

TOWN OF NEW WINDSOR

PLANNING BOARD

March 23, 2016

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN  
HOWARD BROWN  
HARRY FERGUSON  
DANIEL GALLAGHER  
DAVID SHERMAN  
HENRY VAN LEEUWEN (ARRIVING LATE)

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

JOAN QUINN, ESQ.  
PLANNING BOARD ATTORNEY

JENNIFER GALLAGHER  
BUILDING INSPECTOR

STEPHANIE RODRIGUEZ  
PLANNING BOARD SECRETARY

MEETING AGENDA:

1. Central Hudson Gas & Electric
2. Dahlin & Pushman LLC
3. TZSS Used Car Sales
4. Town/Shamrock Creek
5. Weikfield Windsor Development
6. Durants

**REGULAR MEETING:**

MR. ARGENIO: Welcome everybody to the Wednesday, March 23, 2016 regular meeting of the Town of New Windsor Planning Board. Would everybody please rise for the Pledge of Allegiance?

(Whereupon, the Pledge of Allegiance was recited.)

March 23, 2016

2

MR. ARGENIO: Welcome everybody. We'll get right to it, we're a minute or two early but that's okay.

REGULAR ITEMS:

CENTRAL HUDSON GAS & ELECTRIC (16-02)

MR. ARGENIO: Central Hudson folks here? Why don't you folks step up. This application proposes relocation of equipment in the existing electrical substation and the relocation of the fence. Plan was reviewed on a concept basis only. Ma'am, what's your name?

MS. MC MANUS: My name is Margaret McManus, I'm an engineer with Chazen Companies.

MR. ARGENIO: Sir, your name?

MR. DERBY: Trevor Derby, engineer with Central Hudson.

MR. ARGENIO: What's your first name, ma'am?

MS. MC MANUS: Margaret.

MR. ARGENIO: Margaret McManus.

MS. MC MANUS: Actually have, we did a photo scene of the site so I have handouts for you gentlemen and ladies.

MR. ARGENIO: So we're on Union Avenue here?

MS. MC MANUS: Yes, right down the street.

MR. ARGENIO: What was your name?

MR. DERBY: Trevor.

MR. ARGENIO: Can somebody tell us what you guys are looking to do here?

MS. MC MANUS: Sure, so this is the existing substation on Union Avenue, we call this the upper and lower substation.

MR. ARGENIO: Go to sheet number SV100, that seems to have existing and proposed, seems to at least unless I'm mistaken.

MS. MC MANUS: SC100 is actually the existing conditions, we would like to be on C110 which is the site plan, I actually have reduced size plans.

MR. ARGENIO: You're going to be penalized for the large plans. We're on C100 so tell us what you're looking to do here.

MR. DERBY: C110.

MS. MC MANUS: So this is the existing upper substation, this is the existing lower substation and there's a fence along, actually it's bounded by a fence, we want to move the fence over approximately 15 feet.

MR. ARGENIO: To the east?

MR. DERBY: To the east.

MS. MC MANUS: Southeast, yes, and there is existing electrical equipment along the front of the property the control boxes those are going to be removed and we're going to put them in a new state of the art control center.

MR. ARGENIO: Does that mean enclosed?

MS. MC MANUS: Enclosed.

MR. DERBY: Yeah.

MS. MC MANUS: There's also another existing building here that will be removed and a smaller building which we're not showing on that plan because we just made this update.

MR. DERBY: Just an interconnect box.

MR. GALLAGHER: Is this bottom picture we're looking at does it have proposed site?

MS. MC MANUS: So right, so the top is the existing if when you walk along Union Avenue, took photos simulated them together so basically all the equipment, all of this green here would be removed, that's why it's no longer shown here and this is the new proposed.

MR. ARGENIO: That looks like hell. Mark, sure you went through the plans in detail, do you have any additional thoughts?

MR. EDSALL: No, actually it's quite an improvement, obviously, it's an upgrade to the electrical system

that serves the town and its residents but besides that, the equipment row that is parallel to Union Avenue is a lot more visible than the row that's going in perpendicular to Union Avenue back toward the back of the property.

MR. ARGENIO: That shed looks like hell, quite frankly, the one they're removing.

MR. EDSALL: Yeah, so it's all an improvement.

MS. MC MANUS: Yeah ,this is coming out ,these are coming out, there will be a little small--

MR. ARGENIO: I'm just curious from a technological perspective, what are you taking out and what are you putting in ever so briefly?

MR. DERBY: Basically taking out distribution breakers that are feeding all the circuits then we're replacing them with a new, we call them power control center or electrical equipment, basically all internal to an enclosure and then it's got some relays and modern equipment inside of that.

MS. MC MANUS: So it's all updated electronics.

MR. DERBY: Improving reliability.

MR. ARGENIO: When I look at the drawing, I see a dimension of 77 feet there?

MR. DERBY: Yeah, that's the new building.

MR. ARGENIO: That's not what I was going to ask. What I was going to ask is what is the, what are the slats supposed to illustrate?

MR. DERBY: Those are the cubicles that the breakers are sitting in internal.

MR. ARGENIO: Internal dividers?

MS. MC MANUS: Yes.

MR. ARGENIO: I'm going to read Mark's comments, if anybody has any questions, please put them out there. The fence is going 15 foot to the east, is there any clearing associated with that?

MS. MC MANUS: There's already enough clearance, when we're there, we'll take a good look at the trees along the edge to make sure that they're in good condition because they now will be 15 feet closer to the fence. So if any are, they're not in good condition, they probably will be taken down and replaced. But as of right now, we're not.

