

TOWN OF NEW WINDSOR

PLANNING BOARD

August 12, 2015

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

ALSO PRESENT: VERONICA MC MILLAN, ESQ.  
PLANNING BOARD ATTORNEY

JENNIFER GALLAGHER  
BUILDING INSPECTOR

STEPHANIE RODRIGUEZ  
PLANNING BOARD SECRETARY

MEETING AGENDA:

1. New Windsor II MHP
2. Ridge Rise
3. USAI S.P.
4. Deep Green
5. Patriot Bluff
6. Meadowbrook Estates
7. Jet Wash Auto Spa

**REGULAR MEETING:**

MR. ARGENIO: I want to call the August 12 regular meeting of the Town of New Windsor Planning Board to order. Would everybody please stand for the Pledge of Allegiance?

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED 7/22/15

MR. ARGENIO: Welcome everybody. The first item we have on tonight's agenda is an approval of the minutes dated 7/22/15, sent out via e-mail on 7/27.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that we accept them as written.

ROLL CALL

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

MR. ARGENIO: Mark Edsall is not with us, he called me late today, he has been suffering from vertigo on and off lately and he had I'll call it an attack only cause I don't know what to call it yesterday and the doctor said no driving, no nothing. So he's on his back at his house but I did talk to him several times today about particularly about Ridge Rise but we'll see where that takes us.

ANNUAL MOBILE HOME PARK REVIEW:

NEW WINDSOR II MOBILE HOME PARK

MR. ARGENIO: New Windsor II Mobile Home Park.  
Somebody here for this? Ma'am, is that you?

MS. MC MILLAN: She's not sure.

MRS. GALLAGHER: Did Steve Machowski (phonetic) send  
you?

MS. DEERHOLD: Yes.

MR. ARGENIO: We're prepared to hear a full report.  
Okay, Jennifer, on this mobile home park that's the New  
Windsor II Mobile Home Park, has somebody from your  
office been out there to have a look?

MRS. GALLAGHER: Yes.

MR. ARGENIO: Ma'am, you're here to represent the  
mobile home park?

MS. DEERHOLD: Yes.

MR. ARGENIO: Did you bring a check made out to the  
benefit of the Town of New Windsor in the amount of  
\$250?

MS. DEERHOLD: Town of New Windsor for \$250.

MR. ARGENIO: Yes. Jennifer says everything there  
seems to be okay. As such, I'll accept motion for one  
year extension.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded we offer New  
Windsor II Mobile Home Park one year extension. Roll  
call.

ROLL CALL

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

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MR. ARGENIO                    AYE

MR. ARGENIO: Thank you for coming, wasn't too  
difficult, was it?

MS. DEERHOLD: No.

REGULAR ITEMS:

RIDGE RISE (04-27)

MR. ARGENIO: The first regular item is Ridge Rise and they're not here yet and I don't know why they're not here because a lot of people including Veronica I know and myself have done a great deal of work on this application to try to bring this forward. So that's to be continued. Off the record.

(Discussion was held off the record. Whereupon,  
following which, these further proceedings  
transpired.)

USAI SITE PAN AMENDMENT (15-11)

MR. ARGENIO: We're back on the record. Next on tonight's agenda is USAI Lighting plan, site amendment. This application proposes parking improvements on the south side of existing facility. Plan was reviewed on a concept basis only. Michele Babcock is here to represent the applicant along with?

MS. MARQUARD: Jessy Marquard.

MR. ARGENIO: Michele or Mrs. Marquard, you tell us what you want to do here. First of all, explain where we are in the town, if you could?

MS. MARQUARD: Here's the site location map, 69 Union Avenue is right here and the site is right along the railroad tracks.

MR. ARGENIO: You're not helping me, what's north and what's south of the site?

MS. MARQUARD: South is the Hudson River, north--

MR. ARGENIO: Ronnie, where is it?

MR. BLOOMER: Right next to the burn plant.

MR. ARGENIO: South or above?

MR. BLOOMER: North of the burn plant right where Afron used to be.

MR. ARGENIO: I got it, okay, you guys know where that is?

MR. VAN LEEUWEN: I know where it is.

MR. ARGENIO: So the river would be to the east, it seems okay. Miss Marquard, tell us what you want to do here?

MS. BABCOCK: The applicant is seeking amended site plan approval to parking on the site, 102 new parking spaces. These improvements are being performed as part of the New York State Brownfield Cleanup Program which allows them to do the cleanup as part of the site plan development. Applicant is not proposing any expansion to the existing footprint of the building and the plans provided to the board depict the changes which include

additional parking, added storm water improvement and landscaping.

MR. ARGENIO: I don't have any parking on the plan here. You guys good?

MR. FERGUSON: Yes.

MR. BROWN: Yes.

MR. ARGENIO: We have grading and utilities here too. Henry, we can look at that as well.

MS. BABCOCK: So what I'm going to do I'll turn it over to Jessica, she can review some of the changes in detail.

MR. ARGENIO: Just hold on and let us get our stuff together. There's our grading plan and there's our site plan. Okay, go ahead.

MS. MARQUARD: This is the USAI Lighting site, there's their main building, all of our work is on the south end of the site here, it's an existing abandoned building that will be removed and demolished. There's some concrete pads that are going to be removed.

MR. ARGENIO: What are those buildings that you pointed out?

MS. MARQUARD: They're abandoned. So as Michele mentioned, there's remediation planned underway.

MR. VAN LEEUWEN: That's the old Afron plant?

MS. BABCOCK: Yes.

MS. MARQUARD: This is the demolition plan so as you can see, we're removing a lot of pavement, we're removing concrete, removing two buildings and this remediation will occur within this area.

MR. ARGENIO: Remediation, you have soil issues down there, yes?

MS. MARQUARD: And this is under the oversight of DEC who's reviewing our remediation.

