of the property. Mr. Mans, this picture that you have up there, or print, it's not what we're looking at here, can you tell us what that is?

MR. MANS: Well, this was originally what we proposed, I'm sorry to catch the, I didn't catch the beginning of your meeting, this is what was proposed originally knowing that Dutchess Terminals were coming in to take a portion of this station. This shows the two garage doors closed up with windows or whatever, however they should decide that they are going to do it, these doors have been here, they are there right now and they were supposed to remain. However, we did state at the time and probably this has long left your memories, we said to make it more aesthetically pleasing, we'd do this plus perhaps even take one of these two doors out and which one we hadn't decided or we might leave the two of them in. However, it was also mentioned at the time that there would be two new doors put in the front to make it good looking and we would be--

MR. VAN LEEUWEN: Never done though.

MR. MANS: We move the two doors from here directly to the rear.

MR. DUBALDI: How about taking out both doors and putting in windows?

MR. MANS: We need access through.

MR. DUBALDI: You're going to have access through a parking, three parking spots in the front on this side.

MR. VAN LEEUWEN: Trouble is you have no parking for the fuel station.

MR. EDSALL: Just for the record, the site plan that Mr. Mans is showing or is referring to did not have the uses wherein there was one use there in conjunction with park, fly and drive and another use from the front being the gas station, the approved plan showed all service bays all being accessed from the front. And I believe the arrangement as far as approval and parking were based on that. This is a change.

MR. MANS: This is not a change from when we came to the board previously.

MR. EDSALL: I would is a that I disagree with you a thousand percent cause I'm looking at all the stamped site plan that doesn't seem to agree with that.

MR. PETRO: We have three parking spots in front of this garage door.

MR. VAN LEEUWEN: Whole building was left out of the park and fly when we approved it.

MR. DUBALDI: The plans up here say rear entry which means that you are not going to be accessing this through the front so what would you need a door there for?

MR. PETRO: It says door to be made inoperable.

MR. MANS: That isn't the way this thing's coming down

at all.

MR. DUBALDI: Mr. Mans, can you take a look at this for a second? I have this in front of me, it says if there's cars parked here, you're going to be, they are, you're not able to get in so that is why I'm--

MR. PETRO: Your point is well taken. Casey, you get together with Mr. Spratt, come up with a plan please. Matter of fact, you and Mr. Spratt don't even have the same plan. We've got to go over Mark's comments, you have two different ideas what's going on, I believe, and I'll put you on the next agenda and take Mark's comments and come up with a viable plan and it has to encompass both parcels.

MR. EDSALL: Your point is well taken, we can't be dealing with two different site plans and two different ideas.

MR. PETRO: Owner and applicant aren't even on the same course here.

MR. DUBALDI: I'm confused.

MR. MANS: I'm a little confused at this point too, now, I did have access to this a week or ten days ago, however--

MR. VAN LEEUWEN: Get your act together, get together with Mr. Spratt, get it done right and then we'll talk.

MR. EDSALL: Back to a workshop, a lot of them are housekeeping comments and we'll put you on the next agenda when you're ready.

MR. SPRATT: Just to clarify, Mr. Krieger said that you would not look at this site plan without looking at the park and fly now?

MR. KRIEGER: As long as they are proposed to be used in any matter connected then you have to have both.

MR. SPRATT: In other words, if the fence was, the integrity of the fence wasn't broken, then that would

not come into this?

MR. KRIEGER: I have seen so far three indications they are intended to be used together, that is one. The second indication which as I told you I'm not sure looking at the map whether it exists or not, whether or not any of those underground tanks are in fact partially on the park, fly and drive property. The third is the entire office use that is proposed for this building, the portion that is not to be leased apparently is intended to be used in connection with the park, fly and drive property. That is perhaps the most of the three, the most substantial and the one that requires among the others and I don't mean to say that the others do not but that is probably the most the one that requires most review.

MR. PETRO: The owner of the property is telling us what he wants to do and that should be in the minutes also please come up with a viable site plan, we'll have you on our next agenda or whenever you're ready.

9P

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553



1763

5 October 1995

SUBJECT: DUTCHESS TERMINALS/MAN SITE PLAN
TOWN OF NEW WINDSOR, NEW YORK (P/B REF. NO. 95-25)

To All Involved Agencies:

The Town of New Windsor Planning Board has had placed before it an Application for site plan approval of the Dutchess Terminals project located on NYS Route 207 (opposite Bruenig Road entrance to Stewart Airport) within the Town. The project involves the development of a new gasoline sales station, automobile repair facility, and associated convenience retail sales facility at the existing site. 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 Town of New Windsor Planning Board, 555 Union Avenue, New Windsor, New York 12553, Attention: 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 response requesting Lead Agency within thirty (30) days, it will be understood that you do not have an interest in the Lead Agency position.

A copy of the Short Environmental Assessment Form submitted for the project is also included.

Your attention in this matter would be most appreciated. Should you have any questions concerning this project, please do not hesitate to contact the undersigned at (914) 562-8640.