MR. ARGENIO: I think we want to be careful with that because you have neighbors and I'm sure they relish the screening that's there now. So we should be careful with that. If you're going to take any trees down, let Jennifer know because we'd like to be a party to that only because your neighbors are so close and we don't want to create an unsightly condition for them. Obviously, you guys have always been pretty good neighbors.

MS. MC MANUS: We're planting three additional evergreens here which will screen a little bit of the new control center as you're traveling.

MR. ARGENIO: Good.

MR. DERBY: Also the existing hedge row at the property line right now as well.

MR. GALLAGHER: And what's between the car wash, how close is the car wash?

MS. MC MANUS: It's right here but they're lower.

MR. ARGENIO: Yeah, significantly. If anybody sees fit, Mark, do we have to circulate on this?

MR. EDSALL: No, there are no other involved agencies, there's no other permits or approvals required that I'm aware of.

MR. ARGENIO: I'll accept a motion that we declare ourselves lead agency, that is the Town of New Windsor Planning Board.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare itself lead agency for the Central Hudson Gas & Electric site plan

amendment. Harry, your vote?

ROLL CALL

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

MR. ARGENIO: Members, we should talk about the public hearing, certainly seems innocuous to me. I don't know what the opinion is of the other members, downgrade is the Quick Chek is your neighbor, correct?

MS. MC MANUS: Yes.

MR. ARGENIO: Antonelli still owns that property, I was mistaken earlier, I thought there was a residence but apparently there's not. The residences are on the west side. So any thoughts about the public hearing, need to have it?

MR. GALLAGHER: I only see improvements, I don't see anything drastically that would cause concerns so I'm in favor of waiving it.

MR. SHERMAN: I don't see anybody nearby that would be affected.

MR. BROWN: Is Patriot Ridge opposite you?

MS. MC MANUS: The condos are across the street here.

MR. BROWN: So they would be ones that are actually looking at it?

MS. MC MANUS: Right. But, you know, from this, this is what you see now and this is what you see afterward and even though it's through the trees, there's significantly more equipment here in the pre than in the post.

MR. ARGENIO: Is there any possibility of, I think it's great and I'm going to go down low that you're doing this here, can you do something like that on the other side of the gate across the way where that car is illustrated?

MS. MC MANUS: We can probably put a couple more trees.

MR. ARGENIO: Both sides maybe would you consider doing that? I think that's where Howard was going, I think that's where you're going, Howard?

MR. BROWN: Right. And if any trees have to be taken out and replaced will they be at same level those trees are?

MS. MC MANUS: Well, none of these trees will be affected, if any, it would be the trees along here and it would only be if they were, you know, ill.

MR. ARGENIO: And again, part of this package is going to be if you're going to take any trees down, please let Jennifer know.

MS. MC MANUS: Yes.

MR. ARGENIO: That said, Harry or Howard, any thoughts on the public hearing? Any additional thoughts?

MR. FERGUSON: Fine.

MR. ARGENIO: You'll include a little additional landscaping at the gate area for us?

MS. MC MANUS: Yes.

MR. ARGENIO: That would be good. Did this go to county?

MS. RODRIGUEZ: It did today.

MR. ARGENIO: Mark or Joan, anything else we need to be considering with this application?

MS. QUINN: I don't see anything, no.

MR. ARGENIO: Members, any questions? Applicant? Do you guys have any questions?

MS. MC MANUS: No.

MR. ARGENIO: I'll accept that motion to waive the public hearing.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that we waive

the public hearing for this site plan.

ROLL CALL

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

MR. ARGENIO: Anything else that we need from you guys tonight? The clock's got to expire, I'm sure you're getting a flavor from the board that this is, we seem to feel that this is a fairly innocuous application, appreciate you adding some vegetation, that's a good thing.

MS. MC MANUS: Is it your standard procedure that you would ask somebody to create a resolution that may be entertained at the next meeting?

MR. ARGENIO: No, what will happen is we'll hear from county, you guys will come back at the next meeting, I don't see any, this in no way, shape or form should be construed as a commitment of any sort but--

MS. MC MANUS: We understand.

MR. ARGENIO: -- but I don't see any problems here, okay?

MS. MC MANUS: Yes, thank you.

MR. ARGENIO: Thank you for coming in.

DAHLIN & PUSHMAN LOT LINE CHANGE (16-03)

MR. ARGENIO: Next is Dahlin and Pushman lot line change. The application proposes a lot line change where 6,988 square feet are being conveyed from lot 23 to lot 22. The plan was reviewed on a concept basis only. Sir, what's your name?

MR. WEEDEN: My name is Howard Weeden, I'm a surveyor.

MR. ARGENIO: Mr. Weeden, what's your client's name?

MR. WEEDEN: Dahlin is the person here, Pushman is right here, this is the New Windsor Garage.

MR. ARGENIO: So Pushman is your client?

MR. WEEDEN: Yes.

MR. ARGENIO: I went to college with his daughter in the '80s, believe it or not, do you know her name?

MR. WEEDEN: No.

MR. ARGENIO: Mr. Weeden, tell us what you'd like to do here.

MR. WEEDEN: Mrs. Dahlin's going to be giving Mr. Pushman a 30 foot by 232 foot strip to add onto his property from her property. There's an existing house, existing foundation and some outbuildings and the Dahlin property there's a existing frame dwelling.