MR. VAN LEEUWEN: I didn't hear you.

MS. MARQUARD: DEC is reviewing and approving our plan.

MR. ARGENIO: Is Ronnie Bloomer part of your group?

MR. BLOOMER: Yes.

MR. ARGENIO: You're a contractor?

MR. BLOOMER: Yes, construction manager.

MR. ARGENIO: You seem to be pretty familiar with the site, why don't you come up and stand here?

MS. MARQUARD: So this colored area here is within our work area, their work limit, this is the building here, we're on the south end of the building, railroad tracks are down here. We have, last time you saw this project, the parking lot was smaller and only one entrance. What we have done we have added another entrance on River Road so we can separate truck traffic from passenger car traffic so trucks would enter through here. The reason for these ankles is because they'd need to get big trucks, trying to minimize the amount of pavement but enough space for trucks to move around, they'd come in here, use this area here and back into the primary loading dock. So towards the east and back in general.

MR. VAN LEEUWEN: Where is the building at?

MS. MARQUARD: Right here.

MR. VAN LEEUWEN: Okay.

MS. MARQUARD: Yes, it's outside this work area so we're not expanding the building.

MR. VAN LEEUWEN: You're not doing anything to the building?

MS. MARQUARD: There's some interior change going on. Another access through here, truck could also come in through here and back in through the, to the secondary loading dock as well as the primary loading dock. There's about 100 parking spaces through here, in here there's also we're adding fencing along here. When we met with DOT about the second entrance, they asked that some of the vegetation will be removed to increase the sight lines so we noted that on the plan. Everything you see here in green will be reseeded topsoil, seed

and mulch for grass and you can see some landscaping in front of the fence here, landscaping in around the parking lot and then there's also a timber guiderail that separates the truck traffic from the parking lot so we don't have people going through the truck entrance and trying to drive into the parking lot and also keep the trucks away from the cars. So that guiderail goes all the way around here and here for site security, two gates here for the trucks and for the passenger cars are going to be locked in general, excuse me, open in general at night, they'll be closed. The landscaping is a mix of evergreens and deciduous shrubbery, can't have plants because we're going to have a cap on top, cap on top of the remediation, we don't want the roots to grow through. This is high on River Road and we're low down here so site is sloping towards the east. The parking lot is draining, it's going to hit some curbs here and be released through two breaks in the curb which will then move across the road. They have some areas of sod so there's no erosion happening in the short term until the grass is established and we have an open channel seal which will treat the water coming off the parking lot so that's all through here.

MR. ARGENIO: What's the soil placement area for just below that that you just described?

MS. MARQUARD: The soil placement area is for any soils, so there's DEC and environmental engineers that are going to be working through the environmental plan for the remediation and some of the soils will be able to stay on site so they'll be placed here and then they'll be properly capped.

MR. ARGENIO: How does that work, you're going to pull soil out and you're going to put the soil in that placement area, is that right?

MS. MARQUARD: Some of the soil will leave the site.

MR. ARGENIO: What's the criteria?

MS. MARQUARD: I want either DEC or our environmental engineers to talk about the detail of that, there's a remediation plan in place that DEC's reviewing so all the criteria--

MR. VAN LEEUWEN: Can you speak a little louder?

MS. MARQUARD: So there's a remediation plan right now being reviewed by DEC that contains that criteria.

MR. ARGENIO: You know what I would, I'm not going to press you on that tonight, but at some point in time we need to, at least the planning board needs at least to have kind of a broad stroke understanding of what your, what the plan is, that would be good for us to know.

MR. BLOOMER: On the remediation?

MR. ARGENIO: Yeah, I've seen a berm there that's 10 foot tall, Ronnie, you know, what's the dig, is that berm sufficient enough to contain the material you're taking out? Without knowing the criteria, I don't know. Any of you can answer that.

MR. BLOOMER: The soils have been tested and DEC has talked through the engineering firm on what needs to get done and how much remediation. There's some soil, maybe 1,000 or so yards that are being removed from there and there's some soils that pass tests that can stay on the site.

MR. ARGENIO: So that's for the soil placement area?

MR. BLOOMER: Right.

MR. ARGENIO: How many yards is that?

MR. BLOOMER: Everything will be controlled through that area there so everybody will be placed there, removed from there, placed and removed from there, there's capping material being brought in over the whole site so there are some grades that are being done but not being--

MR. ARGENIO: What's that capping material, is it an open graded material or clay cap?

MR. BLOOMER: It's actually a crushed stone material.

MR. ARGENIO: Open graded material?

MR. BLOOMER: Right, and there's some asphalt areas we'll be replacing, you're familiar with the site, there's, along this whole road here, this is pretty much all open, so there's like three or four drives right now so what they're trying to do is what she's created was reduce it to two entrances, control the

flow with the trucks separate from the cars, we've got some concrete curbing in here to, you know, make it, to dress it up outside here and the landscaping and the fencing, the fencing has been moved off the road about 30 feet to allow cars to pull off so they're not staging outside, it's a pretty busy street out there.

MR. ARGENIO: Are these green areas right here?

MR. BLOOMER: Yes.

MR. ARGENIO: You didn't even see where I'm pointing to.

MR. BLOOMER: I seen you hit right there. I'm facing ahead, try again. Yes, they are green areas, we put green areas in, shrubs and she told you we'd put a guardrail around to keep the trucks and the cars away from each other.

MR. ARGENIO: What's the guardrail made of?

MS. MARQUARD: Timber, there's a detail on the map package.

MR. ARGENIO: Members, if anybody has any questions now would be a good time because I'm going to go through Mark's comments. I'm sure Henry wants to ask a question about a flag pole. Miss Marquard and Michele, I just want to go through some of Mark's items and Veronica just so we can move along with the procedural issues, should explain the traffic separation, you did that, Mark's got a couple points that he was concerned about. Miss Marquard, for some reason on the plans Mark is a little unclear about where the curb begins and ends so if you can just get that squared away, make sure that's very clear, that would be helpful. I'm going to read from Mark's notes, the submittal does not include a lighting plan. This should be provided with isolux curves and details. Can you help us with that?