Very truly yours,

TOWN OF NEW WINDSOR PLANNING BOARD



MARK J. EDSALL, P.E.
PLANNING BOARD ENGINEER

Enclosure

cc: NYS Department of Environmental Conservation, New Paltz
NYS Department of Environmental Conservation, Albany
New York State Parks, Recreation and Historic Preservation
NYS Department of Transportation, Poughkeepsie
Orange County Department of Health
Town of New Windsor Supervisor (w/encl)
Town of New Windsor Town Clerk
Orange County Department of Planning
State Clearing House Administrator
NY District Office, US Army Corp. of Engineers
Applicant (w/o encl)
Planning Board Chairman
Planning Board Attorney (w/o encl)

A:DUTCHESS.mk

PROJECT I.O. NUMBER

617.21

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT/SPONSOR <i>Dutchess Terminals, Inc</i>	2. PROJECT NAME <i>Gas Station Upgrade</i>
3. PROJECT LOCATION: Municipality <i>Town of Vails Gate</i> County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>South side of State Route 207 opposite Bruening Road (entrance to Stewart Field)</i>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Replace underground tanks and pump island, build new canopy over pump island, renovate sales area of station, refinish exterior of building.</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>0.4 ±</i> acres Ultimately <i>0.4 ±</i> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input 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(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval <i>Town of New Windsor use permit</i>	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>Variance for new canopy</i>	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/Sponsor name: <i>James Sprath, County Engineer</i>	Date: <i>8/4/95</i>
Signature: <i>James Sprath</i>	

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



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

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WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

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Milford, Pennsylvania 18337
(717) 296-2765

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

REVIEW NAME: DUTCHESS TERMINALS SITE PLAN
(LANDS OF C.P. MANS)
PROJECT LOCATION: NYS ROUTE 207 (OPPOSITE BRUENIG)
SECTION 33-BLOCK 1-LOT 9
PROJECT NUMBER: 95-25
DATE: 13 SEPTEMBER 1995
DESCRIPTION: THE APPLICATION PROPOSES REVISIONS ("UPGRADE")
FOR THE GAS STATION DEPICTED ON THE PREVIOUSLY
APPROVED PARK, FLY AND DRIVE SITE PLAN
(APPLICATION 92-11). THIS APPLICATION WAS REVIEWED
ON A CONCEPT BASIS ONLY.

1. This plan only addresses the gasoline service station portion of Application 92-11. As such, it is my recommendation that the Board consider this application a partial site plan amendment of the plan stamped approved by the Planning Board on 30 March 1994. As such, a note would be added to the plan which would clearly indicate that this is an amendment, which considers only those revisions specifically requested on the plan, being limited to the gas station parcel.
2. The Board should note that, in addition to the amendments requested, this plan "splits" the gas station parcel via a proposed lease line. The Board should discuss this proposed "split of use", and question the Applicant as to what is proposed for the rear of the parcel.

As you will note in a review of the plan, the easterly end of the building remains part of the area not leased to Dutchess Terminals, with that end of the building being a service area and office accessed from the rear. The westerly portion of the building is leased to Dutchess Terminals for sales and storage uses.

It should also be noted that the gasoline storage tank shown on the plan actually extends outside the area leased to Dutchess Terminals. The Attorney may wish to discuss this and advise if this is a problem.

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3. The following changes have been noted relative to the proposed site plan of the gas station parcel, in comparison to the previously approved site plan:
- a. The rear area in the east end of the building will no longer be part of the gasoline station use (as already noted above).
 - b. The dumpster in the rear of the building is no longer shown. No dumpster appears to be indicated for the gas station use.
 - c. The 500 gallon propane tank located at the southwest corner of the building is no longer indicated.
 - d. Previously, there was a 5' wide access gate between the rear paved portion of the gasoline station and the adjoining "Park, Fly and Drive" site. This "manway" gate was located toward the back of the side fence. This latest plan indicates a 12' wide gate located toward the north end of the side fence. When the Board questions the Applicant as to what the rear of this parcel is to be used for, discussion should ensue as to the use and intent of this 12' gate, and it should be noted that same is "aimed" directly at parking spaces depicted on the Park, Fly and Drive site plan (as approved).
 - e. The 4' high evergreen shrubs at 3' centers along the east property line of the gas station are no longer depicted.
 - f. The plan includes a proposed sign with light at the northeast corner of the property. No detail is provided.
 - g. As has been discussed on numerous occasions, the Applicant (and this plan) now propose to maintain the existing curbing layout along Route 207, without the new curbing being installed as shown on the approved plan (see additional comments below).

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4. The Planning Board should consider beginning the SEQRA review process. If the Board intends to perform a coordinated review for this application, it would appear appropriate to circulate a letter with regard to their desire to assume the position of Lead Agency under the SEQRA review process, and it would appear appropriate to advise the New York State Department of Transportation and New York State Department of Environmental Conservation with regard to this application.

5. With regard to the curb issue along Route 207, this has been discussed ad-nauseam. I have previously communicated with the Planning Board on several occasions with regard to this issue, including my memorandum dated 8 February 1995. In my memo, I directed the Board's attention to a letter from the NYSDOT dated 2 February 1995. Some comments in that letter which the Board should "refresh their memory with", are the following:

"The existing access conditions along the frontage of the service station are substandard and in our opinion result in a high accident potential".

"...the "bottom line" is that upgrading the access conditions would greatly improve the operation of the intersection, thereby enhancing the safety of your patrons and the motoring public in general".