MR. ARGENIO: Pushman owns this piece here?

MR. WEEDEN: Yes.

MR. ARGENIO: Is that a haircutting lady in there?

MR. WEEDEN: I don't know, this is the garage over there.

MR. ARGENIO: So that paved driveway goes down a hill?

MR. WEEDEN: Yes.

MR. ARGENIO: Why are they doing this? None of my business, just curious.

MR. WEEDEN: I have no idea. I know Mr. Pushman's been

trying to get this part of the driveway to go on his lot so I guess they agreed to this 30 foot strip.

MR. ARGENIO: Not saying it doesn't make sense, just trying to understand what the reason is. Usually there's a reason for these type things as you know.

MR. WEEDEN: I think it was because of the entrance going across the property here so--

MR. ARGENIO: You think, members please chime in at any time, I'm just going to go through Mark's comments briefly. The application proposes a lot line change between two lots in the HC Zone. So they're both in the same zone. The plan incorrectly indicates the C zone, you need to correct the plan, Mr. Weeden, do you have a copy of Mark's comments?

MR. WEEDEN: Yes, I just got them right here.

MR. ARGENIO: Bulk values shown are correct except for the following corrections, pre-existing non-conforming use in lot number 22. Mark, can you elaborate on paragraph two in comment two please?

MR. EDSALL: Yes, lot 23 right now has no established use on it but it is non-conforming in that the current area is less than the minimum area that is required for a development lot in the HC zoning district. It could be developed and it would be considered pre-existing, non-conforming for bulk. The fact that they're moving the line is making a lot more non-conforming and when you make something more non-conforming, it requires relief from the zoning board.

MR. ARGENIO: I see.

MR. EDSALL: Obviously, in this particular case it's kind of making the two lots more balanced, it makes a lot of sense when the driveway's encroaching.

MR. ARGENIO: Solves the driveway problem.

MR. EDSALL: But from a technical standpoint, we need help from the zoning board to allow it to happen.

MR. ARGENIO: I don't see any reason why it shouldn't happen, do you?

MR. EDSALL: It's a vacant lot so it's flexible as to

how they want to develop it, it's going to be a tight lot to develop but a minor use in parking could be established.

MR. ARGENIO: You guys see any downside here, do you see any, David or Danny, you guys over there? I don't see a comment, only lead agency.

MR. EDSALL: We have to send it to the county. We normally don't coordinate SEQRA with the zoning board, they do their own uncoordinated review. With a lot line change, there's no other involved agencies, DOT wouldn't be involved because there's no curb cut or any site plan, so when it comes back after the zoning board is done, you can assume lead agency.

MR. ARGENIO: Does anybody have any questions on this, guys? Mark, am I missing anything or just truly this simple?

MR. EDSALL: It would be a lot simpler if the lot was conforming with area then you could just process it.

MR. ARGENIO: Yeah, if anybody sees fit I'll accept a motion we declare this application incomplete at this time.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion made and seconded that the Pushman Dahlin lot line change application be declared incomplete at this time thus sending it to zoning board for the necessary variances. And Mark, specifically, that variance is size?

MR. EDSALL: When we have the corrected bulk table, we can make sure they're all enumerated to the zoning board.

MR. ARGENIO: But you're thinking these four bullets?

MR. EDSALL: We might have some lot width issues, definitely have area and I have to doublecheck frontage.

MR. ARGENIO: So you need to correct that bulk table, Mr. Weeden, and you can go to zoning.

MR. WEEDEN: Yes.

MR. ARGENIO: I have a motion for incomplete and seconded. Roll call.

ROLL CALL

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

MR. ARGENIO: I don't know what else we can do with this, this went to county, yes?

MS. RODRIGUEZ: Yes, today.

MR. ARGENIO: We referred it. Get the application to the Zoning Board of Appeals and we'll be happy to move it forward.

MS. QUINN: Mr. Chairman, just one point that the applicant should address both before the ZBA and when they come back to the planning board is that the lot 23 appears to be titled in the name of Dahlin and Victoria Carol and so to the extent that that's--

MR. WEEDEN: I'll straighten that out.

MS. QUINN: We'd need some evidence of her consent.

MR. ARGENIO: I'm not seeing that, where is that?

MS. QUINN: There's not, it's on the county's website listing the property as being titled in both.

MR. ARGENIO: How did you pick that up?

MS. QUINN: Veronica checked the county's public records.

MR. ARGENIO: So you'll doublecheck that and correct the plans?

MR. WEEDEN: Yes.

MR. ARGENIO: Thank you for coming in tonight.

TZSS USED CAR SALES & SERVICE REPAIR GARAGE (16-04)

MR. ARGENIO: TZSS used car, proposed retail used car sales on an existing site. The application proposes development of the site as used car sales and service repair cars. Plan was reviewed on a concept basis only. I see Mr. Drabick coming up to represent this. Just for everybody's edification, this is at the corner of Union Avenue and 207, the old Mobil Station is what I would call this. Steve, what do you have here?

MR. DRABICK: Some of you might remember this plan from 2013. We had this, as a matter of fact, it's the exact same plan and we went through the process to the point that we did receive approval and then the applicant just didn't follow through with finalizing.

MR. ARGENIO: What was the use at that time, proposed use?

MR. DRABICK: It was the same as we have here, it was a used car with repair garage. The owner of the property is the same, the management.

MR. ARGENIO: Is the owner here tonight?

