

TOWN OF NEW WINDSOR

PLANNING BOARD

January 13, 2016

MEMBERS PRESENT: DANIEL GALLAGHER, ACTING CHAIRMAN  
HOWARD BROWN  
HARRY FERGUSON  
DAVID SHERMAN

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

VERONICA MAC MILLAN, ESQ.  
PLANNING BOARD ATTORNEY

JENNIFER GALLAGHER  
BUILDING INSPECTOR

STEPHANIE RODRIGUEZ  
PLANNING BOARD SECRETARY

ABSENT: JERRY ARGENIO, CHAIRMAN  
HENRY VAN LEEUWEN

MEETING AGENDA:

1. Quality Carton
2. Quality Carton LLC

**REGULAR MEETING:**

MR. GALLAGHER: I'd like to call to order the first planning board meeting of 2016, January 13. Would everybody please stand for the Pledge of Allegiance?

(Whereupon, the Pledge of Allegiance was recited.)

MR. GALLAGHER: Thank you everybody once again Happy New Year to everybody, it's the first meeting, obviously lots of changes that you can see, lots of change has gone on here, no. Mr. Chairman, Jerry Argenio, is on vacation this week so instead of canceling the meeting, we decided to go along with it, pretty simple meeting, you guys have your ducks in a row so we're in pretty good shape. And the reorganization meeting, guys, I believe is going to be the next meeting so we'll show up 15 minutes early for the next one which do we have a date?

MS. RODRIGUEZ: The 27th.

MR. GALLAGHER: So at the end of the month show up 15 minutes early for the reorganization.

APPROVAL OF MINUTES DATED 12/9/15

MR. GALLAGHER: First on the agenda is the approval of the minutes dated 12/9/15 sent out via e-mail by Stephanie on 1/5/2016.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. GALLAGHER: Motion made and seconded. Roll call.

ROLL CALL

MR. BROWN	AYE
MR. FERGUSON	AYE
MR. SHERMAN	AYE
MR. GALLAGHER	AYE

REGULAR ITEMS:

QUALITY CARTON (15-15)

MR. GALLAGHER: We'll jump right into the regular items. First on the agenda is Quality Carton. We have Quality Carton, we're going to start off with the regular site plan amendment, this is 617 Little Britain Road. Plan proposes a 41,000 square foot addition to the existing 85,000 square foot building on the existing site. The plan was previously reviewed at the 28 October 2015 and December 9, 2015 planning board meetings. How you doing guys? State your name for the stenographer.

MR. RUGNETTA: Nick Rugnetta from Pietrzak & Pfau Engineering.

MR. YANNONE: Ray Yannone from Storm King Building.

MR. GALLAGHER: Nick, what do you got for us, anything different?

MR. RUGNETTA: No, plans have pretty much stayed the same. We relocated the propane tanks, we have a set location for that, it's on second page of the plan set and it's on the southwestern side of the building. Just a couple minor things, we provided handicapped parking along the side of the building here and we also provided the easement for the gas line.

MR. GALLAGHER: In the comments it notes in the second bullet handicapped spaces have been added to the side of the building. I recommend a minimum of two handicapped spaces be provided at the front near the office area. Has that been added on this?

MR. RUGNETTA: No, I think we're going to be discussing that tonight but I can put two right up front, we can put them on the side because there's stairs in the front.

MR. GALLAGHER: Is there a location that we're looking for?

MR. EDSALL: They may down the road if they bring the front area into compliance be able to put a ramp. For now, I'm suggesting you split the handicapped, have some up front. There are people who are handicapped to the extent that they can't be mobile for long distances

but for now might be able to negotiate the stairs.

MR. YANNONE: There's a side door here that accesses the office so you can go straight in and avoid the front steps altogether, get into the front office area.

MR. EDSALL: Just split the handicapped, some front, some side, that's not on the plan because I asked Nick not to submit new plans after the submittal deadlines so just a condition of approval.

MR. GALLAGHER: Nick, you said the propane tanks have been relocated to the west side?

MR. RUGNETTA: Yes.

MR. GALLAGHER: Subject to the approval of the fire inspector.