"Consequently, if the Town agrees to allow the existing conditions along the service station frontage to remain, then we would be forced to amend HWP No. 893-0663 to delete the improvements at the two most easterly curb cuts to the service station facility."

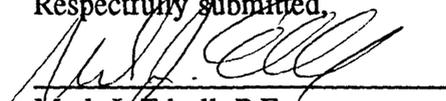
Based on these comments previously placed into the record by the NYSDOT, and the fact that a site plan amendment is proposed for this location, it would be my recommendation that the Planning Board refer this site plan amendment to the NYSDOT for their comments at this time.

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6. The Applicant has also submitted a floor plan and "building perspective". Some comments with regard to same are as follows:
 - a. The Board should determine if the proposed architectural improvements to the building are acceptable, as architectural improvements were a condition of the original approval.
 - b. The building plan notes that "all parking for office and service bay will be on rear portion of parcel"; this being relative to the non-leased (east) end of the building. How will these parking spaces be accessed? Through the Park, Fly and Drive site?
 - c. A "new door" is indicated as access to the office in the non-leased portion. Will this not promote customer access from the front of the building, and, therefore, require the associated parking to be placed in the front, not in the rear?
7. The plans do not include a bulk table or a parking calculation. These should be added, as well as the normal data and notes customarily on site plans.
8. At such time that the Planning Board has made further review of this application, **further engineering reviews** and comments will be made, as deemed necessary by the Board.

Respectfully submitted,



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

MJEmk

A:DUTCHESS.mk

RESULTS OF P.B. MEETING

DATE: September 13, 1995

PROJECT NAME: Dutchess Terminals PROJECT NUMBER 95-25

LEAD AGENCY: * NEGATIVE DEC: *

M) ___ S) ___ VOTE: A ___ N ___ * M) ___ S) ___ VOTE: A ___ N ___ *

CARRIED: YES ___ NO ___ * CARRIED: YES: ___ NO ___ *

PUBLIC HEARING: M) ___ S) ___ VOTE: A ___ N ___

WAIVED: YES ___ NO ___

SEND TO OR. CO. PLANNING: M) ___ S) ___ VOTE: A ___ N ___ YES ___ NO ___

SEND TO DEPT. OF TRANSPORT: M) ___ S) ___ VOTE: A ___ N ___ YES ___ NO ___

DISAPP: REFER TO Z.B.A.: M) ___ S) ___ VOTE: A ___ N ___ YES ___ NO ___

RETURN TO WORK SHOP: YES NO ___

APPROVAL:

M) ___ S) ___ VOTE: A ___ N ___ APPROVED: _____

M) ___ S) ___ VOTE: A ___ N ___ APPR. CONDITIONALLY: _____

NEED NEW PLANS: YES NO ___

DISCUSSION/APPROVAL CONDITIONS: _____

All underground tanks proposed and existing - must be shown
Need complete S.P. showing the entire site - (Park + Drive + Gas Station)
Garage door + office door should be eliminated
Need a letter from DEC regarding a negative declaration
Coordination Letter to be circulated
Address Mark's comments + return to W.S.
Show two dumpsters + landscaping
W O T. to review plan - as per Mark's comment #5



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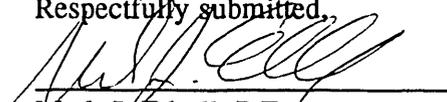
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6. The Applicant has also submitted a floor plan and "building perspective". Some comments with regard to same are as follows:
 - a. The Board should determine if the proposed architectural improvements to the building are acceptable, as architectural improvements were a condition of the original approval.
 - b. The building plan notes that "all parking for office and service bay will be on rear portion of parcel"; this being relative to the non-leased (east) end of the building. How will these parking spaces be accessed? Through the Park, Fly and Drive site?
 - c. A "new door" is indicated as access to the office in the non-leased portion. Will this not promote customer access from the front of the building, and, therefore, require the associated parking to be placed in the front, not in the rear?
7. The plans do not include a bulk table or a parking calculation. These should be added, as well as the normal data and notes customarily on site plans.
8. At such time that the Planning Board has made further review of this application, further engineering reviews and comments will be made, as deemed necessary by the Board.

Respectfully submitted,


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

MJEmk

A:DUTCHES.mk

DUTCHESS TERMINALS, INC.

2143

VENDOR ID: TOW01
PAYEE: Town of New Windsor

CHECK NO.: 2143
MEMO:

DATE: 08/21/95

INVOICE NUMBER	INVOICE DATE	INVOICE AMOUNT	PREVIOUS PAY/CREDIT	DISCOUNT TAKEN	AMOUNT OF PAYMENT
081895	08/18/95	200.00			200.00

CHECK TOTAL: *****\$200.00

DUTCHESS TERMINALS, INC.

2144

VENDOR ID: TOW01

CHECK NO.: 2144

DATE: 08/21/95

PAYEE: Town of New Windsor

MEMO:

INVOICE NUMBER	INVOICE DATE	INVOICE AMOUNT	PREVIOUS PAY/CREDIT	DISCOUNT TAKEN	AMOUNT OF PAYMENT
081995	08/18/95	750.00			750.00

Escrow

CHECK TOTAL: *****\$750.00

ME # 15-01 11111
471-3333
DUTCHESS TERMINALS, INC.