MR. DRABICK: No, he isn't. And he's also acting for this particular application as the applicant also to see it through. Basically, like I said, exactly the same as we had before. We're using the existing building, it will be divided up into a repair bay area and an office area. The existing paved area that's there now we're going to utilize for customer parking and display of the used car vehicles. And we had a proposed area off to the south here unpaved which would be fenced and landscaped and be used as a staging area for those cars.

MR. ARGENIO: That doesn't mean junk car storage, does it?

MR. DRABICK: No. This area would be used for the cars that are going in for repair, they would be prepped, cleaned.

MR. ARGENIO: That screened fence would be a truly screening fence, not just a chain link fence?

MR. DRABICK: Exactly, with the idea cause we wanted to keep the corner here neat, as neat as we could. That's

basically it. We did agree on the last plan we're, if you remember the old Mobil Station, there were two entrances, we're holding the same with the southern entrance we're going to leave blocked. There's currently some concrete filled bollards with a chain across it, in addition, that area would be used and occupied with display cars. We're using the northern entrance as it is. And based on the last plan, we agreed to not having any left-hand turn on the exit. And we would have it posted with signs accordingly and I understand that's going to require approval from the DOT.

MR. ARGENIO: I think that's the right move.

MR. GALLAGHER: From the last plan, is that something that came from DOT or was that us?

MR. DRABICK: That came from here based on the last plan.

MR. ARGENIO: Steve, what I was going to ask you is how close is this plan to the prior plan that was approved? Well, let me back up a little more, was the prior plan approved?

MR. DRABICK: Yes.

MR. ARGENIO: It was, how close is this plan to that plan?

MR. DRABICK: It's exactly the same site plan, the only thing I've done on the plan differently, plan overall was upgraded, the handicapped detail and added the paving detail but as far as the--

MR. ARGENIO: How did we give you approval without having a pavement detail on there?

MR. DRABICK: Before, I don't know.

(Whereupon, Mr. Van Leeuwen entered the room.)

MR. ARGENIO: How did that happen, Mark?

MR. DRABICK: Oh, it may have been we only proposed a small section of pavement.

MR. EDSALL: Yeah, that's--

MR. ARGENIO: Henry, how are you?

MR. VAN LEEUWEN: Alive, that's about it.

MR. ARGENIO: Let the record reflect that Mr. Van Leeuwen has just joined us.

MR. VAN LEEUWEN: Sorry I'm late.

MR. ARGENIO: Have a seat. Go ahead, Steve. Stay there, Dave.

MR. DRABICK: Really the only pavement that we added was this little ramp area into the staging area, the rest of the pavement is there.

MR. ARGENIO: So this plan is essentially the same plan as last time?

MR. DRABICK: That's correct.

MR. ARGENIO: Now, I'm seeing here in your pavement detail one and a half inches of binder, inch and a half of top, are you repaving this whole place?

MR. DRABICK: No, we're not.

MR. ARGENIO: Why am I seeing that detail?

MR. DRABICK: It would just be for this additional ramp piece that we're putting in on the staging area, that's not existing, yeah, this piece right here isn't existing, we're going to add that.

MR. ARGENIO: Okay, are you overlaying the lot or just existing pavement? And it is what it is, Steve, I don't have a problem with whatever you want to do, just asking the question.

MR. DRABICK: Probably going to lay down a sealer type surface, clean it up, we're not looking at repaving.

MR. ARGENIO: Okay, sealer. What about lighting, any lighting? I would think if they're selling used cars they'd certainly want to light the place up, typically used car lots are lit up like a Christmas tree.

MR. DRABICK: There was some existing lighting on site.

MR. VAN LEEUWEN: Not much.

MR. DRABICK: There's, well, there's two on the north side, there were two on the south side, we only have the--

MR. ARGENIO: Can you show them?

MR. DRABICK: Yeah, I have them shown.

MR. ARGENIO: They're shown?

MR. DRABICK: Yeah.

MR. EDSALL: There's four.

MR. DRABICK: There's four.

MR. ARGENIO: I'm seeing one, I'm seeing two.

MR. DRABICK: One here and one here. And then I'm not sure if there was any additional, I don't believe there was any additional lighting on the building, that was it, the four.

MR. ARGENIO: What kind of fencing are you thinking for the staging area?

MR. DRABICK: The screening fencing we're thinking of like a board on board overlapping.

MR. ARGENIO: I think that would be nice.

MR. DRABICK: So you can't see through it.

MR. ARGENIO: Good, yeah, that's a very highly traveled area.

MR. DRABICK: We want something that looks good there.

MR. ARGENIO: It would be good to not have to look at cars.

MR. DRABICK: We don't want it to look like a junk yard.

MR. VAN LEEUWEN: That place has been cleaned up three or four times.

MR. DRABICK: Yes, yes, I think if, I may be wrong, but

this, probably this is maybe the fourth or fifth application for it.

MR. VAN LEEUWEN: I know it's the third one from memory.

MR. ARGENIO: Steve, so your client is the owner of the property?

MR. DRABICK: That's correct.

MR. ARGENIO: And the applicant, so he's going to operate the facility, the owner of the property is going to, the owner of the property is going to operate the facility, is that correct?

MR. DRABICK: He's going to oversee the operation of the facility. He has somebody that's interested in leasing the business part of it.

MR. ARGENIO: So he has a tenant?

MR. DRABICK: Right.

MR. ARGENIO: Okay, it is my understanding that the intent is to not have outside repairs done here, it's the intent that the repair shop is going to be for repairing the cars that he sells, am I under the correct impression?