MR. EDSALL: After I did my comments, I got a memo from Barney Bedetti indicating that the location was acceptable provided they're not within 10 foot of any opening into the building or in the driveway so Barney will check that in the field during construction.

MR. GALLAGHER: Okay, I'm just going to read into the minutes a few bullets. All previous corrections requested have been accomplished. Please note the following status for the aspects of the application. The public hearing has been held and closed on December 9, 2015, we accepted the SWPPP December 2015, Orange County Planning referral was sent which I believe no response?

MR. EDSALL: No response.

MR. GALLAGHER: Town of Newburgh and the City of Newburgh both no responses?

MS. RODRIGUEZ: No.

MR. EDSALL: No.

MR. GALLAGHER: Alright, also number four, I'm not going to read in everything here but just be added in. Since the project involves an existing special permit and the proposed site plan amendment involves modifications and expansions on the portion of the property near the residential zoning district, I recommend that the board consider adopting the

following findings as part of their review of the application. That all proposed structures, equipment or materials are readily accessible for fire and police protection. That the proposed use and layout are in harmony with the orderly development of the zoning district and will not have a detrimental effect on the adjacent properties and that the proposed use is adjacent to the residential district and the board has determined that the nature and intensity of operations, layout and structure height and landscaping will not be hazardous, inconvenient nor conflict with the normal traffic of the neighborhood, nor will the project hinder or discourage appropriate development and use of adjacent land and buildings. Basically, you guys have done a great job especially with the comments from the public when they came in, seems like you really acted to the public comments, that's great. Anything else, Mark, that we need to do before obviously lead agency and SEQRA?

MR. EDSALL: That's the next step.

MR. GALLAGHER: Motion for lead agency.

MR. FERGUSON: So moved.

MR. BROWN: Second it.

MR. GALLAGHER: Motion made and seconded by Mr. Brown for lead agency. Roll call.

ROLL CALL

MR. BROWN            AYE  
MR. FERGUSON        AYE  
MR. SHERMAN          AYE  
MR. GALLAGHER        AYE

MR. GALLAGHER: And also for SEQRA, lead agency, take a motion for SEQRA.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. GALLAGHER: Motion made and seconded motion for negative dec.

ROLL CALL

MR. BROWN            AYE  
MR. FERGUSON        AYE  
MR. SHERMAN         AYE  
MR. GALLAGHER       AYE

MR. GALLAGHER: Anything else, Mark, other than some of the conditions of final approval?

MR. EDSALL: No, these conditions under six, just some coordination items with our attorney, we should because of the proximity to the gas line just make sure Central Hudson gets the final plan, that they write off on it. The third bullet you can disregard because Barney has responded at this point--

MR. GALLAGHER: The sign?

MR. EDSALL: No, for the acceptance of the propane tank and then the handicapped detail just to clean up that detail final and then we'll need the bond estimate.

MR. GALLAGHER: Anything on the cross hatch access?

MR. EDSALL: That will just be on the detail, I'll doublecheck that final plan.

MS. MAC MILLAN: Mr. Chairman, if I could just add one thing in terms of the drawings in the cross accessway for the parking and the driveway and easement doesn't necessarily fit into this scenario per se because there's a commonality of ownership between the properties but we'd like to see it referred to as an accessway agreement that would cover both parking and accessway and maintenance, we'll develop that with the applicant post approval to be a condition of the approval. But just to maintain the integrity of the site plan because both parcels are contingent upon one another right now so that that could just be changed on the plans, we'll develop the agreement with the applicant post approval.

MR. GALLAGHER: Okay. Anything else before we run this across?

MR. EDSALL: No.

MR. GALLAGHER: Anything else to add?

MR. EDSALL: Conditioned on all the comments.

MR. GALLAGHER: Take a motion for final approval subject to all the comments.

MR. FERGUSON: So moved.

MR. BROWN: Second it.

MR. GALLAGHER: Motion made and seconded by Mr. Brown for final. Roll call.

ROLL CALL

MR. BROWN            AYE

MR. FERGUSON        AYE

MR. SHERMAN         AYE

MR. GALLAGHER       AYE

MR. GALLAGHER: That's it for this one. We'll move on to the next one.