256 NORTH ROAD
POUGHKEEPSIE, NEW YORK 12601

RIVERSIDE BANK
11-13 GARDEN STREET
POUGHKEEPSIE, NY 12601

2144

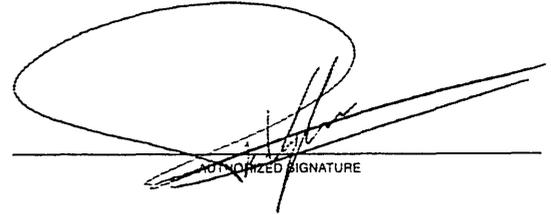
50-1134/219

CHECK NO. 2144

PAY: SEVEN HUNDRED FIFTY DOLLARS

DATE 08/21/95 AMOUNT *****\$750.00

PAY TO THE ORDER OF
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553



AUTHORIZED SIGNATURE

⑈002144⑈ ⑆021911343⑆ ⑈01 20 011127⑈

ME # 15-01 Application For Annual Vehicle License Fee Permit
471-3333
DUTCHESS TERMINALS, INC.

256 NORTH ROAD
POUGHKEEPSIE, NEW YORK 12601

RIVERSIDE BANK
11-13 GARDEN STREET
POUGHKEEPSIE, NY 12601

2143

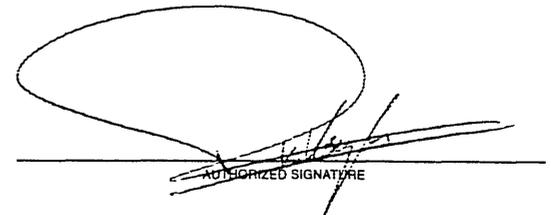
50-1134/219

CHECK NO. 2143

PAY: TWO HUNDRED DOLLARS

DATE 08/21/95 AMOUNT *****\$200.00

PAY TO THE ORDER OF
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553



AUTHORIZED SIGNATURE

⑈002143⑈ ⑆021911343⑆ ⑈01 20 011127⑈



1763

RECEIVED MAY 3 1996
TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: **95 - 25**

DATE PLAN RECEIVED: **RECEIVED** MAY - 2 1996 *Rev 2*

The maps and plans for the Site Approval _____
Subdivision _____ as submitted by
_____ for the building or subdivision of
_____ has been
reviewed by me and is approved _____,
disapproved _____.

If disapproved, please list reason _____

[Signature] 5/3/96
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 95 - 25

DATE PLAN RECEIVED: RECEIVED MAY - 2 1996 Rev 2

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

_____ for the building or subdivision of

C. Mason _____ has been

reviewed by me and is approved _____,

disapproved _____.

If disapproved, please list reason _____

HIGHWAY SUPERINTENDENT DATE

John D. Dis Amo - 5-6-96

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
4 BURNETT BOULEVARD
POUGHKEEPSIE, N.Y. 12603

ALBERT J. BAUMAN
REGIONAL DIRECTOR

JOHN B. DALY
COMMISSIONER

OCT. 19, 1995

MR. MARK J. EDSALL
PLANNING BOARD ENGINEER
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

RE: STATE ENVIRONMENTAL QUALITY REVIEW
DUTCHESS TERMINALS, INC.
TOWN OF VAILS GATE
ORANGE COUNTY.

This Department has no objection to the PLANNING BOARD
of the TOWN OF NEW WINDSOR.
assuming the role of lead agency for this action.

We have reviewed the Environmental Assessment Form (EAF) and find the estimated number of vehicular trips to be reasonable.

If a Draft Environmental Impact Statement of Traffic Study is prepared for the proposed project, please forward a copy to us for review.

Please be aware that a state Highway Work Permit will be required for any curb cuts and/or work within the Route(s) 207 right-of-way. An application and final site plan should be forwarded to this department's local Residency office, as soon as possible, to initiate the review process.

Other: A LATEST SITE PLAN SHOULD BE SUBMITTED
TO THIS DEPARTMENT FOR FURTHER REVIEW OF
THE PROPOSAL.

Very truly yours,

Wai K. Cheung
Civil Engineer II

By: Ahmed

Akhter A. Shareef
Civil Engineer I

cc: M.E.

10/20/95 (M)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 95 - 25

DATE PLAN RECEIVED: RECEIVED NOV - 1 1995

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

_____ for the building or subdivision of

C. Mans - _____ has been

reviewed by me and is approved

~~disapproved~~ _____

~~If disapproved, please list reason~~ _____

There is no town water in this area as yet -

HIGHWAY SUPERINTENDENT DATE

Steve D. DiCamo - 11-2-95
WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553



1763

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 95 - 25

DATE PLAN RECEIVED: RECEIVED AUG 24 1995

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

_____ for the building or subdivision of

C. Mans - _____ has been

reviewed by me and is approved

~~disapproved~~ _____

~~If disapproved, please list reason~~ _____

There is no town water in this area.