MR. DRABICK: That's correct, that was the same premise that we came in, you know, for the approval on the last one.

MR. ARGENIO: And I think we probed that very thoroughly and discussed it last time as well.

MR. DRABICK: Right.

MR. ARGENIO: That that repair shop has to be an ancillary use to the entire use of the property and it can't be stand alone for profit.

MR. DRABICK: Correct, correct, that's our understanding.

MR. VAN LEEUWEN: You're not going to do any customizing of cars?

MR. DRABICK: Correct, only the cars that come in for

the, for sale, the used cars.

MR. ARGENIO: Did this go to county?

MS. RODRIGUEZ: It did today.

MR. ARGENIO: You're way out in front of things here, young lady. Mark, I see a note here that there are no other involved agencies and we can take lead agency, is that correct?

MR. EDSALL: Yes.

MS. QUINN: Correct.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that we declare ourselves lead agency, Danny has seconded that motion. Roll call.

ROLL CALL

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

MR. ARGENIO: What makes this easy is the fact that it's almost identical to the prior application.

MR. EDSALL: Yeah, a lot of questions that I posed may very well have been resolved by discussion on the prior application.

MR. ARGENIO: And that entrance and exit, Steve, at the risk of being redundant but it's an important issue is right turn out only?

MR. DRABICK: That's correct.

MR. ARGENIO: Left in, right in, right turn out only?

MR. DRABICK: Only right turn out.

MR. ARGENIO: And he's going to close the other entrance with bumpers or some such thing?

MR. DRABICK: Yeah, there are some there now but in addition we're going to have cars parked there too.

MR. ARGENIO: We don't need DOT on this, do we?

MR. EDSALL: No.

MR. ARGENIO: He can close the entrance, right?

MR. EDSALL: It's an existing curb cut, if for safety reasons the board believes the DOT or the applicant should consider the restriction, we can refer it for their consideration but--

MR. ARGENIO: I don't see the need, I mean, Steve says his client agrees to the right turn only concept and I think that was one of the most critical issues if my memory serves me.

MR. EDSALL: But the signs can't be put up without DOT approval, so they would go to DOT, say the planning board asked for these signs to go up, if you believe it's appropriate, if the DOT says no, leave it alone and then that's what it is.

MR. ARGENIO: You need to get that done.

MR. EDSALL: But it would be something that would not stop their approval, it's something the planning board has recommended.

MR. ARGENIO: What else do we need to talk about on this? Members, anybody have any other questions?

MR. VAN LEEUWEN: Pretty well cut and dry.

MR. GALLAGHER: Dumpster, I was going to bring up Mark's comment on there about the dumpster.

MR. ARGENIO: Go ahead.

MR. GALLAGHER: Chain link fence, I know we usually note that we don't, we don't usually go for that.

MR. ARGENIO: We look for masonry enclosures.

MR. GALLAGHER: Even at least wood slate on slate on the other side, same thing around the dumpster with bushes if we don't go the concrete way.

MR. ARGENIO: I think that's a good idea.

MR. VAN LEEUWEN: How about a flag pole?

MR. DRABICK: Yes, we have one.

MR. ARGENIO: So Steve, you'll match the fences?

MR. DRABICK: Yes, yes, I'm sure he will have no problem with that. We'll use the same kind of fence here and we'll put it around.

MR. ARGENIO: You're including plantings around the staging area which is great, I appreciate you not forcing us to ask for that.

MR. VAN LEEUWEN: Around the dumpster too.

MR. ARGENIO: Would be a good idea, at the risk of completing Henry's sentences, that would be a good idea. Anything else we can do for you? We need to wait for county, you need to get an affirmative from DOT.

MR. DRABICK: That's something I'll pursue on my own?

MR. ARGENIO: Yeah.

MRS. GALLAGHER: Mr. Chairman, height on the screening fence, the height on that screening fence?

MR. ARGENIO: I'm thinking six feet.

MR. DRABICK: Yeah, I don't think we can go over.

MRS. GALLAGHER: The board can approve up to an eight if you'd like.

MR. DRABICK: We were planning on six, if you think eight is better?

MR. ARGENIO: I don't think six is a problem.

MR. EDSALL: I think six would work.

MRS. GALLAGHER: Six is good?

MR. DRABICK: Six is good.

MR. EDSALL: I'll work with Steve on a note to be added relative to the repair use being for vehicles being prepped for sale rather than a service repair garage with outside customers. Steve, just for your information, the way the code is written it couldn't be the other way so we'll pick a note which will make it fit.

MR. DRABICK: Right.

MR. ARGENIO: Thanks for coming in, Steve.

TOWN/SHAMROCK CREEK (16-05)

MR. ARGENIO: Next is Shamrock Creek lot line change.  
Your name, sir?

MR. RICH: Gary Rich.

MR. ARGENIO: Mr. Rich, surveyor at large. You're here  
on behalf of the town, yes?

MR. RICH: Yes.

MR. ARGENIO: Okay, I believe I am aware of what's  
going on here but can you please share for the benefit  
of my contemporaries?

MR. RICH: Between Shamrock and the town they were  
drilling separate well sites to improve the water in  
the town.

MR. ARGENIO: Just hold that thought for a second,  
Gary. I'm sorry, Gary, so go ahead, share.