## QUALITY CARTON LOT LINE CHANGE (15-16)

MR. EDSALL: Mr. Chairman on this one the site plan already reflects the merger of the two front lots, it reflects a lot line revision with lot 36 to clear as it may be the addition. So you need as well as the site plan you need to approve the lot line change so they can file the subdivision plat slash lot line change plat so that the building will not be split by the property line. Because there are cross-easements and such and those are a condition of the site plan approval and they'll be referenced on the site plan, I'd like to also see the reference made to the instrument that Veronica mentioned on the subdivision plat as well just so we have everything keyed in so no matter what plan you look at you'll be aware of it. Not quite sure if we did this as a common SEQRA review so I'd suggest you go through the lead agency and negative dec on this one just to be confident.

MR. GALLAGHER: This is going to be for the Quality Carton lot line change plan proposes a merger of tax lots 19 and 34.1 and a revision to the lot line with lot 36. The proposal was previously reviewed at the 28 October 2015 and 9 December 2015 planning board meetings. This plan was previously reviewed at the October 28, 2015 and December 9, 2015 planning board meetings. As Mark said, the final plan submitted for stamp of approval should reference cross parking agreement, shared access agreement/easement and any other relative rights between the various tax lots. If so, I'd like to take a motion for lead agency.

MR. FERGUSON: So moved.

MR. BROWN: Second it.

MR. GALLAGHER: Motion has been made and seconded.  
Roll call.

## ROLL CALL

MR. BROWN            AYE  
MR. FERGUSON        AYE  
MR. SHERMAN         AYE  
MR. GALLAGHER       AYE

MR. GALLAGHER: And we'll also do the same for negative dec.

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. GALLAGHER: Motion made and seconded by Mr. Ferguson.

ROLL CALL

MR. BROWN AYE

MR. FERGUSON AYE

MR. SHERMAN AYE

MR. GALLAGHER AYE

MR. EDSALL: And just for the record on this one the Orange County Planning Department did respond for the lot line change with no objection.

MR. GALLAGHER: Lot line sent out first?

MS. RODRIGUEZ: Same time.

MR. EDSALL: I think they might of just not realized we were treating them as separate applications.

MR. GALLAGHER: Okay, I guess we can run this one over.

MR. EDSALL: Yeah, we're done.

MR. GALLAGHER: Motion for final conditional approval?

MR. BROWN: So moved.

MR. FERGUSON: Second it.

MR. GALLAGHER: Motion made and seconded for final subject to the cross hatch agreements.

MR. EDSALL: And just a reference to the agreements that Veronica's going to review.

MR. GALLAGHER: Thank you.

MR. YANNONE: Thank you.

DISCUSSION

LEGACY WOODS (08-01)

MR. GALLAGHER: Discussion for Legacy Woods for an approval of extension, I believe there was a letter up here, I'll read it real quick. It says to Chairman Argenio and board members: I'm writing on behalf of the applicant to formally request that the planning board grant an extension of the final conditional approval of the above-referenced site plan which expired January 9, 2016. So basically, they're looking for 360 day approval to run from January 9, 2016 to January 10, 2017, are we going to issue that as one 360 or two 180s?

MS. MAC MILLAN: In the recent past, the practice of the board has been to offer six month extensions but it is discretionary on the part of the board. If you see fit to offer 360 day extension for site plans you can do it, you can do it either, you can do 360 or two 180s, it's all at the discretion of the board.

MR. GALLAGHER: Any reason why we should go one way or the other?

MR. EDSALL: My gut is that if they come back in 180 you'd be saying yes again. I know they're looking for different approvals, I'd give them 360, hopefully, they'll get their approvals and build.

MR. GALLAGHER: Everybody good? Need a motion for that one.

MR. BROWN: So moved.

MR. GALLAGHER: Motion for 360 for Legacy Woods approval extension.

MR. FERGUSON: Second it.

ROLL CALL

MR. BROWN            AYE  
MR. FERGUSON        AYE  
MR. SHERMAN         AYE  
MR. GALLAGHER       AYE

MR. GALLAGHER: Motion for adjournment?

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MR. BROWN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

MR. BROWN            AYE

MR. FERGUSON        AYE

MR. SHERMAN         AYE

MR. GALLAGHER       AYE

Respectfully Submitted By:

Frances Roth  
Stenographer