HIGHWAY SUPERINTENDENT DATE

Steve Didro, 8/30-95

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

"XX"

APPLICATION TO:
TOWN OF NEW WINDSOR PLANNING BOARD

17 TYPE OF APPLICATION (check appropriate item):

Subdivision _____ Lot Line Chg. _____ Site Plan Spec. Permit

1. Name of Project Gas Station Upgrade

2. Name of Applicant Dutchess Terminals Phone 471-3383

Address 256 North Road, Poughkeepsie, NY 12601
(Street No. & Name) (Post Office) (State) (zip)

3. Owner of Record C.P. Mans Phone 562-6003

Address Box 247 Vails Gate, NY 12584
(Street No. & Name) (Post Office) (State) (zip)

4. Person Preparing Plan James Spratt, Consulting Engineer

Address P.O. Box 156, Hyde Park, NY 12538-0156
(Street No. & Name) (Post Office) (State) (zip)

5. Attorney Peter McGinnis, Esq. Phone 471-5721

Address 297 Mill Street, Poughkeepsie, NY 12601
(Street No. & Name) (Post Office) (State) (zip)

6. Person to be notified to represent applicant at Planning Board Meeting James Spratt Phone 229-2767
(Name)

7. Project Location: On the South side of Route 209
(street)
opposite of ~~Bruening~~ Bruening Road
(direction) (street)

8. Project Data: Acreage of Parcel _____ Zone NC,
School Dist. _____

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? Y _____ N X

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

10. Tax Map Designation: Section 33 Block 1 Lot 9

11. General Description of Project: Upgrading gas station (existing)
New underground tanks, pumps and island, new canopy.
Renovation of sales office and exterior finish

12. Has the Zoning Board of Appeals granted any variances for this property? yes no.

13. Has a Special Permit previously been granted for this property? yes no.

ACKNOWLEDGEMENT:

If this acknowledgement is completed by anyone other than the property owner, a separate notarized statement from the owner must be submitted, authorizing this application.

STATE OF NEW YORK)

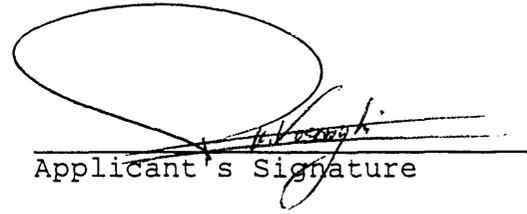
SS.:

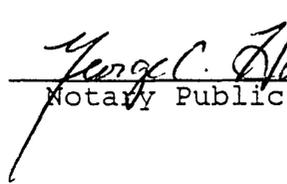
COUNTY OF ORANGE)

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

4th day of August 1995


Applicant's Signature


Notary Public

GEORGE C. HARNEN
Notary Public of New York State
No. 01HA1678826
Residing Dutchess County
Commission Expires 12/31/95

TOWN USE ONLY:

Date Application Received

Application Number

TOWN OF NEW WINDSOR PLANNING BOARD
SITE PLAN CHECKLIST

ITEM

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Site Plan Title | 29. <input checked="" type="checkbox"/> Curbing Locations (Existing) |
| 2. <input checked="" type="checkbox"/> Applicant's Name(s) | 30. <input type="checkbox"/> Curbing Through Section |
| 3. <input checked="" type="checkbox"/> Applicant's Address(es) | 31. <input type="checkbox"/> Catch Basin Locations |
| 4. <input checked="" type="checkbox"/> Site Plan Preparer's Name | 32. <input type="checkbox"/> Catch Basin Through Section |
| 5. <input checked="" type="checkbox"/> Site Plan Preparer's Address | 33. <input type="checkbox"/> Storm Drainage |
| 6. <input checked="" type="checkbox"/> Drawing Date | 34. <input type="checkbox"/> Refuse Storage |
| 7. <input checked="" type="checkbox"/> Revision Dates | 35. <input type="checkbox"/> Other Outdoor Storage |
| 8. <input type="checkbox"/> Area Map Inset | 36. <input checked="" type="checkbox"/> Water Supply (Existing) |
| 9. <input type="checkbox"/> Site Designation | 37. <input checked="" type="checkbox"/> Sanitary Disposal System (Existing) |
| 10. <input type="checkbox"/> Properties Within 500' of Site | 38. <input type="checkbox"/> Fire Hydrants |
| 11. <input type="checkbox"/> Property Owners (Item #10) | 39. <input checked="" type="checkbox"/> Building Locations |
| 12. <input checked="" type="checkbox"/> Plot Plan | 40. <input type="checkbox"/> Building Setbacks |
| 13. <input checked="" type="checkbox"/> Scale (1" = 50' or lesser) | 41. <input checked="" type="checkbox"/> Front Building Elevations |
| 14. <input checked="" type="checkbox"/> Metes and Bounds | 42. <input checked="" type="checkbox"/> Divisions of Occupancy |
| 15. <input checked="" type="checkbox"/> Zoning Designation | 43. <input type="checkbox"/> Sign Details |
| 16. <input checked="" type="checkbox"/> North Arrow | 44. <input type="checkbox"/> Bulk Table Inset |
| 17. <input type="checkbox"/> Abutting Property Owners | 45. <input checked="" type="checkbox"/> Property Area (Nearest 100 sq. ft.) |
| 18. <input checked="" type="checkbox"/> Existing Building Locations | 46. <input checked="" type="checkbox"/> Building Coverage (sq. ft.) Existing |
| 19. <input checked="" type="checkbox"/> Existing Paved Areas | 47. <input checked="" type="checkbox"/> Building Coverage (% of Total Area) |
| 20. <input type="checkbox"/> Existing Vegetation | 48. <input checked="" type="checkbox"/> Pavement Coverage (sq. ft.) Existing |
| 21. <input checked="" type="checkbox"/> Existing Access & Egress | 49. <input checked="" type="checkbox"/> Pavement Coverage (% of Total Area) |
| <u>PROPOSED IMPROVEMENTS</u> | |
| 22. <input type="checkbox"/> Landscaping | 50. <input checked="" type="checkbox"/> Open Space (sq. ft.) Existing |
| 23. <input checked="" type="checkbox"/> Exterior Lighting + signs | 51. <input checked="" type="checkbox"/> Open Space (% of Total Area) |
| 24. <input type="checkbox"/> Screening | 52. <input checked="" type="checkbox"/> No. of Parking Spaces Prop. (Front) |
| 25. <input checked="" type="checkbox"/> Access & Egress | 53. <input checked="" type="checkbox"/> No. of Parking Spaces Req. (Rear) |
| 26. <input checked="" type="checkbox"/> Parking Areas | 52A: <u>6</u> No. of Parking Spaces Prop |
| 27. <input type="checkbox"/> Loading Areas | 53A: <u>6</u> No. of Parking Spaces Req. |
| 28. <input type="checkbox"/> Paving Details
(Items 25-27) | |