MS. MARQUARD: Yes.

MR. ARGENIO: Do you have a dumpster enclosure somewhere?

MR. BLOOMER: On the site currently?

MR. ARGENIO: No, on the proposed site?

MS. MARQUARD: No.

MR. ARGENIO: You should address that. It's on the north end.

MR. BLOOMER: It's on the north end, they do the dumpsters on the north end of the property.

MR. ARGENIO: Put a note on the plan, Miss Marquard, that would be helpful, that would address that issue. Veronica, is there any reason we can't circulate for lead agency?

MS. MC MILLAN: I don't think so, I think it's appropriate for a coordination letter at this point.

MR. ARGENIO: Anybody see fit, I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board circulate for lead agency on USAI Lighting plan. I'll have a roll call.

ROLL CALL

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

MR. ARGENIO: I feel, it's my opinion and I'm going to ask the members what they think and then I'm, well, first I'm going to ask you, Miss Marquard, are you comfortable that the plan is substantially what you're going to want to build when you're done, is your applicant comfortable with that?

MS. MARQUARD: Yes.

MR. ARGENIO: Members, we have, this has to go to county because of its proximity to the state highway.

MR. VAN LEEUWEN: Send to the county, I move.

MR. ARGENIO: You guys okay with that? Danny, are you okay with that?

MR. GALLAGHER: I am.

MR. ARGENIO: Why don't we get that off, send Mark a note that says that we, I think we should be doing that. I don't know what else we need to look at. Ma'am, do you have a copy of Mark's comments?

MS. MARQUARD: I just got them.

MR. ARGENIO: I think we need to understand this environmental thing a little better, what you're doing there, rather than just be talking about broad stroke, there's going to be a dig, we're going to pile stuff here, that's the way it's going to happen. I don't want to be sarcastic and say soil's going to magically move and things like that.

MR. BLOOMER: There's a whole remediation plan, couple hundred pages.

MR. ARGENIO: I don't want that but what I do want is some kind of understanding what's going on there.

MR. BLOOMER: Okay.

MR. ARGENIO: I think we should have that as a planning board.

MS. MARQUARD: Okay.

MR. ARGENIO: We represent the citizens of the Town of New Windsor and the town and we should know what's going on there and I'm happy your client's going to clean it up.

MR. BLOOMER: Oh, yeah, it's a good idea.

MR. ARGENIO: Michele, anything else on this? You seem to be approaching like you're going to say something.

MS. BABCOCK: No, we're in receipt of Mark's comments and we'd like the opportunity to go back and to address those comments and then we'll come back to the board and address his concerns as well as the comments that you've raised this evening.

MR. ARGENIO: Okay, do you guys have anything else, Harry or Howard, do you have any other thoughts? Danny, anything?

MR. GALLAGHER: No.

MR. VAN LEEUWEN: No.

MR. BROWN: No.

MR. ARGENIO: Anything else to talk about? Good luck to you.

MS. BABCOCK: Thank you very much.

RIDGE RISE (04-27) CONTINUED

MR. ARGENIO: So we skipped over Ridge Rise because there was nobody here but I see Mr. Zeppone just walked in 25 minutes late so we'll get going.

MR. VAN LEEUWEN: So we'll see you next month or next year.

MR. ARGENIO: Do you have plans, Al, are you ready to talk about this or what's your story?

MR. ZEPPONE: Yes, I've got plans in the car, if you'd like to see them, I can get them but I thought I was here just to acknowledge that we agree to all the terms. And with regard to being late, somebody in my office called Town Hall today and was given this time or it was posted at this time at 7:30, again, I apologize.

MRS. GALLAGHER: 7:00.

MR. ARGENIO: Every meeting's 7:00, you don't have any plans?

MR. ZEPPONE: Same plan I had last time, I have it in the car, I thought I was here basically to say we've gotten the terms from Mark.

MR. ARGENIO: Did you receive Mark's memo today?

MR. ZEPPONE: Yes.

MR. ARGENIO: You did receive that?

MR. ZEPPONE: Received it, we sent it over to Tomer who's still abroad, he verbally confirmed he did agree to all of it and sent me a memo confirming in writing that he did agree to it so every stipulation in there is agreed to.

MR. ARGENIO: We're on a similar sheet of music here, we do need to go through a few things and we have plans here, I don't think you need plans but it would be good, maybe one of these guys has a question. We've certainly seen this enough times. I'll read this into minutes. Next on tonight's agenda is Ridge Rise multi-family site plan. This application proposes development of the 30 plus acre parcel into a multi-family development with 149 units. The plans

were previously reviewed at the 13 October 2004, 25 October 2006, 26 March 2008, 18 November 2009, 11 August 2010, 9 March 2011, 8 August 2012, 13 March 2013, 10 April 2013, 22 May 2013, 26 June 2013, 14 May 2014, 22 October 2014, 10 June 2015 and 24 June 2015 planning board meetings. Now all that said, the plans in all fairness they did change and Mr. Zeppone's client was driven by market conditions and financing and I'm sure a host of other issues that I have not even mentioned.

MR. ZEPPONE: They have dramatically changed at least three times.