MR. RICH: Throughout the year they've been drilling  
wells in this area here. And originally, they were  
going to take a larger piece of Shamrock and do a lot  
line change but since then they made a deal and  
they're, actually, the town is now actually buying  
Parcel A.

MR. ARGENIO: Just for the benefit of the members, go  
down Forge Hill Road from Jonah Mandelbaum's project  
there and I believe you go over the bridge, Gary, is  
that right?

MR. RICH: Right, the bridge is right here, that was  
just repaired.

MR. ARGENIO: And the property is on the left.

MR. RICH: It's on the left but it's in the back, it's  
behind the large factory building.

MR. ARGENIO: What do we call that factory, Mark?

MRS. GALLAGHER: Center Line.

MR. ARGENIO: What was it called years ago?

MRS. GALLAGHER: Lafayette Paper.

MR. ARGENIO: Go ahead now that we have ourselves oriented.

MR. EDSALL: Formerly Cornwall Paper Mill.

MR. RICH: They were looking to do a larger lot line change and the town has since struck a deal with Shamrock to purchase Parcel A north and south because they already have wells kind of on the line. So they're purchasing this. Original deal was we were taking a little tiny piece in the--

MR. ARGENIO: Gary, the wells are right here, is that right?

MR. RICH: Yeah, there's wells here, there's wells down off way out but these are the wells that they're working on now here, here.

MR. ARGENIO: Guys, what this is is George Green has, and the town board, I shouldn't say George, the town board has been searching and Mark, if I misspeak, please correct me, has been searching for a better water source for the town, more economical, more reliable so we can get off the New York City Aqueduct, stop with the expensive water. And this is part of that ongoing process. There's some wells down here that the town has engaged a hydrogeologist to drill and do work and analyze and test, et cetera, et cetera. Bottom line is these wells have a tremendous, tremendous yield. So what we're talking about here is step one, I shouldn't say step one, probably step two or three in developing this source of water for the Town of New Windsor. So is that fairly accurate, Mark?

MR. EDSALL: Yes. Matter of fact, it's complicated with the fact that the New York City Aqueduct is going to be out of service for an extended period of time so the town is in a position of being required to make sure they have an alternate supply that can serve the needs of the town.

MR. ARGENIO: And the yield is tremendous on these wells, I don't remember the numbers.

MR. RICH: I don't remember but it was really good, they have other wells off-site.

MR. ARGENIO: Let's get focused on the planning board

issue.

MR. RICH: Basically, they're exchanging a little triangle piece which is going into the town and you can see one of their, one of their drill rig roadways just cut across the corner of it. So they're taking this piece and they're giving up a piece on the other side of Moodna Creek into Shamrock, that's where the exchange is going on. And then the town is also purchasing outright Parcel A.

MR. ARGENIO: Who's Shamrock?

MR. RICH: I'm working for the town so I really haven't had any interaction with them besides just knowing who they had me put on, that would be Dick, I don't know if, Mark, if you have--

MR. ARGENIO: Do you know who it is?

MRS. GALLAGHER: I do, Gray.

MR. EDSALL: Roger and Shelly Gray.

MR. ARGENIO: Just curious.

MR. RICH: I just know their names, that's really--

MR. ARGENIO: What else, Gary?

MR. RICH: That's really it. The property being exchanged is basically in the creek.

MR. VAN LEEUWEN: Okay.

MR. ARGENIO: Here's what I want you to do. Obviously, this is going to have to go to county because I think you're close enough to a county road where, or you're on a county road so it's going to have to go to county. When you come in next, I want you to highlight the exchanged parcels so we can see it better from where we're sitting here, I mean--

MR. RICH: Color them a different color.

MR. ARGENIO: I've seen this plan but just for the benefit of the members just so they can see and understand.

MR. EDSALL: Want to see?

MR. ARGENIO: Yeah, do what Edsall did over there.

MR. EDSALL: Where the pink is the larger parcel going to the Grays and to the left where the green is is the other piece that's going to the town.

MR. RICH: I'll color them.

MR. EDSALL: It's not an equal swap but it's part of a much larger land requisition relative to the well property.

MR. RICH: They're actually getting the 18 acres, they're buying the 18 acres to the west.

MR. EDSALL: Just straighten out the land lines.

MR. VAN LEEUWEN: That 18 acres that's wetlands.

MR. RICH: Some of it is, you know, it's all, the creek is running all down, it's actually on both sides of the road.

MR. VAN LEEUWEN: Okay.

MR. RICH: It's actually on both sides and they got a couple wells down in there and that's where they brought the hydrogeologist in.

MR. ARGENIO: Joan or Mark, would lead agency be appropriate?

MS. QUINN: It would.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded that the Town of New Windsor Planning Board declare itself lead agency for Shamrock Creek and Town of New Windsor lot line change.

ROLL CALL

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

MR. ARGENIO            AYE

MR. VAN LEEUWEN: Waive public hearing.

MR. VAN LEEUWEN: We can go round and round but there's no site plan developed component here. This is lot lines, typically we don't look for a public hearing. I can't remember the last time we looked for a public hearing for lot line change. But the members have any preference on this or any particularly acute reason why we should have the public hearing?

MR. VAN LEEUWEN: I made a motion to waive it.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded to waive the public hearing for the Town of New Windsor/Shamrock Creek lot line change.

ROLL CALL

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

MR. VAN LEEUWEN: For New Windsor, any time.

MR. ARGENIO: Okay, so what else do we need to do with this at this point in time, Mark?