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. required for all applicants filing AD Statement.
- 55. _____ A Disclosure Statement, in the form set below must be inscribed on all site plan 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 leasor 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 Ne Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The Site Plan has been prepared in accordance with the checklist and the Town of New Windsor Ordinances, to the best of my knowledge

By: James Small, P.E.
Licensed Professional

Date: August 19, 1995

APPLICANT'S PROXY STATEMENT
(for professional representation)

for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD

C.P. Mans, deposes and says that he
(Applicant)

resides at P.O. Box 247, Vails Gate, NY 12584
(Applicant's Address)

in the County of Orange

and State of New York

and that he is the applicant for the Up-grading of existing
gas station on Route 207 opposite ~~the~~ Bruening Road
(Project Name and Description)

which is the premises described in the foregoing application and

that he has authorized James Spratt, Consulting Engineer
^{Dutchess Terminals}
(Professional Representative)

to make the foregoing application as described therein.

Date: 8/21/95

[Signature]
(Owner's Signature)

[Signature]
(Witness' 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.

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <i>Dutchess Terminals, Inc</i>	2. PROJECT NAME <i>Gas Station Upgrade</i>
3. PROJECT LOCATION: Municipality <i>Town of Vails Gate</i> County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>South side of State Route 207 opposite Bruening Road (entrance to Stewart Field)</i>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Replace underground tanks and pump island, build new canopy over pump island, renovate sales area of station, refinish exterior of building.</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>0.4 ±</i> acres Ultimately <i>0.4 ±</i> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input 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(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval <i>Town of New Windsor use permit</i>	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>Variance for new canopy</i>	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>James Spratt Consulting Engineer</i>	Date: <i>8/4/95</i>
Signature: <i>James Spratt</i>	

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

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 8 NYCRR, PART 617.12? 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 8 NYCRR, PART 617.87 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 patterns, 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. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly

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.

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

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Preparer (if different from responsible officer)

Date



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

9 April 1997

MEMORANDUM

TO: Michael Babcock, Town Building Inspector

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

SUBJECT: DUTCHESS TERMINAL SITE PLAN - ROUTE 207
NEW WINDSOR PLANNING BOARD NO. 95-25

This memorandum will confirm our field review and discussions in connection with the subject project on the afternoon of 8 April 1997. At that time, we noted ongoing construction at the site. In addition, please note the following items:

1. It is obvious that a substantial cleanup effort will be needed before the site can be deemed complete and acceptable for purposes of issuance of a Certificate of Occupancy. Perhaps the Assistant Building Inspector can advise the site contractor of the need to proceed with this cleanup effort.
2. It was noted that the approval for Application 95-25 (Dutchess Terminals) requires a finished and painted epoxy stucco finish for the north and west side. The south and east sides of the building are to be newly painted with a color scheme to match the north and west sides.
3. It was noted that the new windows and doors called for on the site plan have been installed.

9 April 1997

MEMORANDUM
PAGE 2

4. With regard to the cleanup and modifications required for the adjoining residential multi-family occupancy (also owned by Casey Mans) any requirements for work on this site were a condition of the Park-Fly-Drive site plan (Application 92-11). As such, it is my understanding that these could not be enforced as part of the Dutchess Terminal site plan, but will be enforceable at such time that a Certificate of Occupancy or Certificate of Compliance is requested for the Park-Fly-Drive site plan.

We will obviously need to perform a follow-up review of the Dutchess site plan at some time in the future. If you have any questions in the interim, please do not hesitate to contact me.