MR. ARGENIO: Yes, they have, we have covered a lot of nuts and bolts and members, please, this is kind of for your benefit as much as it is the public and yours too as the new kid, so we've covered a lot of ground on this plan and we've gone round and round with dumpster locations and lighting and flag poles and parking down at the DOT right-of-way and access, et cetera, et cetera, ad nauseam. This said, I'm going to go through a couple of high points of Mark's commentary, as I said, I spoke to him several times in the interest of trying to button this thing up once and for all this evening and Al, I'm going to come back to you and I'm going to hit a couple of high points of that memo which will be part of a developer's agreement and then Veronica I'm going to come to you in case there's something you want to add from a legal perspective. So again, ever so briefly going through Mark's comments, he acknowledges that Mr. Zeppone had addressed most all of his comments and the plans have come a long way under this current iteration. Mark addresses parking that they have met the parking requirements, talked about the Corporate Drive improvements which I'll get into just a little bit in a few movements. Mark has a note here that says to date, the information promised relative to DOT has not been submitted. So the DOT approval details seem to be an open issue which I don't think is the case now, Al, I think you did give us that letter which in the interest of buttoning things up let's go right to that so I can share with the members on that so they are in fact aware. I have a letter from the DOT, Mary McCullough, from the permits unit and I'm not going to read it into the minutes but essentially the letter says that the DOT in lieu of the current very tight economic climate in Orange County they agree to the installation of the highway improvements in two distinct phases. Specifically,

they say in the interest of economic development while also preserving public safety, we remain flexible in consideration of creative solutions. With the openings of driveways now aligned, these revised plans are acceptable to DOT. Once the applicant is completed, the SEQRA process detailed plans can be submitted for permit processing. Those thresholds for the edification of the members on the construction of the DOT improvements and all if you disagree with anything I say please interrupt me, I'm going to summarize in the end are that the developer agrees that they shall cause a submittal of a full set of complete plans and traffic analysis to the DOT no later than their request for the 40th building permit and guys, that threshold was determined by the DOT. I have the traffic counts here if any of you guys want to look at them, they did an analysis of the expected traffic counts and what they said was in a prior letter which again I'm not going to go back into all these former detail warrants weren't met to install the improvements until they reach about their 60th unit, we set that limit at 40 and in the interest of being conservative for the benefit of the people of the town. Howard, you wanted to say something?

MR. BROWN: No.

MR. ARGENIO: So that's that threshold. And another threshold is they'll start the construction of the New York State Route 32 highway improvements prior to their request of the 67th building permit for the project and they also agree that the applicant developer shall cause completion of the New York State Route 32 off-site improvements and obtain acceptance of this work by the DOT prior to their request of the 100th building permit for the project or sooner if directed by the DOT. And just remind you guys it's 149 units, so 2/3 buildout DOT improvements are done essentially so that's the deal with that. So let me just again continue, we have letter from the fire inspector, yes, is that correct with approved, we have a letter from E-911?

MRS. GALLAGHER: No, disapproved from E-911.

MR. ARGENIO: What do they need?

MRS. GALLAGHER: He needs to get with them.

MR. ARGENIO: You need to submit both street names.

MR. ZEPPONE: We have given a list.

MRS. GALLAGHER: He has.

MR. ARGENIO: Figure it out, not a show stopper but you need to figure that out. Anything you get tonight is subject to that, municipal water's approved, sewer's approved, DOT we just talked about a bit again, Al, do you have Mark's comments, not the e-mail, not the memo from today but his comments?

MR. ZEPPONE: The previous 19 pages?

MR. ARGENIO: Tonight's comments?

MR. ZEPPONE: I do.

MR. ARGENIO: You do have tonight's comments, you're sure?

MR. ZEPPONE: Positive.

MR. ARGENIO: Just want to make sure we're being clear, got to be clear, right, Henry?

MR. VAN LEEUWEN: Damn right.

MR. ARGENIO: Am I speaking loud enough?

MR. VAN LEEUWEN: Yes.

MR. ARGENIO: You're going to remove that billboard when you're done with your sales? Just to remind the other members, I think Tomer said a few meetings ago he wanted to use that for advertising, that note is on the plans. And all you were asked to supply us with letters indicating all the outside agency approvals which members I do have in my hand, Danny, I have them here from the Department of Health, the United States Department of Interior, from the DOT, and there's one other one that I don't have for whatever reason but Mark does have it and I don't remember what the heck it was, may have been DEC, Al?

MR. ZEPPONE: I'm thinking, well, DEC you assumed jurisdiction and the plans were approved sometime ago.

MR. ARGENIO: I don't remember what it was but it was a letter speaking in the affirmative about the project so

I don't know.

MR. ZEPPONE: There was one from the Army Corps on the wetlands and the old permit expired because it's taken so long for us, they sent their people out, made minor adjustments based on the wetlands being adjusted, we made those adjustments, they came out to confirm and we're waiting for the letter, potentially, that's it.

MR. ARGENIO: Let me circle back to the last thing I'm going to speak about then if any of you guys have questions we can address them. I'm sure I've been immersed in this thing for three days. Relative to Corporate Drive, all this maintenance agreement thing, town's not going to get drug into any kind of mess that may or may not happen between, the HOA and the current folks that reside on that road so you're going to get that agreement squared away or you own the road?

MR. ZEPPONE: I was going to say the literature that went back and forth between myself and Tomer is that a, he's the owner, so if all else falls apart he's responsible right now.

MR. ARGENIO: That's my point, don't need to say anything else, that's my point, that was my point.

MR. ZEPPONE: It's on the record and he acknowledges it.

MR. ARGENIO: Okay.

MR. VAN LEEUWEN: You're not the owner of Corporate Drive?

MR. ZEPPONE: No, when he says me, I'm just the engineer but somehow--

MR. ARGENIO: I have a proxy from Tomer that you can represent him.

MR. ZEPPONE: Absolutely.

MR. VAN LEEUWEN: So that's what I thought--

MR. ARGENIO: That's why I keep saying you. Howard Brown, you had a question?

MR. BROWN: Yeah, these are rental houses, right?

MR. ZEPPONE: Yes.

MR. BROWN: There's no homeowners' association?

MR. ZEPPONE: I think ultimately as he discussed the plan might be to convert these at some point in the future because each have individual service connections and meters, he would have to come back here to do that, I believe.