MR. EDSALL: There's nothing else you can do. There's really no corrections needed to the plan. We just need to hear back from county. If the county has no comments, could be one of those potentially non-reappearances where you would just tell Mr. Rich that you will process the application out.

MR. RICH: The only thing I have to check like if I color it in I don't know filing it at the county.

MR. EDSALL: Just presentation.

MR. ARGENIO: No, just for us, I'm not looking for the--Gary, what else can we do for you?

MR. RICH: That's all.

March 23, 2016

28

MR. ARGENIO: Can I have one of your business cards before you leave?

MR. RICH: Yes.

MR. VAN LEEUWEN: Give me one, too.

WEIKFIELD WINDSOR DEVELOPMENT (15-01)

MR. ARGENIO: Discussion item, Weikfield. Mr. Biagini is here with his engineer. Just to remind everybody Mr. Biagini owns the Rakowiecki subdivision which is behind Weikfield where this whole connection hopefully at some point in time is going to take place. So Mr. Biagini's here tonight I don't want to speak for you, Ed, can you come up and speak for yourself? I assume you just want to kind of get updated on what's going on?

MR. BIAGINI: I don't know why we're here.

MR. ARGENIO: Wakefield Rakowiecki interface, Mark or Ed, whatever?

MR. BIAGINI: We had discussions with, well, with Mark and then Ray Yannone and Dan was speaking with your engineers and we thought they were going to be here tonight so, you know, we were just bringing our map to show--

MR. ARGENIO: You missed him by two weeks, Eddy, they were here.

MR. YANOSH: The question is is the road going to tie into ours, that's a go now, right?

MR. ARGENIO: They brought the cul-de-sac back to your property line, Eddy.

MR. YANOSH: We don't have enough land to give it to him right now. Once we give them the around 9,000 square feet of property, I lose too much acreage in here. I'm going to need a sliver of land. I talked to him about it the other day, a sliver of land to add onto these two lots and possibly a 10 foot wide strip gone.

MR. ARGENIO: For zoning, Eddy, did you talk to Ray about this?

MR. BIAGINI: Yes.

MR. ARGENIO: How did he respond?

MR. BIAGINI: He said he didn't care that, you know, so as long as he doesn't lose a lot.

MR. ARGENIO: That was your concern too. I think we've this worked out. I shouldn't say we, I don't want to take credit for anything I didn't have to do with, it's been worked out that you're not going to lose a lot and I get that.

MR. BIAGINI: I also didn't want to lose time cause I want to bring in the back section for conditional final and I didn't want to have a situation where we have to redraw the map.

MR. ARGENIO: Mark, how do we handle the interface between Ed Biagini and the Weikfield development to get this thing done in the most streamlined fashion that we can possibly get it done? Because it seems as though both developers are on the same sheet of music, the town of, Town of New Windsor Planning Board got something right and we're going to have a thru road where we should have a thru road and how do we get this done? What are your thoughts?

MR. EDSALL: I spoke with Ed I believe late last week and told him that I would speak to the Weikfield people. I did, I spoke with their engineer, he had as little concern for it as apparently Ray Yannone did. I told Ed they're coming back within the next I think four weeks to close it out and I would work with them and Weikfield to have the plans match.

MR. BIAGINI: Okay, it's just that we're coming in to the next meeting.

MR. EDSALL: That you have requested to be on the next meeting. We still have to review your plans, we still have to review your cost estimate. I'd like to make sure that when you're done, you're done so I'll make sure that your plan and their plan matches, everyone's in agreement. So I don't think anybody's going to lose a step here and you're definitely not going to lose a lot, that's clearly not the intent.

MR. BIAGINI: And I guess Dan will supply you with what he has.

MR. EDSALL: I was expecting that once Weikfield has their plans a couple things resolved, we'd sit down with everyone and we would probably do a lot line change plan that would create the thru road. That way, these plans could get filed. Then we do a quick lot line change plan as a second step and we commit to it,

that way, we don't hold Ed up and we have Weikfield on board.

MR. ARGENIO: At the end of the day I think all this is going to, unfortunately going to fall on your shoulders.

MR. EDSALL: I'm already dealing with it.

MR. ARGENIO: Thank you for agreeing with this and being as cooperative as you were, that's a good thing. Obviously, you do a lot of development in the town and you certainly were coming before this planning board long before I was in this seat.

MR. VAN LEEUWEN: As long as I can remember, I've known Eddy about 50 years.

MR. ARGENIO: Do you have any other questions?

MR. YANOSH: Again, I was on the same page too, they get theirs filed, ours filed, do the lot line change, put the road in and it's not a problem.

MR. EDSALL: You have no problem with the concept of letting this application that you have get completed with the agreement with the town that you will co-apply with Weikfield for that lot line revision?

MR. BIAGINI: Certainly.

MR. EDSALL: That way it could be a second step so it doesn't hold up this portion for you.

MR. BIAGINI: Yes.

MR. EDSALL: That was what you spoke with the Weikfield engineers about.

MR. ARGENIO: Off the record.

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

MR. ARGENIO: Okay, good, Eddy, thank you again. Dan,

thank you for coming in and it's good you did come in.

MR. BIAGINI: Good.

MRS. GALLAGHER: Do you want to do this approval?

MR. EDSALL: Weikfield.

MRS. GALLAGHER: Weikfield.

MR. ARGENIO: For the alternate road cross-sections, I apologize, thank you, yeah, I think we--

MR. EDSALL: Just to--

MR. ARGENIO: Let me talk for one second. I think we agreed on that in principle at the last meeting, I think we did, Mark, please update me.