Respectfully submitted,



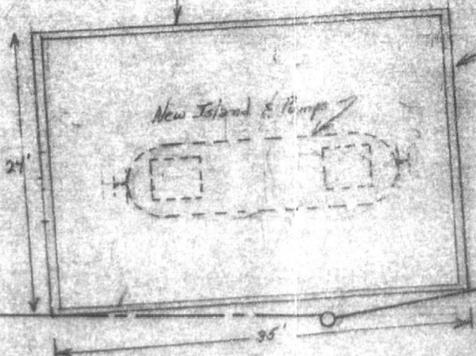
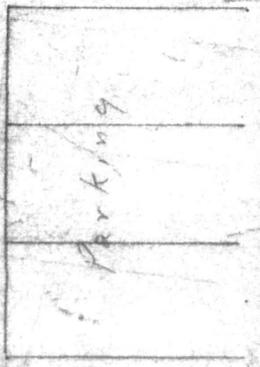
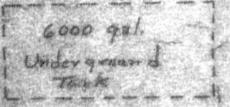
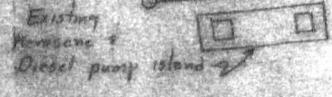
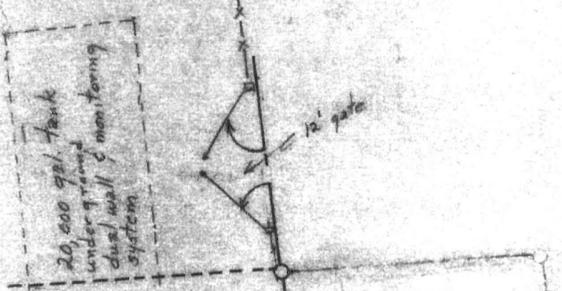
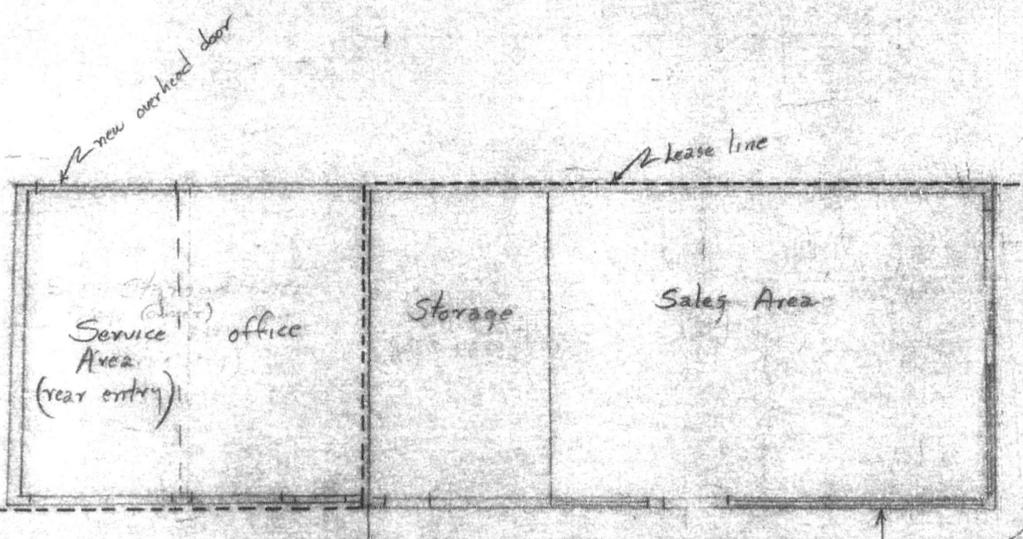
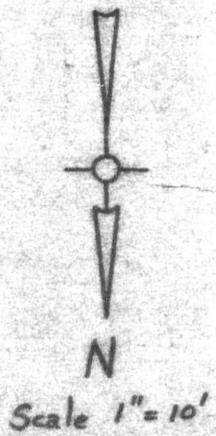
Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

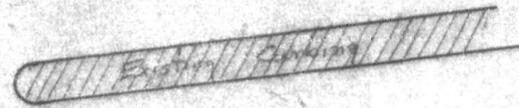
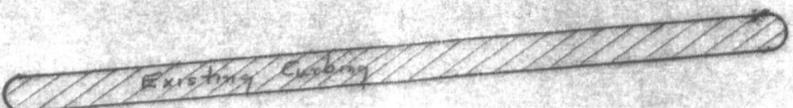
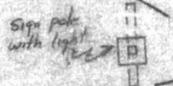
cc: James Petro, Planning Board Chairman