MR. ARGENIO: The town is not taking those roads, can you, Veronica, can you speak to Howard's concern which I think Howard what you're saying is if they're rental units who owns the road?

MR. BROWN: The owner should be responsible.

MS. MC MILLAN: The owner of the project is the owner of Corporate Drive, in the absence of this maintenance agreement that the owner's attempting to work out with the other property owners on Corporate Drive, the owner will remain responsible for the drive.

MR. ARGENIO: The owner of the project?

MS. MC MILLAN: Yes, because this is currently a rental project, this will not have a homeowners' association associated with it so the owner of the project will remain responsible for the road, that's one of the things that the representative is agreeing to tonight as part of Mark's overall comments or affirming I should say.

MR. VAN LEEUWEN: All the roads, not only Corporate?

MS. MC MILLAN: Interior to the project is also privately owned roads, yes.

MR. ARGENIO: The reason we're focused on Corporate Drive at this particular moment is because Corporate Drive is going to require improvements and the owner of this project that's in front of us pays for the improvements as far as maintenance after that, if he can't get us some kind of maintenance agreement, he's got to maintain that road, that's the message that's the thrust.

MR. VAN LEEUWEN: That's what I thought.

MR. ARGENIO: So we talked about Corporate Drive, we

talked about the HOA.

MR. VAN LEEUWEN: You understand that?

MR. ZEPPONE: Oh, yeah, absolutely.

MR. ARGENIO: Al, you're going to widen the road to 26 feet?

MR. ZEPPONE: Right.

MR. ARGENIO: I say you, obviously mean your client.

MR. ZEPPONE: Yes.

MR. ARGENIO: Fix the failed potholes, et cetera, you're going to install the drainage as shown on the plans and you're going to camera the sewer mains, is that right to determine if it's--

MR. ZEPPONE: Yes, if they need repair or replacement.

MR. ARGENIO: Lining, whatever the case may be and you're going to get with Mark and figure out what that's got to be?

MR. ZEPPONE: That's correct.

MR. ARGENIO: Install curbs where required and you're going to top it when you're done?

MR. ZEPPONE: Yes.

MR. ARGENIO: And stripe it?

MR. ZEPPONE: Sure.

MR. VAN LEEUWEN: Going to put sidewalks in?

MR. ARGENIO: No, no, commercial road, Henry.

MR. VAN LEEUWEN: I mean here.

MR. ARGENIO: Oh, yes.

MR. VAN LEEUWEN: To the bus stop.

MR. ARGENIO: So I covered Corporate Drive. Okay, I covered the things that I wanted to cover so and I always try to answer the questions you guys might be

asking before you ask it. The last thing I'm going to say then I'm going to say Veronica, you can say what you need to say is the last thing I'm going to say to you, Mr. Zeppone, you received a memo from Mark today known as Draft Conditions of Approval Ridge Rise dated August 12, 2015 which was a one, two, three page memo, correct?

MR. ZEPPONE: Yes, I did.

MR. ARGENIO: You agree with that which is contained in a memo?

MR. ZEPPONE: I do, I sent it again for the record off to Tomer, he reviewed it, he called back, verbally agreed to the terms and followed up with a written e-mail.

MR. ARGENIO: Great.

MR. ZEPPONE: Confirming that memo.

MR. ARGENIO: Those terms and conditions will be part of the developer's agreement just so we can all stay friends through the whole thing beginning and end.

MR. ZEPPONE: If we're still friends now, this has been one of the longest circuitous projects.

MR. ARGENIO: Were you here when I read the appearance dates?

MR. ZEPPONE: Yes.

MR. ARGENIO: Veronica, any additional thoughts, anything I didn't cover sufficiently?

MS. MC MILLAN: No. I think the fact that the representative agrees that what's contained in this August 2015 memorandum is what will be part of the resolution and what's expected of the applicant going forward is the most important thing because it's all encompassing. The other note was E-911. From a procedural standpoint, we're still, and you may be approaching this, we still have a negative dec outstanding but other than that from the applicants--

MR. ARGENIO: We didn't take negative dec yet?

MS. MC MILLAN: Not according to my notes, no.

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

MR. ARGENIO: Just a minute, I don't want to step on our feet twice here, let's see, it's something we typically would have done long ago. Henry's made the motion, anybody second it?

MR. BROWN: Second.

MR. ARGENIO: Motion made and seconded that we declare a negative dec for Ridge Rise. Roll call.

ROLL CALL

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

MR. ARGENIO: Okay, members, does anybody have any other questions on this? I think we've been pretty darn thorough on it, no more thorough than any other applicant, note to self.

MR. ZEPPONE: Again, this is the longest but it comes with the owner changing gears several times.

MR. VAN LEEUWEN: Not Tomer, coming after your hide.

MR. ZEPPONE: Cause I've got shorter legs, you can catch me.

MR. ARGENIO: Dan, any questions?

MR. GALLAGHER: Nothing major. The billboard, it's kind of open ended, we're saying last sales, that could be 10 or 12 years.

MR. ARGENIO: Could be.

MR. GALLAGHER: Okay with that?

MR. ARGENIO: If you want to put something, note to self, Veronica, do you want to say something along the lines of when they're 90 percent sold we have the right to tell them to take the billboard down?

MR. GALLAGHER: There could be one for sale forever.

MR. ARGENIO: Correct, correct, is that fair?

MR. ZEPPONE: Ninety, 95 percent?

MR. ARGENIO: Ninety-five.

MR. ZEPPONE: No, I understand the concern.

MR. VAN LEEUWEN: Some people think they're so nice they leave them up.

MS. MC MILLAN: This will be 95 percent rented because this is a rental project at this point.

MR. ARGENIO: Hold on, hold it, hold it.

MR. GALLAGHER: There's always going to be something.