MR. EDSALL: We want to make sure there's something we can hand the town board as a recommendation from the planning board because they many times don't want to act unless they hear the input which is very nice of them. Section 252.41B of the code requires that if a road is going to be built as an alternate rural road street which is the one without curbs the town board has to act. So I think it would be of benefit rather than us sending a letter to have actual minutes sent over that would just have the planning board make a recommendation.

MR. ARGENIO: Just so I, to refresh my memory as well, was it also a thinner paving section, a rural, thinner paving section, Mark? Cause I think our typical section has six inches of bituminous concrete on top of 12 inches of Item.

MR. EDSALL: The minimum is five and the minimum for an alternate street is also five inches. What you do is you have curbs and swales so you still have the same structure so--

MR. ARGENIO: The difference is the treatment on the outsides.

MR. EDSALL: It's still five inches on 12 inches of foundation, the width is a little different and the curbs are not included.

MR. ARGENIO: And we're in agreement that we're going

to recommend this, I'm calling it a residential road section?

MR. EDSALL: It is an alternate rural street cross-section.

MR. ARGENIO: Rural street cross-section, do you guys have any problem?

MR. FERGUSON: No.

MR. BROWN: No.

MR. GALLAGHER: No.

MR. VAN LEEUWEN: No problem, I'm okay.

MR. ARGENIO: Okay, so the minutes reflect that the Town of New Windsor Planning Board are in unanimous agreement that the alternate rural cross-section would be applicable for Weikfield. Mark, how does that get to the town board?

MR. EDSALL: We're going to ask Franny to just have this section of the minutes done first and we'll send them over.

MR. ARGENIO: Very good.

DURANTS (PA2016-166)

MR. ARGENIO: Okay, Durants, what do we have at Durants?

MRS. GALLAGHER: Durants, they want to change that up a little, they want to do some equipment rental other than tents and bouncy houses.

MRS. GALLAGHER: Kind of like what Blue Line has which it's allowed.

MR. ARGENIO: Isn't that what the building used to be?

MRS. GALLAGHER: Yes.

MR. EDSALL: The original approval which was application 90-29 goes all the way back to 1990 was prepared by Mr. Shaw who is now retired.

MR. ARGENIO: Rental center.

MR. EDSALL: It was stamped by the board on September 5, 1990 and it was rental of equipment. He switched to rental of recreation type stuff, now he wants to go back to basically half and half.

MR. ARGENIO: He needs a wider footprint.

MR. EDSALL: He really doesn't need any approval but he does want to change the landscaping on the Union Avenue side because all the plantings that he put in have been killed by the salt repeatedly.

MRS. GALLAGHER: We have pictures of how bad it looks there.

MR. EDSALL: So he's looking to clean it up, put in a fence, different type of fence for screening and then just place--

MR. ARGENIO: What type of fence?

MRS. GALLAGHER: We left it up to you guys. We talked about a wooden fence, stockade fence, if you guys wanted vinyl, we can talk to him about it but he wanted to do a fence and then put some landscaping in front of that fence but something that--

MR. ARGENIO: Vinyl is final, Jen, but it still is vinyl. The problem with the wooden fences if somebody doesn't take care of them they really fall into disrepair and in my mind, that's a worse scenario than vinyl even.

MRS. GALLAGHER: That's what he kind of has there in the pictures, you can see the old stockade fence.

MR. ARGENIO: It's his intent to replace the fence?

MRS. GALLAGHER: Yes, but take down, as you can see on the approved site plan that he had, he had a lot of arbor vitae and they're just dead.

MRS. GALLAGHER: You deal with the fence thing all the time, Jen, do you have any thoughts to share with the board?

MRS. GALLAGHER: I would say vinyl but that's up to you guys, I mean, I think vinyl would look nice there.

MR. ARGENIO: Dan, it's your wife, don't go against her. Just saying, Mr. Bedetti, happy wife, happy life, you know what they say. Are you guys okay with that vinyl?

MR. BROWN: Yes.

MR. ARGENIO: Vinyl, some kind of neutral color would be nice.

MR. GALLAGHER: Where is he planning on putting the plants, in between the sidewalk and vinyl?

MR. EDSALL: It would be on the Union Avenue side just to break up the fence and he's going to talk--

MR. GALLAGHER: Between Matson's and Primo's.

MR. EDSALL: We told him we didn't want to pick the plantings, we wanted him to go to a landscaper to tell him what will survive the best.

MR. FERGUSON: Is he going to keep the sliding gate in the back?

MRS. GALLAGHER: Yes.

MR. EDSALL: And that by approval has to stay closed so

he doesn't get cut-thrus.

MR. ARGENIO: Is that sufficiently vague for everybody? Let me summarize it. It will be a vinyl fence of a neutral color and we're okay with the landscaping and his business base changing from tents and bouncy houses to tents and bouncy houses along with light equipment rentals, this board takes no exception to that, is that fair, guys?

MR. FERGUSON: Yes.

MR. VAN LEEUWEN: That's fair.

MR. ARGENIO: Anything else? That should be clear.

MRS. GALLAGHER: Yes, thank you.

MR. ARGENIO: Anybody have anything else?

MR. VAN LEEUWEN: Need a motion?

MR. ARGENIO: I don't think so, it's in the minutes. Anything else, Jen, Mark? Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

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

Respectfully Submitted By:

Frances Roth  
Stenographer