A:4-9-2E.mk

Parcel 0.4[±]Ac
Zoning - NC



New canopy with lighting and fire suppression equipment



Campbell Hill →

Newburgh ←

Route 207

SITE PLAN

GAS STATION UPGRADE

APPLICANT: Dutchess Terminals, Inc
256 North Road, Poughkeepsie, NY

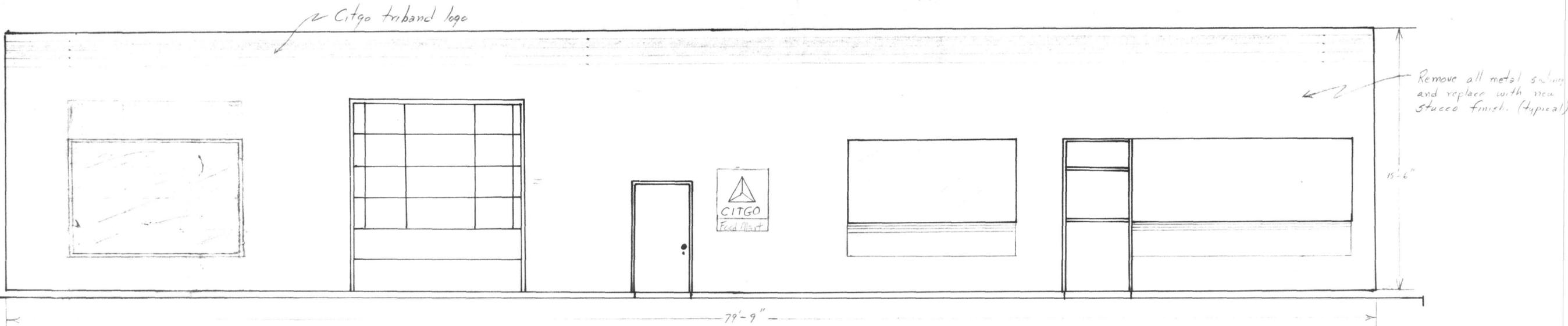
OWNER: C. Madsen
Vails Gate, NY



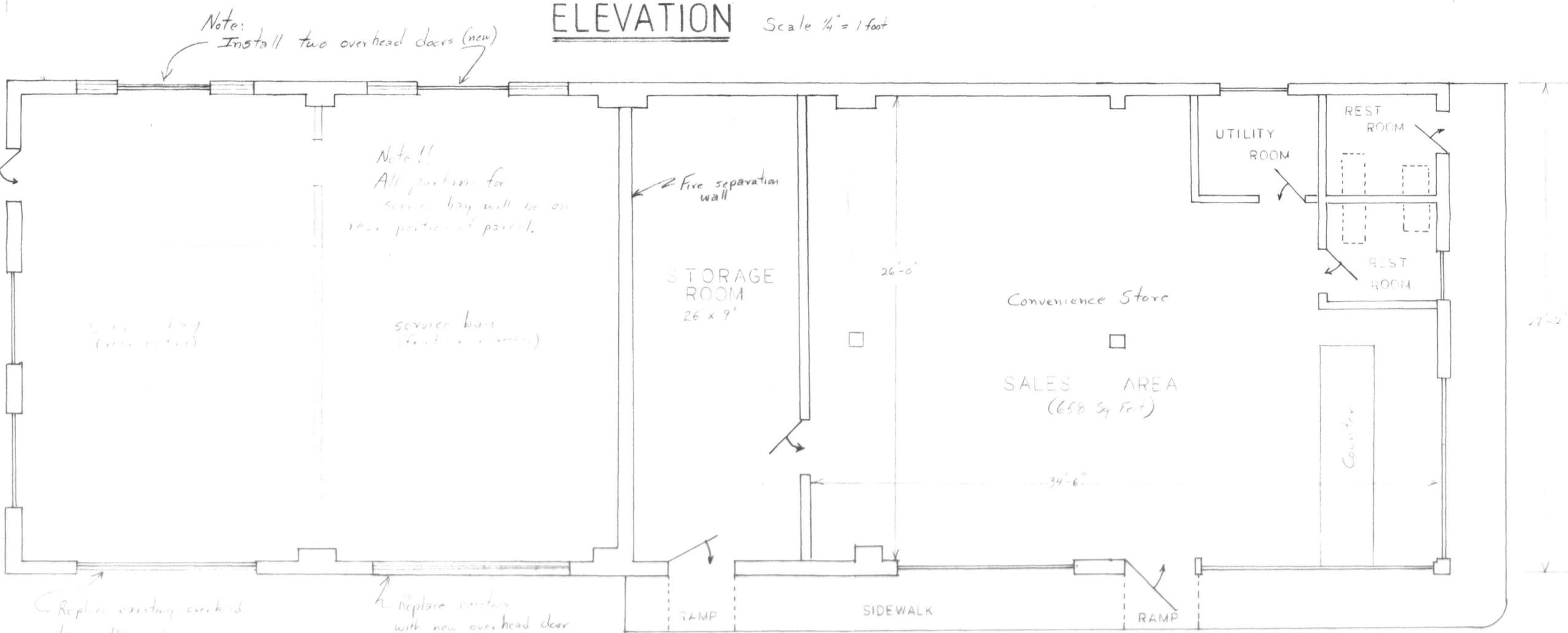
Engineer:
James Spratt, P.E.
Consulting Engineer
Hyde Park, NY.

PO. Box 156
Date: 6/22/95
Revision: 01/19/95

2 of 4



ELEVATION Scale 1/4" = 1 foot



PLAN Scale 1/4" = 1 foot

GAS STATION UPGRADE route 207
new windsor, new york

Owner: C. Mans Vails Gate, New York	Engineer: JAMES SPRATT, P.E. P.O. Box 156 Hyde Park, NY 12538	
Date 6/20/75 Revision 8/15/75 Revision 8/15/75 Revision 9/22/75 Revision 9/22/75 Revision 10/27/75	Revision 10/27/75 Revision 4/29/76	



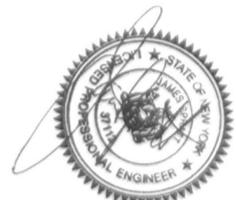
BUILDING PERSPECTIVE

Owner C. Mans
Vails Gate, NY

Engineer:
James Spratt, PE.
P.O. Box 156
Hyde Park, NY 12538

Note:
Existing exterior to be removed.
Replace with new under layment
with new epoxy stucco finish (typical)

Date	6/22/95
Revision	8/12/95
Revision	8/17/95
Revision	9/20/95
Revision	9/28/95
Revision	10/15/95
Revision	4/29/96



SHEET #
3 of 3