MR. ARGENIO: We have no ability to police that, none, zero, how do we do that?

MS. MC MILLAN: In terms of the percentage of units that are rented, you could key it to the C.O.s.

MR. ARGENIO: C.O.s.

MR. VAN LEEUWEN: C.O. is given out, that sign should be removed.

MR. ARGENIO: Let's try to put a number to it, what's the unit count?

MS. MC MILLAN: It's 149.

MR. ARGENIO: There's 149 units, let's back five units out of that and we'll say 144, when the 144th C.O. is issued, we're going to ask you to take the billboard down.

MR. VAN LEEUWEN: That should be fair.

MR. ARGENIO: But the intent was for them to have the ability to market the place, billboard hasn't been there for 100 years, it's here now, if anybody is--

MR. BROWN: Also the billboard must be maintained.

MR. ZEPPONE: You can certainly add that language if he's looking to do sales, I would hope he'd make it

look nice.

MR. ARGENIO: If people are going to drive by a crappy billboard, probably a crappy place to live. Hopefully, that's not going to be the case. I'll accept a motion for final approval.

MS. MC MILLAN: Final conditional approval.

MR. ARGENIO: Final.

MR. GALLAGHER: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion made and seconded we offer Ridge Rise final approval subject to Mark's draft e-mail tonight will be part of the developer's agreement which Veronica and Mark will craft, they'll get with you, Al, make sure the verbiage is correct, subject to the verbiage we just talked about about the billboard coming down. Did you get that down?

MS. MC MILLAN: Yes.

MR. ARGENIO: Was there one other thing? And you're taking care of e-mail or Emergency 911.

MR. ZEPPONE: Okay.

MR. ARGENIO: Subject to those things, roll call.

ROLL CALL

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

MR. ARGENIO: Al, thank you.

MR. ZEPPONE: Thank you very much, I appreciate all of your patience and it's been a long road, thank you.

DISCUSSION:

DEEP GREEN - CHANGE IN HOURS OF OPERATION

MR. ARGENIO: Discussion items, Deep Green, Mike Persico, how you doing?

MR. PERSICO: Okay, how you guys?

MR. ARGENIO: What do you have to say?

MR. PERSICO: Mike Persico from Deep Green New York, we're a soil remediation facility down on River Road.

MR. ARGENIO: I think I know you, where do I know you from somewhere?

MR. PERSICO: Not sure. Only involvement I have at the town I work at that facility.

MR. ARGENIO: Maybe we spoke.

MR. PERSICO: Argenio Brothers? I might of asked you for construction work.

MR. ARGENIO: What do you got?

MR. PERSICO: Deep Green does soil remediation similar to the project you saw earlier, just a coincidence I'm here, we remediate contaminated soil and make a clean product for use at different construction sites in the Hudson Valley. We're able to do that based on the permit issued by the DEC which allows us to operate for 21 hours per day. We're allowed to receive under that permit for 12 hours a day, 6:00 a.m. to 6:00 p.m. Monday through Saturday and 21 hours a day Monday through Saturday as well. Deep Green was purchased by Cyclechem (phonetic) in 2010 and we made a number of improvements to the facility, including new oxidizer, new burner, burners we switched over to natural gas operation, we have replaced all the garage doors and just made the facility much cleaner than it was prior to.

MR. VAN LEEUWEN: Garage doors and gas doesn't make it quieter, right?

MR. PERSICO: It does a little bit.

MR. ARGENIO: The burner's indoors.

MR. PERSICO: We can close the doors to operate.

MR. VAN LEEUWEN: I know where they are, I've been through the place a couple times, I remember when it was first approved.

MR. PERSICO: It was first built in '95.

MR. ARGENIO: What are you here to ask for?

MR. PERSICO: Tonight I'm asking for the opportunity to operate for the 21 hours per day. And the reason is right now we're allowed to operate from 6:00 a.m. to 10:00 p.m. based on a previous, the previous owner's application to you guys to Monday through Friday 6:00 a.m. to 10:00 p.m.

MR. ARGENIO: Let me probe a couple things. Jennifer, what kind of neighbor are they? Do you have complaints, do you get people calling you?

MRS. GALLAGHER: In the recent years, no.

MR. ARGENIO: Meaning what timeframe recent years?

MRS. GALLAGHER: How long have you been there?

MR. PERSICO: Since 2010.

MR. ARGENIO: Five years?

MRS. GALLAGHER: I mean since Mike's taken over, we really have no complaints at all coming in.

MR. ARGENIO: Where does your soil go?

MR. PERSICO: General fill ideally back in the same site that it was pulled from, homeowners that removed their tank, do an excavation under a leaking tank so we have a beneficial use granted by the DEC we're allowed to use it as general fill.

MR. ARGENIO: So let me just talk for a second here. These guys operate, question to Jennifer or Veronica, if my memory serves me they operate under a special use permit granted by this board, is that right?

MS. MC MILLAN: I believe that's true.

MR. ARGENIO: Any relief we offer them tonight if we should consider to do so we can rescind because it's the special use?

MS. MC MILLAN: That's correct.

MR. ARGENIO: At any time, Henry, you're going to make a comment?

MR. VAN LEEUWEN: Yes, I think if I remember correctly when they first opened the doors, okay, we had a public hearing and this room was packed and to be safe in our positions and their position, okay, I think we should have another public hearing. And if there's no problems then I won't have a problem but the last time we had a lot of screaming.

MR. ARGENIO: I don't know that I agree with you and let me tell you why, don't close me out.

MR. VAN LEEUWEN: I'm listening.

MR. ARGENIO: My thought process is that's a PI zone and I remember this, I was not on the board at the time admittedly but I remember following the newspaper articles and seeing it got flipped and flipped again, everybody probably paid a premium as it rose up the ladder. I don't know what, I don't know who's moved out, I don't know if it was one person, I don't know if it was five people but this board has the right if we get complaints, if there's problems we have the right to rescind their expansion of hours the same day, Henry, the same day.

MR. VAN LEEUWEN: Correct, we do.

MR. ARGENIO: So to have a public hearing I think we're going to invite a lot of, I don't know the purpose it's going to satisfy, I mean the goal is to have businesses operate in our town and to be able to live and work in this town along with these businesses. If we have the special permit and we're able to amend that immediately by notifying the operator it's been amended and here's the amending, we don't need to offer an explanation but we can if we want to. I don't know why we need to go through all those machinations. So, counselor, have I misspoken? Am I overexaggerating the reach of this board or am I on suitable ground or what?

MS. MC MILLAN: I don't believe you are. The special permit is issued at the discretion of the planning board so it can be amended by the planning board if it, if the expanded hours become a problem.

MR. ARGENIO: You know as well as I do.

MR. VAN LEEUWEN: Can I say something? So far like Jen and I believe Jen, okay, I have absolutely trusted her, that there's been no problems lately, I agree with that, but I still think that we should have a public hearing just to be safe.

MR. ARGENIO: Henry, you say that but you know what, again, this is only me speaking, we're five members up here, there's people that will come out just cause they want to be heard, Mike, and that's not fair to an application.

MR. VAN LEEUWEN: I've been sitting here for over 30 years, I know there's people but we can weed them out and we can still say sorry but we're going to do this.

MR. PERSICO: If I might say why we want to do this. We inherited the pilot dirt that's in the facility, we want to get through it with the intention of installing solar panels on the roof. Our real goal is to make this a carbon neutral facility, meaning our carbon footprint is net zero, there's no increase in any business or anything like that, just to get through the pilot dirt that we have there. So with that said, this would not be a we need to do this every day, operate for the full 21 hours, only be on an as-needed basis, it's not, we're not going to operate 21 hours a day every single day, this is a short term.

MR. VAN LEEUWEN: I'm only one person, I stated my feelings and no hard feelings.

MR. ARGENIO: I can't make a motion cause I'm the chairman but if anybody does see fit that they want to grant them that authorization, that's fine, if not, that's fine too.

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

MR. ARGENIO: You want to try it and if it works?

MR. VAN LEEUWEN: No, I'll make the motion.

MR. ARGENIO: For what?

MR. VAN LEEUWEN: For approval, if that's what you want, that doesn't mean I'm going to vote that way.

MR. ARGENIO: Okay.

MR. VAN LEEUWEN: I can make the motion and not vote that way, am I right?

MS. MC MILLAN: You can determine your own vote, Mr. VanLeeuwen, you don't have to, just because you make the motion doesn't mean you have to vote in favor.

MR. GALLAGHER: I'd like to make a motion we approve the 21 hour.

MR. BROWN: Second it.

ROLL CALL

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

MR. ARGENIO: I caution you though if we get complaints you'll get a letter from Jennifer that day, Mike.

MR. PERSICO: Absolutely.

MR. ARGENIO: You understand at that point you're back to your original hours?

MR. PERSICO: Local neighbors know me, they have my cell phone, they call me, if there's an issue, we get it fixed, if there's a bigger issue for whatever reason.

MR. ARGENIO: That's all I ask, Mr. Persico, we need to have business in this town but the businesses need to operate and the people need to live here, I live here, he lives here, these three guys live here.

MR. PERSICO: Mr. VanLeeuwen, can I invite you to the facility to see what we do there?

MR. VAN LEEUWEN: I've been there.

MR. PERSICO: Not since I've taken over.

MR. ARGENIO: You're retired, go down and check it out again.

MR. VAN LEEUWEN: Next week I'll check it out.

MR. ARGENIO: I'll expect a report. Do you have a card? I haven't seen it, I'll go down there with you.

MR. VAN LEEUWEN: Okay, we'll both go down there.

MR. PERSICO: Do you want a couple cards?

MR. VAN LEEUWEN: Yes. There's not that many houses down there.

MR. ARGENIO: Off the record.

(Discussion was held off the record. Whereupon,  
following which, these further proceedings  
transpired.)

MR. VAN LEEUWEN: What are they going to do with that site though?

MR. ARGENIO: Let's go back on the record, go ahead.

MR. VAN LEEUWEN: Because I understood that was part of the burning plant site.

MR. PERSICO: No, that's not our property.

MR. ARGENIO: It's Afron's old property.

MR. VAN LEEUWEN: I know that.

MR. ARGENIO: He sold it to Littman is what I think happened.

MR. PERSICO: That's what I understand as well, it's just a weird coincidence that I'm here tonight.

MR. VAN LEEUWEN: I know Gene Littman very, very well and he was a gentleman to do business with, okay, and he was just a very, very nice man and a good

businessman.

MR. ARGENIO: Let's move on, you're good.

MR. PERSICO: Thank you all very much.

MR. ARGENIO: Thank you. Good luck to you.

PATRIOT BLUFF (01-66)

MR. ARGENIO: Patriot Bluff, Jen, Veronica, what do we have there? They're looking for an extension? Oh, Greg is here.

MR. VAN LEEUWEN: Here comes trouble.

MR. ARGENIO: Yes, counselor?

MR. SHAW: Good evening.

MR. ARGENIO: Let the record reflect that Mr. Gregory Shaw has appeared on behalf of the applicant.

MR. SHAW: Good evening. First of all, Mr. Perna who was here earlier this afternoon and planned on being at this meeting tonight had to leave and return back to Westchester on a family situation so he sends his greeting and sends his regrets that he is not here. But in his replacement, I'm here requesting an extension for his project, Patriot Bluff. That project needs two extensions, one is for site plan and the other is for subdivision approval.

MR. ARGENIO: Is that a single 180 days extension or two you're asking for?

MR. SHAW: Well, on a--

MR. ARGENIO: I think we have the right to offer what, Veronica?

MS. MC MILLAN: Well, there was a subdivision approval and a site plan approval. So on the subdivision approval, you can offer the 180 days and two 90 day blocks. The last time we had this matter in front of us which was back in January, we did a reapproval of the site plan because it had been extended a number of times so it was very recently reapproved so we could now do an extension of that reapproval.

MR. ARGENIO: Of how many days?

MS. MC MILLAN: It's 180 days.

MR. ARGENIO: Got it, sorry, Greg.

MR. SHAW: That's basically what we were asking for, very well may have been my project which was Stone Gate

which was a site plan and which you gave 180 day approval and two 90 day extensions so ultimately, what I'm asking for tonight is both for subdivision and site plan, 180 day approval and two 90 day extensions for both wrapping it up a year for both site plan and subdivision.

MR. ARGENIO: What I just heard from counsel is that that extension for both items would be 180 days total unless I misunderstood you, Veronica?

MR. SHAW: Plus extensions.

MS. MC MILLAN: The initial resolution's approved for 360 days, under the code generally the board's practice has been 180 day increments for extensions. On the subdivision today approvals can be expanded in 90 day blocks, we can consider a further extension but it's been the board's practice to do it in 180 day increments.

MR. ARGENIO: I'll defer to the members, Greg, did you have anything else you wanted to offer?

MR. SHAW: No, I'm a little confused right now so once the board decides what you want to do.

MR. ARGENIO: Tell me where the confusion is?

MR. SHAW: As far as what you're granting as far as approval.

MR. ARGENIO: We didn't grant anything, let me try and clear it up, I thought by statute we're only allowed to offer 180 days.

MR. SHAW: For subdivision.

MR. ARGENIO: For both, Veronica cleared that up, she said it's been our practice in the past to offer 180 days but by law we can give you the 180 plus two 90s by law we're allowed to do that for both of those applications according to counsel.

MR. SHAW: That's my understanding.

MR. ARGENIO: So what I just said was I'm okay with whatever the board decides, if the board, I've been talking a lot tonight, but if it's the board's desire to give you a single 180 day extension or if it's the

board's desire to give you 180 plus two 90 day extensions, I'm okay with that too, I'll defer to the wishes of the other members.

MR. VAN LEEUWEN: Make a motion.

MR. SHAW: No, that's my understanding if that's what the board wishes, so we're on the same plan now, it really comes down to what the board will allow this project to have as far as approvals so we're, I'm fine.

MR. VAN LEEUWEN: Make a motion 180 days plus the 90.

MR. ARGENIO: Plus the two 90s.

MR. VAN LEEUWEN: Two 90s on both projects.

MR. ARGENIO: Second?

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made for both projects for 180 day extension plus two 90s. Roll call.

ROLL CALL

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

MR. GALLAGHER: Is that the last of the extensions?

MR. ARGENIO: No.

MR. VAN LEEUWEN: We're so good to you.

MR. SHAW: Always have been.

MR. ARGENIO: Thank you.

MEADOWBROOK ESTATES (01-42)

MR. ARGENIO: Meadowbrook Estates approval extension. This is from Pietrzak & Pfau. Dear Mr. Argenio and Members of the Board. Please let this letter serve as our request for a 90 day extension for conditional final approval for the above project. As you recall, the project received final approval on May 8, 2013. So he's looking for a 90 day extension. My thought and this is, I'm sorry, members, Meadowbrook Estates cluster subdivision, we should probably give him two 90s.

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

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we offer Meadowbrook Estates two 90 day extensions congruent with Mr. Pfau's letter. Roll call.

ROLL CALL

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

## JET WASH AUTO SPA

MR. ARGENIO: Jet Wash Auto Spa. Just quickly read on this, again, this is discussion item, this is that car wash, guys, Jimmy Petro's, he owns the property. He has a new tenant going to take over that car wash, wants to add a couple vacuums, add two canopies which is probably more of a building inspector issue, quite frankly, she'll have to give Jennifer a site plan, she'll review with Mark for conformance and the note says here from Mark that the concrete planters from the deli are on the property of the deli, I don't know how that happened and they'll be moved to the property line. So if you guys see fit, I think we should give this to Jennifer. Those planters were supposed to be on the property of the car wash based on their original approval, we don't have to look that up because we went round and round whether to put fabric or whatever so they're going to move them back onto the car wash property.

AIRTIGHT SHEET METAL

MR. ARGENIO: Airtight Sheet Metal over on MacArthur Avenue, I don't know why this is filtering to the planning board, somebody's trying to CYA but that's okay, I'm willing, I'll read Mark's notes then. Airtight Sheet Metal, they were at the workshop, they believe that the site has, under their permit they should be allowed to assemble sheet metal in the building. So they used to punch sheet metal now they want to rivet it together. Again, I don't know how it's in front of us, it's on MacArthur Avenue.

MR. GALLAGHER: It's not on discussion, I don't know what you're talking about.

MR. ARGENIO: Yeah, it should be on there, it's near Dunkin Donuts, does something, some boxing or packaging, stamp out boxes right on MacArthur Avenue, so this Airtight Sheet Metal, they cut the sheet metal, now they want to fold it and rivet it together. I'm not aware of any issue, I mean, anybody have any problem?

MR. VAN LEEUWEN: I've got no problem.

MR. ARGENIO: Record reflects planning board takes no exceptions to what they're doing, if they have any issue, Jennifer will handle it.

CHURCH OF THE LATTER DAY SAINTS - MT. AIRY ROAD

MR. ARGENIO: And there's Church of the Latter Day Saints wants to make some minor changes on the site, that's one I said to Mark I don't know why we want to see that but we should tell the members about it just so they know in case somebody sees somebody digging there.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: Nobody has a problem with that?

MR. GALLAGHER: Second it.

ROLL CALL

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

MR. ARGENIO: Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth  
Stenographer